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The Trinity Bay Election Trial, 1894: Electioneering and Local Government

JAMES K. HILLER

THE PURPOSE OF this Research Note is to add something to what is known about local politics and government in late nineteenth-century Newfoundland. The subject has not been much studied, though relevant information can be found in work by Kenneth Kerr and John Greene.¹ Greene used the same source material as does this note, that is, the evidence provided to the Supreme Court in 1894 during a series of cases dealing with corrupt practices allegedly committed during the 1893 general election campaign. The trial evidence is a valuable but neglected resource, and deserves detailed study. This note focuses on one of the trials only, that involving the three Liberal Party members returned for the electoral district of Trinity Bay — Sir William Whiteway, Premier and Attorney General; his deputy Robert Bond, who held the important portfolio of Colonial Secretary; and James H. Watson, a merchant at Hant's Harbour.²

The documentation surveyed includes the evidence given by witnesses in court and the judge's final decision.³ I was unable to find the original election petition, the opening and closing statements of counsel for the petitioner and respondents, and the exhibits filed with the court. As a supplementary source, I have used the first judgement delivered in this series of trials (by Sir J.S. Winter in the Bay de Verde case), since it lays out the relevant context in some detail.⁴

The governor, Sir Terence O'Brien, reported (with characteristic hyperbole) that the 1893 election campaign was "most keen, the open bidding for votes most unscrupulous, and the means adopted, as also the foul and personal abuse used.... [are] unknown in any other part of the world."⁵ The historian and magistrate D.W. Prowse thought "it was the most stubbornly-contested party fight in our annals," "marked by a remarkable outburst of personal abuse; both political parties vied with each other in keeping up this indecent carnival of scurrility."⁶ The parties to

which he referred were the Liberals, led by Whiteway, who championed railway-building and landward development; and the Tories (or Conservatives), who were more representative of mercantile opinion and the fish trade. They were led by A.F. Goodridge, a St. John's merchant, but the party's brain was Alfred B. Morine, a clever journalist-turned-lawyer from Nova Scotia. The parties differed on some important policy issues, but much of the political tumult had to do with personalities and patronage.

The Whiteway Liberals were returned to power with an overall majority of 10 seats in a 36-member House of Assembly.⁷ Prowse wrote that "The old leaven of prejudice against the mercantile monopolists of a former time" and "the unlimited use of the machinery of Government, gained the day for the Whiteway party."⁸ The Tories responded by filing petitions in the Supreme Court alleging that the returns of 15 Liberals and an independent member were invalid because of "corrupt and illegal practices." The petitions were submitted on the deadline prescribed by law, which meant that the Liberals could not counter-petition. There is no direct evidence to explain why the Tories took this extraordinary action. At best, they were trying to clean up the electoral system; at worst (and more probably), they were seeking to damage and discredit the Liberals and gain power through the back door. A few historians have described the ensuing political shenanigans,⁹ but there has been no analysis of the proceedings that eventually unseated all the respondents, and disqualified all but one of them from re-election to the current House of Assembly.

Before going further, some context is needed. Between 1887 and 1890 there had been some significant changes in the legislation concerning elections. In 1893, the principal Acts governing elections were the 1887 Ballot Act, which had been Robert Bond's initiative (50 Vic. c. 10), and the 1888 Election Act (51 Vic. c. 19); both were amended, in 1889 and 1890 (52 Vic. c. 25; 53 Vic. c. 12, 13). There were also the as yet untested Corrupt Practices Act (50 Vic. c.11), based on British and Canadian examples, and the Controverted Elections Act (50 Vic. c. 12), both passed in 1887. In summary, this flurry of legislation meant that in 1893 an elector had to be a male British subject, 21 years or older, who had lived in the district where he was to vote for at least one year and who did not have a criminal record. A candidate had to have lived in the colony for two years prior to the election and have an income of at least \$480, or own property exceeding \$2,400 in value. Electors were to vote by secret ballot, a relatively late introduction to Newfoundland, used for the first time in the 1889 general election.¹⁰ Controverted elections would be adjudicated by a judge of the Supreme Court sitting without a jury. The 1893 election, then, was only the second election in which the secret ballot was used, and the first in which all adult males could vote. Politicians (and the electorate) were adjusting to a new state of affairs. Overt influence was far harder to exert (or prove) with a secret ballot, whether by merchant, cleric, or politician; the electorate was much larger; and the rules of the game had become more strict. The problem in 1893 was

that while candidates seem to have understood the first two points, the new rules had not yet been fully absorbed.

Outside St. John's, there were no elected local bodies — and even in St. John's, the Municipal Council, created as recently as 1888, was only quasi-independent. Elsewhere there was no local taxation. The colonial government managed a highly centralized system through the stipendiary magistrates stationed in each electoral district, and — importantly in this instance — the elected members of the House of Assembly (MHAS). Local road boards, boards of education, and so on were all appointed by the central government,¹¹ and monies for public works and other purposes were allocated from centrally controlled accounts. It was accepted practice that MHAS managed the local affairs of their districts — with minimal scrutiny if they were on the government side; if not, with the more active and possibly hostile examination of the full Executive Council. “Friends of the government” got the best bargains. Centrally important were grants for roads and other public works, administered through the Board of Works, which consisted of a chairman and four other members, one of whom was also a member of the Executive. Bond had been this member since 1890, and therefore had intimate knowledge of how the system worked.

An annual Road Act specified in some detail how money “for roads, streets, bridges and other public works” was to be spent, but not necessarily by whom. James Murray, an independent MHA, testified in another trial that “The road grants were the property of the people and Members made it a point to distribute this money as equally as possible, so that each man might get his rightful share.... The Member was always the man looked to by the constituents for road money, and not the Chairman of the Road Board.... That was the system which had obtained in this country from time immemorial.” Another witness stated that “the best member is the man who gets the most work for the people. Chief thing, to me, is the roads and the money given out on the roads.”¹²

There existed, then, a highly politicized, highly centralized patronage system, which did not fit well with the new rules set out in the 1887 Corrupt Practices Act. The problem was accentuated by the fact that most public works expenditures, especially on road work, took place in the fall, after the summer fishery was over. For the same reason, elections almost always took place in the fall at four-year intervals. Only the most necessary road repairs were done in the spring. Thus, election campaigns and the main annual public works expenditures inevitably coincided. This fact made it very difficult to separate patronage from politics.

The Trinity Bay election trial began on April 30, 1894, before the elderly Chief Justice, Sir Frederic Carter. Watson was not called as a witness, and was not a participant. The district was obviously controlled by Whiteway and Bond. Testimony ended on June 27, and Judge Joseph Little, who had taken over from an ailing Carter on June 6, delivered his judgement on July 25. The length of the trial can be attributed in part to Carter's health, but also to the number of counsel involved. The

prosecution was led by Alfred Morine, along with his fellow Tories, Donald Morison and Michael Gibbs. The lead counsel for the defence was Whiteway's law partner, George M. Johnson, but officially Daniel J. Greene and George Emerson appeared for Whiteway, Johnson and Whiteway for Watson, and Edward P. Morris for Bond. On top of that, there were difficulties in bringing outport witnesses to St. John's, and all participants were distracted by the lively by-election that took place in Bay de Verde on May 22. The governor — no friend of the Liberals — suspected that the respondents and their lawyers were deliberately delaying proceedings, and he may well have been correct.¹³

The petition was filed in the name of George Christian, a trader living in Trinity, but it had to have been drafted by leading Tory politicians, probably Morine and Morison. Remarkably, Christian was not called as a witness by either side. The evidence submitted to the court by the petitioner's counsel concentrated on three aspects of the election campaign. First, they alleged that free train travel to Whitbourne and back for Trinity Bay voters working in St. John's, and their "refreshments" while at Whitbourne, had been improperly arranged. Second, they claimed that the Liberal candidates had authorized additional and unapproved expenditures on public works. Third, they claimed that the Liberal candidates had effectively decided, to their political and electoral advantage, how employment and patronage related to public works projects (mainly roads and bridges) was to be allocated. In short, it was alleged that the Liberal candidates — meaning, in effect, Whiteway and Bond — had used public money to bribe the electors to vote for them.

SENDING VOTERS HOME

Several hundred outport men were working in St. John's during the fall of 1893. It was a little over a year since the devastating 1892 fire, and considerable work was available. Joseph Downey, who was in charge, stated that he often received notes from politicians, including Whiteway and Bond, asking him to put men to work. Interestingly, some men concealed where they were from, since St. John's men were supposed to be preferred.¹⁴ Since advance polls, postal votes, or their equivalents did not exist in 1893, outport men had to be present to vote in their own districts on polling day, November 6. There was therefore some urgency about getting outport men in St. John's back home to vote. Edward P. Morris, the senior St. John's MHA, was the only member of the Executive in town, and he had to deal with the problem since the Liberals did not have a separate campaign organization — the Executive Council was, it seems, the election committee. But he did not take the initiative. He was approached in the first instance by two Liberal supporters in the west end of St. John's — William Mews, a shopkeeper with Bay de Verde roots, and one Robert Pitman. Mews's shop had become "a sort of rendezvous" for outport voters, and with Morris's permission, Mews issued 496 notes that the recipients exchanged for

free railway tickets (292 of them return tickets) at the railway station, thanks to the co-operation of the General Manager of the Newfoundland Railway Company, Thomas Noble, who laid on extra trains before and on election day.¹⁵ The notes were good for all stations between St. John's and Harbour Grace, and Morris received a bill for \$983.¹⁶

More directly relevant to the Trinity Bay trial was another source of railway notes, which featured in the trial evidence. It seems that the Colonial Building was besieged by a crowd of men wanting to get back to their districts. In Judge Winter's skeptical words:

They represented they were in destitute circumstances, that they had come to St. John's in search of work, but that work had been unexpectedly shut down, that some of them had come from Labrador or the Bank fishery, and were shipwrecked and had no means of getting home. They stated they wanted to go to work on the railway, at or near Brigus, and also on the Hall's Bay line. Their demands were most urgent, they beset the building at all hours, they had no means of procuring board or lodging in St. John's, and some of them ... were even allowed to sleep one night in the building.¹⁷

Morris acquiesced, and instructed George Coughlan, the Colonial Building librarian (who also worked in the Attorney General's office), to look after the problem. In his testimony, Coughlan stated that men started to appear about two weeks before the election, as work in St. John's shut down. The first day they were paid off, "there was a very big crowd there.... They were all about the hall and the steps. They came to me and stated their case, and I said that when Mr. Morris came in, I would tell him.... An extra door keeper was put on, on account of such a crowd of men being about there. He was kept there until the House opened." On Morris's instructions, Coughlan had cards printed marked "Please pass bearer to Whitbourne and return" — "They were not ordinary railway tickets, but simply a piece of card with these words printed on it. The men exchanged them at the window for a regular railway ticket. If any man asked me I altered the destination on the ticket." Morris told him to "give them to anyone who wanted to go home.... I had no orders to make any discrimination at all.... Some of them stopped in the halls of the building the night before; they had no place to go and I think Mr. Morris gave them some money to get something to eat.... What he did was simply to assist them in their distress."¹⁸ Coughlan was vague about how many passes had been handed out by him and others. Judge Winter put the number at 244 return tickets, and Morris received a bill for \$506.¹⁹ How and when these accounts were paid is unknown.

The trial evidence showed that others besides Mews and Coughlan were handing out railway passes. Three men from Catalina — Arthur White, Thomas Sutton, and James Gullage — got their passes in St. John's from their fellow townsmen George Gudger and John Lane.²⁰ Two junior clerks in the Surveyor General's office, William Rendell from Heart's Content and William Taylor from Bay Roberts, obtained passes from Coughlan, and handed them out to friends. "A good many

were giving out tickets down there both on Sunday and polling day,” said Rendell.²¹ The Corrupt Practices Act (Section 7) forbade this practice, unless voters had to travel by sea to get to a polling station.

ELECTION DAY AT WHITBOURNE²²

Many of the Trinity Bay men returning from St. John’s voted at Whitbourne even if they did not live there. This was possible under Section 45 of the Election Act so long as the appropriate proclamation had been issued, which it presumably had been in the case of Trinity district. In anticipation, the Colonial Secretary’s office, which administered elections, had arranged for a second polling booth at Whitbourne.²³ Bond, who had a house in Whitbourne, was there on election day and present (as his own agent) at one of the booths. George Coughlan, William Rendell, and George Gudger were also in town. Coughlan told the court that he had gone to Whitbourne on election day at his own expense.²⁴ “Some men were going out and I went to see them off and go out myself as it was a holiday.” He got there at 10:30 a.m., and left an hour later, arriving back in St. John’s about 3 p.m. The problem was that some of the men to whom he had given passes went to Lemuel Simmonds’s boarding house and “had dinner at his house in my name.... I never sent any man to Simmonds.”²⁵ Indeed, who had eaten at Simmonds’s house and at whose expense became quite an issue.

Arthur White explained that he “[g]ot a feed after I went to Whitbourne at a boarding house.... I didn’t pay for my dinner.... I don’t know who paid for the ticket and my refreshment.” He added: “I got a cup of tea and some bread and butter and went on board the train again.... There was no spread dinner there.... There was no liquor. I never saw any, nor any money either.... I lost my day’s work for that day.” Alexander Stratton ate there, too, sent along by George Gudger: “It wasn’t much of a dinner.”²⁶ James Gullage “followed the crowd in. Saw no one I knew. Got some dinner but didn’t pay for it, nor do I know who did.”²⁷

Simmonds, a Liberal supporter who must have had a profitable day overall, testified that there had been “a good many people feeding in my house besides my family,” and that he provided food from 7 a.m. until “dinner time.” Inexplicably, he did not know what that food was. “I can’t say what they had, you will have to ask the women that. I just took down the names of the men, and the women attended to the food.” In an ecumenical spirit, Simmonds fed anyone who came in, and expected payment from both sides. In his trial evidence, Simmonds implied that he had been reimbursed by Tory agents, but was out of pocket on the Liberal account. He specifically named Coughlan and one George Gushue, a Liberal supporter well known to Bond, who was postmaster on the Hall’s Bay railway but in Whitbourne on election day.²⁸

Just as Coughlan denied sending men to the boarding house, so did Bond. When people asked him about “refreshments,” “I told them it was contrary to the law and that if I gave even a glass of water it might affect my election. This I stated at the door of the booth in the presence of the constables and others who were there.”²⁹ Gushue denied that Bond had authorized him to provide food for anyone, stating that “Several Blaketown men said to me they were hungry and asked me if I couldn’t get some dinner for them. I refused point blank.” He denied “taking or sending men, women or children to [Simmonds’s place] in my life.” All he had done on election day was go with eight friends from Bay Roberts to Simmonds’s place, where he paid the bill.³⁰

When the dust had settled, Simmonds went to see Bond at what the latter described as his “cottage” in Whitbourne. Bond explained: “I may state that the people of Whitbourne and different places come to me on all sorts of topics, not only for advice but for other matters as well. If they want medical aid or anything else they come to me.” Bond advised Simmonds to send the outstanding bill to Coughlan, with the caveat that the transaction had been illegal. How the matter was settled is not known.³¹ Section 1 of the Corrupt Practices Act forbade the provision of “drink or refreshment” to any voter between Nomination Day and Polling Day.

The prosecution raised other issues, for the most part relating to electoral patronage, since Section 29 of the Ballot Act forbade the employment of anyone at the polling booths who was currently or had been recently employed by a candidate. As was usual, Bond had nominated those appointed as deputy returning officers and poll clerks, and the officials in the booth where Bond was present were Liberal supporters. Both Whitbourne residents, Benjamin Brazil (the deputy returning officer) and James J. Brown³² (the poll clerk) had jobs on the road being constructed between Whitbourne and Colinet. Brown handled the money — he was authorized to spend \$4,500 — and Brazil was the inspector. Up to 300 men worked on the road: “The greater number of the labouring class at Whitbourne,” as well as men from elsewhere. Many of those employed voted at Whitbourne. “The greater number of those men were unable to read, and I [Brazil] marked them [the ballots] in the presence of Mr. Bond and somebody else.” Brown swore that there had been no political interference with the men, and that those who left work to vote were not paid. Brazil attracted attention in part because Bond had got him a job in the Customs department after the election. He told the court that Bond had always been friendly to him and his family, and had promised him “a situation” if he took the pledge to abstain from alcohol, which he did. Bond denied he had made any promises, and said he had recommended Brazil for the Customs job “more for the sake of his family than on his own account” — he had four or five children and the family was in “bad circumstances.”³³ In spite of Bond’s help, Brazil declared bankruptcy in March 1894.³⁴

ROADS AND PUBLIC WORKS

As mentioned above, MHAs controlled public works expenditures in their districts. In Trinity Bay, these matters were handled jointly by Whiteway and Bond. “Mr. Bond and myself had perfect confidence in each other as regards the appropriation of the district monies. As a rule, we consulted with each other, and if not, I had every confidence in his judgement.”³⁵ Watson was not involved, and Bond was not even certain that Watson would be a candidate until he arrived back in the district just in time to be nominated on October 27.³⁶

The Road Act distinguished between main lines — for example, King’s Cove to Trinity (\$800 in 1893), or South Dildo to New Harbour (\$100) — and grants to local road boards. In 1893, Trinity district was voted \$6,454.66, which went to the 34 local road boards in amounts ranging from \$40 to \$400, plus \$396.51 to be spent “where most required.”³⁷ In addition, the Supply Act³⁸ voted \$2,000 for public works to each of the 18 electoral districts, which had separate “public works accounts” (sometimes called “special grant” accounts) with the Board of Works. This account was used for such purposes as “making roads to gardens; repairs to local roads; repairs of main lines [of road]; construction of portions of main lines; making of wells; considerations to ferrymen; building and repairing of wharves and launchways; seeds, sheep and other animals to the various districts; grindstones, bells for churches, lamps for streets, and in fact, district requirements of various kinds.”³⁹ Third, during the 1893 session the legislature had authorized a \$100,000 loan to be “applied and appropriated to the construction of branch lines of road to connect the harbors and settlements with the line of railway.”⁴⁰ These became known as “railway connecting roads,” and money began to be spent on such roads during the fall, again by the Board of Works through agents nominated by the appropriate MHAs, as was the case with main lines. However, as Judge Winter pointed out, the Loan Act did not define how a railway road was different from a main line, and unlike the Road Act, it did not contain any detail whatsoever about where the money was to be spent and by whom. A final point is that these different accounts (railway connecting roads excepted) do not seem to have been kept strictly separate, so that, for example, main line expenditures could be charged to public works accounts, balances could be transferred, and so on. What was deemed important was that no account should be overdrawn. Bond claimed to have been especially vigilant, and this was confirmed by George Mews, the senior official at the Board of Works.⁴¹

Apart from the specific expenditures authorized by legislation, MHAs could submit “requisitions,” in effect requests for expenditures. When agreed to, and initialled by a government officer — for instance, Bond as Colonial Secretary — a requisition became an “allocation,” which went on to the Board of Works, and then on to the party or parties in whose name the allocation had been made, together with a cheque or road order. Requisitions made by Whiteway and Bond for Trinity dis-

trict were considered by the Board of Works to be allocations without question. Requisitions and allocations could be prompted by petitions from groups of residents either to the House of Assembly or to an MHA, or by specific requests from individuals.

During 1893 — the financial and calendar years were the same — the government spent \$36,000 on regular public works in the districts, \$118,395 on roads, and \$56,257.61 on railway connecting roads.⁴² In Trinity Bay, it seems that \$8,700 was spent on main lines, \$11,605.27 on railway connecting roads, the flat \$2,000 on public works, and \$12,543.39 went to local road boards plus “an increasing allowance” of \$757.77.⁴³ What interested the prosecution was how far these funds, managed by senior Liberals who were candidates for election, were used to influence or bribe electors.

The Whitbourne-Colinet line, mentioned above, was designated a railway connecting road. William Pretty of Dildo had a job on that road, and on election day travelled from his house to the station at Broad Cove,⁴⁴ took the train to Whitbourne, voted, and went to work. He swore that he was not promised anything by any Liberal candidate. “I am here now losing my dollar a day. I am looking to you for it.”⁴⁵ John Peddle of Old Shop, near Dildo, worked for 20 days altogether on the road, and on election day “Went from home to Whitbourne, voted, went into camp, and went to bed.” He had “not been into St. John’s this last 7 years until I was dragged in here now.... No one tried to get me to vote for him on account of this work. Nobody ever spoke to me about my vote. I am on oath and will tell the truth if I have got to be hanged for it.”⁴⁶

Concentrating on Bond’s most direct area of influence in the district, the prosecution also brought up evidence about work on the roads between New Harbour and Spaniard’s Bay, between New Harbour and Broad Cove (another railway road), and between Dildo and Old Shop. There was also evidence about expenditures on private roads to gardens, small amounts of \$20 or \$30. The witnesses stated that though Bond had been involved in arranging the money, there had been no talk about how they might vote, and that the garden roads involved groups of families. Martin Higdon of New Harbour got \$20 — “I supported Mr. Bond and voted for him too and I’d give him six votes if I could. This grant had no effect on my vote and I never heard a sound of its being given me to influence my vote. I would have voted for Mr. Bond if I never got anything.... There was no promise ... but he said he would do what he could for me.”⁴⁷ John Pinsent of Dildo worked a few days on the Broad Cove road and then for his brother Samuel, who had a grant for a road to the gardens. “It was all in the family,” Pinsent said. Another man, Edward Whelan, explained the process for getting local projects: “We get up petitions in my place by every man putting his name to it. No one in particular starts it. If a man came to me with a petition I would sign it on terms, according to what it was for. If it was for a garden I would sign it.”⁴⁸

A great deal of attention was devoted to the work done on a five-mile road between the small villages of Deer Harbour and Thoroughfare on Random Island.⁴⁹ In September 1893, the Rev. Robert K. Peck, a Methodist probationer based at Hickman's Harbour, wrote to Bond asking for \$100 to be spent on the road, which he had to use regularly, claiming that it was in very bad condition — part of it “for about a mile, was over plain bare rocks, then a little marsh and some trees or brushwood.” After talking to Whiteway, Bond found the money and told Peck to entrust the expenditure to “a friend of the government.” Peck went to Deer Harbour, where he encountered the village patriarch, the garrulous James P. King, aged 77, the first settler there in the early 1860s. “I was the absolute possessor of Deer Harbor, and portioned out the land as people came along. Was virtually king of Deer Harbor.” He had once been a Whiteway supporter, but since 1889 had supported the Tories because his merchant, Robert S. Bremner of Trinity (“I stand first rate with him”), was a Tory candidate for the district: “looking at the man I was entirely depending upon ... I should vote for him.” It was Bremner who arranged and paid for him to come to St. John's to give evidence.⁵⁰ Answering a question from Whiteway, King recalled that “in '89 you were at my house, I led you up by the arm. I remember you would not smoke in the house until I took out my pipe, and then you made me fill it from your box.” But he didn't vote for him.

King told Peck to give the money to his son William. “I remarked ‘William is not a Whiteway man,’ and Mr. King said — ‘Oh, he will be if you give him that.’” Ignoring the remark, Peck asked if everyone in Deer Harbour dealt with Bremner. No, said King, three men dealt with Joseph Morris of Trinity, one of whom was a son-in-law, the pro-Whiteway Edward Whelan,⁵¹ to whom Peck then allocated \$60. Whelan could hire whoever he wanted “and they could vote for whom they liked. I also told [the men] that I gave them credit for having more manliness than to sell their vote for a dollar.”⁵² Whelan confirmed what Peck said, adding that the still unfinished road was necessary, the men had worked 12-hour days from 6 a.m. to 6 p.m., and the hiring had been non-discriminatory. The other \$40 went to Nathaniel Mills of Thoroughfare for work from that end.

This was allegedly improper expenditure. In the same vein, the prosecution focused on the railway connecting road between Trinity and Indian Arm (now Summerville). The government had contracted with R.G. Reid (who was building the railway) to construct a road from Shoal Harbour (near Clarendville), at \$800 per mile,⁵³ to “the Indian Arm road” which led to Trinity; but this road, about five and a half miles, described as a “mere path,” “not fit for anything,” “only a something,” needed to be repaired so that supplies could be taken in to the labourers. The work was not arranged until Whiteway and Bond were on the campaign trail, sometime after October 20, when a Reid manager told them he could not “get a dray over the path.” They agreed the work had to be done, the money was found through the railway connecting roads account, and Dr. R. White of Trinity was put in charge. He was a known Liberal supporter, chair of the Trinity road board, and was allowed to

spend “what was needed.” He employed about 70 men on the Indian Arm road. They supplied themselves, carrying in provisions twice a week, and worked 10 hours a day. “We commenced work usually about quarter to seven or seven o’clock. We would have our breakfast in the morning just about dawn, and go to work as quick as it was light; that was our general practice. It was not very light before half past six.... Every time it would be dark when we knocked off.” That a polling booth was set up in the immediate area was suspicious to the prosecution, but not to the witnesses.⁵⁴

George Mews of the Board of Works testified that apart from these projects, Bond had authorized expenditures on roads to connect Blaketown with the head of Dildo Pond, Bay Bulls Arm and Tickle Harbour with the railway, and from Hants Harbour to Western Bay. More authorizations came after November 1, relating to the Tickle Harbour and Colinet roads, and the road between Dildo and Broad Cove station. Whiteway had also been active.⁵⁵ Bond stated that all expenditures had been authorized by the government, and that “Apart from that railway construction, and repairing roads, there were no extraordinary payments made in ’93, they were all of the usual character.” Bond added that “I never attempted to influence a man’s vote in my life except by fair talk.”⁵⁶ Both he and Whiteway denied paying for the carriage of electors to the poll, providing refreshments, paying bribes, or giving employment to induce electors to vote for them. Similarly, they claimed that local road board allocations had been politically neutral.⁵⁷

Mr. Justice Little did not dispute that the 1893 election had been, for the most part, business as usual. Like his brother judges, he was a former politician. But he had to apply the law. The Assembly had been dissolved on August 13. Thereafter, Whiteway and Bond were no longer MHAs⁵⁸ but candidates seeking election. Their status had changed, and they “had neither power nor control over the public works, monies or affairs of the district, nor should any such interference or control have been exercised, otherwise than at the Council Board through and by the lawfully constituted authority.” Executive councillors retained their appointments until replaced, but the only legal authority for making allocations during an election campaign was the Governor-in-Council. Bond and Whiteway had no independent authority to allocate money under the railway connecting roads account — or any other account, for that matter. “This vicarious discharge of [the] duties of that body ... was most irregular, and also serious in the result as affecting the subsequent return of the respondents.” Moreover, some of the candidates’ allocations had circumvented local road boards and road commissioners, and as he (Little) understood the law, this was also irregular. There had been many small allocations made after the dissolution for roads to gardens, to sawmills, to a brickyard, often in response to verbal and written solicitations. The judgement contains a few examples. A resident of Lady Cove, Random Island, told Whiteway he needed help with a road to his sawmill. “The writer concluded by stating that ‘As I voted for you last elections I hope you will not forget me this year, you can have my house to hold the

poll in.” He received \$10. A suppliant from Hickman’s Harbour asked White-way, “If you would be so kind as to give \$40, to make a road to our dam, we have to walk through a very muddy place to get to it ... and I have not the chance to see you since the elections. Please try to do what you can, as I haven’t asked you for much these last four years and I hope you will not deny me at this time. I am going to do what I can for you again the coming elections. Please send me an answer by next mail! Do not forget me.” He got his \$40. Then there was the affair of the Deer Harbour-Thoroughfare road, as well as other similar appropriations.

Clearly, Little said, Whiteway and Bond had continued to assume during the election campaign that they controlled “the disposition of the monies and management of the public affairs of the District,” and it was regrettable that “the legitimate channels for the distribution of these monies were not availed of.” He went on:

it must strike the mind of any indifferent observer that the exercise of this patronage, the affording of this employment on main and local lines of road, and a portion on private roads, must have exercised considerable influence on the minds of the recipients of such substantial benefits. The subtle influence of money or cash favors is far reaching and potent among a community anxious to obtain labor, particularly when it will tend to develop their own properties and enhance their value.

He did not dispute that Whiteway and Bond had acted honestly and in the public interest. “Practice and custom, it was alleged, sanctioned their action in dispensing the monies of their old district. But it must be remembered it was to change the old state and condition of things that our new laws were adopted, and that what was a matter of practice or customary before, must, if opposed to the terms of the statute, cease.” Thus Whiteway and Bond should be unseated and disqualified from running for re-election during the term of the current Assembly. Watson was unseated but not disqualified.

The other election trials ran their course. The ensuing by-elections restored a Liberal majority in the House of Assembly and a Liberal government. Early in 1895, thanks to legislation removing the disqualifications, unseated MHAs began to reappear. Whiteway, Bond, and others soon returned to the legislature. In 1897, anticipating the general election of that year, the government attempted to revise the Corrupt Practices Act in such a way to allow the involvement of candidates in public works expenditures and to make the election petition process more difficult and expensive. The bill passed the legislature, but royal assent was refused by the Colonial Office — a very unusual intrusion into the local affairs of a colony possessing responsible government.⁵⁹ The Tories, who won the 1897 election, amended the Election Act by forbidding anyone on a government payroll from being employed in connection with a general election, with a few exceptions (62 & 63 Vic., c. 8). It was a modest step forward. At the local level, nothing much happened. Local government remained highly centralized and underdeveloped until the mid-twentieth cen-

ture. The 1894 trials changed very little. But the evidence they generated deserves to be used far more extensively by scholars interested in late nineteenth-century Newfoundland.

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Notes

¹Kenneth J. Kerr, "A Social Analysis of the Members of the Newfoundland House of Assembly, Executive Council and Legislative Council, for the Period 1855-1914" (MA thesis, Memorial University, 1973). John P. Greene wrote a paper for History 570 (Memorial University) in the mid-1970s entitled "Newfoundland: The Election Scandals of 1894: By-Products of the Administration of Local Affairs." It was printed in a distance education volume edited by Ian McDonald, *Newfoundland Since 1815. Selected Readings*, vol. 2 (St. John's: Memorial University, 1976), 67-88.

²Of the 18 electoral districts in 1893, only three had a single member: Burgeo-La Poile, St. George's, and St. Barbe. Other districts had two or three members. Labrador was not represented in the House of Assembly.

³The Trinity Bay case trial evidence and judgement can be found in an untitled bound volume in the A.C. Hunter Reference Library in St. John's, and in the Robert Bond papers (Memorial University Library, Archives and Documents Division, Collection 237, 3.13.004, 3.13.006). Biographies of the more important participants in this affair can be found in the *Dictionary of Canadian Biography* (www.biographi.ca) and the *Encyclopedia of Newfoundland and Labrador*.

⁴"Judgement of Justice Sir J.S. Winter, Bay de Verde Case," 31 Mar. 1894, Supplement to *The Royal Gazette*, 1 May 1894.

⁵O'Brien to Ripon, secret, 4 Nov. 1893, London, National Archives, Colonial Office [CO] 194, vol. 224, 293.

⁶D.W. Prowse, *A History of Newfoundland from the English, Colonial and Foreign Records* (London, 1895), 530-31.

⁷The legislature was bicameral and included an appointed Legislative Council.

⁸Prowse, *History*, 530.

⁹St. John Chadwick, *Newfoundland. Island into Province* (Cambridge: Cambridge University Press, 1967), 63-69; J.K. Hiller, "A History of Newfoundland, 1874-1901" (Ph.D. thesis, Cambridge University, 1971), 271-88; Patrick O'Flaherty, *Lost Country: The Rise and Fall of Newfoundland, 1843-1933* (St. John's: Long Beach Press, 2005), 180-84.

¹⁰The secret ballot had been adopted in Britain and Canada (at the federal level and in most provinces) during the 1870s. France and the Australian colonies had adopted it much earlier.

¹¹An 1890 Act provided for the election of road boards, but it was never implemented.

¹²Quoted in Greene, "Election Scandals," 79.

¹³O'Brien to Ripon, conf., 18 June 1894; to Ripon, tgms., 3, 4 July 1894, CO 194/228, 154, 200, 201.

¹⁴Joseph Downey, 30 Apr. 1894, Trinity Bay [TB] trial, 1.

¹⁵In 1893 the station was on or near the site of present Sheraton Hotel, and the railway lines on the Avalon Peninsula were not yet part of the Reid system.

¹⁶Winter judgement, 23-24. It should be kept in mind that an 1894 US dollar would have been worth about \$26.10 in 2010. Economic History Association website, <http://eh.net/hmit/>. The Canadian dollar was pegged to the American dollar in this period.

¹⁷Winter judgement, 25.

¹⁸George Coughlan, 11 May 1894. TB trial, 28-29.

¹⁹Winter judgement, 25.

²⁰Arthur White, Alexander Stratton, 11 May 1894; James Gullage, 14 May 1894, TB trial, 30, 31, 34.

²¹William Rendell, William Taylor, 14 May 1894, TB trial, 32-33; Winter judgement, 25.

²²Originally Harbour Grace Junction, the settlement was included in a redefined Trinity Bay district in 1889 and renamed Whitbourne. 52 Vic. c. 16. Bond chose the name.

²³F.C. Berteau to Returning Officer, and to Bond, tgms., 2 Nov. 1894, Election Correspondence (letter books) 1890-93, Provincial Archives of Newfoundland and Labrador [PANL], GN 2/16, Box 2.

²⁴Rendell said he went on private business and did not arrange to travel with Coughlan.

²⁵George Coughlan, 11 May 1894. TB trial, 27. In some sources the name is spelled "Simmons."

²⁶Arthur White, Alexander Stratton, 11 May 1894, TB trial, 30, 31.

²⁷James Gullage, 14 May 1894, TB trial, 34.

²⁸Lemuel Simmonds, 1 May 1894, TB trial, 18-19.

²⁹Robert Bond, 6 June 1894, TB trial, 41.

³⁰George Gushue, 7 June 1894, TB trial, 51-52.

³¹Robert Bond, 6 June 1894, TB trial, 41; Lemuel Simmonds, 1 May 1894. TB trial, 18-19.

³²Or "Browne." According to the *Daily News*, 9 Mar. 1894, it was normal practice to appoint road board members, inevitably government supporters, to these positions.

³³Benjamin Brazil, James J. Brown, 2 May 1894; Robert Bond, 6-7 June 1894, TB trial, 9-11, 40-41, 47.

³⁴*Royal Gazette*, 13 Mar. 1894.

³⁵William Whiteway, 26 June 1894, TB trial, 63.

³⁶Robert Bond, 6 June 1894, TB trial, 40. Watson had been in Labrador.

³⁷56 Vic. c. 9, 1893.

³⁸56 Vic. C. 26, 1893.

³⁹Robert Bond, 31 May 1894, TB trial, 35-36. George Mews, the senior official in the Board of Works, testified that the "special grant" was used for "Repairs to roads ... [and] bridges, salaries of ferrymen, building or repairing launchways, and other works in the district...." 18 June 1894, TB trial, 56.

⁴⁰56 Vic. c. 24, 1893.

⁴¹Robert Bond, 6 June 1894; George Mews, 18 June 1894, TB trial, 37, 53.

⁴²"Financial Secretary's Consolidated Statement.... 1893," *Journal of the House of Assembly [JHA]* 1894, Appendix, 141-46. Morine put the railway road expenditure at \$59,775.23. Public works expenditures between August and November 1893 were substan-

tially higher than normal. "Comparative Expenditures on public works for the years 1891-2-3," encl. O'Brien to Ripon, conf., 18 June 1894. CO 194/228, 169-70.

⁴³Judgement of Justice Joseph Little, 25 July 1894. See note 3.

⁴⁴Broad Cove station (near South Dildo) was on the branch line between Whitbourne and Harbour Grace.

⁴⁵William Pretty, 3 May 1894, TB trial, 14-15.

⁴⁶John Peddle, 2 May 1894, TB trial, 17-18.

⁴⁷Martin Higdon, 2 May 1894, TB trial, 14.

⁴⁸John Pinsent, 22 May 1894, TB trial, 16; Edward Whelan, 14 May 1894, TB trial, 31.

⁴⁹These outports no longer exist. This summary is based on the testimony of James King, 9 May 1894; Edward Whelan, 14 May 1894; Robert Bond, 6 June 1894; and Robert Peck, 14 June 1894, TB trial, 19-23, 31, 39, 48-51.

⁵⁰But King was worried about the return journey. "When I get out over the line I have over 20 miles to go, and how am I to get back?"

⁵¹Or "Whalen."

⁵²The Deer Harbour men got 70 cents a day, and the Thoroughfare men 80 cents.

⁵³The total cost was \$24,800.

⁵⁴This summary is based on the testimony of David Cain (Trinity), 10 May 1894; Robert Bond, 6 June 1894; Dr. White, 18 June 1894, TB trial, 25-26, 45, 53-56.

⁵⁵George Mews, 30 Apr. 30, 1894, TB trial, 2-8.

⁵⁶Robert Bond, 6 June 1894, TB trial, 39-40.

⁵⁷William Whiteway, 26 June 1894, TB trial, 60-63.

⁵⁸Watson was not an MHA.

⁵⁹Hiller, "A History," 328-31.