

Popular Resistance to Legal Authority in the Upper St. Francis District of Quebec: The Megantic Outlaw Affair of 1888-89

Jack Little

Volume 33, 1994

URI: <https://id.erudit.org/iderudit/ilt33art03>

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Publisher(s)

Canadian Committee on Labour History

ISSN

0700-3862 (print)

1911-4842 (digital)

[Explore this journal](#)

Cite this article

Little, J. (1994). Popular Resistance to Legal Authority in the Upper St. Francis District of Quebec: The Megantic Outlaw Affair of 1888-89. *Labour/Le Travailleur*, 33, 97-124.

Article abstract

This essay attempts to explain why the Scots Canadians of Québec's upper St. Francis district protected the fugitive, Donald Morrison, against the full force of the law in 1888-89. It rejects the proposition that ethnic tensions were a major factor, arguing instead that Morrison conforms to Eric Hobsbawm's definition of a primitive rebel. With the railway undermining the local subsistence-oriented economy and encouraging families to migrate from the district, the Highland community was facing a survival crisis which it would ultimately lose. The Megantic Outlaw affair therefore represented a final defiant and largely symbolic stand on the part of a tightly-knit rural community succumbing to the forces of industrial capitalism.

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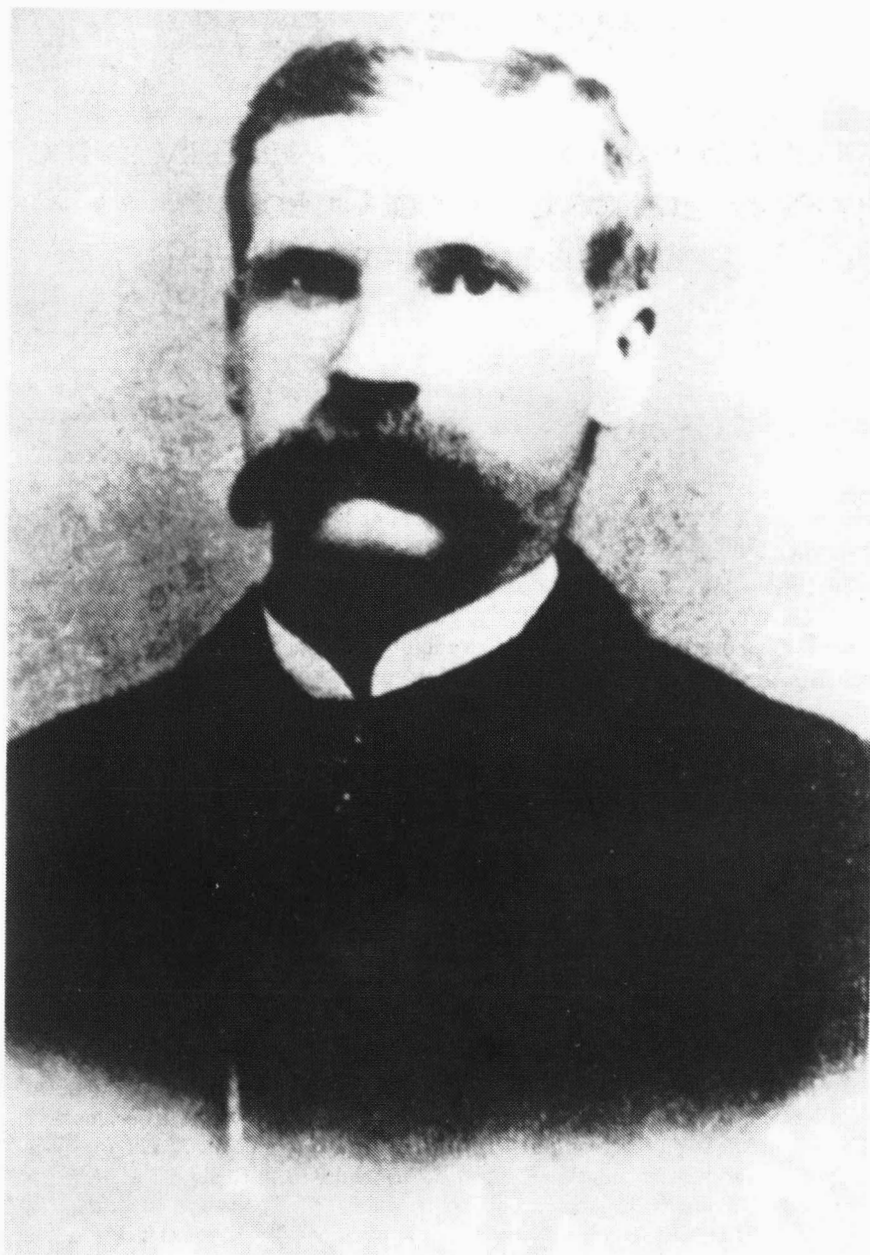
J.I. Little

THE STORY OF DONALD MORRISON, the Megantic Outlaw, has been recounted so many times that one might assume there is little left to tell, especially since recent versions have accomplished the scholar's presumed task of tarnishing the halo of yet another folk hero.¹ We now know that Morrison brought a lot of his troubles on himself through obstinacy, and that these began with disputes within his own family, not simply in response to the duplicity of a local money lender who seized the homestead. Morrison's success in evading his pursuers for eleven months in 1888-89 also seems somewhat less remarkable when we realize that the full force of the state's policing authority was not brought to bear until the month prior to his capture.

But Morrison's story has always been less noteworthy for his individual exploits, daring as they may have been, than for the fact that he was sheltered by his largely Highland Scots community in the upper St. Francis district of Québec. No one has satisfactorily explained why these deeply-religious and hitherto law-abiding (though hardly quiescent) people resisted the full pressure of the law to protect a man wanted for arson, attempted murder, and murder while resisting arrest. Certainly, as we shall see, Ronald Rudin fails to substantiate his thesis that the affair can be reduced to yet another struggle between French Canadians and

¹The most significant studies are Peter Span, "The Outlaw of Megantic," *The World Wide Magazine*, 28, 167 (March 1912), 506-15; Henry G. Kidd, *The Megantic Outlaw* (Toronto 1948); Bernard Epps, *The Outlaw of Megantic* (Toronto 1973); Martin Robin "Poor Donald," in *The Bad and the Lonely* (Toronto 1976); Clarke Wallace, *Wanted: Donald Morrison: The True Story of the Megantic Outlaw* (Toronto 1977); and Ronald Rudin, "The Megantic Outlaw and His Times: Ethnic Tensions in Quebec in the 1880s," *Canadian Ethnic Studies*, 18, 1 (1986), 16-31. The story has also been told in a National Board production and in a "Gaelic rock" recording produced at Tong Studio, Isle of Lewis.

J.I. Little, "Popular Resistance to Legal Authority in the Upper St. Francis District of Quebec: The Megantic Outlaw Affair of 1888-89," *Labour/Le Travail*, 33 (Spring 1994), 97-124.



Donald Morrison about the time of his trial. Photo: Wallace, *Wanted: Donald Morrison.*

those of British origin. The former crofters, who began to arrive from the Isle of Lewis in 1838, managed to recreate the basic elements of their peasant culture without a great deal of contact or friction between themselves and the French Canadian families colonizing the same district.² Closer to the mark than Rudin's analysis, though still somewhat misleading, is the emphasis that contemporaries and popular writers have placed upon the stereotypical Scots "clannishness." From this perspective, the former crofters and their descendants simply were protecting one of their own against hostile forces from outside their community.

Undoubtedly, an additional factor lay in the Highland tradition of *duthchas*, which held that a family's possession for several generations constituted a legitimate claim to a plot of land.³ Popular rejection of legal authority was reflected to some extent in the lack of respect many of the original Scots settlers in the district displayed for the regulations of the British American Land Company and the Crown Lands Office.⁴ But the very clearances which brought them to North America from the Outer Hebrides at mid-century had graphically demonstrated the practical limits to customary land claims, and the great majority of the district's Scots were not tenants but proprietors with legal title to their own farms. Furthermore, long before Morrison decided to resist the law, many of the Scots families had peacefully surrendered their homesteads to local mortgage-holding merchants.⁵ The main weakness with explanations which rely solely upon Highland traditionalism, whether it is a question of clannishness or customary property rights, is that cultural values were not immune to industrial capitalism. These exiles from the remote Isle of Lewis may have chosen to settle as a group in a rather isolated corner of the new continent, but they could not build a wall against anglicization and cultural assimilation, even had they wished to do so.

Ultimately, the Megantic Outlaw affair can best be explained as the result of a community crisis, a crisis of survival in the face of fundamental economic, social, and cultural change. The arrival of the International Railway in the 1870s had undermined the subsistence-oriented economy of this isolated, mountainous district — an economy which (as in the Highlands) had become increasingly dependent upon the seasonal wages of the mature offspring.⁶ Furthermore, extended periods spent working in the towns and cities to the South, or on western cattle ranches in the case of Morrison, inevitably made an impact on the values and mores

²For instances of friction in the initial settlement era, see J.I. Little, *Crofters and Habitants: Settler Society, Economy, and Culture in a Quebec Township, 1848-1881* (Kingston 1991), chapter 2.

³See Charles W.J. Withers, *Gaelic Scotland: The Transformation of a Culture Region* (London 1988), 77-8, 318-9, 331-2, 414-5.

⁴See Little, *Crofters and Habitants*, chapter 2.

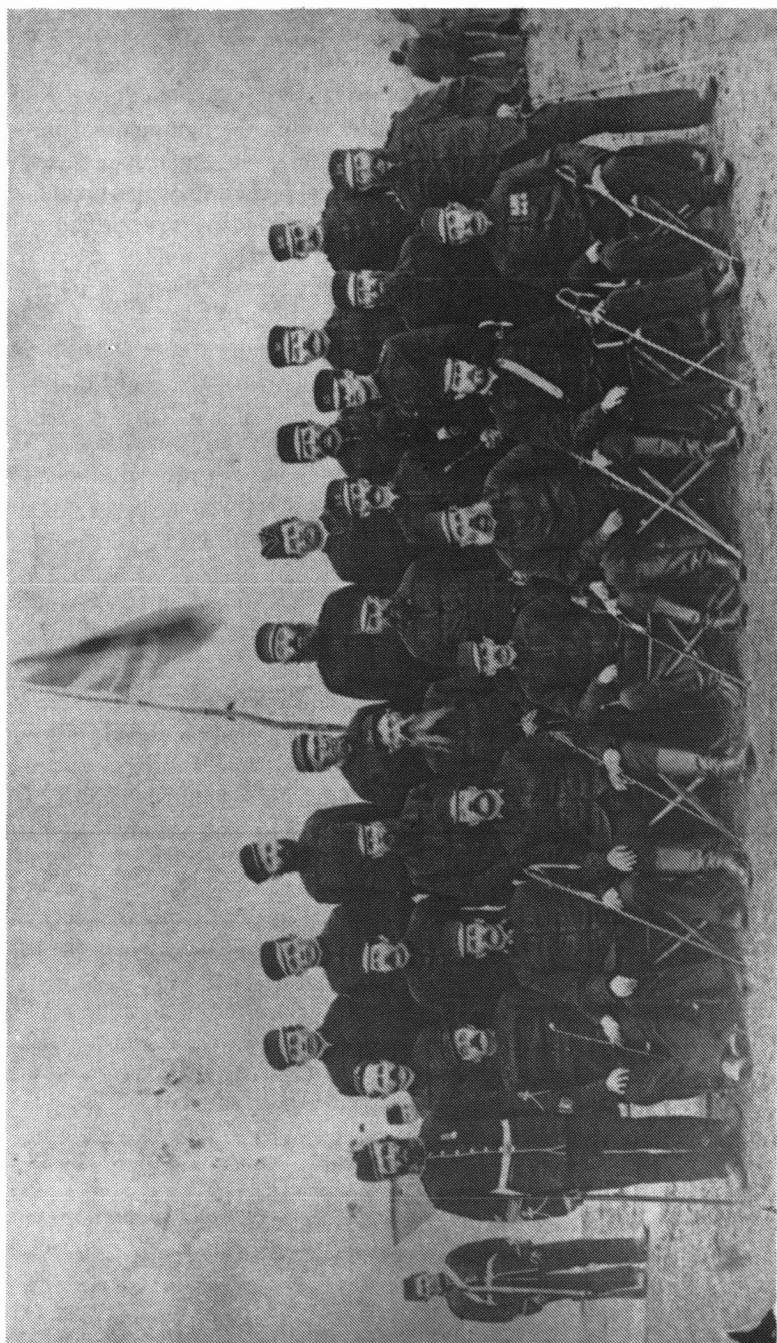
⁵Little, *Crofters and Habitants*, chapter 6.

⁶See Little, *Nationalism, Capitalism, and Colonization in Nineteenth-Century Quebec* (Kingston 1989), chapters 1 and 7; and Little, *Crofters and Habitants*, chapter 5.

⁷*Sherbrooke Examiner*, 28 April 1893.



Milan, CPR Station, 1903. A group of Scots Canadians with three unidentified railway workers and a French-Canadian man (first four seated from the left) at a small station between Scotstown and Lake Megantic. The arrival of the railway in 1879 brought a rapid decline in the Scots community.
Photo Duncan McLeod, Scotstown, Que.



No. 3 Company (Winslow), 58th Battalion (Compton County), 1878. The local militiamen were said to have paraded in support of Morrison. Certainly, they were never deployed to pursue him. *Photo Duncan McLeod, Scotstown, Que.*

of the younger generation. Ultimately, sons and daughters would refuse to sacrifice their hard-earned wages or to postpone their marriages in order "to keep the old people comfortable at home."⁷ Likewise, when offspring failed to return on a seasonal basis to help harvest the meagre crops on this cold and rocky northern Appalachian plateau, their parents had little choice but to join them in the second diaspora. Each year, more families were tempted to join the thousands of immigrants whom they saw heading West on the train from Saint John, New Brunswick.⁸ This temptation only increased as the local French Canadian population grew in response both to the availability of Scots farms and to the opportunities in the rapidly-growing railway and saw-mill centre of Lake Megantic. The Scots community of the upper St. Francis district had already reached its census maximum of 3406 people in 1881; by 1901 it would decline to 2867.⁹

Long before the community virtually disappeared in the 1940s, it faced a generational crisis, with Canadian-born offspring such as Donald Morrison flouting the stern dictates of their parents, their church, and even the law.¹⁰ It may seem ironic that the Highland Scots community of the upper St. Francis district would effectively take its last stand on behalf of a solitary outlaw, but Eric Hobsbawm has demonstrated that the emergence of the "primitive rebel" fits the pattern of a preindustrial society undergoing the painful transition to industrial capitalism.¹¹ Morrison's arrest would not deprive the community of a leader, or represent a tangible threat to the community's survival, but failure to meet the challenge posed by outside authorities would represent a fundamental symbolic surrender. One need not resort to ethnic stereotypes such as Scots clannishness to appreciate that if a cultural community refused to protect one of its own members in his time of need there would remain little reason to continue struggling for a livelihood in this inhospitable physical environment. Perhaps the community would have responded in similar fashion two decades earlier when it was not so clearly facing a crisis of survival, but then there were no rebellious young Morrisons who had imbibed the independent spirit of the American frontier.

⁸The *Sherbrooke Examiner's* local correspondents from the district commonly made reference to the train-loads of immigrants passing through from Saint John to points West.

⁹The townships included are Bury, Lingwick, Winslow, Hampden, Whitton, and Marston. Canada, *Census Reports*, 1881, 1901. National origins are not recorded in the 1891 census.

¹⁰Murdo Morrison apparently did not approve of his son's habit of frequenting the local taverns after he returned from the West, and Donald's resort to legal proceedings in order to claim his inheritance would certainly have been unheard of in earlier years. My research on Winslow Township from 1848 to 1881 revealed that the Scots were much less legalistic than the French Canadians in their inter-family transactions. See *Crofters and Habitants*, chapter 4.

¹¹E.J. Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (New York 1965); and Eric Hobsbawm, *Bandits* (no city indicated), Delacorte Press, 1969).

To understand the roots of the crisis, it is necessary to begin with the property transactions which initially led Donald Morrison afoul of the law.¹² The story begins in 1874 when the 18 year-old Morrison went to the far West where he worked as a cowboy for the next seven years. His eldest brother, Malcolm, subsequently took possession of the homestead, but tensions with their father, Murdo, led Malcolm to relinquish all claims in 1881 in return for a \$450 settlement. Murdo obtained this money by mortgaging the farm to a Sherbrooke investor. The second son, Murdo Junior, then operated the homestead with his father for two years before moving to his own farm across the road, again with a financial settlement provided by his parents.

At the request of his family, Donald returned home, contributing \$482 from his savings to the outstanding claims against the property. This amount covered the \$250 remaining on the original mortgage as well as part of the \$525 mortgage granted to Murdo Junior in compensation for his labour on the farm. By the end of 1885, however, Donald too was in serious conflict with his father. His offer to surrender his claim for only \$400 was refused, as was his proposal to take over the farm and its debt in return for providing his parents with a \$500-first mortgage, a new house, two acres of land, an annual supply of firewood, a cow, and six or seven sheep. These terms were unusually generous in comparison with most of the local Scots' *inter vivos* settlements,¹³ and their rejection by Morrison's aging parents testifies to the intensity of the friction within the family.

Donald subsequently won a court judgement against his father for \$900, and Murdo responded by taking out a mortgage for \$1100 from the mayor of Lake Megantic, Malcolm McAulay. McAulay had already acquired the \$300 claim remaining on the mortgage to Murdo Junior, an amount which became part of the new mortgage. In fact, McAulay had to deliver only \$400 in cash because the remaining \$400 was in the form of a promissory note (bearing no interest) which would simply be applied to the mortgage when the note fell due in 90 days. The mayor presumably had taken advantage of the Gaelic-speaking settler's inability to read English, since \$400 was far short of Donald's \$900 legal claim, which arguably should have taken precedence over the new mortgage.

Outraged by McAulay's underhanded manoeuvre, and sensing that the farm was slipping from his grasp, Donald acted upon a lawyer's bad advice to force the

¹²The following account of the financial transactions is based on a lengthy account by Donald Morrison, himself, but there appears to be no reason to dispute the basic facts he outlined. See *Sherbrooke Examiner*, 3 August 1888. Clarke Wallace provides a similar more detailed account, but it includes some obvious errors. See his *Wanted: Donald Morrison*, 24-33. The summary of the subsequent events is partly from Wallace's popularized narrative, which contains no source references, but in turn is based largely on reports by the eyewitness reporter for the *Montreal Star*, Peter Spanjaardt. Information is added from the provincial Attorney-General's papers, which none of the popular historians appear to have consulted.

¹³Little, *Crofters and Habitants*, 121-2.

homestead to a sheriff's sale. Unfortunately for him, he did not have the cash required to outbid McAulay, who thereby acquired the farm for \$1000. Since Murdo already owed McAulay \$700 from the mortgage, he was left, in effect, with less than \$300 when interest and costs were taken into account. McAulay later claimed that he had agreed to allow the Morrison mortgage to run on in return for a promissory note to cover his costs, but the family chose instead to fight the mortgage on the grounds that Mrs. Morrison had not signed it.¹⁴ This was not a strong legal tactic since the property rights traditionally guaranteed to married women under the Coutume de Paris had been greatly undermined by the civil code of 1866,¹⁵ but Donald resorted to a number of law firms in Sherbrooke and Montréal in a futile attempt to reclaim the farm. In the end he was left with lawyers' bills amounting to \$465 and nothing to show for 14 years of hard labour and personal sacrifice.

McAulay eventually had Morrison evicted from the farm, and in July 1887 sold it for \$1500 to a French Canadian farmer, Auguste Duquette. Morrison warned the Duquette family to quit the premises, and when they did not, commenced a campaign of intimidation. On the night of 8 May 1888 the barn went up in flames; then, during the evening of 17 May, rifle shots were fired into the house, causing the terrified family to shelter temporarily with Murdo Junior, who thereby demonstrated his disapproval of the clandestine activities. Two weeks later, before the Duquettes had returned to the house, it was burned to the ground. No concrete proof was ever provided that Donald Morrison had committed these acts, which he denied until the end, but his own brother later testified against him.¹⁶

Public sympathy, combined with fear on the part of the local authorities, allowed Morrison to ignore the warrant issued for his arrest until an American named Lucius "Jack" Warren was deputized by a distant justice of the peace to bring the outlaw in. Warren, who had been living in the town of Lake Megantic for four or five years, was reputed to be smuggling whisky to the navvies working on the CPR Short Line in the prohibition State of Maine. On 22 June, with Morrison apparently under the impression that Warren's warrant had expired, the fugitive walked into the town of Lake Megantic where the two armed men met face to face on the main street.¹⁷ After a few words, Morrison killed Warren with a single shot through the neck. For the next ten months, the now-famous "Megantic Outlaw" would remain at large within the district despite the large reward on his head and

¹⁴ *Montreal Star*, 8 August 1888.

¹⁵ See Le Collectif Clio, *L'Histoire des femmes au Québec* (Montréal 1982), 82-5, 150-2.

¹⁶ After Donald was arrested for murder, Murdo Junior went to the United States in order to avoid repeating at the trial his testimony from the coroner's inquest. Archives Nationales de Québec à Québec [hereafter ANQQ], Ministère de la justice, E 17, Art. 86, no. 1107, letter to Arthur Turcotte, Sherbrooke, 20 May 1889.

¹⁷ *Montreal Star*, 8 August 1888.

the efforts of large numbers of police officers, militia volunteers, and even jail guards from Montréal, Québec, and Sherbrooke.¹⁸

The authorities were frustrated at every turn by the support Morrison received from the local community. Thus, on 7 August, the *Montreal Star* reported that the six government detectives who had been sent to the area were "shadowed from morning till night, and from sundown till sunrise." Judge Alexandre Chauveau subsequently complained to Attorney-General Arthur Turcotte that "Toute la population écossaise de Stornoway & Springhill, les deux villages où il doit être, est en sa faveur, le protège, le tient au courant des démarches de la police & cela sans cacher de leur protection d'un bandit."¹⁹ Two days later, Turcotte telegraphed the Minister of Militia that he was "credibly informed that men of the 58th Battalion of Compton" (whose chief staff officer was none other than Lieutenant Colonel Malcolm McAulay) were parading "in the village with their arms saying they will interfere & protect murderer Morrison [sic]."²⁰

Such reports probably had become exaggerated by the time they reached Québec City, but Judge Chauveau preferred to err on the side of caution. He suggested that Morrison be urged to flee to the United States where the outlawed man could be captured by the Pinkerton Agency, thus sparing Chauveau's own men, scattered and hidden in different spots among "*des loyaux à la justice*." Chauveau claimed that all Morrison demanded was \$500 from McAulay, to which Turcotte replied that the outlaw must be captured "*couste que couste*."²¹

If this was a veiled suggestion that the government might provide Morrison with the money in question, he failed to take the bait. No new initiative appears to have been attempted until the following January when a Detective Heigham made an attempt to locate the outlaw. He posed as "a person looking after timber limits and a site for a steam saw mill." Although careful to avoid any reference to the Morrison affair while in the district, Heigham found that "the whole people of the place looked on me with suspicion, and that I was watched and followed round the different places I went to." The detective could not even eavesdrop on conversations since everyone spoke Gaelic whenever he was within earshot.

Heigham concluded that there were only two ways to capture Morrison. The first would be to increase the reward considerably "so that one of his friends might

¹⁸Letters in the files of the Quebec Ministry of Justice (ANQQ, E 17, Art. 86, no. 1107) reveal that private bounty hunters were also interested in joining the manhunt.

¹⁹ANQQ, E 17, Art. 86, no. 1107, Alexandre Chauveau to mon cher Ministre, Québec, 8 August 1888.

²⁰ANQQ, E 17, Art. 86, no. 1107, Arthur Turcotte to Sir A.P. Caron, telegram Québec. On McAulay's military career, see Bernard Epps, "Oscar Dhu No. 2 — Sergeant Major Larry of the Gallant 58th," *Townships Sun*, February 1978, 17.

²¹Official authorization to hire agents from Pinkerton's followed immediately. ANQQ, E 17, Art. 86, no. 1107, Chauveau to Ministre, Québec, 8 August 1888; Arthur Turcotte to Judge Chauveau, Trois-Rivières, 8 August 1888; J.B.O. Durand to J.A. Defoy, Québec, 10 August 1888.

be induced to persuade him to come to some house in the vicinity of a Rail way Station." Here the police could arrest the fugitive and spirit him out of the district before anyone could come to his defence. The second, more far-fetched, scheme was to have Pinkerton's send, from its Texas branch, men "disguised as cowboys & rough characters generally, bringing with them one man who understands Gaelic." The detective reasoned that "[a] good many of the Highlanders have been working in Texas and Pinkerton's men could easily become friendly with the younger men who are friends of Morrison."²²

Turcotte adopted Heigham's first suggestion in February when he raised the reward for Morrison's capture from \$1200 to \$3000.²³ When results were still not forthcoming a month later, Chief Detective Silas Carpenter of Montréal sent another spy into the district while he and four men went to Sherbrooke where the CPR was to have a special train ready for them at a moment's notice.²⁴ The new undercover agent, a Sherbrooke lawyer named B.C. Maclean, held the advantage over his predecessors of having acquaintances in the district. Indeed, it was he who had initially acted as Morrison's less-than-helpful legal council.²⁵

While Maclean was unable to earn the confidence of the outlaw's protectors, he did learn enough to submit a useful report. Contrary to the other detectives, he claimed to discern "a strong feeling of disapproval" towards Morrison's behaviour among the local population:

His warmest supporters denounce him for exposing his friends to imprisonment by making their houses his haunts. Even those who harbor him would gladly see him arrested. They are afraid to refuse him shelter lest he should shoot them as he always carries three loaded revolvers, and is very vindictive. He is also believed to be becoming insane through brooding over his wrongs, and to be a source of danger to the district. They supported him on account of their dislike to his enemy McAulay, but since Morrison's refusal to surrender sympathise with the one as little as the other. He has a few young friends who keep him informed, but would not, it is said, dare to assist him against the authorities, and they could if they would, help him but little.²⁶

Maclean was obviously a biased observer, doubtless having faced Morrison's wrath himself, but his assurance that the Scots were not about to engage in armed resistance was of considerable comfort to the authorities. They were quick to adopt the lawyer's clever scheme of dispatching "a commission with the power to arrest accessories or accomplices and to examine witnesses." The officer in charge would

²² ANQQ, E 17, Art. 86, no. 1107, H. Heigham to Attorney General, Québec, January 1889.

²³ *Sherbrooke Examiner*, 8 February 1889. The reward had initially been raised to \$1200 the previous October. ANQQ, E 17, Art. 86, no. 1107, A. Turcotte to L.C. Bélanger (telegram), Québec, 18 October 1888.

²⁴ ANQQ, E 17, Art. 86, no. 1107, S.H. Carpenter to C.A. Dugas, Montréal, 20 March 1889.

²⁵ Wallace, *Wanted: Donald Morrison*, 31-4, 108, 113.

²⁶ ANQQ, E 17, Art. 86, no. 1107, B.C. Maclean to C.A. Dugas, Montréal, 19 March 1889.

be assisted by detectives moving among the district's three principal villages. With the Pinkerton Agency's Boston office alerted to be on the lookout for Morrison should he flee across the border, the Montréal judge of sessions and extradition commissioner, Calixte-Aimé Dugas, was chosen to head an expedition of the most experienced and highest-ranking police officers from his city.²⁷ Dealing with the daily crimes of a major metropolis apparently held a lower priority than proving that the state's authority could not be flouted with impunity, even in an isolated rural backwater.

Since it had long been obvious that Morrison's ability to evade his would-be captors depended on food, shelter and information provided by the local community, the attorney-general had issued a proclamation the previous December which fully empowered Dugas to act. It stated that persons "who conceal, harbor or in any way give shelter or aid to Donald Morrison of Marsden, or furnish him any means of subsistence or conveyance, or afford him any help whatsoever which will enable him to escape from the pursuit of justice, will be prosecuted and punished with all the vigor of the law; persons so doing are liable to arrest and imprisonment for two years."²⁸ Dugas' chief role, therefore, would be to issue warrants for the arrest of the outlaw's supporters. Realizing the risks involved, however, he first made what appears to have been an attempt to purchase Morrison's surrender. Thus, on 6 April the attorney-general's office sent the judge 24 men with \$1000 in cash. Dugas responded with "hope he will surrender during night or in morning."²⁹

When the plan failed to materialize, Dugas quickly established his authority by arresting three well-known local men and charging them with harbouring an accused murderer.³⁰ The community's initial response was outrage and defiance, as was illustrated by the verse of two local poets published in the *Montreal Star* shortly afterward. While both refer to the bagpipes which one of the Montréal policemen brought with him as an apparent public-relations gesture, the first also mentions the tactless statement, attributed to High Constable Bissonette, that the local Scots were wild savages:

²⁷ ANQQ, E 17, Art. 86, no. 1107, John Cornish to Arthur Turcotte, Boston, 1 April 1889. Wallace (*Wanted: Donald Morrison*, 101-2) claims that Dugas began to prepare for the expedition in late February, but a letter by the judge to the attorney-general a month later refers to Maclean's strategy and states, "Je pense que la seule chose à faire, dans les circonstances est d'envoyer un magistrat compétent et au bras ferme, sur ces lieux, avec trois ou quatre bons hommes, déterminés à exécuter ses ordres." ANQQ, E 17, Art. 86, no. 1107, C. Aimé Dugas to A. Turcotte, Montréal, 21 March 1889.

²⁸ *Sherbrooke Examiner*, 7 December 1888.

²⁹ Quoted in ANQQ, E 17, Art. 86, no. 1107, C. Fitzpatrick to A. Turcotte, Québec, 6 April 1889. See also *ibid.*, A. Turcotte to Jos. Defoy (telegram), 6 April 1889; C. Fitzpatrick to A. Turcotte (telegram), Québec, 6 April 1889.

³⁰ *Sherbrooke Examiner*, 5 April 1889.

The winds whistle loudly o'er mountain and glen
 The gay peeler laddies by hillside and fen,
 Are searchin' and seekin' for Donald sae braw,
 But alas! all in vain, for 'Donald's awa.'

The 'pibroch's wild notes startle Winslow and Gould,
 But awes me! how the minstrel's proud ardor has cooled,
 The 'sons of the heather,' tho' loud the pipes blaw,
 Have nae ear for music while 'Donald's awa.'

Braw Donald 'lies low' on the bleak mountain side
 And watches 'the army' march past in their pride,
 All armed wi repeaters, wi pistols, and a'
 And he laughs in his sleeve, for 'Donald's awa.'

Revenez chez vous, mon brave Bissonette
 Or les 'Sauvages Ecosais' may capture you yet,
 Your Gallic 'politeness' is not worth a straw
 In Winslow at present, for 'Donald's awa.'³¹

The second poem, simply entitled "Morrison" by Roderick Dhu ("dhu" means "black" in Gaelic), was still more defiant:

Ten cadgers, and the bold Dugas
 Can't take our Hieland man awa'
 No, e'en their bagpipes when they blaw
 For Morrison.

We'll gang to jail, e're ye shall ken
 Whether he's in the town or glen,
 We'll let you see we're Hell and men
 Like Morrison.

[...]

Sae dinna send your hired tools
 to prate o'law and 'legal rules,'
 And think that Hielandmen are fools,
 They're Morrisons.

Woe to the man who'd wildly dare
 To take him in his mountain lair.
 Or murky wood, if I am there
 Wi' Morrison.³²

³¹The author is simply identified as W.H.D. *Montreal Star*, 6 April 1889. The *Star's* correspondent (3 April 1889) claimed that the officer's bagpipes "do much to make the people feel less hostile to the police."

³²*Montreal Star*, 6 April 1889.

The mood of defiance soon changed, however, when the police opened a trunk owned by Morrison's parents which contained letters incriminating a number of local citizens.³³ These people had been using the mail to provide the outlaw with descriptions of undercover agents and movements planned by the authorities.³⁴ On the strength of this evidence, Dugas drafted additional warrants whereby he hoped to increase the pressure on Morrison to surrender. The judge also threatened that if Morrison killed a policeman while resisting arrest, all those who had hidden him would be charged as accessories and tried for murder.³⁵

Before serving any of these warrants, however, the judge succumbed to pressure from local mayors and justices of the peace by agreeing to a truce in order to meet with the outlaw on 11 April. According to Dugas, Morrison insisted upon payment of his \$900 court judgement and three days' safe-passage from the country, which was rejected out of hand. A small opening for further negotiation was left open, however, when Morrison mentioned that he was waiting for a reply to a letter he had written to the Honourable Edward Blake. Should the distinguished politician-counsel's opinion of his case be favourable, Morrison might be induced to surrender.³⁶

With his notice the following day that he had drafted 45 additional warrants against individual members of the community. Dugas was placing Morrison in an increasingly untenable position. The authorities proceeded to arrest five more men, holding them without bail, while others fled to the woods.³⁷ Even the most sympathetic observers now declared that the outlaw had forced his people to make enough sacrifices. But the judge was himself racing against time because the only capable policemen at his disposal, those from Montréal, were scheduled to return to that city on 20 April. It appeared, as the deadline approached, that Dugas' expedition would never capture Morrison, whom the spring thaw might encourage to retreat into the wilderness.³⁸

Yet the outlaw could not afford to alienate his supporters, and it was obvious that he could not remain at large within the district indefinitely. He therefore agreed to meet the three prominent members of the Richmond Caledonian Society who carried a message from Blake recommending that he accept the organization's suggested surrender terms.³⁹ These men were assured by Dugas that another

³³Spanjaardt was clearly stretching the truth a great deal when he later claimed that the men "went calmly to jail at Sherbrooke without their wives or children apparently caring in the last." Span, "The Outlaw of Megantic," 511.

³⁴*Montreal Star*, 6 April, 13 April 1889.

³⁵*Sherbrooke Examiner*, 12 April 1889.

³⁶*Montreal Star*, 12 April, 15 April 1889.

³⁷*Montreal Star*, 14-15 April 1889.

³⁸*Montreal Star*, 12 April, 17 April, 20 April 1889.

³⁹Spanjaardt later claimed that the reward money was to be turned over to the society to pay for Morrison's defence; certainly this is what the society demanded after Morrison's arrest. Span, "The Outlaw of Megantic," 513; ANQQ, E 17, Art. 86, no. 1107, Minutes of the Caledonian Society of Richmond, Melbourne and vicinity, Richmond, 23 April 1889.

three-day truce would be called from the day the Montréal police were supposed to return home.⁴⁰ It seems likely that Morrison had decided to surrender, as he himself would later claim, but Dugas was sceptical and the police clearly were eager for revenge. With Dugas and Bissonette conveniently away from the district during the holiday weekend, a Montréal constable and a local guide shot and captured Morrison on Easter Sunday, 21 April, as he emerged from his parents' cabin to walk to the arranged meeting-place in the village of Stornoway.⁴¹

The wounded outlaw was tried for murder in Sherbrooke the following October. In his charge to the jury, the presiding judge overstepped his authority by declaring that "I should be inclined to say the crime does not amount to murder, but I would hesitate a long time before saying he was not guilty of the lesser offence" of manslaughter. After a lengthy deliberation, the jury somewhat reluctantly declared Morrison to be guilty of manslaughter, while recommending the lightest sentence possible.⁴² Instead, Morrison was committed to eighteen years hard labour, which effectively was a death sentence in his case. After five years of sporadically refusing nourishment and medicines, the stubbornly-proud convict had destroyed his health.⁴³ He died of pulmonary consumption in the spring of 1894, thereby ensuring his martyr's status within the Scots-Canadian community of the upper St. Francis district and beyond.

While the social context may be largely missing in the popular versions of the Morrison story, they all make it clear that the outlaw was able to defy the authorities only because of support from his community. Henry Kidd's volume, published when some of the participants were still alive, is largely a compilation of anecdotes from local residents recounting how they or their families sheltered the outlaw while the police were hot on his trail.⁴⁴ Part of Morrison's success was due to the fact that he was constantly on the move, and he never told anyone where he would be the following night. It is doubtful that his supporters discussed strategy other than haphazardly, despite the fact that several accounts have expanded upon Spanjaardt's statement that "there seemed to be a regular, although unofficial, 'Morrison Defence Organization,' which extended for a radius of some ten miles."⁴⁵ Spanjaardt contradicts himself later in the same publication when he states that the journalists simply adopted the term "Megantic Outlaw Protective Associa-

⁴⁰ ANQQ, E 17, Art. 86, no. 1107, Minutes of the Caledonian Society of Richmond, Melbourne and vicinity, Richmond, 15 April 1889, 23 April 1889; C. Aimé Dugas to A. Bissonette [sic], Montréal, 17 April 1889.

⁴¹ *Montreal Star*, 22 April 1889. The officer in charge claimed that he had promised to keep his men away from the meeting place in Stornoway, but from nowhere else: "Do you think I would be such a fool as to let that man escape?" *Montreal Star*, 23 April 1889.

⁴² *Sherbrooke Examiner*, 25 October 1889.

⁴³ Morrison went on his first hunger strike as early as the spring of 1890. *Sherbrooke Examiner*, 16 May 1890.

⁴⁴ Kidd, *The Megantic Outlaw*.

⁴⁵ Span, "The Outlaw of Megantic," 507.

tion" to refer "banteringly [to] Morrison's devoted friends."⁴⁶ A formalized group did emerge after Morrison was captured, but it was a fundraising body dominated by influential individuals from outside as well as inside the district.⁴⁷

Even if some writers have exaggerated the local resistance movement's degree of organization, there obviously were individuals who played leading roles in the affair. Commonly assumed to be the commanding figure was Malcolm Matheson, a Lake Megantic merchant whom Spanjaardt described as "well-to-do, intellectual, [and] full of Highland folklore."⁴⁸ The outlaw's most prominent active supporter was Hugh Leonard, mayor of Stornoway since 1875 and a member of the pioneer Irish Catholic family which had long operated a store, hotel, and stagecoach service in his village. Leonard's younger brother John, who acted as one of the defence attorneys during Morrison's trial, allegedly had furnished Morrison "with all the information he can in regard to the movements and intentions of the Quebec government and its police officer."⁴⁹ These men presumably were either too influential or too useful as intermediaries to be arrested.

The first three to share the distinction of going to prison were Finlay McLeod, a hotel owner at the whistle stop of Springhill; Malcolm McLean, postmaster and CPR section foreman, also of Springhill; and John Hamilton, variously reported to be a Lingwick shoemaker and a Winslow millwright. Like the trilingual Leonards, Hamilton likely had been adopted into the Hebridean community. Only McLean would later face trial, based on the charge that he had driven Morrison to one of the local hotels where, after a few drinks, the latter allegedly threatened the clerk with a revolver.⁵⁰ It is not clear why Dugas chose to arrest the other two men, or why the second wave of arrests included three Winslow farmers, a Stornoway blacksmith, and a second CPR employee living in Springhill.⁵¹ But the identity of these men does prove that Morrison's support network transcended occupational

⁴⁶Span, "The Outlaw of Megantic," 512.

⁴⁷The Donald Morrison Defence Fund Committee was formed at a public meeting in Stornoway. The chairman was the Richmond Caledonia Society's Dr. J.H. Graham; the treasurer was local mayor, Hugh Leonard; and the secretary was Major McMinn of Marston, who had taken a leading role in the local protests of the early 1870s. Other members were Malcolm Matheson, one of the men who had been arrested; Alexander Ross, merchant and mayor of Lingwick; William D. M'Aulay, mayor of Whitton; Henry A. O'Dell of Sherbrooke; and William Matheson of Stornoway. *Sherbrooke Examiner*, 31 May 1889; ANQQ, E 17, Art. 92, no. 4313, M.U. McMinn to Turcotte, Stornoway, 18 November 1889.

⁴⁸Span, "The Outlaw of Megantic," 507.

⁴⁹ANQQ, E 17, Art. 86, no. 1107, "Ex-detective" to Attorney-General, Springfield, Massachusetts, 27 February 1889.

⁵⁰Peter Matheson was arrested but quickly released on the same charge. *Sherbrooke Examiner*, 5 April, 12 April, 25 October 1889, 14 March 1890; *Montreal Star*, 29 March, 4 April 1889.

⁵¹*Montreal Star*, 13 April 1889.

boundaries. To some extent, at least, community solidarity had overcome emerging class divisions in the face of a common external threat.⁵²

The prominent role played by certain leading members of the community no doubt helps to explain the lack of further violence during the tense months which followed Warren's death. Peter Spanjaardt spoke of armed sentries hiding in the shadows when he was taken to interview Morrison, and the hungry press did not hesitate to quote men who predicted violence if Morrison were apprehended or the authorities resorted to mass arrests.⁵³ But newspapers were also quick to point out that Dugas' tactics of intimidation had demoralized the community. In criticizing what it felt was sensationalist reporting from outside the region, the *Sherbrooke Examiner* noted: "it is a curious commentary on the many rumors as to the feelings of the people there, that in any of the attempts which have been made yet to capture him, no 'armed rising' has appeared." The column proceeded to present basically the same interpretation that has appeared in nearly all subsequent versions of the story:

Scotch people are clannish, sometimes to a fault, but they are, at heart and by nature, law-loving. They draw their inspiration from the Old Testament too directly to be otherwise. As for the men who gave Morrison food or lodging, or both, we cannot believe that they were actuated by any desire to assist him in escaping the legal consequences of his act, but were prompted by simple principles of humanity.⁵⁴

The *Examiner* and other newspapers also stated repeatedly that many people in the Lake Megantic area had tried to convince Morrison to surrender, and that they were not averse to having the law take its course. But the fact that this claim has the ring of truth only makes the community's persistent defence of Morrison all the more remarkable. The local people were not just giving a hungry, homeless man food and lodging, but knowingly were helping an accused murderer to evade the police. While many would have preferred that Morrison surrender and take his medicine, no one among the large group of people who saw the outlaw from time to time was prepared to be branded a traitor by turning him in. A few individuals may have been intimidated by the more militant of Morrison's supporters, but there is only one recorded instance of force being used. Two young men severed the tails of horses owned by 50 year-old farmer Donald McLean because of his position on the Morrison case, but he was the one charged with using a firearm in this case.⁵⁵

⁵²Significantly enough, the Leonard family held no mortgages from its customers, in sharp contrast to their main competitor in Stornoway, the rather unpopular Colin Noble. See Little, *Crofters and Habitants*, 169-73, 227-8, 244-5.

⁵³See, for example, *Montreal Star*, 30 March, 1 April, 15 April, 17 April 1889.

⁵⁴*Sherbrooke Examiner*, 19 April 1889.

⁵⁵*Montreal Star*, 3 October 1889; *Sherbrooke Examiner*, 18 October 1889; Little, *Crofters and Habitants*, 201.

The general feeling seems to have been that expressed by one old man: "We may be doing wrong in the eyes of the law, but we are doing right in the eyes of God."⁵⁶

In a relatively recent, misleading account of the Megantic Outlaw affair, historian Ronald Rudin argues that it was basically an ethnic struggle, with the Scots pitted against the French Canadians living in the district, as well as against the nationalist provincial regime led by Honoré Mercier.⁵⁷ After stating that he will examine "the specific circumstances of the Scots in the Eastern Townships that led them to respond to the Morrison saga as they did," Rudin focuses instead on the Jesuit Estates controversy, the debate over qualifications for admission to the Québec Bar, and the demand by Montréal's Protestant Board of School Commissioners that taxes paid by incorporated firms no longer be divided among Catholics and Protestants on a per-capita basis.⁵⁸ Important as these issues may have been to the urban press, it is hard to imagine that they created a great deal of consternation among the struggling Scots of the upper St. Francis district.

Rudin then turns to the controversy over the means of electing Sherbrooke's mayor, but again this would hardly have been a crucial issue some 50 miles away in the Lake Megantic area. Finally, he mentions the formation of the Eastern Townships Colonization Society in 1882, as well as the anti-Catholic campaign conducted by Robert Sellar of Huntingdon, South of Montréal, but neither gained much popular support in the Eastern Townships, let alone the upper St. Francis district.⁵⁹

As for the local scene, which Rudin neglects, there certainly were deep-rooted ethnocultural tensions within the upper St. Francis district. Physical confrontation had been narrowly averted when the province cancelled several Scots land claims in Marston Township in 1870 in order to establish a colony for French Canadian Papal Zouaves returning from active duty in the Vatican. Several years later, the Scots community formed a local branch of the Protestant Defence Alliance in response to the provincial government's further unwarranted cancellations, its decision to reduce subsidies for railway construction South of the St. Lawrence, and its organization of a local French Canadian repatriation colony. The quick response by the Crown Lands Office in reinstating most of the land claims appeased the Scots, however, and no further public conflicts occurred during the post-frontier

⁵⁶ *Montreal Star*, 3 April 1889.

⁵⁷ There are also a number of basic errors in Rudin's account. On one page, for example, he misinterprets the financial transactions leading to the incident, and repeats the mistaken assumption that the government declared martial law in the region. Rudin's bias is also made obvious on this page when he neglects to mention the dubious legal status and reputation of "deputy" Warren. This was the key point on which Morrison's court defence rested. Rudin, "The Megantic Outlaw," 17.

⁵⁸ Rudin, "The Megantic Outlaw," 18-21.

⁵⁹ Rudin, "The Megantic Outlaw," 22-3; J.I. Little, "Watching the Frontier Disappear: English-Speaking Reaction to French-Canadian Colonization in the Eastern Townships, 184-90," *Journal of Canadian Studies*, XV, 4 (1980-1) 106-8.

era.⁶⁰ This is a remarkable record when one considers that two groups with widely-disparate cultural backgrounds were competing for land and political dominance within the same district, but the Scots did have a weaker sense of commitment to the region.

There is no denying that in 1888 a francophone family, the Duquettes, were victimized by Morrison's actions, but a single incident hardly constitutes a major ethnocultural conflict. Rudin questions "whether the community's support for the Morrisons and its hostility toward the subsequent occupant of their farm would have been as great had the newcomer been another Scot."⁶¹ The point is, however, that a Scot would not have purchased the Morrison farm under such circumstances, if for no other reason than because of community pressure. Within the Highlands at this time, "it was made abundantly clear that anyone who dared to occupy the holding of an evicted tenant would be made to feel the displeasure of his fellow crofters in no uncertain fashion."⁶² More pertinent than Rudin's rhetorical query is the question of why Duquette would transgress such an unwritten code. Clearly, it reflects an element of competition and mutual animosity between the two groups, but we must also consider the compassion displayed toward the Duquettes by Morrison's own brother and sister-in-law. It should also be recalled that the chief villain in the local Scots lore has always been Mayor McAulay, a fellow Scot, though not a Lewisman.

There never has been any suggestion that members of the local French-Canadian community aided in the manhunt other than, perhaps, to provide shelter for detectives operating in the district. Had they taken an active role, it is very unlikely that Morrison could have roamed the countryside and even the town and villages as freely as he did.⁶³ The hunting and fishing guide, Pierre Leroyer, did help to capture the outlaw, but he hardly could be considered a full-fledged member of the local French Canadian community. As a European-born army veteran who had long worked in the Northwest for the Hudson's Bay Company, he had more in common with that other outsider and loner, Jack Warren, than he did with the district's French-speaking farmers and villagers. Joe Boudreau, on the other hand, was a Marsden hotel keeper who was threatened with arrest for sheltering the outlaw. Also, a francophone hotel employee in Stornoway later claimed that he

⁶⁰Little, *Nationalism, Capitalism*, chapters 6 and 8.

⁶¹Rudin, "The Megantic Outlaw," 28.

⁶²Hunter, *Crofting Community*, 149.

⁶³Wallace (*Wanted: Donald Morrison*, 73) states that the local French Canadians actively assisted Morrison. He also describes on 36-7 (whether factually or not is unclear without identification of sources) how Duquette was warned by T  l  sphore Legendre not to buy the Morrison farm. Legendre was a former mill owner whose family had long been the only French-speaking one in the village of Stornoway. Little, *Crofters and Habitants*, 160-3. Prior to the arrival of the Dugas expedition in spring 1889, Morrison had reportedly planned to work at maple sugar production in the francophone parish of St. Romain de Winslow. *Montreal Star*, 1 April 1889.

easily could have collected the reward money had he chosen to do so.⁶⁴ After Morrison was captured, a number of French Canadians in the district reportedly contributed to his defence fund.⁶⁵ Finally, during the trial, French-speaking witnesses testified for both the defence and the Crown, as did their British-origin counterparts.

Although Rudin claims that the defence "went to great lengths to avoid the inclusion of French-speakers" in Morrison's jury,⁶⁶ the fact is that his attorneys originally requested that only half the jurors be anglophones. When the outlaw's lawyers changed their minds at the last minute, they received no opposition from the Crown attorneys or the judge who presumably wished to avoid the delays which would have been necessitated by translating the proceedings into French. Furthermore, while the crown objected to all the Scots-Canadian candidates, a bilingual French Canadian did sit on the jury as foreman.⁶⁷

As for Rudin's second main point, that Québec's English-language newspapers chose to "snub their noses at constituted authority in this particular case," this statement is an exaggeration, to say the least. On 4 August 1888, for example, the editor of the *Montreal Star* wrote that Morrison "should be defending himself in a court of law instead of going about Megantic armed like a freebooter and defying the authorities to arrest him." Two days later, he added that "the rumor that the inhabitants of the district countenance the criminal and are ready to aid him in resisting arrest makes hesitation on the part of the Government more blamable and more dangerous. It is of the first importance that the inhabitants of every district in every part of Canada should be made to feel that the law is supreme." On 8 August, the *Star* editor went so far as to suggest that Morrison and his supporters were in rebellion; they might "rest assured that unless they abandon their resistance the power of the whole Dominion, if necessary, will be brought against them."

Rudin does admit that "in the first months following the shooting of the deputy the English press was insistent upon the responsibility of the government to do its duty by bringing Morrison to justice."⁶⁸ But the fact is that the following months brought no perceptible change in that attitude. The *Star* was the chief offender in the eyes of Rudin and of the government, yet its spring editorials reflected the same position as those of the previous fall. One such item published 29 March 1889 proclaimed that while the outlaw's protection by local sympathizers "says something for fealty and friendship it does not betoken a high regard for law and order. It is a mistaken kindness on the part of a community or a clan to shield one who has broken the law and defied the authorities, for in the end the law must be obeyed and justice vindicated." Several days later, the editor warned that "it will be a

⁶⁴ *Montreal Star*, 5 April 1889; Span, "The Outlaw of Megantic," 513.

⁶⁵ *Montreal Star*, 2 October 1889.

⁶⁶ Rudin, "The Megantic Outlaw," 25.

⁶⁷ *Montreal Star*, 1 October, 3 October, 8 October 1889.

⁶⁸ Rudin, "The Megantic Outlaw," 25.

serious matter if any of his countrymen aid him in evading arrest or assist him in defying the police [...] The law must be upheld, and the scandal involved in the failure to arrest Morrison has been allowed to prevail long enough."⁶⁹

The *Star's* editor may have been somewhat inconsistent in subsequently criticizing the arrest of Morrison's supporters, but he was particularly concerned about their being denied bail despite the fact that no formal charges had been laid against them: "There are only two or three crimes known to the law in regard to which presumed offenders are refused bail, and these are the most serious that can be committed."⁷⁰ In frustration, the editor also criticized the police in the 13 April issue, but his columns were generally more sympathetic to the law agents than to the local population:

It seems remarkable that one man should be able to elude forty or fifty, especially when the forty or fifty have the law on their side and are at liberty to arrest almost whomsoever they choose; but it must be borne in mind that Morrison knows every foot of the country for miles around and that while the neighbours may be deterred by the official proclamation from harboring him or supplying him with food, they will not be slow to drop him a hint as to the whereabouts of his pursuers.⁷¹

Rudin suggests that by sending correspondents to the scene, and by publishing their interviews with Morrison, newspapers such as the *Montreal Star* gave the outlaw "a certain credibility," and thereby made no secret of their sympathies. But Judge Dugas himself agreed to a clandestine interview with Morrison, a favour he would hardly have granted an ordinary criminal. It cannot be denied that *Star* reporter Peter Spanjaardt dramatized events and painted an image of Morrison as handsome, polite, and courageous, but that was the image which persisted within the local community as well. Maryann Morrison, who had met Donald many times as an adolescent, remembered him nearly 90 years later: "oh, he was a lovely man ... and good looking! Oh, good looking. He had a big stylish moustache, and lovely fair skin, you know. Oh, he was a pretty man!"⁷² The nature of Spanjaardt's coverage can best be understood by appreciating that the *Star* was one of the new

⁶⁹ *Montreal Star*, 1 April 1889. See also 2 April, 6 April, 11 April 1889.

⁷⁰ *Montreal Star*, 10 April 1889.

⁷¹ *Montreal Star*, 9 April 1889.

⁷² Quoted in Margaret Bennett-Knight, "Folkways and Religion of the Hebridean Scots in the Eastern Townships," in Laurel Doucette, ed, *Cultural Retention & Demographic Change: Studies of the Hebridean Scots in the Eastern Townships* (Ottawa 1980), 98. While the *Montreal Star* (4 August 1888) commented that Morrison had "a keen eye and a strong jaw, showing strength of character, with a good nose, indicating determination," it added that "He looks like a man who would be quick to act but not always safe to follow, as his chin is weak-looking."

breed of newspapers which aimed at mass circulation; the Morrison story simply made good copy.⁷³

While Spanjaardt submitted colourful prose, he certainly did not deliberately attempt to embarrass the government, nor were his reports as unbalanced as Rudin suggests. They expressed sympathy and admiration not only for Morrison and the local population, but for the Montréal police "who are without exception, fine fellows and well fitted for the heavy duty imposed upon them."⁷⁴ When Dugas began to issue his warrants, Spanjaardt announced that Morrison was losing the support of the community, and he himself became quite critical of the outlaw's refusal to surrender.⁷⁵ Finally, the *Star* made little of the fact that Morrison was shot and captured treacherously during a period of truce, choosing instead to present the constable in charge as a hero.⁷⁶

Rudin suggests that the *Star* was deliberately stirring up mischief by describing Morrison as the Riel of Megantic,⁷⁷ a comment Premier Mercier would find particularly offensive given the political use he had made of the Métis leader's execution in 1885. The fact is, however, that in the 4 August 1888 issue cited by Rudin, the Montréal daily was quoting in translation a Lake Megantic correspondent for Sherbrooke's *Le Pionnier*.

Desirous of giving you the completest possible information on the subject, without any comment, I will state that a great number of Scotchmen reason as follows: "Why blame us if we take sides with a fellow-countryman who had or felt that he had serious grievances and then killed a person whom he took to be a murderer, while thousands of French Canadians defend Riel, who, in 1870, killed Thomas Scott? ... Shall public opinion forever have two weights and two measures? It is further said that Morrison regrets having acted so hard towards Mr. Aug. Duquette, in whose person he thought he was striking at his enemy, Mr. McHanley [sic], the mayor of Megantic.

Aside from the surprisingly sympathetic attitude reflected here toward Morrison and the Scots, the crucial point is that a French-language, Conservative newspaper was taking the opportunity to embarrass the Mercier administration as well as the editor of its local rival, *Le Progrès de l'Est*. Louis-Charles Bélanger, who was involved in the Morrison case as the district's prosecuting attorney, had abandoned the Conservatives to become a Mercier supporter in 1885.⁷⁸ The *Star*

⁷³Paul Rutherford, *A Victorian Authority: The Daily Press in late Nineteenth-Century Canada* (Toronto 1982), 51-3.

⁷⁴*Montreal Star*, 3 April 1889. On 4 April Spanjaardt wrote that the police were working hard "and at the same time keeping themselves in the good graces of the inhabitants." See also his report for 20 April.

⁷⁵*Montreal Star*, 29 March, 8 April, 15 April 1889.

⁷⁶*Montreal Star*, 22 April 1889.

⁷⁷Rudin, "The Megantic Outlaw," 25.

⁷⁸Bélanger had begun flirting with the Liberals in 1878. Jean-Pierre Kesteman, "Le Progrès" (1874-1878): *Étude d'un journal de Sherbrooke* (Sherbrooke 1979), 164-70. *Le Pionnier*

may have taken the trouble to translate and republish this article, but the fact remains that the English-language Montréal daily never itself commented on the parallel which had been made between the Morrison and Riel cases.

Political alignment may also help to explain why even an English-language newspaper within the region, the *Sherbrooke Examiner*, would display little sympathy for Morrison, a fact conveniently overlooked by Rudin. The *Liberal Examiner* trumpeted in April 1889: "*Morrison must be arrested*. This is admitted even by those who have had their breakfasts spoiled by the wailings of the war correspondent of the *Montreal Star*."⁷⁹ The *Examiner's* editor went so far as to suggest on two occasions that the military would have to be sent into the district.⁸⁰ But political allegiance does not provide the only explanation for the *Examiner's* stand, since it was far from being an uncritical supporter of Mercier on other issues. Furthermore, the local English-language Conservative organ, the *Sherbrooke Gazette*, also appears to have been hostile toward Morrison.⁸¹ Perhaps the position taken by the English-language press of the regional metropolis can best be explained by its concern with the public image of its hinterland.

In the final analysis, even if it cannot be denied that the French-language press was generally more hostile than its Anglo counterparts toward the outlaw and his local supporters, there was a striking conformity of opinion among the major newspapers of Québec. Given the poor French-English relations within Canada at the time of the Morrison affair, it is actually more noteworthy for the small role played by ethnocultural division than otherwise. Class affiliation played a more significant role in the press reaction to this case than did either linguistic or political loyalty. The province's English-language newspapers simply were too closely tied to the urban bourgeoisie to defend a rural outlaw or a community which appeared to be operating according to its own set of legal standards.

The rather stern editorials aside, however, Peter Spanjaardt's columns clearly did present Morrison as a heroic figure. The widespread attention and sympathy which the Megantic Outlaw story attracted can be attributed to the fact that it was characterized by an unusual combination of two powerful myths. In the first instance, it harkened back to a dying era in North America. The western frontier of the United States with its famous outlaws had come to a close by this time,⁸² yet a shocked audience had witnessed a western-style shooting on the main street of an eastern frontier town. Furthermore, exciting stories spread of the many narrow escapes made by the local hero as he taunted the authorities by refusing to leave

compared the Morrison case with that of Riel on at least two other occasions, 2 August 1888 and 14 February 1889.

⁷⁹*Sherbrooke Examiner*, 19 April 1889.

⁸⁰*Sherbrooke Examiner*, 10 August 1888, 19 April 1889.

⁸¹Wallace, *Wanted: Donald Morrison*, 75. Nearly all the issues of the *Sherbrooke Gazette* for this period have disappeared.

⁸²Kent Lad Stechmesser, *The Western Hero in History and Legend* (Norman, Oklahoma 1965), 253.

the upper St. Francis district until the bitter end. Such tales evoked a second more distant mythical image, that of the proud Highland warrior and his faithful clan. Indeed, as far as the local Scots community's response is concerned, parallels with the Megantic outlaw incident lie largely outside North America with the pre-industrial societies of Europe and Asia. The correspondent for the *Montreal Star* claimed that

To understand this state of affairs it must be stated that the people of the Scotch settlements declare that they have suffered for years and years the greatest injustice at the hands of unscrupulous money lenders. Till the Morrison outbreak the hostility of the people did not show itself. He was the first to openly declare his enmity, and his friends and countrymen, who claim to have suffered the same as he has, consider it their duty to stand by him.⁸³

Hobsbawm's definition of what he calls primitive rebels or, more precisely, social bandits, therefore strikes a chord in the case of Morrison: "they are peasant outlaws whom the lord and state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any case as men to be admired, helped and supported."⁸⁴ Morrison was no liberation leader, but Hobsbawm admits that, as individuals, the social bandits "are not so much political or social rebels let alone revolutionaries, as peasants who refuse to submit, and in so doing stand out from their fellows, or even more simply men who find themselves excluded from the usual career of their kind, and therefore forced into outlawry and crime."⁸⁵

More important for our purposes than the issue of Morrison's political consciousness is the question of whether most of the Scots community disapproved of his actions rather than visualizing him as a hero. Morrison had broken a number of traditional taboos, and some people may have felt intimidated by him and his close friends, as the lawyer Maclean claimed. But the large reward would have been a powerful incentive for anyone who wished to take advantage of the same police protection that ensured the safety of Maclean himself when he emerged into the open as a member of the Dugas expedition.⁸⁶ The incontrovertible fact is that the Scots community presented a largely united face to the outside world during this period of crisis. Indeed, there is nothing to suggest that women (who played the leading role in physical conflicts with evicting authorities in the Highlands)⁸⁷ were

⁸³*Montreal Star*, 7 August 1888.

⁸⁴Hobsbawm, *Bandits*, 13.

⁸⁵Hobsbawm, *Bandits*, 19. Anton Blok takes exception to Hobsbawm's claim that bandits could have altruistic or political motives. "The Peasant and the Brigand: Social Banditry Reconsidered," *Comparative Studies in Society and History*, 14 (1972), 494-502.

⁸⁶Morrison reportedly did threaten to shoot Maclean, who refused to take the stage out of the district unless protected by a constable. *Montreal Star*, 1 April, 16 April 1889.

⁸⁷Eric Richards, *A History of the Highland Clearances, Volume 2: Emigration, Protest, Reasons* (London 1985), 333-5; Withers, *Gaelic Scotland*, 368.

any less defiant than the men. Young women were reported to have thrown the police off Morrison's trail on at least two occasions,⁸⁸ and an unsympathetic correspondent from Lake Megantic speculated that a local woman would be among those arrested in April: "she has already proved an element of disturbance in many families through her misuse of too glib a tongue and pen and ample opportunities for displaying both."⁸⁹

Definitions aside, the main features of the Megantic Outlaw case adhere reasonably well to the nine characteristics Hobsbawm outlines for the social bandit. First, such a person does something which is not regarded as criminal by local conventions, but is so considered by local rulers or the state. Morrison had clearly committed criminal acts by any convention, though many of his supporters appear to have believed his protestations of innocence with respect to the arson incidents. At the very least, they felt that an unjust legal system had driven the young man to desperation, and ultimately to the shooting of a disreputable character in order to save his own life.

The second characteristic identified by Hobsbawm is that the individual continues to live in or near his village, whence he is provisioned: "the worst thing that can happen to a bandit is to be cut off from his local sources of supply, that is to steal from his people, and may therefore become a criminal who may be denounced." Third, he is normally young and single or unattached, "if only because it is much harder for a man to revolt against the apparatus of power once he has family responsibilities." Morrison adhered closely to both these "norms," and the latter clearly reinforced his romantic image among the young women of the community.

Fourth, the social bandit operates either alone or in small groups, and is therefore committed to a certain kind of robbery.⁹⁰ In Morrison's case, the local support network was so effective that he did not have to resort to any robbery whatsoever. Had he done so, he would almost certainly have alienated most of his people for they were more assimilated to the values of modern capitalist society than were many of the communities Hobsbawm discusses. The term "social outlaw" is therefore more appropriate for Morrison than "social bandit."

Hobsbawm's fifth point, that the individual in question is lucky to survive more than two to four years, obviously applies to the Megantic Outlaw as well. The same can be said for the sixth point, that he will try to conform to the Robin Hood stereotype, killing only in self-defence.⁹¹ Morrison was repeatedly referred to as a modern-day Rob Roy, and his defence during the trial rested largely on the testimony of certain witnesses that Warren had threatened to kill him, and that the

⁸⁸ *Montreal Star*, 3 April 1889.

⁸⁹ *Sherbrooke Examiner*, 19 April 1889.

⁹⁰ Hobsbawm, *Primitive Rebels*, 15-8.

⁹¹ On this theme, see also Kent L. Steckmesser, "Robin Hood and the American Outlaw: A Note on History and Folklore," *Journal of American Folklore*, 79 (1966), 348-55.

deputy had drawn his pistol on the fateful day without producing or mentioning his warrant for arrest.

Seventh, one of the social bandit's chief attractions is that he is a poor boy who has made good.⁹² Unlike many of the outlaws Hobsbawm describes, Morrison was hardly in a position to engage in conspicuous consumption, which might in any case have antagonized the frugal, rather ascetic Scots of the older generation. However, his experience as a Texas cowboy must have gained him considerable status among his peers, and he did enjoy drinking with friends in the local hotels. Clearly quite self-conscious about the romantic figure he cut, Morrison sported a large handlebar moustache and posed for a photograph on one occasion with a revolver in his right hand "pointing at an imaginary foe."⁹³ Indeed, his reputation for vanity contributed to his downfall, for the police predicted correctly that he would go to his parents' cabin for his best suit of clothes before setting off for the ill-fated meeting in Stornoway.⁹⁴

The eighth characteristic listed by Hobsbawm is that the societies in which the social-bandit phenomenon occurs "know rich and poor, powerful and weak, rulers and ruled, but remain profoundly and tenaciously traditional, and pre-capitalist in structure."⁹⁵ It is quite significant that the Scots community's chief villain during the Megantic outlaw affair was the most successful capitalist in a marginal district, but that district was also facing economic change. Elsewhere, Hobsbawm claims more precisely that the social-bandit phenomenon "seems to occur in all types of human society which lie between the evolutionary phase of tribal and kinship organization, and modern capitalist and industrial society, but including the phases of disintegrating kinship society and the transition to agrarian capitalism."⁹⁶ The Highlands had entered this stage of historical development with the breakdown of the traditional clan system during the 18th century, but the crucial role played by religion and the Free Kirk ministers in fashioning a new crofter identity may explain why the region failed to produce any well-known social outlaws.⁹⁷ The crofters gradually coalesced as a community in the face of a common enemy — the landlords and their factors — culminating in the outbreak of the Highland Land Wars in the 1880s.⁹⁸

⁹²Hobsbawm, *Primitive Rebels*, 19-22.

⁹³*Montreal Star*, 30 March 1889.

⁹⁴*Montreal Star*, 22 April 1889.

⁹⁵Hobsbawm, *Primitive Rebels*, 22.

⁹⁶Hobsbawm, *Bandits*, 14.

⁹⁷James Hunter, *The Making of the Crofting Community* (Edinburgh 1976), chapter 6. Richards (*Highland Clearances*, 335, 352-7) speculates that the lack of "Hobsbawmian rebels" in the Highlands might be due to the demise of the middle class, but this was not the sector of society most likely to produce social bandits whom he appears to confuse with militant political leaders.

⁹⁸See Hunter, *Crofting Community*, chapters 8, 9, and 10.

While ministers continued to foster crofter unity in the Highlands, in the Québec community they increasingly became the focus of controversy between the older and younger generations. The schism was clearly expressed by a local newspaper correspondent in 1894 when she commented on the fact that a fourth Scots congregation was about to be vacated:

This is not caused by there being any faults in the congregation, for it is a notorious fact that these are four of the best congregation [sic] on earth. In fact, the trouble is caused by this. Being as near perfection themselves as mortals can attain to, they want the same in their ministers. This, of course, was found in the Old Country Divines, but as their principal characteristics were a little learning, great piety, great dryness and a habit of giving all the promises to the old people and all the curses to the young ones, the ministers of today naturally do not suit.⁹⁹

Division and uncertainty therefore plagued the Scots of what was then Compton County as they began to face the social and cultural impact of industrial capitalism, noted above as the eighth defining characteristic of the social-bandit phenomenon.

Closely related to the eighth is the ninth and final characteristic noted by Hobsbawm, that social bandits are likely to emerge when a society's "traditional equilibrium is upset: during and after periods of abnormal hardship, such as famines and wars, or at the moments when the jaws of the dynamic modern world seize the static communities in order to destroy and transform them."¹⁰⁰ The Compton Scots were inured to hardship, though the later 1880s likely brought a decline in their standard of living with the drop in the market prices for grain and timber.¹⁰¹

More telling was the emerging sense that the community's survival was threatened, as reflected in the self-conscious attempts to preserve its dying culture. The first public bagpiping and Highland dancing contests were announced in the local press at this time, and a Gaelic-language column appeared in the county newspaper in 1896.¹⁰² This was also the period when Angus MacKay, known as Oscar Dhu, became the first local bard to commit his work to print and perform it on the public stage. Indeed, his first volume, appearing in 1892, was a lengthy ode to the pioneers from Lewis and to Donald Morrison who was still languishing in prison.¹⁰³ The Morrison affair had no doubt strengthened community pride, but the transformation taking place is illustrated by the fact that Oscar Dhu wrote and sang

⁹⁹ *Sherbrooke Gazette*, 6 April 1894.

¹⁰⁰ Hobsbawm, *Primitive Rebels*, 24.

¹⁰¹ Jean Hamelin and Yves Roby, *Histoire économique du Québec 1851-1896* (Montréal 1971), 94; Little, *Nationalism, Capitalism*, 22-7.

¹⁰² *Compton County Chronicle*, 5 February 1896.

¹⁰³ Oscar Dhu, *Donald Morrison, The Canadian Outlaw; A Tale of the Scottish Pioneers* (1892).

in English, adopting a style more reminiscent of Wordsworth than of the Ossianic ballads favoured by the Gaelic bards of the pioneer generation.¹⁰⁴

In a sense, then, Morrison's resistance was opportune for local Scots, for it produced an external threat against which the community could coalesce. While that threat was personified by the law officers and the government which directed them, it nevertheless remained essentially symbolic. The arrest of Morrison would not have resulted, in and of itself, in any measurable change to the status of the community or to the daily lives of all but a few of its members. Nor were there any concrete gains to be made by assisting Morrison in his defiance of the authorities. Indeed, there were local Scots who disapproved of Morrison's actions and the role played by those who took an active part in his evasion of the police. But the great majority clearly felt that they faced a test of their collective will to stick together as a community. The *Montreal Star's* correspondent was not far off the mark when he wrote that "old and young, high and low, male and female, Scotch and French, have nothing but good to say of Morrison."¹⁰⁵ The community's resolve was only strengthened by the attention such remarks attracted from the outside world. Deputy Attorney-General Charles Fitzpatrick went so far as to suggest that the *Montreal Star* should be prosecuted for inciting to murder.¹⁰⁶

The Morrison case's widespread publicity was inevitable given that he combined the characteristics of the solitary, gunslinging cowboy from the western American frontier with those of the defiant Celtic warrior whose traditional community stubbornly persisted in placing its own code of justice ahead of the law of the land. Paradoxical as the combination of these two basic elements may seem, they did share one important feature: both the crofters' and the cowboys' worlds were becoming highly romanticized in an era of rising industrial capitalism and consolidating state power. If certain elements of the press and individual members of the bourgeoisie showed a measured amount of sympathy toward Morrison and his people, it was essentially because the fundamental perceived threat to social order now lay elsewhere — with the rapidly-growing urban proletariat.

The dramatic qualities of Morrison's story stem from the fact that it took place in a community that had maintained much of its traditional culture long after the onset of industrial capitalism. But the clash between the traditional and the modern was not confined to the upper St. Francis district, and there have been many recorded instances of popular resistance to rising state authority, above all during the transitional decade of the 1840s.¹⁰⁷ Still more common was violent conflict

¹⁰⁴ See J.I. Little, "The Bard in a Community in Transition and Decline: Oscar Dhu and the Hebridean Scots of the Upper St. Francis District, Quebec," (forthcoming in *Canadian Papers in Rural History*, 1995).

¹⁰⁵ *Montreal Star*, 7 August 1888.

¹⁰⁶ ANQ, E 17, Art. 86, no. 1107, C. Fitzpatrick to C.-A Dugas (telegram), 11 April 1889.

¹⁰⁷ See, for example, Michael Cross, "The Laws Are Like Cobwebs: Popular Resistance to Authority in Mid-Nineteenth Century British North America," in P.B. Waite *et al.*, eds., *Law in a Colonial Society: The Nova Scotia Experience* ([Toronto] 1984).

between ethno-cultural groups living within the same community, though religious differences — particularly Protestant versus Irish Catholic — have been more significant than national ones.¹⁰⁸ Indeed, there are elements of both political protest and ethnocultural conflict in the Morrison affair itself. The fact that the provincial government was led by an outspoken French Canadian nationalist unsurprisingly exacerbated the local Scots community's sense of alienation, just as it allowed Morrison to become a greater embarrassment to the authorities than he otherwise might have been. But the Morrison saga essentially concerns one man who fell afoul of state law while maintaining the sympathy of a tightly-knit community in transition and decline.¹⁰⁹ And Morrison is not the only outlaw in Canadian history to have rallied significant segments of his community to his defence outside a period of political rebellion or war (in the case of military deserters or draft evaders). George Bartley, from the neighbouring upper Chaudière Valley a decade earlier, is another example;¹¹⁰ others include many members of the indigenous nations who have run afoul of the "white man's law." Individually, such cases may represent little more than distracting stories, and that is certainly how Morrison's case has been presented for the most part, but collectively they remind us that "progress" in our "peaceable kingdom" has not been without social friction or human costs.

I wish to acknowledge the helpful comments of my colleagues, Tina Loo and Michael Fellman.

¹⁰⁸For one particularly interesting account, see Scott See, "The Orange Order and Social Violence in Mid-Nineteenth Century Saint John," *Acadiensis*, 13, 1 (1983), 68-92.

¹⁰⁹Michael Fellman makes a similar point when he states that the James brothers served as resistance fighters against forces of industrial development that were invading their home territory. Introduction to Robertus Love, *The Rise and Fall of Jesse James* (Lincoln, Nebraska 1990), xiii. On the community's traditional role in enforcing its own social norms, see Bryan D. Palmer, "Discordant Music: Charivaris and White-capping in Nineteenth-Century North America," *Labour/Le Travailleur*, 3 (1978), 5-62.

¹¹⁰Ironically, French-English tensions played a greater role in this pre-Mercier affair than they did in the Morrison case. Dorothy-Ann Donovan, "Une guerre peu connue," in *Saint-Côme de Kennebec* (Société historique de Saint-Côme de Kennebec et Linière, 1990), 167-90.