

of the voting electors in a heavy poll decided, on the second ballot, in favour of confederation.* The Terms of Union, signed on Dec. 11, 1948, restored the Executive Council and the House of Assembly, though not the Legislative Council,† subject to the terms of the British North America Acts. Within the provincial sphere of jurisdiction the new government works on the parliamentary model as before, with a Lieutenant-Governor appointed by the Governor General in Council. The new franchise extends to women aged 21 years or more.

Administration of Justice.—The Fishing Admirals were required to act as judges in all disputes but the seizure, trial and punishment of offenders by these rough seafaring adventurers constituted a very crude judicial process. There was no clear system of law and little guidance was afforded to either judge or accused. Sir Humphrey Gilbert proclaimed at St. John's in 1583 that the Island was "to be governed by such lawes as by good advise should be set down which in all points (so neere as might be) should be agreeable to the Lawes of England", but this evidently came to nothing. The attempts of companies to colonize the Island, and with it to establish laws, were short-lived. Likewise the despatch of Sir Richard Whitborne to Newfoundland in 1615 to hold Courts of Vice Admiralty, while it was the first primitive attempt to create a formal court of justice in Newfoundland, was a legal farce, lacking any public funds or power to execute sentence. Whitborne inquired into disorders committed on the coast and delivered the presentments of the captains of 170 English ships to the High Court of Admiralty. The captains merely avowed that the disorders would cease.

The Star Chamber Rules of 1633 prohibited a number of acts, enjoined the Fishing Admirals to enforce them and to preserve the peace. Cases of killing or of stealing goods worth 40 shillings or more were to be sent for trial in England. The rules gave jurisdiction over infringements by ship-owners to courts in England.

A regulation of Charles II in 1670 required that persons accused of any crime be brought to England for trial. This proved impracticable and was altered in the next century. Meanwhile prisoners were often unable to procure witnesses, owing to expense or the unwillingness of witnesses to leave the fishery.

The Act to Encourage the Trade to Newfoundland of William III confirmed the ancient custom of Admirals. It required them to "settle differences" between ships and also between fishermen and inhabitants. There was given a right of appeal to the commander of the "ships of war appointed as convoys", if indeed one lay near enough. The Act, noting that felons had often escaped punishment "because the trial of such offenders hath been ordered before no other court but the Lord High Constable and Earl Marshall of England", provided "that all robberies, murders, etc., committed there (i.e., Newfoundland) may be tried in any shire of England by virtue of the King's commission of oyer and terminer and gaol delivery‡ according to the laws of this realm". Other offences continued, presumably, to be dealt with under the rough-and-ready justice of the Admirals. The Admirals

* Two national referenda were held. On June 3, 1948, responsible government obtained a plurality but not a majority over the continuation of commission government and confederation with Canada. In the second ballot, held on July 22, 1948, continuation of commission government, having received the least votes, was not included.

† The Legislature of the Province may do so.

‡ The customary commission which empowered Royal Justices travelling on circuit to "deliver the gaols" of any prisoners held for trial and to "hear and determine" (i.e. pronounce judgment on) their cases.