

Chapter 3 – Power & Countervailing Powers



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Section 2: The British Regime

Part 5: The Constitutional Act to the Rebellions of 1837-1838



MEETING OF THE FIRST LEGISLATIVE ASSEMBLY
OF LOWER CANADA, 1792

Discontent after the Constitutional Act

- Representative government after the Constitutional Act created a situation where French *Canadiens* in Lower Canada had SOME power → the ability to vote for representatives in the assembly
- However... They were not included when it came to the positions of REAL power in the government → Executive/Legislative Councils/Governor

Discontent after the Constitutional Act

- 2 political parties in Lower Canada:
 - The 'British Party'
 - The '*Parti Canadien*'
- The British Party A.K.A the 'Chateau Clique' or the 'Tories':
 - Wealthy British businessmen/aristocrats
 - Controlled councils
 - Preferred laws that benefitted businesses
 - Build canals and railways → wanted property taxes to cover the expenses
 - Wanted to unite with Upper Canada → wash out French *Canadiens* in government and assimilate French culture to British

Discontent after the Constitutional Act

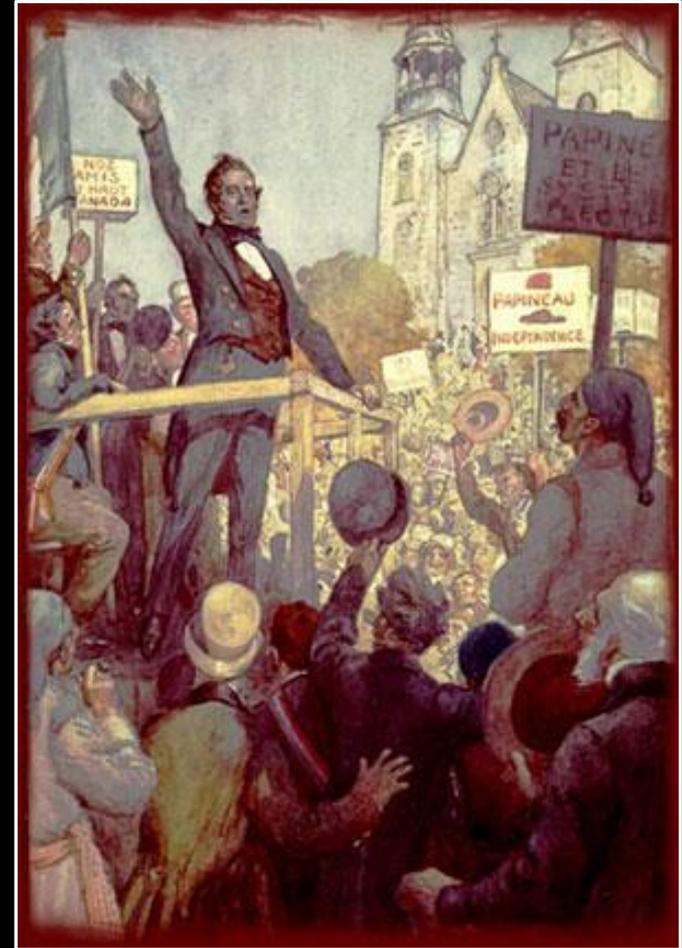
- 2 political parties in Lower Canada:
 - The 'British Party'
 - The '*Parti Canadien*'
- The Parti Canadien:
 - **French speaking** professionals/bourgeoisie (doctors, lawyers, etc.)
 - **Controlled** most of the **Legislative Assembly** (voted in by public)
 - Had power to control tax issues and raise taxes
 - Preferred laws that would benefit average person in Lower Canada
 - Tax goods/business → to help pay for roads in the colony
 - **Demanded 'Responsible Government'** → democratic → gives representatives more power
 - Wanted to preserve French Culture in Lower Canada

Discontent after the Constitutional Act

- The problems mentioned earlier continues into the late 1820s-early 1830s:
 - Agricultural crisis
 - Immigration from Great Britain
 - Taxes → where to collect and where to spend them
 - Language in the assembly
 - Appointment of the speaker of the assembly (who guides the discussion)
 - Non-democratic government
 - Governor & councils are APPOINTED and NOT ELECTED

Discontent after the Constitutional Act

- By the mid 1820s → a more **'hardline'** French nationalist political group called the **'Parti Patriotes'** starts to make some noise in Lower Canada and within the Legislative assembly
- Led by **Louis Joseph Papineau** → start to drum up support with Lower Canada → the 'Parti Canadien' falls under the banner 'Patriotes' by 1826
- The sentiment of most supports went from 'moderate' to **'reformer'** → less aggressive to more aggressive in the pursuit for change in government



Artistic depiction of Louis Joseph Papineau at a public demonstration- early 1830s

Discontent after the Constitutional Act

- Over time the Parti Candien/Parti Patriotes' demands become more aggressive
- The main focus was RESPONSIBLE GOVERNMENT
→ taking away the power of veto from the governor AND making sure the legislative council was ELECTED not appointed
- Some other demands:
 - The assembly should chose other civil servants → people who could work for the government
 - Remove the Catholic church's power over education

Discontent after the Constitutional Act

- The conflicting interests of the British Party and the Parti Patriotes force both parties to use **strategies** to promote their ideas/accomplish political victories
- The use of **newspapers** to spread ideas throughout Lower Canada was a powerful weapon for both parties.
- **PARTISAN PRESS** → a newspaper that will openly support a political party and its views

Discontent after the Constitutional Act

- Strategies used by the British Party:
 - Using the **power of veto** held by the governor
 - Electing British party supporters to the Executive and Legislative councils
 - Flooding Lower Canada with **British immigrants** to hopefully gain more support
 - Using newspapers such as the “**Quebec Mercury**” and the “**Courrier de Quebec**” to promote British Party ideas → PARTISAN PRESS
 - **Bribing** ‘moderate’ French Canadiens

Discontent after the Constitutional Act

- Strategies used by the Parti Patriotes:
 - Absolute **domination in the Legislative Assembly** → majority of the members were Parti Patriotes supporters → the could control budget laws
 - Block any laws put forth by the British Party members in the Assembly
 - Asking the general public to show up during **public demonstrations** to put pressure on the government
 - ‘Declaring’ Lower Canada’s independence (not as serious as the 13 Colonies)
 - Using newspapers such as the “**Le Canadien**” and the “La Minerve” to promote Parti Patriotes ideas → **PARTISAN PRESS**
 - Promoting the idea of **boycotting goods** sold by British merchants

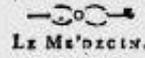
Discontent after the Constitutional Act

COURIER DE QUEBEC.

Gratum est quod patrie civem populoque dedisti
Si facis ut patrie ait idoneus.—JOURNAL, Sat. 14.

VOL. III.] —MERCREDI, 10 AOUT, 1808.— [No. 11.

MELANGES.



LE MEDICIN.

Madame, assurément je ferais trop heureux
De pouvoir vous que ir; la cure est agréable!
Donnez moi votre poux; il est fort bon—les
yeux
M'e semblent assez clairs. Dormez vous?—à
merveille
—Avez vous de l'appétit?—Oui la faim me
réveille.
—Vous déjeunez?—je dine et je soupe encor
mieux.
—L'estomach?—Excellent.—Symptômes dan-
gereux.
Marchez vous?—Fort longtemps et sans faire
de pause.
—Allons, allons, demeurez—là
Je vous donnerai quelque chose;
Qui vous ôtera tout cela.

Louis XV. après la bataille de Fontenoy
félicitait le Maréchal de Saxe sur sa bonne
santé, et lui disait que ses victoires et ses
exploits semblaient avoir contribué à
le guérir d'une hydropisie, dont il était déjà
attaqué lors de cette bataille. Le Maré-
chal de Noailles qui était présent dit—
"Mr. le Maréchal de Saxe et le premier-
général que la gloire ait défensé."

CANADA.

DE LA PROCEDURE CRIMINELLE. Suite.

La Procédure.
Dès que l'accusation est reçue, l'accusé,
s'il est détenu, est mis aussitôt en jugement;
mais s'il est absent, un des juges du banc du
roi, sur la présentation de l'accusation, dé-
livre au shérif une ordonnance de prise de
corps (*captus*), et s'il continue de refuser à
comparaître, on procède avec des formalités
longues et compliquées, à le faire dé-
clarer hors de la loi (*outlaw*). En consé-
quence, après une assignation pour com-
paraître (*venire facias*), et la fausse de ses
biens, s'il en a dans le Comté où se fait
la procédure, deux autres ordonnances de
prise de corps (*alias* et *pluries captus*)
sont délivrés à au moins six semaines de
distances; six semaines après, nouvelle
sommation (*exigent*) lui est faite à cinq
cours de Comté de suite (*county court*) de
comparaître, sous peine d'être déclaré
hors de la Loi, et la sentence est pronon-
cée par le *Coroner* à la cinquième de ces
Cours.

De la mise hors de la Loi,
La mise hors de la Loi pour les délits

LA MINERVE.

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PARLEMENT PROVINCIAL DE BAS-CANADA.

CHARLES GAVINIAUX, RESAVER.
Le 10 Février, au matin, le Parlement Provincial de Bas-Canada s'est réuni à dix heures, sous la présidence de M. GAVINIAUX, Résaver. Le Président a lu le procès-verbal de la séance précédente, qui a été lu et adopté. Ensuite, M. GAVINIAUX a lu une lettre de M. le Gouverneur, par laquelle il lui a fait part de la réception de la Loi sur le Commerce de l'Alcool, et de la Loi sur le Commerce de l'Opium. M. GAVINIAUX a ensuite lu une lettre de M. le Gouverneur, par laquelle il lui a fait part de la réception de la Loi sur le Commerce de l'Alcool, et de la Loi sur le Commerce de l'Opium. M. GAVINIAUX a ensuite lu une lettre de M. le Gouverneur, par laquelle il lui a fait part de la réception de la Loi sur le Commerce de l'Alcool, et de la Loi sur le Commerce de l'Opium.

The Rebellions of 1837-1838

- The tensions in Lower Canada (and Upper Canada) came to a boiling point in the mid to late 1830s
- 1834 → The Parti Patriotes submitted a **document** to the British Parliament in London called '**The 92 Resolutions**'
- A document that outlines the complaints and **DEMANDS** of the Patriotes
 - Demanded **RESPONSIBLE GOVERNMENT**
 - Demanded elected officials → which would give a chance for French Canadiens
 - Full control to the assembly when it came to spending colony funds
 - **Eliminate corruption in government**

The Rebellions of 1837-1838

- How did the **British government** respond to the '92 Resolutions'?
- **Rejected the 92 Resolutions**
- Instead → British government published the '**10 Russell Resolutions**' → a set of rules that did not promote any change in government in the colonies
- This sparked many **public demonstrations**/protests by Louis Joseph Papineau, the **Patriotes** and their supporters

The Rebellions of 1837-1838



Painting: Assembly of the Six Counties by C.A. Smith
Depiction of the public demonstrations/protests/rallies before the Rebellions
of 1837-1837

The Rebellions of 1837-1838

- Eventually, after clashes in the streets of Montreal between British Party and Parti Patriotes supporters
 - The **governor banned public demonstrations**
 - Arrested some of the Patriotes leaders
- This was the final straw → the Patriotes resorted would now **resort to violence**
- This was coordinated with radicals in Upper Canada (same problems in UC)
- Patriotes supporters **clashed with British soldiers** in Lower Canada
- Some Locations:
 - **St. Eustache**, St. Denis, Beauharnois, Sorel

The Rebellions of 1837-1838



Paintings by Charles Beauclerk depicting the Rebellion battles in 1837-1838

Left: Battle at St. Eustache

Right: Battle at St. Charles

The Rebellions of 1837-1838

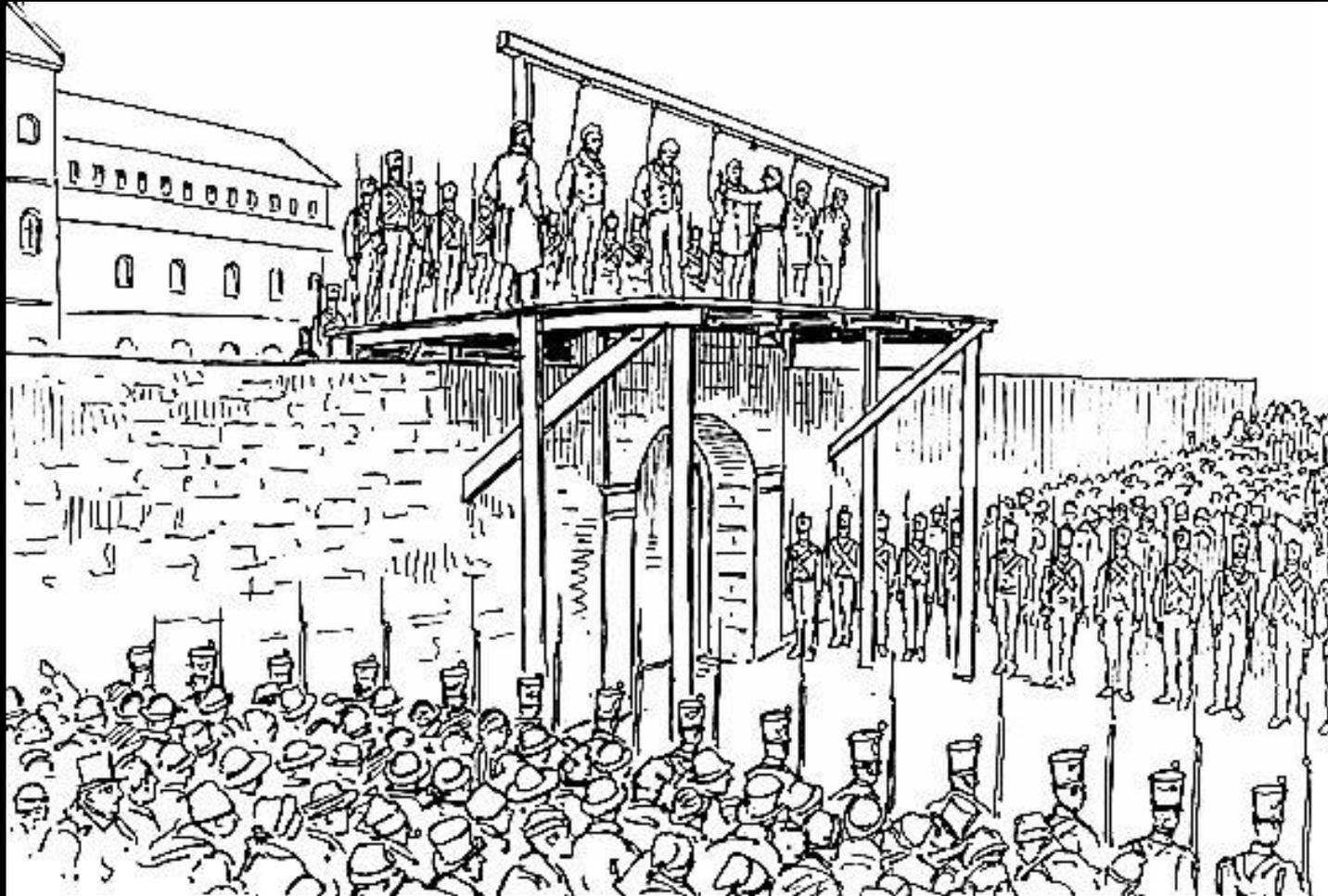


Left: Famous drawing of a 'Patriotes' going to fight in the rebellions
Right: Flag used during 'Journee des Patriotes'

The Rebellions of 1837-1838

- Results of the Rebellions:
 - The British army in Lower Canada was too strong
 - Patriotes supporters were ‘regular’ people fighting against trained soldiers
 - **The Patriotes were defeated**
 - Many of the leaders were arrested
 - Some sent away in exile → to Australia
 - **12 Patriote leaders were hung** in a public square in 1838
- The British government knew it had to take action
→ there was too much civil unrest in the colonies

The Rebellions of 1837-1838



Artistic depiction of Patriot leaders hung in a public square. Montreal- 1838