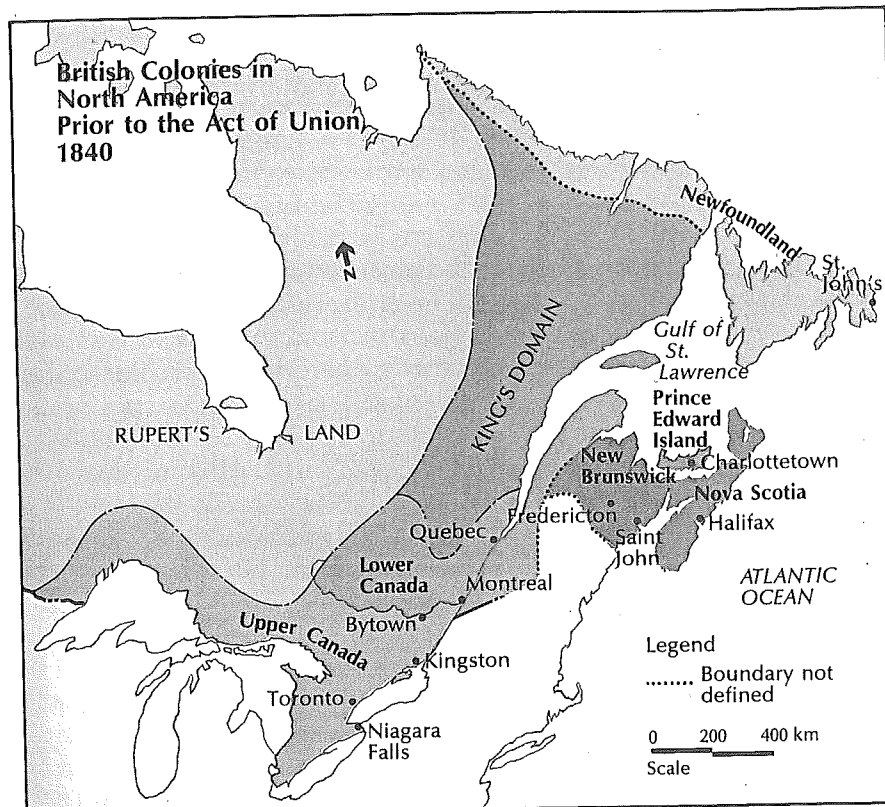


Chapter 3

Changes in Colonial Government, 1838-1849

Although they had failed in both the Canadas, the rebellions of 1837 and 1838 had alarmed the British government. These events reminded the British of how they had lost thirteen of their North American colonies sixty years earlier. Only six British colonies now remained in eastern North America: Upper Canada, Lower Canada, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland. Some observers in both Britain and the Canadas noted

After having lost many of their possessions in North America, the British were anxious to keep control of their six remaining colonies. What geographic and cultural characteristics tended to discourage co-operation among the colonies?



similarities between the conditions that had led to the rebellions of 1837-1838 and those that had sparked the American Revolution. Lord Durham was sent to the Canadas as governor general in 1838. It was his responsibility to seek solutions to the problems in Upper and Lower Canada.

In this chapter, you will first look at the solutions set forth by Durham in the famous report which he wrote after his visit to the colonies. Then you will see how two major solutions suggested by Durham—a legislative union of the Canadas and the granting of responsible government to the colonies—were eventually put into practice.

As you read this chapter, these key questions should be kept in mind:

- What did Durham see as real causes of the rebellions of 1837-1838?
- What does "responsible government" mean? Why did Durham recommend it in his report?
- How did the Act of Union affect the relationship among the five colonies?
- How did responsible government come about in Nova Scotia? in the Canadas?

A Solution Sought

Lord Durham's report is one of the most famous and controversial documents in Canadian history. The report attempted to outline a solution to the problems of colonial government. This section will look first at Durham's visit to Canada, then the report itself, and finally at colonial reactions to the report.

Lord Durham in the Colonies

John "Radical Jack" Lambton, the first Earl of Durham, is known to students of Canadian history as Lord Durham. He was a powerful advocate of political reforms in Britain during the 1830s. For example, he urged that voting should be done by secret ballot and that the vote be given to all male taxpayers.

Led by speakers like Durham, critics of the British government accused it of neglecting its North American colonies. They claimed that this neglect had given rise both to the American Revolution of the 1770s and to the rebellions of 1837-1838 in the Canadas. They

argued that the British government had neither provided good leadership nor allowed enough democracy for the colonies, thus enabling groups like the Family Compact and the Château Clique to become petty tyrants.

Early in 1838, British Prime Minister Melbourne asked Durham to head a commission of inquiry into the rebellions of 1837-1838, and to make recommendations for the future of the Canadas. Durham was also asked to serve as governor general of both Upper and Lower Canada. Durham's acceptance delighted Melbourne and quieted the critics who were using the "Canadian problem" to harass and embarrass the Melbourne government. On both sides of the Atlantic, people who wanted to see political change in the colonies were pleased by Durham's appointment.

Lord Durham arrived at the port of Quebec City in May 1838 to a warm welcome from the people of Lower Canada. He invited leaders from both Canadas and the Atlantic colonies to meet with him and discuss solutions to the problems of colonial government.

Durham already had in mind one possible solution: the joining of all the colonies into a single legislative union. In other words, Durham wanted to create an elected Assembly which would include representatives from each of the colonies. These legislators would make laws that applied to all of the colonies. Such an assembly would make it impossible for a local oligarchy to control the political life of any individual colony. There would be enough taxpayers in this union to provide the government with the funds needed for such large-scale projects as railway and canal building. Such projects, at this time, were bigger than any individual colony could handle.

Durham discovered, however, that none of the colonies wanted to be part of his proposed legislative union. Each colony feared getting involved with the problems of the others if it had to share a government with them. Durham abandoned the idea of a legislative union of all the colonies. A union of Lower and Upper Canada without the Maritimes, however, would remain part of his proposed solution.

During Durham's visit to Upper Canada, William and Robert Baldwin, leading reformers in the Upper Canada colony, suggested to him the idea of "responsible government" for British North America. This idea was already in practice in Britain itself. Let us take a closer look at what it meant.

In Britain, those people allowed to vote elected the members of the House of Commons. The party getting the largest number of



Lord Durham was an aristocrat, the son-in-law of a former British prime minister. His years in politics had earned him a reputation as a reformer.

members in Parliament would then form a government, headed by the prime minister (usually the leader of the winning party). The prime minister would choose members of his party to be part of his Executive Council, or cabinet. This council gave advice to the monarch and was responsible for the day-to-day running of the country. Each cabinet minister headed a department, staffed by civil servants, who carried out the work of the government.

The Baldwins wanted to see a similar system for the government of the colonies. The colonial governor, appointed by the British government, would still act as the chief representative of authority (or head of state) in the colonies. However, this appointed governor would have to choose his Executive Council from the elected members of the Legislative Assembly of the colony. ("Legislative Assembly" was the name used for the body of representatives elected by colonial voters.)

This Executive Council would then give advice to the colonial governor. The governor would have to accept such advice in all domestic matters, those matters which concerned life in the colony itself. For example, if the Executive Council's members wanted to spend tax money to build roads, and had the support of a majority of members in the Assembly, the colonial governor would have to allow this spending, whether he liked the idea or not. If the Baldwins' proposal was accepted, the real power in the colony would no longer rest with the appointed governor, but with the elected Legislative Assembly, whose members sat in the Executive Council.

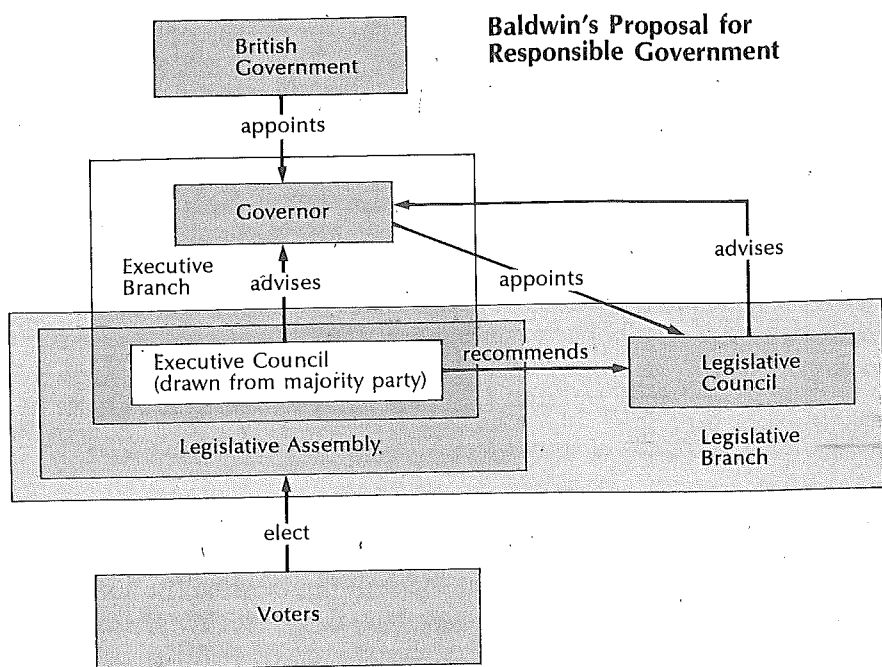
In such a system, the government is said to be "responsible" to the elected Assembly, who in turn represent the people of the colony. The structure of responsible government is shown on page 55.

In a letter of August 1838 to Lord Durham, Robert Baldwin summed up his case for responsible government:

I would ask Your Lordship, would the people of England endure any system of Executive Government over which they had less influence than that which at present exists [in the Canadas]? Your Lordship knows they would not. Can you then expect the people of these colonies with their English feelings and English sympathies to be satisfied with less... They can see a reason why their relations with foreign countries should be placed in other hands: but none why their domestic concerns should not be managed upon similar principles to those applied in the administration of the Imperial Government...



Robert Baldwin



The Baldwins' proposal appealed to Durham for a number of reasons. First, it called for a form of government similar to Britain's, with which he was of course already familiar. Second, the proposal would provide responsible government for local issues. This provision would silence complaints that these issues were under the control of a government outside the colony. But it would still allow the British government to retain power in all other matters such as foreign trade and defence. Finally, the proposal was acceptable to important political leaders in all six of the colonies. For these reasons, Durham was prepared to recommend to the British Parliament that responsible government be extended to all of the British North American colonies except one: Lower Canada. Here, Durham faced a major problem. He feared that, under responsible government, the French-speaking majority of Lower Canada would use its power to block the wishes of the British minority. As you will shortly see, Durham had a very unfavorable opinion of the Canadiens and their way of life. Despite these views he treated the Patriote rebels leniently following their convictions (see Chapter 2, page 48). His leniency towards the rebels aroused great anger both in the British Colonial Office and among the English-speaking population of Lower Canada. As a result of this criticism of his

actions, five months after his arrival in the colonies, Durham resigned from the position of governor general and returned to Britain. There, he wrote the report that would shape future British policies regarding its North American colonies. You will now get a closer look at that report.

1. Recall from Chapter 2 the definition of an oligarchy. Why were the ties between government and commercial life so important to the oligarchies in the colonies?
2. Why, in your opinion, might Durham have believed that an elected Assembly governing all of the colonies could end the power and privileges enjoyed by local oligarchies like the Château Clique in Lower Canada and the Family Compact in Upper Canada?

Lord Durham's Report

The following are excerpts from the report prepared by Lord Durham and his staff for the British government. In the report, he deals with four main topics. They are: the causes of conflict in Lower Canada; the causes of conflict in Upper Canada; the proposal for responsible government; and the proposal to unite the two Canadas into a single colony. Here is what Durham had to say about each of these topics:

On the Causes of Conflict in Lower Canada:

Durham felt strongly that the conflict in Lower Canada was a result of the differences of outlook between the Canadian majority and the British minority. He believed that the British commercial and industrial economy, as represented by this minority, was superior to the older agricultural economy of the Canadiens. He felt that the British way of life had to take control in Lower Canada if economic progress was to be achieved there.

I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races [ethnic groups];...[a] deadly animosity...now separates the inhabitants of Lower Canada into the hostile divisions of French and English.

[The English in Lower Canada] complain loudly and bitterly of the whole course pursued by the Imperial government, with respect to the quarrel of the two races...they feel that being a minority, any return to the due course of constitutional govern-

ment would again subject them to a French majority; and to this I am persuaded they would never peaceably submit. . .

It will be acknowledged by everyone who has observed the progress of Anglo-Saxon [British] colonization in America, that sooner or later the English race was sure to predominate even numerically in Lower Canada. . .

I entertain no doubts as to the national character which must be given to Lower Canada; it must be that of the British Empire; . . . it must henceforth be the first and steady purpose of the British government to establish an English population, with English laws and language, in this province and to trust to none but a decidedly English legislature. . . .

1. Why did Durham see the Canadien way of life as an obstacle to British-style progress in the colonies?
2. What problems might have arisen if an attempt had been made to force the Canadiens to adopt an English way of life?

On the Sources of Conflict in Upper Canada:

Durham discovered that the issue of the "Clergy Reserves" was the chief item of conflict in Upper Canada. As you have seen, many leading members of the Tory party were connected with the Anglican Church. Through their influence, the Anglican Church, or "Church of England," as Durham calls it, had come to control much of the province's public lands. These church-controlled lands were known as the "Clergy Reserves."

[In Upper Canada] the question of greatest importance was that of the clergy reserves...the reformers, or opposition, were generally very successful in their appeals against the project of the Tory or official party, which was that of devoting them exclusively to the maintenance of the [Anglican] Church. . . . A still stronger objection to the creation of a Church establishment in this colony is, that not merely are the members of the Church of England a small minority at present; but, [as most] emigrants are not members of the Church of England, the disproportion is likely to increase, instead of disappearing, in the course of time. The mass of British emigrants will be either from the middle classes of Great Britain, or the poorer classes of Ireland; the latter almost exclusively Catholics, and the former in a great proportion either Scotch Presbyterian or English Dissenters [e.g. Baptists]. . .

It is most important that this question be settled. . . . I know of no mode of doing this but by repealing all provisions in Imperial Acts that relate to the. . . clergy reserves. . . .

1. What was the Tory position on the Clergy Reserves?
2. What reason does Durham give for recommending an end to the Clergy Reserves?

On Union of the Canadas:

Durham believed that union of the two Canadas would help to solve the political, economic and cultural problems of both colonies. In particular, he saw union as the only way to assimilate the Canadiens into a dominant British culture:

...I believe that tranquility can only be restored by subjecting the province [Lower Canada] to the vigorous rule of an English majority; and that the only [effective] government would be that formed by a legislative union.

If the population of Upper Canada is rightly estimated at 400 000, the English inhabitants of Lower Canada at 150 000 and the French at 450 000, the union of the two provinces would not only give a clear English majority, but one that would be increased every year by the influence of English emigration; and I have little doubt that the French, when once placed by the legitimate course of events and the working of natural causes, in a minority, would abandon their vain hopes of nationality...

1. In your own words, sum up (a) why Durham felt that the Canadiens should be assimilated by the British and (b) why the Clergy Reserves should be abolished.
2. In your own words, describe responsible government. Explain why Durham saw responsible government as a solution to the problems of the colonies in British North America.
3. What does Durham identify as the sources of the movement toward annexation of the colonies to the United States? How would responsible government help to deal with this problem?
4. Under a republican form of government, the executive branch (president plus cabinet) are separate from the legislative branch. Compare this with the nature of the executive and legislative branches under responsible government. Suggest some advantages and disadvantages to each system.

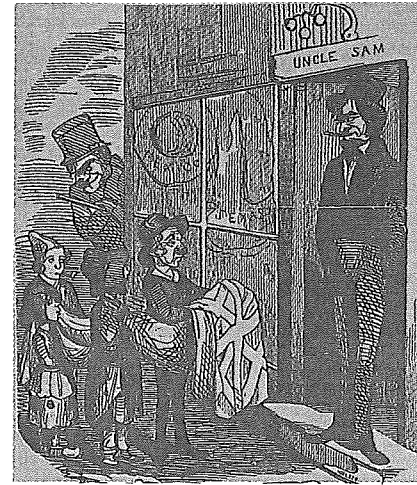
On Responsible Government:

Durham observed that many colonists envied the economic prosperity and democratic system of government enjoyed in the United States. He noted that some colonial leaders even wanted the colo-

nies to become part of the United States. If the British government failed to grant responsible government to the colonies, Durham argued, their annexation by the United States would be a strong possibility.

The irritation caused by the late insurrection...induced a large portion of the population to look with envy at the material prosperity of their neighbours in the United States, under a perfectly free and eminently responsible government; and, in despair of obtaining such benefits under their present institutions, to desire the adoption of a republican constitution, or even an incorporation with the American Union...The different parties believe that when the case is once fairly put before the mother country, the desired changes in the policy of their government will be readily granted: they are now tranquil, and I believe loyal, determined to abide the decision of the Home Government, and to defend their property and their country against rebellion and invasion. But I cannot but express my belief that this is the last effort of their almost exhausted patience...and...that the government of the colony should henceforth be carried on in conformity with the views of the majority in the Assembly.

1. Give reasons why it would be tempting for colonists to consider annexation with the United States.



Some people in the Canadas saw annexation with the United States as a solution to economic problems. In 1849, 325 Montreal citizens published the *Annexation Manifesto* calling for immediate union with the United States. Do you think the cartoonist supported this view?

Reactions to Lord Durham's Report

The immediate reaction to Lord Durham's report was mixed. Tories in Britain and their counterparts in the colonies saw the report as an attack on their privileges and power. Most Canadian leaders were furious over Durham's views of their culture and over his desire to submerge them in a union with Upper Canada.

In general, reform-minded people on both sides of the Atlantic applauded Durham's recommendations. Reformers in all the colonies favorably received his idea for responsible government. The headline of *The Hamilton Journal* of August 2, 1839, read: "Death to the Family Compact and up with the Durham Constitution!" "No document has ever been promulgated in British North America that has given such general satisfaction as this report," wrote Francis Hincks in his newspaper, the *Toronto Examiner*, on June 24, 1839. Hincks then set about organizing hundreds of "Durham meetings" and "Durham Constitutional Clubs" throughout Upper