The Government Of St John's, Newfoundland 1800-1921

Melvin Baker

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THE GOVERNMENT OF ST. JOHN'S, NEWFOUNDLAND
1800-1921

by

Melvin Baker

Department of History

Submitted in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

Faculty of Graduate Studies
The University of Western Ontario
London, Ontario
September, 1980

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Abstract

Although Newfoundland was settled from at least the early seventeenth century, its growth, including that of St. John's, was slow until the first quarter of the nineteenth century when the great Irish influx began. With this immigration, demands arose—mainly in St. John's—for political institutions to meet the consequent urban problems. In response, in 1832, the Imperial Government established a colonial legislature at the capital. A St. John's town council was not instituted for several reasons. The most valuable land in the town was largely owned by British absentee landlords, who exercised strong opposition to any municipal taxation to their property through their St. John's agents. Again, the cyclical nature of the capital's fishing economy prevented long-term plans for improvement. St. John's residents being unable to guarantee funding for local services. Thirdly, the merchants, who were predominantly Protestant, were unwilling to allow the town's mainly Roman Catholic population to control local affairs. The merchants felt that the legislature, which they could control, could adequately fulfill the functions of any municipal corporation.

Thus, under the representative system established in 1832, the colonial government continued to hold administrative sway over most of the capital's institutions and services—roads, law and order, poor relief, and medical attendance on the sick poor being examples. By contrast, the local hospital, administered by an elected board of residents, and the town's schools, which were run by appointees of the various religious denominations, were
financially assisted by the legislature. Certain other services—fire protection, street lighting, and the water supply—were left to private enterprise.

The coming of responsible government in 1855 further centralized the administrative machinery of both capital and colony. An overall Board of Works was appointed to administer all public buildings, property, roads, and streets in the colony. In 1863 this Board also took over the construction and maintenance of the St. John's sewerage system. Fire protection and water supply remained separate, because of strong outport (away from St. John's) opposition to funding them out of the general colonial revenue. Various attempts were made to meet the municipality's needs in these areas while avoiding the formation of a municipal corporation.

The creation of a more conventional local government was only postponed by these measures; in 1888, in order to undertake an expensive sewerage system and other costly street improvements, the colony was forced to impose a limited form of self-rule on St. John's. The Council elected in that year received authority over the water supply, streets, sewers, parks, the fire brigade, and building regulations only. Its subsequent history to 1921 was characterized by this limited administrative and legislative power and constant government interference in civic affairs. The result was several revisions of the 1888 Municipal Act, and chronically insufficient revenue. These problems were finally addressed by William Gosling, a leading St. John's merchant, during the years 1913-1921 and the final achievement of the Charter can largely be attributed to his efforts.
Preface

Although the literature on the history of Newfoundland in the nineteenth and twentieth centuries is extensive, that on St. John's is limited. Indeed, the only work that attempts a complete survey of the city's history is Paul O'Neill's recent two-volume *The Story of St. John's, Newfoundland* (Erin, Ont., 1975, 1976), a massive and detailed compendium. O'Neill, however, makes no attempt to explain the urban and municipal development of St. John's — the subject of this thesis. The topic is undoubtedly an important one in the history of Newfoundland. After 1800 St. John's was the only Newfoundland town to seek local government in order to provide new and improved services.

The first five chapters of the thesis that follows analyse the growth of municipal institutions in St. John's before a limited form of self-rule was granted the town in 1888 by the colonial legislature. For the period 1800-1888, the question of why the colonial government assumed financial and administrative responsibility for many of the town's institutions and services is addressed, particular attention being paid to policing, prison administration, education, poor relief, and hospital facilities. The private efforts made by St. John's residents to provide street lighting, fire protection, and an adequate water service are also examined. For the period 1888 to 1921 the focus of the thesis is upon the career of the Municipal Council established in the former year. The emphasis here is on Council's legislative and financial powers and its attempts to provide adequate water, sewerage, and
street services in the face of constant political interference in its affairs by the colonial government. In many respects, as will be shown, the St. John's Council functioned almost as a departmental appendage of the colonial government.

For generous financial support, I would like to thank the Newfoundland Government, which made available the J.W. Pickersgill Fellowship, the University of Western Ontario, the Canada Council, and the Social Sciences and Humanities Research Council of Canada. The Central Mortgage and Housing Corporation was generous in offering funds that, thanks to other awards, I ultimately declined. I acknowledge with thanks the assistance of the staffs of the following repositories: the Government Publications Room, the D.B. Weldon Library, University of Western Ontario; the Centre for Newfoundland Studies, Henrietta Harvey Library, Memorial University of Newfoundland; the A.C. Hunter Library, Arts and Culture Centre, St. John's; the St. John's City Hall; and the Provincial Archives of Newfoundland and Labrador, St. John's. At the Centre for Newfoundland Studies I give particular thanks to the librarian, Anne Hart, and at City Hall the former Deputy City Clerk, Peter Kendall, who was most sympathetic and helpful in my research through a mass of uncatalogued records. At the Provincial Archives I acknowledge the generous co-operation of the Archivist, David J. Davis, and his assistants, Margaret Chang and Anthony P. Murphy.

I owe a special debt to the late David Alexander of Memorial University; he stimulated my interest in history ten years ago and gave me his warmth and help in both my undergraduate and graduate work. Professor James K. Hiller further stimulated my interest and showed great patience supervising my M.A. thesis, which was a detailed
study of the first few years of St. John's local government under the 1888 Municipal Act. Finally, I would like to thank my Ph.D. supervisors, Professors Frederick H. Armstrong and Peter P. Neary, for their criticisms and encouragement.
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### Abbreviations

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<tr>
<td>C.O.</td>
<td>Colonial Office Records</td>
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<td>JHA</td>
<td>Journal of the Newfoundland House of Assembly.</td>
</tr>
<tr>
<td>JLC</td>
<td>Journal of the Newfoundland Legislative Council.</td>
</tr>
<tr>
<td>MHA</td>
<td>Member of the House of Assembly.</td>
</tr>
<tr>
<td>MLC</td>
<td>Member of the Legislative Council.</td>
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<td>PANL</td>
<td>Provincial Archives of Newfoundland and Labrador,</td>
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CHAPTER 1

Origins

The harbour of St. John's offers a secure haven to travellers on trans-Atlantic voyages. Deep and land-locked, it opens to the sea through a narrow channel, nearly half a mile long, which cuts through the rocky wall that forms this part of Newfoundland's eastern coastline. The channel, called the 'Narrows', is bounded on both sides by hills, which are approximately five to six hundred feet high. At the end of the Narrows, the harbour opens westward for over a mile to the Waterford Valley. The hills on the south side of the harbour rise sharply from water's edge, providing protection from the violent winds and storms of the ocean. Like much of the eastern Avalon Peninsula, these hills are made of ancient, Precambrian rock and afford little living space, even at sealevel. By contrast, the north side of the harbour, with its more gradual rise to a height of about 200 feet above sea level, offers considerable room for building, especially in its central and eastern aspects, the parts first settled by fishermen using the harbour. It is to the study of the government.
of the town built on this site that this thesis will be addressed.

For almost three hundred years, the growth of permanent settlement at Newfoundland was slow. This was because of the nature of the island's economy, in essence a migratory fishery carried on from the west of England. Although Newfoundland had been claimed for England by the adventurer Humphrey Gilbert in 1583 and no doubt had been known to Englishmen for many years before, the first systematic attempt at English settlement was not made until 1610. In the meantime, an 'international fishery' had developed at Newfoundland; an enterprise which drew ships from France, Portugal, Spain and, in fewer numbers, England. The continental fishermen who were drawn to Newfoundland in this period had no need of shore facilities to dry their fish but used the island of Newfoundland only to water and repair their ships. England's need was rather different. Her fishermen produced a light salted, sun-dried product that required the building of flake and stages (drying tables) on the island. But this more extensive shore activity did not lead in the sixteenth century to systematic settlement, which must certainly have been discouraged by the spread of fighting in Europe to the fishing fleets in the far distant north-west Atlantic. St. John's was important in the era of the 'international fishery' as a popular rendezvous for
the convoys of ships returning to Europe in the early fall of each year. 4

The end of the war between Spain and England in 1604 marked a dramatic change in the character of the migratory fishery; henceforth, it would be the exclusive preserve of Englishmen and Frenchmen. Between these two groups an informal division of territory had already been worked out: the English had made the east coast from Cape Race to Cape Bonavista theirs; French attention was concentrated on the southern and northeastern coasts. 5

In the subsequent English attempts at settlement in the seventeenth century the way was led, as elsewhere in North America, by private companies. On the whole, the colonies planted were unsuccessful because of their unprofitability: there was little available mineral wealth and the agricultural potential hardly compared to that of the fledging English colonies to the south. In time colony after colony in Newfoundland was abandoned with only a few stragglers left behind to contribute to the slow building of an indigenous European population. St. John's was not chosen as a base of settlement by any of the colonizing companies, but seems to have had a small resident population from at least the early seventeenth century. 6

A 1677 census showed this group to number 249, fully 67.5% of whom were servants for the 24 planters or fishermen listed as property owners. 7

Until the 1670s both resident and migratory English
fishermen, who often came from the same towns in the West Country, worked peacefully side by side. But in the last quarter of the century, the further growth of settlement came to be opposed by West Country merchants fearful that residency would destroy the economic basis of the migratory fishery. What had happened in New England, where migratory fishermen had been completely displaced by residents, should not be repeated in Newfoundland. The two groups, it was argued, would inevitably conflict, since each needed the best harbours for catching and drying fish. Nor was the conflict one of equals. How could migratory fishermen compete for the best ships' rooms (harbour land on which fishing flakes and stages were constructed) with residents whose object was permanent ownership? To ask the question was to see the answer: clearly the two groups could not co-exist and the colonial interest must give way against the home interest. Nevertheless, the Imperial Government followed an indecisive policy towards settlement in Newfoundland, but it was always strongly committed to the principle that a migratory fishery was a necessary training ground for sailors for the Royal Navy.

In St. John's itself action to protect the migratory fishery had preceded the growth of settlement. During his 1583 visit to the port, Sir Humphrey Gilbert gave grants of land on the north side of the harbour to the English 'Fishing Admirals' (merchants and captains of fishing ships who customarily acted as law officers in
the harbours where the migratory fleet operated) he found there. These ships' rooms were to be common property used strictly for fishing purposes, and no permanent buildings other than those needed for the fishery were to be built upon them. Altogether, there were at least nine rooms laid out at intervals along the north slope of the hill. Buildings subsequently erected by planters, as the most prosperous of the settlers were called, were dispersed among the ships' rooms, on land to which their owners clearly did not have legal title. In case of dispute, occupancy for several seasons was usually regarded by the Fishing Admirals as proof of ownership. When the residents attempted to improve their situation by demanding the appointment of a governor and protection against the lawlessness of migratory fishermen and assaults by the French and Dutch (who occupied St. John's temporarily in 1665), they encountered strong and ultimately successful West Country resistance. In January, 1676, the Imperial Government ordered all settlers to surrender their property and leave the island, but this draconian order was rescinded after representations were made by Thomas Oxford, a St. John's resident, on behalf of his fellow Newfoundland colonists. The Imperial Government subsequently tolerated settlement as a means of checking French expansion on the island but left the local government question in abeyance. London was neither for nor against settlement; it took the view that as long as settlement remained small there would be no need for
governance. It was this, as one historian of the period has well noted, which made Newfoundland different from all the other English colonies in North America. That "Newfoundland would have settlement without government" was a formula which would guide Imperial policy towards the region until the early nineteenth century.¹²

Its application knew many twists and turns. In 1699, for example, the Newfoundland Trade Act permitted the settlers to appeal the decisions of the Fishing Admirals to the commander of the warship which accompanied the fishing fleet to Newfoundland each spring. But this Act favoured the migratory fishery in its definition of which lands were to be public and which private for fishing purposes. All lands that had been used before 1685 by fishing ships were declared to belong to the public domain for use as ships' rooms. In practice, the Newfoundland Trade Act was a failure. The Fishing Admirals were too preoccupied with catching fish to attend to the grievances of the residents and the regulations respecting ships' rooms were violated by residents and migratory captains alike. Indeed, in the process of becoming merchants, the latter group gradually took more and more land for the construction of wharves and stores so that their fishermen could get to work on arrival each spring.¹³

Attempts by the naval commanders to dislodge the
captains from the ships' rooms met with strong opposition; in the absence of any authoritative survey, the captains united with the residents in the claim that it was impossible to distinguish between public and private land. One notable resistor in St. John's was Captain Arthur Holdsworth who had taken the best room there for his own commercial use. Several attempts were made to remove him, all unsuccessful. The landed estates that were to bedevil the later municipal history of St. John's date from this period. 14

With the departure of the Fishing Admirals and naval commanders for England each autumn, the residents of St. John's were left without any organized system of justice to protect their lives and property. The consequences were often grave. In 1718, for instance, a leading 'outport' (away from St. John's) planter was murdered by a servant who went unpunished because nobody had the power of arrest. 15 Not surprisingly, this and other incidents spurred the residents to direct action to their own defence. In the winter of 1723-1724, the main property owners in St. John's established their own civil government. The leading figure in this venture was William Keen, who had resided in St. John's since 1705. Concerned over attacks against life and property by servants, Keen had his fellow proprietors sign a document, inspired by Locke's *Treatise on Civil Government*, affirming their right to establish a popular representative governing body. Three magistrates were appointed to hold
weekly court sessions. Among other things these officials ordered the destruction of dangerous chimneys, sentenced a servant who had spat upon his mistress to be whipped, and settled disputes about property and land. Its illegality, however, soon caught up with this nascent judicature, though Keen was requested by the naval governor to record disorders during the winter. 16 That some form of winter justice was necessary was finally acknowledged by the Imperial Government in 1729. In that year, by Order-in-Council, the naval commander received a commission to be governor of Newfoundland with both civil and military jurisdiction. As governor he had authority to appoint magistrates, who would act in his absence during the winter to settle disputes. But these magistrates could not sit during the fishing season, because the 1699 Newfoundland Trade Act had stipulated that the Fishing Admirals were to be the sole law officers at that time. 17

The first governor appointed under this system, Captain Henry Osbourne (1729–1730), permitted the magistrates to hear civil cases the year round. The Fishing Admirals and the West of England merchants initially protested his action, but soon realized that in practice the new system could only strengthen their authority. Their literacy and wealth ensured that most of the appointees to the new magistracy would be drawn from their own ranks or those of their agents. The overall effect was to give them a political and judicial influence commen-
urate with their already well-established economic power. Keen himself became a very successful merchant and fitted well into the new system as a magistrate and a close confidant of successive governors. The winds of political reform would not blow significantly again in Newfoundland until the Napoleonic Wars.

In any case the population of the island seems to have increased but slowly during the first half of the eighteenth century. In 1676 the population had stood at 1,490 inhabitants; in 1730 and 1750 it was respectively about 2,702 and 6,800. This population was predominantly male and mainly composed of planters and their servants. The growth seems to have resulted more from structural changes within the migratory fishery than to natural increase. West of England companies, as well as some Irish merchants, became more and more active as the eighteenth century progressed in employing Newfoundland based ships and men. By 1763 self interest had led these traders to favour more settlement in Newfoundland, the official policy of the Imperial Government notwithstanding. In the process, St. John's evolved from a fishing port and convenient assembly point to a distribution center with links to West of England and Irish towns.

This development capped a series of advantages which accrued to St. John's vis-à-vis other Newfoundland centers from the outbreak of war in 1696 onwards. In 1697 the Imperial Government decided to build a fort and place a
garrison at St. John's to protect the English settlements on the island. France had earlier constructed a fort at Plaisance on the south coast and in 1708 an attack launched from there put St. John's in French hands. By the Treaty of Utrecht in 1713 France abandoned any claim to sovereignty over Newfoundland but her ambitions in relation to the island lived on and St. John's was briefly occupied again by French forces in 1762, after the fall of Quebec. St. John's remained a British garrison town until 1870.21

After 1729, of course, it was also a seat of government. St. John's had long been the principal port of call of the naval vessels that protected the English fishing fleet and it was the obvious choice of residence for the newly empowered officer governors.22 After 1720 St. John's also became a center of commerce but it did not yet have a significant hinterland. In this decade some planters either sold or let their fishing properties and opened taverns and stores to serve the thousands of fishermen who came to Newfoundland each year, usually embarking for home from St. John's.23 Out of 65 taverns on the island in 1726, 46 were in St. John's.24 This lucrative business was supplemented by a small wholesale trade, with local merchants dealing with West of England, Irish, and New England suppliers. The trade of the developing outports was still predominantly in the hands of West of England, and, to a much lesser extent, Irish merchants, except for
the provisioning of bread, flour, rum, molasses, and livestock, which was practically controlled after 1760 by New Englanders, who also carried poor grades of Newfoundland fish to the West Indies. The American Revolution disrupted this pattern and into the commercial void left by the Americans stepped Scottish merchants, from Greenock in particular, who already traded with other of the British North American colonies and the West Indies. The Newfoundland market was ideal for the Scots, who were eager to find new customers for their increasing production of industrial goods. St. John's was an excellent base of operations for the Greenock merchants because some of them had done limited trading there before and its harbour offered excellent protection against American privateers. The Scots quickly became a most influential presence in the affairs of the town. The boom times of the American Revolution also led some West Country merchants to transfer their businesses to St. John's, where they joined the Scots and the local merchants in supplying the outports and in exporting fish to world markets. In 1775, St. John's had only about six merchants; nine years later, it had at least 24. The town had now emerged as the commercial entrepôt for Newfoundland's growing resident population and fishery. Nor, except for a brief period in the 1780s, was the decline in the migratory fishery that began with the American Revolution ever arrested. By 1790, Newfoundland had a colonial
population of 16,800, fully 46.4% of whom were women and children. The ascendancy of the resident population group over its migratory counterpart was assured finally by the Napoleonic Wars. The naval demands of this long struggle drained the West Country of its transatlantic fishermen and encouraged the few who did go to Newfoundland to stay there rather than face imprisonment for desertion at home. By 1815 an ancient West Country industry was no more. 28

The effect of this precipitous decline on the Newfoundland economy was to stimulate a highly profitable shipbuilding industry which, together with the opening of a spring seal fishery, enabled fishermen to supplement greatly their traditional sources of income. The growth of an inshore fishery on the coast of Labrador also offered employment opportunities in this period. 29 After 1800 the great prosperity in Newfoundland attracted large numbers of Irish immigrants. Between 1750 and 1804, Newfoundland's population had grown at an annual rate of 2.3%; the rate for the period 1804 to 1816 was over 8%. In absolute terms this meant an increase in population from 20,380 to 41,898. 30 The structure of outport society also changed dramatically in this period with planters and servants being transformed along with the immigrants into self-employed fishermen. In the course of this transformation they became tied to a rigid barter system, in which fish were exchanged for supplies and provisions from local merchants, who in turn were often supplied from
St. John's. 31

By 1815, then, St. John's was the commercial center of the Newfoundland fishery; but its control of the colonial economy was incomplete until the end of the nineteenth century. Several outport towns, especially Harbour Grace and Carbonear in nearby Conception Bay, maintained an independent trade for much of this time, but eventually passed under the metropolitan dominance of the capital. Between St. John's and the outports there was an obvious economic interdependence but this had the potential at the political level for conflict as well as cooperation. When the St. John's elite failed to convince outport residents that what was right for their town was also right for Newfoundland generally this potential was frequently realized.

The growth of a large population in Newfoundland by 1815 meant that the Imperial Government had to make new arrangements for the government of the island. It was now accepted in London that the migratory fishery would no longer be the basis of the Newfoundland economy and in 1817, the naval governor was allowed to winter in St. John's. On the other hand, London was unwilling to grant a colonial legislature or, until the early 1820s, to countenance the incorporation of the larger towns. In the case of St. John's an agitation in favour of these reforms as a means of improving the town's facilities had started as early as 1811. It encountered many obstacles and when an attempt to secure
municipal incorporation failed in 1826, the local merchants concentrated their efforts on the establishment of a colonial legislature for the island as a whole. This goal they finally achieved in 1832; now, at last, they were in a position to protect their property through systematic civic improvement. Building regulations were a special concern in a predominantly frame town that had seen many fires through its history.

St. John's was the main port of the arrival of the early nineteenth century immigrants and retained most of those who came, growing in population from 3,244 in 1794 to 10,018 in 1815. Since the majority of the immigrants were Irish, this change reinforced the already strong Roman Catholic loyalty of the town. In 1794, 68.3% of the population of St. John's was classified as Roman Catholic; by 1815, this figure had reached 75.2%. The growing population of the early years of the century was overwhelmingly male and adult, as befitting the needs of a resident fishery. The Irish who stayed in St. John's on landing there did so because employment prospects as casual labourers, seamen, and longshoremen were better than in the outports. After 1815, a recession in the fishery, the collapse of many St. John's mercantile houses, and several destructive fires forced many of the newly arrived to move again. The governor shipped some of the poorer people back to Ireland; but many more moved to Halifax. This exodus, which tended to reach its height in autumn, was more than compensated for, however, by a
great increase in children in the local population, most of them, no doubt, native born. 34

The entire population was still concentrated in a small area between the present day Duckworth and Water Streets. On the south side of Water Street, fronting the harbour and without much regard to order, stood the wharves, warehouses, and stores of the merchants; the north side consisted mainly of small shops and taverns. In the previous century Water Street had been called the "Lower Path" 35 and it was still only a "crooked and narrow alley" one and three-quarter miles long and varying in width from six to twelve or eighteen feet. All the buildings on the street were made of wood and most of them had shingle roofs. Running southwest, in the same direction as the prevailing winds, Water Street was a major fire hazard; as Jenkin Jones of the London-based Phoenix Fire Insurance Office observed during his 1809 visit to the town, the street was one of the "most hazardous and formidable of its kind." 36

Above Water Street, reaching towards what is now Gower Street, within an area of 200 yards from the harbour's high-water mark, the newly arrived immigrant population found shelter in wooden tenements seven to eight feet high constructed for rent on the slope of the hill. As was the case below, the streets or, more appropriately paths, in this area were narrow and crowded; they quickly became the receptacles for fish offal, manure from the horses and cows kept by the residents, and
human waste and garbage thrown from the houses. This scene disgusted the merchants who lived above their Water Street stores, but did not, on a day to day basis at least, affront the public officials. The latter group generally lived in more substantial houses within Forts Townshend and William, located on the top of the hill, or on farms outside the 200 yard limit. 37

The haphazard growth of St. John's was in great contrast to the more orderly gridiron pattern of development found in many Maritime and Canadian towns and reflected the insecure nature of land tenure in Newfoundland. The land of Newfoundland, unlike that of other British North American colonies, had never been divided into lots for sale to the public. On the contrary, it had long been the intention that Crown land should be held in common for the use of the fishery. Under the 1699 Newfoundland Trade Act, residents were allowed to occupy any land on the island that before 1685 had not been used for ships' rooms; but in St. John's, this eliminated the north side of the harbour. In the long run this restriction was ignored by local residents; from the early 1770s, they claimed portions of the public land on the basis of undisturbed occupancy. In the first half of the century, moreover, the governors made no concerted effort to remove them and occasionally even granted public land to residents for fishing purposes, although it was beyond their jurisdiction to do so.
because the ship's rooms were common land that residents could use for fishing on an ad hoc basis. In return for their services, public officials were also often favoured with land grants by the naval governors and officers and soldiers of the garrison were permitted to enclose land in and outside the town for the erection of dwelling houses or for farming. In the case of these military grants, the land was frequently sold to civilians when the original owners left Newfoundland. Others were able to lease land, some of it from non-resident owners who either had been active in Newfoundland themselves or had inherited land there. By this and other means, some of the merchants, during the last quarter of the eighteenth century, were able to acquire the necessary harbour front land for the construction of warehouses.

In 1775, the Imperial Government, by an Act of Parliament known as Palliser's Act, moved to check further encroachments on vacant or unoccupied land on the island. From January 1, 1776, such land was to be reserved exclusively for the migratory fishery. A more drastic measure, designed in all likelihood to prevent the further settlement of the outports, was contained in the Royal Instructions to the naval governors of the early 1790s. The governor was not to recognize any title to land or buildings. Moreover, he was to ensure that only buildings designed for use in the fishery were located within 200 yards of the high-water mark. Such restrictions obviously belied the commercial nature and expansion of St. John's.
And in practice, while the governors made periodic efforts in the 1790s to prevent further encroachments on the vacant ships' rooms and to stop building outside the 200 yard limit, they did nothing to interfere with the right of property owners to purchase, sell, and let land and buildings already in private possession. When a Supreme Court was established for Newfoundland in 1791, it heard civil cases over property while avoiding conflict with Imperial policy towards the island, a fine line at best. The legal quandry over land tenure meant that merchants were unable to prevent the congestion of dwelling houses and tradesmen's workshops near their stores on Water Street. It also meant that streets could not be widened since the governors were unwilling to give property owners financial compensation for their losses. With the growth of population after 1800 and the subsequent need for more building lots, the old restrictions on title became ever more burdensome. Not surprisingly, politics in St. John's came to revolve around their removal.

In 1804, the Imperial Government decided to act again to protect the public ships' rooms at St. John's. Accordingly, the island's newly-appointed governor, Sir Erasmus Gower (1804–1806) was instructed to survey the town, establish the location of the ships' rooms, and restore them to their original purpose. This instruction was prompted by the inability of successive governors to check the long history of encroachments in the town on the public domain of the fishery. Such encroachments were made often by
subterfuge and with the connivance of the magistrates, who themselves were frequently active in the business life of the town. The time had passed when this trend could be reversed and Gower quickly realized that, with a sum of between £15,000 and £20,000 paid out annually in rents for leased fish rooms, land, and buildings, it would be difficult to restore the original ships' rooms. On the contrary, he was convinced by the local merchants that streets should be opened in the slightly populated areas outside the 200 yard limit in order to accommodate the dwelling houses and workshops of tradesmen and labourers. Gower agreed to this request and opened a street — named in his honour — parallel to the harbour and just beyond the limit, on the north side of which building lots were made available.

Accepting the inevitability of further encroachments, since St. John's never had sufficient housing for its immigrants, Gower recommended to the Imperial Government that the unoccupied vacant ships' rooms be either sold or let, with the revenue used to help defray the increasing cost of the civil government of the town and the island. In 1783, the cost of the administration of Newfoundland to the English taxpayer was £1,000; by 1811, this figure had increased fourfold. No doubt, the growing financial burden helped shape new legislation in the latter year which both permitted the occupancy of land within the 200 yard limit for other than fishing purposes and the letting of the few remaining vacant spaces on 50 year leases.
Governor Sir Thomas Duckworth (1810-1812) was able, much to his surprise, to command high rents on these leases. In all, the rent collected amounted to £1,680 per annum, with some of the land being leased at the rate of £700 per acre.\(^5\)

The merchants, however, were still dissatisfied. In their view the 1811 Act did not go far enough since they still required the governor's approval for building.\(^5\) Moreover, the Act had not settled the thorny issue of land tenure. On this point, the merchants favoured the granting of legal title based on undisturbed possession of 20 years.\(^5\) These and other grievances were addressed in a 1811 petition to the Crown, organized by James McBraire, an ex-army sergeant who had long been connected with the town's commerce, and William Carson, a medical doctor and recent arrival from Birmingham, England, where he had practised for 14 years.\(^5\) This petition asked that all legal impediments to settlement and building be removed to allow for the more orderly growth of St. John's. To correct existing wrongs, the petitioners wanted an elective municipal board with power to light and widen streets, establish a police force and a market place, give relief to the poor, and open schools. In the absence of a poor rate, which could not be collected in Newfoundland because of the anomalous property situation,\(^5\) these new services would be paid for by the rents the Crown received from the 1811 leasing of the ships' rooms. The annual accounts
of the proposed municipal board would be submitted to
the Grand Jury for approval and then presented to the
governor. Two members of the board were to retire
annually, and the governor to appoint their replacements
from a list of nominees put forward by the Grand Jury.
Finally, board members were to serve without remuneration.59
In this way, the first significant shot was fired against
colonial government by naval officers, which Carson colour-
fully described as "Quarter Deck Law."60

It was a shot that did not find its mark, for in 1812,
the petition was rejected by the home Government. This
meant that the newly instituted Crown Rents would be used
for the improvement of the colony as a whole and not just
St. John's.61 This was important because the only other
source of revenue, besides the fees collected in the local
courts of law and through the annual licensing of taverns,
was a small duty on rum and other spirits. This the
merchants themselves opposed as a financial burden, the
more so since they had no control over how it was spent.62
St. John's was seemingly without a taxation base for local
government; but the merchants continued their pressure
against the building restrictions, forming a fund later
in 1812 to support one of their number who had built a
house without Duckworth's sanction and refused his order
to take it down.63

Despite this clash, Duckworth was not unsympathetic
to the merchants' view, realizing that existing law was
greatly at variance with the reality of a sedentary fishery
and a commercial St. John's. Not surprisingly, he recommended to the home Government that all unoccupied lands outside the 200 yard limit be granted to residents for agriculture. His advice was successful because the recent outbreak of war with the United States had raised the spectre of shortages in provisions for the fisheries. His successor, Sir R.G. Keats (1813-1816), was instructed to make land grants outside the limit for a nominal quit rent. When he attempted to do this, Keats found that there was little land to dispose of and the titles he subsequently gave were more often than not for land already occupied by residents. Thus, it was now legally possible to lease land either inside or outside the 200 yard limit, but for many residents several impediments to unrestricted building remained. Specifically, those who had occupied land for non-fishing purposes before 1811 continued to be uncertain of legal title. Moreover, they and their fellow residents generally still needed the governor's approval to put up any buildings.

All legal obstacles and doubts about building rights and land tenure within the 200 yard limit in St. John's were finally cast aside following a series of major fires between 1816 and 1819. These disasters compounded the effect of an already severe economic downturn; with the end of the war, world fish prices dropped and many bankruptcies followed in St. John's. Among the large number of propertyless and transient poor people in St. John's, the
fires touched off an orgy of looting. While the fires were likely caused by carelessness, there was strong official suspicion that incendiaries were responsible for at least one of them. On the other hand, fire was almost inevitable given the congestion of houses and stores along with the storage of large quantities of fish oil on the harbour front. Nor had this situation been much improved by the 1811 leasing of the remaining open public space for building purposes.

In February, 1816, a fire originating in a labourer's house left much of the town on the north side of Water Street in ruins: 120 buildings were burned and 1,000 people made homeless. The town was hurriedly rebuilt without improvements as the demand for shelter was great. Two fires in November, 1817, proved even more tragic; on both occasions, the south side of Water Street with the merchants' stores was included in the general conflagration. Altogether, some 300 buildings were destroyed and over 2,000 individuals left without shelter. Finally, came the July, 1819 fire; 120 buildings were lost and approximately 1,000 inhabitants made homeless. In each instance, St. John's continued to be reconstructed without any rebuilding plan.

After the 1817 fires Admiral Francis Pickmore, the first governor to reside permanently in Newfoundland during the winter to maintain law and order, took measures to improve the safety of the town. Only temporary buildings
were to be erected — and these by permit — until the
Government had had time to consider more permanent
rebuilding regulations. For its part, the Imperial
Government left the mode of rebuilding to Pickmore,
but did recommend that he adopt some recent suggestions
by Jenkin Jones of the Phoenix Fire Insurance Office
on the subject. Jones assumed that St. John’s would be
rebuilt with wood, rather than stone or brick, because
wood was less expensive locally and could be obtained
quicker. Accordingly, he strongly urged that Water Street
be 60 feet wide and be intersected at right angles by
four streets of the same width. He further proposed,
for added security, that only buildings with stone or
brick walls should be placed on the lots formed by the
intersecting streets. Jones warned that, in acquiring
the necessary land for improvements, there would be
difficulty with property owners who would demand more
indemnification than the land was worth. The simplest
solution to this problem would be for the Imperial Govern-
ment to reclaim all grants to land in the town, redivide the
ground in a more orderly fashion, sell the land at auction,
and use the money from the sale of the new allotments for
compensation to those property owners who would lose land
for the public use. In the event, the question of compen-
sation was indeed controversial, delaying the enactment of
legislation for two years.

Already burdened with some of the highest insurance
premiums charged by the Phoenix in North America, the only
company for which there is any evidence, the property owners of St. John's met in early May, 1818, to consider a rebuilding plan. Pickmore had died in February and this meeting was called by his successor, Captain Bowker. A committee was appointed which adopted Jones' suggestion of the four cross streets between Water and Duckworth Streets, but which also decided that Water Street should be only 50 feet wide. A building height of two stories was to be imposed on the street and no shingle roofs were to be permitted. All coopers and carpenters' workshops were to be restricted to the area on and above the north side of Gower Street. Duckworth Street was to be at least 40 feet wide, any land needed for widening to be taken from the north side to prevent the clustering of buildings in the area between it and the north side of Water Street.

This committee also recommended that a rebuilding committee without any interest in the property under consideration be appointed. This body would lay down new street lines, appraise the value of any land taken for street improvements, and assess property owners in proportion to the value of their property to be affected. This whole plan was approved by the Grand Jury and subsequently accepted by Governor Sir Charles Hamilton (1818-1824). 77

Implementation, however, was quite another matter, because the appraisers had no legal authority to compel landowners to accept their valuations. In October, 1818, the appraisers requested Hamilton to secure an act of Parliament to give effect to the Grand Jury plan.
Hamilton responded favourably and a draft bill was submitted to the Imperial Government in December. 78 The terms of this bill put forward a different plan of compensation than had been decided upon before. An appraisal committee of five would be appointed to include two representatives from among the owners of the land to be taken; two from all the other landowners in St. John's; and the fifth to be decided upon by the other four. All owners of land and buildings would be required to pay an assessment, the amount of which would depend on the extent to which the street improvements increased property values. This procedure was welcomed in London but the bill submitted by Hamilton was not passed until July, 1820, too late to form the basis of a planned rebuilding of St. John's. By that month many property owners were already in flagrant violation of the Act; but given the delay, Governor Hamilton tolerated buildings on the street lines which did not seriously threaten the security of the town. 79 Subsequently, neither merchants nor public officials appear to have paid much attention to the 1820 Act, which a local newspaper saw fit to republish in 1828 for their benefit. 80 But if the legislation had had little practical effect, it was certainly notable as an important episode in the emergence of an absentee landlord problem in St. John's. More than likely, the delay in the passage of the Act was basically caused by the tardy and cumbersome process of the Imperial legislative system as it affected colonial affairs. In
this case, however, delay gave landowners living in Great Britain sufficient opportunity to examine the bill's provisions and intervene in their self-interest. To the great consternation of political reformers in Newfoundland, one English landlord (who cannot be identified) was able to use his parliamentary influence to have his land in St. John's excluded from the boundaries of the new streets provided for under the Act. Such an exclusion worked against systematic improvement and did not augur well for the future of property assessment or municipal government in the town. A contest had been started between absentee and resident interests which would influence the nature of government in St. John's for many decades.

As might be expected, the merchants of St. John's blamed the destruction of their town on the absence of a local governing body to enforce fire regulations. Hamilton sympathized with the view and in 1819 approved a rate recommended by the Grand Jury to pay for general municipal services in the town. Whereas under the 1811 scheme, members of the board to administer the rate would have been chosen by the governor from a list of Grand Jury nominees, members would now be chosen annually at a general town meeting. The moment seemed propitious but ultimately Hamilton was defeated by the local agents of absentee landlords, who believed that once direct taxation was introduced, there would be no end of it. The point of view of the absentee landlords was simple and
direct: they were wary of any civil government either for St. John's or Newfoundland as a whole over which they did not have a virtual veto. Their single interest was to maximize their return from rent and, as the events of the 1820s clearly showed, they could wield considerable influence in both St. John's and London.

The Imperial Government itself followed a policy in this period which sought to balance resident and absentee interests. There was no denying that Newfoundland was permanently settled. The 1817 decision to have a permanent governor made after an inquiry into the trade of the island was proof that this was acknowledged in London. So too were the refusal of British officialdom to remove a sizable portion of the recent immigrant population to Nova Scotia and the recognition in 1821 of the right to ownership of property for other than fishery purposes on the basis of undisturbed possession. The Colonial Office was also receptive in the 1820s to the idea of a municipal body for St. John's but was opposed to the institution of a legislature for Newfoundland. Both Hamilton and his successor, Sir Thomas Cochrane (1825-1834), believed that Newfoundland was ill-prepared for the form of colonial self-rule which had long been conceded to the other British North American colonies. Lord Bathurst, Secretary of State from 1812 to 1827, was of a like mind; the outport economy of Newfoundland, which was based on a credit system between merchant and fishermen,
simply could not sustain the cost of an elected legislature. The revenue from the ships' rooms and the duties on rum and other spirits would not, as the St. John's merchants argued, be sufficient for the purpose.

Chief Justice Francis Forbes, who resided in Newfoundland from 1816 to 1822, saw another argument against a general legislature: there was not time during the year when it could meet. In winter it would be difficult, in the absence of roads, for any legislator to reach St. John's from the scattered and isolated outports by sea; in the spring and summer residents were too busily involved in the fishery to attend to political affairs. Forbes, Hamilton and Cochrane also believed that the demand for a colonial legislature was confined to a small merchant group in St. John's led by William Carson and had very little support in the outports. Hence, the interest of the two governors in changing the administration of St. John's itself: this would satisfy whatever need there was for political reform in Newfoundland.

In 1824, an important step was taken along this road when a Judicature Act was passed recognizing Newfoundland as a colony and providing her with a more efficient system of justice. The Act was initiated in response to a series of protests from St. John's against the existing surrogate system of justice, whereby naval officers with little legal training acted as magistrates in civil disputes. But the legislation must also be seen as part of the adaption of Imperial policy to the new realities of Newfoundland life.
On the judicial side what the Act did was to replace the surrogate courts with a circuit court system. On the government side what it did was to allow the Crown to establish municipal corporations that could levy rates and assessments upon the inhabitants and householders of the larger towns.\textsuperscript{88} St. John's was the obvious and only candidate for this measure.

In 1826, Governor Cochrane sought to give effect to Section 35, calling a public meeting on March 2. At this gathering a committee of 30 merchants and other inhabitants was appointed to decide what shape the proposed incorporation should take. After several meetings the committee split into majority and minority groups, the former being led by Dr. Carson and Patrick Morris;\textsuperscript{89} a Roman Catholic and resident of St. John's since 1800.\textsuperscript{90} The first difference between the two groups concerned the qualifications of members for the proposed corporation.\textsuperscript{91} Both groups favoured a high property standard that gave the vote to all freeholders and leaseholders with an annual rental assessment of £10. But the majority also wanted to give the vote to tenants paying rent of at least £20 per annum. Again, the majority favoured a 15 man corporation elected every three years, with the qualification for membership being five times the amount required for inclusion in the franchise. By contrast, the minority wanted a 12 man board, elected annually from among the approximately 75 residents eligible to be Grand Jurors. These were appointed by the High Sheriff under the 1824 Judicature Act. The only quali-
fication for being a Grand Juror was that a resident had to be one of the "principal merchants and gentlemen of the town"; since neither Carson nor Morris were Grand Jurors, the adoption of this standard would have made them ineligible for the proposed corporation. On the other hand, the minority's scheme would not necessarily have created an exclusively Protestant institution since there were 14 Roman Catholic Grand Jurors.\textsuperscript{92}

With regard to revenue, the majority advocated a moderate assessment of 3% on the annual rental value of all lands and houses in St. John's. This assessment would be paid equally by both landlord, whether absentee or resident, and tenant. The adoption of a rental system of taxation reflected the mode then in vogue in British towns where, like St. John's, leasehold land tenure existed. The dissenters argued that the poverty of many of the town's inhabitants and the consequent difficulty of collecting assessments from them would make any such system unworkable. The corporation should not be funded by a general property assessment but by the annual rents from the public ships' rooms and the duties on spirits.\textsuperscript{93}

This view reflected the fears of both landlords, absentee and resident, and local merchants that any Carson-Morris incorporation scheme would lead inevitably to undue taxation on their property.

Given this factionalism, Cochrane submitted both plans to the Colonial Office, along with an alternate plan
of his own. He proposed that a municipal corporation
be funded from a general colonial revenue to be obtained
by indirect taxation. The existing duty on rum and spirits
would be raised and a more general ad valorem duty would
be placed on all goods imported into the colony. Such
a duty, paralleling the one already in operation in Nova
Scotia, would not be "felt at all by the inhabitants and
would probably be the least objectionable mode of raising
a revenue for general purposes than any other that could
be devised." 94 When the Imperial Government attempted
to implement this last scheme in 1828, it met with strong
opposition from the St. John's business community. 95 This
led to the abandonment not only of the tax but, ultimately,
of the whole project of incorporation. This in turn
strengthened the case for the other route to municipal
improvement - the creation of a legislature for the colony
as a whole. Cochrane and his supporters in St. John's con-
tinued to push for the incorporation of the town and a few
of the larger outports, but the more militant of the local
reformers were no longer satisfied with this goal. 96 Their
agitations in both St. John's and the outports finally won
the day in 1832 when legislation was passed by the House of
Commons giving Newfoundland representative government. 97
As elsewhere in British North America, this system exhibited
important elements of Imperial control. The British
appointed governor would still be the head of the colonial
government, although he would now be advised by an Executive
Council. The legislative branch was to consist of the
accustomed appointed Legislative Council and an elected House of Assembly. The latter was to have 15 members elected from nine districts, one of which, to return three members, would include the town of St. John's and a number of nearby outports. All male householders over 21 years of age who had resided in a district one year prior to an election would be allowed to vote. This broad franchise reflected the fact that the colonial population was comprised mainly of fishermen and labourers with little or no property.

The way was now permanently clear for the municipal reforms so long desired in St. John's; but the measure of home rule the capital achieved in 1832 had been bought at a high price. Inevitably, the local affairs of St. John's - including revenues - would be part and parcel of the general politics of Newfoundland. Under the system of representative government would be reformers of the services and amenities of the capital had to deal not only with the absentee landlords in England, but also with outport politicians strongly suspicious of their island's center of commerce and highly protective of their own regional interests. In these difficult circumstances, the evolution of St. John's towards the powers of incorporation that became normal in the other cities of British North America proceeded slowly indeed.
Footnotes


15. Matthews, Lectures, 147.

16. J.D. Rogers, Newfoundland (Oxford, 1911) 113-14; and Lounsbury, The British Fishery, 255.


18. Ibid., 149. See also Prowse, History of Newfoundland, 292, 305, 337.


22. Matthews, Lectures, 244-46.

23. Ibid., 161-62, 245. See also Rogers, Newfoundland, 116.


32. See Appendix I, 1.


34. Calculated from the 1815 and 1823 censuses. The age groups of adults and children are not given. See Appendix A, I, 1.


39. Matthews, *Lectures*, 179. The records that existed concerning land titles before 1748 were, Governor Palliser noted in 1764, destroyed in an 1748 fire (Fay, *Life and Labour in Newfoundland*, 13).
40. Rogers, Newfoundland, 150-51; and Fay, Life and Labour in Newfoundland, 136. Petitions from St. John's civilians complaining of the land grants given to soldiers are printed in Prowse, History of Newfoundland, 341-43.

41. Palliser's Act is printed in John Reeves, History of the Government of Newfoundland (London, 1793; Reprint, 1967), xvi-lii; and Head, Eighteenth Century Newfoundland, 207.


43. Governor Milbank to George Hutchins, October 15, 1790, printed in Prowse, History of Newfoundland, 395-96. See also McLintock, The Establishment, 92-3.

44. Newfoundland Law Reports, 1817-1828, Rex v. Thomas Row, November, 1818; 126-29.


47. Prowse, History of Newfoundland, 382.


50. Fay, Life and Labour in Newfoundland, 133-36.

51. McLintock, The Establishment, 90.

52. Pedley, History of Newfoundland, 267; Foran, "St. John's City: Historic Capital of Newfoundland," 5; and Fay, Life and Labour in Newfoundland, 136.


54. Ibid. See also Pedley, History of Newfoundland, 280.

55. James McBraire, born Ireland; merchant; died Berwick-on-Tweed, England, March 24, 1832.

56. William Carson, born Kirkcudbright, Scotland, 1770. Physician and politician; MHA St. John's, 1833-1843; surgeon St. John's
Volunteer Corps, 1808-1812; district surgeon, 1827-1834; physician to the governor, 1828-1832; died St. John's, February 26, 1843.


60. C.O. 194, vols. 60-2, 1817-19, Carson to Bathurst, July 8, 1817.


68. R.G. Moyle's, "Complaints is many and various, but the odd Divil likes it": Nineteenth Century Views of Newfoundland (Toronto, 1975), 8; and Fay, *Life and Labour in Newfoundland*, 176.

69. D'Alberti Transcripts, Correspondence with Governor's Office in Newfoundland, vol. 29, 1818, Governor Pickmore's Proclamation, January 1, 1818.


72. Moyle's, "Complaints", 5-7.

74. D'Alberti Transcripts, Correspondence with Governor's Office in Newfoundland, Pickmore to High Sheriff Buchan, November 14, 1817, and public notice issued by Pickmore, December 1, 1817.

75. Ibid., Despatches received by the Governor from the Colonial Office, vol. 2, Bathurst to Pickmore, January 30, 1818, and enclosures.

76. Ibid. See also Fay, *Life and Labour in Newfoundland*, 166-73.

77. D'Alberti Transcripts, Correspondence with Governor's Office in Newfoundland, vol. 28, Chief Justice Forbes to Governor Hamilton, May 31, 1818, and enclosures.

78. PANL, GN2/1, vol. 29, St. John's Appraisal Committee to Governor Hamilton, October 24, 1818; Fay, *Life and Labour in Newfoundland*, 177; and Foran, "St. John's City: Historic Capital of Newfoundland," 8.

79. The 1820 St. John's Rebuilding Act was published in the *Gazette*, April 29, 1828. See also Pedley, *History of Newfoundland*, 322-25; and PANL, GN2/1, Governor Hamilton to Chief Justice Forbes, October 14, 1820.


81. A Report of certain Proceedings of the Inhabitants of the town of St. John's, in the Island of Newfoundland, with the view to obtain a reform of the laws, more particularly, in the mode of their administration, and an independent Legislature, 1821 (pamphlet, Center for Newfoundland Studies, Memorial University), 63.


84. D'Alberti Transcripts, Despatches received by the Governor from the Colonial Office, Horton to Hamilton, September 8, 1824, and enclosure.


86. Ibid., 154. See also "A Report of the State of Newfoundland, for the information of the Right Honourable Earl Bathurst, Principal Secretary of State for the Colonial Department" in Irish


88. Ibid., 155-61. See also Fay, Life and Labour in Newfoundland, 113-23.

89. Patrick Morris, born Waterford, Ireland, 1782; Merchant; MHA St. John's, 1836-1840; MLC, 1840-1849; Colonial Treasurer, 1840-1849; died St. John's, August 22, 1849.


91. The details of the 1826 incorporation attempt are contained in D'Alberti Transcripts, Correspondence with Governor's Office in Newfoundland, 1825-26, Cochrane to Bathurst, May 27, 1826, and enclosures.

92. "Report of the Committee of the Grand Jury on the existing laws concerning Grand and Special Juries, 1842," in Ledger, May 10, 1842; and Newfoundland Provincial Archives, comp., St. John's, 1833: A List of the Names of Prominent People at the time Newfoundland was granted Representative Government (St. John's, 1971).

93. D'Alberti Transcripts, Correspondence with Governor's Office in Newfoundland, 1825-26, Cochrane to Bathurst, May 27, 1826, and enclosures.

94. Ibid.


98. Gunn, The Political History of Newfoundland, 1832-1864, 3-13 and 193-95; and Leslie Harris, "The First Nine Years of Representative Government in Newfoundland" (M.A. thesis, Memorial University, 1959).
CHAPTER II

ST. JOHN'S UNDER REPRESENTATIVE GOVERNMENT

After 1832 immigration ceased to be an important factor in the growth of Newfoundland's population. In the quarter century after the granting of representative government the population of the island grew substantially but this increase can be attributed almost entirely to natural cause. In 1836, the population stood at 74,993; by 1837, it had grown to 124,288. St. John's experienced a similar increase, going from 14,946 in the former year to 24,851 in the latter. In the case of the capital the decade before 1846, when fire again ravaged the town, was especially dynamic. During this period the local population grew by 40.1% to a total of 20,941 in the year the disaster struck. To what extent the migration of people from the outposts augmented the town's natural growth is not known. In the decade after the fire, the percentage increase in the town's population was 18.7%, the decrease from the previous ten years owing something to the migration of St. John's residents to New England and the Maritimes. The social and economic
distress caused by the 1846 fire led to further substantial emigration but again an exact figure cannot be given. 3

Many of the post-fire emigrants seem to have been Roman Catholics, although the Catholic share of the total population declined noticeably after 1846. 4 Between 1836 and 1845 the number of Roman Catholics in the town had grown from 11,551 to 16,285, the latter figure representing 77.8% of the population. By 1857, when the total Roman Catholic population was 18,249, this latter figure had declined to 73.4%. 5 The Anglican population grew from 2,623 in 1836 to 4,010 in 1857, approximately 16% of the whole in both years. 6 By contrast, the Methodist population grew both absolutely and in percentage terms. In 1845 there were 751 Methodists in the town; in 1857 there were 1,473. In percentage terms this represented an increase from 3.6 to 5.9. The growth of the Methodist community seems to have been one of the results of migration from the outports. 7 The other denominations represented in the town were Congregationalists 8 (365 in 1845, 317 in 1857) and Presbyterians, 9 who seem to have numbered between five and six hundred through the 1840s and 1850s. Though small in numbers, both groups were very influential in the commercial life of the town, the Presbyterian population owing its origin to the migration of Scottish merchants in the latter half of the eighteenth century. Except for that fiery liberal,
Dr. William Carson, the Scots seem to have avoided partisan politics, concentrating instead on their important commercial activities. Like their counterparts in so many other British North American towns at this time, the Presbyterians of St. John's had an economic importance which was far greater than their numbers might suggest.

Despite its position after 1832 as the seat of government, St. John's owed its continued growth to its function as a commercial and distributing center for the island's fisheries. Its labour force at mid-century clearly reflected this function. In 1857 the working population numbered 6,158; 64.5% of them were engaged in fishing-related occupations, while another 22.8% worked as mechanics in trades related to the fishery. The average annual wage for labourers was apparently £20 and £30; that for tradesmen was no doubt higher but again no precise figure can be put on it. Agriculture was of little economic importance to St. John's, with only about 300 people engaged in farming. The small service sector numbered no more than 450 people, consisting of merchants, shopkeepers, publicans, commercial clerks, and professionals such as doctors, lawyers, and clergymen.

Within the framework of the Newfoundland economy, the St. John's merchant participated in a high risk system, subject to many influences beyond his control. A succession of bad fisheries or poor world markets for Newfoundland fish could and did result in bankruptcies.
Some of the firms - Laurence O'Brien and Co., C.F. Bennett & Co., and Richard Howley & Co. are examples - were based solely in Newfoundland; others continued to be branches of Scottish or English parent companies. If based abroad, the company was usually directed in St. John's by a manager, usually a shareholder. The typical mercantile house possessed its own vessels for the import of provisions and manufactured goods and for the export of fish to markets. In the spring these vessels would be engaged in the lucrative seal fishery, gains from which were often sufficient to offset losses in general operations. In the outport hinterland of St. John's the fish business operated according to the norms of a 'truck system'. Under this system a merchant lent fishermen goods on credit and received payment in the form of fish, no cash changing hands. This practice gave the merchant great power over the fisherman for, with a few bad seasons, the latter quickly became mired in debt while always facing the prospect that the former might refuse further credit.  

Accordingly, it was imperative to the general welfare of the colony that St. John's merchants have the greatest security possible against fire for their stores and warehouses located on the south side of Water Street. Unfortunately, until the rebuilding that followed the great fire of 1846 St. John's was considered by the underwriters to be a high risk center. To understand why this was so, despite the threat to the whole
colony, it is unnecessary to look beyond the system of leasehold tenure that prevailed in the town. This system of absenteeism influenced both the nature of building materials used in the town and the development of its municipal institutions.

The evolution of land tenure in Newfoundland generally has already been outlined. What remains to be examined in detail is the extent of the estates owned in St. John's by absentees, and the manner in which these estates were managed. Some of the estates that survived into the nineteenth century could be traced back to the early 1770s, when captains and merchants had taken land for fishing purposes and later claimed it as private property on the basis of undisturbed occupancy. The Holdsworth estate, located both on the south side of Water Street and on the north side of that street spreading along both sides of the present day Holdsworth Street, was one example of such a holding. The Newman plantation, which took in land on both Water and Duckworth Streets, was another. Other estates - the Keen, Stripling, Ellis, and Brooks holdings are examples - developed out of land grants made by various governors in the 1760s and 1770s to public officials and civilians for their services to the Crown. In one instance, John Stripling, a publican and a captain of a local militia company, had been able to acquire large tracts of land in the eastern section of the town which extended from Water Street northward along the eastern side of Cochrane Street to Military Road.
Some of these landowners retained title but others, especially officers and soldiers of the garrison, sold their land to the Scottish and English merchants who were setting up establishments in St. John's at this time. Two large tracts which dated from this period and which remained in the hands of residents were the Gill and Hutchings holdings. The land situation in St. John's had been made still more complex in the early 1800s when the Crown had recognized the right of private ownership of land in Newfoundland. Following this reform, many individuals had acquired land in St. John's on 21 year leases from the governors of the day.

By mid-century, then, there were some Newfoundland residents who owned land in St. John's, but most of the valuable land in the town was still owned by absentees. The pattern of nineteenth century ownership can be understood from an 1849 insurance map of St. John's and from the lists of absentee landlords compiled for the legislature, the first in 1851, the second in 1881. As might be expected, the absentees operated through local agents in St. John's, who negotiated the terms of building leases for them. These agents were also responsible for the collection of ground rent from leaseholders. What is not clear about the agents is the extent to which, especially in the area above Water Street, they merely acted on behalf of the absentees, or whether they acquired land themselves on which to build. As these agents were
often prominent merchants and lawyers, the interests of the absentee landlords were well represented before 1855 in the colonial legislature and government. In particular, the absentees, through their agents, opposed the imposition of any direct taxation on their property. The absentees obviously had no interest in the improvement either of St. John's or the colony as a whole. They had only a reversionary interest in the buildings erected on their land and should not, they argued, be assessed for property which brought them no profit during the life of a lease. Their only possible gain from the improvement of St. John's was in being able to demand a higher ground rent at the expiration of a lease— but this was a distant prospect and one that could easily be offset by property tax.

In these circumstances, the residents of St. John's turned to the colonial revenue for the improvements and services their town required. In the view of the town's elite in particular St. John's had a special claim upon the general treasury, the more so since spending in St. John's was often directed towards the larger colonial need. For example, during an 1846 legislative debate on a proposed allocation of £100 for clearing snow from St. John's streets, Byran Robinson, a St. John's lawyer and outport member, emphasized that the "whole country had an interest in the security and protection of the capital", because the "continual intercourse between the different districts and St. John's required that the main
outlets should be kept open." Similarly, Charles Fox Bennett, a St. John's merchant, compared the relationship of St. John's and the outport world to that of the "head and body in the human frame; if the head were disordered the body would inevitably get affected, and the whole system become prostrate." A resident of St. John's since the early 1800s and a witness to its many fires, Bennett observed that "if a fire broke out and committed ravages in St. John's... not only would the outports be involved in the ruin of the capital, but the Government (itself) would become paralyzed." 20

Accordingly, the St. John's politicians in the legislature had little patience with the frequently stated opposition of outport spokesmen to expenditures on the improvement of St. John's. Under the existing political and economic system, John Kent, a St. John's Liberal, warned the legislature, all those "resources available for municipal institutions in the other colonies were not here." St. John's could simply not afford general direct taxation on property: "If the town were incorporated, the expense necessary for paving, sewerage, widening, in short, for giving to the streets of the town those mathematical proportions which would be requisite," would consume the "taxes for one quarter of a century." 22

When St. John's politicians failed in the mid 1840s to persuade the legislature to pay for a water supply for their town, the Newfoundland, a Roman Catholic newspaper
founded in the capital in 1827, scolded the outport members. The outports had to understand that the "principle of co-ordinate claims with the capital" could not be "rigidly or invariably enforced." "Questions sometimes arise with the improvement and security of St. John's," the paper argued, "which from their bearing on the welfare of the colony at large the legislature is justified in regarding as matters for special consideration." This quest for "special consideration" would be long and arduous, though with a majority of the members of the legislature from 1832 to 1855 being residents of the town, St. John's could always count on a sympathetic hearing if not a satisfactory vote.

The municipal administration of St. John's was, then, an aspect of colonial politics and the one cannot be understood without reference to the other. Given the limited revenue base available in Newfoundland, it is not surprising that politics under representative government were very divisive, with denominational differences often to the fore. The latter was especially evident during the 1830s and early 1840s in the policies of the predominantly Roman Catholic Liberal Party. Led by the Presbyterian William Carson and the Irish-born bishop, Michael Anthony Fleming, who arrived in Newfoundland in 1823, this party sought to put Roman Catholics on an equal political and educational footing with Anglicans, who monopolized public office and patronage. In many ways the constitutional issues at stake were the same as those
being fought over in the other British North American colonies. As elsewhere, the thrust of reform was to broaden the avenue to public office and patronage, and to break the hold of a small elite of conservative-minded government officials connected by both marriage and business. Like their counterparts elsewhere, Newfoundland reformers sought to make the executive branch of the colonial government more responsible to the elected Assembly. 28

The political elite that had emerged in Newfoundland in the early nineteenth century consisted of Imperial officials and members of well-established Newfoundland families, some of them Roman Catholic. 29 Its successful adaptation to the new conditions of representative government owed much to the favour of successive governors. But it also benefited after 1832 from a shift in support away from Carson by many Protestant merchants who had favoured representative government as such. Their defection to Conservative ranks was prompted by the sectarian and anti-mercantile appeals used by the Liberals in constituencies where Roman Catholics constituted a majority of the voters. Accordingly, the first general election held in Newfoundland under the terms of representative government produced a Conservative majority in the Assembly. It was a triumph that would not be repeated. 30

In 1834 the Liberals attempted to break the Conservative monopoly of public office through legislation to incorporate St. John's. What Carson, the originator of the 1834
bill, sought was nothing short of removing the authority to govern the capital from the governor and the legislature. This power would instead be vested in a 16 man municipal body elected annually on the basis of a household franchise. The powers of the proposed body were extensive and included jurisdiction over streets, fire companies, policing and jails, public schools, hospitals, market houses, and the magistracy. The revenue of the new corporation would come from the issuing of liquor licenses, the collection of rents from the public ships' rooms, and the levying of assessments on the annual rents derived by owners from the letting of land and buildings in the town. 31 The Conservative Assembly easily overcame the bill, which did not even reach second reading; its opponents included politicians who had supported both the attempt to get incorporation in 1826 and the campaign for a colonial legislature. For them St. John's had no need for another level of government; "matters of a municipal nature" could best be dealt with by the legislature itself, which alone should decide how much St. John's should be taxed. There was concern too that annual elections would keep the community in a continuous state of political excitement, thereby aggravating relations between Roman Catholics and Protestants. 32 Carson's own entry into the Assembly in an 1833 by-election had shown what could happen in so highly charged a setting. A Roman Catholic independent who had entered against Carson had withdrawn in the face of mob demonstrations and the vocal opposition of
Bishop Fleming. 33

With the defeat of Carson's bill, the idea of incorporating St. John's faded into the background and did not become a serious issue again until the 1850s. When it did occasionally emerge, it was only in the form of a protest by outport legislators against the appropriation of general revenue for St. John's improvements. 34 Thus, the development of St. John's runs counter to the normal course of contemporary urban evolution in both Great Britain and in North America. In Great Britain there was a general reorganization of town government under the Municipal Corporations Act of 1835. In North America, with its many provincial and state legislatures, individual incorporation became the order of the day. For instance, Boston, aged nearly 200 years, was incorporated in 1822 and in the new cities of the west incorporation became the normal method of local government as soon as size warranted it, Chicago, for instance, became a city in 1833. In British North America the same picture was to be found; Quebec and Montreal received their initial charters in 1832; Toronto was incorporated in 1834, within a few months of Rochester, New York; and Halifax in 1841. In Upper Canada even the smaller centers were given town government beginning with Brockville in 1832. St. John's, however, despite its size and its dignity as colonial capital, was to undergo a very different course of development.

As might be expected, the broad electoral franchise
granted in 1832 eventually worked to the political ad-
vantage of the Liberals.\textsuperscript{35} With the strong support of
Bishop Fleming, Carson was able to get a majority in
the 1836 general election. The election was subsequent-
ly invalidated due to a legal technicality, but Carson
was able to win again the following year. This time the
Conservatives gave Carson little competition, acknow-
ledging the futility of their cause under the existing
franchise, with its great potential for anti-mercantile
and sectarian campaigning. From 1837 onwards the Liberal
Assembly was locked in combat with the Conservative
Legislative Council over the patronage question. Then,
in 1842, the Imperial Government suspended the 1832 con-
stitution for a period of six years. Under a new arrange-
ment, a part-appointed part-elective Amalgamated
Legislature was set up, combining in one body the old
Legislative Council and House of Assembly. To oversee
the operation of the new chamber, the Imperial Government
transferred Governor Sir John Harvey (1841-1846) to
St. John's from New Brunswick, where he had had con-
siderable success in restoring harmony to local politics.\textsuperscript{36}
He proved as popular in Newfoundland as he had in New
Brunswick and showed a special interest in the improve-
ment of St. John's. Fortunately for Harvey the early
1840s were prosperous years because of excellent cod
and seal fisheries. This provided him with revenue to
give patronage to Roman Catholics; but the lowering of
the temperature he was able to effect did not last.
After the fire of 1846 Harvey's system rapidly fell apart, and in 1848 the former bicameral legislative system was restored. The most notable feature of the new situation was the gradual building of a working alliance between Roman Catholics and Methodists which allowed the Liberals to win several outport constituencies where Roman Catholics had always been a minority. The cause which first brought the Roman Catholics and Methodists together was the alleged distribution of fire relief funds in favour of the Anglicans. In particular Bishop Fleming was upset that part of a £29,000 fund raised in Britain from Anglican congregations, under the auspices of a letter issued by Queen Victoria, was used to help rebuild the Anglican Cathedral. Fleming argued that this fund belonged to the fire sufferers, who were mainly Roman Catholics and Methodists, and should be expended on their behalf. Fleming himself was interested in funds for the completion of a cathedral he had started in 1838 and for the rebuilding of the convent and school of the Presentation Nuns he had brought from Ireland to Newfoundland in 1833. The next phase of Roman Catholic-Methodist cooperation came in the early 1850s over the subdivision of the Protestant education grant, which again favoured the Anglicans. The advantage gained from these compromises permitted the Liberals to press forward their case for responsible government, which was finally realized in 1855. The House of Assembly was then enlarged from 15 to 30 members, St. John's being
divided into two districts, East and West, each of which returned three members. The Liberals were now able to oust Conservatives from the public service and replace them with their own supporters.

Education, which was so much to the fore in the political and constitutional struggles of the 1840s and 1850s, is illustrative of the forces which shaped the municipal institutions of St. John's. Before 1832, education in Newfoundland, such as it was, had been the preserve of English missionary societies and local charities. The first school on the island was opened at Bonavista in either 1722 or 1723 by the English Society for the Propagation of the Gospel; a second Newfoundland school was opened by this Society in St. John's in 1744. Education was used by the Society to bring its religious message to what was essentially an illiterate population. Between 1766 and 1824 the Society set up schools in over 20 Newfoundland settlements, maintaining them with subscriptions from its English supporters. While the Society was an offshoot of the Church of England, there is no evidence to suggest that it excluded Roman Catholic and Methodist students from its schools. The Society's most active period was during the early years of the nineteenth century; following the establishment of the Newfoundland School Society in 1823 and the introduction of legislative grants for education after 1836 it withdrew from the colony. The Newfoundland School Society itself was the creation of Samuel Codner, an English merchant involved in the New-
foundland trade. Codner's venture engaged the financial support of other merchants, prominent English Anglican philanthropists, and the Imperial Government, which gave an annual grant. St. John's was the first beneficiary of this largesse, a school being opened there by the Society in 1824. By 1833 the Society had 22 teachers in Newfoundland and instructed 1,756 children and 242 adults. Although operated by Anglican and Dissenting teachers, the Society's schools were kept non-denominational in order to attract as many students as possible and to fulfill the aim of the Society's mercantile supporters and of the Imperial Government for the establishment of "wholesome moral institutions, and especially schools" that would make the population more law-abiding.

Various Methodist missionary societies were also active in the field of Newfoundland education in the early nineteenth century. As were two St. John's based charities, the Society for Improving the Condition of the Poor and the Benevolent Irish Society, founded in 1804 and 1806 respectively. The former maintained a non-denominational Charity School for over 30 years with funds from the Imperial Government and donations from the churches and the general community. The latter opened its school for orphaned children in 1827; it, too, adhered to the non-denominational principle, but within a few years began catering strictly to Roman Catholic students, although religious
instruction was not included in the curriculum. The wealthier members of St. John's and colonial society tended to have their children educated by private tutors, or at schools in England.

By 1832, then, St. John's and Newfoundland possessed the framework of a denominational system of education along Protestant-Roman Catholic lines, although many schools remained in principle and, in some instances, in practice non-denominational. These schools had remained non-sectarian not only because wealthy Protestants in England and Newfoundland put up significant funds for their maintenance, but also because a general harmony existed in the colony between Protestants and Roman Catholics. Thus, for instance, in 1827 the Roman Catholic Patrick Morris, one of the prime movers behind the Benevolent Irish Society's School, could write of the absence from the island of "that bitter sectarian hostility, so frequently seen among people of other countries... The people of the various religious congregations at Newfoundland have complied with the recommendation of their Divine Master—they 'love one another'." This situation changed dramatically after 1832 once a legislature was established and residents began dividing on a sectarian basis in the competition for political spoils. Inevitably, education fell victim to the game of partisan politics; one of the most spirited players of that game was Bishop Fleming who was determined to secure a separate school system for his congregation.
Fleming wanted the education of Roman Catholics to be the exclusive responsibility of the Church and was appalled by the existing school system. The St. John's Charity School, he noted, had never had a Roman Catholic teacher while the goal of the school belonging to the Newfoundland School Society had been to convert students. Even the school run by the Benevolent Irish Society he found objectionable for it had never offered any religious instruction. Fleming changed the operations of this school to his liking and in 1833 brought from the Galway Presentation Convent in Ireland four nuns to establish a school for the education of the young female poor. In this way he separated the girls from the boys who worked on the wharves and had easy access to the rum served to them by their employers. Until 1836 Fleming maintained this school at his own personal expense; after that year the Presentation Convent school operated with the aid of a £100 annual grant from the Legislature. This grant was part of a £100 legislative vote for elementary schools provided for in the 1836 Education Act. With limited revenue at its disposal, the legislature made £300 and £100 available to the Newfoundland School Society and the Benevolent Irish Society respectively to continue their work. The remainder of the grant was to be spent among nine boards of education to be established in each of the electoral districts. Consisting of 13 members each and including the senior clergymen of the various denominations in each district, these boards were to build
and maintain schools and frame by-laws for their govern-
ance. These provisions have generally been regarded
by historians as proof that the legislature intended to
institute a non-sectarian system for the colony, but this
interpretation is open to serious question. Thus,
whereas the legislature allowed for the establishment of
state schools in the outports, it did not interfere with
the schools operated in St. John's by the Newfoundland
School Society and the Roman Catholic Church. Indeed,
the board set up for the District of St. John's was re-
stricting its activities by 1839 to the communities
outside the town. In effect, the 1836 Act, which was
to remain in force for six years, was a measure of
economy to provide schools in areas which, unlike St. John's,
could not afford to have their own denominational fac-
ilities.

But the Act proved but a way station on the road to
a full denominational system. Protests were quickly heard
after 1836 over the composition of the school boards;
in that year 99 of the 117 appointees were Protestant. Protestant insistence on the boards on the use of the
Bible in the schools was especially divisive. With Roman
Catholic members threatening to resign from the boards, the
Liberal majority in the Assembly amended the Act in 1838
to make general the position the St. John's board had
adopted on religious instruction in the schools. Under
this arrangement clergymen were permitted to visit schools
and provide religious instruction on a denominational basis.
But this compromise did not work either; when several
outport boards continued to insist on the use of the
Bible in their schools, the Roman Catholics resigned from
them. Fleming now wanted the separate Roman Catholic
School system that he had already achieved in St. John's
expanded to the whole island. 54 Desirous of Liberal
political support for the amalgamated legislative exper-
iment, Governor Harvey gladly gave Fleming that concession
in 1843 when the 1836 Act expired. By the terms of the new
legislation, which was to govern educational matters for
seven years, each electoral district was to have Proto-
estant and Roman Catholic boards which would share the
district grant on a per capita basis. 55

The Roman Catholic grievance over education had now
come to an end, but Fleming's success had provoked great
envy in his Anglican counterpart, Edward Feild, who had
assumed the See of Newfoundland in 1844. 56 In effect, the
English-born Feild wanted the same control over education
that Fleming had. A High Churchman in a colony where low
Churchmen formed most of the Anglican population, Feild
thought poorly both of his Low Church brethren and Meth-
odists. His position on education became apparent soon
after his arrival. Legislation passed in 1844 establishing
a secondary school in St. John's in which there would not
be religious instruction met with his strong objection.
Whereas Fleming was pleased with the new institution be-
cause he was allowed considerable influence in its operation,
Feild set about launching a rival school. In 1846 he appealed to Governor Harvey for a division of the Protestant education grant, but was unsuccessful because of Methodist objection. The Methodists were against change because the 1843 arrangement clearly worked to their advantage. Under it they had sufficient funds to establish their own schools in the three districts where they formed the majority, while in other districts they were able to exercise enough influence to protect their interests. In the 1850s Feild renewed his demands for a separate Anglican system of education, but his ambition was thwarted by the Methodist-Liberal Roman Catholic alliance on the issue.  

The final resolution of the matter came in 1874 when the Anglicans got their way and a full fledged denominational system was entrenched. Henceforth, there would be Roman Catholic, Anglican, Methodist and, ultimately Salvation Army and Pentecostal schools. Newfoundland had produced a system which had no local public assessment base and which was administered by on behalf of the state by the churches, which also bore part of the cost. Newfoundland would not have elected local school boards with local tax arrangements until the 1960s. In the making of this highly centralized, largely voluntarist system St. John's played a leading part.

One area of local administration to which the voluntarist principle obviously could not be applied was policing; but here too the denominational, financial and
patronage considerations that had shaped educational policy were evident. The legislature which met in 1833 continued the longstanding policy of the governors of providing for the cost of the police establishment from general revenue. In 1806 Governor Gower had placed the three magistrates then in the town under permanent salary (or stipend) to enable them to be independent of any private or professional interest. Previously, their salaries had been derived in part from the annual licensing of taverns and from the fines they collected in their courts; but half of the money they had collected had gone into the Imperial treasury. 59

After 1832 the work load of the magistrates steadily increased with practically every new statute enacted by the legislature giving them new duties. 60 When presiding over Quarter Sessions the Newfoundland magistrates had the same powers as the Justices of the Peace in England with regard to the Common Law; but until 1837 they had no right of summary adjudication of minor crimes and misdemeanours. This lack of authority resulted from confusion over which of the criminal laws of England applied to Newfoundland — a confusion that persisted even though the Judicature Acts of 1791 and 1824 gave the Supreme Court of Newfoundland authority to hear all crimes and misdemeanours. Accordingly, many crimes of a minor nature could be dealt with only by indictments in the Supreme Court, and the delay involved in this
costly procedure let miscreants escape. In practice the
Judges of the Supreme Court relied upon the whole body
of English Common and Criminal Law in deciding the
cases brought before them, but with the growth of pop-
ulation after 1800 the lack of authority in the mag-
istrates grew more and more unsatisfactory. That such
limitation existed in Newfoundland was, of course, the
result of past Imperial policy, which had not treated
the island as a normal colony of settlement. In other
English colonies all English laws had been applied from
the start. This benefit finally came to Newfoundland in
1837 when the legislature adopted the Criminal Law of
England effective June 20. With this change, the mag-
istrates received the right of summary adjudication of
crimes and misdemeanours. 61

Until Governor Harvey appointed Patrick Doyle, a
Roman Catholic, to the magistracy in 1842, 62 the Liberals
and Roman Catholics tended to look upon the magistrates
as agents of the governor and his Conservative coterie.

Doyle's selection, which drew Conservative protest,
was an obvious effort to offset such feelings. 63 Two
of the early nineteenth century magistrates, James Blaikie 64
and Peter Weston Carter 65 had long terms, the one running
from 1810 to 1838 and the other from 1818 to 1863.

Carson's 1834 municipal bill would have gone further and
made the stipendiary magistrates responsible to the elected
officers of the municipal corporation. This proposal was
designed to curb the political and patronage roles of the magistrates, who not only licensed taverns but controlled the registration of voters for elections. 66

The magistrates also controlled the appointment and regulation of the constabulary. 67 There had been paid police in St. John's since 1812 when Governor Duckworth had hired 12 constables out of the proceeds of the annual licensing of the town's taverns. Before this change publicans had occasionally acted as constables themselves and in 1806 this service had been made the condition of obtaining a license. The publicans had opposed this measure, their interest obviously favouring leniency. 68 Opposition from the publicans arose again in 1822 when they rebelled against the charges being levied on them for the maintenance of the constabulary. Their protest took the form of an appeal to the Supreme Court, which ruled in their favour, stating that the magistrates in Sessions could not allocate the license funds to pay the constables. This decision was based on the argument that the English laws by which the magistrates had imposed the license fees were inapplicable to Newfoundland. 69 For a time, therefore, the only funds available to pay the constables were those they collected themselves. 70

The legal impediment which the publicans had taken advantage of in 1822 was removed by Section 34 of the 1824 Judicature Act. Governor Cochrane again applied the 68 annual tavern license to the salaries of constables. After 1832 the legislature continued the salaries of magistrates.
and constables from the general revenue - in St. John's as well as in the larger outports. As organized by Governor Cochrane, the St. John's constabulary consisted of a senior stipendiary magistrate, a High Constable, and eight constables. This remained the size of the force until the mid-1830s when, for reasons of economy, the legislature reduced the number of constables by two. By 1843 the constabulary probably included at least one Roman Catholic, although it is not known if his appointment had been made before Harvey's governorship.

In St. John's at this time, as was generally the case in Britain, the chief responsibility for the detection and prosecution of crime belonged to the private citizen. An arrest was made when a citizen came forward to the magistrates and gave the necessary facts with regard to the alleged crime. Once the plaintiff paid the constable a fee, a warrant was executed for the arrest of the offender. The duties of the constables themselves consisted of patrolling the main streets from 8:00 a.m. to 11:00 p.m. They were expected to be on the alert for breaches of the peace and petty thefts, and to prevent the throwing of nuisances into the streets. They were also to ensure that the taverns closed on time.

In the spring and autumn the constables had to forego their normal duties and attend (under penalty) the daily sessions of the Supreme and District Circuit
Their presence was hardly missed for in reality it was the presence of the military garrison and the pervasive influence of the Roman Catholic clergy which kept the citizenry of St. John's under control. The ineffectiveness of magistrates and constables in dispensing crowds was demonstrated again and again in election contests, when physical intimidation was frequently the best weapon the Liberals had to guarantee the victory of their candidates. The only security the magistrates could offer to Conservative candidates and their supporters was to be found in the hiring of extra special constables or the calling out of the troops.

In the 1840s, however, the constabulary gradually became important, taking on both detective and preventive work. In this it mirrored changes that had been in progress in British police forces since the 1829 establishment of a paid, uniformed police in London. The impetus for reform in St. John's came from Governor Harvey, who in the mid-1830s had been the Inspector of Police in Ireland. Harvey appointed an Irish protégé, Timothy Mitchell, to the local force in 1844. Thirty-one years old at the time of his appointment, the Roman Catholic Mitchell had served under Harvey first in the Irish Constabulary and then in the New Brunswick police force. His selection fore-shadowed the future course of the constabulary, which would gradually be modelled on its Irish counterpart.

In 1845 Harvey took a more ambitious step, putting forward legislation, based on the London police act, to
increase the power of the local constabulary. Under the terms of Harvey's bill, the constables would be eligible to arrest without warrant anybody throwing nuisances into any street or disturbing the peace by riotous, indecent, or drunken behaviour. The constables would also be able to arrest on the spot anyone caught damaging private property. The Liberals in the Amalgamated Legislature opposed this broad police measure, which they considered an unnecessary intrusion on individual liberties by a police establishment not responsible to any elected body. The Liberals also feared that the additional powers proposed for the police would work against them politically; it would be easier for the governor and the Conservatives to control the Liberal crowd once a warrant no longer had to be taken out against an instigator by someone courageous enough to step forward. Again, the Liberals considered the bill, especially its clauses providing fines for nuisance infractions, to be directed against the poor. There was considerable truth to this claim, because the children of the poor had nowhere else to play but in the streets. Moreover, in the absence of a waste collection system, the poor had no choice but to throw their fish offal and other waste into the streets. In the event, the bill was lost on division, but during the term of Harvey's successor, Sir John Gaspard Le Merchant (1847-1852), many of the new powers it proposed for the police were realized through the creation of a Night Watch.
Organized in January, 1848, and paid for by a warrant on the colonial treasury, the Watch consisted of 20 special constables, who patrolled at night once the regulars went off duty. Le Marchant intended the Watch as a temporary arrangement, to last only during the winter, when a sizable portion of the population was unemployed and idle. The Watch was to arrest persons for drunken and rowdy behaviour, and to be on constant alert for fires which, during November and December of 1847, were very numerous and generally believed to be the work of incendiaries. The new special constables proved immensely popular with merchants and other property owners, although there was considerable resentment from the citizens at first because of the sometimes zealous manner in which they arrested individuals on the spot for alleged breaches of the peace. The Watch also took on a detective role, as evidenced by its successful confiscation in the first month of its operations of a sizable amount of contraband goods. Despite these successes, in April, 1848, the size of the Watch was reduced by half, but it was subsequently maintained by Governor Le Marchant at this strength. Beginning in 1849 the legislature agreed to pay for a Watch, but only to the extent of equaling the funds the stipendiary magistrates could raise through voluntary subscriptions. Since enough funds could not be raised by this means to support a year-round operation, the Watch now became a winter force which functioned generally between November and May. Nor was
its effectiveness limited only by lack of money. Because members had to be recruited annually the force was often hindered by its lack of discipline. What was obviously needed was the enlargement of the existing regular paid constabulary to allow it to patrol at night; but this reform ran into the familiar St. John's roadblock—the lack of a local assessment base.

A small step towards the improvement of the regular force was taken in December, 1852, when Governor Ker Ballie Hamilton (1852-1855), in response to Grand Jury criticism of the constables, appointed two more policemen. To improve the internal organization of the force, Hamilton promoted constable Timothy Mitchell to the newly created position of Superintendent and Inspector of the town's police. Mitchell was instructed by Hamilton to carry out the duties of his office according to the practice of his counterparts in the Dublin and London forces.

Mitchell had great difficulty asserting his control over the constables, facing great opposition from stipendiary magistrate Carter, who resented the apparent reduction in his own authority. Carter encouraged the High Constable, John Toor, a member of the constabulary since 1826, not to acknowledge Mitchell as his superior. What Carter wanted Mitchell to do was to confine himself to ensuring that the constables carried out the duties given to them by the High Constable, who, in turn, would continue to act on the orders of the magistrates. The not surprising result was general confusion among the constables as to who
was really in command — Toor or Mitchell. The matter
came to a head late in 1855, when Mitchell decided to
seek a clearer definition of his office after Toor had
not only questioned his orders but his character. After
a careful review of the terms of Mitchell's appointment,
the Liberal Government of Philip Little *(1855–1858)* sup-
ported the Superintendent's position, giving him firm
control of the constables under the continued direction of
the magistrates.  *

Another controversy between Mitchell and Carter erupted
the following year. On this occasion Carter dismissed a
constable whose wife complained that she had been assaulted
by her husband. Some time later the angry drunken ex-
constable visited the police station where he insulted
Mitchell and several of his colleagues. Three days later,
to the great dismay of the constabulary, the dismissed man
was reinstated by Carter without a word of explanation.
Mitchell now issued what was, in effect, an ultimatum to
the Government: either he or the man who had insulted
him and had been reinstated by Carter must go.  *

The Liberal Government again chose in Mitchell's favour, rather
than that of its Conservative foes, Carter and Toor.
Toor was dismissed and Mitchell made responsible directly
to the Executive Council. In future the magistrates were
not direct the constables only with the permission of the
Inspector.  *

The Government also decided at this time to increase
the size of the constabulary to 16 and to have it carry
out the work done by the Night Watch. On the other hand, since this was a change clearly for the benefit of St. John's, the Government did not want to bear all the expense itself. Accordingly, on July 4 it approached the merchants, through their Chamber of Commerce, for a permanent financial contribution in lieu of the voluntary subscriptions of former years. The merchants rejected this request on the grounds that policing was a responsibility the government alone should bear. In the face of this refusal the Liberal Government assumed the whole burden of the increased cost and fitted out the entire constabulary with uniforms. In doing so it was simply acknowledging the fact that St. John's, in the absence of a municipal government supported by local taxes, would have to depend, as the merchants asserted, on the revenue "derived from the several local imposts...to meet all the requirements for the district." The capital was and would remain a ward of the colonial government.

On the penal side of the law and order conundrum, until 1851 the colonial government did not see fit to build a penitentiary for St. John's and Newfoundland. That one was not established earlier was in part owing to insufficient revenue, but it was also true that until the 1850s, a gaol suited the town's needs. In one form or another, this gaol had existed since 1730, a year after the system of summer naval governor and winter magistrates had been established. For the most part, it served its purpose well as a lock-up for debtors.
and for persons committed for trial in the Supreme Court, and as a temporary place of confinement for drunken and disorderly persons arrested by the constabulary. Those convicted of serious or violent crimes were generally transported to prisons in either England or one of the other colonies. Although the St. John's gaol was small, temporary overcrowding could be avoided by sending some of the prisoners to outport gaols.

The general management of the gaol and, until 1846, the appointment of the gaoler belonged to the High Sheriff. Unlike his counterparts in England, the High Sheriff of Newfoundland still exercised considerable court authority that was confirmed under a Royal Charter accompanying the 1824 Judicature Act. An annual appointee of the Governor, after 1832 the High Sheriff received a salary out of a sum of £6,550 which the Imperial Government reserved every year from the revenue for the maintenance of a Newfoundland Civil List. The High Sheriff also received all the fees that were attached to his office.

With the creation of a permanent Civil List in Newfoundland in 1843 - when the whole of the colonial revenue passed under local control - the High Sheriff became responsible to the legislature. While the Governor still nominated him, the legislature paid his salary and his fees became part of the colonial treasury. If a prisoner escaped, the High Sheriff paid all expenses involved in the recapture.

In 1846, following the death of Richard Perchard, who had held the office of gaoler since 1821, Governor
Harvey accepted the suggestion of the then High Sheriff, Benjamin Garrett (1836–1896), that a successor who was thoroughly familiar with recent penal reform be found in England. Harvey changed his mind, however, on encountering resistance from both Liberals and Conservatives in the Amalgamated Legislature. Their argument was that a native should be appointed—either an individual born in Newfoundland or someone with a lengthy tenure of residence there. Harvey eventually chose James Fergus, a 70-year-old Presbyterian and former merchant, who had been Patrick Doyle’s main rival for the position of stipendiary magistrate in 1842. Fergus’s subsequent claims on public office were well known and his appointment was designed to placate the small but commercially influential Scottish community by offering it a share of the public service patronage. On his appointment it was decided that the fees payable to the gaoler by a prisoner on release were now also to be turned over to the colonial treasury, Gaoler Fergus being compensated for this change by an increase in the salary voted by the legislature. In point of fact, the gaoler was accustomed to receiving the greater part of his income from supplying the prisoners with food, but in 1849 this practice was also stopped by the legislature, which felt the food could be supplied cheaper through public tender.

Even if a gaoler had been brought out from England in 1846, there was little that could have been achieved by way of prison discipline because of the size of the gaol.
What Garrett evidently had in mind in seeking an English appointee was the introduction of the separate system, a popular usage in English prisons. Symbolized by the 1842 opening of the Pentonville penitentiary, this system effected the total separation of prisoners through their confinement in individual cells, as opposed to the previous practice of grouping them in wards. Through minimizing the level of communication among prisoners, penal reformers hoped that a combination of punishment and religious and moral instruction would convert them from their evil pasts. 107

The existing St. John's gaol had no such lofty purpose and was apparently a considerable boon to its inhabitants. "The effect of...sentence," commented a local 1841 Criminal Law Commission, was to give prisoners "a clean and tolerable abode, regular and sufficient diet in lieu of a precarious subsistence, a total abstinence from any labour, and enough of the society of their fellow prisoners to remove the tedium of confinement." 108 The gaol consisted of three wards - one for debtors, one for the military, and one for general use - and three individual cells, all at ground level. Male and female prisoners were separated in the prison and, following the Upper Canadian system introduced by Chief Justice Henry Boulton (1833-1838) on his arrival in Newfoundland, debtors were kept apart from those guilty of felonies and misdemeanours. With so little space available - the gaol was in the center of the town - the practices of hard
labour and solitary confinement were unknown. Supervision of the prisoners appears to have been very lax. Guarded only by a gaoler and a turnkey, the prisoners were easily able to acquire liquor from residents in the town. 109

The gaol was one of the buildings destroyed in the fire of 1846 and its replacement was an even poorer facility. The prisoners were moved to a stone barracks on Signal Hill that the military had earlier abandoned because of its dilapidated condition. Though subsequently repaired, this building did nothing either for prison discipline or accommodation. 110 It was, however, different in one significant respect: because of its distance from the center of the town, it could not be used as a short term lock-up. 111 Accordingly, a second facility was opened in the town, pending the building of a new prison. Since the Signal Hill building belonged to the Imperial Government, the existing arrangements could clearly be viewed only as temporary.

When the Signal Hill gaol was severely damaged by wind in 1850, the legislature had no alternative but to act. After a careful examination of the damaged building, High Sheriff Garrett informed Governor Le Marchant that, unless expensive alterations were immediately undertaken, the building was in real danger of collapse from the strong winds on Signal Hill. But even if the building were repaired, it might not be serviceable for very long. Rather than make costly repairs to a building which the
colony did not own, Garrett recommended that a new building be constructed or acquired. In 1851 the legislature appointed a select committee to examine these alternatives. The report of the committee, dated April 4, 1851, recommended the construction of a penitentiary at a projected expenditure of £7,500, modelled on the one which had been recently completed in Halifax at a cost of £8,250. The new facility for St. John's would "permit the application of that reformatory discipline..." which elsewhere now characterized "such institutions." On this basis legislation was subsequently passed providing for the appointment of a board of five commissioners to superintend the construction and eventual management of the proposed penitentiary. But the idea of following the Halifax model was soon dropped by High Sheriff Garrett, who was named chairman of the new board. Garrett thought that the Halifax penitentiary offered inadequate cell accommodation and insufficient oversight of the prisoners. In his view the Pentonville prison in England was a more appropriate model. Accordingly, he wrote to the Inspector-General of Prisons in England, asking him to engage an architect to draft plans based on Pentonville but to take into consideration local needs. To complete the plans, however, required more than what the colony could afford and were subsequently revised by a local architect. The penitentiary was finally opened in 1859, the cost of its construction being in the neighborhood of £10,000.
In the meantime the Little Government had effected changes in penal administration parallel to those it had imposed on the police establishment. In 1855 control of the Signal Hill gaol and the proposed penitentiary had passed from the High Sheriff and the Board of Penitentiary Commissioners to the newly created Board of Works. In 1856 High Sheriff Garrett was retired by the Government and was replaced by a longtime Liberal supporter. 117

The Board of Works itself symbolized centralized government in Newfoundland. The Surveyor General was named chairman and his six colleagues were all appointed by the Executive Council, with members of the legislature being eligible for service. The new Board was given responsibility for the management and superintendence of all public buildings, property, roads, streets and bridges on the island and for the expenditure of public funds on them. It was also given the power to appoint and remove, subject to approval by the Executive Council, all public officials under its jurisdiction and to frame by-laws for the governance of public institutions. 118 This high degree of centralization was necessary, government spokesmen claimed, because of the cumbersome manner in which public buildings had been managed in the past. Hitherto the management of each new public building had required the appointment of a special commission usually with a paid secretary. This system had left the colonial government without any direct control over the day to day operations of many public institutions, the commissioners
who managed them being required only to present annual financial statements to the legislature. In the case of the Board of Penitentiary Commissioners, for instance, while the government selected the superintendent, the Commissioners themselves chose the penitentiary staff. Premier Little considered such practice contrary to the very principle of responsible government. "The conduct of such business, he argued, should be put "in the hands of intelligent and responsible persons who would make their returns to the House exhibit the work performed and show the expense incurred." The Board of Works would not only serve this purpose, but would have the advantages of efficiency and economy, its secretary to be its only paid official.

One interesting feature of the legislation creating the Board of Works was the division it made between the outport electoral districts and the two St. John's districts. The outports were permitted to maintain government-appointed road boards; but the members of these boards were to be subject to removal at will by the Board of Works and to be governed by the rules and regulations it laid down. The St. John's board was disbanded, with responsibility for roads in the St. John's districts passing under the direct control of the Board of Works. With these changes, the new Liberal Government assured itself not only of greater control of public expenditures but of considerable patronage. The government of St. John's, like that of the colony itself, was now firmly in the hands
of the Roman Catholic elite, which, for so long, had aspired to office. For Roman Catholics, 1855 was a year which saw not only the institution of responsible government but also the long awaited completion and consecration of their Cathedral—a symbolic coincidence reflecting their greatly expanded role in the political and social life of the colony. Their assertiveness was also evident at this time in the reform of other of the charitable institutions of St. John's. It is to these that attention will now be turned.
Footnotes


3. Appendices I, 3, 4.

4. For the development of Roman Catholicism in St. John's, see Michael F. Howley, Ecclesiastical History of Newfoundland (Boston, 1888).

5. Appendix I, 3, 4.


7. George Story, George Street United Church, 1873-1973 (St. John's 1973); and D.G. Pitt, Windows of Agates (St. John's, 1966). Other studies of Methodism in Newfoundland are Jacob Parsons, "The origin and Growth of Newfoundland Methodism, 1765-1855" (M.A. thesis, Memorial University, 1964); Nabolth Winsor, "Methodism in Newfoundland, 1855-84" (M.A. thesis, Memorial University, 1971); and John W. Nichols, A Century of Methodism in St. John's, Newfoundland, 1815-1915 (St. John's, 1915).

8. See St. David's Church, St. John's, Newfoundland, Early History of the Congregational Church in Newfoundland (St. John's, 1975).


12. Prowse, History of Newfoundland, 227-28, 305, 336-37; and O'Neill, A Seaport Legacy, 824, 835, 844-45, 909-10, 919. See also Municipal Council Meeting, December 11, 1890, as reported in the Evening Telegram, December 12, 1890; Journal
of the Newfoundland House of Assembly, hereafter JHA, April 7, 1845; C.O. 194, vols. 62-4, 1819-21, Robert Keen to Bathurst, March 19, 1820, and enclosures; and Rogers, Newfoundland, 150-52.


15. Ibid. See also PANL, P4/1, Senator John G. Higgins Papers, which contain a number of nineteenth century land leases; GN2/2, incoming correspondence of the Colonial Secretary's office, Robert Parsons to Administrator Law, April 6, 1847, William Row to Colonial Secretary Crowdy, February 26, 1848; GN1/1/5, Despatches from the Governor to the Colonial Office, Memorial from St. John's absentee landlord agents to Governor Brien, June 23, 1890; Supreme Court Judgement, John Fox, administrator of Richard Wood, vs. William Lash and J.M. Haskell, published in the Express, August 8, 1854; Newfoundland, October 25, 1855; Ledger, May 6, 1834, public advertisement by Newman Hoyles stating that he had land belonging to Newman's estate available for lease; and Daily News, March 12, June 22, 29, August 24, 1912.

16. PANL, GN1/2/6, Governor's Office, Despatches from Colonial Office to Governor, Box 1890, Despatch no. 9, Knutsford to O'Brien, March 1, 1890, and enclosures; and Despatch no. 80, Ripon to O'Brien, December 10, 1892, and enclosure "Petition by Landowners in St. John's, Newfoundland, to the Most Honourable Her Majesty's Secretary of State for the Colonies against 'An Act relating to the Re-building of St. John's and its Municipal Affairs'."

17. Byran Robinson, lawyer and politician; MHA, Fortune Bay, 1842-1848; Supreme Court Judge, 1858-1877.


19. Charles Fox Bennett, born Bristol, England, 1793; Merchant and politician; MHA Placentia - St. Mary's, 1869-1878; Premier, 1870-1874; died December 5, 1883.

21. John Kent, born Waterford, Ireland, 1805; commission merchant and politician; MHA St. John's, 1832-1842, St. John's East, 1855-1869; colonial secretary, 1855-1858; premier and colonial secretary, 1858-1861; receiver general, 1865-1869; died September, 1872.


23. Ian MacDonald, comp., Chronological List of Newfoundland Papers (St. John's, n.d.), 1.


25. Many St. John's merchants and lawyers ran in outport districts using both clerical and mercantile influence to secure election. A list of the members of the House of Assembly for 1832-1855 is in Gunn, The Political History of Newfoundland, 1832-1864, 193-99.


27. Michael Anthony Fleming, born Carrick on Suir, Ireland, 1792; Clergyman; Bishop of Newfoundland, 1829-1850; died St. John's, July 14, 1850.


29. Matthews, "The Class of '32,'" 87-8; Prowse, History of Newfoundland, 435; Gunn, The Political History of Newfoundland, 1832-1864, 79, 221; and PANL, GN2/2, Michael McLean Little to Colonial Secretary Crowdy, April 5, 1842.


31. Carson's municipal bill was printed in the Ledger, March 25, 1834. See also Assembly Debates, April 2, 1834, in ibid., April 4, 1834.

32. See petition from some St. John's inhabitants printed in the
33. Gunn, The Political History of Newfoundland, 1832-1864; 20-1.

34. See for instance, Times, September 27, 1837; Ledger, July 25, 1839; JHA, August 20-23; 30, 1839, January 11, 1840; and Assembly Debates, January 21, 1846, in Newfoundland, January 22, 1846.

35. This general summary of politics in the period 1832 to 1855 follows from Gunn, The Political History of Newfoundland, 1832-1864, 14-40.


40. Gunn, The Political History of Newfoundland, 1832-1864, Appendix B, Table vii, 200; and British Parliamentary Papers, Colonies, General, vol. 8, 372-75, Darling to Labouchere, August 31, 1856. Darling wrote a thorough review of the political, social, and economic conditions in Newfoundland under the recently instituted responsible government system.


42. "Memoranda on the Judicature of Newfoundland and on other subjects connected with that Colony" by Governor Cochrane, printed in the Gazette, January 22, 1833; Rowe, The Development of Education in Newfoundland, 49-50; Lehey, "Religion and Politics in Newfoundland," 8-9; and Philip McCann, "The Newfoundland School Society, 1823-1836: Missionary Enterprise and Cultural Imperialism" (paper presented to the Newfoundland Historical Society, January, 1976), 4.
43. On Methodist schools in Newfoundland, see Parsons, "The Origin and Growth of Newfoundland Methodism, 1765-1855," 94-129.

44. Rowe, The Development of Education in Newfoundland, 33-6.

45. Rowe, The Development of Education in Newfoundland, 36-9. See also N.A. Veitch, "The Contribution of the Benevolent Irish Society to Education in Newfoundland from 1823 to 1875" (M.Ed. thesis, St. Francis Xavier University, 1965); and Benevolent Irish Society, Centenary Volume, 1806-1906 (Cork, 1906).


47. Patrick Morris as quoted in Lahey, "Religion and Politics in Newfoundland," 1-10.

48. Rowe, The Development of Education in Newfoundland, 63, 77-9; and British Parliamentary Papers, Colonies, Canada, vol. 19, 336, Bishop Fleming to Earl Grey, February 26, 1847.

49. Rowe, The Development of Education in Newfoundland, 63-4.

50. See for instance, the recent work by Hamilton, "Society and Schools in Newfoundland," 136.

51. See Board of Education Report for the District of St. John's printed in the Ledger, August 2, 1839.

52. Harris, "The First Nine Years of Representative Government in Newfoundland," 99.


54. Ibid., 136-37. See also Rowe, The Development of Education in Newfoundland, 64, 80-1; and Parsons, "The Origin and Growth of Newfoundland Methodism, 1765-1855," 105-12.

55. Rowe, The Development of Education in Newfoundland, 81-2.

56. Edward Feild, born Worcester, England, June 7, 1801; Clergyman; Bishop of Newfoundland, 1844-1876; died Hamilton, Bermuda, June 8, 1876.

57. This account of the efforts of Feild to seek control over education follows from Frederick Jones, Edward Feild, Bishop of Newfoundland, 1844-1876 (St. John's, 1976), 16-30, and "Religion, Education and Politics in Newfoundland, 1836-1875," Journal of the Canadian Church Historical Society, 64, 64-73.


60. E. M. Archibald, Digest of the Laws of Newfoundland (1847), 66.

61. Ibid. See also Statutes of Newfoundland, 1 Victoria, Cap. 4; "First Report of the Commissioners for adapting the Criminal Law of England to this Colony," JHA, 1843, Appendix, 444-51; PANL, GN2/2, Stipendiary Magistrates Biaikie and Carter to Colonial Secretary Crowdy, May 17, 1838; John Kent in Assembly Debates, January 7, 1833, in Gazette, January 15, 1833; and Assembly Debates, January 18, 1833, in ibid., January 29, 1833.

62. Gazette, March 1, 1842.

63. Times, March 16, 23, 1842; Stanley to Harvey, June 4, 1842, printed in the Gazette, July 12, 1842, and PANL, GN2/2, James Fergus to Colonial Secretary Crowdy, February 5, 1842.

64. James Biaikie, born Roxburghshire, Scotland, 1776, stipendiary magistrate, 1810-1838; died St. John's, June 1, 1838.

65. Peter Weston Carter, born 1786; stipendiary magistrate, 1818-1863; died St. John's, February 11, 1871.


67. PANL, GN2/2, Magistrates Simms and Doyle to Colonial Secretary Crowdy, July 1, 1844; and "Documents on the case of the Late High Constable Toor," JHA, 1857, Appendix, 476-77.

68. Prowse, History of Newfoundland, 381-86; O'Neill, A Seaport Legacy, 573-74; Fedley, History of Newfoundland, 280; and Arthur Fox, The Newfoundland Constabulary (St. John's, 1971), 21.


70. D'Alberti Transcripts, Correspondence with Governor's Office in Newfoundland, vol. 32, 1822, Hamilton to the Justices in Sessions, April 1, 1822.

71. Fox, The Newfoundland Constabulary, 22-8; and 5 George IV, Cap. 67 (Imperial).

72. D'Alberti Transcripts, Correspondence with Governor's Office in Newfoundland, vol. 34, 1825, E.B. Brenton to John Broon, November 28, 1825, and enclosure; and Report of Select Committee on the police force, JHA, February 10, 1835.

73. The assumption that there was a Roman Catholic in the constabulary by 1843 is based upon an 1843 list of constables, which contained one individual named O'Neill, generally a Roman Catholic surname. PANL, GN2/2, Magistrates Carter, Simms,
and Doyle to Colonial Secretary Crowdy, March 21, 1843, containing a petition from constables asking for a wage increase.


75. D'Alberti Transcripts, Correspondence with Governor's Office in Newfoundland, vol. 34, 1825, E.B. Brenton to John Broom, November 28, 1825, and enclosure; and PANL, GN2/2, James Findlay, High Constable, to the Stipendiary Magistrates, September 24, 1844.

76. PANL, GN2/2, Stipendiary Magistrates to Colonial Secretary Crowdy, June 30, 1835, and November 25, 1836; Thomas Morton to Joseph Templeman, Acting Colonial Secretary, July 27, 1841; and Stipendiary Magistrates to Templeman, October 21, 1841.

77. PANL, GN2/1, Colonial Secretary Crowdy to William Carson, January 8, 1834; GN2/2, Chief Justice Boulton to Governor Prescott, January 25, 1837, and Stipendiary Magistrates to Colonial Secretary Crowdy, May 21, 28, June 10, 1840. See also Fox, *The Newfoundland Constabulary*, 29-36.


79. Timothy Mitchell, born Barlihasloe, Ireland, 1809; died St. John's, September 18, 1871.


81. The 1845 police bill was printed in the *Gazette*, March 11, 1845. See also Byran Robinson in Assembly Debates, March 6, 1845, in *Ledger*, March 14, 1845.

82. Ibid. See also Assembly Debates, March 31, 1845, in *Times*, April 2, 1845; *Times*, March 12, 1845; and Fox, *The Newfoundland Constabulary*, 23.

83. *Gazette*, January 11, 1848.

84. PANL, GN2/2, Stipendiary Magistrates Carter, Bennett, and Doyle to Colonial Secretary Crowdy, March 9, 1850; *Newfoundlander*, November 4, 18, December 30, 1847, February 3, December 4, 1848; and petition from William Coyle, James Douglas, and others, asking for a continuation of the night watch, *JHA*, April 2, 1849.

85. *JHA*, January 17, 1849; and PANL, GN9/1, Minute of Executive Council, April 8, 1848.
86. PANL, GN2/1, Colonial Secretary John Kent to Walter Grieve, July 4, 1856; GN2/2, Stipendiary Magistrates Carter and Simms to Colonial Secretary Crowdy, January 27, 1851; JHA, February 22, 1850, May 15, 1851; Assembly Debates, March 21, 1850, in Ledger, March 26, 1850; Ledger, August 30, 1850; and Express, January 18, 1855.

87. PANL, GN2/1, Colonial Secretary John Kent to Walter Grieve, July 4, 1856.

88. See PANL, GN5/2/A/11, Grand Jury Presentments, 1848-73, especially the presentments for January 11, 1853 and December 1, 1854.

89. PANL, GN2/1, Colonial Secretary Crowdy to the Stipendiary Magistrates, December 6 and 14, 1853; and "Documents on the case of the Late High Constable Toor," 478.

90. Philip Little, born Prince Edward Island, 1824; lawyer and politician; MHA St. John's 1850-1855, St. John's West, 1855-1858; premier, 1855-1858; Chief Justice, 1858-1866; died Dublin, 1897.

91. "Documents on the case of the Late High Constable Toor," 474-91.

92. Ibid.

93. Ibid., 487-88. See also PANL, GN9/1, Minutes of Executive Council, May 25, July 7, 1856.

94. PANL, GN2/1, Colonial Secretary John Kent to Walter Grieve, July 4, 1856; and GN2/2, Grieve to Kent, July 7, 1856.

95. PANL, GN9/1, Minutes of Executive Council, May 25, July 7, 1856; and Fox, The Newfoundland Constabulary, 27.

96. PANL, GN2/2, Walter Grieve to Colonial Secretary John Kent, July 7, 1856.

97. Prowse, History of Newfoundland, 287.

98. "First Report of the Commissioners for adapting the Criminal Law of England," 444-51; "Evidence before the Select Committee of the House of Assembly appointed to inquire into the expediency of establishing a Penitentiary in St. John's," JHA, 1851, Appendix, 176-77; PANL, GN2/2, Chief Justice Boulton to Governor Prescott, November 5, 1834, and High Sheriff Garrett to Colonial Secretary Crowdy, April 11, 1846; and Blue Book, 1845, 194-97.

99. PANL, GN2/2, High Sheriff Garrett to Colonial Secretary Crowdy, May 19, 1846, and Garrett to Edward Rushworth, July 5, 1849, including a copy of a letter from Grey to Law, December 4, 1846, noting that the office of High Sheriff in Newfoundland should be more ceremonial. See also Thomas Talbot, Newfoundland; or a
Letter addressed to a Friend in relation to the condition and circumstances of the Island of Newfoundland, with an especial view to Emigration (London, 1882), 57-8.

100. Gunn, The Political History of Newfoundland, 1832-1864, 11, 46, ¶1; 1847 Sheriff Act printed in Archibald, Digest of the Laws of Newfoundland, 115-19; 1840 Sheriff Act printed in Gazette, May 5, 1840; PAML, GN2/2, Supreme Court Justices to Governor Cochrane, April 30, 1827, High Sheriff Garrett to Colonial Secretary Crowdy, February 6, 1835, February 10, 1838, July 7, 1842; and Gazette, January 3, 1837, January 8, 1839, January 4, 1842.

101. Richard Perchard, born 1770; keeper of the St. John's gaol, 1821-46; died St. John's, January 19, 1846.

102. PAML, GN2/2, High Sheriff Garrett to Colonial Secretary Crowdy, January 20, 1846.


104. James Fergus, Born Glasgow, Scotland, 1776; Merchant and civil servant; keeper of the St. John's gaol, 1846-1849; died St. John's, July 4, 1849.

105. PAML, GN2/2, James Fergus to Colonial Secretary Crowdy, February 5, 1842, High Sheriff Garrett to Crowdy, September 22, 1846, and John Toor to Crowdy, July 5, 1849; Gazette, July 10, 1849; and Fizzard, "The Amalgamated Assembly of Newfoundland, 1841-1847," 128-29.

106. 1845 Supply Act printed in the Gazette, May 27, 1845; John Kent in Assembly Debates, February 6, 1846, in Newfoundlander, February 9, 1846; and "Evidence before the Select Committee of the House of Assembly appointed to inquire into the expediency of establishing a Penitentiary in St. John's," 177.


109. Ibid. See also Blue Book, 1845, 194-97; "Report of C.J. Boulton to the Governor on Prison Discipline" in In the Privy Council: In the Matter of the complaint of the House of Assembly of Newfoundland against Chief Justice Boulton, 1838, 21-22; PAML, GN2/2, High Sheriff Garrett to Colonial Secretary Crowdy, April 11, 1846, March 26, 1847.
110. "Evidence before the Select Committee of the House of Assembly appointed to inquire into the expediency of establishing a Penitentiary in St. John's," 176-83. A description of living conditions in the gaol can be found in the Grand Jury Presentments from 1848 to 1860. See PANL, GN5/2/A/11, 1848-73.

111. PANL, GN2/2, Stipendiary Magistrates to Colonial Secretary Crowdy, July 28, 1846.

112. "Evidence before the Select Committee of the House of Assembly appointed to inquire into the expediency of establishing a Penitentiary in St. John's," 176-77, 182-83.

113. Report on the Select Committee of the Assembly on the erection of a penitentiary, JHA, April 4, 1851; and Statutes of Newfoundland, 14 Victoria, Cap. 8. The Commissioners were Benjamin G. Garrett, James J. Grieve, High W. Hoyle, Laurence O'Brien, and Dr. Joseph Shea. Gazette, July 1, 1851.

114. "Evidence before the Select Committee of the House of Assembly appointed to inquire into the expediency of establishing a Penitentiary in St. John's," 177.

115. "Report of the Commissioners of the Penitentiary," 350-56; and "Evidence taken by the Select Committee appointed to inquire into the St. John's Penitentiary," JHA, 1853; Appendix, 262-69.

116. Patriot, September 15, 1859; W.J.S. Donnelly, The Public Debt of Newfoundland, 1834-1900 (St. John's, 1900), 8-14; and Blue Book, 1860, 240-47.

117. "Report of the Board of Works for 1855," JHA, 1856, Appendix 226; "The Following Rules and Regulations have been framed and adopted by the Honourable the Board of Works for the improvement of the Discipline to be observed in Her Majesty's Gaols in this Island," JHA, 1862; Appendix, 413-20; and PANL, GN9/1, Minutes of Executive Council, April 11, 21, May 9, June 7, 1856. The new High Sheriff was John V. Nugent.

118. The 1855 Board of Works Act was printed in the Gazette, August 14, 1855; and "Report of the Board of Works for 1855," 226-29.

119. Legislative Council Debates, August 2, 1855, in Express August 22, 1855; and Assembly Debates, July 13, 1855, in Newfoundland, July 30, 1855.

120. Statutes of Newfoundland, 14 Victoria, Cap. 8.

121. Legislative Council Debates, August 2, 1855, in Express, August 22, 1855; and Assembly Debates, July 13, 1855, in Newfoundland, July 30, 1855.

123. O'Neill, A Seaport Legacy, 732-42; and Newfoundland, September 10, 1855.
CHAPTER III

Social Services, 1832-1855

The differences, already noted, which characterized the development of local government in St. John's, can also be seen in the evolution of social and medical services in the town. In the absence of property assessment, the citizens of St. John's had two alternatives for securing the funds necessary to maintain vital social services. They could get the funds from the colonial government; or they could raise them by subscription. Voluntary subscription had a long history in St. John's. Until the leasing of the ships' rooms in 1811, the Imperial Government had allotted no funds for poor relief and residents were forced to rely for such payments on the two charities already mentioned - the Society for Improving the Condition of the Poor, formed in 1804, and the Benevolent Irish Society, formed in 1806, both through the initiative of the merchant, James McBraire. Public response to the fund raising efforts of these charities was clearly favourable; in 1807, for instance,
they raised and spent over £800, the money being used for the relief of the sick, widows and orphans, and for sending seamen and emigrants stranded in St. John's back to their homes. Nevertheless, after 1811 successive governors found themselves having to draw increasingly larger sums from the public funds for relief. The distress occasioned by the 1815 depression in the island's fisheries and the fires of the 1816-1819 period all contributed to this situation. The magistrates, Governor Hamilton noted in 1819, had to give relief or the people would "starve or die in the streets without food or medical aid." In the early 1820s the public grants generally equalled the amounts the residents of St. John's were able to raise themselves, as a rule the whole being dispensed through the local charities. The demand for relief came not only from the poor of St. John's, but also from large numbers of destitute Irish immigrants still arriving and from the outport fishermen who flocked to St. John's when the fisheries were bad.

Soon after his arrival in the colony in 1825, Governor Cochrane tried to find a way to reduce the cost of poor relief. But he was unable to change the existing system of outdoor relief, whereby assistance was given either in cash or in kind. Cochrane considered and rejected the idea of establishing workhouses where the needy could be employed. The approach was evidently too expensive, the number of able-bodied poor being too small to justify the cost. What Cochrane finally decided was to put as
many as possible of those in need of assistance as possible to work on road building in and around St. John's each autumn, a plan that would be followed by successive colonial governments throughout the century. Cochrane also initiated changes with regard to the care of the sick paupers and lunatics who were housed in the St. John's public hospital and provided for by public and private assistance.

The Newfoundland Hospital had been completed and opened in May, 1814, for the reception of sick and injured fishermen and the poor of the colony. The prime mover behind its establishment was Dr. William Carson, who had begun agitating for such an institution soon after settling in St. John's in 1808. The St. John's facility was formed along the lines of the British voluntary hospital system, which depended on public subscriptions. In St. John's these subscriptions provided approximately half of the hospital's total construction cost of just over £2,000. The other half had come from assessments and general revenue. The main assessment consisted of a penny in the pound contribution from the wages of all fishermen and servants working in Newfoundland. A second impost required every seaman entering the port of St. John's to pay a shilling for the hospital's upkeep. Governor Duckworth had donated £100 towards construction and had granted a piece of Crown land in the western section of the harbour, just outside the town, for the hospital site. Management of the hospital lay in the hands of the Grand
Jury, which appointed a committee to control the institution's financial affairs and admission policy.

By the early 1820s this system had broken down in part because fishermen and servants were refusing to continue their payments, having discovered that the governor had no legal authority to enforce them. Subscriptions had also fallen off, no doubt because of the economic consequences of the 1818-1819 fires. Moreover, in 1817 Governor Pickmore had removed all the government-supported paupers from the Hospital on the grounds that they could be maintained more economically in private lodging houses. Pickmore was obviously determined to reduce the cost of poor relief, but his intense dislike for Carson, a strong opponent of the existing form of colonial government, undoubtedly influenced his action in relation to the Hospital, for it deprived Carson of part of his income. Pickmore's successor, Governor Hamilton, evidently continued the same policies. The result was that by January, 1820, the Hospital had only four patients, all being paid for by the Governor. In these circumstances Hamilton decided to close the Hospital if the community could not raise the revenue to keep it going. This step was within his power because, under the land grant Duckworth had given, the building became the property of the Imperial Government if not used for its originally agreed purpose. Faced with this disastrous possibility, the Hospital Committee made a con-
certed effort to collect subscriptions and assessments. Hamilton welcomed this initiative and approved the appointment of William Warner, a naval surgeon and recent immigrant, as visiting surgeon to the Hospital. Yet the Governor soon found himself being forced to admit more and more patients at the expense of the general colonial revenue. Given the "strong opposition" of the English absentee landlords to any measure of direct taxation on property in St. John's, Hamilton realized that this situation would persist. By the end of 1825, the Hospital was again full, with 129 of a total of 153 patients being maintained at public expense. The Hospital had thus become a refuge for the sick and aged poor, lunatics, and fishermen with no means of support and with no family to care for them.

For those who could afford medical attendance, there were by 1830 seven general practitioners available. Five of these were graduates of Edinburgh University, the most advanced of Britain's medical schools; two were surgeons of the Royal Navy. Because of the small size of the local population and its general poverty, the mode of fee payment to these practitioners differed from that in common use in Britain, where doctors received a payment for each visit. In St. John's "every person from the highest to the lowest engages a Doctor for the year," Dr. Carson wrote in an 1830 enquiry for the Edinburgh Royal College of Physicians, "promising to pay a specific sum annually
according to his circumstances and rank in his life." The St. John's general practitioners never sent their patients to the hospital, but rather to private lodgings in the town. St. John's residents also enjoyed the services of midwives and the sometimes dubious benefits of folk remedies brought to Newfoundland by their ancestors. Inherited family remedies were, of course, complemented by the various commercial medicaments carried by local apothecaries.

In late 1825, when the Hospital Committee failed to draft an acceptable plan to lessen the colonial government's responsibility for the hospital's maintenance, Governor Cochrane refused to admit any more patients himself. Moreover, he again removed all public-supported patients from the hospital and placed them in boarding houses, where they could be maintained at lower cost. The patients living in St. John's boarding houses were now to be looked after by the Surgeon of the Hospital, who also had the title of the District Surgeon. The new responsibilities of the District Surgeon were analogous to those of the medical officers employed by some English parishes to attend to their sick. In the event, Cochrane's changes proved transitory and before long the hospital was again housing at public expense both lunatics and sick paupers, especially those with typhus or those in need of surgery.

In 1836 the mercantile community, whose Conservative supporters had a majority in the House of Assembly, set out to reorganize the administration of the hospital
and to provide the institution with more funds. This was to be achieved by a general act establishing fishermen's hospitals in all the electoral districts of the island. In practice only St. John's would benefit from this legislation, since other centers lacked buildings necessary to take advantage of the Act's provisions.

Management of the Newfoundland Hospital now passed from the committee of the Grand Jury to a board of 15 directors, who were to be elected by a quadrennial vote among the owners and masters of vessels registered at the port of St. John's. In effect, this gave control to major Water Street merchants, who owned most of the registered vessels.

The new directors chose from among their number a president and a vice-president, who were to submit an annual financial statement for the Hospital to the legislature. Finally, the directors and their successors were to hold the existing hospital and the land on which it was situated in trust. For their part, the Hospital Directors agreed to accept all pauper patients and lunatics the governor might wish admitted and to maintain them at the same rate as that applied to sick and injured fishermen. This method of financing of the Hospital was obviously a variant of the original support system. Those to be assessed included all fishermen, members of sealing ships, and all seamen of registered Newfoundland vessels engaged in either the local coastal trade and fisheries or the colony's foreign trade. This new act provided penalties for those refusing to pay the assessments.
This latter change evoked strong criticism from Carson and his Liberal supporters, who claimed that all residents of St. John's should be taxed, and not just fishermen and seamen. The Liberals apparently wanted the Hospital to be funded out of the general revenue and to be opened to all residents of the community. They also wanted the Hospital administered by a more broadly based elected body. On gaining a majority in the Assembly in 1837 they soon attempted to alter the mode of attendance to the poor — both through increasing the number of district surgeons for St. John's from one to four, and by giving the Assembly itself, rather than the governor, the right of selecting the commissioners for relieving the poor in the district. The politics of the controversy which followed can best be understood through a brief examination of the relationship of the two medical practitioners — William Carson and Edward Kielley — who were at its center.

By the early 1830s, thanks no doubt to his political popularity, Carson had, in partnership with his son Samuel, the largest medical practice in St. John's. He had been twice the recipient of public medical patronage but had lost both benefits over political differences. In 1808 he had received an appointment as Surgeon to the St. John's Volunteer Corps; but four years later Governor Duckworth had dismissed him. In 1827, in an effort to secure his political support, Governor Cochrane had appointed him to be District Surgeon and the following year he had become
the governor's personal physician but both positions soon passed to more pliable government supporters. His replacement in 1834 as District Surgeon was Edward Kielley, a former Surgeon of the Royal Navy for whom he had developed a strong dislike. A Roman Catholic, Kielley had been born in St. John's about 1790 and had apprenticed as a surgeon to David Coughlan, an army man. After a period in the Royal Navy, he returned to his native town in 1818 and opened a general practice. He was later given the office of Surgeon to the gaol. In 1828 he resigned his commission in the Navy, with an understanding from Governor Cochrane that, should a vacancy occur in the office of District Surgeon, he would be appointed to the position. That promise Cochrane happily kept, much to Carson's discomfort. In 1837, Kielley's monopoly of the available medical patronage was made complete when the newly elected Hospital Directors gave him exclusive responsibility on all assessment-paying patients they admitted.

The animosity between Carson and Kielley obviously owed a great deal to temperamental and political differences. But this hostility can be fully understood only by reference to the relative status of each with the structure of the early nineteenth century medical profession. The university educated physician stood at the top of this profession, and enjoyed the most prestigious governmental and hospital appointments. The physician generally dictated the work to be done by his professional subordinates, the
surgeon and the apothecary. He prescribed the medicines to be compounded and dispensed by the apothecary, and superintended the activities of the surgeon in order to ensure the welfare of the patient. Most likely, if he was a graduate of Edinburgh University, his education included an extensive knowledge of medicine, surgery, midwifery, and the natural sciences. By contrast, the surgeon learned his trade through apprenticeship and his responsibility was limited to the operation itself. Before the introduction of anaesthesia in 1846, the best and most skilful surgeon was the one who could work quickly so as to diminish the impact of shock on the patient. The professional divisions were clearly defined but in practice British physicians, surgeons, and apothecaries frequently transgressed each other's domain. This was also the case in St. John's. Shut out from medical patronage, despite having the "most liberal education" and the "highest professional honours", Carson disliked Kielley on several grounds; he lacked sufficient education and was an incompetent practitioner and a poor administrator of the Hospital.

Not surprisingly, in 1837 the Liberal Assembly attempted to remove Kielley from the office of District Surgeon. The vehicle by which it sought to do this was the supply bill introduced by Carson. The medical improvement this bill purported to give St. John's was the dispensary system used in England. Under this system outpatients would be treated daily at the Hospital and given
free medicines. The new patients, in addition to the publicly supported patients in the Hospital, would be looked after by four District Surgeons, rather than the existing one. Kielley would not be one of the chosen four thanks to a provision in the bill preventing the gaol surgeon from being simultaneously a District Surgeon.

In time, the Conservative Legislative Council rejected this bill, on the grounds that it was not designed to improve public health, but rather to reward the friends of the Liberals and punish their enemies. The result was that Governor Sir Henry Prescott (1834-1841) had to issue warrants on the colonial treasury to pay for the maintenance of pauper patients and lunatics in the Hospital and for poor relief in general.

In 1838, spurred on by their success in having Chief Justice Henry John Boulton removed for abusing his powers, the Liberals boldly reintroduced their supply bill, this time with an even more contentious provision: the right of the Assembly to name the commissioners for relieving the poor, instead of the stipendiary magistrates acting on behalf of the Executive. This time Governor Prescott and the Legislative Council reluctantly agreed to the Assembly's demand, accepting an allocation of £750 for poor relief in the District of St. John's, which was to be expended by a nine-man commission whose members were named in the Act. The Commission included four clergymen representing the major denominations, two
Executive Councillors, two Liberal MHAs, and one citizen at large. Four of the group were Roman Catholics. This was obviously not the overwhelming Catholic seizure of public office that the Conservatives and the business community feared, but rather a percentage of the whole that reflected the Roman Catholic share of the total population. On the medical side the 1838 Act allowed for the appointment of four District Surgeons, the surgeon to the gaol again being excluded from the office. These District Surgeons were to be paid out of the poor relief grant, which was also to cover the dispensing of free medicine to the sick poor.

During the course of the debate on the proposed change in the office of District Surgeon, an event took place outside the legislature which would make Kielley a Conservative hero and have serious political consequences for the next several years. When John Kent, one of the St. John’s Liberal members, made uncomplimentary remarks in the Assembly about Kielley’s treatment of Hospital patients, the latter assaulted him in the streets. Instead of having Kielley brought before the magistrates, Kent had him summoned before the Assembly by a warrant issued by the Speaker — Kielley’s nemesis, William Carson. When Kielley refused to make an apology to Kent, Carson had him first paraded through the streets, much to the delight of a cheering mob, and then temporarily confined in the local gaol. Late in 1838 the Newfoundland—Supreme
Court ruled that the Assembly had the right to try Kielley; but when Kielley appealed this ruling to the Lords of the Privy Council the decision of the Newfoundland court was reversed in 1843. The political importance of the Carson-Kielley Affair lay in its aggravating effect on the mercantile community, whose opposition to the system of government established in 1832 with its broad franchise was intensified. This system, the merchants now decided, would have to be either repealed or amended. 39

Given this partisanship, it is not surprising that in February, 1839, the new arrangement of medical attendance was again changed, having operated for only three months. 40 The four District Surgeons had been able to provide increased service to the poor of the District, but within the Hospital itself their work had been greatly hindered. Neither the Hospital Directors nor Kielley, the Hospital's house surgeon, would cooperate with them. The District Surgeons had often found themselves with little room for their patients and had been unable to exercise any influence over the apothecary and his assistant, who took care of all the Hospital's patients. Again, they had been unable to set up an out-patients clinic and had frequently been refused access to the Hospital's surgical instruments and operating room. The Hospital situation was further confused by the fact that the Poor Relief Commissioners had placed more patients in the Hospital than they could maintain out of their 1838 legislative
vote. To end the acrimony Governor Prescott now accepted a plan put forward by Robert Job, who served both as President of the Board of Directors and as a Poor Relief Commissioner. Under this arrangement the government patients currently in the Hospital would be allowed to remain there in return for future reimbursement from the colonial treasury, however, the system of medical attendance in the institution would be changed so as to exclude the four District Surgeons. These practitioners continued their service to the poor outside the institution until July 1, 1839, when the legislative vote supporting them ran out. After that date one of their number, John Rochfort, was retained in his office on a governor's warrant, but in 1842, when this position was made permanent, it was given to Dr. Samuel Carson. Carson's appointment was a political ploy obviously designed to appease his septuagenarian father; it disgusted Rochfort, who felt he had a stronger claim on the job through his larger service in the colony. The Hospital, then, remained the preserve of Surgeon Kielley and was rarely visited during the 1840s by other practitioners.

The related matter of poor relief administration was disputed over by the Assembly and Legislative Council until the two bodies were united in the 1842 'amalgamated' House. By this time the utility of having clergymen rather than the magistrates or party men as relief commissioners was manifest. Harvey continued this practice, attempting
thereby to raise the administration of assistance to
the poor above politics and to prevent any "possible
imputations of partiality or prejudice." Clergymen had
the added advantage, of course, of being willing to sit
without remuneration. Neither Harvey nor his new comm-
issioners altered the existing system of outdoor relief,
whereby an annual legislative grant for the poor supple-
mented the assistance offered by the town's several
religious and social charities. Moreover, the recipients
continued to be divided into two categories: permanent
and casual. The former - the aged, infirm, and blind,
together with the lunatics, widows, and orphans - received
a living allowance of 4d to 6d per person per day. This
allowance was paid either directly to the recipient or to
a third party on the recipient's behalf. The casual poor
received provisions, and sometimes, clothing. If sickness
was given as the cause of relief, the applicants might
be examined by the District Surgeon; in other cases a
specially appointed Inspector, John Freeman, visited
applicants to check out their alleged destitution. 46

Whatever efficiency and effectiveness there was in this
system was lost following the great fire of June, 1846.
The distress occasioned by this disaster was compounded
by a gale in September which destroyed much property in
St. John's and the outports. The years 1846 and 1847 also
witnessed a severe potato blight, which brought many
outport residents to a state of near starvation and pauper-
ism. The result was an unprecedented demand for poor relief
on an already hard pressed colonial treasury. In St. John's
district relief expenditures rose from £1,750 in 1844
to £4,900, with £2,000 of the latter sum being used
to pay for a special road and street program in St. John's
by Governor Le Marchant to employ the able-bodied poor. 48
This program, which employed over 1,000 men, had been
forced on the government by the growing refusal of the
St. John's merchants to advance the customary winter
supplies to the outports. Once the events of 1846-1847
it seems, had put the government in the relief business
on a large scale, there was no backing out. The problem
was that the existing administrative structure was not
designed to accommodate the large number of able-bodied
poor clamouring for help. The situation facing the
government was made even worse by the many outport families
who came to St. John's each autumn looking for public relief,
a practice that had existed only on a small scale before
the fire. 49 Not surprisingly Le Marchant concluded that
the growing cost of poor relief should be borne by a poor-rate.

When the legislature met for the first time in December,
1848, under the restored 1832 constitution, Le Marchant approached
the Liberal majority in the Assembly to adopt such a
measure. 50 The Liberal response—the party had been led
by John Kent since Carson's death in 1843—was under-
standably cautious. In the first instance, what Le Marchant
got for his efforts was the appointment of a select com-
ittee to examine the existing relief system. This committee was chaired by a Conservative member, Hugh W. Hoyles, a St. John's lawyer who represented Fortune Bay. Its main recommendation was that a poor asylum and work-house, similar to the one in Halifax, be opened in St. John's. By adopting a system of indoor relief, Hoyles and his associates hoped to save money and end certain fraudulent practices encouraged by the existing system. The outport residents, who sought relief in St. John's, were particularly suspect; the Poor Relief Commissioners could know neither the exact circumstances of these people nor whether they had been denied relief in their own home districts. Under Hoyles' plan, the proposed poor asylum and work-house would itself be a "test of destitution", admission to it being the qualification for relief. The asylum section of the building would house the permanent poor and the work-house the casual poor. As for the financing of the facility, Hoyles' committee recommended that this be done out of the annual legislative relief vote. 52

Led by Ambrose Shea, an aspiring young Roman Catholic merchant, who had represented Placentia-St. Mary's in the House of Assembly, the Liberals rejected this plan. The Liberal argument was that the existing high expenditure on relief was the result of "peculiar circumstances", which would soon disappear and which should not be allowed to dictate any radical change in the relief system. Once
prosperity returned, Shea asserted, the people would make fewer demands on the treasury and the government's revenue could then be directed more fully to the purposes of education and natural resource development.²⁴ Faced with this attitude on the part of the majority in the Assembly, Governor Le Marchant turned to other means to reduce the expenditure on relief in St. John's district. If such a reduction was not effected, the Governor believed, the "whole credit of the colony must be annihilated."²⁵ In May, 1849, a Committee of the Executive Council was appointed to examine the relief problem. Its report, issued 12 days later, recommended the abolition of the casual paupers' list. In the Committee's view the only relief henceforth to be given gratuitously should go to those who were clearly unable to earn their own subsistence - the incapacitated, the sick and the infirm; and even they should be denied if they had relatives or friends capable of supporting them. All other relief payment would have to be in return for some form of labour, the most popular being employment on roads.²⁶

The adoption of this plan put the administration of poor relief on a more centralized footing; but it also represented a return to the system of the 1830s in that the stipendiary magistrates were again called upon to act as commissioners. They were asked to do so because the Committee of the Executive Council, which drafted the new scheme, felt that the relief work was too "painful and invidious" for clergymen to carry out.²⁷ Altogether the
new Poor Law Commission was to consist of the magistrates and two members of the Executive Council; it was to be assisted in its work both by Inspector Freeman and by a salaried clerk who was to look after its proceedings and accounts. District Surgeon Samuel Carson also was given an expanded role under this new arrangement. Besides having to certify all applicants for the permanent pauper list, Carson was to check regularly all patients in the Hospital and to recommend for discharge those whom he considered well enough to leave. If his recommendations were not followed, the patients in question would become charges on the Hospital Directors rather than the government.58

In the short run Le Marchant had considerable success with these regulations,59 but in the long run relief and road grant expenditures continued to rise in keeping with the outlook of the Liberal majority in the Assembly.60 In 1853 the Executive Council took steps to curb the continuing flow of outport relief applicants to St. John's when it extended the 1849 regulations to the rest of the island. The outport poor relief commissioners, usually the local magistrates, were not required to report periodically to the Chairman of the St. John's Board, Senior Stipendiary Magistrate Carter, on the state of the poor in their areas. Moreover, the St. John's Commissioners were ordered to deny assistance to any outport applicant who did not have a certificate from the magistrate nearest his home stating that such relief was absolutely necessary. To help administer these
changes, the clerk of the St. John's Board became a commissioner in his own right on the understanding that he would work full time examining relief applications.61

Liberal criticism of the poor relief system in this period was expressed most vocally by Philip Little, a lawyer and recent immigrant from Prince Edward Island, who would be the first prime minister under responsible government, and by the Irish-born John Thomas Mullock,62 who became Roman Catholic Bishop of St. John's in 1850. The Liberals were especially bitter about the government's refusal to assist the able-bodied poor many of whom, they claimed, were greatly destitute. Little asserted that in one instance a man had died having been denied such assistance.63 In another incident, a cooper named Long, inflicted gunshot wounds on Stipendiary Magistrate Carter when the latter refused his relief application.64 Little was also highly critical of the living conditions of the permanent poor, especially those who had been withdrawn from the Hospital in 1849. These patients were subsequently housed in boarding houses, which Little described as "mock hospitals." In one tenement he found six persons being cared for at public expense by a woman who, only a few years before, had been admitted to the Hospital as a lunatic. In an 1851 letter to the Liberal Patriot, Little wrote indignantly of another boarding house run by a Mrs. Prowse who was herself in "indigent circumstances" and had "a crippled and half-blind husband." Little was further appalled by the condition of the so
called "Camps" which housed most of the permanent poor. The Camps were long lines of dilapidated wooden sheds, which had been put up after the 1846 fire as temporary shelter for the homeless. They were located at Fort Townsend, near where the Roman Catholic Cathedral was under construction. The Camps were an extension of the boarding house system, except that the residents, who rose in number in winter, were looked after by a public official and visited by the District Surgeon. In these hovels the often old and enfeebled poor slept in crowded rooms on beds made of hay and wood shavings, had little heat in the winter, and ate food consisting of oat and corn meal and molasses. 65.

Some of those in the Camps were aged destitute fishermen who in their prime had paid their assessments to the Hospital, an institution now closed to them by the 1849 poor relief regulations. The irony was that the Hospital, with few government patients, was now practically empty. 66. Previous to the 1849 change, the Hospital held a daily average of 40 to 50 government patients; thereafter the average was four to eight. This change resulted in less revenue for the Hospital, which in 1851 had an accumulated deficit of about £439. In 1846 the Hospital Directors had received £707 from the government; a year later, following the great fire, the figure had risen to £1,340; but by 1850 it had dwindled to only £127. 67.

The Hospital Directors were also handicapped by the absence of any provision in the 1836 Hospital Act which
allowed them to replace the president or vice-president in the event of a resignation between quadrennial elections. After the 1846 elections to the Board both senior officials had left the colony, leaving the affairs of the Hospital in chaos. In these circumstances it is not surprising that many fishermen refused to pay their assessment to the Board. When a new Board was elected in 1850, it petitioned the legislature to liquidate the Hospital's debt and to effect certain amendments to the Hospital Act. Specifically, the Board asked for improvements in the method by which assessments were collected and for the construction of a general seamen's hospital, to be attached to the existing facility. This annex would serve all seamen visiting St. John's, irrespective of the registry of their vessels. A tonnage duty on vessels not registered in Newfoundland would, the Directors claimed, cover the operating cost of the new hospital. The Directors also raised the possibility of making the old and new buildings a general institution for the whole island; if the legislature chose this course, they argued, the colonial government should pay for one-half the Hospital's operating costs, since it was likely to authorize the admission of more than half the patients.

This initiative afforded the Liberals an opportunity to examine thoroughly the operations of the Hospital since 1836. The conclusion reached by a legislative select committee, chaired by Philip Little, was in favour of the establishment of a general public hospital for
Newfoundland. Funds for the expanded institution were to come both from the general revenue and from the proposed tonnage duty. Under the existing financial arrangement, Little noted, it was impossible for the Hospital Directors to avoid deficits; nor could they meet the critical needs of the community. The Liberals now also proposed a reorganization, reminiscent of the changes made in 1838, of the system of medical attendance to the poor. Their plan called for the appointment of several district surgeons, all of whom would be allowed to practice in the new Hospital. This scheme failed, however, when the Assembly was unable to reach an agreement with the Directors about the management of the proposed new hospital. The Directors were willing to accept only three government nominees on the Board and on this point got their way. In the end the constitution of the Hospital remained essentially as before, though the finances of the institution were placed on a much more secure footing. The legislature wiped out the deficit the Directors had incurred and agreed to an annual grant of £100 in lieu of the assessment the Board had been so unsuccessful in collecting from individual fishermen. On the other hand, the Directors did not lose their right to impose other charges. Rather than limiting the government's financial obligation to the Hospital, these changes really cleared the way for further public expenditures. In 1852 the legislature voted £400 to pay for physical repairs to the Hospital; in 1855 the Hospital cost the
colonial treasury $1200. That the government thus paid for the Hospital but did not control its management was a source of great annoyance to Little. Accordingly, when he became prime minister in 1855 he set about putting the governance of the Hospital on a more responsible basis. He did this by dissolving the Board of Directors elected the previous year and putting the Hospital under the control of the Board of Works. The Little Government also abolished all remaining hospital assessments on sealers and seamen. Little at last had obtained the public hospital he had for so long wanted for the colony; but one legacy from the pre-1855 period remained—the existing medical attendance to the poor outside the Hospital. To deal with this problem the government increased the number of district surgeons to four, two each for the Districts of St. John's East and West. The purpose of this arrangement was to compensate medical practitioners for loss of income in the event that some among their patients were forced to seek public medical assistance in times of distress. As for medical attendance within the Hospital, two senior practitioners, who just happened to be long-time Liberal supporters, were appointed as visiting surgeons.

The Liberals also effected reforms in the distribution of poor relief on assuming power under the new system of responsible government. Specifically, they gave a Committee of the Executive Council, which was to work with the Board of Works, control of the processing of all relief appli-
cations in the colony. This change left the government open to charges of favouritism, but it also accorded with the economic realities of Newfoundland life. Until the economy could be diversified, the colonial government would obviously have to use the general revenue to assist residents in times of distress. Just how this could be done, was a hotly contested political issue in St. John's after 1855.

Beyond the intertwined relief and hospital problems of Newfoundland and St. John's in the era of representative government lay another matter of growing public medical concern: the prevention of disease. After the creation of the office of District Surgeon, medicines were commonly provided free of charge to needy persons with communicable diseases such as measles, typhus, diarrhoea, consumption and smallpox. When a disease reached epidemic proportions, the usual procedure was for the government to have the streets cleaned and the houses of the poor limed. This was in keeping with contemporary British practice. This stress on sanitary measures reflected the commonly held view of the origin of disease. Disease, most people believed in the early nineteenth century, was caused by the decay of vegetables and animal matter through the action of heat and moisture. This miasmatic theory contrasted with the contagion theory, whose adherents argued that disease was passed on by physical contact with an infected person or by physical contact with some article an infected person had touched. The advocates of public cleanliness could, of course, find support in
either of these views; yet it was one thing to see the advantage of good sanitation and quite another thing to achieve it—especially in a rough and ready town like St. John's. When nuisance regulations were promulgated for the town, they were frequently ignored by residents. Sanitation was taken more seriously, however, when disease threatened to spread to St. John's from some foreign port. When this threat arose, the practice of successive governments, beginning in 1832, was to appoint an ad hoc 'board of health' to deal with it. The disease that stirred the greatest fear in St. John's—and evoked the most systematic administrative response—was cholera.

Word that cholera had appeared in Great Britain in 1831 quickly spread to Newfoundland; but the colonial government did not act until the following year, when the alarming news was heard in St. John's that the disease had crossed the Atlantic to Quebec. On July 2 the High Sheriff convened a public meeting to discuss what measures the government should adopt. Resolutions were unanimously passed at this meeting calling for the appointment of a Board of Health to advise the government on what measures to take; at the same time a 40 member committee drawn from the business community was formed to inspect and clean the town under the Board's guidance and to raise money by a public subscription to supplement whatever funds the colonial government allocated to fight the disease. The meeting also called for the outfitting of some public building for use as a cholera hospital.
Since Governor Cochrane was temporarily absent from the colony, the Administrator of Newfoundland, Chief Justice Richard Alexander Tucker\(^7\)\(^9\) (1822-1833), answered this appeal, selecting a Board of Health from among the town's chief professions. All local medical practitioners, clergymen, and lawyers were named to this body, which also included the Attorney General, the High Sheriff, and the Stipendiary Magistrates. Tucker had acted with dispatch; but he quickly found his hands tied with regard both to the expenditure of public funds for cholera prevention and the enforcement of quarantine regulations. In the case of the former, the colony had just been granted representative government, but was still dependent upon the Imperial Government for revenue, a colonial legislature not yet having been elected. In these circumstances Tucker had to exert the "most rigid economy in every arrangement" since the funds were small. He was, for example, able to put only about a dozen at the disposal of the committee that had undertaken to clean the town. On the other hand the government undertook to establish a cholera hospital.

With regard to the promulgation of quarantine regulations, Tucker was unable to apply to Newfoundland the existing Imperial legislation on the subject. The problem here, of course, was an old one, in Newfoundland: the legal uncertainty about which English Criminal Laws could be enforced in the colony. Tucker and the Board of Health he appointed framed quarantine regulations but
these did not have the full backing of law known elsewhere. In adopting such regulations Tucker was simply following the lead of the other colonies and of the Imperial Government itself which, in June, 1831, had reluctantly quarantined its ports on the recommendation of the Royal College of Physicians. The reluctance shown in London was due to the great disruption in Imperial shipping that would naturally follow such a ban. Disruption of shipping was also a problem for St. John's; but the losses due to quarantine had to be balanced against the catastrophic decline in trade a reputation for cholera would bring. Fortunately, for the Water Street merchants, they had in Tucker a public official who was determined both to keep the cost of quarantine down and to ensure that the new regulations would not unduly disrupt commerce.

Central to the quarantine regulations was the establishment of an inspection station at the Narrows, the entrance to St. John's harbour. An incoming ship had to anchor here until the Board of Health gave its captain written permission to enter. While his ship was at anchor, the captain was queried by a specially appointed health officer or his assistant from a list of questions compiled by the Board. In short, the Board wanted to know the ship's last port of departure and whether cholera was prevalent there, the passage time to reach St. John's, and the general state of health of all crew members and passengers. Each morning one of the two health officers
reported to the Board of Health on all vessels arriving the previous day. In general, if a ship had been 14 days out from an infected port, it was subject to at least six days quarantine. If no disease had appeared on the ship by the end of this time, the Board gave the vessel a clean bill of health. All ships placed in quarantine were charged a tonnage fee to pay for the new medical service. In September, with the busiest shipping months of the year approaching, Tucker altered this scheme at the behest of the town's merchants. Henceforth, all vessels with 30 or more days passage from an infected port were to be quarantined for only 48 hours. In December, with no sign of the disease in the colony, Governor Cochrane reduced the size of the quarantine establishment, dismissing the two health officers and the medical officer, whose duty it was to examine anyone on board an incoming vessel whose health was suspect. With fewer ships visiting St. John's and the filth and nuisances lying in the streets now covered with snow, Cochrane believed the community was safe from cholera. In January, 1833, he approached the town cleaning committee for the balance of the public grant Tucker had given it; this money he now prepared to use to relieve distress in other parts of the island.

The spring of 1833, however, brought another burst of quarantine activity. When the legislature met for its first session, Cochrane had a quarantine law passed which was modelled on that of Nova Scotia, an act founded in
The new legislation gave the stipendiary magistrates the authority to impose penalties, forfeitures, and punishments, for violations of quarantine and for regulations approved by the governor and the Board of Health regarding the throwing of garbage into the streets.

These regulations were in addition to a general act the legislature passed in the same session for the regulation of waste disposal in the colony. A weakness in the 1833 quarantine legislation was that it was effective for only one year. With cholera persisting overseas in 1834, the legislation was renewed for another year, but situations eventually arose when quarantine could not be put into effect because the legislature was not sitting. Accordingly, Governor Harvey had the Act made permanent in 1843. Thereafter, the governor could enforce quarantine by simply issuing a proclamation.

The advantages of having a permanent quarantine law were soon apparent by a mid-1847 incident which one newspaper labelled the 'Quarantine Burlesque'. On this occasion, typhus fever, which had broken out at sea on Irish immigrant ships, was the main concern of Newfoundland officials. In May, in anticipation of the arrival of several ships from Ireland, Governor Le Marchant, a keen supporter of sanitary reform who had arrived in the colony only the previous month, acted on the District Surgeon's recommendation and appointed a medical health officer for the port. Unfortunately, however, no one felt that
it was necessary to proclaim quarantine. In the end, this proved a serious mistake. When the Margaret Park-
er arrived towards the end of May, not only did some residents board her before the medical officer arrived but some passengers were allowed to disembark. When several cases of typhus fever subsequently appeared in the town, the whole community was thrown into a panic.\textsuperscript{92}

Le Marchant immediately quarantined the port and appointed a Board of Health consisting of five Executive Councillors, the leader of the Liberal Party, five clergy-
ien, and three members of the Chamber of Commerce. There was no medical representation on the Board but a number of practitioners were employed to look after the fever patients, who were placed either in the St. John's Hospital or in an auxiliary fever hospital, a farmhouse also located on the western outskirts of the town. Le Marchant had acquired the latter facility some time before to relieve the overcrowding in the main Hospital.\textsuperscript{93} The new Board of Health now appointed Health Wardens whose duty it was to clean the streets. Under the supervision of the stipendiary magistrates, St. John's was divided into three wards and each was inspected by the police constables familiar with its neighbourhoods. The Health Wardens built pounds to receive filth and rubbish and hired contractors to cart it away.\textsuperscript{94} On the whole, the government's efforts appear to have been successful; by the end of September the epidemic had subsided and the auxiliary hospital could be closed. Although the number of deaths from the outbreak is not known, the figures
for the fever hospital show that 23 of a total of 126 patients admitted during the months of June, July and August died. Not surprisingly, the epidemic spurred Le Marchant to greater efforts on behalf of sanitary reform.

The governor was dismayed at how little interest the residents of St. John's had shown in regard to waste disposal. The coincidence of his governorship with the rebuilding of the town after the great fire of 1846 offered, he thought, a superb opportunity for a new beginning. Accordingly, one of his first acts in Newfoundland was the nomination of a two-man commission consisting of the Surveyor General and the Chairman of the St. John's District Road Board, to devise a sewerage and drainage system for the capital. As things stood, St. John's had no under-drains and sewers, and residents threw all their filth and garbage into surface drains that flowed down the slope of the hill to the harbour. What Le Marchant envisaged was a system which would give St. John's residents the same benefits which urban reformers had already brought to the larger towns in England. In 1848 the English reform movement secured a new Public Health Act which empowered local boards to pave streets and install whatever sewers were needed to maintain public health. But this approach was impossible in St. John's because of the old assessment obstacle. In June the committee he had appointed put before the Executive Council
an elaborate plan for the construction of drains and sewers to be paid for by a property assessment to be administered by a local governing body. This scheme was rejected by the Council on the grounds that St. John's residents could not afford the burden of direct taxation in the existing depressed economic state of the town. Le Marchant subsequently used funds both from the general revenue and from the funds the colonial government received from the Imperial authorities to assist victims of the fire, to build sewers; but he was unable to effect the systematic reform program he had envisaged. The consequences of this were made clear in 1854 when cholera finally reached St. John's.

The progress of the new outbreak - elsewhere in North America and in the West Indies - was followed closely by the St. John's newspapers and in July, 1854, the Newfoundland Government imposed a quarantine on all ships arriving in the harbour from infected regions. District Surgeon Carson was named quarantine health officer. Under the supervision of a six-man Board of Health, which had been appointed on May 23 together with a committee of Health Wardens, stringent sanitary measures were now adopted. New drains were made, old drains were cleaned, and scavengers were hired to collect the night-soil from homes, residents being forbidden to throw any garbage into the streets. Several deaths were reported in August; then there was no sign of the
disease for about six weeks when suddenly the full fury of the epidemic broke. In this period of re-
mission preventative work being undertaken was viewed with suspicion by some local residents, one prominent citizen writing in his diary that it was widely believe the doctors wanted to keep the Board of Health alive for their own financial gain. While some of the cholera patients were treated in their homes, others were sent to a hospital facility quickly established in the Camps near Fort Townshend. When the military objected to their presence, they were transferred to the St. John's Hospital, where many died within hours of admission.

During the months of October, November, and December, 212 patients were admitted to the Hospital, 88 of whom died.

By the end of December the epidemic had run its course, leaving in its wake, according to Governor Hamilton, about 500 deaths.

The cholera experience demonstrated for all to see that the colonial government would have to take sterner public health measures. A study of the town undertaken by the 1854 Board of Health showed that cholera prevailed only in areas "already pestilent with 'foul air' arising from severs or stagnant filth"; in such localities the epidemic had spread "as a fire would do in the midst of fuel." On the basis of his experience in fighting cholera, District Surgeon Carson urged several reforms on the new Little Government in July, 1855. The first
of these was the appointment of a permanent Board of Health or a health officer, with authority to have patients afflicted with serious disease removed to the Hospital if the attending medical practitioner recommended such action. During the cholera epidemic, the inability of the Board of Health to do this had resulted in a further spreading of the disease; for many sufferers had refused to go to the Hospital, knowing how many deaths were occurring there. The government did not act on Carson's suggestion; however, in 1856 it did, as noted earlier, increase the number of District Surgeons for St. John's from one to four. Carson's other recommendations simply reiterated what Governor Le Marchant had earlier attempted to achieve by way of sanitary reform.

The needs of St. John's were manifold: building regulations to prevent overcrowding; the construction of a sewerage system; a system for removing night-soil from streets; and the development of a larger and cleaner water supply. The agenda put forward by Carson would occupy the attention of the capital's politicians long after Little left the Newfoundland political scene in 1858.

Any survey of the social services of St. John's in the era of representative government would not be complete without some comment on the special problems posed by the treatment and care of the mentally ill. The establishment of a lunatic asylum in Newfoundland dates from 1847. In that year, a converted farmhouse was opened for the
temporary accommodation of the lunatics housed in the St. John's Hospital, until a much larger facility could be built for them. The decision to provide this new facility climaxed several years of agitation by Doctor Henry Stabb, an advocate of a radical change in the local treatment of lunacy. The mode of treatment favoured by the English-born Stabb was that of moral therapy, which was in general use in France and Great Britain, and which, beginning in the 1830s, had been brought to British North America by European trained doctors. As practised by the disciples of the Frenchman, Philippe Pinel, and the Englishman, William Tuke, who had pioneered the treatment in the 1790s, moral therapists rejected the popular notion that mental illness was incurable and that its subjects, especially the more violent and criminal ones, required strict confinement in their own and society's interest. What was needed, the reformers argued, was a controlled environment, such as an asylum, where a resident physician could closely observe the behaviour of the lunatic patient and diagnose a cure. To be successful, it was important that the asylum provide a relaxed atmosphere for the restoration of the patient's health. This atmosphere could be achieved in part by putting the patient to work, thereby diverting him from concentration on his sickness. Religious instruction and worship could also be used to influence the patient's behaviour. Above all the asylum had to isolate the patient.
from his previous environment and thus enable the physician to have the greatest possible influence on him.\textsuperscript{107}

As noted earlier, lunatics maintained on the permanent pauper list, were housed in St. John's either in the Hospital or in private boarding houses. Before 1836, their living quarters within the Hospital were close to the sick wards of the general patients, who according to District Surgeon Kielley had to endure the "rattling, scratching, jumping and other uncontrollable noise" of the mentally afflicted. The lunatics, in turn, of course were exposed to whatever sickness existed in the wards. Moreover, their rooms had little heat in the winter. In an 1836 report on the Hospital Kielley noted that one lunatic, a man named McCabe, had lost almost all his fingers the previous winter through frostbite.\textsuperscript{108} In 1837 the Hospital Directors tried to do something about these conditions by having a two storey wing added to the Hospital; here the lunatics were housed in cells in the basement and in a section of the second floor.\textsuperscript{109}

This, then, was their situation when Stabb graduated from the University of Edinburgh in 1837 at the age of 26. Appointed to the position of District Surgeon after his arrival in Newfoundland, Stabb immediately sought to introduce the moral treatment he had observed during his student days in Great Britain.\textsuperscript{110} In 1842 he offered his services to the Board of Hospital Directors as a resident Hospital Surgeon. Specifically, he proposed to assist Kielley to ensure a more constant vigilance of the patients,
especially the lunatics; but he also promised the establishment of an out-patients clinic and a midwifery ward. Governor Harvey was wholly in support of his views; but the Hospital Directors were unwilling to appropriate any of their funds to implement the proposed changes on the grounds that they would benefit patients sent in by the governor. 111

What eventually persuaded the Directors to petition the legislature for a change in the medical care of lunatic patients was the overcrowding of the Hospital caused by Harvey's continuing admission of mentally disturbed out-port residents. 112 In 1844 the Directors requested their Secretary, Ambrose Shea, to look into the possibility of a separate building for the lunatics and to suggest means for an improved mode of treatment, which the "want of accommodation and means had hitherto rendered unattainable." 113 Shea's report, which recommended the introduction of moral therapy in a new building, was undoubtedly influenced by Stabb. "The existing mode" of treatment, Shea wrote, was not only unsuccessful but a "sad contrast to what other countries present." In short, it reproached "every principle of humanity." 114 With this report in hand the Directors approached the government in 1845 for a grant of £800 to construct the building Shea had recommended and a further £100 for the salary of the medical practitioner, who would reside there to care for the lunatics. The following year legislation was passed granting these
requests, the amount to be raised for construction
being increased to £1,500.115 Unlike the hospital,
however, the new institution was to be managed by the
government itself. Thus the Governor was given control
of the expenditure of the construction funds, the
admission of patients, the making of rules and regulations
for the asylum's management, and the appointment of all
medical staff and servants. He was to carry out these
duties through a board of seven commissioners he was to
appoint.116

In August, 1846, Stabb was appointed physician to the
proposed asylum and with a local architect immediately
set about planning the building.117 He soon realized that
the grant for construction was insufficient and in January,
1847, persuaded the legislature to vote a further £1,500.118
To get first-hand experience of recent work in moral
treatment, Stabb next offered to go to Europe at his own
expense, if the colonial government would agree to commence
his salary from the date of his appointment. The government
agreed to this condition and Stabb set out across the
Atlantic.119 His notes on what he observed on his highly
successful journey were later published in the English
Journal of Psychological Medicine and Mental Pathology.120

His return home, however, was full of disappointment.
He arrived back in St. John's only to discover that the
government had decided to postpone the borrowing of the
money it had allocated for the construction of the new
asylum until a more favourable economic moment. Having committed all his energies to his "long cherished object", Stabb remained undaunted and in October persuaded Governor Le Marchant to establish a provisional asylum in a farmhouse that it owned on the western outskirts of the town which had been used as a fever hospital during the typhus epidemic earlier in the year. This farmhouse contained enough beds and furniture for the accommodation of 30 lunatics, he asserted, while the attached year offered the possibility of daily exercise. While realizing that moral treatment could not be fully implemented in this setting, Stabb nevertheless believed it would be a great improvement over the existing hospital situation. Le Marchant agreed to this change when Stabb convinced him that the cost of maintaining lunatic patients at the farmhouse would not exceed the cost to the colony of keeping them in the Hospital.

Stabb received his first patients in November, when 11 lunatics were transferred from the Hospital, but he subsequently faced many frustrations. To maintain himself Stabb had to keep up his general practice in the town, finding whatever time he could to instruct the superintendents who looked after the patients in the new hospital in his absence. Again, he was unable, given the facilities available, to effect any classification and separation of patients other than on the basis of sex. After the 1849 poor relief regulations were issued, many
more lunatic patients were removed from the Hospital to the new asylum and the resultant overcrowding posed a new obstacle. Stabb was now attempting to treat 42 patients rather than 23. Moreover, by 1852 the building had deteriorated into an unsanitary, rat-infested, fire hazard. Facing "every conceivable obstacle to success", Stabb turned once more for help to the colonial government. 124 This time he had better luck, in 1852 the legislature approving the raising of £3,500 for the construction of a new facility, a sum that was supplemented the following year by another £2,500. 125 On July 27, 1853, Governor Hamilton laid the cornerstone of the new building, the central floor and one wing of which was opened in December, 1854, to receive 50 patients from the provisional asylum. 126 A year later this new institution, like so much else in St. John's, passed under the control of the Board of Works.

In sum, what we see in the period from the early 1800s to the mid-1850s is the founding of St. John's medical institutions and services. The St. John's Hospital, the office of district surgeon, the establishment of public poor relief facilities, the appointment of Boards of Health, and the institution of a lunatic asylum appear. The establishment of these necessary institutions was bedeviled by the inadequate taxation system, personal clashes and by political rivalry, as well as the inadequate medical knowledge of the period. But the necessary services were finally developed and the events in this field, however
tortuous and complex, are of crucial importance in
the evolution of the town.
Footnotes


2. "Memoranda on the Judicature of Newfoundland and on other subjects connected with that Colony" by Governor Cochrane; and United Kingdom, House of Commons Journals, vol. 59, 1803-1804, 700, and vol. 66, 1810-1811, 535.


7. "Report of the Society for Improving the Condition of the Poor," Gazette, August 9, 1810; Hospital Financial Statement printed in *ibid.*, November 17, 1814; Hospital public notice in *ibid.*, September 28, 1815; and "Brief History of Hospital Growth Here," JHA, 1914, Appendix, 304-07.

8. PANL, GN2/1; Hamilton to Bathurst; January 13, 1820; D'Alberti Transcripts, Despatches from Governor of Newfoundland to Secretary of State, Cochrane to Bathurst, May 26, 1826; and John Cusson, "Hospitals of Newfoundland" (unpublished paper, 1943, A.C. Hunter Library, Arts and Culture Center, St. John's), 8-9.


10. PANL, GN2/1, Hamilton to Bathurst, January 13, 1820; and D'Alberti Transcripts, Despatches received by Governor of Newfoundland from Secretary of State, vol. 3, Bathurst to Hamilton, July 10, 1820, and enclosure.


12. PANL, GN2/1, Hamilton to Horton, May 10, 1824.

13. D'Alberti Transcripts, Despatches from Governor of Newfoundland to Secretary of State, Cochrane to Bathurst, May 26, 1826.

15. C.O. 194, 1831, Cochrane to Goderich; February 7, 1831, Despatch no. 9, Appendix no. 1, "Report of Dr. Carson on medical conditions in Newfoundland"; Gazette, November 7, 1831, April 8, 1834. This fee structure lasted until the doctors formed the St. John's Medical Society in 1867 and instituted a fee-for-service system. See W. D. Parsons, "A Brief History of Medicine in Newfoundland," Newfoundland Medical Association, Newsletter (April 1971), 6, and Morning Chronicle, May 9, 10, 1867. The importance of Edinburgh University in the education of British doctors is discussed in Woodward, To Do The Sick No Harm, 24-5.


17. D'Alberti Transcripts, Despatches from Governor of Newfoundland to Secretary of State, Cochrane to Bathurst, May 26, 1826.


19. PANL, GN/2/2, Robert Job to Colonial Secretary Crowdy, July 20, 1832, and District Surgeon Kiely to Crowdy, September 17, 1836; and "Memoranda on the Judicature of Newfoundland and on other subjects connected with that Colony," by Governor Cochrane.


23. See Dr. Samuel Carson's petition to the Privy Council in JHA, 1837, Appendix, 515-18.


25. PANL, GN/2/2, William Carson to Governor Prescott, November 17, 1834; GN/2/17, Quarantine Books, 1832-1836, Colonial Secretary Crowdy to Joseph Shea, December 10, 1832; Assembly Debates May 7, 9, 1834, in Times, May 14, 21, 1834; and Fay, Life and Labour in Newfoundland, 124-25.
26. Edward Kielley, born St. John's, 1790?; Surgeon and civil servant; district surgeon, 1834-1839; surgeon to the St. John's Hospital, 1837-1855; died St. John's, March 8, 1855.


28. James St. Pierre Knight, "History of the Fever Hospital" (lecture delivered to Newfoundland Historical Society, March 27, 1941, Center for Newfoundland Studies, Memorial University), 9; and "Evidence taken before the Select Committee on the St. John's Hospital," *JHA*, 1851, Appendix 191-92.


30. Smallwood, comp., Dr. William Carson, 97.


36. 1838 Supply Act printed in the *Gazette*, November 13, 1838.

37. Ibid. See also PANL, GN2/2, St. John's Medical Faculty to Colonial Secretary Crowdy, November 10, 1838, and to St. John's Poor Relief Commissioners, December 5, 1838.

38. London Times as quoted in Moyles, "Complaints", 111-12; and Carson to Newfoundlander, August 14, 1838, as quoted in Smallwood, comp., Dr. William Carson, 97-8.


40. Petition from John Rochfort, Samuel Carson, and Michael O'Dwyer, District Surgeons for St. John's, in *JHA*, July 12, 1839.

42. PANL, GN2/2, J.B. Bland to Colonial Secretary Crowdy, April 8, 15, 25, May 21, 1839; Robert Job to Crowdy, January 15, 1839; St. John's District Surgeons to Crowdy, February 5, 1839; and John Rochfort to J.B. Bland, February 4, 1839. See also 1839 Throne Speech as reported in the Ledger, May 21, '1839.

43. PANL, GN2/2, John Rochfort to Governor Harvey, March 2, 1842; and Gazette, March 1, 1842.

44. See the testimony by several St. John's doctors in "Evidence taken before the Select Committee on the St. John's Hospital," 190-200.

45. Gunn, The Political History of Newfoundland, 1832-1864, 63-7.

46. PANL, GN2/2, Stipendiary Magistrates Carter and Simms to Colonial Secretary Crowdy, April 5, 1841, and to Acting Colonial Secretary Joseph Templeman, October 20, 1841; "Report of the Select Committee on St. John's Poor Relief," JHA; 1848-49, Appendix, 685-92; and Ledger, March 2, April 16, 1842.

47. Gunn, The Political History of Newfoundland, 1832-1864, 104-06; "Report of the Select Committee on St. John's Poor Relief," 686; and "Evidence taken by the Select Committee on Pauperism," JHA, 1855, Appendix, 259-67.


49. Gunn, The Political History of Newfoundland—1832-1864, 106; PANL, GN2/2, Reverend Thomas Bridge; Chairman of Poor Relief Commissioners, to Colonial Secretary Crowdy, November 20, 1844; and "Evidence taken by the Select Committee on Pauperism," 259-61.


51. Hugh Hoyles, born St. John's, 1815; lawyer; MHA Fortune Bay, 1848-1859, Burin, 1861-1865; premier and attorney general, 1861-1865; chief justice 1865-1880; died February 1, 1888.

52. JHA, January 15, 1849; Assembly Debates, December 22, 1848, in Newfoundland, January 4, 1849; Hugh Hoyles in Assembly Debates, February 6, 1849, in Ledger, February 9, 1849; "Report of Select Committee on St. John's Poor Relief," 685-92; and 1849 Poor Asylum Bill printed in the Ledger, January 23, 1849.

53. Ambrose Shea, born St. John's, 1817; merchant and politician; MHA Placentia-St. Mary's, 1848-1855, St. John's West, 1855-1859, Burin, 1859-1861, Placentia-St. Mary's, 1861-1869, Harbour Grace, 1874-1885; St. John's East, 1885-1887; died
London, July 30, 1905.

54. Ambrose Shea in Assembly Debates, February 6, 1849, in Ledger, February 9, 1849.


56. PANL, GN9/1, Minutes of Executive Council, May 18, 30, June 11, July 2, 3, 1849; and "Report of a Committee of her Majesty's Council, upon the expenditure on account of Paupers in the district of St. John's," published in the Ledger, July 3, 1849.

57. PANL, GN2/2, St. John's District Poor Relief Commissioners to E.E. Rushworth, Pro Secretary, Governor's Office, July 4, 1849. Rushworth's reply was printed in the Gazette, July 10, 1849.

58. "Report of a Committee of her Majesty's Council, upon the expenditure on account of Paupers in the district of St. John's."


60. Ibid., vol. 8, 36, "Hamilton to Lord John Russell, April 26, 1855.

61. "Copy of Instructions to the Poor Relief Commissioners," JHA, 1853, Appendix, 372.

62. John Thomas Mullock, born Limerick, Ireland, September 27, 1807; Bishop of Newfoundland, 1850-1869; died St. John's, March 29, 1869.

63. PANL, GN2/2, Philip Little to Colonial Secretary Crowdy, January 27, 1853.

64. Gazette, May 31, 1853.

65. Little to Patriot as quoted in Cusson, "Hospitals of Newfoundland," 42-5; Prowse, History of Newfoundland, 459; and "Evidence taken before the Select Committee appointed to inquire into the Petition of the Fishermen, Shoremen and others, inhabitants of St. John's on the propriety of establishing an Asylum for destitute Fishermen," JHA, 1858, Appendix, 638-45.

66. Little to Patriot as quoted in Cusson, "Hospitals of Newfoundland," 37.

67. "Evidence taken before the Select Committee on the St. John's Hospital," 190-204.

68. Ibid.

69. Ibid., 190-91. See also petition from the Hospital Directors in JHA, February 19, 1851.
70. Report of the Select Committee on the St. John's Hospital in JHA, March 14, 1851; "Evidence taken before the Select Committee on the St. John's Hospital," 191-202; Assembly Debates, February 19, 1851, in Newfoundlander, February 20, 1851; and Philip Little in Assembly Debates, February 19, 1856, in Express, March 5, 1856.

71. Annual reports of the St. John's Hospital in the JHA, Appendix, for 1852, 1853, 1854, and 1855; and Philip Little in Assembly Debates, July 13, 1855, in Newfoundlander, July 30, 1855.

72. Philip Little in Assembly Debates, July 13, 1855, in Newfoundlander, July 30, 1855, and February 19, 1856, in Express, March 5, 1856.

73. The new district surgeons were Charles Crowdy and Charles Renouf in St. John's East and Henry H. Stabb and James N. Fraser in St. John's West. The new hospital surgeons were Samuel Carson and John Rochfort. See PANL, GN9/1, Minute of Executive Council, July 27, 1856; "Petition of James McLaughlan and others on the subject of St. John's Hospital," JHA, 1856, Appendix, 249-51; and Express, February 16, August 6, 1856.

74. Greene, "The Influence of Religion in the Politics of Newfoundland, 1850-61, 124-25; and PANL, GN1/3A, Governor's Office, Miscellaneous Papers and Correspondence, folder 1/1855, "Regulations for the Relief of the Poor."

75. 1836 Throne Speech as reported in the Times, January 13, 1836; Gazette, December 22, 1835; public notice from district surgeon of free smallpox vaccination available to the children of the poor, Ledger, June 8, 1838; and St. Pierre Knight, "History of the Fever Hospital," 9-10.


77. See, for instance, PANL, GN2/2, Stipendiary Magistrates Blaikie and Carter to Colonial Secretary Crowdy, December 23, 1833.

78. Gazette, July 10, 1832.


80. PANL, GN2/17, Colonial Secretary Crowdy to High Sheriff Buchan, July 5, 1832, and to Aaron Hoggett, Secretary to Board of Health, July 24, 1832. For the proceedings of the Board of Health, see GN2/2 for July, August and September, 1832.
81. "Memoranda on the Judicature of Newfoundland and on other subjects connected with that Colony"; and PANL, GN2/17, Colonial Secretary Crowdy to Aaron Hogsett, July 24, 1832.

82. PANL, GN2/17, Colonial Secretary Crowdy to N.W. Hoyles, Chairman of Town Committee, August 16, 1832, and to High Sheriff Buchan, July 5, 1832.

83. PANL, GN9/1, Minute of Executive Council, March 29, 1832; and GN2/17, Colonial Secretary Crowdy to Aaron Hogsett, July 24, 1832.

84. Longmate, King Cholera, 7.

85. PANL, GN2/17, Colonial Secretary Crowdy to N.W. Hoyles, August 21, 1832.

86. PANL, GN2/17, Instructions to the Health Officers for St. John's, August 9, 10, 1832, April 20, 1833, June 30, 1834; GN2/17, Colonial Secretary Crowdy to High Sheriff Buchan, July 5, 1832; GN2/2, letters to Colonial Secretary Crowdy from Town Committee, August 10, 1832, and from Aaron Hogsett, July 18, August 14, September 17, 1832; public proclamation issued by Administrator Tucker, July 4, 1832, printed in the Gazette, July 10, 1832; and Joy, "Survey of Newfoundland Health Services," 35-41.

87. PANL, GN9/1, Minute of Executive Council, December 10, 1832; and GN2/17, Colonial Secretary Crowdy to Joseph Shea, Frederick Elliott, and George Gaden, December 10, 1832. See also Crowdy to N.W. Hoyles, January 31, 1833.

88. N.W. Hoyles in Assembly Debates, January 12, 1833, in Ledger, January 15, 1833.

89. PANL, GN2/17, quarantine proclamation, April 10, 1833; 1834 Quarantine Act published in Gazette, September 30, 1834; public notice issued by Stipendiary Magistrates, August 22, 1834 printed in ibid. See also 1833 Nuisances Act published in the ibid, June 18, 1833.

90. 1841 Throne Speech as reported in Ledger, January 5, 1841; 1843 Quarantine Perpetuation Act printed in Gazette, June 20, 1843; and Newfoundland, May 27, 1847.


92. Ibid. See also PANL, GN9/1, Minutes of Executive Council, April 17, May 20, 1847. For Le Marchant's views on the sanitary condition of St. John's see British Parliamentary Papers, Colonies, Canada, vol. 19, 343-47, 353-57, Le Marchant to Earl Grey, May 10, June 24, 1847.

93. Gazette, May 21, 1847; Newfoundland, May 27, 1847; PANL, GN9/1, Minutes of Executive Council, June 5, October 14, December 11, 1847; and GN2/2, letters to Colonial Secretary
Crowdy from Dr. Rochfort, November 1, 1847, and from Drs. Tullidge and Walsh, October 13, 1847.

94. PANL, GN2/2, Proceedings from the Journal of the Board of Health, May 22, 1847, to September 15, 1847, and GN2/2, letters to Colonial Secretary Crowdy from stipendiary magistrates Simms, Doyle, and Carter, May 24, June 1, 1847.

95. Ledger, August 6, 1847; British Parliamentary Papers, Colonies, General, vol. 4, 435, Le Marchant to Earl Grey, May 4, 1848; and PANL, GN2/2, Dr. Rochfort to Colonial Secretary Crowdy, November 1, 1847, with accompanying statement showing the number of typhus fever patients in the auxiliary fever hospital from June 4 to September 30, 1847.


98. PANL, GN9/1, Minute of Executive Council, June 5, 1847; British Parliamentary Papers, Colonies, General, vol. 5, 94, Le Marchant to Earl Grey, April 28, 1849; Gunn, The Political History of Newfoundland, 1832-1864, 105-07; and "Letter from James Douglas in reference to Drains, Sewers, Wells, and Tanks, in St. John's," 244-46.

99. Gazette, July 25, 1854; and Express, July 27, 1854.

100. PANL, GN9/1, Minute of Executive Council, May 23, 1854; GN2/2, Reports of Health Wardens on the state of sanitary conditions in St. John's, July 12, 13, 14, 1854; rules and regulations of the Board of Health printed in the Express, July 13, 1854; Newfoundland; August 31, 1854; and Reports of the Board of Health published in the Express, January 2, 18, 1855.

101. British Parliamentary Papers, Colonies, General, vol. 8, 35, Hamilton to Lord John Russell, April 26, 1855; and Edward Morris Diary, September 9, 1854 (transcript in the possession of Professor James Hiller, Memorial University).

102. British Parliamentary Papers, Colonies, General, vol. 8, 35, Hamilton to Lord John Russell, April 26, 1855; Newfoundland, December 11, 1854; PANL, GN2/1, Colonial Secretary Crowdy to Board of Health, October 14, 1854; 1854 Hospital Report in JHA, 1855, 180-81; and "Report of the District Surgeon, St. John's, for the year ending 1st, July, 1855," ibid, 1885, Appendix, 192-94.

103. Dr. Henry Stabb to Times, January 12, 1861. See also the October 11, 1854, report by J.T. Neville on a sewerage drainage system for St. John's in PANL, GN2/2, 1854.


106. Henry Hönt Stubb, born Torquay, England, 1812; physician and civil servant; superintendent, St. John's Lunatic Asylum; died St. John's, May 17, 1892.


108. PANL, GN2/2, District Surgeon Kielley to Colonial Secretary Crowdy, September 17, 1836; and "Brief History of Hospital Growth Here," 311.

109. 1887 Throne Speech as reported in Gazette, July 4, 1837; and PANL, GN2/2, St. John's Medical Faculty to St. John's Poor Relief Commissioners, December 5, 1838.


111. PANL, GN2/2, Robert Job to Joseph Templeman, November 3, 1841, and Dr. Henry Stabb to Robert Job, June 9, 1842.

112. "Address of Directors of St. John's Hospital on the subject of increased accommodation for Pauper Lunatics," 273–74; and
PANL, GN2/2, Robert Job to Governor Harvey, February 17, 1845, and to Colonial Secretary's Office, January 26, 1846.

113. Ambrose Shea to Ledger, March 18, 1845.

114. "Address of Directors of St. John's Hospital on the subject of increased accommodation for Pauper Lunatics," 271-74; For Stabb's extended views on moral therapy, see, for instance, his "Report on the Lunatic Asylum" in JHA, 1848-49, Appendix, 446-66, and PANL, GN2/2, Dr. Henry Stabb to Colonial Secretary Crowdy, August 18, 1847.

115. "Address of Directors of St. John's Hospital on the subject of increased accommodation for Pauper Lunatics," 271-74; Amalgamated Legislature Debates, April 18, 1845, in Times, April 23, 1845; and Times, April 25, 1846.

116. The 1846 Lunatic Asylum Act was printed in the Gazette, May 19, 1846.

117. PANL, GN2/2, Dr. Henry Stabb to Colonial Secretary Crowdy, February 19, August 18, 1847.

118. The 1847 Lunatic Asylum Act was printed in the Gazette, February 2, 1847.

119. PANL, GN2/2, Dr. Henry Stabb to Colonial Secretary Crowdy, February 19, 1847; and GN9/1, Minute of Executive Council, March 8, 1847.

120. Extracts from Stabb's article were published in the Westminster Review, vol. 49, 80-1.

121. 1849 Provisional Lunatic Asylum Report in JHA, 1850, Appendix, 150.

122. Ibid. See also PANL, GN2/2, Dr. Henry Stabb to Colonial Secretary Crowdy, October 21, 1847.

123. 1856 Lunatic Asylum Report in JHA, 1858, Appendix, 519.

124. See the Annual Reports of the Provisional Lunatic Asylum in JHA, Appendix, for 1849-55; and PANL, GN2/2, ...letters to the Colonial Secretary's Office from Dr. Henry Stabb, October 21, 1847, June 12, 1849, September 1, 1851, March 9, 1852.

125. Statutes of Newfoundland, 15 Victoria, Cap. 5; 1852 Provisional Lunatic Asylum Report in JHA, 1853, Appendix, 172-80; and Donnelly, The Public Debt of Newfoundland, 1834-1900, 7.

126. Times, July 30, 1853; and 1854 Provisional Lunatic Asylum Report in JHA, 1855, Appendix, 227-29.
CHAPTER IV

The Fire of 1846

Before 1833 the voluntarist principle, upon which so many of the nascent institutions of St. John's were being built, also applied to the town's fire service. Three volunteer fire companies were formed in St. John's in the 1820s - all of them by Water Street business interests. These companies were maintained through public subscription and existed strictly for the security of those who supported them. In 1833, however, the Conservative majority in the Assembly established compulsory fire organizations. Under the new system, St. John's was divided into four wards and a fire company subsequently appointed for each. Membership in these companies was compulsory and included every male householder; only public officials, clergymen, and medical practitioners were exempt. The wardens and officers of the new companies were to be elected on a household franchise at general meetings to be held on the first Wednesday of each July. The wardens and officers were, in turn, to form a general
management committee to be headed by a chairman, appointed from among their number. This committee was given authority to make rules and regulations for all the companies, to fine members for negligence in their duties, and to regulate the inspection of all chimneys in the town. The new companies were to be financed by a property assessment. After appraising the rental value of all houses, stores, and other buildings situated in St. John's (except those belonging to the government and to charitable institutions) the stipendiary magistrates in Quarter Sessions were to set a rate based on the total annual amount of rents landlords and lessees earned from their property. Significantly, the owners of let land were excluded from the scope of assessment, their exemption undoubtedly being due to the influence of the agents of absentee landlords in both legislature and government. One agent who played an important role in creating this new system was Newman Hoyles, who was Colonial Treasurer, member of the House of Assembly for Fortune Bay, and local agent for the ancient West County Newman interests.

In practice the new fire companies did not live up to expectations, and the town often found itself depending for fire protection on military assistance as was the case in so many other colonial towns. The main reason for the incapacity of the voluntary service lay in its financial condition; the four companies established
in 1833 were driven further and further into debt when many householders defaulted on their assessments. Again, the Act establishing the companies had not provided any penalty for householders who refused to join them. The result was an almost continuous manpower problem, which persisted despite the legislature's decision in 1835 to pay those who worked to put out a fire. Undoubtedly, the hostile feeling of the town's poor towards its merchants accounted for some of the resistance the new companies encountered. Yet the manpower problem was a function too of the absence of so many men from St. John's during the fishery season. Fortunately, the military, with its engines, was always present and ready to assist the fire wardens. When a fire occurred, the military fired two guns from Signal Hill to sound the alarm. Their assistance often proved crucial, especially in the major Water Street fires of July, 1833 and May, 1839; without the troops the amount of damage done by these fires would have been much greater. Their presence, moreover, was a deterrent to looting.

Working together, then, the civilian and military companies gave St. John's a rudimentary fire service; but it was clear that their best efforts could not contain a major blaze. In these circumstances the merchants placed their main hope of security in the type of building materials used in Water Street and the residential area generally bounded by the north side of that street and
the south sides of Gower Streets. As noted elsewhere, the congestion of population living in frame tenements above Water Street was not a new problem. In the aftermath of the fires of the 1816-1819 period, the merchants had had only limited success in tenement clearance. Thereafter, the overcrowding near the business district became a greater, not a lesser, obstacle to fire protection. After the fires of 1833 and 1839 the merchants were able to enforce, at least for Water Street, the use of fireproof building materials; but their premises were still dreadfully exposed.

After the July 7, 1833 fire, which began on the south side of Water Street but spread to the north, the merchants approached the legislature for an act to restrict all future building on both sides of the street to stone or brick. Their action was prompted by the need to protect their lives as well as their property, the fire of 1833 having originated in the frame house of a prominent merchant, who was killed along with his daughter. This fire was attributed to the carelessness of a servant, who failed to extinguish a candle before retiring to bed. Before it was contained, it destroyed the premises of several firms and left over 50 families homeless.

The rebuilding legislation demanded by the merchants encountered strong opposition from the Liberals in the Assembly and was subsequently modified. At issue was the length of the leases tenants on the north side of Water
Street should receive if the legislature required them to rebuild with stone or brick. In this period in the town's history landlords generally gave building leases for a period of 21 years. 10

Their reluctance to grant longer leases may have been due to the fact that merchants and residents used only inexpensive frame construction because of the frequency of fires. However, these short leases in turn gave the merchants no incentive to build with brick or stone.

It was this vicious circle that the landlords and leaseholders on the south side of Water Street were now determined to break. The Liberals opposed their plans on the grounds that the tenants burnt out on the north side, mainly shopkeepers and publicans, could not afford to rebuild in the manner being sought by their neighbours across the street. Moreover, they had only a few years left on their 21 year leases. 11 Ultimately, the Assembly put forward a compromise proposal: frame construction would be permitted on the north side; while on the south side leaseholders who rebuilt with stone or brick were to be given renewals of not less than 40 years, when their leases expired. Granting long leases was a practice common in Great Britain, where the Parliamentary Street Acts required landlords to issue leases of between 60 and 90 years to tenants who made substantial improvements to the rented land. The Legislative Council at first insisted on stone or brick construction on both sides of Water Street, but conceded the right to frame con-
struction on the north side in return for the removal from the legislation of the 40 year lease provision for those who built on the south side with stone or brick. On the one hand, the Council had acted out of concern for the general trade of the colony, which depended so much on the security of property stored in Water Street. On the other hand, it had protected the right of both local and absentee landlords to make contracts with their tenants without government interference.

The compromise reached in 1833 proved only temporary. When much of the north side of Water Street was destroyed by the fire of 1839, the legislature decided to enforce the stone or brick requirement there. It was now also decided to widen to 60 feet those parts of the street where rebuilding would be done. These regulations led to the gradual improvement of Water Street - both in appearance and fire safety; but more than gradualism was required. Above Water and Duckworth Streets, a general consensus on building regulations was not achieved. Here the stipendiary magistrates had no authority to regulate builders, who constructed houses and tenements without any regard to order or regularity in street lines. The result was predictable. "A builder of inferior houses looking to pecuniary profit only," the Chairman of the St. John's District Board of Road Commissioners noted in 1845, crowded tenements together, thereby "depriving a neighbourhood at once of air, light, and all opportunities of healthful exercise." Crowding was especially bad
in that part of the town which was expanding to the north and to the west of Duckworth Street. There, growth was "wholly left to private and interested arrangements," landlords and builders being free to develop vacant meadows without regard either for one another or the public. In one notorious instance, a resident landlord, Patrick Tarahan, had erected tenements upon his land without even providing access to a public road. The only way that access could be provided was by cutting through the land of another landlord, Nicholas Gill, who adamantly refused to give way. It was situations like these that led the government finally to seek building regulations for the whole town.

Encouraged by Governor Harvey, the House of Assembly during its 1845 session moved to infringe "upon the liberties of the people in order to make regulations binding upon all, conducive to the welfare of the capital of the country." More specifically, a select committee was appointed to report back during the session with a bill for regulating the town's streets and lanes. Given the amount of work this involved, the committee was unable to do more in the time allotted it than prepare a general plan laying out the lines of principal streets on the outskirts of the town. Accordingly, the committee recommended that legislation be deferred until 1846. As a temporary measure, it proposed that the Executive Council be authorized to ensure that all new houses were erected...
in regular order, and that all new streets and lanes
be at least 20 feet wide.\textsuperscript{19}

This authority was subsequently granted by a clause
in the annual Road Appropriation Act for the colony\textsuperscript{20}
and in June the Executive Council passed a series of
resolutions to regulate new construction. In the future
any new main-street running parallel to Water Street
(east-west) or to Cochrane Street (north-south) had to
be 60 feet wide. On an existing lane less than 20 feet
wide, no new house was to be built less than 10 feet
from the center. All new lanes were to be at least 20
feet in width. The enforcement of these regulations was
given by Harvey to a three man commission consisting of
the Surveyor General, the Chairman of the District Road
Board, and one of the stipendiary magistrates.\textsuperscript{21} In
practice these Commissioners, who had to depend on the
voluntary co-operation of landlords and builders, met
with only limited success. Since the Commissioners had
no legal authority to prosecute individuals for infract-
ions by summary proceedings before a magistrate, they
could neither compel builders to follow their instructions
nor stop construction.\textsuperscript{22} Still another opportunity had
been lost.

Harvey's attempt at regulating new building was
but part of a broader vision he had of providing a civic
facelift for St. John's. Two other projects he strongly
urged on the Amalgamated Legislature and the business
community were better street lighting and a new water
supply. It was the establishment in 1843 of the Halifax Gas Company which apparently prompted leading St. John's merchants to renew their efforts to have gas lighting installed on the principal streets of their town. Two years earlier an attempt had been made to form a joint-stock company for that purpose following a demonstration of the benefits of gas lighting by Alexander McAuslan, a Scottish engineer and recent immigrant. The leading figure in this venture had been Charles Bowring, the head of one of the colony's largest mercantile firms. He had written to his father in England for advice on the matter but had received a discouraging reply. This, together with a great deal of uncertainty about the number of customers who might be available in St. John's, had killed the scheme. With Governor Harvey's endorsement, in September, 1843, the merchants again took up the matter of lighting St. John's. A public meeting was held to consider the matter and a committee of nine appointed with Robert Job, one of the most publicly spirited of the capital's merchants, as chairman. Job immediately asked the Halifax Gas Company for information about its operations. On November 16 his committee confidently reported that Water Street could be outfitted with gas lighting for about £5,000 and that approximately 300 premises could be lighted for this amount. Coal was to be used to make the gas. With this number of prospective customers readily available, the legislature agreed to the incorporation of
a company having a nominal stock of £6,000. Besides Robert Job, the major shareholders were Peter McBride, Henry P. Bowring, Lawrence O'Brien, Kenneth McLea, Henry P. Thomas, John Stuart, and Walter Grieve. The Bowring family appears to have played a key role in the emergence of this enterprise, in which it remained prominent for the rest of the century. 26

Governor Harvey favoured the stockholders of the St. John's Gas Light Company with a generous land grant in the west end of St. John's to serve as a site for their proposed gas works. The land was given them at a rent of £2 per annum on a 60-year renewable lease. In July, 1843, the directors of the new company brought three representatives of the Halifax Gas Company to oversee construction. Later in the year they brought out Andrew Thompson, a former employee of the water works at Moffat, in Scotland, to manage the new system. His appointment exemplified the close commercial ties of St. John's with Scotland, which supplied the Company's pipes and other equipment. 27 The laying of the pipes began on Water Street in the spring of 1845 and by the end of the summer the first store was ready to be lit—the honour going to Bowring's. 28 The Company subsequently charged its customers accordingly to the volume of gas used. It was, of course, under no legal limitation as to the amount it could charge, nor was it under any obligation to extend its service beyond Water Street. The public lamps installed on Water Street were paid for
by an annual legislative grant to the Company. In the event, Water Street alone was the beneficiary of this civic boon — an outcome the Liberals in the Amalgamated Legislature were determined not to see repeated when the question of a water system for the town came to the fore in 1846.

Like most cities and towns located near salt water, as St. John's grew it naturally looked inland to nearby lakes and ponds for a supply of fresh water. Down to the 1840s the town relied on wells and the many streams that flowed down the slope of the hill to the harbour, for its supply. By that decade, however, population growth and the overcrowding in the area around and above Duckworth Street were severely taxing the traditional sources of supply; there was no longer enough water and what could be delivered was of increasingly doubtful quality. In 1844 and again in 1845 the Liberals in the legislature pushed for the construction of a proper town water supply. They were moved to do so by the impurity of the existing sources and by the fear of fire in the area above Water Street, where little insurance was available because of the great risk. The Liberal standard bearer on the water question was John Nugent, the member of the Amalgamated Legislature for St. John's. To effect the Liberals' purpose in 1844 he introduced a bill based on Imperial legislation for supplying Irish towns with water. Under his proposal the government would
raise a certain sum to construct tanks and reservoirs, buy and lay pipes and ducts, and purchase any other necessary machinery. The construction of the new system would be left to a board of five commissioners to be appointed by the governor. The cost of maintaining the water works would be paid for by assessments on all householders occupying a dwelling with an annual rental of £5 or more—a broad qualification that would obviously have included a large number of the fishermen and labourers occupying tenements renting for £5 to £8 per annum in the back streets of the town. The amount of this assessment would be determined by a 15 member commission to be elected on a household franchise with five seats to be up for election every year. This system, Nugent argued, would ensure all the inhabitants of the town "good, wholesome water...at as low a rate as possible." The poor would get water "without expense", while "others" would pay according "to their means, for the maintenance of the supply." The elected commission Nugent proposed was, of course, the thin edge of the wedge of municipal incorporation. As the demand for other municipal services grew, the role of this commission could obviously be enlarged to provide them. This possibility was recognized by Conservative legislators, who combined with outport representatives opposed to using general revenue to pay for St. John's improvements to defeat the bill.

In 1845 the legislature referred the water issue to a select committee chaired by Nugent. This committee coll-
ected considerable evidence from the town's medical practitioners about the deficiencies of the existing supply. "The quality of water with which the public is supplied," District Surgeon Carson informed the Committee, was "as various as the substances that compose the soil through which it flows; the springs, without an exception, are in filthy localities." In the absence of any system of sewerage and drainage, street water added to the impurity, because of presence of "stagnant pools and excavations, the common receptacles of all kinds of filth." These pools, which contained decayed animal and vegetable matter, could be found near practically every house, and were especially prominent in the congested localities of the poor. 38 With this evidence in hand, in 1846 Nugent advocated the immediate enactment of legislation to lend St. John's approximately £4,000 for the construction of a proper water system. His Committee also recommended that assessments be imposed on citizens to pay for this loan. 39

In October, 1845, the town's merchants addressed themselves to the water question. Their interest, of course, was in greater fire protection and the reduction of insurance premiums. 40 These matters were much in their minds in the fall of 1846 because of a recent visit to St. John's, the first since 1809, of an agent of the Phoenix Fire Insurance Office of London. This agent, J.J. Broomfield, who toured all the major cities of British North America, was amazed at the risk St. John's presented; it was "generally... the worst built town that
I have seen since I left England." Broomfield found local merchants very dissatisfied with his Company's policies towards their town, especially the high premiums the Phoenix charged. Some St. John's merchants had switched to American companies, which were offering half the rate of the British Company; despite this challenge the Phoenix remained the largest underwriter of property in St. John's. By improving the town's water supply the merchants, in the wake of Broomfield's visit, hoped to bring the Phoenix rate into line with that offered by the Americans. With fire losses to property in the town for the first six months of the year amounting to approximately $400,000 (U.S. currency), the merchants had good reason to act.

Their approach to the problem was to form a 12 man committee to launch a joint stock company to supply St. John's with water. Their priority was Water Street, but they were willing to provide water to the whole of St. John's, if the colonial legislature would make a public grant to the new company equal to what it could raise itself. When a share-list was opened, £6,000 was quickly raised, the St. John's Water Company being formally launched in January, 1846. Two of the most prominent backers of the new venture - William Thomas and Charles Fox Bennett - were also prominent members of the legislature. Not surprisingly, the bill to incorporate the St. John's Water Company encountered strong Liberal opposition. The Liberals saw that the
association of all the prominent merchants with this Company would make the creation of a rival corporation at some future date very difficult indeed. They were also angered because in the first instance only Water Street would be supplied. In the view of William Thomas, the first president of the Company, this restriction was necessary because of the limited funds available. As soon as an economical service could be introduced to Duckworth and Gower Streets, the Company would do so. To protect the public interest, the Liberals demanded and received a provision in the bill of incorporation limiting the shareholders to a maximum 10% annual dividend on the paid-up capital. Any annual surplus was to be used by the Company for establishing additional fire plugs and for providing water, free of charge, to the poor. Moreover, the shareholders were to allow the poor free access to any water from pumps and fountains the legislature might construct and connect to the Company's mains and pipes. Reform of sorts had been achieved at last, but just three months after the legislature approved these terms St. John's was devastated by one of its two greatest conflagrations. The merchants' actions had been a classic case of too little too late.

The origin of the fire, which broke out on the sunny and windy day of June 9, has generally been attributed to the carelessness of a cabinet maker who lived
on George Street in the congested heart of the town. George Street at this time was in reality but a small lane running east and west between Waldegrave and Queen Streets (see map, p.159). At 8:30 a.m. a pot of glue, which the cabinet maker was heating on a stove, boiled over and caught fire. The frame shop and tenement above were quickly engulfed and the flames then spread to the adjoining tenements. The fire alarm was immediately sounded; but it took a full 20 minutes before the fire engines arrived. When the firemen did get to the scene, they were unable to act for want of water.

In the meantime, the fire had moved east to Queen Street, which was predominantly of stone construction. There, the fire was so intense that the firemen, despite having got some water, were again stymied. Both sides of the street were soon in flames, the doors, window sashes, and woodwork of the stone buildings proving excellent combustible material. Despite this progress, the merchants remained confident that the firebreaks on Water Street would ensure the safety of their premises. Strong winds, combined with the efforts of the military and civilian fire companies, stopped the fire spreading to the west. In the east, naturally these same winds carried the fire and flying fragments of burning timber further and further. From Queen Street the fire swept southward to Water Street where it branched off to both east and west. As the flames advanced from Queen Street
Figure 1: Limits of 1846 Fire
Source: Map Collection, Provincial Archives of Newfoundland and Labrador
Governor Harvey ordered a house on the south side of Water Street blown up to create an even wider firebreak. This, he believed, would effectively prevent the further expansion of the blaze. As so often happens, his action had the opposite effect: the exploding gunpowder scattered showers of burning brands to the east and north where they engaged several churches and schools. On Water Street the fire's rapid advance was also assisted by the presence of huge vats of seal oil, the produce of a prosperous spring fishery, in the merchants' premises. As the conflagration travelled down Duckworth and Water Streets, many abandoned the fight and fled home to save what little property they could. Naturally, wholesale looting followed.49

In the end, the fire consumed all the public, religious, and commercial buildings in its path. Though a Roman Catholic Church, situate to the rear of the north side of Duckworth Street, was preserved after much difficulty, the nearby Church of England Cathedral was less fortunate. So, too, was the gaol located on that street's same side. Indeed the flames from that building jumped across the street and ignited to several commercial and legal premises, of stone and brick construction. Among the buildings destroyed here was the stone residence of Robert Prowse, the most substantial private house in the town. From Duckworth Street the fire branched north along King's Road, consuming all the tenements and houses along it. To the north, however, Government House was
saved. By 7:00 p.m., when the fire had finally run its course, over 2,000 buildings had been burned and about 12,000 people, or 57% of the town's total population, left homeless. The total amount of property loss was estimated at $888,356, only $195,000 of which was later recovered through insurance. Altogether, there were three casualties: one soldier died as a result of the demolition Harvey ordered on Water Street; one citizen collapsed while attempting to carry his possessions to safety; and one prisoner died in his cell when the gaol burnt. A few days later, two labourers clearing away ruins were killed by a falling wall.

Acting promptly both to provide relief for the fire sufferers and to control the rebuilding of the town, Governor Harvey issued several proclamations the following day. The legislature, he announced, would be convened in emergency session on June 16 to determine how the town would be rebuilt. Until that plan was decided upon, no wooden buildings were to be constructed in the burnt out district. In the meantime, a circular letter was to be sent to all British North American governors, and to the British Consul in New York, notifying them of the fire and asking them to raise relief for the St. John's inhabitants (St. John's residents had answered a similar appeal from Quebec fire victims the previous year). Harvey also chartered two vessels to procure provisions in Halifax and New York. Finally, he called a meeting of prominent merchants, clergymen, judges and
government officials at Government House to discuss how relief measures should be carried out. The result of this meeting was his appointment of a general Fire Committee consisting of a clergyman from each religious denomination; three military officers (the commanding officer, and the officers in charge of the Royal Artillery and Royal Engineers respectively); one official each from the Commissary and the Ordnance Store; five members of the Amalgamated Legislature; and eleven merchants.

Harvey's appeal for relief abroad was quickly answered from Great Britain, the British North American colonies, and the United States. The Peel Government, although in the process of dissolution, gave £5,000 and the succeeding Russell ministry sent an extra £25,000. The citizens of Halifax immediately subscribed £1,500 for the purchase of provisions, while the Nova Scotia government itself sent £1,000. Excluding the Imperial Grant, the total amount of donations raised for the fire sufferers was, according to an 1847 estimate made by Governor Le Marchant, approximately £41,000. Another £29,000, the so called Queen's Letter Fund, was raised in Great Britain by Church of England clergymen to help rebuild the local Anglican Cathedral. Half of the Imperial Grant and most of the donations, except those raised under the Queen's Letter, were expanded by the Relief Committee, which had responsibility both for sheltering, clothing, and feeding the homeless and for
helping individuals to rebuild. The Committee also paid the passage of any individual made destitute by the fire who wished to leave Newfoundland. The number who emigrated in this manner was probably less than 500; their most favoured destinations being Prince Edward Island, Halifax and Boston. By the time the Committee was disbanded in June, 1847, it had spent a total of £32,397 14s, most of which went to the town's small shopkeepers, professionals, tradesmen, mechanics, fishermen, and labourers. Direct aid for rebuilding was also provided by the colonial government.  

The plan for the rebuilding of St. John's which the legislature adopted during its emergency session following the fire was the product of considerable debate and compromise. In effect it rejected an official plan drawn up on its behalf by the Surveyor General which called for the straightening of Water Street and the widening of that thoroughfare to 70 feet. This plan would have entailed great cost to the colony, since landlords would undoubtedly have demanded a high price for any land taken, especially on the south side of Water Street. It would also have forced many merchants to move their premises back towards the harbour waters. By contrast, the plan adopted by the House minimized the amount of land to be taken, providing also greater security for the merchants through a separation of the residential area of the labouring population from the Water Street business district. The hope of the legislature was to make Duckworth Street the
residence of the town's merchants and professional men—a solid middle class enclave between the business district and the labouring population. Both sides of Water and Duckworth Streets were to be rebuilt using fire proof materials, while the streets themselves were to have a width of 60 feet each. Duckworth Street was to be subject to the same building regulations as Water Street, and was to be shortened to accommodate landlords wishing to develop their land for the construction of tenements. In making this change the legislators acknowledged the pressing need of fishermen, tradesmen, and labourers to live as close as possible to their place of work on the harbour front. Duckworth Street was to end at its intersection with Gower Street. The street west of this intersection was to be renamed New Gower Street. Here and in the area above wooden houses were to be allowed. The legislature also made a concession to those residents who, despite Harvey's rebuilding ban, had erected, or planned to erect, temporary wooden houses and stores on Water and Duckworth Streets. May 1, 1849, was now stipulated as the final removal date for these structures. 61

Another provision of the 1846 Rebuilding Act provided for an increase in the number of firebreaks to 11; several of these were now to be 70 to 80 feet wide, the former requirement having been 60 feet. 62 Moreover, all building outside the Water and Duckworth area was to be regulated; in the future, nobody could build less than
25 feet from the center of a main thoroughfare. What constituted such a main street was to be decided by the Executive Council, which was to appoint a supervisor of streets to enforce the Act. The Act further stipulated the method by which land arbitrations were to proceed. Finally, it repealed the 1833 Fire Companies Act, presumably because of the ineffectiveness of the companies that Act had created and the widespread refusal to pay the assessments that were supposed to support them. Finally, the Act allowed the Stipendiary Magistrates in Quarterly Session, on the recommendation of the Grand Jury, to levy assessments for the construction of drains and sewers. These were to be based on the annual rental value of lands and buildings within the town and to be paid by all landlords and lessees, according to their respective property interests.

The success of the Rebuilding Act assumed the raising of a general loan of £250,000 by the Imperial Government on behalf of the colonial legislature. This loan was to pay for the compensation that would inevitably follow the expropriation of the private land required for the street program and other civic improvements. To assist residents in erecting stone or brick buildings and houses, the legislature proposed to make available out of the loan funds public grants to defray the cost of construction. The loan itself, the protestations of a few outport legislators notwithstanding was to be repaid out of general revenue, there being a strong feeling among most members that the town itself could not, under the existing cir-
cumstances, shoulder such a large financial burden.

Unfortunately for this plan, the Imperial Government declined to act on behalf of Newfoundland, preferring that the colony secure the necessary funds on its own credit.

When this became known, Colonel Robeit Law, the Administrator of Newfoundland between Harvey's departure in August, 1846, and Sir Gaspard Le Marchant's arrival as governor in April, 1847, called another emergency meeting of the legislature in December, the last under the amalgamated system. The modified rebuilding plan that emerged from this session reflected the concern of both Liberal members and absentee landlords' agents, prominent among whom was William Row, an appointed member of the House. Under this new rebuilding plan, both Water and Duckworth Streets were again set at a width of 60 feet; but in the case of the former, the street line as it existed on the day before the June 9 fire was to be retained wherever possible. It was, however, on the north side of Duckworth Street that the most significant — and retrograde — change was made. There, the clause in the original Act limiting construction to fire proof materials was repealed and frame structures were again permitted. Knowing that the Phoenix considered a width of 60 feet sufficient for fire protection, the merchants were content to look to the south side of Duckworth Street, with its fire proof construction, as security from the town above. Through these arrangements, the merchants were saved from paying for costly
general civic improvements while the Liberals were able to offer their followers the dubious benefits of cheap frame construction. To pay for these street improvements that were to be made, the legislature decided to raise a loan of £20,000 on the security of the colonial revenue. There was now also to be a 10% duty on imports passing through the port of St. John's. This latter impost was to pay for such general improvements as the construction of drains and sewers and the levelling of the surfaces of Water and Duckworth Streets. The new duty, which, in effect, replaced the assessments provided for in the original Act, was also to provide the salary of the new supervisor of streets. What St. John's got then was a watered down version of the original plan without the imposition of any property assessment.

That the property assessment was thus withdrawn in favour of a duty illustrates the continuing power of landlords in general and absentee landlords in particular to avoid municipal taxation. In the aftermath of the fire many landlords put covenants in their leases specifically protecting themselves from any property tax the colonial government or some future municipal corporation might impose. These covenants obligated leaseholders in the words of one typical lease to "pay or cause to be paid all taxes, assessments, rates, and impositions whatsoever which now or may hereafter be charged, rated, or imposed on the said demised land and premises or any part thereof, or on the rents reserved...in respect there-
of." This particular leaseholder was, moreover, bound
to construct on the leased land a stone or brick building
of specified dimensions. To encourage leaseholders
to put up such substantial buildings, landlords now
gave leases for long periods, with 40 years apparently
being the most common tenure. A leaseholder might be
required to keep his premises in a certain state of repair
but might not at the end of the lease be entitled to any
compensation for the improvements he had made if his land-
lord refused to renew.

This whole system obviously worked against systematic
local government. The existence of the assessment co-
venant in the leases provided a strong argument against
any assessment on property at all. While it was true
that in the decade after the fire absentee landlords
received only about £16,076 of £60,000 paid out by the
colonial government in land compensation, they benefited
greatly from the improvement of St. John's without pro-
viding any of the means by which that improvement was
effectected. Making the absentee pay would be a familiar
refrain in St. John's politics for the remainder of the
century.

By the early 1850s the rebuilding of St. John's along
the lines laid down by the legislature was complete. Yet
in the new town there was much of the old. On the southside
of Water Street, the merchants had generally erected
substantial two-storey brick and stone buildings costing
from four to eight thousand pounds; but they had often done
so under the terms of leases which greatly favoured ground landlords, especially absenteeees. The security of their property was, however, marred by the continued existence of the temporary wooden sheds used since 1846 by a few merchants, shopkeepers, publicans and others both on the north side of Water Street and on the south side of Duckworth Street. The fire threat that these posed meant that the merchants had great difficulty in insuring for more than half the value of their new property, given the high premiums enforced by the foreign insurance companies. These sheds were to have been removed by May 1, 1849, but their occupants, working through the Liberal members in the Assembly, were able to have this deadline extended by 18 months. The sheds finally came down in 1851 but beyond them there was another menace. Before 1846 the labouring population had been concentrated below the north side of Duckworth Street; it was now on the slope of the hill above New Gower Street and Duckworth Street. But in the move little had been done to ameliorate its condition. Part of this new district — Tarahan's Town — had huddled within its closely packed tenements over 400 families comprising some 2,000 persons. Both resident and absentee landowners in areas like Tarahan's Town refused to offer leases of more than 20 to 25 years duration. It was, the Newfoundlander reported, unprofitable for them to do so, considering their tenants could afford only wooden construction. But if the leases were shorter on the hill than they were on Water Street, both groups of tenants
faced the same prospect at the end of their tenure—the surrendering up of property without any compensation for improvements made. 84

The official survey commissioned by the legislature in 1846 had envisaged St. John's ornamental in appearance whose streets were laid out in a grid pattern. Many factors worked against the implementation of this plan. The cost involved was obviously one, and the attitude of landowners towards property assessments was clearly another. Then again, if land was to be taken for improvement, whose land should it be—whose interest should be sacrificed so that streets might be shaped "into forms marked with parallel lines and squares, for the erection (of) palaces and castles." General improvement was also controversial in that it would have enhanced the value of some properties more than the value of others but all would pay. These and other considerations combined to ensure that the real model for the rebuilding of St. John's was "the town as it is." 85 The winding lanes symbolized the continuity between the old town and the new.

Yet if St. John's was not fundamentally altered after the fire, its rebuilding did add substantially to Newfoundland's public debt. 86 Thus when the Little Liberal Government assumed office in 1855 under responsible government, fully 43.8% of a total colonial debt of £113,555 was attributable to this charge. 87 A great opportunity had been lost after 1846 but even at that the price had been high.
Footnotes

1. Fox, The Newfoundland Constabulary, 99-100; Prowse, History of Newfoundland, 421; Gazette, April 22, 1828, April 14, May 5, 1829; and PANL, GN2/2, Middle Ward Fire Wardens to Colonial Secretary Crowdy, May 31, 1832.

2. The 1833 Fire Companies Act was printed in the Newfoundlander, July 18, 1833. See also the rules and regulations governing the operation of the Fire Companies from 1833 to 1846, published in the Gazette, August 6, 1833, February 11, 1834, July 7, 1835, October 23, 1838, August 10, 1841.

3. Newman W. Hoyles, born 1777; merchant and politician; colonial treasurer, 1833-40; cashier of the Newfoundland Savings Bank; died St. John’s, February 29, 1840.

4. Newman Hoyles in Assembly Debates, July 20, 1833, in Newfoundlander, July 25, 1833; and Ledger, May 6, 1834.


6. PANL, GN2/2, General Military Order, September 27, 1845, concerning the use of the garrison in case of fire in St. John’s; P8/B/10, Chamber of Commerce Minute Book, September 30, 1835; General Military Order printed in the Gazette, October 24, 1843; 1841 Throne Speech as reported in the Ledger, January 5, 1841; Gazette, July 9, 1833, May 14, 1839, October 6, 1840; and Newfoundlander, October 8, 15, 1840.


8. Petition from Robert Job in JHA, July 12, 1833.


10. "Equity" to Times, July 24, 1833, and to Ledger, July 26, 1833.

11. Petitions from Timothy Hogan and Thomas D. Quinn in JHA, July 23, 1833; and Assembly Debates, July 21, 1833, in Newfoundlander, July 25, 1833.

12. JHA, July 18, 23, 30, 1833; and Newfoundlander, August 1, 1833.
13. *Gazette*, May 14, 1839; and *Newfoundlander*, May 16, 1839.


15. PANL, GN2/2, Stipendiary Magistrate Simms to Colonial Secretary Crowdy, January 8, 1845.


17. *JHA*, April 7, 1845.


19. *Ledger*, April 22, 25, 1845; and "Report of the Select Committee appointed to prepare a bill for regulating the building of streets and lanes in St. John's," printed in the *Gazette*, April 15, 1845.

20. The 1845 Road Appropriation Act was printed in the *Gazette*, May 20, 1845.

21. PANL, GN9/1, Minutes of Executive Council, June 17, October 4, 1845; *Newfoundlander*, June 26, 1845; and *Gazette*, October 14, 1845.

22. PANL, GN2/2, Letters to Colonial Secretary Crowdy from Stipendiary Magistrate Simms, May 24, 1845, and from Road Regulations Commissioners, June 30, 1845, March 31, 1846.

23. *JHA*, February 16, 1843.


25. *Ledger*, September 5, 12, December 1, 1843; *Newfoundlander*, September 7, 1843; and *Gazette*, November 21, 1843.


29. Statutes of Newfoundland, 7 Victoria, Cap. 12; Assembly Debates, April 22, 1850, in Ledger, April 23, 1850; and JHA, 1853, Appendix, 362-66.


31. "Report of a Select Committee, appointed by the House of Assembly to consider and report upon a bill before the House, entitled 'A Bill to make provision for supplying the Town of St. John's with Fresh Water,'" JHA, 1845, Appendix, 299-308; and PANL, GN2/2, 259-62, letter from Major Robe, discussing the possibility of using a site on Military Road for the erection of a public building.

32. Gazette, October 28, 1845.

33. John Valentine Nugent, born Waterford, Ireland, 1796; Roman Catholic; educator, politician, newspaper editor and proprietor, sheriff; MHA Placentia-St. Mary's, 1836-1842, St. John's, 1842-1848; high sheriff, 1856-1871; died St. John's, June 12, 1874.


35. The 1844 and 1845 water bills were printed in the Gazette, February 13, 1844, and February 4, 1845, respectively.

36. Assembly Debates, February 5, 1844, in Newfoundlander, February 8, 1844, and January 27, 1845, in ibid., January 30, 1845.

37. Newfoundlander, January 23, 1845; and Assembly Debates, February 5, 1844, in ibid., February 8, 1844.

38. "Report of a Select Committee appointed by the House of Assembly to consider and report upon a bill before the House, entitled 'A Bill to make provision for supplying the Town of St. John's with Fresh Water,'" 303-04.

39. Ibid., 299-300.

40. Newfoundlander, October 13, 1845; and Gazette, October 28, 1845.

41. Ibid., See also Broomfield, as quoted in Fay, Life and Labour in
Newfoundland, 172-73, 188; and Broomfield, "Report on Fire
Risks, St. John's and Harbour Grace, November 8, 1845,"
2-7.

42. Newfoundland, September 18, 1845.

43. Gazette, October 28, 1845.

44. William Thomas, born Dartmouth, England, 1785; Merchant
and politician; MHA St. John's, 1832-1833; died Liverpool,
December 5, 1863.

45. Newfoundland, January 19, 1846; and Gazette, January 20,
1846.


47. Assembly Debates, March 26, 1846, in Newfoundland,
March 30, 1846.

48. The 1846 St. John's Water Company Act was published in the
Gazette, May 19, 1846.

49. This account of the fire is based on the following contemporary
sources: Fay, Life and Labour in Newfoundland, 180-84; Newfound-
lander, June 18, 1846, as quoted in Prowse, History of Newfound-
land, 458-60; and Morning Courier, June 12, 1846 ("Fires" file,
Newfoundland Historical Society).

50. Ibid., See also British Parliamentary Papers, Colonies, Canada,
vol. 19, 278, 280.

51. Broomfield as quoted in Fay, Life and Labour in Newfoundland,
188.

52. O'Neill, A Seaport Legacy, 628.

53. British Parliamentary Papers, Colonies, Canada, vol. 19,
275-76.

54. Ibid., 279, 316. For the membership of the Relief Committee,
see Appendix II,5.

55. Ibid., 282, 294-95, 347-48. See also Pedley, History of
Newfoundland, 419; and 1846 St. John's General Fire Relief
Committee, Report (St. John's, 1847), 7.

56. British Parliamentary Papers, Colonies, Canada, vol. 19,
318-40.

57. Ibid., 322, 356, 375-80. See also 1846 St. John's General
Fire Relief Committee, Report, 90-1; and Gunn, The Political
History of Newfoundland, 1832-1864, 105-05.

58. "Report of the Commissioners appointed by His Excellency the
Governor to survey and lay out the Town of St. John's prep-
aratory to its being rebuilt," published in the *Newfoundlander*
July 20, 1846.


60. The 1846 St. John's Rebuilding Act is published in the
*British Parliamentary Papers*, Colonies, Canada, vol. 19
305-11. Its official title is 9 and 10 Victoria, Cap. 3,

61. *Ibid.* See also *Newfoundlander*, July 2, 1846; and Assembly
Debates, June 27, 1846, in *ibid.*, July 9, 1846, and
December 28, 1846, in *ibid.*, December 31, 1846, January 4,
1847.

62. 9 and 10 Victoria, Cap. 3; Patrick Morris in Assembly Debates,
June 26, 1846, in *Newfoundlander*, July 9, 1846; and Broomfield,
"Report on Fire Risks, St. John's and Harbour Grace, November
8, 1845," 3-4.

63. 9 and 10 Victoria, Cap. 3.

64. The 1846 St. John's Rebuilding Loan Act is published in
*British Parliamentary Papers*, Colonies, Canada, vol. 19,
295-97.

65. Assembly Debates, June 22, 1846, in *Newfoundlander*, July 2,
1846.

66. *British Parliamentary Papers*, Colonies, Canada, vol. 19,
298-99, Earl Grey to Harvey, July 27, 1846.

Biography*, vol. 10, 433-34.

68. See Law's Throne Speech in *British Parliamentary Papers*,
Colonies, Canada, vol. 19, 330.

69. PANL, GN2/2, William Row to Colonial Secretary Crowdy,
February 26, 1848.

70. The 1847 St. John's Rebuilding Act was printed in the *Gazette*,
January 19, 1847.

71. *Ibid.* See also Assembly Debates, December 21, 28, 1846, in
*Newfoundlander*, December 24, 31, 1846, January 4, 1847.

72. 1847 St. John's Rebuilding Act.

73. Bryan Robinson in Amalgamated Legislature Debates, December
28, 1846, January 6, 1847, in *Newfoundlander*, January 4, 14, 1847.

74. PANL, P4/7, Robert John Pinsent Papers, Lease between H.W.
Hoyle, administrator, estate of John Flood, and Samuel
Knight, March 30, 1847.

76. Philip Little in Assembly Debates, February 23, 1858, in
Newfoundlander, March 1, 1858.


78. Ibid., 435. See also Newfoundlander, January 18, 1849.


80. JHA, January 25, 1849; Ledger, February 13, 1849; and Statutes of Newfoundland, 12 Victoria, Cap. 15.

81. Statutes of Newfoundland, 14 Victoria, Cap. 6.

82. Express, November 6, 1860.

83. Newfoundlander, October 18, 1855.

84. Ibid., October 25, 1855.

85. Patrick Morris in Amalgamated Legislature Debates, June 17, 1846, in Newfoundlander, June 25, 1846.

86. British Parliamentary Papers, Colonies, General, vol. 8, 376, Darling to Labouchere, August 31, 1856; and JHA, 1854, Appendix, Hamilton to Colonial Office, September 16, 1853.

CHAPTER V

St. John's under Responsible Government, 1855-1885

The steady flow of people from Newfoundland to the North American continent, which began after the 1846 fire in St. John's, continued for the remainder of the century. The total number of emigrants is uncertain; but in the 1890s one St. John's newspaper placed the figure, at more than 50,000. This enormous loss notwithstanding, the population of the island continued to grow— from 124,228 in 1857 to 202,040 in 1891, an increase in percentage terms of 62.6%. The impact of emigration on St. John's was more dramatic than that for Newfoundland as a whole. The town's population dropped from 24,851 in 1857 to 23,890 in 1874, rising again to 31,142 in 1884. The 1891 population was 24,823, a lower figure than that for 1857. The reason for this checkered demographic history is not hard to find; the economy of St. John's, dependent as it was on a difficult international marketplace, could not keep pace with the pressure of population on it.
In 1867, for example, fully one-fifth of the town's population was receiving assistance from public or private charitable agencies. 5

Emigration also affected the religious composition of St. John's, reducing the influence of the Roman Catholic population which had been so important in the politics of the 1832-1855 period. Between 1857 and 1869 the number of Roman Catholics declined from 18,249 to 16,044. There was a further drop by 1874 to 15,719. A modest increase followed - the 1884 figure was 19,396 - but the 1891 Roman Catholic total of 14,292 was considerably less than the figure cited above for 1857. Moreover, while Roman Catholics remained a majority in St. John's, they were now a distinct minority in Newfoundland. By contrast, the number of Anglican and Methodist adherents grew both relatively and absolutely. The Anglican total in 1891 was 5,250, compared to 4,010 in 1857. Similarly, their share of the town's population increased proportionally from 16.1% in 1857 to 21.1% in 1891. Thanks to strong migration from the outports, the Methodist numbers were much more dramatic, rising from 1,473 in 1857 to 4,005 in 1891. Congregationalists and Presbyterians continued to play an important role in the social and economic life of the town, but their numbers did not change dramatically.

In the late 1880s the Salvation Army began recruiting in St. John's and by 1891 had 116 adherents. 6 Its cause was first espoused in Newfoundland by Emma Churchill, a native
daughter, who returned as a missionary after emigrating to Canada and marrying an Army captain. 7

Given these population figures it is not surprising to find that government and business leaders made a concerted effort to develop secondary manufacturing in St. John's after 1870. Capital for these new ventures came from the town's fish merchants who formed a number of limited liability companies for this purpose. The new enterprises that were launched attempted to serve the local economy - to provide Newfoundlanders, for example, with clothing, footwear, confectionary, baked goods, and a variety of marine requirements. The growth of this service sector in the economy transformed the St. John's labour force, but the employment it provided was never enough to stop the flow of people away from the island. 8

The changing face of St. John's in the last quarter of the century is evident in the census statistics of occupied workers. In 1874 the number engaged in fishing-related occupations was about 50% of the whole; by 1891 this population had dropped dramatically to 5.7%. By contrast, the number of workers involved in the secondary sector - mechanics and tradesmen, factory workers, and those classified in the census under 'others' (basically transport and construction workers) - had risen from 34.1 of the total occupied labour force in 1874 to 66.8 by 1891. Another significant feature of this new labour force was the growth in the size of the service sector by the latter date;
clerical workers in the private sector accounted for 14.8% of the whole while public employees numbered 3.7%.

The effort made in the 1870s to develop secondary manufacturing built upon earlier government efforts at economic diversification through programs of shipbuilding and agricultural development. These early attempts at economic reform were directly related to the problem of able bodied poor relief; but government expenditure on this item grew apace, rising from £8,385 in 1857 to £14,000 in 1860. Most of this money undoubtedly went to needy persons, but there were clear instances of abuse, especially in the late 1850s when the Liberal Government of the day tended to give relief in electoral districts where their supporters prevailed. This abuse of funds was frowned upon by Bishop Mullock who preferred that the general revenue be put to better use, his pet projects being the construction of roads and the establishment of steam communication between St. John's and the outports. "How does it happen," Mullock wrote in 1860 in a scathing letter to the local press, "that an enormous revenue, wasted in providing... for state paupers, cannot afford the sum of £3,000 for outport accommodation?" Describing the existing revenue system of indirect taxation as "nothing but legalized robbery," Mullock asserted that local residents paid "heavy taxes" but got "no return." His criticisms shook the Liberal Government of Little's successor John Kent, which had already been weakened by declining Methodist support.
Among those ready to seize the moment were the St. John's merchants who were angered by the continued collection of the 10% import duty imposed under the authority of the 1847 Rebuilding Act. This duty, they argued, was not only a heavy burden on the trade of the town but an illegal imposition; the funds required for the rebuilding of St. John's had long since been raised and spent. Specifically, the merchants through their Chamber of Commerce, objected to the use of such funds for general street improvements and for the rebuilding of Tara Han's Town after it was destroyed by fire in 1855. 14

In their pursuit of the Kent Government, the merchants had a strong ally in Governor Sir Alexander Bannerman (1857–1864) who was displeased with his advisers' control of public expenditure. Bannerman's moment for action came in 1861 when Kent refused to withdraw a critical comment about him. Kent's charge was that the Governor had conspired with the Conservatives to block the passage of legislation affecting the salaries of senior public officials. Faced with this impasse, Bannerman dismissed Kent and called on the Conservative leader, Hugh Hoyles, the member for Burgeo and La Poile and the son of a Colonial Treasurer under representative government, to form a ministry. The Hoyles Conservative Government was initially in a minority of one in the Assembly, but later in the year managed to obtain a small majority in a general election marred by violence and the subsequent
use of military force in both St. John's and Conception Bay. Among the first acts of the new Conservative Government was the abolition of the 10% duty.

There was now only one Roman Catholic in the Hoyle's Government - Laurence O'Brien, the President of the Legislative Council. But in 1865 a new Conservative leader, Frederick B.T. Carter, formed an "amalgamated government", which to regain Catholic supporters, included not only O'Brien but also John Kent and his fellow Liberal and co-religionist, Ambrose Shea. The compromise thus reached was founded on the practice that whenever possible public office and patronage should be distributed on a proportional basis by religious denomination. It was this government of reconciliation that was in power in Newfoundland when the Canadian Confederation became a reality on July 1, 1867. Carter and Shea had represented Newfoundland at the 1864 Quebec Conference but were unwilling until 1869 to force the issue of union on an island society whose outlook and economy were oriented away from the continent. Their caution was not misplaced for when they finally did give way to the prodding of the staunchly pre-Confederation Governor Sir Anthony Musgrave (1864-1869) and fought an election on the issue, they were soundly defeated. Their undoing was the product of an expedient political alliance between a group of Protestant Water Street merchants led by Charles Fox Bennett and the colony's Roman Catholic population, which was opposed to union with Canada for a
variety of local and emotional reasons. Bennett's victory cast a long shadow; for many years to come identification with the cause of Confederation would be a serious liability in local politics. 19

In 1873, with Confederation no longer an issue, Bennett won re-election by a small majority. But his government was soon rent with dissension, three MHAs resigning from it for various political and personal reasons. This left Bennett in a minority position and in 1874 he gave way to Carter. From the first the new Carter Government enjoyed the support of one of the MHAs who had abandoned Bennett, the other two being appointed subsequently by it to public office. In 1874 Carter won a sweeping electoral victory over a still predominantly Roman Catholic Liberal Party. 20 For the next 11 years the Conservative Government presided over an era of relative prosperity in the colonial economy. This prosperity was characterized by good fisheries, the growth referred to above of secondary manufacturing in St. John's, the construction of a dry dock, and the laying of the first rails westward from the capital. 21 During most of this period, colonial politics were relatively calm and, despite the division of the two parties into Protestant and Roman Catholic, there were no fundamental differences between politicians until the 1880s. 22 The approach of the governance of St. John's in this area was a mixture of compromise and economy, facilitated by the settlement achieved in the first decade of responsible government of the difficult water and
sewerage problem.

In 1855 the first priority of the first government under the responsible government system had been the reorganization of the public service; but in 1856 Little and his colleagues turned their attention to the problems of St. John's. A bill of incorporation was drafted for presentation to the legislature during that session, but this plan was subsequently abandoned. There were several reasons for the new government's change of heart. An obvious one was the longstanding opposition of absentee landlords to any tax on their ground rents. Another was the conundrum of devising a municipal franchise: the Liberal crowd in St. John's had no taste for direct taxation, yet would not tolerate a narrow property franchise. As one newspaper put it, the town's population would pelt "with stones the tax-gatherer who should go amongst them to demand even a dollar a head from each household," while at the next election it would hoot "from the hustings ... the candidate... whose vote should have gone to deprive them of the right of voting at the municipal elections." For the town's merchants, however, a strict property franchise was prerequisite to any form of local government. While willing to tolerate a household franchise at the colonial level, local property owners were fully aware of the graft and corruption so often associated with municipal government elsewhere in British North America and in the United States. "Unlimited power of assessment" was folly, one of them wrote, to give a "corporation
whose members would be elected by a numerous constituent of which the majority would be liable to only a fractional portion of the rates." In St. John's over half of all municipal assessment would be paid by "thirty or forty mercantile establishments on the south side of Water Street," while the control of this revenue would be in the hands of corporation members elected by a majority constituency residing "to the northward of Duckworth Street." 24

Little attempted to find his way around the incorporation obstacle by addressing himself more specifically to the problem of water supply and the inadequacies of St. John's Water Company. The history of that Company since the late 1840s was one of service to Water Street only. During the special emergency session of June, 1846, the Company persuaded the legislature to remove the clause in its act of incorporation restricting its annual profit to a maximum 10% dividend on the paid-up capital. The legislature acted under threat, one major shareholder declaring that the "Company would be dissolved" if the concession was refused, "for persons would not embark their capital in a speculation subject to a limit of this kind." 25 Having got its way, the Company proceeded to lay mains along Water Street only. 26 In 1849 the Chamber of Commerce declared that St. John's was "as secure from the effects of fire as any other town in North America," 27 but such optimism was illusory. The truth was that the Company could not deliver enough water,
its sole source of supply being George's Pond, located on the slope of Signal Hill not far from Water Street itself. This problem became readily apparent when some residents of Water Street, on connecting to the main, found that there was little or no water for them. For its part, the Company dismissed the shortage as a temporary problem; but despite repeated promises of improvement, neither altered the existing system nor actively sought another source of supply. Developing an alternative source would obviously be a costly venture and with the annual dividends of the existing company running in the 3-5% range on its capital stock, the St. John's business community had little incentive to seek to supply the whole of St. John's with water. In the circumstances the best that could be hoped for from private enterprise was limited improvement. In 1857, on the initiative of one of its directors, Robert Prowse, the member for Burgeo and La Poile, the Water Company received a grant from the legislature to enable it to extend branch pipes as far as Gower Street and to construct fire hydrants there. The next year the Company came back to the legislature for a further grant in support of this work, but it was now refused, the Liberals in the meantime having decided on a scheme of their own for supplying the town with water—a scheme which in its breadth was an obvious alternative to the difficult matter of incorporation.

What Little and his colleagues proposed in 1858 was
that the government itself undertake the construction of a new water system which, along with other local improvements, would be financed by an assessment or land tax to be levied on absentee landlords. In putting forward this scheme, Little had deliberately ignored a provision in the 1855 Royal Instructions ordering the Governor of Newfoundland not to assent to any bill passed by the local legislature that might prejudice the property of Imperial subjects. Little's land tax would operate in the following manner. The Stipendiary Magistrates would impose on the appraised annual value of landed property in St. John's and the annual rents collected from it a tax to create a fund not exceeding £2,000 per annum. The land tax would be paid by tenants who would deduct its amount from the rents they paid to ground landlords. Out of the annual revenue thus created, Little hoped to pay for new water works, a start on which was to be made through the raising of a £7,500 loan.\textsuperscript{31} Legislation he put forward embodying this scheme easily passed both Houses, the Legislative Council now having a Liberal majority thanks to appointments made in 1855.\textsuperscript{32}

Little considered the proposed new tax "reasonable" and "just" because absentee landlords had benefited enormously from the expenditures the colonial government had made since 1846 on the rebuilding of St. John's. Of direct benefit to them was the financial compensation the government had provided for land it had taken for street improvements; but the absentees had also gained from the benefit
which had accrued to many properties through the general civic improvements. Local landlords were exempted from the new tax because as residents they had already contributed to the colonial revenue as consumers of dutiable goods. Exemption was also provided for those absenteeees who had not sold any land to the government after the fire, or whose property had not been increased in value by the improvements which had been made to the town. How many absentee landlords fell within these categories is not know. With this tax to draw upon, Little was confident that St. John's would no longer be dependent solely on the colony for funds; on the contrary, the town would finally be self-sufficient — able both to protect its citizens from the ravages of fire and to provide them with abundant pure water. 33 Whitehall, however, had another view and when protests were heard from a number of the absentee landlords, the Newfoundland legislation was disallowed. It was, Secretary of State for the Colonies E.B. Lytton wrote to Governor Bannerman, a deliberate attempt to inflict "injustice on one particular class in the community,"; an "income tax" was to be imposed on "non-resident landowners" for the immediate advantage of "resident occupiers."

With the defeat of Little's scheme, the business community took the initiative once again in attempting to provide an adequate water supply. Under the leadership of Ambrose Shea the General Water Company was launched in January, 1859, with a capital stock of £30,000, raised
through the sale of 6,000 shares at £5 each. Among those who lent their names to the list of shareholders in the act of incorporation was Bishop J.T. Mullock. The essence of Shea's plan, which was presented to the legislature in a bill prepared by the Conservative leader Hugh Hoyles, was to have the colonial government guarantee the annual payment of interest to the shareholders on the capital stock; the shareholders in turn would agree to strict government regulation of their company. Because the £30,000 estimate was based on the cost of the water works recently finished in Halifax, the General Water Company was permitted to increase its capital stock by an extra £20,000 if construction costs warranted it. Until the project was completed, the Company was also allowed to raise a loan for the annual payment of interest to its shareholders. On their side, the shareholders gave the colonial government the authority to approve all assessments and rates the Company would charge for the use of its water, which was to be provided in all the main streets of the town. The new company was to purchase the works of the St. John's Water Company and make them part of the larger system it was to build.35

The form of property assessment to be instituted to pay for the new water supply was the rental system found in British cities. There was to be both an owners' assessment and a consumers' rate. With regard to the former, all owners of houses and buildings located within 200 yards of pipes laid by the General Water Company were to
pay an assessment of 1 3/4% on the appraised annual rental value of their property. An owner for the above assessment purpose was defined by the legislature as someone with an insurable interest, either present or reversionary. In the case of a present interest, the assessment was to be based on the appraised annual rental value of the property; in the case of a reversionary interest, the assessment was to be based on the appraised annual interest of the lessor in the property for the unexpired term of the lease. The consumers' rate was to be applied to all of the Company's customers occupying houses and buildings which had been supplied with water. Only householders whose dwellings had an annual rental value of less than £12 were to be exempt.

Separate legislation was passed preventing ground landlords from passing their share of the new assessments on to their leaseholders and tenants, covenants notwithstanding. In the hope of mollifying the Imperial Government this requirement encompassed resident as well as absentee landlords but to no avail. When the absentee landlords rose in protest once more, the Imperial Government acted on their behalf, disallowing the Newfoundland Act. The consequences of this action were far reaching; St. John's simply did not have a property tax base on which systematic local government could be built. Ground landlords could pass property assessments on to leaseholders and leaseholders could pass the burden to tenants - the group least able to pay. Luckily, these
events did not prevent the new water company from achieving its main purpose— the laying of new pipes.

In May, 1859, the shareholders elected a seven-man Board of Directors who chose Ambrose Shea as the Company's first President. In its first year of operation the Company busied itself with the purchase of the necessary pipes from Scotland, the selection of an adequate water source, and the making of plans, drawn up by a Scottish engineer, James Foreman of Glasgow, for the construction of water works. Construction commenced in the spring of 1860 under the superintendence of another Scot, James Fenwick, who was brought out to oversee the work. Because the Company did not wish to drive up wages locally by drawing men from the fishery, 100 Irish navvies were imported to supplement the local labour force. The water source finally decided upon was Windsor Lake, about 4½ miles from Fort William in St. John's. The digging of a trench this distance required many workers, but in June, 1862, a year behind schedule, the gravity flow system was completed. The final cost of the project was a staggering £90,000, three times the original estimate. The extra cost and the additional year of construction resulted from unexpected problems in the digging of the trench. One mile from Windsor Lake workmen encountered a deep rock bed, over half a mile in length, along the route marked out for the water main. The Company decided to cut through this rock, estimating the cost at £20,000. This figure proved wildly wrong and in 1861
another £30,000 had to be raised. In return for a
guarantee on the interest of the Company's increased
stock, Shea now agreed to accept a government appointee
on the Company's board of directors. Such representation
was considered essential by the Hoyles Government if
the public interest in the Company was to be secured.  

St. John's at last had a sufficient water supply for
its inhabitants. By the end of 1862 the Company had connected
1,048 buildings to its mains and installed 72 fire hydrants
throughout the town, as well as 17 fountains for the use
of the poor. For the Water Street merchants in particular
the improved water system was a great boon, the insurance
companies having already lowered their premiums in anticipation
of the completed water works.  

By early 1863, however,
civic pride in the new facility gave way to intense con-
troversy when the Water Company attempted to get from the
Hoyles Government a higher assessment on the appraised
annual rental value of property than the 1 3/4% allowed
it under its act of incorporation. The Company sought
this increase because its operating expense was greater
than had been projected by the legislature when the 1859
assessment was fixed. Adding to the public's uneasiness
was the fact that the Company had not made known what its
consumer rate would be. Rumours were rampant in the
community as to what the amounts of assessment and rate
would finally be, one story placing them together as
high as 11% on the appraised value.  

The consequent
anxiety of residents was further aggravated by the
Government's decision, announced at the opening of the legislature, to impose assessments also for the construction of a sewerage and drainage system.\footnote{43}

Several public meetings were subsequently held to discuss the Company's financial position, the result being a petition containing over 1,500 signatures protesting any substantial increase in the owners' assessment and asking for a low consumers' rate. The petitioners wanted the Hoyles Government to find other funds for the Water Company, if it had to have more money. Specifically, they recommended that the revenue collected within the Districts of St. John's East and West from the annual licensing of taverns and from the renting of Crown Lands be applied to the Company's need. The petitioners also demanded that a tax be placed on absentee landlords and that the size of the Company's directorate be reduced to three as an economy measure. One of these men would be appointed by the Governor-in-Council; another would be elected by the Company's shareholders; and the third would be chosen by the Company's ratepayers.\footnote{44} In effect, the ratepayers were protesting 'taxation without representation', but their complaint may also have reflected popular discontent about the dismissal of Kent and the manner in which the Hoyles Government had been formed.

Both the Government and the Water Company President, Ambrose Shea, rejected the demands of the petitioners, considering them but a reflection of the momentary depressed state of the Newfoundland economy.\footnote{45} Indeed,
amending legislation was passed in the 1863 session
giving the Company authority to levy whatever assess-
ments and rates it considered necessary, subject only
to the approval of the Governor-in-Council. Company
officials were also given authority to number and mark
all houses and buildings in St. John's, a measure designed
to facilitate assessment and rate collection. The number
of Company directors was now reduced to three; but no
action was taken on the petitioners' request that one
director be elected by the ratepayers. Rather two were
to be appointed by the colonial government and the third
elected by the shareholders. 46 With these changes, the
General Water Company was in effect made a departmental
appendage of the colonial government; to be treated as
such, Premier Hoyles asserted, by St. John's residents.
If the ratepayers disliked the Company's policies, he
said, then they could express their displeasure by
defeating the government at the next general election.
The idea of allowing the ratepayers to elect a Company
Director, though sound in principle, was impractical
since it would necessitate "a registration list and
other heavy expenditure." 47 The Water Company would not
be subject to the democratic will of St. John's residents,
but it would be accessible to them nevertheless. Its
affairs would be subject to public scrutiny through the
annual debate in both Houses of the colonial legislature
of its financial statements. The effect of these arrange-
ments was to give St. John's limited autonomy, albeit an indirect one through the instrument of a private company.

Significantly, the Water Company was also given responsibility for a reorganized fire brigade and for the collection of the assessments that the Government proposed to levy to pay for the construction of a sewerage and drainage system. After 1846 the legislature had voted annual grants for the maintenance of several volunteer fire companies; but the Fire Brigade Act of 1863 required the Water Company to organize and pay for a new brigade. The new Brigade was based on the main volunteer companies in the town— the Phoenix, which had been established in 1847, and the Cathedral, which Bishop Mullock had established in 1860, the one Protestant and the other Roman Catholic. These retained their identities in the new arrangement; and each unit managed its own internal affairs. The rules and regulations made by the captains, however, had to be approved by the Directors of the Water Company. A committee of fire wardens was now also formed and included the Directors of the Company, the Brigade captains, and the Inspector of Police. A seniority system was now also established among the wardens, who were to have charge of the Brigade in fighting fires. Brigade members were not paid and provided their own dress uniforms, the Phoenix volunteers wearing a blue outfit and the Cathedral a green-
trimmed red one. The Water Company provided all fire fighting apparatus but the firemen were not issued work clothes. The two volunteer companies drew their members from among the town's tradesmen and mechanics who, like their wealthier mercantile fellow citizens on the south side of Water Street, had an obvious interest in the safety of St. John's.

The new water supply also necessitated a better system of sewerage and drainage; abundance was simply incompatible with the existing system of surface drainage. What the Hoyles Government proposed was a new underground system which would cost £15,000. This amount would be realized through a 25 year loan to be repaid in 1888. The loan would be carried by a new assessment on ground rents in the town and would form an addition to the assessments and rates residents paid to the Water Company for its water service. Absentee landlords could, of course, pass this further impost on to their leaseholders who in turn could pass it on to their tenants, but Hoyles considered this a small price to pay for the construction of an adequate sewerage system. The Government, Hoyles noted, had chosen a 25 year period for the loan because it was during the late 1880s that many of the leases held by absentee landlords would expire. In this regard, the 1863 legislation authorizing the loan provided that when it was paid off in 1888 landowners could not pass on their assessment responsibilities, future leases notwithstanding.

Under this proposal, all landowners, whether resident or
absentee, who shared in the increased land values resulting from civic improvements would pay for their improvements. In the meantime, these leaseholders who paid the sewerage assessment would not only see their properties improved but St. John's made a better and more presentable place. 51

Later in the year, after these arrangements had been made, considerable public opposition developed when the Water Company levied an owners' assessment of 3 1/2% and a consumers' rate of 7 1/2%. 52 Indeed, several prominent citizens refused to pay what they considered an unnecessarily high consumers' rate, arguing that the 1859 Water Company Act had not provided for the assessment and the rate to be based on the same property appraisal. When the Water Company subsequently failed to secure payment of the consumers' rate in Quarter Sessions, the matter was taken to the Supreme Court. There the decision of the lower court was overturned. While acknowledging the fact that the legislature had not made any specific appraisal provision for the consumers' rate, the Judges declared that the Act was defective, the legislature's apparent intention being that one assessment would serve for both forms of taxation. 53 In the meantime, arrears on the rates had left the Company with a deficit of £1,800 for 1863. If the rates could not be collected in 1864, the Company faced an even greater loss because its operating expenses were increasing. 54 To remedy the situation the Hoyles Government passed amending legislation
during the 1864 session which provided one appraisal for both the owners' assessment and the consumers' rate. This appraisal would be done every three years and its terms took account of the specific needs of the leaseholder who was responsible for his landlord's assessments.  

The first item to be assessed under the new arrangement was the ground rent. Ground landlords were now to pay a water assessment of 2 1/2% on the annual amount of ground rent they received; in reality, of course, this assessment would be paid by leaseholders under the terms of the covenants in the building leases. Lessees in turn were to pay an assessment of 2 1/2% based on the difference between the annual rental value of their property and the amount of ground rent they paid to their landlords. In the case of freeholders, who owned and occupied, the rental value of land and buildings was lumped together. Finally, owner-occupiers and tenants living in houses with an annual rental value of at least $40.00(E8) were to pay an occupiers' rate of 5% on the annual rental value.  

Previously this rate had started at an annual rental value of about $50, but some landlords had circumvented payment by renting at just below the limit. The water assessments in the 1864 legislation were supplemented with a sewerage assessment, which was now changed from an impost on the ground rent to a one-fifth addition to the water assessment and rate to be paid. In 1868 the water assessment was increased to 5% and the water rate to 6%, but no further
increase was made until the early twentieth century. 58

This long period of assessment and rate stability can be attributed to the other sources of revenue the Hoyles Government gave the Company in 1864. One was a duty on all coal imported into St. John's. Since coal was a basic domestic and commercial necessity in late nineteenth century St. John's, the duty on it touched all citizens. Like the customs duties imposed for colonial revenue, the coal duty affected rich and poor alike without taking account of their ability to pay. 59 The other revenue created for the Water Company was a rate on all vessels entering and clearing the Customs House. This rate was set at five cents per registered ton and was payable once a year upon a vessel's first entry or clearance. The rate applied to all vessels engaged in foreign trade, the seal fishery off Newfoundland's coast, the island's coastal trade, and the Labrador fishery. In return for payment of the rate, vessels could take on as much water as they required from the Water Company's harbour facilities. 60

Having thus achieved local financing of the town's water and sewerage services, the Hoyles Government attempted to broaden the financial independence of St. John's to encompass relief for the able-bodied poor. This effort built upon other measures of poor relief economy the government had instituted since assuming power in 1861, the most important being the accommodation of the permanent poor in a newly constructed poor asylum, a change long
advocated by politicians and community leaders. In 1859 £3,639 had been voted by the Liberal Government for this building, which was to be erected at the rear of the St. John's Hospital. Administration of the new facility which opened in October, 1861, was in the hands of the Board of Works. The paupers the government had been maintaining in the Camps were transferred there as a group; others were admitted by the Chairman of the Board of Works on receipt of a certificate from the Poor Relief Commissioner. In the new building the Board was able to supervise the relief recipients better and to put some of them to work to subsidize their stay.

Yet able-bodied pauperism, which had done much to undermine Kent's Government, continued to be a pressing problem. After 1861 the Hoyles Government tried to reduce relief expenditures by abandoning the Liberal practice of giving relief gratuitously to the able-bodied. The latter were now to work for what they got. But work proved no deterrent, for many persons, Hoyles asserted, who were "ashamed to accept gratuitous relief" felt "no hesitation in working for it." Next the Government began distributing food rather than cash; but this scheme also failed to limit the demand. In the circumstances Hoyles came to believe that no alternative existed to making each electoral district which could afford it bear half the cost of its own able-bodied poor relief through the imposition of a local poor rate. This was not a new principle, Hoyles frustrationly asserted, for the same
"mode of relief had long been followed in other countries — in England for centuries." In the government's view the areas of the island which could bear the new rate were St. John's and the larger Conception Bay outports. Authority to levy the rate was to be vested in the Grand Jury, which was to elect from its number three or four persons to serve for three years and to determine the amount of the rate. The rate was to be levied on the annual rental value of lands and buildings in the districts affected. The plan was straightforward enough, but the Hoyles Government was forced to withdraw the bill embodying it when strong opposition was encountered on both sides of the House from members who believed their constituents could not afford this new imposition. This left the colonial government directly responsible for able-bodied poor relief, though in times of severe economic distress like the 1860s it was greatly assisted in St. John's by subscriptions raised by voluntary relief associations. In the long run, the great demand for poor relief made it financially very difficult for the colonial government to effect improvements in public institutions. By 1870 this lack could be best seen in policing and in the condition of the public hospital.

In the first year of responsible government, the presence of the garrison, which in 1862 numbered approximately 300 men and cost the Imperial Government £20,000 annually, relieved Newfoundland of the full cost of maint-
aining law and order. Several governors had tried, at the urging of the Imperial Government, to persuade local politicians to form a colonial militia; but for various financial and religious reasons this force had never been mustered. Governor Bannerman, who arrived in Newfoundland in 1857, tried to lessen the dependency of the government on the troops by strengthening the number and quality of the constables serving in St. John's and the larger outports. His proposal was to bring out 15 or 20 men from the London police force, but his suggestion was rejected by his Liberal Executive Council because of its great expense.

The importance of the military was plainly demonstrated during and after the 1861 general election. In St. John's a mob, upset over the return of the Hoyles Government, marched in protest to the Colonial Building on the opening day of the new legislature. When the carriage carrying Governor Bannerman to read the speech from the throne was stoned, the troops were called out, the police force being considered by the authorities too small to deal with the situation. Later in the day when the mob turned its fury on the premises of two merchants politically opposed to it, the military opened fire. Three people were killed and 20 others wounded, including a Roman Catholic priest. The day was saved only when Bishop Mullock rang the Cathedral bells and the rioters flocked obediently to hear his peace exhortations.
Not surprisingly, such events increased the demands of property owners for improved policing, the number of constables in the town increasing from 16 in 1858 to 25 by 1864. In 1870 the colonial government was finally forced to assume full responsibility for policing when the Imperial Government announced that its garrison would be withdrawn. This decision sent a wave of fear and uneasiness through the St. John's business community but appeals to the Imperial authorities by both the Bennett Government and the legislature itself failed to stay the decision. For its part, the legislature asserted that Newfoundland had a special claim on an Imperial military presence because the Imperial Government had thwarted the efforts of the Newfoundland Government in the late 1850s to provide for improvements to St. John's and the protection of property there by disallowing local legislation which taxed British absentee landlords.

When the last troops were withdrawn in November, 1870, the Bennett Government organized a special force to complement the existing constabulary in anticipation of any possible increase in crime during the forthcoming winter. This force numbered 17 men and was organized by Stipendiary Magistrate Daniel Prowse. The long term solution proposed by the Bennett Government was the reorganization and expansion of the colonial police under the leadership of an officer of the English or Irish police. In 1871 legislation was passed allocating $20,000 for the
new force. Initially, this legislation was strongly criticized by outport opposition members who believed that only the capital would benefit from it. They desisted, however, when Bennett assured them that the force would police the whole island. On the recommendation of the Imperial Government, Thomas Foley, an Irish Protestant and former constable in the Royal Irish Constabulary, was appointed to head the new Terra Nova Constabulary, which had its headquarters in St. John's. Foley retained the recently retired Timothy Mitchell's title of Inspector and General Superintendent of the Constabulary, but was given responsibility for all police constables in the colony, subject to the direction of the Executive Council. By 1880 the new force numbered 100 men, half of whom were stationed in St. John's. The force was maintained by an annual vote of the legislature, while its internal organization and discipline were modelled on the practices of the Royal Irish Constabulary.

If the withdrawal of the garrison created a policing dilemma for the government, it provided at least part of the solution to another local problem. Luckily, the military left behind several buildings that could be used as medical facilities. After 1855 the Board of Works had made important improvements in the existing hospital building, including the construction of a new wing in the late 1850s for the accommodation of patients suffering from communicable diseases, and the outfitting of the attic in the mid-1860s for a similar purpose.
Such changes, beneficial as they were in meeting the Hospital's pressing need for space, only marginally improved the facility; the building remained inadequate. In the early 1860s this point was pressed by both the town's medical practitioners and Bishop Mullock. The occasion of their complaint was the visit to St. John's of the Prince of Wales in 1860. Numbered among the Prince's party was his personal physician, Dr. H.W. Acland, Regius Professor of Medicine at Oxford. Acland toured the colony's medical institutions and what he had to say had a great impact. He was impressed with the manner in which Dr. Stabb managed the Lunatic Asylum, but condemned the Hospital; it was too small for the colony's requirements and was in a very unsanitary condition. Acland also spoke out against the existing local practice of putting fever and general patients in one building; the former he argued, would inevitably transmit disease to the latter.79

The colonial government responded to these and other criticisms in May, 1865, by appointing a four-man medical commission to investigate the sanitary condition of the Hospital, the use of the building as a residence for the medical staff, and the necessity of erecting a separate building for the reception of persons with communicable diseases. Its report, issued a month later, echoed earlier criticisms and offered a strong indictment of living and physical conditions in the Hospital. The wards were too small, poorly lit and ventilated and, in winter, poorly heated. Moreover, the Hospital had no water
closets (except outside), urinals, lavatories, or baths. There was also no convalescent ward for patients. With regard to staff accommodation, the Commissioners noted that the bedrooms of the Apothecary and the nurses were "underground, damp, and replete with foul air" and ought to be abandoned. To attempt to improve this building further would be only a "useless outlay of money." New and separate general and fever hospitals should be built.\textsuperscript{80} Acting on this report the Carter Government approached the Imperial authorities in June, 1865, to secure from some medical body in Great Britain appropriate building plans and estimates. The Imperial Government in turn passed the request on to the College of Physicians.\textsuperscript{81}

When no reply had been received by 1867, the legislature again took up the hospital question, launching its own investigation of conditions. The deterioration in the already poor condition of the Hospital, now popularly known as the "Pest House", was attributable to a typhus epidemic that had started in the town in 1866.\textsuperscript{82} That a large number of typhus-ridden patients had been admitted to the Hospital was most probably due to an additional authority the Board of Health had been given by the legislature that year; the Board's new power, which former District Surgeon Carson had recommended to the government as early as 1855, enabled it to remove any person known to have a communicable disease from his dwelling house or vessel to the Hospital if a medical practitioner certified the transfer.\textsuperscript{83}
The overcrowding of the Hospital with fever patients was evident from its admission record for 1867; 474 of 699 patients were fever cases.\(^8\)

The findings of the Assembly's select committee supported the recommendations of the 1865 Medical Commission,\(^8\) but Premier Carter cautioned the House that, while the Government agreed with the committee, any effort to construct a new building would have to be within the financial means of the colony. For the moment the means were not there; moreover, before money could be appropriated, building plans would have to be in hand. To solve the latter problem at least, the colonial government now approached Dr. Acland.\(^8\) While this correspondence was in progress, a change was made in the internal management of the Hospital: Dr. Thomas McKen who had served the patients alone since the 1865 death of the other visiting surgeon, Dr. John Rochfort, was dismissed for intemperance and two doctors appointed to provide better attendance at the institution.\(^8\)

After the government had secured building plans, Bishop Mullock petitioned the legislature in February, 1868, for immediate action on the hospital issue. At a personal level, his resolve had been strengthened by the recent deaths of three of his priests who had contracted typhus fever while visiting patients in the Hospital. Several nuns and two Protestant clergymen also had contracted the disease while ministering in the institution. Mullock appealed in his petition to the business instincts
of the St. John's merchants, noting Spain's recent quarantine of all vessels from St. John's. The town, he wrote, was "acquiring the character of a permanently infected port." Mullock also asked the legislature to vote £800 for the building of a temporary typhus hospital, pending the construction of the permanent hospital facilities for which he was petitioning. A temporary fever shed was subsequently erected, but nothing else was done. Carter acknowledged the need but pleaded financial stringency. His attempt to effect confederation the following year no doubt reflected this dilemma. "In Nova Scotia and nearly every other place," he plaintively noted, "Hospitals were supported by direct taxation."

With the colonial revenue on the upswing by 1871, the Bennett Anti-Convoiderate Government decided to proceed with the building of a new hospital. A Commission, consisting of two government supporters and three medical doctors, was appointed to investigate whether it was best to construct an entirely new building or to convert some of the abandoned military buildings. In case the first alternative was chosen, legislation was passed authorizing the government to raise a loan of $40,000 for construction. The Commission's Report in April favoured a new start, a hospital built as a hospital. The Commissioners also recommended that the patients in the existing facility be removed from it and the building burned. In May the male patients were removed to the recently abandoned Military
Hospital on Forest Road in the eastern end of the town, the female patients being placed in several wards of the Poor Asylum. In the meantime, Dr. Charles Crowdy, the Surgeon and Superintendent, was dispatched to England to meet Dr. Acland for discussions on the building plans. But the structure envisaged by Acland and Crowdy was far beyond the means of the colony and in 1873 an alternative approach was adopted. A new wing was added to the Forest Road hospital, which was also renovated. This improved facility was then operated as a general hospital. Typhus fever patients were now sent to the old hospital building in the west end of St. John's known as the Riverhead Hospital. The availability of former military buildings on Signal Hill also made it possible for the government to establish a lazaret, known as St. George's Hospital, for persons stricken with communicable diseases.

Public efforts to improve the fire service in the 1870s had an easier resolution because the colonial government did not itself have to raise the necessary funds. In this case responsibility lay with the General Water Company. Despite the optimism which surrounded its completion, the water system linking the town to Windsor Lake did not in the long run provide enough water for both domestic consumption and fire protection. In 1872 this inadequacy caused great alarm when a serious fire occurred in Water Street. The problem was the water pressure in the main from Windsor Lake which was not sufficient to service the whole town at once. The water shortage was most
pressing in winter, when residents on Water Street left their taps on because of frost. The result was that residents living on the slope and top of the hill were often left without water. Their supply could be restored only if the Water Company turned off the water to the lower part of the town and allowed sufficient pressure to build up in the main. The solution offered the Bennett Government by the Water Company in January, 1873, was to lay larger pipes from Windsor Lake to the town and to clean those not replaced. To accomplish this work Company President and Legislative Councillor Robert Thornburn asked Premier Bennett to secure legislation authorizing the Company to raise a loan bearing the same rate of interest as was being paid on its original capital stock. His request was granted and the Company permitted to increase its stock by $48,000. Moreover, acting on a recommendation of a Joint Committee of the Legislature, the Bennett Government in May, 1873, brought out an English engineer, William Morris, to suggest ways of improving the water system. His report supported the Company's view of what should be done. Under the supervision of the Water Company's engineer, John Martin, the contract work was started in the spring of 1874 and completed later the same year. One more obstacle to good fire protection had been removed, but another remained in the problem ridden volunteer fire companies that comprised the brigade under the Water Company's management.
In mid-1876 a crisis was precipitated in the fire service when the two companies decided to cease operations on July 1 unless their demands for financial compensation to brigade members who suffered serious injury while fighting fire were met.\(^{101}\) This step was taken by the companies after the legislature had failed to move on a petition they had presented to the Assembly earlier in the year. While acknowledging the good work the companies performed, Assembly members were reluctant to commit the general revenue of the colony to this specific purpose, preferring instead that the Water Company and the fire insurance companies doing business in St. John's, which in the past had objected to such support, find the funds required.\(^{102}\) Unfortunately, the Water Company was unwilling to assume a further financial responsibility; indeed, the cost of providing for the brigade had been for several years a financial strain on Company revenues.\(^{103}\) The Water Company reacted to the firemen's threat to disband by suspending both companies and threatening to organize a new brigade under the supervision of the Inspector of Police. This brought the Phoenix back to work but the Cathedral Company remained defiant.\(^{104}\) The whole episode brought to the fore the issue of establishing a paid fire service, something many Canadian and American cities were in the process of doing at the time, but which had been avoided in St. John's because of its great expense.\(^{105}\)

In 1877 a select committee of the legislature was
formed to investigate fire protection once more. Arguments for and against a paid fire department were made before this committee - from the town's merchants, local agents of foreign insurance companies, and the firemen themselves. Information was also presented on the workings of the paid fire department in Saint John, New Brunswick, which cost the Council in that city approximately $16,000 annually to maintain. In the end the legislature rejected, for reasons of economy and despite an offer of help from the insurance companies, both the introduction of a paid fire service and the acquisition of a steam engine. On the latter point the general feeling was that St. John's was already well protected through its abundant water supply. 106

New legislation was passed, however, which gave the government itself and the General Water Company greater control over three new companies which were to comprise the "St. John's Voluntary Fire Brigade." The new Brigade was placed under the control of a superintendent to be appointed by the Executive Council, which was also to approve all regulations the Water Company might prescribe for the governance of the fire fighters. The old committee of fire wardens was retained, but the Water Company's engineer was added to its ranks. The operating expense of the Brigade and a firemen's accidental relief fund were to be paid out of the Company's annual revenues to a maximum of $3,000. Additional revenue was to come from the fire insurance companies, which were to be assessed by
the Water Company an amount equal to one-sixth of its own annual contribution. For any given company this assess-
ment was to be based on the annual volume of its business in St. John's. With these changes the colonial govern-
ment and St. John's merchants had again found a way around what would have been otherwise a costly local improvement.

The financial problem also plagued an early 1880s attempt by the government to provide St. John's with a larger and more efficient sewerage system. The $15,000 the colonial government had raised and expended under the 1863 Sewerage Act had not produced the desired system of sani-
tation. The sewers that were placed in the principal streets were poorly constructed and were not part of any overall plan, additions being made periodically with different types of building materials. Nor had there been any care taken to ensure that proper levelling was done before the sewers were put in place. Moreover, when the tide was high the openings of the sewers, which emptied into the harbour, were often blocked, causing gases to seep back into people's houses and through the street gratings. In effect, the sewerage system was of limited advantage and then only to a small number of residents; in 1879 only 250 of approximately 4,500 houses in the town possessed water closets. Other houses were dependent on cesspools which, in the absence of any health officer or inspector for St. John's, were not regularly examined to ensure cleanliness. The majority of St. John's inhabitants did not even have access to this
dubious sanitary benefit, their houses and tenements being built on plots of land too small for cesspool construction. The majority, one observer caustically noted, had no choice "but to fling all the foul waste from their houses into the streets and lanes in which they live." 108

From the government's point of view there was little that could be done about the sewerage problem as long as the absentee's were safe from taxation and the residents of the town were unwilling to pay for an improved service. Incorporation was perhaps one way out of this municipal dilemma. It found its advocates particularly among the Roman Catholic elite of the town. For Robert Kent, a St. John's lawyer and Legislative Councillor, 109 the town could never have satisfactory sanitary arrangements until it had its own government whose officials were directly responsible to taxpayers. But the business community remained adamantly opposed to this plan. During an 1879 debate on sewerage improvement in the Legislative Council, Robert Thorburn argued that his Water Company should be allowed to carry out the necessary work and increase its assessments to pay the bills. In this manner, a corporation with its "elaborate and costly paraphernalia," its "civic robes, aldermanic banquets, and other incidentals" could be avoided. Such views were echoed by other mercantile members of the Legislative Council, including Augustus Harvey, 110 who claimed to have seen the failings of incorporation in larger and wealthier places. Corporations succeeded only in "heaping enormous debts upon their cities"; rather than
"doing away with...filth they did away the taxes at a pretty extensive rate." Yet, public demand for action on the sewerage problem was great, especially among those residents who had been paying the sewerage rates since the 1860s, but were not receiving any benefit from the existing inadequate system.  

In 1879 the Conservative Government of William Valance Whiteway, a St. John's lawyer who had replaced Carter as Premier in 1878, took a first step towards reform through the appointment of a joint legislative select committee to study how sewerage improvements could best be obtained. The report of this committee suggested both the creation of a sanitary department within the Board of Works and the hiring of an engineer by the government to advise it on a new sewerage system. Legislation was subsequently passed creating the proposed Sanitary Department and giving its supervisor and four inspectors authority to enter at will buildings suspected, through poor waste management, of endangering public health. St. John's was divided into several wards and the new inspectors required to make daily reports of sanitary conditions within each. The operating expenses of the new department were to come from the assessments being collected by the Water Company and from the general revenue.  

An alternative had once more been found to increased property taxation, but the sewerage system itself had still to be improved. To advise it on this matter the
Whifeway Government employed the same London engineering firm which had examined the St. John's water supply in 1873. The report of this firm was, however, rejected by the legislature in 1881 because of the great expense of the new sewerage system it proposed - some £70,000 to £80,000. But the sewerage problem was so pressing that some other solution would clearly have to be found. St. John's was at a crossroads and during the next decade its system of government would be transformed.
Footnotes


3. See Appendix I, 3, 4.

4. Alexander, "Newfoundland's Traditional Economy and Development to 1934."

5. Gazette, February 5, 12, 1867.

6. See Appendix I, 3, 4.


9. See Appendix I, 5.


15. For the political events of 1861, see Jones, "Bishop in Politics: Roman Catholic v Protestant in Newfoundland 1860-2"; Edward C. Moulton, "Constitutional Crisis and Civil Strife in Newfoundland, February to November, 1861," vol. 48 (1967), 251-72; and Gunn, The Political History of Newfoundland, 1832-1864, 157-75.


18. Gunn, The Political History of Newfoundland, 1832-1864, 178.


20. Prowse, History of Newfoundland, 499.


23. Express, March 19, April 26, June 7, July 16, 19, 1856; Assembly Debates, January 15, 1856, in Express, January 23, 1856; and JHA, May 12, 1856.

24. Express, November 6, 1860.

25. William Thomas in Assembly Debates, July 24, 1846, in Newfoundlander, August 6, 1846. The 1846 St. John's Water Company Amendment Act was printed in the Gazette, August 25, 1846.

26. Correspondence from the Water Company to the government regarding the construction of the water works can be found in NA, GM2/2, 1847. See also Gazette, November 9, December 7, 1847.

27. PANL, P8/B/10, August 1, 1849, Annual Report of Chamber of Commerce for 1848-49.


29. Financial Statements of the St. John's Water Company for 1852 and 1853 are in JHA, Appendix for 1853 and 1854, 371, and 198 respectively.

31. Philip Little in Assembly Debates, February 23, and April 28, 1858, in Newfoundland, March 1 and May 3, 1858, respectively; Assembly Debates, April 12, 1858, in ibid., April 19, 1858; and 1858 St. John's Rebuilding Debt Liquidation Act printed in Gazette, May 18, 1858.


33. 1858 St. John's Rebuilding Debt Liquidation Act; and Assembly Debates, February 23, April 30, 1858, in Newfoundland, March 1, May 10, 1858.

34. "Despatch from the Secretary of State for the Colonies, specifying reasons for disallowing the Act 'For the Liquidation of a certain Debt for the Streets of St. John's," JHA, 1859, Appendix, 426-28.

35. Newfoundland, January 6, 20, 1859; the Company's Prospectus was published in ibid., January 24, 1859; Ambrose Shea in Assembly Debates, March 16, 1859, in ibid., March 24, 1859; and Attorney General Hogsett in Assembly Debates, April 4, 1859, in ibid., April 11, 1859.

36. Statutes of Newfoundland, 22 Victoria, Cap. 7.

37. Ibid., 22 Victoria, Cap. 8.

38. PANL, G1/2/6, Boxes 1859, 1860, Duke of Newcastle to the Administrator of Newfoundland, October 29, 1859, and to Governor Bannerman, March 19, 1860.


40. General Water Company Annual Reports for 1861 in JHA, 1862, Appendix, 454-62 and for 1862 in ibid., 1863, Appendix, 1174-83; Newfoundland, January 14, May 30, 1861, June 16, 19, 1862; and Ambrose Shea in Assembly Debates, February 16, 1863, in Newfoundland, March 9, 1863. The 1860 and 1861 Water Company Acts were printed in Gazette, May 29, 1860, and July 2, 1861, respectively.

42. Patriot, January 4, 1863; and Newfoundlander, January 26, 1863.

43. Throne Speech as printed in Newfoundlander, January 29, 1863.

44. John Kent in Assembly Debates, February 10, 1863, in Newfoundlander, February 23, 1863; and JHA, February 10, 1863, for petition from Redmond Brien.

45. Assembly Debates, February 16, 1863, in Newfoundlander, March 9, 1863.

46. 1863 Water Company Act printed in the Gazette, March 31, 1863.

47. Hugh Hoyles in Assembly Debates, February 16, 20, in Newfoundlander, February 26, 1863.


49. 1863 Fire Brigade Act printed in the Gazette, March 31, 1863; and Foran, "St. John's City: Historic Capital of Newfoundland," 20:

50. Newfoundlander, February 5, 1875; and Assembly Debates, April 2, 1876, in Ledger, April 22, 1876.

51. 1863 Sewerage Act printed in the Gazette, March 31, 1863; and Hugh Hoyles in Assembly Debates, February 26, 1863, in Newfoundlander, March 23, 1863.

52. Minute of Executive Council, April 11, 1863, published in the Gazette, April 14, 1863.


55. Statutes of Newfoundland, 27 Victoria; Cap. 4.

56. Ibid. See also Assembly Debates, March 21, 1864, in Newfoundlander, May 9, 1864; and Minute of Executive Council, January 7, 1865, published in the Gazette, January 10, 1865.

57. Assembly Debates, March 10, 1864, in Newfoundlander, April 18, 1864.

59. Hugh Hoyles in Assembly Debates, March 10, 1864, in Newfoundland, April 18, 1864.

60. Statutes of Newfoundland, 27 Victoria, Cap. 4.

61. For instance, see Bishop Feild's letter to the Express, January 2, 1855.

62. 1860 Poor Asylum Act published in Gazette, June 5, 1860, Supplement; and O'Neill, The Oldest City, 296.


64. Hugh Hoyles in Assembly Debates, February 23, 1864, in Newfoundland, March 21, 1864.

65. 1864 Poor Relief Bill printed in The Day-Book, February 26, 1864.


67. Moulton, "The Political History of Newfoundland, 1861-1869," 221. See also Daily News, January 11, 1866; Newfoundland, February 9, 18, 22, May 10, 1867, January 8, March 26, 1869; and Gazette, January 12, 26, February 16, March 30, April 13, 1869.

68. Fox, The Newfoundland Constabulary, 37, 47.

69. Gunn, The Political History of Newfoundland, 1832-1864, 92, 101-02, 154, 166; and PANL, GN9/1, Minutes of Executive Council, October 26, November 9, 1861.

70. Fox, The Newfoundland Constabulary, 36.

71. S.J.R. Noel, Politics in Newfoundland, (Toronto, 1971), 23; and Gunn, The Political History of Newfoundland, 1832-1864, 157-75. Contemporary accounts can be found in W. Winton, A Chapter in the History of Newfoundland for the Year 1861 (St. John's, 1861), and Frawe, History 488-92.

72. Fox, The Newfoundland Constabulary, 27.

73. Ibid., 37-46. See also Legislative Council Debates on the
proposed withdrawal published in the Newfoundland for March 1, 4, 25, 29, April 1, 5, 8, 12, 19, 1870.

74. Legislative Council Debates, April 6, 1870, in Newfoundland, April 12, 1870.

75. On the organization of this special force, see PANL, GN2/2, 1870, for letters to Colonial Secretary from Magistrate Prowse for November 28, December 3, 8, 15, 1870. See also Prowse's report to the Colonial Secretary on police conditions in St. John's published in the Gazette, February 28, 1871. For the career of Prowse as both magistrate and historian, see George M. Story, "Judge Prowse (1834-1914)," Newfoundland Quarterly, vol. 68 (1971), 15-9, 22-5, and "Judge Prowse: Historian and Publicist," Newfoundland Quarterly, vol. 68 (1972), 19, 22-5.

76. Fox, The Newfoundland Constabulary, 46-58; and Statutes of Newfoundland, 35-35 Victoria, Cap. 6.

77. PANL, GN1/3A, folder 12/1880, Inspector Carey to Attorney General Whiteway, April 12, 1880, and folder 7/1881, list of Constabulary members for January 6, 1881; and "Rules and Regulations for the Guidance of the Terra Nova Constabulary, January 1, 1874," printed in the Gazette, January 20, 1874.

78. Annual Reports of St. John's Hospital in JHA, Appendix, for 1858-1870.

79. Assembly Debates, April 10, 1867, in Newfoundland, April 15, 1867; PANL, GN/2/22/A Dr. Charles Crowdy to Colonial Secretary James Noonan, October 20, 1871; and Dr. Henry H. Stabb to Governor Hill, March 29, 1875, including accompanying "Personal Statement and Testimonials of H.H. Stabb, 1861."

80. "Report of a Medical Commission appointed to enquire into the Sanitary State of the St. John's Hospital, as a place of residence, also as to the necessity for Erection of a Building for the Reception of Infectious Cases," JHA, 1866, Appendix, 596-600.

81. Frederick B.T. Carter in Assembly Debates, April 10, 1867, in Newfoundland, April 15, 1867.

82. Annual Report of St. John's Hospital for 1866, in JHA, 1866, Appendix, 7806-807; and PANL, GN2/22/A, Dr. Charles Crowdy to Colonial Secretary, Noonan, February 8, 1872.

83. 1866 Board of Health Act published in the Gazette, May 15, 1866.


85. "Evidence taken by the Select Committee on the St. John's Hospital,"
86. Assembly Debates, February 10, 1868, in Newfoundlander, February 11, 1868.

87. PANL, GN9/1, Minute of Executive Council, July 12, 1867; and Assembly Debates, February 7, 1865, in Gazette, February 14, 1865. McKen's replacements were Charles Crowdy and Charles H. Renouf.

88. JHA, February 10, 1868; and "Extracts from Minutes of Board of Works, in reference to the Petition of the Right Revd. Dr. Mullock, and letters of Drs. Crowdy and Renouf with respect to the Saint John's Hospital," JHA, 1868, Appendix, 816-18.

89. Annual Report of St. John's Hospital for 1869 in JHA, 1870, Appendix, 564.

90. Assembly Debates, February 10, 1868, in Newfoundlander, February 11, 1868.

91. Report of 1871 Government Commission enquiry into the St. John's Hospital printed in the Newfoundlander, April 29, 1873; and 1871 Legislative Council Debates on the question of building a new hospital as reported in Newfoundlander, March 31; April 4, 12, May 12, 16, 1871. The 1871 Hospital Act was published in the Gazette, May 16, 1871.

92. Annual Report of St. John's Hospital for 1871 in JHA, 1872, Appendix, 859; PANL, GN9/1, Minute of Executive Council, May 13, 1871; and GN2/22/A, Dr. Crowdy to Colonial Secretary Noonan, October 20, 1871.

93. Legislative Council Debates, March 21, 1873, in Newfoundlander, April 1, 1873.

94. R.W. Harper, "Historical Notes on the General Hospital, St. John's, Newfoundland" (unpublished lecture, Center for Newfoundland Studies, Memorial University), 13-5; and PANL, GN9/1, Minute of Executive Council, July 12, 1872.


96. Robert Thorburn, born Juniper Brook, Peebleshire, Scotland, March 28, 1836; merchant and politician; MLC, 1870-1885, 1894-1906; JHA Trinity, 1885-1889; premier, 1885-1889; died April 18, 1906.

97. PANL, GN2/22/A, Robert Thorburn to Colonial Secretary Noonan, January 25, 1873, and enclosure. See also Legislative Council Debates, February 10, 1873, in Newfoundlander, February 14, 1873; and Report of Joint Select Committee on water supply in JHA, March 28, 1873, 99-100.
98. Statutes of Newfoundland, 36 Victoria, Cap. 10.


101. PANL, GN2/22/A, James Clift, Secretary, General Water Company, to Colonial Secretary P.D. Shea, May 10, 1876.

102. JHA, April 6, 1876; and Assembly Debates, April 6, 7, 1876, in Ledger, April 22, 1876.


104. Annual Report of General Water Company for 1876 in JHA, 1877, Appendix, 1047; and PANL, GN2/22/A, James Clift, Secretary, General Water Company, to Colonial Secretary Shea, June 19, 1876.

105. John C. Weaver and Peter De Lottinville, "The Conflagration and the City: Disaster and Progress in British North America during the Nineteenth Century" (paper presented to The Canadian Historical Association, 1978) 22-3 and Table 3.

106. "Report of Select Committee on the revision of laws respecting the St. John's Fire Brigade," JHA, April 17, 1877, 133-54; and "Evidence of Select Committee on Fire Brigades," ibid., 1877, Appendix, 1163-90.


108. For a description of the sewerage system in the late 1870s see PANL, PB/A/17, Moses Harvey Scrapbooks, 1878-1881, which contain a series of letters written in 1879 by Moses and Charles Harvey to the Morning Chronicle.

109. Robert J. Kent, lawyer; MHA St. John's East, 1873-1886; died St. John's, September 29, 1893.

110. Augustus W. Harvey, born Bermuda, May 22, 1839; merchant; MLC 1870-1895, 1900-1903; died February 7, 1903.


112. William Valance Whiteway, Born Devon, England, April 1, 1828; lawyer; MHA Twillingate-Fogo, 1859-1869, Trinity, 1873-1885, 1889-1894, Harbour Grace, 1895-1897; solicitor general 1874-1876; premier and attorney general, 1878-1885, 1889-1894, 1895-1897; died St. John's, June 24, 1908.

114. Statutes of Newfoundland, 50 Victoria, Cap. 6; and Legislative Council Debates, April 15, 1879, in Newfoundlander, April 18, 1879.

115. "Report of Messrs. Kinniple and Morris on the proposed scheme of sewerage for the Town of St. John's, Newfoundland," JHA, 1880, Appendix, 424-38; Terra Nova Advocate, September 5, 1882; Assembly Debates, April 9, 1883, in Evening Telegram, April 11, 1883; and William Whiteway in Assembly Debates, April 20, 1885, in Terra Nova Advocate, June 27, 1885.
CHAPTER VI

Municipal Government, 1885-1892

The incorporation of St. John's in 1888 took place during a period of realignment in colonial politics and depression in the colonial economy. Politically, during the 1880s a great difference of opinion arose within the St. John's elite over the course of economic development the island should follow in order to lessen its dependency on the fisheries. In keeping with what was happening elsewhere in North America, the strategy followed by the Conservative Government of William Whiteway after 1878 was one of railway construction. Spurred on by the optimistic reports of a recent geological survey of the island, Whiteway was hopeful that a trans-island railway, originating in the capital, would make great opportunities for mineral and agricultural development in the island's interior and on the west coast available to St. John's businessmen. Legislation was passed in 1880 to get the railway started; the following year an American company was awarded the contract to build and operate the line. This contract was signed in the face of growing
Water Street opposition which was frightened by the bold and costly policy. While not opposed in principle to the building of a railway, many Water Street merchants believed that the project should be carried forward with economy, and only as the circumstances of the fishery would permit. Whiteway, however, won the day; in 1882 he was re-elected with Liberal support over a St. John's mercantile opposition group styling itself the New Party. The railway was a central issue in the campaign, with the electorare dividing more along class and economic than religious lines. Yet Whiteway's triumph was momentary; by 1885 both his policy and his government lay in ruins. In 1884 the company building the railway went bankrupt after laying track only as far as Harbour Grace in Conception Bay. In the wake of this severe setback the Whiteway Government fell victim in 1885 to a traditional election ploy - the sectarian cry. As will be noted below, the railway was not to be completed across the island until 1897.

Aided by the sectarian animosity aroused by a violent clash in December, 1883, between Roman Catholics and Protestants in Harbour Grace, the New Party politicians managed to have the 1885 Throne Speech amended so as to place responsibility for the so-called "Harbour Grace Affray" on the Roman Catholics. The Liberals immediately withdrew their support from Whiteway, leaving him in a minority position for the remainder of the session. Three parties or factions were now in the field. The
Protestants were divided between those who supported the Reform Party (formerly the New Party) and those who remained loyal to Whiteway, the Roman Catholic Liberal Party being led by Ambrose Shea. The Reform politicians now made Protestant unity the central issue of politics and gradually nibbled away at Whiteway's support. Finally, a deal was made between the two Protestant factions. In October, 1885, following the dissolution of the House, Whiteway, having been promised the Chief Justiceship, retired from politics, only to find the promise was not fulfilled.

He was succeeded as Premier by Robert Thorburn, the President of the Water Company, who resigned from the Legislative Council in order to contest Trinity District, Whiteway's old seat. Thorburn led his followers into the campaign under the slogan "No Amalgamation with the Catholics," but let it be known to senior Roman Catholics in St. John's that cooperation would be possible and even desirable after the election. On this basis Thorburn and his Reform supporters won the election handily, taking all the Protestant seats but one, which went to Robert Bond, a Whiteway supporter dissatisfied with the union of the two Protestant groups. The Liberals carried all the Roman Catholic seats except for one of the three St. John's West seats, which was won by Edward Patrick Morris. A St. John's native, "Ned" Morris was a 26 year old Canadian-trained lawyer and Roman Catholic independent who in his first campaign
for election combined the traditional speech making with the novel idea for St. John's of door-to-door canvassing. Morris promoted himself as a champion of the St. John's working class from which he was sprung and as a defender of the rights of local leaseholders and tenants against absentee landlords, who annually "drained" the town, but never contributed to its civic improvements.

In July, 1886, the reconciliation Thorburn had envisaged with the Roman Catholics became a reality when two senior Roman Catholic Liberals joined the Executive Council: W.J.S. Donnelly as Receiver General and Maurice Fenelon as Colonial Secretary. The rump of the Liberal Party, now led by St. John's lawyer Patrick J. Scott, remained in opposition, while generally supporting Thorburn's economic policies. Despite his former advocacy of businesslike administration and the avoidance of any substantial additions to the public debt, Thorburn was forced by widespread distress to embark upon several public works projects. These were favoured by Liberals both to stem the flow of emigration from Newfoundland and to alleviate the unemployment created by the halting of railway construction in 1884. Part of the price Thorburn paid for his deal with the Liberals was to provide a branch line to Placentia and the spending of at least $100,000 on a new sewerage system for St. John's. By the time he left office in 1889, his government had increased the public debt by over $2,000,000.

There had been two earlier attempts to provide St.
John's with better sewerage facilities — the first by Whiteway in 1885; the second by Thorburn during the 1886 session before his deal with the Roman Catholics. Whiteway's 1885 effort was undoubtedly made with an eye to recapturing Liberal support; but it also held the promise of pleasing outport supporters by relieving the Board of Works of an increasing annual cost that benefited the capital alone. A more pressing factor, however, was the impending expiration of the debentures raised under the 1863 Sewerage Act; these were due in 1888 and repayable by assessments on the owners of all land in St. John's. This requirement confronted those landlords, both absentee and resident, who had given 40-year leases after the fire of 1846, with the prospect of heavy assessments. Other landowners, who had given longer leases, would for the moment escape, since the collection of the new assessment would not start for any given piece of land until the existing lease ran out. To avoid the problem which such an arbitrary assessment posed and to prevent a great financial strain on St. John's property, Whiteway proposed to pay off the old loan by raising another on the colony's credit. Part of this new loan, moreover, would be used for civic improvement — a new sewerage system, better lighting, and street and sidewalk building and maintenance.

To implement and manage these improvements, St. John's was finally to receive its own local government, but that government was not to take the shape of the autonomous
corporations found elsewhere. Instead, St. John's was to have a "hybrid system," Whiteway asserted, "having the advantages without the drawbacks of incorporation."\(^1\) A five member municipal board was to be created, consisting of three government appointees and two members elected by St. John's residents on the household franchise by which members were elected to the House of Assembly. Whiteway justified a government majority on the board on the grounds that the colony would have to both raise the proposed loan and guarantee the interest payments on it. The government majority would also, Whiteway's supporters argued, safeguard the rights of the town's largest property owners, who would have to pay much of the local taxation. The new board would be given the powers with regard to the administration of St. John's which at present resided in the General Water Company, the Board of Works and the Surveyor General's Department. Its funds were to come from the general revenue, the rents on all Crown properties in St. John's, and the rates and assessments collected by the Water Company. With its bias towards appointment rather than election, the proposed new board did not represent a sharp break with the past; rather it built upon the experience of the other municipal bodies it was to replace, with elected members being included to give it a "popular flavour."\(^2\) In the event, Whiteway's bill incorporating this scheme, though it passed second reading, was withdrawn under pressure from St. John's MHAs who were not prepared to accept such major legislation
affecting their town so late in the session. 19

Whiteway's bill was re-introduced by Thorburn in 1886. The Liberal opposition again supported second reading, a select committee being appointed to consider the legislation in greater detail. This committee recommended the postponement of further action on the bill to allow it more time for its enquiries and because the cost estimates on the proposed new sewerage system were incomplete. The committee, consisting of Government and opposition representatives, 20 was empowered subsequently to sit out of session with authority to expend public funds to enable the necessary surveys, plans, and estimates to be made for the sewerage system and to begin work on the project as soon as the necessary pipes could be obtained. 21 Evidently, the work to be undertaken by this committee was part of the agreement Thorburn made with the Liberals to secure Roman Catholic representation in his government. At least $100,000 was to be expended by the committee on the St. John's sewerage system, a public expenditure that would clearly have a considerable impact on the chronic unemployment situation in St. John's. 22 The select committee reported back to the Assembly on March 4, 1887, that it had collected all the information needed to begin work on the sewerage system and that it had already imported a considerable quantity of pipe. With this report in hand, the Assembly agreed to the appointment of a joint committee with the Legislative Council to draft a municipal bill for St. John's. This committee included several members of the
Executive Council, two St. John's Liberal MHAs and four members of the Legislative Council. 23

The bill which emerged differed from the earlier legislation in the membership it proposed for the new municipal board. While there were still to be five members in all, there were now to be three elected members. Two of these would be selected in the manner outlined in the legislation of the previous year. The third elected member was to be chosen by the property owners on the south side of Water Street. 24 This change was rejected by the two St. John's members on the select committee, Patrick Scott and Michael J. O'Mara, 25 who refused to sign the report. Both men argued for a more representative system. For his part, Attorney General James Winter, 26 the main architect of the new legislation, defended the scheme embodied in the new bill on the grounds that it was necessary to protect property owners against undue taxation. The electoral system being proposed made good sense because the "greater part of the export and import business of the island is done, not merely in St. John's, but in a very small portion of St. John's, the south side of Water Street." Accordingly "property there" was "more valuable than in any other part of the town." If the town were divided into wards on the basis of population, then the owners on the south side of Water Street would be excluded from any effective control of the government of the town. There was no "exact precedent" for governing St. John's because "we have to deal here with
a very peculiar set of circumstances not analogous to those of any other country or town I know." "Perhaps, too, there may be but few inducements offered us," Winter told his colleagues in the Assembly, "to follow the practice of other countries with regard to the constitution of municipalities." 27

Winter's concern for the rights of property reflected not only the view that representation should be clearly tied to taxation but the complexity of ownership in St. John's and the administrative conundrum it presented. To simplify matters once and for all a number of merchants, St. John's Liberal MHAs and independent MHA Edward Morris now advocated the enactment of legislation to make ground landlords henceforth responsible for the payment of their own taxes. A bill to this effect was introduced by the Thorburn Government on May 4 and quickly passed by the two Houses. 28 The new legislation made a strict municipal franchise even more important than before. With many leaseholders (those on Water Street in particular) facing renegotiation of their leases, it was necessary to assure landowners about future taxation if they were to be persuaded to grant long tenure. A landlord who had doubts about the new municipal board and what he might have to pay in taxes from year to year might well opt for the shortest term possible. As one absentee landlord, Thomas Newman, later suggested, without a clear signal to landowners about taxation, the proposed governmental arrangement for the town might have led to a series of one year leases.
Newman and some other absentee landlords did more than complaining, taking their case to the Colonial Office in November, 1889, and receiving their first defeat. Newman and his associates objected to the 1887 Act since it made them responsible for all taxes in relation to land leased thereafter, covenants notwithstanding. This legislation Newman considered "arbitrary, unjust, and impolitic." It was "unjust," he said, because he and his fellow landlords would have "no voice in the imposing or opposing of such taxes." It was "impolitic" because they possessed "no power to check expenditure." The effect of the new legislation, Newman warned, was that taxation might be increased to an unlimited amount. Under such circumstances, a tenant would gain at the expense of his landlord. If the 1887 Act were to remain in force many landlords would simply cease to give leases other than on an annual basis, thereby varying the annual rent according to the amount of taxes they had to pay. The Imperial Government acknowledged that the Act was "unjust in principle," but replied that it could not interfere, the matter being "within the province of the Newfoundland legislature." 29

If the absentee landlords had reason to be suspicious of the plans of the Thorburn Government, so too did resident landlords and leaseholders with interests outside the south side of Water Street. Their opposition was centered on the Daily Colonist, a Roman Catholic newspaper established in early 1886 by prominent Liberals 30 and edited by Patrick Bowers, a Newfoundland journalist who had worked for many
years in Prince Edward Island. The Daily Colonist and its supporters were opposed to the bill brought forward by Winter because it sought to "perpetuate the evil, unjust and tyrannical system of governing this metropolis by the Provincial Government." In a May 4 editorial Bowers called on citizens not to consent to "allow themselves to be taxed for civic purposes, except by a body, elected by the taxpayers". Rejecting the Government's plan to give only the real duty and the water and sewerage rates to the new municipal board, the Daily Colonist called for a broader revenue base, which would include a poll tax, a personal property tax on all business stock, and a real estate tax. 

The next day Bowers and his Roman Catholic supporters organized a citizens' committee to pressure the Government into deferring its legislation until 1888. Not all property owners outside the south side of Water Street shared Bowers' views on municipal government, but many of them adamantly believed that in view of the depressed state of the St. John's economy any local governing body should be placed in their hands.

On May 11 the Government gave way to this pressure and withdrew its bill, attempting the following day to have a temporary sewerage measure passed in one sitting. The passage of this bill was important - both to provide employment and to replace part of the funds the Government had withdrawn from its Supply Bill for municipal services in St. John's for 1887. Under the new bill the Government proposed to raise a loan of $100,000 to pay off
the debt charged to the town in the Sanitary Department and to commence work on a new sewerage system. The bill also empowered the Water Company to increase its water rate to pay for such essential services as lighting, repairing and cleaning streets, and maintaining sewers and drains. These services were to be managed by five commissioners who were to sit for one year until the opening of the 1888 legislative session; three of these would be drawn from the Assembly and two from the Legislative Council. 38

The new bill was supported by five of the six St. John's MHAs, the only negative voice from the town being that of Thomas J. Murphy, 39 a lawyer and Whiteway supporter who had been elected for St. John's East in a by-election late in 1886. 40 Murphy argued that the citizens should have total charge of any local body for St. John's. With the assistance of Bowers and the Daily Colonist, Murphy was quickly able to marshal public opinion against what the Government was proposing. Petitions of protest were addressed by the Murphy and Bowers faction to the Legislative Council, which responded by blocking the legislation. 41 The argument which prevailed in the Council was that any legislation affecting property in the town should first have the approval of property owners. 42 Thorburn now agreed to defer any further action on the municipal question until 1888, thereby fulfilling the petitioners' request for more time to put forward their own plans for local government.
In January, 1888, the latter group organized themselves into a Citizens' Committee to draft a new municipal bill. The members of this Committee were representative of the town's freeholder and leaseholder class of property owners, though one member, Shannon Clift, both owned land in his own right and represented absentee landlords. The main organizers of the Committee were two Roman Catholics, Charles Kickham, a builder, and Francis St. John, a baker, both of whom owned property beyond the south side of Water Street and had been prominent in the 1887 protest. Under the terms of the bill they and their colleagues now drafted, St. John's was to be governed by a seven member board wholly elected by ratepayers. The town was to be divided into six wards, with one councillor elected for each. The seventh member of the proposed board, who was also to be chairman, was to be elected at large. The franchise would be given to every male British subject 21 years and over who had resided in any one of the six wards for two years before election day and had paid at least three dollars annually in rates and assessments to the General Water Company. Each ratepayer would be entitled to one vote in each ward where he owned property, but would be allowed only one vote in the election for chairman. The Committee opposed the transfer to the proposed board of any of the debts incurred by the Board of Works for the improvement of the town. The residents of the town had had no voice in these expenditures and the new board should not be
saddled with them. Rather it should be allowed to start with a clean slate.\textsuperscript{46}

By contrast, the revised bill which the Government brought forward on April 10, 1888, denied control of municipal taxation and expenditure to the citizens of St. John's. Attorney General Winter still insisted on two government appointees on the board, which would include three members elected every three years by the citizens. By the time this plan was put before the House, Thorburn had already left for England to negotiate a loan of $607,000, to be used to buy the capital stock of the General Water Company for the proposed municipal body and to pay for needed local improvements.\textsuperscript{47} Government representation on the proposed municipal board was essential, Winter argued, to protect the general public interest in this investment.\textsuperscript{48} In keeping with this the bill Winter introduced stipulated that in its first year of operation the chairman of the new municipal board would have to be one of the government appointees. On the financial side the board was to have the existing revenue of the Water Company and annual legislative grants for street building, lighting and cleaning.

The property franchise in the new bill differed significantly from that recommended by the Citizens' Committee in that it provided for a cumulative vote. The number of votes an individual ratepayer might cast in each of the three wards into which the town was to be divided would depend directly on the amount of taxes he paid in each of the wards.\textsuperscript{49} More taxes meant more votes, to an upper limit of six per ward. Absentee
landlords and corporations were permitted the vote on the same basis, the former group by proxy.\(^{50}\) Altogether, the vote was given, Winter said, on the principle that an individual was a "ratepayer or contributor to the taxation in a certain amount, and not on the ground of his being a resident." This approach was an obvious concession to absentee landlords who would now be liable for their own assessments and would want some voice in how the board's revenues would be spent. Another check Winter placed on the board was to require it to submit an annual financial statement to the legislature, which also had to give prior approval to all municipal expenditure. In its annual statement to the legislature the board was to set out how it proposed to raise revenue for the forthcoming year. New taxation proposals were not to take effect until July 1 of any given year in order to allow those affected to appeal.\(^{51}\)

The Citizens' Committee objected to these arrangements, but backed down on the understanding that the legislation could be amended during the 1889 session.\(^{52}\) For its part, the government now withdrew several contentious provisions. The proxy and cumulative voting arrangements were removed, individuals and business corporations being left with one vote in each ward where they owned property. A compromise was also reached on the composition of the board, the Government retaining its two representatives but increasing the number of elected members and wards from three to five. Again, elections were to be held every three years instead
of every four. The title of "Board" was now dropped in favour of "Council" on the grounds that the former name would remind citizens of the other boards and public departments associated with the colonial government. The Government's bill passed the Legislative Council with only two significant changes, the first being the raising of the property qualification for membership on the Council from $2.75 in assessments paid to the Water Company to $8.25. Unfortunately, there is no documentation to show how many were excluded by this change. The other change made by the Upper House was to allow a municipal councillor to hold a contract from the Council in a business partnership. St. John's was at last ready for its first civic election. The date set for the contest was August 30, 1888, with 3,641 ratepayers being declared eligible to vote.

The main concern of the Citizens' Committee during the campaign was to elect a Municipal Council of political independents. To this end, Committee members held a public meeting on July 20 and devised a method whereby suitable candidates could be chosen and public interest stimulated in civic affairs. A committee of two was appointed for each ward with responsibility for convening public meetings to nominate candidates. The civic interest, the Daily Colonist wrote, could only be served by open meetings; it rejected out of hand the traditional selection method of "having cliques of people initiating private or secret methods of calling out candidates. But the intertwining of civic and colonial politics was not long in coming, in-
deed, the ward meetings themselves proved to be fertile ground for political advancement.

In the event, the Citizens' Committee was successful in having only one of its number nominated in the entire town, Francis St. John being chosen for ward two where he was a large property owner. In wards one and five the nominations at the meetings organized by the Citizens' Committee went respectively to John Carnell, a carriage builder, and T.J. Murphy, a grocer. Each carried the day through his own popularity. Other nominees owed their selection to the intervention of St. John's MHAs, who used their influence to have their favourites selected. For instance, this was apparently what happened in ward three, where Legislative Councillor and merchant, Moses Monroe, was nominated, and in ward four where Edward Morris had Michael Power, a master cooper, chosen. In the election itself all of the above mentioned nominees except Murphy were successful. Murphy's loss was to a well known government supporter and venerable grocer, William D. Morison. Another notable feature of the election was the disqualification of over 2,000 Water Company ratepayers whose names mysteriously did not appear on the Company's account books. Elective local government had clearly had a shaky beginning.

The truth was, of course, the creation of the new "board" represented a change more in name than in fact. The continuity in administration was most evident in the selection by the Government of two Water Directors as its nominees on the Council. These were two merchants, James Goodfellow, who was to be chairman, and James Fox. Moreover, the Council
was given only limited authority over those employees transferred to its jurisdiction from the Board of Works. The colonial government reserved the right to discipline and dismiss these officials, even though the new Council paid their salaries. In sum, the Municipal Council was only responsible for the town's water, street, and sanitary systems, the fire service, and the two public parks to be constructed. Like the government before it, the Council paid the cost of street lighting; but that service remained in the hands of the St. John's Gas Light Company and the St. John's Electric Company, which had been established in 1885 by Moses Monroe and other leading merchants. The Council's office arrangements symbolized its limitations; the Council was housed in a rented building on Duckworth Street, no provision having been made in the loan raised under the act creating it for the purchase of a building. Fully $422,200 of the $607,000 loan raised was used to buy the stock of the General Water Company, while another $55,000 was used to liquidate the debt the colonial government had transferred to the new board for work done by the Board of Works on the improvement of the town. The remainder of the loan was to be used for the construction of the much sought sewerage lines, the laying out of two parks, and for general operating expenses.

But the most serious problem facing the new Municipal Council, which held its first regular meeting on September 28, 1888, was political; the presence of two government represent-
atives quickly involved it in the highly partisan world of St. John's politics. This involvement centered around municipal patronage, the councillors being accused before very long of giving jobs to relatives and friends. Much of the criticism was directed against Councillor Monroe who, along with Goodfellow, Fox and Morison, commanded a Government majority on the Council. A particularly controversial appointment was that of I.R. McNeilly, the former solicitor of the Water Company and a nephew of Chairman Goodfellow, to the position of municipal solicitor. The other candidate for this job was Donald Morison, a son of Councillor Morison and a future outpatient member of the House of Assembly.69 Councillor Monroe's nephew was appointed municipal engineer and Councillor Carnell's uncle became the East End Road Inspector.70 Monroe was also accused of conflict of interest over the negotiations between the Council and the St. John's Electric Light Company, of which he was secretary.71

The Daily Colonist warned ratepayers that St. John's was headed along the road to "Boss Tweedism".72 On October 17, 2,000 citizens met to discuss the effect of possible Council expenditures on property in St. John's, although many of those in attendance may have been attracted by the promise of a discussion of public works projects to alleviate the unemployment situation in the town. The organizers of this meeting were chiefly those who had taken part in the Citizens' Committee earlier in the year, but there was one important new face, St. John's merchant, James Murray.73 A concerned property owner and a political independent, Murray now assumed the mantle of leadership in civic reform, advocating a complete separation
of the affairs of the Municipal Council and the colonial government. The greatest concern of Murray and his supporters was that the Council, without any real check by citizens, would accumulate a large deficit, thereby necessitating increased property taxes. Based on an estimate of its revenue and expenditure for 1889, Murray, Charles Kickham, William H. Whiteley, and their associates believed that the Council would have a deficit of approximately $30,000 for the year. In succeeding years, they claimed, the deficit would even be higher, since neither the Council nor the colonial government knew what the final cost of the proposed sewerage system would be. Accordingly a resolution was passed at the October 17th meeting calling on the Council to make public immediately how it planned to meet its 1889 deficit. 74

On October 23, at a second public meeting, Murray and his supporters organized the Citizens' Defence Association (CDA) to watch over the Council's expenditures and to prepare a plan which would give the citizens full control of the Council. The executive committee of this new body appointed several sub-committees: to find a convenient hall for regular discussions by the whole paid up membership; to draft a constitution for the Association; and to prepare a petition embodying an amended municipal act. 75 The cause of municipal reform in St. John's was, however, soon transformed into a party crusade when the Evening Telegram came out in its support. This paper loyally supported William Whiteway, who, deprived of the hoped-for Chief Justiceship, was poised for a return to colonial politics and no doubt saw in the agitation in St. John's promising campaign material. 76 The subject of civic reform was kept constantly before
the public during the winter of 1888-1889 by both the press and
the CDA. At its January 14, 1889, meeting, the Association
censored the Thorburn Government for having imposed a 20%
duty on articles imported by the Municipal Council, while on
February 4 it demanded a full investigation of all municipal
departments.77 The latter call came when the Council disclosed
that it had dismissed the Superintendent of the Fire Brigade for
misappropriation of funds.78

The Association's proposed municipal legislation, which
the Assembly was asked to have enacted during the 1889 session,
was arrived at after considerable debate among members.79 On the
one hand, the petition requesting change reflected the strong
desire of property owners to remove municipal affairs as much as
possible from the realm of partisan politics. The petition also
reflected the traditional difference between landowner, leaseholder,
and tenant interests with regard to the administration of St. John's.
Political independence from the colonial government was to be
achieved through an increase in the Council's membership from five
to ten and by the removal of the government representatives. To
prevent the creation of "ring rule", which the Association believed
was possible under elections held every third year, annual elections
were sought. At the same time the franchise was to be broadened
to include any male 21 years and over who paid municipal taxes,
including a poll tax which the Council would be allowed to levy. The
Association also wanted members of the legislature made ineligible
for membership on the Council and the councillors themselves pro-
hibited from holding contracts with the Council through partnerships.
Moreover, the Council was to have complete control over its officials.
On the financial front, the Association asked that the Council be given full freedom to raise loans on its own credit and proposed that, as a start, a $607,000 loan be raised to repay the colonial government for the loan it had raised under the 1888 Act. To provide for increased revenue without increasing the property tax, the CDA wanted a one dollar poll tax placed on every male between 21 and 60 years who did not pay water and sewerage rates and assessments. With regard to the taxing of absentee landlords, the Association was unable to reach agreement. No doubt, the presence and influence in its ranks of Kenneth R. Prowse, a St. John's commission merchant and prominent absentee landlord agent, was a factor here. Finally, the CDA sought to bring municipal finances under stricter control. This was to be achieved by making Council present annually a detailed financial statement before a public meeting which would appoint a citizens' committee to examine the accounts. 80

Since the Evening Mercury, Thorburn's newspaper voice, had been ridiculing the CDA since its formation, the response of the Government to this petition was entirely predictable. Both Thorburn and Attorney General Winter denied the claim of the St. John's MHAs that a commitment had been made the previous year to revise the Municipal Act in the 1889 session. In their view the 1888 Act was working well and should be left alone. Accordingly, the petition of the CDA was rejected on division. 81 A general election was due shortly and to have admitted that its municipal policy was a failure would have been a great embarrassment to the Government and a great boon to its Whitewayite opponents. Far from apologizing for what it had done, the Government prided itself on the fact, especially in its appeal to outport residents, that St. John's was finally being made to pay for
its own civic improvements. On the other hand, it was not prepared to go the whole route and give St. John's property owners complete control of their own affairs. The financial and political affairs of St. John's were obviously too intertwined with those of the colony as a whole to allow such a municipal policy. Yet Thorburn's rejection of the CDA, which was soon disbanded, and greater municipal democracy for St. John's carried a price; by refusing to extend the franchise in St. John's it gave an important opening to an opposition courting the labourers enfranchised in the colony generally under the 1889 Manhood Suffrage Act.

Prior to the election, the Roman Catholic Liberal Party was officially dissolved, its remnants joining either the Thorburn or Whiteway parties, which themselves consisted of individual factions. Thorburn was supported by the Roman Catholic Bishop, T.J. Power (1870-1893) and by the more established Roman Catholic politicians, including Patrick Scott and Michael O'Mara. From the ranks of the St. John's Municipal Council Thorburn recruited Councillor St. John as a candidate in St. John's East, while from the defunct CDA he secured the candidacy of Laurence O'Brien Furlong. By contrast, Whiteway's St. John's candidates, led by T.J. Murphy and Edward Morris, who had recently abandoned his "independent status", relied upon a strong appeal to the town's labouring population. But the Whiteway party also elected two well known municipal reformers - Jeremiah Halleran in St. John's East and Laurence Geran in St. John's West. Elsewhere on the island William Whiteley, a former chairman of the GDA, was elected as a Whitewayite in Harbour Grace, while James Murray was successful as an independent in Burgeo and La Foile.
With municipal politicians thus involved on both sides of the campaign, it is not surprising that municipal reform was itself an issue. The Thornburn candidates promised electors that, if the Government were elected, the 1888 Act would be amended. For their part the Whiteway candidates dismissed the Council as a "Government Department" and reminded St. John's voters of the treatment the Thorburn Government had given the 1889 CDA petition, an "insult" that had not been forgotten. The Whiteway party offered St. John's full incorporation and complete independence from the colonial government. The opposition was also able to exploit a series of bad fisheries and Thorburn's change of heart in adopting a policy of railway development that belied his earlier criticism of Whiteway. The result was a stinging defeat for the Government in November, 1889. Whiteway returned to power with 29 of 36 seats, winning all six St. John's seats. Whiteway's promise of immediate railway expansion proved a brilliant strategy in an election in which the population divided once more along economic rather than religious lines.

Complete independence from the colonial government, however, was a big promise and nothing was done about it during the first session of the new legislature in 1890. The initial concern of the new Whiteway Government - which now called itself Liberal - was to remove Thorburn supporters from office. Needless to say, Morris, who was in the process of strengthening his patronage hold on St. John's, did not neglect the appointed positions on the St. John's Municipal Council. The 30 year old James Fox, Goodfellow's colleague in Council, had become a Whiteway supporter late in the campaign and presented no problem; he simply exchanged
his position for a seat in the Legislative Council. Goodfellow, with over 40 years experience in the Newfoundland fish trade, was less compromising and simply refused to resign. But the Liberals were determined to remove him, the more so because they believed he had used Council funds to aid Thorburn during the election.

The whole affair came to a head when Goodfellow, through Morris, submitted both the Council's Financial Statement for 1889 and its estimates for 1890 to the Assembly. The financial statement projected deficits of $57,488.20 for 1889 and $17,487.58 for 1890. To cover these deficits Goodfellow proposed an increased coal duty and several new taxes: on the owners of horses, carts and carriages; on resident and non-resident auctioneers; on non-resident life insurance agents; and on the property of absentee landlords. Houses within the town's limits not subject to the water and sewerage rates would also be taxed. The Assembly reacted to Goodfellow's submission by appointing a select committee to investigate the entire financial record of the Council. This committee consisted of Government supporters except for James Murray. Its appointment and the stories of "boodling" which were circulating provided the Liberal Government with the opportunity it was looking for to dismiss Goodfellow. The two government positions on the Council were now taken by Liberals John Harris and George Knowling, both St. John's merchants.

The report of the select committee, tabled on June 5, 1890, vindicated James Murray and the Citizens' Defence Association he had helped form. Many of the Association's fears of unnecessary municipal expenditures and tax increases were shown to be well founded. The
committee noted that the Council's accounting procedures were sloppy and that the figure for the deficit was wrong; $57,488.20, they explained, should have been $27,488.20. They produced evidence, however, that the high figure had been incorrectly entered by the Council's accountant on the order of ex-Chairman Goodfellow. As the Council's records were later lost in the conflagration that destroyed much of St. John's in 1892, it has not been possible to ascertain why Goodfellow would have done this. Perhaps Council hoped to convince the legislature that new sources of revenue were urgently needed in order to balance the budget. Again, Goodfellow might have been trying to hide funds the Council had expended to help Thorburn's election campaign. Significantly, the committee found that Council had expended $11,975.08 from March 21 to December 31, 1889, to purchase land for street widening. This sum had not been included in the 1889 estimates submitted to the legislature, though Council had made allowance for $1,000 to be paid as interest on loans to be raised on the colony's credit under the 1852 St. John's Rebuilding Act. In the view of the select committee even this expenditure was illegal because under Section 60 of the 1888 Municipal Act the Council had to have a balanced budget. The 1889 estimates had not contained, they declared, any provision for this expenditure. The committee also noted that the Thorburn Government had spent $39,554.80 for street widening and improvements between March and December, 1888, and issued debentures for that sum under the St. John's Rebuilding Act of 1852. This was another illegal expenditure because under Section 31 of the Municipal Act the colonial government had transferred all its powers under the Rebuilding Act to the Municipal Council. The select committee did not recommend legal
action either against members of the former government, or of the Municipal Council. The funds that were said to have been spent illegally were simply added to the colonial debt.

To offset the projected 1890 deficit of $17,487.58, the committee recommended that the Council reduce the salaries of its officials, who were said to be too numerous and overpaid. The committee also called for the imposition of several of the new taxes which Goodfellow had requested. The Government accepted this suggestion, but proceeded by a highly unusual method: a bill was passed giving the legislature authority to alter or disallow Council's estimates of its revenue and expenditure and by a joint resolution of the two Houses to prescribe an alternative budget. The first resolution passed under authority of the new legislation imposed license fees on resident auctioneers, non-resident vendors, and on all fire and life insurance companies doing business in St. John's. It also taxed horse owners, whether their horses were used for private or commercial purposes. Moreover, all houses within St. John's not subject to water and sewerage rates were to be assessed 3% on their appraised rental value, while absentee landlords were to pay 2 1/2% of their annual ground rents, half the assessment proposed by Goodfellow. With these additions to the municipal revenue, the Liberal Government confidently predicted that the Council would be able to balance its budget for 1890. In 1891, the Government promised, the broader issue of civic reform would be dealt with; an amended municipal bill would be introduced which would avoid the "necessity of yearly reform."

That colonial and municipal politics were really one and the same was shown again in an 1890 by-election in St. John's East. On
this occasion Edward Morris, a member of Whiteway's Executive, used municipal patronage to extend and consolidate his political influence within the town. The Liberal candidate was a Morris protege, James Fox, who had recently resigned from the Legislative Council. While the Tory opposition (the Thorburn Party had taken this name) and its candidate, Patrick Scott, condemned the Whiteway Government for converting the Council "into a purely political agency for the promotion of their party promises and interests," the Liberals offered to place the "control and management of the affairs of the town into the hands of the ratepayers," so that every man who paid a tax, "be that ever so little" would "have a vote in the election of the councillors." The outcome was a victory for Fox and the substitution of the Monroe ring rule of 1889 by the political machine of "Boss Morris."

At this juncture the St. John's Municipal Council was also affected by the distant rumblings of the English absentee landlords, who objected to the tax imposed on them under the authority of the 1890 Municipal Act. In March, 1891, their complaint succeeded when the Imperial Government disallowed the Newfoundland Act somewhat to the surprise of the Newfoundland Government as they had upheld the landlord-tenant agreements in 1889. In the case of the 1890 legislation the St. John's agents of the absentee landlords were more specific in their allegations, than the landowners had been in 1889, charging in June, 1890, that the legislation contravened the seventeenth article of the 1877 Letters Patent, a revision of the 1855 Royal Instructions to the Newfoundland Governors. This section stated that the colonial legislature was not to pass legislation prejudicial to the "rights and property of our
subjects not residing in (Newfoundland)." That the agents of the absentee landlords should have been to the fore over the 1890 Act is not surprising. Some of them, Robert H. Prowse, for example, owned houses in the town but paid no water and sewerage rates for them. These properties would now be taxed. In the event, the Imperial Government disallowed the Act on the grounds that it was "unconstitutional...to delegate to the two Houses of the Colonial Parliament powers of legislation and imposition of taxes without the concurrence of the Governor." 

The campaign of the absentee landlord agents to have the 1890 Municipal Act disallowed in itself created financial difficulties for the Municipal Council, which found itself at the end of the year with a deficit of $7,423.89. Many residents had evidently refused to pay the new taxes until the status of the legislation was known, their reluctance being compounded by the long delay between the signing of the bill in St. John's and the final decision in London. When the Government received word that the legislation had been disallowed in March, 1891, it immediately introduced a new municipal bill. This, Morris said, would save the legislature from "being called upon every session to enact some law or place some tax...in connection with the municipality." 

The new bill, which was drafted by a select committee of the Assembly appointed in 1890 to sit out of session, was based generally on the 1889 Citizens' Défence Association petition, with one important difference. While the number of elected representatives was to be increased from five to ten, the two government appointees were to remain, the reasoning here — both in Government
and business circles — was that the colony would have to guarantee the civic debt, even if the citizens were to assume direct responsibility for it. The new bill reintroduced some of the taxes imposed by the 1890 Act, but the taxes on absentee landlords and on the owners of houses not subject to the water and sewerage rates were dropped. A business tax was imposed on all commercial and financial establishments and private utilities in the town. The bill also broadened the franchise to include any male British subject over 21 years who was a householder, but it did not provide for the poll tax which the CDA had sought. Again, the Council was now to have authority to determine its own rules of procedure, subject to the approval of the Governor in Council. Finally, the bill provided for the postponement of the election of the second municipal council from August, 1891, to January, 1892.  

Although a member of the select committee which had drafted this bill, the frugal minded James Murray proved one of its strongest opponents, taking his protest outside the House by reviving the Citizens' Defence Association. His main objection was that a larger Council would be an unnecessary expense. On May 1, 1891, the bill was discussed at a meeting of ratepayers, which appointed a committee of 10 to consider the bill and propose changes. This committee consisted of P.R. Bowers from the Daily Colonist and several prominent Liberal and Tory property owners, all of whom would be affected by the business tax. The committee drafted several amendments to the proposed legislation, the most notable of them providing for the removal of the business tax as far as it affected such establishments as hotels, taverns, distilleries, and other local industries. To cover the loss of the revenue to the Municipal Council
this change would entail, the committee suggested a poll tax on all males over 21 years, who would also be given the vote." Much to Murray's chagrin, the committee supported the section of the bill increasing the Council's membership; but the fight over this continued on the floor of the House of Assembly.

The St. John's MHAs were divided over the issue; several, including Morris, supported the change only because their constituents wanted an increase. Ultimately, Murray was able to defeat the proposal with the help of outport MHAs who equated additional membership with increased municipal expenditures, higher taxes, and an increased municipal debt—a debt whose interest the colony would have to guarantee. The Assembly also struck from the bill the provision making members of the legislature ineligible for Council, but it accepted the poll tax only to have it rejected by the Legislative Council. The Upper House was of the opinion that property alone should form the basis of the municipal franchise and in the end the Government accepted this view rather than risk the bill's defeat. As Morris put it, "half a loaf was better than no bread."

Morris' hope for the new legislature was that it would at last put St. John's on a sound financial basis; but this did not happen. At the end of 1891 the Council was once more in financial straits because it was unable to collect some of the taxes provided for by the new Act. When the Act came into effect the Tory opposition not only challenged the meaning of some of the by-laws under its authority but actively encouraged citizens not to pay a number of taxes; the argument being that it was not a "duty to pay taxes unfairly imposed and to be squandered for corrupt purposes." There was,
according to the Tory Evening Herald: "no reason in morality or common sense" why a citizen should pay a tax if he could "legally avoid doing so"; and Tory lawyers were more than willing to help citizens find the loopholes. Thus, Council's right to license cabmen, for instance, was successfully challenged before a local magistrate by James Winter as counsel for several cabmen. The result of all this was an 1891 deficit of $17,308.02, Council having defaulted on its interest payment for the last six months of the year on its debt to the colony. This deficit the Council obviously could not have foreseen when it had submitted its estimates of expenditure to the legislature. And, when the Council did realize what was happening, it was too late to cut back on the spending side.

The first St. John's Municipal Council thus left to its successor a total civic debt on December 31, 1891, of $838,278.27. This compared to a debt of $607,000 when Council had come to office in 1888. On the other hand, some substantial local improvements had been made. The first was the partial construction of a new sewerage system at a cost of $180,000, another $60,000 being needed to finish the work. Again, a dock had been constructed in the west end of the harbour and two parks laid out. Moreover, the Council had greatly improved the physical appearance of the town by macadamizing streets and laying block pavement on sidewalks in the commercial district. And, of course, all this had been done while maintaining interest payments on the debt. A more controversial reform had been the alteration of some colourful street and area names — "Maggoty Cove", "Hill of Chips", "Dog's Town", "Barking Kettle", and "Gallaghe's Range".
On the whole, the campaign leading up to the second municipal election, which was held on January 23, 1892, maintained the partisanship with which local government in St. John's had been launched. Not surprisingly, the *Daily Colonist* was the only newspaper to give comprehensive coverage to the campaign. The other two dailies, the *Evening Telegram* and the *Evening Herald*, contented themselves with promoting the candidates of their respective parties. Two councillors, Monroe and Morison, did not seek re-election, citing business and personal reasons, but Morison's son Donald was elected in ward five. Of the incumbents only Carnell and Power were re-elected, winning in contests fought along strict party lines. In ward three ex-Chairman Goodfellow was returned, a substantial Tory achievement. The ward two campaign was apparently the only one that avoided party labels; here John T. Southcott Jr., a young builder, defeated incumbent St. John by 18 votes. The Liberals thus managed to elect only two members but when the two appointed members, Edward W. Bennett and Thomas Mitchell were added, they seemingly had a majority.

Contrary to widespread rumour, the Tory councillors did not nominate Goodfellow for chairman. Instead, they put forward the name of Mitchell, the weaker of the government appointees. Surprised by this move, the Liberals followed through with their original plan to nominate Power. The result was a Tory victory as Mitchell, an avowed advocate of full incorporation and an independent conservative in municipal affairs, voted for himself. Mitchell's action thus deprived the Liberals of their expected control of the Council. With his election, the Tories were able to present
themselves as the champions of civic rights and the advocates of full incorporation "free from all political interference." Mitchell subsequently acknowledged his political benefactors by generally voting with the Tory councillors, Southcott also doing the same. The Liberal response was to call for the abolition of the Municipal Council because of its spending habits; in the words of the Evening Telegram after Mitchell's election, the Council was either unable or unwilling to "curb its extravagant expenditures." It was in this atmosphere that in March, 1892, the new Municipal Council set about to improve its financial and administrative position. It asked the Government to increase the coal duty, to make available a larger annual grant for lighting and cleaning the town, to impose a one dollar poll tax, and to close the loopholes which had led to so much tax avoidance under the 1891 Municipal Act. Council's requests were forwarded in the form of draft legislation written by Sir James Winter, the architect of the original municipal act. Winter's new bill would give the franchise only to those voters who paid direct taxation - either the water and sewerage rates or the proposed new dollar poll tax. The bill reaffirmed in principle the 1887 Landlord-Tenant Act, but allowed landlords to pass on the payment of assessments if they gave new leases for periods of 75 years or longer. This section undoubtedly reflected the work of Chairman Mitchell, who had been so active in the early 1880s in attempting to secure legislation along the lines of the 1887 Act. But its inclusion may also have reflected the fact that several prominent merchants, including Moses Monroe, would be shortly renewing their leases and felt that long leases,
under which they paid the assessments, would be the most advant-
ageous. 126

Council's attempt to abolish the household franchise met with
strong opposition from the Liberal Government when its proposed
bill was put before the Assembly. The populist MHAs Murphy and
Morris were especially adamant, rejecting a system which was based
on the principle of "representation with taxation." Morris noted
that many citizens who did not pay taxes directly paid them in-
directly. The duty on coal was one example; the incorporation by
landlords of the water rates into the rents of people living in
houses with an annual rental value of less than $40.00 was another.
Far from being restricted, Morris asserted, the franchise should
be given "to the very Bohemians" of St. John's. Not surprisingly,
then, the household franchise was retained, along with the poll
tax qualification. 127 One more notable amendment was made by the
House to the bill Council had proposed. Council's authority to
undertake any street widening without the approval of the Governor-
in-Council was restricted, a move designed to place an even greater
check on municipal expenditure. The Council was further required
to employ the Surveyor General in all cases of land arbitrations.
Finally, the Council's request for an increased coal duty was
refused as was its request for a larger legislative grant. 128 When
the bill went to the Legislative Council the property franchise was
restored and the poll tax eliminated. The compromise that was
eventually worked out between the two Houses saw the Assembly's
position on the franchise prevail but the poll tax struck down.

This outcome, Chairman Mitchell warned, left Council without
the means to satisfy the original and constant requirements of
the town to say nothing of much needed improvements." Compounding Council's problems were its poor relations with the Whiteway Government, which now refused to have the town's 1891 deficit taken out of current account and consolidated with the general debt. This in turn forced the Council to revise its expenditure estimates for 1892. In May, 1892, a special finance meeting was held to consider how expenditures might be reduced. The decision made was to lower the salaries of Council's officials and to dismiss several municipal servants. This emphasis on economy affected all municipal departments, including, unfortunately, the fire department, which for several years had been living a very impecunious existence. For this, St. John's would pay a terrible price.
Footnotes

1. The following account of colonial politics in the early 1880s follows from James Hiller, "The Railway and Local Politics in Newfoundland, 1870-1901," in Hiller and Neary, eds., Newfoundland, 123-35.


5. Daily Colonist, September 11, 1886.

6. See John P. Greene, "Edward Patrick Morris, 1886-1900" (unpublished paper, Center for Newfoundland Studies, Memorial University, 1968); Peter Neary and S.J.R. Noel, "Continuity and Change in Newfoundland Politics" (paper presented to the Canadian Political Science Association, 1971), 21-2; and Noel, Politics in Newfoundland, 32-3.

7. Edward Morris in Assembly Debates, April 30, 1890, in Evening Telegram, May 12, 1890.

8. W.J.S. Donnelly, born Spaniard's Bay, Newfoundland; merchant and politician; MHA Placentia, 1878-1900; receiver-general, 1882-1888; died March 11, 1914.

9. Maurice Fenelon, born County Carlow, Ireland, 1834; educator and politician; MHA St. John's West, 1873-1878; Roman Catholic school inspector, 1878-1886; MLC, 1886-1889, 1893-1897; colonial secretary, 1886-1889; died January 30, 1897.

10. Patrick J. Scott, born December 25, 1848; lawyer and politician; MHA St. John's West, 1873-1889, 1894-1897; receiver-general, 1894-1897; died St. John's, October 22, 1899.


15. William Whiteway in Assembly Debates, April 20, 1883, in Terra Nova Advocate, June 27, 1883.

16. Ibid. See also the 1863 Sewerage Act printed in the Gazette, March 31, 1863.

17. William Whiteway in Assembly Debates, April 20, 1885, in Terra Nova Advocate, June 27, 1885.

18. Ibid. See also Evening Mercury, April 21, 22, 1885. The 1885 Municipal Bill was printed in the Evening Telegram, April 20, 1885.

19. Evening Telegram, Evening Mercury, April 24, 1885.


21. JHA, May 18, 1886.

22. Daily Colonist, August 31, September 11, 1886; and Times, January 19, 1887.

23. JHA, March 4, 1887. The Assembly's members were Robert Thorburn, W.J.S. Donnelly, James Winter, Augustus Goodridge, J.E.P. Peters for the government, and Patrick Scott and Michael J. O'Mara for the Liberal Party. Council representatives were Augustus Harvey, Moses Monroe, John Syme, and James McLaughlan. See also Assembly Debates, March 10, 1887, in Evening Mercury; March 15, 1887; and JLC, March 15, 1887.


26. James Spearman Winter, born Lame'line, Newfoundland, January 1, 1845; lawyer and politician; MHA Burin, 1873-1885, 1892-1893, 1897-1900; Harbour Grace, 1885-1889; solicitor general, 1882-1885; attorney general, 1885-1889; premier and attorney general, 1897-1900; died Toronto, October 6, 1911.

27. James Winter in Assembly Debates, May 6, 1887, in Evening Mercury, May 11, 12, 1887.

28. Edward Morris to Evening Telegram, February 8, 1887; and JHA, April 23, May 2, 4, 18; 1887. See also Statutes of Newfoundland, 50 Victoria, Cap. 14.
29. PANL, GNL/2/5, Despatch no. 9, Knutsford to O'Brien, March 1, 1890, enclosing a petition from Thomas Newman and several other absentee landlords, November 15, 1889.

30. See the March 6, 1886, editorial in the Daily Colonist by Patrick Bowers announcing the formation of that newspaper.


32. Daily Colonist, March 29, 1887.

33. Ibid., May 4, 1887.

34. Bowers' proposals for municipal government for St. John's were published in Ibid., March 29, 1887.

35. Evening Mercury, May 6, 1887.

36. Attorney General Winter as quoted in Daily Colonist, May 12, 1887.

37. JHA, May 12, 1887.

38. Colonial Secretary Feneon in Legislative Council Debates, May 17, 1887, in Evening Telegram, June 15, 1887; Evening Mercury, May 14, 1887; and Edward Morris in Assembly Debates, February 27, 1888, in Ibid., March 1, 1888.

39. Thomas J. Murphy, born St. John's, July 1, 1861; lawyer and politician, MHA St. John's East, 1886-1894.

40. See Michael O'Mara in Assembly Debates, May 12, 1887, in Evening Mercury, May 20, 1887; and Edward Morris and Patrick Scott in Assembly Debates, February 27, 1888, in Ibid., March 2, 1888.

41. Thomas Murphy in Assembly Debates, May 12, 1887, in Evening Mercury, May 20, 1887; and Daily Colonist, May 13, 1887.

42. Legislative Council Debates, May 16, 17, 1887, in Evening Telegram, June 14-15, 1887.

43. Evening Mercury, Daily Colonist, January 9, 1888.

44. See Appendix IV, 6.

46. Ibid., February 24, April 21, 1888.
47. The 1888 Municipal Bill was printed in the Daily Colonist, April 16, 17, 20, 23, 24, 26, 1888.
49. James Winter in Assembly Debates, April 13, 1888, in Evening Mercury, April 21, 1888.
50. Thomas Murphy in Assembly Debates, April 16, 1888, in Ibid., April 24, 1888.
52. Patrick Scott in Assembly Debates, March 27, 1889, in Ibid., April 3, 1889.
53. Daily Colonist, April 21, 1888; Patrick Scott, Edward Morris, and Thomas Murphy in Assembly Debates, April 16, 1888, in Evening Mercury, April 25, 1888; and Statutes of Newfoundland, 51 Victoria, Cap. 5.
54. Assembly Debates, April 16, 1888, in Evening Mercury, April 25, 1888.
55. Legislative Council Debates, May 1, 1888, in Evening Telegram, May 11, 1888; and Ibid., April 26, May 9, 1888.
56. Ibid., April 26, 1888.
57. Daily Colonist, July 19, 21, 1888.
58. Ibid., August 13, 1888.
59. Ibid., August 4, 17, 1888.
60. Ibid., August 11, 1888.
62. Evening Telegram, September 1, 1888; and Letters to Ibid., October 24, 27, 1888.
63. Evening Telegram, September 5, 1888.
64. PANL, GN9/1, Minute of Executive Council, September 9, 1888; and Statutes of Newfoundland, 51 Victoria, Cap. 5.
65. John Harris, "Three Years of City Government," The Holy Branch (December, 1891), 5-7.

67. J.L. Slattery, "Opening of the City Hall," Newfoundland Quarterly (October, 1911).

68. Statutes of Newfoundland, 51 Victoria, Cap. 5.

69. Daily Colonist, October 1, 1888.

70. Ibid., October 12, November 6, 1888.

71. Ibid., October 13, 1888.

72. Ibid., October 14, 1888.

73. James Murray, born 1843; merchant and politician; MHA Burgeo-LaPoile, 1889-1894; died St. John's, January 6, 1900.

74. Daily Colonist, Evening Mercury, Evening Telegram, October 18, 1888.

75. Daily Colonist, October 24, 1888; and Evening Telegram, November 6, 1888.

76. Evening Telegram, November 3, 12, 1888.

77. Ibid., January 15, February 8, 1889.

78. Municipal Council Meeting, January 17, 1889, as reported in the Evening Mercury, January 18, 1889.

79. Evening Telegram, January 15, February 5, 8, March 1, 1889.

80. "Resolutions to be proposed in committee of the whole in relation to amendment of St. John's Municipal Act," Bills, House of Assembly, 1889; and A.B. Morin in Assembly Debates, April 11, 1889, in Evening Mercury, April 24, 1889.

81. James Winter in Assembly Debates, April 11, 1889, in Evening Mercury, April 20, 1889; and JHA, April 12, 1889.

82. Evening Mercury, July 24, 1889.

83. Daily Colonist, October 8, 1889; Evening Mercury, October 30, 1889; and C.O., 194, vol. 212, 1889, O'Brien to Knutsford, November, 1889.

84. See Evening Telegram, September 24, October 9, 12, 14, 15, 17, 19, 29, November 5, 1889.

85. Prowse, History of Newfoundland, 565.

86. Evening Mercury, October 15, 19, 1889; Daily Colonist, February 5,
1890; and *Evening Telegram*, September 24, October 9, 12, 14, 17, 19, 1889:


88. *Evening Herald*, January 22, 1890.

89. *Evening Telegram*, February 24, 26, 1890.


91. *JHA*, April 30, 1890.

92. *Evening Telegram*, May 7, 1890.

93. Slattery, "Opening of the City Hall."

94. "Report of Select Committee of the Assembly," *JHA*, 1890, Appendix, 306-11; and Edward Morris in Assembly Debates, June 5, 1890, in *Evening Telegram*, June 18, 1890. See also *Evening Telegram*, January 27, 1892.


96. Statutes of Newfoundland, 53-Victoria, Cap. 8.


98. Edward Morris in Assembly Debates, April 30, 1890, in *ibid.*, May 12, 13, 1890; and *Daily Colonist*, May 17, 1890.


100. *Evening Herald*, October 2, 23, 1890.

101. *Evening Telegram*, October 27, 1890.

102. *ibid.*, November 8, 1890.


104. PANL, GNL/2/6, Despatch no. 9, Knutsford to O'Brien, March 1, 1890, enclosing a petition from Thomas Newman and several other British absentee landlords.

105. PANL, GNL/1/3, Memorial from St. John's absentee landlords agents to O'Brien, June 23, 1890.

106. For the operations of the Prosser family as an absentee landlord agent see the following: PANL, PB/A/26, Cash Book of Robert H.
Prowse & Sons, which contain a record of rents collected by Prowse for the estates belonging to Williams, Hutchings, Stipling, Kean, and Taylor; GN5/2/A/9, Supreme Court Records, 1932–1937, Box 10, folder containing correspondence on the K.R. Prowse estate; GN1/1/5, Memorial from St. John's absentee landlord agents to O'Brien, June 23, 1890; Municipal Council Meeting, December 11, 1890, as reported in the Evening Telegram, December 12, 1890; and Daily News, June 22, October 12, 1912.


110. Ibid. The 1891 Municipal Bill was printed in the Daily Colonist, May 4, 1891.

111. James Murray in Assembly Debates, April 24, 1891, in Evening Telegram, May 11, 1891; James Murray to the Daily Colonist, April 29, 1891, and to the Evening Telegram, April 30, 1891; and Daily Colonist, May 2, 5, 12, 1891.

112. Edward Morris in Assembly Debates, May 18, 1891, in Evening Telegram, May 27, 1891.

113. Assembly Debates, May 14, 18, 1891, in Evening Telegram, May 26, 27, 28, 1891; and Daily Colonist, May 19, 1891.


115. Evening Herald, July 23, 1891.


117. Ibid., 370–77. See also Harris, "Three Years of City Government, 1877.


119. Evening Herald, January 25, 26, 28, 1892; Daily Colonist, January 26, 28, 1892; and Evening Telegram, January 27, 29, 1892.
120. *Evening Herald*, February 24, 1892.

121. *Daily Colonist*, February 27, 1892.

122. See, for example, Donald Morison to the *Evening Herald*, April 19, 1892.

123. *Evening Telegram*, April 11, 1892.

124. "Report - Municipal Council, 1892" JHA, 1893, Appendix, 216; and PANL, GN2/22, Petitions and Applications to the Colonial Secretary's Office, Thomas Mitchell to Colonial Secretary Bond, May 27, 1892.

125. Municipal Council Meeting, April 7, 1892, as reported in the *Evening Herald*, April 8, 1892; and "Municipal Bill," Bills of the House of Assembly, 1892, 40–60.


127. Assembly Debates, May 18, 1892, in *Evening Telegram*, June 22, 1892.

128. Municipal Council Meeting, May 27, 1892, as reported in the *Evening Telegram*, May 28, 1892; and PANL, GN2/2, Chairman Mitchell to Colonial Secretary Bond, May 27, 1892.

129. Ibid. See also Legislative Council Debates, May 31, 1892, in *Evening Telegram*, June 25, 1892.

130. PANL, GN2/2, Chairman Mitchell to Colonial Secretary Bond, May 27, 1892. See also GN2/1, Colonial Secretary Bond to Municipal Council Secretary Kelly, April 29, 1892.

CHAPTER VII

The Great Fire of 1892 and Its Aftermath

The provision of a large water supply in the 1860s and the subsequent purchase in 1885 of a steam engine by the General Water Company had lulled many St. John’s residents into a false sense of security about the safety of their town. This misplaced sense of well-being was enhanced by great public confidence in the ability of the voluntary fire brigade, which dealt efficiently with many small fires.  Yet there were many weaknesses in the fire service, as Magistrate Prowse pointed out in a report to Council in 1890. In January 1890, the brigade was slow in responding to a fire in which a man named Gourley was killed while trying to save his children. The firemen not only had difficulty in locating the fire, but experienced problems in turning the water on from the hydrants. Moreover, they did not have enough ladders and other equipment to effect a rescue and fight the fire successfully. 2 Commissioned to enquire into this tragedy, Prowse recommended a complete reorganization of the brigade, calling for the formation of a small, paid corps headed by a trained fire officer. Recognizing that Council’s funds were limited, Prowse suggested that the
members of this new force be drawn from the ranks of the police. Those policemen chosen to be trained as firemen would form the nucleus of the new brigade and be paid extra for their fire work. If changes were not made, Prowse warned, the next serious fire in St. John's could be a "terrible calamity." Unfortunately, Council received Prowse's report just when it was being criticized so severely by the Whiteway Government for financial mismanagement. The result was that the only action taken to improve the fire service was the ordering of some new hose for the existing brigade. The history of fire protection in St. John's after 1890 was thus one of economy with the brigade's equipment—consisting of one steam engine, two hand engines, ladders and hose—all in need of replacement. The equipment problem, moreover, was compounded by inadequate water pressure. For all this inadequacy and neglect St. John's paid dearly on July 8, 1892, when a large portion of the town was again devastated by fire.

"Every circumstance," Moses Harvey, a prominent St. John's Presbyterian minister and writer, wrote to the Montreal Gazette six days after the blaze, "combined to favour the progress of the destroyer." For a month prior to July 8, St. John's had received little rain, and its many shingled roofs became dry as tinder. On the day of the fire the temperature reached an unusual 85 degrees Fahrenheit, with a strong wind blowing from the north-west. The fire began about 4:30 p.m. in a stable on Freshwater Road, a street on the top of the hill overlooking the center of the town (see map, p. 272). The spark was evidently provided by Thomas Fitzpatrick, who in stumbling in the stable, dropped his pipe and
lit some hay. The building was quickly enveloped and the alarm immediately sounded, the message being sent either by telephone or by person to the three fire stations. It took 30 minutes for the firemen and their steam engine to arrive at the scene of the fire, and even then, efforts proved futile; they forgot some necessary equipment and there was an insufficient water supply. A water tank, located opposite the stable and placed there to protect the neighbourhood, was almost empty because the firemen had forgotten to fill it after a recent fire drill. The town's hydrants were also useless because of the low water pressure in the mains. At 9:00 a.m. Chairman Mitchell, without consulting his fellow councillors, had turned off the water in the Freshwater Road area to add new pipes to the system. The water had been turned back on at 3:00 p.m. but it took three hours to fill the local mains at this high level in the town. The firemen's difficulties were further complicated by their inability to tear down houses in the area to make firebreaks; they had not brought hatchets with them and the rope they had on hand was rotten and quickly broke when used. While this tragic comedy, so typical of the beginning of most conflagrations, proceeded, the strong winds were carrying burning fragments to the roofs of houses and buildings in the center and east end of the town igniting buildings scattered through these areas.

After racing down Freshwater Road, the fire split into two at the intersection of Harvey Road and Long's Hill. One stream of flames rushed down Carter's Hill to reach Water Street and aided by the wind, continued its path of destruction eastward.
of its predecessor, cooperating closely with Council's Medical Health Officer and colonial authorities in combatting infant mortality in the town.\textsuperscript{72}

If Gosling had only limited success in forging a role for Council in the field of child welfare, he made rather more headway in his efforts to construct houses for the working poor and returning war veterans. Council's ability to act on the authority it had been given in the housing field by the 1917 Municipal Act was initially greatly impaired because it was not given expropriation powers. When this omission was corrected in 1918 by a new Act (the one that also extended the life of Council to December 31, 1919), Gosling moved quickly.\textsuperscript{73}

In July 1918, Council purchased title to land in the East End of St. John's as a building site.\textsuperscript{74} This land, situated on Quidi Vidi Road south of the General Hospital, had been purchased from the government in 1907 by Michael Connors, a farmer, on condition that it could revert back to the Crown at any time it was needed for improving the town.\textsuperscript{75} Also in July Council asked the government for a $25,000 loan in support of its building plans.\textsuperscript{76} Council's plan was to use this money to lay out the land, put water and sewerage pipes in the streets to be opened, and over a period of time construct houses which would sell for approximately $2,000 each. Prospective owners of these houses were to be required to make a down payment of $500 and to pay off the amount owing over 10 years. House and land were to be held on a 99-year basis, with the lessee paying Council a perpetual ground rent of $20 per annum; lessees could, however, purchase the freehold at any time during the life of the lease by giving Council a sum equal to 20 years rent
on the property. 77

The Lloyd Government refused to fund this scheme and a second request the Council made in November, 1918, asking for an additional $25,000 to offset increased building costs. The Government's view was shaped in part by its concern that the housing project might cost Council more than it could afford. Some members of the Executive Council, moreover, opposed the scheme on the grounds that the provision of housing should not be made a matter of public concern. Gosling responded on November 23, 1918, by telling the Newfoundland Colonial Secretary that the principle of municipal housing was no longer a "matter which the Executive Council is called upon to consider." The only question that should concern the government, Gosling wrote with an air of exasperation, was whether Council could afford to pay the interest on the loan it was requesting. 78 In the end Council's view won out; on June 4, 1919, the Executive Council guaranteed the principal and interest on a $50,000 loan to be secured from the Royal Bank. 79 By December, 1919, Council had constructed and sold 12 six-room, semi-detached houses. 80 In the meantime, however, its modest housing program had been overshadowed by a more ambitious scheme put forward by some of the town's businessmen.

The main promoters of this venture were Legislative Councillors John Anderson and Michael Gibbs, and James McGrath, a former Municipal Commissioner who was President of the Longshoremen's Protective Union. In March, 1919, Anderson presented their proposal to a meeting of the Newfoundland Industrial Workers' Association - a general labour union formed at St. John's in 1917. 81 What they envisaged was a joint stock building society that would be set up to
build 600 houses on the outskirts of St. John's for both members of the working poor and returning war veterans. Anderson was subsequently successful in forming the Dominion Co-operative Building Association, which set out to raise a capital stock of $2,000,000. A resident of his proposed housing estate would own both his house and the land on which it stood, in return for an annual rental payment to the Association of an amount of no more than 10% on the total cost of construction, estimated at about $1,500. Association houses would be cheaper than the Council's, Anderson claimed, because union members would give free service in the construction phase. 82

When the Association received its act of incorporation at the 1920 session of the legislature, it was also given some generous financial concessions by the Liberal Government of Richard Squires, which had come to power after a general election held on November 3, 1919. 83 Squires gave the Association a 20 year guarantee on the annual shareholders' payment of dividends on its capital stock if annual profits were less than 5% of paid up capital. He also consented to allow the Association to import duty free all building materials which could not be obtained in Newfoundland. In return for these concessions, the Association's shareholders agreed to allow the government to appoint one-third of the Association's directors. 84

The site for Anderson's proposed houses was a tract of land on Merrymeeting Road, northwest of the Roman Catholic Cathedral, which was owned by the Roman Catholic Church. Archbishop Edward Patrick Roche (1915-1950) gave this land to the Association at a nominal rent for disposal on either a freehold or leasehold basis to prospective house buyers. Roche stipulated that the land was to be used only for
house construction. Its early optimism notwithstanding, by mid-1920 the Association was unable to raise the capital needed to begin construction and in July asked the Squaires Government to guarantee the principal and interest on a $25,000 loan it hoped to obtain from the Royal Bank. With this loan in hand, the Association pressed forward, opening 30 houses for sale on December 2, 1920. Nevertheless, despite this initial achievement, this venture by the business community, like Council's own housing scheme, had only limited long term success. After 1920 the overcrowded residential area on the side of the hill in the center of St. John's remained juxtaposed to the business district below. Not surprisingly, the concomitant public health and fire protection problems also lingered on.

The government's willing support for the Association's housing scheme proved to Gosling once and for all that a strong municipal government could not be achieved in St. John's. With his disappointment over the reception of the Charter by the legislature, Gosling became more cynical and disillusioned in his comments, yet he continued the battle with unabating energy. In his Annual Report for 1919, the sixth such Report he had printed in the press to make people more aware of Council's activities, Gosling lashed out at the lack of civic spirit in the town's residents:

"The majority of citizens are supremely indifferent, and a large proportion are only interested in endeavouring to obtain some personal advantage at the City's expense to avoid paying their just share of the City's expenses as long as possible or altogether, and to disregard the By-laws of the City with impunity. When the people of the City are so little interested it cannot be expected that the Municipal Council, or Civic Officials will remain enthusiastic, or that the Government of the Colony will pay any attention to the representations of the Council as to the City's needs."

Gosling's patience with both the government and the public was
Since the first election to be held under the new Act was scheduled for December, 1921, the term of the Municipal Commission was once more extended, this time to the end of the year. Gosling and Commissioner Ayre, however, declined to accept reappointment on the grounds that their business interests needed more of their time. Isaac Morris, who had been on the Commission since 1914, replaced Gosling as Chairman and then ran for mayor in the election of December 15, 1921. He was defeated — 2,052 to 1,476 — by the prominent St. John's merchant, Tasker Cook. Out of a field of 25, four councillors were elected who had had past experience: James T. Martin, Nicholas J. Vinnicombe, Samuel G. Collier and Charles W. Ryan. The two new members were P. E. Outerbridge, a partner in Gosling's Water Street firm and Reginald Dowden, a real estate agent. With their election and the coming into effect of the revised Charter, St. John's entered a new era that extends to this day. At last the town was properly incorporated as a city.

The metropolis of Newfoundland, however, was soon to lose the guardian who had guided its destiny for so long. Gosling, when he resigned as Chairman on June 30, 1921, attributed his retirement to the pressures of his business; his declining health was possibly a more important reason. For several years he had suffered from high blood pressure, which he blamed on his hard work for the Charter and the general welfare of the capital. Regrettably, his health did not improve with his release from office. In August, 1923, he suffered from what contemporary medicine described as a severe nervous breakdown and retired to his native Bermuda. He died there on November 5, 1930. As his final bequest, he left his adopted city his fine library, which became the nucleus of the Gosling Public Library of today.
clearly at an end, but he was willing to remain in office to
secure some resolution from the legislature of the Charter issue.90

On January 30, 1920, he wrote to Squires asking for an immediate
decision on the matter.91 Squires' reply was not encouraging; the
new Executive Council, he wrote, would have little time to study
the bill before the legislature opened and the Charter would not
therefore be brought forward as a government measure.92 Gosling's
reply on March 5 pointed out that the bill embodying the Charter was
not originally meant to be a government measure; moreover, the members
of the Executive Council could familiarize themselves with the Charter's
provisions when the bill was read in the House. The task was "by no
means such a stupendous one as you may think," he wrote to Squires.
All that needed to be done was for the legislature "to take it up,
amp it, pass it, or reject it."93 Squires now gave way on the issue,
arranging for an informal committee consisting of Gosling, two
government representatives, and the four St. John's opposition MHAs
to make a report on the Charter to the Assembly.94

With the Charter now seemingly about to be passed at the 1920
session, Council in late June approached the government asking that
the civic election scheduled for July be postponed. To hold an election
in July, the Council argued, would deprive residents of the new voter
qualifications proposed in the Charter. Instead, the election should
be held later in 1920 with the new Council taking over on January 1,
1921. In the meantime, the municipality should be administered by a
Board of Commissioners appointed by the Governor-in-Council. The
government accepted this proposal and subsequently had legislation
passed for the purpose.95 On July 5 Gosling and former Councillors
Ayre, Morris, Mullaly, and Vinnicombe were appointed to the Commission.96
Unanimous approval of the Charter by the Assembly followed; but the Legislative Council now posed a new roadblock. The Upper House took exception to the fact that the bill had gone through the Assembly in the last days of the session and without any debate. It was an insult that the Assembly expected like action from above. As a result of this fracas Squires was forced to enact legislation further extending the life of the Board of Commissioners to June 30, 1921.

Angered by the attitude of the Legislative Council, the Municipal Commissioners met on July 13 to decide what course of action they should take. Gosling, who had been elected Chairman, suggested a mass resignation on July 31, 1920, if the government had not persuaded the Legislative Council to cooperate; all the Commissioners except Mullaly agreed.

For his part Mullaly believed that it was better to remain in office than turn the affairs of the town over to a new set of commissioners with little experience in municipal government. Although he approved of the Charter in general, Mullaly was strongly opposed to the sections of it which would disenfranchise taxpayers who were in arrears and give Council the right to shut off water to any householder who was six months behind in his tax payments. Later in July the Commissioners agreed to stay in office even though the Legislative Council was still adamant. The reason for their change of heart was the strong show of public support for the stand they had taken. They now also had the assurance of Premier Squires that the Charter would be re-introduced at the beginning of the 1921 session to allow the Legislative Council sufficient time to debate it.
While these colony-level disagreements were proceeding, the Charter was under examination by the informal committee appointed by Premier Squires. That body made certain recommendations and others were effected by the Legislative Council during the 1921 session, the most notable amendment being the Legislative Council's removal of the section providing for biennial Council elections; in short the Upper House did not accept the argument that Council always had to have experienced members. The Upper Chamber also struck out the section of the Charter, put there no doubt, at the insistence of the Citizens' Committee, which gave the mayor and Council the right to divide St. John's into wards.

The Upper House conceded one important point. Under the 1902 Municipal Act Council was required to balance its budget each year and could not incur any indebtedness beyond the amount approved by the legislature. Under the 1921 Municipal Act Council was required to have only the approval of the Governor-in-Council in these matters; but its estimates still had to be presented to the legislature for public information. This change was made because Council, faced with less revenue than expected, had often found itself unable to keep within the bounds of its own estimates. The only alternative in these circumstances had been hasty cutbacks, a circumstance it was now hoped could be avoided by the simple procedure of having the Governor-in-Council approve further spending.

The 1921 Act also retained the system of appraisal based on the rental market value; Goeling's original proposal for an appraisal system based on the construction cost of the property had apparently been dropped by Council as a concession to the Citizens' Committee before the Charter was presented to the Assembly in 1920. Those
features of the Charter which were embodied in the amendments to the 1902 Municipal Act made in 1915, 1917, 1918, and 1919, were retained in the 1921 legislation. These were the stricter controls over the installation of water closets, the institution of the City Tax, the right of Council to use its funds to build or assist in the building of houses, and the greater control given the municipality over the development of building lots and over street improvements.

The 1921 Act also empowered Council to establish a Town Planning Commission, a Municipal Arrears Commission, and a public library, and to use its funds to provide or to assist in providing for the medical care of the newly-born and sick children and for the medical examination of school children. Other sections of the Act defined Council's authority over the registrations of dogs, horses, carts, and motor vehicles; the enforcement of fire safety regulations; and the control of the water supply system. Council was empowered to cut off water to any householder who owed taxes for a period longer than six months, payments being due on June 30 and December 31 of each year. In this regard, it could issue a distress on the private property of any taxpayer who was in arrears. Again, the Act included the provision in the Charter whereby persons who entered into leases in future could purchase the freehold title to the land being leased. Title was to be obtained by the leaseholder paying his ground landlord an amount equal to 20 years rent on the property. Finally, the 1921 Municipal Act recognized St. John's as a "city", whose inhabitants formed a "body politic and corporate." This change from 'town' to 'city' reflected Gosling's desire to stimulate greater civic pride.
Since the first election to be held under the new Act was scheduled for December, 1921, the term of the Municipal Commission was once more extended, this time to the end of the year. Gosling and Commissioner Ayre, however, declined to accept reappointment on the grounds that their business interests needed more of their time. Isaac Morris, who had been on the Commission since 1914, replaced Gosling as Chairman and then ran for mayor in the election of December 15, 1921. He was defeated – 2,052 to 1,476 – by the prominent St. John's merchant, Tasker Cook. Out of a field of 25, four councillors were elected who had had past experience: James T. Martin, Nicholas J. Vinnicombe, Samuel G. Collier and Charles W. Ryan. The two new members were P.E. Outerbridge, a partner in Gosling's Water Street firm and Reginald Dowden, a real estate agent. With their election and the coming into effect of the revised Charter, St. John's entered a new era that extends to this day. At last the town was properly incorporated as a city!

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Footnotes

1. Municipal Commission meeting, July 17, 1914, as reported in the Daily News, July 18, 1914; and St.J.M.C. Minutes, July 31, August 21, October 2, 1914; and Gosling, William Gilbert Gosling, 69-70.


11. Ibid., January 24, 1914.


15. Longley's report on the water supply was published in the Evening Telegram, November 11, 1914.

17. PANL, GN9/1, Minute of Executive Council, March 25, 1915.


22. Ibid.


24. There is apparently no copy of the Charter available.


26. Ibid. The details of the Charter's provisions on the Municipal Arrears Commission and the Town Planning Commission are based on the relevant sections in the 1921 Municipal Act. See also St. J.M.C. Minutes, October 4, November 30, December 14, 30, 1915, January 31, February 7, March 10, April 6, 1916.


31. Statutes of Newfoundland, 6 George V, Cap. 3.


34. Daily News, April 13, June 20, 1916.


37. Ibid., July 6, 1916.


42. William Gosling to Ibid., April 24, 29, 1916.


47. Ibid., 450-54, 477. See also Proceedings of the Newfoundland Legislative Council, 1917, 157; and Statutes of Newfoundland, 8 George V, Cap. 12.


50. For the politics of the 1918 session, see Noel, Politics in Newfoundland, 123-25; and McDonald, "W.F. Coaker and the Balance of Power Strategy: The Fishermen's Protective Union in Newfoundland Politics," 165-67.
51. Proceedings of the Newfoundland House of Assembly, 1918, 211-15; and Statutes of Newfoundland, 8-9 George V, Cap. 3.


54. Statutes of Newfoundland, 9-10 George V, Cap. 9; and Proceedings of the Newfoundland Legislative Council, 1919, 138-40.

55. Statutes of Newfoundland, 9-10 George V, Cap. 9.


58. See Appendix I, 6.


62. PANL, GN2/5, Special File of the Colonial Secretary, file 27-K, Colonial Secretary Halfyard to Secretary-Treasurer Slattery, January 22, 1918; and St. J.M.C. Minute November 22, 1917.

63. PANL, GN2/5, file 27-K, William Gosling to Colonial Secretary Halfyard, May 31, 1918; and St. J.M.C. Minute, July 4, 1918.


68. Nevitt, White Caps and Black Bands, 111.


73. St. J.M.C. Minute, May 23, 1918; and Statutes of Newfoundland, 8-9 George V, Cap. 3.

74. St. J.M.C. Minute, July 11, 1918.

75. PANL, GN2/5, file 27-J, J.L. Slattery to Colonial Secretary Squires, November 20, 1917.

76. Ibid., J.L. Slattery to Colonial Secretary Halfyard, July 19, 1918, and William Gosling to Halfyard, November 23, 1918.


78. PANL, GN2/5, file 27-J, William Gosling to Colonial Secretary Halfyard, November 23, 1918.

79. PANL, GN9/1, Minute of Executive Council, June 4, 1919.


82. Daily News, March 29, June 24, July 12, 1919.

83. On the election of the Squires Government in November, 1919, see Noel, Politics in Newfoundland, 134-44.

85. Proceedings of the Newfoundland Legislative Council, 1920, 175.

86. PANL, GN9/1, Minute of Executive Council, July 16, 1920.


88. The Association apparently had difficulty in raising the necessary funds after 1920 to carry out its extensive housing proposals and subsequently abandoned the scheme. See Dalzell, To the Citizens' of St. John's, Newfoundland, Is All Well?, 20.


92. PANL, GN8/2, Prime Ministers Papers, folder 80, Prime Minister Squires to William Gosling, February 27, 1920.

93. Ibid., William Gosling to Prime Minister Squires, March 5, 1920.


95. St. J.M.C. Minute, June 24, 1920.

96. PANL, GN9/1, Minute of Executive Council, July 5, 1920.


98. Statutes of Newfoundland, 11 George V, Cap. 9; and PANL, GN2/5, file 303-C, Deputy Colonial Secretary Mews to William Gosling, August 11, 1920.


100. Ibid., July 13, 1920.


103. Proceedings of the Newfoundland Legislative Council, 1921, 51-76.
104. Ibid. See also Statutes of Newfoundland, 12 George V, Cap. 13.

105. Statutes of Newfoundland, 12 George V, Cap. 13.

106. PÁNL, GN2/5, file 303-C, copies of Minutes of Executive Council, July 19, August 19, 1921.


108. Ibid., July 26, 1921.


CHAPTER X

Conclusion

The urban and municipal development of St. John's in the nineteenth century differed greatly from that of other British North American towns and cities. One reason for this difference was the long, yet slow growth of settlement of St. John's and Newfoundland before 1800, during which time residents had little need for local government. After 1800, thanks largely to immigration from Ireland, Newfoundland's population grew rapidly; but local government was still slow to evolve. St. John's was the only town to require political institutions to meet the problems caused by increasing population and the Imperial authorities were thus faced with a demand from one center only. This made procrastination relatively easy. When representative government finally arrived in 1832, St. John's received no special consideration. Progress towards municipal autonomy for the town was to be hesitant, complex, and very slow.

Economically, despite its importance as the seat of government and as a garrison town, St. John's owed its preeminent position to its role as the commercial entrepot for the island's fisheries. Unlike many other cities, its fortunes rose and fell with one industry: the products of the annual fishery. A succession of bad fisheries invariably meant economic depression in the town, which, in turn, frequently resulted in both bankruptcy for the merchant and emigration to the North American mainland for fishermen and labourers. Such a precarious economic system naturally made it difficult for St. John's to establish a broad
taxation base for the maintenance of local institutions, especially with the wealth of the town concentrated in the small, Water Street based mercantile and shopkeeping portion of the population. Under these circumstances, the ability of the community to afford and provide local services and improvements rested, to a great extent, on the willingness of the colonial government to pay for them. Despite the obvious need, however, the colonial government was most loath to do this even if, under Newfoundland's indirect system of taxation, the amount of revenue accruing to the treasury each year generally depended on the amount of goods imported by the Water Street merchants.

To further complicate matters, the town's municipal development was also affected by the adverse influence of British absentee landlords and their St. John's agents, who were frequently also landlords themselves. This influence can be seen in the 1858 disallowance of Newfoundland legislation that attempted to tax the annual ground rents the landlords received from leasing their land in St. John's. Even as late as 1890, when the Municipal Council attempted a similar measure, the result was the same. These efforts to assess the ground rents of the absentee landlords were naturally motivated by the desire of local leaseholders to make them pay their share of municipal taxation. As might be expected, there was bitter resentment in St. John's towards the British absentee landlords and their local agents, one of the latter, Robert Prowse, being called "Stripling's Shylock" by the St. John's press in 1890. In general, the leaseholders were also angered over the fact that the value of land in the town was constantly being improved by public funds, yet the absentees made no financial
contribution to enhance the value of their own lands.

A final factor influencing the evolution of local government in St. John's was demographic. Until the early twentieth century Roman Catholics formed a majority of the town's population and naturally demanded a voice in the affairs of St. John's commensurate with their numerical strength. However, the Water Street merchants, who were predominantly Protestant, were adamantly opposed to the creation of any municipal corporation which they could not control. Such opposition was evident in 1834 when William Carson attempted to establish a town council; in 1856, it came to the fore again when the Liberal Government of the day backed away from its promise to incorporate St. John's when it was unwilling to satisfy the merchants' demands by disenfranchising the labouring population. The merchant opposition hence ensured that any local government for St. John's would be administratively and financially weak. The real power over the town continued to lie in the legislature, particularly the Legislative Council which was composed of some of the colony's largest property owners - including those Water Street merchants who were agents for the absentee landlords.

This made some alternate means of local government necessary. When a legislature was established for Newfoundland in 1832, the colonial government assumed partial and sometimes total financial and administrative responsibility for the town's municipal institutions and services. This administrative centralization was further enhanced in 1855, when Newfoundland obtained responsible government. Education, which remained in the hands of the several religious denominations, was an exception to this trend, although it continued to be subsidized by the state. Gas lighting, water supply, and the
fire service too were outside the public domain and all received legislative grants for their maintenance. They were not taken over by the state in 1855 because they were strictly St. John's services; and there was considerable outport opposition to the notion of paying out of the general revenue for services which benefited the capital alone.

This last consideration, together with the lack of a proper assessment base, explains why St. John's did not have a decent sewerage system for so long. When St. John's did get elective government in 1888, the new institutions bore a striking resemblance to what had gone before. The new Council was vested with the authority over the town which had previously resided in the General Water Company, the Surveyor General's Department, and the Board of Works, the latter two bodies having control of the town's buildings, streets and sewers. Yet the Council, from the beginning, was plagued by political interference and insufficient revenue.

Even in its first year, it was hard pressed to maintain a balanced budget. In the years following, its financial position was worsened by the huge debt with which the Whiteway Government saddled it for the rebuilding of the town after the 1892 fire. The collapse of Newfoundland's two commercial banks in 1894 added another blow to the municipality's finances. Not surprisingly, from 1891 until the Promenade arbitration award in 1905, Council was unable to meet its annual interest obligations to the colony. Accordingly, Council could not undertake any large scale improvements.

Its financial weakness, however, encouraged partisanship in its affairs. In the decade after the 1892 fire, the municipality went
through two constitutional revisions: the first in 1898 when the Winter Government appointed a three-man Commission; and the second in 1902 when Premier Bond restored an elective Council, simultaneously abolishing the old ward system to attract more members of the Water Street merchant class into civic politics.

It was not until 1913 that Water Street produced, in William Gosling, an individual strong-minded enough to attempt to tame the multiple legacies of government interference, absentee landlords and insufficient revenue which had plagued the town over the previous quarter century. The specific issue that aroused Gosling and the mercantile community was fire protection, which remained inadequate despite large expenditures by Council since 1904. By getting the government to replace temporarily the elected Council with an appointed board of commissioners, Gosling hoped to initiate a thorough review of both the current and the future needs of the municipality and to draft a comprehensive municipal act.

The Charter that Gosling subsequently drafted was ready for enactment at the 1916 sitting of the legislature; but until 1921 passage of the bill was regularly postponed by the government on the grounds that it needed more study. In that year the Charter was finally passed as a whole by the legislature, although many of its important sections had already been enacted piecemeal. With this Charter of 1921 St. John's entered a new era that may be said to continue to the present.
Footnotes

1. Municipal Council Meeting, December 11, 1890, as reported in the Evening Telegram, December 12, 1890.
APPENDIX I, 1.

Roman Catholic and Protestant Population of St. John's, 1794-1823

<table>
<thead>
<tr>
<th>Year</th>
<th>Roman Catholics</th>
<th>Protestants</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>1794</td>
<td>2,215</td>
<td>1,029</td>
<td>3,244</td>
</tr>
<tr>
<td>1796</td>
<td>2,313</td>
<td>1,430</td>
<td>3,742</td>
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<tr>
<td>1815</td>
<td>7,532</td>
<td>2,486</td>
<td>10,018</td>
</tr>
<tr>
<td>1823</td>
<td>7,568</td>
<td>2,900</td>
<td>10,468</td>
</tr>
</tbody>
</table>

APPENDIX I, 2.

% Roman Catholics and Protestants in Population of St. John's, 1794-1823

<table>
<thead>
<tr>
<th>Year</th>
<th>Roman Catholics</th>
<th>Protestants</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1794</td>
<td>68.3</td>
<td>31.7</td>
<td>3,244</td>
</tr>
<tr>
<td>1796</td>
<td>61.8</td>
<td>38.2</td>
<td>3,742</td>
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<tr>
<td>1815</td>
<td>75.2</td>
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<tr>
<td>1823</td>
<td>72.3</td>
<td>27.7</td>
<td>10,468</td>
</tr>
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</table>

Source: Prowse, History of Newfoundland, 700-01; O'Neill, The Oldest City, 50-1; and PANL, GN2/1, "A Return of the number of winter inhabitants residing within the Town and District of St. John's in Newfoundland in February and March, 1823 'taken by order of the magistrates by J.L. Chancey."
## APPENDIX I, 3

Population of St. John's by Denomination, 1836-1921

<table>
<thead>
<tr>
<th>Year</th>
<th>A*</th>
<th>B*</th>
<th>C*</th>
<th>D*</th>
<th>E*</th>
<th>F*</th>
<th>G*</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1836</td>
<td>11,551</td>
<td>2,623</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>14,946</td>
</tr>
<tr>
<td>1845</td>
<td>16,285</td>
<td>3,003</td>
<td>522</td>
<td>751</td>
<td>365</td>
<td>-</td>
<td>-</td>
<td>20,941</td>
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<td>1857</td>
<td>18,249</td>
<td>4,010</td>
<td>715</td>
<td>1,473</td>
<td>317</td>
<td>7</td>
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<tr>
<td>1869</td>
<td>16,044</td>
<td>3,960</td>
<td>656</td>
<td>1,590</td>
<td>301</td>
<td>2</td>
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<td>715</td>
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<td>1</td>
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<td>1884</td>
<td>19,396</td>
<td>5,974</td>
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<td>3,820</td>
<td>499</td>
<td>34</td>
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<td>5,250</td>
<td>807</td>
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<td>345</td>
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<td>16,093</td>
<td>6,677</td>
<td>981</td>
<td>5,823</td>
<td>403</td>
<td>121</td>
<td>503</td>
<td>30,601</td>
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<tr>
<td>1911</td>
<td>16,879</td>
<td>7,852</td>
<td>1,171</td>
<td>6,760</td>
<td>436</td>
<td>224</td>
<td>791</td>
<td>34,113</td>
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<tr>
<td>1921</td>
<td>18,650</td>
<td>8,751</td>
<td>1,125</td>
<td>7,753</td>
<td>392</td>
<td>360</td>
<td>1,011</td>
<td>38,042</td>
</tr>
</tbody>
</table>

* A—Roman Catholic; B—Church of England; C—Presbyterian; D—Methodist; E—Congregationalist; F—Baptist and Others; G—Salvation Army;

Source: Census of Newfoundland, 1836-1921
### APPENDIX I, 4

**Denominational % of Population of St. John's, 1836-1921**

<table>
<thead>
<tr>
<th>Year</th>
<th>A*</th>
<th>B*</th>
<th>C*</th>
<th>D*</th>
<th>E*</th>
<th>F*</th>
<th>G*</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1836</td>
<td>77.3</td>
<td>17.5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>14,946</td>
</tr>
<tr>
<td>1845</td>
<td>77.8</td>
<td>14.3</td>
<td>2.5</td>
<td>3.6</td>
<td>1.8</td>
<td>-</td>
<td>-</td>
<td>20,941</td>
</tr>
<tr>
<td>1857</td>
<td>73.4</td>
<td>16.1</td>
<td>2.9</td>
<td>5.9</td>
<td>1.3</td>
<td>-</td>
<td>-</td>
<td>24,851</td>
</tr>
<tr>
<td>1869</td>
<td>71.1</td>
<td>17.6</td>
<td>3.0</td>
<td>7.1</td>
<td>1.3</td>
<td>-</td>
<td>-</td>
<td>22,553</td>
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<tr>
<td>1874</td>
<td>65.8</td>
<td>19.5</td>
<td>3.0</td>
<td>9.9</td>
<td>1.8</td>
<td>-</td>
<td>-</td>
<td>23,890</td>
</tr>
<tr>
<td>1884</td>
<td>62.3</td>
<td>19.2</td>
<td>3.3</td>
<td>12.3</td>
<td>1.6</td>
<td>-</td>
<td>-</td>
<td>31,142</td>
</tr>
<tr>
<td>1891</td>
<td>57.6</td>
<td>21.1</td>
<td>3.3</td>
<td>16.1</td>
<td>1.4</td>
<td>-</td>
<td>0.5</td>
<td>24,823</td>
</tr>
<tr>
<td>1901</td>
<td>52.6</td>
<td>21.8</td>
<td>3.2</td>
<td>19.0</td>
<td>1.3</td>
<td>-</td>
<td>1.6</td>
<td>30,601</td>
</tr>
<tr>
<td>1911</td>
<td>49.5</td>
<td>23.0</td>
<td>3.4</td>
<td>19.8</td>
<td>1.3</td>
<td>0.7</td>
<td>2.3</td>
<td>34,113</td>
</tr>
<tr>
<td>1921</td>
<td>49.0</td>
<td>23.0</td>
<td>3.0</td>
<td>20.4</td>
<td>1.0</td>
<td>0.9</td>
<td>2.7</td>
<td>38,042</td>
</tr>
</tbody>
</table>

*A-Roman Catholic; B-Church of England; C-Presbyterian; D-Methodist; E-Congregationalist; F-Baptist and Others; G-Salvation Army.

Source: *Census of Newfoundland, 1836-1921.*
### Appendix I, 5

**Distribution of the Labour Force, 1836-1921**

<table>
<thead>
<tr>
<th></th>
<th>1836</th>
<th>1845</th>
<th>1857</th>
<th>1874</th>
<th>1884</th>
<th>1891</th>
<th>1901</th>
<th>1911</th>
<th>1921</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Labour Force</strong></td>
<td></td>
<td>3,247</td>
<td>6,247</td>
<td>3,891</td>
<td>7,295</td>
<td>7,215</td>
<td>8,592</td>
<td>12,871</td>
<td>13,407</td>
</tr>
<tr>
<td><strong>Primary</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Agriculture</strong></td>
<td></td>
<td>11.7</td>
<td>5.3</td>
<td>10.2</td>
<td>6.5</td>
<td>4.9</td>
<td>2.3</td>
<td>1.3</td>
<td>2.2</td>
</tr>
<tr>
<td><strong>Fishing</strong></td>
<td></td>
<td>50.0</td>
<td>63.6</td>
<td>50.0</td>
<td>17.4</td>
<td>5.7</td>
<td>1.3</td>
<td>3.9</td>
<td>4.1</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Secondary</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mechanics</strong></td>
<td></td>
<td>61.7%</td>
<td>68.9%</td>
<td>60.2%</td>
<td>23.9%</td>
<td>10.6%</td>
<td>3.6%</td>
<td>5.2%</td>
<td>6.3%</td>
</tr>
<tr>
<td><strong>Factory Worker</strong></td>
<td></td>
<td>27.0</td>
<td>22.5</td>
<td>34.1</td>
<td>31.4</td>
<td>24.8</td>
<td>24.0</td>
<td>18.3</td>
<td>16.8</td>
</tr>
<tr>
<td><strong>Others</strong></td>
<td></td>
<td></td>
<td>1.4</td>
<td></td>
<td></td>
<td></td>
<td>28.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Service</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Professional</strong></td>
<td></td>
<td>11.6</td>
<td>0.01</td>
<td>1.1</td>
<td>1.2</td>
<td>1.3</td>
<td>2.8</td>
<td>2.7</td>
<td>2.7</td>
</tr>
<tr>
<td><strong>Merchants</strong></td>
<td></td>
<td></td>
<td>6.4</td>
<td>4.6</td>
<td>3.6</td>
<td>2.8</td>
<td>2.8</td>
<td>2.7</td>
<td>2.3</td>
</tr>
<tr>
<td><strong>Clerical</strong></td>
<td></td>
<td></td>
<td></td>
<td>11.3</td>
<td>14.8</td>
<td>12.8</td>
<td>20.9</td>
<td>21.8</td>
<td></td>
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<tr>
<td><strong>Government</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Census of Newfoundland, 1836-1921
MUNICIPAL FINANCES, 1888-1920

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>Expenditure</th>
<th>Total Civic Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td>1888</td>
<td>$69,242.20</td>
<td>$11,542.68</td>
<td>$607,000.00</td>
</tr>
<tr>
<td>1889</td>
<td>92,179.98</td>
<td>96,730.40</td>
<td>Not available</td>
</tr>
<tr>
<td>1890</td>
<td>100,142.75</td>
<td>99,603.87</td>
<td>631,254.98</td>
</tr>
<tr>
<td>1891</td>
<td>65,242.77</td>
<td>82,834.73</td>
<td>838,278.27</td>
</tr>
<tr>
<td>1892</td>
<td>68,056.41</td>
<td>100,027.47</td>
<td>1,188,555.15</td>
</tr>
<tr>
<td>1893</td>
<td>71,614.10</td>
<td>114,495.81</td>
<td>Not available</td>
</tr>
<tr>
<td>1894</td>
<td>71,952.04</td>
<td>68,506.84</td>
<td>1,657,793.75</td>
</tr>
<tr>
<td>1895</td>
<td>69,374.21</td>
<td>65,607.16</td>
<td>Not available</td>
</tr>
<tr>
<td>1896</td>
<td>74,038.99</td>
<td>73,210.35</td>
<td>1,854,142.33</td>
</tr>
<tr>
<td>1897</td>
<td>92,885.58</td>
<td>88,377.06</td>
<td>1,350,000.00</td>
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<tr>
<td>1898</td>
<td>Not available</td>
<td>Not available</td>
<td>1,000,000.00</td>
</tr>
<tr>
<td>1899</td>
<td>110,314.32</td>
<td>105,626.00</td>
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<tr>
<td>1900</td>
<td>116,807.63</td>
<td>115,384.48</td>
<td>1,106,942.85</td>
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<tr>
<td>1901</td>
<td>119,429.10</td>
<td>122,446.74</td>
<td>Not available</td>
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<tr>
<td>1902</td>
<td>140,907.47</td>
<td>139,397.95</td>
<td>Not available</td>
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<tr>
<td>1903</td>
<td>166,636.00</td>
<td>164,762.19</td>
<td>1,200,908.27</td>
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<tr>
<td>1904</td>
<td>156,498.05</td>
<td>160,416.45</td>
<td>1,208,575.57</td>
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<tr>
<td>1905</td>
<td>161,160.89</td>
<td>163,352.15</td>
<td>1,260,971.09</td>
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<tr>
<td>1906</td>
<td>174,925.85</td>
<td>180,829.20</td>
<td>1,229,664.96</td>
</tr>
<tr>
<td>1907</td>
<td>171,590.55</td>
<td>167,018.55</td>
<td>1,307,951.03</td>
</tr>
<tr>
<td>1908</td>
<td>171,339.62</td>
<td>170,815.73</td>
<td>Not available</td>
</tr>
<tr>
<td>1909</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>Revenue</td>
<td>Expenditure</td>
<td>Surplus</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>-------------</td>
<td>---------</td>
</tr>
<tr>
<td>1910</td>
<td>187,120.27</td>
<td>191,831.34</td>
<td>1,503,412.54</td>
</tr>
<tr>
<td>1911</td>
<td>202,471.52</td>
<td>203,460.35</td>
<td>1,447,813.66</td>
</tr>
<tr>
<td>1912</td>
<td>200,001.26</td>
<td>212,789.57</td>
<td>1,477,016.97</td>
</tr>
<tr>
<td>1913</td>
<td>228,503.65</td>
<td>226,334.82</td>
<td>1,507,520.76</td>
</tr>
<tr>
<td>1914</td>
<td>236,954.26</td>
<td>231,568.37</td>
<td>1,540,980.50</td>
</tr>
<tr>
<td>1915</td>
<td>218,187.54</td>
<td>231,042.59</td>
<td>1,640,171.84</td>
</tr>
<tr>
<td>1916</td>
<td>231,599.24</td>
<td>245,180.08</td>
<td>1,711,317.50</td>
</tr>
<tr>
<td>1917</td>
<td>244,264.72</td>
<td>245,233.49</td>
<td>1,734,168.68</td>
</tr>
<tr>
<td>1918</td>
<td>250,066.16</td>
<td>256,786.71</td>
<td>1,746,595.24</td>
</tr>
<tr>
<td>1919</td>
<td>313,118.15</td>
<td>290,982.25</td>
<td>Not available</td>
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<tr>
<td>1920</td>
<td>379,682.70</td>
<td>377,231.89</td>
<td>1,817,090.91</td>
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</tbody>
</table>

APPENDIX I, 7.

STATEMENT OF MUNICIPAL DEBT ON DECEMBER 31, 1897

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>St. John's Rebuilding Act (old)</td>
<td>$33,727.54</td>
</tr>
<tr>
<td>St. John's Rebuilding Act, 1892</td>
<td>$381,878.00</td>
</tr>
<tr>
<td>1863 Sewerage Act</td>
<td>$69,230.96</td>
</tr>
<tr>
<td>1888 Municipal Act</td>
<td>$607,000.00</td>
</tr>
<tr>
<td>1890 Municipal Act and expenditure on Riverhead Wharf in West End, 1890</td>
<td>$151,135.06</td>
</tr>
</tbody>
</table>

**Total**                                                                 $1,242,971.56

Unpaid interest owed by the Council since 1891 to the colonial government  $200,329.34

Expenditures made by Whiteway Government after 1892 Fire, and paid for by warrant $410,841.43

**Total**                                                                 $1,854,142.33

To this debt add expenditure for paving Water Street under Reid Contract $140,142.33

**Total**                                                                 $1,994,142.33

Deduct illegal fire expenditures and arrears of interest $644,142.33

**Net debt of** $1,350,000.00

Source: Evening Telegram, March 28, 1898.
II. BIOGRAPHICAL APPENDICES

APPENDIX II, i.

GOVERNORS OF NEWFOUNDLAND, 1800-1921

1800-1801 Charles Morris Pole
1802-1803 James Gambier
1804-1806 Erasmus Gower
1807-1809 John Holloway
1810-1812 John Thomas Duckworth
1813-1816 Richard Godwin Keats
1817-1818 Francis Pickmore
1818-1824 Charles Hamilton
1825-1834 Thomas John Cochrane
1834-1841 Henry Prescott
1841-1846 John Harvey
1847-1852 John Gaspard Le Marchant
1852-1855 Keir Baillie Hamilton
1855-1857 Charles Henry Darling
1857-1864 Alexander Bannerman
1864-1869 Anthony Musgrave
1869-1876 Stephen John Hill
1876-1881 John Hawley Glover
1881-1883 Henry Fitzhardinge Berkeley Maxse
1883-1885 John Hawley Glover
1886-1887 George William DesVoeux
1887-1888 Henry Arthur Blake
1889-1895 John Terence Nicolls O'Brien
1895-1898 Herbert Harley Murray
1898-1901 Henry Edward McCallum
1901-1904  Cavendish Boyle
1904-1909  William MacGregor
1909-1913  Ralph Champneys Williams
1913-1917  Walter Edward Davidson
1917-1922  Charles Alexander Harris

Source: David P. Henige, Colonial Governors from the Fifteenth Century to the Present (Madison, 1970) 141-43
### APPENDIX II, 2
PREMIERS OF NEWFOUNDLAND, 1855-1921

<table>
<thead>
<tr>
<th>Period</th>
<th>Premier</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>1855-1858</td>
<td>Philip Francis Little</td>
<td>Liberal</td>
</tr>
<tr>
<td>1858-1861</td>
<td>John Kent</td>
<td>Liberal</td>
</tr>
<tr>
<td>1861-1865</td>
<td>Hugh Hoyles</td>
<td>Conservative</td>
</tr>
<tr>
<td>1865-1868</td>
<td>Frederick Bowker Terrington Carter</td>
<td>Conservative</td>
</tr>
<tr>
<td>1869-1874</td>
<td>Charles Fox Bennett</td>
<td>Anti-Confederate</td>
</tr>
<tr>
<td>1874-1878</td>
<td>Frederick Bowker Terrington Carter</td>
<td>Conservative</td>
</tr>
<tr>
<td>1878-1885</td>
<td>William Valance Whiteway</td>
<td>Conservative</td>
</tr>
<tr>
<td>1885-1889</td>
<td>Robert Thorburn</td>
<td>Reform</td>
</tr>
<tr>
<td>1889-1894</td>
<td>William Valance Whiteway</td>
<td>Liberal</td>
</tr>
<tr>
<td>1894</td>
<td>Augustus Frederick Goodridge</td>
<td>Tory</td>
</tr>
<tr>
<td>1894-1895</td>
<td>Daniel Joseph Greene</td>
<td>Liberal</td>
</tr>
<tr>
<td>1895-1897</td>
<td>William Valance Whiteway</td>
<td>Liberal</td>
</tr>
<tr>
<td>1897-1900</td>
<td>James Spearman Winter</td>
<td>Tory</td>
</tr>
<tr>
<td>1900-1909</td>
<td>Robert Bond</td>
<td>Liberal</td>
</tr>
<tr>
<td>1909-1917</td>
<td>Edward Patrick Morris</td>
<td>People's Party</td>
</tr>
<tr>
<td>1918-1919</td>
<td>William Lloyd</td>
<td>National Government</td>
</tr>
<tr>
<td>1919</td>
<td>Michael Cashin</td>
<td>People's Party</td>
</tr>
<tr>
<td>1919-1923</td>
<td>Richard Anderson Squires</td>
<td>Liberal</td>
</tr>
</tbody>
</table>
APPENDIX II, 3

ST. JOHN'S DISTRICT MEMBERS OF THE HOUSE OF ASSEMBLY,
1832-1921

Anderson, John: born Saltcoats, Ayrshire, Scotland, January 27, 1855; Presbyterian; commission merchant; MHA St. John's West, 1900-1904; Municipal Councillor, 1902-1906; MLC, 1905-?

Barron, Pierce M.: Roman Catholic; superintendent of watering vessels, General Water Company; MHA St. John's West, 1859-1861; Placentia - St. Mary's, 1865-1869; died September 29, 1890.

Bennett, John R.: born St. John's, August 8, 1866; Church of England; brewer, manufacturer; Municipal Councillor, 1902-1906; MHA St. John's West, 1904-1923; colonial secretary, 1913-1917, 1919, 1924-1928; minister of militia, 1917-1919.

Brennan, Peter R.: born County Kilkenny, Ireland, 1789; Roman Catholic; merchant, bonesetter; MHA St. John's West, 1869-1873; died St. John's, April 15, 1887.


Callanan, James J.: born St. John's, 1842; Roman Catholic; cooper, grocer; MHA St. John's West, 1882-1889, 1897-1900; Municipal Council government appointee, 1894-1895; Municipal Councillor, ward five, 1896-1898; president St. John's Mechanics' Society, 1876-1890; died St. John's, June 8, 1900.

Carson, William: born Kirkcudbright, Scotland, 1770; Presbyterian; physician; MHA St. John's, 1833-1843; surgeon St. John's Volunteer Corps, 1808-1812; district surgeon, 1827-1834; physician to the governor, 1828-1832; died St. John's, February 26, 1843.

Casey, John: born Newfoundland, 1823; Roman Catholic; MHA St. John's West, 1859-1869; commissioner of the poor, 1874-1893; died St. John's, May 25, 1893.

Day, James: Roman Catholic; master mariner, MHA St. John's West, 1889-1893.

Dearin, J.J.: born 1818; Roman Catholic; druggist; MHA St. John's East, 1873-1878, 1882-1885, 1889-1890; died St. John's, July 25, 1890.
Dwyer, John: born St. John's, 1839; Roman Catholic; farmer; MHA St. John's East, 1899-1917; died St. John's, January 23, 1917.

Dwyer, T.S.: Roman Catholic; MHA St. John's West, 1859-1861.

Fenelon, Maurice: born County Carlow, Ireland, 1834; Roman Catholic; educator; MHA St. John's West, 1873-1878; Roman Catholic school inspector, 1878-1886; MLC 1886-1889, 1893-1897; colonial secretary, 1886-1889; died January 30, 1897.

Fox, Cyril J.: born St. John's, May 24, 1889; Roman Catholic; lawyer; MHA St. John's East, 1919-1928.

Fox, James P.: born St. John's, March 27, 1860; Roman Catholic; merchant; director General Water Company, 1887-1888; Municipal Council government appointee, 1888-1890; MLC 1890; MHA St. John's East, 1890-1894, 1897-1899; died St. John's, February 27, 1890.

Fox, John: born 1817; Roman Catholic; merchant; MHA St. John's West, 1855-1857; MLC 1855-1883; died St. John's, September 23, 1883.

Fox, John Francis: Roman Catholic; accountant; MHA St. John's East, 1894-1897.

Furlong, Laurence O'Brien: born January 12, 1856; Roman Catholic; merchant; MHA St. John's East 1893-1904; died October 12, 1908.

Furlong, Martin Williams: born Oderin, Newfoundland, March 29, 1864; Roman Catholic; lawyer; MHA St. John's West, 1893-1894; solicitor Reid Newfoundland Company, 1907-1916, and director 1911-1916; died February 9, 1916.

Geran, Laurence J.: Roman Catholic; laundry owner; MHA St. John's West, 1889-1893; died St. John's, February 5, 1900.

Hallaren, Jeremiah: born Halifax, March 18, 1843; Roman Catholic; builder; MHA St. John's East, 1889-1893.

Higgins, William J.: born St. John's, September 4, 1880; Roman Catholic; lawyer; MHA St. John's East, 1913-1928; colonial secretary, 1924; minister of justice, 1924-1928; judge Supreme Court, 1928-1943; died St. John's, 1943.

Hutton, Charles: Roman Catholic; music teacher; MHA St. John's East, 1894-7.

Jackman, Thomas: MHA St. John's West, 1894-1895.

Kavanagh, J.: Roman Catholic; merchant; MHA St. John's East, 1859-1869.

Kennedy, Michael J.: born St. John's, February 28, 1858; Roman Catholic; builder; Municipal Councillor, 1902-1910; MHA St. John's West, 1908-1917; died St. John's, January 21, 1917.

Kent, James M.: born St. John's, 1872; Roman Catholic; lawyer; MHA St. John's East, 1904-1916; minister of justice, 1907-1909; leader of opposition, 1914-1916; judge of Supreme Court, 1916; died St. John's, 1939.

Kent, John: born Waterford, Ireland, 1805; Roman Catholic; merchant; MHA St. John's, 1832-1842, 1848-1855, St. John's East, 1855-1869; nominated member of the Amalgamated Legislature, 1842-1848; colonial secretary, 1855-1858; premier and colonial secretary, 1858-1861; receiver general, 1865-1869; died St. John's, September 1, 1872.

Kent, Robert J.: Roman Catholic; lawyer; MHA St. John's East, 1873-1886; died St. John's, September 29, 1893.

Kough, Patrick: born County Wexford, Ireland, 1786?; Roman Catholic; builder, civil servant, farmer; MHA St. John's, 1832-1836; superintendent of public buildings, 1834-1863; died St. John's, November 9, 1863.

Little, Philip F.: born Prince Edward Island, 1824; Roman Catholic; lawyer; MHA St. John's, 1850-1855, St. John's West, 1855-1858; premier, 1855-1858; chief justice, 1858-1866; died Dublin, 1897.

McLoughlin, James: born Taghmon, County Wexford, Ireland, 1820; Roman Catholic?; merchant; MHA St. John's West, 1879-1882; MLC 1882-1913; died March 16, 1913.


Morris, Patrick: born Waterford, Ireland, 1782?; Roman Catholic; merchant; MHA St. John's, 1836-1840; MLC 1840-1849; colonial treasurer, 1840-1849; died August 22, 1849.

Murphy, Thomas J.: born St. John's, July 1, 1861; Roman Catholic; lawyer; MHA St. John's East, 1886-1894.

Nugent, John Valentine: born Waterford, Ireland, 1796; Roman Catholic; educator, newspaper editor and proprietor, sheriff; MHA Placentia - St. Mary's, 1836-1842, St. John's, 1842-1848; high sheriff, 1856-1871; died St. John's, June 12, 1874.
O'Brien, Laurence: born Clashmore, County Waterford, Ireland, 1792; Roman Catholic; merchant; MHA St. John's, 1840-1850; MLC 1850-1870; died St. John's, April 28, 1870.

O'Mara, Michael J.: Roman Catholic; MHA St. John's East, 1878-1882, 1885-1889.

Parsons, Robert J, Sr.: born 1803; Presbyterian; proprietor of The Patriot; MHA St. John's, 1843-1855, St. John's, East, 1855-1878; died June 20, 1883.

Parsons, Robert J, Jr.: Presbyterian; lawyer; MHA St. John's East, 1887-1889.

Renouf, Henry: born 1821; Roman Catholic; schoolmaster and officer of Volunteers; MHA St. John's West, 1861-1869, Placentia-St. Mary's, 1869-1874; stipendiary magistrate in St. John's, 1874-1880; died March 14, 1880.

Scott, John P.: Roman Catholic; mechanic; MHA, St. John's West, 1900-1904.

Scott, Patrick J.: born December 25, 1848; Roman Catholic; lawyer; MHA St. John's West, 1873-1889, 1894-1897; receiver general, 1894-1897; died St. John's, October 22, 1899.

Shea, Ambrose: born St. John's, 1817; Roman Catholic; merchant; MHA Placentia-St. Mary's, 1848-1855, St. John's West, 1855-1859, Burin, 1859-1861, Placentia-St. Mary's 1861-1869, Harbour Grace, 1874-1885 St. John's East, 1885-1887; died London, July 30, 1905.

Shea, George: born St. John's, July 4, 1851; Roman Catholic; merchant; MHA Ferryland 1885-1893, 1897-1900, St. John's East, 1904-1913; mayor St. John's, 1902-1906; minister without portfolio, 1904-1909, 1919-1923.


Talbot, Thomas: born Ireland, 1818; Roman Catholic; teacher and journalist; MHA Harbour Main, 1855-1861, St. John's West, 1861-1870; MLC 1870-1901; died St. John's, March 26, 1901.

Tessier, George: Congregationalist; MHA St. John's West, 1894-1895.

Tessier, Lewis: Congregationalist; merchant; MHA St. John's West, 1873-1882; died April 30, 1894.

Thomas, William: born Dartmouth, England, 1785; Church of England; merchant; MHA St. John's, 1832-1836; died Liverpool, England, December 5, 1863.


Walsh, William P.: born St. John's, 1830; Roman Catholic; grocer; MHA St. John's West, 1869-1873; died St. John's, February 16, 1910.


Winser, Peter: born 1781; Roman Catholic; planter; MHA Ferryland, 1837-1842, 1848-1855, St. John's East, 1855-1859; died Aquaforte, Newfoundland, October 11, 1864.
APPENDIX II, 4

MEMBERS OF ST. JOHN'S MUNICIPAL COUNCILS AND COMMISSIONS, 1888-1921

Anderson, John: See above p. 403.


Bennett, Edward W.: born St. John's, September 10, 1857; Church of England; brewer, manufacturer; appointed to Council, 1892-1894, 1895-1896; died 1898.

Bennett, John R.: See above p. 403.


Callanan, James J.: See above p. 403.

Carew, John: born St. John's, 1852; Roman Catholic; builder and undertaker; elected to Council, 1906-1909; died September 3, 1909.

Carnell, John T.: born St. John's, March 6, 1845; Roman Catholic; carriage builder; elected to Council, ward one, 1883-1893; died St. John's, August 12, 1893.

Channing, James J.: born 1879; Roman Catholic; druggist; elected to Council, 1910-1913; died April 3, 1913.

Coaker, John J.: Church of England; builder; elected to Council, 1910-1914.

Cook, Tasker: born St. John's, June 20, 1867; Church of England; merchant; mayor, 1921-1929; minister without portfolio, 1928-1932.

Cousens, Nicholas T.: appointed to Council, 1894.

Cowan, John: born St. John's, November 12, 1847; Congregationalist; merchant; MHA Bonavista, 1897-1904; elected to Council, 1906-1910.

Devine, John M.: Roman Catholic; merchant; assistant secretary 1916 Citizens' Committee; served on Commission, August 2 to December 6, 1920.
Dowden, Reginald: born St. John's, October 24, 1879; Church of England; real estate agent; elected to Council, 1921-1925.

Edens, Thomas J.: born St. John's, June 15, 1862; Roman Catholic; grocer; appointed to Council, 1892-1894, 1895-1896; died Annapolis, Nova Scotia, 1920.

Ellis, William J.: born St. John's, July 9, 1857; Roman Catholic; builder; MLA Ferryland, 1904-1908; elected to Council, 1902-1910; mayor, 1910-1914; served on Commission, 1914; MLC, 1918-1926; minister without portfolio, July, 1918-November, 1919; died 1926.

Foran, John William: born Placentia, 1841; Roman Catholic; commission merchant and hotel owner; appointed to council, 1897-1898; died Saint John, New Brunswick, August 2, 1898.

Fox, James P.: See above p. 404.

Furneaux, John Elson Alsop: born St. John's, 1854; Church of England; proprietor, Evening Mercury (changed to Evening Herald in 1890), 1882-?; appointed to Council, 1897-1898; died St. John's, June 3, 1907.

Gibbs, Michael Patrick: born St. John's, March 24, 1869; Roman Catholic; lawyer; secretary, Tenants' League, 1892; MLA St. George's, 1897-1900; mayor, 1906-1910; minister without portfolio, 1909-1918.

Goodfellow, James: born Tranent, Scotland, 1830; Presbyterian; merchant; director, Commercial Bank, 1881-1888; president, General Water Company, 1887-1888; appointed to Council and chairman, 1888-1890; elected to Council, ward three, 1892-1898; died St. John's, January 25, 1898.


Harris, John: born St. John's, 1860; Roman Catholic; merchant; appointed to Council, 1890-1892; elected to Council 1892-1898; served on Commission, 1914-1915; MLC, 1892-1915; died St. John's, December 31, 1915.

Jackman, W.H.: born St. John's, August 25, 1879; Roman Catholic; tailor; served on Commission, December 6, 1920, to December 31, 1921.

Keating, Thomas: born 1847; Roman Catholic; publican; elected to Council, ward one, 1896-1898; died St. John's, July 11, 1901.

Kennedy, Michael J.: See above p. 405.

Knowling, George: born Exeter, England, September 15, 1841; Church of England; merchant; appointed to Council, 1890-1892; MLC 1894-?; minister without portfolio, 1900-1909.


McGrath, James: Roman Catholic; painter; served on Commission, 1914-1916.

McNamara, Francis: Roman Catholic; merchant; served on Commission, 1914-1916.


Mitchell, Thomas: born 1842; Roman Catholic; baker; president, Land Tenure Movement, 1885; appointed to Council, 1892-1893, 1894-1895, and Chairman, 1892-1893; died St. John's, August 25, 1904.

Monroe, Moses: born Moira, County Down, Ireland; Presbyterian; merchant; MLC 1884-1893; elected to Council, ward three, 1888-1892; died St. John's, May 19, 1895.

Morison, Donald: born St. John's, April 22, 1857; Presbyterian; lawyer; MHA Bonavista, 1888-1897, 1908-1913; elected to Council, ward five, 1892-1896; judge Supreme Court, 1898-1902; minister of justice and attorney general, 1909-1913.

Morison, William D.: born Stornoway, Island of Lewis, Scotland, January 27, 1820; Presbyterian; grocer; elected to Council, ward five, 1888-1892; died St. John's, March 26, 1892.


Muir, Charles F.: born St. John's, July 24, 1867; Methodist; marble maker; elected to Council, 1902-1905; died St. John's, 1905.

Myrick, Martin W.: master mechanic; elected to Council, 1910-1914.

O'Dea, John V.: born St. John's, July 5, 1868; Roman Catholic; commission merchant; elected to Council, ward three, 1896-1898; served on Commission, 1898-1900, died 1958.

O'Driscoll, P.C.: born Mobile, Newfoundland, 1858; Roman Catholic; auctioneer and commission merchant; appointed to Council, 1899-1900; died St. John's, July 20, 1918.

Outerbridge, P.E.: Church of England; merchant; elected to Council, 1921-1929, 1931.


Power, Michael: born St. John's, 1842; Roman Catholic; master cooper; elected to Council, ward four, 1888-1898, and chairman, 1890-1892, 1894-1898; MLC 1914-1926; died 1928.

Ryan, Charles W.: Roman Catholic; mechanic; elected to Council, 1910-1914, 1921-1933.

St. John, Francis: born St. John's, June 2, 1852; Roman Catholic; baker; elected to Council, ward two, 1888-1892; died St. John's, August 11, 1893.


Southcott, John T. Jr.: born St. John's, August 29, 1853; Church of England; architect and builder; superintendent of public works, 1898-1899.


White, Thomas: Roman Catholic; mechanic; president St. John's Mechanics Society, 1895-1901; served on Commission, 1898-1899.

Withers, J.W.: born Newfoundland, 1811; Church of England; King's Printer, 1889-1921; served on Commission, 1914-1916; died March 28, 1921.
APPENDIX II, 5

MEMBERSHIP OF THE 1846 FIRE RELIEF COMMITTEE

1. Members appointed June 9, 1846

   A clergyman of each religious denomination

   Bennett, Charles Fox

   Brooking, George

   Bowring, Charles

   Bulley, John B.

   Clift, James

   Glen, Thomas,

   Howley, Richard

   Hutton, James

   Job, Thomas

   Kent, John

   Law, Robert

   Mudge, Nicholas

   O'Brien, Laurence

   O'Mara, John

   Robe, Alexander Watt

   Stabb, Nicholas

   Thomas, William

   Weir, Assistant Commissary General

   Winter, George, Deputy Ordnance Storekeeper

   Wright, Major, Royal Artillery

2. Members added August 17, 1846

   Callan, James

   Carson, William
Crowdy, Joseph
Douglas, James
Duchemin, Peter
Greene, Walter
Kiely, Edward
Kough, Patrick
McAuslan, Alexander
Morris, Patrick
Mullowney, Patrick
Noad, Joseph
Perchard, Richard
Power, Patrick L.
Shea, Ambrose
Warren, John Henry
Winton, Henry
APPENDIX II, 6

MEMBERSHIP OF THE 1888 MUNICIPAL BILL COMMITTEE

Angel, James: Methodist; proprietor, boiler and engine works.
Ayre, John B.: Methodist; baker and confectioner.
Campbell, Colin: Methodist; lumber and hardware merchant.
Clapp, Gilbert: real estate owner.
Clift, Shannon: commission merchant.
Cook, William: Church of England; butcher.
Doyle, F.J.: Roman Catholic; instructor to masters' mates.
Duder, John E.: Methodist; merchant.
Duggan, H.: Roman Catholic.
Goodfellow, James: See above p. 409.
Haddon, John: Land surveyor.
Hallaren, Jeremiah: See above p. 404.
Harris, W.: Roman Catholic; builder.
Henderson, John: merchant.
Joy, Captain J.G.: Roman Catholic ?; master mariner.
Kent, Robert S.: See above p. 405.
Kickham, Charles: Roman Catholic; builder.
March, N.: Methodist; merchant.
Miller, L.: manufacturer.
O'Reilly, J.J.: Roman Catholic; merchant.
Outerbridge, Joseph: Church of England; merchant.
St. John, Francis: See above p. 411.
Score, J.: contractor and builder.
Southcott, John T. Sr.: Church of England; architect and builder.
Spry, T.W.: Methodist; real estate and insurance agent.

Tessier, Peter G.: Congregationalist; merchant.

Woods, John: Methodist; commission merchant.
APPENDIX II, 7

MEMBERSHIP OF THE 1892 FIRE RELIEF COMMITTEE

Burchell, Herbert C.
Fawcett, Morris
Howe, James
Little, Joseph I.
McCowan, John R.
Marshall, Alexander
Mitchell, Thomas
Morris, Edward Patrick
Outerbridge, Joseph
Pitts, James
Rendell, George T.
Rogerson, James J.
Sclater, James B.
Shea, Edward D.
Tessmer, Charles W. H.
Thorburn, Robert
Walter, William P.
Woods, Henry, J. B.
Whiteway, William Valance
APPENDIX II, 8

MEMBERSHIP OF THE 1913 CITIZENS' COMMITTEE

1. Original Members

Barter, Jonas
Bennett, John R.
Bradshaw, F.W.
Brehm, Dr. R.A.
Browning, John
Conroy, C.O.'N.
Ellis, William J.
Fenelon, John
Gibbs, Michael Patrick
Gosling, William Gilbert
Harris, John
Howley, William R.
Jackman, Edward M.
Kent, James M.
McGrath, James
McNamara, Francis
Morris, Edward Patrick
O'Brien, Inspector
Power, George F.
Rendell, Dr. Herbert
Shea, George
Sullivan, Inspector General John
Withers, J.W.

2. Added-Members

Angel, F.W.
Blackall, W.W.
Burke, J.P.
Butler, W.F.
Curtis, Reverend Levi
Harvey, John
Knight, F.W.
APPENDIX II, 9

MEMBERSHIP OF THE 1916 CITIZENS' COMMITTEE

Andrews, N.
Bradley, Gordon
Chafe, Levi G.
Cowan, Henry C.
Crotty, James P.
Curnew, John
Davey, John
Devine, John M.
Giles, John B.
Goff, Frederick
Foran, T.J.
Heater, Norman
Joyce, Patrick
Kelly, W.A. O'D.
Lindsay, Archibald
Merrils, Samuel
Mews, Alexander
Neville, J.J.
O'Dea, John V.
O'Neill, T.H.
Peel, Thomas
Pope, Thomas
Puddister, J.C.
Rabbitts, G.W.
St. John, J.J.
Smith, Warwick
Soper, A.
Spratt, James S.
Summers, P.J.
Whelan, W.
APPENDIX II, 10

ST. JOHN'S ABSENTEE LANDLORD AND ESTATES, 1851

Adams, Henry
Brooks, Joshua M.
Brooks, Robert
Bulley, Robert
Carwithen, Reverend George T.
Clapp, Gilbert
Clapp, Thomas
Cochran
Haley, Colonel
Holdsworth, A.H.
Holdsworth, Henry
Kean, Robert
Kean, Martha Ann
McBraire, James
Marshall, Thomas
Newmann, William
Scott, John
Stewart, Edmund F.
Stripling
Studdy, Henry
Thomson, John
Tonkin, E.J.P.
Twysden, W.D. and T.
Williams, George
Young, Martha

Source: JHA, 1851, Appendix, 232.
APPENDIX II, 11

KNOWN ST. JOHN'S ABSENTEE LANDLORDS, 1889

Carwithen, G. Terry
Holdsworth, A.T.
Newman, Thomas H.
Twysden, J.L.

Source: PANL, GNI/2/6, Despatch no. 9, Knutsford to O'Brien, March 1, 1890.
APPENDIX II, 12

KNOWN ST. JOHN'S ABSENTEE LANDLORD AGENTS, 1890

<table>
<thead>
<tr>
<th>Agent</th>
<th>Landlord</th>
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<tbody>
<tr>
<td>Bennett &amp; Co., C.F.</td>
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<td>Cliff, Wood &amp; Co.</td>
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<td>Taylor</td>
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<td>Stabb, Henry</td>
<td>Brooks, J.M.</td>
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<td>Bulley, R.</td>
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<td>Goff, C.S.</td>
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<td>Stewart, J. &amp; W.</td>
<td>Carwithen</td>
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<td></td>
<td>Holdsworth</td>
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<tr>
<td></td>
<td>Newman</td>
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</tbody>
</table>

Source: PANL, GN1/1/5, Memorial from St. John's absentee landlord agents to O'Brien, June 23, 1890.
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(v) July 10, 1899-November 15, 1902
(vi) December 12, 1903-April 15, 1905
(vii) August 18, 1906-January 29, 1908
(viii) January 10, 1910-May 6, 1911
(ix) May 6, 1911-September 28, 1912
(x) February 9, 1914-March 15, 1915
(xi) March 16, 1915-March 24, 1916

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55. Evening Telegram, June 28, 1906.


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75. Mosdell, When Was That?, 42.


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98. Ibid. See also St. J.M.C. Minute, June 30, 1908.


104. St. J.M.C. Minute, July 2, 1914.

105. Ibid., June 23, 1914.

106. Ibid., July 2, 1914. See also Daily News, July 3, 1914; and PANL, GN2/5, Special File of the Colonial Secretary, file 27-C, William Ellis to Colonial Secretary John Bennett, July 3, 1914.
CHAPTER IX

Gosling's Charter, 1914-1921

Gosling's selection as Chairman of the Municipal Board in July, 1914, was a critical choice for it was his leadership that provided the impetus the Board needed both to govern St. John's and to draft a new municipal act. The most pressing problem facing Gosling and the 10 Commissioners on taking office was obviously financial; but here their ability to act was circumscribed by the estimates drawn up by the outgoing Council. Accordingly, the Board concentrated its efforts to improve the town's financial picture on reduced expenditure and the introduction of a more rigid system for the collection of tax arrears.

With regard to arrears, the Board decided that after August 1, 1914, legal proceedings would be taken against taxpayers who were behind in their payments, especially those whose bills had been outstanding for several years and who could afford to pay.¹ To improve the tax collection system, the Board abandoned the practice whereby collectors made irregular, unannounced visits to neighbourhoods; henceforth collectors would inform taxpayers of intended calls. If a taxpayer refused to pay after several such visits, the collector could give him notice to pay within 10 days or face legal proceedings.²
The Board had some success with these changes but the outbreak of war in Europe in August, 1914, adversely affected its efforts. The temporary disruption of trade caused by the war, which automatically involved Newfoundland as a member of the British Empire, and the consequent financial difficulties in St. John's, led the Municipal Board to relieve the pressure on its tax evaders - some of whom had been in arrears for as long as 20 years. The result was that, during 1914, the amount owing in arrears actually grew by $2,240.06, bringing the total owing to $100,946.34. Nevertheless, the 1914 increase in the total arrears was the lowest in 10 years.  

Because of its success in reducing expenditure, the Board was able to show an overall surplus for 1914 of $7,554.72. Gosling also reorganized the town's administrative structure, giving Department heads greater financial and administrative powers than before. These included the responsibility for the hiring of casual labourers, an authority which in the past had all too often been exercised by the Mayor and Council for patronage purposes. Past interference by municipal politicians had been most pronounced in the Roads and Sewers Department, where men had been frequently hired by Council simply to relieve unemployment. Once on the job, patronage appointees had often been successful in pressuring Council into giving them permanent positions. During the winter of 1914-1915 the Board let go all labourers except the small number needed to maintain local roads. The Board also removed from its payroll about 20 aged labourers who, in the absence of a municipal pension scheme, had been kept on the paysheets at a reduced rate, each of these men was now given a pension out of general revenue at a much lower rate than his previous salary.

Another administrative change made by the Board was the creation
of a Stock Department to coordinate the purchase of all depart-
mental supplies. The previous system, under which individual
departments made their own orders, had led to duplication and
unnecessary expenditure. Economical measures were also applied
to the Sanitary Department, the most expensive of all the civic
divisions. The night-soil service was especially expensive; in
the summer 17 sanitary carts and 34 men were required to cart
the night-soil to the outskirts of the town, where it was deposited
for use by farmers. Gosling effected savings here by constructing
catch-basins or "hoppers" throughout the town for the use of residents
who did not have water closets. The waste water deposited in these
ran off through the connecting water system, while the night-soil
was either strained into the sewers by municipal employees or
collected by the sanitary carts. In this manner the number of
sanitary carts was reduced to five by the end of 1915. To
prevent the development of a night soil service in areas where new
building was taking place, the Municipal Board refused to grant
building permits until water and sewer mains were installed.

Not surprisingly, the inadequacy of the water system for fire
protection was another of the Commission's great concerns. The
changes made by Council after 1904 had improved the means for
bringing water from Windsor Lake to the town. What now worried the
Municipal Board and citizens generally was the distribution of that
water within the mains of St. John's. In its investigation of the
water system in January, 1914, the Citizens' Committee had found that
many of the water pipes were corroded with rust, a circumstance, they
believed, which had contributed to the recent destruction by fire of
the Cochrane Street Methodist Church. One section of a four inch
pipe taken from Cochrane Street was put on public display by the Committee to show that the rust had reduced the passage way of water through the pipe to half its size.11

The rust problem, the Committee believed, accounted for the fact that, in the event of fire in one part of St. John's, water still had to be turned off in other areas in order to fight it.

If a fire broke out simultaneously at both ends of the town, Board Chairman Gosling later noted, St. John's stood in danger of being again destroyed. In Gosling's view, rusty pipes had combined with additional demand on the water service from house construction to create a new crisis of fire protection.12 With this in mind, in September, 1914, he approached leading American authorities on municipal government asking them to recommend a competent engineer to examine the St. John's water system.13 On the basis of their advice he secured the services of Francis F. Longley of the New York engineering firm of Hazen and Whipple.14

Longley's report to the Municipal Board, dated October 30, 1914, called for the expenditure of approximately $168,000 to increase the pressure in the water mains and to eliminate the great domestic waste of water. Noting that the average daily water waste for St. John's should be 40% of the total amount of water drawn from Windsor Lake, Longley discovered that the actual rate of waste was 80%, of which all but 5% occurred in houses and buildings with faulty installations. The essence of Longley's report was a proposal for the reorganization of the two water distribution districts which Council had established after 1904. The new main which had been built from Windsor Lake to the Higher Levels would in future serve only the suburbs north of Harvey Road and the area around Freshwater Road; the
growing areas in the western end of St. John's, as well as the congested heart of the town, were to be serviced by the main from Windsor Lake to Water Street and by a new 20 inch main to be built from the Lake to the east end. The new main would enter St. John's at Rawlins Cross, located at the intersections of Harvey, Military and Queens Roads; and then run down Kings Road to Duckworth Street before connecting up with George's Pond. The latter, supplied with water from Windsor Lake, would become a reservoir ensuring adequate water pressure in the pipes servicing three-quarters of the town's population. Through these changes St. John's would always have sufficient water for both domestic consumption and fire protection. Longley's other recommendations centered on the removal of rusty pipes and ways to stop the wastage of water by householders.  

The Municipal Board accepted Longley's suggestions and on January 12, 1915, approached the Morris Government for funds to implement them, the work to be done over a three year period. Having received government approval, the Board was able to complete the construction of the new main and the fixing of various leaks in 1916; other less extensive changes were completed at Windsor Lake in 1919.  

Having spent their first five months in office dealing with the town's services, the Municipal Commissioners turned their attention to the procedure for the drafting of a new municipal act on December 1, 1914. This matter, it was now agreed, would be discussed at a series of special Tuesday evening meetings. Considerable progress was made at these meetings but a draft bill, or Charter as it came to be called, was not yet ready when the legislature convened in April, 1915. Nevertheless, on April 12, 1915, the Commission presented
to the government a general outline of the principles it believed the proposed Charter should embody. Subsequently, the Morris Government secured legislation to extend the life of the Board until June 30, 1916, with a new Municipal Council to be elected to take office the following day.

The 1915 legislation also implemented a number of changes upon which the Board members had already agreed. The most notable of these dealt with the amendment of the 1913 Municipal Act as it concerned the installation of water closets in houses; here the Board's purpose — part of its overall plan to reduce the night-soil service — was stricter regulation. Specifically, the Board was empowered to levy a $5.00 daily fine on any house owner, who refused its order to connect with the water and sewer system. If the Board was satisfied that an owner could not afford the cost of installing a water closet, it could do the work and bill the beneficiary for the cost. As under the 1913 Municipal Act, 'owner' was held to mean the possessor of the freehold, if the house was built on land held under a lease. If there was such a lease, then the lessee was considered the owner. The latter's interest was in turn protected by provisions in the Act requiring ground landlords to compensate lessees for assessments paid to the Council for street and compulsory sanitary improvements. Again, the owner of any house held on a building lease and rented to a tenant was allowed to increase his annual rent by as much as 6% to cover sanitary improvements required of him by Council. Yet another section of the Act gave the Board authority to tax non-resident building contractors. Finally, the clause in the 1910 Municipal Act requiring landlords to keep houses in a habitable state if they rented for $50.00 or less on their
appraised value was amended to include all rental housing.\textsuperscript{22}

The additional-time afforded the Municipal Board by the legislature in 1915 enabled the Commissioners to formulate the comprehensive Charter that Gosling had envisaged when he had first assumed office in 1914. What Gosling wanted was a strong local government having sufficient revenue and authority both to carry out improvements and to better manage its own affairs. Believing that "nine-tenths of municipal government is administrative, and one-tenth only legislative," Gosling sought a Charter combining "efficient administration" with "electoral responsibility." To free Council from the burden of administrative work, the Charter he and his colleagues designed, which was presented to the colonial government on March 28, 1916, proposed greater responsibility for the permanent officials - the Secretary-Treasurer, Solicitor, Engineer, Sanitary Supervisor, and Medical Health Officer. "In other words," Gosling had written earlier, "the Council will make rules and regulations, and the officials will enforce them. The Council will allocate funds and the officials will superintend the expenditure. The Council will impose taxes, and the officials will collect them."\textsuperscript{23}

Under this new arrangement, the mayor and councillors would have enlarged legislative powers to govern the town and be more independent of the legislature. Council would still have to submit a financial statement each year but for the approval of the Governor-in-Council not of the legislature. Also included in the 398 sections of the proposed Charter\textsuperscript{24} was a provision whereby females who owned property within the town and paid water and sewerage rates would be allowed to vote. Males over the age of 21 years would be similarly
enfranchised if they paid Council a two dollar poll tax even if they
paid no other direct municipal tax. The system of taxation itself
was to be changed with a 'City Tax' replacing the existing water
and sewerage rate. This new City Tax, which had been recommended
by the 1914 Citizens' Committee, would be paid by the owners of all
houses and buildings in the town. It would be based on the rental
value of the property, which in turn was to be determined by a
percentage computation on the cost of construction of the building.
More substantial houses were to be assessed at a lower rate than
poorer houses. The new Tax would be paid by the landlord rather than
the tenant, if a property was held under a building lease. The
Charter provided for the transfer to Council of the revenue the
colony was now receiving from St. John's residents who owned dogs,
drove motor cars, and/or used téléphones. The Charter also proposed
that in all future leases the leaseholder should have the right to
purchase the freehold by paying the landlord the equivalent of 20
years rent on the property.

With regard to the composition of the Council itself, the
Charter proposed that the old system of a mayor and six councillors
elected at large be retained, but with one important change. This
was that three seats on Council become vacant every two years. To get
this system started the proposal was that the seats of the councillors
who stood fourth, fifth, and sixth in the first election under the
Charter became vacant after two years; those of their better
placed colleagues would then become vacant two years later. By this
system, Gosling hoped always to have on Council men with some experi-
ence in municipal government.  

Other notable sections of the 1916 Charter proposed the
establishment of a Municipal Arrears Commission and a Town Planning Commission. The former evidently would consist of the Secretary-Treasurer and two other persons and would be empowered to take legal proceedings against tax delinquents. For their efforts the Commissioners would receive a commission of a set percentage on the total amount of arrears collected. The Charter also proposed a more efficient collection of municipal taxation, which would be placed under the supervision of the Secretary-Treasurer. Under the proposed new arrangement, an incentive would be given residents to pay their taxes on time. Those who did so being entitled to a 10% discount on the amount paid; tax delinquents would be subject to interest on the amount owing after six months for as long as the taxes remained unpaid.

The Town Planning Commission was to serve as an advisory body to Council and to make recommendations as to the opening of new streets, the laying out of building lots, the reserving of land for firebreaks, parks, and playgrounds, and the overall expansion of St. John's. With regard to building within the town, the Charter proposed a new definition of Council's authority. Under the 1902 Municipal Act Council was required to approve all building plans, but it had neither kept copies of plans on file nor, apparently, made systematic inspections. Moreover, Council was uncertain of its legal position with regard to assessing owners of land for improvements made to streets which had been opened before the passing of the 1910 Municipal Act. As noted above, that Act had given Council authority to assess landowners for street improvements if it believed the value of their properties would be increased by such expenditure. On these matters, the Charter's proposal was for
a more rigid building inspection system with authority for Council to assess landowners for any improvement made to any street in the town. If the land affected by such improvement was held under a building lease, the lessee could recover his costs from his ground landlord on the termination of the lease. The Charter also proposed that Council be given authority to build, let, or sell houses, to make loans to Building Societies, which would erect homes for workingmen, and to establish a pension fund for its employees.26

Because of the great amount of detail involved in the Charter, Premier Morris decided to refer it to a Joint Select Committee of the legislature. The Assembly's representatives included the St. John's MHAs while John Harvey and Michael Gibbs were among those chosen from the Legislative Council.27 Morris also decided to convene a public meeting to give citizens an opportunity to examine the Charter before it received legislative approval. Out of this April 6, 1916 meeting, which was attended by more than 1500 people, came a Citizens' Committee of 30 members to examine the Charter and report on it to the Select Committee of the legislature. Those appointed to the Committee included representatives of the town's wholesale and retail merchant community, professions, and unions. Unlike the Citizens' Committee which Gosling had organized in late 1913, the 1916 Committee did not include any of the major Water Street merchants, who continued to work through Gosling, one of their own.28

At its first meeting, held on April 12, the new Citizens' Committee decided to ask the legislature to postpone action on the Charter until 1917 to give it time to study the proposed leg-
islation thoroughly. The Committee's approach was shared by the Joint Select Committee, which subsequently received permission from the legislature to sit outside of session and report back on the Charter in 1917. With regard to the municipal election scheduled to be held in June, 1916, the legislature accepted the Committee's recommendation that the voters' list be prepared according to the terms of the 1902 Municipal Act. The Council to be elected on this basis would hold office for two years, while the Charter was under discussion. The legislation also called for the holding of a plebiscite in September, 1916, to ask the same taxpayers eligible to vote in the June election whether they were in favour of the adoption of a ward system for the selection of councillors in future elections.

In 1917, the Citizens' Committee put forward a number of suggestions. It wanted the proposal for biennial Council elections dropped and full Council elections held every four years. The Citizens' Committee also came out in favour of a paid Council; to have an unpaid Council, as the Charter suggested, would be to leave power in the hands of the wealthier members of society since they could afford to run. Committee members also believed that under a paid system residents could demand better service from Council. The Committee also opposed Goaling's suggestion that certain civic officials be appointed for life; rather all officials should be appointed at the pleasure of Council and be accountable to it and the electorate for their actions. With regard to the taxation sections of the Charter, the Citizens' Committee wanted the proposal that a building be assessed on its appraised construction cost struck and the principle of assessment according to rental value.
in the market place restored. Again, it objected to the proposal that the Governor-in-Council and not the legislature approve any tax increase. For its part, the Committee wanted some form of tax placed on absentee landlords and a loosening of the existing regulations whereby vacant building lots on existing streets could not be developed until Council had laid water and sewerage mains.

Gosling became a candidate for mayor in the 1916 campaign while six of his fellow Municipal Commissioners ran on one ticket for Council. These were Charles F. Ayre, F.W. Bradshaw, and Francis MacNamara, all merchants; James J. McGrath, the President of the Longshoremen’s Protective Union; Isaac C. Morris, a shillmaker; and J.W. Withers, the King’s Printer. Gosling and his Commission associates appealed to voters to maintain continuity in municipal government by emphasizing their resolution in having the Charter passed by the legislature.

Gosling’s rival for mayor was W.A. O’D. Kelly, a vice-chairman of the new Citizens’ Committee and a dealer in building supplies. The focus of Kelly’s attack on Gosling and the Board was his criticism of the reorganization of the sanitary system and the institution of the hopper service, which he claimed was “contrary to all rules of health and civilization.” Kelly did not offer any specific remedy, but attempted to link the outbreak of communicable diseases in the community to existing sanitary practice. With this approach Kelly polled 1,780 votes on election day, June 29, to Gosling’s 2,244. Gosling’s total was the largest ever polled by a mayoralty candidate, but his margin of victory was not nearly as impressive as of his...
successful candidates for Council were James St. Tait, a medical doctor; Henry J. Brownrigg, a commission merchant; James J. Mullaly, a more independent spirited Commissioner; and Nicholas J. Vinnicombe, a licensed hotel owner. The failure of the 'Commission' ticket reflected the many criticisms that had been made of the Board during the campaign. It had been criticized in particular for discrimination in the granting of building permits and for its employment practices in road construction. Rumour also had it that the return of the Board members would lead to a great increase in taxation.

In the plebiscite that followed on September 26 the turnout was very low, those in favour of election at large carrying the day by 464 to 283. The ward system had the support of Premier Morris and the Citizens' Committee, but it was strongly opposed by Gosling. In response to claims that St. John's could best be served by ward councillors, who knew the needs of their neighborhoods and were always available to answer the complaints of their constituents, Gosling argued that Councillors had to put the interest of the whole town before the interest of any of its parts. This ward councillors could not be expected to do. When he had first taken the position of Chairman, Gosling said, he had found himself "pestered with requests for small local attentions." "If I had succumbed to persuasion," he continued, "I would not have had time to think of anything else." The practice of taking personal appeals to Council for favours was a "bad inheritance from the ward system"; "the smaller the electoral district," Gosling believed, "the more powerful becomes the temptation." By contrast, the principle embodied in the Charter was that St. John's "as a whole must be first
considered against purely local or individual interests. On July 10, 1917, the Joint Select Committee reported that because of the demands which had been made on its members by the war effort, it had not been able to devise a bill based on the Charter and the changes proposed to it by the Citizens' Committee. In the circumstances, the select Committee suggested a further postponement of consideration of the Charter, noting that three of the St. John's seats in the Assembly had become vacant. Two of these vacancies had been caused by the deaths of John Dwyer and Michael Kennedy in January, 1917; the third one was the result of the appointment of the Liberal leader, James Kent, to the Supreme Court in 1916. Not surprisingly, the decision of the Assembly and Legislative Council was to extend the life of its Select Committee and to empower it once more to sit out of session.

Disappointed by these developments, Mayor Gosling asked the Morris Government in July, 1917, to pass certain sections of the Charter upon which the Council, the Citizens' Committee, and the Joint Select Committee were in agreement. The first of these was the imposition of the City Tax to replace the water and sewerage rates Council collected. Since this did not involve any change in the existing appraisal procedure, the government readily agreed. Under the City Tax thus legislated, the owner of any house or building, which on July 1, 1917, was occupied by a tenant on a lease agreement, would be entitled to add two-thirds of the City Tax imposed on him to the rent he charged to his tenant for the remainder of the tenancy. There were, however, exceptions to this provision; if, for example, the amount of rent payable under a lease was less than $100.00, the lessee would be entitled to appeal his rent increase before a
stipendiary magistrate if he believed that the lessor was adding more to his rent than the two-thirds permitted under this legislation.

The 1917 Municipal Act also empowered Council to use its funds towards the building of houses for the working poor. This assistance was to be offered through the letting and selling of houses or by lending or guaranteeing funds to Building Societies seeking to help those in need. Such Societies were to be given a bonus of 10% on the cost of any house built for the designated group. Here Gosling's purpose was to alleviate the problem of the town's unsanitary core by moving people from the slum areas to better houses in the suburbs. The hovels they left behind would then be torn down and replaced by a better class of housing. 47

Despite this success, Gosling disliked the piecemeal approach of the government and in 1918 pressed again for the enactment of the whole Charter. 48 He failed once more—this time because of a great crisis in colonial politics. Re-elected in 1913, the Morris Government was required by law to hold a general election by the autumn of 1917. During the 1917 session, however, because of the war an Extension Act had been passed prolonging the life of the existing Assembly by one year. The price Morris paid for this Act was the establishment of an all-party National Government to include representatives of his People's Party, the Liberal Party, and the Union Party, which had great strength among the fishermen in the northeastern area of the island and had first elected members to the House in 1913. 49 Under this arrangement, Morris resigned the premiership in December, 1917, retiring to England where he was elevated to the House of Lords. 50 His successor was Liberal leader William F. Lloyd, whose National Government postponed any action on the
Charter during the 1918 session, claiming that it was not yet ready to move on the matter. The new government did, however, pass legislation extending the life of the Municipal Council from June 30, 1918, to December 31, 1919. 51

On May 9, 1919, Gosling and his colleagues on Council agreed to remain in office only if the government would pass the Charter at the 1919 session. The government accepted this condition, but its attempts to pass the Charter fell victim to the turbulent politics of the 1919 session. In 1918 Lloyd had obtained a further extension in the life of the existing House but on May 20, 1919, the People's Party, which had a majority in the Assembly, carried a motion of non-confidence against the leadership of the National Government. Lloyd was succeeded as premier by People's Party leader Michael Cashin, the MHA for Ferryland. 53

Before its defeat, the Lloyd Government was able to pass legislation extending the life of the St. John's Council from December 31, 1919, to June 30, 1920, on the understanding with Council that the Charter would finally be dealt with in 1920. This legislation also contained several sections of the Charter which the Council, the Citizens' Committee, and the government all approved. 54 Specifically, the 1919 Municipal Act gave Council control over the development of all land for the opening of new streets, the improving of existing streets, and the making of firebreaks, parks, and recreational grounds. The Act also gave Council jurisdiction over the regulation of building lot lines to ensure the maintenance of proper street widths. The funds Council expended for such improvements were to be repaid by special assessments on those landowners whose
property values would be enhanced thereby. 55

As might be expected, the long delay over the Charter created serious financial problems for the municipality. Gosling based his estimates each year on the taxation proposals contained in the Charter and their promise of improved municipal revenue. Each year he was disappointed. Nor did the imposition of the City Tax in 1917 greatly improve matters. If this reform had been accompanied by a change over to an appraisal based on the cost of construction of the property, it would have netted Council an additional $15,000 per annum; but this was not done. Moreover, Council was unable to persuade the colony to transfer the other taxes – on dog owners, car owners and telephone users – it considered rightfully its own. Arrears also continued to be a problem. The result of all this was that Council’s deficit grew from $8,270.51 at the end of 1916 to $21,270.16 at the end of 1918. 56 Through strict economy and better revenue collection – the City Tax helped matters by placing the burden of payment on the landlord rather than the tenant – Council was able to turn this deficit into a credit of $865.74 for 1919 but in the absence of a broadened revenue base its financial future was clearly bleak. 57 On the other hand, Council was able in this period to maintain its interest payments – to the government on its funded debt and to the Royal Bank on loans taken for improvements to the water and sewage systems. Council’s total indebtedness at the end of 1920 stood at $1,817,090.91, an increase of $276,110.41 over the 1914 figure of $1,540,980.50. 58

Gosling’s difficulties with the Charter also frustrated his efforts to establish a community nursing service for St. John’s to look after infants and children. This service was provided for in
the Charter, but Council had no authority under the 1902 Act to spend money on it. In July, 1917, when the legislature had postponed action on the Charter for the second time, Gosling decided to start the new service at his own expense. With the help of his sister-in-law, Adelaide Nutting, a Professor of Nursing at Teachers College, Columbia University, Gosling arranged for Miss Hudson, a New York public health nurse, to visit St. John's in August, 1917. During her month-long stay Miss Hudson gave public lectures and advised mothers on baby care. What was needed in St. John's, she told Gosling, was the establishment of a Maternity Home for the reception of pregnant women, in order that they could have proper medical care. Newly born and sick children, she suggested, should be visited at home by community nurses, who would offer whatever advice and assistance might be needed. Finally, a children's hospital with surgical facilities should be set up to give seriously ill children the special attention they needed.

Through negotiations with the government in January, 1918, Gosling was finally able to achieve agreement for the establishment of a community nursing service. The government agreed to donate $450 towards the cost of the service for 1918, and Gosling contributed his salary of $600 as mayor. In May, working again through his sister-in-law, Gosling arranged for another nurse to come to St. John's to get the service started and to train local nurses to work in it. The nurse who came to St. John's this time was Miss J. Rogers, who arrived in July. She immediately began a round of visits to the houses of the working poor. These she described as "wretched" and an important factor in the town's high infant mortality rate, which in 1916 had stood at 184.25 deaths per thousand births.
Miss Rogers was strongly critical of the island's political system for allowing absentee landlords to rent houses to the poor which were "dirty, vermin-ridden, leaky", "unfit for human habitation,...(and) crowded together on streets not worthy of the name." Resident landlords were equally bad, the only difference being that they hid behind their absentee counterparts through the covenants the latter put in their building leases. Rogers reserved her greatest criticism for the local midwives, to whom expectant mothers turned because of the low cost of their services. Not bound by any licensing system, the midwives varied in their knowledge of obstetrics; some of them, Rogers discovered, were "grossly ignorant, personally untidy, (and) even dirty in appearance" and had "teachings and practices...altogether questionable and disgusting". In one situation Rogers found a "young mother...weak and thirsty" on the third day after the birth of her first baby. The midwife had told this mother "not to eat anything and to drink very little for the first few days" lest she contract "milk fever."

Rogers was also appalled by the fatalistic attitude of many parents towards infant mortality, which was often regarded as an act of Providence. One mother told her: "I have 'borned' eleven children, but praise God, seven of them are in Heaven." In the same vein, a grandmother spoke as follows: "It is trying to save babies you are. Well, it's God Almighty takes 'em or leaves 'em, and you can't help it or I can't help it."65

If the nascent community nursing service faced attitudinal problems in St. John's, its greatest difficulty remained financial.66 The arrangement Goaling had made with the government was for one year only; in 1919 no grant was forthcoming from the colony.67 The reason for this lack of support is unclear; but the government may have been
reluctant to commit itself to the whole scheme of child welfare as proposed by Hudson in 1917. In the circumstances Gosling was left to pay the $3,500 in salaries, required by the three local nurses who were to take over from nurse Rogers out of his own salary of $600. Fortunately, his cause was taken up by the Women’s Patriotic Association which had been established in 1914 to provide funds for servicemen and their families. In June, 1919, the Women’s Patriotic Association established a child welfare committee to support the new nursing service. The prime mover here was, no doubt, Gosling’s wife, Armine, a member of the Women’s Patriotic Association executive. Through house-to-house canvassing and several large private donations, the Child Welfare Committee collected over $6,000 in mid-1919 for the payment of the nurses’ salaries, the establishment of milk stations, and the distribution of clothing by the Association to needy families.

In May, 1920, a small children’s hospital was opened by the Association, but this had to be closed a few months later for financial reasons. It bore fruit, however, when the government a year later opened a children’s ward in the General Hospital. During 1920 the Child Welfare Committee raised more money itself and received contributions from both Gosling and the government. The government indeed agreed on February 28, 1920, to make available an annual grant of $750 to the Committee. Gosling’s contribution of $1,000 was equal to the amount the Council itself would contribute to child welfare once the Charter became law. In January, 1921, the Women’s Patriotic Association disbanded only to be reorganized in May as the Child Welfare Association under the presidency of Armine Gosling. The new Association built on the work
of its predecessor, cooperating closely with Council's Medical Health Officer and colonial authorities in combatting infant mortality in the town. 72

If Gosling had only limited success in forging a role for Council in the field of child welfare, he made rather more headway in his efforts to construct houses for the working poor and returning war veterans. Council's ability to act on the authority it had been given in the housing field by the 1917 Municipal Act was initially greatly impaired because it was not given expropriation powers. When this omission was corrected in 1918 by a new Act (the one that also extended the life of Council to December 31, 1919), Gosling moved quickly. 73

In July 1918, Council purchased title to land in the East End of St. John's as a building site. 74 This land, situated on Quidi Vidi Road south of the General Hospital, had been purchased from the government in 1907 by Michael Connors, a farmer, on condition that it could revert back to the Crown at any time it was needed for improving the town. 75 Also in July Council asked the government for a $25,000 loan in support of its building plans. 76 Council's plan was to use this money to lay out the land, put water and sewerage pipes in the streets to be opened, and over a period of time construct houses which would sell for approximately $2,000 each. Prospective owners of these houses were to be required to make a down payment of $500 and to pay off the amount owing over 10 years. House and land were to be held on a 99 year basis, with the lessee paying Council a perpetual ground rent of $20 per annum; lessees could, however, purchase the freehold at any time during the life of the lease by giving Council a sum equal to 20 years rent
on the property. 77

The Lloyd Government refused to fund this scheme and a second request the Council made in November, 1918, asking for an additional $25,000 to offset increased building costs. The Government's view was shaped in part by its concern that the housing project might cost Council more than it could afford. Some members of the Executive Council, moreover, opposed the scheme on the grounds that the provision of housing should not be made a matter of public concern. Gosling responded on November 23, 1918, by telling the Newfoundland Colonial Secretary that the principle of municipal housing was no longer a "matter which the Executive Council is called upon to consider." The only question that should concern the government, Gosling wrote with an air of exasperation, was whether Council could afford to pay the interest on the loan it was requesting. 78 In the end Council's view won out; on June 4, 1919, the Executive Council guaranteed the principal and interest on a $50,000 loan to be secured from the Royal Bank. 79 By December, 1919, Council had constructed and sold 12 six-room, semi-detached houses. 80 In the meantime, however, its modest housing program had been overshadowed by a more ambitious scheme put forward by some of the town's businessmen.

The main promoters of this venture were Legislative Councillors John Anderson and Michael Gibbs, and James McGrath, a former Municipal Commissioner who was President of the Longshoremen's Protective Union. In March, 1919, Anderson presented their proposal to a meeting of the Newfoundland Industrial Workers' Association - a general labour union formed at St. John's in 1917. 81 What they envisaged was a joint stock building society that would be set up to
build 600 houses on the outskirts of St. John's for both members of the working poor and returning war veterans. Anderson was subsequently successful in forming the Dominion Co-operative Building Association, which set out to raise a capital stock of $2,000,000. A resident of his proposed housing estate would own both his house and the land on which it stood, in return for an annual rental payment to the Association of an amount of no more than 10% on the total cost of construction, estimated at about $1,500. Association houses would be cheaper than the Council's, Anderson claimed, because union members would give free service in the construction phase.

When the Association received its act of incorporation at the 1920 session of the legislature, it was also given some generous financial concessions by the Liberal Government of Richard Squires, which had come to power after a general election held on November 3, 1919. Squires gave the Association a 20 year guarantee on the annual shareholders' payment of dividends on its capital stock if annual profits were less than 5% of paid up capital. He also consented to allow the Association to import duty-free all building materials which could not be obtained in Newfoundland. In return for these concessions, the Association's shareholders agreed to allow the government to appoint one-third of the Association's directors.

The site for Anderson's proposed houses was a tract of land on Merrymeeting Road, northwest of the Roman Catholic Cathedral, which was owned by the Roman Catholic Church. Archbishop Edward Patrick Roche (1915-1950) gave this land to the Association at a nominal rent for disposal on either a freehold or leasehold basis.
house construction. Its early optimism notwithstanding, by mid-1920 the Association was unable to raise the capital needed to begin construction and in July asked the Squares Government to guarantee the principal and interest on a $25,000 loan it hoped to obtain from the Royal Bank. With this loan in hand, the Association pressed forward, opening 30 houses for sale on December 2, 1920. Nevertheless, despite this initial achievement, this venture by the business community, like Council's own housing scheme, had only limited long term success. After 1920 the overcrowded residential area on the side of the hill in the center of St. John's remained juxtaposed to the business district below. Not surprisingly, the concomitant public health and fire protection problems also lingered on.

The government's willing support for the Association's housing scheme proved to Gosling once and for all that a strong municipal government could not be achieved in St. John's. With his disappointment over the reception of the Charter by the legislature, Gosling became more cynical and disillusionsed in his comments, yet he continued the battle with unabating energy. In his Annual Report for 1919, the sixth such Report he had printed in the press to make people more aware of Council's activities, Gosling lashed out at the lack of civic spirit in the town's residents:

"The majority of citizens are supremely indifferent, and a large proportion are only interested in endeavoring to obtain some personal advantage at the City's expense to avoid paying their just share of the City's expenses as long as possible or altogether, and to disregard the By-laws of the City with impunity. When the people of the City are so little interested it cannot be expected that the Municipal Council, or Civic Officials will remain enthusiastic, or that the Government of the Colony will pay any attention to the representations of the Council as to the City's needs."