

**LORD NORMANBY: A STUDY IN COLONIAL
GOVERNMENT, 1850-90**

LORD NORMANBY: A STUDY OF THE GOVERNORSHIP
IN THE SELF-GOVERNING EMPIRE IN THE LATE
NINETEENTH CENTURY

by

ALISTAIR J. HEATLEY B. A., M. A. (Hons)

A Dissertation

Submitted to the Faculty of Graduate Studies

in Partial Fulfilment of the Requirements

for the Degree

Doctor of Philosophy

McMaster University

February 1972

DOCTOR OF PHILOSOPHY (1972)
(History)

McMASTER UNIVERSITY
Hamilton, Ontario.

TITLE: Lord Normanby: A Study of the Governorship in the Self-
governing Colonies in the Late Nineteenth Century

AUTHOR: Alistair John Heatley, B. A., M. A. Hons (New Zealand)

SUPERVISOR: Dr. C. M. Johnston

NUMBER OF PAGES: vii, 334

ABSTRACT

This dissertation is concerned with the role of the Governor in the self-governing British colonies and its main purpose is to describe and analyse the salient developments which affected his position in the early years of responsible government - broadly the period from 1850 to 1890.

The treatment employed is twofold. First, the question is discussed generally. As essential background, the transfer of constitutional power in mid-century and its continuing devolution thereafter are sketched and the factors operating in Britain and the colonies which produced them are noted. In this framework, the changing status of the Governor both as an imperial officer and as part of the colonial constitutional system is examined. The elements which contributed to the erosion of his status are set out and assessed while the process, which varied in timing and degree from colony to colony, is further traced by means of the experiences and observations of several notable Governors of the period. Interwoven into this study, commentaries of imperial and colonial politicians and officials, of contemporary critics and journalists, and of constitutional theorists and historians serve to illustrate some of the ramifications of the process which by 1890 had reduced the Governor to a shadow of his former power.

The second level of explanation involves a detailed examination of the colonial administrations of George Augustus Constantine Phipps, 2nd Marquis Normanby, who served as a colonial Governor in Nova Scotia, Queensland, New Zealand, and Victoria between 1858 and 1884. Interesting also in its own right, his career exemplifies many of the trends introduced in the general analysis and his clashes with colonial politicians, his use of the prerogative powers, and his involvement in the implementation of imperial policy in the early years of his career all were common characteristics of the period. The basic contention of this dissertation, that the evolving role of the Governor depended to a large extent on the political condition of particular colonies and comparatively little on legal instruments or imperial will, clearly emerges from this study. For this purpose, a close investigation has been made of the political character of the colonies over which Normanby presided.

A subsidiary theme which is developed throughout the study is the growth of the Governorship as a profession. This has again been considered first in a general sense and subsequently by using Lord Normanby's political and colonial career as an example to shed more light on the process. The conclusion reached, however, was that no one Governor could be fully representative of all the features of the new profession given the ever-evolving nature of the position, the variety of men employed in the service, and the distinctive qualities and problems of the various colonies in which they served.

PREFACE

A reviewer, commenting on a recent work on two colonial Governors and intra-imperial relations in the mid-nineteenth century, deemed it "unfashionable" and a "belated product of a school of history that is almost as dead as the Empire which was its chief concern." (M. P. K. Sorenson, Review of War and Politics in New Zealand, 1855-70, by B. J. Dalton; Journal of New Zealand History, 2 (April, 1968), pp. 94-7.) Even if that view is valid, which this writer, of course, is unwilling to concede, such a study can add a further dimension to the well-beaten history of the development of colonial self-government and the new imperial relationship in the second half of the nineteenth century. Our understanding of certain imperial policies and the attitude of the Colonial Office can be deepened substantially by looking at them from the perspective of a Governor who was subject to forces both from home and from the colony which he administered. As an observer of and an occasional participant in the colonial political process, a Governor's impressions and actions are also intrinsically valuable as a contribution to the history of individual colonies. All these elements are present in this essay. Moreover, a career Governor is an historically interesting figure in his own right not only in personal terms but also as part of the wider colonial service.

This study consists basically of two parts. The first

attempts to set out and explain the changing role and importance of the Governor as an imperial officer and as a part of the colonial political system in the self-governing colonies in the first half-century of responsible government. In the second, the most important aspects of Lord Normanby's colonial career are detailed. This second part has three distinct purposes: to illustrate, by way of a case study, the developments outlined in the first section; to provide an example of the professionalization of the Colonial Service; and to give an overdue critical assessment of Normanby, the man and the Governor.

The principal sources of the study, as can be seen from the footnotes, are the hitherto unused Normanby Papers, in the possession of the 4th Marquis at Mulgrave Castle, and the relevant Colonial Office files in the Public Record Office. These have been supplemented, both in Britain and in the areas where Normanby served, by private collections of papers of contemporary colonial politicians and imperial officials, newspapers and journals, and published official and unofficial documents.

My thanks are due to McMaster University for the financial assistance and facilities for travel which were extended to me. Without these, this study could not have been written. To the 4th Marquis of Normanby, whose hospitality I enjoyed and whose assistance was willingly given, I tender my sincere thanks. I also wish to acknowledge gratefully the help, counsel, and encouragement which I received from my dissertation director, Dr. C. M. Johnston. Finally, I wish to express my appreciation

of the patience and kindness of the staffs of the many institutions in which I gathered information for this study. The material which I have used has been found in: the Public Record Office, the British Museum, the Royal Commonwealth Society Library, the libraries of the Universities of Nottingham and London; the Oxley Library, the Public Library, and the University of Queensland Library in Brisbane; the Public Library of New South Wales, the Mitchell Library, and the library of the University of Sydney in Sydney; the Latrobe Library, the Public Library of Victoria, and the library of the University of Melbourne in Melbourne; the General Assembly Library, the Alexander Turnbull Library, the Public Library of Auckland, and the libraries of the Universities of Canterbury, Victoria, and Auckland in New Zealand; and in Canada, the Public Archives of Canada, the Public Archives of Nova Scotia, and the Mills Memorial Library at McMaster University.

Several matters of detail should be mentioned here:

1. Normanby is referred to by the title he actually held during his life. Thus, from 1831 to August 1863, he is referred to as the Earl of Mulgrave and as the Marquis of Normanby thereafter.
2. All letters from Governors originated from the seat of government of the colony they administered and all letters from Colonial Office officials originated from the Colonial Office unless otherwise indicated.
3. In the main, the references to newspapers in the footnotes signify that the editorial article has been used.

4. The Carnarvon Papers used in this study are drawn largely from two volumes: (i) PRO 30/6/25 - Correspondence (Australia), 1874-8. (ii) PRO 30/6/39 - Correspondence (New Zealand and Fiji), 1874-8.

A. J. H.

McMaster University

February, 1972

TABLE OF CONTENTS

PREFACE	i
TABLE OF CONTENTS	v
ABBREVIATIONS	vi
I. INTRODUCTION	3
II. THE ROLE OF THE GOVERNOR UNDER RESPONSIBLE GOVERNMENT: 1850-90	23
III. NORMANBY AND HIS CONTEMPORARIES	62
IV. THE COLONIAL MILIEU	97
V. NORMANBY AND COLONIAL POLITICS	142
1. Nova Scotia, 1858-63	145
2. Queensland, 1871-4	171
3. New Zealand, 1874-9	183
VI. NORMANBY AND THE DISCRETIONARY POWERS	227
VII. NORMANBY AS AN IMPERIAL OFFICER	268
1. Normanby and the Self-Governing Empire	268
2. The Union of British North America	274
3. Colonial Defence in Nova Scotia	282
4. The 'Polynesian' Labour Question	292
VIII. CONCLUSION	309
BIBLIOGRAPHY	319

ABBREVIATIONS

- AJHR - Appendices to the Journals of the House of Representatives (New Zealand).
- APL - Auckland Public Library.
- ATL - Alexander Turnbull Library, Wellington.
- BM - British Museum.
- CHBE - Cambridge History of the British Empire.
- CHR - Canadian Historical Review.
- CO - Colonial Office.
- CP - Carnarvon Papers (PRO 30/6).
- GAL - General Assembly Library, Wellington.
- HSANZ - Historical Studies, Australia and New Zealand.
- JHA - Journal of the House of Assembly (Nova Scotia).
- JHSQ - Journal of the Royal Queensland Historical Society.
- LB - Letter Books in the Normanby Papers.
- ML - Mitchell Library, Sydney.
- NP - Normanby Papers.
- NZNA - New Zealand National Archives, Wellington.
- NZPD - New Zealand Parliamentary Debates.
- PAC - Public Archives of Canada, Ottawa.
- P. D. - Hansard's Parliamentary Debates (3rd Series).
- P. P. - Parliamentary Papers (House of Commons).
- PRCI - Proceedings of the Royal Colonial Institute.
- PRO - Public Record Office, London.
- QVP - Votes and Proceedings of the Queensland Legislative Assembly.

VJHA - Journal of the House of Assembly (Victoria).

VPD - Parliamentary Debates (Victoria).

I

INTRODUCTION

The historian, in his search for clarity and order in extended currents of historical events, has often resorted to the device of 'compartmentalization'. That technique involves the division of the period which he is studying into smaller units which appear to him to have special characteristics which distinguish them from those preceding and following. Such a treatment has formed the 'traditional' view of the broad sweep of British imperial history in the nineteenth century - a century divided into periods of imperialism and anti-imperialism.¹ In recent years, that view has been subjected to a great deal of decisive criticism and a new orthodoxy has almost been erected on the ruins of the old.²

However persuasive this recent reassessment - the opinion that there was a fundamental continuity to British imperial policy in the century - has been, there is one sense in which the 'traditional' division is still peculiarly relevant. It may now be unfashionable to divide the Empire into its 'formal' and 'informal' parts or make a distinction between the settlement colonies, strategic outposts, penal settlements, tropical colonies, and the Indian Empire but it does seem both justifiable and profitable to this writer to see developments in the settlement colonies - the British North American provinces, Newfoundland, the

Australasian colonies, and the Cape Colony - as having a coherent and separate unity of their own. This was especially so from mid-century when the relationships of those colonies with the metropolis exhibited a marked degree of similarity.

Before developing this contention further, some consideration should be given to the argument which the foremost exponents of the 'continuity' thesis, John Gallagher and Ronald Robinson, have used to incorporate the settlement colonies into it. They saw the grant of responsible government and the subsequent devolution of political and economic authority as "simply a change from direct to indirect methods of maintaining British interests."³ Later, they stated that:

So far from being anti-imperialist, this policy of devolution and retrenchment was only intended to make expansion cheaper and more efficient. The mid-Victorians were reshaping the old colonial rule to conform with the prejudices and nature of a liberal state.⁴

This notion, which they do not substantiate in any way and which indeed would be difficult to justify, is perhaps the weakest link in an otherwise convincing argument. It does scant justice to the forces in the colonies themselves which virtually controlled the timing and scale of the devolution of power; it makes light of the attempts of imperial statesmen to control and circumscribe that development; and it gives to that aspect of British colonial policy a farsightedness and perception which it scarcely deserves.

Furthermore, the authors claim that devolution was a means of "achieving financial economy without inhibiting commercial expansion, and of reconciling imperial unity with colonial aspirations for independence."⁵ At best, that claim is an ex post

facto rationalization and it bears very little resemblance to any actual pattern of decision-making. Economy there was, but a large part of it came from the reduction in defence commitments which depended for its success on better relations with foreign powers and on the diminution of native unrest which were certainly not concurrent with the grant of responsible government; continued commercial expansion there was, but there is little evidence to assume that it would have been inhibited unduly with direct political control. Indeed, political 'independence' did almost inevitably lead to some inhibition by the growth of economic nationalism in the colonies. If the process did not involve the jeopardizing of imperial unity it was largely due to the loyalty and self-interest of the colonies which successfully resisted the disintegrating forces of self-government.

Robinson and Gallagher have thus made the massive constitutional changes of mid-century appear the result of a calculated, reasoned decision of the metropolitan power rather than as a process which was basically triggered by conditions in the colonies and the demands of the colonists. Once the first breaches had been made and the new system extended to one group of colonies and proved to be workable there, it was too difficult to refuse to extend it to others even though they might be less prepared to receive it. Gordon Gairdner, a senior clerk in the Colonial Office, commenting to Earl Grey in 1857 on the granting of responsible government to the Australian colonies noted that difficulty:

Whether it [responsible government] could have been much longer

withheld by the Home Government, I believe is very doubtful In fact the agitating colonists pointed to the Canadian Constitution as containing a measure of self-government to which they had a right to look, and their advocates in this country adopted the same tone, without considering that time had matured the societies in the North American Colonies for the enjoyment of that for which the new societies were not fitted; and the Home Government appear simply to have receded before the pressure which they were not prepared to withstand.⁶

In the case of the Australasian colonies, this pattern has been underscored in a recent assessment by John Ward: "The Antipodes became the unintended beneficiaries of the policy laid down by Earl Grey [in British North America] the imperial transition to responsible government was secondary and derivative."⁷

As James Stephen accurately observed: "The policy of yielding is the obvious and easy policy, and will in all such cases be infallibly adopted so long as the local clamour takes the form of constitutional agitation"⁸ That was the spirit of the transfer of power in mid-century, although it must be admitted that it was expedited by the general sense of acceptance which developed in the Colonial Office after 1846.⁹ The spread of responsible government, the loosening of imperial control, and the attitude of the imperial authorities in the 1840s and 1850s have been traced in the fine studies by W. P. Morrell and John Cell. Both have made very clear the attempts of the Colonial Office to control the timing and limit the degree of the devolution of power, and also its failure to do so in the face of colonial pressure.¹⁰

The above discussion has been introduced to suggest that it is still possible to extract the developments in the settlement colonies from the wider context of imperial history, as

indeed many politicians and commentators of mid-century were wont to do; and further that they can best be understood in that way, unbound by concepts which are better suited to other areas of imperial activity.

The years between the implementation of responsible government in the late 1840s and early 1850s and the first Colonial Conference in 1887 do constitute a coherent period in the history of the 'settlement' Empire. It was characterized by the broadening of colonial self-government both in its extent and its nature, by the development of distinctive colonial 'nationalisms', and by a changing relationship between the colonies and the Mother-country in which the first tentative steps were taken towards a new imperial partnership which would later become the nucleus of the Commonwealth. True, these trends, by their very nature, were not complete by 1887. Their fruition lay well in the future but their bases had been well established.

The period thus delineated embraces two of the divisions into which the 'traditional' historians have broken the nineteenth century - the mid-Victorian age of anti-imperialism and the late-Victorian resurgence of imperialism. That distinction is largely irrelevant for the purposes of this essay which concentrates on the Governor's role in the administration of the self-governing Empire and, to a lesser degree, on certain aspects of imperial policy, but some general points should be made here. Despite the attacks made on that distinction, it nonetheless has definite relevance to an understanding of the currents of opinion in Britain concerning the 'settlement' Empire,¹¹ on

which historians like Bodelsen and Schuyler relied for their interpretations. Although it must be remembered, as one commentator has observed, that opinion remained opinion and never became the dictator of imperial policy,¹² there is little doubt that it did undergo quite spectacular change in the period. There was far greater optimism about the future of the self-governing Empire in the 1880s than there had been in the 1860s. Finally, there is a simple answer to the question posed by Robinson and Gallagher as part of their attack on the earlier interpretation: ". . . why was the policy of granting responsible government to the colonies continued in the late-Victorian period when Britain was interested above all in preserving imperial unity?"¹³ The policy had shown itself to be successful, it was impossible to control its pace of development completely from Britain, and methods other than more direct control were being mooted as means of preserving that unity.

One cannot, of course, do more than sketch in the outlines of the major characteristics of the period. To attempt a detailed analysis would involve a task far beyond the scope of this opening chapter. Many of the themes introduced here, however, will be enlarged upon in the body of the essay.

The keynote of the period was the devolution of power from the centre of the Empire to the colonies both in its legal forms and in its informal expression in the colonies. The former is relatively simple to catalogue. By 1872, most of the settlement colonies had been granted responsible government,¹⁴ "which may be defined as a system of government by party in which the

executive takes advice from ministers able to command the confidence of the legislature."¹⁵ At the outset, the grant was usually accompanied by certain reservations of powers which were to be administered not by the colonial ministers but by imperial officers responsible to the Colonial Office. For the most part, they were early defined in Lord Durham's famous report which listed the control of the form of the colonial constitution, the public lands of the colony, external commerce, and foreign affairs as imperial concerns. To these can be added the control of native affairs which was to be of special interest to New Zealand. By the standards of the mid-nineteenth century, the grant of responsible government, even in such a truncated form, may have seemed liberal but the reservations of powers were inimical to a colony's control of its own development and would have ensured a continuing dependent status in the Empire. It was little wonder that many of the restrictions were vigorously attacked at an early stage and progressively broken down.

The imperial control over colonial constitutions was substantially abandoned by 1865.¹⁶ The process of relaxation begun in the Canadas in 1840,¹⁷ and continued in the Australian Colonies Act of 1855, was capped by the Colonial Laws Validity Act of 1865 which enabled colonial legislatures to amend their constitutions, restricted only by the proviso that any amendment must follow imperial precedent. A similar early demise awaited the control of the waste lands of the colonies which Durham and the Colonial Reformers had envisaged as an imperial trust. That proved to be a vain hope in the face of colonial opposition and

by the middle of the 1850s, control had passed out of imperial hands.

In the sphere of the regulation of commerce, the policy of free-trade Britain was uniformity. As Lord Grey pointed out in 1853, the Imperial Parliament "did not abdicate the duty and the power of regulating the commercial policy not only of the United Kingdom but of the British Empire. The common interest should be the same throughout its numerous dependencies."¹⁸ But many of the colonies were not content to levy duties for revenue purposes only and the imperial authorities, confronted with strong demands from the colonies to control their own fiscal policy, reluctantly acceded to the imposition of protective duties in Canada in 1858-9 and Victoria soon after, and relaxed the imperial acts to enable the Australian colonies to make reciprocity agreements among themselves in 1873. The complete removal of all restrictions, however, did not occur until 1895, when the colonies were allowed to set differential tariffs with Britain, other colonies and foreign powers.¹⁹

Although it had grown weaker since the 1830s, the continuing humanitarian concern for the welfare of native races was the rationale behind the reservation of native affairs. But the cost of administering that control far outweighed that concern by the 1860s while its value to the natives themselves proved somewhat dubious. Thus, control over native affairs also passed to the colonists and when in 1872 the Cape Colony received responsible government, it came complete with that responsibility.

By 1887, therefore, only the power of representing the

Empire in its foreign relations remained securely in the hands of the Mother-country and even there processes of informal consultation and prior agreement had been developed. Sir Charles Adderley's observation that "the normal current of colonial history is the perpetual assertion of the right of self-government . . ."²⁰ was an accurate assessment of the developments in the period.

These changes in the imperial political relationship were only one part of the devolution of power and one of the purposes of this essay is to explore the developments which took place in the working of the colonial constitutions themselves - developments which were less obvious and consequently more difficult to analyse but which were also significant in widening the scope of colonial self-government. These will be dealt with in some detail later but a few comments here will set the stage.

Responsible government, in the manner in which British constitutional change had traditionally come about, was introduced to the colonies not by any statutory enactment but simply by instructing the Governors to appoint as Executive Councillors those legislators who commanded the necessary support in the assemblies. A similar informal process of change dominated the actual course of colonial constitutional development. There were, of course, important signposts like the Constitution Acts of the various colonies and the Prerogative Instruments of the Governors but they provided only the bare framework inside which change was made. The modifications made to them later, and subsequent colonial and imperial statutes, were important also but, for the

most part, they registered changes which had long been accepted as local constitutional conventions. In fact, the dynamic aspects of constitutional development were those conventions, the evolution of which depended on local political conditions.

That the developments in the colonies proceeded on similar lines was no surprise. The only real choice for constitutional growth was to follow patterns which had been set in Britain or in the United States of America, and circumstances heavily favoured the former. In the first place, there was the dislike entertained by most colonists for the republican form of American government, a system which was alien to those who had been nurtured in the political climate of the British Parliamentary system. Very few, indeed, questioned the direction of self-government once the process had been started. Secondly, the constitutions were either drawn up in London or ratified there and great care was taken to ensure that they fitted into the tradition established in Britain. Even when the power of amending constitutions was devolved to the colonies, proposed amendments had to be in that same tradition. Thus, the framework and the working of the constitutions closely paralleled those of the Mother-country, the only significant exceptions being the elective Legislative Councils in some colonies and the special adjustments needed to accommodate federal systems on which the British experience could give little guide.

In its early application in British North America in the 1840s, responsible government was but a shadow of the system it was to become later. Lord Russell, Lord Stanley, and early

Governors such as Lord Sydenham and Sir Charles Metcalfe refused to accept that it implied strict party government and that the Governor should be removed from the centre of colonial politics. Their policy was directed towards the maintenance of the Governor's authority as the focus of executive power in the colony. The history of their attempts and half-victories has been told often and well as has the abrupt change of policy under the Colonial Secretary, Earl Grey, and the Governorship of Lord Elgin²¹ and it is scarcely necessary to retell it here. What must be emphasised, however, is the fact that despite the acceptance of the implication of party government, both Grey and Elgin did not envisage the total abdication of the Governor from the political system. Their correspondence while Elgin was in Canada²² is laced with observations on the new role which they expected the Governor to play - a role which was conceived to be of great importance.²³

An understanding of the position of the Governor under responsible government in the half-century after 1840 is thus essential in order to come to terms with the development of colonial self-government. If the outcome - the complete removal of the Governor from political affairs - was basically implicit in the system of responsible government, the process by which it came about was a long one. That process is described in part in this essay.

Less needs to be said on the other major themes of the period. The growth of colonial 'nationalisms' is fundamental to the process described above and, as has been emphasised, was

the primary motivating factor. The attitude of the Colonial Office and its agents towards it was basically conservative in their attempt to keep to existing law and usage but they proved themselves capable of adapting, albeit sometimes reluctantly, to the facts of change and accepting the demands of colonial 'nationalism'. Only really on the question of defence did the Colonial Office play the role of the innovator. The pattern was usually the other way around. Although John Cell may be correct in pointing to the importance of the common recognition in Britain of the process of nation-building in the colonies and its share in promoting the spread of self-government,²⁴ it should not be over-emphasised especially in the period after the 1850s. It did serve as a rationale for the acceptance of colonial demands but it was not decisive in directing its course or pace.

In Chapter IV of this study, I have attempted to paint the pattern of colonial development in four colonies at different stages of growth. That, of course, is a pale substitute for an exhaustive analysis of the total process but it does serve to illustrate that although there were basic similarities each colony evolved its own distinctive pattern.

The relaxation of imperial control, feared initially by some in Britain as heralding the dissolution of ties with the Mother-country and welcomed by others for the same reason, certainly did act as a centrifugal force. But each group could find solace in the outcome. To the latter, it did reduce the drain on the imperial exchequer and abate tension; to the former, fear proved nugatory as new forms of cooperation grew up buttressed

both by mutual self-interest and the ties of loyalty and kinship. The twenty years after the late 1860s saw a proliferation of discussion on the future of the imperial relationship, starkly different in its tone to that of mid-century, and the introduction of various schemes of collaboration in defence, trade, and political affairs. The Imperial Federation League and the Colonial Conference of 1887 fittingly climaxed the period.

One of the purposes of this essay has been indicated above - the study of the role of the Governor under the system of responsible government. As it was patently impossible to study in depth the careers, the antecedents, and the personalities of every Governor during the period, the method chosen has been to use one Governor as a case study of that role. The selection of Lord Normanby was dictated by three factors. His career almost spanned the period in question and he had extensive experience in the self-governing colonies. Secondly, in contrast with many of his contemporaries, there were ample private resources on which to draw - material which sheds light not only on his personal ideas, motives, and conceptions of Empire but also on those of some leading Colonial Office officials, Colonial Secretaries, and other Governors in the service. Normanby's career, finally, warrants investigation for its own sake because very little constructive research has hitherto been done on it and because it has intrinsic importance to the understanding of the Governor's position in the self-governing colonies.

This work is not primarily a biography of Normanby although an attempt has been made to come to terms with his

personality and his career as well as to analyse his conduct as a colonial Governor in a critical manner. The writing of a biography of such an official, as D. K. Fieldhouse once pointed out in a perceptive review, "is technically one of the most difficult tasks an historian can undertake."²⁵ Governors were a migratory breed, moving around the Empire every few years to colonies which had individual characters and distinctive problems. Thus, Fieldhouse saw the biographer as confronted with a basic choice of studying

the internal affairs of each successive colony to the point at which he can confidently relate the activities of his central character to them and so make an intrinsic contribution to the history of that colony: or [concentrating] on his governor and [using] each colony as a setting against which to display his ideas and characteristics.²⁶

With that in mind, it may well appear strange and somewhat ambitious to try to combine the two approaches in this study. However, Normanby's career lends itself particularly well to a combined treatment as it was exclusively concerned with a group of colonies with a basic unity of its own. But great care has been taken to present a reasonably broad outline of the state of colonial development in the areas in which he served as well as assessing the pertinent historiography.

Almost all the general surveys of British imperial history in the nineteenth century sketch the process of the devolution of power and touch on, to some degree, the changing status of the Governor. The picture presented has usually been very slight, depersonalized, and over-generalized.²⁷ In fact, much of the best work has been done in studies of the individual colonies in which

the Governor has been set firmly in the context of colonial politics.²⁸ However, by their very nature, they lack the wider comparisons with developments in other colonies necessary for a comprehensive overview.

The encyclopedical works of Alpheus Todd and Arthur B. Keith²⁹ are the indispensable starting points for any work on the constitutional structure of the self-governing Empire although inevitably many of their assumptions have come under attack. Keith himself criticized Todd for unduly inflating the power and influence of the Governor, and he, in his turn, has come under similar criticism.³⁰ Both formed their conclusions on the Governor's role essentially by defining it in legal terms and analysing a large number of Governors' actions inside the limits of that definition, a procedure which was made easy by the authors' reliance on official printed sources and by a disinclination, perhaps inevitable in the circumstances, to take actual colonial political conditions into consideration. A rather different pattern would emerge if the sources consulted had included both colonial materials and the Governors' private papers.

Very few of the Governors prominent in the self-governing Empire during the period have been accorded much intensive study except where their careers have crossed important developments in the colonies in which they served. Only Sir George Grey, Sir Arthur Gordon, and Sir Edmund Head have had recent biographies written.³¹ Several factors have contributed to this lack: the general absence of private papers necessary for the task; the wide variety of colonies in which Governors served and the need

to be familiar with the relevant sources in those areas; and, as the sceptical might say, the insignificance of their careers. In the case of Lord Normanby, there are ample private materials and this writer was able to visit the areas where he served. It is to be hoped that the third factor will be dispelled by this study.

Footnotes

- 1 See, for example, C. A. Bodelsen, Studies in Mid-Victorian Imperialism (Copenhagen, 1924); R. L. Schuyler, The Fall of the Old Colonial System: A Study in British Free Trade, 1770-1870 (New York, 1945); J. E. Tyler, The Struggle for Imperial Unity, 1868-95 (London, 1938); J. A. Hobson, Imperialism: A Study (London, 1902)
- 2 This interpretation has been advanced in works by R. Robinson and J. Gallagher, "The Imperialism of Free Trade", The Economic History Review, (2), VI (1953), 1-15 and, with Alice Denny, Africa and the Victorians: The Official Mind of Imperialism (London, 1961); J. S. Galbraith, "Myths of the 'Little England' Era", American Historical Review, LXVII (1961), 34-48; B. Semmel, "The Philosophic Radicals and Colonialism", Journal of Economic History, XXI (Dec., 1961), 513-25; C. R. Fay, "The Movement towards Free Trade", CHBE, II, 388-414; W. P. Morrell, British Colonial Policy in the Age of Peel and Russell (Oxford, 1929). Morrell considers that a 'new' imperialism began with the streams of emigration in the 1840s.
- 3 Robinson and Gallagher, "The Imperialism of Free Trade", p. 4.
- 4 Robinson and Gallagher, Africa and the Victorians, p. 56
- 5 Ibid., p. 55.
- 6 Quoted from the Grey Papers (28 Nov., 1857) by G. Serle, The Golden Age: A History of the Colony of Victoria, 1851-61 (Melbourne, 1963), p. 194.
- 7 J. M. Ward, Empire in the Antipodes: The British in Australasia, 1840-60 (Sydney, 1966), p. 74.
- 8 Memorandum (Dec., 1848) in K. Bell and W. P. Morrell, eds., Select Documents on British Colonial Policy, 1830-60 (Oxford, 1928), p. 117.
- 9 For the attitude of the Colonial Office at this time, see Morrell, British Colonial Policy; J. M. Ward, Earl Grey and the Australian Colonies: A Study of Self-Government and Self-Interest (London, 1957); Paul Knaplund, James Stephen and the British Colonial System, 1813-47 (Madison, 1955); J. W. Cell, British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process (Durham, N. C., 1970); D. P. Clarke, The Colonial Office Attitude towards the Working of Responsible Government, 1854-68 (Unpublished Ph. D. thesis, London, 1953); C. C. Eldridge, The Colonial Policy of the 5th Duke of Newcastle, 1859-64 (Unpublished Ph. D. thesis, Nottingham, 1966).

- 10 Morrell, British Colonial Policy; Cell, British Colonial Administration.
- 11 Even Robinson and Gallagher imply this. See "The Imperialism of Free Trade", p. 1.
- 12 E. A. Benians, "Colonial Self-Government, 1852-70", CHBE, II, 701.
- 13 Robinson and Gallagher, "The Imperialism of Free Trade", p. 4.
- 14 The North American colonies had received the new system by 1851; it was extended to Newfoundland and the Australasian colonies in the early 1850s; and the Cape Colony received it in 1872. In 1849, it was even offered to Jamaica but the offer was rejected.
- 15 Cell, British Colonial Administration, p. 95. One must not, of course, make the assumption that 'party' in the mid-nineteenth century, especially in the colonies, had the characteristics of a modern political party. See Chapter IV for a discussion of 'party' in those colonies where Lord Normanby served. It is interesting, however, to note that many imperial statesmen frankly admitted that responsible government implied 'party' government after 1846. See, for example, Earl Grey to Sir John Harvey, 3 Nov. 1846, in W. P. M. Kennedy, ed., Statutes, Documents and Treaties of the Canadian Constitution, 1713-1929 (2nd ed., Toronto, 1930) pp 570-7; Newcastle to Sir Charles Fitzroy, 4 August 1853, P. P. XLIV (1854).
- 16 The British North America Act (1867), being an imperial act, still in part can not be amended by Canada. Certain technical limitations remained in some colonies much longer. For example, New Zealand only received full control in 1947 when it ratified the Statute of Westminster.
- 17 See the Union Act (1840), Section XXVI.
- 18 Earl Grey, The Colonial Policy of Lord John Russell's Administration (2 Vols., London, 1853), I, 281-2.
- 19 Even here, although the colonies had the power to negotiate agreements, Britain had to ratify them.
- 20 C. B. Adderley, Review of 'The Colonial Policy of Lord John Russell's Administration, by Earl Grey, 1853'; and of Subsequent Colonial History (London, 1869), p. 3.
- 21 See, for example, Morrell, British Colonial Policy in the Age of Peel and Russell; J. M. Careless, The Union of the Canadas, 1841-57 (Toronto, 1967); C. Martin, Foundations of Canadian Nationhood (Toronto, 1955). The winning of self-government

and the development of Canadian nationalism has attracted a large amount of scholarly attention, particularly so in the 1920s and 1930s. This early 'Liberal-Nationalist' school of historians, which included Martin, R. G. Trotter, Adam Shortt, D. C. Harvey, Chester New, and George Wrong, stressed the changing political and constitutional relationship with Britain in mid-century, the pivotal role of Canada in the process of colonial emancipation, and the positive attitude of British colonial policy.

- 22 See A. G. Doughty, ed., The Elgin-Grey Papers, 1846-52 (4 Vols., Ottawa, 1937).
- 23 See Chapter II for some of Elgin's ideas.
- 24 Cell, British Colonial Administration, pp. 92-3, 153.
- 25 Review of The Career of Arthur Hamilton Gordon, First Baron Stanmore, 1829-1912 (Fredricton, 1964), by J. K. Chapman, HSANZ, 12 (1965-7), p. 142.
- 26 Ibid.
- 27 The pertinent chapters in the CHBE are still the best.
- 28 See, for example, W. M. Whitelaw, The Maritimes and Canada before Confederation (Oxford, 1934); Careless, The Union of the Canadas; Martin, Foundations; B. J. Dalton, War and Politics in New Zealand, 1855-70 (Sydney, 1967); G. E. Gunn, The Political History of Newfoundland, 1832-64 (Toronto, 1966); W. S. McNutt, New Brunswick: A History, 1784-1867 (Toronto, 1963); D. Pike, Paradise of Dissent: South Australia, 1829-57 (Melbourne, 1957); G. Hensley, The Withdrawal of Imperial Troops from New Zealand, 1864-70 (Unpublished M. A. thesis, Canterbury University, 1957).
- 29 A. Todd, Parliamentary Government in the British Colonies (Boston, 1880); A. B. Keith, Responsible Government in the Dominions (2nd ed., 2 Vols., Oxford, 1928).
- 30 See, for example, H. V. Evatt, The King and his Dominion Governors (London, 1936); D. K. Fieldhouse, "Autochthonous Elements in the Evolution of Dominion Status: The Case of New Zealand", Journal of Commonwealth Political Studies, I (May, 1962), 85-113.
- 31 J. Rutherford, Sir George Grey, 1819-98: A Study in Colonial Government (Auckland, 1958); Chapman, Gordon; D. G. G. Kerr (with J. A. Gibson), Sir Edmund Head: A Scholarly Governor (Toronto, 1954). There are, of course many older studies of which E. E. Thompson, The Life of Charles, Lord Metcalfe (London, 1937) and J. L. Morison, The Eighth Earl of Elgin: A Chapter in Nineteenth Century Imperial History (Toronto,

1928) are the most interesting. Other useful studies are: B. J. Dalton, *The Governors of New Zealand, 1868-92* (Unpublished M. A. thesis, Canterbury University, 1951); C. P. McCormack, *Victorian Governors and Responsible Government, 1854-92* (Unpublished M. A. thesis, Melbourne, 1962); M. I. Graham, *Sir George Bowen's Governorship of Queensland, 1859-67* (Unpublished M. A. thesis, London, 1962); G. Neuendorff, *Studies in the Evolution of Dominion Status* (London, 1942); W. M. Whitelaw, "Responsible Government and the Irresponsible Governor", CHR, XIII (Dec., 1932), 364-386.

II

THE ROLE OF THE GOVERNOR UNDER RESPONSIBLE GOVERNMENT: 1850-1890 ¹

Against such a background of a changing imperial relationship and the growing maturity of the self-governing colonies, it was practically certain that the position of the Governor would undergo considerable modification. It would be idle to suggest that Lord Lansdowne as Governor-General of Canada in the 1880s wielded the same influence as did Lord Elgin in the late 1840s and early 1850s or that Sir George Bowen's position was identical in Queensland in the 1860s and in Victoria a decade later. It is extremely difficult, however, to generalize about that process of change as it varied widely both in its rate of development and its scope from one colony to another. Those theorists of colonial constitutional history like Todd and Keith² who attempted to freeze the position of the Governor at one particular moment in time and then to construct a generalized role for him did scant justice to the differences existing between the colonies and between individual Governors. Nevertheless, by the end of the 1880s one could say that the Governors had ceased to play the important role which had been envisaged for them by the imperial authorities and by many of the early Governors themselves under the new conditions of responsible government, and that they had become little more than the titular heads of the colonies. The significant change in the type of Governor appointed³ and the increasing

importance of the colonial representatives in London were but two reflections of that diminished role.

Throughout the period from mid-century to the end of the 1880s and, of course, for some time after, the Governor had a dual role to play. He was both an imperial officer, charged with the responsibility of defending imperial interests, and the head of the local colonial government.⁴ This chapter will explore the salient developments in both these roles.

As with the growth of responsible government itself and indeed the British constitution, the 'domestic' role of the Governor is very difficult to define accurately. All were products of a gradual evolution which depended as much on convention, improvisation, and adaptation to new circumstances as it did on written statutes and regulations. It is impossible to understand the Governor's position simply by reading the Constitution Acts of the various colonies, the Prerogative Instruments of his office or The Rules and Regulations for Her Majesty's Colonial Service. For the most part, these changed very little in the first half-century of colonial self-government and yet no historian would argue that the actual constitutional and political reality remained as static.

But a brief examination of these documents provides a reasonable place to begin, the more so because it will point up the inadequacy with which they serve to describe the changing role of the Governor. The Prerogative Instruments - the Commission, the Letters-Patent, and the Instructions - formed the most important statement of his powers and duties and while many were duplicated

in the Constitution Acts and the Rules and Regulations, both the Colonial Office and the Governors themselves usually defended their positions by reference to the Instruments. Although critics like Sir George Grey and George Higinbotham argued that the source of a Governor's powers resided in the Constitution Acts, most colonial politicians accepted the other position. It is significant that Edward Blake in the 1870s chose to urge a revision of the Instruments rather than the constitution in order to bring the theoretical powers of the Governor-General into line with political realities. The revisions⁵, made in 1878 in Canada, were the only far-reaching ones in the period but they were not matched in the other colonies.

There was seemingly little attempt made at a logical arrangement of powers and functions in the Instruments⁶ which together outlined the basic array of the rights and duties of the Governor in the colonial constitutional systems. Of these, the most important were the the right of appointment, suspension or dismissal of political officers and magistrates, the prerogative right of dissolution of the colonial assemblies and the power to reserve or disallow colonial legislation, **none of which he** **was** necessarily bound to use on the advice of his ministers. Moreover, the Executive Council was established by his Commission and he was enjoined to summon it to business and, if possible, to preside over it. Although he was to consult with it, he could decline to accept its advice on any subject with the proviso that he report his reasons for doing so to the Colonial Office. Finally, he was authorized, under certain conditions, to reprieve or pardon

criminal offenders under his jurisdiction.

These powers, stated thus baldly, could have been expected to furnish the Governor with a formidable battery, albeit of a primarily negative character. He could have effectively paralysed the whole process of government. However, it was not the letter of the law which prevailed but the spirit of responsible government, the essence of which was that, in matters of purely local concern, a Governor was bound to accept the advice of ministers who possessed the confidence of the legislature. All the Secretaries of State from Lord Grey onwards **stressed** that same **point** .. The rights of veto and reservation, of dismissal of ministers, and the refusal to accept advice were largely reserve powers which were to be used only to protect the constitution from a flagrant abuse of law or to shelter individuals or groups from palpable injustice. Even there, distinct caution was generally urged upon the Governors. The Duke of Newcastle pointed out to Bowen in 1862 that:

In granting responsible government to the larger colonies of Great Britain, the Imperial Government were fully aware that the power they granted must occasionally be used amiss, but they always trusted that the errors of a free Government would cure themselves, and that the colonists would be led to exert great energy and circumspection in legislation and Government when they were made to feel that they would not be rescued from the consequences of any imprudence merely affecting themselves by authoritative intervention of the Crown and of the Governor.

Sir Edmund Head, one of the more prominent of the Governors of his period, made precisely the same point:

We cannot take the system [of responsible government] by halves. To give to the Local Legislature professed freedom of action, and at the same time to interfere on matters affecting the colony itself because that Legislature do not use their powers exactly as we should wish, is, it appears to me, to augment a great moral

power of resistance for the express purpose of provoking its exercise against ourselves.⁸

There were, in fact, relatively few cases when the reserve powers were used either in a punitive manner by the Governor or to prevent unwise or unjust legislation and administrative actions. The dismissal of officers - which usually meant the dismissal of entire ministries - occurred occasionally, as in Newfoundland in 1861, in New Brunswick in 1856 and 1866, and in the Cape Colony in 1879; but it was an infrequent and dangerous act which required exceptional circumstances to justify. Many Governors during the period may well have agreed with Sir Alexander Bannerman's observation to Newcastle in 1861 that:

The new system of government . . . instead of lessening, increases a governor's responsibility. A bad ministry, with a corrupt majority, may do many things which a governor cannot help. But I could not for a day continue to administer the government of a colony, unless I had the power to dispense with the services of my ministers, and appeal to the country.⁹

But, given the realities of colonial administration as responsible government developed in the 1870s and 1880s, that power had almost become an anachronism.

As the scope of self-government widened and with the Imperial Government showing great forbearance, the use of the veto or suspension of legislation became rarer. Between 1856 and 1900, only five acts from the Australian colonies were disallowed and about forty were reserved, the majority of which passed into law after necessary amendment. Of the latter, most occurred in the early years of self-government.

It was not through the use or revision of these negative powers, however, that the changes in the Governor's position can

be traced. Nor was it ever considered that they should be the sole, let alone the most important, weapon in his arsenal. Far more importance was attached by the imperial authorities and the early Governors to the positive aspects of the role, which included sharing in the formulation of policy of all kinds and working to ensure that the system of government functioned smoothly and constitutionally. The extent and use of that influence was never the subject of precise orders from Downing Street nor did they form part of written instructions but the care taken to provide the self-governing colonies with Governors of ability and experience was evidence of the Colonial Office's desire to preserve that influence.

Lord Elgin's letters from Canada provided a veritable guidebook of the functions of a Governor in the early stages of responsible government. They not only indicated the wide influence he could exercise but they also set out the code of behaviour and constitutional ethics by which he should conduct himself. He believed that

... there is more room for the exercise of influence on the part of the Governor under my system than under any that ever was before devised; an influence, however, wholly moral - an influence of suasion, sympathy, and moderation which softens the temper while it elevates the aims of local politics.¹⁰

The best means, in Elgin's opinion, to increase that influence was not by any great display of power but "by the frank acceptance of the conditions of the Parliamentary system."¹² That entailed the extension by the Governor of his full and frank support to his ministry without in any way antagonizing the opposition parties and politicians with whom he might have to act in future.

In return for that, he expected the ministry to accede to his advice as much as possible, a situation in which he considered that he had been more often than not successful:¹³ "... I find a tendency constantly increasing to attach the utmost value to my opinion on all questions, local or general, that arise."¹⁴ But he did realize that until the Governor's functions were better defined, his role would be a very difficult one to discharge and

he must be content to tread along a path which is somewhat narrow and slippery, and to find that incessant watchfulness and some dexterity are requisite to prevent him from falling on the one side into the néant of mock sovereignty, or on the other into the dirt and confusions of local politics.¹⁵

Elgin was not alone in these sentiments and nearly every later Governor and Secretary of State echoed them to some degree.¹⁶ It must be remembered, however, that Elgin developed his views during the very early years of responsible government and they were, in fact, really only applicable to Elgin himself and to Canada at that particular stage of its development. In theory those views could be espoused by others but the precise métier of a Governor's influence in a colony depended in practice on factors like the maturity of that colony, the characteristics of the colonists, the political conditions prevailing there, and the ability, experience and prejudices of the individual Governor. To illustrate these points in the first instance, it will be profitable to compare briefly two different administrations of three Governors - Sir Edmund Head in New Brunswick from 1848 to 1854 and in Canada from 1854 to 1861; Sir Arthur Gordon in New Brunswick from 1861 to 1867 and in New Zealand from 1880 to 1882;

and Sir George Bowen in Queensland from 1859 to 1868 and in Victoria from 1873 to 1879.

Head's appointment to New Brunswick corresponded with the Colonial Office's decision to initiate the system of responsible government in that colony and his main duty there was not merely to give formal acceptance to that principle of government but also to explain it and to work to develop the political and administrative conditions under which it could operate successfully. In a small colony like New Brunswick with a scattered and politically immature population, with no well-defined parties and few competent administrators, and lacking even the rudiments of the necessary substructure of administration, Head wielded considerable power and had a wide latitude for his initiative and personal drive.¹⁷ Late in 1852, he wrote that he had

at this moment more real power, without the show of it, than I ever had. Nothing has done me so much good as the knowledge of law which I picked up before I came out. By means of this I can meet my council on equal terms in almost all matters & they are very shy of proposing to me anything of a doubtful character.¹⁸

On the other hand, his role in Canada was much less conspicuous especially in the day-to-day functioning of the government. There responsible government was running much more smoothly, administrative reform, although by no means completed, was established on a much sounder basis than in the smaller colony,¹⁹ and Head's ministers were far more experienced and competent than their New Brunswick counterparts. Although the new system was less than a decade old, Head's position was not analogous to that of Elgin's before him. By the same token, however, Elgin had probably wielded much less power in Canada

than Head had done in New Brunswick, where a closer analogy could be made with Lord Sydenham. In Canada, Head intervened personally only in defence questions and in major political crises, directing his attention far more to the wider concerns of federation, railway development, and colonial expansion. Nevertheless, he still was able to exert some influence on all matters of government especially as he was in close personal rapport with many of his ministers. The degree to which he could do so will remain unknown, but in a memorandum written in 1857,²⁰ in which he described his relationship with his ministers in routine matters, it was clear that he was no cipher.

In the case of Gordon, one letter is given in extenso to speak for itself. Even though it must be remembered that Gordon was certainly no friend of responsible government and due allowance must be made for the ravages of time upon his recollections, his impressions still remain an eloquent commentary on the changes in a Governor's position:

- (1) Twenty years ago, though one was not present at Cabinet meetings, the business done was, - as it is (or at least used to be) in England, - reported to the Governor by the Prime Minister. Now, not the smallest hint of Cabinet proceedings is allowed to reach the Governor.
- (2) One was allowed free intercourse with all the ministers, All communications now pass through the Premier exclusively.
- (3) Though the ultimate decision, of course, rested with Ministers, all questions were freely discussed with the Governor. His opinion was listened to, and sometimes taken. Now, unless his signature is required, no matter is mentioned to him, and then only in the shape of "advice" which must be taken.
- (4) No step requiring the Governor's approval was taken until it had formally been submitted to him. Now, the general rule is to act first, and advise approval, as a matter of course, afterwards.
- (5) The Governor was the sole medium of communication between the local and home governments. Now, all the larger Colonies have an "Agent General" in London who communicates direct with the

- C. O., and none of whose correspondence with the local Government is ever seen by, or mentioned to, the Governor.
- (6) The Governor's despatches were simply an affair between himself and the Home Govt. They were of course liable to be published, and he might, if he chose, communicate them to his ministers, but the claim of the local ministers as a matter of right, to see them was refused, time after time, by the Secretary of State. Now, they not only see all, but affect practically to dictate those written from hence.
 - (7) The Governor exercised a personal command over the Militia and Volunteers, as Commander in Chief. It was subject, of course, to the general control of the Government, but was real, and afforded some employment. Now, the control of the armed force is so completely in the "Defence Minister", that not even the Governor's formal approval is required for any matter relating to it

And all these are very important "developments" of the responsible government system.²¹

When Bowen was in Queensland as its first Governor, he sent to his many correspondents glowing reports of the freedom and power that he possessed in that colony. He managed to sound rather like Elgin as he reflected on the role of the Governor in the early years of his career:

There cannot, in my opinion, be a greater mistake than the view which some public writers in England appear to hold, namely that the Governor of a colony, under the system of responsible government, should be, in a certain sense, a roi fainéant. As far as my observation extends, nothing can be more opposed than this theory to the wishes of the Anglo-Australians themselves. The Governor of each of the colonies in this group is expected not only to act as the head of society, to encourage literature, science and art, to keep alive, by personal visits to every district under his jurisdiction, the feelings of loyalty to the Queen, and of attachment to the mother-country, and so to cherish what may be termed the imperial sentiment but he is also expected, as head of the administration, to maintain, with the assistance of his council, a vigilant control and supervision over every department of the public service. In short, he is in a position in which he can exercise an influence over the whole course of affairs, exactly proportionate to the strength of his character, the activity of his mind and body, the capacity of his understanding and the extent of his knowledge.²²

He asserted later that "both the executive and legislature always cheerfully defer to my recommendations."²³ However, again it must

be realized that Queensland was still in its infancy with an absurdly small and scattered population and its structure of government had to be built up from almost nothing. It was evident also that Bowen did not wield the same influence towards the end of his administration that he had in his first years and that he was much more successful when he was associated with ministers with whom he was on close personal terms.²⁴

Looking back on his later administration of Victoria, Bowen commented that:

The Governor of Victoria, owing to the character of this community and to the extreme violence of party spirit here, will always be placed in a position of far greater difficulty than the Governor of any of the adjacent colonies where moderate principles and feelings prevail; and where political parties have generally been nearly equally balanced The democratic feeling is much stronger and more widely spread than in any other English-speaking community, except perhaps in one or two of the Western States of the American Union. It has also been remarked, with equal truth, that the tone of Melbourne and of its Legislature is as different from that prevalent at Sydney and Adelaide as the society of a manufacturing town from that of an agricultural county in England.²⁵

Of all the Governors, Bowen was the least likely to under-rate his own importance and yet even he realized the great changes that could be wrought on the Governor's position over the space of a few years and in different colonies. His own attitude shifted significantly. In Queensland, he emphasised the positive and beneficial role of the Governor in shaping political and social developments whilst in Victoria he reluctantly admitted that a Governor could do very little to promote good government and almost nothing to prevent injustice. His disillusionment reached its height during the crisis in 1878 between the two houses of the Legislature when he sanctioned, albeit much against

his own volition, the dismissal of numbers of civil servants. In defending his action later after the Secretary of State, Sir Michael Hicks Beach, had expressed regret at his conduct,²⁶ he characterized it as the better of "a choice of positive evils", and far superior to embroiling the Colonial Office in colonial politics. It would have been an act "of perilous infatuation" to dismiss the ministers simply because he personally disagreed with them.²⁷ He quoted Lord Dufferin's opinion in 1873 with approval:

The people of Canada will ultimately feel that it is for their permanent interest that a Governor should unflinchingly maintain the principle of Ministerial responsibility and it is better that a Governor should be too tardy in relinquishing this palladium of colonial liberty, than too rash in resorting to acts of personal interference.²⁸

That stance was indeed a far cry from the sentiments which Bowen had espoused earlier in Queensland: "It is [the Governor's] undoubted right and duty to disallow ill-advised acts of the colonial legislature"²⁹ Bowen's real defence boiled down to the admission that no Governor should be held responsible for anything he did on the advice of his ministers regarding purely local affairs,³⁰ an opinion which again was very different to his earlier convictions: "I have always felt that in matters of purely colonial concern, a Governor should not desire to be released of the personal responsibility"³¹

It is hoped that from these three examples the difficulty of arriving at any precise definition of the influence of a Governor can be gauged. Two general points do, however, stand out. In the first place, the period from mid-century to about 1890 saw an overall decline in the positive aspects of the Governor's

position which had become but a shadow of the early conception of Elgin. Secondly, that decline did not move at the same pace in all the self-governing colonies.

In those larger colonies like Canada before 1867 and the Dominion thereafter, and in Victoria, the speed was much more pronounced than in the smaller ones. W. M. Whitelaw, in an interesting article based primarily on the Governors' activities in the Maritime colonies of British North America from 1850 to Confederation,³² considered that:

It would be a mistake . . . to regard the governor as going down to defeat with the sceptre snatched from his hands. He was far from becoming the roi fainéant that the parallel with British constitutional usage might suggest.³³

Moreover, as Bowen had pointed out,³⁴ the political character of a particular colony definitely played an important part in determining the level of a Governor's influence. A colony like Victoria with a tradition of conflict with imperial authority and a jealous eye to its own local independence fostered by its democratic nature allowed little scope to the Governor however able he might be. Well might Lord Normanby be amazed when in 1878-9, the Victorian Government appealed to London for intercession in its own affairs over the conflict of the two houses of the Legislature. He expressed wonderment at a people who

profess to be so jealous of constitutional privileges should have ever courted the interference of the Imperial Parliament in a matter so clearly in their own power to settle.³⁵

Much also depended on the character and ability of the Governor himself and the relationship which he had with his ministers. If he was on good terms with them he of course would

have more hope of influencing them in their conduct than if they were barely on speaking terms. Lord Grey's advice to Sir John Harvey in 1846 was to avoid ". . . 'identifying yourself with any one party,' but instead of this, 'making yourself both a mediator and a moderator between the influential of all parties.'" ³⁶ That advice was oft-repeated by succeeding Secretaries of State ³⁷ but in practice it was very difficult to maintain in the colonies. Most Governors were drawn by personal inclination or by events into favouring particular parties or politicians over others, a situation which was almost impossible to disguise from the watchful colonists. But this factor played, as with others, a more important part in the early days of responsible government for by the 1880s generally it did not really matter very much, except for the personal satisfaction of the Governor, what the relationship was with his ministers. By then, even friendship and respect did not seem to involve regular consultation. ³⁸

Yet, despite the overall trend, there were some cases when the decline of their influence could be stalled or even reversed due to differences in the personal capacities of individual Governors. One good example was in Nova Scotia where Sir John Harvey had practically abdicated his position by 1850. Herman Merivale, the Permanent Under-Secretary of the Colonial Office, remarked in 1852 that: "It has long been apprehended in this office that Sir John Harvey was only a cypher in the hands of the Provincial Administration of the day." ³⁹ Later both Lord Mulgrave and Sir Richard Graves MacDonnell most certainly played a much more positive and active role there. The clock could be turned

back briefly but there was no way in the end of stopping it as the colonies matured and became more confident in their exercise of self-government. In fact, it was ironic that a Governor whose attempts to improve the quality of colonial government were successful was contributing substantially to the eventual decline of his own influence.

Little reliance should be placed on the public assessments made by Governors of their role in the colonies. They almost invariably, especially in speeches and even in their official correspondence, tended to overrate their importance. Gordon, in his usual colourful and outspoken manner, pointed to that characteristic in a letter in 1881:

They therefore either delude themselves into a belief that a curious, but most fortunate, agreement of opinion exists between them and their advisers, and that their ministers are only carrying out the exact measures they themselves would have adopted, or they make a great fuss and try to persuade themselves that their "indirect influence" is considerable, and that they are largely contributing to the progress of the coach, when in fact, their poor little wheel is spinning and buzzing idly, round and round in the air.⁴⁰

Sir Hercules Robinson, another prominent Governor and an acute and rather more dispassionate observer, gave substance to that opinion.

I do not suppose that any Governor in Australia has ever been consulted on, or even informed of the policy of his Ministers before the intimation of it to Parliament. . . . Here the assent of the Governor to anything that Ministers can carry through both Houses is assumed in advance and he learns the intentions and policy of his Government for the first time invariably from reading their public deliverances in the newspapers. . . . With us here in Australia, the Crown is practically a cipher until a Ministry is discredited, and the alternative is then forced upon it of electing between a new Ministry or a new Parliament.⁴¹

In fact, the private correspondence of the Governors is studded with such lamentations about the decline or absence of influence.

Dufferin in 1872 admitted that: "The Governorship of a colony , with constitutional advisers does not admit to much real authority over its affairs, and I miss the stimulus of responsibility. . . .";⁴² Sir Thomas Gore Browne bewailed the fact that "Governors have . . . been silently dropping into the positions of consuls. . . .";⁴³ and Sir William Denison, when he was in New South Wales, criticized the new system of government and the new status of the Governor. Referring to his appointment to India, he wrote:

I look forward with great pleasure to the idea of having something to do. In these responsible Governments one sees much going on which is most objectionable, yet one is powerless to do good or prevent evil. One may make suggestions but these, if adopted, which is by no means certain to be the case, are pretty sure to be marred in the working. . . .⁴⁴

Indeed, many Governors would have been surprised at one of Robert Herbert's minutes in 1881 in which he noted that the duties of a 'responsible' Governor were "anything but perfunctory."⁴⁵ They would have been much more likely to have agreed with one of Herbert's predecessors at the Colonial Office, Frederic Rogers, who contended that the Governor was in essentials little more than the ambassador of a great state to a weaker, with which it is on terms of close alliance, and which relies on the protection of the more powerful.⁴⁶

However satisfactory a term of six years for each Governorship may have been to the Colonial Office, it worked to the detriment of a Governor's influence. With that short tenure, a Governor could not establish the respect and confidence which an hereditary monarch could over a long reign. Nor could he master fully the individual peculiarities of each colony, albeit they might have many characteristics in common. Every Governor to some

extent was affected by the calibre and the attitude of his predecessors which set precedents, guidelines and limitations for his own administration. Walter Bagehot contended that a Governor was

a ruler who has no permanent interest in the colony he governs; who perhaps had to look for it on the map when he was sent thither; who takes years before he really understands its parties and its controversies; . . . He is sure to leave upon the colony the feeling that they have a ruler who only half knows them and does not so much as half care for them.⁴⁷

That conclusion was over-generalized, but it did contain a measure of understanding of the effects of the short tenures of the Governors.

When one turns to the question of the discretionary powers of the Governor, one is confronted with a rather different situation. They did not disappear, although there was some change, and were used many times after 1890.⁴⁸ However, as D. K. Fieldhouse has recently noted in relation to New Zealand,⁴⁹ their effective use depended substantially on the political conditions pertaining in that colony and not on their inviolate control by the Governors. That conclusion and the general concept of 'autochthonous development' as it related to the Governor's position could well be extended with profit to other colonies. A Governor's ability to reject advice really depended upon his chances of securing an alternative ministry which would defend and sustain that rejection. Unless he could do that, a Governor had to accept advice however reluctantly or face political embarrassment or possible recall. That was basically the choice which faced Bowen in Victoria in 1878. There was no possible alternative government to that of

Graham Berry, the leader of the Liberal party, who was supported by two thirds of the Victorian Assembly only eight months from the polls.

Although responsible government implied party government, in most of the colonies no clear party divisions existed. Perhaps with the exception of the Dominion of Canada after 1867, colonial political life was characterized by instability.⁵⁰ **Under such conditions** it was relatively easy for a Governor to find other viable ministries.

The maintenance of the discretionary powers in the hands of the Governor depended, in the last resort, upon the willingness of colonial politicians to accept it as being in the best interests of colonial self-government. Those powers were certainly not sacrosanct in colonial eyes and would be changed or removed when circumstances dictated. By the end of the 1830s, both the conditions - the political situation and that acceptance - which buttressed the Governor's control of them were, indeed, steadily changing.⁵¹

In theory, a Governor was the representative of the Imperial Government in the colonies but in practice he also had become the spokesman representing and interpreting colonial interests to the Colonial Office. He had, in a sense, to serve two masters and that could and did pose certain problems when imperial questions were concerned.⁵² He was the channel of all official correspondence between the colony and the Colonial Office, a prerogative which was jealously upheld by the Governors and Imperial officials throughout the period. By the 1870s,

however, that monopoly was starting to crack with the colonies looking elsewhere for representatives. As one newspaper put it:

The Governor of a colony in reality is constitutionally placed so as not to be its representative and he is in a false one when forced to occupy that position. He really is to us the voice of the central governing power.⁵³

It further suggested that too much reliance had been placed on the opinions of the Governors rather than on the direct expressions of the colonies' wishes and that there was a need to put far more confidence in and to enlarge the powers and status of the Agents-General.⁵⁴

Of course there had always been interested colonists in the metropolis and many had concerned themselves with colonial affairs and had been associated with bodies like the Royal Colonial Institute. Many had also lobbied at the Colonial Office and with Imperial parliamentarians, activities which had often raised the chagrin of colonial governments.⁵⁵ But they had not threatened the Governor's position in the same way as had the growth in the status of the official colonial representatives.

By 1870 most of the self-governing colonies had dispensed with the services of the Crown Agents and had appointed special representatives to manage their commercial, immigration, and financial interests in London.⁵⁶ Despite the opposition and scepticism of the Colonial Office,⁵⁷ these officials evolved during the 1880s into bone fide political representatives of the colonies who largely took over from the Governors the task of 'diplomatic' relations between the colony and Mother-country.⁵⁸ The Colonial Office files began to bulge with correspondence

with the Agents-General.⁵⁹ In 1890, Sir John A. Macdonald, the Prime Minister of Canada, noted the progress of that development:

By degrees the colonial ministers [the Colonial Secretaries] have begun to treat the colonial representatives as diplomatic agents, rather than as subordinate executive officers and consult them as such.⁶⁰

One Governor, Sir Henry Loch of Victoria, declaimed bitterly against the effect of the process on "the legitimate influence of the Governors. . . ." and suggested that the growing powers of the Agents-General should be curbed.⁶¹

Another significant factor which served to reinforce that trend was the beginning in 1887 of a series of Colonial Conferences which brought together the representatives of the colonial and Imperial governments. Those meetings fashioned yet another important channel of communication outside that of the Governor.

In the early years of self-government, it was true that the Governors performed an indispensable role in the working of the imperial relationship as the most vital link between the colonies and the Mother-country. One can not quarrel with White-law's conclusion that the Governor's role, "as shock absorber between colonial autonomy and imperial control, . . . might not be spectacular, [but] it was none the less essential."⁶² By 1890, however, he played a much diminished part.

One aspect of his position which did not change and indeed probably became more important as his political significance declined was his largely intangible 'social' role. Lord Elgin remarked on its value in 1854:

. . . he is set at liberty to constitute himself in an especial

manner the patron of those larger and higher interests - such interests, for example, as those of education, and of moral and material progress in all its branches - which, unlike the contests of party, unite instead of dividing the members of the body politic.⁶³

Colonial opinion also set a high premium on the Governor's ability and willingness to act in that way. One colonial politician phrased it thus:

It is his duty also to set a high social example and to interest himself not only in the general progress of the colony, but, as far as possible, in the general welfare and prosperity of the colonists engaged in the great battle of colonial life.⁶⁴

The Brisbane Courier in December 1872 summed up the attitude of many colonial newspapers in the period when it commented that, in social matters, a Governor

can, if he chooses, be a power . . . by taking the lead, and occasionally initiating the necessity for the lead being taken. He can direct the attention of the people outside the mere gathering together of the means to live, and the means to accumulate.⁶⁵

A great deal hinged on the Governor himself as to the extent to which he fulfilled that capacity, but most set considerable store by it and exhibited a keen interest in the development of education, voluntary societies, science, and culture.

In the colonies, a Governor was expected to entertain on a lavish scale and provide a lead to the social life of the community. A great deal of criticism was certain to follow if he failed to do so. Lord Normanby in Victoria gained a reputation for parsimony and Sir William Cairns attracted censure for not spending his money on hospitality at Government House in Queensland.⁶⁶ It was felt that the colonies paid munificent salaries and that they should be used to provide equal liberality. Especially in the Australasian colonies, there was a distinct distrust of gubernatorial

frugality. It seemed to imply that Governors were only there to make money out of colonial coffers. One such reaction came from the Sydney Bulletin in 1881 which, in its usual cynical manner, stated:

Lord Normanby is not the only Irish peer who accepted office as a Colonial Governor for the purpose of relieving his encumbered estates. Lord Belmore came to Australia for a similar laudable purpose and by diligence, thrift, and the careful raising of cabbages, succeeded in accomplishing his purpose before the usual term expired.⁶⁷

What usually happened, however, was that the Governors found that the demands of hospitality placed a severe strain on their income.

As he was the most conspicuous political link between Great Britain and the colony, the Governor was expected to foster imperial loyalty. "Do your best always to keep up the pride in the mother-country . . .", was Sir Edward Bulwer Lytton's advice to Bowen in 1859.⁶⁸ By periodic progresses around the colony and by numerous public speeches, a Governor did his best to achieve that end although the tangible benefits derived from them were difficult to measure.

The control of the recommendation for honours by the Governors was also used to cement imperial ties. As on so many other subjects, Elgin had referred to the possible utility of that power:

Now that the bonds formed by commercial protection and the disposal of local offices are severed, it is very desirable that the prerogative of the Crown, as the fountain of honour, should be employed, in so far as this can properly be done, as a means of attaching the outlying parts of the empire to the throne.⁶⁹

Whether or not it did accomplish that hope is impossible to say, but honours were lavishly granted to many of the leading colonial

political figures in the period. Indeed, it was difficult to find a prominent politician without a knighthood in the 1880s. However, beneficial or not, some Secretaries of State considered that "the judicious distribution of personal honours" could ease explosive political situations in the colonies and smooth imperial relations. In 1879, Hicks Beach recommended to Normanby that Graham Berry of Victoria should be granted a knighthood: "A K. C. M. G. would be scarcely dangerous as a mob-leader."⁷⁰

The task of assessing colonial opinion on the role of the Governor in all its nuances over the period from mid-century can not of course be attempted here but some general characteristics can again be briefly noted. Most colonial politicians were practical men little given to abstract thinking on constitutional matters.⁷¹ All to some degree supported the extension of self-government to the colonies which by definition implied the reduction of the Governor's role. Discussion and criticism of his position almost invariably was a reaction to the use he made of his discretionary powers, his handling of constitutional crises, and to his general attitude as exhibited in public speeches and in his published despatches. Obviously, those parties and politicians adversely affected by his decisions or who disagreed with his views attacked the Governor personally and usually brought into question the whole utility of his position. Similarly, those who benefited or agreed with him defended him. Because most of the Governors were, in colonial terms, 'conservative' in sentiment it was understandable that they should come into conflict more often with the colonial 'liberals' who by conviction and policy

were the more strident advocates of further self-government. Colonial newspapers, being generally controlled by politicians or their close friends, were intimately linked to the political parties and their opinions followed the lines as outlined above.⁷²

The period under discussion, spanning almost half a century, was basically, therefore, a transitional one which witnessed a substantial change in the role of the Governor, during which he ceased to be an important part of the political system and was fast becoming simply the symbol of imperial allegiance. Goldwin Smith's rather sneering portrayal of the Governor, though unflattering, was tolerably near to the truth.

He is now politically a cipher. He holds a petty court, and bids champagne flow under his roof, receives civic addresses and makes flattering replies; but he has lost all power, not only of initiation, but of salutary control.⁷³

In 1879 Charles Gavan Duffy gave his friend, John Pope Hennessey, advice, the validity of which many Governors would have recognized.

Stick to the legislature where you are Speaker, Treasurer and Premier, like three single gentlemen rolled into one. Trust me you are happier there than you would be in a Constitutional Colony, where your active intellect would have no employment, and you would be advised by men who, it may be, knew less of the matter in hand than you did. In Australia, hospitalities are so constant that a larger salary is really only a small income than the moderate pay in a Crown Colony. . . . Do you know that the Governor cannot appoint a policeman; he, in fact, has no patronage but his own staff. . . . Had you come here for a political career, you would have had a brilliant one, I have no doubt, but to reign and not to govern is a triste métier.⁷⁴

This is indeed an eloquent testimony to the diminished role of the Governor and one starkly different from the picture which Elgin had drawn some thirty years before.

Although the greatest changes took place in his 'domestic'

capacity, a similar process occurred in the Governor's position as the guardian of imperial interests. His power of initiative and his freedom of action, which were relatively wide in the early years of responsible government, were increasingly circumscribed by the control of the imperial authorities and because the range of subjects which were considered to be imperial in character was greatly limited during the period. Moreover, with that limitation, it had become much easier to distinguish between matters of imperial and local concern and the early confusion between the two, which had enabled the Governor to exercise a marked degree of latitude in local affairs, came virtually to an end.

There were of course several early attempts made to establish a clear distinction. Lord Durham, some of the Colonial Reformers,⁷⁵ and George Higinbotham of Victoria had suggested such a policy and, in the early 1850s, the Constitution Acts sent to London by New South Wales, Victoria, and South Australia for approval had embodied provisions to limit imperial interests by statute. Although there was felt to be a certain attraction in thus delineating the preserves of the Imperial Government, Lord John Russell really summed up the general attitude of imperial statesmen at that time:

. . . if any attempt were made to define the questions which should be so reserved, they would probably include either too few or too many; and in the latter case the colonial legislature would be a great deal more restricted than it practically was at present. The proper course was to give general instructions to the Governor and to use great forbearance with regard to any matter which was clearly and plainly one of local interest, so as to leave the local authority as free as possible.⁷⁶

Those 'general instructions',⁷⁷ were illustrative of both the duality of the Governor's position and the scope and nature of the general interests which were considered imperial. They were concerned largely with the Governor's powers and duties in the constitutional structure of the colony and on these his instructions were reasonably clear and explicit. On his duties as the imperial custodian, there was no such clarity and he was only broadly enjoined to reserve for the imperial approval certain classes of legislation,⁷⁸ the imperial aspect of which was distinctly obvious. Those limits on colonial autonomy were supplemented by the Imperial Government's exclusive right to represent the Empire in political dealings with foreign countries. It was evident that those controls represented to the early imperial statesmen the essential bulwarks without which any notion of empire would be inconceivable. In the main, the colonies did accept them as valid imperial concerns although, with the development of distinctive colonial economic and social patterns, the imperial conception of trade and the unified system of divorce and marriage legislation came under stern attack and breaches were made in them before 1890.⁷⁹

The Governor had a rather mechanical role to play in the disputes between the Imperial and colonial governments on these issues although he was the intermediary through which all official correspondence was channelled. He could and did explain colonial attitudes and aspirations to the Colonial Office and he was expected to make imperial policy more palatable to the colonists. Lord Carnarvon advised Sir Henry Barkly, the Governor of the Cape

Colony, that it

is to the Governor . . . that the Minister in England must look to remove misapprehensions, to smooth difficulties, to reassure as to the intentions of the Home Government and in fact to prevent . . . a collision of opinion. . . ."80

Generally, it could be said that a Governor who had spent some time in a colony began to sympathize with colonial problems and policies even though he seldom became fully identified with them. That was evident even on issues of fundamental imperial concern like the imposition of tariffs on trade for protective purposes in Canada in the late 1850s and in Victoria in the 1860s, and the struggle by the eastern Australian colonies to obtain differential duties in the early 1870s. Most of the Governors shared the free-trade assumptions of mid-nineteenth century Britain but they could recognize, as Lord Kimberley did, that "the principle of self-government was even more important than the principle of free-trade"81 Sir Edmund Head, commenting on the Cayley tariffs in 1858 in Canada used the same sentiments:

. . . however unsound the views of a community may be in matters of political economy, if that community substantially governs itself, we must expect to find such unsoundness reflected in its legislation. Self-government, which is only to operate when its acts agree with the opinions of others is a contradiction in terms.82

Although a Governor could support a colonial position in opposition to the imperial will, he could not work persistently against imperial policy. Both Sir George Grey and Bowen were reprimanded sharply for frustrating the removal of imperial troops from New Zealand in the 1860s, as were both Gordon and MacDonnell in the Maritime colonies over the question of federation.

The concerns set out in the 'instructions' to the Governor, however, gave only a small indication of his imperial role. One of the major difficulties in defining those duties exactly was the ever-changing situation in the Empire which threw up new and unforeseen problems for the Colonial Office and its representatives.

One part of that process was the rapid growth of the self-governing colonies and the consequent awareness of their own strength and ambitions. From the 1850s the Colonial Office was confronted with demands for expansion - Canada towards the west and the Australasian colonies into the Pacific Ocean. When those demands ran counter to imperial policy, Governors were called upon to use their influence to counter them also. Thus Sir James Fergusson was reproached for lending support to New Zealand's expansionist designs in the Pacific in 1875⁸³ and his successor, Normanby, was instructed to do his utmost to undermine them.⁸⁴

Alongside that, there was developing in many colonies an understanding that some type of union was necessary to draw neighbouring communities closer together in order to reduce colonial rivalries and to prepare for future security and development. Those movements, at times stumbling and faltering and meeting with strong opposition, in British North America, Australasia and southern Africa presented new challenges and responsibilities to the Governors.

Again, further problems were produced by changing imperial policies towards the self-governing colonies. As the

old controls vanished and power devolved to the colonies, the Imperial Government became more and more anxious to reduce its expenditure for defence. To most imperial politicians, the natural corollary of responsible government was colonial self-defence although naturally many colonial politicians failed to reach the same conclusion. The withdrawal of the garrisons was relatively easy in the Australian colonies where there was little risk to colonial security but the situation was very different in British North America, New Zealand, and the Cape Colony. There withdrawal did involve considerable hazards and aroused much criticism in the colonies because it corresponded with periods in which those colonies were exposed or seemed to be exposed to the dangers of internal conflict or the threat of invasion.

The policy of withdrawal had an important and somewhat paradoxical side-effect. Instead of minimizing the imperial role, the Colonial Office was drawn further into colonial affairs in an attempt to consummate the policy. Therefore, in British North America and in southern Africa, the Office actively encouraged the development of self-defence forces and schemes for union. The Governors were used as energetic agents for those policies and although they were generally given a degree of individual initiative, they were expected to expedite imperial designs as much as possible.

Another factor contributing to imperial involvement was the old-established and still powerful techniques of pressure-groups in Britain which directed imperial attention, often much

against its will, to abuses in the colonies. The most persuasive and influential groups were the humanitarian and missionary societies which kept a vigilant watch on the treatment of native peoples or coloured immigrants in the colonies. As the imperial representative, the Governor was charged with overseeing that treatment, reporting on it to the Colonial Office, and answering the frequent complaints made of it. Other bodies, the influence of which was more difficult to trace, like the Imperial Federation League, the British North American Association, and the Royal Colonial Institute, did affect to some degree the wider assumptions of imperial policy. Their ideals were shared by many of the Governors who supported the objectives of the organizations and attempted to inculcate them in the colonies. Moreover, they did not hesitate to urge upon the Colonial Office and their correspondents at home their own conceptions of current policy and the direction towards which it should point in future.

There was little doubt that after 1850 the Colonial Office made a determined and sincere attempt to divorce itself from matters of local concern. But try as it might, it was constantly being drawn into such affairs. Much of that was caused by the proclivity of colonial politicians to appeal to it when they felt aggrieved by the actions of the Governor or were disenchanted by the operation of responsible government. The old conception of the Office as the arbiter of colonial political strife died a long hard death.⁸⁵ Furthermore, many Governors, emphasising their total responsibility to imperial authority, also had a penchant for referring disputes home for

adjudication and thus inviting discord between the Colonial Office and colonial governments. Some of the permanent officials grew quite dispirited with that practice. T. F. Elliot noted in 1860 that, since he had been in charge of correspondence for British North America,

I have observed that a strong Governor like Sir E. Head manages his own relations with his ministers and with the other public men of the Province and is by no means fond of appeals home, whilst on the contrary Governors of less self-reliance are very prone to seek the judgment of the Secretary of State on their local differences. This is natural, and in a very guarded manner those Governors who stand much in need of it may perhaps be afforded some useful support from home. But I should submit the practice is one which should not be encouraged⁸⁶

To his mind, that would destroy all the benefits of the Office's separation from local politics. Lord Kimberley expressed similar opinions twenty years later, testament to the fact that the practice also died hard:

. . . nothing could be worse than that Governors should look to the Secretary of State for directions instead of acting on **their** own responsibility.⁸⁷

In 1861, Herman Merivale considered that

the really onerous part of his [the Governor's] duty consists in watching that portion of colonial politics which touches on the connection with the mother-country. Here he has to reconcile, as well as he can, his double function as Governor responsible to the Crown, and as a constitutional head of an executive controlled by his advisers. He has to watch and control, as best he may, those attempted infringements of the recognized principles of the connection And this duty, of peculiar nicety, he must perform alone⁸⁸

By the 1880s, with the working out of the implications of responsible government, the development of colonial representation in Britain, and the vast improvement of the lines of communication with the colonies, the Governor's imperial role had declined markedly in importance. He was no longer the lone nor was he

even the most vital link, although the Colonial Office attempted to keep the illusion alive. One need only to compare the part played by the Governors during the 1860s in the union of British North America with that of the 1880s and 1890s in Australian confederation to recognize the force of that development.

In 1926, the Governor was defined formally as "the representative of the Crown . . . and . . . not the representative or agent of His Majesty's Government in Great Britain or of any Department of that Government."⁸⁹ But in all the self-governing colonies, that position had been reached in practice long before.

Footnotes

- 1 This chapter will concentrate almost exclusively on the broad aspects of the changes in the Governor's role and to this end specific examples will be kept to a bare minimum. To have included all pertinent examples, a chapter as long and as detailed as the works of Todd and Keith would have been required. Moreover, I have attempted to stay clear of the strictly legalistic and rote constitutional material so beloved by constitutional theorists.
- 2 Alpheus Todd, Parliamentary Government in the British Colonies (Boston, 1880); Arthur B. Keith, Responsible Government in the Dominions (2nd. ed., 2 Vols., Oxford, 1928)
- 3 See Chapter III.
- 4 In the broadest sense, all his functions were essentially imperial and he was responsible to the Colonial Office even for his conduct as head of the local government.
- 5 In the method of reserving legislation, in the use of the prerogative of mercy, and by the removal of anachronistic functions.
- 6 Attention here is focussed on the Instruments to British North America, 1850 to 1878, and to all others to about 1890.
- 7 Newcastle to Bowen, 23 March 1862, quoted in George F. Bowen, Thirty Years of Colonial Government (ed. S. Lane Poole, 2 Vols., London, 1889), II, 142-3.
- 8 Head to Newcastle, 20 May 1854 (Separate), quoted in D. G. G. Kerr, Sir Edmund Head: A Scholarly Governor (Toronto, 1954), p. 108.
- 9 Bannerman to Newcastle, March 1861, quoted in Todd, Parliamentary Government, p. 449.
- 10 Elgin to Cumming Bruce, Sept. 1852, in W. P. M. Kennedy, ed., Documents of the Canadian Constitution, 1759-1915 (Toronto, 1918), p. 589.
- 11 Elgin to Sir George Grey, 18 Dec. 1854, in Kennedy, Documents, p. 591.
- 12 Ibid.
- 13 Elgin to Earl Grey, 13 July 1847, in Kennedy, Documents, p. 577.

- 14 Elgin to Cumming Bruce, Sept. 1852, in Kennedy, Documents, p. 589.
- 15 Elgin to Earl Grey, 13 July 1847, in Kennedy, Documents, p. 577.
- 16 See, for example, Earl Grey, The Colonial Policy of Lord John Russell's Administration (New York ed., in one vol., 1970, 1st ed., 2 Vols., London, 1953), p. 21 - "Practically I believe that the influence which can be exercised through a judicious Governor is very considerable, and may be of great service to the colonies."; Newcastle to Sir John Young, 26 May 1862, Newcastle Papers, NeC B3/142-4 - "The form of power and influence is much changed but it is his fault if it does not exist and work much good."
- 17 See Kerr, Sir Edmund Head, for Head's administration in New Brunswick.
- 18 Head to Sir George C. Lewis, 16 Dec. 1852; 24 Jan. 1853, quoted in Kerr, Sir Edmund Head, p. 106
- 19 See the fine work of J. E. Hodgetts, Pioneer Public Service: An Administrative History of the United Canadas, 1841-1867 (Toronto, 1955).
- 20 Quoted in Kerr, Sir Edmund Head, p. 106.
- 21 Gordon to Lord Selborne, 20 May 1881, quoted in D. K. Fieldhouse, "Autochthonous Elements in the Evolution of Dominion Status: The Case of New Zealand", Journal of Commonwealth Political Studies, Vol. 1 (May, 1962), pp. 91-2.
- 22 Bowen to Newcastle, 7 April 1860, quoted in Bowen, Thirty Years, pp. 124-5.
- 23 Bowen to Newcastle, No. 70, 18 Dec. 1862; Bowen to Frederic Rogers, 19 Dec. 1862, CO 234/7.
- 24 For example, with Robert Herbert rather than with Arthur Macalister.
- 25 Bowen to Hicks Beach, 25 Jan. 1879, quoted in J. Parnaby, The Victorian Crisis: The Economic and Political Development of Victoria, 1877-81 (Unpublished Ph. D. thesis, Melbourne, 1951), p. 407.
- 26 Lord Carnarvon had earlier approved his conduct but Hicks Beach appeared to be more in line with recent Colonial Office sentiment. For example, see Granville to Belmore, 7 Jan. 1870 - "It would be better to be in collision with your advisers than with the law." Other Governors like Normanby and

Sir Hercules Robinson also resented Bowen's action. See Lord Normanby to Bramston, 12 August 1878, LB - "No one can justify the case taken by Bowen. If it is approved no Governor will be able to make a stand against advice however outrageous."; Robinson to Normanby, 26 Jan. 1878, NP - "Sir George goes about talking his turgid nonsense and thinking that phrases can alter facts. He acted as an out-and-out partizan." See also similar sentiments in Robinson to Sir Edward Deas Thomson, 18 June 1878, Deas Thomson Papers, 3, 844, ML.

- 27 Bowen to Hicks Beach, 22 Nov. 1878, quoted in Bowen, Thirty Years, II, 148-50.
- 28 Dufferin to Kimberley, 18 August 1874, quoted in Todd, Parliamentary Government, p. 443. The passage was quoted in Bowen to Parkes, 31 Jan. 1879 (Private and Confidential), Parkes Correspondence, 2, 145, ML.
- 29 Bowen to Newcastle, 11 August 1860, quoted in Todd, Parliamentary Government, p. 630.
- 30 Bowen to Kimberley, 16 Nov. 1880 (Separate), CO 309/221.
- 31 Bowen to Carnarvon, 19 Sept. 1877, quoted in Bowen, Thirty Years, II, 71.
- 32 "Responsible Government and the Irresponsible Governor", CHR, XIII (Dec., 1932), pp. 364-386.
- 33 Ibid., p. 364
- 34 See above, p. 33.
- 35 Normanby to Hicks Beach, 12 May 1879, CO 309/119.
- 36 Earl Grey to Sir John Harvey, 3 Nov. 1846, in Kennedy, Documents, p. 572.
- 37 See, for example, Lytton to Bowen, 29 April 1859, quoted in Todd, Parliamentary Government, p. 575 - "Remember that the first care of a Governor in a free colony is to shun the reproach of being a party man."
- 38 See Fieldhouse, "Autochthonous Elements", for the example of Robinson and John Hall in New Zealand, 1879-80.
- 39 Minute on Le Marchant to Pakington, 18 August 1852, quoted in Kerr, Sir Edmund Head, p. 42n.
- 40 Gordon to Herbert, 18 April 1881, quoted in Fieldhouse, "Autochthonous Elements", p. 90.

- 41 Robinson to Parkes, 15 Dec. 1878, quoted in Parnaby, *The Victorian Crisis*, pp. 415-6. See also Belmore to Fergusson, 23 Nov. 1868, Belmore Papers, A 2542-2, ML - "Some ministers try . . . to keep the Governor in the dark as to what they are doing."
- 42 Dufferin to Carnarvon, 18 March 1874, CP.
- 43 Browne to Bowen, 17 Sept. 1864, quoted in K. Sinclair, *The Origins of the Maori Wars* (Auckland, 1957), p. 86.
- 44 Denison to Lady Charlotte Denison, 5 Nov. 1860, quoted in William T. Denison, *Varieties of Vice-Regal Life* (2 Vols., London, 1870), I, 497.
- 45 Minute (25 Oct., 1881) on Gordon to Kimberley, 13 August 1881, CO 209/240.
- 46 Quoted in G. E. Marindin, ed., *Letters of Frederic, Lord Blachford, Under-Secretary of State for the Colonies, 1861-71* (London, 1896), p. 297. This passage was written in 1885.
- 47 Walter Bagehot, *The English Constitution* (2nd. ed., 1872), p. 208.
- 48 See Chapter VI for further discussion of these powers.
- 49 Fieldhouse, "Autochthonous Elements".
- 50 The average life of Australian ministries from 1856 to 1900 was eighteen months. See Chapter IV for more detailed examples of four colonies.
- 51 See Chapter VI for amplification of these factors.
- 52 See Chapter VII for examples of this.
- 53 *Brisbane Courier*, 2 Jan., 1873.
- 54 The same point was made by R. R. Torrens in the House of Commons on the 26th April 1870 during the debate on the relations between Britain and the colonies. The Governor "who as agent of the Imperial power could not possibly voice the wishes of colonists." He suggested a system of colonial envoys on the same footing as foreign states in alliance. P. D. CC, 1833-4.
- 55 This was especially true of the 'liberal' politicians in the colonies who resented the activities of 'conservatives' in London. See, for example, Sir George Grey to Normanby, 8 June 1878, encl. in Normanby to Hicks Beach, No. 25, 22 June 1878, CO 209/237.

- 56 See J. M. Wilson, The Agent-Generalship (Unpublished M. A. thesis, Canterbury University, 1954); D. M. L. Farr, The Colonial Office and Canada, 1867-1887 (Toronto, 1955).
- 57 See, for example, Herbert to Normanby, 6 Feb. 1883, NP - "The Agents-General are not effective diplomatic or political agents as they are appointed on party grounds."
- 58 In the 1880s, the Agents-Generals really conducted the campaign by the Australian colonies to force the Colonial Office to extend imperial jurisdiction into the Pacific.
- 59 The High Commissioner in the case of Canada.
- 60 Macdonald to Lord Stanley, 15 August 1890, quoted in Farr, The Colonial Office, p. 269.
- 61 Loch to Lord Derby, 31 Dec. 1884 (Confidential), CO 309/127.
- 62 Whitelaw, "Responsible Government", p. 370.
- 63 Elgin to Sir George Grey, 18 Dec. 1854, in Kennedy, Documents, p. 591.
- 64 Address by Sir William Fox to the Royal Colonial Institute, 23 May, 1876, PRCI, Vol. 7, 252.
- 65 Brisbane Courier, 9 Dec., 1872.
- 66 Bramston to Normanby, 25 Sept. 1879, NP.
- 67 Bulletin, 20 August, 1881, quoted in Australian Dictionary of Biography, I, 137. George Higinbotham felt the same way. In a letter to Parkes on 27-9 April, 1872, he commented: "We are permitted to pay large salaries . . . to English noblemen and gentlemen who desire to recruit their fortune by a temporary retirement to the land of gold . . .", Autograph Letters to Parkes, II, 304, ML.
- 68 Lytton to Bowen, 29 April 1859, quoted in Todd, Parliamentary Government, p. 574.
- 69 Elgin to Newcastle, 18 Feb. 1853, in Kennedy, Documents, p. 590. Normanby held similar views. Honours were "most valuable incentives to public men" and would "further cement imperial links." Mulgrave to Lytton, 23 Feb. 1859 (Confidential), CO 217/223.
- 70 Hicks Beach to Normanby, 23 July 1879 (Confidential), NP..
- 71 Obvious exceptions were Joseph Howe of Nova Scotia, George Higinbotham of Victoria, and Sir George Grey of New Zealand.

- 72 Examples of these factors as they relate to Lord Normanby are treated elsewhere in this study and they were somewhat typical of other Governors' experiences.
- 73 Quoted in Keith, Responsible Government, I, 105.
- 74 Charles Gavan Duffy to Pope Hennessey, 1879, quoted in C. G. Duffy, My Life in Two Hemispheres (London, 1898), pp. 378-9.
- 75 See Sir William Molesworth, P. D. CVI, 965 (26 June, 1849) and P. D. CX, 802, 1168ff. (6 May, 1850); Sir Charles Adderley, The Australian Colonies Bill Discussed (London, 1850). See also The Times, 20 April, 1849.
- 76 P. D. CXXXVIII, 1987 (14 June, 1855).
- 77 The Governor's Commission, Letters-Patent, and his formal and informal Instructions.
- 78 Legislation dealing with divorce, currency, his own office, which interfered with the rights and property of British subjects not residing in the colony, which affected the control of Her Majesty's forces, which imposed differential duties, or which was prejudicial to the United Kingdom's trade and shipping. In Canada, however, in 1878 this was deleted and replaced with a suspending clause to be attached to legislation which could affect imperial interests.
- 79 See Chapter I.
- 80 Carnarvon to Barkly, 4 August 1875, quoted in H. L. Hall, The Colonial Office: A History (London, 1937), p. 96.
- 81 P. D. CCVI, 156 (20 May, 1873).
- 82 Head to Lord Stanley, 11 June 1858 (Confidential), quoted in Kerr, Sir Edmund Head, p. 207.
- 83 See Herbert's minute (26 Jan., 1874) on Fergusson to Kimberley, 24 Nov. 1873 (Confidential), CO 209/230; Carnarvon to Fergusson, 5 March 1874 (Secret, Draft), CO 209/232.
- 84 Carnarvon to Normanby, 26 August 1874 (Highclere Castle, Private and Confidential), NP.
- 85 See the attempts by Sir George Grey to overturn the abolition of the provinces in New Zealand in the 1870s; by Howe to keep Nova Scotia out of federation in the 1860s; and 'The Victorian Embassy' in 1878-9.
- 86 Minute by Elliot (11 July, 1860) on Mulgrave to Newcastle, No. 69, 23 June 1860, CO 217/226.

- 87 Kimberley to Normanby, 15 July 1880, NP.
- 88 Herman Merivale, Lectures on Colonization and Colonies (1861 ed.), p. 649.
- 89 In Arthur B. Keith, ed., Speeches and Documents on the British Dominions, 1918-1931 (Oxford, 1947), pp 164-5.

III

NORMANBY AND HIS CONTEMPORARIES

The position of Governor of the self-governing colonies was entrusted to a wide variety of men during the first half-century of responsible government. It is the purpose of this chapter to consider the type of Governor appointed. To that end, the treatment followed will be twofold; first, it will be discussed in general terms and, secondly, it will be elaborated with a detailed review of the career of Lord Normanby who shared with Sir George Bowen the distinction of having the longest service in the self-governing Empire. Broadly the period examined falls between the grant of responsible government to the various colonies - the British North American provinces in the 1840s, Newfoundland and the Australasian colonies in the 1850s, the Cape Colony in 1872 - and the end of the 1880s.

The end of that period is a somewhat arbitrary one and will require some explanation. Obviously, the end of the 1880s was really only applicable to the Australasian colonies where there was a distinct change in the type of Governor appointed at that time. The 'old professionals', the Bowens, the Robinsons, and the Normanbys, who had dominated those posts since the 1850s were superseded by a new order of Governors, generally younger members of the aristocracy. Lords Onslow, Kintore, Carrington and Hopetown were some examples. In itself, that change was

significant as a commentary on the changing role of the Governor. He was now seen not so much as a vital part of the working constitution of the colony but as a symbol of imperial unity. Although the Colonial Office was rather loath to accept that interpretation openly and emphasised the Governor's responsibility for imperial interests,¹ it would seem that it did implicitly resign itself to that situation by appointing relatively inexperienced but titled men to those positions. Despite denials that colonial governments should have some say in the appointments,² it was tacitly acknowledged that consultation with the colonies was necessary in future.

The Australasian colonies themselves showed a decided preference by 1890 for titled Governors. Whether that was due to their '~~snobbishness~~' is a matter for debate, but they showed little desire to have Governors of the traditional type.³ A suggestion made in The National Review in 1890 that Governors should be men trained by long colonial service and experience and which condemned the new departure of sending young peers to the colonies⁴ was sharply rebuffed by a Melbourne newspaper:

[The writer] is completely deceived when he persuades himself that Australians are eager for more Colonial Office officials as their Governors. These are precisely the persons to whom they take strong objection. To them, the 'Office' is the only authority to which they owe allegiance, because their future advancement depends upon the favour in which they are held in Downing St. . . . It is this possibility which has inclined the Colonies to demand men of independent position as Governors.⁵

The success of Lord Carrington in New South Wales from 1883 to 1890 in both dispensing liberal social amenities and in accepting, almost unfailingly, advice from his ministers endeared him to most

Australian politicians who came to see him as the prototype for future appointments.

A somewhat similar change had occurred in Canada after Confederation although there, as the senior colony, the new Governor-Generals were of much higher status. Lord Lisgar was the last of the 'old school' in the new Dominion. Lords Dufferin, Lorne, and Lansdowne were certainly not selected for their colonial expertise or experience of which they had none but because of their status and, in the cases of Dufferin and Lansdowne, their political services to the Liberal party in England.⁶ Underpinning those appointments, of course, was the awareness of the Colonial Office that such a change had become necessary to adapt to the new relationship between the Dominion and the metropolis which Carnarvon characterized in 1870 as "political rather than colonial".⁷

The 'professionals' took some time to adjust to that new situation. Both Hercules Robinson⁸ and Normanby were distressed at Lorne's appointment not only on the grounds that it robbed them of legitimate promotion but also that it was not in the best interests of the Colonial Service and the Empire. Normanby thought that his appointment was

a most questionable move. . . . He is an utterly untried man and appointing a young man who has not done anything to a Gov^t like Canada is simply playing into the hands of men like Sir George Grey and Mr Berry who maintain that a Governor is bound to act upon the advice of his Government whatever it may be, because if a Governor is to exercise any discretion, a great colony like Canada has the right to expect that the person selected should have some experience & have shown that he had some qualification for the Government.⁹

The Cape Colony, however, presented a much different case

and there the 'professional' did find continued opportunity because he usually held the additional responsibility of the High Commissionership of South Africa and as such he co-ordinated imperial policy in that area. As Newcastle pointed out in 1861, the Governors of the Cape had to be experienced with "that great essential, . . . the management of Native Races."¹⁰ Sir George Grey, Sir Bartle Frere, Sir Henry Barkly, and Sir Hercules Robinson, who filled that post, all did have extensive experience with that problem.

With these limits in mind, the question of appointments will now be examined. Although, as John Cell has indicated,¹¹ it is impossible to be definitive about it owing to a lack of sufficient evidence, certain general conclusions can be reached through a study of the backgrounds and careers of the Governors themselves. First it was obvious that a large degree of professionalization developed in the Colonial Service.^{11a} Henry Hall has calculated that about a third of the Governors from the 1860s to the 1880s were 'professionals',¹² while John Cell further distinguished a group of 'hard-core professionals' between 1830 and 1880 - thirty-seven men who averaged about twenty-seven years of service each.¹³ That process had been developing before 1850 as the careers of Governors like Sir George Arthur, Sir Charles Metcalfe, and Sir John Harvey exemplify, but it accelerated sharply in the latter half of the century. In the self-governing Empire from 1840 to about 1885, there were just nine Governors who served in one position only¹⁴ and of these, three died in office and two were appointed

at the end of a long and distinguished diplomatic career. To these perhaps should be added Lords Dufferin, Lansdowne, Falkland, and Sir Bartle Frere whose only other experiences were in the Indian Empire.¹⁵

The test of a 'professional' Governor would seem to be the length of his colonial service but that should be tempered by factors such as ill-health and the difficulty of ensuring continuous employment through the scarcity of suitable vacancies. Many ex-Governors desirous of further employment had to sit on the sidelines until a vacancy occurred.¹⁶

The era from mid-century to 1890 was truly the hey-day of the 'professional' in which Governors like Sir Henry Barkly, the two Robinson brothers, Sir Hercules and Sir William, Lord Normanby, Sir Charles Darling, Sir George Grey, Sir Arthur Gordon, Sir Arthur Kennedy, Sir Richard MacDonnell, Sir Anthony Musgrave, and Sir Stephen Hill served out long and honourable careers.¹⁷

Perhaps the most important reason for that development was the appointment policy of the Imperial Government. The Duke of Newcastle summed it up thus:

The old practice of appointing new men upon almost every vacancy in Colonial Governments of course threw a large number of unemployed ex-Governors on the world, and now that, mainly by my practice when here before, though it had been begun in a smaller degree by Grey, Colonial Governship has become a profession, all these men come back upon me with claims for employment.¹⁸

It would appear that, for the most part, his successors as Secretary of State continued with that policy. While the initiative lay mainly with the Secretary who tended to prefer tried and

successful officials, there were other paths leading to employment. The old role of patronage - preferments for personal or political reasons - still played its part in the Colonial Service,¹⁹ especially in appointments to the more prestigious colonies, the Dominion of Canada being the prime example in the self-governing Empire. Governors like Normanby, Gordon, Lord Belmore, Sir George Dundas, Sir Samuel Blackall, Lord Elgin, Sir Edward DuCane, and Sir James Fergusson all owed their initial post to their political connections. However, if they wished to continue in the service and were reasonably successful, they too became treated as 'professionals' and were reappointed by Secretaries of State of different political persuasions. Sir George Bowen drew attention to that fact of "the impartiality shown in the selection of Colonial Governors . . ." in a speech in 1875:

I am, I think, a living proof of the freedom from party bias by which Colonial appointments are now made by the Statesmen of both parties in England. Two of my appointments were given to me by Conservative Statesmen and two by Liberal Statesmen.²⁰

Relatively few of the appointments met with opposition in Britain and those which did were invariably 'political' ones. The selections of Lord Monck, Normanby, and Belmore, by way of example, were thoroughly criticized by some sections of the British press as 'political jobs'.²¹ Lord Belmore's appointment to New South Wales in 1867 gave rise to some trenchant language in The Saturday Review:

The truth is, Colonial Governments of the highest kind no more demand the exclusive services of peers or peer's sons than do the Judicial or Episcopal Bench and the command of the Indian Army. If peers and peer's sons are best fitted for them, let

them get the appointments. But let them show their aptitude by running the same previous career with less-favoured competitors. Until this becomes the condition of promotion, the world will fain go on thinking that the best prizes of the Colonial Service furnish a convenient mode of jobbery, and that merit and proved capacity may safely be left unrewarded²²

Parliamentary criticism was **almost absent** during the period although one appointment was admittedly overturned in 1854 after a sharp debate on the appointee's fitness for the post.²³ The paucity of that criticism could have been perhaps the product of the new policy followed by the Colonial Secretaries and an acknowledgment of the general acceptability of most of the appointments in the service. It could also be, however, that there was really no great degree of concern for colonial appointments of that type, especially as their importance declined. Moreover, except for the question of colonial defence in the 1860s and the state of imperial relations in the early 1870s, the Imperial Parliament evinced little interest in the affairs of the self-governing colonies during the period.

What type of men were chosen to fill positions in the service? In the debate in the House of Commons alluded to above, there was some discussion about the selection of Governors which dealt both with the general ideals to be aimed at and the problems associated with their attainment. Sir John Pakington, a former Secretary of State, and John Bright asserted that Governors should be appointed with great care and that they should be well-known, well-educated, and have had long experience in public affairs.²⁴ On the other hand, Gladstone stressed the difficulty of attracting that type of man to the service because of the

obstacles of low pay and the rude societies of the colonies. He argued, moreover, that many of the earlier appointments of little-known men such as Denison, Elgin, and Lord Harris had proved in the end markedly successful.²⁵ Without doubt, the ideal of Pakington and Bright was attractive to the Secretaries of State but it was the realism of Gladstone which really determined the man finally appointed. In 1861 Newcastle was confronted with the problem of finding a suitable replacement for Sir Edmund Head in Canada. He had made overtures to several prominent men but on their refusal he had to settle on Lord Monck, a man of far less political status and experience. Indeed, that difficulty of attracting leading men fostered in one way the development of the profession. It was unlikely that such Governors, faced with the volatility of colonial politics and the limited powers of their position, would have remained long in the service. The way was opened for comparatively secure careers for young and less well-known men who could build up their reputations while they were in the colonies as Monck most assuredly did.

In the first half of the century, the Colonial Service was heavily salted with Governors of a military or a naval background. It is not my purpose here to assess the success or otherwise of these early appointments but they were certainly less successful in colonies with representative institutions than they were in penal colonies or tropical outposts. Newcastle's comment on Head's suggestion of a military successor for Canada in 1861 - "the government of military men in Canada has not been

upon the whole very encouraging for a repetition of the experiment."²⁷ - summed up the general attitude of the Colonial Office to the further extensive employment of such Governors in the self-governing colonies. The departure of men like Sir Gaspard Le Marchant, Sir Donald Campbell, Sir William Colebrook, and Sir Charles Hotham virtually saw the end of the old gubernatorial 'élite'. Later appointments of men with military backgrounds were made but they were of a different generation and many had had wide experience with colonial conditions.²⁸ Only Sir George Grey remained to keep the older tradition alive and he was removed unceremoniously in 1868. One new Zealand politician, Henry Sewell, referring to Grey in 1861, aptly described the incompatibility of the traditional 'military' attitude with the new system of responsible government: " . . . no one doubts for a moment that if Responsible Government & he were to fall out, he would take his own course maugré all which Responsible Government might say"²⁹

The 'new' Governors of the second half of the century thus came from predominantly civilian backgrounds although, as was common with others of their station, many had served in the armed services or the militia in their youth. Fully a quarter had served their apprenticeships in the lower echelons of the Colonial Service, a third had been members of the Imperial Parliament,³¹ and others had been civil servants,³² diplomats,³³ or engaged in business activities. The majority were members of the middle-class but there were several aristocrats, of whom, however, only Normanby, Elgin, Canterbury, and Gordon could be

considered as full-fledged members of the Governors' fraternity. As would be expected from such a group, it was a well-educated body of men, many having attended University, and it included several accomplished scholars,³⁴ scientists,³⁵ engineers,³⁶ and even a musical composer.³⁷ Altogether, it was a highly competent group and both the colonies and the Colonial Office were fortunate to have had their services.

Occasional references had been made to the possibility of employing prominent colonists as Governors³⁸ and, in fact, Sir Frederick Weld and Sir Francis Hincks were both given appointments.³⁹ Except for the campaign for elective Governors in New Zealand, however, there was no real agitation to alter the situation in which the vast majority of Governors were drawn from Great Britain.

The Colonial Service was not compartmentalized into two distinct units - one for the dependent and the other for the self-governing Empire. Most of the 'professionals' served in colonies with widely different constitutional systems - in Crown Colonies, in colonies with representative institutions, and in those possessing responsible government - and it was expected that they should be adaptable enough to cope with that variety. A glance through the positions held by some of the 'professionals' attests to that fact. Sir Anthony Musgrave served successively in the West Indies, Newfoundland, British Columbia, Natal, South Australia, Jamaica, and Queensland; Sir Hercules Robinson in the West Indies, Hong Kong, Ceylon, New South Wales, New Zealand, and South Africa; Sir Henry Barkly

in British Guiana, Jamaica, Victoria, Mauritius and South Africa; and Sir George Bowen in the Ionian Islands, Queensland, New Zealand, Victoria, Mauritius, and Hong Kong. More often than not, those Governors who served exclusively in the self-governing colonies did so either because they held only one position or because they had personal motives against accepting employment elsewhere. Sir Edmund Head declined offers of British Guiana and Ceylon owing to his wife's health⁴⁰ and Normanby refused to consider positions in the West Indies or the Far East for similar reasons.

However, a surprising proportion of those appointed to self-governing colonies was particularly fitted for service there and there is little doubt that Secretaries of State did attempt either by infusing new blood into the service or by employing qualified men already in the service to provide suitable men for the posts. Edward Cardwell, in explaining to Gordon why he had preferred Manners Sutton for the Victorian Governorship in 1866, emphasised the fact that the latter had far greater "experience in Parliament and in Office."⁴¹ It was no coincidence that many had served in the British Parliament or had had administrative experience because that background fitted them well for dealing with the knotty constitutional problems which often cropped up in the colonies. As all the self-governing colonies' constitutions were modelled closely on that of the metropolis, it was a distinct advantage for a Governor to be familiar with parliamentary procedures and conventions as he could make and justify his decisions on a solid understanding

of the working of and the precedents set in the Imperial Parliament.⁴² Moreover, he was likely to have a greater degree of understanding and knowledge of the value of 'responsible' institutions however much he might deplore the immaturity and excesses of the system in the colonies. The Governors who had the most difficulty with the system were significantly those who lacked that parliamentary experience - MacDonnell in Nova Scotia,⁴³ Darling in Victoria, and Robinson in New South Wales being notable examples.

For the colonies concerned, however, having a Governor with such credentials was somewhat of a mixed blessing. On the one hand, he was valuable as an arbiter between political parties and as a bulwark of constitutional propriety but on the other he could develop into a constitutional pedant and thus inhibit by a rigid interpretation of his powers the progress of self-government. It does seem probable that, with the development of a highly competent professional corps of Governors, especially in the Australasian colonies, the powers of the Governor were maintained rather longer than they would have been had the offices been entrusted to a series of newcomers.

The length of service in one colony was generally six years although that could be shortened or extended as occasion demanded. If a Governor showed himself to be successful and popular and the colonial situation seemed to demand his continued service there, he could be given an extension as Head was in Canada or Bowen was in Queensland. But that was far rarer than the shortened term which was resorted to in order to remove

unpopular or ineffective men or to facilitate a general reshuffle of Governors due to the exigencies of premature retirement, death or promotion. The usual term was a compromise. A longer one than six years would pose the difficulty that a Governor might become too involved in colonial politics and problems and thus lose his detachment and his usefulness to the Colonial Office. On the other hand, a shorter one would deprive the Governor of the opportunity to familiarize himself with the colony to the fullest extent and thus reduce his influence there.⁴⁴

When one studies the careers of the 'professionals', no clear picture emerges of a coherent promotion policy at the Colonial Office. In truth, it would have been very difficult to develop one as so much depended upon the availability of suitable vacancies at the appropriate times. That was further complicated by the necessity sometimes to appoint particular men to positions for which they seemed to have special aptitude and also by the injection of new men into the service through official patronage. Moreover, some men effectively disqualified themselves from the usual lines of promotion. Sir Hercules Robinson was to be promoted from New South Wales to Victoria in 1878 but he committed himself publicly against Bowen's actions there and showed antagonism towards the dominant political party.⁴⁵ The difficulty of defining "the exact precedence of each colonial Governor unless it be by the vulgar test of salary . . ." was acknowledged by Newcastle in 1861.⁴⁶ In the self-governing Empire, that, in fact, really was the only valid test of promotion. By the 1870s, with Canada effectively removed from the sphere of advancement,

Victoria with its salary of £10,000 had become "the great prize of the Colonial service".⁴⁷ Before Confederation, the positions in the small Maritime colonies with their relatively meagre salaries served as starting-points for many careers and there Governors like Normanby, Canterbury, Gordon, Sir Dominick Daly, Head, and Sir Charles Fitzroy served their apprenticeships.

Although the Governors were a close-knit group who corresponded regularly on colonial affairs and mutual interests and met together occasionally, they showed themselves at times to be inordinately concerned with their own prospects for promotion. They were also very ready to criticize the actions and even the characters of their fellow Governors. Gordon probably was exceeded by no one in his snide remarks about his colleagues but he was certainly not the only culprit in that regard.

A study of the career of Lord Normanby serves to illustrate some of the general characteristics which have been set out above. However, no claim is made that his career was fully representative of those of his fellow Governors. Any attempt to find a 'typical' example would surely be frustrated by the wide diversity of men in the service and their distinctive personalities, attitudes, and interests. On more specific grounds, the facts that he was a member of the aristocracy and that his service was exclusively in colonies with 'responsible' institutions would effectively disqualify him from that classification.

Normanby's⁴⁸ early life requires only a brief comment. Born in 1819,⁴⁹ he was educated at Harrow and joined the army in 1838, in which he served for two years in Canada.⁵⁰ On his return

home, he became actively involved in the militia organization in Yorkshire, his native county, but he soon turned to political life, entering the House of Commons through the family seat in Scarborough in 1847. He represented that constituency, except for a short interval in 1851-2, until he was appointed to Nova Scotia in 1857. In the Commons, he was attached to the administrations of Lords Russell, Aberdeen, and Palmerston by means of offices in the Royal Household.⁵¹ For most of the 1850s, he served as one of the government Whips, a position for which The Illustrated London News considered he was admirably suited by his temperament and in which he was conspicuously successful.⁵²

Of his political attitudes at that stage, there is little evidence, but it seems likely that he followed the Liberal-Whig predilections of his father and the administrations which he supported. Owing to his natural taciturnity and perhaps to the nature of his office, there is no record of his speaking in debate in the House of Commons. It would also seem safe to assume that he did not really relish the prospect of spending the rest of his life in Parliament as it is clear that for some time before 1857 he had been seeking employment in the colonies.⁵³

His interest in a colonial appointment must remain a subject of conjecture but both his stay with his father when he was Governor of Jamaica and his military service in Canada probably whetted his appetite for it. His mother once suggested that: "I suppose you have inherited a love of strange countries."⁵⁴ There was probably little possibility that he could have achieved a higher office in the Government in the foreseeable future and

with the family estate heavily mortgaged and in fact leased to an Indian potentate,⁵⁵ he no doubt felt the necessity of finding a remunerative position. When he finally achieved his objective and secured his appointment to Nova Scotia, it was clearly a reward for his political services. Some months later, after he had learnt of the fall of Palmerston's government, he acknowledged that it "makes me feel how fortunate I have been in getting any appointment before it happened."⁵⁶ The implication was, of course, that the new Conservative administration led by Lord Derby would certainly not have given him the position.

Although that first appointment was not all plain sailing and he early found that his income was barely sufficient for his establishment and the social responsibilities of his office, he had soon decided to make the profession his career.⁵⁷ As his term was nearing its end, his correspondence with his family and the Colonial Office became more and more concerned with the possibilities for future employment, a position in which many Governors found themselves at that stage. In the latter months of 1862 and in 1863, Mulgrave almost bombarded Newcastle with pleas and suggestions for another post. His chances were limited, however, by his inability to accept any post in unhealthy regions owing to the poor health of his wife, although he personally would have been satisfied with an Indian or a Jamaican appointment.⁵⁸ In light of that self-imposed limitation, Newcastle found it very difficult to offer him anything suitable because there were very few actual or potential vacancies in such areas.⁵⁹ Mulgrave soon learnt that his prospects

of obtaining the posts he most preferred were remote and by early 1863, he had decided that New Brunswick was his best chance of continuing in the service, in spite of the fact that that would "be going downhill".⁶⁰ But he considered that after eight years in British North America he understood the habits, faults, and virtues of the colonists there. Besides, he had become very fond of the people and the area.⁶¹ While he was surprised at the request and agreed that it definitely would be a backward step, Newcastle promised that he would try to move Gordon from New Brunswick and install Mulgrave in his place. He added rather apologetically:

If I can do anything for you which would not even have the semblance of 'going downhill' with full justice to others I will gladly do it . . . but I fear however you must reckon upon this being the best I can do for you.⁶²

There the matter stood until August when Mulgrave's father died:

My father's death changes everything so much that it is impossible for me to say what I may wish to do in future, but I think it not unlikely that I may still look for colonial employment. . . . I have asked Newcastle to leave the question of future employment in abeyance till I see him. If I could have got a real good Govt I think it would have been the best thing for me . . . but I do not see much chance of this.⁶³

It is not known what happened to Normanby's prospects in New Brunswick but it does seem likely that he did not follow it up because of the problems raised by his father's death and the settling of the estate.

In the interval between his departure from Nova Scotia and his appointment to Queensland in 1871, Normanby retained an active interest in colonial affairs. Although he was not over-

active in debate in the House of Lords, he addressed himself to colonial policy and problems⁶⁴ and he did play an energetic role in the Royal Colonial Institute from its inception in 1868-9. He was present at the meeting in June 1868 which was called to consider the possibility of establishing such a society and he pledged his full cooperation and support.⁶⁵ To that end, he served on the Provisional Committee, which drew up the rules and recruited membership, and as a Vice-President⁶⁶ he attended and spoke regularly at its meetings. Trevor Reese, in his history of the organization, is perhaps a little too cynical when he implies that the zeal which Normanby brought to the Council was "to be expected of someone seeking further employment as a colonial governor . . ."⁶⁷ as there was little doubt that he was sincerely interested in the welfare and the maintenance of the Empire and genuinely concerned with the troubled relationship between the Colonial Office and some of the colonies in the later 1860s.

However, it is true that by 1868 Normanby was again seeking a return to colonial life. When he accepted the post of Lord in Waiting to the Queen offered to him by Gladstone, he pointed out that:

At the same time I think it only right to tell you that I am anxious to obtain further employment as a Colonial Governor. . . . Should he [Granville] therefore see any immediate prospect of employing me perhaps it might be more convenient to you to offer the Lordship in Waiting to someone else . . ., otherwise I shall be very glad to accept till I get a chance of a Governorship.⁶⁸

He again mentioned the same proviso when he accepted another post - the Captain of the Corps of Gentlemen at Arms - from

Gladstone in December 1869: "At the same time, I trust that my doing so may not interfere with my getting a Colonial appointment when an opportunity offers as I am anxious to make the Colonial Service my profession."⁶⁹

In February 1871, he was successful in obtaining the Queensland position, made vacant by the death of Sir Samuel Blackall, offered to him by Lord Kimberley.⁷⁰ Again, it was obvious that his services to the Liberal party and his connections with the leading Liberal politicians proved to be an important advantage to Normanby as they had been in 1857.

Normanby's last two appointments - to New Zealand in 1874 and to Victoria in 1878 - were evidence that he had been accepted as a 'professional' Governor. Herbert, commenting on the New Zealand move, wrote that it was

no doubt held to be a decided promotion and I can assure you that it was offered to you simply as a mark of strong approval of the ability and good judgement which have marked your administration in Queensland. Lord Carnarvon and Lord Kimberley are quite of the same mind on this point and so, I may say, are all Queenslanders who come to see me.⁷¹

It was significant that both were made by Conservative Secretaries of State, Lord Carnarvon and Sir Michael Hicks Beach.

Normanby was particularly delighted with his promotion to Melbourne as he had been earlier concerned that Hicks Beach was determined to place one of his political friends into that position.⁷² Moreover, it was totally unsolicited and it was granted by a Secretary with whom he had had no dealings and did not even know by sight.⁷³

He had on many occasions, however, suggested to Herbert

and his old political associate, Lord Kimberley, (and later Lord Derby) that he might be moved elsewhere. In June 1872, he pleaded with Kimberley to move him to Melbourne from Brisbane in order to escape from "banishment supplemented by solitary confinement";⁷⁴ in late 1877, he suggested to Herbert that he would like to succeed Robinson in New South Wales;⁷⁵ and in 1883, he expressed the hope that he be appointed to succeed Lorne in Canada.⁷⁶

Owing to the deteriorating health of his wife, Normanby resigned his Victorian post in April 1884; when he returned home, he had completed nearly nineteen years in the Colonial Service.⁷⁷ Until his death in 1891, he maintained his interest in the colonies, visiting Australia again in 1888, being a founding member of the Imperial Federation League,⁷⁸ attending the Colonial Conference in 1887, and representing New Zealand as one of its Commissioners at the Colonial and Indian Exhibition (1886). In addition, he remained as Vice-President of the Royal Colonial Institute. But there is no record, as McIntyre has stated,⁷⁹ that he used his seat in the House of Lords to defend colonial interests, at least not in debate.⁸⁰ Nor can the rumour that he was considered for the South Australian post in 1889 be substantiated.⁸¹

One historian, with some accuracy, has described Normanby as a Governor whose "unimpressive presence seems to have shielded from most his considerable abilities."⁸² Part of that unimpressiveness stemmed from his physical appearance. He was a stout man of medium height, his most distinctive feature being

a spade beard which dominated his large bald head. Yet, for all his bulk, he enjoyed robust good health, was active and energetic and, for much of his life, was a keen sportsman who excelled at riding, hunting, and shooting. From most accounts, he was softly-spoken with an outwardly bland and easy-going manner, characteristics which appeared to mask an incisive intellect and an acerbity which revealed itself most clearly in his private correspondence and in informal conversation with friends. The Governor that the average colonist saw and perhaps met was very different to the man who defended his position most ably in confrontations with colonial politicians.

It is senseless to judge a Governor's success in a colony from the valedictory newspaper articles on his departure. Each journal judged the Governor according to its own political viewpoint. Those which supported his attitude and constitutional decisions generally rated him a success whilst those which had opposed him held a different opinion. Thus in Victoria, The Argus, The Daily Telegraph, and The World were fulsome in their praise for Normanby while The Age was much less complimentary.⁸³

As a Governor, Normanby was never outstandingly popular in the colonies. That can be explained partly by his character which was not naturally outgoing as was that of Sir Hercules Robinson or Bowen. One newspaper summed him up tolerably well in 1882:

He has never been a showy Governor. He has never justified a belief in any conspicuous ability. He has never aimed at being anything more than he is, an English gentleman with a strong strain of Yorkshire commonsense and yet he has succeeded admirably . . . in discharging the duties entrusted to him.⁸⁴

As had become customary with most Governors, he attached much importance to frequent and comprehensive trips around the colonies he administered⁸⁵ during which he endeavoured to meet as many colonists as possible and review the development and the potentialities of all sections of the community. He did exhibit, in his despatches and letters home, a genuine interest in and a shrewd and penetrating understanding of the habits and the problems of colonial societies. His obvious interest and compassion won admiration and even grudging respect from newspapers which had opposed him on his constitutional actions.⁸⁶

Owing to his personal thriftiness and the slimness of his own private means⁸⁷ and perhaps his personal distaste for display and ostentation, he did not entertain sumptuously in the colonies. In Victoria, he earned the reputation in some quarters for "frigid parsimony"⁸⁸ but there were few complaints on that score in his other administrations.

On his speaking ability, the Brisbane Courier again summed him up well: "His Excellency is never brilliant. He is not an orator, and he has never attempted to lead people to suppose that he would like to be considered eloquent. But he is always sensible and judicious."⁸⁹ But he did show himself unafraid to address himself in his speeches to important and sometimes controversial questions. In Queensland he spoke often on the need for all classes to reach a compromise on the land and immigration issues,⁹⁰ and in New Zealand he warmly rebutted the idea of an elective Governorship.⁹¹ The consensual attitude of the colonial newspapers was typified by The Lyttelton Times' comment

that "The Marquis of Normanby contrives whenever he speaks in public, to treat his subject in a manner at once comprehensive and suggestive."⁹²

If Normanby was not an overwhelming social and personal success in the colonies, his administrations were, on the whole, very satisfactory to the Colonial Office. He had proved himself to be a safe Governor, one who was thoroughly versed in his role and in the limits of his privileges and powers and well capable with his background and experience of handling constitutional crises. Herbert considered that Normanby's promotion to Victoria rather than to New South Wales was due to the confidence that the Secretary of State felt in his capacity to deal with the lingering crisis there.⁹³

His relationship with successive Secretaries of State - he served under eight in all, - was uniformly good but he had especially close personal rapport with Kimberley and Newcastle who were his personal friends and political allies. As with his colleagues, he corresponded with them regularly, even at times profusely, and that stream of correspondence was extremely frank and uninhibited. Moreover, he was also the confidant of Arthur Blackwood, the long time Chief Clerk of the North American Department at the Colonial Office, while he administered Nova Scotia, and later of Herbert and John Bramston.⁹⁴ Those contacts were invaluable to Normanby as he regularly gained inside information on imperial policy, on reactions to his own conduct, and on the possibilities of promotion. It was, in fact, through this private correspondence that a Governor's most personal opinions and

motives were made clear to the Colonial Office and it was also the most important vehicle for confidential advice to the Governor.

It has been pointed out above that Normanby held Liberal-Whig political attitudes. The two most important influences on his political development would appear to have been his father's 'progressive' Whiggism and his own association with Russell, Palmerston, and the Peelites in the 1850s. But, as with many of his contemporaries like Lord Grey, he remained a man of mid-century and could not subscribe to the rapidly accelerating reformist nature of the Liberals in the 1870s. His profound respect for the traditional values of English life so common with members of the Whig aristocracy dictated that reform should be approached slowly and cautiously. Nevertheless he always referred to himself as a Liberal and in 1885 when he resigned from the party over Gladstone's Home Rule policy, he noted:

I hold my liberal opinion as strongly as ever and no one regretted the division . . . in the Liberal Party more than I do, but the blame rests with those who are endeavouring to force on a measure which never formed a portion of the Liberal programme Anyhow, I consider the best interests of the country should take precedence over Party interests.⁹⁵

Later, he reasserted that Gladstone's policy was

. . . to my mind a cowardly abandonment of the duties and responsibilities which this country has undertaken especially as regards the Loyal inhabitants of Ireland. It is revolutionary in its character. . . . I consider it to the best interests of the Empire that I feel bound . . . to throw all other considerations on one side & I would sooner support the strongest Conservative than give any countenance to any Liberal candidate who did not pledge himself to oppose to the utmost of his power Mr Gladstone's measure⁹⁶

In that attitude he was joined by other Liberals who had been

colonial Governors such as Lorne, Dufferin, Monck, and Bowen, as well as a large part of the Whig aristocracy and the Liberal 'intelligentsia'.⁹⁷

There is little doubt that Normanby fully subscribed to the old Liberal tenets of free trade, economical and efficient government, and limited electoral reform. His experiences with colonial policies served to reinforce those convictions. He was very critical of the attempts made in Nova Scotia in 1862 to increase the tariff; he constantly deplored the high level of protection in Victoria, which he considered to have had a deleterious economic effect on that colony;⁹⁸ and one of the few occasions on which he supported Sir George Grey in New Zealand was on his proposal to reduce duties on foodstuffs. On economic development generally he came to realize that developing colonies required rather different policies than did the British economy. Although he reconciled himself to expansive loan and public works schemes, he remained very sceptical of their application during stages of declining trade or their continuation over lengthy periods of time,⁹⁹ and he reported often that he used every possible opportunity to urge caution.¹⁰⁰

Normanby never set out his economic views in detail but there was no doubt that he supported a free economic system in which government had little part to play and he often criticized restrictions on business life. That attitude was probably exhibited most clearly in his attack upon trade associations in the 1860s. He lamented the disruption caused by those groups on British industrial enterprise:

I have long had a conviction . . . that many very serious evils and many misunderstandings are caused by the combinations which exist among labourers in this country. . . . I fully admit the right of every man to fix the price at which he shall sell his labour; but at the same time I deny that any man has the right to dictate to his fellow the price at which his labour shall be sold, and debar or prevent him working for the price which he is willing and ready to take, and the employer willing to pay.¹⁰¹

During the latter part of his colonial career, he spoke many times on the dangers associated with 'socialistic views' which he regarded as a 'plague-spot',¹⁰² and hoped that the Empire would be spared from its spread. He feared, however, that colonial radicals like Grey and Berry were the harbingers of that creed which, to him, would erode a colony's vitality and render it un-British.

Although an English Liberal's economic ideas were often opposed to the prevailing opinions in the colonies, Normanby did come to understand the concern felt by many colonists for the aggregation of land in the hands of a few and the disproportionate share of taxation paid by the poorer sections of society. In New Zealand and in Queensland, both in public speeches and in conversation with ministers, he warned of the dangers of those practices and suggested that measures should be taken to alleviate them.¹⁰³ Of course, he never went as far as the colonial 'liberals' and emphasised the importance to the colonies of creating an economic climate attractive enough to encourage capital investment, and of avoiding the hazards of 'class' warfare.

Having been schooled in the British Parliament, Normanby was frequently appalled by the 'party' violence and indiscipline

of colonial politics, as indeed were most Governors who had had similar experiences.¹⁰⁴ This aspect will be examined in much greater detail below and it is sufficient to note here that, in his opinion, the colonial legislatures compared very badly with the Imperial Parliament. He had few complaints with the constitutions - except that of Victoria in which he thought that the concept of an elective Legislative Council was a 'monstrosity',¹⁰⁵ - but he deplored the general absence of satisfactory systems of local government. Such systems would help to reduce the parochialism in the central governments, assist in the establishment of stronger 'national' parties, and clear away much of the corruption in politics.

Normanby was certainly no democrat especially when he witnessed the application of democracy in the colonies. At home in the 1860s, following the political line of Lord Russell, he cautiously supported the extension of the franchise:

I can only express my hope that any measure they [the administration] may bring forward will, while protecting the rights of property and the intelligence of the country, secure a fair and substantial representation of the working classes.¹⁰⁶

But in Nova Scotia, he strongly backed Joseph Howe in his plan to restrict the franchise, the liberality of which he credited with much of the violence and corruption there. That view was strengthened during his later administrations. He did, however, recognize that with education the danger could be reduced and he urged the colonial politicians to use every means to secure adequate schooling for all. On the question of payment of members of parliament which cropped up during his tenures in Queensland

and Victoria, he stated his personal opposition although he did see greater reason for such measures in the colonies than in Britain.¹⁰⁷

One can but wonder what would have been Normanby's political path had he remained at home without his colonial experience. But it is clear that it did help take him far from the trail which Gladstone forged in Britain, especially on his attitude to Ireland and the Empire. Normanby was disgusted at Gladstone's opposition to the Conservative policies in the Balkans, southern Africa, and India between 1878 and 1880. In a letter to Herbert in 1878, he decried the pacifism of the Liberal Party in terms that were rather Palmerstonian in tone: "I am no believer in peace at any price doctrine and I believe that if it had not been for the strong measures taken - we would probably have drifted into a war as we did in 1854."¹⁰⁸

Such then was Normanby - the man, the politician, and the Governor - although , in succeeding chapters, this outline will be fleshed out considerably. In 1882, Herbert stressed the importance of placing "Governors of high standing and ability in the Great Responsible Governments . . ." as that was necessary if those colonies were "to continue satisfied with their present relations" ¹⁰⁹ Normanby fitted that need well. He was not the most colourful or the most dynamic of the Governors of the period but he was able, confident, and sincere, qualities which perhaps suited the position even better.

Footnotes

- 1 The correspondence on the question of the appointment of Governors to the Australian colonies is contained in P. P. 1889, LV, 1-20. See especially Knutsford to the Governors of Australia and New Zealand, 8 July 1889, in which the Secretary of State denied the colonies the right of prior approval of appointments.
- 2 Ibid.
- 3 New Zealand reduced its Governor's salary in 1887, thus effectively barring the 'professional' from that position. In some ways, the reduction of salary could be used as a negative control in the selection of a Governor. See D. P. Clarke, The Colonial Office Attitude towards the Working of Responsible Government, 1854-68 (Unpublished Ph. D. thesis, London, 1953), p. 76.
- 4 National Review, July, 1890.
- 5 Melbourne Leader, 1 Dec., 1890, quoted in Journal of the Imperial Federation League, 1890, p. 288.
- 6 See Derby to Normanby, 24 May 1883, NP - "There are strong political reasons apart from personal fitness [in choosing Lansdowne]."
- 7 P. D. CCIII, 712 (22 July, 1870).
- 8 See Robinson to Normanby, 3 August 1878, NP.
- 9 Normanby to Bramston, 12 August 1878, LB.
- 10 Newcastle to Manners Sutton, 23 August 1861, quoted in J. A. Gibson, "The Duke of Newcastle and British North American Affairs, 1859-64", CHR, XLIV (1963), p. 148.
- 11 J. W. Cell, British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process (Durham, N. C., 1970), pp. 48-9.
- 11a The word 'professional' is used throughout this work simply to denote a career Governor. The writer is well aware that in the later nineteenth century the concept of professionalization implied rather more than dependence on a particular job for a livelihood and that it was characterized by a code of ethical behaviour. Such professionalization was unlikely to develop far when a Governor's role remained so imprecise and transitional (See Chapter II), when the conditions of service varied so widely, or when Governorships were occupied by men of forceful and sometimes independent character.

- 12 H. L. Hall, The Colonial Office, A History (London, 1937), Chapter V.
- 13 Cell, British Colonial Administration, pp. 48-9.
- 14 Sir Charles Bagot, Lord Sydenham, Lord Belmore, Sir Charles Du Cane, Sir Charles Hotham, Lord Loftus, Lord Lorne, Lord Monck.
- 15 There was comparatively little interchange between the Colonial and Indian Empires. Lord Elgin, Sir Charles Metcalfe, Sir William Denison, and Sir James Fergusson were others who served in both.
- 16 See Newcastle to Manners Sutton, 23 August 1861, quoted in Gibson, "The Duke of Newcastle", p. 148.
- 17 For example: Barkly, 1848-77; H. Robinson, 1854-97; W. Robinson, 1862-95; Normanby, 1858-84; Darling, 1847-66; Grey, 1841-68; Gordon, 1861-90; Kennedy, 1851-83; MacDonnell, 1847-72; Musgrave, 1860-88; Hill, 1854-76.
- 18 Newcastle to Sidney Herbert, 18 Nov. 1859, Copy in Newcastle Papers, NeC C/71. See also Earl Grey, The Colonial Policy of Lord John Russell's Administration (New York ed., in one vol, 1970), p. 42. Grey asserted that his policy was to secure Governors of judgement and ability and to fill many vacancies by promotion.
- 19 Grey claimed that patronage was little used during his term as Secretary, his main concern being to appoint fit men to the posts. The Colonial Policy, p. 41.
- 20 G. E. Bowen, Thirty Years of Colonial Government, 1859-88 (ed. S. Lane Poole, 2 Vols., London, 1889), II, 46.
- 21 See, for example, Newcastle to Head, 21 Sept. 1861, quoted in Gibson, "The Duke of Newcastle", p. 146; The Illustrated Times, 25 Jan., 1862; 25 April, 1863; Saturday Review, 30 Nov., 1861.
- 22 Saturday Review, 5 Oct., 1867.
- 23 Lawley, a Whig M. P., with two years in the House of Commons, Private Secretary to Gladstone, was appointed to South Australia by Newcastle. Although Gladstone denied it, the appointment seems to have been made through Gladstone's influence. It was opposed in the House largely on the grounds that Lawley had speculated on information which he had gained from his position as Gladstone's Secretary. P. D. CXXXV (1854), 1239-58.
- 24 P. D. CXXXV, 1239-40, 1250 (3 August, 1854).

- 25 Ibid., c.1254-8. Lord Grey also had pointed to the difficulty of attracting such men. The Colonial Policy, p. 41.
- 26 Newcastle to Head, 31 July 1861; 27 August 1861; quoted in Gibson, "The Duke of Newcastle", p. 146.
- 27 Newcastle to Head, 10 May 1861, quoted in Gibson, "The Duke of Newcastle", p. 145. They had, in the main, shown themselves to be either too dependent on cliques or too intolerant and dictatorial. Moreover, they were rather loath to accede to directions from the Colonial Office.
- 28 For example, Sir Fenwick Williams, Sir William Jervois, Sir William Denison, Sir Stephen Hill, Sir Henry Maxse, Sir John Glover.
- 29 Sewell Journal, 20 Oct. 1861, quoted in J. Rutherford, Sir George Grey, 1812-98: A Study in Colonial Government (Auckland, 1958), p. 456.
- 30 For example, Bowen, Darling, Sir William Cairns, MacDonnell, Sir Dominick Daly, Musgrave, the Robinsons, Sir George Strahan, Sir Henry Young, Sir George Des Voeux, and K. B. Hamilton.
- 31 For example, Normanby, Barkly, Sir Alexander Bannerman, Du Cane, Fergusson, Monck, Sir Samuel Blackall, Lord Canterbury, Sir George Dundas, Elgin, Sir Charles Fitzroy, Lord Lisgar, Lorne. Sir Frederick Weld had also been a New Zealand M. P.
- 32 Sir Edmund Head was an example.
- 33 Lord Loftus, Sir Charles Bagot.
- 34 Head, Bowen and Grey were good examples.
- 35 For example, Grey and Barkly.
- 36 For example, Jervois and Denison.
- 37 Sir William Robinson.
- 38 See, for example, Gladstone (P. D. CXXXV, 1258); Sir Charles Adderley (Minute on Bowen to Carnarvon, 9 Feb. 1867, CO 280/372); and, of course, Joseph Howe.
- 39 Williams and Darling were both born in Nova Scotia but they had spent most of their lives in imperial service.
- 40 D. G. G. Kerr, Sir Edmund Head: A Scholarly Governor (Toronto, 1954), pp. 115, 234.
- 41 Cardwell to Gordon, 14 April 1866, Cardwell Papers, PRO 30/48/5.

- 42 Herbert inferred that in a letter to Gordon, 12 Sept. 1882, quoted in J. K. Chapman, The Career of Arthur Hamilton Gordon: First Baron Stanmore, 1829-1912 (Toronto, 1964), p. 239.
- 43 But MacDonnell could state to Tupper in 1865 that: "On the whole, however, I much prefer administering a Responsible Government - I believe I do understand that *métier*." MacDonnell to Tupper, 20 July 1865, Tupper Papers, p. 639, PAC.
- 44 These reasons were advanced by Kimberley in declining to move Normanby from Queensland after scarcely more than a year there. Kimberley to Normanby, 29 Nov. 1872, NP.
- 45 Herbert to Normanby, 5 Dec. 1878, NP.
- 46 Newcastle to Manners Sutton, 23 August 1861, quoted in Gibson, "The Duke of Newcastle", p. 148.
- 47 Bowen to Edward Stafford, 17 June 1869, Stafford Papers, 3, 159, GAL.
- 48 George Augustus Constantine Phipps, Viscount Normanby, 1831-8, Earl Mulgrave, 1838-63, Second Marquis Normanby, 1863-91.
- 49 He was the only child of Constantine Henry Phipps who succeeded as Earl Mulgrave in the peerage of the United Kingdom and Ireland in 1831. His father was an M. P. for much of the 1820s, Governor of Jamaica (1832-4), Minister of the Crown in Lord Melbourne's administration (Lord Privy Seal, 1835; Lord Lieutenant of Ireland, 1835-9; Colonial Secretary, 1839; and Home Secretary, 1839-41). He later served in the diplomatic corps, filling posts in France and Italy from 1846 to 1858. Created 1st Marquis in 1838, he was an accomplished novelist and amateur actor.
- 50 He also spent some time in the Red River Settlement.
- 51 Comptroller of the Household, 1851-2, Treasurer of the Household, 1853-8.
- 52 Illustrated London News, n. d., Copy in NP.
- 53 In congratulating her son on his appointment, the Marchioness commented; ". . . it would be wrong not to be thankful for that which you have been looking for for so long." Maria, Marchioness of Normanby to Mulgrave, 5 Dec. 1857 (Florence), NP.
- 54 Maria, Marchioness of Normanby to Mulgrave, 21 Dec. 1858 (Pisa), NP.
- 55 Maharaja Duleep Singh. Based on correspondence concerning his

father's will, NP.

- 56 Mulgrave to Sir Charles Phipps, 11 March 1858, NP.
- 57 Mulgrave to Sir Charles Phipps, 6-8 March 1860, NP - "Now I have chosen the life of a Colonial Gov^r as a profession"
- 58 Mulgrave to Blackwood, 14 May 1862; Mulgrave to Newcastle, 13 April 1863, LB.
- 59 Newcastle to Mulgrave, 29 Nov. 1862; 21 March 1863, NP.
- 60 Mulgrave to Newcastle, 13 April 1863, LB.
- 61 Ibid.
- 62 Newcastle to Mulgrave, 29 May 1863, NP.
- 63 Normanby to Blackwood, 20 August 1863, LB.
- 64 See Chapter VII, Sections 2 and 3.
- 65 PRCI, Vol. 1 (1869), 9-10.
- 66 The Council of the Institute also included other ex-Governors, Denison, Monck, Sir John Young.
- 67 T. Reese, The History of the Royal Commonwealth Society, 1868-1968 (London, 1968), pp. 19-20.
- 68 Normanby to Gladstone, 11 Dec. 1868, Gladstone Papers, B. M. Add. MSS. 44417 f. 22.
- 69 Normanby to Gladstone, 13 Dec. 1869, Gladstone Papers, B. M. Add. MSS. 44423 f. 302. Normanby was in charge of Board of Trade business in the Lords.
- 70 Normanby to Gladstone, 2 Feb. 1871, Gladstone Papers, B. M. Add. MSS. 44429 f. 147. He had often mentioned in 1862-3 his desire to go to Australia. See, for example, Mulgrave to Newcastle, 13 April 1863, LB. Gordon once commented to Newcastle on Mulgrave's ambitions: "It is an odd fancy, Van Diemen's Land!", Gordon to Newcastle, 29 Oct. 1861, Newcastle Papers, NeC 11, 190.
- 71 Herbert to Normanby, 8 Dec. 1874, NP.
- 72 Normanby to Herbert, 30 Oct. 1878, LB.
- 73 In speech in Dunedin, quoted in Otago Daily Times, 20 Feb., 1879, CO 209/237.
- 74 Normanby to Kimberley, 3 June 1872, LB.

- 75 Normanby to Herbert, Nov. 1877, LB.
- 76 This is based on replies to Normanby's letters. See Herbert to Normanby, 6, 23 Feb.; 13 July, 1883 and Derby to Normanby, 24 May 1883, NP.
- 77 He had been granted the K. C. M. G. in 1874 and the G. C. M. G. in 1877. On his return home, he was awarded the G. C. B. (1885).
- 78 In fact, he proposed the formal motion (18 Nov., 1884) for the foundation of the League.
- 79 W. D. McIntyre, The Imperial Frontier in the Tropics, 1865-75: A Study of British Colonial Policy in West Africa, Malaya, and the South Pacific in the Age of Gladstone and Disraeli (London, 1967), p. 38.
- 80 Normanby's informal services in England were referred to in a speech in Melbourne (1888) which alluded to the ex-Governor defending the financial condition of Victoria. Reported in a Melbourne paper (No date or letterhead) in the NP.
- 81 The rumour is mentioned in A. B. Keith, Responsible Government in the Dominions (Oxford, 1928 ed.), I, 68-9 and in C. W. Dilke, Problems of Greater Britain (London, 1890), pp. 129, 219, 226.
- 82 B. J. Dalton, The Governors of New Zealand, 1868-92 (Unpublished M. A. thesis, Canterbury University, 1951), p. 232.
- 83 See Argus, 18 Jan., 16 April, 1884; World, 18 March, 1884; Daily Telegraph, 18 Jan., 1884; Age, 16 April, 1884. See Chapter V for newspaper assessments in other colonies.
- 84 Brisbane Courier, 24 March, 1882.
- 85 See Mulgrave to Lytton, No. 65, 11 August 1858, CO 217/221.
- 86 See, for example, Daily Telegraph, 13 August, 1874; Brisbane Courier, 22 Feb., 1872; Lyttelton Times, 9 Sept., 1878.
- 87 There is no evidence that he invested in ventures other than the rehabilitation of his estate. He did help, however, to set up two of his sons in the ranching business in Queensland.
- 88 Dilke, Problems, pp. 129, 219; H. G. Turner, A History of the Colony of Victoria (2 Vols., Melbourne, 1904), II, 251.
- 89 Brisbane Courier, 9 Nov., 1874.
- 90 Reports of speeches in Brisbane Courier, 20 Feb., 1872 and in Queenslander, 10 Feb., 1872.

- 91 Speech quoted in Otago Daily Times, 20 Feb., 1879, CO 209/237.
- 92 Lyttelton Times, 9 Sept., 1878.
- 93 Herbert to Normanby, 5 Dec. 1878, NP.
- 94 Bramston was Attorney General of Queensland during most of Normanby's tenure there, he married Lady Normanby's niece, and was the Governor's close personal friend.
- 95 Normanby to J. Petch, 15 Dec. 1885 (Dorking), NP.
- 96 Normanby to J. Buchanan, 12 April 1886 (London), NP.
- 97 See J. Roach, "Liberalism and the Victorian Intelligentsia", Cambridge Historical Journal, XIII (1957), 58-81.
- 98 Normanby to Kimberley, 9 Dec. 1880 (Confidential), CO 309/121.
- 99 See, for example, Normanby to Carnarvon, 11 Dec. 1877 (Confidential), CO 209/236.
- 100 See, for example, Mulgrave to Sir Charles Phipps, 11 March 1858, NP and Normanby to Carnarvon, 27 July 1877, LB.
- 101 JRCI, Vol. 2 (1870-1), 126 (21 Nov., 1870).
- 102 Speech in Melbourne Town Hall, May, 1879, quoted in Argus, 11 June, 1879.
- 103 See, for example, C. W. Richmond to Harry Atkinson, 27 Dec. 1877 (Wellington, Private), in G. Scholefield, ed., The Richmond-Atkinson Papers (2 Vols., Wellington, 1960), I, 440-1 and Normanby to Kimberley, 20 Jan. 1873, LB; 26 Dec. 1874, CO 234/27.
- 104 See, for example, Fergusson to Belmore, 4 Jan. 1870, Belmore Papers, A2542-2, ML.
- 105 Normanby to Hicks Beach, 12 May 1879 (Confidential), CO 309/119.
- 106 P. D. CLXXXI, 33 (6 Feb., 1866).
- 107 See, for example, Normanby to Kimberley, 18 March 1880 (Confidential), CO 309/121 and Normanby to Carnarvon, 31 May - 1 June 1874, CP.
- 108 Normanby to Herbert, 17-9 July, LB.
- 109 Herbert to Gordon, 12 Sept. 1882, in Chapman, Gordon, p. 239.

IV

THE COLONIAL MILIEU

If it is to be accepted that the role of a Governor in a colony with responsible government can only be understood with a sound knowledge of that Governor's character, ability, and experience, and an equally clear grasp of the political realities of the particular colony in which he served, then it becomes necessary, however briefly, to investigate the character of that colony. Therefore, in this chapter, attention will be focussed on the four colonies over which Lord Normanby presided to set the background for a subsequent examination of his relationships with colonial politicians. Moreover, it is hoped that sufficient evidence will be produced to demonstrate that despite the differences in time and area, there are some basic similarities in the self-governing colonies in the period from about 1850 to 1890, although each did have a character and special problems of its own.

For the purposes of this study, the four colonies will initially be examined separately and the emphasis will be placed on the political character of each, although it must be realized that this political life did, in fact, reflect reasonably accurately underlying social and economic developments. As well as sketching the contours of politics, some attempt will be made to evaluate the historiography of each colony, as it relates to

the periods in question. At the end of the chapter, the threads of these separate developments will be drawn together and some estimate will be made of the necessary adjustments a Governor like Normanby had to make as he transferred from one colony to another.

One historian, looking especially into the economic and social trends of Nova Scotian history from 1854 to 1867, has described the period as "one of prosperity and promise, achievements and ambitions, pride and confidence . . .".¹ Yet, alongside those positive characteristics, those years were also remarkable for the rancour and bitterness of political strife both on party and personal levels.

Nova Scotia, despite the smallness of its population (c330,000) and its area, was indeed prosperous, a condition which was marred only in 1861-2 with the dislocation of trade caused by the outbreak of the American Civil War. That economic prosperity was the product of the continuing expansion of the traditional bases of the colony's economy - farming, fishing, coalmining, shipbuilding, and commerce - which was fostered in the period by favourable circumstances; the opportunities afforded by the Crimean and American wars, the general expansion of world trade, the Reciprocity Treaty with the United States and the stimulating effects of the Imperial base in Halifax. It did not represent any significant new economic development. Hopes had been raised in the early 1860s by the discovery of gold in southern Nova Scotia but the sanguine expectations proved to be largely unfulfilled. Again, the general expansion of the mineral industry

hoped for after the settlement of the question of the ownership of mineral rights in 1857-8² did not eventuate. The manufacturing industry that had developed was small-scale, geared to the domestic market, and was not expedited by the policy of free trade followed by successive governments.

That circumstance helps to account for the slowness of the growth of the colony's population which, since the last great tide of immigration in the 1840s, had grown largely through natural increase. In 1861, of the 330,857 people in Nova Scotia, fully 89% were native-born.³ From time to time, concern was expressed at the slow growth and it had been expected that the Civil War in the United States might have diverted many emigrants to the colony but, as one newspaper put it, "we see it setting as strong as ever to the Federal States."⁴ The reasons for that, of course, were not difficult to find. In Nova Scotia, the readily available and fertile land had already been occupied and no large source of alternative employment had been developed. Other colonies and the United States offered far more attractive prospects for immigration, despite the economic prosperity of Nova Scotia. In replying to an Emigration Circular from the Colonial Office in 1863, the Governor expressed his own views of the situation which corresponded closely to the economic realities. He reported that Nova Scotia could cope only with immigrants with extensive amounts of capital or those who would be content to undertake domestic or farm labouring work, although even there the scope for employment was very small.⁵

The small population, however, had diverse origins with

the early migrations of 'Yankee' and Loyalist settlers and the later ones of Scots, Irish, and Germans which gave the colony a rich variety of social and economic patterns. Halifax, with its population of over 25,000 and its commercial importance, dominated the social and economic life of the colony but the smaller centres of population also had political lives of their own based on their own needs and aspirations. That was bolstered by a sense of isolation from the capital bred by the inadequate internal communications of Nova Scotia. Thus, while it may well be true that by mid-century the colony, with its long history, its stable population, and its prosperity, had developed an almost unique sense of colonial 'nationalism', in terms of its own internal political processes, the local and sectional interests still preserved an important degree of influence. In spite of its century-old tradition of parliamentary government, the political character of Nova Scotia did exhibit many of the symptoms of political immaturity of the other younger and larger colonial societies.

The historiography of Nova Scotia, as indeed that of British North America generally, at mid-century, has been dominated by the question of Confederation⁶ and little attention has been given to the political structure of the colony except in the most general terms. There is little doubt that superficially the most distinctive feature of the period was the violent party strife and personal rivalry; the few historians⁷ who have treated political life have limited themselves to a simple description of that feature without exploring in any depth the reasons for it.

Very little, in fact, is known of the local bases of party support, the extent of extra-parliamentary organization or even the composition of the parliamentary parties themselves although Murray Beck in his Government of Nova Scotia⁸ does make many suggestive comments about these subjects. Again, the studies of the leading colonial politicians, Joseph Howe and Charles Tupper, have concentrated on their views on the questions of Confederation and the Intercolonial Railway and have almost entirely neglected their actions and attitudes as Nova Scotian politicians. As political issues before 1865, Confederation and the railway were of little importance and political life revolved around more 'mundane' subjects such as patronage, the extension of local railways and public works, franchise and educational reform, economic expansion, and the merits or demerits of the politicians and parties. One has only to glance through the journals of the period to be convinced that such was the political reality.

Lord Grey's observation to Sir John Harvey in 1847 that his experience had shown that "animosities exhibit themselves at least as keenly, in small, as in large societies, and . . . the public necessities are as little effectual there as elsewhere, in inducing those who are separated by personal and political repugnancies to unite their counsels for the common good . . ."⁹ was certainly as relevant for the 1850s and 1860s. Both E. P. Ray¹⁰ and Beck¹¹ have suggested that by the late 1840s two well-defined parties had developed with distinctive policies on economic development, on education, and on the administration of responsible government. But that situation was not to last long because,

as Beck points out,¹² issues and principles did not normally exist to maintain the existence of stable alignments in those two parties. As in most colonial societies, the predominance of local interests and personal rivalries asserted their disintegrating power in the early 1850s. In fact, it might be argued that that party polarization was really a product not of any fundamental cleavage of political principles but of the importance of the overriding but temporary issue of constitutional reform contingent on the coming of responsible government. Once both parties had accepted the necessary implications of that change, their solidarity crumbled. Although the Conservatives and particularly J. W. Johnston still flirted with measures like an elective Legislative Council to control the power of the executive, the issue of the form of the constitution was almost dead by the early 1850s and it was apparent that social and economic issues such as railway development and educational reform cut across the old alignments on the constitutional issue.

Examples of the instability of party parliamentary membership were common. Three Liberal members left their party over railway policy in 1851; in the next Assembly (1851-5), five Conservatives deserted party ranks; in 1857, fully one fifth of the Liberal majority crossed the floor to the Conservatives, allowing the latter to form a new government; and in the Assembly of 1859 to 1863, three members, elected as Conservatives, voted for the Liberals.

The nomenclature of the parties had by the 1850s lost all meaning. Indeed, the Conservatives had probably the more democratic

posture - in 1863, they opposed strenuously the reduction of the franchise, which had enabled virtually the whole adult male population to vote, and had passed a more equitable redistribution act in 1859. But that was determined more by party expediency than by principle and it is interesting to note that the party accepted the Liberal franchise act when it came to power after the elections of 1863. There was a fair degree of unanimity on economic questions and the inability of private enterprise to construct the colonial railways removed the question of the ownership of the railways effectively from party rivalry. Educational reform, after the failure of William Young's proposals in 1856, also became a non-issue until Tupper's Acts of 1864-5 and even then, except for the Roman Catholics, there was general agreement.¹³

Without any outstanding issue, party conflict inevitably turned for sustenance to personal antagonism, to arguments over the routine administration of colonial affairs, and to a struggle for the perquisites of office. During the period, even the intensely partizan newspapers, in their more sober moments, acknowledged the similarity of the two parties. The Acadian Recorder, a stoutly Conservative journal, editorialized in 1855:

At the present juncture . . . it would nonplus the shrewdest politician to invent any cogent reason for the division of the Representatives of Nova Scotia into two parties, regularly organized for the annihilation of each other, in the halls of our Legislature. We are not aware of a single public question, of the least consequence to any class, being in suspense¹⁴

By 1862 even the Liberal press which had much longer stressed the differences between the two parties had come to a similar conclusion:

Over and over again, we have heard it said by shrewd and thoughtful men, that party politics have been, and now are, the curse of our country. We were at first slow to believe in the soundness of an opinion so humiliating to us as a people, but every day's experience convinces us that it is true. Unfortunately, the two parties into which our population is divided, are so nearly balanced, that a constant struggle for office is going on between the ins and the outs¹⁵

But unlike the Victorian parties in the 1880s, that situation did not end in coalition, although both Howe and the Governor did try their best to bring one about in 1862-3. The passions aroused by the conflicts of the preceding years, the traditions established, and the personalities involved would not allow such a solution.

Elections in Nova Scotia were bitterly fought and because of the open ballot there was plenty of scope for shady political practices and there were many successful candidates who were charged with bribery and other forms of corruption. The controverted elections of 1859 were the most outstanding examples, even though they were largely the product of unforeseen circumstances leading from the passing of Annand's Law of 1859.¹⁶

Despite the eventual outcome of elections in terms of seats, there was, in the four elections between 1851 and 1863, a close division of the electorate between the two political parties. Except in one case, however, there seemed to be no clear rationale in the way most votes were cast. That one exception was the Roman Catholic vote. Before 1857 it appeared to favour the Liberals but that changed radically in that year when seven Assemblymen, either Roman Catholic themselves or representing constituencies which were predominantly of that persuasion,

deserted the Liberal ranks.

Sectarian tension, never far below the surface of young colonial societies and often bubbling over, had long been a feature of the political life of Nova Scotia. In the mid 1850s, it erupted fiercely and the conflict between the highly organized and militant Roman Catholic church and the Liberals led by Howe and supported by the Protestant Alliance was one of the sharpest political realities of the period.

Apart from that, elections depended substantially on the personality of the candidates and the record of the sitting member in attracting expenditure and improvements to his constituency and in providing employment for his constituents. Until 1862, when control passed to the Executive Council, the members of the Assembly were responsible for the appropriation and allocation of government expenditure in their constituencies and it was relatively simple for the voters to judge their performance and for their political opponents to criticize them.

In spite of the repeated attempts by the Colonial Office and the Governors to control the practice, the 'spoils system' had become generally accepted by 1867 as the proper mode for the disposition of government employment.^{16^a} From 1856 to 1864, each successive administration used its power to make partizan appointments and to dismiss political opponents from employment. It has been estimated that there were thirty-six such dismissals from 1857 to 1860, eighty from 1860 to 1863, and sixty in the first six months of the Conservative administration in 1863. That practice proved to be one of the bitterest issues between the

parties but, although both politicians and the party press inveighed against it when their supporters were affected, they showed remarkable ability to defend it when their particular party was in power.

The clash of personalities has been commented upon before and indeed it was one of the most flammable fuels which sustained the party rivalry. Between the Conservative leaders, Johnston and Tupper, and the Liberals, Young and Howe, there was very little love lost and the Assembly and the press were the forums for their heated debate on each other's personality, ability, and political capacity. The bitterness between Johnston and Young had deeper roots than political opposition. Both had their eyes firmly fixed on the coveted Chief Justiceship and each wanted to be in office when the incumbent died so that he could succeed to the position. The Liberal journals caustically labelled Johnston's attempts to remain in power after the elections of 1859 as part of his 'Wig' policy. After the Conservative victory at the polls in 1863, Johnston unsuccessfully tried to remove Young by petitioning the Colonial Office.

Almost immediately following his election to the Assembly in 1855, Tupper undertook the role of principal assailant of the Liberals. Through his newspaper, the British Colonist, his speeches in the Assembly and the colony at large, and his letters to the Colonial Office, he maintained without pause or restraint a blistering attack on Howe, William Annand, Jonathan McCully, and practically everyone who was connected with the Liberal party, impugning their honour, honesty, capability, and sanity.

Of course, those thrusts were parried, although in generally more temperate terms, by the Liberal politicians and their press, most notably the Morning Chronicle and the Novascotian.

It is difficult to agree with W. L. Morton's contention that these leaders provided "the means to transcend local and group loyalties " because much of their success as politicians during this period was derived from their ability to use those forces to foster party ends and personal ambitions. Without them, much of the colour of Nova Scotian politics would have been lost but the chances of political peace and some type of coalition would have been greatly enhanced.

With this sharp clash of personal ambitions, the lack of any definite principles to guide the actions of the parties, and the absence of important issues on which they could divide, it was almost inevitable that party programmes turned largely on the routine administration of affairs, on measures aimed at improving party fortunes, and on a resolute opposition to any policy, irrespective of its merits, proposed by the other party. The political history of Nova Scotia in the period 1857 to 1863, therefore, was in essence simply one of a struggle for office. Only after 1864-5, when Confederation became an issue between the parties, did that struggle become dignified with matters of principle.

When he arrived in Queensland as its third Governor in 1871, Normanby found a markedly different environment although he was to encounter similar political problems. The colony was just twelve years old and those early years of its life, despite

the economic crisis of 1866-8, had been one of rapid development both in terms of population and in economic viability. The population had reached 120,000, nearly a six-fold increase since 1859, a surge that showed no signs of slackening in the 1870s - by 1881, the population was 218,000, an 85% increase. Settlers had been drawn to the colony by the burgeoning economy and by the deliberate immigration policy of the early Queensland governments. However, the distribution of that flood of people had been very uneven and most of the newcomers, especially those from outside Australia, flocked to the urban areas, mainly in the extreme south of the huge colony. The Moreton Bay area, the original nucleus with its penal station and the site of the first free immigrants, accounted for over a quarter of the population.

The economic development of the colony also affected the distribution. In the 1860s the luxuriant northern coastlands had been opened up by the cultivation of sugar and about another quarter of the population had been drawn to that area. Moreover, the discoveries of gold, copper, and tin had created other nuclei, as had the construction of roads and railways. The consolidation and expansion of the original economic base, the pastoral industry, and the gradual spread of small-scale farming in the more fertile areas in the south had created many small towns like Ipswich, Toowoomba, and Warwick, each with a life, character and fierce corporate spirit of its own.

Thus, as with most immature colonial societies, Queensland's basic social characteristic was disunity. Broadly speaking, the most obvious divisions were the growing urban and rural

polarization and the conflict between the northern and southern sections of the colony. But even in those broad categories, there was little unanimity of opinion. There was intense rivalry between Brisbane and Ipswich in the south and between Rockhampton and the other centres in the north; there were divisions in Brisbane itself between the more affluent merchants and businessmen and the working population; in the rural areas, there was the ubiquitous strife between the large pastoralists and the smaller selectors; and even in the squatter ranks, there was rivalry between the old-established 'Darling Downers' and the newcomers in the more remote areas of the west and north.¹⁸ That disunity, of course, was reflected in the political life of the colony.

The historiography of Queensland's political development has followed closely that of other Australasian colonies. There are the inevitable early histories, both the strictly colonial treatments and the omnibus histories of Australia,¹⁹ based on the authors' personal experiences and reminiscences and strongly coloured by their own political convictions. They saw the political scene as being dominated by two distinct parties - one representing the squatters, the colonial 'aristocracy', who were resolutely opposed to democracy and economic reform; the other the party of progress who championed the cause of liberty and democracy. That view has been attacked recently on two grounds. Most modern historians do not concede that there was, in fact, a distinct division in political life and they paint rather a picture of political disunity, of localism and political expediency,

Secondly, they discount the assumption that only one section of the political community espoused the causes of democracy and liberal reform and suggest that the majority of the politicians were liberally-inclined. A. A. Morrison of the University of Queensland is the foremost exponent of this latter interpretation and he has, in a series of articles,²⁰ substantially demolished the earlier views. It is to be hoped that this research will be published in book form along the lines set out admirably by Loveday and Martin in their treatment of similar parliamentary conditions in New South Wales.²¹

When one investigates the political scene in the early 1870s, the strength of this argument is evident, although it must be admitted that there is, on the surface, much to suggest the contrary. For most of Normanby's four years in Queensland, a ministry led by Arthur Palmer was in office supported by a group which represented mostly rural constituencies and which included many large land-owners. Arrayed against them was the group led by Charles Lilley, strongly representative of the Brisbane interest. During the administration the party strengths remained almost constant with but one member of the Assembly changing sides - from the Opposition to the Government. The reason for that move is instructive as that particular member came from Rockhampton and the Palmer ministry was showing some interest in dealing with the grievances of the northern section of the colony by suggesting a scheme of financial separation.²² This outward appearance of two distinct parties is, however, deceiving. The compactness did not rest on the unanimity of common

principles or even interests but on the exigencies of either retaining office or wresting it from the ministry in power. That fact was probably more valid for the party in opposition, the internal divisions of which were papered over in its determination to turn the administration out. Moreover, as the Opposition there was no need to define a policy except in the vaguest of terms. The pressures of diverse interests and sectional loyalties were felt strongest by the government supporters and in office very little could be done to consummate a consistent line of policy especially when there was a minimum of party organization in the Assembly. All legislation, therefore, was essentially a series of compromises determined by the various interests in a particular governing group, the needs of the next election, and the pressure which the Opposition could exert.

A good example of that process was the constitutional crisis in the Assembly in 1871-2 over the changes to be made in the electoral system. Left to itself, the ministry may well have passed a measure which, in terms of the franchise and redistribution, would have been favourable to its own interests. But, owing to the pressure of the Opposition and the tactics they followed, the final act was truly a compromise of not only the several government interests but those of the Opposition as well.

With these general considerations out of the way, some attention should be given to the composition of the opposing forces in the colony and the direction of their policies. As has been noted, the Palmer ministry was supported largely by rural Queensland and to an extent its general policy reflected

that support - they advocated the use of native labour, the so-called Kanakas, in the colony, they opposed the indiscriminate construction of railways and public works, they tried to come to terms with the desire of the north for a greater degree of self-government, and they opposed the payment of Assemblymen. However, on the issues to which they should have been opposed - the extension of democratic reforms, land settlement, and immigration - they were surprisingly liberal, although understandably cautious. There is no evidence to suggest any substantial political organization, in the Assembly or in the electorates, in the party. Morrison has concluded that in the 1860s and early 1870s Queensland "owed a considerable debt to the squatters for the relative liberality of their ideas and for the periods of stability which they and they alone could give to government."²³

By contrast, he points out that the record of the Liberals in the Assembly was unconvincing, that their land laws vastly increased the alienation of the land and that their reckless expenditure damaged the economy of the colony.²⁴ That group, except in opposition, from 1870 to 1874 when "for once [they] became a single fighting force, accepting without question the leadership of one man, Lilley . . ."²⁵ was even less unified than the other, as its conduct after it had succeeded in the elections of 1874 indicated. Owing to the necessity of attracting wider support than the Brisbane members, the Liberals had to lose the services of Lilley, who was distrusted by the 'moderates', and accept Arthur Macalister, an Ipswich member, and a pastoral

lessee, as leader of the administration. That was part of the price paid for securing the support of the notorious 'Ipswich Bunch', who were the independents par excellence and who always seemed to support the incumbent ministry in return, of course, for political favours and additional expenditure in the Ipswich district. The new ministry's following in the Assembly was therefore far less homogeneous than Palmer's, although the bulk of its support still came from the southern urban areas.

If one had to type the 'average' Liberal's attitudes, and it is assumed in this case that such a politician represented southern urban interests, he would subscribe to the opposition to native labour, and to any sort of special treatment for the northern regions of the colony. He would generally support reforms in land tenure, electoral procedure reforms, liberal inducements to increase white immigration, and an expansive railway-building and public works policy. He would be a merchant or professional man, usually quite prosperous, and, more often than not, of non-conformist religion. He would have been party to the attempt in the early 1870s to develop some type of extra-parliamentary organization and he would have been a member of The Queensland Political Reform Association (1870). That body, the major strength of which was made up from the merchants of Brisbane, aimed to advance "the political influence of the people", but it had little influence until the later 1870s.

In the Queenslander, the political columnist 'The Bohemian' in an amusing article on the elections of 1873 really summed up the political situation:

The elections are now as good as over, and there is a fine field for speculation as to how parties will shape in the new House. That's the beauty of Queensland politics. At critical times the public are kept in a most refreshing state of uncertainty as to who's who, and what's what. With the exception of a few obstinate, old-fashioned politicians, who stick to the same set of opinions year after year, for no better reason than because they believe them to be founded on true principles, our legislators are not political bigots. They are always open to conviction, and their antecedents furnish no data for coming to a correct conclusion as to which side they will take at any given moment in the future. They are not particular to a shade, but will change sides on the slightest provocation, change back again in a few days or weeks with philosophic composure, and calmly take a third course just as rapidly 'should sufficient inducement offer' - as the auctioneers' advertizements put it.²⁶

Even the Brisbane Courier, long an enemy of Palmer's administration, admitted at the end of 1873 that "for all practical purposes, old party distinctions are well-nigh obliterated."²⁷

This concentration on the Assembly, however, should not obscure the fact that outside its walls there was generally very little interest in politics. As the Brisbane Courier expressed it in 1871:

As a rule the people here take very little interest in politics. The country has not been settled long enough for anything worthy of the name of 'public spirit' to have been developed, and except on questions which directly affect their private interests, very few persons can be found who will trouble themselves about politics. Outside . . . Parliament one set of ministers is considered as good as another, providing they commit no gross blunders, and are reasonably honest, impartial and industrious . . .²⁸

The bulk of the population was too interested in making its own way, and as long as there was work at high wages and land was available, there was little disposition to concern themselves with the affairs of state. As Anthony Trollope noted in 1872:

At home, in England, we are inclined to regard the institutions of our Australian colonies as being essentially democratic - as showing almost republican propensities. In this, I think, we are mistaken - certainly as regards Queensland. Among the working population outside the towns political feeling is not

strong in any direction. Men care little about politics - not connecting this or that set of ministers with the one important subject of wages. . . . The opposition to the squatters comes of course from the towns and chiefly from the metropolis. But it cannot be described as being strong or enthusiastic²⁹

The same could not be said of the colonial press, however, which was particularly conscious of political affairs, and if one were to read the newspapers of the period only a rather different pattern would emerge. Each important centre had its own journals and the political line taken depended again on the locality. Thus, after 1869, when the squatter-orientated Guardian ceased publication, the Brisbane press³⁰ was solidly behind the Liberals as was the Ipswich Observer. The other Ipswich journal, the Queensland Times, was the mouthpiece of the 'Bunch' and invariably gave editorial support to the group in power. In the north and the Downs, the smaller local newspapers³¹ were not so indiscriminate and there was much greater support given there to the 'Squatter' party.

No colony's early history, it seems, would have been complete without a degree of sectarian strife and Queensland was no exception. As was usual, the issues most debated there were those of the establishment of religious schools and the immigration of Irish families, both of which were stoutly opposed by the press of the colony, which was largely controlled by non-conformists, and by the bulk of the town-dwellers who were themselves non-conformists. Particular opposition came from Fortitude Valley, a 'suburb' of Brisbane and the site of the Lang settlers, which was represented in the Assembly by Lilley. However, except in Ipswich which had a larger proportion of Irish than usual in the

colony, there were few outbreaks of violence. Politically, the question never really became an issue between the parties as both Palmer and Lilley advocated the claims of secular education. Of the two political groups, the sectarian rivalry probably had the greater schismatic effect on the Liberals as that party contained most of the 'extremists' of both the Roman Catholic and the non-conformist persuasions, the latter being, however, much the stronger influence.

With the exception of payment for Assemblymen, Queensland's constitution was as democratic as those of the other Australian colonies. In 1872 under the aegis of the Palmer administration, the principle of adult male suffrage had been accepted subject to a short residential qualification although plural voting was still legal. Single-member electorates without too great a degree of inequality of size were also introduced in 1872. The only controls on the power of the Assembly were the reserve powers of the Governor and the Legislative Council, a nominated chamber. The Council had become by 1874 a predominantly conservative body and it threw out several of the Liberal bills in the mid 1870s.

Thus, Queensland had developed along the same lines as the other Australian colonies by the mid 1870s, although with the Kanaka problem and the question of northern separation,³² it did have special problems of its own. In the political context - its immature party system, the amateurishness of its politicians, its sectarian unrest, and, above all, the degree of localism and disunity - Queensland closely resembled the political lives of its neighbours.

Normanby was to meet a somewhat similar situation in New Zealand for that colony was also experiencing a tremendous surge in its economy and its population after a decade rent by the Maori Wars which had inhibited economic expansion, especially in the North Island. Moreover, he found an equally bitter political struggle, complicated and magnified there by sweeping constitutional change.

In economic terms, the decade of the 1870s was dominated by the philosophy and policy of Julius Vogel. In 1870, he had launched the colony on a development programme which entailed large-scale borrowing to finance massive immigration and public works schemes. The effects of that policy profoundly altered New Zealand's economic, social and constitutional structure. Population leapt in ten years from a quarter to a half a million people, hundreds of miles of railways, roads, and telegraph lines were constructed, industry was stimulated, new land was opened up and agricultural output especially that of wheat expanded. Of course, that was accompanied by an astonishing increase in the indebtedness of the colony - the national debt climbed from £7.5 million in 1870 to £26.5 million in 1880 and in per capita terms it more than doubled.

As in Queensland, many of the new immigrants flocked to the towns and by 1880, although rural population still predominated, there was a large urban group which was becoming more conscious of its political power and its special problems of unemployment, 'land hunger', and poor working conditions, and which was willing to listen sympathetically to 'radical' politicians.

But again, as in the trans-Tasman colony, although there was the beginning of organized labour, society as yet was too fluid and immature to develop any real stratification of social classes. Nor should too much emphasis be placed on a wide division between rural and urban interests in New Zealand. The issues of the use and ownership of the land were never far below the surface of politics, but they failed to define political groupings in any real sense. The dynamics of political life in the 1870s lay in other directions and forces.

Although the decade witnessed the destruction of the provincial system and its replacement by a new sub-structure of local bodies, the political realities of the colony did not change. Politics remained dominated by the old chain of loyalties - localism, regionalism, provincialism, insularism, and finally, but by far the weakest, 'nationalism'. Most politicians were at bottom local advocates bargaining for improvements and expenditure in their own electorates and their remaining in the House of Representatives depended ultimately on their success in doing so. However, the rapid turnover of members in the 1870s and 1880s attested to many failures. In the same way, votes on legislation and appropriation concerning regional or provincial interests were determined largely by sectional loyalties and above that by the old insular rivalry, developed in the 1860s,³⁴ which had its impact on larger questions such as the use of land sales' funds, land policy, and the redistribution of parliamentary seats. With that situation, it was almost inevitable that at the national level there would be no clear division into political parties

based on common principles.

There were a few politicians, however, both before and after abolition, who did hold wider views, who could rise above the disintegrating forces and give some semblance of stability to New Zealand politics. That group, including William Fox, Edward Stafford, Harry Atkinson, Donald McLean, Daniel Pollen, John Hall, and Frederick Whitaker, has been described as an oligarchy and vilified as 'The Continuous Ministry'.³⁵ Vogel has usually escaped being included in that group although it is difficult really to understand why.³⁶ Most modern historians have attacked the group as being 'conservative' but it is again difficult to comprehend on what grounds that charge is made, at least in the 1870s. Certainly, most were landowners or well-to-do businessmen, they did oversee some dubious land transfers, and they did consider government really a matter of administration rather than reform but their policy was not illiberal - the 1877 Education Act, the 1879 Male Suffrage Act, Donald Reid's Land Bill of 1877, and the Land and Income Tax Act of 1879 attest to that.³⁷ Their championing of the abolition of the provinces, despite the claim of the opposition in the House and in the provinces to the contrary, was prompted not by the wealthy's fear of the 'democratic' nature of the provincial councils, but by the need for sounder financial administration and national control of the new economic policies. Atkinson, in replying to Sir George Grey's charge in 1877, denied that his ministry was a conservative one:

I differ from [Grey] entirely in thinking that by any measures

he is going to introduce . . . he will be able to produce two well-defined parties in this country. There are no great questions . . . at present waiting solution that can possibly divide the country into two distinct and well-defined parties Therefore I can only hope that we shall continue to govern the country as we have done during the last few years making the best of parties as they are until that time arrives when we shall be divided into two distinct parties.³⁸

This view of the conservative nature of 'The Continuous Ministry' is closely linked to the same historians' claim that liberalism in New Zealand developed in the late 1870s and "was largely the creation of Sir George Grey."³⁹ There is, however, a body of recent scholarship, mainly in the form of theses, articles, and reviews,⁴⁰ which dismisses this claim and sees Grey and most of his supporters not as liberals but opportunists who used the discontent caused by the abolition of the provinces to polarize opposition to the existing ministry. They made their appeal for support in radical terms but most of that was political rhetoric and these studies make it particularly clear that Grey's following in the House and the country in 1878-9 came more from his Vogelite economic policy than from his radicalism. Moreover, these historians claim that the traditional appraisal of Grey as a Liberal relies heavily on what he and his supporters said and wrote⁴¹ and not on what they did.⁴²

Too often the 1870s have been painted in terms of a growing clash between the forces of liberalism and of the status quo when other interpretations fit the pattern of political events much better. Perhaps the most persuasive one is that which has been argued by W. R. Armstrong,⁴³ who has suggested that the major political groupings should be defined in relation to their attitude

towards Vogelism. All politicians accepted that his policy of expansion was necessary but they differed as to the scale and the speed of that expansion. Armstrong sees two divergent streams - the 'bold' and the 'cautious'. In the former category, he places Vogel's ministry of 1874-5 and Grey's of 1877-9, both of which favoured heavy borrowing and increased public works development. In the Grey ministry, James Macandrew, the Minister of Public Works, was the leading member and "there can be little doubt that its hold on office was due more to his openhandedness than to any liberal reforms promised by Grey, its nominal head."⁴⁴ Atkinson's administration in 1876-7 is fitted into the latter stream. His economic policy was aimed at toning down the level of borrowing and proceeding with public works at a more sedate pace.

Armstrong's interpretation has been supplemented by recent biographical works of several leading politicians⁴⁵ and by studies of the elections of 1875-6 in Auckland⁴⁶ and of 1879 in Canterbury which have concluded that they were fought primarily on public works expenditure, on personalities and on the old traditions of provincialism rather than on a 'liberal' versus 'conservative' platform.

These characteristics of 'group' politics with allegiances depending not on parties but on local or provincial affiliations and personalities and with little to differentiate them in the matter of principle except the question of economic policy are clearly evident in the period when Normanby was in New Zealand. The years from 1874 to 1876 were dominated by the abolition issue

and the question of the future of Vogel's policy. On that latter issue, the field of contention was in the administration itself between Vogel and the protagonists of restraint led by Atkinson. The question was settled in Atkinson's favour when he took over the leadership of the ministry in late 1876 but his ideas of economy and his refusal to try to gain backing with lavish expenditure lost him much support and more than anything else accounted for his fall from office in October 1877. Later, Vogel bitterly attacked Atkinson for the destruction of his policy, and the bulk of the so-called 'Middle Party' significantly comprised several members who had supported abolition but who had become disenchanted with Atkinson's financial policy.

On the abolition question, the importance of provincial groupings was manifest. Support for the measure generally was drawn from the smaller provinces which were over-represented in the House and which had not latterly benefited from the system, and from those members who sincerely believed that the system was retarding the development of the colony.⁴⁹ The main body of opposition came from the Auckland and the Otago provinces led by Grey and Macandrew.

The results of the elections of 1875, which were fought ostensibly on that issue, turned largely on the economic policy of the ministry⁵⁰ and many new members were returned, as usual uncommitted to any political group. Those members were prepared to support Atkinson on the abolition issue but were steadily alienated by his 'cautious' economic policy and severely critical of the financial assistance to be given to the new local bodies.

By October 1877 sufficient support had been lost and the way was paved for the overthrow of Atkinson and the institution of a new administration which promised a return to the liberal financial policy of the early 1870s.

As has already been indicated, many historians have characterized the Grey ministry of 1877-9 primarily on its liberal overtones, ignoring the substance of its economic policy. The liberal rhetoric of Grey, displayed so fulsomely in the House and on the stump, did draw enthusiastic support especially from the towns, a support which expressed the wide urban discontent with the depressed economic conditions of the late 1870s. But the real business of government moved steadily below, with Macandrew dispensing with great liberality the fruits of the intensified borrowing programme,⁵¹ the hallmark of that administration and its most powerful trump card. When one considers the composition of the ministry and its support in the House, one is impressed by the thinness of the 'liberal' claims.

The Grey Cabinet was a microcosm of the support which Grey received from the House, both in its composition and in its persistent quarrelling and disunity. Macandrew, William J. M. Larnach, Col. George Whitmore, John Sheehan and J. L. Fisher, all basically provincialists and Vogelites, formed the dominant core and represented the bulk of its parliamentary support. The 'liberal' wing was often represented as including Grey himself and later Robert Stout and John Ballance but both the latter, at that stage in their political development, were deeply involved in land speculation with Vogel.⁵²

With the exception of a Land Tax Act which introduced a very modest levy on land values and a Trade Union Act, 'liberal' legislation was characterized by its lack of support in the House and in the Cabinet. The electoral bill, a surprisingly tame measure, and supported by the bulk of the House for that reason, lapsed because of Grey's antagonism to one of its clauses. Essential parts of the 'liberal' financial programme, the Company Tax and the Beer Tax, were beaten and withdrawn and the Land Act, taken over from the previous administration, passed into law despite Grey's attempt to veto it. Without doubt most of the legislation and administrative action was concerned with the economic condition of the colony.

Fortunately New Zealand was spared any great degree of sectarian unrest although there was some protest by both Roman Catholics and Anglicans over the Education Act of 1877 which introduced secular education. The obvious reason for that situation was the fact that there had been much less Irish immigration to the colony than to the others in Australia or British North America and the Roman Catholic colonists, although vocal over the issue, were quite insignificant in numbers.

As in Queensland then, political life in New Zealand in the 1870s was marked by the absence of parties organized around specific principles and having any significant degree of intra- or extra-parliamentary organization,⁵³ by the great political importance of the 'pork barrel', and by the paramountcy of the individual member of the Assembly. Moreover, there was the same passion and fire introduced into politics by the average

politician and by the press. To speak of a division along the lines of liberalism versus conservatism in this period seems to be a distortion of reality as the most vital issues were undoubtedly those of Vogelism and abolition. In 1879, Vogel summed up the political experience of the decade:

The Statesmen of New Zealand should remember that their work is the heroic one of Colonization - Questions of Whigs and Tories, Liberals and Conservatives are comparatively of little moment to them compared with the main question of how they can best settle in the colony a large, happy and contented community.⁵⁴

Queensland and New Zealand in the 1870s were experiencing rapid development while Victoria, not much older in terms of years, had already passed that initial stage and in social and economic development was far more mature. In 1881 the population had reached 862,000 and the colony was the most populous in Australasia but, like Nova Scotia in the 1850s, its rate of increase was low.⁵⁵ The great years of expansion in the 1850s and 1860s associated with the gold rushes, the opening up of the land, and the early growth of secondary industry had given way to a more moderate development which reflected the declining birth-rate, the end of state-assisted immigration in 1873 and the exodus of many of the mining population.⁵⁶

Economically Victoria was the most well-developed Antipodean colony. Land problems, so endemic in the early decades, had been eased by the land legislation of the 1860s and those areas suitable for small-holdings had been opened to genuine settlers. Although wool remained by far the most important farming product and the pastoralists a powerful economic force, other crops, especially wheat, were increasing. That pastoral

and agricultural output was supplemented by the products of the mines and the secondary industry in Melbourne,⁵⁷ Geelong and the western outports. The production from the gold areas had steadily fallen in the 1870s but still contributed good returns to the economy. Industry had been encouraged by protective tariffs and that had provided an impetus for expansion which had secured employment for the later immigrants and some of the ex-miners. Public works construction in the 1870s had spurted ahead with a four-fold increase in railways - in 1880, there **were** over 2,000 miles of track - which had linked together the major centres of population. The stage had been set for what Henry Giles Turner called 'The Era of Peace, Progress and Prosperity',⁵⁸ the early 1880s. He saw the Melbourne International Exhibition of 1880 as symptomatic of the new economic confidence of the colony and a milestone in the development of Victorian unity.⁵⁹

In a political sense, Victoria had also been the leader of Australasian democracy. Within three years of the grant of responsible government, abolition of property qualifications for membership in the Assembly, the male adult vote, the secret ballot, and triennial parliaments had been introduced while payment of members, albeit on a temporary basis, came along in 1870. Free, secular, and compulsory education became law in 1872, despite strong opposition from the Roman Catholics, and the religious subsidies paid to sectarian bodies had been abolished in 1874. Of course, that advanced legislation had its foundations in the egalitarianism of the colony since its inception, when thousands of miners and settlers poured into the colony, impatient of any

restrictions on political rights.

The political process in Victoria had been marked, even more than in other young colonies, by turbulence and crisis. The Legislative Council, an elective body with a high property qualification for voting, was usually involved because, in the absence of a strong conservative party in the Assembly, it took upon itself the role of guardian of the status quo or at least of slowing down the advance of the 'democracy'. Its record of opposing liberal legislation was quite phenomenal. As Joyce Parnaby and Geoffrey Serle have shown,⁶⁰ the Legislative Council was dominated, throughout the period from 1856 to 1881, by large land-owners and pastoral tenants while the Legislative Assembly was more widely representative and included a majority of businessmen and professional members. Thus, even with the payment of members, the Assembly was composed of men of middle-class status although, towards the end of the 1870s, there was a significant increase of the 'petty bourgeoisie' - selectors and small manufacturers. The basic conflict in Victoria was not really between parties in the Assembly but between the two Houses with the Council representing the landed and mercantile groups and the Assembly representing the small selector and the manufacturer and through them the bulk of the mining and urban population.

The period of the 1870s and 1880s is rather ill-served with adequate historical treatments, the only full-scale history being the diverting, highly readable, but hopelessly partial work of Turner. However, there are several valuable articles and theses on the political nature of the period⁶¹ and some useful contemporary

assessments of political issues.⁶² Except for the modern treatments of Alfred Deakin, David Syme, and Charles Pearson⁶³, there is a lack of biographical work on the major political figures on the Victorian scene. Biographies of Graham Berry, James Service, Duncan Gillies, and the radicals, Francis Longmore and John Woods, would add depth and clarity to a complex situation. The only modern treatment of the late 1870s is Parnaby's thesis and this perhaps gives undue emphasis to the economic forces behind political alignments and underrates the role of personalities and the local and regional influences on parliamentary behaviour. Therefore, any generalization about the political scene must of necessity be very tentative.

The period to be considered, 1879-84, falls into three distinct segments. The first two years saw the end of the last fierce clash between the two Houses over the question of the payment of members. With the passing of Berry's Legislative Council Reform Act in March 1881, which reduced the qualifications for voting for the Council, shortened its term from ten to six years, and reduced the property qualifications for membership as well as enlarging the Council, the crisis receded. Secondly was the period from 1881 to 1883, which more than anything else demonstrated the absence of parties in the Assembly, the years of the makeshift O'Loughlen ministry. Finally, from 1883 through to the early 1890s, the political scene of Victoria was dominated by the grand coalitions of Berry and Service and of Deakin and Gillies.

There were four general elections between 1877 and 1883,

each of which resulted in a change of government, a fact which would indicate either the extreme fickleness of the electorate or the absence of distinct party lines. In Deakin's own retrospective account of the period from 1878 to 1881,⁶⁴ he discussed his candidacy for the West Bourke constituency, for which he stood four times in eighteen months. His account provides some interesting sidelights on the use of government patronage to influence the voters, the development of a rudimentary party organization, and the role of the Roman Catholic vote in elections. However, as for indicating the differences between the two candidates, despite their being labelled 'Liberal' and 'Conservative', and defining the issues between the parties it is singularly opaque. But two conclusions do seem clear. The first was that, in elections, voters, even if they could distinguish separate political identities, cast their ballot also with an eye to local issues, especially to the economic ones of employment and the provision of public amenities, and to the personality of the candidate. Secondly, with the general acceptance by Victorian politicians of the established norms of protection, democracy, and the expansion of the economy and land settlement, the distinctions between the parties were no longer relevant, if indeed they had ever been relevant, except for propaganda purposes, in the Assembly for twenty years. In Victoria, except for a very few men, the voters nearly always returned 'progressive' members to the Assembly. There is some justice in Turner's observation that: "Each little group, as it wrested power from its opponents, sought to distinguish its own régime by some

important advance in democratic principles."⁶⁵

Some groups like the miners, the urban working population, and the selectors which together made up the vast majority of the voters were overwhelmingly liberal and most obviously voted for Berry in 1877 when he won a crushing victory. But the same voters barely three years later returned Service's Conservatives to office and did so, by most accounts, again in 1883. The answer to this seems to lie in the fact that the 1877 election was certainly not a normal one and it is dangerous to generalize unduly from its result. The victory can be satisfactorily explained by an unusual concatenation of factors - the colony was just recovering from the economic depression of 1876-7 and the Berryites secured the support of powerful pressure groups like the Selectors' Associations, The National Reform League, The Manufacturers' Association, and the Protection Leagues, which had been established in the mid 1870s. The charisma of Berry himself, "a popular orator of great power",⁶⁶ who like Grey in New Zealand could appeal strongly to the passions of the voters and adorn his policy with cloudy rhetoric and make use of largely unfair imputations against his opponents, was another important asset. Yet another was the strident support of The Age, the largest and most powerful newspaper in the colony. Probably the most important factor was the volatile issue created by the opposition of the Legislative Council and Berry's clear threat to declare outright warfare on it. La Nauze has referred to the election as having "the semblance of an open struggle of economic classes."⁶⁷ But that was true rather of the passion and exuberance occasioned by it than

the underlying realities.

Berry's party during that period of office showed itself to be fundamentally a coalition of almost the whole spectrum of colonial opinion held together by the attack on the Council which was to be Berry's chief device for maintaining unity. It is interesting to note that Service and many other Conservatives supported the principle of the payment of members and denounced the Council's opposition to it. In terms of legislation, the record of the administration was, in spite of its radical stance, very meagre. The principal measures, the progressive land tax and the stock tax, proved unacceptable to the more radical section of the party.

The period from 1881 to 1883 was most notable for the weakness of the successive governments, the multiplicity of the groups in the Assembly, and the continuing bitterness of politics. The political system had come to rest in what seemed to be a colonial habit - that in periods of economic progress and prosperity and when outstanding issues were absent, political life dissolved into quarrelling pressure-groups and sectional loyalties, with the dominant principles of action being the 'pork-barrel' and the desire for office. It is difficult not to agree with S. M. Ingham's assessment "that the Liberals and Conservatives . . . were not divided by any fundamental differences of opinions . . .",⁶⁸ that neither party was "a homogeneous social, economic or political grouping", and that identical interests were often represented in both.⁶⁹

Apart from the residual bitterness of politics, those years

also were marred by the resurgence of religious strife which, because of the large Irish Catholic immigration, had been a recurrent feature in the colony's young history. The old sore was reopened by the fear of the supporters of the state educational system that the Irish Catholic Premier, Sir Brian O'Loghlen, would try to undermine it and give assistance to parochial schools. However, despite some rumblings in that direction, those fears came to nothing - the system of state, secular education was too deeply embedded in the Victorian liberal tradition to be threatened.

Under such political conditions, if weak and unstable administrations were to be avoided, it was almost inevitable that coalition and compromise would become necessary and in fact the colony was governed by such administrations until 1893. The Sydney Bulletin, accustomed to a more lively political system, commented caustically on the quiet years of the 1880s:

in . . . Melbourne it is only a question whether the old incapables shall shuffle along aimlessly as before, or whether the new incapables shall shuffle along aimlessly in their stead. There is no principle to be discussed . . . there is no policy, for both parties have the same policy . . . for fully ten years the Victorian Legislature has drivelled wearily over small parochial squabbles⁷⁰

H. J. Wrixon, a prominent Conservative, rather more kindly summed up the political experience of the 1880s and recognized the fundamental reasons for it:

. . . the old-fashioned terms Liberal and Conservative are now meaningless . . . and really quite unsuited to our young middle-class community, where we have no privileged classes and no ancient institutions demanding reform.⁷¹

Writing in 1886, J. A. Froude noted that, in Victoria, he could

find little "aggressive radicalism": "There is no need of it where everyone has enough to live on." He could discern no natural divisions of party, no privileged classes, nor any inherited institutions to be reformed.⁷² Charles Dilke was of the same mind. In comparing his impressions of the colony in 1868 and in 1890, he observed:

That bitter social and political class feeling, that hatred between the squatter aristocracy and the farming and town democracies, which was one of singular intensity in Victoria, has all but disappeared.⁷³

It was left to the newspapers, notably The Argus and The Age, long the fierce advocates of the Conservatives and the Liberals respectively, to try to keep the party distinctions alive although they had to make many arbitrary decisions as to where politicians stood in the political spectrum.

The Colonial Office officials, long inured to the crises in Victorian politics,⁷⁴ were also bemused by the developments of the early 1880s and especially by the coalition. When the news arrived that Berry and Service had teamed up, one official noted: "Australian colonies are accustomed to strange combinations of political parties, but a coalition between Mr Berry and the Constitutional party is a monstrum infame which one would have thought an impossibility."⁷⁵ Herbert tersely added: "Yes, there are no really refined parties."⁷⁶

In many ways, Victorian politics in that period resembled those of Nova Scotia when Normanby administered that colony. Both colonies, despite the difference in age, had reached a certain plateau of maturity in their economic and social development,

but their political lives, were still dominated by many of the characteristics of colonial immaturity.

A career Governor like Lord Normanby, who held several positions during his colonial service, was able, despite the comparative brevity of his tenure, to come to terms reasonably quickly with the salient features of the political system of each colony, although he could never hope to master all the complexities of political reality. Obviously, a career which was limited to one general area, such as the Australian or the Maritime colonies, involved somewhat less reorientation owing to the possibilities of visiting neighbouring colonies and of meeting and corresponding with other Governors and colonists. Moreover, each of these groups of colonies had a common identity of its own. But few of the truly professional Governors of the period from 1850 to 1890 spent their entire careers in one such area.⁷⁷

However, as should have been made evident above, there were some basic similarities which did transcend differences in age and area. With the exception of Canada and the Cape Colony, the white population of the colonies was basically drawn from the same reservoir although the mixture of English, Irish and Scots varied from place to place. In the main, these immigrants came from the 'lower' classes at home and they were impatient of inequalities and desirous of making a new and better life overseas. Given that human foundation, it was not surprising that the colonial political systems should become progressively more democratic during the early years of self-government.

Although the forms of the British constitution were generally followed, the traditions and the moderation which buttressed the system there were absent in the colonies. To Normanby and to the other Governors who were familiar with the working of the British parliament, the shell may have been the same but the substance was vastly different despite the decided tendency on their part to idealize political conditions at home.

Each colony did have a distinctive history of its own and each had its unique economic and social development and special problems but there was a definite unity to political life, which owed much to the common British heritage and the comparative homogeneity of the people and of the political institutions blended with the brashness and rawness of colonial society. The bitterness of party strife in parliament, at elections, in the press and occasionally colony-wide, the hollowness of party labels and unity, the importance of local, sectional, and sectarian particularism, the intense personal competition in politics were all symptoms of an immature political system and an extension of the social personality of the colonies.

In his tour of duty, therefore, a Governor was confronted with conditions, types of politicians, violence and extravagance, and abuses which were fundamentally the same and he had to endure similar attacks on his constitutional actions and position. But because of that similarity, an itinerant professional Governor did develop a deeper understanding of his position and the uses and limits of his power and influence, and a greater political expertise and capacity to cope with the volatility of colonial

politics. In that way, he was able to move smoothly from one administration to another, to provide some degree of continuity in the imperial service, and to slow down the process which was condemning the Governor to the position of a mere political cipher.

Footnotes

- 1 N. J. Mackinnon, Nova Scotia from Reciprocity to Confederation: A Social History of the Period (Unpublished M. A. Thesis, Dalhousie, 1963), p. 386.
- 2 The ending of the monopoly of the General Mining Association.
- 3 Census of Nova Scotia, 1861 (Halifax, 1862). The population in 1848 was 276,117.
- 4 Morning Chronicle, 16 June, 1863.
- 5 Mulgrave to Newcastle, 8-11 June 1863, LB.
- 6 See, for example, W. L. Morton, The Critical Years (Toronto, 1964); W. M. Whitelaw, The Maritimes and Canada Before Confederation (Oxford, 1934); C. Martin, Foundations of Canadian Nationhood (Toronto, 1955)
- 7 E. P. Ray, Transition to Responsible Government in Nova Scotia, 1835-64 (Unpublished Ph. D. thesis, Toronto, 1945); H. W. MacPhee, The Administration of the Earl of Mulgrave in Nova Scotia, 1858-63 (Unpublished M. A. thesis, Dalhousie, 1949); J. M. Beck, "The Nova Scotia 'Disputed Election' of 1859 and its Aftermath", CHR, XXXVI (1955), 4, 293-315; Mackinnon, Nova Scotia from Reciprocity.
- 8 J. M. Beck, The Government of Nova Scotia (Toronto, 1957).
- 9 Grey to Sir John Harvey, 2 March 1847, quoted in Beck, The Government of Nova Scotia, pp. 84-5.
- 10 Ray, Transition, pp. 195-203.
- 11 Beck, The Government of Nova Scotia, p. 109.
- 12 Ibid., pp. 109-10.
- 13 Young's proposals for compulsory assessment for educational purposes aroused the ire of the Roman Catholics. Tupper was to bring that measure into law in 1864-5.
- 14 Acadian Recorder, 20 Jan., 1855.
- 15 Morning Chronicle, 18 Dec., 1862.
- 16 See Chapter V, Section 1.
- 16a Beck, The Government of Nova Scotia, p. 96.

- 17 Morton, The Critical Years, p. 46.
- 18 See the valuable article by G. P. Taylor, "Political Attitudes and Land Policy in Queensland, 1868-1894", Pacific Historical Review, XXXVII (1968), 247-264.
- 19 See, for example, C. A. Bernays, Queensland Politics During Sixty Years (Brisbane, 1919); G. W. Rusden, History of Australia (3 Vols., London, 1883)
- 20 A. A. Morrison, "The Town 'Liberal' and the Squatter", JHSQ, (1950); "Religion and Politics in Queensland", JHSQ, (1951); "Liberal Party Organization before 1900", JHSQ, (1953); "Politics in Early Queensland", JHSQ, (1950); "Charles Lilley", Royal Australian Historical Society, Journal and Proceedings, XXXV (1959), Pt. 1, 1-28; Colonial Society: Queensland, 1860-90 (Typescript, Oxley Library, Brisbane, 1955)
- 21 P. Loveday and A. W. Martin, Parliamentary Factions and Parties: The First Thirty Years of Responsible Government in New South Wales, 1856-89 (Sydney, 1966)
- 22 i. e. That revenue raised in the northern areas be allocated for expenditure there.
- 23 Morrison, "The Town 'Liberal'", p. 617.
- 24 Ibid.
- 25 Morrison, "Charles Lilley", p. 17.
- 26 Queenslander, 29 Nov., 1873.
- 27 Brisbane Courier, 27 Nov., 1873.
- 28 Brisbane Courier, 20 March, 1871.
- 29 A. Trollope, Australia and New Zealand (2 Vols., London, 1873), I, 182.
- 30 Brisbane Courier, Daily Telegraph (from 1872), Queenslander.
- 31 Examples were Darling Downs Gazette, Toowoomba Chronicle, Warwick Chronicle.
- 32 Normanby devoted a great deal of time in trying to allay the discontent of the north and he firmly rejected suggestions that he use his influence with the Colonial Office to foster the creation of another colony in the north.
- 33 In 1881, 197,000 in the urban areas and 292,000 in the rural areas

- 34 That attitude arose largely over the prosperity of the South Island with its gold and wealth of open land in the 1860s, and its reluctance to pay the cost of the Maori Wars which were fought primarily in the North Island.
- 35 K. Sinclair, A History of New Zealand (Auckland, 1959), pp. 160-8; W. P. Reeves, The Long White Cloud (4th. ed., London, 1950), Chapter 20; T. G. Wilson, The Grey Government, 1877-9: An Episode in the Rise of Liberalism in New Zealand (Auckland, 1954), passim; L. Lipson, The Politics of Equality: New Zealand's Adventures in Democracy (Chicago, 1947), pp 62-72.
- 36 Sinclair, A History, p. 161, deems him unclassifiable - an opportunist and an eccentric with obviously too much talent to fit in with the conservatives.
- 37
 - a) Introduced free, secular, and compulsory primary education.
 - b) Introduced universal adult male suffrage.
 - c) Included selling of Crown land for cash or deferred payment.
 - d) Extended Grey's Land Tax to cover other forms of property.
- 38 NZPD XXVII, 798 (8 Dec., 1877).
- 39 Sinclair, A History, p. 162. Wilson and Lipson both take the same line as does J. Rutherford, Sir George Grey, 1812-98: A Study in Colonial Government (Auckland, 1958).
- 40 See, for examples, the reviews of T. G. Wilson's two bulletins, The Grey Government, and The Rise of the Liberal Party (Auckland, 1956) by D. K. Fieldhouse, Landfall, X (Dec., 1956); W. J. Gardner, Political Science, IX (Dec., 1957); M. Turnbull, Political Science, VII (Sept., 1955). See also the Masters theses, unpublished, by E. Bohan, The General Election of 1879 in Canterbury (Canterbury, 1958) and by J. L. Hunt, The Election of 1875-6 in Auckland (Auckland, 1961).
- 41 See, for example, R. Stout, "Political Parties in New Zealand", Victorian Review, V (1880), 56-79.
- 42 The view of W. Oliver, The Story of New Zealand (London, 1960), p. 131.
- 43 W. R. Armstrong, The Politics of Development: A Study of the Structure of Politics from 1870 to 1890 (Unpublished M. A. thesis, Victoria University, Wellington, 1960).
- 44 Ibid., p. 44
- 45 See, for example, J. Bassett, Sir Harry Atkinson: A Political Biography, 1872-92 (Unpublished M. A. Thesis, Auckland, 1966).
- 46 Hunt, The Election of 1875-6.

- 47 Bohan, The General Election of 1879.
- 48 Vogel to E. Fox, 3 Jan. 1878 (London), Vogel Papers, GAL.
- 49 W. F. Morrell, The Provincial System in New Zealand, 1852-76 (London, 1932), pp. 228-38.
- 50 See Hunt, The Election of 1875-6, passim.
- 51 The Grey ministry sanctioned the largest loan of the 1870s - £ 3m.
- 52 See D. A. Hamer, "The Agricultural Company and New Zealand Politics, 1877-86", HSANZ, Vol. 10 (May, 1962), pp. 141-64.
- 53 Although Grey did set up some Liberal Associations in 1878-9, they very soon collapsed.
- 54 Vogel to W. H. Reynolds, 27 Dec. 1879 (London), Vogel Papers, GAL.
- 55 In the 1870s, Victoria - 18%, New South Wales - 48%, Queensland - 83%, New Zealand - 91%.
- 56 About 60,000 left between 1871 and 1881.
- 57 In 1881, Melbourne's population was about 281,000 - 32% of the population of Victoria.
- 58 H. G. Turner, History of the Colony of Victoria (Melbourne, 1904), title of Chapter VIII, Vol. II.
- 59 Ibid., II, 228-9.
- 60 G. Serle, "The Victorian Legislative Council, 1856-1950", HSANZ, Vol. 6 (1953-5), pp. 186ff; J. Parnaby, The Victorian Crisis, 1877-81: The Economic and Political Development of Victoria (Unpublished Ph. D. thesis, Melbourne, 1951).
- 61 Parnaby, The Victorian Crisis; S. M. Ingham, Some Aspects of Victorian Liberalism, 1880-1900 (Unpublished M. A. thesis, Melbourne, 1949) and "Political Parties in the Victorian Legislative Assembly, 1880-1900", HSANZ, Vol. 4 (1945), pp. 241-56; G. R. Bartlett, Political Organization and Society in Victoria, 1864-83 (Unpublished Ph. D. thesis, Australian National University, 1964).
- 62 See, for example, A. Deakin, The Crisis in Victorian Politics, 1879-81 (J. La Nauze and R. M. Crawford, eds., Melbourne, 1957); Earl Grey, "Earl Grey on Victorian Politics", Victorian Review, VI (April, 1880), 857-75; Melbourne Punch, The History of the Berry Ministry; The Decline and Fall of the Berry

Ministry; The History of the Berry Embassy; The Career of the O'Loughlen Government, (Melbourne, 1880-3). There are also many pamphlets in the Public Library of Victoria and the Latrobe Library.

- 63 J. La Nauze, Alfred Deakin (2 Vols., Melbourne, 1965); C. E. Sayers, David Syme: A Life (Melbourne, 1965); J. Tregenza, Professor of Democracy (Adelaide, 1968).
- 64 Deakin, The Crisis in Victorian Politics, pp. 24-61.
- 65 Turner, History, II, 162.
- 66 La Nauze, Deakin, I, 31.
- 67 Ibid., I, 45.
- 68 Ingham, "Political Parties", p. 241.
- 69 Ibid., p. 255.
- 70 Bulletin, 8 Nov., 1890, quoted in Ingham, Some Aspects, p. 39.
- 71 Warrnamboo Standard, 2 March, 1886, quoted in Ingham, "Political Parties", p. 256.
- 72 J. A. Froude, Oceana (London, 1886), pp. 156-7.
- 73 C. W. Dilke, Problems of Greater Britain (London, 1890), p. 112.
- 74 Kimberley once commented to Normanby that "a crisis seems to be the normal state of things in an Australian colony." Kimberley to Normanby, 12 July 1872, NP.
- 75 Minute by W. Mercer (7 Feb., 1883) on Reuter's comment on the Victorian elections, 7 Feb. 1883, CO 309/127.
- 76 Minute (n. d.) on Reuter's comment on the Victorian elections, CO 309/127.
- 77 See Chapter III.

NORMANBY AND COLONIAL POLITICS

It is now almost a truism to point out that in strict constitutional theory, a Governor of a self-governing colony should attempt to divorce himself from the vicissitudes of colonial politics and present an impartial face to all political groups in a colony. Enough examples have been given above¹ to show the importance attached to this idea by constitutional experts, political commentators, colonial pundits and indeed the Governors themselves. In practice, however, although every Governor paid lip-service to that ideal, it is readily apparent that personal feelings dictated to some extent the relationship between a Governor and his responsible advisers. But it is important not to overdraw the effects resulting from this factor - an administration could and did function satisfactorily even when Governor and ministers were bitterly opposed to one another. Indeed, a Governor had little scope to embarrass a strongly-entrenched government even though he might entertain a great personal antipathy towards it. For the most part, he could remonstrate against a particular policy or administrative action either directly in the Executive Council or indirectly through informal discussion with interested politicians but, if the government's decision was firm and it obviously lay within the sphere of local concern, he could do nothing positive to change

it. His main weapon lay ultimately in his control of the prerogative, especially that of dissolution² and he could use it to the detriment of the politicians or parties he disliked.

Colonial history after the institution of responsible government is studded with examples of gubernatorial distaste for certain politicians and it was a rare Governor who saw his career out without coming into conflict with some of them. Of the more celebrated clashes, one should note those between Gordon and Albert Smith in New Brunswick and the Hall ministry in New Zealand; between Head and George Brown in Canada; between Bowen and the Liberals in Queensland and Conservatives in Victoria; between Bannerman and the Liberals in Newfoundland; and between Normanby and the Conservatives in Nova Scotia and the Greyites in New Zealand. It is the purpose of this chapter to investigate the relations of Normanby with colonial politicians and in doing so, to demonstrate that those relationships were based not so much on any constitutional theory but upon his own personal inclinations and prejudices.

In all four colonies in which he served, there were many changes of administration but little change in personnel, especially of those leading politicians who could form part of the government. When he was in Nova Scotia, J. W. Johnston and Charles Tupper led the government from 1857 to 1860, were in opposition to the Liberals under William Young and Joseph Howe from 1860 to 1863, and regained control in 1863; in Queensland, Arthur Palmer's ministry gave way to Arthur Macalister in 1873; the 'continuous ministry' of Julius Vogel, Daniel Pollen and

Harry Atkinson was turned out by Sir George Grey in 1877 in New Zealand; and in Victoria there were five administrations in six years, led by Graham Berry, James Service, Berry again, Sir Bryan O'Loghlen, and finally the Berry-Service coalition. The distaste which Normanby felt towards some politicians and their followings usually accompanied them into opposition and the attitude he developed towards oppositionists remained basically unchanged when they succeeded to office. There is, however, one qualification which must be made to this pattern - when those groups whom Normanby personally favoured lost office, he invariably became disenchanted with their subsequent performance in opposition. That attitude stemmed largely from the frustration he felt at their failure to form a united front and a powerful opposition which could turn the government from office.

As a general rule, Normanby lent his personal support to those groups which he considered were the less radical. Thus in Queensland, he favoured Palmer over Charles Lilley and Macalister, in New Zealand, Atkinson over Grey, and in Victoria, Service over Berry. This generalization is also valid for Nova Scotia, although there his proclivity was towards the Liberals. That seeming paradox can be resolved if it is recognized that, in Normanby's opinion, the Conservatives were the more radical of the two parties. Moreover, as that was his first experience with colonial politicians, his opinions had not yet matured and he reacted heatedly to the treatment he received at the hands of Johnston and Tupper after 1859. In all those politicians to whom Normanby felt aversion there was the striking similarity

that they were all powerful orators, capable of appealing to the emotions of the colonists and certainly not averse to attacking the Governor personally and publicly.

This then was the pattern of Normanby's relations with colonial politicians, but it must again be emphasised that the opportunities to put those personal feelings into a concrete political form were few and the realization of that fact frustrated him and he was forced to rid himself of some of his spleen in his correspondence to his numerous private confidants.

In the sections which follow, full treatments are given of Normanby's stewardships in Nova Scotia, Queensland, and New Zealand. Owing to the unavailability of private resource material on his Victorian tenure, it is impossible to develop a similar treatment for that colony, although his attitudes can be seen clearly through the use he made of the prerogative of dissolution, a subject which is dealt with in some detail in a later chapter.³

1. Nova Scotia, 1858-63⁴

It was quite obvious that Lord Mulgrave, in his first colonial appointment, was determined to be strictly impartial in his dealings with the political groupings in Nova Scotia. Reporting to his **uncle**, Sir Charles B. Phipps, soon after he arrived in Halifax on his meeting with the leading political figures, he wrote: "I trust that by being careful to avoid identifying myself with either party I shall be able to get on well with both."⁵ For the first eighteen months of his administration, he did succeed in doing so although even then he was becoming disillusioned with

colonial politics. He particularly deprecated the unseemly violence of party strife which had been the dominant feature of Nova Scotian politics since the inception of responsible government in the late 1840s.⁶ Moreover, he was decidedly critical of the festering religious division, the blame for which he laid most squarely on the Liberals who were trying "to stir up a religious cry in the country . . . " by the organization of a Protestant Association which was directing the campaign against the Roman Catholic segment of the population.⁷ To him, the quarrel was not basically a religious one but one which was fostered for political reasons and he hoped that it would subside quickly "as nothing is so mischievous as a Religious controversy."⁸ If, at this stage, he did prefer one party, he seemed to lean towards the ruling Conservatives not because he approved of their policy or administration but because of the behaviour of the Opposition and of a vague distrust of the Liberal leaders, Young and Howe. That attitude could be seen clearly in Arthur Blackwood's letters to the Governor commenting on Mulgrave's impressions.⁹

Mulgrave's brief honeymoon with colonial politics came abruptly to an end soon after the elections of May 1859, when the Governor was drawn squarely into the party strife. Throughout the constitutional controversy which followed the elections and which waxed until long after Mulgrave left the colony, he did manage to preserve an outwardly impartial constitutional course and he was able to justify his conduct in a cogent manner. But he became steadily more disgusted with Nova Scotian politics

and developed a profound dislike for his most violent and persistent critics - the leaders of the Conservative party, Johnston and Tupper. That antipathy had two related effects. It helped, first of all, to erase the early distrust which Mulgrave had of the Liberals and of Howe in particular and a sincere friendship grew up between the two. Secondly, as Murray Beck has pointed out, "Mulgrave's continued subjection to abuse may have caused him to lose his objectivity, and to be less than fair to his Conservative ministry in 1863."¹⁰ Indeed, it is possible to go further than this tentative statement as there can be little doubt that the Governor was sharply critical of that ministry.

The correspondence relating to the whole scope of the long controversy - the delayed session of 1859, the controverted elections in 1859-61, the appointment of the new Chief Justice in 1860, the dismissals of government servants between 1860 and 1863, and the requests by the Opposition for a dissolution in 1861-2 - was quite prodigious and rivals in quantity the flow of memoranda between Grey and Normanby in New Zealand. To this were added vast amounts of verbiage by the intensely political journals of Nova Scotia but, on the whole, interesting as the documentation was as an example of bitter political vituperation, it was very repetitious and simply embellished the lines of argument established in the official correspondence.¹¹ The treatment followed will concentrate on Mulgrave's own reactions to the tide of events and will rely largely on his private correspondence.

The elections of 1859 registered a defeat for the

Conservatives (29-26) but those returns became subject to controversy as the qualifications of a number of successful candidates were questioned. Early in June, Mulgrave asked Johnston, the leader of the administration, to comment on the results. In his reply, Johnston conceded that his party was in the minority but argued that several Liberals were disqualified from taking their seats in the Assembly because they held government appointments,¹² that the Conservatives were supported by a majority of 12,000 in the colony as a whole, and that the Liberals had little coherence, particularly on the religious question. He concluded that there would be little difficulty in his government being sustained in the next sitting.¹³ To counter those claims, the Liberals sent a memorial to the Governor, the main object of which was to secure an early opportunity to test the opinion of the Assembly on the respective strengths of the parties.¹⁴ Howe also wrote a long letter to the Governor setting out his reasons for calling the extra session.¹⁵ The memorial was submitted to the Executive Council which attacked the Opposition's contention as "unsolicited advice" and as "an unprecedented and unconstitutional innovation, derogatory alike to the prerogative of the Crown, the functions of Parliament and the rights of the people." It was simply a blatant attempt to gain the reins of power.¹⁶

Having failed in that attempt, Young, the Liberal leader, transmitted through the Governor a letter to the Secretary of State in which he made a similar request and obliquely criticized Mulgrave for ignoring reality. He also openly castigated him for allowing the Conservatives to spend public monies and to remain

in power for seven months after an adverse electoral result.¹⁷

Mulgrave, writing privately to Newcastle, was appalled with the conduct of both parties:

The Opposition by the very indecent haste with which, claiming only a bare majority, they are endeavouring against all precedent to force themselves into power, and my Government by what I consider equally indeed clinging to office.¹⁸

His own position was embarrassing as it was "almost impossible . . . to take any course to which objections may not be taken." But he considered that he was adopting a constitutional path in the circumstances by accepting advice from his ministers. He had advised them, however, of the consequences of delaying the meeting of parliament and had fully expected them to resign. Although he had very seriously thought of calling the extra session himself, he had desisted from that action as it would have been "tantamount to dismissing the Government and throwing myself in the hands of one party . . .", a group in which he had little confidence.²⁰ Moreover, he did not consider that the interests of the colony would really suffer by that course of action and so had decided to let things take their course.²¹

The Colonial Office staff concurred in that explanation of the steps taken by the Governor, noting the absence of colonial precedents and deploring "the party rancour and eagerness for place"²² Chichester Fortescue, the Under-Secretary, added: "This is a curious specimen of the working of party government in a N. American colony."²³ In his formal reply, Newcastle concluded that he could only "lay down certain rules for the guidance of a Governor in cases like these, with much caution,

and subject to modification from causes more appreciable by authorities on the spot than by myself."²⁴ But privately he expressed the view that Mulgrave was not entirely bound by advice in all circumstances and possibly could have used his independent judgement as well as acting as a moderator between the parties without violating responsible government.²⁵

Obviously stung by that implied criticism, Mulgrave defended his position: " . . . had I done so I should at once have placed myself in violent antagonism with my Gov^{nt}" ²⁶ Furthermore, he was afraid that any other course would have been committing himself entirely to the Opposition's position. Had its majority been decisive and unquestionable he should have indeed called the extra session but that "legal majority I still believe to be very doubtful."²⁷ In the event of that extra session, he feared that the Liberals would disregard any legal limits and seat all the 'disqualified' members without "the slightest regard for the disqualification Act."²⁸ They undoubtedly would have tried "some violent means of seating their friends" ²⁹

In predictable fashion, the Nova Scotian newspapers assessed the Governor's actions from their party standpoint. The British Colonist, the leading Conservative journal in Halifax, defended Mulgrave.

Fortunately they [the Liberals] had to deal with a British statesman familiar with the practice of the House of Commons and with constitutional Principles. They were met by a cautious, but at the same time, a firm and dignified answer, from which they learn that although it might suit them to ignore the very essence of Colonial Responsible Government, his Excellency did not forget that he was the representative of Her Majesty the

Queen, and that he was determined to preserve his position unsullied, and respect the rights of all parties, without lending himself to promote the designs of any.³⁰

The Liberal newspapers like the Novascotian³¹ and the Morning Chronicle³² took the opposite view, although they generally refrained from attacking the Governor personally.³³

In August, Mulgrave, palpably distressed by the rising party spleen, asked the colonial law-officers for clarification of the provincial acts pertaining to the alleged disqualifications and on the members who came under their scope.³⁴ When he received them, he submitted the opinions to the Colonial Office. Not unpredictably, the officers, Johnston and Henry, found in favour of their party's position and Mulgrave admitted that their view would be looked on with great suspicion by the Opposition. Thus he asked Newcastle to submit the case to the British law-officers.³⁴ That opinion, which arrived early in 1860, agreed in substance with that of their colonial counterparts, but it denied the contention that the property qualification oath could be used to debar office holders from their seats and therefore those members could vote in the Assembly until they were found disqualified by the proper procedures.³⁶

With the use of its full complement, the Opposition was able in the first week of the session to vote down the Government's position on the eligibility of members and proceeded early in February to move a direct vote of confidence. Immediately, the Executive Council approached Mulgrave to request a dissolution which he in turn asked to be placed in writing.³⁷ That advice was set out in a long, argumentative, almost hectoring memorandum.

If the Governor was to refuse the advice,

. . . then we are bound . . . respectfully but firmly to say to your Excellency, that it is one in the exercise of which you cannot . . . ignore officially the existence of facts which you know individually, nor avoid the necessity of considering and judging the conduct of the House. . . . We believe that if the prerogative were allowed in such a case to remain inert and ineffective, your Excellency would fail to use the means which the constitution places in your hands for protecting the people's rights, and would thus adopt and aggravate the wrong.³⁸

The advice, however, was refused. Mulgrave emphasised that he could not take the responsibility of determining the eligibility of members himself as he would be usurping "a power which does not belong to me." If he had considered that he did possess that right, "the arguments advanced would be unanswerable and I should feel bound . . . to exercise the royal prerogative" But the Assembly itself must decide, in the proper manner, the qualifications of its own members and until then he was bound to regard their votes as valid.³⁹ Upon the receipt of that refusal, the Conservative administration resigned.⁴⁰

Notwithstanding that firm, courteous and decisive refusal, Mulgrave was much less confident of the willingness of his new government to deal with the disqualification cases in a legal manner and he demanded from Young a written pledge that each case would "be fairly and impartially enquired into with as little delay as possible, by properly constituted committees." Justice, he believed, should be done not only to the members but also to himself.⁴¹

Throughout the whole crisis, Mulgrave had acted with impeccable constitutional propriety⁴² and although Merivale at the Colonial Office did express some doubt as to the wisdom of

refusing the advice for dissolution,⁴³ the Governor was fully supported by the Secretary of State.⁴⁴ Again his actions were reviewed critically by the Halifax press but the positions were now reversed, with the Conservative journals pouring a torrent of abuse on the Governor.⁴⁵ To the Acadian Recorder, Young was in power "thanks to the partiality and preposterous timidity of the Earl of Mulgrave"⁴⁶ Yet, in February, the Governor still considered that he was on good terms with the Conservatives who credited him with acting "simply by a sense of duty . . .", although they could not accept his decision as correct.⁴⁷

Writing to his cousin just after the reassembling of the Assembly in March, Mulgrave noted that his refusal to dissolve had been justified by the triumphal reelection of the ministers but he also considered that a dissolution could well be unavoidable in the near future as the Opposition seemed determined to use every means to attack the new government. Although it was impossible

to please all parties - I am at present getting pretty well abused by the opposition. I have the satisfaction of knowing that the moderate men of both parties think I have acted right. I have at the same time managed to prevent the late Government coming to a personal rupture with me I believe that I am the first Governor who has ever managed to part with Mr Johnston without a personal quarrel

As later events were to prove, that assessment was rather premature.

Looking back over the crisis, Mulgrave thought that his conduct had demonstrated that he could handle matters quietly and that he could keep his temper. "I have a will of my own and that where I think it right to take a stand, I am not to be moved

and am not afraid of acting on my own responsibility."⁴⁹ That attitude, he concluded, would gain him respect and make his position in the colony and in any other administration much easier.

In spite of that optimism, his disillusionment with the politicians of Nova Scotia was already well-advanced.

You have no idea the watching these fellows require here. One can depend on nothing but what one sees himself Personal and party motives are the rules by which each side is guided and they are not particular as to the means by which they carry out their views.⁵⁰

He suggested that much of the trouble was caused by the ambitions of both Young and Johnston to succeed to the position of Chief Justice and "to receive this prize they will go to any lengths."⁵¹ Altogether, "Nova Scotia is too remote for the successful carrying out of Parliamentary Gov^{nt} & the whole thing has degenerated into a kind of family quarrel."⁵²

The parliamentary session of 1860 was dominated by the disqualification question and the committees investigating the cases presented an almost unbroken series of successes for the Liberals with the only member being unseated being a Conservative.⁵³ Although he was often critical of the procedures of the committees which, to his mind, did not act with the same propriety as those of the House of Commons, Mulgrave attempted to keep as aloof as possible from the proceedings, remonstrating with the ministers only when he saw some obvious infraction of law. He protested against the seating of one Liberal member by a simple resolution of the Assembly rather than by the regular procedure and finally his protest was heeded.⁵⁴ His remonstrance against a similar

proceeding in the case of the Attorney-General, A. G. Archibald, was, however, unsuccessful.⁵⁵ But he did keep impressing on Young the absolute necessity of fulfilling his pledge of having as little delay as possible. In fact, at one time, he threatened that he would not consent to a prorogation until the whole of the committees reported.

His aloofness did not prevent the opposition papers or the Conservative leaders in the Assembly⁵⁶ from attacking the Governor "for his smiling concurrence in . . . illegal acts."⁵⁷ The Conservative movement for his recall had really begun in earnest. On the other hand, the Novascotian complimented the Governor on his constitutional handling of a difficult situation.⁵⁸

When the session ended, Mulgrave was very relieved. He was "very glad . . . to get rid of them as they have done nothing except quarrel among themselves"⁵⁹ But if he expected that his life would be any less complicated, he was sadly mistaken as both the newspapers and the Conservative leaders did not flag in their attack on him. In June, he forwarded two long letters from Johnston to Newcastle⁶⁰ in which the Governor was bitterly assailed on a host of grounds - the refusal of a dissolution, his sanctioning of the appointment of Young as President of the Council in order to escape the necessity of reelection, the alleged 'compact' between Young and the Governor over the Chief Justice appointment, his approval of 'political' preferments and dismissals, and virtually everything connected with the disqualification issue. The Governor, in short, had become "a party to acts [completely derogatory to British rule]"⁶¹ As an

appeal to the voters was being prevented, Johnston felt that he had no recourse left but to protest directly to the Colonial Office and to request an audience with the Duke when he accompanied the Prince of Wales to the colony.

Those charges were painstakingly refuted in the Governor's covering letters,⁶² and Mulgrave took particular care to deny that he had become a political partizan often in terms which he described later as "certainly not couched in the most moderate language"⁶³ To him, Johnston's accusations were motivated not by his concern for the law and the constitution but by anger at being turned out of office,⁶⁴ an assumption which was warmly supported by several of the Colonial Office staff. Blackwood considered that Mulgrave had had "much the best of the discussion, . . . and that he effectively vindicates his conduct and proceedings."⁶⁵ In the same vein, Rogers concluded that Mulgrave was clearly correct and that Johnston's letters contained "a large quantity of repetition and irrelevancy."⁶⁶ Sometime later, Newcastle, who had met with Johnston in Halifax, commented that the Conservative case, although it was argued with considerable ability, remained "a miserably bad" one and that Johnston was patently motivated by his frustration at losing the coveted position of Chief Justice.⁶⁷

The matter did not rest there, however, and in October Tupper continued the attack with another letter to Newcastle,⁶⁸ which Elliot deemed "as foolish as it is intemperate."⁶⁹ In it, Tupper repeated the earlier allegations of his colleague and lambasted Mulgrave's rejoinder, but his savage criticisms added

little to the controversy except that the letter does exhibit the extraordinary depths to which the young Tupper could descend in political abuse.

Two further incidents, alluded to by Johnston in his letters, contributed to the deteriorating relationship. They were Mulgrave's full concurrence in the dismissals of prominent Conservatives from government positions⁷⁰ and his sanctioning of the appointment of Young to the vacant Chief Justiceship in August. In the latter case, Johnston again petitioned the Colonial Office in an effort to prevent the appointment.⁷¹

Thus, by the end of 1860, Mulgrave was thoroughly estranged from the Conservative leaders although he continued to insist that the bulk of the party in the Assembly and in the colony respected his position and realized the correctness of his decisions.⁷² On the other hand, he was beginning to develop a greater degree of trust in the Liberals and especially in Howe who had taken over the leadership of the administration after Young's move to the Bench.

The following two and a half years of Howe's government posed a problem for the Governor, one indeed of his own making. In December 1860, two by-elections resulted in the return of opposition members and Mulgrave asked Howe to comment on the results, which the Governor considered were severe reverses. It seemed to him that if there was any further diminution of strength, a reconstruction of the ministry or an appeal to the electorate would become necessary.⁷³ In his reply, Howe considered that a majority of five would be sufficient for the despatch of public

business but admitted that if the ministry was found to be too weak, then he would attempt to reconstruct it or, if that failed, to advise a dissolution.⁷⁴ Mulgrave accepted that decision but reiterated his opinion that a dissolution would become necessary if the administration failed to maintain itself in a strong position.⁷⁵ His own private view was that a dissolution was definitely warranted on the grounds that only dissolution could assuage the party controversy.⁷⁶ The Conservative press⁷⁷ and the party leaders⁷⁸ seized on Howe's declaration and for the remainder of the parliament they attempted to keep Howe and the Governor to the letter of their statements. Those attempts, vain as they were, set the tone of political rivalry until the elections of 1863.

During 1861 when it became obvious that Howe could not be defeated by the usual means in the Assembly, Mulgrave was bombarded with pleas from the Opposition to exercise his prerogative of dissolution. Every close division in the Assembly was represented as evidence of a 'diminution of support'. Petitions were collected and presented to the Governor, including one in March when Johnston tabled a large petition with over 23,000 signatures praying for the end of the present parliament.⁷⁹ Mulgrave, however, denied that petitions could be used to force a dissolution:

If petitions were once accepted as a Constitutional reason for a dissolution, of course the same principle would apply whenever an equal number of signatures could be obtained and in a Country like this where parties are evenly balanced and where party feeling runs very high the inevitable result would be that the defeated would at once agitate the Country for a dissolution and annual instead of quadrennial Parliaments would thus directly be intro-

duced, the Country would be kept in a continual state of excitement and anything like a strong or permanent Government would become impossible.⁸⁰

The only forum for testing the strength of a ministry was the Assembly and "so long as I remain Her Majesty's representative in Nova Scotia, I shall claim to be the judge of when that time [for a dissolution] has arrived." That assured reply was represented by the Acadian Recorder as "a rigmarole of petulant nonsense and spiteful exultation."⁸²

The Conservative journals kept up their unremitting attack with the Acadian Recorder referring to Mulgrave's despatches as

containing, not infrequent exhibitions of spleeny personal feeling; recklessness of assertion; a ridiculous accumulation of Jesuitical sophistry and simple platitudes; and as a whole, products which cannot but leave in the readers' mind the gravest doubts as to his Lordship's ability and integrity.⁸³

In the latter months of 1861, the British Colonist published in its editorial columns a remarkable series of attacks on him, entitled Lord Mulgrave's Policy, which extended to fifteen episodes and which plumbed the depths of personal and political abuse.⁸⁴

And still the tactic of appealing to the imperial authorities continued. In December, Tupper, obviously furious at his impotence to remove the administration, wrote once more to England. This time he sent the letter directly to Earl Russell, the Foreign Secretary, demanding the recall of the Governor, citing Mulgrave's conduct over the past two years as ample reason for such a move, and cataloguing his constitutional 'improprieties'.⁸⁵ Mulgrave refused to comment on the charges or defend himself but noted again that only Johnston and Tupper disliked him and that

the remainder of the party treated him with respect and courtesy. However, if the Secretary of State believed that the welfare of the colony demanded it, he would be willing to give up his position.⁸⁶ But, by this time, the Colonial Office had become very wearied of that type of communication. Elliot accused Tupper of "the great indecency" of sending such a letter to another department;⁸⁷ Newcastle thought that Tupper's appeal was "fatuous and improper";⁸⁸ and Blackwood, in a private letter, expressed his conviction that Tupper was "a madman" and that he was composing a reply which would show him that if he chose "to play at war to the knife, I wd let him feel who can bite the hardest"⁹⁰

Throughout 1862 Mulgrave made quite clear to his private correspondents where his political sympathies lay, although from time to time, Blackwood cautioned him against too great a reliance on Howe: "We think Howe very wild. Be very wary with him."⁹⁰ As for the Conservative leader, Mulgrave had become completely embittered. Tupper, he believed, echoing Blackwood, was mad and his sole object in politics was to get rid of the Governor. Tupper's newspaper, the British Colonist, was, he complained, "full of the most palpable lies and misrepresentations",⁹² and Johnston was "a most extraordinary old man and nothing will ever persuade him that he is in the wrong or that anyone who differs with him can possibly be right"⁹³ Their attitude, in his opinion, was rendering it almost impossible for him ever to act with them again.

The precarious financial position of Nova Scotia, caused

partly by the dislocation of trade due to the Civil war in the United States, offered the Opposition a potent weapon in its attempt to regain the government benches. In March 1862, Tupper introduced a retrenchment programme in which one of the main economies was a proposed reduction in the Governor's salary.⁹⁴ Mulgrave was convinced that one of Tupper's real intentions was to embarrass him, perhaps even to force him to resign. The whole scheme he described as "a disgraceful trick".⁹⁵ However, he did have stronger grounds for attacking the proposal as such reductions in salaries involved a deliberate violation of the civil list agreements. Accordingly, he wrote to Newcastle suggesting that he protest sharply the imperial displeasure with such a proceeding. It was "absolutely necessary for the question to be conclusively settled . . ." as the faith of the Crown was involved.⁹⁶ Although the programme was defeated in the Assembly, it did have some bi-partizan appeal and even Howe had enquired whether the Imperial Government would be prepared to sanction the reductions.⁹⁷ To Mulgrave's way of thinking, the reduction in his own salary and allowances was not only illegal but totally unjustified. Already his salary was inadequate to maintain the Governor's position without his having to touch on his own private means and, if it was lowered, he would be reduced to "comparative pauperism".⁹⁸

The question became doubly important to Mulgrave as in the divisions on Tupper's proposals, Howe's majority slipped to three and sometimes two and the Opposition was again bringing into prominence the opinion expressed by the Governor in January

1861 about the 'diminution of support' necessitating an immediate dissolution. At the end of March, Mulgrave wrote to Howe formally expressing his concern at the deterioration of his parliamentary support and that he would like to see some attempt made to reconstruct the ministry. To that end, he would be willing to lend all the support in his power but he was "satisfied that matters cannot long remain in their present position"

If the attempts at strengthening the administration failed, then a dissolution should be advised at the end of the session.⁹⁹ In the Assembly, in answer to a question by Johnston, Howe asserted that such indeed was his plan.¹⁰⁰ But he was soon to change his mind and by the end of the session he denied that he had made any pledge to the Governor and that he could carry on public business with a majority of three; "the Government having carried the estimates . . . and redeemed all the pledges they had made it was not their intention to advise His Excellency to dissolve."¹⁰¹

Mulgrave was disappointed with that decision but never ceased to urge the necessity of trying to achieve some type of coalition with the moderate Conservatives, an approach which, for almost a year, he had been pressing upon Howe. Such a move would "break up the curse of the colony" ¹⁰² - the party warfare - and he considered that the time was favourable:

There is no great political question which divides the parties and which should keep them in perpetual antagonism to one another. The matter in dispute is now simply one of men not measures; and I believe the time has now arrived when the interest of the Country demands that this bitter animosity should be softened down. . . . Members should be left to exercise their free and independent judgment on all matters . . . without being tram-melled by party ties.¹⁰³

For his own comfort, however,

I own I should prefer having a dissolution as it would put an end one way or the other to the constant bickering . . . and though it would undoubtedly be disagreeable to have the opposition back in power, I have no doubt that I should be able to manage them.¹⁰⁴

But he could see little chance of either side obtaining a good majority and therefore, despite its attractions, he would try to avoid a dissolution if at all possible.

With Mulgrave's prompting, Howe tried during the recess to strengthen his support in the Assembly but, despite the offers of government positions, he failed to wean any Conservatives away from Johnston and Tupper.¹⁰⁵ As the session of 1863 neared, the party strengths remained the same. On hearing of Howe's approaches to opposition members, the Conservative journals redoubled their abuse of the Governor and the British Colonist fumed that "no Governor in a British Colony ever sided with any party to the same extent" ¹⁰⁶

Howe's long search for imperial employment was consummated in late 1862 with his appointment as Fishery Commissioner. Mulgrave, although he was glad to see Howe receive the post, was disturbed at the effects that it could have on Nova Scotian politics and he lobbied the Colonial Office in an attempt to forestall the appointment or at least to delay its publication until after the elections of 1863. Without Howe, he reasoned, the administration could not stand for long and his presence would greatly enhance its chances in the elections. His removal from the political scene would "throw everything into the hands of Tupper's and Johnston's party . . .", which he considered

would be an unmitigated tragedy to the colony and to himself.¹⁰⁷ In the long run, however, it would be, in his view, a blessing if both Howe and Johnston did retire as that might break up the 'family' parties but one without the other would be a disastrous step.¹⁰⁸ Newcastle commiserated with him but suggested that Howe's retirement could well lead to some modification in the parties and easing of "existing evils", although he also implied that the appointment might not necessarily mean Howe's having to divorce himself completely from politics.¹⁰⁹ That was indeed what did happen and despite opposition complaints that the two positions were incompatible, Howe remained to lead the government through the 1863 session and into the elections of that year.

The last session of the parliament was overshadowed by the impending elections and the party rivalry rose to an even greater intensity. Legislatively, the most important measure was Howe's electoral reforms - a franchise bill which tied the vote again to a property assessment, and a redistribution bill. Both failed to pass the Legislative Council in the end although they were simply postponed until after the elections. To both these measures, the Governor lent his personal support. He considered that universal franchise had failed in Nova Scotia and was detrimental to the best interests of the colony. Moreover, he thought that the proposed legislation was popular with most of the intelligent colonists and that it would lift the standards in the Assembly and attract a better class of politician. At the present time, to his mind, the Assembly was chiefly composed of

men from inferior classes who were nearly illiterate or lawyers who wanted to advance their professional position by political influence.¹¹⁰

The sterling men of the Country will continue to exercise their franchise; but the refuse of society - the men who live by elections - who would be glad if a contest occurred every month provided they had the power of basely trading away their independence for lucre, will be, as they should be, disfranchised.¹¹¹

Personally, he would have preferred the traditional forty shilling freehold with a leasehold clause but as land was so easy to obtain in Nova Scotia and assessments were made as low as possible to avoid taxation, that procedure would not have had the desired effect as it still would have enabled many undesirable elements to vote.¹¹² Naturally the Opposition was against the measure but, as Mulgrave put it, they were only being supported by those with little stake in the country. If the Opposition would vote "on their own honest convictions", the measure would be passed by acclamation.¹¹³ He also pointed out that the last Conservative administration had been anxious to limit the franchise but now, for purely party purposes, it was opposed.¹¹⁴ When the Legislative Council refused to allow the measure to pass into law immediately, Mulgrave was furious and accused that House of unpatriotic behaviour and of sacrificing its principles to party interests.¹¹⁵

Looking forward to the elections, he believed that the Liberals' chances, despite the franchise setback, were improving,¹¹⁶ because of the better financial position and the reaction of the Nova Scotians to the party excesses of Tupper and Johnston. He thought that he could see signs, moreover, that the solid Roman

Catholic opposition towards the Liberals was crumbling.¹¹⁷ Even on the day of the election, he could report to Newcastle convinced that although the majority would again be small, the Liberals would be returned.¹¹⁸

The results, however, proved him totally wrong. He admitted that he could adequately explain his government's crushing defeat only in terms of the hostility of the voters towards the franchise proposals although Howe's lacklustre campaigning effort may have contributed its part.¹¹⁹ He was frankly appalled at the outcome not only because he would have to work with the Conservatives but also because he felt that the interests of Nova Scotia were better served by the Liberals. Nevertheless, he would have to try to make the best of the situation.¹²⁰ Reporting on a meeting with Johnston after the resignation of the government, he informed Newcastle that he had assured the new administration of his support, but had added that their personal relationship could not be the same as that which had existed between Howe and himself.¹²¹ Although the Conservatives were very strong in numbers, the new ministry, in the Governor's opinion, had elements of weakness in it - the large Roman Catholic contingent could well alienate its Protestant majority; its opposition to the extension of railway construction and the proposed retrenchment schemes could well have a divisive effect on the diverse membership in the party.¹²² The Executive Council was weak and would not give much satisfaction as the ministers had no common principle except a desire to retain the spoils of office.¹²³ The next year therefore might

see much crumbling of their support both in the colony at large and in the Assembly. Until then he recognized that there would be great pressure on himself and his successor and it could prove difficult to control the ministry.¹²⁴

Given the antagonism between the Governor and his new administration, it was fortunate in a way, despite the personal tragedy, that Mulgrave's term was cut short in July 1863 by the death of his father and his elevation to the Marquessate of Normanby. There was relatively little time, therefore, for them to come to open controversy although that did happen over the question of dismissals from government positions.

Many times before, Mulgrave had expressed his repugnance towards such dismissals on political grounds,¹²⁵ but by 1863, owing to the intense political strife in Nova Scotia, he had come to believe that many dismissals were "almost justified at times by the conduct of the officers themselves who very often seem to forget that the grounds on which they can alone expect to be retained . . . is by abstaining from active political opposition to the Government" ¹²⁶ Moreover, it was almost impossible to prevent all changes of that kind as there was great pressure placed on the government by party supporters for the provision of patronage. Again, there was nothing to stop the abolition of an office in order to remove a particularly obnoxious opponent.¹²⁷ Therefore, although there had been many dismissals from 1858 to 1863, the Governor had done very little to stop them except to warn of the dangers inherent in the practice. Indeed, he had fully supported many dismissals,

the most notable case being that of the Editor of the Acadian Recorder, P S. Hamilton. At first, Hamilton had refused to accept the dismissal and had sent a series of indignant appeals to Mulgrave¹²⁸ and finally, when the Governor failed to satisfy him, he memorialized the Colonial Office to redress the situation.¹²⁹ In his covering letter, Mulgrave defended the action of the administration and his own conduct as being fully in line with precedents and justified by Hamilton's political partizanship.¹³⁰

Normanby was prepared, however, to remonstrate actively and strongly against the dismissals instituted by the Conservatives and it is difficult to escape the conclusion that he acted far more harshly with them than he had with the Liberals. It was obvious that as soon as the Conservatives had triumphed in the elections, he had made up his mind to oppose any "vindictive" dismissal¹³¹ and in August he reported that he had strongly remonstrated in Council About "this vile system": "I spoke very plainly . . . and did not in any way disguise what I thought about it" ¹³² He hoped that, by these means, he could stop the wholesale dismissal of officers though he admitted that it was difficult to do much when he was on such poor terms with his ministers.¹³³ They were "a wretched vindictive lot with no principle of any kind to guide them except a consideration of their own immediate interest - I must own that the more I see of them the more thorough contempt I have of their principles."¹³⁴

Just before Normanby left the colony, he wrote a memorandum on the subject which he directed to be inserted in the

Council minutes.¹³⁵ The memorandum was a bitter criticism of the administration's policy, induced by "the determination of the Government to make sweeping changes in subordinate officers for political purposes."¹³⁶ Although he admitted that it was a local matter, he considered that it was his moral duty to bring "the evil practices" to light and he hoped the policy and its effects on the public service, which were so obvious in the United States, would certainly be reconsidered carefully.¹³⁷ The Colonial Office staff concurred in his views completely and a strongly-worded endorsement was sent to Nova Scotia.¹³⁸

Of course, the ministry could not let the Governor have the last word and a fierce reply was sent back to the Colonial Office. In it, the ministers questioned Normanby's propriety and attacked "his unfounded imputation", accusing him of sanctioning and encouraging similar dismissals by the former Liberal administration and being "a warm and effective advocate" for them.

The mode in which Lord Normanby administered the Government . . . since 1859, and the precedents which he has established, have rendered it impossible for any party to govern this country upon the principle avowed and the practice maintained up to that period by the party then and now in power, [Normanby] possessed a controlling influence over the administration of public affairs, which the interests of the country forbid ever to be enjoyed by any Lieutenant Governor. . . . The Executive Council regret that Lord Normanby allowed his feelings to become identified with the party lately in power¹³⁹

The Conservative newspapers, as to be expected, berated the ex-Governor in savage terms. The Acadian Recorder commented:

If any doubted the impartiality of Lord Normanby, while he was the Earl of Mulgrave, this memorandum of his . . . will disabuse the most skeptical and induce the people of this country to

doubt whether we are not more likely to secure an independent Governor under the cognomen of plain Mister, than in one who has descended through a long line until the blood of a Lord is only capable of stimulating the brain to the duties of a 'whip'.¹⁴⁰

On the Governor's departure from the colony, the leaders of the Conservatives disassociated themselves entirely from the farewell festivities and even claimed that the signatures on the Address from the City of Halifax were obtained under false pretences ¹⁴¹and was an underhand party move. However, Normanby did part on very good terms with the Liberals and he suggested to Howe, as he had done frequently in the past, that many of the Conservative party did not share their leaders' sentiments. Nevertheless, he wished that he "could have parted upon the same terms with the present Government that I did with yours but that they have rendered impossible. Time at any rate will shew if it was my fault."¹⁴²

With the exception of Saunders who took a hostile view towards Mulgrave's Governorship of Nova Scotia,¹⁴³ the few scholars who have studied this period in any detail do not blame the Governor but rather the political conditions, particularly the tumultuous party and personal conflicts, for the constitutional crises.¹⁴⁴ To them, Mulgrave acted throughout in an entirely constitutional manner and Dorothy Clark considers that: "Apart from Sir George Bowen, Mulgrave perhaps approached nearest to fulfilling the [Colonial Office's] conception of the functions of a Governor under the new system."¹⁴⁵ Moreover, they give him due credit for his sincerity, firmness, and wide experience with parliamentary precedents and procedures. But, as this

study has attempted to demonstrate, he did develop a deep antipathy towards some politicians and his treatment of them in office and in opposition was certainly less favourable than that which he extended to others.¹⁴⁶

2. Queensland, 1871-4

When Normanby arrived in Queensland, he was introduced immediately into the political turmoil which had embroiled that colony since the mid 1860s. From his private correspondence, it is obvious that he very soon formed decided opinions as to the merits of politicians, parties and policies. Those views no doubt developed from his early personal assessments of the problems confronting the young colony and the suggested political solutions of them. But his conclusions must have been reinforced by the close personal association which he established with leading members of the Palmer administration, especially John Bramston and William Walsh. Moreover, he was distressed with the behaviour of the Opposition - the Liberals led by Charles Lilley - both during the savagely-fought elections and the tempestuous first session of the new parliament and he rapidly grew disenchanted with them. Almost from the first, he deplored the political divisions in the colony:

. . . the country must eventually prosper if the people themselves will only permit it to do so, but at present it seems to me that all the different interests . . . are trying to cut each other's throats. One would have thought the country was large enough for them all.

Much of the blame for that circumstance, Normanby laid at the door of the Liberals.¹⁴⁷

The parliamentary session had become bogged down in a 'deadlock', a tactic which was fast becoming the favourite device of the Liberals for opposing controversial government measures.¹⁴⁸ From November 1871 to June 1872, the Legislative Assembly was almost continuously in that state. The bone of contention was the proposed electoral reforms of the administration about which the opposition newspaper, the Brisbane Courier, echoing the sentiments of the parliamentary opposition party, declared: "The only clearly defined object of the bill is to give a larger preponderance in the Legislative Assembly to the pastoral interest."¹⁴⁹ It saw the measure as "obviously and barefacedly a party project"¹⁵⁰ The Palmer government had a clear majority of seats in the Assembly of six (19-13) but it could not progress with the legislation as the Opposition used the rules of the House to frustrate them. They constantly introduced motions for amendments or adjournments, which of course took precedence over the bill itself. The Brisbane Courier defended that tactic as it prevented, in its opinion, "the tyranny of the majority".¹⁵¹ In its view, an Opposition must have "a real and active part in legislation."¹⁵²

Normanby's reaction to this procedure was one almost of horror. To him the Opposition was "very violent and hungry for office"¹⁵³ and they would not be satisfied unless they succeeded in getting into power. The bill, which he supported, would not satisfy the Opposition which wanted a measure which would greatly increase the representation of Brisbane: "The Brisbane party . . . will not be satisfied unless they have

everything entirely their own way."¹⁵⁴ What worried the Governor even more was that he considered that "Mr Lilley is doing all he can to set class against class . . .,"¹⁵⁵ and in doing so, he was acting quite recklessly.¹⁵⁶

By late December, as the 'deadlock' deepened, Normanby could see little chance of a break although when the appropriations ran out, he hoped that the trouble it would cause the larger towns might be enough to force the people, especially the commercial community, to put pressure on the Liberals to stop their obstruction.¹⁵⁷ But his mood was now thoroughly pessimistic and he dismissed the idea of a dissolution as that had little chance of expediting affairs. As the crisis dragged on, his distaste of the Liberals intensified:

Lilley has appealed to the strong arm of the people and is endeavouring to excite their worst passions. I have seen some very questionable tactics used by the opposition in B. N. America but I do not think I have ever seen anything to beat what they are doing here.¹⁵⁸

The Colonial Office's reaction to these events was one of resignation. Herbert and Kimberley both agreed that the political 'deadlock' was disturbing but they, like Normanby, could only sit back and wait for the crisis to blow over.¹⁵⁹

Their hopes seemed to be fulfilled in late January when Palmer agreed to Lilley's suggestion that the redistribution bill should be scrapped and another drawn up. Supplies for three months were granted and the Assembly was prorogued until April. The Governor was satisfied with that procedure and expressed the hope that the redrawn bill would remove the political problems and would also "enable the various interests of the colony to be

more directly represented."¹⁶⁰ However, that additional representation, to his mind, should not go to the southern towns but to the northern regions in order to prevent the further alienation of that area.

The bill was redrawn and presented again in April and almost immediately Normanby reported to the Colonial Office that a further 'deadlock' had occurred.¹⁶¹ The Opposition this time refused to grant supplies for 1872 before the electoral measure was passed as the Liberals suspected the sincerity of the administration's intentions. They would agree only to a bare two months' supply which would ensure the rapid passage of the bill. As to the measure itself, they accepted it as the best that could be expected from such a government. The Brisbane Courier reluctantly agreed but added that it was "a measure which contains so small an instalment of the popular demands that it will satisfy nobody, but only postpone and compel the immediate reopening of the question."¹⁶² Rather predictably, the administration decided to make a determined stand and refused to let the House proceed with any other business until full supply had been granted.

That stand was warmly supported by the Governor who considered that the new bill met "with general approval" and that "the Government honorably fulfilled their part of the compromise"¹⁶⁴ As before, he could not see any course that could be taken to hasten the end of the 'deadlock' which was "foreign to British custom."¹⁶⁵ He again trenchantly attacked the Liberals' attitude, suggesting however that little else

could be expected from such a group. Of the thirteen members of the Opposition, one had been convicted three times for felony, another was always drunk and there were two or three more "whose conduct will not bear too close an investigation."¹⁶⁶ In the Colonial Office, Normanby's views were endorsed; Henry Holland considering that the Opposition was acting shamefully¹⁶⁷ and Kimberley expressing the hope that Palmer's majority would hold together and have the courage to persevere until the bill was passed.¹⁶⁸

To that point, Normanby had stood in the background of the conflict but on the 14 May he was drawn squarely into it when he was presented with a memorial from the Opposition, protesting against the Government's course. It was truly a remarkable document, in which the Liberals poured out their accumulated frustrations which they had developed during the two years of opposition to Palmer's ministry. To be strictly accurate, there were two memorials forwarded to the Governor; an earlier one (June, 1871), addressed to Sir Maurice O'Connell, the ex-Administrator, protesting against the Government's conduct in its first year of office, and the later one which concentrated on the period since the elections of 1871. However, they did include many similar requests.

Basically, the argument put forward was that the Palmer ministry was composed of squatters and thus was not representative of the electorate. The elections in 1870 and 1871 which returned them to office were alleged to have been riddled with corruption and the vast majority of the voters had opted for the

Liberals. As the administration was squatter-dominated, its policy was not progressive and was retarding the development of the colony. As examples of this, the land settlement and electoral policies were cited as measures which favoured the pastoral interest; the policy of restraint in railway and public works construction was aimed at frustrating the extension of small settlements; and the deliberate slackening of the pace of immigration was depriving the colony of much needed settlers. Finally, the memorialists addressed themselves to the handling of the 'deadlock' crisis and accused the government of tyrannical behaviour. Commenting on the memorial, the Brisbane Courier insisted that it was presented "with moderation and explicitness," that it was "an appeal to the proper quarter", and that it would be "difficult to understand how there can be any doubt about the issue."¹⁷⁰ The Governor, it was hoped, would act by the constitution and force Palmer to expedite the passage of the electoral redistribution, thus allowing for an early election. However, if that failed, the Opposition and the Brisbane Courier undoubtedly expected Normanby to effect an immediate dissolution.

As the Brisbane Courier observed later, the Opposition had misjudged their man. After the Governor's reply, there could be no further doubt as to whether he had "any decided opinions". He was

. . . a nobleman by birth and evidently possessing the traditions of his class respecting Democratic institutions . . . and his feelings and sympathies [are] naturally on the other side.¹⁷¹

In prescribed constitutional fashion, the memorials were submitted to the ministry for comment. Palmer denied the charges

levelled against his administration and asserted that

the question before Your Excellency, if stripped of the mass of statements, errors and misstatements which surround it is: whether a minority of the Assembly are to arrogate to themselves the power of dictating to a Ministry, supported by a large majority of the House, how the public business is to be conducted¹⁷²

Normanby's long retort to the memorialists¹⁷³ was based on Palmer's assessment but it did include, in spite of its generally moderate language, much of the Governor's own frustration and resentment at the course pursued by the Opposition since he had come to the colony.

He could find nothing to substantiate the charges on the elections or on the government's policy:

. . . that is a question which exists between them and the House of Assembly; but so long as they command a majority in that House, I cannot admit the right of a minority to dictate to them the mode in which the business of the House shall be conducted.¹⁷⁴

Defending himself against the implication that he had treated the Opposition unfairly, he expressed the hope

that after an experience extending over a period of nearly eighteen years in the British Parliament, and six years as a Governor of a colony, I shall ever be found ready to uphold to the utmost the dignity and privilege of Parliament, and to admit to the fullest extent the right of the people of this colony to direct the Government . . . according to their own wishes, as indicated by their representatives in Parliament . . . in their collective capacity; and I must, therefore, decline to accept the opinion of twelve members as the decision of a House constituted of thirty-two representatives¹⁷⁵

Normanby reserved his most decisive language to counter the constitutional arguments of the Opposition and there he was able to marshall his considerable experience in and knowledge of constitutional theory and practice. The memorial, in his opinion, was "founded on a total misapprehension of the British constitution,

upon which the constitution of this colony has been founded."¹⁷⁶
 Equality of electorates was, in no way, recognized by the British constitution, nor did it give anyone the inherent right to vote, which, of course, depended on the electoral law. "The argument, therefore, that the Opposition represents a majority of the population, does not appear to me to bear any force."¹⁷⁷
 As to the further contention that the administration was simply a class interest, he retorted that, although he regretted the divisions in the colony, it was the indisputable right of each electorate to return the representatives who the voters considered were best able to advocate their interests. Finally, he bluntly declared that

. . . if, there is one principle more firmly established than another, in the British Constitution, it is that the majority, and not the minority . . . [which] shall direct the conduct of public affairs, and it is a perversion of the first rules of any Constitutional Government, to say that the minority has the right, by the obstruction of public business, through the forms of the House, to coerce the majority. Such a rule, once admitted, must effectively render Responsible Government impossible.¹⁷⁸

Turning to the specific question of the administration's handling of the House and the 'deadlock', he laid the full blame for the delay on the Opposition and almost demanded that the House should be left to proceed in the ordinary manner. To his mind, there was no question of suspecting the intentions of the government in regard to the electoral legislation. No government could be expected to acquiesce in such demands as it would be "agreeing to their own condemnation without the slightest security that the same course might not be renewed on other grounds"¹⁷⁹
 Normanby even attacked sharply the Opposition's offer to extend

two month's supply to the ministry on the ground that by granting such a lump sum "to a Government you profess to have no confidence in, is, in my opinion, to abdicate not your own rights, but those of your constituents as well"¹⁸⁰

In his report on the incident to the Colonial Office, Normanby repeated those charges and again stressed his strong support of his government. Defending the terms in which he had couched his rejoinder, he asserted that the question was

one of such vital importance to the working of Constitutional Government, that much as I deplore this interruption of public business and the delay which it causes in the passing of the Redistribution Bill, and many other useful measures . . . I feel that I should not be justified in withholding from my Government my entire approval of the stand they are making.¹⁸¹

It is difficult to see how the Governor could have acted in any other way in the incident without overstepping his constitutional limits. To have effected a dissolution without advice would have been tantamount to a dismissal of the administration, a step which could not be defended in a circumstance where there had been no abuse of law or the constitution and where the ministry had a stable majority in the Assembly. In fact, the memorial was very similar to the tactics used by Tupper and Johnston in Nova Scotia some years before, and both at the constitutional and personal levels, Normanby pursued a like course in dealing with them. Underlying the reply to the Liberals in Queensland and to the Conservatives in Nova Scotia, there was a greater sense of personal commitment than that which a completely impartial arbitrator should have had. There was indeed much truth in the Brisbane Courier's comment that the reply "lectures rather sharply . . .",¹⁸²

for that was certainly the Governor's intention.

Colonial opinion was as to be expected. The opposition press, led by the Brisbane Courier, lampooned the Governor. Normanby's views were not "correct and comprehensive" and were products of "the most superficial and partial view of the political situation", the effects of which would be "to widen the existing breach and render reconciliation less easy."¹⁸³ In leader after leader until early August, the opposition journals argued against the validity of the constitutional propositions put forward by Normanby and stoutly defended the Opposition's course of action. About the only support Normanby received from the Brisbane press was from the columnist, 'The Bohemian', in the Queenslander, who, in a delightful satirical article mused:

I was not sorry that Lilley received a wiggling from the Governor for pestering him with his memorial The Marquis was not to be caught He nipped the thing in the bud, by giving Lilley and the memorialists a good hearty lecture on their misconduct. I don't think His Excellency will be troubled with any more documents of the kind while he stays here.¹⁸⁴

A year later, however, he did receive another memorial from some of the members of the Opposition, protesting the administration's course of action. But, like the first, this got short shift from the Governor.¹⁸⁵

Notwithstanding the prediction of the Brisbane Courier, Normanby's decisive reply did seem to have a positive effect. The Opposition had played its last card and had lost. In early June, Normanby was able to report that the 'deadlock' had ended and that rapid progress had been made both on the redistribution bill and the estimates,¹⁸⁶ which, by way of compromise, were

being taken through the Assembly together. He credited his reply with having been a material cause in that development.¹⁸⁷ This assessment was also shared by the Colonial Office. Herbert noted that the answer "probably was of material weight in bringing about a resumption of business in the Assembly." Both he and Kimberley praised the Governor for his firmness in opposing the demands of the Opposition.¹⁸⁸ In private letters, they described the advice given by Normanby as being well-reasoned and fair,¹⁸⁹ and Herbert almost gleefully added: "It must have enlightened my friend Lilley and Co as to the hopelessness of their game."¹⁹⁰

This rather detailed exposition of the political events at the beginning of Normanby's Queensland administration is instructive in two ways. In the first place, it was evident that, in a young colony like Queensland, the Governor was still considered a vital part of the working constitution - he was looked to as the guardian of the constitution and as an arbiter between the contending political groups in the colony. Secondly, it was clearly apparent that a Governor's own personal inclinations could dictate to some degree his handling of such a duty.

To complement this account, it is enlightening to consider briefly Normanby's later opinions on the developments on the political scene. He continued to approve of the policy of the Palmer ministry and, both in his official capacity and on a personal level, the relationship between the Governor and his leading minister became very close. In January 1874, Palmer was beaten at the polls, the election having been conducted under

the provisions of the new electoral act, and he was replaced by Arthur Macalister. Normanby ascribed the victory not to the Liberals' policy or ability but to the loss of able ministers,¹⁹¹ the determination of Palmer himself to retire from office, and most importantly "to one of the worst disasters a Government can have . . .", the fact that it had been so long in power.¹⁹²

As could have been anticipated, the Governor was very disappointed with the electoral results but, because the parties were so closely divided, he hoped that the new ministry would not do too much damage to the colony.¹⁹³ The course of events during his final year of office bore out his hopes. One historian has admitted that, in 1874: "The Liberal Government weathered the storm rather badly and the lack of cohesion was apparent to all . . . it lacked both a leader of strong conviction and a well thought-out policy."¹⁹⁴ The unity and strength it had maintained in opposition was shown to have been dependent on the negative quality of opposition to the 'squatter' party. Once in office, it sundered badly with wide divisions appearing in its ranks on the crucial questions of education reform and land policy. Even the Brisbane Courier was dismayed and during 1874 turned its batteries on the ministry and criticized the disunity of the Liberal party and its consequent failure to develop any constructive policy.¹⁹⁵

In his letters to his private correspondents in 1874, Normanby related with relish the troubles of his new administration. He reported in March on the continual quarrelling in the ministry and happily emphasised the fact that the policies

of the late ministry were being adopted almost completely;¹⁹⁶ in May, the collapse of the Liberals' intention to pass a measure for the payment of members of the Assembly and also the failure to agree on a policy to ensure closer settlement of the land;¹⁹⁷ and in July, at the end of the session, he observed it had been a very barren one The Government come out with little credit to themselves and even among their own supporters their popularity is decidedly on the decline and I shall be much surprised if there is not a change when Parliament meets again."¹⁹⁸

However, despite that complacency, he frequently was at pains to point out that the ministry was untrustworthy and that he had "to watch every move they make."¹⁹⁹ On the Premier himself, Normanby described Macalister later as "drunken and unprincipled".²⁰⁰

As in Nova Scotia, Normanby had to endure only a relatively short period of working with a government he disliked because he was moved to New Zealand in November. **In contrast with his** earlier administration, he was able to avoid any conflict with what was to him a distasteful ministry. Even the ever-watchful Liberal journals could find no further fault with him.²⁰¹ The Governor himself, as he prepared to leave the colony, also considered that he had secured the confidence of all the political groups in Queensland.²⁰²

3. New Zealand, 1874-9

Taken overall, this last study furnishes without doubt the clearest illustration in Normanby's career of personal conflict between the Governor and colonial politicians. For in New Zealand he was confronted with Sir George Grey, first as a leader

of the opposition to the abolition of the provinces and later as Prime Minister. That confrontation, from Normanby's point of view, was the outstanding aspect of his four years in the colony. The clashes of the two men manifestly exposed the limited opportunities of a Governor of a self-governing colony to give force, outside the use of his prerogative, to his own convictions and to affect the course of colonial politics.

Normanby's appointment to New Zealand came at a critical period in the colony's development. The early 1870s had witnessed the beginnings of Vogelism, the effects of which had greatly increased the pace of economic growth. Partly as a consequence of that policy, serious consideration was being given in 1874 to the abolition of some or all of the provinces. Already the first moves had been made in the House of Representatives to consummate that policy. There **were**, moreover, the lingering scars of the Maori Wars and the attendant hostility of the two races.

As was common with the Governors of neighbouring colonies, Normanby had corresponded frequently with his two predecessors in New Zealand, Sir George Bowen and Sir James Fergusson, and from that he did have some first-hand knowledge of New Zealand affairs. There were also the colonial newspapers which carried extensive reports and commentaries on the developments in other colonies. Therefore, he did have some preconceived ideas on New Zealand politics before he assumed his post. True to his liberal economic convictions and possibly influenced by the warnings of Carnarvon and Herbert,²⁰³ he was sceptical of Vogel's schemes and Vogel himself:

I do not know that I would be very sorry to hear that he has found some profitable employment elsewhere. He seems to me to be a great deal too clever.²⁰⁴

On the issue of abolition, and perhaps reflecting his change of heart on Canadian federation,²⁰⁵ his early assessment was that it was a wise and much-desired decision.²⁰⁶ That conviction never changed and indeed was strengthened during his tenure, but his preconception of Vogel and his policies did undergo quite distinct change after he had met the Prime Minister and had undertaken several tours around the colony. He found that its finances were much better managed than he had expected and that public works schemes were greatly benefiting the colony.²⁰⁷

There were two broad periods into which Normanby's tenure of office can be divided: the first was dominated by the parliamentary battle to abolish the provinces into which he was drawn by the tactics of the Opposition under the leadership of Grey; the second by the Grey administration from October 1877 to February 1879, at which time the Governor left the colony consequent on his promotion to Victoria.

The new Governor did not have to wait long before he formed his first direct appraisal of Grey who had recently left his lonely seclusion on Kawau Island to join the struggle waxing in Auckland Province to prevent its abolition. Barely a week after his arrival, Normanby received a petition from Grey, addressed to the Secretary of State, protesting specifically against Auckland's treatment in the matter of land revenues and complaining implicitly about the proposals for abolition.²⁰⁸ This petitioning became one of Grey's favourite devices in the next

two years of his campaign.²⁰⁹ On the basis of the petition and of other reports which he had received, Normanby suggested to Carnarvon that, although he had had little opportunity to consider political affairs thoroughly, it

appears to me that there is little doubt that I shall have a troublesome customer in Sir George Grey whose ire has been raised by the proposal to do away with the provinces and it does not appear that he is likely to conduct the controversy in a very amiable spirit.²¹⁰

He could not have been more correct.

As he had done with the Palmer administration in Queensland, Normanby gave his personal support more and more unequivocally to Vogel's ministry and its policies. Vogel, Harry Atkinson, and Donald McLean represented in his eyes the natural leaders of the colony both by their standing in the community and by their liberal-conservative political views. His support of their abolition policy became more committed as he watched the tactics of Grey and his cohorts and assessed their increasingly radical arguments:

The more I see of the working of the Provincial system the more convinced I am of the necessity of doing away with it. In the early days of the colony it was useful and did good services but now it only serves to foster local jealousies and it is a hotbed of corruption.²¹¹

In March 1875 Grey was successful in being elected both to the Superintendency of the Auckland Province and to a seat in the House of Representatives in Wellington. During the course of his candidacy, Normanby was appalled at the radicalism of the ex-Governor. At one tactic which Grey employed and which was to become one of the hallmarks of Grey's political career, Normanby predictably took violent umbrage, an attitude which was strongly

seconded at the Colonial Office. That was Grey's thorough-going attack on the position of the Governor as a simple tool of the Imperial Government, "a mere machine", and one who was appointed solely for political reasons. In place of that, Grey advocated a new constitution which would enable New Zealand to have far more control over its own destiny. The Governor should be replaced by a Colonial Secretary of State, appointed by New Zealand and resident in London with a seat in the Privy Council. To that idea, he coupled a proposal by which the power of the General Assembly would be reduced, a consequent increase would be made in the powers of the provinces, and an elective Legislative Council would be instituted. By these means he hoped to make the colony more democratic and to avoid all legislation which, to his mind, produced class distinctions. Much of this doctrine came from other sources, but his references to "worthless peers" seemed to be aimed directly at Normanby and expressed some of his frustration with both Fergusson and Normanby who had reported unfavourably on his petitions to the Crown.²¹²

Although Normanby admitted that Grey's education, talents, and experience would make him valuable in public life, he questioned the wisdom of an ex-Governor entering that arena, especially one who could adopt such ideas. Grey's speeches

exhibited a spirit of egotism and self-laudation The grievances he complains of are either without foundation or greatly exaggerated and the reforms he advocates are impracticable, or incompatible with the relations to the mother-country, and are all calculated to obtain a cheer from the least thinking of his audience.

Normanby was confident, however, that such ideas would not enjoy any large following.²¹³

Carnarvon and the Colonial Office officials were equally annoyed when they received the reports: Malcolm dwelt on Grey's antagonism towards the Colonial Office;²¹⁴ Herbert quipped that "when Grey makes a statement there is a strong probability that he knows it to be false . . ."²¹⁵; and Carnarvon could think of no speech which was more discreditable to the speaker.²¹⁶ They, like the Governor, expressed the hope that Grey's appeal would be limited to the less-educated.²¹⁷

During the remainder of his administration, Normanby's private correspondence was dominated by his growing dislike of Grey which, as time went on, almost amounted to an obsession not unlike that which he had entertained for Johnston and Tupper many years before in Nova Scotia. That attitude sprang not only from his disgust at seeing an old servant of the Crown muddy the waters of the Empire but also from the radical stance which Grey assumed on electoral, financial and land policies. Grey always couched his opposition to abolition in democratic terms and, whether he was sincere or not, that attitude hardened the Governor's antagonism towards him. Perhaps some of Normanby's obsession can be explained by his constant fear that Grey would be able to carry out some of his schemes. That fear buttressed his attitude and contributed to his whole-hearted support of the government's policy. Everything that Grey said or did Normanby commented upon in derisory terms to the Colonial Office. This is not to deny that many, indeed most, of Grey's actions during the abolition crisis were marked with intemperance and opportunism. John Rutherford, by no means an anti-Grey historian, admitted

this, characterizing Grey's actions as being of a negative and obstructive nature.²¹⁸ But there can be no doubt that Normanby did rather overreact to Grey and his dislike of the man overwhelmed his objectivity.

Illustrations of that attitude in the following years were legion. The Governor complained of Grey's dictatorial behaviour in the Auckland Provincial Council: "He has altogether repudiated the principle of responsible Government . . . and almost boasts about it."²¹⁹ To Grey's comment that he would fight the abolition to the death, Normanby remarked that "he certainly may die if he likes" ²²⁰ In August, he suggested of Grey's conduct in the House of Representatives that the only excuse I can make . . . is that I really believe he is not quite sane & I believe that it is an opinion which is becoming more general every day Judging by many of his speeches it really looks as if his object is to create disaffection & discontent towards England & disunion and class divisions in the colony. What his object may be is best known to himself but it comes badly from a man who held the positions he has done.²²¹

As for Grey, so for the parliamentary opposition in general. The Governor accused the anti-abolitionists of being led basically by those "who are pecuniarily interested", an obvious reference to those provincial Superintendents like Grey, Fitzherbert, Macandrew and Rolleston in the House. "The whole policy of the opposition seems to have been obstruction and delay."²²²

Grey, of course, had not let up on his earlier attack on the Governor and had even brought up his alleged partizanship in the House, despite the conventions against that course of action.

I am told I must be cautious how I mention the name of the Governor. Under ordinary circumstances I should be cautious, but the Governor has allied himself to a faction²²³

The elections of January 1876, although they returned many new members, seemed to pronounce favourably on the abolition measures passed in the last session and Normanby was content that the opposition had palpably failed in spite of a very bitter campaign.²²⁴ To Herbert, he later remarked that the new House was "as good or better than the last but some of the tail brought in by Sir George & Mr Macandrew . . . are dreadful ruffians."²²⁵ Looking forward to the approaching session, the Governor felt confident that the existing ministry, however reconstituted, would do well if they could provide the colony with a sensible and workable local government system to replace the provinces:

If the Government bring forward a bill considered liberal I think they will be pretty safe. . . . They must be able to show that their substitutes . . . are equal or more complete.²²⁶

Relations between Normanby and Grey deteriorated further during the recess. From February to April, a long telegraphic correspondence had taken place between Grey and Vogel on the political situation, in which Grey had reiterated his earlier views on the status of the Governor, adding significantly that his opinion was now swinging towards the colonial election of Governors.²²⁷ Later in May, Grey again protested to Normanby about the policies pursued by the ministry and suggested that a Governor did have the right to act in opposition to his advisers if the law was being obviously breached and that Normanby was sullyng the constitution and the law by not protecting them.²²⁸ Normanby, however, was not to be drawn and he

curtly refused to enter into an argument on constitutional questions with Grey, "differing as we do entirely on most of them."²²⁹

Perhaps the most furious exchange between the two in 1876 occurred in June, the repercussions of which came to a climax in October. In the first week of June, Grey addressed a long letter to the Secretary of State, once more protesting against abolition. As part of his argument, he expressed his anger and amazement at the rumoured reports that the Imperial Navy and Marines were to be used to enforce the measure in Auckland.²³⁰⁻¹ Normanby's reaction to that charge was one of incredulity coupled with amusement:

If he had expressed a fear that he himself might be put into a lunatic asylum before long I do not know that I could have given the same assurances [of it being groundless]. . . . If [the reports] have been circulated they can only have emanated from his own disordered brain.²³²

He added later that: "If it does not satisfy you that he is only fit for a comfortable lodging in a lunatic asylum, I shall be surprised."²³³ Similar but far more moderate opinions were expressed in the ordinary explanation of the circumstances²³⁴ and Herbert thought that the official reply was "able and sensible".²³⁵ When that despatch was published in October at Grey's own insistence,²³⁶ he and his supporters in the press and in the House attacked it vehemently.

The parliamentary attack continued intermittently during most of the month of October with the Greyites objecting strenuously to Normanby's conduct in defending the administration's handling of the abolition issue.²³⁷ Grey justified his actions

passionately in language which, as Normanby observed later, was "pretty stormy":²³⁸

I had not the least idea that such a document and its enclosures were in existence It contains aspersions upon my character which are utterly without foundation I object to its style, to the language used in it, and I shall object still more to what in my mind is a very sad revelation indeed It is quite certain that the writer of that document does not hold the position which our Most Gracious Majesty has always desired that such an official should hold to her subjects - a position of impartiality, a position of fairness to all parties, and especially to all public men It emanated from a political partizan.²³⁹

He denied emphatically all of the charges that the Governor had made about the rumours and that rebuttal was echoed by his supporters, J. W. Thomson, Robert Sheehan, W. L. Rees, and H. H. Lusk.²⁴⁰ The upshot of that debate, in which the government did its best to defend Normanby's conduct, was that a motion was proposed to the effect: "That this House regrets that the despatch from His Excellency the Governor to the Secretary of State of the 21st June . . . is ill-advised."²⁴¹ It was voted down. Speaking to the motion, Grey again launched into a tirade against the Governor and discussed the disadvantages of the current system of the appointment of Governors: "A man chosen from amongst ourselves would never have inflicted this wrong upon a fellow-countryman."²⁴²

For the first time, the major colonial newspapers were able to gauge the mettle of the Governor and all carried leaders referring to Normanby's attitude towards Grey and the abolition question. The positions assumed, of course, followed those which they had already taken on the merits of abolition itself. Most of the Auckland and Otago journals and the Lyttelton Times were

critical of the Governor²⁴³ while the press which supported the administration understandably took the opposite view.²⁴⁴

There was some truth in the criticism levelled against Normanby as he was, by that time, an unashamed partizan although, with his assured and confident style of writing public despatches, he was able to mask the real depth of his dislike of Grey, the Greyites, and the opposition to abolition. He always seemed to give the impression that his views came from an entirely dispassionate grasp of the issues. In strictly constitutional fashion, he always referred Grey's letters to his ministers for comment and he could argue that his observations were based on their advice. Indeed, as much criticism was levelled by the Opposition and their press at the role of the ministers, but it was nevertheless true that Normanby did embellish on ministerial advice and insert, in his public despatches, much of his own personal antipathy towards Grey.

In a remarkable letter to Carnarvon in August, the Governor placed on record his opinions of Grey's proceedings inside and out of the House during the 1876 session:

He is without any exception the most impracticable man it has been my misfortune to have anything to do with He has kept the House in a continual state of hot water . . . making accusations against all who oppose him and the tone and temper in which he makes them has done more to damage the character of the New Zealand Parliament than any one before him.

The worst feature of his behaviour, to the Governor, was his attempt to foment unrest among the natives and "the lower orders", " . . . where there are a large number of low Irish with strong Fenian tendencies, all of whom support him to the

man."

He is too clever and cunning to commit himself but . . . [he has] more than once hinted at actual resistance. . . . I have no hesitation in saying that I consider him a dangerous and unscrupulous man who would flinch at nothing which would advance his own ends provided that he could do it with safety to himself. I have however got my eye upon him and you may depend upon it if I can catch him tripping it shall not be my fault if he slips through my fingers but he is clever and very careful not to commit himself in a way that can be taken hold of. . . . He is I believe a Socialist at heart in everything that does not affect himself . . . [and] expects to be the dictator of whatever community he may live in.

He concluded with the rather hollow explanation that if the Secretary of State should infer that he was prejudiced towards Grey, "I can assure you that my opinion of him has been forced upon me by his own conduct and against my inclination."²⁴⁵

That outburst was triggered by the Greyites' activities in the House, not only the attack on the Governor himself but also their continued assault on the abolition measures. In Normanby's opinion, they were repeating the same abuse of the constitution as had the Liberals in Queensland some years before:

There can be no doubt that free discussion and the right to criticize or oppose all measures brought before the House are among the most valued privileges of the British Constitution, and I should be the last to complain of its exercise to the fullest extent within legitimate limits by a minority, however small. . . . However . . . one must not forget that it is the first and vital principle of parliamentary and constitutional Government that it is the majority and not the minority which must rule.²⁴⁶

Normanby welcomed the end of the session in November, content that the ministry had held firm and had stalled the onslaught of the Opposition. The abolition legislation had come into effect on the first day of that month and he was convinced that the local government measures, although they would need some modification in practice,²⁴⁷ would give the colony an effective

local administration and it would now enjoy the substance "while formerly [it] only enjoyed the shadow of local self-government."²⁴⁸ However, a constant thread running through his correspondence during the session was his concern at the weakness of the government and his fear that once the abolition crisis was over, it might crumble, a fear which was also shared by some of the leading ministers.²⁴⁹ On the other hand, he was now sure that Grey's bubble had burst and that his influence was on the decline. In his travels during the recess he commented on the weakening opposition of the anti-abolitionists, especially in Otago.²⁵⁰

It was there that the last barrage against abolition had been fired. In Dunedin a convention had been called together to discuss the situation and one of its decisions had been to petition for the recall of the Governor. "Lord Normanby's offence of course", as a pro-abolitionist's assessment of the move put it, "was telling the Home Government some uncomplimentary truths about Grey"²⁵¹ Normanby dismissed the petition as harmless and largely done for effect.²⁵² In the other major centre opposing abolition, Auckland, another meeting was held at which the Governor's actions were again bitterly attacked by the Grey-ites. Although he reported that the meeting had fallen very flat,²⁵³ the New Zealand Herald considered it "the largest and most influential public meeting that ever assembled in Auckland"²⁵⁴

The 1877 session opened in mid-July and Normanby's fear that the ministry's position would deteriorate soon appeared justified. Grey, to his great regret, had returned, "I hear as bitter and full of mischief as ever"²⁵⁵ but he hoped

that the administration would survive even if it remained in office owing to the disunity and weakness of its opponents. But the House was far too disorganized and "no good will be done as long as it lasts." Thus, he lamented that he could not find a reasonable excuse to dissolve it - there were no issues which would consolidate the parties and provide "a good wholesome opposition".²⁵⁶

He was not really prepared, however, for the suddenness of the ministry's fall in October nor the outcome of the crisis²⁵⁷ which elevated Grey to the Prime Ministership:

As you may suppose this has not been a very agreeable change for me but there was no help for it, and the only thing is to make the best of it. The House seemed determined to have a change and there was nothing else to be done. I regret it as anyone can do and my only consolation is that I believe they cannot possibly stand to the end of the session.²⁵⁸

He was astounded at the composition of the new ministry: "A weaker & in some respects a Gov^{nt} more discreditable to the country I think could hardly be formed."²⁵⁹ To Herbert, he offered succinct pen-portraits of the ministers - of Grey, "you have your own opinions -"; of Larnach, the finance minister, "a wild speculator"; of Sheehan, the native affairs minister, "a pettifogging lawyer, the son of a Public House keeper in Auckland . . ."; of Macandrew, in charge of public works, "his character has not been found to bear any strict investigation"; and Fisher, the minister for lands, "was two or three years ago . . . a common labourer and about as fit to be made a minister as he is to be made Pope."²⁶⁰ To put it mildly, Normanby had little confidence in the group and suggested that they would require "a great deal of watching."²⁶¹

He viewed the whole crisis as a simple scramble for office, the Grey ministry having no single unifying principle except the desire to turn out the late ministry. Apart from their general ineptness, the most obvious danger, to the Governor's mind, was that the new government might exacerbate native unrest and even renew interracial conflict.

He did see, however, some ray of hope in their initial policy statement which, although couched in bitter terms, seemed to contradict everything which Grey had been urging for years on abolition and in no way seemed to herald any radical departures. Thus Grey could do very little harm while he was in office, the length of which Normanby was confident would be very short. Indeed, such a short-lived government would be a good lesson to the colony as it would undoubtedly exhibit the ineptness of the Greyites in administering the colony.²⁶²

Short-lived the Grey ministry was not to be and Normanby had to contend with it for the remainder of his tenure. During that period, almost a state of war existed between the Governor and the Prime Minister. Despite the numerous incidents which were a feature of that relationship and Normanby's efforts to embarrass the ministry, it survived. More than anything else, that fact emphasized the inability of a constitutional Governor to rid himself of a ministry he disliked. Normanby, despite his oft-repeated approval of colonial self-government, must have often envied, during that period, the wider powers of the Governor in the dependent colonies. Check the most flagrant abuser and unconstitutional acts he could do, use his prerogative to the

detriment of the ministry he did do, but he could not dismiss it without very good reasons and without some hope that an incoming administration could survive and assume the responsibility for the dismissal or at least win the election consequent on a dissolution. Those reasons never presented themselves and the Governor could only watch with mounting frustration and hopelessness the gradual strengthening of the Grey government. His misgivings were amply conveyed in a long stream of letters during the next year in which he poured out his displeasure at not being able to do anything to change the situation. Although some of his comments remind one of Arthur Gordon in his dislike of the constitutional Governor's position, Normanby at bottom never really rejected his belief in limited self-government and hoped that such blights, like the Grey ministry, were but part of the growing pains of a colony and therefore only temporary.

His actions in October and November of 1877 must be placed against the background of three years of conflict with Grey and Normanby's conviction that the new ministry could not last long in office. The refusal to appoint Wilson to the Legislative Council and the dispute over the requests for a dissolution were essential elements in the Governor's early treatment of Grey but these questions are dealt with elsewhere.²⁶³

Although most of Normanby's venom was directed against the Greyites, he was also bitterly disillusioned with the Opposition whose weakness, to his mind, was one of the major factors which enabled Grey to remain in office. He was sure that the Opposition was supported by the majority of the House and

the country but it was not able to topple Grey because it was too engrossed "in petty party differences and personal views."²⁶⁴ It was ironic that he had welcomed the same situation in the last session. His despair and disgust with New Zealand politics had reached their peak. He considered that politics there "had fallen to the level as low if not lower than Victoria."²⁶⁵ To Herbert, he declared that he "would rejoice if I was moved to another Government."²⁶⁶

By late November, it had become obvious that Grey would last out the session, a situation which Normanby attributed not only to the weakness of the Opposition but also to the connivance of the Speaker and to corruption, deceit, bribery, and trickery. The Governor, looking realistically at the situation, decided that he must keep on speaking terms with the Prime Minister as without which "I should lose the little power I have to keep them straight, but it is hard and disagreeable work."²⁶⁷

Even that role was difficult and there were two further clashes before the House was prorogued. The first concerned the proposed visit to the colony by Colonel William Jervois to report on the defences of New Zealand. Jervois requested Normanby to ask Grey to send the government steamship, the Hinemoa, to Hobart to transport him to New Zealand.²⁶⁸ Grey refused the request,^{269a} a step which Normanby supported privately as he thought it unreasonable.²⁷⁰ Jervois then asked for the use of the steamer while he was in the colony²⁷¹ but again that was refused by Grey on the ground that it was too expensive.²⁷² This time, Normanby berated the ministry for its refusal, accusing it of wanting to sabotage

the mission and of gross discourtesy in view of the fact that the previous administration had especially requested Jervois' services. He therefore took it upon himself to cancel the mission although with great regret as the action was "little calculated to raise the credit of the Colony abroad."²⁷³ He also insisted that all the relevant correspondence should be laid before the House because, as he intimated to Herbert later, he wanted to embarrass Grey.²⁷⁴ In fact, the publication did have some of the desired effect as normally pro-Grey journals like the Lyttelton Times and the New Zealand Herald described the incident as "shabby and injudicious".²⁷⁵

The second incident involved Grey's attempt to make the Governor veto a land bill after it had been adopted by Grey from the previous administration and passed through all legislative stages. Normanby stigmatized that act as "an attempt at committing the greatest fraud upon Parliament that was ever committed . . .",²⁷⁶ and he refused to sanction such a proposal, declining to sign the appropriation bill or the prorogation until the land bill passed into law.²⁷⁷ Grey gave way as it was evident that other ministers had not been privy to Grey's action and had repudiated it. Defending his action later, Grey insisted that the Governor should have taken his advice: "In acting upon my advice, the noble Marquis would have been doing his duty, and I say the Governor was faithless to his duty in not taking my advice."²⁷⁸

It was noted as significant in the press²⁷⁹ that the Governor did not make a speech at the closing of the session, preferring rather to prorogue by Commission and thus letting

around the obvious nuisance of having to deliver Grey's speech. One observer, looking back on the session, thought that Grey's main object was "to be rid of the Governor and to throw all the representation of the country into the hands of the people regardless entirely of property."²⁸⁰

An interesting and revealing commentary on Normanby's attitude at that time was given in a letter to Harry Atkinson late in December:

We ate our Xmas dinner at Government House. The Governor is naturally very full of Sir George and his sayings. When a Prime Minister openly attacks the Governor in speeches to the Populace, it seems only fair that His Excellency should be allowed to speak to his friends in private. I can see he is fidgety under the apprehension that the Opposition will not take up Sir G's points with sufficient vigour I see the Governor is particularly anxious that the nonsense about elective Governors should be exposed. He thinks that if the people saw that it means . . . separation from the Mother-Country, they would all be against it. . . . He seems to me, the more I see of him, a man of excellent political judgment, and of very great political experience. I like his straight-forward way. It cannot signify to him one pin, personally, how things go with us, but he is, I can see, genuinely anxious that we should not make fools of ourselves in the eyes of England - and moreover a little afraid that the sensible people amongst us are too easy-going in politics, and are about to let this political lunatic . . . get the better of them for a time, and do irreparable mischief before the stupid gullible populace finds him out.²⁸¹

During the recess Grey undertook an extensive stumping-tour of the colony to drum up support for his administration and met with a great deal of success. Normanby constantly underrated that success and attributed the support which Grey was attracting to the "unthinking masses" who were drawn by the glittering promises of land and electoral reform, "the most extreme radical measures".²⁸² He was particularly critical of Grey's "quite unconstitutional" conduct in stumping the country inveighing against the Governor's actions in the last session with respect to the

dissolution, the land bill, and the refusal to appoint Wilson to the Legislative Council, accusing the Prime Minister of "always dressing up his facts to suit his own purposes."²⁸³ Moreover, Grey was being totally impractical and extravagant by making lavish promises of public works schemes which would ultimately mean ruin to the colony, given the deteriorating economic climate.²⁸⁴

As Normanby saw the strength of the government increase - it won five by-elections in the recess - and that of the Opposition crumble,²⁸⁵ his hopes for controlling the ministry began to rest more and more on the disunity of the Cabinet, in which he was sure that many ministers had not wholly accepted Grey's dictatorial rule. He was encouraged by the response he received from several ministers who wanted Grey's attacks on the Governor to be toned down, if not stopped.²⁸⁶ On his part, Normanby had begun to see some quality in certain of the ministers, especially Sheehan²⁸⁷ and John Ballance, who had joined the Cabinet in January.²⁸⁸ One of the leading members of the Opposition, C. C. Bowen, noted the success of that tactic: "The Governor will hold his own with Grey, and the rest of the Cabinet seem inclined to take his side, so far as the Grey-quarrelling goes."²⁸⁹

To the Governor, certainly the most objectionable part of Grey's programme was his much-reiterated opinion that future Governors of New Zealand should be elected. That, indeed, had almost become a part of the government policy and Robert Stout, who had joined the ministry in March, and Grey were its main oracles. Stout, in fact, had, in August 1877, moved in the House,

"That . . . the Governor of the Colony should be elected by the people of the Colony."²⁹⁰

Grey's guerrilla war with the Governor resumed again in June 1878 and on that occasion Normanby really initiated the incident by demanding that Grey lay before the House several despatches on the dissolution and Wilson cases of the last session. His intention was to try to discomfit the Prime Minister and wean some of his parliamentary and Cabinet support from him.²⁹¹ Thus his comment to Herbert that he always had tried hard to avoid arguments with Grey falls a little flat.²⁹² Grey proceeded to use the publication for his own purposes and another series of memoranda flowed between the two protagonists. In his first sally, Grey argued the view, which was always implicit in his opinions on constitutional issues, that the Secretary of State had no authority to interfere with proceedings in the New Zealand Parliament or to determine the rights and privileges of the House. Furthermore, he repeated the old arguments about the Colonial Office being dominated by the permanent officials, who could alter relationships in the Empire without the slightest responsibility to anyone.²⁹³ Following the same line, he also attacked the lobbies of influential colonists in Britain and complained that there was little consultation with the colonies on the formulation of imperial policy. Finally, he criticized Normanby for initiating the correspondence without advice and thus making his ministers in effect his servants.²⁹⁴

In his reply, Normanby declined to enter into any argument on the powers of the Secretary of State and expressed surprise

that Grey should argue that way, seeing that he had often asked for the interposition of the Colonial Office in colonial affairs. He vehemently denied, however, Grey's conception of the power structure of the Colonial Office, pointing out that the Secretary of State was solely responsible for all decisions and that most of the holders of that post had become masters of colonial subjects. He stated emphatically his understanding of a Governor's role. The Governor was responsible to the Secretary of State and:

He has certain rights and duties to perform, and, while he has no wish to trench in the slightest degree upon the rights and privileges of the other branches of the Constitution, he is bound to preserve intact those which have been entrusted to his care by his Sovereign.²⁹⁵

If it was thought that he had exceeded those powers, an appeal could be made to the Secretary of State.

Grey, of course, could not let the matter rest there and as always he responded with further memoranda which Normanby declined to follow up, realizing no doubt that Grey could well make use of his rebuttals for further political capital.²⁹⁶ He appreciated how Grey could twist everything in his "subtle and insidious manner".²⁹⁷

Although he approved of Normanby's opinions, Sir Michael Hicks Beach, Carnarvon's successor, mildly and tactfully reprimanded the Governor in his answering despatch:

It may, of course, become a question of considerable delicacy whether a Governor should, without the advice of his Ministers, publish a correspondence between himself and the Secretary of State; and there are cases in which it is obviously undesirable that Her Majesty's Government should appear to interfere.²⁹⁸

It was apparent that the Colonial Office officials had decided that there was little to be gained in conducting constitutional

debates with Grey and they hoped that Normanby would soon learn the same lesson.²⁹⁹

When the House reassembled in late-July, the Governor was rather pleased with the moderation of Grey's electoral and financial reform proposals and saw little reason to be alarmed as they bore only a pale resemblance to what Grey had been promising on his stump-tour. He reasoned that the differences of opinion in the Cabinet were primarily responsible for that moderation.³⁰⁰ Indeed, from his own free trade point of view, some of the policies on the lowering of indirect taxes were quite welcome and he considered that the land tax programme pointed in the right direction. As the session lengthened, he grew more and more confident that Grey's popularity in the country had peaked and was now on the decline. In the House, the Liberals were becoming even more disunited and he happily reported on the failure of many of the ministry's schemes. If Grey asked for a dissolution now, he would gladly oblige.³⁰¹ Commenting on the session, he opined: "I do not think I ever knew a Gov^{nt} in so humiliating a position" ³⁰²

The Parliament of New Zealand formerly held a high place among Colonial Parliaments but I am sorry to say that it has little to boast of now and I think the sooner the present House is dissolved the better for the credit of the colony as I do not think it would be possible to get a worse one.³⁰³

The session of 1878 was the quietest that Normanby had experienced in New Zealand and despite Grey's occasional needling in the House,³⁰⁴ there was no open conflict. In fact, Normanby admitted that in the whole of the year, he had seen Grey personally only five times.³⁰⁵

In December, Normanby learnt of his transfer to Victoria about which he expressed his grateful thanks and his sense of relief in leaving Grey behind. But his feud with the Prime Minister was not to end until he had actually left the colony. As was his policy in the earlier recess, Grey undertook another tour of the colony and again used the Governor's alleged partizanship as one of the stock ingredients in his speeches. A common complaint was: "I say it is in the power of any Governor to ruin any ministry by allying himself with the party opposed to the ministry" He promised that he would bring the policy of the election of Governors to the fore in the next session.³⁰⁶ On that subject, Normanby did have the final word as just before his departure, he directed a number of speeches in Otago and Southland against that policy and stressed what he saw as the necessary consequences of such a procedure. It would mean automatic separation from Britain and, with Governors selected for party purposes, complete chaos in the internal administration of the colony.³⁰⁷

One last long rancorous exchange with Grey awaited the Governor. That arose over the refusal by Grey to allow Normanby the use of the Hinemoa for his passage to Melbourne. In December, Normanby had asked the Executive Council for the use of the steamer, offering to pay for the cost of the coal and suggesting that it could continue on to Sydney to pick up Sir Hercules Robinson, his successor. An unstated reason at the time was his concern with the deteriorating condition of his wife's health and he preferred the relative comfort of the Hinemoa to the other

trans-Tasman ships. Five of the seven ministers present agreed to the request but delayed making a final decision until the Prime Minister was consulted. A month later, he had still not received a reply in spite of repeated assurances that it would not be delayed. By that time, Normanby was furious and when he met Grey at a later Council meeting in mid-January he brushed Grey's explanation of the refusal aside in what Grey considered "an angry manner", and lectured the Council on its gross discourtesy. That statement he had incorporated in the Council minutes, a procedure which Grey roundly denounced, indicating that he would not again attend the Council except for urgent affairs as he would not tolerate such treatment.³⁰⁸ Normanby accepted the right of the Council to refuse him the use of the vessel, which Grey had based on the imminence of native disturbances,³⁰⁹ implying, however, that he was aware that the real reason lay elsewhere. Grey attempted to justify the refusal by offering evidence of native unrest³¹⁰ but the Governor promptly countered by accusing the Prime Minister of withholding important information from him as he had seen the Native Minister recently and he had given no hint of the trouble. He curtly suggested that in future he should be properly informed about such urgent matters.³¹¹ There the dispute ended although in traditional fashion several further angry messages were exchanged.

Without doubt, the real reason for the refusal was Grey's dislike of the Governor and his justification was very brittle. On almost all other occasions when Normanby had wished to use the Hinemoa, similar objections had been raised and the ship was

used, while Normanby was on his way to Melbourne, to ferry ministers about the colony on speaking tours. The New Zealand Times, in criticizing Grey for the refusal, pointed out that before Grey had come to power, he had been outspoken in his attack on the use of the Hinemoa, "a profligate luxury", and he had suggested that it should be sold immediately.³¹² In that last battle between the two men, Normanby had decidedly the better of the verbal argument and even the pro-Grey newspapers considered the Prime Minister's conduct indefensible and discourteous.³¹³

Grey's parting shot against the Governor was left to the final moment when he ostentatiously absented himself from the official farewell to Normanby even to the extent of not allowing the usual military salutes to a departing Governor.³¹⁴ On that note, Normanby left the colony but he did keep his interest in New Zealand affairs and he was jubilant at Grey's declining fortunes in 1879.

My old friend, Sir George Grey, seems to have made a pretty mess of it in New Zealand. It is however only what I expected and I am delighted that he has got his deserts. I hope that his appeal to the country will give him the coup de grace and that his political career has come to an end for ever. He is, without any exception, the man least to be trusted that I have ever met.³¹⁵

Normanby's departure gave occasion to the newspapers of the colony to assess his overall political and constitutional conduct in New Zealand. Generally, there were three distinct lines taken. Those journals which strongly supported Grey like the Otago Guardian³¹⁶ could find very little good to say about the Governor and attacked him as a political partizan and a disruptive force in the colonial political scene; the opposition

journals such as the Press and the New Zealand Times³¹⁷ paid warm tribute to his abilities, credited him with protecting the constitution against the radical excesses of the Greyites, and of discharging his duties with confidence and expertise; and the more moderate newspapers like the New Zealand Herald and the Lyttelton Times which, although they supported Grey editorially, acknowledged that Normanby had done his best in very trying circumstances, albeit he had been injudicious in some of his dealings with Sir George Grey.³¹⁸

Contemporary commentators and later historians have also generally followed this third assessment of Normanby.³¹⁹ Even those who were sympathetic to Grey and his policies have recognized that much of the responsibility for the personal and constitutional conflict between the two stemmed from Grey's background and character.³²⁰

Footnotes

- 1 See Chapter II.
- 2 See Chapter VI.
- 3 See Chapter VI.
- 4 Although his official title was Lieutenant-Governor, it has been found more convenient to refer to Mulgrave as Governor of Nova Scotia.
- 5 Mulgrave to Sir Charles Phipps, 25 Feb. 1858, NP.
- 6 Mulgrave to Sir Charles Phipps, 7 April 1858, NP.
- 7 Ibid.
- 8 Ibid.
- 9 The Governor's private letters for this period are not in the Normanby Papers but it was quite obvious from Arthur Blackwood's letters what Mulgrave's general attitude was. Perhaps his opinions were reinforced by Blackwood's bitter antagonism for Howe and Young. See, for example, Blackwood to Mulgrave, 22 April 1858 - "... beware of that fox Young."; Blackwood to Mulgrave, 3 July 1859 - "When Young and many other Nova Scotians speak - distrust them."; Blackwood to Mulgrave, 9 Sept. 1859 - "Young is a weak pitiful figure - a tool in Howe's dangerous hands." All letters in NP.
- 10 J. M. Beck, The Government of Nova Scotia (Toronto, 1957), p. 89.
- 11 The fullest treatment of the controversy is in H. N. MacPhee, The Administration of Earl Mulgrave in Nova Scotia, 1858-63 (Unpublished M. A. thesis, Dalhousie, 1949). Other valuable accounts are J. M. Beck, "The Nova Scotia 'Disputed Election' of 1859 and its Aftermath", CHR, XXXVI (1955), 293-315 and E. P. Ray, Transition to Responsible Government in Nova Scotia, 1835-64 (Unpublished Ph. D. thesis, Toronto, 1945). All, however, are based exclusively on published materials.
- 12 Under the terms of Annand's Law (1859).
- 13 Johnston to Mulgrave, 9 June 1859, JHA 1860, App., pp. 11-2.
- 14 Young and 28 others in opposition to Mulgrave, 30 June 1859, JHA 1860, App., p. 12.
- 15 Howe to Mulgrave, n. d. (Draft), Howe Papers, Vol 7. 639-58, PAC.

- 16 Executive Council to Mulgrave, 20 July 1859, JHA 1860, App., pp. 15-4.
- 17 Young to Newcastle, 25 July 1859, JHA 1860, App., pp. 15-7. Johnston had refused to recall the Assembly until the usual time in the new year.
- 18 Mulgrave to Newcastle, 20 July 1859, Copy in NP.
- 19 Ibid.
- 20 Ibid.
- 21 Mulgrave to Newcastle, No. 78, 28 July 1859, JHA 1860, App., pp. 13-21.
- 22 Minute by Fortescue (15 August 1859) on Mulgrave to Newcastle, No. 78, 28 July 1859, CO 217/223.
- 23 Ibid. See also similar comments by Blackwood (10 August), Merivale (11 August), and Newcastle (13 August).
- 24 Newcastle to Mulgrave, 1 Sept. 1859, JHA 1860, App., p. 23.
- 25 Newcastle to Mulgrave, 22 Sept. 1859, NP.
- 26 Mulgrave to Newcastle, 14 Oct. 1859, Newcastle Papers, NeC 11, 158.
- 27 Ibid.
- 28 Mulgrave to Newcastle, 26 Jan. 1860 (Confidential), CO 217/226.
- 29 Mulgrave to Newcastle, 14 Oct. 1859, Newcastle Papers, NeC 11, 158.
- 30 British Colonist, 3 Sept., 1859. See also similar views in the editions of August 16, 18, 20, 25 and Oct. 8.
- 31 Novascotian, 8, 15 August, 1859.
- 32 Morning Chronicle, 21 July, 1859.
- 33 Not so the Toronto Globe. To it, Mulgrave was "evidently a second edition of Sir Edmund Head Both are alike in their endeavours to trample upon constitutional principles, while bandying constitutional phrases" (August 12, 1859)
- 34 Mulgrave to Johnston, 26 August 1859, JHA 1860, App., p. 24.
- 35 Mulgrave to Newcastle, 6 Sept. 1859 (Separate), CO 217/224.

- 36 Advice of Sir Richard Bethell and Sir Henry Keating, encl. in Newcastle to Mulgrave, 23 Dec. 1859, JHA 1860, App., pp. 37-8.
- 37 Executive Council to Mulgrave, 4 Feb. 1860, JHA 1860, App., pp. 39-44.
- 38 Ibid.
- 39 Mulgrave to Executive Council, 6 Feb. 1860, JHA 1860, App., pp. 44-6.
- 40 Executive Council to Mulgrave, 7 Feb. 1860, JHA 1860, App., p. 46.
- 41 Mulgrave to Newcastle, No. 15, 9 Feb. 1860, JHA 1861, App. 2-A, pp. 1-3.
- 42 The same conclusion is reached by Beck, "The Nova Scotia 'Disputed Election', p. 314; MacPhee, *The Administration*, p. 183; Ray, *Transition*, p. 261.
- 43 Minute (24 Feb., 1860) on Mulgrave to Newcastle, No. 15, 9 Feb. 1860, CO 217/226.
- 44 Newcastle to Mulgrave, 9 March 1860, NP.
- 45 See British Colonist, 14, 16, 18, 21 Feb.; 24, 28 April; 3, 10, 17 May 1860 and Acadian Recorder, 11, 18, 25 Feb., 1860.
- 46 Acadian Recorder, 17 March, 1860.
- 47 Mulgrave to Newcastle, No. 15, 9 Feb. 1860, JHA 1861, App. 2-A, p. 3.
- 48 Mulgrave to Sir Charles Phipps, 6-8 March 1860, NP.
- 49 Ibid.
- 50 Ibid.
- 51 Ibid.
- 52 Ibid.
- 53 Full accounts of the question are to be found in Beck, "The Nova Scotia 'Disputed Election' and in MacPhee, "The Constitutional Controversy of Nova Scotia, 1859-60", Nova Scotia Historical Society Collections, Vol. 32 (1959), 183-215.
- 54 Mulgrave to Newcastle, 2 May 1860, CO 217/226.

- 55 Mulgrave to Newcastle, 6 March 1860 (Separate), CO 217/226.
- 56 See Tupper's speech in the Assembly, 10 May, 1860, reported in British Colonist, 15 May, 1860.
- 57 Acadian Recorder, 17 March, 1860.
- 58 Novascotian, 30 April, 1860.
- 59 Mulgrave to Sir Charles Phipps, 16 May 1860, NP.
- 60 Johnston to Newcastle, 13 June 1860, JHA 1861, App. 2, pp. 9-13; Johnston to The Friends of Law and Constitutional Rule in Nova Scotia, 21 June 1860, JHA 1861, App. 2, pp. 24-30. He also repeated the same grounds for complaint in yet another letter, Johnston to Newcastle, 3 Jan. 1861, JHA 1861, App. 2, pp. 41-5.
- 61 Johnston to Newcastle, 13 June 1860, JHA 1861, App. 2, p. 12.
- 62 Mulgrave to Newcastle, 23 June 1860, JHA 1861, App. 2, pp. 2-8; Mulgrave to Newcastle, 26 June 1860, JHA 1861, App. 2, p. 31.
- 63 Mulgrave to Newcastle, 10 Jan. 1861, JHA 1861, App. 2, p. 47.
- 64 Mulgrave to Newcastle, 23 June 1860, JHA 1861, App. 2, p. 6.
- 65 Minute (11 July 1860) on Mulgrave to Newcastle, 23 June 1860, CO 217/226.
- 66 Minute (17 July 1860) on Mulgrave to Newcastle, 23 June 1860, CO 217/226.
- 67 Minute (2 Dec. 1860) on Mulgrave to Newcastle, No. 93, 1 Nov. 1860, CO 217/227.
- 68 Tupper to Newcastle, 29 Oct. 1860, JHA 1861, App. 2, pp. 32-8.
- 69 Minute (1 Dec. 1860) on Mulgrave to Newcastle, No. 93, 1 Nov. 1860, CO 217/227.
- 70 The most important one was the dismissal of the Editor of the Acadian Recorder, P. S. Hamilton, from a position of Registrar of Deeds in Halifax.
- 71 Johnston to Newcastle, 6 August 1860, JHA 1861, App. 3, pp. 3-4.
- 72 Mulgrave to Newcastle, 21 Feb. 1861, Newcastle Papers, NeC 11,159.

- 73 Mulgrave to Newcastle, No. 1, 3 Jan. 1861, CO 217/225.
- 74 Howe to Mulgrave, 4 Jan. 1861, JHA 1861, App. 2, p. 39.
- 75 Mulgrave to Newcastle, No. 1, 3 Jan. 1861, CO 217/228.
- 76 Howe to Mulgrave, 4 Jan. 1861, JHA 1861, App. 2, p. 39.
- 77 British Colonist, 24, 29 Jan., 1861; Acadian Recorder, 5, 12, Jan., 1861.
- 78 See Johnston to Newcastle, 3 Jan. 1861, JHA 1861, App. 2, pp. 41-2.
- 79 Johnston to Mulgrave, 28 March 1861, JHA 1861, App. 2, p. 49. Other petitions were also received from Argyle Township and Digby County protesting against their representatives voting with Howe despite their being elected as Conservatives, and from Guysborough County.
- 80 Mulgrave to Newcastle, No. 23, 3 April 1861, CO 217/223.
- 81 Mulgrave to Johnston, 30 March 1861, JHA 1861, App. 2, p. 49.
- 82 Acadian Recorder, 6 April, 1861.
- 83 Acadian Recorder, 2 March, 1861.
- 84 British Colonist, 16 June to 26 Nov., 1861.
- 85 A Letter to the Rt. Hon. Earl Russell etc. (Halifax, 1862), Tupper Papers, pp. 298-306, PAC.
- 86 Mulgrave to Newcastle, No. 36, 26 Dec. 1861, CO 217/229.
- 87 Minute (9 Jan. 1862) on Mulgrave to Newcastle, No. 36, 26 Dec. 1861, CO 217/229.
- 88 Minute (10 Jan. 1862) on Mulgrave to Newcastle, No. 36, 26 Dec. 1861, CO 217/229.
- 89 Blackwood to Mulgrave, 16 Jan. 1862 (Barleythorpe), NP.
- 90 Blackwood to Mulgrave, 21 Jan. 1862, NP.
- 91 Ibid.
- 92 Mulgrave to Blackwood, 21 Jan. 1862, LB.
- 93 Mulgrave to Newcastle, 24 Jan. 1862, LB.
- 94 His salary was to be reduced from \$15,000 to \$12,000 and his Private Secretary's stipend was to be his responsibility.

- 95 Mulgrave to Blackwood, 3 April 1862, LB.
- 96 Mulgrave to Newcastle, 26 March 1862 (Separate), JHA 1863, App. 11, pp. 1-3.
- 97 Howe to Newcastle, 24 March 1862, JHA 1863, App. 11, p. 4.
- 98 Mulgrave to Newcastle, 26 March 1862 (Separate), JHA 1863, App. 11, p. 3.
- 99 Mulgrave to Howe, 24 March 1862, Howe Papers, Vol. 3, p. 390, PAC. The Acadian Recorder accused Mulgrave "of exerting his own whipping-in power to help the Government gain recruits." (31 May, 1862).
- 100 Referred to in Mulgrave to Newcastle, No. 30, 3 April 1862, JHA 1863, App. 11, p. 6.
- 101 Morning Chronicle, 12 April, 1862.
- 102 Mulgrave to Blackwood, 3 April 1862, LB.
- 103 Mulgrave to Newcastle, 3 April 1862, JHA 1863, App. 11, pp. 5-7.
- 104 Mulgrave to Blackwood, 3 April 1862, LB.
- 105 He approached the two Roman Catholic members for Antigonish, Hugh MacDonald and John Mackinnon.
- 106 British Colonist, 29 July, 1862. See also the editions of 9, 20 August; 11 Nov., 1862 and Acadian Recorder, 2 August, 1862.
- 107 Mulgrave to Newcastle, 9 Dec. 1862, LB.
- 108 Ibid.
- 109 Newcastle to Mulgrave, n. d. (Jan., 1863), NP.
- 110 Mulgrave to Newcastle, n. d. (Jan., 1863), LB.
- 111 J. A. Chisholm, ed., The Speeches and Public Letters of Joseph Howe (Halifax, 1909), II, 412.
- 112 Mulgrave to Newcastle, 1 April 1863, LB.
- 113 Ibid.
- 114 Mulgrave to Newcastle, n. d. (Jan., 1863), LB.
- 115 Mulgrave to Newcastle, 16 April 1863, LB.
- 116 Mulgrave to Newcastle, 1 April 1863, LB; Mulgrave to Blackwood, 30 April 1863, LB.

- 117 Ibid.
- 118 Mulgrave to Newcastle, 28 May 1863, LB.
- 119 Mulgrave to Blackwood, 25 June 1863, LB.
- 120 Mulgrave to Newcastle, 8-10 June 1863, LB.
- 121 Ibid.
- 122 Ibid.
- 123 Mulgrave to Newcastle, 11 July 1863, LB.
- 124 Ibid.
- 125 See, for example, Mulgrave to Arthur Gordon, 25, 31 Jan. 1862, LB.
- 126 Mulgrave to Newcastle, No. 53, 6 August 1861, CO 217/229.
- 127 Ibid.
- 128 Hamilton to Mulgrave, 17, 23 Feb.; 6 March 1860, encl. in Mulgrave to Newcastle, No. 58, 26 May 1860, CO 217/226.
- 129 Hamilton to Newcastle, 15 May 1860, CO 217/226.
- 130 Mulgrave to Newcastle, No. 58, 26 May 1860, CO 217/226.
- 131 Mulgrave to Newcastle, 8-10 June 1863, LB.
- 132 Normanby to Newcastle, 20 August 1863, LB.
- 133 Ibid.
- 134 Ibid.
- 135 Normanby to Executive Council, 15 Sept. 1863, encl. in Normanby to Newcastle, No. 82, 17 Sept. 1863, JHA 1864, App. 6.
- 136 Normanby to Newcastle, No. 82, 17 Sept. 1863, JHA 1864, App. 6.
- 137 Normanby to Executive Council, 15 Sept. 1863, JHA 1864, App. 6.
- 138 Newcastle to Acting-Governor, No. 59, 6 Oct. 1863, Copy in NP. See also minutes by Blackwood (28 Sept.) and Newcastle (30 Sept.), CO 217/232.
- 139 Executive Council of Nova Scotia to Colonial Office, 23

- Nov. 1863, encl. in Doyle to Newcastle, No. 100, 26 Nov. 1863, Copy in NP.
- 140 Acadian Recorder, 13 Feb., 1864.
 - 141 Acadian Recorder, 12 Sept., 1863.
 - 142 Normanby to Howe, 16 Sept. 1863, Howe Papers, Vol. 3, pp. 797-803, PAC.
 - 143 E. M. Saunders, Three Premiers of Nova Scotia (Toronto, 1909), pp. 76-7, 63ff.
 - 144 Ray, Transition, p. 261; Beck, "The Nova Scotia 'Disputed Election'", p. 314; MacPhee, The Administration, pp. 194ff.
 - 145 D. P. Clarke, The Colonial Office Attitude towards the Working of Responsible Government, 1854-68 (Unpublished Ph. D. thesis, London, 1953), p. 99.
 - 146 The ex-Governor kept up his interest in Nova Scotia, corresponding with Lowe regularly to 1866. In his letters, he continued his attack on the Tupper administration. See the Howe Papers, Vol. 5, pp. 218-62, PAC.
 - 147 Normanby to Bowen, 6 Nov. 1871, LB.
 - 148 They had used it to frustrate the railway policy of the Palmer administration in 1870-1.
 - 149 Brisbane Courier, 29 Nov., 1871.
 - 150 Brisbane Courier, 3 Dec., 1871.
 - 151 Brisbane Courier, 16 Dec., 1871.
 - 152 Brisbane Courier, 12 Jan., 1872.
 - 153 Normanby to Kimberley, 24 Nov. 1871, LB.
 - 154 Normanby to Kimberley, 24 Nov. 1871, LB.
 - 155 Ibid.
 - 156 Normanby to Herbert, n. d., LB.
 - 157 Normanby to Kimberley, 25 Dec. 1871, LB.
 - 158 Ibid.
 - 159 Minutes by Herbert (1 March, 1872) and Kimberley (5 March, 1872) on Normanby to Kimberley, 26 Dec. 1871 (Confidential), CO 234/27.

- 160 Normanby to Kimberley, 18 Jan. 1872 (Confidential), CO 234/29.
- 161 Normanby to Kimberley, 15 May 1872 (Confidential), CO 234/29.
- 162 Brisbane Courier, 18 April, 1872.
- 163 Normanby to Kimberley, 15 May 1872 (Confidential), CO 234/29.
- 164 Normanby to Kimberley, 4 May 1872, LB.
- 165 Normanby to Kimberley, 15 May 1872 (Confidential), CO 234/29.
- 166 Normanby to Kimberley, 18 May 1872, LB.
- 167 Minute (17 July, 1872) on Normanby to Kimberley, 15 May 1872 (Confidential), CO 234/29.
- 168 Minute (18 July, 1872) on Normanby to Kimberley, 15 May 1872 (Confidential), CO 234/29.
- 169 Memorialists to Normanby, 14 May 1872, QVP 1872, pp. 489-93.
- 170 Brisbane Courier, 15 May, 1872.
- 171 Brisbane Courier, 21 May, 1872.
- 172 Palmer to Normanby, 16 May 1872, QVP 1872, pp. 494-500.
- 173 Normanby to Memorialists, 18 May 1872, QVP 1872, pp. 500-2.
- 174 Ibid., p. 500.
- 175 Ibid., p. 501.
- 176 Ibid.
- 177 Ibid.
- 178 Ibid.
- 179 Ibid.
- 180 Ibid., p. 502.
- 181 Normanby to Kimberley, No. 39, 3 June 1872, QVP 1873, pp. 153-4.
- 182 Brisbane Courier, 25 May, 1872.
- 183 Brisbane Courier, 21 May, 1872.
- 184 Queenslander, 25 May, 1872.

- 105 Miles, King, Hemmant to Normanby, n. d., Copy in NP. They protested against Palmer remaining in office on the casting vote of the Speaker.
- 186 Normanby to Kimberley, 13 June 1872 (Confidential), CO 234/30.
- 187 Normanby to Kimberley, 28 June 1872, LB.
- 188 Minutes by Herbert (6 August, 1872) and Kimberley (8 August, 1872 on Normanby to Kimberley, 13 June 1872 (Confidential), CO 234/30.
- 189 Kimberley to Normanby, 9 August 1872, NP; Herbert to Normanby, 18 August 1872, NP.
- 190 Herbert to Normanby, 18 August 1872, NP.
- 191 Bramston, Bell, and Ramsey.
- 192 Normanby to Kimberley, 19 Jan. 1874, LB.
- 193 Ibid.
- 194 J. C. Vockler, Sir Samuel Walker Griffith (Unpublished M. A. thesis, University of Queensland, 1963), p. 86.
- 195 See Brisbane Courier, 24 April; 16 June, 1874.
- 196 Normanby to Carnarvon, 26 March 1874, LB.
- 197 Normanby to Carnarvon, 31 May - 1 June 1874, CP.
- 198 Normanby to Carnarvon, 20 July 1874, CP.
- 199 Normanby to Carnarvon, 31 May - 1 June 1874, CP. See also Normanby to Herbert, 20 May; 22 April; 9 August 1874, LB.
- 200 Normanby to Herbert, 10 April 1876, LB.
- 201 See the editorials in the Daily Telegraph, 12 Nov., 1874, and in Brisbane Courier, 12 Nov., 1874 which commented on Normanby's departure from the colony.
- 202 Normanby to Carnarvon, 9 August 1874, CP; Normanby to Herbert, 9 August 1874, LB.
- 203 Carnarvon to Normanby, 26 August 1874, NP; Herbert to Normanby, 8 Dec. 1874, NP.
- 204 Normanby to Herbert, 16-17 Oct. 1874, LB.
- 205 See Chapter VII, Section 2, esp. pp. 281-2.

- 206 Normanby to Fergusson, 3 Nov. 1874, LB.
- 207 See Normanby to Carnarvon, 11 June 1875, CP; Normanby to Carnarvon, No. 42, 7 June 1875, CO 209/234.
- 208 Grey to Carnarvon, 21 Nov. 1874, CO 209/232.
- 209 He had also sent one through Fergusson, 14 Oct., 1874.
- 210 Normanby to Carnarvon, 22 Dec. 1874, CP.
- 211 Normanby to Carnarvon, 23 Oct. 1875, CP.
- 212 Based on Grey's addresses in his electoral campaign of 1875, The Addresses of Sir George Grey, K. C. B. to the Electors of Auckland, pamphlet in APL. Especially valuable was Grey's speech at the Choral Hall, Auckland, 22 March, 1875.
- 213 Normanby to Carnarvon, 6 April 1875 (Confidential), CO 209/234.
- 214 Minute (2 June, 1875) on Normanby to Carnarvon, 6 April 1875 (Confidential), CO 209/234.
- 215 Minute (5 June, 1875) on Normanby to Carnarvon, 6 April 1875 (Confidential), CO 209/234.
- 216 Minute (6 June, 1875) on Normanby to Carnarvon, 6 April 1875 (Confidential), CO 209/234.
- 217 Hercules Robinson and Bowen held similar views. See, for example, Robinson to Normanby, 12 Jan. 1876, NP.
- 218 J. Rutherford, Sir George Grey, 1812-98: A Study in Colonial Government (Auckland, 1956), Chapter 38.
- 219 Normanby to Carnarvon, 11 June 1875, CP.
- 220 Normanby to Herbert, 2 August 1875, LB.
- 221 Normanby to Carnarvon, 27-8 August 1875, LB.
- 222 Normanby to Carnarvon, 27-8 August 1875, LB.
- 223 NZPD XVII, 152 (3 August, 1875)
- 224 Normanby to Carnarvon, 12 Jan. 1876, CP.
- 225 Normanby to Herbert, 27-8 June 1876, LB.
- 226 Normanby to Carnarvon, 12 Jan. 1876, CP.
- 227 The whole exchange is in CO 209/235. The specific letter was Grey to Vogel, 31 March 1876. See also the amusing rejoinder, Vogel to Grey, 28 May 1876, in Letters to Sir George Grey, APL.

- 228 Grey to Normanby, 23 May 1876 in Correspondence between the Superintendent and the Governor as published by the Auckland Provincial Government Gazette, n. d. (1876), APL.
- 229 Normanby to Grey, 24 May 1876 (Auckland), in ibid.
- 230-1 Grey to Carnarvon, 5 June 1876, AJHR 1876, A-1B, p. 4.
- 232 Normanby to Carnarvon, 5 June 1876 (Auckland), CP.
- 233 Normanby to Carnarvon, 27-8 June 1876, LB.
- 234 Normanby to Carnarvon, No. 27, 21 June 1876, AJHR 1876, A-1B, pp 1-5.
- 235 Minute (5 Sept., 1876) on Normanby to Carnarvon, No. 27, 21 June 1876, CO 209/235.
- 236 NZPD XXIII, 26, 283.
- 237 Ibid., pp. 26-34, 101-117.
- 238 Normanby to Carnarvon, 16 Oct. 1876, CP.
- 239 NZPD XXIII, 283.
- 240 Ibid., pp. 292, 295-7, 291, 294. Normanby privately called Rees "a toady"; Normanby to Herbert, 13-21 Sept. 1876, LB.
- 241 NZPD XXIII, 319.
- 242 Ibid., p. 318. Grey returned to the subject on the 23rd October when he accused Normanby of writing "with a pen of malice", and declared that "his course was a wanton and unfair abuse of power . . . [and] a deliberate attempt to injure me."; NZPD XXIII, 555-8. He also wrote another long letter to Normanby defending his conduct - Grey to Normanby, 17 Oct. 1876, AJHR A-1C, pp. 1-3.
- 243 For example, see Otago Guardian, 20 Oct., 1876; New Zealand Herald, 14, 17 Oct.; 17 November, 1876; Lyttelton Times, 25 Oct., 1876.
- 244 See, for example, Press, 16 Oct., 1876; New Zealand Times, 16 Oct., 1876.
- 245 Normanby to Carnarvon, 23 August 1876, CP.
- 246 Normanby to Carnarvon, 20 August 1876 (Confidential), CO 209/235.
- 247 Normanby to Carnarvon, No. 54, 15 Nov. 1876, AJHR 1877, A1, p. 5.

- 248 Normanby to Carnarvon, 27 April 1877 (Invercargill), LB.
See also Normanby to Carnarvon, 25 May 1877 - "People are becoming every day more convinced that under the new system local self-government is a reality while under Provincialism it was a sham."
- 249 See J. D. Ormond to D. McLean, 14 August 1876, McLean MSS., 330, GAL; W. Fox to J. Hall, 9 Jan. 1877, Hall Papers, GAL.
- 250 Normanby to Carnarvon, 27 April 1877 (Invercargill), LB.
E. Fox commented to Vogel that "Lord Normanby seems to have done very well in face of the few Dunedin fools who tried to punish him by a demonstration and wretched parade about his partizanship re Grey." Fox to Vogel, 5 May 1877, Vogel Papers, GAL.
- 251 A. S. Atkinson to E. E. Richmond, 15 Nov. 1876, Atkinson Papers, ATL.
- 252 Normanby to Carnarvon, 15 Nov. 1876, CP. E. Fox called the convention "a very tame affair, indeed." Fox to Vogel, 16 Nov. 1876, Vogel Papers, GAL.
- 253 Ibid.
- 254 New Zealand Herald, 9 Nov., 1876.
- 255 Normanby to Carnarvon, 27 July 1877, CP.
- 256 Normanby to Carnarvon, 24 August 1877, CP.
- 257 Normanby to Herbert, 11-18 Oct. 1877, LB.
- 258 Normanby to Carnarvon, 16-19 Oct. 1877, LB.
- 259 Normanby to Herbert, 11-18 Oct. 1877, LB.
- 260 Ibid. Compare Saunders' view from a liberal standpoint. Grey's "five colleagues, who had never willingly committed an act of self-denial in their whole lives, and who had, each in his own way, proved himself to be remarkably untrustworthy." A. Saunders, History of New Zealand, II, 583.
- 261 Ibid.
- 262 Ibid.
- 263 See Chapter VI.
- 264 Normanby to Herbert, 29 Oct. - 16 Nov. 1877, LB. For a similar view, see F. D. Bell to John Hall, 21 Dec. 1877, Hall Papers, GAL.

country"12

The Colonial Office firmly backed the Governors in preserving their control of the prerogative. Even Frederic Rogers, usually so realistic about the implications of colonial self-government, considered that the discretion should be retained as long as possible.¹³ Lord Kimberley summed up the Colonial Office attitude in 1872:

It is better except in extreme cases to express no official opinion, as no two cases are alike and the exercise of the prerogative of dissolution is eminently a power . . . which can only be satisfactorily dealt with by a man who is on the spot, and familiar with all the detailed circumstances of the moment.¹⁴

In those circumstances, the Governor had almost a free hand but such support was appreciated because it enabled him to rebuff attacks made on him, especially in the Australasian colonies where Professor Hearn rightly observed: "So far as I have been able to judge, it [the prerogative of dissolution] appears the great stumbling block"15

During his career, Normanby had occasion several times to wrestle with the problem of dissolution; detailed accounts of his conduct in New Zealand in 1877 and in Victoria from 1880 to 1883 will be given below. In Nova Scotia and Queensland, all the dissolutions during his administrations were caused by the normal expiration of time or occasioned by a change in electoral laws, although in both he had to withstand determined attempts to force him to dissolve the assemblies, details of which are given elsewhere.¹⁶ He did, however, refuse to grant a dissolution to J. W. Johnston after the disputed election in Nova Scotia in

- 265 Ibid.
- 266 Normanby to Herbert, 22 Nov. - 12 Dec. 1877, LB.
- 267 Ibid.
- 268 Jervois to Normanby, 15 Oct. 1877 (Adelaide), AJHR 1877, A6 (hereinafter cited as A6), No. 1.
- 269 Grey to Normanby, 28 Nov. 1877, A6, No. 2.
- 270 Normanby to Herbert, 22 Nov. - 12 Dec. 1877, LB.
- 271 Jervois to Normanby, 29 Nov. 1877, A6, No. 4.
- 272 Grey to Normanby, 3 Dec. 1877, A6, No. 6.
- 273 Normanby to Grey, 3 Dec. 1877, A6, No. 7.
- 274 Normanby to Herbert, 22 Nov. - 12 Dec. 1877, LB.
- 275 Lyttelton Times, 10 Dec., 1877. See also New Zealand Herald, 5 Dec., 1877.
- 276 Normanby to Herbert, 22 Nov. - 12 Dec. 1877, LB.
- 277 Normanby to Grey, 10 Dec. 1877, NZMA G17/7.
- 278 NZPD XXI, 72 (6 July, 1879). That was also the view of the New Zealand Herald, 12 Dec., 1877. Grey defended his action on his stump-tours during the recess. But Normanby was supported by the Lyttelton Times, 9 Jan., 1878 - "The imposition of the veto upon the Land Bill would have amounted to a coup d'état in revolution in ambushade." Later, Normanby considered that his stand had done Grey great harm. Normanby to Herbert, Dec. - 4 Jan. 1877-8, LB.
- 279 See, for example, Press, 17 Dec., 1877.
- 280 Randall Johnson to Colonel Russell, 16 Dec. 1877, Russell Papers, CCL.
- 281 C. W. Richmond to H. A. Atkinson, 27 Dec. 1877 (Private), in G. Scholefield, The Richmond - Atkinson Papers (Wellington, 1960), II, 440-1.
- 282 Normanby to Hicks Beach, 20 June 1878, LB.
- 283 Normanby to Herbert, 31 Dec. - 4 Jan. 1877-8, LB.
- 284 Normanby to Carnarvon, 30 Jan. 1878, LB.
- 285 He was especially critical of the leadership of the Opposition,

particularly Atkinson. "As good as he is in other respects, he is worth nothing as a leader If the opposition had a leader worth his salt, things would never have got into the state they are in" Normanby to Herbert, 30 May 1878, LB.

- 286 Normanby to Carnarvon, 30 Jan. 1878, LB.
- 287 Normanby to Carnarvon, 11 Dec. 1877 (Confidential), CO 209/236.
- 288 Normanby to Herbert, 31 Dec. - 4 Jan. 1877-3, LB.
- 289 Bowen to H. A. Atkinson, 15 Feb. 1878 (Christchurch), Atkinson Papers, ATL.
- 290 The motion was lost after a debate which degenerated into an attack on the Governor's actions in 1875-6. NZPD XLIV, 416-27.
- 291 This was suggested by Hicks Beach in a minute (14 August, 1878) on Normanby to Hicks Beach, No. 25, 22 June 1878, CO 209/237.
- 292 Normanby to Herbert, 20 June 1878, LB.
- 293 Herbert's comment was "This must be contradicted." Comment in the margin on Normanby to Hicks Beach, No. 25, 22 June 1878, CO 209/237.
- 294 Grey to Normanby, 8 June 1878, encl. in Normanby to Hicks Beach, No. 25, 22 June 1878, CO 209/237.
- 295 Normanby to Grey, 17 June 1878, AJHR 1878, A1, No. 15, p. 19.
- 296 The complete correspondence is in AJHR 1878, A1.
- 297 Normanby to Herbert, 20 June 1878, LB.
- 298 Hicks Beach to Normanby, No. 34, 1 Sept. 1878, AJHR 1880, A2, No. 2.
- 299 Later, in the House, Grey expressed similar ideas. "I really think that the time has come in which we, as independent men, might determine not to pay any attention whatsoever to any correspondence that may pass between the Governor and the Secretary of State - not to embarrass ourselves with that subject, but to go quietly about our own business . . . and simply correspond with the Secretary of State, as an assembly . . . when the Constitution Act compels us to Then I think there will be much less chance of getting into differences with the home Government." NZPD XXVII, 372 (21 August, 1878).

- 300 Normanby to Herbert, 17-19 July 1878, LB.
- 301 Normanby to Herbert, 23 Sept., 9 Oct. 1878; Normanby to Hicks Beach, 12 Sept. 1878; Normanby to Bramston, 5-9 Oct. 1878, LB.
- 302 Normanby to Herbert, 30 Oct. 1878, LB.
- 303 Normanby to Bramston, 2 Nov. 1878, LB.
- 304 For example, NZPD XXX, (Oct. 30, 1878) - "We had a Governor hostile to us Let anyone look at the published Parliamentary Papers from the moment I came into the House, and see whether such is not the case."
- 305 Normanby to Bramston, 2 Nov. 1878, LB.
- 306 Grey's speech at Grahamston, 21 Dec. 1878, reported in Press, 23 Dec., 1878.
- 307 See reports of speeches in Press, 22 Feb., 1879; Southland Times, 21 Feb., 1879; Otago Daily Times, 21 Feb., 1879; and Normanby to Hicks Beach, 20 March 1879, CO 209/238.
- 308 Grey to Normanby, 21 Jan. 1879, AJHR 1879(ii), H26 (Hereinafter cited as H26), Lo. 1.
- 309 Normanby to Grey, 24 January 1879, H26, No. 2.
- 310 Grey to Normanby, 26 Jan. 1879, H26, No. 5.
- 311 Normanby to Grey, 29 Jan. 1879, H26, No. 6.
- 312 New Zealand Times, 6 Dec. 1877.
- 313 See, for example, Lyttelton Times, 21 Jan., 1879. Grey did attempt later to justify his conduct when taxed about it in the House. "To me the life of the humblest child of the poorest settler on the West Coast was of more importance than the life of a sick Marchioness." He also insisted that Normanby wanted to make a profit by using the ship (i.e. The difference between the cost of the coal and the amount given to Normanby by the Imperial Government for the passage.) NZPD XXXI, 315 (29 July, 1879).
- 314 New Zealand Times, 16, 21 Feb., 1879.
- 315 Normanby to Walsh (?), n. d., Parkes Papers, A70, HL.
- 316 Otago Guardian, n. d., CO 209/239.
- 317 Press, 14, 16, 20 Feb., 1879; New Zealand Times, 16, 20 Feb., 1879.

- 318 New Zealand Herald, Summary for Europe, Feb., 1879;
Lyttolton Times, 24, 27 Feb., 1879.
- 319 Rusden, who was violently anti-Grey, of course, supported
the Governor wholly. G. W. Rusden, History of New Zealand
(3 Vols., London, 1883-96), III, 119, 152.
- 320 Saunders, History, II, 336; J. Collier, Sir George Grey,
Governor, High Commissioner, and Premier. An Historical
Biography (Christchurch, 1909, p. 130; T. G. Wilson, The
Grey Government, p. 21; Rutherford, Sir George Grey, p. 604;
B. J. Dalton, The Governors of New Zealand, 1800-92 (Unpub-
lished M. A. thesis, Canterbury University, 1951), p. 232.

VI

NORMANBY AND THE DISCRETIONARY POWERS

In Chapter two, some consideration has been given to the bases and general nature of the discretionary power of the Governor in the context of the local constitutional system in a self-governing colony and only a brief review is necessary here. The primary purpose of this chapter is to examine, at first in a general sense and subsequently with special reference to certain of Lord Normanby's actions, the way in which two facets of that power could be used.

Simply expressed, the Governor's discretionary power was his ability to act without or contrary to the advice of his ministers. The most extreme exercise of that discretion included the dismissal of ministers - in essence, a refusal by the Governor to accept any of their advice -, the disallowance or suspension of colonial legislation, and the refusal of advice which was considered to be contrary to law or subversive to the constitution. As has been pointed out above,¹ however, the use of discretion for those purposes was very infrequent. Much more common were the special cases afforded by the prerogative of mercy, the selection of the leader of new administrations, the Governor's control over the dissolution of the legislatures, and the appointment of members to the upper chambers. The emphasis placed here on the latter two was not dictated merely by the fact that Normanby

figured in several controversial incidents involving them but because they drew the Governor most squarely into the toils of colonial politics.

In many colonies, the prerogative of mercy had, from an early stage of responsible government, been conducted largely on ministerial advice. Indeed, in the Dominion of Canada, that fact had been registered in a change in the Governor-General's Instructions in 1878 when, except for matters of direct imperial interest, he was enjoined to accept advice. That change was extended to the Australasian colonies in 1892. Generally, only those Governors with a special interest in the question such as Sir John Young, who had extensive experience with the treatment of criminals, concerned themselves with the prerogative. Most seemed to be content to follow the convention of non-interference which had been developed. It was significant also that it was in New South Wales where Young had served that much of the controversy over the use of the prerogative took place. The action of Governor Musgrave in Queensland in 1888 when he overruled advice in a colony in which such a convention of non-interference had been established was the most important single factor leading to the change in 1892.²

In part, the right of selecting the politician to form a new administration was a corollary of the control of dissolution by the Governor. If a dissolution was refused and in consequence the ministry which advised that step resigned, he had to find a man capable of forming a new government which could command stable support in the legislature or at least make a reasonable case for a dissolution itself. Other circumstances

usually less difficult, necessitating selection were the resignation of a prime minister as an individual or the resignations of ministers as a result of electoral or parliamentary defeat. Where tolerably stable party groupings with acknowledged leaders had become established, the selection was relatively simple, the party leader being approached to form a new government. It could be much more difficult, however, where those factors were absent and where there were many politicians from whom to choose. Even with the possible advice of the retiring prime minister or other interested people,³ the selection in those circumstances could occasion some criticism of a Governor's choice. Such a case, detailed below, was the choice of Sir Bryan O'Loughlen as the Premier of Victoria in 1861.⁴

Before examining Normanby's exercise of his discretion pertaining to dissolution, some general comments should be made about that aspect of the prerogative. By studying Normanby's actions, it appears to this writer that the authorities on the Governor's discretionary powers such as Todd, Keith, Evatt or Forsey⁵ have neglected one essential element. In their arguments on the validity of other authorities and in their search for general rules in a jungle of precedents, they have shunted the personal factor completely into the background. A Governor was not a robot sifting through precedents and the works of May, Bagehot, Hearn or Todd⁶ in order to arrive at the optimum solution for a given circumstance. He could and usually did, especially if he was well-versed in such matters, use them to dress his decision with authority but that decision could be arrived at

initially on personal grounds. One must, in fact, learn something of a Governor's private motives, an understanding of which is very difficult if public documents only are consulted. Of course, this is not to imply that all Governors used their discretion in that way - only a completely detailed study of each case supplemented by a knowledge of the Governor's prior conduct and political sympathies could establish that. But, in the case of Normanby, it does seem clear that the personal factor can not be ignored.

In 1858, Herman Merivale accurately assessed the role of the prerogative of dissolution: "By far the most important discretionary power now vested in a Governor, under responsible government, is that of dissolution."⁷ The discretion exercised by the Governor in granting or refusing requests for dissolution frequently came under attack, especially from those politicians who felt themselves adversely affected by it. Some delegates at the 1887 Colonial Conference suggested its removal,⁸ but it survived intact well into the twentieth century. Trollope's prediction made in 1873 that "it will come to be accepted in the colonies before long as good constitutional doctrine that, in this matter, as in all other matters of political practice, the governor should be guided by his responsible advisers . . ."⁹ was proved rather premature. Why it did not follow the direction of the prerogative of mercy is not altogether certain but the tradition of the Governor's unfettered control, the Colonial Office's backing of that position and the feeling on the part of many colonists that it countered unfair political tactics were

contributing factors in its survival. Furthermore, political conditions in many colonies were such that they enabled that control to be used with success, an essential basis for its continuance.

By the 1880s, there had been many examples of granting or refusing advice for dissolutions before the prescribed length of colonial parliaments had been expended and a host of general grounds for a Governor's conduct had been established. So many indeed that in 1878 Robert Herbert could comment: "There is now a precedent which will fit almost any conceivable combination of circumstances under which a dissolution may be asked and refused" ¹⁰ In the same vein, he had noted earlier the wide latitude a Governor had:

There being of necessity no rule on the subject, a minister has always some good argument in favour of being allowed a dissolution, and a Governor can not, except in a very extreme case, be proved to be wrong in refusing a dissolution; because under the constitution he is alone responsible for doing what in his own view of all the circumstances, he thinks right. ¹¹

A Governor could take into consideration factors like the age of the existing parliament, whether supply had been secured or not, whether there was any chance of finding an alternative ministry in the assembly, which group had controlled the last dissolution, whether the grounds advanced were valid ones, the possible outcome of the election to follow, whether there were definite issues on which an appeal to the electorate could be made, and the problems caused by the timing of the new election. Under-scoring all these was the necessity, in Herbert's words, to act "fairly to all parties and in the best interests of the

1859-60.¹⁷

The refusal by Normanby to grant Sir George Grey a dissolution in late 1877 has a double interest. In the first place, Normanby set out most fully his opinions as to a Governor's use of the prerogative in defending his refusal in the face of an eloquent and persistent attack by Grey. Secondly, it was the weightiest example in his career of how a Governor could use his constitutional powers to influence colonial politics and to give some force to his own personal prejudices.¹⁸

Grey had assumed office on October 13th, 1877 and had been met on the 24th by a motion of want of confidence by the former Prime Minister, Harry Atkinson. Two days later, Grey approached Normanby informally to ask about the possibility of an immediate dissolution.¹⁹ What transpired at that meeting is largely unknown but it was evident that Grey was rebuffed on the grounds that no assurance had been given that supplies would be secured to tide the colony over the period of the elections. Grey, it seemed, had suggested that a dissolution would take place, if granted, whether or not he could secure supply.²⁰

The confidence motion was defeated on November 6th by the casting vote of the Speaker but, on the following day, Atkinson again moved a confidence resolution²¹ which gave rise to another request from Grey for a dissolution. Normanby asked for that advice to be submitted in writing. That, given on November 14th,²² was the beginning of a lengthy exchange of memoranda which, together with the correspondence on the Wilson

affair,²³ has become known as the Second Memorandum.²⁴ One of Sir Julius Vogel's correspondents referred to the exchange as "very well worth reading as colonial essaying on a nice constitutional question."²⁵

In his submission, Grey listed the grounds on which he based his advice, the most important being "that upon the single ground that they were not in power at the time of the General Election, they have a claim to a Dissolution"²⁶ Other reasons were the unsatisfactory state of parties in the House consequent on the settlement of the abolition issue, the parlous position of public business, and the expressions of public support for his ministry by the electorate. He cited as issues proper to be put before the people, the intended legislation on financial affairs and the franchise. In Grey's opinion, "an appeal to the constituencies appears, therefore, constitutional, as well as just and necessary."²⁷ Finally, he listed a series of precedents and opinions to support his case - an impressive case on paper.

However, he was again rebuffed. Normanby asserted, in his reply,²⁸ that Grey's government was "hardly in a position at present to press for a dissolution" It never had commanded a majority in the House, as the recent vote could hardly be construed as an expression of confidence. Thus, there was a distinct possibility that there could be other combinations which could secure that confidence. To bolster that view, Normanby turned to the other arguments put forward by Grey. He could not perceive any important measure or principle which

could serve as an issue in the election nor, in his view, had Grey produced any evidence to substantiate his claim as to the eventual outcome of the election. Additional factors militated against a dissolution at that time. If, as both Grey and Atkinson had proposed, it was their intention to reform the electoral system, then another dissolution would become necessary and it would be undesirable that the colony should be inconvenienced by the trouble and expense of two elections in so short a time. Moreover, he noted that the season of the year was unsuitable for an election. His final and most emphatic point was that no supply had been granted and therefore he could not take the responsibility of sanctioning public expenditure without a parliamentary vote nor of disturbing the colonial finances and perhaps causing individual distress by withholding payments "until at any rate he had exhausted every other expedient."²⁹ If Grey, however, could satisfy him that Parliament had granted three months' supply then he would reconsider his refusal.

In the memorandum, Normanby also took the opportunity to emphasise

that the prerogative of the Crown to dissolve Parliament at any time is undoubted, and it is a prerogative which requires to be exercised with great judgment, and it is an act in which the Crown is called upon to use, to some extent at any rate, its own discretion; and if such is the case with the Sovereign who is not responsible to anyone, more especially must it be so in the case of a Governor, who is directly responsible to the Crown for his exercise of the prerogative.³⁰

Writing the same day to Herbert, he felt himself well-pleased with his reply. He believed that it had been cautious and phrased in such a way that Grey could not possibly criticize

it.³¹ But he was very wrong and over the following three weeks, a copious exchange of notes took place with Grey persisting in his advice and arguing over the use of the prerogative. Grey made his position abundantly clear:

. . . the right of a colonial statesman to a Dissolution was the same as that of an English statesman . . . that he could not admit that there was any inferiority either in ability or patriotism . . . [and] if a Dissolution was given in this country, it should be as unfettered as it was when granted in Great Britain.³²

He believed that Normanby was mistaken in maintaining that the power of dissolution was a prerogative of the Crown. In reality, he was convinced that the power was derived from the Constitution Act of New Zealand, that the Governor was responsible to the law of the colony, and that dissolution was one of those questions on which he should act on the advice of his ministers.³³

Naturally, Normanby rejected that reasoning completely³⁴ and when Grey continued to press his arguments,³⁵ he rather curtly attempted to cut off the exchange. He felt

bound respectfully, but at the same time distinctly, to inform ministers that, he must, for the future, decline to enter into any controversy or discussion with them, of a general or abstract character, regarding his constitutional position, his responsibilities, or his duties.³⁶

If any action of his was considered to be "illegal, unconstitutional, or wrong", recourse could be obtained through an appeal to the Secretary of State. As was inevitable, however, Grey would let no one, particularly a Governor, have the last word and he penned yet another message which, as was promised, elicited no reply.³⁷

Normanby, in fact, did submit his refusals to the Colonial Office, in which he justified his actions.³⁸ As he had

explained to Grey earlier, there was little comparison between New Zealand and Britain over the conduct of dissolutions. In Britain, he considered that the question of dissolution was not brought before the public as a subject for controversy as it often was in the colonies. British ministers did not have an unrestricted right to demand a dissolution at any time and they showed great moderation and consideration in advising such a step as well as an extreme reluctance to bring the undoubted prerogative of the Crown into any controversy. The Colonial Office fully supported the Governor's theoretical position. W. R. Malcolm, though averse to expressing any decisive approval, felt that the Secretary was bound to reply that Grey's ideas could not be supported,³⁹ but Herbert was not so reserved, suggesting that a strong reply be sent stating that dissolution must be controlled by the Governor, empowered as he was by law and practice.⁴⁰ That opinion was incorporated into the official reply by the Secretary of State.⁴¹

A second major theme which ran through the correspondence between Grey and Normanby was the debate over the question of supply. Grey argued that the Governor should not take supply into consideration:

The Governor is simply to do his duty as a Constitutional Ruler. He has no power to take from the people their rights. If they injure themselves, the fault is theirs: he is not to blame. . . . [The] people understand their own rights and interests and are quite capable of taking care of themselves.⁴²

Therefore, he insisted that the ministry was entitled to a dissolution "unfettered by any conditions of supplies being granted."⁴³

Normanby refused to be convinced and stood by his initial position. He stated his opinion clearly in a despatch to Lord Carnarvon:

If I had granted a dissolution conditionally upon supply being voted, I felt that I should be putting a pressure upon the action of Parliament, to induce them to take a step which they otherwise would be unwilling to take; and besides, I should have been placing the exercise of the Royal prerogative openly and entirely in the hands of the House.⁴⁴

The long exchange revealed the wide grasp of constitutional usages and precedents at the command of the protagonists. There was, indeed, some force in several of Grey's arguments especially his criticism of Normanby's contention that "the only desire of the Governor is to secure a Government, no matter how constituted, which can command the confidence of the majority of the representatives of the people of New Zealand."⁴⁵ That might have been constitutionally impeccable but its result, as Grey pointed out, would inhibit the growth of two well-defined parties, would reduce politics to a shapeless character, and would effectively deprive the electorate of its power to decide on any great issues.⁴⁶

Thus, Normanby successfully barred Grey's demands for a dissolution although he did intimate that future conditions might necessitate one.⁴⁷ But, at no time, would he give an unconditional one. Any dissolution must be followed by an early election and recall of parliament. Nor would he give Grey a promise of a certain dissolution in the future.⁴⁸ On the other hand, Grey refused to resign nor did he give any indication that he was expected to do so.

This account of the basic course of the debate, however, does not make apparent the underlying and more personal motives of the Governor and his Prime Minister. One must place it in the context of the long antipathy between the two.⁴⁹ Rutherford, his protégé, Wilson, and Fieldhouse all agree that Grey did have ample grounds for his advice.⁵⁰ Even Herbert, certainly no admirer of Grey, observed:

I am not sure that in this case, as far as I understand it, I should not have given Sir G. Grey a dissolution at once. It might have been well to preclude the possibility of any such complaint that he had not had the fairest possible chance of showing whether he could form a stable administration.⁵¹

Before Grey had come to power, Normanby had admitted that, although it could be difficult to justify, he "should be very glad if I see any way to any fair or legitimate grounds for a dissolution"⁵² Rather more explicitly, immediately after Grey had become Prime Minister, he lamented to Carnarvon that "had the Government [i.e. Atkinson's administration] even had a majority of one I had thought of a dissolution but . . . a government which goes to the country simply because it is weak seldom does much good"⁵³ Thus it appears as if he was willing, in fact eager, to give Atkinson another chance. Why then did he refuse Grey? The answer lies without doubt in his dislike of Grey and his supporters.

On October 16th, Normanby wrote to Herbert assuring him that he would not give Grey a dissolution before he secured supply and he doubted, almost gleefully, that he would be able to do so as he predicted that the government would collapse in the near future.⁵⁴ A month later, he reiterated the same course

to Carnarvon.

To give him a dissolution now would be a fatal mistake . . . but I shall have to be extremely guarded in the way I refuse it and my present intention is to place the chief stress upon the fact of supply not having been granted.⁵⁵

Again he was confident that Grey would fail and, if he resigned, he expected that he had a good chance of forming a new, more satisfactory ministry.

He was less confident by the end of November. A dissolution then had to be avoided at all costs as he was convinced that Grey was likely to benefit substantially from a new election although he hoped that public opinion would change in the new year.⁵⁶ His pessimism deepened in the weeks which followed. He knew that he would have no sufficient grounds to refuse another request for a dissolution and he pinned his hopes for staving off an election on the disunity in Grey's Cabinet where he felt that many ministers were, unlike Grey and himself, unconvinced of the government's prospects of success in an election. To foster that split, he prompted Grey into publishing their correspondence and, when the Prime Minister delayed that publication until the end of the session, he accused Grey of avoiding, by that deception, any discussion on the exchanges.⁵⁷

D. K. Fieldhouse was obviously only partially correct, therefore, when he stated that Normanby had miscalculated and had failed to force Grey to resign.⁵⁸ Normanby knew his man well by that stage and he certainly must have doubted whether Grey was sincere in wanting a dissolution but rather was using the incident as a further irritant. His early hope was for a parliamentary

reversal for Grey and perhaps a dissolution to his successor rather than the expectation that Grey would resign. As that hope dissipated, he began to see the refusal of a dissolution as the only means of stopping Grey from strengthening his hold on the House and thus gaining time to enable Grey to make himself unpopular in parliament and in the country. After November 19th, he seemed to sense that Grey was becoming more confident and by December, after supplies had been voted, he was firmly convinced that Grey did not want an immediate dissolution but one which he could hold over the head of the House. Thus Normanby's concern that any dissolution, if granted, would have to be an immediate one.

A similar pattern of personal motives was evident in Normanby's administration of Victoria where, although it was his most uneventful, he continued his policy of defending his full control of the prerogative and where again he was the subject of criticism by politicians and the press over the conduct of his discretion.⁵⁹

Some account of the turbulence of Victorian politics in the 1870s has been given above.⁶⁰ It was a decade characterized by growing democracy, political instability, and, above all, by conflict between the two houses of parliament. A tradition had almost been established there of discord between the Governor and some section of the political body. Normanby's predecessors, Darling, Canterbury, and Bowen had each in turn been drawn into the turmoil usually over the exercise of the discretionary powers.⁶¹ During the decade, there had already been three

elections, seven ministries, and three resignations contingent on a refusal to dissolve the Assembly⁶² That pattern was to continue well into Normanby's administration.

While he was in New Zealand, Normanby had revealed a keen interest in the course of Victorian politics and had made his preconceptions very clear to his private correspondents. He deplored the political violence and was fond of comparing Graham Berry and his supporters in Victoria to Sir George Grey and his cohorts in New Zealand.⁶³ His sympathies obviously lay with the conservative elements, an attitude which could only be reinforced by the contemptuous opinion of the Victorian Liberals held by Bramston and Herbert.⁶⁴ After he arrived in Melbourne, that attitude was strengthened although he, by no means, approved of all the actions and opinions of the conservative forces in the colony.⁶⁵

In December 1879, on the third reading, Berry's Legislative Council reform bill, which Normanby considered to be "ill-considered, hastily drawn-up and framed in a spirit of antagonism . . .",⁶⁶ obtained a small majority (43-38) but because it failed to reach the statutory absolute majority it lapsed and was abandoned. Berry immediately requested Normanby to dissolve the Assembly as soon as the necessary monetary measures were approved.⁶⁷ He asserted that the vote on the reform bill did not fully represent the real feeling of the colony and thus he was anxious to submit it to the electorate. When he accepted that advice without demur, Normanby stressed the facts that the existing parliament was almost over and ordinarily would not have met again,

that it had been elected under the auspices of a previous administration, that the reform measure had never been submitted to the people, that it had achieved a small majority, and that he could see little possibility of finding an alternative ministry in the Assembly if Berry did resign as a consequence of a refusal.⁶⁸

The informal nature of the exchange drew out some adverse comment in the Assembly⁶⁹ and in the press.⁷⁰ Both the Opposition and the Argus were concerned to discover the exact advice given and the Governor's reply as Berry had implied that the acceptance had been unconditional. A leader-writer in the Argus hoped that "a statesman of His Excellency's judgment and experience [would] not assume undefined obligations . . ., or give his advisers carte blanche . . . without taking precautions against an improper use of Her Majesty's prerogative."⁷¹ In the Assembly, Normanby came under quite fierce criticism and many opposition and 'corner' members suggested that if the session had continued, an acceptable reform measure could well have been passed.⁷² One member even went as far as giving notice of his intention to move that an address be presented to the Governor urging him to reconsider his decision.⁷³ However, Berry refused to allow time for it to be debated.

Patently prompted by the criticism and dismayed by Berry's implication, Normanby sent a biting memorandum to the Premier,⁷⁴ demanding that no unnecessary delay take place before the meeting of the next parliament and that a specific date be set for the next session and an approximate one for the new Assembly. Berry conceded to those demands⁷⁵ and when they were

published in the Assembly,⁷⁶ the Opposition and the Argus were jubilant, censuring Berry severely for his insinuation of an unconditional dissolution.⁷⁷

Normanby was clearly satisfied that he had extricated himself from a difficult situation without too much embarrassment and that Berry had been discomfited.⁷⁸ He was equally delighted when the election resulted in a narrow victory for James Service, the Conservative leader whose long support for free trade, whose political moderation, and whose businesslike manner were more to Normanby's taste.⁷⁹ But he was soon confronted with another request for a dissolution. Service's reform proposals, the temperate nature of which Normanby obviously favoured and which he thought met with wide approval,⁸⁰ had been beaten by two votes (43-41) in late May. The erosion of Service's small majority had already been noted by the Governor and he seemed to have come to the conclusion at an early stage that another dissolution would be necessary if Service's bill failed. Another election would be costly and inexpedient but, to his mind, valuable because it "will be unmistakably in favour of the present Government."⁸¹

When the request was made on June 25th,⁸² Normanby considered it "one of considerable difficulty and anxiety" which would require strong reasons to justify acceptance.⁸³ Service's advice was based on the necessity to settle the Legislative Council problem as soon as possible. He was confident that his scheme would find favour with the majority of the electors who would return his administration with a good plurality.⁸⁴ Once

again, the advice was accepted. Normanby emphasised the overriding importance of a rapid solution to the reform issue and deplored the "want of mutual moderation and forbearance" shown by members of both chambers which, in his opinion, compared very unfavourably with the situation in Britain. With the recent Berry case in mind no doubt, he took pains to urge that the Assembly be dissolved at once.⁸⁵ Indeed, the whole memorandum, which was extremely detailed and immediately published, bore evidence to the fact that he wanted no repetition of the criticism which he had received in December and that he realized that such an early dissolution would require ample justification.

A confidential despatch early in July throws further light on his decision and his personal, aside from the strictly constitutional, views. The only alternative to a dissolution would have been the reinstatement of Berry. If that had been resorted to, he would have regretted the step immensely as Berry had, in the Governor's view, presided over the ruination of the colonial finances as well as fostering jobbery and corruption. Without doubt, Berry would have accepted an offer to form a government with alacrity, hoping for luck to assist his stay in power. That course was entirely rejected by Normanby as being detrimental to the well-being of the colony. He admitted frankly that "this attitude did to a considerable extent influence the decision I arrived at."⁸⁶

As was to be expected, the Age, the organ of the Liberals, was aghast at the decision⁸⁷ while the Argus and the Daily Telegraph spoke warmly of Normanby's "wisdom and propriety".⁸⁸ Perhaps

fortunately for the Governor, the immediate prorogation of the Assembly precluded the Berryites from launching a bitter attack in the House.

The elections, which returned Berry to power, were a profound disappointment to Normanby, overturning entirely his purpose in granting the dissolution. In reply to one of the Governor's private letters, Lord Kimberley commented: "It is very provoking that you have got Berry and his party back again" ⁸⁹ Normanby frankly conceded that his predictions were wrong but he considered that it would not be long before the new administration would crumble from within. ⁹⁰ It was a year, however, before that happened. ⁹¹ By June 1881, the disunity of the ministry had become so evident that even the Age had begun to suggest that a further dissolution was necessary in a situation where "parties . . . are so split up by factious motive that no party is sufficiently strong to assert its superiority over the others." ⁹² That observation was borne out in July when Berry, after being defeated on a confidence vote, did advise a dissolution, a request which was refused as Normanby considered that he could find another ministry in the existing Assembly. He did, however, ask for a written submission from Berry, again recalling no doubt the difficulties of the previous request by Berry.

In his written advice, Berry cited as the most important reason for a dissolution the fact that the Assembly had been elected under the auspices of Service on the distinct issue of Legislative Council reform. That question had been recently

settled⁹³ and the voters should be given an opportunity to express a verdict on that settlement. Although the Assembly was divided into three or four groups, the Premier maintained that he commanded by far the largest support and it would be impossible to find a viable alternative. In any case, his ministry enjoyed the massive support of public opinion. The Opposition had no unity, no policy in common and only a strong new government could deal effectively with pressing economic troubles. As a final sally, he echoed Sir George Grey in asserting the unquestioned right of ministers to control dissolutions, using as his major precedent the Service dissolution of June 1880.⁹⁴ In many ways, indeed, the request was very similar to that made by Grey in New Zealand in 1877. Both were refused but, unlike Grey, Berry immediately resigned.

As he had done with Grey, Normanby firmly refuted Berry's assumptions about the prerogative. He declined to discuss the motives of the members who had voted against Berry or the way in which the Assembly was constituted and focussed his attention on the general nature of dissolutions. They must not be "frequent and sudden" as that would tend to weaken the independence of parliament and place unnatural power in the hands of the ministers. Moreover, he discounted Berry's use of British examples and authorities, explaining that there was no true parallel between British and colonial situations. In Britain, there was not the same publicity given to communications with the Crown, all requests for dissolution, in his opinion, were of undoubted validity and no minister there would have tendered such advice

under the same circumstances.

Turning to specific reasons, he pointed out that there was no important issue before the electorate and insisted that a dissolution should never be used for the simple purpose of trying to strengthen the ministry in power. Anyway, there seemed no evidence that Berry would be strengthened. As the Assembly was still in its early stages, he therefore considered that he had a reasonable chance of locating another government. All in all, it was an eloquent rebuttal in which Normanby again displayed his mastery of constitutional niceties.⁹⁵

He did succeed in finding an alternative ministry but it was a woefully weak one and its period in office until January 1883 was one of inaction and a constant struggle to ward off repeated confidence motions. In fact, Normanby himself often lamented its weakness.⁹⁶ It is difficult to escape the conclusion that he refused Berry's application in order to force the Liberal leader from power. He certainly had no liking for weak governments or any special endearment for Sir Bryan O'Loughlen, the new Premier. There was some force in the Age's allegation that "the present situation is a direct contradiction to the Governor's hope of a strong government."⁹⁷

The end of the undistinguished O'Loughlen ministry came in early 1883 when, in his turn, the Premier requested a dissolution. Since late December 1882, he had been discussing the possibilities of an election with Normanby⁹⁸ but he did not submit his formal advice until January 26th. O'Loughlen blasted the evident intention of many members of the Assembly to impede

government measures in "a carefully cloaked policy of obstruction." A dissolution at that time would expedite business and supply had already been granted. Finally, he trotted out the familiar grounds that the Assembly had been elected under a different administration, that it was to end in July, that the policy of his government was well-received, that there were no genuine party groupings but only factions in the Assembly, and that public opinion definitely supported an immediate dissolution.⁹⁹

In his brief reply, the Governor accepted the Premier's reasoning and made clear his satisfaction that the malingering of the Assembly was to end. He felt that he was acting on "the principles of responsible government" by accepting advice from a ministry in full possession of the support of the legislature.¹⁰⁰ When he reported his action to the Colonial Office, he stressed that the most telling arguments for the dissolution were the coming end of the parliament and its patent inability to do any constructive work.¹⁰¹

Although a majority of the colony was quite content to see the end of the ministry, there was heated criticism of the manner in which it had been brought about. The three leading Melbourne newspapers exhibited uncommon unanimity in describing the dissolution as a 'coup',¹⁰² and assailed Normanby's acceptance of it. Not unnaturally, the Age hit hardest, accusing the Governor of gross partiality in his handling of dissolutions in the colony since 1880.¹⁰³

To be fair, Normanby, in his desire to rid the colony of the O'Loughlen ministry, made light of the peculiar aspects

surrounding the request. The Premier had given no indication to the Assembly of his intention to dissolve and in December had even asked for an adjournment, secured supplies and set a date for the resumption of business in February. In the interim, O'Loughlen had realized that his hope of raising a substantial loan to shore up the colonial finances had failed and his chances of remaining in office had drastically fallen. That factor would appear to have been the fundamental reason for his request and, in that light, the dissolution was a somewhat unusual one. The Daily Telegraph's blunt assertion that Lord Normanby's acceptance enabled "ministers to consummate a gross breach of faith . . ." ¹⁰⁴ was a telling one and contained an element of truth.

One final comment seems relevant. G. P. McCormack, in his study of the Governors of Victoria, concluded that, in Normanby's use of the prerogative:

It is not easy to read any pattern of consistency into his actions Although he readily affirmed the existence of the discretion, he was unwilling to limit its scope by defining any of the conditions of its exercise. ¹⁰⁵

Such a conclusion disregards two basic considerations. To remain an unfettered prerogative, it was essential that there be no limitation of scope by its practitioners. Nor can any 'pattern of consistency' be expected when one not only has to take into account a bewildering variety of constitutional precedents and authorities but also the vagaries of personal motive.

In the broadest sense, the Governor's control over appointments to the upper houses of the colonial parliaments which had

nominated bodies¹⁰⁶ was a part of his wider responsibility to preserve the constitution. It was not generally detailed in his Prerogative Instruments¹⁰⁷ but was an accepted convention of the British parliamentary system.

The propriety of a bicameral system in the context of colonial politics will not be examined here but most Governors, with their background of British experience, did favour the retention of an upper chamber as a bulwark against the excesses of colonial democracy and did attempt to preserve it as an efficient part of the constitution.¹⁰⁸ In effect, that involved limiting the size of the chambers to a reasonable number, checking the propensities of the ministries-of-the-day to appoint additional members in order to give them a numerical superiority, and insuring that well-qualified men were appointed. With the support of the Colonial Office and buttressed by local conventions as to the acceptable size of upper houses,¹⁰⁹ the discretion, although never unchallenged by colonial politicians, remained fairly securely in the Governor's hands until the 1880s. In New South Wales, where the whole question of the discretion had been debated since the 1850s, effective control passed to the ministries in the late 1880s and in New Zealand, where Governors Onslow and Glasgow had figured in crises over appointments between 1891 and 1893, the same process took place.¹¹⁰

Judging from the experiences of Normanby, the discretion could be used for other purposes than those outlined above, although again the Governor could use conventional arguments to justify his actions. Normanby appeared far more ready to appoint

members of those political groups he personally favoured and there is no doubt that, on one occasion, he refused to appoint a man solely for the purpose of embarrassing a government and perhaps forcing it to resign office.

He was introduced in Nova Scotia to the political abuse which a Governor could attract over the discretion although there is no evidence to suggest that he used it unfairly. During the last days of the Johnston administration in 1859, Normanby refused to appoint three nominees to the Legislative Council as he was uncertain that the ministry had the confidence of the Assembly,¹¹¹ an action which was to be of some interest in assessing similar decisions by Normanby in Queensland in 1873-4 and in New Zealand in 1877. That refusal was attacked as unconstitutional by the Conservative press in the colony.¹¹² A similar reaction greeted his acceptance of several nominations by the Liberal ministry from 1860 to 1862, in which the calibre of the appointees, the areas from which they were drawn, and the undue 'cramming' of the Council were criticized.¹¹³ However, there had been vacancies in the Council in 1860 and a preponderance of Johnston's supporters there and, as much as Normanby supported the Liberal government personally, he was certainly not acting entirely in a partizan manner in accepting such advice.

The same can not be said for his actions in Queensland. Soon after he arrived, he had occasion to approve the appointment of three men nominated by Palmer. Even though there were several members absent in England, he did so reluctantly as that addition increased the total membership above twenty, a figure

that seemed to him to be reasonable and tailored for efficiency in a colony of Queensland's size and population. To that end, he received from Palmer an assurance that any future vacancies would not be filled until there were again twenty members who were resident in the colony.¹¹⁴

On the same day as he informed the Colonial Office of the resignation of the Palmer ministry, Normanby also advised that he had accepted seven nominations to the Legislative Council, put forward by Palmer in December 1873.¹¹⁵ As justification, he pointed to the growth of the wealth and population of the colony and the large recent increase in the lower House. That enlargement of the Council to twenty-eight members drew severe criticism from the Colonial Office. Herbert thought it far too large for the leader of one political party especially at a time when he had been defeated at the polls: "I regret that Lord Normanby should have yielded so easily to Mr Palmer."¹¹⁶ That opinion was seconded by Lord Carnarvon, who added:

The difficulty of maintaining two legislative chambers in a colony is great enough of itself but it is wholly aggravated by so reckless a proceeding as the simultaneous addition of about $\frac{1}{4}$ of the entire body of the Council all with one exception being taken from one political party. It seems to me that unless in a nominated Council a fair balance is maintained, disturbance is sure to ensue.¹¹⁷

The course "of very questionable precedent"¹¹⁸ followed by Normanby can only be explained in terms of his views on the Queensland political situation.¹¹⁹ He could well have refused the nominations as it was evident at that stage that he could have found a viable alternative ministry if, in consequence, Palmer had resigned.¹²⁰ His fundamental motive was to strengthen

the conservative forces in the Legislative Council to counter any radical measures of the new government, an expectation which was borne out during the next few years in Queensland. As the Daily Telegraph stated, his formal reasons were "singularly delusive and almost ludicrously inadequate."¹²¹ But, on the whole, he was to escape the volume of bitter criticism which Onslow had to endure when he made appointments in similar circumstances in New Zealand in 1891.

Of equal interest was Normanby's refusal to appoint J. N. Wilson to the Legislative Council in New Zealand in October 1877.¹²² Grey approached the Governor informally on the 26th of that month, armed with a memorandum from five Cabinet colleagues, to summon Wilson on the grounds that he would strengthen the legal content of the Council.¹²³ The advice was rejected. The next day, Grey repeated the request in writing¹²⁴ but again it was rejected. The Governor gave as his reasons for doing so the claim that the matter was of no pressing urgency and that he would make the appointment only after the question of no-confidence then in debate in the House was settled. However, if Grey wished to make Wilson a minister, then he would agree to the appointment at once.¹²⁵

As he admitted to Herbert later, Normanby had no personal reservations about Wilson's fitness. He was "a thoroughly honest and upright man, very tough in his manner and very pigheaded."¹²⁶ If he was in the Cabinet, Normanby suspected that he could even prove difficult for Grey to handle. There was a better reason for the refusal.

As with the dissolution incident, the Wilson case must be

placed in the context of the long and bitter feud between Grey and Normanby. Grey's motives for advising the appointment must remain unknown, although he did point out later that he had done his best to prevent the request and only made it at the insistence of his fellow ministers.¹²⁷ It is likely, however, that, considering his opinions and earlier attitude towards the Governor, Grey planned to use the advice for his own political advantage, especially after the first refusal. Had he definitely needed Wilson, he could well have attached him to the ministry. If the advice had been accepted, he could have advertised it as a gesture of confidence by the Governor in his administration; if, as he must have expected, it was rejected he could use that as an issue to sway the House in his direction during the no-confidence debate.

Faced with that choice, Normanby took the line consistent with his attitude towards Grey and his reading of the political situation.¹²⁸ He knew Grey would not resign over the refusal and he did not wish to give any solace to the ministry even though he was supremely confident at that stage that Grey would be defeated and that he could find a stronger alternative ministry.¹²⁹ Moreover, he was convinced that Grey was determined to pick a quarrel with him - "to pay me off"¹³⁰ - and he welcomed the prospect: ". . . if he thinks he is going to bully me he will find that he is much mistaken I will defend myself and if he gets the worst of it, he must not blame me."¹³¹ Indeed, one gets the impression that he considered that the refusal and any subsequent argument would materially weaken Grey's position in the

House and contribute to his defeat.

Looking back over the whole incident later, Normanby rather ruefully admitted the error of that judgment:

. . . had I seen through him, a little sooner, as well as I do now, I should certainly have appointed Mr Wilson to the Legislative Council without making my remarks rather than giving him a handle of it, as the appointment itself would have done no real harm¹³²

After Grey had survived the crucial confidence vote, Normanby duly made the appointment.¹³³

The refusal had an interesting sequel and, although it was not strictly relevant to the main question, some brief comment should be made on it. Normanby had observed to Herbert on October 29th that Grey had acted questionably in asking for written reasons for the refusal and he suspected that Grey might use it to create a case against him.¹³⁴ That suspicion was proved accurate when three days later a motion was introduced in the House by Robert Stout, one of Grey's closest supporters, criticizing Normanby for committing a breach of privilege by noting the confidence motion in the House in his refusal.¹³⁵ A Select Committee was appointed and reported on November 5th that the Governor had indeed been guilty of that offence, although it had been an inadvertent one. A motion to that effect was carried.¹³⁶

Normanby considered the ploy as "clearly a premeditated plan . . . to take the House by surprise . . ." and intended to delay the confidence debate then in progress in the hope that the government would gain some support by it.¹³⁷ But again he welcomed the opportunity to cross swords with Grey:

. . . it is a matter of perfect indifference to me whether they pass the resolution or not as I have got the whole thing cut and dried and I can turn the tables on Sir George. The fact is that he is so utterly ignorant of all Parliamentary rules and procedures that whenever he attempts to do anything he is sure to make a mess of it.¹³⁸

His plan of action was already formed. For making the reasons of his refusal public and for failing to defend him in the House,¹³⁹ he would accuse the ministry of a gross breach of loyalty. Furthermore, he would argue that the ministry itself was guilty of a breach of privilege by advising him to lay the correspondence before the House. When he received the resolution, he would simply send it to his ministers for advice on a reply to be made. The Governor relished that prospect: "It will be a devilish difficult matter to get themselves out of the difficulty they have got into!"¹⁴⁰

He carried out that stratagem in the flurry of memoranda that ensued between Grey and himself.¹⁴¹ Twice he refused to accept advice tendered by Grey as to the reply he should make to the House's resolution and finally sent a message to the House with the advice that he would place the whole question before the Secretary of State for adjudication.¹⁴² That procedure predictably raised severe opposition from the Greyites.¹⁴³

The trap laid by Grey failed owing to the astute conduct of Normanby although he did succeed in delaying the confidence vote for a full week. The Governor may have got the better of the argument, which he without doubt thoroughly enjoyed,¹⁴⁴ but Grey remained in power.

As a concluding footnote, some comment should be made

on Normanby's use of the discretion during the remainder of his tenure in New Zealand, in which time he created seven more councillors on the advice of Grey. On only one did he attempt to resist although he had expressed his contempt of several of the earlier nominees.¹⁴⁵ In January 1879, he remonstrated with Grey about the increase in the size of the Legislative Council and suggested that he defer the appointment of Patrick Dignan until a vacancy occurred.¹⁴⁶ Grey however pressed his advice and the Governor accepted it reluctantly, entering his protest at "an unnecessary and inexpedient" appointment which would "perhaps swamp the independence of that branch of the Legislature." He added, almost defiantly, that a Governor was not bound to accept unlimited increases even though the law did not limit the size of the chamber.¹⁴⁷

It was probable that Normanby gave a sigh of relief that he was soon going to Victoria where he had merely to contend with the problems caused by an elective Legislative Council!

Footnotes

- 1 See Chapter II, pp. 26-7, 39-40.
- 2 The discretion remained somewhat longer in Newfoundland and the Cape Colony.
- 3 Theoretically, the choice could not be made on advice as there were no responsible advisers at such a time. George Higinbotham once suggested to Henry Parkes that the Governor was at liberty to seek advice from his butler if he so wished. Higinbotham to Parkes, 27-9 April 1872, Autograph Letters to Parkes, II, 293-4, ML.
- 4 See pp. 243-9.
- 5 A. B. Keith, Responsible Government in the Dominions (2nd. ed., 2 Vols., Oxford, 1920); A. Todd, Parliamentary Government in the British Colonies (Boston, 1880); H. V. Evatt, The King and His Dominion Governors (Oxford, 1936); E. A. Forsey, The Royal Power of Dissolution of Parliament in the British Commonwealth (Ottawa, 1943).
- 6 Todd, Parliamentary Government; Thomas E. May, Constitutional History of England etc (London, 1863); Walter Bagehot, The English Constitution (2nd. ed., London, 1872); W. E. Hearn, Government of England (London, 1867).
- 7 Minute on Head to Lytton (9 August, 1858), quoted in D. G. G. Kerr, Sir Edmund Head: A Scholarly Governor (Toronto, 1954), p. 193.
- 8 Especially the New Zealand delegates, Bell and Featherston, and Graham Berry of Victoria. See P. P. 1887, LVI, 555-7.
- 9 A. Trollope, Australia and New Zealand (London, 1873), II, 119.
- 10 Minute (3 Jan., 1878) on Normanby to Carnarvon, No. 55, 16 Nov. 1877, CO 209/236.
- 11 Minute (8 August, 1872), quoted in H. L. Hall, Australia and England (London, 1934), p. 59.
- 12 Ibid.
- 13 Minute (29 March, 1869) on Belmore to Buckingham, No. 184, 26 Dec. 1868, quoted in D. P. Clarke, The Colonial Office Attitude towards the Working of Responsible Government (Unpublished Ph. D. thesis, London University, 1953), p. 104. In a private letter to Belmore, Rogers approved Belmore's conduct in refusing a dissolution to James Martin. He commented that "You are

a much better judge being on the spot than I can be." Rogers to Belmore, 9 Jan. 1869, Belmore Papers, A2542-1, ML. Rogers seemed to have considered that the discretion could not be relinquished at that time because dissolutions would be used unfairly and irresponsibly by colonial politicians.

- 14 Minute (10 August, 1872), quoted in H. L. Hall, Australia and England, p. 59. See also Kimberley to O'Connell (Administrator), 18 Sept. 1871, QVP 1371-2, pp. 304-5 - "So much depends upon the particular circumstances of the moment, which can only be appreciated thoroughly by one who is on the spot, that your judgement must carry with it great weight"
- 15 Hearn to Parkes, 30 April 1872, Parkes Correspondence, Vol. 53, 519, ML.
- 16 See above, Chapter V, Sections 1 and 2.
- 17 This incident has been included elsewhere because it was a vital part of the long stream of events contingent on that election. See pp. 151-2.
- 18 Newspaper comment has not been used in this treatment. Comment followed the lines set out in Chapter V, 3, i. e. those papers which supported Grey believed that he had ample grounds for a dissolution (New Zealand Herald, 8, 9 Dec., 1877; 24 June, 1878; Lyttelton Times, 13, 26 Dec., 1877) and those which opposed Grey defended the Governor's action (Press, 19 Nov., 11 Dec., 1877; New Zealand Times, 8 Dec., 1877).
- 19 Grey to Normanby, 15 Nov. 1877, AJHR 1877, A7, (Hereinafter cited as A7) No. 2, p. 4.
- 20 Ibid.
- 21 The vote had been taken in unusual circumstances. It was a 'snap' vote and three of the Opposition members had been locked out of the House.
- 22 Grey to Normanby, 14 Nov. 1877, A7, No. 1, p. 1.
- 23 See below, pp. 254-7.
- 24 The first was between Fox and Grey in 1868-9 and the third between Gordon and Hall in 1881-2.
- 25 E. Fox to Vogel, 12 Dec. 1877, Vogel Papers, GAL.
- 26 Grey to Normanby, 14 Nov. 1877, A7, No. 1, p. 1.
- 27 Ibid.
- 28 Normanby to Grey, 15 Nov. 1877, A7, No. 2, pp. 3-4.

- 29 Ibid., p. 4.
- 30 Ibid., p. 3.
- 31 Normanby to Herbert, 29 Oct. - 16 Nov. 1877, LB.
- 32 Grey to Normanby, 16 Nov. 1877, A7, No. 3, p. 4.
- 33 Grey to Normanby, 19 Nov. 1877, A7, No. 5, pp. 5-6.
- 34 Normanby to Grey, 20 Nov. 1877, A7, No. 7, p. 7.
- 35 Grey to Normanby, 21 Nov. 1877, A7, No. 8, pp. 7-8.
- 36 Normanby to Grey, 22 Nov. 1877, A7, No. 9, p. 8.
- 37 Grey to Normanby, 26 Nov. 1877, A7, No. 10, p. 8.
- 38 Normanby to Carnarvon, No. 55, 16 Nov. 1877, AJHR 1878, A1, pp. 3-4 and Normanby to Carnarvon, No. 63, 14 Dec. 1877, CO 209/236.
- 39 Minute (1 Feb., 1878) on Normanby to Carnarvon, No. 63, 14 Dec. 1877, CO 209/236.
- 40 Minute (2 Feb., 1878) on Normanby to Carnarvon, No. 63, 14 Dec. 1877, CO 209/236.
- 41 Hicks Beach to Normanby, No. 9, 15 Feb. 1878, AJHR 1878, A2, No. 18, p. 14.
- 42 Grey to Normanby, 19 Nov. 1877, A7, No. 5, p. 5.
- 43 Ibid., p. 6.
- 44 Normanby to Carnarvon, No. 55, 16 Nov. 1877, CO 209/236. Hercules Robinson had been reproved by Carnarvon for doing just that in New South Wales in 1877.
- 45 Normanby to Grey, 15 Nov. 1877, A7, No. 2, p. 3.
- 46 Grey to Normanby, 20 Nov. 1877, A7, No. 6, p. 7.
- 47 Normanby to Grey, 28 Nov. 1877, A7, No. 12, p. 9.
- 48 Normanby to Grey, 6 Dec. 1877, A7, No. 14, pp. 9-10.
- 49 See Chapter V, Section 3.
- 50 T. G. Wilson, The Grey Government, 1877-9: An Episode in the Rise of Liberalism in New Zealand (Auckland, 1954) - "There was little defence for Normanby's actions.", p. 21; J. Rutherford, Sir George Grey, 1812-98: A Study in Colonial Government

(Auckland, 1953) - "It is hard to avoid the conclusion that Normanby strained his prerogative to Grey's disadvantage.", p. 604; D. K. Fieldhouse, British Colonial Policy in Relation to New Zealand (Christchurch, 1956), p. xv.

- 51 Minute (3 Jan., 1878) on Normanby to Carnarvon, No. 55, 16 Nov. 1877, CO 209/236.
- 52 Normanby to Carnarvon, 24 August 1877, LB.
- 53 Normanby to Carnarvon, 16 Oct. 1877, LB.
- 54 Normanby to Herbert, 1-18 Oct. 1877, LB.
- 55 Normanby to Carnarvon, 13 Nov. 1877, LB.
- 56 Normanby to Herbert, 22 Nov. - 12 Dec. 1877, LB.
- 57 Ibid., (Dec. 1).
- 58 D. K. Fieldhouse, "Autochthonous Elements in the Evolution of Dominion Status: The Case of New Zealand", Journal of Commonwealth Political Studies, Vol. 1 (May, 1962), p. 99.
- 59 Unfortunately, there are no private letterbooks for this period and this section is largely based on the Governor's confidential despatches to the Colonial Office and on what can be legitimately inferred from replies to Normanby's private letters to Bramston, Herbert, Kimberley, Hicks Beach, and Derby.
- 60 See Chapter IV, pp. 126-7.
- 61 As also did Chief Justice Stawell, the Administrator of the colony several times in the 1870s.
- 62 Duffy by Canterbury, 1872; Kerferd, 1874, and Berry, 1875, by Stawell.
- 63 See, for example, Normanby to Herbert, 20 June 1878, LB.
- 64 See, for example, Bramston to Normanby, 3 Dec. 1878, NP; Herbert to Normanby, 5 Dec. 1878, NP.
- 65 See Normanby to Hicks Beach, 12 May 1879 (Confidential); 3 Sept. 1879 (Confidential), CO 309/119.
- 66 Normanby to Hicks Beach, 3 Sept. 1879 (Confidential), CO 309/119.
- 67 That informal request was reported in Normanby to Hicks Beach, No. 154, 24 Dec. 1879, CO 309/120.

- 68 Ibid.
- 69 VPD 32, 2178ff, (9 Dec., 1879)
- 70 For Example, Argus, 10 Dec., 1879
- 71 Ibid. See also Daily Telegraph, 10 Dec., 1879, for similar sentiments.
- 72 VPD 32, 2134 (Kerferd).
- 73 VPD 32, 2217 (Munro).
- 74 Normanby to Berry, 13 Dec. 1879, encl. in Normanby to Hicks Beach, No. 154, 24 Dec. 1879, CO 309/120.
- 75 Ibid. The next session was to be called in early January, and the new Parliament in early March. The House was finally dissolved on February 9, and the elections were held on February 28. Parliament met on May 11.
- 76 VPD 32, 2267.
- 77 Argus, 17 Dec., 1879; VPD 32, 2267-98.
- 78 Inferred from Bramston to Normanby, 5 May 1880 (Sloan St.), NP.
- 79 Ibid. See also Normanby to Hicks Beach, 18 March 1880 (Confidential), CO 309/121.
- 80 Normanby to Kimberley, 27 May 1880 (Confidential), CO 309/121.
- 81 Ibid.
- 82 Service to Normanby, 25 June 1880, VJHA 1880-1, 1, 36, 727.
- 83 Normanby to Kimberley, No. 67, 26 June 1880, CO 309/121.
- 84 Service to Normanby, 25 June 1880, VJHA 1880-1, 1, 36, 727.
- 85 Normanby to Service, 26 June 1880, VJHA 1880-1, 1, 36, 728. The Assembly was dissolved on June 29 and the new Assembly met on July 23.
- 86 Normanby to Kimberley, 8 July 1880 (Confidential), CO 309/121.
- 87 Age, 1 July, 1880
- 88 Argus, 28 June, 1880; Daily Telegraph, 28 June, 1880.
- 89 Kimberley to Normanby, 7 Oct. 1880, NP.
- 90 Normanby to Kimberley, 21 July 1880 (Confidential), CO 309/121.

- 91 During that year, in nearly every confidential despatch, the Governor criticized the ministry. See, for example, Normanby to Kimberley, 9 Dec. 1880, CO 309/121. He was, however, pleased with the moderation of Berry's Legislative Council reform act. Kimberley, in replying to Normanby's letters in November, remarked tantalizingly: "Your account of the Victorian Democracy is certainly not attractive. It is fortunate, as you say, that Mr Berry has not a large majority." Kimberley to Normanby, 3 Nov. 1880 (Kimberley House), NP.
- 92 Age, 7 June, 1881.
- 93 See Chapter IV, pp. 128.
- 94 Berry to Normanby, 4 July 1881, encl. in Normanby to Kimberley, No. 90, 18 July 1881, CO 309/122.
- 95 Normanby to Berry, 5 July 1881, encl. in Normanby to Kimberley, No. 90, 18 July 1881, CO 309/122.
- 96 See, for example, Normanby to Kimberley, 22 May 1882 (Confidential), CO 309/122.
- 97 Age, 19 July, 1881. Even the Argus admitted that the new ministry was "one of profound disappointment." (11 July, 1881).
- 98 Normanby to Derby, No. 19, 14 Feb. 1883, CO 309/125.
- 99 O'Loughlen to Normanby, 26 Jan. 1883, encl. in Normanby to Derby, No. 19, 14 Feb. 1883, CO 309/125.
- 100 Normanby to O'Loughlen, 28 Jan. 1883, encl. in Normanby to Derby, No. 19, 14 Feb. 1883, CO 309/125.
- 101 Normanby to Derby, No. 19, 14 Feb. 1883, CO 309/125.
- 102 Age, Argus, Daily Telegraph, 31 Jan., 1883.
- 103 Age, 3 Feb., 1883.
- 104 Daily Telegraph, 31 Jan., 1883.
- 105 G. P. McCormack, *The Governors of Victoria and Responsible Government, 1854-92* (Unpublished M. A. thesis, Melbourne, 1962), p. 205.
- 106 New Zealand, Queensland, New South Wales, the British North American colonies before 1867 (except Canada from the 1850s), the Dominion of Canada, Newfoundland.
- 107 In New Zealand, a fixed number was included in his Instructions but that was removed in 1862.

- 108 The Colonial Office often despaired of the task although it readily supported Governors in their attempts to control appointments. Dorothy Clark considers that, on the whole, the Office, from 1854 to 1868, favoured in theory elective councils as the only means of attaining an effective second chamber. The Colonial Office Attitude, Chapter III, f.
- 109 For example, in the 1870s, Queensland, c. 20; New Zealand, about half of the lower house; New South Wales, c. 30. Canada, by Section 26 of the B. N. A. Act was fixed at 76 with provision for orderly extension. Nova Scotia, in the 1860s, c. 21.
- 110 See P. P. 1893-4, LXI, 1, App. 1 for the official documents on the developments in the two colonies.
- 111 Normanby to Blackwood, 13 Dec. 1859, Copy in NF.
- 112 Acadian Recorder, 2 Feb., 1861; British Colonist, 12 Feb., 1862.
- 113 See Tupper's letter to Russell, 26 Dec. 1861; British Colonist, 17 August, 1861; 12 Feb., 1862; Acadian Recorder, 2 Feb., 1861.
- 114 Normanby to Kimberley, No. 90, 27 Nov. 1871, CO 234/27.
- 115 Normanby to Kimberley, No. 8, 21 Jan. 1874, CO 234/34.
- 116 Minute (31 March, 1874) on Normanby to Kimberley, No. 8, 21 Jan. 1874, CO 234/34.
- 117 Minute (1 April, 1874) on Normanby to Kimberley, No. 8, 21 Jan. 1874, CO 234/34. It is interesting to note that Normanby considered six of the appointees "good men". The one who was not was a member of the Liberal party. Normanby to Kimberley, 19 Jan. 1874, LB.
- 118 Carnarvon to Normanby, No. 9, 17 April 1874 (Draft), CO 234/34.
- 119 See Chapter IV, Section 2.
- 120 Being such a scholar of colonial constitutional precedents, it was likely that he was aware of the attitude of the Colonial Office and some of the recent developments in New South Wales where both Young and Belmore had resisted increases in the Legislative Council.
- 121 Daily Telegraph, 29 Jan., 1874.
- 122 This affair has been covered from a slightly different perspective by Fieldhouse, "Autochthonous Developments", pp. 97-8. His reasoning, for the most part correct, is largely

educated guesswork.

- 123 Whitmore, Sheehan, Macandrew, Fisher, and Larnach to Grey, 24 Oct. 1877, AJHR 1877, A4, No. 1.
- 124 Grey to Normanby, 27 Oct. 1877, AJHR 1877, A4, No. 2.
- 125 Normanby to Grey, 27 Oct. 1877, AJHR 1877, A4, No. 3.
- 126 Normanby to Herbert, 22 Nov. - 12 Dec. 1877, LB. He also thought the appointment was the price paid to Colonel Whitmore to induce him to join the ministry. Normanby to Herbert, 29 Oct. - 16 Nov. 1877 (5 Nov.), LB.
- 127 NZPD XXVII, 90.
- 128 There had been no precedent in New Zealand of refusing a nomination to which no personal objection was taken. But there was a precedent for acceptance. In June 1869, Bowen appointed two men to the Council during a confidence motion against Stafford and had appointed one more after the motion had been carried. See Onslow to Knutsford, 23 Jan. 1891, AJHR 1891, 1, A1-A, No. 1, p. 2.
- 129 Normanby to Herbert, 29 Oct. - 16 Nov. 1877 (29 Oct.), LB.
- 130 Ibid.
- 131 Ibid.
- 132 Normanby to Carnarvon, 13 Nov. 1877, LB.
- 133 Normanby to Grey, 23 Nov. 1877, NZNA G17/7.
- 134 Normanby to Herbert, 29 Oct. - 16 Nov. 1877, LB.
- 135 One of those niceties of parliamentary government - a Governor should be officially ignorant of current proceedings in the House. The New Zealand Times called it "a childish fiction", New Zealand Times, 10 Nov., 1877.
- 136 The motion was moved by Stout, NZPD XXVI, 653-5, (Nov. 1), and was carried on the 5th. NZPD XXVII, 3-5.
- 137 Normanby to Herbert, 29 Oct. - 16 Nov. 1877 (Nov. 2), LB. That was also the verdict of the anti-Grey journals. See New Zealand Times, 1, 3 Nov., 1877; Press, 7 Nov., 1877. Even the New Zealand Herald, saw it as a "clever and a smart trick". New Zealand Herald, 7 Nov., 1877.
- 138 Normanby to Herbert, 29 Oct. - 16 Nov. 1877 (Nov. 5), LB.

- 139 Ibid., (Nov. 4).
- 140 Ibid. The Governor's defence was backed up in the House by Opposition speakers. See NZPD XXVI, 653 (Rolleston, Nov. 1); XXVII, 78, 140 (Travers, Nov. 8, 12). Moreover, a pamphlet published on Nov. 8, 1877, by F. D. Fenton (An Examination of the Resolution of the House of Representatives of November 5 Touching on the Personal Responsibility of His Excellency the Governor etc) noted the impeccability of the defence. The pamphlet is in ATL.
- 141 That correspondence was tabled in the House at Normanby's request on November 8. AJHR 1877, A5 contains the whole exchange.
- 142 Normanby to Carnarvon, 13 Nov. 1877, CO 209/ 236. Predictably, he was supported by the Colonial Office. See Herbert's minute (2 Jan., 1878), Carnarvon's minute (2 Jan., 1878), and Carnarvon to Normanby, No. 7, 15 Jan. 1878 (Draft), CO 209/236. That reply was delayed because as Carnarvon observed: "We must not give [Grey] an opening - however flimsy - for an imputation that by an immediate decision . . . we hold an animus."
- 143 NZPD XXVII, 77 (Stout), 81 (Rees), 84 (Sheehan), 90 (Grey), 136 (Stout), 143-5 (Grey) - 8-12 Nov., 1877.
- 144 Normanby to Herbert, 22 Nov. - 6 Dec. 1877, LB. All of the Governor's correspondents congratulated him on his tactics. See Bramston to Normanby, 30 Dec. - 1 Jan. 1877-8; Robinson to Normanby, 9 Dec. 1877; Herbert to Normanby, 3 Jan. 1878 - "I think as usual you have won the contest in admirable style . . . and Sir George is not a match for you however cunning he may be . . .", all letters in NP. Vogel, however, was decidedly critical of the Governor's actions. See Vogel to E. Fox, 3 Jan. 1878 (London), Vogel Papers, GAL - "The dispute with the Governor is much to be regretted but I think he was in the wrong. The request to put Wilson in the Upper House was open to no exception. He is a man in every way fit for the position. If Grey had been going out of office he might reasonably have asked for the appointment. For the Governor to take notice of Want of Confidence [motions] is I think very inexpedient not to say unfair. His duty is to strengthen his advisers, they being responsible . . . he should not pre-judge such a request. To ask that they should be responsible for a refusal they directly disapproved seems to be absurd."
- 145 Normanby to Herbert, 12-15 August 1878, LB.
- 146 Normanby to Grey, 11 Jan. 1879, NZNA G17/7. The total had reached 46 - cf. 83 in the House of Representatives.
- 147 Normanby to Grey, 14 Jan. 1879, NZNA G17/7.

VII

NORMANBY AS AN IMPERIAL OFFICER

1. Normanby and the Self-Governing Empire

There is a special difficulty in coming to terms with the imperial attitudes of a Governor, particularly with those of a man like Lord Normanby who spent some of his life in the Imperial Parliament. One must consider carefully the context in which his observations were made and the audience he wanted to reach. As will be evident from Normanby's attitude to the withdrawal of imperial troops and to the union of British North America,¹ there could be significant changes between a position taken when he was in the colonies and when he was addressing his fellow parliamentarians. Moreover, an attitude formed in London on an issue such as the value of colonial self-government or its extension could be modified by exposure to the realities of colonial life.

Yet, in his attitude to the self-governing Empire, Normanby did maintain a reasonably stable position. Nurtured in the colonial developments of the 1850s and associated with politicians like Russell and Grey, he early accepted the wisdom and necessity of self-government for the settlement colonies. During the 1860s, when the future and the value of the self-governing Empire was being debated in Britain, he had the opportunity to set out his views clearly and they closely paralleled the main

lines of opinion held by his colleagues in the Liberal Party:

In all the larger colonies, self-government is the rule and I know no system of Government more free, more independent, than exists in our colonies. They have the entire management of their own affairs, they have the entire direction as to the spending of their own money and the levying of their own taxes.²

To Normanby, however, self-government was not an open-ended concept although, like many of his contemporaries, he could not precisely locate the optimum limits. There is no doubt that he became unhappy with the trends of self-government particularly in fiscal policy and his experience with colonial politics convinced him of the need for continued imperial control. He once commented to Herbert that Britain should let the colonies know decisively how far self-government extended: "It is hard to say how would be the best way of doing it but unless some stand is taken I fear that mischief will arise."³ True, in 1878, Normanby was obsessed with the dangers he saw raised by the Greyites, but nevertheless that opinion reflected a very real conviction.

He recognized that the system of responsible government entailed great changes in the relationship between the colonies and the metropolis:

A child requires the protection, the direction, and sometimes, the correction of the parent; but as he advances in years, that system ceases; the child grown to mature age is left to manage his own affairs, but at the same time he is expected to work for his own living, and to supply to a large extent his own necessities. So in our colonies, . . . it is hardly just that we should be called to take, as we have up to the last few years, the entire responsibility of defence.⁴

Therefore, he supported the withdrawal of imperial troops from New Zealand during the Maori Wars because it was the duty of the colonists themselves in such a war to protect

themselves If left to themselves they will either come to some terms of peace with the natives . . . or they will soon get rid of their antagonists, fighting them in their own way upon their own ground.⁵

In the same manner, referring to the native wars in southern Africa, he opined that the situation would have been much different if the colonists had been left to fight the wars in their own fashion with "not quite such conscientious scruples" as had been used in the "civilized warfare of the British".⁶ There is some doubt whether Gladstone would have agreed with that particular sentiment.

Although Normanby expressed rather different views of the imperial obligation when he was most concerned with the problems of colonial defence in Nova Scotia, he frequently criticized the reluctance of the other colonies which he administered to provide a satisfactory local defence system. In spite of his pleas to his ministers, however, he could not convince them of that need and he admitted himself that there was not the same urgency in the Australasian colonies as there had been in their counterparts in British North America.⁷ But in general he limited the colonial responsibility to the sphere of internal defence and he agreed that it was the duty of the Imperial Government to defend the colonies in wars in which they were involved by being part of the Empire.⁸

He acknowledged that the idea of colonial separation was entertained by some in Britain in the 1860s but he stoutly denied that it was the policy of the Liberal Party or of the vast majority of the people of Great Britain and the colonies. In his view,

it would be folly to use coercive measures to prevent them if the colonies expressed a decisive wish to sever the connection with the metropolis.⁹ With the policy of self-government, he considered that it was unlikely that the colonies would ever willingly subscribe to separation.

I believe the union is advantageous both to this country and to the colonies, and . . . the wise legislation and the wise policy which have been adopted towards the colonies have so cemented the union which exists between us, and so bound together the colonies with this country, that there is little fear of such a time [for separation] arriving.¹⁰

Normanby himself had raised the spectre of separation in his opposition to British North American union when he was in Nova Scotia but it would seem that he used it mainly as rhetoric to bolster his case.

To Normanby's way of thinking, those who argued that the colonies were only a useless expense and burden to the Mother-country were very mistaken. Without them, she would lose her unique and powerful position in the world: "I believe that the colonies are a most important element of this country. I believe that it is to the vast colonial possessions . . . we owe a great deal of the position which we hold in the civilized world. It is true we receive no pecuniary interest but we receive prestige."¹¹ Moreover, they were valuable as naval bases and sources of recruits and assistance in times of war, and they were still important and likely to grow more important as markets and areas of capital investment.¹² With these emphases on the economic value and the prestige value of the self-governing Empire, one could describe Normanby as a liberal-imperialist in the double sense

that he had accepted the economic assumptions of the Colonial Reformers of the 1830s and 1840s¹³ and anticipated the Liberal-Imperialist of the post-1880 period who saw Empire as a necessity of international power.

One particular asset which he stressed and which again reminds one of some of the Wakefieldian conceptions of colonial settlement was the colonies' ability to provide an outlet for an overcrowded land: "In this country, hemmed in as we are on all sides, and unable in any way to extend our natural boundaries, we must look to the colonies for the relief of our surplus population."¹⁴ But he had learnt from his years in British North America that it was a great mistake to use the colonies as a dumping-ground for paupers and undesirables. What was needed was a steady flow of immigrants with some capital or with the habits of skill and industry.¹⁵ Later, he lamented the consequences of uncontrolled emigration to the Australasian colonies, a factor which he considered had led to political instability and the rise of 'radicals' like Grey and Berry.

Throughout his life, Normanby never abandoned his belief in limited self-government, although even that was sorely tried in the colonies. As with his political attitude, his conception was that of mid-century - a group of settlement colonies, the spiritual and political centre of which remained in London. He did embellish it later, however, with a conviction that some type of imperial federation would serve to draw the Empire closer together and perhaps reinforce the crumbling central control. But there is no evidence to suggest that he had settled on

any particular scheme. In the colonies, he took every possible opportunity to speak out on the values and the merits of the links with Great Britain.¹⁶

Normanby never became an advocate for the unchecked expansion of the Empire. In 1874 he most reluctantly accepted the need for the annexation of Fiji¹⁷ and he set his face against the Australian demand for the annexation of New Guinea in the 1880s:

It appears to me . . . that those who now advocate the immediate annexation by England entirely forget the great responsibility and expense that they are asking Her Majesty's Government to undertake with the view of relieving them from a possible and future evil that may never arise. It seems to me also, that in the event of war the necessity of defending an area so greatly extended would rather diminish than increase the power of England to protect the colonies.¹⁸

With these general considerations out of the way, attention can now be directed to a study of certain aspects of Normanby's career which illustrate both his imperial attitude and the role of the Governor in his capacity as an imperial officer, as it has been outlined in an earlier chapter.¹⁹ The three sections which follow, all drawn from the early years of his career when the imperial role of the Governor was most wide and complex, deal with his attitude and actions concerning the questions of colonial union and colonial defence when he administered Nova Scotia and the question of native labour when he was in Queensland. No claim is made that these studies represent the totality of his imperial role or that he was representative of every Governor in that period. Each interpreted imperial policy and developments in his own individual manner and each colony provided

problems which differed not only in degree but also in kind from others.

2. The Union of British North America

Although the Colonial Office did not throw its full weight behind the movement towards colonial union in British North America until 1864, it had been vitally interested in the course of that movement for more than a decade. The Office expected to receive full information on it from its representatives in the colonies - especially full and frank assessments of the schemes for union which were proposed, the extent of colonial support for them, and their possible results. As the concept of Maritime union began to be favoured by the Office in the late 1850s, it looked to the Governors to use their influence and persuasion to further it. That expectation was always cautiously expressed, however, and the Governors were enjoined not to form too hasty conclusions or to act too precipitously.²⁰ Generally, the imperial attitude was that any scheme for union must originate in the colonies themselves and that that process should not be forced.²¹

The question of union and the related issues of railway development, economic union, and defence not unnaturally attracted the attention of many of the Governors of the Maritime colonies (and later, of course, of Canada). Sir Edmund Head, Sir Henry Manners Sutton, and Sir Arthur Gordon in New Brunswick, and Mulgrave and Sir Richard MacDonnell in Nova Scotia all addressed themselves to those concerns and each developed his own conception

of their nature and the appropriate solutions to them.²² By the time Mulgrave arrived in Nova Scotia, a tradition had already been established of gubernatorial correspondence and involvement in those subjects. Mulgrave carried on the tradition although perhaps not with the earlier dedication shown by Head and Manners Sutton.

The first intimation of his attitude towards union was disclosed in his confidential reply to Sir Edward Bulwer Lytton's circular despatch of late 1858 requesting information on Maritime opinion concerning the Canadian proposal on federation.²³ The Governor had reported in an unadorned despatch that the Nova Scotian government had simply decided to table the proposal in the Assembly when it next met,²⁴ but two days later he made "at great length",²⁵ a personal appraisal of the scheme, setting out his assessment of its practicality and the possible consequences leading from it.²⁶ As far as he could ascertain, there was little support for it in Nova Scotia, except from those few who wished for a wider field for their personal ambition. The proposal was clearly made, in his view, to solve Canada's own internal problems and in the hope that Canada would dominate the proposed federation. The advantages for the Maritime colonies were at most dubious and the practical difficulties in setting up such a scheme were insurmountable. Mulgrave, for his part, emphasised the impossibility of defining a workable division of powers and the almost inevitable disagreements which would occur between the local and federal governments. Thus, he considered that it was patently undesirable for the Imperial Government to lend any encouragement

to the proposal.

From what he had seen, the opinion of most Nova Scotians who had considered the possibility of union favoured a legislative union of the colonies, a concept which would remove some of the difficulties of a federal union. But, to Mulgrave, that entailed almost as many problems as the other scheme. The country was too large and too diverse for its successful working and it would serve only to increase existing jealousies between the colonies. Moreover, Canada would again predominate in such a union to the detriment of the Maritime colonies. The chance of viable political groupings developing in such diverse areas was inconceivable and the French in Canada would undoubtedly feel threatened by the combination of the English in Canada and the Maritime provinces. Judged by earlier attempts made in Nova Scotia, the task of creating appropriate local organs of government which would be necessary in so large a unit would also prove very difficult. His most severe criticism, however, was that a legislative union would inevitably lead to the separation of the new colony from Great Britain. Although he failed to give any clear reason for that consequence, it seems that he considered such a large and potentially powerful union to be incompatible with a colonial status. In fact, he did admit that eventually British North America would become "a great and independent country" but, in his opinion, the time had not yet arrived when the colonies could unite and stand alone. In short, he hoped that any proposal for union would remain, for the time being, "a topic for hustings declamations and an occasional oratorical

display in the House of Assembly."²⁷

His assessment of Nova Scotian opinion in 1858 was indeed accurate. Except for periodic expressions of support for some type of colonial union from J. W. Johnston, William Young, P. S. Hamilton and Joseph Howe in the 1850s²⁸ and two resolutions in the Assembly in 1854 and 1857, there was very little discussion of the issue and even less desire to consummate any form of union. The sentiment of imperial loyalty and Nova Scotia's lively provincialism were too firmly embedded.

Mulgrave's despatch was well-received at the Colonial Office. Herman Merivale thought that his views were "put with considerable force."²⁹ That opinion was seconded by Carnarvon, the Parliamentary Under-Secretary, who suggested that they were well worth reading.³⁰ Although Lytton could not support Mulgrave's conclusion as to the consequences of legislative union, he praised the despatch as "Perhaps the cleverest . . . we have had on the subject - I should be glad to have it before me if the question is opened in our Parliament"³¹

There had been no mention of the possibility of a local Maritime union in the despatch which had concerned itself only with the question of a union with Canada. By early 1860, in another lengthy despatch, he revealed himself as a cautious supporter of that more limited scheme.³² He made clear, however, that his earlier views had not changed and that the status quo was "the one most calculated to promote the prosperity and advance the interests of the community and to cement the feelings of loyalty" Even so, he conceded that there were many

disadvantages to disunity in the Maritime provinces which might be mitigated by a local union. From his experience with Nova Scotian politics, he had become sadly disillusioned with the tone of political life and he was convinced that it could be made healthier and more economical by such a union. It might even produce stimulating economic effects. Moreover, a smaller union would be less likely to endanger imperial ties or to submerge local interests.

As with Manners Sutton and later Gordon in New Brunswick, Mulgrave saw the union as desirable since it would forestall union with Canada. If a link was to be made in the future with the larger colony, it was necessary that Maritime union should already have been in effect so that it could treat with Canada on "something like equal terms". But one of the chief virtues of the smaller union was that if it succeeded there would be, in the Governor's opinion, little inclination on the part of the Maritimers to press for a link with Canada. To him, such a link would have serious implications for the future of the Empire: "I have a strong objection to a proposal for a Union of the Lower Provinces with Canada such a Union would be disadvantageous both in an Imperial and Colonial point of view" ³³

There is little doubt that Mulgrave in the abstract wished the colonies to remain as they were and that he lent his support to Maritime union not primarily as an end in itself but as a means of preventing or at least postponing the wider British North American union. With that point of view, it was not surprising that he never became the strident advocate of Maritime union as

Manners Sutton had become or as Gordon was to become. However, for the remainder of his tenure, confronted as he was with continuing political unrest, and wrestling with the threat posed by defence problems and the civil war in the United States, he did become more and more convinced of its necessity. And in spite of his continuing fear of Canadian domination,³⁴ he also came to realize that some degree of coöperation, short of actual union, was called for with that colony and he worked to encourage common railway and defence policies. When Gordon arrived in British North America, he could report to Newcastle that he "found Mulgrave & myself well agreed on all points relating to the Provinces especially as to the railroad and the Union."³⁵

J. K. Chapman considers that Gordon, in fact, formed his first opinions on Maritime union from reading Mulgrave's despatches on the subject.³⁶

It is interesting to note in passing that on the subject of the Inter-Colonial Railway Mulgrave assumed a typically Nova Scotian attitude. He early approved of the idea of a railway for defence and economic purposes and frequently commended it to the Colonial Office.³⁷ In September 1862, he attended the Inter-colonial Conference at Quebec on the railway question and it would seem, by his correspondence with the other Governors and with the Colonial Office, that he considered himself the inspiration behind it.³⁸ During the following year he wrote a series of letters to Lord Monck urging upon him his concern that Canada should pay more of the cost of the railway and he shared the disgust which most Maritime politicians felt for Canada's

repudiation of the scheme agreed upon at Quebec.³⁹

For the final two years of his administration, there was little further expression of Mulgrave's attitude to colonial union but it seems safe to assume that he retained his earlier assumptions. It was only after he had returned to England that he again dealt with the subject in his correspondence with Howe. In August 1864, when he noticed that Canada was once more broaching the subject of federation, he wrote:

You know my opinion on this subject & I hope that the lower provinces will ponder well before they agree to it. A Legislative Union of the 3 lower provinces is what they should try for as I believe that such a union would add to their prosperity & happiness in every way but any Union with Canada would I think have exactly the opposite tendency. Canada would not be likely to suffer by it & the contending parties there have adopted it as a clumsy expedient for getting out of their present difficulties but why the Lower Provinces should sacrifice themselves for the sake of getting Canada out of a difficulty which does not affect them I do not see.⁴⁰

However, in later letters to Howe and in the debates in the House of Lords on British North American questions, he modified that position substantially. While he still favoured a legislative union, more particularly a local Maritime one, he recognized that such schemes had secured little favour with the colonists. Circumstances had also changed considerably since he had left Nova Scotia and he considered that federation of the colonies had become imperative. Federation seemed, in his view, the only means of avoiding annexation by the United States which since the end of the Civil War had become openly aggressive, and of providing adequate defence now that imperial troops were being withdrawn: "The only safety for the whole is Union, the Intercolonial Railroad, & the erection of certain strong fortifications

together with a thorough organization of the local forces"41

When Howe was in England opposing the federation scheme in 1866, he wrote several letters to his old friend defending his course of action. Normanby refused to support Howe's campaign:

. . . I do not pin myself to all of the details of the Quebec scheme & the mistake which I think you and those who act with you have made has been going against the whole question instead of trying to improve and modify the proposed schemes.⁴²

Significantly he added:

No one would regret more than I would any attempt to separate England from her colonies & did I think that a Union would have such a tendency . . . I would oppose it to the utmost of my power.⁴³

That view was very different to his first stand on the subject in 1858. It is important to note, however, that both the positions he assumed were aimed at the maintenance of imperial unity. Full union in 1858 appeared to him to presage separation but in 1866 it had become necessary to maintain the imperial connection.

He restated the themes, which he had argued to Howe, in speaking on Canadian affairs in the Lords between 1866 and 1868. In July, 1866 he fully supported the postponement of the federation legislation so as to give further opportunity for consideration of the objections to the scheme especially from Nova Scotia. He pointed out that

. . . so much depends on the unanimity and the cordiality with which it is received by the people, that I trust Her Majesty's Government will use the time they will now have at their disposal in endeavouring to frame a measure . . . which shall overcome the objections which are now, I believe, conscientiously entertained by the opponents of the scheme. I do not concur with their views, for I think the Union . . . is essential; but, at the same time, there are details which it will be well to consider with a view to removing objections that do exist.⁴⁴

He was obviously satisfied in 1867 that those objections had been removed because he spoke warmly in favour of the measure and criticized the opposition to it in Nova Scotia. Although he respected Howe for his talents, Normanby considered that he had proved himself in his opposition to be unreliable and "his arguments would not be counted of much worth." To Normanby's mind, Nova Scotian interests would not be sacrificed for the benefit of Canada and the smaller provinces could secure justice for themselves inside the federation.⁴⁰ In any case, he suggested that the Imperial Parliament was "bound to consider the matter not in a local but an Imperial point of view. . . . The Bill would promote the general good of the British North American provinces."⁴⁶ He returned to the same theme when he opposed in 1868 a move to instigate a parliamentary enquiry into Nova Scotian dissatisfaction.⁴⁷

It is difficult to resist the conclusion that on his return home Normanby returned to the mainstream of imperial thinking and particularly to that of the politicians with whom he was associated. He had lost that sense of involvement in colonial affairs which was so natural for a colonial Governor. Perhaps also that was the most reasonable course open to an ex-Governor urgently seeking another colonial appointment.

3. Colonial Defence in Nova Scotia

Probably the single most important imperial concern of the Governors of the British North American colonies in the late 1850s and 1860s was the question of defence. Not only were they

expected to defend the imperial policy of the withdrawal of troops but also to expedite the establishment of an efficient and viable local force to replace them. Both tasks were to prove extremely difficult especially in the climate of fear and uncertainty caused by the civil war in the United States and Fenianism. Along with the other colonies in 1858, Nova Scotia depended for its protection upon imperial troops and the Royal Navy. Although from Britain's standpoint it was the most easily defensible and had the added advantage of being of vital strategic value, Nova Scotia also faced the problem of providing for its own defence from its own resources, a labour for which it was singularly unprepared and very reluctant to undertake.

The militia of Nova Scotia existed on paper only and little had been done to make it an effective force. Mulgrave's predecessor, Sir Gaspard Le Marchant, a soldier with an impressive record, had evidently made little attempt to rectify the situation apart from noting the glaring imperfections of the system.⁴⁸ The Militia Acts placed the organization, discipline, and officer selection in the hands of the Governor but it was understood that the use of those powers under responsible government would rest upon the advice of the Executive Council. However, for a determined Governor with a military background, there was reasonable scope for the use of his initiative, the more so in a colony like Nova Scotia where the Assembly cared little for military matters except the cost of financing expansion or reforms.

The organization of local defence undoubtedly became a

'labour of love' for Mulgrave and he devoted a great deal of time and effort to that end, corresponding regularly and profusely with the Colonial Office and his fellow Governors on the subject. Part of that zeal was prompted by his desire to further imperial policy and to obey instructions but that was buttressed by his own experiences in the army and in the militia in England and a compelling conviction that the spirit of self-reliance should be one of the hallmarks of a British colony. No other Governor in British North America during that period matched his energy in pursuing that end nor achieved the same results, although it must be admitted that Mulgrave did not have to face the political impediments of others.

Early in 1859, he turned his attention to the problem, perhaps sensing the growing resentment in some quarters at home at the cost of imperial defence. In a despatch to Lytton reporting on the local forces, he stated his concern and his objectives:

. . . [I] am anxious to devise, if possible, some means by which this province may be relieved from the imputation, to which it is undoubtedly liable, of neglecting, in time of peace, the preparation necessary for its defence against aggression . . . and of thus becoming a source of weakness instead of strength to the mother-country⁴⁹

In his opinion, it was not feasible to re-establish the militia on its old footing and therefore it was desirable to enlist the services of a smaller body of volunteers to form a nucleus of well-trained men around which a larger force could be created in any emergency, a scheme, incidentally, which had been crowned with some success in Canada in the 1850s.⁵⁰ He proposed to build up in the first instance a force of about 3,000 men and considered

that the volunteer idea would be popular in loyal Nova Scotia. Although the Assembly would meet the operating costs, he pleaded with the Colonial Office to use its influence with the War Office to secure a supply of weapons for the volunteers.⁵¹

For the remainder of 1859 Mulgrave concerned himself with the groundwork of his plan. His request for weapons was at first refused,⁵² but he continued to press for aid,⁵³ pleading the inability of the colony to cope with the expense, already committed as it was to heavy railway expenditures. With the advent of Newcastle to the Colonial Office, it did make strenuous attempts to persuade the War Office to accede to Mulgrave's requests.⁵⁴ The Governor also enlisted the valuable aid of General Fenwick Williams, the new commanding officer of the imperial forces in British North America.⁵⁵ Through him, Nova Scotia was able to secure 3,000 rifles which had been sent to Canada after the Crimean War, and the services of artillery detachments to assist and instruct the volunteers.⁵⁶ Mulgrave travelled extensively throughout the colony to encourage the volunteer movement and he was able to report by the end of the year satisfactory progress.⁵⁷

The following year saw much the same pattern of activity with Mulgrave, supported by the Colonial Office, requesting imperial aid to further the movement and stumping the colony to arouse greater enthusiasm for it. In April, he reported that thirty-two companies of volunteers had been formed comprising about 2,250 men, some of whom were thoroughly efficient. Public support had increased and the question was "happily removed from

the action of party spirit." That support was exhibited most manifestly by a large public meeting in Halifax which most of the notables of the colony had attended.⁵⁸ The whole movement was institutionalized in May by the passing of an act for the organization of the volunteer forces.⁵⁹ Hitherto Mulgrave had acted on the authority of an earlier act⁶⁰ but he had lobbied intensively for a further measure which would allow him the same latitude of initiative and a parliamentary grant of £2,000 a year to finance instruction and purchases of arms and equipment. Although the means were so limited, he considered that "so far the movement has far exceeded my most sanguine expectation . . . by the end of the Summer I shall have a very effective force."⁶¹

With the outbreak of the civil war in the United States an additional impulse was provided to make Nova Scotia more prepared to undertake part of its own defence, particularly after the Trent crisis of November 1861. Attention was now directed by the Imperial Government to the state of the colonial militias, the services of which would be necessary to supplement imperial troops in case of hostilities with the United States. From the reports of the Governors and the military commanders,⁶² it was clearly evident that the militias were in dire need of reorganization. Therefore the Governors were instructed to do everything in their power to press upon the colonial legislatures the urgency of militia reform and to make every personal endeavour consonant with their position to bring that about.⁶³ Moreover, considerable assistance was to be given to the colonies in the

form of further stocks of arms and equipment and more instructors.

Even with that help, Mulgrave could see many difficulties, most of which he had emphasised before in organizing the volunteers. There was the parlous financial position of Nova Scotia, the reluctance of the Assembly to raise taxes to meet defence expenditure, and the difficulty of persuading "the people of the necessity of making any extra exertion in time of peace, for the purchase of arms which they believe will probably never be required."⁶⁴ However, loyalty in the colony ran very deep and with the indignation expressed over the Trent incident, he considered that he should be able to make some progress.⁶⁵ The volunteers could be used, as he had earlier foreseen, as the nucleus for reform. His suggestion⁶⁶ that the Imperial Government should pay for a part of the upkeep of the Militia, a step which, to his mind, would greatly facilitate success, was understandably quickly quashed by the Colonial Office.⁶⁷

Until he left the colony Mulgrave was, therefore, vitally concerned with both the reconstruction of the militia and the further development of the volunteer movement. During the early months of 1862 he lobbied energetically to get the Assembly to pass a suitable militia bill. His letters home testify to both the hard work and care he put into that task and to the impediments he had to overcome. It was a tribute to the earlier success of the volunteers that the ministry left the details for reorganization almost entirely in his hands and the final legislation

reflected his ideas.

Mulgrave's methods of reforming the militia were relatively simple. A thorough enrolment of all those eligible for duty was undertaken and guidelines were established for the training of the officers and men. He planned to expand the volunteers and amalgamate them into the militia, in which they would form the efficient and active portion. The major difficulty he faced was, of course, the financing of those plans: "Without money it is impossible to do much & I have great fear about being able to induce them to vote what will be required."⁶⁸ In a letter to Newcastle in March, he set out the frustration he felt about the reluctance to furnish adequate finance:

You have no idea of the difficulties I have to contend with to get anything done in the way of organizing our local forces. Everyone admits that something must be done but they will not pay for it. They have no practical knowledge of the subject and they will not understand that to get up anything in the shape of a military force must cost money. They think if the militia is enrolled as long as there are plenty of men on the list it is quite unnecessary to go to any expense about their drill. I own that I am almost out of heart about it & begin to despair of doing much.⁶⁹

However, in the end he did get £5,000 and he was thankful for even that, although as Newcastle commented, it was "a very small sum to organize the defence of a province!"⁷⁰ Generally, Newcastle supported Mulgrave's "slow and sure mode of proceeding. . . . You have done quite well already . . . the best might wait for the moment of danger where it would follow with speed & without confusion."⁷¹

Under the Governor's guidance, the militia was gradually reorganized and rejuvenated. Blackwood observed quite rightly

that: "Lord Mulgrave has infused a spirit and rigor in the militia . . . such as has not been known there for very many years."⁷² Enrolment went forward rapidly - by July 1863, over 46,000 men were on the lists,⁷³ the drilling and examination of militia officers proceeded satisfactorily and Mulgrave expressed gratification with the coöperation of the Assembly and the colonists: "There is in this province at present a very laudable desire to improve local defences The inhabitants themselves have shewn an equal readiness to qualify themselves for their militia duties."⁷⁴ Although there was much left to be done, by June he was convinced that "things will be in such a position that there will be but little difficulty in future provided my successor takes a personal interest in it. Everything depends on that."⁷⁵ Just before his departure from the colony, he complimented himself on the job he had done. 'The organization of the militia may now be considered a 'fait accompli' & there should be no fear of its relapsing into its former state The system is not perfect but it is effective & it is I am convinced the best and only one that can be made to work in these provinces & I know I am very proud of what I have accomplished!!!⁷⁶

The volunteer movement, although the rapid advance of its early development slowed markedly,⁷⁷ continued to be the basis of Mulgrave's reorganization. After he had left the colony, however, a gradual decline set in and by 1865 there was little left to suggest the vitality of its early years. There can be little doubt that the major reason for that can be traced to Mulgrave's departure. As N. J. Mackinnon concluded: "The Father of the movement had gone . . . and with him had gone the motivation, the attention, and the drive he had given it."⁷⁸

Normanby kept an active interest in his handiwork for some time after he had returned home. He corresponded with his old Adjutant-General, Colonel R. H. Sinclair and with General Charles Hastings Doyle and he was appalled at the Tupper government's taking the control of the militia into its own hands. In his view, if the militia became the subject of party rivalry, "the whole fabric [would] fall to the ground", as it had done in Canada and New Brunswick.⁷⁹

While he was chiefly concerned with the defence of Nova Scotia, Mulgrave did correspond regularly with the other Governors on developments in their militia systems. Indeed, it appeared as if he was responsible for directing the Colonial Office's attention to the prospect of an inter-colonial defence union,⁸⁰ which was discussed at the Governors' conference at Quebec in September 1862. The proposal was abortive and Mulgrave admitted that such a union would have retarded the militia movement in Nova Scotia by linking it to the less developed systems in the other colonies. Furthermore, the administrative problems of such a scheme would have been insurmountable.⁸¹

Finally some consideration should be given to Mulgrave's attitude to the general policy of imperial withdrawal. Here again the fact of colonial involvement dictated his stand while he was in Nova Scotia, exposed as he was to colonial life, loyalty, and problems. To his mind, the danger posed by the United States was a very real one and he anticipated that when the Civil War was over British North America would become the target of American expansionism. To Lord Lyons, he admitted that he feared that

"when their difficulties in the South are over we may expect ours to begin."⁸² That fear which he thought was borne out in 1865 explains partially why he belatedly supported federation in 1866.⁸³

He was firmly convinced that any war in which British North America was involved would be an imperial war and the colonies, although he was sure that they would do their utmost, would not be able to defend themselves. Thus they should be given protection: "The colonies are loyal and anxious to preserve their connection with the Mother- Country & are certainly quite unfit at present to stand alone."⁸⁴ In fact, withdrawal would be a short-sighted policy and perhaps would encourage the outbreak of war with the United States. The colonies should do more for their own defence but he considered that the neglect they had shown was "as much the fault of England as the Colonies." They should have been encouraged much earlier to undertake that responsibility and given much more help.⁷⁹

Looking at the tone of the debates on imperial defence in the Imperial Parliament in the early 1860s, he was distressed at the suggestions that imperial troops should be withdrawn from British North America at that time:

If it is the deliberate wish of England to give up the Colonies it would be far better to say so & to make arrangements for parting on the most friendly & advantageous terms but then what would become of the power and greatness of England. It is all very well saying that she does not derive advantages from the Colonies but if she were divested of them how long would Great Britain remain the power it is.⁸⁶

When he returned to England those views underwent some change and his later attitude fell more in line with imperial

policy. In 1865, he pointed out to Howe that Britain was physically unable to defend the colonies and that they must make every sacrifice to provide suitable forces for defence:

It is no longer enough for each Province to keep up a few Regts of half-trained Militia. So long as the U. S. had no standing army, the Militia, as long as it was organized and partly trained, could be made efficient as quickly as on one side of the frontier as the other but now the state of things has entirely changed.⁸⁷

The future imperial role, he now believed, must be the retention of naval supremacy on the Atlantic Ocean.⁸⁸ Britain "had no longer the power, even if she had the will, to provide defence."⁸⁹ Those sentiments were rather different to those which he had entertained some years before in Nova Scotia.

4. The 'Polynesian' Labour Question

When Normanby returned to Queensland on a visit in early 1882, the Brisbane Courier in a leading article reviewing his administration of the colony, commented that one of his conspicuous successes was in defending Queensland on the native labour question: "He fought our battles with Downing St . . . [and] did his best to free us from complicity."⁹⁰ That assessment, from a journal which was not particularly favourable to Normanby during his years in Queensland, was indeed a very fair one. One need only glance through his correspondence at that time to discover that the question did occupy a great deal of his attention and that he was very fastidious in not only answering charges against the treatment of native labour in the colony and the methods of its recruitment but also in reporting meticulously to the Colonial Office all that he could discover by rumour and first-hand

experience on the subject.

As Owen Parnaby, in his study of the labour trade,⁹¹ has pointed out, the control over Queensland vessels plying the trade and the treatment of the natives within the colony resided with the colonial government although the imperial authorities did have a negative control in that they could threaten to halt the recruitment of labourers, thus interfering with the Queensland source of supply. Parnaby also considered that, although the Colonial Office was loath to restrict the colony's rights, while Frederic Rogers was Permanent Under-Secretary there was a determined effort made to force the Queensland government to make suitable regulations for the control of the trade.⁹² In Rogers' opinion, the question was not merely a Queensland one but involved the honour of the British name. The Governor, as the representative of the Crown, was under "the most serious responsibility . . . to use his utmost influence to secure that these emigrants receive that special protection which immigrant labour [needs] in Queensland and in other colonies . . . and without which they must be at the mercy of those about."⁹³ When Herbert succeeded Rogers, Parnaby concluded that there was no one left at the Colonial Office who would give the same compassion and attention to the condition of native labour.⁹⁴ On the face of it that was to be expected from Herbert who, as the first Colonial Secretary of Queensland, had championed the initial immigration of native labourers. However, both Kimberley and Carnarvon did seem to have taken that imperial responsibility seriously as their correspondence with Normanby amply illustrates. One of the Governor's

major tasks was to report on cases which had been brought to the Colonial Office's attention by missionary societies or by those colonists who were opposed to the system of native labour.⁹⁵

Normanby's predecessors, Sir George Bowen and Sir Samuel Blackall, both lent their support to the immigrant trade although they endeavoured to secure its proper regulation. During their terms the first regulatory acts covering both the recruiting and treatment of natives were passed. Normanby was to follow their example both in seeing the trade as an economic necessity to Queensland and defending its continuance,⁹⁶ and also in keeping a vigilant eye on the administration of the regulations.

It was obvious, from the tone of his first communications with the Colonial Office, that one of his early specific duties was to visit as soon as possible the areas of the colony where native labour was employed and to report on his experiences. That task was necessitated by two factors. First of all, the Colonial Office was again trying to outflank Treasury opposition and bring in an imperial bill to control the recruitment of island labour and needed consequently all the reliable information on the subject which it could obtain. Allied to that was the fact that the colony had been administered, since early 1871 when Blackall had died, by Sir Maurice O'Connell who was thought to be too much under the control of his ministers to submit impartial reports.

Before he had left to take up his position, Normanby had also received a deputation from the Anti-Slavery Society which no doubt informed him of the missionary and humanitarian

attitude to the question. Therefore, with the briefing at the Colonial Office, he did have some conception of the problem before he arrived in the colony, although there is no evidence to show if he had developed any preconceived opinions.

Once in the colony, however, he established decided opinions. On the northern tour which he undertook in late 1871, he reported that he had received no complaints of native maltreatment, that many labourers were re-enlisting for further contracts, and that "all seemed happy and contented."⁹⁸ That continued to be the position which he maintained until he departed and it was reinforced by observations made during later tours through north Queensland.⁹⁹ In 1873 he stressed that he had "no hesitation in stating, that considering their requirements, they are better off than the agricultural labourers in England."¹⁰⁰

To his mind the campaign against the trade was raised by the working classes in the towns and their representatives in the Assembly. Their charges were, in the main, "trumped-up". The opposition was basically an economic one¹⁰¹ and he advised the Colonial Office to pay little attention to the colonists' complaints as their desire was not to protect the natives but to maintain their own employment security and high rates of pay:¹⁰² ". . . it is a political game by the people of the towns who dislike cheap labour of any sort and anything in the shape of capitalism."¹⁰³ As to the two leading oppositionists in Queensland, W. Brookes and A. Davidson, Normanby was quite brutal, stigmatizing them as "most unreliable" and motivated by narrow

class interest.¹⁰⁴

The Governor always defended the conduct of the Queensland recruiters in the trade, making, as the basis of his reports, many inspections of their vessels. The charges which were constantly being levelled against them were, in his opinion, largely erroneous and he was surprised at the gullibility of the complaining parties.¹⁰⁵ One such case was that of the Jason.¹⁰⁶ To Belmore, he commented: "I own to you privately that I think there is some reason to doubt whether the case of the Jason . . . is not a case in point & whether the whole story is not a conspiracy."¹⁰⁷ In September 1873 he had occasion to pardon the Captain of the Jason, Coath, and in doing so he again complained that the charge had indeed been fabricated. Moreover, he accused Charles Lilley, the Liberal leader in the Assembly who had defended Coath, with not attempting to clear his client: ". . . I much fear that Mr Lilley sacrificed the interests of his clients to political considerations."¹⁰⁸

On the other hand, the conditions in the recruiting trade in the islands attracted Normanby's growing apprehension. To Kimberley, in early 1872, he noted: "I fear that the state of these seas will soon become a disgrace to the civilized world."¹⁰⁹ He laid the largest share of the blame at the door of the Fiji recruiters and frequently advised the Colonial Office to urge the Admiralty to reinforce the Australian naval station with a man-of-war and several fast schooners to police the islands.¹¹⁰ When the imperial act to control the trade was passed in 1872, he was delighted and thought that it would have a beneficial

effect.¹¹¹

During 1872 and 1873, Normanby's attention was also attracted by the situation in the off-shore islands in the north of the colony, where pearl-fishing was developing and where the plight of native labourers was becoming serious. His advice and pleas to the Colonial Office were instrumental in getting those areas policed by the navy and finally in extending Queensland's control through annexing them to the colony.¹¹² Those measures, however, proved ineffective and the problem remained a sore point to the Governor for the rest of his tenure.¹¹³

An interesting aspect of that concern was Normanby's long campaign to make the Imperial Government support, in some measure, the establishment on Somerset Island as a means of policing the pearl-fisheries as well as providing a sanctuary for shipwrecked sailors. He was furious at the parsimony of the Treasury when it contemplated stopping its partial support for the settlement:

It is a very proper theory that the colonies should pay for what they want for themselves but the same theory applies both ways & if England wants a permanent settlement . . . she should at any rate contribute a small portion of the expenses & not expect the colony to keep it up for her.¹¹⁴

That advocacy did succeed in postponing the Treasury's decision and in inducing contributions from other Australian colonies for the support of the station.

If Normanby was sceptical of the motives of the colonists who opposed the labour trade, his attitude to the missionaries and the humanitarian societies was doubly so. They were his bête noir and he exhibited little patience with their campaign to

denigrate the colonial treatment of the natives and to criticize Queensland's role in the recruiting trade. His attitude, no doubt, was hardened by their charges that he was acting in a partial manner and was a party to the abuses.¹¹⁵ The missionaries in the field and the anti-labour trade forces in the colony would relay their complaints to the parent societies and the Anti-Slavery and Aborigine Protection groups in England which in turn referred them to interested politicians who would raise the matter in the Commons, or direct them to the Colonial Office. The charges would usually be forwarded to the Governor for comment, both his own and that of his ministers.

The chief complaint of the Governor was that the missionaries' and their supporters' "zeal outran their discretion"; that their charges were completely unfounded and based entirely on hearsay; and that their well-known opinions on the trade rendered them most prejudiced and unreliable witnesses. He suggested that statements are not always to be taken for Gospel because they were from a missionary. If I were half as inclined to take hearsay evidence as they are, I think I could send home some very curious stories about their friends in the Islands.¹¹⁷

On the Anti-Slavery Society's reaction to his pardon of Captain Coath, his retort was:

I think it high time that some notice should be taken of the way in which they assume to be the only persons who can give a correct or honest judgment in cases of that kind. I suppose I shall bring a 'hornets' nest' about my ears but I really cannot stand the way in which they present facts to suit their own purposes.¹¹⁸

Moreover, he alleged that the Society took the testimony of the natives as unimpeachable "when given in favour of their own views or against white men but utterly worthless when given in their

favour"119

In replying to charges Normanby took a stock course in defending his impartiality: "I will yield to no man, not even the Anti-Slavery Society in my abhorrence of anything in the shape of slavery"120 But to him the trade was not slavery, it was beneficial both to the colony and to the labourers themselves, and the Queensland government had effectively protected the natives from abuse and exploitation.121

The reaction of the Governor to the proposal of the government in 1874 that Chinese labourers be brought into the colony was indicative of his deep frustration with the difficulties which the native labour question had raised:

It appears to me on every ground that this is a desirable step. . . . the demand for coloured labour . . . is greatly increased and must continue to increase . . . if sugar cultivation is to increase. The natives have done their job well and it was impossible to desire better labourers but because there was great prejudice against it in England and it required a most constant and anxious watching . . . I should myself rejoice were it found possible to procure the labour from some quarter where Queensland would be relieved from the responsibilities of recruitment.122

No attempt has been made here to justify Normanby's attitude or to show that it was based upon indisputable facts. Even Parnaby comes to no definite conclusion on the charges made during the period although he does take a far less favourable view of the Queensland regulatory acts and the Queensland recruiting trade.123 It is interesting to note in this regard the impressions of Anthony Trollope, who visited the colony in 1872. They in fact agreed substantially with Normanby's assessments of the situation.124

What should be evident, however, was Normanby's concern for and the attention he did give to both the administration of

the local regulations and the wider context of the problem. The Colonial Office was generally well-satisfied with his handling of the question although, of course, it should be realized that many of the officials agreed in substance with the Governor's views.¹²⁵ By 1874, they were thoroughly fed up with the bombardment of the Office by correspondence from the humanitarian societies. In May, Carnarvon had regretted the sending to Normanby of so many letters which "were often very unreasonable as well as inaccurate in their facts."¹²⁶ Furthermore, he suggested to the Secretary of the Anti-Slavery Society that it was a great mistake to suppose "that there is any want of interest or authority on the part of the Governor and the high officers of Queensland in desiring to suppress the abuses to which the labour traffic, unless carefully watched, is liable."¹²⁷ With relation to Normanby's activities, that indeed was a fair defence.

One could argue that, as a long-time Liberal and as the son of the man who oversaw the emancipation of the slaves in Jamaica, Normanby's views on the question of coloured labour in Queensland could well have been more idealistic and moralistic. But his attitude, in some ways, reflected the weakening hold of moral zeal and humanitarian concern on imperial authority and the smaller degree of influence of philanthropic pressure groups, both of which had been so pervasive earlier in the century. It did, moreover, underscore again the importance of colonial involvement in the fashioning of a Governor's conception of matters of imperial interest.

Footnotes

- 1 See below, Sections 2 and 3.
- 2 JRCI, Vol. 1 (1869), 85 (15 March, 1869).
- 3 Normanby to Herbert, 20 June 1878, LB.
- 4 JRCI, Vol. 1 (1869), 85 (15 March, 1869).
- 5 P. D. CLXXXI, 31 (6 Feb., 1866).
- 6 JRCI, Vol. 1 (1869), 88 (15 March, 1869).
- 7 See, for example, Normanby to Carnarvon, 16 Sept. 1874 (Secret), CO 234/34; Normanby to Kimberley, 9 Dec. 1880 (Confidential), CO 309/121.
- 8 JRCI, Vol. 1 (1869), 86 (15 March, 1869); Vol. 2 (1870-1), 127 (21 Nov., 1870)
- 9 P. D. CLXXXV, 576 (19 Feb., 1867).
- 10 JRCI, Vol. 1 (1869), 35-6 (10 March, 1869).
- 11 JRCI, Vol. 1 (1869), 87 (15 March, 1869).
- 12 Ibid., p. 88
- 13 See B. Semmel, The Rise of Free Trade Imperialism: Classical Political Economy and the Empire of Free Trade and Imperialism, 1750-1850 (Cambridge University Press, 1970).
- 14 JRCI, Vol. 1 (1869), 36 (10 March, 1869).
- 15 JRCI, Vol. 2 (1870-1), 128 (21 Nov., 1870); 149 (16 Jan., 1871).
- 16 See, for example, speeches in Auckland (7 Dec., 1874), reported in New Zealand Herald, 24 Dec., 1874; in Melbourne (May, 1879), reported in Argus, 11 June, 1879.
- 17 Normanby to Carnarvon, 30 Oct. 1874, CP.
- 18 Normanby to Derby, No. 95, 18 June 1883, CO 881/6.
- 19 See Chapter II.
- 20 See, for example, Newcastle to Manners Sutton, 5 Nov. 1859, quoted in W. M. Whitelaw, The Maritimes and Canada before

Confederation (Oxford, 1934), p. 143.

- 21 Ibid.
- 22 Whitelaw, The Maritimes and Canada, contains perhaps the best and clearest exposition of the Governors's attitudes.
- 23 Lytton to Mulgrave, No. 22, 26 Nov. 1858 (Draft), CO 217/221.
- 24 Mulgrave to Lytton, 28 Dec. 1858, CO 217/221.
- 25 Minute by Carnarvon (14 Jan., 1859) on Mulgrave to Lytton, 30 Dec. 1858 (Confidential), CO 217/221.
- 26 Mulgrave to Lytton, 30 Dec. 1858 (Confidential), CO 217/221.
- 27 Ibid.
- 28 Johnston and Hamilton favoured a legislative union, Young seemed to favour a federal union, and Howe had suggested a wider imperial union.
- 29 Minute (12 Jan., 1859) on Mulgrave to Lytton, 30 Dec. 1858 (Confidential), CO 217/221.
- 30 Minute (14 Jan., 1859) on Mulgrave to Lytton, 30 Dec. 1858, (Confidential), CO 217/221.
- 31 Minute (14 Jan., 1859) on Mulgrave to Lytton, 30 Dec. 1858 (Confidential), CO 217/221. See also Blackwood to Mulgrave, 28 Jan. 1859 - "Bulwer tells me that your despatch on Federation is the best and cleverest yet received.", NP.
- 32 Mulgrave to Newcastle, 1 March 1860 (Confidential), CO 217/226.
- 33 Mulgrave to Sir Charles Phipps, 6-8 March 1860, NP.
- 34 See, for example, Mulgrave to Newcastle, 14-5 May 1862, LB - ". . . Federal Union is worse than useless as long as the connection with England exists as there is little for the Federal power to do except to try & usurp the power which properly belongs to the local legislature" See also Mulgrave to Newcastle, 28 May 1862, LB.
- 35 Gordon to Newcastle, 29 Oct. 1861, Newcastle Papers, NeC 11, 190.
- 36 J. K. Chapman, The Career of Arthur Hamilton Gordon, First Baron Stanmore, 1829-1912 (Toronto, 1964), p. 23.
- 37 See, for example, Mulgrave to Stanley, No. 36, 10 May 1858;

Mulgrave to Lytton , 23 Sept. 1858, CO 217/221; Mulgrave to Newcastle, No. 27, 4 April 1861; No 73, 29 Oct. 1861, JHA 1862, App. 9, pp. 1-3.

- 38 Whitelaw, The Maritimes and Canada, p 179, gives Howe the credit for instituting this conference. But Normanby's correspondence shows that he was working toward such a conference many months before Howe supposedly "took the matter out of the hands of the Governors." See, for example, Mulgrave to Newcastle, 14-5 May 1862 and Mulgrave to Monck, 16 May 1862, LB.
- 39 See, for example, Mulgrave to Monck, 29 April 1863, LB.
- 40 Normanby to Howe, 3 August [1864], Howe Papers, Vol. 5, 221-2, PAC.
- 41 Normanby to Howe, 17 Feb. [1865], Howe Papers, Vol. 5, 269, PAC.
- 42 Normanby to Howe, 21 Nov. [1866], Howe Papers, Vol. 5, 227-8, PAC.
- 43 Ibid., p. 234.
- 44 P. D. CLXXXIV, 1702 (31 July, 1866).
- 45 P. D. CLXXXV, 576 (19 Feb., 1867).
- 46 Ibid., p. 578
- 47 P. D. CXCI, 701-2 (6 July, 1868).
- 48 Le Marchant to Labouchere, 4 March 1857, JHA 1858, App. 27.
- 49 Mulgrave to Lytton, No. 10, 20 Jan. 1859, JHA 1860, p. 173.
- 50 See C. P. Stacey, Canada and the British Army, 1846-71: A Study in the Practice of Responsible Government (rev. ed., Toronto, 1963), pp. 95, 96-8, 101-2. Perhaps also Mulgrave was encouraged by the success of the Foreign Legion recruited in Nova Scotia for service in the Crimea in 1855.
- 51 Mulgrave to Lytton, No. 10, 20 Jan. 1859, JHA 1860, p. 174.
- 52 Lytton to Mulgrave, No. 12, 24 March 1859, JHA 1860, p. 175.
- 53 See, for example, Mulgrave to Lytton, 19 May 1859 (Secret), CO 217/223; Mulgrave to Newcastle, 29 Dec. 1859 (Confidential), CO 217/224.
- 54 The CO files (CO 217/225) contain a great deal of inter-departmental correspondence on the subject and it was obvious that the Colonial Office tried its best. The minutes of the

staff and also Blackwood's private letters attest to that determination. See, for example, Blackwood to Mulgrave, 17, 29 June; 28 July 1859, NP.

- 55 See Mulgrave to Newcastle, No. 96, 22 Sept. 1859, JHA 1860, pp. 178-9; Williams to Duke of Cambridge, n. d., encl. in Mulgrave to Newcastle, No 74, 20 July 1859, CO 217/223.
- 56 Newcastle to Mulgrave, No. 23, 18 Nov. 1859, JHA 1860, p. 180.
- 57 Mulgrave to Newcastle, 29 Dec. 1859 (Confidential), CO 217/224.
- 58 Mulgrave to Newcastle, No. 42, 19 April 1860, CO 217/226.
- 59 Statutes 1860, Cap. II, An Act to provide for the Organization of a Volunteer Militia Force for the Defence of the Province (12 May, 1860).
- 60 Statutes 1855, Cap. X.
- 61 Mulgrave to Sir Alexander Bannerman, 20 April 1860, Copy in NP.
- 62 See, for example, Major-General Trollope to Secretary of War, 24 June 1861, encl. in Mulgrave to Newcastle, No. 99, 20 August 1861, JHA 1862, App. 10; Major-General Doyle's Report on the Defences of the Maritime Provinces, 28 Nov. 1861, encl. in Mulgrave to Newcastle, No. 82, 28 Nov. 1861, CO 217/228.
- 63 See, for example, Newcastle to Mulgrave, 7 Dec. 1861, NP.
- 64 Mulgrave to Newcastle, No. 78, 12 Nov. 1861, JHA 1862, App. 19, p. 3.
- 65 Ibid.
- 66 Mulgrave to Newcastle, 24 Dec. 1861 (Confidential), CO 217/228.
- 67 See minute by Elliot (8 Jan., 1862) on Mulgrave to Newcastle, 24 Dec. 1861 (Confidential), CO 217/228.
- 68 Mulgrave to Blackwood, 6 Feb. 1862, LB.
- 69 Mulgrave to Newcastle, 6 March 1862, LB.
- 70 Newcastle to Mulgrave, 5 April 1862, NP.
- 71 Newcastle to Mulgrave, 15 Nov. 1862, NP.
- 72 Minute (3 Feb., 1863) on Mulgrave to Newcastle, No. 7, 22

Jan. 1863, CO 217/232.

- 73 Mulgrave to Newcastle, No. 66, 22 July 1863, CO 217/232.
- 74 Mulgrave to Newcastle, No. 44, 30 April 1863, JHA 1864, App. 7. See also Mulgrave to Newcastle, 23 June 1863, LB.
- 75 Mulgrave to Newcastle, 23 June 1863, LB.
- 76 Normanby to Blackwood, 20 August 1863, LB.
- 77 The numbers never reached as high as 3,000, but there was a continued advance in the efficiency of the corps.
- 78 N. J. Mackinnon, *Nova Scotia from Reciprocity to Confederation: A Social History of the Period* (Unpublished M. A. thesis, Dalhousie, 1963), p. 322.
- 79 Normanby to Howe, 22 Jan. [1864] (Mulgrave Castle), Howe Papers, Vol. 5, p. 245, PAC.
- 80 Mulgrave to Newcastle, 24 July 1862, LB, and the reply, Newcastle to Mulgrave, 9 August 1862, NP.
- 81 Mulgrave to Newcastle, 13 Nov. 1862, LB. See Whitelaw, The Maritimes and Canada, pp. 181-2, for a discussion of this issue at Quebec.
- 82 Mulgrave to Lyons, 21 March 1862, LB.
- 83 P. D. CLXXXV, 576 (19 Feb., 1867).
- 84 Mulgrave to Newcastle, 17 April 1862, LB. He also expressed similar sentiments in 1859. See Mulgrave to Lytton, 19 May 1859 (Secret), CO 217/223.
- 85 Mulgrave to Blackwood, 17 April 1862, LB.
- 86 Ibid.
- 87 Normanby to Howe, 17 Feb. [1865], Howe Papers, Vol. 5, pp. 267-8, PAC.
- 88 P. D. CLXXXV, 576 (19 Feb., 1867).
- 89 Ibid.
- 90 Brisbane Courier, 24 March, 1882
- 91 O. W. Parnaby, Britain and the Labour Trade in the South West Pacific (Durham, N. C., 1964), passim.
- 92 Ibid., pp. 78, 97-8, 121. Thus the 1868 Queensland Act and the

the amendments in 1870 were almost dictated to the colonial government by the Colonial Office.

- 93 Rogers' draft of Granville to Blackall, 23 April 1869, quoted in Parnaby, Britain and the Labour Trade, p. 78.
- 94 Parnaby, Britain and the Labour Trade, pp. 78-9.
- 95 See, for example, Kimberley to Normanby, 30 Nov. 1871 (Kimberley House), NP. In that letter, Kimberley stressed the need for the Governor to be ever vigilant about the question. Carnarvon to Normanby, 23 June 1874, CP. In that letter, Carnarvon hoped that Normanby would use his influence to enforce the regulations and reduce evils to a minimum. "It will mainly be a matter of personal influence and in this no one can quietly or indirectly & yet most powerfully do more than yourself."
- 96 See, for example, Normanby to Kimberley, 19 Oct. 1871 (Separate), CO 234/27.
- 97 See O. W. Parnaby, "Aspects of British Policy in the Pacific: The 1872 Pacific Islanders Protection Act", HSANZ, 8 (Nov., 1957), pp. 54-65.
- 98 Normanby to Kimberley, 19 Oct. 1871 (Separate), CO 234/27.
- 99 See, for example, Normanby to Kimberley, No. 65, 30 Oct. 1872, CO 234/30; Normanby to Carnarvon, 12 Sept. 1874, CP. However, he did hope that employers would give labourers some basic education and that missions would be set up to spread religious teaching. See Normanby to Bishop (?), 10 Nov. 1871, LB; Normanby to the Synod of the Presbyterian Church of British North America, 1 May 1872, encl. in Normanby to Kimberley, No. 37, 14 May 1872, CO 234/29.
- 100 Normanby to Kimberley, No. 19, 11 June 1873, CO 234/32.
- 101 Normanby to Kimberley, 31 Oct. 1871, LB.
- 102 Normanby to Kimberley, 25 Dec. 1871, LB.
- 103 Normanby to Kimberley, 21 March 1872, LB.
- 104 Normanby to Kimberley, 2 Feb. 1874, LB.
- 105 Normanby to Belmore, 19 Nov. 1871, LB.
- 106 See Parnaby, Britain and the Labour Trade, pp. 88-9.
- 107 Normanby to Belmore, 2 Dec. 1871, LB.
- 108 Normanby to Kimberley, ? Sept. 1873, LB.

- 109 Normanby to Kimberley, No. 19, 19 March 1872, CO 234/29.
- 110 See, for example, Normanby to Kimberley, 24 Nov. 1871, LB.
- 111 Normanby to Kimberley, 13 April 1872, LB.
- 112 Normanby to Kimberley, No. 36, 13 May 1872; No. 59, 31 August 1872; No. 72, 30 Oct. 1872, CO 234/29; 26 Dec. 1872, LB. See also for his experiences there, Normanby, The Cruise of the Government Steamer 'Kate' from Brisbane to Cape York through Torres Strait and Back (Brisbane, 1873), Copy in NP.
- 113 See, for example, Normanby to Kimberley, No. 22, 7 July 1873, CO 234/30.
- 114 Normanby to Kimberley, 26-7 Dec. 1872, LB.
- 115 One such case was Brookes' attack on the Governor in December, 1872 in a letter to the Brisbane Courier, 27 Dec., 1872. "The Employers of Polynesian labour . . . could not but consider that their vile system of labour [has] in the Governor rather a patron than an opponent."
- 116 Normanby to Kimberley, No 30, 4 April 1872, CO 234/29.
- 117 Normanby to Kimberley, 26 Dec. 1873, LB.
- 118 Normanby to Carnarvon, 26 March 1874, CP.
- 119 Normanby to Carnarvon, No. 35, 3 August 1874, CO 234/34.
- 120 Normanby to Kimberley, No 49, 20 Dec. 1873, CO 234/32.
- 121 Normanby to the Synod of the Presbyterian Church of British North America, 1 May 1872, encl. in Normanby to Kimberley, No. 37, 14 May 1872, CO 234/29; Normanby to Kimberley, 11 June, 21 March 1873, LB.
- 122 Normanby to Carnarvon, No. 36, 3 August 1874, CO 234/34.
- 123 Parnaby, Britain and the Labour Trade, esp. Chapter IV.
- 124 A. Trollope, Australia and New Zealand (2 Vols., London, 1873), I, pp. 166-74.
- 125 See, for example, minute by Herbert on letters from the Anti-Slavery Society: "Philanthropists generally discredit themselves by great exaggerations." (7 May, 1874); "The Colonial newspapers on which they rely oppose the emigration because it competes with white labour.", CO 234/34.
- 126 Carnarvon to Normanby, 23 June 1874, NP.

- 127 Carnarvon to the Secretary of the Anti-Slavery Society, 18
May 1874, CO 234/34.

VIII

CONCLUSION

This essay has had a double focus. In the first place, by assessing his personal attitudes to politics, to colonial life and problems, and to the wider ramifications of Empire and also by analysing his conduct during his administrations in the colonies, an attempt has been made to throw light on Lord Normanby, the man and the Governor. Secondly, his career has been used to illustrate some of the salient developments in the role of the Governor in the self-governing colonies and pari passu the growth of colonial emancipation in the second half of the nineteenth century. While it is hoped that the first element has been sufficiently explored in the above chapters, some additional observations do seem necessary, in this brief closing section, to round off the second.

A generalized account of the changing role and importance of the Governor has been **set out** in Chapter II. Although the trends there have been implied in the treatment of Normanby's career, more definite conclusions are warranted.

It has been suggested that the most noticeable development in the period was the declining influence of the Governor on the positive day-to-day functioning of colonial government. The degree of that influence undoubtedly depended on factors such as the ability of the Governor, his relationship with the

ministry in power, and the political maturity of the colony but a precise evaluation of it at one particular time is rendered more difficult by the very nature of such influence. To allay adverse criticism and to avoid the appearance of meddling in colonial affairs, it had to be exerted in a quiet and judicious manner and thus was rarely the subject of much publicity.

Nevertheless, Normanby's opinions and advice did seem to carry more weight in Nova Scotia and Queensland than they did later in New Zealand and more particularly in Victoria. Judged by the tone of his correspondence, Normanby himself obviously considered that such was the case. In Nova Scotia, he had the distinct advantages of inheriting a lingering tradition of gubernatorial leadership, of serving there in the early days of responsible government when there was no clear-cut division between local and imperial affairs, and of being, for most of his tenure, on close personal terms with his ministers. Likewise in Queensland where, even though it was much younger, similar conditions existed. The Brisbane Courier, looking back over Normanby's administration, commented with some perception:

As a Governor, Lord Normanby unquestionably exercised a considerable amount of influence. His parliamentary experience, his high rank, the interest he took in anything which was going on around him, secured for him an active share in the direction of affairs. Lord Normanby in reality governed a great deal.¹

There is little evidence to suggest that Normanby exercised much influence in either New Zealand or Victoria. Both colonies had a quarter of a century of responsible government behind them and also a tradition, perhaps more marked in Victoria, of allowing the Governor little say in the affairs of government

except, of course, when he supported the ministry. Combined with these factors was the strong democratic character, well-established in Victoria, incipient in New Zealand, which would brook little interference in internal affairs, particularly from a Governor of aristocratic birth.

Along with that decline in influence, a second characteristic of the period pointed to was the retention in the Governor's hands of the discretionary powers. Referring to New Zealand, one historian has commented that the years from 1871 to 1892 were distinguished by the "combination of comparative impotence in the ordinary affairs of government with extensive discretionary authority in special fields" ² To some degree, that was applicable to all the self-governing colonies. The extent to which a Governor could exercise those powers in a particular colony was determined by factors other than the simple authority of the Prerogative Instruments of his office. This point has been dealt with in some detail above but it bears repeating here because it is the key to an understanding of the use of the discretionary powers.

Normanby's career amply illustrates the validity of such a conclusion especially as it applies to the most important discretion of a Governor - the prerogative of dissolution. In Nova Scotia and in Queensland, his control of that prerogative went virtually unquestioned although his failure to use it when requested to by opposition parties came under attack. Those situations served to illustrate that, in the early stages of colonial self-government when the political and constitutional systems

were slowly adapting to the new conditions and where local conventions had not yet been developed to take the place of the Governor's discretion, there was general acquiescence in his control of the discretionary powers.

Similar factors were present during Normanby's administrations in New Zealand and Victoria, but there they were not sufficient to avert considerable criticism of the Governor's unfettered control. In both colonies, however, other circumstances existed to shore it up. The absence of compact, well-defined political parties, the desire of most politicians for the rewards of office, and the consequent instability of the political system enabled the Governor to preserve his discretion. If ministerial advice was refused and a resignation resulted, he could be tolerably confident of finding an alternative ministry.

A third feature of the period, also outlined in Chapter II, the decreasing importance of the Governor as the agent representing imperial interests in the colonies, again finds some exemplification in Normanby's career. In that respect, however, the example was not as clear-cut as it was in the other two developments. Nor indeed could any career be expected to provide that clarity as so much depended on the posts to which a Governor was appointed and the special imperial interests associated with them or which cropped up during his administration. If, for example, Normanby had been moved later in his career to the Cape Colony where Britain was vitally concerned with native disorders and the Boer presence in the area or to Newfoundland where the 'French shore' was a continuing imperial problem, a different pattern

might have appeared. In actual fact, during his last two administrations, Normanby was not confronted with the promotion or defence of any major imperial issue. The Colonial Office refused to become involved in the political questions of abolition in New Zealand and constitutional conflict in Victoria and thus **they did not become** imperial issues. Moreover, the annexation of Fiji and the Australian demands for the incorporation of New Guinea into the Empire never became problems for Normanby in his official capacity. That was in marked contrast with his activities in Nova Scotia and, to a lesser degree, in Queensland earlier in his career where he had to wrestle with the problems of colonial defence, colonial union, and native labour. Thus, in that way, despite the largely fortuitous non-involvement in New Zealand and Victoria, Normanby's experience did reflect the change in the Governor's imperial role which was dictated by the devolution of power to the colonies, the changing relationship between the colonies and the Mother-country, and the development of other forms of intra-imperial communication.

The three points discussed above not only are the most important areas in which Normanby's career helps to explain the overall changes in the Governor's position but also provide sufficient rationale for this detailed study of his colonial experiences. There are, moreover, several additional ways in which he can be seen as representative of his profession. All have been dealt with elsewhere but a brief recapitulation seems necessary here.

Normanby furnishes a good example of the professional-

ization of the Colonial Service in the second half of the century. His entry to the service does point to the continuing importance of political patronage but his acceptance as a 'professional' and his later promotions based on experience and merit were much more significant factors and they illustrate the basic direction of Colonial Office policy. With his background of parliamentary experience and his familiarity with constitutional and administrative procedures, Normanby also provides some clue as to the type of man generally preferred for service in the self-governing colonies.

His conception of the Governor's role as vital and necessary to maintain imperial unity, to preserve some degree of imperial supervision in the colonies, and to shape and control the development of colonial political life was widely shared by his colleagues as indeed was his deep frustration, later in his career, when he realized that the weapons at his command were inadequate for that purpose. Still, without unduly emphasising their contributions, Governors like Normanby did assist in establishing responsible government on sound lines. Their powers in the colonial constitutions, although sometimes employed for private reasons, were on the whole beneficial and necessary until local conventions became strong enough to enable smooth and efficient government without check.

Many of the Governors of Normanby's generation held similar views on the nature of colonial society and politics and he was certainly not alone in his distaste for the growth and success of colonial democracy. Nor were his feuds with colonial

politicians like Johnston and Tupper in Nova Scotia and the Greyites in New Zealand uncommon occurrences during the period. Given the political convictions of most Governors, their sometimes active part in the political process, and the susceptibilities of many colonial politicians, such conflicts were almost inevitable. On the other hand, it cannot be gainsaid that most, however much they disliked certain policies and politicians, did agree with the principle of colonial self-government although, as with Normanby, they did not seem to be sure how far it should extend.

The half-century from the 1840s onwards was essentially a transitional period in the Governorship of the settlement colonies. It bridged the gap between a period in which the Governor was armed with extensive powers under the systems of Crown Colony government and representative government and one in which he had virtually become, in most cases, a titular figure. Normanby was eminently a man of that middle phase and it seems doubtful to this writer that he would have been as successful in the earlier or the later ones. He perhaps lacked the decisiveness and independence needed to cope with the wider control of the pre-responsible government years and his temperament could well have caused severe friction when conviction could be backed up by action. By the same token, his frugality, his unimpressive presence, his conception of Governorship, and his impatience with colonial democracy would not have fitted him well for the later role.

It is difficult indeed to attempt to compare the capacity and the success of the Governors in the self-governing colonies as there is very little basis on which to make that comparison.

Two factors could perhaps be noted as contributing to that position. In the first place, little is known about many of the Governors. As has been pointed out, there are few scholarly works which detail their careers and analyse their actions. Without these, no reasonable assessments can be made. There does seem a distinct need for such studies - especially of the more important Governors such as Bowen, Hercules Robinson, Lisgar and Barkly - either biographical treatments or along the lines set out in this essay. A comparison, secondly, is technically hazardous because of the variety of conditions under which Governors served. Superficially, it may seem relatively simple to use the self-governing colonies as a background upon which to develop a comparison but despite their obvious similarities the colonies had individual characters and special problems which presented the Governors with different challenges and difficulties. In such circumstances, a Governor could be a success in one colony and a failure in another. Over a period of half a century, moreover, in which the colonies developed rapidly, even in one colony conditions changed from one administration to another. Thus, to compare a Bowen in Queensland with a Mulgrave in Nova Scotia or a Head in Canada in the 1860s is no easy task. Even harder would be a comparison between Governors who served not only in different colonies but at different times.

In theory, two criteria seemed to be necessary to make a successful Governor. From the colonial point of view, he was one who was popular and acceptable, who sympathized with colonial interests, and who was strictly impartial in political affairs.

To the Colonial Office, success involved the defence of imperial interests, the maintenance of sound and prudent government, and the strengthening of the imperial tie. Yet sometimes they could become irreconcilable and a Governor drawn between the two could achieve neither end. The difficulty of combining the two loyalties was a significant factor in accounting for the absence of any completely successful career in the period. In the final analysis, however, it was the approval of the Colonial Office which counted most and a long career was a mark of success in the profession.

In that sense, Lord Normanby must be deemed a successful Governor. Although he sympathized with colonial problems and sometimes opposed imperial policies, his first allegiance was to the Colonial Office. He was never very popular in the colonies and he was certainly not acceptable to all sections of the political communities over which he presided. Nor was he for the most part particularly impartial in his constitutional actions. But he did secure the confidence and support of the Colonial Office and that ensured him a long and on the whole an honourable career.

Footnotes

- 1 Brisbane Courier, 24 March, 1882.
- 2 B. J. Dalton, The Governors of New Zealand, 1868-92 (Unpublished M. A. thesis, Canterbury, 1951), p. 237.

BIBLIOGRAPHY

This bibliography has been confined to those authorities specifically cited in the text or the footnotes and to those which were especially valuable as background material.

1. Manuscript Collections

Great Britain

Cardwell Papers (PRO)
Carnarvon Papers (PRO)
Gladstone Papers (BM)
Granville Papers (PRO)
Newcastle Papers (University of Nottingham Library)
Normanby Papers (Mulgrave Castle, Yorkshire)
Russell Papers (PRO)

Canada

Howe Papers (Microfilm, PAC)
Tupper Papers (PAC)
Young Papers (Public Archives of Nova Scotia, Halifax)

Australia

Belmore Papers (ML)
Berry Papers (Latrobe Library, Melbourne)
Deas Thomson Papers (ML)
Griffith Papers (ML and Dixson Collection, Library of New South Wales)
Palmer-McIlwraith Papers (Oxley Library, Brisbane)
Parkes Papers (ML)

New Zealand

Atkinson Papers (ATL)
Ballance Papers (ATL)
Grey Letters and Papers (APL)
Hall Papers (GAL)
Stafford Papers (ATL)
Stout Papers (ATL)
Vogel Papers (GAL)

2. Public Documents (Manuscript)

PRC, London

CO 209 New Zealand (1873-80)
 CO 217 Nova Scotia (1857-64)
 CO 234 Queensland (1870-75)
 CO 309 Victoria (1878-85)

National Archives, Wellington

G 17/5-10 Government Memoranda.
 G 35/5 Letters from Governor and Memoranda to Ministers. (1868-83)
 Minutes of the Executive Council. (1878-9)

3. Public Documents (Published)

Great Britain

Colonial Office. CO 380, CO 381 Drafts and Copies of Letters-Patent, Commissions, Governors' Instructions etc.

----- CO 880/2-4, CO 881/1-6 Miscellaneous Printed Papers.

----- Rules and Regulations for Her Majesty's Colonial Service.
 (Various editions)

Hansard's Parliamentary Debates, 3rd series. (1848-93, various editions)

Parliamentary Papers, House of Commons. (1840-93, various editions)

New Zealand

Appendices to the Journals of the House of Representatives. (1874-80, 1891-3)

Parliamentary Debates. (1874-9, 1887)

Nova Scotia

Journal of the House of Assembly. (1857-64)

Queensland

Votes and Proceedings of the Legislative Assembly. (1870-5)

Parliamentary Debates. (1870-5)

Victoria

Votes and Proceedings of the Legislative Assembly. (1878-85)

Parliamentary Debates. (1878-85)

4. Printed Primary Sources

* Unless otherwise indicated, the place of publication is London.

Beck, J. Murray, ed. Joseph Howe: The Voice of Nova Scotia.
Toronto, 1964.

Bell, K. and W. P. Morrell, eds. Select Documents on British Colonial Policy, 1830-60. Oxford, 1928.

Clarke, C. M. H. Select Documents in Australian History, 1851-1900. Sydney, 1955.

Doughty, A. G., ed. The Elgin-Grey Papers, 1846-1852. 4 Vols.,
Ottawa, 1937.

Drus, E., ed. "Kimberley, 'Journal of Events during the Gladstone Ministry, 1868-74", Camden Miscellany, XXI, 1958.

Fieldhouse, D. K., ed. British Colonial Policy in Relation to New Zealand, 1871-1902. Christchurch, 1956.

Gooch, G. P., ed. The Later Correspondence of Lord John Russell, 1840-78. 2 Vols., 1925.

Grant, J. and G. Serle, eds. The Melbourne Scene, 1803-1956.
Melbourne, 1957.

Grey Pamphlet Collection. Auckland Public Library.

Imperial Federation. The Journal of the Imperial Federation League.
(1886-92)

Keith, Arthur B., ed. Selected Speeches and Documents on British Colonial Policy, 1763-1917. 2 Vols in 1, G. Cumberlege, 1948.

-----, ed. Speeches and Documents on the British Dominions, 1918-31. Oxford, 1932.

Kennedy, W. P. M., ed. Statutes, Documents and Treaties of the Canadian Constitution, 1713-1929. 2nd ed., Toronto, 1930.

Knaplund, Paul, ed. The Gladstone-Gordon Correspondence, 1851-96.
Transactions of the American Philosophical Society, n.s. (1961),
51, 4.

-----, ed. Letters from Lord Sydenham to Lord John Russell.
G. Allen and Unwin, 1931.

Lucas, Charles P., ed. Lord Durham's Report on the Affairs of British North America. 3 Vols., Oxford, 1912.

Marindin, E., ed. Letters of Frederic Rogers (Baron Blachford), Under-Secretary of State for the Colonies, 1860-71. 1896

Phipps, George A. C. (Lord Normanby). Cruise of the Government Steamer 'Kate' from Brisbane to Cape York through Torres Straits and Back. Brisbane, 1873.

Proceedings of the Royal Colonial Institute. (1868-91)

Ramm, Agatha, ed. The Gladstone-Granville Correspondence. 2 Vols., 1952.

Scholefield, Guy H., ed. The Richmond - Atkinson Papers. 2 Vols., Wellington, 1960.

Walrond, Theodore, ed. Letters and Journals of Lord Elgin. 1872.

5. Newspapers

Great Britain

The Times (1848-92, various editions)

New Zealand

Lyttelton Times (1874-9)

New Zealand Herald (1874-9)

New Zealand Times (1874-9)

Press (1874-9)

Nova Scotia

Acadian Recorder (1857-64)

British Colonist (1857-64)

Novascotian (1857-64)

Morning Chronicle (1857-64)

Queensland

Brisbane Courier (1870-5, 1882, 1888)

Daily Telegraph (1872-5)

Queenslander (1870-5)

Victoria

Age (1878-84, 1888)

Argus (1878-84, 1888)

Daily Telegraph (1878-84)

The Melbourne Punch (1878-84)

6. Contemporary Works

* Unless otherwise indicated, the place of publication is London.

Adderley, C. B. Our Relations with the Colonies and Crown Colonies. 1870.

----- . The Australian Colonies Government Bill Discussed. [1850]

----- . Review of 'The Colonial Policy of Lord John Russell's Administration', by Earl Grey, 1853; and of Subsequent Colonial History. 1869.

Bagehot, Walter. The English Constitution. 2nd ed., Oxford, 1872.

Bowen, George F. Thirty Years of Colonial Government, 1859-88.
Ed. S. Lane Poole, 1889.

Deakin, Alfred. The Crisis in Victorian Politics, 1879-81: A Personal Retrospect. Eds. J. A. La Nauze and R. M. Crawford, Melbourne, 1957.

Denison, William T. Varieties of Vice-Regal Life. 2 Vols., 1870.

Dilke, Charles W. Greater Britain. 1868.

----- . Problems of Greater Britain. 1890.

Duffy, Charles G. My Life in Two Hemispheres. 1898.

Escott, T. H. S. Pillars of Empire: Sketchs of Indian and Colonial Statesmen, Celebrities and Officials. 1879.

Fenton, Francis D. An Examination of the Resolution of the House of Representatives of November 5 Touching the Personal Responsibility of His Excellency the Governor etc. Wellington, 8 November, 1877.

Forster, William E. Our Colonial Empire. 1875.

Froude, J. A. Oceana. 1886.

Grey, Henry G. (3rd Earl). The Colonial Policy of Lord John Russell's Administration. 2 Vols in 1, New York ed., 1970.

----- . Parliamentary Government with reference to a Reform of Parliament. An Essay. 1858.

----- . "Earl Grey on Victorian Politics", Victorian Review, Vol. 6, (April, 1880).

Hearn, William E. The Government of England: Its Structure and its Development. 1867.

Lewis, George C. An Essay on the Government of Dependencies.
Ed. C. P. Lucas, Oxford, 1891. (1st ed., 1841)

May, Thomas E. The Constitutional History of England since the
Accession of George the Third, 1760-1830. 2 Vols., 1863.

Melbourne Punch, The. The History of the Berry Ministry. Mel-
bourne, 1880.

----- The Decline and Fall of the Berry Ministry. Melbourne,
1880.

----- The Career of the O'Loughlen Government. Melbourne, 1883.

Merivale, Herman. Lectures on Colonization and Colonies. 1861 (1st
ed., 1841)

National Review, The. (July, 1890)

Nineteenth Century, The. (November, 1878)

Pamphlet Collection, Latrobe Library. (For years 1875-85)

Parkes, Henry. Fifty Years in the Making of Australian History.
2 Vols., 1892.

Roebuck, J. A. The Colonies of England; A Plan for the Govern-
ment of Some Portion of our Colonial Possessions. 1849.

Saturday Review, The. (Various editions, 1861- 1890)

Seeley, John. The Expansion of England. 1883.

Smith, Goldwin. The Empire. 1863.

Stout, Robert. "Political Parties in New Zealand", Victorian
Review, vol. 5 (1880)

Todd, Alpheus. Parliamentary Government in the British Colonies.
Boston, 1880.

Trollope, Anthony. Australia and New Zealand. 2 Vols., 1873.

----- North America. 1862.

Victorian Review, The. (Various editions, 1878-83)

Visit of His Excellency the Governor to the North, 1876. Southern
Cross Newspaper, Auckland, 1876.

7. Secondary Works - books

- Beck, J. Murray. The Government of Nova Scotia. Toronto, 1957.
- Bernays, C. A. Queensland Politics During Sixty Years. Brisbane, 1919.
- Bertram, A. The Colonial Service. Cambridge, 1930.
- Bodelsen, C. A. Studies in Mid-Victorian Imperialism. Copenhagen, 1924.
- Burdon, R. M. The Life and Times of Sir Julius Vogel. Christchurch, 1948.
- Cambridge History of the British Empire. Vols. 2, 3, 6, 7, 8; 1939, 1957, 1930, 1933, 1936.
- Careless, J. M. S. The Union of the Canadas, 1841-57. Toronto, 1967.
- Cell, J. W. British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process. Durham, N. C., 1970.
- Chapman, J. K. The Career of Arthur Hamilton Gordon: First Baron Stanmore. Toronto, 1964.
- Childe-Pemberton, W. S. The Life of Lord Norton (Sir C. B. Adderley), 1814-1905. London, 1909.
- Chisholm, J. A., ed. The Speeches and Public Letters of Joseph Howe. 2 Vols., Halifax, 1909.
- Collier, J. Sir George Grey, Governor, High Commissioner, and Premier. An Historical Biography. Christchurch, 1909.
- Creighton, D. G. The Road to Confederation: The Emergence of Canada, 1853-67. Toronto, 1964.
- Dalton, B. J. War and Politics in New Zealand, 1855-70. Sydney, 1967.
- De Kiewiet, C. W. A History of South Africa: Social and Economic. London, 1929.
- The Imperial Factor in South Africa: A Study in Politics and Economics. Cambridge, 1937.
- Evatt, H. V. The King and his Dominion Governors. London, 1936.
- Farr, D. M. The Colonial Office and Canada, 1867-87. Toronto, 1955.
- Folsom, A. The Royal Empire Society: The Formative Years. London, 1933.

- Forsey, E. A. The Royal Power of Dissolution of Parliament in the British Commonwealth. Toronto, 1943.
- Fox, M. J. History of Queensland. 2 Vols., Brisbane, 1921.
- Garner, J. The Franchise and Politics in British North America, 1755-1867. Toronto, 1968.
- Gisborne, W. New Zealand Rulers and Statesmen, 1840-85. 2 Vols., London, 1886, 1897.
- Gordon, D. C. The Dominion Partnership in Imperial Defence, 1870-1914. Baltimore, 1965.
- Grant, W. L. The Tribune of Nova Scotia: A Chronicle of Joseph Howe. Toronto, 1915.
- Greenwood, G., ed. Australia: A Social and Political History. Sydney, 1955.
- Greenwood, G. and J. Laverty. Brisbane, 1859-1959: A History of Local Government. Brisbane, 1966.
- Gunn, C. E. The Political History of Newfoundland, 1832-64. Toronto, 1966.
- Hall, H. L. Australia and England: A Study in Imperial Relations. London, 1934.
- The Colonial Office, A History. London, 1937.
- Hardinge, A. The Life of Henry Howard Molyneux Herbert, 4th Earl of Carnarvon. Ed. Countess of Carnarvon, 5 Vols., Oxford, 1925.
- Henderson, G. G. Sir George Grey: Pioneer of Empire in Southern Lands. London, 1907.
- Hicks Beach, V. Life of Sir Michael Hicks Beach. 2 Vols., London, 1932.
- Hight, J and H. D. Bamford. The Constitutional History and Law of New Zealand. Christchurch, 1914.
- Hitsman, J. M. Safeguarding Canada, 1763-1871. Toronto, 1968.
- Hobson, J. A. Imperialism: A Study. London, 1902.
- Jebb, Richard. Studies in Colonial Nationalism. London, 1905.
- Jenks, E. A History of the Australasian Colonies. 3rd ed., Cambridge, 1912.
- The Government of Victoria (Australia). London, 1891.

Keith, Arthur B. Responsible Government in the Dominions. 2nd ed., 2 Vols, Oxford, 1923. (1st ed. 3 Vols., 1912)

----- Imperial Unity and the Dominions. Oxford, 1916.

Kerr, D. G. G. Sir Edmund Head: A Scholarly Governor. Toronto, 1954.

Knaplund, Paul. Gladstone and Britain's Imperial Policy. New York,

----- James Stephen and the British Colonial System, 1831-47. Madison, 1953.

La Nauze, J. A. Alfred Deakin. 2 Vols., Melbourne, 1965.

Lipson, L. The Politics of Equality: New Zealand's Adventures in Democracy. Swarthmore, Pa., 1947.

Livingston, W. R. Responsible Government in Nova Scotia: A Study of the Constitutional Beginnings of the British Commonwealth. Iowa City, 1930.

Longley, J. W. Joseph Howe. (Vol 8 of the Makers of Canada Series) Toronto, 1926.

----- Sir Charles Tupper. (Vol 8 of the Makers of Canada Series) Toronto, 1926.

Loveday, P. and A.W. Martin. Parliamentary Factions and Parties: The First Thirty Years of Responsible Government in New South Wales, 1826-59. Melbourne, 1966.

McCracken, J. L. The Cape Parliament, 1854-1910. Oxford, 1967.

McIntyre, W. D. The Imperial Frontier in the Tropics, 1865-72: A Study of British Colonial Policy in West Africa, Malaya and the South Pacific in the Age of Gladstone and Disraeli. London, 1967.

McNutt, W.S. The Atlantic Provinces: The Emergence of Colonial Society, 1712-1857. Toronto, 1965.

----- New Brunswick: A History, 1784-1867. Toronto, 1963

Martin, C. Empire and Commonwealth: Studies in Governance and Self-Government in Canada. Oxford, 1929.

----- Foundations of Canadian Nationhood. Toronto, 1955.

Martineau, J. The Life of Henry Pelham, 5th Duke of Newcastle, 1811-1864. London, 1903.

Meagher, N. H. The Religious Warfare in Nova Scotia, 1855-60: Its Political Aspect. The Hon. Joseph Howe's Part in it and the

- Attitude of the Catholics. Halifax, 1928.
- Melbourne, A.C. Early Constitutional Development in Australia: New South Wales, 1788-1856; Queensland, 1859-1922. Ed. R. B. Joyce, Brisbane, 1964.
- Morrison, J. L. The Eighth Earl of Elgin: A Chapter in Nineteenth Century Imperial History. Toronto, 1928.
- . British Supremacy and Canadian Self-Government, 1839-1854. Glasgow, 1919.
- Morrell, W. P. British Colonial Policy in the Age of Peel and Russell. Oxford, 1930.
- . The Provincial System in New Zealand, 1852-76. London, 1932.
- . British Colonial Policy in the Mid-Victorian Age: South Africa, New Zealand, and the West Indies. Oxford, 1969.
- Morris, E. E. A Memoir of George Higinbotham. London and Melbourne, 1893.
- Morrison, A. A. Colonial Society: Queensland, 1860-90. Typescript in Oxley Library, 1955.
- Morrison, W. F. Aldine History of Queensland. 2 Vols., Sydney, 1888.
- Morton, W. L. The Critical Years: The Union of British North America, 1857-73. Toronto, 1964.
- Murdoch, Walter. Alfred Deakin: A Sketch. London, 1923.
- Neuendorff, G. Studies in the Evolution of Dominion Status. London, 1942.
- Parnaby, O. W. Britain and the Labour Trade in the South West Pacific. Durham, N. C., 1964.
- Pike, D. Paradise of Dissent: South Australia, 1829-57. London, 1957.
- Pratt, A. David Syme: The Father of Protection in Australia. Melbourne, 1908.
- Pryke, K. G. Nova Scotia and Confederation, 1864-70. Ann Arbor, 1963.
- Reese, T. R. The History of the Royal Commonwealth Society, 1868-1968. London, 1968.

- Reeves, W. P. The Long White Cloud. London, 1898.
- Robinson, R and J. Gallagher with A. Denny. Africa and the Victorians: The Official Mind of Imperialism. London, 1961.
- Ross, A. New Zealand's Aspirations in the Pacific in the Nineteenth Century. Oxford, 1964.
- Roy, J. A. Joseph Howe: A Study in Achievement and Frustration. Toronto, 1935.
- Rusden, G. W. History of Australia. 5 Vols., London, 1883.
- The History of New Zealand. 3 Vols., London, 1883
- Rutherford, J. Sir George Grey: A Study in Colonial Government. Auckland, 1958.
- Saunders, A. The History of New Zealand from the Discovery of the Islands by Tasman, 1642 to 1893. 2 Vols., Christchurch, 1896-9.
- Saunders, E. M. Three Premiers of Nova Scotia: Johnston, Howe and Tupper. Toronto, 1909.
- Life and Letters of the Right Honourable Sir Charles Tupper. 2 Vols., London, 1916.
- Sayers, C. E. David Syme: A Life. Melbourne, 1965.
- Saywell, J. T. The Office of Lieutenant-Governor: A Study in Canadian Government and Politics. Toronto, 1957.
- Schuyler, R. L. Parliament and the British Empire: Some Constitutional Controversies concerning Imperial Legislative Jurisdiction. New York, 1929.
- The Fall of the Old Colonial System: A Study in British Free Trade, 1770-1870. New York, 1945.
- Serle, G. The Golden Age: A History of the Colony of Victoria, 1851-61. Melbourne, 1963.
- Shippee, L. B. Canadian-American Relations, 1848-74. Toronto, 1939.
- Sinclair, K. The Origins of the Maori Wars. Auckland, 1957.
- A History of New Zealand. Auckland, 1959.
- Stacey, C. P. Canada and the British Army, 1846-71: A Study in the Practice of Responsible Government. Rev. ed., Toronto, 1963.
- Sweetman, E. Australian Constitutional Development. Melbourne, 1925.

- Thompson, E. The Life of Charles, Lord Metcalfe. London, 1937
- Tregenza, J. Professor of Democracy. Adelaide, 1968.
- Tupper, Charles. Recollections of Sixty Years. London, 1914.
- Turner, H. G. A History of the Colony of Victoria. 2 Vols., Melbourne, 1904.
- Tyler, J. E. The Struggle for Imperial Unity, 1868-95. London, 1938.
- Walker, Eric. A History of Southern Africa. 2nd ed., London, 1940.
- Ward, J. M. Earl Grey and the Australian Colonies, 1846-57: A Study of Self-Government and Self-Interest. London and Melbourne, 1957.
- . British Policy in the South Pacific, 1786-1893. Sydney, 1948.
- . Empire in the Antipodes: The British in Australasia, 1840-1860. Sydney, 1966.
- Wheare, K. C. The Constitutional Structure of the Commonwealth. Oxford, 1960.
- Whitelaw, W. M. The Maritimes and Canada before Confederation. Toronto, 1934.
- Wilson, T. G. The Grey Government, 1877-9: An Episode in the Rise of Liberalism in New Zealand. Auckland, 1954.

8. Secondary Works - Articles

- Beck, J. Murray. "Joseph Howe: Opportunist or Empire-BUILDER", CHR, XLI (1960), pp. 185-202.
- . "The Nova Scotia 'Disputed Election' of 1859 and its Aftermath", CHR, XXXVI (1955), pp. 293-315.
- . "The Party System in Nova Scotia", Canadian Journal of Economics and Political Science, XX (1954), pp. 514-30.
- Cell, J. W. "The Colonial Office in the 1850s", HSANZ, XII (1965), pp. 43-56.
- Chapman, J. K. "Arthur Gordon and Confederation", CHR, XXXVII (1956), pp. 141-157.
- Creighton, D. G. "The Victorians and the Empire", CHR, XIX (1938), pp. 138-153.

- Edwards, J. P. "The Militia of Nova Scotia, 1749-1867", Nova Scotia Historical Society Collections, 17 (1913), pp. 63-110.
- Fieldhouse, D. K. "Autochthonous Elements in the Evolution of Dominion Status: The Case of New Zealand", Journal of Commonwealth Political Studies, Vol. 1, (1962-3), pp. 85-111.
- Galbraith, J. S. "Myths of the 'Little England' Era", American Historical Review, LXVII (1961), pp. 34-48.
- Gibson, J. A. "The Colonial Office View of Canadian Federation", CHR, XXXV (1954), pp. 279-313.
- "The Duke of Newcastle and British North American Affairs, 1859-64", CHR, XXXIV (1963), pp. 142-156.
- Hamer, D. A. "The Agricultural Company and New Zealand Politics, 1877-86", HSANZ, X (May, 1962), pp. 141-64.
- Harvey, D. C. "Newspapers of Nova Scotia, 1840-67", CHR, XXVI (1945), pp. 279-99.
- "The Maritime Provinces and Confederation", The Canadian Historical Association Report, 1927, pp. 39-45.
- Heisler, J. P. "The Attitude of the Halifax Press towards the Union of the British North American Provinces, 1856-64", Dalhousie Review, XXX (1950), pp. 188-95.
- Ingham, S. M. "Political Parties in the Victorian Legislative Assembly, 1880-1900", HSANZ, IV (1945), pp. 241-256.
- Knaplund, Paul. "Sir Arthur Gordon and New Zealand, 1880-2", Pacific Historical Review, XXVIII (May, 1959), pp. 157ff.
- Lack, C. "A Century of Brisbane Journalism", JHSQ, IV (1951), pp. 471ff.
- Macdonagh, O. "The Anti-Imperialism of Free Trade", Economic History Review, XIV (April, 1962), pp. 489-501.
- MacPhee, H. W. "The Constitutional Controversy of Nova Scotia, 1859-60", Nova Scotia Historical Society Collections, XXXII (1959), pp. 183-213.
- Mills, J. "The Composition of the Victorian Parliament, 1856-81", HSANZ, II (April, 1942), pp. 25-39.
- Morrison, A. A. "Politics in Early Queensland", JHSQ, IV (1950), pp. 29ff.
- "Religion and Politics in Queensland", JHSQ, IV (1951), pp. 455ff.

- ". "The Town 'Liberal' and the Squatter", JHSQ, IV (1951), pp 599-618.
- ". "Liberal Party Organization before 1900", JHSQ, V (1953), pp. 759ff.
- ". "Charles Lilley", Royal Australian Historical Society Journal and Proceedings, XXXV (1959), pp. 1-28.
- Neale, R. G. "The New State Movement in Queensland", HSANZ, IV (1945), pp. 193ff.
- Roach, J. "Liberalism and the Victorian Intelligentsia", Cambridge Historical Journal, XIII (1957), pp. 58-81.
- Robinson, R and J. Gallagher. "The imperialism of Free Trade", Economic History Review, VI (1953), pp. 1-15.
- Semmel, B. "The Philosophic Radicals and Colonialism", Journal of Economic History, XXI (1961), pp. 513-25.
- Serle, G. "The Victorian Legislative Council, 1856-1950", HSANZ, VI (1953-5), pp 186ff.
- Taylor, G. P. "Business and Politics in Queensland, 1859-95", New Zealand Journal of History, I (1967), pp. 75-92.
- ". "Political Attitudes and Land Policy in Queensland, 1868-1894", Pacific Historical Review, XXXVII (1968), pp. 247ff.
- Waite, P. B. "Edward Cardwell and Confederation", CHR, XLIII (1962), pp. 17-41.
- Whitelaw, W. M. "Responsible Government and the Irresponsible Governor", CHR, XIII (1932), pp. 364-86.
- ". "Lord Monck and the Canadian Constitution", CHR, XXI (1940), pp. 298-306.

9. Secondary Works - Unpublished Theses

- Armstrong, W. R. The Politics of Development: A Study of the Structure of Politics, 1870-90. M. A., Victoria University of Wellington, 1959.
- Bartlett, G. R. Political Organization and Society in Victoria, 1864-83. Ph. D., Australian National University, 1964.
- Bassett, J. Sir Harry Atkinson: A Political Biography, 1872-92. M. A., Auckland University, 1966.
- Bohan, E. E. The General Election of 1879. M. A., Canterbury University, 1958.

- Clarke, D. P. The Colonial Office Attitude towards the Working of Responsible Government, 1854-66. Ph. D., University of London, 1953.
- Dalton, B. J. The Governors of New Zealand, 1868-92. M. A., Canterbury University, 1951.
- Dignan, D. K. Sir Thomas McIlwraith. M. A., University of Queensland, 1951.
- Eldridge, C. C. The Colonial Policy of the Fifth Duke of Newcastle, 1859-64. Ph. D., University of Nottingham, 1966.
- Graham, N. I. Sir George Bowen's Governorship of Queensland, 1859-67. M. A., University of London, 1962.
- Hamer, D. A. 'The Law and the Prophet': A Political Biography of Sir Robert Stout, 1844-1930. M. A., Auckland University, 1960.
- Hensley, G. The Withdrawal of Imperial Troops from New Zealand, 1864-70. M. A. Canterbury University, 1957.
- Hunt, J. L. The Election of 1875-6 in Auckland. M. A., Auckland University, 1961.
- Ingham, S. M. Some Aspects of Victorian Liberalism, 1880-1900. M. A., University of Melbourne, 1949.
- Kelly, P. Sir George Bowen: Governor of Queensland, 1859-68. B. A. (Hons), University of Queensland, 1952.
- McCormack, C. P. Victorian Governors and Responsible Government, 1854-92. M. A., University of Melbourne, 1962.
- Mackinnon, N. J. Nova Scotia from Reciprocity to Confederation: A Social History of the Period. M. A., Dalhousie University, 1963.
- MacPhee, H. W. The Administration of Earl Mulgrave in Nova Scotia, 1858-63. M. A., Dalhousie University, 1949.
- Parnaby, J. The Victorian Crisis: The Economic and Political Development of Victoria, 1877-81. Ph. D., University of Melbourne, 1951.
- Ray, E. P. Transition to Responsible Government in Nova Scotia, 1835-64. Ph. D., University of Toronto, 1945.
- Swinfen, D. Attitudes Within the Colonial Office towards Imperial Control of Colonial Legislation, 1826-65. D. Phil., Oxford, 1965.

- Taylor, G. P. Land Policy and the Development of Settlement in Queensland, 1868-94. Ph. D., University of London, 1966.
- Todd, L. R. Grey's Liberal Ministry, 1877-9. M. A., Auckland University, 1942.
- Vockler, J. C. Sir Samuel Walker Griffith. M. A., University of Queensland, 1963.
- Wilson, J. M. The Agent-Generalship. M. A., Canterbury University, 1954.