

## **Mumming, Violence and the Law in Nineteenth-Century Newfoundland**

Dr. Paul Smith

Department of Folklore, Memorial University

For the past decade we have been conducting research into a variety of social and legal aspects of the tradition of Christmas mumming in Newfoundland and Labrador. For certain facets of this research, our starting point was the incident in Bay Roberts on 28th December 1860 when fisherman Isaac Mercer was allegedly murdered by mummers. Searching backwards and forwards from this event, through court records, newspapers, and government acts and statutes, our research has uncovered over twenty other cases of offences by mummers which were processed in the courts between 1831 and 1863 (Fraser 2009). Our research also indicates that many other similar incidents were prosecuted throughout the nineteenth century, suggesting that the Mercer case was but one incident in a longstanding "tradition of fear and violence" surrounding the custom of mumming (Story 1969: 182).

Several scholars have argued, based on limited evidence, that mumming-related violence during the nineteenth century reflected the socio-economic, ethnic, political and religious tensions that permeated urban life in Newfoundland at this time (Brookes 1988: 28; Byrne 1981-82; Sider 1976). Our investigation of contemporary sources suggests that the reality was considerably more complex. In addition, our research findings to date contradict Palmer's hypothesis that mumming is a "ritual of trust" (Palmer 1992; 2005; Palmer and Pomianak 2007: 306-307) characterised by "threatening play" and "mock violence" (Palmer 1992: 126, 129). The cases we have uncovered, many of which involve violent assaults, suggest that the practice of mumming regularly entailed crossing "the fine line between humorous play and actual violence" (Palmer 2005: 153), at least amongst certain sectors of the population.

The goal of this project is to explore the range of anti-social behaviors exhibited by some mummers in Newfoundland during this period. This necessitates a detailed, methodical examination of a variety of contemporary primary and secondary sources for information relating to mummers being brought before the courts; their crimes and punishments; any resultant public outcry; the manner of reporting these events in the local press; the actions taken by the government and the courts to control the tradition; and whether these actions had any effect.

### REFERENCES:

Brookes, Chris. *A Public Nuisance: A History of the Mummers Troupe*. St. John's: Institute of Social and Economic Research, Memorial University, 1988.

Byrne, Cyril. "Some Comments on the Social Circumstances of Mumming in Conception Bay and St. John's in the Nineteenth Century." *Newfoundland Quarterly*. 77.4 (1981-82): 3-6.

Fraser, Joy. "Mummers on Trial: Mumming, Violence and the Law in Conception Bay and St. John's, Newfoundland, 1831-1863." *Shima: The International Journal of Research Into Island Cultures*. 3.2 (2009). 70-88.