

Upper and Lower Canada

Lord Durham was sent by the British government to study the situation in Upper and Lower Canada, investigate the grievances that had sparked rebellions, and search for a solution. Durham stayed only five months in the Canadas. During this time he and his team of experts talked to many people. Upon his return to Britain, he wrote his “Report on the Affairs of British North America,” which became known as the Durham Report.

C-5456, National Archives of Canada, Ottawa.



Lord Durham (1792–1840)

John George Lambton, better known as Lord Durham, arrived in Quebec City as governor general of British North America in May of 1838.* He was sent to investigate the causes of the Rebellions of 1837.

Lord Durham was especially interested in educating the poor and giving people more control over the government. He had been nicknamed “Radical Jack” in the British House of Commons because of his **radical policies**.

His most immediate task, upon arrival, was to decide what to do with the Patriotes—those who supported the Rebellions in 1837 in Lower Canada—who were still in jail in Lower Canada. He decided to set most of them free and to **exile** the leaders to Bermuda. Louis-Joseph Papineau and others who had fled to the United States were to be executed if they tried to return to the Canadas.

Durham resigned as governor general toward the end of 1838 because he felt that he was not getting enough support from the British government. He returned to England and took two months to write his report. He died soon after, on July 28, 1840.

The Durham Report

Durham made two major recommendations in his report:

1. The two colonies of Upper and Lower Canada should become one colony called the United Province of Canada.

Uniting Lower and Upper Canada would place the English in the majority. This was intended as a way of uniting the English-speaking people and giving them a majority in the Legislative Assembly.

2. The new united colony should have responsible government.

- British imperial powers would be set out in writing. All other local powers would be handled by the colonies.
- On matters involving only colonists, the governor would be advised only by his Executive Council, with no input from the British government.
- The governor would not take sides, but would sign into law any bills recommended by the Executive Council.
- The Executive Council members would be chosen by the leader of the largest group in the Legislative Assembly rather than by the governor. This would mean that members of the Executive Council would really be chosen by the people's representatives. This is called responsible government. **
- Members of the Executive Council would keep their jobs only as long as they had the support of more than half the members of the Legislative Assembly, rather than for as long as the governor chose to keep them on the council.

*Lord Durham was appointed governor general of British North America — not lieutenant-governor of Upper Canada and Lower Canada — but governor general of all of British North America.

Radical policy — plan for extreme changes

Exile — to officially order someone to leave the country

**This is what happens in the federal or provincial government's Cabinet today.

The Act of Union, 1841

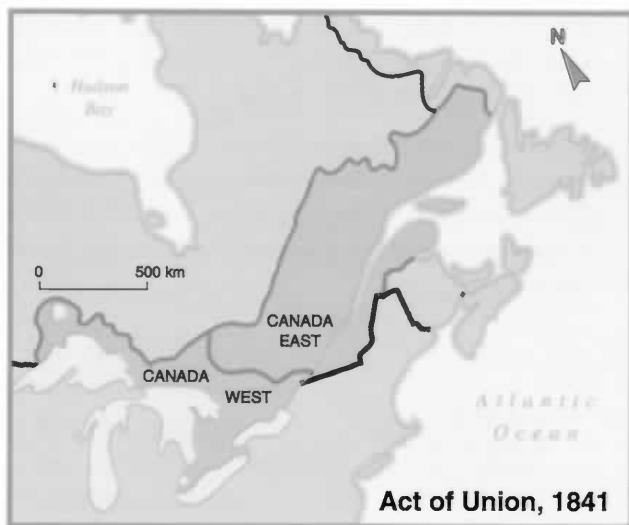
Introduction

The British government decided to act on one of Lord Durham's recommendations. The Act of Union of 1841 joined Upper and Lower Canada together as the United Province of Canada. The Act of Union was the first step toward Confederation (the union of the British North American colonies). It was hoped that the English-speaking members from both areas would unite and control the Legislative Assembly by having the majority of votes.

Aim: to unite the two colonies of Canada into a single unit, and to give the English-speaking people control of the newly named colony.

Key Terms

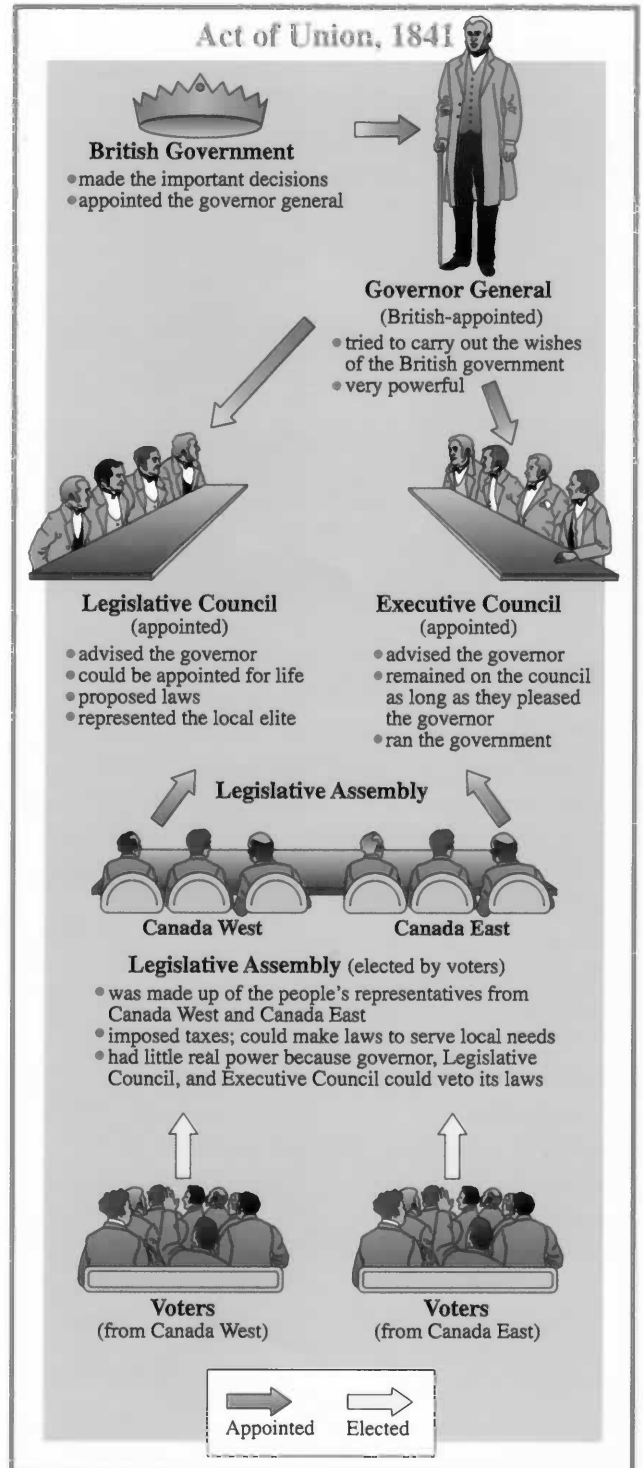
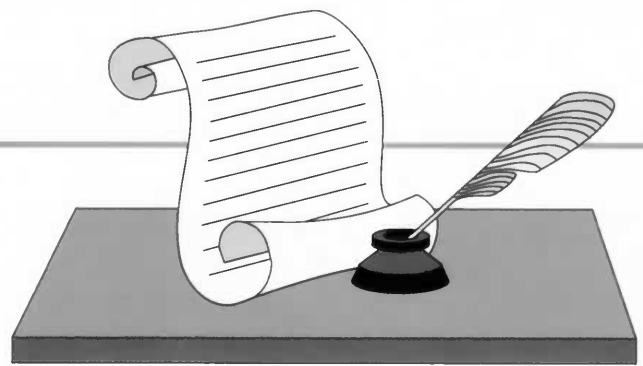
- Eliminate separate governments in Upper Canada and Lower Canada and create a single government with equal representation from Canada West and Canada East.* The system of government was to be the same as in the past.
- Establish English as the official language of government.**



The Act of Union of 1841 joined Upper Canada and Lower Canada to become the United Province of Canada.

*Refer to pages 120 and 128 to review the type of government in existence before the Act of Union.

** By 1848 the Government of the Province of Canada recognized both English and French as the languages of government. In 1969 English and French became the official languages of Canada.



Colonial Policy in Great Britain

Britain was beginning to rethink its imperial (colonial) policies in the 1840s. After all, the point of having colonies was so that they could provide natural resources for the imperial power. Instead, they seemed to be very expensive. Finally, in 1846, the British government decided to stop giving its colonies special trading protection and to freely trade with all nations. This affected Britain's attitude toward her colonies. There is no point in being involved in the internal politics of the British North American colonies if they were no longer important to Britain's economic well-being.

Lord Elgin



In 1847, James Bruce, the Earl of Elgin, was appointed to be the new governor general of Canada. His instructions were to permit responsible government in British North America.

Rebellion Losses Bill

The first test of responsible government came in 1849, when the Rebellion Losses Bill was presented to the Legislative Assembly. The purpose of the **bill** was to pay the people of Canada East for property damaged or destroyed during the Rebellion of 1837. The people of Canada West who had suffered losses had already been repaid.

The Tories were strongly opposed to this bill. They did not want any of the rebels to receive payment. The Tories were strongly opposed to the Rebellion Losses Bill because they felt the rebels were traitors. They did not want any of the rebels to receive payment. Governor Elgin did not like the bill either, but he was committed to the principle of responsible government, which meant that he must follow the wishes of the majority in the Legislative Assembly. They wanted the bill passed.

Bill—a proposed law that is presented to the Legislative Assembly to be debated and voted on. When it becomes law it is called an Act.

Annexation—joining of one territory to a larger political entity

Manifesto—a public declaration of intentions by an important group of people

Reaction to the Rebellion Losses Bill



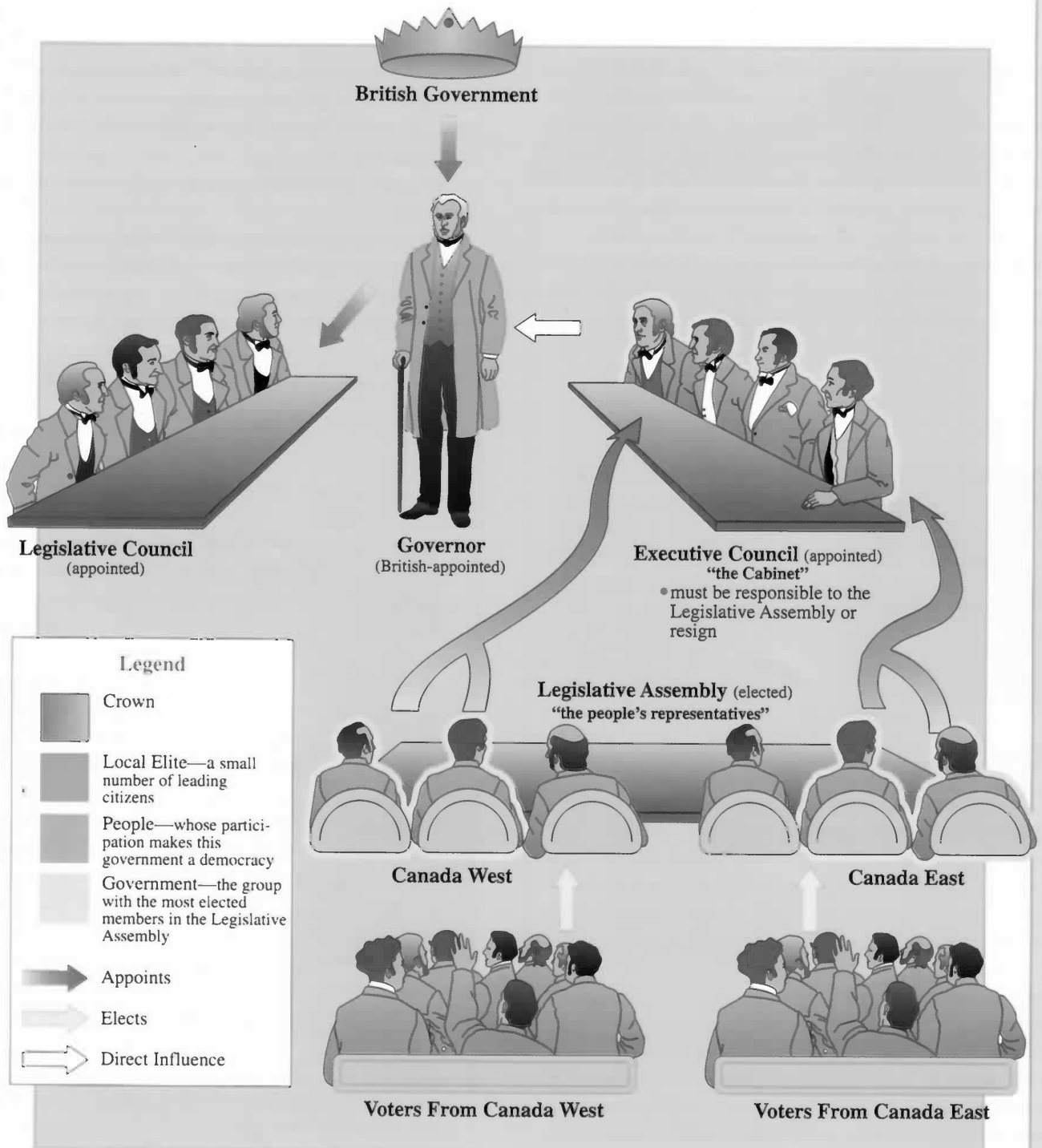
On April 25, 1849, Lord Elgin signed the Rebellion Losses Bill. The Tory reaction was immediate.

There were riots in Toronto and Kingston. But the most violent protest was in Montreal. On the night the bill was signed, an angry mob stormed the Parliament Building and set it on fire. The building was destroyed. The governor was pelted with rotten eggs and stones. Vegetables, dead rats, and garbage were thrown at members of the Legislative Assembly.

After a few months the protests faded away, but the Rebellion Losses Bill remained in effect. In frustration, some of the English-speaking Tories began to look elsewhere. Three hundred of them signed the **Annexation Manifesto**, which proposed that the Province of Canada drop its ties with Britain and join the United States.



Lord Elgin rode home in this coach on April 25, 1849, the day he signed the Rebellion Losses Bill. The angry crowd threw rotten eggs and stones at Lord Elgin's coach.



Responsible Government

Members of the Executive Council (today known as the Cabinet) are chosen from the group with the most elected members in the Legislative Assembly (rather than by the governor). The most powerful voice in the government is the Cabinet. The Cabinet is thus responsible to the representatives of the voters for its conduct of public business. If the Cabinet loses the confidence of the majority of the Legislative Assembly, it must resign. In other words, the government can function only if it has the support of the Legislature; it is *responsible* to the Legislature.