

# “Are All Your Laws Left Handed!”: Property Rights and the Timber Trade in Early Nineteenth-Century Prince Edward Island

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*This paper examines timber theft in the forests of Prince Edward Island during the early nineteenth-century timber boom. The paper argues that large-scale private landowners who owned most of the Island's forests were less successful in controlling illegal cutting or in obtaining revenues from stumpage than were authorities in neighbouring New Brunswick where much of the timber harvest came from Crown lands. The paper considers the landowners' failure to curb the widespread flouting of their property claims to the forests on their estates within the broader context of the Prince Edward Island land question.*

*Le présent article traite du vol de bois d'œuvre dans les forêts de l'Île-du-Prince-Édouard au moment de l'essor de l'exploitation forestière au début du XIX<sup>e</sup> siècle. Il soutient que les grands propriétaires fonciers privés qui possédaient la majeure partie des forêts de l'île ont moins bien réussi à enrayer la coupe illégale ou à obtenir des revenus du bois sur pied que les autorités du Nouveau-Brunswick voisin, où une bonne partie de la récolte forestière provenait des terres de la Couronne. Le fait que les propriétaires fonciers ne soient pas parvenus à refréner le mépris généralisé de leurs revendications sur la propriété des forêts qui couvraient leurs domaines est ici envisagé dans le contexte plus large de la question foncière à l'Île-du-Prince-Édouard.*

PRINCE EDWARD ISLAND became part of Britain's North American forest frontier after it was captured from the French in the Seven Years War.<sup>1</sup> Various observers, including Samuel Holland, the Crown surveyor whose work prepared the Island for settlement, remarked favourably on the quality of some of the Island's forests, but imperial planners saw their new acquisition primarily in terms

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1 The Island was known to the Mi'kmaq people as Abegweit and called Île St-Jean by the French. After it passed to British control during the Seven Years War, it was called St. John's Island. It acquired its current name, which we use throughout the paper, in 1799.

of its agricultural potential and its possible use as a base for the fishery.<sup>2</sup> For the most part, those seeking to develop Island resources in the eighteenth century also focused on agriculture and the fisheries, not on selling the Island's timber, as the distance from markets limited the possibility of a profitable timber trade. There were, however, exceptions within the merchant community. Enterprising British entrepreneurs moving north from New England began to harvest Prince Edward Island's white pine for masts and spars before the ink had even made it onto treaties transferring the Island from the French to the British.<sup>3</sup> In the years after 1767, when British imperial authorities distributed Island lands in townships of 20,000 acres, some grantees and merchants explored the possibility of selling timber and sawn wood in markets in Britain and Newfoundland.<sup>4</sup>

The American Revolution helped to create a better context for marketing Prince Edward Island's forest resources by excluding New England from British markets, but it was not until Britain's wars with France in the decades after the French Revolution that Prince Edward Island became heavily engaged in wood production. Napoleon's military successes in Europe disrupted Britain's access to traditional sources of wood from countries on the North and Baltic Seas, and rising prices due to reductions in the supplies of European wood made British North American wood more attractive. As well, war triggered government intervention, including preferential duties, to support merchants developing colonial sources of strategic materials. As various scholars have noted, these developments generated the rapid growth of a British North American timber trade, which in turn generated major challenges for regulating timber exploitation.<sup>5</sup>

Prince Edward Island has had a limited profile in the scholarly literature on the transatlantic timber trade, understandably, given the Island's relatively modest contribution to the total volume of wood exported from North America to Britain in the nineteenth century.<sup>6</sup> Prince Edward Island's wood exports to Britain in the

2 James Munro, ed., *Acts of the Privy Council of England: Colonial Series, Vol. IV, AD. 1745-1766* (London, 1912), pp. 654-659, and *Vol. V, 1766-1783* (London, 1912), pp. 64-79; British Library [hereafter BL], Add MSS. 35, 914, Hardwicke Papers, vol. DLXVI, 1762 description of "St Johns Island" and map, pp. 95-99.

3 Earle Lockerby, "Counting People: 18<sup>th</sup> Century British Censuses in St. John's Island," *Island Magazine*, vol. 55 (March 2004), p. 9.

4 J. M. Bumsted, *Land, Settlement, and Politics on Eighteenth-Century Prince Edward Island* (Montreal and Kingston: McGill-Queen's University Press, 1987), p. 52, and "John Hill," *Dictionary of Canadian Biography*, vol. 7 (Toronto: University of Toronto Press, 1988), pp. 406-409; H. T. Holman, "John Cambridge," *Dictionary of Canadian Biography*, vol. 6 (Toronto: University of Toronto Press, 1987), pp. 107-110.

5 A. R. M. Lower, *Settlement and the Forest Frontier in Eastern Canada* (Toronto: Macmillan, 1936), *The North American Assault on the Canadian Forest* (Toronto: Ryerson Press, 1938), and *Great Britain's Woodyard: British America and the Timber Trade, 1763-1867* (Montreal and Kingston: McGill-Queen's University Press, 1973); Graeme Wynn, *Timber Colony: A Historical Geography of Early Nineteenth Century New Brunswick* (Toronto: University of Toronto Press, 1981); Fernand Ouellet, *Economic and Social History of Quebec, 1760-1850: Structures and Conjectures*, trans. Institute of Canadian Studies, Carleton (Toronto: Gage for Institute of Canadian Studies at Carleton, 1980), pp. 195-203, 299-310, 395-419.

6 There are exceptions. Nicolas J. de Jong and Marven E. Moore, *Shipbuilding on Prince Edward Island: Enterprise in a Maritime Setting, 1787-1920* (Ottawa: Canadian Museum of Civilization, 1994), contains a great deal about the timber trade. Douglas Sobey documents the nature, extent, and uses of the Island's forests in the French and British colonial period in his four-part *Early Descriptions of the Forests of Prince Edward Island* and his more recent *Shipbuilding and the Forests of Prince Edward Island* (Charlottetown: Prince Edward Island Department of Environment, Energy and Forestry (2002, 2006, 2011)). See also

years from 1807 to 1819 amounted to about 6 per cent of the total British North American exports.<sup>7</sup> The Island's wood exports were not an important part of the overall colonial timber trade, but, in the first decades of the nineteenth century, timber was central to the growth of the Island's economy. The Island's timber exports increased so rapidly that observers began to lament that work in the woods was diverting scarce labour and capital from agriculture and fishing.<sup>8</sup> The timber trade on the Island was similar in many ways to that of other British North American colonies, but it would be a mistake to conceptualize the Island's involvement in the trade entirely in terms of what we know of developments elsewhere. Island wood moved eastward in response to the same market demand, travelled along the same routes, and faced similar risks, but, unlike much of the wood from British North America, timber cut on the Island came almost exclusively from privately owned land.

In neighbouring New Brunswick, for the most part, the timber exported from the colony originated on vast tracts of forested land that had been retained by the Crown, but in Prince Edward Island the Crown had granted most of the colony's land in the initial distribution.<sup>9</sup> In theory, private owners of the Island's timber lands had the power to control the pace and nature of timber cutting and to reap the rewards. In practice, for many reasons, many found it nearly impossible to do so effectively. Most fundamentally, proprietors were unable to assert all of the rights of ownership that they claimed. The township-level scale of land distribution, the extent of absentee ownership, and persistent questions about the validity of land titles on the Island undermined proprietors' ability to control their woodlands during the years of the Island's timber economy. So too did political opposition to large-scale landownership and to landlords' attempts to maintain monopoly control of much of the Island's resources.<sup>10</sup> Tenants and small freeholders played

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William Glen and Douglas Sobey, "The Fall – and Rise? – of White Pine in the Forests of Prince Edward Island," *Island Magazine*, vol. 65 (Spring/Summer 2009), pp. 2-12.

- 7 Calculation based on figures in House of Commons Parliamentary Papers 1820 (269), *First Report Relative to the Timber Trade* (1820), Appendix VI, #2, "An Account of the Total Quantity of Timber, Masts, Deals, Deal Ends, Staves and Plank imported into Great Britain from the British North American Colonies in the last twenty years, distinguishing each year, and each Colony," pp. 96-99.
- 8 *Weekly Recorder* [Charlottetown], May 14 and July 18, 1811; *Prince Island Gazette* [Charlottetown], February 27, 1819.
- 9 Even the lands in New Brunswick granted by the Crown between 1783 and 1807 were subject to Crown reservations of timber fit for naval purposes. On Prince Edward Island in the early nineteenth century, there was virtually no forested land over which the Crown claimed jurisdiction, and no restrictions in the original grants reserving timber for the Crown, although the common claim that Prince Edward Island retained no Crown lands requires some nuancing. Besides Crown lands in the Island's three royalties, Charlottetown, Princetown, and Georgetown, and Crown reserves to support schools and churches, the Crown reserved a 500-foot strip above the high water mark on much of the coast for a fishery reserve. For most of the Island's history, though, the government did not assert any ownership claims over fishery reserve lands. See Rusty Bittermann and Margaret McCallum, "The One That Got Away: Fishery Reserves in Prince Edward Island," *Dalhousie Law Journal*, vol. 28, no. 2 (Fall 2005), pp. 385-408.
- 10 For the broad history of opposition to the proprietorial system that British Imperial authorities established on Prince Edward Island, see J. M. Bumsted, *Land, Settlement, and Politics on Eighteenth-Century Prince Edward Island* (Montreal and Kingston: McGill-Queen's University Press, 1987); Rusty Bittermann, *Rural Protest on Prince Edward Island: From British Colonization to the Escheat Movement* (Toronto: University of Toronto Press, 2006); Rusty Bittermann and Margaret McCallum, *Lady Landlords of Prince Edward Island: Imperial Dreams and the Defence of Property* (Montreal and Kingston: McGill-Queen's University Press, 2008); Ian Ross Robertson, *The Tenant League of Prince Edward Island, 1864-1867*

a central role in challenging landlords' property claims, but, in the years of the timber trade, the Island's merchant and professional community also played an important role in weakening landlords' control over resources and, ultimately, in undermining the viability of the property regime that the British had helped to put in place in the eighteenth century. Landlords' inability to effectively maintain property rights in the timber on their lands was both a reflection of the problematic nature of their property claims and yet another loss in their persistent attempts to defend their power and the legitimacy of their titles.

In 1767, when imperial authorities began to incorporate Prince Edward Island into their colonial empire, they chose to distribute more than a million acres of Island lands in large blocks to 100 or so individuals. In the four decades between that distribution and the beginning of a timber boom, the pattern of landholding on Prince Edward Island changed. In the early 1800s, many more people owned Island property than had been the case a third of a century earlier. For the most part, proprietors who received or purchased 20,000-acre townships had, in the intervening years, made lands available to settlers by offering leases, but some also sold small freeholds. By the early 1800s, perhaps 90,000 acres were owned or leased as small holdings, most under 100 acres.<sup>11</sup> In 1767, no Crown grantees had received more than 20,000 acres, and some had received less, sharing ownership of undivided township with one or two others.<sup>12</sup> By the first years of the new century, however, several proprietors had acquired larger estates, with the largest comprising from 80,000 to 150,000 acres.<sup>13</sup> Although several of the Island's landlords lived in the colony and directly managed their estates, most of the Island's land was owned by people who lived in Britain. Some of these absentee proprietors paid close attention to their properties and tried to engage land agents who would effectively implement their estate management plans. Others were less attentive. In a few cases in the early 1800s, townships appeared to be lacking local management altogether.<sup>14</sup>

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(Toronto: University of Toronto Press, 1996).

- 11 Andrew Hill Clark, *Three Centuries and the Island: A Historical Geography of Settlement and Agriculture in Prince Edward Island, Canada* (Toronto: University of Toronto Press, 1959), states that the population was about 7,000 in 1805, with 10,000 acres under cultivation (pp. 66, 69). That figure is less than one per cent of the Island's 1.4 million acres; our larger figure for the land leased or sold to farmers includes land not yet cleared and is based on an estimate of about 1,750 households, 1,500 of them farm households, on 60-acre holdings.
- 12 For the list of men to receive Crown grants in the original distribution, see *Journal of the Commissioners of Trade and Plantations*, vol. 74, July 8, 1767, in *Journal of the Commissioners of Trade and Plantations from January 1764 to December 1767*, reprint edition, vol. 12 (Nendeln, Liechtenstein, 1970). Township 66, a landlocked parcel of 10,000 acres, was retained by the Crown until 1786. See Public Archives and Record Office, Prince Edward Island [hereafter PARO], RG 16, Liber 3, Folio 78, Lieutenant Governor Patterson to Thomas Wright.
- 13 Lord Selkirk's recently purchased estate was among the largest, containing 115,000 acres in 1804 and 145,000 in 1806. See *Journal of the House of Assembly*, Prince Edward Island, 1842, Appendix F; Library and Archives Canada [hereafter LAC], Selkirk Papers, MG 19, E1, vol. 74, p. 19323. Other owners of large estates included James Hodges, John Cambridge, John Hill, James Montgomery, and Jonathan, Charles, and Edward Worrell. For a discussion of Prince Edward Island estate transfers at the beginning of the nineteenth century, see Rusty Bittermann and Margaret McCallum, "The Pursuit of Gentility in an Age of Revolution: The Family of Jonathan Worrell," *Acadiensis*, vol. 43, no. 2 (Summer/Fall 2014), pp. 31-56.
- 14 John Morgan Gray, "Thomas Douglas, Baron Daer and Shortleuch, 5th Earl of Selkirk," *Dictionary of Canadian Biography*, vol. 5 (Toronto: University of Toronto Press, 1983), pp. 264-269; Holman, "John

In New Brunswick, where the Crown owned much of the colony's woodlands, colonial authorities struggled to develop and enforce a licensing system that would enable the state to control forest management and ensure that people cutting wood on Crown lands paid the Crown for what they cut. Although the challenges were great and the Crown lands vast, state use of deputy surveyors to manage the cutting of wood from Crown forests proved remarkably effective in generating revenue from stumpage fees. Graeme Wynn estimates that by the late 1830s the Crown managed to collect the fees for roughly two-thirds of the squared timber cut on Crown land. Although collecting what the Crown was owed for sawlogs proved to be more of a challenge, Wynn characterizes the broader pattern as a success story; Crown forest resources were effectively protected in New Brunswick.<sup>15</sup>

In Prince Edward Island, it was private owners, rather than the Crown, who grappled with the challenges of managing the colony's forests. Geography may have made the task more difficult on Prince Edward Island as compared to New Brunswick. On the Island, wood for export was not funnelled through major river systems, as it was in much of New Brunswick, but instead, for the most part, was hauled to a multitude of coves, bays, and estuaries where vessels waited to assemble a cargo during the relatively short transatlantic shipping season. In Prince Edward Island, the timber woods were often closer to areas of settlement than in New Brunswick, although many of the areas with good wood were sufficiently distant from major routes of travel that crews cutting in the winter might escape much public observation. Thus landlords repeatedly heard from land agents and others who had "discovered" that wood had been removed from part of a township, but knew not by whom.

Ann Callbeck, the widow of an early Island merchant and office-holder, wrote absentee proprietor George Seymour in 1811 to report that the pine timber on his 20,000 acres on Township 13 was being plundered and that "if means are not taken to prevent it, [the timber] will be totally carried off." She suggested that Seymour, who was the son of Vice-Admiral Lord Hugh Seymour and was pursuing his own successful career in the navy, employ her son-in-law as agent to remedy the matter.<sup>16</sup> Appointing an agent, however, as Seymour and other proprietors learned, did not necessarily provide a solution. When Seymour subsequently appointed lawyer James Bardin Palmer as his agent, Palmer suggested an additional strategy. Seymour needed, he wrote, to build a saw mill to get what he could of the timber from his lot; otherwise it would be "subject to depredations nearly at the pleasure of the public."<sup>17</sup> In the 1830s, David and Robert Stewart, who owned one of the

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Cambridge"; Bumsted, "John Hill"; J. M. Bumsted, "Sir James Montgomery and Prince Edward Island, 1767-1803," *Acadiensis*, vol. 7, no. 2 (Spring 1978), pp. 76-102; Bittermann, *Rural Protest*, p. 37.

15 Graeme Wynn, "Administration in Adversity: The Deputy Surveyors and Control of the New Brunswick Crown Forest Before 1844," *Acadiensis*, vol. 7, no. 1 (Autumn 1977), pp. 49-65.

16 Warwickshire County Records Office [hereafter WCRO], Seymour of Ragley Papers, CR114A/563/1, Prince Edward Island Letters, No. 1, Ann Callbeck to Robert Berkeley, November 20, 1811; J. K. Laughton, "Seymour, Sir George Francis (1787-1870)," rev. Andrew Lambert, *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online ed., January 2012), <http://www.oxforddnb.com.proxy.hil.unb.ca/view/article/25170> (accessed November 21, 2014).

17 WCRO, Seymour of Ragley Papers, CR 114A/563, 565, Prince Edward Island Letters, No. 1, J. B. Palmer to George Francis Seymour, December 11, 1815 and August 12, 1816.

largest Island estates, were astonished when John Prendergast, one of their agents on the Island, wrote to tell them that thousands of tons of timber had been cut and hauled from their property. The Stewarts, who made their living as professional estate managers in Britain and were seeking to develop an Island estate of a hundred thousand acres, found it difficult to believe Prendergast's account of the scale and nature of the theft, even though, as they wrote to another of their agents, they did not "think him capable of writing ... any thing which he did not firmly believe to be true."<sup>18</sup> A knowledgeable informant writing in the *Prince Edward Island Register* in the mid 1820s suggested that timber theft from the lands of proprietors was "wholesale" and of "an over-whelming magnitude," noting a case where 20,000 tons of timber had been stolen from a 10,000-acre holding.<sup>19</sup>

The extent of timber theft on the Island in the early nineteenth century was extraordinary – "almost incredible," in the Stewarts' words – given the scale of organization and mobilization of labour required to get commercial quantities of timber out of the woods and loaded onto waiting vessels.<sup>20</sup> Farmers who possessed waterfront lands with trees of an appropriate size and quality and had access to labour and oxen could participate in the trade on a small scale, and did so when and where they could, but timber production was not, for the most part, household level activity. The contracts for Island timber signed in 1808-1809 by a London merchant firm, the Goslings, provide some sense of the scale of timber operations in the early 1800s and the size of the wood required to meet the demand. The Goslings chartered 10 vessels in 1809, ranging from 187 to 280 tons, to sail from Britain to Prince Edward Island to pick up the nearly 3,000 tons of timber they had arranged to have cut over the previous winter.<sup>21</sup> For the most part, the Goslings sought squared pine not less than 25 feet in length. They also purchased spars and masts, offering different prices for those more and less than 55 feet in length.<sup>22</sup> Turning standing trees into cargoes of wood of this size, and on this scale, required many men and many yokes of oxen, much logging gear, and sufficient provisions to maintain crews for months of work.<sup>23</sup> As well, it required a good deal of capital.

18 David Stewart claimed the title to the estate in his name, but he and his brother Robert shared a residence and a business in London, and both were closely involved in managing the estate. Thus, here and elsewhere, we speak of the Stewarts' estate. See PARO, Stewart Letterbooks, Acc. 2316/2/46-52, Robert Stewart to William Forgan, November 12, 1834; Bittermann, *Rural Protest*, p. 113.

19 "A Looker-On" to Editor, *Prince Edward Island Register*, June 20, 1826, extracted in Douglas Sobey, *Early Descriptions of the Forests of Prince Edward Island: A Source-Book, Part II: The British and Post-Confederation Periods, 1758-c. 1900, Part B: The Extracts* (Charlottetown: Prince Edward Island Department of Environment, Energy and Forestry, 2006), pp. 108-110.

20 PARO, Stewart Letterbooks, Acc. 2316/2/35-42, Robert Stewart to John Prendergast, October 10, 1834. The term "timber" in this context refers to wood that was sold as "ton timber" or "squared timber," that is, large tree trunks that had been hewn square with an axe. The colonial legislatures attempted to impose standards for "merchantable" timber, including minimum lengths and taper, but often these were lower than those demanded in the trade.

21 Data on the size and loads of the ships the Goslings chartered is drawn from PARO, Records of the Prince Edward Island Collector of Customs, RG 9, Vol. 43. Gosling correspondence and contracts for chartering vessels are in National Archives [UK] [hereafter NA], C112.

22 NA, C112/10/3, Packet 30, Browne to Goslings, November 15, 1808, and Copy of Memorandum between Swinglehurst and Browne, December 21, 1809.

23 Although the distances from shore and the scale of Island timber and masts did not require yokes of 40 oxen such as were, on occasion, used in New England, the demands for draft animals was enough to seriously deplete the Island's growing cattle trade with Newfoundland. See Howard S. Russell, *A Long*,



The Goslings, for example, advanced hundreds of pounds sterling to purchase provisions and pay for the labour needed to cut wood in the Three Rivers region of Prince Edward Island in the winter of 1807-1808, just one of the operations they funded that season.<sup>24</sup>

How many people were actively involved in a typical commercial cutting project in Prince Edward Island woods in the early nineteenth century? Likely the number varied depending on the timber available, the nature of the product the crew had to deliver, and the distance from water, but merchant-organized logging crews of a dozen or more men were, probably, commonplace. How many more people were involved with a typical operation not as loggers, teamsters, or hewers, but as suppliers of credit, provisions, and draft animals? How many people shared a household with people involved in harvesting, supplying the woods operation, or getting the timber to market? There is no adequate answer to these questions, but asking them points to the difficulty of keeping commercial logging operations secret anywhere on the Island. Many people had to know about every significant operation, as commercial logging was a collective project. As well, in a rural community where neighbours mattered for survival, secrets of this sort were as rare as privacy. Prendergast had no trouble discovering who had been doing the cutting on the Stewarts' land; he simply asked his new neighbours.<sup>25</sup>

It is possible that some of the missing timber that the Stewarts and other proprietors regarded as stolen had been cut in error because of uncertainty about the location of property boundaries. In the early nineteenth century, many of the boundaries defining each township, as well as the borders of individual leasehold and freehold properties, were poorly defined on the land itself. Samuel Holland's original Crown survey of the Island, including his estimates of the total acres to be divided into townships, was not entirely accurate, impressive as it was. Decades of work and numerous boundary commissions were required to transform the imaginary lines of the imperial survey into 67 townships with recognizable limits on the ground. Thus land agents could mistakenly lay out farms that were on the wrong side of a township boundary, and there were many cases of proprietors needing, after the fact, to make adjustments for such errors.<sup>26</sup> Apart from cutting sites on the edges of townships, however, it is unlikely that much wood was cut accidentally on the lands of others, and unlikely, too, that the cutting went unnoticed by those who lived in the vicinity or were responsible for managing the land. Yet, in instance after instance, Island proprietors discovered that the most valuable timber on their estates had been taken without their authorization and without their receiving any return for the wood. In short, a privatized resource did not prevent patterns of theft similar to those the state sought to control on Crown lands in neighbouring New Brunswick.

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*Deep Furrow: Three Centuries of Farming in New England* (Hanover, NH: University Press of New England, 1976), p. 173. The Goslings' Island agent, Joseph Browne, reported in 1809 that all the mature oxen on the Island had been purchased to use in the woods hauling timber. See NA, C112/5/5/62-65, Browne to Till, January 20, 1809.

<sup>24</sup> NA, C112/10/30/1299-1300, C[harles] Stewart to Ambrose Gosling, February 25, 1808.

<sup>25</sup> PARO, Stewart Letterbooks, Acc. 2316/2, 46-52, Robert Stewart to William Forgan, November 12, 1834.

<sup>26</sup> See, for instance, PARO, Stewart Letterbooks, Acc. 2316/2, 430-434, Stewart to Lawson, March 31, 1836.

The out-going correspondence of David and Robert Stewart in the 1830s shows their attempts to deal with timber theft from their estate, and provides valuable insights into the challenges that landlords faced. To manage their far-flung estate, which included land on more than half a dozen townships across the Island, the Stewarts employed a professional land agent, William Forgan, as well as two lawyers, John Lawson and Robert Hodgson. Both lawyers were based in the Island's capital, Charlottetown, and held positions in the Island's civil establishment; Hodgson was the Island's attorney general and Lawson was the solicitor general. The Stewarts also engaged residents such as John Prendergast to see to their interests in the various parts of their estate and to report on what happened around them. Following Prendergast's report of unauthorized cutting on the Stewarts' land in the winter of 1834-1835, Robert Stewart wrote Forgan and asked him to investigate and to see whether he could confirm, as Prendergast alleged, that a local shipbuilder and timber merchant named James Yeo was behind timber thefts on two townships that the Stewarts owned in Prince County. Yeo, who had begun working on the Island in the timber and ship-building business a decade and a half earlier, was at the beginning of a career that would see him become the most significant shipbuilder in the history of the colony.<sup>27</sup> Robert Stewart wrote as well to Lawson, who had reported similar thefts from the Stewarts' Township 30 in Queens County. Robert, who could hardly believe what he was learning, queried Lawson, "Is there no law in the Island to restrain such conduct! Are all your laws left handed!" The Stewarts were appalled to discover from Lawson that he had given permission for some logging on Township 30, as they felt, not incorrectly, that doing so would "have no other effect than giving sanction to open plunder." The Stewarts instructed Lawson to cancel the permission and to post a "strong notice" in the Island papers prohibiting people from trespassing on any other part of their estate. If people "will trespass after that, they must abide by the consequences."<sup>28</sup>

In the summer of 1835, after the Stewarts had received yet more news from Lawson and other of their informants on the Island about the loss of their timber, Robert Stewart wrote again to Lawson, directing him to put a notice in the Island papers to "prohibit James Yeo & his Associates in the most positive terms from having anything to do with any thing connected" with the Stewarts' property. Stewart commented on the "deplorable ... state of Morality existing on the Island" and on Lawson's seeming acceptance of widespread timber theft and the sale of stolen timber. Stewart expostulated that a person who would receive stolen goods in Charlottetown would do so in London, too, if he thought that he could do so "with impunity." If such persons were not honest for "fear of God or the sake of having a clear conscience," then the law in Prince Edward Island, as in England, should cause them to fear either

27 Basil Greenhill, "James Yeo," *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto Press, 1976), pp. 855-857. See also Basil Greenhill and Ann Giffard, *Westcountrymen in Prince Edward's Isle* (Toronto: University of Toronto Press, 1975).

28 PARO, Stewart Letterbooks, Acc. 2316/2, 113-122, Robert Stewart to William Forgan, February 4, 1835; Robert Stewart to John Lawson, February 4, 1835.



transportation or the Gallows, [as] the Laws I believe to be the same and only require to be administered and enforced with the same impartiality and firmness to work the like effects in the one Country as in the other ... and though those *respectable* merchants to whom you allude might laugh and hold their heads very high, if they were to be asked payment for the stolen property in their possession, I doubt whether they would find it a laughing matter if they were once seriously indicted for being the receivers of stolen goods ... and from what you say I fear it will be necessary to have recourse to such measures before a stop can be put to the abominable demoralizing & plundering system now carried on in the Island.

Stewart thought that success in the first two or three such cases would “make the plundering system now carried on appear in a very different point of view from what it does at present before the eyes of the reflecting part of the public.”<sup>29</sup>

That fall, Robert Stewart wrote again to complain that Lawson had failed to ban Yeo from the Stewart property, as instructed, and to note that Yeo and his business associates were “building vessels with timber notoriously plundered” from the Stewart estate, “incited on and encouraged in their illegal and disgraceful proceedings by persons in the Island, from whose station in society a very different line of conduct might be expected.” Stewart noted, too, that Lawson had not acted effectively to stop the timber theft. His notices, it seemed, “from their not being followed up, and from the impunity with which the system of plunder has been hitherto carried on, are treated as old ballad.” Recognizing the problems created by the Island’s still rudimentary communications and transportation infrastructure, Stewart directed Lawson to delegate the authority to authorize cutting in eastern Prince Edward Island to Prendergast, as “I have no doubt that many people will run the risk of being detected rather than take the trouble of going to Charlotte Town,” which would be necessary if they had to get permission from Lawson or Hodgson.<sup>30</sup>

Lawson, it seemed, did not share the Stewarts’ sense of outrage over the theft, or their conviction that it could be stopped. Indeed, he wrote to warn them that naming Yeo in newspaper advertisements, as they had asked him to do, and as Prendergast had done without the Stewarts’ permission, made the Stewarts and their agents vulnerable to suits for libel. Robert Stewart asked, with incredulous indignation: “If I find a man plundering my Principal’s property, am I to be debarred from warning him of the consequence of his acts and even to denounce him if he will not refrain?” Robert Stewart noted that they never had hesitated to act in Britain, nor did he “know of any law that can prohibit me nor even know an English jury that would convict me for so doing, and if your Laws be otherwise, they are a mockery of justice. You ask me if such things are done in England & unhesitatingly I answer yes, daily, hourly. I myself have done it repeatedly and will not hesitate to do so again whenever occasion may require it.”<sup>31</sup>

29 PARO, Stewart Letterbooks, Acc. 2316/2, 113-115, 227-237, Robert Stewart to William Forgan, February 4, 1835; Robert Stewart to John Lawson, July 1, 1835.

30 PARO, Stewart Letterbooks, Acc. 2316/2, 308-312, Robert Stewart to John Lawson, October 7, 1835.

31 PARO, Stewart Letterbooks, Acc. 2316/2, 364-368, Robert Stewart to John Lawson, January 5, 1836.

The Stewarts did hesitate, however, in their attempts to use the newspapers and the law to end timber theft on their estate. Neither their correspondence nor the records of Prince Edward Island's Supreme Court case files suggest that they, or the Crown's law officers, proceeded with prosecutions of timber theft at this time. Part of the explanation is likely found in the similar difficulties that the Stewarts were having in collecting rent from tenants who were farming their estate lands. While they were writing to Lawson about timber theft, they also queried him about legal action to recover arrears of rent owing from tenants on the far eastern portion of their estate. Lawson had acted on their behalf against 11 tenants with little success, although the work had generated invoices for his services that Lawson submitted to the Stewarts for payment. By the summer of 1836, Robert Stewart asked Lawson to stop legal proceedings against the tenants. It was, he wrote, just throwing good money after bad, and "the Property will not bear it." The colony was, the Stewarts thought, "morally disorganized," and there appeared to be "an utter want of principle and honesty amongst a great majority of the people, the growth of which evil, if not encouraged, at least has not been checked in the manner in which it ought to have been done by those in authority."<sup>32</sup> Similar complaints came from those managing the Selkirk estate – which comprised more than 100,000 acres and included townships and partial townships in all three of the Island's counties – suggesting that timber theft and rent resistance had become part of a broader pattern grounded in government failure to uphold the rights of property.<sup>33</sup>

There was nothing new in the Stewarts' perceptions that timber theft had become commonplace on the Island, or in their frustrated attempts to stop it. In the first two decades of the nineteenth century, Thomas Wright, agent for Isaac Todd, offered a reward to anyone providing information leading to the successful prosecution of persons taking pine or other timber from Todd's estate on Township 19.<sup>34</sup> In 1809, Edmund Fanning, the Island's former lieutenant governor, appointed a forest ranger with authority to prosecute anyone cutting or damaging trees on his half of Township 65, just across the harbour from Charlottetown, and to seize and sell any timber that had been cut illegally.<sup>35</sup> In 1819, Stephen Sullivan, absentee owner of nearly 80,000 acres, engaged Samuel S. Hill to prosecute for timber theft from the Sullivan estate. Hill, who lived at Lewiston (now Alberton South) in Prince County, ran newspaper notices throughout the summer and fall of 1819 threatening to deploy "the utmost rigor of the law" against anyone who cut or carried away timber from the Sullivan estate. The notices also promised a reward to any person providing information that assisted in bringing offenders to justice.<sup>36</sup> In 1820, Andrew MacDonald, a timber merchant and resident proprietor at Three

<sup>32</sup> PARO, Stewart Letterbooks, Acc. 2316/2, 489-495, Robert Stewart to John Lawson, August 2, 1836.

<sup>33</sup> LAC, Selkirk Papers, MG 19, E1, vol. 74, pp. 19282-19287, George Young to Lord Glenelg, April 30, 1838.

<sup>34</sup> *Royal Herald* [Charlottetown], February 16, 1805.

<sup>35</sup> PARO, Land Conveyances, RG 16, Liber 15, Folio 224-225, Deed of Appointment, Edmund Fanning to Peter McMahon, February 10, 1809; J. M. Bumsted, "Edmund Fanning," *Dictionary of Canadian Biography*, vol. 5 (Toronto: University of Toronto Press, 1983), pp. 308-312.

<sup>36</sup> PARO, Land Conveyances, RG 16, Liber 27, Folio 37, Sullivan to Hill, June 9, 1819, Power of Attorney; *Prince Edward Island Gazette*, August 16, 1819 through to December 8, 1819.

Rivers, became Sullivan's land agent in Kings County; he made the same threat, but without the offer of a reward.<sup>37</sup> Similar notices were published by various land agents throughout the 1830s and 1840s, noting the theft of timber, as well as theft of products for local use such as firewood and longers for rail fences.<sup>38</sup>

What, then, is the answer to the Stewarts' question, "Is there no law in the Island to restrain such conduct!?" Early in its history as a British colony, during the first intimations of an emergent timber trade, the Island legislature had enacted laws that purported to provide landowners with protection against timber theft. The 1780 *Act to Prevent the Cutting of Pine or Other Trees Without the Permission of the Proprietor* required those cutting timber to have a written licence from the owner of the land on which they were cutting, and it encouraged enforcement with a provision that any penalties levied under the Act would be divided equally between the proprietor and anyone who informed local authorities of the illegal cutting.<sup>39</sup> A limitation period of six months from the date of the timber theft, however, made prosecution unlikely in a colony where much of the forest land was owned by absentees. Nonetheless, this time limit remained unchanged in subsequent legislation. An amendment passed in 1817, after the timber boom was well underway, removed the provision that rewarded informants who brought prosecutions; henceforth only proprietors could claim any penalties or forfeitures specified in the legislation.<sup>40</sup> Given the strong anti-proprietorial feeling on the Island, Lieutenant Governor C. Douglass Smith, who had been appointed to his post four years earlier in a bid to suppress popular unrest, thought it necessary to reassure colonial officials in London that the change did not "take away power ... for the prevention of the evils in question," but rather, according to the "professional explanation" of the Island's Attorney General William Johnston, "in fact gives powers." To Johnston's knowledge, there had been no prosecutions brought by informers across a third of a century, and he explained how removing the reward for informers would be "a most beneficial change" that would increase the likelihood of prosecutions. Johnston argued that, because informers obtained half of any penalty paid by an offender after a successful prosecution, the landowner was precluded from compelling a suspected timber thief to reply to "a bill of discovery in Equity, which is the only mode of obtaining evidence in covert trespasses of this kind, it being a well known rule in Equity that no man is bound to answer a bill that by so doing might subject him to a penalty." Under the amended act, the penalty was payable only to the proprietor, who could proceed with a bill of discovery by waiving the penalty. Proprietors who had found Johnston to be an unsatisfactory land agent were unlikely to find much comfort in this ingenious argument.<sup>41</sup>

37 *Prince Island Gazette*, February 2, 1820 through to May 10, 1820.

38 *Royal Gazette* [Charlottetown], November 20, 1832; June 18, July 23, August 20, and November 26, 1833; August 26, 1834; January 20, 1835, June 23 and December 15, 1840.

39 *Statutes of P.E.I.*, 1780, c. 4.

40 *Statutes of P.E.I.*, 1817, c. 2.

41 NA, CO 226/32, C. Douglass Smith to Colonial Office, August 8, 1817, enclosing Memo from W. Johnston, pp. 78-80; M. Brook Taylor, "William Johnston," *Dictionary of Canadian Biography*, vol. 6 (Toronto: University of Toronto Press, 1987), pp. 359-361; Bittermann and McCallum, *Lady Landlords*, pp. 36-41.

Although the financial penalties that Island statutes imposed for illegal cutting could be significant, they appear not to have deterred timber theft. Certainly, there were ways for those involved in cutting wood illegally to minimize risk. Cutting timber on the lands of absentee proprietors who had no agent on the Island was, obviously, safer than cutting on lands that were actively managed or locally owned. Cutting timber on lands that were in the process of being transferred from owner to owner, or where there were problems with the title, offered some protection as well. It is possible, for instance, that the Stewarts were being victimized because others knew that some of the townships they were claiming in the mid-1830s were not yet theirs. Several of the Stewarts' township purchases remained in limbo for years for reasons that are not entirely clear. Those on the Island with inside knowledge of problems of ownership and title, often grounded in events in Britain where most of the absentee owners lived, possessed knowledge of great value for the trade in illegally cut wood.

One could also minimize the chances of being prosecuted for illegal cutting by acquiring cutting rights from a land agent and then taking more than had been authorized. The Stewarts believed that Lawson had created exactly this situation on one of their townships, and they could not understand why he did not put a stop to it. Leases for sawmills sometimes provided similar openings for theft, with clauses that permitted the sawyer to cut wood to support the enterprise. The Earl of Westmorland and Lord Melville, prominent players in British politics whose marriages made them absentee proprietors of 20,000 acres on Township 29, paid for the construction of a sawmill on the Westmorland River. Their land agent then granted a lease of the mill for 10 years at £50 per year, on terms that gave the mill tenant the right to harvest pine for sawing from the unsettled portions of the property. When the proprietors subsequently shifted the agency to James Bardin Palmer, he claimed, as he had after acquiring the agency for Seymour's Township 13, that his predecessor had failed to prevent unauthorized cutting on the property. Palmer also condemned the lease for the mill as "most improvident and injurious to the estate," reporting that the mill tenant had not only cut pine for sawing, but also to sell as whole logs.<sup>42</sup> Westmorland and Melville came to believe, however, that Palmer was no better than the agent whom he had replaced, as he also appeared to have leased sawmills on terms that did not generate an adequate return to the proprietor, and to have sold timber without accounting for it.<sup>43</sup>

The Island's regulatory regime, or lack thereof, was certainly a crucial aspect of persistent timber thefts. In 1826, a person writing to the newspaper using the

42 PARO, Land Conveyances, RG 16, Liber 23, Folio 476-482, Earl of Westmorland and Viscount Melville to Benjamin Pollard, January 4, 1815; National Archives of Scotland [hereafter NAS], Bonar, Mackenzie and Kermack Collection, GD 235/10/16/174-175, J. B. Palmer to Westmorland, November 27, 1817.

43 PARO, Land Conveyances, RG 16, Liber 35, Folio 277-280, Earl of Westmorland and Viscount Melville to Michael Hayes; NAS, Bonar, Mackenzie and Kermack Collection, GD 235/10/16/196-197, J. Stewart to Melville, April 27, 1827. Westmorland and Melville obtained their interests in Township 29 through their wives, Jane and Anne Saunders, who had inherited the property from their grandfather. According to Anne, as of the late 1820s, the Melville's Prince Edward Estate had failed to generate any profits. See National Library of Scotland [hereafter NLS], Cochrane Papers, Ms. 2269/183-189, Anne Melville to Thomas Cochrane, March 12, 1827.

name of “Looker-On” noted that, in Britain, cutting another’s trees was a felony, not a mere trespass as it was on the Island. The writer acknowledged that a more severe penalty would decrease the likelihood of successful prosecutions, “as there is a sort of beggar-opera honour among timber-stealers, which, with the fear of vengeance, disinclines them to give information.” As an alternative, Looker-On recommended a timber surveying system to ensure that wood was cut only with the proprietor’s authorization, and that timber buyers be held liable if they bought wood of doubtful provenance.<sup>44</sup> In the years that followed, the legislature continued to revise the Island’s legislation dealing with timber trespass, raising the level of fines, fine-tuning which cases could be heard by justices of the peace and which had to be taken to the supreme court, and providing for the Crown to receive half the fines for successful prosecutions under the act. The legislature did not, however, restrain the illegal trade by requiring merchants to verify that the wood they bought had been procured legally or by providing for the prosecution of merchants who bought and sold stolen timber.<sup>45</sup>

The assembly’s failure to be more proactive in developing a regulatory regime that would stop timber theft must be understood in the context of the larger land question that dominated Island politics for the first century of its existence as a British colony. In the first two decades of the timber boom, leading members of the Island’s merchant and professional community controlled the Island’s house of assembly. More than a third of the members of the 12th General Assembly, which began deliberations in the mid 1820s, were shipbuilders, and more than half were involved in the timber and shipbuilding trades.<sup>46</sup> Beginning in the 1830s, however, protest against the Island’s proprietorial system began to move from the countryside into the assembly. In 1838, the Island’s commercial and professional elite lost control of the assembly to the Escheat Party, so named because it called for the Crown to escheat the grants of large estates so that they could then be granted to actual settlers in small freeholds. It is not surprising that Escheat advocates, who clearly and directly challenged proprietors’ property claims, showed little interest in using their control of the assembly to protect landlords’ property rights in the forests on their estates. With the defeat of the Escheat Party in 1842, however, the lawyers, land agents, major shipbuilders, and merchants who regained control of the assembly did not act effectively to stop this theft either. Men who characterized the platform of land reformers as theft, describing its advocates as members of the “Cheat Party,” and who joined landlords in condemning rent strikes and in demanding exemplary punishment for those resisting the seizure of goods for rents due, nonetheless seemed to tolerate and accept timber theft. From Robert Stewart’s perspective, those engaged in the “abominable demoralizing & plundering system now carried on in the Island” were being “backed and supported, nay urged on, by persons in the Island whose paramount duty it ought to be to put a stop to such unprincipled proceedings.”<sup>47</sup>

44 “A Looker-On” to Editor, *Prince Edward Island Register*, June 20, 1826, extracted in Sobey, *Early Descriptions*, pp. 108-110.

45 *Statutes of P.E.I.*, 1817, c. 5; 1833, c. 2, s. 19; and 1835, c. 3; *Revised Statutes of P.E.I.*, 1849, c. 16, s. 3, 4.

46 Bittermann, *Rural Protest*, p. 44.

47 PARO, Stewart Letterbooks, Acc. 2316/2, 227-237, 308-312, Stewart to Lawson, July 1 and October 7,

By the 1830s, the Stewarts and other landlords increasingly felt beleaguered. Island tenants and small freeholders were mounting an ever more powerful, and public, campaign to stop the flow of rents and to force the government to escheat (or otherwise reclaim) landlords' holdings. At the same time, local elites who had been the landlords' political allies in resisting radical land reform were also undermining landlords' interests. In the assembly, members of the local business community, many land agents included, were lending support to legislation that, in a variety of ways, transferred the costs of government and of developing the Island's infrastructure from local farmers and entrepreneurs to owners of large estates. New land taxes, legislation assigning much of the cost of road construction to proprietors, and similar laws concerning the costs of surveying county and township boundaries were all shifting wealth and power away from proprietors and toward the colonial business community. The Island elites who helped to orchestrate these initiatives did not describe their legislation as anti-proprietorial, but landlords like the Stewarts characterized it as such and thought it damaging to their interests.<sup>48</sup> The actions of the merchant and professional elites who controlled the assembly were part of a pattern of political behaviour that the Stewarts and their allies characterized as "wanton attacks made upon private property."<sup>49</sup>

Timber theft on the Island had much in common with the legislative initiatives that proprietors found objectionable. It too represented a transfer of power and property from proprietors to, for the most part, the Island's merchant community. Large-scale, systemic timber theft gave Island entrepreneurs the ability to set the place and pace of timber cutting on the Island and ensured that more of the proceeds from the industry went into local hands than would otherwise have been the case. Certainly, too, illegally harvested wood broadened the supplies available to local shipbuilders and reduced their costs, so long as the cutting took place on other people's lands. Given the level of organization and capital required to engage in the timber trade in the early nineteenth century, timber theft could only be widespread if members of the merchant community funded, orchestrated, and benefited from it, as they did. It could only be "universal," as one observer described it, if timber merchants in general paid little attention to where the wood they purchased originated, which was the case, as the Stewarts discovered.<sup>50</sup>

Proprietor George Seymour's response to the timber theft problem on Township 13 reveals a great deal about the intractability of the problem and its implications for owners of large estates. By 1840, when Seymour took the opportunity to visit his estate with his son, he had been hearing for decades that the timber was being stripped from his property. Over the years, he had tried to stop the losses, and had repeatedly failed. As he toured his estate, Seymour took note of "the plunder of timber" and that it appeared to be ongoing. Everywhere he went on Township 13,

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1835.

48 The first volume of the Stewart Letterbooks provides year by year responses to the assembly's various tax initiatives and a sense of the breadth of the landlord community that the Stewarts rallied to oppose these (PARO, Stewart Letterbooks, Acc. 2316/1).

49 PARO, Stewart Letterbooks, Acc. 2316/2, 116-122, Stewart to Lawson, February 4, 1835.

50 "A Looker-On" to Editor, *Prince Edward Island Register* [Charlottetown], June 20, 1826, p. 1, extracted in Sobey, *Early Descriptions*, pp. 108-110.



he saw evidence of his agent “Mr Palmer’s knavery” as Seymour described it.<sup>51</sup> Palmer was, by this time, dead, after a distinguished, albeit controversial, career in Island politics during which he served on the combined legislative and executive council, as well as in the elected house of assembly.<sup>52</sup> Ironically, James Yeo was one of the guides for the Seymours on their 1840 tour, even though the Seymours were aware that Yeo had illegally obtained timber from their estate. Yeo had just been elected to the Island’s house of assembly.<sup>53</sup> Six years after this visit, Seymour decided to appoint Yeo as his land agent, in part because he had concluded that Yeo already controlled what was happening on his estate and might be able to make it yield returns. The Island’s colonial secretary, Thomas Heath Haviland, who served as one of Seymour’s advisors, approved of the choice. As he noted in a letter to Seymour’s son, given that Yeo “has already pretty much stripped the Lot of what little timber it possessed ... it is scarcely susceptible to further damage.”<sup>54</sup>

Seymour’s visit occurred at a time when the Escheat Party, under the leadership of William Cooper, controlled the house of assembly and was using its majority to press for sweeping land reforms. Although the imperial government refused to act on popular demands for an escheat, land reform agitation fundamentally changed what was possible for estate owners. Cooper’s party made landlord-tenant relations a public issue, forcing the government to make inquiries into the cause of rural unrest and forcing landlords to offer concessions to their tenants. As well, Escheat activism prompted the Island’s lieutenant-governor to urge the imperial government to fund a buyout of landlords’ holdings. Out of sight from public view, persistent challenges to landlords’ property claims, those of timber theft included, were scaring off entrepreneurs who were considering buying Island estates, and were undermining investor confidence in land company plans that the Stewarts and other owners of large estates sought to bring to fruition.<sup>55</sup>

In his notes to himself after his trip to Prince Edward Island, George Seymour assessed what he had learned from his visit to the colony and considered the possibility of a government buy-out of proprietors’ estates. If the state was going to become involved “in the management of the relation between landlord and tenant” beyond the modest role it had assumed to date, Seymour decided that he was in favour of “authorizing the purchase of the lands at a fair price in preference to retaining them in a colony when the proprietors have more difficulties to contend with and fewer advantages to look to than in any part of the British dominions.”<sup>56</sup> Other landlords were coming to similar conclusions.<sup>57</sup> In 1857, Seymour sold his estate to James Yeo, but his reflections on the possibilities of government acquisition of proprietors’ estates, with compensation, contributed to ongoing discussions on the Island and in the Colonial Office concerning how to

51 Douglas Sobey, “Prince Edward Island in 1840: The Travel Journal of Sir George Seymour,” parts 1 and 2, *Island Magazine*, vol. 54 (Fall/Winter 2003), pp. 26-33, and vol. 55 (Spring/Summer 2004), pp. 2-7.

52 H. T. Holman, “James Bardin Palmer,” *Dictionary of Canadian Biography*, vol. 6 (Toronto: University of Toronto Press, 1976), pp. 565-569.

53 Greenhill, “James Yeo,” pp. 855-857.

54 WCRO, Seymour of Ragley Papers, CR114A/565, Haviland to Captain Seymour, March 23, 1846.

55 Bittermann, *Rural Protest*; PARO, Stewart Letterbooks, Acc. 2316/1-2.

56 WCRO, Seymour of Ragley Papers, CR114A/564, George Seymour memo, November 20, 1840.

57 NA, CO 226/60/550-551, Charles Worrell to Lord John Russell, December 17, 1840.

resolve tensions arising from the Island's land system. Ultimately the resolution of the land question included voluntary and compulsory government purchase of landlords' estates.<sup>58</sup>

The most visible forces closing down the various proprietor plans for benefiting from large-scale landownership on Prince Edward Island were those arising from tenant and small freeholder resistance, in the political arena and through direct action. But other forces undermined proprietors' power as well. Legislation that in one way or another taxed proprietors weakened their economic position. So too did timber theft. Estate papers for landowners such as the Stewarts, Seymour, the Melville and Westmorland families, and others suggest that, for the most part, landlords failed to control cutting on their lands and failed as well to capture the returns for stumpage. Certainly the pattern that Wynn describes regarding Crown land in New Brunswick, where the Crown collected significant stumpage fees, did not hold for the lands controlled by Prince Edward Island's leading proprietors. Although in theory the Island's woodlands were private property and stumpage fees were due to the owners, during much of the period of the timber economy, large portions of the Island's forest land were treated in a manner closer to that of an open-access resource.

Wynn notes that in New Brunswick the Crown – which owned most of the colony's forests – and the Crown's institutions “were accepted by the most influential political and social figures in the Province as a necessary and vital part of colonial society.” The Crown's assertion of rights to control timber resources was, thus, sustained by public discourse. In New Brunswick, successful Crown management of forest resources during the years of the timber economy helped “to preserve the pattern of Crown forest ownership in the province.” In Prince Edward Island, the reverse was the case; the timber economy undermined existing property relations, as landlords' claims to property rights lacked similar support. During the years of the timber trade, many of the Island's leading proprietors found themselves unable to defend their forest property effectively. Proprietors' lack of success in managing their woodlands and in capturing stumpage fees during a period of sustained economic growth based on wood exports reduced their ability, and willingness, to protect and expand their Island investments and to defend the proprietorial system of ownership of large estates. Complete restructuring of the land system that imperial authorities had established in the 1760s did not come until the 1870s, and yet other issues shaped that outcome, but proprietors' inability to protect their property rights during the years of the timber trade contributed to the decline of the proprietorial system.<sup>59</sup>

58 Greenhill, “James Yeo”; Bittermann and McCallum, *Lady Landlords*, pp. 96, 135-136; Bittermann, *Rural Protest*, p. 255.

59 Wynn, “Administration in Adversity,” pp. 62-63. Island antipathy to large land holdings continues today, with limits on land ownership set at 1,000 acres for individuals and 3,000 acres for corporations. See *Prince Edward Island Lands Protection Act*, Consolidated Statutes of Prince Edward Island, c. L-5, s. 2, <http://www.irac.pe.ca/document.aspx?file=legislation/LandsProtAct.asp>.