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# The Caraquet Riots of 1875

In April 1871, four years after the confederation of the British North American provinces, an education bill was introduced into the legislature of the province of New Brunswick. This measure was, apparently, the work of the attorney-general, the Honourable George Edwin King, a graduate of the Methodist college at Sackville, who represented Saint John county in the legislature. The object of King's bill was to establish a non-sectarian school system supported by public funds. The Roman Catholic minority, very much alive to the question of separate schools after their inclusion in the Manitoba Act in 1870 at the insistence of Louis Riel, pressed upon the provincial government the need for the establishment of a separate school system in New Brunswick. Some twenty-two petitions were sent to Fredericton, and Timothy Anglin's *Morning Freeman* in Saint John and Norbert Lussier's *Moniteur Acadien* in Shediac repeatedly demanded equal school rights for the Catholic citizens of the province. The press and public generally, however, supported the principle of non-sectarian schools, and on 5 May the Bill passed the Protestant-dominated Assembly, twenty-five votes to ten, with six abstentions. After a narrow squeak through the Legislative Council, where an amendment proposing that public funds should be made available to all schools was defeated on an even division, the bill became law in May 1871.

Not only was the Common Schools Act offensive in principle to the Roman Catholic minority, the detailed regulations adopted under authority of the Act were even more objectionable. Such, for instance, as Regulation 20, forbidding the display in the school room of symbols or emblems of any national or other society, or of any political or religious organization. Applied literally, this meant that no member of a religious order could be employed as a teacher. There was no specific mention of French as a language of instruction in the Act, although a reference in Regulation 16 to the selection of text books in French would imply that the Act was directed primarily against denominational schools rather than against French language schools.

## 22 *Acadiensis*

The constitutional validity of the Common Schools Act was challenged both in parliament and in the courts. Petitions were sent to the prime minister, Sir John A. Macdonald, begging him to disallow the Act. Sir John, aware that his French Canadian supporters in Quebec had accepted Confederation on the understanding that education would be a purely provincial matter, declined to intervene. Timothy Anglin, Auguste Renaud and John Costigan, the federal members for Gloucester, Kent and Victoria, argued the case in Ottawa, but all they could obtain in the way of concessions were pious expressions of regret that the new legislation should have proven displeasing to so large a segment of the New Brunswick population and suggestions that legal opinion should be obtained regarding the validity of the impugned legislation. The provincial authorities did not like the idea of turning the matter over to the judges. Nevertheless, the question did come before the courts as a result of the initiative of Auguste Renaud. Not that the provincial ministers need have worried very much. In January 1873 the New Brunswick Supreme Court unanimously agreed that the Act was *intra vires*, although some of the judges were disposed to criticize certain regulations adopted under the Act, particularly Regulation 20.<sup>1</sup> A year later the Judicial Committee of the Privy Council confirmed the verdict of the provincial court.

Two months before the judgement of the Judicial Committee had been handed down, George King, who had become premier in 1872, called an election. "Vote for the Queen against the Pope" was the premier's battle cry.<sup>2</sup> It was a good one, for religious prejudice was widespread enough to give him a good majority. When the electioneering was over and the votes counted, it was found that thirty-four candidates favouring the Common Schools Act had been returned and only five supporters of separate schools.<sup>3</sup> The latter all came from counties with Acadian majorities, Gloucester, Kent and Madawaska.

Meanwhile the Catholic minority kept up its pressure. Finally the Board of Education began to show signs of yielding, not on the principle of a single non-sectarian school system, but in the direction of concessions on points of detail. In 1872, Regulation 20 was modified to permit the wearing of religious symbols by the teachers and in 1873 this concession was extended to include religious garb. Behind the scenes the Bishops of Saint John and Halifax were endeavouring to achieve further concessions; Sweeney was working on King in Fredericton, and Connolly upon Macdonald in Ottawa. Connolly, for instance, urged Sir John to do something about removing that "brainless and raving bigot" Lemuel Allan Wilmot from his appointment as Lieutenant-Gov-

1 Canada, *Sessional Papers*, 1873, No. 44, p. 77.

2 R. Rumilly, *Histoire des Acadiens* (Montréal, 1935), p. 763.

3 They were Théotime Blanchard, Kennedy F. Burns, Urbain Johnson, Henry O'Leary and Lévite Theriault.

ernor. "Without that," the Bishop wrote to the Canadian Prime Minister, "I look upon the cause as hopeless."<sup>4</sup> It was easy enough for Macdonald to oblige Connolly. Wilmot was near the end of his term, and just before the Conservative Government went down to defeat in 1873, as a result of the Pacific Scandal, Macdonald named his old Maritime colleague, Sir Leonard Tilley, as Lieutenant-Governor. The Methodist Wilmot was thus removed from the political scene; but it is questionable whether the appointment of the Anglican Tilley provided the distressed Roman Catholics in New Brunswick with much comfort or encouragement.

Despite the slight relaxation of the education regulations, the Catholic minority still found itself liable for the "odious"—to use Connolly's word—school taxes. The courts upheld the non-sectarian school system as valid and there was no way of getting out of paying the school taxes as long as the provincial authorities were determined to apply the law to the letter and to use the legal machinery to the fullest extent. Neither religious principles nor private conscience deterred the tax collector. If the money was not forthcoming, then stock, farm goods, or other items of private property were seized by the bailiffs and put up for public auction. The cows belonging to the curé of Cocagne, the stove belonging to the curé of St. Charles, and the books belonging to another curé, were seized and sold. In other instances, priests were arrested and placed in prison. In Saint John the horses and carriage, given to Bishop Sweeney by the city people on his return from the Vatican Council, were seized and sold for seven dollars less than the amount of school taxes due on the Roman Catholic School properties in the city, for which the Bishop was held personally responsible.<sup>5</sup>

Actions such as these, legal though they may have been, began to raise questions in some minds as to whether the law ought to be carried this far. During 1874 some members of the local legislature wondered whether the wiser course of action might not be to soft-pedal the punitive aspects of the new school policy. James Nowlan went so far as to move the repeal of the School Act of 1871. The answer was a firm 'no'. Nowlan's motion was able to muster only thirteen votes against twenty-five.<sup>6</sup> There would be no weakening, no compromise, no appeasement, if the premier and attorney-general, George E. King, had anything to say about it. Not at least until after two men had been killed in Caraquet.

4 Connolly to Macdonald, 30 September 1873, quoted in Peter M. Toner, "The New Brunswick Separate Schools Issue, 1864-1876" (unpublished M.A. thesis, University of New Brunswick, 1967), p. 92.

5 For those arrests and confiscations see *Le Moniteur Acadien*, 28 mai, 15 octobre, 22 octobre, 10 décembre 1874.

6 *Journal of the House of Assembly of the Province of New Brunswick*, 1874, pp. 202-3. See also Katherine F. C. MacNaughton, *The Development of the Theory and Practice of Education in New Brunswick 1784-1900* (Fredericton, 1947), p. 210.

## II

The troubles which led to the outbreak of violence at Caraquet in January 1875, began with a parish meeting held under the chairmanship of Théotime Blanchard, the local member for Gloucester in the Legislative Assembly. The purpose of the meeting was to nominate the various parish officers for the year. The nominations were made and, as required by law, were reported to the Gloucester County Sessions for confirmation.<sup>7</sup> Unfortunately, by far the greater number of ratepayers who attended and voted at the meeting were men who had not paid their school taxes and who, like the chairman himself, had no intention of doing so.

Fully aware of the weak ground on which Blanchard and the others had acted, a small group of English-speaking ratepayers residing in the parish of Caraquet called a second meeting on 4 January. This meeting was presided over by the Honourable Robert Young, a former member of the legislature who had been defeated by Blanchard in the provincial election of 1874, but who at this time held an appointment in the Legislative Council. Young's supporters then proceeded to draft a document, bearing nineteen signatures, pointing out the flaw in the proceedings of the earlier meeting, asking that the previous nominations be rejected and requesting the approval by the Gloucester Sessions of the new parish officers named in the document. The Sessions admitted the validity of the argument in Young's petition and, disregarding the facts that the second meeting had been given no publicity and could by no stretch of the imagination be regarded as representative of the people of the parish, approved the new nominations. When it is recalled that the census of 1871 showed 3111 inhabitants in Caraquet, of whom only 79 were Protestants, it is hard to escape the conclusion that the Sessions were moved more by the letter than by the spirit of the law. But this is scarcely surprising. To the English-speaking Protestant, the law was a religion; to the French-speaking Roman Catholic, religion was the law.

With the authority of the Sessions behind them, two of the new parish officers, James Blackhall<sup>8</sup> and Philip Rive, the latter the representative of the Jersey fishing interests, called a public meeting of the parish on 14 January 1875 for the purpose of imposing a District School Tax. Spirits were running high and the people of the parish turned out in good numbers to oppose the imposition of the tax. When the chairman attempted to speak, several men rushed forward and hustled him out of the building. Fabien Lebouthillier grabbed the papers from Blackhall's hands. In the midst of shouting and arm waving the meeting broke up.<sup>9</sup>

7 Maud Hody, "The Development of Bilingual Schools in New Brunswick" (unpublished D. Education thesis, University of Toronto, 1964), p. 59. See also New Brunswick, *Synoptic Reports of Debates of the the House of Assembly*, 11 March 1875, p. 38.

8 Blackhall held the appointments of magistrate, coroner, collector of customs, postmaster, and, as he stated in his evidence at the trial, "five or six other public offices".

9 This account is taken from reports appearing in the Saint John *Morning Freeman* and the Shediac *Moniteur Acadien*, during January and February 1875, and from two typescript accounts in the

Believing that the English Protestants might make another attempt to hold a secret meeting, a group of French-speaking inhabitants, about thirty in number, went to the school the next day. The weather was bitterly cold and when they found the door of the schoolhouse locked against them, they went to Blackhall's office where they demanded and were refused the key. At this point they moved to Charles Robin's store where they obtained a gallon of rum. It is doubtful that this was the only alcohol they had to drink, for contemporary evidence suggests that the crowd was boisterous and belligerent. Having heated their heads as well as warmed their feet, they returned to Blackhall's office, some of them bellowing the *Marseillaise*. In the general melee some papers were torn from the wall, a stove was pushed over, and some windows were broken. Under duress Blackhall finally signed a pledge promising to have nothing more to do with school meetings. Rive, who lacked Blackhall's strength of character, had already done so earlier. At this point, the crowd moved off to the premises occupied by the Honourable Robert Young. Young was not at home, and his wife, terrified by the noise and the sight of the crowd, some of whom were carrying clubs and guns, locked herself indoors with her children. Young's clerk, Colson Hubbard, gave the leaders, who included Joseph Chiasson and Philéas Mailloux and his three brothers, Joseph, Bernard and Louis, all of them big, strong, hot-tempered men, a few provisions and they moved away. Their object, at this point, seems to have been to intimidate those members of their own community who had showed a disposition to go along with the authorities in supporting the School Act by paying their school taxes, and who were known locally as the "Bourbons." After threatening Hubert Blanchard, they went to Martin Haché's to force him to sign a document promising to withdraw all support of the School Act, then to Stanislas Legere's for the same purpose, and to Alexander's store, where they extorted \$4.00 from the manager, Thomas Ahier. When, by argument or intimidation, they had persuaded most of the "Bourbons" to change sides, they returned to their homes. There was nothing more to be done, only to wait until Robert Young should return, when they would endeavour to convince him that it was to his best interest to throw in his lot with the majority of the people of Caraquet.

There is no doubt that the demonstrators acted illegally on 15 January at Robin's store and elsewhere, but there was small justification, at this time, for the *New Brunswick Reporter* of Fredericton to look upon the events of the day as a fanatical, dangerous, anti-Protestant riot prompted by "the incendiary and revolutionary" incitements of the Catholic *Freeman* of Saint John.<sup>10</sup> Neither

Archives of the Université de Moncton, Adélaré Savoie, "L'émeute de Caraquet" (a term paper prepared at the Université de Saint Joseph), and J. Médard Léger, "Notes sur les Troubles Scolaires de Caraquet 1875".

10 *The New Brunswick Reporter and Fredericton Advertiser*, 20 January 1875. The *News* of Saint John declared that "the ruffians" of Caraquet would have to be dealt with "in a manner that will teach them New Brunswick is not quite ripe for the Commune, nor for a reign of terror of the Riel, Lépine or any other pattern". The frequent references to the Riel troubles suggest that the events in Manitoba made a deeper impression on the Maritimes than western Canadian historians have realized.

was there much justification for the rather flippant attitude of the *Freeman* which reported on 28 January that "for shipwrecks without storms and riots without violence, Caraquet has no equal in the Dominion just now." The situation was one which demanded tactful handling. A false step, by either side, might well precipitate serious trouble in Caraquet.

Meanwhile, frantic and terrified, Mrs. Young had sent a telegram to her husband in Fredericton telling him to come home at once because his family was in danger. Robert Young, however, was not at Fredericton. Following a meeting of the provincial cabinet he had set out on his return journey by way of Saint John and Sackville. He was in the vicinity of the latter town when the telegram reached him late on Friday the 15th. He hurried on to Shediac that night, and hired a carriage to take him to Chatham on the Miramichi. At Chatham, on Sunday, the 17th, Young received another communication which suggested that his own life was in danger and that the Caraquet mob was planning to burn his store and destroy all his business records.<sup>12</sup> For this, or for some other reason which remains obscure, Young did not hurry home. Instead, he remained at Chatham, probably in consultation with his political colleague, the Honourable William Kelly. It was not until Friday, 22 January, that Young arrived at Caraquet, one week exactly after Chiasson, Mailloux and their companions had frightened the wits out of Mrs. Young. At this time Young found the parish in a state of tranquillity. There were no mobs, no damage, no obvious signs of the riotous situation about which some of the newspapers, like the *News*, *Telegraph* and *Reporter*, were writing in such alarming terms. But there was a feeling of tension in the air.

### III

On Sunday, 24 January, the Abbé Joseph Pelletier read two statements from the pulpit of the parish church in Caraquet. The first was an expression of his disapproval of the excesses of the 14th and 15th. The second was a letter which he said he had just received prior to the service. This letter ordered him, in emphatic terms, to stop the "band of pirates" responsible for the earlier troubles, under pain of having his presbytery burned to the ground should he fail to do so.

11 *The Morning Freeman*, 28 January 1875. The *Freeman* of the 19th had poked fun at the alarmist reports in the *Telegraph*, *Globe* and *News*: "If we may believe some of the newspapers and their Caraquet correspondents, civil war is actually raging in Gloucester county, where a dozen loyal citizens have actually been obstructed in their attempt to rob all their neighbours in due form of law, and, horrible to add—if we may believe these correspondents—a stove has been knocked down and a gallon of whiskey—at least one gallon—has been drunk."

12 The message Young received at Chatham was reported in the *Freeman* (28 January 1875) as follows: "They say they are done with us Protestants except you. They threaten to take your life the moment you arrive. From what happened yesterday we are afraid you are not safe. If they gather and get liquor, which they are bound to have when they meet, they do not know where to stop. They say after they put you through they are going to all the merchants to make them burn all mortgages and accounts up to date."

So seriously was this threat regarded, that the Sisters of Notre Dame took the precaution of packing their effects so that they would be ready to remove them to safety in the event of fire.<sup>13</sup> The author of this letter remains a mystery. It hardly seems likely that a man like Young, familiar with the people of the parish and holding a responsible position in the government of the province, would have been guilty of such a stupid provocation; all that we know is that Colson Hubbard, Young's clerk, was seen to give a letter to the sexton, who in turn gave it to Pelletier on the morning of the 24th.<sup>14</sup> Beyond that we cannot go.

The immediate result of the threat to the Abbé Pelletier was a storm of indignation among the members of the priest's congregation. A number of those who attended Mass that day resolved to take the matter up with the Honourable Robert Young the following morning. About 10:00 a.m. on the 25th a group of some 100 men set out to see Young. There is nothing to suggest that they were intent upon violence, if only because of Pelletier's Sunday exhortations that they should conduct themselves in a peaceable way. But Young obviously expected a violent confrontation. He had barricaded the doors and windows of his premises, and had assembled a few "well-armed" friends to help him defend his improvised fortification.<sup>15</sup> When the Acadians demanded to see him, he refused to open the door or to talk with any of them. His curt refusal only aggravated their already raw tempers. Who was this man who was treating them in such a cavalier manner? None other than the man whom they had elected to office only a few years before, and with whom they had done business for many years. Why should he act this way? It was his duty as a member of the provincial government to listen to their grievances. Despite their irritations they did not take to sticks and stones, but returned to talk the matter over at André Albert's house and plan their course of future action.

Young had already made his plans. On the information of Hubbard and Ahier, warrants for the arrest of the rioters had been put in the hands of the High Sheriff of Gloucester on 23 January. Now was the time to serve them. Young sent word to Sheriff Robert B. Vail at Bathurst to come to Caraquet with a force of constables to arrest the troublemakers. Vail set out from Bathurst late on Monday, arriving at Caraquet about 3:00 a.m. on Tuesday, 26 January. He brought with him four constables, Stephen Cable, Alfred Gammon, Joseph Gammon and Robert Ramsay. En route he picked up William Eady and David Eady at New Bandon. At Caraquet they were joined by John Sewell and Richard Sewell from Pokemouche. Vail went at once to Young's, telling his

13 Extrait du "Journal des Révérendes Soeurs de Notre Dame," cited by Savoie, *op. cit.* The pages of the Savoie transcript are not numbered; however, this reference appears on page 12.

14 Savoie, *op. cit.*, p. 13.

15 *The Telegraph* (26 January 1875) stated: "Some of the men approached and knocked on one of the doors, but did not attempt to break in." See also *Le Moniteur Acadien*, 28 janvier 1875. Mrs. Young gave similar evidence at the trial.



men to report to him there after they had had something to eat. During the course of the morning Vail's constables made several arrests, the prisoners being taken to Young's premises where they were detained until arrangements could be made to remove them to the gaol at Bathurst.<sup>16</sup>

Meanwhile, influenced by Young's alarmist view of the situation, Vail had applied to the Hon. William Kelly, Board of Works Commissioner, at Chatham, for additional men.<sup>17</sup> The High Sheriff of Gloucester had, of course, no jurisdiction outside his own county, and to enrol men in the neighbouring county of Northumberland was as remarkable as it was irregular. He ought, instead, to have approached the local Justices of the Peace, Théotime Blanchard and P. J. Ryan of Caraquet, both of whom were available. In the absence of positive documentary evidence, one may assume from some of the remarks at the trial of the rioters that, while he had been at Chatham, Young had already broached the question of sending reinforcements to Caraquet to back up the small force of constables available to the High Sheriff. The very fact that no fewer than 20 men from Chatham and Newcastle were rapidly assembled and despatched to Caraquet on sleighs on the afternoon of the 26th, suggests that Vail's request came as no surprise to Kelly. The Miramichi party, after a difficult journey over almost impassable roads via Tracadie, arrived at Young's in Caraquet about 7:00 a.m. on the 27th; it included Sam Wilcox, Peter Manderson, Robert Manderson, James Loggie, George Loggie, Dudley Wells, Philip Perlay, Hugh Marquis, John Cassidy, Donald McGruer, Allan Rand, Isaac Clark, Charles Call, William Reid, James Chapman, John Gifford, Henry Burbridge, Henry Bannister, William Carter and William Fenton. Technically these men were not constables. Vail did not swear them in as such. He looked upon them as "volunteers" and instructed them to "assist in the arrest of those persons that were to be arrested."<sup>18</sup>

From his operational headquarters at Robert Young's, Sheriff Vail ordered that more arrests should be made on the morning of the 27th. Several men were brought in, one of whom offered strong resistance to his arrest; "pretty rough" was how constable Gammon described the experience.<sup>19</sup> Learning

16 The proceedings of the trial of the Acadian rioters were reported in detail in the newspapers of the day, particularly in *Le Moniteur Acadien* for November 1875. There is also a manuscript of the legal proceedings in the Robidoux Papers in the Archives of the Université de Moncton. This manuscript appears to be a verbatim record of the trial. It is in poor condition but quite legible, and may be checked against the newspaper accounts. Material in this paragraph is taken from the evidence of Alfred James Gammon, one of Vail's constables.

17 *Synoptic Reports*, 9 April 1875, p. 104.

18 Evidence of George W. Loggie. Bannister gave evidence to the same effect. A frequent error in the accounts of these events which have appeared in French is the confusion of the so-called "volunteers" from the Miramichi with the Militia. Savoie, Léger, Rumilly, Turgeon and others use the words "milice" and "soldats" when referring to the constables and the "volunteers." The Militia, however, did not appear on the scene until after the troubles were at an end.

19 Evidence of Alfred James Gammon. The man who resisted was Gervais Chiasson.

from an informer that a number of those who had taken part in the events of the 14th and 15th had gathered at André Albert's house, Vail ordered his deputy, Stephen Cable, to take a party of men to Albert's and seize the offenders. Cable's party set out, with the necessary warrants, about 3:00 p.m. It numbered about 20 men, including both constables and "volunteers."<sup>20</sup> Blackhall went with them as interpreter because few of Cable's men were familiar with the language spoken by the great bulk of the inhabitants of Caraquet.

The arrests made on the 26th and the morning of the 27th had aroused alarm and consternation among the Acadian population. They had heard reports of violence, broken windows and even shooting. But what disturbed them most was the presence of "Orangemen" from the Miramichi among those whom they were disposed to refer to as "Young's Army." Rumours were circulating from one end of the community to the other that Young was going to arrest everybody he could find. For the moment the Acadians did not know what to do. Perhaps the best thing would be to get together and work out some kind of a plan. With this object in view they made their way to André Albert's house at the other end of the town.<sup>21</sup> Some of them sat down to play cards, while the others talked. When they were thus engaged, Télésphore Brideau rushed in to tell them that "Young's Army" was on its way to Seraphin Albert's house to make arrests there. He told them that the constables and "volunteers" were armed and that there was no point in trying to offer any resistance.<sup>22</sup> Brideau then hurried away, followed by several others, like Jules Chiasson and Isaac Albert, who preferred to run away and live to demonstrate another day. The others, apparently, did nothing but talk until they were aroused to action by the noisy arrival of Cable's men. Bernard Albert shouted the warning: "We are all dead. There is Young's Army coming, armed with guns and bayonets — let us hide ourselves."<sup>23</sup> With no thought of anything but their own safety, the Acadians hurriedly climbed into the attic of André Albert's house. Perhaps there they would escape detection and thereby escape arrest.

While Cable arranged his men outside the house to watch the doors and windows, Blackhall went to the back door and knocked. He and some of the deputy sheriff's party entered and exchanged greetings with Albert. Speaking in French, Blackhall asked if Charles Parisé, one of those for whom Cable had a warrant, was in the house. At the subsequent hearing Albert stated that he had misunderstood Blackhall's question, believing him to be enquiring about the whereabouts of Xavier Parisé; he therefore replied honestly that he did

20 The party included Cable, Chapman, Alfred Gammon, Joseph Gammon, Ramsay, Wilcox, Cassidy, two Loggies, Manderson, Rand, Marquis, Call, Wells, David Eady, Richard Sewell, Burbridge, Bannister, Richie, Gifford and Blackhall.

21 There is no evidence to support the statement which appeared in *The New Brunswick Reporter* (3 February 1875) that Albert's house was "fortified and loop-holed."

22 Evidence of Jean Louis Frigault.

23 Evidence of Bernard Albert.

not know. While Blackhall and Albert were talking, the room filled with armed men. One of them, catching sight of a movement by one of the two women in the house towards a pot of water on the stove, and assuming that she intended to hurl the boiling water at the constables, held his gun to her face. She and her companion were then shoved into another room in the house.<sup>24</sup> Meanwhile a noise overhead attracted the attention of constable Robert Ramsay. He raised his rifle and fired through the opening in the ceiling leading to the attic, with the object, he maintained, of frightening the men obviously hiding above. At this point, Sewell and Burbridge rushed to the opening, but when they attempted to get into the attic they were pushed back by some of the Acadians. Several other constables and “volunteers” then thrust their bayonets upwards in an effort to pry loose some of the planks in the ceiling. While they were thus engaged, a shot was fired from the attic. The trapped Acadians had had several rifles with them and these they had taken upstairs when they had fled for safety. This shot apparently struck the stove on the ground floor but did no damage.<sup>25</sup> In all probability this, like Ramsay’s shot, was fired as a deterrent rather than with murderous intent.

At this stage, the events and sequence of events become as obscure to the historian as they must have appeared to the actual participants through the gunsmoke and dust in André Albert’s attic. Any historical reconstruction based upon the evidence at the subsequent trial can be no more than a reasonable, credible guess at accuracy. It does seem clear, however, that about this time Sewell and Loggie managed to climb into the attic, while John Gifford was endeavouring to hoist himself through another opening in the ceiling. Gifford succeeded in getting his head and shoulders above the level of the attic floor, and while in this position may well have fired a shot from his revolver.<sup>26</sup> Then another shot was fired; this time it came from the gun of Louis Mailloux. Gifford was hit in the head and fell to the floor below.<sup>27</sup> The shooting which followed was as wild as it was senseless. Loggie stated later that he fired three times in the direction of the Acadians. Sewell emptied his revolver at them. Burbridge, who was now in the attic, pressed the trigger of his weapon only to have it misfire. James Chapman, on the floor below, without seeming to realize that he might injure one of his own comrades in the attic above, fired several times through the ceiling. It was in this confusion that Louis Mailloux was hit — both Loggie and Sewell saw him fall to the floor.<sup>28</sup> That others were

24 The two women were Madame André Albert and Clothide Chiasson.

25 Evidence of Henry Burbridge. According to David Eady’s evidence Sewell shouted: “the sons of bitches are up there.”

26 Gifford was armed with a Smith and Wesson 22 calibre revolver. When the revolver was recovered later it was found that one shot had been fired from it. See evidence of George Loggie.

27 Evidence of George Loggie and David Eady.

28 Sewell subsequently boasted that he had shot Mailloux. When he was questioned about this boast by the Defence during the trial the question was not allowed by the judge.

not hit at the same time is more a tribute to their good fortune than to the judgement of Cable's men. Unquestionably the gunsmoke which concealed the Acadians from view explains the absence of further casualties.

In the confusion one or two Acadians in the attic managed to escape. Agapit Albert jumped to the floor below, much to the surprise of James Chapman, and then "ran like the devil" to safety.<sup>29</sup> Another Acadian, Stanislas Albert, who attempted to do likewise, was hit with a rifle butt and left lying in the snow. In the attic, Sewell, out of ammunition, grabbed Peter Manderson's gun, but the Acadians were anxious to give themselves up. According to their own evidence, they had tried to do so earlier but no one had listened to them,<sup>30</sup> a thing understandable enough in the darkness, confusion, shouting and noise of the moment. The prisoners were then marched off to Young's store. Two of them, Joseph Duguay and Bernard Albert, had wounds in the face. Later in the day, when the constables returned to examine the scene of the shooting, they found Mailloux. He was still breathing but died shortly afterwards. Gifford had been killed instantly.

The next day, the 28th, the prisoners seized at Caraquet were removed to Bathurst and lodged in gaol. During the journey most of them suffered extensively from the bitter cold; some of them even had their feet and hands frozen.<sup>31</sup> Post-mortems were held on Gifford and Mailloux and on 2 February Mailloux was buried. There were no demonstrations. The shootings had taken the heart out of the population and there was little need for the Abbé Pelletier's appeal to his parishioners to abandon all thought of resistance and useless shedding of blood.<sup>32</sup>

The events of "bloody Wednesday" had not only frightened the Abbé Pelletier, they had frightened the civil authorities at Bathurst even more. No one had ever anticipated that two men might die by gunfire while arrests were being made. Perhaps there might be further shootings. Accordingly an appeal was made to the military authorities for assistance. Senator John Ferguson and two other Justices of the Peace immediately got in touch with the Hon. William Kelly at Chatham, urging him to lose no time in arranging for the despatch of an organized military force to Gloucester to assist in "suppressing

29 Evidence of James Chapman.

30 Evidence of Bernard Albert. Joseph Chiasson had cried: "Stop! Stop!" when the shooting began; and Bernard Albert cried: "I'll go with you." The only answer they received was "God Damn Frenchmen, I'll kill you."

31 The *Morning Freeman* (30 January 1875) published a telegram from Bathurst: "Thirteen of the men arrested at Caraquet have just arrived here with the Sheriff. They appear inoffensive and have anything but a bloodthirsty appearance."

32 The *New Brunswick Reporter* (3 February 1875) quoted Pelletier as saying: "It is better one hundred times to submit to no matter what trouble, rather than to expose the life of one man." The complete letter Pelletier wrote to his parishioners may be found in *Le Moniteur Acadien*, 25 février 1875.

a riot" at Caraquet. At Kelly's request, Lt. Col. C. McCulley, the brigade major of the 3rd brigade at Chatham, called out the Militia. On the 28th, at 3:00 p.m., a detachment comprising 2 officers and 41 other ranks of the Newcastle Field Battery, under the command of Major R. C. Call, set out for Bathurst with two nine-pounder cannon. They were followed, several hours later, by a second detachment, this time an infantry force made up of 4 officers and 46 other ranks of the 73rd Battalion (later known as The North Shore Regiment).<sup>33</sup> Both detachments found the going difficult, "having to shovel through immense snow banks, and long pieces of the road that were drifted full of snow as high as the fences"; however, they arrived safely in Bathurst the following day, the 29th January.<sup>34</sup> The gunners were asked by the Justices of the Peace to remain in Bathurst to guard the gaol and the prisoners. The infants were sent on to Caraquet, where they acted as guards and provided escorts for those prisoners who were arrested after the affair at Albert's. It does not appear from the records that the militiamen made any arrests; this was solely the responsibility of the civil power represented by the High Sheriff and his men.

On the evening of 3 February the situation was deemed sufficiently quiet for the infantry detachment to be withdrawn and returned to Chatham. The artillery, however, remained on guard duty at Bathurst for a period of six weeks. When they were finally withdrawn in March, Senator Ferguson and a number of his fellow citizens addressed a letter to the commanding officer, complimenting him on the "readiness with which you responded to the call of the authorities, and the manner in which you have performed duties, in many respects most difficult . . .".<sup>35</sup> There was no such letter from the Acadians at Caraquet; nevertheless they could not help but contrast the strict discipline and good conduct of the Militia soldiery, with the lack of discipline and irresponsibility displayed by the Miramichi "volunteers," whose presence in Caraquet had proven more of an embarrassment than assistance to the civil authorities.

#### IV

The inquests into the shootings of Mailloux and Gifford were conducted by G. C. Blackhall, acting in the capacity of coroner. The coroner's jury, in the absence of the necessary evidence, found that Mailloux had been killed by a "ledden" bullet fired by some person unknown. In the case of Gifford, a verdict was found against the rioters, and nine persons were named as participants in the death of the "volunteer" from Miramichi; namely, Joseph Chiasson, Prudent Albert, Luc Albert, Bernard Albert, Stanislas Albert, Agapait Albert, Joseph Duguay, Moïse Parisé and Jean Louis Paulin. Following the inquest,

33 Today known as the 2nd Battalion, The Royal New Brunswick Regiment (North Shore).

34 McCully to the Deputy Adjutant General, 6 February 1875, in Canada, *Sessional Papers*, 1876, No. 7, pp. 50, 54-55.

35 Ferguson and 37 Justices of the Peace and others to Major Call, Lieutenant Mitchell, non-commissioned officers and men of the Newcastle Field Battery of Artillery, *ibid*.

the men named appeared before the stipendiary magistrate, D. G. McLaughlin, on 1 February. John Young, a brother of Robert Young, acted as court interpreter. After a short hearing the accused were charged with murder and ordered to be held in custody pending the sitting of the court in September. The other prisoners, who had been arrested on the 24th and 25th January and who were charged with rioting, were released on bail. The editor of the *Moniteur*, who throughout January had generally followed a moderate line, wrote bitterly on 11 February: "This is an example of the justice the Acadians receive from their persecutors! Where is equality? Where is the impartiality of the law?"

At once friends of the prisoners began to make plans for the defence of those charged with murder. Pierre Landry, a young Acadian lawyer, later federal member of Parliament for Westmorland, first Acadian to become Chief Justice and a knight bachelor, volunteered his services. Onésiphore Turgeon, a Quebec-born French Canadian living at Bathurst, had other ideas. He wanted the Hon. J. A. Chapleau, one of Canada's outstanding lawyers who had gained considerable popularity in French Canadian circles as a result of his defence of Riel's lieutenant, Ambroise Lépine, in 1873. Turgeon had, in fact, already approached Chapleau and obtained the consent of the New Brunswick Bar for Chapleau to plead the prisoners' cause. Two other friends of the prisoners, the Abbé Pelletier and Kennedy Burns, one of the members of the legislature for Gloucester, had their reservations about Chapleau. Would it be a good idea, they argued, to bring into the province an outstanding lawyer and politician from Quebec to defend the prisoners? Might not this lead to an English back-lash? Accordingly arrangements were made by Burns to obtain the services of a well-known lawyer from Saint John, S. R. Thompson, and provide him with Pierre Landry as his assistant. At the same time an appeal was made to Pascal Poirier, an Acadian then employed by the federal government in Ottawa, to do what he could to raise money to assist in the defence of the Caraquet prisoners. According to Turgeon, it was Poirier's efforts as a fundraiser that "saved the situation."<sup>36</sup>

The proceedings opened at Bathurst on 7 September 1875. The presiding judge was John Campbell Allen. The Crown was represented by George E. King, the provincial premier and attorney-general, and D. S. Kerr; the Defence by S. R. Thompson and P. Landry. On the 9th, the Grand Jury found acts of accusation against the nine prisoners cited for the murder of John Gifford. The following day acts of accusation were found against eight of the prisoners for riot on 15 January, and against ten for riot on the 25th of January.

The trial of the rioters on six separate charges began on 17 September. The Defence raised several points of law, suggesting that the High Sheriff of the

36 Onésiphore Turgeon, *Un Tribut à la race acadienne, mémoires 1871-1927* (Montréal, 1928), pp. 27-8.

county was incompetent to summon the Grand Jury, since he was himself an interested party; Thompson also questioned the eligibility of several jurors owing to their blood relationship with various constables who had arrested the alleged rioters. Other points were also raised, and it was not until the 24th that the petty jury was finally selected. It included among its twelve members, nine Roman Catholics, of whom seven were French-speaking. The Crown took the view that there had been a state of continuous riot from 15 to 25 January. In reply the Defence argued that the significance of the events had been grossly exaggerated and that the evidence before the court proved no more than trespass on 15 January, certainly no criminal intent. After two weeks of hearing the evidence of witnesses and the arguments of counsel, the petty jury found nine of the accused guilty of illegal assembly on 15 January. The others, notably Eloi and Gustave Lanteigne, were acquitted. In view of the number of points of law which had been raised, Judge Allen reserved judgement and ordered the release on bail of the convicted prisoners with the order that they should appear in court to hear sentence at the next sitting of the assizes.

The court then proceeded to the second and more important trial, that of the nine men charged with the murder of Gifford. The proceedings on this occasion were marked by strong feeling and strong words. At one point a Crown attorney accused one of the Defence lawyers of lying, and was obliged to pay a fine of fifty dollars for his outburst. A hint that this trial was going to be no cut and dried affair came during the selection of the jury. A panel of 150 men had been summoned for jury duty, and the Crown made liberal use of its right to challenge those whom it suspected of sympathies with the accused. Despite Thompson's protest, the Attorney-General ordered all Catholics to stand aside. According to the Defence lawyers, this action was taken at the instigation of the Hon. Robert Young. Whatever the truth of this charge, the fact was that the petty jury was made up wholly of Protestants.<sup>37</sup> The editor of *Le Moniteur Acadien* wrote sarcastically: "How good it is to live under English rule, so vaunted for its equality of justice, such as understood and interpreted by the Attorney-General of New Brunswick and his rabble (sans culottes)."<sup>38</sup>

The first of the accused to stand trial was Joseph Chiasson. He pleaded "not guilty." For several weeks the jury listened patiently to a number of witnesses, several of whom contradicted each other on the essential issues of who fired first and how many shots were fired. Interestingly enough it was a Crown witness, the constable Robert Ramsay, who admitted that he fired the first shot, and that he did so with the intention of intimidating the Acadians who had hidden in Albert's attic. And yet there were witnesses who solemnly declared that they had not heard or seen Ramsay's shot!

37 The *New Brunswick Reporter* (15 December 1875) wrote: "The jury composed of Protestants and, we understand, all intelligent men, did not shrink from doing their whole duty"

38 *Le Moniteur Acadien*, 11 novembre 1875.

The Defence endeavoured to draw attention to the conduct of the constables and volunteers prior to reaching Albert's house, to justify the fears and alarms of the accused; but Judge Allen would tolerate no evidence of any actions prior to their entry to Albert's; neither would he allow the Defence to introduce evidence which had been given at the Coroner's inquest, even though he was prepared to permit the Crown to use this evidence to throw doubt on the credibility of witnesses for the Defence. Basically the Crown case was that the men at Albert's house had assembled there for the purpose of resisting legal arrest by the Sheriff's constables. The case for the Defence was that the men at Albert's were there for legal purposes — to play cards — and that there was no intention of resisting arrest. When they fled to the attic, they did so because they were afraid of "Young's Army." Because the Miramichi men were not properly sworn constables they were not entitled to the rights of arrest and the Acadians were, therefore, acting in self defence. Finally the Judge put several questions to the jury: (a) did the accused know that Cable's men were constables? (b) did the accused assemble at Albert's for the purpose of resisting arrest? (c) did the accused take refuge in the attic through fear and with no intention of resisting arrest? (d) did the accused resist the attempt of the constables to get into the attic? and (e) was Gifford shot by one of the accused carrying out a common intention of resisting the law? After five hours' deliberation the jury brought in a verdict of guilty against Joseph Chiasson.

Judge Allen was not prepared to pass judgement on Chiasson. He felt that there were too many points at issue which he believed should be referred to the Supreme Court. He therefore used his good offices to obtain the consent of the Defence attorney to an agreement that "in consideration of the other prisoners indicted with Chiasson withdrawing their pleas of 'not guilty' and pleading 'guilty of manslaughter' all of the objections taken by the prisoner's counsel in this case should be reserved, and should inure to the benefit of the prisoners, in case this conviction should be quashed" by the higher court.<sup>39</sup> Thompson agreed to these conditions. Meanwhile the nine men went back to their cells to wait until the meeting of the Supreme Court in June 1876.

Additional funds were raised by the Acadian defence committee to finance the appeal. Nazaire Dupuis, the founder of Dupuis Frères, and a descendant of an Acadian exile from St. Jacques l'Achegan, conducted the fund-raising in Montreal, as did J-C. Taché in Ottawa. Two large meetings were held in the Salle Gésu in Montreal, one presided over by Louis Jetté, a French Canadian Nationalist who had defeated Sir George Cartier in the election of 1873, and the other by Charles Devlin, one of the great orators of his day. Pascal Poirier lent his aid as a speaker.

39 This is taken from a printed court report, *The Queen vs. Joseph Chasson*, issued by Judge C. Allen at Fredericton, 1 February 1876. This document is in the Archives de l'Université de Moncton.



### 36 *Acadiensis*

The Supreme Court reviewed both the riot and murder cases in June 1876. The justices sitting on the bench included John Campbell Allen, the judge who had tried the Acadian rioters at Bathurst;<sup>40</sup> together with Charles Fisher, Charles Duff, John Wesley Weldon and Andrew Rainsford Wetmore; Allen served as Chief Justice. In the case of the rioters, the majority of the court, Allen, Fisher and Duff, affirmed the conviction. Weldon and Wetmore dissented. In the murder and manslaughter cases, the court, while upholding Allen in several instances, concluded that he had been in error on other points of law and procedure, and that the convictions should be quashed. The prisoners were therefore released. As far as the rioters were concerned, it was considered that in view of the lapse of time since their offence — a matter of eighteen months — there was no point in imposing any punishment upon them. The Acadian population in Caraquet was overjoyed, and George King, the premier, was content to let the whole tragic incident remain buried in oblivion.

#### V

One might well have anticipated that the outbreak of physical violence in the village of Caraquet would have been followed by verbal violence in the chambers of the Legislature. The surprising thing is that the provincial members were remarkably reticent about raising the issue in the House of Assembly in 1875. It would appear that, without any formal agreement, they decided that a discussion of Caraquet would only serve to exacerbate racial and religious feelings in the province. Once only did emotions show signs of overriding good sense, when Théotime Blanchard introduced a measure to legalize the proceedings of the original parish meeting at Caraquet. The Hon. J. J. Fraser, Provincial Secretary and member for York, heatedly accused Blanchard not only of condoning breaches of the law but encouraging them by refusing to pay his school taxes. How far Fraser's indignation was real and how far it was assumed for effect, does not emerge from the pages of the *Synoptic Reports*.<sup>41</sup> It was probably real enough, for the members of the Assembly studiously watched their language after Blanchard's bill was defeated. Only occasionally do we find them making references to the events at Caraquet. One such instance was when, in opposition to a bill to incorporate the Loyal Orange Lodge in New Brunswick, Kennedy Burns of Gloucester suggested that the Orangemen of Chatham were not "free from blame" for the "unfortunate affair" at Caraquet.<sup>42</sup> Another occasion was when a bill was introduced to establish a police force and a lock-up at Caraquet;<sup>43</sup> and again when the Legislature was

40 The Chief Justice of New Brunswick, E. J. Ritchie, was appointed to the newly established Supreme Court of Canada in 1875 and Judge J. C. Allen was appointed to fill his vacancy. Thus it was that Allen found himself in the unusual position of hearing an appeal from his own court.

41 *Synoptic Debates*, 1875, 12 March 1875, p. 38.

42 *Ibid.*, 3 March 1875, p. 20.

43 *Ibid.*, 8 April 1875, p. 97.

called upon to approve payment of the federal bill for the aid rendered to the civil power by the Militia. Burns suggested that the Militia gunners had been sent on a fool's errand when they hauled their two nine-pounder cannon through the snow to Bathurst; Blanchard remarked sarcastically that there had been no need "for the calling of the Prussian Army to Caraquet by the Bismarcks and Kaisers of Gloucester."<sup>44</sup>

In Ottawa, John Costigan returned to the charge with his annual effort to secure an amendment to the British North America Act which would guarantee publicly supported separate schools for New Brunswick, but he urged those who might take part in the debate to refrain from making any references in their speeches to the unfortunate events at Caraquet.<sup>45</sup> As in previous years the debate on the Costigan motion in 1875 cut across racial and party lines. Quebec Conservatives who had been foremost in the defence of Louis Riel, such as L. F. R. Masson, gave full support to Costigan; so too did some of the Liberals like Charles Devlin of Montreal. The Hon. Joseph Cauchon, newly appointed to Mackenzie's Cabinet, supported his chief, by arguing that, unfortunate as the absence from the B.N.A. Act of the guarantees demanded by Costigan might be, it would be even more unfortunate to try now to alter the compact which the provinces had entered upon at the time of Confederation. Costigan's motion had no chance of success without Government support and it suffered defeat, the third since 1872.

If the troubles in Caraquet were not directly debated either in Fredericton or in Ottawa, that does not mean that they were without interest to the people of the province. On the contrary. The impact they made was deep enough in 1875, and lasting. Neither French nor English, Catholic or Protestant wanted to see any repetition of what had occurred on the North Shore. That is why they all welcomed the news that a group of Roman Catholic members of the Legislature, encouraged if not actively assisted by Bishop Sweeney, had resumed talks with the provincial cabinet. Early in August a formal agreement was arrived at. This agreement, known generally as "The Compromise" or the *Modus Vivendi* of 1875, provided that all Roman Catholic children could be grouped together in the same school or schools; that official recognition would be granted to certificates issued by the Superior of any teaching order in lieu of attendance at the Normal School, provided any such teacher took the examination required for a licence; that text books would be carefully selected to eliminate those containing anything likely to offend Roman Catholic susceptibilities; and buildings belonging to the Roman Catholic Church could be rented for school purposes without any restriction being placed on their use after school hours. The Roman Catholic minority did not gain the right to state-supported schools, but they did gain the right to send their children to the school of their choice, to expose their children to the catechism, and to

44 *Ibid.*, 9 April 1875, pp. 103-4.

45 Canada, House of Commons, *Debates*, 1875, p. 561.

have them taught by members of Catholic religious orders.<sup>46</sup> The Compromise fell short of what the Roman Catholics would have considered as equality, but it was accepted as the best possible arrangement which could be obtained at the time. In his circular letter of 3 January 1876, addressed to the clergy of the Diocese of Chatham, Bishop James Rogers wrote:

. . . in the present temper of the Government and of the majority of the population of our Province, we have no alternative but to cease the active opposition which however conscientious and justifiable, is found to be not only unavailing but has given occasion to men, esteemed otherwise just and kindly disposed, to outrage and oppress their fellow citizens . . . In order then not to give even innocent occasion to greater evils, we must simply tolerate what we cannot prevent.

Thus, while still protesting against the objectionable feature of the School Law in question, we consent, through necessity, to work under it, hoping that the good judgement and a delicate sense of right on the part of our fellow citizens administering the law will do much practically to neutralize its radical defect and utilize whatever acknowledged advantages it may otherwise possess.<sup>47</sup>

Half a loaf was better than none at all.

With the acceptance of the Compromise of 1875, opposition to the School Act of 1871 subsided. For five years that Act had been a source of bitter controversy, a barrier to goodwill, and in the end, a prod to violence. Too often, in Canadian history, compromise has come only after force, and justice after bloodshed. Are we incapable of learning any lesson from history?

46 Hody, *op. cit.*, Appendix E. See also Rumilly, *op. cit.*, pp. 769-770.

47 Hody, Appendix F. The pages including the several appendices in Dr. Hody's thesis are not numbered. They are to be found at the end of the thesis.