

# Jerry Bannister. *The Rule of the Admirals: Laws, Customs, and Naval Government in Newfoundland, 1699-1832.*

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## 400 Reviews

Jerry Bannister. *The Rule of the Admirals: Laws, Customs, and Naval Government in Newfoundland, 1699-1832*. University of Toronto Press for The Osgoode Society for Canadian Legal History, Toronto, Buffalo and London, 2003, ISBN 0-8020-8843-0

JERRY BANNISTER'S BOOK *The Rule of the Admirals: Laws, Customs, and Naval Government in Newfoundland, 1699-1832* is a sweeping study of the development of legal culture in Newfoundland during the eighteenth century. Beginning with the passage of Britain's *King William's Act* in 1699 (the statute that purported to codify the authority of the fishing admirals in Newfoundland) and concluding with the grant of representative government in 1832, this volume from The Osgoode Society for Canadian Legal History is a very important, engaging contribution to both the general and legal historiography of Newfoundland.

The purpose of this book is clear from the opening pages of the Introduction. Bannister is intent on investigating the merits of the position common among historians of Newfoundland that the eighteenth century was a period of anarchy and abuse on the island, fostered and continued by the notorious fishing admirals to the benefit of the West Country merchants of England. This position owes much of its success to the wide appeal of D.W. Prowse's 1895 study, *History of Newfoundland*. Bannister successfully challenges this conclusion by immersing himself in the vast array of primary sources available from the period, including the more obvious official records of Parliament, the Colonial Office and court proceedings, but also the more subtle diaries and letters that can give history its real vitality for the contemporary reader. Bannister's rejoinder is that law and governance in eighteenth-century Newfoundland emerged from a richly layered combination of statute, common law and local custom, that the influence of the fishing admirals was occasionally real but generally minimal, and that the system of naval government that developed through the middle decades of the eighteenth century was a relatively effective precursor to representative government in 1832.

It is not overstating the point to say that this book has the potential to generate a full reconsideration of the predictable trajectories of Newfoundland history. As Bannister points out, and as I am sure many Newfoundland historians would agree, Prowse's history had influence in twentieth-century Newfoundland perhaps far greater than it deserved, based as it undoubtedly was on the rhetoric of the early-nineteenth-century reform movement that had the incumbent English powers unsympathetically in its sights. The reformers exaggerated a series of legitimate complaints to the point where those complaints became the myths of total neglect and subjugation. While of course there was some truth to the bases of the economic and political discomfort expressed by the reformers, those truths attracted an emphasis in Prowse's history (and in the histories of many of those who followed) that overlooked the socio-political and socio-economic realities of eighteenth-century Newfoundland.

*The Rule of the Admirals* reflects a patient, unassuming test of Prowse and his legacy. Bannister's review of the early fishing admirals system, and the difficult struggles between competing claims to authority in the first decades of the eighteenth century, lays the foundation for his conclusion that the fishing admirals were never the force that Newfoundland legend makes them out to be. In fact, despite their authority being more or less clearly set out in *King William's Act*, their ability to effectively act on those statutory powers was always in doubt, tested time and again by local custom and intransigence, and by the exigencies of outport life. And even in this early period, the emergence of a plural judicial system made for contested jurisdiction, especially between the fishing admirals and the local justices of the peace. These contests opened the door for the establishment of naval government by mid-century, primarily to give some stability to the process of dispute settlement and the enforcement of authority on which, it was assumed, the continuation of the fishery depended.

Quite apart from the scholarly significance of Bannister's book, the story of the development of legal culture in eighteenth-century Newfoundland is a rollicking tale of pirates and murderers, outport intrigue and St. John's politics. We meet some of the most famous faces of Newfoundland history in Bannister's book, from the indefatigable William Carson to the nine notorious murderers of William Keen in 1754. We find a criminal law characterized at times by public hangings, public whippings, and public humiliation, but also a more compassionate system of pardons and reprieves that, Bannister argues, is probably a by-product of the influence of the Georgian navy.

In short, Bannister has given us the important scholarly basis on which to re-assess some of the significant legends of Newfoundland history, wrapped in the warm and often dramatic cloak of real, flesh and blood Newfoundlanders. *The Rule of the Admirals* deserves a place among the very best of Newfoundland scholarly histories, while at the same time providing an accessible and exciting tour through early Newfoundland.

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Malcolm MacLeod. *Connections: Newfoundland's Pre-Confederation Links with Canada and the World*. Creative Publishers, St. John's, 2003, ISBN 1-894294-58-0

THERE IS A PARADOX in the way that island societies perceive their place in the world. At one level, there is a tendency to regard the island as the epicenter of a lived universe defined by what poet Milton Acorn once described as "the wave-lined edge of home." But at another level, islands see themselves as peripheral to the Mainland that lies across those waves, whether near or far. If nothing else, pride often requires islanders to play up the image of the island as micro-uni-