

Lynn Lunde, *Illegal acts in disguise: Mumming as a component of collective social action in 19th century Newfoundland*. Mummings Unconvention, Bath, 2011.

Illegal acts in disguise: Mumming as a component of collective social action in 19th century Newfoundland¹

Mumming in Newfoundland, characterized by disguising and licence, is a secular tradition which traditionally occurred during the 12 days of Christmas (Dec 25-Jan 6). Mumming in its three customary forms – the Mummings' Play, the processional, and janneying - accessed all areas of the community from public pathways to private areas within people's homes. The entertainment and fun side of mumming is often emphasized in recollections of the occurrence, however this paper will address a different side of mumming, a darker side that encompassed aspects of social control and collective social action which the authorities found difficult to control.

Under the guise of anonymity, exercising social licence, and operating within the boundaries of an accepted social custom, mummings often were the means by which the values and perceptions of a community could be brought to bear upon individuals and families. The recognition by several researchers² of the use of mumming as a means of social control and of social interaction establishes an understanding of the connection between mumming and larger group efforts at influencing social, political and economic events. This is supported by an understanding of the extensive improvisational opportunities afforded mummings which allowed the event to function as a vehicle or platform for acts of personal retribution and to mete out community justice. Mumming as a means of social control occurred within the auspices of an accepted custom.

Situating mumming within collective social action requires a shift in focus from mumming as a fun social visit and entertainment to a focus on several other characteristic elements of mumming: disguising as a means for creating anonymity; unpredictable, threatening and violent behavior; social control and censure.

To situate mumming within the social sphere as a component of collective social action, there are several areas to be considered: embedded licence - the availability of mumming for use in collective social action; violence, fear, threat - the darker side of mumming had the attention of the authorities under charges including assault, burglary, and threatening language; legal

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threads – British Statutes were active in Newfoundland against a number of activities associated with collective social action; similarities – mumming and collective social action.

Embedded licence: availability of mumming for use in collective social action

Across the different forms of mumming there are common elements necessary for its use as a means of community social control and as a component of collective social action. Structurally, mumming allows for improvisation of speech and action while allowing the basic structure of the event to carry the action through to a known conclusion.

The Mummings' Play is an excellent vehicle for communication. Within the fluid text new characters could be introduced with older ones added or deleted for entertainment value or to forward a social commentary. Performers could improvise³ and create additional theatrical pieces as a vehicle for social critique and provide commentary and dissent on economic, social and political issues of the day. The nature and structure of the Play afforded a means of accessing households and communicating with large numbers of community members. In the improvisation messages and communications could be carried within the Play both overtly and covertly. The changing list of characters used in plays over the years both in Ireland⁴ and Newfoundland⁵ support this proposition. Performers could chastise and censure individuals and groups under the guise of their roles, although not necessarily under anonymity, as performers of the Play were not always costumed in disguise but rather as characters of a play. The assumption of a mumming role and character within the Play afforded not anonymity but licence and impunity.

Processionals or parades were common in Newfoundland communities of the early 1800s as a means of celebration or to mark an event. Processionals could form around mumming groups of janneys and Mummings' Play performers and follow them from house-to-house and around the community. A processionals comprised of mummings and non-mummings can be understood as people wanting to have a 'bit of fun' and excitement. The general chaos of the scene would be heightened by mummings armed with junks of wood fending off attempts to unmask them; attacks by over-excited and frenzied dogs could also be a hazard. Processionals in St. John's, the capital, could have a political bent with mummer licence

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displaying a more menacing side with undertones of class distinction where passers-by could be attacked and chased by mummers⁶. In the smaller communities or outports where mummer processions could be more personal, they could focus on social control and censure. They could also provide a time and place for settling-up personal animosities.

Janneying, the most common of the three forms of mumming, was not constrained by the structures of a play or a procession. In its most usual form it was an identity-guessing game played with one's neighbours⁷. Careful costuming and masking with the intention of hiding identity, of not being identified by persons known their lifetime, created the challenge of the game. Once identified, a janney had to unmask and then was offered food and drink. The hospitality offered and accepted by custom placed the expectation of reciprocity into the event, providing a venue for expanding and solidifying social relationships. Janneying as an identity-guessing game was 'a bit of fun', and could be a means of potentially establishing new or stronger social and work⁸ relationships within the community.

When the identity-guessing game was not the intent of the disguising, anonymity could take a menacing note and be used as a means of social control, of personal retribution and community censure. As an activity of identity-masking, janneying was a time of licence with the potential for use in collective social action. Disguising, anonymity, and licence sanctioned by custom were useful aspects of janneying to collective social action undertaken at any point in the year.

Occurring in the streets or in people's houses, mumming gives its participants the opportunity to communicate with all members of a community, either by direct interaction or through word-of-mouth. As an event of house-to-house visitation, mummers and janneys could determine which houses were to be visited and monitor their message to each household. Mumming could be used as a vehicle to communicate specific pieces of information to targeted households and individuals. The event was available as a means of communication, as a means of disseminating ideas, information, and messages to households and communities, yet could operate beyond the reach of the authorities.

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Everyday activities and social interaction provided community members ample access to each other. But mumming was different as it afforded social licence to the mummings, a licence primarily expressed through transgression of sexual mores, playfulness, disguising and anonymity, and censure. While sexual innuendo, cross-dressing and inappropriate public behaviour contributed to the fun side of mumming, it was also unpredictable. It was this aspect, extended to random and targeted violence, which was alarming and fearful to others. Mummings could exercise a level of social licence otherwise unexpressed within the socially circumscribed communities and lives of individuals.

Violence, fear, threat: a darker side to mumming

The mummings brought a sense of instability into communities and into people's homes as the unknown entered familiar social space under the guise of a known custom i.e. the unknown entered the known social arena. The juxtaposition of the known and the unknown when coupled with censure created the volatile and dangerous side of mumming. The censure was wide-ranging; it could be experienced as a personal 'settling-up' between individuals, community disapproval of an individual or family, critique of government and merchant authority and actions, and collective social action.

Mummings were also considered to be 'threatening figures'⁹. In an attempt to control children, adults often threatened that if children didn't behave the mummings would take them away. For many people the childhood fear of mummings extended into adulthood which when coupled with actual mummer violence was a powerful element within community control and collective social action. When social and recreational violence was coupled with disguising it was often directed against authority and privileged social classes, and was often used to perpetrate violent attacks at any time throughout the year. Given the general social milieu in England and Ireland during the late 1700s and early 1800s, familiar to migrants to Newfoundland, the fact of disguised and armed people going about the community after dark would have created a further apprehension of there being trouble afoot.

Independent of mumming, drunken and disorderly conduct occurred throughout the year in communities. Violence and fighting was means of settling disagreements, it was also a form

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of recreation which included brawling amongst community members and prize-fighting as a sport. In this general context, mummings provided a unique venue for violence because it offered the opportunity of anonymity within an accepted custom. It provided a venue for activities beyond the control of the authorities as mummings were given licence by the general community. This licence lent legitimacy and a social arena of support for persons using disguise and violence within collective social action undertakings¹⁰. Cooperation with the authorities in identification of disguised persons was discouraged through intimidation. Violence, fear, and threat provided the basis for controlling individuals not in support of specific activities.

Newfoundland court records concerning mummings are an indication that mummings was occurring, and that violence associated with mummings and disguising was simply part of an overall prevalence of violence in the community.

Legal Threads

Mummings did not appear in Newfoundland law until it was licensed in 1861 and banned in 1862. Prior to the banning, activities associated with mummings came to the attention of the authorities under various charges including ‘assault and battery’, ‘threatening language and putting bodily fear’, ‘drunkenness disorderly conduct and using threatening language’, ‘breach of the peace’, ‘obstructing police in the discharge of their duty’, ‘using insulting language and threatening future violence’, ‘threatening’, ‘desertion’¹¹. Surviving court records do not necessarily note that persons involved in offences such as assault and threatening were dressed as mummings or were disguised. Consequently it is difficult to establish the prevalence of disguising in the perpetration of offences. Disguising may have been prevalent and accepted to such an extent that it was not regarded as an important or distinguishing component of illegal activity.

The characteristics of mummings closely resemble the characteristics of collective social actions, a similarity borne out in the British Acts and Statutes¹² established to curb collective social action. Activities associated with collective social action and secret societies were targeted within British Statutes. The rule of British law extended throughout the British

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Empire, including Newfoundland. Worthy of specific note are two Acts, the Riot Act of 1714 and the Black Act of 1724. The Riot Act addressed unlawful assembly; the Black Act addressed people being disguised and armed at night. These two acts, both punishable by hanging, were used to quell collective social action and secret societies. The Riot Act was read in Newfoundland on several occasions to disperse crowds and application of the Black Act was discussed as an appropriate law to enforce against mumming.

The term mumming is not mentioned in the British Statutes, however several characteristics common to mumming and collective social action are. A reading of British law from the 1100s on how prevalent and problematic activities now characterized as mumming and collective social action were for many centuries in Great Britain. Many of the laws and their amendments meant that mumming in England, Ireland and Newfoundland could be understood by the authorities within the context of collective social action. Hence, the mumming custom was pursued by individuals within a legal context where a perceived transgression of an Act could be applied to the custom and the participants could be charged with a felonious act. Although British law was available for enforcement in Newfoundland, collective social action and mumming were generally addressed within the laws of assault and burglary.

Mumming continued in Newfoundland because the law was not uniformly applied - it was applied only in certain circumstances and in communities near or readily available to police and military actions. A chronic shortage of police and military personnel allowed a custom already given social licence to function in outports with virtual impunity even after it was banned. Mumming was widely practiced in outports into the mid-1900s. Its declining practice is attributable to the arrival of television, access to other forms of entertainment, and the building of roads to communities previously only accessible by water. Identity-guessing games and anonymity gradually ceased to be entertaining and fun when the possibility of real strangers being in the community was actualized.

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Similarities between mumming and collective social action

Characteristics of collective social action and secret societies are strikingly similar to mumming. The actions of resistance, the social, political and economic realities, and the laws used to quell collective social action were part of the mind-set of the people, both English and Irish working and upper classes, living in Newfoundland during the 1700s and 1800s.

Disguising, violence, social licence, and social control were elements of the mumming tradition practiced within the 12 days of Christmas. Some events which occurred at this time were recognized as collective social action functioning within the standard mumming tradition. Many events which could be understood as collective social action¹³ were undertaken by disguised persons, often termed mummers, at other times of the year.

Collective social action is a broad category of activity which includes secret societies. To argue that mumming was a component of collective social action does not suggest that mumming groups were secret societies. It merely states that the mumming custom was available and potentially useful within collective social action which included secret societies.

Events and outrages occurred in Newfoundland which incorporated disguise and other activities associated with collective social action in England and Ireland. That masking and disguising was used in conjunction with behaviour associated with Irish secret societies (threatening letters, maiming's, beatings, burnings/arson) suggests the use of mumming as a tool in the practice of collective social action.

Whether activities which were occurring in Newfoundland in the 1800s could be termed secret societies or whether they were more rightly termed collective social action is and was available for discussion. There are a number of indications that secret societies, if not proven to be present, were perceived by the authorities to be present¹⁴, including the following: discussion surrounding the 1800 revolt at the St. John's Garrison determined over half the men in the Garrison were United Irish (a well-known secret society) as well as many

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inhabitants of St. John's town; in 1830, Henry Winton, the prominent editor of a St. John's newspaper 'The Public Ledger', viewed the collective social action occurring in the communities of Harbour Grace and Carbonear as indicative of the presence of secret societies; in 1831 an official letter suggested the use of the Black Act to curtail mummings activity as a result of the Alcock outrage; from the 1830s on the Riot Act is documented as having been read on several occasions; in 1860 a threatening letter was delivered to a Mr. Moore and was referred to in government correspondence as a 'Molly Maguire' or 'Capt. Swing' letter, terms applied to threatening letters used by secret societies in Great Britain¹⁵.

Extensive work on Newfoundland emigration in the early 1800s shows Irish immigration predominantly from the Waterford and Wexford areas¹⁶, areas in which secret societies were strong organizations. Immigrants from England and Ireland not only knew about activities of agrarian upheaval and social unrest, but may well have been participants. It is highly likely that secret societies existed in Newfoundland.

The instances of disguising and mummings that appear in the Newfoundland legal records prior to 1862 were associated with violent activities and dealt within the law as assault. The 1835 attack on Henry Winton editor of 'The Public Ledger' newspaper is an assault but is also an example of collective social action. Winton, attacked on a public roadway by disguised persons was beaten and maimed by having one ear cut off and the other disfigured. Despite a sizeable reward offered, no information was forthcoming to the authorities as to the identity of the perpetrators. The violence of the attack and maiming by disguised persons, the failure of the reward to garner information, and the social and political context of the attack is but one example of the coupling of mummings/disguise with collective social action.

Summary

Following the connections between secret societies, collective social action, and disguising through the revolt in the St. John's Garrison in 1800, collective social action throughout the 1830s in Harbour Grace/Carbonear and outrages occurring from the 1830s through the 1860s, establishes the use of disguising within events of collective social action and in conjunction

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with activities usually associated with secret societies in the British Isles (including threatening letters, beatings, burnings, maimings, intimidation).

It was the combination of the structural elements of disguising and social licence for activities including violence and censure which made mumming threatening to the authorities and useful within collective social action and secret societies. Further, in my estimation, this combination of factors resulted in the licensing and banning of mumming in Newfoundland.

Notes:

¹ Given the brevity and summary nature of this paper, these endnotes and references are meant to direct the reader to relevant material used in this paper and are not exhaustive of the material available or used. The archives accessed are: Centre for Newfoundland Studies, Memorial University of Newfoundland; Memorial University of Newfoundland Folklore and Language Archives; Parliamentary Archives, UK; Provincial Archives of Newfoundland and Labrador.

² See Herbert Halpert and Graham Story (eds.), *Christmas Mumming in Newfoundland: essays in anthropology, folklore, and history*, University of Toronto Press, 1969. All papers in this collection are relevant to a broad discussion of mumming in Newfoundland, but they are not exhaustive of the subject. Several authors within this collection of papers recognized the use of mumming as a means of social control: Louis J. Chiaramonte, 'Mumming in Deep Harbour': Aspects of Social Organization in Mumming and Drinking, pp 76 - 103; James C. Faris, 'Mumming in an Outport Fishing Settlement: A Description and Suggestions on a Cognitive Complex', pp 128 - 144; Melvin M. Firestone, 'Mummers and Strangers in Northern Newfoundland' pp 62 - 75.

³ Chris R. Brookes, *A public nuisance: a history of the Mummers Troupe*, Institute of Social and Economic Research, Memorial University of Newfoundland, St John's, 1988.

⁴ James Parle, *Mummers of Wexford*, Drinagh, Wexford: JJP Publications, 2001.

⁵ H. Halpert and G.M. Story, op cit.

⁶ Lewis Amadeus Anspach, *A history of the island of Newfoundland*, Printed for the author, sold by T. and J. Allman, and J.M. Richardson, 1819.

⁷ Margaret R. Robertson, The Newfoundland mummers' Christmas house-visit. Unpublished M.A. Dissertation, Dept. of English Language and Literature, Memorial University of Newfoundland, 1979. Also Clyde E. Williams, 'Janneying in "Coughlin Cove"' in *Christmas Mumming* pp 209 – 215.

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⁸ Gerald M. Sider, 'Christmas mumming and the New Year in outport Newfoundland'. *Past & Present* 71 (1975):102-125. Louis J. Chiaramonte, 'Mumming in "Deep Harbour" op cit.

⁹ J.D.A. Widdowson, *If you don't be good: Verbal social control in Newfoundland* Institute of Social and Economic Research, Memorial University of Newfoundland, 1977.

¹⁰ There were many instances of outrages or illegal acts which often took the forms of assault, maiming and threatening by disguised persons. Notable examples were the outrages referred in the newspapers of the day and Colonial Office correspondence as the Winton, Lott, and Alcock outrages. The Winton outrages occurred over several years, with the most well-known being an attack in which he was beaten and maimed. The Lott outrages also occurred on several occasions over a number of years – on one occasion he was abducted and threatened, and several years later beaten and maimed. The Alcock outrage was perpetrated at a party where guests were attacked. Documents are contained in the Provincial Archives of Newfoundland and Labrador.

¹¹ There are numerous archival records in the Provincial Archives of Newfoundland and Labrador and in the Centre for Newfoundland Studies which address the various charges laid in response to illegal acts perpetrated by persons who were disguised.

¹² British Acts and Statutes were accessed through the Parliamentary Archives UK, an online resource which was supplemented with microfiche held at Memorial University of Newfoundland.

¹³ Linda Little, Plebeian collective action in Harbour Grace and Carbonear, Newfoundland, 1830-1840. Unpublished M.S. dissertation, Department of History, Memorial University of Newfoundland, 1984.

¹⁴ Thomas Bartlett, 'Indiscipline and disaffection in the armed forces in Ireland in the 1790s', in Patrick J. Cornish (ed), *Radicals, Rebels and Establishments*, Appletree Press, Belfast, 1985. Cyril Byrne, 'Ireland and Newfoundland: the United Irish rising of 1798 and the Fencibles mutiny in St. John's, 1799'. Unpublished lecture delivered to the Newfoundland Historical Society, 1977. Cyril Byrne, 'The Waterford Colony in Newfoundland, 1700-1850', in W. Nolan, T.P. Power (eds), D. Cowman (associate ed), *Waterford history & society: interdisciplinary essays on the history of an Irish country*, Geography, Dublin, 1992. John J. Mannion, 'Transatlantic Disaffection: Wexford and Newfoundland, 1798-1800', in *Journal of the Wexford Historical Society* 17, 1998-9, pp 30-60; John J. Mannion, "'... Notoriously disaffected to the Government ...'", British allegations of Irish disloyalty in eighteenth-century Newfoundland'. Unpublished lecture given to the Newfoundland Historical Society, 1997. Bartlett, Byrne and Mannion are in the company of a number of authors who have discussed problems existent within the British military and the presence of secret societies in the toxic relationship between the English and the Irish. These perceptions and realities existent in the United Kingdom coloured the relationships between English and Irish, Protestant and Catholic in Newfoundland.

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¹⁵ Archival documents addressing these issues are in the Provincial Archives of Newfoundland and Labrador.

¹⁶ John J. Mannion, 'Irish Migration to Newfoundland'. Summary of lecture given to the Newfoundland Historical Society, 1973; John J. Mannion, 'Tracing the Irish: A Geographical Guide', in *Newfoundland Ancestor* 9, 1(1993): 10-13.