

## **Popular Agency, History and Narrative: Escheat on Prince Edward Island**

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## Popular Agency, History and Narrative: Escheat on Prince Edward Island

RUSTY BITTERMANN'S *Rural Protest on Prince Edward Island: From British Colonization to the Escheat Movement* (Toronto, University of Toronto Press, 2006) is a fine study of the demand for escheat on Prince Edward Island from the late-18th century to 1842. At one level, this book is a narrative of the Escheat movement's origins. The movement began during the 1790s in settlers' protests against the proprietary granting system that alienated so much of the colony's lands into the hands of a few landlords. The demand for reform of the land system developed fully as Escheat, an organized political movement for the more just distribution of land by the state in the 1830s. The Escheat movement did not succeed, and faltered by 1842. Rather than accept the easy conclusion that Escheat was therefore a failure, Bittermann suggests that we must appreciate its long-term achievement. Escheat, he argues, "left a lasting legacy of language and ideas concerning a just social order that would, in time, help bring landlordism to a close" (p. 6). Bittermann succeeds admirably in this argument by examining Escheat at much more complex levels than a simple narrative of the movement. First, he uncovers the manner in which popular agency lay at the heart of the historical dynamic of Escheat. Second, Bittermann appreciates the manner in which popular agency was, in large measure, an assertion of a popular vision of history – a reinterpretation of Prince Edward Island's history that outlasted the short-term setbacks of the early 1840s. This new popular history established a locally defined labour theory of value as the measure by which the state should recognize the legitimacy of property rights in colonial society.

Bittermann argues that the system of proprietary land granting used by the British government to colonize what became Prince Edward Island after the Conquest was typical of the commercial settlement practices that had been used elsewhere in British North America, and which would continue throughout the first half of the 19th century. The system of leasing and quit rents embedded in the lands alienated to proprietors was supposed to motivate them to settle the land for profit. In reality, proprietorial holdings became a shortcut to gentry status for landlords who were often absent from the colony and who held their lands for long-term speculative purposes. While some landlords made limited attempts to settle their estates, most early settlers came of their own accord and settled according to the opportunities provided by earlier First Nations' and Acadian use of the land. The settlers' world was a real one of practical use of the land dictated by their local material needs and environment. However, this settler world "was not easily reconciled with the imperial and proprietorial world of numbered lots, large-scale holdings, and the prerogatives of landed wealth" (p. 18).

By the turn of the century, settlers began to protest against landlords' assertion of their prerogatives. Finding a spokesperson in Joseph Robinson, a former speaker of the House of Assembly, settlers wanted the land system to reflect their real work rather than the legal entitlements of the proprietors. By the 1790s, settlers expected the colonial government and imperial authorities to escheat, or revoke, negligent landlords' rights to land. Settlers' agitation led the Crown to take lands back from the landlords who were most negligent in the payment of quit rents, but this process

usually led to the transfer of lands into the hands of other landlords and produced a greater concentration of landlord power. Although the early demand was for a limited escheat, the first quarter of the 19th century brought economic and social changes that led settlers to expect more. In particular, the growth of the timber trade on Prince Edward Island attracted more immigrants. While some landlords saw their estates as a means to absorb the labour made surplus by industrial development and commercial agricultural reform in Britain, most had little to do with the increasing immigration to Prince Edward Island. Nonetheless, as more settlers came, filled the land and improved it, landlords were quick to demand their rents and to engage in the lucrative business of seizing the improved lands of tenants and squatters who could not afford to pay.

The increasingly obvious discontent of the growing rural population of the island had by 1812 led to the formation of the Society of Loyal Electors (SLE), a democratic reform organization. Begun by urban professionals who were largely interested in colonial improvements such as the development of roads and ports, the protection of shipping, and the regulation of labour, the SLE spread quickly to rural areas. Candidates from the SLE fought hard against the proprietors in the general election of 1812. The discontent evident in the election provoked concern among colonial and imperial authorities about the level of unrest in the colony. The new lieutenant-governor, Charles Douglass Smith, wanted to collect quit rents from landlords and the holders of town lots to raise revenues for local government expenditures and colonial improvements. Although he was uninterested in meeting settlers' demands for land reform, Smith threatened delinquent landlords with a limited escheat of their estates. This threat raised settlers' hopes that government could redress the injustice of landlordism. While he angered landlords with the threat of limited escheat, Smith raised concerns among colonists who wanted more local control over colonial improvements; his approach to land reform did little to help rural settlers. By 1824, colonial politics unfolded within a triad of interests. At one point were landlords and their allies. At another stood Prince Edward Island's leading merchants and other town-based interests, who worried most about the improvement of colonial commerce. Standing apart from both were the tenants, small freeholders and their advocates of escheat.

Throughout the 1820s the mercantile party dominated the colonial legislature. However, mounting immigration and settlement amidst persistent economic recession meant that while settlers constantly developed the countryside, they found it harder to pay their arrears. Landlords, on the other hand, continued to profit from distraintment of settlers' effects and produce and the seizure of their improved lands. The result was Escheat, a full political organization, which coalesced around William Cooper. Cooper had come to Prince Edward Island in 1818. Although he had initially worked as a land agent, Cooper quickly became disenchanted with the landlords' failure to assist settlers and subsequently supported Lieutenant-Governor Smith while making a failed bid for a seat in the House of Assembly in 1830. The next year Cooper won a by-election for a seat in King's County, prevailing in a bitter contest aggravated by ethnic and sectarian rivalry due to his sympathy for tenants who were plagued by the landlords' actions. Although paternalistic notions of individual landlords' failure to meet their responsibilities initially motivated Cooper, he quickly identified the very structures of proprietorial land granting as the real problem faced by Prince Edward Islanders.

By 1832 Cooper and his followers called for the government to establish a court of escheat. The unsympathetic response from the Colonial Office led the Escheaters to demand the general escheat of the landlords' holdings. Cooper led an unsuccessful challenge to the validity of the landlords' titles in the House of Assembly while tenants and their sympathizers in the countryside engaged in other, more direct and often extra-legal actions. Many tenants refused to pay their rents and others obstructed agents and court officials who tried to seize property for arrears. Throughout the colony, supporters of Escheat petitioned the government for reform and held mass meetings to promote their goals.

The momentum of Escheat foundered on the determined opposition of a more "effective proprietorial activism" (p. 120). A newer generation of London-based proprietors, led by the brothers David and Robert Stewart had, by the mid-1830s, become more interested in the profits to be made by building their estates in Prince Edward Island as capital assets. Full of immigration schemes and promises of colonial development, the Stewarts organized landlords into the Prince Edward Island Association (PEIA). Although only a few associates of the Stewarts did much with them in the PEIA, the organization allowed the Stewarts to appear to represent the proprietors and they successfully used their influence in London to ensure that colonial and imperial authorities remained opposed to Escheat.

Proprietorial activism ensured imperial opposition to escheat, but it also revived the Escheat movement on Prince Edward Island. William Cooper advocated escheat as the solution to the common problems of the colony's rural poor. Support grew for Escheat across the colony, especially among small freeholders, shipbuilders and smaller merchants as well as tenants. A number of members of the House of Assembly joined Cooper's fight, including John Le Lacheur, Peter McCallum, John Ramsay, Thomas MacNutt and William Clarke. The Escheat forces in the assembly faced opposition from Joseph Pope, Samuel Greer, Samuel Nelson, William Douse, Edward Palmer, John W. James and Edward Thornton. Landlords and their agents, and the colonial professionals who served their interests, composed the anti-escheat party. Reinforced in London by the activist proprietors, the anti-escheaters continued to have the ear of the Colonial Office and, therefore, the lieutenant-governor.

Throughout the mid-1830s, colonial politics continued to polarize between the two forces. The fight between the two sides came to a head in a heated debate over escheat in the House of Assembly in 1836. The Escheaters narrowly failed to gain assembly support for their proposed delegation to London. Throughout Prince Edward Island, popular literature and pamphlets stirred even more support for Escheat. The new lieutenant-governor, John Harvey, responded with deception, pretending to lend a sympathetic ear to the escheat cause even as he planned to fight the movement. By the end of 1836, an Escheat meeting at Hay River produced more militant demands. Cooper and his fellow Escheat leaders called for rent resistance and obstruction of the landlords' proceedings against tenants in arrears. Harvey responded with an aggressive campaign against Cooper and the others, accusing them of disloyalty and libel and persecuting Cooper as well as Joseph Coffin by causing them to lose a number of petty government offices they held. Although Cooper faltered, he did not abandon Escheat and, amidst the tidings of rebellion in the Canadas, pursued a decidedly constitutional path to escheat. Escheat's followers balanced constitutionalism with radicalism, holding more mass meetings but also protecting

tenants from distraint proceedings and other court actions by landlords through non-violent forms of resistance and subterfuge such as rigging the auction of neighbours' distrained goods so that they might be returned at little cost to the landlords' victims.

Escheat carried the day in the general election of 1838 on Prince Edward Island. Led by Cooper, the Escheat members of the assembly were determined to pass two bills that would severely limit landlords – one for fisheries reserves and the other to regulate the process of land forfeiture in the event of failed settlement duties. The Legislative Council, backed by Lieutenant-Governor FitzRoy, disallowed both bills. Blocked in the colony by their adherence to constitutionalism, the Escheaters sent Cooper to London to plead their case. FitzRoy's official communications with the imperial government blocked Cooper at every move. The anti-Escheat forces directed an effective campaign at officials in London, claiming that the Escheat forces were "deluding" the countryside into supporting the reform cause (p. 257). So effective was the campaign that, by 1842, the electoral fortunes of Escheat were at an all-time low.

If Bittermann's work was a simple narrative of the Escheat movement, the movement's apparent failure by 1842 would seem to contradict his argument about its historical importance. Underpinning this account of Escheat, however, is Bittermann's analysis of the bedrock of popular agency, which served as the foundation for the reform movement. Even the late-18th-century escheat movement, Bittermann argues, was more than a simple struggle between colonial elites removed from the day-to-day interests of settlers. Political leadership is an important historical phenomenon to be understood, but it does not constitute the entire history of any particular moment and may not in itself explain the historical context in which people choose not only to follow, but to carry along, their "leaders". "Elites", Bittermann suggests, "did not 'create' the land question. Rather, at various times and for a variety of reasons, some chose to address rural problems and to articulate popular perceptions. Their political choices were the products of broader forces. Nor did elites always have it within their power to keep popular agitation within channels of their choosing" (p. 22). In 1797, for example, Joseph Robinson had not foreseen that his advocacy of land reform would eventually encourage colonial militia revolts against proprietorship. The later SLE had no particular interest in escheat. But the organization knew that it had to have the support of the countryside to carry its reforms, and its early members "learned that in order to gain a following they would have to adapt their program to prevailing rural sentiments" (p. 31). Although he cared little for the interests of poor rural tenants, Lieutenant-Governor Smith was able to persist in his reforms because rural people felt he held out some hope for escheat. Once he lost this popular support, Smith's career in Prince Edward Island was finished. Even the most direct opponents of Escheat manifested the importance of popular agency. Bittermann suggests that historians of escheat have too often assumed that British policy automatically followed the interests of landlords. However, as he demonstrates in the case of the Stewarts' work with the PEIA, landlords often ran hard to stay ahead of a tide of popular opposition.

Bittermann finds plenty of evidence to suggest that popular agency was usually more direct than influencing the positions of the elites who favoured or opposed escheat. He skillfully examines official correspondence of British and colonial authorities, other government records, manuscript collections of the principal political figures on the island, and local and British newspapers to remind us that the Escheat

leaders usually developed their great speeches for the benefit of the rural meetings of the angry masses anxious to improve their lot. Such rural people were not content only to meet; they often resisted, as in the case of Isabella and Allan Macdonald of Naufrage in northern King's County who, with family and neighbours, scared off Donald McVarish when he tried to distraint their property for rent in arrears in 1833. Although McVarish returned with a deputy sheriff and armed men, the local community successfully obstructed them. Bittermann points out that the early colonial state rarely had the means to enforce law without the paternalistic cultivation of consent from below. When the people decided that the law protected injustice, as in the case of its defence of landlordism, they no longer bowed to it. More rent resistance followed on the heels of the Naufrage affair.

Bittermann does not fully consider the gender dimensions of the Naufrage affair. Isabella Macdonald, so obviously pregnant at the time, took a leading role in the resistance to McVarish and was the only person to offer him direct violence in the form of the whack with a board she gave him when the Adamases and their friends first sent McVarish on his way. The implications of Isabella Macdonald's actions otherwise pass without much comment from Bittermann. Throughout the book, Bittermann addresses others' views when such are directly relevant to his analysis. For example, he develops his account of the popular basis of late-18th-century escheat in direct response to the work of J.M. Bumsted and he discusses the role of the land question in the dismissal of Lieutenant-Governor Smith in light of Phil Buckner's work on the relationship of Smith with the Colonial Office. Yet Bittermann does not incorporate his own earlier essay, which placed women at the forefront of rural resistance to landlordism in Prince Edward Island – whether at the household or community level. Bittermann has argued that such activity reflected a number of things. First, women were important workers in every aspect of operating a farm. Second, upper-class notions of women's supposed domesticity and weakness relative to men meant that authorities were often unprepared to deal with rural women's resistance. In the face of uncertain authority, women were able to effectively challenge the likes of McVarish as they tried to carry out their duty. In thinking about the experience of women, Bittermann more directly acknowledged that the triumph of "bourgeois liberalism", which takes the form of constitutionalism in *Rural Protest on Prince Edward Island*, led to "the decline of an older popular politics which once afforded women a substantial place".<sup>1</sup>

Invoking the work of Reeve Huston and Dorothy Thompson in his book, Bittermann argues that the most significant aspect of Escheat was the manner in which popular agency transformed a historical sense of grievance into a new "language of class".<sup>2</sup> Rural people, often through the mediation of leaders such as William Cooper, came to express their discontent in new concepts of justice and the rights of productive labouring classes, using these terms rather than older upper-class terms

1 Rusty Bittermann, "Women and the Escheat Movement: The Politics of Everyday Life on Prince Edward Island", in Janet Guildford and Suzanne Morton, eds., *Separate Spheres: Women's Work in the Nineteenth-Century Maritimes* (Fredericton, 1994), p. 25.

2 See Reeve Huston, *Land and Freedom: Rural Society, Popular Protest, and Party Politics in Antebellum New York* (New York, 2000) and Dorothy Thompson, *The Chartists: Popular Politics in the Industrial Revolution* (New York, 1984).

such as “lower orders”. “The new vocabulary”, Bittermann argues, “supported a radical social analysis” (p. 166). This analysis demanded that the colonial state more justly recognize the property rights of common people who had improved the land by their hard work rather than continue to recognize the claims of often-absentee landlords who lived as parasites through their rents and legal proceedings on that same hard work.

Bittermann further argues that the supporters of Escheat rewrote the history of the land question on Prince Edward Island according to the outline of this new social analysis. The popular languages of rural resistance in Prince Edward Island, he suggests, shaped and were shaped by Escheaters’ understanding of history. From the 1790s, proponents of escheat such as Joseph Robinson had a keen sense of broader historical trends elsewhere in British North America that had led to land reform. By the early 1830s, persistent opposition by landlords and the British government to demands for escheat led rural people to reinterpret the history of proprietorship. They established “a common narrative concerning landlord perfidy” through constant observation and discussion of the battles over escheat in the assembly (p. 87). Often as a counter to the self-promoting and self-congratulatory literature produced by and for landlords, colonial newspapers and pamphlets had, by the mid-1830s, “injected a popular agrarian perspective into the world of print and in so doing both reflected and helped propel the ongoing Escheat challenge” (p. 170). The Escheat leaders incorporated such a perspective because they recognized “that to combat exploitation and build a new order required an account of Island history that was true to the experiences of the rural population” (p. 171). Forcefully expressed in the Hay River Resolutions of 1836, the new history of Prince Edward Island was a narrative of injustice in which greedy and negligent proprietors colluded with British authorities to expropriate the just fruits of settlers’ labour on the land. This new popular narrative was powerful enough to define and sustain the Escheat leadership. For example, in the wake of Hay River, Cooper’s opponents attacked him and his fellows in the House of Assembly as traitors and rabble-rousers. While Cooper faltered, his supporters never did. In their “popular vision of history”, the Escheat leaders were “martyrs” persecuted by the same landlord-led cabal of injustice (p. 191). Such popular support reinvigorated Cooper, who continued his fight for Escheat.

Bittermann’s consideration of language and history is not postmodern. His book carefully establishes the material circumstances of class relationships in the countryside as the basis for popular historical reinterpretation. Nonetheless, Bittermann’s analysis of the political and presentist malleability of interpretation brings to mind aspects of the postmodern critiques of the chronological basis of historical narrative. Such critiques propose that we constantly “jumble” our notions of the past and present in the pursuit of future outcomes.<sup>3</sup> Bittermann’s interpretation of Escheat brings a practical sophistication to the debate about narrative, although he does not choose to enter it directly. He demonstrates that there is a chronological flow of events from the late-18th-century interest in escheat to the frustration of Escheat by 1842. More important, Bittermann shows that the people who navigated this flow

3 Beverley Southgate, *Postmodernism in History: Fear or Freedom?* (London and New York, 2003), pp. 136-41.

chose their course by a constant process of historical reinterpretation of their circumstances. At any particular moment, the resulting historical visions channeled the further course of the fight over escheat; each moment was laden with possibilities. Even in 1842, although the Escheat movement had suffered a setback, the possibilities implicit in popular agency continued. Although landlordism continued for a time, the new popular history limited its legitimacy and irrevocably placed the need for land reform on the agenda of the colonial and British governments. The seeds of land reform had been sown long before the Tenant League of the 1860s renewed open rent resistance.

Rusty Bittermann has produced a fine study – one that reinforces his place at the forefront of Atlantic Canadian social history. A pleasure to read, his book is a powerful demonstration of the manner by which popular agency makes history. Bittermann's subtle exposition of the relationship between narrative, agency and history makes *Rural Protest on Prince Edward Island* a work of wider national and international significance.

SEAN T. CADIGAN