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# Working at the crossroads: Statute Labour, Manliness, and the Electoral Franchise on Victorian Prince Edward Island

Colin Grittner

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Résumé de l'article

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# Working at the crossroads: Statute Labour, Manliness, and the Electoral Franchise on Victorian Prince Edward Island<sup>1</sup>

COLIN GRITTNER

## *Abstract*

*This essay considers how conceptions of manliness shaped the electoral franchise on Victorian Prince Edward Island. Soon after its institution of responsible government, Prince Edward Island shifted away from a property-based franchise to one grounded in the performance of statute labour. Instead of heralding the male property owner, this new law championed the man who used his labour to faithfully serve and improve his community. Because of limited land distribution, bourgeois ideals of manliness based upon property ownership fit the conditions of the colony poorly. A statute labour franchise better reflected the gender ideals upheld by the Island's unpropertied majority. Like all gender ideals, these standards were not accepted across Prince Edward Island unopposed.*

## *Résumé*

*Cet article étudie la façon dont les différentes conceptions de la masculinité ont façonné la franchise électorale à l'Île-du-Prince-Édouard à l'époque victorienne. Peu de temps après l'avènement de la responsabilité ministérielle, le gouvernement de la colonie a délaissé la franchise basée sur la propriété au profit d'une franchise basée sur la participation des hommes à la corvée. Plutôt que de mettre à l'honneur l'homme-propriétaire, la nouvelle législation privilégiait l'homme qui mettait son travail au service de sa communauté. Étant donné la distribution limitée de la propriété sur l'île, les idéaux bourgeois entourant la masculinité, fondés sur la notion de propriété, ne correspondaient pas à la réalité sociale de la colonie. La franchise basée sur la corvée reflétait davantage les idéaux concernant le genre entretenus par la majorité de la population.*

During the summer months, statute labourers were a common sight on the highways and bridges of mid-nineteenth-century British North America. Colonists demanded well-maintained roads. Their access to

local markets depended upon them. Unfortunately, the Canadian climate does not suit dirt roads particularly well. As the spring thaw softened the ground, passing carts and buggies would chew up the earth, leaving behind a morass of deep wheel grooves and exposed tree roots. The late spring sun would then bake the cratered soil in place, to the peril of ankles and axles alike. Without fully developed state institutions, the British North American colonies did not have the means to effectively collect, distribute, and monitor a cash-based road tax to pay for repairs. Instead, the fledgling colonial states called upon every able-bodied male inhabitant to spend a few summer days as a statute labourer on the local roads. Prince Edward Island was no exception. Statute labour on Victorian Prince Edward Island, however, meant much more than 32 hours of filling ruts, clearing stumps, digging ditches, and leveling thoroughfares. As of 1853, men over the age of 21 who performed their annual statute labour could vote for members of the Legislative Assembly in the Island's colonial elections.

No other Canadian colony or province, before or since, has ever attached its electoral franchise to the performance of statute labour. Prince Edward Island stands unique in this respect. No passing fad, this offer to statute labourers remained the cornerstone of the Island franchise into the twentieth century. This article explores Victorian Prince Edward Island's enduring relationship with an electoral franchise based upon the performance of statute labour. Furthermore, it does so from a gendered perspective. William J. Novak asserts that full membership within the nineteenth-century body politic depended upon "personal pattern[s] of residence, jurisdiction, office, job, service, organization, association, family, age, gender, race, and capacity."<sup>2</sup> How politics combined and emphasized these categories speaks to the cultural value they attached to particular identities, statuses, and behaviours. The electoral franchise, as representative government's ultimate symbol of inclusion, offers an immediate expression of these cultural values.

It is well-known that nineteenth-century British North American and Canadian franchise legislation was designed to exclude women from electoral citizenship.<sup>3</sup> Male legislators, to justify this institutionalization of male power, repeated ad nauseam that women were naturally ill-suited to political life.<sup>4</sup> Electoral politics was defined as a manly domain. Yet, alongside women, franchise laws excluded certain men from the suffrage as well.

Although sexually male, these men were somehow less manly than those who possessed a vote: they did not meet the gender ideal evinced by the enfranchised. Gender, in the words of Joan Scott, refers to socially and culturally produced “knowledge about sexual difference.”<sup>5</sup> As knowledge, gender is never static or absolute: it is constructed through both time and space, by means of both consensus and conflict. Gender ideals are consequently always multiple, always contested, and always implicated in relations of power. Whether a man received a vote depended upon where he positioned himself in this ongoing gender contest, and how others perceived his position. Local franchise laws, like that of Prince Edward Island, thus offer valuable insight into how nineteenth-century Canadians regionally conceived of and challenged ideals of manliness as prerequisites for full citizenship.<sup>6</sup> Within Canadian historiography, no one has pursued this line of enquiry to date.<sup>7</sup> In adopting this approach, this article argues that Victorian Prince Edward Island’s peculiar franchise law reflected and codified the manly ideals predominantly upheld by the Island’s unpropertied majority.

Before 1853, only men who contractually possessed real property through freehold or leasehold voted on Prince Edward Island. As of 1830, the Island government, at the behest of the Island élite, had pegged the amount of ratable land required for enfranchisement at 40 shillings. In other words, before a man could vote, the colonial state required him to certify that he had improved his lands to the yearly value of 40 shillings (through dwellings, structures, fences, plowed acreage, etc.). Moreover, according to the legislation, leaseholders had to have signed at least 21-year leases to qualify for enfranchisement. Although no evidence exists that any Island woman actually voted during the nineteenth century, women who met these qualifications could technically vote until 1848 as well.<sup>8</sup> In a colony where property ownership was atypical, land values varied dramatically,<sup>9</sup> lease rates were reasonably low,<sup>10</sup> and informal leases were not uncommon,<sup>11</sup> such qualifications represented sizeable enough hurdles for many Island men.

Very much in the British tradition, the Island’s legislative élite had designed these restrictions to ensure that only ‘respectable’ men would vote. Respectability in this case — as discussed by scholars such as Leonore Davidoff, Catherine Hall, and, more recently, Kathleen M. Brown — stemmed from bourgeois notions that property ownership

conferred upon a man the stability and independence necessary to safely and honestly exercise the suffrage.<sup>12</sup> A man's property permanently connected him to his community and, ideally, provided him and his family with their necessities of life. Because a man literally depended upon no one else to provide for his household, others trusted that he could make an independent decision on election day. Prince Edward Island's Conservative Party in particular employed such arguments as they sought to keep domestic servants, unruly boys, manual labourers, lethargic farmers, itinerant strangers, "migratory birds," and all other groups of unpropertied men away from the hustings.<sup>13</sup> In doing so, these legislators attempted to defend what Ian McKay has called Canada's "liberal order." This Canadian brand of liberalism, which grew out of the Rebellions of 1837–1838 and transcended political party monikers, valued property ownership above all else as the hallmark of the autonomous liberal individual.<sup>14</sup> The self-sufficient, propertied individual in turn formed the foundational unit for this imagined liberal society. Men who did not own real property were thus viewed as "deficient individuals" within the liberal order, and "were not to be trusted with [the right to vote]."<sup>15</sup> Francis Longworth, a Conservative who represented Charlottetown for over two decades, would have thoroughly agreed. Franchise law that did not respect property ownership, according to him, placed "the basement class of our social edifice in a position to over-rule all the others."<sup>16</sup> For Island Conservatives like Longworth, no man could truly call himself a man without owning land of his own.

In 1851, the political landscape on Prince Edward Island changed when the British government granted the colony responsible government. Throughout the Island's early history, Island governors had been some of the most strident opponents to an inclusive Island franchise. Even as late as 1850, Governor Sir Donald Campbell had sought more stringent restrictions upon Prince Edward Island's suffrage. Fearing the reforms that would surely follow responsible government, Sir Donald circumvented the Island's Legislative Assembly and requested that the imperial parliament sustain the colony's property-based franchise. Moreover, he demanded new residency restrictions upon tenant voters. Instead of requiring leaseholders to possess leases that lasted 21 years or longer, the governor's legislation would have required leaseholders to *reside* on the Island for at least 20 years before qualifying to vote.<sup>17</sup> In

the end, the Colonial Office had little interest in altering Prince Edward Island's constitution from afar on the eve of responsible government. With responsible government conferred, the governor lost any power he had to affect electoral composition. Soon after he entered office, Liberal Premier George Coles took this opportunity to radically alter the Island's franchise law. In doing so, his government offered the colony's vote to Island men who specifically did not possess real property of their own.

Since coalescing as the Reform Party in the 1840s, Prince Edward Island's Liberals had fought in favour of the Island's unpropertied majority. After receiving Prince Edward Island from the French in the 1760s, the British government had divided and distributed its lands to a small cadre of British gentlemen. Even by 1841, according to Ian Ross Robertson, less than one-third of Islanders actually owned their own land.<sup>18</sup> Despite the fact that unpropertied Islanders vastly outnumbered propertied Islanders, Island legislation had heavily favoured the Island's freeholders. The Tory compact, which had advised the governor throughout Prince Edward Island's early history, had seen to that. The majority of Islanders — unpropertied men of predominantly British stock who rented their land from the aforementioned proprietors — had little official recourse to affect changes that may have satisfied their own needs.<sup>19</sup> It was this imbalance that Island Liberals in part banded to combat. The Franchise Act of 1853 played a key role in this project.

It took some grammatical contortions, but the Coles Liberals managed to cram their sentiments on electoral citizenship into the second section of their new Franchise Act. As before, a voter had to be a "male person of the age of twenty-one years and upwards, ... a British subject, and not subject to any legal incapacity."<sup>20</sup> This man also had to have lived in his electoral district for "the space of twelve calendar months previous to the teste of the writ of the Election."<sup>21</sup> From this point, the legislation gave the potential elector two different ways to qualify for the suffrage. Property ownership opened the first avenue toward enfranchisement. The Franchise Act enfranchised men who owned or leased any "land, house, warehouse, shops, or other buildings or premises within any Electoral District in this Island, of the clear yearly value of forty shillings."<sup>22</sup> If a man owned property in multiple districts, he could vote in each of these districts. This stipulation found its basis in the Island's previous Franchise Act of 1830. The principle of 'one man,

one vote' had not emerged anywhere in British North America at this time.

For those Island men not fortunate enough to own real property, the act provided them with another option. Once again according to section two, Islanders:

who shall by Law be liable to perform statute labour on any of the highways, streets or bridges of this Island, or to pay a sum of money or rate therefor [*sic*], or in lieu thereof, or who, being otherwise so liable, shall be specially exempted therefrom by Statute on account of holding any office, situation or employment, shall, in respect of such his qualification, be entitled to vote at any Election hereafter to be held for the election of a Member, or Members, to represent in the General Assembly of this Island the Town, Common and Royalty, or Electoral District ... wherein he may be liable, or unless exempt as aforesaid, would be liable to perform Statute Labor or pay a sum of money or rate therefor [*sic*], or in lieu thereof.<sup>23</sup>

In other words, the new law decreed that those men liable to perform statute labour (who had indeed either performed or commuted their statute labour) could henceforth vote in provincial elections. As of 1851, the Island's statute labour legislation required that all male Islanders "between the ages of Sixteen and Sixty years ... work for the space of Four days, or Thirty-two hours, in every year" on the Island's roads, regardless as to whether they owned land or not.<sup>24</sup> Conceivably, all adult male Islanders under the age of 60 would have thus qualified for the vote through statute labour.

Despite slightly misleading descriptions by some scholars, the Coles government did not seek to implement manhood suffrage through the Franchise Act of 1853.<sup>25</sup> If it had wished to do so, it could have easily removed all qualifications from the Island franchise. Within the current historiography, John Garner offers the most nuanced understanding of the legislation.<sup>26</sup> In his ground-breaking study of British North American franchise law, Garner argues that "the Island mind did not equate the statute labour franchise with manhood suffrage. [Islanders] considered manhood suffrage to imply that all adult males

were entitled to the franchise as an inherent attribute of citizenship, whereas the statute labour franchise gave the vote to all adult males because they had a duty to discharge towards the community.”<sup>27</sup> Although quite correct, Garner does not tease out how Prince Edward Island’s unique legislation fit into contemporary beliefs concerning citizenship and manliness.

Like most Victorians, George Coles and his fellow Liberals did not view the electoral franchise as a right, but as a privilege. To earn this privilege, one had to make an active contribution to society as a whole. When defending his party’s new Franchise Act, Coles maintained that “the laboring and productive classes, who pay taxes and discharge all the duties and obligations of useful and honest citizens, are quite as much entitled to a voice in the legislation of the country as their apparently more fortunate brethren, the possessors of property.”<sup>28</sup> Coles’ most able lieutenant, the journalist Edward Whelan, agreed wholeheartedly with his chief. Whelan affirmed:

[W]ith respect to the policy of extending the privilege to servants and other labourers — to the men of no property — he could imagine no evil consequences would arise. This class, it is true, might have no fine edifices or broad acres to boast of; but their services were not only as essential to the maintenance of the social fabric as the services of a more fortunate class of men, but they were, in fact, more serviceable to society — for without labour, or the instruments of labour, society would soon fall into its original elements — and wealth and property, which are the offspring of labour, must cease to exercise any influence in the social scale.<sup>29</sup>

Islanders of the day would have quickly recognized Coles’ and Whelan’s class-oriented arguments. The language of labour had found wide credence across Prince Edward Island ever since the colony’s Escheat movement had popularized it two decades earlier.<sup>30</sup>

Escheat refers to the process whereby land title reverts to its original owner.<sup>31</sup> The Escheat movement on nineteenth-century Prince Edward Island grew out of the Crown’s earlier distribution of Island lands. With few opportunities to buy land of their own, new settlers to Prince Edward Island had to rent from the colony’s landlords.<sup>32</sup> These settlers soon



understood the full burden of their commitments. Because of crop failures, economic depression, and the difficulties associated with land clearance, many tenants owed substantial arrears by the 1830s. To collect back rents, landlords had the power to strip tenants of everything. Personal possessions could be taken through distraint; immovable property could be seized through eviction. Rural Prince Edward Islanders, to protect themselves and their families, increasingly advocated the escheat of large Island estates so they could free themselves from their landlords' threats and eventually purchase their land from the Crown. By 1832, the Escheat movement had become a central feature of Island politics.<sup>33</sup>

As thousands joined the movement during the 1830s, Escheators progressively adopted a class-based language to describe their posture toward the land question. In his excellent study of the Escheat movement, Rusty Bittermann reveals how this language revolved around a labour theory of value that viewed tenant labour as the source of property values on Prince Edward Island. Island landlords, according to Escheators such as William Cooper, would own nothing more than rolling patches of wilderness without their tenants' efforts. These efforts invested the colony's tenants in their land, staked their claim to it, and earned them the right to own it.<sup>34</sup> Through this logic, Escheators portrayed Prince Edward Island's tenantry as its industrious and productive labouring class. Wealthy Islanders such as Francis Longworth thus had it wrong; if anyone formed a basement class, it was the colony's landlords. Living off the labour of others, like parasites, these large proprietors needed their tenants far more than their tenants would ever need them.<sup>35</sup>

As the Escheat movement faltered during the early 1840s, class rhetoric on Prince Edward Island lost some of its ferocity. The importance of class identities, however, would carry through to the era of responsible government. Indeed, in the words of Bittermann, "one of the most striking aspects of the historical record bearing on the land question over these years is the persistence of the ideas, language, and historical claims that Escheat made in the public arena."<sup>36</sup> Although George Coles and Edward Whelan opposed escheat as "mischievous" at the time, they employed the class-based language of the Escheat movement to promote their party's Franchise Act.<sup>37</sup> Just like the Escheat leaders of yesteryear, these Liberals celebrated the Island's unpropertied labouring class and underscored its fundamental importance to Island

society. In fact, one of those Escheat leaders, William Cooper, openly endorsed Coles' and Whelan's position. As part of his 1853 campaign to re-enter Island politics, the 67-year-old Cooper contended that "The Bill for the extension of the Elective Franchise confers a rank and honor on that most useful class of men who labour," so that "they are placed on a footing as Electors with the owners of property."<sup>38</sup> Cooper and Coles were sniping at each other's land policies by this time. A particularly heated and personal conflict would soon emerge between the two.<sup>39</sup> Even so, Cooper embraced the Liberals' Franchise Act as an advancement of tenant privileges and labouring-class justice. In promoting a statute labour franchise, however, neither Coles nor Whelan nor Cooper believed it was enough for a man to labour solely for self-gain. Unpropertied Islanders also needed to offer their labour to the community and fulfill their obligations to the state to confirm their place within the electorate. Taxation provided the means to satisfy both criteria.

By 1853, statute labour represented one of the few taxes imposed upon Prince Edward Islanders. As part of their grant agreements, landlords had to pay yearly quit rents to the Crown.<sup>40</sup> These unofficial taxes applied, however, only to the landowning minority on the Island. Upon the town's incorporation in 1855, residents of Charlottetown would have to pay an annual poll tax. But this tax applied only to Charlottetowners, who represented at the time just over ten percent of the Island's total population.<sup>41</sup> Only two direct taxes, then, applied broadly across the Island during the mid-nineteenth century: the school tax and statute labour (which was sometimes referred to as the road tax).<sup>42</sup> Moreover, the school tax had only come into effect in 1852 with the passage of the Free Education Act.<sup>43</sup> Although Islanders may have liked the idea of free education, they certainly disliked the increased tax burden it placed upon them. Ian Ross Robertson has even gone so far to suggest that "largely because of the sudden rise in taxation occasioned by the Free Education Act," the Coles government lost the colonial election of July 1853.<sup>44</sup>

By attaching the electoral franchise to the performance of statute labour, the Liberals linked the vote to one of the very few obligations the government placed upon Island men, and that Island men did not necessarily mind fulfilling. Because payment took the form of labour, any able-bodied man could reasonably afford to cover his tax and discharge his duty to the community even if he had little cash on hand. Island men from

all walks of life — no matter their race, religion, or economic situation — could claim their stakes in colonial affairs. On the basis of this highly democratic principle — one that favoured labouring-class interest over the liberal faith in property ownership — the Coles government opened the colony's franchise to a new group of voters: able-bodied, industrious, productive men with honest, dependable characters who faithfully discharged their annual obligation to the community. For Coles' Liberals in 1853, both the ideal citizen and the ideal man fit this description.

But what about male Islanders who did not so easily fit this ideal? Although the Franchise Act of 1853 greatly extended Prince Edward Island's franchise, a male resident still had to satisfy three basic criteria to receive a vote: he had to be liable to perform statute labour; he had to be over the age of 21; and, he had to have actually performed that labour. While George Coles may have asserted "that every man of 21 years and upwards, who paid the Road Tax, should also possess the right to vote," these restrictions resulted in the disenfranchisement of several groups of Island men.<sup>45</sup> For example, Prince Edward Island's statute labour law exempted both schoolteachers and men aged 60 years and over from statute labour. The Coles government passed this law itself in 1851. Though some schoolmasters and sexagenarians would have qualified to vote through the Franchise Act's property qualification, many still would not have owned real property. These men, by law, would have been disenfranchised due to their occupation and age. Incensed at this turn of events, the editor of the Conservative *Islander* demanded to know why the government imposed

on persons over 60 years of age the necessity of acquiring a property qualification — freehold we presume — before they shall be entitled to vote. This condition seems to be inserted because the law provides they shall not do statute labour after that age. And why does the law so provide? It must be because, after a man has served the public for *forty-five years* [emphasis in original] on the roads, he has deserved so well of the community that he should be awarded exemption for the remainder of his life.<sup>46</sup>

According to the *Islander's* editor, men over the age of 60 had already offered enough service to the community throughout their lifetimes.

Penalizing these older men because of their age — although they represented “the most intelligent of our population” and “otherwise contribute[d] hundreds of pounds annually to the revenue” — made little sense to the *Islander* except as a partisan ploy.<sup>47</sup> Grandiosely, it contended that the Coles government simply wanted to disenfranchise intelligent Islanders. The fact that schoolteachers — one “of the most useful and intelligent [professions] amongst us” — could not vote because of their statute labour exemption only helped fuel the *Islander’s* allegations.<sup>48</sup> No intelligent voter, after all, would vote for the Coles government.

Unfortunately for historians, Coles and his allies offered no defence against such criticism during the franchise debates of the 1850s. If the Coles government desired to stand by the principle that only able-bodied men who discharged their state-mandated obligation to the community should vote, then disenfranchising unpropertied schoolteachers and men over the age of 60 made some sense. Because of their statute labour exemption, these unpropertied men neither had to work with their hands to improve their community’s roads nor did they have a particularly formal connection to the colonial state through taxation. Thus, they did not technically meet the manly ideal espoused by the Coles government in its Franchise Act. Such logic of course would not have impressed Prince Edward Island’s older inhabitants or its educators. Even as late as 1877 some Islanders continued to complain of the franchise law’s inescapable prejudice against the “Teacher[’]s privilege” and “the old infirm man of over 60 years of age.”<sup>49</sup> These exempted men still could not work for their vote, even if they wanted to.

Island males under the age of 21 faced age-based discrimination of a different sort. Although the Coles government pegged the voting age at 21, the Island’s statute labour law mandated that “every Male person, between the ages of Sixteen and Sixty years” perform statute labour. By 1879, the starting age for statute labour would increase to 18.<sup>50</sup> Even so, the obvious discrepancy remained: that younger Island residents liable to perform statute labour did not receive the electoral franchise in exchange for their annual roadwork. Like their older neighbours, they too fulfilled their obligation to the community through their labour, but, they obtained nothing in return. Neither the governing Liberals nor the opposition Conservatives bothered to mention this discrepancy. Both parties tacitly agreed that political manhood began when it always had across the

English-speaking world: at the age of 21. In practice, however, Islanders had difficulty appreciating the distinction made by their legislators. Because they performed statute labour, many young males understandably felt that enfranchisement should follow. Unfortunately, very few Prince Edward Island electoral records remain for the years before 1877. It is therefore impossible to know exactly how many legally underage males presented themselves at the polls after 1853.<sup>51</sup> As the legislative and bureaucratic record indicates, however, the government soon understood that these numbers eclipsed all previous totals.

Before 1860, men simply had to swear that they had performed their statute labour to receive a vote. As of 1860, that option disappeared: men who desired to vote now had to present a certificate signed by a statute labour overseer attesting to that fact. Overseers also received legislative instructions about how they should treat “any person between the ages of twenty and twenty-one years.” Whenever an overseer issued a certificate to a 20-year-old, the overseer had to mark the certificate “under age.”<sup>52</sup> So-called underage statute labourers had apparently attended the polls in sufficient numbers to warrant new legislation. Conservative legislator Francis Longworth testified during the debate of 1860, “At present young men employed in shipyards and other places, were in the habit of voting on the Statute labor qualification” especially.<sup>53</sup> At a time when family Bibles still doubled as the best sources for vital statistics, it was exceptionally difficult for electoral officers to ascertain a voter’s age. As a result, young men, such as Alexander Robertson of Georgetown, presented themselves at the hustings as statute labour voters with little fear of rejection. Only if a personal acquaintance of the young man testified against him at a subsequent scrutiny — as did Alexander Robertson’s father John W. Robertson, who was obliged to do so as Georgetown’s Road Commissioner — would the young man have his underage status revealed.<sup>54</sup> Although the state had rooted out Alexander Robertson, many other 20-year-olds had undoubtedly slipped through the cracks.

By 1862, Prince Edward Island’s bureaucracy had begun to act upon the new legislation. For the statute labour season of that year, the Island’s Road Office issued new printed instructions to all of its Road Commissioners — men responsible for all the road work in a given district — as to how their overseers should treat young statute labourers. According to the departmental letter signed by the Road Office’s Road

Correspondent John William Morrison, Road Commissioners “will take care to instruct the Overseers not to grant a Certificate to any person who is under Twenty years of age; and that when a Certificate is granted to any person between Twenty and Twenty-one years of age, it must be marked ‘Under Age’.”<sup>55</sup> Not only would 20-year-old statute labourers receive the label of underage, those under the age of 20 would receive no written evidence of their statute labour at all. Without a certificate, casting a successful vote became exceptionally difficult.

This system, however, was by no means foolproof. According to the new legislation, a statute labour certificate could take on just about any form: from an officially printed document to a few scribbles on a scrap piece of paper.<sup>56</sup> Because falsification and forgery took so little effort, the task of recording the age of statute labourers took on much greater importance. While the submission of incomplete statute labour returns had always been a problem on Prince Edward Island, the Road Office took additional pains by 1864 to remind Road Commissioners that “it is absolutely necessary that the Overseer should attest to his return before a Magistrate and also the age of each person should be stated.”<sup>57</sup> So long as the Road Office knew the age of every Islander who performed his statute labour, the colonial state would have the means to sniff out legally underage statute labour voters. Through knowledge of population, to borrow from Bruce Curtis’ work on the Canadian census, the Island state had greater power to discipline and regulate conceptions and behaviours of inclusion and exclusion.<sup>58</sup> Even with these new precautions, the perceived problem of underage voting apparently did not go away. Prince Edward Island’s Road Office continued to distribute its instructions regarding underage statute labourers until at least 1869.<sup>59</sup> Island legislation, then, did not seem to coincide with sentiments of many Islanders themselves. Once the state began to make demands of young male Islanders, and once they dutifully responded to these demands, these young male Islanders became men. As men, they believed that they should vote.

Aside from keeping underage voters away from the polls, Prince Edward Island’s road certificate system served another purpose: to prevent men who shirked their statute labour from voting. The new Island government of 1860 argued that the previous year’s election offered ample evidence in favour of such a system. Upon moving for the legislation’s second reading, Thomas Heath Haviland contended that “At the last general

election much trouble arose” because “parties who have no right to vote [were] frequently allowed to come forward and exercise the privilege, to the injustice of those who possess the requisite qualification.”<sup>60</sup> Francis Longworth was even more to the point than his colleague Haviland. “Last session it had been proved before the House,” he asserted,

that parties had voted two or three times, when they had no legal right to do so. The class of electors who vote merely on the statute labor qualification, were not so well known as the owners of property, and some check was absolutely necessary to prevent the abuse of the franchise .... The measure would have the effect of preventing illegal voting, and causing parties to work on the roads or pay their commutation.<sup>61</sup>

Because statute labour voters did not require written evidence of their statute labour, returning officers had to take the word of these voters that they had in fact completed their statute labour. Men antithetical to the manly ideal espoused by the Franchise Act of 1853 — namely dishonest, indolent, unreliable men who evaded their duty to the community — could consequently vote simply by lying at the hustings. Electoral scrutineers had very little means to challenge these men.

During the nineteenth century, at least 64 controverted elections were tried on Prince Edward Island.<sup>62</sup> Of these scrutinies, only the minutes for one seem to have survived in full: that of the 1859 Georgetown election. At this particular scrutiny, the two rival candidates, Roderick McAulay and Andrew A. Macdonald, questioned a total of 23 votes.<sup>63</sup> Of these 23, the candidates challenged only three statute labour votes. Only one of these challenges was based upon the assertion that the man in question had not performed statute labour.<sup>64</sup> Moreover, the only reason that anyone questioned Louis Nicholas’ vote was because of his “addict[ion] to the migratory habits of the Mic Mac tribe.”<sup>65</sup> Not really “migratory” at all, Nicholas had lived in Georgetown for “six or seven years past; five or six in all events.”<sup>66</sup> Even so, Nicholas’ fellow Georgetowners still viewed him as an outsider due to his Aboriginal identity. The two statute labour overseers who testified against Nicholas, Alexander Robertson and George Parker, erroneously “did not think Indians were liable to perform Statute Labour.”<sup>67</sup> As a result, they had not called upon Nicholas for road work. These two overseers would later



admit that Nicholas could have performed his statute labour under the supervision of another overseer.<sup>68</sup> The court also heard testimony from Georgetown's Road Commissioner, John W. Robertson, that he "consider[ed] Indians, male persons between the age of sixteen and sixty, liable to perform Statute Labour, according to the laws of the land."<sup>69</sup> Despite these confessions, the court in the end rejected Nicholas' vote even though Nicholas had sworn that he had performed statute labour.<sup>70</sup> Based upon the proceedings at Georgetown, then, only racial prejudice could challenge the vote of a statute labourer who otherwise met the criteria of the Franchise Act.<sup>71</sup> According to the Island government, too many Island males exploited the colony's franchise legislation in this way during the 1859 election. As long as a man acted like a man by fully discharging his duty to the community, then such a man may vote. Too few Island men, however, had apparently met this standard of manliness.

When the Coles Liberal government passed the Franchise Act of 1853, it had placed tremendous faith in the manly characters of Island males. While many men every year without fail would work on the colony's public roads, others would inevitably find ways to avoid their responsibility. In the words of the Charlottetown *Patriot*, "The Statute labor was very hard on industrious men whose time was valuable, and exceedingly light upon those who looked upon the days spent on the roads, pretending to repair them, in the light of a season for loafing and frolicking."<sup>72</sup> This had always been a problem on Prince Edward Island. Statute labour took place "between the Twentieth Day of June, and the Twentieth Day of July annually," after farmers had planted their crops and before they began haying.<sup>73</sup> Neighbours would come together during this seasonal lull, under the supervision of an overseer, who was normally another neighbour, to complete their roadwork. Statute labour therefore offered an exceptional opportunity for socialization, especially if a lenient overseer and a cask of ale were involved.

By the second half of the nineteenth century, Islanders had become quite adept at complaining about the ineffectiveness of statute labour. On one side of Prince Edward Island's House of Assembly, George Coles outright "deprecated the practice." As leader of the opposition in 1860, Coles argued, "he would rather exact 1 s. 6 d. a day as commutation than continue the practice [of statute labour]. Very little benefit resulted to the roads from it. The people, generally, made it the occasion of a frolic."<sup>74</sup>



On the other side of the legislature, Francis Longworth agreed with his Liberal adversary. Longworth believed that “more work can be obtained ... than is usually performed under the statute labor provision” if every statute labourer paid three shillings per year instead of performing the labour themselves.<sup>75</sup> For that reason the government to which Longworth belonged wished to reduce the payment required to commute one’s statute labour to three shillings “expressly with the object of rendering it more advantageous to a party to pay the money than to perform the labor.”<sup>76</sup> According to another Conservative, Edward Thornton, “No man could reasonably refuse to pay the price of a bushel of oats, rather than perform Statute Labor [*sic*] on the roads.”<sup>77</sup> That bushel of oats apparently improved the Island’s roads to a greater extent than the 32 hour’s labour provided by many Island men. Documentation from the Island’s Road Office corroborates these anecdotes.

Time has treated Prince Edward Island’s nineteenth-century public works records much more kindly than it has the Island’s electoral records. Ledgers, correspondence, and returns regarding statute labour still survive for the better part of the nineteenth century. From this archive, one gleans some of the problems inherent to a road maintenance system essentially sustained by forced labour. For the most part, Islanders had fewer problems labouring on nearby roads. According to the testimony of one Mr. Owen before the Legislative Assembly, “People worked hard on the bye-roads, if they did not on the main.”<sup>78</sup> The *amount* of labour performed, however, varied widely based upon factors such as location and supervision. With respect to location, statute labourers had little incentive to work hard on roads that they themselves seldom travelled. Such roads could be as far as five miles from one’s homestead.<sup>79</sup> For example, the inhabitants of Harbour Mouth, Keppoch, Kinbough, and Belvien all complained to the Road Office in 1843 that “their Statute labor and commutation money is applied exclusively upon the main road leading from Charlotte Town ferry to Geo[rge] Town and that their own local roads remain neglected and in some parts of the season difficult and almost impossible for loads of produce, especially during spring and autumn.”<sup>80</sup> These Islanders did not see the purpose of statute labour if it did not offer much benefit to themselves. Only after the Road Office promised that it would allocate additional funds to their local roads did these men pick up their tools once more.<sup>81</sup>

Once the statute labourers reached the worksite, statute labour overseers had little means to compel their charges to work hard. Before 1840, overseers did not have to testify as to where work was performed or how long the work took to complete. Without any real accountability, overseers feared little retribution when they did not complete the tasks assigned to them. Road Correspondent Peter Macgowan believed in 1840, "The oath from the overseer," instituted in response to this problem, "has had the good effect of getting much more done than formerly."<sup>82</sup> Even after overseers had to swear to the labour performed, problems still arose concerning the overseer. Realizing their general lack of authority, many overseers (as related in one reminiscence) accepted that many statute labourers would only "perform some nominal work upon the roads; but ... never performed the whole of the work which the law required."<sup>83</sup> In some instances, statute labourers would simply refuse to work for certain overseers. For example, "several Inhabitants of Lot 14" refused to work under the authority of one Mr. McGregor because Mr. McGregor "lives in Lot 16."<sup>84</sup> Irritated by these difficulties, the Road Office eventually preferred to pay for labour if it meant quality work.<sup>85</sup> Prince Edward Island's new Conservative government hoped to rectify this apparent tradition of indolence through the certificate system.

The 1860 amendment to Prince Edward Island's Franchise Act reflects the contested nature of manliness on the Island at the time. By this time both political parties had agreed that only honest and industrious men who diligently discharged their obligations to the community should vote in colonial elections. Those Islanders who wasted their time on the public roads thus posed a problem for the colony. By means of the certificate system, statute labourers now had a tangible incentive to complete their annual obligation. If a given statute labourer did not perform his duties as expected, the overseer could simply withhold the labourer's certificate. Only through strong regulation, the government believed, could the state discipline apathetic Island men to reflect dominant notions of manliness. The appearance of forged statute labour certificates soon offered resistance to the government's disciplinary project. Even so, those few surviving nineteenth-century Prince Edward Island electoral records indicate that the certificate system had the desired effect.<sup>86</sup> Only men who produced written evidence of their statute labour, which doubled as written evidence of their manhood, had their votes counted.

Prince Edward Island would not revise its franchise law again until 1877. By then, the province's franchise had taken on even greater importance. Until 1885, the Dominion of Canada had no dedicated federal franchise law of its own. The British North America Act stipulated instead that the provincial franchises would double for the federal franchise.<sup>87</sup> When Prince Edward Island joined Confederation in 1873, its statute labour franchise (Canada's most inclusive at the time) served to elect the Island's six parliamentary representatives in Ottawa as well.<sup>88</sup> Nevertheless, an even greater number of Islanders had become fed up with statute labour by this time. If the "system of Statute Labor on the Highways was a relic of barbarism, unworthy of the present time" in 1860,<sup>89</sup> it had become a "perfect farce" by 1877, where "more harm than good was done to the roads" and men simply "spent their time in talking and amusing themselves."<sup>90</sup> Both political parties agreed that "almost anything would be an improvement on the old Statute Labor Act."<sup>91</sup> In response, Liberal Premier Louis Henry Davies and his coalition government abolished statute labour altogether and replaced it with a poll tax. Every Island man would now have to pay an additional dollar annually to the public treasury. In return for this dollar, his name would appear on the newly created list of electors.

Prince Edward Island's new franchise actually relied upon three separate pieces of legislation to function properly: the Assessment Act of 1877, the Registration of Electors Act of 1877, and the Roads and Bridges Act of 1877. The Assessment Act applied the poll tax to all Island males aged at least 21 years and established machinery for its collection. It also empowered the government to legislate and levy property taxes to make up for any fiscal shortfalls.<sup>92</sup> The Registration of Electors Act declared that every Island man who paid his poll tax would have his name registered on the province's voters' lists. Only men whose names appeared on these lists would receive a ballot on election day.<sup>93</sup> (The Electors Act also established the secret ballot on Prince Edward Island, to the chagrin of some.)<sup>94</sup> The Roads and Bridges Act eliminated the annual statute labour. Poll taxes would pay for most of the Island's roadwork instead.<sup>95</sup>

In theory, this legislative triptych should have modernized Prince Edward Island's highway management system, streamlined its electoral process, and helped resolve its recurring money shortages.<sup>96</sup> In practice, the three acts proved a combined failure. The bureaucratic machinery

was cumbersome, it cost too much to operate, and it failed to meet the Island's requirements. For the year 1878, Prince Edward Island amassed approximately \$34,000 through the Assessment Act.<sup>97</sup> It had cost the Island almost \$4,000 to gather just that amount.<sup>98</sup> Yet, Prince Edward Island ended up spending \$62,563.43 for road work that year. Queen's County spent nearly \$23,200 of the \$34,000 collected on its roads and bridges alone.<sup>99</sup> Needless to say, those poll taxes the Island managed to collect in no way covered what the Island's highways required.<sup>100</sup>

Even more important, Islanders loathed the idea of a poll tax. Prince Edward Island had accepted Confederation in 1873, and the cash settlement that accompanied it, expressly to avoid direct taxation.<sup>101</sup> As Island historian Nancy MacNeill MacBeath contends, "Islanders were in no mood to expand their contributions to the provincial treasury" after having sold their province's independence to the Dominion. In response to the direct taxation imposed by the Assessment Act, "the electorate expressed its 'indignation' in numerous meetings across the province."<sup>102</sup> So too did the Island's opposition press. Indeed, the acerbic editor of *The Presbyterian and Evangelical Protestant Union* devoted over a dozen sequential editorials to the "tax curse" and the "haughty, tyrannical" legislators who imposed it.<sup>103</sup> Although a farce to many, the statute labour system at least permitted all Island men to contribute to their community no matter their financial situation. Statute labourers, moreover, knew precisely where and how the state employed this contribution. With the poll tax, the tax collector took a man's money whether he had the dollar to spare or not. Once his dollar had left his pocket, it left his sight forever.<sup>104</sup> And if the government chose to invoke the Assessment Act to levy a property tax, then a whole new series of government agents would traipse through a man's homestead, disturb his family, and demand even more of his hard-earned cash.<sup>105</sup>

This is not to say that Islanders simply refused to pay their poll tax. Of course, some made that choice. For others, one dollar was simply too much to spare. One could have bought, for example, 25 pounds of oatmeal at the Charlottetown market for that amount of money.<sup>106</sup> Peter Gavin, a Prince County Conservative, testified before the legislative assembly, "There was a large amount of arrears for poll tax for last year due from the young men" in particular.<sup>107</sup> In fact, the provincial treasurer's yearly statement indicates that \$8,367 worth of poll taxes remained uncollected

for 1878 alone.<sup>108</sup> It did not help matters that tax collection took place in June and July, before the annual harvest, when specie was scarcest. It also did not help that the Island economy had taken a turn for the worse by the end of the 1870s. Prince Edward Island had largely spent the funds it had received at Confederation and its shipbuilding industry had begun to falter as “iron and steam ... replace[d] wood and sail.”<sup>109</sup>

Those Islanders who paid their poll tax, however, certainly demanded their place on the Island's voters' lists. The surviving Court of Revision records for 1878 — the only year in which Prince Edward Island maintained both Courts of Revision and the poll tax franchise during the nineteenth century — indicate that 716 poll tax voters were added to the voters' lists of King's and Queen's Counties.<sup>110</sup> These names represented approximately 46 percent of all names added to the voters' lists by these two counties' courts of revision. They were included, in addition to all those poll tax voters already on the voters' lists, because they had voted the previous year.<sup>111</sup> The fact that Prince Edward Island's official state organ, the *Royal Gazette*, would print the names of all men remiss in paying their poll taxes must have swayed many hesitant Islanders toward payment.<sup>112</sup> It is not hard to imagine that many men would not have liked to have seen their manliness so publicly questioned as defaulters. The press campaign of 1878, which reminded Islanders to “SEE THAT YOUR POLL TAX IS PAID, AND MAINTAIN YOUR RIGHT TO VOTE” (emphasis in original), must have also shepherded additional men to the tax collector. In no way sponsored by the government of the day, this campaign sought to register as many Islanders as possible to vote the perpetrators of the Assessment Act out of office.<sup>113</sup> When the Davies coalition government resigned after a 6 March 1879 vote of non-confidence, the electorate received its opportunity to do so.<sup>114</sup>

The Island's fierce reaction against the Assessment Act had unglued the Davies government. At the subsequent election that April, the Conservatives, re-united under the leadership of William W. Sullivan, “were returned by the largest majority ever recorded in the assembly to that time.”<sup>115</sup> Upon returning to the House of Assembly, Premier Sullivan swiftly responded to the irritated electorate. Through the Road Act of 1879 and the Registration of Electors Repeal Act of 1879, the Island's Conservative government repealed both the Roads and Bridges Act of 1877 and the Registration of Electors Act of 1877.<sup>116</sup> As a result,

the state would call upon Island men to perform statute labour once again. And, in return, these statute labourers would again qualify to vote at provincial elections.

Although the statute labour franchise dated back 26 years by this point, Islanders had yet to discover a system that they preferred more. True, the government's purchase and distribution of large Island estates in 1875 ensured that many more Islanders owned their own land in 1879 than in 1853.<sup>117</sup> Even so, nineteenth-century estimates based upon the Island's electoral lists (which unfortunately no longer survive) upheld that for every eight men who voted on the basis of property 12 men voted on the basis of qualifications offered to non-property owners.<sup>118</sup> While many unpropertied men managed to pay their poll tax, "a good many poor people complained that no provision was made to permit them to work upon the roads instead of paying the poll tax."<sup>119</sup> Many Island men desired to contribute to their community, but they needed the extra dollar to provide for their families. A statute labour franchise better accounted for these fiscal disparities amongst the unpropertied. Assemblyman Robert Shaw perhaps most neatly summed up this general belief. "If a man preferred to work rather than pay a poll tax," Shaw asserted to the provincial legislature, "it was an injustice to deprive him of that privilege. Many people in the country found it easier to do two or three days work than to pay a tax, more particularly, at this time when money was scarce, and if they were allowed to work instead of pay, it would be regarded as a very great boon."<sup>120</sup> Island men had experienced the alternative to statute labour and they categorically rejected it. When it came to "asserting their political manhood," working on the Island's highways remained the best fitness test.<sup>121</sup> At the behest of the electorate, political citizenship, statute labour, and manliness aligned yet again on Prince Edward Island.

In the end, the story of Victorian Prince Edward Island's statute labour franchise comes back to its land question. With property ownership limited to a small minority, bourgeois ideals that grounded a man's manliness in real estate fit the colony very poorly. The Liberals' statute labour franchise of 1853 offered an alternative philosophy that diverged from the nascent liberal order: instead of the material wealth that surrounded him, a man's idealness as a citizen depended upon the manly characteristics he possessed within himself. The performance of honesty,

responsibility, industry, productivity, and diligence mattered more when judging a man's fitness as a man than any tract of land. Those who would not or could not conform to such characteristics through statute labour — namely the loafer, the sexagenarian, and the occupationally exempt — faced disenfranchisement. Young statute labourers thus had every right to feel aggrieved. They had met the manly ideal set before them and they shared in it, yet the state still denied them their just reward. So they voted anyway and continued to vote whenever they could. Although it met with some resistance, the majority of Islanders ultimately accepted the statute labour franchise and the gendered ideal of citizenship it espoused. When the Davies coalition government replaced the statute labour franchise with a poll tax franchise in 1877, Island voters chased that government out of office a year later in a landslide result. To placate the irate electorate, the incoming ministry acted promptly: it eliminated the poll tax franchise as soon as it entered office and reinstated the statute labour franchise. Indeed, this intersection of statute labour, manliness, and electoral citizenship fit the local conditions of Prince Edward Island so well that Islanders would cling to it for another 22 years. A new ratepayers' franchise would eventually replace the statute labour franchise in the first year of Edward VII's reign in 1901.<sup>122</sup> No Canadian province would marry its electoral law to the performance of statute labour again.

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**COLIN GRITTNER** is a Ph.D. candidate in History at McGill University.

**COLIN GRITTNER** est candidat au doctorat en histoire à l'Université McGill.

### Endnotes:

- 1 I would like to thank Elsbeth Heaman and Edward MacDonald for their insightful comments on earlier drafts of this paper, and the anonymous readers of the *Journal* for their helpful suggestions. I would also like to acknowledge SSHRC and the Peter Cundill Fellowship in History for their financial support of this project.



- 2 William J. Novak, "The Legal Transformation of Citizenship in Nineteenth-Century America" in *The Democratic Experiment: New Directions in American Political History*, eds. Meg Jacobs, William J. Novak, and Julian E. Zelizer (Princeton and Oxford: Princeton University Press, 2003), 95.
- 3 In the early nineteenth century, British North American franchise legislation did not strictly prohibit women from voting. The state instead employed a combination of unwritten common law and legal custom to enforce women's disenfranchisement, though some women certainly did vote during this time. By the beginning of the 1850s, however, every British North American colony had altered its electoral law to formally disenfranchise women. See John Garner, *The Franchise and Politics in British North America, 1755–1867* (Toronto: University of Toronto Press, 1969), 155–60; Bettina Bradbury, *Wife to Widow: Lives, Laws, and Politics in Nineteenth-Century Montreal* (Vancouver: University of British Columbia Press, 2011), 260–88. The struggle for women's suffrage in Canada commenced approximately three decades later. See Catherine L. Cleverdon, *The Woman Suffrage Movement in Canada*, 2nd ed. (Toronto: University of Toronto Press, 1974); Carol Lee Bacchi, *Liberation Deferred?: The Ideas of the English-Canadian Suffragists, 1877–1918* (Toronto: University of Toronto Press, 1983).
- 4 Lykke de la Cour, Cecilia Morgan, and Mariana Valverde, "Gender Regulation and State Formation in Nineteenth-Century Canada" in *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada*, eds. Allan Greer and Ian Radforth (Toronto: University of Toronto Press, 1992), 169.
- 5 Joan Wallach Scott, *Gender and the Politics of History*, rev. ed. (New York: Columbia University Press, 1999), 2.
- 6 Taking its direction from Gail Bederman, this article employs the term 'manliness' instead of 'masculinity'. Bederman argues that 'masculinity' was not commonly used until the end of the nineteenth century and only then to describe a form of manliness that idealized rough behaviour. My own research supports Bederman's contention in the Canadian context. See Gail Bederman, *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880–1917* (Chicago and London: The University of Chicago Press, 1995), 16–20.
- 7 One must look outside of Canadian historiography to find studies in any way similar. See Keith McClelland, "England's greatness, the working man" in *Defining the Victorian Nation: Class, Race, Gender and the British Reform Act of 1867* (Cambridge, UK: Cambridge University Press, 2000): 71–118; Sonya O. Rose, "Fit to Fight but Not to Vote? Masculinity and Citizenship in Britain, 1832–1918" in *Representing Masculinity: Male Citizenship in Modern Western Culture*, eds. Stefan Dudink, Karen Hagemann, and Anna Clark (New York: Palgrave Macmillan, 2007): 131–50; John Gilbert McCurdy, *Citizen Bachelors: Manhood and the Creation of the United States* (Ithaca, NY, and London: Cornell University Press, 2009).



- 8 Garner, 45–6.
- 9 For example, in 1860, the Island's House of Assembly spent two separate days debating whether the lands of Princetown held any value whatsoever. See Prince Edward Island, *The Parliamentary Reporter: Containing an Abstract of the Debates and Proceedings of the Legislative Council and House of Assembly of Prince Edward Island, for the Year 1860. Being the Second Session of the Twenty-First General Assembly* (Charlottetown: John Ings, 1860), 3 March 1860, 39; 5 March 1860, 45.
- 10 Ian Ross Robertson, *The Tenant League of Prince Edward Island, 1864–1867: Leasehold Tenure in the New World* (Toronto: University of Toronto Press, 1996), 20.
- 11 Rusty Bittermann, *Rural Protest on Prince Edward Island: From British Colonialization to the Escheat Movement* (Toronto: University of Toronto Press, 2006), 52; 197. Also see J.M. Bumsted, "Parliamentary Privilege and Electoral Disputes on Colonial Prince Edward Island: Part Two," *Island Magazine* 27 (March 1990): 15.
- 12 Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1750–1850* (Chicago and London: The University of Chicago Press, 1987), 199; Kathleen M. Brown, "'Strength of the Lion ... Arms Like Polished Iron': Embodying Black Masculinity in an Age of Slavery and Propertied Manhood" in *New Men: Manliness in Early America*, ed. Thomas A. Foster (New York and London: New York University Press, 2011): 177–9.
- 13 "House of Assembly," *Royal Gazette* (Charlottetown) (7 March 1853), 1.
- 14 Ian McKay, "The Liberal Order Framework: A Prospectus for a Reconnaissance of Canadian History", *Canadian Historical Review* 81, no. 4 (December 2000): 624; *ibid.*, "Canada as a Long Liberal Revolution: On Writing the History of Actually Existing Canadian Liberalisms, 1840s–1940s" in *Liberalism and Hegemony: Debating the Canadian Liberal Revolution* (Toronto: University of Toronto Press, 2009), 358; 376–86.
- 15 McKay, "The Liberal Order Framework," 625.
- 16 "Extension of the Elective Franchise Bill," *Haszard's Gazette* (Charlottetown) (26 February 1853), 2. Also see the House of Assembly debates in the same issue.
- 17 "House of Assembly. Franchise Bill — continued," *Royal Gazette* (26 April 1852), 2. Also see Garner, 47.
- 18 Ian Ross Robertson, "Coles, George," *Dictionary of Canadian Biography*, vol. X, 183.
- 19 Bittermann, 49. While the Island's tenantry struggled to access the corridors of power in Charlottetown, it did have other means to confront the colony's political system. Bittermann convincingly argues that the rural tenantry "increasingly challenged the status quo. In the countryside, the 1832 session of the assembly was followed by widespread rent resistance, diminishing deference to those associated with landlordism, heightened awareness of class

- oppression, and increasing political activity. This in turn led to open resistance to private and civil authority." See *ibid.*, 85.
- 20 Prince Edward Island, "An Act to Extend the Elective Franchise" (16 Vic., c. 9), section 2.
  - 21 *Ibid.*
  - 22 *Ibid.*
  - 23 *Ibid.*
  - 24 Prince Edward Island, "An Act to consolidate and amend the Laws relating to Statute Labour and the expenditure of Public Moneys on the Highways" (14 Vic., c. 12), section 3.
  - 25 See W.S. MacNutt, "Political Advance and Social Reform, 1842–1861" in *Canada's Smallest Province: A History of Prince Edward Island*, ed. Francis W.P. Bolger (Charlottetown: The Prince Edward Island 1973 Centennial Commission, 1973), 126; Ian Ross Robertson, *The Tenant League*, 31; Chief Electoral Officer of Canada, *A History of the Vote in Canada* (Ottawa: Public Works and Government Services Canada, 1997), 15.
  - 26 Alongside Garner, J.M. Bumsted also takes the restrictions within the Franchise Act of 1853 seriously. Bumsted's study, however, does not focus on why these restrictions took the shape they did. See J.M. Bumsted, "Parliamentary Privilege and Electoral Disputes on Colonial Prince Edward Island: Part One," *Island Magazine* 26 (September 1989): 22.
  - 27 Garner, 49.
  - 28 "House of Assembly," *Royal Gazette* (7 March 1853), 1.
  - 29 *Ibid.*
  - 30 Following Bittermann's lead, this article will employ 'escheat' to refer to the act of land title reversion and 'Escheat' to refer to the 1830s Island movement that endorsed this as its goal. See Bittermann, 5.
  - 31 *Ibid.*
  - 32 According to Bittermann, "While many of the proprietors who concerned themselves with organizing settlement chose to rent rather than sell their lands, the establishment of the mode of tenure within townships was a matter of proprietorial choice; it was not stipulated in the terms of the township grants." (12).
  - 33 *Ibid.*, 53–60.
  - 34 *Ibid.*, 74.
  - 35 *Ibid.*, 165.
  - 36 *Ibid.*, 273.
  - 37 Rusty Bittermann, *Sailor's Hope: The Life and Times of William Cooper, Agrarian Radical in an Age of Revolutions* (Montréal and Kingston: McGill-Queen's University Press, 2010), 204. By 1860, however, both Coles and Whelan had "begun to publicly advocate escheat proceedings." See *Ibid.*, 208.
  - 38 "To the Electors of the First District of King's County," *Royal Gazette* (11 July 1853), 4.

- 39 Bittermann, *Sailor's Hope*, 199–206.
- 40 Although Prince Edward Island's quit rent system required landlords to pay fees to the Crown to secure their land tenure, quit rents are not technically property taxes. See Bittermann, *Rural Protest*, 11.
- 41 The poll tax would replace statute labour for the residents of Charlottetown. See Prince Edward Island (23 Vic., c. 43), section 15.
- 42 For decades, indirect taxes (i.e., tariffs and duties) had supplied Prince Edward Island's government with the lion's share of its revenues. See Bittermann, *Rural Protest*, 45.
- 43 Prince Edward Island, "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*" (15 Vic., c. 13). For the act's taxation stipulations, see sections 50–4.
- 44 Robertson, "Coles, George," 185.
- 45 "House of Assembly," *Haszard's Gazette* (23 February 1853), 2.
- 46 "The Franchise," *The Islander* (Charlottetown) (4 March 1853), 3.
- 47 "The Franchise and Education," *ibid.* (17 March 1854), 2.
- 48 "The Elective Franchise Bill," *ibid.* (12 August 1853), 2.
- 49 "Tyranny of Pride and Inexperience," *The Presbyterian and Evangelical Protestant Union* (Charlottetown) (22 November 1877), 4.
- 50 Prince Edward Island, "The Public Roads Act, 1879" (42 Vic., c. 1), section 22.
- 51 Without these electoral records, it is also impossible to emulate historians such as Gail Campbell and George Emery in their quantitative analyses of nineteenth-century Canadian elections. See Gail G. Campbell, "The Most Restrictive Franchise in British North America? A Case Study," *Canadian Historical Review* 71, no. 2 (June 1990): 159–88; George Emery, *Elections in Oxford County, 1837–1875* (Toronto: University of Toronto Press, 2012).
- 52 Prince Edward Island, (23 Vic., c. 43), section 15.
- 53 Prince Edward Island, *The Parliamentary Reporter* (5 March 1860), 47.
- 54 Prince Edward Island, *The Journal of the House of Assembly of Prince Edward Island*, first session, twenty-first general assembly (Charlottetown: William Malone, 1859), appendix A, 4.
- 55 Public Archives and Records Office of Prince Edward Island (hereafter PARO PEI), Public Works fonds (hereafter PW), RG11, series 2, vol. 153, Jno. Wm. Morrison to Benjamin Haywood, 1 May 1862, 74.
- 56 Prince Edward Island, (23 Vic., c. 43), section 15.
- 57 PARO PEI, PW, RG11, series 2, vol. 153, Jno. Wm. Morrison to Alexr. Robertson, 8 April 1864, 121.
- 58 Bruce Curtis, *The Politics of Population: State Formation, Statistics, and the Census of Canada, 1840–1875* (Toronto: University of Toronto Press, 2001), 311–15.
- 59 PARO PEI, PW, RG 11, series 2, vol. 153, Road Office circular (1869), 164.

STATUTE LABOUR, MANLINESS, AND THE ELECTORAL FRANCHISE  
ON VICTORIAN PRINCE EDWARD ISLAND

- 60 Prince Edward Island, *The Parliamentary Reporter* (3 March 1860), 37.
- 61 Ibid. (5 March 1860), 46–7.
- 62 Bumsted, "Parliamentary Privilege and Electoral Disputes on Colonial Prince Edward Island: Part One," 22.
- 63 Prince Edward Island, *Journal of the House of Assembly* (1859), appendix A, 1.
- 64 The other two challenges against statute labour votes concerned the age of the aforementioned Alexander Robertson and the Georgetown residency of one Daniel McDonald. See *ibid.*, 4–6; 9–12.
- 65 Ibid., 2.
- 66 Ibid.
- 67 Ibid., 2–3.
- 68 Ibid.
- 69 Ibid., 3.
- 70 Ibid., 27 April 1859, 44.
- 71 Island legislators during the mid-nineteenth century paid no attention to the Island's Aboriginal population when framing the electoral franchise. The Franchise Act of 1853 itself contains no racially-based restrictions. Indeed, Georgetown's returning officer originally recorded Louis Nicholas' vote based on Nicholas' oath.
- 72 "The Session," *The Patriot* (Charlottetown) (19 April 1877), 2.
- 73 Prince Edward Island, (14 Vic., c. 12), section 12. As long as statute labour remained on the Island's statute books, it would be performed by the end of July. See *ibid.*, section 8.
- 74 Prince Edward Island, *The Parliamentary Reporter* (23 March 1860), 57.
- 75 Ibid. (5 March 1860), 47.
- 76 Ibid. (23 March 1860), 56.
- 77 Ibid.
- 78 Ibid.
- 79 See Prince Edward Island, (14 Vic., c. 12), section 10.
- 80 PARO PEI, PW, RG 11, series 1, vol. 1, Peter Macgowan to J.H. Haviland, 8 June 1843, 66.
- 81 Ibid., 67.
- 82 Ibid., Peter Macgowan to Joseph Higgins, 16 November 1840, 16.
- 83 Prince Edward Island, *The Parliamentary Reporter* (1 May 1879), 71.
- 84 PARO PEI, PW, RG11, series 2, vol. 152, John Ball to Donald MacInness, 9 July 1856, 60.
- 85 This relegation of statute labour can be seen in the Road Office's growing pre-occupation with road contracts throughout the 1850s. Instructions from the Road Commissioner to make do with statute labour because of funding shortages also offer evidence. On this latter point, see *ibid.*, John Ball to R. W. Mason, 17 June 1857, 85.
- 86 Throughout those surviving nineteenth-century Prince Edward Island poll books (essentially all from the 1880s and 1890s), one finds entries by returning

officers remarking as to whether a man could produce a statute labour receipt when he appeared at the hustings. The poll books indicate that every man who did not provide a certificate had his vote rejected. See PARO PEI, Prince Edward Island House of Assembly fonds, RG3, series 4, subseries 2.

- 87 See Great Britain, "An act of the Imperial Parliament for the Union of Canada, Nova Scotia and New Brunswick, and the government thereof; and for purposes connected therewith," (30 Vic., c. 3), section 41.
- 88 British Columbians during the late-nineteenth century often referred to their electoral franchise as embracing manhood suffrage, thus making it the Dominion's most inclusive. John Garner has perpetuated this belief historiographically when he claims, "With the exception of British Columbia, no colony entered Confederation with a broader franchise [than Prince Edward Island]." Shortly after it joined Canada in 1871, British Columbia eliminated all property qualifications on its franchise. At the same time, however, it enacted harsh racial qualifications that barred all inhabitants of First Nations and Asian descent from voting. As John Lutz points out, Aboriginal peoples comprised approximately 73 percent of British Columbia's population in 1871, and 55 percent in 1881. By 1881, 6,142 Chinese people lived in British Columbia as well — approximately one-quarter of the province's non-Aboriginal population. As of 1881, then, British Columbia's racial qualifications disenfranchised at least two-thirds of its total population. Gender and age qualifications restricted the vote even further. As with the rest of British North America, no woman or male under the age of 21 could vote. If one adheres to the statistics offered by John Douglas Belshaw, approximately two European males inhabited British Columbia at this time for every European female. This reduces the size British Columbia's electorate to somewhere around 22 percent, even after one accounts for the province's small Black population. Moreover, this number still does not take into consideration underaged British Columbians. Although impossible to quantify exactly, Prince Edward Island's franchise was almost certainly more inclusive than British Columbia's. For the nineteenth-century British Columbian idea of manhood suffrage, see "Another Blow At Our Rights," *The Victoria Daily Times* (28 April 1885), 2; "Our Ottawa Letter," *Daily British Colonist* (Victoria) (30 April 1885), 1. For Garner's assertion, see 53. For the demographics of late-nineteenth-century British Columbia, see John Sutton Lutz, *Makúk: A New History of Aboriginal-White Relations* (Vancouver: University of British Columbia Press, 2008), 166; 236; 361n115; John Douglas Belshaw, *Becoming British Columbia: A Population History* (Vancouver: University of British Columbia Press, 2009), 40; 44.
- 89 Prince Edward Island, *The Parliamentary Reporter* (23 March 1860), 57.
- 90 *Ibid.*, (4 April 1877), 161–2.
- 91 *Ibid.*, 162.
- 92 *Ibid.*, "The Assessment Act, 1877," (28 Vic., c. 2), sections 7–8.

- 93 Ibid., "The Registration of Electors and Ballot Act of Prince Edward Island, 1877," (38 Vic., c. 20), sections 16 and 55.
- 94 Men such as Queen's County assemblyman George Wastie Deblois maintained, "The system of open voting was most manly." See *ibid.* (10 May 1879), 120.
- 95 Ibid., "An Act relating to Roads and Bridges," (38 Vic., c. 6), sections 1 and 6.
- 96 Largely because of heavy railway investment, Prince Edward Island ran constant deficits in the early 1870s. By 1873, the province's economy had fallen so far into the red that it had only two options: impose direct taxation or join the Dominion of Canada. It chose the latter. The \$800,000 loan the Island received from the Dominion upon Confederation helped mask the Island's financial woes. By the late 1870s, however, the Island's economic troubles had bubbled to the surface once more. See F.W.P. Bolger, "Long Courted, Won at Last" in *Canada's Smallest Province*, 216; 230. Also see Nancy MacNeill MacBeath, "Sullivan, Sir William Wilfred," *Dictionary of Canadian Biography*, vol. XIV, 983.
- 97 Prince Edward Island, *Journal of the House of Assembly of the Province of Prince Edward Island. Being the Third Session of the Twenty-Seventh General Assembly* (Charlottetown: Coombs and Worth, 1879), appendix D, 4. Also see *ibid.*, *The Parliamentary Reporter* (8 May 1879), 100.
- 98 Ibid., *Journal of the House of Assembly* (1879), appendix D, 4.
- 99 According to the Provincial Auditor's report, Queen's County had spent \$23,197.78 on its roads and bridges in 1878. King's County had spent \$19,940.08, and Prince County had spent \$19,423.35. See *ibid.*, 40–7.
- 100 On top of that, the creation and revision of voters' lists cost an additional outlay of between "three and four thousand dollars per annum." See *ibid.*, *The Parliamentary Reporter* (9 May 1879), 117.
- 101 Bolger, 216.
- 102 MacBeath, "Sullivan, Sir William Wilfred," 982.
- 103 These quotations derive from "The Tax Act. No. XII," *The Presbyterian and Evangelical Protestant Union* (25 October 1877), 4. For the first in this string of editorials, see "The Tax Act," *ibid.* (7 June 1877), 6.
- 104 Indeed, in the words of Archibald J. MacDonald of Georgetown, "One of the grievances felt by the people under the existing law was that the sum collected under the poll tax was taken away from the District where it was obtained and spent in other localities." See Prince Edward Island, *The Parliamentary Reporter* (6 May 1879), 75.
- 105 The Island government imposed such a property tax almost immediately after passing the Assessment Act of 1877.
- 106 "Prices Current," *The Examiner* (Charlottetown) (27 July 1874), 3.
- 107 Prince Edward Island, *The Parliamentary Reporter* (6 May 1879), 88.
- 108 Ibid., *Journal of the House of Assembly* (1879), appendix C, 16.

- 109 Lorne C. Callbeck, "Economic and Social Developments Since Confederation" in *Canada's Smallest Province*, 336.
- 110 PARO PEI, Prince Edward Island House of Assembly fonds, RG3, series 4, subseries 3, vols. 1–8. A total of 1,548 names were added to the Island's voters' lists in 1878 through the Courts of Revision. Unfortunately, the records for the Courts of Revision held in Prince County appear not to have survived.
- 111 Ibid. The King's County court of revision had even more men apply as poll tax voters than Queen's County. There, 50 percent of all additions were as poll tax voters. The comparably greater poverty of King's County may account for this statistical difference.
- 112 "The Tax Act. No. XII," *The Presbyterian and Evangelical Protestant Union* (25 October 1877), 4; "The Freeman's Right and Privilege," *ibid.* (4 July 1878), 4; "Electors Attention," *ibid.* (20 June 1878), 4.
- 113 "Electors, Attention!," *The Examiner* (7 June 1878), 1. Also see "Electors Attention," *The Presbyterian and Evangelical Protestant Union* (20 June 1878), 4.
- 114 J.M. Bumsted, "Davies, Sir Louis Henry," *Dictionary of Canadian Biography*, vol. XV, 259.
- 115 MacBeath, "Sullivan, Sir William Wilfred," 982.
- 116 Prince Edward Island, "The Public Roads Act, 1879," (42 Vic., c.1); Prince Edward Island, "An Act to repeal 'The Registration of Electors and Ballot Act of Prince Edward Island,' with its Amending Acts, to revive certain Acts and parts of Acts, and make other provision respecting Elections," (42 Vic., c. 2).
- 117 A momentous occasion for Prince Edward Island, the Land Purchase Act forced owners of large estates to distribute their lands by sale to their tenants. See Prince Edward Island, "Land Purchase Act, 1875," (38 Vic., c. 32).
- 118 "Abolition of the Legislative Council," *The Examiner* (30 May 1879), 1.
- 119 Donald Farquharson, a Liberal representative for Queen's County, made this assertion. See Prince Edward Island, *The Parliamentary Reporter* (6 May 1879), 76.
- 120 Ibid., 84. One of Shaw's colleagues, John Lefurgey, when he spoke following Shaw, made essentially the same argument. According to Lefurgey, "Two years ago money was more plentiful than to-day, and it was then more convenient to pay the \$1.00 poll tax than to work two or three days Statute Labor. Now money was scarce and wages low, and it was easier to work than pay. Poor men found it much easier to work on the roads than to raise money to pay their Poll Tax. Still if they were able and desirous to commute their labor they were at liberty to do so. The Act was framed in a liberal spirit, and with a view to using as little harshness as possible in its working." See *ibid.*, 85.
- 121 "Registration of Votes," *Alberton Pioneer* (29 August 1877), 2.
- 122 Prince Edward Island, "The Public Roads Act, 1901," (1 Edward VII, c. 1), sections 1 and 36. Also see Prince Edward Island, "An Act to amend 'An Act respecting the Legislature'," (1 Edward VII, c. 4), section 3.