

The Constitutional Act, 1791

Introduction

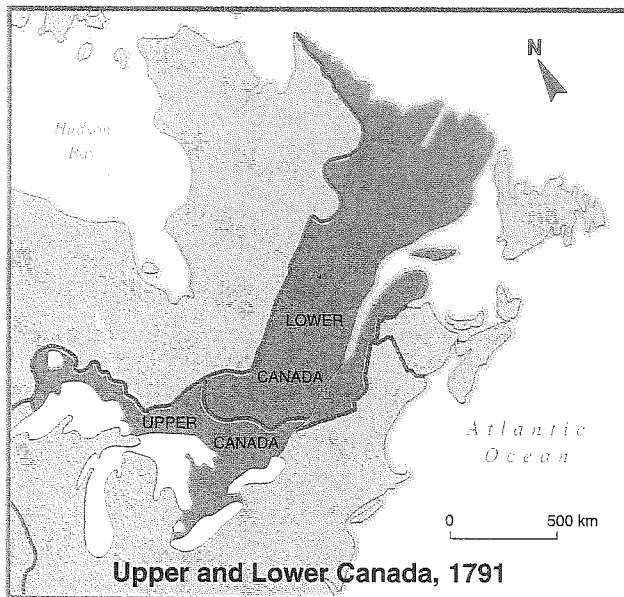


The Constitutional Act of 1791 gave the people of Upper and Lower Canada their own Legislative Assemblies, thereby giving them representative government. Because the British government did not repeal the Quebec Act, its terms continued in existence.

Aims: to recognize the bicultural nature of Quebec by dividing it into two colonies: Upper Canada and Lower Canada

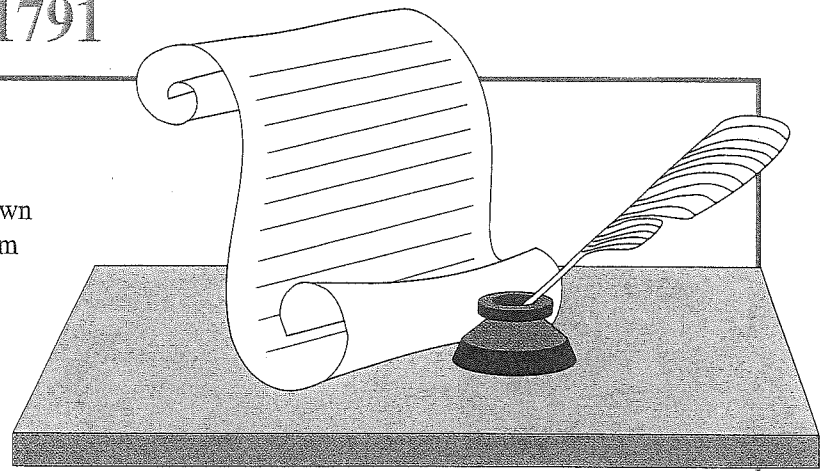
- to provide a government satisfying both British and French
- to give the people an elected Legislative Assembly, but limiting the assembly's power.

By giving the people elected assemblies with limited power, the British government attempted to ensure that the situation in the Thirteen Colonies, where the legislative assemblies had too much power and a revolution occurred, did not happen in British North America.



Quebec was divided into two colonies: Upper Canada ("up" the St. Lawrence River), which is part of the present-day province of Ontario, and Lower Canada ("down" the St. Lawrence River), which is part of the present-day province of Quebec.

Bicultural—having two cultures (British and French) existing side by side in the same country or province



Key Terms

Language: Upper Canada to be English-speaking and Lower Canada mainly French-speaking

Religion: one-seventh of all public lands in Upper Canada to be set aside for Protestant schools and churches. In Lower Canada the system established under the Quebec Act was to be continued (protection for the Roman Catholic Church).

Government — Who Makes the Laws (Legislative)

- governor general for Lower Canada would control affairs in both colonies; Upper Canada to have its own lieutenant-governor
- each colony to have an Executive Council (appointed) to advise governor, and a Legislative Council (appointed) to propose laws and approve those laws passed by the Assembly
- each colony to have representative government, with (elected) Legislative Assembly, and power to impose taxes, make laws, and serve local needs. Only male landowners allowed to vote. Women with property in Lower Canada could vote until the 1830s. Women in Upper Canada could not vote.
- power of Legislative Assembly very limited, councils and governor can block laws.

Government — Who Enforces the Laws (Executive)

- Upper Canada to have English civil law and criminal law; Lower Canada same system as Quebec Act (English criminal and Canadian [based on French] civil law)

Refer to the government diagram on page 120.