

CHAPTER 1

1840-1896

*Development of
Canadian federalism*

PART 1

Durham Report and *Act of Union (1840)*

How would the United Kingdom respond to the Rebellions of 1837-1838 and the Durham Report?

Lord Durham's recommendations (1839)

The Legislative Assembly and Legislative Council were dissolved by the British authorities. London put in place the Special Council, which governed Lower Canada from 1838 to 1840. There were no elected representatives on the Council. London also appointed a new governor general, Lord Durham. He was mandated to investigate the events of 1837–1838, identify the causes of the rebellions and propose solutions to the crisis. In January 1839, Durham finished his report and submitted it to the British authorities.

Lord Durham's recommendations (1839)



Following the rebellions in Lower Canada, London sent Durham to the colony to:

- 1) determine the cause of the uprisings**
- 2) propose solutions to bring back peace.**

He was governor of Canada from May to September of 1839.

Lord Durham delivered his report in 1839 (known as the **Durham Report**).

Causes of the rebellions

1) *Ethnic conflict between French Canadians and the British*

2) *Absence of a truly democratic government*

Proposed solutions

Assimilation of French Canadians by making them the minority through:

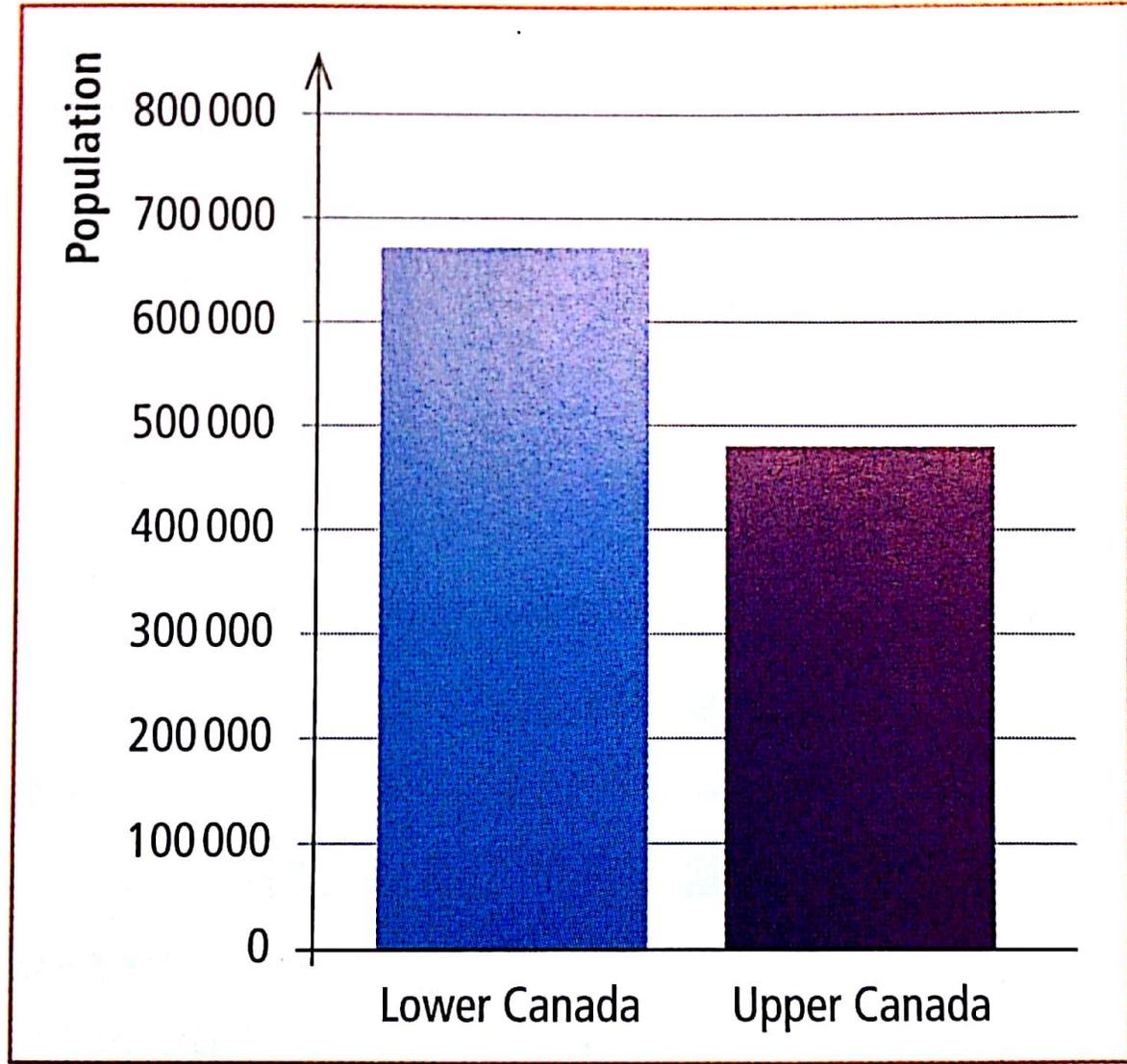
- 1) *massive British immigration*
- 2) *uniting the 2 Canadas (Upper + Lower)*

Assimilation would also increase economic growth in the colony.

2) *Creation of a responsible government*

*Would establish a Legislative Assembly with a **British majority**.*

5 The population of Lower Canada and Upper Canada, 1840



Data from: *Censuses of Lower Canada and Upper Canada*, Statistics Canada.

Decisions of London (1839)



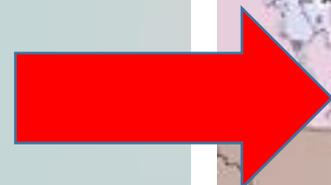
London:

- 1) rejected responsible government**
- 2) agreed to unite the 2 Canadas.**

London also sent a new governor to the colonies, Charles Edward Poulett Thomson.

The Act of Union (1840)

4th constitution under British Rule



The Act of Union (1840)

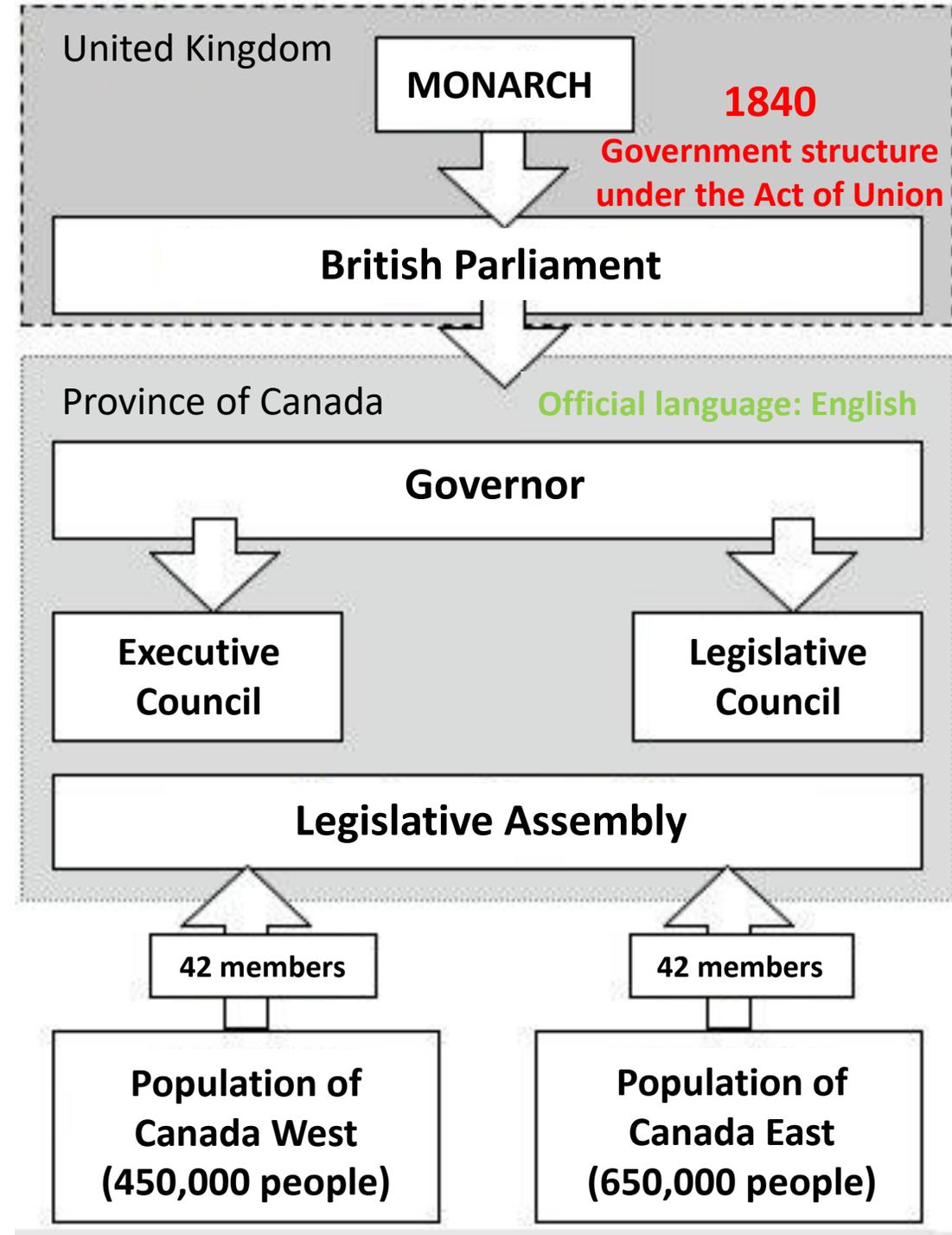
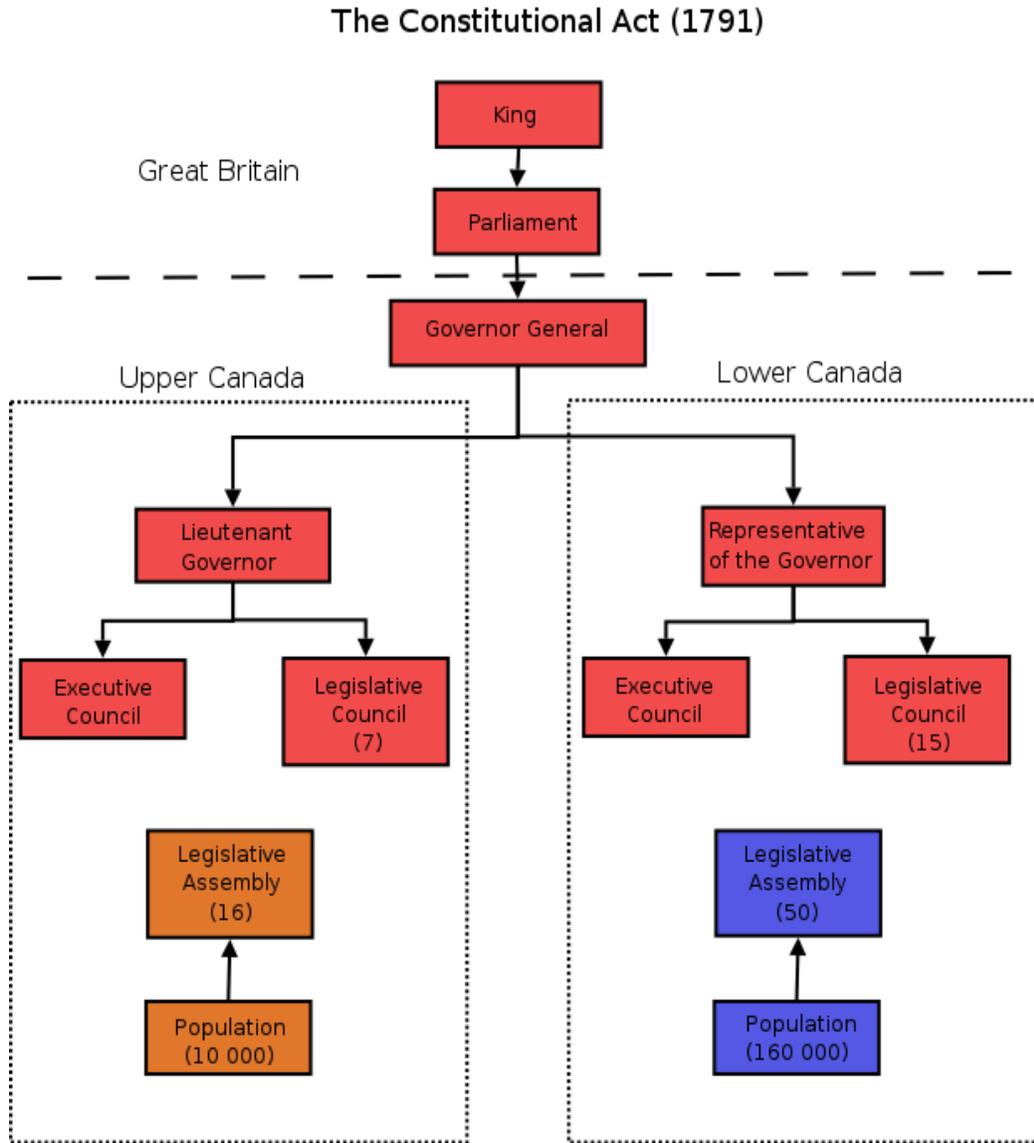


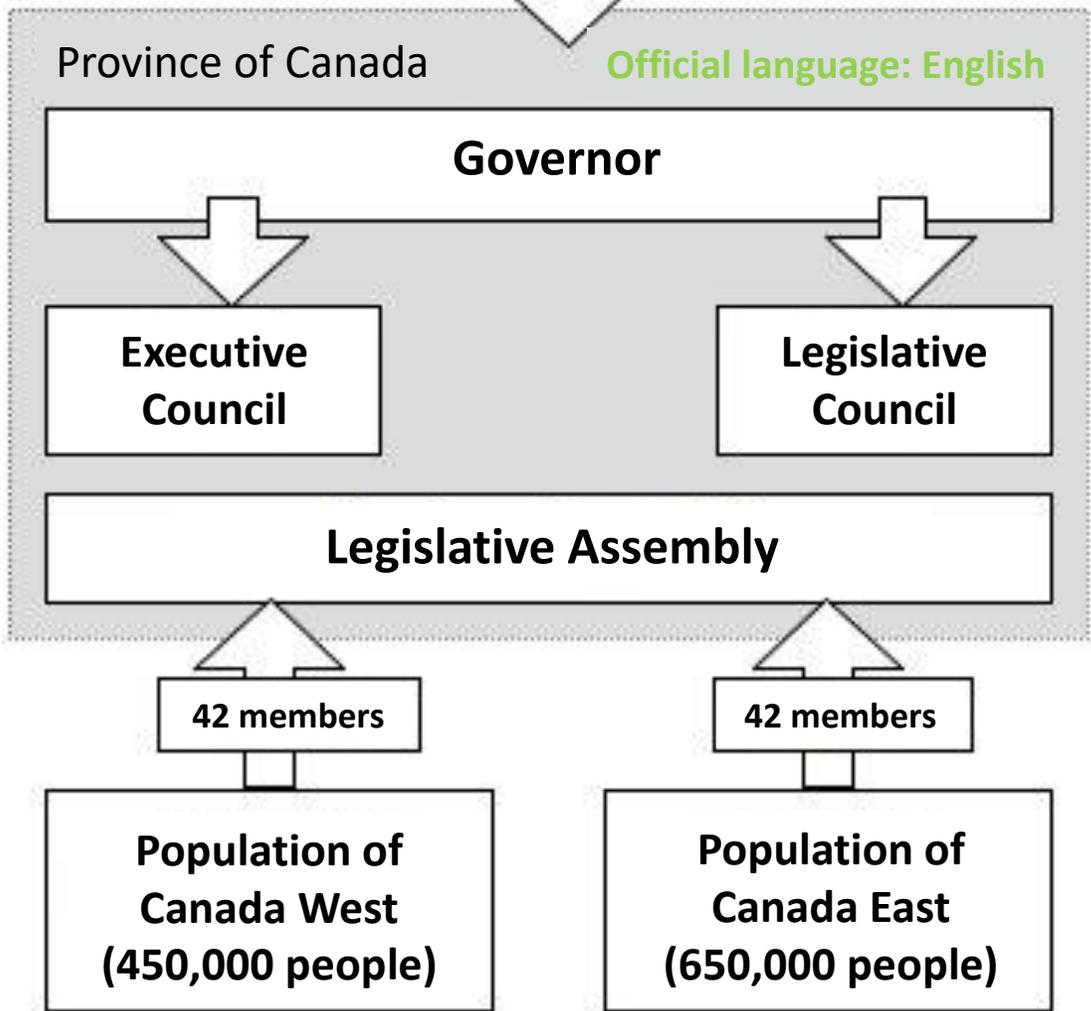
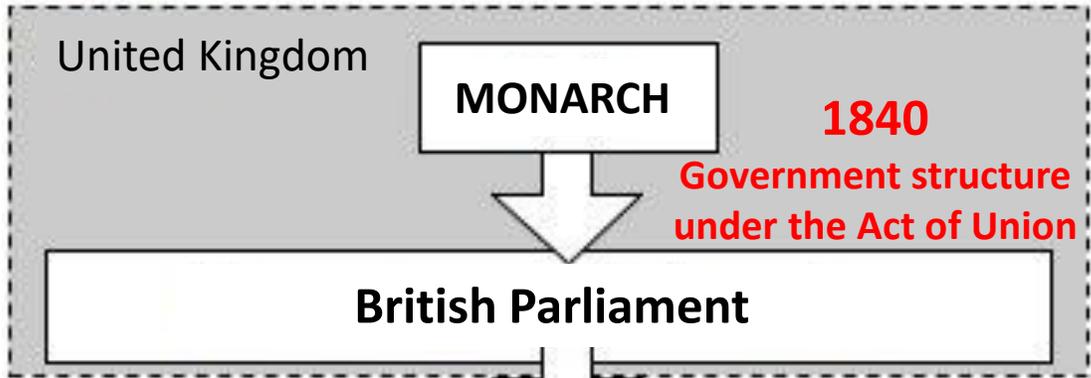
Territorial union:

- a single territory named the "**Province of Canada**" (or "United Canada" or the "United Province of Canada")
- officially, Upper and Lower Canada were referred to as **Canada West and Canada East**
- Kingston was the new capital (1840 to 1844, then Montréal (1844 to 1849)).

Constitutional Act (1791)

(system of Representative Government)





The Act of Union (1840)

Legislative union:

- a new political structure
- a **single Parliament** administered the colony
- a **single Legislative Assembly** represented the population of United Canada
- members of the Legislative Council and Executive Council were **still appointed by the governor**
- the governor kept his **right of veto**
- the governor and the members of the Legislative Council **kept the power to reject bills passed by the Legislative Assembly.**

Administrative provisions of the *Act of Union*

<i>United Canada in 1841</i>	CANADA WEST	CANADA EAST
POPULATION	450,000 anglophones	500,000 francophones 150,000 anglophones
REPRESENTATION	42 members	42 members

Administrative provisions of the *Act of Union*

1

Principle of equal representation:

- Even though the population of Upper Canada < Lower Canada, each region was represented by 42 members in the Assembly
- Ensured an **English-Canadian majority in the Assembly**
- French-Canadians, who were now the minority, had limited power in government.

Administrative provisions of the *Act of Union*



Public debt:

- The debt of Upper Canada was **combined** to the debt of Lower Canada
- Upper Canada's public debt was much greater (about 12 times) than Lower Canada's.



Administrative provisions of the *Act of Union*

3



Article 41:

- **English was to be the only official language in use in the government** of the Province of Canada (debates, bills, official documents)
- French was tolerated for translation but had no legal value
- **French was eventually allowed during debates** in the Parliament thanks to the determination of French-speaking Assembly members.

Administrative provisions of the *Act of Union*

Excerpt from a speech made by Assembly member Louis-Hyppolite La Fontaine in 1842:

“He asks me to deliver in a language other than my maternal tongue the first speech I have to deliver in this house! [...] Even if I knew English as well as French, I would still make my first speech in the language of my French Canadian countrymen, if only to protest solemnly the cruel injustice of that part of the Act of Union which aims to proscribe the mother tongue of half the population of Canada. I owe it to my countrymen. I owe it to myself.”

Administrative provisions of the *Act of Union*

4

Civil laws:

- French civil laws were upheld in Lower Canada.

