

ASPECTS

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MAD DOGS AND IRISHMEN

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Illustration by Rachel Gilbert

DURING THE 19TH CENTURY, NEWFOUNDLAND'S FISHING SERVANTS AND FAMILIES PARTICIPATED IN SEVERAL PROTESTS AND ACTS OF COLLECTIVE RESISTANCE TO HAVE THEIR VOICES HEARD BY THE ISLAND'S ADMINISTRATION. ONE SUCH CASE TOOK PLACE IN THE YEARS 1814-1815, WHEN ANONYMOUS PROTESTORS STOPPED THE ST JOHN'S MAGISTRATES FROM ORDERING THE EXTERMINATION OF ALL DOGS AS THE PRINCIPAL INHABITANTS FEARED THAT THE RECENT STRING OF DOG ATTACKS WERE SPREADING HYDROPHOBIA OR RABIES. THE ANONYMOUS PETITIONERS ARGUED THAT THE TOWN'S DOGS WERE SAFE, CITING THAT THE ADMINISTRATION WERE UNFAIRLY TARGETING THEM BECAUSE THEIR OWNERS WERE IRISH. HOWEVER, IT IS DIFFICULT TO DETERMINE FROM THE EXTANT DOCUMENTS WHO WAS ACTUALLY INVOLVED IN THIS CONFLICT BETWEEN THE TOWN'S SERVANTS AND ITS ADMINISTRATION. RESEARCH GLEANED FROM MUN'S CENTRE FOR NEWFOUNDLAND STUDIES AND THE PROVINCIAL ARCHIVES OF NEWFOUNDLAND AND LABRADOR, LOCATED IN THE ROOMS, DEMONSTRATES THAT NEWFOUNDLAND'S WORKING POPULATION CLASHED WITH ITS LEGAL AUTHORITIES AND MERCHANTS BECAUSE THESE GROUPS INTERPRETED THE LAW AS PERFORMING DIFFERENT FUNCTIONS AND SAW JUSTICE IN CONFLICTING WAYS.

In 1814-1815 a group of St John's workers used threats of violence to stop the local magistrates and the Chief Justice, Cesar Colclough, from exterminating dogs. When the Governor, Vice-Admiral Sir Richard G Keats, was away, and with no representative assembly, Colclough was responsible for protecting the public order from threats. The Colonial Office had appointed Colclough to Newfoundland after he left his position as Prince Edward Island's Chief Justice, where he was a controversial figure, as he was involved with the local proprietors who conflicted with Lieutenant Governor Joseph DesBarres and his supporters, the Loyal Electors. Colclough was friendly with what he considered PEI's genteel class, and supported their aims to gain greater property rights. However, in 1809, DesBarres, and his loyal electors were "attacking the [absentee land] proprietors in the name of the people,"¹ and Colclough's name was tarnished in PEI when he committed questionable actions to defend his allies. By the time he left to oversee Newfoundland's justice system, PEI's residents considered him a defender of murderers and a person who beat his servants.

When Colclough arrived in Newfoundland, he found himself beset by financial woes and what he considered seditious Irish factions who wanted to undermine his authority. Colclough continued to align himself with society's elites while in Newfoundland, and this later caused him trouble, as the records on the dog petition demonstrate.²

Working dogs, biting dogs

A number of the town's principal inhabitants and merchants had earlier approached the local justices to complain about the dangerous dogs that roamed the vicinity of St John's. Work dogs were widely used to haul wood, for example, but when not being employed they were left to roam. While no official complaints were found in the records, one of the magistrates claimed numerous dogs had bitten people and there were fears the animals were infected with hydrophobia, better known as rabies.³ (Historian JM Bumsted suggests that the threat of rabies initially came from a ship that visited St John's.⁴) When the magistrates apprised the Chief Justice of this situation, he called upon the town's principal inhabitants to investigate these claims as a Grand Jury.

Governor Francis Drake had initially empaneled Grand Juries in 1750 to "try capital offences, treason

excepted."⁵ Colclough's Grand Jury was not involved in determining if a human should be executed, but the jurors were given the task to decide if the authorities should exterminate animal life. This demonstrated that Newfoundland's Grand Juries had evolved over time and that Chief Justices and Governors had given them new functions. Colclough was aware of the seriousness of the threat that hydrophobia presented. If the dogs infected other animals, then people could find themselves becoming seriously sick, or they could lose their cattle.

When the Supreme Court next deliberated, the Grand Jury argued that the dogs in St John's had hydrophobia and they posited that a plan was needed.⁶ Colclough took the Grand Jury's conclusions seriously, but noted in his letters to the magistrates that he believed the issue had been blown out of proportion. The Chief Justice compared the elites' fears to the same ones that London elites held about dogs in the past. Colclough referred to 1798, when London's elites started a movement to exterminate dogs in the nearby area to stop the spread of rabies.⁷ He wrote that London's elites were never able to prove that the dogs had hydrophobia, much as St John's principal inhabitants were unable to. Instead, elites in both places relied on their political clout, such as their positions on the Grand Jury, and their combined word of mouth, to produce enough complaints to force legal officials to enact measures to get rid of potential hydrophobia threats.

But, while Colclough doubted the seriousness of the threat of mad dogs in St John's, he enacted a plan that satisfied the principal inhabitants and the merchants. He ordered that any dog found within St John's that was not muzzled or being used for sledding was to be destroyed.⁸ He also offered substantial rewards to any person who brought in dogs to be killed. His order did not affect other towns, but there was no way to identify where the dogs came from and people could claim the bounty by bringing in animals from other locations. The Chief Justice's plan may have pleased St John's elites, but the fishing servants and planters who used the dogs for work were angered by this proposal.

A letter in reply

In response to Colclough's measures, an anonymous letter was drafted in the name of the "poor of St John's" and unknown persons nailed it to the courthouse's doors the day after the Supreme Court adjourned.

The letter stated that the town's servants would not abide with the law if it meant that their dogs would be killed, and it asked the Chief Justice to rescind his orders.⁹ If Colclough did not accept their demands, then the anonymous writer threatened that the "poor" would take to the streets to force the court officials to take back their orders. The writer noted that the Chief Justice's proclamations was similar to preceding orders that English officials made before the Irish rebellion, in which England's authorities killed the Irish residents' cattle because people feared that they were diseased,¹⁰ and implied that the Island's administration was continuing a pattern of unnecessary and unjust orders against the Irish people.

The writer denied that the dogs in town had hydrophobia and insisted that these animals were necessary for people's livelihoods. The servants and poorer families of St John's relied upon their dogs to hunt game during the colder months, and these animals would pull the sleds that brought the timber back to their homes.¹¹ The wood that the dogs carried was used in the construction of buildings necessary for the fishery, such as fish flakes. The justices' destruction of the dogs would not only hurt the poor of St John's, but it would also limit the servants' and the planters' ability to work in the fishery. The writer made it clear that the servants, many of whom came from Ireland, did not want their rights trampled upon as had happened in the past, and they were taking precautionary steps to prevent this. The author employed a threat in the last line of the letter, stating "[m]ercy we will take, and mercy we will give."¹² The author insisted that they did not want to force the Chief Justice's hand, but that the "poor" felt they had no choice in the matter.

Colclough refused to give in to the anonymous petitioners' threats. Instead, he announced to the local Sheriff that he wanted the writer and the person who posted the letter to be apprehended. Colclough also offered a substantial reward for any information that people brought to the court officials on this matter. He additionally proposed that any petitioners or accomplices to the poster would be pardoned if they turned themselves in and provided information on who committed these acts.¹³ Colclough wanted to show the public that the petitioners' threats were not tolerated,

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especially if they used intimidation tactics to disrupt his orders.

Colclough's response demonstrated an important characteristic about the relationships between the justices and the different classes that resided in St John's. The principal inhabitants and merchants were able to get the justices' attention by going

through official channels. In particular, their status as high-ranking members of Newfoundland's society, in this case created by their wealth and their ability to control the cod fishery's production, gave them greater say in getting the magistrates to do what they wanted. This was illustrated by how some of the principal inhabitants and merchants held positions in the Grand Jury who convinced the Chief Justice to exterminate the dogs. In comparison, St John's servants and the poorer planters did not have the same power to get the justices' attention. The servants could complain to their court officials, but the elites held positions within the administration.¹⁴

British officials often chose to place the Island's principal inhabitants, including merchants, into positions of authority both because these people were often educated and also because their judgment could be counted upon to uphold the interests of property owners. Historian Jerry Bannister notes that Newfoundland governors appointed successful fishing admirals and surgeons as magistrates because of their experience with the law and their educational backgrounds.¹⁵ Additionally, the merchants were involved with the local justice system, even though they rarely held official positions. Bannister also points out that the local administration saw the merchants as a source of public funding, which it used for the maintenance and construction of buildings necessary for the Island's government. When the merchants gathered together to form committees or to petition their local Justices of the Peace, the administration listened to their complaints because the authorities realized that they needed their traders to keep Newfoundland's economy and government running.

Sway and suspicions

The town's elites had greater access to official channels since they operated within the system, while the servants were left outside of it to petition

their local magistrates and hope that the justices listened to their pleas. If petitions did not work, the workers used protests to circumvent the courts and to change how the law functioned.

Unfortunately, there are no extant records to determine whether the principal inhabitants were successful in having the town's dogs exterminated, or if the servants stopped it from happening. There were also no records of people turning in the writer(s) and the poster(s) of the petition, or any further information on these suspects. But this lack of evidence suggests that the elites were unsuccessful in their plan to have the dogs removed from St John's. If the authorities' plan was successful there would be documentation on people being paid for bringing in animals to be destroyed, correspondence on the efficacy of this plan, and appeals for compensation. And if the petitioners were not bluffing, there would also be evidence of protests against the Supreme Court officials for killing their dogs.

Colclough's documented concerns about Irish rowdiness suggest another dimension to this incident, since he inferred from the petitioners' allusion to the Irish rebellion that they were immigrants from Ireland.¹⁹ The Chief Justice stated in different letters that the Irish Catholics were causing trouble in Conception Bay by rioting. It is hard to determine if Colclough was correct in his claim that these riots consisted solely of Irish servants but not servants of English background, because he did not present any evidence to prove his point.²⁰

His letters underscore his paranoia of Irish Catholics, and his biases that these people were naturally seditious. The Chief Justice's family was a part of the Irish Protestant elites, and Bumsted states that his family's participation in Ireland's politics led Colclough to support the "English government in its suppression of the Irish Rebellion of 1798."²¹ Colclough's suspicions of Irish Catholics led him to intuit that these people were behind every protest and that they were undermining his authority. While the Chief Justice's letters do suggest that the extermination of the dogs may have proceeded, and that groups of servants were protesting against these unfair laws, Colclough never stated in a majority of the cases why these people were protesting, only that he believed that it was the Irish causing trouble. Therefore, the lack of documentation

COLCLOUGH'S LETTERS UNDERScore HIS PARANOIA OF IRISH CATHOLICS.

about the consequences of his plan to exterminate the dogs and the later petition strongly indicate that the St John's court officials did not go ahead with their order, whether it was the servants who caused the authorities to back down or other factors.

While Colclough acknowledged that it was likely only a small group of servants who were

responsible for the dog petition, he knew that a majority of the town's servants were unhappy with this plan.²² The Chief Justice and the court officials worried that the servants would wreak havoc on the town if their dogs were killed. The references to the Irish rebellion in the letter supports the idea that the petitioners saw the similarities between the Chief Justice's plan to exterminate the town's dogs and the British officials' decision to kill Ireland's cattle. The anonymous petitioners did not trust the Grand Jury's, or the Chief Justice's, decisions because they saw that the elites were oppressing them by depriving them of a valuable asset, as Protestant elites had in Ireland. The servants believed that the principal inhabitants and the justices colluded with one another because they came from the same backgrounds. The elites and the administration, on the other hand, believed that the dogs posed a threat to the town and that something needed to be done. Both groups had valid reasons for their actions and each saw the other as infringing on their ideas of what was fair.

An awareness of oppression

Still, this was not clearly a conflict between St John's elites and the popular classes. It is impossible to tell from the extant documentation who exactly made the complaints to the Justices or who wrote the anonymous petition. It cannot be fully established if all of the town's elites wanted the dogs exterminated, or if all of the servants objected. What most likely occurred was that small segments of both classes acted on their own, which impacted their respective groups. What can be established was that Colclough acted upon the complaints that the dogs represented a threat.²³ And, despite the petitioners' threats in their letter, Colclough ignored the distress that his actions caused to the servants. Without their dogs, the servants would have found themselves at a severe disadvantage while trying to survive the winter. While Colclough did not intend to specifically damage the servants' livelihoods, his actions

demonstrated how court officials were more likely to listen to the Island's principal inhabitants' grievances.

The servants' petition was a reactive demonstration against the principal inhabitants' actions, and one that reminded them of how British officials oppressed them in the past. This case illustrates that the servants had an ingrained awareness of oppression from legal officials, and an idea of how they might respond. Conversely, the elites acknowledged that the servants had a history of resistance against their decisions. Even though not all of the servants in the Conception Bay region, let alone St John's, were Irish, a large majority of them came from Ireland.²⁴ In the 1815 dog petition incident, the English and Irish servants in St John's banded together because the Chief Justice's decision harmed all of them. While it is impossible to determine who exactly wrote the dog petition, the court officials' response to the letter, and the community's failure to turn the creators in to the authorities, demonstrated how the servants were resolved to resist Colclough's decision. **NQ**

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1 JM Bumsted, "Colclough, Caesar," in *Dictionary of Canadian Biography*, vol 6, University of Toronto/Université Laval, 2003—, accessed February 13, 2018, http://www.biographi.ca/en/bio/colclough_caesar_6E.html

2 *Ibid.*

3 Colclough's Letter About Mad Dogs to Unknown, St John's, February 7th, 1815. CO 194/56-[Reel B-685], 11.

4 Bumsted.

5 O'Flaherty, *Old Newfoundland* (St.John's: Long Beach Press, 1999), 78.

6 *Ibid.*, 11.

7 *Ibid.*, 11-13.

8 In the Court of Sessions, L Chancey, St John's, 3rd February, 1815, CO 194/56-[Reel B-685], 14.

9 The Distressed of St. John's to Colclough, Dog Petition, St John's, nd, 1815, CO 194/56-[Reel B-685] 16-17.

10 The Distressed of St John's to Colclough, 17.

11 *Ibid.*, 16.

12 *Ibid.*, 17.

13 Colclough's Letter About Mad Dogs to Unknown, 12-13.

14 Bannister, *The Rule of the Admirals* (Toronto: University of Toronto Press, 2003), 119. Since the first sessions of the Court of

Oyer and Terminer in 1750, the Governors elected Grand Juries from local magistrates and principal inhabitants.

15 Bannister, 23.

16 DF Beamish, "Lester, Benjamin," in *Dictionary of Canadian Biography*, vol 5, University of Toronto/Université Laval, 2003—, accessed January 23, 2018, http://www.biographi.ca/en/bio/lester_benjamin_5E.html.

17 Bannister, 153.

18 *Ibid.*, 129.

19 Distressed of St John's to Colclough, 16-17.

20 Colclough's Report on the State of Affairs in Newfoundland, St.John's, March 19, 1815. CO 194/56 [Reel B-685], 173.

21 Bumsted.

22 Charles Pedley, *The History of Newfoundland and Labrador From the Earliest Times to the Year 1860* (London: Roberts & Green, 1863), 293-4.

23 Colclough's Letter About Mad Dogs to Unknown, 11.

24 Cadigan, *Newfoundland & Labrador, A History*, (Toronto: University of Toronto Press, 2009), 88.

