

Chapter 1

1840-1896 The formation of the Canadian Federal System



How did London respond to
the Durham Report?



This is one of the questions
the British had to respond to
after the Durham report.



Problem: Rebellions of 1837-1838





Lord Durham

London sends Lord Durham to investigate. He was sent to figure out why the rebellions were happening and propose a solution to bring peace.

Political and social aspects

Lord Durham had been sent after the rebellions to produce a report. He determined:

- He determined the rebellions were a result of **ethnic conflict** (between the Canadiens and the British) and the **no true democracy**

His recommendations:

- **Unite Upper Canada and Lower Canada**- making French Canadiens a minority
- **Creation of responsible government** with a majority British legislative assembly



1.1 Lord Durham (1792-1840), governor of Canada from May to September of 1839 and author of the *Report on the affairs of British North America*, commonly known as the Durham Report



If you were London, how
would you respond?

London makes their decision
(1839)

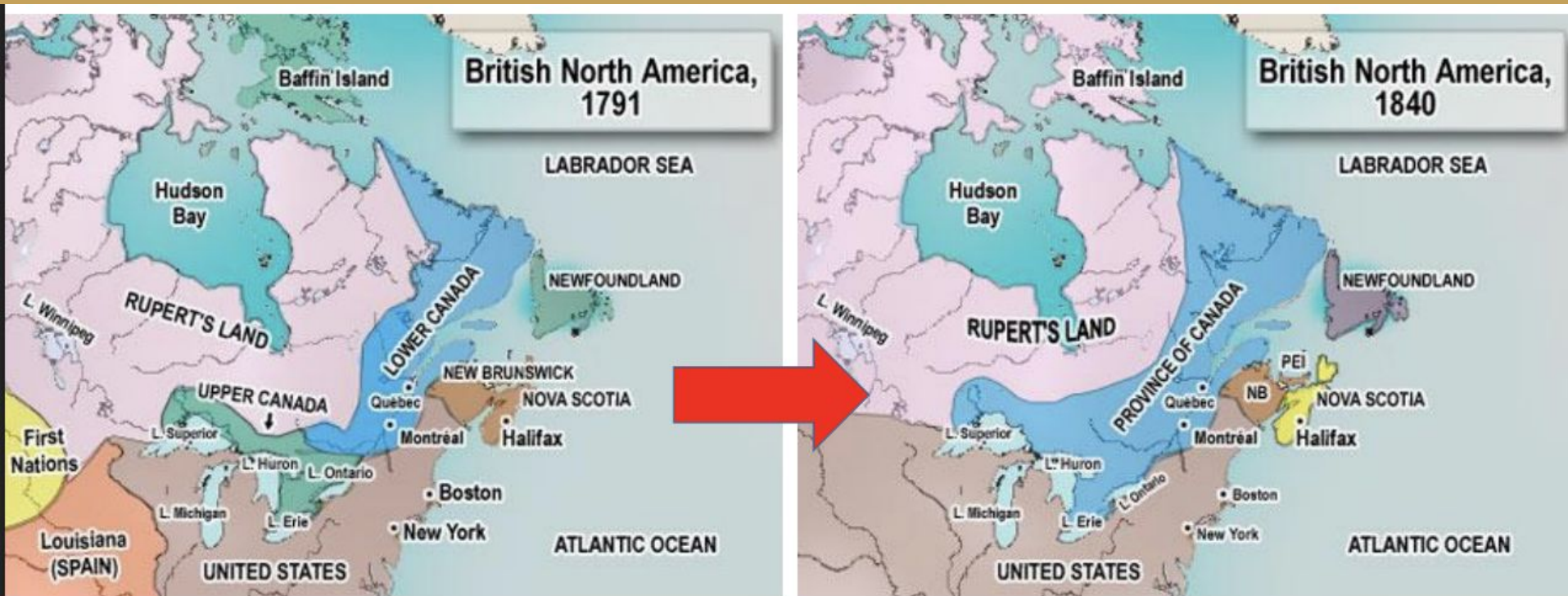
1. They reject responsible government
2. They plan to unite Upper and Lower Canada



1.2

Charles Edward Poulett Thomson (1799-1841), first governor of the Province of Canada. Sent by London to replace Lord Durham and implement the union of Upper Canada and Lower Canada.

New Constitution: Act of Union (1840) Territorial change



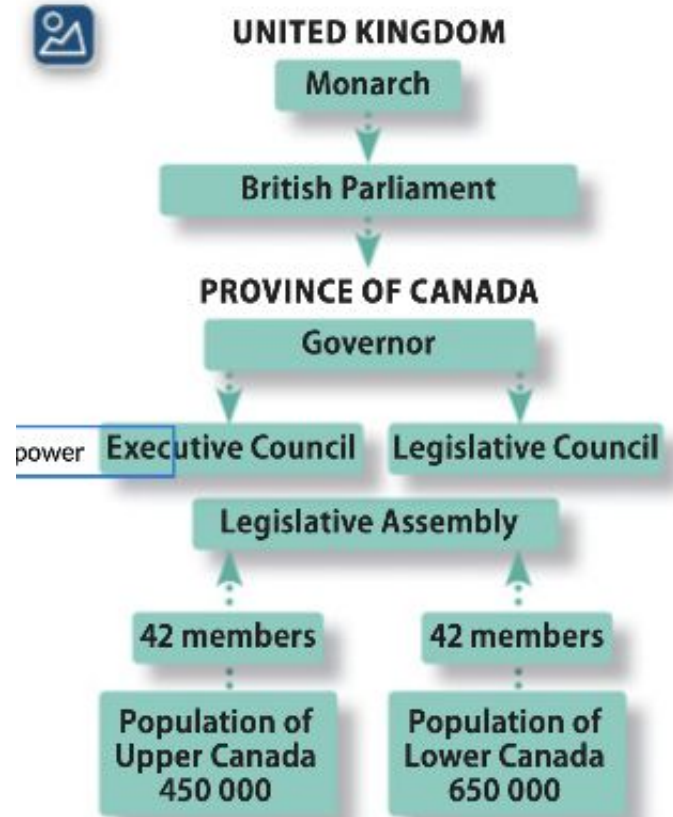
Political structure

The Act of Union led to the territory being governed by a **single parliament**.

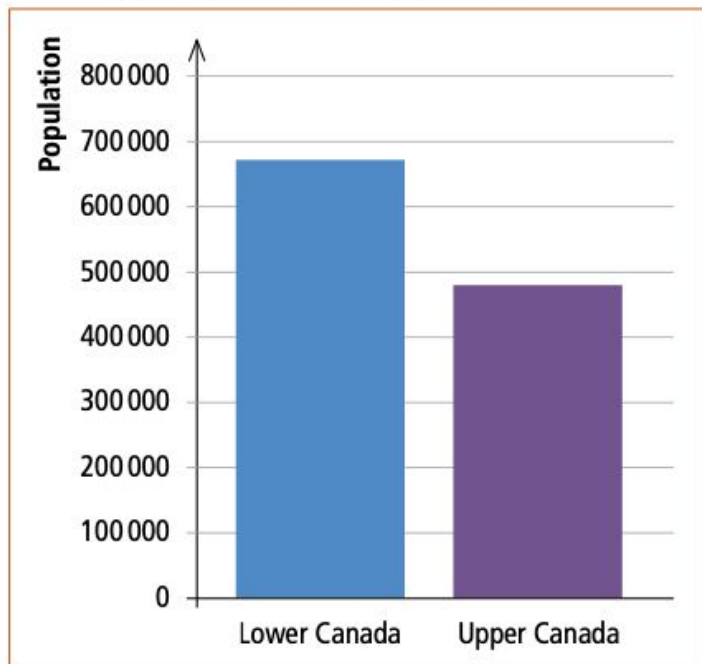
- A **change** occurred: a **single legislative assembly** represented to people.
- **Continuity: Legislative council and executive council were still appointed by the governor general who still had the right of veto**
- Governor and legislative council could still reject bills
- British parliament was allowed to reject a law up to two years after its adoption
- Governor could authorize unforeseen expenses

Was this a true democracy? Why or why not?

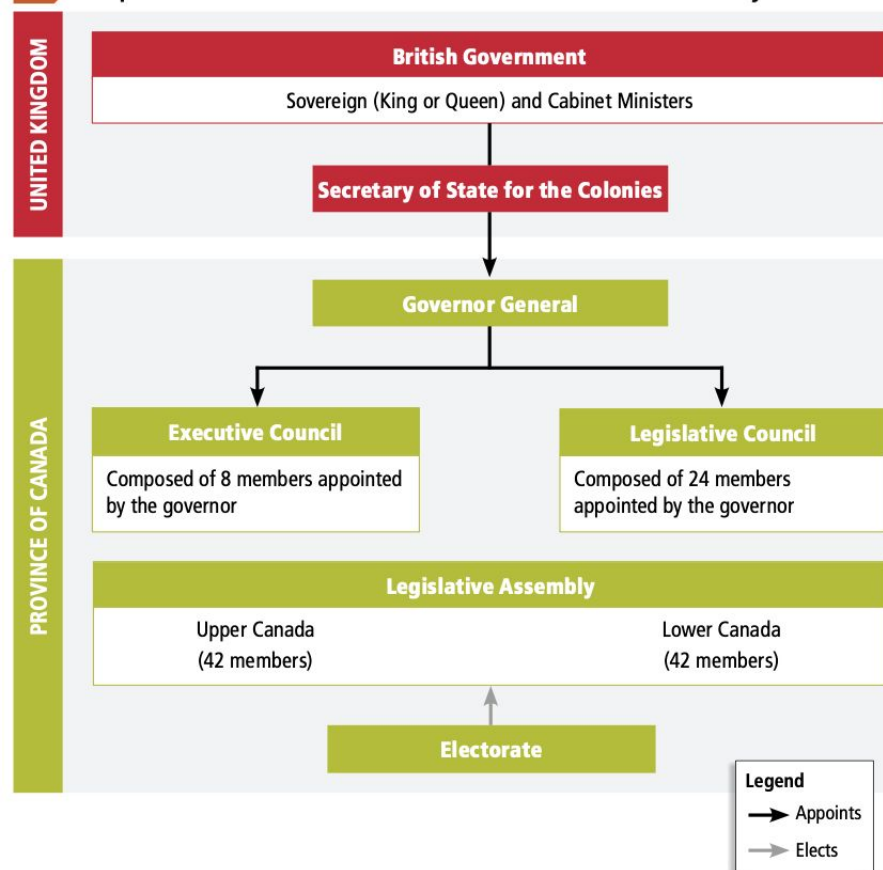
ADMINISTRATIVE STRUCTURE OF THE PROVINCE OF CANADA AFTER THE ACT OF UNION



5 The population of Lower Canada and Upper Canada, 1840



6 The political structure of the Province of Canada under the *Act of Union of 1840*



French Canadian minority

Using the principle of equal representation to both regions of the Province of Canada, the British government made French Canadians the minority in the Legislative Assembly.

- The Legislative assembly was dominated by English Canadian members.
- The governor and members of the councils had the most power and were British

	UPPER CANADA	LOWER CANADA
POPULATION	450 000 anglophones	500 000 francophones 150 000 anglophones
REPRESENTATION	42 members	42 members

7 The official language of the Province of Canada

Section 41 of the *Act of Union* was intended to prevent a repeat of the debate held in 1793 over the official language of the Legislative Assembly.



And be it enacted [established], That from and after the said Reunion of the said Two Provinces all Writs [announcements], Proclamations, Instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of Canada, . . . all Journals, Entries, and written or printed Proceedings . . . of the said Legislative Council and Legislative Assembly, and of each of them respectively, . . . shall be in the English Language only. ”

Excerpt from the *Act of Union*, 1840.

French Canadians are at a disadvantage

- London merged the debts of the two Canadas even though Upper Canada had a much higher debt. Lower Canada was now also responsible for that debt
- English became the only official language in the Province of Canada

Fortunately for the French, French civil law was maintained in Lower Canada. In Upper Canada British civil law was applied and British criminal law was applied throughout the Province of Canada





Based on all this information,
what group had the advantage
in the Legislative Assembly in
the Province of Canada?

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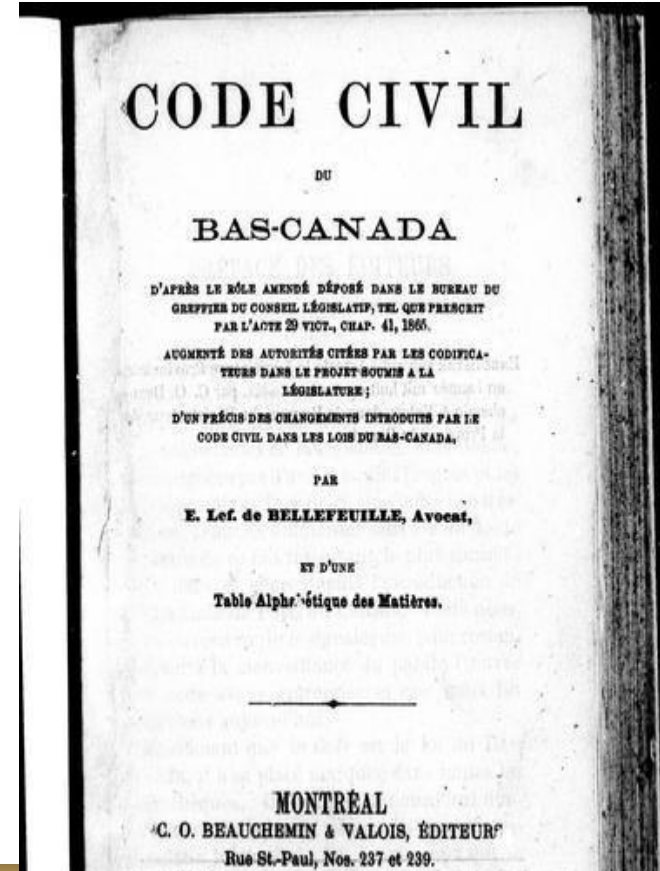


How did the Act of Union
disadvantage Lower Canada
economically?

Administration of the Act of Union

1. The principle of equal representation limited French Canadians' power in government
2. The debt of Upper Canada (which was 6 million compared to Lower Canada's \$500,000) became the responsibility of both
3. English was the only official language used in government
4. French civil laws remained in Lower Canada

The consequences of uniting Upper and Lower Canada to form the Province of Canada





London's main reason for the Act of Union was to assimilate the French Canadians. Why would this constitution allow the English to assimilate the French? How?





Is the Act of Union going to
stay in place long? What
opposition may it receive?

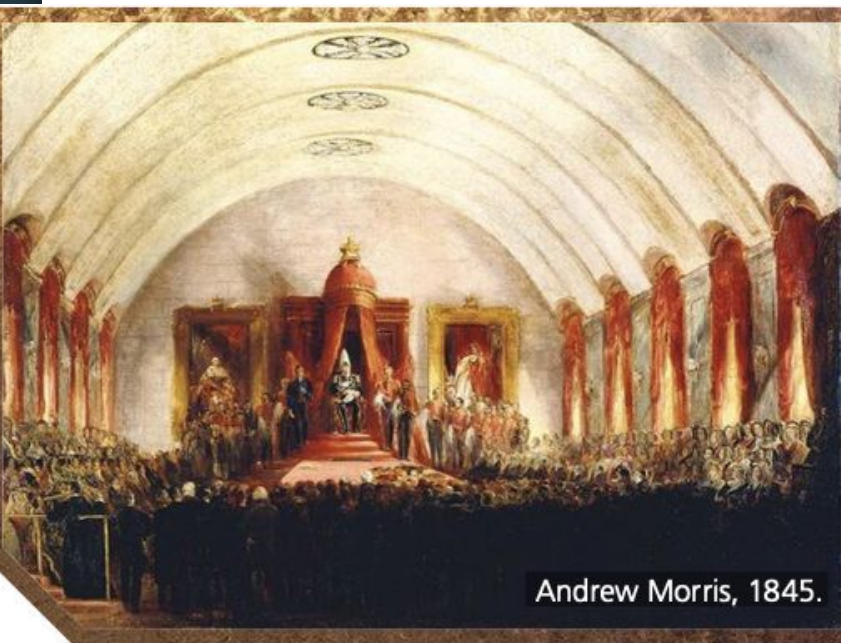




How would you feel as an
English Canadian after the
Act of Union?



How would you feel as a
French Canadian after the
Act of Union?



Andrew Morris, 1845.

A travelling capital

Over a 25-year period, the members of the Legislative Assembly voted over 200 times on the choice of a location for the capital of the Province of Canada! From 1841 to 1866, the capital of the Province of Canada moved six times. The cities of Kingston, Montréal, Toronto and Québec each had turns as the capital. In 1857, Queen Victoria designated Ottawa as the official capital of the colony. Parliament was established there in 1866.

◀ The Parliament in Montréal, 1845

Summary

- In 1839 Lord Durham is sent to evaluate why the rebellions were happening in Upper and Lower Canada and come up with a solution
- He found they were happening due to an ethnic conflict and no responsible government (no true democracy)
- Durham recommended uniting Upper and Lower Canada to assimilate the French and also granting responsible government
- London unites the two Canadas but does not grant responsible government.
- With the Act of Union in 1840:
 - the French lose power in the government due to equal representation
 - The inhabitants of Lower Canada have to help pay back Upper Canada's debt
 - English is the language used in government
 - French civil laws are used in the Lower Canada region