

Representative Government

The first general election for representative government was held in 1832. How do you think candidates campaigned for the election?

Why is representative government important?

Introduction

In Europe and the Americas, the late 1700s and the 1800s saw some movement toward democracy. “The American Declaration of Independence” in 1776, “The French Declaration of the Rights of Man” in 1791, and several revolutions in Latin America were evidence of the growing conviction that humans should be “citizens” rather than “subjects” of a monarchy without any say in their future. This was especially true after the Napoleonic Wars. Some residents of Newfoundland and Labrador also held this belief.

The Move Toward Representative Government

Along with a growing resident population came a need for a better system of governance than that provided previously by fishing admirals and naval governors. The British, recognizing that Newfoundland was no longer a collection of work camps, appointed a year-round governor in 1817. In 1825, colonial status was granted to Newfoundland. This meant that a civil governor administered the colony with an appointed council.

However, reformers felt that even more reforms were needed. They argued that they should be able to elect representatives to a legislature that would make laws to represent their interests. This kind of representative government was the system in place elsewhere in nearby Nova Scotia, New Brunswick, and Upper and Lower Canada. Two of these reformers were William Carson, a Scottish doctor and businessman who had settled near St. John’s, and Patrick Morris, a recent immigrant from Ireland to St. John’s and President of the Benevolent Irish Society. Carson and (later) Morris, among others, blamed many of Newfoundland’s problems upon a “**despotic**” British administration and argued that representative institutions would help bring about greater prosperity.

Merchants were divided on the issue. Most of the merchants who dominated the local economy opposed



3.113 Sir Thomas Cochrane (1789-1872)
Governor of Newfoundland from 1825 to 1834

The British, recognizing that Newfoundland was no longer a collection of work camps, appointed a year-round governor in 1817.

the granting of representative government. They argued that the cost of a legislature would have to be borne by taxes – which would raise the price of producing fish and hurt business. Other merchants supported representative government because they felt a local legislature could prevent the British government from raising taxes for public works that did not benefit the fishery.

Experiencing The Arts

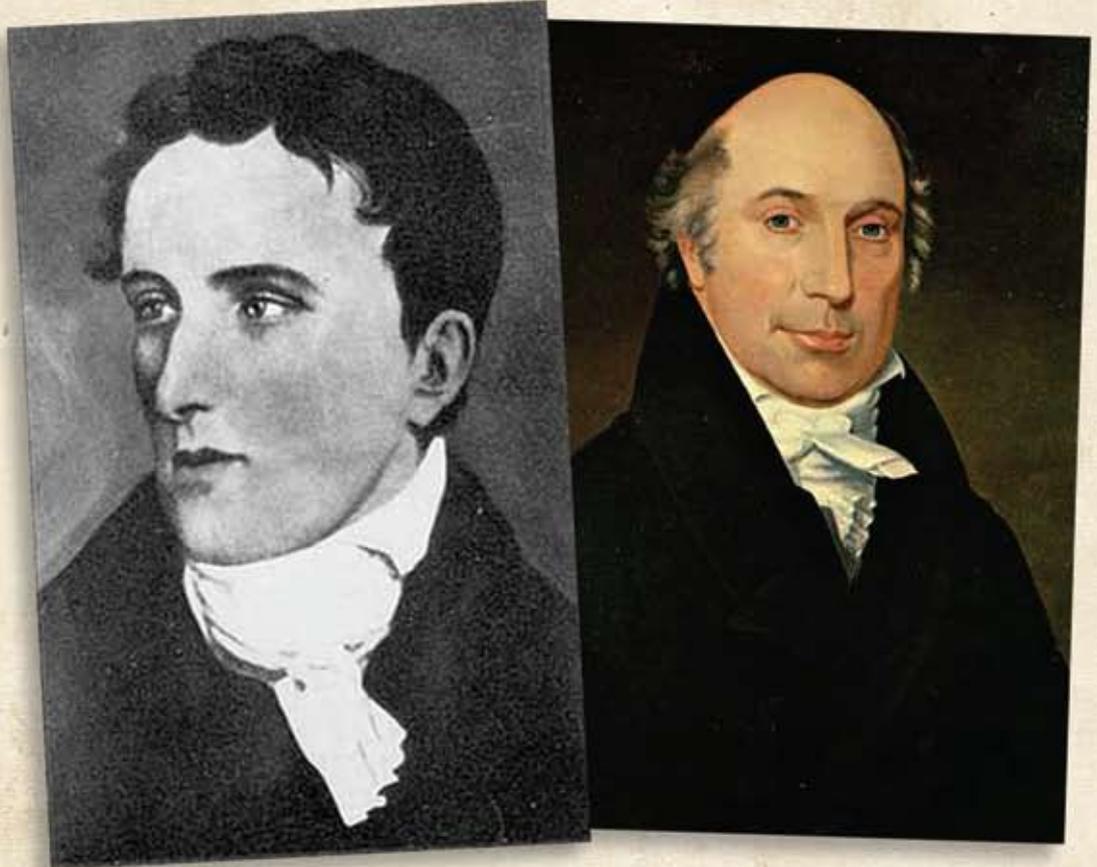
Use information from this section to create a comic art essay of 10-20 frames that explores changes in government during the 1800s. Be sure to identify

examples of cause and consequence, and continuity and change. Add this to your profile.

3.114 Political reformers

Carson (far right) published the first political protest pamphlets in St. John's, in which he attacked the government for abusing individual liberties and demanded that an elected assembly be established in Newfoundland.

Morris (right) argued that the island fully deserved institutions consistent with the needs of a civilized society: the old system of naval government was no longer sustainable in what had become a permanently settled colonial society.



**This was the same year that the right to vote was extended to many British male citizens and the House of Commons was reformed.*

The Structure of Representative Government

The bill to grant representative government to Newfoundland was passed by the British Parliament in 1832.* The British government saw the creation of a Newfoundland legislature as something that would benefit the colony and reduce British expenditures there. Proponents for representative government believed it would develop the colony's resources, eliminate poverty, and ensure elected representatives had control over the way government raised revenue.

The first general election was held in the fall of 1832, and the new system came into effect in 1833. Under representative government there were two chambers: an elected lower house known as the House of Assembly; and an upper house or Legislative Council, whose members were appointed by the governor. There was no premier or prime minister, and members of the upper house held the

most important offices, such as Chief Justice and Colonial Treasurer.

Members of the lower house were elected by men, age 21 and older, who had occupied a house for one year prior to the election. Voters cast their vote in public, not by secret ballot as we do today. The elected house had 15 members representing nine districts. Some electoral districts were given more than one member in the interests of providing denominational balance. No districts existed along the French Shore, where permanent settlement was not officially allowed, or in Labrador and the sparsely populated interior regions of the island. The lower house's powers were limited, but as its assent to legislation (including measures dealing with the colony's finances) was essential, it did have some influence.

REPRESENTATIVE GOVERNMENT

(1832-1855)

MONARCH

- head of government is the King or Queen
- monarch normally grants Royal Assent to the requests of British government

British government could reject any legislation coming from Newfoundland.

GOVERNOR

- appointed by the British government
- reported to the Colonial Office in London, England

EXECUTIVE COUNCIL

(Cabinet)

- appointed by Governor
- mainly consisted of members from Legislative Council
- along with the Governor, they were essentially "the government," assuming portfolios that ran various departments
 - drafted bills and sent them to Legislative Council for debate and approval

LEGISLATIVE COUNCIL

(Upper House)

- appointed by Governor
- most appointees were government officials, military officers, and influential citizens: lawyers, merchants, sea captains, etc.
- purpose was to debate and approve legislation
 - required to send bills to House of Assembly for debate and approval
 - sometimes referred to as the "Governor's Council"

JUDICIARY

- appointed by Governor
- chief justice, who was a member of Executive Council
- included supreme court (which went on circuit every summer to hear cases) and **magistrates' courts** (which dealt with minor offences)

CIVIL SERVICE

- very small as government assumed few responsibilities in this time period
- mostly concerned with financial issues, such as collecting import duties (the colonial government's primary source of income)

HOUSE OF ASSEMBLY

(Lower House)

- initially 15 members were elected from nine districts
- over time the number of members in the House changed in an effort to provide balance between Protestants and Catholics
- main role was to debate and approve bills sent from Legislative Council
 - if a bill was not approved this could create a crisis, making it difficult for government to work effectively, if at all
 - could introduce bills; if passed, the bill was sent to Legislative Council for approval

Unlike the House of Assembly, which represented the voting public, the Council was answerable to the British government and not to the people of Newfoundland.

ELECTORATE

- males, aged 21+ who had "occupied" a house for at least one year prior to the election

The main issue here was there were times when the House of Assembly was mostly Roman Catholic and the Legislative Council was Church of England, which created conflict along denominational lines.

Efforts of Representative Government

It is difficult now to realize how limited the influence of government was in the 1830s and how little its actions affected the everyday lives of its citizens. Until the Colonial Building was completed in 1850, the legislature had no permanent home and met in a succession of rented and borrowed rooms.

The main expenditures were courts and jails, the upkeep of public buildings, the expenses of the legislature, and relief to the poor. A tiny amount spent on roads and bridges comprised the transportation budget. Acts were also passed for the erection of lighthouses at various points along the coast. Although none of these public works were extensive, it was the first time that improvements such as these had been undertaken by the government. Health and education services, to the

extent that they were provided at all, were largely left in the hands of non-governmental bodies, particularly the churches. It was well into the twentieth century before government departments of education, health, and welfare were established.

Government departments, such as there were, covered justice and finance and little more. The whole civil service consisted of a few dozen officials in St. John's and a handful of outport magistrates and customs officers. Including part-time officers, the government employed perhaps a hundred people. There were no taxes and most government revenue came from customs import duties – although this only amounted to a few times the governor's annual salary.

3.116 Record of representative government expenditures in 1836 from the 1836 Blue Book

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COMPARATIVE YEARLY STATEMENT

Specify each separate Head of Expenditure.	Expenditure 1836 in Pounds Sterling.			Expenditure 1837 in Pounds Sterling.		
	£	s.	d.	£	s.	d.
Civil Depart. (Salaries)	5045	-	-	4975	-	-
(Conting.)	47	17	-	46	7	8
Customs Establishment	5011	7	9	4551	17	5
Judicial Depart. (Salaries)	3010	-	-	4951	6	3
(Conting.)	1473	5	11	1536	12	9
Police & Magistrates	3150	-	-	1410	10	0
Religious Department	300	-	-	375	-	-
Legislative Department	1390	0	9	1253	11	11
Printing & Adver. & Stationery	302	15	-	376	14	1
Genl. Expenses	684	19	7	785	5	7 1/2
Coroners	126	8	-	132	10	7
Fuel & Light	203	18	7	192	3	2
Repairs of Court Houses & Gaol	617	4	-	289	10	1
Govt Buildings & House	391	7	6	591	12	11
Relief of the Poor	662	0	8	591	16	6
Repairing & making Roads	753	9	7	1245	-	-
Vaccination	4	4	3	499	4	3
Postages & other small bills	120	-	-	108	19	-
Redemption of Treasury Notes	-	-	-	4490	2	0
Notes for Individuals & Corporations	361	15	5	397	15	2
Miscellaneous Contingents	318	17	9	44	17	7
Use of Colonial Vessel	-	-	-	2300	-	-
Pensions & Gratifications	245	-	-	483	15	-
Notes on Acc. of Public Institution	530	-	-	-	-	-
Disbursements under Proc. Act	1187	10	-	-	-	-
Trig. Gun	446	7	-	-	-	-
Erection of New Court House	1529	9	4	-	-	-
Taking the Census	580	-	-	-	-	-
Total	36019	18	6	34074	15	9

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OF THE COLONIAL EXPENDITURE.

Income in Pounds Sterling.			Decrease in Pounds Sterling.			Cause of Increase or Decrease.
£	s.	d.	£	s.	d.	
70	-	-	-	-	-	Increase of Governor's Salary
19	4	-	-	-	-	
459	10	4	-	-	-	Additional Office for Colonial Revenue
-	-	-	1164	6	3	Salary of Judge of the Admiralty not paid in 1836
-	-	-	63	6	0	Additional Dispensary Magistrate's Office
1739	10	-	75	-	-	Catholic Bishop's Allowance not drawn for
136	8	10	-	-	-	
-	-	-	73	19	1	
-	-	-	100	5	10	Casual
-	-	-	6	2	7	ditto
11	5	5	-	-	-	
327	15	11	-	-	-	Some of the repairs actually provided for
-	-	-	200	5	5	casual
70	4	2	-	-	-	
629	4	7	-	-	-	Provided for by an Act of the Legislature
-	-	-	495	-	-	

3.117 Ensuring safety at sea
The lighthouse at Cape Spear was built in 1836 with funds from representative government. Today it has been restored to its 1839 appearance.



The Problems with Representative Government

In theory, the representative government granted to the colonies was based on the British constitution. The idea was that the two houses would serve as a system of checks and balances, which would result in beneficial legislation. However, it did not work well in any of the British North American colonies. Elected Assembly members inevitably wanted more power, thinking they were the real government representing the people. Members of the appointed upper house feared "mob rule." They resisted any loss of power and frequently blocked measures perceived to hurt their interests.

In Newfoundland, most adult males were either fishers or merchants. Fishers were often illiterate* or had limited formal education. In the view of the Colonial Office, they were unsuitable to play a role in government. Meanwhile, merchants were mostly temporary residents, and tended to return to Britain. They were reluctant to support public works and services for residents that required taxes to be raised since this would affect their profit margin. This frequently resulted in division between the Council and the Assembly.

Both religion and ethnicity were factors as important as class in Newfoundland politics of this period. During this time there was much prejudice both in Britain and Newfoundland and Labrador, between English and Irish, Protestants and Roman Catholics. In particular the Irish resented the terms of the Act of Union, in which only members of the Church of England were permitted to become members of the Parliament of Ireland (though the great majority of the Irish population were Roman Catholic, and there were large numbers of Presbyterians in Ulster). In general, British legislation was hostile to the civil and political rights of Roman Catholics.

This tension carried over into the two houses of government in Newfoundland. Members of the appointed upper house were almost always members of the Church of England, while the elected lower house included significant numbers of Roman Catholics and Methodists. Frequently the upper house was accused of **patronage**, making decisions that favoured those associated with the Church of England. This was resented by other denominations, and was especially the case among the Irish Roman Catholics, many of

them recent immigrants. (The Irish had struggled against the British government for Catholic **emancipation** in Ireland, which was granted in 1829.)

The election process was also problematic. Since there was no secret ballot, voters had to stand and be counted at polling stations. This provided opportunities for violence and intimidation. On several occasions, troops intervened when angry crowds confronted each other during elections.

Even between elections, religion and ethnicity played a role in politics. In a famous incident in 1835, Protestant newspaper editor Henry Winton, who had engaged in a campaign against priests' influence in politics, was assaulted by masked men and had his ears mutilated as retaliation for his newspaper's campaign.

*In this context, this term means that a person cannot read and/or write. However, fishers still had extensive knowledge related to their craft and with minimal tools led a self-sufficient life.

PROCLAMATION.

By His Excellency HENRY PRESCOTT,
Esquire, Companion of the Most Hon-
orable Military Order of the Bath,
(L. S.)
H. PRESCOTT, Governor and Commander-in-Chief in
and over the Island of Newfound-
land and its Dependencies, &c.

WHEREAS on TUESDAY the 19th of this Instant
May, a most atrocious and diabolical outrage was com-
mitted by Four MEN, at present unknown, on the
Person of Mr.

H. WINTON

of St. John's, who was then on his way from Carbonear
to Harbor Grace in this Island. And Whereas it is no less especially necessary to the ends of Justice
than essential to the protection and safety of the lives of all Her Majesty's subjects, that the perpetrators
of this daring outrage should be detected and brought to punishment: I do therefore call upon all Her
Majesty's faithful subjects to aid and assist Her Majesty's Officers in discovering and apprehending the
Persons concerned in perpetrating the aforesaid crime; and for the speedy detection of whom

I do hereby offer a REWARD of

**FIVE
HUNDRED
POUNDS, STG.**

to any Person or Persons (except the Person or
Persons who actually committed the said outrage,) who shall give such information as shall lead to the
Apprehension and Conviction of the Offenders. AND I DO ALSO PROMISE

FREE PARDON

to the Person or Persons who (being an accomplice or accomplices, but not the actual perpetrator of the
said crime) shall give such information as aforesaid.

Given under my hand and seal at the Government-House at St. John's in the aforesaid Island,
on the 20th day of May in the third year of Her Majesty's Heiress, and in the year of our Lord 1835

By His EXCELLENCY'S Command,
JAMES CROWDY, Secy.

Printed by Edw. BURTON, Harbor-Grace.

3.118 Influence of the press

A reward was offered for information on the assailants who had attacked newspaper editor Henry Winton.



3.119 New House of Assembly, Newfoundland

This political cartoon by John Doyle was published as a broadsheet in London in 1832 by Thomas McLean in anticipation of the opening of the House of Assembly in Newfoundland the following year. Entitled "The Speaker Putting the Question," the cartoon portrays the Newfoundland Legislature as a pack of dogs. The speech balloon reads, "As many as are of that opinion say ... Bow! Of the contrary ... Wow! The Bows have it."

Attempts to Improve Governance

The Colonial Office began to consider ways to end the constant warfare between the elected Assembly and the appointed Council. Between 1842 and 1848 the Colonial Office tried a new experiment in representative government—an Amalgamated Assembly. The Assembly and Council were merged, with some elected members sitting in the same chamber with a number of appointed members. The two groups had to work together, but it did not join them together in any common cause; and since

the experiment was temporary, there was only a brief break from the political fighting that had made the first 10 years of representative government so difficult.

For a brief time, this approach worked, due mainly to the influence of Governor John Harvey. However, when Harvey finished his term as Governor, conflict again emerged. Around the same time another solution was being considered—responsible government.

Questions:

1. Individuals such as William Carson and Patrick Morris argued that an elected local government was necessary to represent the interests of Newfoundlanders. What might have been the three most significant issues a growing settler population would want a local government to address?
2. Some merchants argued that the cost of running a legislature would have to be funded by taxes, "which would raise the price of producing fish and hurt business." Many people today would say that there are too many taxes. Why is it necessary for governments to collect taxes?
3. In the view of the Colonial Office, fishers were not suitable to play a role in government. What arguments/evidence: (i) support this position, and (ii) refute it?
4. Newfoundland was part of a global imperial "system" with London as its centre. Newfoundlanders were proud to be part of the British Empire* and to fly the Union Jack, even if they did not always agree with British decisions concerning the colony. The House of Commons in London could reject legislation passed by the Newfoundland legislature. How could this have affected the colony?

* a.k.a. the "British World"