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CONFLICT AND CULTURE IN IRISH-NEWFOUNDLAND ROMAN CATHOLICISM, 1829-1850

by

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A thesis submitted to the
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requirements for the degree of

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Abstract

Between 1829 and 1850 an institutionalized Roman Catholic church was created by the Irish Catholic community in the British colony of Newfoundland. Inspired by movements in Ireland towards Catholic emancipation, repeal, and home rule, Irish reformers and Roman Catholic clergy in St. John's and agitated for political, legal, and educational rights, and economic and spiritual freedoms. However, a tumultuous political struggle ensued in the St. John's congregation between some lay Catholic trustees who sought to retain their influence over church affairs, and the new Roman Catholic bishop, Michael Anthony Fleming, who wished to remove the laity from the control of the church. This conflict was exacerbated by Fleming's membership in an Irish-Newfoundland family kin network which engaged in disputes with the trustees. Under Fleming's leadership and centralized control, a more formally institutionalized church was established, which for the first time in Newfoundland was prepared to seek religious, legal and political reforms for Newfoundland. This bid to create a Newfoundland state in which the Irish enjoyed more freedoms than they did in Ireland threatened the control of British colonial administrations over Newfoundland, and proposed a very different kind of culture and society. In the attempt to create a new Irish culture, an old one had to be reinvented, and much of the social and political turbulence in Newfoundland from 1830 to 1850 had its roots not in Catholic-Protestant sectarianism as previously interpreted by historians, but in the seething discontent among Waterford and Wexford factions within the Irish Roman Catholic community of St. John's. By the late 1830s, these conflicting visions engrossed the attentions of the Newfoundland political class and many of the colony's ordinary inhabitants, as well as those of British civil servants and Roman curia, for whom the Newfoundland question had become the Catholic question, and more specifically, the Fleming question.

At the heart of the growth of Irish militancy was a reinvigorated Catholic church. Fleming's predecessor Bishop Scallan had socialized with the British governor of Newfoundland, had attended services of the Church of England, and had countenanced the exclusion of Irish Catholics from participation in the highest social and political circles of Newfoundland. In complete contrast, Fleming was animated by the religious doctrine of ultramontanism, and he and his collaborating middle-class Catholic élite engaged in three phases of activity: political agitation in an O'Connellite pattern for Catholic civil rights, the creation of church-controlled schooling and religious education, and the construction of a new cathedral and educational precinct which was meant in part to symbolize the culture and its political success, and assert Irish cultural parity with the official British culture of the Newfoundland state. When Fleming systematically removed the lay trustee adherents to Scallan's "liberal" order from positions of influence on school and chapel committees, and supported their opponents in elections, they joined forces with the threatened colonial establishment in Newfoundland, and political rancour and sectarian division grew in the colony. The church's success was tempered by the incessant interplay of local with international concerns. Intermittent interventions by the "Liberal Catholics" in alliance with Colonial governors to the Colonial Office, and the Colonial Office to Rome requesting that Fleming be removed from Newfoundland, and by disputes between various clergy and laity, which were turned to account against Fleming in Rome, causing much letter-writing and travel by the bishop in his own defence. However, Rome supported Fleming, and allowed him to remain in Newfoundland, and the British government discovered that it could no longer use the church to help it govern Newfoundland.

By 1850, the year of Fleming's death, most of the contentious issues of concern to the Irish had been put to rest. Denominational rights to control education had been formalized

in legislation, the reformers had become part of a new political establishment as Britain backed away from direct control of Newfoundland, and the success of building the cathedral created for the first time a sense in Irish minds of how possible it was to glorify their culture. The legitimacy of participation of Irish Catholics in Newfoundland society and the new state had been secured. The church was established as the leading arbiter of social and cultural life in Irish Newfoundland, and a new mythology about the place of the church in the state had been invented, one unmatched by the agency of any other institution in Newfoundland at the time. But it also eventually resulted in a permanently sectarianized Newfoundland state, which became the only acceptable way of ensuring that opposing denominational rivalries did not clash in civic unrest.

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This study represents much research and writing done inside and outside Newfoundland. I must therefore acknowledge a number of debts. I thank the Chancellor of the Archdiocese of St. John's, Monsignor Francis Coady and Archivist Larry Dohey for access to the Archdiocesan Archives, and Bishop Raymond J. Lahey of the Diocese of St. George's for interpretational advice. At Memorial University, Bert Riggs, Linda White, Gail Weir, and Anne Hart of the Centre for Newfoundland Studies and Archives again proved themselves gurus of all things Newfoundlandish. John and Maura Mannion, Rosemary Ommer, William J. Kirwin, George Story, Frederick Aldrich, John Whittaker, Peter Hart, Hans Rollmann, Phillip McCann, Shane O'Dea, Terrence Murphy, and William Barker shared their insights as did Edward-Vincent Chafe, John Pius Greene, and Cyril Byrne. Bob Gillard of the Benevolent Irish Society granted access to the BIS minutes. Wallace Furlong, Frank W. Graham, Paul O'Neill, John and Diane O'Mara, William J. Ryan, Samuel Ryan, John Lindquist, and Legislative Librarian Norma Jean Richards happily replied to my inquiries. Brother Joseph B. Darcy translated several documents into English, and shared others with me. Thankfully, John Battcock, Richard Hibbs and Dawn Heath-Hibbs remained indifferent to dead priests and politicians.

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I dedicate this dissertation first to my parents Edward and Mary FitzGerald, and then to the memories of George M. Story and Frank W. Graham. They each encouraged me to respect the difference and validity of Newfoundland and its history, and inspired me to accept the near-monastic demands made upon one who would research it.

J.E.F.

St. John's, March 1997

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Chapter 1

Introduction and Historiography

At the top of the hill overlooking the harbour of St. John's, Newfoundland sits the twin-towered Basilica-Cathedral of St. John the Baptist. Ever since this striking neoclassical building was substantially completed in 1846, it has been the dominant architectural feature of the town, and been the definitive icon of the church, an institution which next to the state itself has played the most pivotal role in the social history of Newfoundland. Popularly known as "the Basilica" since 1955 when it received the honorific rank of minor basilica, this building has been mythologized like no other by Newfoundlanders as the embodiment of two centuries of the religious, social, and political history of the Irish Catholics, one of the charter European groups of Newfoundland society, who built it. In writing of the ways in which the 1798 United Irish Uprising is remembered in Irish history, Kevin Whelan has cited Robert Gildea's observation that "What matters is myth, not in the sense of fiction, but in the sense of a construction of the past elaborated by a political community for its own ends."[1] The same may be said of the past in Newfoundland history, and the history of its Roman Catholic church.[2] Few Newfoundlanders do not account for the presence of the church in Newfoundland life without reference to the struggle of the builder-bishop Michael Anthony Fleming, by every account a driven man, to acquire the cathedral land, or a story of how the land was granted on the condition that it be fenced in fifteen minutes. By contrast, few

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[1] Robert Gildea, *The Past in French History* (New Haven: Yale University Press, 1994), p. 12, cited in Kevin Whelan, *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity* (Cork: Cork University Press, 1996), p. 133.

[2] In this study the word "church" is used to signify the historical realities of a late-eighteenth and early nineteenth-century Roman Catholic hierarchical institution governed at a local level by priests, at a national level by a bishop or bishops, and internationally by cardinals and a pope in Rome. The Second Vatican Council (1962-1965) attempted to change this hierarchical conceptualization of "church" into a more broadly defined group inclusive of priests *and people*. This study will use "church" to denote an organized community of adherents or believers in the religious creed of Roman Catholicism, and "Catholic" to denote Roman Catholicism.

"livyers"[3] know the history of those who built the cathedral, or what it meant to them. Few recognize the material culture[4] of the Basilica as thoroughly Irish. Fewer still know of the bitter factional conflict which divided the Irish Newfoundland Catholic community during the 1830s and 1840s, the conflict during which the cathedral was built. This watershed period in Newfoundland history, during which the island's first social and political institutions developed, and a permanent Roman Catholicism was created, was filled with social and political conflict which revolved around Fleming. The interplay of local and international politics as part of this conflict, is the subject of this study.

There are compelling reasons to examine conflict and change in Irish Newfoundland Roman Catholicism between 1829 and 1850. This period was pivotal in the histories of both Newfoundland and Ireland. Newfoundland society underwent tremendous social upheaval as competing English and Irish groups jockeyed for position in a state which was frequently constitutionally reconfigured. In Ireland and Newfoundland, emancipation, repeal, and Catholic rights dominated the social and political agendas. Ireland has been well studied, but by comparison the Irish in Newfoundland history have been ignored, perhaps because the Newfoundland Irish soon became Newfoundlanders, and later, Canadians. Apart from a small but growing historiography of studies of the church's role in Newfoundland education,

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[3] A permanent settler, an inhabitant. For definitions of this and other Newfoundland words see G.M. Story, W.J. Kirwin, and J. Widdowson, *Dictionary of Newfoundland English, Second Ed.* (Toronto: University of Toronto Press, 1990) (hereafter *DNE* 2). The authority for Newfoundland's distinct toponymy is the *Gazetteer of Canada - Newfoundland 1983* (Ottawa: Energy, Mines, and Resources Canada, 1983), while surnames, spellings, and Newfoundland names for institutions are cited in this study as established in the *Newfoundland Name Authority, First Edition* (St. John's: Memorial University of Newfoundland Library 1990). Nonstandard spellings were often used by the ninteenth-century writers cited in this thesis; in order to convey the flavour of the original these spellings have been retained unless they obscure the meaning.

[4] In the pattern of the definition proffered by John Mannion, *Irish Settlements in Eastern Canada* (Toronto: University of Toronto Press, 1974), p. 3, this study takes material culture to mean all the physical, artifactual manifestations of the past and present experiences of a cultural group.

trusteeism, and politics, no modern monograph exists to explain what the Irish and their church wanted in Newfoundland.

This study is undertaken out of the conviction that local history and details are important, and relate to a larger world which the Irish in Newfoundland knew and to which they belonged, but which has been forgotten. It will show how the bishop Michael Anthony Fleming (1829-1850), in concert with a middle-class of Irish Catholic reformers, created a social and political place for their church in a new society, and how together they constructed a new mythology and legitimized the participation of newly institutionalized Catholicism in Newfoundland life. Specifically, this is a study of three conflicts: the conflict between the Irish clerics and reformers led by Fleming with a group of lay trustees; the conflict between Catholic reformers with British Colonial officials over political rights, and a dispute between the British Government and the Vatican over the control of the Newfoundland church. This study will closely examine the Newfoundland reformers and especially Fleming—whom historians have hitherto assigned much blame for sectarianism in Newfoundland politics—in order to better understand their impact on Irish ethnic identity in Newfoundland, to explore the basis of their struggles to control education, political life, and the building of a cathedral, and to illustrate how an ethnic struggle within the St. John's congregation underpinned much of the sectarian politics in early nineteenth century Newfoundland.

The early nineteenth-century Irish in Newfoundland began to imagine themselves as members of a different community, and combined old cultural patterns and invented Irish nationalism with new traditions invested with symbol and meaning in order to give pattern and comprehension to their lives. Useful theoretical contexts for this process may be found in the works and definitions of nationalism and tradition posed by Benedict Anderson, Ernest Gellner, and Eric Hobsbawm. Anderson defined nationalism as an imagined political

community, imagined by its citizens to exist because of the impossibility of one citizen knowing every other, and imagined as both inherently limited and sovereign, while Gellner defined nationalism as a political principle which holds that the political and national unit should be congruent. Eric Hobsbawm has noted that at root, traditions are invented, and he defined tradition as "a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past".[5] This study will examine how the Irish adapted their own extant rules and rituals and created new ones; how they came to imagine themselves; how they forged a new identity; and will seek to discover the implications of these activities for Newfoundland society.

Newfoundland Roman Catholicism could fit easily into a number of historiographical contexts. Since 1949, Newfoundland history has often been written in a Canadian context. However, this presentist dovetailing of pre-confederation Newfoundland history into Canadian history invariably ignores the fact that the peoples of pre-confederation Newfoundland did not see themselves as Canadians, and in the nineteenth century, had few connections with Canada. Of all the provinces of modern Canada, Newfoundland is a special case for it is the only one with a national history still alive in the minds and experiences of its citizens, especially those born before 1949. Even without the benefit of historians or theorists, Newfoundlanders are quite aware that the much-touted "Canadian-ness" of Newfoundland is an invented tradition created in the service of a more recent political agenda, and, as the scholar of literature William Barker has observed, that the political

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[5] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Rev. Ed. (London: Verso Press, 1991), pp. 5-7; Ernest Gellner, *Nations and Nationalism* (Oxford: Blackwell's, 1983), p. 1; Eric Hobsbawm, "*Introduction*: Inventing Traditions", *The Invention of Tradition*, eds. Eric Hobsbawm and Terence Ranger (Cambridge, U.K.: Cambridge University Press, 1983), p. 1.

entities to which we grant a history are not stable.[6] This study of Newfoundland Roman Catholicism could be brought into the literatures on North American trusteeism, ultramontanism, temperance, Canadian Roman Catholicism, the Irish in Canada, or Irish Catholicism. However, this dissertation seeks first and foremost to contribute to the historical literature on society and politics in Newfoundland by determining a past social and political agenda. It seeks to redefine and raise the cultural awareness of that history, out of the convictions that Newfoundland and local history is of intrinsic interest to those whose ancestors it involves, and that before Irish Catholicism in Newfoundland can be profitably compared with Catholicism or the Irish in other North American communities, it must be understood on its own terms.

The writing of Newfoundland history always has been intricately bound up with aspects of the history of Roman Catholicism and the Irish in Newfoundland. Successive researchers have laboured to explain the sectarian bitterness of Newfoundland's political history, but few ever looked beyond sectarianism into religious creed, cultural patterns, or ethno-nationalism. Many essays have been written on church history, but professional scholarship on Catholicism is only twenty years old, and there are few scholarly debates, and only a dawning conceptualization of the nineteenth-century Newfoundland Irish as an ethnic group with its own dynamic. Marxist analyses of pre-1949 Newfoundland society have forgotten the roles of ethnicity and religion in Irish culture.[7] Historians have not agreed on

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[6] William Barker and Sandra Hannaford, "Towards a History of the Book in Newfoundland", draft of a background study to be presented to the Bibliographical Society of Canada conference, May 1997, p. 13.

[7] Examples of this approach may be found in Gerald Sider, *Culture and Class in Anthropology and History: A Newfoundland Illustration* (New York: Cambridge University Press, 1986); Linda Little, "Plebeian Collective Action in Harbour Grace and Carbonear, Newfoundland, 1830-1840", unpub. MA thesis, Memorial University of Newfoundland, 1984; Little, "Collective Action in Outport Newfoundland: A Case Study from the 1830s", *Labour / LeTravail*, Vol 26 (Fall 1990): 7-36; Sean Cadigan, *Hope and Deception in Conception Bay* (Toronto: University of Toronto Press, 1995).

what happened in early nineteenth-century Newfoundland Roman Catholicism, much less on its importance for understanding issues of ethnicity, imperialism, or the relationships of Newfoundland with Britain, Ireland, and the Vatican.

Newfoundland history became the nationalist project of a resident group of intellectuals and "boosters" in the 1880s,[8] replacing an older literature created by mostly visiting or non-resident, often clerical, writers.[9] However, the period 1830 to 1850 presented a stumbling block for them, as its extreme factionalism was too close in time and too sectarian to explain without becoming implicated. Travel writer Joseph Hatton and St. John's Presbyterian clergyman Moses Harvey cautiously suggested that the origins of political discontent were to be found in the passions inflamed among the population after representative government and a House of Assembly were introduced in 1833:

> Each sect dreaded the political ascendancy of the other, and strove to gain the controlling power. Protestants and Catholics were arrayed against one another in the political arena. The press stimulated the strife by violent and vituperative attacks on individuals.... Violent scenes at elections were common, and popular commotions had to be held in check by the troops. The agitation extended all over the country, and continued, though in a mitigated form, for some years.[10]

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[8] Shane O'Dea, "Newfoundland: The Development of Culture on the Margin", *NS*, Vol. 10, No. 1 (Spring 1994): 80.

[9] Earlier histories of Newfoundland include [the Rev.] Laurence Coghlan, *An Account of the Work of God in Newfoundland* (London: W. Gilbert 1776); John Reeves, *History of the Government of the Island of Newfoundland* (London: J. Sewell, 1793); [the Rev.] Lewis Amadeus Anspach, *A History of the Island of Newfoundland* (London: 1819); Sir Richard Henry Bonnycastle, *Newfoundland in 1842: a sequel to "The Canadas in 1841", 2 Vols.* (London: H. Colbourn, 1842); [the Rev.] Philip Tocque, *Wandering Thoughts; or, Solitary Hours* (London: T. Richardson and Son, 1846); [the Rt. Rev.] John T. Mullock, *Two Lectures on Newfoundland delivered at St. Bonaventure's College* (New York: John Mullaly, 1860); [the Rev.] Julian Moreton, *Life and Work in Newfoundland; reminiscences of thirteen years spent there* (London: Rivington's, 1863); [the Rev.] Charles Pedley, *The History of Newfoundland From the Earliest Times to the year 1860* (London: Longman, Green & Co., 1863); and Lieut.-Col. Robert Barlow McCrea, *Lost Amid the Fogs: Sketches of Life in Newfoundland* (London: S. Low, Son & Marston, 1869).

[10] O'Dea, "Culture on the Margin", *NS*, Vol. 10, No. 1 (Spring 1994): 87.

Hatton and Harvey decided to "draw a veil" over the 1830s and 40s, an age too politically sensitive to permit a dispassionate historical account.

The first detailed account of Roman Catholicism in Newfoundland from 1784 to 1850 was Michael Francis Howley's *Ecclesiastical History of Newfoundland* (1888).[11] Howley (1843-1914) was the leading scion of a prominent St. John's family and a distant relation of Fleming's,[12] and the first native-born Newfoundlander to become bishop (in 1895) of Newfoundland, and the first archbishop (in 1905) of St. John's. Howley's purposes were boldly nationalist, personal, hagiographical, and antiquarian: to chronicle great moments for future generations, to celebrate the achievements of the priests of the Newfoundland church,[13] and to record the faith and tribulations of the Irish who became Newfoundlanders. Howley sanitized from history the sectarian disputes of his parents' generation, and he overemphasized the formality of the establishment of the church in 1784 by the Franciscan priest James Louis O'Donel. This filiopietistic, throne-and-altar orthodoxy "proving" the righteousness of the ascent of institutionalized Roman Catholicism to social and political dominance was Newfoundland's first serious institutional history, and it began the marked tradition in Newfoundland historiography of ignoring the minutiae of conflict in the service of creating or preserving myths for political purposes.

The pre-eminent historian of late-Victorian Newfoundland was Daniel Woodley Prowse (1834-1914), a judge of the Newfoundland circuit court whose *History of*

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[11] Michael Francis Howley, *Ecclesiastical History of Newfoundland* (Boston: Doyle and Whittle, 1888).

[12] See Appendix II.

[13] On Howley see Centre for Newfoundland Studies, Memorial University Library, St. John's (hereafter CNS), Shane O'Dea, "The Development of Antiquarianism and the Preservation of Newfoundland: 1890-1986", typescript of a lecture delivered to the Museum Association of Newfoundland, St. John's, 5 October 1985.

Newfoundland (1895) was the first definitive history of his colony.[14] Based on an exhaustive search of colonial records, Prowse's *History* was stuffed with his memories of life in his own country, and sprinkled with episodes from a rich oral culture, it surpassed anything previously written.[15] Its international and lasting success was due to Prowse's capacity for telling a gripping story about the pivotal importance of Newfoundland to the British empire, but it also ignored accounts of bitter sectarian conflict. In Prowse, explicitly Irish Roman Catholics made their first appearance in Newfoundland historiography. They first left Europe in the early eighteenth century on West Country vessels which stopped for provisions in Waterford and Cork, and later on Irish-owned vessels.[16] They arrived as fishing servants for English merchant planters, and endured "barbarous" treatment at the hands of naval governors but flourished in Newfoundland and called it the *talamh an eisc*, the fishing grounds. When public fights on the "barrens" above St. John's between rival Waterford "wheybelly" and Wexford "yellowbelly" factions finally died out,[17] they were succeeded by the more legitimate "divarsion" of politics.[18] Irish politicians of the next generation agitated for and "won" representative government, but this quickly degenerated into a Catholic-controlled house of assembly, and the "Tory and mercantile party" controlled upper house,

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[14] Daniel Woodley Prowse, *A History of Newfoundland from the English, Colonial, and Foreign Records* (London: Eyre and Spottiswood, 1895).

[15] On Prowse see G.M Story, "Judge Prowse, 1834-1914", *Newfoundland Quarterly* (hereafter *NQ*), Vol. 68, No. 1: 15-19, 22-25; Story, "Judge Prowse: Historian and Publicist", *NQ* Vol. 68, No. 4: 19, 22-25; and CNS, Story, "Judge Prowse, 1834-1949", typescript of a lecture given to the Newfoundland Historical Society, 1970.

[16] Prowse, *History*, p. 345.

[17] Prowse, *History*, pp. 391-2.

[18] Prowse, *History*, p. 392.

the legislative council. Betraying his own class biases, Prowse thought the "violence of the mob" killed

> ...some of the very best blood in the Colony—the very cream of the most important element in the community—the Irish middle-class Liberals (afterwards designated with the odious name of "mad dogs"). How these men and their families were insulted, attacked, and many driven from the Colony, is one of the most deplorable chapters in our political history.[19]

Sectarianism also was the "worst effect" of "free government", but instead of blaming Fleming or the reformers John Kent or William Carson, Prowse merely noted that "at the end of his life, Fleming deeply deplored the unhappy divisions politics had produced in the Colony,"[20] whose public was characterized by a "proverbial fickleness."[21] If Prowse's picture was more textured than that of his friend and rival Howley, it failed to challenge the earlier interpretation of Newfoundland Catholic development. Subsequent Catholic histories did not challenge it either,[22] and the Great War jolted Newfoundlanders from the romanticism of their past.

The first forty years of the twentieth century were cruel to Newfoundlanders, and their historiography reflected this. On 1 July 1916, the opening day of the battle of the Somme, 233 men of the Newfoundland Regiment died, 91 men went missing, and only 68 out of 778 soldiers answered the roll call. Every Newfoundland community and family felt

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[19] *Ibid.*, p. 435.

[20] *Ibid.*, p. 436.

[21] *Ibid.*, p. 429.

[22] *Benevolent Irish Society Centenary Volume* (Cork: Guy and Co., 1906), pp. 46-7 (hereafter *BIS Volume*). This volume was written by Howley's relative James Mary Kent, and cautiously noted that the non-denominational character of the society's Orphan Asylum School was challenged by Fleming soon after he became coadjutor bishop in 1829. Opposed by "discontents" who complained to Fleming's superior, Bishop Scallan, Fleming ensured that a Catholic catechism would henceforth be taught to the children. Also see John C. Pippy, "The Benevolent Irish Society", *Book of Newfoundland* (hereafter *BNF*) Volume 2 (St. John's: Newfoundland Book Publishers, 1937), pp. 171-185.

the loss. For the first time in their history, shared carnage had fixed a concept of a collective national identity in the minds of ordinary Newfoundlanders.[23] The past became painful, unbearable, unspeakable. Like the rest of the western world, Newfoundlanders suffered through the depression with profound stresses and changes, and were again left with little leisure or incentive with which to write history. As a result, it was written for them. In 1933, a royal commission chaired by William Warrender MacKenzie (Lord Amulree) examined Newfoundland's social, political, economic, and religious habits. In a report laden with pejorative interpretations of Newfoundland history and culture, he argued the case that a series of corrupt governments, the stock market crash of 1929, the onslaught of the depression, the poor prospects for the economy, denominational divisions, and the threat of insolvency "crippled" Newfoundland and forced the country to reconsider its political future. In exchange for giving up self-government, Amulree recommended that Newfoundland be governed by a British-appointed Commission of Government until such time as Newfoundland was financially self-supporting and the people requested a return of self-government.[24] Surrendering to blandishments not unlike those proffered by Lord Castlereagh to the Irish Parliament in 1800,[25] the Newfoundland Parliament voted itself out of existence in late 1933,[26] and the governance of Newfoundland was assumed by a British-appointed

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[23] On the impact of World War I on Newfoundland see Patricia O'Brien, "The Newfoundland Patriotic Association: The Administration of the War Effort, 1914-1918", unpublished MA thesis, Memorial University, St. John's, 1981, and Christopher A. Sharpe, "The "Race of Honour": An Analysis of Enlistments and Casualties in the Armed Forces of Newfoundland: 1914-1918", *NS*, Vol. 4, No. 1 (Spring 1988): 27-56.

[24] *Newfoundland. Royal Commission 1933 Report.* Cmd. 4480.

[25] On the means used to pass the union see G.C. Bolton, *The Passing of the Irish Act of Union: a Study in Parliamentary Politics* (London: Oxford University Press, 1966).

[26] Peter Neary, *Newfoundland in the North Atlantic World 1929-1949* (Montreal: McGill-Queen's Press, 1988), p. 35.

Commission of Government. The constitutional status of Newfoundland was set back to that of 1825, when the colony first received a British governor and an appointed council.

The permanent effects of the depression, the war, and Amulree's *Report* on the writing and interpretation of Newfoundland history were profound. The belief that Newfoundlanders were a conquered people with an inbred instinct for sectarianism, poverty and political corruption in the nineteenth and twentieth centuries quickly came to colour the writings of historians of Newfoundland. In 1939, A.H. McLintock's study of government in Newfoundland to 1832 argued that representative government, belatedly granted in 1832, was "but the prelude to years of internal political strife, economic chaos, and religious discord";[27] that Newfoundland's development as a colony had been "retarded" because as John Reeves' *History of the Government of Newfoundland* (1793) had argued, merchants opposed agriculture because they feared settlement.[28] Like Amulree, McLintock argued that the mess was the fault of Newfoundlanders: "...in districts where the population was almost

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[27] A.H. McLintock, *The Establishment of Constitutional Government in Newfoundland, 1783-1832: a Study in Retarded Colonization* (London: Royal Empire Society, Imperial Studies 17, 1939, repr. 1941), p. 191. McLintock is reviewed in Peter Neary, "The Writing of Newfoundland History," *Newfoundland in the Nineteenth and Twentieth Centuries: Essays in Interpretation*, eds. J.K. Hiller and P. Neary (Toronto: University of Toronto Press, 1980), pp. 3-13; in George M. Story, "D.W. Prowse and Nineteenth-Century Colonial Historiography", *Newfoundland History, 1986*, ed. Shannon Ryan (St. John's: Memorial University of Newfoundland, 1986), pp. 34-45; and in Jerry Bannister, "The Campaign for Representative Government in Newfoundland", *Journal of the Canadian Historical Association* (New Series, Vol. 5, Calgary 1994) (hereafter *JCHA*): 19-40.

[28] Keith Matthews, "Historical Fence Building: A Critique of the Historiography of Newfoundland", *NQ*, Vol. LXXIV, No.1 (Spring 1978): 21-30 criticized the durable Newfoundland historiographic tradition dating from John Reeves, *History of the Government of Newfoundland* (1793) that West Country merchants opposed settlement in order to protect their stake in the migratory fishery, and that therefore settlement was "retarded". Prowse reiterated the Reeves thesis, and this Prowsian thesis was adopted by Agnes M. Field's "The Development of Government in Newfoundland 1638-1713", unpub. MA thesis, Univ. London, 1924, publicized in A.P. Newton's "Newfoundland to 1783", in *Cambridge History of the British Empire*, eds. Holland Rose, Newton and Benians (Cambridge, 1930); by R.G. Lounsbury, *The British Fisheries at Newfoundland 1634-1763* (New Haven, Conn., 1934); by C.B. Judah, Jr. *The North American Fisheries and British Policy till 1713*, (1933), by McLintock, and canonized by Harold Innis, *The Cod Fisheries* (Toronto, 2nd Ed., 1954), whose "theory of metropolitan-outport conflicts certainly predisposed him to accept their conclusions about Newfoundland" (Matthews, p. 26). However, Matthews missed the influence of the Amulree *Report* on McLintock's analysis of the Irish in Newfoundland's pre- and early "government" period, 1800-1855.

equally divided into Protestants and Catholics, the flames of political and sectarian strife were fanned by unscrupulous ranters who did not hesitate to mislead the bigoted and ignorant masses."[29] The ways in which the history of Newfoundland Roman Catholicism were written were also affected by the growth and fruition of the idea of union with Canada. The referenda campaigns themselves were sectarian and divisive, but Newfoundland confederated on 31 March 1949 and the first act of the reconstituted Newfoundland Legislature was to grant Memorial University College full degree-granting university status.[30] Despite the assertive anglophilia of the Smallwood government and the university, this eventually had a pivotal impact on how Newfoundlanders would come to think about themselves and their past.

To celebrate the centenary of the consecration of the St. John's cathedral, a volume of articles appeared in 1955 in which leading clergy and laity recounted their Irish ancestors' persecution under eighteenth-century penal laws. The authors celebrated the struggle to build the St. John's cathedral, and promulgated the myth of Queen Victoria's supposed aid to Bishop Fleming to obtain land to build the cathedral.[31] Catholic-Protestant sectarian tensions were only suggested,[32] while bitter sectarianism and Irish factionalism was again ignored. It

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[29] McLintock, *Constitutional Government*, p. 190.

[30] On sectarianism in 1948 see J.E. FitzGerald, "Newfoundland's Confederation with Canada, 1946-1949", unpublished MA thesis, Memorial University of Newfoundland, St. John's, 1992, esp. ch. 7. On the post-confederation Anglophilia of Smallwood and the university see FitzGerald, "The Orthodoxy Unchallenged", *NS*, Vol. 11, No. 1 (Spring 1995): 127-144.

[31] "How Queen Victoria Helped Bishop Fleming Obtain the Land for the Cathedral-A Newfoundland Tradition", *The Centenary of the Basilica-Cathedral of St. John the Baptist*, ed. Rev. P.J. Kennedy (St. John's: Robinson and Company, 1956), pp. 217-221.

[32] Edward B. Foran, "Early Days of the Catholic Church in Newfoundland", *Centenary of the Basilica*, pp. 202-216 claimed that sectarian hatred was kept alive against Irish Catholics by the editor of the *Public Ledger*, Henry David Winton, and by the appointment and activities of Henry John Boulton as Chief Justice of Newfoundland in 1834, fresh from office as Attorney General of Upper Canada and membership in the "Family Compact". On Boulton's pre-Newfoundland career see Hereward and Elinor Senior, "Henry John Boulton, 1790-1870", *Dictionary of Canadian Biography* (entries hereafter *DCB*) IX, pp. 69-70.

was only six years since the confederation referenda campaigns and sectarian tensions were still seething.[33] The centenary volume was popular history, crafted to celebrate triumph and achievement and mythologize the church's place in Newfoundland life. That version of history reflected an unquestioned belief in the superior right of the church to its place in Newfoundland society, its role rapidly changed with the civic nationalism brought on by confederation, secularism, and by the immersion of Newfoundland into Canadian life by television.

Understandings of life in Newfoundland which had remained unchanged for a century were soon revised by professional scholars. In 1964, Frederick Rowe's *Development of Education in Newfoundland* interpreted denominational education in Newfoundland as a contemporaneous product of the charitable impulses of local societies like the Benevolent Irish Society (BIS) and a formal political culture which suffered under "racial and religious antagonisms",[34] and not as an integral component of a culture, nor as a culturally-determined activity. Rowe noted that Fleming desired to seize control of education in St. John's from "Catholic Liberals" and to make the BIS's non-denominationally-controlled Orphan Asylum school into a church-run school,[35] but he did not attempt to detect a larger educational or social agenda on Fleming's part.

In 1966, Gertrude Gunn's study of Newfoundland politics from 1832 to 1864 picked up where McLintock left off, and became the principal opus on this period of Newfoundland history. Gunn interpreted the Newfoundland Irish not as an ethno-religious group with

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[33] Archbishop Patrick J. Skinner told the author in 1990 that in 1952, he cancelled a large "Rosary Crusade" parade planned to travel through the streets of St. John's, fearing its power to elicit anti-Catholic sectarianism so soon after the confederation referenda.

[34] Frederick W. Rowe, *The Development of Education in Newfoundland* (Toronto: The Ryerson Press, 1964), ch. 3, p. 13.

[35] *Ibid.*, p. 38.

changing characteristics, but as spoiled unruly west Britons. The Irish were portrayed as a disastrous and Catholic impediment to the governance of a peaceful British Protestant colony, exactly as governors and mandarins in the Colonial Office saw them.[36] Since there was little vigorous persecution of Newfoundland Irish Catholics and no other competing Catholic ethnic groups in Newfoundland such as Germans or Italians, the Irish became prime subjects for blame. Just as Oscar Handlin had interpreted the Irish who went to Boston following the outbreak of the 1846 Potato Famine,[37] Gunn found the earlier Irish settlers of Newfoundland to be "of a superior type", quite different from the traumatized "influx of hungry and destitute Irish peasants" who joined their relatives and friends during the eighteenth century" and dominated Newfoundland politics in the nineteenth.[38] To her, the danger of arousing sectarian strife impelled the British to delay granting representative government, and the supposed geographic isolation of the population contributed to its "outport insularity" and "exclusive sectarianism".[39] As in Amulree's report, Gunn saw Newfoundland as a "raw settlement which had grown up in illegitimacy and neglect", where religion and sectarianism were integrated into the politics of the place by the leaders of the Irish community,[40] and where the disloyal Irish had "...a very low standard of life" with "a

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[36] Gertrude Gunn, *The Political History of Newfoundland, 1832-1864* (Toronto: University of Toronto Press, 1966).

[37] Oscar Handlin, *Boston's Immigrants, 1790-1865, A Study in Acculturation*. (Cambridge, Mass.: Harvard University Press, 1941).

[38] Gunn, *History*, p. 8.

[39] *Ibid.*, pp. 7-8.

[40] This is evident from Keith Matthews, 'The Class of '32", *Newfoundland History Readings*, ed. Melvin Baker (St. John's: Memorial University, 1987), pp. 263-276; and Raymond J. Lahey, "Religion and Politics in Newfoundland: The Antecedents of the General Election of 1832", *ibid.*, pp. 249-262.

decided animus against English Law, English Landlords, and the English Church".[41] At the heart of this community was Fleming, whom Gunn described in the words of James Stephen, the undersecretary of the Colonial Office, as a "very irascible and coarse-mannered man" who "did not scruple to supplement persuasion with the spiritual weapons of the church."[42] The cultural texture of the Newfoundland Irish was never explored, save to note the "Castle Catholic" ways of small merchants Patrick Kough and Michael McLean Little. Instead, the Irish were a united sectarian "mob"[43] which could be found four-square behind the demons Fleming and the youthful Irish political leader John Kent in any sectarian conflict, while the monolithic church, armed with its array of spiritual weapons, kept the Irish in a constant state of terrified subjugation. This monochromatic, reductionist depiction of Irish Catholicism promulgated a political myth of Irish sectarianism, which soon became the myth of Newfoundland backwardness, and more recent studies of Newfoundland as an object-lesson in British colonial policy have not escaped this orthodoxy.[44] A new generation of historians schooled in North American and European social, economic, and political history has since redefined the Irish in Newfoundland,[45] but arguments recently raised about the church's

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[41] *Ibid.*, p. 8.

[42] Gunn, *History*, pp. 29 and 32.

[43] This study will use the relatively value free term "crowd" instead of "mob". Scott See, *Riots in New Brunswick* (Toronto: University of Toronto Press, 1993), p. 7 points out that "mob" connoted for contemporaries "an unstable, extremely volatile gathering with a minimum or absence of leadership".

[44] A similar conceptualization of Newfoundland as an "anomalous society" by virtue of being "too divided and backward" may be found in John Manning Ward, *Colonial Self-Government: The British Experience 1759-1856* (Toronto: University of Toronto Press, 1976), pp. 124-130, and in Frederick Rowe, *A History of Newfoundland* (Toronto: McGraw-Hill Ryerson, 1980).

[45] Modern Newfoundland historical scholarship was founded by the work of George M. Story, who with J.D.A. Widdowson and William Kirwin used oral interviews and read Newfoundland's literature to capture Newfoundland language and dialects in the *Dictionary of Newfoundland English*, eds. Story, Kirwin, and Widdowson (Toronto: University of Toronto Press, 1982). Story encouraged Keith Matthews to study the rise and fall of the English migratory fishery and the slow growth of a permanent population and write "A History of the West of England-Newfoundland Fishery", (unpub. D.Phil. thesis, Oxford University, 1968). Matthews

control of education during the contemporary public debate over denominational education have continued to be informed by Gunn's interpretation.

The revision of Gunn's assumptions was begun by John Mannion, whose *Irish Settlements in Eastern Canada* (1974) was a comparative historical geography of three farming communities on the Avalon Peninsula in Newfoundland, the Miramichi in New Brunswick, and Peterborough in Ontario.[46] Mannion did not specifically focus on religion or ethnicity but he showed that Irish immigrants brought, preserved, and adapted their material culture and economic habits in new lands.[47] They brought social and economic strategies for survival and prosperity, and preserved their culture in architecture, farm implements, furniture, and in legal documents like land grants and wills. There were recurring and close Irish connections with Newfoundland, and most of the Irish who went to Newfoundland were Roman Catholics.[48] Identity became a mode of survival and achieving

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encouraged Shannon Ryan to write MA and PhD theses on the Newfoundland fisheries, and eventually *Fish Out of Water: The Newfoundland Saltfish Trade 1814-1914* (St. John's: Breakwater Books, 1986), and *The Ice Hunters: A History of Newfoundland Sealing to 1914* (St. John's: Breakwater Books, 1994), a masterful survey arguing that the nineteenth century seal fishery created a permanent, year-round population in Newfoundland and fuelled England's industrial revolution. Story's scholarship spawned Patrick O'Flaherty's *The Rock Observed:Studies in the Literature of Newfoundland* (Toronto: University of Toronto Press, 1979), the standard survey of Newfoundland historical literature, and James Hiller's and Peter Neary's *Newfoundland in the Nineteenth and Twentieth Centuries* (Toronto: University of Toronto Press, 1980).

[46] Mannion, *Irish Settlements*, based on his "Irish Imprints on the Landscape of Eastern Canada in the Nineteenth Century: A Study in Cultural Transfer and Adaptation", Ph.D. thesis, University of Toronto, 1971.

[47] Mannion's definition of material culture as "all the physical manifestations of culture" (*ibid.*, p. 3) is still valid and used by the present study.

[48] Material cultural evidence did not survive as well in Irish enclaves outside Newfoundland because of assimilation, population increase, and stronger economic influences (Mannion, *Irish Settlements*, pp. 165, 174, and graphs pp. 166-7). Important among Mannion's subsequent works are "Introduction", *The Peopling of Newfoundland: Essays in Historical Geography* (St. John's: ISER Books, 1977), 1-13; "The Waterford Merchants and the Irish Newfoundland Provisions Trade, 1770-1820", *Négoce et Industrie En France et en Irlande Aux XVIIIe et XIXe Siècles* (Paris: Editions du Centre national de la Recherche Scientifique, 1980); "Irish Merchants Abroad: The Newfoundland Experience 1750-1850", *NS*, Vol 2, No. 2 (Fall 1986): 127-191; "St. John's" (Plate 27), *The Historical Atlas of Canada*, Vol. I, ed. R. Cole Harris (Toronto: University of Toronto Press, 1987); "Henry Shea (1767-1830): A Tipperary Trader in Newfoundland," *Tipperary History Journal*, Vol. 1 (1988): 182-191; "Migration and Upward Mobility: The Meagher Family in Ireland and

prosperity. Mannion first believed that migration relied on individual decisions to leave Ireland and was "nuclear" (which saw children emigrate with parents), instead of "chain" migration (which included extended kin, family and friends), but he later found that chain migration also occurred.[49] More recently, Mannion has shown that Irish migrations to Newfoundland were much more intensely local in their spatial dimensions than any other Irish migration to North America: ninety per cent came from within a forty-mile radius of the city of Waterford, and settled within a sixty-mile radius of St. John's.[50] Furthermore, there was a constant "to-ing and fro-ing" between the Old World and the new, ensuring that Irish Newfoundland remained in the van of contemporary Irish social and political culture. No other group before or since ever migrated from such a concentrated emigration zone in Europe to such a concentrated target area in North America over such a long period of time.[51]

Through the 1980s, the history of Newfoundland Irish Catholicism received much new attention by scholars, but the period 1830 to 1850 was forgotten once more. The papal visit to St. John's in 1984 to celebrate the two hundredth anniversary of Roman Catholicism in Newfoundland elicited more scholarship than had the previous two centuries, but it

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Newfoundland, 1780-1830," *Irish Economic and Social History*, Vol. 15 (1988): 54-70; "Patrick Morris, 1789-1849" *DCB* VII, p. 627; "Patrick Morris and Newfoundland Irish Immigration", *Talamh an Eisc: Canadian and Irish Essays*, eds. Cyril J. Byrne and Margaret Harry (Halifax: Nimbus Publishing, 1986), pp. 180-202; "Old World Antecedents, New World Adaptations: Inistoge (Co. Kilkenny) Immigrants in Newfoundland", *NS*, Vol. 5, No. 2 (Fall 1989): 103-175; "Vessels, Masters and Seafaring: Patterns in Waterford Voyages, 1766-1771", *Waterford History and Society*, eds. William Nolan and Thomas P. Power (Dublin: Geography Publications, 1992): 373-402. The best demographic analysis of the Irish migration to Newfoundland is Mannion, "Tracing the Irish: A Geographical Guide", *Newfoundland Ancestor*, (hereafter *NA*) Vol. 9, No. 1 (May 1993): 4-18.

[49] *Ibid.*, p. 16.

[50] Mannion, "Tracing the Irish", *NA*, 9, 1 (May 1993): 10, 13.

[51] Notable for its general excellence, and rare in Canadian historiography for its scholarly examination of early nineteenth century Tipperary Protestant migration to the Canadas between 1818 and 1855 is Bruce Elliot, *Irish Migrants in the Canadas* (Kingston and Montreal: McGill-Queen's University Press, 1988).

appeared only in the form of scattered articles. Cyril Byrne's *Gentlemen-Bishops and Faction Fighters* was an annotated collection of the correspondence from 1784 to 1829 of the first three bishops, James Louis O'Donel, Patrick Lambert and Thomas Scallan.[52] It was an excellent primary source which first illustrated the significance of the conflict between Irish provincial factions from Leinster and Munster within the early Catholic community of Newfoundland. Kevin Whelan demonstrated that popular Catholic practices in Newfoundland were rooted in Irish customs, and that Newfoundland and Irish Roman Catholicism were plagued by recurring conflicts between itinerant and sedentary clergy over who had the legitimacy to be the bishop and leader of the community.[53] Historian and priest, R.J. Lahey, who had previously written on the construction of Fleming's cathedral in St. John's, and the sectarian antecedents of the first Newfoundland election of 1832, delivered the incisive *James Louis O'Donel in Newfoundland, 1784-1807: The Establishment of the Roman Catholic Church*, and *Dictionary of Canadian Biography* entries on bishops Lambert and Scallan, and priests John Power, Edmund Burke, and Thomas Ewer.[54] These portrayed forty-five years of factional conflict in the Newfoundland church even before Fleming became bishop. Paul O'Neill's popular history *Upon This Rock: The Story of the Roman*

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[52] Cyril Byrne, ed. *Gentlemen-Bishops and Faction Fighters: The Letters of Bishops O Donel, Lambert, Scallan and Other Irish Missionaries* (St. John's: Jesperson Press, 1984).

[53] Kevin Whelan, "County Wexford Priests in Newfoundland", *Journal of the Wexford Historical Society* (1984-1985), Vol. 10: 55-67; and "Old Kilkenny Priests in Newfoundland", *Old Kilkenny Review*, 1986, Vol. 3, 2nd series (3): 242-255.

[54] Raymond J. Lahey, "Religion and Politics in Newfoundland: The Antecedents of The General Election of 1832", a lecture delivered to the Newfoundland Historical Society, 15 March 1979, in *Religious Studies 3901: Religion in Newfoundland and Labrador: The Nineteenth and Twentieth Centuries*, ed. Hans Rollmann (St. John's: Memorial University of Newfoundland, 1990): 1.25-1.39; "The Building of a Cathedral", *The Basilica-Cathedral of St. John the Baptist, St. John's, Newfoundland, 1855-1980*, ed. John Wallis (St. John's: Robinson Blackmore, 1980): 27-42; *James Louis O'Donel in Newfoundland, 1784-1807: The Establishment of the Roman Catholic Church* (St. John's: Newfoundland Historical Society, 1984; "Thomas Scallan (1766-1830)", *DCB* VI, pp. 690-694; "Patrick Lambert, 1755-1816", *DCB* V, pp. 473-4. Byrne's *Gentlemen-Bishops* and Lahey's *O'Donel* were reviewed by William A. Kearns, *NS*, Vol. 1, No. 2 (Fall 1985): 245-248.

Catholic Church in Newfoundland[55] gave cultural texture and added folk history to the picture of the Irish in Newfoundland. Mary Nolasco Mulcahy documented penal Catholicism in Newfoundland before 1830, but persecutions and Handlin-esque trauma were overemphasized at the expense of exploring the informality of early religious practises.[56]

Since the 1984 anniversary year, social historians have explored how education was used by political élites and reformers to achieve social mobility, create culture, and shape public morality, but they left the church's agenda and means of doing this unexplained. Philip McCann linked Fleming's desire to control education to sectarian political turmoil, and movements in Britain towards constitutional reform,[57] but he did not search for Irish institutional precedents for the work of the Mercy and Presentation orders of teaching sisters in Newfoundland, or for Fleming's troubled relationship with the Mercy sisters which resulted in their departure from Newfoundland, a problem which remained unsolved by Mary Wilhelmina Hogan's *Pathways of Mercy*, a thematic chronology of the Mercy sisters' work in Newfoundland.[58]

Issues of ethnicity, identity, and intra-group conflict within Irish-Newfoundland Catholicism have also come into focus. Hans Rollmann published an addendum of original

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[55] Paul O'Neill, *Upon This Rock: The History of the Roman Catholic Church in Newfoundland* (St. John's: Breakwater Books, 1984).

[56] Mary Mulcahy, R.S.M. "The Catholic Church in Newfoundland: The Pre-Emancipation Years," *Canadian Catholic Historical Studies* (hereafter *CCHS*), 1985: 5-34; and "Prohibited by Law": The Early Church in Newfoundland," *Canadian Catholic Review* 2 (hereafter *CCR2*), 1984: 448-454.

[57] Philip McCann, "Bishop Fleming and the Politicization of Irish Roman Catholics in Newfoundland, 1830-1850", *Religion and Identity: The Experience of Irish and Scottish Catholics in Atlantic Canada*, eds. Terrence Murphy and Cyril Byrne (St. John's: Jesperson Press, 1984), pp. 81-98. Also see *ibid.*, Hans Rollmann,"Religious Enfranchisement and Roman Catholics in Eighteenth-Century Newfoundland", pp. 34-52; and Patrick J. Corish, "The Irish Catholics at the End of the Penal Era", pp. 1-17.

[58] Mary Wilhelmina Hogan, R.S.M., *Pathways of Mercy* (St. John's: Dicks and Company, 1984). This incompleteness was reflected in Paul Woodford, *"We Love the Place, O Lord": A History of the Written Musical Traditions of Newfoundland and Labrador* (St. John's: Creative Publishers, 1986).

correspondence to Byrne's work which pinpointed the characteristics of Roman Catholicism in pre-constitutional, pre-1830 Newfoundland:

> ...strong English loyalties of the Roman Catholic leadership in Newfoundland; the class consciousness and cultural paternalism exhibited by the bishops towards their flock; the latitudinarian theology and cosmopolitan ethos of the first three vicars apostolic and their concomitant disinterest (even prior to the Ultramontane era) in fostering an autochthonous Irish Catholicism; the great tensions present among the Irish on the Avalon peninsula—apparently the result of previous provincial rivalries in Ireland; the preponderance and persistence of the Gaelic language on the island....[59]

A *DCB* biography by Lahey in 1987 confirmed Fleming as the pivotal agent in religious and political life in nineteenth-century Newfoundland, quite different from his predecessors in many of the respects Rollmann identified, but showed that Fleming's church was not as united as successful as Howley led his readers to believe.[60] Fleming also emerged as the object of an international diplomatic dispute between Britain and the Vatican, and together with Lahey's work on Fleming building the cathedral, both works suggest that Fleming's implementation of a coherent program of change to Newfoundland Catholicism conflicted with London's expectations, eliciting representations to Rome, but the nature and significance of these relations required further study.

In 1988 Philip McCann used the concepts of the social construction of the state and the invention of tradition, suggested by Hobsbawm and Ranger, to argue that the British

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[59] Hans Rollmann, "*Gentlemen-Bishops and Faction Fighters*: additional letters pertaining to Newfoundland Catholicism, from the Franciscan Library at Killiney (Ireland)", *Journal of the Canadian Church Historical Society*, Vol. XXX, No. 1 (April 1988): 3-19. Cyril Byrne, "The Waterford Colony in Newfoundland, 1700-1850", *Waterford History and Society*, eds. William Nolan and Thomas P. Power (Dublin: Geography Publications, 1992), pp. 351-372 argues that Irish was spoken in Newfoundland well into the nineteenth century, while William J. Kirwin, "The Planting of Anglo-Irish in Newfoundland", *Focus on Canada*, ed. Sandra Clarke (Philadelphia: John Benjamins Publishing Company, 1993), pp. 65-84 argues that Anglo-Irish dialects came to predominate among the Newfoundland Irish by the mid-nineteenth century.

[60] R.J. Lahey, "Michael Anthony Fleming, 1792-1850", *DCB VII*, pp. 292-300. Lahey, "Catholicism and Colonial Policy in Newfoundland, 1779-1832", *Creed and Culture: The Place of English-Speaking Catholics in Canadian Society, 1750-1930*, eds. Terrence Murphy and Gerald Stortz (Montreal: McGill-Queen's University Press, 1993): 49-78, deals with the pre-Fleming period of Newfoundland Roman Catholicism. I thank Bishop Lahey for indicating that the end date for this article was misprinted as 1845.

government responded to expressions of Catholic solidarity in Newfoundland, as it had elsewhere in its Empire, with a Protestant crusade, and encouraged organizations such as an Agricultural Society, a school operated by the British-organized Newfoundland School Society, a Natives' Society, and a Mechanics' Institute to "create in Newfoundland a British identity with strong nativist feelings of local pride."[61] However, McCann's Irish were again portrayed as passive objects at the hands of British Protestants, and Irish agency was reduced to an expression of participation in a British world. Subsequent articles by McCann on the relationship of the Irish to British educational schemes in Newfoundland displayed the extent of British determination to dominate the Irish through control of education in Newfoundland,[62] but the Catholic militancy which prompted this British response remained unexplained, leaving an impression of Catholic solidarity.

The need to explore the agendas of Fleming and the reformers has been highlighted by the work of other scholars. Sean Cadigan's *Hope and Deception in Conception Bay: Merchant-Settler Relations in Newfoundland, 1785-1855*, a bold analysis of the connections between economic subsistence, the economic relations of household production in the cod fishery, and the interpretation of the law.[63] Cadigan used court records and governors'

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[61] See J.M. Bumsted's introduction to Phillip McCann, "Culture, State Formation and the Invention of Tradition: Newfoundland 1832-1855", *Journal of Canadian Studies*, Vol. 23, Nos. 1 and 2 (Spring / Summer 1988): 86-103, reprinted in *Interpreting Canada's Past: Volume One: Pre-Confederation, Second Edition*, Ed. J.M. Bumsted (Toronto: Oxford University Press, 1993), esp. p. 607.

[62] Philip McCann, "The Newfoundland School Society 1823-1855: Missionary Enterprise or Cultural Imperialism?", *"Benefits Bestowed?": Education and British Imperialism*, Ed. J.A. Mangan (Manchester: Manchester University, 1988): 94-112; McCann, "The 'No Popery' crusade and the Newfoundland School System, 1836-1843", *Canadian Catholic Historical Association Studies* (hereafter *CCHAS*), Vol. 58 (1991): 79-97.

[63] Sean T. Cadigan, *Hope and Deception in Conception Bay: Merchant-Settler Relations in Newfoundland, 1785-1855* (Toronto: University of Toronto Press, 1995), based on his "Economic and Social Relations of Production on the North-east Coast of Newfoundland, with Special Reference to Conception Bay, 1785-1855", Ph.D. thesis, Memorial University of Newfoundland, 1991, and his "The Staple Model Reconsidered: The Case of Agricultural Policy in Northeast Newfoundland, 1875-1855", *Acadiensis*, Vol. XIX, No. 2 (Spring

despatches to discuss reformers' activities, and political agitation among Conception Bay fishermen, most of whom were Irish Catholics. However, this history fell into the presentist trap of interpreting Irish motivations and activities in terms of what was happening at the same time in the neighbouring British North American colonies, while ignoring the Irish and Catholic political and religious context of their culture. As a result, his study is of little use for discovering the political, cultural, or religious dynamics at play within the Newfoundland Irish community. When seen solely through the dark glasses of class, the "Liberal" reform élite of William Carson, R. J. Parsons, and Catholics Patrick Morris, Bishop Fleming, and J.V. Nugent was self-serving. They criticized merchants' use of credit, proposed the return of a wage-lein system for fishermen, promoted agriculture, and propounded a "myth" which demonized the history of "merchants-against-agriculture", even though they supposedly knew of Newfoundland's acidic soil and maritime climate. As Cadigan's argument was concerned with economic issues, and because of the British bias in his sources, his argument is blind to the cultural and religious predilections of the audience to which the reformers played. Most of the Irish fishing families in Newfoundland had been farming families in Ireland, and for social, economic and political reasons, principally owing to absentee British landlords, the insecurity of legal titles in Newfoundland until 1813, and the absence of the Irish from the miniscule Newfoundland middle class, the Irish in Newfoundland were constantly occupied with issues involving property and land.[64]

Agitation by "liberals" was also misinterpreted by Cadigan, who ascribed it to a Catholic élite's desire for a share of patronage and state funding for schools, which was

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1992): 48-71.

[64] Richard MacKinnon, "The Growth of Commercial Agriculture Around St. John's, 1800-1935", unpub. MA thesis, Dept. of Geography, Memorial University, 1981 showed that many of the several hundred small farms around St. John's were Irish. On the cultural practises of common land use among the Irish see Gerald Pocius, *A Place to Belong* (Montreal: McGill-Queen's Press, 1994), esp. ch. 4.

partially true. His claim that this desire manifested the Liberals' British-shaped gentry aspirations reiterated McCann's argument and ignored the possibility that the reformers' aspirations and models for political behaviour were O'Connellite Irish, and shaped by local political circumstances and transatlantic expectations for Catholicism in Ireland rather than by British bourgeois causes. Cadigan's inflexible theoretical framework precluded the examination of what were Catholic interests, and factional divisions within the Catholic reform community. By contrast, Jerry Bannister showed that before a house of assembly was granted in 1832, Newfoundland reformers made constant appeals to England through a political and kin network in Ireland. Bannister prematurely concluded that because of its stridency and bitter sectarian factionalism, by 1842 the reform movement became a victim of its own success,[65] thus leaving the issue of a Catholic agenda unexplored.

In the past decade, historians of religion in the United States and Canada have produced several studies of relevance to Newfoundland Catholicism. In 1987, Patrick Carey explored the phenomenon of trusteeism in the eastern United States in the mid-nineteenth century. Trusteeism was defined as an American form of congregational conflict between elected lay trustees who were often long-time residents of their parishes and animated by self-interest and principles of republican democracy, and Roman Catholic bishops, whose Euro-centric hierarchical models of church permitted no lay control of church properties, personnel, or affairs.[66] In reply, Terrence Murphy found that trusteeism flourished in the Irish Catholic communities of Halifax, St. John's and Saint John, disproving Carey's argument that

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[65] Jerry Bannister, "The Campaign for Representative Government in Newfoundland", *Journal of the Canadian Historical Association* (New Series, Vol. 5, Calgary 1994) (hereafter *JCHA*): 19-40.

[66] Patrick W. Carey, *People, Priests and Prelates: Ecclesiastical Democracy and the Tensions of Trusteeism* (Notre Dame, Indiana: Notre Dame Press, 1987), pp. 2-5, and passim.

it was a movement uniquely animated by American ideals of republicanism.[67] Trustees in Newfoundland were important opponents of Fleming's, but their relation to Irish political agitation and British regulation of the culture of Catholicism before Fleming has now to be explored. Lahey found that Catholics and Nonconformists experienced difficulty in exercising religious and civil liberties:

> In Newfoundland, as in all three Maritime provinces and in Upper Canada, one of the most inflammatory religious controversies surrounded the right to perform marriages. Prior to 1817 no statute laws applicable to Newfoundland regulated the solemnization of marriages, since the British legislation, which normally reserved this function to clergy of the established church, did not apply overseas.[68]

In 1811, for the first time, the British Privy Council allowed Newfoundland Catholic priests to conduct funerals.[69] Consonant with civil disabilities against Catholics current in Ireland and throughout the British Empire. Newfoundland Catholics were excluded from membership in the governor's executive council. In 1825 Governor Thomas Cochrane's commission tried to fix this to silence Irish opposition by inviting Patrick Morris into the Council, but this failed because Catholics were still required to take the oath of supremacy and make the Test Act declaration against transubstantiation. Lahey claimed that the oath issue was addressed in 1832 when full civil and religious liberties were granted to Catholics,[70] but if this was so, for what did reformers continue to agitate? Mark McGowan has suggested that scholars have not identified "Anglo-Celts as willing participants in the

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[67] Terrence Murphy, "Trusteeism in Atlantic Canada: The Struggle For Leadership among the Irish Catholics of Halifax, St. John's, and St. John, 1750-1850", *Creed and Culture*, pp. 126-151.

[68] Lahey, "Catholicism and Colonial Policy", *Creed and Culture*, p. 59.

[69] *Ibid.*, p. 56.

[70] *Ibid.*, p. 66.

imperialist versus nationalist struggle."[71] The fight of the Catholic reform élite alongside Fleming remains to be explained, as well as the nature and extent of Vatican involvement in Newfoundland politics, but the expense of research in Ireland and Rome has previously been prohibitive.

The outstanding issue of significance missing from studies of Newfoundland Catholicism is ultramontanism, a conservative spiritual, intellectual, liturgical, and political response of the church to the threats posed to its authority by the French Revolution and by the ideas of the Enlightenment. Ultramontanists wished to centralize the control of Catholicism in Rome and disenfranchise lay Catholics from control of church properties and institutions, and this movement culminated in the declaration of the dogma of Papal Infallibility at the first Vatican Council in 1870. Desmond Bowen's *Paul Cardinal Cullen and the Shaping of Modern Irish Catholicism*[72] explained how ultramontanism shaped and provided a means of ascent within the church for Ireland's first cardinal, who during Fleming's life was an influential cleric in Rome. Bowen, Kevin Condon,[73] and Carey have illustrated the widespread influence and practise of ultramontanism in British North America, Ireland, and the United States, and their work suggests that if Fleming was in the mainstream of Irish clerical life, both he and his clergy should have been influenced by the movement.

In 1991, Terrence Murphy remarked that the study of "religion harnessed to ethnicity" is in its relative infancy. He called for studies of

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[71] Mark McGowan, "Toronto's English-Speaking Catholics, Immigration, and the Making of a Canadian Catholic Identity, 1900-30", *Creed and Culture*, pp. 204-245.

[72] Desmond Bowen, *Paul Cardinal Cullen and the Shaping of Irish Catholicism* (Dublin: Gill and Macmillan, 1983), esp. chs. 1 and 2. Fleming's ultramontanism is explored in ch. 3 of the present work.

[73] Bowen, "Ultramontanism in Quebec and the Irish Connection", *The Untold Story: The Irish in Canada*, Vol. 1, eds. Robert O'Driscoll and Lorna Reynolds (Toronto: Celtic Arts of Canada, 1988): 295-308; Kevin Condon, c.m., "Father John Hand" and "The Missionary Scene in 1841", *The Missionary College of All Hallows 1842-1891* (Dublin: All Hallows College,1986), pp. 15-34.

> ...how religious symbols furnished a sense of order in times of dislocation and of hope in the face of an uncertain future; how religious institutions provided an organizational framework in which group formation could occur; and how religious rituals fostered and promoted a spirit of communal solidarity....[74]

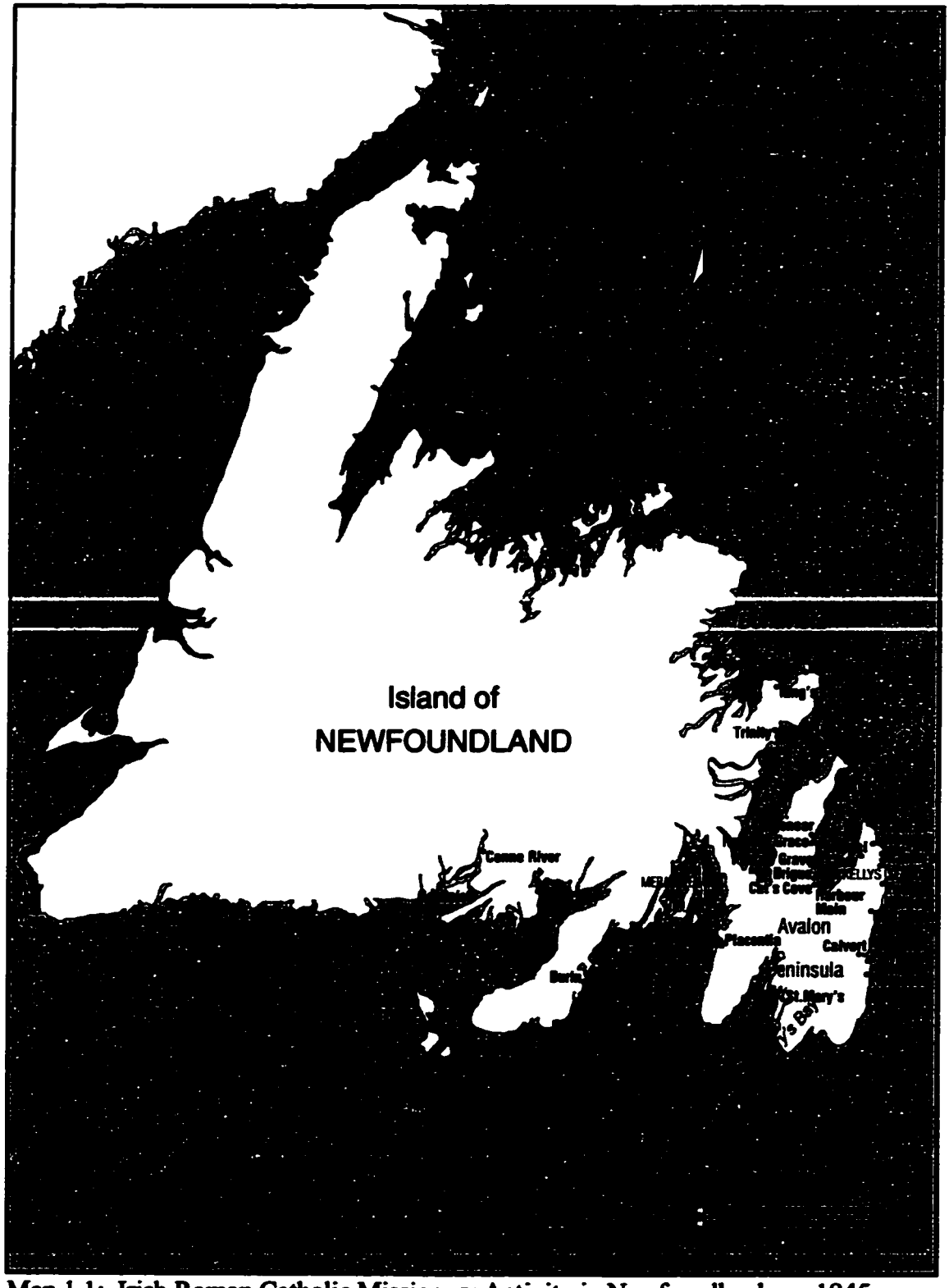
In answer to that call, this study will show how institutional Roman Catholicism was invented and grew in Newfoundland, and will show that Irish Roman Catholics were never as united as they have been portrayed by historians. The blame placed on Fleming by some historians, and the unwillingness of others to explore his role in the changes which took place in Catholicism during his episcopacy demands that this study be in good measure an examination of the life and influence of Fleming, and that it take a diachronic narrative form in order to clarify cause-and-effect relationships which have been obscured by thematic, episodic, and theory-driven approaches. Documents from Ireland, Rome, Newfoundland and England will be used to show how and why Fleming took control of education, how successive British governments sought to co-opt the church and what happened when they discovered that they could not. Since historians have not yet explored how reform and Catholic interests were linked, this work will show how reformers exploited and opposed British initiatives in an O'Connellite Irish political vein in order to bring about change in Newfoundland. The conflict surrounding the building of Fleming's cathedral, and the material culture of several monuments found within it will be analyzed as social and political tools and symbols which enabled Fleming and his collaborators to make the transition from trustee-run, Irish provincial faction-ridden, informal, popular Catholicism to institutionalized, ultramontane Roman Catholicism. This thesis will illustrate the relationships between the culture of Irish Catholics in Newfoundland and the culture of Ireland, and will examine the role of Rome in the affairs of the Newfoundland mission. It will show the role the church

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[74] Terrence Murphy, "Religion and ethnicity in Canadian historiography", *Studi Emigrazione/Etudes Migrations*, Anno XXVIII, No. 103 (Settembre 1991): 305.

played in the transition of Newfoundland from colony to country, and the construction of a new society and state.[75]

[75] For the purpose of this study, customs may be defined as the habits assumed or invented in order to serve a social purpose; a culture is a set of customary beliefs, traits, and skills of one or more social groups.



Map 1.1: Irish Roman Catholic Missionary Activity in Newfoundland, ca. 1845

Chapter 2

Antecedents of Reform: Newfoundland Catholicism before 1830

Out of an informally-practised folk religion, Newfoundland Roman Catholicism was moved by reformers and Fleming into a position of cultural and social acceptability and institutional development during the first half of the nineteenth century. Gertrude Gunn argued that Fleming and the reformers spurred on sectarian divisions and were responsible for much of the ensuing conflict in Newfoundland politics. By contrast, this study argues that social and political conflict had its origins in the Wexford and Waterford factionalism, and that conflict and change in Catholicism originated with Fleming's dissatisfaction with the kind of Catholicism which his predecessors had tolerated, and his dissatisfaction with the limited scope for Catholicism under British rule. Thus, Newfoundland Catholicism can best be appreciated against the context of the Irish migrations to Newfoundland, against the rising political expectations of Irish Catholic reformers, and against the kind of Catholicism which developed before Fleming became bishop.

Who were the Newfoundland Irish? They were already a well-established, cohesive cultural group long before the potato famine of the 1840s, the leading group of a European exodus across the Atlantic.[1] After English trade restrictions were lifted in 1698,[2] Irish foodstuffs and supplies became cheaper.[3] Vessels bearing fishing "servants" from Devon, Dorset, Somerset, and Hampshire in southwest England stopped at ports in Wexford, Waterford and Cork in south-east Ireland for pickled beef, pork, hard bread, and provisions. Irish servants also signed on and sailed for Newfoundland. They became the largest ethnic group in and around St. John's, numerically supplanting the English before the Napoleonic

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[1] Mannion, "Tracing the Irish: A Geographical Guide", *NA*, Vol. 9, No. 1 (May 1993): 13.

[2] Michael McCarthy, "The Irish in Newfoundland", *NA*, Vol. 9, No. 1 (Spring 1993): 35.

[3] Prowse, *History*, p. 201 noted that Irish supplies cost half as much as English supplies.

Wars.[4] This migration occurred in two principal waves, first a general but sporadic seasonal migration throughout the eighteenth and early nineteenth centuries on English and Irish vessels, and second, a much larger migration between 1811 and 1816 in roughly equal proportions from the provinces of Leinster and Munster, as a result of the prosperous Newfoundland economy during the Napoleonic wars, fixed in place and beginning a sharp depression in 1816 by an act of parliament regulating passage to Newfoundland.[5] Until the 1790s, year-round settlement of Newfoundland was occasionally discouraged by British naval governors and surrogate judges, but the rigour, regularity and effectiveness of this discouragement are questionable. Many young Irish indentured themselves as migratory servants first at English fishing plantations, but later signed on with Irish merchants themselves,[6] and fished for two summers and a winter before returning to Ireland.[7] Louis Cullen has argued that the annual migration of as many as 5,000 for profitable seasonal labour in Newfoundland predisposed a generation of the lower classes of Ireland to economic and social mobility, and Kevin Whelan has shown Irish social mobility to have been a vital part of the re-emergence of the Irish Catholic church.[8] Significantly for Newfoundland, servant overwintering became one of the origins of a year-round European presence in seventeenth-century Newfoundland, as did the increasing ratio of women to men, providing

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[4] On the Irish generally in Newfoundland see Newfoundland Historical Society files, Colonial Building, St. John's: Thomas F. Nemec, "The Irish Migration to Newfoundland: A Critical Review of the Secondary Sources", a lecture delivered to the Newfoundland Historical Society, 30 March 1978. For an excellent depiction of the Irish neighbourhoods of 19th century St. John's see Mannion, Plate 27, *Hist. Atlas* 1.

[5] Lahey, "Catholicism and Colonial Policy", *Creed and Culture*, p. 57.

[6] W. Gordon Handcock, *Soe longe as there comes no women* (St. John's: Breakwater Books, 1989), pp. 30-1.

[7] Prowse, *History*, p. 201.

[8] Louis M. Cullen, *The Emergence of Modern Ireland 1600-1900* (Dublin, 1981), p. 126; Whelan, "Regional Impact", pp. 258-262.

a basis for an indigenous population of European heritage.[9]

In 1765 Captain Hugh Palliser, the naval governor of Newfoundland, wrote of the permanent population in Newfoundland that

> ...3/4 are Irish Roman Catholicks men 6,976, are women 1,645, children 3,863 of these people full 9/10 of them are of no use in that country [Ireland] and are lost to this [English Newfoundland] during six months of the year (the winter season), for during that time they are perfectly idle, abandoned to every sort of debauchery and wickedness, become perfect savages, are strangers to all good order, government and religion by habitual idleness and debaucheries, they are averse to and unfit for labour... they are subsisted with the produce of the plantations (New England and West Indies) and use a great deal of foreign manufactory's, they (as all inhabitants of Newfoundland ever did) always carry on a trade prejudicial to the mother country, they hold as property all the old and best fishing conveniences which by law belongs to ship fishers...in my humble opinion such inhabitants instead of being of benefit or security to the country and the fishery's are dangerous to both, for they always did and always will join an invading enemy and full 3/4 of them are Roman Catholics.[10]

Many English officials distrusted Irish loyalty to the British monarchy and constitution, and mistrusted their ability to keep law and order. As late as 1769, the Methodist convert and clergyman Laurence Coughlan, who worked for the Society for the Propagation of the Gospel, wrote from Carbonear to London concerning the Catholicism of the Irish, their use of spoken Irish, and their geographic mobility:

> Many of the Papists come to Ch'[apel] and many more would come (As I spake the Irish Tongue) but numbers of them go to Ireland annually where they go to confession. Their priest finding they go to Church, when in Nd' [Newfoundland], puts them under heavy pennance....[11]

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[9] The absence of women as an inhibition of permanent settlement is explained in Handcock, *Soe longe.*

[10] Public Record Office, Kew, United Kingdom, Colonial Office Papers, Series 194, Newfoundland, Volume 16 (hereafter CO 194/16), fol 188r; and Byrne, "Waterford Colony", *Waterford History and Society*, pp. 355-6.

[11] C.F. Pascoe, *Two Hundred Years of the SPG. A Historical Account of the Society for the Propagation of the Gospel in Foreign parts, 1701-1900*, p. 92, cited in F.G. Foster, "Irish in Avalon: A Study of the Gaelic Language in Eastern Newfoundland", typescript at the Centre for Newfoundland Studies, Memorial University, 1977.

Coughlan believed that the Irish who came out for economic reasons often returned for religious ones, but little other evidence exists to support this contention.

In recent work Mannion has shown that shortly after Palliser's report, English merchants lost their monopoly as conduits for the Irish to Newfoundland when trade diversified into the hands of Irish merchants. A more permanent family-based fishery replaced the migratory servant-based fishery. When the American War of Independence disrupted trade between New England and Newfoundland, Irish merchants profiteered from trade with the island by directing migrants to employment in Newfoundland, collecting fares in the fall once wages had been paid, and remitting bills to family firms at home.[12] The Poole-based William Saunders became associated in the Newfoundland trade with Waterford-based Pierce Sweetman, and was joined in going to Newfoundland by others like Richard Welsh, James Kent, Thomas Fogarty, Luke Maddock, Thomas Meagher, and the Quaker Irish merchant, Archibald Nevins.[13] Between 1750 and 1850, and peaking during the last years of the eighteenth century, perhaps a hundred Irish family firms with provisions, and thousands more Irish flooded from counties Waterford, Tipperary, Kilkenny and Wexford, down the Suir, Barrow, and Nore rivers through Waterford headed for Newfoundland. The most important towns from which departures took place were New Ross, Co. Wexford, and

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[12] Prowse, *History*, p. 404; Mannion, "The Nevins Family, 1800-1840", *Decies*, Vol. 37 (Spring 1988): 9-19.

[13] Mannion, "Irish Merchants Abroad: The Newfoundland Experience 1750-1850", *NS*, 2, 2 (Fall 1986): 127-191, and passim; Mannion, "A Transatlantic Merchant fishery: Richard Welsh of New Ross and the Sweetmans of Newbawn in Newfoundland 1734-1862", *Wexford History and Society*, ed. Kevin Whelan (Dublin: Geography Publications, 1987): 373-421; Mannion, "Nevins Family", p. 11.

Carrick-on-Suir, Co. Tipperary.[14] An estimated 11,000 Irish came to St. John's in 1814 and 1815 alone.[15] Shannon Ryan has shown that the eighteenth-century English migratory fishery reached its zenith in 1788 and went into decline until its collapse in the post-war depression of 1816 to 1819.[16] The Irish of the second wave of migration were also economic migrants, attracted by the tremendous expansion of Newfoundland's land-based sedentary fisheries during the French wars.[17] They were fixed in place by the transition from the migratory and ship fisheries to a land-based sedentary fishery, by the growth of the seal fishery, by the fear of war, and by the unsustainable costs of conducting a migratory fishery.[18]

Newfoundland was settled and remained so because of the prospects of accumulating wealth. Reliable returns for population date only for 1827, 1830, and 1836. In 1827 the Newfoundland population was about 59,900; the census of St. John's taken in February and March 1830 showed an over-wintering population of 12,018, and by 1836, the first Newfoundland census found that out of a total Newfoundland population of 75,000, there were 38,000 Irish with 14,000-15,000 Irish in St. John's. From various sources Table 2.1 estimates the changing population of Newfoundland from 1794 to 1845.

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[14] Mannion, "Irish Merchants Abroad", *NS*, Vol 2, No. 2 (Fall 1986): 184.

[15] Prowse, *History*, p. 404, fn. 2. Numbers of seasonal migrants are unknown, as is the number which proceeded to the North American continent.

[16] Ryan, *Fish Out of Water*, p. 36.

[17] *Ibid.*, pp. 36-7.

[18] Ryan, *Fish Out of Water*, p. 35; Ryan, *Ice Hunters*, esp. introduction and ch. 2.

Table 2.1

Newfoundland Population and Religious Demography, 1794-1845

Year	NF (total)	Protestant	Catholic	St. John's	St. J's P.	St. J's C
1794	17,737 e	8530 e	9207 e			
1803	19,000 a					
1815	40,568 e	20,945 e	19,623 e	[8,000]		
1825	60,088 b	35,088 b	25,000 b			
1827	59,140 c	28,212 c	30,928 c			
1830	50,098 a	30,766 a	27,332 a	12,081 c		
1836	73,780 d	36,216 d	37,564 d	14,947 d	3406 d	11,541 d
1845	96,506 f	49,523 f	46,983 f	18,986 f	6210 f	12,776 g

NOTE: Some of these statistics were originally compiled for political purposes, so numbers are at best only approximations. Because the migratory fishery continued until the late 1820s the annual population fluctuated considerably.

SOURCES:

a. Mannion, "Introduction", *Peopling of Newfoundland*, pp. 6-7.

b. Centre for Newfoundland Studies Archives, Memorial University of Newfoundland (hereafter CNSA), Patrick William Browne Papers, Browne, "Catholic Footprints in the Ancient Colony", unpublished ms., ca. 1932-7, p. 88.

c. *Journal of the House of Assembly* (hereafter *JHA*), 1833, Appendix, p. 64, in Gunn, *History*, p. 206 cites the total population of Newfoundland for 1827 as 59,140. CO 194/81, fol 56, notes that the Newfoundland population in 1827 was 59,911.

d. CO 194/95, fol 324rv, notes made on a copy of 4 William 4, Cap. 14, Session 2. Lahey, "Catholicism and Colonial Policy", *Creed and Culture*, p. 69, fn. 1, states that in 1836 there was a total population of 73,657, with 36,089 Protestants and 37,568 Catholics, and 14,500 Catholics in St. John's.

e. CO 194/122, fols 412r-426v, Sir John Harvey to Lord Stanley, 8 October 1845, notes the Protestant total was composed of 34,281 Church of England adherents and 15,257 Dissenters; *Historical Statistics of Newfoundland* (St. John's: Government of Newfoundland, 1971), p. 6. Keith Matthews, "Thomas Holdsworth Brooking, 1790-1869", *DCB* IX, p. 85 notes the Newfoundland population in 1815 was 60,000. In contrast, *JHA*, 1837, Appendix, p. 417, gives the 1836 Roman Catholic population of St. John's as 14,056.

f. Hugh Hoyles, "Case of the Protestant Inhabitants", Table A, cited in Gunn, *History*, p. 207.

g. Derived from f.

During the mid-1700s, there were twice as many over-wintering English as Irish in

Newfoundland,[19] but by the late 1700s, half the population of Newfoundland was Irish and by 1836 the Irish slightly surpassed the English, while Irish emigration from Newfoundland continued during the period and accelerated after 1845. Unlike the Irish who went to the British North American colonies, the vast majority of the Newfoundland Irish were Roman Catholic. Anglo-Irish Protestants accounted for no more than 5 per cent of the Irish in Newfoundland and were mostly found in the ranks of merchants.[20] The largest Irish group settled at St. John's within a two-mile radius of the harbour, with additional sizeable populations at King's Cove in Bonavista Bay; Carbonear, Harbour Grace, Brigus, and Cat's Cove, Conception Bay; Bay Bulls and Ferryland along the "Irish" southern shore, and at Placentia in Placentia Bay.[21] Roughly, St. John's increased its population by half between 1815 to 1830, and half again between 1830 to 1845.

What religious conditions did Irish Catholics leave behind in Ireland, and what effect did this have in Newfoundland? Daíre Keogh has argued that by 1790 the Irish statutory "penal code" which dated from 1695 had been replaced by a "rag bag of measures enacted piecemeal over half a century in response to a variety of intermediate pressures and grievances".[22] The most significant measures concerned education and the priesthood. In the Banishment Act of 1697 (9 William III, cap. 1), Catholic bishops were banished and priests were compelled to return to their countries of origin if foreigners, measures which would have ended the priesthood in Ireland by preventing ordinations had not a number of priests

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[19] Mannion, " Tracing the Irish", *NA*, Vol. 9, No. 1 (May 1993): 9, map: "Overwintering Population".

[20] *Ibid.*, p. 12.

[21] *Ibid.*, p. 9.

[22] Daíre Keogh, *"The French Disease": The Catholic Church and Radicalism in Ireland, 1790-1800* (Dublin: Four Courts Press, 1993), p. 2.

secretly remained in the country.[23] Catholics were banned from teaching school unless they took the oaths prescribed by the state (13 and 14 George III c. 35). They could not take Protestant scholars or assist Protestant schoolmasters. They could not act as guardians. A Catholic priest could neither be a guardian to the child of a Protestant, nor conduct the marriage ceremony of a Protestant to a Catholic upon pain of death. The liturgical practises and architectural presence of Catholicism were also curtailed. Steeples and bells were not permitted on Catholic chapels, and a flag was to be used to signal the beginning of masses. All religious liturgies were to be conducted in the chapels only, and never outdoors. Catholics could not sit in parliament, nor vote in elections, nor be barristers, professors of medicine, or attorneys.[24] Maureen Wall has argued persuasively that penal legislation often represented "an anxiety concerning property rather than souls".[25] The Catholic Relief Acts of 1778 and 1782 allowed some increase in Catholic land ownership, and restrictions on Catholic worship and church architecture lapsed, but official exclusion of Catholics from positions of authority and from appointed or elective office remained. The lack of priests and the informal, irregular practise of Catholicism thwarted the growth of an institutional church until the 1830s. Significantly, Dáire Keogh noted that the penal laws never contained any provisions to exclude Catholics from trade,[26] and this was precisely the avenue through which the Irish departed for Newfoundland.

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[23] On the penal laws and Catholicism see Daíre Keogh, *Edmund Rice, 1762-1844* (Dublin: Four Courts Press 1996), pp. 11-14; for an earlier and more extensive review of the legislation and its implications see Maureen Wall, "The Penal Laws, 1691-1760", *Catholic Ireland in the Eighteenth Century - Collected Essays of Maureen Wall*, ed. Gerard O'Brien (Dublin: Geography Publications, 1989), pp. 1-60.

[24] Keogh, *Rice*, pp. 11-14; Parnell, *A History of the Penal Laws*, passim; Archives of the Sisters of the Presentation of the Blessed Virgin Mary, Cathedral Square, St. John's: Srs. M. Pius O'Farrell and Therese Halliden, *Nano Nagle: A Story of Faith and Courage* (Strasbourg: Sadifa Editions, 1983), p. 20.

[25] Wall, "Penal Laws", *Catholic Ireland*, p. 8.

[26] Keogh, *Rice*, p. 12.

British suspicions of the Irish in Newfoundland certainly resulted in restrictions on Catholics. The outbreak of war with France in 1756 and British suspicions of Irish sedition prompted the formation of a militia in St. John's in 1757. Officers were required to take the oaths of allegiance, supremacy and abjuration, and make the Test Act declaration.[27] In 1759, thirty-four substantial Roman Catholics, and Presbyterians, and Nonconformists in St. John's were compelled by Governor Edwards to either work on the construction of a new English church, pay a carpenter to do the work in their place, or else go to jail.[28] In the battle of 1762, when the French took St. John's, the resident Irish plundered the stores of their English masters and sympathized with the French.[29] Official Catholicism was briefly instituted in the town and four French priests occupied the new English church, where Mass was celebrated.[30] To the irritation of the English, when the French capitulated, three hundred Irish enlisted in the French forces at Bay Bulls and St. John's; the captain of one of the French frigates was a Irishman named Sutton.[31] Consequently, on 31 October 1764 Governor Palliser proclaimed

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[27] Prowse, *History*, p. 294; Mulcahy, "Prohibited by Law", *CCR2* (1984): 13. The oath of allegiance promised fidelity to the British monarch; the oath of supremacy renounced foreign rulers of Britain and abhorred the doctrine that rulers of Britain excommunicated by the Pope "may be murdered or deposed by their subjects"; and the oath of abjuration denounced papal supremacy over the realm of England. Together, the oaths acknowledged the supremacy of the British monarch over the Church of England, and Roman Catholics and others who refused to take them were excluded from parliament and public office. The oaths may be found in John Garner, *The Franchise and Politics in British North America 1755-1867* (Toronto: University of Toronto Press, 1969). For the impact of the oaths see *Creed and Culture*, pp. xii-xiii. The Test Act (1673) required all holders of office under the Crown to receive the Eucharist according to the rites of the Church of England, to take the oath of supremacy and the oath of allegiance, and to make a declaration against Transubstantiation, the Roman Catholic belief that during the consecration at mass, Christ becomes physically present in the consecrated bread and wine (*ibid.*, p. xiv, "Test Act").

[28] Prowse, *History*, p. 295.

[29] Paul O'Neill, *The Oldest City: The Story of St. John's, Newfoundland, Vol. I.* (Erin, Ontario: Press Porcepic, 1974), p. 92.

[30] C. Francis L. Rowe, *In Fields Afar: A Review of the Establishment of the Anglican Parish of St. John's, and its Cathedral* (St. John's: SeaWise Enterprises, 1989), p. 78.

[31] O'Neill, *The Oldest City*, p. 92.

> That no Papist servant man or woman shall remain at any place where they did not fish during the summer preceding.
> That not more than two Papist men shall dwell in any house during the winter, except such as have Protestant masters.
> That no Papist shall keep a publick house or vend liquor by retail.
> ...
> That all idle, disorderly, useless men and women be punished according to Law and sent out of the Country.[32]

Murray Nicholson has recently suggested that in comparison with Canada where penal laws were not applied, penal laws were strongly applied in Newfoundland, making it a "purgatory for the Irish".[33] However, claims that the Newfoundland Irish were harshly subjected to severe regulation must be tempered by the recognition that little evidence has yet been found of either the sustained persecution of Catholics, or of British ability to enforce the penal regulations in Newfoundland. In the eighteenth century, institutional Catholicism in Newfoundland was not sufficiently developed to feel much pressure from restrictions on worship. Persecution by English naval surrogates would have been due more to the desire to suppress lawlessness or conditions among those overwintering in Newfoundland under which treason might flourish, than to virulent or sustained anti-Catholicism or fears of settlement. The enforcement of penal laws and practises was haphazard, and depended very much on the personalities and whims of visiting naval governors.

The rapidly changing political environment in Ireland during and after the American War of Independence left Britain with little choice but to soften its opposition towards Catholicism, and the Irish in Newfoundland benefitted. In 1779, the Colonial Office issued Governor Richard Edwards new instructions, which permitted "liberty of conscience and the free exercise of all such modes of religious worship as are not prohibited by law". The

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[32] Mulcahy, "Pre-Emancipation Years", *CCHS* (1985): 12.

[33] Murray Nicholson, "Catholics in Newfoundland: History II", *Catholic Insight*, Vol. IV, No. 1 (January/February 1996): 20.

customary words "except Papists" were omitted.[34] The way was clear for institutional Catholicism to develop, but as Fleming observed fifty years later, there were considerable difficulties. There was a

> ...lack of priests, and as a consequence the lack of spiritual instruction, had considerably injured and corrupted the habits of the people. The holy Sacrament of Matrimony, debased into a sort of *civil contract*, was administered by captains of boats, by police, by magistrates, and frequently by women. The Sacrament of Baptism was equally profaned, or was administered by wandering priests, the children being given the names of pagan gods or goddesses. Church fasts were dispensed with by midwives; there was no house set aside for prayer, or place designated for worship. The dying had not the consolation of the last rites of religion, and the dead were deprived of Christian burial. The social bonds which form the great ties of that peace which unites Christian[s] in a single community, the chains of paternity, of religion and of country were utterly broken; and through lack of spiritual instruction, relative waged war on relative, Catholic on Catholic, Irishman on Irishman, contending senselessly and furiously about the superiority of Leinster over Meinster [sic].[35]

Fleming had been quick to note that the poor quality and quantity of ministering clergy, their propensity to retire to Ireland, and Irish provincial factionalism among the laity meant that the practise of the faith was irregular and open to liturgical and theological innovation and manipulation by clergy and leading laity. Many of the earlier clergy were from Wexford and retired to Ireland after service in Newfoundland, and this characteristic of the priesthood was substantially changed only when Fleming brought priests from Kilkenny, who lived out their lives in Newfoundland.[36] Fleming believed that the penal laws and the British government's tactic of co-opting or "buying-off" élites siphoned-off leading Catholics, who made social

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[34] CO 195/10, fol 389r, Colonial Office to Edwards, 6 May 1779.

[35] Archives of the Archdiocese of St. John's, Bishop Fleming Papers, Bishop Michael Anthony Fleming Papers, Fleming, "The State of the Catholic Religion in Newfoundland, Reviewed in Two Letters by Monsig. Fleming, Vicar Apostolic of Newfoundland, to the Very Reverend P. John Spratt, Carmelite in Dublin" (Rome: 1836) (hereafter AASJ, Fleming Papers, Fleming to Spratt, 1836): first letter, p. 2.

[36] See Appendix I, Irish Roman Catholic Priests in Newfoundland, 1750-1850.

and political liaisons with socially-acceptable Protestants. This created an absence of an Irish Catholic middle class or gentry from which social or political leadership might come. As the numbers of Irish Catholics in Newfoundland increased, attempts were made to address the first of these difficulties, but rectifying the latter would require an approach more radical than conciliation, and would remain some time in the future for Newfoundland.

The formal establishment of the Roman Catholic church in Newfoundland came not at the initiative of the papacy, but at the request of a group of leading, lay, well-to-do Catholics. In 1783 several St. John's-Waterford Irish merchants—James Keating, Patrick Gaul, Luke Maddock and John Comins—petitioned Governor John Campbell to be allowed the free exercise of their religion, to obtain a priest, and build a chapel. The libertarian Campbell approved, caring less for any particular religion than for the pacifying effects which organized religion might have on the Irish inhabitants of Newfoundland. The delegates went to Waterford in the autumn of 1783 and selected the Franciscan James Louis O'Donel, a native of Knocklofty, Co. Tipperary, in part for his ability to speak Gaelic.[37] O'Donel was invited to go to Newfoundland.

O'Donel had studied at the Franciscan College in Prague, and on his return to Ireland he rose in the Franciscan ranks to become minister provincial of the order and guardian of the Waterford friary,[38] which post he occupied when permission for his translation to Newfoundland was obtained from James Talbot, Vicar Apostolic of London. On 30 May 1784, one month before John Carroll was appointed Prefect Apostolic of the United States, the Sacred Congregation for the Propagation of the Faith, Propaganda Fide, presented the

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[37] Lahey, *O'Donel*, pp 6-7.

[38] Patrick Conlan, "Irish Franciscans in Newfoundland", *The Past*, No. 15 (1984): 69-70.

case to Pope Pius VI, who named O'Donel as Prefect Apostolic of Newfoundland,[39] making O'Donel's prefecture the oldest English and Irish speaking diocese in North America.[40] O'Donel and his successors would be responsible to Propaganda, and on 4 July, O'Donel arrived in St. John's accompanied by an unknown school teacher.[41] By the next year both seem to have visited the Irish in the outports and trained enough catechists who "in winter time" were "to instruct ["the native population"] ...diligently in the rudiments of the faith."[42] O'Donel estimated there were 10,000 Irish in Newfoundland, among whom the practice of the faith was weak and very irregular: "the greater part is engaged as servants," he remarked, "scarcely setting foot on land except when ships unload fish". Moreover, there were only 70 communicants.[43]

The small size of the St. John's congregation did not hamper its desire to erect a chapel to serve as the focal point for its religious and social life as a community, and by employing the Irish practise of vesting control of church property in the hands of lay trustees, the penal laws prohibiting Catholic land holdings were skirted.[44] In October 1784 an indenture signed by O'Donel and lay trustees John Rogers, Andrew Mulleny, Garret Quigley, William Burke, Edward Cannon, and Luke Maddock concluded a 99 year lease of land at £28 per annum on which to build a chapel, and by the end of 1785 a building worth "one

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[39] Lahey, *O'Donel*, p. 8, and Murphy, "Trusteeism", *Creed and Culture*, p. 135. A Prefect Apostolic is the "superior of the Mission" and takes the rank of a bishop but cannot ordain priests.

[40] In June 1784 Carroll was named Vicar Apostolic of Baltimore (see Lahey, *O'Donel*, p. 9).

[41] Lahey, *O'Donel*, p. 9.

[42] Byrne, *Gentlemen-Bishops*, p. 55, O'Donel to Cardinal Antonelli, December 1785.

[43] *Ibid.*

[44] Keogh, *Rice*, p. 22.

thousand guineas" had been erected in St. John's.[45] Fleming later reported that the St. John's chapel was called the Chapel of St. Louis,[46] but this report was to a French benevolent society in thanks for financial assistance, and may not have been in honour of O'Donel's second name or in recognition of the French presence in Newfoundland. The St. John's chapel was little more than a barn-like structure, not unlike St. Patrick's Chapel, Jenkins Lane, Waterford, the last chapel visited by many Irish who went to Newfoundland. As was the custom with Irish "penal" chapels, subsequent expansions of the St. John's chapel entailed enlarging the structure into an L-shaped building, and adding galleries.[47] A flag was raised outside the chapel to summon worshippers to mass, and the chapel served as the unofficial cathedral for St. John's until a new cathedral opened in 1850.[48] The situation of the building in the landscape of the town was significant. Compared with the prominent Church of England church, located close to the St. John's waterfront, the location of the Roman Catholic chapel lacked prominence by being buried back in the west end of the town on the side of a hill. Nevertheless, the chapel was a small symbol of the beginning of Irish Roman Catholicism in Newfoundland.

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[45] Lahey, *O'Donel*, p. 11; Conlan, "Irish Franciscans", *The Past*, No. 14 (1984): 71. A copy of the indenture may be found at the Religion in Newfoundland Archive, Department of Religious Studies, Memorial University of Newfoundland, St. John's, 10-003-07. Because the chapel was built of wood, an impermanent material, it would have been blessed instead of formally consecrated.

[46] Centre for Newfoundland Studies, Memorial University: Michel-Antoine Fleming, "Mission de Terre-Neuve et du Labrador", *Annales de la Propagation de la Foi*, Vol. 61 (1838): 474. I thank Michael Toope of the Bilingual Canadian Dictionary, University of Ottawa, for this translation. No record exists to suggest that O'Donel gave it this name.

[47] Keogh, *Rice*, p. 18.

[48] By the end of the nineteenth-century the building had become known as the "Old Chapel". A drawing of the chapel done in 1906 by St. John's artist Dan Carroll, reproduced in *BIS Volume*, p. 12, shows the flag raised to signal the beginning of Mass. The chapel remained in the possession of the Roman Catholic church until it was demolished in 1872. Next door was the Bishop's residence, built for O'Donel's successor Bishop Lambert in 1807, and destroyed by fire in July 1874 (*The Newfoundlander*, 24 July 1874).

O'Donel's presence in Newfoundland did little to quell growing Irish factional divisions, and anti-Catholic prejudices. Factionalism grew between Irish immigrants from Leinster and the more heavily Irish-speaking Munster, and was exploited by itinerant Irish priests for their own purposes. Formal Catholicism and ecclesiastical discipline hardly took root, and certainly did not flourish at first. O'Donel excommunicated both the Dominican priest, Patrick Lonergan, for inciting riots in 1785 and 1786, and later, the Franciscan priest, Patt Power, formerly of Kilkenny town, who stayed with O'Donel for two months in 1787 before being denied faculties,[49] and then accused O'Donel and his other two priests Patrick Phelan and Edmund Burke, of disliking him because they were from Munster while he came from Leinster, and because O'Donel "did not want to accept another priest who would diminish his own substantial income."[50] In 1788 in Ferryland, Power incited a riot between a Leinster faction led by one Fogarty of Callan, Co. Wexford, and a Munster faction,[51] causing the local justice of the peace, Robert Carter —a "most bitter enemy to Roman Catholicks"—to involve the naval surrogate judge, a Mr. Pellew, who "publickly denounced Pope, Popery, Priests, & Priestcraft."[52] The subsequent trials of the participants brought an extraordinary 114 convictions and £640.6.1 in fines.[53] To counteract Power, O'Donel approached Archbishop Troy of Dublin and obtained the services of the priest Thomas Ewer,

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[49] Permission and authority granted by a bishop to a priest to administer the sacraments of the church.

[50] Lahey, *O'Donel*, pp. 13-15.

[51] Byrne, *Gentlemen-Bishops*, p.74, O'Donel to Troy, 16 November 1788. On Power's involvement in this episode see Lahey, "Thomas Anthony Ewer (Yore), c.1750-1833", *DCB* VI, pp. 243-245 and Lahey, "James Louis O'Donel, c.1737-1811", *DCB* V, pp. 631-634.

[52] Byrne, *Gentlemen-Bishops*, p.75, O'Donel to Troy, 16 November 1788.

[53] Christopher English, "The Reception of Law in Ferryland District, Newfoundland, 1786-1812", a paper presented to a joint session of the Canadian Law and Society Association and the Canadian Historical Association, Brock University, 2 June 1996. At the time, an average good annual salary for fishermen was £18-22 per annum.

himself a Leinsterman who unlike Power, spoke no Irish. Factionalism in the clergy continued through a petition to Rome against Power signed by O'Donel and his three priests, until Power finally accepted £20 towards his debts in Newfoundland and left the island.[54]

Though Newfoundland Catholicism was occasionally the object of sectarian persecution, O'Donel's church became a useful tool for British rule in Newfoundland. In 1786 St. John's was visited by the twenty year-old Prince William Henry, Duke of Clarence (the future William IV),[55] who was appointed as a naval surrogate judge when he arrived. The prince threatened to burn down the Catholic Chapel at St. John's, and physically attacked O'Donel, who, out of fear for his life, hid for twelve days in the attic of the house of a Mr. Gleeson until the prince's vessel was departed St. John's.[56] Despite his own persecution, O'Donel proved his worth to the British government in his continual exhortations to his congregation to avoid mutiny. He favoured the Act of Union uniting Ireland with England,[57] and in 1800 when he stopped a rebellion among the Union-disliking Irish soldiers in the St. John's garrison.[58] It was later suggested that he broke the seal of confession in order to do so and thereby ingratiated himself with the governor.[59] Eight soldiers were eventually court-martialled, convicted and hanged, and the garrison's commanding officer, Brigadier General

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[54] This account has been derived from Lahey, *O'Donel*, pp. 20-1.

[55] Byrne, *Gentlemen-Bishops*, p. 59, O'Donel to Troy, 30 November 1786.

[56] *Ibid.*, p. 59, O'Donel to Troy, 30 November 1786.

[57] Byrne, *Gentlemen-Bishops*, pp. 190-1, O'Donel to Plessis, 10 June 1801.

[58] Byrne, *Gentlemen-Bishops*, pp 171-3, O'Donel to Plessis, Québec, 14 May 1800; Newfoundland Historical Society files, Colonial Building: Byrne, "Ireland and Newfoundland: the United Irish Rising of 1798 and the Fencibles Mutiny in St. John's, 1799-1800", a lecture delivered to the Newfoundland Historical Society, 1977, passim; Furlong, "Conspiracy", *Encore*, p. 3.

[59] Pedley, *History*, p. 216.

John Skerrett, commended O'Donel to England.[60] Soon after the garrison rebellion had been put down, the size of the regiment was reduced.[61] In 1805, "Magistrates, Merchants, and other principal inhabitants" praised O'Donel and petitioned Governor Erasmus Gower to reward the bishop with an annual stipend.[62] Gower gave O'Donel £50 for his loyalty to the Crown, for helping to prevent a colonial Irish rebellion, and most importantly, for bringing "the maddened scum of the people to cool reflection."[63] With his duty to the British government well-performed, in 1807 O'Donel resigned the vicariate and retired to Waterford.[64]

During O'Donel's time in Newfoundland, the Irish population had grown and become more diversified, prompting the founding of a middle-class men's fraternal organization to celebrate Irish heritage. On 17 February 1806, the Benevolent Irish Society (BIS) was founded at a meeting held at the London Tavern in St. John's by male residents of Irish birth or ancestry. The society was a charitable, fraternal organization founded on the principles of "benevolence and philanthropy" with the objects of helping the growing numbers of poor, and providing for families in need and members' families at times of bereavement. The first

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[60] Lahey, *O'Donel*, p. 27. Skerrett wrote: "The Titular Roman Catholic Bishop ____ Donald [sic], who is a very valuable man, I have had frequent communication with, he says if there is danger in the United people it is in this Regiment. His flock are now very steady; at one time from the dissolute manners of his people; he lost all confidence with them and was preparing to leave the Island. In 1798 they had their Directory of Five" (*ibid.*).

[61] J.T. Allston, "Royal Newfoundland Regiment", *ENL 4*, p. 552. In 1799, a detachment was sent from St. John's to Halifax, and in 1800, Halifax received all remaining companies of men with the exception of two hand-picked companies who would remain in St. John's.

[62] *Archivio Storico della Congregazione per l'Evangelizzazione dei Populi o "de Propaganda Fide"* [Historical Archives of the Congregation for the Propagation of the Faith], Rome (hereafter APF), *Scritture Riferte nei Congressi, America Settentrionale Canada, Nuova Bretagna, Labrador, Terra Nuova* (hereafter SRNC), 1792-1830, Vol. 2, fols 688r-689v, Archbishop Troy to Propaganda, 9 February 1805, enclosing Address of inhabitants to Gower and Gower's reply of 9 August 1804.

[63] Lahey, *O'Donel*, p. 31; Pedley, *History*, p. 216.

[64] Lahey, *O'Donel*, p. 31. O'Donel died in March 1811 and was buried at St. Mary's Church, Clonmel.

fraternal society established in Newfoundland, because most English merchants then returned annually to winter in England, the Irish who formed the BIS were among the first Newfoundland inhabitants to consider themselves permanent residents with a claim to stake. Implicit in its objectives was the advancement of the social position of its members, and many of the BIS's founders were members of the colonial élite or aspired to membership in it. Most were Protestants.[65] The moving spirit in the establishment of the BIS was the merchant James MacBraire,[66] while Captain Winckworth Tonge was its first President, and others like Lieutenant-Colonel John Murray, John MacKellop, Joseph Church, and Colonel William Haly, were on the executive.[67] The only Roman Catholic on the executive was its secretary, Henry Shea of Carrick. Quarterly membership dues of four shillings and sixpence[68] excluded all but men of means, and the society soon became an important instrument of upward social mobility. Although the BIS vigorously retained a non-sectarian character in its general membership, Roman Catholics joined in increasing numbers until the 1820s when

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[65] Mannion, "Henry Shea, c.1767-1830", *DCB* VI, p. 710.

[66] W.J. O'R., "Newfoundland and its Irish Settlers", Part IV, *Donahoe's Magazine*, Vol. 24, No. 2 (August 1890): 121-126. Mannion, "Nevins Family", *Decies*, Vol. 37 (Spring 1988), p. 19, cites the *BIS Volume*, pp. 195-196 and *The Times*, 22 January 1845, to note that Fade Goff had been credited with initiating in 1805 the founding of the BIS; Patrick Kough's mother was a Goff, a family of Irish Quaker merchants of New Ross and St. John's preceding the Nevins.

[67] *BIS Volume*, p. 11. Murray later became Governor of Demerara, but the most prominent member of the Irish colonial élite in Newfoundland was William Haly, a Lieutenant-Colonel in the British Army. As one of a group which had "turned their bayonets into pruning-hooks and initiated farming" (see J.D. Rogers, *A Historical Geography of Newfoundland* (Oxford, 1911), p. 151), Haly retired to a farm outside St. John's, and was sometime "President of the Council of Newfoundland". Haly is memorialized in a plaque at St. Thomas' Church of England (the Old Garrison Church) on Military Road in St. John's; his farm is now a golf course. Tonge was most likely the son of Halifax-Wexford merchant Winckworth Tonge; see "Winckworth Tonge (1728/9-1792)" *DCB* IV, p. 736.

[68] Noel Veitch, "The Contribution of the Benevolent Irish Society to Education in Newfoundland from 1823 to 1875", unpublished MA thesis, St. Francis Xavier University, 1965, p. 23.

they were predominant.[69]

O'Donel's successor, Patrick Lambert, had some success in converting Protestants to Catholicism, much to the chagrin of their former clergymen. One predicted that Newfoundland, like Québec, would "very soon become a Roman Catholic colony."[70] This was fear with which Lambert seems not to have been greatly at odds: he privately wrote that Irish newcomers to Newfoundland were "an unprincipled and ignorant set of lawless wretches."[71] Like O'Donel, Lambert was a Franciscan who had served as guardian of St. Isidore's, an Irish Franciscan seminary college in Rome, from 1783 to 1785 before returning to Ireland and becoming provincial of the Franciscan order.[72] Lambert also took a conciliatory attitude towards British rule in Newfoundland, and despite modest expansion, the growth of institutional Catholicism continued to be hampered by the sheer increase in the ratio of arriving Irish immigrants to clergy, by haphazard clerical formation, and by the increasing preoccupation of the clergy with secular matters. Factionalism and power struggles flourished.

In 1815 over 11,000 new Irish immigrants had poured into St. John's. In a new Irish-organized migration, many were recruited and stuffed aboard the brutally-cramped passenger vessels of Robert Kent and his brother-in-law James Morris of Waterford, who shrewdly

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[69] Veitch, passim, and Catherine F. Horan, "Benevolent Irish Society", *ENL* 1, pp. 174-175. A branch of the BIS opened in Harbour Grace in 1814. Unfortunately, the St. John's society's minute book for 1806 to 1828 is missing, pre-empting a close analysis of the transition in religious demography within the society.

[70] Lahey, "Lambert", *DCB* V, p. 473.

[71] *Ibid.*, p. 474.

[72] Conlan, "Irish Franciscans", *The Past*, No. 14 (1984), pp. 71-2.

calculated the minimum cubic space required per immigrant and made great profits thereby.[73] Unemployment and poverty increased as trade collapsed, and fights between Irish provincial factions—the Tipperary "Clear Airs", Wexford "Yellow-Bellies", Waterford "Whey-Bellies", Kilkenny "Doones", Cork "Dadyeens", and "Young Colts"[74] were common in St. John's,[75] one of the few communities outside Ireland, if not the only one in British North America, to have such an enduring diversity of Irish factions. Until the 1830s, factions rarely involved political partisanship; instead, they appeared around individuals with common origins in an Irish parish or region, and as Fleming later suggested, Munster and Leinster divisions predominated, which in this earlier period were exacerbated by the greater retention of spoken Irish and lesser anglicization among the Munster Irish.[76]

Lambert did little to suppress factionalism. When he suspended the Irish-speaking priest, John Power, at Harbour Grace for clerical indiscipline, he created an open schism in St. John's and Harbour Grace which severely damaged his credibility among the Munster

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[73] Prowse, *History*, p. 404. Burke, "Irish Contributors", p. 4 also supports this "trauma" version of Irish-Newfoundland migration, but the extent to which similar conditions prevailed on voyages made on other than Morris-Kent vessels is not known.

[74] Prowse, *History*, p. 402, and Pedley, *History*, p. 295 maintain that "Dadyeens" were from Cork, but in 1788 a Michael "Daddeen" Rahaley, a Leinster rioter at Ferryland, was sentenced to 30 lashes; see Ron Fitzpatrick, "An Emissary from Hell": Father Patrick Power and the 1788 Riot at Ferryland", *NA*, Vol. 9, No. 1 (Spring 1993): pp. 31 and 33. "Daddeen" or "Dadyeen" was an alias or sobriquet. Also see *DNE* 2, p. 608, "whey" and pp. 622-623, "yellow". Counties Cork, Waterford and Tipperary are in Munster; counties Kilkenny and Wexford are in Leinster.

[75] Paul E.W. Roberts, "Caravats and Shanavests: Whiteboyism and Faction Fighting in East Munster, 1802-11", *Irish Peasants: Violence & Political Unrest, 1780-1914*, eds. Samuel Clark and James S. Donnelly, Jr. (Madison, Wisconsin: University of Wisconsin Press, 1983), p. 66 defined faction fighting as "pitched battles between feuding bands at fairs and other public gatherings", and noted that older feuds "were largely territorial, but the new fighting often reflected more modern tensions, such as power conflicts between kinship-based mafias led by ambitious members of the middle class."

[76] A good map of the geographical decline of the use of Gaelic in Ireland throughout the 19th century may be found in Robert McCrum, William Cran, and Robert MacNeil, *The Story of English* (London: Faber and Faber, 1987), pp. 170-1; spoken Irish declined into use in east Munster and southeast Kilkenny.

Irish by polarizing and inflaming factions.[77] The Wexford-born Newfoundland Chief Justice Caesar Colclough informed the Colonial Office that nightly patrols had been established to prevent rebellion, but that many Irish tradesmen had been

> sworn to Oaths which we cannot rightly ascertain the nature of accept that we have reason to believe they are Similar to those sworn by these description of men who are known in Ireland by the names of Caravats and Shanavests, and which bind them to destroy all opposers and from the prosecutions in Ireland from which numbers of them have fled we may safely conjecture are hostile to Government, we feel greatly alarmed at the orders for the removal of the 93rd Reg't....[78]

Lambert, also concerned with law and order, was burdened with few of Colclough's concerns and was much more prosperous than many of his congregants. At the height of the economic distress of St. John's in 1815, he offered the priest Richard Hayes "the sum of 1,000 crowns at least toward the re-establishment of St. Isidore's" College for the education of priests in Rome.[79] The British government thought Lambert useful enough to keep the Irish at bay to warrant an increase in his annual allowance to £75.5.[80] Prowse correctly observed that "Neither priests, bishops, Colcloughs, nor justices, could have put down the faction fights; they died out in time, and were succeeded by the more legitimate "divarsion" of politics."[81]

Thomas Scallan succeeded Lambert as Vicar Apostolic and was closer to the

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[77] Lahey, "Lambert", *DCB* V, p. 474, and CO 194/55 fols 179r and ff., Colclough to Campbell.

[78] CO 194/55, fol 211r, Colclough to Colonial Office, 15 May 1815. Pronounced "Coakley". "Caravats" were descendants of the Irish Whiteboy movement, with similar concerns over tithes, enclosure, and economic displacement, and were an underground peasant movement distinguished by the wearing of ties or *cravats*; the "Shanavests" were a rival group, often composed of middle-class farmers who wore old (*Sean*)"vests", opposed the peasant "Caravats", and could be termed somewhat pro-establishment or merchant. In Newfoundland, the predominance of Roman Catholicism and poverty among the Irish, and decreasing numbers of Irish in the mercantile class would seem to preclude a lively Shanavest faction. In all cases, since these were secret societies, evidence of these groups in Newfoundland is scant.

[79] Rollmann, ed., "*Gentlemen-Bishops*: additional letters", p. 16, fn. 4.

[80] CO 194/55, fol 272r, J. Hutchinson, Treasury, to Henry Goulbourne, Esq., 18 September 1815. The British government provided all Roman Catholic bishops with an annual maintenance allowance.

[81] Prowse, *History*, p. 392.

governors of Newfoundland than either of his predecessors had been, but his episcopacy was met with a rising tide of British hostility to Roman Catholicism, and with changing Irish political circumstances. In 1814 Lambert was in poor health and recommended to Rome that his nephew Scallan take over the vicariate. Scallan was a native of Churchtown, Ballymore, Co. Wexford, and like his uncle he had been appointed Lecturer at Louvain, but because war in Europe prevented travel, he went to St. Isidore's in Rome, where he lectured in philosophy until he returned to Ireland in 1797. He established the Franciscan Academy in Wexford before coming to Newfoundland in 1812 for three years.[82] Lambert and Scallan returned to Ireland in the fall of 1815, and in Wexford on 26 January 1816, Scallan was consecrated titular Bishop of Drago and Lambert's coadjutor. Lambert remained in Ireland until his death in September 1816, while Scallan returned to Newfoundland and did not learn of his uncle's death until 1817.[83]

Two outstanding grievances harboured against British colonial officials by St. John's Catholics lasted for the duration of Scallan's episcopacy, and he did little to address either of them. Despite thirty-two years of legalized Roman Catholicism in Newfoundland, St. John's Catholics were still required by local law to be buried in the Church of England cemetery following a service conducted by the Church of England parson. The law required Scallan to collect a burial tax of 12s.6d. per burial and remit this to the parson.[84] By 1810, Catholics began to break the rules and bury their dead by night, and later, even by day, prompting Governor Duckworth to warn Lambert to "endeavour to prevent a practice which

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[82] Conlan, "Irish Franciscans", *The Past*, No. 14 (1984): 72-3.

[83] Lahey, "Scallan", *DCB* VI, pp. 690-694.

[84] AASJ, Fleming Papers, Fleming to Spratt, 1836, second letter, p. 10.

cannot surely be admissible."[85] In 1811 another warning was sent to Ewer, but Duckworth must have realized the futility of denying Catholics a burial ground. In November 1816 a piece of land was granted for a cemetery "situate on the side of the hill near Fort Townshend... adjoining the road leading by the Charity School towards the Western Barrens," only "as long as the same shall be used for that and no other purpose, and during the pleasure of His Majesty," and it was extended northwards in October 1817.[86] Nevertheless, the burial tax remained on the books. An 1817 marriage bill proposed by Governor Francis Pickmore prohibited Methodist and Congregational clergy from conducting marriages, despite assurances to Scallan that Catholic rights would be protected. This only dissatisfied and infuriated Protestants who believed the new law would only "establish Popery" and "persecute Protestantism."[87] In 1823, when a new bill proposed that all clergy other than those from the established Church of England could perform marriages only when it was not "convenient" to obtain a Church of England cleric, Scallan and his congregation denounced the bill in petitions to the king, parliament and the Colonial Office. Scallan did not press his opposition to either tax, and both remained.

If sectarian issues divided Newfoundland society, common hardship united it. In February 1816, a fire which swept through St. John's left a thousand people homeless. Two fires in November 1817 destroyed 300 houses and most of the merchants' premises on the waterfront containing winter food supplies and stores, leaving 2,000 inhabitants out in the

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[85] *The Daily Colonist*, Christmas Number, 24 December 1888, Hon. Justice Robert J. Pinsent, "The Old Graveyards". I thank Edward-Vincent Chafe for this reference.

[86] Provincial Archives of Newfoundland and Labrador, Colonial Building, St. John's (hereafter PANL), GN 2/1/27, 12 November 1816, and 21 October 1817 plans of burial ground. I thank Dr. John Mannion for this reference.

[87] Lahey, "Scallan", *DCB* VI, p. 692.

cold. Later that hungry winter, which became known as the "Winter of the Rals",[88] riots and thefts grew in frequency as mobs, principally Irish, looted homes and properties with provisions. Catholic priests were pressed into service to attempt to stem the violence, and the wealthy often fed those without provisions. For his part, Scallan fed ten daily from his own table.[89] When in February 1818, Pickmore—the first governor instructed to spend the winter in Newfoundland—became ill and died at Fort Townshend, Scallan exhibited considerable liberality towards Protestants for an Irish Roman Catholic cleric of the day and attended Pickmore's funeral at the Church of England as a chief mourner.[90] Scallan's ecumenism, repeated in 1827 when he waited on the Church of England bishop of Nova Scotia at the Church of England in St. John's, gained him the respect of Protestants, the governor, and leading Catholics,[91] but politically it compromised Catholic liberties, and gradually became unacceptable to others more conservative, Fleming among them.

As Scallan drew even closer to the throne, a nascent middle class of Irish Catholic and dissenting Protestant reformers began to grow increasingly dissatisfied with their exclusion from political power. Owing to continued British mercantile interest in preserving Newfoundland as a lucrative migratory fishery, and the peculiar and late history of permanent settlement in Newfoundland, there had been an absence of a middle class with which to sustain a local legislature and a range of political and social institutions. This changed by the

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[88] "Ral" was an Irish word meaning "a trickster" (see Prowse, *History*, pp. 404-6, and *DNE 2*, p. 404). The weather of the summer of 1816 in Ireland was unsettled, as was the weather in Newfoundland for the next several years; around the world, weather patterns had also become temporarily unstable.

[89] Lahey, "Thomas Scallan", *DCB* VI, p. 691.

[90] O'Neill, *The Oldest City*, p. 141. Pickmore's body was pickled in a barrel of rum, and three weeks later, when a channel had been cut through the ice in St. John's Harbour, the barrelled body was shipped back to England.

[91] But it still seems not to have been enough respect, for in 1819 the Colonial Office denied Scallan his uncle's stipend, and when in 1823 it was refused for a second time, Scallan dropped the issue.

1820s, when a new generation—a group of reformers[92]—began to believe that Newfoundland deserved a measure of self-government, and exploited Irish Newfoundland grievances in order to achieve it. In his study of the growth of demand for representative government, Jerry Bannister argued that a legal reform movement from 1820 was spurred on by a growing sense among Newfoundland residents of cumulative injustices inflicted by naval surrogates and visiting governors.[93] Reformers were also encouraged by Colclough's replacement, Sir Francis Forbes, who arrived in 1817 and who with his reforming "Yankee principles" had a penchant for indicting the colonial government and legal justice systems of Newfoundland. To the chagrin of some merchants, in 1819 he ruled in the landmark case *The King v. Kough* that individuals in Newfoundland clearly possessed the right to hold private property.[94] In 1820, following the harsh public whipping of two Irish Catholics, James Landergan and Philip Butler of Cupids, Conception Bay, who had defaulted on debts, Forbes tried the case of *Lundrigan* [sic.] *v. Buchan and Leigh* and rebuked the sentence given them by surrogate magistrates David Buchan and Church of England priest John Leigh. The corporal punishment of Landergan and Butler also spurred reform minded inhabitants Patrick Morris, physician William Carson, and prominent Irish Catholics Patrick Doyle, Henry Shea,

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[92] Historians of Britain use the term "liberal" to describe Whigs, and historians of Ireland use both terms to describe O'Connell and his Irish MPs. Historians of Newfoundland have used "liberal" to describe the reform-Irish kin network of which Carson and Morris were a part. Since Fleming used "liberals" to denote disaffected Catholics, and neither Newfoundland governors' despatches nor Fleming described his political allies as "Liberals", instead referring to this group formally through the late 1830s as "the popular party" (CO 194/95, fols 32r-35v, Prescott to Glenelg, 16 July 1836) or derisively as "the priests' party", this study will use "reformers" to describe Carson, Kent, Morris *et.al.*, and "Liberals" to signify Fleming's "Liberal Catholics".

[93] Bannister, "Campaign for Representative Government", *JCHA*, Vol. 5 (1994): 19-40.

[94] Patrick O'Flaherty, "Sir Francis Forbes, 1784-1841", *DCB* VII, p. 302.

Timothy Hogan, and Thomas Beck to press for law reforms.[95]

Newfoundland reformers had a number of objectives. They sought self-government and the right to control taxation. The growth of permanent settlement created increased imports, which meant expanded business and profits for merchants, and hence more public revenues available from duties. Permanent settlements required both public services and a forum for airing grievances. In November 1820, the Newfoundland reformers began lobbying for a local legislature, and despite the Colonial Office's instruction to Governor Hamilton to discourage this expectation, reformers held a second meeting in August 1821, at which both merchant adventurers and archaic laws were held responsible for the oppression of a colony, which was taxed without representation.[96] In 1821, Forbes ruled in *Jennings and Long v. Beard* that governors had no legislative power, and thus all proclamations were invalid. In response, Lord Bathurst decided that a constitution was needed for the colony, despite Forbes' cautions that Newfoundland was not yet ready for its own government.[97] The turning points in achieving legal reforms for Newfoundland were the Forbes cases. They forced the hand of the Colonial Office, which had become the British government's instrument for shaping imperial policy, and as in other colonies of the Empire, began to play an increasingly

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[95] Mannion, "Morris", *DCB* VII, pp. 626-234; Mannion, "Shea", *DCB* VI, pp. 709-712; Bannister, "Campaign for Representative Government", *JCHA*, Vol. 5 (1994): 22-23. Carson's interest in reform is explored in O'Flaherty, "William Carson, 1770-1843", *DCB* VII, pp. 151-156. While Carson claimed that he was a "doctor", he attended the Faculty of Medicine at the University of Edinburgh but did not graduate. Morris had come to Newfoundland from Waterford in 1786 as an apprentice to his kinsman Luke Maddock.

[96] Bannister,"Campaign for Representative Government", *JCHA*, Vol. 5 (1994): 22-3. The reformers' arguments were set forth in *A Report of Certain Proceedings of the Inhabitants of the Town of St. John...with the view to obtain a Reform of the laws... and an Independent Legislature*, (St. John's, 1821).

[97] O'Flaherty, "Forbes", *DCB* VII, p. 303; Ward, *Colonial Self-Government*, p. 126.

important and direct role in Newfoundland affairs.[98] In 1822 and 1823, Forbes advised the Colonial Office on measures to benefit Newfoundland, and on 25 March 1823 Sir Robert Wilmot-Horton introduced a Newfoundland laws bill into the House of Commons. It proposed to improve the administration of justice in the island, to establish a committee for drafting by-laws, and to update the fishing laws, but it also spurred the British reformer Joseph Hume and others to demand a committee to investigate Newfoundland.[99]

Newfoundland reformers were particularly inspired by the mobilization of Irish Catholics to agitate for civic rights by the Catholic lawyer Daniel O'Connell, who sought Catholic emancipation, the repeal of the union of Ireland with England and the restoration of the Irish parliament. In 1815, O'Connell stood with the Carmelite clergy and declared the existence of a new Catholic Association to lobby for Catholic rights.[100] O'Connell and Irish lawyer Richard Lalor Sheil had previously disagreed over whether the British government should have a veto over the appointment of Catholic bishops in Ireland and Britain,[101] but on 25 April 1823 they reunited and reconstituted the Catholic Association. They denounced proselytism by established church societies among Roman Catholics, addressed disputes over burial grounds, criticized anti-Catholic bias in the judiciary and the judicial system, and

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[98] Philip Buckner has noted that while the Colonial Office has been held to account for many disasters in imperial policy, in fact it only began to become a cogent, organized bureaucracy in the 1820s, principally under Robert Hay and James Stephen. See Buckner, "The Colonial Office and British North America", *DCB* VIII, pp. xxiii-xxxvii, and Buckner, *The Transition to Responsible Government: British Policy in British North America, 1815-1850* (Westport, Connecticut: Greenwood Press, 1985), esp. pp. 30-33.

[99] Ward, *Colonial Self-Government*, p. 126.

[100] Oliver MacDonagh, *Daniel O'Connell: The Hereditary Bondsman, 1775-1829* (London: Weidenfeld and Nicolson, 1988), p. 131.

[101] David Thomas Horgan, "The Irish Catholic Whigs in Parliament, 1847-74", unpublished Ph.D. thesis, University of Minnesota, 1975, p. 20.

protested restrictions on the visits of Catholic clergy to jails.[102] They also used the church's parishioners, clergy, and hierarchy as the organizational framework for a political organization. Membership fees were one guinea per annum, which by 1826 became the famous one-shilling "Catholic Rent". The "Rent" created a large, disciplined and committed membership loyal to O'Connell, with a proprietary sense of ownership of the Association,[103] but the money also bought the favor of newspapers on both sides of the Irish Sea, and served as an effective shield against Protestant proselytism.[104] Fergus O'Ferrall has argued that the Catholic Association and the Catholic Rent pioneered the first widespread use of political meetings as the essential structure for a continuous non-violent mass popular agitation.[105] However, O'Connell's movement was only made possible by a change in the Irish church itself. In 1823, Archbishop Troy of Dublin was succeeded by Daniel Murray. In 1795 Troy had accepted British funding for a church seminary at Maynooth, and thereafter had little appetite for allying the church with Irish nationalism, instead remaining content to preach to half-full penal chapels in the back streets of Dublin.[106] Murray rejuvenated the institutional church and quickly supported O'Connell's Irish nationalism.[107] The reformers were closely informed of and sympathetic to these developments, especially by Patrick Morris, who divided his time between his estate house "Springfield" at Slieverue, Co. Kilkenny and his

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[102] O'Ferrall, *O'Connell*, p. 38; Bartlett, *The Fall and Rise of the Irish Nation*, p. 329.

[103] MacDonagh, *Hereditary Bondsman*, p. 206; O'Ferrall, *O'Connell*, p. 37.

[104] Bartlett, *Fall and Rise*, pp. 330, 332.

[105] O'Ferrall, *O'Connell*, p. 78.

[106] For this interpretation of Troy see Vince McNally, "Who is Leading? Archbishop John Thomas Troy and the Priests and People in the Archdiocese of Dublin, 1787-1823" *CCHA Historical Studies*, Vol. 61 (1995): 153-170.

[107] *Ibid.*

residence "The Cottage" at Quidi Vidi Lake, St. John's, and kept his Newfoundland associates abreast of developments.

In 1824 Morris visited London and the Colonial Office to press Newfoundland reformers' claims. That fall the Westminster parliament passed three Newfoundland acts, among them the new Judicature Act. Naval surrogate judges were abolished, and a revised supreme court of Newfoundland was created with a chief justice and two assistant judges, circuit courts and courts of quarter sessions, and a system of registered wills, deeds, land grants, and a sheriff to be nominated each year.[108] Additionally, the Judicature Act provided for the incorporation of a town government for St. John's. In 1825, Sir Thomas Cochrane, a Tory sympathizer, arrived as Newfoundland's first civilian governor, assisted by an executive council composed of the three judges, the Church of England bishop of Nova Scotia, the commander of the garrison, and a collector of customs.[109] The Judicature Act came into effect for five years in 1826, and it had the net effect of transforming Newfoundland from a seasonally-governed fishing station into a formally-governed British colony. In many ways it was intended as a sop to the reformers, a charm by which the Colonial Office hoped to beguile dissent. Neither the Colonial Office nor Cochrane could have anticipated the negative response in Newfoundland to the new legislation. It only whetted reformers' appetites for more political power and deepened their discontent.

Reformers could not decide whether or not to partake in the scheme of municipal government, and a number of St. John's-English merchants petitioned the Crown against it.

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[108] 5 George IV. cap. 67, An Act For the Better Administration of Justice in Newfoundland.

[109] For a good concise primary account of the constitutional and political development of government see [Henry Prescott], *A Sketch of the State of Affairs in Newfoundland: By a late resident of that Colony* (London: Saunders and Otley, 1841), pp. 4-7.

This both infuriated and united the reformers.[110] Cochrane wrote London that Newfoundland was not ready for self-government, and Colonial Secretary Lord Bathurst told parliament that Newfoundland was "by no means prepared for receiving a constitution with houses of assembly", but the colonial office made the blunder of imposing an *ad valorem* duty on all imports to Newfoundland except salt and potatoes. This fiat was tantamount to blaming the colony and making it pay its own way,[111] a move which enraged reformers in England as well as in Newfoundland. Another mistake, typical of the Colonial Office's general blindness to the degree to which its officials throughout the empire were overpaid,[112] was its failure to rein in Cochrane's expensive tastes. He had been granted £8,778 to build a Government House in St. John's, and was given an annual stipend of £3000,[113] but to these costs were added salaries for members of council, the clergy of the established church,[114] incidental appointments, and endless cost overruns on the construction of what was becoming a palatial Government House.[115] In 1827 the gathering storm broke in parliament when MP George

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[110] See Marjorie Smith, "Newfoundland, 1815-1840: A Study of a Merchantocracy", unpublished MA thesis, Memorial University of Newfoundland, 1968), pp 36-40.

[111] Bannister, "Campaign for Representative Government", *JCHA*, Vol. 5 (1994): 25-7.

[112] Buckner, "Colonial Office", *DCB* VIII, p. xxiv.

[113] Newfoundland Historical Society, Colonial Building, file: "Government House"; CO 195/17, pp. 300-1. Cochrane made so many additions, modifications, and changes to the house that by 29 March 1828 its cost had risen to £19,470; its final cost to the British Treasury was over £ 36,000. Upon his arrival Cochrane had also used £382.12 of Treasury funds to built a summertime residence at Virginia Waters, northeast of St. John's (see CO 194/85, fol 346rv, Cochrane to Stanley, 20 November 1833). CO 194/80, fols 379r and ff, Cochrane to Pringle, 2 August 1830 encloses an inventory of furniture installed in the mansion at Cochrane's request.

[114] CO 194/82, fol 164r notes that Archdeacon Wix's salary from 12 June to 30 September 1830 was £90.14s.11p. CO 194/82, fol 172r indicates that Chief Justice Richard Alexander Tucker's salary for the first quarter of 1831 was £300.

[115] Fleming later described the House as "resembling something between the character of a prison and a private lunatic asylum." See APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Propaganda, 26 November 1846.

Robinson[116] castigated Cochrane for unauthorized overspending on Government House in St. John's and demanded an inquiry into Newfoundland affairs.[117] In 1828—in a literary and political first for the Irish of Newfoundland—Morris pamphleteered for "emancipation from the bondage of mercantile monopoly",[118] and a thriving colonial public press beat the drum for colonial reform. John Shea's *Newfoundlander* mocked that it was "very kind of John Bull, truly, to allow us potatoes and salt *duty free*", and Henry Winton's *Public Ledger* cried that Newfoundland "must be under the legislation of a body of men who are resident in the colony".[119]

Sectarian discontent was also fomented in Newfoundland by British regulations which refused places in public office to Roman Catholics. Council members were required to take the Oaths of Supremacy, Abjuration, Allegiance, and the Test Act declaration, which excluded Catholics from membership. Cochrane wished to silence his opponents and sought approval to buy off Morris and Scallan with appointments to the executive council, but Bathurst refused, noting that the exception made for appointing Catholics to the council in Lower Canada did not apply to Newfoundland.[120] When the Catholic garrison commander

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[116] Robinson was a business partner of Newfoundland merchant Thomas Brooking, and was sympathetic to the reformers' cause. A conservative MP, in 1832 Robinson voted for the Reform Bill, and as a protectionist Whig, in 1834 Robinson became chairman of Lloyd's of London, and was an East India proprietor. See Michael Stanton, *Who's Who of British Members of Parliament*, Vol. 1, 1832-1885 (Hassocks, Sussex: The Harvester Press, 1976), p. 330; Buckner, *Transition*, p. 26.

[117] Bannister, "Representative Government", *JCHA*, p. 26.

[118] Patrick Morris's second pamphlet was *Arguments to Prove the Necessity of Granting Newfoundland a Constitutional Government* (London, 1828); its receipt by the Colonial Office was noted in CO 195/17, pp. 321-322. Whelan, *Tree of Liberty*, pp. 62-3, 71 has noted that the technique of pamphleteering in Ireland was pioneered by the United Irishmen as a ground-swell challenge to traditional élite authority, displacing expensive books with a more demotic and democratic form of printed political expression.

[119] Bannister, "Representative Government", *JCHA*, p. 31.

[120] CO 195/17, pp. 231-2, Bathurst to Cochrane, 10 April 1826. In 1800 a dispute arose in Québec over requirement of French-Canadians to swear oaths of office on a Protestant bible; they were subsequently exempted from the requirements of taking Protestant oaths (see Byrne, *Gentleman-Bishops*, p. 184), just as

Lieutenant-Colonel Thomas Burke had been slated under the regulations of the reorganized council to take his seat, he refused the Oath of Supremacy and the Test Act declaration. Cochrane had been prepared to waive the requirements and let him take his seat, but supreme court justices Tucker, Brenton, and Des Barres disputed this concession and Burke was denied.[121] Burke's reaction to the decision is unknown, but the case galled reformers because Tucker as councillor and chief justice both made the law and interpreted it, and while rendering judgement he wore the same costume as the lord lieutenant of Ireland.[122] Furthermore, while a nascent Catholic middle class had come to exist in St. John's, members of the Newfoundland Law Society were required to take the oath of supremacy denouncing papal jurisdiction "in the realm" of the British monarch, which barred Catholics from the legal professions.[123] The Protestant reformer and physician William Carson often acted as the lawyer for Catholics. Cochrane had been briefed before he left London about Carson's reform sympathies,[124] so in an attempt to "keep the Doctor quiet" and "keep the peace" between Carson and the government naval surgeon Dr. Warner, Carson was appointed as the second doctor to Cochrane's family upon their arrival[125] and later appointed district surgeon in October 1827.[126] Worse for Catholics than buying off their leaders, the council and Cochrane

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Jews who became MPs at Westminster were later exempted from swearing on the New Testament.

[121] Lahey, "Catholicism and Colonial Policy", *Creed and Culture*, p. 64.

[122] Prowse, *History*, p. 423.

[123] Rupert Bartlett, Q.C., "The Legal Profession in Newfoundland", *BNF 3*, p. 523.

[124] CO 194/88, fol 97v, Cochrane's notes in the margin of a petition of Carson to the Secretary of State for the Colonies, 1834.

[125] *Ibid.*

[126] O'Flaherty, "Carson", *DCB* VII, p. 153. This seems to have been in response to a request for the post by Carson in 1826. He also previously requested permission for both doctors to alternate in caring for Cochrane, and the "sick poor"; see CO 194/88, fols 99v, 101v, Carson to Secretary of State, October 1834. Carson's

lost no time in appointing Protestants to jobs and emoluments, and it stung Catholic reformers even more when zealous Council members tried to occupy Government House during Cochrane's absence, and obtain leave with pay and portions of the salaries of absent civil servants.[127] In 1824, a new Marriage Act permitted Catholic clergy to conduct marriages, but introduced a new "registration fee" of 14d. to be collected by clergy and paid to the governor, leaving the marriage tax issue unresolved.[128] With Scallan's sanction Morris petitioned the Colonial Office to grant Newfoundland Catholics the same rights as other British subjects,[129] but to no avail. In short, the Judicature Act had established Newfoundland as a colony, but the continued disabilities against Catholics also replicated a pro-Church of England ascendancy which was closed and politically unacceptable to a majority of Roman Catholics. From 1825, reformers grew increasingly wary of Newfoundland's colonial government, and their demands were voiced with a new stridency.

In many Roman Catholic parishes and vicariates throughout the western world in the early nineteenth century, including the vicariate of St. John's, trusteeism came to play an ever-greater role. In 1823 when a stroke caused Scallan some paralysis, prompting a visit to New York and Philadelphia for treatment,[130] he tried unsuccessfully to dissolve trusteeism and mediate between Bishop Henry Conwell of Philadelphia and the priest William Hogan

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appointment was made by Tucker in Cochrane's absence; Cochrane later complained that Carson was qualified as a physician but not as a surgeon (*ibid.*).

[127] For examples see CO 194/81, fol 192r, James Crowdy to Cochrane, 30 September 1831, and fol 194r, letter of a Mr. Campbell, 4 October 1831. Crowdy's annual salary as Colonial Secretary was £800. See David J. Davis, "James Crowdy, 1794-1867", *DCB* IX, p. 168.

[128] AASJ, Fleming Papers, Fleming to Spratt, 1836, second letter, p. 10.

[129] CO 194/76, fols 221r-222v, Morris to Cochrane, 2 April 1828.

[130] Lahey, "Scallan", *DCB* VI, p. 691.

of Conwell's diocese and Hogan's associated lay trustees.[131] At home, Scallan indulged his own lay trustees, particularly his friends the merchant Timothy Hogan and the shopkeeper Michael McLean Little. Hogan and McLean Little had raised funds to expand the St. John's chapel, both were BIS members, and like Scallan, both were cultivated by Cochrane. Hogan and McLean Little had been promoters of education for the children of the Irish poor. Even though 378 girls and 247 boys attended the Charity schools in 1809, the schools were only Sunday schools and did not provide a daily education.[132] On 17 August 1823, Hogan proposed to the BIS that it establish an asylum "for the support and Education of Orphan Children".[133] A week later, a committee reported to members that the society's patron Governor Sir Charles Hamilton had agreed, and resolutions were entertained to fund the construction of an Orphan Asylum school by subscription, and by a subvention from the society of £100 *per annum*. Furthermore, a subvention of £334.4s. was collected from BIS President Patrick Morris, Bishop Scallan, the priests Nicholas Devereux and Thomas Ewer, and members Thomas Beck, Patrick Kough, Timothy Hogan, Nicholas Croke, Aaron Hogsett, Patrick Doyle, Stephen Malone, Henry Shea, William Hogan, John Ryan, Laurence O'Brien (a second cousin of Morris's), and 26 others. Morris gave £100, while Scallan and Vice-president John Ryan were the next largest contributors at £20 apiece.[134] As the asylum

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[131] CNSA, Browne Papers, "Catholic Footprints", p. 85; on the Conwell-Hogan dispute see Carey, *People, Priests and Prelates*, p. 115.

[132] Rowe, *Development of Education*, p. 25. Neither Rowe nor the present author could discover the early curriculum of the schools.

[133] Benevolent Irish Society Minute Book, 1822-1829 (hereafter BIS Minutes), 17 August 1823, p. 34. Also see Veitch, "Contributions of the BIS", pp. 33-38, passim. The earliest minute book of BIS meetings, from 1806 to 1823, is presently missing; the volume documenting 1830 to 1843 was not available to the present author. All references are to a recent typed transcription of the original handwritten volumes which the Society makes available to researchers.

[134] BIS Minutes, 24 August 1823, pp. 35-6.

was eventually deemed to be too costly and was not built, the BIS proceeded with a school alone.[135]

Although almost all the subscribed members of the society were Roman Catholic, the BIS decided that the Orphan Asylum School (OAS) was to be like the society itself: formally non-sectarian, open to orphans "without distinction of country or creed", and a school in which religious instruction was not given. Bureaucratic and funding problems delayed the opening until 1826, when schoolmaster Henry Simms began to teach 136 boys and 70 girls.[136] Unfortunately, records of enrolment with which to identify specific pupils are missing. In September 1824, before a permanent home for the OAS could be built, the Newfoundland School Society (NSS), a Church of England missionary educational and evangelical organization, was given an annual grant from the British government and opened a school in St. John's.[137] This irritated the reformers and the BIS, who were left to finance the OAS themselves, and Scallan prohibited Catholics from sending their children to the NSS school, citing a Vatican instruction against Catholic attendance at proselytizing schools.[138] By May 1825, Patrick Morris informed the BIS executive that it had recently been proposed

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[135] *BIS Volume*, p. 140.

[136] BIS Minutes, 24 August 1823, p. 96. For numbers of children attending the OAS see minutes of annual meeting 17 February 1827, p. 94. It is unclear whether the schoolchildren were all orphans.

[137] AASJ, Fleming Papers, Monsignor Michael Fleming, *Relazione* [*Relazione della missione cattolica in Terranuova nell' America settentrionale*, or Report of the Catholic Mission in Newfoundland in North America](Rome: Printing Press of the Sacred Congregation, 1837), translated from Latin by Brother Joseph B. Darcy, [hereafter AASJ, Fleming Papers, Fleming, *Relazione* (1837)], maintains that the annual subvention was £1000. CO 194/92, fols 91r-98v contains the same document.

[138] In 1819, Propaganda warned the Irish bishops of the evils of "bible society" schools. Brian J. Dunn, "Catholic Schools in Newfoundland : An Investigation into their Nature According to the Code of Canon Law", DCL thesis, Saint Paul University, Ottawa, 1991, pp. 51 and 53 note that a precedent for this had been established during the counter-reformation by Propaganda in 1659 in a decree calling for the establishment of Catholic schools so that Catholic youth would not be entrusted to infidels for instruction.

to unite the OAS with the NSS school.[139] However, since Catholic parents feared Protestant proselytism and only sent their children to the NSS school "with great reluctance", the BIS executive struck a committee which included "The Bishop & Clergy" to review the rules and regulations of the OAS and asylum.[140] Governor Hamilton had offered the BIS the possibility of deriving support for the OAS from crown rents, but Cochrane refused state assistance, merely offering his private support.[141] Spearheaded by BIS president Patrick Morris, Cochrane awarded a land grant to the OAS for a "House on the Barrens" in 1826, and a management committee for the facility was struck which included Morris's nephew John Kent,[142] Bishop Scallan, Michael McLean Little, Stephen Malone, Timothy Hogan, Laurence O'Brien, builder Patrick Kough, and Nicholas Croke, a contractor.[143] Scallan subscribed £70 to the project, Church of England Rector Frederick Carrington preached a charity sermon for it which garnered £74,[144] and the new school opened in 1827.[145]

The OAS was formally non-sectarian but this did not sit well with all BIS members. The school's curriculum included English grammar, arithmetic, reading, writing, spelling, and two skills suited for a fishing society: navigation and bookkeeping, but no religious

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[139] BIS Minutes, 22 May 1825, pp. 73-4.

[140] *Ibid.*, p. 74.

[141] *Ibid.*, p. 79.

[142] *Ibid.*, 17 February 1825, p. 64. Kent was admitted as a member to the BIS in 1825.

[143] *Ibid.*, 28 May 1826, p. 85; 26 June 1826, p. 86; 27 August 1826, p. 89; also see Shane O'Dea, "Nicholas Croke, c.1800-1850", *DCB* VII, p. 220. Croke completed the wooden building of dimensions 75 feet by 28 feet, 19½ feet high, when the original contractor Edmund Power abandoned his contract.

[144] John C. Pippy, "The Benevolent Irish Society", *BNF* 2, p. 176.

[145] BIS Minutes, p. 95, no date given but during the autumn of 1826. The eventual cost of the OAS was £1,299.5s. (see Pippy, "BIS", *BNF* 2, p. 177).

instruction was given.[146] Morris bitterly wrote that the NSS had attempted from 1823 onwards to take all the credit for education, morality and religion in Newfoundland,[147] so he seems to have expected the OAS to become a Catholic antidote to Protestant proselytism. Most OAS pupils were predominantly Irish, but it is significant that there was no provision in the curriculum for teaching spoken or written Irish. Cyril Byrne has claimed that Irish was in widespread use in Newfoundland throughout this period, but its absence from the curriculum of the OAS is a striking indicator of its declining favour in Ireland and in Newfoundland,[148] and that Irish leaders—particularly OAS committee members eager for greater social mobility—understood that English was the language of social, economic, and political advancement in a British colony whose polity was dominated by Protestants. In this vein, as Louis Burke has noted, the OAS may have been at least a partial answer to Morris's concerns.[149] Six hundred students registered for the year 1828 at the OAS with an average attendance of under 300.[150] By this time the BIS had become an overwhelmingly Roman Catholic organization, the OAS's management committee was entirely Roman Catholic, and the school was virtually under Catholic control, but the management committee—of which the latitudinarian Scallan was a member—remained opposed to denominationalism. Rule six

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[146] Rowe, *Development of Education*, p. 37.

[147] Patrick Morris, *Remarks on the state of society, religion, morals, and education at Newfoundland: in reply to the statements made at the meetings, and in the reports, of the Newfoundland School Society, and also to a part of a speech delivered by the Bishop of Chester at the meeting of the Society for the Propagation of the Gospel in Foreign Parts, held at the Freemasons' Hall, on the 25th of May last; in a letter addressed to the Right Honourable Lord Bexley* (London : A. Hancock, 1827), p. 11.

[148] Byrne, "The First Irish Foothold in North America", *Irish In Canada*, Vol. I, p. 173 claims that spoken Irish lasted well into the nineteenth century, but the absence from archival and private sources in Newfoundland, Ireland, Rome, and England of any documents on Newfoundland written in Irish or mentioning its usage calls this claim into question.

[149] Burke, "Some Contributions to Education", p. 52.

[150] Rowe, *Development of Education*, p. 37.

of the OAS constitution noted that the committee was to ensure that "...no books or catechisms should be admitted, either in the course of the literary or religious instruction, containing any matter calculated to excite contempt, hatred, or any uncharitable feeling in any classes, towards persons of a different religious persuasion."[151] Fleming later branded the committee members "*Questi Catholici Liberali*" ("These Liberal Catholics") and noted that

> So jealous were this body of the character they had acquired, that although for some years not a single Protestant child had been sent to the school, yet not only would the committee of that exclusively Catholic body not permit the Catholic catechism to be taught, barely as a task in school by the master, but they stood up in opposition to the Priests who attempted to give the children religious instruction even after school hours.[152]

That Scallan, aware of Rome's instructions that the Roman Catholic catechism be taught in church schools, did not press more strongly to have it taught is explained partly by the growing climate of anti-Catholicism in the British Empire, and partly by the comfortable relationship the members of the OAS management committee had established with the governor and Scallan.

By the end of the 1820s, just as waves of Irish nationalism washed over Irish Catholic enclaves within the British empire, the empire felt the winds of "No Popery" anti-Catholicism.[153] Desmond Bowen has observed that after 1801, many Protestants believed it their "religious duty to free Irish Catholics from 'Popish superstition' and the authority of the

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[151] *The Newfoundlander*, 13 April 1837.

[152] Rowe, *Development of Education*, p. 38. Rowe cites Fleming's *Relazione* as his source but he does not note whether it was the 1837 or 1846 *Relazione* or another source. The present author has been unable to locate this passage.

[153] Desmond Bowen, *The Protestant Crusade in Ireland, 1800-70: A Study of Catholic-Protestant Relations Between the Act of Union and Disestablishment* (Dublin: Gill and Macmillan, 1978), and especially see McCann, "Newfoundland School Society 1823-1855", *"Benefits bestowed"?*, ed. Mangan, pp. 95-112, and McCann, "'No Popery' Crusade", *CCHAS*: 79-97.

Anti-Christ in Rome."[154] E.R. Norman suggested that denunciations of Roman Catholicism as "damnable and idolatrous" blew stronger through England in response to the rise and success of Daniel O'Connell.[155] English Protestants had seen the restoration of Pope Pius VII to Rome after the Napoleonic era, and witnessed the immediate growth of overseas missionary activity, the re-establishment of the Jesuit order and the Sacred Congregation for the Propagation of the Faith (Propaganda Fide), and the founding of the Association for the Propagation of the Faith.[156] McCann noted that "only one power appeared to be able to challenge or frustrate the [Protestants'] design—renascent Catholicism, directed from Rome."[157] As part of a Protestant crusade which responded to Irish nationalism, the activities of colonial governors like Cochrane, the members of his Council, and Colonial Office mandarins in Britain were tempered by a set of assumptions about the importance of spreading the Protestant gospel to the "lesser peoples" of the world through the medium of the British Empire. Increasingly they pushed back against Roman Catholicism in the absence of Church of England missionaries of the NSS, whose numbers were either so few or whose visitations were so irregular in Newfoundland by 1826 that Cochrane informed Bathurst that the Protestants of St. Mary's had all turned Catholic, along with the Protestants of Placentia.[158] British ministers and mandarins encouraged the NSS; Bathurst became President

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[154] Bowen, *Protestant Crusade*, p. xii.

[155] E.R. Norman, *Anti-Catholicism in Victorian England* (New York: Barnes and Noble, 1968), p. 18.

[156] McCann, "No Popery", *CCHAS*, p. 88.

[157] *Ibid.*

[158] Bishop Fleming file of Dr. John Mannion, Cochrane to Bathurst, 10 November 1826. Similar English conversions from the Church of England to Roman Catholicism are documented in Thomas Nemec, "The Irish Emigration to Newfoundland", *BNF 6*, pp. 181-190.

of the Society, and Under-Secretary James Stephen was sympathetic.[159] McCann wrote that

> Contemporaries saw the growth of British commerce and the extension of civilization as going hand in hand. To Protestants, the spread of the Gospel, particularly to the "heathen" areas of the globe, was inextricably bound up with the progress of commerce. The providence of God, it was argued, had happily placed Britain in the position of acquiring power and territorial possessions, not for greed or self-aggrandizement, but to bring Christianity and civilization to heathen regions. The belief that its mission was a fulfilment of a divine providential plan gave Protestantism a confidence and a sense of superiority which inspired even its humblest labourer in the field.[160]

Underpinning the "Catholic question" which bedeviled English rulers over Ireland and Newfoundland, mandarins and ministers were reminded by Protestant missionaries and organizations like the NSS of the temporal power of the Pope, and the nagging fear that Irish Catholics might become disloyal to the British crown. In 1826, the Protestant *Waterford Mail* claimed that "Popery was the root of all evils which afflict this country",[161] and British government officials increasingly came to believe this as well. Scallan clearly had no intention of inflaming his friends Cochrane or BIS members Hogan and Kough, the last of whom would soon be beholden to Cochrane for government contracts.[162] Rowe believed the OAS provided the church with an opportunity to assert the right to identify and minister to the spiritual needs of the school's pupils,[163] but Scallan did not pursue this goal with any vigour. As the nineteenth century wore on, formal and "reformed" education increasingly became the means by which parents, clergy, and reformers passed on and promulgated their

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[159] McCann, "Newfoundland School Society", *Education and British Imperialism*, p. 97.

[160] McCann, " No Popery", *CCHAS*, p. 88. The Protestant work ethnic thesis was argued in Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York: Charles Scribner's Sons, 1958).

[161] *The Waterford Mail*, 30 December 1826.

[162] CO 194/82, fol 127r notes Kough's involvement in the construction of the Customs House in 1831.

[163] Rowe, *Development of Education*, p. 39.

belief systems to children. Education had always been the means used by parents to give their children an opportunity to better their lot in life, and its increased availability and the increasingly strident demands of parents, clergy, and reformers made it a source of political controversy.

If Catholic education under Scallan made only modest gains, the lack of clerical discipline proved the weakest aspect of his episcopacy, and the priests John Power and Samuel Burgess caused particular grief. In 1821, Scallan wrote Bishop Plessis of Québec that for several years Power had been "in a state of rebellion against his Ordinary, mostly under suspension, and last year went to the Labradore in that state, and officiated there."[164] His conduct had "been so irreligious and immoral, and his contumacy such, that on the 29th of last October I publickly excommunicated him in which state he continues, and is likely to continue, as it appears evident he has lost his faith."[165] Burgess was even more difficult to handle. In 1824, Scallan wrote that "it is not likely that Burgess and I will agree long"[166] but by June 1826 Burgess was "quite reformed & gives me the greatest satisfaction."[167] Once again, though, in his 1827 report to Archbishop Pietro Caprano, the Secretary of the Vatican's Sacred Congregation for the Propagation of the Faith (Propaganda Fide), Scallan related that

> ...it is a matter of the utmost grievance that Father Samuel Burgess, who recently was suspended and departed from this Island, has for a long time here been a stumbling stone and a rock of scandal for the faithful; staggering even on his hands almost daily for drunkenness through the main streets, and—a thing unheard of here—sneakily bringing in male youths into my house to "spend the night" with him—a matter

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[164] Byrne, *Gentlemen-Bishops*, pp. 323-4, Scallan to Plessis, 15 June 1821. An "ordinary" is a bishop.

[165] *Ibid.* Power sued Scallan in the Supreme Court claiming that Scallan had prevented him from receiving income (*ibid.*, p. 325, Scallan to Plessis, 14 June 1822).

[166] Rollmann, "*Gentlemen-Bishops*: additional letters", *JCCHS*, p. 15, Scallan to Walsh, 29 October 1824.

[167] *Ibid.*, p. 16, Scallan at Cheltenham, England, to Dr. William O'Meara, OFM, at Court House, Carrington near Bridgewater, Somerset, 15 June 1826.

> which became known to me only very recently and after a long interval; as well as charging others—even myself—with calumnies. Often admonished that he should return to a more fruitful mode, he not only set my urgings at naught but from this mildness daily advanced in more barefaced audacity. A few weeks after [his] suspension he set sail for England.[168]

Scallan may have been beset by personal poor health, a lack of priests, and rebels among the clergy, but he seems to have brought to bear on Burgess the few sanctions of the day which were available against pedophiles. Nevertheless, clerical indiscipline remained a stumbling block in the St. John's vicariate, and would lead to more scandals and a crisis of faith among a portion of the Catholic faithful for some time to come.

By the end of Scallan's episcopacy, Irish Roman Catholics in Newfoundland were constrained by circumstances which were only partly of their own making. Conflicts between Irish Catholics and colonial officials simmered and increased in temperature and frequency as Irish expectations and British Protestant conservatism towards sharing power with Catholics grew. Scallan's aversion to political assertion, his wish to appease Government House and "Liberal Catholics", and his ecumenism compromised the growth of an institutional church and the ability of Irish Catholics to obtain redress for grievances. The clerical indiscipline which Scallan inherited and allowed to prevail did little for the general social welfare of his congregation or for their confidence in the leadership of their church, while Burgess's paedophilia left more questions than answers about Scallan's managerial effectiveness as a bishop. Prevented as Cochrane was from appointing Catholics to the Council, he had attempted to employ the standard political tactic of "buying off" the opposition, but by the time Scallan's successor Fleming assumed care of the vicariate, it would be too late to curry favour with a new bishop. Gertrude Gunn initiated the persistent tradition in Newfoundland historiography of blaming Fleming for inciting sectarian bigotry

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[168] Byrne, *Gentlemen-Bishops*, p. 347, Scallan to Caprano, 29 September 1827.

and political strife, but what historians have hitherto missed is that all the elements for sectarian and intra-group conflict were in place well before Fleming became bishop. A forty-five year legacy of Irish factionalism along provincial and county lines, ecclesiastical disorganization, and clerical indiscipline was the inheritance of whoever would be bishop, and these would not be quickly abated by a new episcopacy. What was remarkable was not the factional and sectarian venom which flowed once Catholic reformers were frustrated, but that such inept clerical leadership and political disorganization survived so long. When tensions finally reached the breaking point, Fleming had but little choice—and every desire—to support the Newfoundland reformers who campaigned for Irish Catholic rights.

Chapter 3

"To Buy a Bishop": Ultramontanism and Newfoundland Roman Catholicism, 1829-1833

In 1829 the Roman Catholic church in Newfoundland was little more than a foreign mission of the Irish church in a colonial possession of the British empire. Within four years, the politics of Newfoundland, Ireland and Britain underwent profound changes, giving Newfoundland's inhabitants a permanent interest in their new country. By 1833, Newfoundland Catholics had taken their cue from O'Connell's Ireland and agitated for and received the elective franchise along with the island's other eligible male inhabitants. The Roman Catholic community underwent an organizational revolution when an early form of ultramontanism was applied to the Newfoundland church by Scallan's successor, Fleming, as an administrative and theological conception of the way in which the vicariate was to function. A dispute over control of education followed by the removal from positions of influence of Scallan's friends by Fleming created open divisions between the Catholic adherents to Scallan's regime and a new Newfoundland "family compact" kin group of clergy and reform politicians became centred upon the bishop. The British government was slow to change the Newfoundland constitution, but a legislature was granted. As part of the trustee-clergy/reformer dispute, submerged factional divisions along the ancient Irish provincial lines of Leinster and Munster burst forth into the 1833 election campaign, but so did sectarianism. As a result of his outspokenness and zeal in bringing reforms and O'Connellite politics into Newfoundland Roman Catholicism, Fleming became the principal actor in Roman Catholicism and Newfoundland political life until his death. The British government also recognized this, and attempted to engage him in a contract: in exchange for a pension, they expected that he would support British law, order, and the customs of colonial rule. In order to understand the changes which he and the Irish reform politicians wrought in Newfoundland Roman Catholicism and political life, it is necessary first to

examine Fleming's early life as an ascetic but impetuous Irish cleric, as a builder of churches, and his associations and links to a network of Irish reform politicians in St. John's and politicians and churchmen in Ireland.

Michael Anthony Fleming first came to Newfoundland as a priest in 1823 to assist Scallan in St. John's. Fleming was born about 1792 "three miles from Carrick and ten from Waterford,"[1] most likely near Piltown, County Kilkenny. The eldest of at least six children, young Michael sold buttermilk on the main street of Carrick, at a well-known spot "near old Russell's crane", implying that his family had a small farm near the thriving river town of 10,000 which had grown prosperous on the wool trade.[2] As a youth Fleming studied humanities for two years at Stradbally, Co. Waterford under the "Parson Foley", "a Protestant Clergyman of the most orthodox character", and then finished his preparatory studies at the Protestant grammar school of Clonmel "with the full concurrence of the then Catholic Bishops of Waterford and Kilkenny".[3] No record has been found to indicate that Fleming was an outstanding student, but his intellectual prowess must have been sufficient for his uncle Martin Fleming, a Franciscan priest and Guardian of the Franciscan Friary at Carrickbeg, across the river from Carrick, to prompt him to enter religious life. War had closed St. Isidore's and all other Franciscan convents in Europe at the time of Fleming's education, so

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[1] *The Newfoundland Patriot*, 9 September 1834, p. 39, letter of "Brutus" (possibly John V. Nugent) to the editor. The 1799 Carrick Manuscript Census (copy at CNS), the only complete extant census for any Irish town in 1799, shows six families of Flemings domiciled in Carrickbeg (on the south side of the Suir; Carrick proper was on the north side); Fleming's uncle, Fr. Martin Fleming OSF, lived with Fr. R. Power at 406/407 Old Sheskin Road.

[2] I thank Michael Coady of Carrick for providing a fragment of a letter to an unknown press in Carrick on 25 May 1841 describing Fleming's early life. Fleming had siblings Johanna, Mary, Patrick, Edward, and another brother whose name is unknown (Bishop Fleming file of Dr. John Mannion). Members of the Fleming family were long-time residents of Carrick: a Fr. Francis Fleming was Franciscan guardian at Carrick in 1669 (see Walter Crowley, OFM, "The Friary Church, Carrickbeg", (Carrickbeg: The Friary Church, 1978), p. 12).

[3] *The Newfoundland Patriot*, 9 September 1834, p. 39. Fleming may have learned about Newfoundland from O'Donel who retired to the vicinity of Clonmel. Also see the *Times*, 4 November 1835.

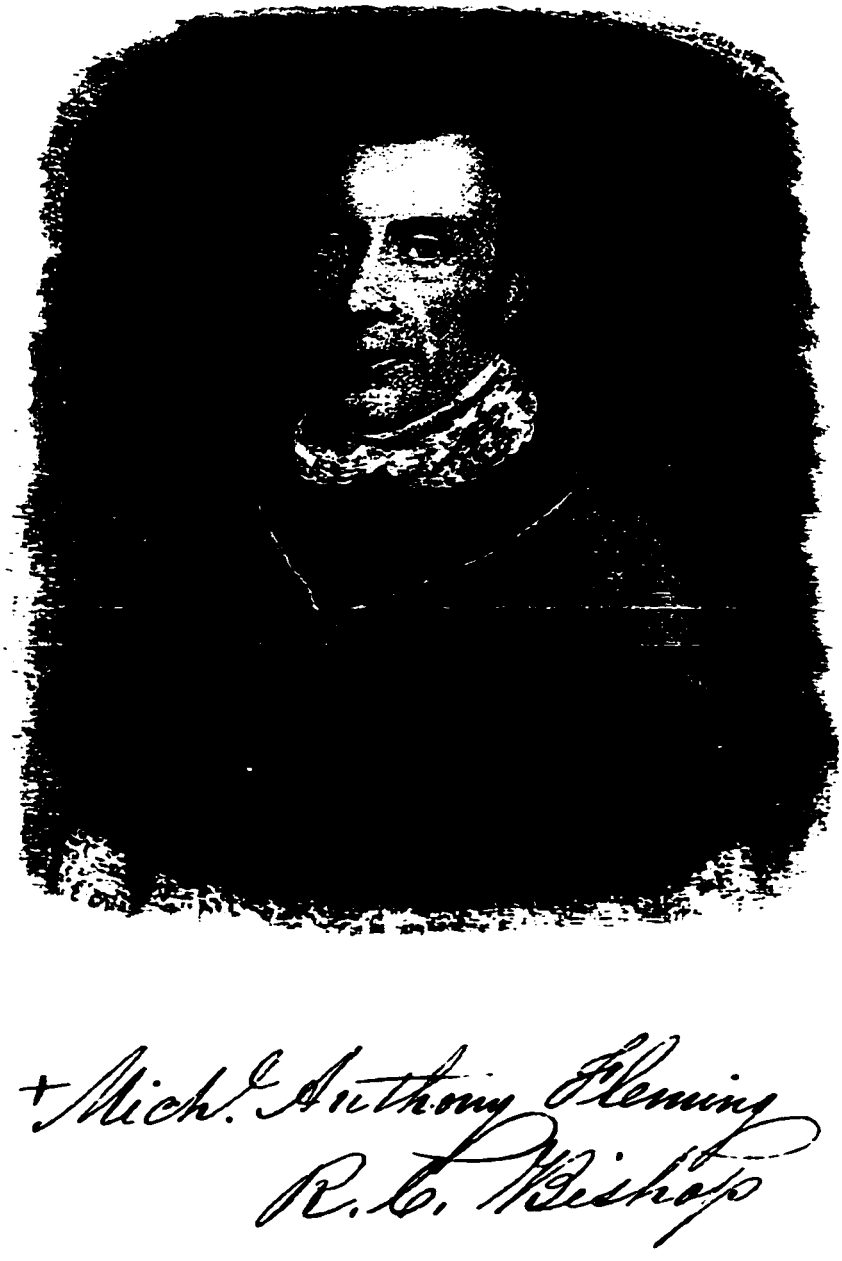


Illustration 3.1: Michael Anthony Fleming, Roman Catholic Vicar Apostolic of Newfoundland and Bishop of Carpasia.

Source: M.F. Howley, *Ecclesiastical History of Newfoundland* (Boston: Doyle and Whittle Publishers, 1888), frontispiece.

from 1808 to 1815 Michael studied for the priesthood at the Franciscan seminary in Wexford, where he was accepted as a novice in the Order of Friars Minor, the Franciscans, by Thomas Scallan before Scallan became vicar apostolic of Newfoundland. Fleming's professors were Scallan, Henry Hughes, who later became vicar apostolic of Gibraltar, and Richard Hayes.[4] Hayes was an intimate of Daniel O'Connell's, who launched his own early political career by opposing the veto and advocating Catholic rights.[5] In later life Fleming occasionally wrote of Hughes, whose administrative zeal and liturgical orthodoxy were an inspiration to Fleming.[6] Steeped not in the gallicanism of the British-funded seminary at Maynooth, but in an ultramontane educational climate which defended Catholicism from secular encroachment, Fleming was ordained by Bishop James Keating of Ferns on 15 October 1815, and assigned to his uncle's friary at Carrickbeg.[7]

In the early 1800s, many Irish Catholic clergy publicly displayed more concern with building new churches than with the abstractions of philosophy, and the Flemings were no

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[4] Lahey, "Fleming", *DCB* VII, p. 292; CNSA, Browne, "Catholic Footprints", p. 99.

[5] CNSA, Browne, "Catholic Footprints", p. 99; MacDonagh, *Hereditary Bondsman*, p. 161.

[6] Patrick Conlan, OFM, "The Franciscan House at Thurles", *Thurles: The Cathedral Town*, eds. William Corbett and William Nolan (Dublin: Geography Publications, 1989): 180, notes that when Hughes arrived in Thurles in 1838 as Minister Provincial of the Franciscans in Ireland, he tried "...to initiate certain reforms among the Irish Franciscans. These included such matters as keeping churches and sacristies clean, proper observances of rubrics during divine services, the need for the religious to lead a common life, the necessity for a good library and regular study, the keeping of proper accounts, and the legal obligation on friars to make a will governing the property which they held in trust for the Franciscan order."

[7] AASJ, Fleming Papers, document 5, certificate of Keating to Fleming attesting ordination, October 1815. Lahey, "Fleming", *DCB* VII, p. 292 maintains that Fleming was immediately assigned to Carrickbeg; this would be in 1815; Crowley, "Friary Church", p. 23 suggests the two Flemings were at Carrickbeg from 1818 onwards. Like Scallan before him, Fleming was given—perhaps at his ordination—a small chalice and paten inscribed from the Franciscans in Wexford and dated 1768. Scallan's chalice is inscribed "*Procuravit Fr. Fr. Ioannes Scallan Pro Conventu* [Wexford?] 1768" and depicted in Peter Neary and Patrick O'Flaherty, *Part of the Main: An Illustrated History of Newfoundland and Labrador* (St. John's: Breakwater Books, 1983), p. 53. Fleming's chalice is inscribed "Fr. John Broe for the Franciscans in Wexford, 1768", and is on exhibit at the Basilica Museum in St. John's. Both chalices are the earliest extant artifacts linking Newfoundland Roman Catholicism with Ireland.

exceptions. On one occasion Michael and his uncle arrived back in Carrickbeg from out of town to "discover" that townspeople had demolished the old thatched-roof chapel: officially and in subsequent mythology, a "storm" had blown it down.[8] Either way, the congregation got to describe the demolition as an "act of God". Construction began on a new basilica-shaped, cut stone Friary church in May 1820. It was built north and south, not in the customary east-west liturgical orientation,[9] and its facade faced the river. Significantly, its architectural style was perpendicular gothic with crenellations, and it was built within 100 yards of the gothic-style St. Molleran's parish church with its medieval tower (the site of the medieval Franciscan friary). This stylistically and spatially competitive relationship suggests that there may have been friction between priests competing for clerical income, for before the Friary was built the Carrickbeg Franciscans may have been prohibited by the secular priests at St. Molleran's from celebrating mass in St. Molleran's, or from performing public pastoral duties or collecting dues.[10] Where St. Molleran's broods and sheepishly peeps out over the river, the new Friary sits on the side of the hill facing the town across the river, the boldest part of an ecclesiastical complex of three cemeteries, a priory house, and two churches. A stone plaque fixed to the facade of the church on the gable end bears the date 1822, the Franciscan coat of arms, and the names Fr. Martin Fleming and Fr. Michael A. Fleming.[11] The construction of the Carrickbeg Friary was part of a great resurgence in church-building which swept Ireland from the 1820s to the 1850s. The domination of the

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[8] Crowley, "Friary Church", pp. 23-24.

[9] *Ibid.*, p. 24.

[10] I thank Michael Coady of Carrick for suggesting this.

[11] A niche for a statue of a saint was often placed at the apex of the gable end of a church's facade; such niches are found on Waterford cathedral (1792). Fleming employed many of these stylistic elements in his Newfoundland cathedral in the 1840s.

landscape by a church was a cultural and political statement, iterating new ideas about the place and role of Roman Catholicism in Irish society, a statement made possible only by the political resurgence of Catholicism under O'Connell's leadership. While little is known about Fleming's role in building the new Friary, the politics and experience of construction taught him lessons from which he drew in later life.

Fleming was recruited for Newfoundland in 1823 on Scallan's invitation, through Henry Shea of Carrick and Newfoundland, a BIS member,[12] but the young priest left Ireland with some reticence. In 1824, Scallan informed his friend the priest Richard Walsh at St. Isidore's that Fleming "only got leave to come here for a year or thereabouts from the Provincial O'Mara, in order to make a collection to pay the debt he contracted building a Chapel in Carrig."[13] Fleming later claimed that he had been ordained as "a very humble mendicant Friar of the Order of St. Francis...whose duty and whose vows bound him to beg for his maintenance."[14] Sometime after his ordination he applied for admission to the Congregation of Christian Brothers, a lay order of teaching monks founded by Edmund Ignatius Rice[15] and approved by Rome because it openly opposed Protestant proselytizing

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[12] Bishop Fleming file of Dr. John Mannion.

[13] Rollmann, "*Gentlemen-Bishops*: additional letters", *JCCHS*, p. 15, Scallan to Walsh, 29 October 1824. Lahey, "Fleming", *DCB* VII, p. 292, noted that there were later insinuations that Fleming misused collected building funds, and left Carrick in a hurry before the Friary was completed, while Crowley claims that the chapel was completed in 1822 before Fleming left.

[14] Arundel Castle Archives, West Sussex, England, Duke of Norfolk Papers, Vol. II/382 (hereafter ACA), Fleming to Earl Grey, 6 November 1848. By "begging", the friars would rely on the providence of God for their support, but this did not mean that they could not resort to friendly moral suasion.

[15] [A Christian Brother], *Edmund Ignatius Rice and the Christian Brothers* (New York: Benziger Brothers, n.d.), p. 289-290. As a Waterford merchant and exporter Rice engaged in a significant trade with Newfoundland, and in 1798 smuggled the husband of his sister-in-law to Newfoundland in a barrel, saving him from execution (see Keogh, *Rice*, pp. 28, 34).

schools.[16] Fleming's application may have been made while he was at the Friary church, or during his brief return to Ireland in 1824 to 1825. The brothers had a convent at Carrick and Fleming admired their educational work, and the community's asceticism, for he carefully observed the rule of the Franciscan order and prayed the canonical hours daily. Rice had no choice but to refuse admission to Fleming on the grounds that article six of the papal brief establishing the congregation directed the brothers not to "aspire to the Priesthood or to any other Ecclesiastical orders."[17] On 7 October 1823, Martin Fleming wrote Scallan to inform him of Michael's imminent departure for Newfoundland, praising the young cleric as "a most useful, indefatigable missioner."[18] Martin also asked his nephew to write Scallan personally with news of his impending voyage, but the letter was found left in Michael's room after he sailed.[19] The Church of England priest Philip Tocque later wrote that Michael secretly left Ireland "in order to save the finer feelings of his nature" which would have been tested when faced with his "kind old uncle", his doting parents, and a teary-eyed congregation.[20] Little else is known of Fleming's clerical life before he left for Newfoundland, but he retained exceedingly strong personal links and ties to the people and culture of his homeland, and he had the "common touch", which ensured his popularity with most of his congregants. At heart, he always remained an Irishman.

When Fleming arrived in Newfoundland in late 1823 or early 1824, he was made

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[16] Keogh, *Rice*, p. 68.

[17] *Ibid.*, and Dunn, "Catholic Schools in Newfoundland", p. 150, fn. 23. A Newfoundland connection with the Rice family was established when Rice's nephews Patrick and Michael were sent to Newfoundland to live with a family friend, Morgan Doyle, at Grates' Cove after their father and mother died (see O'Neill, *Upon This Rock*, p. 140).

[18] From a letter at the Franciscan Archives, Killiney, Ireland, cited in O'Neill, *Upon This Rock*, p. 107.

[19] *Ibid.*

[20] Philip Tocque, *Newfoundland. As it was and as it is in 1877* (Toronto, 1878), p. 408.

curate to Scallan in St. John's, but his visit was temporary and he soon returned to Ireland. In October 1824, Scallan praised Fleming and lamented his return to Ireland; he also deprecated the priests Timothy Browne and Samuel Burgess, noting Fleming's utility as a buffer against Burgess:

> Father Fleming is a real treasure to me. In fact he is so good, that, in confidence I tell you, I have been seriously thinking of him as my successor at a future period; but this I have not hinted to himself, or to any other creature breathing: if I continue in health as I am at present, there will be no necessity for a successor or Coadjutor for some years.... I must depend on you to get an order from the Propaganda or his General to continue here. He wishes it himself. I do not wish to apply myself to the Propaganda, as I did before effectualy with respect to Browne, who did not answer my expectations, and whom I would have no objection to part with now; but losing Fleming would upset my establishment.... I am thus more anxious to have Fleming secured to me; as it is not likely that Burgess and I will agree for long.[21]

When Fleming returned again to Newfoundland he visited the parishes in St. John's and Conception Bay, and around the southern shore to Placentia Bay and Burin, and attended to the sick and to passengers on vessels.[22] He was a strong preacher with an affinity for the poor, an affection which was acknowledged and returned to him in later life. Like many clergymen, he was sought out by immigrants as an influential person by which a job might be obtained.[23] For many Irish immigrants to Newfoundland, membership in voluntary fraternal societies played an important part in acculturation to Newfoundland life and the development of a good reputation, and this was true for both priest and people. At the 1825

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[21] Rollmann, "*Gentlemen-Bishops*: additional letters", *JCCHS*, pp. 14-15, Scallan to Walsh, 29 October 1824. CNSA, Browne, "Catholic Footprints", p. 99 believed that Fleming was recalled after two years, but Scallan's letter controverts this.

[22] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 3. The district of St. John's went north to Pouch Cove and south to Ferryland; Howley, *History*, p. 247; PANL, GN 2/2, 13 August 1827, notes that Fleming visited a vessel to attend the funeral of a passenger, and that he visited Petty Harbour.

[23] Bishop Fleming file of Dr. John Mannion.

BIS St. Patrick's Day banquet Fleming replied to the toast to the clergy.[24] In March 1827 he became the first treasurer of the Mechanics' Society,[25] and at the May 1825 BIS meeting about the OAS which established an OAS committee, Fleming received an *entrée* into the society's educational work. In subsequent years Fleming exerted an influence over the BIS by proposing Henry Simms, John Shea, Adam O'Neill, and a priest, Fr. Doutney, as members, and by contributing to the OAS subscription.[26]

A dramatic change in the administration of Roman Catholicism came with Fleming's accession to episcopal power, and this occurred not long after he arrived in Newfoundland. In 1827 Scallan anticipated his "final breakdown" with a liver condition,[27] so on his final *ad limina* visit to Rome he proposed a *terna* of successors, which included as third choice the secular priest James Sinnott and as second choice the Augustinian priest Timothy Browne, who was some years older than Fleming and had been on the Newfoundland mission since 1811. Scallan's attitude towards Browne was full of contradictions. In 1818 he described Browne as "zealous, moral, learned, of a most amiable disposition, and the best preacher we have", and he opposed Browne's withdrawal back to Ireland by the Augustinians and sought through Propaganda to have him remain in Newfoundland.[28] Later he described Browne as

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[24] BIS Minutes, 17 March 1825, p. 71.

[25] Patrick K. Devine, *Notable Events in the History of Newfoundland: six thousand dates of historical and social happenings* (St. John's: Devine and O'Mara, 1900), p. 238.

[26] BIS Minutes, 17 February 1826, p. 81; 26 March 1826, p. 83; 17 March 1827, p. 97.

[27] Lahey, "Scallan", *DCB* VI, p. 693 noted that Scallan had a nervous condition, but following his stroke and liver condition, he may also have had a mild case of hypochondria.

[28] Rollmann, "*Gentlemen-Bishops*: additional letters", *JCCHS*, pp. 11-12, Scallan to Rev. Henry Hughes, St. Isidore's, Rome, 11 December 1818. In this letter Scallan notes that he had received correspondence claiming Browne's return to Ireland since he had only been loaned to Lambert in Newfoundland.

"an excellent preacher, but a poor administrator" who had "incurred a number of debts";[29] and in 1824 Scallan could not wait to be rid of Browne, but in the 1827 *terna* Browne was listed as a possible successor. His first choice for successor was Fleming, "of honourable origin", whom for four years had been employed "almost as an associate in the care of souls", and was "gifted with all the things necessary for a bishop who would be in charge of this mission."[30] Twenty-one years later Fleming wrote that he had been "called to fill a station I neither coveted nor wanted", but his vow of obedience bound him to accept Scallan's wish and Rome's desire.[31]

If Scallan had complete confidence in his former student, Fleming had less than perfect faith in his former professor. Fleming arrived in Newfoundland quite unprepared for Scallan's ecumenism towards Protestants, but he kept his own counsel about the moral havoc he thought it might wreak on Catholics. Having seen leading Catholics succumb to the blandishments of the Protestant ascendancy in Ireland, Fleming later lamented of Newfoundland that

> In a country where the executive power was exclusively Protestant and all the offices dependent on the governor from top to bottom were occupied almost exclusively by Protestants, it was but natural that those few Catholics who had become wealthy and who therefore could associate with these important Protestants—it was but natural...that seeing in the hands of Protestants all these advantages, those people risen from the more humble and indeed from the lower classes of society, would consider Protestantism a respectable thing and would consider any attempt to oppose it as an indication of a mind *but little enlightened.*[32]

When Scallan attended funerals at the Church of England, and a service of reception to

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[29] CNSA, Browne, "Catholic Footprints", p. 85.

[30] Lahey, "Fleming", *DCB* VII, p. 292, and Byrne, *Gentlemen-Bishops*, p. 348, Scallan to Cardinal Caprano, 29 September 1827.

[31] ACA, Fleming to Earl Grey, 6 November 1848.

[32] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 11.

welcome Church of England bishop John Inglis of Nova Scotia, Fleming was particularly scandalized. He later wrote

> ...even my bishop, dressed in his pontifical robes, *publicly* followed the funeral cortege of Protestants and, wearing these sacred vestments, entered the Protestant Church, assisting and encouraging the heretical cult. I saw all this and deplored it. I complained about this to my bishop; I reproached my brother priests about it, and I reproved the laity. But all this bore no other fruit than to produce for me new opponents and, I might say, enemies. In the... *Royal Gazette* of the government of date 9 January 1826 appeared an official article in which was described a public ceremony of thanksgiving to God celebrated in the Protestant church in St. John's. The prayers were read by the Protestant bishop of Nova Scotia, the sermon for that occasion was given by the Protestant Vicar and nevertheless during the entire ceremony, Monsignor Bishop [Scallan]... in his official vestments sat publicly beside the Protestant ecclesiastics who officiated.[33]

Scallan's general administrative and liturgical practises also upset Fleming, who later wrote that he could not see

> ...that Religion had gained any one single advantage, neither in the establishment of a School the erection of a Church or the addition of a single Convert, while I saw the Altars dilapidated, the Sacred Vestments torn and soiled and even these not half a sufficiency. I saw Mass celebrated in Leaden Ch[alices] Gracious God! and while I saw all this, I saw Priests retiring from the Mission with fortunes and Bishops leaving their families Hundreds of Pounds.[34]

This dark, exploitative reality of early Irish Catholic missionary activities spoke of a substantial colonial attitude towards Newfoundland, and angered the idealist Fleming, who as Lahey observed, dealt more in causes than in personalities, and made him determined to reform the institution of which his vow of obedience and his culture forbade him to publicly criticize. Fleming's comments betrayed a very different attitude toward Newfoundland which

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[33] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 12. Also see National Library of Ireland, Dublin, Manuscript Division, Collection 3584, Patrick J. Little Papers (hereafter: NLI, Little Papers), document 127, Fleming to Dr. O'Donnell, Bishop of Galway, February 1846.

[34] APF, *Scritture Originali riferite nelle Congregazione Generali* (hereafter: SOCG), 1842-1843, Vol. 5, fols 261r-274v, Fleming to Cardinal Fransoni, 27 December 1840. I thank Brother Darcy for a copy of this document.

he cultivated in others throughout his episcopacy: it was no longer a place to which priests went and then left, like many Church of England clergy and the earlier Roman Catholic clergy. Instead it became the vineyard where one lived, worked, and eventually died.

As a priest armed with a rigorous theoretical model of the ideal church he desired to create, Fleming was alarmed at the increasingly common practise of exogamy among the inhabitants of Newfoundland. One of the most notorious cases in his mind must have been the May 1829 marriage of Dr. Joseph Shea (the son of Henry Shea of Carrick) to Margaret Carson, the eldest daughter of William Carson. The wedding was conducted by Scallan, but immediately afterwards the couple were remarried in the Church of England by the rector Edward Carrington.[35] Fleming later wrote that "Up to the year 1830 many Catholics in St. John's were accustomed almost every Sunday to attend Holy Mass in the morning and to go to the Protestant churches in the evening, or vice versa. The missionary in the place never expressed his disapproval of this custom."[36] Fearing that Roman Catholicism was perceived by elements in his congregation as less "respectable" than Protestantism, Fleming had preached that this "communication with heretics in sacred things" amounted to "so very scandalous an evil", and that even Pope Paul V in 1606 had been of the opinion that such liberality was "injurious to the glory of God and a cause of eternal damnation."[37] Such orthodoxies contrasted starkly with the pluralism of the Newfoundland Catholics who surrounded him, and must have considerably upset and alienated members of his congregation. Given the divisions which were about to burst forth as a result of the imposition of that orthodoxy, retaining Roman favour was a necessity.

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[35] Gertrude Crosbie, "Joseph Shea", *Births, Deaths, and Marriages in Newfoundland Newspapers, 1825-1850* (St. John's: Maritime History Archives, 1986), p. 296; *Gazette*, 29 May 1829.

[36] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 12.

[37] *Ibid.*, in reference to events in 1829 or 1830.

Two early conflicts with Scallan's Liberal Catholic friends secured for Fleming a most persistent and determined group of opponents, and out of these disputes grew antagonisms which thrived in the St. John's congregation and Newfoundland political life for the next two decades. Like most Catholic parishes in Ireland at the time,[38] the St. John's parish was funded by a voluntary dues system. Soon after Fleming arrived as a priest in St. John's he "conceived the idea of opening a voluntary subscription list to raise funds" for the specific improvement of the Chapel, which was "scarcely fit to be a stable". The idea was so well-received by the congregation that within a month Fleming had collected $4,400.[39] He later described the response of the chapel committee:

> The party I spoke of claimed as a right to regulate Spiritual Affairs, from the fact of their being Members of the Chapel Committee, a body originally formed to assist the Bishop in the Erection of a Church, and since continued thro' the reluctance of the Bishop to offend by discharging them. As soon as the money was in my hands they demanded it, as having a right to its distribution but I refused to comply as I stood pledged to the Congregation for its being properly applied, and I had seen too much of the public money profligately turned to private account by this body, to trust them on this occasion. They complained to the Bishop who before this had approved & directed me to hold the money, but as he was an infirm old man, the leader of the party a Mr. Hogan, by falling on his knees, and imploring him "to save the Church" from being scandalized by allowing so young a man to keep a sum of money that would prove too great a temptation to his honesty. By this ruse I was compelled by the Bishop to deliver up a sum the entire of which was squandered a few weeks after in adding ten feet in length to a wooden building every timber of which was in a state of decay.[40]

Fleming much later claimed that the chapel committee "bought from each other the materials

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[38] Kevin Whelan, "The Regional Impact of Irish Catholicism, 1700-1850", *Common Ground: Essays on the Historical Geography of Ireland*, eds. William Smyth and Kevin Whelan (Cork: Cork University Press, 1988): 261.

[39] CO 194/92, fols 91r-92v, "Extracts from a letter of the Catholick Bishop of Newfoundland", 13 June 1835. Spanish dollars were often used as currency in early nineteenth-century Newfoundland. See C.F. Rowe *et.al.*, *The Currency and Medals of Newfoundland* (Toronto: The J. Douglas Ferguson Historical Research Foundation, 1983), p. 4.

[40] *Ibid.*, fol 92rv. No records of this committee exist to document elections or meetings.

and paid for them any sum which their cupidity suggested to them to demand and in this manner made the money raised for the purpose of promoting the glory of God ancillary to their own love of gain."[41]

Fleming had also been embarrassed and angered by the chapel committee when he first arrived in Newfoundland as a priest. A fellow curate, William Whitty, had denounced freemasonry in a sermon because there had been a masonic parade in St. John's the day before. The chapel committee, whom Fleming described as "all Freemasons", complained to Scallan, and in the presence of Fleming and the committee, Scallan threatened Whitty with suspension.[42] If sins of commission were injurious, sins of omission were worse. When Fleming learned that the catechism was not being taught in the OAS, he attempted to instruct children after school, but he later noted that the press of his duties as a curate "compelled him" to "abandon these poor children to the care of the *liberal Catholics*", who were "indifferent".[43] Several members of the OAS committee were antagonized, so in an attempt to remind Fleming of the avowed non-denominational character of the OAS, and salve the wounded feelings of the OAS committee, the Society unanimously passed resolutions at its annual meeting of 17 February 1829 thanking the school's financial supporters, most of whom were members of the colonial government,[44] and approved another resolution stating that "every Member of this Society gratefully appreciates the active interest which the Rev[d]

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[41] APF, SRNC, 1837-1841, Vol. 4, fols 270r-271v, Fleming to Cardinal Fransoni, 21 April 1838.

[42] *Ibid.*, fols 336r-343v, Fleming, St. John's, to Cardinal Fransoni, 27 November 1838. This event could only have taken place in 1823, the year Fleming arrived in Newfoundland and Whitty died. In the 1820s Catholics commonly joined the freemasons as a means of social mobility, as they were not yet prohibited by the church from membership in the society.

[43] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 6.

[44] They included Chief Justice Richard Tucker, Judge Brenton, Judge Des Barres, Judge Paterson, Council member Thomas Brooking, and Attorney General James Simms.

Mr. Fleming has always taken in its welfare."[45] To Fleming it was cold comfort, but for the time being there was little he could to curb the influence of trustees.

Ireland and Newfoundland were in turmoil in 1828 and 1829 over the granting of Catholic emancipation. In 1828, O'Connell had presented a memorial to George IV which proposed the removal of Catholic disabilities, in exchange for a special oath for Irish Catholic members of parliament, the voluntary suppression of the Catholic Association and the disenfranchisement of the 40 shilling freeholders in favour of £10 freeholders.[46] In March 1828, Patrick Morris memorialized the Colonial Office that "the Roman Catholic inhabitants of Newfoundland be relieved of disabilities",[47] and that summer, O'Connell won the County Clare by-election to parliament. Peel and his Tory cabinet were divided, and despite the passage of a suppression bill outlawing the Catholic Association, the Tories were "battered" into "acceptance of the inevitable" by 1829, paving the way for a two-party system and the ascendancy of the reforming Whigs.[48] The Catholic Relief Act passed through the House of Lords on 11 April 1829, and received royal assent on the 13th, at "about 20 minutes after four by the Dublin clocks" by O'Connell's reckoning.[49] The penal laws under which Ireland laboured passed into history, and within a few months O'Connell prompted Archbishop Murray of Dublin to place "Church endowments" and other rights and affairs of the church

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[45] BIS Minutes, 1822-1829, 17 February 1829, p. 123.

[46] MacDonagh, *Hereditary Bondsman*, p. 257.

[47] CO 195/17, pp. 321-322, R.W. Hay to Cochrane, 17 April 1828.

[48] MacDonagh, *Hereditary Bondsman*, p. 257; O'Ferrall, *O'Connell*, esp. ch. 7, and Alexander Llewellyn, *The Decade of Reform - the 1830s* (London: David and Charles Newton Abbot, 1972), p. 19.

[49] MacDonagh, *Hereditary Bondsman*, p. 268.

"in a state of perfect legal security".[50] But gone too was the enfranchisement of five sixths of the Irish electorate, when the property qualification for voters was raised from 40 shillings to £10 in the Irish Parliamentary Elections Act which accompanied the Emancipation Act. This technicality was overlooked in the ensuing celebrations, and it had little effect on Newfoundland, where possession of Catholic rights was nine points of the law, and where the franchise had not yet been extended.

When news of emancipation reached St. John's in mid-May 1829, the twenty-first was declared a day of celebration and thanksgiving in Irish communities throughout Newfoundland,[51] but celebration was not just confined to the Irish. Tocque later remembered that when the news was received in Conception Bay, "every house was illuminated by a candle being stuck in every pane of glass of the window."[52] At Harbour Grace, an enormous bonfire was lit on Point of Beach, fed by sixteen barrels of pitch and tar, and three hundred loads of wood.[53] In St. John's, a parade wound its way through the town, and a thanksgiving mass was celebrated at the Chapel and attended by the BIS and the Catholic-dominated Mechanics' Society, and vessels in the harbour flew flags and discharged guns in salute.[54] It was generally assumed that Catholics would be able to pass unhindered into the ranks of public office and enjoy equality with Protestants, where previously no Newfoundland

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[50] DDA, Murray Papers, file 31/2, "Correspondence 1829-1836", document 30, O'Connell to Murray, 3 August 1829.

[51] *Public Ledger* 22 May 1829, 5 June 1829; *Newfoundlander*, 14 May 1829 and 28 May 1829.

[52] Marjorie Doyle, "A Biography of Philip Tocque, 1814-1899", unpublished MA thesis, Memorial University, 1986, p. 7, citing an interview with Tocque in *The Evening Telegram*, 8 March 1892.

[53] *Centenary of the Diocese of Harbor Grace 1856-1956* (St. John's: Guardian Press, 1956), p. 33.

[54] BIS Minutes, 1824-1829, 18 May 1829, p. 127.

Catholic had ever held an office higher than that of constable.[55] Fergus O'Ferrall has argued that emancipation decisively swung the balance of power from Protestants to Catholics in Ireland, altered church-state relations, and gave rise to the presence of the middle class in politics.[56] All this was certainly expected by the Irish Newfoundland community, but joy turned to absolute rage when Attorney General James Simms and the supreme court justices gave opinions on 17 December that the Relief Act did not apply to Newfoundland, because the laws repealed by the Act had never officially applied to Newfoundland. More to the point, Simms noted, Catholics were still unable to be called to the council, or become "Commissioners of the Peace" because the principles of the penal laws "as far as they have been carried into operation here have derived their effect under the King's prerogative through the medium of His Majesty's instructions from time to time issued to the Governors of this Colony."[57] Cochrane's commission formed part of the constitution of Newfoundland and had been granted by royal prerogative and not the statute laws of parliament,[58] leaving Newfoundland as the only British colony still under penal rule through the governor's commission, instead of through British law. On 28 December 1829, James Tobin, a young Irish merchant recently arrived in Newfoundland from Halifax, chaired an emancipation meeting at the Chapel in St. John's. Twenty-five year old John Kent and surgeon Edward

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[55] *The Newfoundland Vindicator*, 22 January 1842.

[56] O'Ferrall, *O'Connell*, pp. 271, 281.

[57] PANL, GN 1/1/1, 1829-1832, letter 30, Simms's opinion "concerning the Effect on Roman Catholics of 10th Act", 17 December 1829.

[58] CO 194/78, fols 259r and ff, Simms to Captain Bruce, 17 December 1829, and Tucker, Des Barres and Brenton to Cochrane, 21 December 1829.

Kielley addressed the crowd.[59] Petitions were sent to parliament through O'Connell asking for full Catholic rights as "British subjects"—a descriptor which became a *leitmotif* of paramount importance in reformers' and Fleming's subsequent appeals to the Colonial Office, while Cochrane hastily sought "His Majesty's authority to satisfy the Roman Catholics on this point."[60] The initial failure of emancipation confirmed for Newfoundland Catholics that they were worse off than in Ireland. A governor's commission prevented them from enjoying freedoms; the judiciary had given unfavourable interpretations, and there still was no local legislature to which they could appeal. More than any previous event or regulation, the failure of the British government to grant emancipation renewed the strident claims by Newfoundland reformers and Catholics for a colonial legislature, and the passage of emancipation in Britain made it harder to achieve in Newfoundland. The victory would be all the sweeter when it was finally achieved.

On 10 July 1829, Rome acceded to Scallan's request for a coadjutor and Pope Pius VIII appointed Fleming as titular bishop of Carpasia[61] and coadjutor with right of future succession. In the first letter of what became a huge correspondence to Rome during his episcopacy, Fleming reported to Scallan's superior, Cardinal Cappellari at Propaganda that on 28 October Scallan had conducted the consecration in the St. John's Chapel, assisted in the stead of co-consecrating bishops by his vicar-general the Franciscan priest, Thomas Ewer

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[59] CO 194/80, fols 405r and ff., Chief Justice Tucker to Robert Hay, 24 May 1830; *The Newfoundlander*, 21 December 1829; also see Patrick O'Flaherty, "Edward Kielley, c.1790-1855" *DCB* VIII, p. 468. Henry Shea's son, Dr. Joseph Shea, acted as secretary. The use of chapels for political meetings, especially those involving repeal, emancipation and Catholic rights, was an Irish political practise, often used by O'Connell in the days before emancipation when outdoor public assemblies of Catholics were forbidden.

[60] CO 194/80, fols 8r and ff, Cochrane to CO, 22 December 1829.

[61] AASJ, Fleming Papers, documents 8 and 9, Pope Pius VIII to Fleming, Bulls of Consecration, 10 July 1829; *ibid.*, document 4, Cardinal Caprara to Fleming, 25 July 1829. Carpasia was an extinct episcopal see in Asia Minor.

and by the priest Nicholas Devereux, and that the ceremony had been witnessed by the priest Nicholas Heron and "a very large crowd of people".[62] Fleming was 37 years old. His was the first episcopal consecration held in Newfoundland, an event which must have been interpreted as a signal mark of honour by the growing St. John's congregation, but the absence of co-consecrating bishops, the advanced state of decline of Scallan's health, Fr. Heron's known "mental weakness", and the health of Fr. Ewer, "in the last stages of consumption"[63] eventually gave rise to persistent rumours among Scallan's friends, Catholic critics and the priest Timothy Browne, that Fleming's consecration was uncanonical and that therefore his episcopacy was illegitimate.[64] Such charges haunted Fleming until his death, and his legitimacy later became a principal point of attack by Browne and the bishop's enemies.

Fleming's dislike of compromises, "liberals" and "liberalism" was the earliest manifestation in Newfoundland of ultramontanism, an intellectual, religious, and political code of thinking in the highest Roman Catholic episcopal circles of the nineteenth century. Ultramontanists (or "cisalpinists") had seen European Roman Catholicism persecuted; Napoleon's offensive in Italy had forced the College of Propaganda to close in 1798, and the whole Congregation was shut down from 1809 to 1814, limiting the number of international missionaries to only a few hundred.[65] Ultramontanists desired to avoid secular "French", "gallican", "liberal", and "enlightenment" ideas, as well as Protestantism or any tinge of democracy in church affairs. They looked to Rome for high standards of moral teaching, for

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[62] APF, SRNC, 1892-1830, Vol. 2, fols 696r-697v, Fleming to Cappellari, 10 December 1829.

[63] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 4.

[64] APF, SRNC, 1842-1848, Vol. 5, fols 744rv, Timothy Browne to Propaganda, n.d.

[65] Condon, *All Hallows*, p. 25.

the regularization of liturgical practise, for clerical moral and intellectual formation and discipline, for inspiration in ecclesiastical architectural and artistic styles,[66] and if they were in the British empire, for support in political problems with the governments of Protestant England. Desmond Bowen believed that ultramontanists "tended to project onto the distant Holy Father the qualities which they found lacking in their own bishops near at hand",[67] but much of the intellectual and ideological impetus for ultramontanism came from Rome itself in response to European conditions. In 1799, the Camadolese monk Bartolomeo Alberto Cappellari (later the cardinal prefect of Propaganda) began to promote the doctrine of papal infallibility in matters of teaching faith and morals.[68] In 1819, the conservative Joseph de Maistre argued in the influential tract *Du Pape* that once the spiritual and moral authority of the papacy was acknowledged, only then could the true basis of society be found.[69] The work of Maistre percolated through the Roman seminaries where men were educated for the priesthood. In 1822, Propaganda flourished when it became affiliated with missionary societies in Lyon and Marseilles, France, each of which began to fund-raise and distribute monies to foreign missions, and published reports from missions which they had funded in the polyglot journal *Annales de la Propagation de la Foi* .[70]

As a means of divorcing the church from British control, ultramontanism had considerable appeal among Irish Catholic clergy and the leading laity, and this spread to

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[66] John Turpin, *John Hogan, Irish Neoclassical Sculptor in Rome* (Dublin: Irish Academic Press, 1982) is the best study of the patronage of Ireland's leading nineteenth-century sculptor by the church.

[67] Bowen, "Ultramontanism in Quebec", *Irish in Canada*, p. 295.

[68] Bowen, "Ultramontanism in Quebec", *Irish in Canada*, pp. 295-305.

[69] *Ibid.* The definitive analysis of the work of Maistre the "self-appointed champion of Catholicism" is Richard A. Lebrun, *Joseph de Maistre* (Montreal: McGill-Queen's University Press, 1988); the context surrounding the publication of *Du Pape* is given in *ibid.*, pp. 242-246.

[70] Condon, *All Hallows*, p. 25.

Newfoundland. By the time Fleming became vicar apostolic of Newfoundland, Irish bishops had become aware of Rome's suspicions of gallicanism; Bishop James Doyle of Kildare and Leighlin wrote Archbishop Murray that "In Rome they still believe that Irish priests trained in Paris are more infected with Gallicanism than the French clergy."[71] Fleming's own professor, Richard Hayes, was the most famous Irish ultramontanist of all for his role in the "veto controversy" of 1815-16. Opponents of the veto opposed the *rapprochement* of Cardinal Consalvi and Pope Pius VII with the desire of the British government to have a veto over Irish episcopal appointments. Two Irish delegations went to Rome: Murray led a clerical delegation which did not oppose the veto, while Hayes represented a lay delegation which did. Hayes argued to the pope that Irish Catholics could never agree to a measure which would deprive them of the sympathies of the Holy See, but at British prompting, the Austrian ambassador Ludwig Baron von Ompteda successfully pressed to have Hayes arrested and banished from Rome.[72] The treatment accorded Hayes reinforced the belief among his supporters that Rome and the church could be Ireland's best defence against British designs. Subsequent attempts by the British government to control the church were interpreted by ultramontanists like Fleming and his clergy as latter-day attempts to obtain a "veto" or control over their activities.

The religious ideas and ideological orthodoxy of ultramontanism were reinforced by successive papacies. During the eighteen-month papacy of Pius VIII (1829-1831), ultramontanism was bolstered with papal encyclicals condemning secret societies,

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[71] Dublin Diocesan Archives, Archbishop Murray Papers (hereafter DDA, Murray Papers), file 31/2, "Dr. Murray, Correspondence 1829-1830", document 82, Doyle to Murray, 4 December 1830.

[72] Matthias Buschkühl, *Great Britain and the Holy See, 1746-1870* (Dublin: Irish Academic Press, 1982), pp 57-8.

freemasonry, and religious indifference.[73] Ultramontanism was virtually adopted as the policy of Rome in 1831 when Cappellari became Pope Gregory XVI, elected by cardinals who knew that Prince Klemens von Metternich of Austria wanted "throne-and-altar" Catholicism preserved for Europe by electing Cappellari as Pope. The cardinals also feared the French troops in the city of Rome around them, and the rise of Guiseppe Mazzini's Young Italy movement, and freemasonry among Mazzini, Guiseppe Garibaldi, and Francesco Crispi.[74] As a reply to these moral errors of liberalism and revolt, Catholic Rome and the moral and temporal power of the papacy were to rise to obvious resplendence, accompanied by a renewed majesty in ceremonies, architecture, and displays of papal triumphalism.[75] Outside of Rome, in the far-flung regions of the universal church, ultramontanism was played out by local bishops who extricated governments, secular institutions, and lay trustees from the control of Catholic schools and from power over the church's temporal goods and spiritual practices.

In his private and public reports to Rome, Fleming cast himself in a markedly different light than his predecessors, and proved himself well-versed in the discourse of the European church. The code-words "indifferent" and "liberal" entered the vocabularies of ultramontanists like Fleming, and both evoked scorn and stressed the consonance of his own orthodoxy with that of Rome's. Fleming was no purist, for his was a qualified, Hibernian ultramontanism which turned a blind eye to clerical participation in O'Connellite politics. Though Roman ultramontanists disliked the separation of church and state, they also disliked

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[73] Bowen, *Cullen*, p. 11.

[74] The best exploration of the influence of Metternich on the papacy is Alan J. Reinerman, *Austria and the Papacy in the Age of Metternich: Vol.2, Revolution and Reaction 1830-1838* (Washington, D.C.: Catholic University of America Press, 1989), esp. Ch. 1, "Conclave and Revolution", pp. 4-10.

[75] The Tractarian movement in England during the 1830s and 40s was not unlike ultramontanism in its conservative Anglo-Catholic desire to extricate the Church of England from government control.

the gallican strain in the divided Irish hierarchy, half of which favoured the "throne and altar" Catholicism which countenanced British rule from Dublin Castle, and the other half of which favoured O'Connellite reforms and the emancipation and repeal movements.[76] Fleming was in this latter camp, and deeply resented what he believed to be the tainted reputation of the church when bishops such as Scallan associated themselves with the political patronage of Government House, even though he himself later freely partook of such patronage without compromising his political or religious beliefs. What Fleming understood, and what historians of Ireland and Newfoundland have missed is that ultramontanism served a vital tactical purpose for Irish bishops in dealing with British colonial rulers and with London: it served as a hedge against British attempts to control the church's bishops, priests, and its representatives. If a bishop implemented the principles of ultramontanism in education, the sacraments, the management of churches and clergy, and in clerical discipline, it had the ability to extract the British government or any other group from control of the church, and it offered an immunity which otherwise could not be found.

Almost immediately after his consecration, Fleming sought to institute religious education at the OAS, and at the BIS meeting of 22 November 1829 he proposed the priests Heron and Doyle for membership in the Society and they were unanimously admitted.[77] As the Society's committee on OAS rules and regulations still included the bishop and clergy, the two priests became members of the committee. Armed with this support, Fleming then obtained Scallan's permission and returned to the OAS Committee of the BIS and "set out to give religious instruction to these children on the school premises."[78] When he prepared

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[76] Bowen, *Cullen*, p. 32.

[77] BIS Minutes 1822-1829, 22 November 1829, p. 136. Doyle's Christian name is unknown.

[78] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 6.

four hundred children for the sacrament of communion,

> ...these *liberals* (who were only six in number[79]) seeing that neither opprobrium nor insults could make me abandon this project, went to the bishop and represented to him that the spectacle of 500 children adorned in their festive robes would give annoyance to their Protestant friends. However, the bishop having referred the matter to me, I had the consolation of giving Holy Communion to this considerable number of children in the public church.[80]

Several days later, Fleming called a meeting of all the Catholic supporters of the OAS, and "in their presence" he took control of the school by having the BIS executive dissolve the "Council of *liberals*".[81] While the BIS remained technically non-denominational, its school essentially became the first privately-funded, Roman Catholic controlled school in Newfoundland. In 1830, the BIS adopted a new set of by-laws, and the next year, its education committee cautiously but equivocally moved that the rules for the OAS should "be altered and amended as the Society from time to time thinks necessary."[82]

In consonance with his own interpretation of ultramontanism, and Christ's expulsion of the money-changers from the Temple in Jerusalem, Fleming embarked on a thorough housecleaning of his vicariate after he became coadjutor. He later wrote:

> I preached upon the "*Communicatio cum hereticis in Sacris*,"[83] I refused to admit to sacraments Freemasons and made the entering of Protestant Churches a reserved case and I was denounced for illiberality and tyranny. I divided the Episcopal District into two thus greatly reducing the amount of my Revenue by satisfying the wants of my

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[79] The OAS committee included chairman and treasurer Patrick Kough, committee secretary James Kent (John Kent's brother), and Michael McLean Little, Timothy Hogan, and John Shea. Fleming's citation of numbers was perpetually imprecise and usually done to make a point rather than for statistical accuracy.

[80] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 6. That Fleming had previously tried to hold public processions but was thwarted by these Liberals is borne out in CO 194/92, fols 91r-98v, Fleming to Msgr. Cappaccini, 13 June 1835.

[81] *Ibid.*

[82] BIS Minutes, 1832, p. 134.

[83] Communication with heretics in sacred things, for example, attending Church of England services.

> people by giving Five Priests to this District which before my time had but one and seldom Two, and affording me also a precedent to divide all the other districts in the island...which was monopolized by Four.... I was obliged to curtail my establishment, to part with the Episcopal Carriage, to limit myself to a single horse, to discharge the Bishop's body servant. The Episcopal table ceased to resound to the jests of the pampered Officials, the Cellars to pour out wines, even my very clothing became shabby because with limitted [sic] means I founded schools and built churches, and purchased vestments and Mass books and Altar Furniture and Chalices. Need I say after this that I have enemies?[84]

Protestants considered his opposition to Catholic attendance at their services as "an indication of intolerance and as a gratuitous desire to break the friendship of Catholics with Protestants," while he also attracted the "venomous rancour of these few and villainous indifferent Catholics" whose attendance at Protestant services and whose "rules and statutes" for the OAS had been condemned.[85] It is ironic that while Fleming denounced freemasonry, he may not have known (or been concerned) that Daniel O'Connell was a freemason, or known that lay Catholics like Morris did not share his suspicions and may have been freemasons themselves.[86] Fleming's implementation of reforms was thorough and he aggravated many St. John's merchants soon after his consecration when he personally protested to them that the practise of providing male youths in their employ with noggins of rum during the day as rations encouraged drunkenness, intemperance and a disrespect for parental authority. He also upset the wealthier classes when he encouraged working-class Catholics to not work on Sundays and observe a day of rest.[87] His reforms were also

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[84] APF, SRNC, 1842-1848, Vol. 5, fols 239r-260v, Fleming to Cardinal Fransoni, 27 December 1840.

[85] AASJ, Fleming Papers, Fleming, *Relazione*, p. 13.

[86] Cyril Byrne, "Questions about the Irish in the Cultural Mix of Newfoundland", an unpublished lecture delivered to the Irish-Newfoundland Association, 12 March 1996, noted that O'Connell's freemasonry was the reason why Freemason's Hall in Dublin was not demolished during Easter Week, 1916; Morris's 1828 pamphlet was delivered at the Freemason's Hall in Dublin.

[87] Bishop Fleming file of Dr. John Mannion.

liturgical: when he "found all the sacred vestments almost threadbare" he commissioned in Portugal a "quantity of sacred attire" valued at 400 *scudi*. Treasury officials in London were petitioned against the levying of exorbitant customs duties against the vestments by officials in St. John's, and he obtained remission of the taxes. A complaint was also lodged with Cochrane about the marriage and burial taxes levied on Catholics— "there was hardly a week in which was not seen the desolate spectacle of parents of friends of the dead begging from door to door to respond to this cruel imposition," Fleming wrote, and refused to pay the taxes.[88] His actions incurred considerable local resentment. The "indifferent Catholics" took umbrage against his publication of a pastoral letter forbidding "unnecessary ...servile work on Sundays" by their servants, and Fleming informed Rome that they received the support of the magistrates and judges who "punished with prison and with fines the servants who refused to work on holy days."[89]

If Scallan did little to keep Fleming on a short leash, this was perhaps more due to his own advancing illness than any laxity or agreement with Fleming's work. In late May 1830, Fleming was recalled from a pastoral visitation to Conception Bay to attend Scallan's deathbed in St. John's. Perhaps the best account of the mythological and symbolic significance of this event came from Michael Francis Howley, who wrote that Scallan "allowed many other things to be done which would seem inexplicable were we not told that he was suffering from a softening of the brain. As it was, a censure came from the Holy See; but he being on his death-bed when the document arrived, its contents were mercifully

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[88] AASJ, Fleming Papers, document 1, Fleming to Cochrane, April 1829; Fleming to Spratt, 8 October 1834, "State of the Catholic Religion", p. 10; and Fleming, *Relazione* (1837), p. 14.

[89] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 14.

withheld from him."[90] No document of censure has ever been located.[91] The myth of Scallan's censure was later recited against Fleming by the Liberal Catholics who wished to challenge his legitimacy as bishop, for if Scallan had been censured and in a sense "deposed", Fleming's consecration then became illegitimate and an "uncanonical" ceremony. Scallan died on 28 May. His funeral was organized by his friend Patrick Kough of the BIS and the Chapel Committee, and was a last flourish of uncomfortable ecumenism when Church of England rector Carrington joined Fleming as chief mourner.[92]

The management of the diocese quickly became a live political issue for Fleming, and he handled it in the manner of a revolutionary. Since the vicariate had just seven priests but only three in active service,[93] Fleming subdivided his vicariate's districts of St. John's, Conception Bay, Harbour Grace, Placentia, and King's Cove into "as many other parishes as

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[90] W.J.O'R, "Irish Settlers in Newfoundland", Part IV, *Donahoe's Magazine*, Vol. 24, No. 1 (July 1890): 25; Howley, *History*, p. 246. Given Scallan's sedentary lifestyle, his large stock of wines and his fondness for dinner parties, the regularity with which Roman Catholic clergy celebrated mass using the "leaden chalices" Fleming observed, and the use in the nineteenth century of lead-glazed tableware, and lead pipes to convey running water, and leaded Waterford glass wine goblets, in his illness Scallan exhibited the classic symptoms of lead poisoning. Fleming would have escaped these by his itinerancy, monastic and dietetic asceticism, and liturgical reforms. I thank John Crellin, MD, and Michael Mannion for suggesting the effects of lead poisoning.

[91] Lahey, "Scallan", *DCB* VI, p. 694. The document search undertaken for this study also failed to yield such a document.

[92] *Ibid.*, p. 693. For Scallan's funeral, shops closed, flags flew at half-staff, 7000 people turned out including 500 children from the OAS, and the members of the BIS, Mechanics', Commercial, and Christian Societies (see Bishop Fleming file of Dr. John Mannion). Scallan was interred in a grave in the Chapel yard. When his will was probated, Fleming inherited considerable household furniture "including plate, stock of provisions, wines, liquors, horses carriages and sleighs, to gather [sic] with my library, private papers, sacerdotal robes and plate." This bequest fulfilled the requirements of Canon Law, but Scallan left his "gold, watch, chain, seals, keys, etc" to Kough "in token of his friendship and esteem I had for him and as a remembrance of me" (Probate Office, Supreme Court of Newfoundland, Vol. 1, fol 90, document 1824, Last Will and Testament of Rt. Rev. Thomas Scallan, 25 May 1830. Scallan's sole executor was his friend, Protestant merchant and reformer Thomas Holdsworth Brooking).

[93] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 19. The seven priests were Thomas Ewer, William Hearn, Timothy Browne, Nicholas Devereux, Denis Mackin, Andrew Cleary, and Edward Morrison, the last of whom died in 1831 while serving as curate of St. John's.

it was possible to have a resident priest with sufficient support."[94] Beginning with the subdivision of his own district of St. John's into the parishes of St. John's and Bay Bulls, "so as to disarm such quibbles", Fleming considerably diminished his own income and properties,[95] and contrary to modern popular impressions,[96] he never lived as opulent a lifestyle as Scallan or his predecessors. Instead, moneys and properties were directed into the development of an institutional church and the supply of provisions for an increasing number of outport parishes. When Timothy Browne, the priest of Ferryland, discovered that he had to share his parish income with another priest, he joined the anti-Fleming Liberal Catholic camp, but of all the clergy Browne was the exception and not the rule, and his opposition was swamped by the influx of a steady stream of new priests from Ireland, who were required to say not one but two masses each on Sundays,[97] usually in different communities which necessitated travel, and this requirement to "binate" was accompanied by the church rubric that all recipients of communion would have to fast from food and drink from midnight the night before mass. This entailed considerable personal privation for clergy, but was made acceptable by the new spirit of discipline in which Fleming led the way by personal example.

The growth in the number of priests indicates Fleming's thinking about the capacity of Newfoundland to support an institutional church, and specifically about the character of the new priesthood he wished to create. In the fall of 1830 he visited Ireland, where he ordained Edward Troy and a Mr. M. Kielly, and recruited the priests Pelagius Nowlan and

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[94] *Ibid.*, p. 4.

[95] *Ibid.*, p. 8.

[96] Bernice Morgan, *Random Passage* (St. John's: Breakwater Press, 1992), pp. 243, 245, and 247 described Fleming as a "horse-faced man" with a personal staff and a penchant for "roast pig, wine, and candlelight dinners" at Government House.

[97] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 29.

Charles Dalton, OSF, and clerical students Edward Murphy and Michael Berney, both of whom were ordained in 1831 in Newfoundland.[98] Most of the thirty-two priests who followed during Fleming's episcopacy tended to be Irish nationalists and strong supporters of O'Connell, and this wrought tremendous changes in the political expectations of their parishioners. Charles Dalton observed that O'Connell would be pivotal "in raising our degraded country [Ireland] from a province to that place in the scale of nations which her natural position entitles her to."[99]

From the outset of his episcopacy Fleming wanted to ensure that all priests and nuns could be described as *transo attachi*, unattached to any family or cause which had come from Newfoundland, and this became most important to the character of Newfoundland Catholicism. Before this policy was instituted, priests in Newfoundland, as in Ireland, often had nephews or relations in the clergy as a last-vestige continuation of the medieval Irish system known as coarb (or in Irish, *comharba*) or "succession". This system had kept monastic or ecclesiastical lands within powerful tribal clans, and families often had relations elected to ecclesiastical administrative offices, which nephews would inherit in order to keep church properties within the clan's control.[100] In an 1842 letter to Bishop Walsh of Halifax, who had also experienced disputes with lay trustees, Fleming commented on the connections between how lay trustees gained power and the role of an independent priesthood in mitigating against this, and he emphasized his belief in the importance of a consistent policy of recruiting Irish priests and rejecting Newfoundland candidates:

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[98] Lahey, "Fleming", *DCB* VII, p. 292, and Lahey, "Charles Dalton, 1786-1859", *DCB* VIII, pp. 198-200. Howley, *History*, pp. 264-268 recounts differently the arrival of clergy. Kielly died soon after arriving in Newfoundland, Dalton had been Guardian of the Franciscan Friary at Clonmel, and Edward Murphy died in St. John's in 1832.

[99] Lahey, "Dalton", *DCB* VIII, p. 199.

[100] I thank Cyril Byrne, Chair of Celtic Studies, St. Mary's University, for this information.

> ...nothing that reached me has afforded me half the satisfaction that the intelligence of your having assumed into your own hands the direction, control and management of the temporalities of the Church - the commission of these things to the custody of the laity, although in some few instances, arising, *ab initio*, from the great weight of clerical duties devolving upon the missionary, incapacitating him from paying due regard to matters of comparatively a secular character; in general it has unhappily resulted from a spirit of indolence by which... many, otherwise deserving ecclesiastics shrink from the trouble, the labor, the turmoil... and with these the responsibility of discharging these have amount[ed to] duties and, once a lay control admitted in small things, the evil grows progressively until the Prelate or the Priest, who at first shirked the trouble, next was startled at the interference of Laymen led on by their own lusts, then alarmed at their dictation are eventually crushed beneath a mountain of their own creation.
>
> In the old countries how many instances have we seen of the lamentable consequences of such an order of things - Your own men many of your native city may furnish an example - We may trace the disorder in Gibraltar to a similar source but in the American Colonies, and particularly in continental America, from Newfoundland to New Orleans, the disorders arising from these practices are calculated to shake the whole fabric of the Church to its centre. ...I look with ardent hope for the influence of the example you have exhibited to *transo attachi* priesthood, to have a soothing calm upon the wound our Holy Religion has sustained throughout the Americas from this cause.[101]

Transo attachi was therefore also the means of excluding trustees and clerical families from control over the church's temporal properties, and a means of consolidating control in the bishop's hands. However, exceptions to Fleming's *transo attachi* rule crept in. Timothy Browne had brought his brother, with his family, to Newfoundland and given them the occupancy of "Scoggins", the farmhouse and farm of the priest Thomas Ewer in Ferryland. Charles Dalton's nephew John joined him as a Franciscan postulant in 1839.[102] Fleming attempted to adhere to the principle of recruiting priests externally throughout his episcopacy, and he never established a seminary in Newfoundland to train native priests. He consistently

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[101] NLI, Little Papers, file 116-130, document 120, Fleming to Walsh, 22 November 1842.

[102] Other clergy had family in Newfoundland: Edward Troy's sister came to Newfoundland, as did Fleming's, and the two sisters of Bernard Duffy (for the last of which see Edward-Vincent Chafe, *A History of Corpus Christi Parish, Northern Bay* (St. John's: RB Books, 1995), p. 24).

attempted to remove all traces of lay interference in the affairs of the church, and central to his elimination of trustees was the securing of the allegiance of an independent clergy. The securing of *transo attachi* clergy and lay religious were a central goal of his administration, and were a key to disenfranchising trustees and redefining the church. Ironically, this *transo attachi* policy was tantamount to an admission of Fleming's own "outsider" immigrant status and confirmed his membership in that status, a status which for the time being was acceptable in the immigrant Irish Catholic community of Newfoundland, but one his work helped make unacceptable to his successor. More than any other single policy, Fleming's refusal of Newfoundland-born clergy and religious placed an Irish stamp on Newfoundland Roman Catholicism which survived well into the twentieth century and gave Fleming an administrative grasp of the church which none of his predecessors had ever enjoyed.

Popes may have smiled on the increasing numbers of nineteenth-century Irish bishops who would implement ultramontanism, but if lay trustees were to be extracted from controlling church affairs, then a collaborating laity was needed to achieve political rights for Catholics and to participate in the creation of a more receptive polity. This was crucial to O'Connell's agenda, and for Fleming and the reformers. In Newfoundland as in Ireland, lay political involvement was cultivated in tandem with ultramontanism, and what made it possible was British constitutional indifference towards both places, despite the assumption of office in Britain by reform-minded Whigs in 1830. Fleming increasingly received support from a network of like-minded men who were in the forefront of Irish-Newfoundland political action. In March 1830, Patrick Morris in Waterford forwarded to Sir George Murray at the Colonial Office a petition from 600 "Roman Catholic Inhabitants of St. John's" requesting emancipation.[103] To force the hand of the Colonial Office, Morris did not send the

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[103] CO 194/80, fol 374r, Morris to Hay, 2 March 1830, and 367r and ff., copy of petition.

petition to parliament through O'Connell, in the hope that a swift reply from the Colonial Office would "do away with the necessity altogether."[104] Later that month, Murray informed Cochrane that "immediate steps will be taken for extending to [Newfoundland Roman Catholics] by a Royal Instruction the provisions of the Act passed in the last Session of Parliament for the relief of His Majesty's Roman Catholic Subjects in the United Kingdom,"[105] but action was not taken. In May 1830, Newfoundland Chief Justice Richard Tucker, in England, also wrote Robert Hay of the Colonial Office urging action, because at the December 1829 emancipation meeting at the Chapel, "very active means were taken by a few weak and prejudiced persons to throw obloquy on the conduct of the Judges & to excite a sentiment of resentment against them."[106] Tucker was also anxious

> ... to know in what light the opinion of the Judges of the Supreme Court of Newfoundland upon this subject has been viewed by the Law Office of the Crown in England; & what steps have been taken by Government to admit the Roman Catholics of Newfld. to the privileges which I am convinced there must be the strong disposition on the part of Ministers to extend to them.[107]

Despite British promises, emancipation was not forthcoming. Some merchants remained undecided about the merits of a legislature, but a reform coalition of the merchant élite, led by the Episcopalian William Thomas and leading Catholics led by Morris's nephew John Kent, met in September 1830 to press for a legislature. Both groups stressed that a legislature would be able to exert some control over Newfoundland's economic development.[108] A petition bearing perhaps 2,000 signatures from all classes was raised, and a delegation led

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[104] *Ibid.*

[105] CO 195/17, pp. 390-1, Sir George Murray to Cochrane, 20 March 1830.

[106] CO 194/80, fols 405r and ff., Tucker to Hay, 24 May 1830.

[107] *Ibid.*

[108] Bannister, "Representative Government", *JCHA*, Vol. 5 (1994): 31-33 provides a good account of the reformer-merchant coalition.

by Thomas Holdsworth Brooking—a friend of Carson's and a business partner of Newfoundland merchant and Tory MP George Richard Robinson—presented it to Earl Grey's Whig government in London in December 1830.[109]

Emancipation and reform arrested the attentions of Newfoundland reformers and the Colonial Office through late 1830 and into 1831, and both issues converged into the question of whether to grant representative government to Newfoundland with a franchise which included Roman Catholics. When Fleming was in Dublin in late 1830 he addressed the Catholic Society of Ireland about the injustice of the inapplicability of the Relief Acts to Newfoundland Catholics.[110] He then went to London to memorialize the Secretary for the Colonies, Lord Goderich, for emancipation for Newfoundland,[111] and O'Connell had a similar memorial presented to parliament.[112] Howley proudly noted that Fleming "obtained an order by which it was declared that the penal laws did not affect Newfoundland", and that "this proof of the growing influence of the Catholic Bishop filled his fanatic opponents with alarm",[113] but this seems to have been confused with Simms' earlier ruling. In 1831 Cochrane nervously warned the Colonial Office that while disabilities existed in Newfoundland "a

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[109] *Ibid.*, p. 33; *The Public Ledger*, 18 March 1831. Bannister noted that a characteristic of reform petitions was the inclusion of signatures not only from planters, reformers, and politicians, but also from the working class and a growing middle class, suggesting a measure of public literacy. Brooking was a Newfoundland partner in the firm of Robinson, Brooking and Garland. George Richard Robinson had been in Newfoundland until 1818 when he returned to England, and became the Tory MP for Worcester in 1824; John Bingley Garland, of Trinity and Poole, became the first speaker of the Newfoundland house of assembly in 1833.

[110] CNSA, Browne, "Catholic Footprints", p. 101. The *Irish Catholic Directory* of 1837 described the Catholic Book Society and the Catholic Society of Ireland as the principal organizational means by which "...periodical Catholic literature, at present so shamefully deficient, can be placed in a flourishing condition" (McNally, "Who is Leading? Archbishop Troy", *CCHAHS*, Vol. 61 (1995): 167-8).

[111] CO 194/81, fols 283r and ff., Fleming to Goderich, n.d.

[112] Howley, *History*, p. 269.

[113] *Ibid.*, p. 269.

handle is afforded for agitators...to disturb the peace of the community", but that the "tendency to democracy in the Colony" was "sufficiently strong without aiding it by the abolition of the few trappings belonging to a monarchical form of government" which still existed in Newfoundland.[114] The Under-Secretary of State for the Colonies, Lord Howick, told parliament that conditions in Newfoundland prevented the establishment of a legislature there,[115] and in August 1831 Goderich authorized an annual salary for Fleming of £75, and quipped that "To buy a Bishop for £75 is cheap enough."[116] Fleming accepted the sum, but he was not bought off nor did he play the British game. Throughout the summer of 1831, MP George Robinson kept the Newfoundland question alive in parliament, and opposed the grant to Newfoundland, as Bannister has noted, "on the grounds that the absence of a local assembly rendered its expenditure unaccountable."[117] Joseph Hume hectored MPs that fall, claiming "It is monstrous to govern this great colony from Downing Street", and that "Surely the British House of Commons which is about to give representation to the people and property of this country will not refuse it to the inhabitants of Newfoundland."[118] In contrast

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[114] CO 194/81, fols 122v and ff., Cochrane to Robert Hay, 9 May 1831.

[115] Great Britain. Parliament. House of Commons. *Debates* 3rd series, 4 (27 June 1831), pp. 359-60.

[116] CO 195/17, p. 28, Goderich to Cochrane, 27 August 1831; also see CO 194/82, fol 234r, Spring-Rice to Hay, 28 December 1831. McNally, "Who is Leading? Archbishop Troy", *CCHAHS*, Vol. 61 (1995): 157 notes that Troy received an annual salary of £600 compared to the salary of £9,320 for the Protestant archbishop of Dublin, and that annual Roman Catholic clerical salaries were about £75, one-fourth that of their Church of Ireland counterparts; Connolly, *Priests and People in Pre-Famine Ireland*, pp. 47-53 supports this with the observation that by the 1830s many Irish Roman Catholic bishops annually made from £500 to £1000 at most. Fleming's income from other sources is exceedingly difficult to ascertain and its determination must remain a subject for further study, but from the available anecdotal evidence on his expenditures it would have been comparable to those of other Irish bishops.

[117] Bannister, "Representative Government", *JCHA*, p. 34. Reinforcing the Colonial Office's re-thinking of the Newfoundland question was the lack of restraint exhibited by the Newfoundland Council in requesting increased salaries. See CO 195/18, pp. 114-116, Goderich to Cochrane, 24 November 1832, regarding Tucker's claim for an increased salary.

[118] Great Britain. Parliament. House of Commons. *Debates*, Vol. 5 (3rd series), 13 September 1831.

to the Newfoundland merchants, who had dropped from the limelight in Westminster over emancipation, the Newfoundland reformers remained vigorous in marshalling support from Westminster MPs—particularly O'Connellite and maverick Whigs—and this contributed greatly to their success.

Not long after their cause was opposed in Westminster, some Newfoundland merchants began to see the possibilities of representative government and a coalition with reformers. In September 1831, a large reform meeting held at the parade ground at Fort Townshend attracted merchants Brooking, William Bickford Row, William Thomas, and Charles Fox Bennett, in coalition with Morris, Kent, Patrick Doyle, Thomas Beck, and Carson.[119] Carson's and Kent's speeches pressed claims for a legislature on the grounds that Newfoundland had been oppressed, and the economic interests of Newfoundland could only be protected by such a legislature.[120] Winton of the increasingly pro-Government House *Public Ledger* which earlier that year had informed readers that "we are no great admirer of Mr. O'Connell",[121] criticized those in attendance at the meeting as "disreputable personalities" and did not print several speeches which had been delivered to amuse a large popular audience.[122] Bannister has suggested that Cochrane's "lower orders" were present in "sufficient numbers" to attract Winton's attention, and that the reformers were playing to an audience which Winton and others excised from the records.[123] The omission from official

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[119] Bannister, "Representative Government", *JCHA*, p. 35.

[120] *Ibid.*

[121] Patrick O'Flaherty, "The Road to Saddle Hill", *NQ*, Vol. LXXXIX, No. 3 (Spring/Summer 1995): 23.

[122] Bannister, "Representative Government", *JCHA*, p. 35; *Public Ledger*, 30 September 1831. The best analyses of Winton's career are O'Flaherty, "Road to Saddle Hill", *NQ*, Vol. LXXXIX, No. 3 (Spring/Summer 1995): 21-26, and O'Flaherty,"Henry David Winton, 1793-1855", *DCB* VIII, pp. 947-951.

[123] Bannister, "Representative Government", p. 35.

accounts of support for the reformers (and later, popular support for the Roman Catholic clergy) was an approach consistently employed by Cochrane, his successors, and the Liberal Catholics in Newfoundland in an attempt to create the impression that clergy and reform political actions who threatened the established order lacked a constituency. Ironically, the Catholic clergy and the reformers enjoyed more popular support than colonial governors ever did. Of significance in the September meeting, the Barrens replaced the Chapel as the location for the meeting, suggesting reformers' desire to use a cultural space with historic attachments to the St. John's Irish and space enough to hold them, and Fleming's desire to avoid direct alignment of the church with political causes. Yet the strength of the Newfoundland reform movement was precisely the fact that it was a coalition, an amalgam of Irish Catholics, disaffected Protestants such as Carson, and later, R.J. Parsons, and for the time being, some merchants such as Brooking and his business partner John Bingley Garland.

During late 1831, Newfoundland Irish Catholics still knew little about official British thinking on reform, but if Cochrane and his Tory obstructionist Council harboured doubts about it, the Whigs and Colonial Office mandarins in London were having none of it and resolved to enact reforms throughout the empire. During the late fall of 1831, the Newfoundland question came before the punctilious Sir James Stephen, the senior legal counsel at the Colonial Office. Known to his critics as "Mr. Mother Country" or "Mr. Oversecretary Stephen", he was a latter-day monk perched in his scriptorium, poring over despatch manuscripts which flooded across his desk from other scribes throughout the Empire, and making copious notes in the margins. Ministries came and went as the mantle-clocks of Whitehall ticked down the ages, but Stephen believed in the long-term perfectibility of colonial management and he meditated over the particulars of a constitution

to be granted to Newfoundland.[124] As unfamiliar with specific political conditions in Newfoundland as anyone not living there would be, he temporized by comparing the colony's case to British experiences with other colonies in a memorandum which has been described as one of the most significant British documents relating to Newfoundland.[125] Stephen wrote:

> Assuming it to be decided that a legislative assembly should be established at Newfoundland, the question as to the proper mode of carrying that design into effect admits an easy answer. So numerous and indeed so pertinent are the precedents that there is little room for discussion on the subject. Ever since the practice of creating Chartered Corporations for the Government of British Colonies has fallen into disuse, it has been the general course of proceeding to grant to these Settlements constitutions of which the type is to be found in the Government by King, Lords and Commons, as existing in Great Britain, His Majesty being represented by the Governor, the House of Peers by the Council, and the Knights and Burgesses of our Parliament by the Members of the Assembly. This is not the occasion for discussing the wisdom of these Colonial Institutions, yet being now in the nineteenth of the years during which I have had occasion to read and to advise upon the local enactments of all these Bodies, I may lay claim to a more than ordinary acquaintance with the real effects of this system. The result of my observations is that in every colony where the population is homogeneous, that is not divided into castes as in the West Indies, or composed of different nations as in the Cape of Good Hope, and Lower Canada, a Legislative Assembly is an inestimable benefit - that it executes its proper functions with a degree of ability for which it rarely obtains sufficient credit; that it either prevents discontents or gives them a safe direction; -that it creates much useful exercise of the understanding; affords much innocent pleasure; and creates a subject of permanent interest in societies which would otherwise stagnate in a listless unconcern about small questions of a public character. That the solemnities of such bodies sometimes degenerate into a sort of Mock heroic and that they not rarely become the occasion of much petty tyranny their warmest friends must admit. But the burlesque injures no one, and the occasional injustice may be considered the price which all Human societies must pay for the advantages of civil government. I have no knowledge of any legislature having yet appeared in the world which has answered more so completely the ends of its existence as have the general assemblies of New Brunswick, Nova Scotia, Upper Canada.[126]

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[124] Buckner, *Transition*, pp. 35 and 321.

[125] G.W. St. John Chadwick, *Newfoundland Island into Province* (Cambridge, England: Cambridge University Press, 1967), p. 15. Chadwick worked at the Dominions Office on Newfoundland in the 1940s.

[126] CO 194/82, fols 16r and ff, James Stephen notes enclosed to despatch no. 21, 19 December 1831.

Stephen noted that the sticking point in colonies had always been the council, a body "scarcely more useful than popular," for its role was as "a check on the precipitation of a popular representative Body, removing the Governor beyond the necessity of direct conflicts with the Assembly."[127] "The Fact" had been that legislative councils were

> ...either inert or are roused into activity in defence of their own privileges or as the Governor's Agents in unpopular measures. They relieve him from responsibility, but not from obloquy. They impart neither dignity to his station, nor weight to his authority, but render him either listless when he ought to be active, or daring when he ought to be cautious.[128]

Stephen concluded by recommending for Newfoundland the model of government enjoyed by Nova Scotia since 1758, with a governor and house of assembly, but admitted to which would be "a certain number of Government officers ex-officio."[129] Stephen's solution was an enlarged executive council, as Attorney-General Simms had suggested in a report commissioned by Cochrane, in order to stave off the threat that an Assembly might increase taxes on the fisheries, and the dangerous possibility that St. John's interests would dominate a legislature "at the general expense of the whole Island".[130] The extended council "in Lieu of a Colonial Legislature" would also "gratify the more influential and wealthy part" of the Newfoundland community.[131] Both reasons were designed to exclude reformers and recent Irish immigrants from control of the Assembly. Cochrane sent Colonial Office mandarin Robert Hay the following table of the number of annual immigrants to Newfoundland since

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[127] *Ibid.*

[128] *Ibid.*

[129] *Ibid.*

[130] CO 194/81, fols 122v and ff., Cochrane to Hay, 9 May 1831; CO 194/81, fols 141 and ff., Simms, "Observations on the Propriety of instituting a local Legislative Assembly for Newfoundland," 1831, fols 146 and *passim*; and David J. Davis, "James Simms, 1779-1863", ***DCB*** IX, p. 721.

[131] CO 194/81, fols 156r and ff., Simms, "Observations".

1811, showing that a total of 9,176 new arrivals had come between 1824 and 1830.[132]

Table 3.1

Immigration to Newfoundland, 1811-1830

1811	1812	1813	1814	1815	1816	1817	1818	1819	1820
976	1433	489	1746	4039	2893	188	110	184	786

1821	1822	1823	1824	1825	1826	1827	1828	1829	1830
840	1130	704	1250	1246	1140	1437	1166	1312	1625

Total: 24,884; annual average: 1,244.

While the number of immigrants who remained is unknown, the implication of Cochrane's argument was clear: those with "no stake" in the colony, newcomers who were not "natives", those who pressed for a legislature to control its trade, especially the "recently-arrived" Irish, should not be given one.

After a long delay in granting emancipation to Newfoundland Catholics and a legislature to Newfoundland, the decision was announced, but not without changes again. In January 1832 Howick informed Cochrane that Goderich had decided "that the Constitution which is enjoyed by the neighbouring provinces of Nova Scotia and New Brunswick may now be extended to Newfoundland with advantage to the interests of that Important

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[132] CO 194/81, fol 129r, encl. in Cochrane to Hay, 9 May 1832. Cochrane claimed that the statistics made no differentiation was made of the countries of origin of immigrants, or whether immigrants were represented twice (i.e. on return voyages to Newfoundland). No similar statistics presently exist solely on the Irish migrations to Newfoundland.

colony."[133] The house and council would be kept separate, and the franchise was to "come into effect as soon as possible,"[134] but this too was delayed, since Cochrane had been in England visiting his family,[135] and it was May 1832 before the Colonial Office got around to informing acting governor Chief Justice Tucker that a new commission would be issued to Cochrane enfranchising Catholics at the same time as a legislature was granted.[136] Before Goderich's January letter could reach Newfoundland, Goderich refused a request from Tucker to subsidize the BIS Orphan Asylum school as a mark of favour for Roman Catholics, stating that the legislature would "no doubt, in future, discover some means of making provision for it",[137] which was another way of stating that Newfoundland and Catholics would have to pay their own way.

The news of the imminent grant of a legislature to Newfoundland became common gossip in London, and was mocked by Tory press. In March 1832 Thomas McLean published a broadsheet cartoon sketch by the British cartoonist John Doyle entitled *New Legislative Assembly. Newfoundland.*, depicting members of the legislature as Newfoundland dogs with the speaker, the largest dog in a powdered wig, putting the question "As many as are of that opinion say... Bow! Of the contrary...Wow! The Bows have it!"[138] Doyle's "Bow-Wow

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[133] CO 195/18, pp. 37-8, Howick to Cochrane, 14 January 1832. The constitutions referred to were legislatures composed of a governor, an appointed council, and an elected assembly.

[134] *Ibid.*

[135] CO 194/81, fol 189r. Cochrane's father had died. Cochrane arrived at Cowes, England on 13 June 1832 accompanied by "a couple of North American wild geese". Also see CO 194/82, fol 6r.

[136] CO 195/18, pp. 50-52, Goderich to Tucker, 2 May 1832.

[137] CO 194/83, fols 12r-20v, Tucker to Goderich, 23 January 1832; CO 195/18, pp. 50-52, Goderich to Tucker, 2 May 1832.

[138] Robert D. Pitt, "Bow-Wow Parliament", *ENL*, Vol. 1, p. 236. Newfoundland in the 1830s was famous for its "fogs, bogs, and dogs"; see R.G. Moyles, *"Complaints is many and various but the odd Devil likes it": Nineteenth-Century Views of Newfoundland* (Toronto: Peter Martin Associates, 1977), p. ix.

Parliament" mocked the Newfoundland House of Assembly and forecast its adversarial character before its existence was even announced.[139] It also ridiculed unrestricted suffrage in which the Irish would come to have as many rights as the English, and which might reduce the Newfoundland legislature to the efficacy of a pack of dogs. In Newfoundland, none of the official commentaries, despatches, or cartoons were public knowledge, and as far as Newfoundland Irish Catholics knew, emancipation was still denied them. They were left with little practical political choice but to extend the olive branch of peace to Protestants on one hand, and to partake of Irish politics to bring about change on the other. To a St. Patrick's Day dinner in March 1832, Fleming told his audience that "Should I... meet with a bigot of any denomination...the best remedy I would prescribe...would be to invite him to St. John's, and point out to him its thousands of wealthy and enlightened inhabitants forgetting all distinctions of party and of creed."[140] These words proved premature.

Keith Matthews and Philip McCann have argued that the Newfoundland "Class of '32" were part of a reform movement taking place throughout the British empire.[141] The British aristocracy were particularly wary of the prospect of a repetition of the atrocities of the French Revolution in England among the lower classes. The writings of Adam Smith on *laissez-faire* economics, Thomas Malthus on population, and the Irish conservative Edmund Burke on the need for legal reforms in order to stave off revolution had the effect of creating a new political climate conducive to legislative and legal reform in Britain, and in

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[139] Bert Riggs, "No Doubt About It—The "Bows" Have it!", *Gazette*, Vol. 28, No. 9 (14 December 1995): 8

[140] *The Public Ledger*, 27 March 1832. Fleming's St. Patrick's Day dinner speech in reply to the toast of "Ireland as she ought to be" may be found in AASJ, Fleming Papers, document 12.

[141] Keith Matthews, "The Class of '32: St. John's Reformers on the Eve of Representative Government", *Acadiensis*, Vol. IV, No. 2 (Spring 1977): 80-94.

Newfoundland.[142] However, the influences acting upon Newfoundland Irish politicians were more Irish than British. Throughout the whole of their own reform movement, Newfoundland Catholics and reformers looked to O'Connell and his Irish organization to press their claims at Westminster. In support of an Irish movement to have the union of Ireland with Britain repealed, on 3 January 1832 Fleming sent £5 to his friend Edward Power of Carrick who became the conduit for Fleming's subsequent contributions, noting the poverty which had overtaken Carrick since the union, and encouraging the inhabitants of Carrick to support repeal.[143] Fleming was one of the few, if not the only Catholic clergyman in the New World to collect an annual "O'Connell Tribute" outside the Old Chapel door in St. John's. On two known occasions he collected sums of £117 and £179.25,[144] a fact which Winton's increasingly anti-Catholic *Public Ledger* gleefully brought to public attention on 13 July 1832.[145] By early September, John Shea's *Newfoundlander* skated close to treason when it hailed O'Connell as "The Agitator... the moral King of Ireland", one who finally spoke the "Catholic Truth" in parliament,[146] and O'Connell received two tribute remittances from Newfoundland of £157, and £178.11.2 through Morris in Waterford.[147] Morris, Kent,

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[142] This theme is explored in Charles Edward Hillier, "The Problems of Newfoundland from Discovery to the Legislative Sessions of 1847", unpublished MA thesis, Acadia University, 1963, pp. 25-7.

[143] Bishop Fleming file of Dr. John Mannion.

[144] AASJ, Fleming Papers, document 6, Fleming to O'Connell, no date, is an example of a note accompanying the transmission of the tribute. Fleming notes that he transmitted this sum in gold and asked for its conversion into "£115 sterling and £2.2s in cash".

[145] *The Public Ledger*, 13 July 1832, and Howley, *History*, p. 269. While the first Orange Lodge was not founded in Newfoundland until 1863, the letters of Fleming and reformers during the 1830s occasionally described the *Ledger* as the "orange press".

[146] *The Newfoundlander*, 6 September 1832, reprinted from "A Sketch of Mr. O'Connell in Parliament", *New Monthly Magazine*, n.d.

[147] *The Correspondence of Daniel O'Connell*, Vol. IV, ed. Maurice O'Connell (Dublin: Irish Manuscripts Commission, 1977), p. 443, letter 1917, P.V. FitzPatrick of the O'Connell Brewery, Dublin, to Daniel O'Connell, 4 September 1832, and p. 445, fn. 1, from the *Freeman's Journal*, 1 September 1832.

Fleming, and O'Connell were not British. They were and saw themselves as part of an Irish world informed by an Irish political culture, and they worked and operated according to Irish social, cultural, and religious models. They saw their involvements in Newfoundland as part of an Irish political movement, even if it was within a British colonial possession. Both Fleming and O'Connell worked to establish and maintain constitutional guarantees for Catholics. Like Christian missionaries in the ancient Roman empire, both used the British empire as a possible guarantor of freedoms. For Fleming, it was the best medium by which he and other English-speaking, Irish clergy might redress anti-Catholicism and fulfil their mission to evangelize the English-speaking Protestant world, and Rome thought the same way. For O'Connell and Fleming, protestations of loyalty to the British monarch (as different from British ministries) preserved them from their opponents' charges of treason, and their advocacy of non-violent political protest was insurance of both moral superiority, and political assurance of benevolent intentions.

The lords and commons enjoyed the leisure to debate the theory and legal parameters of governance in Newfoundland, but everyday life proved much more difficult for Newfoundland's inhabitants. The weather of the late winter of 1832 was harsh in the outports, and starvation became a threat. Some 350 barrels of seed potatoes were distributed "to the northern ports for subsistence" and the summer fishery which usually began on 10 May had not begun even by 19 June. The only salvation was the seal fishery: in 1829 in Conception Bay, 295 vessels had taken 263,133 seals; in 1830, 288 vessels took 476,688 seals, and in 1831, 371 vessels took 743, 735 seals.[148] Consequently, with families relying more than ever on the hunt to see them through the winter, pressure among sealers and merchants to maximize profits was extreme. A labour dispute ensued which illustrated the

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[148] CO 194/82, fol 5r, Newfoundland seal fishery returns.

close ties in Newfoundland society between class, culture, ethnicity, and religion. On 18 February, some 3,000 sealers from Harbour Grace and Carbonear in Conception Bay, most of them Irish, met at a site between the two communities known as Saddle Hill, a favourite Irish meeting spot and cultural space like the "Barrens" of St. John's. They intended to abolish the truck system of merchants providing supplies to sealers on credit against the value of the catch, which merchants set,[149] but acting governor Chief Justice Tucker sent constables who persuaded the servants to disperse peaceably.[150] A smaller group of sealers rebelled against merchant Thomas Ridley, who failed to attend the meeting. Violence ensued and Ridley's schooner *Perseverance* was vandalized. Tucker issued a proclamation declaring the meeting unconstitutional and illegal, and offered a reward of £100 for information on the destruction of Ridley's property.[151] In the *Ledger* Winton "poured out the most virulent abuse against Ireland, Irishmen, and their descendants in Newfoundland as the persons who principally composed the meeting at Saddle Hill."[152] Fleming later observed that "the Irish population became enraged, and a riot was threatened. Placards, dooming Mr. Winton...to death, covered the walls of St. John's and Harbor Grace and the most horrid threats were uttered against those who would dare to remove them." In response, Fleming noted,

> Mr. Winton became alarmed for his safety and in the emergency he fled to me, an Irishman, for protection. I immediately proceeded myself, to pull down the placards at St. John's (for no one dared to do so) and sent some of the Clergy to do the same at Harbor Grace... This was the first occasion within my recollection that the public

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[149] CO 194/83, fols 41r-45v, Tucker to Goderich, 16 March 1832.

[150] CO 194/99, fols 23r-24v, "Statement of Dr. Fleming, Roman Catholic Bishop of Newfoundland in answer to the following complaints against him, transmitted in despatches of the Governor to His Majesty's Secretary of State for the Colonies", 1837.

[151] CO 194/99, fol 190v, Proclamation of Tucker, 22 February 1832.

[152] CO 194/99, fol 24v, "Statement of Dr. Fleming", 1837; *The Public Ledger*, 13 March 1832.

peace was disturbed through distinctions of Country or religion.[153]

To add insults to injuries, an epidemic of cholera plagued Newfoundland from May to August,[154] the town of Harbour Grace was devastated by fire on 18 August,[155] by mid-October an early frost had "...nearly destroyed the whole of the potatoe crop on which the lower classes in this community mainly depend", and Portugal had "so reduced the value of fish that any hopes entertained of reaping a scanty remuneration from that source of livelihood is, I fear, severely blighted", so Cochrane sought British financial aid.[156] While the poor teetered on the edge of starvation, Cochrane was absent, and the acting governor "President" Tucker and Secretary James Crowdy quietly petitioned the Treasury for £375 worth of Cochrane's salary, and half the secretary's salary at £134.4s.11d. and half the salary of the clerk of council at £ 58.10s.14d.[157] There were two Newfoundlands, and the rich one in power obviously cared little for anyone else.

On 7 June 1832, the day the Reform Bill received royal assent, Howick introduced a bill for establishing a legislature for Newfoundland.[158] Cochrane returned to Newfoundland

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[153] CO 194/99, fol 25r.

[154] CO 194/83, fol 96r, Tucker to Goderich, 19 June 1832; fols 128r-153v, extract of John McGroun's "Report of Proceedings while distributing seed potatoes"; fols 164r-168r, proclamations by Tucker respecting precautions and treatments for the cholera outbreaks, 31 March 1832, 3 May 1832, 4 July 1832, 17 July 1832.

[155] CO 194/83, fols 170r and ff., Tucker to Goderich, 21 August 1832.

[156] CO 194/83, fols 235r and ff., Cochrane to Goderich, 18 October 1832.

[157] CO 194/84, fols 24r, 26r, Robert Gwuilt, Agent's Office, Chelsea to Lord Howick, 27 January 1832; fol 28v, Gwuilt to Howick, 11 June 1832.

[158] McLintock, *Constitutional Government*, p. 183.

on 21 August "armed with full powers to carry out the great constitutional change"[159] and his arrival was not a moment too soon for reformers. When the election regulations were published, a very broad franchise had been granted to all registered male freeholders who had resided in Newfoundland for a year, regardless of income, class, or ownership of property.[160] The franchise was better than Ireland's, and this must have been a source of particular delight to the Irish in St. John's. Fifteen representatives would be elected from nine districts: St. John's would have three, Conception Bay would have four, Placentia-St. Mary's would have two, and Trinity and Bonavista Bays, Burin, Fortune Bay, Ferryland, and Twillingate-Fogo would have one each.[161] The only qualification for candidates was that they had to have been residents in Newfoundland for two years. Cochrane's instructions also mandated him to create an executive government, a council of seven, consisting of the chief justice, the officer in command of the garrison, the attorney-general, the colony's secretary, the chief collector of customs, and two other appointed members.[162] Names were to be proposed to the secretary of state for the colonies, who, if he agreed, would present them to the king for confirmation. The first council included Chief Justice Richard Tucker (whom Cochrane unsuccessfully had

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[159] Prowse, *History*, p. 429.

[160] The new constitution of Newfoundland was embodied in four documents: the Acts 2 and 3 William IV, Cap. 78, the 2 March 1832 Royal Commission to Cochrane, the 26 July 1832 instructions to Cochrane, and Cochrane's 26 July 1832 Proclamation.

[161] Geographically, only half the island was represented by the legislature, for France held jurisdiction over the west coast and the great northern peninsula of Newfoundland, the island's French Shore, which Britain had ceded in the Treaty of Versailles in 1783, and which stretched from Cape Ray to Cape St. John, and settlement was principally on the northeast and southeast coasts. See Map 1.

[162] Prowse, *History*, p. 433.

tried to remove in 1831 because he opposed representative government and reformers),[163] Attorney General James Simms, and Colonial Secretary James Crowdy, among others. The council had executive and legislative responsibilities, but its structural and political flaw from the outset was the same as that found in the councils of other British colonies: it was not responsible to the House, but to the Colonial Office.

Fleming later wrote that a genuine anxiety had been felt "through the Colony among all classes for the success of their Petition to the Crown for the establishment of a House of Assembly", an object "almost unanimously looked forward to as the best means of reducing their local grievances".[164] However, he may have believed that the deck was stacked against Catholics, for he later wrote that "I did not participate in that feeling". Despite his O'Connellite zeal for reform for Ireland, he claimed that back in 1832 he privately had serious doubts about the wisdom of instituting a legislature in Newfoundland:

> ...in a population, composed for the most part of adventurers,—of persons struggling from poverty to wealth... would be engendered on the part of the less fortunate against those who, with wealth acquire Legislative power and distinction. My anticipation was unfortunately proved correct, and it is but too true that since the Elections of 1833 [sic], the social intercourse and harmony which formerly prevailed in the Colony have totally disappeared.[165]

Nevertheless, he determined not to interfere save to confine himself and his clergy "to instructing those Entrusted with the franchise on the nature of the duties which had devolved on them, and exhorting them to exercise for the benefit of their fellow citizens without

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[163] Robert H. Cuff, "Richard Alexander Tucker (1784-1868)", *Dictionary of Newfoundland and Labrador Biography* (St. John's: Harry Cuff Publications, 1990) (hereafter *DNLB*), p. 342.

[164] CO 194/99, fols 23r-24v, "Statement of Dr. Fleming", 1837.

[165] *Ibid.* The election was in 1832. Fleming's claim that social intercourse and harmony existed in Newfoundland before the election "gilded of the lily" to suit his purposes.

reference to the interests of any particular candidate or Party."[166] During the election campaign, Fleming intended to follow a strategy of advising those who consulted him not to make any effort to be elected.[167] Whether this reflected in him a monastic tendency towards social aloofness, or a good measure of political inexperience is unknown, but it was advice reformers had no intention of embracing, and a principle which Fleming himself quickly disregarded.

The proclamation of the new Newfoundland constitution at Government House on 27 August 1832 raised political hopes and tensions. Fleming attended the ceremony but became upset when he discovered that Council members were required to take an oath to "renounce, reject and abjure the opinion that princes excommunicated by the Pope... may be deposed or murdered by their subjects."[168] This made the bishop wary to remove "any unfavourable impression of my religion" or suspicions of treason from the minds of his Protestant neighbours, so in the *Newfoundlander* he publicly disclaimed any secular "allegiance to our Pope", stating that "He is not our King, our Sovereign, or liege Lord."[169] His complaints were an uneasy prelude to the storm about to break. When the election proclamation was issued on 20 September, there were only forty-seven polling booths for the whole colony, with some fixed polls, and some polling officers who travelled around the island by boat.[170] Polling continued for the next two months, but the only contest was in St. John's. Reformers John Kent and William Carson ran against the merchant-farmer William

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[166] *Ibid.*; also cited in CO 194/99, fols 3r-19v, Henry Prescott to Lord Glenelg, 14 October 1837.

[167] *Ibid.*

[168] *The Newfoundlander*, 30 August 1832.

[169] *Ibid.*

[170] CO 194/83, fols 223r-232r, proclamation of election; Bert Riggs, "Elections", *ENL*, Vol. 1, p. 680.

Thomas, whose sympathies seem to have gone to the political right since his agitation for representative government, BIS and OAS committee member Patrick Kough, and treasurer of the Law Society and Protestant lawyer William Bickford Row. Kent had declared his candidacy in early September with the avowed intentions of denouncing "pluralities and sinecures" and of establishing himself as "the opposer of the extension of local patronage to strangers".[171]

Tempers flared when Winton's *Public Ledger* was unable to resist warning the public not to vote for Kent and Carson, "inflated schoolboys" and "superannuated old men."[172] When Kent stated in mid-September that "there is a party here whose objection is not to my youth nor my want of influence, and who, if I were an imbecile, would elect me,"[173] Winton failed to understand Kent's Irish yearning for reform. The publisher was goaded on by his outrage that so many Irishmen had been granted so wide a franchise, so he mocked Carson's medical credentials and Kent's youthful impetuosity in a printed poem entitled "An Extempore Appeal":

> Legislators! one and all,
> Those who roar, and those who baul—
> Those who screech, those who whimper,
> Silent ones, and you that simper—
> Come, arouse ye, from your slumber,
> Come, and fill our ample number!
>
> See, premier, our old l'instructeur,
> By patients yclip'd M. le Docteur,
> Curing all diseases by the phthisic
> Philosophic l'homme de physique.

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[171] *The Public Ledger*, 4 September 1832.

[172] *The Public Ledger*, 7 September 1832.

[173] *The Newfoundlander*, 13 September 1832, Kent to Editor, dated 12 September 1832.

Behold J.K. among the van,
Followed on by valiant Dan,
Holding out with wondrous gout,
Je suis aussi, savant que vout;
True champions, likewise men of gumption—
All devotion—no presumption.
To thee J.K., our highness sends
A packet full of old wax ends,
To cobble up as many speeches
As thou can thrust into thy breeches,
Hoping that, not as per fable,
Thou'lt cast a mouse upon the table.[174]

Winton then editorialized that Kent was not qualified to run in the election either by length of residence or personal attainments.[175] While the twenty-six year old Kent had been in St. John's for twelve years, in that time establishing a career as an auctioneer and commission agent, the poem was devastating in its mockery, and was a harbinger of Winton's vitriol in political battles for the next twenty years.

Winton's strident opposition to Kent united reformers and initiated a running public slander of Fleming, who contravened his own better judgement and emerged in support of Kent. On 19 September Fleming issued a statement noting that while he had previously strongly discouraged Kent from running, he now supported him, as well as Carson and William Thomas.[176] He later attributed this *volte-face* to the lobbying of an "English, Irish and Scotch" delegation which had waited upon him, which resulted in his recommendation of Carson "a Scotchman and a Presbyterian", Kent "an Irishman and a Catholic", and

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[174] *The Public Ledger*, 14 September 1832. "Yclip'd": a variant spelling of the Elizabethan "y'cleped", meaning "named". This may have been a veiled reference to Carson's desire that his patients address him by the honorific "Doctor", even though he lacked a medical degree. "J.K. ... valiant Dan": John Kent, more strident than even Daniel O'Connell. "Vout" is a corruption of "vous". "A packet full of old wax ends": perhaps a reference to Kent's economic sustenance as a manufacturer's agent. The "mouse upon the table" may have been a reference to Kent's proclivity to deliver incendiary speeches.

[175] *The Public Ledger*, 18 September 1832.

[176] *The Newfoundlander*, 20 September 1832.

Thomas, "an Englishman and a Protestant".[177] In *The Newfoundlander*, Fleming reasserted a belief in his own clerical responsibility to ensure that the house of assembly proved "a blessing to the people", and took umbrage with Winton's criticisms of Kent and himself, demanding "Does my episcopal character deprive me of the feelings of humanity, or of my rights as a citizen?"[178] Winton's observations were "the old cant of "distrust" and "priestly influence"—which means nothing more than "ascendancy fears and jealousy"."[179] In a scathing reply, Winton bullied the bishop with the censure of his paper and accused him of "as gross and wilful a misrepresentation of our sentiments as the mind of a Jesuit could possibly conceive":

> What shall be said of you when you can so far prostitute your sacred calling to secular purposes of so unworthy a character.... when you can affix the emblem of the cross to your name for the purpose of furthering your views in a mere trumpery election squabble! Sir, you had better retire from the contest, and if you wish to be any longer respected among us instantly publish your recantation. You are not beyond the influence of the Press, which has only *begun* to deal with you.[180]

Winton's logic in publishing such a statement is mystifying. He seemed to believe that his opponents would respond to threats, which were such a political opportunity for the reformers that they could hardly ignore them. The atmosphere had become supercharged, and Winton had made himself the lightning rod for reform rage.

Immediately following Winton's outburst, there erupted an outpouring of support for Fleming, much of it Catholic, and party allegiances were polarized where partisanship had previously been fluid. A series of resolutions roundly condemning Winton were passed at a

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[177] CO 194/99, fol 27r, "Statement of Dr. Fleming", 1837.

[178] *The Newfoundlander*, 20 September 1832.

[179] *Ibid.*

[180] *The Public Ledger*, 21 September 1832, "To the Right Rev. Dr. Fleming, Roman Catholic Bishop".

meeting of Roman Catholics held at St. Patrick's Free School, Harbour Grace, in late September. These were published with others in the *Conception Bay Mercury* and *The Newfoundlander*, and variously signed by leading citizens Peter Brown, Thomas Foley, Dr. Nicholas Mulloy, John FitzGerald, Justin Dwyer, and James L. Prendergast.[181] Similar resolutions were passed at meetings in Carbonear and Brigus.[182] Published prominently next to these in the 4 October *Newfoundlander* were Fleming's claims that "I have been always, and will be, as open and uncontrolled in my opinions as the law will allow", and that Kent's only fault was his lack of wealth.[183] On 25 September a meeting was held in the Chapel in St. John's, chaired by James Tobin and Joseph Shea, at which two resolutions were "unanimously" passed, one praising Fleming and the other condemning Winton's attacks.[184] Winton in reply argued that the resolutions at the Tobin and Shea meeting were not unanimously passed; he accused Kent of sectarianism[185] and Fleming of astonishing the "natives"—a xenophobic insinuation that Fleming was a lately-arrived foreign immigrant—with his militant sentiments, and noted that he was far from thinking that "all the forms and proceedings requisite to a correct representation of the people of England are strictly applicable to the people of Ireland."[186] By early October, Catholic servants, shoremen, and others employed in Protestant merchants' premises in St. John's voluntarily protested the verbal abuse of Fleming with work stoppages—which in the absence of other evidence itself

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[181] *The Newfoundlander*, 4 October 1832, and 1 November 1832.

[182] *The Newfoundlander*, 4 October 1832.

[183] *Ibid.*

[184] *The Public Ledger*, 28 September 1832, and *The Newfoundlander*, 4 October 1832.

[185] *The Public Ledger*, 20 September 1832.

[186] *The Public Ledger*, 5 October 1832.

suggests that considerable Catholic and Protestant polarization had taken place and that Winton enjoyed considerable Protestant support—but Fleming quickly asked workers to end their strike for they were already financially beholden to the "Gentlemen—Book-keepers, and *Cash Keepers*" and a strike would reduce their wages.[187] On 4 October, Kent's brother James called Winton a coward and a liar,[188] and about the same time, one of Winton's friends, a Catholic named Keen (or Kean), went to the Chapel yard with some friends and taunted Fleming and reformers when he "figured as a prominent performer in ringing the bell and a display of outrageous behaviour...."[189] Kent excoriated Winton in the *Newfoundlander* as "the snivelling little Editor of the *Ledger*—whose mind as well as his face seem to have been cast in a vinegar cruet...."[190] By attacking Fleming, Winton had unwittingly created a martyr, and galvanized Irish and reform opinion in favour of the bishop and against wealthy Protestant hegemony.[191]

In November during the candidates' nominations, Winton was joined in opposing Fleming's friend, Carson, by a hemorrhage of Wexford Irish Catholics. On nomination day, 5 November 1832, on the hustings set up in front of a favourite gathering spot in St. John's, Mary Travers' hotel, Carson was proposed by Newman Hoyles and seconded by Carson's son-in-law Dr. Joseph Shea; Kent, the "O'Connell of Newfoundland", was nominated by his grand-uncle and native Newfoundland merchant Patrick Doyle, and Thomas Beck; and William Bickford Row was proposed by Thomas Bennett and Mr. McBride. William

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[187] *The Newfoundlander*, 11 October 1832, Fleming to the Editor.

[188] *The Newfoundlander*, 4 October 1832.

[189] *The Newfoundlander*, 18 October 1832. Soon after emancipation a bell was installed in the Chapel yard.

[190] *The Newfoundlander*, 11 October 1832.

[191] *The Public Ledger*, 5 October 1832, contains a pseudonymous attack on Fleming by "Candidus".

Thomas was nominated by Mr. Jennings and Robert Brine.[192] Carson, Kent and Thomas enjoyed the tacit endorsement of Fleming, but there is no evidence to prove that Fleming was present on the hustings. Carson was opposed by Patrick Kough, who had previously been supported by Timothy Hogan, Henry Simms (the Catholic-convert son of Attorney General James Simms), Stephen Malone, James Cullen, Lawrence Barron, and Michael Scanlan, many of whom had been Scallan's friends.[193] These men were all members of the nascent Irish Catholic middle class in St. John's, which Prowse described as "the very best Blood in the Colony."[194] Patrick Power, Patrick Mullowney, and two others were also nominated, but these last four dropped out. Within a week Row also withdrew, claiming he had been "forced out of the race with threats of violence against his person and property."[195] Voting took place in person by voice (the secret ballot was not used in Newfoundland until 1888). The election witnessed a political trick played by Kough against Carson. Prowse noted:

> An Irishman called Bennett came into the booth where a number of Wexford men were casting their votes. "Well," he said, "I hear the Doctor say he did not care how it went, so long as he could bate Keough and them blooming yallow bellies". Mr. Keough was a Wexford man, and after that, he got every Wexford vote. [Bennett's]... story was a barefaced lie, but it served its purpose.[196]

Carson had consistently trailed Kough slightly in polling, but for unknown reasons, Carson withdrew. Evidence on the election is scant, but the Wexford vote seems to have been sufficient to ensure Kough's election. Kent and Thomas were also declared elected. A week

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[192] Bert Riggs, "Elections", *ENL 1*, pp. 680-682.

[193] *The Newfoundlander*, 20 September 1832. The published list of over 170 of Kough's supporters lists many of Wexford origin; in other cases, their wives or kin relations may have been from Wexford.

[194] Prowse, *History*, p. 435.

[195] *Ibid.*

[196] *Ibid.*, pp. 430 and 432. Winton in *The Public Ledger*, 13 November 1832 also noted that Kough had defeated Carson by means of a "dexterous movement". Part of Kough's family had been Protestants from New Ross, Co. Wexford (see Mannion, "Nevins Family", *Decies*, Vol. 38 (Spring 1988): 9-19).

later Winton called down curses at Kent's success, sputtering that Kent had "emerged from behind the bar of a tap-house in some obscure part of Ireland but a few years ago", and that he "has since been vegetating among us in a somewhat subordinate position in life."[197] The Wexford faction was therefore pitted against a more recently-arrived Waterford-centred faction, which threatened to usurp their positions of power and influence in the community.

Whatever triumph reigned among reformers soon evaporated, as the recognition slowly dawned that society and the Catholic congregation of St. John's had been bitterly divided. Voting had proceeded on an agreement among the candidates that they would bring their voters to the polls themselves in lots of ten, after which they would vote and then disperse,[198] but a temporary split developed between reformers. Carson had Hoyles eventually present an election petition to the House charging that Kough and Kent had broken this agreement by sponsoring fictitious candidates and splitting the vote, and that Kough, a recipient of contracts from Government House, was too impure to sit in a parliament.[199] Carson's charges were surprising, for they could hardly have been calculated to win new friends or keep old ones in a fractured political community, or to convince suspicious Protestants that the church had not influenced the election, or convince anyone that he, as district surgeon, was any more immune to patronage than Kough. Perhaps the charges were attributable to his spleen and injured pride. Lahey believed that the election of 1832 "consolidated Irish Catholic disaffection into an anti-establishment party interest,"[200] but the election was very significant because not one but two sectarian battles were created

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[197] *The Public Ledger*, 13 November 1832.

[198] *Ibid.*

[199] *JHA*, 2 January 1833, pp. 10-11.

[200] Lahey, "Fleming", *DCB* VII, p. 293.

which lasted for the next generation: a Catholic-Protestant one, and one which has hitherto remained unexplored: a Catholic division with Waterford reformers and Fleming on one side, and a Kough-Hogan-Wexford faction on the other, supported by Winton and soon after, the Tories of Government House. Winton's vitriol allowed reformers to claim that they were being persecuted, and ironically, his recurring injection of nativist denunciations into political discourse might have done more to unify immigrant Irish Catholics than any amount of haranguing by politicians or preaching by the clergy.

The institution of a legislature had made Catholic politics in Newfoundland unpredictable. Electoral politics were still in their infancy in Newfoundland, and the election of so few reformers, two from St. John's and two from Conception Bay, possibly as a result of Fleming's initial strategy of non-interference, indicates an incomplete politicization of Irish Roman Catholics in the further-flung regions of Newfoundland. The election of so few reformers also indicates the St. John's origins of Irish Newfoundland political activism. In terms of conflict within the Irish community of Newfoundland, and in Fleming's estimation, the internal battle within the St. John's congregation was the more significant conflict than the sectarian one because it had damaged his "utility as a pastor" and (just as importantly) it had impugned the "characters" of the clergy, which damaged their ability to "maintain" themselves.[201] Records of church attendance, pew rents, and congregational donations are not extant to permit an analysis of the crises of faith and finance which would have followed the political crisis, but a severe shock must have been administered to Fleming by Winton and Kough, and the divisions within the St. John's congregation must have been profound. That this disunity endured in the St. John's Catholic community for the rest of Fleming's episcopacy, and that both factions orbited around it and gained strength from it, remain two

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[201] CO 194/99, fol 27r and ff., "Statement of Dr. Fleming", 1837.

of the most important facets of early nineteenth-century Irish Roman Catholicism in Newfoundland. This disunity gives the lie to all previous historiographical representations of a monolithic church and to any conceptualization of Newfoundland politics in this era as a solely Catholic-Protestant fight.

When the new legislature formally met, members of both chambers attempted to call members of the other chamber into disrepute. The house was somewhat reform-minded, but it was also merchant-dominated, St. John's-centric, and pro-Tory. Many of the disputes in which the first legislature was embroiled concerned votes on supply, road construction, and Catholic issues which involved Catholic or pro-Catholic members. Invariably, debate also descended to quarrels over the spoils of office. The first imbroglio occurred on 1 January when Conception Bay member Peter Brown, alarmed at Cochrane's control of appointments, proposed a resolution that the house be allowed to elect its own officers.[202] The house supported the governor's prerogative, with Kent voting contrary, and Brown's motion was referred to the Committee on Privileges.[203] In order to unseat Kough "the government carpenter", and the Colonial Treasurer and Chairman of Committees Hoyles, Brown presented a bill to prevent those receiving government contracts from sitting in the Assembly,[204] but it too was eventually defeated by the council who amended it. A third attempt by Brown to break the ascendancy's monopoly of civil service posts was also stymied by Cochrane because Brown lacked a list of statistics to prove the monopoly. Brown requested the house obtain a correlation of the numbers of each denomination enumerated in the 1827 census with the religious persuasions of the house's officers, but Cochrane

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[202] *JHA*, 1 January 1833, p. 9.

[203] Gunn, *History*, p. 16.

[204] *JHA*, 9 January 1833, p. 14. Kough was a stonemason and builder.

cleverly instructed the house first to approve an expenditure for a new census.[205] By reconfiguring electoral districts to play off population groups by religious demography and political sympathies, the governor could bestow political power on whomever he liked, and this may have crossed his mind once he was confronted with disputes between the house and the council.

Another issue which quickly occupied the attentions of the new house was the question of which clergy could legally conduct marriages. Before 1817, Newfoundland marriages were customarily performed by clergy and "teachers of all religious Christian sects", but the 1817 Westminster statute of 57 George 3 Cap. 51 required marriages to be conducted by persons only in "Holy Orders", meaning ordained Church of England clergy. Catholics had obtained permission to conduct their own marriages, providing that the marriage tax was paid, but Methodist dissenters had not.[206] Consequently, Westminster had passed a statute which compelled the registration of marriages between Dissenters, and prohibited the conduct of their marriage celebrations "except in particular districts where no Clergyman in Holy Orders resided".[207] On Wednesday 30 January 1833, Brown arose in the House to present a petition from Fleming requesting that Wesleyans and Methodist dissenters be freed from the legal compulsion "to solemnize their marriages according to the ceremonies of another Church"—the Church of England—"and by a clergyman of a different establishment."[208] Fleming claimed that "a conciliatory system of policy towards all classes

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[205] Gunn, *History*, p. 16.

[206] CO 194/85, fols 288r and ff., Cochrane to Stanley, 22 October 1833, and enclosures, fols 292r-294v.

[207] *Ibid.*; 5 George IV c. 68.

[208] Howley, *History*, pp. 273 and ff.; *JHA*, Wednesday, 30 January 1833, p. 25. Petitions on behalf of Dissenters were also presented by William Thomas, John Kent, Peter Brown, Charles Cozens, and Robert Pack. See *ibid.*, and *JHA*, 18 February 1833.

of people is...the best and surest support of every government", and that "with respect to marriage (unless as a civil contract), the State should have no concern, as each religious sect ought to be left as fully at liberty to regulate the religious ceremonies attendant on marriage as any other part of their ceremonies."[209] Fleming's petition was received, and the house and council passed a new Marriage Act which granted the governor the ability to issue licenses, gave Dissenters the right to receive them and perform the celebration, and validated marriages which previously had been solemnized illegally.[210]

The house and council perennially sparred over issues relating to the powers of a legislature, but the sub-text was Catholic rights. It must have given Cochrane some pleasure to lay before the House on 9 January a proposal from Lord Goderich that the council and assembly be united,[211] but the next day, House Speaker John Bingley Garland reported the assembly's unanimous disapproval of the measure because it was not "in accordance with the principles of the British Constitution,"[212] and Cochrane reported to London that the reformers in the house gave a "prompt and unhesitating negative to it", fearing the ascendancy of the nominated council, while some less-radical members also rejected the move, fearing that it would "establish a democracy."[213] The issue of whether Newfoundland was a democracy was tested when the house attempted to provide relief for the failure of the potato crop the previous year. MHAs sent to the council a revenue bill asserting the right to levy a tax on

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[209] *Ibid.*, pp. 272-3.

[210] *Ibid.*; 3 William IV c. 10.

[211] *JHA*, 9 January 1833, pp. 14-15.

[212] CO 194/85, fol 70v, John Bingley Garland to Cochrane, 10 January 1833; also *JHA*, 10 January 1833, p. 15.

[213] CO 194/85, fols 64r and ff., Cochrane to Goderich, 13 February 1833.

wine and spirits.[214] Tucker and Simms opposed the bill in council on the grounds that a colonial government lacked the legal right to tax items already taxed by Westminster, and out of an exasperated belief that the new legislature "had been foolishly requested and unfortunately granted."[215] The bill died and Cochrane was left to appeal to Britain for aid and a ruling on its legality. Infuriated reformers read its failure as a frontal attack on the rights of the new house of assembly, and Tucker's opposition created a grievous division between the house and council, and between Tucker and Cochrane. In response, Cochrane proposed to create a new executive council in a bid to remove Tucker,[216] and he used the opportunity to try to buy-off Protestant reformers with appointments to council. Secretary of State E.G. Stanley approved both and confirmed the revenue bill, but warned Cochrane that the "system of granting an almost annual relief from this Country must cease".[217] Cochrane appointed John Bingley Garland (Robinson's partner) and William Thomas to the Council along with John Dunscombe,[218] creating a vacant seat for Trinity Bay to which William Bickford Row was acclaimed, and a vacant seat in St. John's, to which Carson was elected. Finally, the Judicature Act (1825) had given Newfoundland supreme court judges the right to admit barristers to the Newfoundland bar, but this left the question of qualifications required for admission open. That winter, the Tory-dominated house debated and passed an act which provided that only those who had been members of the bar of Great Britain and Ireland could

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[214] *JHA*, 24 January 1833, p. 21; the bill received second reading on 20 February (*JHA*, 20 February 1833, pp. 30-31). In another flexing of reform muscle, MHA Robert Pack asked that Carbonear be made a free trade port like St. John's, for trade with the United States (*JHA*, 19 February 1833, p. 30).

[215] Leslie Harris and P.G. Cornell, "Richard Alexander Tucker, 1784-1868,", *DCB* IX, p. 794; also see Harris, "The First Nine Years of Representative Government in Newfoundland", 1959, passim.

[216] CO 194/85, fols 64r-69, Cochrane to Goderich, 13 February 1833.

[217] CO 195/18, pp 138-9, E.G. Stanley to Cochrane, 3 May 1833.

[218] CO 195/18, p. 142, E.G. Stanley to Cochrane, 4 May 1833.

be members of the Newfoundland bar—a technicality which formally excluded Catholics because of the oaths required—and permitted those who wished to be attorneys to practise only after a five-year apprenticeship.[219] It upset reformers, but lacking a notorious trial to use to oppose it, they had little choice but to accept it.

Through the winter of 1833 Tucker faced reformers' antipathies for being both lawmaker and interpreter and for assuming the title of "President of Council". He became a political liability to Cochrane. After nasty exchanges with Cochrane and fellow Council member Attorney General James Simms over the passage of the revenue bill, Tucker resigned and left Newfoundland for Kingston, Upper Canada, although Cochrane at first was so angry that he had refused to accept the resignation.[220] In Tucker's stead, Simms was appointed acting chief justice and expected both the better salary and job to be made permanent.[221] Yet Cochrane had petitioned for a new chief justice, and Stanley sent Henry John Boulton, who earlier in 1833 had been dismissed as attorney general of Upper Canada.[222] W.P. Morrell, an analyst of Stanley's colonial policy, found Stanley and Boulton alike in their right-wing "essential disbelief in free institutions for the colonies, by an aristocratic dislike for factious demagogues, and by a total failure to understand or sympathize with colonial aspirations."[223] Furthermore, while Boulton adhered to the Church of England, his wife Eliza was Roman Catholic, and she formed a critical link between

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[219] 3 William IV c. 6 (1833), An Act to declare the qualifications and character of persons admitted to practise as Barristers and Attorneys of the Supreme Court of this Island; assented to on 17 April 1833.

[220] CO 194/85 fols 63rv, various letters of R.A.Tucker, 5,7,8, and 11 March 1833; Harris and Cornell, "Tucker", *DCB* IX, pp. 794-5; Davis, "Crowdy", *DCB* IX, pp. 168-9.

[221] Davis, "Simms", *DCB* IX, pp. 720-1. Simms kept one eye fixed upon Tucker's £700 salary; for which see CO 194/85, fol 356r, Cochrane to Stanley, 2 December 1833.

[222] Hereward and Elinor Senior, "Boulton", *DCB* IX, pp. 69-72.

[223] Cited in Gunn, *History*, p. 19.

Government House and the Liberal Catholics allied against Fleming. Boulton's work as Attorney-General of Upper Canada technically qualified him to discharge the duties of chief justice, but Newfoundland Catholic reformers and Fleming by nature immediately suspected Boulton's partiality towards proselytizing societies, and later incorrectly claimed that he had gone to North America from England as "Procurator-General of the British North America School Society".[224]

By the early fall, Cochrane himself was thoroughly disenchanted with Newfoundland politics and on 23 and 24 October, he privately complained to the Colonial Office about Tucker's conduct and sought the governorship of Nova Scotia when it became vacant.[225] When Boulton arrived in St. John's from Québec on 19 November 1833, he immediately submitted a claim for £208.14s in salary, the amount of salary due him, he calculated, since the time he set out for Newfoundland. This blatant venality embarrassed the spendthrift Cochrane, who had already disbursed Tucker's salary to Simms and Judge Des Barres, and was forced to seek funding out of the colony's accumulated savings of £2,000, controlled in London by the colony's agent. Boulton's claim also brought him into indirect conflict with Simms, who had been claiming the chief justice's salary and may have bitterly regretted losing the income.[226] As if fiscal concerns were not enough, the prospect of civil unrest by the Irish prompted Cochrane to send the colonial vessel which brought Boulton to

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[224] Hereward and Elinor Senior, "Boulton", *DCB* IX, pp. 68-72; AASJ, Fleming Papers, Fleming to Spratt, 24 September 1834, "State of the Catholic Religion", p. 5. Prowse, *History*, p. 434 claimed that Boulton "was hated as no one else was ever hated in this Colony."

[225] CO 194/85, fol 300r notes that Cochrane sent the Colonial Office private letters on these subjects.

[226] CO 194/85, fols 354r-356v, Cochrane to Mr. Stanley, 2 December 1833. Much of Simms' salary must have been put towards the maintenance of his household establishment, which seems to have included the last known Beothuk in Newfoundland, the woman Shawnadithit (see R.T. Pastore and G.M. Story, "Shawnadithit, c.1801-1829", *DCB* VI, pp. 706-709; Ingeborg Marshall, *A History and Ethnography of the Beothuk* (Montreal: McGill-Queen's Press, 1996), pp. 217-219).

Newfoundland to Halifax "for a reinforcement to the Garrison."[227] The political ascent of the Irish troubled Cochrane, who feared nothing more than the rebellious Irish, and he grasped at every means available to limit and suppress conflicts by which they might become aggrieved.

While Catholic reformers' attentions were occupied by legislative politics, Fleming embarked on a second phase of a religious, social and educational programme towards the development of Catholic parishes around the island. In the communities of Petty Harbour, Torbay, and Portugal Cove, all outlying from St. John's, the clergy and leading laity undertook the construction of churches so that regular Sunday masses might be said.[228] More priests were also needed: the death of the priest and vicar-general, Thomas Ewer, in Harbour Grace in February 1833 presented difficulties. Catholicism in outport Newfoundland was expanding, more priests were needed, and in the outports, the laity were taking a greater role in the affairs of the Church, as evidenced by the call for tenders by prominent Carbonear layman Michael Howley that spring for the construction of a new Catholic chapel.[229] In St. John's, one issue in particular disturbed Fleming: the education of girls in the same classrooms as boys, with little differentiation in treatment. "This system," he later wrote,

> undesirable anywhere, seems to me to be particularly dangerous in this country as impeding any improvement of morals. The boys from a very early age are engaged in some way or other in the fishery from which they are able to earn enough to support themselves and to render them in great part independent of their parents. The consequence is that, free from every domestic restraint, they are exposed to the temptation to drink rum which according to custom is given to them three times a day. Thus to mix them together in the familiarity which one finds in a school, is not

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[227] CO 194/87, fol 16r, CO note of despatch no. 44.

[228] AASJ, Fleming Papers, Fleming to Spratt, 24 September 1834, "State of the Catholic Religion", p. 6; AASJ, Fleming Papers: *The Indicator*, 17 February 1844, Fleming to Dr. O'Connell, Dublin, "The State of Religion in Newfoundland".

[229] *The Newfoundlander*, 11 April 1833.

at all calculated to help girls to acquire virtue nor to confirm their morals.[230]

In February 1831, on a visit to Carrick, Fleming had failed to persuade Brother Corbett of the Christian brothers to allow some brothers to come to Newfoundland as schoolteachers for boys.[231] The OAS as a coeducational school was living on borrowed time, for Fleming intended that it would soon become a school for boys and be joined by a separate school for girls. Fleming also believed the maxim that "the hand that rocks the cradle rules the world", and that the spiritual and moral education of Catholics could be redefined and their social mobility could be improved if the church provided an explicitly Catholic education for female children:

> Once the future mothers are impressed with the truths of religion—once they are solidly instructed in the Divine precepts of the Gospel—once their young minds are enlarged, and enlightened, and strengthened by educational knowledge—the domestic fireside is immediately made the most powerful auxiliary to the school, and instruction and true education, which is virtue and religion, are instilled into the little ones at their mother's knee, and they go abroad, by-and-by, into school, or into society, with all the elements of virtuous citizens.[232]

Fleming believed that school attendance for female children and his desire to create a Catholic motherhood were hampered by the attendance of Catholic women at Protestant church services: "the Religious Mother would attend at early Mass and perhaps at Communion and at the Noontime Church Service and at the Evening Methodist Sermon and this was liberality...."[233] The absence of a daily Catholic catechism from either the OAS or the St. John's Charity School, and the lack of an explicitly Catholic education for the "humblest classes" also troubled the bishop's conscience. A new educational system was

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[230] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 7.

[231] Louis Burke, "Some Contributions", p. 85; J.D. Fitzpatrick, *Edmund Rice* (Dublin, 1945), p. 226.

[232] AASJ, Fleming Papers, Fleming to Dr. O'Connell, 11 June 1844, "State of Religion in Newfoundland".

[233] NLI, Little Papers, file 116-130, document 127, Fleming to Dr. O'Donnell, February 1846.

needed "in my adopted country", he wrote a friend in Dublin, one by which "here and there in these isolated places there would be mothers and sisters who would alleviate the bitter pains of the sick, and would temper the rigours of the winter by diffusing true Christian piety."[234]

Fleming fully recognized how the control of education would complement his religious goals for the Newfoundland Irish: it would create a population acculturated into institutional, ultramontane Catholicism. Writing seven years later,—when, admittedly, his thoughts were more fixed in his own mind on the subject—he expressed his belief that the evils of trusteeism could be avoided by bishops who promoted the education by the church of the better members of their congregations who might eventually become trustees:

> ...Wherever we turn in the Colonial possessions of Great Britain we find this feverish restlessness exhibited to embarrass the Prelate or Ecclesiastic who dares to discharge his duty with zeal and fidelity to the Sacred trust reposed in him, and wherever you find an absence of this... —lay interference with the Administrator of the Spiritual Government of any British Colony you may safely take it for granted that if a strict and active enquiry were set on foot it would be discovered that, that Individual had been lax in the discharge of his ministry—that he had not been an active promoter of education—that he had not been remarkable for increasing either the Temples or the votaries of our Holy Faith—that he had not been a stern vindicator of his Religion, of his people or his Priesthood—but that he was a sleeping shepherd whose Sheep were carried off by the Wolf—that he was the faithless Steward—that he was a time-server and a sycophant who bartered the Salvation of the poor for the smiles & the society of the Powerful.[235]

Trusteeism could thus be crushed by centralizing control of education in the hands of the bishop, and this was justified in the tenets of Roman Catholicism by the belief that the bishop was accountable to God for the good of the souls entrusted to his care. Since the ascendancy which dominated the Newfoundland state had hitherto ignored education for the masses, it

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[234] AASJ, Fleming Papers, Fleming to Spratt, 24 September 1834, "State of the Catholic Religion", pp. 3-4.

[235] Fleming to Cardinal Fransoni, 27 December 1840. I thank Brother Darcy for a copy of this letter.

was only natural that religious denominations and reformers stepped in to fill the void.

To address this problem, Fleming left for Ireland on 21 March 1833 for the summer to obtain more priests and to seek several sisters of the order of the Presentation of the Blessed Virgin Mary in Galway to come to St. John's and open a school for female children.[236] The Presentation Order of sisters had been founded in 1775 by Honoria "Nano" Nagle who had been trained as an educator in France, to educate "young girls, especially the poor, in the precepts and rudiments of the Catholic Faith."[237] On 29 June 1833 Fleming arrived at the Galway Convent, introduced himself as an "American bishop", and asked permission to say mass.[238] As the sisters put it, he insisted that Sister Magdalene O'Shaughnessy go to Newfoundland in order to save her soul, and she was joined in volunteering by three other sisters—Xaverius Lynch, Xavier Molony, and Bernard Kirwin.[239] With the permission of superioress Mother John Power, Fleming agreed to support the sisters with a lump sum of £1,500, a temporary house while a new one was built for their use, and £100 per annum.[240] Significantly, Fleming himself would be their superior, but Mother John Power retained the right to recall the sisters to Galway after six years,[241] and Sister Bernard

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[236] *The Newfoundlander*, 21 March 1833. A "school" was the equivalent of a present-day single classroom; two or more classrooms were "schools". *The Newfoundlander*, 1 August 1833 noted that Fleming's brother Edward died in Carrick, which must have diverted his attentions during that summer.

[237] Peter Neary, "Sister Mary Bernard Kirwan, 1797-1857", *DCB* VIII, pp. 474-6.

[238] Recollections of Sister Mary Magdalene O'Shaughnessy, *Irish Monthly*, Vol. 12, (1884), p. 487.

[239] *Ibid.* Presentation and Mercy sisters took "names in religion" when they took their vows in the stead of their baptism names. At the time of their arrival in Newfoundland, Sr. Mary Bernard Kirwan was aged 36, Sr. Mary Magdalene O'Shaughnessy was 36, Sr. Mary Xaverius Lynch was only 21, while Sr. Mary Xavier Molony was 51 (see Sr. M. Angela Curtis, "Irish Presentation Sisters Answer the Call: Education in the 1830s", typescript of a lecture to the Newfoundland Historical Society, 31 October 1985, p. 2).

[240] Neary, "Kirwan", *DCB* VIII, pp. 474-6. CNSA, Browne, "Catholic Footprints", p. 115 claimed that the £1,500 was the sum left to Fleming by Scallan.

[241] *Ibid.*

Kirwin was named superior of the "intended convent" at St. John's.[242] When approval for the convent was obtained on 8 August from the Bishop of Galway, Dr. George Browne,[243] Fleming went to Dublin to discuss the convent with Archbishop Murray, and at Fleming's behest Murray became a trustee of the fund for the sisters' maintenance in Newfoundland.[244] While in Ireland Fleming ordained Bernard and James Duffy, Thomas Waldron, Patrick Ward and James McKenna as priests for the Newfoundland mission.[245] The priests and the bishop then met the sisters in Waterford, and all left on the same day for St. John's on two separate vessels.[246]

In Fleming's absence, his curate Edward Troy was left in charge of the vicariate and the St. John's congregation, but he denied the sacraments to the Liberal Catholics and aggravated the Leinster-Munster factionalism extant in the St. John's congregation. On 17 May, the *Ledger* reported that Troy refused to administer the last rites to a dying member of the congregation when he was "sent for", and that Troy had threatened to denounce anyone who would carry his coffin to the cemetery.[247] The man died, and the Wexford-born carpenter and builder of the OAS, Nicholas Croke, had the corpse removed to the Church of England cemetery where the magistrates ordered it to be buried.[248] Given Croke's readiness to remove the body and his subsequent propensity for allying himself with Kough and Michael McLean

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[242] *Ibid.*, p. 474.

[243] AASJ, Fleming Papers, document 13, Dr. George Brown to Fleming, 8 August 1833.

[244] *Ibid.*

[245] CNSA, Browne, "Catholic Footprints", pp. 114-115.

[246] *Ibid.*, p. 105.

[247] *The Public Ledger*, 17 May 1833.

[248] *Ibid.*

Little, both Wexfordmen,[249] it is not surprising that he also incurred Troy's wrath. While Troy's refusal of the sacraments was not corroborated by an account other than Winton's, it seems to have been the first in a long line of punitive actions taken against the church's opponents. On 18 August, John Williams McCoubrey's *The Times and General Commercial Gazette* published an anonymous letter claiming that Troy had denounced from the pulpit a new St. John's Temperance Society and claimed that a letter which supported the society from Dr. Doyle of Kildare and Leighlin, was a forgery.[250] In a striking move which indicated not only his distrust of ecclesiastical correspondence of questionable provenance, but his awareness of the church's ability to cause financial harm to its opponents, Troy threatened to ban all Catholics from trading in any St. John's shops which distributed copies of Doyle's letter.[251] Whether *The Ledger's* newspaper accounts of factionalism and sectarianism were true or not, they were as good as gold in the hands of Government House for use in London and Rome against the Catholic clergy.

In contrast to the discontent fomented by Troy and the Liberal Catholics, the arrival of the Presentation sisters in St. John's raised the spirits of ordinary Catholics in St. John's, and their response illustrates their eagerness to participate in Fleming's educational agenda. The sisters arrived with the bishop on the brig *Ariel* on 21 September after a violent passage across the Atlantic. The party landed at James Tobin's wharf and were greeted by his wife,

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[249] O'Dea, "Croke", *DCB* VII, p. 220. Michael McLean Little was the son of Graham Little of Longford, a Protestant trader who settled in Trepassey and later became a St. John's shopkeeper, and Eleanor Doyle of Ferryland; Michael McLean Little's grandparent, a McLean, was from Wexford. McLean Little married a Grandy, whose kinsman (brother/cousin/uncle) was a ship's captain for the firm of Morris and Kent (see Mannion, "Old World Antecedents", *NS*, Vol. 5, No. 2 (Fall 1989): 103-175, esp. p. 165).

[250] *The Times and General Commercial Gazette*, 28 August 1833.

[251] *Ibid.* It is not known by what means this threat was made, but Troy later excommunicated those who thwarted his authority.

while the five new priests arrived later that day on Patrick Morris's vessel the *Cabinet*.[252] Carson provided his carriage for the sisters, whose first accommodation was at the bishop's residence, and then after £500 in renovations were completed, in a building which had previously been "The Rising Sun" tavern at the foot of Pilot's Hill.[253] Beginning on 21 October, one month after their arrival, the sisters held school classes there and in a vacant slaughterhouse adjacent to the convent. Behind the Rising Sun was a blacksmith's forge, the only access to which for horses was through the narrow school hallway.[254] Fleming had not known of this immediately, for he had been in Harbour Grace where his return from Ireland was publicly *fêted*,[255] but when he returned to St. John's and discovered the layout of the school, he rented from Church of England Archdeacon Edward Wix a vacant house near Holloway Street at £85 per year into which the sisters moved on 8 December.[256] The sisters were so popular that the neighbourhood of their convent became known as Nunnery Hill. Fleming acquired the property and renovated it for the sisters, indulging his own architectural predilections: he later noted that "above the convent I erected a beautiful cupola on the top of which I placed the emblem of Christianity, that is to say, a very beautiful gilt cross (which I have the pleasure of making with my own hands) which could be seen from every part of

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[252] Bishop Fleming file of Dr. John Mannion.

[253] Neary, "Kirwan", *DCB* VIII, p. 474. In CO 194/129, fol 282r, Fleming to Colonel Robert Law, 5 February 1848, the bishop noted that the first school house and dwelling house was at the corner of Cochrane Street, and a second school house and dwelling house were erected "in Duckworth Street".

[254] O'Neill, *Upon This Rock*, p. 133.

[255] *The Newfoundlander*, 23 October 1833.

[256] AASJ, Fleming Papers, Fleming, *Relazione* (1837), pp. 7-8. Fleming's "Mission De Terre-Neuve et du Labrador", *Annales de la Propagation de la Foi*, Vol. 61 (Paris, France): 466-476, provides a good example of his disregard for precision in numbers or details: «J'ai payé 70 livres anglaises (91,750 francs) pour la maison qu'elles occupent».

the city, and in the cupola I suspended a fine bell."[257] Next to the convent, he reported, the congregation began to build a schoolhouse:

> They voluntar[il]y brought me a vast quantity of materials for its construction—shopkeepers, tradesmen, and fishermen, contributed many days' labour to expedite the work, and render the expense of its erection as light on me as possible; yet was the expense exceedingly heavy—it did not cost me less than £350. But I now had a school that would give accommodation to 1,200 children; and from the period of the opening of that pious institution up to the present day... advantages the most considerable have accrued to our society.[258]

and Sr. Mary Magdalene O'Shaughnessy later wrote that

> He is now getting two beautiful school rooms built to contain 300 children. It will be a very handsome building when finished. Night and day he is continually over the workmen who are giving their work for nothing and by his own exertion he is getting all this done. We sometimes think he will be famished with cold for in the most severe weather and the snow coming down in flakes he will be with the workmen in the open air and not eat a bit until five or six o'clock and sometimes not then. We wonder how he lives for he takes no care of himself, his whole heart being on the good of religion.[259]

In writing to Galway, Sister Mary Xavier Lynch described Fleming as "a very strict Superior and knows the Religious Life very well and expects the greatest perfection from a Religious. He is the greatest stickler for rule and discipline and is most observant."[260] Lynch observed that Fleming even expected her to open all mail in his presence "though Rev. Mother was present".[261] The sisters' expenses were paid by Fleming "from the first instant that they left their convent", and while the whole school-building project was accomplished, Fleming later

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[257] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 8.

[258] AASJ, Fleming Papers, Fleming to Dr. O'Connell, 11 June 1844, "State of Religion in Newfoundland".

[259] Mother Mary Xavier Lynch to Presentation Convent, Kilkenny, quoted in T.J. Walsh, *Nano Nagle and the Presentation Sisters* (Dublin: M.H. Gill and Son, 1959), p. 254.

[260] Presentation Convent Archives, Cathedral Square, St. John's, Sister Mary Xavier Lynch to "my dearest Ann", 6 January 1834.

[261] *Ibid.*

wrote, without "going into debt to anyone for a penny",[262] £700 was spent to build it.[263] When the Presentation Convent school for girls opened, the OAS became a boys' school, and separate education for boys and girls was established, a practice which survived into the late twentieth century. The participation of the congregation in the building of the school and renovation of the convent was an important sign of their support for the church, and strongly indicated their desire to provide an education for their children.

Fleming later boasted to clerics in Dublin and Rome that the Presentation sisters' school was a remarkable success. From ten o'clock in the morning to three in the afternoon, instruction was provided to 850 girls, and their parents applauded the school—"I have also heard their delighted parents implore Heaven to bless their benefactors," he wrote.[264] In 1833 the sisters were joined for a short while by the educated woman and accomplished author Maria Nugent, as a novice. Nugent's mother had died two weeks before she arrived in Newfoundland with her brother John Valentine Nugent, a school teacher from Waterford, and his family. John Nugent had studied for the priesthood in Louvain, France, but was never ordained, and had known Fleming as early as 1827.[265] In Newfoundland Nugent quickly became involved with the reformers, while Maria wrote and spoke French, Italian, Latin and English, was the author of various devotional texts including *The Virtuous Scholar, The*

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[262] AASJ, Fleming Papers, Fleming to Dr. O'Connell, 11 June 1844, "State of Religion in Newfoundland".

[263] ACA, Fleming to Sir John Harvey, 24 September 1847.

[264] AASJ, Fleming Papers, Fleming to Dr. O'Connell, 11 June 1844, "State of Religion in Newfoundland".

[265] See BIS Minutes, 1844-1859, J.V. Nugent to Fleming, 24 February 1850, noting "an uninterrupted friendship of thirty-three years"; I thank Dr. Cyril Byrne for biographical data on Nugent.

Sacred Heart of Jesus, and *The Week Sanctified*,[266] and educated her brother's children.[267] Nugent was also an accomplished musician, and according to the historian Sister Mary Wilhelmina Hogan, had learned music from her uncle, Dr. Howley of Kinsale,[268] making it likely that John and Maria Nugent were related to the Howleys of Newfoundland, and more importantly, related by marriage to the O'Brien/Morris/Kent kin group.[269] Paul Woodford has noted that the Presentation sisters were the first to introduce music to the curriculum of Newfoundland schools on a permanent basis through the singing of daily hymns in the classroom, and that a strong demand for this existed among the parents of the children.[270] For his part, Fleming observed that the opening of the Presentation school had created "a rapid moral change, a change which increases notably day by day, a change from a quasi-barbarism into a middle-class intellectual culture."[271] At first the creation of an Irish Catholic middle class in Newfoundland seems not to have been as important as supplying a religious education to the poor, but it came to preoccupy Fleming's thinking as he realized that education was a rapid means to this end.

The strength and institutional cohesion of Catholicism in Newfoundland grew during 1833 as Fleming disseminated the orthodox ultramontanist teaching of Rome. In 1832 Pope

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[266] Mercy International Archives, Baggot Street, Dublin, file on Newfoundland (hereafter MIA), *Leaves from the Annals of the Sisters of Mercy, Vol. 3* (London: Burns and Oates, 1889), p. 23.

[267] Howley, *History*, p. 375.

[268] Hogan, *Pathways of Mercy*, p. 28.

[269] See Appendix II. Connections between the Nugents and the Howleys requires further research, but the link was most likely James Howley, Dean and Vicar General of Tipperary, who may have been Hogan's "Dr. Howley of Kinsale".

[270] Woodford, *"We Love the Place O Lord"*, p. 31.

[271] AASJ, Fleming Papers, Fleming to Dr. O'Connell, 11 June 1844, "State of Religion in Newfoundland", p. 7.

Gregory XVI had issued the encyclical *Mirari Vos*, which became the defining opus of ultramontanism. It proclaimed the authority of the church to teach on discipline, faith and morals, and denounced rampant liberalism and conspiracies against clerical celibacy and the indissolubility of marriage. Priests were not to undertake ministries without the permission of their bishop, and any questioning of this "ancient canon" would "disturb the position of the Church". Furthermore, the discipline of the church could never be subject to civil authority.[272] *Mirari vos* marked the beginning of an ultramontanist *jihad* against liberalism, especially as espoused in the influential daily Paris paper *L'Avenir*, and in pamphlets by the French philosopher Felicité Lammenais.[273] On 5 November 1833 Fleming promoted an increased sense of spiritual urgency within his vicariate when he issued a pastoral letter to "the Clergy and Faithful of Newfoundland and its Vicariate". Concerned with the rising tides of anti-Catholicism and religious indifference throughout Europe, and the weakening deference among the masses towards the teaching authority of the church, Fleming bid the faithful to be "earnestly affected by the view of the affections of the Church -- the attacks directed against her, the disordered state of society, the infidelity, insubordination, and vice which has long raged against the Church of Christ, its chief Pastors, its Prelates, and all its Sacred Law".[274] Salvation was attainable only in the "true Church". To promote the idea of the righteousness and accessibility of this teaching, and as an incentive to Catholics to adhere

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[272] For *Mirari Vos* (15 August 1832) see *The Papal Encyclicals 1740-1878*, ed. Claudia Carlen Ihm (Raleigh, North Carolina: The Pierian Press, 1990), pp. 235-241.

[273] Lammenais was condemned for error and for striving "to know more than is necessary" by Gregory in June 1834 in the encyclical *Singulari nos* (Bowen, *Cullen*, p. 14); on the evolution of Lammenais from an ultraconservative to a liberal and Rome's condemnation of his resulting errors see Reinerman, *Austria and the Papacy*, Ch.8, "Metternich and the Condemnation of Lammenais, 1830-1834", esp. pp. 244-257. For *Singulari Nos* see *Encyclicals*, ed. Ihm, pp. 249-251.

[274] AASJ, Fleming Papers, document 14, Fleming "to the Clergy and Faithful of Newfoundland and its Vicariate", 5 November 1833.

to church teaching, Fleming announced a jubilee year.[275] Such jubilees aimed to foster increased religious devotion among the faithful, and were the Catholic equivalent of an evangelical revival or an awakening, but they also reinforced the allegiance of congregations to the clergy.

While Fleming and his congregation were busy acquiring schools, teachers, and guidance from Rome, Cochrane and the Council sorted out their internal divisions and claims to salaries, and tried to avoid the wrath of the Colonial Office. In July, Carson had joined reformers James Douglas and Robert John Parsons in establishing *The Newfoundland Patriot*, which advertised itself as a "terror to evil-doers, and a shield against wrong and oppression", and which had warned John Shea's *Newfoundlander* to "think more of John Kent and Newfoundland, and less of Daniel O'Connell and the Emerald Isle".[276] Parsons had been Winton's printing foreman, but he left the *Ledger* after a vicious physical brawl with Winton.[277] In October the *Patriot* denounced Winton for having "sold out" to the government's Tories, and this sniping only raised the sectarian temperature of Newfoundland.[278] In December 1833 a by-election was called to fill the St. John's seat vacated by William Thomas. Carson aspired to the seat, as did Timothy Hogan. Hogan had returned from Ireland in October 1831 bearing the gift of a gold snuff box to Fleming on

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[275] In the style of the ancient Hebrew jubilee years, a Roman Catholic "jubilee" is a celebratory year during which a special plenary indulgence (i.e. remission from time in purgatory) is granted by the pope to Catholics who perform acts of penance, self-sacrifice, and piety. 1833 would have been a year in which to commemorate the thirty-three years of the life of Christ.

[276] O'Flaherty, "Carson", *DCB* VII, p. 154.

[277] O'Flaherty, "Winton", *DCB* VIII, pp. 947-51.

[278] *The Newfoundland Patriot*, 6 October 1833.

behalf of the Catholics and Protestants of Carrick-on Suir,[279] but his service in 1831 as executor of the last will and testament of the renegade Franciscan priest John Power, combined with his chapel committee activities, put him on the outs with the bishop.[280] A full Catholic-Catholic split ensued in St. John's when Fleming supported Carson, and a Catholic-Protestant split ensued when Winton supported Hogan. On election day on the verge of victory, Hogan felt the pressure of clerical support for Carson, so he withdrew from the contest and issued a letter "To the Independent Electors of the District of St. John's" claiming that "The Die Is Cast!...A Reverend Gentleman... has thundered forth in Prophetic anathemas that he would cause grass to grow before the doors of those who would vote contrary."[281] Hogan remained estranged from the St. John's congregation for the next three months. Winton reinforced both disputes when he published Hogan's letter and charged that Carson had been elected because of the Catholic clergy's "domination" over their mentally enslaved parishioners.[282] Cochrane had feared violence in the election, and while the summoned reinforcements for the garrison never materialized,[283] the violence did.

On Christmas night 1833, a crowd of about 1,000 Irish boys and men gathered outside Winton's house on Water Street. Cochrane reported that they had the intention of

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[279] *The Newfoundlander*, 20 October 1831.

[280] Bishop Fleming file of Dr. John Mannion.

[281] CO 194/87, fol 128rv, Timothy Hogan "To the Independent Electors of The District of St. John's."

[282] *The Public Ledger*, 3 December 1833, and 10 December 1833.

[283] CO 194/85, fols 369r-372v, Cochrane to Stanley, 26 December 1833, referring to a despatch of 19 November; CO 194/85, fols 377r-379r, Cochrane to Maj. Gen. Sir. A. Campbell, Nova Scotia, 26 December 1833.

destroying the house and lynching the newspaperman.[284] While Fleming later claimed that the gathering was "some boys playing, as is usual at that season of the year, in the street"—a description which strongly suggests that the popular Newfoundland Christmas custom of mummering was involved—Winton's next door neighbour Robert Job later wrote Crowdy that

> such was the conduct of the lawless bands (which were seen parading the street for many days preceding) towards Mr. Winton's House, in breaking his windows, door, and shutters, that my family entertained serious fears for our own safety (our house being built of wood) and spoke of removing the most valuable part of our furniture and stock to some place of greater security.[285]

Around seven o'clock that evening the garrison was called out, windows were broken and several persons were bayonetted, but when Fleming sent Troy the crowd dispersed.[286] The next day, Cochrane sided with Winton when he wrote Stanley that

> The qualification to entitle a person to vote for a Representative fixed by the constitution His Majesty has generously granted to his Island has had practically the effect of nearly establishing universal suffrage and as by far the greater part of the lower orders of the population of the middle, southern, and western parts of the Colony and particularly of this Town are Roman Catholics - the result has been in the first instance to throw the Representation into their hands and as they equal in bigotry and subserviency to the Priesthood the very worst part of the most disturbed district in Ireland - ultimately into those of their clergy who it is to be much lamented have taken a most active part in the politics of the place.[287]

Cochrane charged that Fleming and his clergy had turned the Chapel into "a political clubhouse"; that they had harangued Hogan "from the pulpit" declaring "that grass should

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[284] CO 194/85, fol 372r, Cochrane to Stanley, 26 December 1833.

[285] CO 194/99, fols 101v-104v, Robert Job to James Crowdy, 12 September 1837, with an extract of Fleming's letter.

[286] Phyllis Creighton, "Edward Troy, c.1797-1872", *DCB* X, pp. 687-8.

[287] CO 194/85, fol 370r, Cochrane to Stanley, 26 December 1833.

grow before his Door if he persevered in opposition", and that Fleming and Troy had been "the Chief Instigators to violence with a bigotted Flock."[288] The governor even betrayed his own fears of Irish disloyalty and of having an Irish rebellion on his hands when he wrote that "The knowledge on the part of the People that the military protection is insufficient is of itself an inducement with the mischievous to meditate plans of aggression which would not occur to them in the presence of an adequate force."[289] The tumult of the election and its aftermath danced like a sugarplum in Cochrane's head, and furnished him with a superb opportunity to strengthen British rule and authority over Newfoundland by employing the well-worn British tactic of playing off two communities of differing religious, ethnic, or regional affiliation against each other.[290] His remarks on the mistake of extending the franchise to the Irish confirmed this, and set a pattern in gubernatorial despatches from Newfoundland which would be repeated for the next ten years.

On St. Stephen's Night a public meeting attended by Carson, Kent and Morris (who had just returned from Ireland) passed resolutions condemning the garrison's bayonetting of the citizens in the crowd outside Winton's.[291] Later that night Cochrane summoned Fleming to Government House to explain a remark he had made to the effect that the government supported the editorial position of Winton's *Ledger*. Cochrane denied this charge and claimed that he was aloof from politics.[292] The next day, Fleming posted a pastoral letter to his St.

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[288] *Ibid.*, and CO 194/85, fols 377r-379r, Cochrane to Maj. Gen. Sir. A. Campbell, Nova Scotia, 26 December 1833.

[289] CO 194/85, fol 370r, Cochrane to Stanley, 26 December 1833.

[290] Britain used this tactic in Ireland, South Africa and India (see Buschkühl, *Britain and the Holy See*, p. 25).

[291] CO 194/87, fols 131r-134r, Cochrane to Stanley, 1 May 1834, encl. resolutions of 26 December 1833, Fleming to the Roman Catholics of St. John's, 27 December 1833, and Crowdy to Fleming, 28 December 1833.

[292] CO 194/88, fols 65v and 66r, Cochrane to Stanley, 28 July 1834.

John's congregation, and told them of his meeting conversation with Cochrane, "who exhibited the most lively sense of regard for your peace, happiness, and liberty," who condemned those "who wantonly prostitute the Press to base and abusive purposes", and denied that he had called out the garrison.[293] Pleading with his congregation not to upset Cochrane, and fearful that civil disturbance played into British hands, Fleming then warned his congregation to

> Avoid then, for his sake, for my sake, for God's sake, every appearance of insubordination or riot, none but your enemies rejoice at your being concerned in any disturbance.... suffer not yourselves to be drawn into any excesses by the clamour or the insults of those men whose only object is to make you, if possible, the deluded instruments of their schemes, for their own selfish purposes.[294]

The next day, in order to save his reputation once news of the disturbance reached the Colonial Office, Cochrane had Crowdy inform Fleming that he had entirely misconstrued Cochrane's comments during the interview.[295] Winton had informed Cochrane that his house would not be "safe from violence except a Military force was sent to protect it", but the governor referred Winton to the local magistrates. When the magistrates informed Cochrane that Winton's house was not safe, Cochrane felt it "his bounden duty" to prevent violence, even though he sheepishly admitted that the presence of the garrison generally "had the effect to encourage aggression and lead to conflict and bloodshed."[296] The governor's comments were a dark harbinger for the coming years.

The granting to Newfoundland of a colonial legislature and its attendant elections

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[293] *Ibid.*, fols 71r-73v, Fleming to the Roman Catholics of St. John's, 27 December 1833; fols 63r-70v, Cochrane to Stanley, 28 July 1834.

[294] *Ibid.*, fol 72rv; *The Public Ledger*, 10 January 1834.

[295] CO 194/88, fols 74r-77v, Crowdy to Fleming, 28 December 1833; for Cochrane's claim that he had Crowdy do this see CO 184/88, fols 63r-77r, Cochrane to Stanley, 28 July 1834.

[296] CO 194/88, fols 74r-77v, Crowdy to Fleming, 28 December 1833.

provided a flash-point for an extant undercurrent of Irish provincial factionalism within the Irish community in St. John's, and for sectarianism in Newfoundland society. From a Protestant and particularly Church of England perspective, Sir Edmund Gosse—the son of scientist Philip Henry Gosse in Harbour Grace and a friend of Winton's—was not far from the mark when he observed that

> The year 1833 closed socially for Newfoundland in ominous thunders. Ever since the colonial legislation had been granted, the Irish party had been striving to gain a monopoly of political power. Party spirit ran high, Protestants went in mortal fear, for the Irish everywhere vastly outnumbered them, and threatening glances and muttering words beset the minority.... The state of things which prevailed at that time in Newfoundland was a direct reflection of the condition of Ireland, at that moment swayed by the oratory of Daniel O'Connell. Large contributions were being sent home from the colony to swell "the O'Connell thribbit," as it was called, and Newfoundland was fast becoming a most unpleasant place to live in.[297]

The closeness of Fleming's predecessors to British rule, and Newfoundland Catholicism's unwillingness to give offence had been succeeded by the open involvement of the church in politics. Leading the reform movement was an extended kin group, centred around Kent and Fleming. As a religious ascetic, an ultramontanist, and a supporter of O'Connell's, Fleming had no intention of continuing his predecessors' tradition of currying favour with a colonial political ascendancy. In many of the ultramontanist strategies he employed, such as education provided by Presentation sisters, or in the formalization of liturgical and administrative practices, many in the congregation believed that much good had been done, and could see the results. However, these reforms threatened the power base of the disenfranchised Wexford faction within the St. John's congregation, and secured the enmity of British colonial officials. Reformers used the legislature to attempt to redress Catholic legal and political grievances, and Fleming never accepted the implied contract to buy his allegiance:

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[297] Sir Edmund William Gosse, *The Life of Philip Henry Gosse* (London: Kegan Paul, Trench, Trübner & Company, 1890), pp. 81-82.

£75 was not sufficient to buy a bishop, and his independent actions struck at the very heart of British colonialism. The conflicts within the St. John's congregation and the sectarian conflicts in Newfoundland politics between 1829 and 1833 began in a small and intensely local way, but they loosed a genii from the bottle, and neither church nor state would soon be able to replace the cork with contents intact.

Chapter 4

Roads to Rome: 1834-1835

During 1834 and 1835, rapid and extensive changes were made to the complexion of Newfoundland Roman Catholicism and its social and political role. Internal Catholic factionalism and bitter Catholic-Protestant sectarianism flourished in the increasingly rancorous Newfoundland political climate. In response to the unprecedented challenges presented by Irish Catholics to the British ascendancy, Cochrane pressed the Colonial Office to initiate the first of what eventually became four approaches to Rome to have Fleming disciplined and eventually, removed from Newfoundland. Similarly, Fleming, Carson, Kent, and Nugent sought through Daniel O'Connell to obtain a new governor for Newfoundland, and spent more time opposing the legal regulations and aggressive legal constructions of the new Chief Justice Henry Boulton. At the height of the war of despatches, in an event which gave him a tactical political advantage, Fleming initiated a quest for land on the highest point of the hills behind St. John's, upon which to build a large ecclesiastical precinct consisting of a new cathedral, convents, and schools. By the end of 1834, Cochrane had been removed, the Tory ascendancy was being put to flight, and Fleming had been both warned by Propaganda to remain aloof from politics, and congratulated for his pastoral effectiveness. Thereafter, reformers' political activities came to revolve more around court cases and judgements, as both the Newfoundland Tory ascendancy and reformers struggled to gain the upper hand for control of Newfoundland. The regularization of the practice of Catholicism and the gradual re-evangelization and politicization of the outports began to take place as Fleming and his clergy conducted their first island-wide pastoral visits. Continual attacks on Cochrane and his successor Henry Prescott by reformers armed with complaints and petitions fully mobilized the Irish Catholic community in St. John's.

At the outset of the winter of 1834, Newfoundland politics sunk into a sectarian

quagmire in which reformers and Tories fought each other with remarkable vigour. On 3 January, James and John Kent and Patrick Morris denounced the Commercial Society of St. John's for intending to pass resolutions registering approval for the council's decision to protect private property against vandalism. Kent maintained that the resolutions would have made the Commercial Society the tool of the government "for the accomplishing of all its dirty work."[1] The attempts of the council to control the Commercial Society were soon eclipsed by Chief Justice Boulton's interpretations of the law. These infuriated Catholics. Upon his arrival Boulton instituted a series of legal innovations which included new regulations for empanelling juries, and settling season-end claims against fishermen's boats and tackle. Under the older and existing jury regulations, borrowed from Britain and in force until Boulton's time, 18 jurors were summoned for Newfoundland supreme court juries from which 12 were chosen by lot. Under Boulton's new legal regulations, approved by the law officers and judges of the supreme court, the council-appointed Sheriff would summon 48 jurors from which a jury of 12 would be chosen.[2] Seventy-five special grand jurors were also appointed, which included Doyle, Morris, Kent, O'Brien, and five other Roman Catholics, but the remaining 66 were Protestant merchants. From the group of 75, a list of 40 would be drawn, from which opposing lawyers would strike 12 each, the remaining 16 to compose the jury.[3] When the house of assembly reopened in January 1834, Kent and Brown howled that the regulations "allowed conservatives to strike off any person who was supposed to differ from him in interest or opinion", and that they effectively eliminated Catholic jurors and established all-Protestant grand juries, with which judges could try what were predominantly

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[1] *The Public Ledger*, 10 January 1834.

[2] Hereward and Elinor Senior, "Boulton", *DCB* IX, p. 70.

[3] *Ibid.*

Irish-Catholic court cases.[4] Reformers also charged that Attorney General James Simms had "availed himself of [this new practice] in all the political trials...."[5]

Boulton's new regulations were soon tested in two Harbour Grace murder cases which came to trial in early January 1834. Both provided ample ammunition for reformers to strike back at Cochrane and Boulton and to claim that Boulton's justice system was prejudiced against Irish Catholics. When on 3 January Peter Downey and Patrick Malone of Harbour Grace were convicted of murdering Robert Crocker Bray, a schoolmaster,[6] the convicts appealed from the "dungeon" to the King through O'Connell, claiming that Edward Archibald, Clerk of the Supreme Court, had been appointed *ad hoc* an assistant judge in the case by Cochrane in contravention of the legal customs, and that the jury had been improperly constituted.[7] To avert a popular outcry, both men were given a reprieve while Cochrane, under the influence of a "natural disinclination which arises to enforce the execution of [a] sentence so long deferred," referred the case to Stanley for a legal opinion.[8] More likely, Cochrane had wished to stall for time, as the reinforcements for the St. John's garrison he requested had still failed to arrive from Halifax.

A week after the Downey and Malone case, the St. John's court docket was filled with the defendants in a case which made Boulton's rules and his presence in Newfoundland a *cause celebre* among reformers and Irish Catholics. Catherine Snow, her husband's manservant Arthur Spring, and Snow's twenty-five year old cousin Tobias Mandeville were

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[4] *Ibid.*

[5] *Ibid.*, p. 70.

[6] CO 194/87, fols 52r and ff., Cochrane to Stanley, 15 March 1834.

[7] CO 194/98 fols 376r-379r, petition of Downey and Malone to the King, 5 January 1834.

[8] CO 194/87, fols 52r-58v, Cochrane to Stanley, 15 March 1834.

charged with murdering Snow's husband, a planter of Port de Grave".[9] Spring claimed he had been consistently underpaid by Mr. Snow, but to complicate matters, Mandeville was Catherine Snow's lover, and she was pregnant with Mandeville's child.[10] Boulton tried the case, and afterwards reported to Cochrane his sentence that the men were to be executed and their corpses brought to the site of the crime and hanged in chains as an example to the community, and that Catherine Snow was to be respited from execution only until she could deliver her baby.[11] In March, the funeral of Mandeville and Spring in Harbour Grace was preceded by a mock execution held over the corpses in lieu of hanging in chains. This caused Cochrane to report with some distress to Stanley that

> ...on the interference of the Roman Catholic Priests (the parties being of that persuasion) the hanging in chains was remitted; that an anatomical form was gone through of making a scratch with a penknife on their necks and that the parties had a public and rather imposing funeral and that the reason assigned for this relaxation of the sentence was the respectability of Mandeville.[12]

Fleming ministered to Mandeville and Spring in jail and kept watch with them through the night until their execution the next morning.[13] Snow was allowed to deliver her child before being executed on 21 July 1834.[14]

The most striking attribute of the mock execution and the funeral in Harbour Grace was its Irishness. Mock funerals and executions had been a common cultural custom among

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[9] *Ibid.*, fols 55v-58v.

[10] *Ibid.* O'Neill, *Upon This Rock*, p. 116 identifies Spring.

[11] CO 194/87, fol 55v.

[12] *Ibid.*, fol 56r. By "respectable" Cochrane may have meant that Mandeville was from a well-off family.

[13] Presentation sister Xaverius Lynch wrote Galway that Fleming had ministered to Mandeville and Spring "for the good of Religion", and observed that the executions had been the first in sixteen years (see O'Neill, *Upon This Rock*, p. 116).

[14] Devine, *Notable Events*, p. 138.

Irish Catholics, especially among United Irishmen in Munster,[15] but have never before been noted in Newfoundland history. These rituals created greater fraternal and community cohesion, but also invested and celebrated popular causes with a local mythology, thus cementing into the memories of participants the perception of injustice perpetrated against the group. They empowered participants with a sense of their own traditions and identity, and asserted the group's ability to protect members from the whims of state officials. Even if Cochrane realized what the event was, he seems not to have understood its rebellious significance, nor conveyed its meaning to the Colonial Office. Mock funerals and other similar rituals were practised by the Irish in Newfoundland into the late 1830s, and the Mandeville and Spring funeral provides a rare glimpse of a Catholic community making sense of a new political world by invoking its own empowering cultural traditions when faced with the imposition of hostile legal regulations over which it had no say. The funerals also illustrated the unwritten but implicit and persistent cultural connections between popular Irish cultural practises and institutional Catholicism.

Gertrude Gunn suggested that Boulton lived up to reformers' suspicions of him when he informed the Colonial Office that "the arts of a few "designing" persons working upon the religious prejudices of the Irish Catholics were making the people as discontented as Daniel O'Connell himself could desire".[16] With the succession of British colonial secretaries in 1834 and 1835, Boulton stepped into a vacuum of power, and it took some time before the Colonial Office did anything about his interpretations of the law. This inattention only exacerbated the sense of grievance among the Newfoundland Irish, and made them more determined to take a greater measure of control over the administration of Newfoundland.

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[15] On the rebellious background of mock funerals see Keogh, *The French Disease*, p. 125.

[16] Gunn, *Political History*, p. 22.

Fleming sought Daniel O'Connell's help on 6 January 1834 to redress the lack of Catholic lawyers in Newfoundland, a condition which both men were familiar with when it had prevailed in Ireland some years earlier. Prior to Boulton's regulations, "every individual in Newfoundland might advocate a cause in the Courts,"[17] with the result that Carson, an "Independent Physician of talent was often selected by the people as their counsel," but during the administration of the late Justice Tucker "an order was made that Barristers or Attorneys admitted to practise in England should be permitted to practise in Newfoundland upon production of their credentials. This order was made to cut off all others but favorites."[18] As few Catholics were practising barristers in Britain and none had yet come to Newfoundland, they were excluded from the practise of law in Newfoundland.[19] In 1832 an applicant "not this way qualified" had requested admission from Tucker, but Tucker had entertained "a cordial spleen towards him" and refused admission.[20] Fleming then suggested a political solution to O'Connell: "If there was a possibility of unseating these Judges or any of them I wish you would send us Dominick Ronan - I believe he is a genuine friend and adviser of you & of poor Ireland."[21] Thus, while Cochrane and the Council saw Newfoundland affairs as an extension of life in England, the Irish reformers interpreted Newfoundland affairs as an extension of social and political conditions in Ireland, and they sought Irish expertise, advice, and solutions to their problems.

If Fleming believed that Roman Catholics were hard done-by, the passage through

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[17] CO 194/98, fol 374rv, extracts of Fleming to O'Connell, 6 January 1834.

[18] *Ibid.*

[19] There was no Catholic lawyer in Newfoundland until 1844.

[20] CO 194/98, fol 374rv, Fleming to O'Connell, 6 January 1831.

[21] *Ibid.*, fol 374v.

the House and Council of what reformers came to call "Mr. Boulton's Criminal Code for Newfoundland" provoked a storm of protest. In his conflicting positions as both legislator and judge, Boulton sponsored a bill giving the three supreme court judges the powers of banishment, punishment, and the ability to order hard labour for convicts in leg-irons, whipping, solitary confinement, and dietary controls.[22] Lacking sufficient numbers in the house, reformers were powerless to stop the legislation, so they responded with tactics of agitation against the Tories, and lobbying in England for legal reform. When the house met at the end of January in its winter session, Carson's constitutional punctiliousness and his spleen prompted him to claim to the clerk that three MHAs—Patrick Kough, Charles Cozens, and his erstwhile friend Newman Hoyles—were ineligible to sit as members because two had accepted more than one emolument from the Crown, and one was bankrupt.[23] Brown also objected that John Martin, the MHA for St. Mary's and agent for Slade, Elson and Company, and a Protestant, did not own property and therefore was also ineligible.[24] The election of a speaker proceeded and the four challenged members voted, installing Thomas Bennett as speaker. In response, Carson and the reformers petitioned for the dissolution of the House, causing Secretary of State E.G. Stanley to note a charge by Cochrane against Fleming's conduct, and to upbraid the governor on his political management: if the initial election of William Thomas "was likely to produce the results which it has done, it would have been more prudent not to have caused a vacancy by recommending Mr. Thomas for a

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[22] 4 William IV, cap. 5, Newfoundland.

[23] On Kough and Hoyles see *JHA*, 29 January 1834, p. 5; on Cozens see *JHA*, 10 February 1834, p. 17. Hoyles was a prominent Protestant lawyer. The protests against Hoyles and Kough centred on their receipt of government patronage while they were MHAs; Cozens was virtually bankrupt.

[24] Gunn, *Political History*, p. 21.

Seat in the Council whilst that insubordinate spirit [of the reformers] continued to prevail."[25]

Carson also matched his disavowal of Hoyles with the persecution of another of the reformers' erstwhile friends. Aaron Hogsett, the Deputy Sheriff of St. John's, an Irish Protestant, and a friend of Morris's, was responsible for enforcing Boulton's court rules.[26] By 1834 Hogsett was vice-president of the BIS. The maverick Carson verbally attacked Hogsett and Boulton, and charged both men with apostasy, but when the charges appeared in the *Patriot*, Hogsett launched a libel suit against Carson and Parsons and won damages of £10 plus court costs, an unusually large sum.[27] While it is unknown whether Hogsett had converted to Catholicism, his involvements with Morris and the BIS in this murky period, especially during the latter institution's politicization by Morris in 1833, stand perhaps as the best testimony to the internecine nature of factionalism in Newfoundland politics. Hogsett's was not the only libel action launched in early 1834. The priest Edward Troy ventured forth on his own on 21 January in a series of pseudonymous letters signed as "Junius" in the *Patriot*, each one a masterpiece of stinging accusations against Cochrane of bigotry and injustice.[28] Reminiscent of the Junius letters written anonymously by Sir Philip Francis in the 1770s protesting the exclusion from parliament of an elected MP as a result of the intrigues of King George III,[29] these included the charge that the government had not been willing to

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[25] PANL, GN/1/2, 1834, No. 33, p. 54, Stanley to Cochrane, undated but early 1834.

[26] Hogsett was from Cookstown, Co. Tyrone, Ulster.

[27] Elinor Kyte Senior, "Aaron Hogsett, c.1777-1858", *DCB* VIII, p. 403.

[28] Creighton, "Troy", *DCB* X, p. 687. In CO 194/88, fols 63r and ff., Cochrane noted that the letters began in the *Patriot* on 21 January and ended on 4 March but this is impossible to confirm for only the last three issues of 1834 are available.

[29] "Junius" letters plagued the administration of Lord North in the mid-1770s, an administration which many conservative Britons later felt "lost" the American Colonies. For the case of Francis as Junius see Alvar Ellegard, *Who Was Junius* (Westport, Conn.: Greenwood Press, 1979); for the letters see Linde Katritzky, *Johnson and The letters of Junius: New Perspectives on an Old Enigma* (New York: Peter Lang, 1996); and

admit a Catholic servant into Government House, even though Cochrane maintained that all seven employees were Roman Catholics,[30] and the inflammatory suggestion that Fleming "possessed a power here without which Sir Thomas Cochrane, with his paltry handful of soldiers, could not govern this island."[31] Unaware that Troy was "Junius", Cochrane opined to Stanley that they had been written at Fleming's behest "by one whose education was superior to that of the ordinary class of Society but who was lost to every sense of moral obligation,"[32] one filled with the most "unblushing falsehoods": Nugent, the *Patriot*'s co-proprietor, "whom I understand the Bishop brought from Waterford where he had kept a School but was obliged to leave that place from his violence in politics."[33] When Cochrane through Attorney General Simms launched a libel suit against *The Patriot*'s proprietors and printer, Troy admitted authorship of the letters to Simms, who was astonished.[34] In a bid to implicate Fleming, Cochrane later wrote Stanley that Troy "dared not have written one line in a public journal without the sanction of his Diocesan", and "that these letters can be viewed in no other light than as those of the Bishop,"[35] even though he still believed they were Nugent's. The lawsuit was changed to charge Troy, but Cochrane's open attack on *The Newfoundland Patriot*'s owners must have created an absolute distrust of his government among St. John's Catholics, and furthered their resolve to see Cochrane removed. Cochrane's

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The letters of Junius (Oxford: Oxford University Press, 1978).

[30] CO 194/88, fols 63 and ff., Cochrane to Stanley, 28 July 1834.

[31] CO 194/91, fols 160r-166v, Wix to Glenelg, 30 November 1835.

[32] CO 194/88, fols 63 and ff., Cochrane to Stanley, 28 July 1834.

[33] *Ibid.*

[34] *Ibid.*

[35] *Ibid.*, fol 65v.

involvement in a legal action must also have given him pause to question the impartiality and restraint of his advisors whose thirst for controversy had led him into the imbroglio, and made him begin to yearn for a return to the less rancorous life of England.

Growing financial disputes between the house and council also threatened to bind the legislative process in red tape. The House had been meeting in Mary Travers' hotel, but Cochrane had not signed the rent bill in supply, and Travers was out the costs of accommodation. She seized the speaker's chair, the sword and hat of the sergeant-at-arms, and various papers belonging to the assembly. When the sergeant-at-arms demanded their return, Travers refused because her bill had not been paid, and on 3 February 1834 she was summoned before the bar of the house.[36] MHAs passed a resolution requesting that Cochrane and the council pay the bill, but the latter agreed to pay only if the books and papers were turned over, and MHAs advised Travers to wait for payment before turning over the items. Travers was not paid until 1835, when she received £108.6s.8d for rent and £86.13s.4d for "incidental expenses".[37] The greatest source of antagonism for Cochrane was the assembly's growing opposition to the exorbitant salary the new constitution required it to pay, instead of the British government, to Cochrane and his "civil government." On 17 February, MHAs agreed long enough to have Speaker Thomas Bennett petition the king and inform him that of the £27,000 required for the colony's expenses, about £10,000 went to pay "fixed salaries" to the "Government, Judges, Attorney General, and Colonial Secretary."[38] The next day, Cochrane played the sectarian card and informed R.W. Hay at the Colonial Office that now since six MHAs were under Fleming's control, the Tories dared not absent themselves for

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[36] *JHA*, 30 January 1834, p. 10; *JHA*, 3 February 1834, p. 10; Devine, *Notable Events*, p. 25.

[37] *JHA*, 22 April 1834; and "She Seized the Speaker's Chair", *Atlantic Guardian*, Vol. 5, No. 4 (July 1948): 29. This article incorrectly places the event in 1833.

[38] CO 194/87, fol 46r, Petition of the House of Assembly to His Majesty the King, 17 February 1834.

even a day.[39] In briefing Stanley, James Stephen noted that a principal reason why Britain had granted a legislative assembly to Newfoundland was "an alleged increase in the wealth & Population of the Island" but that ironically, MHAs "now find that their means are wholly inadequate without Parliamentary assistance."[40]

Reformers and Tories spent that winter playing the game of "an eye for an eye". When Carson sent copies of *The Patriot* containing his charges to the Colonial office in order to secure Cochrane's withdrawal,[41] Cochrane dismissed the doctor from his post as district surgeon, claiming that the imperial treasury was no longer supplying a grant for the purpose.[42] When the House promptly voted Carson a salary, Cochrane altered Carson's job-description and gave it to Edward Kielley, a Catholic physician with pro-establishment sympathies who left the BIS in 1833 when it had become closely allied with the reformers.[43] Carson became a martyr, the chasms between Carson and Kielley, and the governor and Carson grew wider, and the Tories secured Kielley's loyalty. The reformers had been hurt when they lost the speakership and could not have Kough, Hoyles and Cozens expelled from the house, but Carson's rebuff stung hard. By mid-March the reformers still had not secured the expulsion of the MHAs, so they raised a petition again seeking to dissolve the House and have an election called. Over 2,000 signatures were obtained, many at the Chapel, and Fleming was the third signatory.[44] Cochrane never acknowledged the petition and delayed

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[39] Gunn, *Political History*, p. 23.

[40] CO 194/87, fol 48r, Stephen to Stanley, 29 March 1834.

[41] CO 194/87, fol 111r, Cochrane to Stanley, 8 April 1834, and CO 194/88, fols 250r and ff., Cochrane to Spring-Rice, 22 October 1834.

[42] O'Flaherty, "Carson", *DCB* VII, p. 154.

[43] CO 194/88, fols 93r and ff., memorial of William Carson; O'Flaherty, "Kielley", *DCB* VIII, p. 468.

[44] CO 194/87, fol 109rv, Cochrane to Stanley, 8 April 1834, and fols 116r-120r.

almost a month in writing Stanley about the event, but when he did he again played the sectarian card and claimed that Catholics had been forced to sign it under Fleming's duress before "going in to mass", and stated that he believed some names to be fictitious because it was "easy to trace thirties and forties in the same handwriting."[45] This may have been true, but Cochrane discounted the real possibility that illiterate congregants may have requested their literate friends to sign for them. Cochrane claimed that the issue had been trumped up by the Catholic clergy, who had agitated the "lower classes", which "were in a great measure composed of ignorant and bigotted Roman Catholics", and by Carson himself, "a constant opponent of the Local Government, and a thorn in the side of every Governor since his first arrival in the Colony."[46] Finally, Cochrane sent London the judicial opinion of Simms that it would be neither "necessary or expedient" to dissolve the House.[47] The implication was that the solution to solving the "Newfoundland problem" would lie in solving the "Fleming problem".

The estrangement of Timothy Hogan was also turned to account against Fleming. In a public letter on 7 March, Hogan apologized to the bishop:

> It is a source of regret to me to learn, that the terms of an Address of mine to the Electors of the 3rd December 1833 and circulated through the medium of the public journals, are considered to have brought injury upon the Religion I profess and insult upon its Ministers.
>
> I beg to assure Your Lordship, if it were not for the painful state of my feelings at that time, and the natural excitement of the occasion (although in its publication I was not influenced by any sentiment disrespectful to Religion or its priesthood), that Address would have never appeared, and I sincerely regret, that any observation of mine, under any circumstances, could be regarded as conveying

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[45] *Ibid*, fol 109v. I.e., thirty and forty signatures written in the same hand.

[46] CO 194/87, fols 107r-108v, Cochrane to Stanley, 8 April 1834.

[47] *Ibid.*, fol 127r.

annoyance to those, to whom only respect and attachment were merited.[48]

At face value Hogan's letter might be regarded as earnest, but its sincerity must be doubted for a copy was placed in Cochrane's hands, which enabled him to report to Stanley that clerical interdiction in the election had so dissuaded customers from visiting Hogan's shop that he had to cut prices, and that after three months of poor business he felt forced to issue an "extorted submission" of an apology.[49]

Reformers' protests and Cochrane's despatches succeeded in placing Newfoundland politics again before Colonial Office officials, who were growing frustrated at the increased rancour. Stephen critiqued the reformers' petition to dissolve the house, questioned their interpretations that British laws expelling bankrupts from parliament extended to the colonies, and dismissed their charges, in the absence of supporting documentation, that ineligible individuals had been elected to the house.[50] A letter of O'Connell's arrived at the Colonial Office in March, transmitting Fleming's confidential January letter on Catholic lawyers to the secretary of state for the colonies and soliciting action on the bishop's behalf.[51] Whether O'Connell betrayed Fleming's confidence in doing this is difficult to know, since Fleming's original letter was returned to O'Connell, but O'Connell did permit the Colonial Office to make a copy, and Fleming's sentiments therein were doubtless in civil servants' minds throughout that year as London pondered whether to take action against the bishop. O'Connell's actions were in consonance with his support of the Whigs in parliament, as an

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[48] CO 194/87, fol 129rv, Timothy Hogan to Fleming, 7 March 1834.

[49] CO 194/87, fol 110v, Cochrane to Stanley, 8 April 1834.

[50] CO 194/87, fols 114 and ff., James Stephen to Mr. Hay, 8 April 1834. On Stephen's professionalism and his intention to remain anonymous and detached from political decisions see Buckner, "The Colonial Office and British North America", *DCB* VIII, p. xxxiv.

[51] CO 194/89, fols 372r-373v, noting the receipt of O'Connell's letter, 11 March 1834.

alliance of convenience,[52] and this practical alliance grew as time passed, and may have compromised his effectiveness on Fleming's behalf.

On 9 April, John Kent married Fleming's sister, Johanna,[53] merging the Morris-Kent-O'Brien family with Fleming's, and creating a strong Irish-Newfoundland reform family compact. But the limit of their political influence was perhaps best indicated by their failure to halt the passage of a bill through the house on 12 June 1835 to increase the number of members of the house of assembly from fifteen to twenty-five. Owing to the demographic distribution of Catholics and Protestants around the island of Newfoundland, Catholics were numerically dominant in only eleven districts clustered around the eastern Avalon peninsula, assuring them twelve members at most (if a straight sectarian vote took place), and very likely, fewer members.[54] Nevertheless, the act contained a suspending clause which required the direct assent of the king, and it remained in suspension, to be called into use as a practical measure at the discretion of the Governor who could request royal assent at any time he saw fit. This gave the Tories a safety valve, to be used at their discretion whenever they felt too much pressure from the reformers.

The unprecedented political and sectarian ferment in St. John's during the winter of 1833-1834 led to the growth of a sense in Government House and Whitehall that desperate times required desperate measures. Newfoundland's reputation as a rambunctious colony had spread through the political classes in England; one wag even suggested to Goderich that it

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[52] On this association see David Thomas Horgan, "Irish Catholic Whigs in Parliament, 1847-1874", unpublished Ph.D. thesis, University of Minnesota, 1975, p. 11.

[53] *The Times and General Commercial Advertiser*, 9 April 1834; Crosbie, *Births, Deaths, and Marriages, 1825-1850*, p. 180. On the operation of Irish kinship in Newfoundland see Mannion, "Patrick Morris", *Talamh An Eisc*, pp. 180-202.

[54] CO 194/95, fols 324r-326r, copy of 4 William 4, Cap. 14, 2nd Session, *An Act for Increasing the Number of Representatives to serve in the General Assembly of this Island.*

be renamed "the Atlantic Island", for "no place could be better adapted to your seven and fourteen year convicts...."[55] In Cochrane's view, the crux of the problem was the political interference of the Catholic clergy, and he and the Colonial Office—both pathologically incapable of grasping the Irish view that the British were at fault—found it more expeditious to pinpoint priests as the scapegoats for the political woes of Newfoundland than to remove or neutralize the Irish Newfoundland secular leadership with the blandishments of patronage. Fleming and Cochrane sought each other's removal, while the British government wished to be rid of both. Once it discovered that it could not expect to govern the Irish in Newfoundland through Cochrane, the church, or Fleming, Fleming had to be removed. This approach would also hit the reformers where it hurt the most, for the reformers regarded the church and its representative, Fleming, with allegiance as their best defense against British designs for control. On 7 March, an anonymous reference note inserted into Stanley's briefing papers informed him that Palmerston would "take an opportunity of making such communications on this subject to his agents abroad", or would request "the Court of Rome to interfere to put a stop to such disreputable conduct."[56] While Frederic F. Thompson believed that the "a running feud" between Cochrane and Fleming culminated in Cochrane's legal action against Troy,[57] the feud was more in the nature of a war, and it culminated in an attempt to have Fleming removed.

There was a significant legal obstacle to having a Catholic bishop removed, but this consideration did not deter the British government from its secret plans. The statute 5 Elizabeth C. 1, section 2, dating from 1563, prohibited ministers of the British government

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[55] CO 194/86, fol 188r, Sir David Erskine to Viscount Goderich, n.d.

[56] CO 194/85, fol 365rv, CO note of 7 March 1834, unsigned.

[57] Frederic F. Thompson, "Sir Thomas Cochrane, 1789-1872", *DCB* X, p. 180.

from engaging in formal diplomatic relations with the Vatican. As Buschkühl has pointed out, this had not prevented periodic *rapprochements* between London and Rome from the mid-eighteenth century onwards,[58] particularly when London sought to reduce duties levied on British imports into the papal states, and once it realized that a substantial British community lived in Rome.[59] Buschkühl illustrated that anglo-papal relations pivoted on Irish issues, that London realized that influencing Rome was a key to governing Ireland and controlling the church there, and that the Vatican had no objections to informal relations with British envoys in the aftermath of revolution in late eighteenth-century Europe. In exchange for having its way, Buschkühl noted that Britain promised the pope the protection of the Papal states against revolutionaries and the French.[60] This was the context for Britain's decision to seek to have Fleming removed from Newfoundland, which historians have not previously recognized. On 10 March 1834 James Stephen circuitously advised Under Secretary Robert Hay that there was a technical loophole in the law, a circuitous way in which Palmerston could "make any communication to the Court of Rome in a manner perfectly free from all legal perils,[61] and by July the Colonial Office asked Palmerston, hrough any meritable agent of this country abroad" to invite Rome "to put a stop to the objectionable conduct adopted by the clergy in Newfoundland and to recommend to them an imitation of the more seemly and beneficial conduct of their brethren in other colonies

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[58] Buschkühl, *Britain and the Holy See*, p. 174 notes that full diplomatic relations between Britain and the Vatican were not finally established until January 1982 with the appointment of a British ambassador to the Vatican, and a Papal pro-nuncio to London. Buschkühl's study is the best modern work dealing with Vatican-British diplomatic relations.

[59] *Ibid.*, pp. 27 and 67.

[60] *Ibid.*, p. 34.

[61] CO 194/85, fol 368r, Stephen to Hay, 10 March 1834.

belonging to Great Britain."[62]

The "meritable agent" was Thomas Aubin, the unofficial British representative in Rome, who operated in communication with the British attaché at Florence, George Seymour.[63] In his earlier dealings with Rome, Seymour had been instructed by London to conduct no part of his negotiations with Rome in writing,[64] thereby leaving no paper trail. To Britain's advantage he found the Cardinal Secretary of State, Thomas Bernetti, to be "fearfully ignorant of everything relating to the affairs of Irish Catholics," and the cardinal had previously advised Propaganda to keep the relationship with the British secret "in order not to compromise the British Government with the adherents of Mr. O'Connell, who would not cease making scandalous publicity out of it."[65] By alternately confiding in and remaining aloof from Aubin, and in allowing himself to be manipulated, Bernetti was inconsistent and gave a great advantage to Aubin. Bernetti's under secretary, Monsignor Francesco Capaccini, magnified this weakness and reinforced it when he made his own occasional unflattering comments about the pope to Aubin: "To talk of true policy to the Pope," he once remarked, "is like addressing discourse to a stone."[66] The inconsistency of the responses of Capaccini, Bernetti, and the pope indicated the general disarray of Vatican foreign policy at the time,

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[62] CO 194/85, fols 366r-367v, CO to Palmerston, 11 July 1834.

[63] John F. Broderick, *The Holy See and the Irish Movement for the Repeal of the Union with England, 1829-1847*, pp. 78-9, 85.Aubin had previously worked for London to oppose the appointment of the pro-repeal bishop John MacHale as archbishop of Tuam through discussions with the Cardinal Secretary of State, Thomas Bernetti.

[64] Buschkühl, *Britain and the Holy See*, p. 73.

[65] Broderick, *Holy See*, pp. 76 and 79.

[66] PRO, Foreign Office 170/25, Aubin to Seymour, 23 June 1834, pp. 88-89, cited in Buschkühl, *Britain and the Holy See*, p. 76, fn. 89, and p. 222.

and the considerable underdevelopment of diplomatic skills among the Roman curia. Having an agent among them like Aubin, who dutifully reported all their attitudes, asides, and remarks, proved quite beneficial to London.

At first, Cochrane seems to have known little of London's desire to have Rome censure Fleming, and he simply kept sending press clippings and despatches to London in complaint.[67] At the end of July the governor sent Stanley a litany of accusations against Fleming, Nugent, Carson, Troy, and Parsons, and begged

> ...to be understood as in no manner identifying with them the respectable and more intelligent class of Roman Catholics of this Community—by far the greater part, if not the whole, of them are disgusted with their proceedings, and, as far as they dare, express themselves so—It is to the passions of the lowest description of persons of which four fifths of the population of this Town is composed that they will most successfully address themselves, and would convert a naturally quiet and well-disposed people into engines of violence and disorder.[68]

But Cochrane must have sensed that all was not well with his own reputation in London, for in his attempt to discredit the clergy and reformers, his prime motive was self-preservation:

> Under any circumstances I should hope to stand excused for troubling you with the detail of a matter not leading to any definite point when a person so important, in a Society essentially Roman Catholic, as the Bishop of that persuasion is concerned; but my more immediate reason for doing so, arises from the knowledge that the newspaper, in which these letters are inserted, is regularly sent to the Colonial Office; and altho' I feel persuaded you would not willingly permit such *ex parté* statements to influence your opinions, yet it does sometimes happen that the boldness and strength of an accusation will leave an impression on the mind that all cannot be right where so much is charged.[69]

Cochrane might have been delighted to learn that Fleming's removal had been requested, but

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[67] Throughout this period London systematically flooded Rome with Irish Protestant press clippings damaging to the reputations of Irish Catholic clergy (see Bowen, *Cullen*, p. 96).

[68] CO 194/88, fols 63r and ff., Cochrane to Stanley, 28 July 1834.

[69] *Ibid.*

he was too busy trying to defend himself. Excessive spending on Government House, an extravagant lifestyle, the over-use of patronage as an instrument of governance, a love of luxury, tardiness in sending despatches to the Colonial Office, and finally his Tory sympathies grated against Whigs in London, against the commissioners of the Treasury, and especially against Edward Stanley's successor, Sir Thomas Spring-Rice.[70]

Cochrane's downfall came quickly. On 25 July, Spring-Rice upbraided him for his omission during the previous fall of Fleming's name from the parliamentary subvention for clergy, and enjoined the governor "to ensure greater accuracy in the future."[71] Ten days later, Spring-Rice informed Cochrane that although Goderich had given him assurances that his "term of employment" as governor would be extended, he was now to retire. With the recall came notice that a replacement would be sent that summer, and assurances that after a decade of service there would be no black marks against Cochrane or his record.[72] Spring-Rice thanked the governor for his despatches on the conduct of Fleming and the clergy in the Snow execution case, and in reply to Cochrane's poor handling of the Christmas interview with Fleming about the disturbance outside Winton's house, he advised Cochrane to refrain from allowing the future publication of conversations by replying to requests in writing only.[73] By late October, Spring-Rice informed Cochrane that he was refusing a petition of appeal by Carson for reinstatement as district surgeon, and that he supported Cochrane's

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[70] Thompson, "Cochrane", *DCB* X, p. 180; October and November 1834 correspondence of Cochrane with Spring-Rice, in CO 194/88, fols 250r, 389r and ff.; Gunn, *History*, p. 24. The ministry of Britain changed twice in 1834 because of cabinet crises. The coalition of the Whig Lord Grey fell to the coalition of Whig Viscount Melbourne, which was succeeded by the minority of Tory Sir Robert Peel.

[71] CO 195/18, pp. 204-5, Spring-Rice to Cochrane, 25 July 1834.

[72] CO 195/18, pp. 211-213, Spring-Rice to Cochrane, 4 August 1834.

[73] CO 195/18, pp. 227-229, Spring-Rice to Cochrane, 17 September 1834.

decision.[74] Other despatches arrived in St. John's but none contained any clear explanation for the recall, and this festered with Cochrane as a sore point. He was subjected to the humiliation of seeing his replacement, the successful naval captain and patronage civil servant Sir Henry Prescott arrive in St. John's five days before his own departure,[75] and he was compelled to resign the seals of office just before being pelted with "filth" on 7 November by the residents of St. John's as he and his daughter Mary departed in their carriage down the very street named in his honour.[76] Forced to refuse Prescott's vessel the *Champion*, and instead board a 170-ton colonial vessel, large enough to hold the personal effects of his family, Sir Thomas embarked on a spree of letter-writing, enraged at his dismissal "in contravention of his understanding" with Goderich that he receive a longer re-appointment than two years under the 1832 commission.[77] In another letter to Spring-Rice written while literally and figuratively "at sea", Cochrane wrote that Kent had commented at a hastily-gotten-up dinner given in his honour in St. John's before his departure that "my removal was mainly to be attenuated to representations made by him & Dr. Carson to Mr. O'Connell of the maladministration of my government and that Mr. O'Connell had interested himself in it also that he had received a letter from his brother in Ireland to the same effect."[78] On returning to England Cochrane tried to salve his hurt feelings by running for parliament

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[74] CO 194/18, pp. 255-263, Spring-Rice to Cochrane, 26 October 1834.

[75] [Henry Prescott], *A Sketch of the State of Affairs in Newfoundland by a Late Resident in that Colony* London: Saunders and Otley, 1841), p. 8. In proof of Prescott's authorship of this pamphlet see CO 194/113, fol 420v, J.V. Nugent, P. Brown, and Laurence O'Brien to Lord John Russell, 24 August 1841.

[76] Frederic Thompson, "Sir Henry Prescott, 1783-1874", *DCB* X, p. 600. Winton claimed that comments had been passed from the altar of the Chapel suggesting that the congregation give "three groans" for Cochrane (see *The Public Ledger*, 4 November 1834).

[77] CO 194/89, fols 398r-400r, index for 1834, notes that Cochrane was "disappointed" and wished to be informed of the reasons for his dismissal.

[78] CO 194/88, fols 250r-252r, Cochrane to Spring-Rice, 7 November 1834.

for the City of Westminster, but he was "uncourteously received at the hustings" and lost the election.[79]

With Cochrane out of the way, Spring-Rice turned against Fleming, and the means of doing this were readily at hand. On 13 August Seymour sent Aubin a despatch from Palmerston protesting the "Extremely unjustifiable interference of the Roman Catholick clergy of Newfoundland in the election of a Member for St. John's", and asked Aubin to "take an early opportunity of bringing the subject confidentially to the knowledge of the Papal Gov't".[80] Aubin replied that he "lost no time in making a Confidential communication on the subject to the Cardinal Secretary of State, giving him an account of the indecorous and mischievous proceedings of the Bishop and clergy", and that he stressed that no "unfriendly feeling existed on the part of H.M's Gov't to the Catholick Clergy of Newfoundland," a claim proven by the British government's annual allowance to Fleming. For his part, Bernetti "admitted that he saw but too much reason for remonstrance" and promised Aubin that through Propaganda he would convey to Fleming "the sentiment of disapprobation felt by the Papal See...."[81] On 22 August Palmerston was informed of this,[82] but neither Bernetti nor Propaganda immediately upbraided Fleming. Bernetti's naively unguarded reaction in front of Aubin damaged Fleming's cause, and illustrated that while ultramontanism may have been the guiding spiritual and administrative philosophy for Rome, there was no systematic

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[79] *The Public Ledger*, 17 February 1835.

[80] CO 194/89, fol 63r, Seymour to Aubin, 13 August 1834.

[81] CO 194/89, fols 64r-65v, Aubin to Seymour, 19 August 1834.

[82] CO 194/89, fol 62rv, Seymour to Palmerston, 22 August 1834.

political strategy to back it up, which left curial officials free to temporize.

While the British were striving to have Fleming censured, the bishop was doing his best to shore-up church and reform support by visiting outport congregations of his vicariate during the late spring and summer of 1834, and in keeping up with his correspondence. On 24 April he wrote Crowdy that on the preceding Saturday night he had returned on foot to St. John's from Harbour Main in Conception Bay, "with pains in every joint of my body", concluding an exhausting walk back from a three week visit to the western district of the vicariate, and that now he wished to conclude with the government the purchase of a farm he had rented on the outskirts of St. John's.[83] On 5 June he wrote Pope Gregory seeking plenary indulgences for his urban and outport congregations, of whom "not more than ten people" out of 60,000 "will be found deficient in their duty".[84] On 20 June Fleming was accompanied by the priest Charles Dalton and sailed from St. John's to the northern district of the vicariate and then around virtually the whole inhabited portion of the north-east coast of Newfoundland. They landed at Tilting Harbour on Fogo Island and stayed with the family of a Mr. Burke,[85] and conducted the sacrament of confirmation for 304 people.[86] In Joe Batt's Arm they stayed with the Kent family and confirmed 98 more inhabitants as Roman

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[83] PANL, GN 2/2, file: "Correspondence to Colonial Secretary, January to April 1834", p. 395, Fleming to Crowdy, 24 April 1834. Fleming's farm was known as "Carpasia", after his titular episcopal see.

[84] APF, SRNC, 1831-1836, Vol. 3, fols 303r-304v, Fleming to Pope Gregory, 5 June 1834.

[85] *The Waterford Chronicle*, 18 May 1833. Burke was a native of Dungarvan, Co. Waterford. He had donated 5 guineas to Fleming, was an ardent O'Connellite, and just built a vessel named the *Daniel O'Connell*.

[86] In the Roman Catholic Church, the sacrament of confirmation is conducted by a bishop. Those to be confirmed are admitted to the Church as full adult members, and given a special blessing to invoke the spiritual gifts of the Holy Spirit.

Catholics.[87] By the end of the trip, some forty-six settlements had been visited in Notre Dame, Green, Bonavista, Trinity and Conception Bays, and over 3,000 inhabitants confirmed. In the pursuit of evangelization both priests endured considerable hardships; in the northern districts much time had been spent at sea in a small punt or rowboat. Late that fall Fleming wrote to a friend in Ireland that

> ...for the greater part of this time I did not have the comfort of sleeping on a bed, while for many days and nights I was not even able to stretch myself on the planks of the boat nor to change my clothes. Many times I was forced to dine on a hard biscuit and a little fish, sometimes on a piece of salt pork without ever being able to revive myself with a sip of wine. But it was impossible to vary the food except when the sailors landed on some uninhabited island, found some sea-birds' eggs there, and lit a fire to cook them. At the same time the stench of bilge-water in the boat mixed with putrefying fish so upset my stomach that after my return it developed into a serious bilious attack.[88]

In King's Cove, Fleming and Dalton received a warm reception from a Mr. Mullowney of Cork, the agent of John MacBraire of Tweedhill in Berwickshire, the son of James MacBraire, one of the BIS founders. Despite the privations, Fleming enjoyed his trips to the outports, and he described MacBraire as "the most opulent merchant of this country... always remarkable for the munificence of his donations to the poor and his kindness to the Catholic clergy."[89] The mutual affection between clergy and laity created on these visits would account for the zeal with which Fleming's enemies sought his removal, and frequently remarked that he enjoyed the support of the "lower orders". On his return to St. John's, Fleming presided on 5 August at the admission of Maria Nugent, the sister of John Nugent, as a postulant to the Presentation sisters, the first reception of a woman into a religious order

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[87] AASJ, Fleming Papers, Fleming to Spratt, 8 October 1834, "State of the Catholic Religion in Newfoundland".

[88] *Ibid.*

[89] Howley, *History*, p. 309.

in Newfoundland.[90] This event was an object of considerable pride for the Sisters and the St. John's congregation, and reinforced their support for the bishop.

This support, though, was not universal. In the early autumn of 1834 *The Public Ledger* and the Tories began to muckrake with the reformers over Boulton. At a meeting at the Old Factory, Boulton boldly proposed an amalgamation of the Charity and NSS schools, and he later accused Fleming of not being willing to agree to it. Fleming did not, for to do so would have been tantamount to an acceptance of Protestant proselytism and cultural assimilation. On 4 September Fleming wrote the editor of *The Patriot* that he had met privately with Boulton to discuss the issue of separate Catholic schools when Boulton proposed the amalgamation:

> I told him that I would use all my influence to oppose, that I would compel all Catholics instantly to withdraw their children from it, and I illustrated my principles by saying "what Protestant would send his child to a school where the understanding was, that he should be educated in Catholic principles?" I objected to an unauthorized version of the Bible being placed in the hands of Catholics, and to the desecration of that sacred volume by having it thumbed as a school-book, and finally I showed his Lordship—because like his Lordship, I too "*had nothing to conceal*"— I showed him a Rescript I had received from the Court of Rome upon the subject, to show that, even were my own conscientious convictions not opposed to the establishment of such schools, my respect for that august authority would have compelled me to follow the course my sense of religion pointed out.[91]

A week later, Nugent sent a letter signed "Brutus" to *The Patriot* accusing Boulton of "bigotry of the darkest days of Old Ascendancy" and of portraying Fleming as intolerant for wanting separate Catholic schools.[92] With a keen sense of the factional and sectarian issues at play in the dispute, Nugent also noted that Fleming had been the product of a Protestant

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[90] *Ibid.*, pp. 297-298; Devine, *Notable Events*, p. 149.

[91] *The Newfoundland Patriot*, 2 September 1834, Fleming to Editor, dated 28 August 1836.

[92] *The Newfoundland Patriot*, 9 September 1834.

education, instead of "court[ing] the muses under Leinster's priests" or those of Munster.[93] The next day the *Ledger* printed a letter from "One of the Natives" praising Boulton, who had spoken at a recent meeting at the Charity School on "the impossibility of reconciling the Catholic clergy to the education of children of their profession at Protestant seminaries."[94] The writer slammed Nugent and the reformers, "Messrs. Brutus and Co." as "advocates of murder and intolerance" and stated that

> With them there is none pure, none holy, none virtuous, no one possessing the lights and benefits of an enlightened and liberal education, but their god, the titular Bishop of Carpasia, who alone in their estimation is fit to govern this my native land; and that Father Troy (with reverence be it spoken) would make his very best Chief Judge.[95]

The attack on Boulton hit hard, and was replied to when Eliza Boulton dashed off a scathing twelve-page letter to the cardinal prefect of Propaganda accusing Fleming and Troy of a range of offenses:

> The following instance took place publicly in this town: a married woman was accused of an offence with a married man (not her husband) - who was a butcher, Mr. Troy went to him, tied the entrails & horns of a sheep about his neck, drove & beat him thru the town, to the horror & disgust of every person, and the guilty woman became an object of comiseration instead of delectation, her crime being almost forgotten in pity for her present misery.... Most prisoners of last autumn's offenses were mostly, if not all Catholics, not one was visited by a priest until after their conviction....If a report is made to the clergy from any source, they often mention it from the altar; if it proves true, they never contradict it and make the necessary reparation.... My opinion of him [Bishop Fleming] is that he set out with good intentions but being a weak man, and having no reason formally to expect his present elevation, he has become dizzy, then again he is to the belief of all I have connected with him....Since the election of the present Bishop every educated priest has left this town, but one I hear remains in the Island he is the Rev. Mr. Brown of Ferryland, the

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[93] *Ibid.*

[94] *The Public Ledger*, 10 September 1834.

[95] *Ibid.*

Bishop speaks very ill of him, he did to me....[96]

Boulton then observed that "The wealth and intelligence of this population are principally Protestant."[97] Her imputation that Irish Catholics were neither "wealthy" nor "intelligent" was a common Tory refrain sung of the Irish,[98] and her letter was part of a growing new campaign to destroy clerics' and reformers' reputations in clandestine correspondence. Nevertheless, the reformers maintained their attacks on the exclusivity and mismanagement of the council, and they had the house pass a series of resolutions to the King requesting the right to use the rent from ships' rooms to pay for the whole "civil establishment", a burden which Britain had recently transferred onto the colonial legislature, without having granted it the privilege of using colonial taxes.

Now on the defensive, Fleming was obliged to defend his reputation before the Irish clergy in a bid to broaden his base of support. In the first of what became many pamphlets and reports he created to solicit donations for the mission, on 24 September and 8 October 1834 Fleming wrote two extensive letters to Monsignor John Spratt, a Carmelite in Dublin and a leading worker in Irish charities for forty years,[99] and had them published in the Dublin Catholic *Freeman's Journal* as "The State of the Catholic Religion in Newfoundland", an account of the advancement of the diocese and the establishment of schools and education

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[96] APF, SRNC, 1831-1836, Vol. 3, fols 338r-343, Eliza Boulton to Cardinal Prefect of Propaganda, 10 September 1834.

[97] *Ibid.*

[98] Boulton's sentiments were almost exactly reiterated in May 1843 by the Irish Lord Chancellor, Sir Edward Sugden, writing to Prime Minister Robert Peel about O'Connell: "He and the priests have arrayed the lower orders against the intelligence and property of the country" (see Broderick, *The Holy See*, p. 131).

[99] On Spratt see Timothy P. O'Neill, "The Catholic Church and Relief of the Poor 1815-45", *Archivium Hibernicum / Irish Historical Records*, Vol. XXI (1973), p. 144, and O'Neill's source (which was unavailable to the present author): Peter O'Dwyer, O. Carm., "John F. Spratt, O.Carm, 1796-1871", unpublished Ph.D thesis, Pontifical Gregorian University, Rome, 1968, pp. 1 and 263-6.

under the Presentation sisters, and of his visits to the outport parishes of Newfoundland.[100] Fleming savaged the mandarins and merchants of the ascendancy, who "passed their days amid roses and their nights on feather beds", and he boasted that the schools of the Presentation sisters had created "A rapid moral change... from a quasi-barbarism into a middle-class intellectual culture."[101] As time passed, this concept of social engineering became a clearer goal in the bishop's mind, and increasingly his efforts and the efforts of the small collaborating Catholic middle class of reformers were directed towards its achievement.

If the creation of a Catholic community unencumbered by Protestant or British intermeddling was Fleming's unstated agenda, his champion O'Connell was a more forthright politician whose star was rising due to his willingness to covenant with the enemy. In 1834, after he lost a motion in parliament to repeal the union, he began to make political alliances of convenience. In the spring of 1835 he entered into a *modus vivendi* with Lord Melbourne's new Whig government, a covenant known as the Lichfield House Compact. David Horgan has suggested that Whig patronage "sapped the O'Connellites of their discipline and cohesiveness" and that O'Connell's authority was thus undermined,[102] but Oliver MacDonagh has argued that "O'Connell promised the Whigs support in the house of commons except when their government was not at risk *and* so long as he maintained a considerable degree of influence over Irish measures and appointments."[103] Both Matthias Buschkühl and Philip Buckner have pointed out that Irish issues completely dominated the British parliament

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[100] AASJ, Fleming Papers, Fleming to Spratt, 24 September and 8 October 1834, "State of the Catholic Religion".

[101] *Ibid.*, pp. 2 and 7.

[102] Horgan, "Irish Catholic Whigs in Parliament", p. 13.

[103] Oliver MacDonagh, *The Emancipist*, p. 122.

during the 1830s and 1840s, and Buckner noted that politicians of the Colonial Office often had direct links with Ireland and estates there, such as Stanley and Spring-Rice,[104] while Stanley, Peel and Glenelg had been Irish chief secretaries and held strong opinions about the Irish and Catholicism. This made them particularly wary of Irish and Catholic issues, and therefore gave O'Connell great influence over British governments. If any authority was undermined, it was British, for the frequency with which British governments, secretaries of state for the colonies, and colonial governors of Newfoundland were replaced did little to achieve any consistent application of British policy or any resolution to conflicts. For the British, the policy for Newfoundland was to keep the place for the benefits to be derived from trade but otherwise to make policy on the fly, according to the exigencies of political patronage. The O'Connellite willingness to engage in these deals and accept patronage in exchange for a softening of demands was the difference between Fleming and the reformers. Fleming was guided by an unflagging faith, a strong ultramontanism, and was a seer and a dreamer with a mission, but Newfoundland reformers behaved like Irish MPs: most of them had their price.[105]

Rome continued to be of two minds towards the British and Fleming. During the mid-autumn of 1834, the British grew impatient with Cardinal Bernetti's reticence to reprimand the bishop, so Aubin re-approached Capaccini. On 9 November, Capaccini sent Fleming a "friendly warning" remarking on their pleasant meeting in the Netherlands in 1831 when Capaccini was the papal nuncio at the court of the Netherlands. Since then, it had been reported that the St. John's Chapel had become a "political clubhouse", so Fleming was told:

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[104] Philip A. Buckner, *The Transition to Responsible Government: British Policy in British North America, 1815-1850* (Westport, Connecticut: Greenwood Press, 1985), p. 195.

[105] Horgan, "Irish Catholic Whigs in Parliament", p. 161 claimed that of an original Repeal Irish MP group of thirty-nine MPs, ten "received offices, places or titles... as naturally as orthodox Catholic Liberals such as [Thomas] Wise and Richard More O'Ferrall." Horgan used "Liberals" and "Whigs" interchangeably.

"you will upon any future occasion which might present itself, discountenance and stop the occurrence of similar unbecoming proceedings, which profane the sacred temple, and debase the sacerdotal character in the opinion of those who judge wisely."[106] Once again, Capaccini underestimated the British, for he entrusted Aubin with his "private letter" to Fleming, and Aubin sent it to the Colonial Office. The original was not sent to Newfoundland until 5 February 1835,[107] and by that time its contents were dated. Furthermore, Rome was disorganized. In complete contrast to Capaccini's rebuke, on 13 December 1834, Cardinal Fransoni of Propaganda replied to Fleming's letter to the pope of 5 June and praised the bishop:

> ...from this letter it was clearly evident with how much effort and how many labours you have accomplished so many things which are truly opportune for the increase of religion, for the salvation of souls, and to instil discipline among the clergy. I congratulate you especially not only for the increase of the clergy, but also for the number of churches as well as the home—truly ample—you have provided for the true instruction of Catholic girls, as well as for the great number of Catholics which you report are to be found in the whole island. I hope moreover in the future that, with God's blessing on your labours and solicitude, our religion may make daily greater progress. Indeed, the Sacred Congregation will sincerely number you among those Prelates of the Church of highest merit.
>
> The Rescript for the faculties and indulgences which you were seeking you will find appended to this letter. I pray that Your Lordship may long safely and happily serve God.[108]

With a commendation as solid as this, the British found it impossible to dissuade Rome of Fleming's worth or effectiveness as a missionary. The bishop clearly enjoyed the confidence of the pope and Fransoni, and for the time being, despite the attacks and imputations made against him, his reputation was secure.

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[106] CO 194/89, fols 73r-74v, copy of Capaccini to Fleming, 9 November 1834.

[107] CO 194/89, fol 72r, note of date sent.

[108] AASJ, Fleming Papers, document 3, Cardinal Fransoni to Fleming, 13 December 1834.

The expansion of Catholicism in St. John's created a new zeal in the St. John's congregation, which began to prompt Fleming to seek ways to increase the visibility of the church's presence in Newfoundland. The St. John's congregation now cramped the small, decaying wooden Chapel, a penal building which undoubtedly was becoming an embarrassment,[109] and Fleming's previous experience at church-building in Carrickbeg convinced him both of his abilities and of the rightness of his desire to build a cathedral and educational precinct. Cochrane seems to have sensed this too, and he made a preemptive strike to prevent the acquisition of any land to the north of the town upon which reformers' eyes might be fixed for the erection of public buildings. On 31 January he wrote Stanley seeking Board of Ordnance land upon which to construct new public buildings, a gaol and courthouse among them, facilities he justified by a need to provide government services in the wake of the "recent change in the constitution."[110] The land Cochrane proposed was a large tract of 42 acres "on the Fort Townshend side of the town", on the Barrens in the vicinity of the Fort.[111] It was a piece of land which if secured, would guarantee its owner and developer control of the architectural iconography of the colony's capital by placing the crowning monuments at the top of the highest hill, effectively excluding any alternate proposals by opposing parties, particularly the church or the reformers, for the development of empty space. During the late fall of 1834, Fleming must have had some indication of the serious charges being laid against him, given his Irish political and church contacts and his friendship with the Irish MP Richard More O'Ferrall, a Treasury official. Therefore, what better reason to build a cathedral, a convent, a priests' residence, and a school on a grant of

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[109] Keogh, *Rice*, p. 17 outlines the architectural pretensions of the rising Catholic clergy and middle class.

[110] CO 194/87, fols 22 and ff, Cochrane to Stanley, 31 January 1834.

[111] *Ibid.*

land on the hill above the town. It would be a project which by its success would prove the righteousness of the church in all its endeavours, and it became the most important project of Fleming's episcopacy. In early December 1834 Fleming first advertised in *The Newfoundlander* to buy several acres of land in the centre of the town.[112] Then through Irish MP Richard Lalor Sheil, Fleming petitioned the king through Spring-Rice for a grant of Crown land.[113]

The land petition offered a number of telling insights into Fleming's perceptions of the brokering roles Catholic clergy played in securing the peace, order, and loyalties of their congregations for the crown. First, the bishop played upon British stereotypes of the Irish and reminded his readers of the historical utility of the church to the British government:

> ... where the passions of men are permitted to rankle unenlightened by the lights of the gospel, uncontrolled by a sense of religion, there the natural tendency of the feelings of the people is to anarchy.... That for these reasons it is the constant care of Your Majesty's memorialist & his priests, by diffusing as widely as possible the precepts of Religion, to inculcate upon the minds of their flock the purest principles of loyalty to their Sovereign, veneration for the Constitution and respect for the Laws of the Country.
> ...hitherto the Roman Catholic population of Newfoundland have perceived that ~~although~~ they, the great body of the people, for loyalty & attachment maintained amid occasions & much difficulty & danger & temptation have never to this hour received from their government a single mark of favor - a single testimony of approval: while at the same time they can see the treasuries of the country exhausted to maintain the ministers & uphold the Religion of our infinite minority.[114]

Fleming then complained of the inequity and iniquity of treatment of his flock by the colonial system in Newfoundland; of the luxuries enjoyed by the established church hierarchy; and

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[112] *The Newfoundlander*, 4 December 1834.

[113] O'Neill, *Upon this Rock*, p. 88 suggested that Fleming's request was made to the King through the Secretary of State at some point during the fall, but CO 194/93, fols 263r-264v, Fleming to Spring-Rice, 10 June 1835, shows that the request was sent in December 1834 through Sheil to Spring-Rice.

[114] NLI, Little Papers, file 140-151, document 141, draft of Fleming "To His Most Gracious Majesty ~~King~~ William the Fourth", undated.

of the inadequacy of the existing Catholic chapel:

> Your Majesty's memorialist can perceive in the Protestants of Newfoundland no superiority over the Catholics either moral, physical or intellectual to call forth this preference - they are not better conducted nor wiser, nor braver nor more loyal....
>
> In Saint John's the Protestants owe their government a handsome & spacious Church capable of accomodating nearly double the Congregation a very beautiful residence with gardens &c for the Rector & a considerable & valuable lot of glebe around farmed out for his advantage (and well worthy is the present amiable incumbent Rev. Carrington of all these advantages) while the poor Catholics are forced to pay a rack rent of £98 per annum for the bare ground of a wretched building little better than an extensive stable badly built & badly ventilated & now tottering in danger of falling & so wretchedly contracted that a considerable portion of the congregation are compelled on the Sundays to "abide the pelting of the listless storm" the freezing winds & drifting snows - all the horrors of our dreary winter & an almost torrid sun in summer with their heads bowed in prayer beneath Heaven's own canopy.
>
> The Protestant Bishop of Nova Scotia, holding spiritual jurisdiction in Newfoundland, when he sees occasion or desires to "Visit" his congregation along the shores of this Island can command a British Man of War to attend him & he performs his voyage in a splendid Cabin amid all the luxuries of life while the "Visitation" of Your majesty's memorialist is made amid every privation that can render life uncomfortable obliged to beg a passage on board some miserable little vessel to the most distant outport and thence to traverse the wide bays that almost intersect the Country in open boats - to pass night after night sleeping among the rocks often forced to suck the eggs of the wild seafowl for sustenance - for weeks together without lying on a bed or changing a single article of raiment....
>
> ...Your Majesty's memorialist is obliged to pay no less a sum than £89 per annum out of his own pocket as rent for a poor School for the female children of the Poor Your Majesty's Subjects in St. John's....[115]

With a claim staked for some consideration, Fleming pressed on:

> ...Your Majesty's Memorialist must beg... to pray Your Majesty, in all humility, to take the premises into Your Majesty's most gracious consideration & to order that Your Majesty's loyal Catholic subjects of St. John's should get a grant of the "Barrens" being six acres, or thereabouts, of unenclosed land outside of the Town of St. John's near Fort Townshend now in possession of the Board of Ordnance (or such other lands within the Town as may prove sufficient) upon which they may erect a Church, a School House, a Residence for the Clergy & a Presentation Convent & also lay out a Cemetery.
>
> That Your Majesty will also be pleased graciously to order that, in return for

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[115] *Ibid.*

> the attendance of the Catholic Clergy at the several garrisons & Hospitals & at the jail Your Majesty's government will allow an annual stipend towards enabling the Catholic Bishop for the time being to support a small vessel to enable that he himself & his clergy may be able to communicate with their flock without harassing Your Majesty's faithful Colonists of Newfoundland.[116]

When Colonial officials read Fleming's requests, they must have been struck by his temerity in making such requests. The memorial was a remarkable iteration of Fleming's own expectations, of his self-possession, and of the social and political progress achieved in five years by the church. The idea of a petition to the monarch was also a brilliant tactical move: if it eventually succeeded, it could be trumpeted by reformers as proof of the benevolence of the British crown, the ultimate irrelevance of the local governor's colonial administration, and the righteousness of the church's claims. If the petition were refused, it would provide the Newfoundland Irish with a grievance, a stick with which to beat the British into acceding to their requests, and force the British government to take greater account of their political strength.

Fleming's zeal in seeking lands for a cathedral was more than matched by anti-Fleming propaganda from the Tories. In December 1834, Winton's *Ledger* betrayed its Government House influence when it gossip-mongered openly about Fleming's impending censure: "It has within the last week been rumoured that our most particular friend "His Lordship of Carpasien"...has been cited to appear before his Holiness to account for certain misdoings since the unlucky day that he was placed at the head of the Catholic Church in this colony."[117] The story more than revealed its author's biases when it noted that

> His Lordship's departure will be hailed by all lovers of good order and social feelings as one of the greatest blessings which an all-righteous Providence could at this moment bestow upon them. We need not recount the events of the last two years,

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[116] *Ibid.*

[117] *The Public Ledger*, 16 December 1834, cited in *The Newfoundland Patriot*, 23 December 1834.

> in which with the active assistance of a most turbulent priesthood and the baneful influence of a most degraded public print, he has by implication been the chief mover, the instigator of all the mischief which has been perpetrated....[118]

Winton, Government House, and the Colonial Office rarely had much evidence of Fleming as "chief mover". At best, they could only blame him indirectly in the more overt activities of Troy and Duffy. Certainly Fleming was a partisan, but this was undisguised and tempered it with a genuine concern for the poor and for social justice, and this meant opposing the Tory ascendancy and incurring their wrath. Much of the opposition to Fleming from Newfoundland Tories also undoubtedly came from his advocacy of Irish causes: in early December 1834, Fleming lent his presence to a BIS deputation to Government House seeking Governor Prescott's patronage,[119] and in the early winter of 1835 Fleming went to Ireland, where on 14 February he was admitted to membership in the Anti-Tory association.[120]

On 3 January 1835, the new governor Henry Prescott received word from Lord Aberdeen, the new Secretary of State for the Colonies, that his proposal to drop Cochrane's libel case against Troy was acceptable.[121] Nevertheless, Prescott must have been well-briefed by Crowdy, the merchants, and the Liberal Catholics about the intentions of the reformers, and he was a more reactionary and openly anti-Catholic governor than Cochrane. In mid-February he sent to Lord Aberdeen a despatch and a bill entitled The House of Assembly Representation Act.[122] The bill proposed to establish an elective term of four years for the house, but Prescott asked that royal assent to it be delayed, in part because "the spirit of

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[118] *Ibid.*

[119] *The Newfoundlander*, 4 December 1834.

[120] *The Times and General Commercial Advertiser*, 22 April 1835.

[121] CO 195/18, pp. 275-6, Aberdeen to Prescott, 3 January 1835.

[122] 4 William IV, Cap. 14, 2nd Session.

religious Party is very strong at this moment, and would be displayed in its utmost extent on occasions of a general election."[123] Furthermore, it would remove the governor's ability to dissolve the house at will, and Prescott feared that it would "have the priesthood urging on the Catholic population to vote for representatives of their nomination."[124] Diverging momentarily from his legislative comments, Prescott was unable to restrain himself from slandering Fleming in a remark he would live to regret: "We have unfortunately an illiterate and vulgar Roman Catholic Bishop whose dependent clergy, being principally of his own choice, too closely resemble him in character."[125] The reformers were "pseudo Patriots, professed enemies of all taxation, violent Declaimers against what they term the enormous Salaries of public Functionaries,"[126] so Prescott sought authority to say that he had "...received permission to pass a Bill limiting the duration of the House of Assembly to four years, that period to commence from the date of the Act."[127] He observed that

> Together with this would of course, come into operation the Act of 1834 which enlarges the number of members and divides and more accurately defines the Electoral districts. I am inclined to augur personally this measure; the Protestant population predominates in some of the divisions and I hope that the increase of Representatives will give greater confidence to the well-disposed, and raise them above their present apprehension of the mob which constantly crowds the gallery of the House.
>
> ...
>
> It is a favourite idea with some intelligent members of the Council for whose opinions I entertain much respect, that the franchise, approaching very nearly to universal suffrage, might be advantageously limited. I have no hesitation in saying that it would be highly desirable in the first instance that the right of voting had been confined to occupants of Houses of £10 yearly value or rent, but I am aware of the

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[123] CO 194/90, fols 56r-59r, Prescott to Aberdeen, 16 February 1835.

[124] *Ibid.*

[125] *Ibid.*

[126] *Ibid.*

[127] *Ibid.*

> difficulty of retracing steps in such a course. House rent is high in Newfoundland and the ten pound qualifications would comprise, as respects property, a more humble class than it does in England. The constituency under this arrangement would still be larger, but many of the present voters would doubtless be excluded, and the influence of the Roman Catholic Priesthood proportionately diminished.[128]

Prescott felt that the franchise needed to be modified in Newfoundland because Irish Catholics were an impediment to government by the wealthy. In reply Aberdeen expressed no qualms about the adoption of the four-year rule, but thought it "quite plain that H.M. cannot resume the elective franchise which he has granted, either in whole or in the part", and that Prescott's dissatisfaction with the franchise in the hands of the Irish was "not remediable by any lawful exercise of the Prerogatives of the Crown."[129] Under separate cover Aberdeen upbraided Prescott for giving Boulton such a long leash: the chief justice had presumed to communicate directly with the Colonial Office instead of through the governor; Boulton and other council members had assumed titles (in Boulton's case, "Speaker") not expressly granted by royal commission; and Boulton had sent so trivial an issue as whether the Newfoundland council should "sit around a table, or upon benches arranged along the sides of their room" for the consideration of the Colonial Office.[130]

During Fleming's absence from Newfoundland in the winter of 1835, dissent and turmoil again reared their heads at Troy's provocation. The vicar-general invoked a general anti-*Public Ledger* boycott and a minor-witch hunt against its Catholic readers, which provoked Winton to denounce priestly power over the whole community,[131] and flushed out

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[128] *Ibid.*

[129] CO 194/90, fols 62r-66r, Aberdeen to Prescott, 15 April 1835.

[130] *Ibid.*

[131] *The Public Ledger*, 24 February 1835.

Michael McLean Little. On 6 March, Winton accused the absent Fleming of insulting Mrs. Boulton at mass from the altar the previous Sunday, and he sniped that Henry Shea had originally brought Fleming, a "pauper Irish youngster", out to Newfoundland.[132] On 10 March, Timothy Hogan admitted using the *Ledger* for advertising, but denied that he had ever written articles for the paper,[133] and McCoubrey's *Times and General Commercial Gazette* began a strategy of "divide-and-conquer" by suggesting that Dr. Joseph Shea and even Patrick Morris were on the outs with the absent Fleming.[134] Tensions between reformers and Liberal Catholics reached their worst when one of Fleming's most virulent enemies began a five-year campaign, with the encouragement of Prescott and the Liberal Catholics, to destroy the bishop's reputation and make trouble for him and the reformers. Michael McLean Little, a Hogan supporter, wrote Prescott on 21 March with a story of how Troy had begun persecuting him the previous Christmas. Little claimed that after Hogan's defeat and the sectarianization of the BIS he withdrew from the society, even though "I had bent my knee to the Rt. Rev. Dr. Fleming last Easter". Still, he claimed that on 17 November 1834 he had sent Fleming 10 shillings in "Bishop's dues" and 10 shillings as "a Friend to the nunnery".[135] When Troy had visited him and accused him of not paying his dues, Little told Prescott he complained to Fleming again. Troy was at the bishop's residence when Little's

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[132] *Ibid.*, 6 March 1835.

[133] *The Newfoundland Patriot*, 10 March 1835.

[134] *The Times and General Commercial Advertiser*, 17 March 1835, and 1 April 1835. Any dissent most likely would have been related to the split in the BIS.

[135] CO 194/90, fols 163r-177r, McLean Little to Prescott, 21 March 1835, enclosed in Prescott to Aberdeen, 14 May 1835.

servant presented his master's note of complaint, but Troy refused to accept it. Little claimed that he then had his man hand it personally to the bishop "who enquired whom it was from and put it in his pocket."[136] Little also stated that soon afterwards, Troy denounced him in the Chapel as a supporter of Hogan's, and warned the congregation not to patronize his business, stating that "Untill McLean Little is made a Beggar he cannot be a good Catholic."[137] Little then charged that Fleming denied him "the common courtesy of an answer to my note", and enclosed the affidavit of witness Patrick Tobin who supported the story. To compound the ruin of his trade, Little complained that the Catholic MHA James Power of Carbonear who had regularly boarded with him in St. John's declined further lodgings, and that on 25 January past a placard had appeared in the Chapel yard, inscribed

> No Mistake—the Five is Seven, Yes boys out of 75,000 Catholics in Newfoundland only seven supports the *Ledger*... and here they are: John Dillen, Pat. Keough, John Cusack, [Timothy] Hogan, Scanlen, [Stephen] Malone, and Dirty McLean Little too. Will we dale with them! No! the Devil a bit![138]

Little complained that five of these men had been forced by Troy to sign apologies, and that the Chapel congregation had been told not to subscribe to *The Ledger* under pain of refusal of absolution in confession. The final insult, Little claimed, was that he could not "walk the town with my amiable wife who is a Protestant... when we are assailed with "Mad Dog", a term given to those named in the Placard and introduced to this Country by Mr. Morris and

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[136] *Ibid.*, fol 170v. Neither the receipt of a complaint nor the acceptance of the note by Fleming would have been possible, for he was in Europe.

[137] *Ibid.*, fol 171r.

[138] *Ibid.*, fol 173r.

sanctioned by the Priesthood."[139]

To the Colonial Office it would matter little that Fleming was absent and that Troy had created the imbroglios. As far as the mandarins might know, all that came from Government House in St. John's was fact. Little quickly found friends in the colonial officials at Government House. Before remarking on Little's good character, Attorney General Simms advised Crowdy not to proceed with Little's case in Newfoundland, but instead to forward it to London.[140] Prescott sent Little's letter to Aberdeen and praised Little as an MHA—which he was not—, the "father of ten children, the sole prop and stay of two ancient Relatives."[141] While Little's animus against Troy may have had some justification, both Little's letter and Winton's newsbits were masterful pieces of rumour-mongering, which Prescott eagerly forwarded to the Colonial Office.

The worst fears of an Irish uproar in Newfoundland entertained by British colonial officials were realized in the spring. On 21 May, Prescott wrote Aberdeen that Winton had just been "barbarously mutilated" outside Harbour Grace, and that Simms was proceeding to Conception Bay to investigate the offence, which was believed to have been incited by the repeated denunciation of Winton "from the Altar of the Roman Catholic Chapel as an Enemy to the Bishop and Priests".[142] Two nights earlier Winton had been waylaid by a group of five

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[139] *Ibid.*, fol 176r. O'Connell's supporters used the term "mad dog" to describe and boycott dissident Catholics who opposed O'Connell (see Fergus O'Ferrall, *Catholic Emancipation: Daniel O'Connell and the Birth of Irish Democracy 1820-30* (Dublin: Gill and Macmillan, 1985), p. 132).

[140] CO 194/90, fol 179r, Simms to Crowdy, 21 April 1835.

[141] CO 194/90, fols 163r-165v, Prescott to Aberdeen, 14 May 1835.

[142] CO 194/90, fols 183r-184r, Prescott to Aberdeen, 21 May 1835.

men with blackened faces as he walked across Saddle Hill on his way from Carbonear to Harbour Grace.[143] Sir Edmund Gosse, the son of Winton's friend Philip Henry Gosse,[144] later described the event from his father's notes. Winton

> was, in the course of this winter, round in the Bay [Conception Bay] collecting his accounts, when one night, walking alone from Carbonear to Harbour Grace, he was suddenly seized in a lonely spot by a set of fellows, who pinioned him, while one of their party cut off both his ears. This outrage created an immense sensation, and caused a sort of terror among the loyalists. A perfunctory inquiry was made, but the Irish influence prevented it from being carried far. It was soon known that the mutilation was the act of a Dr. Molloy, a surgeon of Carbonear with whom the clerks at Elson's were well acquainted; but he escaped all punishment.[145]

About the same time as Winton's misfortune, Parsons' *Patriot* printed a letter entitled "Stick a Pin Here: the beneficial effects of hanging illustrated" which lampooned a charge Boulton had made to a grand jury earlier that month.[146] Boulton immediately charged Parsons with contempt of court, and when Parsons refused to identify the letter's author, Boulton acted as prosecutor, judge, and jury and sentenced Parsons to three months in jail in the courthouse, a £50 fine, further imprisonment until the fine was paid, and a £200 bond in security for twelve months' good behaviour.[147]

Unfortunately, Boulton had crossed the line of tolerance, and outrage and threats of violence erupted in Irish St. John's. The verdict proved the reformers' charges of Boulton's

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[143] CO 194/90, fol 198r, Proclamation of Crowdy, 21 May 1835. The cultural pattern of violent retribution against the opponents of the Irish in Newfoundland took the forms of threats, assaults, warnings, and violence. Winton had already been warned to take out fire insurance on his St. John's property.

[144] Philip Henry Gosse was a clerk with Elson, Slade and Co. in Carbonear, and later an eminent natural historian (see Ronald Rompkey, ed., "Philip Henry Gosse's account of his years in Newfoundland, 1827-35", *NS*, Vol. 6, No. 2 (Fall 1990): 210-266).

[145] Gosse, *Life of Philip Henry Gosse*, pp. 81-2.

[146] CO 194/90, fols 236v-237r, Prescott to Aberdeen, 29 May 1835; Hereward and Elinor Senior, "Boulton", *DCB* IX, p. 70.

[147] CO 194/90, fol 237r, Prescott to Aberdeen, 29 May 1835.

persistent miscarriage and perversion of justice, and solidified popular desire for his replacement. The Irish perceived they could no longer receive fair treatment in the courts or justice under Boulton, so a Constitutional Society was formed in St. John's on 27 May by Morris, Kent, Doyle and Carson, with Nugent as secretary retained at £100 *per annum*.[148] A proclamation by Crowdy offering a £200 reward for information "leading to the apprehension and conviction" of Winton's assailants was posted around Newfoundland,[149] but the St. John's Irish quickly ripped the posters from walls and offered "savage expressions of satisfaction at Mr. Winton's mutilation,"[150] and no offender or informant was ever found. Prescott feared that the Constitutional Society was composed of "very few people respectable for wealth as station", and that it was "bent upon mischief".[151] On the night of 27 May a placard signed "Red Indian" appeared on the St. John's courthouse,[152] threatening Boulton's life and claiming that the verdict and sentence upon Parsons

> ...stunk the house where justice ought TO BE administered whit the poisonous DART of despotism — and found the young Patriot Parsons guilty and Sentenced to 3 months confinement in a dungeon — But I TELL Boulton to Liberate our Patriot —and that very soon — if he don't let him mark the Consequence for I am resolved to serve him worst THAN HARY WINTON for I am here as well as i was on SADLE Hill But Better provided Whit a leaden Nife.
> Tell of you please Garet [Benjamin Garrett, sheriff] not to go to the Court House.[153]

Prescott sent a copy of the placard to Aberdeen and informed him that the session of the

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[148] CO 194/90, fol 237v, Prescott to Rt. Hon. Charles Grant (Lord Glenelg), 29 May 1835.

[149] CO 194/90, fol 198r, Proclamation of Crowdy, 21 May 1835.

[150] CO 194/90, fol 240r and ff., Prescott to Aberdeen, 30 May 1836.

[151] *Ibid.*, fol 240v.

[152] A Newfoundland name for the island's oldest aboriginal group, the Beothuk indians; perhaps judged appropriate by the writer in this context due to the extinction in 1829 of the last known living Beothuk, Shanawdithit, and the care of William Carson for her (see Pastore and Story, "Shawnadithit", *DCB* VI, p. 708; Marshall, *History and Ethnography of the Beothuk*, pp. 201-228).

[153] CO 194/90, fol 240r and ff., Prescott to Aberdeen, 30 May 1836.

central court was quickly set to adjourn a week later, and that Boulton had been given four months leave of absence "for the prosecution of his private affairs" in England.[154] James Stephen disagreed with the wisdom of granting Boulton leave: "If the authors of these Outrages think that Mr. Boulton is a man to be frightened away by such menaces he may look for plenty of them. The necessity of getting rid of the Bishop, who seems the universal firebrand, is more and more evident on each arrival."[155] On the afternoon of 28 May, James Cox, a bystander outside the courthouse overheard four men plotting to "Stop until the Constitutional meeting is over to pull down the bloody building and we'll have Parsons liberated before day light",[156] and constable David Rogers attested that a St. John's blacksmith, John Rogers (possibly his brother) had remarked "so this is the night when they are going to pull the Court House down."[157] Prescott called out the troops to protect the courts.[158]

The Winton-Boulton debacle created a new storm of controversy for Prescott and the Colonial Office. Fleming had returned to Newfoundland and on 5 June he wrote O'Connell, reminding him of the earlier petition seeking justice on behalf of Catherine Snow's children, and sent a large petition bearing 30,000 signatures of inhabitants seeking Boulton's removal and a new petition against Boulton signed by the eldest three of Snow's children who were "capable of forming an idea upon the subject of their unfortunate mother's death."[159] Fleming

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[154] *Ibid.*, fol 241v.

[155] *Ibid*, note of James Stephen, 2 July 1835.

[156] CO 194/90, fol 243r, affidavit of James Cox to P.W. Carter, JP, 28 May 1835.

[157] *Ibid.*, fol 244r, David Rogers to P.W. Carter, JP, 28 May 1835.

[158] Frederic F. Thompson, "Robert Law, 1788-1874", *DCB X*, p. 433.

[159] CO 194/93, fols 200r-210v, Fleming to O'Connell, 5 June 1835.

then damned Boulton:

> ...this Country is peculiarly cursed with a triple scourge - a violent Tory, he is in the Legislature a coercionist, on the Bench worse than a Jefferies[160] & every where a rank Bigot - As Legislators we owe him every penal measure that has come before the Legislature since his arrival, an act enabling him to condemn for the most trivial misdemeanour any obnoxious character to work in the streets loaded with chains -an act condemning every individual in the Island from fourteen years of age & upwards except those who receive public money to work on the roads some four & some six days - An act enabling him to transport for any length of time any person whose political views may not be consonant to his ultra opinions for the most trivial offence....
>
> As a Judge he has shut the gates of the Temple of Justice against the poor. His Predecessor Tucker devoted two hours of each day to hearing their petitions & settling their differences - Tucker permitted every man to transact his own business in the courts without the interpretation of those who are called Lawyers if he pleased to do so. Boulton will hear no man but through "the Bar" a knot of broken down pedlars whom he has incorporated by another Act of the Legislature rendering it impossible for any man to practise but with their approval, or in the hearing of criminal cases Tucker was ever the Poor Man's Lawyer, while Boulton acts upon the Bench with all the rancour of the Attorney General seeking to allay his thirst in blood.[161]

Boulton had used his legislative position and influence on the council to deflect the legitimate complaints of the legislature against his behaviour: "Our House of Assembly has had laid before it certain returns on which it was meant to found weighty charges of the violations of the Charter of the Supreme Court against Judge Boulton", wrote Fleming, "but the motion for investigation was negatived by the Boulton small majority."[162] Boulton had used his position as a judge to push Protestant proselytism when he tried to merge the Charity School—an institution still financially supported by Fleming—with the NSS School

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[160] George Jeffreys (1645-1689), first Baron Jeffreys of Wembley, an English jurist notorious for his cruelty in the condemnation to death of 400 prisoners in the "Bloody Assizes", later appointed Lord Chancellor by King James II.

[161] CO 194/93, fols 200r-210v, Fleming to O'Connell, 5 June 1835.

[162] *Ibid.*

"by bringing the Committee to meet in the Judges' Chambers thereby flinging the entire weight of the Supreme Court into the scale against us."[163] Boulton had "league[d] with the merchants to extinguish the press", and brought Fleming's name "and the character of my priests before the public" at a meeting in the NSS school in a manner which forced Fleming to reply publicly, but according to Fleming this had "the consequence... that the repugnance to Papists & to Popish Priests [on the part of Protestants] heretofore somewhat cloaked is now unveiled."[164] O'Connell was asked to dispose of all the petitions without using Fleming's name, but again, a copy of Fleming's confidential letter and the petition bound in red tape, landed at the Colonial Office.[165]

At the end of June, the Constitutional Society sent a petition signed by 5,000 citizens demanding justice to the King through Prescott.[166] In his covering letter Prescott dismissed the petition as the work of a few leading members of the society and proffered his misleading opinion that "a very large proportion of those whose signatures are annexed to it are neither acquainted with its contents nor feel any interest in its result."[167] Yet, the complaints of the Society exposed the roots of Irish Catholic discontent. Boulton was accused of "the most flagrant and outrageous violation" of the King's charter establishing the supreme court.[168] He

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[163] *Ibid.*

[164] *Ibid.*

[165] CO 194/92, fols 210r and ff. contain a copy of the 40-page petition.

[166] CO 194/90, fols 317r and ff., encl. in Prescott to Glenelg, 30 June 1835.

[167] *Ibid.*

[168] *Ibid.*, fol 323r.

was an "Individual totally ignorant of the Customs of the Country unacquainted with the circumstances of its Inhabitants", and had violated the jury selection system "secretly and behind the back of the people" by introducing his own new rules for the court.[169] Moreover, he had allowed Captain David Buchan to act as sheriff summoning juries without himself taking the proper oath[170] before he left Newfoundland and was replaced by another unsworn sheriff, Benjamin Garrett.[171] Boulton's attempt to amalgamate the Charity School with the NSS school was denounced as forcing Protestant proselytism upon Irish Catholics attending a non-denominational school.[172] Parsons had been incarcerated "in a most loathsome Dungeon of the Common Gaol" as result of his reasonable attack on Boulton's instructions to a jury that it reach a decision based on the plaintiff's idea of a fair settlement.[173] The reformers argued that in his position as legislator, Boulton rejected a bill from the house designed to give fishermen fair wages; he had incorporated "a bar of unqualified individuals"; and he had rejected Fleming's petition for clemency for Catherine Snow because it had not been presented through a member of the new bar.[174] In one case which involved Patrick Morris as a current creditor, Boulton had ruled that contrary to the prevailing "truck" system, the past creditors of a planter had first claim on his profits,

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[169] *Ibid.*, passim.

[170] *Ibid.*, fol 326v.

[171] *Ibid.* CO 194/91, fols 182r and ff. contain the reformers' petition for Garret's removal. CO 194/90, fol 343r, Index, notes that Prescott granted Garrett four months' leave of absence.

[172] *Ibid.*, fol 330rv.

[173] *Ibid.*, fol 332r.

[174] *Ibid.*, fols 335v-336r.

produce, and properties in settlement of past debts, rather than current creditors.[175] While in the Morris case, a group desire for vengeance against Boulton for harming a member of the Irish kin network might have partially motivated the complaint, the remainder of the reformers' complaints against Boulton were heartfelt. Fleming later wrote that when Boulton's ruling reduced a number of fishermen "to such a state of destitution... I myself was obliged to borrow money to support many of them."[176]

While complaints against Boulton flooded into London, the Tories and their associates were mocked in the press during the summer of 1835. Indicative of a vivid oral culture among the Newfoundland Irish, Winton's ears, Boulton's departure, and O'Connell's intervention were immortalized in a ballad of raging popularity entitled "Croppy Boy Winton".[177] Verse six celebrated the recruitment of O'Connell: "And Daniel O'Connell unto him did say / "Judge Barrister Boulton what brings you this way? / If you're out for collecting blood-money in arrears / You'd better bethink you of Winton's two ears."[178] George Story noted that the ballad's composer, Johnny Quigley of Ferrins Town, Co. Wexford, referred both to Winton's misfortune and the cropped hair of the United Irishmen, and that therefore the song was both a "faction-fight song" and a "treason" song, for the secret names of the treasonous offenders remained unknown, and contributed to the song's popularity. At the end of June, McCoubrey's *Times* reported that the pro-Tory priest Timothy Browne had been

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[175] Gunn, *History*, p. 25, and Hereward and Elinor Senior, "Boulton", *DCB* IX, p. 70.

[176] CO 194/99, fol 227v, "Statement of Dr. Fleming", 1837.

[177] For the lyrics of the ballad see George M. Story, "'A tune beyond us as we are': Reflections on Newfoundland Community Song and Ballad", *NS*, Vol. 4, No. 2 (Fall 1988): 134-5.

[178] *Ibid.*

assaulted by one Furlong, a blacksmith employed by a Mr. Molloy.[179] The truth of this charge is difficult to determine and Browne did not mention it subsequently, but its appearance in the press was gold for the Tories, who finally had a dissenting Catholic clerical martyr.

Soon after Fleming wrote O'Connell about Boulton, he re-applied for land on which to build a cathedral. No answer had come to his first request so on 4 July Fleming circuitously appealed to Lord Duncannon. Catholics in Newfoundland, he claimed, were "carefully excluded from every office of honor or emolument". They were "denyed the protection of even one Catholic at the Bar... and therefore they are suspicious of the administration of justice", and excluded from the legislative council and "therefore they are impressed with the belief that in the enactment of Laws there exists not in that body any sympathy for their wants or wishes."[180] Furthermore, the Catholic clergy were not shown as much favour as those of the established church: "The Protestant Clergymen have Glebe lands and large pensions allotted them while we are doing duty in the Gaols and Garrisons this half century without any remuneration whatever."[181] Fleming confided that he wished to erect a school for "fifteen or sixteen hundred poor children", and noted that he did not apply to the governor for the land because he believed it was the Ordnance's and not the governor's to give.[182] Fleming also wrote Spring-Rice through Sheil, repeating his request for land for a church, a school, convent, and bishop's residence, all to be built of stone to protect against

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[179] *The Times and General Commercial Advertiser*, 24 June 1835. I thank Dr. John Mannion for this information.

[180] CO 194/92, fols 112r-113v, Fleming to Duncannon, 4 July 1835.

[181] *Ibid.*

[182] *Ibid.*

fire, and for monies to buy a vessel in which to visit his parishes.[183] Winton's persecutions of the priesthood were raised as a justification for the receipt of a "mark of favour", and Fleming proudly informed Spring-Rice that he had even saved Winton from death after he printed "an outrageous attack upon the Irish Character upon the occasion of a tumultuous assembly on Saddle Hill", and then cooled Irish passions when he prohibited his congregation "to read or hear the *Ledger* read."[184] Much of the rest of Fleming's letter reiterated exactly the arguments of the Constitutional Society and the reformers, save to note that when Boulton tried to justify the takeover of the Charity School by the NSS by stating that it was "as impossible to amalgamate Catholic with Protestant as to blend oil & vinegar", he fomented sectarian strife,[185] it was interpreted as a denial of the possibility that Irish Catholics might ever hope to share in jobs, control their own education, gain social mobility, or escape persecution. Finally, with Newfoundland Irish grievances freshly rehearsed in the Secretary's mind, Fleming resorted to a form of friendly blackmail which betrayed his own awareness of the extent of his influence. After noting that Colonel Oldfield of the St. John's garrison had informed him that the Ordnance lands on the Barrens would soon be abandoned by the garrison, he observed:

> The acceding to the Catholics of Newfoundland this request believe me would go far to convince the people of the paternal solicitude of His Majesty for their general welfare & interests. It is a boon that could not fail to be ever green in their memory, for at present they are labouring under every annoyance, every inconvenience, every difficulty. It is a boon that we have reason to think ought to be acceded for we are a

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[183] CO 194/93, fols 263r-264v, Fleming to Spring-Rice, 10 June 1835. Fleming rarely used the word "cathedral" in his requests, perhaps not wishing to betraying his ambitions.

[184] *Ibid.*, fol 263rv.

[185] *Ibid.*, fol 263v.

> Catholic people who never received a single mark of the Royal favor not even a grant of one single acre of ground since the establishment of the colony for any public purpose & in proportion as our hopes are ardent upon a subject to us of such importance would the disappointment of a refusal be the deeper.[186]

Fleming concluded by appealing to Spring-Rice that "even the Catholic Bishops of Canada are assisted by Government to improve the minds and purify the hearts of their people,"[187] and that his proposed church for St. John's was also a means of doing this. However, another change in government in Britain delayed the consideration of these letters until the fall.[188] Fleming also reported his earlier difficulties with Timothy Hogan, the chapel committee, and the Liberal Catholics of Scallan's regime to Propaganda,[189] but he was hemmed in again by Rome, which gave extracts of the letter to Aubin who forwarded them to the Colonial Office.

The flood of petitions and letters effectively put the British government on notice that Catholics would not be denied either land or legal equity for much longer. The Colonial Office sent the land request to the Board of Ordnance, refused Fleming's request for funds for a mission vessel, and privately noted that the secretary of state would likely try to have the Vicar Apostolic of London, Dr. James Yorke Bramston, impart a fraternal caution to Fleming.[190] However, the Ordnance found a loophole in the land request. Fleming had infelicitously described the land he desired as "situated near Fort Townshend outside the Town bounded on the West by the road leading towards Allen deal, on the south by the road

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[186] *Ibid.*, fol 264v.

[187] *Ibid.*

[188] CO 194/92, fol 110r, CO note to Hay enclosing letter of Fleming, 16 September 1835.

[189] CO 194/92, fols 91r-92v, "Extracts from a letter of the Catholick Bishop of Newfoundland", 13 June 1835.

[190] CO 194/93, fol 268r, unsigned memo. Just before O'Donel's arrival in 1784, Roman Catholic missionary activity in Newfoundland had been under the jurisdiction of the vicar apostolic of London; British officials seem not to have known the nuances of Catholicism in Newfoundland, and expected Fleming to be under Bramston's jurisdiction.

from Fort Townshend to Fort William & on the north and east by lands not in the hands of Government containing about seven or eight acres."[191] The Colonial Office used Fleming's vernacular lack of clarity to demand greater accuracy in his description, and thwart his request. Glenelg instructed Prescott of the partial decisions, and requested that the bishop be informed that all future correspondence would have to pass through the governor, otherwise "he deprives us of information."[192] A month later, Glenelg warned Prescott against alienating crown lands in the vicinity of fortifications without previously consulting the Engineers' Office in Newfoundland.[193] On 19 August, Crowdy informed the bishop that the governor was unable to grant him the land he desired because arrangements with the Ordnance department for the "delimitation of Military Works" were in progress.[194] Given Fleming's knowledge from Oldfield that the property would not be needed, Crowdy's response was a vexing obfuscation and delay, and fuelled claims of obstruction made by reformers and Catholics against Newfoundland officials. Moreover, the requirement that official channels of correspondence be used must have steeled Fleming's determination even further to get the land. Prescott's choice to deny Catholics a grant of land was his second mistake, which he would quickly regret.

As soon as the reformers petitions and Fleming's letters were sent, Fleming visited the Newfoundland outports and made a number of friends and converts to Catholicism, and obtained their considerable moral and political support. Fleming left St. John's on 17 July 1835 on a vessel loaded with 6,000 feet of timber with which to construct a parish church at

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[191] CO 194/93, fol 264r. "Allen deal" is the valley in St. John's known as Allandale Road; the road connecting Fort Townshend with Fort William is Military Road.

[192] CO 195/18, p. 320, Glenelg to Prescott, 8 June 1835.

[193] CO 195/18, p. 359, Glenelg to Prescott, 25 July 1835.

[194] CO 194/102, fol 267rv, Crowdy to Fleming, 19 August 1835.

Petty Harbour.[195] He refused to administer the sacrament of confirmation in Ferryland because Timothy Browne was absent and had not adequately prepared his parishioners.[196] In Fermeuse, Fleming and the priest James Duffy confirmed 140 people in the uncompleted parish church, and in early August, confirmations were administered to 116 inhabitants of the region around Burin, fifty-four inhabitants of Gaultois, and mass was celebrated for the Micmac people of Conne River, twenty of whom had been already confirmed "20 years before in Canada."[197] Fleming also confirmed eighty-six people, among them thirty-six converts, at a mass held in a Protestant merchant's fish-store on Merasheen Island in Placentia Bay. When he arrived back in St. John's on 12 September, Fleming found a raging smallpox epidemic which the executive had "made no effort to try to check... or limit its ravages among the poor."[198] Even worse, Boulton had enforced a quarantine in St. John's under threat of conviction, at a time when "hundreds of persons were going from door to door asking help to buy a coffin to enclose the mortal remains of those whom they held dearest on Earth."[199] By mid-October, Fleming later wrote, "even among those who had been previously vaccinated... the number of cases, as stated in the evidence of the practising doctors before the grand jury, mounted to six thousand in St. John's in a population of 13,000."[200] As bad as St. John's was, Petty Harbour was worse, and by mid-November,

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[195] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 21.

[196] Howley, *History*, pp. 311-312.

[197] AASJ, Fleming Papers, Fleming, *Relazione* (1837), pp. 22-3.

[198] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 26. Fleming noted that despite the sufferings, "not a penny was subscribed by those persons who received annually from public contributions more than thirty thousand pounds in salary in St. John's alone", and that there remained over £ 6,000 in the coffers of the Colonial Treasury at Prescott's disposal with which to address the epidemic.

[199] *Ibid.*, p. 26.

[200] *Ibid.*, p. 26.

Fleming felt he had to take action:

> I betook myself to that place, and as I did not wish to expose the family with whom I usually lodged to the danger of infection through me, I took possession of an abandoned cabin and having some knowledge and skill in medicine I set up my medicine chest there as the village dispensary, and I remained four months in this abandoned shed without a servant except for someone who prepared my food. And in my visits to the sick I made no difference between Protestant and Catholic in the free distribution of medicines and of the means of nutrition. When the disease finally abated, it was through the mercy of God that only two deaths occurred out of 400 cases of severe sickness.[201]

The bishop only left Petty Harbour in March, but his visits around the island in 1835 endeared him to fishing families of all denominations, and politicized Catholic outport Newfoundland once they saw they had such a tribune. One Wesleyan "Dissenter" praised Fleming's new chapels at Portugal Cove, Torbay, and Petty Harbour, and praised the selflessness of Troy who had donated his salary to pay for a teacher and school at Portugal Cove, and Fleming, who was unlike his predecessors who collected dues but never built schools or chapels and wasted the money "feeding the enemies of the poor in the Palace."[202]

While Fleming and reform received a warm outport reception during the late summer, hostility towards them began to swell yet again, only to be tempered by the triumphalism of Parsons' release. Winton published a letter from an ostracized "Catholic" who complained "I can no longer enter the courts of the Lord's House which have been polluted with infamous discourse and sacrilegiously prostituted to the most ungodly purpose."[203] In a nativist vein, the secret writer also mocked the Irish dialect spoken by one of the priests at the Chapel, who had denounced "respectable Protestant establishments of the South Side" of St. John's

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[201] *Ibid.*, p. 26.

[202] *The Newfoundland Patriot*, 15 and 29 September 1835.

[203] *The Public Ledger*, 28 July 1835.

harbour who had wished to make their Catholic employees work on a Sunday.[204] In mid-August, Glenelg wrote Prescott that he had received the petitions for Parsons' release, and instructed Prescott to remit as much of Parsons' sentence as had not been carried into effect.[205] The Irish cheered when Parsons was released from prison on 28 August. To celebrate, the Constitutional Society held a parade, and on 1 September it gave a dinner for the erstwhile inmate, attended by all the Roman Catholic clergy of St. John's.[206]

Another reprieve in the war of words against Catholicism was the receipt of an apology for Fleming from Capaccini. On 9 October, he expressed extreme regret that Fleming took "the trouble of answering me at so much length. I had neither the right nor the intention to convey reproof to you."[207] After a brief warning against using the chapel as a "place of political assembly", he told Fleming that he had "much pleasure in getting translated and laid before the Holy Father all that you write relative to your Congregation, in order that his Holiness may know the immense good which you accomplish, and the disinterestedness with which you are animated."[208] Capaccini's letter was a minor vindication and assured Fleming of the support of the pope and the Roman curia. It must also have been a disappointment to the Colonial Office, who would have seen Aubin's efforts stymied not by the diplomatic skills of Vatican bureaucrats, but by the inconsistent foreign policy of the Vatican, and Fleming's enormous tenacity in letter-writing and self-defence.

The most virulent clandestine attacks on the reformers came in late 1835, not from

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[204] *The Public Ledger*, 31 July 1835.

[205] CO 195/18, p. 371, Glenelg to Prescott, 13 August 1835.

[206] Bishop Fleming file of Dr. John Mannion.

[207] CO 194/92, fols 105r-106v, Capaccini to Fleming, 9 October 1835.

[208] *Ibid.*, fol 106rv.

Winton or the Liberal Catholics, but from Fleming's former convent landlord, Archdeacon Wix. In late November, Wix refused an invitation from Prescott to attend dinner at Government House without first inspecting the guest list.[209] The archdeacon wrote:

> Several of my friends here have been very much hurt by the manner in which they have been drawn in lately to meet at Government House, parties whose character for sedition is so notorious that they could not meet them knowingly at any other house in St. John's. I should I confess be equally hurt were I similarly circumstanced.[210]

Wix went on to state that his Church of England regularly prayed to be delivered "from all sedition, privy conspiracy and rebellion", and that therefore he could not countenance meeting men at Government House "whom it would be most easy to convict, by their avowed writings and speeches, of being most rancorously mischievous stirrers up of sedition and enemies to our constitution of church and state."[211] Wix later noted Fleming's refusal to dine with Cochrane at the time of the libel action against Troy, for fear of betraying the Catholic cause.[212] Prescott became so upset at Wix's accusation that he had entertained "enemies" that he forwarded Wix's letters "home" to London but refocused them:

> ...the only gentlemen, I imagine, against whom the Archdeacon can mean to except, are the Roman Catholic Bishop, Mr. Morris, Dr. Carson and Mr. Kent.... Mr. Morris is of violent feelings as a reformer and advocate of the peoples' rights - but he is a respectable merchant and of good moral character. His occasional declamations in the "Constitutional Society" and elsewhere may not be pleasing, but they are not such to induce me to exclude him from Government House and hold him up as suffering in the popular cause.[213]

Wix's reaction was the best example of a Tory put "on the run" by ascendant Catholicism,

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[209] In 1835 Wix completed a journey around Newfoundland and the next year published *Six Months of a Newfoundland Missionary's Journal* (London, 1836).

[210] CO 194/91, fols 128r-133v, Wix to Joseph Templeman, acting colonial secretary, 25 November 1835.

[211] *Ibid.*, fol 131r.

[212] CO 194/91, fols 135r-138r, Wix to Templeman, 26 November 1835.

[213] CO 194/91, fols 118r-124v, Prescott to Glenelg, 28 November 1835.

and of the perception of the threat posed by the church and reformers in Newfoundland to the monopoly of the colonial élite.

Rumour of Wix's estrangement from Government House soon leaked out and popular opinion in St. John's swiftly turned against the archdeacon. By 30 November Wix's reputation had so deteriorated that he wrote Glenelg in a greatly disturbed state:

> I am writing, at this moment, with loaded pistols in my bedroom, and I seldom go through the town (although I have never taken any part in its politics, or declared any aggressive opinions on the tenets of the Church of Rome) without being insulted by the deluded priestrid populace. I am engaged, moreover, in building a second Protestant Episcopal Church, which has, for many years, been much needed here, on my own risk, at this time; and I have been repeatedly cautioned, by the more respectable Roman Catholics themselves, to ensure it against incendiary forces, which, in a community, when I am held up to ridicule, in the Romish chapel in the metropolis, and the surrounding outharbours, as the "mountebank of an archdeacon," "the priest in boots" and other such unprovoked epithets, an[d] too likely to occur.[214]

Fleming forwarded a subscription to "some O'Connell tribute", Wix claimed, so he was "an enemy to the constitution, as he is an avowed repealer of the Union." Even worse, Fleming and his priests had "repeatedly from the altar called upon the people here who are notoriously addicted to drunkenness", to "drink rum to spite the Temperance Society."[215] Fleming had condemned Boulton's attempts at school amalgamation and denounced the NSS as a "proselytizing Bible society"; Kent was a "low bred, vulgar fellow", "As seditious as any of the Romish priests"; and Morris had told an assembled meeting near the Chapel "that there would be no peace for Newfoundland, until those d--d Mad Dogs were all trampled down."[216] Glenelg did not dignify Wix's letter with a reply, and Sir George Grey regretted the

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[214] CO 194/91, fol 161r, Wix to Glenelg, 30 November 1835.

[215] *Ibid.*, passim. Wix referred to a Church of England Temperance Society.

[216] CO 194/91, fol 161r, Wix to Glenelg, 30 November 1835.

archdeacon's correspondence,[217] but Wix's letter foreshadowed the growing fears of St. John's Protestants that they would soon be engulfed by a powerful Catholic community.

In hope of keeping Fleming under control, Grey approached Bramston during the summer of 1835 and asked him to caution Fleming in St. John's, but the attempt backfired. Glenelg later expressed hope to Prescott that Bramston's remonstrances "could not have but great weight,"[218] but Bramston's letter did not upbraid Fleming as much as provide superb evidence that Prescott had reported to London that Fleming had been responsible for "dissensions of a more aggravating nature, intermixed with truly horrible circumstances, ...still notorious at St. John's."[219] On 25 November and again three days later, Fleming requested a copy of Prescott's despatch from the governor himself and asserted his right to know the charges ranged against him "in order that I may be able to vindicate the character of my priests and place my own in its proper context before His Majesty's Government."[220] This, after all, was only consistent with the rights of a British subject to a fair trial. "It was a source of heartfelt annoyance," wrote Fleming to Bramston in early 1836, "to reflect on the wily secrecy with which that Government... was engaged whispering away my reputation and undermining the character of the mission."[221] This hostility was understandable and not unexpected because "...the efforts of the enemies of religion to neutralize our exertions and to root out Catholicity from Newfoundland have always increased in a direct ratio with our

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[217] CO 194/91, fol 126r, Sir George Grey to Prescott, 20 December 1835.

[218] CO 195/18, pp. 427-430, Glenelg to Prescott, 31 December 1835.

[219] CO 194/96, fols 27r-28v, James Yorke Bramston to Fleming, no date, but fol 31r, Fleming to Bramston 25 January 1836, noted that Bramston's letter was dated 27 July 1835.

[220] CO 194/96, fol 33rv, Fleming to Prescott, 28 November 1835.

[221] CO 194/96, fol 31rv, Fleming to Bramston, 25 January 1836.

increase of zeal and activity in the exercise of our sacred ministry."[222] Bramston was told of the tremendous growth of Newfoundland Catholicism and appealed to as a fellow cleric to see the opposition ranged against it. However, Fleming later described Bramston to Propaganda as "a meddling ecclesiastic" who had been manipulated by the Colonial Office to allow his letter to become "a public document in the hands of Orange underlings".[223]

By the time Fleming received his first assurance from Rome that his reputation remained intact, he and the reformers had won a number of battles which three years earlier they would not have expected to win. Cochrane had been put to flight, and Prescott had been caught in committing to paper a set of accusations which reflected more upon himself than the Irish Catholics he governed. Boulton's reviled legal practises and Winton's insults overstrained the tolerance of Catholics for civil injustices, provoking popular violence and intolerance of the legal system. The celebrity accorded "Winton's ears", Wix's "boots", and the Constitutional Society illustrated the inventive ability of reformers, and the political power of demotic responses to oppression. Ascendant Newfoundland Catholicism had been given a taste of political power. The Colonial Office sought Fleming's removal but its inadvertent betrayal of Prescott's accusations through Bramston set it on the path to losing the moral battle with the church in Newfoundland. The betrayal also indicated the British government's disorganization. Mandarins were still unable to destroy Fleming's reputation at the Vatican, and the Roman curia itself was unskilled at international diplomatic relations. In Newfoundland, a reorganized institutional church experienced steady growth with

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[222] *Ibid.*

[223] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 18.

increasing numbers of clergy, lay religious sisters, and an increasingly-powerful middle-class Irish élite. Emancipation, heightened group awareness fostered by episcopal visitations, sacramental participation and church building programs, demotic support for the reform program, and Tory persecutions gave the Irish a taste of what was possible. Fleming had set a community goal of acquiring land and building a cathedral. 1835 closed with another advertisement by the bishop in the *Patriot* seeking to buy one to three acres of land in central St. John's.[224] The activities involved with acquiring the cathedral lands, and building the structure would occupy more of Fleming's and the British bureaucrats' energies in the coming years. While the British opposed it, Fleming drew strength from the cathedral project and used it to promote and defend his orthodoxy and to make converts for the church. The epic bureaucratic struggle which was about to ensue over the cathedral lands became a means of creating a new culture, and spurred that culture to invent a new founding mythology about the place and role of the church in Newfoundland.

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[224] *The Newfoundland Patriot*, 16 December 1835.

Chapter 5

Mad Dogs and Englishmen: The Tories Fight Back, 1836-1837

During 1836 and 1837, the Newfoundland reformers tried to use the British system of justice as a tool to construct a new social and political order in Newfoundland. In order to redress the exclusion of Catholics from the legal profession, and the injustices visited by Boulton upon those who found themselves in his court, they became embroiled in litigation and sought justice and mediation of their disputes by legal and political means through O'Connell in London. The council and Government House strengthened its alliances with Winton, the disaffected Catholics, and the priest Timothy Browne. Similarly, while Fleming undertook a summertime visitation of the parishes in the northern and southern districts, strengthening his support among outport Catholics, his courts of last resort proved to be London to obtain land for his cathedral, and Rome to defend his reputation. Once Newfoundland Catholic expectations had been raised, it became more difficult to expect discipline in congregations' actions, particularly in the bishop's absence. Outport Newfoundland became politicized at the hands of the priest James Duffy, but attentions were quickly refocused on the injustices of Boulton's court. While Fleming was away, the priest Edward Troy again took charge of the vicariate, but his open partisanship aggravated Liberal Catholics and came dangerously close to fomenting a rebellion in St. John's. In June 1837 the idea of equal Catholic political participation became a reality when reformers secured control of the house of assembly, and when Fleming again retained his reputation at Propaganda. This sustained him and his congregation in the political struggle over the construction of the cathedral, but Catholic successes threatened the established political order in Newfoundland and Tories determined to regain the upper hand.

Fleming had secured his reputation in Rome in late 1835 when a transgression of Newfoundland property law by members of an outport congregation and their priest invoked

Boulton's justice system and again placed the "priest in politics" issue before the Colonial Office. On 4 January 1836, Prescott informed Glenelg that a dispute the previous year between the priest James Duffy of St. Mary's in Timothy Browne's parish, and J.M. Martin, the magistrate and MHA for St. Mary's and agent for the merchant house of Slade and Elson, over the issue of the location of a new church, had escalated into a pitched battle.[1] A year earlier on 13 January 1835 Duffy had led his congregation out of their chapel "and with their assistance burnt and destroyed a valuable fish-flake"[2] on the beach in front of their building which impeded access to the chapel, claiming a public right-of-way. Prescott sent the colonial brig with troops and a magistrate to St. Mary's, but the house subsequently refused to shoulder this expense, so the governor requested a "Ship of War" from Glenelg.[3] Duffy was charged but the case was not tried until 1 December 1835 in St. John's before Boulton without the aid of a Catholic lawyer. The case provided reformers with a sterling opportunity to condemn the exclusion of Catholics from the civil and legal systems. Kent petitioned that Duffy be permitted to select a Catholic lawyer,[4] and 753 Catholics of Conception Bay, led by James and James S. Prendergast and the priest Charles Dalton, raised a petition against Judges Boulton, Des Barres and Brenton for admitting barristers to "A Bar" but excluding Catholics.[5] They protested that

> ...while the Bar is exclusively Protestant, a <u>Catholic Priest</u> is about to be dragged

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[1] The Duffy-Martin feud is detailed in Lahey, "James W. Duffy, 1798-1860", *DCB* VIII, pp. 246-7.

[2] CO 194/94, fols 3r-9v, Prescott to Glenelg, 4 January 1836. A "fish flake" is a raised platform upon which codfish is dried by the sun and wind after salting.

[3] *Ibid.*

[4] CO 194/94, fol 72rv, Kent to E.W. Archibald, 24 December 1835, on behalf of MHAs Robert Pack and James Power, Thomas Chancey, and 600 residents of Carbonear.

[5] CO 194/94, fols 63r-66v, petition of Roman Catholics of Harbour Grace, n.d., received at the Colonial Office on 7 February 1836.

> before the Bar of the Supreme Court and that your Lordships[6] Petitioners are stunted at a circumstance so pregnant with danger to the public interests - the public peace where a Catholic Priest is to be arraigned before an exclusively Protestant Tribunal - his Jury to be empanelled by a Protestant Sheriff if it should be attempted to control him to commit his defence to a Protestant Barrister in whom he cannot confide.[7]

Early in January the judges replied that no Catholics had ever applied to join the Newfoundland bar, but given the oaths required, this was hardly surprising. By the end of the month the reformers had gathered a petition against Boulton and in early February printed it in the *Patriot*.[8] On 5 February, fearing civil disorder, Stanley informed Prescott that he had requested a British Man of War be despatched to St. Mary's "to support your lawful authority."[9] Faced with the infamy of a trial, and the inconvenience of successive delays by Boulton, Duffy was repeatedly required to appear in St. John's, so he therefore had to make a series of long walks during 1836 and 1837 from St Mary's to St. John's, totalling over 1,300 miles. He made a habit of resting at a natural spring six miles south of Harbour Main which was quickly dubbed "Father Duffy's Well" in the tradition of an Irish holy well, and he and the well became famous.[10] By the time the Crown eventually abandoned its prosecution in May 1837, Duffy's tribulations and Boulton's infamy had entered the lexicon of famous episodes in vernacular Newfoundland history, and entirely soured Catholic attitudes to British justice.

On 2 February 1836 the funeral procession of an Irish soldier named Neaven

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[6] Under Boulton, the Supreme Court justices had assumed the use of the honorific "Lordship", an appellation at variance with Colonial practice. In early February 1836 Glenelg instructed the judges to abandon the use of the title because it was reserved for members of the House of Lords (see CO 194/94, fols 50r-52v, Glenelg to Prescott, 7 February 1836).

[7] CO 194/94, fols 50r-52v, Glenelg to Prescott, 7 February 1836.

[8] *The Newfoundland Patriot*, 2 February 1836.

[9] CO 194/94, fols 84r-85v, Stanley to Prescott, 5 February 1836.

[10] Lahey, "Duffy", *DCB* VIII, p. 246.

reinforced the Irish cultural and political consciousness of the St. John's congregation, but the event was turned to account against Fleming by Prescott. Before Neaven died, he had publicly accused his wife in the *Patriot* of cuckolding him for an officer of the garrison, Lieutenant-Colonel Sall, whose cook and housekeeper Mrs. Neaven had been.[11] Neaven's accusations earned him both a court-martial from the garrison and the respect of many St. John's Catholics. When they learned that Neaven's funeral procession was to take a short route through the town from the Chapel to the graveyard—Prescott claimed that the shorter route was a "wintertime custom"—the congregants "attempted to possess themselves of the coffin and pursue the longer way."[12] The procession was important for its context in the use of public space. Lawrence J. Vale has described processions through public spaces in terms of political power moving through space, and argued that origins, routes, and destinations are all heavily-laden with symbolism, and assert the political power and legitimacy of those conducting the processions.[13] The Neaven procession illustrated the strength of the popular will of Irish inhabitants being made to prevail in a power relationship against the state. When Lieutenant Grant and his men resisted the mourners and took the corpse to Fort Townshend where Sall armed the troops and lectured the participants, the priest James Murphy intervened and diffused the conflict. Prescott would have praised Murphy, but instead he cleverly incited fear in the Colonial Office when he privately observed that any praise of Murphy would have been tantamount to agreement with Fleming's reputed comment that the "preservation of the peace is dependent on the will and power of the Roman Catholic

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[11] CO 194/94, fols 178r-184v, Prescott to Glenelg, 21 February 1836.

[12] *Ibid.*

[13] Lawrence J. Vale, *Architecture, Power, and National Identity* (New Haven, Conn: Yale University Press, 1982), p. 9.

Priesthood."[14] When the 16 February *Ledger* described the funeral, condemned the mourners, and published Prescott's letter praising Grant and the garrison commander Colonel Law, Fleming rebuked Prescott in the *Patriot*:

> If I prove that Your Excellency's letter has been uncalled for & unjudicious I am sure I shall convince you that in taking up & pouring into the ear of the British Minister charges against the Catholic Priest of Newfoundland without affording him a fair opportunity to rebut them—charges concocted by parties whose political existence hangs upon their dissemination, Your Excellency is not consulting the dignity of your station—the interests of the British Government.[15]

"Like the King of France," Fleming mocked, Law had "valiantly marched up the hill / And then—bravely marched down again!"[16] If Fleming had tried to predict the interpretation of the events Prescott would relay to London he could not have been more accurate, but the Colonial Office needed no more evidence against the bishop, for it was busy again in Rome.

In early February, Glenelg informally approached the Foreign Secretary, Lord Palmerston to secure Fleming's removal, and Palmerston replied that "You had better write me confidentially an official letter about your Catholic Priests & I will instruct Abercrombie at Florence to set Aubin at Rome to work to try and get some help from the Pope."[17] Later the same day, Glenelg asked whether Palmerston "could possibly convey to the Pope some suggestions on points most important to certain of our Colonies", included in which was Newfoundland:

> ...that Island is tormented, and the Catholic Population driven to the most atrocious extremes, by the conduct and language of the Bishop Fletcher [sic], and still more of a priest Troy. Is it possible to get either of these removed from the Island and sent

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[14] CO 194/94, fols 178r-184v, Prescott to Glenelg, 21 February 1836.

[15] *The Newfoundland Patriot*, 23 February 1836; NLI, Little Papers, file 140-151, document 142, Fleming to Prescott, n.d., but week of 21 February 1836.

[16] *Ibid.*

[17] CO 194/94, fol 24rv, Palmerston to Glenelg, 4 February 1836.

> elsewhere? You did write about Fletcher, and he has received admonition from Rome, but nothing will do, so long as he is there, and Troy with him. Troy especially ought to be removed. There is no peace and little safety while they are both there.[18]

Ironically, at the end of March, Cardinal Fransoni of Propaganda wrote to Luigi Cardinal Lambruschini, the new Vatican Secretary of State, and proffered his opinion that Fleming was "justly reputed to be one of the Vicars Apostolic most deserving of merit for religion...."[19] The desire to have Fleming removed was the most pressing Newfoundland matter with which Glenelg concerned himself during early 1836, and despite the cardinals' good impressions of the bishop, the issue was made to take on implications which would soon force Fleming to visit Europe in an attempt to clear his character.

On the eve of the departure for the seal hunt in mid-March 1836, sealers were addressed by Fleming at a mass in the St. John's Chapel. This was interpreted by Tories and Liberal Catholics as a useful sign of hostility, and they quickly reported the event to London. Michael McLean Little supplied Prescott with a complaint that Fleming had warned the sealers to avoid the "factious knot of Irishmen" who were seeking to "put him down": "If I am spared life I'll put them down or they shall put me down," he was supposed to have thumped on the altar.[20] Prescott suspected the aid and assistance of "the opposite side" in encouraging Michael McLean Little to petition "violently" once more against Fleming, Troy, Kent, Morris, Nugent, and their Constitutional Society, while Little admitted to keeping a journal of persecutions he endured at the hands of the clergy and the reformers and of

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[18] CO 194/94, fols 25r-26v, Glenelg to Palmerston, 4 February 1836.

[19] APF, *Lettere, Decreti, Brevi* (hereafter LDB), 1836, Vol. 317, fols 263r-264v, Fransoni to Lambruschini, 31 March 1836.

[20] CO 194/94, fols 215r-220v, Michael McLean Little to Prescott, 11 March 1836. It would not have been possible to "thump on the altar" to emphasize a point during an address, for to do it a priest would have to turn his back on the congregation. Sir George Grey later described the event to Fleming as an admonition to sealers to "put down" those who had signed an address in favour of Boulton (see CO 194/102, fol 294v, Grey to Fleming, 19 September 1836).

forwarding it to Timothy Browne, and he accused Morris of threatening to "mark" all "Orange Catholics" who did not join the Constitutional Society.[21] Little also accused Troy of banishing the Orange Catholics from mass on 20 December 1835, and of harassing his own mother, and enclosed for Prescott sworn testimonies from Patrick Malone against Troy.[22] Ironically, if Fleming had actually condemned the Liberal Catholics from the altar, Little found that it only "at last confirmed all the acts of his priesthood", suggesting that the statement was an exception rather than the usual custom. Worst of all, Little complained, even the children of St. John's mocked him, for Troy had taken ballads from the *Patriot* mocking the "Orange" Catholics and had induced children to "sing them through the town."[23] While Little made his silent attack, R.J. Parsons soothingly editorialized that "...the influence of the Catholic Priest is admitted on all hands to be unlimited...and it has at all times proved the readiest instrument in the hands of Government to restrain the wild passions of the people and preserve public tranquillity...."[24]

Despite the hearty entertainment which Prescott must have derived from encouraging Little's righteously indignant petition and then toying with it,[25] the shopkeeper's evidence was a bellwether of growing dissent in the St. John's congregation. Little also reported that several Irish "Sons of St. Patrick decided upon separating themselves from the Benevolent

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[21] CO 194/94, fols 215r-220v, McLean Little to Prescott, 11 March 1836.

[22] *Ibid.*, fol 219r.

[23] *Ibid*, fol 220v.

[24] *The Newfoundland Patriot*, 8 March 1836.

[25] CO 194/94, fols 221r, Little to Templeman, 14 March 1836 requested that the petition be placed before Prescott; fols 221v-222r, Templeman to Little, 14 March 1836 informed Little that Prescott could not accept it but would transmit it to London; fols 222r-223r, Little to Templeman, 15 March 1836 asked to know Prescott's objections to the petition; fol 223rv, Templeman to Little, 15 March 1836 once again noted that Prescott would not answer his questions but would forward the petition; and finally fol 224rv, Little to Templeman, 15 March 1836 requested that Prescott transmit an alternate petition.

Irish Society (as it is now governed) and the mischievous Constitutional Society to dine on the 17th together with their Protestant friends."[26] On 1 March an independent faction of the BIS met to plan what the *Patriot* called "the Orange Dinner".[27] Four days later, the *Ledger* reported that at Fleming's sermon to the sealers, an Irish faction was denounced as "natives" and "scum"—a reference to families such as the Sheas, and Liberal Catholics such as McLean Little, Kough, and Tobin because of their long residence in Newfoundland—because they signed a petition in favour of the merchants who "robbed" servants of their wages,[28] a reference to Boulton's attempts in 1834 and 1835 to alter the truck system. Repeating McLean Little's complaints verbatim, *The Ledger* reported that Fleming claimed he had begun an "open war" with a "factious knot of bad Irishmen"; that the BIS had split; and that the bishop "as a politician, wants the brains to put even two consecutive ideas together."[29] If Winton had tried to raise suspicions among Protestants of disloyal Catholics and the threat of rebellion, he could not have better done so. If Irish Catholics themselves were no longer safe from their own kind, and if their clergy could no longer think or lead, what would become of Protestants at the hands of a Catholic rabble?

The factional polarization of the St. John's parish, and Morris's presidency of the BIS drove Kough, Little and others from the society, and provided an opportunity to purge the BIS of reformers' enemies. While thirty-two Liberal Catholics dined with Boulton at The Factory on St. Patrick's night and witnessed dinner chairman Dr. Edward Kielley toast his

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[26] *Ibid*, fol 220r.

[27] *The Newfoundland Patriot*, 1 March 1836.

[28] *The Public Ledger*, 5 March 1836.

[29] *The Public Ledger*, 8 March 1836.

patient, the chief justice, for saving them from the "tyranny of the mob",[30] across the street at the OAS Fleming thundered to an emotionally-charged BIS St. Patrick's dinner:

> How shall the priest in Newfoundland learn how to unmix religion and politics? The influence of the priest is not obtained by the oppression of the poor, or by a servile sycophancy to those in power.... It is because the Catholic Priest is seen amid the snow drift clambering the rugged mountain... bearing the severity of the wintry wind to console the poverty stricken victims of disease in some distant tilt, and having administered the last rites of religion, drinking in the poisonous breath of the departing patient, while trying to catch his dying accents, and to sooth his fleeting spirit.... Is the Catholic Priest to be shackled? No, sir, we will never permit it. Every law awards to us the privilege, and we should be the veriest slaves... if we exercised not that influence to the utmost of our power for the improvement of the condition of the people.[31]

In reply to insinuations of disloyalty, the bishop then claimed his church's allegiance to the British constitution, and revealed his conception of the social and political role of the clergy, and the church's place in the order of society:

> There is not an act of the Priest's, not an article of Instruction, not a precept of their religion that does not prompt to obedience the Constituted authorities - love and loyalty to their King - Within every family you will find an Epitome of monarchy & upon every individual in every Household do we impress ... not only the spiritual necessity but the great temporal utility of bowing with submissive deference to him whom God has given them as a Protector & can we make virtuous & docile children without implanting attachment to the Great father of His People our beloved Sovereign?
>
> The children we teach to obey, the Servant we teach to obey, the labourer we teach to obey, the Mechanic we teach to obey, upon <u>all</u> we teach the necessity of submission to those above them in power or authority, but is it only in obedience consists the loyalty of the subject[?] No Sir, we hold that the subject is bound to reverence & love his Ruler....[32]

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[30] *The Newfoundland Patriot*, 22 March 1836. *The Public Ledger*, 1 July 1836 claimed that 150 were present but this was unlikely. On Kielley's part in the meeting see O'Flaherty, "Kielley", *DCB* VIII, pp. 467-470. O'Flaherty, "In Search of William Carson", a paper presented to the Newfoundland Historical Society, 30 April 1981, p. 22 noted that Kielley was also a friend of Cochrane and Winton.

[31] *The Newfoundland Patriot*, 29 March 1836; also see NLI, Little Papers, file 140-151, document 145, St. Patrick's Day address by Fleming, 1836.

[32] *Ibid.*

The disunity of the St. John's congregation was more than made up by the support of the reform press. Two days before the dinner, R.J. Parsons spouted that "Judge Boulton's appointment is a civil act, to terminate when the whim or caprice of party pleases. Dr. Fleming, by the Sacred rite of Consecration, has been nominated prelate for ever,"[33] A week later, Parsons accused Boulton of instigating a plot to undermine the OAS, and placed him at the centre of the corrupt world of the Newfoundland ascendancy: "At the head of the Tory legion stands Judge Boulton... [a]round whom flap all the petty butterflies who live upon the honey derived from the pockets of the people."[34]

The reformers occupied themselves in the spring session of the house of assembly with legislation concerning roads and a census, but the issue of the control of education dominated. That spring a new education act was debated and passed by the house and council without amendment.[35] The act established a school board for each of the nine electoral districts and allocated a total grant of £2100 for education. Of this, £300 was earmarked for NSS schools and £300 for Catholic schools, of which £100 went to the OAS, £100 went to Presentation Convent School, and £100 went to St. Patrick's School, Harbour Grace.[36] The act established two important precedents. For the first time in Newfoundland, a legislature had established a formally non-denominational education system modelled along the lines of the formally non-denominational but informally Protestant Irish national system instituted

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[33] *The Newfoundland Patriot*, 15 March 1836.

[34] *The Newfoundland Patriot*, 22 March 1836.

[35] 6 William IV, c. 13, An Act for the Encouragement of Education in this Colony. The bill (Bill 22) was given first reading in the House on 5 April 1836 (*JHA*, 5 April 1836, p. 111), on 6 May was given Royal assent by the governor (*JHA*, 6 May 1836, p. 184), and was proclaimed shortly thereafter.

[36] The remainder of the grant was subdivided between the nine boards.

in Ireland in 1831.[37] More importantly, it granted tacit recognition to the validity of denominationally-run schools by providing partial subventions towards their operations, where funding had been hitherto provided by the denominations. Legitimacy was thus conferred upon the principle of the rights of denominations to a share of state funding for schools, and as Frederick Rowe noted, "the legislature had, by implication, expressed its moral obligation to share some of the cost of education, and once the precedent had been set it was only a matter of time before the state would assume a larger share of the burden."[38] The 1836 Education Act did not resolve who would control the schools and by extension, the funds. Since the assembly was not reform-dominated, the bill was not entirely the Catholic reformers' to control, and it required the support of Protestant members to pass. Fleming may not have been entirely enthusiastic about its meagre provision of funds for Catholic schools, or that the presence of Protestants on school boards with jurisdiction over Catholic schools technically gave Protestants a measure of control over Catholic schools, but funds came from the colony's customs revenues, and some funding was better than no funding. Finally, as McCann has indicated, expenditures on education were not solely influenced by economic factors. The 1836 act was the opening salvo of a seven year anti-denominational education campaign waged by Protestants which had the effect of forcing the assembly to withhold grants to school boards, which diminished expenditures on all educational institutions

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[37] McCann, "Introduction" to issue on Education and Society, *NS*, Vol. 11, No.2 (Fall 1995): 171-177. On the Irish system see Donald H. Akenson, *The Irish Education Experiment: the National System of Education in the Nineteenth Century* (London: Routledge & Kegan Paul, 1970), pp. 107-122. Roman Catholic schools in Newfoundland subsequently took little pattern from the Irish National System or its Protestant ideological underpinnings.

[38] F.W. Rowe, *The Development of Education in Newfoundland* (Toronto: Ryerson Press, 1964), pp. 63-4.

between 1836 and 1841 by 24.2% and for public education, by over one-third.[39]

Shortly after the Education Act passed a squabble ensued when Troy received an invitation from Church of England rector Frederick Carrington to attend a meeting of the St. John's board of education at the courthouse. Troy replied that he could not attend because a proper invitation had not been extended, for the appointment should have come from a warrant sealed by Prescott, as called for in the new act and as was done for the Irish board of education by the lord lieutenant. Furthermore, Troy complained, by not inviting Fleming, just as it was the custom of the Irish lord lieutenant to invite the archbishop of Dublin to represent Irish Catholics, a "gratuitous indignity" had been passed "upon the Catholic Clergy and the Catholic People."[40] Troy also protested that because the only advertisement taken out by the government to announce the appointment had been placed in *The Ledger*, he had no choice but to not accept any appointment save one communicated and placed directly in his hands by the governor.[41] Prescott's secretary replied to Carrington that Fleming was to be appointed a general superintendent by warrant and therefore had not been named for any particular district, and that since Troy desired not to attend the meeting, no other senior clergyman could be appointed in his place.[42] The *Newfoundland Patriot* then took up the

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[39] McCann, *Schooling in A Fishing Society: Education and Economic Conditions in Newfoundland and Labrador 1836-1986* (St. John's: Institute of Social and Economic Research, 1994), p. 34. After the calming effect of the Education Act of 1843, expenditures on denominational education from 1841 to 1846 shot up by 636.5%, and on public education by 1185.5%, but both these from a very low base (*ibid.*). In 1836, expenditure on education in dollars as a percentage of total government expenditure was 3.3% (McCann, *Schooling in A Fishing Society, Companion Volume, Tables* (St. John's: Institute of Social and Economic Research, 1994), Table I-36, p. 38. The unique Newfoundland political and educational situation, and Fleming's practise of funding Church educational efforts out of the Church's own monies, which cannot be accounted for, renders comparisons of Newfoundland educational expenditures with those of other BNA colonies like Nova Scotia, PEI, and New Brunswick meaningless.

[40] CO 194/95, fols 10r-12v, Troy to Carrington, 29 June 1836.

[41] *Ibid*, fol 12v.

[42] CO 194/95, fol 13rv, Templeman to Carrington, 2 July 1836.

cause and protested that the St. John's school board had been illegally constituted in the absence of Fleming, the senior clergyman of the district, and that "amongst the one hundred and seventeen members of the several boards of Education appointed on the eighteenth of May, 1836, by His Excellency Governor Prescott, no fewer than eight of these [Catholic] clergymen beside the bishop were insultingly flung aside" for membership.[43] Prescott sent the correspondence to Glenelg to show the "influence of the clergy" in Newfoundland, and insinuated that Troy was "also supposed to be the principal advisor of the bishop in all his proceedings,"[44] but Stephen advised Glenelg to simply express regret that the invitation was so misconstrued.[45]

The success of reformers in purging dissent from the BIS was matched by the failure of British complaints in Rome. Palmerston's new request reached Aubin in March, and he recited to Lambruschini a well-worn Newfoundland litany about Winton's ears, McLean Little's petition and the threats against Hogan and Boulton. But Lambruschini resisted Aubin's prompting to hurry the matter along to Propaganda and refused the emissary's offer to forward the complaints himself.[46] Curiously, Abercrombie had reported to Palmerston that the "Government of Rome appears fully convinced of the extreme impropriety of Fleming's conduct", but by the time James Stephen heard the message, it had been diluted into Abercrombie's hope to have "the ability to announce that measures have been taken to secure the members of the Roman Catholic Religion in Newfoundland from further persecution by

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[43] *The Newfoundland Patriot*, 9 July 1836; Sister Mary Teresina, "The First Forty Years of Educational Legislation in Newfoundland", unpublished MA (Ed.) thesis, University of Ottawa, 1956, p. 21.

[44] CO 194/95, fols 5r-6v, Prescott to Glenelg, 4 July 1836.

[45] *Ibid.*, fol 6v, note of James Stephen; and CO 194/95, fols 7r-8v, Glenelg to Prescott, 22 July 1836.

[46] CO 194/96, fols 44r-49v, Abercrombie to Aubin enclosing Palmerston's request, 15 March 1836; fols 50r-55r, Aubin to Lambruschini, 21 March 1836; and fols 55r-60r, Aubin to Abercrombie, 29 March 1836.

their priests."[47] While London's expectations were raised, Aubin's were dashed. In a brave attempt to put the best face on failure, he wrote anew to Abercrombie on 11 April that

> I discovered from Monsignor [Capaccini] that Doctor Fleming passes here for a staunch prop & promoter of the Catholick religion and is considered what is termed a "holy man"— Any individual enjoying such a reputation at Rome is not likely to be called to a very strict account for his errors, be they what they will but yet I am given to believe that the letter is in a tone calculated to bring back the Rev[d] Gentleman to a course consistent with the duties of his vocation. — Doctor Fleming is not told in the letter, from what quarter the representations against his conduct have been made at Rome; and it is left to the option of H.M. Gov't to let him be acquainted with it, or no.[48]

In turn, Abercrombie must have been disheartened to inform Palmerston that Capaccini's letter was "not as strong as it could be," but since Fleming was still ignorant of the extraordinary means being used to secure his censure and removal,[49] at least there would still be some hope of making a successful complaint against the bishop. In late March Fleming again requested a copy of Prescott's May 1835 despatch "containing imputations highly criminatory of my Episcopal Character,"[50] but no answer was given.

Fleming also returned his attentions to evangelism and in an indirect way this reinforced his, the church's, and the reformers' credibility. In late April, 1400 school children were confirmed in the Chapel in St. John's; on 1 May, 600 children and parishioners were confirmed in Torbay; on 8 May, 449 were confirmed in Portugal Cove; and on 15 May, 413 people were confirmed in Petty Harbour. Brimming with pride, Fleming was able to inform Rome that between October 1833 and 1 May 1836, a total of 2,860 people had been

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[47] CO 194/96, fols 38r-43r, J. Backhouse to Stephen, 14 April 1836; *ibid.*, fols 34r-36v, Backhouse to Stephen, 9 April 1836.

[48] CO 194/96, fols 72r-74r, Aubin to Abercrombie, 11 April 1836.

[49] CO 194/96, fols 70r-71v, Abercrombie to Palmerston, 18 April 1836.

[50] CO 194/94, fols 242r-244r, Fleming to Templeman, 29 March 1836.

confirmed including no less than 304 converts to Catholicism.[51] At the end of May, Fleming, Troy and "two or three laymen" proceeded to Brigus in Conception Bay to bless the church there, and then visited Torbay, Carbonear, and Harbour Grace, before returning to St. John's to confirm another 400 adults, who had not been prepared at the time of the first confirmation.[52] While in Conception Bay, Fleming became upset with Prescott's deceptiveness when he learned that the requested British man-of-war had arrived to enforce civility upon the now docile inhabitants of St. Mary's, so he issued a pastoral letter advising the people of St. Mary's to "behold what arts are used, by the enemies of social order, to malign the people, and to misrepresent their acts, and to magnify their faults."[53] Open hostility towards the government on Fleming's part was new, but in order to make reparations for the fish flake misdemeanour, Fleming asked the accused men Michael Christopher, Patrick Tobin, Stephen Connors, Thomas Murry, James Fagan, Sr., John Bishop, and Geoffry Quilty to go to St. John's and "tender bail for their appearance" and let the truth prevail.[54] While this summons might be interpreted as a piece of high-handed presumptive paternalism, the bishop had the moral suasion to summon where Prescott and the British Navy could only use force. Out of respect for Fleming the men appeared in St. John's for trial. In the religious and political experiences of Irish Catholics and their impact upon Newfoundland life, Fleming had placed himself at centre-stage, and both priest and people drew strength from the contact.

During the summer of 1836, the issues of Fleming's removal and the land grant

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[51] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 27.

[52] *Ibid.*, p. 28.

[53] CO 194/94, fol 328r, Fleming to the people of St. Mary's, 10 May 1836.

[54] *Ibid.*

became inextricably entwined. Fleming was on his visitations in Conception Bay when Glenelg informed Prescott that he had considered renewing the representations in Rome against Fleming for Rome had expressed its disapproval anew of the "outrages at St. Mary's" and had "promised to take every measure in its power to prevent a repetition."[55] Then, becoming wary of bringing embarrassment upon his government for breaking his country's law, Glenelg lied to Prescott that he was "unwilling to invoke the authority of the Pope in a dependency of the British Crown,"[56] and Prescott was warned "not advert to the circumstances which I have now detailed" in any communications he might have with Fleming. Glenelg concluded with the threat that "Unless he desists we will take more measures to restore tranquillity to that Island."[57] In late June Fleming renewed his land request through Prescott,[58] who took advantage while forwarding the request to state that it would be acceptable as long as it did not interfere with "the intended site of the proposed Gaol and penitentiary."[59] Soon afterward, Fleming was informed and "surprised" to learn that his chosen site was the intended site of the jail, so he asked Prescott to move the site of the jail but this was refused.[60] Prescott may have been suspicious, but James Stephen, who must have wished to rid himself of the recurring nuisance of Fleming's requests, saw a certain wisdom in not frustrating Fleming any longer, and forwarded the despatch and request to the

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[55] CO 195/18, pp. 474-480, Glenelg to Prescott, 20 May 1836.

[56] *Ibid.*

[57] *Ibid.*

[58] CO 194/94, fols 379r-382, copy of Fleming to Prescott, 21 June 1836; AASJ, Fleming Papers, Fleming, *Relazione* (1837), pp. 41-44; CO 194/96, fols 256r-257r, Fleming to Glenelg, 25 June 1836.

[59] CO 194/94, fols 375r-376v, Prescott to Glenelg, 25 June 1836.

[60] CO 194/94, fols 382v-384r, Fleming to Prescott, 23 June 1836; and fols 385r-386v, Templeman to Fleming, 24 June 1836.

Ordnance "to ascertain whether without prejudice to that Dept. ... the land in question could be appropriated to the building of a Roman Catholic place of worship...."[61] "If so," wrote Stephen, "express Lord G's opinion that the public interest of the Colony W[d] be promoted by a grant of it for that purpose."[62] The matter was neatly handled by Stephen, but remarkably, the land was still not granted, suggesting the possibility of political interference at a high level.

In late June Fleming received a letter from Cardinal Fransoni, who had seen Aubin's papers. He repeated Capaccini's warnings and suggested that Fleming and his clergy avoid politics.[63] Fleming had become suspicious enough over the bureaucratic obstacles to acquiring cathedral lands, and alarmed enough about correspondence from Newfoundland to the Vatican damaging his reputation to believe that a visit to the Colonial Office was in order. He left on 4 July,[64] but two days before, Prescott wrote Glenelg that Fleming was proceeding to England to procure land for his church and raise a subscription towards its construction.[65] Since more priests were needed for the mission, Fleming anticipated a long stay in Europe, and he was there for fourteen months. Troy was again left in charge of the mission.[66] No sooner had the bishop left town than a renewed and undated "Testimonial of

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[61] *Ibid.*, fol 376v.

[62] *Ibid.*; CO 194/94, fols 377r-378v, Sir George Grey to R. Byham, Esq, 30 July 1836 noted that the request was made in Glenelg's name, but it is unlikely that he ever saw it.

[63] APF, LDB, 1836, Vol. 317, fols 263r-264v, Fransoni to Lambruschini, 31 March 1836; APF, SRNC, 1831-1836, Vol. 3, fols 420r-421v, Fransoni to Fleming, 31 March 1836; copied in APF, LDB, 1836, Vol. 317, fols 261r-262v.

[64] *The Times and General Commercial Advertiser*, 6 July 1836. *The Public Ledger*, 1 July 1836 reported that while Peel's Tories were in power from 1834-5, Spring-Rice suggested to Fleming that he renew his appeal for church land when the Whigs regained power. This may have also prompted Fleming's visit to England.

[65] CO 194/95, fols 3r-4v, Prescott to Glenelg, 2 July 1836.

[66] *Ibid*, and AASJ, Fleming Papers, document 20, Fleming to Troy, 4 July 1836, granting faculties.

Character" was published supporting Michael McLean Little.[67] The testimonial bore 215 signatures, many of which were those of prominent Catholics, including Henry Simms, estranged from the headmastership of the OAS.[68] Since the printed testimonial included Glenelg's reply, it was obviously published with Prescott's consent and indicated how he had "crossed the line" between gubernatorial impartiality and partisan participation by providing the correspondence to Little's supporters.

In mid-July, Fleming arrived in Liverpool and headed for parliament in London before it closed, writing Troy of his discovery that "the most nefarious means have been used to blast my projects and my character."[69] With the bishop away, Prescott thought it expeditious to try to buy off reformers in order to forestall renewed vehemence from Troy. The governor informed Glenelg that since council member John Bingley Garland had been absent from Newfoundland for two years, he could be replaced with John Sinclair, a merchant "particularly desirable as being undistinguished for any violent party feeling", or if Glenelg wished, with either Carson or Morris from the "popular party".[70] When Nugent raised a fresh petition against Boulton's jury system, Prescott gave Boulton the opportunity to dismiss it as "perfectly ludicrous", the "malevolent misrepresentations of the few turbulent and mischievous individuals who have at the doors of their Chappels procured the signatures

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[67] CO 194/95, fols 26r-30v, 31r, Testimonial of Character of McLean Little, 19 August 1836.

[68] CO 194/95, fol 31r. Signatories included Catholics Stephen Malone, Patrick Malone, MHA Patrick Kough, builder Nicholas Croke, merchant James Tobin, merchant Timothy Hogan, OAS schoolteacher Henry Simms, merchant Ambrose Shea, and baker Philip Duggan, supported by Protestants publisher Henry Winton, Newman Hoyles, council member James Spearman, Commanding Officer of the Garrison Colonel William Sall, Commanding Major of the Royal Volunteer Companies Robert Law, High Sheriff B.G. Garrett, Aaron Hogsett, Speaker of the House of Assembly Thomas Bennett, Archdeacon Wix, *Times* publisher John McCoubrey, and Attorney General James Simms.

[69] AASJ, Fleming Papers, document 23, Fleming to Troy, 17 July 1836.

[70] CO 194/95, fols 32r-35v, Prescott to Glenelg, 16 July 1836.

of the ignorant" before sending it to London.[71] Glenelg sided with Boulton against Nugent's petition,[72] and Stephen replied that if the petitioners wished "to impugn the conduct of the judge" a petition would be more properly sent to the king in his privy council by which the matter could be referred to the Judicial Committee of the privy council.[73]

While British officials schemed for Fleming's removal, the bishop forced upon them the issue of the church land, and London found a new way to delay the grant. The Board of Ordnance informed Prescott that no opinion could be offered on the suitability of the land for Fleming because the application lacked an accompanying map to indicate the site of the intended church and school.[74] Upon his arrival in London, Fleming made two more requests for church land to Sir George Grey, offering to provide a map to clarify the request if he could be granted an interview,[75] and stressing that Newfoundland Catholics had always maintained "a loyalty and singular attachment to our Sovereign and to the Constitution", even though they never received "a single mark of Royal favour, not a single acre of land for any public use whatever."[76] From the slow rate at which the Colonial Office responded, Fleming must have wondered whether expressions of loyalty carried any weight, but he knew that they permitted reformers and Catholics to deftly sidestep their enemies' accusations of harbouring

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[71] CO 194/95, fols 42r-45v, Prescott to Glenelg, 20 July 1836; fols 65r-66r, Boulton to Prescott, 19 July 1836.

[72] CO 195/18, pp. 512-514, Glenelg to Prescott, 19 August 1836.

[73] CO 194/95, fols 44v-45v, notes of James Stephen, 15 August 1836 appended to Prescott to Glenelg, 20 July 1836.

[74] CO 194/96, fols 111r-112v, Robert Byham, Inspector General of Fortifications, to Stephen, 19 August 1836, and fol 113rv, Glenelg to Prescott, 31 August 1836.

[75] CO 194/96, fol 258rv, Fleming to Sir George Grey, 15 August 1836, and fol 259rv, Grey to Fleming, 31 August 1836, in which Grey offered Fleming the same reply Stephen had given Prescott. Also see AASJ, Fleming Papers, Fleming, *Relazione* (1837), pp. 44-5.

[76] AASJ, Fleming Papers, Fleming, *Relazione* (1837), p. 45, enclosing Fleming to Grey, 9 August 1836.

treasonous sympathies. The bishop spent August seeking the support of members of parliament for the land before the session prorogued. From Daniel O'Connell he obtained a diplomatically-worded letter of introduction to Glenelg:

> I am sorry to be obliged to assure your Lordship that the [Newfoundland] Catholics, though the greater number, have much reason to complain of the treatment they received from the local authorities. No man has been worse used than the very exemplary prelate - Dr. Fleming - who takes you this letter. His zeal has been too successful in the creation of chapels and schools not to excite the resentment of persons of illiberal notions, and he has, therefore, been resisted and opposed where co-operation ought to have been given. He is ready and willing to enter into the fullest explanations, and he can, unfortunately, demonstrate the unpleasant spirit in which the local authorities deal with their fellow subjects - the Catholics of the colony. I feel he has only to bring the facts before you to be certain of success.[77]

The letter was not put to immediate use. On 15 August the bishop prepared a brief for MP Sir George Grey, the under secretary, requesting lands,[78] but parliamentary duties prevented Glenelg or Grey from meeting Fleming,[79] and when parliament closed many members vacated London for their estates. In late August through Irish MP Richard More O'Ferrall, Fleming complained that Prescott had made imputations against him but refused him the right to see the offensive despatch, and complained that the British government had made representations to Rome which implied "well-established guilt on my part".[80] Fleming assured Glenelg that he had not received "from any spiritual authority at Rome either a remonstrance or a condemnation of my conduct," and asked for an interview, for it was only fair that he be informed of the charges against him and afforded a chance to defend himself.[81]

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[77] *Correspondence of O'Connell*, letter 2350, Daniel O'Connell to Lord Glenelg, 3 August 1836.

[78] CO 194/102, fol 273rv, Fleming to Grey, 15 August 1836.

[79] CO 194/102, fol 275r, Grey to Fleming, 17 August 1836.

[80] CO 194/96, fol 262rv, Fleming to Glenelg, 29 August 1836, enclosed in CO 194/96, fols 319r-320v, O'Ferrall to Glenelg, 29 August 1836.

[81] *Ibid.*, Fleming to Glenelg.

Glenelg finally agreed but did not immediately provide the bishop with a copy of Prescott's despatch. Fleming lost no time and drafted his *Report on the State of the Catholic Mission in Newfoundland in North America* for the Cardinal Prefect of Propaganda, which was published in 1837 and outlined the work of the clergy in the mission, and various persecutions at the hands of the "Orange" Liberal Catholics.[82] This *Relazione* reinforced Fleming's good reputation in Rome, and was a valuable defence from the charges periodically renewed by London.

Through the fall, British officials continued to delay in granting the cathedral lands. Fleming remained in England to press his claims, while Ordnance officials in Newfoundland prepared the Colonial Office's requested map. At the end of the summer, Glenelg had informed Fleming that due to his inadequate submission of information about the lands he requested, Prescott and the Ordnance officers would be immediately directed to supply the missing information and a decision would be taken regarding the land.[83] This must have made the bishop suspicious of defeat, given his own earlier offer to provide a map to expedite the request. So in early September he wrote Troy and chided him for not writing with news from Newfoundland, and instructed him to purchase Williams' plantation should it be put up for auction, to mortgage his farm "Carpasia" to pay for it, and to very confidentially inform his friends, farmers John Casey and James Treacy, of the circumstances "and let them bid also" in order that Troy might secure Williams' land.[84] Finally, Fleming warned Troy "should an election take place before my return, I hope that you will not

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[82] AASJ, Bishop Fleming Papers, Fleming, *Relazione* (1837).

[83] CO 194/96, fol 259rv, Glenelg to Fleming, 31 August 1836.

[84] AASJ, Fleming Papers, document 24, Fleming to Troy, 10 September 1836.

interfere in any public names with it."[85] On 14 October in St. John's, with a new Ordnance map in hand, Prescott again suggested to Glenelg that Fleming not be given the land because it would now eliminate a soldiers' garden.[86] The zeal and pettiness of Prescott's protests underlined his determination to stop Catholics from acquiring the land, and they also show that the land question was one which Prescott recognized would have the capacity to change the balance of political power in St. John's. It would be an embarrassing capitulation to Irish interests, and would give Fleming control of the best site in the capital, and control of the iconography, the architectural vocabulary, and therefore the language of social presence and power in the capital city of Newfoundland.

To further defend his reputation Fleming went to Ireland in October where he extensively publicized his Newfoundland work. The Irish and Newfoundland presses eagerly reported his every movement. On 20 October he addressed the Catholic Book Society of Ireland, and claimed that when he arrived in Newfoundland in 1823, Protestants controlled all the affairs of the colony, Catholic merchants attended Protestant church services, and that St. John's had been cursed with several bawdy houses, which he quickly had shut down.[87] *The Patriot* printed a new letter of Fleming's to Dr. Spratt of Dublin, describing the fish-flake incident at St. Mary's: Martin the MHA had been petitioned against by two thousand people as not legally qualified to be a member of the House because he was not a householder, and Duffy had been arrested by "two common catchpoles", dragged many miles to trial in Ferryland, and subjected to the derisions of the district magistrates who expressed delight at

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[85] *Ibid.*

[86] CO 194/95, fol 153r, Prescott to Glenelg, 14 October 1836. Two months later, Byham at the Ordnance in London wrote Sir James Stephen to reinforce the point. See CO 194/96, fols 123r-126v, Byham to Stephen, 12 December 1836.

[87] *The Public Ledger*, 20 December 1836, repr. from the Irish Tory *Morning Register*.

having "caught a priest".[88] For Irish Catholics, the notion of "catching" a priest harkened back to the penal days of priest-hunters in Ireland, who were often nicknamed and their families taunted for generations.[89] Crowdy forwarded this letter which "incited the lower classes to ill-will towards constituted authority" to Attorney General Simms for review for factual accuracy,[90] and Prescott sent it to Glenelg to prove that "all hope of peaceful conclusion" of the matter was "impossible." Stephen noted on the despatch his belief that Fleming had gone to Rome, and that another approach should be made to secure the bishop's censure.[91] Nevertheless, Fleming consistently iterated his faith in the concept of British justice, and his acceptance of the British government and the administrative framework of the British empire.

Though the reformers felt that justice had to be done though the heavens might fall, the essence of British power over colonies lay in the abilities of colonial governors to buy control with patronage, and in the final ability of the Colonial Office to construct policies, regulations, bureaucracies, practises, and laws to reinforce this control at various times, places, and occasions. Unfortunately for the British, the Irish reformers also realized this. By the end of 1836, the house of assembly still had not been reconvened and Prescott had no intention of recalling it. During the spring of 1836, the Tory-dominated legislature had passed an act limiting the duration of future houses to four years.[92] On 12 September Prescott

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[88] *The Newfoundland Patriot*, 22 October 1836.

[89] See Wall, "The Penal Laws", *Catholic Ireland*, p. 25.

[90] CO 194/95, fols 183r and ff., Crowdy to Simms, 21 October 1836. *The Newfoundland Patriot* was published before the date it bore.

[91] CO 194/95, fols 177r-178v, Prescott to Glenelg, 13 November 1836, and notes by James Stephen.

[92] 6 William 4 c. 7 (1836), "An Act to Limit the Duration of the Present and All Future Houses of Assembly in this Colony", assented to on 6 May 1836.

dissolved the house and an election was called.[93] Gertrude Gunn argued that reformers could be relied upon to exploit class differences between merchants and fishermen, natural Irish animosities against the English, and "the influence of an Irish Bishop who did not scruple to supplement persuasion with the spiritual weapons of the Church" in a bid to create a Catholic assembly.[94] But Fleming was not in Newfoundland for the election, and the reformers seem not to have needed his assistance. Outport Catholic and pro-reform voters were not papal dupes, and if they protested any exploitation, they protested the British colonial system of establishing hierarchies of competing social, economic, ethnic, and political groups within a colony, and then buying off their allegiances with patronage in order to retain control. In a series of consecutive election days which began in November, reformers took twelve seats, with some elected by acclamation. Joseph Shea, Robert Pack, James Power, Peter Brown, Anthony Godfrey, Thomas Moore, Patrick Doyle, Nugent, Carson, Kent were elected, while Morris was elected for both St. John's and Ferryland.[95] Only three Conservatives were elected—Thomas Bennett, William Bickford Row, and Robert Job, while Patrick Kough, Nicholas Gill, and James Grieve, who ran for St. John's, were forced to resign their candidacies.[96] McLean Little later claimed that Kent threatened that unless they would resign, "the town should be laid in ashes."[97] Election riots broke out near Thomas Ridley's premises

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[93] *The Royal Gazette and Newfoundland Advertiser*, 12 September 1836. The legislative and bureaucratic wrangling which resulted in the election call is detailed in Gunn, *History*, pp. 30-32.

[94] Gunn, *History*, p. 32.

[95] Bert Riggs, "Elections", *ENL 1*, p. 682. The practice of running for two districts was tolerated in Newfoundland into the late 1800s, but elected members were required to select one district to represent and resign as the member for the other.

[96] *The Newfoundlander*, 20 October 1836 lists Kough's supporters, *ibid.*, 18 October 1836 lists Gill's and Grieve's supporters (also see CO 194/99, fols 204v-206r) which included a number of Liberal Catholics.

[97] CO 194/97, fol 420, "Papers Laid Before the Select Committee [of Parliament] on Newfoundland", unpublished, p. 15, Michael McLean Little to Prescott, 31 July 1837.

in Harbour Grace when a contingent of 400 voters from Carbonear appeared, forcing Ridley, Robert Prowse, and a Mr. Newell to withdraw from the contest, and no voters were permitted to enter the poll unless they wore green.[98] Rambunctious election proceedings also ensued in St. John's on a Sunday at Riverhead, an Irish neighbourhood, led by Morris and Carson. One deposition later attested that when one hundred special constables were appointed, Carson ordered his farm hands to prepare a thousand pickets with which a "mob" might face the police, but when special police sworn for the occasion confronted them, the "mob" cast down their staves.[99] Morris, Carson and Kent were arrested and charged with "tumultuously assembling on a Lord's Day", but the charges were eventually dropped.[100]

The disturbances of the 1836 election gave Prescott and the Tories just the reams of legal depositions, evidence, and excuses they sought to get rid of the bishop and silence the reformers, and everything was sent to Whitehall. Prescott wrote Glenelg that "a brutal and ruffianly mob armed with bludgeons" crying "down with the Tories" had turned out at Harbour Grace in November to support "the nominees of the Roman Catholic Priesthood", and that Harbour Grace merchant and candidate Thomas Ridley attempted to stop Pack and Power's "mob" from controlling the polling room.[101] Shillelaghs and curses flew, Ridley's flag was torn down, and Lee Whitling, Thomas Tapp, and Thomas Gosse were violently assaulted.[102] A store in St. John's where the Tory candidates Kough, Gill and Grieve and their

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[98] *Ibid.*; *The Public Ledger*, 25 November 1836; and Leslie Harris, "The First Nine Years", p. 114.

[99] CO 194/95, fol 296r and ff., and Harris, "The First Nine Years", pp. 116-7.

[100] CO 195/19, p. 44 and ff, Glenelg to Prescott, 30 March 1837 noted the charge but stated that in the absence of evidence he could express no opinion.

[101] CO 194/95, fols 194r-197v, Prescott to Glenelg, 9 December 1836, and fols 206r-212v, Thomas Danson, J.P. and John Stark, J.P. to James Crowdy, 17 November 1836.

[102] *The Public Ledger*, 26 July 1837.

supporters had gathered was "assailed with heavy stones" and all the windows beaten out.[103] Five Catholic priests, complemented by a mob from not only St. John's but "from the neighbouring outports and Carbonear" were on the St. John's hustings, while Morris owed his double election to the influence in Ferryland of the priest James Duffy.[104] Alarmed that he had previously thought of buying-off the reformers, Prescott informed Glenelg of his intention to "mark my sense of such conduct and to withhold every mark of attention from the nominees and partizans of such a confederacy."[105] When *The Patriot* reprinted the American Declaration of Independence without comment, Prescott became alarmed that a republican insurrection would soon be in full flight on the streets of Irish St. John's.[106]

During the elections, Edward Troy did little to justify either Prescott's or Fleming's confidence. Fleming was in Ireland and arranged for James Kent (John Kent's brother in Waterford) testify that the clergy preserved the peace outside Winton's house in December 1833, and had him condemn Winton for using his influence to have the garrison called out.[107] Troy nullified what good this might have done when in October he refused to walk in a funeral procession with Kielley, and delayed the funeral until the "mad dog" doctor

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[103] CO 194/95, fols 194r-197v, Prescott to Glenelg, 9 December 1836.

[104] *Ibid.*, fol 196r.

[105] *Ibid.*, fol 197r.

[106] *Ibid.*; *The Newfoundland Patriot*, 19 November 1836. The prospect of Irish republicanism horrified Prescott and other loyalists, despite the fact that Morris and Fleming, like O'Connell, previously had eschewed it. Morris's first paragraph of *Arguments to Prove the Policy and Necessity of Granting to Newfoundland a Constitutional Government* [1828] argued that Britain's grant of a constitutional government to Newfoundland would "alone save her from falling at no distant period a victim at the feet of the young and aspiring Republic of America".

[107] CO 194/99, fols 230r-231v, deposition of James Kent to John Harris, Mayor of Waterford, 28 November 1836.

withdrew.[108] In the Chapel before mass on 13 November, the Sunday before the election, Troy was helped by Fleming's manservant Patrick Brawders and Morris's friend John O'Mara in ejecting Thomas Grace and Michael Scanlan from the Chapel. They had supported Kough, Gill, and Grieve.[109] Brawders stood before Scanlan's wife and daughter in their family pew and cried out that Scanlan's "strumpet of a wife must be off after him", but John Shea came to the ladies' rescue.[110] Scanlan was kicked as he left the Chapel gallery. Outside he complained that he and his family had lived in St. John's for 21 years, but O'Mara violently pushed him, and a crowd threatened to assault him before the priest Martin Bergen came from the bishop's residence and escorted him safely off the property.[111] McLean Little accused Troy of preaching that the "mad dog Orange Catholics" wanted a religion which "may require them to go to Government House to ask the Governor when they will say Mass; they want an English mass; they want an English priest; they want to do away with confession, and the soiling of their fingers in holy water, and to trample under their feet the cross."[112] The accuracy of Little's account is difficult to ascertain, but like a true O'Connellite, Troy clearly wanted no British government influence or veto on Catholicism in Newfoundland. It would be intolerable. However, Troy used no reserve in invoking Fleming's authority in Fleming's absence, and this ultimately proved costly to the bishop and

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[108] O'Flaherty, "Kielley", *DCB* VIII, p. 468.

[109] *The Newfoundlander*, 18 and 20 October 1836 list Scanlan and Grace as supporters of Kough, Gill, and Grieve.

[110] CO 194/97, fols 356r-357r, deposition of Eleanor Scanlan to P.W. Carter, J.P., 26 November 1836.

[111] CO 194/97, fols 353v-355v, deposition of Michael Scanlan to P.W. Carter, J.P., 26 November 1836.

[112] CO 194/97, fol 420r, "Papers Laid Before the Select Committee", p. 15 , Michael McLean Little to Prescott, 31 July 1837, supported by fol 422r, p. 19, depositions of Philip Duggan and Ambrose Shea to C.F. Bennett, J.P., 8 December 1836, and by testimony of Patrick Brawders, who was charged with assault and battery and fined £25, noted in *Royal Gazette and Newfoundland Advertiser*, 17 January 1837.

his vicar.

Other of Troy's activities caught the notice of Timothy Browne, who later told Propaganda that Troy had refused to administer the last rites to one of the "Mad Dog" Catholics at election-time. Lawrence Barron had been seriously beaten and injured in the election riots in St. John's on 14 November,[113] and on 20 November, when his wife believed he was on the edge of death, she sent her neighbours Lawrence Macassey and John Cusack for a priest to administer the last rites to her husband.[114] According to Browne, Troy refused to attend and forbade his assistant priest, Thomas Waldron, from attending unless Barron signed a written apology for having opposed the bishop and priests at the election and having dined with Judge Boulton.[115] Browne reported that Waldron had later told him that Fleming had ordered that "any of those persons that were opposed to him should not be attended while dying."[116] In another deposition, Mary Barron testified that Troy had said "no priest should prepare him, and that that was the way in which all the Mad Dogs should die—that there would not be one of them alive in five years."[117] On Troy's behalf Macassey presented Barron with the apology which he refused to sign, and soon afterwards, he died.[118]

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[113] APF, SRNC, 1842-1848, Vol. 5, fols 731r-732v, notes for the Cardinal Secretary of Propaganda by Timothy Browne, n.d.

[114] In CO 194/97, fols 342r-344r, Barron's wife claimed it was Sunday 21 November 1836, but Sunday was 20 November.

[115] *Ibid.*

[116] APF, SRNC, 1842-1848, Vol. 5, fols 731r-732v, notes for the Cardinal Secretary of Propaganda by Timothy Browne, n.d.

[117] CO 194/97, fol 342v, deposition of Mary Barron, n.d.

[118] APF, SRNC, 1842-1848, Vol. 5, fols 731r-732v, notes for the Cardinal Secretary of Propaganda by Timothy Browne, n.d.; and *The Times and General Commercial Advertiser*, 23 November 1836. Barron was 47 years old at death. Since Barron had been president of the Mechanics' Society when Fleming officiated at his marriage in 1830, Troy's alienation of Barron may have disenchanted some members of the Mechanics' Society. On Barron see Crosbie, *Births, Deaths, and Marriages, 1825-1850*, p. 13; *The Newfoundlander*, 30 December 1830.

In his second report to Glenelg after the election, Prescott tried to take a longer view and offer remedies for "the existing evils of this colony", the advances of the reformers. The governor believed "the feeling in favor of an abandonment of the system of representation to be general here among the wealthier and more intelligent classes", but this was outweighed by the good effects of the first assembly, plus the import duty which yielded "a revenue amply sufficient for all purposes of government as well as for... progressive improvements."[119] However, there was an impediment to such "progress". At a November council meeting Boulton discovered that Crowdy forgot to affix the great seal to the writs of the election,[120] so even before its completion the election was thought invalid. The council intended to keep official silence until Prescott received Glenelg's orders regarding the validity of the contest. In order to limit the reformers' advantages on polling days, Prescott proposed that all nominations take place on the same day in all districts; that simultaneous elections be held to prevent travelling mobs from controlling elections; and that troops be present in Harbour Grace, St. John's, and Carbonear.[121] Finally, Prescott suggested the possibility of adjusting the number of members in the house to achieve a more favourable balance by invoking provisions contemplated for the 1834 act to increase the numbers of MHAs and districts represented. The summertime census of 1836 had shown that Newfoundland had 37,564 Catholics and 36,246 Protestants,[122] spread over the twenty-four districts proposed in the 1834 act. If electors voted on the strict sectarian lines that Prescott

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[119] CO 194/95, fol 316rv, Prescott to Glenelg, 10 December 1836.

[120] The incident is explored in detail in Gunn, *History*, p. 33.

[121] CO 194/95, fols 317v-318r, Prescott to Glenelg, 10 December 1836.

[122] In AASJ, Fleming Papers, Fleming to Dr. O'Connell, 17 February 1844, "Catholic Intelligence: State of Religion in Newfoundland", Fleming wrote of the 1836 census: "This enumeration is now admitted by all to be incorrect, and there is very little doubt, indeed, that there are not fewer than 100,000 inhabitants in Newfoundland. Indeed, I have every reason to know that the Catholic congregation number over 60,000".

suspected they would, a new election would yield thirteen Protestants and twelve Catholics, with two members for St. John's.[123] Glenelg had no intention of approving Prescott's plan, for it would also institute representation for the district of Hermitage, encroaching on the French Shore of Newfoundland, and the British government did not wish to aggravate France.[124] James Stephen commented that if Prescott's thinking that the franchise was for the wealthy was followed to its logical conclusion, it would lead to the abolition of not only the legislature but also trial by jury. "There seems little room to doubt," wrote the Under-Secretary,

> ... that the popular functions established of late years in Newfoundland have produced great evils, tho' as I believe compensated by much greater advantages. The mischief must, I conceive, be left to work its own cure, tho' the process will be a painful one. It seems to me that this despatch can only be answered by expressing Lord Glenelg's hope that an improved composition of the House of Ass'y may provide some remedy for the defective state of policy in the Island.[125]

It was a conclusion with which even the authoritarian Boulton would have agreed, but Stephen took no immediate action on the Newfoundland question.

If British functionaries in Newfoundland moved slowly, their Catholic allies could be counted upon for useful agitation. During late 1836 and in early 1837, this forced Fleming to defend his own reputation, and to seek to legitimise his own enterprises. The Liberal Catholics had eagerly sworn to reams of legal depositions attesting to conflict caused by the clergy, and happily placed them in Prescott's hands for transmission overseas. Like Winton's newspaper reports and Prescott's despatches, the depositions became instruments of power in the hands of those who wished to shape the new state, and allowed them to

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[123] CO 194/95, fol 318v, Prescott to Glenelg, 10 December 1836.

[124] Glenelg had voiced this opinion in 1835 to Prescott. See CO 195/18, Glenelg to Prescott, 27 September 1835, cited in Gunn, *History*, p. 31.

[125] CO 194/97, fol 76rv, notes of James Stephen, 19 April 1837.

orthographically construct their own political legitimacy. These could only be countered by refutations equally as forceful and expansive. In early January, when Fleming finally received the copy of Prescott's despatch he requested, he sent Whitehall an extensive refutation and justified his activities in Newfoundland since 1832.[126] He complained that there was "no recognized channel of communication between the Roman Catholic Clergy in the Colonies, and His Majesty's Colonial Secretary,"[127] and like other criticisms made of representative government in other British North American colonies, he denounced the executive government of Newfoundland, and the republican dangers inherent in its continued misadministration:

> The Government is in the hands of a party administered for the benefit of the richer Class to the injury of the industrious Fishermen. There is no confidence in the administration of Justice between the Rich and the Poor, Religious and Political Jealousies prevail to an extent which embitters the intercourse of private life, Poisons Justice at its source, and involves the Governor and his Council in all the distrust and unpopularity felt towards those he is supposed to patronize. The whole of the Press with one exception is employed in abusing the Religion and the Pastors of the Majority of the Population and that portion of the press exclusively enjoys the Government advertisements.
>
> No Catholic is allowed to enjoy Government favor or distinction till he has distinguished himself by the abuse of me and of the Clergy, the same exclusion is extended to those Protestants who are termed Liberal.
>
> Here My Lord is a combination of causes which if allowed to continue unchecked may produce serious results in the event of a war amid a population trained to arms and expert sailors, a population in constant intercourse with the United States and annually recruited by the most adventurous spirits of the South of Ireland.
>
> Within the last two years 3000 able bodied seamen have left the colony from

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[126] CO 194/99, fols 212r-213v, Fleming to Stephen, 10 January 1837, and fols 214r-228v, "Statement of Dr. Fleming, Roman Catholic Bishop of Newfoundland in answer to the following complaints against him, transmitted in despatches of the Governor to His Majesty's Secretary of State for the Colonies" (hereafter "Statement of Dr. Fleming"), 1837. CO 194/104, fols 35r-36r and fols 33r-34r contain letters of Sir George Grey to Prescott (7 February 1837) and Cochrane (9 February 1837) which informed them that the documents Fleming requested had been released to him. Grey provided them with copies of Fleming's vindication and solicited their corrections.

[127] *Ibid*, fol 212v.

> the causes I have mentioned to which is now added the late unfortunate decision of Judge Boulton which places the Fisherman at the mercy of his employer— I need not tell Your Lordship where these men have sought refuge.[128]

At some point before the end of January, through the intercession of Richard More O'Ferrall, Fleming was granted an interview with Glenelg. O'Ferrall confidentially reported to Archbishop Daniel Murray of Dublin that the interview was satisfactory and "cleared up a misunderstanding."[129] Yet the "misunderstanding" still festered. Fleming had commented unfavourably upon Cochrane and Prescott, so Sir George Grey craftily replied to the bishop that he had forwarded copies to both men and that Lord Glenelg would reserve his judgement until both men replied.[130] On 27 January, Grey informed Fleming that the Board of Ordnance awaited a new report on the land from Prescott,[131] so when the bishop learned that Prescott's report had arrived, he renewed his request.[132] On 9 February, Grey acknowledged the bishop's long wait for a decision on the land, but ascribed the delay to the need to "reconcile the Church's request with the effectual maintenance of that Post [Fort Townshend]", and he promised that Glenelg did not anticipate that a second reference to Prescott would be needed.[133] Stephen's draft response had Glenelg claim that the delay arose "from the imperfect state of the information prepared by the Master General and Board of

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[128] CO 194/99, fols 227v-228r, "Statement of Dr. Fleming", 1837.

[129] DDA, Murray Papers, file 31/5, "Dr Murray 1836-7", document 52, O'Ferrall to Murray, 26 January 1837.

[130] CO 194/97, fol 232rv, Grey to Fleming, 3 February 1837.

[131] CO 194/102, fol 277r, Grey to Fleming, 27 January 1837.

[132] CO 194/99, fol 233r, Stephen's notes on Fleming to Stephen, 24 January 1837, and fols 235r-236v, Fleming to Glenelg, 3 February 1837.

[133] CO 194/99, fol 237v, Grey to Fleming, 9 February 1837.

Ordnance...."[134] Some genuine confusion may have prevailed at the Colonial Office and at the Board of Ordnance, coupled with some obfuscation on Prescott's part. Yet, because many of these same officials also sought to have Fleming removed from Newfoundland, the bishop's six-month-long wait in London was due in good measure to a desire in the Colonial Office to delay and wear him down, while secretly trying to get rid of him.

It was early January 1837 before Prescott received Glenelg's directions regarding the writs. Since parliament would not meet until the end of January and legislation to legalize the election might not pass until the late spring, Prescott was told to issue new writs for a fresh election.[135] When the reformers learned that the election just held was invalid they became infuriated and immediately accused the council of trickery. Citing John Reeves' 1793 thesis of the continued oppression of fishermen by merchants, Nugent sponsored a petition to the king from the inhabitants of St. John's which cited instances in which the executive had trampled underfoot the civil rights of the people. A previous petition seeking the dissolution of the house signed by 2,000 had not only been unsuccessful, but had been "contemptuously left unanswered". The recent election in St. John's had been

> ...marked by the adoption of every unconstitutional means to intimidate the Electors and prevent their exercising their franchise freely—the merchants made every exertion to coerce their servants and dealers... by the immission [sic] of the Troops during several nights, and particularly by drawing up within twenty yards of the hustings...even though there existed not the slightest indication of disorder, committed the grossest outrage upon the Freedom of the election and the Independence of the House of Assembly....
>
> ...those connected with the public offices whispered it abroad that the members then elected would never take their seats in the House of Assembly...
>
> That your Petitioners regarded these circumstances, as strong presumptive evidence of the existence of a conspiracy against the liberties of the people; but it was not until the 16th of January, 1837, that a circular from the Executive informed the

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[134] *Ibid.*, fol 239r.

[135] CO 195/19, pp. 11-12, Glenelg to Prescott, 15 December 1836.

> Representatives of the people that an informality in the Writs under which they have been elected had been, without any form of trial, declared to have rendered all the Elections void—thus confirming the suspicions of your petitioners that a plot had been laid for the subjection of the House of Assembly to the domination of the Council and the Executive....
>
> That therefore they humbly pray that the Government and constitution of Newfoundland may be vindicated by the punishment of those who have made a mockery of the highest institutions of the Country—betraying their King by nullifying His Majesty's Writs—and outraging His Majesty's most loyal subjects by plundering them of their representation.[136]

Nugent also condemned Boulton's grand and special juries as "packed" and the judge as "partizan".[137]

While Nugent and the reformers raged over the refutation of the election, Winton and McLean Little continued to savage the Catholic clergy. Winton claimed that while Fleming was in Ireland,[138] William Conway, a BIS member and friend of the "Mad Dogs" had died and was "conveyed to the grave on Thursday last, by the remnant of the Irish Society, 10 in number, with sashes and wands."[139] Conway had been 48 years old, a native of Killahy, County Kilkenny, and was a substantial planter and resident of Riverhead on the south side of St. John's.[140] A priest had been sent for to administer the last rites, but none attended.[141] Similarly, Winton reported that one Thomas Cluney, who had been crushed under a fall of large staves, had been near death when his sister sent for Troy who refused to respond, and

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[136] CO 194/97, fols 145v-146r, Petition of the Inhabitants of the District of St. John's to the King's Most Excellent Majesty, 7 February 1837.

[137] *Ibid.*

[138] Fleming was in England.

[139] *The Public Ledger*, 7 February 1837. Winton's Liberal Catholic "remnant" was replete with "wands", which may have been shillelaghs, or masonic-style staves.

[140] Crosbie, *Births, Deaths, and Marriages, 1825-1850*, p. 73.

[141] *The Public Ledger*, 7 February 1837.

called Cluney a "Mad Dog". Cluney died soon after, and was also refused a burial service conducted by a priest.[142] Little later wrote that on Sunday 12 February, Troy preached at the Catholic chapel in Torbay that "...there is a pretty example made of the "mad dogs" lately; there are 10 of them dead, and they are now burning in hell. If they got their way, we would have Boulton's law, as in the Canadas, where a couple could not get married by a priest without having to go to a magistrate for a license...."[143] In response to Winton the *Patriot* reported Troy's discovery that the Newfoundland Tories had paid the considerable sum of 20 guineas for two-and-a-half columns in the *Waterford Mail* with which to abuse Fleming in the Irish press.[144] Troy's condemnations seared into the memories of St. John's Catholics a deep-seated and reviled demonology of anything related to Boulton's law, the British government, acts of union, and anything which threatened the church as the defender of Catholic rights, and caused Winton to supply Prescott and the Colonial Office with more ammunition for use in Rome against Fleming.

During the religious season of Lent in 1837, Fleming left London for Rome in order to have Propaganda publish his *Relazione*, a justification and defence of his actions in Newfoundland, and to fund his mission. On the way he stopped at Lyon, France, and provided the missionary and financial division of Propaganda in Lyon—his "Benevolent Society of Lyons"—with an abridged report on the church in Newfoundland in exchange and thanks for their financial support. The support of benevolent societies was an important means of ensuring the financial independence of the cathedral project from British control. Fleming's account cannily played to his French benefactors when he noted that

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[142] *Ibid.*

[143] CO 194/97, fol 420r, "Papers Laid Before the Select Committee", p. 15, Michael McLean Little to Prescott, 31 July 1837.

[144] *The Newfoundland Patriot*, 18 February 1837.

> La majeure partie de la population se compose d'Irlandais nés dans le sein de la véritable Eglise, et chez lesquels on retrouve ce zèle religieux qui a toujours distingué la catholique Irlands. Mais leur misère ne m'a pas permis de les faire jouir, autant que je le désirais, des avantages spirituels auxquels notre sainte Religion appele ceux qui lui sont fidèles.[145]

The bishop claimed that it was due to his efforts that the number of priests available to minister to the people had been increased from four at the start of his episcopacy to twenty-one.[146] Fleming suavely informed the Society that the St. John's Chapel was a wooden building and that the annual lease of £80 paid by the congregation for the grounds would expire in two years.[147] Furthermore, wrote the bishop, it was named the "Church of St-Louis", the medieval King of France and patron saint of crusading tertiaries, benevolent men like the society's members. Most importantly, Fleming also noted that while in England he had requested land upon which to build a cathedral, and had been promised that he would receive the necessary lands and be able to take possession of them when he returned from Rome.[148] He concluded with a request to the Society for funds, with which to start building "A Church to St-Louis, a convent, a schoolhouse and a residence for my clergy."[149]

By the time Fleming got to Rome, he found himself in a pitched battle against the arguments of the Liberal Catholics through Aubin. He quickly had his *Relazione* published

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[145] CNS, Michel-Antoine Fleming, "Mission de Terre-Neuve et du Labrador", *Annales de la Propagation de la Foi*, Vol. 61 (1838): 468-9. "Most of the population is made up of Irish born into the true Church, and in whom one finds the religious zeal which has always characterised Catholic Ireland. But their poverty does not permit me to bring them the joys which the spiritual benefits of our holy Religion bestows upon the faithful." I thank Michael Toope for this translation.

[146] *Ibid.*, p. 471.

[147] *Ibid.*, p. 474.

[148] *Ibid.*, p. 474. Fleming noted that «on m'a promis de me donner ce terrein, dont j'entrerai en possession à mon retour de Rome.»

[149] *Ibid*, p. 476. "une église à St-Louis, d'un couvent, d'une maison pour l'école et d'une maison d'habitation pour mon clergé." A "church" meant a permanent stone building, as opposed to a wooden "chapel".

for distribution "among the Princes and prominent Romans, both spiritual and secular" in order to arouse their "piety and charity".[150] Likewise, McLean Little wasted little time and protested against Fleming through Prescott to Cardinal Weld in Rome, an English friend of officials in the Colonial Office, in hopes that his grievances would be laid before the pope.[151] Aubin informed Abercrombie that Troy's "harangues" were appearing in Irish newspapers, and even Thomas Cochrane was trotted out from retirement to inform the Colonial Office that Fleming's "indiscreet language" had driven Eliza Boulton from the Chapel, and that the bishop had placed himself upon the hustings, and "diverted his chapel from its sacred uses to a Political Club House."[152] Once more, British plans failed. With joy Fleming reported to Troy that on Palm Sunday he had been granted the high honour of being ushered from the bishops' seating in St. Peter's Basilica to be seated as an Assistant Prelate at the Papal Throne.[153] Several weeks later, Fleming wrote Angelo Cardinal Mai, the general secretary of Propaganda, exuding delight at his triumph in the Eternal City:

> Today a little before midday I had the singular honour of waiting upon His Holiness, the Supreme Pontiff, at whose feet I most humbly placed my Report On the Catholic Mission of Newfoundland. While life remains I will remember the most benevolent and paternal manner with which the Supreme Pontiff deigned to welcome and receive

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[150] AASJ, Fleming Papers, document 32, Fleming to Cardinal Prefect of Propaganda, no date given but likely during Lent 1837. Fleming also requested some liturgical vestments from Propaganda, as well as plenary indulgences for Newfoundland Catholics. See *ibid.*, document 30, Fleming to Cardinal (Prefect of Propaganda?) requesting vestments, dated 1837; *ibid.*, document 29, Propaganda to Fleming, dated 1837.

[151] APF, SRNC, 1837-1841, Vol. 4, fols 74r-75r, McLean Little to Cardinal Weld, 10 February 1837; CO 194/97, fol 419v, "Papers Laid Before the Select Committee", p. 14, Michael McLean Little to Cardinal Weld, 31 July 1837. Weld had been a coadjutor Bishop of Upper Canada (but never set foot there before he resigned), and was then nominated to be Bishop of Waterford but refused this before becoming a cardinal in 1830 (see Broderick, *The Holy See*, pp. 70, 71, 75, 90; Murray Nicolson, "The Growth of Roman Catholic Institutions in the Archdiocese of Toronto, 1841-1890", *Creed and Culture*, p. 153; and *ibid.*, Robert Choquette, "English-French Relations in the Canadian Catholic Community", p. 10).

[152] CO 194/98, fols 287r-290r, Aubin to Abercrombie, 30 January 1837; *ibid.*, fols 404r-410v, Cochrane to Glenelg, 19 April 1837.

[153] AASJ, Fleming Papers, document 27, Fleming to Troy, 29 May 1837.

> me - even the highest king would be honoured by such a reception and then his unhoped for benevolence, with which he embraced me, his unworthy servant and adding to these great honours, his approbation of my character and my work in the kindest words. This is sufficient recompense for me for all my labors, trials and difficulties, which I have undertaken as much for the defence as for the propagation of our common religion.[154]

No record has been found of any discussions which passed between Fleming and the pope, but the warmth of Fleming's reception by Gregory would have made it extremely difficult for Prescott or Colonial Office mandarins to harm further his reputation. Nevertheless, neither Aubin nor Stephen knew of this triumph and they were not deterred from their goal.

While Fleming was in Rome, Robert Byham of the Ordnance Office in London advised Stephen that since Fleming had provided a map illustrating his land request, and since it appeared "that all they desire is a Grant of the ground on which to erect their Chapel & Schools, without any protection from a Military point of view", the master general and Ordnance Board had decided that it would be acceptable to grant the land, but with the caveat that the local government was to fix the precise quantity of the land granted.[155] Glenelg informed Prescott to "take immediate steps for conveying to Dr. Fleming such a portion of the land specified in Mr. Byham's letter, as may be required for the ecclesiastical buildings which are contemplated in his letter of the 25 June last which accompanied your despatch of that date...."[156] In a crucial variant of this prose, in the only letter Fleming received on the subject while he was in Rome, Sir George Grey informed him that "the Governor of Newfoundland will be instructed to grant to you so much of the land in question as may be

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[154] NLI, Little Papers, file 140-151, document 140, Fleming to "Monsignor Maius", 18 May 1837.

[155] CO 194/102, fol 280r, Byham to Stephen, 8 March 1837, in reference to correspondence between the two in CO 194/96, fols 123r-126v, Byham to Stephen, 12 December 1836. Fort Townshend was to be abandoned in favour of a barracks for troops at Signal Hill.

[156] CO 194/104, fols 49r-50r, Glenelg to Prescott, 20 March 1837.

necessary for the Ecclesiastical Buildings which it is your intention to erect",[157] and this difference in wording between the two notices pitted Fleming's interpretation against Prescott's and delayed the grant for another year. Ironically, after Grey's and Glenelg's despatches had left Whitehall, on 20 April, the punctilious Stephen jotted a note to Thomas Murdock in the Colonial Office that "the Bishop has been complaining, and not without apparent cause, that we are trifling with him by the innumerable references circulating through this office and the Ordnance, and our and their functionaries in the Colony", so he requested the Ordnance to decide the issue "at once".[158] Official confusion thus became the chief public characteristic of the treatment of the land grant exhibited by the politicians Glenelg and Grey, while at the same time, the highest political levels entertained every intention to delay the grant until Aubin's pressure in Rome could have Fleming removed.

In Prescott's mind, though, there was no confusion about the land grant, and he refused to grant a square foot until ordered to do so. Prescott had not yet received Glenelg's despatch, and on he same day that Stephen expressed his impatience over the issue, Prescott wrote the secretary of state of his hope that a grant "would excite the gratitude of Dr. Fleming and the Catholics in general", but that Fleming be given the land upon his return to Newfoundland, only when "he is prepared to proceed with his work", and that he should be required to "be subject to certain conditions—such as the buildings being completed within a fixed period &c."[159] Finally, the governor pregnantly noted, the erection of the jail and penitentiary were contingent upon the will of the house of assembly, and no appropriation

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[157] CO 194/102, fol 279r, Grey to Fleming, 25 March 1837. That Fleming received the letter while in Rome is apparent from *ibid.*, fol 250rv, Fleming to Glenelg, 1 February 1838.

[158] CO 194/97, fols 227r-228r, note of Stephen to Thomas Murdock, 20 April 1837.

[159] CO 194/97, fols 220r-222v, Prescott to Glenelg, 20 April 1837.

could be foreseen for those buildings from that quarter.[160] Again in mid-July Prescott wrote Glenelg stating that he would not dispose of the Ordnance lands "until I know whether I may give the Roman Catholic Bishop his choice between that field [the commandant's field] and the land to the North of Fort Townshend."[161] These equivocations did not please Glenelg, who replied that Prescott had "already received that permission", and the governor was instructed to "take the earliest opportunity to bring the matter to a final settlement."[162] Once more, against Glenelg's direct orders, Prescott refused the grant and left the issue unresolved until the next year.

As a result of the absence of the seal from the writs for the November 1836 election, the house elected in November never met, and an uneventful election was held in May 1837. Four MHAs elected the previous November refused to run again: Robert Job and Thomas Bennett, and Robert Pack and Joseph Shea, two disaffected reformers. Only two Tories were eventually returned—Hugh Emerson for Bonavista Bay, and William Bickford Row for Fortune Bay, but Row never took his seat.[163] The remaining eleven MHAs were reformers or Irish Catholics, which included Henry Butler for Burin, Peter Brown, John McCarthy, Anthony Godfrey, and James Power for Conception Bay, Peter Winser for Ferryland, Doyle and Nugent for Placentia-St. Mary's Bay, Kent, Carson, and Morris for St. John's, Thomas F. Moore for Trinity Bay, and Edward Dwyer for Twillingate.[164] Prescott later described the

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[160] *Ibid.*

[161] CO 194/97, fols 310r-311v, Prescott to Glenelg, 18 July 1837.

[162] CO 195/19, pp. 89-90, Glenelg to Prescott, 31 August 1837.

[163] Prescott later maintained that Row, "the senior barrister of our courts" and a member of "the better classes of our society" was returned to the House "without his previous knowledge or consent" and had never taken his seat (Prescott, *A Sketch*, p. 52).

[164] Gunn, *History*, p. 294, Appendix B, Table III.

new members as "being in general of a low, and some of them of the very lowest grade of society."[165] Later that summer Michael McLean Little made a deposition stating that on 8 May, the day before the election, Troy preached regarding the elections and the effect of the writs that

> The elections will be to-morrow at 10 o'clock; there will be no opposition; if there was, I should have spoken to you before from this altar this month back, and tell you your duty. The trick of not putting the seals to the writs has caused every district to be alive, and, therefore, we will have a greater accession of Liberal members than before. You are not going to elect any other members than the three gentlemen who you formerly elected; these gentlemen are the friends of liberty and religion.[166]

Troy was also reported to have later preached that "the trick of the writs has made us a gainer on the whole."[167] While the absence of candidates, and the scarcity of evidence make it impossible to conclude that the "trick of the writs" or the politicization of Catholics in the outports secured the reformers control of the house, the knowledge of these in Catholic communities close to St. John's must have played some part in giving reformers the legislative control they sought. Regardless of the numbers elected, the reformers anticipated that control of the assembly would be a signal achievement.

By the time a new house was elected in 1837, the Newfoundland state was in the midst of a period of social and political reconstruction. The reformers and the clergy succeeded in agitating for Catholic rights, and in alarming Whitehall enough to cause Glenelg and Grey to press Rome aggressively for Fleming's removal. Where the reformers and Fleming assailed Boulton, James Stephen hoped a land grant might divert the clergy from political activity and cause peace in Newfoundland. For Prescott, controlling the land

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[165] Prescott, *A Sketch*, pp. 11-12, Prescott, St. John's, to a friend, 16 April 1839.

[166] CO 194/97, fol 420rv, "Papers Laid Before the Select Committee", pp. 15-16, deposition of Michael McLean Little to Robert Job., J.P., 27 July 1837.

[167] *Ibid.*, fol 420v.

issue, the use of legal depositions from Fleming's enemies, and sending Whitehall alarmist despatches filled with jargon from the discourse of Irish stereotypes—"mob", "insurrection", and "lowest grade of society"—were keys to keeping the church on a short leash. The reformers realized that their own ability to drive the political agenda in Newfoundland—the single greatest failure of the Tories—was derived from convincing the Catholic people that they were being deprived of legal and civil rights, jobs, and political and social equality by a clique at Government House. Similarly, Fleming realized that his most pressing personal concern rested in protecting his reputation in Rome, and he did this so well that he thwarted the British government, which stooped to conquer by breaking its own laws in a bid to have the bishop removed. The creation of a Catholic-dominated house gave reformers and Fleming ample opportunity to realize their ambitions, and in its brief and turbulent life, it tried to create a golden age for the Irish in Newfoundland. The proliferation of Irish songs, ballads, popular violence, mock funerals, and parades also performed elements from a repertory of Irish social, cultural, and political practises, and these arts were a response with which the Catholic community legitimised themselves at a time of crisis and conflict. Unfulfilled Irish expectations posed an enormous threat to the establishment of Newfoundland, and were the engine for much of the political conflict which gripped Newfoundland well into the 1840s.

Chapter 6

"A Ferment Which His Holiness Alone Can Quell": The Battle to Control the Newfoundland Church, 1837-1840

Once the new house of assembly was elected, the political stakes grew for reformers, the church, and their opponents. Reformers began to use the British legal system with a vengeance to seek the removal of Judge Boulton and an equal share of patronage and public offices for Newfoundland Catholics. Whitehall also increased its efforts to have Fleming removed, and was aided unwittingly by Troy, whose religious discipline and clerical behaviour during Fleming's absences targeted the Liberal Catholics. Tories and Liberal Catholics eagerly sent ample evidence of clerical involvements in politics to the Colonial Office. Civil servants in London were becoming concerned with the strength of the Newfoundland Catholic church and of Fleming, and stridently complained to Rome using the Newfoundland evidence against the bishop. A measure of independence from colonial control came in 1838 when a grant of land was awarded upon which to build a cathedral. Thereafter Fleming spent much time obtaining suitable plans which would reflect the church's and his own ultramontanism and which would act as an institutional base for the church which reflected the ascendant place of Newfoundland Catholicism, but the church's advances were tempered by the increasing necessity for Fleming to defend his reputation in Rome. James Stephen perceived that Fleming's continued presence in Newfoundland humiliated the British government and made it subject to the control of the papacy. Propaganda received a new stream of accusations against Fleming and his clergy from Timothy Browne, but illegal British protests culminated in an ultimatum issued to Rome to recall Fleming from Newfoundland.

Even before the new house met in 1837, sectarian tempers flared. On 4 June Nugent held a meeting in the Chapel yard to raise a petition to the king. It eventually received 3268 signatures. The petition asserted the reformers' allegiance to the principles of the British

constitution, and protested against the exclusion of Catholics from public office, the bench, the bar, and the magistracy. It protested the bail and trial treatments accorded the priest James Duffy, and found renewed fault with Boulton's comments that "it was as difficult to blend oil and vinegar as to amalgamate Catholic and Protestant",[1] and protested

> That for the last four years the Catholic Bishop and Clergy of Newfoundland have been subjected to an unparalleled system of insult and outrage.— They have been the butt of the calumnies and vituperation of the orange Journals because they dared to support the rights of the people, and in proportion as these slanders thickened were the slanderers countenanced by the Executive.[2]

The text of the petition had been addressed to King William IV, who died on 20 June, and would have had to be re-written and re-addressed to Queen Victoria.

Nugent's petition may also have been rendered less than credible by the renewed condemnation of the "Mad Dogs" by Troy, who sent Prescott a memorial protesting that the Catholic clergy had been encumbered in attending prisoners at the jail;[3] but Glenelg concurred with Prescott that "this is not a case in which the executive government could interfere."[4] Two events occurred soon after the elections which the executive could not resist reporting to London. On 21 June, Margaret Kavanagh (who had made Fleming's consecration vestments) died aged 26,[5] eleven days after giving birth to a son. Troy had refused to baptize the child at its parents' home, the house of Margaret's father, Michael Meehan, a "Mad Dog"

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[1] CO 194/98, fols 256r-265r, "To the Queen's Most Excellent Majesty the humble Petition of the undersigned Catholics of Your Majesty's Island of Newfoundland", 4 June 1837. Troy corroborated this in CO 194/97, fols 314r-321v, petition of Troy to Prescott, n.d.

[2] CO 194/98, fols 256r-265r. Nugent did not send Prescott the petition until December, owing to the "press of business in the local legislature" (see CO 194/98, fol 254rv, Nugent to Prescott, 8 December 1837).

[3] CO 194/97, fols 313v-321v, Troy to Prescott, 22 July 1837. These claims were also supported in Nugent's petition.

[4] CO 195/19, p. 91, Glenelg to Prescott, 5 September 1837.

[5] Bishop Fleming file of Dr. John Mannion; Crosbie, *Births, Deaths, and Marriages, 1825-1850*, p. 175.

Catholic, so the child had to be brought to the bishop's residence.[6] Margaret received the last rites from the priest Thomas Waldron, but at her burial the casket was carried by "Mad Dog" pallbearers, including Kough. Troy even refused to acknowledge the request to attend the funeral and bury her, and the *Times* later reported Troy's expressed opinion that her husband Michael Kavanagh was a "Mad Dog".[7]

When the new house met on 3 July, open dissent broke out between it and the council over the control of education. Prescott's speech from the throne noted that the 1836 Education Act had "met with considerable impediments,"and only in few places in the island was its operation "cordial and complete".[8] Considerable opposition to the act had been voiced in Bonavista, because the board there believed that the prescribed Irish National Readers were biased towards Catholics, and in Harbour Grace, because schoolmasters there wished to use the Authorized Version of the Bible.[9] In Trinity, the Board of Education wanted to keep the Authorized Version of the Bible even if it excluded Catholics. This upset Prescott and he denied the district its grant.[10] He asked the House to "assuage religious jealousies and apprehensions" and to "promote the inestimable blessing of universal instruction".[11] Winton sniped that Troy was in the gallery "directing" the house[12] but the reformers needed little direction from Troy. Catholics had already secured funding for their schools; an amendment

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[6] CO 194/97, fols 344v- 353r, account of Michael Kavanagh, 4 July 1837.

[7] *The Times and General Commercial Advertiser*, 19 September 1837.

[8] CO 194/97, fol 273r, *The Newfoundlander*, 6 July 1837.

[9] *JHA*, 1837, Appendix: Education Returns - 1836.

[10] *Ibid.*

[11] *JHA*, 30 July 1837.

[12] *The Public Ledger*, 7 July 1836.

to the act was passed to facilitate the amalgamation of Catholic and Protestant children in some schools,[13] but this did not prove satisfactory to Protestants because of the Bible disputes, and the problem remained unrectified.

One of the first and most important targets of MHAs was Prescott's exclusion of Catholics from patronage. Before the house met, Nugent prepared a "Table Exhibiting the Extent of the "Exclusive System" in Newfoundland", which showed that of ninety-nine individuals who received government salaries, ninety-eight held their jobs at Prescott's discretion, and ninety-four of these were Protestant.[14] Nugent also named all the office-holders, their positions and salaries; he showed that Catholics had been excluded from all government jobs but three. Out of £19,285 paid annually in salaries, Catholics received only £270 which included Fleming's annual salary of £75. Prescott quietly asked the leading Tory members of the house to prevent the assembly from electing its own officers, in keeping with Glenelg's instructions that the system of royal nomination be preserved for the governor, but when he had Glenelg's instructions laid before the house, MHAs flouted the instructions and immediately created a number of new appointments. They elected their own clerk, sergeant at arms, and doorkeeper,[15] the last of whom was John Delaney, the husband of Edward Troy's sister, Elizabeth.[16] Prescott was forced to report to Glenelg that his measures "were in vain"[17]

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[13] CO 194/105, fol 340r, index, notes that Bill no. 9 to amend the 1836 Education Act was passed in February.

[14] CO 194/103, fols 20r-21v, Nugent's "Table Exhibiting the Extent of the "Exclusive System".

[15] CO 194/97, fol 271v, Prescott to Glenelg, 10 July 1837.

[16] Ian M. Stewart, "John Delaney, 1811-1883", *DCB* XI, p. 242 claimed that Delaney as appointed Doorkeeper of the House in 1835, but Nugent's table does not list him as an incumbent. Given Delaney's connections, it would be unlikely that Delaney would have taken office until the reformers controlled the House in 1837.

[17] CO 194/97, fol 271rv, Prescott to Glenelg, 10 July 1837.

but Stephen drafted a notable reply that while Glenelg reposed "entire confidence" in Prescott, "Lord Glenelg cheerfully acquiesces in his decision to suspend the execution of the instructions".[18] He could hardly have done otherwise, and the reformers retained their right to control appointments. In a time when patronage was not freighted with negative connotations, at root what the Newfoundland reformers and especially the Irish among them wanted most after legal and political equality for Catholics was an equal share of government patronage, just as Irish MPs had obtained at Westminster.

The attack on Prescott's prerogatives made him determined to gather as much damning evidence as possible against Fleming and Troy. On 31 July, McLean Little furnished renewed complaints for Prescott to send to London along with a request for a "truly pious, enlightened, upright, and benevolent Roman Catholic Bishop—it is the greatest of our wants...."[19] Stephen sent this to Palmerston for transmission to Rome so that the Newfoundland priesthood could be placed "under the charge of such a Bishop as the Governor has described."[20] Judges Brenton, Lilly, and Boulton responded to Troy's memorial and provided evidence of disturbances caused by Troy and Fleming, accusing them of a lack of attention to prisoners in jail.[21] Prescott also collected another testimonial from McLean Little which documented persecutions resulting in a loss of business. Enclosed were depositions from Stephen Malone, James Tubrid, and Patrick Malone claiming harassment at the hands of Fleming, Troy and other clergy and the reformers, and a resolution from leading merchants (who were also the Justices of the Peace before whom the depositions had

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[18] CO 194/97, fol 273v, notes by Stephen, 24 August 1837, on Prescott to Glenelg, 10 July 1837.

[19] CO 194/97, fols 415r-416r, Prescott to Glenelg, 10 August 1837, and fols 426r-434r, deposition of Michael McLean Little, 31 July 1837.

[20] CO 194/97, fol 415v, note by Stephen, 12 September 1837.

[21] CO 194/97, fols 322r-341v, Boulton, Brenton and Lilly to Prescott, 10 July 1837.

been sworn) such as John Sinclair, C.F. Bennett, and Robert Job, attesting to the good character of the Malones and Tubrid.[22] McLean Little also sent Prescott an annotated copy of a broadsheet play published by "the bishop's press", the *Patriot*, entitled "The Excommunicated Catholic—A Tragedy of the Nineteenth Century", which mocked Patrick Kough.[23] Through Crowdy, Prescott obtained an account by Job of the "mob" on Water Street outside Winton's house on Christmas Night 1833.[24] Simms provided evidence on Troy's admission that he wrote the "Junius" letter,[25] and unfavourable comments on the clergy came from Kough and Ambrose Shea.[26] Finally, Winton set a straw in the wind:

> ...the Government must be made acquainted with the fact that is has bestowed political rights and privileges upon a people who are not yet sufficiently emancipated from ignorance and thraldom to receive among them the elements of British freedom. The colony is not yet ripe for free institutions; and some steps must immediately be taken to change the course of policy which has unhappily been adopted.[27]

The revocation of representative government was a solution which would gain more adherents among Tories in St. John's and London in the coming months and years, and all it required would be the political support from parliament. It was late November before Palmerston considered the requests to have Fleming removed. Prescott was confidentially

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[22] CO 194/99, fols 85r-89v, McLean Little to Prescott, 19 September 1837; fols 91r-92v, deposition of James Tubrid to Charles Fox Bennett, J.P., 12 September 1837; fol 93rv, deposition of Stephen Malone to Robert Job, J.P., 12 September 1837; fols 94r-95r, deposition of Patrick Malone to John Sinclair, J.P., 12 September 1837; fol 96r, merchants' testimonial, 13 September 1837; fol 97r, deposition of Patrick Malone to John Sinclair, J.P., 29 August 1837.

[23] CO 194/97, fol 98rv, "The Excommunicated Catholic".

[24] CO 194/99, fol 101v-104v, Job to Crowdy, 12 September 1837.

[25] CO 194/99, fols 105r-106v, Simms to Crowdy, 11 September 1837, enclosing Troy to Simms, 26 June 1834.

[26] CO 194/99, fols 67v-80v, Kough to Crowdy, 12 September 1837, and fols 81r-82r, Shea to Crowdy, 9 September 1837.

[27] *The Public Ledger*, 28 July 1837.

informed that Rome had been given McLean Little's complaints but that the "real difficulty" in solving the Newfoundland problem "exist[ed] in the apathy of the Papal authorities".[28] Glenelg, Grey, and Stephen wanted Fleming removed, but legal counsel Thomas Murdock noted that the majority of the most recent offenses had occurred in the absence of Fleming, and that therefore the Colonial Office should settle for Troy's removal.[29]

The damning of Fleming in Newfoundland was not even interrupted by the return of the bishop. News of a grant of land for the cathedral through Irish O'Connellite MP Anthony Lynch prompted Fleming to leave Rome for St. John's. He arrived on 16 September to a tumultuous welcome, and under Carson's speakership the House adjourned to go and meet the bishop and take part in a parade through the streets. McLean Little's journal noted that the "mob" defiantly passed by his residence and those of a number of "Mad Dogs" and taunted their homes.[30] The next morning, Fleming said mass in the Chapel, announced his forgiveness of the "Liberal Catholics", and announced an indulgence from the pope for Troy, permitting him to say three masses in private per week so that at each mass a soul might be released from purgatory. Fleming also informed the congregation of his reception by the pope, and of his plans for the cathedral.[31] In response to this triumphalism, Boulton refuted Fleming's extensive charges made to Glenelg against his administration of justice, and sent Prescott a document that stated that the bishop

> ...endeavoured to infuse suspicion into the minds of the Lower orders that justice had not been done them, and he did not hesitate to declare from the altar in his own chapel that I was the man who had robbed them of their wages and would rob them

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[28] CO 195/19, p. 103, Glenelg to Prescott, 23 November 1837.

[29] CO 194/97, fols 417r-418v, Murdock to J. Backhouse, 29 November 1837.

[30] CO 194/97, fol 99rv, "Extracts from My Journal", in McLean Little to Prescott, 19 September 1837.

[31] *Ibid.*, fol 99v.

> of their lives if I could. The base falsehoods which this man and his subordinates have from time to time uttered against me from the same place and for the same purpose would make better men shudder to listen in Countries where the altar is not habitually profaned.[32]

To Boulton's accusations were added Wix's: he disputed Fleming's accusation that he had preached on secular matters, and enclosed a letter of support from Winton calling Fleming's claim that he had been denounced by Protestant ministers as "a wicked and scandalous fabrication".[33] Wix also could not accept Fleming's refusal to engage in the Protestant custom of preaching a sermon in order to raise a subscription to support the operation of the Factory and "the bulk of the persons drawing relief from being employed therein," who were "of the Romish faith."[34]

When reformers in the house proposed a number of measures designed to appeal to the masses, these quickly lost the council's favour. Gunn noted that of thirty-two bills passed in the house, the council sent only 10 to London for approval.[35] The reformers then decided to attack the privileges of the council. During the fall the MHAs prepared a petition to the Queen asking to "Represent to Her Majesty's Government the exorbitance of the expenditure of this country for conducting the Civil government thereof". The petition also sought to reduce "reserved salaries" (those under the control of the governor); it sought to procure a "pure administration"; and sought control of revenues and customs by withdrawing from Newfoundland the "Comptroller of Her Majesty's Customs", an office "abrogated in the sister

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[32] CO 194/99, fol 165rv, Boulton to Prescott, 27 September 1837.

[33] CO 194/99, fol 109rv, Winton to Wix, 28 September 1837.

[34] CO 194/99, fol 115v, Wix to Crowdy, 5 October 1837. Fleming refused and cited the poverty of his congregation at a period of depression caused by "the interruption of the custom of paying the fishing servants' wages", a time when "the poor fishermen, who, always upon such occasions, were foremost in their subscriptions, are left pennyless." Therefore, wrote the bishop, "I could not think of calling upon them to tax their means still further" (*ibid.*, fol 116rv, Fleming to Wix, 28 November 1835).

[35] Gunn, *History*, p. 39. The legalistic wrangling of the legislature is detailed in Gunn, ch.3.

Colonies." Finally, in keeping with their own conceptualization of Newfoundland as a new land and their permanent home which needed development, the reformers sought a geological survey, a resolution of the French shore issue, and roads and bridges to connect St. John's with the outports.[36] The latter project was especially dear to Fleming's heart, who believed that roads promoted education, and later wrote that where before 1837 "children half a mile distant from the locale of the school [did not attend], they began to use the roads to come to school from distances of three to five miles.[37] An anti-Boulton speech by Morris in the house in late 1837 charged that Boulton had "totally subverted the ancient laws and customs of the country".[38] When a committee of inquiry of the house ordered the speech to be printed, Boulton launched a libel suit against Morris, Nugent and Kent.[39] The reformers got up an address from the house demanding Boulton's removal, but the council, led by Boulton, rejected it.

It gradually occurred to reformers that only a visit to London to have Boulton removed would suffice, and Nugent, Morris and Carson were appointed by the house as a delegation. On 23 December, Troy petitioned the Supreme Court to probate the last will and testament of Daniel Brophy, whom Troy claimed had bequeathed property to the church. Timothy Browne later complained to Propaganda that evidence was presented that Fleming had compelled the dying man and a witness to bequeath him the property, and that Fleming had been "convicted" of "falsifying" the will.[40] However, Boulton had merely declared the

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[36] CO 194/103, fols 6r-11v, Petition of the House of Assembly to the Queen, 1837.

[37] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846.

[38] E.B. Foran, "Newfoundland Statesmen of the Past", *BNF I*, p. 251.

[39] Hereward and Elinor Senior, "Boulton", *DCB* IX, p. 71.

[40] APF, SRNC, 1842-1848,Vol. 5, fols 735r-740v, Browne to Propaganda, 23 December 1837.

will invalid, and the *Patriot* reported that "from the circumstances that came to his knowledge when he first arrived, [Boulton] looked with suspicion on every will executed in favour of a Catholic clergyman in this Island."[41] If Fleming believed that Brophy had intended to give the property to the church, the case must have helped convince his congregation that no justice could be obtained in Newfoundland. After the last mass on Christmas Day, Patrick Morris's brother Simon chaired a meeting in the Chapel yard which passed resolutions in favour of Fleming stating that

> ...the Local government has thrown every impediment in the way of our venerated prelate, to cause a magnificent structure to be dedicated to the Living God, that His Lordship has been grossly insulted in our Courts of Justice; and that as trustees for the Poor, it has been attempted to despoil him of property bequeathed for the purpose of disseminating the blessings of education.[42]

To this, the bishop replied that he had "solicited from the government a piece of ground", but "found certainly that through the slanderous misrepresentations of some secret assassin, my wishes were frustrated.... I demanded to know & soon discovered the vilifier...." He noted that the land had been awarded, but upon returning to Newfoundland he found "that the written promise of the secretary of state was to be made nugatory by the conditions embodied in the grant" established by Prescott which required that £20,000 be spent erecting a church on a location chosen by the governor.[43] Since the Colonial Office had not attached such conditions to the grant, this therefore necessitated Fleming's own renewed visit to London. He then exhorted his congregation to "Be always upon your guard... to support the laws of your country", and to remember that "the recent accession to the Throne of a Monarch whose love of country and of Liberty bears promise of the removal of abuses...bids us hope that, in

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[41] *The Newfoundland Patriot*, 30 December 1837.

[42] *Ibid.*

[43] *Ibid.*

the dispensation of her favours, the long-forgotten people of Newfoundland will not be omitted."[44] To fortify his congregation before leaving, Fleming announced a papal jubilee for Newfoundland from Christmas to Ascension Day, awarding an indulgence to Catholics between the ages of sixteen and sixty who made a confession and then attended mass in a series of churches in St. John's, Petty Harbour, Torbay, and Portugal Cove.[45] In addition to increasing the practise of the faith and religious devotion, the jubilee had the effect of encouraging those attending to witness the results of the clergy's building programs, and to support them.

Fleming was followed to London by Nugent and Carson, and Morris in February. Renewed protests against the bishop and reformers arrived at Government House and then London. Boulton sought and received six months' leave to visit England in order to clear his character and to "represent to the government the conduct and character of those who presume to accuse me."[46] McLean Little accused Fleming of refusing confession to Thomas Grace, a tradesman, and of refusing the last rites to James Stafford because both had not apologized for supporting the shopkeeper.[47] When Stafford apologized in the *Patriot* at the behest of his brother-in-law Laurence O'Brien,[48] Winton thought there was "gross wickedness

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[44] *Ibid.*

[45] W.J. O'R, "Newfoundland and its Irish Settlers, Part VI", *Donahoe's Magazine*, Vol. 24, No. 1 (July 1890): 217; Bishop Fleming file of Dr. John Mannion.

[46] CO 194/100, fols 17r-20v, Prescott to Glenelg, 3 January 1838, granting leave to Boulton, and enclosing Boulton to Prescott, 29 December 1837.

[47] CO 194/100, fol 33r, Prescott to Glenelg, 4 January 1838, and fols 35r-36r, McLean Little to Prescott, 2 January 1838.

[48] CO 194/100, fols 47r-48v, Prescott to Glenelg, 10 January 1838; fol 49r, copy of apology in *The Patriot*, 5 January 1838; fols 50r-55v, unsigned account of Stafford's death.

in the *design*."[49] As well, a committee of "Merchants, Traders and Other Inhabitants" chaired by Thomas Bennett prepared a scathing petition to the Queen claiming that "five sixths of the Roman Catholic population are at the feet of the priests", and that

> By this system of intimidation the Roman Catholic clergy have not only succeeded in procuring the return of persons to serve as members of the House of Assembly who are entirely subservient to their will, and subject to their control... but what is more alarming, they have systematically interfered with the due administration of justice, in such a manner as materially to weaken its moral effect.[50]

Winton printed the petition which claimed that the merchants and fishermen were "bound by one tie of mutual dependence" and common commercial interest, and in a flood of nativism claimed that most sitting MHAs were "nearly all persons of little or no stake in the country" which suffered under "priestly tyranny".[51] The merchants asked the home government to return control of appointments to public office. especially police and constables, back to the Executive.[52] Prescott forwarded the petition to Glenelg with his own comments that he believed the franchise could be more restrictive, that property qualifications for prospective MHAs could be higher, and that the difficulties with Boulton could be resolved by making sure the chief justice was not a member of council.[53]

The day before Fleming's pastoral letter appeared, he had instructed Timothy Browne to "abstain from the administration of all and every [of] the Holy Sacraments during our

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[49] CO 194/100, fol 88rv, enclosing *The Public Ledger*, 12 January 1838.

[50] CO 194/100, fols 31r-32v, Thomas Bennett to Prescott, 5 January 1838, and CO 194/100, fols 23r-29v, "Petition of the Merchants, Traders, and Other Inhabitants of St. John's, Newfoundland to Her Most Excellent Majesty , 1837", esp. see fol 26r.

[51] *Ibid.*, fols 27rv, 28v.

[52] *Ibid.*, fol 29r.

[53] CO 194/100, fols 39r-44v, Prescott to Glenelg, 5 January 1838.

absence from this Vicariate."[54] It was a suspension from the priesthood save for permission to say mass privately, but more importantly, Browne was deprived of the income he derived from being an active priest. These losses backed Browne into a corner and set him ticking on a seven-year personal mission to destroy Fleming's reputation in Rome and have him banished from Newfoundland. Lahey has described this most acrimonious battle as "unedifying",[55] but of all the internal struggles of Newfoundland Catholicism it was one of the most important, for it revealed the depths of division in the St. John's Catholic community, and the weaknesses of even reformed Catholicism. Soon after he was suspended, Browne was approached by Prescott through James Sinclair to write a tract on "ecclesiastical discipline observed" in Newfoundland. Browne described Fleming as one "whose intolerance, bigotry, and prejudice this community is well acquainted with, whose ambition is such that he will not be content with any thing less than absolute power, Civil and Ecclesiastical," while the clergy, such as the priests Duffy, Dalton and McKenna, were "so far under the undue control of Dr. Fleming as to be prepared to Execute any illegal or unconstitutional act", with the exceptions of the priests Nicholas Devereux of Bonavista, Patrick Cleary of Bay Bulls, and himself, all of whom were "the only scions of the old stock."[56]

When the various charges and recommendations arrived in London at the end of January, a thoroughly frustrated James Stephen concluded that the Newfoundland question was overdue for resolution by one means or another. He noted that while the crown could not

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[54] APF, SRNC, 1837-1841, Vol. 4, fol 649rv, Fleming to Browne, 29 December 1837.

[55] Lahey, "Timothy Browne, 1786-1855", *DCB* VIII, p. 107.

[56] CO 194/100, fols 56r-63v, copy of Browne to Crowdy, 9 January 1838. After praising Newfoundland inhabitants for their faith, it is surprising that Browne would write of "the Romish Church" of which he once had expected to be a bishop.

remove the franchise, the "evil of which the Gov[ernor] complains would probably be in great measure redressed if men of property & education would employ their legitimate influence to secure themselves seats in the House of Assembly."[57] Stephen found that McLean Little's charges admitted "of no answer" but that they did add "to the long catalogue of grievances alleged against Dr. Fleming."[58] Then, betraying the depths of his own disillusionment, the permanent under secretary made one of the most astounding admissions ever made by a British official on Britain's dependence on the papacy, on its need to involve the Vatican to have Fleming removed, and on the place and power of ascendant Catholicism in Newfoundland:

> If it should ever be thought right again to apply to the Court of Rome (a humiliating necessity) on the subject, the enclosure might be added to the proofs against that incendiary Priest. But I suspect that the Pope secretly enjoys the power of keeping a whole English Colony in a ferment which His Holiness alone can quell & which remains a standing monument of the fact that this Protestant Country cannot entirely shake off its dependence even in this nineteenth century on the Papal power.[59]

Stephen saw that Britain was powerless to remove Fleming from Newfoundland as long as he did not break the laws of the country, and as long as he enjoyed the confidence of the pope. Rome had now become London's court of last resort for its Newfoundland problems. For Fleming's own part, by stressing his allegiance to the British sovereign and constitution while defending his own orthodoxy in Rome, he defended himself from treason but ensured that British powerlessness would continue.

In contrast to Stephen's despondency, the spirits of the reformers in London could not have been higher at the end of January. Fleming wrote Troy that he had joined Carson and

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[57] CO 194/100, fols 43v-44v, note by Stephen, 30 January 1838.

[58] CO 194/100, fol 33rv, note by Stephen, 30 January 1838.

[59] *Ibid.*

Nugent at their lodgings in order to show that "with them and with the people of Newfoundland I wished to be identified and that with them I should prosper or perish."[60] As a result of his own and Nugent's meetings with Colonial Office bureaucrats, the bishop gleefully wrote, "the presence of the enemies of Newfoundland at the Colonial Office will not be very agreeable", and Boulton would be "disposed of."[61] The Newfoundland delegates had arrived while parliament was discussing the rebellion in Canada. The bishop told Troy to "rejoice to hear that Lord Durham[62] has been appointed to settle the affairs of Canada", and that while Durham's authority was limited to the Canadas, Nova Scotia, and Prince Edward Island, he might also "take under his care the business of Newfoundland".[63] But neither Fleming nor the reformers spent much time or effort arguing their case to Durham, for Newfoundland was an entirely different case than the Canadas. Finally, Fleming felt "perfectly sure of getting the government ground" for the cathedral, notwithstanding obstacles placed in his way from "the most influential quarters".[64] He still entertained some trepidation about purchasing the Williams' plantation property, for even though the papers were signed, the payment of the money alarmed him.[65]

The British government and Prescott won a pyrrhic victory by securing Troy's

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[60] AASJ, Fleming Papers, document 38, Fleming to Troy, 30 January 1838.

[61] *Ibid.*

[62] John George Lambton, 1st. Earl of Durham. On his career in the Canadas see Fernand Ouellet, "John George Lambton, 1st Earl of Durham, 1792-1840", *DCB* VII, pp. 476-481.

[63] AASJ, Fleming Papers, document 38, Fleming to Troy, 30 January 1838. Durham's commission appointed him High Commissioner and Governor-General of Britain's North American colonies and the islands of Prince Edward and Newfoundland, but he never did visit Newfoundland. See *Lord Durham's Report on the Affairs of British North America*, Vol. 1, ed. Sir Charles Lucas (Oxford, 1912, repr. New York, 1970), p. 106.

[64] *Ibid.*

[65] NLI, Little Papers, file 152-169, document 163, Fleming to Charles Williams, 5 February 1838, and document 107, Fleming to Williams, 16 February 1838.

removal, for through Fleming's demand to see the charges against him, he caught the British at their own game. In Rome during the last week of December 1837, Aubin prepared a confidential summary for the curia of McLean Little's new testimonies against Troy.[66] Pope Gregory XVI read them, and on 5 January he ordered Fleming that his clergy must abstain from interference in politics, and ordered the bishop to suspend Troy from the eucharistic ministry and have him leave Newfoundland.[67] Fleming only received this on his return to Newfoundland in the summer of 1838,[68] and the British government did not learn of it until late February 1838. To the pope Fleming tried to vindicate Troy, who in his absence had been "dragged to the bar of the Chief Justice and arraigned as a criminal," and that since Troy "was to be connected with the building of the Cathedral", and had done so much work towards its completion, the Tories "had to sever a support so valuable."[69] Mindful of the need to appear obedient, Fleming informed the pope that his instructions for Troy's banishment had been followed: Troy had been sent to Merasheen Island in "the remote district of Placentia", Placentia Bay, "nearly three hundred miles by land from St. John's" and "one of the wildest and most difficult within my Jurisdiction."[70] The spirit, not the letter of the law was followed, for the pope was not told that in travelling by water, Merasheen was as near St. John's as Placentia was, and closer to St. John's than Tilting, the northernmost extremity

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[66] CO 194/102, fols 57r-64v, Aubin to Abercrombie, 29 February 1838, enclosing confidential statement for the Cardinal Secretary of State, 28 December 1837.

[67] AASJ, Fleming Papers, document 35, Pope Gregory XVI to Fleming, 5 January 1838; document 37, Fransoni to Fleming, 6 January 1838. APF, LDB, 1835-1838, Vol. 5, *Terra Nova*, fol 120rv, Fransoni to Lambruschini, 6 January 1838 informed the cardinal secretary of state that the pope and Fransoni had written letters, and that copies would be provided to Aubin.

[68] APF, LDB, 1835-1838, Vol. 5, *Terra Nova*, fol 780rv, Fransoni to Lambruschini, 6 August 1838, noting that Fleming had not received the pope's letter of January 1838.

[69] APF, SRNC, 1837-1841, Vol. 4, fols 330r-325v, Fleming to Pope Gregory XVI, 24 November 1838.

[70] *Ibid.*

of the vicariate. Early in January when Fleming sought an interview with Glenelg in order to defend his reputation, Stephen summarily refused the request so Fleming asked O'Connell to arrange an interview for himself and Nugent.[71] Fleming then reminded Glenelg that both Prescott and Cochrane had been given the opportunity to refute his vindication of character, so he asked to see their responses.[72] A crestfallen Stephen noted on the received request that it was impossible not to agree to this request to know "what may have been alleged in the recent commun.[icatio]ⁿ. from Gov. Prescott & Sir T. Cochran[e]", so he asked his colleague Thomas Murdock for an opinion why the bishop might not be allowed to visit the departmental library and copy the replies so that nothing would be concealed.[73] Murdock thought that to show the charges to Fleming "would cause a spirit of animosity and ill will which would render the future tranquillization of Newfld. utterly hopeless."[74] The bishop's request was further supported by the fact that Prescott's despatches had been recently shown to Boulton for his own defence at the privy council inquiry, and used against the bishop in Rome, and therefore Fleming could hardly be denied knowledge of any new accusations made against him.

In his next annotation, which neither Fleming nor anyone in Newfoundland alive at the time ever saw, Stephen made another astounding admission. He deeply regretted that the government's own actions had placed it in "as awkward a predicament as could well be imagined", and that further silence would only be "discreditable". Silence might force Fleming to appeal for the papers through the house of commons, where the government

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[71] CO 194/102, fol 250rv, Fleming to Glenelg, 1 February 1838; note by Stephen, 3 February 1838; NLI, Little Papers, file 105-115, document 108, Fleming to O'Connell, 11 February 1838.

[72] CO 194/102, fols 254r-255v, Fleming to Glenelg, n.d.

[73] *Ibid*, fol 255v, notes of Stephen, 27 February 1838.

[74] CO 194/102, fols 257v-258v, Murdock to Stephen, 1 March 1838.

would be embarrassed, and it would be then "futile to say there that anxiety for the public peace [of Newfoundland] had induced Lord G.[lenelg] to withhold from the R.[oman] Catholic Bishop reports to his prejudice transmitted by the Gov.[ernor] for the express purpose of inducing the Sec.[retary] of State to effect the Bishop's removal and disgrace."[75] This was an open admission implicating Prescott and Glenelg in a conspiracy to break British law by appealing to Rome. The charges would expose and disgrace Glenelg, and could have serious political consequences in Newfoundland and Ireland. Stephen believed that Fleming had won the battle of despatches with the Colonial Office, but Fleming may not have realized this, for soon afterwards he submitted a final request for land for the cathedral as a means of promoting the "happiness" of Newfoundland, and he sought the release of the Cochrane and Prescott replies.[76] After some thinking, the Colonial Office realized that Fleming's requests gave it the path out it desperately sought. On 26 March Murdock informed the bishop that Glenelg, in correspondence with the Board of Ordnance, "trusts that it will be in his power without any further delay to grant you the plot of ground which you have pointed out as the most adapted to your purpose",[77] and on 7 April, Prescott was ordered by Glenelg to grant Fleming the land he wanted.[78] Fleming expressed his thanks and delight to the Colonial Office,[79] and Glenelg suggested to Prescott that the land grant might create a "more favourable opportunity" than previously existed for the governor to exert his influence "to

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[75] CO 194/102, fols 258v-260v, notes of Stephen, 3 March 1838.

[76] CO 194/102, fols 261r-264v, Fleming to Glenelg, 7 March 1838, and fol 285rv, Fleming to Glenelg, 21 March 1838.

[77] CO 194/102, fol 265rv, Murdock to Fleming, 26 March 1838. Glenelg also informed Fleming of the grant (see AASJ, Fleming Papers, document 47, Glenelg to Fleming, 7 April 1838).

[78] CO 195/19, pp. 147-8, Glenelg to Prescott, 7 April 1838.

[79] CO 194/102, fol 297rv, Fleming to Sir George Grey, 28 March and 7 April 1838.

promote concord and social kindness among all classes of the community."[80]

In retribution for such a near disaster in embarrassing Glenelg, there had to be casualties. There was one joy which Fleming, the reformers, Prescott, and the British government all shared: Boulton's removal from Newfoundland. In January, Glenelg had already decided to dismiss Boulton,[81] and on Prescott's advice he removed the judge from the Council in early March, intimating that it was quite possible that Boulton would not return to Newfoundland.[82] Prescott later wrote that Boulton had given substance to the charges of his enemies

> ...by attending public meetings and making party speeches; and instead of contenting himself with firmly and temperately resisting aggression, he seemed to court occasions of contention. He made abrupt alterations wherever he had the power to do so; and while his law was probably correct, his conduct in other ways was by no means worthy of admiration. Between the Governor and him there was understood to be no similarity of sentiment, although there was no open quarrel.[83]

In late April, when Morris presented a memorial to Lord Glenelg condemning Boulton's legislative and judicial careers,[84] the case against Boulton was formally sealed, allowing reformers to perceive that they had won a victory. The Privy Council found no quarrel with Boulton's laws but recommended his removal from Newfoundland,[85] and the queen approved this on 8 July 1838.[86] Fleming used the London solicitor, William Witham, as the conduit

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[80] CO 195/19, pp. 149, 153-156, Glenelg to Prescott, 18 May 1838.

[81] Hereward and Elinor Senior, "Boulton", *DCB* IX, p. 71.

[82] CO 195/19, pp. 149, 153-156, Glenelg to Prescott, 18 May 1838.

[83] Prescott, *A Sketch*, pp. 9-10, letter of 16 April 1839.

[84] CO 194/103, fols 263r-267v, "Memorial and Representation of Patrick Morris, Esq., Justice of the Peace and Member of the House of Assembly in Newfoundland, April 1838".

[85] CO 194/103, fols 325r-445v, "In the Privy Council in the Matter of the Complaint of the House of Assembly against the Hon. H.J. Boulton".

[86] Tocque, *Newfoundland... in 1877*, p. 36.

for correspondence to his Roman agent, the abbot Antonio de Luca, and hired Witham as the reformers' agent in the Boulton case. Witham had to be paid, but Prescott and the council refused to pay the assembly delegation's expenses, even though the governor privately admitted the country's liability for the costs. With considerable self-assurance Fleming guaranteed Witham that the next session of the house would pass a bill to cover his costs plus interest.[87]

British politicians must have realized that they had nothing left to lose by pushing aggressively for Fleming's removal. Despite success with the land and Boulton cases, Fleming was still denied the papers he had requested containing serious charges. Within two weeks his alarm grew to horror that damage to his reputation was being done in Rome behind his back. Perhaps through O'Ferrall, Fleming learned that the papal nuncio to Vienna had been engaged by Britain to lobby Rome for his removal, and that it may have been planned that he get the land grant but never get to return to Newfoundland to see it. In reply he wrote a monumental defence of his reputation revealing "the secrets of my diocese" to the cardinal prefect of Propaganda. It exposed Fleming's own thinking that the cathedral project was the pivot in the development of Catholicism in Newfoundland and that the "enemies of our Holy Religion" had been "indefatigably employed" to stop his acquisition of the lands and the building's construction:

> The fact is they know well that should I succeed in my efforts to procure this ground and complete the erections upon a site so magnificent it would completely throw the paltry attempts at churches made by the several Evangelical Societies of England in Newfoundland into the shade as to prove in itself an exceedingly strong attraction to their followers, while the circumstance of my successful struggle and so many difficulties and the opposition of interests the most powerful would almost amount to the best proof that the undertaking was dictated by the Almighty.[88]

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[87] NLI, Fleming Papers, document 15a, Fleming to Witham, 8 Gray's Inn Square, 18 December 1838.

[88] APF, SRNC, 1837-1841, Vol. 4, fols 267r-274v, Fleming to Cardinal Prefect, 21 April 1838.

The cathedral was to be Fleming's principal means of "propagating the faith" and legitimising his own episcopacy and struggles with the Liberal Catholics, Government House, and British politicians and civil servants. Everything hinged on its success.

Naming names and reciting litanies of the blessed and damned like the yarns of a bard at the court of an ancient Irish high king, Fleming's letter then cast into stark relief the work he had accomplished by relating to the cardinal an astonishing *précis* of the relative neglect of the Newfoundland mission by his predecessors and their clergy:

> ...of the seven clergymen to Dr. O'Donnell's time, two having realized fortunes retired to live on them - three were degraded and only one the Rev. Thomas Ewer remained in the exercise of the Ministry. And the Bishop himself retired to live upon the large property he had made leaving his coadjutor in the administration of the Vicariat.
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> ...The Rt. Rev'd. Dr. Lambert succeeded Dr. O'Donnell and brought into the Mission the Rev'd Andrew Cleary who died not many years after - the Rev'd John Power who was shortly after suspended by him and afterwards a second time by Dr. Scallan & finally excommunicated by the latter prelate - the Rev'd Mr Larrisy who was afterwards also suspended - the Rev'd Mr. Sinnot who though he was educated expressly for the Mission, repeatedly solicited an "esceat" after having realized a good deal of money but after having got his "esceat" he deferred his departure & was consequently deprived of faculties while he remained & the Rev'd Timothy Brown of whom I shall have occasion to speak again so that of the Five priests introduced by Dr. Lambert one died, one left the country with an "esceat", one was suspended & one was excommunicated leaving only the Rev'd Mr. Brown in the exercise of the Ministry and Dr. Lambert finally quitted the country leaving the administration to the Right Rev'd Dr. Scallan his coadjutor & retired to live upon a large fortune made during his episcopacy.
>
> To him succeeded Dr. Scallan accordingly and he introduced the Rev'd William Whitty who died shortly after - The Rev'd William Hearn who had always exhibited an unsteady demeanor & flighty manner and has been for many years laboring under mental derangement, the Rev'd Nicholas Devereux, and Mr. Burgess who had been suspended in the States of America came to Newfoundland with a strong recommendation from the Rt. Rev. Dr. Chevreux then Bp. of Philadelphia in the States of America and subsequently Archbishop of Bourdeaux to Dr. Scallan not to receive him and finally in a few years after was sent out of the Island under suspension - Rev'd Alexander Fitzgerald also suspended in Ireland and subsequently in Newfoundland. The Rev'd Nicholas Hearn who also had been suspended previously to his leaving Ireland & subsequently left the country after two years residence on being suspended a second time by Dr. Scallan. Thus of the seven priests of Dr. Scallan's time one died four having been suspended before they came to the

> country three of them as second time by him and one of them by me - one remains for years incapable of duty from madness and only one remains on the mission.
>
> Thus I have shewn your Eminence that during a period of forty four years the total number of priests who were at any time admitted into the mission of the island was only nineteen, but of these nineteen, seven had come into the country as adventurers,[89] all of them actually laboring under suspension at the time and every one of the six left it under suspension and the seventh died in the country under excommunication, while the total number brought over immediately by the three Bishops was barely thirteen, of whom four were suspended, four died, two made fortunes and retired to spend them, One is many years insane and only two remain in the country - the Rev'd Timothy Brown and the Rev'd Nicholas Devereux.[90]

Fleming vividly claimed that institutional Catholicism in Newfoundland had been a shambles before his arrival. O'Donel, Lambert and Scallan retired to Ireland with money to live "in indolence for the residue of their days... bequeathing a criminal inheritance to their families", while Fleming's "predecessors in 45 years brought only 13 priests... although wallowing in wealth." The cardinal was told that Newfoundland still suffered from clerics like Timothy Browne, who was "Laical" and lax, who had fallen "in the street at midnight, returning from a party of bigoted Protestants",[91] and who was aided and abetted by the former members of a lay committee which had misused funds collected to repair the Chapel.[92]

As the Colonial Office continued its attempts through Vienna and Aubin to have Fleming removed, Fleming's letter was the most urgent and telling of any of the documents he ever wrote. It was also the most important and successful letter of his entire episcopacy. It provided Rome with the best written justification it would ever receive of his work in

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[89] Fleming used this word to mean financial adventurers. *DNE* 2, p. 5 defines adventurer as a "shareholder in an organization or company formed to establish a colony or "plantation" in Newfoundland."

[90] APF, SRNC, 1837-1841, Vol. 4, fol 269r.

[91] *Ibid.* Browne may have been prone to alcoholic bouts; in 1836 he fell off a gallery of a house in Fermeuse while attending the celebrations of 6 January (Twelfth Night), and was ill the next day. See PANL, MG 920, B-7-2, Robert Carter's Ferryland Diary, 1832-1852, entry of Thursday 7 January 1836.

[92] *Ibid.*, fols 270r-271v.

Newfoundland. It was sufficient to dismiss complaints against him for the next two years, and it marked the climax of his personal campaign to defend himself in Rome, and was followed by two years of the relative absence of the Catholic clergy from Newfoundland political life. In early August 1838, Murdock drafted a reply to the bishop for Glenelg which soft-pedalled the events described in the despatches as "of a remote date", but at the same time Glenelg ordered Prescott not to release any documents to the bishop because their appearance would "disturb the peace".[93] At the same time in Rome, Aubin was proceeding deftly against the bishop,[94] but Fleming had already cemented his good reputation. In a letter to Cardinal Lambruschini, Cardinal Fransoni noted that Fleming had received evidence in London of his acceptability to the British, and that he had received a tract of land for a church.[95] In a letter to Giambattista Cardinal Altieri in Vienna, the apostolic nuncio to the court of Austrian Chancellor Prince Klemens von Metternich, Fransoni clearly iterated Vatican policy towards Newfoundland. For the Church, Newfoundland was "one of the most important colonies of the British Empire", and Fleming, "because of the great good that he has done, is inspired to want to do even more", and therefore merited "even more particular confidence", and deserved recommendation and membership in the Leopold Association.[96] With this high praise, the efforts of Whitehall and Metternich to have Fleming removed were

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[93] CO 194/102, fols 286r-287v, Murdock's draft of Glenelg to Fleming; 2 August 1838; CO 195/19, p. 184, Glenelg to Prescott, 12 August 1838.

[94] CO 194/102, fols 77r-78v, Aubin to Capaccini, 21 July 1838, enclosing reports on Troy from *The Public Ledger* and the London *Times*; CO 194/102, fol 80rv, extract of Aubin to [Palmerston?], 11 August 1838.

[95] APF, LDB, 1835-1838, Vol. 5, *Terra Nova*, fol 780rv, Fransoni to Lambruschini, 6 August 1838.

[96] APF, LDB, 1835-1838, Vol. 5, *Terra Nova*, fols 868r and ff., Fransoni to Altieri, 25 August 1838. I thank Brother Darcy for translating this document.

frustrated.

When news of the land grant reached Troy, he lost no time in communicating it to the St. John's congregation, who appeared by the hundreds on the "Barrens" on Thursday, 17 May 1838 to fence and take possession of the land.[97] Significantly, this occurred six weeks before Prescott issued the land grant certificate, which officially awarded Fleming and his successors the tract of land he requested, measuring "nine acres, three roods [sic], and thirteen perches more or less".[98] There was tremendous festivity associated with the fencing and all subsequent public events associated with the cathedral. The *Ledger* grumpily described the joy of the festivity: "there was music playing, and colours flying, and guns firing, and booths erected, and men hurrahing", and one letter signed "Anti-Botheraboo"—undoubtedly from the dour Congregationalist Winton himself—frowned on the "sayings and doings on the Barrens this forenoon", and was incensed that

> From break of day up to eleven o'clock this morning, might be seen men, women, children, horses, donkeys, carts and cars, all struggling towards the scene of operation... at it they went in right earnest, such a din and chatter was probably never heard before, —shouting, speechifying, drumming, swearing, and firing of sealing and other description of guns, the display of numerous flags, amongst which the green, of course predominated.... Is it possible that such things can happen with impunity in this the nineteenth century?[99]

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[97] Lahey, "Building of a Cathedral", *Basilica-Cathedral*, p. 27.

[98] Registry of Crown Lands, Government of Newfoundland and Labrador, Vol. 2A, fols 37r-38r (original registry Vol. 2, fol 134r, no. 227), certificate naming Victoria to Right Rev. Michael Anthony Fleming, 30 June 1838. The grant gave Fleming the land "for ever upon trust and upon condition that the said piece and parcel of land and every part thereof be used and applied for the purposes of erecting thereupon a Roman Catholic Cathedral, schools, a House or houses of Residence for Roman Catholic Clergy and a cemetery for the benefit of our loyal and faithful Roman Catholic subjects in our said Island, and for no other uses or purposes whatsoever."

[99] *The Public Ledger*, 18 May 1838. Winton was enraged with the cheek of the Irish display on the Barrens, as evidenced by his report that they intended to surround the property with a fence, each section comprised of four "longers" instead of pickets, to allow for ease of fencing.

The land grant also elicited bitter criticism in the British press, reprinted by Winton, that "barefaced Whig traitors" had "given this Romish agitator over 11 acres of Protestant land" to build "a mess house, a house for the bishop, and priests, and of course..." (and worst of all, given the contemporary notoriety of Rebecca Reed's *Six Months in a Convent* and Maria Monk's sensational stories of Montréal nuns) "a convent".[100] Nevertheless, there was an outpouring of delight in St. John's about the land grant and fencing, and a Catholic meeting on 20 May chaired by Thomas Beck sent heartfelt thanks to Glenelg.[101] So anxious was Fleming to secure the land, and so distrustful was he of Prescott, that he remained in London "until I learnt that the grant had actually been placed in the hands of my curate, and the ground taken possession of."[102]

As the benchmark event of historic significance for the St. John's congregation, the acquisition and fencing of the cathedral lands gave rise to an elaborate constructed mythology about the fencing. These myths empowered and reinforced the legitimacy of the Catholic community's ownership of the land and its importance to the community, and provided an accessible surrogate memory to celebrate the inscrutable convolutions of Fleming's struggle with the British authorities. *The Ledger* noted reports that the fencing had

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[100] *The Public Ledger*, 14 July 1838; Bishop Fleming File of Dr. John Mannion. British and Irish Protestant newspapers were particularly upset at the Irish in Newfoundland and the land grant; see *The London Standard*, 17 September 1838 on the Boulton affair; and *The Liverpool Standard*, 21 September 1838, on "the atrocious persecution by the Papist rabble of the House of Assembly". On Reed's *Six Months in a Convent; or, the Narrative of Rebecca Theresa Reed, Who Was Under the Influence of the Roman Catholics about Two Years, and an Inmate of the Ursuline Convent* (Boston: Odiorne and Metcalf, 1835) and Monk's *Awful disclosures of the Hotel Dieu Nunnery of Montreal* (New York: Hoisington & Trow, 1836), repr. New York: Arno Press, 1977 see Jenny Franchot, *Roads to Rome: The Antebellum Protestant Encounter with Catholicism* (Berkeley: University of California Press, 1994), esp. Ch 7, "Two 'Escaped Nuns'", pp. 135-161.

[101] CO 195/19, p. 173, Glenelg to Prescott, 11 July 1838, instructing Prescott to convey Glenelg's gratification at the happiness of the Roman Catholics.

[102] Howley, *History*, pp. 355-6.

been done within fifteen minutes, an incredible claim given the size of the tract of land.[103] Nugent later wrote that the "whole Catholic population" attended "and very many worthy Protestants with them", and that while Troy had boasted to Prescott that the fencing would be complete in a half-hour, it was actually done in fifteen minutes,[104] but neither Fleming nor Nugent were in Newfoundland for the fencing. In the last century, Howley described three variants on the fencing myth, one in which Fleming saw the property fenced within ten minutes, and reported it,[105] another in which the large quantity of land obtained was due to a crooked furrow having been set by a St. John's inhabitant named "Mickle" to the west of the line delimited by the garrison officers, and the last in which the congregation entered the property and on it staged the mock funeral and burial of a character named Mullins in order to secure the ground and display their new-found political power.[106] More recently, Raymond Clark noted the pervasiveness of the ten-minute fencing story throughout Newfoundland history and popular culture, and described it as a latter-day variant of the ancient classical foundation-legend of the founding of Carthage by Dido in Virgil's *Aeneid*.[107] Lahey believed that a fifteen-minute fencing was possible,[108] but Clark was unaware that the *Ledger* reported this. Fleming wrote the pope that while he had not been present at the fencing, it had only

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[103] *The Public Ledger*, 18 May 1838.

[104] *The Tablet* (Dublin), 2 October 1841.

[105] Howley, *History*, pp. 348 and 355. Howley noted that Fleming claimed to the Society for the Propagation of the Faith that it had been done "in less than twenty minutes" (*ibid.*, p. 356).

[106] *Ibid.*, pp. 351-2. Fleming never saw the fencing, and quite possibly, the mock funeral never occurred.

[107] Raymond J. Clark, "A Classical Foundation-Legend from Newfoundland", *Folklore*, Vol. 81 (Autumn 1970): 182-4.

[108] Lahey, "Building of a Cathedral", p. 28.

taken fifteen minutes to fence the land.[109] O'Neill and Lahey have noted that while another popular myth maintained that Fleming had been given a set amount of time in which to fence the land, no time limit was ever set for the fencing.[110] More likely, the news of Prescott's placement of qualifications upon the acquisition of the land developed into variant versions, and in the absence of written communication between Prescott and St. John's Catholics, this explanation informed local legend, and made the acquisition all the sweeter.

The most pervasive myth about the land acquisition concerns the origin of the land grant, and complements the fifteen-minute land fencing myth. Despite Beck's thanks to Glenelg for the grant, Howley and others thereafter maintained that Fleming met Queen Victoria herself during her daily ride through Hyde Park in London, and travelled with her to her residence where she bestowed upon him gold sovereigns, a shawl, and exerted her influence to have the land granted.[111] More recent variants claim that in exchange, Victoria asked that the cathedral be dedicated to St. John the Baptist, and that prayers be regularly said there for the royal family.[112] No record substantiating any such royal encounter or intervention exists in Fleming's papers or correspondence, nor in the Royal Archives and

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[109] APF, SRNC, 1842-1848, Vol. 5, fols 133r-135v, Fleming to Pope Gregory XVI, 4 July 1842. Neither Clark nor Lahey cited this letter.

[110] O'Neill, *A Seaport Legacy*, pp. 734-6; Lahey, "Building of a Cathedral", p. 27.

[111] While no record exists to show Fleming propagating this myth, it was first publicized in a sermon by Howley on the occasion of Victoria's death in 1901 (O'Neill, *A Seaport Legacy*, p. 737), and first appeared in "How Queen Victoria Helped Bishop Fleming Obtain the Land for the Cathedral-A Newfoundland Tradition", *Centenary of the Basilica*, pp. 217-221. The legend claimed that Fleming gave the shawl to the Dempsey family of St. John's, who continued to hold it in 1955; the article included pictures of the putative shawl.

[112] *Ibid.*

Library at Windsor Castle.[113] The myth undoubtedly came from a popular knowledge that Fleming's original memorial for land was addressed to the monarch, and it would have been reinforced by the eventual naming of the cathedral after St. John the Baptist, and by the certificate granting the land, which when it finally arrived was on a printed form bearing the Newfoundland government's coat of arms, Victoria's name witnessed by Prescott's signature. Such a myth would empower Catholics to claim that they had been granted a mark of royal favour directly from the queen, making them citizens equal to Protestants.[114] It also served Howley's own nationalist purposes, and may have originated with him. The royal grant myth also served Fleming's purposes, allowing him to borrow from the founding myth of British society, the monarchy, to distinguish between the sovereign of "Great Britain" from whom justice was expected and (according to the Victoria-shawl myth) received by her loyal Irish Newfoundland subjects, and the sovereign's ministries which came and went and which Irish-Catholics interpreted as being ambivalent if not hostile to their existence. The fencing myths empowered Catholics in several ways. A moment of Irish political and cultural success and Irish participation in the construction of their own cathedral was enshrined. The idea of the monarchy and its benevolence was subordinated to Fleming's ends. And in an age of remarkable conflict the details of which were inaccessible to all members of the community, myths were an essential part of the continuum of stories, legends, and experiences in the Irish

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[113] Correspondence of the author to Sir Robert Fellowes, Secretary to the Her Majesty the Queen, 24 March 1992; reply of Kenneth Scott, Buckingham Palace, to the author, 7 April 1992. Scott replied that "...there is nothing in the Royal Archives to support this story, and since the complete text of Queen Victoria's Journal up to February, 1840 has survived in the Archives and contains no reference to the matter, it is very doubtful whether any such meeting took place. Moreover, the accounts of the visit of the then Prince of Wales to St. John's in 1860 contained no references to any involvement of Queen Victoria with the building and naming of the Cathedral, although The Prince visited the Cathedral."

[114] This may have become a necessary myth once St. John's burned in 1846, sparing the Roman Catholic cathedral while sweeping away the Church of England cathedral, after which Victoria donated funds to rebuild the Church of England cathedral.

cultural consciousness which could explain the world in terms understandable to all,[115] and were a cultural code which held that possession, in the absence of documentation, was nine points of the law and all the proof required. The cathedral fencing myths became and remain some of the best-known of the legends of Newfoundland history, and legitimized and celebrated the beginning of popular Catholic political and social power and participation in Newfoundland society, and the triumph of Fleming.

In response to reformers' and Fleming's triumphalism, their opponents became more organized and public. In 1836, Liberal Catholic government surgeon Dr. Edward Kielley had conceived the idea of a "Natives' society", and later claimed that it was founded four years later because "strangers had been sucking the vitals of the country, placed above the heads of the Natives, who were often obliged to seek to better their condition by resorting to other Countries, where they generally obtained what had been denied them at home."[116] Kielley's nativism was rejuvenated on 6 August 1838 when he met Kent in the street and called Kent a "lying puppy" in response to comments or threats Kent had made. Kent immediately repaired to the house and claimed that his privileges as a member had been violated.[117] On the evidence of three witnesses, Speaker William Carson ordered the assembly's sergeant-at-arms Thomas Beck and the doorkeeper John Delaney to arrest and imprison Kielley for contempt of the house. Kielley was locked in Beck's house overnight and arraigned before the bar of the house the next day, but he offered no explanation, and two days later, no

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[115] Pocius, *A Place to Belong*, p. 51 observed this phenomenon of delivering oral accounts and myths in the Irish community of Calvert outside Ferryland.

[116] CO 194/120, fol 12r, extract from *The Newfoundlander*, n.d.; also see Patrick O'Flaherty, "The Newfoundland Natives' Society", *ENL 4*, pp. 21-27.

[117] O'Flaherty, "Kielley", *DCB* VIII, p. 469. Kent's friendship with Carson and his son Samuel, the latter of whom Kielley had suggested should have been hanged for having mutilated a woman in an attempt to induce childbirth, may have been related to this incident; see *ibid.*, p. 468.

apology.[118] After Kielley spent a night in jail, Judge George Lilly issued a writ of habeas corpus to Sheriff Benjamin Garrett to release him, but when the house learned of this affront to its rights it ordered the arrest and imprisonment of the sheriff and the judge.[119] In the courthouse, Beck "dragged and forced" Lilly off the bench "with great violence" and hauled him out the door, down the stairs, and locked him in Carson's office.[120] Garrett and Lilly were later released by Delaney on the orders of the house.[121] The St. John's Irish mocked the gentrified doctor with the rhyme, "Oh! Did you see Dr. Kielley, oh? With his boots and his spurs and his styly oh!"[122] At the time of Kielley's arrest, reform Catholic MHAs trotted out Nugent's "Exclusive Establishment" list, prompting Prescott to write Glenelg on 19 August refuting their charges that no Catholics had been hired by the governor, but Prescott artfully responded "I have regretted from the moment of my arrival that we have no Catholics in high official station."[123] Prescott then proposed a Catholic magistrate for Carbonear, if he had the opportunity "should our present Session end peacefully."[124] When the house sat again on 20 August, Carson was served a writ by Garrett on behalf of Kielley claiming false imprisonment and damages of £3,000, and other writs were served on Kent, Peter Brown,

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[118] Prescott, *A Sketch*, p. 14, Prescott, St. John's to a friend, 16 April 1839. For an account of the Kielley-Carson affair see CNS, *A record of the extraordinary proceedings of the House of Assembly of Newfoundland, in the arrest and imprisonment of Edward Kielley, esq., surgeon, &c.&c and subsequent arrest of the Honorable Judge Lilly and the High-Sheriff (B.G. Garrett, esq.) for, (as the House has it!) "breach of privilege!!"* (St. John's, 1838).

[119] CO 194/100, fols 213r-220v, Lilly to the Colonial Secretary, 18 August 1838, and O'Flaherty, "Kielley", *DCB* VIII, p. 469.

[120] CO 194/100, fols 213r-220v.

[121] *Ibid.*

[122] Prowse, *History*, p. 446.

[123] CO 194/100, fols 299r-308v, Prescott to Glenelg, 19 August 1838.

[124] *Ibid.*

and House messenger David Walsh.[125] The case received a three month reprieve and was set for hearing in the supreme court for late that fall.

While Irish St. John's waited for the Kielley-Carson trial, a rousing reception was given Fleming and Nugent upon their triumphant return to St. John's. Fleming later wrote the cardinal prefect of Propaganda that while the wind was unfavourable for a landing, lines from small boats were attached to the bishop's vessel, and it was brought within the narrows, where they were met by "a number of the most respectable inhabitants both Protestant and Catholic", and shown to a barge prepared by the "Native young men of the Island" who rowed the bishop ashore.[126] Instead of becoming demoralized at the barriers thrown up by the colonial system, Catholics and reformers were becoming "remoralized", and began to fight back. They had gained control of the assembly, and felt better positioned to identify their enemies and overcome their political difficulties. One resident of Harbour Grace warned Glenelg of Crowdy's "rancorous hostility to the religion of the majority of the people."[127] In other cases, their enemies disappeared. Boulton returned to Toronto, and in mid-October 1838 Archdeacon Wix mysteriously left St. John's after having been seen in the company of a prostitute;[128] his bishop, John Inglis of Halifax, wrote Glenelg that Wix's hasty departure could be "ascribed to debt in building an injudiciously expensive church",[129] St. Thomas's

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[125] O'Flaherty, "Kielley", *DCB* VIII, p. 469.

[126] APF, SRNC, 1837-1841, Vol. 4, fols 336r-343v, Fleming to Cardinal Prefect of Propaganda, 27 November 1838. The "Native" youth described by Fleming would seem to be native-born teenagers, and not members of the Natives' Society or the group which split from the BIS in 1836.

[127] CO 194/102, fols 344r-345, John O'Neill to Glenelg, 9 July 1838.

[128] CO 194/101, fols 167r and ff., Prescott to Glenelg, 23 October 1838, noting reports "extremely injurious to Mr. Wix's moral character"; Frederick Jones, "Edward Wix, 1802-1866" *DCB* IX, pp. 846-848.

[129] CO 194/107, fols 295r-296v, Inglis to Glenelg, 15 January 1839.

Garrison church, which had mounted to £1,300.[130]

The Kielley-Carson case was judged in December by the supreme court by Judges Lilly, DesBarres, and Boulton's replacement, John Gervas Hutchinson Bourne, who was not a council member. At issue was the assembly's right to commit prisoners for contempt, and more importantly, its assumed right to be accorded the same parliamentary immunity as the Westminster parliament, which Bourne and DesBarres upheld, with Lilly dissenting. Kielley immediately appealed to the Judicial Committee of the privy council in London, which did not deliver a verdict until 1843. Prescott hastily solicited Glenelg's opinion, fearing the power of the house, the membership of which was "little likely to change."[131] The prospect of more muscle-flexing by the Irish-controlled assembly daunted some Newfoundland-English merchants, and a month after the Carson-Kielley debacle, the pro-merchant *London Standard* lamented that "Refugee Ribbonmen" were converting Newfoundland into "a buccaneering station for the ruin of our American trade."[132] Prescott despaired of any hope of reconciliation between the council and the house, so he submitted his resignation to Glenelg, and in his report on the Kielley-Carson affair suggested that before a new governor was appointed, "individuals marked for appointments be appointed" so the new governor might start with a clean slate.[133] For the time being, Glenelg refused this request.

Through the late fall of 1838 and into the winter and spring of 1839, an anti-Catholic

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[130] Jones, "Wix", *DCB* IX, p. 847.

[131] CO 194/105, fols 34r-37v, Prescott to Glenelg, 10 January 1839.

[132] *The London Standard*, 24 September 1838, cited in McCann, "Newfoundland School Society", *Education and British Imperialism*, p. 103. Ribbonmen were nationalist and sectarian, and often composed of artisans, labourers, and shopkeepers. By the 1820s they had displaced the eighteenth-century Catholic Defenders. See Michael Beames, *Peasants and Power:The Whiteboy Movements and their Control in Pre-Famine Ireland* (New York: St. Martin's Press, 1983), p. 144.

[133] Thompson, "Prescott", *DCB* X, pp. 600-1; CO 194/105, fols 34r-37v, Prescott to Glenelg, 10 January 1839.

clergy backlash developed against the gains made by the reform members of the house. Once more the British government began to consider Newfoundland matters. An 1838 amendment in the house to the Education Act attempted to solve the textbook issue in schools by banning the reading of the bible from either the King James (Protestant) or the Douay (Catholic) version, but this elicited immediate outrage from Protestant board members.[134] In Conception Bay, Church of England and Methodist clergy resigned from the school board chaired by reform MHA Peter Brown, on the grounds that the act had effectively banned the bible altogether, and that they thought separate schools for Protestants and Catholics would be a better alternative.[135] The cathedral land grant, the supreme court's upholding of the rights of the assembly in the Carson-Kielley affair, and disputes over education drove merchants, Tories, and Liberal Catholics to seek an end to the increased power and political role of the reformers and the church. On 24 December the Chamber of Commerce, under the presidency of merchant John Sinclair, petitioned the queen to abolish the house of assembly and to enlarge the council, but Stephen again noted that the abolition of democratic rights was not contemplated, and Glenelg informed Prescott that "Her Majesty has not issued to me any Commands on the subject."[136] In January, Crowdy seems to have egged McLean Little along and encouraged him to complain again about Fleming, Troy and Kent to Cochrane in London, who retained the ear of a number of Tory MPs,[137] while Prescott contemplated

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[134] Ch. 4, "Origin and Development of the Denominational Education System", *Our Children, Our Future: Royal Commission of Inquiry into the Delivery of Programs and Services in Primary, Elementary, and Secondary Education* (St. John's: Government of Newfoundland and Labrador, 1992), p. 51.

[135] *Ibid.*

[136] CO 194/101, fols 296r-304v, Petition of the Chamber of Commerce, 24 December 1838 and an address to Prescott from Sinclair; fol 291rv, Prescott to Glenelg transmitting the petition, 24 December 1838, with notes by Stephen; fol 292rv, Glenelg to Prescott, 21 January 1939.

[137] CO 194/105, fols 49r-54v, McLean Little to Crowdy, 3 January 1839, and CO 194/107, fols 244r-253, McLean Little to Cochrane, 12 January 1839.

inviting Patrick Morris into the council,[138] in a bid to buy him off. In March, a petition of the Commercial Society of Harbour Grace under the presidency of Thomas Ridley, signed by John Munn, Stephen Pack, William Henderson, and 75 others again memorialized the queen to abolish the house and save the "priest-ridden" people of Newfoundland.[139] In April a story supplied from St. John's and printed in the *United Service Gazette* newspaper for British servicemen charged that Newfoundland Catholic clergy had married British soldiers to women without the permission of the Commanding Officer, and had "extorted" marriage fees from soldiers in order "to secure a proselyte".[140] Fleming denied this, and Glenelg declined to entertain McLean Little's complaints against Fleming,[141] but Downing Street gradually began to contemplate a change in the Newfoundland constitution.

The desire to have Fleming removed from Newfoundland never left London. The British government soon discovered that it controlled something that Rome wanted. The island of Corfu (Kérkira, Greece) was a part of the British empire and Corfiots naturally favoured the Orthodox church, despite the presence of Roman Catholicism there. At the prompting of the canons of the Corfu Roman Catholic cathedral chapter, who had lacked an archbishop since 1798, Rome wished to introduce its own diplomatic visitor to the island.[142] In late 1838 Rome had its apostolic delegate again raise the Corfu question with Metternich,

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[138] CO 194/106, fol 338r, Prescott to Glenelg, 15 January 1839.

[139] CO 194/105, fols 205r-213v, Petition to Victoria of the Commercial Society of Harbour Grace, 2 March 1839.

[140] NLI, Little Papers, file 105-115, document 112, Fleming to Editor, *United Service Gazette*, 6 April 1839; and *ibid.*, Fleming to Colonel Sall, 6 April 1839.

[141] *Ibid.*; CO 195/19, pp. 229-30, Glenelg to Prescott, 24 February 1839.

[142] John Whittaker, "A Tale of Two Islands: Corfu and Newfoundland", *Bulletin of the Canadian Mediterranean Institute*, Vol. 10, No. 4 (October 1990): 6-7.

who disliked the Irish,[143] and who in 1839 broached the Corfu issue with Lord Beauvale, the British ambassador to Vienna.[144] Beauvale eventually replied that London would agree to Rome's request if Fleming were removed from Newfoundland.[145] While Lambruschini pondered his next move, Palmerston realized that all he needed was another unfavourable report on Fleming. He waited for his chance to pounce.

Through 1839, while the St. John's congregation focused on building its cathedral, the house and the council rejected each other's money bills and Prescott was obliged to issue governor's warrants to cover outstanding debts.[146] Government House and the Colonial Office contemplated a new attack on the Newfoundland constitution and the Catholic clergy. Prescott suggested to the new secretary of state, the Marquis of Normanby, that suffrage in Newfoundland be curtailed to the wealthier classes, but Stephen observed that parliament would be unlikely to favour this suggestion, for it would enable Tories cause to embarrass the government by suggesting the original franchise was too generous.[147] On 25 April Normanby wrote Prescott that it could not be contemplated and he requested Prescott to prepare a "comprehensive and dispassionate report on the present state of the colony,—on the causes which have led to the existing dissensions,—and on the remedies which it may be possible to apply to them...."[148] Prescott reiterated his suggestions that the property

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[143] Buschkühl, *Britain and the Holy See*, p. 78. Metternich believed that O'Connell was "the devil" and that the Irish were lawless radicals.

[144] APF, LDB, 1835-1838, Vol. 5, *Terra Nuova*, fols 1386v-1388r, Propaganda to Bishop of Vienna, 11 December 1838; Whittaker, "Tale of Two Islands", *Cdn Medit. Institute* (1990): 7.

[145] Whittaker, "Tale of Two Islands", *Cdn Medit. Institute*, 1990, p. 7.

[146] CO 194/106, fols 248r-52v, extract from *JHA*, 6 August 1839, and a bill for defraying the expenses of the legislature, which named various reformers, their friends, and their salaries.

[147] CO 194/106, fol 22rv, Prescott to Colonial Office, n.d.; *ibid.*, notes by Stephen.

[148] *Ibid.*; fols 23r-31v, Normanby to Prescott, 25 April 1839.

qualification for MHAs be set at £500 in "lands, tenements, or merchants' vessels"; that there be more districts; and that the governor be enabled to forestall itinerant campaigning by calling simultaneous nominations and polling days.[149] Copies of the 1834 bill which would have instituted Prescott's changes were enclosed, and the correspondence printed in a limited edition, but once more, the documents were never distributed in the house of commons.[150] The Whigs were forced to choose between going secretly to Rome, or leaving the Tories a stick with which to beat them in parliament. In September the Colonial Office prepared an extensive paper entitled "Conduct of the Roman Catholic Clergy in Newfoundland", for presentation to Rome,[151] and in October the house of assembly sent the queen an address complaining about the high-handedness and intransigence of the executive.[152] When Fleming was denied access to the documents he sought, the reformers took up the cause. At the end of January, when the council refused permission for the house to search its journals for secret despatches, the house protested to the Colonial Office of the "extraordinary means used by the Council" to keep its records secret,[153] and ordered Prescott to transmit the charges, but Russell shrewdly refused to receive them directly from the assembly, as it would deviate from the established practice of avoiding the transmission of protests to the queen from

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[149] CO 194/106, fols 333v-335v, Prescott to Normanby, 4 July 1839.

[150] CO 194/106, fols 332r-344v, "Papers Relative to the Constitution of Newfoundland".

[151] CO 194/106, fols 38r-51v, "Conduct of the Roman Catholic Clergy in Newfoundland", 21 September 1839.

[152] CO 194/106, fols 237r-265r, *Address of the House of Assembly of Newfoundland to Her Most Gracious Majesty Queen Alexandrina Victoria on Certain Proceedings of the Executive and of Her Majesty's Council*, 10 October 1839.

[153] CO 194/110, fols 180r-182r, Petition of the House of Assembly, 30 January 1840; fol 178r, Prescott to Russell, 30 January 1840.

different branches of colonial legislatures without the full consent of the legislature.[154]

In the winter of 1840, the uneasy tension between the Tories and reformers was broken in favour of the Tories when the reformers employed violent tactics—which Rusty Bitterman has described in another context as "specific repertories of collective action"— to express demands, obtain redress for grievances, and obtain advantages.[155] Herman Lott, one of Henry Winton's printing assistants, was kidnapped, interrogated, and threatened at the hands of unknown assailants connected to the reformers. Between ten and eleven o'clock on the evening of 13-14 February, Lott left Winton's press for a walk when he was waylaid, pinned, blindfolded and bound by two men, who led him through the town for fifteen minutes to a house, and into a room, the walls of which were obscured by white sheets or calico.[156] When Lott's eyes were unbound he saw seated before him "two individuals, completely disguised in black, having on gowns similar to those worn by ministers; their heads and faces were also covered with a kind of close black skull cap"; a third man was behind Lott.[157] An inquisition was held, the dialogue of which Lott later reconstructed and Winton printed. The questioners demanded to know whether Aaron Hogsett, Mr. Boyd, Dr. Kielley, Timothy Browne, and one Father Ivers "when he was here", were "in the constant habit of visiting Mr. Winton?"; whether Winton had sheltered Kielley when he was eluding the house of assembly; and whether Winton was "in the habit of receiving communications

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[154] CO 194/110, fol 179v, note by Stephen.

[155] Rusty Bitterman, "Agrarian Protest and Cultural Transfer: Irish Immigrants and the Escheat Movement on Prince Edward Island", *The Irish In Atlantic Canada, 1780-1900*, ed. Thomas Power (Fredericton: New Ireland Press, 1991), pp. 96-106.

[156] *The Public Ledger*, 22 May 1840, encl. in CO 194/108, fols 353r-354.

[157] *Ibid.*

from the governor".[158] Finally, Lott's captors warned him not to divulge what had taken place, and it was revealed to him that while Winton

> ...had asserted that the Irish emigrants were "*refugee ribbonmen*" and Irishmen who had "left their country for their country's good", ...he and others like him would perhaps find out that there was a RIBBON SOCIETY in this country equally as terrible as ever it was in Ireland, and ... he *would soon find his house too hot for him.*[159]

Lott was blindfolded again, and led out of the house for a walk through the snow. At length he was spun around and untied, and left to remove his blindfold and find his way home. Lott recounted the episode to Winton, and both men provided depositions describing the event to Justice of the Peace P.W. Carter.[160] On 17 February, Lott and a constable went to examine "several houses in the vicinity of the town" and ended up at a "small house on the Circular Road, commonly called 'Hally's Cottage'". They were refused admission, but when Lott swore under oath that he believed the house to have been the one he was confined in, Justices of the Peace Carter and Charles Simms accompanied the men to the house, which belonged to John Delaney, and searched it, but Lott was unable to identify it with certainty.[161] The next day in the house of assembly, the reformers denounced the magistrates and threatened to "cut down" their salaries for "daring to examine the house of an officer of the Assembly" under the "pretence" of Lott's complaint.[162] Under the chairmanship of Nugent, the house set up a committee of inquiry into the affair and sought copies of the depositions from the governor,

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[158] CO 194/108, fol 353rv.

[159] *Ibid.*, fol 353v.

[160] *Ibid.*, fol 354r, deposition of Winton to Carter, 21 February 1840.

[161] CO 194/108, fol 357rv, "Papers Laid Before the Select Committee on Newfoundland", deposition of P.W. Carter, J.P. and Charles Simms, J.P. to the Hon. the Colonial Secretary, 13 April 1840.

[162] *Ibid.*

but Prescott may have been suspicious of such a precedent-setting ruse, and refused.[163]

Lott's kidnapping and assault turned out to be the initial event in a watershed period of open divisions among the reformers. Party cohesion began to fracture when faced with two new threats: an election, and the coalescence of a native-rights movement in Newfoundland, which split the reformers' cohesion and the reform vote. Parsons, who had been born in Harbour Grace, began a number of political flip-flops between the reformers and the Tories. He had already fallen out with Carson,[164] and on 15 February Parsons' *Patriot* criticized Kent's support for a bill in the house as "ultra-Tory politics", and warned Morris to avoid such "weathercock politicians".[165] On 5 March, Colonial Treasurer Newman Hoyles died,[166] leaving a vacancy in the council which Prescott proposed to fill with the perennial candidate Patrick Morris.[167] Morris was president of the BIS for 1840 and was engaged in a campaign of paternally exhorting BIS members and officers—which once again included Kough[168]—to "induce the labouring classes to turn their attention to the soil as the most certain though it may be a slow mode of raising them to a state of comfort and independence."[169] Despite Morris's membership in what the Colonial Office termed "the Popular Party", and the strident opposition to his appointment which was likely to ensue from the Tories in Newfoundland, Stephen advised Russell to trust Prescott's judgement and have the queen confirm the

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[163] CO 194/108, fol 358r, Prescott to the House of Assembly, 13 March 1840.

[164] *The Newfoundlander*, 5 November 1839.

[165] *The Newfoundland Patriot*, 15 February 1840.

[166] Crosbie, *Births, Deaths, and Marriages, 1825-1850*, p. 164.

[167] CO 194/108, fols 135r-136r, Prescott to Lord John Russell, 7 March 1840.

[168] *BIS Volume*, p. 64.

[169] *Ibid.*, p. 75.

appointment.[170] At the St. Patrick's night dinner at the BIS, Fleming made a remarkable and masterfully conciliatory speech he would not have dared make in Rome, in which he observed that he was in the company of friends

> ...of every creed and not by Irishmen only but by a party where the Rose the Thistle and the Shamrock are happily blessed in the most perfect harmony... and with these to find mingled in social fellowship the Native Youth of Newfoundland, the beloved country of our adoption.
>
> And why should it not be thus, my friends? If we differ in religious belief is not each accountable to God only for the faith that is within him; and if in our political creeds there are fruits of variance why should these discrepancies interrupt the interchange of social intercourse and private friendship, for surely all are alike interested in the happiness and prosperity of the people of Newfoundland? Therefore hail with delight the assemblage around me on this happy evening as the opening of an era of Union and harmony which the Demon of discord I trust shall not soon interrupt, and from which the happiest results to our country may be reasonably anticipated.[171]

The bishop may have tried to pour oil on troubled waters, but he was premature in anticipating a new era of harmony. Word must have leaked from Government House of Prescott's intention to appoint Morris. By late April Morris had fallen out with Nugent and Carson, and by the end of the year he would be on the outs with Fleming.[172] Reformers were bitter and jealous, and Carson even taunted Morris publicly: "Let him continue to abuse me; he will find it, as others have done, the safest and speediest mode of ascending to power and place."[173] In early May Russell notified Prescott that the queen had approved the nomination

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[170] CO 194/108, fols 135r-136r, Prescott to Lord John Russell, 7 March 1840.

[171] NLI, Fleming Papers, document 3, Fleming to St. Patrick's Dinner, 17 March 1840. At this meeting Fleming again noted the presence of the "Native Youth".

[172] Fleming has initially written in support of Morris's appointment as Colonial Treasurer, but he then withdrew his support, and Morris published the exchanges between them (Bishop Fleming file of Dr. John Mannion). On dissent among the reformers also see Geoff Budden, "The Role of the Newfoundland Natives' Society in the Political Crisis of 1840-1842", unpublished B.A. honours thesis, Memorial University of Newfoundland, 1983, pp. 9-11.

[173] Budden, "Natives' Society", p. 10.

of Morris to the council.[174] This had created a vacancy in the assembly, and Prescott issued a writ for a by-election.[175]

The election sparked strident dissent among reformers in St. John's. On 9 May Parsons pleaded in the *Patriot* for unity among liberal reformers in the upcoming election.[176] For some time no candidate appeared for the seat, but then James Douglas, a Presbyterian reformer, announced his candidacy and was nominated by Carson, Kent, Nugent, Doyle, O'Brien, Emerson, Simon Morris, Richard Howley, John O'Mara, and James Purcell, among others.[177] But then, many of Douglas' supporters, including Kent, nominated O'Brien for the seat. Parsons' *Patriot* denounced this *volte-face* of O'Brien's supporters as "hollow-heartedness and political treachery", and proclaimed that O'Brien possessed "not one single qualification for a legislator".[178] Prescott reported that when it seemed that the election would be a matter of form, Fleming read a letter from the altar of the Chapel three days before the conclusion of the election calling on his congregation to vote for O'Brien.[179] On the first day of the election, Wednesday 20 May, Prescott reported that "the priests appeared on the hustings";[180] and that Fleming repeatedly addressed the people from his residence, from the Chapel, and from the altar in support of O'Brien,[181] even though Fleming was, for part of the

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[174] CO 195/19, pp. 315-216, Russell to Prescott, 8 May 1840.

[175] Notice of election signed by James Crowdy, 2 May 1840, in *The Royal Gazette*, 5 May 1840.

[176] *The Newfoundland Patriot*, 9 May 1840.

[177] *The Newfoundland Patriot*, 16 May 1840.

[178] *Ibid.*

[179] CO 194/109, fol 9rv, "Papers Laid Before the Select Committee", Prescott to Russell, 10 June 1840.

[180] The priest quite possibly involved in these episodes would have been Kyran Walsh, Troy's replacement as Fleming's curate in St. John's.

[181] CO 194/109, fol 9rv, "Papers Laid Before the Select Committee", Prescott to Russell, 10 June 1840.

time, out of town.[182] Nevertheless, Frs. Walsh, Waldron, and Forrestal appeared on O'Brien's behalf, and Walsh and Waldron acted with Nugent and Kent as O'Brien's scrutineers of voters in the polling booth.[183] Prescott maintained that O'Brien was "a hard dealer" and "consequently by no means popular with the lower orders", but he also reported that the day after the election was called, James Tubrid, a Liberal Catholic and a supporter of Douglas's, was beaten by the pro-O'Brien "mob", and Prescott enclosed depositions attesting that at the poll, Douglas's tallies of supporters were impeded from voting, and O'Brien had ordered his supporters to "trample their guts out".[184] O'Brien was eventually elected. The garrison had been placed outside the booth to prevent riots, and Prescott probably dared not close the poll for fear of an insurrection. In light of the necessity for a general election the next spring, Prescott controlled the timetable and did not have to call the election as soon as he did. By doing so, he may have hoped to provide an opportunity for Fleming and the reformers to become involved in a rambunctious election, and thus provide Winton and the Liberal Catholics with opportunities to create more damning evidence against them. To the Colonial Office Prescott lamented the involvement of Fleming in Newfoundland political life, and in a "timely warning" to the Colonial Office he observed "most emphatically" that

> ...I hold Dr. Fleming's continuance here, as Vicar-Apostolic, to be utterly incompatible with the peace and prosperity of the colony, and that no efforts on the part of any Governor can be successful for the re-establishment of concord, or of the obliteration of religious-jealousy and hatred, while he remains in that position.[185]

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[182] *The Newfoundland Patriot*, 16 May 1840; Bishop Fleming file of Dr. John Mannion.

[183] *The Newfoundland Patriot*, 22 May 1840. William Walsh, Philip Duggan, and Messsrs. Brine and Barron acted as Douglas's scrutineers. Of these, only Brine was not Irish with Liberal Catholic sympathies.

[184] CO 194/109, fols 9r-11v, "Papers Laid Before the Select Committee".

[185] CO 194/109, fol 9v, "Papers Laid Before the Select Committee", Prescott to Russell, 10 June 1840.

Significantly, only Prescott and Winton[186] claimed that Fleming had interfered in the O'Brien election, and it is very doubtful whether Fleming actually interfered or was responsible for the split in the reformers' party as Gunn held him to be.[187] However, Winton's printed word furnished Prescott and the British government with a serviceable means of getting rid of the bishop.

On 15 May, just before the St. John's election, Herman Lott was ambushed and assaulted on Saddle Hill in the same manner Winton had been five years previously.[188] Lott was assaulted by men dressed in "black crepe", who cried "Blood for blood, you b—r!", and robbed him, cut off his ears, and stuffed the wounds with dirt.[189] Prescott reported that the assault was in retribution for breaking silence on his kidnapping the previous February.[190] Unconcerned with the unusual gore and violence of Lott's assault, the Colonial Office found Prescott's despatch of 10 June regarding the election to be a much more interesting document. Stephen observed that Fleming's conduct had been a long-term subject of representations from Newfoundland to the Colonial Office, and from Britain to Rome, and had been "full of embarrassment and inconveniences".[191] Continually haunted by the spectre of Catholicism, the under secretary observed that there seemed to be a vengeful papal plot to make the British government suffer:

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[186] *The Public Ledger* claimed that Fleming returned from out of town and wrote and delivered the sermon endorsing O'Brien.

[187] Gunn, *History*, p. 63.

[188] CO 194/108, fol 340r, "Papers Laid Before the Select Committee", report of Thomas Dawson, J.P., James Power, J.P., and John Stark, J.P., 15 May 1840.

[189] *Ibid.*, fol 340v.

[190] *Ibid.*, fol 340r, Prescott to Russell, 22 May 1840.

[191] CO 194/109, fol 8v, note by Stephen, 4 July 1840.

> I believe the Pope is not sorry to teach us that so long as we refuse to acknowledge his power in Theory, he can make us feel the reality of it in point of fact. Perhaps the intervention of the Roman Catholic authorities in London or Ireland might be privately obtained and might be more effectual. But I believe that Dr. Fleming acknowledges no subordination except to the Pope himself. I once, and only once, saw him. He appeared to me a man whose constitutional vehemence was exceedingly great, and that it was very little kept in check by culture of any kind, or in plainer Terms that he was a very irascible and coarse mannered man.[192]

Prescott wished to mail a packet reporting the Newfoundland proceedings directly to Propaganda, believing there to be no other way to safely convey the report,[193] but Stephen warned Prescott that this would violate post office regulations, and even worse, "the more important laws which relate to communications between HM's Ministers and the Papal Court."[194]

Laurence O'Brien's victory at the polls had the effect of intensifying the political divide between Liberal Catholics and the reformers, and created a new opposing political coalition. Early in June the *Ledger* rumoured that Fleming was about to start a newspaper of his own with Thomas Beck as printer and Nugent as proprietor, to counteract the loss of the *Patriot*,[195] and also that Catholics who had supported Douglas would henceforth be barred from acting as ushers and collectors at the doors of the Chapel.[196] An announcement was made on 21 June in Ambrose Shea's *Newfoundlander* that a Newfoundland Natives' Society (NNS) had been formed with over 200 members, and a "common goal",[197] which Geoff

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[192] *Ibid.*

[193] CO 194/109, fol 63r, Prescott to Russell, 25 June 1840.

[194] CO 194/109, fol 65v, note by Stephen, 9 July 1840.

[195] *The Public Ledger*, 5 June 1840.

[196] Bishop Fleming File of Dr. John Mannion.

[197] *The Newfoundlander*, 21 June 1840.

Budden observed had not been defined in the announcement,[198] but which in practice was the extraction of non-native-born Irishmen like Kent, Carson, and the friends of Fleming and the clergy from positions of influence and Newfoundland public life.[199] From the outset, the NNS was an amalgam of Tories, merchants, Dissenters, Congregationalists,[200] other political and ideological enemies of the reformers, and most importantly in the society's relationship to the church, disaffected Irish Liberal Catholics, many of whom had been born in Newfoundland.[201] It may have been formed by members who had taken over the earlier Native Youth group noticed by Fleming in 1836. Under the banner of Newfoundland nationalism, in contrast with the Irish nationalism of Kent, Nugent, Fleming and O'Brien, the NNS was a coalition which powerfully mobilized its members against what Winton had come to call the "priests' party". Within a week after the NNS was launched, Douglas advised "natives" to avoid the "political quack" Nugent, who had made slurs against Newfoundland's "copper-coloured natives in their native woods".[202] However, Nugent had previously stated in the legislature that he was the elected representative of the "copper coloured natives", the

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[198] Budden, "Newfoundland Natives' Society", p. 15.

[199] The literature on nativism is extensive. For a similar nativist movements to remove Irish Catholics from positions of influence and public life see A.J.B. Johnston, "Nativism in Nova Scotia: Anti-Irish Ideology in a Mid-Nineteenth Century British Colony", *Irish in Atlantic Canada*, pp. 23-29, and Scott See, *Riots in New Brunswick: Orange Nativism and Social Violence in the 1840s* (Toronto: University of Toronto Press, 1993).

[200] This analysis was offered in *The Nova Scotian*, 2 October 1840.

[201] This point has been missed by Budden, Patrick O'Flaherty and McCann. McCann, "Invention of Tradition: Newfoundland 1832-55", *JCS*, Vol. 23, Nos. 1 & 2 (Spring/Summer 1988): 86-103 interpreted the NNS as a "quasi-political organization dedicated to the formation of a Newfoundland consciousness in opposition to the immigrants from Britain" which was invented to reinforce state authority instead of an amalgam of disparate interests. It may have become this in its later years, but at the time of its establishment it was much more inchoate and directed towards reducing the reformers' power. Furthermore the immigrants it opposed were not British, but Irish.

[202] *The Newfoundland Patriot*, 27 June 1840.

Irish of St. John's.[203] Parsons continued to trumpet the success of the society, announcing a membership of nearly 300 on 11 July.[204] During the summer of 1840, the NNS had still not held its inaugural meeting, but its members approached the BIS to rent its clubrooms for a meeting space. On 23 August the BIS considered the request, which was supported by Kough and its president Patrick Morris, but the NNS's increasing focus on who was and who was not a Newfoundlander ensured that the application was strenuously opposed by a majority of members including Nugent, who had been accused by Kough of being "anti-Native", and who in his violent reply had to be repeatedly enjoined by Morris to take his seat.[205] Nugent and Kent may also have been angered by Parsons' recent writing about the rift in the Catholic community, that the wealthiest portion of the Catholic flock were alienated from the church to its detriment of the Catholic mission.[206] The application to use the clubrooms was rejected, and BIS executive members Patrick Mullowney and James Hogan resigned in protest,[207] and the BIS membership virtually split over the issue of concessions to the NNS.

The Natives' Society held its first formal meeting on 12 September at the premises of John Ryan, a minor St. John's merchant. Edward Kielley was elected president, with vice-

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[203] *The Newfoundland Patriot*, 27 June 1840. O'Flaherty, "The Newfoundland Natives' Society", *ENL* 4, p. 22 suggested that Nugent was mocking the lack of education of some members of the Natives' Society. However, Nugent's taunt was an insinuation that members of the Natives' Society, such as Winton, may have been zealous in the past to save from extinction the Beothuk people of Newfoundland, but determined to deny rights to and extinguish the culture of the more recently-arrived (Irish) immigrants to Newfoundland. Thirteen years earlier Patrick Morris, in his pamphlet "Remarks on the State of Society, Religion and Morals" (p. 7) had noted that the "unoffending native Indians were hunted down like wild beasts and had to take refuge in their woods and wilds, where they wisely preferred their own barbarism to the exterminating civilisation that was offered them by their Christian visitors." On the Beothuk see Marshall, *History and Ethnography of the Beothuk*, pp. 194-221.

[204] *The Newfoundland Patriot*, 11 July 1840.

[205] BIS Minutes, 1830-1843, 23 August 1840.

[206] *The Newfoundland Patriot*, 18 August 1840.

[207] *Ibid.*

presidents Robert Carter of Ferryland (a friend of Timothy Browne's), James Hogan (previously of the BIS), chairman of charity, Phillip Duggan, treasurer Richard Barnes, and secretary John Ryan.[208] The Congregationalist element in the society was significant: Barnes was a co-religionist of Winton, James Crowdy, MHA Thomas Glen, merchant Robert Job, and Surveyor-General James Noad.[209] Noad's wife Emma was the youngest daughter of Judge George Lilly, and Lilly's daughter Elizabeth married John B. Bulley, secretary of the board of education and returning officer in elections. Robert Jobs's mother was a Bulley, and his brother Thomas Bulley Job was married to William Carson's daughter, Jessy. Robert Job's next-door neighbour was Henry Winton, and Winton's brother Cornelius was one of Job's employees.[210] From the outset the NNS flag incorporated a wreath depicting the rose, thistle, and shamrock, "denoting", in the society's own words, "the stock from whence the Newfoundlander derives his origin".[211] The seal of the society bore the motto "union and philanthropy" and the society's name, and an image of two joined hands clasped as in a masonic handshake,[212] which reflected more of a tight group consciousness in the NNS than a warm welcome to all-comers, and which may confirm Fleming's previous identification of the Liberal Catholics as freemasons. Parsons' oration at the first meeting left no doubt of the

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[208] *The Newfoundland Patriot*, 17 October 1840. Parsons was a Presbyterian and Barnes was a Congregationalist (see Pamela Bruce, "Richard Barnes, 1805-1846", *DCB* VII, pp. 48-49). Ryan, who had been born in Newport, Rhode Island, was the oldest and the only non-native-born member of the executive (see O'Flaherty, "Ryan", *DCB* VII, pp. 763-766), while Duggan, Kielley, and Hogan were "Mad Dogs".

[209] On this see Philip McCann, "Sir John Harvey, J.V. Nugent and the Inspectorship Controversy in the 1840s", *NS*, Vol. 11, No. 2 (Fall 1995): 199-222, passim.

[210] J.S.S. Armour, "Some Members of the Meeting House", *The Dissenting Church of Christ at St. John's, 1775-1975—A History of St. David's Presbyterian Church, St. John's, Newfoundland* (St. John's: Bi-Centennial History Committee, 1975), pp. 74-5; Crosbie, *Births, Deaths, and Marriages, 1825-1850*, p. 45.

[211] O'Flaherty, "The Newfoundland Natives' Society", *ENL 4*, p. 21.

[212] The NNS's seal is depicted in *ibid.*, p. 24, and is found at the Centre for Newfoundland Studies Archives, Memorial University.

society's intention to "dissipate into 'thin air' the opposition of our opponents": "This night we proclaim ourselves a people - we proclaim our nationality," he thundered, "and we shall fail to do our duty if henceforward we do not make that nationality to be respected."[213] As defined by the NNS and by Parsons, to be a Newfoundlander was to be a member of a new nationality, but the Natives' Society had not stood any trials of benevolence or inclusion, and it was a society which carefully limited its own appeal by its exclusivity. O'Flaherty missed the split in the Catholic community in St. John's and suggested that the NSS may have been unwise to embroil itself in politics so early in its life,[214] but this was precisely its initial *raison d' être*. Although it occasionally protested allegiance to Britain, so did Fleming and the reformers, who thought of the British constitution as their best guarantee of religious, legal and political rights. What differentiated it at first, and until Catholic adherents to Fleming's orthodoxy like Nugent and Patrick Doyle joined the society in a bid to take it over, was its appeal to the Liberal Catholics.

While Fleming was in Dublin in June 1840, he argued his case for retaining the £500 left in the priest Thomas Ewer's will for the Newfoundland mission before Archbishop Murray, who had been appointed by Propaganda to arbitrate the dispute between Fleming and the Irish College in Rome over the disposition of money from Ewer's estate.[215] Fleming was forced to defend his administration to Murray, and he was also forced to defend it from Timothy Browne. Before Fleming had gone to Europe Browne accused him of not being willing to hear his confession, and Browne forwarded a copy of this accusation to

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[213] *The Newfoundland Patriot*, 12 September 1840.

[214] O'Flaherty, "The Newfoundland Natives' Society", *ENL 4*, p. 25.

[215] DDA, Murray Papers, file 31/8, "Dr. Murray 1840", document 80, Propaganda to Murray, 16 June 1840.

Propaganda.[216] This seems to have been done just before Browne, under suspension since 1837, permanently left Newfoundland for Ireland and devoted the next five years of his life to the destruction of Fleming's reputation in Rome.

Before leaving England in August for Newfoundland, Fleming "made every enquiry" to discover the nature of new complaints made by the British government to Rome, but discovered instead "a veil of impenetrable secrecy...thrown over the proceeding in so much that all my activity and all the industry of all my Friends have been unavailing...."[217] At length and to great dismay he discovered from Dr. Griffiths, Vicar Apostolic of London, that Lord John Russell had provided Griffiths with an unsealed packet of accusations against Fleming and asked that it be transmitted to Rome. Several days later from a Roman source Fleming learned "that the British Secretary for Foreign Affairs, Lord Palmerston, had through his Highness Prince Metternich prayed the Court of Rome to visit me with Censure."[218] While Fleming asked Russell to provide him with copies of the charges, Russell did not immediately reply, but at the bishop's request, Glenelg gave Fleming the documents he had been denied by Prescott, perhaps believing that the bishop would be removed before he could possibly respond to them.[219]

A month after his return to Newfoundland on 13 October, Fleming indignantly protested to Russell of the way in which allegations against him were transmitted to Rome. Pleading allegiance to the crown and claiming his rights as a British citizen, Fleming accused the secretary of state of entertaining "charges against a British subject in a British colony

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[216] APF, SRNC, 1837-1841, Vol. 4, fols 684r-5r, Browne to Fleming, 12 May 1840.

[217] APF, SOCG, Vol. 5, 1842-1843, fols 261r-274v, Fleming to Fransoni, 27 December 1840.

[218] *Ibid.* The source was most likely de Luca.

[219] *Ibid.*

behind his back; and, having entertained them, had adjudged him guilty without a hearing and sought that upon such entertainment and such conviction punishment should be awarded immediately."[220] In a draft of his letter, the bishop even scribbled that "a traitor taken in arms against his Queen and his country" would have been better treated, and noted that Prescott had blocked his efforts to build the cathedral, and demanded of Russell whether this was "fair play" or "British Justice".[221] Not realizing the advantage he would have had if his requests had been aired in parliament, he preferred to keep the matter private and had O'Connell present the letter to Russell.[222] O'Connell did not send it to Russell until late January 1841,[223] prompting Stephen to draft in reply: "I would instruct the Governor of Newfoundland to acquaint the writer that it is perfectly true that representations to his prejudice had reached Lord John Russell, and that without any previous communication with him his Lordship had caused those representations to be ~~laid before the Pope~~ sent to Rome".[224] But the undersecretary then misrepresented Fleming when he observed that

> Dr. Fleming does not acknowledge but most distinctly disavows all responsibility to the Queen or to the Ministers of the Crown for any acts done by him in his character of a Bishop of the R. Catholic Church.... Dr. Fleming acknowledges in the Court of Rome an authority which he does not acknowledge in his own Sovereign. The complaints against him have therefore been placed in the hands of those whose power to control his Conduct in matters ecclesiastical he himself acknowledges and on whose justice it must therefore be presumed he confidently relies. To the decision of that authority Lord John Russell therefore refers him.[225]

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[220] CO 194/110, fol 190rv, Fleming to Russell, November 1840.

[221] AASJ, Fleming Papers, document 62, Fleming to Russell, December 1840, draft.

[222] CO 194/110, fol 190v, Fleming to Russell, November 1840.

[223] CO 194/113, fol 478r, O'Connell to Russell, 28 January 1841.

[224] CO 194/110, fol 191v, note by Stephen, 30 January 1841.

[225] *Ibid.*

Just after Christmas, Fleming wrote Cardinal Fransoni protesting Russell's secretive treatment of the accusations. Trusteeism and Browne's seizure of Ewer's farm were condemned. Again casting his own episcopacy into relief against the record of his predecessors, the bishop offered an incisive analysis of the unwritten policy of successive British governments towards Irish Catholicism:

> In examining the conduct of the British Government towards the Prelates who hold Vicarial Jurisdiction in the Colonies at present we are forced to look upon those times when the same Government strained every nerve to obtain even a negative voice in the nomination of Prelates in the Irish Church through the "Veto". How often and how powerfully was not the Holy See worked upon to obtain that power as a means towards procuring for the Catholics of Ireland a relaxation of the Penal Code, an Act of Emancipation and yet a little firmness on the part of the Court of Rome, a little firmness and determination with the perseverance with one man, Mr. O'Connell won that Emancipation without a stain. At the present moment look at the efforts made to obtain something like that control over the Colonial Prelates which they failed in obtaining in Ireland.[226]

Ironically, Fleming must have realized that in Newfoundland, the church and reformers had sought precisely the same thing in reverse: the enjoyment of civil liberties which the Irish had not obtained in Ireland. He let the venom flow: "Believe me, Your Eminence, that our Government despairing more of being able to stab Religion in Ireland are solicitous to cramp it in the Colonies in order to plant upon its ruins the symbols of their own adulterous creed."[227] For Propaganda Fide, Fleming, and the Irish clergy, Newfoundland was a colonial laboratory, a testing ground for ultramontane Roman Catholicism. If it could succeed there, it could succeed anywhere in the new world.

Unfortunately for Fleming, his letter to Fransoni also arrived too late: Russell's packet of documents and Aubin got to Rome first. On 20 November 1840 Aubin reported to London

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[226] APF, SOCG, Vol. 5, 1842-1843, fols 261r-274v, Fleming to Fransoni, 27 December 1840.

[227] *Ibid.*

that measures were to be taken satisfactory to the wishes of the British government. On 7 November, he had received a despatch of Lord Holland in London, but Cappaccini suggested that Aubin wait to meet Lambruschini who was absent from Rome and could only meet Aubin on the 16th. Aubin gave Lambruschini translations of the Prescott and Holland despatches outlining clerical involvement in the St. John's election, and reminded the cardinal that the British government had already shown considerable patience in the Newfoundland case. Two days later Lambruschini assured Aubin that "the affair should be arranged in a becoming manner", but Capaccini had already privately informed Aubin "that the Pope expressed high displeasure against Dr. Fleming on reading my memorandum, and that he should forthwith be summoned to Rome to answer for his conduct."[228] Aubin then smugly wrote that

> The Austrian Ambassador Count Lützow returned to this Capital last night from Vienna where he had been on leave of absence. He brought with him the communications addressed by H.M.'s Gov't to that of Austria on the above subject. H[is].E[xcellency]. will find that the matter was arranged before his arrival.[229]

On 21 November, Lambruschini sent Fransoni the renewed complaints of the British government, and noted that already Fleming had been reprimanded by the Holy See several times. While Lambruschini was mystified that the British had rewarded Fleming with "copious subsidies and other signal favours", he now had complaints from Aubin and Altieri that the Holy See had been too lenient with Fleming.[230] In London that summer, Lord John Russell instructed Stephen to have Palmerston force the issue:

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[228] CO 194/110, fols 44r-46v, Aubin to the Hon. Spencer Cowper, Florence, 20 November 1840.

[229] *Ibid.*, fol 46rv. Lahey "Fleming", *DCB* VII, pp. 296-7 and Whittaker, "A Tale of Two Islands: Corfu and Newfoundland", *Cdn. Medit. Institute* (1990), pp. 6-7 both imply that Metternich and the Corfu problem were responsible for Rome's summons of Fleming, but Aubin's letter contradicts these. Count Rudolf von Lützow was Metternich's ambassador at Rome.

[230] APF, SRNC, 1837-1841, Vol. 4, fols 525r-528v, Lambruschini to Fransoni, 21 November 1840. I thank Brother Darcy for translating this document.

> ...it might be useful if Mr. Aubin were to mention at Rome, unofficially, that unless some step is taken to remove Dr. Fleming from Newfoundland, His Lordship must decline in future acceding to any applications for pecuniary grants or Salaries to Roman Catholic Bishops and Priests in the Colonies.[231]

It was blackmail. On 24 November, without benefit of the receipt of Fleming's letter defending himself and accusing Prescott, Fransoni sternly rebuked Fleming, conveying the gravity of the accusations against him, and summoned him to Rome to apologize and account for his actions:

> The matter has now progressed so far that the aforesaid [British] government has declared that in future it will do nothing to advance the business of the Holy Apostolic See unless it is fully satisfied with your reasons for so acting. As a result, the Apostolic Visitation of the Island of Corfu which was to be commenced is now to be postponed.
>
> Now from this you will easily grasp how much is to be feared from Your Grace's behaviour, not listening to the repeated admonitions of this Sacred Congregation, nor indeed of the Holy Father himself, when indeed you may see from this that both the dignity of the Holy See and the good of the Catholic religion are brought into disrepute.
>
> Further, it is the express wish of His Holiness Pope Gregory XVI that you will leave in your diocese a Vicar General with appropriate faculties, and proceed at once to Rome, and if possible, travel through London, where you yourself should meet with the British Government concerning all those things which you will judge necessary to remove every cause of conflict.[232]

Russell and Stephen were informed of Fleming's recall,[233] and Prescott was told that "measures had been taken... for redressing the evils" in Newfoundland,[234] prompting rampant

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[231] CO 94/109, fol 12rv, Stephen to J. Backhouse, 16 July 1840. Even though Parliament made all grants on an annual basis, this still would have been a substantial threat.

[232] APF, LDB, 1840, Parte 2a, Vol. 324, fols 1099v-1100v, Fransoni to Fleming, 24 November 1840. I thank Dr. John Whittaker for a copy of this letter, and Brother Darcy for translating it.

[233] For this process see CO 194/110, fol 43v, Cowper to Palmerston, 25 November 1840, transmitting copy of Aubin's report; *Ibid.*, fols 41r-42v, Leveron, Foreign Office to Stephen, 7 December 1840, noting the intention of Stephen to only tell Prescott that matters "were in train".

[234] CO 195/19, p. 345, Russell to Prescott, 10 December 1840.

rumours through St. John's of Fleming's recall and questions of his legitimacy as bishop.[235]

It was one thing to recall Fleming, but quite another to secure his departure from Newfoundland. In early December Aubin met Capaccini, and informed him that the Corfu visitation would be permitted if Propaganda would

> ...never permit Dr. Fleming to return to Newfoundland after they have brought him to Rome; but yet it would be satisfactory to have an allowance to that effect from which the [Papal] Gov't could not recede; because those chances which intrigue, distortion of facts, and pretended zeal for religion might cast up in favour of Dr. Fleming, would thereby be put beyond possibility.[236]

Fleming's response to Fransoni's command was the most astounding of all: he claimed never to have received the cardinal's letter, and continued to send refutations of the accusations and of Browne, and reports on the progress of the cathedral. Apart from one more summons, neither the pope nor any cardinal took further measures to summon the errant bishop to Rome. The Roman curia were aware that the British government wished to deal with Newfoundland, so soon after Fleming's summons was issued, they sought British approval through Altieri in Vienna to have an archbishop appointed to Corfu without conditions attached. This, it was claimed, would allow the Holy See more easily to give the British government the courtesy of not returning Fleming to Newfoundland unless his defence would defeat the accusations against him.[237] The archbishop was appointed, but nothing was done about Fleming, and his defences defeated the British accusations. In time, Propaganda, like Gregory XVI, became wise to the nature and sources of the accusations arrayed against Fleming, and may even have begun to realize the extent to which its disorganization had been

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[235] Lahey, "Fleming", *DCB* VII, p. 297.

[236] CO 194/110, fols 50r-52r, Aubin to Cowper, 5 December 1840.

[237] APF, SRNC, 1837-1841, Vol. 4, fols 529r-530v, Lambruschini to Fransoni, 27 June 1841. I thank Brother Darcy for his translation of this document.

exploited by the British. Palmerston's earlier experience with Capaccini may have convinced him that he could count on the monsignor to do his bidding,[238] but if this were true it were true would have made Rome's toleration of Fleming all the more remarkable. Even though it may not have been immediately apparent to Fleming, he had won his long fight against the British, the Liberal Catholics, and Timothy Browne, and contrary to the interpretation of one historian, his political influence did not weaken but rather increased.[239] As if to publicly prove his loyalty to the British constitution and his legitimacy as bishop, Fleming continued to speak and write of allegiance to Queen Victoria,[240] but at the same time he privately continued to offer encouragement and political advice to reformers to preserve the group's cohesion and political advantages.[241]

The period between the election of the reform-dominated house and Fleming's recall was important for Newfoundland Catholics. In 1837, the reformers and Fleming were immersed in Newfoundland and Irish politics, and tried to have Boulton removed from Newfoundland as the first step in improving the lot of the Irish in Newfoundland society. As a means of placing the status of Catholicism in Newfoundland on a more permanent footing, and of securing the church from the attacks of Winton, the Liberal Catholics, and Government House, Fleming had pursued and acquired the land upon which to build a cathedral, but not without a protracted battle with Prescott and the Colonial Office. In reply,

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[238] Reinerman, *Austria and the Papacy*, Vol. 2, p. 329. Palmerston admired Capaccini's handling of diplomatic matters in London as a nuncio from 1828 to 1831.

[239] Thompson, "Prescott", *DCB* X, p. 601.

[240] NLI, Little Papers, file 105-115, document 115, Pastoral letter of Fleming "for thanksgivings for the safe delivery of the Queen", 27 December 1840.

[241] NLI, Little Papers, file 105-115, document 115, Nugent to Fleming, 26 December 1840. On Fleming's intended date to begin building see Scottish Catholic Archives, Edinburgh, OL2/50/7, Capt. Henry Geary to Bishop Andrew Scott, Greenock, 7 November 1840.

both sought the bishop's removal from Newfoundland as the solution to the Newfoundland problem. The Newfoundland Natives' Society was a coalescence of disaffection against the perceived insolence of Irish immigrants which had been brewing for some time, and by splitting reformers it provided a serious challenge to the cohesion of reform and church initiatives. The clergy and reformers gained the upper hand because they captured the imaginations and allegiances of a majority of ordinary Catholics, because they employed empowering mythologies, and had gained control of the house of assembly and some control over the shape and content of laws regulating Newfoundland society. 1840 was a turning point for Catholicism in Newfoundland. Serious assaults on Fleming's credibility at Rome ended, but assaults on the Newfoundland constitution did not. What would save the bishop was the cathedral, and his ability to convince Rome and his congregation that it was an insuperable means of consolidating the church's gains.

Chapter 7

Building the Cathedral, 1838-1846

Once the cathedral land was fenced, Fleming embarked on eight years of return trips to Europe to procure supplies and materials for the cathedral's construction, while the St. John's congregation eagerly became a construction workforce, and was joined in the project by voluntary labour from around Newfoundland. Raymond J. Lahey has chronicled this building project with the intent of illustrating the magnitude of the Newfoundland efforts which went into its construction. However, faced with an absence of sources in Newfoundland, researchers to date have not been able to discover who was the architect of building, and therefore, what were the ideological, cultural, religious, and political context and circumstances of its construction. Previously, there has not been a study of the implications of the cathedral's construction for Newfoundland Catholicism, and most writers have not quite known what to make of the building. Fleming's cathedral was a thoroughly Irish and European building. It was built to iterate ultramontanism, to legitimize Irish culture in Newfoundland, and to answer the charges and opposition of his British and colonial opponents. The cathedral became a rallying point for Irish Catholics in Newfoundland. Its construction was invested with a mythology which justified the project, and the Catholicism which sponsored it.

Fleming's assertiveness in re-shaping Newfoundland Catholicism was repeated in his choice of designs for the cathedral. The designs directly articulated Irishness, and in style, were made to reflect and align with European ultramontanism. During the summer of 1838 Fleming remained in Europe to obtain plans, materials, and workmen for the project. In the early summer he searched in London for architects, and then went to Ireland, where church construction was booming. In Cork with his Franciscan friend and soon-to-be Irish agent, the priest John Thomas Mullock, Fleming would have seen Kearns Deane's classical design of

St. Mary's Dominican church and priory, under construction from 1832 to 1839 at Pope's Quay, and Mullock himself was rebuilding the Broad Street church.[1] Fleming engaged the Protestant architect John Philpott Jones of Clonmel to prepare a set of preliminary plans for the cathedral, along with an estimate of the amount of ornamental stone required and the expense of conveying it from Cashel to Waterford for shipping to Newfoundland.[2] In Waterford, Fleming hired the contractor Michael McGrath to acquire cut stone and building materials in Ireland and then to go to St. John's to superintend the construction of the cathedral.[3] Paying for the cathedral construction concerned the bishop, and this must have been on his mind in warding off the claims of Cardinal Fransoni and Archbishop Daniel Murray for £500 allegedly bequeathed by the priest Thomas Ewer for the Irish College in Rome.[4]

For the past century the only debate in the history of the construction of the cathedral has been whether the building was the work of an Irish architect, or from elsewhere. However, historians have missed that the significance of the architect lies in the ideological and religious significance of the plan chosen by Fleming. The bishop already had the

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[1] AASJ, Howley Papers, Michael Francis Howley, "Ecclesiastical History, Vol. 2", unpublished ms., (hereafter AASJ, Howley Papers, Howley, "History 2"), ch. 2. Note 10 indicates that the altar was executed in 1839.

[2] NLI, Fleming Papers, document 8, Fleming to Jones, 11 July 1838. This document indicates that the two had met earlier that year. Jones was instructed that if he sent all correspondence to Fleming through More O'Ferrall, the postage would be free of charge.

[3] NLI, Fleming Papers, document 13, Fleming to Michael McGrath, 16 November 1838, and *ibid.*, document 10, Fleming to Dan Corrigan, 16 November 1838. All which is known of Corrigan is that he investigated the supply of cut stone and hacked lime (for mortar) in casks and was instructed to obtain particulars from McGrath in Waterford.

[4] DDA, Murray Papers, file 31/6, "Dr. Murray 1838", document 118, Fransoni to Murray, 25 August 1838. With the proceeds of the sale of his farm, Scoggins, occupied by Timothy Browne, Ewer left money "for educating one or more students for the Catholic priesthood of this island", but no money was left to the Irish College (see Probate Office, Government of Newfoundland and Labrador, The Courthouse, Vol. 1, fol. 149, 1833, Last Will and Testament of Very Rev. Thomas Ewer). After Ewer's death Browne claimed legal ownership of Scoggins, and thereby precipitated an exhaustive dispute with Fleming over its disposal.

experience of building the Carrickbeg friary, which would have informed his expectations somewhat, but the friary was not a cathedral. Most modern researchers have attributed the design to Jones,[5] but Jones was not the final architect. In a letter to Fransoni, Fleming explicitly cited financial, climatic and most importantly, ideological reasons for choosing a continental architect. Fleming and Nugent took passage to Newfoundland on Laurence O'Brien's vessel the *Kingaloch*, which left from Hamburg,[6] so the bishop consulted architects in the vicinity of that city, and wrote that

> I finally adopted the plans furnished me by Mr. Schmidt the Architect of the Danish Government resident in Altona, whereby I shall be able to complete a most extensive Cathedral, a House for the Bishop and Clergy, a convent, schools and at an expense far less than by the plans of the English or Irish Architects I could expect to raise buildings of little more than half their magnitude, and I also engaged him to construct for me a model of the building by which means I myself may be enabled to conduct the work without incurring the enormous expence of bringing out a professed architect for that purpose.[7]

Years later, Fleming justified his choice of architect again to Rome. Since the Newfoundland climate was "...so peculiar, our frost so intense, and the quantities of snow falling every

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[5] Howley, "The R.C. Cathedral, St. John's, Newfoundland", *Christmas Number of the Evening Telegram*, 1885, claimed the plan was first by a Mr. C. Schmidt in Altona near Hamburg and modified by J.M. Butler and William Deane of Dublin (I thank Jean Murray of St. John's for providing a copy of this article). The Irish Architectural Archive, Dublin yielded no links between the cathedral and Butler or Deane but this requires more research. Howley, *History*, p. 348 claimed that Schmidt's plans which had a portico and lacked a transept were modified by Murphy of Dublin, who put a transept into the final plan, and that both plans were kept in the Episcopal Library, but all have since been lost. O'Neill in *A Seaport Legacy*, p. 737 and in "Who Designed the Roman Catholic Basilica?" *NQ*, Vol. 88, No. 1 (Spring 1993): 7-13 used Fleming's letters to John Jones at the NLI to propose that Jones did the work. Lahey agreed in "Building of a Cathedral", *Basilica-Cathedral*, p. 281 but then proposed Schmidt in "Fleming", *DCB* VII, p. 297; Shane O'Dea argued for Jones in "The Basilica of St. John the Baptist, St John's, Newfoundland", *Mid-Nineteenth Century Cathedrals*, (Ottawa: Historic Sites and Monuments Board, 1989), p. 134, and repeated Howley's erroneous contention that Schmidt's plans had no transept. In a 1991 lecture Mannion illustrated the similarities of Carrickbeg friary to the St. John's cathedral.

[6] Fleming's travels are detailed in APF, SRNC, 1837-1842, Vol. 4, fols 330r-335v, Fleming to Pope Gregory XVI, 24 November 1838. Because the Colonial Office refused to pay for Nugent's passage back to Newfoundland (see CO 195/19, p. 186, Glenelg to Prescott, 17 August 1838) he accompanied Fleming to Hamburg where Fleming paid for his return.

[7] APF, SRNC, 1837-1842, Vol. 4, fols 336r-343v, Fleming to Fransoni, 27 November 1838.

winter so heavy, I at length judged it better to proceed to the north of Europe" for an architect.[8] Fleming also told Fransoni that he had "sought in England and Ireland for the plans for the future edifice" but was "not satisfied with those I had, not thinking their style suited to our severe climate".[9] St. John's was

> ...so subject to heavy falls of snow and to rapid changes and to intense frost and again to sudden thaws and therefore I repaired to Hamburgh considering that European clime most nearly approaching to the character of our own and in the city of Altona on the Elbe from the Architect of the Danish Government I obtained a plan that I thought I could adopt, and got him to make a model of the building in order the better to instruct our local tradesmen in carrying out the design intended.[10]

With Roman ultramontanism specifically in mind, Fleming also took delight in informing the pope that Schmidt had been chosen because he had taken his architectural education in Rome.[11] From Newfoundland on 18 October after a turbulent return voyage, Fleming sent Schmidt the payment of 1,500 marks in exchange "for the construction of a model of the church of which you furnished me with the plans," with an additional 1,500 marks to be paid upon the completion of the model according to the unwritten agreement between the bishop and the architect.[12] Schmidt designed a basilica-style building with a Latin cross floor-plan, and Fleming instructed him to be "particularly careful to have the two fronts of the wings or arms of the cross executed in a handsome and striking manner",[13] indicating that Schmidt was responsible not just for the gross design and form of the building, but also for its finer

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[8] Fleming to Propaganda, June 1848, cited in Howley, *History*, p. 348.

[9] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846.

[10] *Ibid.*

[11] APF, SRNC, 1837-1842, Vol. 4, fols 330r-335v, Fleming to Pope Gregory XVI, 24 November 1838.

[12] NLI, Fleming Papers, document 9, Fleming to "Smidth Esq.", November 1838. The scarcity of documents recording Schmidt's work on the cathedral is explained by Fleming's wish to employ the architect "without requiring any written engagement" (*ibid.*).

[13] *Ibid.*

architectural details, and controverting the claim that Schmidt's building was a simple basilica.[14] Fleming praised Schmidt as a "distinguished artist to whose superior talent the design is due", and in thanks hoped to refer to him the "future preparation of plans and models for the other churches which I shall require to have erected in the neighbouring districts of my Diocese."[15] With these letters from Fleming to the pope and to Schmidt—which no historian seeking the architect has yet cited—and given Fleming's previous architectural experiences, the design of the St. John's cathedral can be ascribed to a mixed parentage: the Friary at Carrickbeg, which may have informed Jones' plan, which was ideologically perfected in Schmidt's working design, his set of plans for a cruciform church, and his model.

The Romanesque revival architectural style of the cathedral chosen by Fleming reinforced the ideas and ideals of ultramontanism. In execution, the St. John's cathedral was a cruciform building with two 140-foot towers flanking the gable-end facade at the "foot" of the "cross" facing the St. John's narrows. It was a bold mixture of Italianate and neoclassical design elements, and rejected the arcane abstrusities of Victorian neo-gothicism. Its more severe neoclassical elements included large Corinthian pillars framing the three facade windows, an oculus in the facade's gable end, and pedimented and hooded arches over niches in the exterior transept walls at the level of the clerestory. The more florid Italianate features included the sculptural elements of heavy string courses across the facade and around the towers, heavy cornices, rusticated quoins and arcaded belfry-openings in the towers. Schmidt also provided plans for the surrounding ecclesiastical complex in a design which

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[14] NLI, Fleming Papers, document 9, Fleming to "Smidth Esq.", November 1838. A projected site plan provided to the Colonial Office (see CO 194/102, fol 284r) showed all the buildings intended for the site and the arms of the transept placed at the end of the church closest to the harbour, with the head of the cross pointing towards Riverhead at the west end of the harbour.

[15] NLI, Fleming Papers, document 9, Fleming to "Smidth Esq.", November 1838.

complemented the cathedral's ultramontanism. This admixture of neoclassical and Italianate styles was used by Kearns Deane and his brother Sir Thomas Deane in the Cork Savings Bank, and Irish architectural historians have noted that it inspired "confidence, particularly that of investors, by invoking an established order."[16] The St. John's cathedral was larger than any Irish or North American cathedral built to that time, and was the earliest iteration of the Romanesque revival style in North American architecture,[17] and like Fleming's ultramontanism, indicates the connected-ness of Newfoundland with international intellectual currents and cultural life. The whole cathedral complex was calculated to provide a cradle-to-grave Irish Catholic environment in order to meet and give permanence to Fleming's religious, political, and social agendas, and it was a superbly-crafted statement of the new power, place, and legitimacy of ascendant Catholicism, and of the Irish and their culture, in Newfoundland colonial society. Like the pyramids of ancient Egypt, built on a grand scale to emphasize importance and meaning, Fleming's cathedral spoke as much to the oligarchs of Government House about the legitimacy of newly-reorganized Catholicism as it did to the Liberal Catholics. At the time of its conception, the St. John's cathedral was to be one of the largest churches built in the New World. For this reason, and quite likely out of a concern that to betray his ambitions might provide the British with a means of thwarting the project, it is not surprising that Fleming kept many of the contemplations and the details of this "most extensive Cathedral" secret from Prescott and the Colonial Office.

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[16] Peter Harbison, Homan Potterton, and Jeanne Sheehy, *Irish art and architecture from prehistory to the present* (London: Thames and Hudson, 1978), pp. 192-3.

[17] O'Dea, "Basilica", *Mid-Nineteenth Century Cathedrals*, p. 134 describes the cathedral as neoclassical. Leslie Maitland, Jacqueline Hucker and Shannon Ricketts, *A Guide to Canadian Architectural Styles* (Peterborough, Ontario: Broadview Press, 1992), pp. 84 and 86 describe the cathedral as Romanesque Revival, and note that the other earliest known North American example of this style was James Renwick's first building for the Smithsonian Museum in Washington, D.C., built in 1846.

From the seasonal approach Fleming subsequently took in building the cathedral, and from the wide use he made of donated labour, vessels, and money in all his projects, it is clear that he believed that costs and expenses—projected for the cathedral alone at £25,000 sterling[18] were of secondary concern: as his monastic rule had taught, Divine Providence would always provide. Troy had received—or exacted—promises from the congregation that 700 tons of stone and several thousand pounds worth of labour would be provided free of charge.[19] Stonemasons were rare in Newfoundland, so in procuring materials Fleming's first inclination was to choose Irish cut stone and lime for mortar. He provided plans of the front, side and ground of the church to McGrath and solicited his analysis of the amounts of stone required and the cheapest means of acquiring it.[20] Though wary of Irish limestone for use in Newfoundland—"it usually chips and crumbles in the frost", Fleming wrote—McGrath eventually sent lime and Irish granite, and hired 60 stonecutters at Dublin to supply it.[21] Stone was cheap to send to Newfoundland, for it was used in the springtime as ballast in vessels.[22]

After the land acquisition in 1838, Fleming became possessed with the project and he spent less time on politics and more time cutting stone. In a remarkable display of preoccupation and stubbornness, during the late fall of 1838 and through the winter of 1839 the bishop did back-breaking work during the weekdays at the stone quarry on Kelly's Island

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[18] APF, SRNC, 1837-1841, Vol. 4, fols 330r-325v, Fleming to Pope Gregory XVI, 24 November 1838.

[19] *Ibid.*

[20] NLI, Fleming Papers, document 13, Fleming to McGrath, 16 November 1838.

[21] Howley, *History*, p. 357.

[22] *Ibid.*, also see Tommy Deegan, "A List of Passenger Shipping from Waterford Port to America and Canada, 1845-1850", *Decies* [The Waterford Archaeological and Historical Society Journal], Vol. 51, (1995): 49-56.

in Conception Bay, "hookin' up stones" for the building.[23] One contemporary wrote: "we have seen him weeks living together at Kelly's Island assisting the labourers in quarrying building stone, and then, up to his middle in water, helping them to load the vessels with materials."[24] At night, Fleming slept in a hut at the quarry and wrote by candlelight to Schmidt, McGrath, Witham, and his banker, Wright.[25] He wrote the pope of his choice of architect and informed him that Boulton had been dismissed from Newfoundland. Over-exertion in the quarry and the dampness of living outdoors and sleeping in a hut soon gave the bishop a bad attack of rheumatism and confined him to bed in the priests' residence in St. John's in late March and early April.[26] Bedridden, Fleming wrote Richard More O'Ferrall, seeking confirmation of Glenelg's departure from the British cabinet and the identity of his replacement, and then suggesting that since Prescott's removal from St. John's had been mooted, perhaps O'Ferrall might use his influence to have his brother, a friend of the bishop's, sent to Newfoundland. Fleming lamented that the Tory press of England had represented the state of Newfoundland "as of perfect anarchy", with "the priesthood like the evil genii of the country", at a time "than which probably the annals of no civilized nation exhibit one so marked for utter calm and tranquility...."[27]

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[23] Lahey, "Building of a Cathedral", *Basilica-Cathedral*, p. 28; Wendy Martin, *Once Upon a Mine: The Story of Pre-Confederation Mines on the Island of Newfoundland* (Montreal: Harpell's Press Co-operative, 1983), pp. 44 and 94; Charles Conway to the author, 13 June 1996. The Harbour Grace Courthouse was built of Kelly's Island stone in 1830.

[24] Tocque, *Newfoundland... in 1877*, p. 410.

[25] NLI, Fleming Papers, document 15, Fleming to "Wright, Esq.", Covent Garden, London, 11 January 1839.

[26] Bishop Fleming file of Dr. John Mannion.

[27] NLI, Little Papers, file 105-115, document 111, Fleming to O'Ferrall, 5 April 1839.

Labourers, fishermen, and merchants participated in building the cathedral. This participation cut across class, gender, economic, and denominational lines. It strongly disproves any suggestion that Fleming and the reformers were an isolated minority which did not enjoy enormous popular support. On 16 January, in hopes of "catching time by the forelock" and obtaining wood in the fishing off-season freely, Fleming arranged a wood haul from the forests surrounding St. John's to bring spars for scaffolding to the cathedral site.[28] The band of the Royal Veteran Companies accompanied the procession through Water Street, and from distances as far as twelve miles away some 4,000 pieces of timber, many thirty feet in length, were supplied by the congregation and by "numerous and respectable Protestants who assisted... by their personal exertions" to the value of over £500.[29] In March 1839, Fleming prevailed on Catholic and Protestant merchants and boat-owners to supply large quantities of stone from Kelly's Island to St. John's harbour, from where for the rest of the building season it was moved to the Barrens by the "agricultural population".[30] The bishop later described the scene:

> ..no sooner are these cargoes landed than the farmers of St. John's send their carts, although this work necessarily occurs at their busiest season: and mechanics in the town, smiths, tailors, victuallers, coopers, carpenters, shoemakers, and the pilots, as good a virtuous a body of men as live, and even shopkeepers and merchants, all take a day, each department alternately, to load and unload these carts; even the female portion of the congregation insisted upon devoting one day in each week to these works; and you might behold hundreds of females, young and old, married and single, rich and poor, assembled every Monday morning furnished with barrows, acting the part of labourers bringing stone from the most distant part of the ground, where it had been placed, to the foot of the scaffolding; and this manifestation of zeal

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[28] NLI, Little Papers, file 105-115, document 111, Fleming to O'Ferrall, 5 April 1839.

[29] NLI, Fleming Papers, document 7, "Letter of thanks from Fleming to the inhabitants of Saint John's", 16 January 1839; *The Newfoundlander*, 17 January 1839; *The Newfoundland Indicator*, 9 March 1844, Fleming to Dr. O'Connell, 3 January 1844.

[30] *The Carbonear Sentinel*, 12 March 1839, cited in Lahey, "Building of a Cathedral", p. 29; NLI, Fleming Papers, document 6, sermon by Fleming requesting the assistance of shipowners and boat keepers, 1839.

> and devotion (continued as it has been from the first week until the close of the building season), is without parallel in the history of the church in any country.[31]

By April, Fleming boasted that materials to the value of £2,000 had been supplied by free labour "without a farthing expense to myself or even a shilling cost to my people," and a thousand tons of limestone to be slaked for mortar had been carted by the congregation, freely, from the harbour to the site in three days.[32] On Monday and Tuesday, 27-28 May 1839, the ground was excavated by several thousand people. This was an enormous task, later described by Fleming: "...all classes of the population join[ed] without distinction in this laborious undertaking; even women bending under the weight of years assisting to convey away the clay or gravel in their aprons, so that in less than two days the whole foundations were excavated, containing 79,000 cubic feet, or 8,800 cubic yards."[33] The *Newfoundlander* noted that several thousand participants were "under the direction of the Architect" Michael McGrath, who had recently arrived.[34] The sight of progress on the project he had wished to prevent so enraged Prescott that on 28 May he cancelled his permission for Fleming to use the government wharf in St. John's harbour to land stone, citing the need of the facility to receive "government stores."[35] Nevertheless, the project's thirst for stone was insatiable, and prices for Nova Scotian stone were even solicited.[36]

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[31] *The Newfoundland Indicator*, 9 March 1844, Fleming to Dr. O'Connell, 3 January 1844.

[32] NLI, Little Papers, file 105-115, document 111, Fleming to O'Ferrall, 5 April 1839.

[33] *The Newfoundland Indicator*, 9 March 1844, Fleming to Dr. O'Connell, 3 January 1844.

[34] *The Newfoundlander*, 30 May 1839.

[35] AASJ, Fleming Papers, document 57, Fleming to Crowdy, 29 May 1839.

[36] AASJ, Fleming Papers, document 58, Fleming to Michael Tobin (son of James Tobin), 29 June 1839.

The cathedral construction project served several important functions for Newfoundland Catholics. As the largest construction project to that date in Newfoundland, it provided many opportunities for social interaction and increased community cohesion among various tradespeople and social classes in St. John's and in Conception Bay, where vessels picked up, transported, and landed cargoes. It provided a diversion from politics, and a substantial, tangible project in which community accomplishment was easily measured. For the Irish of St. John's it created a sense of community ownership of the cathedral complex and the institution it housed, and elicited active participation in their church community. Contributions of congregational labour may have been free, but the hiring of stonecutters and other artisans spawned a new neighbourhood of workers' houses in the shadow of the site, along Barnes' Road in St. John's, and provided a pool of skilled and semi-skilled native labour from which expertise was drawn in the construction of other public buildings in St. John's in the 1840s, such as the Church of England cathedral, and the Colonial Building. Without the pool of experience and infrastructure created by the St. John's cathedral, many subsequent buildings in St. John's might not have been so easily built.

Fleming was so obsessive in his desire to complete the cathedral that he spent the winter of 1840 at Kelly's Island again cutting stone.[37] In February he raised funds and recruited schooners from Carbonear to ship stone to St. John's.[38] In June he again left for Europe on cathedral business and to obtain more teaching sisters.[39] In Dublin, he wrote

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[37] *The Newfoundland Patriot*, 4 April 1840.

[38] *The Harbour Grace Sentinel*, 3 March 1840. At a meeting on 17 February in Carbonear, Fleming had raised £76 to pay for the victualling and fitting of the vessels.

[39] *The Newfoundlander*, 18 June 1840



Illustration 7.1: *C. Henecy, "The Catholic Cathedral of St. John the Baptist erected at St. John's, Newfoundland by The Right Revd Dr Fleming Bishop of Caspasia* [sic] *V.A. of Newfoundland 1841"*

> I engaged Two Thousand Pounds of Cut Stone which is to be brought here in Spring. I engaged also Four Hundred Thousand of Brick. I brought with me a magnificent model of the structure and caused an Engraving of the Edifice to be taken. I ordered 20,000 medals to be struck for the Consecration which being purchased for Two pence each [might be sold] for Three Shillings and Six pence for the benefit of the building....[40]

On each cornerstone medal was inscribed a verse from the second Book of Chronicles which justified building the cathedral: "The House which I desire to / build is great, for our / God is great."[41] Fleming and the project also became great, for on the obverse side the proposed cathedral was engraved, while on the reverse side was an engraving of the bishop as he laid the future cornerstone. Before returning to Newfoundland, Fleming obtained two more priests, 300 tons of timber and 570 tons of cut stone.[42]

In late 1840, Wright's Bank in London collapsed, containing £4,700, all the funds for both the mission and the cathedral project. Fleming announced this in the Chapel in late December, and stated that he was "aware that those who felt desirous that the erection of the Cathedral should be impeded would be gratified at this calamitous event, but that, as far as he was concerned, he cared not a straw for the loss—it should not interrupt him an hour."[43]

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[40] APF, *Scritture Originali riferite nelle Congregazioni Generale* (original documents referred to in the general meetings of Propaganda, hereafter SOCG), Vol. 5, 1842-1843, fols 261r-274v, Fleming to Fransoni, 27 December 1840. The Dublin plan and drawing of the cathedral was by a Mr. Murphy (see Howley, *History*, p. 348). The copper-plate engraving was by C. Henecy of Suffolk Street, Dublin, entitled "The Catholic Cathedral of St. John the Baptist erected at St. John's Newfoundland by The Right Rev[d] D[r] Fleming Bishop of Caspasia [sic] V.A. of Newfoundland 1841", and depicted the cathedral and Murphy's floor-plan. The medal was struck in white metal by James Taylor, Birmingham, and is depicted obverse and reverse in C.F. Rowe *et.al.*, *The Currency and Medals of Newfoundland*, p. 95. The Henecy engraving is the frontispiece of Mullock, *The Cathedral of St. John's, Newfoundland, with an Account of its Consecration* (Dublin: James Duffy, 1856).

[41] 2 Chronicles 2: 55.

[42] APF, SRNC, 1842-1848, Vol. 4, fols 133r-135v, Fleming to Pope Gregory XVI, 4 July 1842.

[43] *The Public Ledger*, 29 December 1840 noted that Fleming announced the loss the previous Sunday. *The Newfoundland Indicator*, 9 January 1841, cited in Foran, "Early Days of the Catholic Church in Newfoundland", *Centenary of the Basilica*, p. 216. At present the earliest available issue of *The Indicator* is 18 November 1843 (see Suzanne Ellison, *Historical Directory of Newfoundland and Labrador Newspapers 1807-1987* [St. John's: Memorial University Library, 1988], p. 90).

He was undaunted by the collapse. He continued to be named as the beneficiary in the last wills and testaments of his congregants, and fishermen and merchants alike continued to make donations of labour, time, and vessels. Once a year on the feast of Sts. Peter and Paul, fishermen gave the proceeds of their day's catch. Fleming's prodigious letter-writing ensured that the *Societé de Lyon* continued to fund the mission, as did the various parishes around the island which not only supported their own priest but remitted a small sum for the use of the bishop in St. John's. Later, sales of the cornerstone medal and a broadsheet depicting the building ensured a continual cash flow for the project. While Fleming was not in the practice of accounting for the finances of his church, and this had been a source of some complaint among Winton's correspondents,[44] the financial and political health of the Newfoundland vicariate had never been better. Fleming had always been particularly good at fund-raising and never one to worry about money. While he later called "Heaven to witness that I could not command one dollar on the day of my consecration,"[45] he always seemed to receive ample funds for whatever project was current. Funding the mission was a continual preoccupation in his correspondence, but there is little evidence to suggest that it meant more to him than a means to an end, or that his personal asceticism was compromised by the handling of money.

Even more than the accession of Catholics to political power in the house of assembly, the imaginations of the Irish were captured by building the cathedral, and they participated in this project with remarkable vigour in all seasons and weathers. The winter was the best time to obtain and transport stone easily. To the Dublin committee of the Association for the Propagation of the Faith, Fleming spun a tale of biblical and epic

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[44] *The Public Ledger*, 29 December 1840 contained a letter from "A Roman Catholic & a schooner owner" who protested the lack of Fleming's accounting between 1833 and 1840.

[45] AASJ, Fleming Papers, Fleming to Dr. O'Connell, 28 March 1844, "Fifth Letter to Dr. O'Connell".

proportions about the conveyance of stones from Kelly's Island. While there was plenty of voluntary labour—"During several weeks the farmers supplied for their carriage from seventy to eighty waggons", and the builder had "soon collected a considerable quantity of materials"—they were "far from being sufficient", Fleming wrote, and they "made me cast my eyes around me, in order to examine whether I could, in the neighbourhood, discover a coarser stone for the under-ground work."[46] During the previous November, Fleming received permission to take abandoned blocks of granite from Signal Hill.[47] On February 6, organized gangs of labourers thronged to the hill:[48]

> ...the sailors of the port, who are of athletic strength, and of zeal above all praise; their sledge was the largest, so they carried huge blocks. They had already finished three or four turns with as much boldness as success, when I saw them employed at detaching from its natural base an enormous rock. I showed them that its position, on a steep slope, rendered their undertaking very dangerous, and I advised them to abandon it; but I had scarcely left them when they returned to struggle anew with the colossus; they succeeded at length in shaking it, and we heard it roll with a crash down the side of the hill, without hurting any one. At the end of an hour our sailors had it placed upon their sledge. But the most serious difficulty was then discovered: it was necessary, in order to reach the town, to cross a lake, considered very dangerous in winter, because in the middle it is of an immense depth. The stone which they had to transport might weigh ten tons; to so great a weight was to be added, that of more than a hundred men required to draw it. The most intrepid hesitated a moment; but was not God there to protect those who worked at his temple? All fear then vanished, and I arrived at the moment to see this enormous mass traverse the frozen surface of the lake, with the rapidity of lightning, and in the midst of the exulting shouts and applause of the crowd. After two days of similar exertions, the quantity of stones that had been conveyed for me might amount to the weight of two thousand tons.[49]

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[46] CNS, *Annals of the Propagation of the Faith*, Vol III, No. XIII (January 1840): 384-389, Fleming to "the Members of the Councils of the Association", January, 1842 (hereafter Fleming, *Annals*).

[47] *The Newfoundland Patriot*, 21 November 1840.

[48] *The Vindicator*, 6 February 1841.

[49] CNS, Fleming, *Annals*.

As legendary as the bishop's tale of the ten-ton stone was, it may have contained a germ of truth.[50] But it may also have been an allegory for the struggle of the Irish in Newfoundland with the British government which mythologized and legitimized the participation of the Irish in Newfoundland political life, and justified the plan to continue the cathedral construction.

One principal reason why Fleming's enemies had difficulty challenging his reputation among the Newfoundland Catholics was the popularity of the cathedral project among all classes and participants. During the summer of 1841 the collection of stone proceeded at full speed, augmented by the arrival five cargoes of Dublin granite weighing 700 tons in total, and the arrival of a number of Irish stonemasons.[51] They joined a number of other Irish tradesmen whom McGrath had previously recruited, among them Thomas Haw of Waterford, a stonemason,[52] and William O'Connor and his father John, a joiner, who later wrote "Thank God I left Dublin in 1840" to "Build a Cathedral the largest in North America."[53] Brine's wharf was taken over, just off Water Street, for the stone landings, and became known as the Bishop's Wharf.[54] Fleming also benefited from the donation of ropes and scaffolding for the cathedral from his Protestant friend Walter Grieve, a merchant and reform sympathizer.[55]

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[50] In visiting the top of the East Tower of the cathedral in 1991, the author was shown a stone weighing five tons.

[51] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846.

[52] James Halley to the author, 10 September 1996.

[53] John O'Connor, Rochester, NY, to his brother William O'Connor, c/o Board and Edwards, David Street, Manchester, England, 10 December 1859. I thank Shane O'Dea for a copy of this letter.

[54] Lahey, "The Building of a Cathedral", *Basilica-Cathedral*, p. 29.

[55] James K. Hiller, "Walter Grieve, c.1809-1887", *DCB* XI, p. 376.

At the end of May Fleming staged the laying of the cornerstone, the most important and symbolic event in the history of Newfoundland Catholicism since O'Donel's arrival, an event resonant with political overtones. On the twelfth anniversary of the announcement of Irish emancipation, and the feast of the Ascension, 20 May 1841, a mammoth parade left the Chapel in St. John's at lunchtime and proceeded in a circuitous route throughout the town via Queen Street, Water Street, Cochrane Street and Military Road to the cathedral site. A programme for the procession directed carpenters, tradesmen, the Christian Doctrine Society, the Mechanics' Society, the BIS, and David Bennett's Band to lead banners, the plans and the model of the cathedral, depictions of Pope Gregory XVI, St. John, St. Patrick, Daniel O'Connell, the Queen and the Virgin Mary, followed by the clergy and Fleming.[56] Nugent's *Vindicator* recorded that

> From an early hour all the roads leading to the Town, were crowded with men, women and children, coming in from the numerous Outports of this District as they poured forth their population to pay a tribute of respect and love to their Prelate, by assisting upon this interesting occasion, and among them were to be seen numbers bowed down with the weight of years, whose age had long prohibited them from indulging in the gratification of a visit to the capital. Many Planters also from the distant Outports of the extern Districts, who had come to prepare for the Summer's Fishery, deferred their departure, so that the numbers who assisted were almost countless. Shortly after the celebration of the last Mass... the whole Town was in motion, all classes of the community thronging to join the procession which began to form at half past twelve o'clock, and, although as they formed, they moved on, yet the last hadn't left the Church, from which it started, for better than an hour afterwards.[57]

Even though the weather that day was "not particularly favourable",[58] conservative estimates recorded ten to twelve thousand participants while Fleming exuberantly wrote one of

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[56] *The Newfoundlander*, 13 May 1841, "Programme of the Order of Procession in Moving on Thursday, the 20th inst. for the purpose of laying the Foundation Stone of the New Cathedral".

[57] *The Vindicator*, 22 May 1841.

[58] Howley, *History*, p. 357.

Propaganda's benevolent societies that twenty thousand turned out.[59] He later informed Fransoni that there were 9,000 present, and that even Protestants and the Garrison military band took part in the festivities.[60] Significantly, the Natives' Society did not attend.

At the ceremony, an inscription signed by Fleming and twelve priests was placed in a copper box in the cavity of a two-ton stone at the foot of what was to be the western tower.[61] After the stone and the foundations had been consecrated, Laurence O'Brien asked Fleming's permission to place an offering upon the stone, and in Fleming's words, gave assurances that "several Catholics solicited the same favour": O'Brien "laid down two hundred and fifty pounds, and this example was followed with so much liberality, that in the short space of half an hour the fishermen of Newfoundland had placed at my disposal the sum of two thousand five hundred pounds."[62] The display of Catholic power was the strongest ever seen in Newfoundland, and this together with the inclusion in the procession of portraits of Daniel O'Connell and Fr. Theobald Matthew, the Irish temperance leader, enraged Winton, who called the event "a SCANDALOUS OUTRAGE" and unlawful.[63] The priest Timothy Browne later wrote Rome, mocking the idea of "Stones from Ireland

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[59] *The Newfoundlander*, 20 May 1841; CNS, Fleming, *Annals*, p. 388.

[60] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846. The *BIS Volume*, p. 72 noted the presence of from ten to twelve thousand people.

[61] For the inscription see Howley, *History*, p. 360; the parchment was signed by the priests Charles Dalton, Denis Mackin, Thomas Waldron, James Murphy, Patrick K. Cleary, Pelagius Nowlan, P.K. Ward, John Forristal, John Cummings, Kyran Walsh, Edward O'Keefe, and John Ryan.

[62] CNS, Fleming, *Annals*, p. 388. In 1906 the *BIS Volume*, p. 72 converted this into dollars and cited a collection of $10,400.

[63] Cited in Lahey, "The Building of a Cathedral", *Basilica-Cathedral*, p. 31.

transported to Terra Nova",[64] and Liberal Catholic Henry Simms complained to Rome that the cathedral was "condemned by every thinking man—it is not suited to our condition."[65]

The building of the cathedral unified the congregation and Catholics throughout Newfoundland, and imposed an end to the stormy conflicts between the reformers and the Liberal Catholics. For Fleming, the teeming public presence at the cornerstone ceremony

> ... brought me a balm for all because it told me unequivocally that the people relied upon me and that that confidence was not bestowed by a Section but by all - it told me that the people concurred in the dismissal of the [Chapel] Committee [in 1829] and as at that particular time the whole Christian Church was agitated by the Shock given it through the outrages heaped on the bishop of Gibraltar and the bishop of Philadelphia by their respective Chapel Committees... my mind was the more ready to appreciate the kindness and confidence of my people.[66]

The cathedral project was the single greatest unifying project in the history of Newfoundland Catholicism. Even more than the tenuousness accession of the Irish to political power, it was the first visible, permanent, tangible statement of the presence and cultural and religious legitimacy of Irish Catholics in Newfoundland society. As the final means by which lay trustees might be swept aside, the cathedral confirmed Fleming's role as a power broker and cultural broker for the Irish in Newfoundland. After the cornerstone ceremony and the commencement of construction, the only serious threats which could be made against him could come from Rome. He immersed himself in building the cathedral, he avoided party politics, and sought to broaden the institutional base of the church. He gained greater immunity to the attacks of the Tories and Timothy Browne. The cornerstone ceremony symbolized the coming of age of Roman Catholicism in Newfoundland, and marked a point of departure of the church from the reformers.

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[64] APF, SRNC, 1842-1848, Vol. 5, fol 744rv, Browne to Propaganda, n.d.

[65] APF, SRNC, 1842-1848, Vol. 5, fols 374r-377v, Henry Simms to Propaganda, June 1843.

[66] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846.

By the end of 1841, the main walls and towers of the cathedral had reached a height of seventeen feet,[67] and even though cargoes arrived daily from Kelly's Island and Ireland, the project began to run out of stone, precipitating a serious dispute between the bishop and his contractor, Michael McGrath. Previously, historians have not been able to explain this dispute, but Fleming explicitly told Rome:

> Those with whom I had contracted in Dublin to supply the cut stone had deceived me for although they had sent me out two large Cargoes they kept back a considerable portion of that which would be necessary early in the Structure in order to prevent the possibility of my employing others so that I saw myself under the necessity of again visiting Ireland as well to prevent the recurrence of any such inconvenience as to anticipate the coming Spring with the parts omitted in order to enable me to continue the work without interruption.[68]

The Irish stonemasons knew that Fleming's building would be enormous, and they had reached an agreement with McGrath in order to keep as much of the labour for the cathedral as possible for themselves in Ireland. In the late fall of 1841 Fleming replaced McGrath with the builder James Purcell,[69] who in 1839 had executed the designs of the Paris firm of Cottrelle for the marble altar of Mullock's Broad Street church.[70] In 1842 in St. John's, Purcell organized the congregation for two large stone-hauls over the snow from quarries on the outskirts of the town at Long Pond and Mundy Pond, and netted 1,200 tons of building stone. With white granite from the quarries of Kingstown (Dunleary), Dublin, he carved four large Corinthian pillars, and a set of capitals and archivolts to flank the windows of the

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[67] APF, SRNC, 1842-1848, Vol. 5, fols 133r-135v, Fleming to Pope Gregory XVI, 4 July 1842.

[68] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846. The death of the priest Martin Bergan at Tilting, Fogo Island in September also prompted Fleming to go to Ireland for more priests. See *ibid.*, and James Fleming, "Roman Catholic Priests in Newfoundland History", List of death dates, p. 1. I thank Brother J.D. Darcy for access to this reference.

[69] On the confusion surrounding McGrath's dismissal see Shane O'Dea, "James Purcell, 1804-1841", *DCB* VIII, pp. 725-726. Purcell seems to have been appointed before Fleming left Newfoundland on 5 December.

[70] AASJ, Howley Papers, Howley, "History 2", ch. 2, note 10.

facade, along with lintels for the doors and windows.[71] Reinforcing the sense that the cathedral construction was a community effort, Nugent's *Vindicator* delighted in reporting every advance and development in the building project.[72]

By June 1843, substantial progress on the cathedral was visible and labourers were at the peak of their production. Fleming reported to Archbishop Murray that

> The Cathedral... is the main work that absorbs almost my entire attention—I have at this moment Twenty Six masons at work at 6s/6d. per day. Twelve Carpenters at 6s/o. Four sawyers at 5s/o. Twenty One Laborers at 3s/3d. and these I am compelled myself to oversee whereby my time is heavily taxed indeed, but I find that it is by far the best means of ensuring a speedy completion of the building and it really is advancing with extraordinary rapidity.[73]

As well, fishermen with small boats, and "every man that can command a schooner or boat feels proud in contributing his cargo of stone for this stupendous edifice". During the spring of 1843 some 3,000 tons of stone were brought to St. John's harbour, where farmers from around St. John's carted them to the building site, with eighty carts of sand weekly.[74] Fleming's network of contacts ensured a constant supply of skilled workers for the project, and even Mullock in Cork gave a "Stone Cutter and Mason", men Hooper and McCarthy, "£9.0.0 to go to Newfoundland", and they left for the new world on 27 June.[75] One Protestant visitor to the city in the summer of 1843 remarked that

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[71] Tocque, *Wandering Thoughts*, p. 361.

[72] *The Vindicator*, 11 February 1842, and 23 April 1842.

[73] *Ibid.*, letter 209, Fleming to Murray, 17 June 1843. Lahey, "The Building of a Cathedral", *Basilica-Cathedral*, p. 34 maintained that a hiatus in the construction of the cathedral took place from 1841 to 1845 while Fleming amassed building materials, but this letter and other correspondences and reports contradict this claim.

[74] *Ibid.*

[75] AASJ, Howley Papers, Howley, "History 2", ch. 2, note 11.

> ...all their public buildings are at the present moment rising.... They are landing cut stone for an Episcopalian Cathedral; a Scotch Kirk is roofed in and progressing fast; the Benevolent Irish Society Hall has just had a handsome tower erected in its front and the Irish have placed in the school the finest set of nautical instruments I have seen anywhere. A very handsome, long, two-story house, terminated by a very tastefully built tower, has just been completed as a Convent for the Sisters of Mercy; and a new Convent for the Nuns of the Presentation Order, as it is called, is going on rapidly and promises to be an elegant and most substantial building.[76]

But at the centre of all of it was the Catholic cathedral,

> ...a cruciform building, the total length of which is 260 feet, the length of the transept 185 feet; the front is commanded and flanked by two towers, intended to run to the height of 134 feet; and as the structure is upon the hill, nearly 300 feet above the level of the harbour, and its base higher than the top of the highest house in town, you will have an idea of the grandeur of the effect of the building when completed.[77]

By 1843 the interior or main supporting wall had reached a height of thirty-five feet, while the exterior wall reached "over the line of the windows",[78] a height of about forty-five feet. Overseeing it all, noted the observer, was Fleming, who by joining "in these works like a labouring man," and working "as hard as any labourer" ensured his immense popularity, and his place in the scene: "he wore a black vest and trowsers, a grey coat, and an extra black ship hat, all pretty well bedaubed with mortar. ... He conducted me around the building, within and without...."[79] Fleming had become entirely possessed with the completion of his *magnum opus* during his lifetime. Remarkably, his unpaid congregation and co-workers were also bitten by the same bug.

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[76] "Bishop Fleming Cathedral Building", *Newfoundland Illustrated Tribune Christmas Number*, 1900. I thank Shane O'Dea for this document cited in AASJ, Howley Papers, Howley, "History 2", p. 31.

[77] *Ibid.*

[78] *Ibid.*

[79] *Ibid.*

If Roman Catholics were driven to complete their cathedral, so were their rivals, and a little envy may have motivated clergy and congregations to compete for architectural grandeur. In 1843, Bishop Spencer hired Purcell for £20 to prepare plans for a new Church of England cathedral, and to import stone from Ireland.[80] Purcell brought pre-cut stone from Cork to St. John's, undoubtedly using some of the contacts he had made in his work on the Roman Catholic cathedral. Spencer's successor, the Tractarian bishop Edward Feild arrived in late 1844 and dismissed Purcell and his plans as unsuitable for an ecclesiologically-correct, Gothic revival edifice, and in 1847 Feild had Sir George Gilbert Scott prepare a more suitable set of plans.[81] But Feild was jealous of Catholic architectural success. In 1844 he happily noted that the stonework of the towers of Fleming's cathedral had to be cut down several feet due to poor workmanship, causing a loss of from £700 to £800,[82] and again the next year he looked up the hill and observed that "a great deal more of ye walls of ye R.C. Cathedral must be taken down this spring" due to frost.[83]

Between late November 1843 and early September 1844 Fleming was in Ireland. Motivated by the revolution in Irish church-building and the reform of liturgical practises, he procured more building materials for the cathedral and liturgical supplies for the vicariate, items which would help the priesthood regularize the liturgical practises of Catholicism. He purchased "Chalices, Remonstrances & Altar Candlesticks, Missals, Vestments, Copes,... and all that was required for the celebration of the Sacred Mysteries in a becoming and imposing manner" to the extent that his "imports" for 1843 were "upwards of £500", and "nearly

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[80] Rowe, *In Fields Afar*, p. 17.

[81] *Ibid.*, pp. 17-19. Page 19 depicts Purcell's proposed Church of England cathedral (1844).

[82] Archives of the Anglican Church of Canada, Diocese of Eastern Newfoundland and Labrador, St. John's, Bishop Feild Papers, letter 7, Feild to ?, 7 August 1844.

[83] *Ibid.*, letter 18, Feild to ?, 1845.

£1000" for 1844 "and again for 1845".[84] For the churches of Torbay and Petty Harbour, Fleming purchased bells in Hamburg, the one for Petty Harbour a sixteenth-century bell from the monastery of St. John. Through Richard More O'Ferrall, Fleming obtained three barrel organs which played various musical settings of masses and pieces for vespers, communion, the offertory, and benediction, and these were sent to the churches of Torbay, Portugal Cove, and Petty Harbour.[85] These imports sparked a revolution in the ceremonial appearances and liturgical rites of Newfoundland Catholicism. In addition to providing "proper" religious objects with which to celebrate the mass, the re-enactment of the Last Supper, they founded a new tradition inspired by the ultramontanist desire to increase the majesty and aesthetic appeal of the church's ceremonies. As displays of respect for the sacramental presence of Christ in the mass, and as displays of the church's affluence they increased the visual and artistic appeal of the church's ceremonial and liturgical life, reinforcing and justifying religious devotion and church attendance, and would have helped increase spirituality and piety.

As Newfoundland Catholicism and the institutional church grew, so did the costs of building and maintaining it. While Fleming was in Ireland he wrote a series of five letters to his friend Archdeacon O'Connell of Dublin, describing the state of religion in Newfoundland, the building of the cathedral, the opening of convents, schools for the poor, churches, and his various visitations around the island. With the help of Mullock's publisher, the letters were published as a pamphlet and sold to subsidize the cathedral's construction.[86] Fleming

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[84] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846.

[85] *Ibid.*

[86] M.A. Fleming, *Letters on the State of Religion in Newfoundland, Addressed to the Very Rev. Dr. O'Connell, PP., St. Michael's and St. John's, Dublin, By the Right Rev. Dr. Fleming, Bishop of Newfoundland* (Dublin: James Duffy, 1844).

appealed to those with "sympathy for the exiled colonial Catholic", deliberately nursing the familiar Irish senses of grievance at being exiled from home, and at British misrule. The letters to O'Connell were also published in Charles Gavan Duffy's the *Nation*, and in the influential English Catholic paper *The Tablet*, edited by the convert barrister Frederick Lucas, one of Gregory XVI's informants on British politics.[87] Fleming reported how he had raised the "magnificent structure" of the cathedral "to half its height" and was in the process of achieving "the complete triumph of Catholicity in that long-neglected colony".[88] These comments would have been read with great interest by Fleming's friends and foes alike. Copies were sent to St. John's where they were published in Michael Jordan's *Newfoundland Indicator*[89] and fed the growing popular perception in the St. John's congregation that catholicism was assuming its rightful place in Newfoundland society.

In the spring of 1844 in Ireland Fleming entered into an "extensive new contract" for cathedral materials in Dublin and "engaged a large quantity of mouldings of granite stone".[90] He also visited Galway and obtained "black Galway marble ashlars" in order to produce a "magnificent effect in the splendid and sacred temple", and sought more Presentation sisters for Newfoundland. The *Nation* reported that the bishop suffered from poor health and took several days off before returning to Dublin.[91] Even in the bishop's absence the St. John's congregation pressed on with the cathedral. In 1843 and 1844 Fleming sent five shiploads

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[87] Buschkühl, *Britain and the Holy See*, p. 87.

[88] *The Newfoundland Indicator*, 16 March 1844, Fleming to Archdeacon O'Connell, 11 January 1844.

[89] *The Newfoundland Indicator*, 17 February 1844, 9 March 1844, 16 March 1844, 10 May 1844, and AASJ, Fleming Papers, fourth letter to Archdeacon O'Connell, dated Liverpool, 19 February 1844.

[90] Article reprinted from the *Nation* in *The Newfoundland Indicator*, 9 March 1844.

[91] *Ibid.*

of materials to Newfoundland,[92] and in 1845 another cargo of 100 tons of limestone were sent from Waterford.[93] Construction continued relentlessly under the superintendency of the priest Kyran Walsh, who organized another wood-haul and a haul of stone in February 1845 from the communities of Outer Cove and Flatrock near Torbay.[94] In early January 1845, Fleming drafted a letter to Queen Isabella of Spain, suggesting that since Queen Victoria of England had donated the cathedral land, and since all the materials for the building were in hand except a clock, bells, and three altars, perhaps "one of the most illustrious Catholic Potentates of Europe" might wish to make a donation.[95] Another letter was drafted to the wife of Louis Philippe, King of France, sending a volume of Fleming's letters on the state of religion in Newfoundland, and soliciting her donation,[96] but it is unknown if this letter was sent. In mid-July 1845 the bishop had another interview with Lord Stanley in London, perhaps again seeking a raise in salary, after which he spent the next month in London obtaining supplies for the cathedral.[97] In the last week of August, the *Newfoundland Indicator* reported that

> In the course of last month three vessels sailed from Galway freighted with cut stone for the completion of his new cathedral, and there are now loading at Bangor two other vessels with slate (for the roof), and thirty-six crates of glass are being shipped from London for the same purpose. On leaving Europe his Lordship desires us to

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[92] Fleming, *Letters on the State of Religion*, preface, p. 2.

[93] NLI, Fleming Papers, Thomas Murphy, Waterford, to Fleming, London, 26 April 1845.

[94] Lahey, "The Building of a Cathedral", *Basilica-Cathedral*, pp. 34-5.

[95] NLI, Little Papers, file 140-150, document 146a, Fleming to Queen Isabella of Spain, January 1845.

[96] NLI, Little Papers, file 140-150, document 146b, Fleming to the Queen of France, January 1845.

[97] *The Newfoundland Indicator*, 12 July 1845; *ibid.*, 23 August 1845 noted that Fleming was about to leave London for Newfoundland.

> express thus publicly his deep feelings of gratitude to Messrs. Jackson, of Pimlico, the well known builders, for the great services they have rendered him.[98]

By 30 August 1845 Fleming was back in St. John's and did not anticipate the need for "attempting a trans-Atlantic voyage for many years to come".[99] In a late November reply to the request of the archbishop of Québec who was compiling an almanac of Catholic clergy, Fleming informed him that the temporary roof was nearly complete and would be ready for slating in the spring of 1846.[100] By early December, the congregation had the roof in place, its beams—like the stones of the cathedral, and its plasterwork—carved with the names of workmen who proudly claimed moral ownership and responsibility for their work by signing it. A bonfire was held before the building to celebrate.[101] To finish slating the roof in the spring of 1846, Fleming recruited the Irish stonemason Denis Conway and his sons Charles, Denis and Thomas.[102] Conway advised Fleming that the beams and purlins of the roof were not strong enough to support the weight of a slate roof, nor were they raked at sufficient an angle to adequately throw off loads of snow,[103] but the bishop was so "mad anxious" to finish the building that he ordered Conway to slate the roof or be fired.[104] With the roof underway, the prospect of more funding in hand, and with his health pressing, Fleming left for Ireland

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[98] *The Newfoundland Indicator*, 23 August 1845. I thank Bishop Lahey for this reference.

[99] BIS Minutes, Reply of Fleming to address of BIS members, 2 September 1845.

[100] AASJ, Fleming Papers, document 85, draft of Fleming to Rev. Belliste, Secretary to the Archbishop of Québec, November 1845, in reply to Belliste's letter of 9 November 1846.

[101] *The Newfoundland Patriot*, 10 December 1845.

[102] Charles Conway (the great-grandson of Thomas Conway) to the author, 13 June 1996.

[103] *Ibid.*

[104] *Ibid.* In 1853 the heavy roof and ceiling buckled in towards the floor of the cathedral by eleven inches. The lack of lead flashing on the sill-work, and unfinished pointing on the stone walls threatened the stability of the building, obliging Fleming's successor to close the church, have the Conways repair the walls, and re-roof the structure (see Lahey, "The Building of a Cathedral", *The Basilica-Cathedral*, p. 39).

on 26 May 1846 where he sought "what I expect will be the last export of cut Stone" for the cathedral.[105]

The cathedral was not finished or decorated until 1855, but it was substantially completed by 1846 and its construction had put the St. John's congregation through the common experience of expressing their culture in material form, and had also created economic opportunities for the Irish in St. John's and in Ireland. The cathedral legitimized the institutional permanence of the church and put a new physical, symbolic, and institutional face on a religious denomination which scarcely twenty years earlier could not have dreamed of such cultural legitimacy. The rising form of the building on the Barrens was a barometer of the rising power and permanence of the Irish on the Newfoundland social and political landscape, and a gauge of the increasing distance of the church from British control. It formalized Fleming's ultramontanism and set it literally and figuratively in stone. Archbishop John Hughes of New York, the leader of Irish Catholicism in the United States, preached at the cathedral's consecration in 1855. He observed that

> Its erection and completion would have been impossible, except by a people who believe. Without that faith... the existence of this magnificent Cathedral could not be accounted for, in the centre of a community made up of poor but laborious fishermen, and in a city, as it may now be called, which was known but yesterday or the day before, merely as a fishing station. This is a Cathedral of which any city in Europe or the world might be proud.... I say that, considering the means by which it has been erected, this monument of Catholic faith has not been surpassed, nor perhaps equalled, by anything found in the annals of the Christian Church.[106]

Fleming's cathedral furnished a rallying point and an object of pride for St. John's Catholics who had participated in its construction, and bestowed a measure of social harmony and a

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[105] On Fleming's return to Europe see *The Royal Gazette and Newfoundland Advertiser*, 2 June 1846 and *The Newfoundlander*, 28 May 1846. On the stone see APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846.

[106] John T. Mullock, *The Cathedral of St. John's, Newfoundland with An Account of its Consecration* (Dublin: James Duffy, 1856), pp. 13, 15.

sense of permanence to Newfoundland which could only have been brought about by a project which required such extensive co-operation.

Chapter 8

Institutions and Cultural Legitimacy, 1841-1846

Philip McCann has argued that British colonial officials invented traditions and sponsored institutions in Newfoundland to create British nationalism, but between 1841 and early 1846 Catholicism in Newfoundland also underwent a highly visible, structured, invented process of institutionalization which legitimized the place of Irish Catholic culture in Newfoundland. Like the steady advancement of the cathedral project, the expansion of the institutional church also made Newfoundland Catholicism and the reformers more immune from attack. Once the British government and its Newfoundland colonial élite realized that Fleming retained the Vatican's confidence, they backed away from direct attacks on his reputation. Instead, a select committee of parliament considered the future of Newfoundland's constitution. Much of the political friction which bedevilled Newfoundland was removed when Fleming was able to expose the secret system of representation employed against him in London, and when reformers accepted patronage from Prescott's replacement, the new governor Sir John Harvey. Similarly, the Catholic clergy gradually began to distance themselves from overt involvements in the politics of the Irish reformers. The establishment of a convent of the Sisters of Mercy in 1842, in order to educate the daughters of the wealthier inhabitants, helped to create a Catholic middle class. By 1845, a great change in presence and program had been effected upon Newfoundland Catholicism, but political divisions persisted. The amalgamation of the house and council muted this somewhat, but Irish Catholic divisions were temporarily reinforced by the Natives' Society. Similarly, early success in the work of the Sisters of Mercy was compromised by a dispute between the sisters and Fleming. Neither Harvey nor the British government understood the Irish impetus for the repeal of the Act of union, a movement which swept Newfoundland and provided a good indication of lingering Irish cultural and political aspirations. When Fleming's health

began to decline, he became reconciled with many of his former opponents in Newfoundland.

Political unrest in Newfoundland peaked with an event which delivered the coup-de-grace to proto-democracy in Newfoundland. The Catholic reform MHA for Conception Bay, Anthony Godfrey, had died on 11 June 1840, necessitating a by-election in Harbour Grace.[1] Prescott scheduled it for late that fall, but political agitation reached a fever pitch even earlier. A letter in the *Ledger* reported that Dalton and Fleming had decided to narrow the church's choice of political candidates to Edmund Hanrahan of Carbonear, a sealing captain, and a Captain Power.[2] Hanrahan was eventually chosen. His opponent was James L. Prendergast of Harbour Grace, supported by the merchant, John Munn, which made Prendergast the merchants' candidate, despite his own claims to be a reformer and his former reform activism.[3] The election ran from 9 November to 8 December at various polling booths around Conception Bay, but extreme violence erupted among rival Irish groups in Carbonear. On 30 November Justice of the Peace Thomas Danson described the event as a riot which pitted about sixty Prendergast supporters against those of "Hanrahan's or the priests' parties":

> ...Mr. Prendergast's colours were torn to pieces; his drums kicked and completely beaten to pieces, and a very great many of his supporters knocked down, kicked and ill-treated; stones were enclosed in snowballs, and thrown in all directions among Mr. Prendergast's friends, by which many have been severely wounded.[4]

By the end of the election, Thomas Ridley in Harbour Grace had been "knocked senseless"

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[1] CO 194/109, fol 40r, "Papers Laid Before the Select Committee", Prescott to Russell, 12 June 1840.

[2] *The Public Ledger*, 30 October 1840.

[3] CO 194/109, fol 217r, report of Thomas Danson, J.P. to Crowdy, 6 November 1840. The election is analyzed in detail in Robert M. Lewis, "A Preliminary Analysis of the 1840 By-Election Riots", 1981, an unpublished paper at the CNS, Memorial University.

[4] CO 194/109, fol 287rv, "Papers Laid Before the Select Committee", Thomas Danson, J.P., and John Stark, J.P. to Crowdy, 30 November 1840.

and his skull fractured,[5] and in Carbonear Hanrahan's wife's cousin William Ash's house was burnt down while that of his brother Nicholas was demolished because both had voted for Prendergast. Six other men were shot and wounded; one had his hip "shot away".[6] For all the violence, though, there had been a low turnout, with under 2,500 votes cast in total, suggesting that as before, the disturbances were factional battles between an Irish group supported by a pro-merchant political class, and a mass of financially-disenfranchised Irish fishermen. The priest Edward Cummings had publicly supported Hanrahan but did not involve himself in the rioting.[7] The magistrates closed the poll and the election was voided. Prescott suggested that the lawlessness at Harbour Grace underlined the need for a garrison there.[8] The governor also imputed to the Colonial Office that in general, the "merit" of the Roman Catholic clergy "in this is no greater than that of a man who first fires a house and then endeavours to extinguish the flames," and noted that the election had been voided because Magistrate Pinsent had been unable to execute the writ within the time period prescribed.[9] Prescott then suggested that the Colonial Office immediately limit the franchise in Newfoundland.[10]

When the Conception Bay election riot reports arrived in London they sealed the declining fortunes of the reform-dominated house of assembly. Stephen was horrified at the conduct of the electors and he used Prescott's reports to blame the Irish and the Catholic

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[5] *Ibid.*, fols 288v-289r, Danson *et.al.* to Crowdy, 8 December 1840, 9 p.m.

[6] *Ibid.*, Danson *et.al.* to Crowdy, "(Midnight)" 8 December 1840.

[7] Cummings was not mentioned in any depositions as bearing any responsibility for the riots. Also see Lewis, "1840 By-Election Riots" on Cummings' minimal role.

[8] CO 194/109, fols 328r-329v, Prescott to Russell, 10 December 1840.

[9] CO 194/109, fols 333r-334v, Prescott to Russell, 11 December 1840.

[10] *Ibid.*

clergy. In doing so, he revealed his own prejudices:

> The state of the case is obviously that at Carbonear the Elective Franchise is in the hands of the Irish Colonists—a Body of men who approach the Savage much more nearly than the Civilized State, and who are as little qualified for the discharge of such a duty as so many Malays would be. The first inference I should draw from the whole statement is, that no Election should hereafter be permitted to take place at Carbonear among such a herd of wild people, and the Governor should I think be instructed to convey a very strong recommendation from the Crown to the Assembly to that purpose. The Governor lays the blame of all this on Dr. Fleming for not using his Episcopal influence to control the madness of the Catholic Population and on the sinister influence of the Priests. I have no doubt of the accuracy of the statement considering from whom it proceeds. But I see no proof of it, on the contrary the Priests would seem to have acted well as far as they interfered openly.... Would it be right to place the British Agent at Rome in possession of these occurrences as a reason the more of insisting on the recall of Dr. Fleming?[11]

Stephen's equation of the Irish with another race of people colonized by the British empire asserted English racial superiority, and would have confirmed Irish suspicions of British racism. Prompted by Murdock's observation that Prescott should have asked the assembly to defray the cost of defence, Lord John Russell severely reprimanded Prescott for not sending the troops to Carbonear earlier:

> After an attentive perusal of the documents which accompanied your despatch, I am of opinion that it was your duty to have sent off 100 men on the 5th of December, for the restoration of order, instead of waiting until the 9th of that month. You should have acted on your own responsibility in this respect, and should not have consulted the Council upon such a measure.[12]

Russell parenthetically added that "I conclude that Dr. Fleming, to whom you attribute so large a share in the creation of the riot, is now on his way to Rome. This intimation will sufficiently answer your remarks on the subject."[13] In his rebuke to Prescott, Russell had

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[11] CO 194/109, fol 218v, notes of Stephen to Mr. Vernon-Smith, 7 January 1841. Stephen did not know that Fleming had been summoned to Rome.

[12] CO 194/109, fol 290r, "Papers Laid Before the Select Committee", Russell to Prescott, 14 January 1841.

[13] *Ibid.*

ordered that Carbonear no longer be a polling-place in elections.[14] Fleming had so successfully haunted the Colonial Office's every thought that a shift in thinking was beginning to grip London. The policy of enfranchisement, representative rule, and chipping away at the reputation of the Catholic clergy had failed and the British government had lost control of Newfoundland. This prompted London to consider limiting the franchise and amalgamating the legislative chambers of Newfoundland, which, given the British policy of granting self-government to its colonies throughout the empire and making them a limited liability, was an extraordinary measure.

A variety of preparatory steps were taken to ensure that the plan would be accepted. Prescott had already informed London of more vacancies on the executive council and recommended William Bickford Row, and James Tobin, an Irish Catholic merchant of St. John's and Halifax and a friend of Fleming's as the "principal recommendation". Tobin accepted the appointment and London confirmed it.[15] The Secretary intended that the system of government be changed, that Fleming be removed, and that after Prescott's gaffe in the Carbonear election, the governor's time in Newfoundland would also be limited. During the winter and spring of 1841 the reformers zealously claimed the spoils of power which they felt were rightfully theirs. At the end of January, MHAs Kent, O'Brien, Nugent, McCarthy and Winser successfully voted to appoint Nugent's new newspaper, *The Vindicator*, as printer of the proceedings of the house instead of Parsons' *Patriot*.[16] Much wrangling over the future

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[14] CO 194/109, fol 290r, "Papers Laid Before the Select Committee", Russell to Prescott, 14 January 1841.

[15] CO 194/109, fols 388r-390r, Prescott to Russell, 29 December 1840.

[16] *The Newfoundland Patriot*, 30 January 1841.

form of government took place that winter in the house,[17] and on behalf of the assembly on 5 February Carson petitioned the queen to dissolve the executive and appoint two councils, one to legislate and another to advise the governor.[18] Reformers may have conceived and enacted these measures to accord with the principle of "majority-rule", but they were interpreted in Tory London as further evidence of Irish greed and unsuitability for self-government, and reinforced the impressions formed by the St. John's and Carbonear elections.

If Stephen and the Colonial Office saw no legitimacy in Irish Catholic culture, the Newfoundland Catholic clergy constantly tried to kindle and reinvent it and propagate the faith among its adherents. This was done by means of parish visitations during the early winter, the time of year most convenient for parishioners, and the time of the year best calculated to draw large congregations due to the seasonal economy and occupations of outport Newfoundland. In February and March before the seal hunt, Fleming and his clergy embarked on a six week visitation of Placentia, St. Mary's, and Conception Bays, conducting over 1,163 confirmations, and consecrating St. Patrick's Chapel in Carbonear.[19] Of vital importance in preparing children and adults for the sacraments, however, were not so much the clergy as the Presentation sisters, and the lay members of the Christian Doctrine Society, whose catechetical efforts had also netted eighty-nine converts to Catholicism.[20] Although he suffered considerable pain for weeks after he was thrown from a horse while on his

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[17] A more detailed account may be found in Garfield Fizzard, "The Amalgamated Assembly of Newfoundland, 1841-1847", unpublished MA thesis, Memorial University of Newfoundland, 1963, esp. chapter 1.

[18] CO 194/111, fol 104rv, William Carson to the Queen, 5 February 1841.

[19] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846. This letter gives a full account of the winter visitation.

[20] *Ibid.*

outport visitations,[21] Fleming rallied at the 1841 St. Patrick's Day dinner when he addressed the role of the BIS in Newfoundland, and by omission, contrasted their society to the NNS:

> ...I would beg leave to ask does not the very existence of your Society, incorporated as it is for the purposes most holy, afford every hour a practical precept the strongest to awaken the zeal of the Religionist, to quicken the kindness of the Philanthropist? Benevolence is the foundation of your institute, gentlemen, and charity its corner stone. But your Benevolence and charity are not confined, nor contracted, they are not local nor National nor sectarian. They know no country and reject no creed.... To other institutions Birth and Fortune and Lordly Eminence ... [and] Intellectual Endowments and even fashionable attire bring the ...strongest recommendation, but for ravages and wretched ones, want and misery, in fine, destitution whether mental or corporal are the only qualifications you admit as a title to your favours.[22]

Charity in reply to poverty was not to be confined to one religious group, but was to be given to all the poor. Culture became a mode of survival. "We feel that the race is not yet run," proposed Fleming to a receptive audience, "and that the glory of victory as well in politics as religion is only to be won by a steady progression by undeviating perseverance." In the back of his mind was the cathedral, and Fleming announced that later that spring he anticipated laying the foundation-stone of "one of the most magnificent sacred edifices in British North America."[23]

Fleming still harboured nagging fears that the British government again might try to damage his reputation. Late that winter he wrote the strongest letter he ever wrote to Russell, replying to Russell's 2 February 1841 despatch to Prescott. Fleming wrote that once Lord Glenelg had informed him that the first "impediments" to the acquisition of the cathedral lands in 1836 were created as a result of "representations prejudicial" to him sent to the Colonial Office by Prescott, he was given the opportunity to see the charges and defend

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[21] *Ibid.*

[22] NLI, Little Papers, file 140-151, document 149, Fleming, "Speech at St. Patrick's Dinner 1841"

[23] *Ibid.*

himself.[24] In having that opportunity, Fleming told the secretary of state that "it enabled me for the first time to discover the highest, the most influential and because secret the most dangerous of those Enemies in the Head of the Executive Government here with whom up to that moment I had been on terms of strict intimacy."[25] Worse, Fleming compared the dates and discovered that Prescott's damning despatch had been written the very day the governor had courteously received him at Government House, "rising from his chair, approaching me in the most friendly manner, exclaiming 'My dear Dr. Fleming I [have] been just writing my Despatches and telling His Majesty how easy I find the government in consequence of the kind assistance you afford me.'"[26] Fleming then accused Russell of making accusations to Rome without proof, and claimed that "I, a British subject, had been tried, condemned and consigned to punish = upon *ex parte* evidence without being aware of the existence of a charge until after that punishment had been demanded."[27] The bishop was incredulous and boldly reprimanded Russell. He demanded to know "how a Minister placed at two thousand miles distance from the scene of action should be to lend his credence to statements affecting the character of Parties who he knows have been, by this vicious system of secret communications, denied all means of wiping away the foul aspersions sought to be thrown upon them."[28] With Prescott and Crowdy in his sights, he embraced the same remedy Russell had thought of for the administration of Newfoundland:

> I must rest upon my own consciousness of rectitude and on the confidence I entertain that truth must eventually triumph — and in my case my Lord I am sure it will

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[24] CO 194/113, fols 347r-351v, Fleming to Russell, 24 March 1841.

[25] *Ibid.*, fol 348r.

[26] *Ibid.*

[27] *Ibid.*

[28] *Ibid.*

> shortly triumph because a change is to be in our colonial administration and that change will be most likely to interrupt that system of supporting these Journals for the purposes of propagating the personal slanders of every official from the Governor down to the humblest clerk in the Government office.[29]

Fleming protested strongly that "one of the great ends of that spiritual administration [of which] I have never lost sight, that is to seek to make my congregation good Citizen[s], loyal subjects, obedient to the laws and respectful to the authorities...", while the very same laws and justice were denied him in pre-empting a defence. The bishop complained of his inability to communicate to the Colonial Office through Prescott for fear of treachery, he demanded Prescott's removal, and promised to support the administration of a new governor, a man—by contrast with Prescott—"of honor and of principle, a man of kindly feelings and upright intentions—a man who will study to lay the foundations of his government in the hearts of his people administering his high behest not for ascendancy of a few but for the happiness of all."[30] Fleming's letter was the strongest and most masterful he had ever written to the British government, and he had O'Connell deliver it personally to the secretary. Confronted with such a devastating exposure of malice and hypocrisy, Russell was left little choice but to replace Prescott.

While Fleming was writing, the Newfoundland question was raised in parliament by the Tories. The leader of the opposition Robert Peel had sent Stanley some papers on Newfoundland, but the secretary was reticent about opening a pandora's box dealing with the Irish and Catholicism in a British colony. This was to be expected, given the delicate alliance between Whigs, Irish Catholic MPs, and Radicals, and the mounting strength of the Tories and their eagerness to take a hard line with the Irish. The St. John's and Carbonear elections

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[29] *Ibid.*

[30] *Ibid.*

greatly troubled the Colonial Office, and so a new volley of attacks were launched against Fleming in Newfoundland and London. One writer who had lived in Brigus for twelve years wrote Russell to accuse Fleming of discriminating against Timothy Hogan,[31] while in the Commons on 19 March Lord Aberdeen presented a petition from the St. John's Chamber of Commerce demanding a change in the Newfoundland constitution, and he informed the members that Prescott had refused to call a new election given the unrevised election law in Newfoundland.[32] After much wrangling and threats from Peel that to abandon the consideration of the matter would set a dangerous legislative precedent for the government, Russell agreed to a motion to institute a select committee of parliament to inquire about the state of Newfoundland, its constitution, and especially the alleged interference of the Catholic clergy. O'Connell and Joseph Hume protested that the committee should hear from Newfoundlanders in person.[33] O'Connell feared that Catholic advances in Newfoundland would be nullified, so he sent Fleming's letter to Russell with the observation that "I take it for granted that more important business prevented you from placing me on the Newfoundland Committee.... the purposes of equal justice require that I should be on it, or ... Mr. Sheel or my nephew...John O'Connell member for Kerry."[34] Murdock noted on the letter that Fleming, since he was anticipated in England, would have an opportunity to see the charges, and Vernon Smith observed that O'Connell would be put on the committee.[35] In

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[31] CO 194/113, fols 243r-244v, T. Browning to Russell, 28 March 1841.

[32] Great Britain. Parliament. House of Commons. *Debates*, Vol. 57, 19 March 1841, pp. 391-394.

[33] Gunn, *History*, p. 78. *The Public Ledger*, 27 April 1841 noted that the Committee, once struck, included John Pakington, Lord John Russell, Lord Stanley, Viscount Howick, William Gladstone, Sir George Grey, Viscount Sandon, Lord Ashley, Sir James Graham, Charles Buller, Sir Thomas Cochrane, and Irish Whig Richard Lalor Sheil, among others.

[34] CO 194/113, fols 480r-481v, O'Connell to Russell, 26 April 1841.

[35] CO 194/113, fol 481v, notes of Murdock and Vernon Smith.

preparation for the inquiry, a mass of correspondence relating to the St. John's and Carbonear elections, to McLean Little, Hogan, Fleming, and the Newfoundland constitution was compiled and distributed to the members of the committee, along with governor's despatches and the replies of various secretaries of state, but the papers were carefully edited by the Colonial Office of all incriminatory notes and comments on Fleming's character, and expunged of evidence which might betray the illegal representations made by the British government to Rome to secure his removal from Newfoundland.[36]

When news of the parliamentary enquiry reached Newfoundland, reformers, merchants, and civil servants began to jockey for position. Prescott dissolved the house on 26 April, and on the Colonial Office's instructions it was not to be recalled. The legislature remained in suspension until 1843 when new provisions were made.[37] Fortunately for the Colonial Office the parliamentary committee on Newfoundland only sat during May but heard seven witnesses, including Carson's son-in-law Dr. Joseph Shea, and Sir Thomas Cochrane. Unfortunately for the reformers, it did not get to hear from a Newfoundland delegation which arrived too late to testify. When parliament dissolved in the summer of 1841, the committee was not reconvened. Shortly after the house of assembly was prorogued, Prescott left for England to testify to the committee, but his recommendations were unacceptable to the Colonial Office so he resigned in May. Prescott grieved over the turmoil of Newfoundland, and felt a need to justify his own role in it. He wrote and had published two letters "sketching" the "state of affairs in Newfoundland", the latter written on 18 June 1841, in which he observed "The first and greatest practical evil is in the character of the

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[36] The papers were printed as "Papers Laid Before the Select Committee on Newfoundland", but were never published. For an example of their sanitization compare CO 194/109, fol 290r, Russell to Prescott 14 January 1841, printed as "Papers Laid..." with CO 194/109, fols 228r-339v, original of same letter.

[37] Prowse, *History*, p. 447; CO 194/112, fols 190r-191v, Stanley to Sir John Harvey, 27 July 1841.

Roman Catholic Bishop, the intermeddling and unquiet nature of which is probably increased by resentment against the Governor, for the representations which his Excellency has occasionally been compelled to make against him."[38] To Prescott the "cure of the first-named evil must, I presume, depend on the Court of Rome, under the observation of which it is supposed to have been brought...."[39] He also agreed with the diagnosis of the Natives' Society of the remaining evils: "the want of any property-qualification on the part of representatives", universal suffrage, and the small number of districts and the limited number of members.[40] Prescott's comments on education revealed that Catholics had not pressed so much to divide the education grant—in this they appeared to him "much more liberal and just on this subject than those of my own persuasion"—as it was the desire of the Church of England for a share "so that Protestant and Catholic schools may be separately established."[41] Finally, the former governor was astounded that "such an exhibition should have been made in this enlightened age" as the cornerstone ceremony of which he had just learned,[42] though he would have taken part in a similar parade and ceremony to lay the cornerstone of a Church of England cathedral.

The Newfoundland delegation to London included Nugent, O'Brien, and Brown.[43] They arrived too late to testify, but since they wanted a fair hearing they wrote three treatises

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[38] Prescott, *A Sketch*, pp. 50-1, Prescott to a "dear friend", 18 June 1841.

[39] *Ibid.*, p. 54.

[40] *Ibid.*

[41] *Ibid.*, pp. 60-61.

[42] *Ibid.*, p. 63.

[43] Prowse, *History*, p. 436 claimed they were sent with the approval of Fleming.

addressed to the queen on the state of Newfoundland affairs.[44] In the first they countered Tory claims that Newfoundland's franchise should be more limited and requests for "a more representative form of government" with the argument that Newfoundland merchants had always been against settlement, agriculture, and representation, and requested that a gentleman of "England, Ireland or Scotland" be sent to "enquire at Saint John's into the condition and Government of this Colony" and to report on it.[45] In the second treatise they complained of the oppressive acts of the first house of assembly, which sought to reinstate banishment, compelled road-work, and seized stray farm animals and sold them. They condemned Prescott's pamphlet and claimed that it was a matter of "public notoriety" that Prescott was ultimately responsible for articles in *The Ledger* and *The Times*, which "were regularly not only supplied with information as to the character and contents of documents in the Office of the Governor intended by the Government to be kept private but actually filled with articles written at and furnished from the Government House."[46] "Can it be a matter of wonder," they asked, "that with such a Governor tranquillity should be a stranger to, and happiness an exile from Newfoundland?"[47] In their third testimonial, which was only forwarded to the Colonial Office once the change in British ministries was foreseen, they argued that "the main spring of all the angry hostility to the assembly" was the jealousy of merchants against agriculture and against "every attempt to improve the Country as an attempt to interfere with their monopoly", for "heretofore the whole population were under the necessity of looking alone to the Merchants stores for their bread, their butter, their meats

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[44] For a review of the committee's work see Gunn, *History*, pp. 77-85.

[45] CO 194/113, fols 410r-417r, Nugent, O'Brien and Brown to Russell, 20 August 1841.

[46] CO 194/113, fol 420v, Nugent, O'Brien and Brown to Russell, 24 August 1841.

[47] *Ibid.*, fol 421r.

&c."[48] With no reconvening of the committee in sight, the delegates returned to Newfoundland with a promise that they would be given notice if the Newfoundland committee were revived.[49] Over the summer of 1841 the Newfoundland question temporarily languished in Britain, but was kept alive by the Natives' Society in St. John's. At the end of August, Melbourne resigned after losing a confidence vote on the speech from the throne, and Peel replaced him as prime minister and deferred Newfoundland matters. In May in Newfoundland the Natives' Society had raised a petition bearing 4,500 signatures. It affirmed the "British" roots of its membership, and observed that "the evils of Newfoundland" were due to a franchise "not sufficiently defined", due to the "want of qualification for Members of the Assembly", and due to the "entire absence of any Law for regulating the manner of holding elections."[50] The society suggested that freeholders and rent-payers for property other than dwelling-houses should also be entitled to vote, and that in future (in an attack on the reformers' domination of the St. John's and Conception Bay districts), "one person only should sit for each Electoral district".[51] Through the acting governor, Colonel Robert Law, McLean Little again began to complain against Fleming for a speech he reportedly gave in the Chapel in 1837.[52] Law sent Little's complaints to London but they were dismissed when Russell refused to intervene,[53] and the NNS's complaints,

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[48] CO 194/113, fols 429r-443v, Nugent, O'Brien and Brown to Russell, n.d., but received by the Colonial Office on 4 September 1841; *ibid.*, notes by Stephen.

[49] CO 194/113, fol 427r, Colonial Office to Nugent, O'Brien and Brown, 30 August 1841.

[50] CO 194/112, fols 57r-60r, Law to Russell, 10 July 1841, enclosing petition of 19 May 1841.

[51] *Ibid.*

[52] CO 194/112, fol 28r-29v, McLean Little to Russell, 9 June 1841; forwarded in *ibid.*, fol 25rv, Law to Russell, 12 June 1841.

[53] CO 195/19, p. 409, Russell to Law, 22 July 1841.

while they influenced British policy, were to have little effect on the place of Catholicism in Newfoundland, and only goaded reformers on to claim more for Newfoundland of what Ireland had not yet gotten: home rule and responsible government with legislative control of taxation.

Fleming increasingly devoted himself to discovering what the British government had been told about him, and to keeping a low profile in the sight of Rome. While as Lahey noted, the bishop claimed never to have received the summons from Propaganda, he most certainly knew of its existence and contents through his well-informed Roman agent, the abbot Antonio de Luca, who in late May briefed his client that Palmerston had in Rome a "secret Envoy" who "every day" reviewed Fleming's interference in the colonial politics of Newfoundland.[54] To counter this evil, de Luca briefed Propaganda that the House of Commons select committee on Newfoundland had a mandate to examine the conduct of the colony's Catholic priesthood, and informed Fleming that he was poised to counteract the claims of Timothy Browne, whose arrival in Rome was imminent.[55] The Roman curia were coming to have a new disregard for the "unmasked hypocrisy" of the British government towards Catholicism in the British colonies since the arrest and imprisonment of Fleming's old friend and professor, Bishop Henry Hughes of Gibraltar. This must have been a mixed blessing for Fleming, who was saddened by Hughes' own difficulties with trustees, and heartened him to hear of the maturing of Rome's perception of the British. In July, Propaganda again summoned Fleming to Rome, and in September Fleming replied and claimed not to have received the invitations, and he apologized profusely for not attending, due to his activities in Europe obtaining priests, medals, stones and materials for

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[54] AASJ, Fleming Papers, document 66, de Luca to Fleming, 25 May 1841.

[55] *Ibid.*

Newfoundland.[56] Thereafter, Rome let the matter drop.

With Prescott's resignation, Colonial Office civil servants were presented with an easier solution to the Newfoundland question than rejuvenating the contentious parliamentary committee. Sir Richard Bonnycastle (who had previously conducted a survey in Newfoundland for the Royal Engineers) recommended that Newfoundland needed a governor who possessed a "*suaviter-in-modo*" and "*fortiter-in-re*".[57] In the fall of 1841 Sir John Harvey was appointed governor of Newfoundland, fresh from the governorship of New Brunswick. A friend of Bonnycastle's, Harvey had previously seen army service in Europe, Ceylon, Egypt, India, Ireland, and distinguished himself in Upper Canada in the War of 1812 on the Niagara peninsula. Skilled at pouring the healing balm of patronage on turbulent colonial waters throughout the empire, he was known by the moniker "Gentleman John".[58] As an aide-de-camp to King George IV and King William IV, as husband to Lady Elizabeth Lake, the daughter of Lord Lake under whom he had served in India, and as Newfoundland's first non-naval governor, Harvey possessed ample measures of personal polish, refinement, diplomacy, tact, and political connections, qualities which Prescott lacked.[59] From his first moments in St. John's on 16 September, Harvey exhibited the common touch and won the favour of the town's leading classes and ordinary citizens when he walked up Cochrane Street

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[56] AASJ, Fleming Papers, document 63, Fleming to Propaganda, 23 September 1841.

[57] Gunn, *History*, p. 81. "Suavity of method"and "strength of execution", or "an iron fist in a velvet glove".

[58] For "Gentleman John" see Jones, "The Great Fire of 1846", *BCS*, Vol. VI, No. 2 / Vol. VII, No. 1 (Autumn 1983): 63. On Harvey's army and colonial careers see Philip Buckner, "Sir John Harvey, 1778-1852", *DCB* VII, pp. 374-384; for a precis of his Newfoundland career see Ellen M. Dinn, "Sir John Harvey", *ENL* 2, pp. 848-849.

[59] CO 194/125, fols 65r-70v, Harvey to W.E. Gladstone, 3 March 1846; Buckner, "Harvey", *DCB* VIII, 374. In 1842 Harvey's son, Henry John, married Ella Louisa Spencer, daughter of Newfoundland Church of England Bishop Aubrey Spencer, whose grandfather Lord Charles Spencer was a cousin of the Duke of Marlborough (see *The Newfoundlander*, 8 September 1842).

from the harbour to Government House and saw the town on foot.[60] His public interests were the development of agriculture, and the provision of roads and schools,[61] and soon after his arrival he befriended Fleming by sending him a "highly complimentary letter with a subscription of £5 towards the erection of the Cathedral."[62] It took Harvey only five pounds to "buy a Bishop". Even before he arrived, the new governor had expressed some concern for the inadequacy of his new salary,[63] but he was determined to get his work done, and soon after he arrived he wrote Stanley that since the house had not passed the "Roads Bill" before adjourning, he authorized the work himself.[64] Controversy was also deftly handled by Harvey. Attorney General Simms objected to an act incorporating the BIS on the grounds that its objects of incorporation had not been defined to his liking, and observed that such a society was "prone to deviate into political character and that in small communities, such as this they operate to separate the people into distinct sections."[65] Russell agreed and his successor Stanley refused to change the policy.[66] Harvey's manner of breaking the news to the BIS salved their wounds, and they abandoned their efforts to be incorporated. Sixty-five years later, BIS member James Kent refused to blame Harvey but believed it "evident... that the real reason" for disallowing the act "was that the Society incorporated was exclusively

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[60] Richard Bonnycastle, *Newfoundland in 1842, Vol.I* (London: H. Colbourn, 1842), pp. 166-7.

[61] CO 194/112, fol 442r, Colonial Office to Harvey, 27 December 1841, approved Harvey's expenditure of £300 on Newfoundland School Society schools, and £300 for the Catholic OAS, St. Patrick's Free School in Harbour Grace, and the Presentation Convent School.

[62] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846.

[63] CO 194/112, fols 192r-193v, Harvey to Stanley, 24 June 1841.

[64] CO 194/112, fol 445r, Harvey to Stanley, 3 November 1841.

[65] CO 194/112, fols 95r-96v, Simms to the Colonial Secretary, 24 April 1841.

[66] CO 194/112, fols 89r-93r, Stanley to Harvey, 30 September 1841.

composed of Irishmen and men of Irish descent."[67]

Behind Harvey's suave countenance, though, lay a calculating shrewdness, and he shared with his predecessors the same patronizing impression of the fitness of Irish Newfoundland inhabitants to govern themselves. He recommended to Russell that "...the qualification of the "Members" of the Assembly should be so raised as, if possible, to insure the election of Persons above the class of common labourers." To "effect this object", it would help if candidates possessed "an income of not less than one hundred pounds per annum, or of property of any kind of the value of say five hundred pounds...."[68] As well, the subdivision of electoral districts based upon population, the holding of simultaneous elections in all districts, and the limitation of the franchise to persons resident in Newfoundland not for the existing one year but for two years, might all mitigate positively for the proper exercise of democratic rights in the colony.[69] At first Harvey thought that Newfoundland's political difficulties originated in "the union of the Legislative with the Executive functions in the same body", and recommended the separation of the council into two councils.[70] But later that fall, after he became better acquainted with reformers and the cut of their jib, Harvey proposed the amalgamation of the house and council into one body in order to stop a "few designing members" from controlling the public purse at the end of the legislative sessions.[71] Stephen and Stanley expressed different views—the undersecretary

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[67] *BIS Volume*, pp. 65-7 explores the incorporation controversy; Gunn, *History*, p. 83 observed that Harvey congratulated the BIS members that it had not passed, for if it had, the Society might have been suspected of motives other than benevolence.

[68] CO 194/112, fols 285r-295v, Harvey to Stanley, 6 October 1841.

[69] *Ibid.*

[70] *Ibid.*

[71] CO 194/112, fols 482r-491v, Harvey to Stanley, 21 December 1841.

wanted Harvey to have the house vote to amalgamate itself with the council, while Stanley wanted the order to come from London,[72] but the eventual solution was mediated in the debate of the Newfoundland bill placed before parliament in 1842.

If Harvey was able to countenance Fleming, some members of his council and their friends still desired to have the bishop removed. Fleming's successes with the cathedral and in evading Rome's requests were tempered by a growing dispute with Timothy Browne in Rome. Browne left Newfoundland for Ireland and Rome in order to destroy Fleming's reputation, funded with about £200 from Liberal Catholics and Protestants.[73] This dispute simmered from mid-1841 until 1845, well after Browne had been discredited.[74] Fleming ascribed the opposition he faced to a revival of the factional Leinster-Munster dispute within his own congregation,[75] but this was not entirely true, for Attorney General James Simms wrote Browne in Rome, asking him to have Fleming removed, and Prescott and William Thomas also wrote to encourage Browne.[76] Fleming successfully skirted Browne's accusations but the errant priest's virulence revealed the extent to which he was willing to go to seek revenge for being denied the bishopric. If his allegations were true, they also revealed much about the lack of perfection in Fleming's reformed vicariate. Browne protested that Fleming had vacated his diocese for long periods of time, had lost money, and had not answered mail from Propaganda. He reminded the sacred congregation that Lambert and

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[72] For these see Gunn, *History*, pp. 84-5.

[73] APF, SRNC, Vol. 5, 1842-1848, fol 77r, Fleming to de Luca, 2 April 1842.

[74] On Browne's presence in Rome see APF, SRNC, 1837-1841, Vol. 4, fols 666r-671v, Browne to Fleming, n.d. Most of Browne's letters to Propaganda were undated.

[75] Lahey, "Browne", *DCB* VIII, p. 107.

[76] APF, SRNC, 1837-1841, Vol. 4, fols 600r-161v, 618r-621v, letters of Browne, Fleming, and James Simms, n.d.; *ibid.*, 1842-1848, Vol. 5, fol 428rv, Prescott to Browne, 10 August 1841, and fol 436rv, William Thomas to Browne, 5 June 1841.

Scallan had intended to place his name on the *terna*.[77] Browne presented Rome with an account of his own annual income which varied from £300 to £600 before Fleming divided the districts into parishes, but this changed, he claimed, in 1831 when the bishop made a rule "exclusively for Fr. Browne" and "took to himself" £250 per year, and in 1834, when "Dr. Fleming thought it proper to appoint coadjutors" at a salary of £85 per year. Browne then noted that at the time he did not complain, but in total Fleming had deprived him of income of £2,962.10.[78] Browne accused Troy of excommunicating or denying sacraments to twenty-eight individuals, and he accused the priest Thomas Waldron of violating the seal of confession "in order to discover if ill has been said of priests".[79] Rome was supplied with a supreme court document from Boulton attesting that Fleming had falsified the last will and testament of Daniel Brophy,[80] and Browne claimed that the bishop had generally "obtained his money, abandoned his people", and "flyes off to a warmer clime accompanied by the Merchant Priest Dalton who goes to England to arrange his mercantile affairs with his partners".[81] Worse yet, Dalton had "engaged in trade with Protestants" and was "immensely wealthy and is supposed to be possessed of at least £20,000 Sterling obtained from his parishioners independent of his Trading."[82] A newly ordained priest, Doyle, who "had been rejected by his own Bishop in Ireland due to bad conduct... had to take an oath from Dr. Fleming shortly after his ordination to "abstain from all intoxicating liquors." Browne

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[77] APF, SRNC, 1842-1848, Vol. 5, fols 283r-292v, letters of Browne to Propaganda, November 1842.

[78] *Ibid.*, fol 293v. Fleming appointed no coadjutors at this time.

[79] *Ibid.*, fols 715r-718v, notes on the case of Fr. Browne, n.d.; *ibid.*, fols 727r-728v, n.d.

[80] *Ibid.*, fols 735r-740v, n.d.

[81] *Ibid.*, fol 715r, Browne to Cardinal Prefect, Propaganda, 28 April 1845.

[82] *Ibid.*, fol 751rv, Browne to Propaganda, n.d.

observed that Doyle soon violated the oath but was sent by Fleming to a "district" 200 miles from St. John's "...where the excesses he committed being with a female named Fox cannot be with decency expressed."[83] Browne also accused his own former assistant priest, James Duffy, of the same offence, and claimed that Dalton's assistant priest, James McKenna, had "...followed in the footsteps of the above-named Doyle, living with a common prostitute named Ryan, and I have seen the unhappy pair banished from many public houses and hooted as they passed through the streets of St. John's."[84]

Officials at Propaganda carefully studied and annotated these accusations, but it became clear that many of Browne's testimonies were self-interested and hypocritical, and while some of his criticisms of Fleming may have been partially true, his reports of violations of clerical celibacy were not supported by any other evidence. Fleming had a record of accomplishment which Browne lacked. In 1843 Fleming informed Archbishop Murray that Browne had received no support from Governor Prescott in St. John's until the priest was suspended, after which Prescott had Browne "paraded almost daily a guest" at his table. The result was that when Browne left Newfoundland, he "bore with him" all the "accumulated power and influence that the Court of England (The Whig Court), the Lord John Russell Court, could bring to his aid."[85] More than anything else, Browne's self-interest was shown in the evidence he chose to provide to Rome, and his concern with money shone through. At the root of all the evidence, he had rejected the clerical discipline of submission to the rulings of his bishop, and been suspended as a priest and had not resided in Newfoundland for several years. These facts undermined his lurid reports and dismissed them from sustained

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[83] *Ibid.*, fols 715r-718v, n.d.

[84] *Ibid.*

[85] DDA, Murray papers, file: "32/1, Addenda", letter 209, Fleming to Murray, 17 June 1743.

consideration. As the principal clerical dissident he had been the only prop and stay of dissident lay Catholics and their wealthier patrons, and his departure from Newfoundland removed much of the real rancour of division within the Catholic community of St. John's.

By the end of 1841, Lord John Russell still had not replied to Fleming's letter regarding the denunciation to Rome. Fleming seems not to have known about Russell's replacement by Stanley, so while in Europe that winter the bishop wrote a new letter recording his own interpretation of the evils besetting Newfoundland. In a draft, he claimed that Prescott had fallen into the hands of Cochrane's advisor, James Crowdy, and that Prescott immediately adopted Cochrane's prejudices and went on to develop his own deep and unquenchable hatred of Fleming.[86] In another letter to Russell, Fleming took as a point of departure an extract of the report of "that able and lamented statesman and profound philosopher and honorable gentleman Lord Durham" for 11 February 1839 (the day it was laid before parliament) in which Durham had written that "one of the greatest of all the evils...arising from this system of irresponsible government was the mystery in which the motives and actual purposes of their rulers were hidden from the Colonists themselves".[87] Fleming savaged Prescott's betrayal of their friendship, and noted that Newfoundland, for its "system of secret representation" was worse off than Québec:

> In Canada its withering effects were such as after a continued reclamation for a lapse of greater of a century against it the unfortunate people allowed themselves to be goaded to a rebellion and here subject was arrayed against subject and the blood and the treasures of Britain flowed in wicked war before peace was restored[,] and in

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[86] AASJ, Fleming Papers, document 64, Fleming to Russell, December 1841, possibly an unsent draft.

[87] NLI, Little Papers, file 116-130, document 119, Fleming to Russell, 15 December 1841. Newfoundland was neither visited nor investigated during Durham's inquiry. Perhaps with confederation in mind, his report suggested that it would be better to incorporate Newfoundland into a larger community. While Durham was absent from England, and before he submitted his report, the delegation from the Newfoundland house of assembly sent him an address proposing Newfoundland's union with the United Kingdom (see *Durham's Report*, Vol. 2, ed. C.P. Lucas, pp. 202-3).

> Newfoundland we find the full system in full operation but attended with circumstances of greater exasperation for in Canada it was only complained that statements of government transactions were transmitted secretly but with us it has been carried into the ordinary transactions of private life.[88]

Durham's Newfoundland recommendation had been that it would be "much better to incorporate this Community with a larger community" if reports of the distracted state of society there were true.[89] The Colonial Office forgot about Durham and this recommendation. Armed also with a copy of Prescott's despatch to Russell of 16 March 1836, Fleming argued that it proved that McLean Little had

> ...found his business declining [and] was encouraged by persons in the confidence of the Governor to lay before him, and he faithfully performed the functions allotted to him by these parties most of whom were influential merchants, he very quickly found it useful to continue this course of proceeding for he no sooner accedes to their view than he appears with a well-stocked shop and is gradually through their support and influence advancing in the acquisition of independent means in so much that ... Governor Prescott himself ...observed "Mr. [Michael McLean] Little's resistance to the efforts of the Roman Catholic Priesthood insures him the favor of the opposite side, and thus may have had some influence in producing that love of partizanship so obvious...."[90]

The entire affair was explained by this, wrote Fleming, and he supported it with the assertion that "two public Journals" were "principally edited by government officers attached to the household". He concluded by citing Thomas Holdsworth Brooking's testimony to O'Connell in the parliamentary committee hearings earlier that year that the "enormous number" of dissident Catholics in Newfoundland were in fact only "three or four of the most respectable Catholics there" who had told Brooking of their dissatisfaction with Fleming. Russell's

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[88] *Ibid.* This is one of very few of Fleming's letters discussing Canadian affairs.

[89] *Durham's Report*, Vol. 2, p. 202. Durham received an address from the assembly which welcomed the prospect of "uniting these provinces with the parent state"—i.e., that the British North American Colonies send members to Parliament at Westminster, and it observed that "we see no good reason why Newfoundland and the other provinces should not form part of the United Kingdom as much as Yorkshire, Edinburgh, or Cork" (see *ibid.*, pp. 202-3, fn. 2).

[90] NLI, Little Papers, file 116-130, document 119, Fleming to Russell, 15 December 1841.

placement of the whole matter through Metternich into Rome's hands was a "disgraceful proceedings", and Fleming threatened the secretary that he would not let the issue die.[91]

Early 1842 saw a struggle between Newfoundland's English rulers and its Irish church, each striving to set its own imprint on Newfoundland. While Fleming was in Ireland in early 1842 preparing for the Sisters of Mercy to come to Newfoundland, he obtained more materials for the cathedral, and reported the success of the cornerstone event to the Dublin council of the Institute for the Propagation of the Faith.[92] Harvey busily suggested definitions of towns, districts and properties for the new constitution to Lord John Stanley, and assured the Colonial Office that he had urged Fleming to be more politically moderate.[93] In January 1842 Harvey founded and became the patron of a new Agricultural Society. Philip Buckner believed it was established "partly to provide an organization to which both Catholics and Protestants could belong",[94] while McCann has argued that it was one of a number of institutions deliberately invented to inculcate patriotic British imperial sentiments, and help Britain rule its colony.[95] Membership in the Agricultural Society was dominated by the Irish farmers and farm workers around St. John's, and its meetings, competitions, and ceremonies reflected the colonization of Irish culture by the an official British state culture.[96] In keeping

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[91] *Ibid.*

[92] *The Newfoundlander*, 2 December 1841 outlines Fleming's intentions in Europe; CNS, Fleming, *Annals*, pp. 384-389.

[93] CO 194/114, fols 29r-38v, Harvey to Russell, 10 January 1842; *ibid.*, fols 267r-270v, Harvey to Stanley 6 April 1842.

[94] Buckner, "Harvey", *DCB* VIII, p. 381.

[95] McCann, "Culture, State Formation, and Tradition", *JCS*, Vol. 23, Nos. 1&2 (Spring/Summer 1988): 86-103.

[96] CO 194/121, fols 157r-163v, Harvey to Stanley, 2 December 1844, noted the victors of the annual ploughing match, all Irishmen, and the delivery of the favourite toast at the Agricultural Society's Dinner: "Newfoundland is a fine plantation: before I die it will be my station". This was a quotation from the eighteenth

with the co-opting of the Irish, Harvey also suggested a set of names for a revised council, a board for the administration of the colony, which included John Kent and James Tobin.[97] In contrast, Stephen confided to his minute-book: "...it is a maxim with me admitting of no single exception, that the model of Governor, Council, and Assembly is on the whole the best for every Colonial Society, great and small, of which the inhabitants are of the English race."[98] In May 1842, with the zeal of anti-Unionism coursing through his veins, O'Connell reacted violently to a recent conflation by Cardinal Acton of the "English, Irish and Scotch" under the term "British", and complained to his friend Dr. Paul (later Cardinal) Cullen, rector of the Irish College in Rome:

> For we are, thank Heaven, a separate nation still and have preserved through ages of persecution—English persecution, political as well as religious—our separate existence and so much of our royal and national station as consists in a national hierarchy complete in all its parts from our most dignified and venerated archbishops down to the humblest acolyte who serves at the foot of our altars, of the Catholic altars of the most high God.
>
> British! I am not British! You are not British.... My anxiety ... may tend to prove how much alive the Irish Catholics are to any British intermeddling in Irish concerns.[99]

O'Connell told Cullen that "the Catholics of Ireland were no parties to the Union"; that "The Irish people require for their spiritual benefit three times the number of priests they now enjoy.... Nothing but the Repeal of the Union can enable the Irish Catholics to educate and provide for that number"; and that for the church, repeal "would open the doors of poorhouses, hospitals and prisons to the Brothers of the Christian doctrine [the Irish Christian

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century poem of Irishman Denis MacConmara about Newfoundland.

[97] The remaining members of the proposed "board" included James Crowdy, Joseph Noad, William Thomas, William Carson, and the speaker of the house of assembly.

[98] Cited in Gunn, *History*, p. 85.

[99] O'Connell to Cullen, 9 May 1842 in *Paul Cullen*, Vol. 5, ed. MacSuibhne, pp. 304-310.

Brothers] and to the Sisters of Mercy for the instruction and spiritual solace of the wretched inhabitants."[100] Undoubtedly O'Connell's appeal to Fleming was in good measure due to their similar views on the privileged social, political, and cultural role of the church in Irish life, and on the need for self-determination of the Irish people.

If self-determination occupied Fleming and O'Connell, it was anathema to Stanley when he put a Newfoundland bill before Parliament on 27 May 1842. O'Connell sent Fleming a copy of the bill, which was the first notice anyone in Newfoundland had of it, and quipped that it should "be rather entitled A Bill to transfer all power to the aristocracy or Monopoly party":

> ... But of course, you are a better judge of this matter than I can be. I therefore send you the bill in order to obtain instructions from the popular party in your island on this subject. I will give the bill all possible opposition as well, because my own judgement condemns it, as to obtain time for the persons most interested in it to decide on their own course. I should not send this document to Your Lordship but with the certainty of obtaining the best advice on the subject.
>
> I should hope Lord Stanley will not be able to force the Bill through the House before I can hear the sentiments on this subject of the people of Newfoundland.[101]

On the strength of past experience and on O'Connell's advice, the Newfoundland reformers again retained solicitor William Witham to lobby at Westminster against the bill. In speaking to the first reading, Stanley noted that it proposed to raise the franchise to the level of a forty-shilling freehold (as it had been in Ireland before Emancipation) or the occupancy of a house with annual rent of five pounds, while an amalgamated, unicameral assembly of twenty-five members would replace the house and council, of which ten were to be appointed and fifteen elected, with a property qualification for members of an annual income of £200, or

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[100] *Ibid.*

[101] *Correspondence of O'Connell*, Vol. 7, letter 2962, p. 162, O'Connell to Fleming, 2 June 1842. That Fleming was the first to see it is apparent from Gunn, *History*, p. 87.

unencumbered property valued at £500.[102] Colonial money bills were to originate with the governor. Stanley tried to imply that the Newfoundlanders agreed with all provisions save amalgamation, but in reply O'Connell denounced the proposal as a mockery and told MPs that the bill provided that a governor only had to purchase the allegiance of three MHAs to have his way.[103]

When the bill received second reading at the end of July and into early August, O'Connell had received correspondence from Fleming, and seen correspondence from Vernon Smith to Witham "proving" that Stanley had reneged on his pledge to give Newfoundlanders a say in the discussion of their future.[104] Most MPs realized that the Newfoundlanders were again not present, but Nugent, the chief strategist for the reformers in St. John's, was grateful that O'Connell was present at Westminster, given his imminent libel trials in Dublin, and was thankful not to be "left destitute and utterly at the Mercy of that Minister who knows no mercy for Papish Irishmen in any part of the world."[105] Over the protests of MPs O'Connell, Hume, Charles Butler, and Philip Howard, Stanley "rammed the bill through" into committee of the whole house for clause-by-clause examination.[106] O'Connell opposed every clause and denounced the bill as a measure to persecute the people of Newfoundland because "the majority of them were Roman Catholics."[107] Wyse, Howard,

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[102] Great Britain. Parliament. House of Commons, *Debates*, Vol. 63, 26 May 1842, pp. 875-79.

[103] *Ibid.*

[104] CNSA, William Witham Papers, Witham, 8 Gray's Inn Square to Daniel O'Connell, 1 August 1842; Great Britain. Parliament. House of Commons, *Debates*, Vol. 63, 30 July 1842, pp. 873-80, Fleming to O'Connell, 25 June 1842, read into the record by O'Connell.

[105] CNSA, Witham Papers, Nugent to Witham, 24 October 1842.

[106] *Ibid.*, Witham to J.V. Nugent, 4 August 1842.

[107] *The London Times*, 1 August 1842.

and others spoke; Hume challenged Stanley's under-representation of the numbers of resident Newfoundlanders, of which there were 70,000 Catholics but only two Catholic stipendiary magistrates, while for 30,000 resident Protestants there were 15 Protestant stipendiary magistrates.[108] The bill was eventually modified to allow a four year trial period for the amalgamation. It let Newfoundland set its own voter qualification, with the provisos of a two year voter residency qualification along with the possession of a dwelling house for at least one year.[109] The property qualification for MHAs was set at an annual income of £100, or possession of property clear of encumbrances valued at £500.[110] But the dog days of summer intervened. The house which passed the bill was poorly attended, and on 13 August, the day after the bill received royal assent, a dejected Witham wrote Howard that "I was every day behind the Bar of the House of Lords during the Discussion of the Newfoundland Bill... I looked for you but never once saw you there. You see I continued the fight... but it was all in vain as the Ministry had made up their minds not to be convinced."[111] Witham concluded his efforts by seeking advice on how to petition the Newfoundland legislature for his expenses.[112]

While the constitution of Newfoundland was under renovation in London in the summer of 1841, Fleming attempted to make reparations to the Holy See. In July he sent the pope the gift of a gold cornerstone medal through Murray in Dublin and Acton in Rome, with a note to Murray that Wright's bank in London had been the forwarding agent for

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[108] *Ibid.*

[109] CNSA, Witham Papers, Witham to J.V. Nugent, 18 August 1842; Tocque, *Newfoundland... in 1877*, p. 42.

[110] Tocque, *Newfoundland... in 1877*, p. 42.

[111] CNSA, Witham Papers, Witham to Howard, 13 August 1842.

[112] *Ibid.*, Witham to James Fleming, 17 August 1842.

correspondence to him from Rome, and that when the bank had collapsed his letters and parcels had gotten mislaid.[113] In December the pope received the cathedral cornerstone medal and sent Fleming an apostolic blessing, and the circumspect but conclusive assurance of his good favour:

> We have received your letter through which we understood that which brought great joy to Us, namely that you, with the help of some of your faithful, have distinguished yourself not a little by increasing the Catholic faith in these regions. Wherefore, indeed, we may freely open Our heart to you which, from your letter, we know will be a great incitement to you and your people to greater efforts in the future.[114]

Gregory's note arrived in Newfoundland in February 1843, and with it came a letter from Propaganda dismissing the consideration of Browne's charges.[115] Fleming was provided with a full and final justification of his activities in building the cathedral, and a vindication from Rome.

Newfoundland Catholicism no longer had a discontented priest, but it did have discontented members of the Natives' Society. In late 1842, the new constitution was implemented and Harvey appointed Carson, Kent and Tobin to the new council, and called an election for December. The contest saw no sectarian involvement by the Catholic clergy, but considerable nativist anti-Irish and anti-reform sentiment. Carson, O'Brien, and Nugent were returned for St. John's, shutting out Thomas R. Bennett, and Natives' Society-supported candidates Kough and James Grieve.[116] Thomas Ridley, John Munn, James Prendergast and Edmund Hanrahan were returned for Conception Bay; John Slade was returned for

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[113] DDA, Murray Papers, file 31/9, "Dr. Murray 1841 and 1842", document 180, Fleming to Murray, 22 August 1842, enclosing the document which became APF, SRNC, 1842-1848, Vol. 5, fols 133r-135v, Fleming to Pope Gregory XVI, 4 July 1842.

[114] AASJ, Fleming Papers, document 71, Pope Gregory XVI to Fleming, 18 December 1842.

[115] Reference to the receipt of a letter from Propaganda is made in DDA, Murray Papers, file: "32/1, Addenda", letter 209, Fleming to Murray, 17 June 1843.

[116] Bert Riggs, "Elections", *ENL 1*, p. 683; on the election also see Budden, "Natives' Society", p. 42.

Twillingate and Fogo, while Robert Carter was elected for Bonavista Bay. Richard Barnes, the Natives' Society Treasurer, was returned for Trinity Bay and Thomas Glen was elected by Ferryland. Burin was represented by Clement Benning (who defeated Winton), and Fortune Bay chose Bryan Robinson. The voters of Placentia-St. Mary's chose John Dillon and Simon Morris, after a St. John's meeting of the Natives' Society was taken over by the reformers who nominated Dillon and Morris, much to the chagrin of many Natives.[117] The only incident marring the election was the arrest and jailing of the reform organizer Nugent on the eve of nominations in lieu of payment of libel charges in a suit brought by Police Magistrate Charles Simms.[118] In October Nugent had predicted to Witham that he would be elected by a majority of 800 to 900 votes and that reformers would gain a slight majority in the new house, but Nugent also sought Witham's advice on his own technical ineligibility to run for election due to an insufficient property qualification, and told Witham that it had "leaked out from our Opponents Committee that the secret of their persevering in the contest for Saint John's is their determination to try... in unseating me on account of my want of qualification."[119] Publicly Nugent was known to have been unable to pay his fine, and immediately Kough, Grieve and Bennett denied any involvement and offered to pay, but Nugent refused.[120] His arrest raised the ire of St. John's Catholics, who formed two-thirds of the population of the town and "instantly" got up a collection and paid his debt of over £300, prepared "a triumphal car for conveying the liberated candidate to his residence", and

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[117] Riggs, *op. cit.*; *The Newfoundlander*, 17 November 1842; Budden, "Natives' Society", p. 46.

[118] CO 194/115, fols 183r-187v, Harvey to Stanley, 21 December 1842. Harvey disciplined Simms and described him as "not unfrequently disturbed" by "an uncontrollable partizan feeling".

[119] CNSA, Witham Papers, Nugent to Witham, 24 October 1842. Nugent noted that the property qualification was "income of £100 from any source whatever," and that one way around the regulation was to have the party purchase bars of gold which members would present to prove their qualifications.

[120] CO 194/115, fols 183r-187v, Harvey to Stanley, 21 December 1842.

presented Harvey with a petition of complaint.[121] Nugent was returned along with six other Roman Catholics, out of nine reformers, but the real winner was Harvey, who retained control of the house and was able him to "command a majority on any question in which either of the parties may concur in [my] views."[122]

With patronage accommodation meted out to all of the original reformers, the effectiveness of the balanced house and its "Natives" were soon put to the test over education, the most contentious legislative issue in Newfoundland politics. Fleming wrote of it in a February 1843 letter to Bishop William Walsh of Nova Scotia, and he brushed aside Walsh's pressure to send men to his college to study for the priesthood. To send students to Halifax "would be fraught with dangerous consequences to peace and concord" for Newfoundland: "Its people who had acquired wealth... are inclined to be arrogant;...their children are greatly inclined to a spirit of party." Mindful of the desires of Native politicians and Church of England clergy to make changes to education, Fleming lamented that "while there are so many colleges in Ireland, France, and Rome, we ought not to think of creating an institution calculated to foment divisions between natives and colonists."[123] Instead, Fleming hoped that a legislative balance would lead to a compromise in the continuing Catholic-Protestant dispute over funding for denominationally-controlled schools:

> ...the Ascendancy Party... [who] have for the last ten years forbidden the passing of an act to establish an academy on any but proselytizing principles will now likely consent to the establishment of two, one Catholic under the sole direction and management of the Catholic Bishop and Clergy, the other Protestant; thus laying the foundation of educational improvement of our people, a people most neglected under

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[121] *Ibid.*

[122] CO 194/116, fols 10r-11v, Harvey to Stanley, 16 January 1843.

[123] CNSA, Browne, "Catholic Footprints", p. 134.

British Rule.[124]

The key to Catholic education, in Fleming's eyes and in the eyes of most ultramontane Catholic bishops, was not merely securing state funding, but securing independence from "proselytizing" Protestant direction and control over that funding, and this in turn was a key to asserting the church's independence from the British state.

"Balance" in the amalgamated legislature did not last long. Harvey opened its first session on 14 January 1843; he praised the progress of agriculture in the island and noted the presence of the Natives.[125] In early February the Church of England barrister and MHA Bryan Robinson introduced a government-sponsored education bill, the "Two Colleges Bill", to divide the educational grant between Protestants and Catholics for the establishment and support of colleges of higher education.[126] As a measure for securing Catholic educational rights, the reformers saw it as a wolf in sheep's clothing, for it granted secure undertakings to a Church of England college not granted to the Catholic college. Within a week of its introduction Fleming opposed the bill in a petition to the legislature on the grounds that

> 1. While Protestants are secured in their rights, there is no provision to secure the appointment of Roman Catholics as directors for the Catholic college. 2. That according to the tenets of the Catholic religion the Bishop or ordinary is *de jure* and *de facto* Superior of every Roman Catholic college; yet no mention is made of such fact, nor it he by the *act* supposed to have any power or control over it. 3. That the only causes assigned in the act for the vacancy of the position of director are "death, resignation, or absence from the country;" whereas he declares it is necessary that these directors should be recognized members of the Catholic communion, appointed and approved by the said Bishop, and that he should have the power of suspending or dismissing a director for such cause as gross misconduct or departure from the Catholic religion, confession of the tenets of which constituted his original title to appointment. 4. That in the said directors is vested the power of electing the

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[124] AAH, Walsh papers, Fleming to Walsh, 2 February 1843.

[125] *JHA*, 14 January 1843.

[126] Phyllis Creighton, "Sir Bryan Robinson, 1808-1887", *DCB* XI, pp. 760-763.

> professors and principal of the colleges, who (the principal) "shall be a graduate of either Oxford, Cambridge, or Trinity College, Dublin.[127]

The provisions of the act to which Fleming objected either limited the power of the bishop in regulating the Catholic college, or imposed on the college an administrator educated at a university which did not, at the time, admit Roman Catholics unless they renounced their creed. Given the general desire and increased preoccupation of churchmen like Fleming with the role and prerogatives of religious superiors, and their desire to ensure Catholic teachers for Catholic students, Fleming's opposition was consistent with his ultramontanist approach towards increasingly centralized control.

Lacking Wesleyan support, Robinson abandoned his "Two Colleges Bill" on 23 March, and with Prescott and his objections out of the way, MHA Richard Barnes introduced a new education bill to implement an old favourite approach: £5,100 was to be divided equally between Catholic and Protestant school boards, both of which were appointed for each of nine districts.[128] Barnes acted for the governor, and may have been acting with other Congregationalists to push the measure, but Nugent and the other Catholic reformer MHAs voted for it, later claiming that Barnes had a majority behind him, and that "some measure to promote education" was needed.[129] Nugent may have voted with private assurances of personal benefit in exchange for his support of the measure, for Bryan Robinson moved that

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[127] AASJ, Fleming Papers, document 81, draft of Fleming to the House of Assembly, 11 February 1843; Howley, *History*, p. 231.

[128] Bruce, "Barnes", *DCB* VII, pp. 48-9; Rowe, *Development of Education*, pp. 65-6. Prescott's opposition to the division of the grant is recorded in Prescott, *A Sketch*, p. 61. Dunn, "Catholic Schools", pp. 148-154, pondered why Fleming "seemed to consent" to the non-denominational elementary school system established in 1836 but strongly opposed the "Two Colleges Bill" of 1843, but Fleming was more concerned with the moral content of higher education.

[129] *The Times and General Commercial Gazette*, 22 February 1851, quoted in Dunn, "Catholic Schools", p. 153; McCann, "Sir John Harvey, J.V. Nugent, and the Inspectorship Controversy in the 1840s", *NS*, Vol.11, No. 2 (Fall 1995): 201.

the final clause of the act establish a schools inspectorship, and served as an intermediary for Fleming's views to Harvey that Nugent be appointed.[130] The 1843 Education Act enshrined the principle of separate denominational rights to state funding, and also formalized the rights claimed by denominations to administrative and curricular control over the schools they had established in an age before the existence of the Newfoundland state, or before operative legislation. For the church and for the Irish who comprised it in Newfoundland, the achievement of state funding for their schools recognized the political and social legitimacy of the Irish culture and the Irish church, and they considered it a considerable political achievement. Together with the denominational sharing of civil service posts, a practice which would be canonized by the next generation of politicians, the tradition of equal denominationalism was an invented solution, the only politically-acceptable one for Irish Catholics and Dissenters, to the exclusion of Catholics and Dissenters from civil and political equality with adherents to the established Church of England in Newfoundland. Equal denominationalism imprinted a defining stamp on the social and political culture of the Newfoundland state, and later, on the Newfoundland nation.

In the midst of the education debate, a minor rapprochement was reached between the Natives' Society and the church, aided by the infiltration of the society by Nugent, Simon Morris, and others. Michael McLean Little attempted to renew his complaints against the reformers and for Fleming's removal, but Harvey sent them to London with the devastating comment that "Mr Little has gained more by the countenance & patronage of one party than he ever lost by the persecution of the other",[131] and Stanley flatly instructed Harvey "Inform

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[130] McCann, "Harvey, Nugent, and Inspectorship", *NS*, Vol.11, No. 2 (Fall 1995): 201-202, 204.

[131] CO 194/118, fols 255r-256r, Harvey to Stanley, 3 February 1843.

him I cannot accept the confidence he tenders."[132] Harvey also informed the Secretary that Kent was doing well in the council, and that Morris was "staunch."[133] On 26 February 1843, William Carson died,[134] allowing Harvey to inform the Colonial Office that he wished to appoint more members to the council, from a group from the political class of Newfoundland which included Thomas Ridley, Thomas Bennett, Robert Job, Bryan Robinson, and O'Brien, raising the membership of the council to eleven.[135] Soon after, Parsons was elected in a St. John's by-election to Carson's seat.

It is unclear exactly how the NNS and the church reconciled, but a myth centred around the symbol of their reconciliation, the creation of a flag, has come to explain and symbolize the resolution. Mammoth hauls of timber from the woods around St. John's in March 1843 provided heating fuel for churches, and building materials with which to construct a new Presentation convent.[136] The wood hauls were marked by contests among rival gangs of sealers to amass the largest pile of wood, and a pitched dispute ensued over which group, the Natives (known as the "Bush-Borns") or the Irish (known as the "Old Country" people), had the largest pile of wood. The two flags—the green Natives' tree, not unlike the "Tree of Liberty", with a set of clasped hands and the word "philanthropy" in white lettering set in a field of pink, and the Irish harp of the ancient high king Brian Boru in a field of green—were brought to Fleming. The bishop was still mourning Carson's death, so he

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[132] CO 195/20, pp. 138-9, Stanley to Harvey, 27 March 1843.

[133] CO 194/118, fols 255r-256r, Harvey to Stanley, 3 February 1843.

[134] Probate Office, the Courthouse, Vol. 2, 1843, No. 373, last will and testament of the Hon. William Carson.

[135] CO 194/116, fols 116r-113r, Harvey to Stanley, 16 March 1843. Again, these appointments would have been tactical; in particular, Robinson was embroiled in a personality dispute with Boulton's replacement, Bourne.

[136] DDA, Murray Papers, file: "32/1, Addenda", letter 201, Fleming to Murray, 7 February 1843.

reportedly took his white handkerchief (to represent the white of St. Andrew's cross) and tied the two flags together into a pink, white, and green banner. The new flag was presented to the assembled throng which was bid to go in peace. This standard was eventually adopted by the factions and became the unofficial flag of Newfoundland, and has remained as such until the present day.[137] While the flag legend is difficult to ascribe to recorded historical events, in point of time it coincides with the decline of animosities between orthodox Irish Catholics and Liberal Catholics allied with Protestants and the government party. It was most likely invented to explain the conciliation between the Natives' and the church, and to explain the beginnings of Newfoundland national consciousness.

The obstacles presented to church control of Catholic education by various educational acts and temporizing by the house of assembly had gradually made Fleming determined to create his own Catholic education system in order to reinvent Irish Catholicism in Newfoundland. During his illness and convalescence during the winter of 1839 he finalized plans to establish a new Catholic institution, a convent of the Sisters of Mercy in St. John's. Kevin Whelan has argued that the provision of Catholic education in Ireland by the indigenous teaching orders of the Mercy and Presentation sisters, and the Christian Brothers became a main focus of Irish Catholicism between 1770 and 1830. It "became an essential component of the artillery of the revised Tridentine Church"[138] which developed in Ireland in the 1830s and 40s and began to develop in Newfoundland Catholicism in the

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[137] Variants on this story may be found in *The Evening Telegram*, 19 March 1902; John Maclay Byrnes, *The Paths to Yesterday: Memories of Old St. John's, Newfoundland* (Boston: Meador Publishing Company, 1931), pp. 125-6; "A Brief Regarding the proposal of the Government of Newfoundland and Labrador for a Distinctive Provincial Flag", presented by the Newfoundland Historical Society, the St. John's Folk Arts Council, and the Newfoundland Historic Trust, March 1977, pp. 14-17; and Michael Steer, "Hurrah for the Pink, White and Green: A New Provincial Flag for Newfoundland and Labrador?", *Heraldry in Canada*, Vol. XIV, No. 2 (June 1980): 10-13.

[138] Whelan, "Regional Impact", *Common Ground*, p. 266.

1850s and 1860s. For the church, the orders

> ...stiffened its ideological and spiritual backbone, and honed the *mentalité* of a new generation of Irish Catholics, a generation which became increasingly assertive, self-confident and religiously motivated. In particular, by ministering to the urban poor, the teaching orders widened the social base to which approved institutional Catholicism had been introduced, while simultaneously creating a distinctive working to lower-middle class Catholic culture which proved especially suited to the needs of nineteenth-century Ireland. Just as the Methodists in England and Wales transformed "rough" working class cultures to "respectable" modes, so did the nuns and especially the Christian Brothers in Ireland, in similar urban contexts.[139]

The Sisters of Mercy were founded at Baggot Street, Dublin, in 1830 by the Irish heiress and convert to Catholicism, Mary Catherine McAuley, who wished her famous "walking nuns" to be unbound by the rule of the cloister as were the Presentation sisters, and therefore free to walk the streets and care for the poor.[140] McAuley's convent was located within the parish boundaries of St. Teresa's Church in Clarendon Street, which was well-known to Fleming. Like O'Connell, he was a good friend of McAuley's, and his niece Anne Fleming was a Mercy sister.[141] Because of the social and political mobility the sisters' educational offerings would bestow on Newfoundland, the growth of a convent of a high-powered teaching order of sisters was indeed Irish Catholic cultural "artillery" with political overtones.

From the outset, the Sisters of Mercy in Newfoundland were a family affair with close ties to the reformers and Fleming. In July 1839 at Fleming's sponsorship, Mary Ann Creedon, the sister of Ellen Maria Nugent (John Nugent's wife), entered the Baggot Street convent as a postulant on the condition that she would return to Newfoundland to work as

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[139] *Ibid.*, pp. 266-7.

[140] A "nun" was a religious woman who took solemn vows which bound her to observe the rule of the cloister, while a "sister" took simple vows permitting her to work outside the cloister in the community.

[141] Sister M. Paula Penney, RSM, Archivist, McAuley Hall, St. John's to the author, 5 July 1996.

a sister.[142] Fleming had a specific problem for Creedon and the Mercy sisters to address in St. John's: "...from the aping after gentility, particularly amongst those who wish to he considered as respectable Catholic young ladies, you would be astonished to behold their eagerness to show themselves off at a Protestant ceremony, or to marry any little Protestant that may present himself."[143] With the daughters of well-to-do and Liberal Catholics in mind, Fleming believed the cure for the exogamous siphoning-off of Newfoundland Catholic women by Protestant husbands was the solid religious education of Catholic female children, and Creedon was to be the agent of change:

> Thus it was incumbent on me, by every exertion in my power, to apply a remedy to this evil, to raise the character of Catholicity, to give it a position in public estimation that it had not before; and, therefore, as no school had ever been established in Newfoundland where respectable Catholic ladies could receive a good and religious education, I determined, as the means best calculated to accomplish this end, to introduce a community of nuns of the Order of Mercy, whose rule would permit them to keep a pension school; and in compliance with this determination I sent to their parent institution, at Baggot-street, under the care of the sainted foundress, the late Mrs. McAuley, a young lady who had resided several years in Newfoundland, and who was intimately acquainted with the circumstances of the country, and the peculiar wants that I particularly needed to supply, to pass there her novitiate, in order that she should return to me after her profession, together with other such ladies as should be inspired to accompany her, in order to found a Convent of Mercy at St. John's, and open a school— a day school for such as could pay for their education— a school where children may be taught the elegant and fashionable accomplishments of the day, and at the same time have their young minds properly imbued with the principles of religion.[144]

Fleming wanted a Mercy Convent in St. John's to create an educated pool of middle class

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[142] Peter Neary, "Marianne (Mary Ann) Creedon, 1811-1855", *DCB* VIII, p. 184; *The Correspondence of Catherine McAuley 1827-1841*, ed. Sister M. Angela Bolster, R.S.M. (Cork: The Congregation of the Sisters of Mercy, 1989), p. 140, McAuley to Sister M. Teresa White, Galway, 27 July 1840 described "Doctor Fleming" as "my bishop" who was "quite pleased with his child" Creedon. MIA, last will and testament of Catherine McAuley, 11 November 1841, noted Creedon's postulancy at Baggot Street.

[143] AASJ, Fleming Papers, Fleming to Dr. O'Connell, 19 February 1844, "State of Religion in Newfoundland".

[144] *Ibid.*

Catholic women, whose children would be Catholic members of the middle and wealthier classes. Nevertheless, his intention to have a young inexperienced postulant take charge of a convent in Newfoundland was one which the Dublin convent opposed, and possibly as a result, the professed Sister Mary de Pazzi Delany of Baggot Street was the first to offer herself for a Newfoundland convent,[145] even though she never went to Newfoundland. On 13 June 1840 Fleming again visited Baggot Street where he said mass and pressed McAuley to establish a convent in St. John's.[146] McAuley would have opened one immediately except that she was busy establishing a foundation in Birmingham, England, and therefore expected to open the St. John's convent in 1841.[147] The opening was delayed by McAuley's illness and death that year, but this allowed more time for the religious formation of the young sisters and Mary Ann Creedon.

On 4 May 1842, three Mercy women—Sisters Mary Ursula Frayne, Mary Rose Lynch, and Mary Frances (Mary Ann) Creedon—left the Dublin convent for Newfoundland.[148] It was the Mercy order's first foundation in North America, and the second (after Birmingham) outside Ireland. Sister de Pazzi Delaney, the new superioress of the Baggot Street Convent had appointed Ursula Frayne to be superioress of the group.[149]

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[145] MIA, Sister M. Teresa Austin Carroll, R.S.M., *Leaves from the Annals of the Sisters of Mercy*, Vol. 3 (London: Burns and Oates, 1889), p. 11.

[146] MIA, notes on the Newfoundland sisters of Mercy.

[147] MIA, Carroll, *Leaves from the Annals*, p. 15.

[148] *Ibid.*, pp. 15-17.

[149] MIA, Sisters of Mercy in Newfoundland file, copy of excerpt from Maree G. Allen, R.S.M., *The Labourers' Friends* (North Melbourne, Victoria, Australia: Hargreen Publishing, 1989), p. 6. The sisters arrived in St. John's on 10 June on the *Sir Walter Scott* with five new priests for the vicariate and three postulants for the Presentation Convent. James Tobin's wife hosted a reception for the sisters, after which they were brought to Fleming's farm "Carpasia", which became their temporary residence until a new convent could be built (see *ibid.*; Sister Mary Basil McCormack, RSM, "The Educational Work of the Sisters of Mercy in Newfoundland 1842-1955", unpublished M.A. thesis, Catholic University of America, 1955, pp. 15-16).

According to their own wishes, the sisters began to visit the sick and to get to know the people of St. John's soon after their arrival, and the St. John's congregation was very receptive to the ministrations of the "walking nuns".[150] Nugent was enraptured, and had visions of schooling for children delivered by Dublin women who would "pour into the ears of lisping babes in the distant wilds of North America the salutory lessons of virtue and religion."[151]

That summer a new convent was built, and Fleming demanded that it be "a commodious and comfortable edifice adjoining the cathedral, in a commanding position, presenting from the town and harbour an extremely interesting object".[152] The "commanding" aspects of architecture which suggested or evoked the senses of power, permanence, and legitimacy, particularly possessed the bishop. He wrote that

> ...before Winter closed [in] I had completed an elegant Edifice about 60 feet long and 30 feet wide terminated Westerly by a tastefully executed tower upwards of fifty feet high [surmounted] by a large gilded Cross. This Tower though not more than fifteen feet square comprised their respective parlour, their Community room and an Oratory to each of which apartments one entire floor of it is appropriated and from that end of the building runs at right angles with it an addition for the accommodation of the School.[153]

The cost of the building was £2,000, and the sisters took possession of it on 12 December 1842.[154] The bishop also intended to have a hospital open under Mercy sisters' superintendence, but this project was never realized in his lifetime.[155]

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[150] Howley, *History*, p. 373.

[151] *The Newfoundland Vindicator*, 14 May 1842.

[152] AASJ, Fleming Papers, Fleming to Dr. O'Connell, 19 February 1844, "Letters to Dr. O'Connell", p. 23.

[153] APF, SRNC, 1842-1848, Vol. 5, fols 778r-798v, Fleming to Fransoni, 26 November 1846.

[154] *Ibid.*

[155] AASJ, Fleming Papers, Fleming to Dr O'Connell, 28 March 1844, "Fifth Letter to Dr. O'Connell".

In February 1843 Fleming informed Archbishop Murray that the Mercy convent was finished, and "my little community have removed there some two or three months since, and are feeling apparently quite happy. They are doing wonders among the better class of people in the way of Instruction and visiting the sick of all classes...."[156] In zealous anticipation, Fleming observed

> ...I expect that towards the middle of March they will be able to open a school for the wealthier classes and amongst the first children to be received there are the children of Sir Richard Bonnycastle: son to the celebrated mathematician, himself a highly literary man who, as Colonel of Engineers is stationed here at the head of that Department.[157]

To teach in the school, the three sisters were also joined by Maria Nugent, who had previously been a novice in the Presentation Convent before sciatica forced her to reside with her brother. Her profession into the St. John's convent on the feast of the Annunciation, 25 March 1843, as Sister Mary Joseph Nugent was the first profession of a Sister of Mercy in North America.[158] For the regular curriculum of the first class of forty-two female students, the sisters taught reading, writing, arithmetic, grammar, geography, history, and the "use of the Globes". Students' parents paid extra for Italian, music, and French.[159] Nugent's educational prowess allowed the sisters to offer a substantial curriculum, particularly in music, and in 1843, the sisters accepted their first piano pupil at £1.5s per quarter.[160] It was

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[156] DDA, Murray Papers, file:"32/1, Addenda", letter 201, Fleming to Murray, 7 February 1843.

[157] *Ibid.* The school was to be a "pension" school, with tuition paid by parents who could afford it.

[158] Hogan, *Pathways of Mercy*, p. 28. The Sisters of Mercy school did not formally open until May, Fleming later reported that children had been taught there since March, and this most likely would have begun around the time of Nugent's profession. See APF, SRNC, 1842-1848, Vol. 5, fol 778r-789v, Fleming to Fransoni, 26 November 1846.

[159] MIA, Newfoundland file; AASJ, Fleming Papers, Fleming to Dr. O'Connell, 19 February 1844, "The State of Religion in Newfoundland"; *The Newfoundlander*, 31 May 1843.

[160] Woodford, *"We Love the place, O Lord"*, p. 31.

the beginning of a musical dynasty which lasted for the next 150 years. The fact that Nugent's brother was the principal political strategist for reformers would have been exceedingly important to Fleming and the reformers, to whom the presence of a convent of Mercy was important in helping to create a Catholic middle class in Newfoundland. While the educational work of the Sisters of Mercy was intended by Fleming to reinforce his conceptualization of gender and class roles of women, it was a path which the women themselves freely chose, and the Mercy School provided an *entrée* into the upper and middle class for some young women of the working class, and contributed to the making of an indigenous Newfoundland Irish Roman Catholic middle class. In a sense it repealed British colonial, cultural, and educational control, and asserted Irish Catholic educational and intellectual independence.

Educational matters came to the fore in Fleming's agenda for what had become *his* church, but his headstrong nature and a lack of friends with the ability to both refuse him and remain his friends for long, gave rise to the "demon of discord". In 1843 Fleming and two sisters, Rose Lynch and Ursula Frayne, began to have serious differences which culminated on 18 November 1843 with their return to Dublin. Previous researchers have not hitherto been able to discover the reason for it, and have speculated on the obvious conflict which would have ensued between Baggot Street's choice of a superior for St. John's, which first was Frayne and then Lynch, and Fleming's favourite, Nugent's sister-in-law, Francis Creedon.[161] However, newly-discovered documents explain the dispute and account for the departure of the sisters from Newfoundland. Sometime in 1842, Fleming wrote Archbishop Murray complaining that Sister Mary dePazzi Delany, the superior of the Dublin convent,

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[161] Hogan, *Pathways of Mercy*, Ch. 4., "Sowing in Tears", p. 32, and Allen, *Labourers' Friends*, pp. 5-6. Previous researchers relied on the heavily-edited *Annals* of the order, which stated that the Newfoundland correspondence was "not for publication".

had engaged in a "clandestine correspondence" with the sisters of the St. John's convent.[162] Delany discovered Fleming's complaint from Murray, and was directed by him to ask Fleming "upon what grounds you accuse me to him [Murray] 'of causing breech of discipline in the convent of which you have charge by encouraging clandestine correspondence with some of the sisters.'"[163] Delany disagreed with Fleming's claim to be superior of the convent, since her rights and responsibilities as superior involved reading all outgoing mail,[164] and she replied to Fleming that "there could not be a more unfounded accusation", and that only a few letters had been written "of encouragement or advice", letters "particularly inculcating the necessity of being very cautious in allowing any letters to leave the convent without the usual inspection of the Superior, which was called for by observations we heard on letters coming from Miss Supple", a postulant who seems to have either come to Newfoundland with the Mercy nuns or joined them there.[165] The superior academic talents of Creedon and her niece Maria Nugent were well-known in St. John's, while Lynch's and Frayne's were not. In response to Delany's letter, Fleming observed that he could

> ...hardly know how I could have more appropriately termed a correspondence carried on by a religious in secret and without the knowledge of her Superior and I know nothing more calculated to produce disedification, more likely to loosen and render insecure the holy bond of religious discipline in a community of nuns than thus to encourage the throwing off of all order [and] obedience in a convent.[166]

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[162] DDA, Murray Papers, file: "32/1, Addenda", letter 199, Delany to Fleming, 29 January 1843.

[163] *Ibid.*

[164] This practice was followed in the Mercy Convent in St. John's until the middle of the present century.

[165] DDA, Murray Papers, file: "32/1, Addenda", letter 199, Delany to Fleming, 29 January 1843.Records are silent on the identity of "Miss Supple", but this may have been a nickname for Maria Nugent (Sister Mary Joseph), whose flexibility in joining the Presentation and then Mercy convents might have earned her the moniker.

[166] DDA, Murray Papers, file: "32/1, Addenda", letter 208, Fleming to Delany, 14 June 1843. A preliminary draft of this letter may be found in NLI, Little Papers, file 116-130, document 121, Fleming to Delany, 14 June 1843.

The bishop also wrote Delany that "it appeared impossible to me that you could have known that Sister Ursula's communications to you have left this [place] without having been subjected to the inspection of her Superior even though I had seen your reply to her...."[167] The dispute was brought to a head by the impetuous bishop:

> It however appears to me that some how or other you would seem to regard the Convent of Saint John's as merely forming a branch of the Bagot Street Institution and as I deem it incumbent on me to disabuse you of that error I beg leave to intimate that the Convent of Mercy of Newfoundland is utterly and entirely independent of every Institution of the kind in any Country whatever and owing obedience alone to the Vicar Apostolic of Newfoundland. Should you in the mean time feel anything like an idea that the contrary was ever for a moment intended and that any thing like disappointment thereon should arise or a regret that with such views formed you permitted subjects of your House to assist in forming this Foundation I shall be most happy at a moment's notice to resign them once more to your care and have them conducted under suitable attendance to their original Domicile, reserving of course my own immediate subjects with whom I hope and expect with the Divine aid to be able to form a respectable and useful Establishment.[168]

The essential and insoluble difference between Fleming's position and Delany's, was that Delany and the Mercy sisters understood that their congregation had been founded with a pontifical charter directly from Rome. Therefore unlike the Presentation congregation, Mercy convents were directly responsible to authority within the order itself and to Rome and not to any particular bishop. On the other hand, Fleming understood himself to be their superior, reserving as he did with the Presentation sisters the rights to open all incoming mail and read outgoing mail and be the spiritual and temporal director of the convent. He also interpreted the convent question as a national one, and thought the Newfoundland Mercy convent to be independent of any Irish convent, which he believed would be viable as long as Francis Creedon and Maria Nugent remained. Fleming's stubbornness was a significant mistake

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[167] DDA, Murray Papers, file: "32/1, Addenda", letter 208, Fleming to Delany, 14 June 1843.

[168] *Ibid.*

made by a man unaccustomed to hearing the word "no" from his associates, and it cost the vicariate dearly. Delany took Fleming's ultimatum and on 18 November 1843 Lynch and Frayne returned to Ireland. Creedon and Nugent remained in Newfoundland, and since they had taken their vows as Mercy sisters, the Newfoundland convent *de facto* became the first Mercy foundation outside the control of Baggot Street.[169] The incident and departure left a bitter taste in the mouths of all, and documents explaining the imbroglio went missing from the Baggot Street convent and Newfoundland church and convent archives, suggesting that all parties wished to commend to posterity a positive interpretation of the first foundation of the Mercy order in North America.

When the Tories had returned to power in Britain in 1841, O'Connell redirected his energies towards securing the repeal of the act of union of Ireland with England, and Irish Newfoundland was in the van of this movement. Two years later, O'Connell's repeal party machine was in high gear and set on the total mobilization of Ireland for repeal.[170] A series of "monster" meetings were held throughout the south of Ireland during the "Repeal Year", and Oliver MacDonagh has argued that the pace and scale of this agitation, coupled with the solid support of the Catholic church hierarchy, accounted for the fact that these meetings often drew crowds well in excess of 100,000.[171] This new zeal also attracted a young, new nationalist intelligentsia which included Thomas Davis, John Dillon, and Charles Gavan Duffy, the founders of the newspaper the *Nation* and eventually of the Young Ireland movement. Central to the success of the Repeal Association in St. John's was Fleming, who in June 1843 sent an O'Connell Tribute to Thomas Matthew Ray, the secretary of the

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[169] McCormack, "The Educational Work of the Sisters of Mercy", p. 18.

[170] This interpretation of the repeal year draws upon Macdonagh, *The Emancipist*, Ch. 9, "The Big Bang", 1843.

[171] *Ibid.*, pp. 222-3.

Association in Dublin, and told him that the Irish of Newfoundland were "a people who, though poor, yet in their attachments to their own and the country of their Fathers turn with veneration and gratitude to that illustrious man," O'Connell.[172] Memberships were sold at £1.1s (a guinea), and certificates of the Loyal National Repeal Association of Ireland flooded through Newfoundland in late August.[173] Many were bought by rank-and-file Catholics, often as gifts for their children: John Joseph O'Mara enrolled himself and his seven year old son Robert after he returned from Ireland where he had attended a repeal meeting,[174] while the Howley, Morris, Kent and O'Brien families all took out memberships.[175] Their participation is a good indicator that while they accepted patronage and had become part of the Newfoundland political élite, they still retained an Irish sense of political and cultural grievance. At a repeal meeting near Waterford, the self-important Morris even attempted to address the crowd, but O'Connell—perhaps aware of Morris's countenance of British rule as a councillor in Newfoundland—stole the wind from his sails when he quipped "Well, Pat, when did you come across, was there much fog on the banks?" and "Boys, do ye smell the fish?"[176] Repeal Association certificates which circulated in Newfoundland bore a map of Ireland showing the united four provinces, and emphasized united Protestant (Church of Ireland), Dissenter, and Catholic political action in Ireland towards the repeal of the union. Certificates were bordered with slogans like "You may make the union law but you can't make it binding in conscience", along with statistics which emphasized how Ireland

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[172] NLI, Little Papers, file 152-160, document 159, draft of Fleming to Thomas Ray, June 1843.

[173] I thank John Lindquist of St. John's for a copy of the certificate of his grandfather, John Devereaux, dated 28 August 1843.

[174] I thank John O'Mara of St. John's for this information.

[175] Howley family file of Dr. John Mannion.

[176] Anthony MacDermott, "Some Irish Families and their Influence in Newfoundland", *BNF 6*, p. 193.

compared in population and trade with other smaller European countries, but suffered economically and politically under the union without its own parliament. Reformers in Newfoundland also became more strident in claiming Irish Catholic rights in 1843, and on 17 May the assembly passed a bill sponsored by Nugent abolishing all oaths of office obnoxious to Catholics with the exception of the oath of allegiance.[177]

During Fleming's absence from St. John's there was considerable social and political action among clergy and reformers in the fields of temperance and repeal, which were closely related. Newfoundland history has occasionally been described by researchers who should know better as "a long battle between rum and religion, with religion slowly gaining the upper hand,"[178] but this historiographical conceit remains a stereotype unproven by any quantitative analysis and dovetails with popular nineteenth century Protestant clerical stereotypes of the Irish.[179] The influence of alcohol was rarely mentioned in Newfoundland colonial or church records as an all-pervading social issue in the 1830s, and the church only perceived a reason to address it in the 1840s. On Saturday, 6 January 1844, a parade by the Catholic Total Abstinence Society was held under the presidency of the priests John Forristal and Thomas O'Connor, and prominently featured portraits of Queen Victoria and Father Theobald Matthew, the internationally-known Irish temperance crusader.[180] The parade

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[177] *JHA*, 17 May 1843.

[178] C.R. Fay, *Life and Labour in Newfoundland* (Toronto: University of Toronto Press, 1956), p. 43. Fay's dictum was repeated uncritically by Rowe, *History*, p. 257 and amplified by Jan Noel, *Canada Dry: Temperance Crusades Before Confederation* (Toronto: University of Toronto Press, 1995), a patronizing stereotype of Newfoundland society on "the Rock" which relied uncritically on contemporary reports and secondary interpretations written by visiting Protestant missionaries who were biased against the Irish and who used the reports—as Fleming used his reports—to seek funding for their missions from patrons.

[179] English, "Reception of Law", p. 35.

[180] CO 194/120, fol 9r, extract from *The Newfoundland Patriot*, Friday, 5 January 1844.

wended its way through the town, and terminated at the cathedral site.[181] Harvey reported that up to eight thousand participants marched.[182] In October 1841 Fleming had founded and been named president of the Catholic Newfoundland Temperance Society and administered the pledge to members who promised to abstain from intoxicating beverages. From James Taylor in Birmingham, who had struck the cornerstone medal, Fleming obtained a temperance medal to be worn by members.[183] O'Connell particularly admired Fr. Matthew's temperance movement, and recognized how to use its organizational arrangement to help secure repeal of the union, and consequently, many temperance members also became repealers.[184] Harvey displayed a measure of cultural toleration when he was careful to inform Stanley that the temperance parade had taken place with his permission "on the day appointed with the usual formalities but with the utmost possible order and decorum & an entire absence of every demonstration or display which could occasion a shadow of offence or objection...."[185] The governor was also pleased to forward the request of the now socially-harmonious Natives' Society for land for a hall, which Stanley found favourable and expressed "much satisfaction" at "the apparent decline of Sectarian animosities."[186]

Outright sectarian animosity began to be replaced by a more formal inter-

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[181] *Ibid.*

[182] CO 194/120, fols 3r-6v, Harvey to Stanley, 9 January 1844. Harvey inaccurately described the parade as a "Temperance Society" parade.

[183] The medal is depicted and described in Rowe, *Currency and Medals of Newfoundland*, p. 94. On Fleming's founding of the Catholic Temperance movement see Tocque, *Wandering Thoughts*, pp. 178-9.

[184] MacDonagh, *The Emancipist*, p. 183.

[185] *Ibid.*

[186] CO 194/120, fol 7r, draft of Stanley to Harvey, 11 March 1844, and fols 11r-12r, *The Newfoundlander*, n.d., containing printed reports of meetings and resolutions of the Natives' Society of 16 December 1843 and 9 January 1844.

denominational rivalry in the winter of 1844 when Kent moved, the house passed, and Harvey assented to a bill to establish a non-denominational academy at St. John's "for the instruction of youth in the several branches of Scientific and Classical Learning", and approved a sum of £3,000 for its erection and outfitting "with a suitable Library and Philosophical and Mathematical Apparatus."[187] Such was the contention between Church of England and Catholic clergy and laity to control education, particularly to control any educational system which could become a means of creating a middle class, or even of social mobility, that the new academy became a battleground. While the house debated the bill, the new Church of England rector of St. John's, Thomas Bridge, and members of the Newfoundland School Society suspected a Catholic plot and petitioned the house against it, and recorded their "dissent from any system of Education which shall involve the neglect of the religious principles of any portion of the youth of the country" and demanded for children "early instruction in the faith and the fear of the Lord which is only to be found in the Scriptures."[188] Feild protested that the academy should have a board of directors not influenced by religious considerations, fearing that a group of persons

> ...probably of one particular faith and denomination that of the majority [Roman Catholics]; and naturally and reasonably wishing to advance what they consider the true faith, but which our laws and institutions do not recognize, will have a power never granted to any Board or Association, not being, in part at least, permanent or official.[189]

The academy was delayed in opening so Feild opened a Church of England academy, under the tutelage of the priest Charles Dunford Newman, a graduate of Oxford University, to

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[187] CO 194/120, fols 315r-316v, 7 Victoria c. 3, An Act to Provide for the Establishment of an Academy at St. John's; assented to on 29 April 1844. Kent sponsored the bill on 1 February 1844; *JHA*, 1 February 1844.

[188] *JHA*, 1844, p. 109, Petition of Bridge and the NSS.

[189] CO 194/120, fols 317r-318v, Feild to Stanley, 19 July 1844.

"prevent the establishment or mitigate the evil of a public Academy"[190] which undoubtedly would have been either Roman Catholic-dominated, or non-denominational. Under the provisions of the 1843 Education Act, Harvey was also required to appoint an inspector of schools, a move which McCann has argued was motivated by the increasing tendency of legislators, reformers and educators in Britain to secure for themselves coercive and moral-regulatory social power.[191] Like the Catholic clergy, the Church of England clergy wished to ensure that their own schools would be inspected by an inspector favourable to their creed, which was in consonance of Feild's implementation of the new rigours of the Oxford movement.

On the appointment Harvey sought Stanley's advice, but the secretary found there to be no solution save the appointment of two inspectors, which the legislation did not allow.[192] Stanley recommended that if no agreement could be reached, Harvey should appoint an inspector of the opposite creed, and on 13 July Harvey informed London that Nugent had been appointed with Fleming's approval, and Stanley concurred,[193] but Nugent was to visit Protestant schools upon invitation only.[194] Feild again protested to Stanley about the non-denominational character of the academy—"I am deeply persuaded that education without religion cannot serve the cause of truth or peace and ought not to be recognized either by

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[190] Robert Cuff and Melvin Baker, "Education", *ENL 5*, p. 102.

[191] McCann, "Harvey, Nugent, and Inspectorship", *NS*, Vol. 11, No. 2 (Fall 1995): 205-207.

[192] CO 195/20, pp. 256-260, Stanley to Harvey, 19 July 1844.

[193] CO 194/120, fol 290r, Harvey to Stanley, 13 July 1844, and CO 195/20, p. 272, Stanley to Harvey, 27 August 1844. NLI, Little Papers, file 116-130, document 122, Fleming to Nugent, 3 January 1845 notes Fleming's approval of Nugent's principalship of the Academy.

[194] CO 194/120, fol 384r, index to Newfoundland legislation and comments.

church or state,"[195]—and that a Catholic inspector was not acceptable without a Protestant inspector: "Protestants may have (not without reason) great jealousy of a Roman Catholic reporting on R.C. schools (for it's very commonly and strongly believed that Romanists care little about the education of children) and Romanists in like manner might feel jealousy of the Protestant inspector's proceedings and reports."[196] Feild need not have worried, for by 1846, Nugent's reports on the schools around Newfoundland had stirred up such controversy that the inspectorship was abandoned by the legislature that year.[197]

Sectarian suspicions welled up when Richard Barnes presented a bill for the consideration of the house during its winter session which would secure the reversion of Newfoundland to its former constitution on the expiration of the five year experiment of its amalgamated legislature.[198] Barnes' constitutional bill threw the discussion of the Newfoundland constitution wide open in a public debate which lasted into the next decade, and culminated in the granting of responsible government to the colony in 1855. But when Barnes proposed that Newfoundland return to a bicameral legislature, with increased representation for the outports, Kent, Nugent and O'Brien foresaw another wolf in sheep's clothing: a hidden attempt to institute Protestant legislative domination, whereas Kent found merits in the amalgamated legislature.[199] After considerable debate Harvey requested that the bill be withdrawn, to which Barnes agreed in exchange for the governor's agreement that the

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[195] CO 194/121, fols 31r-32r, Feild to Stanley, 4 September 1844; Edward James Lear, "Edward Feild, 1801-1876: Ecclesiastic and Educator: His Influence on the Development of Education in Newfoundland", unpublished M.Ed. thesis, Bishops' University, 1986, p. 55.

[196] CO 194/121, fol 32r.

[197] McCann, "Harvey, Nugent, and Inspectorship", *NS*, Vol. 11, No. 2 (Fall 1995): 215-16.

[198] *The Newfoundlander*, 8 February 1844.

[199] On the debate of the Barnes' bill see Gunn, *History*, pp. 94-97.

bill be submitted for Stanley's consideration, but Harvey informed Stanley in early 1845 that constitutional changes were postponed for the time being.[200]

Throughout 1844 and 1845, reformers in Newfoundland closely followed developments in the Irish repeal movement, and the *Newfoundland Indicator* reported every twist and turn. For his repeal agitation O'Connell secured the wrath of the British government, and on 30 May 1844 he was sentenced along with Thomas Ray, Charles Gavan Duffy, and others to imprisonment for a year in the governor's house of Dublin's Richmond penitentiary. It was more of a vacation than internment, and convicts each had a suite of rooms with servants, prompting Irish historian Oliver MacDonagh to describe it as "martyrdom-de-luxe".[201] While there, O'Connell even managed an affair with Rose McDowell, the daughter of Presbyterian liberal repealer Robert McDowell.[202] But appearances counted more than actuality, and there was universal outrage in Catholic Ireland that the British had done such a profound injustice to the aging "Liberator", and by extension to the rights of Ireland and the Irish everywhere. O'Connell the folk-hero was beatified. A flood of famous well-wishers immediately went to visit him in jail, including the leading lights of the Irish hierarchy, and the *Tablet* reported that

> Amongst those who have, since Thursday last, visited in prison Mr. O'Connell and his brother "convicts", were the Venerable Archbishop of Dublin, Right Rev. Dr. Fleming, Right Rev. Dr. French, and Right Rev. Dr. O'Conner. In a few days all the other bishops in Ireland are expected to be in Dublin, and will specially pay their marked respects to the imprisoned martyrs. The Very Rev. Deans Meyler and Burke; Very Rev. Doctors Yore, V.G., Spratt, and Doyle; Rev. Dr. O'Connell; and nearly all the clergymen in or near Dublin, and hundreds of others who have come hither from

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[200] CO 194/122, fol 64r, Harvey to Stanley, 22 February 1845.

[201] MacDonagh, *The Emancipist*, p. 247.

[202] *Ibid.*, p. 248.

all parts of the country, have visited the "convicted conspirators."[203]

Lucas recognized Fleming in primacy and worth of mention immediately following Dr. Murray, the Archbishop of Dublin. For Irish and English Catholics who sympathised with O'Connell, Newfoundland Catholicism was recognized as Irish Catholicism, and its success was understood to be closely associated with the success of O'Connell.

The repeal movement had considerable implications for the political claims of Newfoundland reformers, even though it did not directly or immediately cause conflict in Newfoundland. The response of Newfoundland reformers to the repeal movement provides the best evidence that they occasionally wanted more than a share of patronage and saw themselves as Irishmen in an Irish world, not British. When word of O'Connell's imprisonment reached St. John's, a repeal meeting was called for 30 June, the feast of Saints Peter and Paul, at the cathedral site on the Barrens, but bad weather forced it to relocate to the Chapel. The *Newfoundland Indicator* reported that those assembled heard a speech and resolutions by the chairman Laurence O'Brien, and speeches by William Walsh, O'Mara, Kent, Patrick Power, Michael Grace, Richard Howley, Captain John FitzGerald, and John Dillon, and others.[204] Kent argued

> It is foolish to seek to suppress the consideration of this question of a Repeal of the union. The act is but 40 years in existence. It was said that that act superseded the most corrupt body that ever sat, (the Irish Parliament) but admitting all this look at the benefits it [the parliament] conferred on the Catholics of Ireland. In 8 short years it relieved them of the greator [sic] part of their grievances, and was on the point of granting them Catholic Emancipation when its existence was terminated by corruption and bribery the grossest the world ever saw yet perpetrated. It was the Irish Parliament that gave Catholics their franchise—and created the forty shilling freeholders—Pitt promised Emancipation in the Act of Union, but the British people resisted the fulfilment of that pledge and allowed thirty years to pass by with the

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[203] Reprinted in *The Newfoundland Indicator*, 6 July 1844, encl. in CO 194/120, fol 241r.

[204] CO 194/120, fol 240r.

promise unredeemed....[205]

At the meeting, John Mullowney charged that Ireland "is in the person of O'Connell imprisoned", and "public opinion is stifled". Even the "mad dog" Kough buried the hatchet for the occasion and lamented that it was "forty years since my feet mounted [Ireland's] hills and trod her valleys." To avoid suspicion he protested the loyalty of all assembled—"we yield to no part of the Empire in our loyalty and attachment to the Throne"—but moved a resolution that an expression of sympathy be sent to "O'Connell and his associate martyrs."[206] Nugent gloried in the belief that O'Connell's strength and the strength of those gathered lay in "the secret of conquering without arms", but FitzGerald dissented from a vote of confidence in Harvey's administration of Newfoundland, a dissent O'Brien had hoped would not surface because Harvey had already received "the enmity of a little *Tory* clique because he was desirous to give Catholics equal justice".[207] The *Indicator* trumpeted the presence of a crowd of perhaps 4,000, but the Chapel could not have held any more than a tenth of them. The meeting adjourned with a petition to repeal the union and a collection of repeal rent which netted just over £100; a week later the repeal rent collected from Newfoundland was over £220.[208]

Some Irish may have envisaged repeal as the promised land, but their meetings embarrassed Harvey and were abhorrent to London. Harvey reported the St. John's meeting apologetically to Stanley with the lame excuse that "if the Roman Catholic Bishop had

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[205] *Ibid.*

[206] *Ibid.*, fol 240rv.

[207] *Ibid.*

[208] CO 194/120, fol 240v, enclosing *The Newfoundland Indicator*, 6 July 1844. The repeal meeting held in Carbonear was chaired by the priests John Gleeson and John Cummins, where resolutions similar to those in St. John's were passed. The priest Charles Dalton in Harbour Grace was also a staunch supporter of repeal (see Lahey, "Dalton", *DCB* VIII, pp. 198-200).

fortunately been present the meeting would not have taken place."[209] With Kent and O'Brien on the council, and Nugent about to be appointed inspector of Catholic schools, the governor stressed that the meeting had been a quiet and orderly one among loyal subjects, and even suggested that the reformers who attended "could not have declined ...without openly repudiating their principles...."[210] This argument was not entertained at the Colonial Office. When other opinions suggested that Kent and O'Brien be removed from the council, Stephen expressed intolerance that any members of the Newfoundland council could attend meetings where repeal resolutions were passed, or use language such as that found in the Irish press, and he noted that he had on that very day seen Fleming, who assured him "of his earnest claim to discountenance the Repeal agitation."[211] Fleming had gone to see Stanley but was unsuccessful in securing an increased annual allowance;[212] the bishop may have given a reply of convenience couched in ambiguous verbiage. Stanley, the former chief secretary of Ireland, informed Harvey:

> I will not sanction the appointment, or continuance in any office under the Crown, of any person who belongs to or aids the Repeal Association in Ireland. I will not, however, put this rule in force against those who have, previously to your having had an opportunity of making my views known, pursued a line of conduct which would bring them within its operation.[213]

The reformers had escaped retribution by the skin of their teeth, but they perceived that an injustice had been paid to O'Connell and the repeal movement by Stanley's rebuke, and this only ripened the political atmosphere in Newfoundland for home rule. Random rumblings

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[209] CO 194/120, fols 236r- 237v, Harvey to Stanley, 6 July 1844.

[210] *Ibid.*

[211] *Ibid.*, fol 237v, note by Stephen, 10 August 1844.

[212] CO 194/122, fols 8r-11r, Fleming to Colonial Secretary, 2 January 1845; CO 195/20, p. 300, Stanley to Harvey, 3 March 1845.

[213] CO 194/120, fols 238r-239r, Stanley to Harvey, 10 August 1844.

had been heard earlier, but Stanley's intransigence and paternalism towards Irish rights to entertain their own political opinions did more to plant the seed of desire for a parliament of Newfoundland than any other set of events or policies. In the stifling of the repeal movement in Newfoundland lay the roots of agitation for Newfoundland self-government.

Even when the British government made concessions to Catholics in Newfoundland, they were not often well received by the Irish or their rivals. During 1843 and 1844 a series of scandals involving Chief Justice John Gervase Hutchinson Bourne contrived to supply Newfoundland with its first Catholic chief justice. Bourne had incurred the enmity of many in Newfoundland, including barrister and MHA Bryan Robinson and Harvey, who had Bourne dismissed in 1844.[214] On 5 November 1844, Bourne's successor Thomas Norton was appointed,[215] and he served until 1847. The members of the Newfoundland law society immediately protested that London should have filled the vacancy with one of their own number, but Stanley replied that he would consider their claims in filling vacant posts in other British colonies.[216] Norton was an Irishman and had been an assistant judge at Demerara. Prowse later described him as "a universal favourite, an able, impartial judge, a most humorous and fascinating companion off the Bench" who "loved gay society, and had most influential friends to promote his advancement."[217] He boarded at the "highly respectable" Victoria House at Cathedral Place behind Richard Barnes' house off Military

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[214] On the Bourne controversy see Malcolm MacDonell, "The conflict between Sir John Harvey and Chief Justice John Gervase Hutchinson Bourne", *Canadian Historical Association Report* (1956): 45-54. On Bourne's life after Newfoundland see Tocque, *Newfoundland... in 1877*, p. 43.

[215] Devine, *Notable Events*, p. 207.

[216] CO 195/20, pp. 285-286, Stanley to Harvey, 9 November 1844.

[217] Prowse, *History*, p. 457.

Road,[218] a working-class Catholic neighbourhood peopled by stonemasons, carpenters, and tradesmen, and his presence there temporarily contributed to his popularity among the rank and file Irish. Fleming was delighted at "having A Catholic placed in the chair of the Chief Justice in our Courts", and directly credited Norton's appointment to the diplomacy and solicitousness towards Catholics of Harvey, whose own appointment was "hailed as an act of kindness on the part of the Government."[219] Soon after Norton's arrival the BIS executive waited upon him and presented to him a copy of their rules and constitution, whereupon "he expressed himself warmly in approval of the character and objects of the body."[220] However, the favour of fishermen and many Newfoundlanders soured against Norton in March 1845 when he joined fellow supreme court justices Simms and Lilly in upholding Boulton's ruling that the wage and lein system no longer formed part of common or statute law. Parsons' *Patriot* condemned Norton for supporting merchants over the fishermen, and demanded that Newfoundland be given responsible government.[221] It was hoped that his appointment would do much to reduce the legal grievances of Newfoundland Catholics, but these were only seriously addressed from the other side of the bench, when Philip Francis Little, Newfoundland's first Irish Catholic lawyer, arrived in 1844 from Prince Edward Island and was admitted to the Newfoundland bar.[222]

For the reformers, one of Norton's happier contributions to Newfoundland was as

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[218] O'Neill, *A Seaport Legacy*, p. 523.

[219] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846.

[220] BIS Minutes, 17 February 1845, report of officers of the BIS.

[221] Cadigan, *Hope and Deception*, pp. 159 and 215; *The Newfoundland Patriot*, 30 April 1845. After Norton resigned as Chief Justice in 1847, he returned to London to establish a law practice. See Allison C. Bates, "Thomas Norton, fl. 1844-1852", *ENL* 4, p. 117.

[222] Bartlett, "Legal Profession", *BNF 3*, p. 523.

chairman of the board of the academy. When the academy opened on 29 September 1845, Newman had deserted Feild to become the government academy's senior master at an annual salary of £250, while its junior master was Nugent who received £200 per annum.[223] The advertised curriculum and fees of the academy indicated that it was for the children of the wealthy:

> The general courses of education will embrace the Greek and Latin Classics, French, Mathematics, Navigation, Book Keeping and the usual branches of an English Education. The annual feel will be £8 currency, payable half-yearly by instalments in advance. Spanish and other modern languages, excluding French, [will be] considered as extras and charged for accordingly.[224]

If by the sheer numerical dominance of Protestants in the upper classes, denominational control of the academy was tipped away from the Irish, the balance was restored on 21 January. Norton petitioned the assembly for a third master to head the school's English department, and also for a further sustaining grant.[225] The Irishman Thomas Talbot of Kilkenny was invited to teach there, possibly at Nugent's instigation.[226] Frederick Rowe concluded that the academy was doomed to failure because neither Fleming nor Feild wished to be associated with it,[227] but annual enrolments which never exceeded sixteen pupils were perhaps more to blame, and the academy was closed in 1850.[228] These low enrolments and

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[223] *The Royal Gazette and Newfoundland Advertiser*, 16 September 1845. I thank Brother J.B. Darcy for his notes on salaries.

[224] *The Royal Gazette and Newfoundland Advertiser*, 16 September 1846.

[225] *JHA*, 21 January 1846, p. 71.

[226] Thomas Talbot, *Newfoundland; or, A Letter Addressed to a Friend in Ireland In Relation to the Condition and Circumstances of the Island of Newfoundland, With an Especial View to Emigration* (London: Sampson Low, Marston, Searle & Rivington, 1882), p. 40. Talbot arrived in Newfoundland in 1837 and had taught in Harbour Grace before moving to St. John's; he was chiefly responsible for drafting the bill establishing grammar schools at Harbour Grace and Carbonear (*ibid.*, p. 39).

[227] Rowe, *Education in Newfoundland*, p. 82.

[228] O'Neill, *Seaport Legacy*, p. 778; Robert Cuff and Melvin Baker, "Education", *ENL 5*, p. 102.

the low rate of 42 percent of school-age children attending school in 1845[229] were the best indicators of the absence of a thriving native-born middle class in Newfoundland, and it would take another generation and renewed efforts to provide secondary schooling before a sizeable middle class could be created.

Fleming's health declined and was "delicate" through 1844 and 1845, but this did not stop him from corresponding with European luminaries of church and state between his arrival in Newfoundland in September 1844 and his departure for Europe again in January 1845. Paul Cullen of the Irish College at Rome thanked Fleming for helping to settle the dispute between Bishops Walsh and Frazer in Halifax, and was pleased to report that Timothy Browne had been "obliged to leave Rome".[230] O'Connell wrote Fleming in November 1844 condemning the charitable bequests bill then before parliament on the grounds that in making it finally legal to leave legacies to the church for "Catholic purposes", it discriminated against secular clergy.[231] Peel had prepared the bill by which a board of trustees could be appointed to administer bequests, but McHale and O'Connell denounced the measure as an attempt to divide the clergy and remove O'Connell's potency.[232] When three bishops consented to be appointed, among them Murray of Dublin, the Irish Chief Secretary Edward Granville Eliot gloated that "'The Roman Catholic party' as such has

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[229] David Alexander, "Literacy and Economic Development in Nineteenth-Century Newfoundland", *Atlantic Canada and Confederation: Essays in Canadian Political Economy*, eds. Eric W. Sager, Lewis R. Fischer, and Stuart O. Pierson (Toronto: University of Toronto Press, 1983), p. 118.

[230] AASJ, Fleming Papers, document 84, Cullen to Fleming, 4 October 1844. Like Edmund Ignatius Rice, Cullen also had nephews in Carbonear, Newfoundland in the mid-nineteenth century. John Cullen of Casper, Wyoming, USA to the author, 17 July 1996, in St. John's.

[231] AASJ, Fleming Papers, document 68, O'Connell to Fleming, 30 November 1844.

[232] On the Charitable Bequests Act see MacDonagh, *The Emancipist*, pp. 259-264.

ceased to exist. O'Connell can no longer rely on the support of the church."[233] From Harvey the bishop requested an increase in the £75 per annum salary he received from the British government, noting that he had modified the Chapel by adding a gallery to accommodate soldiers, but when Harvey forwarded this to Stanley, the secretary refused and replied that the British government wished to "diminish the vote taken for this service whenever opportunity presents of so doing."[234] On 2 January Fleming wrote the Benevolent Society of Lyon, thanking them for giving "to the Mission of Newfoundland the sum of 20,000 Francs" and that he

> ...should feel happy to establish the Society for the Propagation of the Faith in Newfoundland were it not for the incessant calls that my Cathedral and the other numerous Churches in course of erection occasion which already press too heavily upon an impoverished people.[235]

Finally, Fleming wrote that he was leaving for Europe "on tomorrow... principally on account of the infirm state of my health", and that a new report of the state of the mission would have to wait until his return in the spring.[236] During the bishop's convalescence in Ireland, Oporto (Portugal), and England, his correspondence virtually disappeared, so that little is known of his activities for 1845. In his absence from Newfoundland the clergy he had recruited took up where he had left off, and unlike the predominantly Wexford clergy of Lambert's and Scallan's day, many of whom retired to Ireland, the new priests were recruited predominantly from Kilkenny and did not retire to Ireland. They lived out their lives in Newfoundland as

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[233] *Ibid.*, p. 260.

[234] CO 194/122, fols 8r-11r, extract of Fleming to Crowdy, 2 January 1845; *ibid.*, fols 7rv and 7ab, Harvey to Stanley, 3 January 1845, and fols 14r-17v, Harvey to Stanley, 4 January 1845; *ibid.*, fols 12r-13v, Stanley to Harvey, 3 March 1845.

[235] NLI, Little Papers, file 116-130, document 125, Fleming to the Society of Lyon, 2 January 1845. The establishment of the society in Newfoundland would have meant remitting money to the society.

[236] *Ibid.* On 5 January Fleming left for Ireland, and in early March he went to Oporto, Portugal, for a rest. See *The Newfoundland Indicator*, 4 January 1845 and 1 March 1845.

Fleming intended they should.[237] This permanent, ultramontanist, pro-O'Connellite priesthood was substantially in place by 1845—with nineteen active priests that year—and had a profound impact on the regularization of the daily practise of the Catholic faith in Newfoundland. It did much to create and reinforce a strong sense of community and shared culture throughout Irish enclaves in Newfoundland.

By the end of Harvey's term as governor in 1846, reformers had made some progress in securing a place for Catholics in the governance of Newfoundland. Laws and regulations had been made more hospitable to Catholicism, and this turned into a drive to acquire responsible government. Since Nugent's 1843 bill, MHAs had been bound to substitute for the oaths of supremacy and allegiance another oath which was less insulting to Roman Catholics, but this was still not fully acceptable to Catholics.[238] In early 1845, the assembly petitioned the queen for the abolition of all oaths for members except the oath of allegiance.[239] The Colonial Office pondered the legalisms required to do this and Harvey was instructed that his commission would be changed to incorporate the desired oath.[240] Encouraged by their success, on 20 February ten reformers in the assembly—eight of whom were Irish—carried a set of resolutions by Kent endorsing the principle of responsible government as it had been endorsed by Nova Scotian legislators in March 1844 and in "the

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[237] See Appendix I, Irish Roman Catholic Priests in Newfoundland, 1770-1850.

[238] *Ibid.*

[239] CO 194/122, fol 48rv, Harvey to Stanley, 1 February 1845, enclosing petition of General Assembly, 21 January 1845.

[240] CO 194/122, fols 52r-54v, Stanley to Harvey, 10 October 1845, and 1 December 1945 transmitting the new Commission.

parliament of Canada" in 1841.[241] Reflecting a new brand of Newfoundland politics, more independent of clerical influence, Kent's resolutions were consonant with the Irish desire for home rule, and were to become a war-cry of Irish liberals in Newfoundland politics for the next twenty years, leading the colony to acquire full responsible government in 1855. The assembly split once more along sectarian lines when nine Tories opposed the resolution, including Thomas Ridley, Bryan Robinson, William Thomas, William Bickford Row, Charles Fox Bennett, James Simms, John Munn, Richard Barnes, and Robert Carter.[242] Harvey was caught off guard and believed the passage to have been an accident. He soft-pedalled the importance of Kent's resolutions and sent them to Secretary of State W.E. Gladstone.[243] When Stephen pondered whether a restoration of the constitution should be tried on an experimental basis before responsible government was granted, Gladstone offered no comment,[244] and British policy towards Newfoundland again became to stall for time, allowing contingencies to intervene. Harvey remained oblivious to the appeal of responsible government to the Irish, and took care to ensure that if one group made a political advance or was granted favours, equal advantages had to be granted to their opponents.

Faced with Newfoundland's social as well as political hardships, Harvey's responses were woefully inadequate. Just before the first strains of potato blight affected Ireland, they hit Newfoundland in 1845 and 1846, causing the destruction of most of the northeast coast

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[241] CO 194/125, fols 40r-41v, "Resolutions to be Moved by the Honorable Mr. Kent on the 10th February 1846"; *ibid.*, fol 39, extract from Journal of the General Assembly, 16 February 1846, recording the votes of Kent, O'Brien, Morris, Glen, Hanrahan, Nugent, Dillon, Parsons, Prendergast, and Simon Morris for the resolutions.

[242] *Ibid.*

[243] CO 194/125, fols 34r-37v, Harvey to Gladstone, 17 February 1846.

[244] *Ibid.*, fol 37v, notes by Stephen; *ibid.*, fol 38rv, Gladstone to Harvey, 18 May 1846.

crop.[245] In 1844, Philip Tocque estimated that the quantity of potatoes under cultivation in Newfoundland was "probably nearly double" the quantity reported under cultivation for 1836, which was 1.2 million bushels.[246] This was a devastating loss, considering that potatoes were not only eaten by themselves, or occasionally fed to cattle, but also mixed with flour to make bread, used in puddings, used three-fourths boiled as a substitute for soap, used as a substitute for coffee and chocolate, and used to make brandy, gin, sugar, and even cheese.[247] In reply, in St. John's under Harvey's paternal sponsorship the élite Natives' Society came to benefit from a land grant near Government House upon which to erect a meeting hall, and its women Ann Thomas, Eliza Dunscomb, and Eliza Morry, all wives of leading merchants and citizens, received permission to cultivate a botanical garden,[248] which undoubtedly was intended to serve as a paternal model, and a moral to the Irish farmers of the agricultural society unable to "correctly" grow their potato crops. By March 1846, Harvey sought the post of lieutenant-governor of Nova Scotia, complaining that his children had left the island on account of its severe winters and his wife had been worrying over their welfare.[249] To farmers and fishing families with a potato patch, his departure would have

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[245] Cadigan, *Hope and Deception*, pp. 131-132. The "northeast coast" would roughly stretch from Fermeuse, south of St. John's, north past Twillingate Island to the start of the French shore (see Map 1).

[246] Tocque, *Wandering Thoughts*, p. 325.

[247] *Ibid.*, p. 324.

[248] CO 194/122, fols 115r-117r, Harvey to Stanley, 10 April 1845; *ibid.*, fol 223r, Harvey to Stanley, 3 May 1845; *ibid.*, fol 224rv, Stanley to Harvey, 11 July 1845 granting permission from the British government.

[249] CO 194/125, fols 65r-70v, Harvey to Gladstone, 3 March 1846. The Harveys' desire to leave Newfoundland may have been compounded by a litany of concerns over their children. One night in 1843, their son Frank (whom O'Neill, *The Oldest City*, p. 146 described as "the blackest sheep to ever occupy the governor's mansion") was shot and injured while stealing vegetables from Mitchell's farm behind Government House (Prowse, *History*, p. 367). Their youngest son, E. Warrick Harvey, aide-de-camp to his father, had fallen ill in Newfoundland and died en route from Bermuda to Jamaica for his health in early 1846 (see *The Newfoundlander*, 20 April 1846, and Buckner, "Harvey", *DCB* VIII, p. 382).

made little difference.

The failure of the Mercy convent hit the church hard, and Fleming perceived an acute need for more sisters to teach school. During early 1846 he wrote Sister Mary French, the superior of the Presentation convent in Galway, and encouraged her in her intention to come to Newfoundland, for "where we cannot accomplish all, and it becomes necessary to make a choice, the education of the Woman is calculated to have the widest influence...."[250] While he had been ill during the fall and winter the ailing Fleming had time to do some thinking.[251] He became enraptured to realize that the sisters had been teaching in St. John's for thirteen years and envisioned that they might create even greater legions of Christian missionaries. He told Bishop O'Donnell of Galway of his delight that the sisters had

> ...sent into the world as wives and mothers and servants not fewer than 6000 young women who may now be met through the neighbouring colonies and along the coast of Labrador and through the lonely and isolated coves and harbours of this Island in many places where the visits of a Priest can scarcely be said to be ever made, imparting to those around them the good things of which they had received.[252]

Given that enrolment in the Presentation school the previous year was "not less than 800" with an average of 1,000—at a time when the population of St. John's was just over 20,000—the work of the sisters must have been taxing in the extreme. To address the lack of school space, the St. John's congregation built a new schoolhouse across Long's Hill from the new Presentation convent.[253]

During the winter of 1846, bad health closed in on Fleming. It precluded his

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[250] NLI, Little Papers, file 116-130, document 126, Fleming to Mrs. French, February 1846.

[251] *Ibid.*

[252] NLI, Little Papers, file 116-130, document 127, Fleming to Dr. O'Donnell, February 1846.

[253] *Ibid.*

patronage of a Total Abstinence Society festival;[254] it bid him sternly to reconcile with his previous opponents and prepare for the world to come; and it forced him to devote all his attentions towards finishing the cathedral during in his own lifetime. He apologized to Herman Lott because one BIS member had protested at Lott's inclusion as a guest at the society's St. Patrick's night dinner.[255] Even more remarkably, the bishop went to visit Winton, whose wife was "thrown into a tremor by the appearance of Bishop Fleming entering the room":[256]

> He came and sat down opposite her, and said she was doubtless surprised to receive a visit from him, but he felt his days were numbered and were but few, and he wished to die at peace with his neighbours. He lamented the bitterness which had prevailed in the community, and if he had given any offence, or done any wrong to Mr. Winton, he wished to be forgiven, and reconciled to him. Shortly afterwards, the people of the city wondered at seeing the two walking together through the streets on the most friendly terms.[257]

When a little health returned, Fleming worked on the cathedral and at his pastoral duties from dawn to dusk, only taking time out at seven o'clock on Ash Wednesday evening to apologize to government surveyor Joseph Noad for not informing him earlier that day of the cathedral's dimensions.[258]

In early March in a letter to Propaganda, Fleming linked his own physical health to the state of progress on the cathedral. In a mode of rationalizing not unlike that of a Calvinist, for whom material success was proof of virtue and assurance of salvation, the bishop saw the

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[254] NLI, Little Papers, file 116-130, document 128, Fleming to Mr. Traton, Secretary, T.A. Society, 16 February 1846.

[255] NLI, Little Papers, file 116-130, document 129, Fleming to Lott, 19 March 1846.

[256] Pedley, *History*, pp. 387-388.

[257] *Ibid.*, p. 388. That the reconciliation occurred during the late spring of 1846 is recorded in *The Newfoundland Patriot*, 3 June 1846.

[258] NLI, Little Papers, file 116-130, document 130, Fleming to Noad, Ash Wednesday, 1846.

cathedral as his chief measurable virtue:

> I have now brought the walls of my building to that height that two months' work will complete them and hence I should be under the necessity of again visiting Europe early in the spring to procure the manufacture of the roof there and also to get suitable material for covering it prepared, for it is essential to have the whole covered in before another winter's frost should assail them. For these reasons I have judged it prudent to act upon the advice of my physician who urged me to seek in the more genial air of my native country a relief from the severity of our Newfoundland winter.[259]

The bishop also asked Propaganda for more funding from the Society of Lyon, noting his expenditure of over £800 the previous year in Ireland "on copes, vestments, chalices, and remonstrances" for the parishes throughout Newfoundland, and he enclosed copies of the letters to Dr. O'Connell and Spratt for the information of the cardinal prefect.[260]

Between 1841 and 1846, the church and the reformers consolidated their gains. Newfoundland Catholicism had a new, more rigorous priesthood, the large majority of which made Newfoundland their permanent home, lived out their lives and died there. The greatest immediate threats to Fleming—Timothy Browne and action by Rome at the behest of the Colonial Office—had been kept at a safe distance by deft responses and astute pamphleteering. The Catholic experience in Newfoundland illustrated that the British government became upset at the church when they discovered they could no longer use it to help rule the Irish. McCann has argued that British colonial officials and élites tried to invent traditions and institutionalize the state in a British vein which would help preserve British imperial rule by sponsoring the agricultural society and the Natives' society. But previous historians have missed that the institutional empire of Irish Catholicism had a decade's head-start in Newfoundland over the comparatively more vigorous British nationalist-

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[259] APF, SRNC, 1842-1848, Vol. 5, fols 767r-768v, Fleming (in Dublin) to Propaganda, 4 March 1846. This letter appears to have been written in Newfoundland on 4 March, but sent from Dublin later that year.

[260] *Ibid.*

institutional agenda of Harvey. The Irish agitated for constitutional and legal changes. They sought equal rights for themselves to partake in governing their land, and established educational, voluntary, and benevolent institutions which outlasted British control over Newfoundland. They became more unified as they built a cathedral as a monument to their culture, and then sought repeal. Harvey's diplomatic skills and his judicious use of patronage reduced many Catholic grievances and removed the sting of reformers' attacks, but reformers' independent desires to have repeal for Ireland and responsible government for Newfoundland were not countenanced. The institution which gave their aspirations legitimacy was the church, which itself continued to gain more influence and respect at all levels of society in Newfoundland. The acceptance of patronage accommodation by the reformers may have been a mark of their integration and a sign of the institutionalization of their Irishness itself, but by 1846, the independent place of their church and their culture in Newfoundland was secure.

Chapter 9

Acts of God, Acts of Union: Challenges to Newfoundland Catholicism, 1846-1850

The future of the church in Newfoundland had never looked brighter in the early summer of 1846. The old battles between trustees and clergy had passed, the cathedral was nearing completion and these bestowed the airs of legitimacy and permanence upon Irishness and Catholicism in Newfoundland which neither had hitherto fully enjoyed. Harvey had befriended the reformers and his patronage worked its charms. Unfortunately for Newfoundlanders, reeling under the strain of poor seal and cod fisheries and rotting potato crops, contingencies intervened. In early June 1846 much of St. John's was burned in a raging fire. After the town was rebuilt, the exodus of St. John's Irish Catholics, armed with educational skills and trades, began. Fleming struggled to obtain a share of British funds for the relief of the fire, but when they were refused this spurred reformers to seek responsible government. When Fleming's health failed he nominated John Thomas Mullock as his coadjutor and successor. Mullock was instrumental in fending-off the subordination of the Newfoundland church as a suffragan see to the archdiocese of Québec. Before his death in 1850, Fleming's episcopacy closed as it had begun, with a dispute with the BIS. The church he had worked so hard to reinvent had grown to become second only to the Newfoundland state in its institutional and cultural resources, and financial and political challenges would not weaken its strength as a religious, social, and cultural institution.

Factions, parties, and religious groups still gazed at each other with some suspicion, but the devastating fire of June 1846 required the whole community to pull together as it had not done before. On Tuesday, 9 June, at about eight o'clock in the morning, a blaze ignited in the heart of the town on Queen Street in Hamlin's cabinet-making shop when a hot glue-

pot overturned.[1] Fanned by a westerly wind, the "Glue-Pot Fire" burned all day and night into the next morning, leaping sixty foot fire-breaks and consuming the town's wooden buildings. In its wake, two thousand houses were destroyed, along with most of the merchants' premises on the north side of the harbour, which held foodstuffs, provisions, and supplies.[2] Only one bakery belonging to the garrison was left standing to feed the whole town, the population of which in 1845 had been recorded officially at 20,911.[3] Some 12,000 citizens were left homeless but only one person, a soldier, was killed in an attempt to widen a fire-break by dynamiting a chimney.[4] With mixed mourning and horror, Harvey fired off a distressed despatch to London:

> It has pleased the Almighty to visit this Colony with a great calamity.—It was as if the wing of the destroying angel, in the shape of an awful and irresistible conflagration, had suddenly swept away three-fourths of this so lately wealthy and prosperous city... property to the amount of from £600,000 to £1,000,000 sterling has been destroyed....[5]

Harvey immediately summoned a committee of leading residents and banned all exports of provisions and foodstuffs. A committee of the "Mercantile Body" met at the Factory and advised the governor to call the legislature back into emergency session to help arrest the suffering. The merchants exposed their own paternalism, fears and greed when they advised Harvey to "adopt the best means of affording protection to the persons and property now exposed in this Town and neighborhood"; to search every house left standing in St. John's to discover any hoarding of foodstuffs; to erect tents "this Evening" to shelter the people, and

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[1] Devine, *Notable Events*, p. 109.

[2] CO 194/125, fol 297r, copy of *The Royal Gazette*, 15 June 1846.

[3] CNS, Census of Newfoundland, 1845.

[4] CO 194/125, fol 297r, copy of *The Royal Gazette*, 15 June 1846; CO 194/125, fols 289r-292r, Extract from a report by Major Robe, Commanding Royal Engineers, 10 June 1846.

[5] CO 194/125, fols 264r-265v, Harvey to Gladstone, 10 June 1846.

to approach the Natives and Irish Societies, and the clergy of all remaining churches for the use of their structures to house the homeless,[6] lest they themselves might have to take in the population at their prosperous homes on the outskirts of the town. To crown their magnanimity, merchants then cut off credit to fisnermen in the outports.[7]

Fear also governed the response of Major Robe, the commanding officer of the Royal Engineers. He was horrified at the destruction of the houses of the "lower classes" and so many government and legal buildings. Envisioning civic disorder, he wrote that

> ... I am almost afraid to think to what state of desperation the people may be driven when starvation stares them in the face from which calamity we may not ourselves be exempt, and it is to be hoped that the Government at home together with the Public at large will take some immediate steps to send us relief... at this moment the mass of the people are houseless and are spread about the open fields protecting what little property they were enabled to save from the conflagration.[8]

But the homeless did not riot and no one died of starvation. Within days many were housed in buildings and barracks at Fort Townshend, in a forest of tents and canopies erected in the open spaces around the city, or sheltered in the Orphan Asylum or the Roman Catholic cathedral.[9] The 800-ton Cunard steamship *Unicorn* was in Halifax when news of the fire arrived, and within a day her captain, Richard Meagher, an Irish-Newfoundlander, had the vessel loaded with food, building materials, clothes, and supplies from as far away as New York and Montreal, and sailed for St. John's.[10]

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[6] CO 194/125, fols 281r-287r, Harvey to Gladstone, 17 June 1846, enclosing resolutions of the "Mercantile Body" and the committee of leading citizens. It is unfortunate that no list of merchants who attended this meeting has yet been found.

[7] Cadigan, *Hope and Deception*, p. 132.

[8] CO 194/125, fols 289r-292r, Extract from a report by Robe, 10 June 1846.

[9] CO 194/125, fols 295r-296v, Harvey to Gladstone, 18 June 1846.

[10] Michael Harrington, "The great fire of 1846", *The Evening Telegram*, 10 June 1991; AASJ, Howley Papers, Howley, "History 2", ch. 1, note 1.

Under Harvey's proclamations, looters were threatened with prosecution and reconstruction was prohibited until the assembly could make regulations for rebuilding.[11] Vessels and appeals were sent immediately to Halifax, Boston and New York for supplies and aid, and while the legislature raised a loan of £250,000 to rebuild St. John's and stabilize the economy,[12] Harvey appealed to the British government for aid.[13] The Colonial Office issued a circular to the governors of the British North American colonies instructing them to make available whatever aid they could,[14] but the British government was beginning to be confronted by the mounting horrors of famine in Ireland. With the evils of public charity foremost in Whig minds with which to address the loss of a million Irish souls,[15] the new secretary of state, Earl Grey, only mustered £30,000 to rebuild public buildings in St. John's,[16] and in a more manipulative vein, had parliament extend the life of the amalgamated legislature of the turbulent colony of Newfoundland until September 1847.[17] Many public buildings were lost, including the Courthouse and gaol, the sheriff's house and offices, the police office, the exchange buildings, the post office, the Savings Bank and the Bank of

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[11] CO 194/125, fol 297r, copy of *The Royal Gazette*, 15 June 1846.

[12] CO 194/125, fol 321rv, An Act to Raise By Loan a Sum of Money for the rebuilding and improvement of the Town of St. John's, passed 23 June 1846.

[13] CO 194/125, fol 297r, copy of *The Royal Gazette*, 15 June 1846.

[14] CO 194/125, fol 271rv, Circular to the Governors of the North American Provinces, 3 July 1846.

[15] Cormac Ó Gráda, *The Great Irish Famine: Studies in Economic and Social History* (London: MacMillan, 1989), pp. 52, and 9.

[16] CO 194/125, fol 349rv, Earl Grey to Harvey, 30 July 1846. In CO 195/20, p. 428, Grey noted that immediately after being sworn in and handed the seals of office, the St. John's fire had been brought to his attention, however, he deferred considering Harvey's suggestion that British naval vessels be stationed off the Newfoundland coast.

[17] Great Britain. Parliament. An Act to continue until the first day of September one thousand eight hundred and forty-seven certain of the provisions of an act of the fifth and sixth years of her present Majesty, for amending the constitution of the government of Newfoundland; 7 August 1846 (9-10 Victoria, Cap. 45, The Newfoundland Act, 1846).

British North America, the colonial treasurer's office, the insurance office, the Ordnance store and Queen's wharf, the Mechanics' Hall and reading room and library, and McMurdo's circulating library.[18] The printing presses of the *Times*, the *Star*, and the *Morning Courier* were saved and shared with their rival publications.[19]

Many church and educational buildings were destroyed, including the episcopal parish church, and the Presentation convent and its schoolhouse still under construction on Long's Hill which caught alight when personal effects and furniture containing burning embers and flankers were brought there for storage. Spared were the Orphan Asylum,[20] the Catholic cathedral, the Mercy convent, and the Chapel and priests' residence on Henry Street. The destruction wrought by the fire and the imposition upon the resources of the citizens immediately called into question the completion of the cathedral, but shortly after the fire the congregation met in Fleming's absence with their curate, the thirty-three year old priest, John Forristal,[21] to consider what action should be taken. It was discovered that if work on the cathedral stopped, over £600 worth of scaffolding would have to be dismantled and destroyed for it would become a fire hazard. The congregation decided that work had progressed too far to be abandoned, and it decided to proceed with the project and hold a public meeting to raise a subscription.[22] To defray the expenses of the cathedral and the

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[18] CO 194/125, fol 297v, *The Royal Gazette*, 15 June 1846.

[19] *Ibid. The Royal Gazette* was printed on the presses of the *Star*.

[20] BIS Minutes,17 February 1847, report of the OAS Committee; *ibid.*, 12 June and 4 August 1846. At the OAS, classes were suspended for three months and the General Assembly, Supreme Court, and Commercial Society were allowed to meet there. See *ibid.*, letter of thanks of Robert Prowse, Secretary of the Commercial Society for the use of the OAS, 10 July 1847.

[21] See Forristal's memorial tablet in the Basilica, and Frank Graham, Wallace Furlong, Helen Carew, and Sr. M. Bonaventure, PBVM, *Your Guide to the Basilica of St. John the Baptist* (St. John's: Roman Catholic Episcopal Corporation, 1984), pp. 22 and 25.

[22] *The Newfoundlander*, 2 July 1846.

congregation, the wharf and waterside premises used for landing stone and supplies for the cathedral, with 215 feet of harbour fronting, were put up for sale through the brokerage of Laurence O'Brien.[23]

When Fleming returned to St. John's with three more Presentation sisters on 9 August, he had known of the fire for over a month, but the sight of the devastation was a great shock.[24] Soon afterwards he wrote Dr. O'Connell of Dublin, lamenting that St. John's had once been

> ...a city whose streets were crowded by a wealthy, because industrious, intelligent and thrifty population; whose wharves manifested the rapid triumphs of trade, judiciously conducted; and whose harbour was filled with shipping destined to bear to every clime the produce of the country—that is the treasures of the deep around her shores; all bearing the most striking evidence of a place that promised at no distant day to stand among the first commercial cities of the West and prosperity and happiness seemed to light the countenances of all you met.[25]

The city he left "rapidly rising in beauty" was now "a heap of unsightly ruins, a forest of blackened crumbling chimnies", and worst of all were the "distresses of the houseless", those camped out in the open spaces of the town, "the sorrowing mother, the weeping babe, sheltered from the inclemency of the weather only by the canvas of the tent."[26] Aid poured into St. John's from the governments of Britain, Canada (which sent £6,000), Nova Scotia (which sent £3,000), Prince Edward Island and New Brunswick, and the cities of London, Liverpool, Manchester and Glasgow,[27] but rebuilding would take time. The Presentation

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[23] *The Newfoundlander*, 16 July 1846.

[24] Fleming learned of the fire on 2 July in Ireland before taking the steamer from Ireland to Halifax (see NLI, Little Papers, file 3584/131-139, document 131, draft of Fleming to the Society of Lyon, December 1846); *The Royal Gazette*, 11 August 1846.

[25] AASJ, Fleming Papers, Fleming to O'Connell, August 1846, letter 1.

[26] *Ibid.*

[27] *Ibid.*

sisters spent five months housed in the bishop's farmhouse, Carpasia, teaching school on fine days in the fields and on inclement days in the barns, before moving into Mercy convent.[28] Fleming returned to a bare residence, for its contents had been moved to the Presentation convent, which was attended by the nuns as it fell to the inferno.[29] The loss of the convent and school, valued at £6,000 was difficult enough to endure,[30] but the fire also destroyed

> ...every thing of any value that I personally possessed—all my furniture, my books and other valuables, including vestments and other Ecclesiastical robes for the entire mission to the value of about £1000 with a large quantity of household plate handed down principally by my predecessors and a considerable number of chalices, missals, ciboria, etc. worth fully as much more. And what to me was scarcely less valuable than all of these, my papers, including my own manuscripts and correspondence as well as numberless Deeds, Grants, etc. placed in my hands in confidence by many individuals around me for security by their owners being engaged in a mode of life too precious to permit them with prudence, to retain them in their own possession.[31]

Fleming was reduced to material poverty, but because most of the structures housing institutions associated with the church and the Irish survived, the church suffered from the fire the least of any mercantile or religious institution, and much less than the government. While about seventy-eight percent of St. John's citizens were Irish Catholic,[32] damage was concentrated on the downtown area around the harbour.[33] Only because the wind had not

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[28] Sister M. Paula Penney, R.S.M., "A Study of the Contributions of Three Religious Congregations to the Growth of Education in the Province of Newfoundland", unpublished Ph.D. thesis, Boston College, 1980, p. 46.

[29] AASJ, Fleming Papers, Fleming to Dr. O'Connell, August 1846, letter 2.

[30] *Ibid.*

[31] *Ibid*, letter 1. ACA, Fleming to Law, 5 February 1848, claimed that his own losses were over £3000.

[32] Edward-Vincent Chafe, "A New Life on "Uncle Sam's Farm": Newfoundlanders in Massachusetts, 1846-1859", unpublished MA thesis, Memorial University of Newfoundland, 1982, p. 7. This statistic is for 1845.

[33] CO 194/125, fol 274r, Robe to Harvey, 12 June 1846 and CO 194/124, fol 275r enclose maps showing the extent of the fire.

changed direction, the higher levels of St. John's and most of the Irish farms remained unscathed, and suffering was less than it might have been.

Newfoundland was further smitten on 19 September by a hurricane, which caused high tides and damaged wharves, stages, and fishing rooms around the island and properties under reconstruction in St. John's. The wind blew St. Thomas' church off its foundations,[34] and blew down the Natives' Society hall, killing a five year old boy and his twenty year old sister and injuring three others, all fire-sufferers.[35] Two weeks before the windstorm, Richard Barnes had died, and the Natives' Society never recovered from the combined shock of the fire, his death, the collapse of its hall, and the associated deaths. Within a year or so the society disbanded in St. John's.[36] Its patron, Sir John Harvey, had left St. John's shortly after Fleming arrived to become lieutenant-governor of Nova Scotia.[37] The acting governor, Colonel Robert Law, reported desolation in the outports to London, and asked for a British man-of-war to be stationed offshore because he feared insurrection, but the man-of-war was refused.[38] Law was a BIS member and tried to cultivate Fleming's support as an insurance against rebellion. [39] In October he invited the bishop to dine at Government House, but

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[34] Prowse, *History*, p. 461.

[35] Devine, *Notable Events*, p. 179.

[36] O'Flaherty, "Natives' Society", *ENL 4*, pp. 26-7. Torque, *Wandering Thoughts*, p. 134 noted that a Natives' Society had flourished in Carbonear in 1844, but what became of it is unknown.

[37] CO 194/125, fol 491rv, Harvey to Earl Grey, 23 August 1846

[38] CO 194/126, fols 40r-41v, Law to Grey, 23 September 1846; *ibid.*, fol 42r-43v, Benjamin Hawes, Colonial Office, to Captain Hamilton, 31 October 1846.

[39] BIS Minutes, 17 February 1845, report of BIS officers.

Fleming coolly declined, as he was reluctant "to assume a social character" when there was so much construction to complete in St. John's before winter set in.[40]

The demands of reconstruction and aid for the homeless strained the church's financial resources when they were most needed, so Fleming aggressively sought help from European benefactors. In September at the height of the Irish famine, O'Connell sent a personal donation of £20 to relieve fire-sufferers, remarking that "no one has done so much to advance morality, religion, and education in any of our colonies as has done my reverend friend", but that for all this, Fleming now only received a salary from the British government of £50 per year.[41] The bishop also informed Rome of his progress and his enemies' vices. In November he wrote the cardinal prefect of Propaganda, condemning Browne's "unpriestlike behavior" and refuting his charges that Fleming was negligent in procuring things for churches, for the St. John's cathedral had cost "upwards of £21,000 to the present time".[42] Fleming also sent Rome a new *Relazione* written the previous summer outlining progress in the Newfoundland mission. The Total Abstinence Society had 20,000 members "most exact in their observance of the Pledge", and trusteeism, the blight on religion, had been routed.[43] "Humbled and spirit-broken" in a letter to the Society of Lyon, the bishop acquainted his patrons with the fire at St. John's, noting that the Presentation sisters had "barely escaped

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[40] NLI, Little Papers, file 152-169, document 164, Fleming to Law, 16 October 1846.

[41] *The Newfoundland Patriot*, 16 September 1846.

[42] AASJ, Fleming Papers, document 89, Fleming to Cardinal Prefect, 16 November 1846. A handwritten note by Fleming on the back of this letter indicates that it was written in December 1845 and sent to Rome through Cardinal Acton, who was to have it translated, but it did not reach its destination so Fleming re-sent it through Mullock in 1846.

[43] APF, SRNC, 1842-1848, Vol. 5, fols 778r-789v, Fleming to Fransoni, 26 November 1846. This letter does not mention the fire but noted that the Presentation nuns would accompany him "upon my departure from this [country?]", suggesting that the *Relazione* was drafted before he left Ireland during the summer of 1846, but brought back to St. John's, dated, and sent in November. Elsewhere in the same document Fleming claimed that 15,000 had taken the Pledge.

with their lives", and that while "£2,000 of sacred vessels and other valuables had been lost", he wrote, "I cannot bring myself to believe that we are forsaken."[44]

The fire also constrained the work of the sisters. The Mercy sisters had been compelled to share their convent with the Presentation sisters, to which were added the three new sisters, but when Sister Mary Joseph (Maria) Nugent died on 17 June 1847 after ministering to victims of malignant typhus in the St. John's hospital,[45] Sister Francis Creedon was temporarily left as the only Mercy sister in Newfoundland. Her fellow sisters in Ireland begged her to return to Dublin,[46] but her niece Agnes Nugent joined the order and was admitted as postulant on 8 December 1848.[47] In March 1847 Fleming's prayers were answered from a different quarter when the benefactress, Mary Ann Bulger of St. John's, died and left him £1,000, and the rights, title, interest, monies and rents from her Nagles Estate in Dublin to build the cathedral and support the Presentation convent. For her generosity Bulger became the first congregant to be interred in the unfinished cathedral.[48]

By the early winter of 1847, British rebuilding funds still had not materialized for Catholic losses in the fire. Fleming complained to Grey that half of the British funds designated for the rebuilding of St. John's, "about £14,000", was placed in the hands of Bishop Feild to rebuild his cathedral, while none was given to rebuild the Presentation convent or school which had been built at a cost of £5000, and that "the Government of

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[44] NLI, Little Papers, file 131-139, document 131, draft of Fleming to the Society of Lyon, December 1846.

[45] McCormack, "Educational Work of the Sisters of Mercy", p. 19.

[46] Penney, "Three Religious Congregations", p. 50.

[47] MIA, file on Mercy sisters in Newfoundland.

[48] Probate Office, the Courthouse, St. John's, Vol. 1, fol 506 (1847), last will and testament of Mary Ann Bulger, 19 February 1847. Bulger died 9 March 1847, in her 60th year, as noted on her monument-plaque on a pillar in the east aisle of the cathedral.

England have never expended a shilling in the Education of the people, rich or poor...."[49] Colonel Law sent Fleming's request to London but damned it with the faint recommendation that £500 be given to the bishop to rebuild the schoolhouse.[50] James Stephen immediately recognized the partisan light in which the British government was cast, and the awkwardness it would face if it declined Fleming's request, given the amount it had devoted to erecting a Church of England cathedral.[51] Grey was made of sterner stuff, and informed Law that it was "not in our power to acceed to Dr. Fleming's request."[52] Catholics and reformers in St. John's interpreted this as further proof that Britain privileged the established church and the governing party, and opposed what Fleming and the reformers had spent fifteen years working towards, which was not so much the disestablishment of the Church of England, but the equal establishment of Catholicism and other denominations.

In early 1847, the last throes of nativist sentiment combined with aftermath of the fire to feed a growing sense among even the established élite of Newfoundland that their colony was a country, and that its leading citizens deserved better treatment and consideration for public office than that given by the Colonial Office. The issue which galvanized this sentiment was the political appointment by Earl Grey of James Hooper Dawson as chief clerk and registrar of the supreme court of Newfoundland,[53] replacing Edward M. Archibald. The Newfoundland bar protested that this violated a promise by Lord Stanley that local barristers

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[49] CO 194/127, fols 101r-102r, Fleming to Earl Grey, 26 February 1847.

[50] CO 194/127, fols 99r-100v, Law to Earl Grey, 1 March 1847.

[51] CO 194/127, fol 100v, note by Stephen, 15 April 1847.

[52] CO 194/127, fols 103r-104v, Earl Grey to Law, 1 March 1847.

[53] CO 194/128, fol 123rv, J.H. Dawson to John Grey, Esq., 30 August 1847 indicates that the appointment involved personal political considerations.

would be chosen to fill vacant posts,[54] but Grey dismissed the complaint, responding that "I conceive it to be of neat advantage to the colonial society in the present state of its progress that occasionally gentlemen from the mother country should be added to it..."[55] When Dawson arrived in Newfoundland to discover that the assembly had reduced his salary from £500 to £300 per annum, he complained to Grey that he had already divested himself of the proprietorship of a newspaper in order to come to Newfoundland, and now he had to employ a clerk out of his reduced salary.[56] The Colonial Office noted that soon thereafter, Dawson obtained a three-month leave of absence to return to England in order to "procure another situation", but because this failed he returned to Newfoundland.[57]

No one protested the appointment of a new governor, Sir John Gaspard LeMarchant, a former army officer whose appointment may have been a patronage favour of Whig Prime Minister Lord John Russell to LeMarchant's brother Denis, whom Russell appointed undersecretary of the Board of Trade in 1847.[58] Newfoundland was LeMarchant's first posting in a British North American colony after army service, but he arrived unprepared to find a colony clamouring for responsible government. Frederick Jones argued that the St. John's fire marked the beginning of this lobbying but that without the fire Newfoundland might have remained "constitutionally retarded" long enough to be swept into the Canadian confederation.[59] This variant on McLintock's "retarded colonization" thesis overlooked the

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[54] CO 194/127, fol 5rv, Law to Earl Grey, 26 January 1847, enclosing fols 11r-14r, Memorial of Newfoundland Barristers to Earl Grey, undated.

[55] CO 194/127, fols 7r-8r, draft response of Earl Grey, undated.

[56] CO 194/128, fols 130r-131v, James Hooper Dawson to Earl Grey, 28 August 1847.

[57] CO 194/128, fols 135v-136r, notes of Benjamin Hawes, 7 September 1847.

[58] Peter B. Waite, "Sir John Gaspard LeMarchant, 1803-1874", *DCB* X, pp. 438-9.

[59] Jones, "Great Fire of 1846", *BCS*, Vol. VI, No. 2 / Vol. VI, No. 1 (Autumn 1983): 61-70.

facts that the Newfoundland Irish were less interested in a "union" with Canada in the 1860s than they were in inventing their own independence, and that since Irish and Catholic issues preoccupied most of what the British concerned themselves with in Newfoundland, if Newfoundland was in any way "constitutionally retarded" it was due to British dislike of the Irish in Newfoundland.

While Britain was busy extracting benefits for its political classes from its troublesome colony, devastation was being wrought in outport Newfoundland and in Ireland by the potato blight, and local personal charity and generosity to both attempted to meet the need. To the outports the BIS sent seed potatoes from the 76 barrels it had stored in the cellar of the OAS.[60] Philip Tocque noted in 1844 that one barrel of seed potatoes had the year before yielded forty-one barrels each containing two and a half bushels,[61] but even allowing for a generous estimate of 8,000 bushels possibly gained from the seventy-six barrels of seed potatoes, this would have been a pitifully inadequate yield. At a meeting on 7 February the society also decided to send £300 to Ireland for famine relief, and established a special committee to raise funds.[62] At another public meeting in St. John's chaired by B.G. Garrett, high sheriff, with secretary Patrick Morris, £700 was subscribed to relieve the famine in Ireland.[63] In total the BIS raised £800, and by late that spring, Grey had been given sums of £500 and £350, which he forwarded to the relief committee of the British Association in

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[60] BIS Minutes, 24 May 1846.

[61] Tocque, *Wandering Thoughts*, p. 325.

[62] *BIS Volume*, p. 88.

[63] CO 194/127, fols 124r-125, Garrett and Morris to Grey, 1 March 1847. Of this, £500 was sent immediately with a promise to send more once funds were received.

London.[64] The reformers' ability to raise money and respond to need was a mark of their maturity, and of the emerging cohesion of society in Newfoundland.

In 1845 Morris had told the BIS that its funds were "flourishing beyond precedent",[65] prompting the society's trustees (which included Morris, O'Brien, Kent, Kough, and Tobin) to loan £1,734 to the government to build a colonial house for the legislature.[66] But the economic straits in which Newfoundland found itself in 1847 strained the ability of the BIS to fund education and teachers at the OAS. Relief expenditures had so depleted the society's resources that it was compelled to consider whether the OAS was viable. The school's master, Kilkenny-born John Grace, had been in poor health, and in August of the previous year had been given an assistant teacher, John Roach,[67] but the committee believed he lacked proper class books, and wanted "a more systematic course" in "the general management of scholars".[68] On 7 March BIS president Laurence O'Brien convened a special meeting of the BIS executive as well as the priest Edward Condon of the OAS committee, and former BIS presidents Nugent and Kent. The meeting deputed O'Brien, Patrick Brazil, Nugent, Kent and Kough to seek Fleming's counsel on how best to improve "the system of education in the Society's schools, and thus rendering that Institution more useful."[69]

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[64] *BIS Volume*, p. 88; CO 194/127, fols 122r-123r, Grey to LeMarchant, 20 May 1847.

[65] BIS Minutes, 17 February 1845, report of BIS officers.

[66] *Ibid.*, enclosed debenture. At an interest of six per cent per annum, the loan made a tidy profit for the society. Only £5 had been budgeted for poor relief for the second quarter of 1845 (see BIS Minutes, 18 May 1845).

[67] BIS Minutes, 11 August 1846.

[68] BIS Minutes, 17 March 1847, Report of OAS committee.

[69] BIS Minutes, 7 March 1847; *BIS Volume*, p. 80.

The OAS had been recognized *de facto* as a Catholic school by the annual government grant of £150, but the society's financial crisis afforded Fleming a golden opportunity to request that the BIS make the school "now in reality and truth that which before now was only in appearance".[70] He suggested that he bring a community of religious brothers to Newfoundland and establish them at his own expense to become the teachers of the OAS,[71] in order that the quality of the education offered might attract more than the 150 students who had attended in the year before the fire.[72] Fleming had wanted to introduce the Irish Christian Brothers to Newfoundland since 1831, but none had been available, and at that time "there were not wanting those who wispered [sic] to members of your Society that my object in their introduction was to grasp at [the control of] their establishment."[73] The BIS accepted Fleming's proposal and unanimously approved extraordinary resolutions that the Society "by all means in their power... render their school truly efficient", and that

> ...in order to better accomplish this object and to secure to the poor of Newfoundland the blessing of a good religious moral and virtuous education, we accede to the proposition contained in the suggestion of the Right Rev. Dr. Fleming and upon all future occasions of vacancy in the office of teacher, we shall employ as teachers none but such religious brothers as shall meet the approval of the Catholic Bishop of Newfoundland for the time being.[74]

Kent's grandson later noted that with this evaporation of dissent within its ranks, the society abandoned "for ever, the fiction that it was non-denominational. This fiction had deceived

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[70] BIS Minutes, Fleming to the President and Gentlemen of the BIS, 9 March 1847.

[71] *Ibid.*

[72] *Ibid.*; BIS Minutes, 17 February 1846; *The Royal Gazette and Newfoundland Advertiser*, 24 February 1846, report of the OAS Committee.

[73] BIS Minutes, Fleming to the President and Gentlemen of the BIS, 9 March 1847.

[74] BIS Minutes, 14 March 1847.

no body except the Society itself."[75] The approval of Fleming's plan, Grace's death at the OAS in late May,[76] and the provision of severance packages for Grace's widow and the teacher Roach[77] removed the last remaining obstacles to the creation of a Catholic denominational education system for both male and female children in St. John's under the complete superintendence of the bishop. The church had reached the crest of a wave which gave it enormous influence in the creation of Newfoundland society, and this enabled it to cement Irish Catholics into charter group status within Newfoundland society.

The illness and demise of Daniel O'Connell in 1847 provided another opportunity for Fleming to press his congregation's unrequited claims for British fire relief. In late March Fleming learned of O'Connell's declining health, so he immediately wrote John O'Connell lamenting "the precarious state of the health of your beloved and illustrious Father" who "with a Spirit undismayed by accumulated difficulties, had led [Ireland's] children forth from bondage", and sought help to access British money for rebuilding after the fire.[78] In a flourish of rhetoric, Fleming complained that

> Her Majesty's benevolence induced Her to issue Her Letter to the people of England for the relief of the Sufferers and some £29,000 were raised upon its influence and of this sum, the Wealthy Protestants for the loss of their church not worth £200 have got £14,000 placed in the hands of their Bishop to repair this loss, the impoverished Catholics not one shilling for the loss of establishments raised for the Education of the poor and but only a few weeks before the dreadful calamity finished at a cost very little under £5,000 and this by a Government who for nearly a century absorbed all the Revenues of the Island and yet never founded or even supported a single school in the Island, while I humble as I am and but a poor individual dependant upon the

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[75] *BIS Volume*, p. 84.

[76] Crosbie, *Births, Deaths and Marriages 1825-1850*, p. 136.

[77] Grace's widow, who had lived at the OAS with her husband, was given a one-time pension of £30 (see BIS Minutes, 19 September 1847) and the summarily-fired Roach received a quarter year's salary as severance pay (see BIS Minutes, 21 November 1847).

[78] CO 194/128, fols 183r-184v, Fleming to O'Connell, 29 March 1847.

> Voluntary offerings of my poor congregation having during the few years of my Episcopacy sent into society upwards of Five Thousand poor children educated at my own expence.[79]

Fleming then noted that this was mentioned "not for vain glory" but to show "how far we are made the objects of Governmental exclusion", and that "in the dispensation of Governmental charity the Catholic paria[h] remains under his usual ban."[80]

Fleming would have been disappointed with the response of the younger O'Connell, who acted in a manner consistent with his father's handling of the bishop's earlier letters. O'Connell sent Fleming's letter to Earl Grey and enjoined him to be "intolerant of injustice".[81] Stephen could not believe Fleming's claim that the episcopal church was only worth £200, and thought it impossible that Bishop Feild "should have lent himself to such a misrepresentation." "No one can pretend to say that the subscribers gave the money to build a new and superb edifice they can only have given to relieve their fellow Christians in Newfoundland from a supposed loss," wrote Stephen, "And if it be really true that a Superb Cathedral w[oul]^{d} be a novelty there, I cannot but think it as a novelty undesirable."[82] Grey instructed LeMarchant to confirm the value of the lost episcopal church in St. John's, and instructed his officials to reply to O'Connell that monies had been earmarked "for rebuilding the Protestant Church only".[83] Meanwhile, Stephen stoked the fires of sectarian rancour by suggesting that Feild be given "every necessary opportunity for controverting or correcting

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[79] *Ibid.*

[80] *Ibid.*

[81] CO 194/128, fol 179r, O'Connell to Earl Grey, 30 April 1847.

[82] *Ibid.*, fol 184v, note by Stephen.

[83] *Ibid.*, fol 185rv, note by Earl Grey.

Bishop Fleming's statements."[84] Feild eagerly replied that Queen Victoria's patronage had been given to a London committee to elicit funds, and that the subscriptions for the church construction would have been larger had the fire not burnt out those who would have subscribed, the wealthy merchants.[85] Feild ignored "all imputation of unkind motives" on Fleming's part, but replied that the Catholic bishop had incorrectly reported the size and value of the Church of England church: it was a building capable of seating 800 people.[86] Fleming's letter was a barometer of the hurt feelings of the St. John's Catholic congregation, and part of a claim to the right to equal access for the Irish to royal favour, which may have been a claim staked by the land-grant myth: if Queen Victoria had endowed the Church of England cathedral through her influence, then the land grant to Fleming for the Catholic cathedral must also have been directly due to her benevolence, as had the supposed purse of money she had given him for its construction.

Ill and bed-ridden once more in early April, Fleming wrote Cardinal Fransoni of the ravages of the St. John's fire and of British colonial officials' connivance in deliberately under-representing Roman Catholics in the results of the 1845 census:

> When In 1833 I first established the Presentation Convent, the population of St. John's was about 15,000 of whom nearly 3,000 were Protestants but in 1845 by the census the number appeared increased to 23,000 with about 6,000 Protestants of every denomination, but tho' [the] number of Catholics appears in that return underrated in consequence of the absence of about 3,000 Catholics at the fishery when the census was taken so that now in reality the Catholics of this town now amount to about 20,000.[87]

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[84] *Ibid.*, fol 190r, note by Stephen.

[85] CO 194/127, fols 286r-187r, Field to Earl Grey, 25 June 1847.

[86] *Ibid.*

[87] APF, SRNC, 1842-1848, Vol. 5, fols 945r-946v, Fleming to Fransoni, 3 April 1847.

Fransoni was also told that the previous fall, the roof and towers of the cathedral had been completed "and with them too I saw the last of the funds of that building exhausted", and from the day the cornerstone was laid "up to the present time Heaven has enabled me to expend upon it not less than £22,000."[88] At a time when a barrel of pickled pork sufficient to feed a man for a year cost £4,[89] this was an enormous sum of money, exclusive of donations of material and labour, and it must have had a considerable impact on the economies of St. John's, Waterford, Dublin, and Galway.

Fleming was "still feeble from protracted illness" in late April when he and the priest Denis Mackin made what was to be his final visit to Ireland to seek Christian brothers to exert a moral-regulatory example and educate "the male poor" in Newfoundland.[90] From the early age of six, he wrote Fransoni, the boys of St. John's could earn from 1s.6p. to 21s. per day curing fish, which tended to "render them independent, to estrange them from the authority of their parents...."[91] No Christian brothers were available for Newfoundland, so Archbishop MacHale of Tuam released the Franciscan brother John Hanlon "from his obedience for a time" to go to Newfoundland, praising the brother to Fleming as "a young man of the most excellent character, well fitted to instruct youth and to mould their pliant hearts to virtue, in order that he may place himself under your jurisdiction."[92] The remainder of Fleming's Irish business was managed by Mullock, who had become guardian of the

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[88] *Ibid.*

[89] Bishop Fleming file of Dr. John Mannion.

[90] APF, SRNC, 1842-1848, Vol. 5, fols 945r-946v, Fleming to Fransoni, 3 April 1847; also see BIS Minutes, reply of Fleming to address of BIS on his departure, 26 April 1847, in which was noted his hope of establishing a community of Christian Brothers in St. John's.

[91] *Ibid.*

[92] *BIS Volume*, p. 86, MacHale to Fleming, Feast of Sts. Peter and Paul, 1847.

Franciscan convent of Adam and Eve's in Dublin. Together they sought more materials for the cathedral, and visited Clongowes and the seminary at Maynooth with Mackin and Fleming's nephew, "young Michael Kent from Newfoundland".[93]

Fleming had written to Earl Grey in February to press for a share of fire relief funds, but he had no reply, so in June he went to England and met Earl Grey once more.[94] Grey's mind was changed long enough to have parliament increase Fleming's annual allowance to £300 and to write LeMarchant to ensure that Fleming lived up to his part of the deal and would "reinforce religious peace now existing in Newfoundland."[95] But there was anything but peace in Newfoundland. Parsons and his *Patriot* crusaded for the fire funds, replete with O'Connell-style "Monster meetings" of fire-sufferers which capitalized on the discontent of reform supporters, and linked the giving of fire relief funds to privileged clergy of the established church and to the indifference of the executive towards Catholics, which could only be overcome by responsible government.[96] The Church of England priest Thomas Bridge reported to the Society for the Propagation of the Gospel that Newfoundland Catholics and Protestant Dissenters were uniting in "a crusade against the church."[97]

On his way to Europe Fleming had written Fransoni asking that Mullock, "who has been well and intimately known to me for the past seventeen years," be made his successor.[98]

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[93] AASJ, Howley Papers, Howley, "History 2", ch. 3, note 17.

[94] ACA, Fleming to Harvey, Halifax, 24 September 1847, noting the unanswered request; NLI, Little Papers, file 131-139, document 134, Fleming to Earl Grey, 1 June 1847.

[95] CO 195/21, p. 59, Earl Grey to LeMarchant, 16 July 1847.

[96] Jones, "The Great Fire of 1846", *BCS*, Vol. VI, No. 2 / Vol. VI, No. 1 (Autumn 1983): 66. Jones exonerated Feild and placed the blame "squarely upon the politicians in London" (*ibid.*, p. 65). Also see *The Newfoundland Patriot*, 10 August 1847.

[97] Jones, "The Great Fire of 1846", *BCS*, Vol. VI, No. 2 / Vol. VII, No. 1 (Autumn 1983): 67.

[98] AASJ, Howley Papers, Howley, "History 2", ch. 3.

In Liverpool Fleming gave Mullock this letter with another commending him to Propaganda and commissioned him to bring both to Rome in person.[99] Fleming left Liverpool on 19 July for Newfoundland via the Halifax steamer; Mackin waited with Mullock until 24 July, and then left for Newfoundland with four Irish Franciscan brothers. Mullock went to Rome via London, where he stopped briefly to commission polished pink granite columns for the St. John's cathedral altar from the famous Irish sculptor John Edward Carew.[100]

During the summer of 1847, contingencies in Europe and North America affected the popular and official worlds of Irish Catholicism in Newfoundland. In late June, the BIS received word that O'Connell had died on 15 May, and a high mass was offered at the Chapel.[101] Mourning was accompanied by black crepe, closed shops, and the suspension of business in St. John's.[102] The society resolved that at all its future entertainments, O'Connell's memory would be toasted after that of St. Patrick, and it had Vice-President Patrick Kough address a letter of sympathy to John O'Connell.[103] The elder O'Connell's death signalled the passage of an age for Newfoundland, and a departure of the reformers, Fleming, and

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[99] *Ibid.* Howley noted that the first letter was dated 14 June 1847, the day before Fleming arrived in Dublin, but thought it was written while Fleming was in Liverpool. The second letter was dated 17 July 1847 (see *ibid.*, ch. 3, note 18). Howley noted that Purcell, the cathedral builder, had heard Mullock's name mooted about as Fleming's successor as early as 1845 (see *ibid.*, ch.1).

[100] *Ibid.*; Mullock, *The Cathedral of St. John's, Newfoundland, with an Account of its Consecration* (Dublin: James Murphy, 1856), p. 2. John Edward Carew (c.1782-1868) of Tramore, Co. Waterford worked in the naturalistic style and apprenticed under Sir Richard Westmacott. Carew achieved fame as the sculptor of the bas-relief *The Death of Nelson* at the base of Nelson's Column, Trafalgar Square, London, and inscribed "England expects that every man will do his duty. J.E. Carew, Sculpt." Carew also executed *Dick Whittington Listening to the Bells of London* for the Crystal Palace Industrial Exhibition in 1851; *Henry Grattan* for St. Stephen's Hall, Westminster Palace, London; and renderings of *The Baptism of the Saviour* for St. James' Church, Brighton, and the St. John's cathedral. Carew supplied three statutes for St. John's, renderings of *St. Francis Xavier* and *The Immaculate Conception*, with several smaller groups of angels and a lamb, making his St. John's works the largest collection of his work outside Europe.

[101] BIS Minutes, 27 June 1847.

[102] Devine, *Notable Events*, p. 124.

[103] BIS Minutes, 27 June 1847.

Newfoundland Catholic politics from connections with Irish politics, a separation reinforced late that year with the appointment of More O'Ferrall as governor of Malta, which some ultramontane Irish clergy privately condemned as a sell-out and part of the British plan "to enslave our Church",[104] and which deprived Fleming of his best informant in the British government. On 27 May, Pope Pius IX issued a completely unexpected brief which reconstituted the vicariate of Newfoundland as a full diocese and bishopric, but which annexed it to the archdiocese of Québec, making Fleming a suffragan bishop to Archbishop Joseph Signay.[105] In 1843 Fleming had heard rumours that British North American dioceses would be united under an archbishop in Montreal, but his first intimation of the union came in late November 1847 from Signay who sent him the rescript signed by Lambruschini.[106] It would have given him cold comfort to realize that the information about Newfoundland he sent Signay for his almanac undoubtedly helped the case for annexation.[107] The Roman curia knew little of the linguistic, cultural, social, political, and geographic distances separating Newfoundland and Québec. This ignorance was consonant with the naiveté of Italian curial officials in Rome dealing with British diplomats, and the Roman officials did not realize the extent to which Newfoundland's attachment to Québec would be interpreted by Fleming as an act of union, an affront to his independent, anti-unionist sensibilities.

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[104] Archives of the Pontifical Irish College, Rome, Archbishop Tobias Kirby Papers, letter 589, P. Cooper to Kirby, 11 November 1847. I thank David Sheehy of the Dublin Diocesan Archives for providing a copy of this letter.

[105] APF, LDB, 1845-1847, A-G, fols 600v-601r, decree of Pope Pius IX, 27 May 1847.

[106] Lahey, "Fleming", *DCB* VII, p. 298; AASJ, Howley Papers, Howley, "History 2", ch. 3, note 21, reproducing in full a draft of Fleming's letter to Lambruschini, 19 November 1847, from the Archives of St. Isidore's, Rome, in which Fleming identified the circumstances of the receipt. The letter would have been translated into Italian at St. Isidore's.

[107] Ironically, Signay had been made archbishop against his own will in 1844 (see Sonia Chassé, "Joseph Signay, 1778-1850", *DCB* VII, pp. 798-800).

No time was lost in vigorously opposing the union. In a letter to Lambruschini sent through Signay, Fleming expressed astonishment that "passing over the hierarchy of New Brunswick, of Prince Edward Island and the two new Dioceses of Nova Scotia, all in the vicinity of Labrador, the remote Island of Newfoundland had been selected, separated from it [Québec] by a thousand miles of ocean...."[108] This arrangement could "only have resulted from misinformation," he argued, and had occurred because the coast of Labrador which been the responsibility of the archbishop of Québec, had been annexed to the vicariate of Newfoundland in 1820, and because Scallan had insufficient missionaries to send to the people of Labrador without "deprivation to the great population of this Country."[109] Now to oblige any bishop of Newfoundland to visit his archbishop in Québec would require passing by sea "through the wild gulf of St. Lawrence, and then passing between that frame of thousands of [wrecked] vessels, the Magdalen Islands, and the no less terrible Island of Anticosti into and up the River of St. Lawrence", a distance "upwards of a thousand miles", while to go to Québec via Halifax and Boston would entail sailing the ocean between St. John's and Halifax, "the most boisterous ocean in the world."[110] If war were to break out between England and France, the interchange with the archbishop could be interrupted, and there was no extant commercial trade between Newfoundland and Québec to make voyages inexpensive. Fleming claimed that "so is my constitution weakened and my health broken... that I fear I cannot hope at any time to meet that prelate."[111] In writing to Signay, Fleming

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[108] AASJ, Howley Papers, Howley, "History 2", ch. 3, note 21, Fleming to Lambruschini, 19 November 1847.

[109] *Ibid.*; Howley, *History*, p. 253.

[110] AASJ, Howley Papers, Howley, "History 2", ch. 3, note 21, Fleming to Lambruschini, 19 November 1847.

[111] *Ibid.*

observed that "to me personally it is a matter of no importance whatever," but noted that horrors awaited those who dared make the voyage: the "dreary shores of Cape Gaspé... are regarded by our most experienced mariners as pregnant with perils", and "The wrecks of hundreds of European and Canadian Traders, that strew the southern part of our Island and the bones of thousands that blanch upon its shores testify to the dangers that must be surmounted before that Gulf or Great river can be reached."[112]

Many of Fleming's objections were spurious but eagerly offered in the defence of his own hard-won position, and they made a point. A substantial Irish Catholic culture had been already re-invented in Newfoundland, and on the verge of achieving independence it did not need to become subservient to the archdiocese of Québec or the whims of the Roman curia.[113] If Irish Newfoundland looked anywhere for example by which to pattern, it was across the Atlantic to Ireland, and not to North America. Signay had never visited Newfoundland, and Fleming never visited Québec. By the time Rome united Newfoundland with Québec in 1847, the Irish Catholic *méntalité* and political and cultural consciousness which had taken root in Newfoundland during Fleming's age had come to form the backbone and mainstay of Newfoundland's separate identity and independence from North America and Canada. During his own lifetime Fleming never saw the "repeal" of the union with Québec,[114] but his opposition to it was one of the first iterations of Newfoundland independence from colonial status, and one of the first assertions of Newfoundland

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[112] APF, SRNC, 1842-1848, Vol. 5, fols 1068r-1070v, Fleming to Signay, n.d. encl. in Signay to Lambruschini, 10 January 1848.

[113] In 1848 Fleming again refused to send Newfoundland students for the priesthood to Bishop Walsh's St. Mary's College in Halifax. See APF, SRNC, 1842-1848, Vol. 5, fols 957r-964, Italian letter on Newfoundland and the establishment of a missionary college, n.d, and Lahey, "Fleming", *DCB* VII, p. 298.

[114] Rome issued a rescript cancelling the annexation on 8 October 1850, three months after Fleming's death (see AASJ, Howley Papers, Howley, "History 2", ch. 4).

independence from Canada. Fleming's opposition was instrumental in securing the repeal of the ecclesiastical union, and it set a precedent by which Newfoundland Catholics avoided union with Canada.

Irish nationalism and a self-interested solicitousness for the possibilities of life in Newfoundland engaged the reformers, but it did not engage LeMarchant, who found fault with St. John's for not adopting English cultural models for constructing and organizing a British social order. In his 1847 yearly review to Earl Grey, the governor reported that despite new building regulations,

> ...the town is being built with no regard I may say to any regularity whatever, neither parallel lines or right angles to streets are in any way regarded considered or observed.
>
> The houses are densely crowded together made of wood, and run up merely for temporary purposes....[115]

This supposedly haphazard order of construction of St. John's also had moral and imperialistic implications. As if the squalor of Dickensian London had no inspiration in actuality, and in condemnation of the very society of which he was the defender, LeMarchant wrote that "The two extremities of the town comprising the chief population represent in all its deformity and squalid dirt the very worst description of an Irish town." "Not one house in twenty" had "the ordinary and necessary means of cleanliness, and from the absence of sewerage all the filth of the houses is thrown from necessity into the surface drains where they exist...." wrote LeMarchant, "There is no other city in the Empire in which is displayed a more total disregard to all those advantages generally considered essential both to the health and morals of a population."[116] Irishness and a lack of sanitation was related to its consequent "moral" ill-health. Lest the Colonial Office blame LeMarchant and his associates

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[115] CO 194/127, fols 188r-204r, LeMarchant to Grey, 10 May 1847.

[116] *Ibid.*

for lack of leadership, he reported that the poor of the town did not exceed 500. While the previous year's fishery was a "most disastrous failure" and there had been "a partial blight in the potatoe crop" with merchants unable to furnish supplies because of the fire, the demand for labour in St. John's was "at high and highly remunerative rates", and in walking through St. John's "at all hours" LeMarchant had seen not one beggar. Unlike the merchant-bashing reformers whose promotion of agriculture had as much to do with the Irish desire to own property as it did with their cultural belief that the ownership and cultivation of land was a path to personal wealth, self-determination, and home rule, LeMarchant thought it was "much to be regretted that the promotion of agriculture has been not only neglected, but for so many years discouraged in this Island" by "the higher classes of this community" who for many years were the "chief opponents" to granting land to the lower classes of St. John's, who like their kin in Ireland, wanted land next to their cottages upon which to grow potatoes.[117] Had the Irish of whom LeMarchant wrote ever gotten to read his report, they would have had justification for the view that Newfoundland deserved not colonial rule but responsible government. LeMarchant's despatch did not elicit any great comment from the Colonial Office, save for Robert Hay's notation that the document was valuable, and "highly honourable" to its author.[118]

More than honour was needed for outport Newfoundland in mid-October when the residents of Carbonear faced a total failure of the potato crop, and petitioned the queen for aid.[119] LeMarchant informed Grey that 800 barrels of "indian meal" cornmeal had been

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[117] *Ibid.*

[118] CO 194/127, fol 199v, note by Hay, 2 June 1847.

[119] CO 194/127, fols 512r-532v, LeMarchant to Grey, 18 October 1847.

ordered from the United States to stave off hunger,[120] and Grey sent the sum of £20,000 in assistance "to defray the expenses of the civil government of the colony" and to "meet the severe privations of the Labouring classes" as a result of the failure of the potato crop.[121] In December LeMarchant reported that the hitherto indigent outport inhabitants had been employed by the government, building roads "thereby opening fresh tracts of Country for the promotion of agriculture,"[122] and he expressed optimism that with the return of the next season's fisheries, the residents "must ...with far greater prudence and frugality than heretofore exercised, look for the support of themselves and [their] households."[123] In the governor's mind, God would help those who helped themselves.

The church's educational ministrations in the closing years of Fleming's episcopacy were performed with zeal, but ultimately they were inadequate to the demand. In early September 1847 the four Irish Franciscan monks and Fleming arrived back in Newfoundland. The monks were temporarily accommodated in a "house on the Barrens", and later in a house which became St. Michael's Monastery, on the "Belvedere" estate previously owned by the Emerson family.[124] When winter set in, the house was discovered to lie too far from the Chapel and the OAS for convenience, so the BIS permitted the brothers to occupy the apartment in the OAS formerly occupied by John Grace and his wife,[125] and over the six next months the society spent £570 renovating the OAS to accommodate the brothers and a "vast

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[120] *Ibid.*

[121] CO 194/127, fols 537r-540v, Grey to LeMarchant, 3 December 1847.

[122] CO 194/127, fols 611r-618v, LeMarchant to Grey, 13 December 1847.

[123] *Ibid.*

[124] BIS Minutes, 12 December 1847; Bishop Fleming file of Dr. John Mannion.

[125] BIS Minutes, 12 December 1847.

increase of pupils".[126] By February 1848, OAS committee chairman Patrick Brazil reported that the brothers had a salutary effect on the students' education and their morals:

> The improved demeanour—the willing obedience to superiors, the excellent order pervading the school, which numbers over six hundred and thirty children and adults, and the progress made by them in morality and learning are the best practical profits of the efficiency of these gentlemen and considering together with their self-denying habits, piety, zeal, and learning, form the surest guarantee of the future prosperity of the new system. There are fifty-two adults studying Algebra, Euclid, Navigation, Mensuration, and surveying. One hundred and twenty being taught grammar and geography, and the remainder reading, writing, arithmetic, &c.&c.&c. and all of them the first principles of Christian morality.[127]

Even more significantly, reported Brazil, "No fee is demanded from any scholar, the education of all, rich and poor, is free."[128] Free education, like many of the educational measures proposed by Fleming and supported by reformers, was more a case of filling a demand than elbowing-in upon any established service already provided, and the numbers of students attending the OAS testified to the eagerness with which Catholics sought education for their children. The work of the brothers so pleased BIS members that they supported Nugent's resolution to forego the annual St. Patrick's Festival and its attendant toasting at the OAS in 1848 out of respect for the brothers' residence there.[129] Unfortunately for the BIS and for Fleming's plans, the brothers returned to Ireland in 1851. Records are few with which to document their work, and silent on the reasons for their return to Ireland.

Upon his return to Newfoundland, Fleming used every means to support his claim for fire rebuilding funds. He wrote Sir John Harvey in Halifax, noting that in fourteen years of education by the Presentation sisters "not fewer than 7,000 young women had been sent

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[126] BIS Minutes, 17 February 1848, Report of the OAS Committee. The exact sum was £570.14s.1d.

[127] *Ibid.*

[128] *Ibid.*

[129] BIS Minutes, 17 February 1848.

abroad educated by them", but that the government of England had "never expended one shilling on the education of the people rich or poor" in Newfoundland.[130] Then revealing his concern for the effect the fire had on financial support for the clergy, he observed that

> True it is that generally speaking the humble class of sufferers have really little to complain of while a majority have had their condition improved by the liberal relief they received and the high rate of wages that resulted from the fire, but the middle classes may be considered to have been the heaviest losers, as their all was generally embodied in their stock, which was swept away, and amongst this class, I might say the main hopes of the clergy, even for their bare maintenance were centered.[131]

Harvey declined to become involved but assured Fleming that he would write favourably of him to Earl Grey.[132] In the late fall, Fleming heard a rumour that a despatch concerning him from Grey had arrived at Government House. He sought confirmation of this from Crowdy, who replied that the house of commons had the previous summer granted the bishop an annual pension of £300, but that "Sir Gaspard thinking you would hear the substance of it in England, put it by."[133] Fleming felt that LeMarchant was guilty of withholding mail and not informing him of the grant.[134] Soon afterward the governor sought out the bishop and offered him £1,000 to rebuild the Presentation convent and school, in addition to £500 voted by the assembly for the same purpose.[135] Fleming refused, and LeMarchant wrote Grey that Fleming thought "the amount was insufficient to be of any real use for the object he had in

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[130] ACA, Fleming to Harvey, 24 September 1847; copied in CO 194/129, fols 279r-280v.

[131] *Ibid.*

[132] ACA, Harvey to Fleming, 6 October 1847.

[133] ACA, Fleming to Crowdy, 29 November 1847; copied in CO 194/129, fol 285r. Crowdy to Fleming 30 November 1847 (no. 6), enclosing Earl Grey to LeMarchant, 16 July 1847.

[134] CO 194/129, fols 274r-278v, Fleming to Earl Grey, 6 November 1848.

[135] CO 194/129, fols 6r-10v, LeMarchant to Earl Grey, 24 January 1848.

view; and that nothing under £2,000 would be of any avail."[136] In December Fleming requested the £1,500, but LeMarchant now refused the grant altogether, noting that "during the interval" the distress in outport Newfoundland left no alternative but to "husband with the strictest care and economy all my available resources".[137] Fleming wrote Colonel Robert Law to seek his confirmation of the loss of the convent and school and to secure his endorsement for funds, and to help counter the prejudices which "some secret informant" had "infused" into Earl Grey's mind against Fleming and the grant, but Law replied in a curt letter which mirrored Fleming's previous refusal to dine with him, that he wished to "rigidly abstain" from the civil affairs of the colony.[138]

LeMarchant carefully skated around the fire funds issue, for he had been burned in effigy in St. John's in 1847 by reformers seeking responsible government[139] and was sensitive about his popularity. He informed Grey that the "Roman Catholic party in Newfoundland" had boasted that "the several concessions of late made" to their party "are ascribed by that party to have been extorted from Her Majesty's Government through fear of their power."[140] Proposing a scenario familiar to colonial servants of the British empire, that of a religious group divided against itself, LeMarchant then warned Grey of the possibility that outport Roman Catholics might be upset that such monies, if granted to rebuild a convent and school in St. John's, would not have been given to them for relief.[141] The governor made no

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[136] *Ibid.*

[137] CO 194/129, fol 7rv, LeMarchant to Earl Grey, 24 January 1848.

[138] CO 194/129, fols 282r-283r, Fleming to Law, 5 February 1848; fol 284r, Law to Fleming, 10 February 1848.

[139] Prowse, *History*, pp. 462-3.

[140] CO 194/129, fols 6r-10v, LeMarchant to Grey, 24 January 1848.

[141] *Ibid.*

suggestion that outport Roman Catholics might have complained that half the relief from Britain had been appropriated to the construction of a Church of England cathedral in St. John's, or that outport Catholics had very much helped to build their own cathedral in St. John's, or that £14,000—two-thirds of the amount Fleming spent on the cathedral—secured for episcopalians a building which, by its completion in 1850, could have been tucked into the transept of Fleming's cathedral. Against the building costs of the Church of England cathedral, Fleming gave excellent value for his congregation's and Rome's money. Most likely because there was overwhelming Catholic support for the project, and because there were jobs were at stake, there were no suggestions by any Catholics that the construction of their cathedral should be abandoned in order to fund relief.

Like the repeal of the union of the Newfoundland and Québec churches, Rome's approval of Mullock as Fleming's successor was delayed. Soon after Mullock arrived in Rome he was of mixed feelings to learn from Fransoni on 7 October that "Now [that] the vacation [of Roman officials] was commenced nothing could be done for a couple of months!" and that he was also obliged to become a vacationer.[142] When Propaganda finally deliberated in late November, it had misgivings that Mullock's nomination had not come from the new archiepiscopal see of Québec, and more misgivings about keeping the Newfoundland episcopacy as the preserve of the Franciscans.[143] Mullock was nominated on 22 November as coadjutor with right of succession, and Pius IX approved the appointment on 7 December.[144] Mullock was a safe choice for Newfoundland, for as an Irishman and a Franciscan, he suited Fleming's initial requirement of being *transo attachi*, although his

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[142] AASJ, Howley Papers, Howley, "History 2", ch. 3.

[143] Lahey, "Fleming", *DCB* VII, p. 299.

[144] AASJ, Howley Papers, Howley, "History 2", ch. 3. APF, SRNC, 1842-1848, Vol. 5, fols 1095r, 1096r, 1097v, 1098v, Propaganda to Fleming, 4 November 1847, approved Mullock as coadjutor.

father, brother, and sister eventually came to St. John's. In Rome's eyes he was a multilingual scholar and ultramontanist, achieving considerable merit as a translator with the publication in 1846 of the two-volume *History of Heresies and their Refutation, or, The Triumph of the Church by St. Alphonsus Ligouri*, a work embraced by ultramontanists, and in 1847 a translation of Francis Ward's *A Short History of the Irish Franciscan Province*.[145] On 27 December, the feast of St. John the Apostle and Mullock's own name-day, he was consecrated by Fransoni at St. Isidore's in Rome, accompanied by a detachment of the Swiss Guards.[146] While Mullock had been told that Newfoundland would become a full bishopric, Fransoni did not tell Mullock of its new suffraganship to Québec,[147] perhaps wishing to stave off a protest. Mullock learned of the annexation by mail from Fleming, and on 4 January 1848 the new bishop delivered to Propaganda two excellent maps which he had drawn himself, illustrating Newfoundland's distance from Québec, accompanied by an Italian translation of Fleming's letter to Propaganda.[148] Mullock's brief carried some weight, and by 1851, when he learned that the diocese of St. John's was to be separated from the province of Québec, his protests against a proposed union with the archdiocese of Halifax, and his proposals of Newfoundland independence were successful in having the union with Québec overturned.[149] The independence of Newfoundland Irish Catholicism was preserved.

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[145] Photo and note, *Centenary of the Basilica*, p. 246.

[146] AASJ, Howley Papers, Howley, "History 2", ch. 3.

[147] *Ibid.*, ch. 4.

[148] APF, SRNC, 1842-1848, Vol. 5, fols 1073r-1074r, 1075v, Mullock to Propaganda, "4 Geno 1848", and fol 1079r, second map.

[149] AASJ, Howley, "History 2", notes pp. 31-3, Mullock to Propaganda, 29 October 1851 and Fransoni to Mullock, 10 May 1852 establishing a "special ecclesiastical province around the Bishopric of St. John's."

The circumstances of Mullock's arrival in Newfoundland indicate that he had been well-briefed by Fleming on the submerged frictions within the new diocese and its congregation, and did not wish to become allied with either reformers or Liberal Catholics. A crowd of thousands were on hand at Brooking's wharf at eight in the morning on 6 May 1848 to greet the new bishop, but Mullock had disembarked earlier from his steamer into a smaller boat in the company of the new chief justice of Newfoundland, Francis Brady,[150] and landed a quarter of a mile away at the Baine-Johnston wharf. He was met by Fleming's friend Walter Grieve and made a quiet entry into the town on foot.[151] In anticipation of Mullock's arrival, the BIS had met to consider Patrick Kough's resolution that an address be presented at the wharf when Mullock arrived, but Edward Morris and John Kent opposed the resolution, and when Morris pointed out that such an address would be a veiled insult to Fleming, it was decided that the BIS would walk to greet the bishop.[152] The BIS never had an opportunity to do this, and the next day when members proposed to address him, Mullock declined on the grounds that "such demonstrations" would be "unprecedented under the circumstances."[153] He wrote in his private diary that he did not wish to be "compromised by addresses etc."[154] Thereafter, Mullock gained the favour of both Fleming's friends and foes.

Newfoundland independence may very much have been on the minds of bishops and reformers, but it came to matter little to the Irish working classes of St. John's. During the

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[150] Brady succeeded Thomas Norton and was also a Roman Catholic; Mullock later disagreed with his legal judgments (see Ettie L.G. Murray, "Sir Francis Brady, ?-1872", *ENL 1*, p. 240).

[151] AASJ, Howley Papers, Howley, "History 2", ch. 1.

[152] BIS Minutes, 16 April 1848.

[153] BIS Minutes, Mullock to George Hogsett, Secretary of the BIS, 6 May 1848; AASJ, Howley Papers, Howley, "History 2", ch.1.

[154] *Ibid.*

late 1840s, the demographic composition of St. John's began to change. While the cathedral and other buildings were under construction there had been a market for skilled tradespeople and semi-skilled labour. When cathedral construction and St. John's rebuilding projects wound down after 1846, a large labour force was gradually set loose, and thus began the first concentrated Irish emigration from Newfoundland to Boston. Numbers were swollen by the St. John's fire, by the poor fishery which continued into a seven-year decline, by a momentary hiatus in the seal hunt, and by recurring failures of potato crops. Edward-Vincent Chafe used passenger lists of vessels travelling from Newfoundland to Boston to show that between 1840 and 1860, peaking in the interval between 1846 and 1854, a total of 4,385 passengers left Newfoundland, of whom 92 percent were from St. John's.[155] Of those who left in the peak interval, 75 percent or 2,313 had been born in Newfoundland; 79.2 percent were under the age of 34 and 92.1 percent were under the age of 44; and 79 percent or around 3,464 of the total number of emigrants were Roman Catholics.[156] Eighty-nine percent of all Newfoundland emigrants arriving in Boston were coopers, bookkeepers, carpenters, printers, mariners, artisans, shopkeepers, skilled tradesmen, and others with "high levels of occupational skills", with only 11% as unskilled labourers, contrasting with the Irish arriving at the same time in Boston from Ireland, 48% of which were unskilled labourers.[157] Of critical importance, Chafe found that American historians had not previously differentiated between first-generation Irish immigrants arriving in Boston from Ireland, and second and third-generation Irish from Newfoundland who arrived at the same time. Where permanent

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[155] Chafe, "Uncle Sam's Farm", p. 22.

[156] *Ibid.*, pp. 27, 36, and 78. The last percentage was derived from the Newfoundland Censuses of 1850 and 1860.

[157] *Ibid.*, pp. 66-7. Chafe's Newfoundland statistics came from his own research, while he drew the Irish percentage from Handlin, *Boston's Immigrants*, p. 251.

migration occurred, it was overwhelmingly by family or kin units. Cadigan found destitution in Newfoundland outports during this period, but many of the St. John's Irish were not destitute despite the fire. They availed themselves of educational opportunities, had gained skills, and as Fleming observed were disposed to exercise the option to emigrate[158] once the narrowing of employment opportunities, decreased resources for exploitation, and increased industrialization forced this choice upon them.[159] The 1846-1860 Irish migration from St. John's followed an established cultural pattern, similar to the Waterford to St. John's migration of the period 1816-1830: other migrations of the Irish from Newfoundland had taken place in the 1790s and the 1820s, but they were not as concentrated from one specific homeland to such a specific target area.

While Fleming's dream of creating educated, skilled Catholics had succeeded, Chafe's study suggests that his agenda of creating an indigenous Catholic middle class through the work of the Franciscan brothers and the Mercy sisters was only a limited success in his lifetime. The education given students at the Orphan Asylum and at the Mercy and Presentation schools—the three principal schools attended by Catholics in St. John's—and in various trades around St. John's had created a group with skills greater than the opportunities available to use them, a group with expectations greater than the social mobility open to it. For the period 1836 to 1857, David Alexander estimated that the general Newfoundland literacy rate rose from 35 percent to 57 percent.[160] Irish Catholics in the civil service or in politics were few, and all the original Irish reformers had already become

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[158] As children of immigrants, the Irish would have known of their parents' move to Newfoundland, and may have seen their own move as a logical means of securing upward social mobility.

[159] A good example of the texture of this migration may be found in Ellen Glavin, "The Newfoundland Ancestry of Maurice and Charles Prendergast", *NS*, Vol 10, No. 1 (Spring 1994): 82-103.

[160] Alexander, "Literacy and Economic Development", *Atlantic Canada and Confederation*, p. 122.

accultured to the blandishments of the British colonial system of government of Newfoundland, providing few role models or visible paths to a uniquely Irish upper class for those who would follow. No comparable Catholic or Protestant migration from Newfoundland outports to sites on continental North America took place at this time. Perhaps as reformers had protested, some St. John's Catholics were prevented from entering the professional classes by an exclusive clique, which monopolized their own social stratum and jealously guarded their offices as the preserve of their own co-religionists. The church and BIS-provided education had been at a level of sophistication unmatched by other denominations or institutions open to Irish Catholics in Newfoundland at the time. Irish-Catholic emigration from Newfoundland became a recurring social phenomenon of the nineteenth and twentieth centuries, but for those who stayed, the seeds of their own culture had been firmly planted and taken root.

Until the end of his life and episcopacy, Fleming suffered much ill health and spent "two years of prostration" physically incapacitated, but when he could, he engaged in various correspondences regarding the cathedral, and continued his attempts to obtain fire rebuilding funds from the British government. In January and April 1848, he had Bishop William Dollard of Fredericton, New Brunswick inquire about the cost of lumber for the cathedral's interior scaffolding.[161] In August he decided against building cloisters in the cathedral for the Franciscan brothers and Presentation sisters and cancelled an order for a cloister screen.[162] In September, the bishop briefly visited New York with the priest Charles Dalton, and

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[161] AASJ, Howley Papers, Howley, "History 2", ch. 5; NLI, Little Papers, file 131-139, document 136, Fleming to Dollard, 3 April 1848.

[162] NLI, Little papers, file 131-139, document 137, Fleming to Messrs. Grissell, London, 13 August 1848. W.J. Ryan to the author, 23 October 1991, noted that it had been Fleming's intention to use the cathedral ambulatories as cloisters for Presentation sisters and Franciscan brothers.

invited Archbishop John Hughes to visit and preach at the consecration of the cathedral.[163] Shortly after Mullock had arrived, Fleming brought him to Government House to be introduced to LeMarchant, and on the occasion of a second visit, LeMarchant reported to Grey that Fleming brought Mullock for the purpose of "the renewal of his application for £1500 towards the restoration of the Roman Catholic Convent and School in St. John's," and to "shew that there was a misunderstanding between us on the subject."[164] LeMarchant had no intention of releasing the funds, and remained wary of giving the Irish one inch. He expressed concern to Grey that Kent, the leader of a group pressing for responsible government, hoped to "withdraw all influence in the direction of the local affairs of the colony from the hands of the Protestant portion of the land, and place themselves, the Roman Catholics, in full possession of every place of emolument and trust throughout the entire of the colony."[165] To Grey on 6 November 1848, Fleming reported several unsatisfactory meetings with LeMarchant at Government House over the discrepancy between LeMarchant's promise of funds and their delivery. LeMarchant had told him that "he had not met that friendship" from Fleming "which he had expected".[166] LeMarchant had hidden from him Grey's despatch awarding him the salary of £300, and when Fleming demanded from LeMarchant whether he had ever uttered "a syllable calculated to injure your Excellency's finest feeling", LeMarchant jumped from his chair "and placing himself in a position as if to defend himself from a pugilistic attack, He cried out in a loud voice & with the utmost

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[163] AASJ, Howley Papers, Howley, "History 2", ch. 5.

[164] CO 194/129, fols 185r-189v, LeMarchant to Grey, 22 May 1848.

[165] *Ibid.*

[166] CO 194/129, fols 274r-278v, Fleming to Grey, 6 November 1848.

rapidity I would not allow you Sir! I would not allow you—I am able to defend myself!"[167] Later in the same interview the governor completely lost his temper, clenched his fists and rushed towards Fleming, threatening "I am ready for you!", in reply to which "paroxysm" Fleming "bowed and retired."[168] The money LeMarchant had promised never materialized, and the rebuilding of the convent was left to Mullock's efforts.

The constitution of 1832 was returned to Newfoundland with the election of 1848. Reformers used it as a platform for agitation for responsible government, and Mullock became the dominant actor in the church. From 1848 onwards, he and P.F. Little led the reform group, now widely known as the Liberal party.[169] In the election of 1848, nine Liberals were returned, including Kent, O'Brien, Parsons, Delaney, and Ambrose Shea, while six conservatives were returned. In 1849 Kent was appointed collector of customs,[170] becoming the last of the "class of '32" to accept a major patronage appointment. By December 1848, Fleming had resigned the chairmanship of the St. John's board of education to Mullock,[171] and was reduced to complaining to Fred Lucas that the *Tablet* arrived a week out of date.[172] Illness closed in on Fleming and he engaged in little correspondence or activities throughout the whole of 1849, save to acquire grounds for a new Catholic cemetery

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[167] *Ibid.*

[168] *Ibid.*

[169] Prowse, *History*, p. 464.

[170] Tocque, *Newfoundland... in 1877*, p. 46.

[171] NLI, Little Papers, file 131-139, document 138, Fleming to Crowdy, 14 December 1848.

[172] NLI, Little Papers, file 131-139, document 139, Fleming to Lucas, 21 December 1848.

at Quidi Vidi Lake in July after the assembly had passed a bill outlawing the use of cemeteries within "the most densely populated localities within the town."[173]

During the decade it took to acquire the lands and build the cathedral, Fleming had become increasingly obsessed with seeing the project through to the end. So adamant was he that he himself should celebrate the first mass within its walls and partake in the conclusion of the project, Howley noted, that he had often remarked that "if St. Peter himself were to come down from Heaven he would not let him take the honour from him!"[174] On a blustery Old Christmas Day, Sunday 6 January 1850, Fleming was brought to the cathedral against the advice of his friends and physician to celebrate the first mass in the new cathedral. In fulfilment of the rubric he fasted overnight, as did the priest Edward Condon in the event the bishop would be too weak, but Fleming would not be denied his wish. He waited in the cold dusty gloom of the unfinished building for an hour while priests assembled at Mercy convent and a parade of the Catholic Total Abstinence Society, attended by "Fishermen, Mechanics, Shopkeepers, Youths, &c with the usual flags and banners"[175] wended its way to the cathedral. He then said the first mass. The priest Richard Howley, an older brother of Howley's, described the setting:

> Our chime on that great occasion consisted of an old piano and a few other antiquated instruments. Among these hoarsely resounded the loud timbrel (the ophicleide) of "Brown the Painter," the bandmaster of that day. There are some yet living who will remember the bold performer and his brazen torment.[176]

Edward Morris also wrote that he

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[173] *JHA*, 27 March 1849, speech of Thomas Bulley Job; Proclamation of LeMarchant, 15 July 1849. I thank Edward-Vincent Chafe for this information.

[174] AASJ, Howley Papers, Howley, "History 2", ch. 5.

[175] AASJ, Howley Papers, Howley, "History 2", note 24.

[176] Richard Howley, "A History of the Cathedral Chimes", *Centenary of the Basilica*, p. 163. An ophicleide is a predecessor of the tuba.

> ...could not but be moved by the change which a little time had effected, when upon entering the massive structure, and straying along its extending aisles, he perceived at the foot of a temporary Altar, erected for the occasion, an attenuated and feeble figure, clothed in the habit of the Franciscan Order.[177]

Fleming failed twice and had to have a seat placed at the altar to regain his strength, but at the end of mass he rallied and preached for two hours.[178] Exhausted with duty at last performed, he retired to the bishop's residence for the passage of the winter.

It is ironic that the last sortie of Fleming's life was not with a governor, nor with the Colonial Office, but with his best friend John Nugent, and like his first battle: over the control of education at the OAS. His episcopacy had come full circle. Now an austere creature of prerogative, and labouring under misinformation, Fleming resigned as vice-patron of the BIS on 18 February because during the previous fall the society had rented the OAS to "...a person named Mooney, a very doubtful character, to desecrate your Asylum, a place devoted to religion, and scandalize the faithful with his indecent songs."[179] In October 1849 Nugent was president of the BIS and had rented the hall to Mooney in which to give lectures in Irish history, but when Fleming ordered the monks to close the OAS to Mooney, Nugent prompted the society to assert its right to rent the OAS rooms to whoever it saw fit.[180] A vote by ballot was taken, and Nugent lost, so he resigned the presidency and remained on the outs with Fleming until February 1850 when he apologized to Fleming.[181] The departure of Brother Bernardine from the OAS in the fall of 1849 for Ireland left a shortage of teachers.[182]

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[177] *The Courier*, 9 January 1850.

[178] AASJ, Howley Papers, Howley, "History 2", ch. 5.

[179] BIS Minutes, 1844-1859, 18 February 1850, encl. Fleming to Kough, Vice-Chair, 18 February 1850.

[180] BIS Minutes, 1844-1859, 10 October 1849, pp. 148-9.

[181] *Ibid.*; BIS Minutes, 27 February 1850, encl. Nugent to Fleming, n.d.

[182] BIS Minutes, 18 November 1849, pp. 149-150, Brother Bernardine to BIS executive, n.d.

The Nugent-Fleming dispute was exacerbated by an inflammatory statement made by MHA James Prendergast, whom Kent had previously called "a man of crotchets."[183] During the debate of a bill to fund Catholic, Church of England, and Methodist school masters in the assembly, Prendergast claimed that Fleming had been trying to injure Nugent and "had been bribed by the British government" because he received a salary to serve as army chaplain.[184] Fleming soon learned the error of his understanding of Mooney's entertainments, but informed the BIS that ill-health precluded a resumption of the vice-patronage.[185] When Nugent invited him to resume the office,[186] Fleming refused:

> ...standing as I feel I am upon the threshold of Eternity I feel it necessary to withdraw myself as far as in my power from every affair that may by possibility, disturb and every care that may distract in the preparation for that awful account I shall soon be called upon to render to an all-seeing but a Merciful and a good God, and therefore I am sure they will appreciate this my sincere motive respectfully declining the honour (and God knows how great and intense the pain I feel in so doing) of reassuming the office of Vice-Patron of the Society.[187]

"This morning at breakfast", Mullock wrote on 18 April, "Dr. Fleming resigned the direction of the Mission to me, but I will always consider him to be the manager." Soon afterwards, the old bishop retired to St. Michael's Monastery at Belvedere.[188] On 27 June he received the last rites from Mullock, who wrote "he required me on yesterday to tell him whether I thought there was any danger of his death."[189]

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[183] McCann, "Politics of Denominational Education", *The Vexed Question*, p. 44.

[184] AASJ, Howley Papers, Howley, "History 2", note 29; *JHA*, 2 April 1850. Prendergast apologized the next day at Mullock's behest.

[185] BIS Minutes, 1844-1859, 27 February 1850, encl. Fleming to Nugent, 25 February 1850.

[186] BIS Minutes, 1844-1859, 10 March 1850, encl. letter of Nugent to Fleming, 1 March 1850.

[187] *Ibid.*, encl. Fleming to Nugent, 2 March 1850.

[188] AASJ, Howley Papers, Howley, "History 2", ch.5, p. 35, extract from Mullock's diary.

[189] *Ibid.*

Fleming died at twenty minutes past ten on Sunday night, 14 July 1850. He was 57 years old. His body lay in state in the cathedral on Tuesday and Wednesday of that week, and some 10,000 citizens paid their last respects. On Thursday morning a cortege with the casket passed through the streets of the town, in which the BIS, Commercial, and Mechanics societies partook, followed by the Garrison.[190] The funeral procession was one of Howley's earliest recollections, and he recalled that Catholics of all classes "vied with each other in striving to be permitted to carry the bier for a short distance, and to the present day it is one of their proudest boasts that they had "a *spell* out of him."[191] Mullock described it as "The greatest funeral ever before seen in Newfoundland".[192] Writing of the cathedral and Fleming for the centenary year of the cathedral's consecration in 1955, Michael Francis Harrington penned sentiments with which Howley would have agreed:

> *Who is not prideful when he looks thereon?*
> *Who is not humble when he kneels therein?*
> *Fading phantasms of an age-old need,*
> *Come thronging up through vistas long-since gone;*
> *Great Fleming hastening his death to win*
> *A place to worship for his people's creed.*[193]

Fleming was laid to rest in the crypt under the high altar of his cathedral, and Scallan's remains were re-interred next to him.[194]

In his last five years, Fleming witnessed some pleasing and more painful changes to the Newfoundland of which he had become one of the most influential citizens. The fire of

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[190] BIS Minutes, 1844-1859, 18 July 1850, p. 170; AASJ, Howley Papers, Howley, "History 2", p. 36.

[191] Howley, *History*, p. 394.

[192] *Ibid.*

[193] Michael Francis Harrington, "Sonnet", *Centenary of the Basilica*, p. 168.

[194] AASJ, Howley Papers, Howley, "History 2", p. 36; Lahey, "Scallan", *DCB* VI, p. 693.

St. John's caused him personal loss, but the institutional church which he had done much to reinvent and which the reformers had done much to protect and enhance was not harmed, and its prosperity and social action contributed in considerable measure to the ability of its congregants and of the general citizenry to survive the fire, and to get on with their lives. By 1846, the cathedral had been mostly completed and for the Irish it was the glory of Newfoundland, the showpiece of St. John's, and the proof offered by Fleming of the righteousness of the church's mission. Governors and governments came and went, constitutions and states changed, old Ireland and O'Connell passed, and even the union with Québec proved transitory, but Fleming's Irish Catholic church asserted Newfoundland's independence even before a self-governing Newfoundland state existed to do so. Fleming's "triumph of catholicity", the creation of a cradle-to-grave Catholic world for the Irish in Newfoundland, along with reformers' momentary delusions of grandeur and pretensions to dominate Newfoundland, had been made possible through the concerted work of lay reformers, clergy, and religious women in inventing a new political place and new social conditions for their culture, a place and conditions which were not achieved at home in Ireland until the next century. Many Irish left Newfoundland when opportunities fell short of expectations, but others carved out a niche and stayed. Newfoundland culture and society were changed and reinvented by the church, which in turn placed a permanent cultural and religious stamp on the character of a place and a people. Despite Fleming's theological rigorism, dogmatism and conflict-provoking stubbornness, this was a considerable legacy of which no other individual in nineteenth-century Newfoundland could boast. The wounds of Irish provincial factionalism took two decades to heal, but out of the chaos of time and common experiences were forged a remarkable cultural consciousness.

Chapter Ten

Epilogue and Conclusion: Conflict and Culture

Even in death Fleming used the Irish material culture and symbolism of funerary monuments in the cathedral to fix in posterity his own version of history, which celebrated the triumph of an institution and a new Catholic culture over factional conflict, and the place of Irishness and the church in a new Newfoundland state. The literary scholar, Gary Taylor, has argued that a common consciousness, a culture, requires a collective memory, and that memory is both a function of social power and a tool in the hands of those who control it.[1] The best material culture examples of the deliberate invention of that consciousness are three monuments which may still be found in Fleming's cathedral. A discourse in the medium of stone, they are the best extant likenesses of Scallan, Fleming, and Mullock, embodying the official religious and political culture and conflicts of the Newfoundland Irish Catholic community during Fleming's age. When Fleming concluded his last will and testament on 11 June 1850, he was haunted by the legacy of division in the community he had striven to recreate and formalize. He also desired to fix permanently in posterity a positive version of his history, a mythology of the events of his life and times as a dominant historical interpretation. This was on his mind when he left £600 to his executors Mullock, the priest Kyran Walsh, Laurence O'Brien and P.F. Little "...for the purchase of a "Dead Christ" to be made by Hogan", the renowned Irish sculptor, "for the front of the Altar of the Roman Catholic Cathedral of Saint John's and a further sum of two hundred pounds sterling to procure a monument to be erected to the memory of the late Dr. Scallon [sic] in Saint John's."[2]

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[1] Gary Taylor, *Cultural Selection* (New York: Basic Books/Harper Collins, 1996), pp. 23, 33, and 89.

[2] Probate Office, Supreme Court of Newfoundland, St. John's, Vol. 1, fol 594-7-1850, "Last Will and Testament of Rt. Rev. M.A. Fleming", 11 June 1850.



Illustration 10.1: John Hogan, *Rev. Dr. Scallan Receiving the Last Rites from Dr. Fleming His Successor* (1851)

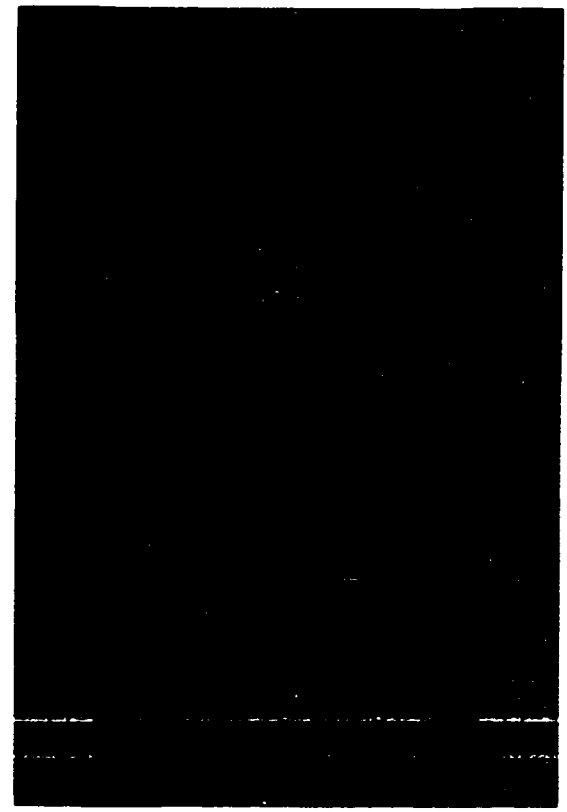


Illustration 10.2: John Hogan, *Dr. Fleming Entrusting His Diocese to Dr. Mullock* (1853)

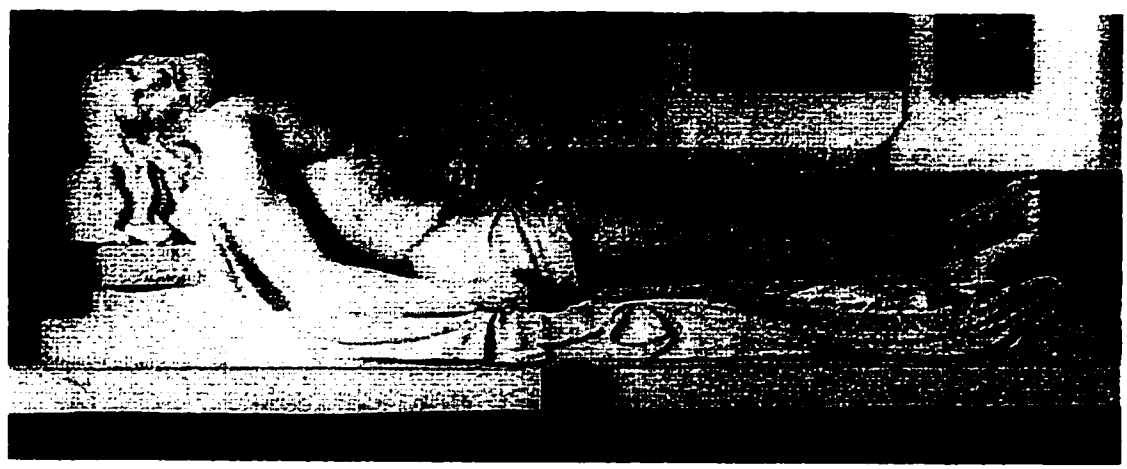


Illustration 10.3: John Hogan, *Dead Christ* (1854)

Fleming's choice of John Hogan as sculptor was pivotal. While Hogan's works for Newfoundland were of religious subjects, they iterated Fleming's own Irish nationalism, and gave a strong indication of Fleming's conceptualization of the place occupied by Newfoundland Catholicism in the continuum of Irish and international Roman Catholicism. Hogan was Ireland's greatest and most celebrated Catholic nationalist artist, and a sympathizer of O'Connell's. His works were often reviewed in Gavan Duffy's *The Nation*, and they remain on permanent exhibit at the National Gallery of Ireland in Dublin. Hogan bore a great cultural responsibility for trying to make the Irish conceive of themselves as a Catholic people with their own national culture and dynamic, a people different from the English.[3] Born on 14 October 1800, in Tallow, Co. Waterford, Hogan apprenticed and worked from 1818 to 1820 as a sculptor for the leading architect in Cork, Thomas Deane; Hogan's father was a builder and Deane's foreman.[4] Hogan later trained and worked in Rome, and befriended neoclassical sculptors Antonio Canova (1757-1822) and his student, the most famous sculptor of the day, Bertel Thorwaldsen (1770-1844) of Denmark. By 1838 Hogan had been pronounced by the egotistical Thorwaldsen as "the best sculptor left after me in Rome".[5] Irish bishops often visited Hogan's studio during their visits to Rome,[6] and Hogan's daughter Elizabeth later became a Sister of Mercy.[7] One of Hogan's most famous works included his *Hibernia with a Bust of Lord Cloncurry* (1844), and Cloncurry's friendship with

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[3] Jeanne Sheehy, *The Rediscovery of Ireland's Past: the Celtic Revival 1830-1930* (London: Thames and Hudson, 1980), p. 54.

[4] Turpin, *Hogan*, pp. 20, 22.

[5] *Ibid.*, p. 61.

[6] *Ibid.*, p. 101.

[7] NLI, J.J. Bouch Papers (MS 8726), notebooks by Bouch on Hogan biography.

P.F. Little's family[8] and Hogan's work in Cork may have inclined Mullock and Little to suggest Hogan to Fleming.

The marble monuments Fleming commissioned for Newfoundland remain as superb examples of the deliberate and active construction of myth and symbol. Hogan's works define memory and cultural identity, and create a creation of a myth, in a permanent medium, under the patronage of a political élite. As with all of Hogan's sculptings, his Newfoundland works were in the neoclassical style of artistic depiction, which in religious subjects commissioned by the church reinforced the ideals of ultramontanism.[9] They proved and reinforced the cultural, political and iconographic unity of nineteenth century Newfoundland Catholicism with ultramontane, emancipated Catholic Ireland, and asserted the unity of Fleming's orthodoxy with that of Rome, lest his actions be questioned by Liberal Catholic nay-sayers.

In the western aisle of the nave of the St. John's cathedral Mullock placed Hogan's bas-relief monument to Scallan, carved in 1851. It was entitled *Rev. Dr Scallan Receiving the Last Rites from Dr Fleming His Successor.* Elements of this sculpting address the history of several conflicts during Fleming's episcopacy. In the work, Scallan lies on his death-bed in late May 1830.[10] Fleming, who is about to become Scallan's successor, administers the last

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[8] Cloncurry had paid the bail to have Little's father, Cornelius, released from jail following his participation in the United Irish Uprising of 1798. Personal communication of Ian Hearn of New Ross, Co. Wexford, to the author, 16 August 1996; Mr. Hearn is the great-grandson of P.F. Little.

[9] Turpin, *Hogan*, pp. 42-46, 141.

[10] The inscription on Scallan's monument reads: "Hic jacet / R.M.S. D. THOMAS SCALLAN. / Ord. Min. Epus. Dragonensis, et / Terræ Novæ Vic. Apostolicus. / Obiit An. Sal. MDCCCXXXVIII., Ætat. LXIX. / Pontificatus autem XIV. / Fr. Mch. Ant. Fleming, Ord. Min. / Primus Terræ Novæ Epus / Prædecessori suo posuit." Translation: "Here lies / Rt. Rev. Dr. Thomas Scallan / Order of Friars Minor and Bishop of Dragonensis and / Vicar Apostolic of Newfoundland / He died in the Year of our Salvation 1838 aged 69 / in the 14th year of his Episcopate / Brother Michael Anthony Fleming, Order of Friars Minor / First Bishop of Newfoundland / Erected in honour of his predecessor". Historians have not previously noted that Hogan erred greatly in cutting the inscription: Scallan died on 28 May 1830, not in 1838. There is disagreement over Scallan's year of birth in Churchtown, Ballymore, Co. Wexford. O'Neill, *Upon This Rock*, p. 97 cites 1763; Crosbie, *Births, Deaths and Marriages 1825-1850*, p. 293 cites 1765 from *The Newfoundlander*, 3 June 1830,

rites. Hogan's biographer, John Turpin, noted that "funerary reliefs of dying figures outstretched on beds, placed parallel to the relief plane, were not uncommon in the neoclassical period. It was a type of composition found in death-bed paintings, as in David's *Death of Socrates.*"[11] This work clearly addresses two popular conceptions current in Fleming's day: the Liberal Catholic belief in Fleming's illegitimacy as bishop, and Scallan's heterodoxy. The presence of Scallan's mitre or bishop's hat in the lower left hand corner is significant, for the mitre is the head covering proper to a bishop and symbolic of his authority and legitimacy. Fleming insinuated in 1837 that Rome had censured Scallan, and Howley later supported this, but Lahey has correctly noted that no documents exist in either Rome or St. John's proving any Roman censure.[12] Given Fleming's numerous private negative comments on Scallan's orthodoxy, and the congregation's awareness of the difference between the policies and approaches of the two, documentation seems not to have been needed to create the impression of Scallan's censure in the congregation's mind, but a monument was needed to erase it. *Scallan Receiving the Last Rites* does more than address what Lahey argues was Fleming's embarrassment about his predecessor's ecumenism. Its inscription boldly proclaims Fleming as the first Bishop of Newfoundland, answering the accusations of Timothy Browne, the Liberal Catholics, and others who believed that Scallan died excommunicate, knew that he had suffered mental incapacity, and believed therefore that Fleming's succession and consecration were uncanonical. *Scallan Receiving the Last Rites* directly articulated to all who saw it the ultramontane orthodoxy of Scallan and the

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which source seems the most authoritative; Lahey, "Scallan" *DCB VI*, p. 690 cites 1766. If Scallan was born in 1765, he died at age 65, not at age 69 as inscribed by Hogan, nor at age 73 as implied by Hogan.

[11] Turpin, *Hogan*, p. 102.

[12] Lahey, "Scallan", *DCB* VI, p. 694; Howley, *History*, p. 246.

episcopal legitimacy of Fleming. The monument was carved in 1851,[13] but Fleming commissioned it in 1848 or 49. While it was Scallan's "headstone", it was a political monument designed to commend to history Fleming's and Mullock's own version of history and a new myth: by providing this proof in stone that Scallan was not condemned by Rome, Fleming's enemies were silenced and Mullock was spared the inconvenience of embarrassing questions.

Across the nave of the cathedral from the memorial to Scallan is a bas-relief memorial tablet to Fleming, a companion to the Scallan monument. Entitled *Dr. Fleming Entrusting his Diocese to Dr. Mullock*, it was commissioned by Mullock and sculpted by Hogan in 1853,[14] when a plaster of this work received high acclaim as one of ten Hogan works shown at the Great Industrial Exhibition in Dublin.[15] In contrast with the Latin inscription on Scallan's monument, the English inscription on Fleming's proclaims it as a vernacular work accessible to all classes and ages.[16] Fleming stands before the altar of the unfinished cathedral, dressed in a bishop's vestments of cassock, rochet, pectoral cross, and biretta, symbols which represent the authority and legitimacy of his episcopacy. Mullock is dressed in the hooded habit of a Franciscan priest, and accepts from Fleming a book, symbolizing the transfer of the diocese to his care. The orphan child kneeling in the lower right hand corner symbolizes Newfoundland Catholicism, the unfinished cathedral, and the

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[13] The footstool under the mitre in the relief bears the faint inscription "JH fecit anno LI".

[14] Hogan's own preparatory plaster reliefs of both memorial tablets were available to Turpin in 1982 at the Crawford Art Gallery in Cork (see Turpin, *Hogan*, pp. 140-141).

[15] Turpin, *Hogan*, p. 105.

[16] The inscription on Fleming's memorial reads "Erected by / John Thomas Mullock O.S.F. / In Memory of his Friend and Predecessor / Michael Anthony Fleming O.S.F. / Bishop of Newfoundland. / He died on the 14th of July 1850, in the 57th year / of his age and the 21st of his Episcopacy. / The Cathedral and Orphanage are enduring Monuments / of his zeal and charity. / R.I.P."

Orphan Asylum left behind by Fleming's death. Hogan's seven-year-old daughter, Francesca, posed as the orphan child.[17] The presence of the child in the scene represents the Church as an institutional social agency, and the monument represents the efforts of the Irish reform élite and clergy, through Catholic education, fraternal organizations, and social-oriented political action, to create a Catholic middle class capable of governing Newfoundland. The proclamation of Fleming as "Bishop of Newfoundland" re-asserted his status and was the final word on his struggle to assert his own legitimacy. The Fleming monument celebrated the triumph of the institutional church, the creation of a cradle-to-grave Catholic world, the achievement of control over confessional schooling, and the building of the cathedral and its surrounding complex.

For Catholics, the altar of a church is always the most important, symbolic, and sacred place, representing three things: the table at which the last supper of Christ was eaten, the body of Christ itself, and the four corners of the earth, creation. Altars are usually placed in full view of the assembled congregation. In the Irish tradition, the altar was traditionally the locus in which to install an important or symbolic work of art. It was here that Fleming wished to install a Hogan *Dead Christ*, a neoclassical depiction of Christ lying in the crypt. However, Hogan's *Dead Christ* depicted not a decaying corpse, but the muscular frame of man temporarily stilled but on the verge of the Resurrection, ready to spring to life. Unlike Hogan's other works in the St. John's cathedral, the subject and location of the *Dead Christ*

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[17] Turpin, *Hogan*, p. 140; William J. Ryan to the author, 23 October 1991. Francesca Hogan was born on 21 August 1845 and died on 10 November 1927 (see NLI, Bouch Papers, notes by Bouch on Hogan). According to the oral tradition of one of her relatives, Francesca, her father, and his cousin Bridget D'Unsterville from Slieveroe, Co. Kilkenny went to Newfoundland for the cathedral's consecration in 1855. D'Unsterville stayed in Newfoundland and her great grandchildren, the Ryan family, remain members of the cathedral congregation (W.J. Ryan to the author; CNS, J.E. FitzGerald, "'Monumental' Significance in a Newfoundland Historic Interior: the Basilica-Cathedral of St. John the Baptist, St. John's", a paper given to the Historic Interiors Symposium of the Canadian Committee of the International Council on Monuments and Sites (ICOMOS), Dalhousie University, Halifax, Nova Scotia, 8 May 1993, p. 8).

in the cathedral were explicitly specified in Fleming's will, indicating his own deliberate intentions that it be placed at the heart of the cathedral and be seen. The St. John's *Dead Christ* was the last of three such works sculpted by Hogan, and was executed in Dublin in 1854; the others were installed in the South Chapel, Cork, and in the "front of the altar" of St. Teresa's Carmelite church in Clarendon Street, Dublin.[18] In St. John's, the *Dead Christ* was placed under the altar; above it Mullock later placed Carew's *Baptism of the Saviour* under the triumphal arch. The religious symbolism and theology were plain: the Christian, through the intervention of Christ and the church, passed from death to baptism and ultimately new life through the arch or gateway to heaven.

Hogan's *Dead Christ* was also laden with Irish cultural, nationalist, and political resonances. The site of the Dublin *Dead Christ*, St. Teresa's, had been built by a group of three hundred men called "the brotherhood", which included John Sweetman of Newbawn, Co. Wexford and Placentia, Newfoundland, a leader of the United Irish Rebellion and an opponent of the Union.[19] Whelan has described him and his peers as the hub around which Catholic society revolved, the "backbone of the emerging Catholic nation."[20] At a famous 1815 meeting O'Connell stood with the Carmelite priest William L'Estrange in front of the altar at St. Teresa's and proclaimed his new Catholic Association's platform of political

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[18] In St. John's the inscription on the stones under the head of the corpus reads "JH fecit anno LIV". Turpin, *Hogan*, p. 172 dismisses the Newfoundland *Dead Christ* as "probably no more than a studio replica, cut in Dublin by James Cahill, Hogan's leading assistant", but the St. John's piece is larger and markedly different from both, and Turpin notes that Hogan himself noted the receipt of £200 from Mullock on 29 September 1854 for a *Dead Christ* "at present nearly finished by me in marble". The South Chapel post-dates the St. John's cathedral, but its *Dead Christ* was executed in 1832.

[19] I thank John Mannion for this information. On the Sweetmans see Mannion, "Sweetmans of Newbawn"; on the United Irish activities of John Sweetman see Keogh, *"The French Disease"*, pp. 71, 90, 123, 173-4.

[20] Whelan, *Tree of Liberty*, p. 17.

equality with Protestants,[21] and when the Association was re-founded in the 1820s the event was repeated in the same church. The Newfoundland *Dead Christ* was quickly proclaimed to be unrivalled by anything seen elsewhere in Newfoundland or in the New World, and gave the St. John's congregation pride that their church had, within their own lifetimes, gone from being the object of government patronage and control to a state where it was a patron itself. These contexts and the meaning of the sculpting would have been quite obvious to Fleming's congregation: *extra ecclesia nulla salus.* Outside the church there would be no salvation, spiritual or political. The *Dead Christ* proclaimed the church as a principal stakeholder in and guardian of Irish rights and the independent Newfoundland state. The work also symbolised Catholic Ireland, for like the dead body of Christ, it yearned to be free of the deathly hand of British control, and take on a new life itself. Hogan's works and the cathedral which housed them embodied this new founding myth of Irish-Newfoundland. They articulated an invented tradition of monolithic national united-ness, and provided material proof for the Irish of the legitimacy of their participation in the Newfoundland state. Nowhere in the cathedral of Fleming's or Mullock's day were monuments to O'Donel or Lambert to be found. These bishops had not asserted the myth, or staked these claims. In Fleming's view, they were heterodox, and the experience of Catholicism under their leadership was not to be celebrated. Of all the public buildings and particularly Irish Catholic churches in nineteenth century North America, Fleming's cathedral was the building most closely allied with a movement for home rule in an immigrant Irish community.

After Fleming's death in 1850 the reformers and Mullock focused on acquiring home rule, responsible government for Newfoundland. Coupled with O'Connell's death and Stephen's retirement from the Colonial Office, the principal actors in the drama of

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[21] MacDonagh, *Hereditary Bondsman*, p. 131.

Newfoundland politics changed, but the legacy and impact of Irish Catholicism on Newfoundland culture, politics, and religious identity were profound. Church of England Bishop Edward Feild feared that the Irish would seize political power and disestablish his church when he wrote in 1854 that

> ...the force of Responsible Government is to be enacted or represented here as in the other North American Colonies.... The result will be very disastrous to our Church. The Colonial Secretary, Surveyor General, Attorney General and Solicitor General, all Protestants and three of them the most respectable and useful members of our Church, will be replaced by Romanists and such creatures.[22]

In a by-election in 1850, P.F. Little was elected to the house of assembly. Thereafter, he became the Liberal leader and formed an alliance with Mullock, who was much more politically active than Fleming. After protracted agitation by the Irish Liberal party, and an alliance with disaffected Protestants in a split-Protestant vote which alienated the Church of England, responsible government was finally granted in 1855. Little became the first Prime Minister of Newfoundland.[23] In 1858 Little resigned and was succeeded by John Kent. The advent of responsible government disestablished Feild's church, fourteen years before the disestablishment of the Church of Ireland.

Many of the next generation of Irish Newfoundlanders lived in a culture of renewed, politicized Catholicism, and shared the independent-minded Irish-Newfoundland nationalism created by reformers, Fleming, and his clergy. Factionalism in the Irish Catholic community of Newfoundland was replaced by allegiance to or alienation from the bishop and his politics, and this lasted well into the twentieth century. This new consciousness firmly planted the

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[22] Cited in Lear, "Edward Feild", p. 132.

[23] The struggle for responsible government is analyzed in Elizabeth A. Wells, "The Struggle for Responsible Government in Newfoundland, 1846-1855", unpublished MA thesis, Memorial University of Newfoundland, St. John's, 1966, Ch. 1, and John Pius Greene, "The Influence of Religion in the Politics of Newfoundland, 1850-1861", unpublished MA thesis, Memorial University of Newfoundland, St. John's, 1970, Ch. 1.

church as a stakeholder in the state, but bloodshed and riots among the Irish in St. John's and Harbour Main in the election of 1861 imposed limits on Catholic political power. A Protestant backlash ensued against Catholic domination, the solution to which was the entrenchment of sectarianism as the founding myth of the Newfoundland state: equal sectarian participation in the offices of state, civil service jobs, patronage, and equal denominational shares in educational funds, a system which remained in operation well into the twentieth century. The election of 1869, fought over confederation, became the litmus test of Newfoundland independence. Out of the fear that an "act of union" with Canada would spell disaster for their fledgling country, St. John's merchants joined forces with Irish politicians, among them Thomas Talbot and Peter Brennan.[24] Mullock joined the debate and argued that if confederation were to come, "the education of our people [might] be taken out of the hands of the local clergy and transferred to a Board in a remote Province notorious for its anti-Catholic spirit."[25] The Irish remembered Troy's equation of "Boulton's law" with the law of "the Canadas", and remembered the constraints placed on the church under British colonial rule. After the 1846 fire, Liberal Catholic interests had died, but the erstwhile Liberal Catholic Ambrose Shea joined the Protestant barrister Frederick Carter at the Québec conference in 1864. Shea swam against the tide of Irish opinion in Newfoundland and became convinced of the merits of union, only to return to Newfoundland to be threatened by a crowd with tar, feathers, and a priest on the wharf in Placentia[26] and to be mocked as a traitor in verses which rang throughout Newfoundland:

Remember the day

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[24] James K. Hiller, "Confederation Defeated: The Election of 1869", *Newfoundland in the Nineteenth and Twentieth Centuries*, eds. J.K. Hiller and Peter Neary (Toronto: University of Toronto Press, 1980), p. 82.

[25] *The Newfoundlander*, 6 March 1867.

[26] Hiller, "Confederation Defeated", *Newfoundland*, passim.

When Carter and Shea
Crossed over the bay
To barter away
The RIGHTS of Terra Nova!

This was followed by the chorus:

Hurrah for our own native Isle, Newfoundland,
Not a stranger shall hold one inch of its strand,
Her face turns to Britain, her back to the Gulf,
Come near at your peril, Canadian Wolf.[27]

The Irish and the church felt they had "put over" self government and home rule, and were not about to see their identity disappear without a fight. Confidence in that identity established in Fleming's day dealt confederation a sound defeat. After their deaths Brennan and Talbot were each immortalized with a huge stained glass window in the St. John's cathedral, the Irish shrine of independent Newfoundland.

The historian Donald Akenson has recently observed of British North America that "...an integral and absolutely necessary aspect of the development of a sense of identity was the creation of a "British" culture in the new homeland, one that did not in fact exist in the old."[28] The same held true for the Irish Catholic community of Newfoundland centred in St. John's, but the standard was Irish, not British. In a description of Catholicism in the south-east of Ireland in the 1790s which might just as easily been of Catholicism in eastern Newfoundland in the 1830s and 1840s, Kevin Whelan noted that

> ...paternalism and deference disintegrated as the old Catholic moral economy collapsed under the impact of changing economic, political and social circumstances. The ability of old Catholic landed families to deflect or transform Catholicism to suit their own local interests declined markedly, reflected in the demise of the gentry bishop, increased episcopal resistance to these families' rights of presentation to

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[27] Cited in Patrick O'Flaherty, *Come Near At Your Peril* (St. John's: Breakwater Press, 1992), pp. 16-17.

[28] Donald H. Akenson, "The Historiography of English-Speaking Canada and the Concept of Diaspora: A Sceptical Appreciation", *Canadian Historical Review*, Vol. 76, No. 3 (September 1995): 396.

> parishes, the eradication of the chaplain-friar phenomenon, and especially the advent of an assertive middle class leadership which displaced the low-profile approach of the Catholic grandees....[29]

Kough, Hogan, McLean Little and the gentry bishop Scallan were replaced by the new generation of Kent, Morris, Fleming, the Nugents, O'Shaughnessey, the O'Connells and others. They came to Newfoundland or dealt with its problems amply equipped with their own political, cultural, and religious lexicon, which they used to achieve common goals. Rusty Bitterman's "specific repositories of collective action" existed at both formal and informal levels in high and popular Irish culture. Factional disorder and faction-fighting, provincial rivalries, secret societies, popular traditions, songs, legends, mock funerals, processions, holy wells, and myths were intensely local experiences and abounded in Irish Newfoundland. They were in a continuum with the cultural customs and tools used by Fleming and the reformers, which included ultramontanism to reform the church, the pursuit of O'Connellite politics to achieve Irish and Catholic rights, the implementation of an Irish material-cultural vocabulary of neoclassical architecture and art to create and dominate religious and political symbolism, and the arts of letter, report, despatch, and pamphlet writing to legitimise their aspirations. They were all key elements in the invention of communal solidarity and identity. Contrary to stereotypes propagated in the historiography, this community was a culture in constantly-refreshed contact with a select Irish network in Ireland, England, Rome, and in other places, a developing and changing culture in the vanguard of Irishness itself.

This study has attempted to fill a lacunae in the historiographies of Newfoundland and of Irish Catholicism by showing that the Newfoundland reformers were motivated by Irish expectations and operated in an Irish world. Like O'Connell, they exploited the

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[29] Whelan, "Regional Impact", *Common Ground*, p. 264.

framework of the British system of government to achieve their ends. Emancipation, the creation and control of denominational education, the exercise of the franchise, the abolition of obnoxious oaths for public officials, and securing the repeal of the union and home rule for Ireland and Newfoundland were all key questions at the core of the agenda shared by Irish MPs, reformers in Newfoundland, and Irish Catholics in both countries. The institution central to the protection, empowerment, and inventive power of these issues in Newfoundland was the church, whose clerical and lay leaders were members of a kin group of political reformers whose religious and political patterns were Irish and ultramontane. In Ireland and Newfoundland, O'Connellite politics and ultramontanist Catholicism served as shields from complete British political control and guarded against British control over the church, while protests of loyalty to the British monarch and constitution guarded reformers against charges of treason. Fleming and his clergy and the reformers bridged the gap between Newfoundland as a mission and as a diocese, and the gap between Newfoundland as a place of temporary residence and as a permanent home. The church and the reformers became cultural brokers and created for Newfoundland in religious terms what their Irish cousins had, and in political terms what their Irish cousins had not: an Irish culture of Newfoundland with an impetus towards home rule which would be fulfilled within their own lifetimes, seventy years before it was achieved in Ireland.

The 1830s and 1840s in Newfoundland were remarkable for their bitter sectarian tone. A number of historians have blamed Fleming and the reformers for this, but this conclusion is easily reached if British documents and cultural assumptions are considered while Irish and Roman documents and sources and the material culture of Newfoundland Catholicism are excluded. Even among writers of the history of the church, the importance of Irish factionalism has been missed. The church which Fleming inherited was already riven

with factional conflict, and was hardly institutional or monolithic, and Fleming was often absent from Newfoundland or uninvolved in the events of which he was accused by Liberal Catholics, colonial officials, and the British government officials bent on securing his removal. In an observation which might apply equally to Newfoundland, Whelan noted that in Ireland accusations of sectarianism became a political ploy by which the ruling class could be detached from responsibility for its own hegemony.[30] Wexford Liberal Catholic trustees in the St. John's congregation fought Fleming's centralized control. He was supported by the leading members of his own Waterford-based kin group. British colonial officials were unwilling to meet Irish Catholic demands for the abolition of discriminatory laws and a share of patronage, and Liberal Catholics were unwilling to permit Fleming to reinvent Newfoundland Catholicism in a form they could not control. His reform of the church unleashed a fifteen-year torrent of factional turbulence which became sectarian conflict, unprecedented earlier or later in Newfoundland or elsewhere in Irish enclaves in the British empire outside Ireland. If he bore any responsibility, it was for a lack of foresight in predicting how his program of reforms might threaten the trustees and exacerbate extant factional divisions.

The central actor in the Irish community of Newfoundland was Michael Anthony Fleming. He was a cultural broker between Newfoundland and Ireland, a priest with the common touch, the tenacity to catch the Colonial Office at its own game, and an active agent of Rome in the New World. He was a visionary who wished to create a new culture and a Catholic middle class. During his lifetime the cathedral was his passion, and his educational project was a limited success. Occasionally he wrote and revealed his awareness that other

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[30] Kevin Whelan, "Politicisation in County Wexford and the Origins of the 1798 Rebellion", *Ireland and the French Revolution*, eds. Hugh Gough and David Dickson (Dublin: Irish Academic Press, 1990), pp. 157-178.

ultramontane clergy and reformers in other parts of the British Empire were fighting many of the same battles—particularly battles with trustees—but he realized that few places outside of Ireland, London, and Rome were relevant to his situation, and his attentions invariably focused on his own tasks and projects at hand. The institutions and practises he established mitigated in favour of the expansion of the church. A growing number of priests throughout Newfoundland followed Fleming's example and demanded a voice in educational control. They implemented ultramontane, institutional Catholicism. The Presentation and Mercy sisters opened convents and taught school in outport Newfoundland, and began a dynasty of cultural education, particularly in music, business and secretarial skills, and homemaking which survived well into the twentieth century. In 1856, Mullock opened St. Bonaventure's college next to the cathedral as a seminary for priests and a school of higher education for Catholic young men, and thus ensured the continued presence of the church in education in Newfoundland.

Successive British governments and their civil servants in London and Newfoundland attempted to use the Catholic church to govern the Irish there, as they tried to use the church to do in Ireland. O'Donel, Lambert, and Scallan had participated in this agenda, but when Fleming would not accept the implied contract of a salary in exchange for his quiescence, the "Newfoundland" question rapidly became the "Catholic" question and then the "Fleming" question. British civil servants were caught off guard when Fleming and the reformers captured the imaginations of the Irish in Newfoundland, and when they discovered that Fleming could not be bought off, they effectively lost control of Newfoundland. Liberal Catholics and Newfoundland colonial officials supplied damning evidence which London in turn supplied to Rome, in an attempt have Fleming banished and to use the Vatican to help rule Newfoundland. During this unique period of Newfoundland history, Irish Catholic issues

drove British constitutional policy towards government in Newfoundland, and the flourishing of factional and sectarian discontent pointed to British inabilities to address the concerns of early nineteenth Irish Newfoundlanders. Tories in London may have thought of Newfoundland reformers and Irishmen as "refugee ribbonmen", but the reformers were the first inhabitants of Newfoundland to force Britain to consider Newfoundland as more than a migratory way-station, more than a diversion on the journey to somewhere else, and more than a useful colony for resource exploitation and the patronage placement of civil servants. No other British colony outside of Ireland was the subject of such intense scrutiny by the Colonial Office for such a long period as Newfoundland, and no other Irish Catholic community was the subject of such prolonged lobbying by the British government before Propaganda Fide or the papacy. Viewed from the Newfoundland perspective, at no other time previously or for ninety years afterwards in the island's history were the attentions of the Colonial Office so focused on Newfoundland than during Fleming's episcopacy. British interest and active involvement in Newfoundland politics waned after Stephen retired and Fleming died, but during Fleming's episcopacy Newfoundland was transformed from a migratory plantation to the home of a permanent population and community of cultures, and moved from the constitutional status of a bare colony and placed on the road to self-government.

Irish Catholic historiography written in Ireland on its emigrant Catholicism, and historiography on the influence of the Holy See in British North America are both in their infancy. Canadian historiography is just coming to know Newfoundland and its Irish Catholics. This study has shown that for the Irish church and for Rome, Newfoundland was their first English-speaking North American colony, a colonial laboratory for reinvigorated, ultramontane Catholicism, and its clergy were on the cusp of the international missionary

activity of the Catholic church. If this missionary effort, evangelization and ultramontanism could succeed in Newfoundland, the cornerstone of the "Protestant" British empire, the church's missionaries could evangelize other peoples in the British-controlled world. Missionaries like Fleming were given the support of European benevolent societies associated with Propaganda Fide. The missionary project succeeded in Newfoundland, and for the hierarchy of the church, especially Irish clergy, this was a substantial achievement and a harbinger of later success. By July 1870 at the first Vatican Council, which defined the doctrine of papal infallibility drafted by Paul Cardinal Cullen, a majority of the world's bishops in attendance who voted for the doctrine were Irish.[31]

Since 1949, many Newfoundlanders have never experienced participation in an Irish Roman Catholic culture, even though with increased exogamy more Newfoundlanders now claim Irish ancestry more than membership in any other charter group. With confederation with Canada, new invented traditions, myths, and imagined communities supplanted Newfoundland nationalism and the experience of an Irish heritage. Newfoundland Catholicism was Canadianized, but the legends and mythology surrounding the fencing of the cathedral, the land grant, and Scallan's censure by Rome have survived and flourished. In modern times, ironically, a new secular invented popular cultural tradition of Irishness has taken root, one in which students and visitors may listen to the Celtic-rock music of *The Irish Descendants* at Yellowbelly Corner in St. John's.[32] In the 1990s, with the collapse of the cod fishery, with sexual abuse scandals shaking the confidence of society in its religious and social institutions, and with changes to the denominational education system, Newfoundland

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[31] I thank Kevin Whelan for bringing this relationship to my attention. On the definition at the Council see Buschkühl, *Britain and the Holy See*, p. 167.

[32] J.E. FitzGerald, "The Orthodoxy Unchallenged", Review of *Canadians At Last* by Raymond Blake, *NS*, Vol. 11, No. 1 (Spring 1995): 127-144.

society is faced with its own reinvention. If Newfoundlanders can create for themselves a sense of their culture and identity as strong as that which Irish Catholics invented for themselves in the nineteenth, their project will be more than a modest success.

Appendix I

Irish Roman Catholic Priests in Newfoundland, 1770-1850

Key: B: birthplace.
A: year arrived in Newfoundland.
Stn.: parishes in which stationed.
Dep.: date of departure from Newfoundland.
D: place, date of death.
O: other kin who were clergy.
+: bishop.
*: accompanied to Newfoundland by lay relatives.

Note: most dates of birth are at present unknown.

Fr. Keane, OSA. A: 1770. Stn: St. John's & Placentia. Dep.: 1776. D.: Wexford, n.d.

+James Louis O'Donel, OSF*. B: Knocklofty, Tipperary. A: 1784. Stn: St. John's. Dep: 1807. D. Waterford, 1811.

Patrick Phelan (Whelan?), OSF. B: Kilkenny. A: 1784. Stn: Harbour Grace. D: Grates Cove, Conception Bay, 1799

Patrick Lonergan, OSA. A: 1785-6.

Edmund B(o)urke, OSF. B: Tipperary. A: 1786. Stn: Placentia. Dep: 1798 for Halifax. D: Buenos Aires, 1823. O: brother of Bp. Bourke of Halifax, both nephews of Fr. Nicholas Sheehy of Clonmel.

Thomas Ewer. A: 1789. Stn: Ferryland, Harbour Grace. D: Harbour Grace, 1833.

Patrick Power. B: Kilkenny town. A: 1805. Stn: itinerant

Andrew Cleary. B: Bannow, Wexford. A: 1806. Stn: St. John's, Placentia. D: 1829

Ambrose Fitzpatrick. Dep: 1815

+Patrick Lambert, OSF. B: Gurteenminogue, Wexford. A: 1806. Stn: St. John's. Dep: 1815. D: Ireland, 1816. O: uncle of **+Thomas Scallan, OSF**.

Denis Kelly. B: Rathmacknee, Wexford. A: ca. 1807. Dep: ca. 1815. D: 1824

Fr. Whelan (2), OSF. A: 1808. Stn: Placentia. Dep: 1810.

James Sinnott. B: Wexford town. A: 1810. Stn: King's Cove. Dep: 1831. D: 1869.

William Hearn*. B: Blackwater, Wexford. A: ca. 1811. Stn: Placentia, Burin. D: 1838.

Timothy Browne, OSA*. B: Creakan, Wexford. A: 1811. Stn: Ferryland. Dep: 1841. D: 1855.

John Power, OSF. B: Clonmel, Tipperary. A: 1811 or 1812. Stn: Harbour Grace. Dep: ca. 1820. D: 1831.

Philip Larrissey. B: Callan (?), Kilkenny. A: 1812. Dep: 1814. O: went to Boston where he erected St. Augustine's Mortuary chapel.

+Thomas Scallan, OSF. B: Churchtown, Wexford. A: 1812. Stn: St. John's. D: 1830.
Nicholas Herron. B: Churchtown, Wexford. A: ca. 1815. D: 1838.
Nicholas Devereux. B: Bannow, Wexford. A: 1816. Stn: Burin, Harbour Grace, King's Cove. D: 1845. O: uncle of Andrew and Patrick Cleary
William Whitty. B: Wexford town. A: 1817. Stn: St. John's. D: 1823. O: uncle of Fr. Whitty, SJ, Vicar General to Cardinal Wiseman, 1855.
Denis Mackin. A: 1818. Stn: Harbour Grace. D: 1857
Samuel (Anthony?) Burgess, OFM. Stn: St. John's. Dep: 1827 or 1828.

+M.A. Fleming, OSF*. B: Near Carrick, Tipperary, or Piltown, Kilkenny. A: 1823-4, 1827. Stn: St. John's. D: 1850.
Patrick Cleary. B: Maxboley, Wexford. A: 1830. Stn: King's Cove, Bay Bulls. D: 1882.
Edward Morrison. A: 1830. Stn: St. John's. D: 1831.
Edward Troy. A: 1830. Stn: St. John's, Merasheen, Torbay. D: 1872.
M. Kielly. A: 1830. Stn: St. John's. D: 1831.
Charles Dalton. B: Tallow, Wexford. A: 1831. Stn: Harbour Grace. D: 1858. O: uncle of John Dalton
Pelagius Nowlan. B: Kilrush, Wexford. A: 1831. Stn: Harbour Grace, Placentia. D: 1871.
James Walsh. B: Cappahayden, Kilkenny. A: 1831. Stn: Conception Bay, St. Kyran's, Placentia. D: 1873. O: uncle of John Walsh (arr. 1871) and Michael Walsh (arr. 1856) who were cousins of Thomas McGrath (arr. 1862) and William Walsh (arr. 1861).
Thomas Waldron. B: Tuam, Galway. A: 1833. Stn: Harbour Grace, King's Cove. D: 1854.
James Duffy. B: Co. Monaghan. A: 1833. Stn: Ferryland, St. Mary's. D: 1860.
Bernard Duffy*. B: Co. Monaghan. A: 1833. Stn: Hr Grace, North Shore of Conception Bay. D Brigus 1873. O: uncle of Edward F. Walsh.
Patrick Ward. A: 1833. Stn: Harbour Main, Ferryland, Tilting Harbour. D: 1865.
James McKenna. A: 1833. Stn: Harbour Grace. D: 1838.
John Forristal. B: Mooncoin, Kilkenny. A: 1838. D: 1850. O: brother of William Forristal (A: 1844).
Kyran Walsh. B: Clashacrow, Kilkenny. A: 1839. Stn: St. John's, Harbour Main. D: 1868.
Edward O'Keefe. B: Mooncoin, Kilkenny. A: 1839. Stn: St. John's, Harbour Main, Brigus. D: 1871.
John Cummings. B: Monveen, Kilkenny. A: 1839. Stn: Carbonear, Ferryland, King's Cove. D: 1875
John Cullen. B: Ballycullane, Wexford. A: 1842. Stn: Burin. D: 1868.
James P. Gleeson. B: Waterford town. A: 1841. Stn: Carbonear. D: 1849.
Matthew Scanlan. A: 1842. Stn: Bonavista, King's Cove. D: 1871.
Jeremiah O'Neill. B: Bansha, Tipperary. A: 1842. Stn: Trepassey. D: 1861.
William Forristal: B: Mooncoin, Kilkenny. A: 1844. Stn: St. John's, Placentia. D: 1894.
Thomas Coady. B: Callan, Kilkenny. Stn: St. John's. D: 1862.
+John Dalton. B: Thurles, Tipperary. A. 1847. Stn: Hr. Grace D: Hr. Grace 1869. O: a nephew of Charles Dalton, whom he assisted at Hr. Grace. John Dalton became the

first Bishop of Harbour Grace in 1856.

William Fripps. B: Mooncoin, Kilkenny. Stn: Burin. D: 1862. O: a nephew of both John and William Forristal

John Vereker. B: Slieverue, Kilkenny. A: 1850. Stn: St. John's. D: 1867. O: brother of Lawrence Vereker (A: 1856)

+J.T. Mullock, OSF*. B: Limerick town. A: 1847. Stn: St. John's. D: 1869.

Sources: Kevin Whelan, "County Kilkenny Priests in Newfoundland", *Old Kilkenny Review 1986*, Vol. 3, No. 3 (second series): 242-255; Whelan, "County Wexford Priests in Newfoundland", *Journal of the Wexford Historical Society*, Vol. 10 (1984-1985): 55-67; J.W. O'R, "Newfoundland and its Irish Settlers, Part III", *Donahoe's Magazine*, Vol. 23, No. 5 (May 1890): 434-448, and J.W. O'R, "Newfoundland and its Irish Settlers, Part V", *Donahoe's Magazine*, Vol. 24, No. 2 (August 1890): 121-126; Rollmann, "*Gentlemen-Bishops*: additional letters", *JCCHS*, Vol. XXX, No. 1 (April 1988): 3-19; James M. Fleming, "Roman Catholic Priests in Newfoundland History", July 1995, passim; Edward-Vincent Chafe, *A History of Corpus Christi Parish, Northern Bay* (St. John's: RB Books, 1995), p. 11.

Appendix II

Kin Relations between the Morris, Fleming and Howley Families
Kin Relations between the Carson, Job, and Shea Families

Key: =: married

Morris Family

? Morris, 17?-?
= ? Doyle, sister of **Patrick Doyle** 1777-1857, Merchant St. John's.
issue: Mary Morris 1776-1847
= Robert Kent 1771-1844
issue: **John Kent** 1805-1872
= **Johanna Fleming**, sister of **M.A. Fleming, OSF** 1792-1850, RC Bishop of St. John's (see below)
issue: Michael Kent
James Kent 1805-1880
=Mary Carrigan
issue: Robert John Kent 1835-1893
= Ellen ?
issue: **James Mary Kent** 1872-1939
author BIS Centenary Volume

Patrick Kent 1808-18?, PP St. Patrick's, Waterford
and 11 others

Simon Morris 1781-1857
= Anne Leonard 1781-18?
issue: Edward Morris 1813-1887
= Catherine Howley 1830-?, sister of **M.F. Howley** 1843-1914, RC Archbishop St. John's
and 2 others

Patrick Morris 1789-1849, 2nd. cousin of **Laurence O'Brien** 1792-1870, Merchant
= 1. Mary Foley ?-1815, dau. of **Thomas Foley** 1761-1838, Merchant of Dungarvan & Harbour Grace
issue: Mary Morris 1815-1907
= Philip Cummins, MD Kilkenny
= 2. Frances Bullen, sister of Emily Bullen = **James Tobin** 1808-1881, Merchant of Halifax & St. John's
issue: James P. Morris 1831-1862

Kathleen Morris
= Sir Henry Donovan
William Morris 1834-1901, priest, London
and 3 others

Fleming Family

? Fleming, 17?-?
= ?
issue: **Martin Fleming, OSF**, 17?-1831, Franciscan Guardian, Carrickbeg
? Fleming 17?-?
= ?
issue: **Michael Anthony Fleming, OSF**, 1792-1850, Roman Catholic Bishop of St. John's
Johanna Fleming
=**John Kent** (see above)
Patrick Fleming of Buenos Aires
possibly others

Howley Family

James Howley 1766-1815 of Glangoole
= Anna Everard 17?-18?
issue: James Howley, DD. 1797-1884, priest, Clonmel
John Howley 1791-1845
= Elizabeth Maddock 17?-18?, dau. of **Luke Maddock** 1748-1813, Merchant of St.John's
two daughters
Michael Howley 1805-1868
Richard Howley 1803-1875
= Elizabeth Burke 1807-1863, dau. John Burke 1766-1828, of Pallasgreen, Limerick, and St. John's
issue: James Howley 1829-1843
Catherine Howley 1830-?
= Edward Morris 1813-1887 (see above)
Richard V. Howley 1835-1912, priest Dublin and NY
Thomas Howley 1840-1889
Michael Francis Howley 1843-1914, First Roman Catholic Archbishop of St. John's
James P. Howley 1847-1918, NF gov't geologist, author and historian of the Beothuk people
a daughter
= ? Nugent

issue: **John V. Nugent** 1786-1874
= ? Creedon, sister of **Mary Ann Creedon**, 1811-1855, (a.k.a. Sr. Mary Frances Creedon, RSM), both of John Creedon of Mt. Dorset Street, Cork.
issue: John Nugent fl. 1840-1850, student for priesthood, Halifax
Agnes Nugent (a.k.a. Sister Mary Vincent Nugent, RSM)
Maria Nugent 1799-1847 (a.k.a. Sr. Mary Joseph Nugent RSM)

Carson/Job/Shea Families

William Carson 1770-1843, physician
= ?
issue: **Samuel Carson**, MD 1803?-1861
Jessy Carson 1815-1903 = **Thomas Bulley Job** 1806-1878, brother of **Robert Job** 1794-1849, sons of John Job 1764-1845
issue: Thomas Raffles Job 1837-1917
= ?
issue: Robert B. Job 1873-1961
Margaret Carson = **Joseph Shea**, MD, brother of **Ambrose Shea** 1815-1905, sons of **Henry Shea** of Carrick-on-Suir
Isabel Carson = ? Langrishe
issue: Isabel Langrishe = Rev. William LeGallais
issue: Isabel Langrishe LeGallais
= 1. James P. Fox, 1860-1899
= 2. Lord Edward P. Morris 1858-1935

Sources: John Mannion, "Patrick Morris and Newfoundland Irish Immigration", *Talamh an Eisc: Canadian and Irish Essays*, ed. Cyril Byrne and Margaret Harry (Halifax: Nimbus Publishing, 1986), p. 187, figure 1; Howley Family File of Dr. John Mannion; Michael Anthony Fleming file of Dr. John Mannion; MIA, files on Sisters of Mercy in Newfoundland; CNS, microfilm of the Carrick Manuscript Census, 1799.

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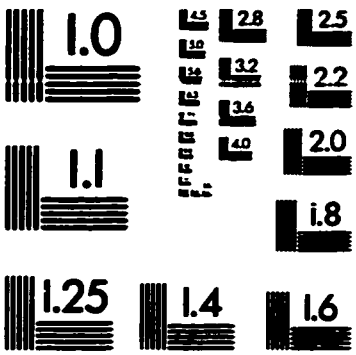
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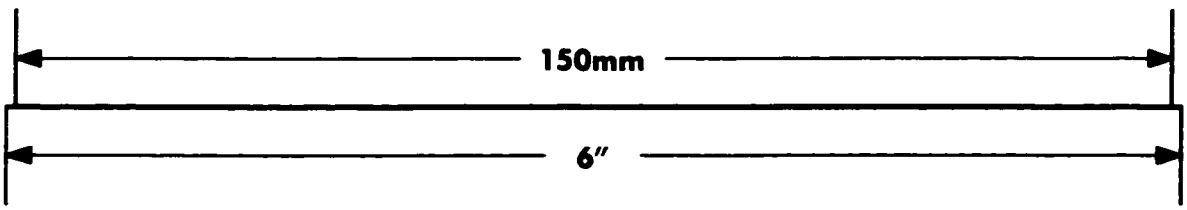
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