

Lady Landlords and the Final Defence of Landlordism on Prince Edward Island: The Case of Charlotte Sullivan

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Most of the proprietors and politicians involved in the century-long struggle to end landlordism on Prince Edward Island were men. By 1875, however, when legislation compelled proprietors to sell their estates to the government, women owned some of the Island's largest estates. One of these, Charlotte Sullivan, fought the legislation in the Colonial Office, the public press, and the newly established Supreme Court of Canada. Charlotte's activities as an Island landlord were very much in keeping with her activities as a member of London's elite. On Prince Edward Island, however, she was fighting a losing battle to maintain ownership of her 66,000-acre estate.

La plupart des propriétaires et des politiciens mêlés à la lutte séculaire pour mettre fin au régime de la grande propriété foncière à l'Île-du-Prince-Édouard étaient des hommes. Mais en 1875, lorsque les propriétaires furent tenus par la loi de vendre leurs domaines au gouvernement, les femmes possédaient certains des plus grands domaines de l'Île. L'une d'elles, Charlotte Sullivan, combattit la loi dans le bureau des colonies, dans la presse et devant la toute nouvelle Cour suprême du Canada. Les activités de Charlotte en tant que propriétaire foncière de l'Île, étaient tout à fait conséquentes avec ses activités en tant que membre de l'élite londonienne. Mais à l'Île-du-Prince-Édouard, elle menait une lutte sans lendemain pour conserver la propriété de son domaine de 66 000 acres.

THE 1763 TREATY of Paris ending the Seven Years War greatly expanded the British Empire in North America and created opportunities for British subjects to profit from newly acquired lands. In the case of the 1.4-million-acre island in the Gulf of St. Lawrence that would become the British colony of Prince Edward Island, imperial planners chose to use land as a reward for wartime service.¹ The colony was divided into 67 large lots and these were distributed, in whole or in part, by conditional grant to approximately 100 pro-

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¹ It was called Île Saint-Jean at the time of conquest, then Saint John's Island, and was renamed Prince Edward Island in 1799.

prietors, many of whom had played a significant role in the conquest of New France. The terms of the grants included the payment of quit rents and responsibility for ensuring settlement. Most of those holding these large grants chose to make land available through lease, rather than by conveying the land permanently as small freeholds.² As a result, Prince Edward Island became a colony of landlords and tenants. Large conditional grants and the emergence of a leasehold system of rural settlement were not unique to the colony, but the persistence of extensive landlordism on Prince Edward Island across much of the nineteenth century set it apart from adjacent colonies in British North America. In the jurisdictions that became modern New Brunswick and Nova Scotia, most large grants were escheated and the lands within them made available as small freeholds, primarily in response to the need to accommodate refugees from the American Revolution.³

The proprietors who were the initial beneficiaries of the British conquest of the Island were all men.⁴ As recent studies of imperial history make clear, however, empire changed the opportunities and context for women's lives as well as men's.⁵ In the case of Prince Edward Island, the inclusion of the colony within the empire and the persistence of large holdings created possibil-

2 The names of the grantees and the provisions of their conditional grants are contained in *Acts of the Privy Council of England*, August 26, 1767, in *Colonial Series, Vol. V, A.D. 1766–1783*, edited through the direction of the Lord President of the Council by James Munro (London, 1911), pp. 56–80. Secondary sources dealing with early imperial land policy on the Island include: F. W. P. Bolger, "The Beginnings of Independence, 1767–1787", in F. W. P. Bolger, ed., *Canada's Smallest Province: A History of Prince Edward Island* (Charlottetown: The Prince Edward Island 1973 Centennial Commission), pp. 37–65; J. M. Bumsted, "The Origins of the Land Question on Prince Edward Island, 1767–1805", *Acadiensis*, vol. 11, no. 1 (Autumn 1981), pp. 43–56; 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), chap. 4.

3 Margaret Ells, "Clearing the Decks for the Loyalists", Canadian Historical Association, *Annual Reports* (1933), pp. 43–58.

4 After the Island was established as a separate colony, the colonial government distributed islands that had not been included in the original grants. The grant of one of these, that of Governor's Island, was made to a woman, Susanna Torriano, Governor Patterson's mistress. With this exception, none of the original grants of townships nor of islands were made to women. Public Archives of Prince Edward Island [hereafter PAPEI], RG 16, PEI Registry Office Conveyances 1769–1872, Liber 1¹, Folio 143–5.

5 The growing literature on the interconnected story of women's participation in empire and the significance of empire to the lives of women in the imperial centre includes: Margaret Strobel, *European Women and the Second British Empire* (Bloomington: Indiana University Press, 1991); Nupur Chaudhuri and Margaret Strobel, eds., *Western Women and Imperialism: Complicity and Resistance* (Bloomington: Indiana University Press, 1992); Antoinette Burton, *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865–1915* (Chapel Hill and London: University of North Carolina Press, 1994); Ruth Roach Pierson and Nupur Chaudhuri, eds., *Nation, Empire, Colony* (Bloomington: Indiana University Press, 1998); Catherine Hall, "The Rule of Difference: Gender, Class and Empire in the Making of the 1832 Reform Act", in Ida Bloom, Karen Hegemann, and Catherine Hall, eds., *Gendered Nations: Nationalisms and Gender Order in the Long Nineteenth Century* (Oxford and New York: Berg, 2000), pp. 107–135; Lisa Chilton, "A New Class of Women for the Colonies: The Imperial Colonist and the Construction of Empire", *Journal of Imperial and Commonwealth History*, vol. 31, no. 2 (2003), pp. 36–56.

ities for women, resident in Britain and on the Island, to become colonial landlords. This possibility ultimately ended, for women and men, when in 1875 the government of the new Canadian province of Prince Edward Island passed compulsory land purchase legislation designed to end landlordism on the Island, and with it a century of tenant protest against the leasehold system. By this time, many Island landlords were female. Roughly one-third of the money the Island government paid for compulsory purchases went to more than a dozen women landlords.⁶

One such woman was Charlotte Sullivan, whose estate, roughly 66,000 acres at the time it was expropriated, was the largest Island estate held at any time by a woman and one of the most extensive estates in more than a century of landlordism in the colony. Charlotte's decisions concerning its management were central to the history of the Island land question in the 1860s and 1870s. Despite an offer to purchase from the Island government in the mid-1860s and pressure to sell, she refused. Instead, Charlotte sought to protect her interests in colonial land by lobbying imperial officials to block legislation that was inimical to landlord interests, including legislation permitting compulsory purchase. When lobbying failed, Charlotte turned to the courts to challenge the expropriation of her land under the 1875 *Land Purchase Act*. Ultimately, her case made it to the newly formed Supreme Court of Canada. The decision in *Kelly v. Sullivan*, the Supreme Court's first reported case, upheld the *Land Purchase Act* and the decisions of the Land Commission that determined how much Charlotte would receive for her estate. Charlotte Sullivan's loss marked the end not just of her resistance but of landlordism on the Island.⁷

To be comprehensible, the history of the Island land question requires analysis of the role of women, a truth that is increasingly apparent in imperial history more generally. The case has already been made for the importance of women's agency in tenant resistance to landlordism on the Island and for a gendered reading of rural protest.⁸ Such analysis is required as well for the actions of landlords, not just because some landlords were women, and not just because some of these women played significant roles in the struggle to defend proprietors' interests. The social and political construction of gender shaped the choices of landlords and informed the responses their actions generated. When owners of Island estates faced increased pressure to sell their properties in the decades after mid-century, their gender shaped the context

6 Prince Edward Island House of Assembly [hereafter PEIHA], *Journals*, 1876, Appendix E. This figure does not include the 14,000-acre estate of Georgiana Fane, who died before her Island properties were purchased by compulsion, leaving her estate to her nephew, Spencer Cecil Brabazon Ponsonby Fane.

7 A final expropriation took place in 1895, also of an estate owned by a woman. PEIHA, *Journals*, 1896, Appendix D and Appendix M, Report of the Commissioner of Crown and Public Lands for the Year 1895.

8 Rusty Bittermann, "Women and the Escheat Movement: The Politics of Everyday Life on Prince Edward Island", in Suzanne Morton and Janet Guildford, eds., *Separate Spheres: The World of Women in the 19th Century Maritimes* (Fredericton: Acadiensis Press, 1994), pp. 23–38.

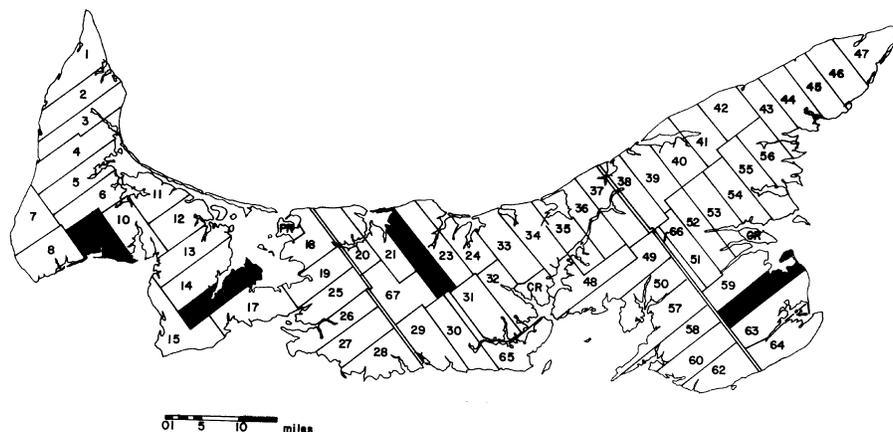


Figure 1 Sullivan holdings in Prince Edward Island, 1783.

for their decisions; when proprietors sought to make their voices heard in defence of their property claims, the gender of the speaker mattered. In the case of Charlotte Sullivan, her choices as an Island landlord and the role she assumed in the defence of landlord interests were informed by her experience of being a wealthy, unmarried woman living in the imperial centre.

Charlotte Sullivan became an Island landlord in January 1866, following the death of her father, Laurence Sullivan.⁹ The Island estate that she inherited was the result of purchases of her great-grandfather, also named Laurence Sullivan, nearly a century earlier. In the late 1760s, almost immediately after the imperial government indicated its decision to distribute Island lands in large lots to men who would promote settlement, the senior Laurence Sullivan began purchasing original grantees' rights to their lots. By 1783 Sullivan had acquired four townships on Prince Edward Island and assembled an estate of roughly 80,000 acres (see Figure 1).¹⁰ Unlike that of most of the original grantees, the senior Laurence Sullivan's imperial involvement lay not with the North Atlantic and the Americas but with India, where he had served intermittently as a chairman of the East India Company. There he had acquired the fortune that created the estate that Charlotte inherited.¹¹

⁹ *Gentleman's Magazine*, February 1866, p. 274.

¹⁰ London, Public Record Office, Colonial Office Records [hereafter CO] 226/3/7, John Stewart to Lord North, June 29, 1783. In the case of Lot 16, a 20,000-acre lot in eastern Prince Edward Island, Sullivan bought the rights of the original recipients of the land before their grants were issued, and as a result appears to be an original grantee, though he was not. PAPEI, RG 16, Prince Edward Island Registry Office Conveyances, 1769–1872, Reel 1, Liber 1¹, Folio 114–17, Grant of Lot 16, October 5, 1769.

¹¹ P. J. Marshall, "Laurence Sullivan (c. 1713–1786)", *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), [on-line publication, <http://www.oxforddnb.com/view/article/38032>], accessed September 23, 2005; *Fulham Chronicle*, April 7, 1911.



Figure 2 Broom House, 1911 (permission of Corporation of London, London Metropolitan Archives).

Charlotte's father was born in Calcutta. Educated in Edinburgh and Cambridge, he made his career in London, entering employment at the War Office in 1806.¹² He became Deputy Secretary of the War Office in 1826 and remained in the post until 1851.¹³ Charlotte grew up in the magnificent house he purchased in 1823, the year before she was born (see Figure 2).¹⁴ Broom House, which was in Fulham, overlooking the Thames, was one of many riverside mansions constructed on the western outskirts of London in the second half of the eighteenth century, as nabob wealth funded opulent housing.¹⁵ Like the adjacent Hurlingham House, which persists as the exclusive Hurlingham Club, Broom House was built in the 1760s.¹⁶

12 *Gentlemen's Magazine*, February 1866, p. 274; Oxford University, Bodleian Library, Ms. Eng. b. 190/57, Dugald Stewart to Stephen Sullivan, December 9, 1799.

13 Kenneth Bourne, ed., *The Letters of the Third Viscount Palmerston to Laurence and Elizabeth Sullivan, 1804–1863* (London: The Royal Historical Society, 1979), pp. 18–19.

14 P. D. Whitting, ed. *A History of Fulham to 1965* (Fulham: Fulham Historical Society, 1970), pp. 98–99.

15 Peter Thorold, *The London Rich: The Creation of a Great City, from 1666 to the Present* (London: Viking, 1999), pp. 184–185.

16 Leslie Hasker, *The Place Which is Called Fulham: An Outline History of Fulham from Roman Times until the Start of the Second World War* (Fulham: Fulham and Hammersmith Historical Society, 1981), p. 64.

We know little about Charlotte's childhood and schooling and can only speculate about what life must have been like in the Sullivan household. Born in 1824, she was the youngest of five children. Her elder brother Stephen was 12 the year she was born and, after being educated privately at home, he began study at Cambridge when she was six. Henry, her other brother, was also educated at home before leaving for Oxford when Charlotte was nine. Given their class, the three Sullivan girls were probably educated entirely at home, and much of Charlotte's childhood must have been spent in the company of her sisters.¹⁷ The older of the two, Elizabeth, did not marry until 1851, when Charlotte was in her late twenties, and the other, Mary Catherine, not until 1865.¹⁸

Charlotte's mother Elizabeth was the sister of the third Viscount Palmerston, who, after entering the House of Commons in 1802, became one of the leading political figures of his time, even before becoming prime minister in 1855. Elizabeth's marriage to Sullivan in 1811 was product in part of Laurence's close friendship with Palmerston during their student years at Cambridge.¹⁹ The extensive correspondence between Palmerston and the Sullivan household gives evidence of the strong and enduring friendship between Palmerston and Charlotte's parents and suggests that Charlotte grew up immersed in British politics. Local lore has it that Palmerston drew up British plans for the Crimean War at Broom House.²⁰ Palmerston was a frequent guest of the Sullivans, often riding out from London to spend the day; his letters to both Charlotte's mother and her father are rich with the details of political life. Because of Laurence Sullivan's work and his personal connections, Broom House became an important social centre for many leading statesmen of the day.²¹ After Charlotte's brother Stephen entered the foreign service in 1832, his letters, if not his presence, must have added to her awareness of foreign affairs, as would, of course, her father's work with the War Office in London.²²

Charlotte's comfortable childhood circumstances were shattered by the death of her mother in 1837. Charlotte was 13 when her mother died and it seems that she and her sisters, who were 23 and 17, assumed the responsibil-

17 M. Jeanne Peterson, *Family, Love and Work in the Lives of Victorian Gentlewomen* (Bloomington and Indianapolis: Indiana University Press, 1989), pp. 35–57; Pat Jalland, *Women, Marriage and Politics, 1860–1914* (Oxford: Oxford University Press, 1986), p. 10. Jalland notes that women from upper-class families such as the Sullivans benefited too from access to their fathers' libraries (p. 16).

18 Bourne, ed., *The Letters of the Third Viscount Palmerston*, pp. 22–27; Whitting, ed. *A History of Fulham*, p. 99.

19 Bourne, ed., *The Letters of the Third Viscount Palmerston*, pp. 5–8.

20 *West London and Fulham Times*, April 7, 1911; Charles James Feret, *Fulham, Old and New: Being an Exhaustive History of the Ancient Parish of Fulham*, vol. 3 (London: Leadenhall Press, 1900), p. 248.

21 *West London and Fulham Times*, April 7, 1911; *Fulham Chronicle*, April 7, 1911.

22 Jalland notes the significance of visitors in providing educational opportunities for daughters in political families such as the Sullivans in *Women, Marriage and Politics*, pp. 16–17.

ities for managing Broom House and its many servants.²³ Laurence did not remarry and continued to commute to the War Office in London for another 14 years before choosing to retire.²⁴ Charlotte's uncle, Viscount Palmerston, lamented that his bachelor circumstances undermined his ability to help fill the domestic void left by his sister's death.²⁵ Following Palmerston's marriage to the widowed Lady Cowper in 1839, he did his best to remedy this, and Charlotte seems to have been a regular guest in their house when she was in her early twenties.²⁶

Did Elizabeth Laurence's death blight the marriage prospects of her daughters? Does this help explain her oldest daughter's late marriage at the age of 37 to a widower with a large family, the unseemly marriage of Mary, age 45, to the 77-year-old vicar of Fulham, also a widower, and Charlotte's spinsterhood? It probably was a major factor, given that, by the norms of the day, the expectation in households such as the Sulivans was that at least one daughter would remain unmarried and manage the family home for a widower father.²⁷ Continuing tragedies in the family surely added to the sisters' domestic responsibilities and burdens, as well as possibly deterring suitable suitors. Stephen suffered from serious health problems, a scandalous love life, and an irascible personality. The latter two traits may have contributed to his murder in Lima in 1857. The other brother, Henry, suffered throughout his life from recurring bouts of mental illness. Ultimately, Charlotte remained at home to care for her father until his death in 1866. She was then 41 and the only child still living at Broom House.²⁸

Certainly family tragedies and family responsibilities propelled Charlotte toward spinsterhood, but it may have had attractions as well. For Charlotte, unlike many other women of her generation, economic security and a fulfilling life were possible without marrying. Despite the difficulties and scandals in the Sullivan family and the challenges that Charlotte faced as a young woman, she enjoyed many opportunities and advantages. Laurence Sullivan was, it seems, a kind and decent man. As well, he managed the family's finances prudently, freeing his daughters from the fears of penury that must have haunted many of their peers. When he married Elizabeth, their combined assets were worth around £40,000.²⁹ At the time of his death, Laurence's estate appears to have been worth nearly £120,000, the result in part

23 Whitting, ed., *A History of Fulham*, p. 153.

24 British Library, Sullivan Mss. 59783, ff. 85–86, Sullivan to Fox Maude, July 5, 1857.

25 Bourne, ed., *The Letters of the Third Viscount Palmerston*, p. 270.

26 *Ibid.*, pp. 282, 293, 295, 297.

27 David Roberts, "The Paterfamilias of the Victorian Governing Classes", in Anthony S. Wohl, ed., *The Victorian Family: Structure and Stresses* (New York: St. Martin's Press, 1978), pp. 63–64.

28 *Times* (London), October 6, 1857; Bourne, ed., *The Letters of the Third Viscount Palmerston*, pp. 22–26.

29 Bourne, ed., *The Letters of the Third Viscount Palmerston*, p. 21.

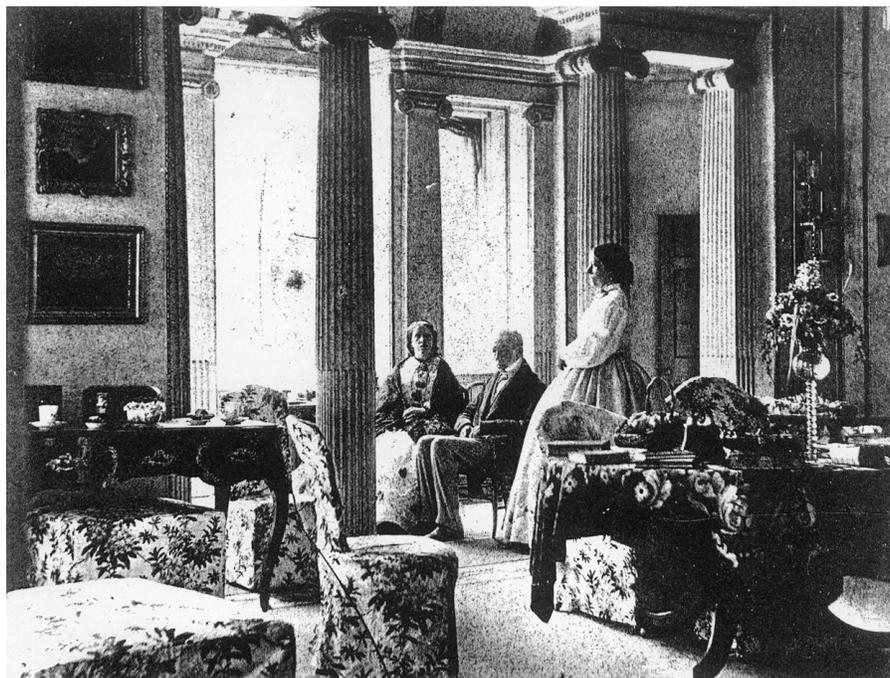


Figure 3 Sullivan Family, Broom House, Fulham, c. 1865 (permission of Corporation of London, London Metropolitan Archives).

of Laurence's extensive investments in British railway stock.³⁰ A photograph of Charlotte, Mary, and Laurence taken in Broom House in the 1860s suggests, as was no doubt intended, the comfortable, stable domesticity that seemed to have prevailed in the household (see Figure 3).

Laurence Sullivan was also a charitable man with a concern for public needs. In 1855 he built and endowed schools for the poor on the Broom House estate, naming them the Elizabethan Schools in honour of his late wife. The Tudor Gothic structure built to house the Elizabethan Schools was an impressive building. Designed to accommodate 120 students, it included a boys' and a girls' school, two almshouses, and accommodation for a school master and a school mistress (see Figure 4).³¹ Still standing, although a little worse for wear, it has been used as a youth community centre in recent years. The Elizabethan Schools on the Sullivan property were associated with the Ragged Schools movement in London and elsewhere in Britain that had emerged in the 1840s, in response to the growing number of improv-

30 York, U.K., Probate Registry, Will of the Right Honorable Laurence Sullivan.

31 Feret, *Fulham Old and New*, p. 251; Hasker, *The Place Which is Called Fulhanham*, p. 92.

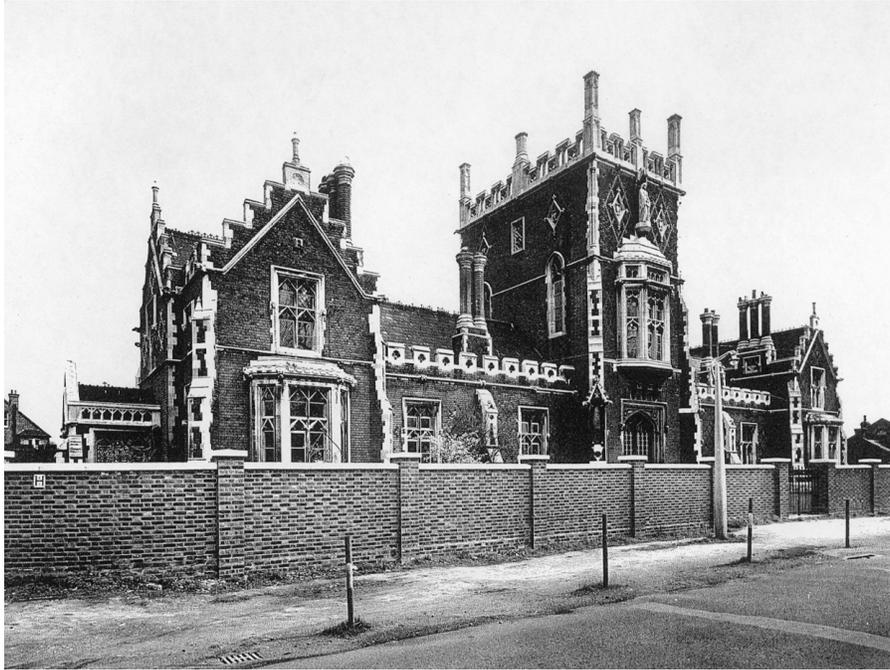


Figure 4 Elizabethan Schools, Broom House estate, Fulham (permission of Corporation of London, London Metropolitan Archives).

erished juveniles populating Britain's cities as capitalist industrialization, shifts in rural life, and rapid urbanization transformed British society. Ragged Schools were created to provide poor children with a moral and practical education that would keep them from slipping into vagrancy and criminality. The first schools were founded in London and were linked with evangelical efforts to minister to the urban poor.³²

Laurence Sullivan's charitable initiatives made it easy for Charlotte to assume a public role in education and philanthropy. In the second half of the nineteenth century both these areas provided women, particularly of Charlotte's class, with opportunities to construct themselves as productive members of society while remaining single, if they chose.³³ Charlotte was involved in helping Laurence run the schools and almshouses well before formal charge of them passed to her and her sister Elizabeth on Laurence's

32 H.W. Schupf, "Education for the Neglected: Ragged Schools in Nineteenth-Century England", *History of Education Quarterly*, vol. 12, no. 2 (Summer 1972), pp. 162–183.

33 F. K. Prochaska, *Women and Philanthropy in Nineteenth-Century England* (Oxford: Oxford University Press, 1980), pp. 5, 41, 222; Martha Vicinus, *Independent Women: Work and Community for Single Women, 1850–1920* (London and Chicago: Chicago University Press, 1985), pp. 5–7, 21–22.

death.³⁴ Laurence also gave her management of much of the business of Broom House estate long before his death, as Charlotte proved herself a capable administrator and business person while still relatively young.³⁵ Accounts of the problems of the Ragged Schools in achieving their goals suggest that managing the Elizabethan Schools might well have posed significant challenges, as the students the schools sought to help were, by definition, difficult.³⁶ The Ragged School movement was brought to a close with passage of the *Education Act* in 1870, four years after Laurence died, and Ragged Schools were absorbed or superseded by the rise of public education in the following years. The Elizabethan Schools on the Broom House estate, however, persisted within the new structures for more than three decades before being taken over by London County Council early in the twentieth century.³⁷ Just before the takeover, 70 students were enrolled in the Elizabethan Schools.³⁸

Laurence Sullivan's will gave Charlotte the Broom House property, his interests in the Palmerston estate, his shares in the Edinburgh and Glasgow Railway as well as those in the Great Western, and his estate on Prince Edward Island. In addition, Laurence's will gave Charlotte "immediate possession" of all his "letters, papers and manuscripts of every sort and description" and the exclusive power to use them as she thought fit, excepting whatever documents the executors of his estate might need.³⁹ Laurence's three other living children received significant portions of his assets, but Charlotte was left in control of the core of the Sullivan estate and provided with the means to continue to manage it. She was thus in a position to maintain the standard of living to which she had become accustomed without ever having to marry.

In some areas, Charlotte's stewardship of the Sullivan fortune is consistent with that of her father. Building on Laurence Sullivan's charitable initiatives, she helped to establish schools, churches, libraries, and recreational facilities in Fulham, providing land and money for building costs and maintenance. Philanthropic work provided Charlotte the opportunity to become a significant public figure in Fulham and to influence its development. In 1876 she funded the construction of the Parsons Green Mission Hall just to the east of Fulham. Eight years later she funded the construction of a brick and slate mission house for St. Matthew's Church on Rosebury Road, not far from

34 Whitting, ed., *A History of Fulham*, p. 201. Laurence Sullivan's will gave control and management of the schools to Charlotte and her sister Elizabeth, but it appears that Charlotte actually managed them. This makes sense, given that they were within sight of her house whereas her sister lived in Berkshire County.

35 *Fulham Chronicle*, April 7, 1911.

36 Schupf, "Education for the Neglected".

37 Whitting, ed., *A History of Fulham*, p. 202.

38 Feret, *Fulham Old and New*, p. 252.

39 York, U.K., Probate Registry, Will of the Right Honorable Laurence Sullivan.

Broom House, designed to accommodate 250 people. The following decade she provided the land and paid for the construction of a church adjacent to the mission house, capable of seating more than 800 people. Charlotte's will reflects these religious and charitable concerns as well as other local initiatives. She is remembered locally as "a friend and benefactor of the poor" living in and about Fulham and Parsons Green. Clearly, she was a friend of the pious as well, provided they were associated with the Church of England.⁴⁰

Like many other women of her class, Charlotte found opportunities for creative expression in graphic art and gardening, and she maintained an interest in botany as well.⁴¹ On her death, she willed her significant collection of dried plants to the museum at Eton College and her paintings and drawings of fungi to the Herbarium at the Royal Botanic Gardens in nearby Kew.⁴² Under her management, the Broom House grounds and gardens flourished, in part because she paid the Chelsea Waterworks to install piping and provide a steady supply of water for the gardens.⁴³ At least four of the more than a dozen servants she employed were charged with managing the nine acres of grounds around Broom House.⁴⁴ The beauty of her gardens elicited praise, both locally and more widely, and they became a favoured site for charity functions.⁴⁵

In Charlotte's management of the Sullivan estate on Prince Edward Island, she took at least one initiative not taken by her father, or indeed by any of the Sullivan men who had held the estate before her. After her father's death, Charlotte visited Prince Edward Island and inspected the Sullivan estate for herself. She was not the first prominent woman landlord resident in Britain to do so. In 1839–1840, Lady Westmorland visited the Island estates that she had inherited before her marriage.⁴⁶ At the time of her visit, Lady Westmorland was estranged from her husband, the tenth Earl of Westmorland, who, under the laws of England, had the rights of the proprietor during their marriage. Lady Westmorland's spinster daughter, Georgiana Fane, inherited her mother's Island properties. She also went to Prince Edward Island to view the estate, travelling there in 1860.⁴⁷

40 *Fulham Chronicle*, April 7, 1911; Feret, *Fulham Old and New*, pp. 81, 118; Whitting, ed., *A History of Fulham*, p. 99; York, U.K., Probate Registry, Will of Charlotte Antonia Sullivan.

41 These were all zones of opportunity for Victorian women, though the professionalization of botany during Charlotte's lifetime increasingly marginalized women's contributions to plant science. Ann B. Shteir, "Gender and 'Modern' Botany in Victorian England", *Osiris*, vol. 12 (1997), pp. 29–38; Peterson, *Family, Love, and Work*, pp. 46–48.

42 York, U.K., Probate Registry, Will of Charlotte Antonia Sullivan.

43 Hammersmith Archives [hereafter HA], Sullivan Papers, contract dated April 20, 1877.

44 *Fulham Chronicle*, April 7, 1911; York, U.K., Probate Registry, Will of Charlotte Antonia Sullivan. Three gardeners are among the seven servants listed by name, as opposed to position, in her will.

45 *Country Life Illustrated*, May 4, 1901; *Fulham Chronicle*, April 7, 1911.

46 *Royal Gazette* (Charlottetown), October 22, 1839; August 18, 1840.

47 *The Islander* (Charlottetown), August 24, 1860.

Why did these women landlords choose to cross the Atlantic to inspect their holdings in the colonies? In part, they wished to see the estates and had the resources and, at least as importantly, the time to do so. As well, the choice to visit their colonial properties complemented a broader desire to travel that was not uncommon among women with their class background.⁴⁸ After her separation from the tenth Earl of Westmorland in 1811, Lady Westmorland embarked on a peripatetic existence that took her to France and Italy as well as to the United States and British North America. Her visits to the Westmorland estates on Prince Edward Island were part of much broader peregrinations.⁴⁹ Georgiana Fane travelled elsewhere in North America when she came to inspect her Island properties and ventured south, where she may have watched one of the first battles in the American Civil War.⁵⁰ Charlotte Sullivan's travels came to include other areas of North America, as well as Europe and North Africa.⁵¹

The opportunity to enjoy celebrity status in the colonies must also have been an attraction. All three women were feted on arrival in Prince Edward Island and in their travels elsewhere in North America and were able to assume somewhat different roles than those they played in Britain. Lady Westmorland did not act as a landlord in Britain, as the estates she brought to her marriage came under her husband's control, but she was, to some extent, treated as one on Prince Edward Island. Lady Westmorland responded in part by making charitable donations to tenants on her estate.⁵² Her daughter Georgiana Fane assumed a charitable role with the Island estate as well and made a splash in New York during her North American tour, with her presence at parties and balls and her interest in talking politics and political economy.⁵³

48 Shirley Foster, *Across New Worlds: Nineteenth Century Women Travellers and their Writings* (New York: Harvester Wheatsheaf, 1990). Cheryl McEwan notes the need many women felt to justify their travels outside Europe and the role of duty in the complex mixture of motivations informing female travel in the Victorian period in *Gender, Geography and Empire: Victorian Women Travellers in West Africa* (Aldershot: Ashgate, 2000), pp. 25–32.

49 National Archives of Scotland [hereafter NAS], Bonar, Mackenzie and Kermack, WS. Papers, GD 235/10/36/154–7, pp. 180–181, Ann Melville to (1st) Lord Melville, January 15 and 16, March 25, 1811; Earl of Ilchester, ed., *The Journal of Hon. Edward Fox, 1818–1830* (London: Thorton, Butterworth, 1923), p. 229; NAS, GD 235 10/21/120, Henry Dundas to Ann Melville, December 7, 1838.

50 *Halifax Chronicle*, September 6, 1860; John S. Cairns, "Louis Davies and Prince Edward Island Politics, 1869–1879" (MA thesis, Dalhousie University, 1981), p. 70.

51 CO 226/105/522–3, Fane to Granville, June 3, 1869; Public Record Office of Northern Ireland [hereafter PRONI], Dufferin and Ava Papers, D 1071/H/B/S/684/1&2, Charlotte Sullivan to Dufferin, March 13, 1876; March 9, 1877.

52 *Colonial Herald* (Charlottetown), July 11 and August 15, 1840; *Royal Gazette*, August 4 and 18, 1840.

53 Her benevolence supposedly lies behind the decision to name one of the communities on her estate "Lady Fane" as well a school — "Lady Fane School" — which opened in 1869. Alan Rayburn, *Geographical Names of Prince Edward Island* (Ottawa: Department of Energy, Mines and Resources, 1973), p. 72. On Georgiana's unusual generosity in paying for the construction of a substantial bridge near Crapaud, see CO 226/109/148. On her social life while visiting the United States, see *Royal Gazette*, March 12, 1861.

Georgiana and Charlotte both owned British estates as well as colonial ones at the time of their visits, but their relative importance as landlords was much greater on the Island than at home, particularly for Charlotte, as her estate was one of the largest in the colony.

Charlotte Sullivan's arrival in Prince Edward Island in the fall of 1867 generated much speculation concerning how she would respond to what she saw and what she might have in mind for the estate. The significance of her visit and the great public interest it generated need to be viewed in the context of the long history of landlordism in the colony and the profile of the Sulivans and the Sullivan estate within this history. From the early years of British colonial rule, Island residents had disputed proprietors' claims to land and to rents. One motive for resistance to landlordism was the widespread desire in rural communities to be free of annual rent payments and of the stigma of being a tenant, and to hold farms as freeholds. Rural residents pursued these goals by many means, ranging from individual purchase of freehold land where available to colony-wide collective action aimed at eliminating landlordism altogether. The relative successes of tenant challenges and landlord defences varied from year to year and decade to decade, but the overall trend was unmistakable: over time an increasing percentage of Island land moved into the hands of small freeholders. Some of the transfers occurred at the micro level, with the sale of a few acres of an Island estate to a local farmer. Others involved purchase by the Prince Edward Island government of large blocks of land from proprietors, for subsequent resale to occupants or settlers.

Various legislative initiatives served to foster the transfer of land from proprietors to small landholders. Shortly after achieving responsible government in 1851, the colonial legislature passed an act to facilitate government purchase of landlord holdings for resale to tenants and others with an interest in establishing farms.⁵⁴ As well, a long series of statutes dealing with land taxes, rules for debt collection, and the rate for converting Island currency into sterling when paying rents chipped away at landlords' returns.⁵⁵ These initiatives were shaped and propelled by the emergence of a powerful popular narrative of Island history that cast landlordism as an unjust imperial imposition inimical to freedom, social justice, economic development, and almost everything else that a right-thinking Islander might want.⁵⁶

Landlords responded to these challenges in various ways. Some banded together to resist legislative initiatives that undercut the value of their holdings. In this they usually enjoyed their greatest success by appealing to impe-

54 *Statutes of Prince Edward Island*, 16 Vic., c. 13.

55 *Statutes of Prince Edward Island*, 5 Wil., c. 6; 7 Wil., c. 31; 17 Vic., c. 7.

56 See Margaret E. McCallum, "The Sacred Rights of Property: Title, Entitlement, and the Land Question in Nineteenth-Century Prince Edward Island", in G. Blaine Baker and Jim Phillips, eds., *Essays in the History of Canadian Law, Volume VIII, in Honour of R.C.B. Risk* (Toronto: University of Toronto Press, 1999), pp. 358–397.

rial authorities who controlled colonial legislatures through the powers of reservation and disallowance; the governor of a colony could reserve colonial legislation for the assent of the imperial government, or the imperial government could disallow legislation to which the governor had assented. As well, landlords appealed to Island and imperial officials to ensure that the state provided the coercive mechanisms necessary to enforce rent payment, including access to the courts and, in times of widespread resistance to rent collection, to the use of the military to maintain order. Some landlords sought to address tenant grievances and find compromise solutions that would help to diminish anti-landlord agitation and secure their holdings. Others, for various reasons, chose to sell their estates, some to those who also became landlords and some, after 1853, to the Island government. The largest of the government purchases prior to the mid-1860s were the Worrell estate of roughly 70,000 acres in 1854 and the Selkirk estate of roughly 62,000 acres in 1860.⁵⁷

Tenants persistently challenged landlords' claims, and in some years their challenges dominated Island politics and the colony's relationship with imperial authorities. The 1830s were such a time, but Charlotte's father, Laurence, was not at the forefront of activist landlords who organized to defeat tenant initiatives. According to one land agent, Laurence Sullivan "always thought, or appeared to think, too little of his landed Estates" in Prince Edward Island.⁵⁸ Sullivan, this agent maintained, could easily blunt legislative initiatives that damaged the landlord interest by appealing to his brother-in-law, Lord Palmerston, and yet he did not do so. The agent's assessment of Sullivan's ability to shape policy is exaggerated, but his view of Sullivan's behaviour as a landlord is consistent with the attention Sullivan appeared to give his Island estate. A report in 1833 on the status of landlords' estates on the Island was critical of the situation of Sullivan's townships, stating that they had a "very scanty population" as Sullivan "refuses to grant any leases whatever or to sell" freeholds. According to the report, most of the settlers on his lands were either tenants at will or squatters.⁵⁹

In time, though, Charlotte's father became more active in managing the family's Island properties and in responding to anti-landlord agitation in the colony. He worked with other leading British proprietors to repel Reform legislative initiatives of the 1850s that challenged landlord interests, persuading the imperial government to withhold royal assent from a bill that taxed landlords' rent rolls and another that ensured that tenants evicted from their hold-

57 Commissioner of Public Lands Department, Statement Showing the Number of Acres of Land Purchased by the Government of Prince Edward Island, May 15, 1874, reprinted in PEIHA, *Journals*, 1875, Appendix E, [6]. There is a typographical error in the date of the Selkirk purchase: the table shows it as December 1874 rather than 1854, but it is listed in the correct chronological order, before another purchase in 1856.

58 NAS, Bonar, Mackenzie and Kermack, WS. Papers, GD 235/10/16/25, copy of letter from J. B. Palmer to Lord Westmorland, May 22, 1832.

59 CO 226/54/267-9, Return of Township Lands of Prince Edward Island (1833).

ings would be compensated for their improvements.⁶⁰ Palmerston played a central role in the imperial decision to block both bills, describing the latter as an “exaggeration of the corresponding bill proposed for Ireland”.⁶¹ Sullivan worked as well with a cluster of landlords who, as part of their appeal to the Colonial Office to protect them from laws that threatened the value of their properties, agreed to have a Land Commission investigate tenant/landlord relations on the Island and recommend solutions. The 1860 Land Commission, however, failed to effect a comprehensive solution. Subsequently, Sullivan agreed, along with 11 other landlords, to have his estate included in Island legislation known as the *Fifteen Years Purchase Act*, giving tenants, beginning within ten years from the date of the act, the right to buy freehold titles to their farms by paying 15 years’ rent plus a portion of outstanding arrears; the landlords gave up their claim to arrears accrued prior to 1858.⁶² In these initiatives, and in a decision in 1865 to stop issuing new leases, Sullivan was acting in tandem with Samuel Cunard, whose merchant empire in the Maritimes included the successful transatlantic steamship service bearing his name.⁶³ Cunard, having acquired roughly 200,000 acres on the Island in the second quarter of the nineteenth century, was the owner of the largest estate of the time. After 1858 Cunard made England his permanent home and played a significant role in shaping Colonial Office policy toward the Maritimes.⁶⁴

From the perspective of most tenants, neither the Land Commission of 1860 nor the *Fifteen Years Purchase Act* effectively addressed their needs. Over the decade during which tenants might take advantage of the provisions of the *Fifteen Years Purchase Act*, fewer than 7,000 acres changed hands under its terms.⁶⁵ Nonetheless, these initiatives reflected a compromise between tenant visions of where justice lay and yet more intransigent landlord positions concerning property rights. Laurence Sullivan had thus come to be associated with moderate landlordism.

In the years immediately proceeding Charlotte’s visit to Prince Edward Island, frustration with the failure of the Land Commission to effect a more comprehensive solution to the land question gave rise to collective action

60 Sullivan signed, for instance, one of the petitions against legislation passed in 1855 to tax rent rolls and to secure tenant improvements. CO 226/86/217–22, Melville *et al.* to Russell, June 21, 1855.

61 E. D. Steele, “Ireland and the Empire in the 1860s: Imperial Precedents for Gladstone’s First Irish Land Act”, *The Historical Journal*, vol. 9, no. 1 (1968), pp. 64–65; British Library, Palmerston Papers, mss. 48579, f. 104, Palmerston to Molesworth, August 30, 1855.

62 Ian Ross Robertson, ed., *The Prince Edward Island Land Commission of 1860* (Fredericton: Acadiensis Press, 1988); *Statutes of Prince Edward Island*, 27 Vic., c. 2.

63 Ian Ross Robertson, *The Tenant League on Prince Edward Island, 1864–1867* (Toronto: University of Toronto Press, 1996), pp. 122–125.

64 Phyllis R. Blakeley, “Sir Samuel Cunard”, *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto Press, 1976), pp. 172–184.

65 Commissioner of Public Lands Department, Statement Showing the Number of Acres of Land Purchased by the Government of Prince Edward Island Under the Act 28 Vic., Cap. 5, May 15, 1874, reprinted in PEIHA, *Journals*, 1875, Appendix E, [8].

organized by a Tenant League. The Tenant League, which emerged in the spring of 1864, hoped to induce landlords to sell their estates to tenants at a price the tenants found reasonable, and it urged tenants collectively to withhold rents until the landlords came to terms. After initial successes, the league was effectively defeated in the fall of 1865 by military intervention.⁶⁶ The use of soldiers to sustain landlords' ability to collect rents, however, was a pyrrhic victory for proprietors, as it highlighted the need for a resolution of the land question in the colony. As well, subsequent disputes concerning whether the Prince Edward Island government or the imperial government would pay the substantial costs of deploying troops made it clear that neither considered sustaining rent collection through military force to be a viable option for the future.⁶⁷

The mid-1860s constituted a crucial moment in landlord succession, not just for the Sulivans but also for the Cunards. Samuel Cunard died in April 1865, nine months before Laurence Sullivan. As a consequence of these two deaths, more than a quarter of a million acres of Island land — a substantial portion of the holdings that continued to be owned by landlords — were transferred to new owners during a period of turmoil on the Island. As well, this eliminated two of the central figures in the construction of a moderate landlord position. Samuel Cunard's will left his Island lands to his son Edward, who was already an Island landlord, and to his other son William.⁶⁸

These developments placed Charlotte Sullivan at the centre of the Island's land question. Her position became even more important when the Cunard heirs chose, a year after their father's death, to sell all the Cunard lands to the Island government.⁶⁹ With the Cunard estate gone, Charlotte was the owner of the largest, or second largest, estate on Prince Edward Island, depending on whose figures one accepts. What she chose to do with her newly acquired ownership of the Sullivan estate would be of considerable importance to the resolution of the land question on Prince Edward Island. Robert Bruce Stewart, owner of the other remaining estate that was roughly the same size as Charlotte's, was a resident proprietor.⁷⁰ He was unlikely to part with his estate, but, had Charlotte chosen to do so, it would have added significantly to the perception that landlordism was waning.

From an Island perspective, there was reason to assume that Charlotte might follow the lead of the Cunards and sell the Sulivans' Prince Edward Island estate. The management strategies of Samuel Cunard and Laurence Sullivan had been close since the late 1850s. As well, they employed the same estate agent on the Island, G. W. DeBlois, who had advised Edward and Wil-

66 Robertson, *The Tenant League on Prince Edward Island*.

67 PEIHA, *Journals*, 1866, Appendix G, and 1867, Appendix K.

68 Blakeley, "Sir Samuel Cunard", p. 184.

69 *Ibid.*

70 Deborah Stewart, "Robert Bruce Stewart and the Land Question", *The Island Magazine*, vol. 21 (Spring/Summer 1987), pp. 3–11.

liam to sell.⁷¹ The Island's attorney general, Joseph Hensley, visited Charlotte in London in July 1867 to assess the possibilities for a deal. Hensley's visit was part of a broader initiative to query Robert Bruce Stewart and the leading British proprietors, a total of four men and four women, concerning their willingness to sell their estates.⁷² Charlotte's response left the door open. Although she was not willing to commit to selling when Hensley visited her, Charlotte indicated that she would "decide what course she would pursue" after inspecting the estate for herself.⁷³

In September 1867 Charlotte arrived on Prince Edward Island to begin the inspection. The Island *Patriot* announced her arrival with a story that highlighted Charlotte's reputation for "philanthropic efforts in the cause of education at home, as well as for her general benevolence". Her good deeds were, the *Patriot* said, "beginning to be everywhere spoken of". As well, the *Patriot* praised her for her "true desire to look into the condition of her tenantry" and her interest in her estates, noting that her visit was an initiative that "few absentee proprietors have ever taken". It suggested that, if, after seeing the plight of her tenants, she were to "resolve to sell her lands to the local government at a moderate price", it would be very much to her benefit. She would suffer little financial loss and "her name, almost a synonyme [*sic*] for generosity in certain parts of England, would be embalmed in the hearts of hundreds who now constitute her tenantry in this Island, and be held in grateful remembrance not only by their posterity, but also by those of all classes in the community".⁷⁴ In short, the *Patriot* appealed to Charlotte to assume a feminine philanthropic role on the Island comparable to that which the editors believed she played in Fulham.

The appeal misconstrued the basis of Charlotte's philanthropy, an understandable mistake, given that Charlotte had just acquired sole control of the core of the Sullivan estate in Britain, including the properties in Fulham, as well as the Island holdings. Charlotte's philanthropy in Fulham was grounded, as her father's had been before her, in strategic land purchases and effective property management. These provided her with the resources to support specific charitable endeavours, which she did, even as she enlarged the Fulham estate that she had inherited. Even before her father's death, Charlotte had acquired a reputation for her business sense as well as her generosity. To expect her to sell her entire Island estate at a price that would entail some

71 *Abstract of the Proceedings of the Land Commissioners' Court, Held During the Summer of 1860, to inquire into the Differences Relative to the Rights of Landowners and Tenants in Prince Edward Island*, J. D. Gordon and D. Laird, reporters (Charlottetown: "The Protestant", 1862), pp. 33–35; P. S. MacGowan, *Report of Proceedings Before the Commissioners Appointed Under the Provisions of the "Land Purchase Act, 1875"* (Charlottetown, 1875), pp. 88–97, 228.

72 CO 226/104/14, Dundas to Buckingham, January 11, 1868.

73 Report of the Honourable Joseph Hensley, *Royal Gazette*, extra, November 14, 1867.

74 *Patriot* (Charlottetown), September 7, 1867.

“pecuniary loss” as an act of charity to her tenants was to expect her to act on the Island in a way that was different from her behaviour at home.⁷⁵

The *Summerside Journal* also encouraged Charlotte to sell her estate to the government. The *Journal*'s line of argument was better crafted for its audience, as it combined economic calculations with charitable ones. The *Summerside Journal* urged Charlotte to follow the lead of the Cunard heirs, who, guided by “one of the shrewdest business men in the colony”, had decided to sell their estate. As well as making good business sense, such a decision would, the paper suggested, lead to her being “gratefully remembered by her tenants”.⁷⁶

While some papers encouraged Charlotte to decide to sell her property, the *Herald* suggested that this had been her intention from the beginning of her trip and that she was “about to offer her lands, either to the tenants or to the government”.⁷⁷ It soon became clear that this was not the case and that she really had come, as she had told Joseph Hensley when he visited her at Broom House, to see the estate and make up her mind on the basis of what she saw. As Charlotte travelled the Island and viewed her estate, some Island papers began to express concern that her visit was not sufficiently illuminating. The *Examiner* complained in early September that those guiding her on the ground were only taking her for a “flying visit” to the more prosperous parts of her estate.⁷⁸ A week later, with Charlotte still on the Island and still inspecting her estate, both the prosperous and poorer sections, the *Examiner* acknowledged this and offered the hope that her “generous nature” would lead her to improve conditions for her tenantry.⁷⁹

As well as encouraging Charlotte to sell her estate for her own and her tenants' benefit, some Island papers sought to educate her concerning the history of the land question as it was understood in the colony. The *Summerside Journal* emphasized the centrality of tenant labour in producing the agrarian landscape that Charlotte had seen. The prosperous farms she inspected had been carved out of wilderness by the unremitting labour of the tenantry and of the tenantry alone. The Island's proprietors had contributed neither “moral nor material aid”. She should know that “[t]here is a deeply rooted conviction existing in the minds of our rural population” that landlords had no just claim to ownership of the product of this labour. Islanders had not rebelled and overthrown the system sustaining this injustice only because the colony was too small to do so effectively.⁸⁰ Writing in the *Examiner*, Edward Whelan, who was its editor, a central figure in the Liberal party, and an advocate of land reform, warned Charlotte that proprietors should expect more resistance such

⁷⁵ *Ibid.*

⁷⁶ *Summerside Journal*, September 26, 1867.

⁷⁷ *Herald* (Charlottetown), September 4, 1867.

⁷⁸ *Examiner* (Charlottetown), September 9, 1867.

⁷⁹ *Examiner*, September 16, 1867.

⁸⁰ *Summerside Journal*, September 26, 1867.

as that posed by the Tenant League should they choose not to sell and that the imperial government had made clear that it was unwilling to pay the bill for maintaining troops on the Island. Alternatively, Islanders might opt for annexation to the United States as a strategy for bringing landlordism to a close.⁸¹

By mid-September, though, papers were reporting that Charlotte did not intend to sell her lands.⁸² Despite the advice of the local press, appeals to her philanthropic character, vows of undying gratitude, threats of tenant resistance, and the promise of political initiatives that would be inimical to landlord interests, Charlotte turned down an offer from the Prince Edward Island government of £27,000 in Island currency (the equivalent of \$87,500) for the purchase of her estate, both the leased and unleased lands.⁸³ Why did she do so, in spite of the precedent set by the sale of the Cunard estate in 1866?

No doubt there were a number of factors in her decision. It is clear from letters that she wrote after her visit that she rejected the appeal to sell as an act of charity. Having inspected her estate, she was not persuaded that her Island tenants were oppressed — indeed, to the contrary. As she later noted in a letter to the Earl of Kimberley, she concluded from her visit that her tenants were prospering and had no “cause of complaint”.⁸⁴ The timing of her visit — early fall in the aftermath of a good harvest — no doubt helped to produce that perception, but as well her own experiences with the urban poor of London likely shaped her response to what she saw. In addition, Charlotte believed that her father had already shown great generosity by agreeing to the terms of the *Fifteen Years Purchase Act*, with its provisions for giving up rent arrears prior to 1858 and for tenants to purchase their farms by paying a sum equivalent to 15 times the annual rent due on the land.⁸⁵ She appeared, too, to have formed the opinion that much of the pressure on her to sell was the result of Island politics and was not grounded in the legitimate concerns of Island tenants.⁸⁶ Thus, although Islanders may have hoped that Charlotte would view her tenants in the same light as she viewed the needy of London’s western suburbs and extend her generosity to Prince Edward Island, Charlotte was not persuaded that her Island tenants required charity.

81 *Examiner*, September 9, 1867; Ian Ross Robertson, “Edward Whelan”, *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto Press, 1976), pp. 828–835.

82 *Herald*, September 11, 1867.

83 *Examiner*, April 13, 1868. The currency to sterling rate of exchange used by government officials on Prince Edward Island at this time was 3 to 2. CO 226/103/213, Dundas to Chandos, June 5, 1867. Charlotte Sullivan calculated dollars to pounds sterling at a rate of 4.86 to 1. *Times* (London), October 5, 1875.

84 Charlotte Sullivan to Kimberley, March 31, 1873, reprinted in PEIHA, *Journals*, 1876, Appendix E, [40].

85 *Statutes of Prince Edward Island*, 27 Vic, c. 2. The Sullivan rent rolls show that Laurence Sullivan had all the appropriate arrears struck off his books with a recalculation of tenant debts. PAPEI, RG 15, Prince Edward Island Land Records, Rent Books: 1836–1876, vols. 1516–1518.

86 Charlotte Sullivan to Kimberley, March 31, 1873, reprinted in PEIHA, *Journals*, 1876, Appendix E, [40].

There was also the fundamental business question of what return Charlotte could expect from the sum she was offered for her estate and how this compared with what she was getting in rent. There is no easy answer to this question. The returns she realized from her estate were a matter of dispute when the Prince Edward Island Land Commission of 1875 ultimately determined the price she would receive on the compulsory purchase of her estate. In a letter to the *Times* of London, Charlotte claimed that the annual rents due to her from leased land on the estate amounted to more than \$7,000 and that she had collected almost \$5,400 per year from her estate over the period 1870–1871.⁸⁷ A correspondent from Prince Edward Island, writing as “Colonus”, challenged this, noting that her land agent on the Island had testified under oath that the “average” gross rental actually received during the six years prior to 1875 was approximately \$4,500 and that there were expenses of roughly \$1,500 a year in managing the estate. Thus, Colonus argued, Charlotte’s net annual return from her Island estate was only \$3,000.⁸⁸ Both sets of figures are inadequate. The net annual return Charlotte could expect from the leased lands on her estate was likely around \$4,000, a third more than Colonus suggested in his letter to the *Times*, but significantly below the gross figures Charlotte provided.⁸⁹ Assuming that the Island government’s offer for her unleased land was at a rate similar to the valuation that the Island Commissioner of Public Lands placed on the wilderness land acquired in the purchase of other estates, Charlotte was being offered \$21,500 for her unleased land and \$66,000 for her leased lands. The main financial question Charlotte had to consider, then, was whether she could earn \$4,000 annually on \$66,000.⁹⁰

87 Sullivan to the editor, *Times* (London), October 5, 1875.

88 Colonus’s figure of “roughly” \$1,500 per year turns out to be based on sworn testimony that Charlotte’s agent received \$1,263 per year on average in the six years prior to 1875. Colonus then rounded this figure up to \$1,500. A fairer assessment of management costs would round down rather than up, as the fees Charlotte’s agent received were to manage the one-third of her estate that was not under lease as well as that which was rented. Charlotte’s land agent, G. W. DeBlois, sought to clarify some of this for the readership of the *Times*, but the editors chose not to publish his letter. PRONI, Dufferin and Ava Papers, D 1071/H/B/S/684/1, Charlotte Sullivan to Lord Dufferin, March 13, 1876.

89 As Charlotte acknowledged with her own calculations, landlords could not assume that they would realize the full sum of the rents owed to them. But the ratio of gross returns to the amount owed according to rent rolls varied from year to year depending on factors such as agricultural returns, the state of the larger economy, and the political situation. Charlotte picked good years, from a proprietor’s perspective, for making her case for returns of \$5,400 per year. Colonus used evidence from a less favourable period for his \$4,500 figure. A sum halfway between these two positions, or roughly \$5,000 per year, is probably a more reasonable figure for the gross rental returns Charlotte could anticipate from her estate. Charlotte’s letter to the *Times* also failed to acknowledge the management costs of obtaining these returns; Colonus exaggerated them. A figure of \$1,000 a year for the management of the leasehold portion of Charlotte’s estate, 20% of her gross rental receipts, fits best with the available evidence.

90 This assumes a 6s/acre (currency) valuation of the approximately 22,000 acres of unleased land on the Sullivan estate — the lowest rate at which the province valued wilderness land. CO 226/103/220, Report of John Aldous, commissioner of lands, June 3, 1867.

According to Charlotte, she could invest money at 4 per cent interest, at which rate she would receive \$2,640 from the capital she was offered for her leased lands, less even than Colonus had suggested as Charlotte's annual returns from rents. If 4 per cent was the appropriate figure for calculating her returns from a cash investment, the offer she had been made for her leased lands did not make financial sense for her. According to Colonus, however, Charlotte could expect to realize a return much greater than 4 per cent. The rate of mortgages on the Island, he noted, ranged from 7.5 to 10 per cent and, he asserted, Charlotte's father's agreement to 15 years' purchase arrangements proved that he had assumed a six-and-two-thirds return on cash when he had conceptualized a fair price for leased land.⁹¹

Even at six and two-thirds, the lowest interest rate Colonus thought reasonable to assume, the Island government's offer becomes more attractive, as it would have yielded roughly \$4,400 per year, a figure 10 per cent higher than what Charlotte had reason to assume as a net return from her leased lands. That would have enabled Charlotte to replace the loss of income from rents, with an extra \$400 per year that might begin to compensate for giving up more than \$30,000 in rent arrears. If Charlotte could get the higher rates of interest that Colonus claimed possible, her decision not to sell looked increasingly irrational, from an economic perspective. A. B. Warburton, who also wrote to the *Times* from Prince Edward Island to dispute Charlotte's figures, focused on this issue as well, arguing that she could expect to receive a return of 7.5 per cent from "safe" Island investments.⁹²

Were Colonus's and Warburton's claims reasonable, however? The Land Commission to determine the price for estates acquired by the government under the compulsory purchase legislation of 1875 heard evidence on the issue of interest rates on investments. Some of this evidence corroborated Colonus's and Warburton's claims concerning the interest rates demanded by moneylenders on the Island.⁹³ One of the flaws with this evidence, though, was that, much like Charlotte's evidence concerning the book value of her rent rolls, there were no deductions for management costs of loaning money or

91 There are problems with Colonus's claim that Laurence Sullivan, by accepting the terms of the *Fifteen Years Purchase Act*, had implicitly accepted 6.66% as an appropriate figure for calculating the return on capital. From Charlotte's perspective, her father's willingness to sell at 15 years' purchase was an act of generosity. Nonetheless, tenants wishing to take advantage of this offer, which was open for 10 years from 1864, had to pay all accrued arrears since 1858. Depending on the amount of arrears, Laurence Sullivan had agreed to terms that ranged from 15 years' purchase to 21 years' purchase. Given that the arrears on Sullivan's estate at the time averaged about five times annual rents, the financial reality of the offer for the leased portion of the estate as a whole was 20 years' purchase based on the annual rent rolls. Thus a fairer overall assessment of the interest rate assumption that informed Laurence Sullivan's offer was not 6.66%, but 5%. For the arrears on the Sullivan estate, see MacGowan, *Report of Proceedings*, p. 97.

92 *Times* (London), November 27, 1875.

93 MacGowan, *Report of Proceedings*, pp. 47, 126, 140, 339.

losses from bad debts.⁹⁴ Other testimony indicates that savings account investments at Island banks typically returned 4 and sometimes 5 per cent.⁹⁵ These are net returns.

The Prince Edward Island government's strategies for financing land purchases provide a useful context for considering Charlotte's financial options. The government financed the 1866 Cunard purchase by paying the purchase partly in twice-yearly payments at 6 per cent interest, and the balance at 5 per cent payable 10 years from the time of purchase.⁹⁶ Subsequent purchases of estates in the 1860s were financed in part by offering the vendors debentures of up to 10 years at 6 per cent interest.⁹⁷ Clearly, Charlotte might have obtained 5 or 6 per cent interest on some of the purchase price of her estate, had she been willing to invest her cash in Island debentures. A 6 per cent return on \$66,000 would be \$3,960, enough to replace the net annual rental returns she had reason to expect. While this sum gave no compensation for her loss of outstanding arrears, it was not an unreasonable offer, provided that the recipient believed that Island debentures were as secure an investment as Island real estate.

The Island government's own appeals to the imperial government, however, highlight one of the issues for Charlotte. While the Prince Edward Island government had to offer debentures at 6 per cent interest to raise capital for land purchases in the late 1860s, and would do so again to finance railway construction in the early 1870s, it believed that debentures backed by the imperial government would sell if offered at 4 per cent interest.⁹⁸ In short, the investing public perceived a difference in the relative safety of colonial as compared to imperial debentures.

The evidence concerning the value of Prince Edward Island's offer to Charlotte, while in some ways inconclusive, nonetheless suggests that it was not compelling in its generosity. Had Charlotte been willing to convert her land into Island debentures, the price offered would have replaced her returns from rents, but only just. It appears to have been an offer that was on the border of being reasonable and that, from a financial point of view, would hold the greatest appeal to those comfortable with a speculative money market.

Charlotte's circumstances were not those of the Cunard heirs who chose to sell when presented with a similar offer. The Cunard offer was made at a

94 Warburton acknowledged the issue to some extent, suggesting a management fee that amounted to one-third of 1% for the expense of collecting these investment returns.

95 MacGowan, *Report of Proceedings*, pp. 50, 75, 127, 319, 321, 339–340.

96 CO 226/103/213-4, *An Act to Authorize the Government to Raise a Loan of Money for the Public Service of this Island*, June 1, 1867.

97 CO 226/105/53, Hodgson to Granville, February 15, 1869; CO 226/105/254–5, Hodgson to Granville, July 25, 1869; CO 226/105/399–400, Hodgson to Granville, December 21, 1869.

98 CO 226/110/69, Robinson to Dufferin, November 16, 1872; Executive Council to Granville, February 6, 1869, reprinted in PEIHA, *Journals*, 1875, Appendix E, [122].

time when, under the terms of Samuel Cunard's will, the estate had to generate £20,000 for each of his six daughters.⁹⁹ In this context, the Island government's offer to purchase Cunard's holdings on the Island may have been particularly attractive, though there were other ways the executors might have raised this cash. There were no similar pressures on Laurence Sullivan's estate. There were, also, other significant differences between Charlotte's circumstances and those of Edward and William Cunard, due to the gendering of opportunities for using cash to generate an income. Again and again the Land Commission of 1875 heard testimony from men who spoke with confidence of their ability to make good returns by lending money. Many of these men, as politicians, businessmen, or lawyers, had an active hand in shaping the environment that determined whether their investments would prove profitable. As well, of course, they had inside knowledge concerning the investment world gained from participating in roles that were reserved for males. Shifting investment from land to more liquid property was likely more attractive to business-oriented male proprietors such as the Cunards than to women like Charlotte Sullivan. It is telling that, on her death, the majority of Charlotte's assets, other than those in real property, were investments in Consols, British government annuities that provided a safe but modest return.¹⁰⁰ Given that Prince Edward Island's offer to buy made financial sense only if the recipient were able to benefit from relatively risky investment opportunities, gender may well have been a factor in the responses of some proprietors. As of 1874 none of the many landlords who had opted to sell their estates to the Island government were women.¹⁰¹ The pattern suggests the need for a gendered analysis of government offers to buy as well as of landlord responses to these overtures.

Men like Samuel and Edward Cunard also had other advantages. Because they had direct access to the male corridors of power at the Colonial Office, they had insider knowledge of the risks involved in attempting to retain an Island estate and, indeed, a hand in formulating policy. Samuel Cunard had been privately told that the Colonial Office intended to stop protecting landlords from Island legislation and had been advised to "make whatever terms you can" while he could.¹⁰² No doubt man-to-man advice of this sort figured into Edward and William Cunard's subsequent decisions to sell their Prince Edward Island estate.

Events following Charlotte's decision not to sell her estate ultimately drew her into a central role in the defence of landlordism on Prince Edward Island. It is not clear whether the Island officials who offered Charlotte

⁹⁹ Blakeley, "Sir Samuel Cunard", p. 184.

¹⁰⁰ The return on the nearly £22,000 worth of Consols (Consolidated Annuities) she owned at the time of her death was 2.5%. HA, Sullivan Papers, Miss C. A. Sullivan, Probate Affidavit, Estate and Succession Duty Accounts, Legacy and Other Receipts, and Residuary Account.

¹⁰¹ PEIHA, *Journals*, 1875, Appendix C.

¹⁰² CO 226/105/59, Minute paper.

\$87,500 for her estate thought they were making an attractive offer. The sum works out to five shillings sterling per acre, the maximum the government could offer under land purchase legislation enacted in 1853. Subsequently the Island government raised this ceiling and successfully negotiated purchases from landlords resident on the Island who had not been included in the first round of offers in 1867.¹⁰³ Making offers that landlords rejected, however, did not necessarily represent a failure of the government's political strategy for resolving the land question. The government could then blame proprietors' intransigence for any impasse and appeal to the imperial government for support in forcing the landlords to relinquish their holdings.

In January 1868 the Island's executive council did just that, asking the Colonial Office to support legislation to compel proprietors to sell their estates to the government. The request noted that "every effort has been exhausted to obtain the desired result by voluntary agreement with the remaining proprietors" and presented as evidence the offers recently rejected by Robert Bruce Stewart and proprietors resident in Britain.¹⁰⁴ The executive council acknowledged that in some cases proprietors had said that they would sell at a price higher than the five shillings sterling per acre being offered.

The official response of the Colonial Office indicated that the imperial government was not persuaded by the executive council's arguments.¹⁰⁵ Behind the scenes, however, officials at the Colonial Office were coming to accept the necessity of a legislative resolution of the land question.¹⁰⁶ The following year, the Island government pressed again for compulsory land purchase legislation, but its initiative was soon overtaken by other events, as the imperial government chose to link resolution of the land question with resolution of the Confederation question. Although the Island had remained outside the new Dominion of Canada in 1867, the imperial government did not see this decision as a viable option for the long term. Given that it was possible that Prince Edward Island might soon join Canada, a step that the Colonial Office was doing its best to encourage, the colonial secretary suggested that it would be inappropriate for London to make policy decisions that might better be left for politicians in Ottawa.¹⁰⁷ The queries and responses of the late 1860s concerning compulsory land purchase legislation produced, in time, the understandings among officials in Charlottetown, London, and Ottawa that facilitated passage of compulsory purchase legislation on the Island after Confederation and implementation of this legislation in 1875. By deferring resolution of the land question until after Prince Edward Island joined the Dominion of Canada, London was, of course,

103 Commissioner of Public Lands Department, Statement Showing the Number of Acres of Land Purchased by the Government of Prince Edward Island, May 15, 1874, reprinted in PEIHA, *Journals*, 1875, Appendix E, [6].

104 CO 226/104/13, Executive Council Minutes, January 9, 1868.

105 CO 227/11/240-1, Buckingham and Chandos to Dundas, March 3, 1868.

106 CO 226/104/32, marginal note on Executive Council Minutes.

107 CO 227/12/23-4, Granville to Hodgson, March 13, 1869.

increasing its pressure on the colony to do so. As well, the Colonial Office's deferral meant that Ottawa, rather than London, would bear the responsibility for vetting the Island legislation that brought landlordism to a close.

Developments in Britain, however, undercut Colonial Office attempts to defer making decisions on the land question and to use the issue to promote Confederation. The British Parliament was wrestling with the land question in Ireland, and when Gladstone's government passed a *Land Act* in 1870 that protected Irish tenants' improvements, Island politicians immediately requested permission to follow suit.¹⁰⁸ Three attempts and much official correspondence later, the Island legislature framed a *Tenants' Compensation Act* that received royal assent. The final version of the legislation was enacted just before the Island entered Confederation in July 1873, and there was initially some confusion as to whether assent was to be given in Ottawa or London.¹⁰⁹ It had been clear, however, from the Colonial Office's official first responses to the Island government's initiatives in 1870, that it was just a matter of time before the imperial authorities would accept legislation legitimating tenants' claims to property rights for their improvements.¹¹⁰

Landlords such as Charlotte Sullivan, who chose not to sell in the late 1860s and early 1870s, faced a rapidly changing context. Legislative initiatives on the Island threatened to undercut the value of their estates and, ultimately, separate them from their holdings altogether. As well, the imperial government was proving increasingly unwilling to defend landlord interests. Added to this were the structural and constitutional changes brought by Confederation that would, in time, put another layer of government between the imperial centre and events in Prince Edward Island. Landlords continued to respond to colonial legislation that challenged their interests, as they always had. They appealed to London for protection.

On the Island, Robert Bruce Stewart assumed the central role in drafting individual and collective petitions to the Colonial Office in the late 1860s and early 1870s to oppose the initiatives of the Island legislature and to rally landlords and land agents in the colony to protect landlord interests.¹¹¹ He, and his father and uncle before him, who had been residents of Britain, had been leaders in the collective defence of landlordism for four decades. In Britain, though, there was little continuity in landlord leadership in the Confederation period. The elder Stewarts had provided effective leadership from their Bloomsbury residence in the 1830s and 1840s.¹¹² Samuel Cunard and Sir George Seymour, whose distinguished naval career included appoint-

108 CO 226/106/118–20, Hodgson to Granville, May 3, 1879.

109 Kimberley to Dufferin, August 11, 1873, reprinted in PEIHA, *Journals*, 1876, Appendix E, [43].

110 CO 227/12/159–68, Kimberley to Robinson, September 2, 1871.

111 CO 226/107/335–40, Memorial of the Proprietors of Township Lands in Prince Edward Island, June 10, 1871; CO 226/110/172–6, Memorial of the Proprietors of Township Lands in Prince Edward Island, 1872; CO 226/110/199–200, R. B. Stewart to Robinson, July 30, 1872.

112 Rusty Bittermann, *Rural Protest on Prince Edward Island: From British Colonization to the Escheat Movement* (Toronto: University of Toronto Press, forthcoming 2006), chap. 6.

ment as admiral of the fleet and who had inherited an Island township from his father, subsequently became central players in the defence of landlord interests through the mid-century decades.¹¹³ After Cunard's death in 1865, the death of Laurence Sullivan in 1866, and of George Seymour in 1870,¹¹⁴ Charlotte Sullivan might have been the most likely person to step into the breach. She possessed the largest estate of any of the non-resident proprietors, had recently been to the Island, and was knowledgeable concerning the situation there. She held her father's papers concerning a century of Sullivan involvement in the Island's land question, and she lived on the outskirts of London, close to the Colonial Office.

In the event, however, Georgiana Fane, heir to the Westmorland estates on Prince Edward Island, totalling roughly 14,000 acres, proved the most vociferous British defender of landlord interests. While active in the cause, Charlotte did not become the leading British player until after Georgiana's death in December 1874. Perhaps this reflected Georgiana's longer history as an Island proprietor. Georgiana had acquired her property nearly a decade before Charlotte did and, like Charlotte, took an active interest in her estate.¹¹⁵ She was also more than 20 years older than Charlotte, and senior as well in rank and status. Although Charlotte did not lack in wealth and connections, Georgiana was the daughter of the tenth Earl of Westmorland. These factors, coupled with Georgiana's forceful personality, ensured that she would be at the forefront of landlord protests to the Colonial Office.

It would seem, too, that Charlotte continued to enjoy travelling and that this sometimes distracted her from paying close attention to Island affairs. For good reason Charlotte's will included a clause specifying where she should be buried "if I shall happen to die in Great Britain or Ireland".¹¹⁶ In June 1869 Georgiana noted, in one of her many letters to the Colonial Office to protest the evil intentions of the Island legislature, that Charlotte might not have heard of the latest "injustice" and have responded appropriately as "she is I believe at present in Italy".¹¹⁷ Later, during the final phase of the land question, Charlotte wrote from Algiers to protest the compulsory sale of her lands.¹¹⁸ On another occasion, though writing from Broom House, she used Montreal stationery.¹¹⁹

Although Charlotte was not as active as Georgiana in opposing the Island's legislative challenges to landlordism, she wrote cogent letters to the

113 Blakeley, "Sir Samuel Cunard", pp. 183–184; MacGowan, *Report of Proceedings*, p. 235.

114 "Sir George Francis Seymour", *Dictionary of National Biography*, vol. 17 (London: Smith, Elder, and Co.), p. 1259.

115 Fane to Kimberley, March 29, 1873, reprinted in PEIHA, *Journals*, 1876, Appendix E, [38].

116 York, U.K., Probate Registry, Will of Charlotte Antonia Sullivan.

117 CO 226/105/522–3, Fane to Granville, June 3, 1869.

118 PRONI, Dufferin and Ava Papers, D 1071/H/B/S/684/1, Charlotte Sullivan to Dufferin, March 13, 1876.

119 PRONI, Dufferin and Ava Papers, D 1071/N/B/S/684/2, Sullivan to Dufferin, March 9, 1877.

Colonial Office asking that royal assent be withheld from legislation prejudicial to landlord interests. She also signed numerous landlord petitions concerning the legislation and authorized her land agent to do so on her behalf. In her own correspondence with the Colonial Office, she drew on her understanding of Colonial Office policy in the past and her personal knowledge of the Island. As well, she spoke as “a large landowner” who, she believed, had been promised security in her property in exchange for the concessions her father had made in the 1860s concerning arrears.¹²⁰ In general, Charlotte used temperate arguments and language in letters that she authored, particularly when compared with other landowners’ complaints concerning what they saw as the rise of socialist and communist principles on the Island. She did, however, contribute her name to petitions that sought to damn land reform initiatives on the Island by suggesting they had the same ideological base as the Paris Commune.¹²¹

Charlotte’s refusal to sell her estate and her defence of landlord interests made her an object of attack on the Island. Indeed, in the years after her visit to Prince Edward Island, she came to feature in an evolving popular narrative concerning the evils of landlordism. In rebutting proprietorial appeals to the Colonial Office to stop the tenant compensation legislation of the early 1870s, the executive council offered a long recital of the history of the land question that concluded with a rhetorical question concerning who most deserved legal protection. Was it “the toiling men and women whose constancy and courage have claimed her Majesty’s Island of Prince Edward from its primeval forests, and converted it into fertile cornfields and smiling meadows” or “the proprietor, living ... in luxury on the banks of the Thames”?¹²²

Derogatory characterizations of landlords were as old as the land struggle. Some of the charges against landlordism, though, became harder to rebut as women began to assume a greater profile in proprietorial ranks. For instance, the characterization of absentee landlords as parasites or drones lying on gilded couches had always had a resonance among tenants on the Island. From an Island perspective, landlords such as Viscount Melville or the Earl of Westmorland could easily be pilloried in this fashion, but in a British context the charge was less effective. Were these men not active officials of the Crown who used their landed wealth to sustain their contribution to managing the affairs of the state? This defence was harder to make when estates passed into the hands of women. Not only, from an Island perspective, could female proprietors be characterized as parasites, but they were excluded

120 CO 226/108/368–9, Sullivan to [CO], no date; Sullivan to Kimberley, March 31, 1873, reprinted in PEIHA, *Journals*, 1876, Appendix E, [39–40]; Sullivan to Under-Secretary of State, December 20, 1873, reprinted in PEIHA, *Journals*, 1876, Appendix E, [44–5].

121 See, for example, Petition of the Proprietors of Land in Prince Edward Island, [1874], reprinted in PEIHA, *Journals*, 1875, Appendix E, [17].

122 CO 226/110/149, Executive Council comments on petition of proprietors against Tenant Compensation Act of 1872.

from assuming the governmental roles at home that might have provided some cover from the charge. When one of the officials at the Colonial Office considered the issue of compulsory land sales in the late 1860s, he noted that some of the proprietors were “idle non-residents who merely cumber the Earth and deserve little money”.¹²³ Certainly there were male proprietors who by choice fit the description, but it was almost inevitable that women proprietors would.

Proprietors who were women may also have had a more difficult time gaining the respectful attention of officials at the Colonial Office. Georgiana Fane and Charlotte Sullivan were both skilled writers who knew how to present their positions effectively. Both had been to the Island and possessed extensive papers concerning the overall history of the land question. Both had powerful friends in and out of government. The official Colonial Office replies to their appeals on various Island issues were, understandably, prompt and civil. They were not women to be trifled with. The private exchanges within the Colonial Office, though, reveal a different reaction to their appeals. The Colonial Office notes for developing a response to one of Georgiana’s letters described her as not “at all a convincing person”. The author indicated that his “personal acquaintance with her ladyship” made him “despair of the success of any attempt to convince her that she is wrong”.¹²⁴ The appropriate way to respond to her letter, he suggested, was to mail her a short note acknowledging her correspondence and to send a reasoned letter on the issue to her male solicitor. The private note on another letter suggested that Georgiana “does not understand what she does or wants to do”. There are other ways to read Georgiana’s letter, had the author of this note wished to do so. He then suggested tactics to “keep her quiet for a time”.¹²⁵ Yet another internal memo concerning proprietors who were resisting imperial and colonial pressure to sell their estates noted that some were doing so because they were “obstinate” or “half crazy”.¹²⁶ Certainly Georgiana’s personality provided scope for dismissing her as being too emotional, and certainly, too, Charlotte could be inflexible, but there is a gendered aspect to this internal male correspondence with its dismissive assessments of these women.

For a variety of reasons, by the early 1870s, proprietors could no longer permanently block tenants’ compensation legislation and compulsory land purchase legislation by appealing to the Colonial Office to withhold royal assent. The political context for defending landlordism had changed; the best proprietors could hope for in the political arena were modifications that would reduce the negative effect of the legislation. The outcome of a defence in the courts, however, had yet to be tested. Powerful political lead-

123 CO 226/105/59, minute paper.

124 CO 226/103/576-7, minute paper.

125 CO 226/103/594, minute paper.

126 CO 226/105/59, minute paper.

ers on both sides of the Atlantic might have decided to sacrifice proprietors' interests to resolve the land question on Prince Edward Island and to smooth the way for Prince Edward Island's inclusion within Confederation, but it did not necessarily follow that the courts would agree. In this forum Charlotte assumed a leadership role in landlords' final struggles to assert their property rights.

In 1875 Governor General Lord Dufferin, an Irish landlord, reluctantly gave royal assent to the Island's *Land Purchase Act*, enabling the Island government to compel proprietors to sell their estates. The legislation provided for a tripartite Land Commission to determine the price the government would pay for expropriated land. The Commission was chaired by Hugh Culling Eardley Childers, a British politician and friend of Lord Dufferin's and his appointee.¹²⁷ Prince Edward Island appointed the second commissioner and the proprietors the third. The Commission held hearings in August 1875 in Charlottetown and released its "awards" for the first nine estates, Charlotte's among them, in early September. By the terms of the award, Charlotte was to receive \$81,500 for her estate, \$6,000 less than she had been offered in 1867.¹²⁸ Charlotte and three other landlords challenged these awards in the Supreme Court of Prince Edward Island. Although the applicants failed to persuade the court to rule that the *Land Purchase Act* was unconstitutional, they succeeded in obtaining a unanimous judgement striking down the Commission awards.¹²⁹

Island papers were shocked by this outcome, in part because the *Land Purchase Act* had been carefully crafted to minimize opportunities for legal challenge. As well as delaying resolution of the land question, the Supreme Court's decision raised the question of whether the province would be willing to undertake the potentially costly task of redoing the work of the original Land Commission. There was suggestion in the press that perhaps the Island government's best response would be to return to the tactic of attempting voluntary sale of proprietors' holdings.¹³⁰

The Island government, though, chose to appeal this decision to the newly formed Supreme Court of Canada. In the time between the Island court decision and the hearing in Ottawa, the other landlords involved in the case reached out-of-court settlements with the province. One was Robert Bruce Stewart. The other was Georgiana Fane's nephew, who had inherited her property when she died in the winter of 1874. Had Georgiana Fane been alive for the Land Commission proceedings, the final attempt at a defence of

127 *Land Purchase Act, 1875, Statutes of Prince Edward Island, 1875, 38 Vict., c. 32*; Spencer Childers, *The Life and Correspondence of the Right Hon. Hugh C. E. Childers, 1827–1896*, vol. 1 (London: John Murray, 1901), pp. 231–235.

128 Report by the Crown Officers ... of Proceedings before the Commissioners under Land Purchase Act, 1875, reprinted in PEIHA, *Journals*, 1877, Appendix E, [6, 11].

129 *Kelly v. Sullivan and Others* (1875), *Prince Edward Island Reports*, pp. 34–107.

130 *Patriot*, February 12, 1876.

landlord rights likely would have brought two women to make their case before the Supreme Court of Canada. In the event, Charlotte stood alone to challenge the constitutionality of the *Land Purchase Act* of 1875 and the procedures the Land Commission had adopted in making the award concerning her estate.

A number of important matters were at issue before the Supreme Court. One concerned the constitutionality of provincial legislation that would, in effect, take land from one set of individuals and give it to another set. Another concerned whether the Supreme Court of Canada should hear appeals from the provincial supreme court. Yet another concerned the specific challenges that had prompted the Island Supreme Court to set aside the Land Commission's award. On the first issue, the Supreme Court upheld the constitutionality of the *Land Purchase Act*. It was, Chief Justice William Richards ruled, extraordinary legislation aimed at settling a "question of great moment to the community" and could not be judged in the same way as "ordinary legislation".¹³¹ As in the cases of the settling of the land question in Ireland and the conversion of seigneurial tenures in Lower Canada, it was necessary to ensure the peace and prosperity of the population at large. The justices also clarified the relationship between the court system on the Island and the new Supreme Court of Canada, ruling that the latter was indeed the appropriate court of appeal for rulings of the Supreme Court of Prince Edward Island. Lastly, it upheld the original awards of the Land Commission, overturning the ruling of the Supreme Court of Prince Edward Island. When Island legislators drafted the 1875 *Land Purchase Act* they had included a privative clause, barring legal challenges to the Land Commission's awards. This clause, the Supreme Court of Canada ruled, meant what it said: there could be no appeal to the courts against the awards of the Land Commission. In short, the defence of landlordism was over, unless Charlotte wished to appeal to the Judicial Committee of the imperial Privy Council.¹³²

A land system that had begun with imperial rewards for prominent men ended with a lone woman resisting the expropriation of her estate. That women had come, over time, to join the ranks of Island proprietors had much to do with the vicissitudes of marriage and succession, as well as with laws that permitted widowed and unmarried women to own and manage property and permitted married women to retain ownership of inherited lands through trust arrangements. That women were heavily represented among the last of the Island's landlords and assumed a central role in the final defence of landlordism was not simply a matter of chance. A variety of forces, including the gendering of access to business intelligence and gen-

131 *Kelly v. Sullivan* (1876), 1 *Supreme Court Reports*, pp. 3–64.

132 Charlotte filed for leave to appeal to London but in the end did not proceed with the appeal. Ottawa, National Archives of Canada, RG 125, #1, vol. 1, 5, *Kelly v. Sullivan* case file, Notice of Motion for leave to appeal.

dered opportunities for constructing public policy, made the options available to women landlords different from those available to their male counterparts. In the case of Charlotte Sullivan, her decision not to sell her Island estate, and instead to become a major player in the defence of landlord interests on Prince Edward Island, was grounded in the options available to her as a wealthy, unmarried woman. The creation of a Canadian nation in British North America, however, foreclosed the opportunities that had once been open to her.