

# Canadian Immigration Policy and the Newfoundlanders, 1912-1939

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PETER NEARY

## Canadian Immigration Policy and the Newfoundlanders, 1912-1939

Emigration has long been a prominent feature of Newfoundland life. In the 1890s the St. John's *Daily News* estimated that at least 50,000 people had left the Island in the previous half-century; it was, another report noted, "a formidable amount for a small colony".<sup>1</sup> In the next half-century the exodus to the continent continued. As the information in Table I shows, Canada's Newfoundland-born population grew in number from the 4,596 individuals recorded in 1881, the first such enumeration to list Newfoundlanders separately, to the 26,410 people recorded in 1931. The equivalent census figure for 1941 was slightly lower, but the developments of the following years, the Second World War and Newfoundland's entry into Confederation, accelerated the integration of Newfoundlanders into the continental labour market.<sup>2</sup>

Before the 1940s, the main destination for emigrants from Newfoundland to Canada was Nova Scotia. In every census up to and including that of 1941, Nova Scotia led the other provinces in the number of Newfoundland-born residents. Within Nova Scotia, Newfoundlanders were attracted to the coal and steel industries of Cape Breton County, and to the fisheries, especially those of Cape Breton Island, Halifax County, and the South Shore. Participating in a regional labour market, and one which was often highly seasonal in its demands, Newfoundlanders were continually concerned to protect their long-established right of access to jobs across the Gulf of the St. Lawrence. In the 19th century Newfoundlanders enjoyed the benefit of Canada's very liberal immigration policy and were admitted to the country without restriction or formality. But after the passage of the 1910 Immigration Act, Ottawa gradually took a more regulatory approach. While Newfoundlanders could usually gain exemption from the more restrictive Canadian regulations, it was also clear that these provisions could be applied more strictly. For instance, in the years after the First World War, a time of economic difficulty and labour upheaval in Cape Breton, and in the 1930s, when the Nova Scotia fishing industry also experienced market adversity and union activism, Ottawa on occasion saw fit to control more closely the entry of workers from Newfoundland. In the 1940s

1 *Daily News* (St. John's), 16 July 1896, 22 January 1892. I am grateful to Labour Canada for a grant in support of this research.

2 Many emigrants from Newfoundland had another destination. The census history of the Newfoundland-born in the U.S., 1910-1940, is as follows: 1910, 5,076; 1920, 13,242; 1930, 23,971; 1940, 21,361. The largest concentrations in each of these census years were in Massachusetts and New York State. See Centre for Newfoundland Studies, Memorial University, "U.S. Bureau of the Census: Newfoundland-born population".

Canadian immigration policy towards Newfoundlanders entered a new phase as labour shortages at home moved the Dominion to adopt a policy of active recruitment on the Island.<sup>3</sup>

The liberality of 19th century Canadian immigration policy is evident in the laxity of record-keeping at the Nova Scotia ports of entry most favoured by Newfoundlanders. In his 1895 annual report, E.M. Clay, the Immigration Agent at Halifax, noted that Newfoundlanders were classified under "English, Irish [sic] and French".<sup>4</sup> In 1900 Clay's successor, F.W. Annand, noted that "no reports" were being received of the passengers landing at Sydney by the direct steamer service which had been established to Port aux Basques, Newfoundland, the western terminus of the Island's railway.<sup>5</sup> In fact, Newfoundlanders were not listed separately in the Department of the Interior's annual reports until 1902-03, and it was not until November 1906 that North Sydney was established as an immigration port of entry.<sup>6</sup>

Subsequently, Canada adopted a more restrictive immigration policy. In 1908 a monetary test was imposed on several classes of immigrants entering the country.<sup>7</sup> Then, in 1910, a new Immigration Act listed nine "prohibited classes" of immigrants.<sup>8</sup> These included persons who could not satisfy a monetary requirement as a condition of landing. Under the Act this amount might vary according to race, occupation, destination, or other circumstances.

These changes had serious implications for Newfoundlanders, and in December 1912, Prime Minister Sir Edward Morris intervened with the Canadian authorities. The occasion was a report in St. John's that the Canadian regulations were being "enforced against Newfoundlanders entering Sydney for temporary work".<sup>9</sup> This report proved false; Newfoundlanders, it was determined in Ottawa, were being treated at North Sydney the "same as

3 Peter Neary, "Canada and the Newfoundland Labour Market, 1939-49", *Canadian Historical Review*, LXII (1981), pp. 470-95.

4 *Annual Report of the Department of the Interior for the Year 1895* (Ottawa, 1896), p. 67.

5 *Annual Report of the Department of the Interior for the Year 1900* (Ottawa, 1900), p. 54.

6 See the introduction to Series V in the finding aid to Record Group (RG) 76 (Immigration Branch, 1865-1977), Public Archives of Canada. All subsequent RG references are to material in the Public Archives of Canada.

7 For this Order see *The Canada Gazette*, 19 September 1908, p. 798; for the Act see *Acts of the Parliament of the Dominion of Canada* (Ottawa, 1906), 6 Edward VII, c. 19, pp. 109-26.

8 *Acts of the Parliament of the Dominion of Canada* (Ottawa, 1910), 9-10 Edward VII, c. 27, pp. 208-09, 217-18. On May 9, 1910, an Order-in-Council (P.C. 924), passed under the authority of this section, required an immigrant entering the country between March 1 and October 31, unless exempted by an immigration agent, to possess "at least \$25.00" and to have "a ticket or such sum of money as will purchase a ticket or transport. . . to his or her destination in Canada". Between November 1 and the last day of February this money requirement rose to \$50. RG2, Series 1, vol. 741.

9 Morris to Roche, 9 December 1912, RG76, vol. 595, file 851889, pt. 1. I am grateful to my colleague, Donald Avery, for bringing this important file to my attention.

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TABLE 1:

Newfoundland-born in Canada and Nova Scotia, 1881-1971

	Canada	Nova Scotia	Percentage of Canadian total in Nova Scotia
1881	4,596	2,058	44.8
1891	9,336	4,040	43.3
1901	12,432	6,414	51.6
1911	15,469	8,021	51.9
1921	23,103	11,747	50.8
1931	26,410	11,569	43.8
1941	25,837	11,505	44.5
1951	44,145	14,173	32.1
1961	55,790	15,139	27.1
1971	97,485	17,045	17.5

Source: Compiled from *Census of Canada*, 1881-1971.

Canadians” and altogether 1,048 entered there during the year.<sup>10</sup> But Morris’s initiative was important, for instructions were issued from Ottawa “to admit without enforcing money qualification regulations native born residents of Newfoundland who are physically, mentally and morally fit providing it seems clear they will be self-sustaining in Canada”.<sup>11</sup> The following year, W.D. Scott, the Superintendent of Immigration for the Dominion, offered this explanation of Canadian policy to W.B. Nicholson, Ottawa’s Trade Commissioner in St. John’s: “Canadian immigration regulations apply to Newfoundland, but [the] Department treats natives of that Country much [the] same as returning Canadians. Foreign born living there must comply fully with [the] Immigration Act”.<sup>12</sup> Nevertheless, it was also clear that the Superintendent was not interested in recruiting in Newfoundland. Thus in May 1915, he rejected a suggestion that Newfoundlanders be recruited to take up land in the Hudson Bay District. According to Scott, Newfoundland did not hold the promise of many “agriculturalists. . .with capital enough to start in farming” and the Dominion did not think “it proper to seek immigrants from British colonies which were anxious to retain their own people”. Moreover, Canada was already well placed vis-à-vis migrant Newfoundlanders. “We treat native-born Newfoundlanders”, Scott

<sup>10</sup> Scott to Barnstead, 13 March 1913, *ibid.*

<sup>11</sup> Scott to Morris, 10 December 1912, *ibid.*

<sup>12</sup> 19 July 1913, *ibid.*

wrote, "practically the same as returning Canadians, and, in this way, a good deal of encouragement is already offered, from the fact that they do not have to comply with the same regulations as others and their island is so situated that Canada already gets, I believe, the major share of those who emigrate".<sup>13</sup>

The Immigration Act could, however, be used against Newfoundlanders. In June 1915, a party of 36 miners was delayed by agents at North Sydney.<sup>14</sup> On this occasion the landing qualification imposed by the Canadian authorities was the requirement that each man have \$25 in his possession. This action was prompted by representations "that miners were being brought from Newfoundland when there was a sufficient number locally to supply the demand".<sup>15</sup> But there was also severe criticism of the actions of the immigration authorities. The *Glace Bay Gazette* leaped to the defence of the newcomers, pointing out that many Newfoundland-born people who had come to Cape Breton "with practically nothing, but their industry and frugality" were now among the best of local citizens. They would "quite properly resent" having fellow Newfoundlanders "placed by the Borden Government on the same basis as the scum and lowest dregs of the population of Europe".<sup>16</sup> Discriminatory measures might also adversely affect the industrial economy of Cape Breton, which depended on iron ore supplies from Bell Island, Newfoundland;<sup>17</sup> to retaliate, the Newfoundland government might be driven to put an "export duty on iron ore", which Nova Scotia steel manufacturers could be expected to transfer in part at least "to the workmen's shoulders in the shape of a reduction in pay".

The notion that Newfoundland had a special claim on Cape Breton through the integration of the Canadian-owned operations at Bell Island into the Nova Scotia steel economy would find many future echoes. But the crucial factor in this and later episodes was the estimation by the Canadian immigration authorities of the impact of the admission of Newfoundlanders on employment opportunities in Canada itself. Thus the men singled out in 1915 were admitted only after "a thorough investigation into the labour situation" had shown "that a sufficient supply of miners of a suitable class could not be secured in Canada".<sup>18</sup> Furthermore, Newfoundland workers were also welcomed to Cape Breton because they "were able at small expense to return to their native homes any time a reduction in the operating staff" became necessary.<sup>19</sup> Like many other

13 Memorandum, 14 May 1915, *ibid.*

14 Clipping from *Glace Bay Gazette*, "Putting a Head Tax on Newfoundlanders", Scott to Giddens, 19 June 1915, *ibid.*

15 *Labour Gazette*, XVI (July, 1915), p. 17.

16 "Putting a Head Tax on Newfoundlanders", *op. cit.*

17 For the history of the Bell Island operations see Peter Neary, "'Traditional' and 'modern' elements in the social and economic history of Bell Island and Conception Bay", Canadian Historical Association, *Historical Papers*, 1973, pp. 105-36.

18 Memorandum in Scott to Giddens, 19 June 1915, RG76, vol. 595, file 851889, pt. 1.

19 *Ibid.* During the First World War there was union support among Cape Breton coal miners for

immigrant groups in Canada's still highly seasonal economy, Newfoundlanders were prized for their malleability and mobility; as sojourners, they shared a quintessential Canadian immigration experience. Newfoundland's attitude towards the 1915 difficulty was to cooperate with Canada as far as possible to keep the flow of migrants down to the number that could be accommodated in the Dominion. At the request of the Morris government, the Reid Newfoundland Company, owners of the Newfoundland railway and gulf ferry service, issued a circular advising local men that it would be wise to obtain employment before leaving for Nova Scotia.<sup>20</sup> Still, Morris also pointed out to the Governor of Newfoundland that his administration had "no authority... to restrain people from going abroad if they so choose".<sup>21</sup>

In 1919, the *annus mirabilis* of Canadian labour and immigration history, the terms on which migrants could enter the Dominion were dramatically altered in an amended Immigration Act.<sup>22</sup> Given royal assent in June 1919, this draconian measure expanded the boundaries of both prohibition and deportation. Initially Newfoundland seemed unaffected by its provisions. Indeed, towards the end of June 1919, F.C. Blair of the Department of Immigration and Colonization, who would have an important voice in policy towards Newfoundland down to his retirement in 1944, offered this further statement of Canadian requirements to the government's trade commissioner in St. John's: "While technically Newfoundlanders do not hold any right to land in Canada which is not held by people born outside of Canada, in other words while all Newfoundlanders are subject to the Immigration Act in the usual way, it has been our policy in the past and will probably continue to be, to treat native born citizens of Newfoundland very much as we treat our own people".<sup>23</sup>

This optimism soon evaporated. Answering questions from Tom Moore of the Trades and Labour Congress about "the importation by the Reid New-

the recruitment of Newfoundlanders in order to keep out Chinese coolie and enemy alien labour. See David Frank, "The Cape Breton Coal Miners 1917-1926", (PhD thesis, Dalhousie University, 1979), p. 92.

20 Morris to Reid Newfoundland Co., 11 June 1915, Reid to Morris, 14 June 1915, RG76, vol. 595, file 851889, pt. 1.

21 Morris to Davidson, 14 June 1915, *ibid.*

22 *Acts of the Parliament of the Dominion of Canada* (Ottawa, 1919), 9-10 George V, c. 25, pp. 91-105. For the general labour and immigration history of this period see Donald Avery, 'Dangerous Foreigners': *European Immigrant Workers and Labour Radicalism in Canada, 1896-1932* (Toronto, 1979).

23 Blair to Nicholson, 26 June 1919, RG76, vol. 595, file 851889, pt. 1. Blair's position in 1919 was that of Secretary to the Superintendent of Immigration and Colonization. He had joined the Department of Agriculture in 1901 and had become an immigration officer two years later. He became assistant deputy minister of immigration in 1924 and director of the immigration branch of the Department of Mines and Resources, with deputy minister status, in 1936; see Irving Abella and Harold Troper, "'The line must be drawn somewhere': Canada and Jewish Refugees, 1933-9", *Canadian Historical Review*, LX (1979), p. 183.

foundland Company of strike breakers for dock work", in July 1920 Blair responded that the company had already been told that workmen "could not be admitted without the fullest compliance with the provisions of the Immigration Act".<sup>24</sup> When a new Order-in-Council was issued in Ottawa in November 1920 requiring an immigrant "of the mechanic, artisan or labourer classes, whether skilled or unskilled", as a condition of landing to possess \$250 and "transportation to his destination in Canada",<sup>25</sup> Newfoundland Prime Minister Sir Richard Squires sought assurance that it did not apply to his countrymen wanting to go to industrial Cape Breton. He noted in a telegram to W.W. Cory, Deputy Minister in the Department of Immigration and Colonization, that for "many years" there had been "a free exchange of labour between Sydney and Newfoundland because the Sydney iron and steel operations are identified with the Dominion Iron and Steel Company and Nova Scotia Steel and Coal Company . . . operators of the Bell Island Mines".<sup>26</sup> "I take it for granted", he concluded, "that your immigration law which requires certain deposit on entering Canada is not intended in any way to restrict this normal labour condition and that Newfoundland miners journeying to and from Cape Breton are not subject to any money regulations". For further information Squires referred Cory to D.H. McDougall and Roy Wolvin, the presidents of the Canadian companies.

Blair's memo on this telegram, while noting that there had "been no recent change with regard to Newfoundland", insisted that Canada had "retained, as we must retain, the right to exclude if the circumstances demand that action".<sup>27</sup> The "Regulations" would have to be applied if the government found that employers in Cape Breton or elsewhere were importing Newfoundlanders to the detriment of unemployed Canadian workers. In April 1921, Squires pursued his case further in a telegram to Prime Minister Arthur Meighen, arguing that the monetary test under the Immigration Act, which was still being applied to Newfoundlanders, had "undoubtedly" been intended "to apply to immigrants from Europe". Newfoundlanders did not go to Sydney "to undertake permanent residence" but continually crossed "to and from". Squires appealed to the Canadian Prime Minister to lift the regulation "so far as Newfoundland workmen are concerned". Meighen promised "careful consideration" of this request but pointed out that Canadian immigration policy was being dictated by "more

24 Blair to Moore, 26 June 1919, RG76, vol. 595, file 851889, pt. 1.

25 RG2, Series 1, vol. 1011. The regulations included in P.C. 2930 were to "be applicable as from the 15th day of December, 1920, to immigrants of the classes herein specified, who land in Canada from foreign contiguous territory, and to other immigrants of the classes specified who land in Canada from other countries on or after the 1st day of January, 1921". P.C. 2930 remained in force until March 31, 1921. On March 19, 1921, a new Order (P.C. 959) extended the \$250 monetary requirement "in view of the existing employment conditions" (vol. 1018).

26 Squires to Cory, 22 December 1920, RG76, vol. 595, file 851889, pt. 1.

27 Memorandum to W.W. Cory, 23 December 1920, *ibid.*

or less of an industrial depression".<sup>28</sup> In a further explanation of Canadian policy, J.A. Calder, the Minister of Colonization and Immigration, told Squires in May 1921 that the Dominion's immigration regulations would not apply to the many Newfoundlanders who were accustomed to working part of the year in Canada because they "must be looked upon as having Canadian domicile". Canada's policy was "to apply carefully the regulations with regard to mental and physical condition" but to apply "such regulations as the money test. . . only in extreme cases". "It could only accentuate the present difficulties in Cape Breton", he concluded, "without in any way benefitting Newfoundlanders if there was movement of labour (skilled or unskilled) from Newfoundland to Canada at the present time. It is, therefore, probably as much for the protection of Newfoundland as for the protection of Cape Breton that we have been exercising such care at Sydney and North Sydney".<sup>29</sup>

The following month 24 recently-landed Newfoundlanders who had become public charges were deported at Sydney, and 31 others, all labourers in possession of under \$10 each, were turned back on arrival of the S.S. *Kyle*.<sup>30</sup> In September 1922, with many Newfoundlanders in distress in the economically-depressed Sydney area, Blair appealed to the Newfoundland authorities to issue a warning to prospective migrants not to leave for Canada until employment conditions improved there. The Newfoundland authorities readily complied with this request but the problem continued well into the next year.<sup>31</sup> In July 1923, answering an enquiry as to why 50 Newfoundlanders had been turned back at Sydney, W.D. Little, Commissioner of Immigration, Eastern Division, noted that it was "no kindness to Newfoundlanders to encourage them to come to Canada" unless they had "reasonable prospects of being able to make their way".<sup>32</sup> On a happier note, the agent at Sydney was authorized in late 1925 to continue waiving the literacy test, legislated by the 1919 amendment to the Immigration Act, in the case of domestics arriving from Newfoundland who were "otherwise admissable and desirable".<sup>33</sup>

In the 1930s, difficulties between Canada and Newfoundland in the immigration field came to focus on the movement of fishermen and fish plant workers from the Island to the mainland. While businessmen in the fishing industry tended to favour the recruitment of Newfoundlanders, some Canadian fisher-

28 Squires to Meighen, 22 April 1921; Meighen to Squires, 23 April 1921; *ibid.* Squires' specific complaint was against the requirement that "immigrants. . . have two hundred fifty dollars cash on entering Canada".

29 Calder to Squires, 7 May 1921, *ibid.*

30 Mitchell to Commissioner of Immigration, Eastern District, 18 June 1921, *ibid.*

31 Blair to Deputy Colonial Secretary, Newfoundland, 26 September 1922, Deputy Colonial Secretary, Newfoundland, to Blair, 27 September 1922, *ibid.*

32 Maclean to Stead, 22 June 1923, Little to Maclean, 17 July 1923, *ibid.*

33 Fraser (Division Commissioner) to A.G. Christie (North Sydney), 1 December 1925, *ibid.*



men did not. It would be the task of the immigration authorities in Ottawa to arbitrate between these interests. Under an Order-in-Council issued in August 1929 (P.C. 1413), most groups of contract workers had been prohibited from entering the country.<sup>34</sup> However, the predominant attitude of immigration authorities towards Newfoundland in this period was to maintain the *status quo*. In May 1930, Blair somewhat petulantly noted that because of the favourable decision Newfoundland had obtained against Canada in the Labrador boundary case decided by the Judicial Committee of the Privy Council in 1927, there was "not quite the same reason for as close co-operation as there was at one time".<sup>35</sup> Still, he favoured leaving existing immigration policy alone unless "some actual difficulty arose". When Newfoundlanders stood to displace Canadians, P.C. 1413 would be applied, but fishermen who had been coming to Canada for years past and whose labour was needed would be admitted "without interference".<sup>36</sup> Other Department officials repeatedly displayed similar attitudes; indeed, in March 1934 the Department ruled that the temporary entry of Newfoundland Bank fishermen should be allowed and P.C. 1413 waived "as long as this labour is needed in Canada".<sup>37</sup>

Newfoundland's attitude at this time was revealed in a letter written by Prime Minister Squires in reply to a Canadian request for information on the number of Canadians residing in Newfoundland. Squires took the opportunity to point out that the Dominion of Newfoundland permitted Canadian citizens entry "without even the formality of credentials". It was a "matter of regret" that "during recent years" this courtesy had "not been fully reciprocated by the Dominion of Canada". Squires peppered his point with the observation that the senior officials "of the Industrial organizations at Grand Falls, Corner Brook, and Buchans, as well as the leading Bankers in Newfoundland" were all Canadian citizens. Having been told by the Immigration Department that it could only be assumed that Squires was not conversant with the Canadian regulations, O.D. Skelton, the Under-Secretary of State for External Affairs, gave the Newfoundland Prime Minister in reply a brief summary of Canadian policy to "put the matter in a different light". According to Skelton, Newfoundlanders were admitted under the same conditions as British subjects coming from Great Britain or any other Dominion and did not have to present "pass-ports or credentials". The common requirement for all such prospective

34 This Order had been issued on August 7 1929, in response to "reports" that labour had "been brought into Canada under contract or promise of employment, which was not needed. . . and which resulted in the displacement of Canadian labour". The Order prohibited the landing of contract workers, except for "farmers, farm labourers and house workers". It defined the term "contract labour" as including "any immigrant seeking entry to Canada under contract or agreement, express or implied, to perform labour or service". RG2, Series 1, vol. 1191.

35 Blair to Ward, 1 May 1930, RG76, vol. 595, file 851889, pt. 1.

36 Fraser to Christie, 3 February 1931, *ibid*.

37 Memorandum, Blair to Fraser, 10 March 1934, *ibid*.

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immigrants was that they "be in good health, of good character, literate, and have sufficient funds to maintain themselves until employment is assured". But because of "existing unemployment" Canada was not now encouraging immigration and no immigrant was being admitted who might "become a public charge".<sup>38</sup>

There was some indication that such concerns were also having an effect on policy. For instance, in 1936 Canadian authorities tightened the procedures at North Sydney and Sydney for keeping track of Newfoundland fishermen admitted on a temporary basis.<sup>39</sup> And Canada also responded negatively to a proposal from Newfoundland in December 1936, that "a reciprocal agreement" be made to waive, "in so far as they relate to Newfoundland citizens entering Canada", the requirements of Order-in-Council P.C. 695, another restrictive Depression measure, issued on March 21, 1931.<sup>40</sup> In a letter to Laurent Beaudry, Counsellor at External Affairs, F.C. Blair wrote that the "interest of the Provinces" ran counter to any such arrangement. "In the past few years", he added, "we have come into contact with many Newfoundlanders who get into Canada as visitors and have been on, or are at present receiving public relief at various places in Canada, but particularly in the Maritime Provinces. I am sure that the Province of Nova Scotia would enter a vigorous protest against such a course as has been suggested since that Province would have to bear the larger part of the burden". In reply to the Newfoundland argument that no such requirement was placed on Canadians proceeding in the opposite direction, Blair offered this comment:

There could be no objection on the part of Canada to Newfoundland imposing a regulation upon Canadians such as we impose upon people from Newfoundland. I think it would affect very few Canadians because there is little or no movement from Canada to Newfoundland, but a very considerable one from Newfoundland to Canada. If employment conditions were favourable our objections would be largely removed. The poverty of many of the people of Newfoundland is well known and any move in the direction suggested would undoubtedly result in a heavy influx of those seeking the social and relief benefits obtainable in this country.<sup>41</sup>

38 Skelton to Egan, 6 August 1931; Egan to Skelton, 21 August 1931; Skelton to Squires, 26 August 1931; *ibid.*

39 Division Commissioner to Immigration Inspector-in-charge, North Sydney, 14 February 1936, *ibid.*

40 Walwyn to Tweedsmuir, 5 December 1936, *ibid.* Without specifying any dollar amount, this Order required British subjects immigrating to Canada to have "sufficient means" to maintain themselves in the country until they could secure employment. RG2, Series 1, vol. 1860.

41 Blair to Beaudry, 30 December 1936, RG76, vol. 595, file 851889, pt. 1. However, at External Affairs, J.S. (Scott) Macdonald, who would play an important role in relations with Newfoundland in the 1940s as High Commissioner in St. John's, called for a tempering of the reply the

Complaints from Nova Scotia fishermen reinforced the exclusionist drift in Canadian policy. Perhaps the most important spokesman for the fishermen was Captain James Wynacht of Stonehurst, who played a major role in the events leading to the strike of the Fishermen's Federation of Nova Scotia which convulsed the provincial industry at the beginning of 1938.<sup>42</sup> In January 1937 Wynacht informed the Department that a fishermen's union of which he was president had been formed at Lunenburg "with seven stations and seven hundred men".<sup>43</sup> He rehearsed all the standard complaints:

We as a body humbly ask, 'Let No Newfoundlanders pass in Lunenburg' for we have our men walking the wharfs and cannot get a chance to go fishing. We have a large number of Newfoundlanders [who] cannot show how they got here, while some have cards to show how they got in — that was not months but years ago. There was an Inspector here some time ago, but it seems he did very little about it. Now we want steps [taken] before we take further steps. They pay no taxes in the town still they draw our bounty, also some of these men have wives and familys [sic] which they have forsaken at Newfoundland and are now living on relief or as they call it duel [dole].

The next month Captain Wynacht wrote again from Stonehurst to say that it was "an old saying with a Fisherman a Newfoundlander ruined his own country he ruined Gloucester U.S.A. and [is] in a fair way to cause a lot of trouble here".<sup>44</sup> Having investigated Wynacht's complaint, the immigration Inspector-in-charge at Lunenburg reported that local outfitting firms took the view that the deportation of Newfoundlanders engaged in deep-sea fishing would tie up about half the local fleet.<sup>45</sup> Initially J.J. Kinley, the Liberal Member of Parliament for Queens-Lunenburg, greatly underestimated the union and particularist spirit that was stirring local fishermen and also supported this view. Kinley was "firmly behind" keeping out "British labor" that replaced "our own men"; but if the fishing fleet really needed men, that had to

immigration authorities recommended be sent to St. John's. He did so "in view of the proximity of Newfoundland, the large number of Canadians on the Island, particularly in the better paid positions, [and] the exceptional degree of intercourse — commercial, educational, etc., — taking place between the two countries." Macdonald to Jolliffe, 20 May 1937, *ibid.*

42 For the union history of the Nova Scotia fishing industry in this period see L. Gene Barrett, "Underdevelopment and Social Movements in the Nova Scotia Fishing Industry to 1938" in Robert J. Brym and R. James Sacouman, eds., *Underdevelopment and Social Movements in Atlantic Canada* (Toronto, 1979), pp. 145-51.

43 The letter is dated January 4, 1936, but this probably should read January 4, 1937; RG76, vol. 595, file 851889, pt. 1.

44 Wynacht to Dept. of Immigration and Colonization, 19 February 1937, *ibid.*

45 McLaughlin to McCrum, 27 March 1937, *ibid.*

be considered too — the more so since schooners departing Lunenburg in June went directly to Newfoundland for bait.<sup>46</sup>

In May 1937 District Inspector L.J. McGinnis was commissioned to prepare a detailed report on the situation of Newfoundland fishermen in Canada. Following a tour of Nova Scotia that took him along the South Shore and to Halifax and Cape Breton, McGinnis reported in September 1937. He singled out Lunenburg as the “weak spot” in the whole situation. The part-time inspector there was not properly applying the regulations, and fishermen discharged in the port were not being examined. The root cause of the illegal immigrant problem lay in the activities of Bank and deep-sea fishing vessels. They were required neither to turn in manifests nor report to Customs unless carrying bonded goods. They were designated simply as “going fishing” or “coming from fishing”. Clearly many Newfoundlanders entered the country illegally by this means. But McGinnis was by no means an exclusionist. Indeed, he attributed much of the trouble at Lunenburg to its own rum-running past: it was then that Newfoundlanders had started coming to the area in large numbers and had kept the local fishery going while native Nova Scotians were engaged in more profitable pursuits:

When rum-running was in full force at Lunenburg between the years 1924 and 1933 a fishing vessel couldn't get a crew here, the Canadians all being in favour of the big profits from liquor. The Newfoundlanders stuck with the fishing vessels and there was lots of work for them. The rum-running occupation ruined Canadian crews for fishing. Prior to rum-running, there were practically no Newfoundlanders in Lunenburg. They were admitted wholesale in the rum-running days from Newfoundland to man Canadian fishing vessels.

Masters of vessels could rely on Newfoundlanders, who tended to stay on board in port and be ready for sea “at a moment's notice”. The equipment companies also favoured them. Newfoundland fishermen looked after investors' interests “far better than a lot of Canadians”. McGinnis's overall conclusion was that Newfoundlanders “in Canada without status” were no doubt displacing “Canadian labour to some extent” but that the men in question were “far better fishermen than the Canadians who are available”. In the circumstances he favoured not “disturbing Newfoundlanders now here unless they come unfavourably to our attention”.<sup>47</sup>

Ottawa accepted this recommendation but the controversy continued. In January 1939 J.J. Kinley changed direction and, while admitting the role that rum-running had played in the past, he called on Blair to tighten up “in the

<sup>46</sup> Kinley to Blair, 3 April 1937, *ibid.*

<sup>47</sup> Congdon to McGinnis, 13 May 1937; McGinnis to Congdon, 15 September 1937; *ibid.*

interest of Nova Scotians". Admission of fishermen from Newfoundland "should be restricted to men who have been in the habit of coming, and to them only". Newfoundland labour, he wrote the following month, would always be preferred by the skippers because it was "more easily disciplined" and there were no "compensation costs" if men were lost. Kinley recalled a time when a skipper wanting a crew "went seeking over the county for men inducing them to go". Now there was "a Newfoundlander at the head of every wharf looking for a site". This abundance of labour operated "against the young man who is not so good until he is taught and becomes experienced". As a result, young men were "not finding a place in the fishing fleet".<sup>48</sup> A similar line of complaint was heard from W. Lawrence Allen, Secretary Treasurer of Station 101 at Lunenburg of the Fishermen's Federation. The Newfoundlanders who made up a large proportion of the crew of some vessels were "Non-taxpayers in the Province". The problem was not with "Newfoundland men who have been here for a number of years and established homes" but with "new men" and with those who came each year and returned home.<sup>49</sup>

Yet another detailed report on the situation in Lunenburg was provided to Ottawa in February 1939, this one from Senior Immigration Inspector H.P. Wade of Halifax.<sup>50</sup> The Lunenburg deep-sea fleet, he reported, employed about 950 men of whom about 10 per cent were Newfoundlanders. Newfoundlanders resident in Lunenburg, he noted, were still referred to as such even after they had "settled and acquired domicile". This distinction notwithstanding, they were "good citizens" and none of them were or ever had been on relief. Inspector Wade's recommendation was that Newfoundland fishermen be admitted only if their entry was requested by a bona fide owner or Captain, who could show that their labour was "essentially required". A fisherman entering on this basis would have to undertake in writing not to leave his employment or transfer to another vessel without the consent of an immigration inspector and to report his departure from Canada. Captains who engaged crew in Newfoundland would have to report their names on arrival at a Canadian port. On March 15, 1939, Blair and A.L. Jolliffe, the Commissioner of Immigration, discussed this report with Kinley and one of the principals of Zwicker and Company of Lunenburg. Kinley acknowledged that there was a difference of opinion between Canadian captains and fishermen, but sided with the latter, more numerous, group among his constituents. The continued admission of Newfoundlanders would within ten years "mean the elimination of the Canadian as a practical and efficient fisherman". The traditional pattern in the fishery was for "young lads" to start out as "throaters", graduate to "headers" and then become "expert fishermen". The

48 Kinley to Blair, 26 January 1939, *ibid.*; Kinley to Blair, 21 February 1939, RG76, vol. 595, file 851889, pt. 2.

49 Allen to McLaughlin (MacLaughen), n.d., *ibid.*

50 *Ibid.* The report is dated 24 February 1939.

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influx of Newfoundlanders to take jobs as "throaters" and "headers" meant that there were "no apprentices coming up". Kinley "stated emphatically" that no more Newfoundlanders should be admitted, but he ultimately "softened this a little by saying that no new men should be allowed entry and that each application should be carefully enquired into". The Lunenburg businessman present disputed Kinley's view and argued "that a too rigid policy would hurt the industry". The outcome of the meeting was a decision not to admit any "new men", though the instructions issued to immigration officials at Lunenburg, Halifax, North Sydney and Sydney qualified this with the phrase "unless it is definitely established that residents of Canada are not available for the work". All applications from "new men" would have to be cleared by Ottawa.<sup>51</sup>

Newfoundland seems to have responded to Canadian immigration policy in the 1930s mainly with sullen resentment, but there was some formal protest. Having visited Newfoundland in February and March 1937, A.E. Bryan, Canada's Inspector of Trade Commissioner Offices, reported that there was "a decided feeling" on the Island that Canadian immigration authorities were "most unreasonable in their treatment of residents of Newfoundland proceeding to Canada". This dissatisfaction had produced "an agitation" to have the local authorities "more strictly enforce their regulations in connection with Canadians entering the Colony". The elements of the Newfoundland case were outlined by Bryan as follows: Newfoundland deserved better treatment because she was one "of Canada's best customers". Again, there was "a considerable amount of jealousy evident amongst the local people because so many responsible positions in St. John's and elsewhere are held by Canadians". The talk among the "more disgruntled business people" in St. John's of "transferring their purchases from Canada to the United States", Bryan dismissed as "rather childish" but he did note later in his report that there was "no particular reason why Newfoundland should encourage purchasing from Canada, especially if her people are going to be discriminated against by our Immigration authorities".<sup>52</sup>

The response of Atlantic District Inspector McGinnis to Bryan's report was strongly dismissive. McGinnis denied the claim reported by Bryan that Canadians were permitted "to enter Newfoundland without any restrictions whatsoever". While the Newfoundland immigration regulations were not "as numerous" as those of Canada, "persons" were "not allowed entry to that country" unless they possessed "sufficient funds to maintain themselves, etc." With "only about four large business enterprises in Newfoundland", the claim that Canadians enjoyed exceptional job opportunities there was dismissed by McGinnis on the grounds that there was "not really much scope for a large

51 Memorandum by Jolliffe, 15 March 1939; Memorandum, Jolliffe to Congdon, 16 March 1939; District Superintendent to Customs and Immigration Officer, Lunenburg, 27 March 1939; *ibid.*

52 Wilgress to Blair, 18 June 1937, and enclosure, RG76, vol. 595, file 851889, pt. 1.

number of executives, Canadian or otherwise". Moreover, "any threat" by Newfoundland "to withdraw. . . purchases from Canada as a result of our application of the Immigration Regulations would appear to be frivolous in the extreme". The Inspector-in-charge at North Sydney was also "firmly of the opinion" that "the criticism" reported by Bryan was "quite unjust".<sup>53</sup>

Equally strong words were heard from the other side in November when H.O. Hutchings of the Newfoundland Customs Department wrote to A.L. Jolliffe complaining about the treatment of a Newfoundland seaman by the immigration Inspector-in-charge at Montreal. This official had written to the Master of the S.S. *Colony Trader* that the employment by him of the seaman in question had contravened Canadian regulations. The Newfoundlander had no legal status in the Dominion and would have "to be discharged outside Canada". Should he be "found on board on a subsequent voyage, he would be taken into custody and returned to Newfoundland at the ship's expense". In noting that Newfoundland had never enforced "any rule" against Canada "relating to the employment of seamen", Hutchings observed that "on several occasions" it had "been represented" to his Department that Canadian immigration officials were "adopting a harsh and somewhat unreasonable attitude" in their dealings with Newfoundlanders wishing to go to Canada. Newfoundland had "shown no discrimination whatever against the employment of Canadians in this country" but "the same cannot be said of the attitude adopted by your Department". If the action taken by the inspector at Montreal was "within your authority and within the scope of. . . directions. . . issued to him", it would be necessary for the Newfoundland Department of Customs "to consider. . . whether. . . similar treatment should not be extended to Canadian nationals".<sup>54</sup>

With the coming of war in 1939 the bad feeling of the 1930s quickly subsided. By May 1941, there was a shortage of both fishermen and fish cutters in Nova Scotia, and economic self-interest dictated that Newfoundlanders be brought in freely again.<sup>55</sup> Moreover, by 1943 labour was becoming so scarce in Canada that the Dominion took the first steps towards an agreement with Newfoundland whereby Canadian companies could systematically recruit contract workers on the Island.<sup>56</sup> Again, the war also saw the lead in Canadian immigration policy towards Newfoundland shift away from the immigration bureaucracy to the Department of External Affairs. The change was one of attitude as much as one of men: the legalism of the 1930s gave way to the expansionism of the 1940s, which culminated in the union of Newfoundland with Canada in 1949. In March 1943, looking back over the history of Canadian policy towards

53 McGinnis to Congdon, 14 September 1937, *ibid.*

54 Hutchings to Jolliffe, 29 November 1938, RG76, vol. 595, file 851889, pt. 2.

55 Memorandum, Congdon to Jolliffe, 12 May 1941, *ibid.*

56 See RG25 (External Affairs, 1876-1965), file 4995-40, pt. 1 and Neary, "Canada and the Newfoundland Labour Market, 1939-49".

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the admission of Newfoundlanders, F.C. Blair offered this summary of what the Dominion had done: "There was a time in the history of immigration a great many years ago when Newfoundlanders were treated very much as Canadians but that was definitely abandoned as a matter of Government policy at least thirty years ago".<sup>57</sup> Free access had given way to controlled access. After Confederation the citizens of Newfoundland would again enjoy relatively free access to the Canadian labour market. But by this time Ontario, not Nova Scotia, had become their most popular destination.

<sup>57</sup> Blair to Baldwin, 10 March 1943, RG76, vol. 595, file 851889, pt. 2.