

THE PARLIAMENTARY TRADITION IN NEWFOUNDLAND

Neil Penney

Each Canadian province has a unique political history but none is more colourful than that of Newfoundland. The House of Assembly has probably been the scene of more political and constitutional crises than all other provincial legislatures combined! In this article the author discusses some notable events in Newfoundland's parliamentary history and outlines the structure and organization of the present day House of Assembly.

Findings at the World Historic Site at L'Anse au Meadows have set the date of Newfoundland's discovery at 1001 AD with the arrival of the Norsemen. It was rediscovered in 1497 by John Cabot who returned to England with stories of fish-a-plenty. During the years that followed, the coastline was explored by Portuguese, French and Spanish mariners but it was a British subject, Sir Humphrey Gilbert, who entered St. John's Harbour in 1583 to claim Newfoundland as Britain's first possession in North America.

At first the island served only as a fishing colony and training ground for the Royal Navy. The first settlement in 1610 was at the present day village of Cupids in Conception Bay. It was organized by John Guy, acting for Sir Francis Bacon's Newfoundland Colonization Company. The settlers faced a harsh climate and frequent attacks by marauding pirates. A conflict with the Indians led to the eventual extinction of the Beothuck tribe. This remains a black mark in Newfoundland history.

In 1662 the French added to the colonists' problems by first taking possession of Placentia and subsequently destroying St. John's. Attacks by the French and their Micmac allies continued until the *Treaty of Utrecht* in 1713 gave the English sovereignty of Newfoundland, with the exception of fishing rights for the French on certain coasts in Newfoundland. The French continued attempts to take over Newfoundland until their final attack in 1796 at Bay Bulls.

REPRESENTATIVE GOVERNMENT

For many years the colonists had neither representative institutions nor civil courts. They were ruled by Naval

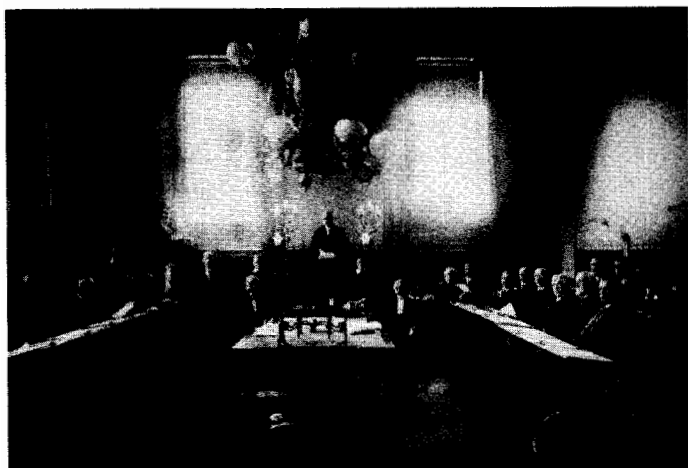
governors appointed by the United Kingdom. Civil courts were established in 1791. During the 1820's a movement for representative government developed, led by William Carson and Patrick Morris. Finally on March 2, 1832 Governor Sir Thomas Cochrane authorized Newfoundland citizens to elect fifteen members to a House of Assembly. The election was held over an eight day period beginning on September 25, 1832. Candidates were required to be property owners in Newfoundland for at least two years. Voter eligibility was based on one year residence as well as property ownership in Newfoundland. The 1832 constitution gave Newfoundland the usual system of colonial government consisting of a Governor, a Legislative Council appointed by the Crown and an Assembly.

The first session commenced on January 1, 1833 at the hotel of Mrs. Mary Traverse. The Governor made an introductory speech in which he told members, "hitherto you had no control over finances, henceforth you will be to a great measure the guardian of your own happiness, the promoters of your own welfare."¹ The new Assembly's ability to manage finances can be judged by the second session when returning members discovered that all documents, the sword, mace and even the Speaker's hat had been seized by the hotel owner as payment for back rent! After meeting in various locations for sixteen years the formal seat of government was established at the Colonial Building in St. John's on January 28, 1850.

Throughout its history Newfoundland society has been deeply divided between English protestants and Irish catholics. These divisions tended to be reflected in the parties which dominated the Assembly. Election riots of 1840 caused the British government to suspend

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the constitution and appoint a commission of enquiry. The commission recommended an "amalgamated" legislature whereby both Houses would sit together. Six sessions of the "amalgamated" legislature were held between 1843 and 1848 when the original constitution was reinstated.



The House of Assembly in session. The Morris Government, Circa 1910
(Photo courtesy of Provincial Archives of Newfoundland and Labrador)

Over the years Newfoundland politicians such as Philip Francis Little and John Kent supported petitions and resolutions to Great Britain arguing in favour of responsible government for the colony. The influence of two British members resulted in the issuance of this statement dated February 21, 1854, from the Secretary of State, the Duke of Newcastle:

"Her Majesty's Government have come to the conclusion that they ought not to withhold from Newfoundland those institutions and that civil administration, which under the popular name of responsible government, have been adopted in all Her Majesty's neighbouring possessions in North America."²

The first election under responsible government was won by the Liberals under Philip Francis Little. He was succeeded by another Liberal, John Kent, both of whom received their support from Catholic ridings. Election campaigns were frequently marred by outbursts of sectarian violence and intimidation. The conflict reached a climax in 1861 when the Governor, Sir Alexander Bannerman, in alleged conspiracy with the Conservatives, dismissed the government in a flagrant violation of constitutional practice. The Conservatives, led by Sir Hugh William Hoyles, won the ensuing election amidst charges of fraud and corruption. When the Assembly opened on May 13, 1861 some defeated Liberal Members took their seats and had to be forcibly removed by the police. A mob gathered in front of the legislative

building and it too was dispersed by authorities but not before three people were killed and twenty wounded.

The question of Newfoundland's union with Canada was discussed throughout the 1860s and finally decided in the 1869 election. The Prime Minister, Frederick Carter, favoured union. He had support from both the protestant merchants of St. John's and a large number of Irish catholics. Nevertheless an anti-confederation party under the leadership of Charles Fox Bennett swept to victory. In 1895 Canada and Newfoundland tried to reach agreement on the terms of Newfoundland's entry into Confederation, but the talks ended in failure.

Perhaps the most controversial issue during the second half of the nineteenth century was French access to off-shore fishing. French claims extended back to the *Treaty of Utrecht* but the treaty was unclear as to what constituted "fish" and what areas were involved. In an effort to clarify the situation the British signed a convention with France in 1857. It gave the French exclusive rights in a defined area known as the "French Shore". For one of the few times in its parliamentary history, the Newfoundland House of Assembly adopted a unanimous resolution condemning an action of the British Government. The resolution led to the withdrawal of the entente and more importantly a letter from the British Colonial Secretary, Henry La Bouchere to the Governor of Newfoundland which stated: "The consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modifications of their territorial or maritime rights".³

Nevertheless the presence of French fishermen remained a problem for Newfoundland. The Assembly passed *The Bait Act* to prohibit the French from obtaining bait in Newfoundland. The French successfully appealed the act to Britain but in 1887 arguments by Newfoundland Prime Minister, Robert Thorburn, at a colonial conference, resulted in its reinstatement. Finally in 1904 French fishing rights were abrogated altogether as part of a larger agreement between Britain and France regarding their respective colonies.

From 1893 to 1933 Newfoundland was beset by long periods of unemployment and continuing sectarian strife. Some of the most unusual political events ever to take place in a parliamentary democracy also occurred during this period. For example the standings after the 1893 election were changed to such an extent as a result of charges under the *Corrupt Practices Act* that enough Liberal members were unseated to cause a transfer of

power to the Conservatives. In a second election held that year the Liberals were returned to office.

Led by Sir Robert Bond, the Liberals also won the elections in 1900 and 1904 but in 1907 the party split when the Attorney General, Edward Morris, resigned to found his own party, the Newfoundland People's Party. The 1908 election resulted in a tie, eighteen seats for each party. For two months the rival groups waged an intense struggle for power. The Governor first called upon Bond and then Morris to form an administration but when the House finally met it could not even elect a Speaker. A new election was held. Morris and the



Members of the House of Assembly on the front step of the Colonial Building, circa 1920 (Photo courtesy of Provincial Archives of Newfoundland and Labrador)

People's party won twenty-six seats compared to ten for the Liberals.

Morris also won the 1913 election and presided over the so-called "Long Parliament" which ended in total chaos in 1919. The 1913 election left the People's Party with sixteen seats, the Liberals with seven and a new party, the Fisherman's Protective Union with eight. The Union, led by William Coaker, was a left-wing party whose platform called for government regulation of the fisheries, administrative and constitutional reform, and the extension of education and social welfare.

As in Canada, the war resulted in a political crisis over the issue of conscription and eventually the formation of a National Government headed first by Morris and after his retirement by the former Minister of Justice W.F. Lloyd, who joined the National Government from the opposition benches. Michael Cashin, Minister of Finance, succeeded Morris as leader of the People's Party. On May 20, 1919 without warning Mr. Cashin rose and moved a motion of non-confidence against his own government! Prime Minister Lloyd started to reply and when the Speaker pointed out that

the motion had not been seconded, the Minister promptly seconded it. Coaker described the move as an attempt to destroy the Union but after long debate it passed. Cashin thus became Prime Minister and Lloyd had to return to his seat on the opposition benches.

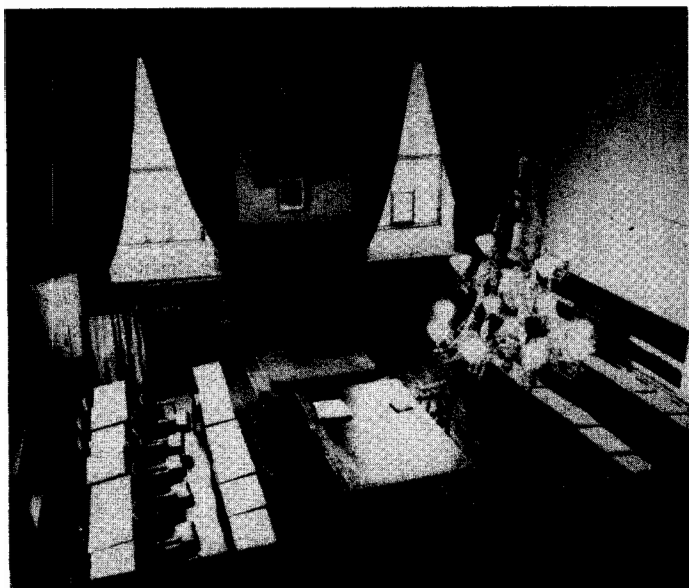
The subsequent election was won by Richard Squires and his Liberal Reform party which promised "clean government" and industrial development. The post war period was a time of falling revenue and increased expenditures. Unemployment continued high and the political atmosphere became very tense. On at least two occasions the Speaker had to suspend sittings of the House because of fist fights in the public gallery. Squires was returned in the May 1923 election despite rumours of financial mismanagement. Two cabinet ministers, including Dr. Alex Campbell Minister of Agriculture and Mines, were defeated. The public accounts for Campbell's department revealed the extent of the corruption under Squires' government. Four ministers, led by William Warren, led a cabinet revolt which forced Squires to resign. Warren became Prime Minister. He asked the British Government to appoint a commission of enquiry into the public finances of the Squires administration.

The Hollis Walker Report was published in March 1924. It was highly critical of Campbell, Squires and a number of public officials. The report appeared to substantiate Warren's action but in a strange series of events, his government fell on the day the Assembly opened.

Warren had learned that certain members of his own party wanted to force an election before prosecutions were laid against Squires, and Campbell. To forestall their strategy the Prime Minister authorized the immediate arrest of the two former ministers. Squires was released on \$40,000 bail and was able to attend the opening of the House on April 24, 1924. Warren's strategy failed completely for when a non-confidence motion was moved it was approved by a vote of 16 to 15 with the marginal vote being cast by Richard Squires himself! An immediate dissolution was granted with election day set for June 2.

Warren tried to consolidate his position by approaching opposition members to join the cabinet. Again he failed, leaving the political party system in an unprecedented state of confusion as various factions maneuvered for position. The Governor finally called upon Albert Hickman, who had not even been a member of Warren's cabinet, to form the administration until the election.

The results gave the opposition, now known as the Liberal-Conservative-Progressive Party, and led by Walter Monroe, twenty-five seats. Hickman's Liberal-Progressive Party won ten. The former Prime Minister, William Warren, was returned as an Independent. Monroe's support came mainly from conservative and business circles. Soon he enacted changes to tariff and income tax laws which benefitted these groups but Monroe's loose coalition soon broke up. In 1928 he handed the government over to his nephew and business associate, Frederick Alderice. Alderice lost the 1928 election to Richard Squires who had returned to public



Inside the House of Assembly, the seat of Government in Newfoundland from 1850-1960. circa 1960 (Photo courtesy of Provincial Archives of Newfoundland and Labrador)

life despite a conviction for income tax evasion. His second administration was beset by financial problems caused by the great depression. Alderice returned to office after the 1932 election. His platform contained a promise to establish a committee to look into the political future of Newfoundland.

In 1933 the Amulree Commission was established. It consisted of a British Peer, Baron Amulree, and two Canadian bankers. After several months of investigation the Commission called for the suspension of representative government and its replacement by an appointed commission. According to the report, Newfoundland required a rest from politics. When the House of Assembly reconvened the Amulree recommendations were accepted with only two dissenting votes. On February 16, 1934, Prime Minister Alderice signed a paper surrendering Dominion status and bringing to an end more than a century of parliamentary government.

THE ROAD TO CONFEDERATION

The Commission of Government, later termed by one member, Thomas Lodge, as "Dictatorship in Newfoundland", consisted of six members, three from Britain and three from Newfoundland. It was chaired by the Governor of Newfoundland. All members were appointed by Britain and were responsible to the Dominions office in London. Six departments were created — Public Utilities, Finance, Home Affairs and Education, Justice, Public Health and Welfare, and Natural Resources.

The United Kingdom assumed financial responsibility for a debt whose interest payments amounted to fifty-six per cent of total annual revenue. Slowly the Newfoundland economy began to recover although this was due more to three American military bases and to other war related developments than to the policies of the Commission.

In December 1945, with Newfoundland's financial condition much improved and the war over, the British government announced that a National Convention would be elected by the people of Newfoundland to make recommendations as to possible future forms of government which could be put before the people at a national referendum. The Convention was elected in June 1946. For sixteen months the political options available to Newfoundland were debated by the forty-five members of the Convention. The debate was carried by radio throughout the province. One option under consideration was Confederation with Canada. The leader of this movement was Joey Smallwood. While he managed to gather some support for his idea he could not persuade a majority of Convention delegates to support this option. In November 1947 the convention defeated by a vote of twenty-nine to sixteen, his motion to include confederation with Canada on the ballot, in any future referendum. At this point the British Government intervened on the side of Mr. Smallwood. The Governor of Newfoundland was instructed to include confederation on the ballot so that citizens would have the fullest possible opportunity to consider the question.

The referendum was held on June 3, 1948 with the following result:

For responsible government	69,400	44%
For confederation	64,066	41%
For commission government	22,311	14%

Since a clear majority was required before the British government would take a decision a second referendum was held seven weeks later. Feelings ran high as confederate and anti-confederate forces debated the question.

In the second referendum seventy-eight thousand (52.3%) voted for confederation with Canada while seventy-one thousand (47.4%) voted against. The die was cast. Eight days after the second referendum the Canadian Prime Minister announced that his government would meet with authorized representatives of Newfoundland to discuss the Terms of Union. The agreement was signed in December 1948, and at midnight March 31, 1949 Newfoundland joined Canada as its tenth province.

STRUCTURE AND OPERATION OF THE HOUSE OF ASSEMBLY

Since the entry of Newfoundland and Labrador into Confederation, there have been ten provincial elections. Political control was held from 1949 until January 1972 by the Liberal Party led by Joseph R. Smallwood. His twenty-three years in office was the longest of any Premier or Prime Minister since responsible government in 1833.

Since 1949 the political party system has been dominated almost exclusively by two parties, the Liberals and the Progressive Conservatives with the exception of the 1959 election when the United Newfoundland Party elected two members; the 1971 election when a member of the New Labrador Party was elected; and in 1975 when Mr. Smallwood's Liberal Reform Slate elected four members. Other parties have fielded candidates in various elections: the Commonwealth Co-operative Federation (C.C.F.) in the 1950s, and subsequently, the New Democratic Party, but they have not won any seats in the House of Assembly.

The House which relocated to the new chambers in the Confederation Building in 1960, is presently in the third session of the 38th General Assembly. The Assembly has increased its number of seats substantially since 1949 when twenty-eight members were elected. This rose to thirty-six in 1956 and to forty-two seats by 1962. On March 29, 1973, the *Electoral Boundaries Delimitation Act* was signed which in part states that "fifty-one member districts be established in 1979." Another district was added increasing Labrador's representation in the House to four.

As early as 1928, Lady Helen A. Squires, was elected to the Newfoundland House of Assembly. The first woman elected after Newfoundland joined Canada was Mrs. Hazel MacIscac in 1975. Four years later the first female cabinet ministers were appointed. Mrs. Lynn Verge became Minister of Education and Mrs.

Hazel Newhook was sworn in as Minister of Consumer Affairs and the Environment. The latter was recently appointed Minister of Municipal Affairs.



The Speaker's Procession, 3rd Session of the 38th General Assembly.

L-R Page Ms. Tina Tucker; Mr. Calvin Lake, Legislative Council; Page, Ms. Patti Thorne; A. John Noel, Law Clerk and Senior Legislative Council; Ms. Elizabeth Murphy, Clerk Assistant; Miss Elizabeth M. Duff, Clerk of the House; Major Bert Hemmons, Sergeant-at-Arms; Hon. Leonard A. Simms, Speaker. (Photo courtesy of Provincial Archives of Newfoundland and Labrador)

The basic indemnity paid to members of the House of Assembly is \$20,520. Travel allowances range from \$9,500 to \$14,500 depending on distance and accessibility to the House of Assembly in St. John's. The Speaker, the Leader of the Opposition and Ministers of the Crown receive \$19,700. The Deputy Speaker and Chairman of Committees and the Opposition House Leader receive \$10,000 for their added duties. The Deputy Chairman of Committees receives \$5,000 while the Party Whip's extra remuneration amounts to \$3,090. The Government House Leader receives no additional remuneration. Members are allowed twelve round trips from St. John's to a central point in each district. Unlimited telephone and telegram services are provided.

The present standings in the House of Assembly show the Progressive Conservative Party with thirty-four seats and the Liberals with eighteen. The Leader of the Progressive Conservative Party is A. Brian Peckford, Premier and Minister responsible for Communications and Intergovernmental Affairs. The Opposition Leader is Len Stirling who was chosen at the Liberal

Convention of November 1, 1980. It is interesting to note that in Newfoundland the opposition sits to the right of the Speaker with the government on his left, exactly the reverse of the practice in legislatures on the mainland. This tradition developed in the old Colonial Building in the 1850s because of the location of the fire places.

The Standing Orders of the House of Assembly provide for standing committees on Government Services, Social Services, Resources, Public Accounts, Privileges and Elections, Standing Orders, and Miscellaneous and Private Bills.

Select Committees are established for specific matters. For example a Select Committee to consider adoption of a flag for the Province was struck on November 23, 1979. Its report, which included a design, was tabled on April 29, 1980. A month later the *Newfoundland Flag Bill* was given Royal Assent. Another recent example is the Select Committee on Resource Management created on November 26, 1980.

The three elected officials of the House of Assembly are the Speaker, the Deputy Speaker and Chairman of Committees, and the Assistant Deputy Speaker and Deputy Chairman of Committees. There have been six Speakers since 1949. The first was Reginald Sparkes, who held the post for seven years. John R. Courage, held the deputy speakership during that period, and was Speaker from 1957 to 1962. George W. Clarke held the post for the longest period stretching from 1963 to 1971. He was succeeded by James Russell, Speaker from 1972 to 1975; Gerald Ottenheimer, now Minister of Justice and Regional Representative for Canada in the Commonwealth Parliamentary Association was Speaker from 1975 to 1979. The present Speaker of the House of Assembly is the Hon. Leonard A. Simms, MHA for Grand Falls, who was elected to that position on July 12, 1979. The Deputy Speaker is John Butt, MHA, for Conception Bay South. Mr. Ray Baird, MHA for Humber West is the Assistant Deputy Speaker and Deputy Chairman of Committees.

In addition to his two elected deputies the Speaker has jurisdiction over the appointed officials in the offices of Clerk, Sergeant-at-Arms, and Hansard, as well as in the Government Members' Office, the Opposition Members' Office and the Legislative Library. Since 1949 the following persons have held the office of Clerk: Henry H. Cummings 1949-1956, Robert W. Sheppard 1957-1966, George S. Baker 1966-1968, Hugh F. Coady 1969-1977 and Elizabeth Duff since 1978. Mr. Baker has been the federal Member of Parliament for Gander-Twillingate since 1974. The Sergeant-at-Arms have been Sergeant Thomas Christopher 1949-1960, Captain George Hicks 1960-1962 and Major A.E. Hemmens. Major Hemmens is now the longest serving Sergeant-at-Arms in Newfoundland history.

The Sergeant-at-Arms is responsible for the Pages and Duty Constables of the House. Other security services are supplied by the Royal Canadian Legion members in the province and by the security staff of the Department of the Public Works and Services. The Government and Opposition Members' Offices each have the services of a research officer while the Legislative Library provides assistance to members through its extensive collection of books, periodicals, government documents and clipping files.

The Press Gallery consists of 15 full-time and 10 part-time members. They provide daily reports to all forms of media including television, radio and print. The House of Assembly provides certain services to the Press Gallery, including copies of all tabled documents, typing facilities and interview rooms. Cameras and live recordings are only permitted in the Chamber with the unanimous consent of the members.

NOTES

1. *Public Ledger and Newfoundland General Advertiser*, January 4, 1833.
2. *Dispatches: The Colonial Secretary to the Governor of Newfoundland*, February 21, 1854, Provincial Archives, St. John's, Newfoundland.
3. *La Bouchere to Governor Darling*, March 26, 1857 in *Harold Innis*, *The Cod Fisheries*, p. 396