

THE BOND-BLAINE NEGOTIATIONS
1890-1891

CENTRE FOR NEWFOUNDLAND STUDIES

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THE BOND-BLAINE NEGOTIATIONS:

1890-1891

by

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ABSTRACT

In the winter of 1890-1891, Robert Bond, the Colonial Secretary of Newfoundland, attempted to negotiate a reciprocal trade agreement with James G. Blaine, the American Secretary of State. Although Blaine accepted an amended draft treaty, the Imperial Government, in London, withheld ratification from the proposed treaty when it received a series of protests from the Canadian Government through its High Commissioner in London.

In order to understand the significance of these negotiations, it was necessary to provide the background to both the problems of the Newfoundland economy and fishery, as well as to describe the various attempts to achieve a permanent settlement of the North West Atlantic Fisheries Question. The fishery was the basis of Newfoundland's export trade in 1890, and any reciprocity treaty would have been designed to increase Newfoundland fish exports to the United States.

The negotiation of a reciprocity treaty between a British colony and a foreign country was conducted through the British Minister in the foreign capital. In addition, the power to permit these negotiations and their

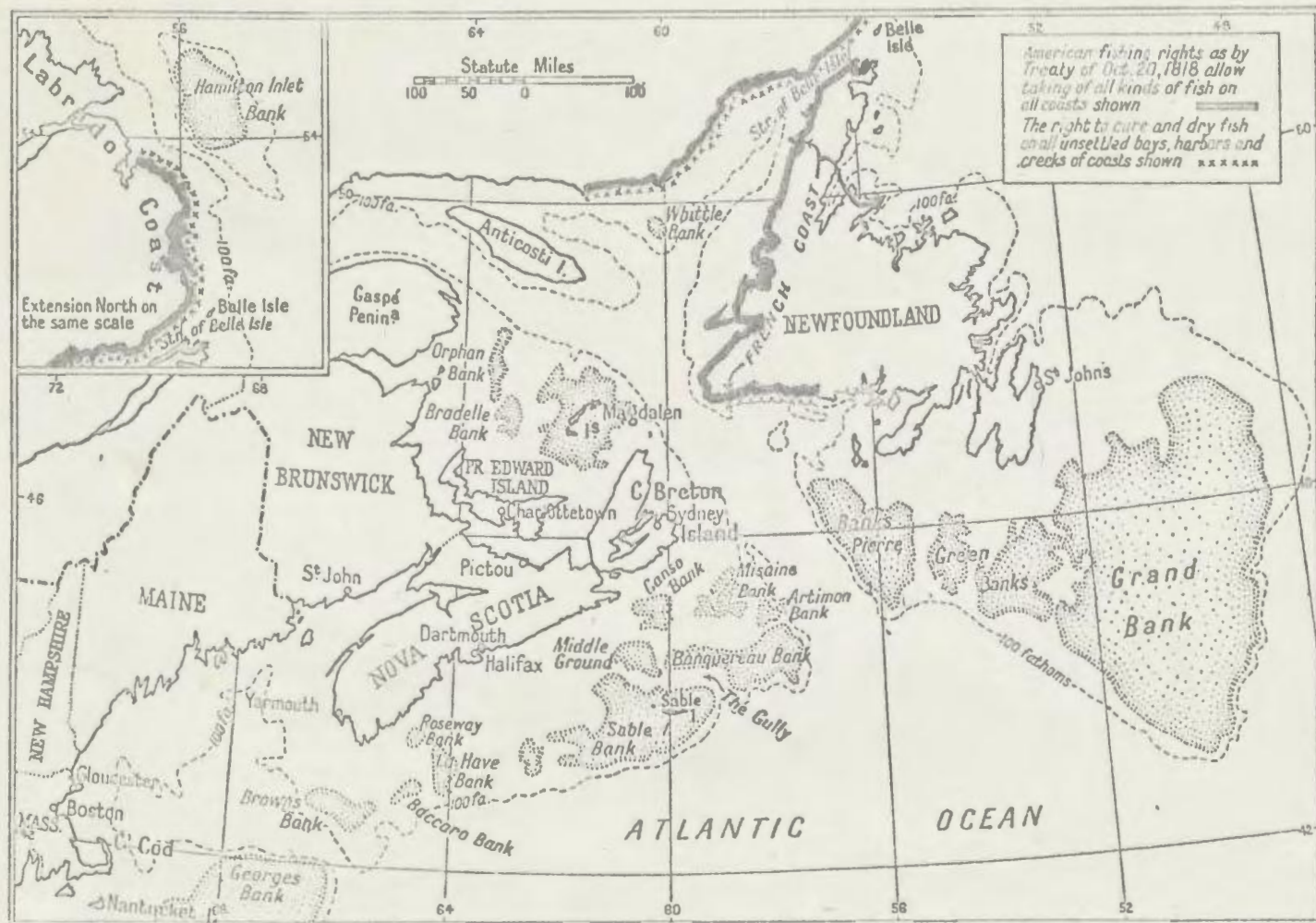
ratification rested in London. The Imperial Government refused to ratify the Convention because of the objections of the Canadian Government. Therefore, a large portion of this study was given over to a discussion of how the relations between the various members of the British Empire- Newfoundland, Canada and Great Britain- affected the Bond-Blaine negotiations. Although this discussion of reciprocity has been broadened to encompass an analysis of Bond's and Blaine's motives for commencing the talks, the basic problem remained - whether Newfoundland should be allowed to negotiate bilaterally with the United States or in concert with Canada as an Imperial unit.

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INTRODUCTION

If one factor determined the nature of Newfoundland's life, it was the success or failure of the cod fishery. To be more specific, the prosperity or poverty of Newfoundland was closely related to the prices obtained for dried cod fish in the export markets of Southern Europe and Latin America. (In the late nineteenth century, the increasing competition Newfoundland dried cod fish met in its traditional markets from the subsidized fisheries of France and Norway was a cause of concern. In the past, Newfoundland's fish exports had been increased by the signing of reciprocal trade agreements between Great Britain and the United States. With the abrogation of the Treaty of Washington in 1884, which included reciprocity in fish products, efforts were made to revive the idea of the free entrance of fish into the United States) When the abortive Bayard-Chamberlain negotiations of 1887-8 failed to provide a new, limited reciprocity treaty between the United States and the British colonies in North America, it was obvious that other attempts might follow. Indeed, the reciprocity negotiations described in this paper followed only a little more than a year after the rejection of the Bayard-Chamberlain talks.



The Fishing Banks from Cape Cod to Labrador

These Bond-Blaine negotiations covered a period of not much more than one year: 1890-1891. But to appreciate their significance, it is necessary to describe the diplomatic negotiations on fishing rights and the trade in fish which were conducted between the United States and British North America in the previous century. This study of fishery diplomacy will be concentrated upon the events of the 1880's, as prelude to 1890.¹ To understand the desire for a new reciprocity agreement, it will be necessary to provide relevant background on the conditions existing in the fisheries and the economy of Newfoundland.

The fisheries of Newfoundland were divided into two classes: the Inshore and Offshore fisheries. The Inshore fisheries were conducted along the shores of Newfoundland and Labrador on grounds which extended three to seven miles from the shore. The inshore fishery on the Island was the chief source of the best grades of dried cod fish. Being a small-boat fishery, it was conducted from the shore by family groups, and dried by them. The 'shore'-produced fish

¹ J. Collins, and R. Rothburn, "The Fishing Grounds", Section III, Pt. 1 of U.S. Senate. 47th Congress, 1st Sess., Miss. Doc. 124, Pt. 4; The Fisheries and Fishery Industries of the United States, G.B. Goode, ed. (Washington: Government Printing Office, 1887), p. 12. (Hereafter to be cited as Goode, III). This Report is indispensable for an understanding of the North American Fisheries, and is the principal source for this section of the paper. See also Map.

in Labrador was usually of inferior quality mainly due to the unsuitable drying weather along that coast. This inshore cod fishery was usually conducted along the coasts of Newfoundland and Labrador from the first of June until November with the length of the fishing season coinciding with the supply of bait fishes.

For the inshore fishery, bait was supplied by the caplin, the squid, and the herring. When these bait fishes swarmed along the shores of Newfoundland, the cod usually followed so that the success of the fishery was linked with the availability of the kind of bait on which the cod was feeding. In this small-boat fishery, caplin was the most important bait although herring and squid were also taken. However, the squid and herring were sold to vessels fishing on the Banks of Newfoundland, and in the case of the herring was exported to the United States in a frozen form. For the banking vessels, squid and caplin could be obtained in Conception and Trinity Bays while herring was available in Fortune Bay, St. George's Bay, and Bay of Islands.

In fact, the sale of bait, especially herring, on the South and West coasts of the Island was an industry which supplemented the earnings of the fishermen engaged in the shore fishery. In Fortune Bay, the centre of the herring fishery, the money received for herring from the Canadian and American banking vessels was the only cash the fishermen

received: in the inshore fishery they exchanged their fish for provisions. Particularly encouraging was the trade in frozen herring to the United States which was conducted when the weather in Fortune Bay was cold enough to permit the freezing of the fish.

On the West Coast, there was a thriving trade carrying bait to St. Pierre, but the major industry was the production of tinned lobsters. By 1890, lobster factories stretched the length of the coast.² Also, the seventy lobster factories on the West Coast were consumers of large quantities of herring and other fishes for baiting lobster traps.

However, when considering fishery relations between Newfoundland and the United States, the fishery on the banks of Newfoundland was the most important branch of the fishery. The bank fishery, in 1890, was conducted by schooners on most of the continental shelf of North America between Massachusetts and Newfoundland. These schooners varied in the size and in quality of their construction, the best schooners being built in Massachusetts. As they were replaced by schooners of a more advanced design, or

² Great Britain. Colonial Office Papers, Series 194, Volume 216 (C.O. 194/216), "Report of the Lobster Fisheries of Western Newfoundland" Nov. 22, 1890. (Future references to this entire series of papers as in brackets).

later by steamers, they were sold in Nova Scotia. As these 'second-hand' ships became obsolete in Nova Scotia, they were sold in Newfoundland.³ Besides the sale of schooners within the bank fishing area, there were internal ship-building programs in Nova Scotia and Newfoundland, nourished by government subsidies. In general, American schooners ranged in size from 50 to 150 tons, especially from 65 to 105 tons.⁴ The Nova Scotia bounty-built schooners averaged from 37 to 38 tons, as did the Newfoundland vessels.⁵ Despite the late inauguration of the Newfoundland bounty system in 1876, by 1888 there were 330 bankers in Newfoundland, mostly built in the Colony.⁶ If these bankers were inferior in displacement and construction to the American ships, they had shorter voyages than the long

³ H.A. Innis, The Cod Fisheries: The History of an International Economy. Revised ed. (Toronto: University of Toronto Press, 1954), p. 919.

⁴ Canada. House of Commons. Sessional Papers. 1891, no. 38, vol. 17, pp. 31-5. (Hereafter, this series is to be cited as CSP. 1891/38).

⁵ CSP., 1890/17, "Report of the Department of Fisheries", Appendix 2, pp. 23-5. Newfoundland. House of Assembly. Journal, Appendix, "Return of Bounty Ships," 1886, p. 596 ff. (Hereafter to be cited as Nfld., Assembly, Journal).

⁶ F.F. Thompson, The French Shore Problem in Newfoundland: An Imperial Problem (Toronto: University of Toronto Press, 1961), p. 76.

'trips' of the 'Gloucestermen' to the Grand Bank; particularly the bankers sailing from the towns at the foot of the Burin Peninsula.

The banking methods of the period were those of the trawl fishery. Each schooner carried stacks of small boats - dories - which were used by individual fishermen on the fishing ground. Each dory was supplied with a number of trawls, each neatly coiled in half a wooden barrel, known as a 'tub'. Each 'tub' of trawl consisted of a rope about one mile in length to which shorter lines, three feet in length with a hook at the end, were attached at intervals of six feet. This arrangement allowed the trawl to be raised every day to remove the catch and rebait the hooks. Each fisherman raised one end of his trawl, passed the trawl line across his dory, reset the buoy and anchor, and slowly 'worked' along the trawl removing the fish and rebaiting the hooks. Each trawl usually consisted of several thousand hooks.⁷

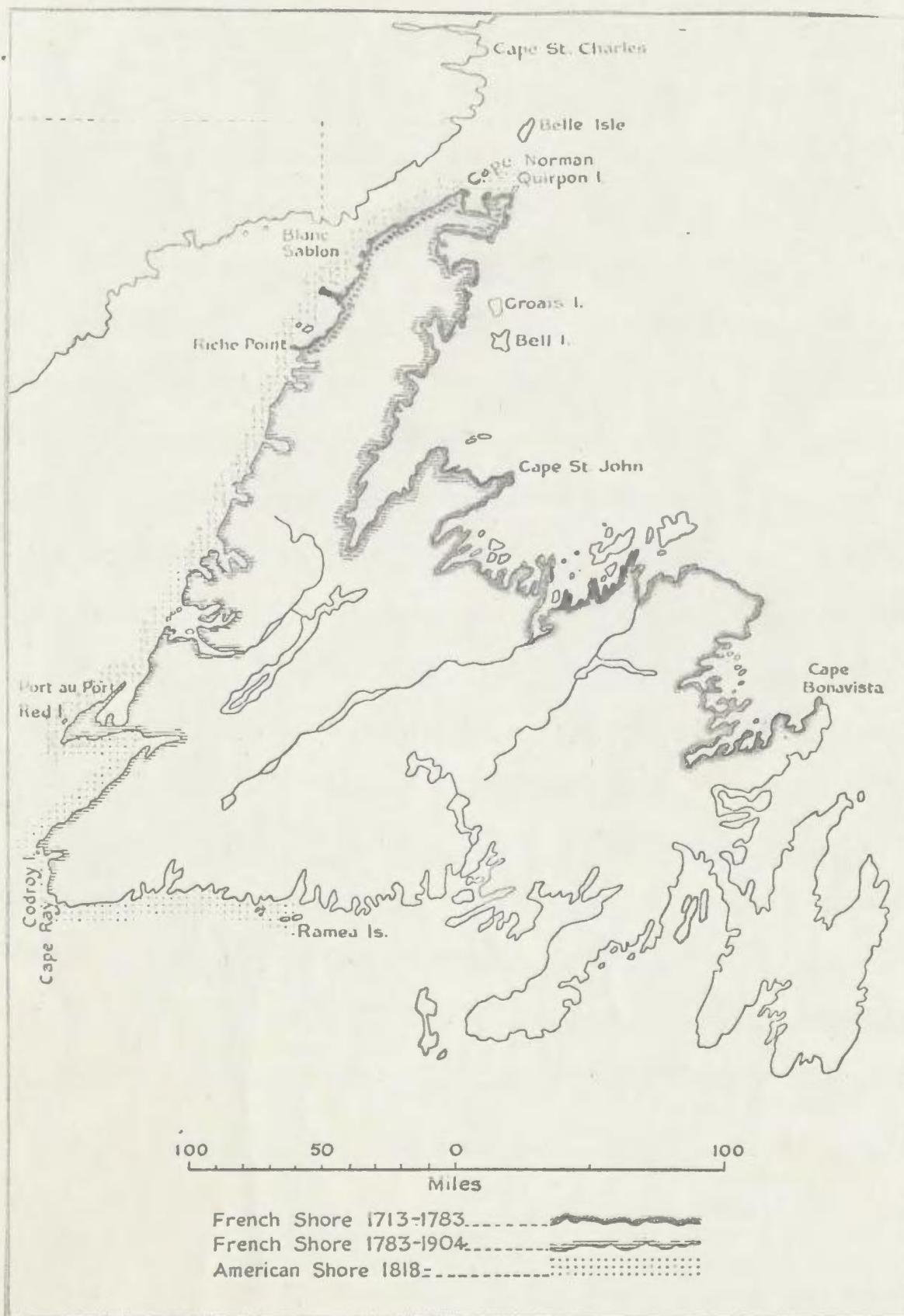
These trawling methods were employed on the various fishing banks off the continental shelf between Newfoundland and New England. By far the most important of these

⁷ McFarland, New England Fisheries, pp. 360-1. See also, Goode, Pt. III, pp. 183-5, and D.J. Davis, "Bond-Blaine Negotiations: 1890-1891", unpublished Graduate Term Paper, Memorial University of Newfoundland, Spring, 1969, p. 2.

fishing grounds were the Grand Bank of Newfoundland and George's Bank in the Gulf of Maine. The Grand Bank, lying off the southeastern tip of the Avalon Peninsula of Newfoundland, was the chief summer cod-fishing ground for Newfoundland, Canadian and American banking schooners. The immense size of the bank, 37,000 square miles, with its abundant supply of cod from April until September made it "the most important fishing bank in the world".⁸ The ready bait supplies available in Newfoundland did much to enhance the value of the bank. Between the Grand Bank and George's Bank, lay many large and small banks, especially important were Banquereau and Sable Island Bank, off Nova Scotia. George's Bank extended east of Cape Cod and the Nantucket Shoals for an area of 8500 square miles. Most of the bank was within the 50 fathom line, ranging from 2 to 50 fathoms. One aspect of this ground was the 1100 square mile winter cod fishing ground within the area of the bank.⁹ This winter ground was most productive in February, March and April when it was visited by a fleet of more than 100 schooners from Gloucester. The effectiveness of the winter

⁸ Goode, III, pp. 67-8.

⁹ Goode, III, pp. 74-5.



French and American shores

fishery depended upon the supplies of frozen herring carried to Gloucester from Fortune Bay, Newfoundland. The fresh-frozen bait would ensure the schooners leaving Gloucester a quick trip; indeed, the outward bound schooners often waited to buy frozen bait from the newly-arrived ships from Newfoundland. The close proximity of George's Bank to both Gloucester and Portland made it the principal fishing ground for these areas.¹⁰

In addition to its interest in Newfoundland bait supplies, the United States held treaty rights on a portion of the coasts of Newfoundland from the Rameau Islands on the South Coast to the Quirpon Islands at the northerly tip of the Island. American fishing privileges were first established by the peace treaty which ended the American Revolutionary War on September 3, 1783. The Third Article of the treaty¹¹ set forward the Americans right to fish on the banks, to fish along the coasts-inshore and to dry their cod on the unsettled coasts of British North America, including Newfoundland. Disputes concerning the definitions of the words 'right' and 'liberty', and the

¹⁰ Goode, IV, pp. 5-20. The Georgesmen, as the bankers were named, were usually from 45 to 80 tons with an average of 60 tons. Fishing was carried out from the ships by the use of handlines let down over the side of the schooner. Fishermen usually used 900 feet of line.

¹¹ See Appendix A.

clarification of the terms of the Article led to the signing of a convention on the fisheries in 1818. Article 1 of this convention was to be the guide on fishing rights until the settlement of the question in 1909-10.

In addition to these American treaty rights, the French possessed similar guarantees to protect their habitation of the Islands of St. Pierre and Miquelon and the use of the 'treaty shore' from Cape Ray to Cape St. John. French rights were established by the Treaty of Utrecht in 1713.¹² However, the definitive treaty on the 'French Shore' was signed at Paris in September, 1783. On their treaty shore, the French were to have the right to bring their catch ashore and to dry it; also, they were permitted to construct those buildings necessary for the prosecution of the fishery.¹³ Yet there was a very gradual influx of English settlers along the West Coast despite the prohibition issued by the British Government in December, 1866. It was not until 1881 that Great Britain conceded territorial control on the French Shore to Newfoundland although this action did not change French rights.¹⁴ By

¹² For the Newfoundland terms of the Treaty of Utrecht, and treaties affecting the French Shore, see Appendix B.

¹³ See Appendix B.

¹⁴ Innis, Cod Fisheries, p. 399.

1891, with two Newfoundland electoral districts organized on the West Coast,¹⁵ the actual policing of the treaty shore was still in the hands of the Anglo-French naval officers. These officers were usually supplied with very vague instructions by their governments, leaving to them the settlement of individual disputes between fishermen, and the creation of a set of mutually acceptable guidelines for their actions during each fishing season. Their greatest problem was the attempts of the newspapers in Newfoundland to turn every problem into a dispute and every action by the officers into an outrage.

The French fishery in Newfoundland was mainly concentrated on the island of St. Pierre. In 1850, St. Pierre exported 8,305,475 kilos (162,256 qtls.) of dry fish and 2,085,303 kilos (40,951 qtls.) of green fish, but by 1886 exports had risen to 11,198,342 kilos (219,986 qtls.) of dry fish and 35,042,475 kilos (688,388 qtls.) of green fish.¹⁶ The tremendous rise of the French fishery in Newfoundland was due to a comprehensive system of bounties which not only made payments to the fishermen but also subsidized the cost of fish exported. So remunerative were

¹⁵ The population of these ridings was some 13,000 in 1891.

¹⁶ Innis, Cod Fisheries, pp. 382-3. 'Green fish' was not dried until the fishermen returned to France.

the French bounties that by 1886 Newfoundland fish exporters claimed the French sold fish in Spain for nothing: the Spanish importers merely paid the duties and cartage.¹⁷ This growth of the French fishery was a source of concern in Newfoundland where competition increased the dislike engendered by the treaty rights.

The success of the French dried cod fishery pointed to the need to reduce Newfoundland's dependence on the dried cod. In an effort to achieve greater balance in the economy many farsighted people in Newfoundland placed great confidence in the sale of the light salted, 'green cod'. There was a market for 'green fish' in Nova Scotia and New England where it was deboned to make 'boneless fish'. Although there appeared continual interest in extending Newfoundland's production of green cod, the economy was geared to the production of 'hard-cured' cod, and any change in habit came slowly or not at all.

Also of considerable importance was the herring which Newfoundland merchants hoped to export to the United States in their own ships. Like the herring, the lobster-canning industry gave promise of future prosperity but it was controlled from outside Newfoundland. Also there were other fish such as the salmon, the trout, and the declining

¹⁷ Thompson, French Shore, p. 84.

seal fishery. However, none of these fish had modified Newfoundland's dependence on the dried cod.

In the 1880's, there were two allied efforts to reduce the importance of the fishery in the form of railroad-building and mining. The first contract for the railroad was let in 1881 with the objective of providing work for the impoverished population, and ultimately to open up the interior of the Island to development. Many hoped that the building of the railroad would carry with it capital for the exploitation of the Island's mineral resources. Already in the 1880's there existed mines on the Burlington Peninsula where copper was mined in sufficient quantities to make Newfoundland a major world producer. There also existed hopes for deposits of iron, oil, and other minerals. However, despite these efforts to diversify the Newfoundland economy, in 1890, the age-old fishing economy was still the basis on which the Island of Newfoundland operated, and as such it should be described.

The cod fish economy of Newfoundland was based on the relationship between the merchant-supplier and the fisherman. In the case of the small-boat fishermen, the merchant supplied the fisherman with any equipment he might need to begin fishing. The supplier also provided the fisherman's family with all the necessities of life until the fisherman's account could be balanced with his catch at

the end of the fishing season. The merchant, who might support a group of fishermen and their families for a year on the expectation of a good catch of fish, the weather being suitable for curing, and market price remaining high, faced a precarious existence. In fact, the absence of any of these conditions depressed the economy, leaving the fishermen near starvation and the merchants near bankruptcy.

However, on the East Coast of the Island, a large number of fishermen 'shipped' on schooners for the Labrador. The fishermen remained on that coast until they loaded their ships in the fall, leaving the supplier as well as the fishermen dependent on the success of the schooner's crew. The task of supplying these Labrador 'floaters' and those who were carried north to fish from stations ashore often strained the merchants and the Newfoundland banks which supplied them with working capital. As might be expected, the system carried with it a self-contained inefficiency to protect the supplier. To survive the possibility of failure, the merchant raised the prices on his supplies to allow him to absorb the loss incurred when one or more of his debtors had an unsuccessful fishery. High prices could only protect a merchant against a partial failure of the fishery in any one year; a complete failure or a glutted market would force him to draw upon his reserves accumulated in the 'good years' or to go into liquidation. Thus the

prices which the supplier attached to the goods he sold to the fisherman were primarily a result of the supplier's determination to remain solvent. However, these high prices allowed only the most ruthless merchants to survive thus committing to fishermen to perpetual debt in a moneyless society. By the 1880's, the principal suppliers in Newfoundland were concentrated in St. John's with a few in Conception Bay, especially Harbour Grace. The control exercised by the larger suppliers acted directly on the fishermen or through small merchant-suppliers throughout the rest of the Island.

Despite this concentration of economic power in St. John's, the herring fishermen of Fortune Bay were trading with the French on St. Pierre, a practice which reduced the quantities of high-priced goods the St. John's suppliers could sell. Also there was a considerable trade with Canadian coasting vessels along the Northeast Coast. The position of the West Coast was equally unfavourable to the control of St. John's as the fishermen tended to sell their herring directly to the Canadian, American and French schooners and to buy their supplies from the cheapest source. In addition, the lobster fishery was mainly controlled from Halifax rather than St. John's and the plants controlled from St. John's were limited to those of Harvey & Co. and James Baird. In practice, the economic power of

St. John's stretched along the Northeast Coast and the Labrador where it was very heavily committed to the production of the dried cod.

If Newfoundlanders were to exploit the resources of the interior of their island, they desperately needed a system of communication across the Island. In the late nineteenth century, this could only be a trans-insular railway. In Newfoundland, the railway was closely associated with negotiations to join the Canadian Confederation. As early as 1865, the Carter Government¹⁸ was both favourable to confederation and toward a railway, but the victory of C.F. Bennett's¹⁹ anti-Confederate forces in 1869 destroyed both the dream of early union with Canada and the commencement of a railroad.²⁰ Although Carter regained power in 1875, he was not able to take any concrete action leading to railroad construction, mainly due to French treaty rights on the West Coast of the Island. The letting of the first railway contract was the responsibility

¹⁸ Frederick Carter (1819-1900), Member of Newfoundland Assembly (1855-78), Speaker (1861-5), Prime Minister (1865-70 and 1874-78), Chief Justice (1890-1900).

¹⁹ Charles F. Bennett (1793-1883), Premier of Newfoundland (1870-74).

²⁰ F. Cramm, "The Construction of the Newfoundland Railway, 1878-1898", unpublished M.A. Thesis, Memorial University of Newfoundland, 1961, pp. 1-2.

of William V. Whiteway whose wife turned the sod for a line from St. John's to Carbonear on August 16, 1881. By 1885, this line had reached Harbour Grace when the Whiteway Government collapsed after religious rioting in that town.²¹ Whiteway's Administration was succeeded by Thorburn's all-Protestant following which set to work building the branch line to Placentia.²² The return of Whiteway in 1889 led to the signing of a contract to extend the existing end of steel from Placentia Junction to the Hall's Bay Line in the centre of the Island.²³

By 1890, there were a number of reasons for the expansion of the railroad system. The most obvious was the need of a make-work project to lift the crushing poverty of the people and also repay an election promise in 1889 to create a large number of jobs for the winter of 1889-90.²⁴ Not only would several hundred men be employed building the railroad, at wages of \$1.00 per day,²⁵ but contracts to cut

²¹ Cramm, "Newfoundland Railway", pp. 84-5.

²² Ibid., pp. 84-112.

²³ Ibid., p. 113. Construction in the 1889-93 era is treated on pp. 113-37.

²⁴ For Whiteway's use of the promise of railway work in the Election of 1889, see C.O. 194/212, O'Brien to Knutsford, Dec. 10, 1889.

²⁵ The men later went on strike to receive \$1.50 per day.

sleepers created vitally needed work in the winter. Beyond these immediate economic and political necessities lay the hope that a railroad would uncover mineral deposits in addition to those already exploited along the coast. Furthermore, a railroad would give access to the timber stands of the interior of Newfoundland.²⁶

With the production of minerals and Whiteway's promise to start construction on an extension to the railroad, there was hope for an improvement in the economic condition of Newfoundland. Despite this hope, there was a need for new markets for Newfoundland's products, and reciprocity with the United States could provide these markets. However, a reciprocity treaty could only be achieved by diplomatic negotiations between Great Britain and the United States.

²⁶ Cramm, "Newfoundland Railway", p. 5.

CHAPTER I

THE DIPLOMATIC PRELUDE TO 1890

To understand the importance of reciprocity negotiations between the United States and Newfoundland, it is essential to recapitulate the history of the fishing relations between the two countries.¹ For practical reasons this survey will begin when the United States ceased to be a part of the British Empire,² and end in 1890. The main emphasis will be placed on the negotiations between 1885 and 1890.

Before the treaty of 1783, American fishermen possessed nominally the same fishing rights off Nova Scotia and Newfoundland as did the other British fishermen.³ The

¹ Any reference to relations between the United States and Newfoundland is meant to understand the United States was an independent, federal republic, and Newfoundland was a self-governing colony of the British Empire which could not conclude diplomatic agreements without British approval.

² By the Treaty of September 3, 1783, Great Britain acknowledged the independence of the United States.

³ These rights would have been circumscribed by the conditions resulting from the Revolutionary War. For the fishing terms of the Treaty, see Appendix A.

treaty, however, made two main alterations in the status of American fishermen; namely, they had only the 'liberty' to dry their cod on the unoccupied shores of Newfoundland, and as soon as these areas were occupied, the fishermen would relinquish their use of the area.⁴ In 1783, the main American concern would have been the dry cod fishery which required the beaches of Newfoundland for the curing of the fish. The gradual limiting of areas available to them for drying cod was a serious threat to their fishery. This was not the only problem inherent in the treaty, for the use of the terms 'right' and 'liberty' caused the Americans to claim that 'liberty' had been used in the treaty with the same force as 'right', whereas the British replied that 'liberty' referred to a withdrawable privilege granted by the British Government. Indeed the British held this opinion until the Hague Arbitration of 1909-1910.⁵

These considerations caused dissatisfaction with the fishery terms of the treaty of 1783. However, even

⁴ See Appendix A.

⁵ The fishery questions between Great Britain and the United States were settled before an arbitration tribunal at the Hague, the Netherlands, 1909-1910. See specifically, Great Britain. Foreign Office. North Atlantic Fisheries Arbitration: Oral Argument (London: Her Majesty's Stationery Office, 1910), Vol. 1, p. 21.

more serious for Anglo-American relations were the problems created by British involvement in the Napoleonic Wars 1798-1814 and the Anglo-American War of 1812-1814. Subsequently, it was not until 1818 that the two countries could sign a convention defining their respective rights and privileges with regard to the North-West Atlantic fisheries.⁶

The Convention itself contained a number of changes from 1783. The word 'right' in the first sentence of the treaty of 1783 became 'liberty'; although the 'liberty' was to be exercised 'for ever', the principle had been carried that a 'liberty' was involved, not a 'right'. The substitution in some clauses of 'privilege' indicated the American negotiators acknowledged that the operative word was 'liberty', not 'right'.⁷ However, the American fishermen were permitted to cure their fish on the settled coasts of Newfoundland, by "previous agreement ... with ... (the) possessors of the ground."⁸ Despite this concession, the Convention stipulated that the American fishermen renounced all 'liberties' to those portions of the coast not specifically included within

⁶ See Appendix E.

⁷ See Appendix E.

⁸ See Appendix E.

the provisions of the Article.⁹ The last sentence of the Article placed the American fishermen on the same level with the local fishermen in Newfoundland, in regard to the enforcement of regulations created by the various British colonies.¹⁰ Such a statement may have been necessary for the enforcement of the treaty provisions, but the extent to which the American fishermen were liable for prosecution under its terms was a constant source of debate. Indeed, the vagueness of the sentence led the United States Government to object to almost all fishery legislation passed in Nova Scotia and Newfoundland. Since the Convention had been signed between the United States and Great Britain, the British Government was in the difficult position of either supporting fishing regulations enacted by the colonies, and thus annoying the United States, or vetoing the legislation and suffering the outcry from the colonies. British policy throughout was directed toward supporting colonial officials unless their legislation was thought to be so restrictive as to embitter relations between the United States and Great Britain.

Whatever the imperfections of the Convention of 1818, it remained the main guide to fishing rights until

⁹ See Appendix E.

¹⁰ See Appendix E.

it was superseded, but not replaced by the Reciprocity Treaty of 1854. Indeed, the Reciprocity Treaty was conceived as a broad mutual trade agreement between British North America and the United States. The impetus for the agreement came from the Canadians¹¹ who hoped to sell their grain and timber in the United States, and to open up the Canadian mineral resources. Fishing rights were likely to enter into any negotiation since the Canadians always considered the Atlantic fisheries a useful make-weight to compensate the Americans for concessions given to Canadian primary goods. The specific clauses of the treaty indicate just how United States fishermen had been accommodated. The first paragraph of Article I continued the status of American fishermen on a level with British colonial fishermen; thus being given the free use of all fishing grounds and beaches.¹² Likewise, the British colonial fishermen were to receive the same rights along the American coast north of the 36th parallel of latitude which was the south shore of Albemarle

¹¹ Before 1867, Canada was the United Province of Canada East (Quebec) and Canada West (Ontario).

¹² "Fishery Articles of the Reciprocity Treaty of 1854", in Great Britain. Foreign Office. British and Foreign State Papers, Vol. 44, pp. 25-9. (Hereafter this series is to be cited as BFSP.)

Sound, North Carolina.¹³ This compensation was of questionable value as British colonial fishermen very rarely entered United States fishing grounds, especially as far south as North Carolina.

However, the main section of the treaty was the Third Article, the schedule of those products which were to be admitted into the United States free of duty.¹⁴ The schedule contained only those products which might be considered raw materials; such as grains, animals, ores, and timber. However, as far as Newfoundland was concerned, the important items were fish, fish-products, and fish oil. Fish was added to the 'free list' to compensate Nova Scotians and Newfoundlanders for the extension of American fishing rights.¹⁵ Such was the manner of the compromise embodied in the treaty.

The effect of the treaty on Newfoundland was by no means as satisfactory as it might have been thought. Although exports to the United States rose sharply, imports into Newfoundland grew almost as extraordinarily; for in 1850, Newfoundland's exports to the United States were £20,000 while her imports were £153,000. By 1860,

¹³ BFSP, Vol. 44, pp. 25-9.

¹⁴ See Appendix F(1).

¹⁵ D.C. Masters, The Reciprocity Treaty of 1854 (London: Longmans, Green and Co., n.d.), p. 87.

while exports had risen to £81,000, imports were £364,000.¹⁶ At no time from 1850 to 1866 did exports exceed £113,000,¹⁷ while imports exceeded £300,000 for nine of the years, reaching £388,000 in 1856.¹⁸ These results were only satisfactory in the view of the considerable increase in exports to the United States which occurred during the treaty period.¹⁹ Although even these exports, mainly fish, were still subject to violent fluctuations. Nevertheless, Newfoundlanders tended to look back to this period as one of great prosperity, a prosperity which succeeding governments hoped to emulate when they sought trade agreements with the United States. Newfoundland was not included within the provisions of the first articles of the treaty but only by a special enabling clause. This was to be a major source of discontent in Newfoundland where the government objected to the method of carrying out negotiations with the United States. If Newfoundland's

¹⁶ See Appendix F(2). The valuation of the British pound (£) is a difficult matter, it was certainly less than its theoretical value of \$5.00, often the figure of \$4.86 is quoted.

¹⁷ In 1858, see Appendix F(2).

¹⁸ See Appendix F(2).

¹⁹ The Treaty was terminated in 1866.

fishing rights were to be bartered away, it had the option of joining the treaty to take advantage of any reciprocal privileges extended or to remain outside the agreement and accept American exploitation of the fisheries around the Island.

The reciprocity treaty did not survive the difficulties of the 1850's. In the last of this decade, Canada was in an economic depression. Alexander Galt, the Canadian Minister of Finance, revised upward the tariffs levied on American goods entering Canada, especially manufactured goods. The intent of this measure was to raise the revenue of the Canadian government, but the effect was to excite the American business community against the idea of reciprocity. In addition, British actions during the American Civil War led to hostility in the United States toward Great Britain and her colonies. Also, in Canada, Galt²⁰ feared the closer commercial ties created by reciprocity would weaken the so-called 'British connection'. This latter consideration, intensified by the desire of Canadian businessmen to avoid competition from the larger American firms, probably influenced Galt's decision to raise tariffs. The United States Senate acting under pressure from American business interests, agreed to the

²⁰ Sir Alexander Tilloch Galt (1817-1893). Canadian Minister of Finance (1858-62, 1864-66). High Commissioner to London (1880-83).

termination of the reciprocity agreement on January, 1865. On March 17, the British Minister in Washington received notification of the termination of the treaty, after the proscribed interval of one year.²¹

With the termination of the reciprocity treaty, regulation of the fishery was based on the treaty of 1818, the terms of which were not easily interpreted in 1866. The anti-British sentiment of the leadership in Washington after the United States Civil War, and the determination of the new Canadian nation²² to enforce the treaty of 1818 'to the letter' indicated worsening relations between Canada and the United States. However, after the depths to which Anglo-American relations had slipped during the Civil War, the British Government was eager to improve relations after the end of the War. The British tried to mollify the Americans when the Canadians raised their fishing licenses from 50¢ per ton of ship to \$2 per ton in 1867-8.²³ Further Canadian rules appeared in 1868 and

²¹ C.C. Tansill, Canadian-American Relations 1875-1911 (Gloucester: Peter Smith, 1964), pp. 374-6. See also, Masters, Reciprocity Treaty, pp. 132-55.

²² The Confederation of Canada, Nova Scotia, and New Brunswick in 1867, transferred the name Canada to the new nation.

²³ Fishing licenses permitted Americans to enjoy the privileges of the Treaty of 1854 for the payment of a fee. See Tansill, Can.-Am. Relations, pp. 6-9.

1870 which permitted the seizure of American ships not observing Canadian regulations. The resulting seizures were often based on infringements of minor technicalities of the fishing rules. The exacerbation of relations caused by these rules made it essential to send the whole problem to a Joint High Commission before some incident led to violence. The High Commission was appointed in February, 1871 with the power to look into Canadian-American relations generally.²⁴

The result of this commission was the Treaty of Washington, signed May 8, 1871. The fishery terms of the Treaty were Articles XVIII to XXI and XXXII.²⁵ In Articles XXII-XXV were set forth the rules for the establishment of a three-man commission to decide the amount of compensation to be paid by the United States for her fishing privileges. The commission sitting at Halifax, Nova Scotia, awarded the British colonies \$5 million. One million of this award was paid to Newfoundland. The idea of a claims commission had not been popular in the United States from the beginning. This attitude was intensified when the British delegates demanded that the third and deciding arbitrator should be a Belgian, a country whose territorial integrity

²⁴ Tansill, Can.-Am. Relations, pp. 10-11.

²⁵ See Appendix G.

had been guaranteed by Great Britain. When the Belgian, Maurice Delfosse, voted with Alexander Galt, the British Commissioner, against the American Arbitrator, a furore arose in the United States.²⁶ Further, the chief British scientific witness at Halifax, Henry Youle Hind, wrote a pamphlet asserting that much of the Canadian evidence presented to the claims commission had been falsified so as to make Canada's losses by the treaty seem greater than they were.²⁷

Unfortunately for the survival of the treaty, the dissatisfaction due to the terms of the treaty and the hearings at Halifax were only the specific complaints associated with the treaty. The atmosphere of the period was inimical to any reduction of the Anglophobia in the United States. Indeed, in Canada, the Government believed that the United States would not accept any settlement of the fisheries question which was unfavourable to her interests.²⁸ However, this attitude was also adopted by the other countries which participated in fishery discussions.

²⁶ See especially, William Evarts (Secretary of State) to John Welsh (U.S. Minister, London), Sept. 27, 1878, BFSP., Vol. 72, 1878, pp. 1218-41.

²⁷ Tansill, Can.-Am. Relations, n. 42, p. 12.

²⁸ D.M.L. Farr, The Colonial Office and Canada, 1867-87 (Toronto: University Press, 1955), pp. 86-7.

In fact, no solution was possible to the fishery problem because both the New England fishermen and the Nova Scotian and Newfoundland authorities were determined to gain the maximum advantage from any treaty provisions.

In these circumstances, any minor incident could become a confrontation between Great Britain and the United States. The major crisis of this period was the Fortune Bay Incident of 1878. This crisis arose when a fleet of American schooners attempted to seine herring on Sunday, an act forbidden by a Newfoundland statute.²⁹ All would have been well if the Americans had allowed the Newfoundlanders to catch the herring and then bought the fish from them. When the Newfoundlanders saw a substantial profit being lost, they attacked the American fishermen when they came ashore, cut their nets, and released their herring.³⁰ When news of this event reached the United States, a prolonged official correspondence ensued which was not terminated until Great Britain agreed to compensate

²⁹ Newfoundland. Consolidated Statutes, 1872, cap. 52, sec. 2.

³⁰ For a report on the Fortune Bay Incident by the Senior British Officer on Fisheries Patrol, see enclosure in, Marquis of Salisbury (Foreign Secretary) to Welsh, August 23, 1878, BFSP., Vol. 72, 1880, pp. 1267-9.

American fishermen for their damage.³¹ As might be expected, the dissatisfaction in relations between Great Britain and the United States caused the latter to terminate the Washington Treaty at the earliest moment, July 1, 1885.³²

With the end of the treaty in sight, and a return to the terms of 1818 imminent, there were hasty negotiations in Washington to conclude a temporary agreement, a 'modus vivendi', which would continue the terms of the Treaty of Washington until December 31, 1885. The 'modus vivendi' was concluded by the British Minister in Washington, Sir Lionel Sackville-West, and United States Secretary of State, Thomas Francis Bayard.³³ The purpose of the 'modus vivendi' was both to avoid changing the fishing regulations in the middle of the season and to create time for negotiations between Great Britain and the United States

³¹ The amount of compensation was \$15,000. On official correspondence, see Evarts to Welsh, Aug. 1, 1878, BFSP., Vol. 72, 1880, pp. 1272-90; Earl Granville (Foreign Secretary) to J.R. Lowell (U.S. Minister, London), Oct. 27, 1880, BFSP., Vol. 72, 1880, pp. 1298-1301, and Evarts to Lowell, Feb. 4, 1881, BFSP., pp. 1301-5.

³² Anglo-American relations were further strained by the passage of the Coercive Acts by the House of Commons, London. These acts were designed to tighten British control over Ireland in the 1880's. They aroused the Irish in the United States and those who desired their votes.

³³ Thomas Francis Bayard was Secretary of State in President Cleveland's First Administration (1885-1889). Sir Lionel Sackville-West was British Minister to Washington from 1881 to 1888.

toward a new treaty. The need for haste was obvious for the United States Senate was considering a bill to prohibit fishing within two miles of the coast of the United States, including the previous treaty coast.³⁴ Similarly as early as 1877 and 1878, after the Fortune Bay Incident, the Newfoundland Legislature sent memorials to the Colonial Secretary in London demanding the prohibition of bait sales to American fishermen.³⁵ In 1886, Governor Sir George DesVoeux sent a recently passed bait bill to the Colonial Office for study before he signed it. The bill had been designed to restrict the sale of herring to foreigners.³⁶

At the same time, the approach of the Congressional Election of 1886 in the United States permitted the New England fishing interests, opponents of fish imports from Newfoundland, to force the incumbent Cleveland Administration to accede to their demands. The New England interests had the support of the New York-based American Fishery Union,

³⁴ U.S. 48th Congress, 1st Sess., Report 365, March 24, 1884, in Newfoundland. Legislative Council. Journal, 1885, Appendix, p. 314. (In future this series will be cited as Nfld. Council, Journal.)

³⁵ Sir J.H. Glover (Governor of Newfoundland) to Earl of Carnarvon (Colonial Secretary), Oct. 31, 1877, in Nfld. Council. Journal, Appendix, p. 77-8 and Glover to Sir Michael Hicks-Beach (Colonial Secretary), June 18, 1877, in Nfld. Council. Journal, 1878, Appendix, p. 222.

³⁶ Sir G. DesVoeux (Governor) to Earl of Granville (Colonial Secretary) May 26, 1886, Nfld. Council. Journal, 1886, App., p. 682.

and the Republican senators from New England. George Steele, the President of the Union, vigorously supported the idea of tariff protection to keep foreign fish out of the United States market.³⁷ The senatorial support for the fishing interests came from the Republicans: William P. Frye and Eugene Hale of Maine, George F. Hoar of Massachusetts and George F. Edmunds of Vermont.³⁸ However, the guiding force behind the senators was James G. Blaine who had been the unsuccessful Republican presidential candidate in the Election of 1884.³⁹ Blaine certainly wanted to use all the available issues to injure the Democrats in the forthcoming election.

³⁷ George Steele to Bayard, May 10, 1885, in C.C. Tansill, The Foreign Policy of Thomas Francis Bayard: 1885-1897 (New York: Fordham University Press, 1940), p. 198.

³⁸ William P. Frye (1831-1911), Member of the United States Senate (1881-1911), President Pro-Tempore of the Senate (1896-1911). Eugene Hale (1836-1918), Member of the United States Senate (1881-1911). George F. Hoar (1826-1904), Member of the United States Senate (1877-1904). George F. Edmunds (1828-1919), Member of the United States Senate (1886-1891), Candidate for the Republican Presidential Nomination in 1880 and 1884.

³⁹ James G. Blaine (1830-1893), Member of the United States House of Representatives (1863-1875), Speaker (1869-1875), United States Senator (1876-1881). Candidate for Republican Presidential Nomination in 1876 and 1880. United States Secretary of State (1881, 1889-92). Unsuccessful Republican Presidential Candidate (1884). For Blaine's motives, see T.F. Bayard to E.J. Phelps (U.S. Minister, London), March 7, 1886, Tansill, Bayard, p. 210. See also, D.S. Muzzey, James G. Blaine: A Political Idol of Other Days (New York: Dodd, Mead & Co., 1935), p. 24.

When President Cleveland⁴⁰ sent the names of the American members of the proposed fishery commission to the Senate for approval, Senator Frye, Chairman of the Foreign Relations Committee, brought forward a resolution that the President's commission "ought not to be provided for by Congress".⁴¹ This resolution was approved by the Senate with the support of the Democratic senators from the Atlantic Seaboard.⁴² To reinforce this point, in the Spring of 1887, Senator Hoar introduced the following resolution: "... it is the judgement of the Senate that under the present circumstances no negotiations should be undertaken with Great Britain in regard to existing difficulties with her province of Canada which has for its object the reduction, the change, or abolition of any of our present duties on imports."⁴³ The intransigence of the Senators persuaded Cleveland and Secretary Bayard to appoint the American Commissioners without the approval of the Senate.⁴⁴ Support for this scheme came from Senator

⁴⁰ Grover Cleveland (1837-1908), Mayor of Buffalo, N.Y. (1881-2), Governor of New York (1883-5), President of the United States (1885-9, 1893-7).

⁴¹ Allan Nevins, Grover Cleveland: A Study in Courage (New York: Dodd, Mead & Co., 1962), p. 407.

⁴² Nevins, Cleveland, p. 417.

⁴³ U.S. Congressional Record, 49th Congress, 2nd Sess., Vol. 18, p. 2191.

⁴⁴ Nevins, Cleveland, p. 408.

John T. Morgan of Alabama,⁴⁵ leading Democratic member of the Foreign Relations Committee. Senator Morgan noted that Congressional approval was not required in appointing the commissioners.⁴⁶ Furthermore, Sir Lionel Sackville-West notified Bayard that the Marquis of Salisbury, British Prime Minister and Foreign Secretary, would recognize the Executive-appointed American commissioners.⁴⁷

The chief delegates were Bayard, for the United States, and Joseph Chamberlain,⁴⁸ for Great Britain. The other British commissioners were Sackville-West and Sir Charles Tupper,⁴⁹ the Canadian High Commissioner in London.

⁴⁵ John T. Morgan (1824-1911), United States Senator from Alabama (1877-1907).

⁴⁶ Phelps to Bayard, June 1, 1877, Tansill, Bayard, p. 266.

⁴⁷ Marquis of Salisbury to Sackville-West, July 11, 1881; in Tansill, Bayard, p. 267. Lord Salisbury was Prime Minister (1885, 1886-92, 1895-1902).

⁴⁸ Joseph Chamberlain (1836-1914), Liberal until 1886 when he left Gladstone's Ministry over Home Rule for Ireland. In 1895, Colonial Secretary in Salisbury's Administration.

⁴⁹ Sir Charles Tupper (1821-1915). Premier of Nova Scotia (1864-67), Canadian MP. (1867-84), Cabinet (1870-83), High Commissioner, London (1883-96), Prime Minister (1896).

With Tupper, as advisors, were John S.D. Thompson,⁵⁰ Canadian Minister of Justice, and James S. Winter,⁵¹ Attorney-General of Newfoundland. The actual negotiations were long and arduous, stretching from November 27, 1887 to February 15, 1888. The main conflict came when Tupper wanted the Commission to consider a very complete system of reciprocal trade between Canada and the United States. Bayard knew any hint of general reciprocity would damn the treaty's chances of being accepted by the Senate.⁵² After twenty-three plenary sessions and many personal conferences between Bayard and Chamberlain, the treaty was sent to the Senate for consideration on February 20, 1888. In many ways its fate could have been foreseen. In the subsequent hearings before the Foreign Relations Committee, on the floor of the Senate, and in the press, the Republicans were determined to turn the treaty into a political weapon to be used against the Democratic

⁵⁰ John S.D. Thompson (1844-1894), left Supreme Court of Nova Scotia to become Minister of Justice (1885-92). Prime Minister (1892-4).

⁵¹ James S. Winter (1845-1911). Attorney-General of Newfoundland (1885-9), Judge, Supreme Court (1893-6), Premier of Newfoundland (1897-1900).

⁵² Tansill, Can.-Am. Relations, pp. 62-3.

Administration in the Presidential Election. The Senate finally rejected the treaty on August 21, 1888 by a vote of yeas-27, nays-30, absent-19.⁵³ Despite this defeat, Bayard was able to institute the 'modus vivendi' attached to the draft treaty in order to provide a basis for regulating the fishery.⁵⁴ ✓

While these Anglo-American negotiations were in progress, Sir Ambrose Shea⁵⁵ tried to initiate talks leading to a separate reciprocity treaty between Newfoundland and the United States. In April, 1885, with the blessing of the St. John's Chamber of Commerce, Shea proceeded to Washington to determine the attitude of the United States Government on a separate treaty since the Treaty of Washington was due to lapse on July 1. The United States Government favoured a settlement of the fishery question, but felt it could take no action while Congress was in recess.⁵⁶ When questions were asked about Shea's powers, Fredrick Carter, the Administrator of

⁵³ Tansill, Can.-Am. Relations, p. 83. For a close study of these negotiations, see Ibid., pp. 60-82.

⁵⁴ For Text of 'modus vivendi', see Appendix H.

⁵⁵ Sir Ambrose Shea (1815-1905), Member of Newfoundland Legislature (1848-87), Governor of Bahamas (1887-92).

⁵⁶ C.O. 194/208, "Report of the St. John's Chamber of Commerce", Aug. 12, 1885.

Newfoundland, noted that Shea had not been deputized by the Newfoundland Government as he was Opposition Leader.⁵⁷

Shea was not discouraged for on August 15, he sent a letter to Bayard claiming credit for persuading the British to accept the 'modus vivendi' of 1885.⁵⁸ To understand Shea's motivation for these actions, one should note that he was attempting to be appointed Governor of Newfoundland or British Consul-General at New York.⁵⁹

In February, 1887, Shea and Robert Thorburn, the Premier of Newfoundland, were in London to persuade the Colonial Office to accept a bait bill passed by the Newfoundland Legislature.⁶⁰ Shea did not let the visit to London slip without writing to the American Minister, E.J. Phelps, to press his case for reciprocity.⁶¹ Phelps

⁵⁷ C.O. 194/208, Fredrick Carter (Administrator) to Colonial Office, Dec. 21, 1885.

⁵⁸ Shea to Bayard, August 15, 1885, in Tansill, Bayard, p. 202.

⁵⁹ C.O. 194/208, Robert Thorburn to Colonial Office, Dec. 31, 1885, and C.O. 194/209, Sir G. DesVoeux to Earl Granville, June 7, 1886.

⁶⁰ C.O. 194/210, Sir G. DesVoeux to Sir Henry Holland (Colonial Secretary), Feb. 21, 1887.

⁶¹ Shea to Phelps, May 10, 1887, in Tansill, Bayard, p. 263.

was sympathetic to Shea's proposals and wrote to Bayard on May 11, suggesting Shea's overtures might be a "most important step toward the solution of existing difficulties." The United States Government could hardly ignore this very promising initiative.⁶² Despite Phelps' high hopes, Bayard was not willing to commence separate negotiations with Newfoundland while he was working to bring all the parties to the fisheries together on a Joint High Commission.⁶³ The abortive nature of Shea's advances toward Bayard and the defeat of the Bayard-Chamberlain Treaty left only the 'modus vivendi' of 1888 to regulate the relations between British North America and the United States.⁶⁴ Such a temporary arrangement was to serve as an invitation for the leaders from all the parties to secure a new, permanent fishery treaty in the form of a larger reciprocal trade agreement, as in 1854 or a separate fishing treaty as in 1871.

⁶² Phelps to Bayard, May 11, 1887, in Tansill, Can.-Am. Relations, p. 54.

⁶³ Bayard to Phelps, May 31, 1887, in Tansill, Bayard, pp. 265-6.

⁶⁴ See Appendix I.

CHAPTER II

NEGOTIATIONS BEGIN

In 1889 there was a change of government in Newfoundland. The administration of Robert Thorburn had been elected in 1885 on a conservative, Protestant policy with financial reentrenchment as its objective. The Executive Council¹ of the Government was commercially-oriented, with the exception of J.S. Donnelly and Maurice Fenelon. They were appointed to the Council on July 26, 1886 in an effort to revitalize the Government, and both were Roman Catholics.² This was the curse of the Government which was filled with men of sound mercantile principles, but lacking in the experience to direct Government Policy. Thorburn, the Premier, had been in the House of Assembly for less than one year after spending more than fifteen years in the appointive Legislative Council.³ When

¹ The Executive Council approximated the position of a cabinet.

² D.W. Prowse, History of Newfoundland (London: MacMillan & Co. 1895), pp. 514-5. See also, Nfld. Blue Book: 1888, "Executive Council".

³ C.O. 194/210, Sir G. DesVoeux to Sir Henry Holland, Feb. 21, 1887.

Thorburn's followers presented themselves for reelection in November, 1889, there was reason to expect they would be returned. However, the results of the election were disastrous for the Government. The Opposition, Whitewayite Party won 28 of the 36 seats in the Assembly, defeating the whole of the Executive Council, in many ridings by overwhelming majorities.⁴

To understand this disaster, the opinions of the Governor, Sir Terence O'Brien, are of significance. O'Brien had arrived in Newfoundland in January of 1889, following a period as Governor of the British possession of Heligoland until that Island was traded to Germany for Zanzibar in 1890.⁵ O'Brien's experience on Heligoland, with its area of 150 acres, did not prepare him for the incredibly complex political situation in Newfoundland. As a consequence, he was continuously outmanoeuvred by local politicians with whom he quarrelled when they refused to follow his suggestions. However, O'Brien is the only relatively neutral observer whose opinions of the Election

⁴ C.O. 194/212, Enclosure in Sir Terence O'Brien to Lord Knutsford (Sir Henry Holland) Colonial Secretary, Nov. 14, 1890. See, especially Appendix I.

⁵ C.O. 194/212, O'Brien to Knutsford, Jan. 19, 1889 (O'Brien was Governor of Newfoundland from 1889 to 1895). See C.O. 194/212, Memorandum: Colonial Office, Jan. 22, 1889.

1889 are recorded for consultation. On October 21, he thought the election would produce a small majority for the Government; however, he feared the newly-passed Ballot Act (suffrage to males of 25 years) might damage the Government's chances.⁶ The Governor considered the election results in a report he sent to Lord Knutsford,⁷ the Colonial Secretary, dated November 14, 1889. O'Brien noted that Whiteway⁸ had left Newfoundland in 1885 when he was defeated by Thorburn and did not return until September, 1889. Whiteway was opposed by the Government, most of the Roman Catholic clergy and the 'ruling class', mainly made up of the 'merchant princes'. Victory was won because Whiteway was personally popular among the electorate which had been enlarged by the Ballot Act and incensed by the attacks of the "merchants and the priests". Whiteway was not slow to exploit this attitude. He also pressed the idea that a change of government might bring 'better times'. Further, the people of the South Coast of the Island were aroused because Thorburn's Bait Act had attempted to eliminate their valuable trade with the French on St.

⁶ C.O. 194/212, O'Brien to Knutsford, Oct. 21, 1889.

⁷ Sir Henry Holland (1825-1914) after 1888, Baron Knutsford; after 1895, Viscount Knutsford; Secretary of State for the Colonies (1888-92).

⁸ Sir William Valence Whiteway (1826-1908), Premier of Newfoundland (1878-85, 1889-94, 1895-97).

Pierre. The fishermen were refused permission to sell bait to the French in return for the cheaper French manufactured goods.⁹ Finally, Whiteway used the anti-confederate slogans as many before him had done to arouse the inherent xenophobia of Newfoundlanders.¹⁰

The results of the election created a crisis in Newfoundland and further illustrated O'Brien's naive attitude toward politics. On November 18, twelve days after the election, Whiteway as the incoming Premier wrote O'Brien to demand that some action be taken to relieve the heavy burden of unemployment which existed in Newfoundland.¹¹ At the same time, a poster had been displayed in St. John's which offered two thousand jobs at \$1.25 per day, signed Whiteway and Bond.¹² Here was the favourite tactic of Whiteway and Bond; request action on some issue, and at the same time present the petitioned person with a 'fait accompli', making it almost impossible for him to object without losing prestige. At the same time, Thorburn had been asking O'Brien to institute a plan for the distribution of relief jobs by means of a committee made up of one

⁹ Any trade between the South Coast and St. Pierre was trade lost by St. John's. For the Treaty on the French in Newfoundland, see Appendix B.

¹⁰ C.O. 194/212, O'Brien to Knutsford, Nov. 14, 1889.

¹¹ C.O. 194/212, Whiteway to O'Brien, Nov. 18, 1889.

¹² C.O. 194/212, Evening Mercury, Nov. 18, 1889.

Government member, a Whitewayite, and the Surveyor of Works.¹³ The result of this suggestion was a long correspondence between the two men. Thorburn reminded O'Brien that his government remained in power until it resigned; in return, O'Brien refused any new public works programs after the election results were known.¹⁴ Not only did O'Brien quarrel with Thorburn but also with Whiteway over appointments. The Governor soon found the notice of November 18 was only one example of the use of job promises to secure votes during the election. By December, a very bitter controversy broke out between O'Brien, Whiteway and Thorburn on this subject with recriminations intensified by the participation of the partisan press.¹⁵ At the same time, a large group of unemployed men descended upon St. John's due to promises made during the election by Whiteway. However, to avoid possible trouble, O'Brien forced Thorburn's Government out of power before the Legislature met, and Thorburn could resign on a vote of confidence.¹⁶ As a postscript to the period between the

¹³ C.O. 194/212, Memorandum: O'Brien to Thorburn, n.d.

¹⁴ C.O. 194/212, Memorandum: O'Brien to Thorburn, n.d.; Thorburn to O'Brien, Nov. 22, 1889; Memorandum: Government to the Governor, Dec. 16, 1889.

¹⁵ See also note 14. C.O. 194/212, Whiteway to O'Brien, Dec. 4, 1889, Evening Telegram, Dec. 4, 1889, Dec. 5, 1889, Dec. 6, 1889; Evening Mercury, Dec. 5, Dec. 7, 1889, Dec. 9, 1889.

¹⁶ C.O. 194/212, O'Brien to Knutsford, Dec. 10, 1889.

election of November 6 and the formation of the Whiteway Government on January 1, O'Brien received a reprimand from Lord Knutsford. The Governor was criticized for taking too active a role in the government of Newfoundland which was not becoming to his position. He was especially censured for criticizing government policy, acting as if the Governor were the Government, presiding over meetings of the Executive Council, and communicating directly with government departments instead of through the Executive Council.¹⁷ In Lord Knutsford's words, O'Brien was "too dictatorial" in his attitude to government, especially in a colony with responsible government.¹⁸

When Whiteway formed his administration in January, 1890, it was obvious that only a small proportion of his following possessed legislative experience.¹⁹ For this reason, a large part of the responsibility for directing government policy and administering that policy would rest with Whiteway who was Premier and Attorney-General, Robert Bond his Colonial Secretary, and Opposition Leader during the Thorburn Administration, and Edward Morris, a Member of the Executive Council who had been an extremely

¹⁷ C.O. 194/212, Memorandum: John Anderson to John Bramston, Dec. 19, 1889.

¹⁸ C.O. 194/212, Anderson to Bramston, Jan. 26, 1890.

¹⁹ Only 6 members had sat in the House of Assembly, see Appendix I.

active promoter of reform legislation during his first term in the Assembly (1885-9).²⁰ The relationship between Bond and Morris was to dominate Newfoundland politics from the fall of Whiteway in 1897 until the end of the Great War. Within the Administration, Whiteway appears to have been satisfied to remain the master politician who kept the disparate groups within his administration from tearing the party into fragments.²¹ Whiteway's attitude left much of the initiative for policy to his young subordinates. In 1890, Morris was eager to implement some of his reform legislation which had been blocked while he was in opposition between 1885 and 1889.

The interests of Whiteway and Morris left Bond with a wide range of action beyond the routine administration of the hodge-podge of duties incumbent upon a Colonial Secretary. These duties were by no means onerous since the origin of the Office was that of an Imperial civil servant who acted as Secretary to the Governor's Council. By 1890,

²⁰ On Morris, the reformer, see J.P. Greene, "Edward Patrick Morris" (Unpublished Honours Thesis, Memorial University of Newfoundland), pp. 1-22. Edward Patrick Morris (1859-1935) entered Whiteway's Cabinet (1889), Leader, Independent Liberals (1898-1900), Attorney and Minister of Justice under Bond (1902-7), Leader, People's Party (1908), Premier (1909-18). Robert Bond (1857-1927) entered House of Assembly (1882), Speaker (1884), Colonial Secretary (1889-94 and 1895-7), Premier and Colonial Secretary (1900-9), Leader of the Opposition (1909-14).

²¹ Greene, "Morris", pp. 61-83.

in the older colonies like Newfoundland, the Colonial Secretary became a member of the elected Administration in the Colony, while in the Crown Colonies which were still ruled directly by the Governor, the Colonial Secretary was still an Imperial official. Holding this important but ill-defined office, Bond was able to look out from Newfoundland to the British Empire, and to carve a role for himself in this greater arena.²² It is only natural that Bond should be dissatisfied with the very limited opportunities offered by Newfoundland politics.

The classic example of the politicians' response to this situation was given in the attitude of the politicians of the British Maritime Colonies before the formation of the Dominion of Canada. These politicians, particularly Charles Tupper of Nova Scotia, were well aware their future within the Maritime Colonies could only be limited; indeed a part to play on the stage of the new nation was not an inconsiderable factor in their choice of Confederation.²³ In fact, the most recalcitrant opponent of Confederation, Joseph Howe, was brought over to Confederation by the promise of a seat among the mighty

²² P. Neary and S.J.R. Noel, "Newfoundland's Quest for Reciprocity, 1890-1910", unpublished manuscript in Centre for Nfld. Studies, Memorial University, St. John's, p. 1.

²³ P.B. Waite, Life and Times of Confederation (Toronto: University Press, 1962), p. 89.

in Ottawa.²⁴ However, if there was an example for the colonial politician, it was Tupper who was a country doctor in Nova Scotia, Premier of that Colony, member of the Canadian Government, and finally, High Commissioner to Great Britain, Baronet, and owner of a country seat in England.

Aside from this path there was the chance a promising colonial might be able to enter the Imperial civil service directly as a Governor or lesser official. Sir Ambrose Shea had received this honour, after long service in Newfoundland, by an appointment to the Governorship of the Bahamas. If a person could gain entrance into the civil service at an early age, he could rise to a position of some importance, ultimately to aspire to a peerage.

Finally, a politician could remain in his colonial setting, but by some success in aiding or advising the Imperial Government might rise to become a confidential adviser to the British Government, such as Jan Christian Smuts²⁵ was to become in the twentieth century. In such a position, one could reasonably expect to receive honours

²⁴ D. Creighton, John A. Macdonald: Old Chieftain (Toronto: MacMillan & Co., 1966), pp. 24-32.

²⁵ Jan Christian Smuts (1870-1950), Premier of South Africa (1919-24, 1939-45).

in excess of those normally bestowed upon officials of minor colonies. In fact, Bond's rival, Morris, received a peerage for just these reasons.

Whether Bond actually considered these alternatives specifically is a matter of some question, but his actions indicate that he was not unconscious of these possibilities. Indeed, Bond's motives in looking outward may have been influenced by Augustus W. Harvey, a leading member of Whiteway's Administration, and Government Leader in the Legislative Council, who saw the solution of Newfoundland's problems in the removal of French fishing rights in Newfoundland. Harvey was the leading banker of the Island, and a spokesman for the large merchants who opposed any reduction of Newfoundland's political autonomy by confederation with Canada, presumably because of possible competition from Canadian businessmen.²⁶

Thus, whether Bond decided on the advocacy of the renewal of reciprocity immediately or by a process of elimination of other possible means of injecting new vitality into the Newfoundland economy is unclear; although the latter was more likely than the former. Bond's interest in reciprocity must be equated with the fact that

²⁶ Newfoundland Archives. MacKenzie Bowell Papers, Senator Howlen to MacKenzie Bowell (Prime Minister), June 16, 1891, pp. 4405-16.

he was now in the position of initiating policy. In 1887, as Leader of the Opposition, he stated the following at the time of Shea's mission to Washington: "... for the paltry consideration of free admission into American markets of fish and oil valued at about one hundred and fifty thousand dollars, to allow the Americans to come here and catch for themselves all the bait that they desired ..." was an outrage.²⁷ Bond's reaction to Shea's mission in 1887 was dictated by the old maxim that 'the duty of the Opposition is to oppose' any government action. Shea's mission may not have had official government approval but the close relations between Thorburn's Administration and the Chamber of Commerce indicated that their interests were similar.

Even if Bond had been motivated by political expediency in his previous action, the economic crisis which faced Newfoundland in 1890 would force him to seek some immediate method of improving the Island's economy. The Report of the Chamber of Commerce for 1889 was not encouraging. The inshore cod fishery had been a partial failure; copper prices were depressed; the Labrador cod fishery and the spring seal fishery had only been average. Only the Bank fishery and the Lobster trade had been good although there was evidence the average size of lobsters

²⁷ C.O. 194/210, Evening Telegram, n.d., 1887.

was falling.²⁸ The fishery was not only plagued by a partial catch, but also many of Newfoundland's customers in the all-important dried cod trade were imposing tariff barriers against imports of fish. In 1887, Brazil raised its duty on cod imports by 55 per cent to 0/7/1 per hundred weight.²⁹

The sluggish condition of the fishery had an effect on Newfoundland's precarious banking system. The banks were: the Union Bank, controlled by Harvey, the Commercial Bank, controlled by leading members of the Opposition, J.S. Pitts, and A.F. Goodridge, and the Government-controlled Newfoundland Savings Bank. The Savings Bank's assets were deposited in the two private banks or held in the form of Government of Newfoundland Debentures.³⁰ These private banks had guaranteed loans to merchants to allow them to prepare for the fishery. These loans were made to men who were directors of these banks and were often backed with money deposited by the 'Savings Bank'. Likewise these guarantees were many times in excess of the resources of

²⁸ C.O. 194/212, "Report of Chamber of Commerce, 1889", signed A.F. Goodridge, Pres. For lobster size, see also: C.O. 194/216, "Report of Lobster Fisheries in Western Newfoundland." See Appendices C and D.

²⁹ C.O. 194/210, Minute of Executive Council, Aug. 20, 1887.

³⁰ F.F. Thompson, The French Shore Question in Newfoundland: An Imperial Study (Toronto: University Press, 1968), p. 121.

the banks. In short, the directors of these banks used their positions to defraud the depositors of their own banks and the Savings Bank, and then expected the Savings Bank and ultimately the Government to advance them the capital to avoid bankruptcy.³¹ The Newfoundland Government could aid the banks temporarily, but only increased sales of the remaining stocks of dried codfish could return the economy and banks to solvency.

These are some of the factors which faced Bond and his colleagues in St. John's. To understand Bond's motives it is not only essential to discuss his personal ambitions, to note some of the immediate economic problems of Newfoundland, but also to consider the very amorphous position occupied by colonies within the British Empire. This lack of definition of the status of a colony like Newfoundland made it extremely difficult for these colonies to initiate a program of trade promotion with foreign countries, for ultimately any negotiations would have to be approved by the Imperial Government in London. The people at Whitehall were concerned with the problems of British Foreign policy and the internal harmony of the Empire. Any negotiations carried on by Newfoundland would be considered in view of their compatibility with the needs of Britain and the Empire. If the Newfoundland Government chose to submit their trade proposals to the British

³¹ Thompson, French Shore, p. 121.

Minister accredited to the government involved, then there was the possibility that the proposals would be torn to shreds by the officials in London and the other, large colonies even if the prospective consumer country agreed to the terms. The futility which accompanied any attempt by Newfoundland to expand her foreign trade was emphasized by the cavalier manner in which British and Canadian officials continually ignored Newfoundland proposals. Canada, under the firm control of Sir John A. Macdonald, treated Newfoundland as if it were within the Canadian sphere of influence. Sir Charles Tupper of Nova Scotia as Canadian High Commissioner in London was ever alert to detect and neutralize any attempts by Newfoundland to infringe upon Canadian prerogatives.

The Administration in St. John's needed a clear definition of its powers to negotiate with foreign countries and a careful exposition of those steps to be taken in conducting trade talks with nations outside the Empire. The various initiatives of Sir Ambrose Shea in London and Washington were directed toward the 'de facto' acceptance of Newfoundland's right to reciprocity regardless of the interests of the rest of the Empire. If Bond was successful in securing a trade treaty from the United States, it would establish for the Newfoundland Government the right to enter into a bilateral agreement

with a country outside the Empire, even if the agreement had to be ratified by London.

Whatever Bond's reasons for advocating reciprocity, he was given an opportunity to press his views almost immediately after the election of the Whiteway Party. The Imperial Government, in London, was anxious to discuss the whole series of fishery problems in Newfoundland with Whiteway, early in the new year.³² The immediate cause of anxiety at the Colonial Office was the opposition of the Newfoundland Government to its inclusion within a renewal of the *modus vivendi* of 1888.³³ With this attitude in Newfoundland, the *modus vivendi* expired on February 15, and returned the fishery to the terms of 1818.³⁴ In London, much greater interest was focused on the most recent irritant in the French Shore Problem, namely, the Lobster Factory Question. The immediate crisis arose over the building of lobster factories on the French Treaty shore along the West Coast of Newfoundland. The lobster canning industry was increasing rapidly in Newfoundland by 1890, exclusively on the treaty shore. This development

³² C.O. 194/212, C.O. to O'Brien, Dec. 7, 1889, see also Memorandum: E.F. Pennell to Bramston, Dec. 10, 1889.

³³ See Note 54, page 38.

³⁴ C.O. 880/11, O'Brien to Knutsford (Rec. May 16, 1890).

forced the local naval officers representing both England and France to decide on the merits of each factory. The lack of guidance provided by the Treaty of 1783 led to confusion and conflicting interpretations of each country's rights. As might be anticipated, the Newfoundland Government was infuriated when the right of its people to set up factories on the West Coast was dependent upon an agreement between the naval officers present. The Newfoundland Government was equally adverse to any suggestion of a 'modus vivendi' between Britain and France which would not include Newfoundland. Lord Salisbury was sufficiently concerned about Anglo-French relations to be determined to settle the question regardless of Newfoundland's objections.³⁵

This lobster controversy, together with the ending of the Bayard 'modus vivendi' made the Colonial Office anxious to hold discussions with Whiteway as early as possible. Indeed, the authorities in London were non-committal toward any separate talks between Newfoundland and the United States until they could engage in comprehensive talks with Whiteway on all aspects of the fisheries.³⁶ However, instead of the early meeting advocated by the Colonial Office, Whiteway, who had to

³⁵ Thompson, French Shore, pp. 93-119, esp. pp. 100-5.

³⁶ C.O. 880/11, C.O. (Bramston) to F.O., April 2, 1890; F.O. (P.W. Currie) to C.O., April 10, 1890; Knutsford to O'Brien, April 12, 1890.

face a session of the Assembly, was not able to leave for London until June 20.³⁷

The delay in Whiteway's arrival in London allowed the Opposition to act. Before the Thorburn Administration resigned, some of its chief members had formed the 'Patriotic Society' with its own newspaper, the Evening Herald. The leading members of the society were Thorburn, James Winter (Attorney-General), James Pitts and Moses Monroe (prominent merchants and Members of the Legislative Council), Maurice Fenelon (Colonial Secretary and personal representative of the Roman Catholic Bishop), and finally A.B. Morine (Editor of the Herald and Leader of the Opposition in 1890). The Society was an amalgam of the merchants and the Roman Catholic Bishop, aimed at the French holdings in Newfoundland and Confederation with Canada.³⁸ In May of 1890, the Patriotic Society sent a delegation to London to protest the possible extension of French rights in Newfoundland.

It was not until July 16 that Whiteway and A.W. Harvey arrived in London. Bond was to follow later after he made a tour of the French Shore in his capacity as

³⁷ C.O. 880/11, O'Brien to Knutsford, June 20, 1890.

³⁸ C.O. 194/214, O'Brien to Knutsford, Mar. 28, 1890.

³⁹ C.O. 880/11, James Winter to C.O., London, May 16, 1890.

Colonial Secretary. He arrived in London on July 26 and with him came George Emerson, Speaker of the House of Assembly.⁴⁰

At the same time, when Whiteway and Harvey had been in London for six days, John Bramston, Assistant Under Secretary in charge of the North American Department at the Colonial Office, asked for Whiteway's observations on American rights under the Convention of 1818.⁴¹ In response to this request, a memorandum, containing the terms for a potential agreement with the United States, was drafted by Harvey and sent to the Colonial Office on July 12. The Newfoundland Executive Council had resolved on February 27 that Newfoundland could gain more from bilateral negotiations with the United States than from a renewal of reciprocity.⁴² This memorandum became the basis on which further negotiations took place, it is essential, therefore, to reproduce the text in full:

⁴⁰ C.O. 880/11, O'Brien to Knutsford, June 20, 1890.

⁴¹ C.O. 880/11, C.O. (Bramston) to Whiteway, July 10, 1890.

⁴² C.O. 880/11, Minute of Executive Council, Feb. 27, 1890, in O'Brien to Knutsford, Feb. 28, 1890.

American vessels to have the privilege of purchasing bait at all times on the same terms and in same quantities as Newfoundland vessels, and to have all privileges of touching and trading, selling fish, oil, &c., getting supplies without other changes than light and harbour dues and customs dues, such as are levied on Newfoundland vessels similarly employed.

American vessels procuring bait from Newfoundland to give bonds, similar to bonds given by Newfoundland vessels, with like penalties; provision to be made for enforcing penalties in United States territory.

In return, United States to admit cod fish, cod oil, seal oil, herrings, salmon, &c., from Newfoundland, the produce of Newfoundland fisheries, free of duty. ⁴³

These terms would give Newfoundland a 'pro quid quo' (free fish) in exchange for the admission of American ships in search of bait on the same terms as Newfoundland ships; whereas, under the 'modus vivendi' system, Newfoundland bait was given to the Americans as a makeweight in Anglo-American negotiations.

An intriguing feature in this note was its being drafted by Harvey. Why Whiteway did not do the work himself, he was Attorney-General as well as Premier, is unclear as the terms enclosed were general and by no means erudite. It seems likely the terms of the memorandum were decided upon at the Executive Council meeting of February 27 and Whiteway merely delegated Harvey to draw up the

⁴³ C.O. 880/11, "Memorandum with regard to United States", in Whiteway to Knutsford, July 12, 1890.

recommendations into the form of a draft agreement.⁴⁴

The delegation in London waited for nine days without receiving a reply from the Colonial Office, not even confirmation of the Colonial Office's reception of the memorandum. The need for action in Newfoundland led Whiteway to dispatch a new note to the Colonial Office.⁴⁵ Whiteway asked the British Government to guarantee a loan of £5 million to help extend the Newfoundland Railway from Placentia Junction to the Hall's Bay Line in the Interior of Newfoundland. The railroad had been one of the main planks in Whiteway's election platform in 1889.⁴⁶ The railway was to be the sheet anchor in plans for the development of the Island of Newfoundland as railways were in other under developed areas. However, John Bramston at the Colonial Office wanted any railway guarantee linked with the Colonial Government's acceptance of an Anglo-French settlement of the French Shore problem; in effect, the Newfoundland Government's acceptance of the rights of the French and a guarantee that Newfoundlanders would observe French rights.⁴⁷ It is illustrative of the relative

⁴⁴ See note 43.

⁴⁵ Canada. House of Commons. Sessional Papers, 1891, no. 38 (CSP., 1891/38), Whiteway to C.O., July 21, 1890.

⁴⁶ See note 16.

⁴⁷ CSP., 1891/38, C.O. (Bramston) to Whiteway, July 31, 1890; C.O. 880/11, C.O. to F.O., August 2, 1890; C.O. 880/11, F.O. to C.O., Aug. 6, 1890.

importance which the British Government attached to the French Shore question and the Newfoundland-United States fishing dispute that the guarantee of a railroad loan was tied to the settlement of the French Shore Question.

Even though the Imperial Government was interested principally in the successful solution of the French Question, there was an interest in the possibility of a Newfoundland-American agreement. On August 8, Thomas V. Lister, Under Secretary at the Foreign Office, sent a note to the Colonial Office concerning American-Newfoundland relations. Lister stated Lord Salisbury's willingness to consult Sir Julian Pauncefote,⁴⁸ British Minister in Washington, on the appropriateness of negotiations. However, Lister interjected two preconditions: Canada should be consulted before negotiations began, and there should be some improvement in the French Shore problem.⁴⁹ Again Salisbury's concern with the French Shore problem made a concession by the Newfoundland delegation almost inevitable.

On August 15, all four delegates from Newfoundland signed a note to the effect that they had received no

⁴⁸ Sir Julian Pauncefote (1828-1902), Permanent Under Secretary, Foreign Office (1882-9), Minister to the United States (1889-93), Ambassador to the United States (1895-1902).

⁴⁹ C.O. 880/11, F.O. (Lister) to C.O., August 8, 1890.

definite plan from the Colonial Office for the settlement of any of Newfoundland's problems.⁵⁰ This letter had the desired effect, for on the 18th., Assistant Under Secretary R.H. Meade,⁵¹ on Lord Knutsford's orders, sent a note to the Foreign Office asking permission for Newfoundland-American negotiations without Canada. The negotiations would be conducted by Pauncefote in Washington.⁵² To reinforce the point, Knutsford sent a personal note to Lord Salisbury on August 24. He noted:

I hope you will assent to the Newfoundlanders being allowed to make separate & independent treaty with the U. States...I do not see that Canada has any grounds for interfering in such a question. It is quite certain she would not allow Newfoundland to interfere an objection to any arrangement which she might make with the U. States. ⁵³

This is an important statement which is not in the official correspondence and will be considered later in the light of the Imperial Government's actions.

⁵⁰ C.O. 880/11, Colonial Delegates (Whiteway, Bond, Harvey, and Emerson) to C.O., Aug. 15, 1890.

⁵¹ R.N. Meade was Assistant Under Secretary, Colonial Office (1871-92).

⁵² C.O. 880/11, C.O., to F.O., August 18, 1890.

⁵³ Knutsford to Salisbury, Aug. 24, 1890, in R.C. Brown, Canada's National Policy: 1883-1900: a Study in Canadian-American Relations (Princeton: at the University Press, 1964), p. 64.

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In the interim, Sir Julian Pauncefote had reported that he did not think there was any hope of success in negotiating reciprocity with the United States; however, he saw no reason not to approach the Secretary of State, James G. Blaine, with a proposal. The Foreign Office instructed Pauncefote to commence preliminary negotiations.⁵⁴ No official at the Colonial Office appears to have communicated this information to the Newfoundland delegates since on September 9 Whiteway informed the Office that Bond was leaving for the United States on the next day. Could Bond be supplied with the necessary authorization to negotiate with the United States Government? Could these documents be sent to New York?

Instead of following Whiteway's suggestion, there was a great rush to supply Bond with his orders before he left England. Indeed, by the next day, a letter of introduction to Pauncefote was sent to Bond at Queenstown (Cobh), Ireland.⁵⁵ There subsequently arose a debate when Bond claimed he had received a second, and more extensive set of instructions from the Colonial Office upon his arrival in New York.⁵⁶ Bond claimed his power to treat

⁵⁴ C.O. 880/11, F.O. to C.O., Sept. 4, 1890.

⁵⁵ C.O. to F.O., Sept. 9, 1890; F.O. to C.O., Sept. 10, 1890; C.O. to Robert Bond, Sept. 10, 1890.

⁵⁶ Bond Speech, House of Assembly, March 6, 1891, in Evening Telegram, Mar. 13, 1891.

with Pauncefote came from these orders. It would appear, however, the orders Bond received in New York were indeed the communication, already discussed, which was sent to him at Queensland, but because Bond left for New York via Moville, in the North of Ireland, the letter had to be redirected to Bond at New York.⁵⁷ Although Bond in his speech of March 6, 1891, attempted to justify his actions in Washington by citing his correspondence with Whiteway and the Colonial Office, there was no communication of powers from the Colonial Office to Bond beyond those enclosed in Salisbury's letter of September 10, 1890.

It is necessary to consider Bond's powers of negotiation as embodied in his letter of introduction to Pauncefote. The text of the Marquis of Salisbury's dispatch to Sir Julian Pauncefote was as follows:

Sir, this dispatch will be delivered to you by the Honourable Robert Bond, Colonial Secretary of Newfoundland, who is about to proceed to New York, and has been commissioned by Sir. W. Whiteway, the Prime Minister of the Colony, to communicate to you the views and wishes of the Newfoundland Government with regard to an arrangement for the admission of fish and other products of Newfoundland to the United States free of duty, in return for concessions as to the purchase of bait by the United States fishermen.

Sir W. Whiteway has requested that you may be informed that Mr. Bond had authority to speak to you on the subject in the name of the Newfoundland Government, and have accordingly furnished him with this introduction to you. 58

⁵⁷ C.O. 194/218, Minute: Bramston, Feb. 4, 1891.

⁵⁸ CSP., 1891/38, Salisbury to Pauncefote, Sept. 10, 1890; F.O. to C.O., Sept. 10, 1890.

This dispatch, certainly more cautious than Knutsford's already mentioned, indicated only an extremely limited field of action for Bond. If Bond possessed only authority to communicate to Pauncefote Newfoundland's problems, this did not permit Bond to negotiate with any officially commissioned agent of the United States and certainly not without Pauncefote's approval. It is a matter of question whether Bond's letter empowered him to negotiate with the United States even if Pauncefote had given him permission to act as his deputy. In the literal meaning of the letter, Bond was to present Newfoundland's case to Pauncefote who would conduct the negotiations. However, subsequent events indicate that a 'local expert' such as Bond was given very considerable freedom of action by British ministers in foreign capitals obviously because of their knowledge of the problems involved. The permission granted to Bond to meet Pauncefote cannot in the light of Pauncefote's careless handling of the negotiations, be considered as anything other than an unmitigated blunder. The decision to permit the Bond Mission showed an appalling lack of foresight into the damage to American-Canadian-British relations if it proved abortive.

This lack of direction in the conduct of official business which extended to British governmental departments

explains many of the problems which arose in both Imperial and international affairs. As an example of this ineptness, T.V. Lister's note from the Foreign Office, August 8, 1890 suggested Canada should be informed of the Newfoundland-American talks; yet R.T. Meade's note from the Colonial Office, August 18, contains no mention of notifying Canada, nor does any of the correspondence until Pauncefote's note of October 17.⁵⁹ This confusion indicates a lack of co-ordination between both departments.

In conclusion, the decision to provide Bond's letter of introduction was the result of Knutsford's supineness in the face of the importunities of the Newfoundland delegates. Indeed, Knutsford was known for his inability to persuade other people to adopt his views or resist forcefully-pressed opinions.⁶⁰ It should also be noted that Knutsford was disadvantaged by the low status of the Colonial Office in comparison with other departments.⁶¹ During this period, Knutsford suffered

⁵⁹ C.O. 880/11, F.O. (Lister) to C.O., August 8, 1890; C.O. 880/11, C.O. (Meade) to F.O., August 18, 1890; CSP., 1891/38, Pauncefote to Salisbury, Oct. 17, 1890.

⁶⁰ B.L. Blakeley, "The Colonial Office: 1870-1890", unpublished Doctoral Thesis, Duke University, 1966, pp. 264-5.

⁶¹ Blakeley, "Colonial Office", p. 322.

from recurring ill-health.⁶²

In accordance with Lord Salisbury's note of September 10, Sir Julian Pauncefote sent a note to Secretary Blaine to intimate that a reciprocity treaty between the United States and Newfoundland was possible.⁶³ Bond arrived in Washington at the end of September, after having waited in New York until September 28, for the misdirected instructions from London.⁶⁴ When Bond discovered Pauncefote had left Washington, he wrote to the Minister who was vacationing in Magnolia, Massachusetts, setting out his thoughts on reciprocity. Pauncefote answered this letter on October 7.⁶⁵ With an introduction from Pauncefote, Bond met Blaine to discuss the question of reciprocity. Then Blaine asked Pauncefote to transmit a draft convention for official consideration by the United States Government.⁶⁶ Following his meeting with

⁶² Blakeley, "Colonial Office", pp. 264-5.

⁶³ Pauncefote to J.G. Blaine, Sept. 15, 1890, in United States, Department of State, Notes to Foreign Legations: Great Britain, Vol. 118, in A.B. Spetter, "Harrison and Blaine: Foreign Policy: 1889-93", unpublished Doctoral Thesis, Rutgers University, 1967, p. 82.

⁶⁴ Bond's Speech, March 6, 1891, Evening Telegram, March 13, 1891.

⁶⁵ Bond's Speech.

⁶⁶ Bond's Speech, and C.O. 880/12, Pauncefote to Salisbury, Oct. 1890.

Blaine, Bond visited New York and Boston to gain support for reciprocity between Newfoundland and the United States. Both the New York Board of Trade and the Commercial Club of Boston passed resolutions supporting the idea of reciprocity with Newfoundland.⁶⁷ Both groups would gain by any increased trade with Newfoundland. Bond then proceeded to Magnolia where with Pauncefote's introduction he was able to talk to some of the prominent Gloucester fishing magnates on October 13 and October 15. However, Bond received a cool reception from the Gloucester Board of Trade.⁶⁸ Despite the attitude in Gloucester, Bond submitted a draft convention to Pauncefote who transmitted it officially to Blaine with little change.⁶⁹ Bond returned to St. John's on October 31, 1890.

With the draft treaty under consideration by Secretary Blaine some understanding of his objectives is essential. It has already been noted that James G. Blaine was a major candidate for the Republican Presidential nomination in 1876 and 1880, Republican nominee in 1884,

⁶⁷ Bond's Speech.

⁶⁸ Boston Globe, Oct. 15, 1890; Gloucester Times, Oct. 15 & 18, 1890; Cape Ann Advertiser, Oct. 14, 1890; Cape Ann Breeze, Oct. 15, 1890; in Daily Colonist (St. John's), Nov. 1, 1890.

⁶⁹ C.O. 880/12, Pauncefote to Blaine, Oct. 18, 1890.

and President-maker in 1888, by leading Benjamin Harrison's successful election campaign. As the leader of the powerful New England faction in the United States Congress, Blaine supported a policy of high tariffs against imports, hostility to the South, and hatred for Great Britain.⁷⁰

Blaine, carried the reputation of being a 'jingo' with him when he became Harrison's Secretary of State in 1889. This 'jingoism' was no doubt largely the result of the political expediency engendered by the biennial election system in the United States. Every American politician was aware that Presidential elections would be won or lost in the cities of the Atlantic Seaboard. Republicans tried to control these cities by creating a solid bloc of votes among the immigrant groups, especially the Irish, who were violently anti-British.⁷¹ Blaine, as a representative of New England would obviously be

⁷⁰ For Blaine on Great Britain, see J.G. Blaine, Political Discussions: Legislative, Diplomatic, and Popular 1856-1886 (Norwich: Henry Bill Co., 1887), pp. 479-80, and pp. 493-500; J.G. Blaine, Twenty Years in Congress (Norwich: Henry Bill Co., 1884), p. 629; Muzzey, Blaine, p. 24. For Blaine on tariffs, see Note 76; Muzzey, Blaine, pp. 146-52, & p. 450; Blaine to Harrison, Sept. 29, 1891, in A. Volwiler, The Correspondence of Benjamin Harrison and James G. Blaine (Philadelphia: The American Philosophical Society, 1940), p. 199. For Blaine on the South, see Muzzey, pp. 130-4.

⁷¹ Blaine, Political Discussions, pp. 479-80.

extremely sensitive to the wishes of the voters in these cities. In addition, Blaine himself was the object of tremendous adulation within the Republican Party; indeed, he far outshone Harrison in popularity within the party, a fact which did nothing to enhance relations between Harrison and his Secretary of State.⁷² As with many political leaders when they receive an appointive position, Blaine temporarily lost most of his contentiousness and seemed to have pictured himself as a statesman divorced from politics.⁷³ This 'new statesmanship' indicated that Blaine was more inclined to compromise in international affairs than President Harrison.⁷⁴

A distinct aspect of American politics was the annexation of Canada to the United States. The source of this policy was the United States Civil War, or specifically the idea that Great Britain had given aid and comfort to the Confederate cause both in Canada and in England. If Great Britain had given aid to the South, and thus prolonged the Civil War, Britain, it was reasoned,

⁷² Muzzey, Blaine, p. 390.

⁷³ A.F. Tyler, The Foreign Policy of James G. Blaine (Camden: Archon Press, 1965), p. 183.

⁷⁴ Tyler, Foreign Policy of Blaine, p. 150.

should compensate the United States Government for the cost of waging the latter half of the Civil War. Senator Charles Sumner of Massachusetts had advocated the payment of this debt by ceding British North America to the United States. These extreme claims were not pressed by Blaine but he, with other Republicans, certainly believed it was Canada's destiny to become part of the United States. There should be no doubt that Blaine only intended to achieve the annexation of Canada by 'peaceful means' such as economic restrictions, and the encouragement of Canadian annexationists. These methods would only be employed if they did not harm the United States; in short, the annexation of Canada was supplementary to the normal course of affairs and was not allowed to interfere with the operation of these affairs. The possible effects of this type of economic pressure were described by Blaine in a letter to President Harrison: "the fact is we do not want any intercourse with Canada except through the medium of a tariff, and she will find she has a hard row to hoe and will, ultimately, I believe, seek admission to the Union."⁷⁵

Associated with Canadian-American relations were the relations between the United States and Newfoundland.

⁷⁵ James G. Blaine to Benjamin Harrison, Sept. 1891, in G. Hamilton, Biography of James G. Blaine (Norwich: Henry Bill Co., 1895), pp. 693-4.

A reciprocity treaty between the United States and Newfoundland would weaken Canada by forcing her to negotiate with the United States without the Newfoundland fisheries as a bargaining point.⁷⁶ The problem of Blaine's attitude to reciprocity with Newfoundland is difficult to assess. In 1890, Blaine was attempting to promote good relations between the United States and the Latin American nations by means of a Pan-American Congress in Washington, and bilateral reciprocity treaties with each country. Indeed, Blaine attempted to have Congress pass an amendment to the proposed McKinley Tariff Bill which would have given the President discretionary powers to either decrease or increase tariffs on a wide variety of goods by the device of Executive Order.⁷⁷ This amendment, introduced by Senator Hale, was defeated, but the vigour with which Blaine pressed his ideas shocked some of his colleagues.⁷⁸ Subsequently, however, reciprocity treaties were signed with many Latin American countries and with the British Minister at Washington for the British Colonies in the Caribbean, among them were the Bahamas Islands, governed by Sir Ambrose Shea.

⁷⁶ D.G. Creighton, John A. Macdonald: The Old Chieftain (Toronto: MacMillan, 1966), pp. 548-9.

⁷⁷ Muzzey, Blaine, pp. 448-9.

⁷⁸ Tyler, Foreign Policy of Blaine, pp. 186-7.

Whether Blaine had any intention of including Newfoundland within his proposed reciprocity area can only be conjectured; however, there can be little doubt that Blaine had hoped to use the proposed amendment to force Latin American nations to buy more of their needs from the United States if they expected to sell their raw materials in the United States.⁷⁹ If Blaine had planned to carry the Bond-Blaine negotiations into effect, then he would have found his supporters in New England opposed, and ready to show Blaine his own statements against the Bayard-Chamberlain treaty.⁸⁰ In the negotiations with Bond, Blaine could have had little expectation that the treaty would ever be ratified by the Senate in Washington after the treatment of his amendment to the McKinley Bill. As a comment on Blaine's limited objective of creating discord between Canada and Newfoundland, Alvey A. Adey, who was Second Assistant Secretary of State in 1890, noted: "Mr. B. (Blaine) enjoyed setting two dogs (Canada and Newfoundland) by the ears, ... as much as any man I ever knew. Beside he had an idea that a starter in the direction would tend to bring about a movement in Newfoundland for Annexation to the United States, in which

⁷⁹ Muzzey, Blaine, p. 449.

⁸⁰ Nevins, Cleveland, p. 412.

I think he was oversanguine."⁸¹ This last section concerning annexationist sentiment in Newfoundland will be considered later.

⁸¹ A.A. Adee to John Hay, Sept. 15, 1902, in T. Dennett, John Hay: From Poetry to Politics (Port Washington: Kennikat Press, 1963, p. 423.

CHAPTER III

CANADA INTERVENES

Whatever Blaine's motives, Sir Julian Pauncefote notified the Foreign Office that he had transmitted the draft convention to Secretary Blaine on October 17. Pauncefote suggested it should be sent to the Governor-General of Canada, Lord Stanley of Preston,¹ in order to permit the Canadian Government to decide if it wanted to be included in the negotiations.² Pauncefote's note of the 17th was sent to Ottawa on October 22, while the Canadian High Commissioner in London, Sir Charles Tupper, was notified on October 25.³

As has been noted, Sir Charles Tupper was a former Premier of Nova Scotia and was considered the prime defender of that province's fishing rights in the Canadian Government. Tupper had already objected to Shea's

¹ Fredrick Arthur Stanley (1841-1908), British M.P. (1865-86), Colonial Secretary (1885-6), Baron Stanley (1886), Governor-General of Canada (1888-93).

² CSP., 1891/38, Pauncefote to Salisbury, Oct. 17, 1890, in Knutsford to Lord Stanley of Preston, Oct. 22, 1890.

³ CSP., 1891/38, Knutsford to Lord Stanley of Preston, Oct. 22, 1890; (Bramston) to High Commissioner for Canada (Tupper), Oct. 25, 1890.

overtures in Washington and to the Newfoundland Bait Act of 1886. When he thought the Newfoundland Government was attempting to deprive Nova Scotian fishermen of some of their privileges, Tupper sent a note to Sir Robert Herbert, protesting the Imperial Government's permission for Bond to make a separate treaty.⁴ A further protest, to Lord Knutsford, was dispatched on October 27th. In this note, Tupper pointed to Canada's vulnerability to economic and political pressure from the United States. He objected to the Imperial Government's having given Bond the power to negotiate a separate treaty without consulting Ottawa until the draft had been presented to Blaine. To conclude the letter, Tupper quoted Sir John A. Macdonald: "... and how disastrous from a national point of view it would be for a separate Colony to effect an arrangement with the United States more favourable than could be given to the Confederated provinces."⁵ John Bramston acknowledged Tupper's protest on November 1.⁶ Tupper's protest forced officers at both the Foreign and Colonial Offices to consider some plan to avoid a dispute with Canada without

⁴ CSP., 1891/38, Tupper to Sir Robert Herbert, Paris, Oct. 21, 1890.

⁵ CSP., 1891/38, Tupper to Knutsford, Oct. 27, 1890.

⁶ CSP., 1891/38, Tupper to C.O., Oct. 27, 1890, and C.O. to High Commissioner, Nov. 1, 1890.

arousing public opinion in Newfoundland.⁷ As a consequence Pauncefote was ordered to hold the draft convention and send it to London before communicating it to Secretary Blaine. If the officials in London expected to slow the negotiations to permit time for an understanding between Newfoundland and Canada, they were disappointed for Pauncefote had already transmitted the draft treaty.⁸

Blaine did not allow the differences between Newfoundland and Canada to dissipate for he informed Pauncefote of his willingness to discuss reciprocity with both Newfoundland and Canada separately. Canada could not be included within the Bond-Blaine discussions.⁹ At the same time, Tupper received from his son Charles, Canadian Minister of Marine and Fisheries, an editorial from the New York Tribune, a newspaper which staunchly supported the Republican Party and especially James G. Blaine (the owner of the Tribune, Whitelaw Reid, was a personal friend of Blaine's). The editorial ran: "The United States will hardly be disposed to create a commerce for the people of Newfoundland, then to have the profits of that commerce

⁷ C.O. 194/215, Memorandum E.B. Pennell to John Bramston, Nov. 1, 1890.

⁸ C.O. 880/12, Enclosure in F.O. (P.W. Currie) to C.O., Nov. 3, 1890.

⁹ C.O. 880/12, Paraphrase of Pauncefote to Salisbury, Nov. 12, 1890 (secret).

go to Canada and France. The rights of the French, ... must be closed out on some other basis than the concession of free bait to the men of St. Pierre. Free bait is no favour to us, if the French and Canadians can have it too, if Mr. Bond permits Sir William Whiteway and Mr. Harvey, or Lord Knutsford for them, to barter that away, he will find himself robbed of the key to Fulton Market."¹⁰ This statement certainly makes Blaine's purpose clear, if the United States gave reciprocity to Newfoundland, Newfoundland would have to eliminate all other claims to her bait fisheries, especially the Canadian, but also the French on the Island of St. Pierre.

This was one of the many editorials which appeared in American newspapers advocating the elimination of Newfoundland's problems by closer relations with the United States. In some cases these closer relations implied annexation to the United States. This encouragement from the United States allowed local politicians and editors in Newfoundland to hint at annexation to the United States if the Islanders were not satisfied with their treatment by the Imperial Government. The depth of annexationist feeling in Newfoundland is subject to question although the threat of annexation was often used when the objectives of Newfoundland were thwarted by the Imperial Government.

¹⁰ CSP., 1891/38, C.H. Tupper to Sir Charles Tupper, Nov. 17, 1890.

Indeed, the annexationist movement seems to have been an individual crusade as in the case of Monseigneur Howley who advocated the union of the West Coast of the Island with the United states.¹¹ The large number of Newfoundlanders in the United States provided support for annexation although there is little evidence that there was strong support for the policy in Newfoundland.

Annexation was but one method of compensating for the relative insignificance of Newfoundland within the British Empire or the rest of the world. Indeed, the officials in the Colonial Office may have genuinely favoured an agreement which would have improved the wretched condition of most Newfoundlanders; however, there were always the demands of a more important member of the Empire, Canada, or a foreign country like France or the United States. One can hardly imagine a more difficult position than Newfoundland's. Her interests were entangled in a triangle on the North American continent with the United States and Canada; and in a European triangle with Britain and France, and in an Imperial triangle with Great Britain and Canada. With the conditions in each group dissimilar in certain aspects, Newfoundland's interests in one set of negotiations might be in conflict with her relations within another set of negotiations.

¹¹ Evening Telegram, Jan. 17, 1891.

Given this complexity of relationships, Newfoundland could expect little aid outside her own borders. However, in Great Britain, the Parliamentary Opposition, especially the Irish members asked questions about Newfoundland affairs.¹² This as we shall see later was also true of the Liberal Provincial Government in Nova Scotia which supported Newfoundland in its reciprocity negotiations, probably to attack the Federal Conservatives such as the Tupper.

It has been noted already that the immediate reason for Tupper's protest concerning the proposed reciprocity treaty was the disadvantage Canada would sustain in future negotiations with the United States. Knutsford had attempted to reassure the Canadians when he wrote to Stanley, in Ottawa, on November 4 to explain that Bond's proposal to Blaine had been merely an agreement, under the McKinley Tariff, to exchange the free entrance of Newfoundland fish products into the United States in exchange for the provision of bait in Newfoundland for American schooners. He further assured Stanley that Pauncefote had been instructed by the Foreign Office to look to Canadian rights.¹³

¹² See, for example, Great Britain, Hansard's Parliamentary Debates, CCCXLVII (1890), pp. 1678-9; CCCXLVIII (1890), pp. 176-8, 396-7, 1265.

¹³ CSP., 1891/38, Stanley to Knutsford (Oct. 31, 1890); Knutsford to Stanley, Nov. 4, 1890.

The basis of the problem facing Canada was its economic relationship with the United States. How close should trade ties be allowed to draw Canada toward the United States? For the Conservative Party in Canada the answer to this question had been only so far as Canadian trade was increased without a significant decline in Canadian autonomy from the United States. The Conservatives favoured freer trade between Canada and the United States if it was in Canada's favour. It allowed her to export her raw materials to the United States without providing competition from the manufacturing industries of the United States.

For the Conservative leader, Sir John A. Macdonald, the tariff issue was one of political manoeuvre. As the leader of the party in power, he could let his opponents test the public's response to the issue of increased trade with the United States. After observing public reaction to the reciprocity issue he could modify his government's policy to reap any political advantage which might result from advocating some form of reciprocity. Macdonald's National Policy for an independent Canada had not satisfied the Country, and even the linking of the Opposition Liberal Party with annexationists in the United States had only limited value as was shown in the Election of 1891. Although the Conservatives won the election by 31 seats,

they received only 51 per cent of the votes cast, not an overwhelming majority for the National Policy or the "Old Flag".¹⁴

The strongest support for reciprocity came from the farmers of Ontario who hoped to sell their grain in the large cities of the United States; the speculators who planned to develop the mines of Canada to supply the needs of the industrial plant of the United States, and the railroadmen who schemed to divert some of the trade of the Western United States along their own lines through Ontario and the New England wilderness to Portland, Maine. The leadership of this movement fell to the Toronto Globe, the Canadian-American promoter Erastus Wiman, the prominent Liberal, Sir Richard Cartwright, and the Anglo-Canadian publicist, Goldwin Smith. This group of individuals were divided on many issues, particularly the issue of Annexation, supported by Goldwin Smith. The association of annexationists like Smith with the cause of reciprocity made it an issue of questionable political value. However, after the Election of 1887, the Liberals, led by Wilfred Laurier,¹⁵ had no real policy so that Laurier and the majority of the Party accepted the idea of unrestricted

¹⁴ Brown, National Policy, pp. 161-211.

¹⁵ Wilfrid Laurier (1841-1919), entered House of Commons, Ottawa (1874), Liberal Leader (1888), Prime Minister (1896-1911).

reciprocity between Canada and the United States. Cartwright went further to advocate commercial union with the United States in an effort to forestall the annexationism of Goldwin Smith. As the Election of 1891 indicated, this was by no means an unpopular policy.¹⁶

In fact the rationale for Canada's objection to the Bond-Blaine talks lay in the problems of how to equate national autonomy and economic prosperity. The need for revenue and the fear of annexation to the United States forced Canada to raise tariffs, thus leading to American repudiation of the Reciprocity Treaty of 1854. With the increased economic pressure of the 1890's, the Canadian provinces were alive with many plans, all of which represented some economic relationship with the United States. The ideas implicit in these plans were no more clear than the plans themselves, so that the press used them with little regard to consistency of meaning. Of the expedients proposed to the public to settle the economic future of Canada, the two which were clearest in the public mind were 'Annexation' and the 'National Policy'. The former would imply absorption of Canada into the United States, presumably the division of the Canadian provinces into states. The National Policy indicated an independent economic and political plan to retain an independent course

¹⁶ Brown, National Policy, pp. 161-9.

of action for Canada and a position for it within the British Empire. However, the three other concepts which occupied the middle ground between Annexation and the National Policy were much less easy to define, and were often confused in the public mind. 'Reciprocity' was a general term which implied a trade agreement in which the participants agree to lower tariffs on specific trade items in return for similar concessions. Reciprocal agreements usually contain schedules of items to be admitted into each country free of duty. However, in 1890, the term 'reciprocity' was confused with the term 'Unrestricted Reciprocity', a term used by some members of the Liberal Party. The confusion of terms was increased by the use of the concept of 'Commercial Union'. Both 'Unrestricted Reciprocity' and 'Commercial Union' were used interchangeably by the press and the people to imply the removal of all tariff barriers between Canada and the United States. Strictly speaking, it would seem by 'Unrestricted Reciprocity' was meant the free flow of goods between both Canada and the United States. 'Commercial Union' carried the process further by advocating the formality of some international agreement making the two countries a commercial unit, and implying a common tariff against other countries.¹⁷ It was obvious

¹⁷ I.A., Hodson, "Commercial Union, Unrestricted Reciprocity, and the Background to the Election of 1891", M.A. thesis, University of Western Ontario, 1952, pp. 12-24.

at the time that a common tariff would be aimed at Great Britain, preceding the end of Canada's relationship with the British Empire.

On the possibility of reciprocity, the Conservatives were not sanguine after the election of the Republican, Benjamin Harrison in 1888. The Republican Party was connected in Canada with the protectionist interests in the United States so that no agreement favourable to Canada seemed possible. In the light of the immediacy of the Bond-Blaine negotiations, Macdonald was placed in the very position he wished to avoid; namely, of reacting to Blaine's initiative, thus allowing Blaine to manoeuvre the Canadian Government into an embarrassing position which might be disastrous at an election.¹⁸

Whatever Macdonald may have thought of Blaine's motives, a letter from Lord Knutsford obliged him to make a clear statement of the Canadian Government's reasons for objecting to the Bond-Blaine negotiations. In accordance with the request from the Colonial Office, the Canadian Privy Council deputized John Thompson, Minister of Justice, and the younger Tupper to draw up a report for the Privy Council defending Canadian rights. Since this report was the definitive statement of the Canadian Government's position concerning negotiations between

¹⁸ Creighton, Macdonald, II, pp. 548-52.

colonies and the United States, it will be examined in detail.¹⁹

At the beginning, Thompson and Tupper reproduced the events leading to the Canadian protest and large sections of Sir Charles Tupper's official protest to the Colonial Office of October 27.²⁰ The writers then proceeded to state that two main points were the basis of all discussion of the fishery; namely, "the competition in fishing between British subjects and foreigners, and the question of access to the markets of the United States for sale of the fish caught by British Subjects."²¹ Next, the various diplomatic agreements were listed up to the time of the writing of the report.²² In order to validate the Canadian Government's contention that the Imperial Government had supported the idea of the British North American colonies negotiating as a bloc, Thompson and Tupper cited two precedents. In 1868, the Committee on Ways and Means of the United States House of Representatives had negotiated a reciprocity treaty with the Government of

¹⁹ CSP., 1891/38, Knutsford to Stanley, Nov. 25, 1890; "Certified Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council on the 12th December, 1890". Signed: John J. McGee, Clerk of the Privy Council.

²⁰ "Report of the Privy Council", pp. 38-40.

²¹ Ibid., p. 40.

²² Ibid., pp. 40-2.

Prince Edward Island. However, the Lieutenant-Governor of Prince Edward Island believed this negotiation was beyond the power of the local government; therefore, he refused to sign the treaty, in this he was supported by the Colonial Secretary in London.²³ The other case was Sir Ambrose Shea's correspondence in London with the American Minister, E.J. Phelps, in July, 1887, to obtain an introduction to Secretary Bayard on the matter of reciprocity with Newfoundland. The idea of Shea corresponding with the American minister did not meet the approval of the Colonial Secretary who had not been consulted.²⁴

From these examples, Thompson and Tupper pointed to Newfoundland's adherence to the principle of Imperial Unity in negotiations in the past. They cited the opposition of both Governor, Sir George DesVoeux and Premier, Sir Robert Thorburn to permitting United States fishermen to enter Newfoundland and Nova Scotia waters for the advantage of free entry of fish products into the United States. DesVoeux and Thorburn believed with reciprocity American ships could make as many trips as they wanted to Newfoundland thus competing for the markets in

²³ "Report of the Privy Council", p. 42.

²⁴ Ibid., p. 42.

the United States, and pursuing foreign markets in competition with Newfoundland.²⁵ This opinion was supported by reference to the Newfoundland brief to the Halifax Arbitration of 1878 which stated that Newfoundland should be compensated for the loss of sales due to the free bait supplies given to American fishermen.²⁶ Indeed, to the McKinley Tariff was ascribed the same purpose, to force the British Colonies to open their bait supplies to the United States or suffer from high tariffs. Further, American actions were seen as a means of undermining the basis of Confederation by restricting trade with the United States.²⁷ Thompson and Tupper noted the actions of American leaders who taunted Canadians about their inability to survive without reciprocity.

The main assertion of this document was the claim of the Government in Ottawa that the actions of the Newfoundland Government deviated from the accepted practices of Imperial policy, and could only lead to an increase in the influence of the United States without compensating benefits to either Canada or Newfoundland. In fact, they saw a loss for British North America without compensation as in 1878. At the same time, the Canadians

²⁵ "Report of the Privy Council", p. 43.

²⁶ Ibid., p. 44.

²⁷ Ibid., p. 44.

were aware that the possibility of Newfoundland joining Confederation would have been reduced if Newfoundland was successful in negotiating a trade treaty with the United States.²⁸ Bond held this view: without the reciprocity treaty, Newfoundland might be forced to join Canada. He could only favour such a course in the last extremity.²⁹

In the Canadian situation, although the completion of Confederation may have been important, the main consideration in objecting to the Bond-Blaine talks was the realization that if these talks were successful then Macdonald's Government would be forced to ask reciprocity upon Blaine's terms. Macdonald was totally suspicious of Blaine's objectives and believed Blaine only desired to embarrass the Conservatives in order to create dissention in Canada.

²⁸ "Report of the Privy Council", pp. 45-6.

²⁹ Bond to Whiteway, June 23, 1891, in Gosling Memorial Library, St. John's.

CHAPTER IV

THE REACTION IN NEWFOUNDLAND

Whatever Macdonald's suspicions of his intentions, Blaine asked Bond to return to Washington to provide him with more precise information.¹ Blaine also sent a note to Pauncefote stating his readiness to open parallel negotiations with the Canadians.² If this plan had been commenced, the two British colonies would have been engaged in separate negotiations with the United States, permitting Blaine to intensify the rivalry between the two colonies by forcing them to outbid each other for the privilege of reciprocity. Despite this problem, the officials in London were satisfied with Blaine's suggestion. Sir Robert Herbert noted that "Lord Knutsford is, upon the whole, of opinion that as the special requirements of Canada and Newfoundland are very different, it will be better in principle that any negotiations affecting Canada should

¹ C.O. 880/12, Paraphrase of Pauncefote to Salisbury, Nov. 20, 1890, in Knutsford to O'Brien, Nov. 14, 1890. (Secret).

² C.O. 880/12, Paraphrase of Pauncefote to Salisbury, Nov. 13, 1890.

proceed separately, ..." ³ Lord Salisbury accepted the principle, ordering it transmitted to Lord Stanley on November 15, with a draft of the Bond - Blaine Convention. ⁴ However on November 19, Stanley protested, in the name of his government, the whole method of separate negotiations. "Sanction of the Newfoundland treaty by Her Majesty's Government would, Stanley noted, materially aid the United States policy by placing Canada at a disadvantage with neighbouring Colony of Newfoundland and producing discontent here." ⁵ Further, "the United States are waging commercial war in many ways against Canada to force Annexation, which idea Blaine has never relinquished." ⁶ This note appears to have had the desired impact on the Foreign Office for on November 20, Pauncefote received an order from Salisbury to suspend the negotiations due to the Canadian objections to the Convention. ⁷

³ C.O. 880/12, C.O. (Herbert) to F.O., Nov. 14, 1890. (secret)

⁴ C.O. 880/12, F.O. to C.O., Nov. 15, 1890 (secret); Knutsford to Stanley, Nov. 15, 1890 (secret).

⁵ C.O. 880/12, Stanley to Knutsford, (Nov. 19, 1890).

⁶ Ibid.

⁷ C.O. 880/12, F.O. to Pauncefote (Paraphrase), Nov. 20, 1890; Paraphrase of Pauncefote to Salisbury, Nov. 18, 1890; Pauncefote to Salisbury, Nov. 19, 1890.

In contrast to the attitude of Lord Salisbury, Knutsford did not accept the necessity of concurring with the Canadian protests.⁸ However, by this time the Foreign Office, after accepting the principle of dual talks, opposed the idea of bilateral talks between Newfoundland and the United States. In fact, Herbert received a note from T.H. Sanderson, at the Foreign Office, very critical of Colonial Office policy, and by implication, Lord Knutsford.⁹

My Dear Herbert, I send, by Lord Salisbury's desire, a memorandum, by Bergne, on the Canadian objections to a separate fishery arrangement between the United States and Newfoundland. You will see that he thinks they are not without foundation. Have you consulted Tupper? I see that in the draft Telegram to Canada Lord Knutsford is made to say that he cannot understand how the injury, if any, could be serious. Surely it would be more judicious to put it in the form of an enquiry what the injury would be.

Lord Salisbury wishes to bring the matter before the Cabinet to-morrow (Monday) at 3 before deciding the answer to the Canadian Telegram.

The importance attached to good relations between Canada and Newfoundland was demonstrated by Lord Salisbury's intention to consult the Cabinet before he decided how to answer Stanley's letter. The decision to halt the negotiations was influenced by a memorandum drawn by Sir Henry Bergne, Superintendent of the Treaty Department at

⁸ C.O. 880/12, C.O. (Bramston) to F.O., Nov. 21, 1890.

⁹ C.O. 880/12, F.O. (Sanderson) to C.O. (Herbert), Nov. 23, 1890.

the Foreign Office. Bergne believed granting free bait to the Americans fishing in Newfoundland would ruin the Canadian bait licensing system, destroy Canadian trade in bait, and continue to permit American access to the mackerel fishery.¹⁰ Behind this concern for Canadian dissatisfaction lay the realization that an angered Canadian government could seriously disturb Anglo-American relations.¹¹ The result of the cabinet meeting of November 24 appears to have confirmed Salisbury's policy of delaying the negotiations until the Canadians decided if they wanted to join the talks.¹² Although Macdonald realized that Blaine's motives in suggesting separate negotiations were not directed toward a reciprocity treaty favourable to Canada, the demands of the Liberals and the farmers of Ontario forced him to take some action toward reciprocity. The only option open to Macdonald was to send a representative to Washington to meet with Blaine. The answer from Ottawa accepting separate talks arrived in London on

¹⁰ Mackerel was an important bait fish in the cod fishery, caught outside the three-mile limit of territorial waters.

¹¹ C.O. 880/12, Memorandum by Sir Henry Bergne (secret).

¹² C.O. 880/12, Knutsford to Stanley, Nov. 25, 1890.

November 27, being acknowledged by Lord Salisbury, December 3.¹³ Macdonald may have been forced to accede to a popular request for reciprocity, but he did not desist from protesting any continued negotiations between Newfoundland and the United States. The new protest of December 1, in the form of a Minute of Privy Council, added a new dimension by suggesting that the British Minister in Washington, Pauncefote, was not fulfilling his duties. In short, he avoided pressing Canadian claims in order to facilitate an Anglo-American accord.¹⁴ Actually Pauncefote's main interest was the settlement of the Clayton-Bulwer Treaty dispute over an American desire to build a ship-canal across the Isthmus of Panama.

If Knutsford was preoccupied with the objections of the Canadian Government, O'Brien, in St. John's, did not allow him to forget that the interests of Newfoundland awaited satisfaction.¹⁵ Colonial Secretary Bond had

¹³ C.O. 880/12, Stanley to Knutsford, (Nov. 27, 1890); F.O. (Sanderson) to C.O., Dec. 2, 1890.

¹⁴ C.O. 880/12, Stanley to Knutsford, (Dec. 1, 1890) (secret).

¹⁵ CSP., 1891/38, O'Brien to Knutsford (Dec. 12, 1890).

returned to Washington on November 21, at Blaine's request, to supply further statistics pertaining to the fisheries. However, when Bond returned to Washington he had only one meeting with Blaine.¹⁶ The seeming futility of Bond's visit to Washington asks the question whether Blaine had anything to inquire from Bond which could not have been communicated by letter. The visit indicates a further manoeuver by Blaine to raise the hopes of the Newfoundlanders, excite the jealousy of the Canadians, and incense both colonies against Great Britain for not satisfying their demands.

In order to support Bond's mission, the Executive Council of Newfoundland dispatched a unanimous minute to London, via the Governor, requesting the signing of the draft convention by the British Minister.¹⁷ However, some of the problems were removed on December 16, when Blaine accepted Bond's proposal to insert unrefined minerals into the list of products to be admitted free under the Convention. Copper ore was an important export of Newfoundland. On the same evening Bond left Washington for St. John's.¹⁸

¹⁶ C.O. 880/12, Pauncefote to Salisbury, Dec. 7, 1890.

¹⁷ Newfoundland Archives, Minutes of the Executive Council (One volume: Nov., 1890-Sept., 1892), pp. 12-3.

¹⁸ CSP., 1891/38, Paraphrase of Pauncefote to Salisbury, Dec. 17, 1890, in F.O. to C.O., Dec. 18, 1890.

Now that Blaine had accepted the draft, the Executive Council in St. John's attempted to facilitate the ratification of the Convention by the Imperial Government. The only method of achieving this goal was to guarantee the Colonial Office that Canada's interests in the fishery would not be injured by the American-Newfoundland agreement. The Council passed a resolution proposing a mutually beneficial understanding between Newfoundland and Canada after the convention was signed.¹⁹ To mark Bond's return to St. John's, the Council sent a further resolution to London asking for the ratification of Bond's efforts.²⁰

By the New Year, the Imperial Government had adopted a policy of caution to avoid increasing the tension between Newfoundland and Canada. Officers at the Colonial Office were recognizing Blaine's desire to create animosity between Canada and Newfoundland as a vital factor in analyzing the situation.²¹ The desire to consider all the factors involved in the reciprocity treaty led the British to infuriate members of the Newfoundland Government by

¹⁹ C.O. 194/215, O'Brien to Knutsford, Dec. 21, 1891.

²⁰ Minutes of the Executive Council, (1890-2), p. 17.

²¹ See note 11.

what the Newfoundlanders considered excessive caution and dilatoriness. In an effort to placate the Newfoundlanders, Lord Knutsford reminded them that the occurrence of the dispute in the winter allowed time for consideration of the whole question before fishing recommenced in the Spring of 1891.²² His Lordship's words were abortive, for every member of the Executive Council in Newfoundland realized that the frozen herring fishery was in progress during the winter. Also Newfoundlanders feared exclusion from the frozen herring trade to the United States after the introduction of the McKinley Tariff.²³

Knutsford further exacerbated relations between St. John's and London when he asked O'Brien for information on modifications to the treaty conceded to Blaine before he accepted the draft convention.²⁴ The reply from St. John's was immediate: "Executive Council do not understand meaning of modifications, and they cannot suppose that Her Majesty's Government will intervene objections" to the proposed treaty.²⁵ If the Colonial Secretary spoke of

²² CSP., 1891/38, Knutsford to O'Brien, Dec. 18, 1890.

²³ By order of John Pew, Collector of Customs, Gloucester, Massachusetts, Newfoundland herring carried to the United States in American ships would be treated as produce of the United States and would be free of duty. See, Harbour Grace Standard, Dec. 10, 1890. See also, CSP., 1891/38, O'Brien to Knutsford, Dec. 18, 1890.

²⁴ CSP., 1891/38, Knutsford to O'Brien, Jan. 1, 1891.

²⁵ CSP., 1891/38, O'Brien to Knutsford, Jan. 3, 1891.

modifications to the draft, they could only be interpreted in St. John's as a threat by the Imperial Government to list the objectionable sections of the treaty, then to give the Newfoundland Government the choice of accepting the revised draft or seeing the draft of December 27 vetoed.²⁶

Indeed, modifications were being made to the treaty, but in Washington, not London. Blaine had presented Pauncefote with a counter proposal for the draft treaty. The basis of this draft lay in a return to an exchange of free entry of fish from Newfoundland in return for the removal of license fees from New England bait purchasers. The counter draft was communicated to St. John's on January 13.²⁷ Both crude minerals and 'green' cod were eliminated from the counter draft. The removal of these two terms seriously reduced the value of the Convention to Newfoundland as much of the expansion of trade to the United States would have taken place in these commodities.²⁸

²⁶ CSP., 1891/38, O'Brien to Knutsford, Jan. 3, 1891.

²⁷ CSP., 1891/38, Pauncefote to Salisbury, Jan. 6, 1891, in F.O. to C.O., Jan. 7, 1891; Knutsford to O'Brien, Jan. 13, 1891.

²⁸ Of 'crude minerals', copper was by far the most important. 'Green', undried cod was in demand in New England where it was made into 'boneless cod'.

The only response possible in Newfoundland was to send a vituperative dispatch to London, in the name of the Governor. The Government in St. John's claimed the loss of crude minerals was due to the hesitation of the Imperial Government in approving the draft. The time lag allowed the American mineral interests to lobby against foreign competition. Bond, it was claimed, had visited Gloucester, Boston, and New York to quiet the fears of the United States business community toward the treaty, but all his efforts were useless unless the Colonial Office approved the treaty.²⁹

Blaine's acceptance of the mineral clause on December 16 and rejection of it on January 6 illustrated Blaine's tactics of manipulating both Newfoundland and Canada for his own benefit. The dropping of the mineral clause may have been precipitated by the protests of the mineral interests, but after his defeat over the McKinley Tariff, it does not seem likely Blaine would have accepted a mineral clause knowing it would arouse opposition in the United States. Blaine probably had no expectations that the mineral clause would ever be accepted in the United States.

Although the Imperial Government had decided not to ratify the Bond-Blaine negotiations, it was necessary

²⁹ CSP., 1891/38, O'Brien to Knutsford, Jan. 17, 1891.

to find an expedient whereby the Newfoundland Government could be placated without acceding to its demands for ratification. O'Brien was notified of the Imperial Government's willingness to guarantee the railway loan Sir William Whiteway had requested in his note of July 21.³⁰ The proximity of the treaty negotiations and the offer of a guaranteed loan indicated the intention of the Imperial Government to compensate the Newfoundland Government for the loss of reciprocity. Indeed with the continuing problem of the French Shore, London did not want to irritate the Newfoundlanders; although the Colonial Office appears to have given up the hope, temporarily, of a voluntary settlement of the French Shore Question.³¹

On February 9, Knutsford sent O'Brien a dispatch terminating negotiations on the treaty. It read in part: "Her Majesty's Government have definitely decided not to proceed at this moment with the proposed convention between Newfoundland and the United States, ..."³² The Newfoundlanders had been warned of this possibility two

³⁰ CSP., 1891/38, Knutsford to O'Brien, Jan. 23, 1891.

³¹ C.O. 194/215, "Minute: John Anderson to John Bramston," Jan. 3, 1891; notes by E.B. Pennell, Jan. 3, 1891, and Knutsford, Jan. 6, 1891.

³² CSP., 1891/38, Knutsford to O'Brien, Feb. 11, 1891.

weeks previously when Knutsford had written: "If Canada assents, the difficulty now standing in the way of the ratification of the convention with the United States would be speedily removed."³³ Despite these declarations of intent by the Imperial Government, correspondence flowed back and forth across the Atlantic on questions such as the legality of Bond's actions,³⁴ and the significance of Bond's second trip to Washington.³⁵

The idea of a Convention with the United States remained a vital issue as long as Robert Bond remained active in Newfoundland politics. Indeed, although the Convention was postponed, the Executive Council of Newfoundland continued to importune the Colonial Office about the convention many months after Knutsford's dispatch of February 9, 1891. Bond, in his letter to Whiteway of June 23, 1891, noted in regard to reciprocity with the United States "that nothing should be left undone to attain this". In fact, Bond viewed reciprocity with the United States as the only alternative to an Imperially-supervised loan; confederation with Canada, or continued economic stagnation.³⁶

³³ CSP., 1891/38, Knutsford to O'Brien, Jan. 23, 1891.

³⁴ CSP., 1891/38, O'Brien to Knutsford, Feb. 14, 1891.

³⁵ CSP., 1891/38, Knutsford to O'Brien, Feb. 14, 1891.

³⁶ Bond to Whiteway, June 23, 1891, Gosling Memorial Library, St. John's.

When the Newfoundland Assembly met in St. John's, three days after Knutsford's dispatch arrived, economic conditions in Newfoundland gave little reason for hope. The fishery, in 1890, could best be described as average, as was the seal fishery; only the Labrador cod fishery had been excellent. However, the salt fish markets were overstocked with cod; forcing both prices and demand to fall. Copper production was down due to the depressed condition of the copper markets throughout the world. The much-discussed railroad had still not been extended beyond the Avalon Peninsula.³⁷ The only positive feature of the economy was the contract to start construction of the railroad from Placentia Junction to the Hall's Bay Line. Also, a new company had been created; the Newfoundland and Canadian Exploration Trust Limited to take control of the locally-owned Newfoundland Colonization and Mining Company Limited, and inject new capital into mineral exploration and exploitation in Newfoundland. The new company was controlled by the British, Patents Mining and Financing Trust Limited. Interestingly the Newfoundland committee of the new company consisted of ex-Premier Thorburn, ex-Attorney-General Winter, Opposition Leader in the Legislative Council, Moses Monroe, and another Member of

³⁷ Newfoundland. House of Assembly, Journal, 1891, pp. 5-6.

the Legislative Council, Alexander M. Mackay, all members of the Opposition Party.³⁸

However the most serious crisis facing the government was the very unstable condition of the banking system in St. John's, which was irritated by the sluggish market for salt cod, the many outstanding loans to merchant-exporters, and the Government's failure to obtain a loan from the London and Westminster Bank. In addition, large deposits made by the Government-owned Newfoundland Savings Bank in the two commercial banks, the Union and Commercial, made them economically interdependent to a very high degree. Beyond this, the two commercial banks did not have a fraction of the specie necessary to repay their deposits from the Savings Bank, if these were recalled. After the recall of deposits the formality of bankruptcy would not be far away. This would be followed by the imagined effect of reducing the local economy to paralysis, bankrupting the government, wiping out the savings of many a Newfoundlander, and turning them against the whole idea of responsible government. Indeed, Anderson had suggested that a number of the more prominent members of the colony, disturbed by the unstable condition of the economy, would have favoured the suspension of responsible government and the placing of the government of Newfoundland into

³⁸ C.O. 194/220, 'Report of Merger of Companies' Mar. 24, 1891.

commission.³⁹ In the immediate crisis, the even greater liabilities made apparent by the closing of the banks in St. John's would force the government to seek an even greater, and even less possible loan. The immediate consequence would have been the appearance of an Imperial financial commissioner with dictatorial powers over the Newfoundland Government's spending. A full commission might not be far distant if the government's position did not soon improve.⁴⁰ The Newfoundland Government was not ready for so drastic a measure as long as there was hope the Imperial Government might guarantee a loan or they might negotiate a loan on their own credit. Ultimately, the possibility of joining Canadian Confederation was always to be considered.⁴¹

These were the prospects for Newfoundland when Sir Terence O'Brien opened the Second Session of the Sixteenth General Assembly of Newfoundland, in St. John's. O'Brien's speech was a perfunctory analysis of the Newfoundland economy in the previous year. While carefully avoiding the financial crisis, he did not, however, ignore the

³⁹ C.O. 194/218, Minute: Anderson to Bramston, Feb. 27, 1891.

⁴⁰ See C.O. 880/12, O'Brien to Knutsford, Feb. 3, 1891; Knutsford to O'Brien, Feb. 5, 1891; O'Brien to Knutsford, Feb. 6, 1891; Knutsford to O'Brien, Feb. 9, 1891. (secret).

⁴¹ See note B6.

generally depressed condition of the economy.⁴² The members had just settled into their seats after the reading of the Speech from the Throne when Bond moved and D.J. Greene (W. Ferryland) seconded a motion to consider a resolution to the Colonial Secretary on the Convention with the United States. The Chairman of the Committee of the Whole, W. Whiteley (W. Harbour Grace)⁴³ reported a series of resolutions based on a statement of the sequence of events involved in the negotiations. The resolutions called the delay in ratifying the treaty "entirely unjustifiable and as evidencing an utter disregard for the prosperity and well being of this colony." Further this delay could only be considered "as unfriendly and hostile, and as calculated to permanently disturb that loyalty for which this colony has, in the past, been remarkable, ..." ⁴⁴ These were remarkably strong statements for a resolution to be sent to a higher body; indeed they were very ill-concealed threats. The resolutions were accepted by the Legislative Council on the same day when the government

⁴² Nfld. Assembly, Journal, 'Speech from the Throne', pp. 5-6.

⁴³ Party allegiance of members of the Assembly is denoted as (Whitewayite-W.), (Opposition-O.), and (Independent-I.). Party affiliation is followed by the district represented. It should also be noted that districts returned one, two or three members.

⁴⁴ Nfld. Assembly, Journal, p. 9.

supporters in the 'upper House' defeated an amendment by James S. Pitts, one of the leading figures in the St. John's business community, and a member of Thorburn's Executive Council from 1888 to 1889. Pitts had attempted to defer the resolutions until more information was laid before the Legislature; however, he was overruled by a vote of 4 to 2.⁴⁵

There followed the debate in reply to the Speech from the Throne. There were many expressions of support for Bond's efforts from both sides of the House of Assembly and the Legislative Council. On February 12, Captain Eli Dawe, (W. Harbour Grace) noted: "... on the question of trade relations between us and the United States, once the Imperial Government had given us permission to negotiate a treaty, we never dreamt that, for the interests of another colony, we should be humiliated and sacrificed by the delay of the Imperial Government to ratify the conventions made by our able Colonial Secretary."⁴⁶

In the Legislative Council, a newly-appointed member, Dr. George Skelton, a Whitewayite, stated: "It is a matter of much regret that a treaty of reciprocal trade with the United States could not be looked upon as an

⁴⁵ Nfld. Legislative Council, Journal, 1891, pp. 13-6.

⁴⁶ Harbour Grace Standard, Feb. 27, 1891. (The debates of the House of Assembly were published in local newspapers under a Government subsidy.)

accomplished fact; for he was sure that such a treaty would mean a great extension of our trade, far-reaching in its beneficial results."⁴⁷ These were government supporters, but James Angel, a Member of the Legislative Council, and one of Thorburn's "midnight appointments" in December, 1889, "considered that it was through no fault of our delegates that the Reciprocity Treaty with the United States had not been effected."⁴⁸ More critical was the approach taken by Moses Monroe, Member of Legislative Council, a prominent St. John's merchant and fish exporter, also Opposition Leader in the Council. Monroe agreed with reciprocity if it meant free bait for free fish although the Americans should not have exclusive rights to Newfoundland's bait and be in the position to compete with Newfoundland fishermen. Would the Americans carry bait to the French thus riddling the Bait Act? It would be quite legal.⁴⁹ Indeed, many of Monroe's predictions did become reality later in 1891 and 1892. In 1891, Bond removed bait restrictions from the American schooners, to remind the Canadians of his power to limit their fishery and to demonstrate to the Americans the value of the free bait supplies in Newfoundland. Monroe made a

⁴⁷ Harbour Grace Standard, Feb. 24, 1891.

⁴⁸ Harbour Grace Standard, Feb. 13, 1891.

⁴⁹ Harbour Grace Standard, March 9, 1891.

further statement on February 20. He noted that Newfoundland "had all the necessary power, under the Bait Act, to effect the arrangement they desired, without reference to the home authorities at all. And he spoke advisedly when he said that Mr. Blaine was perfectly satisfied with our powers under that act, and was prepared to negotiate with us."⁵⁰ This suggestion for an informal agreement, removing license fees in Newfoundland progressively as import duties were reduced in the United States had been advanced previously in order to avoid the problems involved in negotiating an international agreement.⁵¹ Monroe explained Bond's failure to achieve an informal but effective agreement by noting: "we cannot put old heads on young shoulders."⁵²

There was yet another view to be taken; namely, those in Newfoundland who supported close connections with Canada, and ultimately Confederation. Of these the most prominent was Robert S. Munn of Harbour Grace, representing that district in the Assembly. Munn represented John Munn & Company, one of the largest fishing, sealing and supplying firms in Newfoundland. This firm had connections with the Canadian flour trade, flour being one of the staples of

⁵⁰ Harbour Grace Standard, April 11, 1891.

⁵¹ Ibid.

⁵² See note ~~49~~.

life in Newfoundland. The owners feared any deterioration in the relations between Newfoundland and Canada might allow American flour to supplant it.⁵³ With this very practical motive in mind, Munn noted: "with regard to the American convention that if Canada was to be excluded, no member of this House ought to agree to it, on account of the very intimate trade relations we have with that country."⁵⁴

The Leader of the Opposition in the House of Assembly, was A.B. Morine (Bonavista), a fervent advocate of Confederation with Canada, and a former lieutenant of Sir Charles Tupper who informed Tupper upon events in Newfoundland. Morine was also in the pay of the Canadian Government both as spy, and an opponent of legislation inimical to Canada.⁵⁵ Morine, speaking in the House of Assembly on February 18 and 19, attacked Bond for promising

⁵³ Munn's brother William, in Montreal, had a personal correspondence with C.H. Tupper to mollify Newfoundland-Canadian relations. See, Canada. House of Commons. Sessional Papers, 1892, No. 23c, W.A. Munn to C.H. Tupper, Feb. 1, 1892; C.H. Tupper to W.A. Munn, Feb. 20, 1892; Munn to Tupper, Feb. 24, 1892; Munn to Tupper, Feb. 26, 1892; Tupper to Munn, Mar. 7, 1892.

⁵⁴ Harbour Grace Standard, March 9, 1891.

⁵⁵ Canada. MacKenzie Bowell Papers, A.B. Morine to J.A. Macdonald, Nov. 29, 1893. (This date must be incorrect as Macdonald died on June 6, 1891).

to give the Americans a monopoly on the bait fisheries of Fortune Bay when he had promised the people of the region the contrary. In addition, Morine tried to create the impression that Bond and Whiteway were not united on the issue of reciprocity, especially Whiteway's lack of enthusiasm for the results of the Treaty of Washington of 1871. Morine cited the statistics Whiteway had used to refute the usefulness of reciprocity in 1885. These figures showed that exports of cod fell from \$367,000 per annum during the Reciprocity Treaty of 1854 (1855-1866) to \$348,281 per annum between 1867 and 1873, and finally, slipped to \$272,036 per annum under the Treaty of Washington (1874-1884).⁵⁶ This assertion of Morine's was vigorously denied by Whiteway in his speech of February 20 which will be considered later, and in some detail.

While these opinions were being voiced about the Bond-Blaine negotiations, on February 19, the Speech in Reply to the Throne was presented to the Governor. The section regarding the reciprocity treaty was exceptionally offensive to the Imperial Government in London, and to the Canadian Government. The text of the Reply noted that Newfoundland was the "oldest and most unfavourably treated

⁵⁶ Export figures per annum represent averages for the period stated, see Evening Telegram (St. John's), Feb. 20, 1891, and Feb. 21, 1891.

Colony of Her Majesty's Empire", and this treatment was due "to the ignorance prevailing in the mother country respecting Newfoundland". The Speech in Reply described Newfoundland's potential assets in the most favourable manner using such terms as "inexhaustible", "boundless", "immense", "magnificent", and "unsurpassed". Further, Newfoundland was "subservient to the party politics of a rival colony", even though the Island had suffered "from the baneful effects of a century of misconstruction of French treaty rights on her shores."⁵⁷ Governor O'Brien considered the Speech in Reply sufficiently obnoxious to send the Assembly a reprimand on February 23.⁵⁸

The belligerent mood of the Assembly was compounded by the controversy which developed around the presentation of the correspondence on reciprocity to the Assembly. On February 3, a resolution was passed by the Executive Council asking the Imperial Government to permit the withholding of the papers on reciprocity until the final fate of the Convention had been decided by London.⁵⁹ This request fell on deaf ears in London; however, the dispatches were not presented to the Assembly by the Colonial Secretary,

⁵⁷ Nfld. Assembly, Journal, 1891, p. 16.

⁵⁸ Nfld. Assembly, Journal, 1891, p. 26.

⁵⁹ Nfld. Minutes of Executive Council (1890-1892), pp. 52-3; C.O. 880/12, O'Brien to Knutsford, Feb. 24, 1891.

Bond (W. Trinity) until March 31, obviously after he had given up hope of using them as a lever to move London to action.⁶⁰ But Bond's actions in forcing through the resolutions of February 13, and February 19 caused O'Brien to question whether he was a responsible public official or he should be dismissed from office. However, O'Brien realized that if Bond was dismissed he would bring down the Government and enhance his own popularity.⁶¹ Knutsford, at the Colonial Office, concurred with this view.⁶²

Despite the insistence of the Governor, Bond gave notice of a motion on March 5, to discuss the three dispatches before the House of Assembly on the reciprocity convention.⁶³ On Saturday, March 7, the House of Assembly adopted a series of resolutions. These resolutions were not sent to the Legislative Council but embodied in an address to the Governor. The substance of the Address was a reiteration of the resolutions of February 13. The point of the address was that the time for considering the impact of the draft on Canada was over, and the Imperial Government was honour-bound to ratify the Convention,

⁶⁰ C.O. 880/12, Knutsford to O'Brien, March 6, 1891; Nfld. Assembly, Journal, 1891, p. 78

⁶¹ C.O. 880/12, O'Brien to Knutsford, Feb. 10, 1891 (secret); O'Brien to Knutsford, Mar. 7, 1891.

⁶² C.O. 880/12, Knutsford to O'Brien, March 10, 1891.

⁶³ Nfld. Assembly, Journal, 1891, p. 39.

especially as it had notified Bond to return to Washington to see Blaine.⁶⁴

This was not the end of the resolutions, for on April 1, the day after Bond tabled the correspondence on reciprocity, Morine moved that on the next sitting day the House resolve itself into Committee of the Whole to discuss the correspondence laid on the table.⁶⁵ The main drift of the bombastic resolutions which resulted from this discussion was a justification of Bond's conduct during the negotiations, and criticism of the methods of the Colonial Secretary, in London, in not honouring the instructions given to Bond. The second aspect of the resolution was a censure motion against Morine for an article he wrote in the Evening Herald, the organ of the Opposition which he edited. The article had been extremely abusive of Bond's actions, especially involving the confusion of orders from London.⁶⁶ Both sections of the resolution served to support Bond's position by using the Government's large majority in the House of Assembly (20-6) to silence any opposition in the Assembly. The attack on Morine was the Government's only method of hurting him after his editorial of April 1; although they might have had in mind another issue of the

⁶⁴ Nfld. Assembly, Journal, 1891, pp. 42-4.

⁶⁵ Nfld. Assembly, Journal, 1891, p. 82.

⁶⁶ Nfld. Assembly, Journal, 1891, pp. 86-9.

Herald (March 18), in which Morine gave a very clear analysis of Bond's position on reciprocity and the reasons for his failure. Morine particularly pointed to Whiteway's jealousy of Bond's popularity, also Bond's inexperience to negotiate with the 'old soldiers' like Blaine and Macdonald.⁶⁷ The actions of the Whitewayites on the Morine issue was distinctly petty, indicating that Morine had guessed the truth.

There followed only one further resolution to the Imperial Government which gave notice of the Address to the Queen on March 4. The address was passed unanimously by the House of Assembly and the Legislative Council. The Address was an extremely formalized document, indicating that it was considered a formal gesture without much hope of success.⁶⁸

Another significant event was the resolution of thanks to the Nova Scotian Legislature for their resolution of sympathy over the failure of the Convention and the problems of the French Shore.⁶⁹ Obviously relations between Nova Scotia and Newfoundland were not irreparable, despite the fishery controversy; although the fact that the Fielding

⁶⁷ Evening Herald (St. John's), March 18, 1891; April 1, 1891.

⁶⁸ Nfld. Assembly, Journal, 1891, pp. 100-1; Nfld. Council, Journal, 1891, p. 86.

⁶⁹ Nfld. Assembly, Journal, 1891, pp. 125-6.

Government in Nova Scotia was Liberal while the national government in Ottawa, of which Sir Charles Tupper was member, was Conservative, may have influenced Fielding's gesture toward Newfoundland.

These were the main actions of the Legislative Session of 1891 on the reciprocity question. However, two vital speeches will now be treated in some detail, those by Bond and Whiteway.⁷⁰ The difference in weight Whiteway and Bond placed on the reciprocity negotiations was obvious from Whiteway's Speech of February 20. The version of this speech which appeared in the Whitewayite organ, the Evening Telegram of March 2, filled eight newspaper columns. The first five columns discussed exclusively the French Shore Question, the remaining columns treated the Bait Act, Reciprocity, the railroad, and a summary, in that order. Obviously Whiteway was interested primarily in the question of French rights, it was an immediate problem and a 'fait accompli' whereas the reciprocity treaty might have been a possible aid to the Island's economy.

After a summation of the terms of the draft, Whiteway proceeded to repair the damage of Morine's insinuations concerning his disagreements with Bond on the issue of reciprocity. Whiteway stated his belief in

⁷⁰ For Whiteway's Speech, see Evening Telegram (St. John's), March 2, 1891; for Bond's Speech, see Evening Telegram, March 13, 1891.

reciprocity but he did not want to "pay too dearly" for it.

"He (the Premier) was not so enthusiastic as some parties as to the advantage of the admission of our fish free into the United States, but that there would be an advantage was undoubted, but not the Eldorado some describe."⁷¹

Whiteway believed the amount of duty levied on fish products entering the United States was not an insurmountable barrier to exporters genuinely trying to compete. At the same time, Moses Monroe, Opposition Leader in the Legislative Council, shipped frozen herring to the United States in the Winter of 1890-1891.⁷² Any failure of Newfoundland exporters to take advantage of the United States market, with or without the new tariff, Whiteway thought lay for the most part "in a lack of enterprise and energy amongst us in endeavouring to open new markets."⁷³

Following Whiteway's Speech, Bond's address of March 6, 1891⁷⁴ was a justification of his actions during the reciprocity negotiations. He justified the need for reciprocity by referring to the increasing competition

⁷¹ See note 70.

⁷² Harbour Grace Standard, March 26, 1891.

⁷³ See note 70.

⁷⁴ Ibid.

offered to Newfoundland fish products by the French and Norwegian fisheries. The possible growth of mineral exports to the United States had to be considered in the terms of the treaty. The huge population of 60.5 millions in the United States seemed a limitless market for all the fish and minerals Newfoundland could produce. The main points of Bond's version of the events in London and Washington were: Bond, in London, visited the Colonial Office where he received an introduction to British Minister in Washington but he would not proceed without recognition as a delegate representing Newfoundland. On September 9, 1890, Bond received written orders to carry the Newfoundland Government's views to the British Minister in Washington, and "to take steps ... to accomplish the object in view".⁷⁵ Bond obviously did not think these orders were sufficient for he waited for further instructions when he reached New York. The expected letters from London reached Bond on September 28 (the letters had been sent to Queensland in the South of Ireland while Bond sailed from Moville in the North).

In Washington, Blaine was not enthusiastic but received Bond and later the draft convention. Bond claimed he overcame the opposition of the business interests in the United States to reciprocity. He also hinted that the

⁷⁵ See note 70.

United States Cabinet was considering the draft; in fact, they might have accepted the draft if they had seen the British Minister act. The subsequent growth of opposition to the treaty in the United States was blamed on Pauncefote's failure to accept the treaty. Bond held that if the Imperial Government intended to refuse to ratify the treaty, it should have done so at once, not held the Newfoundland Government in suspense, unsure of its future plans. Governor O'Brien was attacked for his attempt to correct the Assembly when they presented their petition to the Secretary of State for the Colonies.⁷⁶ Bond's speech as a justification of his actions was lacking in an analysis of the reasons for his failure beyond the 'villains' in Canada and the 'cowards' in Great Britain. The crux of Bond's problem was his desire for a reciprocity treaty which caused him to read into his instructions from London, and Pauncefote's lack of control over his movements in Washington, permission to negotiate the best treaty he could with Blaine. Possibly Monroe's suggestion about Bond's lack of experience was very perceptive.⁷⁷

With his reciprocity treaty stalemated in London, Bond could only make use of the bait fishery to force

⁷⁶ For Governor O'Brien's reprimand of the Assembly, see note

⁷⁷ See note 49.

acceptance of his Convention. The existing Newfoundland bait policy had been established by the Thorburn Administration in an effort to limit the penetration of the French fishery into Newfoundland bait supplies. The bill had been disallowed by London but was repassed in 1887 when Sir Robert Thorburn and Sir Ambrose Shea successfully importuned the Imperial Government to allow the bill. However, the Canadian Government had been disturbed, fearing the new act might be aimed at them; yet Thorburn and Shea had persuaded the Colonial Office to the contrary. The Act was not accepted by the Imperial Government until July 19, 1887, going into effect on January 2, 1888.⁷⁸ The Act was amended in 1888, and a consolidated and amended Act was passed by the Legislature on June 7, 1889.⁷⁹ Since the Act of 1889 was the document on which future policy was developed, it is useful to consider the main points involved. The main parts of the Act were Sections III and IV. Section III permitted no licenses to be issued except

⁷⁸ See Thompson, French Shore, pp. 69-86. Also CSP., 1892/23c, Sir Ambrose Shea to Sir Robert Herbert, April 27, 1887.

⁷⁹ The Acts involved were: Nfld. Legislative Acts, 1887, 50 Vict., Cap. I, "An Act to regulate the Exportation and Sale of Herring, Caplin, Squid, and other Bait Fishes." (Passed Feb. 21, 1887), pp. 5-9. Nfld. Legislative Acts, 1888, 51 Vict. Cap. IX, "An Act to amend an Act passed in the 50th year of the Reign of the present Majesty, entitled 'An Act to regulate the Exportation and Sale of Herring, Caplin and other Bait Fishes'", pp. 75-8. Nfld. Legislative Acts, 1889, 52 Vict., Cap. VI, "An Act to Amend and Consolidate the Laws relating to the Exportation and Sale of Bait Fishes". (Passed June 1, 1889), pp. 54-63.

by authority of the Governor-in-Council, and countersigned by the Colonial Secretary. Section IV provided that "the Governor in Council may, from time to time, by Proclamation, suspend or limit the operation of the Act, and the issue of licenses thereunder, in relation to any district or part of this Colony, or coasts thereof, and for such period and in relation to the sale or exportation to such places or for such purposes and in such quantities as shall appear expedient, and as shall be declared and defined in the Proclamation."⁸⁰ This proclamation, in effect, empowered the Colonial Secretary, in the name of the Governor, to issue directions to his subordinates which might alter the bait regulations in a drastic manner.

In regard to his new powers, on April 8, 1890, Bond, as Colonial Secretary, issued instructions to the officials enforcing the Bait Act which forced all persons engaged in the bait fishery to obtain one of three kinds of license. The first two kinds were issued to Newfoundland bank fishermen and punt fishermen respectively, these licenses were granted free of charge. The third type of license was to be issued to foreign fishermen (French, American, and Canadian). License fees for foreign ships could be purchased at a rate of one dollar per ton of vessel. This fee allowed the purchaser one

⁸⁰ Nfld. Legislative Acts, 1889, 52 Vict., Cap. VI, p. 56.

barrel of bait per registered ton of vessel. Further, a ship could not receive a new license for three weeks after the issuance of the original licence.⁸¹ To adjust the quantity of bait sold to bankers, Governor O'Brien issued a proclamation limiting each purchase of bait to eight barrels of herring per dory carried, ten barrels of caplin, and four barrels of squid. A new license could be obtained only after a period of eighteen days for herring and fourteen days for caplin and squid. This proclamation was signed by Bond for the Governor on March 19, 1891.⁸² Bond carried his bait policy further by a set of instructions to the officials enforcing the Bait Act.⁸³ Under this Proclamation of March 19, Canadian fishermen had been classified with American and French fishermen, as liable for restrictions levied on foreigners especially, bait licenses. By Bond's 'Instructions' of March 20, 1891, free licenses were to be issued only to Newfoundland deep-sea and punt fishermen, plus American vessels in search of bait. Further it was stated: "No license shall be granted

⁸¹ CSP., 1892/23c, "Report of Privy Council of Canada", Nov. 21, 1891, pp. 123-4.

⁸² CSP., 1892/23c, "Proclamation, by order of Sir T. O'Brien, Governor of Newfoundland", Mar. 19, 1891.

⁸³ Nfld. Minutes of the Executive Council (1890-1892), "Instructions for Magistrates, Customs Officers, etc., in relation to the Enforcement of the 'Bait Act', 1889". (A copy of these instructions - single page - is to be found among the bound Minutes of Council).

except to Newfoundland and United States fishing vessels, ...⁸⁴ Other aspects of the 'Instructions' such as the quantity of fish per baiting or the interval between baitings remained unaltered. This policy was introduced "to prevent misunderstandings".⁸⁵ O'Brien ordered Bond to recall this 'Instruction' as it discriminated against Canada. But Bond, with the Government at his back, ignored the advice.⁸⁶ Governor O'Brien believed the application of the Bait Act to Canada was the result of Canadian objections to the Bond-Blaine negotiations; plus the practice of Canadian schooners breaking the Newfoundland bait blockade of St. Pierre by carrying herring and other fishes from both Newfoundland and the Magdalen Islands to the French islands.⁸⁷ The Executive Council in St. John's supported O'Brien's statement on the Bait Act with a minute of March 25, 1891 noting that it was too late to modify the new instructions as they had gone into operation.⁸⁸

⁸⁴ "Instructions ... 'Bait Act', 1889".

⁸⁵ CSP., 1892/23c, Bond to C.H. Tupper, March 25, 1891.

⁸⁶ C.O. 194/219, "Minute: Anderson to Bramston, July 20, 1891".

⁸⁷ CSP., 1892/23c, O'Brien to Stanley, Nov. 21, 1891.

⁸⁸ Nfld., Minutes of the Executive Council (1890-2), March 25, 1891, pp. 66-7.

These bait instructions were an obvious attempt to demonstrate to the Canadians their vulnerability when deprived of Newfoundland bait supplies.⁸⁹ In a manner, the Newfoundland Administration pressed by Bond either consciously or unconsciously were carrying out Blaine's tactics of applying pressure to one government by granting certain privileges to another. Unfortunately for the leadership in St. John's, while Blaine could adopt this policy, relying upon the size and strength of the United States, the perilous condition of Newfoundland's economy left its leaders little freedom of action.

The immediate reaction to Bond's 'Instructions' in the Canadian press was decidedly hostile. The neighbouring Halifax Morning Herald noted: "It is evidently simply a case of retaliation against Canadian influence (which) destroyed Bond's alleged chances for negotiating his reciprocity treaty with the United States; ..." ⁹⁰ The Empire (Toronto) editorial of April 6 was more bellicose: "The action of the Newfoundland Government besides being a piece of spiteful retaliation because of Canada's successful protest against the

⁸⁹ See also, editorial in Evening Telegram (St. John's), Feb. 1891, which stated that the government did not want to alter the Bait Act but needed it as a lever in negotiating with foreign powers.

⁹⁰ CSP., 1892/23c, Morning Herald (Halifax), April 4, 1891.

Imperial assent being given to the Bond-Blaine reciprocity treaty, it is a gross breach of faith on the part of the Newfoundland administration with both Canada and England".⁹¹ The Empire went further by claiming Bond's intentions were to advance the annexation of Newfoundland to the United States. One can only assume the Empire's staff was motivated by political considerations, it was the chief organ of the Conservative Party in English Canada, or by some of Bond's outbursts which likewise were probably the result of political considerations or personal disappointment. There were certainly no annexationist overtones in Bond's letter to Whiteway of June, 1891.

The action of the Newfoundland Government had the effect of forcing the Canadians into retaliation against Newfoundland fish products entering Canada. This rise in duties was not carried out until the end of 1891 when Newfoundland fish would be entering Canada.⁹² In addition, the failure of Blaine's proposed Canadian-American talks on reciprocity in the Fall of 1891 had been laid at the door of the Canadian protests on Bond-Blaine negotiations. The Canadians were blamed for spiteful retaliation after Bond's success.

As might be predicted, the Canadian duties led to a further rise in Newfoundland duties on products entering

⁹¹ CSP., 1892/23c, Empire (Toronto), April 6, 1891.

⁹² Harbour Grace Standard, Dec. 11, 1891.

the Island from Canada.⁹³ A study of the increases under the new tariff system indicates they were selective in nature. The increases were particularly drastic when levied on such staple items of the Newfoundland diet as flour, corn meal, and potatoes. Although they were meant to injure Canada, the first result of the new duties was to lay a crushing burden on the great mass of Newfoundlanders who existed at a subsistence level. To carry forward the mutual retaliation at the expense of the mass of the people indicates the pique experienced by the Newfoundland Government, especially Bond.

In fact, Bond's bait policy, the stimulus for the economic war, was not the success he might have expected. When all competition was removed from the purchase of bait in Newfoundland, the Americans lowered the prices they were willing to pay Newfoundland bait fishermen.⁹⁴ Not only this, but there was evidence that American fishermen were bribing Newfoundland Fishery Protection officers to allow them to take all the bait they wished, without respect to the law.⁹⁵ The unrestricted position of the United States fishermen in Newfoundland could do

⁹³ Appendix J.

⁹⁴ Harbour Grace Standard, Jan. 12, 1892; Jan. 15, 1892.

⁹⁵ CSP., 1892/23c, J.S. Winter to C.H. Tupper, Jan. 2, 1892.

the local fishermen in Fortune Bay little good. Indeed, it depleted the stocks of herring which abounded in the area. Although his bait policy was an obvious mistake, Bond attempted to put the best side of the question in the House of Assembly on March 7, 1892 when he stated the following:

By refusing Canadians bait under that Act we had clearly shown the people of the United States and Canada that they could not do without Newfoundland's supply of bait: that Canada was as dependent upon us as the United States for this necessary. We alone possessed that which Canada had boasted was hers, an unlimited supply of bait fishes, and today we stood in the proud position of having demonstrated to the world that we held the key of the situation and until we turned it Canada would never enter into a treaty for reciprocal relations with the United States based upon bait supply. 96

While Bond was trying to batter his way into Fulton Market, Macdonald had been forced to accept separate negotiations with the United States. Not only were these talks separate from the Bond-Blaine negotiations, but Blaine had demanded that the discussions between himself and the 'unofficial' Canadian delegates should be considered confidential.⁹⁷ This form of talks placed the Canadians at a decisive disadvantage, for with the agitation at home for some form of reciprocity and an approaching general election, they were vulnerable to any malevolent action

⁹⁶ Harbour Grace Standard, April 1, 1892.

⁹⁷ C.O. 880/12, Pauncefote to F.O., Dec. 27, 1890.

taken by Blaine. About the nature of the talks, Blaine had stipulated: "If an agreement is reached all (is) well. If not, no official mention is to be made of the effort. Above all things it is important to avoid all public reference to the matter. This the President insists upon."⁹⁸ Macdonald wished to publish the Canadian proposals for reciprocity to support the Conservatives in the election; however, Blaine had already refused to permit this as it would have been a breach of his agreement with Pauncefote of December 22.⁹⁹ But the internal newspaper war in Canada between the Liberal Mail (Toronto) and the Conservative Empire (Toronto) had already hinted that a reciprocity treaty was being negotiated by the Canadian Government.¹⁰⁰ When the indiscretions of the Canadian newspapers were brought to Blaine's notice, added to Canadian intervention in the Bond-Blaine negotiations, he was furious. In order to sabotage Macdonald completely, Blaine published his letter to United States Representative Charles S. Baker of New York.¹⁰¹ The letter read:

⁹⁸ C.C. Tansill, Canadian-American Relations: 1877-1911 (Gloucester: Peter Smith, 1964), p. 427.

⁹⁹ C.O. 880/12, Pauncefote to Salisbury, Jan. 31, 1891.

¹⁰⁰ R.C. Brown, Canada's National Policy 1883-1900 (Princeton: University Press, 1964), pp. 202-3.

¹⁰¹ Charles S. Baker was one of the few remaining annexationists in the United States Congress. D.F. Warner, The Idea of Continental Union (Lexington: University of Kentucky Press, 1960), Note 35, p. 217.

I authorize you to contradict the rumours you refer to. There are no negotiations whatever on foot for a reciprocity treaty with Canada, and you may be assured no such scheme for reciprocity with the Dominion confined to natural products will be entertained by this Government. We know nothing of Sir Charles Tupper's coming to Washington. 102

This placed the Canadian Government in the position of deciding whether they would allow Blaine to embarrass them in the forthcoming election or whether they should disclose the terms of their proposal to Blaine in spite of Pauncefote's pledge of secrecy.

As one might expect, Macdonald's use of reciprocity as an issue in the Election of 1891 eliminated any chance which reciprocity might have had. Blaine objected officially to the use of reciprocity in the election.¹⁰³ Further meetings were arranged in Washington, and then delayed, finally postponed until October of the same year.¹⁰⁴ Quite obviously the administration in Washington had every intention of emphasizing its displeasure with the Canadian breach of faith.

102 Cited in Brown, National Policy, p. 205.

103 Canada. House of Commons. Sessional Papers, 38a, vol. 17, 1891 (CSP., 1891/38a), Blaine to Pauncefote, April 1, 1891.

104 CSP., 1891/38a, Pauncefote to Stanley, April 3, 1891; Pauncefote to Stanley, April 5, 1891; Pauncefote to Stanley, April 6, 1891.

CHAPTER V

RATIFICATION RESTS WITH LONDON

With dissent in Newfoundland due to the postponement of the Convention, the trade war between Canada and Newfoundland, and the failure of the reciprocity talks between the United States and Canada, the situation facing the Colonial Office was not optimistic. Without doubt if the Canadians and the Newfoundlanders had reached a mutually satisfactory detente, then the British Government would have removed its prohibition, allowing the Convention to be ratified. As noted above, the prohibition of the Convention was the result of Canadian protests due to the lack of protection it would receive if the Convention were ratified. The Imperial Government chose to postpone acceptance of the treaty in lieu of some settlement of the problems between Newfoundland and Canada.

During these negotiations, the Canadians had advanced the claim that the Newfoundland-American talks would disrupt the principle of Imperial solidarity. Because of the results of this protest, it is necessary to look at the bases for the actions of the Imperial Government as a Conservative Administration. More particular concern will

be given to the process in London which led to the final decision to withhold approval from the Convention.

The government in power in Great Britain was headed by the Marquis of Salisbury. It had been in power since 1886 and was to stay in power until 1892. As a Conservative administration in the late 1880's and 1890's, the government would have been strongly in favour of the maintenance of the Empire. /Salisbury was a supporter of the belief that the commercial prosperity of Britain was tied to the expansion of the Empire,¹ This stand would place Salisbury firmly in the group which might be described as 'the Imperialists' which also included prominent members of the Liberal Party.²

Despite the acceptance of Imperial unity, the colonies, especially the older ones like Newfoundland, believed they possessed certain rights when their interests were involved. Indeed, in the area of commercial treaties, Newfoundlanders pointed to the dispatch of Henry Labouchere, Colonial Secretary in 1857, which set forth the right of the colonies to be considered in negotiations with a foreign power:

¹ R. Koebner and H.D. Schmidt, Imperialism: The Story and Significance of a Political Word, 1840-1960 (Cambridge: University Press, 1964), pp. 142-3.

² J.A.S. Grenville, Lord Salisbury and Foreign Policy at the Close of the Nineteenth Century (London: Athlone Press, 1964), pp. 19-20.

... namely that the rights at present enjoyed by the community of Newfoundland are not to be ceded or exchanged without their assent and that the constitutional mode of submitting measures for that assent is by laying before the Colonial Legislature.

... the consent of the community of Newfoundland is regarded by H.M.'s Government as the essential preliminary to any modification of their territorial or maritime rights. ³

This was certainly a useful safeguard for Newfoundland and the other colonies, particularly in the light of the French Shore Question's being linked to a reciprocity agreement. However, subsequent history had an unfortunate effect on this principle. The Canadians, in their efforts to expand the area of their own responsibilities in foreign affairs, had angered successive regimes in the Foreign Office by their sometimes brisk methods in pressing their claims. The most significant incident came when Alexander T. Galt,⁴ the Canadian Minister of Finance, tried to seize control of a series of negotiations between Canada and the British West Indies. In fact, he instructed the Canadian negotiators to act as sole representatives of the Canadian side in the negotiations, instead of negotiating through the British

³ D.M.L. Farr, *The Colonial Office and Canada, 1867-87* (Toronto: University Press, 1955), p. 217.

⁴ Sir Alexander Tilloch Galt (1817-93), Canadian M.P. (1849), (1853-72), Minister of Finance (1867-72), High Commissioner to London (1880-3).

Governor. When the Colonial Office heard of Galt's actions, the reaction was fury at his presumption to contravene the normal procedures. David Farr noted: "This episode in 1865 coloured the Department's approach to the entire question of the colonies and the treaty-making power for the next two or three decades".⁵ Although in subsequent negotiations the Canadian delegates did achieve more and more freedom of action, the Imperial Government still retained the final approval of negotiations.⁶ However, with the change of High Commissioner from Galt to Sir Charles Tupper, in 1883, there was a change in the Colonial Office's attitude to the colonies which allowed Tupper much greater latitude in action during negotiations.⁷ Despite the bilateral nature of the Canadian negotiations with foreign countries, some of their treaties benefited other colonies. In the Submarine Cable Conference of 1883 Tupper achieved excellent terms for both Newfoundland and Canada. As time passed a great amount of freedom was permitted to colonial missions in negotiations as long as they proceeded through the good offices of the local British representative.

⁵ Farr, Colonial Office, pp. 220-1.

⁶ Farr, Colonial Office, pp. 223-7.

⁷ Farr, Colonial Office, p. 230.

In the light of these attitudes to trade agreements between colonies and foreign countries, it is necessary to trace the consideration of the Bond-Blaine discussions within the Colonial Office.

By the end of 1890 with the beginnings of the dispute over the trade negotiations, the officers at the Colonial Office were very concerned lest any suspension of the agreement reached between Newfoundland and the United States would render Newfoundland less amenable to a settlement of the French Fishery rights on the West Coast of the Island. The difficulties in settling this French Question had proved insurmountable due to the irreconcilable views of the French fishing interests and the Newfoundlanders, especially as the French had not settled the treaty shore but were retarding the settlement and exploitation of that area by the Newfoundlanders. There was the fear in London of riots on the treaty shore, leading to infinite diplomatic problems with the French. At the same time, it was proposed to postpone the Newfoundland Convention until the Canadian talks with the United States began since it was thought that the United States had no intention of giving Canada concessions for which she had already paid Newfoundland.⁸ However, on the same day, the Minute of

⁸ C.O. 194/215, "Memorandum, John Anderson to John Bramston, Dec. 13, 1890."

the Executive Council of Newfoundland, November 29, received in London on December 12th, was circulated through the departments of the Colonial Office.⁹ This aggressively-worded Minute from Newfoundland embittered the previously friendly officials in the Colonial Office towards Newfoundland's aims. John Anderson, the author of the memorandum of the same day, believed the Newfoundlanders thought they could disrupt the whole Empire just to satisfy their aims.¹⁰ The Colonial Secretary, Lord Knutsford, noted more specifically: "The Colonial Ministers forget, when using such strong language, how steadily they oppose all our proposals in the matter of negotiating with the French. I think we might suggest to the F.O. the expediency of pressing on the negotiations between Canada and the U.S., as there is reason to fear disturbances in Newfoundland unless some arrangement with the U.S. & that colony can be made within a time."¹¹ The result of the strident protests from Newfoundland was to force the Colonial Secretary to take the very action they were trying to prevent; namely, tying the ratification of

⁹ Nfld., Minutes of the Executive Council (Nov. 1890-Sept. 1892), Nov. 29, 1890, & Dec. 8, 1890, pp. 12-3. CSP., 1891/38, O'Brien to Knutsford (Dec. 12, 1890).

¹⁰ C.O. 194/217, Memorandum, signed J.A. (John Anderson), Dec. 13, 1890.

¹¹ See note 10, *above*. "Memorandum, signed K. (Baron Knutsford, Colonial Secretary), Dec. 14, 1890."

the Reciprocity Convention directly to Newfoundland's acceptance of an Anglo-French settlement of French rights in Newfoundland. This settlement would be drafted in London and Paris to suit the needs of these powers while the Newfoundland Government would be expected to accept it regardless of the appropriateness of the draft to Newfoundland problems. This type of exchange of reciprocity for an Anglo-French accord had been suggested by the British Prime Minister, the Marquis of Salisbury, as early as August 8. The Colonial Office does not seem to have taken a very serious view of the proposal for it was not considered until December.¹² As will be noted later, Lord Salisbury was not a man to give up when he had decided upon a course, and he was quite capable of acting ruthlessly if he thought someone was deliberately obstructing his purpose. At this moment, Lord Salisbury was in command of a well-entrenched party led by a man with definite ideas about how he should proceed to deal with problems; if the Whitewayites thought they could threaten the Imperial Government by creating a disturbance, they chose the wrong time. However quite obviously a survey of the existing political realities in Newfoundland indicated that despite any benefits of reciprocity, no

¹² C.O. 194/217, F.O. (T.V. Lister) to C.O. (Bramston), August 8, 1890.

administration could bind itself or its successors to the acceptance of a treaty on the French Shore Question.

Following inquiries from London about modifications to the treaty in Washington, the Newfoundlanders seem to have misconstrued Knutsford's enquiry which referred to modifications before the treaty was accepted.¹³ The attitude of the Government in London still was divided between the realization that "we can (not) consent to this proposal to treat Canada as a foreign country." However, "we ought to know whether Canada will grant Nfld fish & minerals free entry as the U.S. proposes to do."¹⁴ There was a desire to press the Canadians to decide whether they wanted to participate in Blaine's private talks or to join in the Bond-Blaine negotiations. Newfoundland could not be kept waiting indefinitely.

With reference to the Speech in Reply to the Speech from the Throne, the Colonial Office believed that if the Speech from the Throne had mentioned the Imperial guarantee for the railroad, those who drafted it would have modified their language.¹⁵ In fact, throughout the

¹³ CSP., 1891/38, O'Brien to Knutsford, (Jan. 3, 1891); and Knutsford to O'Brien, Jan. 1, 1891.

¹⁴ C.O. 194/218, "Memorandum: Anderson to Bramston, Jan. 5, 1891."

¹⁵ C.O. 194/218, "Memorandum: Anderson to Bramston, Feb. 13, 1891."

negotiations the officials at the Colonial Office held to the belief that if all the information was available to the Assembly in St. John's, they would see the justice of the Imperial Government's case. This indicates a surprising ignorance of the easily-aroused xenophobia and the bitter hostility of party politics in Newfoundland.

On January 17, the Colonial Office received O'Brien's note of January 6.¹⁶ The aroused state of public feeling was causing the Governor some concern. John Anderson at the Colonial Office also saw the shape of annexation rising in Newfoundland due to the propagandizing of Newfoundlanders who were living in the United States. Besides annexation, the recurrent budgetary deficits in Newfoundland, and the dependence on customs duties for revenue did not hold an attractive prospect for economic stability. Anderson disapproved of the railway until there was some hope that it would have something to carry. In fact, Anderson believed that the best investment for the Imperial Government would have been to encourage the exploitation of the arable land and forest areas of Newfoundland. Unfortunately, it would be difficult to exploit these areas without some means of transportation, such as a railway; yet the railway was slowly burdening the colony with a heavy debt. In fact, it was suggested that a

¹⁶ C.O. 194/218, "Memorandum: Anderson to Bramston, Jan. 18, 1891."

commission should be sent out from London to make a complete study of Newfoundland's economy with a view to finding the most useful areas in which the Imperial Government might invest money in the Island.

However, the greatest concern fell upon Lord Knutsford's Bill to settle the French Shore Question. The Bill had been precipitated by the case of Baird vs Baldwin Walker in the Newfoundland Supreme Court. The court ruled that treaty obligations could not interfere with the legal rights of the citizen of a colony.¹⁷ This forced the Imperial Government to take action to permit it to carry out its treaty obligations with France, as well as provide machinery for an arbitration of the French Shore Question. There was considerable concern in the Colonial Office that the proposed 'Coercion Bill' would be objected to by the other colonial assemblies, or by the 'ultra Colonial sympathisers' in the House of Commons, Westminster as a burden upon the rights of the colonial assemblies. This would be true particularly of the Canadian Government which possessed a large measure of self-government, except in foreign affairs. Beyond the desire to diminish the importance of the 'coercion bill' as a precedent threatening colonial self-government, the Salisbury

¹⁷ For the case of Baird vs. Baldwin Walker, see Thompson, French Shore, p. 125.

Government wished to quiet those members of the House of Commons who might embarrass the Government over the issue. Anderson advanced the idea of a financial settlement to quiet the fears of the colonies and British M.P.s "by shutting the mouth of the Colony".¹⁸ Sir Robert Herbert agreed that something "of a friendly kind" should be done for Newfoundland. He attributed the trouble in Newfoundland "(1) to the Irish blood of her people (2) to (priest) Irish instigation (3) to United States machinations".¹⁹

With reference to the reciprocity treaty, Anderson in his Minute of January 19, 1891 indicated: "He (Blaine) is evidently anxious for the treaty but knows that Newfoundland is still more anxious, and the omission of crude minerals is intended as a spur to them".²⁰ To believe Blaine sincerely wanted a treaty with Newfoundland made some agreement between Newfoundland, Canada and the United States a possible subject to negotiation. The writer has maintained that Blaine could not conceivably have envisioned this possibility due to his own political background and his experience over the McKinley tariff.

¹⁸ C.O. 194/218, "Minute: Anderson to Bramston, Jan. 18, 1891."

¹⁹ C.O. 194/218, "Minute: Herbert to Bramston, Jan. 20, 1891."

²⁰ C.O. 194/218, "Minute: Anderson to Bramston, Jan. 19, 1891."

It might have been more realistic to realize Blaine's motive in omitting the mineral clause from the treaty was to exacerbate relations between the three members of the British Empire.

At the same time, Anderson was not greatly impressed by the Canadian argument based upon the idea of Imperial unity in negotiating with the United States. He agreed that in the past British North America had been treated as a whole; however, he believed this was due to the lack of interest in Newfoundland toward trade with the United States as long as Newfoundland had a 'free hand' in the South American and European markets. He realized the increased competition in the European market caused Newfoundland to make use of her control of the bait supply to gain entrance into the United States market to compensate for the loss of markets in Europe. As far as the free bait to the Americans proposal was concerned, the Canadians would not lose any more than they had during the reciprocity treaties in 1854 and 1871. Indeed, Anderson suggested that the Canadians should stop expecting to get something for nothing, and if they wanted trade concessions from the United States they should expect to make concessions in return. Anderson believed that since the Canadians had allowed the terms of the private negotiations with Blaine to become known, it did not seem they would

accept the terms.²¹ Although it would be incorrect to say Newfoundland exporters had not been interested in the United States before 1890, the foreign competition of 1880's consciously or unconsciously forced the Newfoundland Government to look for some means of selling their fish products and correcting the balance of payments deficit. However, the American fish market demanded varieties of fish other than the dried cod which the Newfoundland economy was organized to produce throughout the nineteenth century. If the officer at the Colonial Office in charge of Newfoundland believed it was only a matter of changing Newfoundland's markets to strengthen the economy, instead of an almost complete shift in the products exported, then he demonstrated a severe limitation of knowledge which reflects on the efficiency of the Colonial Office.

By January 27, the Colonial Office had come to the opinion that Newfoundland deserved the same treatment as Canada. However, the promise made to Canada to postpone separate talks between the United States and Newfoundland until the United States and Canada could proceed at the same pace, forced the Imperial Government to "wait for Canada". Despite the acceptance of this principle of waiting for Canada, there was still the expectation of the signing of the Bond-Blaine pact. At the same time,

²¹ C.O. 194/218, "Minute: Anderson to Bramston, Jan. 19, 1891."

Knutsford went as far as to suggest the period for which the Convention would run, five years.²² This certainly indicates a serious attitude toward the ratification of the Convention. E.B. Pennell, an Assistant Undersecretary at the Colonial Office, remarked: "I don't think this can be considered until we get Canada's reply - But I think that directly we do so the Newfd. Convention ought to be signed even if Canada objects."²³ Sir Robert Herbert, the Permanent Under Secretary, agreed with Pennell,²⁴ also citing Sir William Whiteway's pledge to sign an agreement with Canada after the Convention with the United States was ratified. The proposed agreement would have placed the Canadians on the same basis as the United States with regard to the Newfoundland bait fishery.²⁵

This attitude of sympathy for Newfoundland and the decision to ratify the Bond-Blaine agreement after the Canadian answer had been received was still in evidence by the end of January. On the 30th., Anderson penned a minute strongly appreciative of the problems facing Newfoundland and cynical of the damage Canada would sustain

²² C.O. 194/218, "Minute: Anderson to Bramston, Jan. 19, 1891 (marginal note, signed K. (Knutsford)).

²³ C.O. 194/218, "Minute: E.B. Pennell to Bramston, Jan. 22, 1891."

²⁴ C.O. 194/218, "Minute: Robert Herbert to Bramston, Jan. 27, 1891."

²⁵ See Nfld., Minutes of Executive Council (1890-2), pp. 37-8.

by the signing of the Convention. He noted, in part: "The danger to Canada is purely hypothetical, the loss to Newfoundland will be very substantial, and she can least afford it."²⁶ All Canada had to do was to double her fishing bounties to offset any loss due to the treaty, while to veto the treaty would impoverish the "half-starved fishermen of Newfoundland". Pennell believed the fishery Convention should be signed, with or without Canadian approval. Sir Robert Herbert concurred in this opinion.²⁷

Whatever the approval of the Colonial Office, the decision on the reciprocity treaty was taken at the beginning of February by the Cabinet. In minutes of February 1 to February 6, there was disapproval of Bond's contention about his being given powers to negotiate with the United States.²⁸ Anderson believed Bond's actions had "put himself into a fix" and in revenge for the non-ratification of the treaty he would disrupt politics in Newfoundland, if not wreck Whiteway's Government by leading his supporters over to the Opposition. Incredibly enough, almost as an afterthought, Anderson noted his belief that

²⁶ C.O. 194/218, "Minute: J. Anderson to J. Bramston, Jan. 30, 1891."

²⁷ C.O. 194/218, "Minute: E.B. Pennell to Bramston, Jan. 30, 1891"; "Minute: Robert Herbert to Bramston, Jan. 30, 1891."

²⁸ C.O. 194/218, "Minute: Anderson to Bramston, Feb. 1, 1891"; "Note: J. Bramston, Feb. 4, 1891; Note: R. Herbert, Feb. 6, 1891."

"H.M.'s Government have decided not to sign the convention at present.²⁹ From this comment the lack of influence of the Colonial Office became apparent when its policy was placed before the Cabinet; for despite general support for Newfoundland, the Colonial Office did not have sufficient influence to carry the stand through the Cabinet.

The appearance of Bond's Report as Colonial Secretary was the occasion for an analysis of Newfoundland's problems and prospects. The problems of budgetary deficit, increasing population and lack of exploitation of the interior and the West Coast of the Island were reviewed. However, Anderson believed the Island's many mineral deposits and extensive tracts of arable land could be exploited and settled. He also suggested that "the thinking part of the Colony would be glad to see their constitution abolished, & a decent system of Government introduced-...".³⁰ One can only assume by this statement was meant some sort of commission of government with which the Colonial Office already had threatened the Newfoundland Government. The group of people indicated were the "merchant-class" who had lost their political power after the introduction of manhood suffrage in 1889. The attitude expressed in the minute indicated a decided lack of

²⁹ C.O. 194/218, "Minute: Anderson to Bramston, Feb. 3, 1891"; "Minute: Anderson to Bramston, Feb. 3, 1891."

³⁰ C.O. 194/218, "Minute: Anderson to Bramston, Feb. 25, 1891."

confidence in the ability of Newfoundlanders to govern themselves on the basis of universal suffrage. This certainly was the attitude of the Colonial Office since both Herbert and Knutsford signed the minute without expressing disagreement.³¹

The decision not to proceed with the Newfoundland Convention lay with the Cabinet due to the effect a refusal might have had on the relations between the British Empire and the United States. If the Colonial Office was concerned by the relations between Newfoundland and Canada, Lord Salisbury at the Foreign Office was concerned with relations with the United States. It has been shown how within the Colonial Office there was a decided inclination to support Newfoundland's treaty bid, while only a reluctant desire to acquire a temporary postponement of the Convention to allow the Canadian Government to make known the basis of its objections to the Convention. The opinion in the Colonial Office tended to disapprove of the pre-emptory demands of the Canadian Government simply because Canada was larger and more populous than Newfoundland.

Although it was usual for colonial problems to be settled by the Colonial Office, in the case of the Newfoundland fisheries dispute, the presence of foreign

³¹ C.O. 194/218, "Minute: Anderson to Bramston, Feb. 27, 1891"; also signed: R.G.W.H. (Herbert), Feb. 28; K. (Knutsford), 28/2.

nations made it a matter of more importance, and Lord Salisbury habitually presented his solutions to cabinet before he put them into effect. In fact he would usually defer to the opinion of the cabinet if it was opposed to his proposed action.³² In a cabinet meeting, the realities of the situation would be thoroughly examined by men of very different opinions. This was particularly true with regard to the need to work out an agreement which would please both Canada and Newfoundland in order to avoid internal squabbling within the Empire and to reach some satisfactory arrangement with the United States. However, Blaine could not be allowed to divide parts of the Empire against themselves. It was not impossible that Salisbury's relations with Newfoundland on the French Shore Question, may have poisoned his mind against Newfoundland. He noted in writing to Knutsford, in February, 1890: "As to the Newfoundland negotiation (the French Shore), ... I am in despair. Trying to bring a colony and a foreign country to terms is very like negotiating between Lord Claricorde and the Land League."³³ This may well have been that the vociferous nature of Newfoundland's protests to the Imperial Government so irritated Lord Salisbury that he

³² Blakeley, Colonial Office, p. 311.

³³ Gwendolen Cecil, Life of Robert; Marquis of Salisbury (London: Hodder & Stoughton, 1932), III, p. 356. The Earl of Claricorde was one of the most reactionary of the British landlords in Ireland, while the Land League, declared illegal in 1881, was an Irish nationalist organization.

would not be kindly disposed to any claims from Newfoundland. Lord Salisbury believed in efficient and businesslike government, quite the opposite of the corruption and bombast which were the essential aspects of Newfoundland politics. Certainly his Lordship would have had little sympathy for the deviousness practised in Newfoundland, especially in light of the relative importance he would attach to his many responsibilities in England and in Foreign Affairs. As a man with large holdings of agricultural lands whose operation he supervised closely, and who demanded financial stability before proceeding with any project, he was obviously also disturbed by the rumours of impending financial collapse which emanated from St. John's during 1891.³⁴ However, he may have disapproved of the attitude of both the Canadians and the Newfoundlanders, being aware of the disparity of importance of both, he decided to allow the Convention to be suspended until the Canadians were satisfied.³⁵

Throughout these negotiations, the Imperial Government left open the possibility that at some future time the negotiations would be more acceptable. Indeed,

³⁴ A.L. Kennedy, Salisbury, 1830-1903, Portrait of a Statesman (London: John Murray, 1953), pp. 64-5.

³⁵ Brown, National Policy, p. 200.

hope was held for the postponed talks between Canada and the United States which were to continue in Washington in October, 1891.³⁶ However, having learned from the difficulties which led to the Bond-Blaine Controversy, the Imperial Government could not commit itself to any particular course of action but to consider "any representations which maybe made them by the Govt. of Nfld...."³⁷ They did not omit the standard for considering any proposals from Newfoundland - "the best interests of the Empire".³⁸

Although the Colonial Office could only adopt a wait and see policy toward negotiations between the United States and Canada, the Colonial Secretary, Lord Knutsford, still held firm views on the ethicacy of Newfoundland's claims for reciprocity. "There is to my mind (he noted) great force in the arguments put forward by Newfoundland and if Canada does not enter upon negotiations with the U.S., the question whether this convention should not be ratified will have to be seriously reconsidered."³⁹ Here

³⁶ C.O. 194/219, "Minute: Anderson to Bramston, July 16, 1891."

³⁷ C.O. 194/219, "Minute: Anderson to Bramston, July 27, 1891"; signed F.F. 28/7, J.B. 29/7, R.G.W.H. July 29, K. 30/7.

³⁸ C.O. 194/219, "Minute: Anderson to Bramston, July 27, 1891."

³⁹ C.O. 194/218, "Minute: Knutsford to Bramston, Nov. 28, 1891."

was Knutsford's opinion throughout the negotiations over the Bond-Blaine Convention but he was unable to resist the more vigorous members of Cabinet.

Having decided to postpone indefinitely the ratification of the Bond-Blaine Convention, it was necessary for the Colonial Secretary to make a public statement upon the cabinet's reasons for withholding its approval. The occasion for such a statement came in the House of Lords upon a question by the Earl of Dunraven⁴⁰ into the status of the Bond-Blaine negotiations. In his speech, Knutsford merely rehearsed the already well-known facts of the case. The Imperial Government had no objections to the negotiation of separate treaties between a colony and a foreign country; however, the interests of the non-participating members of the Empire must not be injured. Further, "the leave given to negotiate does not carry with it an engagement to sanction the arrangement when made."⁴¹ But further, in this particular case, "Mr. Bond had no instructions from Her Majesty's Government, but it (Salisbury's letter of introduction) was made for the purpose of communicating with Her Majesty's Minister

⁴⁰ The Earl of Dunraven (1841-1926), was Parliamentary Under Secretary for the Colonies (1885-6) and (1886-7). He was in Newfoundland on a hunting trip in 1880.

⁴¹ Great Britain, Hansard's Parliamentary Debates, CCCL (1891), pp. 818-20.

in Washington."⁴² Bond was to communicate his plans to the British Minister who would decide if he should transmit them officially to Blaine; Bond had no instructions to treat directly with Blaine. "The Dominion Government" had protested the acceptance of the Convention very strongly; however, his Lordship did not specify the nature of the Canadian objections, probably to avoid embroiling himself in questions on the detail of the Government's actions. The only comments were made by the Earl of Kimberley, a former Colonial Secretary, and at the time, Liberal leader in the House of Lords. Kimberley, although acknowledging the correctness of the Government's actions in withholding ratification of the treaty, was concerned about the results which occurred when a colony's hopes were raised only to be shattered. The result of this situation was inevitable discontent in the colony. Kimberley admitted the fallability of governments, but he hoped the greatest possible care would be taken to avoid such events in the future.⁴³ So the Government avoided any embarrassment over the issue and the draft was consigned to the status of an unsigned treaty which might be reintroduced at some future date.

⁴² Hansard's Debates, CCCL, pp. 818-20.

⁴³ Hansard's Debates, CCCL, p. 821.

After the failure of the Canadian-American talks to materialize in October, 1891, the Executive Council of Newfoundland, in February, 1892, sent a minute to London urging ratification. However, they were rebuffed by the Colonial Office, particularly after the minute had accused the Colonial Office of a breach of faith in not accepting the Convention.⁴⁴

The discussion of the Bond-Blaine negotiations continued very intermittently through 1891 and 1892. On some occasions the officials at the Colonial Office believed an accord might be reached between Newfoundland and Canada to permit the signing of the Convention; on other occasions the actions of the Government in St. John's caused such annoyance in London that the treaty might have been rejected permanently. Although throughout the discussions Lord Knutsford retained his belief in the efficacy of a reciprocity treaty, no occasion suitable for confirming the Convention arose.⁴⁵

⁴⁴ C.O. 194/221, "Minute: Bramston to A.W. Harvey, in London, Feb. 6, 1892."

⁴⁵ C.O. 194/221, "Minute: Anderson to Bramston, (March 22, 1892), see also attached notes; "Minute: Anderson to Bramston, (March 25, 1892", see also attached notes; marginal note, K. (Knutsford), in Minute of April, 1892.

CONCLUSION

In 1891, the Imperial Government postponed indefinitely the ratification of the Bond-Blaine Convention. The reason for this postponement was the feeling that the Newfoundland initiative would disrupt the concept of Imperial solidarity on the North American continent. This view had been held by the Canadian Government during the Newfoundland-American negotiations, and the suspension of the draft treaty was an explicit acceptance of the Canadian position. However, the concern of the Canadian Government lay with the fact that they were facing an election and under pressure to institute reciprocity talks with the United States. If the Bond-Blaine Convention was ratified before the Canadian-American discussions began, the Canadians would lose a valuable bargaining point in the bait fisheries of Newfoundland.

The Canadians were attempting to negotiate with the United States Secretary of State, James G. Blaine. But by 1891, Blaine had obtained free access to the Newfoundland bait fisheries from the Island government when Bond placed American fishermen on the same terms as Newfoundland fishermen and had laid a license fee on all other countries

using the bait supplies of Newfoundland. This was the ideal solution for Blaine for he would not be faced with the problem of asking Congress to accept the free entrance of Newfoundland fish products into the United States in exchange for free bait supplies.

At the same time, the British Government was divided on its course of action toward Newfoundland. The officials at the Colonial Office who supervised the Government of Newfoundland usually were sympathetic to its objectives. This was true of the Bond-Blaine talks which were strongly supported by the Colonial Secretary, Lord Knutsford. However, Lord Salisbury, the Prime Minister and Foreign Secretary, appears to have been interested in the negotiations only so far as they had an impact on the internal stability of the Empire, and peaceful relations with foreign countries. Lord Salisbury's opinion that the draft treaty should not be ratified was confirmed by the other members of his government.

However, the main source of the difficulties concerning reciprocity lay with the initiative, with Bond and the Newfoundland Government, Bond's treaty sought to break the age-old circle of Imperial responsibilities, foreign treaty rights, and economic depression which frustrated any unilateral action by the Newfoundland

Government which might improve the Island's economy. With all foreign negotiations by colonies in the hands of the British Government, too many objections could be raised which had priority over Newfoundland's interests. Indeed, during the Bond-Blaine talks, the United States Government demanded unrestricted access to the Newfoundland fisheries without competition from any other country. Since the announced purpose of this demand was to eliminate the French and Canadian fishing rights in Newfoundland, there was little chance that the Imperial Government would agree to such a demand. In fact, the negotiations demonstrated that Bond's efforts had failed to alter the principle of Imperial unity in negotiations with foreign countries.

Yet for the Whitewayite Party in Newfoundland, the process of undertaking negotiations with the United States was of very considerable political value. Even the rejection of the Convention by the Imperial Government was useful in uniting the population behind the party in power. The publicity involved also improved the status of Bond both within his party and Newfoundland as a whole. However, in an attempt to create political capital out of his actions while negotiating with Blaine, Bond made many enemies in London among the politicians and officials who were responsible for deciding and implementing Imperial

policy. In thinking first of his political future, Bond reduced his stature in the eyes of the Imperial Government and with it the hope for the cooperation needed to settle the problem of reciprocity.

APPENDICES

APPENDIX A

TREATY OF PEACE BETWEEN GREAT BRITAIN
AND THE UNITED STATES: 1783

Article III. It is agreed that the people of the United States shall continue to enjoy unmolested the "right" to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland: also in the Gulph of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have "liberty" to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have "liberty" to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlements, without a previous agreement for that

purpose with the inhabitants, proprietors or possessors
of the ground.¹

¹ H.S. Commager, (ed.), Documents of American History (7th ed.; New York: Appleton-Century-Crofts, 1963), Vol. I, p. 118.

APPENDIX B (1)

TREATY OF UTRECHT: 1713

Article 13. The Island called Newfoundland, with the adjacent islands, shall, from this time forward, belong of right wholly to Great Britain; and to that end the town and fortress of Placentia, and whatever other places in the said island, are in possession of the French, shall be yielded and given up.... Nor shall the Most Christian King, his Heirs and Successors, or any of their subjects, at any time hereafter lay claim to any right to the said islands, or to any part of it, or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said Island of Newfoundland, or to any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish; or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France, to catch fish, and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called Cape Bonavista, to the northern point of the said island, and from thence running down by the western

side, reaches as far as the place called Point Riche,
But the island called Cape Breton, as also all others,
both in the mouth of the river of St. Lawrence and in the
Gulf of the same name, shall hereafter belong of right to
the French; and the Most Christian Kings shall have all
manner of liberty to fortify any place or places there.¹

¹ F.F. Thompson, The French Shore Problem in
Newfoundland: An Imperial Study (Toronto: University of
Toronto Press, 1961), Appendix 1 (All sections of Appendix
B are taken from Thompson's Appendix 1).

APPENDIX B (2)

TREATY OF PARIS, 10 FEBRUARY, 1763

Article 5. The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the Island of Newfoundland, such as it is specified in Article 13, of the Treaty of Utrecht; which article is renewed and confirmed by the present Treaty (except what relates to the Island of Cape Breton, as well as to the other islands and coasts in the mouth and in the gulf of St. Lawrence). And His Britannic Majesty consents to leave to the subjects of the Most Christian King the liberty of fishing in the gulf of St. Lawrence, etc.

Article 6. The King of Great Britain cedes the Islands of St. Pierre and Miquelon, in full right to His Most Christian Majesty, to serve as a shelter to the French fishermen; and His said Most Christian Majesty engages not to fortify the said Islands; to erect no buildings upon them, but merely for the convenience of the fishery; and to keep upon them a guard of fifty men only for the police.

APPENDIX B (3)

Article 4. His Majesty the King of Great Britain is maintained in His rights to the Island of Newfoundland, and to the adjacent Islands, as the whole were assured to Him by the Thirteenth Article of the Treaty of Utrecht; excepting the Islands of St. Pierre and Miquelon, which are ceded in full right, by the present Treaty to His Most Christian Majesty.

Article 5. His Majesty, the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two Nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid Article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in fifty degrees North latitude; and His Majesty the King of Great Britain consents on His part, that the fishery assigned to the subjects of His Most Christian Majesty, beginning at the said Cape St. John, passing to the North, and descending by the western coast of the Island of Newfoundland, shall extend to the place called Cape Ray, situated in forty-seven degrees, fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to

them by the present Article, as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.

APPENDIX B (4)

TREATY OF PARIS, 3 SEPTEMBER, 1783

DECLARATION OF HIS BRITANNIC MAJESTY

The King having entirely agreed with His Most Christian Majesty upon the Articles of the Definitive Treaty, will seek every means which shall not only insure the execution thereof, with His accustomed good faith and punctually, but will besides give, on His part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing His subjects from interrupting in any manner by their competition, the fishery of the French, during the temporary exercise of it which is granted to them, upon the coasts of the Island of Newfoundland; and He will, for this purpose, cause the fixed settlements which shall be formed there, to be removed. His Britannic Majesty will give orders, that the French fishermen be not incommoded, in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels.

The Thirteenth Article of the Treaty of Utrecht, and the method of carrying on the fishery which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting, in any manner, the French fishermen, during their fishing, nor injuring their scaffolds during their absence.

The King of Great Britain, in ceding the Islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations; and that the fishery between the said Islands, and that of Newfoundland, shall be limited to the middle of the channel.

APPENDIX B (5)

TREATY OF PARIS, 3 SEPTEMBER, 1783

COUNTER DECLARATION OF HIS MOST CHRISTIAN MAJESTY

The principles which have guided the King, in the whole course of the negotiations which preceded the re-establishment of peace, must have convinced the King of Great Britain that His Majesty has had no other design than to render it solid and lasting, by presenting as much as possible, in the four quarters of the world, every subject of discussion and quarrel. The King of Great Britain undoubtedly places too much confidence in the uprightness of His Majesty's intentions, not to rely upon His constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

As to the fishery on the coasts of Newfoundland, which has been the object of the new arrangements settled by the two Sovereigns upon this matter, it is sufficiently ascertained by the fifth Article of the Treaty of Peace signed this day, and by the Declaration likewise delivered today, by His Majesty declares that He is fully satisfied on this head.

In regard to the fishery between the Island of Newfoundland, and those of St. Pierre and Miquelon, it is not to be carried on, by either party, but to the middle of the channel, and His Majesty will give the most positive orders, that the French fishermen shall not go beyond this line. His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; and His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen.

APPENDIX C

SELECTED NEWFOUNDLAND FISH EXPORTS - 1889¹

FISH:	Cod:	Boneless:	Canada:	157 boxes		
			Portugal:	100	"	
				<hr/> 257	"	<hr/> \$ 125
	Cod:	Dried:	Portugal	: 267,231	qtls.	\$1,202,539
			Brazil	: 262,501	"	1,320,004
			B.W. Indies	: 112,392	"	382,132
			Spain	: 87,736	"	368,491
			Gibraltar	: 46,408	"	191,913
			Italy	: 15,622	"	65,612
			Sp. W. Indies:	7,446	"	32,222
			U. Kingdom	: 28,368	"	85,104
			U. States	: 31,411	"	138,208
			Canada	: 23,999	"	95,636
			Greece	: 4,350	"	13,050
			Sicily	: 2,200	"	9,240
				<hr/> 889,574	"	<hr/> \$3,904,151
	Cod:	Green:	United States:	1,900	qtls.	
			Canada	: 1,795	"	
				<hr/> 3,695	"	<hr/> \$ 5,542
FISH:	Haddock:		B.W. Indies:	: 657	qtls.	
			U. States	: 58	"	
				<hr/> 715	"	<hr/> \$ 1,430

FISH: Halibut:	Canada	\$	427
	U. States		153
	B.W. Indies		20
	U. Kingdom		10
			<hr/> 610

Herring: Bulk:			
	Canada :	2,453 barrels	2,453
	U. States:	1,915 "	1,915
		<hr/> 4,368 "	<hr/> 4,368

Frozen:			
	U. States:	22,786 "	22,786
	Canada :	5,900 "	5,900
		<hr/> 28,686 "	<hr/> 28,686

Pickled:			
	Canada	64,985 "	162,463
	B.W. Indies	10,572 "	26,044
	U. States	8,076 "	20,190
	U. Kingdom	577 "	1,443
	Sp. W. Indies	181 "	352
	Portugal	13 "	33
	Italy	210 "	525
		<hr/> 84,614 "	<hr/> 211,050

Tinned:			
	Canada	294 cases	
	U. Kingdom	3 "	
		<hr/> 297 "	<hr/> 594

FISH: Salmon: Pickled:	B.W. Indies	486 Tierces	\$ 9,720
	Italy	105 "	2,100
	U. States	951 "	19,033
	U. Kingdom	974 "	19,486
	Canada	981 "	19,627
	Sp. W. Indies	10 "	200
		<hr/> 3,507 "	<hr/> 70,216
Tinned:	U. States	265 cases	
	U. Kingdom	49 "	
		<hr/> 314	<hr/> 1,570
Trout:	U. States	1,150 barrels	9,200
	Canada	389 "	3,214
	B.W. Indies	5 "	46
		<hr/> 1,544 "	<hr/> 12,459
FURS:	U. States		28,809
	Canada		3,156
			<hr/> 31,965
LOBSTERS: Tinned:	U. Kingdom	33,699 cases	208,933
	Canada	23,146 "	143,508
	U. States	11,721 "	72,670
	Hamburg	3,641 "	22,570
	France	3,887 "	24,099
	St. Pierre	122 "	756
		<hr/> 76,016 "	<hr/> 470,536

OIL: Cod:	U. Kingdom	2,963 ¼ tuns	\$ 213,354
	Canada	281 "	20,232
	U. States	71 ¼ "	5,130
		<hr/>	<hr/>
		3,315 ½ "	238,716
Refined:	U. Kingdom	5,753 gals.	
	Canada	6,700 "	
	U. States	1,201 "	
	B.W. Indies	35 "	
		<hr/>	<hr/>
		13,689 "	5,475
Seal:	U. Kingdom	3,889 tuns	326,676
	Canada	276 ½ "	23,226
	Hamburg	154 "	12,936
	France	1243/4"	10,479
		<hr/>	<hr/>
		4,444 ¼ "	373,317
ORES: Copper: Ingots:	U. Kingdom	1,143 tons	205,740
	France	180 "	32,400
	U. States	20 "	3,600
		<hr/>	<hr/>
		2,343 "	241,740
Regulus:	U. States	767 tons	68,490
Green:	U. States	2,306 "	46,120
Iron Pyrites:	U. States	7,530	64,000
SEAL SKINS:	U. Kingdom	334,536	301,082.4
	Canada	1,091	981.9
		<hr/>	<hr/>
		335,627	302,064

¹ Nfld. Assembly, Journal, 1890, Appendix, pp. 73-85.

APPENDIX D

SEAL FISHERY

YEAR	CATCH	YEAR	CATCH
1805	81,088	1860	444,202
1810	118,080	1862	268,426 ¹
1815	126,315	1871	537,084
1820	213,674	1872	278,372
1825	295,352	1876	500,000
1830	558,942	1880	223,793
1831	686,836	1881	447,903
1836	384,321	1882	200,500
1840	631,385	1883	258,297
1842	344,613	1884	208,878 ²
1843	651,370	1885	128,496
1844	685,530	1886	188,157
1846	265,169	1887	230,355
1850	442,392	1888	286,464
1852	534,378	1889	306,338
1855	293,083	1890	202,066 ³

¹ First steamships used in 1863.

² Only steamships used after 1883

³ Harbour Grace Standard, March 29, 1892.

APPENDIX E

CONVENTION OF 1818

Article I. Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish, on certain coasts, bays, harbours, and creeks of His Britannic Majesty's Dominions in America; it is agreed between the high contracting powers, that the inhabitants of the said United States shall have, for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind, on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, from the Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast; without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall have liberty, for ever, to dry, cure fish in any of the unsettled bays, harbours, and creeks of the

southern part of the coast of Newfoundland, hereafter described, and of the coast of Labrador; but so soon as the same, or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled, without previous agreement for such purposes, with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounces, for ever, any liberty heretofore enjoyed or claimed by the United States thereof, to take, dry, or cure fish, on or within three miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's Dominion in America, not included within the above-mentioned limits; provided, however, that the American fishermen shall be permitted to enter such bays or harbours, for the purpose of shelter and of repairing damages therein, of procuring wood, and obtaining water, and for no other purposes whatsoever. But they shall be under such restrictions as may be necessary to prevent there making, drying, or curing fish therein, or in any other manner whatsoever abusing the privileges hereby reserved to them.¹

¹ Great Britain. Foreign Office, Records and Proceedings of the Halifax Commission: 1877 (London: n.p., 1878), p. 57.

APPENDIX F (1)

FISHERY ARTICLES OF THE RECIPROCITY TREATY
OF SEPTEMBER 9, 1854.

Article I. It is agreed by the High Contracting Parties that, in addition to the liberty secured to the United States fishermen by the above-mentioned Convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those Colonies and the island thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any of the same coast in their occupancy for the same purpose.

It is agreed by the High Contracting Powers that British subjects shall have, in common with the citizens of the United States, liberty to take fish of every kind except shell-fish, on the Eastern sea-coasts and shores of the United States North of the 36th. parallel in North Latitude, and on the several islands thereunto adjacent, and in the bays, harbors, and creeks of said sea-coasts and shores of the United States and said islands, without being restricted to any distance from the shore; with permission to land upon the said coasts of the United States and of the islands in parts said, for the purpose of drying their nets and curing their fish, provided that in doing so they do not interfere with the rights of private property, or with the fisheries of the United States in peaceable use of any part of the said coasts in their occupancy for the said purpose.

ARTICLE III

It is agreed that the articles enumerated in the schedule therunto annexed, being the growth and produce of the aforesaid British Colonies or of the United States, shall be admitted into each country respectively free of duty:

Fish of all kinds

Products of fish, and of all other creatures living
in the water

Ores of metals, of all kinds

Fish-oil

ARTICLE VI

And it is hereby further agreed that the provisions
and stipulations of the foregoing Articles shall extend to
the island of Newfoundland, so far as they are applicable
to that colony.¹

¹ D.C. Masters, The Reciprocity Treaty of 1854,
(London: Longmans, Green and Co., n.d.), Appendix A.

APPENDIX F (2)

TRADE BETWEEN THE UNITED STATES AND NEWFOUNDLAND
(In £1,000)

	<u>Imports from U.S.</u>	<u>Exports to U.S.</u>
1850	153	20
1851	201	20
1853	177	41
1854	237	28
1855	354	79
1856	388	109
1858	323	113
1859	361	106
1860	364	81
1862	345	47
1863	344	60
1864	306	41
1865	348	109
1866	291	88 ¹

¹ D. C. Masters, The Reciprocity Treaty of 1854,
(London: Longman, Green & Co., n.d.), Appendix B, p. 253.

APPENDIX G

FISHERIES CLAUSES OF THE TREATY OF WASHINGTON OF 1871

ARTICLE XVIII

It is agreed by the high contracting parties that, in addition to the liberty secured to United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks, of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that in so doing, they do not interfere with the rights of private property,

or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

ARTICLE XIX

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish, provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

ARTICLE XX

It is agreed that the places designed by the commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles.

ARTICLE XXI

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish oil and fish of all kinds, (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

ARTICLE XXII

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable.¹

¹ United States, Department of State, Foreign Relations (Washington: Government Printing Office, 1871), pp. 523-4 and p. 528.

APPENDIX H

MODUS VIVENDI OF 1888

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbors of the Atlantic coasts of Canada and Newfoundland shall be granted to the United States fishing vessels by annual licenses at a fee of \$ 1½ per ton - for the following purposes:

The purchase of bait, ice, seines, lines, and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If, during the continuance of this arrangement, the United States should remove the duties on fish, fish-oil, whale and seal-oil (and their coverings, packages, etc.) the said licenses shall be issued free of charge.

3. United States fishing vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the convention of October 20, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offense of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect on soon as the necessary measures can be completed by the Colonial authorities.

Washington, February 15, 1888.¹

¹ F. Snow, Treaties and Topics in American Diplomacy (Boston: Boston Book Co., 1894), p. 467.

APPENDIX I

RESULTS OF ELECTION OF NOV. 6, 1889¹

BAY DE VERDE (2 members)

White (W) - 820 votes
 Woods (W)[†] - 773 "
 March (G)* - 476 "
 Crocker (G) - 399 "

BONAVISTA (3 members)

Morison (G)* - 1429 votes
 Blandford (W)- 1382 "
 Morine (G)* - 1333 "
 Johnson (W) - 1283 "
 Vincent (G) - 1228 "
 Davis (W) - 1144 "

BURGES AND LAPOILE (1 member)

Murray (I) - 659 votes
 Mott (I) - 164 "

BURIN (2 members)

Rothwell (W) - 684 votes
 Tait (W) - 678 "
 Lemessurier (G)*-579 "
 McNeily (G)* - 552 "

CARBONEAR (1 member)

Duff (W) - 436 votes
 Penny (G)*⁺⁺ - 284 "
 Moore (I) - 67 "

FERRYLAND (2 members)

Shea (I)* - 727 votes
 Greene (I)*- 491 "
 Furlong (W)- 425 "
 Condon (I) - 363 "

FOGO (1 member)

Rolls (G) - 554 votes
 Skelton (W)- 313 "

FORTUNE BAY (1 member)

Studdy (W) - 693 votes
 Fraser (G) - 261 "

HARBOUR GRACE (3 members)

Whiteley (W)-1367 votes
 Eli Dawe (W)-1342 "
 Munn (G) - 1259 "
 C. Dawe (G)*- 685 "
 Winter (G)⁺⁺-604 "

HARBOUR MAIN (2 members)

F. Morris (W) - 1448 votes
 Woodford (W) - 1360 "
 Fenelon (G)⁺⁺ - 180 "

PLACENTIA AND ST. MARY'S
(3 members)

Emerson (W)*	-	1,077	votes
O'Dwyer (W) ⁺	-	1,018	"
McGrath (W)*	-	994	"
Donnelly (G)* ⁺⁺	-	897	"
Literman (G)	-	555	"
Tobin (G)	-	515	"

PORT-DE-GRAVE (1 member)

Clift (W)	-	638	votes
Horwood (G)	-	564	"

ST. BARBE (1 member)

Fearn (W)	-	616	votes
Bradshaw (G)*	-	122	"

ST. GEORGE'S BAY (1 member)

Carty (G)	-	(No Contest)
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ST. JOHN'S EAST (3 members)

Murphy (W)*	-	1747	votes
Dearin (W)**	-	1716	"
Hallaren (W)	-	1469	"
O'Mara (G)*	-	854	"
Furlong (G)	-	819	"
St. John (G)	-	609	"
Parsons (I)	2	233	"

ST. JOHN'S WEST (3 members)

E. Morris (W)* [†]	-	1556	votes
Day (W)	-	1326	"
Gearin (W)	-	1054	"
Scott (G)*	-	957	"
Callanen (G)*	-	741	"
Shea (I)	-	137	"
Brien (I)	-	117	"

TRINITY (3 members)

Sir W. Whiteway (W)* [†]	-	2094	votes
Bond (W)* [†]	-	1908	"
Webber (W)	-	1760	"
Grieve (G)*	-	789	"
Watson (G)*	-	746	"
R. Thorburn (G)* [†]	-	698	"

TWILLINGATE (3 members)

Burgess (W)	-	1174	votes
Thompson (W)	-	1140	"
Peyton (W)	-	1088	"
Knight (G)*	-	769	"
McKay (G)*	-	732	"
Goodridge (G)* [†]	-	720	"

¹ C.O., 194/212, Enclosure in O'Brien to Knutsford, Nov. 14, 1889.

² * Incumbent. ** Ex-member, not incumbent
+ Member of Whiteway's Cabinet
++ Member of Thorburn's Cabinet.

APPENDIX J

FINAL DUTIES UNDER NEWFOUNDLAND TARIFF ACT

	<u>Old Rate</u>	<u>New Rate</u>	<u>Final Rate</u>
Flour	\$.30	\$.75	\$ 1.05 /bl.
Pork	1.75	.75	2.50 "
Butter	3.00	.75	3.75 /Cwt.
Tobacco	20.05	5.00	25.05 "
Kerosene	.05	.05	.10 /gal.
Corn Meal	.25	.25½	.50½/bl.
Hay	20%	5.00	-
Oats	.05	.10	.15 /bus.
Potatoes	.05	.25	.30 / "
Turnips	.10	.25	.35 / "
Cabbages	.24	.40	.64 /doz.

(Other vegetables increased from 10 to 30%)¹

¹ Harbour Grace Standard, Dec. 11, 1891.

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