

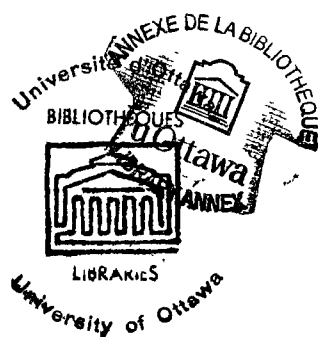
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NEWFOUNDLAND AND CONFEDERATION

1864 - 1870

by FRANCIS J. SMITH

Thesis presented to the Department of History
of the University of Ottawa as partial fulfillment
of the requirements for the degree of Master of
Arts



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CURRICULUM STUDIOURUM

Francis J. Smith was born on July 22, 1937, at Cupids, Newfoundland. He graduated from Memorial University of Newfoundland with a B.A. (Ed.) degree in 1961 and from the University of Ottawa with a B.A. in 1964.

PREFACE

In a national referendum held on July 22, 1948, the people of Newfoundland voted by a small majority to enter into a Confederation with the Dominion of Canada. Union was completed on March 31, 1949, when Newfoundland became Canada's youngest and tenth province. Just eighty years prior to this in the general election of 1869, the voters of Newfoundland had rejected the idea of Confederation with Canada.

The story of that rejection has not yet been adequately told. The topic has been the subject of several articles, notably one by H.B. Mayo, "Newfoundland and Confederation in the Eighteen-Sixties" in the Canadian Historical Review for 1948, and another by the late A.M. Fraser, "The Nineteenth-Century Negotiations for Confederation of Newfoundland with Canada" in the Canadian Historical Association Report for 1949. A political history of the decade in which the Confederation question was being debated has been written by Edward Moulton in his Master of Arts thesis, "The Political History of Newfoundland, 1861-1869". In the articles the treatment of the subject has been far too brief, and the political history does not focus its attention exclusively on the problem of Confederation.

Published works dealing with the Confederation issue at the national level have usually passed over the Newfoundland problem. There have, however, been two works that have dealt with it to some degree. W.L. Morton's The Critical Years: The Union of British North America, 1857-1873 shows Newfoundland's role in the Quebec

Conference, but only in as much as the presence of her delegates there upset some of the arrangements agreed to at Charlottetown. The best published treatment was done by P.B. Waite in his The Life and Times of Confederation, 1864-1867, yet here, too, after giving a fairly adequate analysis of the situation to the end of April, 1865, the author summarizes the rest of the events to 1869.

Nowhere, then, do we find a study on the subject comparable to that done for Prince Edward Island by Father Francis Bolger in Prince Edward Island and Confederation, 1863-1873, or for Nova Scotia by K.G. Pryke in his Nova Scotia and Confederation, 1864-1870. In view of this, I have thought it important to attempt the same for Newfoundland. In this study the Confederation question is isolated therefore from the other issues that do not have a direct bearing on it. For example, the French Shore problem touched slightly on the matter, and will be dealt with only in its aspects that directly concern Confederation. In looking at the role played by the St. John's merchants only their political connections with Confederation will be discussed. Likewise, the Quebec Conference will be described only in as much as it affects Newfoundland.

Why did the Confederation scheme not meet with success in Newfoundland in the 1860's? It is not enough to say that her people rejected it in a democratic election. Any answer to the question must include a detailed examination of the roles played

by the various political groups - both in the colony and outside of it - in contributing to the defeat of Confederation. The thesis, therefore, examines the parts played by the following political groups: the Canadian government as seen in its Prime Minister, Sir John A. Macdonald; the Newfoundland people themselves with a special consideration of their religious and economic groupings; the Colonial Office and its governors; and finally, the position of the government of Newfoundland and its premiers between 1864 and 1870, Hugh William Hoyles and Frederick B.T. Carter.

The principal sources for the thesis will be the various despatches exchanged between the Colonial Office and its governors in Newfoundland. The daily newspapers of St. John's have provided the records of the Assembly debates and much editorial comment. Personal papers of the political figures involved have not been so abundant. Only in the case of Sir John A. Macdonald was it possible to get even a few of his personal papers on the subject.

ACKNOWLEDGEMENTS

The idea for the thesis originated during the summer of 1967 at the University of Ottawa when I did a term paper for Doctor Joseph Levitt on a similar topic. I would like to express my appreciation to him for his interest and advice at that time and since. In gathering the research material I was greatly assisted by the staffs of the National Archives in Ottawa, the Arts and Culture Library in St. John's, and the Newfoundland Provincial Archives. To all of them I am very thankful. I would also like to thank my wife, Kathleen, for her typing and for her encouragement.

A special word of thanks is due to Professor Jacques Monet, S.J., of the University of Ottawa under whose direction this thesis was written. I am deeply indebted to him for his kind assistance and advice.

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CHAPTER 1

INTRODUCTION

The colony of Newfoundland in 1864 was "the most isolated and the most particular" of the British North American Provinces.¹ It was the closest in proximity to the Old World, and was the oldest of the British possessions. It lay to the east of the St. Lawrence River, separated in the north from the mainland by the nine mile Straits of Belle Isle. To the south-west, the Cabot Strait separated it from Nova Scotia by sixty miles of particularly turbulent ocean. It lies between the latitudes of 46° 38' and 51° 39' north - which places St. John's in the extreme east in a more southerly latitude than that of Victoria, B.C. Newfoundland's climate, however, is somewhat colder being tempered by the cold and fog-producing waters of the Labrador Current.

In 1864, only the long and amply indented coastline was settled, while the interior of the island, covered with vast forests of spruce and birch, was virtually unknown and unsettled. The economy of Newfoundland was based almost exclusively on the island's famed fisheries, the produce of which was sold to the Mediterranean and the West Indian countries. The fisheries were still financed and managed by English merchants. Newfoundland's merchant class, concentrated on the south side of Water Street, the principal road in St. John's, maintained strong financial and family ties with the West Country of England whence the vast majority of them had originated

¹ W.L. Morton, The Critical Years: The Union of British North America, 1857-1873. (Toronto, 1964), pp. 41-42.

and this fact, in addition to the island's geographical position, tended to give Newfoundland a special trans-Atlantic outlook.²

The "merchant princes" were far from popular with the fishermen and were often accused of dominating Newfoundland by imposing a monopoly over her trade. During the period of representative government from 1832 to 1855, they had dominated the membership of the Executive Council, but with the establishment of responsible government, they found their influence there considerably weakened. Yet, through their organization, the St. John's Chamber of Commerce, they were still a power to be reckoned with at election time. Anything that might be expected to disrupt their normal trading system - a fisherman would call it their monopoly - would immediately be suspect.

Besides the fisheries, Newfoundland had little else to support its economy. Mineral explorations were being started, but only in the Tilt Cove area to the north was there any real mining activity. Agriculture was scarcely developed. Only 65 of the island's 42,000 square miles had come under cultivation. Even the common commodity of hay had to be imported from Canada to feed the small herds of cattle during the winter months.³

Although Newfoundland had been claimed for England's Henry VII in 1497, and reclaimed by Sir Humphrey Gilbert for

2 Ibid., p. 52.

3 P.B. Waite, The Life and Times of Confederation, 1864-1867 (Toronto, 1962), p. 161.

Queen Elizabeth in 1583, its development as a settled colony was retarded by the rule of the admiral governors in the late eighteenth and early nineteenth centuries. These admirals saw the island as little more than a fishing station and identified themselves with the West Country merchants who preferred that Newfoundland remain in that condition.⁴ Not until 1832 was the colony even granted representative government.

By then, what population there was had scattered in the innumerable bays and coves so typical of Newfoundland's indented shoreline, and mostly in the Avalon Peninsula, more particularly around St. John's. Settlement on the far north and west coasts was impeded by the presence of the French who, since 1783, had fishing rights there extending from Cape St. John, around the northern and western shores, to Cape Ray in the extreme southwest.⁵

In 1864, the population amounted to only 140,000, the vast majority of whom could trace their ancestry back to the British Isles. The Catholics, numbering slightly less than one-half of the total population, had emigrated from Southern Ireland; the Protestants came principally from the West Country of England.⁶ These varying groups settled each to themselves in the many bays and coves, their

⁴ A.H. McIntock, The Establishment of Constitutional Government In Newfoundland, 1783-1832: A Study of Retarded Colonisation (London, 1941), pp. 1-25.

⁵ For a detailed account of the "French Shore" see F.F. Thompson, The French Shore Problem in Newfoundland: An Imperial Study (Toronto, 1961).

⁶ C.O. 199, Newfoundland Blue Books, 1867.

racial, religious, and geographical separation leading to a corresponding division in politics and education. Sectarianism thus became one of the chronic problems of Newfoundland's politics.⁷

The granting of representative government in 1832 inaugurated three decades of violent party strife.⁸ Government was plagued by political deadlock and electoral violence until 1841, when the nine-year old constitution was suspended. The island then came under an "amalgamated legislature" consisting of elected and appointed members. By 1848 this system had also failed to end the political and religious conflicts. For seven years agitation continued, this time around the issue of responsible government. The Protestants, which included most of the mercantile class, argued that Newfoundland was not ready for self-government, the granting of which in their view would give the Catholics perpetual and unwarranted power. The governor, Ken Baillie Hamilton, agreed with them. On the other hand, the Catholics, led by the reform-conscious Liberal party, did not. The Colonial Office agreed with the latter, and in 1855, responsible government was ushered in by Hamilton's successor as governor, Sir Charles Darling.⁹

The fears of the Protestants were soon realized. In May, 1855, the Catholic dominated Liberal party under the leadership of Philip F. Little, a lawyer and a native of Prince Edward Island,

7 Morton, op. cit. , p. 43.

8 Gertrude Gunn, The Political History of Newfoundland, 1832-1864 (Toronto, 1966), p. 14.

9 Ibid., pp. 185-186.

won the first general election under the new system and formed the first responsible ministry. Little's Council included two Protestants, but this did not prevent the Public Ledger, a Conservative oriented paper, from commenting that "the Roman Catholic clergy are upheld in their endeavours after the political ascendancy by a few nominal Protestants".¹⁰

Between 1855 and 1860, the relative rate of growth of the Protestant population outstripped that of the Catholics, and the former, with the strength of statistics on their side became restive under the Catholic-directed regime.¹¹ Yet a change in premiers and a new election did not lessen Catholic influence in politics. Little retired from office in 1858 and was followed by another Catholic leader, the mercurial John Kent, a commission agent who had emigrated from Ireland in 1821.

Kent's term of office did little to end sectarianism. Immediately, another period of unease and conflict began, due among reasons, to the policies of Governor Sir Alexander Bannerman which, after some confused months of political and personal opposition, led to the dismissal of the premier in February, 1861. It was then that the Governor called upon Hugh William Hoyles, the leader of the Conservative party and a high Anglican, to form what was in fact a minority government.

A few days after Hoyles accepted office, Kent successfully moved a motion of non-confidence in the government. Bannerman then

10 Public Ledger, Oct. 2, 1855.

11 Gunn, Op. cit., pp. 149-150.

dissolved the House and called a general election in March 1861. It was marked, among other disputes, by several bitter exchanges between the Governor and the Catholic bishop, John T. Mullock. Serious riots broke out in many of the towns on election day and resulted in the death of one person at Harbour Main. When Hoyles, the winner by a narrow margin, met the House in May, 1861, St. John's erupted in a storm of mob violence which subsided only after Bishop Mullock had appealed to his flock to return to their homes and the garrison troops had fired on the rioters, wounding twenty and killing three of them.¹²

Hoyles' four years in office were thereafter relatively calm. Although only one Catholic entered his Council, the members of that Church were treated fairly. The religious animosity and the political quarreling were somewhat tempered by his tenure of office, but it was not until 1865, after the introduction of the Confederation question, that leaders from various religious groups would coalesce.

The two parties in Newfoundland politics - if they can be so termed - had thus developed along religious and mercantile lines. From the granting of representative government in 1832, the Catholics were traditionally referred to as Liberals, the name no doubt being applied to them because of their close association with the agitation for constitutional reform. Some Protestants, too, had been reformers and had associated with the Catholic party in its political crusade. Dr. William Carson, a Scottish physician and "a fearless, formal and dogmatic liberal of the early nineteenth century",¹³ had been

12 For a detailed analysis of the dispute and the election riots see E.C. Moulton, "The Political History of Newfoundland 1861-1869", M.A. thesis, Memorial University of Newfoundland, 1960.

13 Gunn, op. cit., p. 10.

prominent in the struggle for representative government and had founded a reform newspaper, the Patriot. Robert J. Parsons, the Presbyterian publisher of that paper in 1864, termed himself a Liberal and represented the Catholic district of St. John's West. Thomas Glen, a Wesleyan merchant, represented the Catholic district of Ferryland from 1842 as a Liberal. But these Protestants in the Catholic-Liberal party were the exceptions. The rank and file and the leadership were drawn from the Irish-Catholic population. The first two premiers, Little and Kent, were Catholics. A rival to the latter's leadership was Ambrose Shea. Born in St. John's, Shea had been elected speaker of the House in 1855. He and his brother, Edward Dalton Shea, published their political mouth-piece the Newfoundlander.

In 1855, the Protestants, with the exception of Glen and Parsons, were grouped in what was then termed the Conservative party. Hoyles was its leader until 1865. In that year he was succeeded by Frederick B.T. Carter, who, like Hoyles, was an Anglican and a prominent lawyer. Not so prominent in the party but just as influential in politics as either Hoyles or Carter was Charles Fox Bennett. An Anglican, Bennett had been born in Shaftesbury, England, in 1793. He was probably the wealthiest of the Newfoundland merchants being a prominent shareholder in the Newfoundland Bank, the owner of a brewery, a foundry, a copper mine at Tilt Cove, and engaged in sundry other enterprises. ¹⁴

14 Encyclopedia Canadiana, Vol. 1, p. 369.

It would be erroneous, however, to assign strict party labels to all of these political figures. The parties were incipient ones only, and "were neither coherent nor principled, but mere groupings of sentiment and interest".¹⁵ Both parties had political philosophies which "were always subordinate to political personalities as determining factors in Newfoundland party politics".¹⁶ For example, at the time of the Bannerman - Hoyles coup d' état in 1861 the Catholic Liberal Lawrence O'Brien remained in the Conservative Council, and Ambrose Shea, the Liberal leader of the Opposition, would not hesitate to join Frederick Carter's Conservative cabinet in 1865. Shea was also accompanied by his brother, Edward, and the former premier, John Kent.¹⁷ Thus was the so - called Liberal party stripped of its Catholic leadership. The party apparently functioned without a leader, but from the record of the debates of the Assembly, it is fairly certain that Thomas Glen took unofficial leadership until 1869.¹⁸

During the years that the question of Confederation was being debated in Newfoundland, the island had two governors, Sir Anthony Musgrave and Colonel Stephen Hill. The first had studied

15 Morton, Op. Cit., p. 44.

16 A.M. Fraser, "The Nineteenth-Century Negotiations for Confederation of Newfoundland with Canada", Canadian Historical Association Report, 1949, p. 21.

17 Gunn, Op. Cit., p. 159.

18 Moulton, Op. Cit., p. 110

law at the Inner Temple, London, and had had experience in the colonial civil service, principally in the West Indies. Like many of the other governors of British North America, he came to office in 1864 as a confirmed advocate of Confederation, and worked to achieve it until 1869.¹⁹ His successor, Colonel Stephen Hill, had already had a colorful army career before his appointment to Newfoundland. In 1848, for example, he had led an expedition up the Gambia River and later had successfully driven a band of pirates from the Jeba River in Africa. Just prior to his term of office in Newfoundland, he had been governor of the Leeward Islands.²⁰ Hill arrived in Newfoundland as the election of 1869 was beginning, but was too late to have any great influence on the results.²¹

The official record of the six years from 1864 to 1870 is contained in the various despatches exchanged between the governors and the Colonial Office. The record of the local political figures is not so readily accessible. Indeed, Newfoundland's politicians have been most neglectful (or prudent!) in leaving any written records of their thoughts. The newspapers, however, are a valuable - though somewhat indirect - method of gleaning their opinions. For instance, the transcript of the debates of the House of Assembly are reproduced in the newspapers. Practically every paper was associated to some

19 Encyclopedia Canadiana, Vol. VII, pp. 212.

20 Ibid., Vol. V, p. 126.

21 See G.F.G. Stanley, "Sir Stephen Hill's Observations on the 1869 Election", Canadian Historical Review, XXIX, No. 3 (Sept., 1948), pp. 278-285.

degree with a political party and in a few cases were actually owned by political leaders.

Of all the newspapers in St. John's, the Newfoundlander would be the strongest in its support of Confederation. This was only natural since its editor and owner was Edward D. Shea, the Financial Secretary in Carter's coalition Council, and the brother of Ambrose, who would be a delegate to the Quebec Conference. The Newfoundlander had been a strong advocate of responsible government and was Catholic in outlook. From 1855 to 1866, it was generally opposed by the Public Ledger, which was owned by Henry Winton, a Conservative Protestant. The Ledger would be opposed to Confederation until its owner's death in 1866, when the latter's widow, Elizabeth, hired as editor, Adam Scott who insisted that the paper support Confederation.

Henry and Elizabeth were not the only members of that family prominent in the newspaper world. Their relations, Robert and Francis Winton, jointly owned and edited the Daily News. In 1861, when Hoyles came to power, they quarrelled over which editorial policy to follow. Robert appears to have been ultra-Protestant and Conservative, while Francis was more moderate and somewhat Liberal in attitude. The result was that Robert remained with the Daily News and would support Confederation and that Francis moved to the Day-Book - later renamed the Morning Chronicle and would become the chief supporter of C.F. Bennett in his opposition to Confederation. The Patriot would hold a similar view on Confederation.

Owned and published by the Reformer, Robert Parsons, it claimed to have the largest circulation in the city. The Morning Courier, on the other hand, found itself changing sides. Edited and published by Joseph Wood, the Courier had opposed Hoyles, but threw its support behind Carter and Shea. By 1869, however, it would have enough of the coalition and would stop supporting it. Two other papers, the Telegraph and the Newfoundland Express, both Conservative and Protestant, would support Confederation.

Newfoundland for all its particularities - isolating geography, scattered settlement, rowdy politicians, narrow-minded sectarianism - was not alone. The Maritime provinces were struggling with problems that were not dissimilar. By 1864, the union of these provinces had become a plausible solution. In the spring of that year the Assemblies of the three provinces passed resolutions which in varying degrees agreed that maritime union was worth considering, but by June interest in the matter had practically disappeared. It was at that point that the Canadians intervened. Canada too, had problems of sectarianism and political deadlock. After the defeat of the Taché-Macdonald ministry on June 14, 1864, a coalition was formed which promoted Confederation as a solution to Canadian problems. Aware that the Maritime provinces were planning to have a conference to discuss union, the Canadian coalition inquired on June 30, if it might be allowed to send delegates. It was a request that could hardly be refused, but to that date the time and place for the conference were not even finally decided upon. The Canadian

request acted as a spur and by July 24, it was agreed that the Conference would be held at Charlottetown on September 1, 1864. Officially it was to discuss Maritime union, but that plan was soon caught up in the larger idea of a Confederation of British North America.

CHAPTER 2

CHARLOTTETOWN, QUEBEC, AND NEWFOUNDLAND, 1864.

While all the preparations were being made for the Charlottetown Conference, it appears that Newfoundland was never seriously considered as a candidate either for Maritime union, or for the greater Confederation of all British North America. By the time that Hugh Hoyles became aware of what was going to happen in Prince Edward Island, it was too late for him to arrange to have a delegation there. Time enough remained - although the invitation was slow in coming - to have delegates sent to Quebec. These delegates played a relatively minor - and silent - role at the Conference. They were most prominent only when it became clear that their presence at the conference table had upset some of the agreements reached at Charlottetown. Despite some rather peculiar changes in their status as delegates while at Quebec, they returned to Newfoundland full of optimism and hope that their colony would soon be a part of the proposed new Confederation. The majority of the Newfoundland press supported Confederation, but a hard core of opposition soon rose up against it. This opposition really had its genesis with the mercantile interest.

The idea of Confederation was slow in attracting support in Newfoundland and much of the blame must be attributed to the Hoyles government. Hoyles, himself, favoured Confederation, but his government and party were somewhat divided on the issue. Hoyles, too, may have been anticipating leaving politics to become Chief

Justice. As a result, he did not take firm action and, instead, assumed a very cautious approach to the subject of Confederation - a 'wait and see' attitude.

* * *

Hugh Hoyles was in Halifax while the preparations were being laid for the conference at Charlottetown scheduled for September, 1864. Whether he was there by invitation, went there of his own accord to make inquiries, or was there by pure coincidence is unknown.

The St. John's press had for some time been aware that the idea of a union of the British North American colonies was being contemplated, but such comment as the press made before August did not refer to Newfoundland as being included in such a plan. In August this began to change, but not enough time remained for the press to prepare public opinion for the great events about to transpire at Charlottetown and Quebec. The Day-Book, the first of the papers to make any comment, thought that union was little regarded in Newfoundland because her isolated position excluded her from most of the benefits which might be expected to flow from Confederation. A week later, the same paper regarded it as especially humiliating that Newfoundland alone of all the colonies should not be represented at Charlottetown and rebuked the government for not sending a delegate. At the same time, it asked the St. John's Chamber of Commerce to move in the matter. The same issue referred to the sailing of Mr. Hoyles to Halifax, but as it "was

not in the secrets of the government ...", it could not say, "whether it is his intention to attend this Conversation [sic] or not." ¹

The comments of the Day-Book triggered off a minor editorial battle concerning Hoyles' motives for being in Halifax. The Newfoundland Express figured it had more accurate information than the Day-Book. Its editor, James Sutton, a Methodist who supported Hoyles' Conservative party in his editorials, attacked the Day-Book for suggesting that Newfoundland was not represented, "a statement about as correct as the generality of the statements of that paper respecting the proceedings of our local government". ² The Day-Book interpreted this to mean that Hoyles was a delegate and requested the Express to "have the kindness to say by whom this Colony is represented, if not by Mr. Hoyles". ³ When the Express refused to give an answer, the Day-Book said its own knowledge on the subject was better in any case and stated emphatically that Newfoundland was not represented. ⁴ The Newfoundlander criticized the Hoyles administration for not letting the people know what the government's position was. Such an "unintelligible silence" left too wide a margin for conjecture. In view of the government's former policies, the Newfoundlander felt that "we should expect

1 Day-Book, Aug. 4 and 10, 1864.

2 Newfoundland Express, Aug. 11, 1864.

3 Day-Book, Aug. 15, 1864.

4 Ibid., Aug. 17, 1864.

little good from their representations on those questions which are to come before the Convention. The utmost good that any who know them can hope for at their hands is to abstain from doing mischief".⁵

The Public Ledger tried to settle the argument by suggesting that Hoyles' absence "happened at a time when a few gentlemen have agreed to meet ... for the discussion of a subject they have not even thought it worth their while to visit us, nor to ask our sentiments upon the subject." Hoyles, it concluded, "went only for his health's sake ... so at the present moment neither Newfoundland, nor Mr. Hoyles ... has any part in the movement."⁶ Not everybody was concerned; the Daily News regarded the rest of the press as stupid for being concerned over the matter in view of the absence of any resolution or despatch on the question. Besides, "it would be gross impertinence if we attempted to poke our nose into other people's business".⁷ The Newfoundlander, perhaps, took the best position. It called the whole affair a puzzle and called on Hoyles to "give an account by telegraph or by hastening home".⁸

In the light of what Hoyles said later, and in the absence of any evidence to prove otherwise, it would appear that

5 Newfoundlander, Aug. 18, 1864.

6 Public Ledger, Aug. 19, 1864.

7 Daily News, Aug. 19, 1864.

8 Newfoundlander, Aug. 22, 1864.

his visit to Halifax at such an eventful time was mere chance. The fact remains that he went at a time when he could make enquiries. Yet whatever the circumstances, Confederation was off to a poor beginning in Newfoundland from the very outset. Although Hoyles' trip to Halifax was quite in keeping with his position as premier, too long a silence was kept about his intentions. Rumour grew under the cloak of government secrecy. Apparently little thought had been given either by Newfoundland or the Maritime Provinces of including Newfoundland in any union.

While in Halifax on August 17, 1864, Hoyles took the initiative and inquired verbally of some members of Nova Scotia's Executive Council whether Newfoundland might be included in the proposed union if it so desired. Charles Tupper, the provincial secretary of Nova Scotia, told him, "that the omission of Newfoundland from the proposed convention arose mainly from the belief that was generally entertained that Newfoundland had no wish to be part of it."⁹ The basis for this belief may be partly attributed to Governor Alexander Bannerman, the man whose action in 1861 brought Hoyles to office. In 1858 when the Canadian proposal for union had been promoted in Newfoundland, Bannerman had said that Newfoundland would not send representatives until the Colonial Secretary gave his sanction. The next year, 1859, the governor stated that union would be of little value to the island and that her people would show little interest in it.¹⁰ Tupper, however, showed some interest

⁹ Newfoundland Archives, S 4,4, Minutes of the Executive Council, Sept. 12, 1864.

¹⁰ W.M. Whitelaw, The Maritimes and Canada Before Confederation. (Toronto, 1934), p. 138.

and suggested that Hoyles attend the proposed meeting at Charlottetown, but the latter found "on reference to the times of sailing of Newfld. packets, that my doing so would protract my stay much beyond the time when our new Governor may be expected in St. John's". Hoyles, though, was hopeful that Tupper would see it expedient to furnish the Newfoundland government with information about the results of the conference.¹¹

Thus it seems to have been the date of the arrival of the new governor that prevented Hoyles from going to Charlottetown. From a Confederation point of view, this was rather unfortunate for there can be little doubt that Newfoundland was scarcely considered there. Later the Newfoundland delegates would go to Quebec in comparative ignorance, and with a status somewhat less than the other delegates.

The interest which Hoyles had displayed in Halifax was enough to convince John A. Macdonald to send him a telegram on September 12, 1864, urging him to send delegates to Quebec. Because notice was so short, Macdonald asked Hoyles to "make arrangements to send delegates in anticipation of official despatch. Please answer today if possible".¹² The Newfoundland Executive Council accepted Macdonald's invitation "but in such a manner as not to bind the Government or the Legislature to any ulterior proceedings".¹³

11 P.A.C., Macdonald Papers, M.G. 26, A 1(a), Vol. 51, Hoyles to Tupper, Aug. 18, 1864.

12 Journal of The House of Assembly, 1865, app. 846, Macdonald to Hoyles, Sept. 12, 1864, hereafter abbreviated to JHA.

13 N.A., S 4,4, Sept. 13, 1864.

Because the subject of union had never been before the Legislature, the Council, Macdonald was informed, had "no authority to commit them by any opinion upon it".¹⁴ The Council preferred that the subject should not be a party question and decided to send a delegation of two, Ambrose Shea, the Leader of the Opposition, and Frederick B.T. Carter, the Speaker of the House.¹⁵ The Newfoundland delegation to the Quebec Conference therefore would not contain any member of ministerial rank. Shea accepted the invitation, "fully appreciating the view which regards this as a question which should not be dealt with on party grounds,"¹⁶ and, on the same day the two delegates were issued their instructions. They had no authority to bind or pledge the government or the Legislature to the proposed union and were "authorized merely to discuss the subject". The Legislature reserved "the fullest right and power of assenting to, dissenting from, or if advisable, of proposing modifications of any terms"¹⁷ Edward Shea, editor of the Newfoundlander, commented that the delegation's object was "merely to acquire the information necessary to enable our Legislature to determine what our part in the matter should be, or if we should take part in it at all".¹⁸

14 JHA, 1865, app. 847, Hoyles to Macdonald, Sept. 13, 1864.

15 Ibid., app. 848, R. Carter to A. Shea, Sept. 16, 1864.

16 Ibid., app. 849, A. Shea to R. Carter, Sept. 19, 1864.

17 Ibid., app. 850, R. Carter to A. Shea and F.B.T. Carter, Sept. 19, 1864.

18 Newfoundlander, Sept. 22, 1864.

The Newfoundland government had given very little consideration, if any, to the matter of union, maritime or otherwise, and seems to have had no policy on the matter. If most of the other provinces which sent delegates to Quebec were not totally committed to Confederation, the Newfoundland delegation must be considered the least committed. Newfoundland was to decide after the conference if Confederation were worthwhile. Nor was the delegation the best that could have been sent. While Carter and Shea were good politicians and would in a short time assume the reins of power, neither was at that time a member of the administration. All the other provinces sent delegations that included either the premier or senior members of their administrations. Lawrence O'Brien, the Administrator, wrote the Colonial Secretary, Edward Cardwell, that "it would have been more desirable if a Member of the Executive could have been sent ..., but the expected arrival of Gov. Musgrave prevents any of the Council from leaving the Colony at present."¹⁹ Yet when it is considered that less than a month remained between the arrival of Macdonald's invitation and the date of the Quebec Conference, any delegation that might have been sent could not have been fitted with a definite policy. The Newfoundland Legislature normally sat from late January to early May and was never in session during the fishing season. Any delegation, however strong, would have to proceed to Quebec without any direction from that body. The timing of the Quebec Conference,

¹⁹ N.A., G 11, 6, Letter Books of Despatches to the Colonial Office, Lawrence O'Brien to Cardwell, Sept. 20, 1864.

as chance would have it, was not favourable to Newfoundland with respect to the sitting of the Legislature and the changing of governors.

The Colonial Office took little interest in Newfoundland's role in the proposed Confederation. This attitude was to persist until Confederation was defeated in 1869. Cardwell, in replying to O'Brien's despatch of September 21, simply observed "that the question which these gentlemen have gone to discuss is one which will at the proper time call for the grave consideration of Her Majesty's Government and the Imperial Parliament as well as of the North American legislatures."²⁰ The despatch lacked enthusiasm. For Newfoundland, a colony tied very closely to Great Britain rather than the North American continent, imperial policy had to be stated more emphatically. Newfoundland could hardly be expected to take a definite move in the direction of Confederation unless it was made quite clear that Great Britain desired it.

Although Hoyles had agreed to send a delegation, he had some misgivings about the constitutionality of the Quebec Conference. Macdonald removed his doubts by sending him a telegram on September 22 stating that "the Governor-General sanctions the Order in Council for the formal meetings of Delegates at Quebec."²¹ Hoyles' misgivings do not necessarily suggest that he was lukewarm towards

²⁰ N.A., G 1, 35, Despatches From Colonial Office, Cardwell to Musgrave, Oct. 14, 1864.

²¹ JHA, 1865, app. 851, Macdonald to Hoyles, Sept. 22, 1864.

Confederation, but rather that he was cautious, a condition natural perhaps to anybody coming from such an insular environment as he did. Once Macdonald had assured Hoyles that the conference at Quebec was constitutional Tupper suggested that Newfoundland send five delegates who would sail with the Nova Scotian group on the Canadian steamer from Pictou on October 16.²² Hoyles had to decline this invitation since the two delegates had already sailed on September 23 by direct steamer to Quebec.²³ Carter and Shea thus missed a good opportunity of being informed of the latest developments and especially of the events at Charlottetown. The invitation to Quebec and the sanction from the Governor-General had all been slow in getting to Hoyles. It is rather surprising that the delegates ever did get to Quebec!

The news that the delegates at Quebec would attempt to unite the colonies on the principle of a federation was not received with much warmth by the St. John's press. The Newfoundland Express, a paper that normally supported the government, attacked what it called, "the small fry of the opposition press, the Courier and the Day-Book" for attaching any importance to the question of a federal union. Even if such a union were desirable, Newfoundland's revenue was almost entirely received from customs' duties which, in the event of federation, would belong to the federal government. The Express wondered how Newfoundland would look after its roads,

22 Ibid., Tupper to Hoyles, Sept. 28, 1864.

23 Ibid., Hoyles to Tupper, Sept. 29, 1864.

schools, and justice. In any case, a federal union had contributed to the chaos then prevalent in the United States.²⁴ The Day-Book agreed with the Express. The federal principle might be good for Canada; for Newfoundland it was impracticable.²⁵

When the Quebec Conference commenced on October 10, the Newfoundland delegates were present. Carter presented the credentials for himself and Shea, the letter from Robert Carter of September 19.²⁶ Shea was appointed one of the joint secretaries of the Conference. Because the Newfoundland delegates had not been present at Charlottetown, "it was suggested that an exposition of the whole question should be gone into on their account".²⁷ Among the many speeches on opening day were "two very excellent ones by Newfoundland delegates in which they gave their unqualified adhesion to the principle of Federation".²⁸ In view of the fact that Carter and Shea could have known very little about that principle before leaving, it must be assumed that their total acceptance of a federation plan was due to the influence or persuasion of Macdonald and Hoyle's correspondent, Charles Tupper.

24 Newfoundland Express, Aug. 18, 1864.

25 Day-Book, Aug. 19, 1864.

26 P.A.C., Macdonald Papers, M.G. 26, A 1 (a), Vol. 46, see also footnote 17.

27 N.A., G 3,4, Governor's Office: Miscellaneous Papers and Despatches, "Report of Delegates, Jan. 21, 1865".

28 P.B. Waite, "Edward Whelan reports from the Quebec Conference", Canadian Historical Review, XLII, 1 (March, 1961), p. 28; cited hereafter as "Whelan reports".

The Newfoundland delegates, in an attempt to show that their colony would not be a financial burden on the proposed union, argued that the island was sound economically. Carter spoke of Newfoundland as being a commercial colony possessed not only of immense fisheries, but also as an island afflicted with merchants who retired to England once their fortunes were made. He hoped that union would put an end to this and open up a wider field for Newfoundland enterprise. Her debt, he said, amounted to only 200,000; her provincial debentures could command a premium of 5%. In a boast which later caused him some embarrassment in Newfoundland, he told the Conference: "We can supply your navy with seamen for we have a hardy race inured to the dangers of the deep and ready to defend the country"²⁹ Shea, too, emphasized the good economic condition of Newfoundland. He explained that Newfoundland obtained only a small portion of its imports from Canada, but a considerable amount from the United States. This he attributed to the fact that his province had no facilities for trade with Canada; the solution to this problem, he thought, would be a regular steam ship service. Canada, as was often pointed out, would be geographically incomplete without Newfoundland. Shea, therefore, reminded the delegates that "as Newfoundland stands as the key to the Atlantic it is in the interest of Canada that we should not be taken hold of by any foreign power".³⁰ Alexander T. Galt,

²⁹ A.G. Doughty, "Notes on the Quebec Conference", Canadian Historical Review, 1, (1 March, 1920), p. 29.

³⁰ Idem

speaking on the same day, remarked that Newfoundland would go into the union with a per capita debt less than the rest of the provinces. ³¹

It was all very well for Carter and Shea to portray Newfoundland as being economically sound, yet some of their statements show that Newfoundland and Canada had very little in common. Her trade, they had said, was not usually with Canada but with the United States and Great Britain. Her public debt was low, but then so were her expenditures on public works. The new dominion would in 1867 have acquired a province without a mile of railway and scarcely any roads. While the government of Newfoundland was usually able to balance its budgets, the people of the island were usually on the verge of financial ruin. In years when the fisheries failed, almost half of government expenditure was assigned to pauper relief. Newfoundland would have been an asset to Canada in 1864 in its people and in its untapped - and in most cases unknown - natural resources, but at the same time it would have been a liability because of its financial precariousness. One factor working in her favour was the prospect it offered to the union of geographical completeness in the east.

The introductory speeches of opening day over, the Conference resumed on October 11, to discuss John A. Macdonald's motion of the previous day that the union should be a federal one.

31 Ibid., pp 29-30.

Carter was not present due to his being ill. ³² Macdonald's motion passed unanimously. Carter later explained that he "would have concurred in the vote of yesterday had I been here". ³³ He "gave his adhesion to the principle and wished to be considered as having voted for it". ³⁴

Once Macdonald's motion that the union should be a federal one was accepted, George Brown, the champion of Canada West, moved that there should be a "Federation of the Provinces with a general Government and local Governments for each of the Canadas and for the Maritime Provinces in local matters, with provision of admission of N.W.T., B.C., and Vancouver" ³⁵ Did he include Newfoundland in this arrangement? His resolution did not mention Newfoundland unless one regards her as being 'Maritime'. Because Brown did not refer to Newfoundland in the provinces or territories for which he wanted provision made for their future addition to the union, it seems fairly certain that he did include Newfoundland in the 'Maritime' group. ³⁶ On the 12th, discussion continued on Brown's motion of the previous day. From the scanty record of Carter's speech, it is clear that he also interpreted 'Maritime' to include Newfoundland. He spoke of "the grandeur and magnitude of the scheme.

³² Joseph Pope, ed., Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act (Toronto, 1895), p. 6, hereafter cited as Pope, Confederation Documents.

³³ Ibid., p. 60

³⁴ Waite, "Whelan reports", p. 33.

³⁵ Doughty, op. cit., p. 32.

³⁶ Whitelaw, op. cit., p. 241.

But I do not see that anyone is justified in speaking of taking in the Hudson's Bay Territories".³⁷ Carter appears to have given no reason for this objection. Brown's resolution passed unanimously, an unlikely event had the motion not included Newfoundland.

It was at this point, October 12, that Ambrose Shea presented a resolution designed to speed up the activities of the Conference. "It would", he said, "tend to the despatch of business before the Conference if the several resolutions intended to be moved were prepared in advance by a committee composed of the Delegates of Canada".³⁸ This resolution was accepted.

October 13 was the most crucial day of the Conference and it was the presence of the Newfoundland delegation at Quebec that made it so for on that day, the delegates began to discuss representation in the Senate and Newfoundland's presence disturbed the agreements reached at Charlottetown. John A. Macdonald proposed that for membership in the Senate the Canadas should receive twenty-four each and the maritime provinces twenty-four in all, making a grand total of seventy-two.³⁹ Immediately Leonard Tilley, the New Brunswick leader, seconded by R.B. Dickey of Nova Scotia, proposed in amendment that the two Canadas should have twenty-four each and the maritimes a total of thirty-two. Nova Scotia would receive twelve; New Brunswick, ten; Newfoundland, six; and Prince

37 Pope, Confederation Documents, p. 60.

38 Ibid., p. 8.

39 Ibid., p. 11.

Edward Island, four. Tilley's amendment may have been motivated by a feeling that the Canadians were treating the Atlantic, or maritime, provinces as though they were one by proposing the principle of sectional equality.⁴⁰ Sectional equality was not really a new idea since it had been tentatively agreed upon at Charlottetown, but as Edward Whelan reported from Quebec, "the admission of Newfoundland into the Conference perplexes the arrangement as the agreement was, at Charlottetown, to give equality of representation to the Maritime Provinces of N.S., N.B., P.E.I., with Upper and Lower Canada. This balance is disturbed by the admission of Newfoundland".⁴¹ The Maritime provinces were by now aware of the overwhelming numerical superiority of the Canadian population and were in no mood to share their membership with Newfoundland.⁴² The Canadians, however, could see in treating the Atlantic region as a unity "an obvious and logical improvement of their plan. Newfoundland would help to bring the population of the third, or maritime, region of confederation to the level of that of the Canadas".⁴³ Later in the official report presented to the Newfoundland Legislature, Shea and Carter stated that the Canadians had maintained that Newfoundland had

40 W.L. Morton, op. cit., p. 157.

41 Waite, "Whelan reports", p. 36.

42 J.M.S. Careless, Brown of the Globe, Vol. 2, (Toronto, 1963), p. 146.

43 Donald Creighton, The Road to Confederation: The Emergence of Canada, 1863-1867 (Toronto, 1964), p. 148.

been included in the arrangements at Charlottetown with respect to the Senate.⁴⁴

The debate on this topic continued on October 14. The maritime provinces argued "for a larger relative representation which the Canadians opposed".⁴⁵ Finally Tilley withdrew his amendment of October 13. Then Tupper moved an amendment which closely resembled the final solution. Under this formula there would be three divisions with equal representation. Newfoundland would not be considered as a part of the maritime section, but instead would receive additional representation. This, in fact, would make Newfoundland a fourth and distinct section. There were still a few hurdles, but the solution was near at hand when the Conference resumed on Saturday, October 15. Charles Fisher of Nova Scotia moved a further amendment to that of Tupper's of the previous day. Fisher proposed that there be just three sections, but that the maritime section include Newfoundland. In this arrangement, the two Canadas would receive thirty members each, Nova Scotia and New Brunswick, ten each, while Newfoundland and Prince Edward Island would have five each.⁴⁶ This would preserve sectional equality, include Newfoundland, and also give Prince Edward Island one more representative at the expense of Newfoundland. By this time, however, the delegates from P.E.I. had become very sensitive about their

44 N.A., G 3,4, "Report of Delegates, Jan. 21, 1865".

45 Doughty, op. cit., p. 34.

46 Pope, Confederation Documents, p. 12.

numerical position in the proposed Confederation.⁴⁷

What happened on October 17 is rather clear; why it happened as it did is not so clear. Brown's resolution of October 11 was now changed. This resolution had passed on October 12,⁴⁸ but was now reconsidered and amended to read that "the system of Government should be Federal with Local Government in each province and provision for admission of the North West Territories, Newfoundland, British Columbia, and Vancouver"⁴⁹ Fisher's amendment was then withdrawn and Tupper's amendment considered. Several solutions were proposed and then withdrawn. Finally, Newfoundland was dropped from the maritime section and so it would appear, from the Conference in spite of the fact that her delegates had been voting and participating in the discussions on an equal footing with the other delegates. John A. Macdonald proposed another solution. There would be three sections each represented by twenty-four members. Newfoundland would of course not be considered as a part of the maritime section. To remedy this Macdonald then moved "that the Colony of Newfoundland, having sent a deputation to this Conference, be now invited to enter into the proposed Confederation, with a representation in the Legislative Council of four members".⁵⁰ It was not a 'sop' to the quarrelling maritimers,⁵¹

47 Doughty, op. cit., p. 34.

48 Pope, Confederation Documents, p. 8.

49 Doughty, op. cit., p. 35.

50 Pope, Confederation Documents, pp. 13-14.

51 Whitelaw, op. cit., p. 244.

but rather an ingenious solution to the problem of representation. The maritimers had agreed to three equal divisions at Charlottetown but Newfoundland had not been considered there. The maritimers were not now willing to concede part of their membership to Newfoundland; the Canadians were not willing to give up the principle of sectional equality. Both of these obstacles were overcome by dropping Newfoundland, that is, by altering the status which her delegates had prior to October 17. By granting four members to Newfoundland the Canadians did in fact acknowledge that Newfoundland was not a part of the maritime section.⁵² If Newfoundland might decide not to enter Confederation, no harm would be done; there would still be three equal sections. Although there is no record to substantiate it, there must have been some doubt as to whether Newfoundland was ready and prepared to join the union.

The Newfoundland delegates accepted Macdonald's invitation but reserved the right to press for an increased representation in the Senate. Carter and Shea, however, did not press for any increase. They were aware that Newfoundland had received less than her relative right of representation, but they also saw that Ontario and Nova Scotia were in the same position "and in this instance the Delegates representing Upper Canada, Nova Scotia and Newfoundland made a concession of extreme rights to the other provinces ... in a spirit of fair compromise".⁵³

52 N.A., G 3,4, "Report of Delegates, Jan. 21, 1865".

53 Idem

The problem of how to choose the members of the Senate was the focus of discussion on October 18 and 19. In most of this, Prince Edward Island was the most difficult province to accommodate. Newfoundland's part in this is obscure, yet what is known is rather intriguing. On October 18 Tupper had moved that the senators be chosen from the existing legislative councils. Provision was to be made to exclude P.E.I. from this arrangement. When this resolution passed on October 19, the problem of how they would be chosen still remained. A motion by Galt on October 19 that, with the exception of P.E.I., they be chosen by lot from the existing ones failed. Shea then moved that the selections be made in the way that Galt suggested if a sufficient number could be obtained in that fashion. In case such a sufficient number could not be found in that manner, Shea moved, that the local governments should be empowered to make up the deficiency. George Brown objected to this even though the Canadians had passed it, 9-3. Interestingly enough Shea's motion was in Macdonald's handwriting and may represent the views of the majority of the Canadian delegates. Later Jonathan McCully moved that the appointment of members to the Senate be by the Crown on the recommendation of the federal government and on the nomination of the local governments. McCully's resolution passed unanimously but not before George Brown labelled the motion "almost as bad as Shea's".⁵⁴

54 Pope, Confederation Documents, pp. 17, 63, 65.

When the Conference resumed on the night of October 19, the delegates began to discuss representation in the Lower House. George Brown proposed a plan by which the House of Commons would consist of 200 members. According to this, Brown's favorite principle "rep by pop", Newfoundland would receive seven members, Prince Edward Island only five. The arrangement soon aroused the ire of the delegates from that province. After a period of heated debate, Brown changed his resolution: the House would number only 193, but Newfoundland would still have seven members. Because Brown's revised plan was based on the mainland census of 1861, Shea argued that as the last census had been taken in Newfoundland in 1857, she should have one more member due to the normal increase in population. This was conceded by all the provinces so that Newfoundland would have eight members in a house of 194.⁵⁵ Edward Palmer of Prince Edward Island was not too pleased with the representation that his province was granted and said that the degree of support that his province would give to the union depended entirely upon her representation in the Commons. Shea crossed swords with Palmer by reminding him that it had been agreed at Charlottetown that P.E.I. should have only five members.⁵⁶ "The speech just made", Shea continued, "should have been delivered before we come to this Conference. What has brought us here? What brought about the Conference except the difficulties in Canada over the question of

55 Ibid., pp. 19, 67-68.

56 Waite, The Life and Times of Confederation, p. 94.

representation by population. We came from Newfoundland with that understanding. Canada could not give way in such a matter. Prince Edward Island is in a better position than Newfoundland as regards the Legislative Council, as they have an equal number of representatives therein".⁵⁷ To this George Coles of P.E.I. retorted that Newfoundland was "the cause of our getting a lesser representation in the Legislative Council than we should otherwise have had".⁵⁸ In reply to Shea, Palmer argued that no such arrangement had been made and he wanted to know how Shea knew what had happened at Charlottetown anyway. Ironically, J.H. Gray and W.H. Pope, both of P.E.I., supported Shea's interpretation.⁵⁹

On October 20, George Brown moved that the local legislatures should be unicameral. Carter gave the resolution his support by referring to 1842 when Newfoundland had had such an arrangement which, in his opinion, had worked well and had saved money. Brown later withdrew his resolution and another by McCully from Nova Scotia was passed, leaving the matter for the individual provinces to decide for themselves.⁶⁰

On the next day - October 21, the Conference considered the financial aspects of the proposed Confederation. Alexander Galt dominated the proceedings and introduced most of the financial

57 Pope, Confederation Documents, p. 69.

58 Idem

59 Waite, op. cit., p. 94.

60 Pope, Confederation Documents, p. 75. In 1842 Newfoundland had what was known locally as the Amalgamated Legislature, one half elected, the other half, appointed.

resolutions. There is no evidence that the Newfoundland delegates participated in the ensuing debates, but because of the importance to Newfoundland of several of the resolutions passed, it is probable that Shea or Carter presented the Newfoundland side. On October 22, Galt listed the Newfoundland debt at \$1,000,000 which amounted to an average of about \$8.00 per capita. On this amount Newfoundland would be charged with the interest, but as the average per capita debt of Canada, Nova Scotia, and New Brunswick was approximately \$25, Newfoundland would receive interest on that amount half yearly at 5%. On the same day it was moved that Newfoundland should be given a yearly payment of \$150,000 for the surrender of her Crown lands.⁶¹ The Newfoundland delegates had insisted on this because they could not consent to disturb her system of having no direct taxation. They explained that "a difficulty arose because of the insufficiency for our own requirements of the pro rata amount of subsidy that was sufficient for the wants of the other provinces".⁶² Shea and Carter both realized how unpopular the imposition of direct taxes would be in the island and preferred to have a steady annual supplement to the Newfoundland revenue which would tide her over in lean years. The right of opening, construction and controlling roads and bridges in these lands was, however, retained by Newfoundland. Newfoundland would receive subsidies for

61 Ibid., p. 26.

62 N.A., G 3, 4, "Report of Delegates, Jan. 21, 1865."

local expenditure amounting in all to \$369,376. Broken into its sections, the list reads thus: \$115,376 would come as the interest on the difference between the Canadian and Newfoundland public debts; \$104,000 as the \$0.80 per capita subsidy; and \$150,000 for the Crown lands. In addition the federal government would assume expenditures which had formerly been local charges to the amount of £32,744 sterling.⁶³ In the absence of any system of direct taxation, Newfoundland would be operating on a very tight budget.

Outside the conference hall, the Newfoundland delegates made speeches which gave glowing reports of Newfoundland's finances. Carter speaking at the Board of Trade dinner on October 15 had described the advantages to be gained in the Confederation and said that Newfoundland would consider it a serious loss to be left out of it. "The trade of Canada", he warned, "would be destroyed if Newfoundland were in the hands of a foreign power ... the stability of the Confederation would require Newfoundland".⁶⁴ Shea, too, at Montreal on October 29, referred to Newfoundland as having "the finest harbours in the world in which ships of the Navy might repose in security".⁶⁵ The same sentiments were expressed by George Brown who spoke of Newfoundland as being "the key to the St. Lawrence, and in the event of war would be absolutely necessary to us for purposes of

63 Idem

64 Edward Whelan, The Union of the British Provinces (Charlottetown, 1865), p. 74.

65 Ibid., p. 105.

offence and defence".⁶⁶

The Conference over, the delegates returned to their various provinces to convince their colleagues of the soundness of Confederation. Carter and Shea returned home from Quebec very optimistic about the success of Confederation in Newfoundland. Carter wrote to John A. Macdonald praising the great enthusiasm displayed by the delegates from Nova Scotia and New Brunswick and referred to the handsome provisions offered to his province which he hoped his people would "not be so insane as to reject them".⁶⁷ Shea shared this optimism in a letter to Alexander Galt in which he expressed the opinion that he did "not apprehend any serious difficulty in the passage of the Scheme in our Legislature, but it is not wise to be over confident".⁶⁸

The St. John's press was slow in reacting to the enthusiasm displayed by Carter and Shea. The Day-Book referred to the comparative silence of the Newfoundland delegates at Quebec but attributed this to "the peculiarity of their commission, being present only ex-officio".⁶⁹ Thus the first fruits of not sending a stronger, or more official, delegation were reaped. Two weeks later the Day-Book said it did not want to make a premature assessment of the Conference, but

66 Ibid., p. 190.

67 P.A.C. Macdonald Papers, M.G. 26, A 1 (a), vol. 51, Carter to Macdonald, Nov. 15, 1864.

68 W.G. Ormsby, "Letters to Galt concerning the Maritime Provinces and Confederation", Canadian Historical Review, XXXIV, 2 June, 1953), pp. 167-168, A. Shea to A.T. Galt, Dec. 15, 1864.

69 Day-Book, Nov. 15, 1864.

urged caution with respect to the terms. The public did not know what these terms were until December 1 when the Quebec Resolutions were published in St. John's. The delay in doing this was inexcusable when it is considered that Shea and Carter had been home since November 15. The Day-Book had heard of a rumour then spreading in St. John's "that the Legislature will at its next session vote this Colony into or out of the Confederation. We don't like the idea of this".⁷⁰ Whether the government planned to do this, or not, is debatable, but it was accused by the opposition press of planning to do so. That section of the press expressed the concern that the public would not be consulted. In the absence of any statement policy from Hoyles, the rumour gained ground and was kept alive by an editorial from the Day-Book which noted with disgust that the people of the rest of British North America were not going to be consulted. It hoped that such would not be the case in Newfoundland.⁷¹ The Newfoundland Express approved the terms in general and especially because the grant for Crown lands meant that the need for levying direct taxes would no longer exist.⁷² It praised the colonial statesmen who had avoided the constitutional problems of the United States by having the Lieutenant Governors appointed by the Governor-General in Council and by having their salaries paid for by the federal government.⁷³ The Daily News

70 Ibid., Nov. 30, 1864.

71 Ibid., Dec. 5, 1864.

72 Newfoundland Express, Nov. 19, 1864.

73 Ibid., Nov. 24, 1864.

endeavoured to show that the trade and commerce of Newfoundland would be increased in value and extent, but it also warned that if Confederation was rejected extra taxation would be necessary in the island.⁷⁴ The Day-Book, however, soon became even cooler towards union and expressed itself as being "opposed to this Colony committing itself to Confederation, at all events for the present".⁷⁵ The next issue explained the term 'for the present': "In two or three years ... we shall have the benefit of their experience as portions of the Union, while we shall know how it has fared with us while out of it".⁷⁶

Most of the St. John's press supported Confederation. The Daily News and the Newfoundland Express, who normally supported Hoyle's Conservative government, favoured Confederation. The Morning Courier of Joseph Wood, a Methodist, was opposed to Hoyle, but supported Carter and Shea. The Newfoundlander was the strongest advocate of Confederation. The Public Ledger hesitated at first, but supported Confederation in 1866. Three papers in St. John's were opposed to Confederation. The Day-Book appears to have been the strongest in this opposition. Another strong opponent of union was the Patriot, owned and edited by Robert J. Parsons, a Protestant representing the predominately Catholic district of St. John's West

74 Daily News, Dec. 20, 1864.

75 Day Book, Dec. 6, 1864.

76 Ibid., Dec. 7, 1864.

as a Liberal. In many ways, though, he was very independent and is difficult to label politically. The Times, a commercial paper, opposed union. Because the St. John's press supported Confederation so strongly, it might be assumed that the people of Newfoundland were also so inclined, but such was not the case. The press of St. John's did not reflect even the thinking of the city people, let alone those outside it.⁷⁷ Letters to the editors, petitions, and the results of general elections in 1865 and 1869 show that the voters were not attuned to the press supporting Confederation.

The only relatively major paper published outside St. John's, the Standard of Harbor Grace, was at first very neutral and urged great caution in considering the terms. It hoped that the matter would not be made a party question.⁷⁸ Early in 1865, the Standard was convinced that Confederation was not suitable for Newfoundland. "It will be time enough for us to enter Confederation", wrote its editor, "when England tells us that she do sic not want us any longer. What protection could Canada afford us in case of a war with the United States. We answer, none! Let us then remain as we are for some time longer, under the protection of those who we know are able to protect us".⁷⁹ The Standard was reflecting the view of many Newfoundlanders for whom Confederation meant separation from

77 Waite, op. cit., pp. 171-172; the party tags are used by Gunn and Waite and appear to have been fairly standard in 1865.

78 Harbour Grace, Standard, Dec. 7, 1864.

79 Ibid., Jan. 18, 1865.

a protective mother country for union with a new country situated alongside a potential enemy. It was difficult to convince them of the view that union would strengthen the bonds of empire, that it was indeed the wish of the mother country.

In the meantime, a very important commercial body, the St. John's Chamber of Commerce, was not entirely satisfied with the meagre news of Quebec as it appeared in the Resolutions. At its monthly meeting on December 5, 1864, the Chamber unanimously agreed to apply to the Newfoundland colonial secretary, Robert Carter, for more information. President Stephen Rendell wrote him asking for "the fullest and most accurate information of the terms and conditions proposed as the basis of such a Confederation ... with as little delay as may be deemed advisable".⁸⁰ Carter's reply was prompt, but the government was "not at present in possession of further particulars relative to the proposed Federal Union ... than what have been published in the Public Newspapers of this Town".⁸¹ It was not the type of reply that would win the confidence of the Chamber towards Confederation. Carter's reply does, indeed, show how poorly organized and uninformed the Hoyles government really was. This is even more striking when it is remembered that just a

⁸⁰ N.A. St. John's Chamber of Commerce Minute Book, 1860-1866, Vol 1V, p. 19, Stephen Rendell to Robert Carter, Dec. 6, 1864.

⁸¹ Ibid., p. 20, Carter to Rendell, Dec. 7, 1864.

little more than a month remained before the meeting of the Legislature. For the time, the Chamber said nothing, but it would oppose Confederation in 1865.

On the other side of the Atlantic, the Colonial Office was ready to proceed with Confederation. In December, 1864, Cardwell informed Governor Musgrave that he might take steps for submitting the project of the Quebec Conference to his Legislature. Cardwell did not send Musgrave any special instructions but instead enclosed his despatch of December 3 to Governor-General Monck of Canada because it so fully communicated the views of the imperial government.⁸² Cardwell's despatch therefore lacked a personal touch and treated Newfoundland as though it was another British North American province, which it was not either by geography, or temperament. Musgrave later had great difficulties in convincing Newfoundlanders that the imperial government really wanted their island included in the union. To many it remained a 'mainland project'. Musgrave's reply to Cardwell was optimistic enough although he did express concern that "the solicitude of the Mercantile, which is the dominant interest here, is directed principally to the effect which the virtual annexation of the smaller Provinces to Canada may have upon the local tariff". These objections, he believed, would not be unconquerable if a reply were received from the Canadian government "as may greatly, if not altogether neutralize any opposition upon

⁸² N.A. G 1, 35, Despatches From Colonial Office, Cardwell to Musgrave, Dec. 8, 1864.

this ground".⁸³ Musgrave also informed Monck of the uneasiness of the merchants about the tariffs.⁸⁴ Musgrave was very correct about the tariff. The Newfoundland rates were the lowest in British North America and, since her imports were usually high, the highest tariff would, it was thought, increase the amount of taxation. Forgotten was the fact that many of the articles which Newfoundland imported would, in the event of union, be imported from Canada, duty free. Unfortunately, Newfoundland had little trade with the northern colonies in 1864 and preferred instead to trade with New England and the West Indies.

So far we have seen some of the press and the merchants organization voicing their opposition to the Quebec scheme. Until December, this group lacked a forceful leader, but in that month such a leader began to emerge for those opposed to Confederation. This person was Newfoundland's leading merchant and pioneer mining magnate, Charles Fox Bennett. At the time, he was not a member of the Legislature, but he possessed a powerful influence there. In 1869, he would lead the opponents of Confederation to victory in the general election and become the premier in 1870. Ironically enough, Bennett chose Shea's Newfoundlander in which to publish a series of letters. Bennett's main argument was that Newfoundland would be forced to surrender her status as an independent colony and would lose her powers of taxation to the Canadian people.⁸⁵ He feared that Newfoundland would not only

⁸³ N.A. G 11, 6, Letter Books of Despatches to the Colonial Office, 1864-68, Musgrave to Cardwell, Dec. 27, 1864.

⁸⁴ C.O. 194, 173 Musgrave to Monck, Dec. 27, 1864.

⁸⁵ Newfoundlander, Dec. 5, 1864, letter from C.F. Bennett of Dec. 3; Dec. 12, 1864, letter from Bennett of Dec. 10.

lose control of her revenue, but that she would also lose her Crown lands. Bennett was particularly sensitive about these lands as he had been leased 1,000,000 acres of them under rather curious circumstances. This issue, however, did not play an important role until 1869. Bennett also publicized Shea's speech at Quebec to the effect that Newfoundland would be able to supply the Canadian navy with men. He warned that they might be called on to defend Canada against American aggression "leaving their bones to bleach in a foreign land".⁸⁶ Bennett's arguments, while not too logical, were designed to have an important emotional impact on the ordinary people and a perusal of his letters shows that he was skilled in arousing an incipient form of Newfoundland nationalism in his readers. Canada was portrayed as the sprawling giant trying to solve her internal difficulties by swallowing up the small provinces. Hoyles' procrastination had allowed Bennett to beat him to the punch and the first blows were telling ones. The supporters of Confederation were left waiting for the opening of the Legislature in late January to explain their position. They were left in the rather poor situation of having to defend their position, rather than explain it.

The Newfoundlander, and its editor, Edward Shea, tried to repair the damage Bennett had done to the Confederation issue. It rebuked Bennett for his emotional assertions which it felt betrayed "a want of information we should not have expected, while others are

86 Ibid., Jan. 12, 1865, letter from Bennett of Jan. 9.

of the stump oratory class".⁸⁷ The Newfoundlander argued that union offered a solution to Newfoundland's economic distress and advised those who objected to first show how a more acceptable alternative could be found. It expected that a large preponderance of the more intelligent members of the community would "welcome a change in which they see the most reasonable prospect for the advancement of our people ... It has fair promise of relief for those necessities which most heavily press us down, and this is what we see in nothing else that is feasible or open to our acceptance".⁸⁸ The Newfoundlander also pointed out that the prosperous provinces all favoured union and "when we find their best and most trusted men support the Confederation, we cannot but admit the weighty character of such testimony".⁸⁹

Not everybody would agree that all of the provinces contemplating Confederation were prosperous. "How is it", asked Thomas Glen, the Liberal member for Ferryland, "that their [the Canadas] public debts are so enormously greater than ours".⁹⁰ It was true that the Canadian public debt was much higher per capita than Newfoundland's, but while the Canadians had expended it on public works, Newfoundland had acquired most of its debts

87 Ibid., Jan. 12, 1865, editorial.

88 Ibid., Jan 2 and 26, 1865.

89 Ibid., Jan. 5, 1865.

90 Patriot, Jan. 10, 1865.

on poor relief in bad fishing seasons. Neither did Glen mention the subsidy which would be paid on the excess of public debt.

Before the Legislature met, an attempt was made by the pro-Confederate press to show that the Catholic hierarchy supported Confederation. This was started innocently enough by Bishop Mullock of St. John's. In a lecture to the students of St. Bonaventure's College he stressed that education would become more important to the youth of Newfoundland were she to enter Confederation. The bishop later explained that he had not said anything either for or against union, but that he had meant only to say that Confederation would have an extraordinary influence on the rising generation in Newfoundland in that it would open up a market for education and talent.⁹¹

The Newfoundlander attempted to influence the Catholic population by publishing a letter of Doctor Connolly, Archbishop of Halifax, in praise of Confederation.⁹² Judging by the future events of 1869 it seems to have had little effect on the Catholics.

As Hoyles prepared to meet the Legislature in late January, he might well have expected to meet criticism. The mercantile element, the Irish Catholics, and the disgruntled Opposition, most of whom were anxious to use the Confederation issue as a ticket back to office, were beginning to organise themselves into an anti-Confederation party. There were also signs that some members of Hoyles' government

⁹¹ Ibid., Jan. 10, 1865, Mullock to J.W. M'Cowbrey, editor of the Times.

⁹² Newfoundlander, Jan. 30, 1865.

were not too keen about supporting him on the Confederation issue. Hoyles undoubtedly did favour Confederation although he had remained aloof from the Quebec Conference. He would show in the debates in 1865 that he was on the side of union, but unfortunately for the success of Confederation in Newfoundland, he had not identified himself with that cause when it was first broached in the island. His sending of Carter and Shea shows his caution and perhaps a desire not to be too closely associated with the movement. He may have been motivated to such a course of action by an expectation of the Chief Justiceship which had become vacant and his consequent departure from politics in the following spring. In any event, he did not give the strong leadership that such an important matter demanded.

CHAPTER 3

A DEBATE AND AN ELECTION, 1865.

Nobody knew what course of action Hugh Hoyles planned to follow when he met the House on January 27, 1865. Perhaps not even he himself was entirely certain. The Speech from the Throne on that day simply called for a calm enquiry of the Quebec proposals and did not really outline any definite policy. Hoyles was afraid of committing his government to a policy before he knew what the consensus of opinion in the House was. In retrospect, it is obvious that he was hoping that the Assembly would vote in favour of a Confederation resolution thus making an election unnecessary, but it is also equally obvious that Hoyles was not willing to push the matter too far especially if it might divide his government. The calm enquiry that he called for never came; a considerable number of his own party - back benchers and Council members alike - were opposed to Confederation despite the fact that they were willing to support Hoyles on other matters. In addition, a hard core of the Liberal Opposition, led by Thomas Glen, was opposed to Confederation. This group found a considerable amount of support in its fight against Confederation from the merchants of St. John's who through their organization, the Chamber of Commerce, questioned the whole matter of union and refused to support it during the 1865 election. The Opposition from all quarters was to be so great that Hoyles and Governor Musgrave decided to postpone a decision on Confederation until after the general election which was due to be

held on November 11, 1865. The Colonial Office agreed to the postponement and appears to have been motivated to this policy by a belief prevalent among some of its officials that Newfoundland was not important to the success of Confederation and that the Quebec Conference had taken a distant view as to whether Newfoundland would join or not. Before the election took place, Hoyles would resign from office and be replaced by Carter who took Shea and some other members of the Liberal party into a coalition party with him. The November election was to change very little. Most of the candidates, especially those who had been members of the old House, did not emphasise the Confederation issue at the polls. As a result, the standings in the new House were scarcely changed and those in favour of Confederation were still in a minority. The election was nothing more than an endorsement of Carter and his coalition; Confederation was ignored.

* * *

Still, at the beginning of January, 1865, there was much speculation as to what course of action the government intended to pursue once the House met. The Newfoundlander ventured to say that Hoyles would "not lose any unnecessary time in bringing the question before the Legislature".¹ Musgrave's instructions from Cardwell did stress the point that he should seek a decision on the subject of Confederation without delay, but the despatch did not arrive in time to be considered in the

¹ Newfoundlander, Jan. 26, 1865.

Speech from the Throne.² Once again, Musgrave had been left misinformed and dependent on his own resources which, as time would prove, were inadequate.

The Speech from the Throne on January 27, 1865, called for a calm examination of the Quebec proposals. It anticipated several of the points of contention that the anti-Confederates would raise in the House. The merchants, for example, were afraid that Confederation would bring about a considerable increase in the tariff rate. Musgrave reported that with respect to the tariffs it was impossible for any particular province to give a pledge for a lower tariff which would be binding on the other provinces after union, although the Canadians had expressed a desire to have a tariff system which would be agreeable to all concerned. Lord Monck, read the governor, had promised that Newfoundland need have no apprehension that a system of excessive import duties would be introduced.³ Such an anticipation of opposition was perhaps unusual in a throne speech. Musgrave wrote Cardwell that he had permitted himself more freedom in the expression of his personal opinions than was customary, but that his Council had entirely approved of the draft of the Speech which he had submitted to them.⁴ This suggests that in the preparation of the Speech Musgrave had not really consulted Hoyles but had presented him with the draft.

2 C.O. 195, 23, Cardwell to Musgrave, Jan. 24, 1865.

3 JHA, 1865, Speech from the Throne, Jan. 27, 1865.

4 C.O. 194, 174, Musgrave to Cardwell, Jan. 27, 1865.

This draft, it is true, was accepted by the Council, but the policy it enunciated came from the governor, not from the government.

Since Bennet's letters, it was clear that there would be no calm examination of the Quebec scheme. Not even all of the members who usually supported Hoyles would agree to it. Hoyles' Confederation plan was further hindered by having to follow a parliamentary tradition peculiar to Newfoundland: the Reply to the Speech from the Throne was drawn up by a select committee from all parties in the House. Once this committee presented its draft in the Assembly, debate often ensued immediately.⁵ In this case, a motion to appoint the committee was made by Frederick J. Wyatt, the member for Bonavista. Although Wyatt was a member of Hoyles' Conservative party, he used the occasion to criticize the government for not having the report of the delegates to Quebec before the House. Wyatt also expressed the fervent hope that the voters of Newfoundland would be consulted before any final decision was taken on Confederation.⁶ The fear that the Legislature would make this decision of its own accord was not, therefore, confined solely to the ranks of the Opposition. Hoyles gave notice that he would move the House into committee of the whole to discuss Confederation on February 15. At the same time, he tabled the report of the Quebec

5 P.B. Waite, The Life and Times of Confederation, p. 168.

6 Newfoundlander, Feb. 2, 1865, reporting Assembly debates of Jan. 27.

delegates. Carter and Shea reported that they had signed the Quebec Resolutions with the full conviction that the welfare of the colony would be promoted by entering the union. To reject the Quebec proposals would only aggravate "the injurious consequences of our present isolation".⁷

Few members of the Opposition were prepared to wait until the draft of the Reply was presented to attack Confederation, let alone to wait until February 15. Henry Renouf, Liberal member for St. John's West, speaking on January 27, carried Wyatt's complaints a little further. The House, he cautioned, did not have the power to come to a decision on the matter and ought not even to give an opinion on it in the 1865 session. He wanted to have a general election first. John Casey, the other Liberal member in St. John's West, thought that by joining Confederation the country would be done a great wrong. Since the island already had free institutions, he wanted to know what promise Confederation held for Newfoundland. The only thing he could envision was an increase in taxation. Thomas Glen, argued that the delegates had done wrong in signing the Quebec Resolutions because their actions had induced the British government to suppose that Newfoundland was in favour of Confederation.⁸ Many members of the Opposition clearly did not approve of it.

Hoyles tried to explain the position his government had

7 N.A. G 3, 4, "Report of Delegates, Jan. 21, 1865".

8 Newfoundlander, Feb. 6, 1865, reporting Assembly debates of Jan. 27.

taken on Confederation. He had already heard a member of his own party, Wyatt, and a member of the opposition, Renouf, question the right of the legislature to commit Newfoundland to Confederation without first consulting the people. The premier stated that he favoured the arrangements decided on at Quebec but that he was not willing to discuss the matter just then. He was obviously waiting for the committee of the whole on February 15. He had, he stated, "no desire to press the decision of the House on the question with undue haste". At this point, Thomas Glen asked Hoyles if he were going to force the issue in the present session. Hoyles replied with an abrupt "No! The government never forced any matter through the House". Glen was still not satisfied and asked if he was to understand that the resolutions to be submitted by the government would affirm the report of the Quebec Conference. Hoyles replied that such was the case and that he was going to submit the matter to the house whose members would decide what course to adopt. Glen's reaction to Hoyles' statement won the anti-Confederates the support of many of the voters: "The constitution was granted, not to the House of Assembly, but to the people of Newfoundland and he [Glen] considered the people were entitled to be consulted before we came to a decision on the subject".⁹ It was a winning point. Hoyles was hoping that the matter would not have to be referred to the electorate, but by this time he must have had doubts as to whether he could get the consent of the Legislature. He

9 Idem

finished his verbal exchange with Glen by saying that the matter would be submitted to the Legislature whose decision his government was prepared to accept. Hoyles, perhaps, had not expected such opposition so early in the session. The slow, leisurely pace that he had anticipated was to be denied him. The opposition preferred to make Confederation a party issue. The Newfoundlander published the Speech from the Throne and commented that "there yet appears to be a good deal of opposition to the project on both sides of the House".¹⁰

Hoyles had not planned to enter full debate on the Confederation question until February 15, but thirteen days earlier, he found to his dismay that the opponents of Confederation had seized an opportunity to put forth their arguments. It was a move that the politically experienced Hoyles should have foreseen, but one that he did little to counter effectively. When the House resolved itself into committee of the whole to consider the section of the Reply pertaining to Confederation, the Speaker read a very mild statement which simply stated that the House agreed with Musgrave that the subject was an important one which "should be approached in spirit of calm enquiry, keeping in view as well the present, as the probable future effects on the people of this "Colony".¹¹ Frederick Carter spoke first in support of Confederation. He outlined the advantages to be derived from union. It would give

10 Newfoundlander, Jan. 30, 1865.

11 Newfoundlander, Feb. 9, 1865, reporting Assembly debates of Feb. 2.

Newfoundland a better revenue than she had obtained for the previous ten years and bring her commercial prosperity and advancement. Newfoundland, he said, would not be giving up her fisheries since many of the other provinces of the proposed dominion had similar interests. Carter was aware that many people thought that by entering Confederation the British connection would be severed and reminded them that the imperial bond might instead be strengthened by complying with the known wishes of the imperial government for a union of all British North America.¹² Edward Shea, Liberal member for Ferryland, tried to associate the Roman Catholic bishop of St. John's, Dr. John Thomas Mullock, with the cause of Confederation. The bishop, said Shea, "has no objection to his name being mentioned as eminently favourable to Confederation".¹³ John Casey objected that it was not proper to bring the bishop's name into the Legislature, but there is no evidence to show that Mullock refuted Shea's statement. After this rather low-pitched treatment of the topic, the advocates of Confederation decided not to enter into a full scale debate, but to wait until February 15. The anti-Confederates, however, decided to make the most of the mini-debate. It was indeed all very premature, but they used the occasion to present their side of the story first. The result was that the government was beaten to the punch and found itself

12 Idem

13 Newfoundlander, Feb. 16, 1865, reporting Assembly debates of Feb. 3.

fighting a defensive battle instead of leading a sound offense.

Many of the anti-Confederates expressed the attitude of Thomas Talbot, Liberal member for St. John's West, who advised the government to "go back to the hustings. If there the people express themselves pleased with the Confederation, well and good. If otherwise, this measure must not be forced against their will".¹⁴ With so many members, opposition and government, calling for an election before a final decision, Hoyles had cause to have some misgivings but for the time he waited until February 15. There was no end to the opposition's attack. Robert J. Parsons, Liberal member for St. John's East, referred to Canada as a place in constant commotion and rebellion, plagued with an Orange-Fenian feud, in debt due to corruption, and forever in trouble with the United States. Confederation, he argued, would make direct taxation necessary because Newfoundland would be losing most of her revenue which was obtained from the import duties. He portrayed Canada as a nation exploiting her sister colonies by securing them as markets for her manufactures, which in Newfoundland's case could be more advantageously supplied by Great Britain. Parsons was not aware that there was any hurry for the island to join Confederation: "We can afford to wait before joining to see what the other Colonies will do ... The door will be open for us to enter it just as well by and by [sic] as now".¹⁵

¹⁴ Newfoundlander, Feb. 13, 1865, reporting Assembly debates of Feb. 2.

¹⁵ Newfoundlander, Feb. 16, 1865, reporting Assembly debates of Feb. 3.

By February 6, 1865, the Reply was passed without any change in the form in which it had been presented to the House on Feb. 2, 1865,¹⁶ but the anti-Confederates had shown enough strength to make some government supporters alter their views, if only to a small degree. Edward D. Shea still contended that the House ought to express its opinion upon Confederation but felt that the voters ought to be consulted as well.¹⁷ This position differed considerably from the one Hoyles had taken on January 27 when he had stated that the House would decide what course to follow. In the event that the House made a decision to accept Confederation it would mean that an appeal to the people would be unnecessary.

Edward Shea's statement in the House on February 6 might well have been made in anticipation of the monthly meeting of the strong anti-Confederate Chamber of Commerce scheduled for that night. At that meeting, the Chamber unanimously agreed to hold a special meeting on February 7, 1865, to consider what action it would take with reference to the proposed Confederation. At that meeting, the members of the Chamber expressed concern that it was the government's intention to introduce in the Legislature resolutions affirming the principle of a legislative union of British North America.¹⁸ The Chamber had several objections to what it thought was the government's policy. It felt that further action ought not

16 JHA 1865, p. 13, Feb. 6, 1865.

17 Newfoundlander, Feb. 20, 1865, reporting Assembly debates of Feb. 6.

18 Hoyles had told Glen on Jan. 27, 1865, that such would be the case.

to be attempted until more information had been obtained by the government. The Chamber had obviously not been satisfied by the reply it had received from Robert Carter, the Newfoundland colonial secretary, in December, 1864,¹⁹ and expressed great concern that many of the inhabitants of Newfoundland had not even heard that such a Confederation was contemplated. Objections were also raised because the Chamber felt that for a union to be mutually beneficial to all its members it would have to be founded on a uniformity of interests; they could see no such uniformity and expressed the fear that Canada, being a manufacturing and agricultural country, would pursue a protective tariff policy whereas Newfoundland, almost entirely dependent on imports, would find it even beneficial to pursue a policy of free trade. For these reasons the Chamber resolved that nothing should be done "until further evidence and full information regarding this important measure should have been submitted for the consideration of the inhabitants of this Colony."²⁰ On February 10, 1865, the Chamber formed a special committee to present these resolutions to the Legislature on February 13. In the meantime, the merchants of St. John's sponsored a public meeting on February 11 at which a resolution was passed asking that the matter of Confederation be settled by consulting the people by means of a general election.²¹

19 Cf., p. 41.

20 N.A. St. John's, Chamber of Commerce, Minute Book, 1860-1866, vol. 1V pp. 26-27, Minutes of Special Meeting, Feb. 7, 1865.

21 Day-Book, Feb. 13, 1865.

The resolutions of the Chamber of Commerce were presented to the Legislature by F.J. Wyatt on February 13, 1865. Ambrose Shea argued that the Chamber was asking for extra information and stated that it deserved no more special consideration than any other part of the population. The merchants, he said, were too interested in exploiting Newfoundland to accumulate great fortunes with a view to retiring to the British Isles. Shea called the resolutions "a class petition to conserve their own interest".²² But some members of the Legislature realized that the opposition to Confederation was considerable and withdrew their unqualified support of it. John Kent, for example, did not repudiate Confederation, but he did state in the House on February 13 that it was his opinion that the question would be best settled by the people in an election.

Hoyles too, altered his position. He had intended to have the matter definitely settled in the Legislature without reference to the people. He declared in the House on February 13 that, "it had been his intention to lay before this house a resolution which, if carried, would have definitely settled the question ...", but because of the opposition he encountered, he found an excuse in the delay of the other Provinces: "if the other Colonies had entered this Confederation now, he should have felt bound to place the matter before the house this session for adoption or rejection -. Now, however, there was no necessity for such a course".²³

²² Newfoundlander, Mar. 9, 1865, reporting Assembly debates of Feb. 13.

²³ Idem

His reference to the slowness of the other provinces in settling the matter allowed him to save face in retreat, but the real reason for his new stand was the opposition the matter had met in Newfoundland. The opposition from the great majority of the Liberals, the considerable division on the matter within the ranks of his own Conservative party, and the hostility of the merchantile interests had forced him to alter his policy. The Patriot was happy to comment next day that the great intrigue to carry Confederation without first consulting the people had been defeated and that Hoyles had "found it expedient yesterday to introduce a resolution postponing action".²⁴ Thus, two days before the Premier had originally intended to open the debate, he had effectively agreed to postpone the issue. The committee of the whole did not discuss Confederation until February 20, 1865, due to the illness of Hoyles.²⁵ The debates were rather anti-climatic not only in that the opponents of Confederation had exhausted their stock of arguments in the debate on the Address in Reply and had nothing new to offer, but also because of the Premier's declaration of February 13, that he was ready to postpone action. The Confederation group had not argued too strenuously during the earlier debate on the Reply. Now, however, they found themselves in the unfortunate position of having to reply to the

²⁴ Patriot, Feb. 14, 1865; this resolution was not in fact introduced until Feb. 20.

²⁵ Waite, The Life and Times of Confederation, p. 168.

anti-Confederate accusations rather than present their own policy.

Hoyles began the presentation of the Confederation arguments by expressing concern that Newfoundland might allow the matter to lay dormant while the other provinces were acting immediately. He was undoubtedly aware that Tilley was campaigning in New Brunswick for an election due to start on February 28. Whether he was influenced by this event, or not, Hoyles' whole approach to the question was extremely cautious and hesitant. In his long speech, he paid particular attention to the economic condition of Newfoundland, a colony hindered by isolation and the threat of bankruptcy. Hoyles described Newfoundland as being an insignificant fishing settlement comprised of 130,000 inhabitants who were continually plagued by pauperism and failing fisheries. Union with the other colonies was the panacea that would offer prosperity. The question, he said, was not whether Newfoundland should stay out, but rather, whether she was prepared to take the consequences of remaining out. Among these consequences was that of opposing imperial policy. Taking an imperial view, Hoyles maintained that Newfoundland had received responsible government from Britain in 1855 on principle because the other colonies had already received it. He felt that Newfoundland was being offered Confederation in the same manner and therefore posed the following question:

If we remain out, in what light would we be regarded by the people of England? They would take no interest in us because we would be outside the confederated provinces, subject in our management to wholly different principles - we would be handed over to some subordinate official at the Colonial Office. ²⁶

But Hoyles had already stated on February 13 that his government was not going to press the matter of Confederation in the 1865 session and on February 20 he accordingly introduced a resolution to postpone a decision until after the general election due on November 11 of that fall. John Kent seconded Hoyles' resolution as being in accordance with the wishes of the merchants and the people. The delay would offer all parties the time necessary to examine the Confederation issue more closely. ²⁷

Ambrose Shea was the principal spokesman for union the next day, February 21, 1865. He called on the Legislature to support confederation because history proved that most unions were beneficial to the participating countries. Shea used the union of Scotland with England and the confederation which France had undergone under Henry IV and Richelieu as examples of good unions. In his analysis of the taxing powers of the federal government, Shea erroneously reasoned that the central government had the power to levy only indirect taxes, direct taxation being reserved for the local governments. In Newfoundland, of course, there was no form of direct taxation since all revenue was raised from customs duties. ²⁸ Shea had to be careful lest he

²⁶ Newfoundlander, Mar. 16, 1865, reporting Assembly debates of Feb. 20.

²⁷ Idem

²⁸ Waite, op. cit., p. 169.

arouse the fear of much of the population that union would lead to direct taxation. Undoubtedly he explained the taxing powers of the federal government with that in mind. His explanation also made it clearer why the Crown lands had been exchanged for a yearly grant of \$150,000 at Quebec; it would make it unnecessary, for the time at least, to collect direct taxes in Newfoundland.

John Rorke, the Conservative member for Carbonear, tried to show that the new tariff system would not be as burdensome as many feared since many imported articles would in the future come duty free from Canada. Rorke, however, did more harm than good to the cause of union when he suggested that Confederation had a long range benefit and that he did not anticipate any immediate benefits. Thomas Glen agreed that Confederation was a visionary and very speculative scheme, but his views of the tariff did not coincide with Rorke's. While goods would indeed be able to come duty free from Canada, all it would do would be to shut out a superior brand of goods that could be obtained more cheaply from Great Britain.²⁹ His reasoning coincided very closely with that contained in the Chamber of Commerce petition.

Thomas Glen continued to lead the anti-Confederates in debate. On February 23, 1865 he focused his criticisms on the financial aspects of the Quebec proposals. He expressed his disapproval and fear that the federal government had been given too much power. This, he argued, was especially true in Newfoundland's case because the federal government would be

²⁹ Newfoundlander, Mar. 20, 1865, reporting Assembly debates of Feb. 22.

spending considerable sums on railroads and canals which would be of little value to Newfoundland. Glen saw his province giving up five important things: first, her revenues which would amount to \$160,000 yearly; second, her Crown lands, rich with natural resources; third, her powers of legislation, fourth, the regulation of her fisheries; and fifth, the power of raising taxes by any mode or system. ³⁰

Not all of the opposition to Confederation came from the ranks of the Liberal party. Frederick J. Wyatt had already expressed his disapproval and had been the member who presented the petition of the Chamber of Commerce. In the Council, too, there were men who opposed Confederation. Solicitor-General Hayward, the Conservative member for Harbor Grace, ridiculed Shea and Carter for their enthusiasm about the benefits to flow from union. Nova Scotia and New Brunswick might prosper, but only because they were contiguous to Canada. Newfoundland could always trade with England, but except by a detour through the United States Canada was accessible to Newfoundland for only about five months. Hayward sarcastically commented that, "one would suppose, from the picture painted by them [Carter and Shea] that a howling wilderness would be turned into a Garden of Eden - a Paradise, but he thought it would be a Paradise Lost". ³¹ Stephen March, the Conservative member for Bonavista, would never "consent, while a drop of British blood ran in his veins, to yield up this country,

³⁰ Newfoundlander, Mar. 20, 1865, reporting Assembly debates of Feb. 22.

³¹ Idem

which was one day bound to be the most flourishing on the ocean to a parcel of Johnny Crapeaus or Dutch-Canadians".³² He was in this case supporting the view held by many opponents of Confederation that union with the rest of British North America would lead to a dissolution of the imperial ties with Great Britain. The more intelligent of this group were using the issue to inflame public opinion against Confederation. Donald W.K. Prowse, Conservative member for Burgeo, reminded March that Confederation would strengthen Newfoundland's ties with Britain since the colony would be cooperating with imperial policy by joining the proposed Confederation. Although Prowse was essentially pro-Confederate in his views, he affirmed that he would not accept the Quebec proposals unless a guarantee of direct, local, and inter-colonial steamship service was given.³³ Henry Renouf agreed, but pointed to the immense, and often ice-blocked, sea that separated Newfoundland from the American continent.³⁴

Such strong opposition gave Musgrave second thoughts as to whether Confederation could be accomplished in that session of the House. He informed Cardwell that, although no attempt had been made to obtain a decision adverse to Confederation, a strong inclination existed, even among strong government supporters, to delay any judgement on the question in 1865. Musgrave suggested that the matter be referred to the electorate especially as the

32 Idem

33 Newfoundlander, Mar. 23, 1865, reporting Assembly debates of Feb. 22.

34 Newfoundlander, Mar. 30, 1865, reporting Assembly of Feb. 22.

Legislature was close to its expiration. A little time, he felt, would remove the fears and misapprehensions of some of the people. Musgrave informed Cardwell that it would be unwise to press the matter to a hasty decision "against the almost unanimous desire to defer it. Such a course would probably fail, and only have the effect of exciting factious hostility which would retard the eventual settlement of the Union".³⁵

The governor's despatch of February 23 was the object of much scrutiny at the Colonial Office and the minutes and memos written on its margins are very revealing. High officials at the Office clearly did not regard Newfoundland as a necessary part of the proposed union. Arthur Blackwood, the chief clerk of the North American department at the Colonial Office, was disappointed that Musgrave had not decided upon a dissolution immediately that he thought the Legislature would not look favourably at the scheme. Musgrave, he thought, had not been perceptive enough to foresee this situation arising in the Assembly. The fact that her Assembly would not meet again until January of 1866 would also render it impossible for Newfoundland to enter Confederation simultaneously with the other provinces, but Blackwood was not concerned because it would "not after all much matter: for at the Quebec Conference it was settled that Newfoundland, the N. West Territory, B. Columbia and Vancouver Isld might be admitted into the Union on equitable terms. The placing of Newfoundland in the same category with those other

³⁵ N.A., G 11, 6, Musgrave to Cardwell, Feb. 23, 1865.

Territories seems as if the Conference took a distant view of the probability of Newfoundland as a confederated Member, and, that no great disappointment will be felt by the delay ..."³⁶ Thomas Elliott, the under-Secretary at the Office, agreed that "the immediate accession of Newfoundland, as Mr. Blackwood justly remarks, is less important than that of the Provinces on the Mainland".³⁷ The Colonial Office attitude towards the Newfoundland situation was therefore not one that would lead to such pressure and influence being applied as would later be done in the case of New Brunswick. Newfoundland, like Prince Edward Island, was not a crucial province in the scheme of Confederation. Musgrave was not made aware of this attitude at the Colonial Office. Instead, Cardwell wrote him on March 17, 1865, that he presumed there were strong objections to the course being followed in New Brunswick, an immediate dissolution to be followed by consideration of Confederation by the newly elected Legislature. It was a suggestion, nothing else. Musgrave was told to use his own judgement and discretion, but Cardwell stressed that he regretted the likelihood of delay in Newfoundland and that he was hoping for an early and favourable decision.³⁸ The despatch offered little in the way of aid for

36 C.O. 194, 174, Minute of Arthur Blackwood Mar. 14, 1865.

37 Ibid., Minute of Thomas Elliott, Mar. 14, 1865.

38 C.O. 195, 25, Cardwell to Musgrave, Mar. 17, 1865.

Musgrave. The Colonial Office did not regard Newfoundland as being important enough to the Confederation to apply any special pressure or influence on her at that time.

Cardwell's despatch of March 17, 1865, left the Colonial Office before it was aware of the fate of Hoyles' resolution of February 20. Debate on that resolution continued on into March by which time the arguments of both sides were becoming a little tedious. On March 6, 1865, the Newfoundlander reported that the debate was "not yet closed, though the argument is completely exhausted". The same day the House voted unanimously to accept Hoyles' resolution to postpone any further action until after the general election in November, 1865.³⁹

The Newfoundlander was not dismayed by the delay and argued that Confederation had made good progress. It reported that according to the debates the matter stood, 16-13, in favour of union, but admitted that many of the sixteen in favour were looking for alterations in the Quebec Resolutions.⁴⁰ The Patriot stated that there was a majority against Confederation and that many of those who supported it in principle were opposed to the Quebec Resolutions.⁴¹ The Times was very correct when it said that, "Every sensible person, we think, must rejoice that so

39 JHA 1865, pp. 37-38, Mar. 6, 1865.

40 Newfoundlander, Mar. 9, 1865.

41 Patriot, Mar. 7, 1865.

momentous a question as the Union of this Colony with the projected Confederation has been postponed through the timely and exceedingly prudent resolution of the Premier" ⁴²

Hoyles, then, had acted very cautiously; had he pressed the matter to a decision, he, and the Confederation movement might have suffered a serious defeat. Hoyles had been influenced by four factors in his desire to postpone further action. From a political point of view, he had found most of the Liberals, a considerable number of his own Conservative party, and even several of the members of his council opposed to Confederation in one way or another. Equally important was the fact that the merchants of St. John's had stated quite emphatically through the Chamber of Commerce that they would have nothing to do with Confederation. The third factor was the most significant. Hoyles, or his party at least, would have to face the electorate in the fall of 1865; political expediency dictated that he not force an issue which was apparently not too popular. A fourth factor, the delays being experienced in the other Atlantic provinces, did not have too much influence on the Newfoundland situation, although Hoyles and Musgrave often referred to it as the reason for their own delay.

When Musgrave addressed the House at the closing of its session on April 7, 1865, he said that he might have viewed the delay with regret had the other colonies not been so slow in completing their arrangements for Confederation. He warned the

⁴² Times, Mar. 29, 1865; also quoted in Waite, op. cit., p. 170.

members that although the imperial government would never use force and was quite willing to allow time for the community to fully understand the matter, "the nation has a right to expect, and does look to them [the colonies] to assume their legitimate portion of the charges and responsibilities which are the inevitable concomitants of self-government and free political institutions".⁴³ The warning ought to have been obvious to all, but the Patriot ignored it and chose instead to praise Musgrave's political sagacity and stated that the governor's own opinion on the matter was that "however favourably the British Government may regard a Union of the Colonies, they would not force it upon them against their will".⁴⁴

Musgrave informed Cardwell on April 13, 1865, that the session had ended with the unanimous approval of Hoyles' resolution. He wrote to Cardwell: "Any attempt to force acceptance of the proposition during this Session would have certainly resulted in defeat. After any adverse decision by the present House, an appeal to the Constituencies would have been made under disadvantageous conditions".⁴⁵ At that time, Musgrave was not in possession of Cardwell's despatch to him of March 17, 1865, which had contained the suggestion that an immediate dissolution followed by an election might be advisable.⁴⁶ This despatch arrived in St. John's

43 JHA, 1865, p. 134, April 7, 1865.

44 Patriot, April 4, 1865; dated incorrectly, probably is April 11, 1865.

45 N.A., G 11, 6, Musgrave to Cardwell, April 13, 1865.

46 Cf., p. 67.

shortly after Musgrave's April 13 despatch had been sent to the Colonial Office. Musgrave was obliged to send another despatch in which he gave a very detailed analysis of Newfoundland's political situation. The real reason for the delay with regard to Confederation, he said, was that the matter had not really had sufficient time to have been considered. Musgrave attributed this to the fact that the island had not been included in any of the preliminary planning until late in the summer of 1864 with the result that much of the population was "still so ignorant of the subject ... that they could easily be visited by the misrepresentations of the designing among the needy unscrupulous politicians ... who would be ready to use it for grasping at power ..." ⁴⁷ Musgrave may have been biased in calling these men needy and unscrupulous, but there was - as there must always be in the democratic system - an opposition eager to regain the power it had lost in 1861. Many of the Liberals who had been ousted from office in that year were in 1865 supporters of Hoyle's Conservative government. Men such as Ambrose Shea, and John Kent were willing to coalesce with the government, but the hard-core or the old Liberals such as Thomas Glen, Robert J. Parsons and George J. Hogsett refused to do so. Whether these men were convinced anti-Confederates, or were merely using the opportunity to regain power as Musgrave suggested, is impossible to prove.

47 N.A. G 11, 6, Musgrave to Cardwell, April 19, 1865.

In retrospect, Musgrave's disinclination to immediate action was the stumbling block to Confederation in 1865. Although he was a "responsible governor" and had to follow his government's wishes, he need not have adhered to the strict interpretation of responsibility because he was carrying out a definite policy of the imperial government in what was one of its colonies. The desire to have the delay in Newfoundland would appear to be Musgrave's. He was aware that Tilley had lost an election in New Brunswick similar to the one that Cardwell had suggested for Newfoundland. Musgrave thought that much of the cause of the difficulties in the Maritime provinces could be attributed to hasty action. He wrote Cardwell: "I cannot escape from the impression that imprudent haste has caused the present state of affairs in New Brunswick, which certainly produced injurious effects in the contiguous provinces"⁴⁸ Musgrave thought it was too late for a spring election since many fishermen would be away from home and stated that it would not be wise to hold it at any other time than in the autumn. Cardwell agreed and wrote Musgrave: "I do not doubt the soundness of the judgment which you formed on the subject, and I have the honor to express my approval of your proceedings".⁴⁹ But, Musgrave and Cardwell were perhaps wrong. The result of an election, had it been held in the early spring might have had favourable results for the supporters of Confederation.

48 Idem

49 N.A. G 1, 36, Cardwell to Musgrave, May 11, 1865.

It would have caught the anti-Confederates unprepared and given the government the advantage that sudden elections usually lend to the party in power. It is true that some members of Hoyles' government did not support Confederation, but a reconstruction of the executive council could have solved this problem. Such a reconstruction was planned in any case and could just as easily have been done in January or February as it was eventually done in April. But Musgrave had his way; no decision would be made until after the election on November 11.

Hugh Hoyles would not be contesting that election. On April 18, 1865, the Patriot carried the report of a rumour that he was leaving politics to become Chief Justice. On May 20, he was indeed sworn into the office which Musgrave had recommended for him as early as January 14, 1865.⁵⁰ Musgrave also suggested that the time was ripe to have a knighthood conferred on Hoyles. Such an honor, he thought, would be regarded as a compliment to Newfoundland and might have a "good effect on the tone of public feeling as between the Colonials and the Imperial Government, which it seems desirable to encourage having reference to the projected confederation of the provinces"⁵¹ Before the year was over, Hoyles thus became the first native Newfoundlander to be knighted.

The appointment of Hoyles to the Bench made a reconstruction of the Executive Council necessary. It had been difficult to get Catholics to join the Conservative government after the ousting of

50 C.O. 194, 174, Musgrave to Cardwell, Jan. 14, 1865.

51 N.A. G 11, 6, Musgrave to Cardwell, April 15, 1865.

the Catholic-dominated Liberal party in 1861. But the Confederation issue now helped to bring Catholic and Protestant, Liberal and Conservative, together into another coalition government. Ambrose Shea in writing to Alexander Galt on December 15, 1864, had foreseen this. "With us in this Colony", he wrote, "the question of Confederation will break up our local parties" ⁵² Donald Prowse, one of the more eloquent members of the House, also saw the matter very clearly:

Already the old landmarks of party have been destroyed - the lion and the lamb have learnt to lie down together. We find the hon. member Mr. Glen in double harness with C.F. Bennett, the Ledger and the Patriot newspapers hand in hand, and a still more wonderful and affecting sight, the merchants, whom hon. gentlemen opposite have spent their lifetime in denouncing as grinders and oppressors of the poor, have formed a solemn league and covenant with their nautral enemies, the radicals. ⁵³

The Liberals, or radicals as Prowse called them, had never been associated with the greater merchants, but Bennett, the leading merchant and monopolist of the island, was now associated with them.

The changes to the Executive Council on April 19, 1865, lead to the creation of a coalition government composed of the Conservatives and three Liberals who had been regarded as the top men of that party. Frederick Carter and Ambrose Shea were the obvious choices since both men had attended the Quebec Conference and were strong supporters of Confederation. Carter was a Protestant and became the premier. Shea was a Catholic and joined Carter's executive, but without a portfolio. His brother, Edward, took the office of Financial Secretary, although

⁵² Ormsby, op. cit., pp 167-168. A. Shea to A.T. Galt, Dec. 15, 1865.

⁵³ Newfoundlander, Feb. 20, 1865, reporting Assembly debates of Feb. 6. The Ledger supported Confederation in 1866; the Patriot remained opposed to it.

he was not given a seat on the Council. John Kent, a Catholic and former premier, became Receiver-General in place of John Bemister who was moved to the post of Colonial Secretary. Solicitor-General John Hayward was retained despite his lukewarm attitude towards Confederation. The Patriot thought that "the unexpected changes in the cabinet have naturally taken the people somewhat by surprise".⁵⁴ Two weeks later, the same paper, still opposed to Confederation, felt that more than two Liberals should have been included in the Council, but agreed to give the coalition a fair trial.⁵⁵ The Public Ledger, which did not fully support Confederation until 1866, could see no reason for the coalition.⁵⁶ In 1867, however, it agreed that the purpose of the coalition was to promote Confederation.⁵⁷

In his despatch to the Colonial Office, Musgrave made it appear that the changes in the Council were made to give the Catholics more representation in it rather than to form a coalition government which would support Confederation. Musgrave complained that the history of Newfoundland since 1855 had been nothing more than the narrative of a struggle between Catholics and Protestants for political supremacy. He hoped to end this conflict by

54 Patriot, April 25, 1865.

55 Patriot, May 9, 1865.

56 Public Ledger, April 14, 1865.

57 Public Ledger, Sept. 10, 1867.

establishing some balance in the Council with respect to the Catholic-Protestant representation.⁵⁸ That the desire to put an end to religious quarreling in politics was his motive was undoubtedly true, but it was only a secondary one; the primary motive was to bring men who were committed to Confederation into the government. The fact that Carter's and Shea's views on Confederation coincided made the coalition a reality.⁵⁹ On first consideration, it might be concluded that Hoyles' resignation was the result of a coup d'état, but it is unlikely that such was the case. Three of the first four premiers after the granting of responsible government in 1855 resigned to become Chief Justices.

The Colonial Office sent a despatch to all the Maritime provinces on June 24, 1865, urging them to join the proposed Confederation. Cardwell felt that there was one consideration which it was more especially his duty to press upon the Legislature of Newfoundland which "must recognize a right and even acknowledge an obligation incumbent on the Home Government to urge with earnestness and just authority the measures which they consider to be most expedient on the part of the Colonies with a view to their own defence".⁶⁰ When the New Brunswick government gave a harsh reply to this despatch, the St. John's Patriot expressed the wish that Newfoundland might

58 CO 194, 174, Musgrave to Cardwell, April 19, 1865.

59 E.C. Moulton, The Political History of Newfoundland, 1861-1869. (M.A. thesis, Memorial University), 1960, p. 182.

60 NA, G 1, 36, Cardwell to Musgrave, June 24, 1865.

possess an executive council of the same spirit to overcome "the semi-dictation of Downing Street ..."⁶¹

Governor Musgrave published the June 24 despatch in the Gazette, but he began to have some serious doubts about the outcome of the election scheduled for November. "It would", he wrote Cardwell, "be premature to express a confident opinion as to the result of the new Election with regard to the question of Confederation for there is ... much opposition to the proposal on the part of the Mercantile body" He felt that the June despatch would have a good effect on the Legislature in that it might be guided by the action of the Imperial Government. Musgrave reported that his leading advisers were strongly and cordially disposed to support imperial policy, but he was "conscious that it is necessary to proceed with caution and judgment to avoid the defeat of our object".⁶²

In addition to the electors, Musgrave had good reason to be concerned about the merchants. Their activities in the summer of 1865 were forcing him to use caution. The threat implied in June 24 despatch was publicized at a time when the Chamber of Commerce was preparing its annual report. The Patriot carried the report on August 12, 1865, under the title, "Chamber of Commerce versus Confederation". What was new in the report was the expression of a fear that if the difficulties existing between the Maritime provinces and Canada could be settled, every effort would be made

61 Patriot, Sept. 23, 1865, also Waite, op. cit., pp. 172-173.

62 N.A., G 11, 6, Musgrave to Cardwell, July 11, 1865.

to include Newfoundland in Confederation. The Chamber regarded Confederation as a device being used to relieve Canada from her problem of political deadlock, to strengthen her against possible American aggression, and to provide her with an access to the Atlantic. Confederation might be good for the mainland colonies, but the Chamber found it difficult to see how such a union would be in the interest of Newfoundland. Nor was the Chamber pleased with the prospect of Newfoundland's losing its independent legislative position and assuming a share of the enormous expenditure which would be used for defence and railways. The threat of a high system of tariffs, which would press with peculiar and unequal severity on Newfoundland, made the Chamber fearful of union. The expected high tariffs, too, would divert the island's trade away from its convenient and advantageous channels and force Newfoundland to purchase goods inferior in quality and higher in price from her sister provinces. Confederation, the report concluded, "can open no new or more extensive market for the products of our fisheries, nor does it hold out a prospect of developing new resources".⁶³

Much of Newfoundland's trade was indeed with Great Britain and the West Indies and the merchants feared that Confederation would disrupt this. At a meeting of Chamber on August 14, 1865, the members present agreed unanimously that a copy of their report should be sent to the Newman and Hunt Company in England to have it inserted in the London Times to convey "the opinion of the trade of the Colony on the subject of Confederation".⁶⁴ The Chamber sent a letter on Aug. 8, 1865,

⁶³ Patriot, Aug. 12, 1865.

⁶⁴ N.A., St. John's Chamber of Commerce, Minute Book, 1860-1866, vol. 1V, Annual Report, Aug. 4, 1865.

expressing the hope that the company would use its influence in having the letter published in the London papers. The Newman and Hunt Company agreed that Confederation was not in the best interest of Newfoundland and sent the president of the Chamber several copies of the Times of August 30, 1865, in which the report was published.⁶⁵ Like the Newfoundland merchants, the Newman and Hunt Company did not want to see its trading system with Newfoundland upset by Confederation.

Governor Musgrave felt that the merchants were jealous of being used as a means of setting Canadian political difficulties and that they were fearful that the cession of the power to tax might injure them for the benefit of others. He suggested that what was needed was "such an assurance as the suspicious commercial body will regard as an efficient protection against what they dread".⁶⁶ Musgrave had already mentioned in his Speech from the Throne on January 27, 1865, that Lord Monck, the Canadian Governor-General, had stated that Newfoundland need not have any fears about the possibility of excessive tariffs being imported,⁶⁷ but the Chamber obviously did not place much confidence in Musgrave's words. There is no evidence to suggest that any assurance as Musgrave called for was given to the Chamber of Commerce.

In the meantime an election was scheduled for November.

65 N.A., St. John's Chamber of Commerce, Correspondence, Carton 1X, 4/A2, 9(2) Newman and Hunt Co. to President of Chamber, Aug. 31, 1865.

66 N.A., G 11, 6, Musgrave to Cardwell, Aug. 19, 1865.

67 Cf., p. 50.

The matter of Confederation could have been decided then, but it was not. Despite their rather lukewarm performance in the House and in the press, a majority of the Coalition party did in fact support Confederation. They would not, however, make it an issue in the 1865 election. They went before the electorate on their own individual records,⁶⁸ probably fearing that if they were to advocate Confederation at the hustings they would be defeated. The anti-Confederates, on the other hand, had no such scruple; they could condemn Confederation and still retain their seats. The election seems to have had no other great issue and can be regarded simply as a test of approval for the new coalition government, a test it readily passed. After the votes were counted and the results announced it was evident that there would be little change in the composition of the new Assembly from that of the old one.

Although it was an election in which most of the Coalition candidates wished to ignore the Confederation issue, it did come up in a number of ridings. Yet it was one of the quietest election campaigns ever witnessed in Newfoundland. In the early summer some of the opponents of Confederation attempted to stir up the issue without too much success. The Harbor Grace Standard of May 3, 1865, urged its readers not to vote for any members who had spoken in favour of Confederation. The Solicitor-

68 Waite, op. cit., p. 173.

General, John Hayward, who was opposed to Confederation, represented the district of Harbor Grace. The St. John's Patriot of July 29, 1865, carried a letter to the voters of Newfoundland from "NO UNIONIST" urging all those who were opposed to the Quebec scheme to declare themselves and to nominate candidates opposed to Confederation in every district. If they failed to do this the Patriot warned, "that generations yet unborn

Will curse the day,
Carter and Shea
Crossed the sea
To barter away
The rights of Terra Nova".

Later in the summer Robert Parsons, the Patriot's editor, warned the voters that they should not question a candidate's religion but rather find out "what in his opinion of the contemplated Scheme of Selling Newfoundland to the Canadians? This should be the Alpha and Omega of the Elector's Catechism next fall".⁶⁹ Outside St. John's, there was little news to report about the election. The Patriot was pleased to hear that Stephen March, the Conservative member for Bonavista, had decided to run for Trinity in 1865. He was, it added "an out-and-out opponent of the Confederation scheme"⁷⁰

69 Patriot, Sept. 2, 1865.

70 Patriot, Aug. 19, 1865.

Despite these provocations, the press supporting Confederation refused to be drawn into the editorial battles.⁷¹ The Patriot thought they wanted "to preserve a death-like silence upon the subject"⁷² The Newfoundlander agreed that the campaign was indeed very quiet and suggested that the cause was "apparently an unusual acquiescence in the public mind".⁷³

The fact was that most of the Confederation supporters realized that avoiding the subject was the surest way of being re-elected. The case of John Kent serves as a good example. He was in favour of Confederation and only six months before had joined Carter's coalition. In September, however, he began to have second thoughts. In a letter to the voters of St. John's East, a district he had represented since 1832, he explained that whatever his private convictions were, he wished "to renounce the advocacy of a measure at variance with the opinion of those on whom I rely for Parliamentary support".⁷⁴ He was the first of what would appear to many coalition members who would not make Confederation an issue in the elections. Kent's move was undoubtedly one of political expediency. The two Liberals who ran in St. John's East, a three seat riding, presented themselves to the voters as being opposed to Confederation. A fourth candidate, Michael Power, referred

71 Waite, op. cit., p. 173.

72 Patriot, Sept. 2, 1865.

73 Newfoundlander, Sept. 11, 1865.

74 Patriot, Sept. 30, 1865.

to Confederation as "a measure more than any other calculated to seal the doom of Newfoundland ... and to ensure for ever her degradation".⁷⁵ All four candidates in St. John's East, therefore, had renounced Confederation, although John Kent's position was somewhat ambiguous. In St. John's West only one candidate, John Casey, who had been elected as a Liberal in 1861, mentioned Confederation in his letter to the voters. He was against Confederation and promised "to oppose any attempts to barter away the rights and liberties of the people".⁷⁶

In the districts outside the capital the election seems to have been campaigned with more enthusiasm. In the district of Placentia-St. Mary's, Ambrose Shea, Patrick M. Barron and Thomas O'Reilly were coalition candidates. All three supported Confederation, but to what extent - even in Shea's case - they used it as an election issue is difficult to say. Shea was reported to have spoken to an overflowing audience in the town of St. Mary's and to have been carried from the meeting on the shoulders of his supporters.⁷⁷ The three coalition candidates were opposed by James Collins who gave Confederation his "unqualified opposition".⁷⁸ In the district of Harbour Grace, John Hayward, the solicitor-general in Carter's council, and W.S. Green, both coalition candidates, expressed their

75 Newfoundlander, Oct. 16, 1865.

76 Newfoundlander, Oct. 19, 1865.

77 Newfoundlander, Nov. 6, 1865.

78 Newfoundlander, Oct. 16, 1865.

disapproval of Confederation.⁷⁹ The premier, Frederick B.T. Carter, contested the district of Burin instead of his former riding, Trinity. The Patriot ridiculed him for this and accused him of having to quit his old district to avoid defeat.⁸⁰ Carter was accused in the Assembly in 1866 of having made no reference to Confederation in his campaign speeches. He admitted that he had not advocated union and that he had promised that any final decision would have to come from the people.⁸¹ He had clearly not made Confederation an election issue. In the district of Ferryland, Edward D. Shea found that winning an election was no easy task. Ferryland had elected Shea and Thomas Glen as Liberals in 1861, but Shea was a coalition candidate in 1865, while Glen was considered to be the anti-Confederate leader in the House. Shea ran into difficulties quite early in the campaign. The Hon. Edward Morris, member of the Legislative Council and friend of Bishop Mullock and his priests, recorded in his diary: "Gloomy news from Ferryland respecting E.D. Shea's election. Said to be buried in effigy, that he will not be returned notwithstanding, the efforts of Fr. Murphy".⁸² Morris' report was correct. In its November 6, 1865, issue the

79 Harbor Grace Standard, Oct. 11, 1865.

80 Patriot, Nov. 23, 1865.

81 Newfoundlander, Feb. 26, 1866, reporting Assembly debates of Feb. 12.

82 Roman Catholic Archives, St. John's, MS Diary of Edward Morris; Entry for Oct. 11, 1865. Rev. James Murphy was parish priest at Ferryland from 1836-1870.

Newfoundlander said that Shea had withdrawn because a friend had written him a letter to the effect that the people in his district were panic stricken through apprehension of Confederation and that a contest might cause great strife and endanger the peace of the community. Shea, the Newfoundlander commented, agreed to withdraw. Meanwhile, in the most northerly district in Newfoundland, Twillingate - Fogo, Charles Fox Bennett and his business associate, Edwin Duder, warned William Whiteway, the coalition candidate, that they would not support him unless he opposed Confederation.⁸³

Shortly before election day, the Newfoundlander expressed concern that many frauds were being perpetrated by the anti-Confederates and that many candidates saw an easy way to win an election simply by being opposed to Confederation. "One thing needful", it complained, "is hostility to Confederation, and this sentiment is relied on as an all-sufficient passport to the good opinion and support of the public". The same issue carried the amusing story of one anti-Confederate who, when asked to explain what Confederation was all about, refused to answer because "de [the] question was too intricate for him to say much about it".⁸⁴ Nomination day passed "as quiet as if the Election were about the least important incident that the public has to deal with".⁸⁵

⁸³ C.F. Bennett and Duder to Whiteway, Sept. 30, 1865, published in the Morning Chronicle, Nov. 11, 1867.

⁸⁴ Newfoundlander, Oct. 9, 1865.

⁸⁵ Newfoundlander, Nov. 9, 1865.

There were two factors which contributed to the calmness of the election. Until the spring of 1865, the government had been almost totally either Protestant or Catholic in composition with the result that religious passions were easily aroused during elections. The council that Carter had formed in the spring of 1865 was a coalition in a religious, as well as a political sense. One of the good results of this coalition was that the fierce religious rioting of previous elections was brought to an end.⁸⁶ The other factor contributing to the quietness of the election was the fact that the supporters of Confederation did not press that issue with much force, but preferred instead to follow Hoyles' non-committal attitude of 1864 and 1865. The Patriot was closest to the truth when it said: "A very short time convinced members, who advocated Confederation in the Assembly, that their re-election was not to be calculated upon if they carried their Union vows to the Hustings; and so we find that not one of the individuals who talked loud and long in favour of Confederation in the House dared speak a word in its praise when they faced their constituents".⁸⁷

Carter's coalition party won the election by a wide margin, 21-9, but many of the elected coalition members were not totally committed to Confederation. John Kent, St. John's East; John Hayward and William S. Green, Harbour Grace, Stephen Rendell,

86 Waite, op. cit., p. 173.

87 Patriot, Jan. 6, 1866.

Frederick J. Wyatt, and Stephen March, Trinity, and Thomas R. Bennett, Fortune, all had reservations about Confederation.⁸⁸

All the opposition members - or Liberals as they termed themselves - were anti-Confederate. Ten members were elected by acclamation, a common occurrence in Newfoundland at that time. Twenty-two members of the old assembly were returned to the new house. Five of the eight men who did not return had resigned and did not contest the election. Thomas Byrne and Patrick Nowlan were defeated in Harbor Main by George Hogsett and Charles Furey. Hogsett and Furey were anti-Confederate in their outlooks, but the issues in Harbor Main in 1865 were carried over from the 1861 election.⁸⁹ The only notable defeat on either side was that of Edward D. Shea in Ferryland. He did not, however, contest the election but withdrew before election day.⁹⁰

There were as many interpretations of the election results as there were newspapers. Despite the fact that the question had been debated rather inadequately in only a few

⁸⁸ John Casey is not included in the 21 coalition members. He did not join Carter's Council until the spring of 1866.

⁸⁹ Gertrude E. Gunn, op. cit., pp. 163-168. Hogsett and Furey were the centre of a dispute over the election returns in Harbor Main in 1861. The returning officer gave them certificates of return, but also endorsed the writ of Nowlan and Byrne to the effect that they had a majority. An election committee pronounced Nowlan and Byrne elected but Hogsett and Furey took their seats in the Assembly when it opened on May 13, 1861. After Hogsett was forcibly removed, a riot broke out in St. John's in which three people were killed and twenty wounded as a result of the garrison's firing on the mob.

⁹⁰ C.O. 199, 61, The Election of 1865.

ridings, the anti-Confederate Patriot regarded the result as a defeat for Confederation and was proud to say that "we can well congratulate the Colony that the Quebec Scheme has got such a shaking that ... it will hardly raise its crest again in Newfoundland".⁹¹ The Morning Chronicle of November 28, 1865, stated that in the new assembly 10 men would favour Confederation, 16 would be opposed, and that four were doubtful. The Newfoundlander remarked on November 20 that in almost every instance where candidates favourable to Confederation had offered themselves they had been elected, but admitted that the supporters of Confederation would be in the minority in the new house. A week later, the Newfoundlander was distressed to learn that the Patriot and the Morning Chronicle had been saying that the election had damaged the prospects of Confederation. The editor said that he had revised his earlier calculations and now felt that the supporters of Confederation would comprise one-half of the new house after all.⁹² The Patriot calmly replied that if Carter were willing to force the issue, he would find himself without a majority.⁹³

Musgrave announced the results of the election to Cardwell on November 14, 1865. He reported that Carter had been given a fair working majority - he gave no statistics - but with respect to Confederation Musgrave wrote, "I cannot speak so confidently.

91 Patriot, Nov. 25, 1865.

92 Newfoundlander, Nov. 27, 1865.

93 Patriot, Dec. 2, 1865.

I fear that the new House will not be disposed to assent to that arrangement, at least on the basis of the Resolutions of the Quebec Conference" ⁹⁴ He thought that it would be possible to obtain from the House an affirmation of a general principle that union of all the colonies would be desirable if there was an adjustment of the terms such as would be regarded as equitable by Newfoundland. Once the Assembly recognized this principle, Musgrave did not anticipate any great delay in settling the details. The only thing necessary was a concession of "some such slight modifications of the scheme ... as would supply members of the Assembly with an excuse for changing their opinions" To facilitate these matters, he asked Cardwell for a despatch which would "neutralize the impression ... that Her Majesty's Government have been misled as to the state of public feeling in the other Provinces, and that there is now no present intention of urging further dealing with the subject". ⁹⁵ Cardwell made little comment on the election, but granted Musgrave's demand: "I wish you clearly to understand not only that there is no change in the views of Her Majesty's Government but that we hope that mature consideration will have satisfied the Lower Provinces of the advantages to be derived from such an Union". ⁹⁶

94 N.A., G 11, 6, Musgrave to Cardwell Nov. 14, 1865.

95 Idem

96 G 1, 36, Cardwell to Musgrave, Dec. 20, 1865.

CHAPTER 4

NEWFOUNDLAND HESITATES, 1866 - 1867

With the House of Assembly due to meet on January 30, 1866, the question being asked by those most interested in Confederation was what position would the Newfoundland government take on that subject? It was clear that Carter would have a good working majority in the Legislature on most matters, but it was also equally clear that he would not be able to obtain a majority in favour of Confederation on the basis of the Quebec Resolutions. Robert J. Parsons, the editor of the Patriot, reminded the public that the purpose of the last election had been to gather the opinions of the voters and he suggested that "such opinions can only be ascertained by the Premier bringing the subject before the House as a Government Question ... Will he do so? We shall see"¹

The election however had not really altered the composition of the House. Carter felt he could not risk having a division on Confederation. He would be playing into the hands of the Opposition and exposing his government to an almost certain defeat. His only choice was to have a Speech from the Throne that would be a compromise, one that would affirm the principle of Confederation and suggest that the proposed terms be modified to accommodate Newfoundland. But it was not to be that simple. From the debate on the Address in Reply to the Throne Speech, it became very obvious that the Legislature would not accept that policy. The Opposition would not support a

¹ Patriot, Dec. 2, 1865.

Reply that mentioned Confederation. A number of Carter's coalition members doubted whether acceptable terms could be found. The Reply was accordingly a compromise that committed nobody. On the other side of the Atlantic, the Colonial Office was not prepared to exert any great pressure on Newfoundland to make her move towards Confederation. The attitude there seems to have been that Newfoundland - and Prince Edward Island - would gravitate towards Canada after the four mainland provinces were united. There also appears to have been a belief in the Colonial Office that the problem of the French Shore would be accentuated by Newfoundland's entry into Confederation. So while the other colonies made ready their preparations for Confederation, Newfoundland would hesitate for two years.

* * *

The Speech from the Throne on January 30, 1866, stated that the abstract advantages of Confederation, upon general principles, ought to be obvious to everybody; the only questions which could be raised were those affecting the terms. Musgrave warned that Newfoundland might find itself in an isolated position if it ignored the call of Great Britain to enter Confederation. He also gave notice of the termination of the Reciprocity Treaty with the United States and reported that, although negotiations were being carried out with a view to a renewal of the treaty, the Secretary of State for the colonies had informed him that the British ambassador in Washington was of the opinion that renewal would not come because of

the necessity of submitting a treaty to the separate action of each of the colonies. Union with Canada clearly afforded the best hope of renewal of Reciprocity. With respect to defence, Musgrave read that Britain was not prepared to assume the whole cost and responsibility for it any longer. He reminded the Legislature that on the completion of Confederation defence would be a federal expense, "but, under other circumstances, it will be incumbent upon each Colony separately to make provision for a duty which will become unavoidable".²

The threat implied, and the advice given, had little effect on the members of the House. Thomas Bennett, the coalition member for Fortune Bay, moved for the appointment of a select committee to prepare the Reply. For Bennett, there was no question of the soundness of the principle of Confederation; the only question in his mind was whether its details could be so arranged as to prove beneficial to Newfoundland. Thomas O'Reilly, the newly elected member for Placentia - St. Mary's, seconded the motion, but made no reference to Confederation.³ The Select Committee presented its draft of the Reply to the House on February 12, 1866:

We concur in the view of Your Excellency that the abstract advantages of union are so obvious as to be almost necessarily acknowledged, while on the details of so grave a measure it is natural that much diversity of opinion should prevail as to terms on which, with advantage to the Colony, we would consent to join in the proposed union.⁴

2 JHA, 1866, pp. 10-11, Jan. 30, 1866.

3 Newfoundlander, Feb. 5, 1866, reporting Assembly debates for Jan. 30.

4 Ibid., reporting Assembly debates for Feb. 12.

This draft of the Reply was too strong for some members of the House. Had it passed, the next step would have been to start negotiations for better terms. Thomas Glen was not prepared to let that happen. Attacking with his usual store of arguments against Confederation, Glen moved that the Reply be amended to read that the Quebec Resolutions, however well suited to the other provinces, "is in no respect suitable to Newfoundland, and would, if accepted, prove inimical to the prosperity, happiness and well being of its inhabitants".⁵ The amendment had little chance of success and was defeated, 17-6,⁶ but not before certain members of Carter's coalition party had expressed strong disapproval of the original draft. Although no coalition members voted for Glen's amendment, Stephen March and Stephen Rendell, members for the district of Trinity, made it known that they were still opposed to Confederation. Frederick Wyatt, the member for Bonavista, expressed his disapproval of Glen's amendment but still felt that the Quebec Resolutions were not suitable for Newfoundland.⁷ Robert J. Parsons, although an avowed anti-Confederate, refused to side with Glen. "An amendment to an address in the shape of a series of resolutions", he wrote in the Patriot on March 3, 1866, "was so absurd that ordinary courtesy to the Government prevented any member outside the Opposition from voting against it"

5 Idem

6 Waite, op. cit., p. 174.

7 Newfoundlander, Mar. 1, 1866, reporting Assembly debates for Feb. 13.

The original paragraph of the draft dealing with Confederation was not incorporated into the Reply. "As hesitation", Musgrave informed Cardwell, "had been shewn by some of the usual supporters of the Government to sustain the Paragraph exactly as it stood originally formed, an amendment was moved by William Hayward, the Solicitor General, as a middle course" ⁸ This amendment was similar to the original draft in that it agreed the abstract advantages of union were obvious, but it made no reference to terms. The text of the original paragraph was amended to read that "with regard to this Colony, and on the details of so grave a measure, it is natural that much diversity of opinion should prevail" ⁹ The Opposition did not agree with this. George Hogsett, the Liberal member for Harbour Main, argued that the Reply was essentially an endorsement of Confederation as being suitable for Newfoundland. Thomas Talbot, member for St. John's West, proposed to further amend Hayward's compromise version of the Reply. He was willing to concur with the view that Confederation was good in principle but wanted to add that, "with reference to this Colony, the great preponderance of opinion is decidedly adverse to our entering into the proposed Confederation" ¹⁰ Talbot saw his amendment defeated by the same margin as Glen's. Hayward's amendment was then accepted and became part of the Address in Reply. The Newfoundlander

⁸ C.O. 194, 175, Musgrave to Cardwell Feb. 20, 1866.

⁹ JHA, 1866, p. 29, Feb. 16, 1866.

¹⁰ Ibid., pp. 31-32, Feb. 16, 1866.

of February 19, 1866, agreed that the House had been right in making such a reply to the Governor; it had left the question open for further consideration, "a wise course seeing that no definite action has been taken on the subject by the other Provinces".

Governor Musgrave was not perturbed by the non-committal reply, but when he acknowledged it, he reminded the Legislature that it was the definite intention of the Imperial Government to see Confederation carried into effect and that the minor objections of any particular colony would have to give way before the more weighty pressure of the national interest. The Imperial Government was prepared to assist in the adjustment of details to make the arrangements equitable to Newfoundland. At the same time, Musgrave expressed concern that Newfoundland might, "by unnecessary delay, place itself in a position unfavourable to negotiations ..." and recommended that the Legislature "decide upon the terms under which ... the Colony may, with advantage, join in the proposed union".¹¹ Musgrave informed Cardwell of his policy towards Confederation in Newfoundland.

My object has been, without exciting factious opposition, to maintain a gentle pressure towards the consideration of the measure. For my own part I am tolerably well satisfied with the present position of the question. I regard the principle of the proposed Confederation to have been virtually conceded and if the other Provinces consent to the Union, I have little doubt that it will only remain for us to settle the terms upon which Newfoundland shall unite in the measure¹²

11 Ibid., pp. 35-36, Feb. 20, 1866.

12 C.O. 194, 175, Musgrave to Cardwell, Feb. 20, 1866.

Musgrave also suggested to Cardwell that it might facilitate matters if Newfoundland were informed that opposition to Confederation might mean not only that she would have to pay for the garrison in St. John's, but also for the expense involved in the Ships of War used in the protection of the fisheries. Musgrave stated that he would use this threat only as a last resort. The Colonial Office did not react to this suggestion as Musgrave would have liked. Arthur Blackwood thought that, "The Governor seems to me to have lost sight of the obvious reflection that it would be impossible to treat N--d. differently from New Brunswick; Nova Scotia; P.E.I. in the affairs of Confederation; that to attempt to use force to one Colony wd. stimulate a rebellion in the rest".¹³ The official reply merely acknowledged Musgrave's despatch and gave no hint of the possibility of pressure from the Colonial Office.¹⁴ Lord Monck, the Canadian Governor-General, was more optimistic in his reply to Musgrave: "I observe with great pleasure the assent given ... to the principle of union ... and I trust that means may be discovered in the course of the present year to harmonize the views of all the Colonies as to the details of a plan for applying the Principle in practice".¹⁵

The Assembly was in no mood to consider any new terms that might be offered to Newfoundland or even to suggest terms that Newfoundland might request. The Opposition wanted nothing to do

13 Ibid., Minute of Arthur Blackwood, Mar. 14, 1866.

14 C.O. 195, Cardwell to Musgrave, Mar. 23, 1866.

15 N.A. G 3, 4, Monck to Musgrave, Mar. 5, 1866.

with Confederation under any terms; the government was afraid of risking an adverse vote against union. When the House reconvened on February 21, 1866, George Hogsett gave notice that on February 27, he would move the House into Committee of the Whole, "to consider the applicability, in principle and detail, of Confederation for Newfoundland".¹⁶ On that date discussion was postponed until March 5.¹⁷ When the committee met on that date, Hogsett wanted to know to what extent the Legislature had committed itself to Confederation through its Reply to Musgrave. Hogsett thought that the principle of Confederation had been admitted by the majority of the Assembly and that Musgrave shared his opinion. Soon, he warned, "the leader of the Government will come down with a message from the Governor, saying that we must form a Committee to consider the details".¹⁸ Hogsett reasoned that because no new despatches referring to Confederation had arrived since June 24, 1865, the Imperial Government was not anxious to press the issue on Newfoundland. He was not prepared to support the report of the Committee on the Whole on Confederation; instead, he moved that it be replaced by one which would make it clear "that the circumstances of the Colony present insuperable difficulties to the adoption by its people of the proposed Confederation; and that the almost universal opinion of the inhabitants of Newfoundland is opposed to an union with

16 JHA, 1866, p. 40, Feb. 21, 1866.

17 Ibid., p. 53, Feb. 27, 1866.

18 Newfoundlander, April 2, 1866, reporting Assembly debates for Mar. 5.

Canada".¹⁹ Governor Musgrave thought that the motion had "originated less in an opposition on Mr. Hogsett's part to the principle of Confederation ... than in a desire to embarrass the administration and the hope by pressing the subject of dividing their supporters among whom diverse opinions on the subject are entertained"²⁰ Hogsett's resolution was soundly defeated, 18-7, but Carter was afraid to push the House too far. Musgrave told Cardwell that the advocates of union wanted "to guard against an adverse vote, and for this purpose to leave the subject in such a position as will content the waverers in opinion, who otherwise would vote with the opposition as the safer course, and to keep it alive for consideration while preserving the Legislature from being committed to any judgement"²¹ Carter therefore moved in amendment to the Committee's report that because no information had been received demanding an immediate consideration of Confederation "this House does not deem it expedient to enter upon its discussion with a view to any decision thereon".²² This policy was accepted by a vote of 17-7. As the Patriot had predicted on March 3, "after a great deal of talk the House of Assembly have left the question of Confederation just where they found it". The Telegraph

19 JHA, 1866, p. 69, Mar. 8, 1866.

20 C.O. 194, 175, Musgrave to Cardwell, Mar. 21, 1866.

21 Idem

22 JHA, 1866, p. 68, Mar. 8, 1866.

reserved its comments until February 6, 1867, but it was closer to the truth than any other of the observers:

It is a well-known fact that the Premier, Mr. Carter, has associated with himself in the Government, most unwisely we believe, men who are diametrically opposed on this question of Confederation. The natural result was that no action was taken last year, each party doubtless adhering to its own opinion

The rest of the 1866 session of the House was comparatively quiet. Frederick Wyatt presented petitions against Confederation from some citizens of the towns of Trinity and Catalina on March 23, 1866, but they failed to generate much discussion. When Carter gave notice that the House would be adjourned on May 1, George Hogsett expressed the fear that the government might afterwards send a delegation to London. He gave notice that on May 1, he would move a resolution that "no action should be taken upon the subject of Confederation ... by the Executive Government of this Colony, by way of delegation or otherwise, without first consulting the House of Assembly thereon".²⁴ Carter replied that he had not contemplated such action, but he noted with regret that there would be "an Act of the Imperial Parliament passed this session, and we shall be shut out. We shall then be too late, and shall be constrained to go in on the terms of the Imperial Government."²⁵ This statement of Carter's was aimed more at the merchants than at Hogsett. They had, Carter complained, opposed the granting of representative government in 1832 and the coming of responsible government in 1855. "With

23 Ibid., p. 95, Mar. 23, 1866.

24 Newfoundland Express, May 14, 1866, reporting Assembly debates for April 30.

25 Idem

respect to Responsible Government", he said, "the terms were made and forced upon us and so it will be now with regard to Confederation. Upon the Commercial interest then, let the responsibility rest".²⁶ Carter's attack upon the merchants was somewhat surprising since the Conservative party of which he was a member of long standing had traditionally depended on them for support. Carter may have been attempting to bring public opinion to bear against the merchants who on other occasions had been accused of retarding Newfoundland's political development.

Hogsett's proposed motion which had spurred Carter to the attack was not made on May 1. In closing the Assembly on that date, Musgrave informed the members that he had heard that Nova Scotia had appointed delegates to go to London later in the year. "It will remain for you when you next meet", he warned, "to finally consider and decide".²⁷ Musgrave informed Cardwell that he had not deemed it wise to keep the House in session any longer. If the Maritime Provinces moved rapidly towards Confederation, he would call the Legislature together, but the actions of the other provinces had lead him "to think it practically impossible that the question of Union can be brought into a shape fit for the action of the Imperial Parliament during the present session and in this case I see no harm likely to result from temporary inaction in our case"²⁸

In the Spring of 1866, John Casey, member for St. John's

26 Idem.

27 JHA, 1866, p. 197, May 1, 1866.

28 N.A., G 11, 6, Musgrave to Cardwell May 1, 1866.

West, and apparently opposed to Confederation, resigned his seat in the Assembly to become Chairman of the Board of Works in Carter's government. Casey had never been a supporter of Confederation, but he had abstained from voting on the series of anti-Confederate resolutions proposed by Glen, Talbot and Hogsett in February and March. Casey said that he would contest the bye-election, made necessary by his acceptance of a council seat, as a candidate still opposed to Confederation.²⁹ The Newfoundlander claimed that Casey was not in any way compromising his principles and gave him its support.³⁰ The Patriot, too, supported Casey.³¹ Not enough of his supporters in 1861 and 1865, however, were willing to vote for him in 1866; his opponent, Peter Brennan, a virtual unknown to politics, easily defeated him, 820-474. The Newfoundlander was not perturbed over the result. The government, it said, still had twenty-one of the thirty members of the House supporting it; "one anti-Confederate has been replaced by another".³² Yet the Newfoundlander attributed Casey's defeat to a suspicion among the voters that he was no longer opposed to Confederation, even if he had represented them faithfully since 1861.³³

29 Newfoundlander, May 24, 1866.

30 Ibid., May 31, 1866.

31 Patriot, May 26, 1866.

32 Newfoundlander, June 4, 1866.

33 Ibid., June 7, 1866.

There was an awareness in Newfoundland during the Confederation issue that its political future might depend on Maritime reaction to union. The press, which supported Confederation, tried on many occasions to make that point clear. The *Newfoundlander* had warned in February that there was a feeling on all sides that union would be effected by agencies beyond Newfoundland's control and that it might be wise to seek "the best terms we can while the opportunity for doing so is yet within reach".³⁴ Musgrave, too, had always made it known that Newfoundland could hesitate for only as long as the Maritime provinces remained undecided. When Musgrave closed the House on May 1, 1866, he apparently had not anticipated swift action in those provinces,³⁵ but events soon proved him to be wrong.

In New Brunswick, the anti-Confederate government of A.J. Smith resigned on April 10, 1866. In the election that followed, Leonard Tilley was swept back into power and by June 26, the New Brunswick Assembly passed resolutions favourable to Confederation. Events of a somewhat similar nature were happening in Nova Scotia. On the day that Smith resigned in New Brunswick, Charles Tupper moved a resolution to appoint Nova Scotia's delegates to go to London. This resolution passed on April 17.³⁶ The *Newfoundlander* suggested that it might be good for the voters "to direct their attention occasionally to these indications of the progress of opinion amongst our neighbours

34 *Ibid.*, Feb. 19, 1866.

35 N.A., G 11, 6, Musgrave to Cardwell May 1, 1866.

36 Waite, *op. cit.*, pp. 270-271.

and the influence which it must necessarily exercise upon ourselves and our affairs".³⁷

The influence came but not in the way that the Newfoundlander had hoped for; instead, two opponents of Confederation from Nova Scotia, Patrick Power and E.M. Macdonald, editor of the Halifax Citizen, arrived in St. John's on June 26, 1866, on the S.S. Delta. That night they attended a meeting of about fifty merchants and politicians in the Exchange Building. Macdonald spoke of the "desire of the people of Nova Scotia to obtain the alliance of Newfoundland in their resistance to the Quebec Scheme".³⁸ A committee - referred to sarcastically by the Newfoundlander as the Committee of Public Safety - was formed and a petition circulated begging that Newfoundland not be included in any Confederation "until the question shall have definitely been submitted to the people".³⁹ Musgrave sent the petition to the Earl of Carnarvon, the Colonial Secretary since Cardwell's resignation on July 6, with the comment that he was unable to see the cause of their apprehension as no attempt had been made to force the issue. Neither did he regard the petition, nor the manner in which it had been produced, "as of any importance nor as indicating with any truth the State of Public feeling".⁴⁰ The Newfoundlander refused to be taken in by "the Nova Scotia oracles",⁴¹ and expressed regret that Newfoundland was not in a

37 Newfoundlander, June 11, 1866.

38 Patriot, June 30, 1866.

39 Ibid., July 7, 1866.

40 C.O. 194, 175, Musgrave to Carnarvon, Aug. 7, 1866.

41 Newfoundlander, June 28, 1866.

position to send delegates to London.⁴²

Influence of the opposite kind came from Nova Scotia in July. Governor Sir William Fenwick Williams, the dashing hero of the Crimean War, wanted to know if Newfoundland would be represented at London. "Lord Monck", he wrote Musgrave, "also fully agrees with me in hoping that you will be enabled to call your Legislature together in time to avail yourself of the action which every consideration of passing events would lead the Queen's Government to accelerate to the utmost of its power".⁴³ When the Newfoundland Executive Council met on July 10, 1866, to consider Williams' request, Musgrave asked if they were prepared to call the Legislature together. The Council replied that it was not ready to do so. The councillors were of the opinion "that the Assembly at this present time would not adopt the measure of Confederation, public opinion not having yet been so changed ... as to warrant the expectation that it could now be submitted either to the Legislature or the Constituencies with a reasonable hope of success".⁴⁴ Musgrave informed Williams that there was no hope that the Legislature would pass any resolutions favourable to Confederation then.⁴⁵ Musgrave wrote Governor-General Monck that if the Newfoundland Legislature was to be induced to assent to Union, it would have to be accomplished through the modification of

42 Ibid., July 2, 1866.

43 N.A., G 3, 4, Williams to Musgrave, July 5, 1866.

44 C.O. 194, 175, Musgrave to Cardwell, July 10, 1866.

45 Waite, op. cit., p. 176.

the views of members who on all other matters were supporters of government policy. He would bide his time until the 1867 session of the House, "by which time the action of the Imperial Parliament ... will exercise important influence on public feeling" ⁴⁶

When Musgrave informed Cardwell of the Council's decision, he added that statements were being circulated in Newfoundland to the effect that the Imperial Government cared "little if at all for the connection of Newfoundland with the other Colonies and that this Colony has nothing to lose by adhering to her detached position" ⁴⁷ He admitted that he had not been able to convince some of the people of the immediate advantages of union and suggested that Cardwell send him a despatch to show that Confederation "cannot be refused without the loss of advantages at present enjoyed and which it is too readily assumed are to be retained at the cost of the Imperial Government". ⁴⁸ Cardwell had already resigned, but Musgrave was unaware of this. Musgrave's despatch ran into some criticism at the Colonial Office. The officials there thought it unwise to accede to Musgrave's wish. Arthur Blackwood, for example, doubted the wisdom of sending strong despatches to a weak colony lest it might be construed as a menace. "Governor Musgrave's request for help", he minuted, "looks as if he did not understand the art of persuading the Newfoundlanders to like the scheme". The Earl of

46 C.O. 194, 175, Musgrave to Monck, July 10, 1866.

47 C.O. 194, 175, Musgrave to Cardwell, July 10, 1866.

48 Idem

Carnarvon agreed that no great pressure should be exerted, but his reason differed from that of Blackwood's. Carnarvon thought that Newfoundland would join Confederation after the other colonies united. "When once the Confederation of Canada, N.B., and N.S., is decided", he minuted on August 11, 1866, "Newfoundland and P.E.I., will probably gravitate towards the larger body. Some pressure from home may be necessary: but I doubt that the time for this has yet come".⁴⁹ The Colonial Secretary's policy of non-intervention in Newfoundland's case explains to a great degree why her union with Canada was delayed.

Carnarvon's reluctance to coerce Newfoundland into Confederation may also be explained by the attitude of some of the officials of the Colonial Office with respect to Newfoundland's perennial problem with the French Shore. Whether Carnarvon was influenced by their attitudes is difficult to say, but Thomas Elliott, the deputy Under-Secretary of State for Colonies, and Sir Frederick Rogers, the Permanent Under-Secretary, thought that Newfoundland's entry into Confederation would upset foreign relations between France and Great Britain and that it might saddle Canada with a difficult problem. The French Shore was that part of the Newfoundland coastline stretching north from Cape St. John to Cape Norman in the Straits of Belle Isle, and south along the west coast to Cape Ray. In this area the French had since 1783 retained fishing rights which were a constant source of friction between

⁴⁹ Ibid., Blackwood's minute of July 28, 1866; Carnarvon's of Aug. 11; also in Waite, op. cit., p. 177.

France and Great Britain until the dispute was settled in 1904.⁵⁰ The presence of the French in the area retarded settlement on the west coast of the island. Although there were 5,400 people in the area by 1869, it had no political representation in the Newfoundland Assembly.⁵¹ It was for all intents a protectorate of France. The Colonial Office was anxious to settle the problem and instructed Musgrave on November 23, 1866, to be prepared for a new French Convention.⁵² The Office apparently was also concerned that the settlement of this chronic problem in Newfoundland's history might complicate her entry into Confederation. To let her join the union before settling the question with France would simply burden the new Dominion with an extra problem. Captain Hamilton, a former senior British naval officer in the Newfoundland Station, had warned in 1865 that a change in the status of Newfoundland might affect relations between France and Great Britain.⁵³ Sir Frederick Rogers also thought that it would be wise to define the positions of England and France before the union was completed and that it might be advisable for Britain to retain the power to compel her subjects to keep order and respect the treaty rights of the French.⁵⁴ It follows that Canada would be expected to assume the burden of this after Confederation. Then later in 1868, Thomas Elliott minuted on

50 Frederick F. Thompson, The French Shore Problem in Newfoundland: An Imperial Study.

51 Waite, op. cit., p. 161.

52 C.O. 194, 175, Carnarvon to Musgrave, Nov. 23, 1866.

53. C.O. 194, 174, Observations of Captain Hamilton to the Colonial Office, Jan. 21, 1865.

54 Ibid., Minute of Rogers, Jan. 21, 1865.

one of Musgrave's despatches:

The questions we have with the French in Newfoundland render it desirable to have direct relations between the Colony and the Home Govt; and much embarrassment might arise if we had to deal upon these questions with so powerful a Community as Canada".⁵⁵

The Colonial Secretary by that time was the Duke of Buckingham and Chandos, but the prevailing attitude of the high officials at the Office seems to have been opposed to Newfoundland's entry into Confederation.

Newfoundland did not send delegates to London; indeed, Confederation was not even mentioned in the Speech from the Throne on January 31, 1867. Musgrave had concurred with his ministers that it would be better not to refer to Confederation because he had nothing further to communicate to the House. Musgrave, though, still retained his air of optimism. He had little doubt, he informed Carnarvon, that when the result was known of the measure then before the British House of Commons for Confederation that "the Council and the Assembly will now be disposed seriously to consider the effect of that arrangement upon this Colony and the propriety of including Newfoundland in its operation".⁵⁶

The Morning Chronicle thought that the absence of any reference on the subject of Confederation was proof that "so far as Newfoundland is concerned, the scheme has pretty well come to grief".⁵⁷ The next day, February 5, 1867, the Newfoundlander

⁵⁵ C.O. 194, 177, Musgrave to Buckingham, May 12, 1868; minute to Elliott, June 3, 1868. Elliott must have erroneously figured that Canada would be dealing with her external affairs immediately.

⁵⁶ N.A., G 11, 6, Musgrave to Carnarvon, Feb. 19, 1867.

⁵⁷ Morning Chronicle, Feb. 4, 1867.

noted that the gossips were finding "no difficulty in interpreting the blank to be a quietus put upon Union as far as this Colony is concerned," but reminded its readers that the very same thing had happened in Nova Scotia just one year before. It was clearly waiting for a reaction to set in.

Very little was said in the House on the topic of Confederation in the 1867 session. On February 13, Henry Renouf, opposition member for St. John's West, took great delight in presenting an anti-Confederate petition from some people of the town of Placentia, the principal town in Ambrose Shea's riding.⁵⁸ The petition was perhaps presented as a means of asserting the opposition's contention that Shea had not spoken of Confederation in his campaign speeches to the people of Placentia - St. Mary's in the 1865 election. It undoubtedly caused him some embarrassment.

When Musgrave adjourned the House on April 26, 1867, he informed the members that the recently passed British North America Act contained provision for the future admission of Newfoundland upon such terms as might be arranged and reminded each member of his duty "to carefully investigate this subject in order that when at your next meeting it may be again brought under the consideration of the Legislature, you may be able deliberately to choose the course to take with regard to the most important question which the community has yet been called upon to decide"⁵⁹ Musgrave could report

58 JHA, 1867, p. 39, Feb. 13, 1867.

59 Ibid., p. 110, April 26, 1867.

no more progress to the new colonial secretary, the Duke of Buckingham and Chandos; his ministers had not deemed it expedient to press the subject and thus give an appearance of haste. He felt that if misapprehensions about tariffs could be removed, the matter of Confederation could be settled at the next meeting of the Legislature, but for the time being there was a feeling prevalent, even among staunch supporters of Confederation, "to see how the Union between the three Continental Provinces is likely to work before deciding the question for Newfoundland" ⁶⁰ The result was that the issue of Confederation became mired in hesitation and indecision in Newfoundland while the other colonies prepared for July 1, 1867.

⁶⁰ N.A., G 11, 6, Musgrave to Buckingham, April 26, 1867.

CHAPTER 5

THE SEARCH FOR BETTER TERMS, 1867-69.

As Confederation came nearer to its completion in the four mainland provinces, it seemed that the movement in its favour was gaining ground in the island. So great was the optimism in the Confederation camp that Governor Musgrave was to be sent to Ottawa in 1867 with a view to negotiating better terms of union for Newfoundland. Although he did lay the foundation for future discussions, he did not meet with much success in that year. His efforts were to be negated by the rise of the repeal movement in Nova Scotia. The turmoil in that discontented province had its effect on Newfoundland. Carter's government, still as cautious as ever, did not continue negotiations. It was not until 1869, after the strength of the repeal movement had been sapped in Nova Scotia, that an earnest attempt was made to obtain better terms for Newfoundland. The Newfoundland delegation to Ottawa in that year found it a relatively easy task to get the Canadian government to agree to most of the proposals that had been sent by Newfoundland. These terms were ratified by the Canadian Parliament with only minor dissension from the Liberal Opposition. In Newfoundland it had already been decided that the question would be put to the people in a general election.

That election could be held with advantage only if suitable terms could be arranged, but first it was necessary to

show that Newfoundland was still interested in Confederation and to establish some contact with Canadian political figures. The early work in providing this contact was carried out by Ambrose Shea. She wrote John A. Macdonald on May 14, 1867, that the feeling for Confederation was growing in Newfoundland and that though her progress in the matter had been slow, her hesitation might allow her to escape the turmoil then at its height in Nova Scotia. The real purpose of his letter was to request Macdonald to persuade Lord Monck to invite Musgrave to attend the opening of the first Canadian Parliament: "His visit would no doubt enable him to assist us in what we have yet to do in this colony to finish the arrangements for our admission".¹ Macdonald's reply lacked enthusiasm, although he did welcome the news with the comment that Newfoundland "held the key to our front door"² A short time later Macdonald wrote Shea again and referred to the great importance of securing the adhesion of Newfoundland to the new system.³ In the meantime Musgrave had been invited to attend the opening of the Canadian Parliament scheduled for the fall.

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The birth of the new Dominion on July 1, 1867, did not go unnoticed in Newfoundland. Those papers that supported Confederation were full of optimism that Newfoundland would soon join with the

¹ Ambrose Shea to John Macdonald, May 14, 1867, in Sir Joseph Pope (ed), The Correspondence of Sir John Macdonald (Toronto, 1921).

² Macdonald to Shea, June 3, 1867, as quoted in Waite, op. cit., p. 177.

³ Macdonald to Shea, Oct. 7, 1867, in Pope, op. cit., p. 50.

others; the papers opposed to Confederation did not see it quite the same way. The Newfoundlander pictured a rising nation with the promise of prosperity and greatness; its editor extended the Dominion good wishes with the hope that "ere long Newfoundland may take its right place as a member of the Union".⁴ The Telegraph commented that Newfoundlanders had "greater reason than any others to wish our neighbours well, as our destinies must so shortly be united with theirs".⁵ As a whole the papers in favour of Confederation took the attitude that Newfoundland ultimately would join, the only questions being when and under what terms. The Patriot noted that the day had been well kept throughout the Canadas - "and why should it not, seeing that they have gained a large taxable area without cost or trouble".⁶

For the first time Confederation seemed to be gaining ground. The press was replete with optimistic forecasts of the chances of its success, but those in favour of Confederation were very much aware that the traditional support of the merchants would be crucial. Without it there could be no Confederation. It was, then, with good reason that the friends of Confederation awaited the annual report of the St. John's Chamber of Commerce, in August of 1867. A report which might condemn Confederation would stall any search for better terms. The Newfoundlander carried

4 Newfoundlander, July 2, 1867.

5 Telegraph, July 3, 1867.

6 Patriot, July 13, 1867.

the report in its August 13 issue. It made no mention of Confederation. It was remarkable that such an important question should be ignored especially as only two years earlier the Chamber had opposed Confederation in no uncertain terms. The Newfoundlander figured the question had been left alone because several members of the Chamber had decided to support Confederation.⁷ A more probable conclusion is that the Chamber was simply waiting to see the turn of events.

Other people, too, were very interested in future events. Musgrave wrote Buckingham that his visit to Ottawa would serve the public interest "in respect of the arrangements for the Union of Newfoundland with the other provinces"⁸ In the meantime, Musgrave reported, many questions of importance had been held in abeyance pending settlement of the Confederation issue. He felt justified "in stating that Public opinion has been quietly acquiring a much stronger inclination towards Union than existed some months ago ... It remains to arrive at a concurrence upon the arrangements which would be considered equitable to Newfoundland on her entry into the Confederation".⁹ The Colonial Office was pleased with the news. Sir Frederic Rogers minuted on its margin: "A satisfactory report. It looks as if Newfoundland would shortly be added to the Confederation".¹⁰

7 Newfoundlander, Aug. 13, 1867.

8 C.O. 194, 176, Musgrave to Buckingham, July 8, 1867.

9 C.O. 194, 176, Musgrave to Buckingham, Sept. 10, 1867.

10 Ibid., Minute of Rogers, Oct. 5. 1867.

The optimism on both sides of the Atlantic was soon dealt a serious blow by events in Nova Scotia. There, in both the provincial and federal elections, Tupper's Conservative party suffered a resounding defeat. Most of the supporters of Confederation were defeated, Tupper being the notable exception. In Newfoundland the anti-Confederation press expressed great joy, but the Newfoundlander felt that the Nova Scotians had been greatly mistaken in throwing away their best public men.¹¹ The defeat of the Conservatives in Nova Scotia could not have come at a more inconvenient time for the cause of Confederation in Newfoundland.

Before Musgrave went to Ottawa, both sides tried to rally public opinion to their respective causes. Those supporting Confederation held meetings on October 4 and 10. According to the Newfoundlander the meetings were orderly and well attended.¹² This spurred the anti-Confederation faction to follow suit. Their meetings were usually presided over by Charles Fox Bennett, who was assisted by Augustus Harvey, a prominent Water St. merchant. Harvey had a humorous strain in him and at one meeting reportedly said that he had a vested interest "in the intelligent taste displayed by Newfoundlanders for the rum imported by his company ..." and that "he did not want to vitiate the taste of the people with old Canadian potthen" He summoned all his fellow merchants "to crush the miserable Confederate minority under the weight of their Brazil drums,

11 Newfoundlander, Oct. 4, 1867.

12 Ibid., Oct. 11, 1867.

their oil casks, and their rum puncheons".¹³ His story does illustrate the fact that many St. John's merchants had little trade with Canada. The meetings in St. John's generated activity throughout the whole island and several members of the Legislature were noticed to be visiting their electoral districts.

With such an interest being shown in Confederation, it was only natural that discussion would soon focus on the question of what would be the basis for the new terms. Most of the papers opposed to Confederation refused to consider the Quebec Resolutions as being a valid basis. The Public Ledger reminded its readers that there had to be a basis of some kind and that "the Quebec Resolutions will answer the purpose best. It is not implied, of course, that the terms conveyed in these Resolutions are to be accepted in every instance".¹⁴ But most people knew little about any terms and were probably like the editor of the Telegraph: "We are all in the dark as to the terms our people might agree to demand, or those on which the Government of the Dominion might consent to admit us upon".¹⁵

Governor Musgrave soon learned what the attitude of the Canadian government was. While in Ottawa for the opening of Canada's first parliament, he spent considerable time in consultation with Governor-General Monck and Prime Minister

13 Ibid., Oct. 18, 1867.

14 Public Ledger, Oct. 18, 1867.

15 Telegraph, Oct. 16, 1867.

Sir John A. Macdonald. Musgrave reported to Buckingham that an understanding had been reached on many important points and that he confidently expected the Newfoundland Legislature to take action in its next session which would lead to Newfoundland's entry into Confederation. Mr. Elliott of the Colonial Office minuted on the margin of the despatch: "Gov. Musgrave's visit to Ottawa will no doubt be productive of advantage".¹⁶ Musgrave's optimism that terms could be arranged was soon justified. Prime Minister Macdonald wrote him that he had presented the Newfoundland proposals to his cabinet and that with some slight modifications they had been accepted. The government of Canada was prepared to make the same concession to Newfoundland as was extended to Nova Scotia and New Brunswick after the Quebec Conference. Newfoundland would therefore receive a sum of money for the support of the local government in addition to eighty cents per head on the population and the \$150,000 for the transfer of the Crown lands. With respect to the public debts of Newfoundland, Macdonald reported her creditors would not be affected in any way; they would be allowed to hold their securities until maturity and would not be forced to exchange them for those of the Dominion. Macdonald stated that it was impossible to give a carte blanche guarantee about the provision of ocean steamers, although the Dominion government would do its utmost to provide Newfoundland with regular steam communication with Canada and England. With respect to the fisheries, Macdonald informed

¹⁶ C.O. 194, 176, Musgrave to Buckingham, Dec. 10, 1867; Elliott's minute on margin.

Musgrave that Newfoundland fishermen would be extended the same bounties as were being applied to fishermen in Nova Scotia and New Brunswick, but that it would be difficult to grant Newfoundland any exceptional remission of duty on articles imported for use in the fisheries. Musgrave had obviously mentioned while in Ottawa that the formation of a militia would not be popular in Newfoundland. Macdonald wrote him that Newfoundland would have to bear its share of this, but he added that it might be better if in Newfoundland the militia took the form of a marine, or naval force, and that under normal circumstances it would be used for local defence. Newfoundland was anxious to have the British garrison retained after Confederation. Macdonald stated that Canada would have no control over this as it was an Imperial matter. Although the letter was a private one, Macdonald told Musgrave that he was "quite at liberty to submit it to your Council and to give assurances to the leading men of the Legislature of Newfoundland that Canada will be prepared to meet any proposals for Union in the spirit indicated by this Communication".¹⁷

The problem with these terms which Macdonald proposed was that they did not lessen Newfoundland's fears with respect to the tariff. It was obvious that Canada was not prepared to give Newfoundland any special consideration in this matter. Carter tried to show by the use of comparative tables that the Canadian tariff system would not be as onerous as it seemed. On January 17, 1868,

¹⁷ Macdonald to Musgrave, Dec. 27, 1867, in Pope, op. cit., pp. 61-62.

the Customs House published figures calculated on the average value of Newfoundland's imports from 1860 to 1864. Using the Canadian tariff rates for 1867, the duty would amount to \$613,379.24; using the Newfoundland tariff rates for 1866, it would amount to \$584,946.71, a difference of \$28,432.53. Much of this difference, however, was attributed to an increase in the duty on spirits, for example, gin \$4,587.84, rum \$42,957, and whiskey \$583.10.¹⁸ Still the Chronicle argued next day that the customs duties would really increase by \$156,147.52, if the Canadian rates were applied.¹⁹ It all depended on where one took one's average. The Public Ledger was closest to the truth when it said, "\$28,432 is not a very appalling sum considered against benefits".²⁰

In the meantime, several events of political significance occurred in Newfoundland. Robert J. Pinsent, coalition member for Port de Grave, decided to support Confederation. In 1865, Pinsent, as a member of the Legislative Council, had said, "there is little community of interest, between Newfoundland and the Canadas. This is not a Continental Colony"²¹ On November 15, 1867, he published a short pamphlet calling for some modifications in the

18 Morning Chronicle, Jan. 17, 1868.

19 Ibid., Jan. 18, 1868.

20 Public Ledger, Jan. 21, 1868.

21 Newfoundlander, Mar. 6, 1865, reporting debates in the Legislative Council for Feb. 14.

Quebec Resolutions. The changes he wanted closely parallel those mentioned in Macdonald's letter to Musgrave.²² The other significant event was a bye-election in Harbour Main. In that contest, the two candidates who were nominated were opposed to Confederation. The Patriot concluded, with some accuracy, that Carter was afraid of sending in a "candidate professing Confederation sentiments ... to test the verdict of the people".²³

With the House due to open on January 30, 1868, there was a flurry of speculation in the press as to whether a delegation would be sent to Ottawa to negotiate for better terms of union. The Morning Chronicle felt that as long as Nova Scotia remained dissatisfied it was Newfoundland's duty to remain aloof. "Let us all pull together with a will", it suggested, "and we'll defeat the tricksters yet".²⁴ On the other side the Public Ledger rejoiced that some definite action would be taken.²⁵

Musgrave did plan to take some definite action, but only after a general election. When he read the Throne Speech, he told the House of the great readiness expressed by Canada to consider any propositions, or suggestions, coming from Newfoundland with respect to new terms of union. Musgrave informed the House that it would at

22 Public Ledger, Nov. 15, 1867, carried most of the substance of Pinsent's pamphlet.

23 Patriot, Dec. 9, 1867.

24 Morning Chronicle, Jan. 27, 1868.

25 Public Ledger, Jan. 29, 1868.

last be required "to consider on what terms you would regard a union with the other Provinces as expedient, and after an expression of such an opinion, I should be prepared to submit the question to the decision of the constituencies".²⁶ Musgrave reported to Buckingham that he was taking that action because even if the existing Legislature might be willing to decide upon a final arrangement, "any attempt to carry it into effect without a nominal reference to the body of the people, would only lead to a repetition of the state of affairs which is now disturbing the harmony of the Union as regards Nova Scotia"²⁷ At the same time, he expressed doubt whether terms could be arranged during the 1868 session because of the repeal agitation in Nova Scotia.

Musgrave's fears that terms could not be arranged in 1868 had a sound basis. Thomas Glen, who had been bitterly opposed to union in 1865, moved during Committee of the Whole on the Reply that no action be taken with respect to Confederation until after a general election.²⁸ Some members were perturbed that Musgrave had even gone to Ottawa. Joseph Little, the newly elected member for Harbour Main since the December bye-election, noted that "it appeared that His Excellency the Governor had the terms in his pocket".²⁹ Henry Renouf, too, criticized Musgrave for going to

26 JHA, 1868, p. 14, Jan. 30, 1868.

27 N.A. G 11, 6, Musgrave to Buckingham, Feb. 17, 1868.

28 JHA, 1868, pp. 20-21, Feb. 13, 1868.

29 Newfoundlander, Feb. 11, 1868, reporting Assembly debates for Feb. 10.

Ottawa, but Donald Prowse, coalition member for Burgeo, remarked that it was nothing more than a parliamentary courtesy for the governor to be invited. Frederick Wyatt, a normal supporter of Carter, did not see how Musgrave could be thanked for any services, since he had not gone to Ottawa as an officer of the Government.³⁰ They all apparently knew the purpose of Musgrave's visit and were not too happy about it. Robert J. Parsons, for example, complained that several ministers of the Canadian government had stated in public that arrangements for the admission of Newfoundland and Prince Edward Island had been almost completed. Henry Renouf agreed with him that "the details were all settled and that the people of the Island provinces would be coerced into Union like the Nova Scotians".³¹ The position of the Liberals had not changed materially since 1865. In the ranks of Carter's coalition party, too, there was still some opposition to Confederation. Even Carter himself had "objections which would have to be overcome before he could become a party to any such measure".³² Ambrose Shea, too, saw the need for change in the Quebec Resolutions and mentioned the tariffs in particular as being unsuitable to Newfoundland, but he felt that this could be easily adjusted.³³

The problem with Glen's resolution was that if it were passed it would necessitate two elections, one to approve the

Feb. 12. 30 Ibid., Feb. 14, 1868, reporting Assembly debates for

31 Ibid., Feb. 17, 1868, reporting Assembly debates for Feb. 13.

32 Ibid., Feb. 14, 1868, reporting Assembly debates for Feb. 12.

33 Ibid., Feb. 17, 1868, reporting Assembly debates for Feb. 13.

negotiations for terms, the other to approve such terms. When the resolution was voted on, it failed, 16-10. The eight opposition members voted for it. Frederick Wyatt and Thomas Kearney both coalition members, also supported it. When the original motion of the Select Committee which had prepared the Reply was presented, it passed on a similar division. With regard to Union, it read, "we accept your Excellency's suggestion, with the assurance of our desire to adopt such measures as may ... promote the welfare and interests of the people of this Colony".³⁴ The Reply did not commit anybody to support Confederation. Carter and Shea both went on record as saying that this did not bind anybody to support Confederation.³⁵ Thomas Bennett, the coalition member for Fortune Bay, for example, supported the Reply, but said that he would also vote against Confederation.³⁶ The Morning Chronicle agreed that it was time for action, but also felt that the Reply "binds no one to any particular action upon the subject of Confederation".³⁷ In the Legislative Council things went a little more smoothly for Musgrave. It would consider terms, but its Reply in no way committed anybody.³⁸ The House was no more prepared to act decisively than it had been in 1865.

³⁴ JHA, 1868, pp. 20-23, Feb. 14, 1868.

³⁵ Newfoundlander, Feb. 14, 1868, reporting Assembly debates of Feb. 12.

³⁶ Ibid., Feb. 17, 1868, reporting Assembly debates for Feb. 12.

³⁷ Morning Chronicle, Feb. 14, 1868.

³⁸ Journal of the Legislative Council, 1861, p. 27, Feb. 13, 1868.

The time was not ripe to complete arrangements for Confederation or to continue negotiations for better terms of Union. The repeal agitation in Nova Scotia had a disastrous effect on the cause of Confederation. It was with regret that Musgrave informed Buckingham that he had been unable to get the approval of the House. "It is obvious", he wrote, "that the agitation for repeal of the Union now prevailing as regards the Province of Nova Scotia, the nearest to Newfoundland, ... has exercised a prejudicial influence even on many who, on general principles, were favourable to the proposal for joining the other Provinces".³⁹ Had any proposal for Confederation been presented to the Assembly, it would have been defeated and would only have had the effect of arousing further opposition to Confederation, both in Nova Scotia and Newfoundland. Musgrave, however, was convinced that Newfoundland would eventually have to join Canada. He wrote to Buckingham that he thought responsible government was a failure and that Confederation was the only alternative:

To go back to "irresponsible government" would be out of the question. The only rational hope is in Confederation with the other Provinces; which would afford an opportunity for reducing the Local Constitution to dimensions which would render it really more useful for the transaction of the business of the country and more in keeping with its revenue and resources. ⁴⁰

The Colonial Office agreed that it would not have been wise to press the issue then. The minutes on the despatch are more significant than the reply. Thomas Elliott wrote on its margins:

³⁹ C.O. 194, 176, Musgrave to Buckingham, May 12, 1868.

⁴⁰ Idem

The Governor's concluding paragraph gives a sorry account of the existing Institutions in Newfoundland and offers the first practical reasons which I have ever seen suggested for desiring its Union with Canada. But I own that I continue to be extremely sceptical as to the advantages of such a measure ... Canada has little trade or intercourse with Newfoundland, and the people of the two Colonies must be pretty nearly unknown to one another. In all events approve of his not having moved on the subject. 41

Meantime, D'Arcy McGee's assassination in February of 1868 by a Fenian indirectly caused a disturbance in Catholic circles in St. John's. An Irish-Catholic organization, the Benevolent Irish Society, quarrelled over sending an expression of sympathy to McGee's widow. Edward Morris offered a resolution of sympathy at the May 17, 1868 quarterly meeting of the Society, but to his dismay found a strong hostility to the proposal. Mr. Joseph Little, the Liberal member for Harbour Main, told him that Bishop Mullock had condemned the resolution as unnecessary and political. Father Michael F. Howley, who was to become bishop in 1894, told Morris that Mullock had read a letter to his priests at breakfast on May 20. The letter was directed to Joseph Little for presentation to the Society. In it Mullock disapproved of the resolution to extend sympathy to McGee's widow and threatened to resign his position as patron of the Society. After Morris withdrew his resolution, Mullock expressed satisfaction with his action.⁴² This can not be interpreted as evidence that Mullock was opposed to Confederation. He was merely trying to appear neutral, but his actions could - in 1868 - be construed as proof that he was opposed to union. An incident in the

41 Ibid., Minute of Elliott, June 3, 1868.

42 Roman Catholic Archives, St. John's, MS Diary of Edward Morris, entries for May 17, 20, 21, 1868.

previous year also contributed to this. In his Lenten Pastoral on Quinquagesima Sunday in 1867, Bishop Mullock expressed the hope the report that Confederation was "to be based on the destruction of our Religious educational system is without foundation, but we call on the Clergy of the different districts to watch closely the progress of this vital question".⁴³ This report was, of course, without any foundation and Mullock's reaction to it does not make him an anti-Confederate, but his attempt to be strictly neutral, and his great zeal for denominational education, gave him the appearance of being opposed to Confederation. It may explain the almost unanimous opposition to Confederation by Catholics in the 1869 election.

There was little discussion about Confederation in the summer of 1868, but in the autumn, as fishermen returned home it became prominent once more. In the fall, Solicitor-General Hayward, a well-known opponent of Confederation, resigned from Carter's council. Carter may have been house cleaning, but there is nothing to suggest that he asked for Hayward's resignation. Hayward probably resigned because of a shift in political allegiance in his district, Harbor Grace. The most prominent business establishment in that town, Ridleys and Munn, changed sides and supported Confederation.⁴⁴

⁴³ Newfoundlander, March 6, 1867.

⁴⁴ Newfoundlander, Feb. 10, 1869, reporting Assembly debates of Feb. 4.

This conversion could only have been regarded by the supporters of Confederation as a significant victory. Just prior to the bye-election the Telegraph stated "that the Candidate who honestly declares himself in favour of Confederation, on just terms, will be the choice of the electors of Harbour Grace".⁴⁵ In the bye-election on November 7, 1868, J. Godden, a strong supporter of Confederation, defeated Mr. James L. Prendergast by the narrow margin of 40 voters, 457-417. On November 10th, the Newfoundlander termed the victory a very significant and correct indication of the growth of support for Confederation in the country and hoped that the other districts would follow suit. The Telegraph rejoiced that Harbour Grace, formerly a stronghold of anti-Confederation sentiment, had just given proof that it is no longer hoodwinked by self-interested politicians, or under the sway of those who desire to see Newfoundland kept as a mere fishing station".⁴⁶

While the supporters of Confederation were rejoicing over their victory in the November bye-election in Harbor Grace, the anti-Confederates were playing into the hands of their political enemies by quarrelling in public apparently over the issue of who would assume the leadership of their party. The Liberals had lost their two real leaders when John Kent and Ambrose Shea had switched their allegiance to Carter's coalition in 1865. After that time, the

45 Telegraph, Nov. 4, 1868.

46 Ibid., Nov. 11, 1868.

party - by then more anti-Confederate than Liberal - had appointed no official leader, although Thomas Glen had filled that role in an unofficial capacity. On the other hand, Charles Fox Bennett was considered by many to be even more opposed to Confederation, but he was not a member of the Assembly until 1870.

In January of 1869 these two men began their public quarrel. On January 11 and 13 the Morning Chronicle carried a Letter to the Editor from Glen in which he stated that:

The people who are under the delusion that Mr. Bennett is acting for the benefit of the people of Newfoundland. Nothing of the kind - he is cunningly acting for his own interests. The fact is ... that Mr. Bennett is afraid, if we join the Union, that the Dominion Government will make him disgorge the ten hundred thousand acres of land so shamefully given him by an Irresponsible Government, to the injury of the people of Newfoundland. That is the sole reason of Mr. Bennett's opposition to Confederation - nothing more or less. ⁴⁷

Bennett, indeed, had been granted some 1,000,000 acres of land for mineral exploration under somewhat dubious circumstances before the granting of responsible government, but no official pressure had ever been exerted on him to return them. The editor of the Morning Chronicle tried to restore harmony to the party. "There seems to be a split in the ranks", he wrote, "but that split, we think, does not amount to much". ⁴⁸ By January 14, the Chronicle, had thrown its support to Bennett. "Glen", it claimed, "is wrong from the start ... We may regret the loss of a vote in the Assembly but certainly we shall not have to regret the loss of much wisdom". ⁴⁹ Bennett told Glen

⁴⁷ Morning Chronicle, Jan. 11, 1869.

⁴⁸ Ibid., Jan. 12, 1869.

⁴⁹ Ibid., Jan. 14, 1869.

that his grant of land was in good order but that he would surrender it if he were paid for the mineral explorations that his company had carried out.⁵⁰ Glen was clearly shaken by the Chronicle's editorial of January 14 and its implication that his opposition to Confederation was lessening. He decided to end the quarrel and wanted all to know that he would never "be so base as to desert the anti-Confederate cause. I trust I am incapable of such treachery".⁵¹ The quarrel thus ended which might have seriously split the anti-Confederate party. Carter, however, seems not to have had the political acumen to seize the opportunity so presented to him of dividing his opponents. Henceforth, whatever the private feelings of Glen and Bennett may have been, they kept them from the public. It was a wise decision; the House was due to meet in less than two weeks and the press was predicting that Carter's government would finally take a firm stand on Confederation.

When the House met on January 28, 1869, the Speech from the Throne did have Confederation as its main theme. "Your decision upon the principle involved, and consideration of the terms", it read, "can scarcely be deferred with advantage to the community".⁵² Musgrave listed three reasons why he considered Confederation to be a necessity. First, it was felt that public opinion had reached a stage which called for definite action. A second reason was that Newfoundland's financial position precluded

50 Ibid., Jan. 16, 1869.

51 Idem

52 JHA, 1869, p. 15, Jan. 28, 1869.

it from participating in the renewal of the Reciprocity Treaty unless as a part of Canada. The third reason was perhaps the most formidable. The government would be forced to impose higher taxation upon the labouring classes if the island remained aloof from Confederation.⁵³

The Reply was moved by J. Godden, the newly elected member for Harbour Grace. Patrick Barron, the coalition member for Placentia, seconded Godden's proposal and was happy to note that public opinion had changed. This change, he thought, "had been forced upon them by the consideration of the condition in which the people generally were found to be, year after year".⁵⁴ The government, then, was proposing Confederation as the only alternative to poor economic conditions in Newfoundland. The Newfoundlander summed up the government's policy best: "The severest adversity is often a benign instructor. We can now speak with confidence of a general concurrence of opinion in favour of Confederation as a remedial measure for the worst evils that affect us".⁵⁵

The anti-Confederates were still as much opposed as ever. George Hogsett called the Speech, "one covering sixteen pages of foolscap, which was a most appropriate paper for it, and the ideas it contained". Thomas Glen, not to be outdone, said Confederation would make Newfoundland similar to, "a tin canister

53 Idem

54 Newfoundlander, Feb. 2, 1869, reporting Assembly debates of Jan. 28.

55 Newfoundlander, Dec. 1, 1868.

tied to a dog's tail".⁵⁶

Although time would prove that there had been no great change in public opinion, there had been a significant change in the attitude of Carter's coalition party. Robert Pinsent, the coalition member for Port de Grave, had already shifted his allegiance to support Confederation in 1868. Harbour Grace had elected a member who agreed to work towards Confederation. Stephen Rendell, the coalition member for Trinity and president of the Chamber of Commerce in 1865, also decided to support Confederation. In addition, all of the members of the Executive Council were prepared to take a definite stand in support of Confederation. The Solicitor-General, John Hayward, had, of course, resigned in late 1868. These men who decided to support Confederation in 1869 explained that they had not really been opposed to it in 1865, but had only been against the union based on the Quebec Resolutions. Now they felt that suitable terms could be found and were willing to support Confederation.⁵⁷ Carter now had all of his Council and the great majority of the Coalition members willing to support him. He could finally fling aside his caution and take a firm stand. First, however, he had to persuade the Legislature to pass a favourable reply.

By February 16, the Assembly had exhausted its debate on the Reply. The anti-Confederates, however, wanted to amend it to

⁵⁶ Newfoundlander, Feb. 2, 1869, reporting Assembly debates of Jan. 28.

⁵⁷ Newfoundlander, Feb. 10, 1869, reporting Assembly debates of Feb. 4.

make it as non-committal as possible. Thomas Talbot moved that the sixth paragraph be changed so as to make it clear that the Quebec Resolutions, the only scheme for Confederation which had been submitted to the House, had been rejected by the Legislature and the country. Talbot's resolution was defeated, 18-8, in a straight party vote. When the vote was taken on the Reply, it passed by the same vote. The Reply simply stated that the members "fully concur with your Excellency that the time has now arrived for us to take action"⁵⁸ Musgrave sensed that victory was near. He informed the Legislature that the Imperial Government would "learn with satisfaction that you are prepared to take action".⁵⁹ Musgrave was so sure of victory that he assumed his mission in Newfoundland had been fulfilled. On February 20, 1869, he requested of Lord Granville, the new Colonial Secretary, for a posting to British Columbia. Musgrave felt that since he had guided Newfoundland into Confederation, he would be very suitable to do the same thing in British Columbia.⁶⁰ Granville could promise nothing then, but he was pleased with the news from Newfoundland and stated "that Her Majesty's Government are well satisfied with your administration of Newfoundland".⁶¹ Musgrave, of course, was wrong; Newfoundland was a long way removed from Confederation.

58 JHA, 1869, pp. 26-27, Fe. 17, 1869.

59 Ibid., p. 28, Feb. 19, 1869.

60 C.O. 194, 178, Musgrave to Granville, Feb. 20, 1869.

61 N.A., G 1, 40, Granville to Musgrave, March 13, 1869.

Before that election could be held, terms of union had to be proposed by the Newfoundland Legislature and be accepted by the Canadian House of Commons. Premier Carter resolved the House into Committee of the Whole on February 23, 1869, and began to introduce the proposed terms immediately. They did not differ materially from those that Macdonald had tentatively agreed to in December of 1867.⁶² The first resolution was an old one; it asked for an eighty cents per capita subsidy to a population of 400,000. In 1869 this would have amounted to \$104,000. Newfoundland also asked for an additional subsidy of \$24,000 as provided for by Section 118 of the British North America Act. The third resolution called for the payment of 5% interest by Canada to Newfoundland on the per capita difference in their public debts. This would have assured Newfoundland of \$105,922 per annum. As in 1864, Newfoundland wished to transfer her Crown lands to Ottawa, but this time she wanted \$175,000, an increase of \$25,000. Newfoundland would thus receive \$408,922 in grants and subsidies. When this amount was added to the \$206,154.92 for charges to be borne by the Dominion, Newfoundland would be receiving \$615,076.92 from Canada. Two resolutions were designed to allay the fears, and win the support of the fishermen. It was proposed that no export tax would be levied on Newfoundland exports unless a similar tax was levied on all the staple goods of the other provinces. Another resolution called for special subsidization by the federal government to improve the commercial value of the herring and salmon

62 See footnote 17, p. 117.

fisheries. The formation of a militia was not expected to be too popular in Newfoundland. It was proposed that Newfoundlanders might be suited to serve in a Naval Reserve Force. At the time, it was proposed that because of Newfoundland's isolated and indefensible position that the British garrison remain there in the event of union. Another important resolution called for a regular steam ship service between Newfoundland and Canada and the United Kingdom.⁶³

The debate on these resolutions lasted almost two weeks and was a repetition of the debate in 1865, nothing more. The only difference was that this time the government had a majority which would support it on the Confederation issue. Ambrose Shea best synthesized its position. He argued that Newfoundland had had a constitution since 1855 unequal to its size; union would put her in true perspective. By joining Canada, Newfoundland would place her public debt on a secure basis and receive a fixed and certain revenue, with a \$160,000 surplus. The tariff, he contended, would not hurt Newfoundlanders since their food would be imported from Canada free of duty. Union would bring prosperity and end Newfoundland's isolation.⁶⁴

The arguments of those opposed to Confederation had changed very little from those of 1865. Once more, Thomas Glen was their leader in the House. He warned that the terms

63 JHA, 1869, pp. 33-36, March 5, 1869.

64 Newfoundlander, Mar. 5, 1869, reporting Assembly debates of Feb. 23.

proposed were not suitable and that Carter was prepared to take Newfoundland into union on any terms. Glen charged that the government had not calculated the Newfoundland average revenue and expenditure correctly. He felt that a more accurate picture showed Newfoundland having an average yearly revenue of \$617,721 and an average expenditure of \$634,000. This was, of course, a deficit, but Glen argued that since Newfoundland would be receiving only \$615,000 yearly from the federal government, she would be starting union faced with a yearly deficit of approximately \$19,000. He saw Newfoundland giving up her independence, her powers of taxation, and her revenues, all it seemed to him for a deficit.⁶⁵ Glen conveniently disregarded the fact that the federal government would be absorbing many of the expenditures that would normally be borne by the Newfoundland Legislature. When the Committee of the Whole presented its report for adoption on March 5, 1869, the anti-Confederation group proposed a series of amendments, all of which failed by votes of 17-7. The report of the Committee then passed by a similar vote.⁶⁶ The next logical step was to appoint a delegation to go to Ottawa for its approval of the terms.

But the way was not yet to be that smooth. Before Carter could appoint a delegation, the opposition found the opportunity to embarrass the government on several matters. This was done with a view to obtaining propaganda material for the general election. When

⁶⁵ Newfoundlander, March 3, 1869, reporting Assembly debates of Feb. 23.

⁶⁶ JHA, 1869, pp. 36-39, March 5, 1869.

the Ways and Means Committee introduced its annual report on March 22, 1869, the opposition moved in amendment a reduced estimate "consistent with economy, the interest of the Public Creditor and the welfare of the Colony, for Defraying Public expenditure". They thought that with a revised budget the treasury could be left with a surplus of \$161,955, which would be used to pay off the floating debt or to reduce the taxes on staple food items. The amendment was defeated, 14-6, but the Opposition had shown, in the light of their understanding, that Newfoundland was not in a poor financial situation, and that any deficit had been caused by government mismanagement.⁶⁷ The Trade Report for 1869 also caused some embarrassment for Carter. Out of the total value of imports, \$4,304,423 only \$922,528 came from Canada. A much larger amount came from the United Kingdom, \$1,457,777, and from the United States, \$1,343,000. In the export trade Canada's share was even less. Newfoundland's exports to Canada amounted to only \$183,119. Even Brazil, \$412,887, and the British West Indies, \$336,140, accounted for far more than Canada. Newfoundland's normal trade routes were far removed from those of Canada.⁶⁸

Carter suffered a further embarrassment when Ambrose Shea paid a visit to Ottawa and Montreal in March and April. The story is far from clear, but it appears that Shea met with some members of the federal government.⁶⁹ The Morning Chronicle of April 28, 1869, quoted a story from the Halifax Express stating

67 Ibid., pp. 51-63, March 22, 1869.

68 Ibid., app. 270, March 16, 1869.

69 Morning Chronicle, April 14, 1869.

that Shea had arranged the financial basis of union. The Express quoted telegrams from Montreal and Ottawa dated April 12, as its source of information. In the Assembly, Carter stated emphatically that Shea had not been authorized to go and that if he had tried to act in an official capacity, he was guilty of a gross deception. A short time later, the two "had contrived to accommodate their differences in a quiet way and one quite honourable on both sides".⁷⁰ The most probable conclusion may be that Shea, always noted for great ambitions, was paving the way for an appointment to the federal cabinet. However all of these setbacks were just that: embarassments that would have little effect on the course of events. Terms had already been approved of by the Newfoundland Legislature.

It was a very happy Musgrave who sent Governor-General Sir John Young a copy of the resolutions of March 5, with the request that he might send a delegation to Ottawa to arrange for terms of union.⁷¹ He reported to Granville that he intended to hold an election. Musgrave did not expect the defeat of many of the members who had supported Confederation and thought that "the question of Union may be considered settled though many details remain for arrangement"⁷² When the House closed on April 23, 1869, there were only two things separating Newfoundland from Canada politically: the consent of Ottawa to the terms of union and the

70 Newfoundlander, May 11, 1869.

71 N.A., G 18, 2, Musgrave to Young, March 20, 1869.

72 N.A., G 11, 7, Musgrave to Granville, March 20, 1869.

voters of Newfoundland. The first, Musgrave thought, would be easily obtained; with respect to the second, he hoped "that wisdom may attend their proceedings and guide them towards the attainment of the object of the Queen's constant solicitude, the welfare and happiness of her people".⁷³

In Canada, in the meantime, the House of Commons was delayed in its opening. Sir John A. Macdonald had foreseen that because the Newfoundland delegation "cannot be here until the first week in March, we shall not summon Parliament until afterwards. The question is an ample justification for the delay".⁷⁴ When the House of Commons finally met on April 15, Governor-General Sir John Young spoke of Newfoundland's desire to receive terms of union and he read from the Speech from the Throne that "it will be a sensible pleasure to me, as well as a subject of general congratulations, if at some early day the fine Colony of Newfoundland, unrivalled as the nursery of hardy seamen, and inexhaustible in its wealth of fisheries, becomes part of the Dominion of Canada".⁷⁵

In Newfoundland, however, the delegation had not yet been chosen. A misunderstanding between the government and the Chamber of Commerce delayed the selection of the delegates until May. The Chamber had passed a resolution on March 27, 1869, requesting that "the Mercantile interests of this Colony should be represented in

73 JHA, 1869, p. 142, April 23, 1869.

74 P.A.C., Tupper Papers (M.G. 26, E 1 (a) Volume 3) Macdonald to Tupper, Jan. 2, 1869.

75 Canada, House of Commons, Speech from the Throne, April 15, 1869, as quoted in Newfoundlander, April 28, 1869.

the delegation about to be appointed" ⁷⁶ The Chamber requested of the Newfoundland Colonial Secretary, John Bemister, that two of their members be appointed. ⁷⁷ Bemister then invited the Chamber to recommend some gentleman, ⁷⁸ but the Chamber expressed the view that the delegates had already been chosen before the invitation had been extended. They would not name anybody, nor were they willing to recommend any addition to the number of delegates. ⁷⁹ The implication was that one of the delegates - if they had indeed been chosen - would have to be dropped. Bemister replied that four delegates had been appointed. They were Frederick Carter, Hon. Nicholas Stabb of the Legislative Council, Receiver-General John Kent, and Ambrose Shea. Shea, however, had declined. Bemister added that he was aware that the Chamber had been prepared to send its president, P.G. Tessier, and repeated his invitation. ⁸⁰ At a special meeting on May 6, 1869, the Chamber resolved that Tessier could go on their behalf if the government so desired, ⁸¹ but in their reply to Bemister they said they were "unable at this time to name a gentleman who could make it convenient to proceed on a delegation". ⁸² At the same

⁷⁶ N.A., St. John's, Chamber of Commerce, Minutes, Vol. V. March 27, 1869.

⁷⁷ N.A., St. John's, Chamber of Commerce, Correspondence, Stephen Rendell to Bemister, March 31, 1869.

⁷⁸ N.A., S 1, 54, Bemister to Rendell, May 1, 1869.

⁷⁹ N.A., Chamber of Commerce, Correspondence, Tessier to Bemister, May 6, 1869.

⁸⁰ N.A., S 1, 54, Bemister to Tessier, May 4, 1869.

⁸¹ N.A., Chamber of Commerce, Minutes, Vol. V, May 6, 1869.

⁸² N.A. Chamber of Commerce, Correspondence, Tessier to Bemister, May 6, 1869.

time, they enclosed the resolution which had been passed at the meeting. They had not technically named anybody, but Bemister on consideration of the resolution, named Tessier.⁸³ Whether Shea was dropped to make room for Tessier is a moot point. The Chamber would not agree to an increase in the number of delegates, but it would have been dangerous for Carter not to have included one of its members in the delegation, especially in view of the opposition it had expressed to Confederation in 1865. The Newfoundlander, to which Shea was so closely associated, reported that he had been prevented from going to Ottawa by private engagements.⁸⁴ Musgrave explained it the same way to Granville.⁸⁵

While the delegation in 1864 had not been a strong one, in 1869 pains were taken to pick a strong and representative one. Frederick Carter was on both, but in 1869 he went as the premier of Newfoundland. The Telegraph explained why the delegates had each been chosen: Carter, noted for his legal ability, was the premier and he had been present at the Quebec Conference; the Receiver-General, John Kent, would look after finances; Nicholas Stabb would represent the Legislative Council; and P.G. Tessier would look after the mercantile interests.⁸⁶ The anti-Confederate press did not think that the delegation was all that well chosen. "They [delegates]", reported the Morning Chronicle on May 14, 1869, "are not so

83 N.A., S 1, 54, Bemister to Tessier, May 6, 1869.

84 Newfoundlander, May 11, 1869.

85 N.A., G 11, 7, Musgrave to Granville, May 12, 1869.

86 Telegraph, May 12, 1869.

immensely popular as that they can lead this country where they please. And besides - three good Protestants and one very bad Catholic cannot fairly represent a Colony containing an almost equal number of Protestants and Catholics". The editor declined to add that two Catholics had been invited. It was, in the circumstances, the best delegation possible.

The delegation departed on May 13, 1869, and, "although no great enthusiasm was manifested, a greater number of people than usual was present on the wharf, and if the cheering was not well sustained, the sincerity cannot be disputed."⁸⁷ The Newfoundlander was confident of success; failure would come only if "the people of the country were hopelessly unteachable and were reckless of those considerations which they should esteem of the first moment".⁸⁸

The Newfoundland delegation arrived in Ottawa on May 25, 1869, and began meetings with Macdonald and his cabinet.⁸⁹ By June 5, an agreement had been reached. Musgrave reported to Granville that the terms "had in part been modified but the agreement is said to be satisfactory to all".⁹⁰ Newfoundland would receive only \$150,000 for the transfer of Crown lands and not the \$175,000 she had requested, but the annual subsidy under Section 118 of the British North America Act was increased from \$24,000 to \$35,000. The Dominion agreed to look after steamship services and guaranteed

⁸⁷ Ibid., May 19, 1869.

⁸⁸ Newfoundlander, May 14, 1869.

⁸⁹ Ibid., June 1, 1869.

⁹⁰ C.O. 195, 178, Musgrave to Granville, June 5, 1869.

that no exceptional export tax would be levied on Newfoundland's exports. In all, the Newfoundlander estimated the island would receive \$5,000 more than she had asked for. The same issue carried a news report from Ottawa which hinted the Opposition in the Canadian House of Commons felt that the financial terms were too generous and that Newfoundland would be a constant expense to the Dominion, but it was not felt that any amendments would be proposed to the terms.⁹¹

Very few in the Canadian Parliament were prepared to refuse Newfoundland's entry into the Union although the Liberal opposition did want more information and desired some minor amendments to the terms. On June 8, 1869, Finance Minister John Rose moved the Commons into Committee of the Whole to consider the Newfoundland question. Opposition Leader Alexander Mackenzie immediately asked for more information on Newfoundland, particularly with reference to her financial position. Rose replied with a statistical report of the value of Newfoundland. The colony owned 1557 vessels with a gross tonnage of 87,000 value at \$4,000,000. The state of her trade was good; in 1868, 1260 vessels engaged in export trade had entered her various ports, while 1016 had been cleared. In addition the island possessed a merchant marine composed of 10,000 men. But it was not only in the fisheries and the seas that Newfoundland was prosperous; Rose quoted Sir William Logan of the Dominion Geological Survey that Newfoundland possessed great deposits of minerals,

91 Newfoundlander, June 15, 1869.

particularly copper. In reply to another of Mackenzie's questions, Rose listed Newfoundland's debt at only \$1,400,000, funded at rates of 4%, 5%, and 6%. He implied that most of it was at the lower rate. Mackenzie asserted that the bulk of the debt was funded at rates between 5% and 6%, with only £6,000 at 4%. He suggested that a more accurate picture would be to say that the average rate stood at higher than 5%. In reply to a question from Edward Blake, Mackenzie's heir apparent, Rose said the proportion of debt allowed to Newfoundland was approximately \$27 per capita, the same allowed to New Brunswick, and then proposed for Nova Scotia. It was obvious that the Opposition thought that Newfoundland was getting financial terms a little too generous. Albert J. Smith, the Liberal member for Westmoreland, N.B., said he would not oppose the resolution, but he thought that Newfoundland would receive far in excess of what she would be contributing. She would, he said, receive \$600,000 and pay in only \$300,000; he suggested that the Dominion was undertaking too much, in proportion to its wealth and population, to extend its area. These charges were difficult for the government to refute so they tried to avoid them. Joseph Howe, by now an ardent supporter of Confederation, thought that in carrying out the policy of union and consolidation Newfoundland was a necessity; without her it would be impossible for Canada to be a nation. He was speaking in a strict geographical sense. The Opposition was not concerned with vision of a nation spreading from sea to sea; to Edward Blake the acquisition of Newfoundland was, to be sure, of high importance, but far from a necessity. He argued, in

opposition to Howe, that the union of Newfoundland to the Dominion was not the consumation of Quebec, but rather, a new proposition to be considered on its own merits. The special subsidies offered since the resolutions of 1864 made this necessary. Blake wanted to deal liberally with Newfoundland, but he did not wish that such liberality should bear the character of a bribe. Rose denied that he was buying Newfoundland. In reply to statements by Blake and Smith that Newfoundland would contribute only about one-half of what she would receive, Rose argued that their calculations were in error. It was true, he said, that Newfoundland's revenue, which had averaged about \$510,000 per year, was derived principally from import duties and that much of this revenue would be less once union was achieved. Rose argued - and rightly so- that if Newfoundland's customs revenues fell, the Canadian markets would correspondingly profit. There might, perhaps, be no direct profit from Newfoundland's entry, but it would come indirectly through the expansion of Canadian markets. Blake, of course, knew that there might be some difficulty in establishing trade with Newfoundland. He argued that she had little to offer in this respect since most of her trade was with Brazil and the Catholic countries of Europe; no trade would develop between her and the rest of Canada.⁹² Newfoundland was clearly getting a good bargain although it was not as one-sided as the Liberals would have it.

When Rose moved concurrence in his resolution on June 10, 1869,

⁹² P.A.C., Canada, House of Commons, Debates, (Microfilm) pp. 112-113, June 8, 1869.

Blake proposed in amendment that Newfoundland's Crown lands be left to her. Leonard Tilley, who had been so responsible for the entry of New Brunswick, reminded Blake that this had actually been agreed upon at Quebec in 1864 because Newfoundland preferred to have a fixed sum annually rather than face uncertainty. This uncertainty, as Tilley phrased it, was occasioned by the enormous amounts spent on poor relief in seasons when the fishery failed. Alexander Galt agreed with Tilley that the terms offered to Newfoundland were essentially the same as those offered in 1864. Sir John A. Macdonald argued that if the \$150,000 were withdrawn it would defeat union. Blake's amendment was easily defeated and Rose's resolutions were carried. ⁹³

Governor-General Young wrote, with some enthusiasm, to Granville:

In submitting these terms and conditions for the Royal approval, at the proper time, I beg to state that they have been agreed upon by the Ministers of the Dominion in concert with the delegates specially sent for the purpose of discussing them by the Government and Parliament of Newfoundland. They do not materially vary from the conditions adopted by the two Houses of Newfoundland during the last Session, and they will, I trust, prove acceptable to and be sanctioned by the constituencies of that Island at the general election which is to take place in the course of the ensuing autumn so as to enable their Representatives to present addresses corresponding to those enclosed, early in the next year" ⁹⁴

Prime Minister John A. Macdonald was proud as the Commons closed in

⁹³ Ibid., pp. 116-118, June 10, 1869.

⁹⁴ Young to Granville, July 2, 1869, as quoted in G.F.G. Stanley, "Sir Stephen Hill's Observations on the Election of 1869 in Newfoundland", Canadian Historical Review, XXIX, 3 (Sept., 1948), pp. 279-280.

June: "a very momentous Session it has been! We have quietly and almost without observation annexed all the Country between here [Ottawa] and the Rocky Mountains, as well as Newfoundland".⁹⁵ The Address of the Canadian Parliament to the Queen and Macdonald's optimism were all in vain; the greatest hurdle to Newfoundland's entry into Dominion was its very own people. In the autumn of 1869, they were destined to reject union by a very decisive decision.

⁹⁵ P.A.C., Macdonald Papers (Letterbook, M.G. 26, A 1(e) Volume 515, part 4) Macdonald to His Excellency Sir Hastings Doyle, June 16, 1869.

CHAPTER 6

NEWFOUNDLAND REJECTS CONFEDERATION, 1869-70

Even before the terms of union were negotiated, Carter had promised that the whole question of Confederation would be referred to the electorate in the election which was normally due in November, 1869. In this election both sides - those for Confederation and those opposed to it - decided to declare themselves openly to make it the issue. Governor Musgrave left Newfoundland while the preparations were being made for the election and was replaced by Colonel Stephen Hill who was to be an ardent supporter of Confederation. Carter based his campaign on the promise that union would bring economic prosperity to Newfoundland and that it would help in ending the isolation of the island. The anti-Confederates waged a much more effective campaign which was designed to appeal to the patriotic emotions of the Newfoundland people. When the votes were counted, Confederation had been dealt a resounding defeat. The verdict was generally accepted except by Governor Hill who did not acknowledge defeat with much grace and called upon the government of Canada and the Colonial Office to assist him in coercing Newfoundland into union, but neither Sir John A. Macdonald nor Lord Granville were prepared to use any force or undue influence on the island. By January of 1870, Confederation was a dead issue in Newfoundland.

* * *

Immediately after the terms of union were agreed to, Governor Musgrave was moved from Newfoundland. Through the influence

of Sir John A. Macdonald, he was appointed as governor of British Columbia which was then on the verge of joining the Dominion. To his Executive Council, Musgrave expressed the regret he felt that circumstances had not allowed him "the gratification of finishing with you the work which you have so well begun during the term of my administration".¹ The news that he was going had been released in June and brought very little comment from the press except from the anti-Confederate Morning Chronicle which regarded his appointment as an "endeavour to indoctrinate the people of that 'pacific' territory with Confederate views".² A short time later the same paper carried the simple comment: "We are glad to be rid of you".³ Despite this lack of enthusiasm for him in the press, it was unfortunate that Musgrave's term of office ended before the election. Although his influence in Newfoundland's politics may not have been strong,⁴ it was perhaps unwise to change him before the Confederation issue was finally settled and to replace him with Hill who had no experience in British North America.

Musgrave had no fears that Confederation would be defeated, but he sensed that there was an urgent need to have a successor named as soon as possible and that it not be an administrator in the person of the President of the Council. Not to name a governor, immediately,

1 N.A., S 4, 4, Minute of Council, July 16, 1869.

2 Morning Chronicle, June 17, 1869.

3 Ibid., July 8, 1869.

4 D.W. Prowse, A History of Newfoundland (London, 1896), 2nd ed., p. 494.

he thought, might be interpreted as an indication of indifference to Newfoundland and the Confederation issue on the part of Great Britain. He wrote Lord Granville:

I have no fear for the result of the Election, or of the subsequent course of affairs. But I think it very important that the Officer administering the Government during this time should be one unconnected with present local parties, yet distinctly and cordially supporting the policy of Confederation. ⁵

The person he had in mind for the post was none other than the Chief Justice, Sir Hugh Hoyles, who had been the premier in 1865. Musgrave thought that after the completion of union with Canada, Hoyles would most likely become Newfoundland's first Lieutenant Governor and suggested that he be placed in the administration of the island at once. The suggestion was not heeded; instead, the Colonial Office appointed Colonel Stephen Hill.

It did not take the new governor very long to formulate opinions which differed somewhat from those of Musgrave with whom he had spoken at Halifax. The latter had appeared sanguine on the prospects of Confederation being accomplished in Newfoundland, but Hill on his arrival in St. John's found "that here opinions are very conflicting on this subject and some members of the Government entertain grave doubts as to the results of the Elections". ⁶ Still he expressed the view that Confederation would succeed. Granville in reply expressed the hope "that nothing will occur in Newfoundland

5 C.O. 194, 178, Musgrave to Granville, June 22, 1869.

6 C.O. 194, 178, Hill to Granville, Aug. 2, 1869.

to delay a measure from which I confidently anticipate advantage both to the Dominion of Canada and to the Colony".⁷ Hill had this despatch published in Newfoundland to show that Great Britain still wanted the colony to join Confederation.

There was a group in Newfoundland that was not prepared to let that happen. After the House closed in May, the anti-Confederate, Charles Fox Bennett, and his associate in politics and business, Walter Grieve, went to Scotland. They returned to Newfoundland in July in possession of a small steamship, the Mary Austin, which they used to canvass the outport districts. This prompted the Newfoundlander to comment:

The Grieves and the Bennetts of Newfoundland are spending their money and their exertions against Union, to keep up the same condition of things which has brought all but desolation upon this colony. Their policy is precisely the same as that of the Hudson Bay Company who for nearly two centuries kept half a continent as a preserve for fur bearing animals.⁸

The Newfoundlander tried to portray Bennett as a monopolist who was exploiting Newfoundland before retiring to the British Isles. The Telegraph, to this purpose, published a list of licenses that had been issued for the search of minerals; Bennett's name completely dominated the list.⁹ The same paper used very colorful language in describing the seventy-six year old Bennett as, "a poor cackling old dotard, to whose drivelling nonsense no sensible man would give one moment's heed".¹⁰ In another issue the Telegraph referred to Bennett

7 N.A., G 1, 40, Granville to Hill, Aug. 25, 1869.

8 Newfoundlander, Sept. 3, 1869.

9 Telegraph, Sept. 22, 1869.

10 Ibid., Oct. 6, 1869.

as "old Skin-flint who stands upon the seashore, like Canute of old, and commands the tide of Confederation to retire".¹¹

Those campaigning for Confederation, too, procured the services of a boat, the sealing steamer Retriever, from Ridley and Company of Harbour Grace. The anti-Confederates even accused Carter of using the circuit court vessel and the government coastal boats. This charge was prompted by the fact that the mailboat Ariel, long overdue on the Port aux Basque run, turned up in the Burin district with Carter on a campaign tour. But these were relatively mild charges compared with those yet to come. The port of Brigus, long noted for its participation in the seal fishery, had been hampered for years by the fact that its inner harbour - or 'gut' as it is commonly called in Newfoundland - was being filled in by silt. The Inspector of Public Works went to Brigus and caused much amusement when he sounded the Gut with a pitchfork, prompting the Morning Chronicle to comment that there were more important "guts" in need of being filled.¹² In the meantime, tempers were becoming frayed as the tempo of the campaign quickened. The Chronicle accused the government and the Confederation leaders of trying to bribe it by offering it a big printing contract in return for its support of Confederation. The Confederation forces started a newspaper, the Comet, which was noted for its scurrility.¹³

11 Ibid., Oct. 20, 1869.

12 Michael Harrington, "Newfoundland's Confederation Battle of one Hundred Years Ago: When the "antis" won the day", Atlantic Advocate, April, 1969, p. 27.

13 Idem

Both sides are supposed to have provided the voters with the Newfoundlander's favorite drink, demon rum. Bennett's party was reported to have distributed it to the voters until it "inundated the land in streams, rivers and floods. Had the population been quadrupled, it is said, they could have stated a drought of years."¹⁴ Another rumor circulated that the Canadian government had sent 210 puncheons of rum to Ambrose Shea to buy votes. The firm of P. & T. Hearn, to which the shipment was consigned, denied this by saying it had imported it for its own trade.¹⁵ With such amounts of rum available, it can be easily understood why a turbulent election day could be anticipated in November.

Governor Hill had already intimated to Granville that the Council members were divided in their opinions as to whether Confederation would succeed. Although there had been no disturbances in the island, Hill informed Granville on September 7, 1869, that a state of great political excitement existed in Newfoundland and that Carter had suggested sending a man of war to Harbour Grace.¹⁶ The rum no doubt had contributed to some brawling, but whether it warranted the presence of troops is doubtful. Still Granville approved the use of the army to keep peace on election day.¹⁷

On the conduct of the election campaign, Hill reported to

14 Newfoundlander, Nov. 26, 1869.

15 Harrington, op. cit., p. 27.

16 C.O. 194, 178, Hill to Granville, Sept. 7, 1869.

17 C.O. 194, 178, Granville to Hill, Oct. 16, 1869.

Granville on September 21, that the anti-Confederates were waging a very strong battle, but that they were guilty of much misrepresentation about the motives and intentions of the Canadian government. Stories were being circulated of extra taxation and other evils likely to follow union.¹⁸ The anti-Confederates indeed were waging an energetic campaign, and were probably guilty of some misrepresentation. Their election manifesto stated that Newfoundland should not give up her sovereignty over taxation, fisheries, natural resources and revenue. Much too was made of the fact that union would mean that young Newfoundlanders might be drafted into the Canadian militia. Dire tales were told of how the youth of the island would soon be dying in a foreign land and leaving their bones to bleach in its 'desert sands'. The anti-Confederates argued that union with Canada would force Newfoundland to sever its ties with Great Britain. "Let us never change the Union Jack for the Canadian Beaver" became one of their Slogans.¹⁹ The anti-Confederate platform was built on emotionalism and appealed to the colonial, or provincial nationalism, that has always been very strong in Newfoundland. The anti-Confederates also appealed to the Irish-Catholics by drawing an analogy between the union of Great Britain and Ireland and the Confederation of Newfoundland with Canada. Many Newfoundlanders were not too far enough removed from Ireland in years to bear a deep hatred of England and to have sympathy for the cause of Home Rule in the

18 N.A., G 11, 7, Hill to Granville, Sept. 21, 1869.

19 Morning Chronicle, Sept. 25, 1869.

Emerald Isle.²⁰ Somehow it appears that the anti-Confederates were very successful in impressing this belief on the Catholics. In the final analysis, however, the anti-Confederates were successful because they were able to persuade the Newfoundland people that they should not barter away their political independence. Very often the term political independence was equated with freedom.

Nothing seemed to go right for Carter in the election campaign. He had a great problem explaining the future status of the Imperial garrison stationed at St. John's. Great Britain kept approximately 300 troops stationed there and it was well known that they might be withdrawn once Confederation was achieved. The anti-Confederates argued that union would thereby deprive Newfoundland of its military protection which they maintained was essential to good order. When Carter had been in Ottawa negotiating terms, he had been able to get the Canadian government to promise to use its influence with the Imperial government to have the garrison remain in Newfoundland after union, but with election day drawing near, it seemed to him that the Canadians had done nothing about the matter. Carter wrote Hill asking him to take the matter up with the Colonial Secretary.²¹ Hill agreed with Carter that the garrison should remain and sent Carter's letter to him on to Lord Granville with the comment that the presence of a "strong Irish element among the lower classes, most of them uneducated and all of them very excitable ..." made him

20 Prowse, op. cit., p. 495.

21 N.A., G 3, 4, F.B.T. Carter to Hill, Oct. 20, 1869.

fear that the Constabulary would be powerless to maintain order or protect property without the garrison being present.²²

Granville replied that the garrison was to be withdrawn, but the despatch was written after the election results were known in England.²³

Closer home, the supporters of Confederation had to consider the position of two important groups - the church and the merchants. It is very difficult, because of a lack of material, to show the influence of the various religious denominations on the election. If the hierarchy of either the Protestants or the Catholics had openly committed themselves in support of Confederation, it might have won the day. In the case of the Catholic bishop, Doctor Mullock, fate intervened to prevent him from taking a stand either way. Various attempts had been made in the preceeding five years to link his name to the cause of Confederation but he had done little to support either side. Whatever he might have planned to do during the election - if indeed he planned to do anything - can never be known for he died suddenly on March 29, 1869. Following Mullock's death Monseigneur Edward O'Keefe, the parish priest at Brigus, became the Administrator of the St. John's diocese. At first he appeared to be following Mullock's position of neutrality. On September 1, for example, he prohibited the use of any chapel or place ordinarily used for the celebration of Mass for political

22 C.O..194, 178, Hill to Granville, Oct. 27, 1869.

23 N.A., G 1, 41, Granville to Hill, Jan. 11, 1870.

purposes. ²⁴ A few days later, however, he openly supported Robert J. Pinsent, who was contesting Port de Grave district as a supporter of Confederation. The clergy of the other religious denominations in the district also supported Pinsent. ²⁵ Whether O'Keefe's support of Confederation can be interpreted as the official position of the Catholic Church, or perhaps as the fulfillment of Mullock's intentions, is impossible to say. If his stand was made in the name of his church, it was advice his flock did not heed. It must be remembered, however, that O'Keefe was an administrator and not a bishop. While the Catholic hierarchy in Newfoundland had traditionally exerted a strong influence in politics, O'Keefe's political statements would not have the same ring of authority as would similar statements coming from a bishop.

There is even less evidence to show the position of any of the Protestant sects. One fact stands out: there was a sudden expansion of the Orange Order in Newfoundland during the election campaign of 1869. Four new lodges were started in the St. John's - Conception Bay area. This, conceivably, can be interpreted to show "that some relation between the supporters of Confederation and the promoters of Orangeism existed". ²⁶ A more probable conclusion is that the Order was expanding simply in reaction to the growing

25 Ibid., Oct. 29, 1869.

26 Elinor Senior, The Origins and Political Activities of the Orange Order in Newfoundland, 1863 - 1890 (M.A. thesis, Memorial University), p. 2.

influence of The Benevolent Irish Society, a Catholic organization. The Anglican bishop of Newfoundland, Edward Field, had little to say on the topic of Confederation. In his "Poor Pastoral" given on April 24, 1869, he urged caution on those who saw in Confederation a panacea for Newfoundland's economic troubles. "We may", he preached, "hope for some change for the better in our political state. But he must have greater faith in Dominion politics than I have, who expects to obtain much relief from that quarter".²⁷ Such a pastoral could scarcely be quoted to advantage by those who were campaigning that union with Canada would solve Newfoundland's economic problems.

Another very important group were the merchants. Already in 1865, their public opposition to the Quebec proposals had helped to bring on the hesitant policy that Carter had adopted. Now in 1869, Hill was happy to report "that nearly all the Merchants and most respectable people are in favour of Confederation ... and I can not doubt but that Confederation will be carried".²⁸ Much would obviously depend on whether the fishermen would follow the lead of the merchants. On October 22, Hill wrote to Granville - with somewhat less enthusiasm than in September - that it was nearly impossible for anyone to give a decided opinion as to the result. Hill divided the Newfoundland people into three classes: the merchants, the small traders, and the fishermen. He was still convinced that the merchants, with the exception

27 As quoted in Ibid., p. 67.

28 N.A., G 11, 7, Hill to Granville, Sept. 21, 1869.

of one or two greedy ones, favoured Confederation. He neglected to mention that these 'one or two' were perhaps the most powerful in the island, namely C.F. Bennett and Walter Grieve. The small traders, he believed, also favoured union, but the fishermen did not. They had been deceived by the anti-Confederates into believing that union meant higher taxes. Hill blamed much of this deception on the Nova Scotia fishermen with whom the Newfoundland fishermen had much contact in the summer months.²⁹ The Harbour Grace Standard had reported earlier that "an organized plot by Nova Scotia fishermen has been industriously at work with the view of poisoning the minds of the people against Confederation".³⁰ With the fishermen comprising the great majority of the population, Hill's concern was not without good reason.

A week before the election, the governor became fearful that riots would start on polling day. Hill had been granted the use of the man of war for Harbour Grace he had requested. Four days before the election the magistrate in that town advised Hill that "a Military force in addition to that of H.M.S. Niobe of not less than one hundred will be required at Bay Roberts and Spaniard's Bay"³¹ In the town of Port de Grave those who had publically supported Robert Pinsent had their property attacked. George Andrews, for example,

²⁹ C.O. 194, 178, Hill to Granville, Oct. 22, 1869.

³⁰ Harbour Grace Standard as quoted in Newfoundlander, Oct. 15, 1869.

³¹ C.O. 194, 178, T. Harrison Ridley and others to Governor Hill, Nov. 9, 1869.

found it impossible to return into his shop after dark without volleys of stones being showered on it.³² It was clearly not wise to admit being a supporter of union. In his hometown, Brigus, the famed Bartlett family - by Pinsent's account - gave him no end of trouble by breaking up his meetings. Because no one seems to have been injured seriously, Pinsent's account is somewhat humorous today:

In the first place, the Band hired by me was attacked by a gang of which some of the Bartlett family were Members - the supporters of my opponents - and some of the instruments were smashed. This occurred on the way to the Booth ... During nomination you are aware he counselled good order and the other candidate got a hearing. I was not only bawled down but sods and stones were flung at me and my party on the hustings and when I addressed the people in the Court Room, there was a rush made from the outside by the Anti-rowdies and I was again interrupted and with difficulty got a partial hearing and you [Wilcox, magistrate and returning officer] had to clear the room. One Isaac Bartlett was seen and heard by myself to order the boeing and one Thomas Bartlett was armed with a sling shot with which he struck a supporter of mine³³

About the only town where Pinsent could finish a speech was in Cupids, situated three miles from Brigus, and even there a boat load of anti-Confederates arrived to break up the meeting only to discover that the meeting had been held two hours earlier than planned. On election day Conception Bay was well policed. Troops were sent to the towns of Bay Roberts, Brigus, Spaniard's Bay and Port de Grave. In Harbour Grace the cruiser rode at anchor. None of the military were called upon to act although Hill felt that despite the presence of the troops "many Confederate supporters were afraid to

³² Ibid., Magistrate Maddon (Port de Grave) to William Wilcox (Returning Officer) Nov. 6, 1869.

³³ Ibid., Pinsent to Hill, Nov. 19, 1869.

vote knowing that the special protection afforded them must soon be necessarily withdrawn".³⁴ One man had no police protection and apparently did not need it; at Greenspond, Bonavista Bay, David Smallwood took an axe in his hand to disperse a mob which had arrived to cut down the flag pole on which he was flying the Confederate flag.³⁵

Thus they came to election day on November 13. The anti-Confederates won twenty-one seats, while those in favour of union won only nine. One anti-Confederate, Henry Renouf, was elected for two districts, St. John's West and Placentia-St. Mary's. The Confederates won six of their seats in the adjacent districts of Harbour Grace, Carbonear, Bay de Verde and Trinity. In the last district, a three member riding, Richard Alsop, an anti-Confederate was also elected. The other three Confederates came from the south coast. Frederick Carter and Edward Evans won in Burin although the Catholic priest there, Rev. Richard O'Donnell, had written a letter "to the people of Newfoundland denouncing the union of Newfoundland with the provinces of the Dominion of Canada and imploring them to reject the prospect".³⁶ The district of Burgeo also elected a supporter of Confederation. Everywhere else the anti-Confederates were victorious. In St. John's East, William P. Walsh, James A. Jordan

34 Ibid., Hill to Granville, Nov. 22, 1869.

35 Richard Gwyn, Smallwood: The Unlikely Revolutionary (Toronto, 1968), p. 3. David Smallwood is the paternal grandfather of the present premier of Newfoundland.

36 MS, Diary of Edward Morris, entry for Nov. 21, 1869.

and Robert J. Parsons polled 1327, 1325 and 1298 votes respectively; the lone Confederate polled a mere 367 votes.³⁷ In Bonavista the election was much closer. James L. Noonan, Francis Winton and William M. Barnes received 696, 656 and 649 votes respectively; the Confederates, Warren, Burton and Carroll polled 537, 535 and 513 votes respectively.³⁸ A little further north in Twillingate-Fogo, Bennett's association with Edwin Duder gave the anti-Confederates a wide margin of victory. Smith McKay and Charles Duder received 1063 and 1025 votes each as compared with 208 for William Whiteway and 83 for Thomas Knight, who had represented that district since 1859 and 1855 respectively.³⁹ C.F. Bennett had decided to run against Ambrose Shea in Placentia - St. Mary's. Shea had known since early October that the parish priest there was opposed to him and that his own chance of victory was small. On October 12, 1869, Edward Morris recorded in his diary: "Amb. Shea back from Placentia, badly rec'd there & insulted by a mob - the work of Fr. Condon".⁴⁰ As expected, the anti-Confederates won easily; Charles Bennett, Henry Renouf, and Robert Parsons, Jr., polled 882, 872 and 660 votes respectively, while Shea received only 100.⁴¹

And so, despite Musgrave's assurances and Carter's confidence, Newfoundlanders rejected Confederation decisively in 1869. Governor

37 Newfoundlander, Nov. 16, 1869.

38 Morning Chronicle, Nov. 25, 1869.

39 Ibid., Nov. 20, 1869.

40 MS Diary of Edward Morris, entry for Oct. 12, 1869.

41 Morning Chronicle, Dec. 22, 1869.

Hill blamed the defeat on the ignorance of the mass of the voters. They were, he informed Granville, "an ignorant, lawless, prejudiced body, the majority of whom ... are unfit subjects for educated and intellectual men to attempt to reason with on the advantages of Confederation".⁴² Hill reported that the fishermen had been terrorized by stories that their sons would be drafted into the Canadian army and their bones left to bleach in a foreign soil. Worse still, they feared that Confederation would mean heavier taxation. Hill clearly had little respect for Newfoundlanders, but he was right, to some degree, in his explanation of why they had so decisively rejected Confederation. Edward Morris had come to virtually the same conclusion two days before the election:

Nothing could withstand the feeling of opposition in the minds of the people who would not consider the advantages of union with the other provinces but angrily resisted the "selling of the country to Canada", the permission of the General Govt. to levy taxes and to draft the people into the army of Confederation. These and such cries overcame all reason and prudence.⁴³

These explanations, of course, come from a Confederate point of view. It is more difficult to explain the defeat from an anti-Confederate point of view since so few of them have left a written record, but apparently Bennett was motivated by a personal economic reason, the fear of losing his mineral rights on Crown lands. Thomas Glen and the other members of the Opposition saw an easy way to win back the support they had lost in 1861. To attribute such motives to Bennett and the others is, of course, to say that they were

42 C.O. 194, 178, Hill to Granville, Nov. 20, 1869.

43 MS Diary of Edward Morris, entry for Nov. 21, 1869.

less than honest in their opposition to Confederation. If they were honest - and there is little to suggest otherwise - they did not want to see Newfoundland lose its political independence and identity in a union whose terms were not suited to meet Newfoundland's needs. That is the point they stressed in their campaign. As far as the voters are concerned, the real reasons for their opposition can never be known. Obviously the anti-Confederates succeeded in mounting a campaign more convincing than that of the Confederates; or - if one prefers to accept Hill's version - more terrifying.

It is difficult to establish any pattern in the election results except on a religious basis. The only town that could be considered large was the capital, St. John's, which voted overwhelmingly against Confederation. It was a predominantly Catholic town. The second largest town, Harbour Grace, had a Protestant majority and voted for Confederation. No district in which the Roman Catholic formed a majority elected a Confederate. All thirteen members representing Catholic districts were anti-Confederates. This was not, however, an anti-Protestant vote. Four of the members elected in Catholic districts were Protestants. All of the members elected for Protestant districts - seventeen in all - were Protestants; nine of them supported Confederation, and eight were opposed to it. The Catholic section of the population was obviously much less disposed to Confederation than the Protestant part. The Catholics, of course, were practically all of Irish background and may have drawn a

parallel between the union of Newfoundland with Canada and the union of Ireland and Great Britain in 1800.⁴⁴ Whether or not some of the Catholics thought that a victory for the Liberal party would give their religion more influence in Newfoundland's politics is a moot point. The Catholics in the Coalition party certainly appear to have been of a higher caliber politically than those in the Liberal party.

The press which supported union refused to regard the result of the election as a defeat for Confederation itself. The Public Ledger and the Telegraph both admitted that the party which had advocated Confederation had been beaten but felt that a reaction would set in immediately.⁴⁵ The Newfoundlander put it best. The verdict was one against Confederation but not a verdict on it. The issue was a new one that was not easily made intelligible to the masses. It was a novelty too large for the comprehension of the ordinary citizen whose passions had been easily aroused.⁴⁶ The Newfoundlander would not think of the question as being settled "by a pronouncement which was so palpably the mere expression of ignorance and panic".⁴⁷ The Halifax Reporter thought the matter was settled for one year only and was not surprised at what the Newfoundlander had done when it recalled what Nova Scotia and

44 Newfoundlander, Feb. 26, 1866, reporting Assembly debates of Feb. 12. Prowse claimed this was why the Irish-Newfoundlanders were against Confederation.

45 Telegraph, Dec. 8, 1869, Public Ledger, Nov. 25, 1869.

46 Newfoundlander, Nov. 30, 1869.

47 Ibid., Dec. 14, 1869.

New Brunswick did only two or three years before. "When Martin L. Wilkins could gull the people ... With his rascally inventions and plausible fictions," it wrote, "is it any wonder that Mr. B. and G. could carry with them most of the fishermen of Newfoundland." ⁴⁸

Governor Hill did not accept the defeat of Confederation; instead, he did everything within his power to override the expressed wishes of the Newfoundland people. He suggested to Granville on November 20, 1869, that Newfoundland's reluctance to join Confederation would be a source of some trouble for Canada in that it might encourage Nova Scotia to continue its fight for repeal. Hill argued that the merchants, traders and men of intellect were virtually all in favour of Confederation and that the only group opposing it was "an ignorant mob, totally devoid of judgement, and persuaded by selfish men whose sole desire is to gain power" Under these circumstances he thought it would be expedient to have Newfoundland incorporated with Canada by an Order in Council. ⁴⁹

Hill sent a copy of this despatch to the Canadian governor-general who passed it on to Sir John A. Macdonald. The Canadian prime minister was sorry to hear that Newfoundland had rejected Confederation, but not to the extent that he would do anything to change the situation. He wrote Governor-General Sir John Young:

⁴⁸ Halifax Reporter, as quoted in the Newfoundlander, Dec. 10, 1869.

⁴⁹ C.O. 194, 178, Hill to Granville, Nov. 20, 1869.

The acquisition of the Island itself is of no importance to Canada, and the terms offered by us and acceded to by the Government of the Island were so liberal, that, in a point of view, we made a bad bargain. We can wait, therefore, with all patience for the inevitable reaction that must take place in a year or two.

It would never do to adopt Col. Hill's suggestion of adding Newfoundland to the Dominion by an Act of the Imperial Parliament. There can be no doubt of the power to do so, but the exercise of it would seem to me to be very inadvisable ... They have decided for the present against it and I think we should accept their decision. 50

Macdonald had had too much trouble in placating Nova Scotia; to have forced Newfoundland into union against her will would only have created another similar problem.

Macdonald had been wrong in stating that Newfoundland could be incorporated into the Dominion by an Order in Council. When Granville replied to Hill on December 24, 1869, he told him that Newfoundland could be united with Canada only if an Address to the Queen was received from the Newfoundland Legislature.⁵¹ In the meantime, Hill had sent another despatch to Granville before the arrival of the December 24 despatch. This despatch is not dated but was registered at the Colonial Office on December 29, 1869. It contained two rather startling proposals. Hill suggested that Newfoundland should be transferred from Great Britain to Canada as a dependency, if the Colonial Office did not deem it expedient to annex Newfoundland to Canada by an Order in Council. Hill expected

50 Macdonald to Young, Dec. 8, 1869, as quoted in Stanley, op. cit., p. 284.

51 N.A., G 1, 40, Granville to Hill, Dec. 24, 1869.

that those opposed to union would choose Confederation rather than have their province become a dependency. The other suggestion was not quite so drastic. Hill suggested that the Newfoundland section of Labrador should be transferred to Canada.⁵² While the first proposal would probably have had the effect of forcing Newfoundland into Confederation, the second would have been nothing more than a punishment for refusing to join. Granville appears not to have considered making Newfoundland a Canadian dependency. With respect to the Labrador, Granville reported that it could be transferred only by an Act of Parliament.⁵³ Neither the Canadian nor the British governments were willing to follow Hill's strong suggestions. They were not prepared to interfere with Newfoundland or to coerce her into union.

The Speech from the Throne in St. John's on February 3, 1870, was presented under the most unusual circumstances. After Carter's government had lost the election in November, 1869, it had not resigned. The Speech which Hill read had been prepared by a defeated government. It emphasised that Granville had been disappointed with the results of the election. "It is quite clear", read Hill, "that the current of opinions and events have strongly set in towards Union, and I firmly trust that nothing will occur to check, turn, or divert Newfoundland from gliding onward ... until this Colony joins the Dominion".⁵⁴ No mention was made of the fact that the public had

52 C.O. 194, 178, Hill to Granville, no date, December; registered at Colonial Office on Dec. 29, 1869.

53 C.O. 194, 179, Granville to Hill, Jan. 14, 1870.

54 JHA, 1870, p. 9, Feb. 3, 1870.

decided against union in a general election. The House, however, could obviously not accept such a Speech. When John Rorke and Prescott Emerson moved for the appointment of a select committee to prepare the Reply, Thomas Glen proposed in amendment that as the House had no confidence in the existing government it would be inexpedient to reply to the Speech until a new administration was formed. Glen proposed in addition that the governor be advised to send for Charles Fox Bennett to form a new government.⁵⁵ After some discussion as to whether Glen could demand that the governor ask Bennett to form a government, the new speaker, Thomas Bennett, ruled that it was proper. Glen's amendment carried, 19-8.⁵⁶

With Carter defeated by the House, as well as by the electorate, it did not take the Select Committee long to draft a Reply. On February 17, 1870, the House informed Hill that there was a settled conviction in the minds of the people that union with Canada was not conducive to their interests.⁵⁷ Hill admitted that the election had manifested much opposition to union but he felt that when the proposal was examined more closely and calmly, the people would change their attitude towards Confederation.⁵⁸ At the close of the session, Hill tried to get the last word. He reported that the Imperial Government still favoured Confederation for Newfoundland

55 Ibid., p. 10.

56 Newfoundlander, Feb. 4, 1870.

57 JHA, 1870, p. 18, Feb. 12, 1870.

58 Ibid., p. 28, Feb. 19, 1870.

and that "while there never comes a time in history when further reflection is not good, it is most desirable to study the present wants of the community, and if the opportunity presents itself, to seize the proffered hand, and not to grasp at some ideal perfection".⁵⁹ But most Newfoundlanders did not want to join the Dominion in 1870, nor were they destined for a long time to do so. Their sentiments on union with Canada can best be summarized by the famous "Anti-Confederation Song".

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.

Ye brave Newfoundlanders who plough the salt sea,
With hearts like the eagle so bold and so free,
The time is at hand when you'll all have to say
If Confederation will carry the day.

Cheap tea and molasses they say they will give,
All taxes take off that the poor man may live:
Cheap nails and cheap lumber our coffins to make,
And homespun to mend our old clothes when they break.

If they take off the taxes how then will they meet
The heavy expense on the country's up-keep?
Just give them the chance to get us in the scrape
And they'll chain you as slaves with pen, ink, and
red tape.

Would you barter the right that your fathers have won,
Your freedom transmitted from father to son?
For a few thousand dollars of Canadian gold,
Don't let it be said that your birthright was sold.

⁵⁹ Ibid., pp. 91-92, May 9, 1870.

CHAPTER 7

CONCLUSION

Confederation was defeated and there was nobody who could persuade the Newfoundland people to accept union with Canada in the election of 1869. The results of that election could hardly have come as a surprise to any impartial observer. From its very introduction into the island's politics, the Confederation scheme had run into much criticism and suspicion. In analyzing why Confederation failed, it may be worth while to summarize from five points of view: first, that of the Newfoundland people; second, that of Sir John A. Macdonald; third, that of the governorship of Sir Anthony Musgrave; fourth, that of the government of Hugh Hoyles and Frederick Carter; and finally, that of the Colonial Office.

The Newfoundland people must bear a share of the responsibility for the rejection of union, but their portion is the least of the five. If the political figures knew little about Confederation in 1864, the people knew far less. Except for the favoured few most of the population had very little formal education. Newspapers which could have informed the public were confined to the St. John's and Harbour Grace areas. The majority of the people fell into the trap of patriotism set for them by the anti-Confederates or were intimidated by their stories of taxation and the draft. Most of the voters knew little and cared less about Confederation. In the final analysis, the anti-Confederates ran a better campaign than their opponents and were able to convince the

rank and file not to give up their cherished independence.

But after all why should they have joined? They may not have been so wrong. All that was necessary for their prosperity was a good fishery. Confederation with Canada could not be expected to improve on that. The Newfoundland people were particularly proud of their independence and had no emotional feeling towards Canada. In 1869, the Dominion had not yet established itself as an industrial country that had proved its viability. It was, too, long before the days of family allowances, social security, and the payment of special subsidies to the economically backward provinces by the federal government. In addition, many of the factors that worked in favour of Confederation in the mainland provinces had little effect in Newfoundland. The threat of the Fenians was meaningless. The United States of America was too far away to engender fears of a military annexation. The promise of an inter-colonial railway offered little for Newfoundland. Most important, however, was the fact that nobody really cared whether or not Newfoundland entered Confederation. Neither Canada, which did not really need her, nor the Colonial Office, which apparently was not too concerned about the matter, were willing to do anything beyond the ordinary to make Newfoundland's entry into the Dominion a possibility.

The Colonial Office expectation that Newfoundland would gravitate towards Canada could have been realized only if a close relationship existed between them. This relationship simply did not

exist. From an economic point of view, Newfoundland had very few dealings with Canada; on the political level, the relationship between the two was even more tenuous. Newfoundland was as much isolated politically and economically from Canada as she was separated from her geographically. There is no record to show that any prominent Canadian political figures ever visited the island while the union issue was being debated. A visit there by such renowned maritime politicians as Charles Tupper or Leonard Tilley might have helped to end some of that isolation. Sir John A. Macdonald, of course, did offer relatively generous terms of union, but as soon as he became aware of the opposition to union he decided that it would be more discreet of him to avoid Newfoundland. Was he unprepared to have another Nova Scotia on his hands? He would have Newfoundland, but only if she came to him.

The man most responsible for the five year delay in making Confederation an election issue was Governor Sir Anthony Musgrave. Despite the warm enthusiasm he displayed towards Confederation, he may have been unable to influence Hoyles or Carter to take a firm stand, - or he may have agreed with them that the time was not ripe during the years between 1864 and 1869. Most probably his influence was not strong enough to motivate them to act. In his despatches to the Colonial Office, Musgrave appears to have painted a false impression of the status of Confederation in Newfoundland. Every despatch he sent to the various Colonial Secretaries closed with an optimistic statement that Confederation

would soon be achieved. The frequency of these assurances without reports of real progress in the matter must have left the Colonial Office unimpressed, yet it did nothing beyond the ordinary. Musgrave was allowed to continue in office, when he appears to have been so incapable of completing imperial policy.

Both Hoyles and Carter must bear a major part of the responsibility for the failure of the Confederation movement in Newfoundland during the 1860's. In the first instance, Hoyles did not seize the initiative and found himself entrapped in a quagmire of procrastination. He hesitated in proposing strong Confederation resolutions in the 1865 session of the Legislature for fear that they would have been defeated. Such a defeat would have been a serious set back to the prospects for Confederation, but it would not have been the disaster that it was expected to be. Neither is it certain that such a set of resolutions would have been defeated; the waverers in his party might well have rallied to the government's side rather than see Hoyles lose power on a vote of non-confidence. Nowhere in his handling of the Confederation issue did he display the verve or political sagacity of a Tupper or a Tilley, both of whom encountered as much - perhaps even more - anti-Confederation sentiment in their respective provinces. In addition to Hoyles' expectations of the Chief Justiceship, he may also have preferred to stay as aloof from the matter as possible, thereby allowing Carter, his immediate successor, to have a free hand in determining his own policy unhindered by anything that had been

done in the past.

If the retiring premier so reasoned, his plan was essentially a good one. The Conservative Carter was at the head of a coalition to which he had succeeded in attracting prominent Liberals. It gave fair promise for the ending of sectarianism in politics and brought all the Confederation supporters under one leadership. Still the coalition strategy did not produce the desired effect. Although his party did receive a vote of confidence in the 1865 election, Carter thought that making Confederation an issue in the campaign would bring on the defeat of his government. He must have considered the report of the Chamber of Commerce which had denounced Confederation, for the influence of the mercantile class had always been strong in the Conservative party from which Carter had drawn so many of his coalition ministers. He seems to have chosen, therefore, to follow the path of political expediency and ignore Confederation in his campaign. It can not, however, be assumed - although Carter thought so - that he would have suffered a defeat on the issue. His chances of success were probably stronger in 1865 than they turned out to be in 1869, but Carter was far too cautious a man to make a daring move.

The opportunity of 1865 allowed to pass unchallenged, circumstances effectively prevented him from taking a firm stand until 1869. In 1866, he had to face an unchanged Legislature and it was too close in time to the election in which he had not dared

to press the matter. In the 1867 session, he was obviously waiting for the completion of the British North America Act in the mainland colonies and hoping that a favourable reaction would influence public opinion to support Confederation. For a time in 1868, it seemed that this was coming about, but the strength of the repeal movement in Nova Scotia made Carter retreat behind his cloak of inaction. With an election due in November of 1869 and with the problem of repeal temporarily solved in Nova Scotia, Carter decided that the time was finally ripe to take a definite stand.

For one thing, the Chamber of Commerce, while it had not openly supported Confederation, had not said anything against it as it did in 1865. Needless to say, Carter was wrong in his judgment. The forces working against Confederation had had time to grow and prosper. Confederation had been virtually an unknown quantity in 1864; in 1869, it was well known, but not well understood. The anti-Confederates had been given time to marshal their forces to defeat union with Canada. Whether Confederation could have won out either on the basis of resolutions presented to the Legislature, or by its being made an issue earlier in the 1865 election, is a hypothetical question, but it certainly could have suffered no worse a fate in that year than it eventually did in 1869.

The true position of the Colonial Office is far from clear, but it must bear most of the responsibility for the failure of Confederation in Newfoundland. In all justice, however, it must be

noted that its principal agent there, Governor Anthony Musgrave, kept informing the Office that union would soon be completed and that public opinion was changing in its favour. In the beginning, though, the Office assumed that Newfoundland was not too interested in Confederation and that the Quebec Conference had taken a dim view as to whether she would join or not. As a result no pressure was brought to bear on Newfoundland and it was very easy for the anti-Confederates to argue that the Imperial Government did not really care whether Newfoundland entered Confederation or not. Once it was established that Newfoundland - or her government at least - was indeed seriously contemplating union, the Office did little in the way of making the road to union a little easier to travel. A few appointments or political favours distributed in the right places could have broken the strength of the anti-Confederate forces. The Office was deluded into believing that Newfoundland would gravitate towards Canada in any case. It was easy, then, to take the line of least resistance and allow Newfoundland to work out its own destiny.

Several opportunities arose between 1870 and 1895 for Newfoundland to join the Dominion but each time negotiations failed. When the fishery articles of the Treaty of Washington ended in 1885, Sir John A. Macdonald became fearful of Newfoundland's attempt to negotiate a separate treaty with the United States and suggested that the time was ripe to reopen talks. These talks were carried on in Newfoundland by Sir Charles Tupper in 1887. His proposed terms

were liberal enough for Robert Thorburn, the premier from 1885 to 1889, to promise to send a delegation to Ottawa in 1888. Thorburn, however, had to postpone this, and when his chief opponent, Sir William Whiteway, declared that he would oppose Confederation, Thorburn was forced to shelve the matter. Needless to say, in the general election of 1889, Whiteway was swept into power with Catholic support.

Another opportunity to reopen talks arose when delegates from Newfoundland and Canada met at the Halifax Conference in 1891 in an attempt to settle a fishery dispute between the two countries. The Canadian delegation agreed to discuss union, but Augustus W. Harvey of the Newfoundland delegation refused to do so on the grounds that the matter was not on the agenda of the conference. In December, 1894, Newfoundland suffered a severe financial setback when the Union and Commercial Banks failed. After Whiteway formed a new cabinet in 1895, he initiated discussions with the Bowell government and they agreed to have a conference in April at Ottawa. After protracted discussions and many amendments to the first set of Canadian proposals, the Newfoundland government rejected the idea of Confederation on the grounds that the financial terms offered by Canada were not suitable to meet Newfoundland's needs.¹ Newfoundland's entry into

¹ For further details on negotiations between 1870 and 1895 see, G.F.G., Stanley, "Further Documents Relating to the Union of Newfoundland and Canada, 1886-1895", Canadian Historical Review, XXIX (Dec., 1948), pp. 370-386; and Harvey Mitchell, "Canada's Negotiations with Newfoundland, 1887-1895", Canadian Historical Review, XI (Dec. 1959) pp. 277-293.

Confederation was to be delayed for almost eighty-two years. After World War Two, Joseph Smallwood made his impact on the Newfoundland political scene, and by 1949 had persuaded the Newfoundlanders to "accept the inevitable" and become a part of the Dominion of Canada.

APPENDIX

BIOGRAPHICAL NOTES ON POLITICAL FIGURES OF NEWFOUNDLAND ¹

ALSOP, Richard. 1814-1871. Elected M.H.A. for Trinity in 1869; colonial secretary in Bennett's cabinet. Anti-Confederate.

BEMISTER, John. 1815-1892. Elected M.H.A. for Bay de Verde 1855, 59, 61, 65, 69; receiver-general for Hoyles, 1861-65; colonial secretary for Carter, 1866-1870. Confederate.

BENNETT, Charles Fox. 1793-1883. A native of Shaftesbury, England. Premier from 1870 to 1874; M.H.A. for Placentia - St. Mary's, 1870-1874. Leader of the forces against Confederation.

BENNETT, Thomas R. 1830-1901. Born at Windsor, N.S. Business interests in Fortune Bay; M.H.A. for Fortune, 1865 - 1873; District Judge, 1874-98; Anti-Confederate.

BURTON, J.T. 1808-1880. M.H.A. for Bonavista, 1865-1869, and again in 1873. Lost as a Confederate in 1869.

CARSON, William. 1770-1843. Born in Scotland. A physician and reformer, he emigrated to Newfoundland in 1808.

CARTER, Sir F.B.T. 1819-1900. Premier 1865-1870, and 1874-78. Called to the bar in 1842; Q.C. in 1859; member of the Legislature, 1855-1878; Speaker, 1861-65. Supreme Court, 1878; Chief Justice, 1880. K.C.M.G., 1878.

¹ Information obtained from Encyclopedia Canadianna and H.M. Mosdell When Was That (St. John's, 1922).

- CASEY, John. 1823-1893. M.H.A. for St. John's West 1859-1866; lost bye-election in 1866 after accepting position in Carter's Council. Claimed to be Anti-Confederate.
- FIELD, Edward. 1801-1876. Second Bishop of the Church of England Diocese of Newfoundland, 1844-1876.
- GLEN, Thomas. 1796-1887. St. John's business man; M.H.A. for Ferryland, 1842-1873. Anti-Confederate.
- HAYWARD, John. 1819-1885. M.H.A. for Conception Bay, 1852; Harbour Grace, 1855, 1859, 1861, 1865. Solicitor-general with Carter to 1868. Appointed judge on Aug. 7, 1868. Anti-Confederate.
- HILL, Colonel Stephen. 1809-1891. Governor of Newfoundland, 1869-76. K.C.M.G. in 1874.
- HOGSETT, George. ? - 1869. M.H.A. for Placentia-St. Mary's, 1852 - 1860; attorney-general in 1859. M.H.A. for Harbour Main, 1865-1869. Anti-Confederate.
- HOYLES, Hugh William. 1815-1888. Premier from 1861-1865; Chief Justice in 1865. Studied law in Nova Scotia.
- KENT, John. 1805-1872. Premier from 1858 to 1861, when he was ousted by Bannerman. A native of Waterford, Ireland. A lukewarm Confederate.
- MORRIS, Edward. 1812-1887. Appointed to Legislative Council in 1859; became its president in 1870. Active in banking. Confederate.

MULLOCK, John Thomas. 1807-1869. Born in Limerick, Ireland.

A Franciscan educated in Seville and Rome; came to Newfoundland in 1848 and became Archbishop of St. John's.

MUSGRAVE, Sir Anthony. 1828-1888. Wide experience as colonial governor; governor of Newfoundland from 1864 to 1869; and of British Columbia, 1869-1871. K.C.M.G., 1875.

O'BRIEN, Lawrence. 1793-1870. St. John's business man. M.H.A. for St. John's, 1842-1852; appointed to Legislative Council in 1853.

PARSONS, Robert J. Died 1883. M.H.A. for St. John's, 1848-42; for St. John's East, 1855-74; editor of the Patriot; very Anti-Confederate.

PRENDERGAST, J.T. 1800-1895. Represented Conception Bay, 1840-1861; defeated as an Anti-Confederate in Harbour Grace in 1869.

PROWSE, Donald W. 1834-1914. M.H.A. for Burgeo, 1861-1869. Judge from 1869 to 1898. Wrote a history of Newfoundland. Confederate.

RENDELL, Stephen. 1819-1893. Manager for Job Brothers. M.H.A. for Trinity, 1859 to 1873; President of Chamber of Commerce in 1865; Anti-Confederate to 1869.

RENOUF, Henry. ? - 1880. M.H.A. for St. John's West, 1861-1873. Anti-Confederate.

RORKE, John. 1807-1896. M.H.A. for Carbonear, 1865-1882. Confederate.

SHEA, Sir Ambrose. 1815-1905. M.H.A. 1848-1882; delegate to Quebec Conference, 1864; governor of Bahamas, 1887-1895; K.C.M.G. 1888.

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2. NEWSPAPERS

Harbour Grace Standard. Weekly. Anti-Confederate. Established in 1859. Owned by William Squarey.

St. John's Courier. Semi-weekly. Edited by Joseph Woods. Supported Confederation to 1869; then threw support behind Bennett.

_____ Day Book. Changed name to Morning Chronicle in 1865. Edited by Francis Winton. The chief Anti-Confederate paper.

_____ Newfoundlander. Semi-weekly. Liberal. Confederate. Catholic. Published by the Shea family.

_____ Newfoundland Express. Confederate. Somewhat Conservative but its publisher James Sutton was independent.

_____ Patriot. Published by R.J. Parsons. Very Anti-Confederate.

_____ Public Ledger. Owned by Henry Winton until his death in 1866. Indifferent to Confederation in beginning. His widow's editor, Adam Scott, took position on condition that the paper support Confederation.

_____ St. John's Daily News. Owned by Robert Winton, brother of Francis of the Chronicle. Very Conservative and strong supporter of Confederation.

_____ Telegraph. Owned by John Thomas Burton. Very Conservative and strong supporter of Confederation.

_____ Times. Conservative and Confederate.

3. OFFICIAL SOURCES

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ABSTRACT OF
NEWFOUNDLAND AND CONFEDERATION

1864 - 1870 ¹

When union of the Maritime provinces was being discussed in 1864, no thought was given of including Newfoundland. Consequently the colony did not send a delegation to Charlottetown, but through the work of John A. Macdonald two delegates did attend the Quebec Conference. There they played a minor role, but returned home convinced of the suitability of Confederation.

When the Newfoundland Assembly met in January, 1865, the premier called for a calm examination of Confederation, but the opposition to union from some of his own Council, the Opposition, the public, and the merchants, was so great that he was obliged to postpone a decision on the matter until after the November, 1865, general election.

Under a new leader, the pro-Confederates did not make Confederation an issue in that election for fear of a defeat at the polls. Although the new premier was victorious, some members of his party would not support him on the Confederation issue and he hesitated putting strong resolutions before the House. The Colonial Office refused to exert any unusual pressure and in 1867 the Speech from the Throne made no mention of Confederation. As a result no delegation was sent to London and thus Newfoundland remained outside

¹ Francis J. Smith, master's thesis presented to the Department of History, University of Ottawa, Ontario, August, 1970, V11 - 192 p.

the new Dominion on July 1, 1867.

Attempts were made to negotiate terms of union in 1868, but repeal agitation in Nova Scotia forced a postponement. In June, 1869, a delegation to Ottawa did negotiate terms. The premier then made Confederation the principal issue in the 1869 election, but his government suffered a resounding defeat.

This thesis is a study of the roles played by the political groups in Newfoundland from 1864 to 1870 and attempts to explain the causes for the rejection of Confederation. It examines the parts played by the people of Newfoundland, the Canadian government, the Colonial Office, the colony's governors, and the government of Newfoundland.

The thesis concludes that the people of Newfoundland were the least responsible for the rejection. The fishermen, the Irish-Catholics and some of the merchants, all had reasons for their opposition to Confederation, but could have been guided into it with the proper handling. Similarly, the Canadian government's part in the responsibility is small. It would have Newfoundland, but not against her will. Much of the responsibility lies with Governor Musgrave who gave the Colonial Office a false impression of the progress of Confederation in the island and was unable to exert any great personal influence on the matter there. A major share of the responsibility falls on the two premiers, Hoyles and Carter, who at no time displayed the political acumen or daring

necessary to promote an issue which was not too popular in Newfoundland. Most of the responsibility lies with the Colonial Office which refused to bring any of its great influence or power to bear on Newfoundland. It was, however, aware of the problem that the colony's French Shore would pose to her entering Confederation and was apparently of the opinion that the Quebec Conference had taken a dim view as to whether Newfoundland would join or not.