
History and Politics of Prince Edward Island

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The identity and character of every political jurisdiction is created and shaped by size, location, population, resources, and history. This is common knowledge to historians, political scientists and many others. Yet, oftentimes, when confronted with behaviour which does not seem to meet the norm, even academics are unable to understand a particular society, because they are unaware of some of its characteristics. To some extent this is true of those who write about Prince Edward Island, its people and institutions.

In most ways, the history of Prince Edward Island is similar to that of other British North American colonies which eventually became part of the Dominion of Canada. The first European settlers were French, it was conquered by the British, acquired British institutions, adopted British and French cultural values, accepted similar immigrants and joined the Canadian confederation. But, it is also Canada's smallest province, both in size and population, and an Island with a history of land ownership unique in British North America. Smallness gives its political culture an intimacy unknown in most jurisdictions. The lack of large industrial centres gives its society a more rural character than is common elsewhere. For all these reasons its political history and relations with the federal government are somewhat unique.

Early History

Jacques Cartier first sighted and landed on the North shore of Prince Edward Island in 1534. It was occupied by the Micmac Indians, a hunting and fishing people who lived off the abundance of game, fish, and berries which abounded in the waters and forests of the Island. It seems to have been given the name Ile St. Jean by Samuel de Champlain and is reasonably delineated on his map of 1632. Because French interests were directed to the St. Lawrence River, no serious attempts were made to settle the Island during the seventeenth century. During that time it was granted to several trading companies the proprietors of which were interested in their commercial pursuits and failed to fulfil their obligations to establish settlements. After the *Treaty of Utrecht* in 1713 by which France ceded Acadia to the British, but retained Ile St. Jean and Ile Royale, efforts to attract the Acadians to Ile St. Jean proved unsuccessful.

The first successful effort to establish a settlement was that of Le Comte de Saint Pierre in 1720. In that year three hundred passengers in three ships reached the Island and selected Port La Joie in Charlottetown Harbour as headquarters. Port La Joie remained the capital until the end of the French regime.

Growth after 1720 was steady but slow and often painful. Migration from Acadia quickened after 1749 when English pressure on the Acadians increased. Settlement spread along the many rivers and streams of the Island. Most settlers were engaged in the fishery; farming was dominated by the growing of grains. Trade was with the West Indies, France, New France and Ile Royale. The building of small ships and the cutting of masts for the French navy prospered slowly.

One of the colony's difficulties arose from the French policy of treating Ile St. Jean as an appendage of Ile Royale. The colony's role was to be a provisioner for France's North American fortress. Ile St. Jean played a minor role in French colonial policy.

The colony also suffered greatly from the wars between England and France. From 1744 to 1748 the promising De Roma settlement at Brudenell was razed to the ground and Port La Joie was similarly destroyed by a British and New England military force. Just as serious was the almost constant fear of the settlers for their future. Rumours abounded about their impending removal to France or to English territory. Under such conditions it was difficult for the settlers to build for the future.

The last census before the English Conquest (that of 1755) shows a population of 2,969, which does not include some 2,000 Acadians who came to the colony after their expulsion from Acadia in the same year. By that time settlements had been established at Port La Joie, St. Peters, Pisquid, Savage Harbour, Tracadie, Malpeque, Point Prim, Pownal, Orwell, Pinette, Crapaud, Tryon, Covehead, and Rustico.

The cession of France's possessions in North America in 1763 marked the end of the French regime in Ile St. Jean. That final confrontation in North America of the two great European powers was another painful experience for the French settlers of Ile St. Jean. When Lord Rollo took possession of the colony in 1768 on behalf of the British, all crops and animals were destroyed and most of the inhabitants were transported back to France. But a few remained. Some

were sufficiently far removed from Port La Joie to be beyond the reach of the small British force and were able to escape the deportation order. This was especially true for the French settlers at Malpeque, and their descendants account for a significant part of the present Acadian population of Prince Edward Island.

Following the formal cession of the French possessions in North America by the Treaty of Paris in 1763, the British government was required to determine the future disposition of the colony. Its job was not made easier by a deluge of petitions from an assortment of influential Lords, politicians, military officers, and civil servants, for large grants of land on the Island (one requested the entire colony). To help them with their dilemma the Lords Commissioners for Trade and Plantations accepted a proposal from Captain Samuel Holland, a military engineer, to conduct a scientific survey of the colony to encourage and to assist settlement. Holland's famous survey was completed expeditiously. As a result, the Island was divided into its present three counties, fourteen parishes, and sixty-seven townships, known ever since as "Lots." The Three County capitals were named Princetown, Charlottetown, and Georgetown.

The Lords Commissioners now solved their original problem by accepting all applications for Lots, and after a preliminary screening of applicants based primarily on power and influence, the remaining names were placed in a ballot box and withdrawn in turn. Thus on a single day in London, England, ownership of almost the entire colony was bestowed upon approximately one hundred absentee proprietors.

The "land lottery" of 1767 is the most important event in Prince Edward Island history. Ownership of almost the entire colony was granted to the lucky applicants. In return, they were to pay annual rents to the Crown and to establish settlers on their properties. The consequence was that those who settled in Prince Edward Island could not be landowners, but only tenants. On that fateful day the famous "land question" was born, and the conflict between landlord and tenant was not only to dominate Island politics for many years, but indeed was to shape and influence its very character.

One favourable result followed the land lottery almost immediately, and demonstrated for the first time the powerful influence of the new owners of the colony at the Colonial Office. In 1763 the British government had annexed the colony to Nova Scotia. Having acquired ownership, the proprietors now wanted political control and advised the Lords Commissioners that the well-being of the settlers required a separate government. The British government agreed and re-established the separate colony of St. John's in 1769. It was not until 1799 that the colony was re-named Prince Edward in honour of the Duke of Kent.

The granting of separate status led, at least partly, to the creation of an elected Legislative Assembly in 1773. The

Governor of the day, Walter Patterson, lamented the failure of most of the proprietors to fulfill their obligations to pay their quit rents and to settle their Lots. These were obligations imposed by the Crown at the time of the land lottery and renewed with some modifications when the proprietors' request for separate status was granted. These obligations were intended to promote the settlement of the colony and to defray the expenses of government. However, the obligations were ignored by most of the proprietors and in the opinion of Patterson was retarding the settlement and economic progress of the colony. He was of the opinion that since the proprietors' request for separate status had been granted, those who failed to fulfil their obligations should forfeit their lands, and in 1771 issued an Ordinance to that effect. However, the British government refused assent, because Patterson's Ordinances "had no other effect and validity than



In 1769 Walter Patterson was appointed the first Governor of the Island of St. John (the name was changed to Prince Edward Island in 1798) (Prince Edward Island Public Archives)

what they derived from the voluntary consent and adoption of the inhabitants." Patterson's measures required "popular" consent.

Consequently, in 1773 he recommended the creation of an elected Assembly and it held its first session in the same year. Following creation of an elected Assembly, the early political development of Prince Edward Island proceeded in a manner similar to that in the other British North American colonies,

although complicated always by the pernicious land question.

Responsible government was granted in 1851 after the usual struggle of the elected Assembly against the "Family Compact" ensconced in the Legislative and Executive Councils. It came later to the Island only because the British authorities had doubts about the efficacy of Responsible government because of "the smallness of society" and because of the influence of the proprietors in London who feared for their property rights under a government responsible to an elected Assembly often dominated by tenant interests. In any event, it was generally because of events in the other Colonies that a new Lieutenant Governor, Sir Alexander Bannerman, arrived in 1850 with instructions to select an Executive Council supported by the majority in the Assembly, and asked George Coles, the leader of the Reformers, to form a government on such principles.

Confederation and Railways

Confederation soon came to dominate public discussion in Prince Edward Island, as in the other Colonies. The province has been christened "The Cradle of Confederation" because it played host to the Charlottetown Conference in 1864, it was a rather reluctant host and refused to join confederation until 1873. The reasons for its early refusal to join illustrate Islanders' attitudes as reflected by their elected politicians.

Public debate about confederation began in earnest when the Quebec Resolutions were presented to the legislature in 1865. Supporters argued primarily that the alternative was absorption into the United States. This argument was put bluntly by John Hamilton Gray when he said that "we have little prospect for the future ... federation or annexation is what we must regard as our future.

The anti-confederates had more numerous and revealing arguments and they represented a large majority of the legislature. Most emphasized the dangers of representation by population in the House of Commons, inadequate representation in the Senate, the reduced role for the Island's local institutions, the redirection of trade to central Canada, and the loss of revenue due to the surrender of customs duties and excise taxes to the federal government.

Various speakers elaborated upon these arguments. George W. Howlan said that since representation in the House of Commons was to be adjusted every ten years according to population "the Island's representation would decrease, and we would be left without a member at all." Frederick Brecken could see no reason why the Senate should not represent the provinces equally. George Coles said that the local legislature might have little to do except legislate about "dog taxes and the running at large of swine."

John Longworth pointed out that trade would be adversely affected because "Our exports would not go to Canada ... because she does not need our agricultural produce, still we would be compelled to purchase many manufactured articles there, for if we shut out the Americans by hostile tariffs, they will not trade with us..."

Some of the anti-confederates were critical of the absence in the Quebec Resolutions of any provision for the resolution of the land question. But even such a provision would not have changed the mind of most Islanders, and the Quebec Resolutions were resoundingly defeated.

From 1865 to 1873 the Island resisted pressure from the British, Canadian, and Maritime province governments to join the Union. The British government was particularly crude in its application of financial pressure in the London money markets, while John A. Macdonald at least combined pressure with guile and negotiation. The pressure was aided and abetted by some supporters of Union on the Island, one of whom advised the Prime Minister to ask Downing Street "to put on the screws." All was to no avail, and such was the annoyance of some Islanders that Premier J. C. Pope moved, and the legislature passed, resolutions stating that no terms of union were possible that would induce the Island to join. Clearly, only some momentous change in circumstances would cause the Islanders to change their minds. Such a change was about to occur.

In 1871 "railway politics" came to the Island, as they had come earlier to the other Colonies. In that year the Pope government introduced legislation providing for the construction of a railway from Alberton to Georgetown. The railway policy was intensely debated within and without the legislature. But numerous public meetings indicated that a majority supported such an improvement in transportation, and the legislation passed the legislature. Prophetically, the main argument of the opponents was that the Island could not afford the costs of construction and the result would be that the colony would be forced into confederation. This was exactly the result. The government was soon in such financial distress that it was forced to find a way out. The only way out was confederation. Despite the Dominion government's exasperation with the Island's past actions, generally favourable terms were negotiated and the Island joined the Dominion of Canada on July 1, 1873.

The question of union had been a bitter and divisive issue. But the arguments of the opponents were not those of small minds nor the products of narrowness of vision. Quite the contrary. The arguments were fundamental and went to the very nature and soul of any political jurisdiction. Islanders feared for the independence and the very existence of the only government they knew. This fear was expressed in political and economic terms, but its fundamental premise was probably best expressed by a member of the Legislative Assembly, Peter Sinclair, who said: "What is dearer to a man

than his country and its institutions? By accepting confederation, we would be surrendering everything which we hold politically dear.”

The Land Question

The Island is known for its quiet, easy-going and pastoral qualities, free from the frenzy which often characterizes life in other places. This is somewhat misleading. When confronted with public issues that required radical solutions, Islanders have resorted to violence, threats of violence, civil disobedience, and radical solutions. No issue demonstrates this side of Island life so vividly as the “land question.”

“No issue dominated Island public life for so long and with such passion, and left such a mark, as the land question. From the time of the land lottery of 1767 until the legal abolition in 1875 of the land ownership system it created, Islanders struggled against the proprietors, their agents, and their insolent influence with Downing Street to gain the right to own the land they occupied. When they acquired it, they made sure that their political institutions protected the rights of property.”

The problem was simple. At the time of the lottery the proprietors were obliged to settle their Lots and to pay quit rents. The obligation to bring settlers was intended for the growth and development of the colony and the quit rents were to defray the expenses of government. From the very beginning many of the proprietors ignored their obligations, leaving the government in penury and unable to build roads, assist education or make improvements for the benefit of the population. By 1797 twenty-three Lots contained no settlers, eighteen were sparsely settled and only twenty-six had been settled according to the terms of the grant.

Meanwhile, the tenants suffered greatly. They were expected to pay rent to the landlord while the landlord refused to pay his. Improvements to their holdings only increased the rent if the lease was short-term. If the lease was long-term they were never sure of acquiring clear title. When land could be acquired relatively easily on freehold tenure in the other Colonies, it is little wonder that settlement was slow.

Efforts to enforce the obligations of the proprietors or to end the system began almost immediately upon the granting

of separate colonial status and the creation of an elected Assembly. The first *Quit Rent Act* was passed in 1774 and received Royal Assent in 1776. The Act provided that if quit rent payments were in default, the landlord’s property would be forfeited to the Crown. In the same year, the British Privy Council adopted a Minute ordering that quit rent arrears should be recovered by legal proceedings. Accordingly, Governor Patterson began legal proceedings and sold a number of Lots at public auction in 1781. This action provoked a spirited lobby by the proprietors in London and in 1783 the Colonial Office voided the sales. Not satisfied with their success, the proprietors petitioned for the recall of Patterson who had been a leader in the legislative and legal actions taken against the proprietors and he was recalled in 1786.

The events of these early years were harbingers of things to come. Ordinary legislative and legal action against the proprietors to rid the Island of its land tenure system proved ineffective against a British government under the influence of the proprietors and determined to protect the “rights of property.” However, the Islanders were not to be easily thwarted and proved resourceful in efforts to rid themselves of a hated land regime.

In 1797 the Escheat movement was launched. Escheat differed significantly from the policy of the various *Quit Rent Acts*. Under the earlier procedure, when properties were forfeited to the Crown they were to be sold at public auction. As a result the property simply fell into the hands of another proprietor. The tenants simply acquired a new landlord. Escheat meant that when the properties reverted to the Crown, tenants had the right to purchase the land they occupied or to lease directly from the Crown.

The supporters of escheat won a large majority in the election of 1802 and an Act to implement escheat was passed in 1803. But once again the baneful influence of the proprietors operated effectively in London, and the Colonial Office, ever mindful of the rights of property, refused to recommend Royal Assent. For a number of years every effort of the legislature to resolve the problem obtained a similar result.

A change was effected in 1832 when a *Land Assessment Act* was passed by the legislature. The Act was intended to secure badly needed revenue for the colony’s government by placing a tax on the proprietor’s land. In return, the legislature offered to abandon for a number of years its efforts to enforce the payment of quit rents. The measure was successful in securing government revenue, and within three years the present residence of the Lieutenant-Governor was completed and the Central Academy for the training of teachers had been opened.

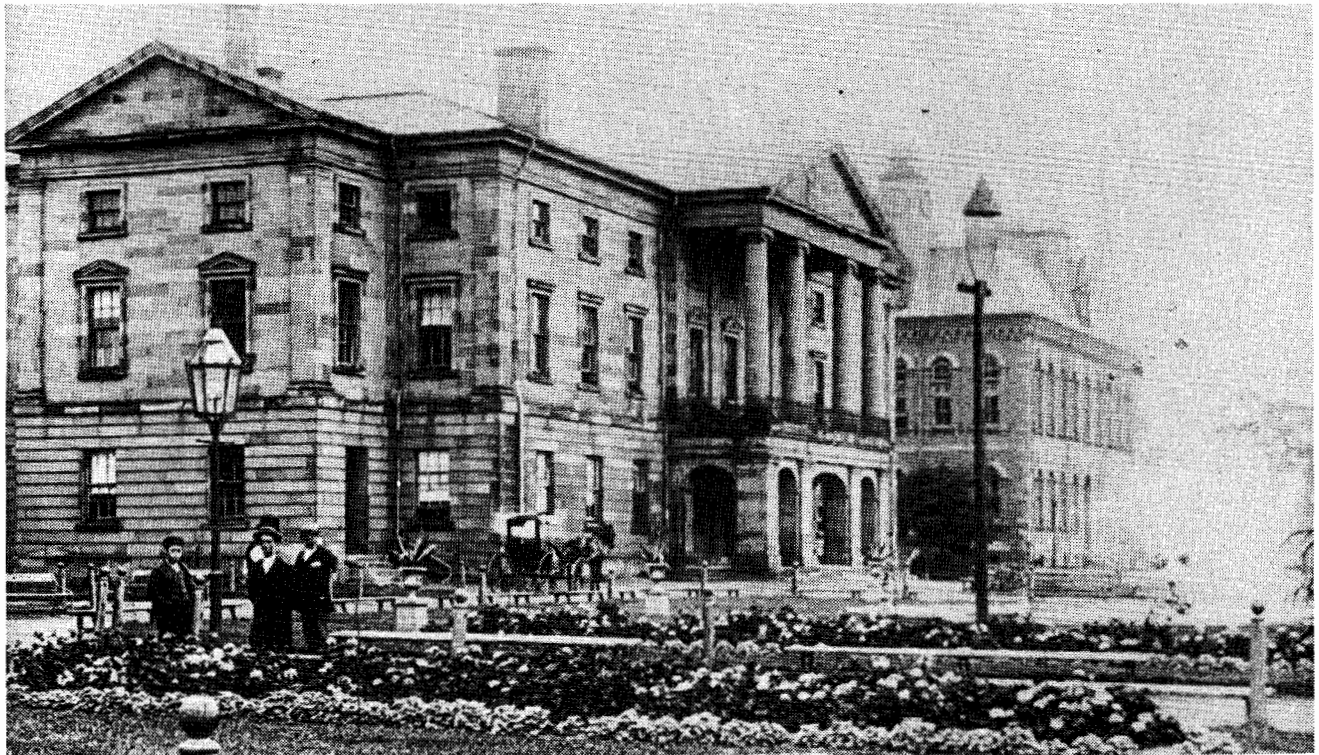
A second *Land Assessment Act* passed in 1836 went a step further and imposed a penal tax on unsettled lands. This was refused Royal Assent until the acid comments of Lord

Durham on the land tenure system prompted the Privy Council to give its assent in 1838.

But such measures were second best since the tenants still had no way of becoming owners of their lands except by agreement with the landlord. Hence, escheat remained centre stage and was given new life by the enfranchisement of Catholics in 1830 and the emergence of William Cooper as the leader of the escheat movement. The Catholics were almost exclusively tenants and lent support to any reform movement. William Cooper was a popular and crafty leader who gave more prominence and effect than ever before to the escheat movement. Public meetings were organized in the 1830s to encourage the tenants and to withhold rent payments. The Escheaters won a major electoral victory in 1838 and another *Escheat Act* was passed in the following Session of the Assembly, only to be rejected by the Legislative Council. Cooper was immediately dispatched to London where the Colonial Secretary refused to meet him. Instead, the Colonial Secretary advised the Lieutenant Governor that the British government had no intention of approving any legislation to implement escheat. This effectively put an end to the escheat movement and the land question gradually became involved in the controversies over responsible government and confederation.

While Responsible government came to Prince Edward Island for most of the reasons that carried the other Colonies, the Island Reformers had the additional argument that Responsible government would enable the colony to solve the land problem. They assumed that an Executive Council responsible to the elected Assembly could not fall prey to the proprietary interests in London and on the Island. The fallacy of the argument was soon evident. After the granting of Responsible government in 1851, the Colonial Office year after year refused assent to measures designed to resolve the issue and the controversy continued until it was submerged in the debates over confederation.

Surprisingly, the land question had little to do with the Island's early rejection of confederation. Other arguments carried much more weight. The issue was not overlooked however, and the terms of Union of 1873 included a provision that the federal government might grant an amount not exceeding \$800,000.00 to the provincial government for the purpose of purchasing the estates. Clothed in its new-found authority as a province of the Dominion of Canada, the provincial government moved quickly and passed the compulsory *Land Purchase Act* in 1875. By 1895 all the estates had been bought by the government and most tenants had become property owners.



Province House (formerly the Colonial Building) was built in 1843 and was ready for occupancy by 1847. It has remained the site of the sitting of the Legislature and was the site of the first Confederation Conference in 1864. (Prince Edward Island Public Archives)

By 1895 the physical presence of the land tenure system had been removed, but its spiritual legacy lives on. During a relatively short period of time a society composed largely of embittered and embattled tenants was transformed into one in which the ownership of property was widespread. The memory of the struggle was not soon forgotten. The provincial legislature was suddenly composed of new property owners, and the rights of property were now to be respected and protected. The whole experience has influenced attitudes to political institutions, the role of governments and the importance of the independent family farm.

Legislative History

Some observers are impressed with, and sometimes envious of, the kind of "direct democracy" which exists in Prince Edward Island. Others argue that with 32 members in a provincial legislature representing a population of 120,000 it is over-governed – the "big engine – small body" – argument. With four members in the House of Commons and four Senators the same critics sometimes question its right to provincial status and frown upon its overrepresentation in Parliament. Islanders pay little attention to such arguments, secure in the knowledge that their history has made them a distinct economic and political unit, and innately aware that size, population, and wealth are not the only determinants of the appropriateness and legitimacy of the existence of British parliamentary institutions. They are secure also in the knowledge that their representation in Parliament is guaranteed by the Constitution. Instead, they take some pride in being the closest thing to a direct democracy that exists in Canada. The evolution of the provincial legislature and its practices, has much to do with the Island's history, size and the land question.

The provincial legislature plays the same role as any other, but it has some distinctive features. There are thirty-two members representing sixteen dual constituencies. One of the two members from each constituency is styled a Councillor, and the other an Assemblyman. In electoral contests Councillor runs against Councillor and Assemblyman against Assemblyman. It is not a "first past the post" system.

The evolution of such a legislative assembly has its own peculiar history. An elected Assembly seemed a natural step after the granting of separate colonial status in 1769 and became essential when the British refused assent to Governor Patterson's Ordinances to enforce the payment of quit rents unless such Ordinances were supported by the majority of the population. Since without the revenue from the quit rents there was no money even to pay the salaries of officials, Patterson recommended the creation of an elected assembly.

For the first election in 1773 Patterson made a rather bold decision to take the voices of the whole people "collectively" and to waive all qualifications for voters except "their being

Protestants and residents." Patterson thought this was necessary because of the smallness of the population, the lack of communication, and the few number of freeholders, since most residents were tenants and would not ordinarily be eligible to vote.

The first election was held in Charlottetown on July 4, 1773, at a general meeting of the citizens. Eighteen members were elected and the Assembly met for the first time three days later in the home of James Richardson. The most important piece of legislation was the first of many *Quit Rent Acts*, which provided for the forfeiture of properties for which the quit rents had not been paid. With minor revisions made by the British government this Act was finally the law of the colony when it was again passed with the revisions at the second session of the Assembly in 1774. It was the statutory basis for many years to come for all efforts to enforce the payment of quit rents.

The constitution of the colony as established in 1769 also provided for an Executive Council of twelve persons appointed by the Crown to advise and assist the Governor in the exercise of his functions. For many years the Executive Council served as the upper branch of the legislature. The membership of both Councils was similar although not identical. The major difference was that the Governor presided when the Council acted in its advisory capacity and the Chief Justice presided when it acted as a branch of the legislature. This combination of functions in the hands of a few families, and the fact that several of them also held government positions, was the basis for the attacks of the Reformers against what they referred to as a "Family Compact."

The growth of the population, and the improvement of communications, brought changes to the electoral system. By 1838 the number of members had been increased to twenty-four. An *Election Act* of that year also divided each County into three electoral districts, each electing two members, and each County capital town also electing two members. Because of the increase in population the constituencies were changed again in 1856. A new *Election Act* created five constituencies in each County for a total of thirty members, and the nature of the Legislative Assembly remained unchanged until 1893.

Beginning with the Ordinance of Governor Patterson for the first election in 1773 the franchise has been quite broad, and by 1856 approached very closely universal suffrage, since in 1830 Roman Catholics had been granted the franchise. More interesting is the history of the Legislative Council and its amalgamation with the Legislative Assembly to produce the present Legislative Assembly.

The Prince Edward Island Legislative Council was separated from the Executive Council in 1839 following the example of the other British North American colonies. As in the case of the other Colonies, the purpose was to weaken the

hold on power of life members of the Executive Council, thereby making room for some Executive Council members to be appointed from the elected Assembly. As in the case of Responsible government, the change came later in Prince Edward Island because the Colonial Office, and the Governors, doubted that there were sufficient numbers of respectable citizens to form a separate Legislative Council. However, when Lord Durham failed to recommend the abolition of all Legislative Councils, as had been anticipated, the new Governor in Chief for all of British North America, Sir John Colborne, was instructed to create in Prince Edward Island two distinct and separate Councils. The Legislative Council was to consist of not more than twelve members and the Executive Council was to consist of nine members. The significance of the change was immediately apparent as Governor Sir Charles Fitzroy selected two members of the Legislative Assembly to be members of the Executive Council.

The numbers in the Legislative Council were increased from twelve to seventeen in 1859, but there was no significant change in the composition of the Legislative Council until 1861 when it was made elective. While it may seem strange to some, but should not, the Legislative Council was made elective by proclamation of a Bill passed in 1861 by a Conservative government. The Reformers had held power almost continuously from 1851 to 1859 and by power of appointment had acquired a majority in the upper chamber. But a Conservative government which held power with a majority in the Assembly for a short while in 1854 was frustrated by a Legislative Council controlled by the Reformers. As a result, the Conservatives became the proponents of an elective upper chamber and this was achieved in 1861 by proclamation of a Bill passed by a Conservative government with a majority in both chambers. An unlikely result was that the Reform leaders, George Coles and Edward Whelan, defended the appointed Legislative Council while the Conservatives promoted the elected principle.

The Act of 1861 provided for a Legislative Council of thirteen members. Each County was divided into two electoral districts, each electing two members, and the capital city of Charlottetown was constituted one electoral district electing one member. The County members were to be elected for eight-year terms, half of which were to be elected every four years. The member for Charlottetown was to be elected for an eight-year term.

The functions of the upper chamber were not changed by the Act of 1861. A novel feature was the franchise and the qualifications for members. Councillors were to be 30 years of age and British subjects. There was no property qualification. However, more restrictions were placed on the voters. To be eligible to vote for members of the Legislative Council voters were to be 21 years of age and have freehold

or leasehold property to the value of 100 pounds currency. In the words of the Colonial Secretary, the Duke of Newcastle, "the property qualification should be applied not to the candidate but to the voter." Presumably, a well chosen constituency would choose a good representative, while any limitations on the candidate might prevent the right choice being made.

No change was made to the Legislative Council until it was merged with the Legislative Assembly in 1893, but change was debated almost annually after confederation. The proponents of change argued that the lesser responsibilities of the legislature after confederation did not necessitate the expense of a second chamber, estimated in 1879 to be \$7,000.00. But until 1893 change always encountered the opposition of the upper chamber itself as well as that of some members of the elected Assembly. The difficulties facing change were also often compounded because opposing political parties controlled majorities in each chamber. The most serious issue of all had to do with the protection of the rights of property.

The franchise for the House of Assembly had from its creation in 1773 approached universal manhood suffrage. While such a franchise met with little objection at that time, the increase in population and in commerce by the time of confederation created fears that government might be controlled by a transient and non-property-owning class with little stake in the Island's future. This fear was heightened by the effects of the land question. After the *Land Purchase Act* of 1875 and many tenants became landowners, they were supremely conscious of the importance of property rights, especially since it was perceived that the rights and influence of the proprietors had held them for so long in servitude. Islanders, from 1875 to now, have been determined to assert their rights as property owners. This attitude had much to do with the legislative changes made in 1893. This same attitude is still reflected today when any government attempts to intrude too far into the agricultural industry. It has also made Island farmers a particularly independent lot in Island politics. This attitude was reflected in the debates over the first Act introduced in 1879 to abolish the upper chamber.

In the Speech from the Throne in 1879 the Liberal government of Louis Henry Davies promised a measure to provide for one legislative chamber. However, the Davies government was defeated in the legislature before it could introduce the promised legislation. It was left for the Conservative government of Premier W. W. Sullivan to do so. But even before the defeat of the Davies government there had been signs of dissension. One government member wondered how the government could abolish existing rights of property "and hand these privileges over to those who had no stake in the country." Another supporter said that if the upper chamber were abolished "people might come here by the thousand, outvote the property holders of this country,

and leave them perfectly helpless." Another member favoured abolition if some "protection were thrown around property holders." Clearly, abolition of the upper chamber faced a long and arduous journey.

When the Conservatives of Premier Sullivan took office in the same year and introduced a similar measure but with increased residence requirements for voters, and property qualifications for members, it nevertheless failed to pass the scrutiny of the Legislative Council. Even the government leader in the upper chamber opposed the measure, but said that as a member of the government he was required to vote for it. He was immediately accused of lack of principle. Another member considered the Bill to be "an unwarranted and premeditated attempt to take away the rights and privileges of property holders", and another believed "the House of Assembly wished to abolish the Council, who were the representatives of the wealth and intelligence of the country, and arrogate to themselves the whole power of Legislating." With such widespread and violent opposition it is little wonder that the matter was debated without resolution throughout the decade of the 1880s and was not finally resolved until 1893.

Proposals ranged all the way from simple abolition of the Council to retention of both chambers. In between were proposals to reduce the numbers of each and amalgamate the two Chambers with or without increased property requirements for members and voters. Finally, a compromise was achieved in 1892 combining the characteristics of both chambers in a single one.

The amalgamation of the two chambers into one House of Assembly was a resolution of the issue unique in British North America. A Legislative Assembly of thirty members representing fifteen dual constituencies was created. One member, the Assemblyman, was elected on the franchise vote. The second member, the Councillor, was elected by franchise voters who also held property, freehold or leasehold, to the value of \$325. The Act allowed those who qualified for the property vote to vote in each constituency in which they possessed property of the required value, and if qualified for the property vote in any constituency the voter was also entitled to vote for the Assemblyman candidate. The result was that any voter who held property of the requisite value in all fifteen constituencies was eligible to vote for thirty candidates of his choice. While this was rarely the case, and before the days of the automobile was impossible, it was not unusual for many property owners to vote for both candidates in more than one constituency. The legislation to make the above changes passed the Island legislature in 1892, but because of its importance the Lieutenant Governor withheld his assent and forwarded it to the Governor General. The Canadian government took no action and returned it to Charlottetown because provinces have the power to amend their own constitutions except with regards to the office of

the Lieutenant Governor. The legislation was passed again by the province in 1893 and became law.

The legislation of 1893 remained essentially unchanged until 1963. Various amendments over the years gradually broadened the franchise, and of course female suffrage was introduced in 1922. An interesting feature introduced by subsequent amendments extended the property vote to the spouse of the property owner with the result that it was possible for both the property owner and his or her spouse to vote in more than one electoral district. It was not until 1963 that some of the unique features of the legislation of 1893 were significantly changed.

In 1961 the Progressive Conservative government of Walter Shaw originated changes by establishing a Royal Commission on Electoral Reform. For some years concerns had grown about the unfairness of the antiquated property vote and the practice of multiple voting, as well as the inequalities in representation brought about by urbanization which left some areas, particularly Summerside and Charlottetown, and Queens County generally, underrepresented in the legislature. The recommendations of the Royal Commission were less than spectacular. While it recommended the abolition of multiple voting, and a streamlined election machinery, such as a properly verified voters list, it nevertheless recommended the retention of the property vote for the Councillor seat, and even urged an increase in the required property value from \$325 to \$1,000. The Commission also recommended a modest redistribution of seats by adding one constituency to Queens County and reducing Kings County representation by the same number to retain the total of thirty members. The legislation introduced by the government in 1963 followed few of the major recommendations of the Royal Commission. The Act of 1963 abolished the property vote entirely, and provided for a streamlined election process. The new legislation was silent on the subject of redistribution and retained the designations of Councillor and Assemblyman. An amendment moved and carried in the legislature added a second electoral district to Charlottetown without reducing the representation from Kings County thus creating the present legislature of thirty-two members.

The evolution of the present legislature is an interesting study in political science. The amalgamation of the two chambers in 1893 and the retention of the property vote for so long reflected the widespread ownership of property in the province and the importance placed upon it because of the long struggle against absentee proprietors and the farmers' memory of being for so long tenants on "their own land."

Political Parties

Parties in Prince Edward Island emerged in much the same way as elsewhere. In the early years following the creation of an elected Assembly political "parties" were little more

than factions composed of persons of like mind on most issues. Gradually, as the elected Assembly strove to assert its authority and to obtain Responsible government, two groups known as Reformers and Conservatives were fairly clearly defined, although their ranks were often broken on a variety of issues. Thus it was not uncommon for members of both groups to change sides over the questions of escheat, bible reading in the schools, confederation and the future of the Legislative Council. The premium for consistency of political view has been as high or low as elsewhere. But as in most other things, the land question also contributed to the development of political organization in the province.

The early frustration of some members of the elected Assembly and of some officials, caused by the refusal of the British government to deal with the land question, gave rise to the first form of organized political activity in Prince Edward Island and perhaps in British North America. The British rejection of escheat in 1803 resulted in the formation of the Society of Loyal Electors. In 1806 the Loyal Electors elected five members to the 18-member legislature, and increased their representation to seven in the election of 1812. With these numbers, the Loyal Electors exerted considerable influence for a number of years and incurred the animosity of the "Cabal" alleged to be in control of the colony's government. The electors met monthly to consider ways and means to counter the influence of the proprietors and to elect "upright, independent men" to the Assembly. The government thought the Society "a Confederacy of a very dangerous description" and its members fomentors of disorder and rebellion. The Loyal Electors exerted great influence for a few years but its efforts to solve the land question proved no more successful than previous ones and it gradually disappeared. Its influence, however, survived in the reform elements of both the Reform and Conservative Parties.

It was the struggle for Responsible government which most clearly defined party allegiance, although even on that issue supporters and opponents could be found in both parties and generally all members of the Assembly supported the principle. On other issues, there was less consistency. It was a Conservative government which made the Legislative Council elective while the Reformers opposed the change. A Liberal government was in office in 1893 when the Legislative Council was amalgamated with the Legislative Assembly, but the solution was a compromise supported by both parties. It was a Conservative government which finally abolished the property vote in 1963. Members of both parties supported land reform. Both parties totally lacked consistency about confederation. The shifting of allegiances on these and similar issues was generally a fleeting thing as two distinct groups, in the general course of events, could generally be identified. It was only the School Question which created formal political alliances between members of both parties.

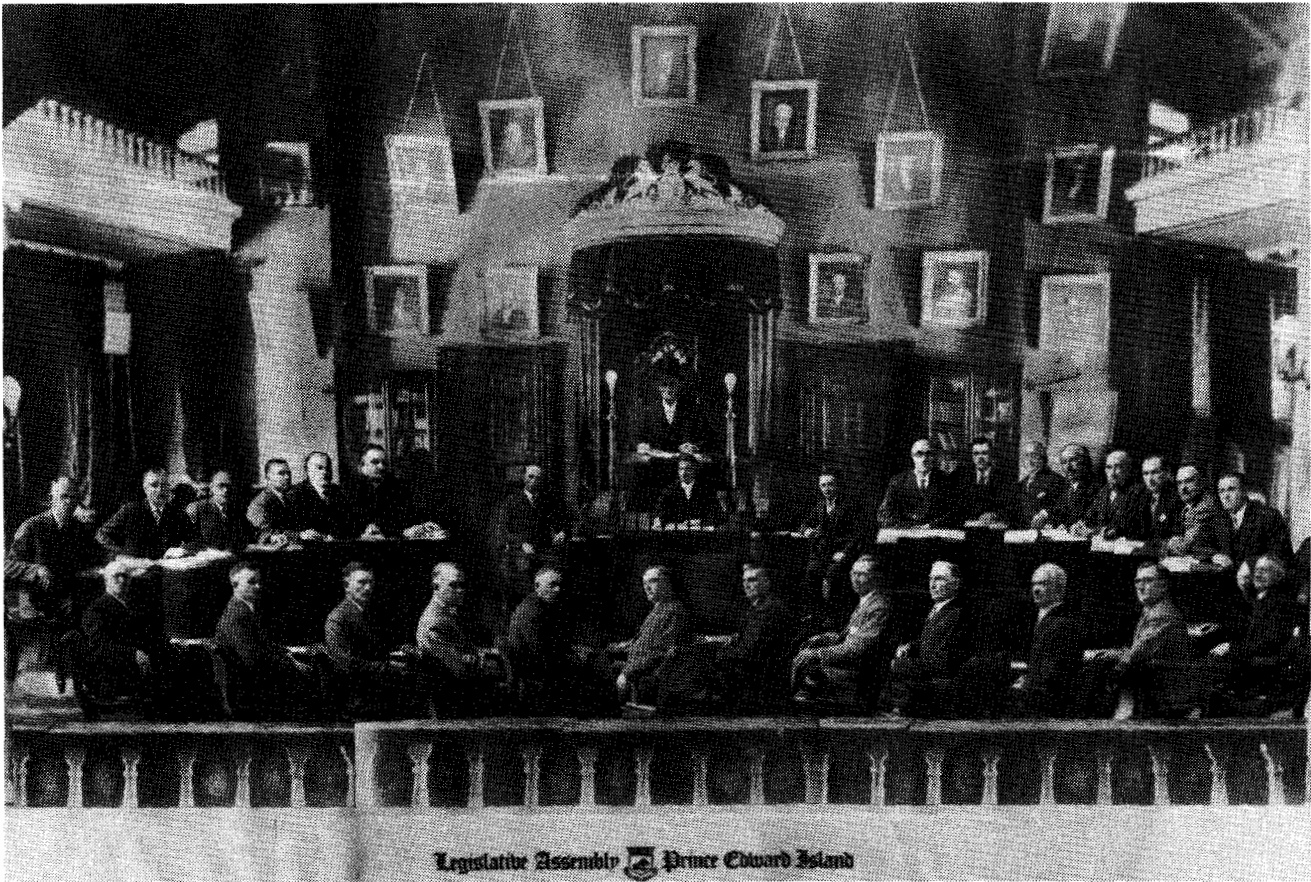
Controversy over denominational schools has a history in every province of Canada and in some provinces the controversy continues. Prince Edward Island is no exception.

Before confederation separate schools existed in practice but not in law. Consequently, the separate schools, the most important of which were the Catholic schools in Charlottetown, received no public support and the Board of Education refused to license the Christian Brothers who did some of the teaching. Roman Catholic requests for assistance were repeatedly denied. The matter came to a head in 1876.

The request of the Roman Catholics had usually been for public support for existing separate schools which met the standards of the Board of Education, but in 1875 a Pastoral Letter of the Bishop seemed to ask for legal recognition of a separate system. In 1876 the report of a committee of the legislature indicated that all schools were violating the non-sectarian provisions of the existing *School Act* by giving religious instruction. While there had always been some sympathy among Protestants for assistance to existing Catholic schools, which were generally considered to be the best in the province, the apparent request of the Bishop for a full-blown denominational system hardened the position of both sides. In the election campaign of 1876 the Liberal leader, Louis Henry Davies, called for a strict enforcement of the non-sectarian provisions of the *School Act* and for no assistance to separate schools.

The Bishop had generally been sympathetic to the Liberals, but Davies' position made it difficult for the Catholics to support him. The Conservative leader, J. C. Pope, seeking an election strategy and possessing some sympathy for what he considered a reasonable request, adopted a middle of the road policy of "paying for results." All schools meeting Board of Education requirements should receive assistance. Unfortunately, feelings were running too high for Pope's strategy to succeed. Most of his closest Protestant friends and supporters deserted the Conservative Party under his leadership and a Coalition government of Liberal and Conservative Protestants swept to victory pledged to amend the *School Act* and to eliminate sectarian teaching.

The *School Act* of 1877 effectively eliminated religious instruction in all schools at any time of the school day except in Charlottetown and Summerside, where religious instruction was permitted outside school hours. Worse still for the Catholics, Bible reading was to be permitted provided there was no comment or explanation of the text. The Protestant Coalition supported these measures, but when Davies introduced a new tax Act to increase revenue, necessary he said, to support the new education measures, the Coalition began to disintegrate. The tax Act was considered unfair because only land was to be taxed. The Conservatives had their opportunity.



Members of the Legislative Assembly in 1931. (Prince Edward Island Public Archives)

After the election of 1876, the Conservative party was little more than a Catholic rump. Its leader, J. C. Pope, had won a federal by-election in 1876 and after the federal election of 1878 became a cabinet minister in Sir John A. Macdonald's government. Leadership of the provincial Conservatives fell to William W. Sullivan, who capitalized on the religious divisions of 1876 and Davies' taxation policy. Because of the new tax measures, the Protestant Conservatives returned to their party affiliations. The Catholics, however, were not prepared to forget what Pope had done for them. As a result, Sullivan led the Conservatives to victory in 1879 and they remained in power until 1891. The long term political result was that the hold of the Liberal party on the Catholic vote was broken, so that even today it is difficult to identify a religious voting pattern. The School Question had changed permanently the electoral support of both parties.

Party solidarity has been severely tested since the 1870s, especially over the issue of prohibition. A Liberal government introduced the original *Prohibition Act* in 1900. When in 1927 a Conservative Premier promised to repeal it,

his government was soundly trounced by the Liberals in the next election. Yet, amendments introduced by the Liberals in 1945 to liberalize the Act divided the cabinet and in 1945 the same Liberal government effectively ended prohibition by passing the *Temperance Act*.

Neither the Liberals nor the Conservatives can claim to be the party of reform. If change is reform, then both have at times promoted it and at other times resisted it. And no third party has emerged to claim the title.

Prince Edward Island is not fertile ground for third Parties. With an economy lacking a significant industrial sector, there has been little electoral support for the traditional third Parties of the left. Given the history of the province, socialist ideology does not sit well with property owning electors who tend to view themselves as independent entrepreneurs and who only look to government for legislative and financial support in times of need. While in recent years the New Democratic Party has made efforts to gain a foothold and has attracted some very competent candidates, it has met with little success, a result perhaps of its unsuccessful efforts to

forge an uneasy alliance between farm and labour organizations. Given the history of the province, and the nature of its economy, it is not surprising that what success protest Parties and movements have achieved has been solidly based on the rural electorate.

While at the time of its existence, the traditional Parties had not been born, the Society of Loyal Electors would have been a third party in any age. While the Escheaters did not organize as a party, those claiming the title achieved significant electoral success and at times controlled the Assembly. Both movements were solidly rurally based.

While more of a guerilla group than a political organization, the Tenant League of the 1860s had a political objective. The League was an organization of tenants committed to withholding their rental payments. Through an efficient system of signals, tenants congregated quickly when a rent collector or the sheriff was sighted. These "agents of oppression" usually voluntarily turned away after threats of violence, but on occasion the violence became real and they suffered bodily harm. Such was the consternation of the authorities that a military force was sent from Halifax to keep the peace. Island life was not always serene.

In modern times, it is not surprising that the most successful third party has been the Progressive Party of Canada. In the federal election of 1921 Progressive candidates ran in three of the four seats and obtained a higher percentage of the total vote than any third party before or since, but none were elected. Some Progressives were nominated in the provincial election of 1923, but with less success. As the federal party disintegrated, Progressive activity on the Island came to an end.

While the New Democratic Party continues its efforts in the province, it does so only by attempting to work with some of the farm organizations, especially the National Farmers Union. To date, these efforts have met with little success.

Generally, third Parties have not been successful. Once the tenants became owners, they have been quite comfortable in the traditional Parties because they control them, and because they are not attracted to the ideologies of the left.

The practice of politics in the province has been influenced by its size and the nature of its political institutions. With a population of about 120,000 people, and a thirty-two member legislature, politics is very close to the lives of people. It is the only Canadian jurisdiction in which the elected member is known personally by most voters and in some cases by all. There are few voters who would feel uncomfortable telephoning the member at any time of the day (and sometimes of the night) to ask favours or express their views. They also expect the member to answer the phone, or return the call. cabinet members, with secretaries and staff to serve them, are generally expected to take calls and to receive unannounced visitors at any time of the day. As a consequence, the members and the cabinet are subject to the

competing interests, not of an abstract mass of voters, or of faceless organized lobby groups, but of friends and relatives. While this has great advantages for both the government and the voters, it can cause great agonizing over decision making, since the same friends and relatives are affected by almost any decision.

The size of the jurisdiction has another similar result. Many organizations, companies, organized interest groups, and individuals, expect, and obtain, direct access to the cabinet. Few cabinets would dare refuse farm, fisheries, labour, and womens' groups a hearing in the cabinet room. Officials of companies and individuals with the right connections, expect the same consideration.

Size can also make cabinet selection very difficult. A government can be elected with a majority of seventeen to fifteen in the legislature. After the selection of a Speaker, the Premier may have only sixteen members from which to choose a cabinet of at least ten members. After meeting the requirements of geography and religion, the Premier can be very restricted in his choices, and some members of obvious talent may have to be passed over. It should be observed, however, that the ground rules for cabinet selection are not different than elsewhere. Only size makes the difference.

For the same reasons, the cabinet tends to be more dominant than in larger jurisdictions. All cabinets, of course tend to dominate government caucuses, for obvious reasons. Cabinet ministers normally have the knowledge and the support staff to overwhelm most caucus opponents. But in larger jurisdictions, the legislature is in session for much of the year, and regular caucus meetings occur while the cabinet is making its decisions, introducing and debating legislation in the legislature, and responding to issues during question period. As a result, caucus members are together in one place for a long time, meeting regularly, discussing issues informally, and therefore ever present. As well, in a large caucus, cabinet members are a small minority and subject to "palace revolts" if a significant number of caucus members disagree with government policy. In a small jurisdiction the situation is different. The legislature is in session for only a few weeks of each year, caucus does not meet regularly, and cabinet members may be a majority of the caucus. So while in Prince Edward Island cabinet ministers and elected members may be very accessible to voters but the advantages of that are somewhat offset by the dominance of the cabinet.

Another effect of smallness is that cabinet ministers spend most of their time running their Departments. In jurisdictions where cabinet ministers spend most of their time in the legislature, or at least dealing with legislative issues, Island Ministers are in their offices. When cabinet ministers are competent and interested in their portfolios, this should be of great benefit to the parliamentary process because it allows for more time and effort by Ministers to control the bureaucracy and to follow through on policy decisions. At a



Government House built in 1834. (*Prince Edward Island Public Archives*)

time when all governments are large, omnipresent and bureaucratic, the benefits accruing to a small jurisdiction ought to be greatly prized and jealously guarded.

A small legislature also tends to bring more civility and politeness to its activities. In a legislature where all members are familiar acquaintances and friends, it is difficult for bitterness and acrimony to intrude. While personal animosities can never be entirely avoided, generally the "club" atmosphere prevails and expedites the business of the House. The House Book of Rules is brief and aims to remove some of the cumbersome procedures which may be necessary in larger legislatures. Only when necessary is *Beauchesne* referred to. When the House Leaders agree on what is to happen, rules do not get in the way. However, if there is no agreement between the House Leaders, all of the procedures of *Beauchesne* are available to any member. In other words, rules of procedure are to expedite business, not to inhibit it, but when necessary to protect the rights of members and Parties, they can be, and are, invoked.

A unique feature of the Island legislature is that most business is done with the Speaker in the chair or in a Committee of the Whole House. Budget estimates and legislation, for example, are dealt with by the Committee of the Whole. Matters are referred to committees of the House

only by Resolution of the House. This unique feature of the Island legislature means that all members are directly involved in all of the proceedings of the House.

Being the smallest province of Canada with little influence over national policies, yet acutely affected by them, the province's relations with Ottawa have been an important part of its history. With low per capita revenue to maintain services of national standards, and struggling constantly to raise per capita income which is the lowest in Canada (some years it changes place with Newfoundland), federal-provincial relations have been very important to the province. It has encouraged an interventionist federal government because it lacks the resources to promote economic development and to maintain adequate educational, health, transportation and other services. On the other hand, it has often resisted universal federal policies, programs and standards it considered unsuited to the province and a threat to the nature of its economy and society. But while the province struggled with these issues, it faced what it considered a greater danger.

Because of the importance of the federal government to the province, representation has been an important issue and arose shortly after 1873. When the province joined confederation, it was granted six members in the House of

Commons based on its population. But almost immediately, the Island's proportion of the population of Canada began to decline, and in accordance with the provisions of the *British North America Act*, its representation was reduced in 1892 to five, and in 1904 to four. In 1911 it became entitled to only three members, and the Island protested vigorously. The province claimed that the terms of Union guaranteed six members and that the spirit of the agreement was being violated. Negotiation with Ottawa proved fruitless, and the province appealed to the courts, the case eventually going to the Judicial Committee of the British Privy Council. However, the courts were required to base their decisions on the *British North America Act* which required the readjustment of representation after every census, and the province lost its case in 1905. Political negotiations continued.

In 1910 the province suggested a compromise by which every province would be guaranteed a number of representatives in the House of Commons not less than its number of Senators. Since Senate representation was fixed by the *British North America Act*, the province would never have less than four members in the House of Commons. This was finally agreed to by Prime Minister Robert Borden and Premier J.A. Mathieson in 1914. This guarantee was placed in the *British North America Act* in 1915 and preserved by the province in the *Constitution Act of 1982*.

Because the Senate, by the very nature of its composition, has never represented provinces, membership in the federal cabinet has always been important to small provinces. Although in recent years the province has usually had a cabinet representative, the lack of such representation was a matter of serious complaints for a long time.

After the federal election of 1874 which brought the Liberals under Alexander Mackenzie to power because of the Pacific Scandal, the Island's David Laird, who had been elected in Queens County, was appointed to the cabinet. However, in 1876 he was appointed Governor of the North West Territories because MacKenzie wanted David Mills of Ontario in his cabinet. Island Liberals protested vigorously but to no avail and the Prime Minister laid down the principle of cabinet appointments which prevailed for a long time. He wrote to an Island Liberal saying that "It is impossible to lay down a rule that all the provinces shall be represented in the cabinet." This principle was reiterated by Sir Wilfrid Laurier in 1902 when Louis Henry Davies was appointed to the Supreme Court and was not replaced with an Islander. Laurier explained that personal qualifications must take precedence over provincial representation. Since the 1950s,

however, practice has changed and the province has generally been represented in the federal cabinet.

The province has often viewed itself as a victim of national policies over which it had little control but has made little protest. As Premier Thane Campbell told the Rowell-Sirois Commission in 1938, "The citizens of this province have borne with patience a national policy which has been distinctly not beneficial" and the only protest has been an occasional request for "better terms." This complacent attitude may now be changing.

Beginning with the constitutional discussions of 1980-81 the province joined willingly with those provinces which wanted a renewed federalism in which national policies would more accurately reflect the needs of all members of the confederation. The province argued that the many national agencies and commissions which make important decisions, including the Supreme Court, must be more representative of the provinces, and in 1983 it issued its official position on Senate reform which called for a Senate which represents the provinces equally. Island spokesmen are returning to the fundamental arguments made by the opponents of confederation between 1865 and 1873.

Conclusion

For students of parliamentary institutions, Prince Edward Island is an interesting study. Its population is just large enough to allow for all the trappings of parliamentary institutions, yet small enough not to be overwhelmed by them. Almost all citizens know, and have access to, their elected representatives, and most organizations and many individuals can command a meeting with the cabinet. Most Canadians would appreciate the same accessibility to their federal politicians. No jurisdiction in Canada approaches more closely a direct democracy.

As the smallest unit in a confederation, and with limited resources, the province has sought the benefit of federal programs and financial assistance, yet has resisted the homogenizing effects of national programs and standards. The province has demonstrated that by imaginative use of its parliamentary institutions any jurisdiction can retain those characteristics of its society which it most sincerely treasures. Finally, in few jurisdictions are the lessons of history so clear and so well remembered. An impoverished and oppressed tenantry became in a very short time a class of small property owners, determined to use the very institutions against which they had struggled for so long to protect the rights which they had so recently obtained. But without the institutions, the rights might never have been won. □