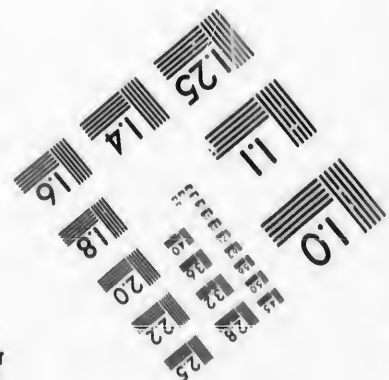
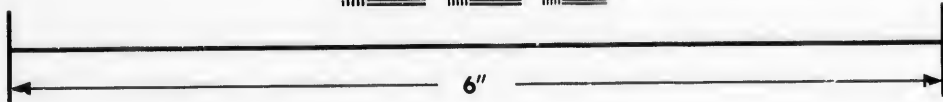
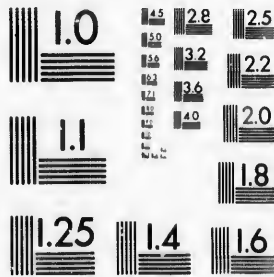


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

15 28
18 22
20 25
22 25
25 25
28 25
30 25
32 25
35 25
38 25
40 25
42 25
45 25
48 25
50 25
52 25
55 25
58 25
60 25
62 25
65 25
68 25
70 25
72 25
75 25
78 25
80 25
82 25
85 25
88 25
90 25
92 25
95 25
98 25
100 25

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

11
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

© 1987

The copy filmed here has been reproduced thanks to the generosity of:

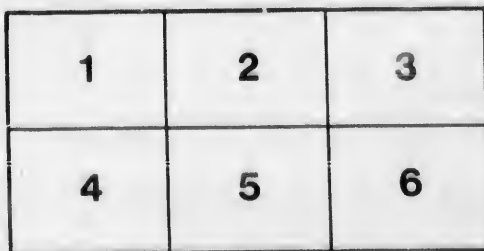
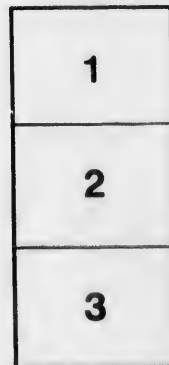
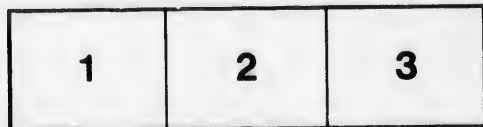
Metropolitan Toronto Library
Canadian History Department

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Metropolitan Toronto Library
Canadian History Department

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

25,936

25,936



FEB 2 1943

A CHAPTER
IN THE
HISTORY OF NEWFOUNDLAND,
FOR THE YEAR
1861.

NEWFOUNDLAND is one of those outlying portions of territory which acknowledge the sway of our Most Gracious Queen—not, perhaps, very familiar to the majority of Her Majesty's liege subjects, yet somewhat noteworthy for its extent, being about the size of Ireland; for its location, a sort of frontier citadel to our possessions in America; and from its historical position, the most ancient of the British colonies. Moreover, it is of great intrinsic value commercially, on account of the vast amount of wealth annually fished from its surrounding waters; and it is linked with events of recent interest, as the first land on which the Prince of Wales last year saluted his mother's dominions across the ocean, and where he received the preliminary notes of that welcome which grew louder and deeper with his progress over a continent.

But my present object is to deal with Newfoundland as under the sway of our Queen, and, I may add, of her constitutional sway. It is not only presided over by a Governor whose commission runs in Her Majesty's name—not only is it protected by forts, and troops paid from the British treasury, but it boasts of British institutions, the operation of which has yielded materials for the present chapter in its history. The country has its Legislature of two houses—one nominated by the Crown, the other chosen by the suffrage, almost universal, of the people. The latter house, like the Commons in England, has the lion's share in the control and management of public affairs. With it rests the disposal of all mon-

ey votes; and so, by granting or withholding its confidence, it can sustain or overturn the ministry of the day. The Governor has a check on the abuse of power by the House of Assembly, in that, if he has reason to believe that the ministry, with the support of the majority of the House, have fallen into an attitude opposed to the prevailing feeling in the community, he can, on his own responsibility, change his advisers, and, by a dissolution of the Legislature, send the members of the lower branch to be tried by the judgment of their constituencies. This is, in fact, what has happened in this year of grace 1861, and has led to scenes of riot, followed by military intervention, wounding, and loss of life, thus producing a page of colonial history which has no parallel in the past annals of the Island.

It should be premised that the population of the colony is divided by a strong line of demarcation between Protestants and Roman Catholics, the former having the majority by about ten thousand. The latter, however, have been enabled to counterbalance their numerical inferiority by concentrated unity of aim and action, and by having a vast preponderance in numbers in the capital, the seat of government. Skilfully using these advantages, they succeeded in acquiring and maintaining the direction of affairs from the year 1855 until the commencement of the present—the Protestant, and larger, part of the community looking on the honors and emoluments of office as being beyond their reach—sometimes, indeed, consoling themselves by saying that they had become too dirty to touch. Meantime, the party in possession of power exemplified in themselves the evils attendant on prolonged prosperity. Their reign apparently secure, if not invulnerable, the members of the Government rioted amid the sweets of office, not forgetting to reward their friends with considerable pickings in the shape of colonial appointments and treasury pay. At first they were scarcely sufficiently alive to an old truth, that party gifts tend to awaken a larger appetite, and to call into existence an increasing number of applicants—a truth which they realised, nevertheless—making it necessary that the favored occupants of the State chest should draw round it a *cordon*, as a barrier against a too extensive and importunate solicitation. The result was, that those seated within the barrier became a sort of family party, safely ensconced amidst the blessings of a desirable house. This was the view, at least, openly put forth by the opposition, and not without murmuring echoes from many friends of the ministry who had toiled and schemed to exalt them to

power, but who were disappointed as to the direction and extent of liberality which from that position they dispensed.

For some time during the session of 1860, there were indications of a mutinous spirit among the outside auxiliaries to the Government camp, and one bright morning in the month of June that spirit unexpectedly obtained an utterance which sounded as the blast of a trumpet in the capital, and thence reverberated throughout the colony. The Roman Catholic Bishop of the diocese of St. John's issued a letter, in which he denounced the doings and the shortcomings of the Government of which he had long been regarded as the main support—designated it as a family clique, the members of which neglected the country's interest for their own personal advantage, and applied the means which should have been appropriated to public improvements to the less statesmanlike purpose of bribing their friends and making sure their ill-gotten seats.* In the same document the inculpated ministers were stigmatised with the choice names of "state paupers," "locust-like officials," &c., &c., and the electors throughout the several districts under the influence of the writer were called on to look for new men to represent them and to hold themselves in readiness for another election, "which," said his Lordship, "*may be very soon.*"

This manifesto fell like a bomb-shell on political and social circles—and more than divided the interest which that morning was felt in many a family breakfast. It was sure to furnish a text on which the opponents of the Government would not be slow to make sarcastic comments, while numbers of the flock, recognising the episcopal denouncer as their Chief Shepherd, were emboldened to give utterance, under such authority, to bitter sentiments, which they had long cherished in their hearts, but hitherto had not dared to express. In connection with this letter, we may note one striking fact, which will seem curious to politicians in England, that not one of the Government papers, though one was under the editorship of a member of the Government, and the others are said to have been well-subsidized as printers for the Government, ever ventured a reply, or even a rejoinder to this episcopal fulmination—a fact which speaks volumes as to the potency of that clerical influence by the support of which they had maintained their seats.

Before the close of the year an extraordinary session of

* See Note A in Appendix.

the Legislature was held, to make provision for the public distress—which, from the failure in the annual catch of fish was apprehended in many of the districts of the island. The sitting did not last many days, but was sufficiently long to elicit signs of disharmony amongst the members of the government and their supporters, arising from the famous pastoral of June, and to afford opportunities to the opposition to cull from that document certain not very complimentary phrases, and fling them unsparingly at the heads of parties whom they were supposed to designate. After a brief recess at Christmas, the House met again to enter on the usual business of the country, when the seeds of disorder previously manifested on the ministerial side appeared to have germinated so as to give promise of vigorous action. An open schism was produced by a motion originating with an independent member on that side. What made the matter worse was—that the galleries showed unmistakeable animosity to the government; the episcopal letter, whose charges had neither been answered nor withdrawn, seeming to give a license even to the Roman Catholics to exhibit their latent hostility. It was a dilemma which led the Premier to place himself in the most ignoble attitude that was ever adopted by the chief adviser to the representative of the Crown. Turning his back on the Speaker and the Assembly, he addressed himself to the galleries, rehearsing the benefits he had rendered to his party and the country, and concluding with the mendicant statement that if he were turned out of office he would be without a sixpence for the support of his family.

The threatening peril was however, for the nonce, staved off, the escape being due, it is said, to the interposition of the prelate above-mentioned—it being a subject of remark that a Sunday intervened between the most dangerous aspect of the crisis and the Colonial Secretary's coming to the house with smiling countenance to announce that the difficulty was accommodated, the Executive having yielded the point in dispute. Still, the general opinion was, that the breach which it was ostentatiously pretended was healed, would speedily show itself again with exaggerated features, and in less reconcileable dimensions. Time was not given for this before a more fatal trouble overtook the clinging occupants of the treasury. A question was introduced by the ministry which, though not exactly a government measure in a party sense, on other than party grounds arrayed the opposition against it. The question related to the value, in colonial currency, to be given to

Imperial sterling in the payment of officials. The Judges—whose interests were likely to be affected, and as they thought, injuriously, by the measure—forwarded a representation against it to his Excellency the Governor. This innocent correspondence was the occasion of our Premier's making a ruinous *faux pas*. Elated by the success with which he had recently smoothed over the division in his own ranks, and at the same time stung by the reproaches from the other side on the ignominious terms by which that reconciliation had been effected; which made him ready to vent his wrath in any quarter, he, in presence of his colleagues, unluckily hazarded a charge against the Governor of having entered into a conspiracy with the Judges to thwart his own cabinet. The fatal words were duly reported in the papers; next morning, and read by his Excellency; who wrote to the Colonial Secretary asking for an explanation. To this natural demand the other curtly answered, that, as a representative of the people, he did not consider himself called on to give account to the Governor as to what he might have said in the House of Assembly. On the receipt of this reply the action of Sir Alexander was prompt and decisive. He informed the chief of the ministry and his subordinates that they no longer composed his Executive Council, and entrusted to Mr. Hoyles, the leader of the opposition, the task of forming a government. It was a bold step, but justified by a reasonable persuasion in the minds of his Excellency that the general feeling of the country would ratify his proceedings. His late advisers still held a majority in the House of Assembly, a majority which was welded into greater compactness by the sudden stroke of misfortune which had fallen on the whole party. It was necessary, therefore, to resort to a dissolution to try the sense of the constituencies.

Before this extreme step was taken, however, the new ministry met the House of Assembly, when Mr. Hoyles made a statement as to the circumstances which had placed him in the position in which he stood before the House, and announced his intention, if possible, to form a government representing all the religious denominations in the country.* The forlorn hope was then tried of working with the legislature as then composed during the session, deferring the elections to the autumn. The attempt, as might be expected, was utterly vain. Indeed it was

*See Note B in Appendix.

impossible to transact any business whatever. The ex-officials had mustered a mob of their rowdy supporters, who not only occupied the galleries to the exclusion of all others, but took possession of the House itself, forcing the members to conduct their deliberations—if deliberations they might be called—squeezed up in an arena immediately around the Speaker's chair, where they could not hear each other's voices for the cheers, groans, whistlings and yells which made interminable and uproarious concert. These scenes, repeated several days, were unparalleled as distinguishing a hall of legislation, unless—to compare small things with great—they resembled the orgies in the early stages of the French Revolution, before the enthusiasm of disorder had degenerated into the thirst for blood.

This saturnalia was suddenly brought to an end by a proclamation in the *Gazette* dissolving the House of Assembly; and then began the preparations for the general election which was to sustain or to condemn the high-handed decision of the Governor. The supporters of the new administration in the dismissed Legislature had little doubt about the districts they had represented. On the other side, all was not so completely harmonious and hopeful. The apple of discord thrown out by the Roman Catholic prelate nine months previous had produced an impression which boded ill for the united action of the party of which he had been regarded as the principal prop. "What will he do in the circumstances?" was a question repeatedly asked. He was evidently in a dilemma, staggered in presence of a catastrophe which he had helped to bring about. Like many a sturdy protectionist in the old country, after his party had succeeded in substituting Sir Robert Peel for the Whigs—who, when he saw the manifest tendency of the newly-elected high-priest to offer incense at the shrine of Free Trade, was driven to the bitter conclusion that there might be a worse demon than Lord John—so Bishop Mullock was anything but pleased to see what a change he had made for the coterie which he had scolded with such sharp severity, but whose whipping had been administered by another hand. But events were pressing, and did not leave his Lordship room to be very nice as to his action in the unexpected and unwelcome emergency. He therefore wrote another letter, in which he made it known that his favour went with the party which he had so recently abused, alleging at least that they were to be preferred to their successors so far as the interest of the church was concerned, for they had enabled him and his clergy to build convents, schools, &c., and, indeed, do a world of pious good. This mis-

sive, instead of fusing the discordant elements let loose by his former communication, only excited feelings of perplexity, and in some cases provoked murmurings of discontent, in relation to the vacillation of episcopal counsels.

At length the time of the elections arrived, and it will be necessary to tax the patience of the reader with a few details as to the proceedings, in order to a proper understanding of the bearing of subsequent events. Of the thirty members of the dismissed house, twelve were the supporters of the new administration, eighteen were more or less strongly attached to the late government. With respect to the former there was no difficulty as to their re-election—all who chose to stand were returned without opposition, and in the case where a new member had to be substituted for one who had retired, the vacancy was supplied by a gentleman of the same principles and on the same side. In the other camp all was confusion and strife. Scarcely a district was uncontested, and in several the struggle was marked by violence and outrage. The new Premier offered himself with a colleague to Burin, and they were returned without meeting the shew of an antagonist, though at the previous election the constituency had sent adherents of the late ministry. This altered the relative position of parties, giving fourteen instead of twelve to the government, and reducing the opposition from eighteen to sixteen, even if there should be no change in the other districts.

In Conception Bay there were two districts, Harbour Grace and Carbonear—the former returning two members, the other one—which had been represented by friends of the defunct ministry. It was well known, however, that in both, the majority of the electors (in the first-named a majority of nearly two to one) was on the other side. It was determined to make an effort to gain the representation for those whose preponderance in numbers gave them a claim to it. At Carbonear this determination was speedily quelled. On the day of nomination a fierce mob, having done some injury as an earnest of what it would do, besieged the government candidate, and obliged him in terror for his property and his life to resign. Consequently, his opponent, the old member, was reported as re-elected without going to the poll. In Harbour Grace a sharper and more prolonged struggle took place. It should be mentioned here that at the two previous elections for this district, the proceedings had been stayed by violence, the candidates obnoxious to the mob having been compelled to retire—in one case, without going to the poll; in the other,

while the poll was actually going on, and though he had the vast preponderance of votes given.*

In anticipation of deeds of violence a portion of the military had been sent to keep the peace, but this did not prevent disorder, nor even modify the rioting which ensued. A savage crowd took possession of the streets, breaking windows, smashing furniture, and attacking persons, in one instance with sore injury and the peril of life. Owing to the timidity and indecision of the resident magistrate, our soldiers were compelled to play an ignominious part. They were the mere attendants on the mob, pausing when the latter stopped to gut a house or store, and when the work was done following to the next scene of devastation, receiving no order from the officer in command to prevent the destruction of the property of peaceful citizens. A reign of terror prevailed in the town, and the principal merchants, having thousands worth of property apparently at the mercy of these lawless brigands, besought the obnoxious candidate, though representing their own political views, to withdraw. He, however, stood firm, and resolved to go to the poll. But when the day of polling came, so complete was the terror and dismay, that it was impossible to find persons courageous enough to undertake the duties of poll-clerks. So to the writ for Harbor Grace election there was no return.

The scenes above narrated took place in Protestant districts, or at least districts in which the Protestants had the majority; but in some respects they were thrown into the shade by what occurred in a purely Catholic locality. The Attorney General of the late government had represented the district of Placentia, where he was in such ill-odour with the constituency that he durst not present himself for re-election. In the beautiful country at the head of Conception Bay lies the district of Harbour Maine, and there Mr. Hogsett, the rejected of Placentia, determined to secure himself a seat in the Legislature. He was supported by the priest of the parish and the Bishop of the Diocese. But the people would have none of him. They had fixed on two candidates whom they resolved to elect, in spite of the interference of the clergy. Indeed, it is said that their favourites were sanctioned and aided by the priest of the neighbouring parish. It was a dispute in which the Government had no interest—for whichever party was chosen was expected to go with the opposition. The quarrel,

*See Note C in Appendix.

However, was destined to have a fatal ending. It was well known that the late Attorney General and his associate had not the smallest chance except what clerical interference might give them; it was well known that even with clerical interference on their behalf they could not get in without violence. And both sides prepared for a severe struggle. The nomination passed over in peace and order—the adherents of the opposing candidates wearing a stern demeanour which kept one another in check. The day of polling was a day of trouble,—brawling, threats and intimidation prevailing at the various voting places. But the chief and darkest interest of the day's proceedings belongs to one of these.

In one of the little nooks washed by the waters of the Bay is a fishing hamlet, bearing the not very attractive name of "Cat's Cove." The people in this place were against Hogsett, and in favour of his opponents. According to their testimony, subsequently given, they heard on good authority that a mob led by the priest was coming to escort some voters from another settlement whose place of voting was Cat's Cove, and with the intention of committing serious outrage and injury on the inhabitants. This the latter were resolved not to allow. They sent a letter to the priest couched in strong but respectful terms, stating what they had heard, and warned him not to send a mob to disturb the peace, for such would not be suffered to enter the place. The voters were free to come and return unmolested; but no multitude of strangers capable of inflicting wrong. To this communication no answer was received; but the priest determined to go with a *posse* of his friends—it was thought to read a lesson to his refractory flock. Then followed a course of action which, with its tragical results, may well awaken astonishment in the minds of Englishmen. The Cat's Cove men, aware of the approaching visit, prepared to take extreme steps to prevent it. A number of them, some with guns, placed themselves in the way by which the party must pass, with the intention, when that point was reached, to arrest their progress. The invaders, for such a term may be used considering what was expected from them, and what warning had been given to them—the invaders came, a strong band, numbering from two to three hundred, headed by the priest—with what ulterior purpose was best known to themselves. It is averred that on the way a message met them to admonish them to go back, or dire evil would follow. This admonition was disregarded, and the body

reached the spot near which the Cat's Cove people were stationed, and nearly opposite to which was a house which the advancing party, as if to hint at the character of their mission, assailed with stones. The priest at the head of the force was allowed to pass the point marked as the sacred limit of approach, but when the rest followed, or rather diverged, for the purpose of "taking the hill of the enemy, and surrounding them," as one of the leaders deposed, some guns poured their contents among the crowd. Several were wounded, and one man, a relative of one of the priest's candidates, was stretched dead on the spot, when the rest, as may well be supposed, were glad to make their escape without proceeding further on their errand.

There was a somewhat ludicrous sequel to this awful day of wounds and death. The late Attorney General obliged the returning officer to give him a certificate that he and his colleague were returned; but this functionary took care to forward a declaration to the proper quarter that this certificate was forced from him under the immediate stress of danger to his house, family and person, and that according to his calculation from the books, the majority of legal votes had been given to the opposite candidates. Under these circumstances the Government determined to receive no return at all, but to leave the matter to be decided when the House should meet.*

While these troublous scenes were being enacted elsewhere, St. John's was far from being a scene of quiet.* Here four-fifths of the people are Roman Catholics, and might be expected to follow the beck of the Bishop and his clergy. But here also a spirit of independence had been shewn which had been strengthened by the contradictory proceedings of the Prelate. There was what was called a priest's party, and a native party, all of the same ecclesiastical pale. It was therefore thought that the Protestants might have a chance of being represented by one member out of the six sent by the capital. And here, by the way, it certainly does seem strange that a body in the chief city of the Colony, embracing three-fourths of its wealth, its intelligence and its public spirit, has never, since the introduction of Responsible Government, had a voice directly to represent it in the Legislature. Mr. Me-Lea, a highly respectable merchant, long resident in the place, and enjoying the good-will of his Catholic neighbours, espe-

*See Note D, Appendix.

cially among the poor, was invited to try the matter in the western division of the city, and his canvass was so successful as almost to assure him of a majority of votes. Meantime the Bishop had sought to heal the schism in his flock, by withdrawing one of his nominees, and substituting one chosen by the native party. Still, one independent man held on to his candidateship in opposition to clerical influence, and, it was said, had a very reasonable prospect of success.

On the day of nomination Mr. McLea, accompanied by a body of his mercantile friends, arrived early at the hustings. Indeed, so punctual had they been, that his nomination was over when the other candidates, who had been intent on making a glaring noise and display through the streets by means of flags and music, made their appearance. Immediately a scene of confusion commenced in which coats were torn, and hats crushed on the heads of the unlucky owners, while those of the lively crowd who could not get near enough to take an active part in these diversions, contented themselves with flinging eggs and filth on the friends of the less popular candidate. Wherever a flag waved denoting a house in favour of him, it was torn down; and even the British Ensign was trampled in the dirt. The chief object of this riotous wrath, were the mercantile premises of Mr. McLea himself. These were invaded, the windows broken, and daring attempts made to rifle the offices. Against this latter step a decided stand was made. The sons of the proprietor, and others who had charge of the place, armed themselves with revolvers, and made known their determination that in case the offices were entered, they would then oppose force by force. In consequence of this resolve, and of the persistency of the mob, several shots were fired, and wounds inflicted—in how many cases, and to what extent is not known, for, as might have been expected, few were anxious to come forward to plead against those who defended the property which they had in charge—injuries which would constitute *prima facie* evidence that they themselves had been guilty of trying to break into a man's house. The nomination proceedings did not conclude without a rather strong address from a priest, delivered from the hustings, which, whatever its character, had not the effect of infusing into the multitude the spirit of peace and respect for the laws, for when all was over they formed a disorderly procession, perambulating the streets, and smashing the windows of parties against whom a sudden ire had been inflamed. One effect of the outrages

on this day was to lead the independent Catholic candidate to withdraw; and as the cry of the Church being in danger had been raised, it was evident that none of the same persuasion would venture in opposition to the dominant feeling of their co-religionists. Any chance of success that Mr. McLea might have had was destroyed; indeed, he judged it prudent to retire without going to the poll.

On the 13th of May the new House was opened by the Governor in person, and it formed a day which will not soon be forgotten in St. John's. The result of the elections had been favourable to the Government, so far as the returns were made and unquestioned. It numbered fourteen against twelve on the other side, and of the latter one member was absent on a visit to England. In Harbour Grace the election was void; in Harbour Main there was a double return—so that the Assembly lacked its full complement by four members. On the day of opening, the newly elected presented themselves at twelve o'clock to take the oaths; among them came the late Attorney General with the certificate which he had forced from the Returning Officer, and claimed to be sworn. On this being refused, he went through the solemn farce of swearing in himself, and administered the oath to his colleague, declaring that at two o'clock they would take their seats in spite of anybody. At that hour his Excellency proceeded to the Colonial Building accompanied, as usual, by a military guard of honor, which had been somewhat strengthened, as threats of disturbance had been freely rumoured about. The precaution was not unnecessary, as it seemed—for a crowd of about two thousand persons had collected around the building with no friendly intentions. Previous to the members of the lower house being summoned into the Council Chamber, a ludicrous scene had taken place in the former. Mr. Hogsett had forcibly taken his seat amongst the representatives, from which position he had to be ignominiously removed by the police. The tidings of this ejection having reached the ears of the mob outside, tumultuous cries were raised, and attempts made to break into the building. It was even necessary for Colonel Grant to leave his place in attendance on the Governor, and give orders to the troops to prepare for using their weapons. This awed the crowd into comparative quiet for a time. But when, after delivering his speech, his Excellency departed from the House, he was assailed by *bahs* and groans, and some few stones were thrown at his carriage. After this, it was hoped that the worst was over, and affairs would subside into their accustomed

ed tranquillity. The greater part of the troops returned to their barracks, and respectable civilians went home expecting a peaceful evening.

This expectation was not fulfilled. A considerable multitude remained around the Colonial Building, within which the Legislative Council and the Assembly were discussing the Governor's Speech. On the appearance at the outside of members supposed to be favourable to the Government they were met by hooting and yells, loud cries of "run him,"* and even violent personal attacks. Three gentlemen, after being roughly handled, were glad to escape sound in life and limb, to a precarious shelter in neighbouring houses, until under military escort they regained the Colonial Building. At a later period in the evening a guard of police and military had to protect all the unpopular representatives and councillors to their homes. Meantime, more exciting and alarming events were transpiring elsewhere; a portion of the mob having left more than sufficient of their friends to give a warm reception to retiring senators, sallied down to Water Street, and began to attack the house, shop, and stores of a relative (a Roman Catholic) of the anti-priest candidate for Harbour Main. The windows were broken to the very frames; the contents of the premises, of every variety—food, clothing, tobacco, blacking pots, and pickle jars were openly carried away, or strewn on the street, and in a short time the place was completely ransacked. Proceeding thence the assailants, considerably augmented in numbers, excited and emboldened by what they had done with such perfect impunity, hurried on, breaking now and then a window on the way, to the larger establishment of another friend of Mr. Hogsett's opponent—also a Roman Catholic. Here, if possible, the demolition was more entire than at the other place; the shutters were torn down, the windows smashed—the contents of a large and well-filled shop appropriated, some of the plunderers deliberately doffing their worn out toggerly, and investing themselves with new attire. At length there was no more to do here, and preparation was made for renewing the same license of brigandage elsewhere. All that has been described took place in the sun-

* "Run him." This expression has a cruel import. When an obnoxious person is discovered in the neighbourhood of a mob, the signal is given to "run him." On his fleeing to escape, the whole body follow him, and keep up the chase until he stumbles, or falls exhausted, when all rush over him, and trample upon him at the risk of causing serious injury or loss of life.

shine of broad day, between half-past four and six o'clock. And now, terror was the prevailing feeling of all who lived in the neighbourhood, especially those who in the estimation of the triumphant rabble were *spotted* as being on the wrong side. Complaints were vented about the soldiers being kept around the Government Buildings while the property of peaceful citizens was being destroyed. The Magistrates were appealed to, and at last, a little after six o'clock, the steady, measured tread of the military was heard, and soon from eighty to ninety appeared in the street where the devastation had been committed, and where the rioters, bent on further mischief, were arrayed. Colonel Grant, Commandant of the Garrison, himself headed the small body of troops.

And now commenced a scene which, prolonged for an hour and a half, will never be forgotten by those who witnessed it. The handful of military was drawn up in the very centre of the business part of the town, presenting short as well as thin lines of red—hemmed in by a noisy, surging multitude amounting to thousands in number. The officers of the company tried to persuade the people to disperse; priests moved among them with commands and entreaties to the same effect—the latter enforcing their counsels by the free use of whips and stieks. But these remonstrances, both of the ministers of religion and of the ministers of the sword, were alike vain. The mass of rowdies, probably encouraged by what had taken place a short time before at Harbour Grace, mocked and jeered at the soldiers, snatched at their weapons, and flung huge stones at them as they stood apparently defenceless with arms in their hands. One or two daring attempts were made to drag Colonel Grant from his horse. Meanwhile time was passing away. Eight o'clock approached, the shades of evening were gathering in, and the lovers of peace and order began to think with dread of what the night would be. The mob waxed more daring and furious, women being among the most vengeful in the clamours, and actively employed in collecting stones for the men to hurl at the patient troops; at length, according to the evidence given on oath at the subsequent inquest—a shot or shots sounded, proceeding not from the soldiers but directed against them. There was no room for further parley. Reluctantly, orders were given to fire. Sharp went the rattle of the musketry, as one or two of the little sections of the small force discharged their weapons towards the throng whose insults they had borne so long. The firing lasted only a few minutes, but its effect on the mind and

action of the crowd was terrible; such rushing to and fro—hurrying anywhere to be out of the range of those fearful rifles; such cries and shrieks as one and another were stretched on the ground, and especially when the news circulated that a priest was among the fallen. When the confusion and dismay were at their highest, the bells of the Roman Catholic Cathedral sounded over the city an imperious peal.* This acted as a definite rallying summons to the frightened and wrathful fugitives, who streamed in thousands up the hill on the crown of which the Cathedral stands. Then followed half an hour of awful suspense, which was fearfully felt in many a Protestant household. By many indeed, it was hoped that the Bishop had summoned his flock together to urge them to disperse without working, or exposing themselves to, further mischief. But many could not divest their minds of darker misgivings, and anxiously awaited what might follow. The conjectures of the more hopeful, however, proved correct. The Prelate addressed himself earnestly to the task of tranquillizing his people. His success, it is said, was not very easy. Not until he produced the chalice containing the sacred host, and adjured the excited thousands by this holiest symbol of their faith, did he prevail to exact a muttered pledge that they would return in peace and order to their habitations. From this hour the city was, for the night, the abode of an almost solemn quiet—not only as distinguished from the preceding disorder, but contrasting with the ordinary nights. It was not until the next morning that the majority of citizens were made acquainted with the extent of personal injury done by the firing. Of the wounded no reliable estimate could be formed, but probably about twenty had more or less suffered. Three had fallen dead. Among the wounded was a priest who was hit in the ankle while doing his utmost to pacify and send away the people. He was one of the most esteemed of his order, and his misfortune called forth general sympathy and condolence.

It has been said, that the night, after the dispersion of the rioters by the military, passed over in quiet. There was, however, one exception to this prevailing tranquillity. The alarm of fire was raised, and the few who ventured out saw that the outbuildings of the only Protestant Judge were being consumed. The flames were checked before reaching the dwelling. There can be no doubt that this was the work of

* Why did not that imperious peal sound two hours earlier?

an incendiary. The same night an attempt was made to fire the College of the Church of England, but it was discovered and arrested without doing much damage. These formed but the beginning of acts of incendiarism which again and again aroused the citizens from their slumbers, and filled them with fear. Two nights later, the Western sky was lit up with a lurid glare—the country seat of Mr. Hoyles, the leader of the Government, being totally destroyed. Another night it was to the North East that the red glow was seen, at first exciting apprehension that the Government House had been set on fire; but it proved to be on the property of a respectable merchant of the city. These deeds of fire raising were the more alarming that, from the general feeling of insecurity, scarcely any person durst venture abroad to witness or to aid in extinguishing the conflagration: a somewhat remarkable phenomenon in St. John's, where the sound of the fire-bell usually draws thousands from their homes at any hour of the night. By the end of the week, a re-inforcement of military arrived from Halifax, and the Government published a Proclamation offering a large reward for such information as would lead to the discovery of the offenders. In consequence, probably, of these signs of vigour on the part of the authorities, the criminals became afraid or distrustful of each other, and the disgraceful outrages ceased; though it was weeks before many persons against whom threatenings had been addressed, gave up keeping a strong—and in some cases, an armed guard to protect their houses during the lonesome hours of rest.*

Scarcely had the excitement connected with the tumult and the midnight burnings in St. John's begun to settle down into the merely dull feelings of apprehension and insecurity, when tidings came of fresh disturbance and outrage elsewhere. The reinforcement to the garrison had arrived in the harbour on the evening of Saturday, May 18th, and landed the next morning amid insulting jeers from many who had assembled to witness

* Several weeks before the election much excitement prevailed in St. Johns, and although the Governor passed the streets as he usually did, no disrespect whatever was shown to him, and we understand that the Garrison being considered weak, he ordered the guard at Government House to be withdrawn, and although vast concourses of people repeatedly passed his Excellency's residence, where the Union Jack was always flying, not the slightest offence was ever offered to him—a fact which must be attributed to the good disposition of the people themselves, as contradistinguished from the violent dictates of a portion of the Press.

the debarkation. The same forenoon, when the various congregations of the city were engaged in the exercise of Divine worship, a message was received by the Government* to the effect that the house of the Returning Officer at Harbour Main had been sacked and burned to the ground, the outbuildings and stores destroyed, and even the unoffending cattle killed, while the family had been in near peril of their lives. The action of the Government was silent, prompt, and vigorous. The same evening a portion of the troops embarked in one of the steam tugs, and proceeded round to Conception Bay, to the scene of trouble. The vessel arrived at Harbour Main while the inhabitants were in bed. Acting upon reliable information, parties of soldiers were landed and placed as guards at the houses where it was known that several of the principal culprits were sleeping, who on their rising were consequently made prisoners, put on board the steamer, brought to the capital, and the same night lodged in gaol.

Meantime the House of Assembly met, and pursued its deliberations. On commencing these, however, it laid down a restriction which was not very palatable to the noisy crowd who had been wont to find in the galleries a platform from which to give vent to their jolly or sarcastic—their contented or indignant—emotions. The majority of the House resolved that their proceedings should not be controlled or disturbed by a tumultuous audience outside the bar. The old plan of indiscriminate admission was therefore abolished; but each of the members was to be allowed to have nine order tickets, which he might give to whomsoever he pleased, with the understanding that the officers of the house should summarily eject any one causing an interruption to the debates. One effect of this arrangement was, it is said, to render very flat much indignant oratory which would have had a telling zest if it had fallen on the ears of a packed throng of people, whose minds would not have strayed very far to apply the sympathizing, flattering epithets, “our hardy fishermen,” “the bone and sinew of the country,” &c., &c. Still the business of the house did not go on very smoothly. The members of the opposition were neither indolent nor nice in the work of obstruction. But the principal question which the house had to decide, and which was the object of chief interest during the brief session, was in reference to the conflicting claims of the several candidates to represent the district of Harbour Main.

*See Note E, Appendix.

A committee was balloted, according to the rule established by the House on former occasions, to try the issue. The case was one which required and received long and anxious consideration. During many days the committee met, and went through a vast amount of evidence on both sides. The examination was conducted with open doors, crowds attending daily to watch its course; the decision was looked forward to with great interest. At length that decision was drawn up, and delivered by the Chairman of the Committee to the Speaker of the House. The conclusion, signed by the majority of the committee, was against Mr. Hogsett and his colleague, and in favour of their opponents, as being entitled to take their seats. Two members of the Committee, each on separate grounds, however, differed from the judgment of the majority, at the same time that both of them bore strong testimony to the diligence, integrity, and conscientiousness of the latter through the whole proceedings.

With the finding of the committee on this disputed election—which was received by the opposition in the House with a bitter explosion of disappointment and wrath—all further legislation was stayed; and in a few days his Excellency prorogued the Assembly and the Council. The result of the sitting had been to strike, for the present, a final blow to the prospects of the party which, less than six months before, had held the patronage and emoluments of the Government. The last move of the party had recoiled on themselves, for they had shown such inveterate hostility to the two members, the validity of whose return had just been acknowledged, as to make it probable that the latter, though of the same political complexion, would give an independent support to the Government.

The tactics of the opponents of that government were not, however, exhausted, but were put forth in another direction—a direction which seems somewhat curious when account is taken of the immediate cause which gave it an impulse that way. Through all the events brought before the reader in the foregoing narrative, the Governor had been the object of unsparring abuse from the friends of the discarded ministry. But it was not until after an adverse verdict given in the people's own house—it was indeed in consequence of that verdict, that the summons went forth to prepare to sign and forward a petition in the name of the aggrieved people of the colony, praying Her Majesty and the Imperial Parliament to recall Sir Alexander Bannerman from his post. In furtherance of this object a public meeting was called within a day or two

of the decision on the Harbor Main election case. But to the disappointment of indignant patriotism, the meeting was a failure. One Journal, the Editor of which stated himself to have been there for the purpose of taking notes of the proceedings, reported only ten persons being present—said Editor being one of the ten. The meeting was consequently adjourned; but on the second evening less than a score could be brought together. It was evident, therefore, that the petition business must be proceeded with in another manner than by a muster meeting. The document was accordingly prepared, containing a lengthy and formidable list of charges, and concluding with the prayer that the Queen or the Parliament, or the Queen and Parliament united, should not only dismiss the Governor, but make a trifling inroad on the colonial constitution by dissolving the present House of Assembly. This petition was privately circulated to procure signatures. On the Sunday it lay at the Cathedral and other Roman Catholic Churches, offering to the worshipers the inviting opportunity to send their names, or at least *His* or *Her* mark, to the Sovereign and Legislature of the British Dominions. By dint of these efforts, it is said, some eight or nine thousand persons, young and old, in some way signed the document—that is, less than a twelfth of the inhabitants of the colony—less than a sixth of the Roman Catholic population. The Bishop and Clergy of the latter religious element, of course endorsed the petition by their signatures; but it is well known that the most respectable of the Roman Catholic laity refused to do so; and it is asserted and believed that no more than two members of the late Executive Council—that only three of the present opposition in the House—deemed it consistent either with their personal honor or the interests of their party, to append their names to a petition whose prayer professed to set forth that party's wrongs.

Before bringing this chapter of colonial history to a close, one or two subjects require a brief notice. One of these concerns the spirit and the attitude displayed by certain portions of the Press in St. John's since the eventful scenes of last May. Three of the papers arrayed against the present government and the Queen's representative in the colony, have indulged a scurrility of abuse, and a malignancy of threatening, not unworthy to place them on the same shelf with the emanations from the infamous Jacobin Club, in 1793. A specimen from one of them will be found in the Appendix.*

* See Note F, Appendix.

Another of these papers had been supposed to be the special organ of the Head of the Roman Catholic Church here. It was a new paper, having been started shortly after the Bishop's famous letter of June, 1860, and was represented as conveying the sentiments of the Prelate—the existing government organ not being to his mind. But when misfortune had healed the schism which had had such open shewing in the day of power and prosperity—when the leaders, clerical and lay, joined hands again in the hope of regaining a position which they had fancied was only to be disputed for among themselves—then this new paper—"The Record" is its name—flung itself foremost into the attack on the common foe. Nor was it very nice in the weapons which it brought into the action. Like the journal previously noticed, it stimulated the furious passions of the lowest orders of the Catholic population, suggesting to those who had been scattered by the charge of the military on the day of riot, how, if another such occasion should present itself, they might, by the use of their sealing guns annihilate the insignificant band of British Soldiers: the Editor thus inciting an ignorant rabble to place themselves in a treasonable attitude which would insure their swift destruction, while he was sure to keep himself from even a stray bullet within the vile sanctum where he concocted the incentives to disloyalty and rebellion.

But the principal weapon relied upon and used by this organ of the opposition was broad, unblushing, unmitigated lying. Each week there appeared long editorials professing to be a review of what was transpiring, in which the facts were not only distorted, but the chief facts were utterly ignored, and the most impudent fictions substituted or assumed in their place. The armed defence by the McLea's of their invaded stores, and their threatened lives, was a treacherous firing from under cover on an inoffending, unsuspecting crowd in the Street! The sad but necessary chastisement by the military of a body of lawless rioters, composed of thousands, which no persuasions or warnings even from their own clergy could induce to disperse, and renounce the work of destruction which they had already pursued to an extent which terrified the city, was set forth as an act of premeditated, wanton martial tyranny, making a murderous attack on a few harmless boys, innocuously amusing themselves in the public thoroughfare! The Governor was denounced as an arch Orangeman, though his Excellency's antecedents had always classed him in the ranks of the liberal party, and though in Par-

liament he had associated with the most talented members of that party, especially from Ireland, such as Justice Ball, Pigot, Wolf, Lord Cloncurry, the O'Connor Don, and Richard Lalor Sheil—men who had aided O'Connell in obtaining the boon of Catholic emancipation. Sir Alexander himself having been a personal and trusted friend of the great agitator! The friends of the Government were always spoken of as federal parts of a great Orange organization, though the libellous scribe knew that there is not—nor ever has been—a single Orange Lodge in the whole country, and knew also that one of the most respected of the Roman Catholics occupied a high place in connection with the Government—and that the chief sufferings on the scenes of disorder were self-inflicted by Catholics among themselves.

So utterly at variance with every element of truth were these representations, that not a single individual in St. John's, with a mind above the guage of an idiot, put the slightest faith in them; and wonder was at first excited as to what could be the possible purpose for which they were put forth. But at length the reason came out. They were not intended for Newfoundland readers at all, but as materials to be worked up by sympathising newspapers abroad. And before long, the productions from these materials were imported from over the ocean. Irish Journals—English Journals advocating the cause of Ireland and the Catholic Church, were quoted as seeing in the events transpiring in Newfoundland, another evidence of the malignant attitude of Orange Protestantism towards the religion and the people of the Emerald Isle. Nor was this all; but a little later Italian papers—"A most influential periodical published in the city of Rome", and the "Araldo Cattolica," of *Lucca*, were quoted as holding up in the face of Europe—on the same veracious authority—another example of the perfidy of Britain, in that, while she was pretending to sympathise with liberty in the Italian Peninsula, she was by sword and bayonet seeking to extirpate the smallest growth of freedom among her own subjects, when that freedom was in alliance with a devoted attachment to the Catholic faith.

But it was not solely by misrepresentations which might serve as metal to be coined in a foreign mint into charges of oppression against the general policy of the British Government, that the *Record* laboured to serve its party—it also forged ugly weapons for domestic use. There was one event in the Colony yet to be decided, on the result of which it depended whether the new government should be able to carry on easily the

business of administration, or the opposition acquire the power to bring the Executive and the Legislature to a dead-lock. The Election for Harbour Grace had yet to take place. As has been said before, the relative strength of parties in this district was as two to one in favour of the lately-installed government. In the previous Elections, however, their opponents had, by means of intimidation and violence, carried the day. By like intimidation and violence they had in May last prevented any election at all—even in presence of a body of military sent expressly for the protection of the voters, and the preservation of peace. But such a passive acquiescence by the Queen's soldiers in outrages committed against the Queen's peaceable subjects in the exercise of their civic rights was not to be reckoned upon a second time. It was a great point therefore to the party having a vested interest in such lawless proceedings, to prevent any military protection being sent to the district—to effect which prevention the most daring denunciations were put forth in the "organ for communicating intelligence to the Catholic people" against the Governor, if he should repeat what he had done in the Spring, when, in answer to an urgent application from the Magistrates he had reinforced the civil power by a small body of troops from the garrison. One of these denunciatory articles contained what His Excellency very properly termed a *treasonable threat*, which the reader will find in the Appendix.* But Sir Alexander Bannerman was not deterred by such fulminations from his duty as guardian of Her Majesty's subjects.

Having received the most earnest solicitations from the "Magistrates and the principal inhabitants of Harbour Grace," who represented that if left without protection the election could not pass over without disorder, full of danger both to property and life—he announced in a letter, giving his reasons for this step, that a sufficient military detachment should be sent to maintain peace and ensure a free exercise of the electoral privilege to all. And it is remarkable that when the Governor had thus shewn that he was not to be frightened from what seemed to him an act of necessary duty, the very journals which had laboured to prevent his sending a military protecting force, tacitly acquiesced in his disregard of their menaces, but strove to make it appear that the necessity for the presence of the soldiers arose from the likelihood that the Protestant and Government party in Harbour Grace were

*See Note C, Appendix.

conspiring to hinder the unoffending Roman Catholics in the discharge of their electoral rights.

By common consent, then, as it seemed, the majesty of British law and order was represented in this district, which had so often been the theatre of lawless disorder, and it was known that that majesty would assert itself with a strong hand against any individual or party who should be guilty of violent intimidation. There was no way, therefore, of carrying on the conflict, and bringing it to a final issue, but by the weapons which the constitution gives to every man whose name was on the register as a voter. Monday, the eighteenth day of November, was the day of Nomination. On that occasion the friends of the Government candidates evinced a most earnest desire not to come into collision with their opponents. They abstained from going in any numbers to the hustings. The candidates themselves did not appear. Each was simply represented by two electors—a proposer and a seccnder,—who contented themselves with performing their necessary functions without the adornment of a speech. The other side came in some sort of procession with flags and music, and had a little speech-making—the one thing in the affair in which they had it all their own way.

On Wednesday the poll-booths were opened at eight o'clock in the morning, and from that hour, until four p.m., all parties applied themselves vigorously and solely to the task of bringing up the voters on their several sides. The whole of the proceedings of this day were such as to stamp it with a remarkable character in the history of contested elections. All felt (though it was scarcely seen), the presence of the military as a purely protecting force. The lawless were deterred by it from the least infraction of law. The orderly and peaceful citizen felt that he could exercise his right in safety, and that it was incumbent on him to exercise it. Throughout the day not a gun was fired, not a sword drawn, nor even a policeman's staff called into action. As if to impart a somewhat solemn character to the business in which the electors were employed, the very grog-shops were closed, that no artificial stimulants might let loose passions which it was obligatory to restrain. Long before the poll closed, it was well known that the majority was in favour of the supporters of the government; and next day, by the announcement of the Returning Officer, that fact was made clear enough. His statement was as follows:—The Government candidates representing the Protest-

ant interest had polled respectively 888, and 870—their opponent 432. It has been said that the proceedings of this day were remarkable. They were so, not only on account of the accessories mentioned above, but from the great action of the day. Upwards of thirteen hundred men, out of somewhat over fourteen hundred on the registered list of voters, came to the poll—a proportionate exercise of the elective franchise, which has seldom been equalled by any British constituency even in the most earnest times.

This very significant judgment on the late government and its party, pronounced by the District of Harbour Grace, confirming, as it did, the verdict which had been given in other districts, and recognizing the propriety of the dismissal of the Government and the dissolution of the Legislature, annihilated the fading hopes of that politico-ecclesiastical confederacy which, at the beginning of the year, had held principal rule in the colony, the chiefs of which, according to the highest authority on their side, had abused their position for the promotion of the most selfish and ignoble ends. The result was received by them with the most sullen acquiescence, as if denoting a catastrophe from which there was no prospect of recovery for a long time to come. Indeed, the recent struggles had shewn such divisions to exist among those whom they had boastfully regarded as their supporters—divisions which compelled a resort to such questionable devices to prevent issuing in utter confusion and disorganization—that the least astute faculty of prudence might well suggest the propriety, as well as necessity, of submission to the low estate into which the party had fallen, until time should have woven a veil which might partially conceal unsightly doings in the past.

The latter months of the year embraced in this sketch of Newfoundland affairs have been occupied with the trials of parties implicated in the disturbances, the principal of which have been briefly narrated. About the middle of July, the Chief Justice of the Island, Sir Francis Brady, returned to St. John's, having been absent on a visit to the United Kingdom during the political events which so stirred public interest here in the Spring and the early summer. His Lordship is a Judge who, for his legal knowledge and acumen, and for his unimpeachable impartiality, does honour to the administration of Justice, so far as regards the qualifications and the conduct of the Bench, and is worthy to occupy the judgment seat side by side with any judicial representative of Her Majesty throughout the British Colonies. A Roman Catholic—

his co-religionists look with pride on his elevated position, and on the manner in which he discharges his high functions ; while all classes of Protestants combine in rendering to him unfeigned and unstinted respect. Since his return, Sir Francis has had onerous duties to perform. During the period which had elapsed after the Elections, the Government had left no means untried to bring to the bar of public justice all offenders against law and order, and the exercise of individual freedom. Consequently, for the Autumn Term the prison was well nigh full, while many indicted persons were put on bail. The Chief Judge in his addresses from the Bench indicated the deep sorrow with which he regarded the state of the criminal calendar—at the same time expressing honest indignation as to its cause, the excitement and license let loose by party spirit, on occasions of political contests.* He also, by implication, pointed out what threatens to be a fatal blot on the judicial proceedings of the country, men carrying their personal, or political, or sectarian feelings with them into the Jury box, and too often shewing by their verdict, sympathy with offenders, rather than with the law.† The trials over which his Lordship has had to preside have gone far to illustrate and to justify the admonitory and solemn *dicta* delivered from the judgment seat. The first persons arraigned were charged with rioting on the day of nomination in St. John's, and though pretty strong evidence was brought against them, they were acquitted. In the next case, the indictment charged George Hogsett, late Attorney General, with taking a leading part in the riots on the fatal 13th May. But no conclusion was arrived at, for, one of the Jurors being taken seriously ill, the whole body had to be discharged. The next cases presented a curious and not very pleasant revelation as to certain elements of society here. The first was that of the Cat's Cove men, who were placed in the dock as being guiltily implicated in the homicide which made a sad item in the events of the polling day in their district. These men were all Roman Catholics—yet they challenged every juryman, or nearly every one, who was of their own Church—alleging, it is stated, that from the action of the Bishop in reference to the matter to be adjudicated on, they could not expect an impartial and just verdict from their co-religionists. If however, they relied on an undue leaning in their favour by a Protestant jury they were mistaken ; for though the proof presented by the Crown, of the offence having been committed

*See Note H, Appendix.

†See Note I, Appendix.

by the prisoners was weaker than was expected, and the justification of their acts offered by their counsel stronger than was supposed, so that, beforehand most persons in Court felt sure of an acquittal—yet, the jury after careful consideration could not see any other conclusion than that a grave offence had been committed, and that all the prisoners save two, were in some way culpable of the offence. They therefore brought in a verdict of Guilty, leaving to the Judges to give due weight to the circumstances mitigating the *gravamen* of the crime.

The trial of the men for the Cat's Cove manslaughter was followed by that of the parties charged with destroying the house of the Returning Officer at Harbour Main. Few witnesses could be obtained by the Crown; they were nearly confined to the family and domestics of the injured man. And here a notable phenomenon appeared in Court. Persons who by lawless violence had suffered a loss which has been estimated at more than £2000, and who look to the Government to make good their loss, when that Government sought to bring the guilt home to the criminals, these persons strove by every possible subterfuge, to withhold the evidence by which the charge could be sustained. The only explanation suggested for this conduct is that the witnesses are Roman Catholics, and that ghostly terrors have been brought to bear on them—they being under the spiritual rule of the same priest who led the mob, against whose invasion the people at Cat's Cove had taken such a desperate stand.

Conclusion: Though the new Government has, through the varying phases of an appeal to the constituencies, baffled all the attempts of the late occupants of the Treasury, yet it has a task before it of no easy order. An exhausted Treasury, —left by the former Ministry—and a country impoverished by bad fisheries will make a large demand on all the ability and patriotism of His Excellency's advisers. Meantime the Governor takes his daily stroll through the city, saluted with general respect, even his old enemies of the Press having given over flinging their aspersions on him. And the prelate so frequently referred to in these pages, is labouring to restore the peace and order which have been so outraged. For this purpose he has circulated among his flock a *Pastoral* which, if it implies that those under his charge have chiefly contributed to the lawless proceedings which have characterized this year, 1861, yet also shews his Lordship's anxiety that they should forthwith seek to free themselves from this reproach.

APPENDIX.

NOTE A—PAGE 3.

The following extract from Dr. Mullock's letter, referred to in the text, shews in what estimation the Bishop *then* held the Government which was displaced in the early part of this year. The letter was called forth by the refusal of the Executive to carry out the writer's suggestion in relation to Outport Steam Communication, and was addressed **TO THE CATHOLIC PEOPLE OF THE DIOCESE OF ST. JOHN'S:—**

..... "How does it happen that an enormous revenue, wasted in providing useless places for state paupers, cannot afford the small sum of £3000 a year for Outport accommodation? Year after year every improvement is put off for want of means, though every infant in Newfoundland pays in taxes a pound a head; but every year new and useless offices are created for political partisans, and every increase of the revenue is hailed as affording an opportunity for increasing the means of corruption. Idle and overpaid officials are continually clamouring for an increase of pay for themselves and dependents—thousands are shamefully jobbed away every session—a few years of political subserviency must be rewarded by a useless place with a good salary—mock compensation and contingencies absorb thousands; but if a road, a school, a breakwater be required, there is no money in the chest—and, like Outport steam, it must be put off till next year; meanwhile the salaries are paid to the day, and every session there are more hungry mouths to be fed at the public expense."

NOTE B—PAGE 5.

Extract from the speech of Hugh W. Hoyles, Esq., head of the Executive, on the day of his explaining to the House the circumstances which led him to undertake the formation of a new Government:—

..... "Upon being honored by His Excellency's command to form a new administration, he (Mr. H.) conceived that, having regard to the fact that the population of the Colony was divided into two great religious denominations, Protestant and Roman Catholic, a Government, to be satisfactory to all parties, to be just and useful, ought to be composed of members of both denominations. With this view, he immediately addressed a note to the Hon. Mr. O'Brien, President of the Council, a gentleman of the highest standing amongst his Roman Catholic coun-

try-men. offering to continue him as a member of the government in his present position, and he was very glad to say that Mr. O'Brien had accepted the offer. At the same time he addressed a note to Mr. Shea, the Roman Catholic head of the Assembly, offering him any position he chose to name in the government, but that gentleman declined to assist him. He (Mr. H.) could not do more in the effort to form an Amalgamated Government. Of the seven seats in the Executive Council, two would be left open for Roman Catholics, if they chose to accept them hereafter."

NOTE C—PAGE 8.

The following paragraphs occur in the charge given by Chief Justice Brady to the Grand Jury of the Northern Circuit Court, held in Harbour Grace, November 11th, 1859, shortly after the elections of that year:—

..... "I shall not at present enter into any particulars respecting the occurrences in this town upon the day of polling; but from what I have heard from your respected Stipendiary Magistrate, and from others, this town was, upon that day, a scene of outrage upon persons and property, and upon the free exercise of the franchise, utterly disgraceful to all engaged in the riots and tumults that prevailed, and also to all who countenanced and encouraged them—or who, with influence to control them, quietly winked at their outrageous misconduct, and rejoiced in their criminal success. More I will not say, because I cannot believe that it can be said that we live under the British constitution unless such transactions are rigidly inquired into elsewhere.

In conclusion, I will merely express my surprise that nearly a week has elapsed, and that not one of the many who have been injured in person or property has ventured or had the courage to appeal to the law of the land for redress."

Respecting the charge containing the above, it should be said that its publication was burked by the organ which was the recognised channel for the conveyance of such documents: and further—in reference to the Judge's suggestion for a rigid enquiry to be made elsewhere into these outrages—the whole Executive, instead of acting upon it, wilfully strove, and for many days successfully, to keep the Governor utterly ignorant that there had been any disorder at all, for his subsequent knowledge of which he was indebted to other parties.

NOTE D—PAGE 10.

The return upon the Writ, directed to the Returning Officer of Harbor Main, is as follows:—

"RETURN.

"I am afraid of injury to my property and life. For that I cannot make a return to this writ. Patrick Nowlan and Thomas Byrne have the

majority of votes, leaving 36 votes out that were taken at the wrong place and in a separate list.

(Signed) "PATRICK STRAPP,
Harbor Main, 16th May, 1861. Returning Officer."

Below is a copy of the letter referred to on page 9, as having been sent by the Cat's Cove people to the priest of the parish, on the eve of the election. It is accompanied by the remarks of Judge Robinson on it, in the charge to the Jury on the occasion of the trial of the parties indicted for manslaughter, on account of the fatal issue to the collision on the day of polling. The Judge is a Protestant; but as he was speaking in the presence, and in the name of his brother Judges, both Catholics, it is to be presumed that he was delivering the sentiments of the whole Bench.

"As the election approached feelings ran high, and the Roman Catholic Clergyman of the Parish, the Very Rev. Kyran Walsh, entered warmly into the contest—spoke in the chapel upon the subject several times, and was the zealous partizan of one side. In this state of affairs, the following note was sent to Father Walsh, on the evening preceding the election, from the voters of Cat's Cove:—

"To the Very Rev. K. Walsh,—

"Cat's Cove, Harbor Main, May 1st, 1861.

"The people of Cat's Cove have been told that you intend to bring a mob to this place on the polling day, for the purpose of beating and intimidating the voters here. If such be your intention we fear something bad may take place, for of course we must be prepared to defend ourselves, and would do so fearlessly; at the same time, we wish you to understand that we are disposed to carry out the election peaceably, therefore if your party would allow our voters to go to the Poll at Harbour Main and Holyrood, we will not interrupt your voters at this booth. We wish an answer to this note by the bearer.

"We remain faithfully,

"Maurice Mahoney, Thomas St. John, James Buck, Thomas Connell,
Thomas Trickey, Edward Bryan.

"Although that note is not in every respect free from objection, since it would have been better if the condition at the end of it had been omitted, still, it was sent in the spirit of peace. It was a remonstrance and a warning which ought not to have been despised; and I believe that no impartial person could hear the details of this trial and not feel deep regret that the reverend gentleman persisted in the course he had determined upon, for in my opinion it surely led to the fatal conflict in which a human being was hurried into eternity."

NOTE E—PAGE 17.

As originally written, the text stated that the destruction of property in Harbour Main was made known in St. John's by a telegraphic message, but on inquiry this was found to be a mistake; the telegraphic lines having been cut down on the occasion. This is a barbarous device, commonly resorted to in Newfoundland when acts of violence are being committed in the outports, to prevent intelligence reaching the

privileges not in tumult, violence and outrage, but in the laws of the land, for I say with confidence, that although tumult and violence may triumph for a day, a week, a month, or a year, as certain as to-morrow's sun will rise, the supremacy of the law will ultimately be re-established, and safety to person and property secured in this as in every other portion of Her Majesty's dominions."

NOTE I—PAGE 25.

Extract from the charge of Chief Justice Brady to the Petty Jury, at the conclusion of the investigation in *re Regina vs. Hogsett et alios* :—

"This, then, is the evidence upon which you are to decide this case between the crown and the defendants. If that evidence leaves upon your minds a real, honest, rational and substantial doubt of the guilt of the defendants, or any of them, it will be your duty to give them or any of them, respecting whom you entertain it, the benefit of that doubt, and acquit him; but if, on the contrary, that evidence brings home conviction to your minds of the guilt of all or any of them, let no consideration prevent you from finding a verdict of guilty against such party or parties as are proved to be so. For I tell you, gentlemen, that if such outrages as have been proved in this case are committed, and jurors shrink from the honest discharge of their duties by a failure to convict the party or parties whom they believe to be guilty,—then the name of Newfoundland will become a lasting by-word and a shame!

