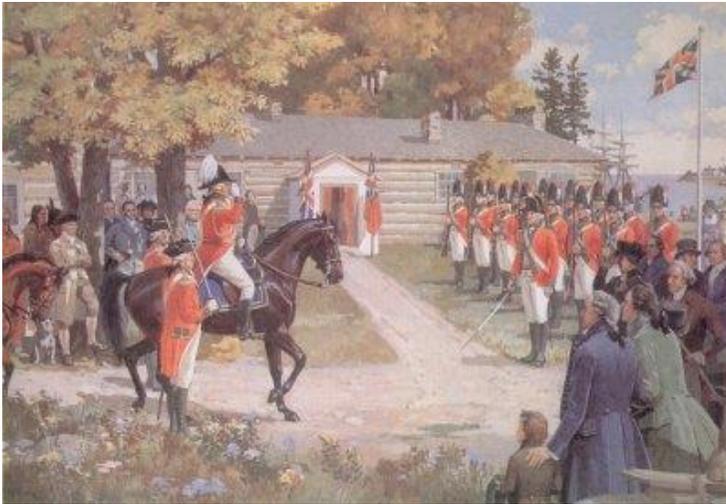


# Some Comments on Upper Canada

By Rod Fraser

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First Parliament of Upper Canada in 1792-1796

In the course of a recent discussion on the early history of Upper Canada, Don asked me what lessons we might learn from our early colonial government. I thought this topic might interest readers, so I intend to summarize the main points of our conversation in the course of this article.

Most of the early settlers to Upper Canada were '*United Empire Loyalists*' who left the United States after the '*Revolutionary War*'. Many were Americans who fought with the British Army, then slowly made

their way to this new land of promise on the northern shores of Lake Ontario and the St. Lawrence River.

This took place in the 1780s and the British Government, to its credit, made sure that each family was promised 100 acres of land, provisions for three years and the implements necessary for farming. Officers were given larger land allotments.



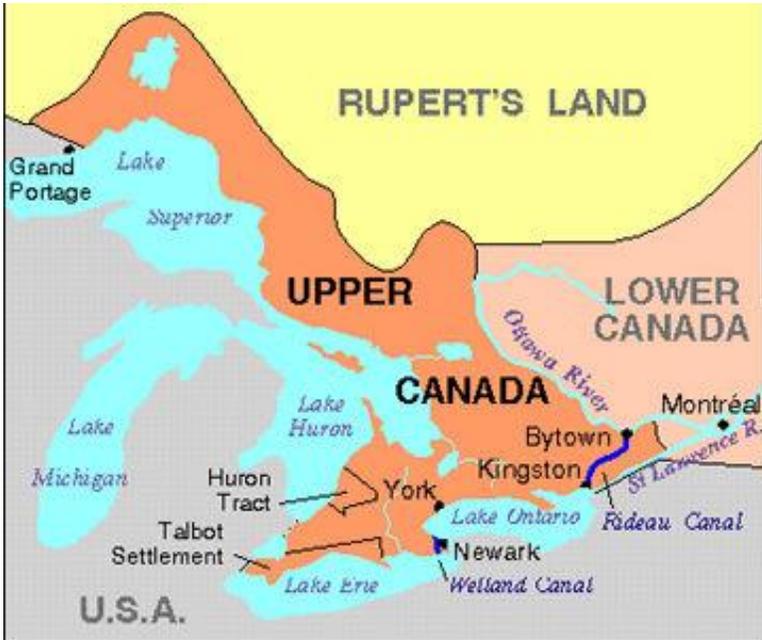
The *Province of Upper Canada* was created by the *Constitutional Act, 1791*, passed by the British Parliament in that same year. It divided the old *Province of Quebec* into two parts — Lower Canada in the east and Upper Canada in the west.

Upper Canada was to be the home of the 'Loyalists' mentioned earlier, new immigrants from the United Kingdom, and others who hoped to move there for inexpensive land and opportunity. Lower Canada would largely remain the home of the French Canadians.

The government of Upper Canada was headed by the King's representative — Lieutenant-Governor John Graves Simcoe. It was structured to provide for a minimum of democracy. To assist Simcoe in his task of governing the new province, he appointed a five-person cabinet (the *Executive Council*).

The legislature consisted of an upper house (the

*Legislative Council*), consisting of seven members, all appointed by the Lieutenant-Governor, and a *House of Assembly*, consisting of 16 members, elected for four-year terms by property owners in Upper Canada. The legislature met at Newark (now called Niagara-on-the-Lake) in the years from 1792–1796, before moving to York (now called the City of Toronto).



Map of Upper Canada

The House of Assembly sat once every year for approximately 30 days. Members worked six days a week during this time and accomplished a great

deal. There was much to do in the early days of Upper Canada, so elected members kept their speeches short and their minds focussed on a limited set of priorities.

While a modest player in the government, the House of Assembly was not unimportant. All taxes and legislation in the province required its approval (as well as that of the Legislative Council and Lieutenant-Governor). When differences arose, compromises were often worked out. This was done through conferences between members of the Legislative Council and those of the Assembly.

Unfortunately, the deck was stacked in favour of Simcoe and his advisors (including the Legislative Council). The Lieutenant-Governor had access to tariff revenues, land sales and other levies, making him financially independent of the Assembly.

Simcoe was also able to circumvent the Assembly's authority, by issuing orders-in-council, and granting honours, jobs and other contracts to those who supported him. This enabled a wealthy group of individuals (called '*The Family Compact*') to further their own interests, in ways that did not benefit the ordinary people of Upper Canada.

While the people tolerated this form of limited democracy in the early years — while building their homes and establishing their farms — they soon

began to question a society where their 'betters' controlled so much of the province's wealth and influence. The time would soon come when they demanded change.



The 1834 election for the *House of Assembly* of Upper Canada was held in October of that year. There were two contending parties to the election: The Conservative Party represented those loyal to the crown (and those fortunate enough to benefit from the Lieutenant-Governor's patronage); and the Reformers, who were hell-bent on reforming the government to make it responsible to the people of Upper Canada.

'Responsible Government' was their watchword. This meant a government that depended on the support of the elected assembly for their authority, rather than one headed by a Lieutenant-Governor appointed by the Crown.

The election was won by the Reformers and the House of Assembly held its first sitting in January of 1835. A new Lieutenant-Governor, Sir Francis Bond Head, was sent to Upper Canada by the British government in that same year, to come to some accommodation with the Reformers.

Bond Head got off to a good start by appointing

a moderate reformer, Robert Baldwin, to the Legislative Council. Then he ignored Baldwin's advice on the issues of reform in the province.

Baldwin resigned and the Assembly refused to pass any money bills for the next two years. Faced with deadlock, Bond Head dissolved the Assembly in April of 1836 and called for new elections.

The election of 1836 was a heated battle between the Reformers and the Conservatives. Bond Head openly campaigned against the Reformers, accusing them of wanting to destabilize the government in favour of American Republicanism.

The fear tactic worked and the Conservatives were returned to the Assembly with a majority. Sir Francis Bond Head continued to govern for the next four years with a compliant Assembly to do his bidding.

The Reformers, outraged they had lost the election through slander and demonization, mobilized a ragtag army and attempted to take over the government by force in 1837. This was not successful. Two leaders of the rebellion were hanged and many scattered to the United States to avoid the same fate.

In response to this insurrection, the British government appointed Lord Durham to investigate

the causes of the rebellion. He wrote a brilliant report on the matter in 1839, recommending the establishment of municipal governments in the province, a Supreme Court and 'responsible government', exactly as the reformers had been demanding for years.

'Responsible government' was not to come until, 1848, but come it did. It is the foundation of our democracy today and has been widely copied by other commonwealth countries around the world.

When we look back at the rebellion of 1837, it is clear none of the meaningful reforms suggested by Durham would have come to pass without the continued pressure of the Reformers of the early years of Upper Canada. God Bless them, wherever they are.

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