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The Patterson Regime and the Impact of the American Revolution on the Island of St. John, 1775-1786

LIKE MOST OF THE PROVINCES of British North America which remained loyal to the Crown during the American Revolution, the Island of St. John has been neglected and ignored by students of early North America. This neglect is not difficult to understand. Part of the French Empire until 1763, the British adopted a settlement policy toward the Island only in 1767, granted it a formal government in 1769, and British settlers began arriving in force in 1770. Although the first legislative assembly met in 1773, by the time of Lexington and Concord the Island had a total population of no more than 1,500, which decreased during the years of naval warfare from 1775 to 1781 in the Gulf of St. Lawrence. Only a few hundred Loyalists were attracted to the Island in the 1780s, and by the first careful census in 1798, the population had grown to a mere 4,372.¹ Unlike Newfoundland, which has deserved more attention from historians because of its fishery and the extent of the market it provided for American commerce, the Island of St. John often went years without welcoming a large merchant ship to its shores.² Unlike New Brunswick, which received thousands of Loyalist and disbanded British troops, the Island of St. John was not a principal Loyalist refuge.³ Unlike Nova Scotia, it did not enjoy any particular military or strategic value, being so unimportant that the Americans did not even consider incorporating its territory into their newly-independent nation although they had the government of the Island at their mercy late in 1775.⁴

- 1 The 1798 nominal census is most readily available in Duncan Campbell, *History of Prince Edward Island* (Charlottetown, 1875), pp. 207-224. For other standard works on the Island, which changed its name in 1798, see A.B. Warburton, *A History of Prince Edward Island* (St. John, N.B., 1923), D.C. Harvey, *The French Regime in Prince Edward Island* (New Haven, 1926), Frank MacKinnon, *The Government of Prince Edward Island* (Toronto, 1951), Andrew Hill Clark, *Three Centuries and the Island: A Historical Geography of Settlement and Agriculture in Prince Edward Island, Canada* (Toronto, 1959), and F.W.P. Bolger, ed., *Canada's Smallest Province: A History of P.E.I.* (Charlottetown, 1973).
- 2 See, for example, C. Grant Head, *Eighteenth Century Newfoundland: A Geographer's Perspective* (Toronto, 1976).
- 3 Esther Clark Wright, *The Loyalists of New Brunswick* (Fredericton, 1955); W.S. MacNutt, *New Brunswick A History: 1784-1867* (Toronto, 1963).
- 4 John Bartlett Brebner, *The Neutral Yankees of Nova Scotia: A Marginal Colony during the Revolutionary Years* (1937, reprinted Toronto, 1969), George A. Rawlyk, *Nova Scotia's Massachusetts: A Study of Massachusetts-Nova Scotia Relations 1630-1784* (Montreal and London, 1973).

And yet, despite its utter inconsequentiality in the larger scheme of the American Revolution, despite its almost total lack of impact on wider events, the wartime years were absolutely critical for the Island of St. John, conditioning its subsequent development in extraordinary and curious ways. The very isolation of the Island bred inflated egos, and as Goldwin Smith uncharitably but perceptively remarked a century later, “the smaller the pit, the fiercer the rats”. Their perspective unsullied by the great events and ideologies of the external world, the Island’s population, especially its elite, resolutely pursued its own local interests and conflicts, perfectly persuaded that its activities were as important as anything else happening in North America — and forcing the British government to deal with those activities in exactly this light. And in the pursuit of their local self-interest, Islanders did provide one of the first challenges to the authority of the British government emanating from British North America in the years following American independence.

Conflict was virtually built into the British development of the Island of St. John from the outset. Under considerable pressure from the syndicate headed by the Earl of Egmont to permit the Island to be controlled by the ancient feudal tenures, the Board of Trade produced its own scheme, considerably influenced in both positive and negative ways by the Egmont proposals, which had offered to populate the Island at no expense to the Crown by organizing it into 50 surveyed “hundreds” to be allocated to the proprietors by lottery. The Board had its own survey made by Captain Samuel Holland in 1764 and 1765, dividing the Island in 67 townships (or “lots”, as they were usually called) of approximately 20,000 acres each, and it dropped all notions of complicated tenure or military obligation. But the Board accepted implicitly the Egmont proposals that the Island would be fully allocated to landholders in advance of settlement, that such settlement would be at no cost to the Crown financed through payment of heavy quitrents on the lots, and that the land would be distributed by lottery to approved candidates.⁵ Many of the Egmont syndicate were included in the final list of candidates, and on 23 July 1767 the balloting for particular lots was carried out in London. The Island’s development was under way.

Each proprietor who received a lot or partial lot was obliged to pay annual quitrents to the Crown on his holding proportionate to the surveyed value of the land, ranging from six shillings per 100 acres for prime lots to two shillings per 100 acres for poor ones, the quitrents to be payable on half the acreage in five years and all in ten. Moreover, every grantee was to settle within ten years one person per 200 acres on his lands, the settlers to be either European Protestants or Protestants already resident in America. Had these obligations been met, the Island would in ten years have produced a revenue of nearly £3000 per annum and contained a population of more than 6,500 people. On the basis of the subsequent assurances of most proprietors that their commitments would be hon-

5 See J.M. Bumsted, “British Colonial Policy and the Island of St. John, 1763-1767”, *Acadiensis*, IX (Autumn 1979), pp. 1-18.

oured and that any deficiency in revenue would be met without "demand whatever brought either upon Parliament or upon the Treasury to make good such Deficiency," the Island was in 1769 granted a government separate from that of Nova Scotia, to which it had previously been attached.⁶ A petition from all but eight of the proprietors estimated the annual expense of the proposed establishment at £1470, and agreeing to forego the original five-year moratorium, demonstrated that quitrent revenue would be sufficient to cover these costs, mainly official salaries, until the population had grown and a permanent revenue through taxes or duties could be created.⁷

The leading figure behind the successful petition for a separate government was apparently Captain Walter Patterson, an Irish-born reduced army officer searching for a career.⁸ On 14 July 1769 Patterson was appointed governor of the new colony at a salary of £500 to be paid out of the quitrents, and he took up his post on the Island a year later. The task facing Patterson was not an easy one. The proprietors had pressed for a separate government chiefly to forestall the rapacious Nova Scotians, who had begun expanding their interests on the Island under the guise of administering it. But to achieve success in a government unsupported by the public purse in territory in which virtually all the land had been allocated in advance required the favourable conjunction of a good many factors.⁹ The British government was probably quite accurate in its suspicions that the offer by proprietors to finance the Island's administration themselves was made with fingers crossed, the petitioners thus hoping to sneak a government beneficial to their interests gradually onto the civil list. A succession of secretaries of state made it quite clear that the proprietors were to be held to their agreement, and that the only alternative to a self-financing administration was none at all.¹⁰ As for the proprietors, they would later claim they had been totally misled by the Board of Trade's survey on the value of the Island, particularly the agricultural potential of its soil, and they were to find the quitrents excessive.¹¹ Both government and proprietors assumed that many of the landholders would move to their lands and develop them by sponsoring emigration, thus creating both a gentry class and a tenant class whose payment of rentals would provide the money with which to pay quitrents to the Crown. A rapid growth of population was thus essential both to justify the new govern-

6 "Court of St. James, 28 June 1769", Colonial Office Series [CO] 226/1, pp. 1-11, Public Record Office, London [PRO].

7 *Ibid.*

8 For Patterson's background, see *Dictionary of Canadian Biography*, IV (Toronto, 1979), pp. 605-11; see also Warburton, *A History*, pp. 148-149, and Raymond Clare Archibald, *Carlyle's First Love* (New York, 1910), pp. 6-7.

9 Nova Scotia's intentions are discussed by Brebner in *Neutral Yankees*, pp. 85-86.

10 See, for example, the Earl of Hillsborough to Walter Patterson, 4 Dec/4, p. 180, and the Earl of Dartmouth to Patterson, 1 December 1773, CO 226/5, pp. 151-7.

11 Petition of Proprietors of St. John's Island to King in Council [February, 1776], CO 226/1, pp. 207-214.

ment and to finance it.

Unfortunately, only a few proprietors became immediately active in developing their lots, and many of the settlers sent were Irish and Scots — Roman Catholics like the resident Acadians — who could afford to pay no rentals, did not count as official settlers, and could not become politically enfranchised.¹² Inevitable problems emerged in collecting the quitrents, and Patterson soon discovered that expenses ran higher than the sanguine estimates of 1769, partly because officials not on the original salary list demanded remuneration for their services, but also because no account had been taken of the need for public buildings — at least a church, gaol, and courthouse, which at the high cost of labour would require at least £3000 — and the necessity to construct roads for internal travel.¹³ Patterson began pressing for these amenities in his first letters from the Island to the British authorities, and he also sought a military garrison, whose soldiers could help with the public works.¹⁴ A parliamentary grant of £3000 for public works was added to the Nova Scotia establishment in 1771, on the understanding that it was the only such grant to be made, and Patterson began planning his capital city at Charlottetown.¹⁵

Under the initial administration of the Island by governor and an executive council of seven, meetings soon became obsessed with the problem of collecting the quitrents. An ordinance passed by the council in 1771 placed pressure on the proprietors by authorizing the judicial sale of any lot upon which the payment of quitrents was judged to be in arrears.¹⁶ The ordinance called for the receiver-general of quitrents to enter and distrain (i.e., seize for non-performance of obligations) the lots before the chief justice of the Supreme Court, who would order a public auction within six months of advertisement in the Island's shire towns; the money from the auction would first be used to satisfy outstanding quitrents and any surplus would be paid to the proprietors. This ordinance became the basis for many subsequent attempts to deal with the question of responsibility and especially quitrent payments. From the outset, the essential components of the Island's policy toward its proprietors involved penalizing those who did not fulfill their obligations by employing judicial processes to get undeveloped lands into the hands of residents. At the beginning the chief concern of the council was to get the quitrents (and thus official salaries) paid, but the focus readily shifted to the reallocation of the land to Island residents.

12 D.C. Harvey, "Early Settlement and Social Conditions in Prince Edward Island", *Dalhousie Review*, vol. 11 (1931/32), pp. 448-61; J.M. Bumsted, "Sir Jamers Montgomery and Prince Edward Island, 1767-1803", *Acadiensis*, VII (Spring 1978), pp. 76-102.

13 Patterson to Hillsborough, 25 October 1770, CO 226/1, p. 13.

14 Patterson to Hillsborough, 24, 25 October 1770, CO 226/1, pp. 23-29.

15 Hillsborough to Patterson, 6 March 1771, CO 226/4, p. 77.

16 "An Ordinance and Act of Council for the effectual recovery of certain of His Majesty's Quit Rents in the Island of Saint John", CO 226/4, pp. 161-5.

The Earl of Hillsborough, secretary of state in charge of the colonies, responded to the various ordinances submitted by Patterson by observing that “these Ordinances appear to me in no other light than as Regulations having, in the present State of the Island, and under its present Constitution of Government, no other Effect & Validity than what they derive from the Voluntary Consent of the Inhabitants”, a position reiterated by his successor the Earl of Dartmouth.¹⁷ Not surprisingly, therefore, Patterson and his council resolved to call an assembly, to consist of 18 members, which — Patterson admitted — was as many “respectable people” as could be found on the Island apart from the council.¹⁸ The franchise was restricted to resident Protestants, so that although there was no property qualification most of the existing population was ineligible to vote or sit. In a subsequent letter to Dartmouth, Patterson outlined the problem as he saw it. The officers of the Island were “obliged to support the Appearances of Gentlemen without the means”. At his “own risque” Patterson had advanced them money out of the parliamentary grant of 1771, which — although he did not point out the fact — meant that there were no public buildings; the first assembly would be forced to meet in July of 1773 in a Charlottetown house probably also used as a tavern.¹⁹

Letters from Patterson and Dartmouth crossed paths in the winter of 1773-74. Patterson enclosed the acts passed by the Island's first assembly, admittedly old council ordinances enacted without alteration.²⁰ One of the five acts, of course, was that to recover the quitrents. For his part, Dartmouth wrote that he was pleased an assembly had been constituted, and emphasizing the experimental nature of the Island's administrative arrangements, he hoped the assembly “will be induced to adopt such a Plan, for enforcing the payment of the Quit Rent, as may render that Fund effectual to the purposes for which it was allotted, without inducing the disagreeable Dilemma of either, on the one hand, burthening the Kingdom with the Civil Establishment of St. John's, or what must otherwise be the case, of revoking those Establishments that were adopted, only upon the Condition of the Proprietors's bearing the Expense”.²¹

The Board of Trade, however, was not happy with the quitrent legislation passed in 1773, chiefly because it authorized the sale of lots upon action of the receiver-general or other persons judged proper by the chief justice, without providing any criteria for such action to be taken.²² The objections were met quite easily, and the revised act, passed by the assembly in 1774, received royal assent

17 Hillsborough to Patterson, 4 December 1771, CO 226/4, pp. 180-1; Dartmouth to Patterson, 4 November 1772, CO 226/5, pp. 46-7.

18 Patterson to Dartmouth, 17 February 1773, CO 226/5, pp. 87-9.

19 Patterson to Dartmouth, 20 May 1773, CO 226/5, pp. 103-110; MacKinnon, *Government of Prince Edward Island*, p. 41.

20 Patterson to Dartmouth, 11 August 1773, CO 226/5, pp. 159-65.

21 Dartmouth to Patterson, 11 December 1773, CO 226/5, pp. 151-7.

22 “Report of Richard Jackson, 23 March 1774”, CO 226/1, pp. 175-81.

in 1776.²³ With the new quitrent legislation in his pocket, Patterson in 1774 requested and was granted leave-of-absence to return to England, arguing that he could be “of more service to the Island, by spending a little time among the Proprietors at Home, than I can possibly be of in the same space, by remaining here”.²⁴ Leaving the administration in the hands of Attorney-General and senior councillor Phillips Callbeck, the governor managed to depart from Charlotetown in early August of 1775, apparently unaware that the Americans had begun a rebellion which might affect his government.²⁵

At the time of Patterson’s departure, there was not much evidence of any deep-seated antagonism between the proprietors and the Island’s residents, and little overt sign of the local rapacity towards outside assets which would later characterize the behaviour of Islanders. Perhaps this absence of both hostility and rapacity was a product of the relative lack of anything worth sequestering during the first few years of settlement. Some few proprietors had little to show for large investments of capital, but it had disappeared less into the pockets of local officials and residents than into the bottomless pit which development of an uninhabited and isolated wilderness inevitably opened.²⁶ There were some irregularities in the quitrent accounts, but principally as a result of the complicated administration of the collection. Until 1774 Patterson himself had held the post of receiver-general of the quitrents — with a deputy in England — but in that year William Allanby, one of the few active resident proprietors and a member of the council, obtained the major appointment for himself.²⁷ Soon quarreling with Patterson, Allanby left the Island for England with his books; it took years to reconstruct the amounts paid on the Island and in London, but the problem was inefficiency rather than open skulduggery. Also, Patterson had converted the parliamentary grant into official salaries — not least to himself — but justified this action with the argument that the grant was the only fund available. The British government accepted this position and did no more than mildly chastize the governor.

The coming of the American Revolution proved the real turning point in the development of the Island of St. John. The ideology of rebellion did not appear to filter through to the Island, for not a single voice was ever publicly raised in support of the Americans. Still, the dislocations produced for a small and struggling colony dependent entirely upon outside investment and accessible to

23 “An Act for the Effectual Recovery of certain of his Majesty’s Quit Rents in the Island of Saint John”, CO 228/1, pp. 40-1. As with previous legislation, this act referred only to the lots of those proprietors who had petitioned for separate government in 1769.

24 Patterson to Dartmouth, 2 September 1774, CO 226/2, p. 41.

25 Patterson was undoubtedly heartened by a commitment from Dartmouth to attempt “to obtain some allowance on the next Parliamentary Estimate” for the relief of the officers: Dartmouth to Patterson, 7 January 1775, CO 189/10, p. 187.

26 Bumsted, “Sir James Montgomery”, pp. 80-5.

27 Executive Council Minutes, 25 June 1776, CO 226/6, p. 110.

the wider world only by sea were considerable. Emigration from Britain was halted by official decree, and in any case few settlers would chance the uncertainties of wartime migration to such an isolated wilderness. Unable to proceed with their investment and development plans, the proprietors quickly forgot about the Island and ceased paying quitrents for the duration of hostilities.²⁸ Their obligations seemed considerably reduced in 1777 when Parliament responded to a proprietorial petition by voting £3000 for the Island's administration, an annual grant which soon became automatic despite continual assertions to the contrary from British officials.²⁹

But while the absentee proprietors understandably postponed action, the Island's officials and legislators were forced to make do as best they could. Almost totally cut off from regular communication with Britain and the rebellious colonies by the exigencies of war and by extensive privateering activities in the Gulf of St. Lawrence, those who remained on the Island throughout the American Revolution battled to survive financially by any means possible. For ordinary inhabitants, this struggle manifested itself outwardly in a failure to pay their rentals. But the elite soon became convinced that they deserved some reward for their suffering, easily persuading themselves that their travails bordered on martyrdom and entitled them — rather than a group of comfortable absentee landlords in Britain — to assume control of any proprietorial assets, especially the undeveloped lands of the Island.

That the Island survived at all economically during the war was a result of the parliamentary grant after 1777 and the success of acting governor Phillips Callbeck in persuading the British authorities that a privateering raid on Charlottetown in November 1775 constituted evidence of the desperate need for improved military defences — at British expense. The Yankee raiders had plundered some houses and stores, threatened a pregnant Mrs. Callbeck, and carried away her husband with several of his fellow officials. When the captives were presented to General George Washington in Cambridge, he received them politely and immediately sent them back to Halifax “on a foul-smelling coastal vessel”.³⁰ With the absence of many officials in England, a constant turnover of appointments, and the capture of Callbeck and his colleagues, the Island's government was run for six months by the coroner and the commissary of stores, the leading officials still in residence. Washington's action had demonstrated that the Americans had no expansionist design on St. John's Island, but Callbeck used the incident and the threat of further freebooting raids to acquire his own volunteer company, a garrison of four (later six) provincial com-

28 In some cases, as in that of James Montgomery, local agents supposed to pay the quitrents did not do so.

29 Petition of Proprietors of St. John's Island to King in Council, CO 226/1, pp. 207-14; for disclaimers see, for example, Lord George Germain to Patterson, 10 April 1777, CO 226/2, pp. 53-4.

30 Callbeck to Dartmouth, 5 January 1776, CO 226/6, pp. 153-64.

panies from New York, and some Hessian soldiers.³¹ Callbeck exploited the diffuse command structure of the British military with sheer genius. Employing an offhand commitment in principle to a limited force by Lord Germain and the absence of any British military district willing to claim responsibility for the Island, he secured a major assignment of troops by General Sir William Howe in New York. Housing and supplying these troops, at a cost by 1780 of more than £14,000 per year, provided a major injection for the Island's economy. When he received the bill Lord Germain could only expostulate that he had intended a detachment of no more than 100 men commanded by a captain and could not conceive "by what accident the garrison has been composed of six companies".³²

In his dealings both with the British government and with the local agents of the proprietors Phillips Callbeck set a new standard for the Island's elite to emulate. Not only were the military garrison and the volunteer corps beneficial to the economy of the Island, but they were distinctly profitable to Callbeck as well. The acting governor drew constantly on the Treasury to pay and victual his own company, as well as to supply the garrison and fortify the harbour.³³ Provisions for the alleged 110-men complement of St. John's Volunteers for one year included 22,000 pounds of pork, 40,000 pounds of flour, 1,800 gallons of pease, 1,800 pounds of butter, and 344 gallons of rice; the annual cost of maintenance for this company was estimated in 1780 at £3,555, including £182 in pay for its commander.³⁴ The acting governor submitted no accounts upon drawing his bills, and Lord Germain had to write strong letters to get any records of the expenditure.³⁵ The accounts when finally submitted were challenged by the British auditors, but they were ultimately paid.³⁶ During the same period Callbeck entered into an agreement with David Lawson, the local agent of proprietor James Montgomery, to cut and ship timber off Montgomery's lots. The vessel expected to transport the timber never appeared, but Callbeck had

31 *Ibid.* The defence situation of the Island can be followed in CO 226/2-7. Callbeck's wife, the acting governor wrote Dartmouth from Halifax early in 1776, was left with child "in so wretched a Situation that I am to suppose she is barely breathing the breath of life, without a neighbour, or person, capable of soothing the Affliction natural in a Young Wife on the Absence of her Husband, Father & Friend, who has been torn from her".

32 "Calculation of Cost of St. John's Volunteers annually", CO 226/7, pp. 195-6; "A Calculation of the Annual Expense to Government of the Six Companies stationed at the Island of St. John, taken from the Monthly returns dated 1 July, 1780", CO 226/7, pp. 199-202; Germain to Patterson, 28 February 1781, CO 226/7, p. 239-45.

33 Callbeck to Germain, 1 July, 2 September 1777, CO 226/6, pp. 369-76; Callbeck to Germain, 18 August, 4 September 1778, CO 226/7, pp. 47-53.

34 "A List of provisions wanted to supply 110 men under command of acting governor Callbeck for 12 months", CO 226/7, pp. 32-4.

35 Germain to Callbeck, 6 May 1779, CO 226/7, pp. 67-8.

36 "Notwithstanding the want of regularity", wrote Germain, he was certain Callbeck had been a "faithful servant": Germain to Callbeck, 19 May 1780, CO 226/7, pp. 127-32.

included a penalty clause for non-performance and threatened to prosecute Lawson for failure to fulfil his contract. To placate Callbeck, Lawson allowed him to cut timber as he pleased on Montgomery's lots, which were quickly cleared of the best spruce and pine, probably sold by Callbeck to the government for military construction in Charlottetown.³⁷ Callbeck also cut timber on other lots, as Benjamin Chappell's diary indicates, and operated a sawmill on Lot 29.³⁸

For his part, Governor Patterson managed to employ the difficulties of transatlantic travel during wartime to stretch a 12-month leave to nearly five years, despite several orders to return to his post and the efforts of Callbeck to claim half the salary of the office.³⁹ Significantly, when Patterson did appear at Deptford in 1779 to take passage to North America aboard the transport ship *Aeolus*, he attempted to bribe the owner and master of the vessel to assist him to "fill up the ship with what goods he thought proper". Moreover, Patterson insisted the *Aeolus* had been ordered by Lord Germain "particularly for his use", and unhappy with his accommodation arrangements, brought his own carpenters "to build up cabins between the guns".⁴⁰ Self-importance had obviously infected Walter Patterson. When the governor managed to return via Georgia to his government in June of 1780, he found conditions considerably different than upon his departure. Thanks to Callbeck there was an obvious prosperity, at least in Charlottetown and its immediate environs.⁴¹ But the senior colleagues with whom he now had to work were quite a new breed of men. Callbeck had been replaced as acting governor in 1779 by Lieutenant-Governor and Secretary Thomas Desbrisay, who had been appointed in 1769 and had finally decided to take up residence on the Island, and a new chief justice had appeared soon after Patterson's departure in the person of Peter Stewart.

Desbrisay was another Irish-born military officer, who had a curiously inflated notion of his own competence.⁴² He had been severely reprimanded by the British government in 1773 for openly recruiting emigrants in Ireland for his settlement on the Island by using his official titles in his advertisements, and had

37 Peter Stewart to James Montgomery, 27 April 1783, Scottish Record Office, Edinburgh [SRO], GD 293-79, p. 46. Like other proprietary agents, Lawson failed totally to communicate with his employer during the war and for some years thereafter, managing the Montgomery property on the Island as if it were his own.

38 Benjamin Chappell Diary, 1 February 1780, Public Archives of Prince Edward Island [PAPEI].

39 Germain to Patterson, 10 April 1777, CO 226/2, pp. 53-4; Germain to Patterson, 7 May 1778, CO 226/7, p. 57; Memorial of Walter Patterson to Board of Trade, 23 June 1779, CO 226/2, pp. 9-20.

40 Lieutenant Walter Young to Charles Middleton, 13 May, 29 June 1779, in Sir John Knox Laughton, ed., *Letters and Papers of Charles, Lord Barham*, 1 (London, Navy Record Society, vol. 32, 1907), pp. 50-2.

41 Patterson to Germain, 6 July 1780, CO 226/7, pp. 141-4. In this letter, Patterson exulted, "I am now, my Lord, at the Summit of my Wishes".

42 For Desbrisay's background, see his Memorial of 30 December 1777, CO 226/6, pp. 385-7.

run into trouble with Patterson for misleading emigrants.⁴³ Since his arrival Desbrisay had constantly complained that he had not received most of the back salary due him as Secretary (his appointment as lieutenant-governor was purely honorific), and had written Lord Germain refusing to serve under Patterson because the governor had not supported his request for command of Callbeck's volunteer company.⁴⁴ The two Irishmen obviously did not like one another, and in one of his first letters home after his return, Patterson apologized for mentioning "so very worthless a Character" as Desbrisay, adding, "The safest, and best way, with regard to Mr. Desbrisay is to take it as a general maxim, that, he never writes or speaks truth if he has the smallest motive for doing otherwise. And as his first object is to remove me from the Government, he will pay very little regard to what he says if he imagines it tends in the least to that purpose".⁴⁵

Stewart was a Scottish-born law clerk appointed as chief justice thanks to the influence of Scotland's Lord Advocate James Montgomery and several other proprietors.⁴⁶ Having lost all his possessions in a shipwreck at the time of his arrival on the Island, Stewart was further aggrieved that the house promised him had been successively occupied "as a Church, a Prison, Barracks for Soldiers, an Assembly House, and a Court House alternately", and was in complete disrepair.⁴⁷ Worse still, Patterson's house had been improved at crown expense but the governor refused to support Stewart's requests for similar treatment.⁴⁸ Like Desbrisay (who was the widower father of 12 children), Stewart's chief claim to patronage was his family of nine offspring. In the small community of the Island, it was hardly surprising that the two sets of children should begin quickly to intermarry, forming the basis of a fairly numerous political faction.

Upon his return Patterson quickly made his peace with Callbeck, the two apparently agreeing that if Callbeck dropped his demand upon Patterson's salary, the governor would not look too closely into the financial operations of the past years and would write highly of Callbeck's administration in dispatches home. Stewart and Desbrisay were less easy to placate. When Patterson returned from a brief visit to Halifax in November of 1780, he was appalled to discover that Desbrisay, acting as governor in his absence, had carried out a wholesale grab of Charlottetown town and pasture lots. In this action he had been fully supported by Stewart, Surveyor Thomas Wright, and garrison commander Timothy Hierlihy (both of the latter were men with families equally

43 John Pownall to Lt. Governor Desbrisay, 9 November 1773, CO 226/5, pp. 69-71; Patterson to Dartmouth, 20 August 1774, CO 226/6, pp. 59-79.

44 Desbrisay to Germain, 7 December 1779, 1 May, 15 August 1780, CO 226/7, pp. 87-90, 91-3, 205-10.

45 Patterson to Germain, 20 September 1780, CO 226/7, pp. 159-62.

46 See my forthcoming biographical sketch in volume V of the *Dictionary of Canadian Biography*.

47 Stewart to Germain, 10 July 1779, CO 226/7, pp. 75-8.

48 Thomas deGray to Stewart, 4 November 1779, CO 226/7, p. 101.

Patterson's Prince Edward Island 57

as large as those of Stewart and Desbrisay). Granting the lots to men attached to the garrison and minor members of their own families and then buying them at ridiculously low prices, Desbrisay had personally acquired 58 town and pasture lots, Stewart 41, Hierlihy 22, and Wright 7.⁴⁹ Patterson pointed out that he had granted only 15 lots between 1769 and 1775, Callbeck had allocated a mere 50 from 1775 to 1779, and in a few days in 1780 Desbrisay had distributed 162. The lieutenant-governor insisted that his lots had been obtained for his motherless children, expostulating to Lord Germain "for Gods Sake what business is it of Mr. Patterson's if I procure honestly other people's Grants of Land to make a Livelihood for my dear Children!"⁵⁰ But although he raked up evidence of earlier misdoings by Patterson, Desbrisay had been caught sufficiently red-handed to be reduced in defensive letters to Germain to affixing to his signature in increasingly larger masonic emblems, apparently hopeful that Germain was a fellow mason. Hierlihy too argued his lots had been acquired for his large family and insisted if their title was not good "there is no security for any property on the Island", a statement which perhaps came closer to the truth than its author realized.⁵² Stewart's defence has not survived. In any case, a livid Patterson demanded that the culprits return all their lots, including those taken in the names of their children, thus cementing the enmity of Desbrisay and adding that of Stewart in the process. The parties ultimately agreed to leave the final decision as to how lots should be restored to Lord Germain and the Board of Trade.⁵³ Although the governor's action was hardly unreasonable under the circumstances, it would return to haunt him when he subsequently engineered a much larger and even more audacious land-grab himself.

Within days of the council meeting at which Patterson had confronted Desbrisay and his cohorts, another fully-attended meeting agreed unanimously to implement a Treasury minute of 1776 ordering the Island's receiver-general to enforce payment of the quitrents of delinquent proprietors. The lots in arrears were to be sold in June 1781, and in the meantime advertisements were to be placed three times in the *London Gazette* warning proprietors of the consequences of nonpayment.⁵⁴ How the council — given the communications of the time — expected to follow such a timetable, which allowed only six months for a series of complicated transatlantic interchanges to occur, is not clear, particularly since the governor claimed to have obtained permission in 1778 from

49 Patterson to Board of Trade, 27 November 1780, CO 226/2, pp. 81-8; "A Return of the Town and Pasture Lots Granted in the Royalty of Charlotton [sic], and by whom they are possessed", CO 226/2, p. 89.

50 Desbrisay to Germain, 23 November 1780, CO 226/7, pp. 219-23.

51 Memorial of Thomas Desbrisay to Lord George Germain and Articles of Complaint against Walter Patterson, 23 November 1780, CO 226/7, pp. 227-8; Desbrisay to Germain, 27 October, 18 November 1780, CO 226/7, pp. 271-8, 283.

52 Timothy Hierlihy to Germain, 25 November 1780, CO 226/7, pp. 247-9.

53 Executive Council Minutes, 11 November 1780, CO 229/1, p. 182.

54 Executive Council Minutes, 26 November 1780, CO 229/1, p. 185.

Germain to collect quitrents only on the Island. The advertisements were never published, because they had arrived too late in London.⁵⁵ Need for urgency of action on the quitrent arrearages, moreover, had certainly been lessened by the parliamentary action of 1777 placing the Island's officers on the civil list, although most of them were heavily in debt and pressing for back salaries which could only be recovered out of the quitrents.

Why Patterson either acquiesced or took the lead in moving so precipitously is equally unclear, since both he and the council ought to have realized that their actions threatened one of the major watchwords of 18th-century Britain — the sacred rights of property. And hasty movements were bound to be met by proprietorial protests to a sympathetic ministry. It seems impossible to acquit Patterson of intimate involvement in the planning of the business, since in September 1780, fully two months before the council meeting, he had appointed his brother-in-law as receiver-general of quitrents and his personal secretary as deputy.⁵⁶ One possible explanation for the sudden move is that Islanders had become so inward-looking that they failed to appreciate the hazardous course upon which they were embarking, although Patterson had only recently returned from Britain and ought to have known better. However, in London he had failed to arouse any great proprietorial support for paying back quitrents.

A less charitable but more credible explanation for the action of November 1780 is that both he and the council felt they had a legitimate case which might normally be thwarted, but the very isolation of the Island during wartime would permit the necessary legal steps to be irreversibly completed before anyone in Britain learned what had happened. This explanation is strengthened by the council's subsequent decision in February 1781 to ignore the formalities of distraint, which would include improvements, and move directly against the "land only".⁵⁷ Such a serious contravention of the terms of the legislation of 1774 was accepted by Chief Justice Stewart, who later claimed he had acted only in the absence of any defence and "could not interfere" in the judicial proceedings.⁵⁸ Moreover, although it was true that no proprietor had lived up to the terms of his grant, the lots initially chosen for auction were generally acknowledged to be the finest property on the Island, and had in more than one case been developed to some extent by an active proprietor.⁵⁹ Finally, it is significant that Patterson did not bother to mention any of the business in his letters to the British authorities.

55 [John MacDonald], *Narrative of Transactions Relative to St. John Island . . . from the Year 1769; and observations on the Purchases of Lands, belonging to the Proprietors, made by the Officers of the Government in 1781* (n.p., n.d.), p. 11.

56 Patterson to Germain, 21 September 1780, CO 226/7, pp. 163-4.

57 Unless the proprietor was personally present: Executive Council Minutes, 19 February 1781, CO 229/1, p. 190.

58 Copy of Memorial from Chief Justice Peter Stewart, St. John's Island, 30 May 1789, PAPEI, 2652/4.

59 This was particularly true for Lots 18, 35, and 49.

The sales by auction of eight full township and six half-township lots occurred at the home of Charlottetown innkeeper John Clark in mid-November 1781, enveloped in a secrecy which subsequently permitted the participants, all officers of the government, to produce contradictory statements of the proceedings.⁶⁰ Patterson pointedly stayed away from the auction, but sent his private secretary James MacNutt. It was otherwise attended by what one witness described as “the whole of the respectable part of the Gentlemen of Station & fortune belonging to the Island”, and another stated as everyone “who was inclined to and could in point of abilities be a purchaser”.⁶¹ Even if accurate, these statements describe a very limited audience of principal officeholders, since no one off the Island knew anything of the proceedings in time to attend the sale. Given the small number of bidders and the absence of any liquid capital on the Island, it was hardly surprising that the winning bids were so low that no successful buyer had to provide any cash; all transactions were handled by claiming payment in salary arrearages.⁶²

Whatever motive had led Patterson to become involved in the business, at the time of the sales he implicated himself deeply by successfully bidding (through MacNutt) on four half-townships and three full ones, as well as buying another 70,000 acres in the names of Irish friends.⁶³ Thus, of the approximately 220,000 acres exposed to sale in November of 1781, Patterson had directly or indirectly ended up with 170,000 of those acres. Thomas Desbrisay managed to purchase one lot, and Peter Stewart another half. Spirited bidding occurred only over Lot 35, between Stewart and Callbeck, the latter emerging triumphant.⁶⁴ This township, adjacent to Captain John MacDonald's Lot 36, was coveted by the former laird of Glenaladale and was generally regarded as the best land on the Island. Having completed this initial sale, the council then stepped back and delayed the auction of any more of the lots already judicially processed until their holders could be properly warned by the colony agent.⁶⁵ Why this postponement was decided upon is not known, but if it was on Patterson's initiative (as seems likely), it was a dreadful mistake, since it left other officials of the government — particularly Stewart and Desbrisay — unsatisfied with their acquisitions

60 See photocopies of the various affidavits (taken from BT 6/102, PRO), and in PAPEI, and “Extracts of Examinations upon Oath before the House of Assembly respecting the Sales of the Lots”, April 1786, PAPEI.

61 Affidavit of James Curtis, 15 December 1784; Affidavit of William Nisbett, 14 December 1784; both in BT 6/102.

62 Affidavit of Phillips Callbeck, 16 December 1784, BT 6/102.

63 “Account of Sales of sundry townships and half Townships sold by Public Auction at the Suit of His Majesty for non payment for Quit Rents due to the 1st of May 1781”, Selkirk Papers, Public Archives of Canada, vol. 56, pp. 15049-50. Patterson would later admit he had “made a few purchases himself, which he certainly would not have made, had it not been the money was owing me from the quit rents”. See Patterson to North, 10 April 1784, CO 226/8, p. 76.

64 “Extracts of Examinations”, April 1786.

65 Minutes of Executive Council, 1 December 1781, CO 226/8, p. 7.

while it did not really remove the likelihood of protest in Britain by those proprietors whose lots had already been sold. To his critics, it appears that Patterson, having acquired what he desired, now sought to prevent others from gaining their share.

If the Island's officers had hoped to keep news of their activities from reaching London, they were to be disappointed. Captain John MacDonald, serving in Halifax and New York with the 84th Regiment, had kept in touch with the Island, and convinced that he had lost both his own Lot 36 and his hoch with the Island, and convinced that he had lost both his own Lot 36 and his hoped-for Lot 35 in the auction, he departed for England at the close of 1781 "to get these matters if possible, restored to their former footing".⁶⁶ Although MacDonald quickly rallied the proprietors, he had some difficulty in gaining decent information and in finding a ministry stable enough to petition for redress until the spring of 1783. Neither the British government nor the proprietors had received formal notification of any of the quitrent proceedings on the Island, and it was literally necessary to establish that the sales had occurred before any action could be taken. Not until April of 1783 was there an authentic list of the lots sold, and it did not contain the names of the actual purchasers.⁶⁷

The proprietors had little difficulty in producing arguments against the precipitous action taken by the Patterson government, insisting that the American war had interrupted everything connected with the Island, that they had not been properly notified, and that the quitrents were in any event excessive.⁶⁸ A quitrent act passed by the Island's assembly in 1781, which had extended the possibility of distraint to all lots was disallowed by the King-in-Council, and a new act was drawn up by the Crown's attorneys providing for the return of the auctioned lots.⁶⁹ At this point the proprietors assumed all legal forms had been followed in 1781, and they were unaware that Patterson had acquired most of the land. The local action was treated as a legitimate conflict of interest with the proprietors in which the latter had been treated unfairly, but without malice or illegality. Lord North, secretary of state for the colonies, forwarded the new quitrent bill to Patterson with instructions to place it before the assembly and "recommend in the strongest manner . . . to them . . . the passing of the same".⁷⁰

Despite Lord North's view that the sales were "very objectionable & that it was never intended they should be gone about at that time & manner", Captain John MacDonald, who knew his Island, had his doubts, writing to his sister on the Island:

66 John MacDonald to Helen MacDonald, 19 July 1783, PAPEI, 2664/7.

67 *Ibid.*; *Narrative of Transactions*, pp. 11-12.

68 Perhaps the most detailed statement of the proprietors' position is in *Information for the Officers of the Navy and Army, Proprietors of Land in the Island of St. John* (n.p., n.d.).

69 North to Patterson, 12 May 1783, CO 189/10, pp. 214-5.

70 North to Patterson, 24 July 1783, CO 226/8, p. 60.

... how the Gentlemen will receive this order of the Council & how they will Act in Consequence of the Same, that is to say whether they will restore the Lots without any more Ado, or whether they will struggle by a remonstrance against restoring them at all, or endeavour to elude and disappoint any part of the order. In the latter cases a Contest would ensue in which I firmly believe they & the Government of the Island will undoubtedly be over Set. They may be sanguine enough not to foresee this, but they will find themselves confoundedly mistaken.

He added his suspicion that the officers "will be so Obstinate, & short-sighted as to make all the Struggle they can". In such an event, Captain John predicted,

... their first Step will be to send home a Remonstrance against restoring the Lots, affecting to show that the Council here has been misinformed, or has misconceived the Case; and therefore praying that the Council will alter the order: they will also probably endeavour to show an impossibility to comply with the order on the Score of Expences laid out on the Lots since the Sales or of houses built on them, or of part of the Lots being Sett, since that time to settlers.

MacDonald thus planned to remain in London until news was received from the Island, but, he warned, "most cursed noise I will make if I am obliged to do it".⁷¹

While the proprietors were preparing their protest to the Privy Council, Patterson was destroying any chance he might have enjoyed of organizing a united front to resist any orders from the Court of St. James. On 2 January 1783 the governor read to his council a letter from the Lords of Trade condemning the Charlottetown land transactions of 1780, suggesting dismissal for Desbrisay and censure for the others involved, although the culprits could keep those lots granted to family members.⁷² Although everyone at the meeting was well aware that he was holding 170,000 acres of Island land purchased at the 1781 auction, Patterson insisted self-righteously on immediate compliance with the recommendation to return the lots, even to the point of entering the surrenders on the records of the supreme court and minutes of the council. Between January and April of 1783 Desbrisay and Stewart were forced to make their abject appearance before their colleagues with lot surrenders in hand.⁷³

As if the humiliation of having to return personally his lots was not enough for the

71 John MacDonald to Helen MacDonald, 19 July 1783.

72 Executive Council Minutes, 2 January 1783, CO 226/8, p. 72.

73 See Executive Council Minutes, 8 January, 17, 18, 21 March, 14 April, CO 226/8, pp. 74-89.

At about the same time Lord North was forwarding the new quitrent legislation, Patterson was writing the Lords of Trade wondering how best to straighten out title to the lots. His extraordinary solution (quite at variance with his treatment of the miscreants) was to suggest the destruction of "the Grants and the Registers also, and to omit entering the surrenders on Record

chief justice, described by one contemporary as a “very Passionate Man”, at about the same time the governor “compromised” Stewart’s wife.⁷⁴ Twenty years younger than her husband, Sarah Stewart became intimately involved with the dashing governor, whose family was in Britain, and who must have cut quite a figure in the tiny capital city of the Island. The affair could hardly be kept secret in a society in which everyone knew everyone else’s business. Banished from her home by her angry husband, Sarah was removed by Patterson to Quebec at his expense, and the Stewart and Desbrisay clans cried for revenge.⁷⁵ It was not likely they would close ranks with the governor to prevent exposure of his administration’s past folly.

Acceptance of Lord North’s draft bill would have both assured a workable procedure, sanctioned by Britain, for future actions against delinquent proprietors, as well as permitting retention of most of the 1781 lots by their purchasers. The bill repealed the 1774 legislation, provided for future quitrent payments either in London or on the Island, and exempted proprietors who paid their arrears in full up to 1783 from further payments for six years. Since the proprietors had strenuously attempted to avoid arrearage payments and to reduce the amount of the quitrents, this proposal was a considerable victory for the Island. Moreover, the auctioned lots would be returned only if the former holder paid within one month the 1781 purchase price, as well as interest and compensation for all improvements.⁷⁶ Few proprietors were likely to feel so attached to their holdings as to comply with these conditions, and most lots would not have been restored. The legislation was by no means punitive against Patterson or his officials, though Phillips Callbeck’s Lot 35, so coveted by John MacDonald, was certain to be affected.

Nevertheless, Patterson decided not to comply with North’s instructions, and there is no evidence he told anyone (with the probable exception of Callbeck) of their existence before calling an assembly election for March of 1784. The only

in the Court; so that there shall appear no traces of there ever having been any such Grants, given”. Were this policy pursued, Patterson continued, there would be new registry books, and “all the Grants, Deeds, and matter what ever from the new, only leaving out the above Grants, after which, and having undergone a Strict Examination before the Council, the old Books are to be burned”. Patterson to Committee of Council for Trade & Plantations, 16 July 1783, CO 226/8, pp. 105-12. This would not be Patterson’s last effort to rewrite the record of his administration.

74 Thomas Curtis, “Voyage to the Island of St. John’s, 1775”, in D.C. Harvey, ed., *Journeys to the Island of St. John . . . 1775-1832* (Toronto, 1955), p. 12; Peter Stewart to James Montgomery, 27 April 1783, SRO, GD 293/2/79/46; David Lawson to James Montgomery, 31 May 1784, GD 293/2/78/61; Peter Stewart to James Montgomery, 10 September 1784, GD 293/2/78/48.

75 Patterson maintained the stepsons of Sarah Stewart had cooked up the story in order to get rid of her: Patterson to North, 12 December 1784, CO 226/9, p. 169.

76 “An Act for Repealing an Act . . . and for the enforcing in future a due and regular payment of the Quit Rents”, CO 226/3, pp. 62-71.

credible explanation for this behaviour was Patterson's realization that he and the council had behaved with far less propriety than anyone in London seemed to appreciate; to allow even the possibility of lots being returned was a very dangerous business which might expose the true state of affairs. Instead, as John MacDonald had predicted, Patterson worked desperately to make return of the lots more difficult. In 1782 and 1783 he had attempted to attract Loyalist settlers to the Island, and when a few arrived in December 1783 they were immediately located on his own disputed purchases, from which they might well be ejected if the land were returned to its original holders.⁷⁷

The election campaign of 1784 was a spirited one, in which the contending parties were the "Court Party" led by Phillips Callbeck (who resigned from the council to run for the assembly) and the "Country Party" headed by two sons of Chief Justice Stewart and ably assisted by the entire Stewart/Desbrisay family alliance. These invocations of British political ideology had little basis in the campaigning, which was fought almost entirely on personal terms, except insofar as Patterson was associated with despotism. The opposition to the governor managed to spread the word that Patterson planned to increase taxes on imports, which combined with vague charges of malfeasance and the spread of the "principles of infidelity and irreligion thro' the colony, to the ruin of the most respectable families" was enough to gain the Country Party a sweeping victory at the polls.⁷⁸ In 1784, the combined Stewart and Desbrisay family vote was probably close to a majority of the electorate. If Patterson, in suppressing the draft bill, had hoped to gain a compliant legislature with which to fend off the proprietors and the government in Britain, he had failed. The assembly met on 9 March 1784, elected Young "Hellfire Jack" Stewart as speaker, and proceeded to debate the governor's shortcomings as Islanders understood them.⁷⁹

While the assembly was passing resolutions calling for increased salaries for Desbrisay and Stewart and complaining about Patterson's failure to apply the 1771 parliamentary grant to public works, Patterson took the draft bill to the council. On 20 March 1784 the council agreed, with Peter Stewart and Thomas Desbrisay strongly dissenting, that the bill be withheld until the British government had been informed of how it had been misled by the proprietors and why the overturn of the sales was impossible.⁸⁰ Stewart later maintained that he, Desbrisay, and two other councillors had insisted that their objection to such a course be entered in the council minutes, but that Patterson ordered the clerk to

77 Affidavit of Thomas Wright, 16 December 1784, BT 6/102.

78 Patterson to North, 15 April 1784, CO 226/8, p. 82; see also "Charges by the Assembly of the Island of St. John Against Walter Patterson", CO 226/3, pp. 164-6, and *Remarks on the Conduct of the Governor and Council of the Island of St. John's* (n.p., n.d., [1786]), p. 13.

79 For Stewart, a force on the Island until the 1830s — and once described by the widow of Phillips Callbeck as "a compound of sophistication, masked by extensive plausibility with a head to contrive, a heart to concern, and a hand to execute only mischief" — see F.L. Pigot, *John Stewart of Mount Stewart* (Summerside, 1973).

80 Executive Council Minutes, 20 March 1784, PAPEI, M-561, pp. 38-42.

record the vote as unanimous; he also claimed that the council minutes from 1784 to 1786 submitted to Britain were greatly altered in the course of copying under Patterson's direction, a charge others substantiated.⁸¹ The opposition of Stewart and Desbrisay was too much for Patterson to bear, and his response was to suspend the chief justice from office and to remove Desbrisay from the council.⁸² The governor then dissolved the assembly, which had been meeting for some days without a quorum.⁸³

While Patterson engaged in delaying tactics, the proprietors in London became restless. Early in 1784 an agent of proprietor Robert Clark appeared in Charlottetown on a fact-finding mission. Naturally, John Cambridge received an earful, returning to England with a new perspective on the situation.⁸⁴ A new petition to the Board of Trade was prepared, far less defensive than previous efforts, providing evidence that the governor and council were planning to oppose Lord North's request.⁸⁵ The Lords of Trade were alarmed that Patterson and his council should take upon themselves "to disobey a positive injunction of his Majesty".⁸⁶ Indeed, a nearly apopleptic William Fawkener, noting the absence of any official communication from the Island, successfully applied for a special naval vessel to sail immediately solely to collect "the papers and Evidence that the Governor and Council must naturally be so anxious to submit to the Lords of the Committee".⁸⁷ Never were the Island's communications with Britain better than upon this occasion. The sloop of war arrived at Charlottetown in early December, and the entire official cadre of the Island scurried about desperately preparing affidavits exculpating themselves from responsibility for the events of the past few years.

The return of the dispatch vessel in February 1785 made clear the false premises upon which the 1783 quitrent bill had been drafted. The burden of the governor's position was that the draft bill of 1783 was "grounded upon so many

81 Peter Stewart to Sydney, 15 December 1784, CO 226/9.

82 "Copy of Memorial from Chief Justice Stewart", 1789; *Remarks on the Conduct of the Governor and Council*, p. 6.

83 Patterson charged Stewart with "having abetted his son, Lieutenant John Stewart and others in choosing an Assembly which was a discredit to the Colony, and of divulging a secret of Council at the hustings"; see "Charges against Chief Justice Peter Stewart by Walter Patterson". CO 226/3, pp. 170-1.

84 Patterson to North, 15 April 1784, CO 226/8, p. 84.

85 John MacDonald to Nelly and Peggy MacDonald, 27 June 1785, PAPEI, 2664.

86 Minutes of the Committee of Council for the Consideration of Trade and Foreign Plantations, 27 August 1784, BT 5/2/21, PRO.

87 Fawkener to Sydney, 3 September 1784, BT 6/102. In the autumn of 1784 a major administrative reorganization of British North America took place, in which New Brunswick was separated from Nova Scotia and both it and the Island of St. John made nominally dependent upon Nova Scotia. Patterson's rank was reduced to lieutenant governor. This move appears unconnected to the commotion over the governor's policies. To avoid confusion Patterson is referred to as governor through this study.

misstated facts that it should not have been presented to the assembly in its present form".⁸⁸ The accompanying evidence demonstrated that Patterson was quite accurate in this assertion, although hardly in the sense in which he had meant it. The proprietors had not merely been treated unfairly, they had also lost their lands illegally and probably to a deliberate conspiracy. The Lords of Trade decided that Patterson's reasons for not placing the draft before the assembly were insufficient. Moreover, the proprietors, instead of having to repay the purchase price for their auctioned lots, were permitted to recover them at law on the Island. A revised bill was prepared, and on 6 May 1785 the British cabinet ordered Patterson to place this new draft bill before his assembly.⁸⁹

Back on the Island, the governor was still endeavouring to organize an opposition to the proprietors and the British government. He ordered a new assembly elected in March 1785, and this time was victorious against the Stewart/Desbrisay candidates. The difference between 1784 and 1785, claimed the badly-defeated "Country Party", was the arrival of several hundred Loyalists in the summer of 1784: for many of them, the land titles granted by Patterson on the disputed lots depended upon the failure of the proprietors to recover their land from the governor. As in previous elections, only one poll was held (in Charlottetown), and by dint of large expenditures Patterson flooded it with his supporters — chiefly Loyalists and disbanded soldiers — who greatly increased the size of the electorate. Patterson's opponents insisted that he had spent more than £2,000 keeping his supporters in "a constant state of intoxication for some days", and claimed that of the 130 votes polled in 1785, 33 came from Loyalists, 53 from disbanded soldiers, six from executive councillors, four from the governor's servants, and one from the master of an Aberdeen trading vessel anchored in the harbour — leaving only 33 "real" voters.⁹⁰

Patterson did not immediately convene what he described as the "most respectable and best intentioned House of Representatives which has ever met on the Island", and he learned privately from the colony's agent that a new draft bill was being sent him.⁹¹ But his suspension of Peter Stewart had made it impossible for the proprietors to employ the Island's supreme court to recover their lands, for it was in commission to three supporters of the governor. And a subsequent delay in the receipt of the new draft bill enabled Patterson to make a last-ditch effort, calling the assembly into session in April 1786 to pass an act ratifying and confirming the 1781 auctions, "any want of legal form, or other irregularity whatever in such proceedings notwithstanding".⁹² The governor then disingenuously forwarded this legislation to London with the comment that he

88 John Stewart to Sydney, 23 February 1785, CO 226/9, p. 151.

89 Minutes of the British Privy Council, 6 May 1785, PRO PC 2/130, pp. 211-2, PRO.

90 *Remarks on the Conduct of the Governor and Council*, pp. 24-9.

91 Patterson to Sydney, 20 April 1785, CO 226/8, p. 171.

92 "An Act to render good and valid all and every of the proceedings in the years 1780 and 1781 . . .". CO 228/2, p. 70.

had received no further word on the 1783 bill, and assumed "his Majesty's Ministers in their wisdom had seen fit to let the matter drop".⁹³

Patterson's days were clearly numbered, and even before word of this last act of audacity was received in London, Lord Sydney had written him that "so many representations had been made of improper proceedings on your part in the exercise of your power as governor that you must repair to England as soon as possible to give an account of your conduct". Lord Sydney appointed Edmund Fanning of Nova Scotia to replace Patterson "during his absence"; Fanning was instructed to assume control and Patterson was ordered to deliver up "the papers and documents necessary to carry on the public service of the Island".⁹⁴ Nevertheless, Patterson seized upon the technicality: Fanning was appointed only in his absence, and the governor had no intention of going anywhere. Sydney was informed that Patterson's personal and business affairs did not permit his departure in the immediate future; he had already answered charges and were there new ones he would need to remain in residence to collect evidence.⁹⁵ Following Fanning's appearance on the Island on 4 November 1786, a colony which could barely afford one chief executive found itself with two. The new arrival could only observe with bemusement as Patterson met his assembly to consider the revised draft bill, which he laid before it, Patterson emphasized, only because he was ordered to do so. Not surprisingly, a Committee of the Whole House decided the bill "would prove destructive to the prosperity, nay the very existence of the colony", and instead passed one which returned most of the auctioned lots of 1781, provided that all occupiers of land within them got proper titles and the 1781 purchasers were heavily compensated.⁹⁶ On 10 April 1787 Fanning issued a proclamation of his authority, and Patterson produced a counter-proclamation a day later. But in June the business was finally settled. Lord Sydney had written in April to Patterson stating quite categorically that "His Majesty has no further occasion for your services as Lieutenant Governor of Saint John", and to Fanning that Patterson had been dismissed.⁹⁷ Even

93 Patterson to Sydney, 1 May 1786, CO 226/10, p. 151.

94 Sydney to Patterson, 30 June 1786, CO 226/10, p. 1. Ironically enough, Fanning was the man who had been the chief symbol of corruption for the Regulator movement in pre-revolutionary North Carolina, and of whom the famous verses were written:

When Fanning first to Orange came
He looked both pale and wan
An old patched coat upon his back,
An old mare he rode on.
Both man and mare wa'nt worth five pounds
As I've often been told;
But by his civil robberies
He's laced his coat with gold.

See Arthur P. Hudson, "Songs of the North Carolina Regulators", *William and Mary Quarterly*, 3rd Ser., IV (1947), p. 477.

95 Patterson to Sydney, 5 November 1786, CO 226/10, p. 18.

96 *Journal of the House of Assembly of St. John's Island*, 14 November 1786, p. 297.

97 Sydney to Patterson, 5 April 1787, CO 226/10, pp. 230-1.

Walter Patterson could not misconstrue the import of these statements, and he surrendered the seals of office.

Patterson did not return immediately to England to answer charges as he had been instructed to do in 1786. He remained on the Island for more than a year, attempting to make a political deal with Fanning and organizing his supporters as chairman of "the Board of resident Proprietors and Agents" of the Island.⁹⁸ When he did appear in London in 1789 he was immediately brought by the proprietors on a "criminating complaint" before the Privy Council, the King himself in attendance. The charges brought by the proprietors against Patterson and a number of his officials were judged "fully proved", and all holding office were ordered dismissed.⁹⁹ John MacDonald, who had led the proprietors' prosecution, pronounced the valedictory on Walter Patterson:

... his conduct was that of a man who looked upon all mankind, excepting himself, to be fools. It was also in every shape the management of a downright fool. He has an amazing cleverness, but I am sure it is mixed with an equal proportion of folly and madness. He rose from nothing, & would have done extremely well, had he known where to stop, but the being too successful had led him constantly to go too far — indeed he could not possibly have succeeded in going so far, but in a place as St. John's.¹⁰⁰

Patterson spent some time in debtor's prison, and eventually died in disgrace in 1798.

But while the culprits may in the end have received their just desserts, their activities destroyed any possibility the Island of St. John may have had for a prosperous and stable development. The Island never recovered either politically or economically from the ten-year hiatus in its progress brought about by the American Revolution. The legacy of problems with land and proprietors remained the central issues of politics until well into the 19th century.¹⁰¹ Later generations of Islanders would convert these matters into principle and ideology, but the record of the Patterson regime offers no evidence of anything other than naked self-interest as a motivating force. Walter Patterson was no hero, and his resistance to British authority had little to do with any incipient Island "nationalism", being designed chiefly to protect himself and his friends from exposure. The forces released by the American Revolution were, indeed, many and varied.

98 *The Royal American Gazette and Weekly Intelligencer of the Island of St. John* (Charlottetown) 29 September 1787.

99 *The Criminating Complaint of the Proprietors of the Island of St. John, Whose Lands were Condemned and Sold in 1781, On the Pretence of Arrears of Quitrents, against Governor Patterson and Others; With the Report of the Honourable the Lords of the Committee of Council, For Hearing Complaints, &c. from the Plantations. And His Majesty's Order Thereupon* (London, 1789).

100 John MacDonald to _____, 12 September 1789, PAPEI, 2664.

101 W.S. MacNutt, "Fanning's Regime on Prince Edward Island", *Acadiensis*, I (Autumn 1971), pp. 37-53; Bolger, *Canada's Smallest Province*, pp. 60-134; J.M. Bumsted, "The Origins of the Land Question on Prince Edward Island, 1767-1805", *Acadiensis*, XI (Autumn 1981), pp. 43-56.