

## **The Campaign for Representative Government in Newfoundland**

Jerry Bannister

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### Résumé de l'article

Cet article se penche sur la campagne qui mena à l'instauration d'une assemblée électorale à Terre-Neuve en 1832, pour remettre en question les thèses les plus courantes au sujet du mouvement réformiste dans la colonie. Les premières pressions pour la création d'une Chambre d'Assemblée locale n'avaient rencontré qu'un succès restreint, au début du 19<sup>e</sup> siècle, devant l'opposition des marchands et des gouvernants. Mais à partir de 1828, le mouvement réformiste réussit à se transformer en une coalition viable en faveur du gouvernement responsable. Il put venir à bout de l'intransigeance du gouvernement métropolitain en réussissant à la fois à s'assurer l'appui du Parlement britannique et à contrer les vues du Colonial Office. La rhétorique que les réformistes empruntèrent au cours des rencontres locales, celle des pétitions, de même que celles des débats parlementaires, tendent à montrer que c'est grâce à une presse sûre d'elle-même et à un discours public ouvert que le mouvement put rassembler des intérêts socio-économiques disparates.

# The Campaign for Representative Government in Newfoundland

JERRY BANNISTER

## Resumé

*This paper examines the campaign for an elected assembly in Newfoundland, granted in 1832, and challenges established views of the Colony's reform movement. In the early nineteenth century reformers repeatedly appealed for a local legislature, but their efforts met with limited success in the face of opposition from both merchants and government officials. However, fuelled by concerns over taxation, the reform movement transformed in 1828 into a viable coalition for representative government. In London the reformers overcame the government's intransigence through a strategy designed to gain support in Parliament and to undermine the Colonial Office. An analysis of the rhetoric employed in local meetings and petitions, as well as in Parliamentary debates, suggests that an assertive press and an inclusive public discourse played crucial roles in the reform movement's ability to embrace disparate socio-economic interests.*

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The reform movement preceding the grant of representative government in 1832 has figured prominently in the writing of Newfoundland history. The traditional school of thought, which reached its apogee with A.H. McLintock, placed the reformers at the van of a colonial struggle to break the yoke of absentee merchants and government policies responsible for the Island's "retarded development."<sup>1</sup> In the first challenge to this orthodoxy Keith Matthews asserted that the victory of 1832 marked simply the success of a colonial elite's ambition: influenced by political currents in Britain, the reformers created a nationalist ideology which bore little relation to circumstances in the Colony.<sup>2</sup> Patrick O'Flaherty has criticized Matthews' thesis and maintained that reform in Newfoundland comprised a series of responses to long-established conditions: the reform movement emerged from a sense of injustice caused by local inequities and imperatives.<sup>3</sup> More recently, in a study of how the reform movement shaped economic policy, Sean Cadigan argues that while the reformers did respond to local issues, they were a small mercantile and professional elite who based their ideas largely upon British-shaped gentry aspirations.<sup>4</sup> Despite this extensive work on the reform movement, however, there remains no study of how the Colony gained an elected assembly.<sup>5</sup> The following study explores this lacuna in Newfoundland history and offers a reinterpretation of the political reform movement.

The roots of the reform movement grew out of the Colony's remarkable development during the French Revolutionary and Napoleonic Wars. As Newfoundland transformed into a settled colony with a resident fishery, nascent political institutions

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1. D.W. Prowse, *A History of Newfoundland from the English, Colonial and Foreign Records* (London, 1896), 425-9; A.H. McLintock, *The Establishment of Constitutional Government in Newfoundland: A Study in Retarded Colonization* (London, 1941), 174-92. For historiographic reviews see Peter Neary, "The Writing of Newfoundland History," in J.K. Hiller and P. Neary (eds.), *Newfoundland in the Nineteenth and Twentieth Centuries: Essays in Interpretations* (Toronto, 1980), 3-13; George M. Story, "D.W. Prowse and Nineteenth-century Colonial Historiography," in S. Ryan (ed.), *Newfoundland History, 1986* (St. John's, 1986), 34-45.
  2. Keith Matthews, "Historical Fence Building: A Critique of the Historiography of Newfoundland," *Newfoundland Quarterly* 74 (April 1978): 21-9; Keith Matthews, "The Class of '32: St. John's Reformers on the Eve of Representative Government," in J.M. Bumsted, (ed.), *Interpreting Canada's Past* (Toronto, 1986), 196-208; Keith Matthews, *Lectures on the History of Newfoundland, 1500-1830* (St. John's, 1988), 181-4.
  3. Patrick O'Flaherty, "The Seeds of Reform: Newfoundland, 1800-18," *Journal of Canadian Studies* 23 (Fall 1988): 39-56; Patrick O'Flaherty, "William Carson," *Dictionary of Canadian Biography* VII (Toronto, 1988), 151-6 [hereafter *DCB*]; Patrick O'Flaherty, "Government in Newfoundland Before 1832: The Context of Reform," *Newfoundland Quarterly* 23 (October 1988): 26-30. O'Flaherty also probed the writings of Carson and Morris in *The Rock Observed: Studies in the Literature of Newfoundland* (Toronto, 1979), 49-71.
  4. Sean Cadigan, "Economic and Social Relations of Production on the Northeast-coast of Newfoundland, with Special Reference to Conception Bay, 1785-1855." (PhD thesis, Memorial University, 1991), 108-11, 179, 190, 326-7, 318-21; "The Staple Model Reconsidered: The Case of Agricultural Policy in Northeast Newfoundland, 1785-1855," *Acadiensis* 21 (Spring 1992): 54-9.
  5. See Cadigan, "Staple Model Reconsidered," 57, n. 35.

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emerged in St. John's, such as the Society of Merchants, the Benevolent Irish Society, and in 1807 a newspaper, the *Royal Gazette*.<sup>6</sup> Without an elected assembly the Colony was effectively governed through governor's proclamations, decisions in the Supreme Court, and acts passed in Parliament.<sup>7</sup> Early demands for reform came primarily from St. John's merchants. Though the Society of Merchants petitioned repeatedly for advantages in trade, it also vowed to defend the colonists' "rights secured to them by the Laws and Constitution of their Country."<sup>8</sup>

In November 1811 local merchants organized a meeting to discuss grievances over a new act authorizing the lease of ships' rooms as private property. The meeting proposed a "Board of Police" to collect the rent from ships' rooms in order to fund civic improvements, but the plan became a public controversy.<sup>9</sup> In the Colony's first protest pamphlet, William Carson criticized the seizure of common property without the inhabitant's consent.<sup>10</sup> Carson's next tract warned the government not to insult the rights of British subjects in Newfoundland. He also argued that "restraining laws" impeded the Colony's development and, further, that "no taxes ought to be levied without the consent of a colonial assembly." The colonists deserved, Carson concluded, "what is unquestionably their right, a civil Government, consisting of a resident Governor, a Senate House, and House of Assembly."<sup>11</sup>

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6. In 1815 the Island's population was over 40,000, and Irish Catholics comprised a large majority in St. John's. See Shannon Ryan, "Fishery to Colony: A Newfoundland Watershed, 1793-1815," in P.A. Buckner and D. Frank (eds.), *The Acadiensis Reader: Volume One I Atlantic Canada Before Confederation* 2nd ed. (Fredericton, 1990), 138-56; O'Flaherty, "Seeds of Reform," 45-9; Patrick O'Flaherty, "John Ryan," *DCB* VII (1988), 763-6.
  7. See Patrick O'Flaherty, "Francis Forbes," *DCB* VII (1988), 301-4; O'Flaherty, "Government in Newfoundland," 27-8; Christopher English, "From Fishing Schooner to Colony: The Legal Development of Newfoundland, 1791-1832," in S. Binnie and L. Knafla (eds.), *Law, State and Society: Essays in Modern Legal History* (Toronto, forthcoming).
  8. Quoted in O'Flaherty, "Seeds of Reform," 45. The language used by the merchants derived from an established conservative political tradition in Britain. See H.T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London, 1977), 290-318.
  9. "Ships' rooms" were tracts of waterfront land which, with the decline of the migratory fishery, had become common property. The Act 51 Geo. III cap. 45 (1811) empowered the Governor to tender building lots for thirty-year leases. Aside from William Carson, a Scottish physician, merchants comprised the seven-member "Board of Police." See Prowse, *History of Newfoundland*, 386; O'Flaherty, "Seeds of Reform," 46-7.
  10. William Carson, *A Letter to the Members of Parliament of the United Kingdom* (Greenock, 1812), 3-4. Carson emigrated to Newfoundland in 1808; over the next thirty years he remained at the heart of colonial politics and the edge of agitation for reform. See O'Flaherty, "William Carson," 151-6.
  11. William Carson, *Reasons for Colonizing the Island of Newfoundland* (Greenock, 1813), 3-4, 6-8, 12-13, 24-6. Carson also included liberties, the press, and English law in the "privileges of Britons"; a recent study places such language within a "common rhetoric" used to assert political rights. See Valerie Frith, "The Double Claim: Liberty, the Press and Common Rhetoric in Eighteenth-Century England." (PhD thesis, University of Toronto, 1994), 1-28.

However, with the Empire-wide dislocation of trade after 1815, an economic depression in Newfoundland muted enthusiasm for political reform. The restriction of merchant credit, as well as disastrous fires in St. John's in 1817, engendered a wave of bankruptcies, outbreaks of rioting, and calls for government assistance to prevent famine.<sup>12</sup> Local merchants organized public meetings and proposed measures for immediate relief, such as rationing and a ward system in St. John's, and merchants testifying before a House of Commons committee in 1817 warned against large development schemes in Newfoundland.<sup>13</sup> William Carson nonetheless insisted that the Colony's underlying problem remained backward political institutions which inhibited economic growth. He maintained that the introduction of a "resident government and legislature" would bring "prosperous and happy times."<sup>14</sup> Yet the link between an elected assembly and prosperity was not widely accepted, for critics asked how a "local legislature" could "influence the price of fish in a foreign market."<sup>15</sup>

In 1820 the issue of representative government rekindled when concerns over the Colony's legal system sparked a determined reform campaign. The agitation centred on the cases of two fishermen, James Lundrigan and Philip Butler, who were publicly whipped in July 1820 after receiving default judgements in surrogate court for outstanding debts.<sup>16</sup> In November 1820 a meeting in St. John's, chaired by Patrick Morris, protested the "cruel and ignominious punishment" inflicted for "trifling causes," and appointed a committee to draft a petition to the Crown.<sup>17</sup> In addition to William Carson

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12. D.A. Sutherland, "1810-1820: War and Peace," in P.A. Buckner and J.G. Reid (eds.), *The Atlantic Region to Confederation* (Toronto, 1994), 246-9; Sean Cadigan, "Planters, Households and Merchant Capitalism: Northeast-Coast of Newfoundland, 1800-1855," in D. Samson (ed.), *Contested Countryside: Rural Workers and Modern Society in Atlantic Canada 1800-1950* (Fredericton, 1994), 167-8; Cadigan, "Staple Model Reconsidered," 51-4.
  13. In January 1817 a public meeting nominated a merchant-dominated committee to monitor conditions in three "wards" in St. John's. See the *Royal Gazette*, 21 January 1817. On the 1817 Parliamentary committee, see Cadigan, "Staple Model Reconsidered," 45.
  14. William Carson, "Distress in Newfoundland." Letter to the *Colonial Journal* III: 6 (1817): 361.
  15. *Mercantile Journal* (St. John's) 14 March 1817, as quoted in O'Flaherty, "Seeds of Reform," 56.
  16. The Act 49 Geo. III cap. 27, s. 2-3 (1809), empowered surrogates, who were often naval officers, to hear and determine summarily civil suits and complaints. Lundrigan owed a £28 debt to local merchants but refused to answer his summons to court on 5 July 1820. Arrested during the night, he was taken to a naval vessel, charged the next day with contempt of court, and sentenced to thirty-six lashes. After the punishment, which saw Lundrigan collapse after fourteen lashes, the court ordered the Conception Bay fisherman to relinquish his house and assets to his creditor. Butler's case followed a similar course, and both men took actions of trespass for assault and false imprisonment against the presiding surrogates in the Newfoundland Supreme Court. See Patrick O'Flaherty, "James Lundrigan," *DCB* VI (1987), 409-11.
  17. *A Report of Certain Proceedings of the Inhabitants of the Town of St. John . . . with the view to obtain a Reform of the Laws . . . and an Independent Legislature* (St. John's, 1821), iv, 10-11.

and Robert Wakeham, a Protestant lawyer, the committee included the leaders of the Irish community in St. John's — Morris, Patrick Doyle, Henry Shea, Timothy Hogan, and Thomas Beck — who formed the backbone of Newfoundland's reform movement.<sup>18</sup> The petition detailed the flaws in the surrogate system, but it also linked the need for a reformed judiciary directly to the absence of a "superintending Legislature in the Island." Finally, while being careful to stress their patriotism, the reformers appealed for "all the rights and privileges" granted other British colonies.<sup>19</sup>

After presenting memorials for legal reform to Governor Hamilton the committee sent a representative, William Dawe, to convey the petition to the British Parliament. Dawe also carried letters asking Lord Holland, who led a circle of liberal Whigs, and Sir James Mackintosh, a prominent reformer, to represent the reform committee's interests.<sup>20</sup> When the House of Commons considered the petition in May 1821, Mackintosh asserted that he knew of "no other colony which more required the constant vigilance of a local assembly than Newfoundland." In response the government admitted the need to reform the Colony's judiciary but warned of the problems associated with colonial assemblies.<sup>21</sup> The Colonial Office had in fact already sent clear instructions to Governor Hamilton that it "felt compelled to discourage all expectation . . . of an independent Legislature." The government also repudiated notions that the want of an assembly had caused the Colony's economic depression.<sup>22</sup>

Undaunted, the Newfoundland reformers organized a public meeting to place their case before a wider audience. Held in St. John's on 2 August 1821, the meeting — which Carson and Morris dominated — established the principal arguments for a local legislature. First, Morris recounted how the Colony's history of oppression under the

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18. *Report of Certain Proceedings*, 11. Eight of the thirteen men appointed to the committee were Irish Catholics. Morris emigrated from Ireland in 1804 and entered the mercantile trade. Henry Shea and Patrick Doyle were both well-respected merchants. Timothy Hogan was a shopkeeper, and Thomas Beck appears on grand jury lists. They all served as executives of the Benevolent Irish Society. See John Mannion, "Patrick Morris," *DCB* VII (1988), 623-34; John Mannion, "Henry Shea," *DCB* VI (1987), 709-11; Derek Bussy, "Patrick Doyle," *DCB* VIII (1985), 234-5; O'Flaherty, "Seeds of Reform," 43.
19. *Report of Certain Proceedings*, 12-13, 19-20. On similar legal battles in Upper Canada, see Robert Fraser, "'All the privileges which Englishmen possess': Order, Rights, and Constitutionalism in Upper Canada," in R. Fraser (ed.), *Provincial Justice: Upper Canadian Legal Portraits* (Toronto, 1992), xxi-xcii.
20. Hamilton forwarded the petition to the Colonial Office, and Dawe met with the Under-Secretary when he arrived in London in February 1821. A St. John's lawyer, Dawe had along with George Lilly conducted Lundrigan's case in the Supreme Court. See *Report of Certain Proceedings*, 20-31; Rupert W. Bartlett, *The Legal Profession in Newfoundland* (St. John's, 1984), 6-7.
21. *Parliamentary Debates* (new series) 5 (28 May 1821), 1015-17; *Journals of the House of Commons* 76 (1821), 388.
22. On 17 May 1821 Governor Hamilton forwarded this letter to the reform committee. See *Report of Certain Proceedings*, 31-2.

merchant adventurers had produced a system of government “unequalled in the annals of most despotic nations.” Backward laws prohibited exploitation of the Island’s agricultural resources and thus retarded economic development.<sup>23</sup> Newfoundland also endured taxation without representation, while its revenues, Carson declared, “were ample” to support a legislature. William Dawe emphasized that the colonists lacked their “invaluable birth-rights, the blessings and protection of the British laws and Constitution.” The committee resolved that the problems were “principally to be attributed to the absence of a legal organ of representation.” And the next resolution concluded: “we consider it equally the right . . . to be endowed with an independent legislature.”<sup>24</sup>

Nonetheless, when James Simms opposed this resolution, a debate ensued which exposed the limits to the reform committee’s support. A St. John’s merchant, Simms argued that the Colony’s condition rendered a legislature “impractical.” With a small portion of the town’s “trade and property” represented at the meeting, he asked the committee to postpone further discussion.<sup>25</sup> William Dawe retorted that the absent “miserable faction” had reputedly supported a council instead of an assembly. Given the Canadian experience, Carson added, a governor and council “would be an absolute and despotic government.” Morris then attacked the “reign of the monopolists” and derided “half measures” of reform.<sup>26</sup> The effects of the controversy emerged the following year when the reform committee drafted a petition which reiterated earlier arguments but called only for a “local government.”<sup>27</sup> A pamphlet in favour of legal reform confirmed the wide “diversity of opinion” in the Colony on the question of a legislative assembly.<sup>28</sup>

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23. *Report of Certain Proceedings*, 43, 50. The Newfoundland reformers repeatedly invoked John Reeves’ *History of the Government of the Island of Newfoundland* (1793), which viewed the Island’s history as a struggle of between settlers and West Country merchants. Morris also assumed a direct causal relationship between legal and economic development: “the most luxuriant country in the world, situated in the most temperate climate, under such laws would become an uninhabitable wilderness.”
  24. *Report of Certain Proceedings*, 54-7, 62-4. Paul Romney examines constitutionalist arguments in “From Constitutionalism to Legalism: Trial by Jury, Responsible Government, and the Rule of Law in Canadian Political Culture,” *Law and History Review* 7 (Spring 1989): 121-4.
  25. *Report of Certain Proceedings*, 68-71. Simms later became Newfoundland’s first Attorney General and was a strong opponent of the reform movement. See Gertrude Gunn, *The Political History of Newfoundland, 1832-1864* (Toronto, 1966), 5, 10.
  26. *Report of Certain Proceedings*, 72-81. Carson was apparently referring to the campaign against the legislative council in Quebec prior to the establishment of a legislature in 1792. See F. Murray Greenwood, *Legacies of Fear: Law and Politics in Quebec in the era of the French Revolution* (Toronto, 1993), 35-52.
  27. Dated 6 December 1822, the petition was prepared by a committee appointed at a meeting the previous August. See Great Britain, Colonial Office, *Papers Relating to the Island of Newfoundland* (London, 1824), 68-73. The petition also appears in: Canada, National Archives, MG 11, Colonial Office Papers, 194 series, volume 78, folio 39 [Hereafter CO 194].
  28. Britannicus, *Observations on the Present State of Newfoundland in Reference to its Courts of Justice* (London, 1823), 42.

The colonial agitation did prompt the British government to announce in March 1823 plans to amend the laws governing Newfoundland. Two months later Joseph Hume, a prominent radical critic of colonial policy, led a debate in which the government maintained that local conditions prevented the creation of an assembly in Newfoundland.<sup>29</sup> After presiding over meetings to discuss changes to the judiciary, Patrick Morris travelled to London in March 1824 and had several interviews with officials at the Colonial Office. Morris also published a tract stressing the Colony's need for institutions "necessary for the well-being of every civilized country."<sup>30</sup> Meanwhile the Colonial Secretary, Lord Bathurst, affirmed in Parliament that Newfoundland was "by no means prepared for receiving a constitution with houses of assembly."<sup>31</sup> The Colony's reformers nevertheless deemed the new legislation a major victory. Among its numerous measures the 1824 Judicature Act abolished the surrogate courts, established a civil governor and a system for land grants, and provided for a charter of incorporation empowered to make town bye-laws.<sup>32</sup>

In autumn 1825 the Colony's new Governor, Sir Thomas Cochrane, moved to create a corporate body for St. John's. Cochrane held confidential meetings with leading merchants and "others of different parties" in which he sketched plans for local government.<sup>33</sup> In February 1826 a notice for a public meeting and an outline for a corporation appeared in the local press.<sup>34</sup> The meeting appointed a planning committee of thirty men which, in addition to the group led by Carson and Morris, included many prominent St. John's merchants. Eleven members had already signed a petition against a charter of incorporation, however, and they seceded from the committee. Although the majority of the committee submitted a proposal for incorporation to Governor Cochrane, the opposition from a large bloc of leading merchants prompted Cochrane to refer the whole matter to London.<sup>35</sup> While Cochrane preferred the majority's view, he left the

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29. The government cited the lack of regular communication between communities and the fact that the summer fishery inhibited the political role of "persons of property." See *Parliamentary Debates* 9 (14 May 1823): 246-55. On Hume's advocacy of colonial reform and fiscal restraint, see K. Knorr, *British Colonial Theories, 1570-1850* (Toronto, 1944), 350-1; D.M. Young, *The Colonial Office in the Early Nineteenth Century* (London, 1961), 7, 287.
30. Patrick Morris, *Observations on the Government, Trade, Fisheries and Agriculture of Newfoundland* (London, 1824), 7. See Mannion, "Patrick Morris," 629.
31. *Parliamentary Debates* 11 (6 May 1824), 527-8.
32. 5 Geo. IV cap. 67 (1824), "An Act for the better Administration of Justice in Newfoundland, and for other Purposes." The Act had a five-year term. Section 35 authorized a town corporation to levy taxes for local initiatives.
33. CO 194/72/158-9, Cochrane to Bathurst, 27 May 1826. A career naval officer, Cochrane presided over a council of the Chief Justice, assistant judges, and the local garrison commander.
34. *Mercantile Journal*, 9 February 1826. The outline provided for a mayor and fifteen-member council, and a franchise of £10 freehold property or £20 annual leasehold. See also Melvin Baker, "The Government of St. John's, Newfoundland, 1800-1921." (PhD thesis, University of Western Ontario, 1980), 30-5.
35. CO 194/72/158 Cochrane to Bathurst 27 May 1826, enclosures 1-7. The February 1826 petition against a charter of incorporation was endorsed by a number of prominent St. John's merchant



Colonial Office to determine the “species of government” best suited to the Colony. Cochrane did recommend an *ad valorem* duty as a means to raise revenue in the Colony.<sup>36</sup> In a September 1826 report James Stephen, legal advisor to the Colonial Office, proposed a legislative council for the Colony as an alternative to “the many inconveniences” attended by an assembly, but the government decided to wait until Cochrane clarified the situation in Newfoundland.<sup>37</sup> In November 1826 Cochrane informed Lord Bathurst that the populace remained “as much at variance as ever” on the question of local government.<sup>38</sup> Moreover, Henry Winton, editor of the pro-reform *Public Ledger*, conceded that the Colony seemed unprepared for a local assembly.<sup>39</sup>

The proposals for new taxes quickly provoked the St. John’s merchants into political action. In October 1827 the Chamber of Commerce petitioned against the import duty “with painful apprehension” of the effects on the depressed fish trade.<sup>40</sup> After Cochrane forwarded the petition to London, George Robinson, a partner with Thomas Brooking and the Tory M.P. for Worcester, voiced the merchants’ concerns in an interview with the Colonial Secretary, William Huskisson. The free importation of fishery supplies had long been a mercantile tenet, but Huskisson reportedly justified the new duty on the grounds that the Colony now had “to pay its own expenses.”<sup>41</sup> Robinson then took action in Parliament and, on 30 May 1828, asked the government to postpone Newfoundland’s grant for civil expenditure until it investigated Governor Cochrane’s financial management. With the Judicature Act about to expire, Robinson demanded a select committee to inquire into the state of Newfoundland.<sup>42</sup> In August 1828 the Chamber of

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families, such as Alsop, Bowring, Hunter, Langley, McBride, Stewart, Thomson, and Trimmingham. See Marjorie Smith, “Newfoundland, 1815-1840: A Study of a Merchantocracy.” (M.A. thesis, Memorial University, 1968), 36-40.

36. CO 194/72/160-3, Cochrane to Bathurst, 27 May 1826. In March 1827 the government asked Parliament to consider new duties on imports into Newfoundland. See *Journals of the House of Commons* 82 (1826-7), 359.
37. CO 194/73/158-62, Stephen to Wilmot Horton, 16 September 1826. A prominent figure in formulating Colonial Office policy, Stephen disdained partisan politics and stressed expediency over “public opinion.” See Phillip Buckner, “The Colonial Office in British North America, 1801-50,” *DCB* VIII (1985), xxx-xxxiv.
38. CO 194/72/332-3, Cochrane to Bathurst, 17 November 1826.
39. “The truth is,” Winton wrote, “that we want a few practical lessons . . . before we can venture from our political leading-strings.” See editorial in *Public Ledger* (St. John’s), 18 May 1827. After emigrating from England, Henry Winton founded (with Alexander Haire) the *Public Ledger* in 1820. See Patrick O’Flaherty, “Henry Winton,” *DCB* VII (1985), 947-50.
40. CO 194/78/131-4. Memorial of the St. John’s Chamber of Commerce to Lord Bathurst, 9 October 1827. Thomas Brooking registered his opposition to the duty in a letter to the local press. See *Public Ledger*, 27 November 1827.
41. The proposed 2.5 per cent duty covered all imported items except salt and potatoes; the government also planned new taxes on wine and spirits. See the editorial in the *Public Ledger*, 22 April 1828.
42. A transcript of the debate appears in *Public Ledger*, 18 July 1828. Robinson’s attack singled out the Governor’s mansion which, paid out of unauthorized bills, had swelled beyond original estimates. The Colonial Office had already censured Cochrane for financial mismanagement.

Commerce, led by Thomas Brooking, publicly denounced the import duty as a grave threat to the fishery.<sup>43</sup> In a form of political protest, merchant vessels sailing to St. John's refused to carry the mail in order to prevent Cochrane from receiving instructions on the new tax.<sup>44</sup>

In the meantime the question of Newfoundland's governance surfaced in the English press. In an April 1828 pamphlet Patrick Morris entreated the government to grant the "neglected" Colony a local legislature. Morris again ground the axe of retarded development with sharp rhetoric and called for "emancipation from the bondage of mercantile monopoly." He also insisted that Newfoundland possessed the elements necessary for representative government: a population of sufficient education and property, an environment able to support agriculture, and the means to raise adequate revenues.<sup>45</sup> The pamphlet drew a rejoinder from a writer in Poole who attacked Morris' "flagrant" distortions, rejected notions that the Island could sustain a viable agriculture, and termed the possible benefits of a local assembly "too slender" to alter existing policy.<sup>46</sup> A review of Morris' pamphlet in the *Sphinx* nevertheless lauded the "triumphant refutation" of the view of Newfoundland as a country too undeveloped for a local legislature.<sup>47</sup> In Newfoundland these exchanges received extensive coverage and editorial comment in local newspapers.<sup>48</sup>

Yet the Newfoundland papers went much further than simply reporting on debates in England. With the creation of a "public sphere" in the Colony, the press — specifically the newspapers published by John Shea and Henry Winton — exerted a formative

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See McLintock, *Establishment of Constitutional Government*, 165.

43. Thomas Brooking succeeded Newman Hoyles as president of the Chamber of Commerce for 1828, and John Dunscombe and William Thomas were elected vice-presidents. All four men had supported the proposal for a charter of incorporation. As leading Protestant merchants they each served as grand jury foremen and leaders of local philanthropic societies. See *Royal Gazette*, 19 August 1828; Keith Matthews, "Thomas Brooking," *DCB IX* (1976), 84-6; Keith Matthews, *Profiles of Water Street Merchants* (St. John's, 1980).
44. CO 194/76/385, Cochrane to Murray, 14 December 1828. The Newfoundland case reflects T.W. Acheson's model of Saint John merchants: though often fractured, merchant interests could unite rapidly when threatened with increased taxation. See *Saint John: the Making of a Colonial Urban Community* (Toronto, 1985), 55-9, 66.
45. Patrick Morris, *Arguments to Prove the Necessity of Granting Newfoundland a Constitutional Government* (London, 1828), 3-4, 11, 35-6, 39-40, 46-49.
46. J. Bristow, *Brief Remarks on a Pamphlet entitled "Arguments to Prove the Necessity of Granting to Newfoundland a Constitutional Government"* (Poole, 1828), 8-15, 19, 28.
47. The column was reprinted in the *Newfoundlander*, 2 October 1828. Henry Winton called the *Sphinx* a "respectable print, although no so universally read" as other English papers. See *Public Ledger*, 3 October 1828.
48. The *Newfoundlander* reprinted Morris' pamphlets in extracts over several weeks from 23 February to 19 March 1828. In the *Public Ledger*, 25 August 1828, Henry Winton termed Morris' pamphlet "decidedly the best yet;" on 29 August Winton offered a critique of Bristow's essay.

influence on political discourse.<sup>49</sup> In a series of editorials the local press quickly transformed concerns over the proposed import duty into a cogent argument for representative government. When John Shea reported the duty in 1827, he noted the economic implications but then continued: “such a tax on a Colony like ours, without representation, would be a direct violation of the pledge given by the Government to the Colonies after the American Revolutionary War.” In April 1828 he appealed for the duty not to be “exacted from us upon the principle of ‘taxation without representation.’”<sup>50</sup> Similarly, Henry Winton stated on 22 April 1828 that he did not object to the duty itself, but to the absence of the “right to collect and appropriate the sums so raised.” He concluded: “a new and very powerful argument arises out of this subject to confirm the necessity of introducing a change in the government of this country.”<sup>51</sup>

Moreover, the press repeatedly urged the public to unite and act upon these grievances. Upon hearing that the government intended to use the duty to pay for new public buildings, Winton warned of dire consequences if the colonists could not “agree to solicit that the appropriation of the money so exacted may be placed within their own control.”<sup>52</sup> An editorial in the *Newfoundlander* also affirmed that the time had arrived “when the most active steps should be taken to endeavour to obtain for the people a voice in the appropriation” of the duties.<sup>53</sup> In August 1828 the *Public Ledger* called for a public meeting of “qualified” individuals to recommend changes to the Colony’s government.<sup>54</sup> During the fall of 1828 Winton encouraged a “gentlemanly” discussion and asked that “former prejudices and prepossessions upon the subject be thoroughly forgotten.”<sup>55</sup> A letter from “Atomus” called for public meetings to discuss the issues and “to sooth down

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49. On the press and the creation of a “bourgeois public sphere,” i.e. the monitoring of state authority through an informed and critical discourse, see Jurgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Thomas Burger, trans. (Cambridge, 1991), 19-26. The son of the reformer Henry Shea, John Shea established the *Newfoundlander* in 1827. See Mannion, “Henry Shea,” 711.
  50. In June 1828 Shea also questioned whether the new tax would be used to build “a new goal, infirmary, work-house, treadmill . . . to improve our morals.” See *Newfoundlander*, 21 November 1827, 9 April 1828, 19 June 1828. The argument against “taxation without representation” formed part of a common rhetoric in British North America and emerged, for example, during the 1837-38 crisis in the Canadas. See Allan Greer, “1837-38: Rebellion Reconsidered.” (Paper presented to the Canadian Historical Association, 1994), 19.
  51. In addition, a letter by “Mercator” on 25 December 1827 argued: “taxation without representation is contrary to the express promise of Great Britain to her colonies, and to the spirit of the British Laws.” On 25 April 1828 Winton warned that under the present system the tax would be imposed “while the people remain relatively unconscious of the indirect burthens” imposed on them. See *Public Ledger*, 25 December 1827, 22 April 1828, 25 April 1828.
  52. *Public Ledger*, 17 June 1828. See also the editorial for 18 July 1828. In an 18 April 1828 editorial Winton had complained that the “Demon of Discord has attended our meetings.”
  53. *Newfoundlander*, 19 June 1828.
  54. *Public Ledger*, 19 August 1828.
  55. *Public Ledger*, 7 October 1828. See also the editorials on 3, 24 October.

all angry feelings and conflicting sentiments.” The letter held that “on the present occasion, I consider the great object of *all* should be — UNANIMITY.”<sup>56</sup> Finally, on 18 November 1828 Winton reported that objections to a local legislature had abated: “upon *that* important question,” he declared, “no obstacles are likely now to be raised.”<sup>57</sup>

In early December 1828 the local papers printed an announcement for a meeting to discuss both the proposed import duty and the question of a legislative assembly. Strongly endorsed by Shea and Winton, the meeting marked a watershed in the Colony’s reform movement.<sup>58</sup> The list of signatures on the notice and the subsequent petition for an assembly reveals that many of the leading merchants who had opposed a charter of incorporation in 1826, such as Benjamin Bowring, Robert Alsop, James McBride, Robert Brown, and John Brine, now publicly supported the campaign for representative government.<sup>59</sup> Most importantly, the campaign for representative government received backing from the leadership of both the Irish Catholic community and the Protestant mercantile interests. Representing firms which would be directly affected by the new import duty, the leaders of the Chamber of Commerce — Thomas Brooking, John Dunscombe, William Thomas, and Newman Hoyles — became heavily involved in the campaign for a local legislature.<sup>60</sup> The Roman Catholic Church maintained excellent relations with the Protestant elite, and the lay leadership of the Irish community remained committed to political reform. Tensions loomed beneath the political surface, but the harmony between the Protestant and Catholic communities persisted largely because Catholics saw a colonial legislature as a means to acquire religious rights.<sup>61</sup> Driven by

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56. *Public Ledger*, 7 October 1828. “Atomus” declared in favour of a legislature but called for a “fair” discussion of all the options.

57. *Public Ledger*, 18 November 1828. The press played a similar role in other reform movements; see Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven, 1992), 342-43; Carol Wilton, “‘A Firebrand amongst the People’: The Durham Meetings and Popular Politics in Upper Canada,” *Canadian Historical Review* 85 (September 1994): 356.

58. Dated 1 December 1828, the notice requested the High Sheriff to convene a public meeting “for the purpose of taking into consideration the necessity of petitioning Parliament against any further imposts or duties upon imports or new duties upon exports, and the expediency of praying that His Majesty’s Government will grant a Constitutional Legislative Government to this Island.” While Winton noted the announcement with “peculiar satisfaction,” John Shea called for “a firm and unanimous appeal to the British Legislature.” Both men signed the 1829 petition. See *Public Ledger*, 2 December 1828; *Newfoundlander*, 4 December 1828.

59. See CO 194/79/299-303, “Petition for a Legislative Government, 1 January 1829”; CO 194/72/158 Cochrane to Bathurst, 27 May 1826, enclosure 7, “Memorial Against a Charter of Incorporation, 23 February 1826.” Among the 498 signatories were several prominent figures: William B. Row, a merchant and lawyer; Edward Kielly, a Roman Catholic surgeon, and John Ryan, the publisher of the *Royal Gazette*.

60. Imported items reported for sale 2 December 1828 in the *Public Ledger* include: tea (William Thomas); wine (Robinson and Brooking); rum and molasses (John Dunscombe); flour and beef (Brown, Hoyles).

61. See Raymond Lahey, “Thomas Scallan,” *DCB* VI (1987), 690-94; Raymond Lahey, “Catholicism and Colonial Policy in Newfoundland, 1779-1845,” in T. Murphy and G. Stortz (eds.), *Creed and Culture: The Place of English-Speaking Catholics in Canadian Society*,

different impulses, then, the Colony's two main factions came together in a coalition to work for a local assembly.

The campaign for representative government was nonetheless more complex than simply a pawn of the colonial elite. A comparison of the 1829 memorial with data on an earlier petition reveals significant political involvement among the middling and working classes of St. John's.<sup>62</sup> While the vast majority of identities remain unknown, the list of petitioners in 1829 did contain a number of planters, shopkeepers, and artisans.<sup>63</sup> Only one woman signed the petition, however, and the Colony's public sphere was largely a male preserve, though women do appear on lists of subscribers for charities and in didactic literature.<sup>64</sup> The rhetoric surrounding the reform movement also employed gendered language to construct arguments for political rights. For example, in reacting to a perceived violation of political rights, William Carson argued that "as Men, as British Subjects they hoped for better treatment."<sup>65</sup>

In addition, the reform movement encompassed a variety of arguments and political traditions as it evolved in a dynamic colonial environment. As elsewhere in the Empire the reformers used language similar to trends in Britain, but the Newfoundland reform movement did not develop solely through the importation of British reform ideology. By the 1820's the Colony's burgeoning public sphere inhibited the political hegemony of a single clique.<sup>66</sup> Fuelled by anxieties over new import duties, however, the reform

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1750-1930 (Toronto, 1993), 50-1, 65-8; O'Flaherty, "Government in Newfoundland Before 1832," 30. Except for Morris, who was living in Ireland, the leaders of the older reform movement — notably Doyle, Shea, Hogan and Beck — were active in 1828. Laurence O'Brien, a Catholic merchant and later a prominent politician, was a recent addition.

62. The February 1826 petition against a charter of incorporation listed an occupation for each signature and provides a very rough indication of the social range of political involvement in St. John's: of the 172 residents on the list, 28 per cent belonged to the elite (merchants, gentlemen, landowners); 37 per cent were from the middling ranks (e.g. surgeons, planters, shopkeepers, spirit dealers, fish cullers, innkeepers); and 35 per cent were tradesmen (e.g. coopers, masons, smiths, sailmakers, carpenters, shoemakers, butchers). See CO 194/72/158 Cochrane to Bathurst 27 May 1826, enclosure 7, "Memorial Against a Charter of Incorporation, 23 February 1826."
63. The 20 non-elite names that could be positively identified included several coopers and sailmakers, as well as a wheelwright, carpenter, smith and shoemaker. See CO 194/79/299-303, "Petition for a Legislative Government, 1 January 1829"; CO 194/72/158 Cochrane to Bathurst 27 May 1826, enclosure 7, "Memorial Against a Charter of Incorporation, 23 February 1826."
64. Patrick Morris stressed the role of women in maintaining the Colony's moral health in *Remarks on the State of Society, Religion, Morals and Education at Newfoundland* (London, 1827), 13-14.
65. Carson, *Letter to the Members of Parliament*, 4. The public life of nineteenth-century Newfoundland requires an in-depth gender analysis. For recent studies on the Maritimes, see J. Guildford and S. Morton (eds.), *Separate Spheres: Women's World in the Nineteenth-Century Maritimes* (Fredericton, 1994).
66. Matthews erroneously assumed that the relative harmony after 1828 indicated, first, an earlier ascendancy of a pro-reform elite of recent immigrants and, second, the absence of any

movement transformed in 1828 into a coalition against “taxation without representation.” And with the renewed drive for a local assembly came a nativist voice. In a June 1828 editorial John Shea commented sarcastically that it was “very kind of John Bull, truly, to allow us potatoes and salt *duty free*.”<sup>67</sup> Moreover, Henry Winton argued in October 1828 that Newfoundland “must be under the legislation of a body of men who are resident in the colony.”<sup>68</sup> A letter from “A Native” opposed a local legislature and the influence of those with “no stake in the country.”<sup>69</sup> In response to such concerns, William Thomas later asserted during a public meeting:

I am not a native of this Island, Sir, but my father was, and my children are natives. I have resided here nearly 30 years, and I look to this Island as the future residence of myself and my family. To Newfoundland I am indebted for the property I possess . . . I am, therefore, attached by strong ties to Newfoundland.<sup>70</sup>

By protesting the proposed tax in 1828, Thomas was protecting his Newfoundland property.

The meeting to discuss taxation and representation, held 18 December 1828 in St. John’s, had some dissension but ended in unanimity. It began with a brief conference, dominated entirely by merchants, which resolved to petition against any import duty. When William Carson began the meeting on a local assembly by stressing the need to end the Colony’s oppression, the issue of taxation dictated the ensuing discussion. Several merchants noted that if the government went ahead with the duty, then the Colony needed a voice in its appropriation. Thomas Bennett reportedly declared, “if they did not tax us, there would be no necessity for the institution of a House of Assembly,” and he called for an adjournment until the tax became official. William Thomas maintained the need for a legislature but also said he was “no enthusiast” about the Island’s agricultural potential. Chaired by William Carson, the committee appointed to prepare a petition included members from both the older reform movement, notably Patrick Doyle, and the merchant elite, represented by William Thomas.<sup>71</sup> The resulting petition stressed the Colony’s economic development and argued that compared to other colonies the Island deserved, and could financially support, its own legislature.<sup>72</sup>

Yet in spite of its recent growth, the reform movement met with little success throughout 1829-30. Governor Cochrane had already advised the Colonial Office to oppose the agitation for reform and to extend the Judicature Act for another

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significant political discourse before 1832. See Matthews, “Class of ’32,” 200-2.

67. *Newfoundlander* 19 June 1828.

68. Winton later attacked John Kent for not being resident in the Colony long enough to sit in the Assembly. See *Public Ledger*, 3 October 1828, 18 September 1832.

69. *Royal Gazette*, 5 October 1830.

70. *Public Ledger*, 17 September 1831.

71. *Public Ledger*, 19 December 1828; *Newfoundlander*, 25 December 1828.

72. *Public Ledger*, 23 January 1829.

year.<sup>73</sup> In February 1829 a report from the Poole merchants urged the government to repeal the provisions for local government in the Colony.<sup>74</sup> Despite repeated attempts, George Robinson failed to persuade the government to form a Parliamentary committee of inquiry on Newfoundland.<sup>75</sup> The *Public Ledger* lamented that the petitions had “failed to become the subject of serious deliberation by the government.”<sup>76</sup> Cochrane reported in late 1829 that the planned duty on imports continued to generate considerable excitement: “Unfortunately, as the various memorials in the Colonial Office will show you, there is mixed up with the question of taxation, that of colonial representation.” He explained that “while one party pray to avert taxation because they cannot bear it, another entreat a legislature on the ground that they are equal to provide for their own expenses.” In order to placate the agitators Cochrane recommended a “work popular in its character,” i.e. road construction, funded from the new tax.<sup>77</sup>

A series of letters in the local press nevertheless formed a renewed political exchange which kept the question of a local legislature in front of the St. John’s public. In the first of a series of letters, “Peregrinus” pleaded that “without the fostering aide of a local legislature, it is vain to talk of the improvement of the Colony.” Yet other letters by “Peregrinus” adopted the language on taxation and proclaimed: “*Taxation and representation* are inseparately united: God hath joined them; no British Parliament can separate them; to endeavour to do so is to stab our vitals.” In response to “Peregrinus,” “Hospes” questioned the “bare assertion” that a legislature assisting agriculture would cure all the Colony’s ills. “Quis” countered with a call for unity — “He who is not for us is against us” — and cited the “*probable* good” brought by a legislature. Finally, “Hospes” warned of merchant domination, stressed that “all of the people” should have a vote, and added an extremely perceptive comment on “Peregrinus”: “Your writings are like a Jack-of-all-trades shop.”<sup>78</sup>

On 15 September 1830 the reformers held a public meeting to discuss solely the issue of a colonial assembly. As a sign of the reform movement’s growth, the meeting took place on the military parade ground in St. John’s. The day before the meeting Winton repeated rumours that a cabal of merchants had resolved to support a town council instead of an assembly.<sup>79</sup> Though the report proved unfounded, it illustrated the tensions within the reform movement. Open opposition later appeared when an editorial in the *Royal*

73. CO 194/78/39, Cochrane to Murray, 13 December 1828.

74. CO 194/79/128-31, Bristow to Murray, 26 February 1826, enclosure, “Report of the Committee of Merchants Engaged in the Newfoundland Fishery at the Port of Poole.” The report called for the repeal of section 35 of 5 Geo. IV cap. 67 (1824).

75. *Parliamentary Debates* 5 (6/7/13 April 1829), 463, 533-5, 714; *Parliamentary Debates* 14 (11 May 1830), 580-1.

76. *Public Ledger*, 12 May 1829.

77. CO 194/78/241-60, Cochrane to Murray, 11 December 1829. Cochrane also advised the government to add bread, flour, pease, and grain to the list of items exempted from the import duty.

78. The letters appear in *Public Ledger*, 13/23/30 July 1830, 4/13/17 August 1828.

79. *Public Ledger*, 14 September 1830.

*Gazette* argued that Newfoundland could not afford a local legislature.<sup>80</sup> The meeting nevertheless went smoothly; in an apparent effort to represent the two main factions of the reform coalition, the *Public Ledger* printed the addresses given by William Thomas and John Kent, a new leader of the Catholic community.<sup>81</sup> Thomas reiterated the threat of import duties and, referring to the current gossip, asked rhetorically, “would a Town Council put a stop to this tax?” Kent argued that Newfoundland needed a legislature to ensure its economic development, and concluded that “the lovers of freedom . . . will support our cause.” He also stressed that the political discussions enjoyed “a nearer approach to unity than at any previous period.”<sup>82</sup>

The meeting then appointed a committee, chaired by William Thomas, to prepare a petition for a local legislature and to arrange for a delegation to present it to the British government.<sup>83</sup> Led by Thomas Brooking, the delegation arrived in London in December 1830 to find a new Whig government; after conferring with George Robinson, Brooking arranged for an interview with the King. On Christmas Eve they presented the petition, signed by over two thousand residents, to the Colonial Secretary, Lord Goderich. While Goderich affirmed the importance of Newfoundland, he neither voiced an opinion on the question of local government nor committed the government to any action.<sup>84</sup> The delegation in London nonetheless believed that the meetings had boosted their cause. When news of the interviews reached Newfoundland the *Public Ledger* observed that “the present government are likely to coincide with the views of the inhabitants.”<sup>85</sup> During a meeting of the Benevolent Irish Society in St. John’s, the gathering toasted the triumphant efforts of the reformers. Amid the cheers William Carson proclaimed there was “every reason to expect” that the authorities would grant a local legislature and thereby supply the “constitutional rights” needed to “consummate our happiness.”<sup>86</sup>

Yet despite such optimism the drive for representative government soon bogged down again. In June 1831 Lord Howick, the Under-Secretary for the Colonies, reaffirmed

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80. *Royal Gazette*, 28 September 1830. It is doubtful whether Ryan had written the editorial; Patrick O’Flaherty has suggested that the author was perhaps John Collier Withers. See Patrick O’Flaherty, “John Ryan,” *DCB* VII (1988), 765.

81. A nephew of Patrick Morris, Kent came to Newfoundland in 1820 and began working as a commission agent and auctioneer. Often compared to William Lyon Mackenzie, Kent was a combative populist who espoused democratic principles. See P.B. Waite, “John Kent,” *DCB* X (1972), 398-400.

82. *Public Ledger*, 17 September 1830. The emphasis on unity also characterized public reform meetings in Upper Canada. See Wilton, “The Durham Meetings and Popular Politics in Upper Canada,” 356.

83. The committee consisted of Protestant merchants and lawyers (Thomas, Bennett, Row, Job and Bland), Catholic reformers (Doyle and Shea), a representative from Harbour Grace, and William Carson. See *Public Ledger*, 17 September 1830.

84. *Public Ledger*, 18 March 1831, letter from the delegation to William Thomas, 29 December 1830 (the paper reprinted all of the reform committee’s correspondence).

85. *Public Ledger*, 15 March 1831.

86. *Public Ledger*, 25 March 1831.



that local conditions prevented the establishment of a legislative assembly in Newfoundland.<sup>87</sup> While Howick's pronouncement met with astonishment in Newfoundland, it accorded with the broader trends of colonial policy throughout this period. The Whig administration's commitment to political reform in Britain did not necessarily extend to the colonies. Both Cabinet and Parliament typically paid little attention to colonial affairs, particularly during the intense debates over the Reform bill in 1831-32. And Lord Howick, who wielded the real power in colonial affairs, remained ambivalent towards demands for colonial self-government. Within the Colonial Office R.W. Hay's tenure as Permanent Under-Secretary epitomized conservatism.<sup>88</sup> Further, the reform movement had failed to neutralize Governor Cochrane's influence. In April 1831 Cochrane advised the Colonial Office against making any major changes to the existing political system.<sup>89</sup> Instead of an assembly he recommended the creation of a legislative council to enact laws for the internal government of the Island.<sup>90</sup> And in July 1831 the Colonial Office informed Cochrane that the arguments against granting a local legislature were "so strong as to render it unlikely that the government will adopt such a measure."<sup>91</sup>

Meanwhile George Robinson struggled to keep the colonial reform movement alive in London. In July 1831 he again opposed the annual grant to Newfoundland on the grounds that the absence of a local assembly rendered its expenditure unaccountable. Robinson then quickly advanced three arguments for granting the Colony a local legislature: the Colony's economic development necessitated a local assembly; the Newfoundland people only wanted the legitimate right to control their own affairs; and the grant of a local legislatures would eliminate the Colony's cost to the British government.<sup>92</sup> When Howick defended the government's policy, Robinson responded:

The people of Newfoundland have instructed me to say, that if you will grant them a local legislature they will not again ask for money. Here, then, is an inducement to alter the present system, under which it is impossible for you to tell what you pay for it.<sup>93</sup>

Though Robinson was chided for his "coarse game," a number of M.P.'s took the bait and voiced their indignation over the Colony's financial mismanagement. By tapping

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87. *Parliamentary Debates* 3rd series, 4 (27 June 1831), 359-60.

88. P.A. Buckner, *The Transition to Responsible Government: British Policy in British North America, 1815-1850* (Westport, 1985), 15-18, 151, 294; C.A. Bayly, *Imperial Meridian: The British Empire and the World, 1780-1830* (London, 1989), 194-5, 209; Peter Burroughs, "Liberal, Paternalist or Cassandra?: Earl Grey as a Critic of Colonial Self-Government," *Journal of Imperial and Commonwealth History* 18 (January 1990): 33-5.

89. CO 194/81/73-81, Cochrane to Goderich, 14 April 1831.

90. CO 194/81/111-23, Cochrane to Goderich, 4 May 1831.

91. Hay to Cochrane, 6 July 1831, as quoted in McLintock, *Establishment of Constitutional Government*, 182.

92. *Parliamentary Debates* 5 (25 July 1831), 283. The debate was also reprinted in the *Public Ledger*, 6 September.

93. *Public Ledger*, 6 September 1831.

into a theme which would draw an immediate response, Robinson reignited the case for a local legislature.<sup>94</sup>

When news of the debate reached Newfoundland, it also revitalized the local reform movement. On 29 September 1831 the reform committee convened an open meeting in St. John's to discuss its next course of action. The application to hold a public assembly reveals that the coalition of the mercantile elite and Catholic reformers was still holding: Brooking, Thomas, Row and Bennett signed alongside Morris, Kent, Doyle, Beck and, of course, Carson.<sup>95</sup> Held on the parade ground in St. John's, the open meeting attracted a cross-section of the population. Henry Winton reported that the assembly involved "disreputable personalities" and declined to print speeches that served "simply to amuse the public."<sup>96</sup> Unfortunately, then, when the working people become visible, contemporary sources silence their voices. We can only conclude that, first, the "lower orders" were present in sufficient numbers to attract attention (and disapproval) and, second, some reform speakers were targeting a popular audience. In order to project a respectable image of the reform movement, Winton later printed a speech given by William Row. Row's address noted that while "but one opinion prevailed" on the issue of local government, it remained "highly important that this unanimity should continue, as on it must greatly depend the final success of our efforts."<sup>97</sup>

The meeting's other leading speeches reinforced the reform movement's established themes. William Thomas focused on question of taxation and the need for an assembly to control the Colony's revenue. John Kent concluded his appeal for a local assembly by noting that "the press — the index of public feeling, the mirror of the people's mind — loudly proclaims its necessity." Carson and Morris then commented on the great strides made by the reform movement in the long struggle to overcome the Colony's oppression.<sup>98</sup> The meeting observed "with a degree of satisfaction the admission made in the House of Commons . . . that the wealth and intelligence of the people of Newfoundland have entitled them to have a direct control in the management of their own affairs." However, in an apparent contradiction, the next resolution noted that "the depressed condition of our trade and fisheries, and the infant state of our agriculture, absolutely require the fostering care and encouragement of a local legislature."<sup>99</sup> The reformers had no difficulty with this paradox, for an eclectic mix of arguments characterized the discourse surrounding the campaign for local government. The themes of poverty and prosperity became intertwined into a vision of a local assembly as the ultimate panacea for the Colony.<sup>100</sup>

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94. *Parliamentary Debates* 5 (25 July 1831), 288-9. On the cost of the colonies as an important political issue, see Bayly, *Imperial Meridian*, 194-5.

95. *Newfoundlander*, 6 October 1831.

96. *Public Ledger*, 30 September 1831.

97. *Public Ledger*, 7 October 1831.

98. *Newfoundlander*, 6 October 1831.

99. *Public Ledger*, 30 September 1831.

100. The *Public Ledger* reprinted the petition to the Crown and Parliament on 7 October 1831.

As the St. John's reformers relished the growth of the campaign for a legislature, they increasingly discussed the issue of participation from outpost communities.<sup>101</sup> The outposts had in fact petitioned for reform as early as 1821, and in Conception Bay Robert Pack was an early proponent of a colonial legislature.<sup>102</sup> In 1829 the *Conception Bay Mercury* stongly endorsed a local assembly as a vehicle for improvement.<sup>103</sup> And a letter from "An Out-Harbour Man" asked Winton to specify the reformers' plans for the operation of a local legislature.<sup>104</sup> But an organized campaign for a local legislature only emerged in the outposts in 1831. Attached to the recent St. John's memorial were petitions from Carbonear, Port de Grave, Old Perlican, and Brigus. The texts massed population and trade statistics to illustrate rural economic development to prove that St. John's was not the Colony's only town of importance.<sup>105</sup> Nonetheless, meetings held in Burin and St. Mary's underscored the depressed state of the fishery and, as the St. Mary's meeting noted, the hope for "practical and beneficial results" from a local legislature.<sup>106</sup> In 1831-32 the Island endured a particularly harsh winter which saw outbreaks of looting for food.<sup>107</sup>

Unknown to those in Newfoundland, however, George Robinson had already pulled off a pivotal manoeuvre in the House of Commons. After consulting with Joseph Hume, Robinson introduced a motion concerning Newfoundland in the House of Commons at a time shrewdly calculated to achieve maximum publicity. On 13 September 1828, the evening reserved for the third reading of the Reform Bill, Robinson interrupted the proceedings to state that the government's neglect of Newfoundland had compelled him to speak on a "local subject." After reading the Colony's petitions he launched into three arguments for the establishment of a local legislature. First, he cited the Colony's extensive trade and large population relative to other colonies with representative government. Second, Robinson argued that the government's financial mismanagement caused the fishery's state of "great embarrassment and distress." Finally, Robinson referred to the practical difficulties entailed with Parliament's "meddling with the details of colonial legislation." Robinson concluded with a motion for an address to the Crown

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101. Henry Winton noted that it was "gratifying to perceive that the inhabitants of the outposts are unanimous in their desire to obtain the same object." See *Public Ledger*, 11 October 1831.

102. In 1821 Parliament considered a petition from Ferryland on the Lundrigan affair. See *Journals of the House of Commons* 76 (1821), 388. On Robert Pack's reform activities, see Keith Matthews, "Robert Pack," *DCB* 8 (1985), 674

103. An editorial argued that if the Island acquired a local legislature than "we have no hesitation in saying, that in five years its labours would be productive of incalculable advantage." See the *Conception Bay Mercury* (Harbour Grace), 21 August 1829.

104. *Public Ledger*, 24 September 1830.

105. *Journals of the House of Commons* 87 (1831-32), 171-2, 298. The Harbour Grace and Carbonear petitions originated from meetings held 4 October 1831. A public meeting on 28 October 1831 had approved the memorial from Brigus. See *Public Ledger*, 12/21/18 October 1831, 18 November 1831.

106. The meetings occurred in Burin on 9 November 1831 and in St. Mary's on 6 December 1831. See *Public Ledger*, 13, 27 January 1832.

107. Cadigan, "Staple Model Reconsidered," 59.

asking for a local assembly similar to the other North American colonies and in accordance with “the principles of the British Constitution.”<sup>108</sup>

In response Lord Howick complained of the embarrassment caused by the timing of Robinson’s motion. Howick nevertheless went quickly onto the offensive and noted that a meeting of Poole merchants had declared against the establishment of a local assembly. He reiterated the government’s position that Newfoundland’s uneven development made it “practically impossible to have an assembly really representing the . . . inhabitants of the Island.” Following some discussion Joseph Hume declared that any further delay in the establishment of a local legislature would be “extremely prejudicial” to the interests of both the Island’s populace and the British government. He then advanced in rapid succession three distinct arguments in favour of a local legislature:

What is it that 80,000 or 90,000 British subjects ask for? It is that [1] they may be relieved from the arbitrary sway of an individual, and that they may be allowed to manage their own affairs; and, when they ask for this, they undertake [2] to relieve this country from every portion of the expense which has hitherto been incurred in the government of Newfoundland. . . . But let expense be what it may, I contend that [3] it is impossible for any body of men in Downing-street properly and satisfactorily to govern a distant and populous colony like that of Newfoundland.

Next, Hume targeted the neglect of the colonists’ “civil rights”: “The present government profess to be guided by liberal principles — let us see if they will act upon them.” Hume placed the onus squarely on the government and, therefore, transformed the issue of Newfoundland’s governance into a question of the credibility of the Grey administration’s commitment to reform.<sup>109</sup>

Lord Althorp, the Chancellor of the Exchequer, responded by recommending a committee of inquiry as the proper forum to discuss the Colony’s government. But with Hume’s support Robinson’s motion quickly excited interest in the crowded House. Henry Labouchere, a prominent Whig and an acquaintance of Lord Howick,<sup>110</sup> declared that Althorp’s suggestion was inadequate because Robinson’s motion concerned an issue too

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108. *Parliamentary Debates* 6 (13 September 1831), 1377-378. The *Public Ledger* printed a transcript on 15 November 1831. Hume admitted during the ensuing debate that he had offered advice to Robinson, and the quality of Robinson’s address suggests substantial preparation and outside assistance.

109. *Parliamentary Debates* 6 (13 September 1831), 1381-84. Hume’s endorsement was important because he acted as a liaison between the Grey administration and the radicals on the fringe of the Whig party; during the crisis over the Reform Bill in 1831 the Whigs needed all the support they could muster. For a synopsis of the British political environment, see Derek Fraser, “The Agitation for Parliamentary Reform,” in J.T. Ward (ed.), *Popular Movements, 1830-1850* (London, 1970), 38-47.

110. Labouchere had visited the Canadas in 1824, served on the select committee of 1828, and led the circle of Whigs with whom Howick studied in 1830. See Buckner, *Transition to Responsible Government*, 149, 255.

important for a committee. Labouchere argued that Newfoundland deserved a constitution “founded upon those broad principles of British liberty which have been extended to the other colonies.” Forced on the defensive, Lord Howick professed that he had merely noted the “many difficulties” entailed with giving Newfoundland an assembly. Howick’s defence met with a barrage of reform rhetoric in which Daniel O’Connell argued that the “great principles of liberty” should govern colonial issues. Robinson then declared that he would withdraw his motion if the government guaranteed to appoint committee of inquiry on Newfoundland. In response Lord Althorp stated cryptically that the government would “give to that colony as much freedom and independence as shall be considered consistent with its own prosperity and security.”<sup>111</sup>

In October 1831 Governor Cochrane travelled to London for consultations at the Colonial Office. According to later testimony Cochrane believed that the interviews had gone well.<sup>112</sup> Yet Lord Howick had already instructed James Stephen to report on the type of legislature suited for the Colony. Released on 19 December 1831, Stephens’ report recommended a blended assembly — which would include elected representatives and officials appointed by the Governor — in order to balance the Colony’s political forces.<sup>113</sup> On 22 December 1831 Thomas Brooking arrived in London and had a meeting with Lord Holland early in the new year. Pleased with the interview, Brooking informed William Thomas of his progress and mentioned a rumour, which was probably accurate, that the government had already made a decision regarding Newfoundland.<sup>114</sup> Finally, on 25 January 1832 Goderich told Brooking during a private meeting that the government had resolved to grant the Colony a local legislature. Lord Howick also wrote a letter of congratulation to Robinson which claimed that the government had resisted making any promises simply out of anxiety not to raise false hopes.<sup>115</sup> Thus after a decade-long cycle of struggle the Newfoundland reform movement had achieved its ultimate goal.

A number of factors shaped the evolution of the campaign for representative government. First, the reform movement developed through a symbiotic process in which an inherited political culture interacted with colonial conditions. When the reformers dealt with local issues, such as the structure of the justice system, they viewed representative institutions as the proper solution to local problems. Second, the Colony’s mercantile elite opposed the reform movement, and then publicly divided over the question of local government, but the Chamber of Commerce nevertheless maintained

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111. *Parliamentary Debates* 6 (13 September 1831), 1384-87.

112. Gunn, *Political History of Newfoundland*, 11.

113. The report recommended that the Newfoundland Governor be given the same commission as in Nova Scotia, with the added instruction to ask the assembly to pass a bill incorporating a council. Not surprisingly, the Newfoundland Assembly later refused to legislate itself out of existence. Stephens’ report is reprinted in McLintock, *Establishment of Constitutional Government*, 207-10.

114. *Public Ledger*, 2 March 1832, letter from Brooking to Thomas, 5 January 1832.

115. *Public Ledger*, 27 March 1832, letter from Brooking to Thomas, 25 January, and letter from Howick to Robinson, 25 January 1832.

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effective leadership of the St. John's merchant community. Third, during the 1820's a public sphere emerged in St John's and acted as a forum for reformist ideas. The working classes exhibited signs of political involvement, yet the local press stifled popular participation in favour of respectability. Finally, following established imperial policies, the Governor and the British government both opposed granting Newfoundland a legislative assembly.

The discourse surrounding the reform movement evolved in a dynamic colonial environment into an eclectic yet cohesive collection of traditions and arguments. While William Carson employed a sharp common rhetoric based on notions of the rights of British subjects, Patrick Morris relied on the emotive imagery of persecution suffered under despotic merchants. Carson and Morris both advanced a model of "retarded development" in which a local assembly appeared as the key to prosperity. Yet the reform discourse was never uniform and a variety of notions permeated the malleable body of the campaign for a legislature. During the Lundrigan affair reformers marshalled arguments of the rule of law, for example, while the view of an assembly as a panacea appeared in later petitions from rural communities. The rhetorical strands within the reform movement came together during the 1828 crisis over taxation. After 1828 merchant-driven concerns over fiscal responsibility, and a nativist voice for local control of government, joined the reform discourse. In effect, the campaign for representative government had become all things to all people.

Although one cannot pinpoint a single direct cause for the grant of an assembly in 1832, three developments were pivotal. First, in 1828 a proposed duty on imports prompted the Chamber of Commerce to mount a political protest against government policies. The Colony's leading merchants soon became actively involved in the reform movement, and this led to the formation in 1828 of a viable political coalition. Second, through a series of editorials and public letters the local press sponsored a vigorous campaign against "taxation without representation." Active participants in the reform movement, Henry Winton and John Shea pushed for public meetings and worked to present a favourable image of the drive for an assembly. Finally, George Robinson represented the reformers' case in Parliament and, arguing that a local legislature would eliminate the Colony's cost to the British government, obtained the backing of Joseph Hume. In September 1831 Robinson managed (in a shrewdly timed motion in the House of Commons) to make Newfoundland's governance a public litmus-test of the Whigs' liberalism. Forced to pledge a committee of inquiry, the Grey administration commissioned a Colonial Office report and, in a move that avoided further embarrassment, granted Newfoundland representative government.

The final element behind the success of the campaign for a local legislature was its ability to avoid divisive issues. The reformers were able to use diverse and sometimes contradictory arguments because their movement focused on a single, simple goal: the achievement of a local legislature. Contentious issues surrounding how to govern the Colony remained largely outside the political discourse. However, when elections for the new assembly began in 1832, the coalition of interests quickly came apart at the seams.

And for the next three decades bitter sectarian factionalism dominated Newfoundland politics. Five years after the achievement of 1832 the *Public Ledger* urged the government to revoke representative government in Newfoundland, and in 1842 the elected assembly was amalgamated with an appointed council.<sup>116</sup> In the end the reform movement became a victim of its own success.

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116. After 1832 Winton became a harsh critic of the political influence of the Roman Catholic Church. In an episode which marked the violent sectarian conflict of the 1830's, Henry Winton was attacked in 1835 by a group of masked men, presumed to be Irish, and had his ears cut off. See Gunn, *Political History of Newfoundland*, 14-52; Linda Little, "Plebeian Collective Action in Harbour Grace and Carbonear, Newfoundland, 1830-1840." (M.A. thesis, Memorial University, 1984); O'Flaherty, "Henry Winton," 949.