

# The Ballygiblins

## British Emigration Policy, Irish Violence, and Immigrant Reception in Upper Canada

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### Article abstract

Drawing on interpretations and reactions to the violence of the 1824 Ballygiblin riot in the Bathurst District of Upper Canada, this article examines the local reception of assisted Irish Catholic immigrants to the region. In their reaction to the new arrivals, Bathurst District residents demonstrated the extent to which local priorities for settlement were at odds with that of British emigration policy. The reception of the Irish was conditioned by the legacy of the so-called “old world” in real and expected patterns of violence; by a local culture that prized loyalty, Protestantism, and pioneer manhood; and by the immediate context of British emigration policy and the process by which that policy was applied, interpreted, and experienced.

# THE BALLYGIBLINS

## British Emigration Policy, Irish Violence, and Immigrant Reception in Upper Canada\*

by Laura J. Smith

In May 1824 subscribers of the *Montreal Herald* read disturbing reports of riots in the Bathurst District of eastern Upper Canada. Recently arrived Irish immigrants, who called themselves “The Ballygibblins,” were reported to have viciously and senselessly attacked a local tavern following the annual militia muster and had continued to terrorize the peaceable settlers of the area in the days that followed. The immigrants were said to meet “authority with defiance.” Only the vigilance and “judicious zeal” of an armed force of local volunteers was able to subdue the riotous Irish and ensure the side of civil-

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**Résumé:** *En se basant sur les réactions à la violence des émeutes de Ballygibblin de 1824, cet article examine la réception des immigrants catholiques irlandais par la population locale dans le district de Bathurst du Haut-Canada. À travers leur réaction aux nouveaux arrivés, les résidents du district de Bathurst ont démontré à quel point les priorités locales de colonisation allaient à l'encontre des programmes d'émigration britanniques. La réception des Irlandais avait été conditionnée par les préjugés du « vieux monde » sur la menace imminente des tendances à la violence, par une culture locale qui prisait la loyauté, le Protestantisme et la virilité pionnière, aussi bien que par l'interprétation et l'application de la politique d'émigration britannique..*

\*The author is grateful for the invaluable guidance of Mark McGowan, Jane Errington, and Franca Iacovetta who each read earlier versions of this work. Brandon Corcoran, Elizabeth Jewett, Julia Rady-Shaw, and Michael Wilcox also provided much needed support and criticism.

ity and order had ultimately triumphed. A gun-fight at a depot at which the immigrants were known to congregate had resulted in nineteen rioters arrested, two injured and one killed. Concluding the account, the *Herald* expressed the wish that the unhappy events of the Ballygiblin riot did not represent the transportation to Upper Canada of those “permanent political feelings incident to a great proportion of Irish Emigrants” and hoped that the events had been nothing more than a “momentary ebullition,” that, following the intercession of the authorities, had been “quashed forever.”<sup>1</sup>

The reports in the *Herald* as well as letters from local authorities to colonial officials make it clear that the predominantly British residents of the Bathurst District were united in their disdain for these Irish immigrants and their behaviour. A concerted campaign was mounted in the days following the incident to represent them as unsuited to the settlement, counter to prevailing values and codes of order, and tied irrationally and dangerously to patterns of behaviour that had apparently been transplanted from Ireland. Local businessman and magistrate William Marshall complained that the Irish immigrants were “little better than banditti.”<sup>2</sup> In letters to the Lieutenant Governor other magistrates echoed

Marshall’s sentiments and enclosed depositions from witnesses describing the senseless violence and intimidation enacted by the immigrants. Their evidence indicated the scope and senselessness of the Irish brutality and the extent to which their presence was a disruption to the natural orderly progress of the settlement. Magistrates feared for the effect of the Irish-led chaos on the industrious local farmer: “the peaceable inhabitant is in terror of his life, and at this busy season of the year when the farmer should be providing for his family, he is compelled to abandon his house and seek for refuge in the woods (as an outlaw) for the preservation of his life.” The Irish would never be reconciled to the orderly workings of colonial life, they argued, and only a military force stationed in the vicinity could restore peace and confidence to the area’s industrious farmers.<sup>3</sup>

The Irish immigrants in question had been sponsored by the British government the previous summer from County Cork in southern Ireland in an assisted emigration experiment superintended by an Upper Canadian bureaucrat named Peter Robinson.<sup>4</sup> Conceived as a measure to relieve the “surplus” population of north County Cork, the scheme saw Robinson select and transport approximately 550, primarily Catholic immigrants to the

<sup>1</sup> The preceding is drawn from three reports in the *Montreal Herald*, 5, 12 and 15 May 1824.

<sup>2</sup> Library and Archives Canada (hereafter LAC), Manuscript Group (hereafter MG) 11, Colonial Office (hereafter CO) 42/373, microfilm reel B- 153, William Marshall to Lord Dalhousie, 5 May 1824.

<sup>3</sup> LAC, MG 11, CO 42/373, reel B- 305, Thom et al to Major Hillier, 4 May 1824; CO 42/200, reel B-153, Sheriff J. Powell et al to Major Hillier, 4 May 1824.

<sup>4</sup> Robinson was the brother of Attorney General John Beverley Robinson. The latter had apparently recommended his older brother for the job while in London in the spring of 1823.

Bathurst District in 1823.<sup>5</sup> It is perhaps because of the imperial backing of the migration and settlement of the Irish, and plans to repeat the assisted emigration at a larger scale within the year, that colonial officials at York were reluctant to accede to local requests for a military intervention. Instead of soldiers, Lieutenant-Governor Sir Peregrine Maitland dispatched Colonel James Fitzgibbon, the Adjunct General of the Upper Canadian militia to the Bathurst District to investigate.<sup>6</sup>

Colonel Fitzgibbon's investigation produced a series of depositions that described a settlement split along national and religious lines. As we shall see, the "old" settlers of the region were themselves relatively recent arrivals in the Bathurst District. Of predominantly Irish and Scottish Protestant origin, the British government had also subsidized these settlers' migration and settlement. Fitzgibbon essentially absolved the Irish settlers of wrongdoing. He argued that the events of the riot were indicative of a breakdown in local authority that had failed to contain, and in many respects only encouraged, the religious and national conflicts endemic in the settlement. Anxiety tied to ongoing economic insecurity still plagued the "old" settlers in the region, and consequently they harboured "natural and increasing ill will" toward the seemingly

well-assisted Irish immigrants.<sup>7</sup>

Drawing on Fitzgibbon's report, as well as local, colonial, and imperial interpretations of the riot and the implicated immigrants, this article argues that the reception of the assisted Irish immigrants in the Bathurst District was conditioned both by the legacy of the "old world" in real and expected patterns of violence, but also by the immediate context of British emigration policy and the process by which that policy was applied, interpreted, and experienced. In their reaction to Irish violence, their petitions for military assistance, and in the judicial aftermath, the residents of the Bathurst District demonstrated the extent to which local priorities for settlement were at odds with the premises and goals of the British emigration policy responsible for the new arrivals in their midst. As we shall see, the events of the so-called "Ballygiblin Riot" were as much about a local community expressing its opposition to new arrivals in their midst as it was about anti-social behaviour on the part of those immigrants.

To the residents of the Bathurst District, the British emigration policy that had brought the Irish into their midst appeared to prioritize the displacement of Irish poverty and violence over the selection of suitable settlers for Upper Canada. They were not wrong. Draw-

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<sup>5</sup> Wendy Cameron, "Robinson, Peter," in *Dictionary of Canadian Biography*, vol. 7, University of Toronto/Université Laval, 2003–, <[http://www.biographi.ca/en/bio/robinson\\_peter\\_7E.html](http://www.biographi.ca/en/bio/robinson_peter_7E.html)>; Wendy Cameron, "Selecting Peter Robinson's Immigrants," *Histoire Sociale/Social History*, 9:17 (May 1976), 29-46; Gerard Moran, *Sending out Ireland's Poor: Assisted emigration to North America in the nineteenth century*, (Dublin: Four Courts Press, 2004).

<sup>6</sup> J.K. Johnson, "Colonel James Fitzgibbon and the suppression of Irish riots in Upper Canada," *Ontario History*, 58 (1966) 139-55.

<sup>7</sup> LAC, MG 11, CO 42/373, Reel B- 305, James Fitzgibbon to Major. G. Hillier, 10 June 1824.

ing on previous assistance programs that had facilitated the movement of disbanded soldiers and unemployed workers from England and Scotland to Upper Canada, Robert Wilmot Horton, the Under-Secretary of State for the Colonies (1822-1828), devised the 1823 assisted emigration scheme to determine if state-sponsored emigration might have a positive influence on poverty, unemployment and unrest in Ireland.<sup>8</sup> He chose the Blackwater district of north County Cork as a test case. Under the Insurrection Act since 1822 and long-plagued by the increasingly disruptive activities of a secret agrarian protest movement known as the “Rockites,” the Blackwater was the ideal place to implement an emigration scheme directed at the discontented Irish Catholic peasant.<sup>9</sup> Access and ownership of land was at the root of Rockite agitation and conversely behind the increas-

ingly urgent calls from landlords in the region for government strategies to deal with troublesome and ‘surplus’ tenants. Consequently the offer of land, a 70-acre plot for every male over 18, was the cornerstone of the assistance program advertised throughout the Blackwater in the summer of 1823.<sup>10</sup>

With its wide-open spaces, Upper Canada was considered the ideal place for an Irish Catholic peasant to settle both bodily and emotionally; yet beyond appointing Upper Canadian Peter Robinson as superintendent of the scheme there is little to suggest that much consideration was given to the ramification of the large-scale settlement of Irish for Upper Canada or the Bathurst District.<sup>11</sup> County Cork landholders like the Earl of Kingston betrayed only a superficial understanding of the colony but nevertheless insisted that Upper Canada was the

<sup>8</sup> Helen Cowan, *British Emigration to British North America: The First Hundred Years* (Toronto: University of Toronto Press, 1961); Stanley C. Johnson, *A History of Emigration: From the United Kingdom to North America 1763-1912* (London: Frank Cass and Co. Ltd. 1966). For Horton’s Irish emigration plan, see: Cameron, “Selecting,” 30-31.

<sup>9</sup> James S. Donnelly Jr., *Captain Rock: The Irish Agrarian Rebellion of 1821-1824* (Madison: University of Wisconsin Press, 2009); Paul E. W. Roberts, “Caravats and Shanavests: Whiteboyism and Faction Fighting in East Munster, 1802-11,” in *Irish Peasants Violence and Political Unrest: 1780-1914*, ed. Samuel Clark and James S. Donnelly, Jr. (Madison: The University of Wisconsin, 1983); Galen Broecker, *Rural Disorder and Police Reform in Ireland 1812-36* (Toronto: University of Toronto Press, 1970).

<sup>10</sup> Archives of Ontario (hereafter AO), Peter Robinson (hereafter PR) fonds, manuscript series (hereafter MS) 12, reel 1, Earl Kingston to Peter Robinson, 19 December 1824; Peter Robinson to Robert Wilmot Horton, undated report on emigration. The additional 30 acres of the standard 100 acre lot was reserved for a period of ten years for those immigrants who could prove themselves “industrious and prudent.”

<sup>11</sup> Peter Robinson was appointed superintendent of the scheme on the recommendation of his brother, John Beverley Robinson then Attorney General of Upper Canada who was in London as the emigration plan began to take shape. Robert E. Saunders, “ROBINSON, Sir JOHN BEVERLEY,” in *Dictionary of Canadian Biography*, vol. 9 (University of Toronto/Université Laval, 2003), <[http://www.biographi.ca/en/bio/robinson\\_john\\_beverley\\_9E.html](http://www.biographi.ca/en/bio/robinson_john_beverley_9E.html)>. There existed only a basic understanding of Upper Canada and its population at the Colonial Office throughout this period. See *Reports from the Select Committee on Emigration*, Great Britain. Parliament. House of Commons. Select Committee on Emigration from United Kingdom, 1826. Peter Robinson’s testimony is found in the Appendix on pages 330-35.

perfect place to send their tenants. The changing nature of land use was making the peasant farmer obsolete, Kingston argued. Such men, who in Ireland had rented a few acres for basic subsistence, were better settled in Canada where they could “cultivate the waste lands... and be useful members of society.” Left in Ireland, they were likely to turn into “bad subjects” who devoted their “time to Captain Rock and his associates.”<sup>12</sup>

As a broker between colonial and imperial priorities for the emigration and settlement of the Irish, Upper Canadian Peter Robinson struggled to reconcile Horton’s instructions to select “redundant paupers” with his own instinct to choose those with agricultural experience and therefore a chance to do well in Upper Canada. Like his Colonial Office superior, Robinson subscribed to the notion that land would have a subduing effect on the Irish peasant, and argued that even the most “fiery” Irish male, no matter his “former conduct,” would be tamed

by the opportunity for a fresh start in Upper Canada.<sup>13</sup> Yet the context of local violence could not help but penetrate the facilitation of the emigration scheme. While he insisted that he had not let past behaviour negatively influence a potential emigrant’s inclusion in the scheme, Robinson did acknowledge that he had also allowed local magistrates to select from the list of willing emigrants those that they were “most desirous to get rid of.”<sup>14</sup> The sources concerning the 1823 immigrants and Rockite activities during this period are inconclusive about the extent to which the participants in the emigration experiment were implicated in local violence.<sup>15</sup> While in County Cork, Peter Robinson attempted to broker the emigration of at least one Rockite, but the migration and settlement of John Dundon was kept separate from the larger emigration scheme.<sup>16</sup> For Horton and local landlords, explicit participation in secret societies on the part of potential emigrants was largely irrelevant as the

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<sup>12</sup> AO, PR fonds, MS 12, Reel 1, Earl Kingston to Peter Robinson, 19 December 1824.

<sup>13</sup> AO, PR fonds, MS 12, Reel 1, Peter Robinson to Robert Wilmot Horton, undated report on emigration.

<sup>14</sup> *Ibid.*; LAC, MG 11, CO 384/12, microform reel B-885, Peter Robinson to Robert Wilmot Horton, 9 June 1823.

<sup>15</sup> A survey of the police records for this period (State of the Country papers held at the National Archives of Ireland) proved inconclusive. Other immigrants such as the small group of Protestants who migrated with Robinson may have participated out of fear for their safety in the Blackwater district. The Tesky family, who were Irish Palatines, may have emigrated in reaction to the ongoing violence between Palatines and Rockites. See: Donnelly, 278-279. Surviving reference letters from the 1825 scheme suggest fear of Rockite reprisals motivated a number of immigrants in that year as well.

<sup>16</sup> John Dundon was a recently turned Rockite who in exchange for information about 50 of his Rockite comrades was granted 200 acres of land in Upper Canada. It is unclear if Dundon ever claimed his reward in Upper Canada. As late as August 1824, he had yet to appear, though he was expected imminently. AO, Upper Canada (hereafter UC) Sundries, p. 35320, Peter Robinson to Major G. Hillier, 12 June 1824; p. 35793, Peter Robinson to Major G. Hillier, 1 August 1824; AO, PR fonds, MS12, Reel 1, Major G. Hillier to Peter Robinson, 24 October 1824; Peter Robinson to Robert Wilmot Horton, 7 December 1824.



state of Irish rural society made every disorderly Irish peasant a potential Rockite.

Had a resident of the Bathurst District not already formed a political or religious opinion about the Irish Catholic peasant from personal experience, a stereotype of the Irish Catholic peasant as dangerous, lawless, and to a certain extent helpless was easily accessible in the colonial press. A survey of one such newspaper, the *Kingston Chronicle*, reveals lurid tales of Irish murder, disdain for property and authority, melancholic accounts of famine and desperation, and numerous accounts of the hapless ‘Paddy’ and his female counterpart whose wit was nothing but a verbal mask for bumbling ignorance.<sup>17</sup> The descriptions of the Irish “banditti” in accounts of rural agitation bear a remarkable similarity to those of the Ballygibblins of the *Montreal Herald’s* riot reports suggesting the latter reports drew on familiar tropes deliberately. The Irish peasantry swore “unlawful oaths,” and committed “nocturnal outrages and robberies of the most daring nature” in roving bands of hundreds whose attacks were orchestrated from remote bandit camps.<sup>18</sup> When widespread

famine in western counties was reported in the summer of 1822, a second strand was added to the description of the Irish. Violence was immediately forgotten and the Irish became in these accounts pitiful and helpless objects of charity.<sup>19</sup>

The ample information about Ireland available to colonial readers confirms that the *Montreal Herald’s* reference to “the permanent political feelings” apparently “incident to a greater portion of the Irish Emigrants” in its first account of the Ballygiblin riot was addressed to an audience well acquainted with the Irish context from which the Irish immigrants had departed.<sup>20</sup> In its accounts of the exploits of “The Ballygibblins,” evocative language not only illustrated the extent to which the Irish were on the periphery of local society and opposed to local values of loyalty and order, but also raised the distressing spectre of the transplantation of violence from Ireland to Upper Canada.<sup>21</sup> The “Ballygibblins,” it seemed, behaved as those secret Irish agrarian factions so commonly described in the colonial press. They were “formidable and met all authority with defiance.”<sup>22</sup> They “kept in a body” and when they had assembled at

<sup>17</sup> *Kingston Chronicle*, “Irish Sailor” 22 March 1822; “Police” 5 September 1823; “Simplicity of Irish Justice” 12 September 1823.

<sup>18</sup> *Kingston Chronicle*, 8 Feb 1822, 19 April 1822, 8 August 1823.

<sup>19</sup> *Kingston Chronicle*, 26 July 1822, 23 August 1822, 20 November 1822.

<sup>20</sup> *Montreal Herald*, 5 May 1824.

<sup>21</sup> Newspaper reports suggest the immigrants self-identified as “the Ballygibblins.” Ballygiblin was the name of an estate in the Blackwater district. While local histories suggest the majority of immigrants and/or rioters came from this town, passenger lists indicate only one emigrant gave Ballygiblin as his place of origin. Perhaps more likely is the theory that Ballygiblin was a name given to the emigrant depot at Shipman Mills for a temporary period. Location tickets issued to these settlers were often signed at “Ballygiblin.”

<sup>22</sup> *Montreal Herald*, 15 May 1824.

the “rioter’s encampment” on the Sunday morning of the fire it had been “evidently for the worst of purposes.”<sup>23</sup> Despite the reporter’s stated wish otherwise, his descriptions made it difficult to disassociate their behaviour from the troubled context of rural Ireland and its discontented peasantry now apparently transplanting its strife to Upper Canada. How else might local readers have explained the senseless and lawless destruction of persons and property the Irish had left in their wake? Drawing on tropes of Irish violence familiar to colonial readers, the correspondent crafted his account of the riot for a readership that would not only be disturbed by—but also expectant of—disorderly behaviour from a band of Irish Catholics.

A local culture in which Protestantism, Orangeism, and loyalty to the British empire were highly prized was emerging in the Bathurst District during this

period. Perth and its surrounding townships were ostensibly Protestant though rural conditions limited the reach of all religious authority.<sup>24</sup> Morphy’s Falls, the site of the initial violence, was a “Protestant stronghold.”<sup>25</sup> Protestant and overtly anti-Catholic fraternal organizations were beginning to flourish in Perth by 1823. The first meeting of the Freemasons in Perth had been held in 1818.<sup>26</sup> Perth was also home to one of the first Orange Lodges in the colony.<sup>27</sup>

The emerging influence of the Orange order in Perth and its environs had a definitive influence on the events of the Ballygiblin riot. While some local histories suggest that the riot itself had “roused” settlers to form a formal lodge, the fraternal order was already active in the region before 1823.<sup>28</sup> In his investigation James Fitzgibbon pointed to the Orange leanings of the deputy sheriff and of many of the armed members of his posse. Fitzgib-

<sup>23</sup> *Montreal Herald*, 12 May 1824. Fitzgibbons’ depositions revealed that the Irish had gathered for Roman Catholic mass.

<sup>24</sup> There were small but significant Roman Catholic populations in the vicinity of both Perth and Richmond. Archives of the Archdiocese of Kingston, Bishop A. Macdonell papers, 1820-29 letter book, Rev. A. Macdonell to Bishop J.O. Plessis, 18 September 1820.

<sup>25</sup> Andrew Haydon, *Pioneer Sketches in the District of Bathurst* (Toronto: Ryerson, 1925), 142. In Perth, Presbyterian Minister, William Bell was an indefatigable force for morality and order in the developing settlement. Robert Douglas Richmond, “There is a moral wilderness requiring cultivation: Religious and Social Regulation in Perth, Upper Canada, 1817-1827” MA Thesis, University of Guelph, 2007.

<sup>26</sup> J. Ross Robertson, *The History of Freemasonry in Canada from its introduction in 1749*, Vol. 1, (Toronto: George N. Morang and Company, Limited, 1900), 1138-40. James Fitzgibbon was a lifelong mason. Ruth McKenzie, “FitzGIBBON, JAMES,” in *Dictionary of Canadian Biography*, vol. 9 \*University of Toronto/Université Laval, 2003), <[http://www.biographi.ca/en/bio/fitzgibbon\\_james\\_9E.html](http://www.biographi.ca/en/bio/fitzgibbon_james_9E.html)>.

<sup>27</sup> Hereford Senior, *Orangeism: The Canadian Phase*, (Toronto: McGraw-Hill Ryerson Ltd, 1972) discusses the extent to which the Orange lodge was used as a substitute for formalized religion. See also: Cecil Houston and William J. Smyth, *The Sash Canada Wore: A historical geography of the Orange Order in Canada* (Toronto: University of Toronto Press, 1980), 18.

<sup>28</sup> For “roused” comment, see Haydon, *Pioneer Sketches*, 141. Jean McGill, *A Pioneer History of the County of Lanark*, (self-published, 1968), 94 and H. Clare Pentland, *Labour and Capital in Canada, 1650-1860* (Toronto: James Lorimer & Company, 1981), 124 also echo this comment.



bon noted that aside from being a “man of overbearing and insolent conduct” the unnamed deputy sheriff was “an orange man whose father it is said, was murdered by the Catholics in Ireland.” Fitzgibbon also noted that of those militiamen deployed to engage the Irish Catholics at the immigrant depot, “too many orange men were chosen” and “no man of the deputy sheriff’s party used violence on that day who was not an orange man.”<sup>29</sup> When given the chance, the Bathurst District men with Orange leanings seemed the most eager to respond to the Irish immigrants’ disorderly behaviour.

The disconnect between the local enthusiasm for Orangeism in the Bathurst District and a general condemnation of the association in the colonial capital may have been instrumental in the way in which the colonial authorities reacted to news of the events following the 1824 militia muster. In the early 1820s, Upper Canadian officials were becoming increasingly unenthusiastic about the proliferation of Orange societies in the eastern part of the colony, fearing the growth of the fraternal association would mean the transplantation of “Irish trouble” to Upper Canada. Anti-Orange members of the

legislature questioned the necessity of the Orange lodge itself as “all the mixed population of these provinces have had their loyalty tried and proved in the late war [of 1812] without the aid, or zeal, or example of Orange Societies.”<sup>30</sup> Legislation to ban Orange processions failed to pass the colonial legislature in June 1823, but opponents of the lodge continued to call for anti-Orange legislation in the colonial parliament particularly as Catholic emigration began to rise during that decade.<sup>31</sup> Where locals feared the Irish Catholic immigrants brought with them problematic “old world” cultural baggage, the presence of the Orange order in the region suggests this had already happened.

The local culture in the Bathurst District was also heavily influenced by the legacy of government assistance, which had been a crucial aspect of the migration and settlement experience of a large segment of the existing population of the Bathurst District prior to the arrival of the Peter Robinson immigrants.<sup>32</sup> Irish and Scottish Protestant civilian immigrants had received varying levels of assistance to settle in Goulbourn, Huntley, March, and Nepean Townships starting in 1818.<sup>33</sup> Disbanded military personnel of

<sup>29</sup> LAC, MG 11, CO 42/373, Reel B-305, James J. Fitzgibbon to Major G. Hillier, 10 June 1824. The record is mum about the identity of the deputy sheriff. Historians seem certain that he was Alexander Matheson who had been master of the Perth Freemason lodge in 1818 and founder of the Orange Lodge in that same town. Senior, *Orangeism*, 10; Donald McKay, *Flight from Famine* (Toronto: McLelland and Stewart, 1990), 75; Johnson, “Colonel Fitzgibbon,” 143; Pentland, *Labour and Capital*, 123.

<sup>30</sup> Senior, *Orangeism*, 9.

<sup>31</sup> *Ibid.*, 10.

<sup>32</sup> For a general sense of the timing and character of settlement in eastern Upper Canada at this time, see: Glenn J. Lockwood, *The Rear of Leeds and Landsdowne: The Making of Community on the Gananoque River Frontier 1796 - 1996* (Corporation of Rear of Leeds and Landsdowne, 1996).

<sup>33</sup> Cowan, *British Emigration*, 26, 63; Johnson, *History of Emigration*, 228; Bruce Elliott, *Irish Mi-*

predominantly Scottish, Irish, and English stock had been recruited and assisted to settle around the nascent town sites of Perth and Richmond following the end of the Napoleonic wars. Glaswegian textile workers had received partial assistance from the British government as well as help from local philanthropic societies to settle Ramsay, Dalhousie, Lanark, and North Sherbrooke Townships in 1820 and 1821.<sup>34</sup> Despite the generous terms under which many Bathurst District settlers had emigrated and settled, many were still experiencing the financial and physical stress of the settlement process. The developing local culture into which the Peter Robinson immigrants were received was heavily influenced by these economic realities, but more importantly by the connotations of reward that had accompanied their assistance.

The settlement of disbanded British soldiers had been part of a colonial defense strategy that sought to encourage a loyalty culture amongst an existing population that was predominantly of American origin. Such settlers would also provide a ready, trained, and capable militia for future conflict. For their loyalty and service, soldier settlers had

received according to their rank a grant of land, their passage, and rations for up to one year. They were required to pay for their own transportation to Upper Canada as well as for their own tools. Depots were established at Perth in Drummond Township and Richmond in Goulbourn Township to provide settlers with provisions and the rudimentary infrastructure necessary for the establishment of towns.<sup>35</sup> Nevertheless, the first year of settlement was difficult for the soldier-settlers. Their first harvest was marginal and consequently they lived in fear that government-supplied food would be cut off before they could provide for themselves. In March 1824, just a month before the militia muster, a petition to Lieutenant Governor Maitland from residents of the military settlements, asked that the fees associated with land patent deeds be waived to enable them to acquire the franchise. It noted that the “circumstances from the expenses of converting the wilderness into cultivated fields and the many difficulties attendant on a new settlement render[ed] them unable to pay the usual fees for their deeds.”<sup>36</sup>

The textile workers from Glasgow had similar financial difficulties in the

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*grants in the Canadas: A New Approach* (Montreal-Kingston: McGill-Queens University Press, 1988), chapter 4. In addition to the Talbot immigrants from North Tipperary who migrated in 1818 with varying degrees of government assistance, another Irish Protestant group had unsuccessfully petitioned the British government for assistance, but had migrated anyway between 1820 and 1822. A group of Scottish from Perthshire had settled the north-east side of Beckwith Township as part of a government assistance plan based on a ten-pound deposit in 1818.

<sup>34</sup> H.J.M. Johnston, *British Emigration Policy 1815-1830: 'Shovelling out Paupers'* (Oxford: Clarendon Press, 1972), 54.

<sup>35</sup> Cowan, *British Emigration*, Chapter 3; Johnson, *History of Emigration*, 228. Privates received 100 acres, while field officers received 1,200 acres.

<sup>36</sup> AO, UC Sundries, p. 34742, Petition of inhabitants of Rideau military settlement, 2 March 1824.

early years of settlement. Each settler had received 100 acres, a subsidy for the journey to the Bathurst District, and the cost of surveying potential settlement lots. In addition, each adult male was advanced three pounds once in the colony three months and an additional two pounds after six months, with which they were expected to pay for any provisions, implements, and seed all of which was provided by the government.<sup>37</sup> Despite optimistic predictions from Governor Lord Dalhousie about their potential as producers and consumers of local agriculture, in 1825 the former Glaswegians petitioned the Colonial Office to have their emigration assistance debts forgiven. They cited the poor quality of land and considerable distance to markets as the reason for their inability “to turn any of the produce of their labour into money.”<sup>38</sup> The burden of this debt hung over the Scottish settlers until 1836 when it was finally disallowed. Thus, despite the generous terms through which their settlement had been facilitated, for soldier-settler and former textile worker alike economic difficulties continued even after nearly ten years of settlement.

It is clear that the terms under which the Irish had been assisted was a source of consternation amongst the other settlers in the Bathurst District. Whether accurate or not, many “old” settlers be-

lieved that the assisted Irish had received a better deal and as such resented the perceived comfort with which they had migrated and settled. In his report to colonial officials, James Fitzgibbon noted that a “natural and increasing ill will” had developed toward the Irish, who it was believed had “received more of the bounty of the government.”<sup>39</sup> This perception persisted in local imagination well into the next decade. When a group of Scottish settlers petition for relief from their debt in 1836, their petition made explicit reference to the Robinson settlers. The assisted Irish, the petitioners argued, were thirteen years later more financially secure having, unlike the petitioners, no cash loans to repay.<sup>40</sup> Yet there was more to the pre-riot interaction of the “new” and “old” settlers than mere accounting. In an 1826 testimony to a parliamentary committee on emigration, Peter Robinson noted that local jealousy of the terms under which the Irish had been assisted had been fuelled by a belief that the Irish Catholic immigrants “had done nothing to entitle themselves to any bounty from the government, further than keeping their own country disturbed.”<sup>41</sup>

Fitzgibbon’s reports of jealousy and Robinson’s interpretation of the roots of that jealousy suggest that in the Bathurst District government migration and set-

<sup>37</sup> Haydon, *Pioneer Sketches*, 86.

<sup>38</sup> Haydon, *Pioneer Sketches*, 117-18; Cowan, *British Emigration*, 63.

<sup>39</sup> LAC, MG 11, CO 42/373, Reel B- 305, James Fitzgibbon to Major. G. Hillier, 10 June 1824; AO, PR papers, MS 12, Reel 1, Peter Robinson to Robert Wilmot Horton, undated report on emigration,

<sup>40</sup> Haydon, *Pioneer Sketches*, 120.

<sup>41</sup> *Reports from the Select Committee on Emigration*, Great Britain. Parliament. House of Commons. Select Committee on Emigration from United Kingdom, 1826, 332.

tlement assistance, however multi-faceted and varied, carried with it notions of deservedness and reward that undoubtedly had an influence on local culture. For disbanded military settlers their assistance had been explicitly tied to service and loyalty and an implicit expectation of continued service and loyalty at the local and colonial level. Their assistance provided them with an unambiguous indication as to their place in both the British empire and Upper Canadian society. The apparently liberal assistance provided Irish peasants who, with the exception of only a few, had no military experience, and who hailed from a particularly disturbed region of Ireland, challenged these associations. A pre-existing knowledge of Ireland and its discontented peasantry would have been general amongst the ex-military personnel many of whom would have served in Ireland, served alongside Irishmen, or were Irish themselves. For non-military settlers such as the Glasgow textile workers, the purpose of their assistance was rendered in less obvious terms. Tied to their inability to function in a modernizing economy, the spectre of charity haunted the terms of their assistance; yet the assistance was often in some part in the form of a loan rendering it less

explicitly charity and more likely tied to vague notions of their deservedness as “good” subjects and potential as competent settlers. The arrival of the generously assisted Irish peasants, with their cultural baggage that to local observers suggested they were neither loyal nor “good,” offended local sensibilities.

More troubling to local observers however was the evidence that the Irish were about to become a drain on the already limited resources of the settlement. Despite their apparently overly generous assistance, and though the tasks associated with settling the Irish meant economic opportunity for many local men, merchants and labourers alike, in those first few months, began to worry that the Irish had neither skill nor inclination for the tasks of frontier settlement.<sup>42</sup> Concern was first raised when the Irish immigrants drew on government stores of tools and food that had been used in the earlier settlement of the region. Upon their arrival local resources in the form of goods and services had to be quickly mobilized to provision the Irish sufficiently before the onset of winter.<sup>43</sup> William Marshall, superintendent of the government stores at Perth, reported to colonial officials that the Irish immigrants were “utterly desti-

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<sup>42</sup> AO, Ontario Government Record Series, RG 1-163, MS 693, Reel 156, Records relating to Peter Robinson immigrants, “Abstract of disbursements made by the Hon. P. Robinson Superintendent of Emigration from the South of Ireland at Ramsay in the District of Bathurst Upper Canada from the 1<sup>st</sup> of September 1823 to the 17<sup>th</sup> August 1824,” (1826). LAC, MG 11, CO 42/200, Reel B-153, Sheriff J. Powell et al to Major G. Hillier, 4 May 1824.

<sup>43</sup> Local officials had some advance notice that Robinson planned to settle and provision approximately 600 ill-equipped Irish peasants in the district before their arrival in September 1823, but it is not clear the extent to which the plan was public knowledge. A notice in *the Kingston Chronicle* of 13 August 1823 advised that a large group of Irish Catholics were en route to the province, but failed to specify their destination.

tute” of goods such as blankets, clothing, and utensils, and other items it would be “impossible” to “get on without.”<sup>44</sup>

By drawing on the supplies in the Perth stores, the immigrants unwittingly offended their new neighbours. Local residents viewed the stores as their right and reward, and for some time had been treating them as an insurance supply against disaster.<sup>45</sup> The precarious nature of settlement life meant that access to basic supplies in the event of a fire or other unfortunate incident was crucial to survival and peace of mind in the Bathurst District. Local complaints about the Irish use of these goods were so virulent a year later that Robert Wilmot Horton was forced to instruct Peter Robinson to reimburse the Perth stores from the funds allocated by the British parliament for the Irish assisted emigration program.<sup>46</sup> Anxiety about the Irish drain on local resources was augmented by the realization that the Irish appeared unable and

perhaps unwilling to exhibit crucial skills necessary to settle efficiently and without requiring assistance. Local memory suggests that throughout their first winter, the Irish frequently traded their rations for alcohol.<sup>47</sup> While there is nothing to suggest this was true in the official record, the persistence of the memory suggests a local perception that the Irish were not only indifferent to their good fortune, but also ignorant to the critical importance of tools and food to their survival in the early settlement.

The process by which Robinson worked to settle the immigrants before winter did not allay local concerns about the Irish suitability for settler life. The Irish men were “not sufficiently acquainted with the use of an axe to put up log buildings themselves” and consequently seven local men were employed to erect a temporary shelter at a central depot in Ramsay Township.<sup>48</sup> Additional local men were also employed in exploring

<sup>44</sup> AO, UC Sundries, p. 32880, William Marshall to Major G. Hillier, 6 October 1823. Peter Robinson corroborated this image of the immigrants as improperly clothed and supplied in his testimony to a parliamentary select committee in 1826, as did the immigrants themselves in later letters to Ireland. AO, PR papers, MS 12, Reel 1, Peter Robinson to Robert Wilmot Horton, undated report on emigration, Catharine O’Brien letter 20 February 1824, and Michael Cronin letter, 26 October 1823; LAC, MG 11, CO 384/12, Reel B-885, John Mara to James Mara, 20 November 1823.

<sup>45</sup> LAC UC Sundries RG5 A1, vol. 66, p. 34129, Morris to Hillier, 12 January 1824; pages 35253, Marshall to Hillier, 25 May 1824; p. 35672-73, Marshall to Hillier, 24 July 1824.

<sup>46</sup> AO, UC Sundries, p. 36183, Peter Robinson to Robert Wilmot Horton, 7 October 1824; p. 36215, Robert Wilmot Horton to Peter Robinson, 13 October 1824.

<sup>47</sup> McKay, *Flight from Famine*, 73; Haydon, *Pioneer Sketches*, 141. Regrettably neither works provide a citation for these alleged transactions.

<sup>48</sup> AO, Ontario Government Record Series, RG 1-163, MS 693, Reel 156, Records relating to Peter Robinson immigrants, “Abstract of disbursements...” 1826. Peter Robinson fonds, MS 12, Reel 1, Peter Robinson to Robert Wilmot Horton, undated report on emigration. The use of an axe was a skill fundamental to the task of settlement and most employment for labourers. Contemporaries were critical of the Irishman’s lack of skill with this tool. “Awkward and unhandy” the Irishman was used to a spade or shovel and consequently many were injured or killed while felling trees for the first time. See John McTaggart, *Three Years in Canada: An account of the actual state of the country in 1826-7-8*, vol. 2 (London: Henry



and surveying potential lots for the Irish immigrants, and once a lot was selected, they were paid to construct a simple log home on the site.<sup>49</sup> Though Robinson's records suggest that a number of Irish emigrant men were also compensated for these construction activities, it is nevertheless important to consider the implications of their apparent lack of skill on the reception and perception of the Irish immigrants in the Bathurst District. Unable to swing an axe, build their families adequate shelter, or procure necessary goods through their own means, the assisted Irish men contravened the basic requirements of settler manhood.<sup>50</sup> Images of pathetic Irish abounded in the colonial press and the thought that such helpless beings were about to become a drain on the already limited resources of the community must have provoked considerable distress in the region's "old" settlers. Pre-existing knowledge and prejudice of the Irish Catholic peasantry, its religion, politics, and behaviour, conditioned the reception of the assisted immigrants by a local population grappling with the continued economic stresses of its own migration and settlement. These issues would come to fruition in the events of the "Ballygiblin Riot" when fuelled by

alcohol and the masculine bravado and spirit inherent to a militia muster held at the end of a long and likely difficult winter.

The reports in the *Montreal Herald* and the accounts of the local officials suggested the affray following the militia muster had been an unwarranted and baseless attack by the Irish on loyal settlers. The depositions taken by Colonel Fitzgibbon of four militia officers, Lieutenant Ulysses Fitzmaurice, Captain Thomas Glendinning, Captain George Nesbitt, and Sergeant John Nowlan suggest otherwise.<sup>51</sup> Unfortunately, depositions taken from the assisted Irish settlers are no longer extant and consequently their voices remain frustratingly absent from any interpretation of this event. Yet even from the admittedly one-sided and mildly contradictory depositions a picture of the exclusion of the new settlers at work following the militia muster emerges: violence was fuelled by alcohol, religious, and national biases, and the Irish violence was reactionary rather than predatory. The depositions describe the extent to which the "new" Irish settlers were excluded from the rituals of sociability and loyalty enacted at Alexander Morris' tavern following the militia mus-

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Colburn, 1829), 240-43. Interestingly McTaggart suggests that Glaswegian settlers did not have similar trouble attempting to agriculture.

<sup>49</sup> AO, Ontario Government Record Series, RG 1-163, MS 693, Reel 156, Records relating to Peter Robinson immigrants, "Abstract of disbursements..." 1826.

<sup>50</sup> John Tosh argues that for nineteenth century English migrants migration and settlement promoted and required contemporary masculine qualities such as self-reliance and perseverance, and were also avenues toward securing adult masculine status, namely independence. See, John Tosh, *Manliness and Masculinities in Nineteenth Century Britain: Essays on gender, family and empire* (Edinburgh: Pearson Education Limited, 2005), 177, 181.

<sup>51</sup> The four self-identify as Protestant and Scottish (Fitzmaurice and Glendinning) or Irish (Nesbitt



ter and speak to the broader tensions at work in the Bathurst District.

By all accounts the militia muster on 23 April 1824 had been conducted without incident. Afterwards most of the company crossed the Mississippi River from Ramsay Township into Beckwith Township to Morris' tavern at Shipman's Mills. Once inside the tavern, the ritualistic displays of obligation, loyalty, and fraternal bonds displayed on the militia-training field gave way to equally ritualistic displays of public drinking that drew on these themes. Oaths of loyalty to the King had been sworn at the opening of the day's exercises and those affirmations continued in toasts to the King's health later in the tavern.<sup>52</sup> Drinking together enabled men to affirm bonds of respect, commitment and obligation, and to symbolically establish a man's honour.<sup>53</sup> Similarly, the social conventions and rituals surrounding the consumption of alcohol in a pre-industrial tavern, including "treating" and toasts, promoted comradeship, and to be left out of such rituals was a clear indication of social exclusion.

In his report to the Lieutenant Governor, Fitzgibbon noted a "great want of discretion" governing the distribution of alcohol on the part of the militia commanders following the militia muster. The commanders had enjoyed a "decanter of spirits" following the muster and Lieutenant Fitzmaurice testified that he believed Captain Glendinning had from the start been drinking to excess.<sup>54</sup> Glendinning spent his time in Morris' tavern liberally distributing liquor to the predominantly Scottish men under his command. Captain Nesbitt reported that he had been reluctant to do the same for the Irish men under his command, because he believed they had had more than enough to drink without his assistance.<sup>55</sup> Fitzmaurice had also purchased rum, but Nesbitt noted that the Commander had distributed that rum "without distinction."<sup>56</sup> With Glendinning's pointed generosity on display, Nesbitt was eventually pressed by the Irish men of his company to extend a similar favour. With the rum distributed amongst the men (many of whom were Robinson settlers) each man,

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and Nowlan) and similarly their descriptions of the events betray actions and interpretations along national or religious lines. The officers commanded companies that were organized along roughly national lines; thus Glendinning's company was composed of primarily Scottish men and Nesbitt's were Irish and included a number of Robinson's settlers.

<sup>52</sup> For the rituals of the militia muster, see: William Grey, *Soldiers of the King: The Upper Canadian Militia: 1812-1815* (Erin: Boston Mills Press, 1995), 30.

<sup>53</sup> For treating and toasting in a pre-industrial tavern see: Julia Roberts, *In Mixed Company: Taverns and Public Life in Upper Canada* (Vancouver: University of British Columbia Press, 2009), 86; Craig Heron, *Booze: a distilled history* (Toronto: Between the Lines, 2003), 6. Heron notes that the addition of alcohol rarely provoked random acts of violence that did not have their roots in "conflict carried over from sobriety."

<sup>54</sup> AO, UC Sundries, p. 35305, deposition of Ensign John Nowlan, 28 May 1824; p. 35291, deposition of Lieutenant-Colonel Fitzmaurice, 20 May 1824.

<sup>55</sup> AO, UC Sundries, p. 35301, deposition of Captain George Nesbitt, 28 May 1824.

<sup>56</sup> *Ibid.*

led by John Tesky an Irish Protestant member of the assisted emigrant group, drank a toast in turn to the “King and all his loyal subjects.” Once each man had made the toast they pointedly “hurra’d for an Irish Captain who was never backward.”<sup>57</sup> Nesbitt’s distribution of liquor to the Irish men enabled them to participate as the other men had done, in ritualistic demonstrations of loyalty and the treat signalled their inclusion.

The toasts were interrupted, however, by a Scotsman, who unexpectedly and entirely unprovoked, struck John Benson, another Irish Protestant member of the 1823 assisted emigration.<sup>58</sup> Though Sergeant Nowlan noted that he and others prevented Benson from returning the initial blow, other fists were thrown, men were downed, and the “old” settlers quickly outnumbered the assisted Irish, twenty to five. To pacify the situation, the militia officers evacuated the new Irish settlers from the vicinity of the tavern putting them into canoes and sending them across the Mississippi into Ramsay Township. The remaining occupants at the tavern celebrated the removal of the Irish by carrying Fitzmaurice back to the tavern where the commander bought more rum to be distributed. It was not long before a report reached the tavern that the Irish had assembled in greater numbers on the Ramsay side and were about to re-cross the river. With all the appearance of an invading army, the Irish

advanced on Morris’ house and according to Fitzmaurice “called for the people inside to come out and struck at the door and window with sticks and stones.” Only the discharge of a gun dispersed the Irish who moved down the road away from the tavern to another house where Fitzmaurice had retired for a meal. There the commander chastised the Irish settlers, telling them “they had behaved very ill and desired to have ball fired at them instead of slugs and that if he had been in the house or attacked by them he would have killed as many of them as he could.”<sup>59</sup> Duly chastened the Irish re-crossed the river, and by all accounts were peaceful for the rest of the day. Excluded from initial demonstrations of loyalty and comradery, then prevented from making their own expressions of the same, the Irish were evidently seeking some redress for the insults they had suffered.

Sergeant Nowlan’s deposition reveals the extent to which the Irish Protestant members of Robinson’s group sought unsuccessfully to distance themselves from their Irish Catholic co-migrants. Nowlan gave a detailed account of a conversation he had with John Tesky at the tavern, in which the latter let the Sergeant know that he, John Benson, and Robert Armstrong, though Robinson settlers, were all Protestants.<sup>60</sup> For Tesky, in the midst of the tavern brawls, it must have seemed important to make his religious identity clear; a month later, Nowlan understood

<sup>57</sup> AO, UC Sundries, p. 35305, deposition of Ensign John Nowlan, 28 May 1824.

<sup>58</sup> *Ibid.*

<sup>59</sup> AO, UC Sundries, p. 35291, deposition of Lieutenant-Colonel Fitzmaurice, 20 May 1824.

<sup>60</sup> *Ibid.*

that the distinction was a critical one to make and included the conversation in his account of the affair. Tesky and the other assisted Irish Protestants had deliberately settled together in Ramsay Township apart from the Catholic immigrants.<sup>61</sup> John Benson, dissatisfied with the seventy-acre lot, had petitioned the colonial government for a full one hundred-acre lot, citing his military service as qualification for additional acres, but also to distinguish himself from the bulk of the Robinson settlers who could claim no such service.<sup>62</sup>

Assuming they were not implicated in the day's violence, Tesky, Benson, and Armstrong chose to remain in Beckwith Township rather than follow their fellow assisted immigrants back across the river to Ramsay Township. When they re-entered the tavern they found that despite their religion and their attempts to separate themselves, they were not welcome. Sergeant Nowlan reported a combative exchange with some Scottish men who challenged the Irish Protestants to object to their singing of "Scotch songs." When John Benson approached the group with a drink for Nowlan, the assembled Scottish men "bade [Benson] be gone for [they] wanted none of his company." Benson retorted that "he did

not want anything from [them], for he had his own liquor and he would not go out till he pleased." He was seized by the "hands and legs and flung... out through the door" of the tavern. At this, Nowlan and Tesky wisely departed the tavern and encouraged Benson to follow their example and head for home.

As the two days of violence following the militia muster formed the basis of the complaint against the immigrants it is unfortunate that the response of the Irish settlers to the insults they had received at Morris' tavern following the militia muster is the least documented aspect of the entire affair. As we have seen, local officials and the *Montreal Herald* described two days of rampages that destroyed local property and terrified local residents. Upwards of one hundred Irish immigrants brandishing clubs and guns had apparently marched for two days "rank and file with a green flag in front of them" in search of Captain Glendinning whose life they vowed to take.<sup>63</sup> They found him on the second day at William Loucks' tavern where the proprietor reported the Robinson settler Luke McGrath struck Captain Glendinning with a club.<sup>64</sup> With Glendinning's insult avenged, the immigrants appear to have stopped their rampage. Nevertheless, lo-

<sup>61</sup> Laura J. Smith, "I would not go home again": the emigration and settlement in Upper Canada of the 1823 assisted immigrants from Ireland" (Masters cognate paper, Queen's University, Kingston, Ontario, 2005). Approximately eighty per cent of the Protestant families assisted in 1823 chose to locate together in clusters along three concessions in Ramsay Township. Many were related or had been former neighbours in the vicinity of Rathkeale, Co. Limerick, but others were not related nor from Rathkeale, suggesting that their religion may have informed their location decision.

<sup>62</sup> AO, UC Sundries, p. 34738, petition of John Benson, 20 March 1824.

<sup>63</sup> LAC, MG 11, CO 42/373, Reel B-305, deposition of William Murphy, 1 May 1824.

<sup>64</sup> LAC, MG 11, CO 42/373, Reel B-305, deposition of William Loucks, 1 May 1824.

cal magistrates convened a meeting two days later at which it was determined that an armed party led by the deputy sheriff should apprehend the Irish rioters.<sup>65</sup> Three days later the deputy sheriff's party converged on the depot while the Irish settlers were hearing Roman Catholic mass in a house belonging to Cornelius Roche. In the subsequent melee nineteen Irish were arrested, two were injured, and one was killed. The following day the deputy sheriff's party returned to the depot and ransacked and "unroofed" the house belonging to Roche.<sup>66</sup>

The decision to send an armed party to engage the rioters and the resulting gunfight was, Colonel Fitzgibbon argued in his report to his colonial superiors, a poor one. Fitzgibbon blamed a mis-communication between the magistrates and the deputy sheriff, which precluded the "execution of the law with that forbearance and moderation which should ever be exercised by those armed with its powers."<sup>67</sup> From its inception, magistrates Marshall, Thom and Graham had neither taken control of the armed posse nor perceived its true intent. They were powerless in the face of local anger. Conversely, the deputy sheriff who had been appointed by the sheriff to execute warrants against the Irish rioters did not consider himself under the magistrates' authority and once he arrived at the emigrant depot he delib-

erately flouted their authority by ordering his men to fire on the immigrants. Curiously, it would seem a local belief in the Irish immigrants' challenge to judicial and legal authority in the region had exposed actual deficiencies in that system.

Colonel Fitzgibbon's report absolved the Irish immigrants of wrongdoing. A thorough investigation of the crime scene convinced Fitzgibbon that the gun-fight had been one-sided. No bullets had been fired from the immigrant side, Fitzgibbon argued, and "the conduct of the men who attacked it was... a wanton and outrageous attack upon the lives of the new settlers."<sup>68</sup> Yet, Fitzgibbon was cognizant that his absolution would not quell local animosity toward the assisted Irish. In a letter written to the immigrants not long after his departure from the Bathurst District, Fitzgibbon wrote:

In the name of all that is good and generous I entreat of these people to forbear. As an Irishman I call upon them to prove that the violent passions alone do not occupy their breasts... The mischief already done in this district is very great... Let this season be employed by them to sow seed from which the food for their families may be obtained instead of sowing the seeds of hatred and revenge which ever abundantly produce poverty and crime... Let these poor people therefore be left in peace with their families, and let the Irishman be the first to show the spirit of forgiveness.<sup>69</sup>

<sup>65</sup> LAC, MG 11, CO 42/200, Reel B-153, Sheriff J. Powell et al to Major G. Hillier, 4 May 1824; *Montreal Herald* 5 May 1824.

<sup>66</sup> LAC, MG 11, CO 42/373, Reel B-305, Col. J. Fitzgibbon to Major G. Hillier, 10 June 1824.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> AO, UC Sundries, p. 35275, Col. J. Fitzgibbon to Thomas Baines, 4 June 1824.

Despite Fitzgibbon's findings, the assisted Irish Catholic immigrants were nevertheless guilty of bad behaviour that, for a population alert to Irish social violence and protest, must have been alarming. Despite his findings and the clear blame he placed on the local authorities in the region for the disturbances, it was not enough to prevent the continuation at the local level of a general condemnation of the Irish Catholics for their behaviour. Fitzgibbon hinted at this possibility when he noted the number of implicated members of the armed posse who had not, at the behest of the magistrates, been committed to appear at the Quarter sessions or later assizes.<sup>70</sup>

The proceedings of the Quarter sessions at Perth in June and the assizes in September made explicit the local contention that Irish Catholics, in particular young and male Irish Catholics, made for poor settlers and were consequently out of place in the community; while at the colonial level there appeared to be an assumption that Fitzgibbon's conclusions would be reflected in the proceedings of both courts. The discrepancy between the blame placed by colonial officials and the actual convictions at the local

level reinforces Fitzgibbon's suggestion of the weakness and corruption of local authorities but also suggests that colonial officials had misunderstood the depth of local feeling toward the Irish Catholics. Local courts had to address the local atmosphere first and foremost, and censuring the Irish Catholics regardless of their fault was a critical requirement for the judicial aftermath of the riot.<sup>71</sup>

At the Quarter sessions held in Perth in June 1824, two "rioters" were sentenced to six months imprisonment and fined three pounds each with costs for assault and battery.<sup>72</sup> In the lead up to the fall assizes, colonial authorities took some interest in the way in which justice was to be executed in the Bathurst District. The sheriff replied twice to Maitland's office in late July, first to assure the Lieutenant-Governor that he was doing all in his power to find an impartial jury for the assizes and to promise that the deputy sheriff would have no involvement in that process.<sup>73</sup> In the second letter, Powell was on the defensive explaining why Maitland had not seen the names of the members of the deputy sheriff's party in the most recent calendar of prisoners in the Perth jail. Presumably the colonial

<sup>70</sup> LAC, MG 11, CO 42/373, Reel B-305, Col. J. Fitzgibbon to Major G. Hillier, 10 June 1824.

<sup>71</sup> In her study of the local context of the Upper Canadian legal system, Susan Lewthwaite argues that a "weakness of the formal mechanisms of the law and its administration," meant that local interests frequently undercut the authority of the magistrates, the colonial government and the law itself. Susan Lewthwaite, "Violence, Law, and Community in Rural Upper Canada," in *Essays in the History of Canadian Law: Crime and Criminal Justice*, ed. Phillips, Jim et al (Toronto: University of Toronto Press, 1994), 353–86.

<sup>72</sup> These men were Christopher Kelly and John Coghlin. Others had been "acquitted for lack of evidence and others committed to trial during the assizes in August." A true bill for perjury was found against one of the rioters and the "rogue" had responded by taking "leg bail." *Montreal Herald*, 19 June 1824.

<sup>73</sup> AO, UC Sundries, p. 35749, Sheriff J. Powell to Major G. Hillier, 31 July 1824.



authorities had expected to see that these men were being held as the Irish Catholic “rioters” were, but as Powell explained, they had been released on bail immediately after being arrested and as such had never actually been committed to the jail Powell indicated that this had been the decision of the magistrates and entirely out of his hands.<sup>74</sup>

The fall assizes at Perth were held in late August and the results suggest placating local feelings towards the Irish Catholics was a high priority. Eight riot participants were tried at the assizes. Captain Thomas Glendinning, John Fummerton who had shot from the tavern window, as well as James Ritchie, and John McGinnis who were presumably members of the armed party, which attacked the emigrant depot, were each tried and acquitted for “malicious shooting.” Bartholomew Murphy, John French, Patrick Sullivan, and John Coghlan, all Robinson Irish Catholics, were tried and convicted of “riot and house breaking.”<sup>75</sup> The convicted men were sentenced to two months in prison and fined ten pounds.<sup>76</sup>

The discrepancy between the sentences of six months with a three pound fine for the two men convicted at the Quarter sessions and the two months and ten pound fine for the men tried at

the fall assizes is interesting. The Quarter sessions had been presided over by the very magistrates who had participated in the campaign against the Irish Catholics. Relative to the fall assizes, the Quarter sessions were held in the immediate aftermath of the riot and consequently tensions and emotions were running high, hence the longer imprisonment sentence for what was a lesser crime. The considerations that governed the sentencing at the fall assizes are easier to discern. The presiding Justice William Campbell wrote to the Lieutenant-Governor’s office twice following the conclusion of the trials to provide a summary of what had transpired and to indicate how the sentences were explicitly motivated and influenced by the local context. Campbell noted that the trials at Perth had finished “much more satisfactorily than [he] had any reason to expect.”<sup>77</sup> This positive outcome was largely due to the fact that the trials had not resulted in any convictions “of a serious nature” particularly for capital crimes. Members of the deputy sheriff’s party he noted had “very narrowly escaped capital conviction;” for Campbell this was a positive not only because the lack of evidence meant the acquittal was appropriate, but likely because such a conviction for these men would have

<sup>74</sup> AO, UC Sundries, p. 35750, Sheriff J. Powell to Major G. Hillier, 31 July 1824.

<sup>75</sup> AO, UC Sundries, p. 36180, Calendar of Crown Prosecutions at the Courts of Assizes on the Eastern Circuit commencing 9 August and ending 2 October 1824.

<sup>76</sup> *Montreal Herald*, “Domestic Intelligence,” 8 September 1824. The *Montreal Herald* also noted that a John Lechy, presumably Robinson settler John Leahy, 25, formerly of Mitchelstown, Co. Cork, had been indicted for perjury, but that his trial was traversed to the next assizes. Another man named Daniel Ryan (37 from Kanturk, Co. Cork) had also been indicted for perjury but had “absconded or did not appear.”

<sup>77</sup> AO, UC Sundries, p. 36010, Justice Campbell to Major G. Hillier, 31 August 1824



provoked trouble amongst the local population.<sup>78</sup> The deputy sheriff, Campbell noted, was “most to blame in that injudicious affair” but for whatever unstated reason the man had not been prosecuted.<sup>79</sup>

On the subject of the Irish immigrants’ convictions, Campbell had more to say. He noted that four or five of the “most notorious characters and ringleaders” fled the country when released on bail prior to the trials. The remaining four had been prosecuted according to the common law and had been indicted according to the Riot Act, “fortunately and I think very properly,” Campbell remarked, “from the nature of the facts proved against them, [they were] convicted of felony.” If their conviction was easily arrived at, it was their sentencing that proved delicate. Campbell noted that it had been imperative that the punishment be adapted both to the situation of the prisoners themselves but also to the “present state of the settlement” so that it might “best answer the ends of public justice.” Campbell believed that whatever punishment he gave the Irish men had to ensure the immigrants were “duly impressed with a sense of the enormity of their conduct.” Campbell knew the Irish immigrants could not afford the fine and that a period of imprisonment no matter its brief duration would be disastrous to any new settler; nevertheless he imposed the punishment of ten

pounds with a two month incarceration and “farther until the fine be paid.” The punishment he hoped would have the effect of “inducing a more orderly conduct and greater respect for the laws hereafter” on the part of the Irish but he hoped that “his Excellency’s clemency” might induce the governor to remit the fines. This he believed would “have the further effect of attaching [the Irish] to His Majesty’s government from a principle of gratitude for an act of grace so important to people in their situation.”<sup>80</sup>

If Campbell had intended to immediately request the government remit the fines, why impose them at all? His suggestion that the punishments were necessary to censure the Irish for their anti-social behaviour seems to be only part of the picture. Likely Campbell was all too aware that an overly lenient sentence would have been poorly received in the Bathurst District by the population as a whole; nor was he willing to help the Irish men without some effort on their part. He asked that the Lieutenant Governor forgive the fines, but recommended that this be done only once the Irish Catholics themselves had made an appropriate petition to that effect. The petitions, he recommended, should be required to include the personal endorsement of the Perth magistrates.<sup>81</sup>

Whether Campbell intended this solution to ensure fairness and justice in a politically difficult situation or whether

<sup>78</sup> AO, UC Sundries, p. 36093, Justice Campbell to Major G. Hillier, 20 September 1824.

<sup>79</sup> AO, UC Sundries, p. 36010, Justice Campbell to Major G. Hillier, 31 August 1824.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

he perceived this the best way to promote reconciliation between the Irish and the magistrates is difficult to determine. Nevertheless the petitions were written and included the requisite endorsements by the magistrates.<sup>82</sup> In the first, the four men convicted at the fall assizes supplicated themselves at the mercy of the government. The four “acknowledge[d] the justness of the sentence,” but directed the blame for the bulk of the riotous proceedings to “individuals who immediately afterwards quitted the country.” The men asserted that the fine of ten pounds was impossible to pay as they were “very poor, and destitute of any means whatever of paying any part of the above fine.” Well aware of the sentiments underlying the punishment and what constituted an appropriate apology, the four concluded that they “solemnly undertake and promise to become for the future, good, and peaceable settlers.” Only one man, Patrick Sullivan could sign his name and the petition was amended with a recommendation from the sheriff and magistrates, Morris, Delisle, Patterson and Lachy.<sup>83</sup> Perhaps hoping that a similar appeal would also work in their favour, the two men who had been convicted at the Quarter sessions submitted a very similar petition six days later. Using similar supplicant language and citing poverty, Christopher Kelly and John

Coghlin promised that they were “deeply convinced of their improper conduct” and “faithfully” promised to become “for the future, good, and well-behaved settlers.”<sup>84</sup> Campbell had all but secured the clemency of the colonial government but having the Irish Catholic men supplicate themselves was a critical aspect of their punishment and rehabilitation particularly in the local context. Having the magistrates recommend the men was a ploy to reconcile the men to the local authorities, but by making it so that it was the steep fine that was remitted rather than the period of imprisonment meant that their punishment remained visible for the local population anxious that these “rioters” be punished.

The immediate aftermath of the Ballygiblin riot led to a reassessment at the colonial and imperial levels about the extent to which Irish Catholics, in particular young single male Irish Catholics, made good settler subjects. Lord Dalhousie, the Governor General, argued strongly against a continuation of assisted emigration from Ireland, arguing that it was a “most serious mischief done to the Canadas,” that was a “waste of public monies” as Upper Canadian settlers would “never be reconciled to their Irish neighbours,” and the majority of the Irish would simply “abandon the lands and become wandering beggars.”<sup>85</sup> At the

<sup>82</sup> AO, UC Sundries, p. 36081, Petition of Patrick Sullivan, Bartholomew Murphy, John French and John Coughlin, 18 September 1824; p. 36128, Petition of Christopher Kelly and John Coughlin, 24 September 1824.

<sup>83</sup> AO, UC Sundries, p. 36081, Petition of Patrick Sullivan et al., 18 September 1824.

<sup>84</sup> AO, UC Sundries, p. 36128, Petition of Christopher Kelly and John Coughlin, 24 September 1824.

<sup>85</sup> LAC, MG 11, CO 42/200, Reel B 153, Lord Dalhousie to Earl Bathurst, 18 May 1824.

colonial level rumours persisted that, as Dalhousie had predicted, the majority of the assisted immigrants had abandoned their lands and absconded to the United States.<sup>86</sup>

When pressed about the implications of riot for further Irish assisted emigration projects, Robinson and Horton were quick to scapegoat young, idle, hot-headed single men who had left the settlement.<sup>87</sup> In reality the implicated men represented a cross-section of the emigrant group, with the youngest a sixteen year old who had emigrated with his siblings and the oldest a thirty-seven-year-old father of four. An 1826 survey of the Irish settlements dispelled the myth that

the majority of the Irish had abandoned their lands, but did confirm the absence of all the men implicated in the Ballygiblin riot. Most had left the Bathurst District for work in Montreal or Kingston, and at least two had died.<sup>88</sup> The Irish Catholic men forever labelled “The Ballygibblins” did not or could not remain in the Bathurst District. When a second assisted emigration scheme from the Blackwater district was offered in 1825, an attempt was made to exclude single men.<sup>89</sup> Those Irish Catholic settlers were located in “new” and “empty” townships in a bid to prevent local backlash and conflicts with neighbours.<sup>90</sup>

The “Ballygiblin riot” was a multi-fac-

<sup>86</sup> LAC, MG 11, CO 42/377, Reel B-308, “Return of Irish Immigrants settled in the District of Bathurst,” 1826; AO, Ontario Government Record Series, RG 1-163, MS 693, Reel 156, Records relating to Peter Robinson immigrants, “Return of a portion of the Irish Immigrants located in the Bathurst District in 1823 and 1825 by Peter Robinson Esq and who are now entitled to receive their Deeds the lots having been Inspected by Francis K. Jessop in 1834.” Like most settlers, the assisted Irish had supplemented their income with work elsewhere. Men with families too young to be productive farm labour sought supplemental income; work on the canals, for example, was a temporary furlough that rarely represented an abandonment of one’s land. The much-scrutinized assisted single men had been less likely to take land, let alone retain title to their land than those who had travelled with family members. Of the 83 single men who had travelled in 1823 only 52 had taken land. In 1826 thirty per cent of located single men retained title to their land. Three quarters of these men were also working away from their land.

<sup>87</sup> *Reports from the Select Committee on Emigration*, Great Britain. Parliament. House of Commons. Select Committee on Emigration from United Kingston, 1826. Twentieth-century local histories also attribute the departure of a “rough-and-ready crowd of hotheads” for the peace that pervaded the region within a year. Garfield Ogilvie, *Once Upon a Country Lane* (Nepean: The House of Airlie, 1992), 44; McKay, “Flight from Famine,” 45.

<sup>88</sup> LAC, MG 11, CO 42/377, Reel B-308, “Return of Irish Immigrants settled in the District of Bathurst,” 1826. Cornelius Roche and Patrick Sullivan were each absent without leave and supposed to be in Montreal. Bartholomew Murphy and John French upon their release had gone to work in Kingston where both were reported to have drowned in October 1825. William Brown escaped charge or conviction and was by 1826 a boatman on the St. Lawrence River. Luke McGrath had eluded capture following the riot and was presumed to be working somewhere in the Canadas. John Coghlin who had been convicted at the Quarter sessions was reported in 1834 to be missing since 1826 when he had gone to Kingston for work leaving his wife and children in Ramsay Township. Carol Bennett, *Peter Robinson’s Settlers, 1823-1825* (Renfrew: Juniper Books, 1987), 147.

<sup>89</sup> Cameron, “Selecting,” 36.

<sup>90</sup> Alan Brunger, “Geographical Proximity among pre-famine Catholic Irish settlers in Upper Canada,” *Journal of Historical Geography*, 8:3 (1982), 274; The understanding that these townships were

eted event. Disparate imperial migration and settlement programs which sought to move a “surplus” population from the British Isles to Upper Canada, collided with local priorities for settlement which were, in part, conditioned by those very government assistance programs, but by 1823 were preoccupied with the inherent instability and insecurity of life in a “new” settlement. Drawing from their experience and roles within the British empire, assistance also influenced the way in which Bathurst District settlers determined the shape and scope of the emerging local culture. Their interactions with the Robinson settlers shed light on the local context for a settler’s society’s defi-

nition and enforcement of acceptable behaviour and values. The “old” settlers had transported to Upper Canada varying perceptions and prejudices against Irish Catholic peasants and had in the new context of Upper Canada developed notions and expectations of who and what made a deserving settler that included concepts of loyalty, religion, deservedness and manhood. Whether deserved or not, they found the new Irish immigrants wanting on all counts. The annual militia muster, and its alcohol-fuelled aftermath, gave release to long-simmering tensions built up over a long winter, and the long and difficult process of migration and settlement in the early nineteenth-century.

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“empty” is central to Brunger’s argument. Emigrants settled in seven townships in Newcastle District, Emily, Otonabee, Smith, Ops, Douro, Asphodel, and Ennismore. Lillian Gates disagrees and suggests Emily, Otonabee, and Smith Townships “had been open to settlement since 1819... a number of emigrants had already received 50-acre free grants.” Lillian Gates, *Land Policies of Upper Canada* (Toronto: University of Toronto, 1968), 96.