

# DUNCAN CAMPBELL

HISTORY OF PRINCE  
EDWARD ISLAND

**Duncan Campbell**  
**History of Prince Edward Island**

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# History of Prince Edward Island

## PREFACE

The principal aim of the Author has been to produce a History of Prince Edward Island, which might claim some degree of merit as to conciseness, accuracy, and impartiality, from the period it became a British possession until its recent union with the other confederated provinces of British North America. With the view to secure these ends, it was necessary that not only all available books and pamphlets relating to the island should be attentively perused, and the correctness of their statements tested; but that a vast mass of original papers, hitherto unpublished, should be carefully examined. Application having been made to His Excellency Lord Dufferin, through Sir Robert Hodgson, the Lieutenant-governor of the island, permission was granted to examine all the numerical despatches. This task imposed an amount of labor which had not been anticipated, and which seemed incompatible with the production of so small a volume. The Author is aware that there lies in the French archives at Paris a large deposit of interesting matter bearing on

the history of the Maritime Provinces, and it is to be hoped that it will soon be rendered accessible to the English reader.

It was necessary that a considerable portion of the work should deal with the Land Question. To its consideration the Author came in comparative ignorance of the entire subject, and therefore unprejudiced by ideas and associations of which it might be impossible for a native of the island entirely to divest himself. The soundness of the conclusions arrived at may be questioned; but it can be truly said that they have not been reached without deliberate consideration, and an anxious desire to arrive at the truth.

The Author desires to express his special obligations for valuable matter to His Honor Sir Robert Hodgson, the Honorable Judge Pope, Professor Caven, Mr. Henry Lawson, the Honorable Judge Hensley, the Honorable Mr. Haviland, Mr. John Ings, Hon. Francis Longworth, Mr. J. B. Cooper, Mr. Arthur DeW. Haszard, Mr. Donald Currie, the Reverend Mr. McNeill, Mr. T. B. Aitkins, of Halifax, Mr. John Ball, Mr. F. W. Hughes, the Reverend Dr. Jenkins, Mr. Charles DesBrisay, Mr. J. W. Morrison, and others too numerous to mention.

The Honorable Judge Pope possesses rare and most important documents connected with the island, without which it would have been impossible to produce a satisfactory narrative, and which he at once courteously placed at the temporary disposal of the Author, rendering further service by the remarkable extent and accuracy of his information.

The Author has also to thank the People of Prince Edward Island, especially, for the confidence reposed in him, as proved by the fact of his having received, in the course of a few weeks, orders for his then unpublished work to the number of more than two thousand seven hundred copies, – confidence which he hopes an unprejudiced perusal of the book may, to some extent, justify.

Charlottetown, October, 1875.

# CHAPTER I

Geographical position of the Island – Early possession – Population in 1758 – Cession by Treaty of Fontainebleau – Survey of Captain Holland – Holland's description of the Island – Position of Town sites – Climate – The Earl of Egmont's scheme of settlement – Proposed division of the Island – Memorials of Egmont – Decision of the British Government respecting Egmont's Scheme.

Prince Edward Island is situated in the Gulf of Saint Lawrence. It lies between  $46^{\circ}$  and  $47^{\circ} 7'$  north latitude, and  $62^{\circ}$  and  $64^{\circ} 27'$  longitude west, from Greenwich. As viewed from the north-east, it presents the form of a crescent. Its length, in a course through the centre of the Island, is about one hundred and forty miles, and its breadth, in the widest part, which is from Beacon Point to East Point, towards its eastern extremity, thirty-four miles. It is separated from Nova Scotia by the Strait of Northumberland, which is only nine miles broad between Cape Traverse and Cape Tormentine. From the Island of Cape Breton it is distant twenty-seven miles, and from the nearest point of Newfoundland one hundred and twenty-five miles.

The Island was amongst the first discoveries of the celebrated navigator, Cabot, who named it Saint John, as indicative of the day of its discovery. Britain failing to lay claim to it, the French afterwards assumed it as part of the discoveries made by

Verazani in 1523. In 1663 it was granted, with other Islands, by the Company of New France, to the Sieur Doublet, a captain in the French navy, with whom were associated two adventurers who established a few fishing stations, but who did not reside permanently on the island.

In the year 1713 Anne, the Queen of Great Britain, and Louis XIV, the King of France, concluded the celebrated treaty of Utrecht, by which Acadia and Newfoundland were ceded to Great Britain. The fourteenth article of that treaty provided that the French inhabitants of the ceded territory should be at liberty to remove within a year to any other place. Many of the Acadians, availing themselves of this liberty, removed to the Island of Saint John, which was then under French rule. Subsequently a French officer, who received his instructions from the Governor of Cape Breton, resided with a garrison of sixty men at Port la Joie (Charlottetown).

A Frenchman who had visited the island in 1752 published an account of it shortly afterwards. His report as to the fertility of the soil, the quantity of game, and the productiveness of the fishery was extremely favorable, and he expressed astonishment that with these advantages the island should not have been more densely populated – its inhabitants numbering only 1354.

The great fortress of Louisburg fell in 1745, but was restored to the French in 1748. War was again declared by Britain against France in 1756, and in 1758 Louisburg again fell under the leadership of the gallant Wolfe. After the reduction of the

fortress several war ships were detached to seize on the Island of Saint John; an object which was effected without difficulty. Mr. McGregor, in his account of the island, says that the population was stated to be at this time ten thousand, but an old Acadian living when he wrote informed him that it could not have exceeded six thousand. A little over four thousand seems to have been the number of inhabitants at this period.<sup>1</sup> The expulsion of the Acadians from Nova Scotia took place in 1755, and many of them having escaped to the island in that year, its population must have been nearly doubled by the influx of fugitives.

The fall of Quebec followed that of Louisburg, and by the treaty of Fontainebleau, in 1763, Cape Breton, the Island of Saint John, and Canada were formally ceded to Great Britain, Cape Breton and the Island of Saint John being placed under the Government of Nova Scotia.

In the year 1764 the British Government resolved to have a survey of North America executed, and with that view the continent was divided into two districts, – a northern and southern, – and a Surveyor General appointed for each, to act under instructions from the Lords' Commissioners for Trade and Plantations. Captain Samuel Holland was appointed to superintend the survey of the northern district, which comprehended all the territory in North America “lying to the

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<sup>1</sup> The Rev. Mr. Sutherland, in his Geography, estimates the population at about four thousand, which corresponds with the estimate of the writer. See History of Nova Scotia, page 143.

north of the Potowmack River, and of a line drawn due west from the head of the main branch of that river as far as His Majesty's dominions extend." Captain Holland received his commission in March, and was instructed to proceed immediately to Quebec, in order to make arrangements for the survey. He was instructed to begin with the Island of Saint John. The government vessel in which Captain Holland had left sighted the Island of Cape Breton on the eleventh of July, 1764. A thick fog having come on, the vessel had approached too near to the land, when the crew heard a musket shot, and the alarming cry of breakers ahead, which had proceeded from a fishing boat. The ship barely escaped the rocks. Contrary winds were subsequently encountered, and Captain Holland resolved to proceed in a rowing boat to Quebec. He accordingly left the ship on the nineteenth of July, and arrived in Quebec on the second of August. In Quebec Captain Holland met Captain Dean, of the *Mermaid*, who had visited the Island of Saint John during the summer, and who advised him to take "all sorts of material and provisions with him, as there was nothing left on the island but a detachment posted at Fort Amherst, who were indifferently provided, and could not furnish himself and his staff with lodgings." Captain Holland arrived on the island in October, 1764. He describes Fort Amherst "as a poor stockaded redoubt, with barracks scarcely sufficient to lodge the garrison, – the houses near it having been pulled down to supply material to build it." "I am obliged," he adds, "to build winter quarters for myself. I have chosen a spot in the woods, near the sea shore,

properly situated for making astronomical observations, where I have put up an old frame of a barn, which I have covered with what material I brought with me, and some boards that we collected from the ruins of some old houses. I fear that it will not be *too* comfortable.” The vessel in which Captain Holland was conveyed to North America was called the *Canceaux*, and had been fitted out by the government with the view of aiding him in his professional operations; but on applying to Lieutenant Mowatt, her commander, for boats and men, he was coolly told that such aid could not – according to instructions – be granted. Having complained to Lord Colville, then in command of the naval force in North America, instructions were at once issued to Lieutenant Mowatt to give the required assistance; and Governor Wilmot instructed Captain Hill, the commanding officer on the island, to render all the assistance in his power in forwarding the important service in which Captain Holland was engaged.

In a letter addressed to the Earl of Hillsborough, Captain Holland reports most favourably respecting the capabilities of the island. He adds, “There are about thirty Acadian families on the island, who are regarded as prisoners, and kept on the same footing as those at Halifax. They are extremely poor, and maintain themselves by their industry in gardening, fishing, fowling, &c. The few remaining houses in the different parts of the island are very bad, and the quantity of cattle is but very inconsiderable.” At Saint Peter’s, Captain Holland met an old acquaintance, Lieutenant Burns, of the 45th Regiment, who had

removed with his family to the island, and had built a house and barn, and of whom he writes to the Board of Trade very favorably.

The energy with which Captain Holland prosecuted the survey is sufficiently proved by the fact that in October, 1765, he sent home by Mr. Robinson, one of his deputies, plans of the island, as well as of the Magdalen Islands; also, a description of the Island, from which we shall quote copiously as conveying the impressions of an acute and reliable observer.

“The soil,” says Captain Holland, “on the south side of the island is a reddish clay, though in many places it is sandy, particularly on the north coast. From the East Point to Saint Peter’s it is a greyish sand. The woods upon this coast, from the East Point as far southward as Hillsborough River, and to Bedford Bay on the west, were entirely destroyed by fire about twenty-six years ago. It was so extremely violent that all the fishing vessels at Saint Peter’s and Morell River, in Saint Peter’s Bay, were burned. In many parts round the island is a rough, steep coast, from forty to fifty feet high, in some places a hundred, composed of strata of soft red stone, which, when exposed to the air for some time, becomes harder, and is not unfit for building. Wherever this sort of coast is, it diminishes considerably every year upon the breaking up of the frost, which moulders away a great part of it. It may probably be owing to this cause that the sea betwixt the island and the Continent is frequently of a red hue, and for that reason by many people called the red sea. The rivers

are properly sea creeks, the tide flowing up to the heads, where, generally, streams of fresh water empty themselves. In most parts of the island the Sarsaparilla Root is in great abundance, and very good. The Mountain Shrub and Maiden Hair are also pretty common, of whose leaves and berries the Acadian settlers frequently make a kind of tea. The ground is in general covered with strawberries and cranberries, in their different seasons, which are very good. In those places which have been settled, and are still tolerably cleared, is very good grass, but a great part of the land formerly cleared is so much overgrown with brush and small wood that it would be extremely difficult to make it fit for the plough. It may be proper to observe that very few houses mentioned in the explanation of the Townships are good for anything, and by no means tenantable, except one or two at Saint Peter's, kept in repair by the officers, and one kept by myself at Observation Cove."

After describing the kinds of Timber to be found on the island, Captain Holland proceeds to say: "Port la Joie (Charlottetown), Cardigan and Richmond Bays are without dispute the only places where ships of burthen can safely enter, and consequently most proper to erect the principal towns and settlements upon. In point of fishing, Richmond Bay has much the advantage of situation, the fish being in great plenty most part of the year, and close to the harbour.

"The capital, to be called Charlottetown, is proposed to be built on a point of the harbour of Port la Joie, betwixt York

and Hillsborough Rivers, as being one of the best and central parts of the island, and having the advantage of an immediate and easy communication with the interior parts by means of the three fine rivers of Hillsborough, York, and Elliot. The ground designed for the town and fortifications is well situated upon a regular ascent from the waterside. A fine rivulet will run through the town. A battery or two some distance advanced will entirely command the harbour, so that an enemy attempting to attack the town cannot do so without great difficulty. Having passed the battery at the entrance to the harbour, he must attempt a passage up Hillsborough and York Rivers, the channels of both which are intricate; and the entrance of the respective channels will be so near the town that a passage must be attended with the greatest hazard. Should an enemy land troops on either side the bay of Hillsborough, they must still have the river of the same name on the east, or Elliot or York rivers on the west to pass before they can effect anything of consequence.

“As this side of the Island cannot have a fishery, it may probably be thought expedient to indulge it with some particular privileges; and as all the judicial and civil, as well as a good part of the commercial business will be transacted here, it will make it at least equally flourishing with the other county towns.

“Georgetown is recommended to be built on the point of land called Cardigan Point, there being a good harbour for ships of any burthen on each side of Cardigan river on the north, or on Montague river on the south side; but the latter – though a much

narrower channel in coming in – is preferable, as the bay for anchoring will be close by the town immediately on entering the river, and going round the Goose Neck – a long point of dry sand running half over the river and forming one side of Albion Bay – the place of anchorage. On the Goose Neck may be a pier, where goods may be shipped with great facility and convenience. The place proposed is so situated as to be easily made secure, as well as the entrance into the two respective harbours. There is a communication inland by means of Cardigan, Brudenell, and Montague rivers, from the top of which last to the source of Orwell river, is not quite ten miles; and Orwell river, emptying itself into the great bay of Hillsborough, makes a safe and short communication, both in winter and summer, betwixt two of the county towns.

“Princetown is proposed to be built on a most convenient spot of ground as well for fishery as fortification. The site is on a peninsula, having Darnley Basin on the northeast, which is a convenient harbour for small vessels, and where they may lie all winter. The town will have convenient ground for drying fish, and ships of burthen can anchor near it in the bay. It can be fortified at little expense; some batteries and small works erected along the shore would entirely secure it.”

It is interesting to note what Captain Holland, writing upwards of a century ago, says respecting the climate: – “The time of the setting in of the frost in winter, and its breaking up in the spring, is very uncertain. In general it is observed that about

October there usually begins to be frost morning and evening, which gradually increases in severity till about the middle of December, when it becomes extremely sharp. At this time north-west wind, with small sleet, seldom fails. In a little time the rivers on the island are frozen up, and even the sea some distance from land. The ice soon becomes safe to travel on, as it is at least twenty-two to thirty inches thick. The snow upon the ground, and in the woods, is often a surprising depth, and it is impossible to travel except on snow-shoes. The Acadians now have recourse to little cabins or huts in the woods, where they are screened from the violence of the weather, and at the same time have the convenience of wood for fuel. Here they live on the fish they have cured in the summer, and game which they frequently kill, as hares and partridges, lynxes or wild cats, otters, martins, or musk rats, – none of which they refuse to eat, as necessity presses them. In the spring the rivers seldom break up till April, and the snow is not entirely off the ground until the middle of May. It ought to be observed that as Saint John is fortunately not troubled with fogs, as are the neighboring Islands of Cape Breton and Newfoundland, neither has it so settled and constant a climate as Canada. Here are frequent changes of weather, as rain, snow, hail, and hard frost.”

On the completion of the survey of the Island of Saint John, Captain Holland proceeded to prosecute that of Cape Breton. Here he had the misfortune to lose his most efficient deputy, Lieutenant Haldiman, who was drowned, by falling through the

ice on the 16th of December, 1765. He was a Lieutenant, on half pay, when Captain Holland engaged him, having served since the age of fifteen in America. He was an excellent mathematician, and quite an adept in making accurate astronomical observations. This excellent young man perished in the twenty-fourth year of his age. Whilst Captain Holland was busy on the Island of Saint John, Haldiman was detached to superintend the survey of the Magdalen Islands. In the report sent by Holland to the Board of Trade, from which we have given extracts, was embodied Haldiman's account of the Magdalen Islands, which is extremely interesting. We regret our space will not permit its insertion.

In December, 1763, the Earl of Egmont, then first Lord of the Admiralty, presented an elaborate memorial to the King, praying for a grant of the whole Island of Saint John, to hold the same in fee of the Crown forever, according to a tenure described in the said memorial. On the supposition that the island contained two millions of acres, – for it had not then been surveyed, – he proposed that the whole should be divided into fifty parts of equal extent, to be designated *Hundreds*, as in England, or *Baronies*, as in Ireland; forty of these to be granted to as many men who should be styled Lords of Hundreds, and each of whom should pay to the Earl, as Lord Paramount, twenty pounds sterling yearly. On the property of the Earl – to whom, with his family of nine children, ten hundreds were to be allotted – a strong castle was to be erected, mounted with ten pieces of cannon, each carrying a ball of four pounds, with a circuit

round the castle of three miles every way. The forty *Hundreds* or *Baronies* were to be divided into twenty manors of two thousand acres each, which manors were to be entitled to a Court Baron, according to the Common Law of England. The Lord of each *Hundred* was to set apart five hundred acres for the site of a township, which township was to be divided into one hundred lots, of five acres each, and the happy proprietors of five acres were each to pay a yearly *free-farm* rent of four shillings sterling to the Lord of the Hundred. Each Hundred was to have a fair four times a year, and a market twice in every week. There were also to be Courts Leet and Courts Baron, under the direction of the Lord Paramount. A foot-note referring to these Courts, attached by the framers of the memorial, indicates the ideas which were entertained at this time in the old country respecting protection to life and property in the North American Colonies. “These courts – established by Alfred and others of our Saxon Princes, to maintain order, and bring justice to every man’s door – are obviously essential for a small people, forming or formed into a small society in the vast, impervious, and dangerous forests of America, intersected with seas, bays, lakes, rivers, marshes, and mountains; without roads, without inns or accommodations, locked up for half the year by snow and intense frost, and where the settler can scarce straggle from his habitation five hundred yards, even in times of peace, without risk of being intercepted, scalped, and murdered.”

To epitomise the proposal: there was to be a Lord Paramount

of the whole island, forty Capital Lords of forty Hundreds, four hundred Lords of Manors, and eight hundred Freeholders. For assurance of the said tenures, eight hundred thousand acres were to be set apart for establishments for trade and commerce in the most suitable parts of the island, including one county town, forty market towns, and four hundred villages; each Hundred or Barony was to consist of somewhat less than eight square miles, and the Lord of each was bound to erect and maintain forever a castle or blockhouse as the capital seat of his property, and as a place of retreat and rendezvous for the settlers; and thus, on any alarm of sudden danger, every inhabitant might have a place of security within four miles of his habitation. A cannon fired at one of the castles would be heard at the next, and thus the firing would proceed in regular order from castle to castle, and be the means, adds the noble memorialist, “of putting every inhabitant of the whole island under arms and in motion in the space of one quarter of an hour.”

As we have already stated, Lord Egmont’s memorial was presented in December, 1763, and in January, 1764, it was backed by three different communications, addressed to the Lords of Trade and Plantations, and signed by thirty influential gentlemen, who were supposed – on account of military or other services – to have claims on the government.

On the 13th February, 1764, a report was made on the memorial by the Board of Trade, to which it had been referred by the King. The Board reported that the scheme was calculated

to answer the purposes of defence and military discipline rather than to encourage those of commerce and agriculture, and seemed totally and fundamentally adverse in its principles to that system of settlement and tenure of property which had of late years been adopted in the colonies, with so much advantage to the interests of the kingdom; and they therefore could not see sufficient reason to justify them in advising His Majesty to comply with Lord Egmont's proposal.

In forming plans for the settlement of the American Colonies, the object the Commissioners had principally in view was to advance and extend the commerce and navigation of the kingdom, to preserve a due dependence in the colonies on the mother country, and to secure to them the full enjoyment of every civil and religious right, so that the colonists might have just reason to value themselves on being British subjects. In order to attain these objects, the Board had recommended such a mode of granting lands as might encourage industry, which is the life and spirit of commerce; and in the form of government, they recommended a constitution for the colonies as nearly similar to that of Britain as the nature of the case would permit. In adopting this policy they had followed what appeared to have been almost the invariable practice of Government ever since the surrender and revocation of those charters which were formerly granted for the settlement of America; and the effects could be best judged of by the present flourishing state of the colonies, and the progress they had made in cultivation and commerce, compared

with their condition under those charters, which, though granted to persons of rank and consequence, and accompanied by plans of government, – the result of the study and reading of wise and learned men, – yet, being founded in speculation more than in experience did, in the event, not only disappoint the sanguine expectations of the proprietors, but check and obstruct the settlement of the country.

The report pointed to the grant made to the Lords Proprietors of Carolina, as a striking example of the inexpediency of such a plan of settlement, little progress having been made in the execution of it till the property, being reinvested in the crown, a new foundation was laid, which resulted in prosperity and advancement. The report, of which we have attempted to give a sketch, ended with the following words: – “We have not thought proper to take the opinion of Your Majesty’s servants in the law upon the question whether Your Majesty can legally make the grant desired by the Earl of Egmont, because we cannot think it expedient, either in a political or commercial light, for Your Majesty to comply with his Lordship’s proposals; and as Your Majesty has been pleased to annex the Island of Saint John to your Province of Nova Scotia, we humbly recommend the settling it upon the plan and under the regulations, approved of by Your Majesty for the settlement of that province in general.”

On receiving this reply to his memorial, the Earl addressed a second one to the King, substantially the same as the former, to which no reply seems to have been made. He accordingly

had a third one drawn out and presented, attaching the names of his co-adventurers, who had agreed to assist his Lordship in the settlement of the island. The list included four admirals, a large number of officers, and eight members of parliament. This memorial, like the first, was referred to the Board of Trade, who prepared a lengthened report in answer to it. The opening passage was of such a nature as to make the memorialists imagine that all desired was to be granted. "We are of opinion," said the Board, "it may be highly conducive to the speedy cultivation of your Majesty's American Dominions that the nobility and other persons of rank and distinction in this country should take the lead, and show the example in the undertaking and carrying into execution the settlement thereof, and that all due encouragement should be given to officers of Your Majesty's fleet and army, to whose distinguished bravery and conduct this kingdom is so much indebted for the acquisitions made in the last war." But this soothing paragraph was followed by others which blasted the hopes of the ardent adventurers, by insisting on the distribution of land on the island being made in conformity to those principles of settlement, cultivation, and government which had been previously adopted, and were founded on experience.

The King referred this report, and all the other papers, to a committee of council, to whom Lord Egmont sent observations on the report, drawn up with great ability, in which his former arguments were repeated, and others adduced to strengthen them. These observations are pervaded by a bitterness of

expression which, in the circumstances, is pardonable. The committee of council coincided in the views of the Board of Trade, and on the 9th of May, 1764, came the climax to Lord Egmont's proposal, in the form of a minute of council, embodying a report adverse to the proposition of the Earl, and ordering that no grants be made of land in the Island of Saint John upon any other principles than those comprised in the reports of the Lords Commissioners of trade and plantations.

About the time of the arrival in London of Captain Holland's plans of the island, the friends of Lord Egmont again mustered in great strength, including officers of high rank in the naval and military service, bankers, and merchants, and drew up a final memorial in behalf of his Lordship's scheme, which closed with these words: – "That if at the end of ten years any ill consequence should be found to have arisen therefrom, upon an address to the two houses of parliament, His Majesty in council might change the jurisdiction in such manner as experience of the use or abuse might then dictate or demand." That Lord Egmont was sanguine as to the success of this last appeal in his behalf, appears evident from a manuscript letter now before us, addressed by him on the 8th October, 1765, to Captain Holland, in which he says: – "I think it proper to let you know that a petition will be again presented to His Majesty in a few days for a grant of the Island of Saint John, upon the very same plan as that proposed before, which I have now reason to expect will meet with better success than the former. The same persons very nearly will be concerned,

those only excluded who were drawn away by proposals and grants elsewhere by the Board of Trade, in order if possible to defeat my scheme. For yourself, you may be assured of your Hundred, as formerly intended, if I have anything to do in the direction of the affair, – which probably I shall have in the same mode and manner. Whether the grant may be made before the arrival of the survey or not I cannot certainly say, but we wait patiently for it, and hope it will be done accurately as to Hundreds, Manors, Freehold Villages, Towns, and Capitals, that a moment's time may not be lost afterwards in proceeding to draw the lots, and then in proceeding to erect the Blockhouses of the Hundreds on a determined spot, which is the very first work to be put in execution, and agreed to be completed by all the chief adventurers within one twelvemonth after the grant shall be obtained.” This communication leads to the conviction, that if the island had been then granted no time would have been lost in erecting the strongholds referred to. It is evident that the erections were intended to consist mainly of wood. The adventurers were, for the most part, wealthy and influential, and under their auspices thousands would have emigrated to the island. It were vain to speculate as to the effect which would be produced if Egmont's scheme had been put in execution. In looking over the list of those to whom Hundreds were to be allotted, we find that of the forty persons specified, thirty-two were military or naval officers, – men whose profession did not, as a rule, fit them for the direction of the settlement

of a new colony. It is probable, however, that the expense to which, at the outset, the forty Lords of Hundreds were to be put would prompt them to take a more lively interest in their property than was exhibited by the subsequent grantees. It is, however, possible that not a few of the proposed lords intended to dispose of their property to the highest bidder soon after the lots were drawn, and thus to avoid the expense of the blockhouse erections, such a transference of interest being allowable under the proposed original grant. That Egmont intended to carry out his scheme in its integrity, there is no room to doubt. He must have employed the highest legal ability to frame his memorials, which are distinguished by a mastery of the ancient feudal tenures of the kingdom, which elicited expressions of admiration from the government. The pertinacity with which he urged his scheme showed that he was not a man easily diverted from any settled purpose, and few governments could have resisted the powerful influence he brought to bear for the attainment of his object. There can be little doubt that whatever might be the consequences of possession to the Lord Paramount himself and his family of nine children, the destiny of the island would have been far better in his keeping than in that of the men to whom it was afterwards unfortunately committed. In order to conciliate Lord Egmont, and make reparation to him for the trouble and expense to which he had been put in urging his scheme, the Board of Trade, by a minute dated the 5th of June, 1767, offered him any entire parish, – comprehending about one hundred thousand

acres, – which he might select, but his lordship addressed a letter to the Board on the eleventh of the same month declining to take the grant.<sup>2</sup>

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<sup>2</sup> The writer has obtained his information from manuscript copies of the original minutes of the Commissioners of Trade and Plantations.

## CHAPTER II

Determination of the Home Government to dispose of the whole Island – The manner in which it was effected – Conditions on which grants were made – Appointment of Walter Patterson as Governor – Novel duties imposed on him – Callbeck made prisoner by Americans – Arrival of Hessian Troops – Sale of Land in 1781 – Agitation in consequence – Complaints against the Governor, and his tactics in defence – Governor superceded, and Colonel Fanning appointed – Disputes between them – Charges of immorality against Patterson – His departure from the Island.

Although the government had resolutely opposed the scheme of settlement proposed by Lord Egmont, yet it was disposed to divide the island among persons who had claims on the ground of military or other public services; and it was accordingly determined, in order to prevent disputes, to make the various allotments by ballot.<sup>3</sup> The Board of Trade and Plantations

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<sup>3</sup> The method of granting the lots was the following: – The Board of Trade ordered all petitioners for grants to appear before them personally or by deputy on the 17th and 24th June, and 1st July, 1767, in support of their respective claims. During these days, after hearing parties, they selected those whose claims seemed preferable, and on the 8th of July the list was completed, and finally adopted. The balloting took place on the 23rd of July, 1707, in presence of the Board. The name of each applicant was written on a slip of paper or ticket, and put in the balloting box, – the lots being granted in running numbers as they were drawn.

accordingly prepared certain conditions, under which the various grants were to be made. On twenty-six specified lots or townships a quitrent of six shillings on every hundred acres was reserved, on twenty-nine lots four shillings, and on eleven lots two shillings, payable annually on one half of the grant at the expiration of five years, and on the whole at the expiration of ten years after the date of the grants. A reservation of such parts of each lot as might afterwards be found necessary for fortifications or public purposes, and of a hundred acres for a church and glebe, and of fifty acres for a schoolmaster, was made, five hundred feet from high-water mark being reserved for the purpose of a free fishery. Deposits of gold, silver, and coal were reserved for the Crown. It was stipulated that the grantee of each township should settle the same within ten years from the date of the grant, in the proportion of one person for every two hundred acres; that such settlers should be European foreign protestants, or such persons as had resided in British North America for two years previous to the date of the grant; and, finally, that if one-third of the land was not so settled within four years from the date of the grant, the whole should be forfeited. Thus the whole island was, in 1767, disposed of in one day, with the exception of lot sixty-six, reserved for the King, and lots forty and fifty-nine, – which had been promised to Messrs. Spence, Muir, and Cathcart, and Messrs. Mill, Cathcart, and Higgens, by the government, in 1764, in consideration of their having

established fisheries, and made improvements on the island,<sup>4</sup> – and three small reservations, intended for three county towns. A mandamus addressed to the Governor of Nova Scotia, the island being now annexed to that province, was handed to each of the proprietors, instructing the governor to issue the respective grants, on the conditions specified. In the following year, 1768, a large majority of the proprietors presented a petition to the King, praying that the island should be erected into a separate government; that the quitrents which would become payable, according to stipulation, in 1772, should become payable from the first of May, 1769, and that the payment of the remaining half should be deferred for the period of twenty years. This proposition was accepted by the government, and accordingly Captain Walter Patterson, one of the island proprietors, was appointed governor. He, accompanied by other officers, arrived on the island in 1770, at which period, notwithstanding the conditions of settlement attached to the land grants, there were only one hundred and fifty families and five proprietors residing on it. It was calculated by the government that the quitrents would amount in the aggregate to fourteen hundred and seventy pounds sterling. The governor was instructed to pay out of that fund the following annual salaries, in sterling currency: to himself, as governor, five hundred pounds, to the secretary and registrar, one hundred and fifty pounds, to the chief justice, two hundred

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<sup>4</sup> See manuscript minute of meeting of Commissioners of Trade and Plantations, dated eighth July, 1767.

pounds, to the attorney general, one hundred pounds, to the clerk of the crown and coroner, eighty pounds, to the provost marshal, fifty pounds, and to a minister of the Church of England, one hundred pounds. This arrangement was to remain in force not more than ten years, and in the event of the quitrents falling short, from any cause, of the required sum, the salaries were to be diminished in proportion.

The governor was required to perform other duties, which were grossly unjust, and in some cases beyond human capability. He was, for example, enjoined by the twenty-sixth and twenty-seventh articles of his instructions to permit "liberty of conscience to all persons (except Roman catholics), so they be contented with a quiet and peaceable enjoyment of the same, not giving offence and scandal to the government," and he was also "to take especial care that God Almighty should be devoutly and duly served throughout his government." No schoolmaster, coming from England, was permitted to teach without a license from the Bishop of London; and it was assumed in his instructions that all Christians, save those connected with the Church of England, were heterodox. Some denominations were, indeed, *tolerated*; but in conformity to the bigoted British policy of the times, Roman catholics were not permitted to settle on the island. This sectarian policy has borne bitter fruit in Ireland, in the alienation of a great mass of the Irish people. So deeply has alienation struck its roots, and so widely spread are its branches, that, notwithstanding catholic emancipation, its

effects are still painfully visible, not only in Ireland, but also in the masses of the Irish people located in the United States, as strikingly evinced in the election of the late John Mitchell, for Tipperary, and in the honors which have been paid to his memory in the States. More than one generation will pass away ere the evil effects of unjust anti-catholic legislation are totally obliterated from the continent of America.

The little progress made in the settlement of the island, from the time it was granted until the year 1779, is indicated by the fact that no step had been taken to introduce settlers into all the lots, ranging from one to sixteen, besides other thirty-three which were in the same condition. Thus, although more than ten years had elapsed since the ballot took place, in scarcely a score of lots was there any attempt made to conform to the conditions attached to the sixty-seven townships.

Notwithstanding the very small population of the island, it was resolved to grant it a complete constitution. This step the governor was commanded in his instructions to take as early as possible. "The forming a lower house of representatives for our said Island of Saint John," said His Majesty, "is a consideration that cannot be too early taken up, for until this object is attainable, the most important interests of the inhabitants will necessarily remain without that advantage and protection which can only arise out of the vigor and activity of a complete constitution." In the year 1773, the first assembly was convened. The first act passed was one confirming the past proceedings

of the governor and council, and rendering valid all manner of process and proceedings in the several courts of judicature within the island, from the first day of May, 1769, to the present session of assembly.

The proposal to pay the government officials in the island from the amount realized from the quitrents completely failed, as but few of the proprietors acted as if they had been under obligation to comply with the conditions on which they obtained their grants. The sum realized from the amount of quitrents paid was totally inadequate to pay the official salaries. Hence it was necessary that some other arrangement should be adopted. The governor was reduced to such straits for want of money, that he was under the necessity of appropriating three thousand pounds, granted by parliament for the erection of public buildings in the island, for the maintenance of himself and the other government officers. The governor went to England in 1775, when it was agreed that the proprietors, in order to meet the difficulties of the case, should present a memorial to the Secretary of State for the colonies, praying that the civil establishment of the island should be provided for by an annual parliamentary grant, as in the case of the other colonies. By a minute of the seventh August, 1776, it was ordered by the government that the arrears of the quitrents due should be enforced by legal proceedings, and that the sum thus obtained should be devoted to the refunding of the amount expended, in a manner incompatible with the object for which it was voted. The power for the recovery of the quitrents, with

which the governor was thus invested, was not speedily exercised, as he was anxious not to offend the proprietors, through whose influence the payment of the civil establishment of the island was placed on a more satisfactory footing.

During the governor's absence in England the Hon. Mr. Callbeck, being the senior member of the council, was sworn in as administrator. In November of that year, a ship from London, having on board a number of settlers, and loaded with a valuable cargo, was unfortunately wrecked on the north side of the island. All on board were saved, but the cargo was either lost, or destroyed to such an extent as to be of little value, – an accident which involved no small hardship to the inhabitants.

In this year too a memorable incident occurred. Whilst the good people of Charlottetown were living in apparent security from hostile aggression, two American armed vessels which had been sent to cruise in the Gulf of Saint Lawrence, in order to intercept English ordnance store-ships, supposed to be on the way to Quebec, entered the harbor, and a landing was effected without any opposition, when the administrator, Mr. Callbeck, Mr. Wright, the surveyor general, and other officers of the government were made prisoners, and put with such valuable booty as the Americans could lay hands on, on board ship, and conveyed to New England. On arriving at the head-quarters of the American army, then at Cambridge, General Washington disapproved of the hostile act, dismissing the principal officers from their commands, telling them that “they had done those

things which they ought not to have done, and left undone those things which it was their duty to have done." At the same time he discharged the prisoners with expressions of regret, and returned all the property.

In the following year the *Diligent*, an armed brig, was detached by the admiral, commanding in America, to protect the island, which vessel was replaced by the *Hunter*, sloop of war, towards the end of the year, and which remained till November, 1777. The arrival of the latter vessel was extremely opportune, as a hostile expedition to the island was being organized by rebels from Machias, in Massachusetts, who had arrived at Fort Cumberland, in Nova Scotia. These men paid a visit to Pictou, where they seized on an armed merchant ship, then loading for Scotland. Fearing resistance, which they were not in a condition to overcome successfully, these rebels entered, with their prize, into the Bay of Verte, for the purpose of receiving reinforcements. But not being successful in this effort, on account of a defeat at Fort Cumberland, the vessel was given up to one of the officers, the rebels escaping on shore. The vessel then came to Charlottetown, where she remained during the winter.

In 1777 the administrator received instructions from the secretary of state for the colonies to raise an independent force for the defence of the island; but from the small number of the male population, which had been previously considerably reduced by recruiting officers, this force was never completed. In the following year, however, four provincial companies were

sent from New York, under the command of Major Hierliky, for whom barracks were erected, under the direction of an engineer from Nova Scotia, and the island was thus placed in a defensive position, which greatly reduced the chances of a successful attack during the American war. With the exception of a few sheep, occasionally taken by the men of privateers, and some valuable property seized at the harbor of Saint George (now Georgetown), the inhabitants of the island experienced no further annoyance from the Americans during the continuance of the contest. The monotony of Charlottetown was betimes enlivened during the summer by the presence of the British war vessels employed in accompanying convoys to Quebec, and the occasional conduct into the harbor of American privateers which had been captured at sea by the British cruisers, and whose men were marched as prisoners through the woods to Halifax.

An interesting trial took place in Charlottetown in 1779, in the case of *Thomas Mellish, v. the Convoy ship Dutchess of London*, which Mr. Mellish seized for smuggling. The trial lasted for several months. Mr. Mellish was an officer in the First Troop of Horse Guards, and served also in the colonial military service. He was a member of the house of assembly, and held the office of collector of customs and other public positions for many years. His son, Thomas Mellish, died at an advanced age in 1859. Referring to his death, the *Islander* describes him as a most loyal British subject, and a devoted adherent of the Church of England.

Towards the end of October, 1779, the town of Charlottetown

received a temporary accession to its inhabitants, by the arrival of the Hessian regiment of Knyphansen, under convoy of the war ship *Camilla*. Severe gales were encountered in the River Saint Lawrence, which compelled the ship to take refuge in the island. The troops were landed, and there being no barrack accommodation for them, some succeeded in hutting themselves most comfortably. Some of the men were suffering from fever, but speedily recovered, on account of the admirable character of the climate. The town supply of provisions was utterly inadequate to meet the demand occasioned by so large an addition to the population, but the farmers soon made up the deficiency, and the Hessians remained till the month of June, when they left for their destination. Not a few of the men were so favorably impressed with the island, that they returned to it from Germany, many years afterwards, and became industrious settlers.

Governor Patterson returned to the island in 1780, relieving the Honorable T. DesBrisay, who had succeeded Mr. Callbeck as administrator; and shortly after his arrival he appointed Mr. Nisbet, his brother-in-law, then clerk of the council, to the office of the receiver of quitrents. It was now determined by the governor to enforce a law passed by the assembly in 1773, "for the effectual recovery of certain of His Majesty's quitrents in the Island of Saint John," and in conformity to the treasury minute of the seventh of August, 1776, to which reference has already been made. Accordingly, early in 1781, proceedings were commenced in the supreme court against the townships in arrear of quitrents,

as enumerated in the act of 1773, and the sale of a number of townships was thus effected. These reasonable proceedings were complained of to the British government, and powerful influence was brought to bear for the purpose of counteracting them. As the act of 1773, which had been confirmed by His Majesty, only applied to a part of the lands granted, it was deemed necessary to pass another act in 1781, which was intended to take a wider scope, and to render the sale of all lands in the island, where quitrents remained unpaid, legal. This act had, however, a clause suspending its operation till the King's pleasure should be known. It appears by a manuscript copy of a report, dated tenth of July, 1783, by the lords of the committee of council for plantations, now before us, that this act was referred to Andrew Jackson, one of the King's council, who reported that, in point of law, no objection could be made to it; and the same report also furnishes interesting information as to the considerations by which the government was influenced in its treatment of the action of the House of Assembly in regard to land. An application was made in behalf of officers abroad in the King's service, who were proprietors of land, praying that the arrears of quitrent due on their lands should be remitted, and that no proceedings should be taken to dispose of those lands for future arrears until the conclusion of the war, when they might be enabled to settle and improve the same. Thomas Townshend, the colonial secretary, accordingly recommended that no action during the war should be taken against the property of absent officers. A petition was

about the same time presented by other proprietors of land in the island, reciting the difficulties peculiarly incident to the island, showing that their expectations, mainly in consequence of the American war, had proved abortive, and complaining that many of the allotments in the island had been sold under the assembly act of 1774, and of the treasury order of 1776, *to officers resident in the island*, for little more than the arrears and charges of confiscation. They further prayed for a remission of the quitrents in arrear, and that in future they might have the option of paying the quitrents either in London or the island. The council proceeded, on the first of May, to take these matters into consideration, when it was agreed “that all such as, on or before the first of May, 1784, should have paid up all the arrears of quitrent due upon their respective lots to the first of May, 1783, should, from the said first of May, 1783, until the first of May, 1789, be exempted from the payment of more than the quitrent now payable upon each of their lots, and that, for and during the further term of ten years, – to commence from the said first of May, 1789, – the same quitrent only as is now payable on each of their lots should continue to be paid in lieu of the advanced quitrent, which, by the terms of the grants, would have become due and payable from the said first of May, 1789.” In accordance with this decision, a bill was prepared, which not only granted the redress specified in the above quotation, but also disallowed the act of 1781, and repealed the act of 1774, and rendered all the sales effected

under it void, on the payment by the original proprietors of the purchase-money, interest, and charges incurred by the present holders, compensation being also required for any improvements made on the lands since the date of sale. This bill was drawn out in London, and sent to Governor Patterson in 1784, in order that it might be submitted to and adopted by the house of assembly. But the governor, having been himself a purchaser to a large extent of the confiscated property, assumed the responsibility of postponing official action in the matter, on the ground that the government was mistaken as to facts connected with the sale of the land, and, on consulting with the council, it was resolved to send to the home government a correct representation of the circumstances under which confiscation took place, in justification of delay in submitting the bill to the assembly for approval.

A Mr. John Stuart,<sup>5</sup> an intimate friend of Governor Patterson,

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<sup>5</sup> This gentleman was not John Stewart, of Mount Stewart. The latter was only twenty-three years of age when John Stuart was appointed by the assembly their agent in London, and he had been only three years on the island at the time of the appointment. His Honor Sir Robert Hodgson, the Lieutenant Governor, has taken the trouble to peruse the correspondence which passed between Governor Patterson and John Stuart, and in a note addressed to the writer, says: "I feel convinced that John Stuart was the person whose name appears on the Island Statute of 30 George III, cap. 5, of the year 1790, as the owner of ten thousand acres of land; and who, I have always understood, was a personal friend of Governor Patterson, and if not an original grantee, must have acquired his land by the instrumentality of his friend the governor, under the sale of the lands for the non-payment of quitrents, so frequently alluded to in the correspondence." The writer has carefully gone over the list of original grantees, in which there is one named John Stewart, but not one who spelt his name Stuart.

and who had resided in London for fourteen years, was in 1781 appointed by the house of assembly as their London agent. We have been favored with the perusal of a number of private and confidential letters which passed between the governor and this gentleman. These throw considerable light on the island history of this period. The sales of land recently made excited intense indignation against the governor on the part of those whose property had been confiscated, who were backed in their applications for redress by the general body of proprietors. The act sent to the governor, and which he failed to present to the house of assembly, was the result of these applications. In the preamble of that portion of the act which provided for relief to the complainants, it was stated that the governor and council, on the first day of December, 1780, unanimously resolved, in order to give absent proprietors whose lands were liable to be sold an opportunity of relieving their property, that no sales should take place until the first Monday of November following, and that in the meantime the colonial agent in London should be instructed to inform the proprietors of the proposed sale; and "whereas," runs the act, "notwithstanding such determination and resolution, no such notice was given by the colonial agent to the proprietors, it seems reasonable that they should obtain effectual relief in the premises." It is only fair that the governor should be allowed to reply in his own words, as contained in a letter now before us, which he addressed to his friend Stuart on the twelfth of May, 1783. In order that a portion

of that letter may be understood, it is necessary to say that Captain McDonald, one of the proprietors resident in London, had written a pamphlet reflecting on the conduct of the governor in disposing of the land, which contributed in no small degree, as Mr. Stuart affirms, in causing the act of relief to be prepared. After referring to business matters, which have no bearing on our story, the governor says: "What appears most pressing at present is to say something in answer to my friend Captain McDonald's proceedings. But first I must express my astonishment at your not having received any letters from me since December, 1781. I wrote and sent two by the express, which went to the continent in February, 1782, – not to you, indeed, because I thought you had sailed for India; but Mr. Townshend received them, I am certain, for I have answers to them from you. I wrote a long one to you in October, 1782, on a variety of subjects. If this letter has not reached you, I am very unfortunate, as I have no copy of it. I wrote you three others in the course of the winter, copies of which shall accompany this, though they will be now, I fear, of little use, except to show that I have not been idle, or negligent in my attention to the interests of this government. If I succeed, I may be rewarded by my own feelings, but as to any grateful returns, I expect them not. In bodies of men there is no such virtue as gratitude, nor indeed but very rarely in individuals. I feel this, and in few instances more sensibly than in the behaviour of Captain McDonald. Believe me, my friend, I have rendered him and his family many disinterested and essential services;

nor do I know that I can let an opportunity slip of doing so, when in my power. But *now*, when he thinks his interest is in the least affected, he becomes my enemy, and that, too, in a matter where I am only a spectator, or rather, when I ought to have been only such; for the fact is, I did step out of my line in the business of forfeiting the lots, but then it was only to continue my wonted practice to benefit the proprietors. For this purpose I advised sending the advertisements to England, which the law did not require. I, by the advice of council, postponed the sales from time to time, in hopes the proprietors would take some steps in consequence of the advertisements, and, with this view, prevented their taking place till the latter end of November, when every hope was over. This the law did not require, and the advertisements not reaching England in time was not my fault, as the resolution of council directing their being sent is dated twenty-sixth November, 1780, and the sales did not take place for a year afterwards. I did more: I prevented all the lots from being sold belonging to proprietors who I knew were inclined to improve their lands, and this I did by taking the debt upon myself, which was not required by the law, nor perhaps in justice to my own family; nor do I believe there is an instance of such conduct in any other man. Among the number so saved is the lot belonging to this same Captain McDonald, though I had no hopes of his paying his quitrents, or of his doing any one thing relative to the settling of it; for he has repeatedly told me himself that he would not, as he thought he had engaged to pay too much

money for it to the chief baron from whom he bought it. What I did was out of tenderness to his sisters, who live upon the lot, and to give him time to think better. I saved Lord Townshend's, the chief baron's, etc., and, in short, what I thought worth the saving, – and all at my own risk. I have done still more, for I have prevented any further sales since the first. This I also did for the benefit of the proprietors, knowing the lands would not bring their value; and I did it at the risk of my commission, for I did it in the face of a positive order from the treasury. So far, I hope I am not to blame.

“As to the regularity and legality of the proceedings in other respects, I am not accountable. The lands were seized in terms of a law passed near ten years since, and the proceedings conducted by the law officers, – I have no doubt properly.

“There is some idea, I find, of rescinding the purchases, and that government will order it. Whoever has formed such an idea must have strange notions of government. Government may order me; and, if I have a mind to be laughed at, I may issue my orders to the purchasers; but can anyone believe they will be obeyed? Surely not; nor would I be an inhabitant of any country where such a power existed. My money may with as much justice be ordered out of my pocket, or the bread out of my mouth. A governor has just as much power to do the one as the other. I should like to know what opinion you would have of a country where the validity of public contracts depended on the will of the governor.

“The purchases were made in the very worst period of the war, when the property was very precarious indeed, and when no man in England would have given hardly a guinea for the whole island. It is now peace, and fortunately we still remain a part of the British Empire. The lands are consequently esteemed more valuable, and the proprietors have become clamorous for their loss. Had the reverse taken place, – had the island been ceded to France, – let me ask, what would have been the consequence? Why, the purchasers would have lost their money, and the proprietors would have been quiet, hugging themselves on their own better judgment. There can be no restoring of the lots which were sold. There has not been a lot sold on which a single shilling has been expended by way of settlement, nor upon which there has been a settler placed; so that those proprietors who have expended money in making settlements have no cause of complaint.”

Complaints had been made to the home government, of which Mr. Stuart had informed the governor, that a large quantity of the land disposed of had been bought for trifling sums by the governor and other officials of the island. The truth of this charge was acknowledged by the governor, for he says in the letter from which we have quoted so largely: “That the officers of the government have made purchases is certain, and that I have made some myself is also as certain; but I should be glad to know who would be an officer of government if, by being such, he was deprived of his privileges as a citizen.”

Mr. Stuart writes the governor on the twenty-ninth of June, 1783, that he received, on the twenty-second of April, three letters from him, dated respectively, thirtieth November, first and seventh December, 1782, and in reference to the sales of land which had been effected, remarks: "The time of the sale, in the midst of a distressful war, when there could be neither money nor purchasers; the rigid condition of obliging the proprietors to pay their quitrents in the island, and not giving at least a twelvemonth's notice of the sale in England, as well as in the island, are everywhere urged and admitted as sound arguments against the confiscation of lands in an infant colony, and I must frankly confess that they have too much force in them to be totally denied."

Whilst it is impossible to deny that Governor Patterson had ample governmental authority to dispose of the lands, yet his doing so before he had any evidence whatever that the advertisements sent had obtained the desired publicity, or even that his letters had reached their destination, was, to say the least, a most unreasonable proceeding, and constituted sufficient ground of grave complaint against his conduct. That as an intending purchaser he had a material interest in bringing the lands speedily to the hammer, cannot be denied; and that after so many years had elapsed since the act and the treasury minute by which a sale of the townships whose quitrents were in arrears was rendered legal, he should have chosen a period for the sale when, according to his own confession, capitalists might not be

disposed to give a guinea for the island, seems to import that the governor had, in the conduct of the business, consulted his own interest rather than that of the proprietors. This impression is deepened by the proceedings which followed.

It has been already stated that, on receiving from England the act which was intended to restore the property sold to the original holders, he had delayed to submit it to the house of assembly. Believing that the present house would pass the act in question, in the event of his being again ordered to submit it for their approval, he resolved dissolution of the house, and to exert his influence in obtaining one better suited to his purpose. He accordingly carried out his resolution early in 1784, and, in March following, a general election took place, and the legislature met soon after. It is a most significant indication of the state of public opinion at this time, in reference to the governor's conduct in so hastily disposing of the lands, that the new house, instead of approving of the governor's conduct, resolved to present a complaint against him to the King, and was actually engaged in framing it, when a dissolution, by command of the governor, again took place. His Excellency, appreciating the importance of the crisis to himself personally, determined to leave no means untried to secure an assembly favorable to his views. The danger was imminent; for the recent proceedings were adopted by the house in ignorance of the views of the home government as to the governor's conduct, which he had carefully concealed, and which were known only to the council, who were

bound by oath to secrecy. He expected an order from England to submit the dreaded act to the house, and was most desirous that, before that could be done, the forthcoming house should pledge itself to an approval of the sales of 1781, and thus neutralize the effect which a knowledge of the intended disapproval of the previous assembly might produce on the home government.

Circumstances favored his design. New York having been evacuated by the British troops, many of them had resolved to settle in the island. A large number of loyalists were now leaving the States and settling in Nova Scotia. Efforts were made by the governor to induce some of them to settle in the island. In addressing Mr. Stuart in 1783, he says, in reference to this subject: "I do not as yet hear, notwithstanding my efforts, of any of the loyalists coming this way. They have all gone to Nova Scotia, through the influence of Mr. Watson. I will not, however, as yet despair of having a part. I am sending a person among them on purpose, and at my own expense, to carry our terms and to invite some of the principal people to our lands. If they will but come, – and depend on the evidence of their own senses, – I am certain they will prefer this island to any of the uncultivated parts of Nova Scotia. It is exceedingly unlucky that my despatches of last November did not reach you in time. Had the proprietors sent an agent to New York, offering liberal terms to the loyalists, they would have reaped more benefit thereby than by all the memorials they will ever deliver to government." We find, by a letter from Mr. Stuart to the governor, dated a month

later than that from which a quotation has just been given, that the proprietors were sensible of the importance of presenting inducements to the loyalists, for they subscribed liberally to a fund raised for the purpose of conveying them to the island. Orders were issued to the governor to apportion part of the land to the loyalists; the attorney general was to make out the deeds of conveyance without any expense to the proprietors, who were to be exonerated from the quitrents of such shares of their land as were granted to the loyalists. In consequence of these arrangements, a considerable number of loyalists were induced to come to the island, to whom the governor paid due attention, and whose votes he had no difficulty in securing at the coming election. In order to complicate matters still more, and throw additional obstacles in the way of the much dreaded act, he took care that not a few of the allotments made to the refugees should be on the lands sold in 1781.

Being thus fortified for the coming battle, he determined to risk another election in March, 1785, when he secured the return of a house bound to his interests, which Mr. Stewart, of Mount Stewart – on whose testimony implicit reliance can be placed – assures us “was not accomplished without a severe struggle, much illegal conduct, and at an expense to the governor and his friends of nearly two thousand pounds sterling.” The time of the assembly was, to a considerable extent, taken up during the session by proceedings which had a tendency to produce a favorable impression as to the governor’s acts. Not a word was

said in the house regarding the proceedings of 1781; but, when the house met in the following year, the governor determined that a measure should be adopted which would frustrate any attempt to render the sales of 1781 futile. To effect this object, he caused a measure to be introduced entitled "An act to render good and valid in law all and every of the proceedings in the years one thousand seven hundred and eighty and one thousand seven hundred and eighty-one, which in every respect related to or concerned the suing, seizing, condemning, or selling of the lots or townships hereinafter mentioned, or any part thereof." This act was adopted without scruple by the assembly, but was disallowed by His Majesty; and, affording as it did convincing proof of the governor's determination to act in opposition to his instructions, led to his being superceded in his office.

Mr. Stuart, the London agent for the island, fought at all times resolutely for the governor, using all the means in his power to place his character and transactions in a favorable light before the government and proprietors. Having obtained information from reliable sources as to the intentions of the government in reference to the governor, he addressed a letter to him on the 19th of June, 1786, informing him of the decision as to his recall. This manuscript communication, now before us, is especially interesting and valuable, as showing that, after its receipt, Governor Patterson could not have been mistaken as to the nature of the recall, and as accounting for some of his subsequent proceedings. Mr. Stuart says: "Your brother will

have acquainted you with the caballing and intriguing of your opponents to effect your removal, and of the invincible silence, or rather sullenness, of office with regard to their real and ultimate intentions towards you. Mr. Nepean, I think, has indeed opened himself at last, and given a pretty plain clew to their disposition not to support you. He told your brother very lately that Lord Sydney had sent you the King's leave of absence. This is surely a plain indication, especially after you were required to answer charges, and those answers still remain unheard and undecided upon, although your brother has made repeated application, and even memorialized the council for a hearing. The real cause and design of this extraordinary and unfair step neither your brother nor I has yet been able to develop. Mr. Nepean endeavored to gloss it over by many specious assurances and declarations that it proceeded from no hostile intentions, but was meant only to afford you an opportunity of effectually vindicating your conduct, and refuting the many accusations which had been sent home against you; in which event, he said, you would return to your government with additional honor and support. He may think these will pass as very plausible motives; but what as to their reality? I can only construe it as a measure, of great and unnecessary severity, – I might say injustice. It is not customary to call home governors until their conduct has been investigated and adjudged. They may put what construction they please upon the gentle terms, 'leave of absence,' but if you think it incumbent to accept this leave of absence, it must appear in the eyes of

the world as an absolute recall. This is an event, my dear friend, which I have long dreaded; and what adds inexpressibly to the poignancy of my present feelings, is that I know not how to offer you advice in a situation of so much delicacy; for if you disobey this insidious order, your character may suffer in the public estimation, and if you obey it, your fortune may eventually be materially injured. It is indeed a cruel alternative, but it is a case in which you alone can be a competent judge.

“This business has been managed with so much secrecy, or, at least, it has been so studiously concealed from your friends, that we have not been able to learn when your leave of absence was sent out, or whether, indeed, it be yet gone. In case of your removal, your brother has picked up some intimation that Colonel Fanning, Lieutenant Governor of Nova Scotia, is likely to be your successor. In the present temper and disposition of office, I fear that your brother’s *succession* would be more difficult than to sustain you in the government. I am exceedingly anxious to learn the fate of the quitrent bill. I hope the assembly may have passed it in some shape, and that the sales have been revoked. This is intelligence which should have arrived *ere* this time. I fear that your long silence and delay on this head is construed into contumacy and resistance. Your enemies here are busy and fertile in their insinuations.”

Anxious to serve his friend the governor, Stuart, under pressure from that gentleman’s brother, addressed a letter on the twenty-sixth of February, 1786, to Lord Sydney, though doubtful

of the propriety and policy of the act, in which he states that he received a letter from the governor, intimating that he (the governor) was aware that reports had been circulated in England grossly misrepresenting his motives in having purchased some of the lots escheated under the quitrent act of 1774, – the governor declaring that his sole motive in making these purchases was to secure to himself a part of the very old arrears due to him for salary, – an act which he conceived to be strictly legal, – and stating that he had bought the lands at their full value. The governor was prepared, as stated in his letter, to restore what he had bought on his being reimbursed the amount of the purchase-money, with interest, agreeably to their lordships' resolution in 1783.

Stuart's letter, from which we have quoted so largely, was received by the governor on the tenth of October, 1786, and it is extremely probable that it was by the same mail that he also received official information of his having been superceded in the government of the island, and commanded to submit to the assembly the act rendering the sales of 1781 voidable, – of which another copy was now sent, – which had come to his hands two years previously, but with regard to which no action had been yet taken. The governor, as if sensible of his extreme folly in disregarding the royal instructions, submitted the measure to the house of assembly; and the bill was read for the first time on the first of November, and for the second, on the tenth of the same month; but it was subsequently decently

interred by a house which was guided by the significant nods of the governor. But, in order to conciliate the home government, his excellency caused a private bill to be introduced, providing for the restoration of the escheated land to the proprietors, but so contrived that, even if carried out, the heavy payments required to be made counterbalanced any benefits that could be derived from its adoption. When the character of this measure became known to the proprietors, they brought a criminating complaint against the superceded governor and the council, which, on being investigated by the committee of privy council, led to the dismissal of the members of council implicated, as well as that of the attorney general. No further action against Governor Patterson was deemed necessary, as he had been already dismissed.

Early in November, Lieutenant-Governor Fanning arrived from Nova Scotia to assume the government of the island; but Mr. Patterson refused to give up the reins of office, on the ground that the season was too far advanced for his return to England, – the appointment of Fanning being regarded by Patterson as only intended to supply his place during his own temporary absence. Mr. Stewart, of Mount Stewart, asserts that Patterson *affected* ignorance of the nature of the recall respecting whose import, as being absolute and final, no reasonable doubt could exist; but in this we can prove he was mistaken, from the terms in which the appointment was conveyed to Fanning by Lord Sydney, – a document which Mr. Stewart evidently

had not seen, and which proves that Patterson was not destitute of a very plausible if not solid reason for holding his post till the weather admitted of his leaving the island. Lord Sydney, addressing Fanning, in a despatch dated the thirtieth of June, 1786, says: "The King having thought it necessary to recall Lieutenant-Governor Patterson, of the Island of Saint John, in consequence of some complaints which have been exhibited against him, that an inquiry should be made into his conduct, His Majesty, from the opinion which he is pleased to entertain of your ability and discretion, and with a view to give you an early proof of his royal approbation of your services, has been pleased to appoint you to carry on the public service of the island *during Lieutenant-Governor Patterson's absence*, or until some determination shall have taken place respecting his proceedings.

"As it is His Majesty's desire that Lieutenant-Governor Patterson should be relieved in time to enable him to return to England in the course of the autumn, His Majesty trusts that you will lose no time in repairing to Saint John, and in settling such arrangements with the said lieutenant-governor, previous to his departure, as may be necessary for your carrying on the business of the island." Thus Patterson's retention of office till the spring does not seem in the circumstances unreasonable; but Mr. Stewart, in his account of the island, informs us that his continuance in it was contrary to the desire of the inhabitants generally, who, during the winter, did not fail to present addresses to Fanning, calling upon him to assume the

government to which, according to his commission, he had been appointed. On the arrival of Fanning, Patterson addressed the following letter to Lord Sydney, the Colonial Secretary: —

“Island of Saint John, 5th November, 1786.

“My Lord, — Lieutenant-Governor Fanning arrived here yesterday, and by him I have been honored by your lordship’s letter of the thirtieth June, saying that many representations have been made to the King of improper proceedings in the exercise of the powers with which I have been vested, and that it is His Majesty’s pleasure that I should repair to England as soon as may be, to give an account of my conduct; also commanding me to deliver to Lieutenant-Governor Fanning such papers and documents as may be necessary to enable him to carry on the public service during my absence.

“I have received His Majesty’s commands with the utmost veneration and respect, and nothing gives me so much pain as when I have it not in my power to carry them into immediate execution.

“Such papers and documents as appear in the least necessary towards carrying on the present service shall be delivered without loss of time; but there are unsurmountable reasons why I cannot this winter quit this island. The season is too far advanced to leave a possibility of arranging my little matters so as to prevent total ruin in my absence. Besides, my lord, if the charges are such as I have already answered, my *ipse dixit* will add but little weight to my defence, and I have no further proof to offer. If there have

been any new charges sent from hence, the evidence to disprove them cannot be had in England; therefore, my going home without them would only prove a useless trouble to your lordship and to myself. It is an unspeakable grief of heart to me that I am under the necessity so long of lying under the appearance of having proved unworthy of my station. All my labors for thirty years have been in search of reputation, and I have gained it everywhere but where most I wished. Be assured, my lord, it will be my pride and glory if I can restore confidence among the council of my royal master. I hope and trust your lordship will feel my situation as I do myself, and that in justice you will order me copies of my crimes, so as to have them by the first of spring; and be assured that I shall, as soon after the receipt of them as possible, with every anxious and eager hope, pay instant obedience to the royal mandate.

“Were it even possible for me, at so few days’ notice, to quit the island, even with the total ruin of my family, I should be obliged to accumulate ruin on ruin by being obliged to stay a whole season in England to wait for evidence from home, and in place of expediting, it must delay my hearing. But if I cannot go from hence prepared to answer my accusers, after my arrival my fate may be soon decided; and if I have not been guilty of what will deprive me of my liberty, I may return in the course of the summer to cultivate my farm.

“His Majesty is full of justice. He is the father of his people, and therefore cannot wish the ruin of a subject, much less of an old and faithful servant. Then I doubtless

shall have justice. I wish no more. Afford me only an opportunity of clearing my character, and I shall instantly resign. I have long and anxiously wished to do it, and most certainly shall the moment I can with honor.

“I cannot even guess at the nature of my present accusations; but be they what they may, I wish to meet them; and I shall do so, my lord, with a confidence and certain knowledge that they are as unfounded as the last. I know I have done no wrong, and therefore court inquiry; but I also know my enemies, and must go prepared among them. A conscious rectitude of heart forms, my lord, arms of adamant, – a shield which admits no fear.

“I am, my lord, &c.,

“Walter Patterson.”

But Patterson had a large number of friends in the island who backed him in his opposition to Fanning; and the council, consisting of men of his own selection, and the assembly being ready to act according to his dictation, he was in hopes that representations proceeding from these sources would secure his restoration to a position to which he was now clinging with tenacity. During the winter the government of the island remained in this anomalous condition; but early in April following, Governor Fanning issued a proclamation notifying his appointment, and calling on all loyal inhabitants to recognize his title to the governorship. But Patterson issued, on the following day, a counter proclamation, declaring that he was the accredited representative of His Majesty, and enjoining the people to pay

no attention to the pretensions of a usurper.

A correspondence passed between the rivals. From manuscript copies, now before us, it appears that Patterson and Fanning had entered into an agreement on the seventh of November, 1786, by which the latter gentleman's appointment was to remain in abeyance for some time. Patterson, on the arrival of Fanning, had intimated his intention of meeting the assembly as governor; but Fanning contended that Patterson had promised to give up the government after the legislative business which he wished transacted was finished. This was emphatically denied by Patterson, who asserted that the command was, by mutual consent, to remain with him till the weather permitted his departure from the island, or more distinct orders were received from England, to which representations of the state of matters were forwarded by both parties. On the 17th of February, Patterson addressed a bitter letter to Fanning, complaining of his violation of the agreement solemnly made between them, in which he wrote: "Was it consistent with that engagement that your warrant was exhibited to a large company at your own table, and afterwards to the public by one of that company, in order to prove your right to the command? Was it consistent with that engagement that my avowed and notorious enemies were almost constantly adopted as your confidential friends? You will not be surprised at my faith in you being put to a severe trial when I heard that the court of justice was disturbed, and a copy of your warrant there read by a gentleman very much in your confidence,

questioning the judges as to your right of command, and calling on all His Majesty's subjects on their allegiance to assert your right; and when I have been told that the son of that gentleman, in the same open court, said to the commanding officer that, if it had not been for his detachment, you should long ago have had the government, – meaning that he and his friends would by violence have wrested it from me. I have also been informed that officers of the government refuse paying any attention to my orders, and quote your commission and yourself as the reason of such disobedience.”

Notwithstanding the intense fermentation occasioned by this unseemly dispute, the public peace was not disturbed. As was generally anticipated, on the arrival of the spring mail, the conduct of Patterson was rebuked by the home government, and he was peremptorily commanded to transfer the permanent command to Fanning, – a change which, Mr. Stewart says, was “agreeable to the island in general.”<sup>6</sup> Patterson soon left the island

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<sup>6</sup> The following is a copy of the despatch addressed to Fanning: —“Whitehall, 5th April, 1787. “Sir, – Your despatch, number one, of the fourteenth of October last, in answer to my letter of the thirtieth of June last, was duly received, and I have since been favored with your letters, numbered two, three, and four, giving an account of your arrival in the Island of Saint John, and of certain proceedings which have taken place subsequent to that time. “His Majesty, from the very extraordinary conduct of Lieutenant-Governor Patterson, has thought it advisable to dismiss him at once from office, and has been graciously pleased to fix you in the government of that island, persuaded, from the proofs you have given of your zeal for his service, as well as of your prudence and discretion, that you will make a suitable return for the confidence which has been placed in you by a faithful and diligent discharge of your duty. “I am, sir, your obedient servant, “Sydney. “To lieutenant-governor

for Quebec, but returned in a few months, and exerted himself to the utmost in obstructing the operations of the government; but, after two years' residence, and bitter opposition to the administration of his successor, he left the island and returned to England, cherishing the hope of enlisting the sympathy and support of the proprietors resident there, – a hope which was doomed to be disappointed.

Fidelity to historical accuracy compels us to say that a charge affecting the moral character of the late governor had been made, in which the wife of one of his friends was implicated. That charge, whether true or false, was doubtless forwarded to English headquarters, where, if supported by satisfactory evidence, it was certain to have no small influence in determining the fate of Patterson as governor, and may account for the mysterious

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Fanning.” The following is the letter of Lord Sydney, formally intimating to Patterson his dismissal, as well as the reply to the communication of Patterson to his lordship, already given: —“Whitehall, 5th April, 1787. “Sir, – I have received your letter, number thirty-one, of the fifth November last, in answer to one from me of the thirtieth of June preceding, wherein you have stated certain reasons which have induced you to delay the carrying into execution His Majesty’s commands, which were sent to you by me, for delivering over the charge of the Island of Saint John to Colonel Fanning, and for your returning to England to answer certain complaints which have been exhibited against you. “Without, however, entering into the grounds upon which you have proceeded to justify disobedience of His Majesty’s orders, I must acquaint you that I have received his royal commands to inform you that His Majesty has no further occasion for your services as Lieutenant-Governor of Saint John. “Colonel Fanning, who has been appointed your successor, will receive from you all the public documents in your custody, and such orders and instructions as have been transmitted to you which have not been fully executed. “I am, sir, your obedient, humble servant, “Sydney. “Lieutenant-Governor Patterson.”

silence of officials (as complained of by Mr. Stuart) when pressed for information with regard to the reasons by which government was influenced in dismissing him from a post which he had held for sixteen years. In one of Patterson's private memorandum books, now before us, there are some curious entries, in his own handwriting, with regard to that charge, in which he summarises various arguments which might be urged against the probability of its truthfulness, but which neither affirm nor deny its validity. If these notes had not been made by his own hand, and the pronoun *I* had not been once inadvertently used, they might be supposed to have been the production of one on whom was devolved the legal defence of the governor.

When Patterson arrived in London, he found the friends who had formerly used their influence in his favor extremely cool; and thus all hope of his restoration to the governorship was blighted. The large sums he had expended in the election of a house favorable to his views, and the impossibility of saving any part of his annual income (five hundred pounds sterling), without sacrificing the becoming dignity of his post, added to the circumstance that his wife and family had to be maintained in England during the whole period of his incumbency, rendered his means extremely limited. Being pressed by his creditors, his extensive and valuable property in the island was sold – under hard laws, which had been enacted under his own administration – at nominal prices. It need therefore excite no surprise that he never returned to a scene invested with so many painful

recollections.

But the question occurs: what became of the escheated lands which were ordered to be restored to the original proprietors? After the proceedings already recorded, no determined effort to obtain the property was made by the original holders, with regard to whose claims to restitution no doubt could now exist. The assembly did, indeed, pass an act in 1792, by which the old proprietors were permitted to take possession of their property; but eleven years having elapsed since the sales took place, and complications of an almost insuperable nature having in consequence ensued, the government deemed it inexpedient to disturb the present holders, more particularly as not a few of them had effected a compromise with the original grantees, which entitled them to permanent possession. Hence the act referred to was disallowed, and thus a subject which had for years agitated the community was permitted to remain in continued abeyance.

## CHAPTER III

Proprietors indifferent to their engagements – Extent to which settlement was effected – Complaints of the People of nonfulfilment of engagements – Character of the Reply – The influence of the Proprietors with the Home Government – The Duke of Kent – Proposal in 1780 to name the Island New Ireland – The name adopted – Formation of Light Infantry, and Volunteer Horse – Immigration of Highlanders – Memoir of General Fanning.

As proof that the great body of the proprietors were utterly indifferent to the engagements they contracted when they obtained their lands, it is only necessary to state that in only ten of the sixty-seven townships into which the island was divided were the terms of settlement complied with, during the first ten years which had elapsed since possession was granted. In nine townships settlement was partially effected, and in forty-eight no attempt whatever at settlement seems to have been made. In 1797, or thirty years after the grants were issued, the house of assembly, sensible of the necessity of taking action for the more effectual settlement of the island, passed a series of resolutions, – founded on a deliberate and painstaking investigation of all the townships, – which were embodied in a petition to the home government, praying that measures should be taken to compel proprietors to fulfil the conditions on which the land had been

granted. The assembly drew attention to the following facts: That, on twenty-three specified townships, consisting of four hundred and fifty-eight thousand five hundred and eighty acres, not one settler was resident; that on twelve townships the population consisted only of thirty-six families, which, on an average of six persons to each family, numbered in the aggregate two hundred and sixteen souls, who thus constituted the entire population of more than half of the island. On these and other grounds, it appeared to the house that the failure of so many of the proprietors in implementing the terms and conditions of their grants was highly injurious to the growth and prosperity of the island, ruinous to its inhabitants, and destructive of the just expectations and views of the government in its settlement. The house contended that the long forbearance of the government, towards the proprietors who had failed to do their duty, had no other effect than to enable them to speculate on the industry of the colony. The house was of opinion that the island, if fully settled, was adequate for the maintenance of half a million of inhabitants, and it prayed that the proprietors should be either compelled to do their duty, or that their lands should be escheated, and granted to actual settlers.

The petition embodying these views was forwarded to the Duke of Portland, – the colonial secretary at the time, – and the force of its facts and arguments seems to have been felt by the government, for a despatch was sent to Governor Fanning, intimating that measures would be adopted to rectify the grave

evils enumerated in the petition. The process of escheat was not, however, acceptable to the proprietors who had done their duty by settling their lands, for the obvious reason, that in the event of free grants being made of the forfeited property, the tenants on the already-settled laud would prefer to give up their farms and become proprietors. In conformity with the promise made by government, Governor Fanning, in his speech to the assembly in November, 1802, said that he had the satisfaction to inform them, on the highest authority, that the public affairs of the island had been brought under the consideration of His Majesty's ministers in a manner highly favorable to the late humble and dutiful representations made on behalf of the inhabitants, respecting the many large, unsettled, and uncultivated tracts of land in the island. In order to give effect to the measures which had been adopted by His Majesty's ministers, it would be necessary that the government of the island should be prepared to adopt, when circumstances should render it advisable, the requisite and legal steps for effectually revesting in His Majesty such lands as might be liable to be escheated. The house, in their reply to the address, requested a more explicit statement from his excellency as to the information which he had received on this important subject; to which his excellency replied, that he had already presented all the information which it was in his power to furnish. It does indeed seem strange that the governor should have been instructed to refer officially to measures which "*had been adopted*"

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