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## Reform, Literacy, and the Lease: The Prince Edward Island Free Education Act of 1852\*

THE FIRST ADMINISTRATION FORMED IN Prince Edward Island under the constitutional system of responsible government passed legislation popularly known as 'the Free Education Act' in 1852.<sup>1</sup> George Coles, the leader of that government, stated with pride that the colony was "the first place in the British dominions, in which a complete system of free education was established".<sup>2</sup> The new law meant that the colonial treasury would pay teachers' salaries; thus teachers would be guaranteed their salaries regardless of the local tax base, and children would be admitted free of tuition charges. Teachers would not have to consider the resources of the district before accepting a position, and students would not be denied entry to school for lack of money. In the following year the government imported a Scottish school visitor, John Murdoch Stark, from David Stow's pioneering Normal Seminary in Glasgow, to oversee the system. While criticizing the quality of instruction he found in the district schools, the vigorous and candid Stark was full of praise for the policy initiative of the government. "This small colony", he wrote, "has solved for herself the question which has been agitating the public mind of Britain for so many years, and which is still at issue".<sup>3</sup> That task, as defined by Stark, was to establish a system for imparting the basic elements of education to the whole community.<sup>4</sup>

Prince Edward Island Reformers had taken a remarkably progressive step in educational policy in 1852, demonstrating convincingly that they placed excep-

\* This article grew out of a paper delivered at the Atlantic Canada Studies Conference in Edinburgh in May of 1988. The author wishes to thank Paul Thompson, chair of the Division of Humanities, Scarborough College, University of Toronto, who made attendance possible, and Phillip Buckner, who encouraged development of the paper into an article; special thanks are also due to F.A. Cunningham and A.R. Gillis.

1 *Statutes of Prince Edward Island*, 15 Vic., c. 13. Its official name was "An Act for the Encouragement of Education, and to raise Funds for that purpose, by imposing an additional Assessment on Land in this Island, and on Real Estate in Charlottetown and Common, and Georgetown and Common".

2 See summary report of House of Assembly debates for 10 February 1852 in *Royal Gazette* (Charlottetown), 23 February 1852.

3 Prince Edward Island, Assembly, *Journal*, 1855, appendix M, p. 62.

4 For contemporary attitudes and struggles in Scotland, with which Stark was intimately familiar, see T.C. Smout, *A Century of the Scottish People 1830-1950* (London, 1986), pp. 209-16.

tional value on access to primary education. They were the first of the Maritime provinces (the usual reference group for colonial Islanders) to establish 'free education', and, if Coles was correct, they had not been deterred by the prospect of being the first in the British empire to do so. The importance they placed on popular access to education was underscored by the fact that they had passed their legislation a mere one year after achieving responsible government. Nova Scotia was the next in the Maritimes to adopt free education, and it did so in 1864, 12 years later, and a full 16 years after being the first British colony to achieve responsible government. New Brunswick, which attained responsible government in a series of stages culminating in 1854, did not take the step until 17 years later, in 1871. Why did an overwhelmingly agrarian colony, whose inhabitants were unusually cash-poor, place such value on education in an era before significant numbers could realistically harbour aspirations of climbing the ladder of social mobility, as conventionally understood? Why did the Island act so much earlier than its mainland neighbours, and why was it the first of all the colonies?

Explanations for increasing plebeian access to education in the 19th century which have apparent plausibility elsewhere have little application to Prince Edward Island in 1852. Some writers have conceptualized the spread of popular education as a means of preparing the population for the discipline of the Industrial Revolution — and the term "bourgeois state formation" has been used.<sup>5</sup> But it would require considerable distortion of perspective to visualize the Island as a whole as being poised on the brink of industrialization; and 1852 is rather early to imagine Island legislators as consciously preparing the mass of the population for migration to the mills and factories of New England.

Another possible motive for educating poorer elements would be to mould their attitudes in such a way as to make them unreceptive to potentially dangerous radicals who might threaten property.<sup>6</sup> But radicalism on the Island was at a low ebb in 1852. The radical movement known as Escheat had been discredited through the failure of its simplistic proposal for solution of the land question, and its leaders had either become marginal or entirely irrelevant politically.<sup>7</sup>

5 See in particular Philip Corrigan and Bruce Curtis, "Education, Inspection and State Formation: A Preliminary Statement", *Historical Papers* (1985), p. 168; and Bruce Curtis, *Building the Educational State: Canada West, 1836-1871* (London, Ont., 1988), pp. 366-82.

6 The differing attitudes among conservatives to the spread of popular education (was it dangerous to property or was it a means of social control?) are evident in Judith Fingard, "Attitudes toward the Education of the Poor in Colonial Halifax", *Acadiensis*, II, 2 (Spring 1973), pp. 15-42, particularly pp. 19, 30, 33, 39, 42. The contrasting perspectives might be characterized as reactionary versus enlightened conservative.

7 For a summary of the rise and decline of the Escheat movement, see Ian Ross Robertson, "Highlanders, Irishmen, and the Land Question in Nineteenth-century Prince Edward Island", in L.M. Cullen and T.C. Smout, eds., *Comparative Aspects of Scottish and Irish Economic and Social History 1600-1900* (Edinburgh, [1977]), pp. 229-31.

William Cooper was out of politics, and indeed had been in California during the latter stages of the struggle for responsible government; John MacKintosh was defeated at the polls in both 1850 and 1853; and John W. LeLacheur left the Island (for Iowa) permanently sometime between 1850 and 1852, the uncertainty of the public record as to the date of his departure bearing eloquent testimony to his political insignificance by the early 1850s.<sup>8</sup> As historian Harry Baglole has written, the decisive defeat of the Escheat movement at the election of 1842 — a full ten years before the passage of the Free Education Act — meant that “as a coherent, thrusting political force, the Escheators were through”.<sup>9</sup> The ‘ideology of Escheat’<sup>10</sup> constituted a threat to no one in 1852, and in any event, the conservative elements in the assembly, those with most to lose through any plebeian susceptibility to radicalism, steadfastly opposed the reform. The crucial vote on the principle of the legislation passed 15-3, with Tory leader Edward Palmer, a landlord, and James Yeo Sr., a wealthy shipbuilder, merchant, and land agent, among the three opposed. The main resolution passed 16-3, with the minority comprising Palmer, Yeo, and Lord Selkirk’s agent, William Douse<sup>11</sup> — in Reform journalist Edward Whelan’s words, the “extreme proprietary party”.<sup>12</sup> The legislation was certainly a matter of partisan division, but those identified most strongly with the rights of property did not support it as a measure of social control, effectively giving the lie to any interpretation of the measure as one of enlightened conservatism. In fact, Douse stated explicitly that “The scheme [the Free Education Act] was calculated injuriously to affect their [the proprietors] interests,”<sup>13</sup> and Palmer was candid enough in discussing the measure and explaining his opposition to be reported as follows: “He confessed that he had always been an advocate for the rights of proprietors”.<sup>14</sup>

8 Harry Baglole, “William Cooper of Sailor’s Hope”, *The Island Magazine*, no. 7 (Fall-Winter 1979), pp. 8-9; Nicolas de Jong, “John MacKintosh”, *Dictionary of Canadian Biography*, vol. XI (Toronto, 1982), p. 567; information on LeLacheur from the files of the *Dictionary of Canadian Biography*, courtesy of Mr. Robert Wuetherick, editor, on 15 February 1990.

9 Baglole, “William Cooper of Sailor’s Hope”, p. 7.

10 This term was coined by Baglole in his part of the book he co-authored with David Weale, *The Island and Confederation: The End of an Era* (Summerside, P.E.I., 1973), p. 59; also see Baglole’s authoritative “William Cooper”, *Dictionary of Canadian Biography*, vol. IX (Toronto, 1976), pp. 155-8.

11 See P.E.I., Assembly, *Journal*, 1852, pp. 57, 118.

12 *Royal Gazette*, 23 February 1852.

13 Summary report of Assembly debates for 17 February 1852 in *Royal Gazette*, 23 February 1852.

14 Summary report of Assembly debates for 18 February 1852 in *Royal Gazette*, 29 March 1852.

Thus ready-made (or made-on-the-mainland) hypotheses provide little assistance in explaining the Island's primacy in easing popular access to basic education. Nor can the Prince Edward Island of 1852 be portrayed as besieged by a growing horde of impoverished immigrants whose integration or assimilation to local norms was urgent. The census data do not support any notion that the Island was facing increasing immigration — and they are especially incompatible with the hypothesis that the number of immigrants from areas with traditions of agrarian insurgency might be increasing. Both in percentage terms and in absolute numbers the non-native born were declining. The census closest to 1852, that of 1855, revealed that 24.2 per cent of the population were non-native born, a decline of 5.2 per cent since the census of 1848. In absolute numbers the decrease in non-natives was from 18,437 to 17,276 — 1,161, or 6.3 per cent — and in the same interval the native-born increased by 9,110 or 20.8 per cent. Of course the pattern of decline within the non-native portion of the population was not uniform across the recorded groups. The two which declined most significantly in the intercensal period were the Irish-born (841, or 13.1 per cent) and the Scots-born (870, or 12.9 per cent), the groups likeliest to fit the mould of the angry and dispossessed immigrants inclined to listen to demagogues.<sup>15</sup> Indeed, the more closely all available data are scrutinized, the less comfortable the empirically-minded researcher is likely to be with any thesis that a propertied elite designed

15 In making these calculations, I have relied entirely upon the censuses of 1848 and 1855, as published in P.E.I., Assembly, *Journal*, 1849, app. Y, and 1856, app. D, and I have obtained the totals of non-natives by adding together the number of non-natives under each category of non-Prince Edward Island birthplace (England, Scotland, Ireland, 'British Colonies', 'Other Countries'). This method is different from that employed by Andrew Hill Clark, *Three Centuries and the Island: A Historical Geography of Settlement and Agriculture in Prince Edward Island, Canada* (Toronto, 1959), p. 121, Table V in analyzing the census of 1848. He apparently determined the number of non-natives by subtracting the number of natives from the total number of inhabitants. This is problematic because, by inference, it assigns all those listed under 'Country not stated' to the non-native category, thus increasing artificially the number and the proportion of non-natives; counting as non-native only those for whom non-Island birthplaces had actually been reported is surely a safer procedure. But in addition Clark's lumping together of the non-native and the 'Country not stated' numbers obscures a difficulty facing the researcher who attempts to compare data for 1848 and 1855: in that seven-year interval the number listed under 'Country not stated' rose 2,305.8 per cent, from 52 to 1,251. The net result of the combination of Clark's method with this problem in reporting is to understate the decline in non-natives over the seven-year period. Using his method, the decline in absolute numbers would be 292 (from 18,819 to 18,527) instead of 1,161; the percentage decline would be 1.6 per cent instead of 6.3 per cent; and the decrease in proportion of the population as a whole would be 4.1 per cent (30 minus 25.9) instead of 5.2 per cent (29.4 minus 24.2). Clark did not include calculations for 1855 in his Table V, and thus my comments on the results of applying his method for 1848 to the 1855 census represent my extrapolation.

the Free Education Act of 1852 with the purpose of exerting control over the unpropertied elements and preventing them from becoming unruly.

An examination of the state of education on the Island prior to passage of the Free Education Act yields some insight into the motivation of the Reformers. The pre-1852 educational system was underdeveloped and chaotic, with little regulation and attention to common standards and practices. In addition, there were periodic lapses in instruction in individual districts. Stark's predecessor as school visitor, John MacNeill, estimated in 1853 that before implementation of the statute, only two-thirds of the school houses in Queens County, the most populous and prosperous of the three Island counties, had ever been in operation at any one time.<sup>16</sup> A major part of the problem was financial, for poor and possibly irregular pay made it difficult to retain the more capable teachers. Even when well-motivated persons could be attracted, the itinerant and insecure life of the teacher tended either to undermine the morale and hence the effectiveness of the teacher or to encourage a change in occupation.<sup>17</sup>

The Free Education Act of 1852 addressed the financial issue directly, for teachers were to be paid in full by the colonial treasury. This provision meant an end to reliance on two other potential sources of revenue: local assessment and tuition fees. Teachers paid under the act were specifically forbidden to demand the latter, and the former was only to be used for the erection and maintenance of school buildings, which were the responsibility of the local trustees (who were chosen by the resident householders of the district). The changes meant that after 1852 poor districts and poor children would be much less likely to be disadvantaged. In two years the number of students enrolled doubled.<sup>18</sup>

But pre-1852 educational conditions, although essential for understanding the background and significance of the Free Education Act, do not explain the Island's pre-eminence in educational reform, for similar conditions existed elsewhere. The explanation, like so much else in the history of the Island as a British colony, is rooted in the unique system of leasehold land tenure which had been established in the 18th century and the legislation of 1852 must be seen in relationship to the land question. Much of the existing literature on the history of education in Prince Edward Island in the 19th century has tended to focus on

16 P.E.I., Assembly, *Journal*, 1853, app. Z, p. 178.

17 The school visitors' reports, especially those of MacNeill, visitor for the entire Island from 1837 to 1847, are the best source concerning the pre-1852 situation. They were usually published in the *Journal* of the House of Assembly.

18 P.E.I., Assembly, *Journal*, 1858, app. T, p. 1.

institutions and legislation as such, and to neglect historical context.<sup>19</sup> In fact, the drive for public education in the years 1852-1877 was part of a general 'age of reform' in Prince Edward Island, and the history of education cannot be understood adequately without noting its relationship to other aspects of Island history in this turbulent era.<sup>20</sup> In turn, the general reform movement revolved around the land question, and specific proposals were advocated or opposed in large measure because of their perceived bearing on the parties to the land question.

Virtually everything in colonial Prince Edward Island, including the particular perspective of George Coles himself, has to be interpreted in relation to the land question, which distinguished the Island from its neighbours. Coles was a relatively wealthy Islander committed to the widest possible access to education. At first glance, it would seem strange that Coles, a leading capitalist in his economic life, should be in his political life the leader of the Reform movement supported by impoverished tenant farmers. Yet as a manufacturer of goods of

19 See S.N. Robertson, "The Public School System", in D.A. MacKinnon and A.B. Warburton, eds., *Past and Present of Prince Edward Island...* (Charlottetown, [1906]), pp. 362a-390a; John C. Macmillan, *The History of the Catholic Church in Prince Edward Island from 1835 till 1891* (Quebec, 1913); A.H. MacKay, "History of Education in Nova Scotia and Prince Edward Island", in Adam Shortt and A.G. Doughty, eds., *Canada and Its Provinces*, vol. XIV (Toronto, 1914), pp. 511-42; Heber R. Matthews, "Education in Prince Edward Island", M.A. thesis, Mount Allison University, 1938; Derrill Ignatius McGuigan, "The Historical Antecedents of the Free School Act and the Public Schools Act of Prince Edward Island", Ph.D. thesis, University of Ottawa, 1956; Willard Brehaut, "Some Landmarks in Prince Edward Island's Educational History", paper delivered before Canadian Association of Professors of Education, Charlottetown, 1964; Sister Mary Olga McKenna, "The Impact of Cultural Forces on Commitment to Education in the Province of Prince Edward Island", Ph.D. thesis, Boston College, 1964, and "The History of Higher Education in the Province of Prince Edward Island", *Canadian Catholic Historical Association Study Sessions* (1971), pp. 19-49; Georges Arsenault, *L'Éducation chez les Acadiens de l'Île-du-Prince Édouard 1720-1980 ou La survivance Acadienne à l'Île-du-Prince-Édouard* (Summerside, 1982); G. Edward MacDonald, "'And Christ Dwelt in the Heart of His House': A History of St. Dunstan's University 1855-1955", Ph.D. thesis, Queen's University, 1984, and *The History of St. Dunstan's University, 1855-1956* (Charlottetown, 1989). There has also been an emphasis on institutions identified with Roman Catholicism, such as St. Dunstan's College, rather than public institutions. Pillars of the public system, such as the Central Academy (1836-1860), the Normal School (1857-1879), and Prince of Wales College (1860-1969), which absorbed the Central Academy in 1860 and the Normal School in 1879, await scholarly examination.

20 1877 was the year the government led by Louis Henry Davies passed the Public Schools Act, which entrenched the non-sectarian principle in the public school system, made attendance compulsory, provided for appointment of a well-paid superintendent of education, improved the status and training of teachers, reconstituted and secularized the Board of Education, clarified and strengthened the powers of local trustees, and completely reorganized the schools in Charlottetown, where the public system had been breaking down.

common consumption, namely beer and spirits, his class interests ran contrary to the status quo: it was to his benefit that common Islanders have in their hands the greatest possible purchasing power. Understood in this light, it is not surprising that Coles favoured liquidation of a system which scooped up whatever cash many settlers had, and placed it in the hands of a small elite dependent upon the existing relationships centring on leasehold tenure. In the particular circumstances of Prince Edward Island, whatever measures — such as wider literacy<sup>21</sup> — would undermine the pillars of the leasehold system (short of endangering public order and property itself) would be attractive to a Coles.<sup>22</sup> Likewise, the opposition of proprietary spokesmen like Palmer, Yeo, and Douse to the Free Education Act is significant.

Evidence drawn from a variety of sources indicates that, without basic literacy and within their own environment, with leasehold land tenure as the predominant mode of production, many ordinary Islanders in the middle decades of the 19th century were incompetent to manage their own affairs. The reason is that the unique situation of Prince Edward Island placed an emphasis upon written contracts which was not paralleled anywhere else in British North America. It is this context of mid-19th century Prince Edward Island which is the focus of the present paper and which provides the explanation for the early acceptance by the colony of the principle of free education. In brief, popular access to basic, primary-level education was a means to redress in part the imbalance in power between the landowners who controlled most of the Island, and the working settlers.

The alienation of almost all the land to private owners in 1767 had created special difficulties for the government and inhabitants of the Island. In the first instance, it meant that the local government had virtually no public lands whose sale or lease could generate revenue. Second, the nature of the leasehold system placed enormous importance upon the relationship between the land occupier

21 The definition of literacy for the purposes of this article is the same as that in *The Concise Oxford Dictionary*, 7th edition (1982), p. 588: "ability to read and write". There are no statistics on literacy in colonial Prince Edward Island, but first-hand observers who commented on this matter indicated that a large proportion of the population was illiterate. In 1844 school visitor MacNeill reported that he had attempted to determine the number of illiterates in each settlement, but found it too tedious and too large an undertaking. (P.E.I., Assembly, *Journal*, 1844, app. H, p. 39.) The prevalence of illiteracy, without doubt, varied greatly from district to district.

22 This interpretation is developed in Ian Ross Robertson, "George Coles", *Dictionary of Canadian Biography*, vol. X (Toronto, 1972), pp. 183-4, 187. According to Coles' own account, the Free Education Act also owed something to a visit he had made in 1848 to Ohio, where he had seen first-hand the benefits of state-paid education; see Robert Blake Irving, Reporter, *Normal School Soirée: Report of the Speeches and Proceedings at the Inauguration of the Normal School* (Charlottetown, 1856), p. 28.



and the landowner or his agent. This relationship would usually be formalized in a written contract consisting of either *a lease* or *an agreement to lease*. Testimony over many years underlined the absolutely crucial nature of the act of *attorning*, or acknowledging the landlord's title by accepting a lease or an agreement to lease. Once an occupier of land had attorned, the conditions of his holding the land had been set for as long as 999 years.<sup>23</sup> These conditions might include such matters as the farmer's access to timber growing on his property, his access to mill sites, the currency in which the rent was to be paid, and the liability for arrears of rent owing on the land, but almost certainly would not include any provision for compensation for improvements he might make. After the settler had attorned, he could make no effective legal challenge to the title of the landowner (or 'land claimant', as some Island radicals referred to the proprietors). The decision to attorn was irrevocable.<sup>24</sup>

Thus the typical Island settler would, in the normal course of events, be required to decide upon acceptance of a document with sweeping implications and usually of perpetual duration. To appreciate properly the significance of basic literacy and hence the importance of access to education, it is essential to understand the circumstances in which decisions on attornment were made. In the first place, one must note that the land system had not functioned as had been intended in 1767.<sup>25</sup> It was to have provided for the orderly settlement of the Island under the supervision — the policy-makers appear to have assumed — of a resident landowning class; and the regular payment of quitrents by this neo-feudal class of 'proprietors' was to provide for the government of the Island without cost to the British treasury. These objectives were not realized. Only a small fraction of the number of settlers which the owners were required to establish on the land arrived in the first decade; only a handful of landlords took up residence in a place so lacking in the amenities associated with the existence of a substantial population; the owners fell far in arrears in quitrents, requiring London to

23 Most leases were for terms of 999 years, and in 1838 Robert Hodgson, the attorney general, testified before the Durham commission that "long leases...is a technical term in the Island, meaning leases of 999 years". *Minutes of Evidence Taken under the Direction of a General Commission of Enquiry, for Crown Lands and Emigration, Appointed on the 21st June 1838, by His Excellency the Right Honorable Earl of Durham, High Commissioner, and Governor General of Her Majesty's Colonies in North America* (Quebec, 1839), Prince Edward Island section, p. 7. By implication, anything other than these leases, sometimes referred to as "perpetual", might, in a Prince Edward Island context, be considered "short leases".

24 In many years of research on the land question, the present writer has never encountered evidence of legal annulment of a lease resulting from alleged misrepresentation of its contents; yet allegations of such conduct by landlords and agents were frequent.

25 See J.M. Bumsted, *Land, Settlement, and Politics on Eighteenth-Century Prince Edward Island* (Kingston and Montreal, 1987).

intervene with annual grants to save local officials from ignominious penury, or even from perishing; and the officials adopted a predatory attitude towards the landlords. The consequence was a vicious circle of recrimination and suspicion between the landocracy and the local political elite. The landlords suspected the political elite of coveting their property and they feared to invest in the settlement of a place where they found it almost impossible to control or even monitor events to a satisfactory degree; as one authority has noted, in cold terms, the prudent landlord was the speculator who put nothing in and waited for the efforts of others or changes in the marketplace to increase the value of his property, for the landlord willing to invest in development was likely to lose a lot of money.<sup>26</sup> The resident political elite resented deeply the overseas owners, most of whom had never seen and would never see the colony, and, to put it bluntly, considered them to be fair game. The resident lawyers, politicians, promoters, and even some judges sought employment, retainers, and powers of attorney from the non-residents, consistently remitting little while demanding more, and all too often abusing trust.

For the colony as a whole, the result was the opposite of orderly settlement. Immigrants arrived in significant numbers after the end of the Napoleonic wars, but they did so, as a rule, without any assistance from land-owners. The settlers were unevenly distributed throughout the colony, and they faced highly variable situations. Some found that they could not obtain a lease either because the proprietor had authorized no one to grant leases or because the authorized person was unavailable or indisposed to provide a lease. Others took up residence on a plot of land without bothering with formalities of any sort. Twenty years of squatting gave a settler freehold title, and many squatters hoped that the years would pass without challenge. For such persons the appearance of a surveyor was anathema. A report by lieutenant governor Sir Charles FitzRoy in 1837 gives some notion of the chaotic conditions of settlement in the colony. Under "Tenure of Settlers", for many townships he wrote "Tenants at Will" or "Mostly Tenants at Will", which meant that the tenant held the land by a verbal agreement which was not legally binding. Some properties were owned by persons or heirs of persons who had once been active on the Island, but had long since ceased being so.<sup>27</sup> An entire township was effectively tied up "in chancery". One large resident proprietor was known for his short leases and high rents — and also his unwillingness to apply sanctions to enforce collection of rent, which meant that

26 J.M. Bumsted, "Sir James Montgomery and Prince Edward Island, 1767-1803", *Acadiensis*, VII, 2 (Spring 1978), p. 102.

27 See, for example, H.T. Holman, "John Cambridge", *Dictionary of Canadian Biography*, vol. VI (Toronto, 1987), pp. 107-10, and J.M. Bumsted, "John Hill", *ibid.*, vol. VII (Toronto, 1988), pp. 406-8.

he collected little. FitzRoy's "Return", as he termed it, was impressionistic in its explanations, and doubtless imperfect in some details.<sup>28</sup> Yet the overall picture he painted was accurate. Practices varied greatly; policies were often non-existent, were sometimes based on utter lack of first-hand knowledge of local circumstances, and occasionally were patently irrational. Indeed, rational and systematic estate management could scarcely be said to exist.

Given the conditions of settlement on the Island in the early decades of the 19th century, and the fact that many landlords did not either live on the Island or even retain agents there for years at a stretch, many settlers had to make the decision on attornment after they had already established themselves, cleared some land, and built a dwelling.<sup>29</sup> Thus the stakes were high, and the consequences of being forced to depart were daunting. The settler's security of tenure depended on a minimum of two variables: the validity of the proprietary title and the decision whether to attorn. He had also to worry about false claims by persons purporting to be agents of proprietors who had valid titles. In such a circumstance, a properly authorized agent might appear on the scene at a later date, and naturally would not accept payments made to an imposter as counting against his demands. If the land claimant or the purported agent of the claimant were making an illegitimate claim, then defiance would carry no penalties aside from a period of uncertainty. Acknowledgement of the claim of such a person and payment of claims for rent and arrears of rent would mean loss of whatever money had been paid, with little or no hope of recovery, for he would probably never be seen again; and attornment and payment would carry no benefit (except, possibly, temporary peace of mind) since the claimant's title was not valid.

Acknowledgement of the title of a landlord with a valid title entailed serious consequences (including demands for rent and probably for arrears, and limitations on freedom of action), but at least offered the benefit of relative security of tenure. Defiance of an agent or landlord making a legally valid claim would probably result in, at the least, a costly lawsuit. Beyond the actual lawsuit and its

28 See FitzRoy, "Return of Township Lands in Prince Edward Island, shewing their Extent, population, (from the Census of 1833), Names of the Principal Proprietors, the general Tenure of the Settlers, and the Causes which have tended to retard their improvement", in Colonial Office (CO) 226/54, pp. 267-9.

29 The disorderly, essentially unregulated system of settlement, and the resultant sequence of settlement preceding the establishing of terms distinguished the situation on the Island from that of pioneering New France, where leasehold also prevailed. One of the advantages of the seigneurial system which historians occasionally cite is the orderly process of settlement. The arrangements having been made at the start, the tenant in New France did not face the dilemma which many Island settlers did — and therefore the same incentive for literacy did not exist. Had the process of settlement on the Island proceeded in the orderly way policy-makers had intended in 1767, the situation there would also have been different.

costs lay the possibilities of seizure of assets; imprisonment for non-payment of the debts incurred through the claim for rent and probably arrears of rent and the associated legal costs; and eviction, with the necessity of leaving the land and starting over again elsewhere. These dire consequences were more than a merely theoretical extrapolation based upon assumption of a series of contingent possibilities. A reading of the evidence gathered in 1860-1861 by the royal commission on relations between landlord and tenant indicates that migration of settlers within the Island, that is, moving from one homestead to another one, was a fairly common occurrence.<sup>30</sup> The usual reason for moving revolved around inability of the settler to meet the demands of either the landlord or his agent. A researcher hired by the commissioners reported being told by "several persons" that "at least one half of the new settlers lose their farms, or hold them only until the landlord can get a tenant who will pay a part of the back rent".<sup>31</sup>

It is clear that from time to time ill-founded claims were made on settlers, and that these could be ignored or defied with impunity. But defiance of a legitimate claimant or agent carried an awesome cost. One squatter, Angus Macdougald, petitioning the Assembly from Georgetown Jail in 1844, reported that over his 21 years on the same piece of land six different individuals had demanded rent from him. He had paid none, and it would seem that he suffered no ill consequences until the sixth had him jailed; thus being right five times out of six did not protect him on the sixth occasion, when the person making the demand had the inclination and legal authority to take effective action.<sup>32</sup> The demand for rent, arrears of rent, and acknowledgement constituted, in effect, a test of the settler's nerve and competence, a test with life-changing potential. In this situation, there can be little doubt that widespread plebeian illiteracy was a major factor in the power equation between the land occupier or prospective occupier and the proprietor

30 See J.D. Gordon and D. Laird, eds., *Abstract of the Proceedings before the Land Commissioners' Court, Held During the Summer of 1860, to Inquire into the Differences Relative to the Rights of Landowners and Tenants in Prince Edward Island* (Charlottetown, 1862) (hereafter abbreviated to *Abstract...*); and P.E.I., Assembly, *Journal*, 1863, app. A. All the public hearings of the commission were held in 1860, but George Wightman, a researcher the commissioners hired, continued to submit information until 20 June 1861. Since historical causation was an integral part of the mandate of the commission, testimony before it (and the evidence gathered by Wightman) stretched decades back into the history of the land question.

31 See P.E.I., Assembly, *Journal*, 1863, app. A. For a concrete example, see the testimony by William S. McNeill, who had acquired his rented farm by paying the back rent owed by the original settler, in P.S. Macgowan, ed., *Report of the Proceedings before the Commissioners Appointed under the Provisions of "The Land Purchase Act, 1875"* (Charlottetown, [1876]), pp. 376-7.

32 See P.E.I., Assembly, *Journal*, 1844, pp. 63-4.

or his agent.<sup>33</sup> Many farmers simply could not be certain of the nature and contents of the document they were signing, and their only source of information on that score might be the proprietor or his agent.<sup>34</sup> Without even that necessary knowledge, it was difficult, if not impossible, for them to make an informed decision, let alone distinguish between a bluff and a demand with a legal basis. This situation left the door open to caprice and deception, as well as ordinary misunderstanding.

Seeking legal advice does not seem to have been an option which many settlers favoured. Reasons included the cost, the apparent abuses of legal process of which many settlers had heard, and a general distrust of the legal profession. This disinclination to put their affairs in the hands of a profession which was at the very centre of the local elite extended to the Island premier who established the land commission of 1860, Edward Palmer. One of his former clients stated baldly at the public hearings of the commission that "I think I was misled".<sup>35</sup> Another witness declared that the tenantry trusted only one member of the Island bar, Joseph Hensley, a Liberal and one of the two counsel appointed to represent the interests of the tenants before the commission.<sup>36</sup> The haste of the commissioners (two of whom were lawyers) and the barristers present in their professional capacity, including both counsel for the tenantry, to close ranks and repudiate entirely such views may have reinforced rather than allayed popular scepticism about the bar.<sup>37</sup> In some cases, distance from Charlottetown, where virtually all lawyers conducted their practices, was undoubtedly a factor inhibiting tenants from consulting a lawyer.<sup>38</sup>

33 For an example of the crippling effect of illiteracy on a settler's self-confidence and hence on his effectiveness in negotiating with a landlord, see the testimony of Michael Lacey in Ian Ross Robertson, ed., *The Prince Edward Island Land Commission of 1860* (Fredericton, 1988), p. 115. This volume is an abridgement of Gordon and Laird, eds., *Abstract....* Because of its greater accessibility, the abridged version will be cited when possible; page references to the original will indicate whether the page occurs in the Proceedings or the Report, since the two are not numbered consecutively.

34 For an example of such a case, see the testimony of Patrick Dogherty in Robertson, ed., *The Prince Edward Island Land Commission of 1860*, pp. 112-3.

35 See testimony of Archibald Campbell in *ibid.*, p. 134.

36 See testimony of Robert Gordon in *ibid.*, p. 86.

37 See the cross-examination of Edward Palmer's former client by his brother, Charles Palmer, and by Hensley, in *ibid.*, pp. 134-5; and comments by Samuel R. Thomson and Joseph Howe on p. 135. Under pressure from all these, it is hardly surprising that the witness backed away from the imputation of actual wrongdoing by Edward Palmer. Also see the comment by Hensley on p. 86.

38 A good example of the convergence of some of these factors is the testimony of Thomas Hockin in *ibid.*, p. 80. Hockin stated that it cost 30s. to retain a lawyer. He also lived on Lot 3, which meant that he was at least 80 miles from the capital.

To use a term borrowed from Canadian labour history, there existed a 'competence gap' or 'differential levels of capacity' between the two sides.<sup>39</sup> From one perspective, this can be illustrated most clearly in cases involving a highly competent and systematic agent. By 1838, the year after FitzRoy's "Return", there was one such agent on the Island: James Horsfield Peters, who had come to the Island from New Brunswick in order to manage the lands recently acquired by his in-laws, the Cunards, who would soon own one-sixth of the land surface of the Island. A brilliant lawyer, a man with a keen eye for economic opportunities, an excellent decision-maker, and endowed with an exceptionally formidable manner, Peters was a unique figure on the Island. He was the ideal estate agent. He was even familiar with the wilderness and the intricacies of the timber trade as a result of his youth in the Miramichi region, and therefore was effective in protecting the timber on the Cunard estate — which infuriated such shipbuilders as the Conservative leader Joseph Pope, who had previously taken his timber wherever he found it.<sup>40</sup> But it was in Peters' dealing with tenants that he became a legendary figure. He travelled the full extent of his in-laws' sprawling estate, which included property from one end of the Island to the other. In the course of doing so he was often bringing order to tenurial relationships on properties which previous owners had neglected for many years. He insisted that all occupiers of Cunard property take leases, and also that all who were owing back rent pay a portion. He would, he said in defending his record publicly, forgive a portion of arrears, but in no instance the entire amount.<sup>41</sup> In cases where there was honest doubt as to the boundaries or the acreages of farms he appears to have been willing to order surveys to resolve the problems.<sup>42</sup> But those who simply refused to pay rent to him, or were dragging their feet, did so at their peril. It was he who had Angus Macdougald placed in Georgetown Jail and over the

39 Concerning the concept of a 'competence gap' or 'title to authority by capacity', see H.C. Pentland, "The Canadian Industrial Relations System: Some Formative Factors", *Labour/Le Travailleur*, IV (1979), p. 22; and H.C. Pentland, "The Western Canadian Labour Movement, 1897-1919", *Canadian Journal of Political and Social Theory*, II, 3 (Spring-Summer 1979), pp. 62, 76. In his writings, Pentland argued that this gap was not stationary, and varied greatly in different times and places in Canadian history.

40 See the observations of Sir George Francis Seymour, an absentee proprietor making his first visit to the colony, in Seymour of Ragley Papers, CR114A/565, Miscellaneous Lot 13 Papers, "Memo Prince Edwd Island 1840", and CR114A/380, Tour Journal, 29 August 1840, Warwick County Record Office, Warwick, England.

41 See testimony of Peters in P.E.I., Assembly, *Journal*, 1840, app. P, p. 127. Also see Peters in summary report of Legislative Council debates for 13 April 1843 in *Royal Gazette*, 2 May 1843; and Peters to Thomas Heath Haviland Sr., 17 July 1843, in CO 226/65, p. 217.

42 See testimony of John Macgowan and Lawrence W. Gall in P.E.I., Assembly, *Journal*, 1843, app. P, pp. 126-8.

years, on other occasions as well, he proved willing to make examples of those who crossed him.<sup>43</sup> One witness before the land commission of 1860 recalled that he had “kept clear [of the agent], but paid dearly for so doing. Peters sent and seized my vessel which was on the stocks, and compelled me to take a lease”.<sup>44</sup> Peters’ operating methods allowed little or no room for negotiation or compromise; in effect, his policies were set in stone, and the settlers had to conform. His systematic and relentless approach, conveyed in a style which was peremptory, if not dictatorial, provoked many protests, and made him the prime symbol of proprietary exaction.<sup>45</sup> A Gaelic bard presented him as the embodiment of what was wrong with Prince Edward Island’s version of life in the New World, in his conclusion to *Complaint about America*:

We left there  
and came out here  
thinking we would receive consideration,  
and that the rent would not be so exacting.  
But Peters is oppressing us,  
and, if he doesn’t die,  
we must leave this place  
and Cunnard [*sic*], himself a beast.  
A pity Peters wouldn’t change  
and give some thought to death;  
if the good one doesn’t have mercy on him  
his deeds will cost him dearly,  
oppressing the poor  
and sending the constables after them.  
He will ultimately receive retribution...<sup>46</sup>

43 In 1843 Peters stated that “if in some cases, an apparent severity was exercised, it arose not from a disposition to be severe, but because in these instances, it was deemed necessary for the sake of example”. (Summary report of Legislative Council debates for 13 April 1843 in *Royal Gazette*, 2 May 1843.)

44 See testimony of “Mr. Clements” in Robertson, ed., *The Prince Edward Island Land Commission of 1860*, pp. 135-6.

45 See Ian Ross Robertson, “James Horsfield Peters”, *Dictionary of Canadian Biography*, vol. XII (Toronto, 1990), pp. 838-42. His quarrel with one tenant, which apparently originated in a boundary dispute between the Cunard estate and a piece of freehold land which the tenant owned (in addition to leasing a farm on Cunard land), attained vendetta-like proportions; see the entry on John Gordon Sr. in the Glossary of Names in Robertson, ed., *The Prince Edward Island Land Commission of 1860*, pp. 210-1. He could also be ruthless with members of the local elite. Note, in particular, proprietor P.D. Stewart’s account of his treatment by Peters, who evidently believed him to have been less than candid in disclosing his means to pay a debt to the Cunards, in CO 226/74, pp. 317-408. Also see Public Archives of Prince Edward Island, RG 6, Supreme Court, Case Papers, Cunard & others vs. P.D. Stewart, 28 August 1845.

46 As translated in Margaret MacDonell, *The Emigrant Experience: Songs of Highland Emigrants*

According to one source, Peters had told “a poor creature that he must find money if he raked the ashes of Hell for it”.<sup>47</sup>

Yet there is another perspective on the relationship between the tenantry and the landocracy or its servants, purported or real, which casts Peters, with his orderly, no-nonsense ways, in a more favourable light. There is no known surviving record of anyone complaining that Peters refused to give a lease or took money and failed to produce a lease, promising to do so at some time in the future. The tenant dealing with Peters at least received a written lease which, providing its obligations were met, offered security of tenure. Settlers confronted with less competent, less systematic, or less scrupulous agents — that is, with most, if not all, other agents — faced a much less predictable, and therefore less manageable, situation.

The record of an inquiry by a special committee of the House of Assembly in 1843 presents a strong contrast between the practices of Peters and those of H.D. Morpeth, agent for David and Robert Stewart of London. One Colin McPhail, residing on Lot 32, was asked by what authority he had settled on his land. He replied that Morpeth and another agent had told him he might do so. The questioning continued:

Have you any written document from them to settle? No. I signed a kind of note of hand last summer twelve months, to Mr. Morpeth, to pay rent. He promised, a fortnight afterwards, to give me a lease and to run [survey] the land.

Have you applied to him since for a lease? Yes; but did not get it.

What reason did he assign for withholding the lease? He would make different excuses every time we would ask him. This paper we signed for him is a kind of agreement to attorn....

*in North America* (Toronto, 1982), pp. 123, 125. Peters, who later served 43 years as a judge, evidently provoked thoughts of death, retribution, and good and evil in the ultimate sense. In Sir Andrew Macphail's *The Master's Wife* (Montreal, 1939), his judgemental authority is compared with the judgement of God (p. 72).

- 47 P.D. Stewart to Peters, 16 June 1847, in CO 226/74, p. 362; also see Stewart to Peters, 12 May 1846, in CO 226/74, p. 357. Peters may have had a liking for such imagery, as one of the inscriptions on the monument to him in St. Peters Cemetery, Charlottetown contains the following, apparently directed towards his wife, who had predeceased him: “the gates of hell touch thee not”. If the encounter between the landowner's interest and the settler in this period is viewed as being, to a degree, inherently confrontational and as involving a certain attempt on the part of the former to overawe the latter, as a means of bringing him to terms, it may be worth noting that Peters had an additional advantage, beyond his abilities, experience, and training: he was also solicitor general of the Island, a fact which can only have assisted in the task of intimidation.



Do you find the want of a lease of any disadvantage to you? — does it discourage you to go on clearing? To be sure it must....

What terms were specified in the document you signed? Mr. Morpeth read it to me; I did not read it, not being very good at reading writing.<sup>48</sup>

Another witness, who “was himself a party to the attornment,... [also] knew the terms only from his [Morpeth’s] reading”.<sup>49</sup> In cases where the settlers lacked basic literacy, the decision on attornment, fraught with enormous significance, was consequently made in dangerous ignorance. FitzRoy reported in 1837 that some settlers had been the victims of one or another sort of deception; and, linked to this, he said, “many of the settlers are extremely ignorant men”.<sup>50</sup> Testimony before a committee of the Assembly in 1840 included a claim by one tenant that for years he had been paying rent on 150 acres rather than the 102 actually contained in his farm. He stated that he had been unable to get the owner to authorize a survey, and only realized the discrepancy when he arranged for performance of the work himself.<sup>51</sup> His attorneys indicated in subsequent testimony that the law had provided no redress, and one cited a case in which another tenant was liable to pay rent on 200 acres although he held only 130.<sup>52</sup> Aside from ignorance in the usual sense, many settlers did not have competence in the English language. Farmers of Highland Scottish origin were probably at a disability in this respect at least as great as Acadians. With reference to Gaelic-speaking Scots, in 1841 Samuel Cunard testified before a select committee of the British House of Commons that “I know whole settlements where they cannot speak English among them”.<sup>53</sup>

Tenants who testified before the royal commission on the land question in 1860 sometimes expressed or even emphasized their own sense of relative disadvantage. The former client of Premier Palmer who stated that his lawyer had “misled” him also claimed that “they” — apparently meaning both Palmer

48 P.E.I., Assembly, *Journal*, 1843, app. P, p. 134. Morpeth’s own testimony before the committee smacked of ambiguity, if not evasion; see p. 132.

49 See testimony of Hugh Maclean in P.E.I., Assembly, *Journal*, 1843, app. P, p. 134.

50 FitzRoy, “To the Proprietors of Prince Edward Island. Circular” (accompanying his “Return”), 3 October 1837, CO 226/54, p. 266.

51 See testimony of James Douglas in P.E.I., Assembly, *Journal*, 1840, app. P, p. 121.

52 See testimony of Charles Binns and Charles Young in P.E.I., Assembly, *Journal*, 1840, app. P, pp. 125-6.

53 See “Extract from the Second Report from the Select Committee of the House of Commons appointed to inquire into the condition of the Islands and Highlands of Scotland, and into the practicability of affording the people relief by means of Emigration—24th May, 1841”, *Colonial Herald* (Charlottetown), 30 April 1842.

and Peters, the lawyer for the other party (the Cunard estate) — “took advantage of my ignorance”.<sup>54</sup> Another witness recalled how, in 1831, influenced by the presence of the purported proprietor, David Stewart, who was making a once-in-a-lifetime trip to the Island, the presence of lawyers, and the liberal dispensation of rum, he and others had attorned. In his words, “I thought Mr. Stewart had a title”.<sup>55</sup> Yet a witness from the same area also observed that one squatter who had boycotted the meeting with Stewart did not attorn, “and he has been a freeholder ever since”.<sup>56</sup> The New Brunswick lawyer Samuel R. Thomson, who had been retained on behalf of the Island tenantry, stated that many of his clients

do not enjoy the advantage of a good education, and so, to a great extent, would be disqualified from obtaining necessary information. These may, it is true, possess an abstract right to enter into the public offices of this Colony for the purpose of procuring necessary papers, but, even supposing they had the right, they would scarcely have known into which offices to have gone to obtain necessary documents. But the case was the opposite with the clients of the Counsel on the opposite side [the proprietors]. My learned friend on that side...was assisted by men who were fully posted up in these matters, and knew where to put their hands on any document which would favour their own cause and be adverse to the cause of our clients.<sup>57</sup>

The need to redress this ‘competence gap’ between tenant and landlord gave a special urgency to the drive for educational reform in Prince Edward Island. In no other colony was the ordinary resident virtually certain to be confronted by a similar situation, in which he had to decide upon signing an irrevocable contract with such sweeping consequences. A farmer gaining access to public lands in Nova Scotia or New Brunswick, a lumberer committing himself to a season in the woods, a fisherman going out to exploit a common resource after incurring a debt for supplies — none of these encountered even an approximate parallel to the Island settler who was being told that he must attorn. Access to a basic

54 See Robertson, ed., *The Prince Edward Island Land Commission of 1860*, p. 134. Of course the fear of collusion among lawyers engaged by contending parties in litigation, whether well-founded or not, reflected the popular lack of faith in the legal profession as a defence against the claims of landlords. For another example of tenants complaining that when they obtained their leases, “advantage was taken” of their ignorance, see *ibid.*, p. 50.

55 Testimony of Donald McInnis in *ibid.*, p. 93; in addition, see p. 92. There is also an undertone of distrust of lawyers in McInnis’ testimony.

56 See testimony of Cornelius Howatt in *ibid.*, p. 92.

education could not provide any absolute protection, but it could reduce the 'competence gap' which was so advantageous to the landlord. The impact of that reduction in the 'competence gap' would be felt as soon as the younger members of a settler's family (assuming there were children) were sufficiently literate to read accurately a lease or an agreement to lease.

In a colony whose major natural resource, namely, its topsoil, had been alienated by the crown in 1767, it was certain that private landholders would be called upon to make major contributions to the Island treasury for any significant new expenditures; there was no alternative. Thus the landlords opposed new programmes for improvement because of the probable costs to themselves. As a consequence such proposals as 'free education' — education paid for entirely by the colonial treasury — became central points of contention between Reformers and proprietors, with the latter petitioning London against confirmation.<sup>58</sup> At one level, there was an irony to the proprietors' opposition to the Free Education Act, for their extraction of much of the scarce cash in the countryside in the form of rent had played a major part in creating the need for such a measure. In fact, the proprietors tended to suspect every such proposal as part of a hidden agenda to undermine the profitability of their Island estates. It is not surprising that they would harbour such suspicions, for George Coles' Liberals let it be known that, given the unacceptability to the British of compulsory measures to dispossess the landlords, they would use taxation as a means to persuade landlords to sell.<sup>59</sup>

The Free Education Act of 1852 was part of a comprehensive reform programme of the Liberals. Indeed, of all the provincial sets of Reformers in the Atlantic colonies who came to power with responsible government between 1848 and 1855, the Coles government had the most far-reaching agenda. More than anywhere else, again primarily because of the land question, responsible government was a means to a broader end, rather than an end in itself. In 1853 the Island Liberals extended the franchise to make it almost universal for adult males, and enacted legislation enabling the local government to make large-scale purchases of land from consenting proprietors for resale to its occupiers. Other reforms concerning the land question were either negated or diluted by the British government. But the local government was able to proceed with educational reform without hindrance from Downing Street.

The establishment of free education became a mark of epochal change on Prince Edward Island. It represented 'progress' in the 19th century sense of

<sup>57</sup> See *ibid.*, pp. 177-8.

<sup>58</sup> See CO 226/80, pp. 587-8, 634-5.

<sup>59</sup> See, e.g., Coles' statement, made in 1855, cited in Gordon and Laird, eds., *Abstract...*, Proceedings, p. 290.

opening opportunities to a broad segment of the population. It was also the beginning of a remarkable 25-year period in the development of public education. In the quarter-century framed by passage of the Free Education Act and the Public Schools Act of 1877, the local government established a system of tuition-free public education, made attendance in the public school system compulsory, and entrenched the non-sectarian principle. Beyond the common schools, the Island government established a normal school, converted a public academy into a college, and rejuvenated the system of administration and inspection. Those 25 years witnessed, albeit with setbacks along the way, the transformation from a underdeveloped educational system, with an unpredictable impact on individual districts of the colony, to an early modern system which virtually guaranteed a minimum level of opportunity and quality to each district.

In the specific environment of the colony, free education also contributed to a change in the balance of power between the landocracy and the common settlers. Both sides, proprietors and their opponents, judged all reform measures, including responsible government and a wider franchise, according to their impact on the land question. When Edward Palmer argued against extending the elective franchise in 1853, he did so explicitly in class terms:

Hon. Mr. Palmer took his stand against the Bill on the ground that it will give a political ascendancy to men destitute of property over those who possessed it. He argued that there could be no sympathy, on many probable occasions, on the part of the former with the latter — of the unpropertied with the propertied classes.<sup>60</sup>

In the same speech, Palmer chose the raising of funds for the free education system as his example of how the unpropertied could use the franchise to victimize the propertied. That sort of perspective, with its mirror image in the Reform camp, gave exceptional urgency to the Island's movement for free education, and ensured that district school education would have high priority on the agenda of Island Reformers. After passage of the Free Education Act, the progressive initiative became a source of local pride, with permanent and committed advocates.<sup>61</sup> For the next generation, education would always be a

60 Summary report of Assembly debates for 25 February 1853 in *Royal Gazette*, 7 March 1853.

61 In 1863, when the Conservatives, with a strong representation of landlords and agents, were returned to a second consecutive term in office, they would alter the Education Act so as to make the local districts responsible for a significant proportion of teachers' salaries. But the principle of 'free education' was restored by the Liberals in 1867. The Tories' modification of the system had failed, as even they admitted. See Ian Ross Robertson, "Political Realignment in Pre-Confederation Prince Edward Island, 1863-1870", *Acadiensis*, XV, 1 (Autumn 1985), pp. 44-5.

major concern of some prestigious and influential persons in public life.

There were undoubtedly other important factors in explaining the attention education commanded in the colony. It was more than coincidence that most prominent individuals involved directly in education, like Alexander Anderson, long-time principal of Prince of Wales College and later superintendent of education for the province,<sup>62</sup> and Stark and William McPhail,<sup>63</sup> crusading school visitors, were Scots. When the local government sought to remedy the lack of professional training and common methods of education on the part of teachers by establishing a normal school in Charlottetown in 1856, it was staffed with a Scottish master recommended by Stark and also from Stow's Normal Seminary. There was unquestionably a Scottish cultural hegemony on the Island in matters of education, especially in terms of key personnel.<sup>64</sup> But if an explanation for the Island's pre-eminence in establishing free education at the district level is sought, the place to begin is the land question. It was the central role of the lease, the nexus between landlord and tenant, which made access to primary education a matter of pressing urgency for most Island households. Prince Edward Island was not the only colony with leasehold tenure, and undoubtedly it was not the only one in which there was popular distrust of lawyers; but the combination of leasehold as the predominant form of land tenure, the lack of faith in the legal profession, and the chaotic way in which settlement had proceeded combined to create a uniquely urgent need for literacy. It was a necessary means of self-help, and at the core of the Island's 'age of reform'.

62 Regarding Anderson, Sir Andrew Macphail declared that "Of the many teachers I have since known he was the best.... He treated the crude boys as if they were grave young gentlemen determined to become scholars and win by their scholarship any highest place in the world". (Macphail, *The Master's Wife*, pp. 177-8). In 1888 McGill University conferred an honorary doctorate on Anderson.

63 See Ian Ross Robertson, "William McPhail", *Dictionary of Canadian Biography*, vol. XIII (forthcoming). McPhail would be especially vocal in the 1870s in directing attention to the decaying state of public education in Charlottetown. He was the father of Andrew Macphail, and 'the master' (i.e., schoolmaster) of Andrew's semi-autobiographical memoir, *The Master's Wife*. As an adult, Andrew adopted a different spelling of his family name, substituting *Macp* for *McP*; William retained the older version.

64 This Scottish cultural hegemony was also evident in the Roman Catholic College, St. Dunstan's; see Robertson, "Highlanders, Irishmen, and the Land Question in Nineteenth-century Prince Edward Island", p. 235 and n. 52 on p. 240.