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“The Laws Are Like Cobwebs”: Popular Resistance to Authority in Mid-Nineteenth Century British North America

*Michael S. Cross**

The three men began their work on the morning of 26 January 1850. They were in the snowy street of the village of St.-Grégoire le Grand, on the St. Lawrence south shore, to assess the population for school taxes. Hardly had they begun when they were confronted by a mob of three hundred angry men who ordered them to stop, tore up and burned their assessment books, and warned them not to attempt to carry out the government's work. A week later, on 2 February, the assessors went to the grand jury of the Court of Queen's Bench at Trois Rivières, seeking an accusation for rioting against the ringleaders of the St.-Grégoire resistance. The grand jury refused to act. That night masked men visited the homes of the school commissioners and the assessors. They were hauled from their beds, forced out into the street, and compelled to promise that they would not attempt to enforce the school law at the risk of having their homes and barns burned. Nightly disorders followed, reinforcing the threats with acts of arson.

J.-E. Turcotte, a magistrate from Trois Rivières, took the initiative against the lawlessness. On 14 February he, a deputy sheriff, and a constable went to St.-Grégoire to arrest rioters. As soon as they entered the village, the sound of horns rang out and a crowd of two hundred men gathered to drive the officers out of the parish. That night one of the assessors, Norbert Béliveau, watched helplessly as his barn went up in flames. Within twenty-four hours, however, troops were on their way from Sorel. Taking thirty-seven villagers prisoner, they brought a temporary truce in the Lower Canadian school war.¹

In the late winter and spring of 1850, St.-Grégoire le Grand was the focus of the troubles known as *la guerre des éteignoirs*. It was far from unique, however. Disorders persisted from 1846 to 1851 and spread

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1. Public Archives of Canada [hereinafter PAC], RG 4, B61, Provincial Secretary, Canada East, St. Grégoire Riot Papers, 1850-1851, J.-E. Turcotte to Hon. J. Leslie, 20 February 1850; Lt. Col. W.L. Hanson to Leslie, 20 February 1850.

from the Gaspé in the east to the Montreal region in the west. The Lower Canadian peasantry, French Canadian and Irish alike, demonstrated their hatred of the school laws by refusing to pay taxes, burning school houses, and resisting the civil authorities and the army. The thousands who swelled the ranks were part of a yet larger movement, a disparate, violent opposition to authority and to modernization which tore British North American society in the mid-nineteenth century.² It would take many forms, from the burning of the parliament buildings in Montreal in April 1849, to the Indian uprising against mining companies on the north shore of Lake Superior in the winter of 1849–1850, to the bloody Orange-Green riots in New Brunswick in 1847 and 1849, to the peasant war which unsettled Prince Edward Island for decades.

Only a few exemplary cases from the scores of incidents during the period can be discussed here. Each had its peculiar causes and characteristics. Yet certain themes echoed through many of the violent episodes. Railway workers in Nova Scotia, Protestant and Catholic religious brawlers, rebellious farmers in Lower Canada, these and thousands of others rioted to protest social and economic changes which threatened their status in society and their ability to govern their own lives.

The Union of Upper and Lower Canada, which linked the later provinces of Ontario and Quebec between 1841 and 1867, is usually seen as the bellwether in British North America, the leader in a quickstep of progress. The modern general history of United Canada bears a suitably Whiggish subtitle, *The Growth of Canadian Institutions*.³ Laurence Fallis, writing on the idea of progress during the Union period, pictures peaceful Canadians marching into the future in order phalanx, joined by a faith in progress.⁴ R.C.B. Risk recently has described the government and judicial philosophy of the era as a thoroughly progressive one: "The

2. There are terminological difficulties. The changes underway in Canadian society and economy were similar to those which accompanied the coming of industrialism in Britain and the United States. In British North America, which aped those countries, however, industrial institutions were introduced before large scale industry itself was established. Therefore, to speak of the process as "industrialization" is not helpful. "Modern" and "modernization" are barely more precise and run the risk of suggesting the application of some "modernization theory." Yet no more satisfactory terms are available. "Modern" is used here to suggest a set of capitalist values, appropriate and preparatory to an industrial society, which included a commitment to rapid economic progress on the British and American model. The "modernization" involved in part the creation of agencies of social control—such as police, penitentiaries, schools—which broke down traditional attitudes and communal practices that hindered economic development.

3. J. Careless, *The Union of the Canadas: The Growth of Canadian Institutions, 1841–1857* (Toronto, 1967).

4. L. Fallis, Jr., "The Idea of Progress in the Province of Canada: A Study in the History of Ideas," in W. Morton, ed., *The Shield of Achilles: Aspects of Canada in the Victorian Age* (Toronto, 1968) [hereinafter Fallis].

private powers supported by the legislation were powers to make economic change . . . the prevailing belief was that the powers should, and would be, used to achieve progress."⁵ Canadians could hold confidently to this modernist ideology because, again according to Laurence Fallis, their country was free from "the fear of violent social and political change, the spectre of overpopulation and the existence of an aristocracy."⁶

There is a kind of truth in this stereotype. The 1840s and 1850s were a great watershed in Canadian history, a divide between pioneer Canada and industrial Canada. Modernizing ideas did come to dominate public life, exemplified in Francis Hincks, premier of United Canada from 1851 to 1854. Under Hincks in Canada, Howe in Nova Scotia, Tilley in New Brunswick, the railway sped the future across British North America. Legislation indeed buttressed private powers as the Canadian Tory leader Sir Allan MacNab spoke for many in his famous dictum, "All my politics are railways."⁷ The economic modernization symbolized by the railway was accompanied, indeed preceded, by the creation of an infrastructure for an industrial society, including modern school systems, responsible government, more effective municipal institutions, police forces and penitentiaries, reformed judicial systems, and criminal codes.

What the stereotype fails to account for is the conflict which accompanied these developments. In United Canada not only did the Compact Tory forces resist many of the changes, but there was also an extended political struggle among Liberals between those, such as Hincks, who sought rapid progress towards industrialization and those, such as Robert Baldwin, leader of the Upper Canadian Reform Party from 1841 to 1851, who urged constitutional reform but resisted modernization of the economy.⁸ Baldwin and others like him opposed the creation of modern economic institutions such as limited liability corporations just as they opposed legal reforms such as the abolition of imprisonment for debt and the institution of stronger master-servant legislation. This

5. R. Risk, "The Law and the Economy in Mid-Nineteenth-Century Ontario: A Perspective," in D. Flaherty, ed., *Essays in the History of Canadian Law*, vol. 1 (Toronto, 1981), p. 104.

6. Fallis, p. 176.

7. MacNab's aphorism is often quoted, as in J. Careless, ed., *The Pre-Confederation Premiers: Ontario Government Leaders, 1841-1867* (Toronto, 1980), p. 9. On the economy in the period, see G. Tucker, *The Canadian Commercial Revolution, 1845-1871* (New Haven, Conn., 1936); G. Kealey, *Toronto Workers Respond to Industrialism, 1867-1892* (Toronto, 1980), pp. 3-34; A. den Otter, "Alexander Galt, the 1859 Tariff, and Canadian Economic Nationalism" (1982), 63 *Canadian Historical Review* 151-178.

8. M. Cross, "The First Victim: The Canadian Economic Revolution and the Fall of Robert Baldwin, 1851," paper delivered to Department of History seminar, Dalhousie University, November 1982.

parliamentary reaction against modernization had a less genteel parallel in the group violence of the period.

Anomie and alienation were wide spread. In this period of transition to a new social and economic order, traditional agencies of social control lost their sway, and new agencies were rejected by many social groups who saw threats to their communities and their economic well-being in that new order.⁹ As the western world industrialized in the nineteenth century, social disorder erupted everywhere. Most visible were the revolutions of 1830 and 1848 across Europe and the waves of protest captured in the British Chartist movement. The unrest was more general, however. Abraham Lincoln was puzzled and alarmed by the violence which stained the United States in the 1830s and 1840s. Mobs, he said, "have pervaded the country from New England to Louisiana. . . . Alike they spring up among the pleasure-hunting masters of Southern slaves, and the order-loving citizens of the land of steady habits."¹⁰ Crowds acted in collective defence of values which were being attacked by modernization; they acted, in George Rudé's phrase, to impose "some form of elementary 'natural' justice."¹¹

It was in 1837 that a local merchant had written of Peter Aylen, leader of an Irish gang in the Ottawa Valley, "The laws are like cobwebs to him."¹² Law in mid-nineteenth century Canada indeed seemed cobweb-like at times in its inability to contain popular protest. But, like cobwebs, the law spun out in ever greater complexity, with a resiliency and strength which allowed it eventually to enmesh and stifle its opposition. Modern government, intent on establishing order and new values, had to break down rival justice systems. Robert Baldwin, when attorney general west in 1843, spoke as a modernizer in law if not economy. He urged the governor general to send a commendation to magistrates in Guelph who had apprehended members of an Orange gang. ". . . [I]t will be an indication to the back settlements that the Government are determined to extend to them all the protection in their power, and it will show those who may fancy that their local strength in the back

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9. For a discussion of anomie and alienation as sources of violence, see: L. Masotti and D. Bowen, eds., *Riots and Rebellion: Civil Violence in the Urban Community* (Berkeley Hills, Calif., 1968), pp. 25-26 [hereinafter Masotti and Bowen].
 10. T. Williams, ed., *Abraham Lincoln: Selected Speeches, Messages and Letters* (New York, 1957), 6-7, quoted in L. Richards, "Gentlemen of Property and Standing": *Anti-Abolition Mobs in Jacksonian America* (New York, 1970), p. 9.
 11. G. Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848* (New York, 1964), p. 238. See also K. Lang and G.E. Lang, "Racial Disturbances as Collective Protest," in Masotti and Bowen, *supra* note 9, pp. 123-130; A. Grimshaw, "Interpreting Collective Violence: An Argument for the Importance of Social Structure," in J. Shortt, Jr. and M. Wolfgang, eds., *Collective Violence* (Chicago, 1972), pp. 35-46.
 12. PAC, RG 5 C1, Civil Secretary, Canada West, Upper Canada Sundries, 175, James Johnston to Sir Francis B. Head, 14 March 1837.

Townships affords them an impunity for crime that they are mistaken."¹³ What Baldwin called "impunity for crime" was the exercise of local, informal means of social control. The attorney general west was prescient in realizing the need for a modern state to root out such alternative justice systems if the social order and popular acquiescence necessary for progress were to be achieved. That realization would come gradually to government leaders for capitalist ideology would grow organically in this age of change.¹⁴ The application of ideology through effective policing was delayed by a *laissez-faire* predilection for small government and low taxes, as well as by the continuing strength of traditional agencies of informal social control.

The resistance of the ultra-Protestant Orange Order to state discipline was perhaps the most striking example of the persistence of these traditional forms. The Order drew its greatest strength from Irish Protestant immigrants for whom it provided a familiar social organization in the strangeness of the new world.¹⁵ During the 1840s Catholic immigration and economic distress combined to produce violent reactions among Orangemen. Fights between Orangemen and the Catholic "Green" escalated into such outrages as the destructive riot at Kingston, Upper Canada, in 1843, where one man died,¹⁶ and the 12 July 1847 riots in New Brunswick, which killed three at Woodstock and another at Fredericton.¹⁷ Again on 12 July 1849 Orange-Green clashes killed three men in Saint John, New Brunswick, and, depending on the source, two to five men at Slabtown on Upper Canada's Welland Canal.¹⁸ Such violence was traditional, almost ritualized, occurring on the factional

13. Public Archives of Ontario [hereinafter PAO], Department of Justice, Crown Prosecution Files, 1843-1849, box 7, Robert Baldwin to S.B. Harrison, 14 August 1843.

14. The development of the ideology can be seen in the rhetoric of newspaper editors and jurists, expressing in the late 1830s and the 1840s a growing concern over the "crime problem" and the need for firm, uniform application of justice. See the examples from the press in J. Beattie, ed., *Attitudes Towards Crime and Punishment in Upper Canada: A Documentary Study* (Toronto, 1977).

15. The best studies of Orangeism are C. Houston and W. Smyth, *The Sash Canada Wore: A Historical Geography of the Orange Order in Canada* (Toronto, 1980); and G. Kealey, "The Orange Order in Toronto: Religious Riot and the Working Class," in G. Kealey and P. Warrian, eds., *Essays in Canadian Working Class History* (Toronto, 1976), pp. 13-34.

16. *Chronicle & Gazette* (Kingston), 15 July 1843; PAC, Sir James Robert Gowan, general correspondence, Robert Baldwin, Baldwin to Gowan, 13 July 1843; W.A. Fisher, "The Tale of a Trunk" (June 1978) *70 Ontario History* 137-143.

17. Provincial Archives of New Brunswick, Executive Council Papers, 122, Justices of the Peace, Woodstock, to J.S. Saunders, 12, 14 July 1847; *Reporter* (Fredericton), 16, 30 July 1847.

18. Public Archives of New Brunswick, Executive Council Papers, Riots and Disasters, information of George McKelvey, Samuel Dalton at inquest into the death of John Delay, 14 July 1849; *Morning News* (Saint John), 13 July 1849; PAC, RG 8, British

holidays—17 March and 12 July—and often set off by territorial aggression when one side or the other trespassed on their rivals' community. Frequently such aggression took place during parades, for the "right to walk" was a cherished one for Orangemen, a right which emphasized the power of the Order and its lasting prominence as a vehicle of social organization. A long poem published by "An Orange Young Briton" after the bloody Montreal riot of 1877 asserted that right to walk by rummaging through history from the ancient Hebrews to modern Good Templars to find evidence for the importance of this traditional right. His argument began:

Some say our walks, signs and oaths
are wrong,
For they offend a foe,
Then why did God command the Jews
To walk around Jericho. . . .

The Jews walked in Zion once a year,
To keep the feast Passover,
And their children were to keep it
Until time shall be no more.¹⁹

The importance of this tradition overrode legal sanctions. Robert Baldwin's Party Processions Act of 1843, intended to outlaw Orange parades in Canada, was a dead letter. The only prosecution attempted under the Act, in 1850, was lost; this demonstration that juries would not convict Orangemen led to the repeal of the law in August 1851.²⁰

The Orange Order was the most prominent of the social organizations which challenged official authority at mid-century. Others, more shadowy, wisp across the historical record. We are tantalized by a vagrant reference to the terrorism of "a most diabolical Murder Committee" in Mariposa Township, Upper Canada, in 1850²¹ and by the account of blacks in London, Upper Canada, who the same year attacked the Mechanics Institute, where a touring company called the Ethiopian Serenaders was performing.²² Frequent enough were those flamboyant exercises of popular justice, charivaris. Although prohibited by law, charivaris persisted as extra-legal community sanctions, usually

Military Records, C 317, report of Lieutenant Colonel Hunter, 21 July 1843, 243; c 616, Captain Macdonald to the Military Secretary, 28 July 1849, 194.

19. An Orange Young Briton, *1690. Lines on Scott and Hackett Who Were Murdered and the Right to Walk* (n.p., n.d.). Hackett was killed in Montreal in 1877 while Scott was the Orangeman executed by Louis Riel in Manitoba in 1870.

20. *Globe* (Toronto), 7, 9 November 1850; 19 August 1851.

21. Metropolitan Toronto Public Library, Baldwin Room, Robert Baldwin Papers, I, A61/66, A.A. McLaughlin to Baldwin, 8 April 1850.

22. *Times* (London), quoted in *Acadian Recorder* (Halifax), 7 December 1850.

aimed at marriages of which the community disapproved.²³ A British traveller at mid-century described a charivari in Quebec city, held to condemn a marriage between a young soldier and an older woman, the wealthy widow of a brewer. Grotesquely dressed and masked figures paraded, some in costumes mocking the military, some portraying birds and animals, others disguised as Indians. Amid a cacophony of “rough music,” produced by horns, pot lids, pokers, watchmen’s rattles and whistles, they marched to the widow’s house, where a fierce battle ensued between the celebrants and a party of soldiers defending the residence. Such charivaris were a primitive form of social justice, the community’s punishment for actions—such as interracial and inter-generational matings—which, although not illegal, were offensive to the community’s moral standards. As the British observer of the Quebec charivari commented, “It is intended to reach delinquents not amenable to the common process of law—offenders against propriety and the public sense of honour. Ill-assorted marriages are its especial objects.”²⁴

The colourful costumes and the “rough music” suggested the usually ribald and playful character of charivaris. Yet this popular justice could be as cruel as state justice. Consider the case of Grace Sutherland of West Gwillimbury Township, Upper Canada. She and her family helped a newly married couple, the target of a charivari, to escape the neighbourhood. The disappointed revellers then directed their charivari against the Sutherlands. Night after night the celebrants came to sound horns, ring bells, fire off guns, break windows. Eight months pregnant, Grace Sutherland was driven to distraction by this harassment. On the morning of 3 July 1850 her seven-year-old son came down from his bedroom to find his mother hanging in the stairwell.²⁵ Whole communities could suffer from the excesses of this implacable justice. At St.-Pie, Lower Canada, a number of Canadien villagers converted to Protestantism in 1843. Outraged Catholics from nearby villages mounted a violent and extended charivari to express their disapproval. The St.-Pie apostates were supported by English and American Protestants in the vicinity. The streets of the little village were enlivened by the battle between Protestant and Catholic and illuminated by the arson of Protestant homes. With considerable difficulty state law, represented by a party of magistrates, succeeded in putting down this people’s law run riot.²⁶

23. On the charivari, see B. Palmer, “Discordant Music: Charivaris and Whitecapping in Nineteenth-Century North America” (1978), 3 *Labour/Le Travailleur* 5–62.

24. J. Bigsby, *The Shoe and Canoe or Pictures of Travels in the Canadas*, vol. 1 (London, 1850), pp. 34–37.

25. *Montreal Gazette*, 19 July 1850.

26. PAC, MG 24 B14, Papiers LaFontaine, 292, J. Bouthillier to L.-H. LaFontaine, 15 September 1843.

Charivaris defended public morality. The community defended itself against other kinds of deviance as well. A famous transgressor of the period was Alessandro Gavazzi. A former priest, Gavazzi had become a republican and advanced liberal and, eventually, an apostate. Driven out of Italy for his outspoken views Gavazzi became a popular anti-Catholic lecturer in Britain.²⁷ In 1853 Gavazzi brought his crusade to America, first to New York, then to Canada. His addresses in Toronto were inflammatory but well-received in the city often called the Belfast of the New World. Audiences were less enthusiastic when the renegade priest continued into predominantly Catholic Lower Canada. His speech in Quebec City's Chalmer's Free Presbyterian Church on the evening of 6 June 1853 drew an overflow audience anxious to hear about "The Ancient and Modern Inquisition," and an angry crowd in Sainte-Ursule Street outside.²⁸ Warmed to his subject after a three-quarter hour tirade, Gavazzi launched an attack on the priests of Ireland who, he claimed, were in league with the terrorist organization, the Ribbonmen. "It is a lie," shouted John Hearn, a Quebec grocer. This set off a fight, soon swelled by rioters who broke into the church.²⁹

It was a cinematic spectacle, the looming Gavazzi, black robes swirling about him, swinging a chair at the men scrambling up the stairs to the pulpit, some dozen feet above the floor of the church. He was overpowered and thrown from the pulpit, but he landed on the struggling mass of people below and was uninjured. He escaped into the basement, pursued by rioters, and hid in a robing room. His secretary, one Paoli, was not so lucky; mistaken for Gavazzi he was severely beaten.³⁰

As soon as Gavazzi disappeared, the fighting inside the church slackened. Meanwhile, the troops had arrived. In the usual laconic manner of military reports, Lieutenant Colonel Grubbe wrote that the army had been called out to quiet disorders caused by "a certain Foreign person giving Orations and Declarations against an adverse creed. . . ."

27. A favourable view of Gavazzi is in Sir J. Alexander, *Passages in the Life of a Soldier: or, Military Service in the East and West*, vol. 1 (London, 1857), pp. 162–164 [hereinafter Alexander]. Alexander was present during the Gavazzi riots in Montreal. A very unfavourable view is that of A. Yon, "Un indésirable: l'apostat Gavazzi au Canada (1853)" (December 1938) 26 *Le Canada Français* 329–332 [hereinafter Yon]. A scholarly assessment of the Gavazzi incident is Robert Sylvain, "Séjour mouvementé d'un révolutionnaire italien à Toronto et Québec" (September 1959) 13 *Revue d'histoire de l'Amérique française* 183–229.

28. Yon, *supra*, note 27, p. 333.

29. *Report of the Commissioners Appointed to Enquire into the Conduct of the Police Authorities on the Occasion of the Riot at Chalmer's Church, on the 6th of June, 1853* (Quebec, 1854), unpaginated, testimony of John Hearn, 14 March 1854 [hereinafter *Report of the Commissioners*]. See also testimony of Roger Finn, 2 March, John Hetherington, 3 March 1854; Alexander, *supra*, note 27, pp. 167–169.

30. *Report of the Commissioners*, testimony of Angus McDonald, 10 March, William Edward Duggan, 14 March 1854.

but that the crowd had parted to let the troops pass and then dispersed.³¹

His work done in Quebec, Gavazzi travelled up river to Montreal. Montreal, Canada's largest city with nearly 60,000 people, was already in a state of great tension awaiting his arrival, for some 72 percent of those 60,000 citizens were Roman Catholic.³² A debilitating heat wave—it was 82 degrees and humid on 9 June when Gavazzi arrived—added to the tension.³³ Refused the use of the concert hall in the municipal building, Gavazzi spoke at 6:30 that evening in Zion Congregational Church, at the corner of Radegonde and Latour Streets on the Haymarket. Smarting from his attacks on their priests, some two to three hundred Irishmen gathered in the street. Fighting between the crowd and the police left both the chief of police, Captain Charles Ermatinger and his brother William, police commissioner, injured by flying stones. But the police had the situation under control until armed men came out of the church and fired on those in the street, killing James Walsh and fatally wounding Michael Donnelly.³⁴ The troops arrived and worse tragedy ensued. The 26th Cameronians had taken up garrison duty in Montreal that very day, they did not know the city or its people, they were nervous and uncertain. As the lecture ended the congregation began to flood into the street. Mayor Charles Wilson, fearing more killing, took out a piece of paper and, struggling to be heard over the confusion, read the *Riot Act*:

Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled, immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business, upon the pains contained in the Act made in the first year of King George the first, to prevent tumults and riotous assemblies. God save the Queen.³⁵

No sooner had he finished than an order was shouted—it was never determined by whom—to fire. The troops loosed a volley, then another, into the crowd coming from the church. Nine more men lay dying in the Montreal street, at least a dozen were wounded, several of whom later would die. While Gavazzi was spirited out of the city by his followers,

31. PAC, British Military Records, c 318, W.J. Tessier, mayor, to Lieutenant Colonel Grubbe, 6 June 1853, 369; Grubbe to Deputy Adjutant General, 7 June 1853, 368.

32. Yon, *supra*, note 27, p. 337.

33. *Id.*, p. 339; R. Sylvain, "Le 9 juin 1853 à Montréal—Encore l'Affaire Gavazzi" (September 1960), 14 *Revue d'histoire de l'Amérique française* 178–180 [hereinafter Sylvain].

34. Descriptions of the riot are found in Yon, *supra*, note 27, pp. 340–342; Sylvain, *supra*, note 33, pp. 192–202; E.K. Senior, *British Regulars in Montreal: An Imperial Garrison* (Montreal, 1981), pp. 115–119 [hereinafter Senior]; Alexander, *supra*, note 27, pp. 178–185; *Montreal Transcript*, 10 June 1853; *Montreal Gazette*, 11 June 1853.

35. War Office, *Manual of Military Law*, ed. Hugh Godley (London, 1914), p. 224, quoted in Senior, *supra*, note 34, p. 118.

violence continued in Montreal for some days with vandalism of Protestant churches by Catholics and assaults on soldiers of the 26th Regiment by Protestants.³⁶

The Gavazzi riots are excellent examples of violent community sanctions. Catholic-Protestant hatred was a given in Canadian society, but it flared into murderous rage only under special circumstances. The link of religion and ethnicity, as in Gavazzi's attack on the Irish priesthood, could burst the wary tolerance in which Protestant and Catholic ordinarily coexisted. Territorial aggression also clearly was at issue in Gavazzi's invasion of Lower Canada. Yet, even when agitated by ethnic insults and territorial incursions, the Catholic communities responded within appropriate limits. In Quebec it was clear to observers that the only purpose of the attack was to punish Gavazzi; once he was thrown from the pulpit the riot in the body of the church ended.³⁷ Even in the tragic Montreal affair, the Catholic crowd limited itself to protection of its legitimate interests, demonstrating outside Zion Church and attempting to silence Gavazzi. Violence became more general and directed towards a wider choice of property targets only after the state itself, through its army, overstepped the limits by firing on the population.

Several other noteworthy elements emerge from these riots. Two of those involved on the Protestant side in the Montreal melee were already notorious. Alfred Perry and Augustus Heward had been arrested for their part in the Rebellion Losses riots in Montreal and the burning of the parliament buildings on 25 April 1849. They had been freed on that occasion because of government fear of the mob in the city streets.³⁸ Again in 1853 they went unpunished. Heward was arrested but, although a police constable testified that he saw Heward shoot James Walsh twice with a double-barrelled shotgun,³⁹ the pugnacious merchant was acquitted on a murder charge.⁴⁰ That was entirely predictable given that the coroner's jury which listened to 107 witnesses during hearings which lasted from 10 June to 11 July 1853, divided along religious and ethnic lines. Three reports were filed by jurors: one by nine members with English and Scottish names which blamed the Catholic mayor, Charles Wilson, and the troops for the tragedy; a second by seven jurors with Irish and French names which vindicated the mayor

36. PAC, MG 24 B30, George Brown, 4, William Workman to Brown, 26 July 1853, 778; Yon, *supra*, note 27, p. 344.

37. *Report of the Commissioners*, *supra*, note 29, testimony of Angus McDonald, 10 March, William Smith Sewell, 1 March 1854.

38. See Perry's own account of the 1849 events in PAC, MG 29, D21, Alfred Perry.

39. *Montreal Transcript*, 1 July 1853, report of inquest, testimony of Louis Lacroix.

40. On the disposition of the various charges arising out of the riots, see Senior, *supra*, note 34, pp. 127-132.

and the commanders of the troops; and a third by three French-Canadians which differed only slightly from the second.⁴¹ One of the fundamental sources of "impunity for crime" was the difficulty of getting juries to find against those implicated in sectarian conflicts.

Nor, in such matters, was the state successful in impressing its own minions with their responsibilities. At Quebec it was established that the mostly catholic policemen had been passive sympathizers with the rioters, standing aside to let the Irishmen do their work.⁴² Such unwillingness to act against community violence that they considered legitimate was common enough among law officers. In 1849, for example, William Lyon Mackenzie, leader of the Upper Canadian rebellion of 1837, returned from exile. When he visited Toronto in March, three nights of rioting by outraged Tories ensued. Mayor George Gurnett and the city magistrates had ostentatiously announced that they planned to turn in early on the night of Mackenzie's return and that they all would be asleep, unaware of what was happening in the streets, by 8:30 p.m.⁴³

Even with the best of will, however, authority was handcuffed by poor facilities. Jails, for the most part, were inadequate and insecure. One of the worst was that in Quebec City. The crumbling building had no surrounding wall, and its entire staff at mid-century consisted of one jailer and three turnkeys. They attempted to control 150 male prisoners, up to 100 of them unruly sailors. The prisoners, who wore no distinctive clothing, found it easy enough to escape. In May 1850, for example, seven convicts slipped out while the gate was open to admit carts carrying fuel.⁴⁴ Only the presence of a military sentry prevented mass breakouts; when the sentry was removed in November 1849, some prisoners attempted to burn down the jail by lighting their shirts and tossing them onto firewood stored below the windows of their cells. In his successful plea for restoration of the military presence, the sheriff of Quebec warned that without troops "he should be at the mercy of the Prisoners, and should be utterly unable to prevent riot or escape. . . ."⁴⁵

All over British North America officials were embarrassed by

41. *Montreal Transcript*, 12 July 1853.

42. *Report of the Commissioners*, *supra*, note 29, especially the testimony of Alexander Sneaton, 7 March, Andrew William Hood, 8 March, John Mainhood, 8 March, and Angus McDonald, 10 March 1854.

43. Metropolitan Toronto Public Library, Baldwin Room, Robert Baldwin Papers, I, A65/24, John Reid to Baldwin, 31 March 1849; PAO, Mackenzie-Lindsey Collection, general correspondence, W.L. Mackenzie to James Mackenzie, 2 April 1849.

44. PAC, RG 7 G20, Governor General, Civil Secretary's Correspondence, 49/5382, Proceedings of the Court of Inquiry held at Quebec . . . to enquire into and report upon, the escape of three Military Prisoners from the Common Gaol of this City on the 29th May 1850.

45. PAC, RG 1 E1, Canada, Executive Council, State Book J, 22 February 1850, 611-613; PAC, RG 1 E2, Executive Council, draft minutes, 55/1278.

events such as that which occurred in 1847 in Antigonish, Nova Scotia. Alexander McDonald had been committed to the town jail after being convicted of furiously riding in the streets, assaulting the high sheriff, and drunkenness. During the early morning of 16 April a party of his friends, their faces blackened, arrived and used sledgehammers to break into the jail and free McDonald. A reward of £25 apparently did nothing to encourage the capture of McDonald or his rescuers.⁴⁶ Even those charged with capital offences often could not be held secure. At Cobourg, Upper Canada, in June 1841 a gang of men held a savage charivari against the “unnatural” marriage of a black man and a white woman. On the night of 13 June the man was dragged from his home, beaten and tied to a rail. Then his wife was raped in front of him. Three men were arrested by the local magistrates but escaped the porous jail the next night and fled to the United States.⁴⁷

Police forces were equally inadequate. Crises tended to convince authorities of the need for sufficient police. So, in the aftermath of the rebellions of 1837–1838, forces were created in Quebec and Montreal.⁴⁸ Again in 1849, when rioting tore Montreal, interest was stirred in better policing.⁴⁹ As soon as these threats faded, however, so did the commitment to adequate police forces. The commission which investigated the Gavazzi riot in Quebec deplored the fact that the police were held in such low regard that the force had to be recruited “from the idle, dissolute and incapable.”⁵⁰ The process of modernization would not be complete until the parsimony of nineteenth century liberalism gave way to a realization by the dominant elements in Canadian society that they must undertake large-scale state activity to impose order.

Controversy over the courts and hostility towards lawyers further undermined application of the law. Legal reform was an emotional issue in mid-century Canada. Robert Baldwin’s restructuring of the Upper Canadian court system in 1849⁵¹ only whetted the public’s appetite for more radical reforms. In the session of 1850 Baldwin was bedevilled by motions from his own Reform followers, supported by petitions from the townships, to simplify and democratize court procedures, to suppress “all useless, formal and unnecessary words” and ban “trifling and frivolous [sic] demurrers” as one critic insisted, and to break the monopoly of lawyers. Reformer William Notman’s purpose, he said,

46. Public Archives of Nova Scotia, Executive Council Minutes, 214 I/2F, 21 April 1847.

47. *British Colonist* (Toronto), 21 July 1841.

48. PAC, MG 24 B4, Young Papers, 519–593.

49. PAC, Papiers LaFontaine, 546, W. Hanson to LaFontaine, 23 August 1849.

50. *Report of the Commissioners*, *supra*, note 29.

51. J. Blackwell, “William Hume Blake and the Judicature Acts of 1849: The Process of Legal Reform at Mid-Century in Upper Canada,” in D. Flaherty, ed., *Essays in the History of Canadian Law*, vol. 1 (Toronto, 1981), pp. 132–174.

was to permit any ordinary man to plead his own case and thus “to open the profession to all the world. . . .”⁵²

While attempts to simplify the law process were unsuccessful, discontent was widespread. Radicals and grassroots Liberals increasingly associated the failure of government to reform society with the baneful influence of lawyers. Donald McLeod of South Yarmouth, Upper Canada, spoke for many when he warned in 1851 that “The Electors are about to take a decided stand against the return of lawyers. Baldwin, Price, Lafontaine [sic] . . . have given the Country a surfeit of Lawyer patriotism.”⁵³ Another Liberal insisted that the “watchword” for the 1851 election “is to be no more Lawyers, more farmers and machinists.”⁵⁴ It was, in fact, a controversy over the courts which precipitated the resignation of Robert Baldwin and the breakup of the Reform ministry in 1851.⁵⁵

The courts controversy and anti-lawyer feeling signalled a more fundamental disenchantment with a social and economic order which was becoming more elaborate, professionalized, and distant. Yet, as the aftermath of the Gavazzi riots had shown, one part of that order—the jury system—could be used by communities to frustrate authority. Another example was the trial of the Gourley shanty rioters in Halifax in 1856. On 27 May of that year Irish Catholic navvies working on the Windsor–Halifax railway attacked Protestant labourers living in a rooming house, Gourley’s shanty near Windsor Junction. Some Protestants had provoked the Catholic ire by making crude jokes about the Eucharist.⁵⁶ In the attack on the shanty, some twenty Protestants were beaten, and the daughter of the landlord was knocked senseless and left lying in the mud and rain; she later died of the effects of exposure.⁵⁷ This routine nastiness became a *cause célèbre* because of the involvement of Nova Scotia’s leading political figure, Joseph Howe. Recently embroiled in controversy with Halifax Irishmen over recruit-

52. E. Gibbs, ed., *Debates of the Legislative Assembly of United Canada*, vol. 9 (Montreal, 1978), part 1, 1850, motions of H.J. Boulton, pp. 9, 14, 351–355, and J. Smith, pp. 72–73, 511–513, part 2, 1343, 1356. The first quote, from Boulton, is at pp. 352–353 and Notman’s quote is at p. 324 [hereinafter Gibbs].

53. PAO, Mackenzie–Lindsey Collection, Donald McLeod to Mackenzie, 21 May 1851.

54. *Id.*, J. Reed to Mackenzie, 20 May 1851. Other examples of anti-lawyer sentiment: *id.*, J.A. Davidson to Mackenzie, 24 February 1850; McLeod to Mackenzie, 5 January 1852.

55. See Baldwin’s resignation speech in which he despaired over opposition to legal institutions: Gibbs, *supra*, note 52, vol. 10, part 1, 1851, pp. 603–607; Baldwin Papers, Robert Baldwin, Twenty Letters to John Ross, 28 June 1851.

56. N. Meagher, *The Religious Warfare in Nova Scotia, 1855–1860* (Halifax, 1927), pp. 33–34.

57. F. Cozens, *Acadia; or a Month with the Bluenoses* (New York, 1859), p. 230; George Patterson, *Studies in Nova Scotia History* (Halifax, 1940), p. 85.

ment for the British forces in the Crimean War, which Howe loyally supported and the Irish Catholic leadership opposed,⁵⁸ the Liberal leader determined to make an example of the Gourley shanty rioters. His intemperate public attacks on not only the rioters but all Irish Catholics,⁵⁹ however, had an ironic result. By the time the rioters came up for trial on 8 December 1856, feelings ran so high that no jury composed of Protestants and Catholics could be expected to agree on the case. The first to be tried, James O'Brien, was saved by a deadlocked jury and similar results led to the freeing of all of the Gourley shanty rioters.⁶⁰

A like case in the province of Canada was the murder of Robert Corrigan. It was on 17 October 1855 that a cattle show was held in the village of St. Sylvester, an Irish enclave in Lotbinière County, southwest of Quebec City. Robert Corrigan, a local Protestant farmer, was judging sheep. He made a disparaging remark about the animals belonging to a Catholic neighbour, John McCaffry, and they exchanged words. As Corrigan turned away and leaned down to wipe his hands on the grass, he was punched by Richard Kelly. Corrigan fell to the ground, Kelly jumped on his stomach and then some fifteen men were kicking and hitting the helpless Corrigan. His friends managed to pull him from the fray and take him to a nearby house. He never left it. Two days later, on the evening of 19 October, Robert Corrigan died.⁶¹

Robert Corrigan's was a mundane death. He was not the first, or the last, to be kicked to death during the drunken enthusiasm of a country fair. His name lives in traditional history, however, because—as with Gavazzi and the Gourley shanty rioters—his tragedy became a political cause in the religious warfare of the period.⁶² In social history Corrigan is equally interesting because the aftermath of his death provided a clear classic case of community resistance to authority.

Corrigan was the victim that October afternoon because he was a notorious bully and rabid anti-Catholic.⁶³ Hatred against him ran so deep that his friends gathered in strength and moved his corpse from St. Sylvester to a Protestant village, nearby Leeds, for fear that Catholics

58. J.B. Brebner, "Joseph Howe and the Crimean War Enlistment Controversy between Great Britain and the United States" (1930), 11 *Canadian Historical Review* 300–327.

59. *British Colonist* (Halifax), 23 June 1856.

60. A good treatment of the episode is Terence Punch, "The Irish Community of Halifax, 1815–1867," M.A. thesis, Dalhousie University, 1977, pp. 203–271.

61. PAC, RG 4 B69, Provincial Secretary, Canada East, Depositions and proceedings relating to the death of Robert Corrigan, 1856 [cited as *Corrigan Depositions*], *The Queen v. Kelly*, February 1855 [sic.], 2–5; deposition of Thomas Walker, 160–165.

62. J. Careless, *Brown of the Globe*, vol. 1, *The Voice of Upper Canada, 1818–1859* (Toronto, 1959), pp. 173–174, 179, 214–215, 219.

63. *Corrigan Depositions*, *supra*, note 51, John Henry Willan, pp. 92–93; John O'Farrell, pp. 104–107; John O'Grady, pp. 113–117.

would steal and desecrate his body.⁶⁴ The community solidarity among Catholics in the area, however, antedated the murder of Corrigan. It was a powerful solidarity as the authorities would discover. The killers were known, for a coroner's inquest at Leeds found that Corrigan had been willfully murdered by Patrick "Big" O'Neill, "Blinking" Monaghan, and nine others.⁶⁵ During the four days of the inquest a large crowd, including the accused murderers, had gathered in the vicinity. No attempt was made to arrest them, on the reasonable assumption that they would have been rescued in short order by their friends.⁶⁶

When a constable and posse were sent from Quebec to make the arrests, their arrival in the area was greeted by a horn blowing, a sound repeated "from house to house and hill to hill." The posse was discouraged from pursuing its duty by gunshots from the woods, aimed to frighten but not wound.⁶⁷ The job was turned over to the military, a detachment of the 16th Regiment arriving from Quebec on 22 December. The soldiers and a party of police scoured the countryside with no success, frustrated by the silence of, or deliberately misleading information provided by, the inhabitants.⁶⁸ On Christmas Eve they gave up the hopeless search and boarded a train for Quebec. Just outside St. Sylvester the train was derailed, engine and cars plunging over an embankment. No one was seriously injured and the angry soldiers were able to catch the two perpetrators of the derailment, Abraham Ramsay and "Boz" Kelly, brother of the accused Richard Kelly.⁶⁹

As the troops straggled back to Quebec, the authorities were at an impasse. Their secret plans to trap the killers had become known nearly as soon as they were made by, according to crown clerk James Green, "a system of espionage" which extended from St. Sylvester to Quebec.⁷⁰ This system of espionage proved to be a network of "ribbon societies," Irish Catholic self-defence organizations.⁷¹ Evidence at the inquiry into the Corrigan case showed that the ribbon societies in the St. Sylvester region upheld traditional justice and thwarted state law. As in Ireland, folk law had prevailed with the ribbonmen meting out punishment by

64. *Id.*, Thomas Cromwell, pp. 154-156; James McKee, pp. 158-159.

65. *Id.*, James Green, pp. 7-9.

66. *Id.*, Coroner Jean Antoine Panet, pp. 21-22.

67. *Id.*, William Harrison, pp. 46-47; PAC, British Military Records, C319, John Hume to Lieutenant Colonel Cockell, 17 December 1855, 65.

68. PAC, British Military Records, C319, William Ermatinger and R.B. Johnson to Dunbar Ross, 26 December 1855, 83-85.

69. *Id.*, Ermatinger to G.E. Cartier, 28 December 1855, 89-90; Captain Armstrong to Lieutenant Colonel Cockell, 25 December 1855, 74; Governor General to Major General Horne, 29 December 1855, 76-77.

70. *Corrigan Depositions, supra*, note 51, p. 13.

71. *Id.*, Rev. William King, p. 44, John Hume, p. 56, John Henry Willan, p. 95, John O'Farrell, p. 105, Ralph Johnston, p. 150.

burning the buildings and maiming the cattle of those who offended their code.⁷²

Early in January 1856 the priest at St. Sylvester convinced the accused to surrender. The tribulations of state justice had not ended, however. On 1 February 1856 seven defendants appeared in a Quebec courtroom. A jury was empanelled, five members of which had French-Canadian names, three Scots names, and four Irish.⁷³ The court was filled by a large crowd which made no secret of its support for the defendants. The crown case was weakened by several witnesses who were afraid to testify because of threats to their lives,⁷⁴ but the evidence was ample. The murder had taken place, after all, in broad daylight in front of hundreds of witnesses. Yet, all defendants were found not guilty, to the delight of the cheering audience.⁷⁵ The infuriated provincial solicitor general, Dunbar Ross, blamed the judge, the police and the threatening crowd for this miscarriage of justice. But his most telling comment was that the trial proved that the crown must be given the right to change the venue of trials so as to remove them to different districts. ". . . [I]t is utterly impracticable," Ross complained, "to have an efficient administration of criminal justice in the District of Quebec without that power. In every case involving questions of religion or sect . . . it is hopeless to expect an impartial verdict, as the restraint to be derived from a regard to the obligation of an oath in such cases is very feeble indeed."⁷⁶ As feeble as cobwebs.

The Corrigan case echoed of traditional justice. The warning horns which sounded in St. Sylvester were of a kind with the conch shells blown by rebellious tenants on Prince Edward Island to rally the people against land agents or the horns which gathered strikers on the Beauharnois Canal.⁷⁷ Those sounds remind us of the strength and independence of community, even in an age of incipient industrial capitalism. They remind, too, that these were not irrational mobs but, rather, crowds operating on clearly understood principles of collective organization and within sensible limits. As the Gavazzi rioters in Quebec were satisfied once they had silenced the foreigner's excesses, so the Corrigan murderers were restrained, they did not run berserk in blood lust after accomplishing their revenge. The limits imposed on natural justice could be seen even among perhaps the most ferocious crowds of the period, the military rioters who took to the streets of Halifax in 1838, 1847, 1848, and 1850. Their purpose, in each case, was to seek revenge

72. *Id.*, Constable James Murphy, pp. 31-32, lawyer John Pentland, p. 111.

73. *Id.*, James Green, pp. 13-14.

74. *Id.*, pp. 17-18.

75. *Id.*

76. *Id.*, Dunbar Ross, p. 41.

77. Errol Sharpe, *A People's History of Prince Edward Island* (Toronto, 1976), p. 87; Can. Leg. Assembly Journals (1843), App. T, deposition of G.N. Brown, 13 July 1843.

for one of their own being cheated, injured, or killed at a Halifax brothel. The destruction in these riots was extensive but specific, limited to the razing of houses of ill fame along Halifax's notorious Barrack Street.⁷⁸ The exact dynamics of such crowds are impossible to determine, and we can only share the puzzlement of a newspaper reporting on the Barrack Street riot of 1838: "All efforts to discover the least traces of pre-determination or concert among the perpetrators of this outrage have hitherto proved unavailing: though hundreds acted as if under the control of a commander, no ringleader is yet heard of."⁷⁹

The largest and most extended defiance of authority was *la guerre des éteignoirs*, the "candle-snuffers' war."⁸⁰ This peasant resistance against the creation of a public school system was marked by widespread arson,⁸¹ cattle and horse maiming,⁸² clashes with police and troops,⁸³ the rescuing of prisoners, and the intimidation of juries.⁸⁴ Widespread popular disaffection over modernizing legislation⁸⁵ burst into revolt against the school law of 1846. This was modernization with a vengeance, the state reaching into the heart of the community, seizing the people's children and holding them captive in schoolhouses where

78. Public Archives of Nova Scotia, Minutes of the Quarter Sessions, Halifax County, 22 September 1838; *Acadian Recorder*, 8 May 1847, 26 August 1848, 6 July 1850.

79. *Acadian Recorder*, 1 September 1838.

80. The name was first applied by opponents who charged that they were attempting to snuff out the lamp of learning in Lower Canada: The Very Rev. Canon G.E. Carter, *The Catholic Public Schools of Quebec* (Toronto, 1957), p. 40, n. 1.

81. Among reports of arson: PAC, RG 1 E1, Executive Council, Canada, State Book J, 20 September 1849, 401, two barns burned at St.-François; *id.*, 25 October 1849, 469, seven cases arson, Ste.-Marguerite de Blair; PAC, RG 1 E2, Executive Council, draft minutes, 55/169, barn and buildings, St.-Grégoire; *id.*, 55/166, house and barn, Terrebonne; PAC, RG 4 B61, Provincial Secretary, C.E., St.-Grégoire Riot Papers, R.B. Johnson to J. Leslie, n.d., sawmill, St.-Grégoire; *id.*, J. René *et al* to R.B. Johnson, 20 May 1850, barn, Ste.-Monique; PAC, Papiers LaFontaine, Divers 1850, 1158, G. Philips to A.M. Delisle, 9 October 1850, house, Nicolet; *id.*, 1163, depositions, November 1850, school house, St.-Michel d'Yamaska.

82. PAC, St.-Grégoire Riot Papers, Johnson to Leslie, 12 July 1850.

83. *Quebec Mercury*, 13 February 1847 at St. Gervais; *Hamilton Spectator*, 3 November 1847 at St.-Joseph la Beauce and New Ireland; PAC, Executive Council, draft minutes, 55/59 and 55/93, in Halley and Stanstead Townships and Parish of St.-Jérôme, 1848.

84. PAC, RG 7 G20, Governor General, Civil Secretary's Correspondence, 46/5031, C. Wetherall to Civil Secretary, 5 July 1848, on jail rescue at Sherbrooke; PAC, Papiers LaFontaine, Divers 1851-1863, 1178, certificate of B. Trudelle, 21 January 1851, on jury intimidation, Trois Rivières.

85. See especially the long agitation over the sleigh law, adopted in 1838 to keep winter roads in adequate condition for commercial travel: A. DeCelles, *LaFontaine et son temps* (Montreal, 1907), p. 25; Gibbs, *supra*, note 52, vol. 2, 1842, p. 126; Gibbs, vol. 8, part 2, 1849, pp. 1530-1531; PAC, Papiers LaFontaine, 1843-1844, 1036, *Pétition des sousignés habitants . . . de la paroisse de Saint Martin*, 31 December 1844, 1188, commitment of Joseph Demers, Montreal, 31 March 1854.

they were prey to alien ideologies. Lower Canada had been without public schools from 1836 to 1842 because of political disputes between the legislature and the governor,⁸⁶ and apparently they were not missed in rural areas. However, a series of school Acts in the 1840s recreated the system, capped by the Act of 1846 which levied school taxes to support educational institutions.⁸⁷ And which set off *la guerre des éteignoirs*.

As soon as assessments for the new tax were attempted, resistance began. Various explanations were offered for the violent opposition. The provincial school superintendent, J.-B. Meilleur, thought it was ethnic. Irish farmers were behind the trouble, he was certain, and they had prejudiced "nos pauvres habitants" against the law.⁸⁸ Another bureaucrat, G. Labrosse, advised government that the source of discontent was the lack of a uniform system of instruction and of competent teachers. The people were unhappy because they were not getting their money's worth. As well as rectifying these deficiencies, Labrosse wanted to make school districts larger, with a superintendent for each district rather than each county. ". . . [L]ocal prejudices are so strong in country parts," he insisted, "that the Superintendent should be kept at as great a distance as possible from the influence of these prejudices."⁸⁹ The insensitivity of the provincial administrators to the concerns of rural folk could hardly have been more complete. Meilleur ought to have known that along the St. Lawrence south shore French-Canadian villages such as St.-Grégoire were contiguous to Irish villages such as Ste.-Monique, and both were in revolt, supporting each other in their shared grievance against state schools. These villagers were content with their own minimal standards of instruction; they demanded schools more under the sway of their prejudices, not less.

Much closer to reality was the assessment of William Vandenvelden, a merchant in Berthier, who wrote to the governor in January 1847. In a substantial brief on the failings of the School Act, Vandenvelden explained the conflict as one between a radical political leadership at the capital and a conservative people in the concessions. The people would never accept schools designed by bureaucrats "to perpetuate their actual sway . . ." and taxes levied "for the support of numerous hirelings." The opposition, he correctly warned, was not limited by ethnicity or social class, for all nationalities and classes were rising up to close the offensive schools.⁹⁰

86. L.-P. Audet, *Histoire de l'enseignement au Québec*, vol. 2 (Montreal, 1971), pp. 42-50 [hereinafter Audet].

87. *Id.*, p. 58; L.-P. Turcotte, *Le Canada Sous L'Union*, vol. 1 (Quebec, 1871), pp. 181, 217-218; PAC, Papiers LaFontaine, Divers 1849, 1145, Acte des Écoles de 1846 . . . Notes, 1849-1850.

88. PAC, Papiers LaFontaine, 495, Meilleur to LaFontaine, 19 June 1848.

89. *Id.*, Education, 1224, Notes on school act, G. Labrosse, n.d.

90. PAC, RG 7 G14, Governor General, Miscellaneous, 19/10452-61, William

Evidence for Vandenvelden's contention was offered by the arson at St.-Michel d'Yamaska in 1850. On the evening of 2 November the school house in that village burned. The premier, L.-H. LaFontaine, took a special interest in the case, keeping copies in his personal papers of the depositions taken. Clearly what intrigued him was not the details of yet another case of arson but rather the identity of the conspirators who plotted and carried out the crime. A number of witnesses identified Michel Mondoux, Narcisse Laveau, Antoine Labbé, Benjamin Trudeau, and Charles Turgeon.⁹¹ All were leading citizens of the parish. More, Mondoux, Laveau, Labbé, and Trudeau were the school commissioners. Charles Turgeon was the teacher. To make the business even more depressing for LaFontaine, the local member of Parliament, an adherent of LaFontaine's party, Michel Fourquin dit Leveillé also was implicated.⁹² Indeed, by 1850 LaFontaine recognized that "Presque tous les membres du Bas-Canada, veulent le Rappel de la présente loi des Ecoles, et revenir à celle de 1829 ou 1832."⁹³

The government made concessions to the rebels in the countryside. In 1849 the School Act was amended to ease the tax burden and to permit a greater role for the clergy, now permitted to serve as school commissioners.⁹⁴ The following year a commission of inquiry was established to investigate the causes of the disorders,⁹⁵ and the Church, encouraged by the amendments of 1849, was prevailed upon to endorse the School Act, and urge the people to accept it.⁹⁶ Further amendments in 1851 created a force of twenty-three inspectors who were charged not only with scrutinizing the schools but with explaining the School Act to the population.⁹⁷ Judicial severity with rioters and the establishment of a large mounted police force on the disaffected south shore at Nicolet⁹⁸ combined with the reforms and clerical influence to bring submission in many rebellious areas. The slackening of the revolt may also have reflected a rational assessment by *les éteignoirs* that further resistance to the machine of progress was useless. They had struck too close to the bone of the new bourgeois state by attacking one of its most important

Vandenvelden to Colonel Bruce, 30 January 1847.

91. PAC, Papiers LaFontaine, Divers 1850, 1163, depositions of Joseph Lapierre, Michel Drouin, Théophile Landry, Marie Vavasœur.

92. PAC, St. Grégoire Riot Papers, Johnson to Leslie, 21 November 1850.

93. PAC, MG 24 B 158, Joseph-Amable Berthelot, LaFontaine to Berthelot, 11 July 1850, 193.

94. PAC, Papiers LaFontaine, Divers 1849, 1145, Acte des Ecoles de 1849. Notes; Gibbs *supra*, note 52, vol. 8, part 3, 1849, p. 2455.

95. PAC, Papiers LaFontaine, 631, L.T. Drummond to LaFontaine, 29 April 1850.

96. PAC, Berthelot, LaFontaine to Berthelot, 30 July 1850, 209-210; Audet, *Histoire*, II, 59.

97. Audet, *supra*, note 85, vol. 2, p. 59.

98. Gibbs, *supra*, note 52, vol. 10, part 1, 1851, pp. 600-601.

instruments for change, the school system, and thus had provoked the state into employing its full powers against them.⁹⁹

The wisdom of historians emanates from the definition of their craft. They study the past and therefore know how the story ends. It is easy enough, then, to see the hopelessness of the struggle of *les éteignoirs* to stop the homogenizing influence of state education or of the masked celebrants of the charivari to retain the power to judge moral questions. The triumph of the social and economic values of the bourgeoisie, so speedily accomplished after the mid-nineteenth century, has the aura of inevitability. And, indeed, popular resistance itself was soon channelled into other forms, forms which by century's end would sharply reduce the violence and the pretensions to a natural justice which had marked the resistance discussed here. "Traditional" forms gave way to "proletarian" ones, as illustrated by the domestication of the Orange Order into a generally peaceful agency of political influence and job monopolization in cities such as Toronto; or the translation of labour activity from collective bargaining by riot, as on the early canals and railways, to the more respectable representations of trade unions.¹⁰⁰

Yet this victory, this neutralization of popular opposition, might not have been so apparent at mid-century. The end of things might not have been so clear to lawmakers who themselves often won election by employing mobs armed with "life-preservers," the popular lead-weighted clubs of that era,¹⁰¹ a mode of politics pioneered in Canada's largest city and therefore known as "the Montreal way of electioneering."¹⁰² The governor general, Lord Elgin, had his doubts when he wrote, before the Rebellion Losses Riots of 1849, that:

I am not surprised to find that our neighbours think very badly of us. But it has been so long the practice here that animosities should rule by intrigue and corruption if possible, and failing this, by violence and external help, that things cannot be expected to find their level without shocks that sometimes assume the proportion of earthquakes.¹⁰³

99. On the importance and ideology of education, see A. Prentice, *The School Promoters: Education and Social Class in Mid-Nineteenth Century Upper Canada* (Toronto, 1977).

100. A sense of this process can be gained from some of the work of G. Kealey: "The Orange Order in Toronto" and "Toronto Orangemen and the Corporation: The Politics of Class During the Union of the Canadas," paper delivered to the Canadian-American Urban Development Conference, Guelph, Ontario, August 1982.

101. The "life-preserver" is described in *Can. Journals* (1846), App. E.E.E.E., Report . . . on the Municipal Elections for the City of Montreal, Testimony of William Ermatinger.

102. Baldwin Papers, I, A57/23, D. Maguire to Baldwin, 21 January 1850.

103. PAC, MG 24 A16, Elgin Papers, 4A, Elgin to Sir Edmund Head, 14 April 1849.

At mid-century the new industrial order was just establishing itself and sorting its priorities. The men of business then assuming power had not yet seen clearly the necessity to root out the unofficial popular justice which still operated within so many communities. They had not yet seen the pressing necessity to tax themselves to pay for the police forces and compulsory schools which would establish their hegemony in the decades to come. For the moment, then, the state could still be challenged by the force of community, violent opposition to the state's law could still be exercised with realistic hopes of success. It would be a gradual progress of decades before the cobwebs of the law became sufficiently intricate and resilient to choke out the struggling tradition of popular resistance.

