

by: Colleen Pearce  
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## The Failure of British North America

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## **The Failure of British North America**

Canada, today a mosaic of cultural diversity, was, only a few centuries ago, the battlefield of two European powers. The firmly established customs, laws, traditions, and languages of these groups prolonged the fight and hindered one party from establishing dominance in North America. The majority of power possessed by French fur traders in the Great Lakes area was to be short-lived as a result of an attack from the British. After having established a small settlement and a workable trade network, the French-speaking habitants suddenly found themselves under the control of the British Empire. With the threat of war from the Americans, the British were confronted with the need to quickly bring the newly conquered French population on side with them. Despite all efforts, the British Empire was unable to unite the Province of Canada in purpose or identity.

After their victory, the British immediately began a plan to assimilate the French by attempting to increase the English Protestant population through immigration. However, Quebec's harsh climate and the thought of living among a foreign population discouraged New Englanders from moving to Quebec. Without increased numbers of English settlers, the prospect of assimilation through a majority was unattainable. Accepting that this strategy was not proving effective, the British Parliament became focused on assimilation through legislation. Skeptical about the level of loyalty they could expect from the French population in the event of war, Britain required that each "person professing the Religion of the Church of Rome"<sup>1</sup> take the following modified oath of loyalty,

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<sup>1</sup> Maton, William F. 1995. *The Quebec Act, 1774*. [http://www.solon.org/Constitutions/Canada/English/PreConfederation/qu\\_1774.html](http://www.solon.org/Constitutions/Canada/English/PreConfederation/qu_1774.html) (accessed November 4, 2006), Section VII.

“I A.B. do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty King George and him will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against his Person, Crown, and Dignity and I will do my utmost Endeavor to disclose and make known to his Majesty, his Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against him.”<sup>2</sup>

The appearance of the Oath in the Royal Proclamation was one of the first ‘orders’ forced on the Canadiens to make them conscious of their new obligations to the British Crown. The British mindset “held that the capitulation of the stronghold of Quebec involved the submission of the whole district. On September 22 all the Canadians were invited by proclamation to lay down their arms, take an oath of fidelity, and resume the peaceful enjoyment of their homes, property, and religion.”<sup>3</sup> The lack of success of the Proclamation led James Murray, the governor of the Province, to try again in November and again in the spring; this time with threats as well as promises.

“Threats of severest reprisals, destruction of property, even expulsion from the country; and promises which went beyond anything contained even in the final capitulation of Montreal...Murray also sent army officers down river to sequester and, after an interval, carry off or destroy all the livestock and farm produce of those who were still serving with the French.”<sup>4</sup>

Realizing that threats and force were not strong enough motivators, Murray decided to change his tactics and use the French religious fervor to assist in his mission. Noticing that the Roman Catholic Church exhibited significant sway over the French-speaking population, Murray decided to try to use that influence for the benefit the British. By rewarding loyal priests and avoiding any overt oppression of the church, Murray hoped to attain and keep the support of the church. This strategy, to the

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<sup>2</sup> Ibid.

<sup>3</sup> Neatby, H. 1966. *Quebec: The Revolutionary Age 1760-1791*. Toronto: McClelland and Stewart Limited, 18.

<sup>4</sup> Ibid.

consternation of British authorities, actually destroyed the goal of turning the new British subjects to Protestantism and assisted the Roman Catholic Church in increasing control and influence in the Province of Quebec in the following years. For the few years prior to The Constitutional Act, the Catholic Church was free from British persecution, however, the hope for Catholics to convert to Protestantism was far from gone. During the years of 1784-1791, the government intervened constantly in church affairs in an attempt to diminish the control of the institution.<sup>5</sup> Power struggles between the church and the government arose over issues such as replacing bishops and recruiting priests. The English authorities demanded to have a say in the appointment of bishops in order to select a man they deemed loyal to the interests of England. The British government rejected the request to bring priests from France or even French-speaking men not of French nationality to replenish the diminishing number of priests. Although British authorities eventually relented on the selection of Bishops, the overwhelming majority of new priests selected between 1784 and 1791 were not immigrants but were born in Canada. A conversion from Catholicism to an official Protestant Religion was becoming increasingly unlikely.

Historian Evelyn Kolish argues that the Royal Proclamation of 1763 was an “attempt to transform the colony, in its form of government, its laws and its customs, to conform to the model of other British colonies.”<sup>6</sup> The intent of the Royal Proclamation was to create that structure. Under British law, officials shocked the habitants with the practice of seizing homes and using imprisonment as payment for small debts. Under the assumption that French law was acceptable until a sturdy British replacement was in

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<sup>5</sup> Francis, R. Douglas, Richard Jones, Donald B. Smith. 2000. *Origins: Canadian History to Confederation* 4<sup>th</sup> Ed. Toronto: Harcourt Canada Ltd, 199.

<sup>6</sup> *Ibid.*, 172–173

established, French civil law continued to play a significant role in the Province of Quebec. This mixture of French and English law “provoked serious legal disorder”<sup>7</sup> resulting in reversed verdicts in matters of marriage and inheritance by the overruling English law. Continued attempts to appease the unrelenting desire for the usage of their French customs and laws caused the legal structure of the Province of Quebec to be unstable at best.

In an effort to reduce growing “dissensions and animosities,”<sup>8</sup> the Constitutional Act of 1791 divided the single colony into Upper and Lower Canada. Visions of a unified colony under distinct British rule were postponed and the focus was moved to calming the mounting tensions between the colonists. The already present division between the English and French majorities was made more prominent after the implementation of the Act. The Act specified the land grants, which totaled about one-seventh of the land in Upper and Lower Canada, were for the maintenance and support of the Protestant Clergy,

XXXVII. And be it further enacted by the authority aforesaid that all and every the rents, profits, or emoluments, which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant clergy within the Province in which the same shall be situated, and to no other purpose whatever.<sup>9</sup>

The rent or income made from the sales of the reserves was given entirely to the Church of England for the intent of making it the established church. The dream of making Protestantism the state religion in the Province was revived. Not only did this ploy fail,

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<sup>7</sup> Ibid., 174

<sup>8</sup> Ibid., 201

<sup>9</sup> Constitutional Act of 1791. 2006. Wikipedia, The Free Encyclopedia. [http://en.wikipedia.org/w/index.php?title=Constitutional\\_Act\\_of\\_1791&oldid=84791340](http://en.wikipedia.org/w/index.php?title=Constitutional_Act_of_1791&oldid=84791340) (accessed November 11, 2006), Sections, XXXVII.

but it caused economic difficulties in future years due to the random placements of the land grants.

The Constitutional Act was designed to repeal certain aspects of the Quebec Act and to make more effective provisions for the governments of the Canadas. It evoked discontent from Upper and Lower Canada and further separated the French and English-speaking populations from having a common identity. The creation of a French majority Lower Canada complete with French law, institutions, and religion, provided them with a glimpse of what it would be like to be free of the control of the Anglophone Upper Canada. The start of this nationalistic attitude was aggravated by the continued English dominance in areas of political and economic concern. This glimmer of independence continued to build frustration and contributed to the Rebellion of Lower Canada in 1837.

The revisions made to the governmental structure in the Constitutional Act were still inadequate to meet the demands of the voters. The major new addition was the creation of an elected Assembly to give the general population a voice. Unfortunately, the majority of power continued to be held by those in the Executive Council. The definition surrounding the extent of the Executive council's authority was vague and became the victim of various interpretations and heated debates in both Canadas. The line designating areas of authority to either the British Parliament or the assemblies was uncertain resulting in conflicts and hostilities between the Assemblies and the colonial officials. One area of concern was who should have control over revenue and expenses. The Legislative Assemblies of Upper and Lower Canada began to lobby for control of all finances. Although they controlled taxation, the governors had access to the Crown's revenues and military budget, and as a result, could spend without the consent of the

Assemblies. The disregard for the concerns of the general public bred dissatisfaction and resentment toward British authorities.

Following the rebellions of Upper and Lower Canada, Britain sent Lord Durham to evaluate and make suggestions for improvements. In Lord Durham's *Report on the Affairs of British North America*, Durham alludes to the economic plight of the Canada's and the motivation of working together for the common purpose of economic prosperity.

"Given the opportunity, [Durham & Tocqueville] suggest, all men, whatever their origins, will put their desire for prosperity before traditional loyalties. So Durham speaks of the "natural and necessary termination" of the quarrel between French and English, and argues 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 hope of nationality." The "money-making race" will dominate because all will become money-makers. The French, too, will be money-makers, liberal, "English.""<sup>10</sup>

A review of Louisiana's economic growth led Durham to believe that a union between the French and English of British North America was possible if together they strived to gain wealth. In order to give the heavily in debt Upper Canada a chance of the dreamed of prosperity, Durham proposed a union of the Canadas. The Act of Union, based on Durham's recommendations, revived the attitude of assimilation. It was the hope of the British Crown that the quickly growing English presence in Upper Canada would overshadow the slowly expanding French population of Lower Canada, thus reducing the strong French culture present there. To assist in the amalgamation of this newly united province, the Act of Union stated that English was the only language to be spoken or used in the writing of official documents in the Legislative Assembly. Again, the British soon learned that they could not smother the French presence in this new colony.

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<sup>10</sup> Ajzenstat, Janet. 1988. *The Political Thought of Lord Durham*. Kingston and Montreal: McGill-Queen's University Press, 30.

Following the implementation of the Act of Union, the habitants cleverly utilized the opportunity to achieve political representation after the policy of responsible government was granted. While the Anglophones of Canada West were divided politically, the Francophones of Canada East voted *en bloc* providing them with a strong, united French presence in the Legislative Assembly. Under the Lafontaine-Baldwin government, the restrictions pertaining to the use of the French language in the Assembly, courts, and the Civil Administration were removed. The occurrence of the double majority government split the people of Canada East and West politically and for a time each side ruled independently. The conflicting aspirations of each side continued to destroy any hope of a unified identity and resulted in continuous political deadlock even under the joint premiership government.

Although the British won the battle on the Plains of Abraham, the fight to win the loyalty and hearts of the French subjects was ultimately lost. Creating a unity of mind and feeling among these opposing nations was impossible in spite of the legislation passed, compromises made, or governing methods used. Each time the British desire for assimilation seemed within reach, it slipped away as the French gained the right to keep their civil law, practice Catholicism, hold seats in government, and retain their language. To the surprise and dismay of the British, the union of the Province of Canada served to strengthen the French nationalist attitude. The British dream of uniting the conquered French with the new British immigrants in a cohesive and prosperous colony was to prove as elusive then as it is now.

## Annotated Bibliography

Ajzenstat, Janet. 1988. *The Political Thought of Lord Durham*. Kingston and Montreal:

McGill-Queen's University Press.

The author discusses what she feels were the motives behind the recommendations Lord Durham made for the Act of Union. She argues that when Durham compared the progress of Louisiana in the States to the situation north of the border, it appeared reasonable to assume that the union under British rule could accomplish the same economic prosperity and destroy the desire for independence in the process.

Canadian Institute for Historical Microreproductions. 2003. *Canada in the Making. 1791-*

*1837: A New Constitution*. [http://www.canadiana.org/citm/themes/constitution/constitution8\\_e.html](http://www.canadiana.org/citm/themes/constitution/constitution8_e.html).

This website provided a brief summary of the Constitutional Act of 1791. It included the main points of change from the Quebec Act as well as the problems that resulted from its implementation. This site explained problems due to overlapping authorities and the fight for control over revenue and expenses.

Canadian Institute for Historical Microreproductions. 2004. *Canada in the Making. 1839-*

*1849: Union and Responsible Government*. [http://www.canadiana.org/citm/themes/constitution/constitution11\\_e.html](http://www.canadiana.org/citm/themes/constitution/constitution11_e.html) (accessed November 2, 2006)

The webpage discussed Lord Durham's report and the reactions of Upper and Lower Canada to the Act of Union. The site also provided a link to the original text of the *Report on the Affairs of British North America*.

Constitutional Act of 1791. 2006. Wikipedia, The Free Encyclopedia. [http://en.wikipedia.](http://en.wikipedia.org/w/index.php?title=Constitutional_Act_of_1791&oldid=84791340)

[org/w/index.php?title=Constitutional\\_Act\\_of\\_1791&oldid=84791340](http://en.wikipedia.org/w/index.php?title=Constitutional_Act_of_1791&oldid=84791340) (accessed November 11, 2006).

This summary of the Constitutional Act included the problems the French and English speaking people of Canada had with the division into Upper and Lower Canada. The Wikipedia contributors argued that this Act strengthened French nationalism as well as provided motivation for the Rebellions in 1837.

Francis, R. Douglas, Richard Jones, Donald B. Smith. 2000. *Origins: Canadian History to Confederation 4<sup>th</sup> Ed.* Toronto: Harcourt Canada Ltd.

The textbook, *Origins*, discusses pre-confederation Canada and evaluates historical events and developments during this era. Significant historical figures and pieces of legislation are described, including the motivating factors leading up to and the results after each event took place. Francis, Jones, and Smith incorporate arguments from other historians for comparison opportunities.

Lexico Publishing Group, LLC. *Act of Union 1840*. 2006. Reference.com. Wikipedia,

The Free Encyclopedia. [http://www.reference.com/browse/wiki/Act\\_of\\_Union\\_1840](http://www.reference.com/browse/wiki/Act_of_Union_1840) (accessed: November 11, 2006).

Creating the Act of Union to solve the financial issues of Upper Canada and outnumber the French population with English colonists is the focus of Reference.com. The argument is made that this plan failed due to increased political power gained by the French.

Maton, William F. 1995. *The Quebec Act, 1774*. <http://www.solon.org/Constitutions/>

Canada/English/PreConfederation/qu\_1774.html (accessed November 4, 2006).

This site contains the complete text of the Quebec Act of 1774. The Act includes the scripted words for the modified Oath of Loyalty and the updated rights of the French colonists under British rule since the Proclamation.

Maton, William F. 1996. *The Royal Proclamation*. <http://www.solon.org/Constitutions/>

Canada/English/PreConfederation/rp\_1763.html. (accessed November 4, 2006).

The complete text of the Royal Proclamation declares the new British laws that were to be applied in British North America regarding land grants, use of English law, and new boundary lines. The attitude of assimilation is evident by the lack of rights awarded to the French population in this first piece of legislation.

Neatby, Hilda. 1966. *Quebec: The Revolutionary Age 1760-1791*. Toronto: McClelland and Stewart Limited.

Neatby's focus on the period 1760-1791 in the new British North America tells the tale of Britain's struggle to establish a workable legal and governmental system. The British strategies to assimilate, the mindset of the conquered nation,

and the visions of various prominent figures are analyzed by means of the Royal Proclamation, Quebec Act and Constitutional Act.