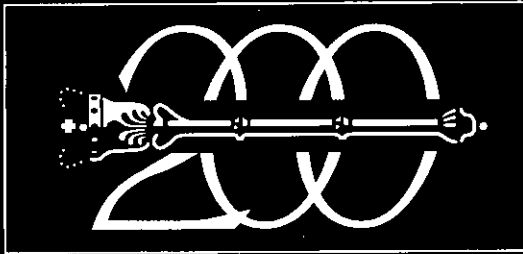


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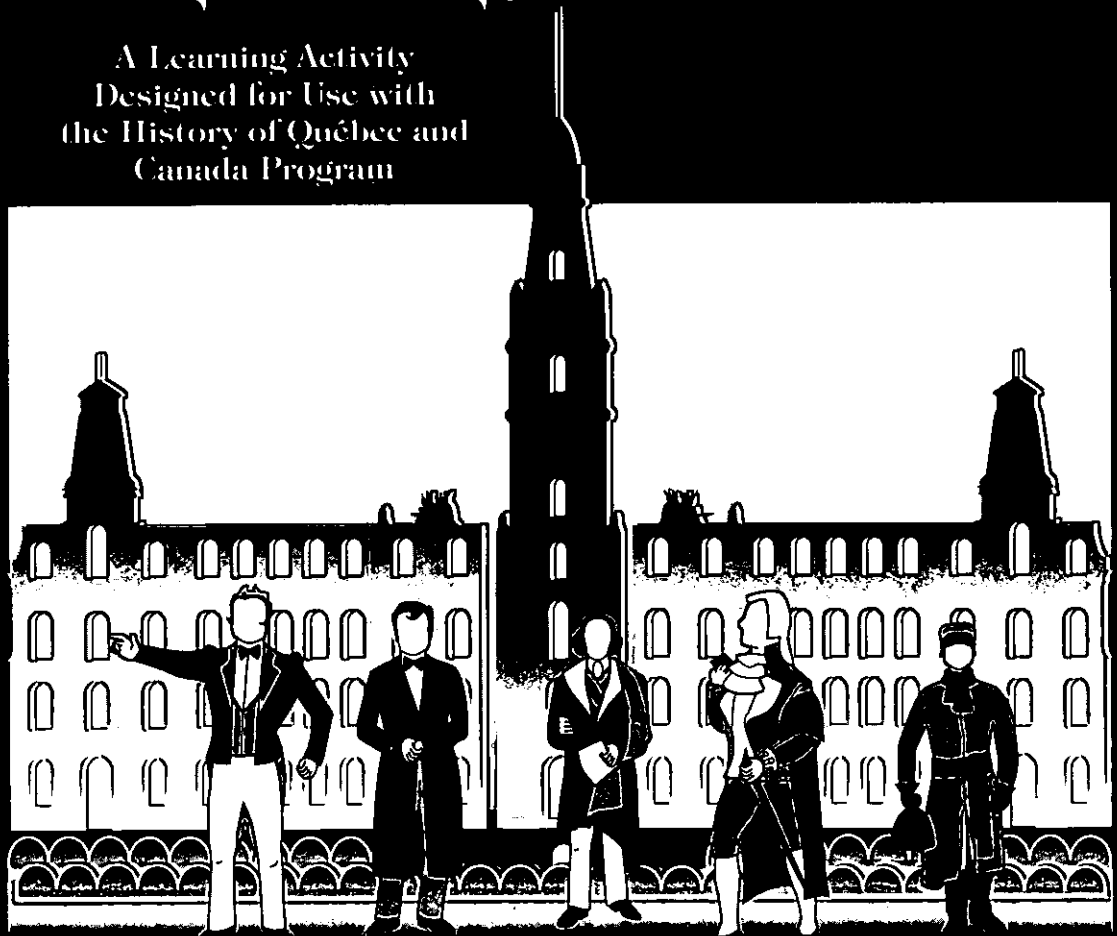
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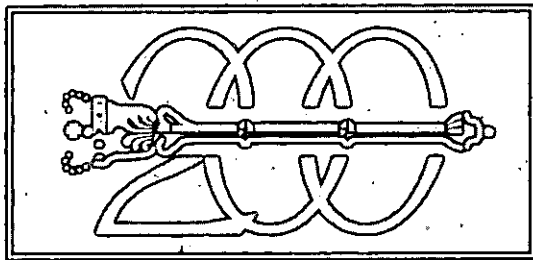
Your History as

THEATRE!

A Learning Activity
Designed for Use with
the History of Québec and
Canada Program



Assemblée nationale
Ministère de l'Éducation du Québec
Le Directeur général des élections du Québec



Bicentenaire des Institutions
parlementaires du Québec



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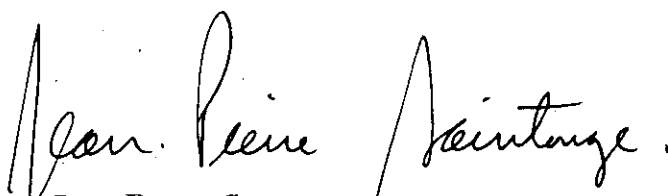
Assemblée nationale
Ministère de l'Éducation du Québec
Le Directeur général des élections du Québec

PREFACE

1992 marks the 200th anniversary of Québec's parliamentary institutions. To commemorate the historical events that gave rise to those institutions, the Assemblée nationale created the Direction générale du Bicentenaire, whose purpose is to familiarize the population with the origin and evolution of its political institutions, and notably, to promote a better knowledge of our political history and a healthy respect for parliamentary democracy among young people.

Some of the official activities of the Bicentennial program are designed for use in the school system. *Your History As Theatre* is a case in point, and in presenting it, I am pleased to point out the collective nature of the endeavour: this activity, which is now an integral part of the Secondary IV History of Québec and Canada program, is the result of a team effort by the Assemblée nationale, the ministère de l'Éducation and the Directeur général des élections.

I want to take this opportunity to thank all those who were involved in the Historical Theatre project, to compliment them on the final product, and, finally, to express my hope that it fulfills its mission to help young people prepare for their role as future citizens.



Jean-Pierre Saintonge

Président du Bicentenaire des Institutions parlementaires du Québec
and Président de l'Assemblée nationale

F. Clifton White Resource Center
International Foundation
for Election Systems
1101 15th Street, NW
Washington, DC 20005

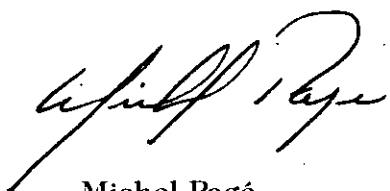
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INTRODUCTORY REMARKS

The 200th anniversary of Québec's parliamentary institutions is a time to recall the historical events at the origin of these institutions.

By drawing attention to the Constitutional Act of 1791, which created Lower Canada, the first election, in 1792, and the first parliamentary session, the Direction générale du Bicentenaire des Institutions parlementaires aims to heighten public awareness of Québec political history. As Minister of Education, I fully endorse this educational objective, and note with satisfaction that the focus of the program of activities commemorating these landmark events is on students throughout the Québec school network.

Among the learning activities developed for use in Québec schools, this "historical theatre" activity stands out as one that allows students to put information to immediate productive use. Designed to complement effective classroom instruction, this learning activity offers teachers and students alike a chance to deepen their commitment to democracy in Québec.



Michel Pagé

Minister of Education

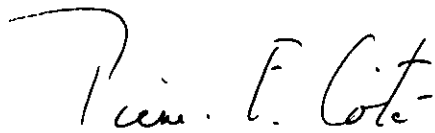
FOREWORD

As Chief Electoral Officer of Québec, it gives me pleasure to join the Assemblée nationale in honoring the 200th anniversary of our parliamentary institutions, and the enduring democratic values they represent.

With *Your History As Theatre*, the Directeur général des élections continues its policy of developing learning materials that educate young people about the democratic process. Earlier efforts included *Elections for Elementary-School Students*, and *Elections for Secondary-School Students*.

The activity consists of eight skits about key events in the emergence of Québec's parliamentary system. As Chief Electoral Officer of Québec, I am particularly pleased that Québec teachers now have teaching materials designed to foster student knowledge of Québec's political history and respect for democratic institutions.

The Directeur général des élections du Québec thanks the Assemblée nationale and the ministère de l'Éducation for their cooperation and support in the development and publication of this learning activity in honour of the Bicentennial Year.



Pierre-F. Côté, Q.C.

Chief Electoral Officer of Québec
President of the Commission de la représentation électorale

This document in honour of the Bicentenaire des Institutions parlementaires du Québec has been produced jointly by the Assemblée nationale, the ministère de l'Éducation du Québec and the Directeur général des élections du Québec.

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INTRODUCTION

This Historical Theatre learning activity is designed for use by secondary school history teachers. It offers them the possibility of addressing the contents of the *History of Québec and Canada* program by means of skits that reenact significant moments in Québec history.

The themes proposed are associated with Terminal Objective 4.1 of the *History of Québec and Canada* program, *To explain how society in Lower Canada evolved between 1791 and 1840*,¹ and particularly with Intermediate Objective 4.1.1, "To describe the main provisions of the Constitutional Act."² The first five themes are presented in chronological order: (1) The Early Stages of Parliamentary Government; (2) Proclamation of the Constitutional Act of 1791; (3) The First Election; (4) The First Parliament; (5) The First Parliamentary Session. The last three are topical in nature: (6) Ministerial Responsibility; (7) The Petition of 1784; (8) Women's Suffrage.

The documentary material for the themes is presented in numbered units. All the documents provided may be reproduced. Words appearing in italics in the text are defined in the glossary. Reference to Québec in former times, such as the Quebec Act, is written according to the style of the period, without accent.

Some history teachers may want to ask teachers in the theatre arts program to work with the students outside of the hours allotted for the history program. Each class could present its best skit to the secondary level students, or to the whole school.

This activity can certainly contribute to the teaching of a crucial period of our history. It may help students to realize that while we enjoy the advantages of democratic government today, democracy can be fragile, and its future is not guaranteed for all time. It is the responsibility of each individual to help ensure the democratic evolution of Québec society, now and in the future. That cannot be emphasized enough!

This guide proposes steps for teachers to follow in carrying out the Historical Theatre learning activity. The first part of the guide explains the procedure, and the second part presents the documentary material necessary to mount the various skits.

1. Québec, ministère de l'Éducation, *History of Québec and Canada*, Code 16-3660A (Québec: ministère de l'Éducation, 1983), p. 43.

2. *Ibid.*, p. 44.

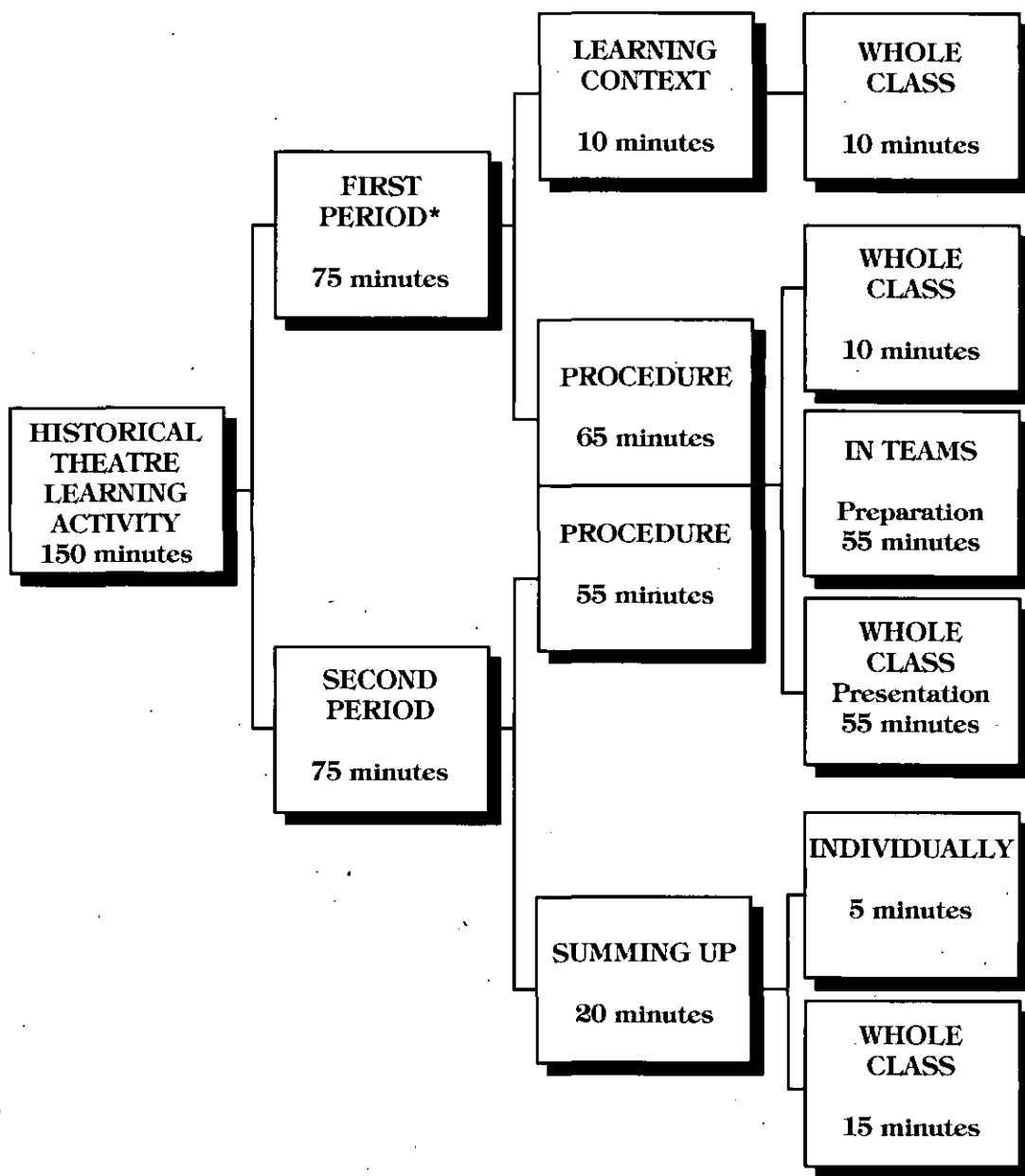
LEARNING ACTIVITY

Let the Play Begin...!

“The student should constantly be in the process of analyzing the causes of past events, of thinking critically, and, finally, of working out his or her own interpretations of historical situations.”

Program, History of Québec and Canada, Secondary IV - Québec, ministère de l'Éducation, 1983, p. 16.

OUTLINE OF THE ACTIVITY



* This schedule is based on two 75-minute class periods, but can easily be modified if necessary—for example, by substituting two and a half periods of 60 minutes, or three periods of 50 minutes.

HISTORICAL THEATRE LEARNING ACTIVITY

Duration

150 minutes

Objective of the Activity

To understand certain concepts pertaining to the early stages of parliamentary government in Québec.

Relation to the History of Québec and Canada program

- Terminal Objective
 - 4.1 To explain how society in Lower Canada evolved between 1791 and 1840.
- Intermediate Objective
 - 4.1.1 To describe the main provisions of the Constitutional Act.

Necessary Materials

- Unit 1: The Early Stages of Parliamentary Government
- Unit 2: Proclamation of the Constitutional Act of 1791
- Unit 3: The First Election
- Unit 4: The First Parliament
- Unit 5: The First Parliamentary Session
- Unit 6: Ministerial Responsibility
- Unit 7: The Petition of 1784
- Unit 8: Women's Suffrage
- Sheet 1: My Historical Memorandum
- Sheet 2: Democracy for Everyone

ORGANIZATION OF THE ACTIVITY

First class period

Learning Context

The whole class (10 minutes)

The teacher asks the students whether they are familiar with the reasons underlying the establishment of a democratic political system in Québec and with the course of the various struggles the Canadiens engaged in to win this type of government. The teacher then presents the activity, relating it to the content of previous courses, and invites the students to realize a dream that many people have cherished—that of being able to return to the past. The occasion for this invitation to return to the past is an important anniversary in Québec's political history: 1992 marks the 200th anniversary of the establishment of parliamentary institutions in Québec.

The teacher explains that to learn more about the background of this important phase, the students are invited to relive the key events by creating skits.

The teacher next explains the advantages of knowing:

- the background of events that shaped the history of contemporary Québec
- the issues involved during the early stages of democracy and the struggles leading to it
- modern democratic rights, which they enjoy thanks to the commitment of citizens in the past

Procedure

The whole class (10 minutes)

The teacher asks the students to form teams of four or five members, and then presents the themes of the eight units, so that each team can choose a unit. Or, the teacher may select themes for the teams beforehand, based on the material covered in class, student interest in certain themes, or the team's capacity to do the work.

In teams (55 minutes)

Each team receives the materials for its theme. The teacher explains that each package provides them with:

- a historical factsheet that sums up the event
- the chronology of the events
- supplementary documentation and background material
- a guideline sheet to help the students create the scenario for their skit

While the students work, the person in charge remains on hand to help teams that may want advice and to ensure that the teams respect the time limits for developing their scenarios and presenting their skits.

Theatrical decor is kept to a minimum because of the short time reserved for preparation. However, if students want to prepare costumes or sets on their own time, they will add to the authenticity of their skits.

Second class period

The whole class (55 minutes)

Before the students begin their presentation, the teacher distributes Sheet 1, *My Historical Memorandum*, and asks them to record on it the main idea presented in the skit and also the historical message of the synthesis question.

Each team presents its historical skit to the class. At the end of the skit, a spokesperson for the team explains to the class the historical message that they should derive from the skit.

Summing Up

Individually (5 minutes)

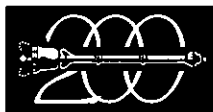
The teacher distributes Sheet 2, *Democracy for Everyone*, and asks the students to record on it their thoughts on the subject of democracy.

The whole class (15 minutes)

Then the teacher invites the students to share the ideas they wrote down. During the discussion, the teacher helps the students develop their ideas and become fully aware of the role of democracy in their everyday lives and in their future.

The students' considerations may give rise to a project for an election or a referendum on a subject they consider important. Such initiatives should be encouraged.

NOTE: Teachers may want to have the students research the chosen themes or do background reading on all eight themes. If so, this work—to be accomplished at home or at the library, outside of history classroom hours—should be done before the beginning of the activity. The students could form their teams before carrying out their preliminary research, which would give them more time to prepare their skits.



The Early Stages of Parliamentary Government

In 1688, the king of England agreed to share power with a *parliament* consisting of two houses: the Upper House, composed of *nobles* chosen by the monarch, and the Lower House, elected by the population. Political authority was thus divided between the king, the *nobles* and the people's representatives. This was the model that spread within the English colonies in North America.

New France, meanwhile, was governed according to a model imported from France, where all powers were concentrated in the hands of the king. This system was called absolute monarchy.

1763

Immediately after the Conquest, the British Parliament

After the Conquest, the first British administrators, James Murray and Guy Carleton, judged that the time was not yet ripe to introduce a lower house, or elected legislative *assembly*, in the "Province of Quebec." To accede to the Anglophone merchants' demands for an assembly in which the Catholic majority could not sit would be highly unfair, yet granting an assembly to a newly conquered people with no prior tradition of an elected legislature seemed too risky. Twenty years later, in 1783, the American Revolution provoked the departure of more than 100 000 *Loyalists*, about 6000-7000 of whom emigrated to the "Province of Quebec." The newly arrived *Loyalists* demanded a separate territory, English laws and an elected *assembly*. Some *Canadiens* supported the Anglophone colonists' demands for an *assembly* in 1774, but their support increased especially after 1784.

1783

The Loyalists demand

1791

The Constitutional Act grants the

In 1791, the British Parliament passed an act separating the "Province of Quebec" into two provinces: Upper and Lower Canada, and providing for *parliamentary institutions* within each.

1792

Consequently, there
will be

At that time, the real head of government in the colony was the *governor*, who was named by the British government and defended British interests. Despite the demographic superiority of the *Canadiens*, they found themselves a minority within both the *Executive Council* and the *Legislative Council*, whose role was to assist the *governor*. The members of both councils were appointed by the British government, on the recommendation of the *governor*. The members of the *assembly* had no control over the decisions taken by these Councils. However, the door to change had been opened: the first election was scheduled for June 1792.



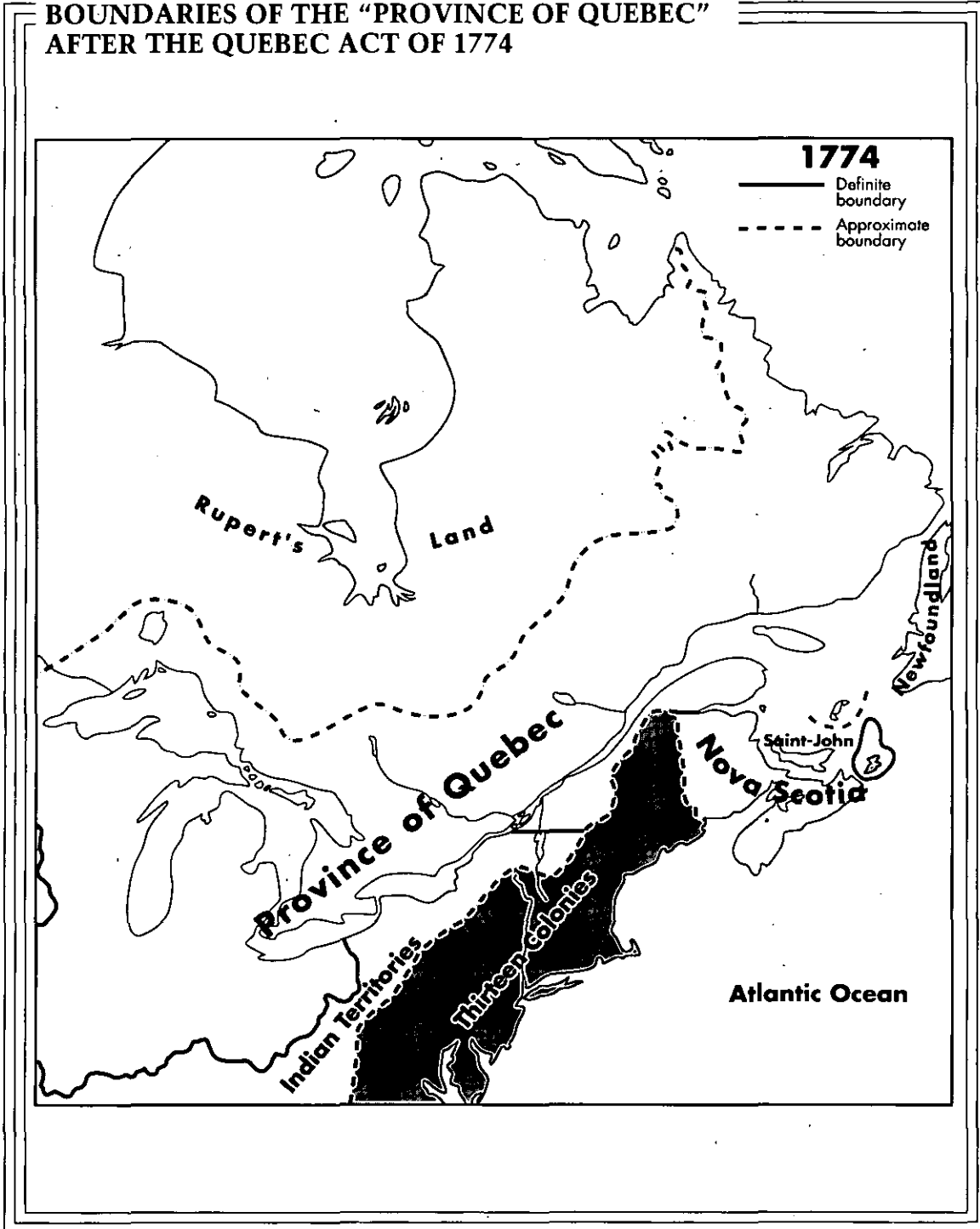
CHRONOLOGY

1688 - 1793

- 1688 • After a bloodless revolution, the king of England agrees to share power with a *parliament*.
- 1721 • The principle that the prime minister is responsible to the House of Commons begins to prevail in England.
- 1763 • New France becomes a British possession.
- 1774 • The Quebec Act reestablishes French civil law, grants the *Canadiens* the right to exercise their religion freely and abolishes the Test Act in the colony.
- 1783 • American independence.
- 1789 • Beginning of the French Revolution.
- 1791 • The Constitutional Act maintains the guarantees contained in the Quebec Act, establishes a *parliamentary regime* and divides the "Province of Quebec" into two provinces, Upper and Lower Canada.
 - Appointment of Alured Clarke as *lieutenant-governor* of Lower Canada.
 - The Constitutional Act comes into force.
- 1792 • Proclamation dividing Lower Canada into 21 counties, two towns and two boroughs.
 - First election: 15 Anglophones and 35 Francophones are elected.
 - Swearing-in of the members of the first *Assembly*.
 - First *parliamentary session*, in the chapel of the *Episcopal Palace* in Québec.
 - Jean-Antoine Panet is elected *Speaker* of the *Assembly* by 28 votes to 18.
- 1793 • The *quorum* for the *Assembly* is set at 34 members.
 - Debate on the language to be used in the *Assembly*.



**BOUNDARIES OF THE "PROVINCE OF QUEBEC"
AFTER THE QUEBEC ACT OF 1774**



Source: Adapted from l'Annuaire du Québec 1972. L'Éditeur officiel du Québec.



DOCUMENT 2

**BRITISH GOVERNMENT'S INSTRUCTIONS TO GOVERNOR
CARLETON (ABOUT 1786)**

...Reporting as soon as possible the real state of opinion of the people in general...to alter the present Constitution of Quebec, & whether the old (Canadian) subjects wish any and what alteration; to send the Numbers of Old and New Subjects, and of those in particular, who have taken refuge from the United States; to give an opinion whether there should be any division of the province, where the division is to be made—what number of refugees reside beyond the proposed division—what the Constitution of the proposed province should be...and whether, if it is expedient to put it upon a different footing from that of Quebec...; Whether in Case a division of the Province takes place, it may not be the means of promoting a Connection with the United States...; If any emigration is to be encouraged or conived at from the United States, directions must be given...

Source: W.P.M. Kennedy, ed. Statutes, Treaties and Documents of the Canadian Constitution, 1713-1929. (Toronto: Oxford UP, 1930), p. 177.



CARLETON REPORTS BACK

Quebec 8th November 1788

My Lord,

The Province of Quebec consists at present of seven districts or counties... The Canadians, or new subjects, occupy the districts of Quebec and Montreal, and some are also to be found in the districts of Gaspé, and Hesse. The three districts of Lunenburg, Mecklenburg, and Nassau, are inhabited only by the loyalists, or old subjects of the Crown. The Commerce of the country being chiefly carried on by the English occasions a considerable mixture of inhabitants in the towns of Quebec and Montreal...The proportions of British and Canadians in the two districts of Quebec and Montreal, exclusive of the towns, may be about one to forty, in the same districts, inclusive of the towns, one to fifteen, in the district of Hesse one to three, in the district of Gaspé two of three, and in the whole province, taken together, about one to five.



Sir Guy Carleton (Lord Dorchester)

*Source: Archives nationales
du Québec in Québec City*

A change of the laws and form of government, by the introduction of an assembly, is chiefly promoted by the commercial part of the community, in the towns of Quebec and Montreal. The Canadian Habitants, or farmers...are unacquainted with the nature of the question, and would, I think be for, or against it, according to their confidence in the representations of others...The Canadian gentlemen in general are opposed...; they object to...a body of new laws, to the extent and tendency of which they are strangers; they express apprehensions... from the introduction of an assembly...and adoption of wrong measures...The fear of taxation, I take for granted, is among the motives of those, who are adverse to the change...The objections...to a farther introduction of the trial by jury, arise partly from prejudice, and partly from an idea that...it is difficult to find jurors, totally disinterested.



DOCUMENT 4

PROVISIONS OF THE QUEBEC ACT

It was evident that the British government, in line with Carleton's thinking, made magnanimous religious provisions in an attempt to win the goodwill and loyalty of the Roman Catholic clergy in particular and of the French Canadians in general.

“And, for the more perfect Security and Ease of the Minds of the Inhabitants of the said Province, it is hereby declared, That His Majesty's Subjects, professing the Religion of the Church of *Rome* of and in the said Province of *Quebec*, may have, hold, and enjoy, the free Exercise of the Religion of the Church of *Rome*... and that the Clergy of the said Church may hold, receive, and enjoy, their accustomed Dues and Rights, with respect to such Persons only as shall profess the said Religion.

Provided nevertheless, That it shall be lawful for His Majesty...to make such Provision out of the rest of the said accustomed Dues and Rights, for the Encouragement of the Protestant Religion, and for the Maintenance and Support of a Protestant Clergy within the said Province, as he...from Time to Time, think necessary and expedient.”

The Quebec Act attempted to resolve the confusion in the legal system resulting from the Proclamation. French civil laws, the Custom of Paris—those that were in force at the time of the Conquest—were to be used. English criminal law, instituted by the Proclamation, was to continue in use. The seigneurial system was retained, but provisions were also made for freehold tenure for those British subjects who might contemplate immigration to Quebec.

The retention of the seigneurial system was a calculated attempt to win the support, loyalty and collaboration of the seigneurial class.



THE LOYALISTS

At the close of the American Revolution, about 35,000 Loyalists came north into British territory. A few joined the small English-speaking groups in Quebec City and Montreal. Others made homes on the south-east shore of Gaspé or in the Eastern Townships near the Richelieu River. The great majority of them began to settle the inland (Ontario) regions, and there constituted the first major group of permanent inhabitants.

The Loyalists who settled in Upper Canada in 1783-1784 were of three types. Some were the American officers and men of British army regiments who had volunteered to fight to suppress the rebellion. Another group were Indians of the Six Nations who had also supported the British cause. Both these groups could claim all possible help from the British Government in starting a new life, for they had lost the war and could not return to their old homes in the American States. In addition...there were hundreds of war refugees who had been loyal to Britain in the war years, and were now excluded from society in their former home towns. Officers were sent out to search for good agricultural land... Most of the Loyalists were settled in farms along the St. Lawrence River from the last French seigneurie (the present Ontario-Québec boundary) westward to the Bay of Quinte (near Belleville); others were settled at Niagara and in its vicinity.

All war veterans and Loyalist refugees received free transportation, free land, provisions for two years, tools for building and farming, some livestock, seed for planting, and the assistance of government services where possible...It

was fortunate... that the British Army continued to keep forces in the upper parts of the colony, for the troops purchased food supplies and other produce as soon as the Loyalists' farms began to yield surplus crops. In this way the pioneering Loyalists could sell their crops...and not be entirely dependent upon barter.

Between 1783 and 1785...the United States Constitution had not been written, and no man yet knew how the military victory of the American colonies would work out in future policy. The Loyalists...looked upon government, religion and moneymaking as North Americans. However, they wished to remain British. In taking up land along the St. Lawrence the Loyalists had no doubt in their minds that the land was their right, a reward for their loyal service...In later times of stress or national enthusiasm, many descendants have remembered their United Empire Loyalist origins and have claimed for themselves some special merit. During the War of 1812-1814, after the rebellion of 1837, and down to our own day, the idea of common United Empire Loyalist ancestry has been an element in the patriotism of many Upper Canadians.



PARLIAMENTARY DEMOCRACY IN QUÉBEC TODAY

Almost every day, it is possible to see the members of our National Assembly at work, and the popularity of the television broadcasts of the debates at the Assembly is a fact.

...the State rests on three powers: legislative, executive and judicial.

The legislative power, exercised by Parliament, is the power to make laws. Parliament is the National Assembly and the Lieutenant-Governor together. The former passes laws and the latter assents to them.

The executive power, held by the Executive Council, rests on the ability to decide the orientations that will guide the action of the State, while administering the laws. The Executive Council does not pass laws, but passes the by-laws stemming from them.

Finally, the judicial power, exercised by the courts, consists in enforcing the laws passed by Parliament and in deciding whether a citizen or a group has acted in accordance with the law or not. The judicial power renders judgments.

Already, we can see that the National Assembly is the keystone of the legislative power. It is composed of Members who have satisfied the requirements of the *Québec Election Act*. Together, the Members of all parliamentary groups pass laws, in addition to exercising control over government action.

In our constitutional monarchy, the Lieutenant-Governor...the representative of the Queen in Québec. ...ensures the continuity of the State between two general elections...recognizes the leader of the majority party as Prime Minister and invites him [or her] to form the government. But the main duty of the Lieutenant-Governor is to approve laws passed by the Assembly.

(Continued on the next page.)

PARLIAMENTARY DEMOCRACY IN QUÉBEC TODAY (continued)

...The word "law"...is a generic term encompassing more specific terms such as bill, act and statute, which all refer to the rules laid down by the sovereign power of a nation.

Since all of us cannot participate in legislative activity, we periodically delegate representatives who will speak on our behalf. Together, all the Members we elect are the National Assembly which, under the Constitution, exercises its power to make laws and administers itself, in conformity with the *Act Respecting the National Assembly*. It passes its own rules of procedure, inspired from the British parliamentary tradition.

Defined in the past by the reunion of all the institutions exercising the power to make laws (King, Lower House, Higher House), the parliamentary regime is now characterized by ministerial responsibility...the Prime Minister and his [or her] Ministers are accountable for their administration to the House... the Executive Council must keep the confidence of the legislative, or else...resign...

...The Act Respecting the National Assembly...consecrates the supremacy of Parliament and asserts the particular nature and the prerogatives of the Assembly, in the fields of jurisdiction...exclusively reserved to it in the Canadian Constitution.

Under parliamentary tradition, after a general election, the leader of the political party with the most candidates elected will become Prime Minister...with the immediate mission of forming the government, usually choosing ...Ministers among the Members of his [or her] *parliamentary group*.



THE CONSTITUTIONAL ACT: A 16-POINT SUMMARY

- The guarantees offered by the Quebec Act were maintained.
- The “province of Quebec” was divided into the provinces of Upper and Lower Canada.
- Each of the new provinces was to have a Legislative Council and a House of Assembly.
- To become a member of the Legislative Council, it was necessary to be 21 years of age.
- Members of the Legislative Council were named for life.
- The governor had the right to appoint and to divest of his functions the Speaker of the House.
- The governor appointed the returning officers.
- Members of the Assembly were to be elected by majority vote.
- In rural areas, a voter had to hold property yielding an annual revenue of at least 40 shillings, while in towns, voters had to pay an annual rent of at least 10 shillings.
- Members of the Legislative Council, the Anglican and Catholic clergy and teachers could not be elected.
- To be elected, or to vote, it was necessary to be at least 21 years of age, a British subject by birth, Conquest or naturalization (Act of Parliament), and never have been convicted of felony or treason.
- In both the legislative council and the assembly, decisions were to be by majority vote.
- The governor had the right to accept, refuse or reserve judgement on any Bill passed by the Assembly and the Council.
- In Upper Canada, land would henceforth be granted in free and common soccage. In Lower Canada, it would continue to be granted in seigneuries, but could be in free and common soccage if the concessionnaire requested this form.
- The monarch reserved the right to authorize the governor to cede or distribute land to support a Protestant clergy in each province.
- A portion of land called the Crown reserves was set aside for the support of the government.

Source: *Le Boréal Express, 1760-1810 (Trois-Rivières: Les éditions Le Boréal Express Ltée), p.7 (355).*

Note: *This is a free translation.*



TO HELP YOU DEVELOP THE SCENARIO FOR YOUR SKIT...

Individually...

- Read over the historical factsheet a first time.
- Give the factsheet a second reading, circling or underlining passages you consider important, or that intrigue you.

In Teams...

- Share the questions and comments you noted during your reading of the historical factsheet.
- Using the ideas you circled or underlined on the historical factsheet and the documentary material, create a skit of five minutes' duration that presents to the rest of the class the development of the early stages of *parliamentary government*.

Pointers for the scenario

In which of the following contexts does the action take place?

- in 1791
- at another time
- today

Suggestions for characters...

- In the market square, Catherine tries to convince her compatriots to join forces with the *Loyalists*, who are asking the British *Parliament* for the right to elect representatives.
- On the doorstep of the church, after discussing a news item from the *Gazette de Québec*, Jean-Baptiste and other members of the parish debate the consequences of the division of the "Province of Quebec" into Upper and Lower Canada.
- Some citizens compare the government of Lower Canada in 1791 with that of present-day Québec.



Proclamation of the Constitutional Act of 1791

When the United States became independent in 1783, North America was divided into two parts: the United States, which had chosen to separate from England, and British North America, comprising the "Province of Quebec," in which the *Canadiens* population was concentrated, Newfoundland, the territory owned by the Hudson's Bay Company and Nova Scotia, which until 1784 included New Brunswick and Prince Edward Island.

1784

The Canadiens and the Loyalists demand

The population of British North America included nearly 40 000 *Loyalists*, who remained deeply attached to the British Crown. The *Loyalists* wanted the British Parliament to grant them an elected *assembly*. The *Canadiens* were increasingly interested in an assembly too.

1791

The Constitutional Act divides

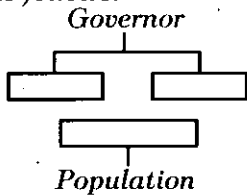
in two:

and

In England, once *Parliament* had accepted the principle of a constitution for the "Province of Quebec," debate on the Constitutional Act was of short duration. The British members of Parliament were sympathetic to the aspirations of the *Loyalists* and *Canadiens* and ready to grant them. On the recommendation of the colonial minister, Lord Grenville, and the British prime minister, William Pitt, the "Province of Quebec" became Upper Canada, home of most of the *Loyalists*, and Lower Canada, where the majority of the *Canadiens* lived. The British Parliament passed the Bill, which received *royal sanction* on June 10, 1791. An election was scheduled to choose the members of the *Assembly*, and the new constitution came into force on December 26, 1791.

1791

The Constitutional Act organizes the administration of the "Province of Quebec" as follows:



A new form of administration was established, with three decision-making levels:

- the *Executive Council*, composed of the governor and nine councillors named on his recommendation,
- the *Legislative Council*, composed of at least 15 men chosen by the king on the recommendation of the governor,
- an *Assembly*, composed of 50 members elected by the population.

1791

Québec's present parliamentary institutions are based on

The Constitutional Act of 1791 established the basis of Québec's present-day *parliamentary institutions*. However, in 1791, the *Assembly* had very limited power. The years following the passage of the Act saw the beginning of the members' struggles to obtain real power over *legislation* and control of public expenditures.



CHRONOLOGY

1688 - 1793

- 1688 • After a bloodless revolution, the king of England agrees to share power with a *parliament*.
- 1721 • The principle that the prime minister is responsible to the House of Commons begins to prevail in England.
- 1763 • New France becomes a British possession.
- 1774 • The Québec Act reestablishes French civil law, grants the *Canadiens* the right to exercise their religion freely and abolishes the *Test Act* in the colony.
- 1783 • American independence.
- 1789 • Beginning of the French Revolution.
- 1791 • The Constitutional Act maintains the guarantees contained in the Québec Act, establishes a *parliamentary regime* and divides the "Province of Québec" into two provinces, Upper and Lower Canada.
 - Appointment of Alured Clarke as *lieutenant-governor* of Lower Canada.
 - The Constitutional Act comes into force.
- 1792 • Proclamation dividing Lower Canada into 21 counties, two towns and two boroughs.
 - First election: 15 Anglophones and 35 Francophones are elected.
 - Swearing-in of the members of the first *Assembly*.
 - First *parliamentary session*, in the chapel of the *Episcopal Palace* in Québec.
 - Jean-Antoine Panet is elected Speaker of the *Assembly* by 28 votes to 18.
- 1793 • The *quorum* for the *Assembly* is set at 34 members.
 - Debate on the language to be used in the *Assembly*.



THE SITUATION IN LOWER CANADA DURING THE LATE 1780'S

The Governor-General at once convened a meeting of the Council, and laid before them certain suggestions with regard to ascertaining the exact condition of the colony. The Council was divided into committees to inquire into the administration of justice, the state of trade and commerce, the condition of the police and the state of education in the Province.

These committees made long and careful investigations, examined many witnesses, and at length made reports. The investigation into the administration of the laws was opened by the chief of the justice in June, 1787, and showed a most unsatisfactory state of affairs. Charges were made against the judges of drunkenness, incompetency, and favoritism. It was shown that the English judges followed English law, the French judges French law; and one judge - who apparently understood no law at all - gave his decisions on the "equity" of cases without any respect to either English or French law. The committee on trade and commerce reported both in an unsatisfactory condition, which was mainly attributed to the competition of the United States, and also to the uncertainty of the laws, it being strongly urged that English laws should be introduced altogether, and the use of French laws discontinued. The committee on education found it at a very low ebb. There were no public schools, and few private ones outside of Montreal and Quebec; the Jesuits had closed their college and there was not a school in the Province where the higher branches of learning were taught. The committee suggested the establishment of elementary schools in all the parishes; district schools for teaching arithmetic, the French and English languages, grammar, book-keeping, gauging, navigation, land-measuring, and the practised branches of mathematics; and a university for the study of the higher branches of learning. The committee recommended that the Jesuits' estate and a portion of the public lands should be set apart for the maintenance of this large scheme of general education.



DOCUMENT 2

THE BRITISH DEBATE THE CONSTITUTIONAL ACT

It was presented to the House of Commons by Mr. Pitt in the spring of 1791. The new bill carried out the idea introduced by the settlement of the United Empire Loyalists in the Western part of the Province - that of keeping the two races separate and distinct; the Province was divided into two, observing as nearly as possible the distinctions of religion and race, and each Province was granted a Legislative Assembly of its own. The bill was strongly opposed by Mr. Fox, who argued that the two races should be drawn close together instead of being kept separate; and that the council should be elective instead of being appointed by the crown. Mr. Pitt maintained that a division of the Province would be the best means of conciliating the French, as it would satisfy them that no attempt would be made to force British laws on them; while it would also gratify the British settlers in Western Canada, by allowing them to be ruled by the laws they most desired. The Quebec reformers were by no means pleased with the division of the Province, and Mr. Lymburner was heard at the bar of the House of Commons, on 25th March, 1791, and strongly opposed the bill, setting forth his objections very clearly, and arguing that a division would be very detrimental to the interests of Upper Canada. The bill was, however, passed, and continued the law of the country for fifty years.

A Bill for the Better government of Canada was brought forward by Mr. Pitt. It was proposed to divide the province into two parts. Pitt gives the reason in a speech to the House of Commons.

“This division could, I hope, be made in such a manner as to give each a great majority in their own particular share, although it cannot be expected to draw a line of complete separation. Any inconveniences to be apprehended from ancient Canadians being included in the one, or British settlers in the other, would be remedied by the double legislature which I seek to establish, by appointing in each a House of Assembly, and a Council, so as to give them the full advantages of the British Constitution... If the province were not to be divided, there being two parties, if these parties had been equal, or nearly equal, in the Assembly, it would have been the source of perpetual faction; while if one party had been much stronger than the other, the minority might not without some justice call itself oppressed.”



BRITISH NORTH AMERICA AFTER THE CONSTITUTIONAL ACT OF 1791



BOUNDARIES OF THE "PROVINCE OF QUEBEC" AFTER THE QUEBEC ACT OF 1774



Source: Adapted from l'Annuaire du Québec 1972, L'Éditeur officiel du Québec.

*SOME PROVISIONS OF THE CONSTITUTIONAL ACT***THE CONSTITUTIONAL ACT OF 1791**

Anno Tricesimo Primo.

GEORGII III, REGIS.

Chap. XXXI.

An Act to repeal certain Parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled, An Act for making more effectual Provision for the Government of the Province of Quebec, in North America; and to make further Provision for the Government of the said Province.

II. And whereas His Majesty has been pleased to signify, by his message to both Houses of Parliament, his Royal intention to divide his Province of Quebec into two separate Provinces, to be called the Province of Upper Canada and the Province of Lower Canada; Be it enacted by the authority aforesaid, that there shall be within each of the said Provinces respectively a Legislative Council and an Assembly, to be severally composed and constituted in the manner hereinafter described; and that in each of the said Provinces respectively, His Majesty, His Heirs, and Successors, shall have power during the continuance of this Act, by and with the advice and consent of the Legislative Council and Assembly of such Provinces respectively, to make laws for the peace, welfare and good Government thereof, such laws not being repugnant to this Act; and that all such laws being passed by the Legislative Council and Assembly of either of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, or assented to in His Majesty's name by such person as His Majesty, His Heirs or Successors, shall from time to time appoint to be the Governor or Lieutenant-Governor of such Province, or by such person as His

(Continued on the next page.)

THE CONSTITUTIONAL ACT OF 1791 (continued)

Majesty, His Heirs or Successors, shall from time to time appoint to administer the Government within the same, shall be, and the same are hereby declared to be, by virtue of and under this Act, valid and binding, to all intents and purposes whatever, within the Province in which the same shall have been so passed.

XXXV. And whereas, by the abovementioned Act, (The Quebec Act)... It was declared, That the Clergy of the Church of Rome, in the Province of Quebec, might hold, receive, and enjoy their accustomed Dues and Rights, (the tithe) with respect to such Persons only as should profess the said Religion;... be it enacted by the Authority aforesaid, That the said Declaration and Provision contained in the said abovementioned Act, ... shall remain and continue to be of full Force and Effect in each of the said Two Provinces of Upper Canada and Lower Canada respectively,...

XXXVI. And whereas His Majesty has been graciously pleased, by Message to both Houses of Parliament, to express His Royal Desire to be enabled to make a permanent Appropriation of Lands in the said Provinces, for the Support and Maintenance of a Protestant Clergy within the same, in proportion to such Lands as have been already granted within the same by His Majesty: And whereas His Majesty has been graciously pleased, by His said Message, further to signify His Royal Desire that such Provision may be made, with respect to all future Grants of Land within the said Province respectively, as may best conduce to the due and sufficient Support and Maintenance of a Protestant Clergy within the said Provinces, in proportion to such increase as may happen in the Population and Cultivation thereof: Therefore, for the Purpose of more effectually fulfilling His Majesty's gracious Intentions as aforesaid, and of providing for the due Execution of the same in all Time to come, be it enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant-Governor of each of the said Provinces respectively, or the Person administering the

(Continued on the next page.)

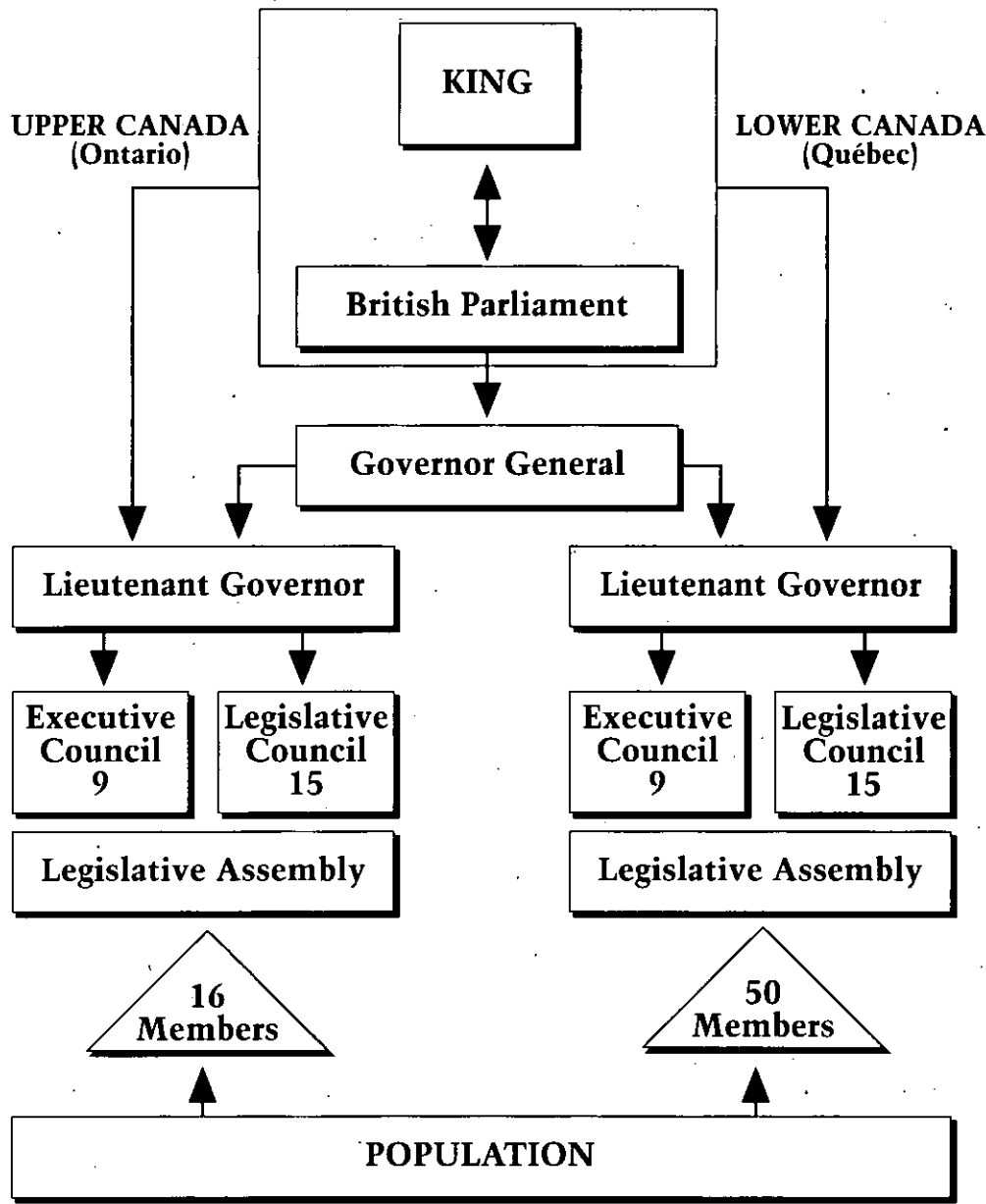
THE CONSTITUTIONAL ACT OF 1791 (continued)

Government therein, to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of Lands, for the support and Maintenance of a Protestant Clergy within the same, as may bear a due Proportion to the Amount of such Lands within the same as have at any Time been granted by or under the Authority of His Majesty: And that whenever any Grant of Lands within either of the said Provinces shall hereafter be made, by or under the Authority of His Majesty, His Heirs or Successors, there shall at the same Time be made, in respect of the same, a proportionable Allotment and Appropriation of Lands for the abovementioned Purpose, within the Township or Parish to which such Lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as Circumstances will admit; and that no such Grant shall be valid or effectual unless the same shall contain a Specification of the Lands so allotted and appropriated, in respect of the Lands to be thereby granted; and that such Lands, so allotted and appropriated, shall be, as nearly as the Circumstances and Nature of the Case will admit, of the like Quality as the Lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the Time of making such Grant, equal in Value to the Seventh Part of the Lands so granted.

XLIII. And be it further enacted by the Authority aforesaid, that all Lands which shall be hereafter granted within the said Province of Upper Canada shall be granted in Free and Common Soccage, in like Manner as Lands are now holden in Free and Common Soccage, in that Part of Great Britain called England; and that in every Case where Lands shall be hereafter granted within the said Province of Lower Canada, and where the Grantee thereof shall desire the same to be granted in Free and Common Soccage, the same shall be so granted; but subject nevertheless to such Alterations with respect to the Nature and Consequences of such Tenure of Free and Common Soccage, as may be established by any Law or Laws which may be made by His Majesty, His Heirs or Successors, by and with the Advice and Consent of the Legislative Council and Assembly of the Province.



PARLIAMENTARY INSTITUTIONS UNDER THE CONSTITUTIONAL ACT (1791)



Source: Your Assembly. (Québec: Assemblée nationale, 1985), Chapter 2, p. 5.



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Pointers for the scenario

In which of the following contexts does the action take place?

- in 1791
- at another time
- today

Suggestions for characters

- A group of Loyalists celebrates the new constitution and prepares for the upcoming election.
- At a big family gathering on Christmas Eve, 1791, the decisions taken by the British Parliament, and the new form of administration that is to be created in Lower Canada are discussed.
- Some history students in present-day Québec consider the impact of the new borders conferred on the "Province of Quebec" by the Constitutional Act.



The First Election

1792

The population elects

in _____.

The first election in Lower Canada was held in June 1792. The object was to elect 50 representatives in 21 counties, two towns and two boroughs. Well before election day, a number of people published notices in the newspaper indicating their intention to run as candidates.

1792

All British subjects
over _____
years of age and

_____ or
have the right to
vote.

To vote, it was necessary to:

- be 21 years of age;
- be a British subject by birth or by virtue of the Conquest;
- in the country: be a landowner or tenant farmer,
in the city: own or rent property.

1792

Voting generally
takes place _____
and _____

In each riding, a *returning officer* organized the election. It was he who chose the date, hour and place where votes were cast. Elections were usually held out-of-doors, on a platform set up for the purpose. Voters would stand before the *returning officer* and indicate their voting qualifications, and the candidate for whom they wished to vote. The *returning officer* entered that name on the list of votes. Voting was public and oral, and often occurred in the presence of the candidates and their partisans.

There was neither an electoral list, nor a ballot. The election ended when no voters had presented themselves for an hour. The *returning officer* then counted the votes and announced the winner.

1792

The following aspects of the electoral procedure used at the time could create difficulties for voters:

- _____
- _____
- _____
- _____

This system gave rise to criticism and discontentment. There were instances of violence and intimidation—partisans of one candidate trying to prevent those of another from voting, for example.

The first election left much to be desired. On the one hand, the suffrage criteria did give the right to vote to a large part of the population, without distinction as to sex or religion. On the other hand, the practice of voting out loud and in public hindered the free exercise of this right.

The 1990s

Voters have to be at least _____ years of age, and voting is _____.

Today, the rules have changed. Voting is by secret ballot, and does not involve communicating one's choice out loud.

Today, voters must:

- be Canadian citizens;
- have resided in Québec for the previous six months;
- be at least 18 years of age.



1688 - 1793

- 1688 • After a bloodless revolution, the king of England agrees to share power with a *parliament*.
- 1721 • The principle that the prime minister is responsible to the House of Commons begins to prevail in England.
- 1763 • New France becomes a British possession.
- 1774 • The Quebec Act reestablishes French civil laws, grants the *Canadiens* the right to exercise their religion freely and abolishes the *Test Act* in the colony.
- 1783 • American independence.
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 - Debate on the language to be used in the *Assembly*.



DOCUMENT 1

UNIT 3

DIVISION OF LOWER CANADA INTO COUNTIES AND ELECTORAL DISTRICTS

On the 7th May, 1792, Governor Clarke* issued a proclamation dividing Lower Canada into twenty-one counties, besides the towns of Quebec and Montreal, and the boroughs of Three Rivers and William Henry, and apportioning the number of representatives of each. The counties of Gaspé, Bedford and Orleans were to return one member each; those of Buckinghamshire, Cornwallis, Devon, Dorchester, Effingham, Hertford, Huntingdon, Hampshire, Kent, Leinster, Montreal, Northumberland, Quebec, Richelieu, Surry, St. Maurice, Warwick and York, two members each; Quebec and Montreal, four members each; Three Rivers, two members, and William Henry one member, making a total of fifty.

* Alured Clarke was in fact Lieutenant-Governor.

Source: Charles R. Tuttle. *History of the Dominion of Canada. Vol. 1. (Montréal: D. Downie, 1877), p. 330.*



DOCUMENT 2

"PROBUS" URGES VOTERS TO CHOOSE MEN OF CONSEQUENCE IN THE COLONY'S FIRST ELECTION

And in addition to the foregoing qualifications may be recommended independence in fortune; to men poffeffing and reprefenting large property, and uniting active, clear and vigorous minds, your votes are due; thofe who enjoy a diverfity of property in lands, manufactures and commerce, may be recommended to you as the moft deferving of your votes; for in no cafe whatever can they affent to any law that will not in a ferious and high degree affect that various property; and fuch men as thefe we now defcribe, muft neceffarily have as facred a regard for a poor man's 50 L. as for his own 10,000 L.

And laftly, we recommend to you not to forget thofe men who have rendered you public fervices and have been infrumental in bringing about the happy change of government which we now live under, for furely, if any deferve your favours, it is they who have been the means of your enjoying the right to grant them; fhew therefore you fenfe of fuch fervices, and let the moft deferving be the object of your choice.

Source: *The Quebec Gazette, (date illegible) June 1792.*



DOCUMENT 3

**ELECTION CAMPAIGNING IN THE QUEBEC GAZETTE IN
PREPARATION FOR THE FIRST ELECTION IN LOWER CANADA
(JUNE 1792)**

*TO the Free and Independant ELECTORS of the City of Montreal
who compose the Wefterly Ward*

Gentlemen,

I hereby offer myfelf as a Candidate to repreſent you in the houſe of Affembly at the enfuing General Election and I now requeſt your Votes, Intereſt and ſupport on that occaſion.

Should I obtain the honor, by your ſuffrages, to become one of your Repreſentatives, I pledge myfelf, that no member of that Affembly, will be more hold to affect your rights or lets afraid to protect your liberties:— In ſhort I have ſuch confidence in myſelf as to hope, that I will not only merit your applauſe but command your eſteem by every tranſaction in my official capacity. I have the honor to be with the moſt perfect reſpect,

Gentlemen, your moſt obedient and very humble fervant,

Montreal, 21ſt May, 1792.

JAMES DUNLOP.

To the ELECTORS of the County of QUEBEC.

Friends and Countrymen,

With confidence I follicit your Votes, to be elected one of your representatives in the enfuing Affembly.

If true patriotiſm, liberality of ſentiment, and ſome knowledge of the principles of free government are titles to obtain your acceptance of my ſervices, be affured that my wiſhes and endeavours will ever be for the welfare of my country and the Happineſs of my fellow Citizens,

Your Zealous Countryman,

Quebec, 16th May, 1792

PIERRE Ls. PANET.

(Continued on the next page.)

**ELECTION CAMPAIGNING IN THE QUEBEC GAZETTE IN
PREPARATION FOR THE FIRST ELECTION IN LOWER CANADA
(JUNE 1792) (continued)**

To the FREE ELECTORS of the LOWER TOWN of QUEBEC.

Gentlemen and Fellow Citizens,

A Number of Friends and Fellow Citizens having urged my acquiescence to allow them to bring me forward as a candidate to represent you and them in the House of Assembly, and some steps having already been taken by them for that purpose, I therefore humbly beg leave to solicit your Votes and Interest at the ensuing General Election.

I have the honor to be, Gentlemen, and fellow citizens,
Your most obedient and most humble servant,

Quebec, 16th May, 1792

ROBERT LESTER.

Source: *The Quebec Gazette, May 16 and 21, 1792.*



DOCUMENT 4

PREPARING A POLLING STATION

In Townships or Villages, the polling booth will probably occupy the centre of a square inclosure. Four Rods or 66 feet on every side...A sufficient number of special constables will be stationed all round the area on the inside of the railing; to prevent the crowd from entering; and Voters will stoop and pass under the rail to the Hustings, by this means, no party can occupy and obstruct the Entrance to the exclusion of another.

The duty of the Civil Authorities will be to admit within the Barrier only a given number to poll at one time and enforce their retiring on having voted, to prevent crowding and confusion. The above suggestions are recommended to each Returning Officer as a quiet and secure mode of conducting the Election.

Source: Lande Canadiana Collection. McGill University.



DOCUMENT 5

PROTEST CONCERNING UNFAIR VOTING PRACTICES

The Return of Mr. Stuart was made after a contestation of seven days, when all the votes, with a few exceptions, had been polled, and the Return was made in consequence of the small majority of nine votes... Mr. Berthelot had a considerable majority of legal votes... Threats and actual dismissal from employment were used by the partizans of Mr. Stuart, both on the part of private individuals and on the part of Officers holding civil and military appointments... Owing to the interference of authorized overseers, the voters labouring on His Majesty's works came forward under the impression that they risked their employment if they did not vote for Mr. Stuart.

Source: "Petitions to the House of Assembly, Lower Canada, 4 December 1828," Journals of the House of Assembly, Lower Canada, 1828-29, pp. 81-84.



DOCUMENT 6

VOTING IN THE 19TH CENTURY

In Canadian elections of the last century, it was sometimes necessary to have soldiers at the polls. It was not uncommon for elections to be marred by violence somewhere in the country. Before 1878, the open ballot was used. Voters would declare their support of candidates publicly, and consequently voter intimidation and bribery were common.

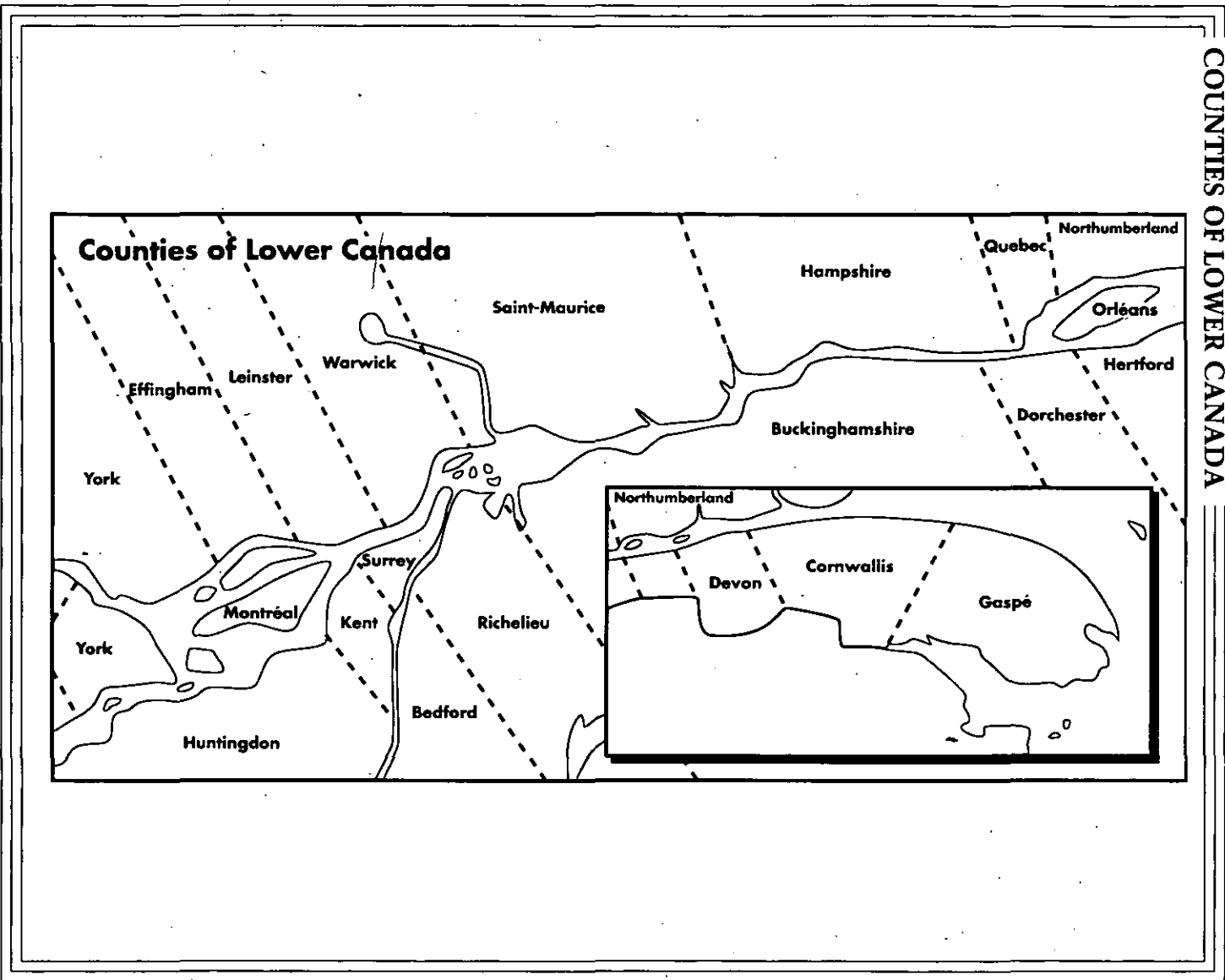
There was a system of staggered elections. The government set the election date in "safe" constituencies first and in doubtful constituencies at a later date. In this way the government party could increase government strength early in an election, in the hope that the earlier victories might influence the electorate of constituencies where voting was held later.

In the election of 1878 the secret ballot and simultaneous elections were introduced. Later, the Canada Elections Act was passed to make federal elections relatively free of certain corrupt practices such as voter intimidation and bribery. With these acts, the election process was improved to reflect more accurately the wishes of the electorate.

Source: Larry A. Glassford et al. *Challenge of Democracy: Ideals and Realities in Canada*. (Scarborough: Nelson Canada, 1984), p. 97.



COUNTIES OF LOWER CANADA



Source: Adapted from *Le Boréal Express, 1760-1810. (Trois-Rivières: Les éditions Le Boréal Express Ltée), p. 14 (362).*



ELECTIONS OF YESTER-DAYS

Our Grandfathers took their elections seriously and often violently. As a rule, there was but one voting place in each riding and the elector had to declare his vote, which was entered on a register. The poll would remain open as long as one hour did not elapse without a vote. With this system, polling in Montreal lasted 24 days in 1832. The tactics were to prevent the opponents from voting by controlling the approach to the poll.

In 1816 Mr. John Molson was elected for Montreal East Ward, but in 1820 the election was bitterly contested. The poll opened on March 8th and lasted over a week, with the following result:

| | Wednesday | Thursday | Friday | Saturday | Monday | Tuesday | Friday |
|------------------|-----------|----------|--------|----------|--------|---------|--------|
| Mr. Molson | 9 | 86 | 260 | 342 | 368 | 401 | 521 |
| Mr. Busby | 34 | 107 | 251 | 356 | 381 | 440 | 601 |
| Mr. Heney | 29 | 119 | 359 | 510 | 548 | 618 | 851 |

“On Monday”, reported the *Quebec Gazette*, “the passions of the partizans frothed up to such a height as to overflow into a fierce encounter. Pugilism and all the less fair arts of attack and defence were called into use. Legs of tables were in the twinkling of an eye coverted into swords, while the bodies were used as shields. Noses, hair and other convenient handles of the human person were seized without ceremony, and pulled without mercy. The returning-officer in vain interposed and was obliged to adjourn the poll till the following day. The visages of many, and the bodies of almost all, attested to the obstinacy of the combat. The laws of war were most shamefully violated, for, when a man fell, his adversaries trampled and hoofed his carcass”.



VOTING TODAY

POLLING DAY

Just as a military campaign may culminate in a D Day, so an election reaches its climax on polling day. On this day, between 10 a.m. and 8 p.m. all persons on the electoral list may exercise their right to vote.

In every electoral division a number of polling stations are set up to allow qualified voters to vote without having to travel a great distance. All polling stations are equipped with the necessary material: the electoral list, ballot papers, voting booths and a ballot box.

In each polling station the following persons are present: a deputy returning officer, a poll clerk, a representative of each candidate whose name appears on the ballot paper, and an officer in charge of information and order.

The poll clerk verifies whether the voter is registered on the electoral list. The deputy returning officer gives the voter a ballot paper on which is written the name of each candidate. The voter goes to the voting booth and makes a mark in the circle to the right of the name of his or her preferred candidate. The voter may do this by means of one of the following signs: +, x, √, -. After voting, the voter deposits his or her vote in the ballot box. No one may know for whom he or she has voted.

Voting is by secret ballot.

As soon as the polling station closes, the deputy returning officer counts the votes received by each candidate and compiles the results. The final count includes the advance polling results, votes of inmates and votes from citizens outside Québec. This total is conveyed to the Chief Electoral Officer who then publishes the official results.

On the evening of an election, Quebecers learn the election results via radio and television. The party which has elected the greatest number of Members to the National Assembly forms the government and the leader of that party becomes the premier of Québec.



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Pointers for the scenario

In which of the following contexts does the action take place?

- in 1791
- at another time
- today

Suggestions for characters

- Two candidates have taken seats on the platform where the election is underway. Amanda and Mathurin, who know both candidates well, have come to vote. They discover, with astonishment, that they must vote out loud.
- In 1820, some citizens discuss the circumstances of the riot that occurred in connection with the election in Montréal's East Ward.
- Students doing a research project for their history class compare voting procedure in 1792 and today, and discuss their findings.



The First Parliament

1791

The Constitutional Act authorizes:

- _____
- _____
- _____
- _____

The Constitutional Act took effect in the "Province of Quebec" on December 26, 1791. It divided the colony into two separate provinces, Upper and Lower Canada, and authorized the holding of elections for an *assembly*. The Act maintained French civil law and the religious freedom granted by the Quebec Act of 1774.

1791

However, the Assembly can not impose its decisions because the _____ has a _____.

The Act maintained the role of the *governor* as the king's representative. Each province had a *governor*, a *lieutenant-governor*, who could replace the *governor* when necessary, an *Executive Council* and a *Legislative Council* (whose members, appointed for life, were to advise the *governor*), and an *Assembly*, composed of elected representatives. The *governor* had a veto over all decisions.

1792

In the first election in Lower Canada, _____ and _____ are elected.

The major change introduced by the Constitutional Act was the creation of an *assembly* in each territory. Members were elected by majority vote. The *Assembly* of Lower Canada met in the former chapel of the *Episcopal Palace*, in Québec. In the first election, the population elected 35 Francophone and 15 Anglophone members from a variety of backgrounds. These first members represented a population of about 110 000 Francophones and 10 000 Anglophones. Although the Anglophone population made up only a tenth of the total population of Lower Canada, Anglophones made up almost a third of the members elected to the *Assembly*.

1792

The members of the Assembly have to contribute a lot of their _____ without receiving any _____.

To take his place in the *Assembly* in Québec, a member had to leave his riding. He also had to pay for his accommodations in Québec. Yet the members of the *Assembly* received no remuneration. This situation created difficulties for members who were not well-off.

1792

*There is not always
among the members
of the Assembly
themselves, nor bet-
ween the Assembly
and the governor.*

The members of the *Assembly* were participating in the beginning of a new political era. Because they were consistently divided along linguistic and economic lines, however their interests did not always coincide. Furthermore, the *governor's* veto often reversed their decisions. These circumstances favoured the emergence of political parties.

Despite their difficulties, these first elected representatives succeeded in establishing the bases of *parliamentary institutions* that endure to this day in Québec.

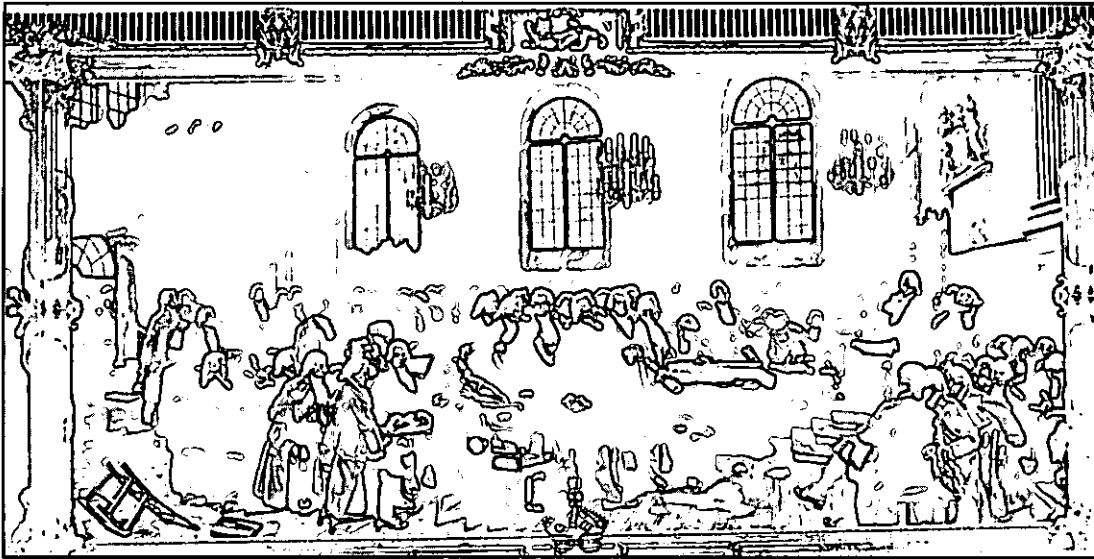


1688 - 1793

- 1688 • After a bloodless revolution, the king of England agrees to share power with a *parliament*.
- 1721 • In England, the prime minister is responsible to the House of Commons.
- 1763 • New France becomes a British possession.
- 1774 • The Quebec Act reestablishes French civil law, grants the *Canadiens* the right to exercise their religion freely and abolishes the *Test Act* in the colony.
- 1783 • American independence.
- 1789 • Beginning of the French Revolution.
- 1791 • The Constitutional Act maintains the guarantees contained in the Quebec Act, establishes a *parliamentary regime* and divides the "Province of Quebec" into two provinces, Upper and Lower Canada.
 - Appointment of Alured Clarke as *lieutenant-governor* of Lower Canada.
 - The Constitutional Act comes into force.
- 1792 • Proclamation dividing Lower Canada into 21 counties, two towns and two boroughs.
 - First election: 15 Anglophones and 35 Francophones are elected.
 - Swearing-in of the members of the first *Assembly*.
 - First *parliamentary session*, in the chapel of the *Episcopal Palace* in Québec.
 - Jean-Antoine Panet is elected *Speaker* of the *Assembly* by 28 votes to 18.
- 1793 • The *quorum* for the *Assembly* is set at 34 members.
 - Debate on the language to be used in the *Assembly*.



FIRST ELECTED REPRESENTATIVES, BY COUNTY



Le débat sur les langues (Debate on language), oil on canvas executed by Charles Huot between 1910-1923. This painting, on the north wall of the National Assembly Chamber, depicts the sitting of the Legislative Assembly of Lower Canada on January 21, 1793.

| | | |
|------------|--|---|
| | Gaspé | Edward O'Hara |
| | Cornwallis | P.L. Panet and Jean Digé |
| | Devon | Fras. Dambourges and Jas. Tod |
| | Hertford | P. Marcoux and Louis Duniere |
| | Dorchester | Gabriel Elz. Tafchereau and Louis De Salaberry |
| | Buckinghamshire | A. Juc. Duchefnay and J.M. Tonnancour l'ainé |
| Richelieu | Borough of William Henry | John Barnes |
| | County | Pierre Guerout and Benj. Cherrier |
| | Bedford | J.B.M.H. de Rouville, Philip Rocheblave and Fran. Malhiot |
| | Kent | René Boileau and Pierre Le Gras Pierreville |
| | Huntingdon | Hyp. St. Geo. Dupré and G.C. Lorimier |
| | York | M.E.G. Ch. De Lotbinière and P.A. De Bonne |
| Montreal | West-ward | James McGill and J.B. Durocher |
| | East-ward | Joseph Frobisher and John Richardson |
| | County | Joseph Papineau and James Walker |
| | Effingham | Jacob Jordan and Jos. La Croix |
| | Leinster | Fran. Antoine La Roque* and Bonav. Panet |
| | Warwick | P.P.M. La Valtrie and Louis Olivier |
| St-Maurice | Borough of Three-Rivers | John Lees and Nicolas St. Martin |
| | County | Thomas Coffin and Augustin Rivard |
| | Hampshire | Matthew M'Nider and Jean Boudreau |
| Quebec | Upper-Town | J. Antoine Panet and William Grant |
| | Lower-Town | Robt. Letter and Jno. Young |
| | County | Louis De Salaberry and David Lynd |
| | Northumberland | Pierre Bedard and Joseph Dufour |
| | Orléans | Nich. Gaspard Boiffeau |
| | *Replaced in the first session by George McBeath | |

Source: *Journal of the House of Assembly, Lower Canada, 1793, p. 6.*

As the transcription reproduces the original spelling, the names do not always correspond to either present-day French or English usage.



DOCUMENT 2

THE FIRST PARLIAMENT

...when the new constitution took effect on December 28, 1791, its advent was celebrated by public dinners in both the upper and lower towns of Quebec, where French and English alike sat down to feast and rose to drink such toasts as "The French Revolution and true liberty throughout the universe", "The abolition of the feudal system", "May the distinction between old and new subjects be buried in forgetfulness, and may the title of Canadian subjects survive forever", "May liberty extend to Hudson Bay", and "May the event of the day be a mortal blow to the prejudices which are contrary to civil and religious liberty and to commerce". Representatives of the gathering in the lower town carried a letter to that in the upper town, proposing the toast: "The Constitution, and may the unanimity among all classes of citizens cause all distinctions and prejudices to disappear, make the country flourish, and render it always happy. This sentiment was drunk simultaneously at both gatherings amid general applause, and that night the capital was illuminated in honor of the new constitution. A Constitutional Club was formed by the 160 men who had dined together on this occasion, which was "enlivened by the Prince's band of music", while a Club de Patriotes at Montreal avidly discussed and cheered the news from France at this period. The Prince in question was Edward, the soldier Duke of Kent and father of Queen Victoria, who was stationed with his regiment at Quebec from August 1791 to January 1794; he fostered good feeling by his social talents, and made many friends among the French Canadians.

The differences between French and English Canadians were not to subside, however, with the coming of representative government, but rather to increase. At the very outset the new subjects were offended by the division of the province into twenty-one counties, most of which were given incongruously English names. Then there were disorders involving ethnic difference at the elections held in June 1792. The new assembly, whose members included seigneurs, lawyers, notaries, merchants, and habitants, numbered sixteen English-speaking members out of a total of fifty, though the English population numbered only some 10,000 out of a total of 156,000. The French Canadians were in a distinct minority in the non-elective branches of the government: in the legislative council they had seven out of sixteen members, and in the executive council four out of nine.

(Continued on the next page.)

THE FIRST PARLIAMENT (continued)

At the first meeting of the new legislature the two ethnic groups came into conflict over the election of the speaker of the assembly. Jean-Antoine Panet was nominated by the French members, while a choice among William Grant, James McGill, and Jacob Jordan was proposed by the English...debate over the bilingual qualifications of the rival candidates sprang up...marked by the startling declaration of Pierre-Louis Panet, a cousin of the French nominee: It is absolutely necessary for the Canadians to adopt the English Language in time, for this is the sole means to banish the antipathy and the suspicion which the diversity of language will maintain between two peoples...forced to live together. But while awaiting this happy revolution...it is only decent that the speaker whom we choose should be able to express himself in the English Language when he addresses the representative of our sovereign. The notary Joseph Papineau made an eloquent rejoinder to the speeches of English members supporting this view, and when the vote was taken, Jean-Antoine Panet was elected speaker, despite the fact that his cousin Pierre-Louis Panet and the French-born François Dambourges had joined the English-speaking bloc in opposing him.

This early conflict between French and English members was but a forewarning of a clash that soon followed over the question of which should be the official language of the legislature. Up to this date French had enjoyed no legal status, although it was commonly used for most of the colony's business, both public and private. Its dominance is indicated by the fact that all the English candidates for the speakership were bilingual, while Panet's qualifications in this respect were by his own admission imperfect. To the committee on rules, composed of four members of each group, Pierre-Amable de Bonne proposed that the journals of the assembly should be kept in both languages. John Richardson, the leader of the Montreal merchants, promptly offered an amendment that the English version be considered the legal text. A notable three-day debate followed, with Richardson, Pierre Panet, Grant, McGill, Lee, and Young opposed to de Bonne, Papineau, Bédard, de Lotbinière, Taschereau, and Rocheblave.

The most notable speech was made by Chartier de Lotbinière, who had upheld the rights of the French language before the British parliament when the Quebec Act was under consideration. His desire was not to exclude English, but simply to provide that both languages should enjoy the same status. He pointed out that the Quebec Act insured to the French Canadians their religion, their laws and their rights as citizens. To him it was clear that the division of the province into Upper and Lower had been made "in order that the French Canadians should have the right to make their laws in their language, according to their usages, their notions, and the present situation of their country."



HARDSHIPS EXPERIENCED BY THE FIRST ELECTED REPRESENTATIVES

Upon arriving at Quebec City, many of the fifty Members were, to say the least, a bit surprised to find that they had not been reserved any accommodation. It is at the chapel of Bishop's Palace where they were finally given accommodation. Only the bare essentials were made accessible to the Members at that time... It is obvious that the government had grossly understated the cost of maintaining this contingent. The Members living in the quarters provided had to go so far as to petition the governor in effort to have the chapel heated in the winter. Members were left in a depressing and frustrating state, the clerk didn't even receive his first pay until he had worked there four months!

Source: S. Allison, unpublished notes.



AN ENGLISH MAJORITY IN BOTH THE LEGISLATIVE AND EXECUTIVE COUNCILS

Québec—In accordance with Article 10 of the Royal Institutions of September 1791, the following persons were appointed to the Legislative Council of Lower Canada: William Smith, J.G. Chaussegros de Léry, Hugh Finlay, Picotté de Belestre, Thomas Dunn, Paul Roc de St-Ours, Edward Harrison, Francis Baby, John Collins, Joseph de Longueuil, Adam Mabane, Charles de Lanaudière, George Pownall, R. Amable de Boucherville, and John Fraser. None of the members of this new council was new to the function of councillor, for all had been members of the previous Legislative Council or closely connected to it.

Of the fifteen councillors, seven were French Canadians—and that includes François Baby, whom some English may have mistaken, on the basis of his last name, for an Englishman.

The Executive Council reveals a similar predominance: only four of the nine councillors are French Canadians—Paul Roc de St-Ours, François Baby, Joseph de Longueuil and Pierre Panet. The English members are: W. Smith, H. Finlay, T. Dunn, A. Mabane and Adam Lymburner...

Source: *Le Boréal Express, 1760-1810 (Trois-Rivières: Les éditions Le Boréal Express Ltée), p.11 (359).*

Note: *This is a free translation.*



GUIDELINES

TO HELP YOU DEVELOP THE SCENARIO FOR YOUR SKIT...

Individually...

- Read over the historical factsheet a first time.
- Give the factsheet a second reading, circling or underlining passages you consider important, or that intrigue you.

In Teams...

- Share the questions and comments you noted during your reading of the historical factsheet.
- Using the ideas you circled or underlined on the historical factsheet and the documentary material, create a skit of five minutes' duration that presents to the rest of the class the election and organization of the first parliament.

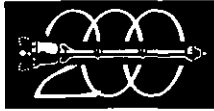
Pointers for the scenario

In which of the following contexts does the action take place?

- in 1791
- at another time
- today

Suggestions for characters

- At the Verchères mill, Jean and Ernestine meet François Malhiot, a Member of the Assembly, who explains to them how the first parliament functions.
- At the Central Café, Members of the Assembly discuss the impact of their parliamentary responsibilities on their personal and professional lives. Some wonder whether the game is worth the candle.
- In September 1792, some young people discuss whether the Assembly, with its 35 Francophone and 15 Anglophone Members, is representative or not. Some wonder how much clout the Francophones will really have.



The First Parliamentary Session

The first session of *parliament* began in Québec, at the *Episcopal Palace*, on December 17, 1792. The first task of the new members was to elect the *Speaker* of the *Assembly*, and to decide on the language to be used in the *Assembly*.

1792

The *Speaker* of the *Assembly* is _____.

The initial debate concerned the choice of *Speaker*. The Anglophones proposed a member of their own community, William Grant, a wealthy merchant with a fair command of French. The Francophones supported the lawyer, Jean-Antoine Panet. Despite Panet's inability to communicate in English, he was elected by a vote of 28 to 18.

1793

Sources of discord appear in the very first session. They concern _____ between _____ and _____.

The *Assembly* also had to choose the language to be used for its deliberations. The members agreed that each person could speak in the language of his choice. With respect to the texts of laws, however, the Francophone members wanted French to be the sole official language. After a debate lasting three days, it was decided that civil laws would be introduced in French but that criminal legislation would be passed in English. However, in all cases, members could introduce motions in the language of their choice. The British government rejected this solution. It opted for the publication of all laws in English, with French translation permitted. No *legislation* was passed in England to settle this issue, however.

1792

The *Assembly* agrees on certain _____
_____ for example _____.

These first unruly debates prompted the members to define rules of order for the *Assembly*, including the establishment of a *quorum*.

UNIT 5

The first *session of parliament*, which had begun on December 17, 1792, ended on May 9, 1793. The members had passed about a dozen laws. In their capacity as parliamentary representatives, the members, without the advantages of either remuneration or payment of their expenses, had succeeded in establishing the foundations of the Québec parliamentary system. Today, members of the *Assemblée nationale* can still find inspiration in the groundwork of these pioneers.



CHRONOLOGY

1688 - 1793

- 1688 • After a bloodless revolution, the king of England agrees to share power with a *parliament*.
- 1721 • The principle that the prime minister is responsible to the House of Commons begins to prevail in England.
- 1763 • New France becomes a British possession.
- 1774 • The Quebec Act reestablishes French *civil law*, grants the *Canadiens* the right to exercise their religion freely and abolishes the *Test Act* in the colony.
- 1783 • American independence.
- 1789 • Beginning of the French Revolution.
- 1791 • The Constitutional Act maintains the guarantees contained in the Quebec Act, establishes a *parliamentary regime* and divides the "Province of Quebec" into two provinces, Upper and Lower Canada.
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- 1793 • The *quorum* for the *Assembly* is set at 34 members.
 - Debate on the language to be used in the *Assembly*.



THE FIRST PARLIAMENTARY SESSION, DESCRIBED BY 19TH CENTURY HISTORIAN CHARLES TUTTLE

...The elections came off during June, and the people exercised their new privilege with prudence and judgment, returning good men; and although the elections were warmly contested in some places, everything passed off very quietly. There were fifteen English speaking members elected, amongst whom were some of the leading merchants, such as James McGill, Joseph Frobisher, John Richardson, and others, whose descendants are still amongst our leading citizens. Amongst the French elected were many of the most prominent seigniors, such as Louis DeSalaberry, M. H. de Rouville, Philip Rocheblave, M.E.G.Ch. DeLotbinière, M. La Vatrice, and others; altogether, it is generally claimed that the first assembly of Lower Canada was the best the Province ever had. A proclamation was issued, on 30th October, convoking the Provincial Parliament to meet at Quebec, for despatch of business, on 17th December, 1792.

....After three days' debate [on the method of recording the minutes], a motion was carried "to resolve that the House shall keep its journal in two registers, in one of which the proceedings of the House and the motions shall be written in the French language, with a translation of the motions originally made in the English language; and in the other shall be entered the proceedings of the House and the motions in the English language, with a translation of the motions originally made in the French language".

—After settling the difficulty of language, the Assembly took into consideration several subjects of interest, especially that of education. This subject occupied the attention of the House for some time, and, finally, an address to His Majesty on the subject was carried, portions of which we give ..., "That the deplorable state of education in this province has long been a matter of the deepest regret; and as the object of our present humble address and petition to Your Majesty is to remedy so great an evil, it cannot fail to interest the feelings of the beneficent and enlightened sovereign of a liberal and magnanimous nation,—permit us to say that a matter of more serious and important concern to this part of Your Majesty's dominions cannot occupy our attention. In contemplating this subject, we have been naturally led to look forward to the reversion of the property now and heretofore possessed by the Jesuits in this province, as greatly contributing to so desirable an end. We therefore most humbly beseech Your Majesty to be graciously pleased, upon their extinction or demise, to order such measures as to Your Majesty, in your royal wisdom and justice, shall seem meet, to secure and apply the same to the education of the youth in this province, by the re-establishment of a college.... A bill for the toleration of Quakers—who were then under great restrictions in some of the United States—was passed; and the greater portion of the session was occupied in forming and perfecting rules of order, etc. An act was also passed to make provision for paying the expenses of the legislature, by levying a duty on wine; and, in order to prevent dissatisfaction in Upper Canada, a resolution was passed, that the Assembly would take into consideration the allowance of a draw-back on all wines, etc., consumed in the Upper Province. Eight bills were passed in all during the session.



VOTING BY LANGUAGE AFFILIATION FOR THE SPEAKER OF THE HOUSE

John Leef Esq; one of the Burgeffes for the Borough of *Three-Rivers*, in the County of *St. Maurice*, then stood up and addressing himself in like manner to the Clerk, proposed to the House for their Speaker *James McGill Esq*; in which motion he was seconded by *William Grant Esq*; one of the Citizens for the *Upper-Town* of the City of *Quebec*.

Debates ensued,

Then *Mr. Grant* moved that this House do adjourn.

Debates ensued,

James Walker Esq; one of the Knights for the County of *Montreal* stood up and addressing himself to the Clerk, proposed to the House for their Speaker *Jacob Jordan Esq*; in which motion he was seconded by *Thomas Coffin, Esq*; one of the Knights for the County of *St. Maurice*.

Mr. De Bonne then rose up and moved the first question proposed "Shall *Mr. Panet* be Elected Speaker?" in which motion he was seconded by *Mr. Duniere*.

The Clerk with the consent and approbation of the whole House, put the question—Whether "The House do now adjourn or not?" which was decided unanimously (except *Mr. Grant*) in the Negative.

Then the question being put the Clerk, whether it is the pleasure of this House that *Antoine Panet Esq*, be nominated Speaker thereof?

The House divided and the votes stood as follows, viz:

For the Affirmative

Messrs. Malhiot,
Rouville,
Dunière,
Digé,
Papineau,
La Valtrie,
Tonnacour,
Rocheblave,
De Bonne,
Bedard,
Duchefnay,
Cherrier,
Guerous,
Le Gras Pierreville,
Boileau,
Dupré,
St. Martin,

For the Negative

Messrs. Coffin,
McHill,
Barnes,
Lees,
Frobisher,
Lester,
Walker,
Tod,
Dambourges,
Jordan,
Salaberry,
Grant,
Young,
M'Nider,
O'Hara,
Lynd,
P.L. Panet,
Richardson.

(Continued on the next page.)

VOTING BY LANGUAGE AFFILIATION FOR THE SPEAKER OF THE HOUSE (continued)

For the Affirmative

Messrs. Bon Panet,
Rivard,
La Croix,
Boiffeau,
Marcoux,
Lotbinière,
Durocher,
Dufour,
Boudreau,
Tafchereau,
Olivier.

Majority, 10.



PANET, Jean-Antoine, notary, lawyer, militia officer, lord, politician and judge, born on the 8th of June 1751 in Québec City. Source: Archives nationales du Québec, Québec City

Carried in the Affirmative, and *Mr. Panet* is declared duly elected Speaker of this House.

Mr. Panet then moved to be heard, but the House cried No! No! and conveyed him to the Chair. *Mr. Speaker elect*, then thanked the House for the great honor conferred upon him...

Thursday, 20th December, 1792.

MR. Speaker elect, having taken the Chair, proposed as Questions to the House, and on which he wifh'd to take advice of the House, (to wit;)

"That the Speaker being presented at the Bar he should say,

"I humbly pray your Excellency to consider, that I cannot express myself but in the primitive language of my native county, and to accept the Translation in English of what I have the honor to say."

The Translation to be read by a Member of the House...



DOCUMENT 3

DEBATE ON HOW TO RAISE MONEY FOR THE ADMINISTRATION OF THE COLONY

The said resolution is as followeth:

It is the opinion of this Committee, that the said sum of nine thousand pounds for building the Prison at *Quebec*, shall be taken..., or which shall have arisen from duties imposed by authority of the Legislature of this Province.

On motion of *Mr. De Salaberry*, seconded by *Mr Berthelot*,

...*Mr. Richardson* moved, seconded by *Mr. M'Gill*,

To amend the same, by leaving out all the words thereof, after the words "*taken from*", and to insert in their stead, "*such funds as shall be specially levied and appropriated by an ACT or ACTs of the "Legislature for the purpose of building Gaols in the Districts of this "Province."*"

The House divided upon the Question,

Yeas 6
Nays 19

So it passed in the Negative...And the main question being put, the House again divided:

Yeas 19
Nays 6

...And the same being carried in the Affirmative.

Tuesday, 12th February, 1805.

A Bill to establish a Toll or Turnpike, for improving and repairing the Road from the City of Montreal to *La Chine*, through the wood: was, according to order, read for the second time.

On motion of *Mr. Richardson*, seconded by *Mr. M'Gill*,...

...passed in the Negative.

**THE FIRST PARLIAMENTARY SESSION AS VIEWED BY JOHN RICHARDSON, THE LEADER OF THE OPPOSITION**

Montreal 16th Feb'y, 1793.

Dear Sir

As you will no doubt be anxious to know the Proceedings of our Legislature I shall endeavour to give you the Outlines, from which you will see that the prospect of future utility from their deliberations is as slender, as the past has been unproductive of any one desirable regulation. Unhappily the Session commenced with a determined spirit of Party amongst the French members, for they had a private meeting, at which it was decided that an Englishman should on no account be elected Speaker.

We wished to conciliate and be moderate, and that the choice should fall on whoever might be best qualified to fill the Chair, from ability, habits of public business, and knowledge in both Languages, without distinction of Country. For this purpose three Grant, McGill and Jordan, were proposed, of which they might select one the most consonant to the general wish, but all was to no purpose, right or wrong, a Canadian must be the man, no matter however ill-qualified; and the Election fell on a Mr. Panet, a Quebec Lawyer, whose ideas and talents were never calculated for anything beyond the quibble routine and formality of a Court of Common Pleas, such as this Country has hitherto experienced.

The same principle which induced the first Out of Door Meeting, has hitherto governed all their proceedings. Everything is settled out of the House, they come down with matters the most absurd, cut and dry; and all the purpose the English Representation has as yet answered, is exposing the evil tendency of such conduct, but to no effect; as we may argue and reason until grey headed, without producing a convert amongst those who are predetermined against. Our time has hitherto been principally occupied in framing Rules of Proceeding, and getting into some system of organization. Two measures only of real importance have undergone a decision, exclusive of that above mentioned. The second object was the establishment of a quorum to do business. They proposed 34—we demonstrated the impossibility of proceeding with so large a number, and that 26 should be the utmost extent, yet all was fruitless, 34 was carried, and has been persisted in, against common sense; altho' we have daily and hourly experience of its impeding business, as we can hardly ever keep together so large a number. No cause can be assigned for such obstinacy, but that being suspicious of their own patriotism and assiduity; they are afraid if the number should be 26, the English would be more punctual in attendance than them, and thereby obtain a majority. The next question of Magnitude; which was indeed a preliminary one to the proceeding on real business, was that of Language; that is to say, whether English or French should be the Legal Text of the Laws to be enacted.

We all agreed that the Laws should be promulgated in both, but that the *English* being the Language of the Empire, should of course be the Text in the last resort, in case of difference of opinion arising in the Construction of Acts. In vain did we prove, that this had been the immemorial Practice in the British and indeed every other Empire...



DOCUMENT 5

THE LANGUAGE ISSUE IN THE ASSEMBLY AS VIEWED BY HISTORIAN MASON WADE

Richardson's amendment [that the English version of the journals of the Assembly be the legal text] was defeated by 26-13, with only Pierre Panet and Dambourges crossing the ethnic line; a revised version was likewise defeated by 27-9, with two English members, Grant and McNider, voting with the French majority. The measure finally adopted...provided that all bills should be put into both languages by the clerk before being read, while members retained the right to bring in bills in their own language. It also ordained that the English text should be considered legal in the case of bills touching on the criminal law, which was of English origin, and the French text legal in the case of bills bearing upon the civil law, which was of French origin. Thus the two languages were put upon a basis of equality, and both were given an official character, though English remained the language of the law at the insistence of London. Bilingualism was recognized in fact in 1792, if it was not to attain full legal status until 1867. Thus representative government was used at the outset by the French Canadians to secure the last of the conditions of their national survival: official sanction of their language. Their religion, laws, and customs had already been secured by acts of the British parliament.

The English party soon became discontented with the assembly for which they had so long striven. Richardson, the leader of the opposition, confided his gloom about the new form of government to Alexander Ellice, the London partner of his great Montreal trading firm, in a letter of February 16, 1793:

....I fear there are Two Parties amongst the French—one obnoxious to the New Constitution, as they opposed our procuring it—the other more dangerous as being infested with the detestable principles now prevalent in France. These being my fears, my hopes of course are slender—still, as questions will arise on which they split, it will give the English (who have no wish but the happiness of this country as a British Colony) a preponderance....

...Nothing can be so irksome as the situation of the English members—without numbers to do any good—doomed to the necessity of combating the absurdities of the majority, without a hope of success—were I rid of it, no consideration would induce me again to accept of such a trust—but as I am in, I am determined to give my opinion boldly for such measures as in my conscience I shall think really calculated to do this province a service, under the relation it stands in as a part of the B[ritish] Empire. I am persuaded—if this House is not dissolved—the English will in the end be the most popular—as facts will speak for themselves, and gradually remove prejudices, interestedly fomented.

This letter reveals the outlook of one of the ablest British merchants in the colony, who resented French party spirit while he blandly assumed that only a member of his own group was qualified for the post of speaker, viewed his French colleagues with suspicion, and resented the dominance of the majority over the minority, although this was a basic principle of the British form of government which the merchants had so long desired.

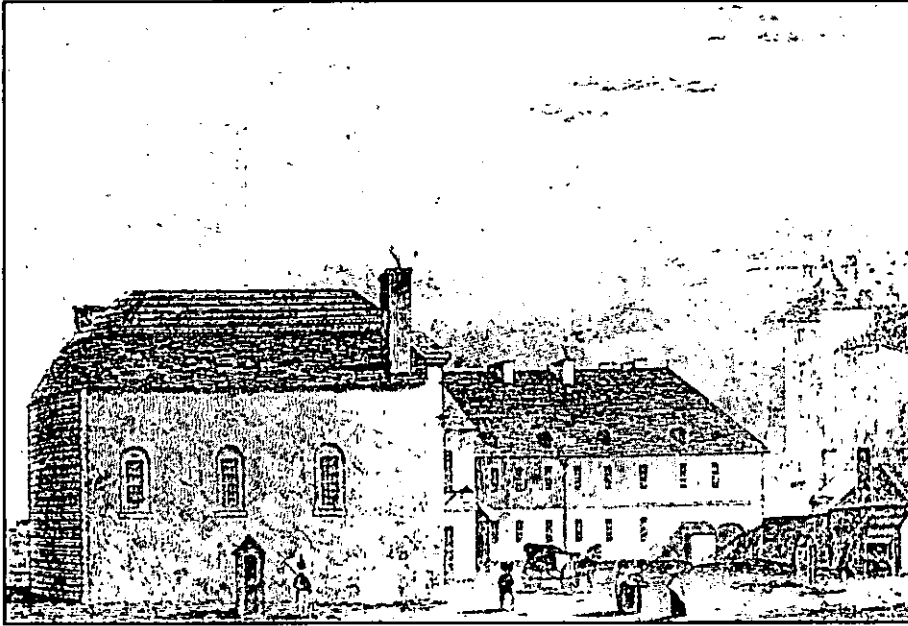
To be sure, Lieutenant-Governor Sir Alured Clark...also noted at the outset...a "jealous spirit"...which he blamed chiefly on the fear of the French Canadians that the English intended to control the assembly ...to change their ancient laws and customs. But by the end of the session...distinctions of origin had disappeared almost entirely, and...all the members sat down together for a final dinner marked by "the greatest harmony and the best mutual dispositions".

Source: Mason Wade. *The French Canadians, 1760 - 1967. Vol 1. (Toronto: The Macmillan Company of Canada, 1975), pp. 96-97.*



DOCUMENT 6

THE FIRST PARLIAMENTS



Chapel at the Episcopal Palace (1st Parliament of 1792)
 Source: Archives nationales du Québec. Québec City

...Between 1792 and 1804, the first three Parliaments passed 115 laws in the course of 13 parliamentary sessions. The following were the main legislative achievements of this period:

A) The Judicature Act (1794) - The House, having resolved to reorganize the law courts and provide the colony with a complete judiciary system, divided Lower Canada into three districts—Québec, Montréal and Trois-Rivières. For each of the first two districts, it established a King's Bench court, appointing a provincial judge for the third. The King's Bench had jurisdiction over all civil and criminal matters except the Admiralty. A Circuit Court judged all cases of lesser importance. The governor, aided by the Executive Council and a few other advisors, exercised the role of Court of Appeal. This system lasted fifty years.

B) The Revenue Act (1795) - Since the Conquest, England had paid virtually all the expenses involved in the administration of the colony. In return, it had received only the revenue from duties imposed on certain items. In its first session, the Assembly decided to create the revenues necessary to pay the civil servants.

Fiscal laws gave rise to debate between the two provinces as regards the perception of duties. Lower Canada alone collected the duty on imported merchandise entering the colony by means of the Saint Lawrence River; Upper Canada enjoyed none of the resulting revenue, although the products that reached it were the dearer for having been taxed on entry. After negotiation, a tentative agreement was reached in 1795: customs revenue would be distributed pro rata, according to the respective imports of each province. This agreement was reconfirmed in 1797...

Source: Jacques Lacoursière, Jean Provencher and Denis Vaugeois, *Canada-Québec, Synthèse historique*. (Montréal: Éditions du nouveau pédagogique, 1969), pp. 256-257.

Note: This is a free translation.



GUIDELINES

TO HELP YOU DEVELOP THE SCENARIO FOR YOUR SKIT...

Individually...

- Read over the historical factsheet a first time.
- Give the factsheet a second reading, circling or underlining passages you consider important, or that intrigue you.

In teams...

- Share the questions and comments you noted during your reading of the historical factsheet.
- Using the ideas you circled or underlined on the historical factsheet and the documentary material, create a skit of five minutes' duration that presents to the rest of the class the first *parliamentary session*.

Pointers for the scenario

In which of the following contexts does the action take place?

- in 1791
- at another time
- today

Suggestions for characters

- Jean-Antoine Panet, Speaker of the House, recounts the initial debates in the Assembly to his friends, and answers their questions.
- Within the Assembly, the members debate which language to use in their deliberations and in the publication of the texts of laws.
- At an evening gathering, a group of workers in the port of Québec explain the background of the bill concerning duties on imports into Lower and Upper Canada.



Ministerial Responsibility

1792

The governor and the Executive Council can spend _____ without taking into account the _____

In 1792, the *Executive Council* of Lower Canada was composed of prominent members of the community appointed by the king, on the *governor's* recommendation, to help the governor administer the colony. The *governor* and his Council had unlimited power to spend public funds without justifying their expenses to the members of the *Assembly*.

1792

The Assembly is powerless, given the _____

The 50 elected members of the *Assembly* could legislate, but the application of the *resulting* laws depended on the approval of the governor and *Executive Council*. With neither the power nor the means to enforce its legislation, the *Assembly* was at the mercy of the governor's and the *Executive Council's* good wishes.

Let us consider an example of this situation. The British government having cut the budget normally allotted to Lower Canada, the *governor* appealed to the *Assembly* to vote an allocation for the civil servants' pay. The *Assembly* agreed to do so if the *governor* would give it control of the "civil list," which included the salaries of civil servants. When the *governor* refused, the *Assembly* refused to allocate money for the salaries. Then, without the members' consent, but on the authorization of the British government, the *governor* drew directly on the funds of the *Assembly*. The situation had reached an impasse, and on August 26, 1837, the *governor* dissolved the *Assembly*. This was one of the causes of the *Rebellion* of 1837.

1848

A major change occurs in the functioning of the Assembly with the establishment of

Following the events of 1837, London sent Lord Durham to Lower Canada to investigate the situation. Durham recommended that the two colonies, Upper and Lower Canada, be united, and that *ministerial responsibility* be introduced. In 1848, when the new *Assembly* began sitting, Lord Elgin, who was *governor* at the time, chose the heads of the colony's administration from among the leading Francophone and Anglophone members of the majority party in the *Assembly*, in order to ensure the government of majority support in the *Assembly*.

The first leaders of the newly elected *Assembly*, Louis-Hippolyte LaFontaine and Robert Baldwin, thus named members from their party ranks as councillors in a new *Executive Council*, which now came to be known as the *Cabinet* of Ministers. Like the *Executive Council*, the *Cabinet* was composed of prominent persons, but instead of being hand-picked by the *governor*, they were chosen from among the elected representatives of the population. The ministers, whose responsibilities included administering the budget, were answerable for their expenditures to the *Assembly*, which voted public funds. Henceforth, then, the *Assembly* controlled public expenses. It had achieved full *ministerial responsibility*.



CHRONOLOGY

1792 - 1848

- 1792 • The Constitutional Act provides for a parliamentary system composed of an *Executive Council*, a *Legislative Council* and an *Assembly*.
- 1810 • First major confrontation between the *governor* and the *Assembly* over control of the budget.
- 1831 • The *governor* asks the *Assembly* to vote him credits to pay the civil servants. The *Assembly* refuses.
- 1834 • The principal demand of the *Assembly's* 92 Resolutions is *ministerial responsibility*: the *governor* and the *Executive Council* should have to answer to the members of the *Assembly* for their administrative decisions.
- 1837 • Lord John Russell's Ten Resolutions, a negative response to the *Assembly's* demands, fuel a growing sense of crisis.
 - The *governor* draws on the *Assembly's* funds without its authorization.
 - Start of the *Rebellion*.
- 1838 • The British Parliament sends Lord Durham to investigate.
- 1839 • In his report, Lord Durham recommends the union of Upper and Lower Canada and the establishment of *ministerial responsibility*.
- 1840 • Union of Upper and Lower Canada.
- 1848 • Full *ministerial responsibility*.



EDITORIAL

The Civil List

Mr. Cuvillier, the Member for Huntingdon, made some very useful contributions to the debate on the Civil List last May. Having observed that the role of the House of Assembly was not to rubber-stamp the list composed by the Government, but to compile the list itself, he added: "The civil list is the prerogative of the province now; no one can deny us that. But what really matters is to decide whether to vote on the list as a whole, or item by item."

The latter procedure has already proven its worth, for it has brought to the Members' attention certain anomalies, such as the fact that the positions of Lieutenant-Governor of Gaspé and Agent of the Province are sinecures, especially the latter—as Mr. Cuvillier said—"an insult to the Province!". It is easy to understand the Assembly's reluctance to finance the salary of an "Agent" of the Province, when the Legislative Council refused to approve the sums the Assembly allotted in 1814 for the purpose of sending Mr. Stuart to London to defend his point of view in the Sewell-Monk affair.

This raises a serious question: if the Assembly is now expected to finance the administration of the Province, surely it follows that it should also control the expenses involved? We are well aware of the implications of the answer to that question, and equally aware that it necessitates a rethinking of the real responsibilities of the Assembly.

This analysis will create friction. We recall that last year the Legislative Council was completely opposed to the Assembly's taking its accusations directly to London, instead of going through the Legislative Council. The Council's rationale was that "...all civil servants will henceforth consider that they are at the disposition of the Assembly, and will therefore cease to be able to perform their duties with independence and fidelity..."

Does control mean slavery? Should the Assembly just pay the Government's bill without examining the expenses that appear on it? It is perhaps worthwhile recalling, for the benefit of certain members of the Legislative Council, that if they think control and slavery are synonymous, what they call their independence might be taken by some members of the Assembly for oppression and dictatorship. The House agreed to pass a resolution to grant the 40,263 Louis that the Government needs to meet its deficit this year, but it also made clear its intention to come back to the question next year.

A serious constitutional debate lies ahead!

Source: *Le Boréal Express*, 1810-1841. (Montréal: Les éditions du Boréal Express), p. 4 (432).

Note: This is a free translation.



DOCUMENT 2

LE CANADIEN INVOKES THE CONSTITUTIONAL ACT TO DEFEND THE RIGHTS OF THE CANADIENS

To the *Mercury* one "Canadensis" replied in *Le Canadien* on December 6:

You say that, far from adopting the sentiments of those in whose the steps you follow in order to prevent the Canadians from obtaining the same advantages as you from the constitution, the intention of His Majesty in dividing the province, as expressed by his prime minister and that of his parliament, was to give the Canadians a large majority in Lower Canada, in order to relieve them from the tyranny which you would exercise on them. You say that the Canadians use their privilege too freely for a conquered people, and you threaten them with the loss of those privileges. How dare you reproach them for enjoying the privileges which the British Parliament has granted them? Was it not enough to have done all you could, to have made use of lies and calumnies, to prevent them from obtaining these privileges?... Ought you not finally to submit to what our sovereign and his parliament have ordained? What difference did they leave between you and the Canadians; from what right dare you derive this odious distinction of conquerors and conquered, when they wished to efface it forever? You ask absurdly whether the Canadians have the right to exercise these privileges in their own language. In what other tongue could they exercise them? Did not the parliament of Great Britain know what their language was?

On January 31, 1807, *Le Canadien* deplored the alliance between the placemen and the English members of the assembly, which divided the legislature according to origin, and gave the English faction, which regarded itself as a privileged class to which all offices should be reserved, the appearance of "being more concerned with conserving its advantageous position than with the interests of the inhabitants of the country". Such pronouncements seemed to be deplorably tainted with a Jacobin spirit to Attorney-General Jonathan Sewell, who rejoiced in an annual stipend of \$12,688, or to the governor's secretary Ryland, who drew \$5,000 from four offices. They were no less objectionable to Bishop Mountain, Receiver-General Henry Caldwell, Judges Alock and Monk, and such pillars of the English party in the assembly as Richardson and Young.

This party of placemen and merchants—most of them up to their ears in speculation in the public lands, which were granted with amazing liberality to the Chateau Clique and its friends—was cheered by the appointment of Sir James Craig as governor in October 1807. Craig was a professional soldier whose ideas of colonial government were thoroughly eighteenth century in character, and who was singularly jealous of the royal prerogative, which he saw endangered by an independent-minded assembly.

Source: Mason Wade. *The French Canadians. Vol. 1. (Toronto: The Macmillan Company of Canada, 1975), p. 106.*



The Assembly Aims to Control All Sources of Revenue

There were three distinct sources of revenue in the province, one from duties imposed by imperial act 1774; another from the sale of lands and lease of mines, also imposed by imperial act; and the third by duties and taxes imposed by the Assembly. The Crown, represented by the governor-general, held that the Assembly had only power to appropriate from the last-named source of revenue; the Assembly claimed that it had the right to appropriate from all three sources, and that the imperial Parliament had no right to impose taxes upon the people without the consent of the representatives also imposed by imperial act; and the third by duties and taxes imposed by the Assembly. The Crown, represented by the governor-general, held that the Assembly had only power to appropriate from the last-named source of revenue; the Assembly claimed that it had the right to appropriate from all three sources, and that the imperial Parliament had no right to impose taxes upon the people without the consent of the representatives of the people. This was the groundwork of the difference between the executive and the Assembly, and it took many years to settle it.



Conflict over the Civil List

1.—Shortly before the assumption of the government by Lord Aylmer, a general election had been held, in consequence of the death of King George IV, and the number of representatives increased to eighty-four, as provided for in the bill passed in 1829 and approved by the Home government. The complexion of the House was not materially changed, the members standing twenty-two English-speaking to sixty-two French, and the opponents of the government maintaining their large majority. Parliament met on 24th January, 1831, and the Assembly very speedily came in conflict with the executive. The governor sent down a message to the effect that a bill would be introduced into the Imperial House of Commons giving the Provincial Legislature control of the imperial revenues in the province, except the casual and territorial revenue, provided the Assembly would vote a permanent civil list of £19,500 per annum during the king's lifetime, as was the case in England and Upper Canada. This the House refused to do, and after passing many long resolutions, finally adopted an address to the king and Parliament, stating its grievances and complaining that the recommendations of the Canada committee had not been carried out.

**BALDWIN'S PLEA FOR RESPONSIBLE GOVERNMENT**

From a letter to Lord Durham:

Toronto 23 August, 1838

....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



Robert Baldwin
Source: Archives nationales
du Québec, Québec City

present exists? Your Lordship knows they would not.— Can you then expect the people of these colonies with their English feelings & English sympathies to be satisfied with less— If you do Your Lordship will assuredly be disappointed — They can see a reason why their relations with foreign countries should be placed in other hands; but none why their domestic upon similar principles as those applied in the administration of the Imperial Government... you must...give those in whom the people

have confidence an interest in preserving the system of your Government, and maintaining the connection with the Mother Country, and then you will hear no more of grievances because real ones will be redressed, imaginary ones will be forgotten...



DOCUMENT 6

ELGIN ON RESPONSIBLE GOVERNMENT (1847)

"....My course in these circumstances, is, I think, clear and plain. It may be somewhat difficult to follow occasionally, but I feel no doubt as to the direction in which it lies. I give to my ministers all constitutional support, frankly and without reserve, and the benefit of the best advice that I can afford them in their difficulties. In return of this, I expect that they will, in so far as it is possible for them to do so, carry out my views for the maintenance of the connexion with Great Britain and the advancement of the interests of the province. On this tacit understanding we have acted together harmoniously up to this time, although I have never concealed from them that I intend to do nothing which may prevent me from working cordially with their opponents, if they are forced upon me...it is indispensable that the head of the Government should show that he has confidence in the loyalty of all the influential parties with which he has to deal, and that he should have no personal antipathies to prevent him from acting with leading men.

I feel very strongly that a Governor-General, by acting upon these views with tact and firmness, may hope to establish a moral influence in the province which will go far to compensate for the loss of power consequent on the surrender of patronage to an executive responsible to the local Parliament..."

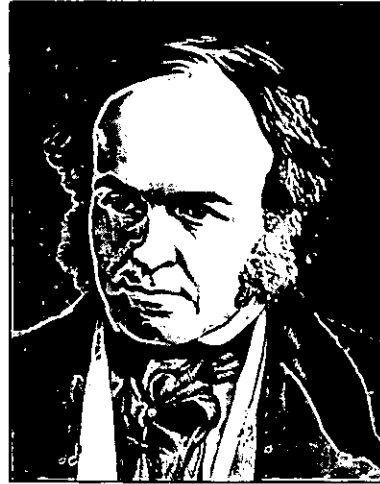
The crucial test for responsible government came in 1849. The Assembly had passed the Rebellion Losses Bill, which would recompense persons who had suffered property damage in Lower Canada during the rebellion. A similar measure had been passed for Upper Canada during Metcalfe's administration. However, the present bill seemed to the Tories to be compensating some of the people who had actually engaged in rebellion. The Tory cry became "No pay to rebels". Elgin, although he did not personally favour the bill, signed it, on the grounds that as a "Responsible" Governor he was bound to follow the advice of his Council. In signing the bill, Elgin did two things. First, he established the full acceptance of the system of colonial self-government that Durham had envisaged. Second, his signing unleashed a reign of terror by the worst Tory elements. Stones, eggs and vegetables were hurled at the Governor's carriage; homes of some Reformers were burned; and on April 25 the parliament buildings in Montreal were razed.

Source: H.H. Herstein et al. *Challenge and Survival; the History of Canada*. (Scarborough: Prentice-Hall of Canada Ltd., 1970), p. 196.



ELGIN ON THE FRENCH CANADIANS

I must moreover confess that I for one am deeply convinced of the impolicy of all such attempts to denationalize the French. Generally speaking they produce the opposite effect from that intended, causing the flame of national prejudice and animosity to burn more fiercely—But suppose them to be successful what would be the result? You may perhaps americanise, but, depend upon it, by methods of this description, you will never anglicise the French inhabitants of the Province.



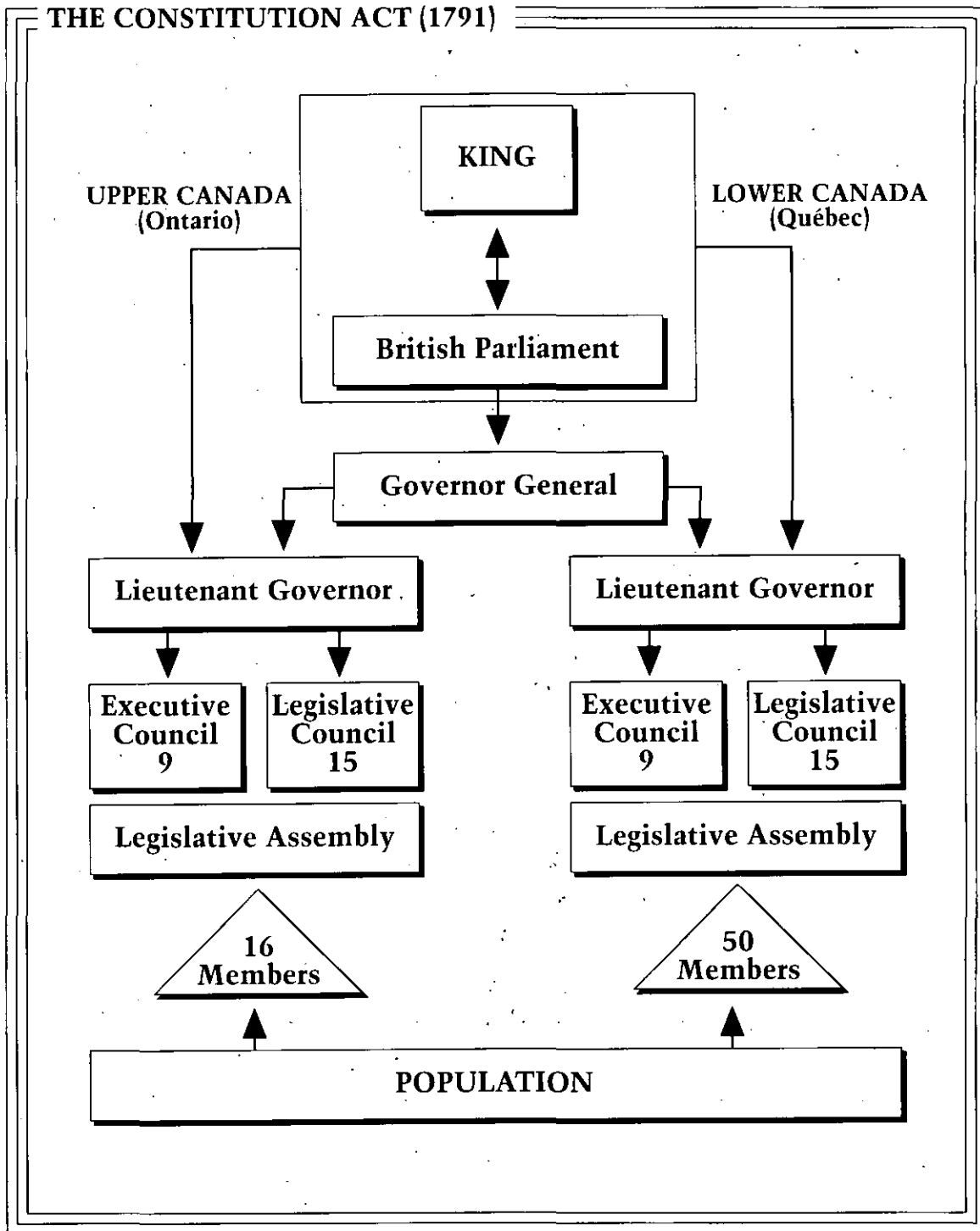
Lord Elgin
Source: Archives nationales
du Québec, Québec City

—Let them feel on the other hand that their religion, their habits, their prepossessions, their prejudices if you will, are more considered and respected here than in other portions of this vast continent which is being overrun by the most reckless, self-sufficient and dictatorial section of the Anglo-Saxon race, and who will venture to say that the last hand which waves the British flag on American ground may not be that of a French Canadian?

Elgin to Grey, May 4, 1848. Private

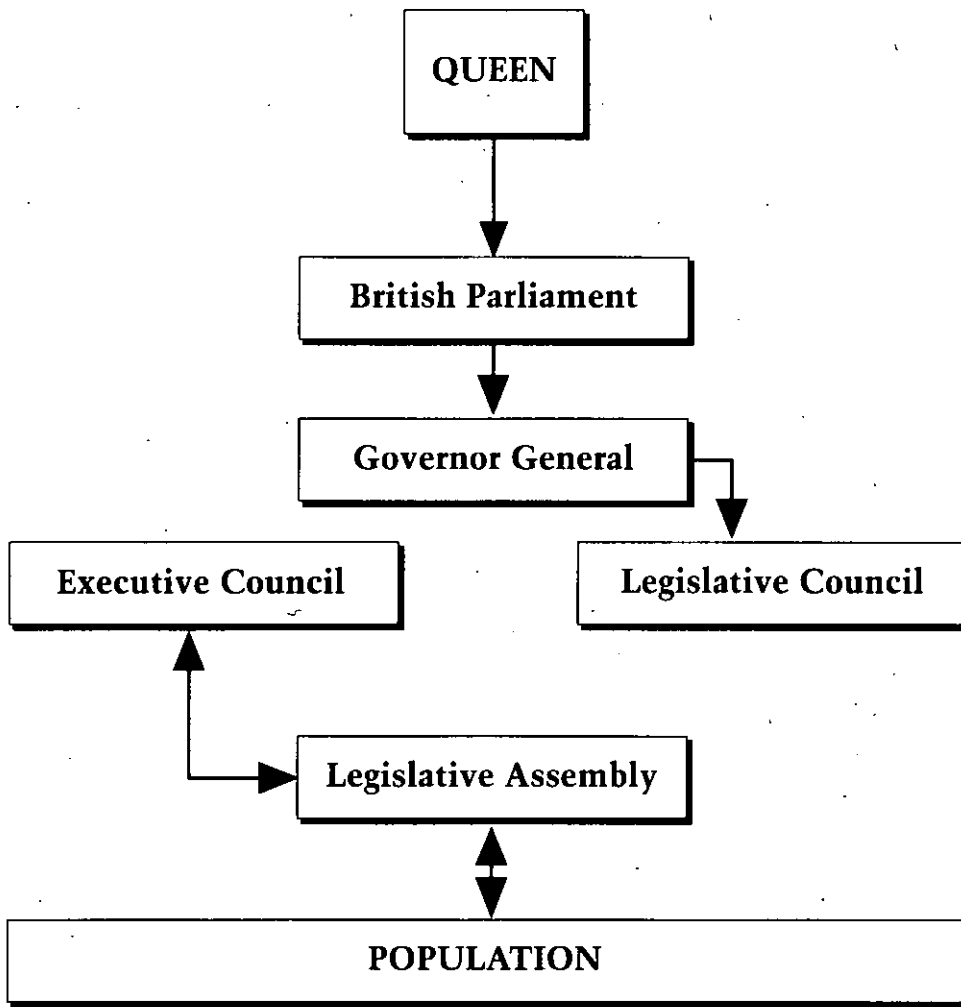


THE CONSTITUTION ACT (1791)



Source: Your Assembly. (Québec: Assemblée nationale, 1985), Chapter 2, pp.5 and 7.

THE RESPONSIBLE GOVERNMENT (1848)



Source: Your Assembly. (Québec: Assemblée nationale, 1985), Chapter 2, pp.5 and 7.



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In teams...

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- Using the ideas you circled or underlined on the historical factsheet and the documentary material, create a skit of five minutes' duration that presents to the rest of the class the establishment of *ministerial responsibility*.

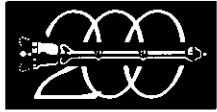
Pointers for the scenario

In which of the following contexts does the action take place?

- in 1791
- at another time
- today

Suggestions for characters

- The *governor* asks the *Assembly* to vote an allocation to pay the salaries of the colony's civil servants. Deputies such as Louis-Joseph Papineau, Augustin Cuvillier, John Neilson—and others—oppose this request. What are their arguments, and what are those of the *governor*?
- Meeting neighbours at the blacksmith's, Theodore tells them that the *Assembly* has passed a Bill for the purpose of financing the construction of new roads, but that the *Executive Council*, preferring that investment be oriented toward the development of new "counties, has rejected the *Assembly's* Bill."
- At the Forges du Saint-Maurice, some workers discuss the latest news : Louis-Hippolyte LaFontaine proposes to give members of the *Assembly* control over the budget, control over the application of all legislation passed in the House, and the right to choose the ministers from among the elected members.



The Petition of 1784

1760-1790

Two groups demand
an elected assembly
for the "Province of
Quebec":

and _____.

Immediately after the Conquest, British citizens who had settled in the "Province of Quebec" demanded their own government. They received support from the thousands of *Loyalists* who came north to the "Province of Quebec" after the American War of Independence, and wanted the same *parliamentary institutions* they had had in the American colonies. After the Quebec Act, some *Canadiens* started claiming the same right.

1784

The population uses
this means of pres-
sure to support its
demand for an elected
assembly:

Thus, between 1760 and 1790, two groups of citizens, separately and on different occasions, addressed the same request for an elective assembly to the British Parliament.

In 1784, after their requests had repeatedly been refused, these groups decided to present new requests, in the form of petitions, for the right to elect their representatives. During the winter of 1784-85, the *Canadiens* and the English-speaking population (including the *Loyalists*) circulated petitions throughout the province. They managed to collect 2 291 signatures in all.

1791

The British
Parliament

After the American War of Independence, the British worried about losing another colony. Meanwhile, the petitions of 1784 had obtained numerous signatures, not only among the Anglophone population, but also among the Francophones, and a delegate had travelled to London to present the petitions. After long discussions and much hesitation, the British Parliament agreed to the demand. The result was the Constitutional Act of 1791, which granted "old" and "new" subjects alike the right to an elected *assembly*.

The petition of 1784 is an historic document that demonstrates the involvement of the *Canadiens* in efforts to obtain democratic *parliamentary institutions*.

1784

Not only _____,
but also _____,
demand an elected
assembly.

The petition circulated by the *Canadiens* was rediscovered by the Québec historian Pierre Tousignant only a few years ago. It shows that more than 1 400 *Canadiens* participated in the campaign to obtain an elected *assembly* in Lower Canada.



CHRONOLOGY

1763 - 1792

- 1763 • The Royal Proclamation, the first constitution of the “Province of Quebec,” provides for the introduction of an elected *assembly* as soon as the *governor* considers it appropriate.
- 1764 • A group of English-speaking merchants in Québec, in a petition to the British Parliament concerning the organization of trade, also demands an elected *assembly* in which only Protestants can sit.
- 1769 • The Chamber of Commerce, whose members are all Anglophone merchants, again asks for an assembly. The British Parliament refuses.
- 1774 • The Quebec Act abolishes the *Test Act* in the colony.
- 1776 • Beginning of the American Revolution. Some 8 000 *Loyalists* move northward to the “Province of Quebec.”
- 1784 • The *Canadiens* and the Anglophones both petition the British Parliament for an *assembly*.
- 1791 • The British Parliament grants the petitioners’ demands, and passes the Constitutional Act.
- 1792 • First election in Lower Canada.

**PETITION FOR HOUSE OF ASSEMBLY TO THE LORDS IN PARLIAMENT**

TO THE RIGHT HONORABLE THE LORDS SPIRITUAL AND TEMPORAL IN PARLIAMENT AFFEMBLED:

The Humble Petition of the Ancient and New Subjects of His Majesty, the Inhabitants of the Province of Quebec;

MAY IT PLEASE YOUR LORDSHIPS;

AFTER the Conquest of the Province of Canada by the Arms of Great Britain, your Petitioners, in compliance with his Majesty's gracious and royal proclamation, bearing date the 7th day of October 1763, fettled and became established, in the new acquired colony of Quebec; in the full reliance on the faith of the Crown of Great Britain, expressed in that Proclamation, for the enjoyment of those laws, that freedom and security in Canada, which the principles of the English constitution afforded, in every part of the British dominions in America.

.....YOUR PETITIONERS, and the unhabitants of the province, have cheerfully on every occasion obeyed the controuling power of the Parliament of Great Britain, and with patience have suffered, during a period of anarchy and war, rather than wound his Majesty's feelings, or embarrass the Parliament, with remonstrances and petitions, at a time when the safety of the nation made sacred every moment of public deliberation; the actions and conduct of your petitioners, when truly represented, will best express to your Lordships the sincerity of their loyalty and attachment to the Crown and Government of Great Britain.

.....YOUR PETITIONERS look with concern on the burthen of Great Britain, and with great pain and commiseration, they see the distresses of his Majesty's loyal subjects, who, driven from their estates, wealth and possessions, are daily taking shelter in this British colony...

.....YOUR PETITIONERS beg humbly to represent to your Lordship... that the laws now existing, laying taxes and duties to be levied in the province, may be repealed.

SUCH, may it please your Lordships, are the entreaties and prayers of the loyal subjects of this province; and in full confidence they trust that your Lordships will relieve them from the anarchy and confusion which at present prevail in the laws and courts of justice of the province, by which their real property is rendered insecure, trade is clogged, and that good faith which ought to, and would, subsist among the people, and which is the life and support of commerce, is totally destroyed; and as the hereditary guardians of the rights of the people, be pleased to concur in securing to them, by act of parliament, a constitution and government on such fixed and liberal principles, as may promote the desire his Majesty's affectionate subjects, the people of this province, have of rendering this mutilated colony a bright gem in the imperial crown of Great Britain; and that may call on the present generation for their unceasing acknowledgements and gratitude, and upon the future, to feel, as the present, that the security and happiness of the people and province of Quebec depend on an union with, and submission to, the Crown and Government of Great Britain.

In these pleasing hopes your petitioners will ever pray, &c. &c.

Quebec, 24th November 1784.
Quebec.



DOCUMENT 2

LOYALIST PETITION FOR AN ASSEMBLY, 1785

.....The Petition of Sir John Johnston.....on Behalf of the Officers and Soldiers of the Provincial Troops and Indian Department, who served under their Command during the late Rebellion; and of the other Loyalists,.....who have taken Refuge in Canada.

.....That the Tenure of Lands in Canada is such as to subject them to the rigorous Rules,and Restrictions of the French Laws and Customs,.....has occasioned a general Discontent,

.....1st It is proposed, that.....the Lake S' François, in the River S' Lawrence, and from thence Westward, shall be.....One District, distinct from the Province of Quebec, under the Government of a Lieutenant Governor and Council, to be appointed by Your Majesty,

.....2^{dly} That this Territory shall be subdivided into smaller Districts or Counties,

.....The Inhabitants of this Territory, already amounting to several Thousands,were born British Subjects, and have ever been accustomed to the Government and Laws of England. It was to restore that Government, and to be restored to those laws,.....they became soldiers,

.....The Petitioners have the more Confidence in the Success of their Application, from reflecting that they do not ask for more than has already been granted to their Fellow Sufferers in Nova Scotia, for less indeed than is enjoyed by those who are settled in the Province of New Brunswick, and only to be in the same situation with the Settlers in the Island of Cape Breton,

.....We most humbly implore Your Majesty that the Blessings of the British Laws and of the British Government, and an exemption from the Tenures, may be extended to the aforesaid Settlements.

(Signed)

11th April 1785.

Rob' Leake, Major late 2^d
Battⁿ K.R. Reg' New York.
John Munro. Cap' late 1st
Battⁿ K.R. Reg' New York.
P. Daly. Cap' late 1st
Battⁿ K.R. Reg' New York.
Tho^s Gummersal Cap' late
1st Battⁿ K.R. Reg' New York.

Gay Johnson, Col. 6 Nations &
Superintendent of their Affairs
John Butler. L' Colonel
Commanding late Rangers.
Eben Jessup, late L' Col.
Comm^d King's Loyal Americans.
James Gray, late Major
K.R. Reg' New York.
Ed^m Jessup, Major Comm^d
late Corps of Royal Rangers.

**PLAN FOR A HOUSE OF ASSEMBLY DRAWN UP BY THE COMMITTEES OF QUEBEC AND MONTREAL**

We conceive that the House of Assembly ought for the present, to consist of a Number not exceeding 70 Representatives, who ought all to profess the Christian Religion, And Speak and write the English or french languages.

That the Legislature have the power, on application to them, to.....Send Members to the Assembly, as the province increases in population.

That the qualification necessary to have a Vote at the Election of the representatives for the Cities shall be, a House, Shed or lot of Ground of the Value of forty Pounds,

That the qualification necessary for a person offering himself to serve as a representative shall be a real Estateof the Value of thirty Pounds Sterling yearly Rent.

That every person shall prove by Oath, (under the pains and penalties of perjury) his qualification to either Vote or represent, being of the age of twenty one years,

That none but Males shall either Vote or represent.

That the Assembly have free liberty of debate, And the power of choosing a speaker.

That all laws relating to taxation or raising monies on the Subject, originate in the House of Assembly.

That the Assembly have the sole right to try and decide in all contested Elections.

That all affairs be carried in the Assembly by a Majority of Votes.

That the Lieutenant Governor.....shall.....call together the representatives in assembly, once every year, between the first of January and the first of May of every year,

24th July 1789



DOCUMENT 4

**GOVERNOR HALDIMAND (TO LORD NORTH) ON SUPPORT FOR
AN ELECTED ASSEMBLY**Quebec 6th November 1783

My Lord :

* * * * *

Your Lordship has already been made acquainted with the general State of this Country, I am told that in the Petition which Some of His Majesty's Antient Subjects have prepared to be presented to Parliament, they lay great Stress upon the Number of Loyalists who are to Settle in the Province, as an Argument in favor of the Repeal of the Quebec Act and for Granting a House of Assembly, but I have great Reason to believe these unfortunate People have Suffered too Much by Committees and Houses of Assembly, to have retained anyfavor of that Mode of Government,.....

Your Lordship's Most Obedient
and Most Humble Servant

FRED: HALDIMAND

**A MEMBER OF THE LEGISLATIVE COUNCIL OPPOSES THE
INTRODUCTION OF AN ELECTED ASSEMBLY IN THE NEAR
FUTURE**QUEBEC 22^d October 1784.

SIR,

The Advocates for a House of Assembly in this Province take it for granted that the people in general wish to be represented; but that is only a guess, for I will venture to affirm that not a Canadian landholder in fifty ever once thought on the subject and were it to be proposed to him, he would readily declare his incapacity to Judge of the matter.....

Before we think of a house of Assembly for this Country, let us lay a foundation for useful knowledge to fit the people to Judge of their Situation, and deliberate for the future well-being of the Province. The first step towards this desirable end, is to have a free School in every Parish.....

Before any Act passes giving the Canadians a house of Assembly, let us be sure that it will be agreeable to a Majority of the landholders—Let the nature of free representation be set forth, let the duty of a representative be explained, and convey a proper idea of the powers a house will have to frame laws, and lay taxes.....

When the people, by means of education, become more enlightened, they will probably wish for an alteration of the present system.....

.....Whenever taxation is mentioned, the Peasant will reject the idea of a house, .Were a house to be forced on them, and that house lay taxes to defray the expense of Government and a thousand useful purposes which the English Members.....would be continually projecting, they would deem themselves oppressed and probably wish to join the American confederacy,

.....We at this moment enjoy all the benefits arising from the Habeas corpus act. The Legislative Council have repeatedly refused to grant Jurys in civil cases
.....Why refuse Juries?

.....It has been represented that poor people cannot afford to attend as Jurors on civil causes—Let them be paid and they will cheerfully serve—'tis but reasonable that the contending partys should pay.

Your most obedient
and very humble Servant

HUGH FINLAY



**ADDRESS READ AT THE HOUSE OF THE R.R.P.P. RECOLLETS,
NOVEMBER 30, 1784**

*Representatives of the Church, which opposed the idea
of an elected legislative assembly, here raise salient points
about taxation and representation.*

To OUR AUGUST SOVEREIGN:

.....Considering.....a house of Assembly should be granted us, to impose Taxes,

.....We ought.....to view with sorrow the burden;but alas! it can only be a fruitless sorrow, for what remedy can we offer? We, whose wants increase day by day,.....in consequence of the war have been left in this country, are still in arrears,.....for the balance of a considerable sum. What are the resources on which taxes could be levied? Is it on the Towns?.....Is it on the Lands?.....misery is the lot of a very large portion of their inhabitants? What will be the result then, if a portion of their labours must be applied to the support of the State?

.....A House of Assembly for the imposition of Taxes is not only useless, but would be prejudicial to the interests of this Colony.

That the Chamber be indifferently composed of the ancient and new Subjects,

This article requires more explanation,.....there might be.....more ancient than new Subjects in the House, which would be contrary to natural right, as there are twenty Canadians to one ancient Subject. What would become of our rights if they were entrusted to Strangers to our Laws?

That the Council be composed of thirty members without salaries,

This might be satisfactory if there were enough.....rich men to take the part of the people, the honest poor man being unable to give his time for nothing.

That the Criminal Laws of England be continued here.

.....The demand is unnecessary, since they are in force.

That the Laws, Usages and Customs of this Country be continued,

.....This article is contradictory;.....it affirms our Rights, and completely destroys them,is it not destroying them to subject them to any alterations which the Legislation may find it necessary to make?

(Continued on the next page.)

**ADDRESS READ AT THE HOUSE OF THE R.R.P.P. RECOLLETS,
NOVEMBER 30, 1784 (continued)**

.....That the Act of *Habeas Corpus* shall be in force,....having granted it to us, it is unnecessary.

.....That in the Courts.....Juries may be granted.

.....This article is entirely in favour of the Rich against the Poor.....Ye poor men, what will become of your families when you are forced to leave your work.....and decide causes which in no way concern you?

.....If the Juries are special ones (and in consequence remunerated) what poor man is there who could contend against a rich oppressor who has unjustly seized his property; and who, to crush him, may demand a Jury (which could not be refused him) would not this force the poor man to the alternative of giving up his cause, or of being totally ruined if he loses. Complaints are now being made of the expense which Justice entails. Who will be able to afford it, when the payment of twelve Jurors is to be added?

.....That the Sheriffs shall be elected by the House,

.....If the Sheriff nominated by the House does not please the Governor, what will become of the administration of the Laws of Justice?

.....That Judges shall be appointed for the Courts of the Province, and that they shall have fixed and sufficient stipends.

That it is right to have Judges to administer Justice, and that they ought to have stipends sufficient to live suitably to their station. For, without that, they will either neglect the duties of their office, to occupy themselves with the care of their own interests, or they will put Justice up to auction.

.....When the King considers it necessary to send Troops into this Colony for the safety of our possessions, would any one oppose it? No, this is a right which the King possesses,Have we Barracks in a condition for housing these Troops? No;....we must either construct Barracks, or lodge them.

.....The Province would not have enough to pay for this,....it will be necessary to commander; and in consequence we must have recourse to *Corvées*.

.....Taxation cannot exempt us from the billeting of Troops, or from *corvées*; and that consequently an Assembly for the imposing of Taxes would be contrary to the interests of this impoverished Colony.

End.



**BRITISH GOVERNMENT DOCUMENT ON PETITIONS AND
COUNTER PETITIONS CONCERNING CHANGE OF
GOVERNMENT IN CANADA**

HOUSE OF ASSEMBLY.

1ST The first point.....in the Petitions is, a House of Assembly,.....should be composed, of Old & New Subjects,.....the principal arguments urged in favor of the measure, are the following,

1ST The King's Promise.....by his Proclamation of 1763, by which the benefits of the British Constitution are stated to have been offered.....his Subjects.....

.....2^d The.....wish which the Loyalists.....feel, for.....a constitution similar to thatfor which theysacrificed so much;

.....3^d The general Benefits which would result to the Colony, from a Legislature established on the principles of the British Constitution, & particularly, the.....necessity.....forsome form of Government.....to impose taxes for the internal purposes of the province,.....

OBJECTIONS.

The objections of the Counter Petitioners fall under the following heads, viz:

First,the Taxes,.....resulting from this Measure; Secondly,.....in theAssembly, a preponderance might be given to the Old Subjects, which,.....would be unjust, considering how small a proportion they bear,.....to the New Subjects,

.....Thirdly, The fear that this measure might lead to the introduction, ofBritish Laws,of which, the Canadians are entirely ignorant.

(Continued on the next page.)

**BRITISH GOVERNMENT DOCUMENT ON PETITIONS AND
COUNTER PETITIONS CONCERNING CHANGE OF
GOVERNMENT IN CANADA (continued)**

.....A difficulty is also.....the inconvenience, & expense, of sending representatives from the distant Settlements, arising from the.....manner, in which the inhabitants of Canada are settled along the Banks of the River only, & going very little way back into the Country,

.....It is probable that the real Grounds of Uneasiness,.....arise from the apprehension, which the Seigneurs, entertain of losing the privileges, & distinctions of their Seigneuries, to which they are extremely attached,

.....And from a fear on the part of the Canadians, in general, of being subjected to the payment of Taxes, from which they have hitherto been exempted.

LAWS.

The third request stated in the petition, is, that the Criminal Laws of England should continue to be in force in the Province; and this is stated by the Counter-Petitioners to be entirely agreeable to the wishes of all the inhabitants.

HABEAS CORPUS.

The.....Request is for the establishment of the Habeas Corpus Act, *as a part of the Constitution.*

JURIES.

....The Objection.....arises from the difficulty of finding a sufficient number of persons properly qualified to serve, without too great a burthen on Individuals.

Source: A. Shortt and A.G. Doughty, eds. Documents Relating to the Constitutional History of Canada, 1759-1791. (Ottawa: King's Printer, 1918). pp. 970-1004. The document is without date or signature, but apparently represents the official British view of the situation.



GUIDELINES

TO HELP YOU DEVELOP THE SCENARIO FOR YOUR SKIT...

Individually...

- Read over the historical factsheet a first time.
- Give the factsheet a second reading, circling or underlining passages you consider important, or that intrigue you.

In teams...

- Share the questions and comments you noted during your reading of the historical factsheet.
- Using the ideas you circled or underlined on the historical factsheet and the documentary material, create a skit of five minutes' duration that presents to the rest of the class the petition campaign of 1784.

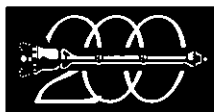
Pointers for your scenario

In which of the following contexts does the action take place?

- in 1791
- at another time
- today

Suggestions for characters

- John Brown and Peter Smith meet other merchants at the Hudson's Bay Company store, where they read the petition (of November 1784) and think about signing it.
- Some *Loyalists* try to convince some *Canadiens* that it is in their interest to have a *House of Assembly*.
- Louis Dunières and Pierre Marcoux suggest to the authors of the petition a list of ways in which an *Assembly* would benefit the *Canadiens*.



Women's Suffrage

1791

Women have _____.

In 1791, the Constitutional Act gave Upper and Lower Canada elected legislative assemblies. The same Act granted the vote to property owners, without distinction as to sex. In Québec, women who held property voted, although it would appear that the British Parliament had not so much intended for them to vote as failed to address the question of their voting.

1834

The government seeks to _____.

Subsequently, a series of measures were taken to end women's suffrage: in 1834, the *parliaments* of both Upper and Lower Canada tried to limit the franchise by changing the property requirements. In 1849 women were specifically forbidden to vote.

There is strong _____ to _____.

Still later, following the example of European *suffragettes*, groups of women seeking the vote formed in Québec. They rapidly came up against the attitudes and ideas of political leaders, the clergy, and even other women, who considered that women should continue to fulfill their "natural" roles as "custodians of virtue, caretakers of children and homemakers," which meant limiting their roles to those of wife and mother.

1917

In Canada, _____ helps women to recover the right to vote.

The First World War (1914-18) greatly advanced the cause of women's suffrage. In Canada, the wives and close relatives of soldiers fighting in Europe were the first to obtain the right to vote at the federal level. In 1917, the franchise was extended to all Canadian women without exception.

In Québec, women
obtain the right to
vote in _____ .

In Québec, however, women still did not have the right to vote in provincial elections. Repeated pressure from women's suffrage militants like Marie Gérin-Lajoie, Idola Saint-Jean and Thérèse Casgrain helped persuade the government to grant women the vote in 1940.

Women had to fight long and hard for this basic democratic right. Today, Québec women have access to important political positions: in 1991, six were ministers, while 23 of the 125 members of the National Assembly were women.

The struggles of the *suffragettes* illustrate the importance of remaining vigilant concerning our own rights and those of others.



CHRONOLOGY

1791 - 1940

- 1791 • The Constitutional Act grants the right to vote (called suffrage, or franchise) to all British subjects over 21 years of age, without distinction based on sex, race or religion, provided they are property holders or tenants.
- 1825 • A law is passed with the aim of limiting the right to vote. Property requirements exclude certain categories of persons, including most women.
- 1834 • A new law tries, without success, to restrict women's suffrage.
- 1849 • A law is passed stipulating that no woman may vote in East Canada.
- 1917 • The wives and immediate kin of soldiers receive the right to vote in federal elections.
 - The franchise is extended to all Canadian women at the federal level, and to most Canadian women at the provincial level. Québec women, however, still may not vote in provincial elections.
- 1921 • Formation of the Comité provincial pour le suffrage féminin au Québec.
- 1927 • Idola Saint-Jean founds l'Alliance canadienne pour le vote des femmes au Québec.
- 1929 • Election of Thérèse Casgrain as leader of the Ligue des droits de la femme.
- 1936 • The premier of Québec, Louis-Alexandre Taschereau, publicly states his opposition to women's suffrage.
- 1940 • After long and difficult struggles on the part of the *suffragettes*, the Adélard Godbout government finally grants Québec women the right to vote in provincial elections.

**PETITION CONTESTING AN ELECTION
BECAUSE WOMEN HELPED ELECT CANDIDATE**

A PETITION OF DIVERS ELECTORS OF THE BOROUGH OF WILLIAM HENRY.

On the twenty-fifth day of July, one thousand eight hundred and twenty-seven, a Poll was legally opened by *Henry Crebassa*...for the Election of a...Representative of the said Borough, *James Stuart* and *Wolfred Nelson*...offered themselves as Candidates:...*James Stuart* was elected by a majority of legal votes, yet a...majority in favour of the said *Wolfred Nelson*, to the exclusion of the said *James Stuart*, was obtained by the admission of unqualified persons to vote...many votes were given in favour of the said *Wolfred Nelson*, by persons without any qualification whatever...such persons having been induced to vote and even to take the oaths to entitle them to do so, by criminal solicitations, and by assurances pressed upon them...the votes of women, married, unmarried, and in a state of widowhood, were illegally received for the said *Wolfred Nelson*, although the illegality of such votes was strenuously urged by the said *James Stuart*...persons under oath declared themselves proprietors of houses to which they had no right; in others, an arbitrary and untrue value, exceeding the real value,...and in almost all these cases an undue and improper influence...was exercised in the presence and hearing of the Returning Officer, to stifle their scruples, and to give their votes for the said *Wolfred Nelson*; nay, even to induce them to commit perjury by taking the Oath...a number of persons, not resident within the Borough, and having no right to vote were collected and kept together for the purpose of overawing and intimidating Electors desirous of voting for these persons, by surrounding the Hustings, and by clamour and violence, obstructed and prevented Electors from voting for the said *James Stuart*...After the...Election...Indictments were found against seven persons;...for wilful and corrupt perjury, in having sworn falsely at the said Election to entitle themselves to vote for the said *Wolfred Nelson*;...Indictment was found...against *Louis Marcoux*, one of the most active partisans of *Wolfred Nelson*,...for perjury,...*Joseph Claprod* was tried by a Common Jury, and was found guilty of the offence therein charged against him... Under such circumstances,...the Return of the said *Wolfred Nelson* has been obtained by the most illegal and criminal means, the Petitioners...humbly pray the House...to amend the Return for the said Borough by erasing the name of...*Wolfred Nelson* and inserting that of...*James Stuart*...



PETITION CONTESTING AN ELECTION BECAUSE WOMEN VOTES WERE NOT ACCEPTED

A petition of divers Electors of the Upper Town of Quebec...was presented to the House by Mr. Clouet...In July One thousand eight hundred and twenty-seven, William Fisher Scott was appointed Returning Officer for the election of two Citizens to represent in Parliament the Upper Town of Quebec...The Candidates were Messrs. Joseph Remy Vallières de St. Réal, Andrew Stuart, George Vanfelson and Amable Berthelot. Polling was continued to the fifteenth August, when Messrs. Joseph Remy and Andrew Stuart were returned as duly elected...However, on the fourteenth, Mrs. Widow Laperrière did tender to Mr. Scott, the aforesaid Returning Officer, her vote, under oath, which Mr. Scott did refuse to take and enregister...The Petitioners allege that the following conclusions are to be drawn from this refusal: 1) That Mr. Scott acted contrary to law; 2) That the election of Mr. Stuart is void...that Mr. Scott had no discretion, that he was bound to follow the letter of the law, that he was not to sit as a judge of the law...The Petitioners will not place their dearest right, their elective franchise, in the hands of any one man, but especially they will not place it in the hands of an officer appointed by the Executive, and whose opinions and feelings under almost every circumstances must endanger the free choice of the people, and thus strike at the root of their liberties...The Petitioners deem this refusal to take a vote offered in the terms of the law, a most dangerous precedent...as the votes of the Widows were not taken, the return of Mr. Stuart is void, inasmuch as the free choice of all the electors was not made known. The Petitioners may presume to trouble the House with the reasons which they deem conclusive as to the right of Widows to vote; neither in men nor women can the right to vote be a natural right: it is given by enactment. The only questions are, whether women could exercise that right well and whether they are entitled to it. The Petitioners have not learned that there exist any imperfections in the minds of women which place them lower than men in intellectual power, or which would make it more dangerous to entrust them with the exercise of the elective franchise than with the exercise of the numerous other rights which the law has already given them. In point of fact, women duly qualified have hitherto been allowed to exercise the right...women are fairly entitled to the right...Property and not persons is the basis of representation; it is a principal contended for by the best Statesmen of England, that there can be "no taxation without representation..." In respect of property, taxation and duties to the State, the Widow, duly qualified by our Election Laws, is in every essential respect similarly situated with the man: her property is taxed alike with that of the man: she certainly is not liable to Militia duties, nor is the man above forty-five: she is not called to serve on a jury, nor is a physician: she cannot be elected to the Assembly, nor can a Judge or Minister of the Gospel. It may be alleged that nature has only fitted her for domestic life, yet the English Constitution allows a woman to sit on the Throne...It is she who breathes into man his earliest lessons of religion and of morals...That the House declare Mr. Scott, the Returning Officer, guilty of malversation in office, and take measures to enforce the law in such case provided. That the proceedings at the late Election for the Upper Town of Quebec, concluded on the fifteenth August One thousand eight hundred and twenty-seven, by the Return of Mr. Stuart, be declared void.



A CAMPAIGNER SURVEYS THE GROUND COVERED JUST BEFORE THE 1940 ELECTION GIVING QUÉBEC WOMEN THE PROVINCIAL VOTE

Story of Fight for Woman Suffrage

The agitation for votes for women in this province began in 1884 when the Women's Christian Temperance Union, the first society to include woman suffrage as a plank in its platform, was organized. The great and good Frances E. Williard, founder of the society, came out boldly and publicly as an advocate of woman suffrage when it took courage and backbone to do so. However, as the *raison d'être* of the Women's Christian Temperance Union is the abolition of the liquor traffic and many other departments of work are included, this suffrage movement was practically a side line. Many eloquent addresses were given on the subject and public interest aroused, which manifested itself by the signing of petitions to the Legislature and by delegations to Quebec, asking for the vote, but no encouragement was vouchsafed them.

To the local Council of Women belongs the credit of making the first really serious and determined effort to secure the provincial vote for the women of Quebec. Under its auspices Mrs. Philip Snowden and the redoubtable Mrs. Pankhurst herself were invited to Montreal and delivered eloquent and powerful addresses to large and interested audiences. Both of these distinguished women made a very favorable impression, dispelling the false ideas which the antagonistic British press had circulated. The greatest fillip to the movement was

undoubtedly given by the suffrage Exhibit and Sale held in 1912 under a special committee supported and financed by the local council. Suitable premises in a central location having been secured, a vigorous and spectacular campaign was carried on for several weeks. Suffrage literature in book, pamphlet and leaflet form was on sale or for free distribution. Pennants, banners, pictures, posters, mottoes and all manner of fancy articles, bearing the slogan "Votes for Women", had been collected from every part of the civilized world and were displayed in rooms decorated with the suffrage colors. Afternoon meetings where eloquent addresses were given were attended by crowds of people, while in the evenings public meetings and debates in halls and churches attracted much attention. The suffrage movement all at once became a live issue.

Montreal Body Formed

Shortly after this exhibit was held and as a definite result, the Montreal Suffrage Association was organized with Lady Drummond as honorary president, and Professor Carrie Derick of McGill University, president, and a large and influential body of women as members. Leaflets in both languages dealing with the situation in Quebec were published and circulated in great numbers and many forms of propaganda initiated. Headquarters were secured...and an active

(Continued on the next page.)

A CAMPAIGNER SURVEYS THE GROUND COVERED JUST BEFORE THE 1940 ELECTION GIVING QUÉBEC WOMEN THE PROVINCIAL VOTE (continued)

campaign carried on. Arrangements were made for a tour of the fall fairs, where officers of the society managed a booth for the sale or free distribution of suffrage material. But only four of the largest fairs, Bedford, Brome, Sherbrooke and Waterloo, had been visited when the Great War intervened and the suffragists here, like their sisters in England, immediately ceased their suffrage activities and plunged energetically into definite war work, raising large sums of money for soldiers' comforts and placing their services at the disposal of the war department. It may be of interest to note that committee of the society undertook the darning and mending for the soldiers cared for by the Khaki League during and after the war.

It is now a matter of history that the Union Government, prior to the election of 1917, enfranchised the female relatives of soldiers, promising that, if returned to power, the federal vote would be given to all the women of Canada. This promise was promptly fulfilled, as one of the very first measures enacted by Parliament was the enfranchisement of the women of Canada. Active suffrage work was then taken up by the Montreal Women's Club, which through its Franchise Committee, has carried on an active campaign for a number of years not only for the provincial vote but for the municipal and school votes for married women taxpayers and to secure the entrance of women into the professions, etc. Under their auspices a large and influential delegation was organized,

which went to Quebec in 1922 to present the claims of the women...

The province of Quebec is seven-eighths French-Canadian and no English-speaking society could possibly do effective work among the great majority, so it was with great joy that ardent suffragists welcomed prominent French-Canadian women into the work. In 1921 Mdme. Gerin-Lajoie, president of La Federation Nationale de St. Jean Baptiste, and Mdlle. Idola St. Jean organized a provincial committee to work for suffrage, which eventually became, "The League for Women's Rights", with Mdme. Pierre Casgrain as the capable and efficient president. In 1927, Mdlle. Idola St. Jean organized "L'Alliance Canadienne pour le Vote des Femmes de Québec", which has maintained an active and aggressive campaign ever since its inception and has probably done more to help the cause than any other agency.

It was very difficult to get an entry into the Legislative Assembly, but in 1920 Mr. Ashby, deputy for Jacques Cartier, was induced to move a resolution in that body asking for the provincial vote for the women of Quebec, but it was practically ignored. The first bill for woman suffrage was presented in the House in 1922 by our good and faithful friend, the late Hon. Henry Miles, leader of the Legislative Council, but owing to an accident he was unable to support it and nothing was done. In 1927, L'Alliance Canadienne induced Mr. Victor Marchand, M.L.A., to present a bill,

(Continued on the next page.)

A CAMPAIGNER SURVEYS THE GROUND COVERED JUST BEFORE THE 1940 ELECTION GIVING QUÉBEC WOMEN THE PROVINCIAL VOTE (continued)

without any appreciable result. Mr. Wm. Tremblay, ex-deputy for Maisonneuve, carried our colors in the House during the sessions of 1928-29 and made strong and logical speeches in favor of the bill. In 1930 and 31 M. Irenée Vautrin, M.L.A., presented our bill with a great deal of aplomb, while such distinguished orators as Hon. A. R. McMaster, Hon. Athanase David and others supported the bill with enthusiasm and eloquence. In 1932 Dr. Anatole Plante, M.L.A., sponsored the bill in a serious and reasonable speech, but the opponents to the bill treated it in such a vulgar and ribald manner as to bring discredit on their party and themselves.

The bill has been defeated on every occasion by a substantial majority.

The struggle to secure the municipal vote for married women tax payers, a right which the women of Quebec City have enjoyed since 1854, was successful only three sessions ago, and for only Montreal and Verdun, all other cities and towns in the province being still without the municipal franchise for married women.

An effort is made each year to pass legislation to enable women to become lawyers but so far without success.

All the time-worn arguments against giving women the vote have been completely disproved by the reaction of the women of Quebec to the federal vote. They have shown that they do want the vote by turning out to the polls at a federal election in larger numbers

proportionately than men. That they are interested in politics is demonstrated by their attendance at public meetings during a campaign. They continue to be the best of wives and mothers, whose home and family constitute their greatest interest. That they should be the only women in the Dominion to be deprived of a voice in the government of their province is no disgrace to them but a very serious responsibility to their opponents.

In 1929, the franchise committee of the Montreal Women's Club initiated a sandwich-board campaign with posters in French and English calling attention to outstanding facts connected with the lack of women's franchise in Quebec. Later these posters were shown in Quebec City under the supervision of Mrs. Geggie. In both cities the posters were carried by women. The funds for this effort were donated from the Leslie fund by its custodian, Mrs. Carrie Chapman Gatt, who sent a cheque for \$500 to the writer in July, 1927, and another for the same amount about a year later. This enabled the Franchise Committee of the Montreal Women's Club to carry on a vigorous campaign in printing leaflets, arranging meetings all over the province and informing the public generally.

This is a very condensed report of the movement. But as the granting of the provincial vote to the women of Quebec will be an historical event when it takes place, an accurate and reliable record of the movement was desirable.



DOCUMENT 4

THE STRUGGLE FOR FEMALE SUFFRAGE IN THE QUÉBEC LEGISLATIVE ASSEMBLY

| <u>Year</u> | <u>Sponsor</u> | <u>Party in power</u> | <u>Vote</u> | <u>% of negative votes</u> |
|-------------|------------------------|---------------------------|-------------|--------------------------------|
| 1927 | Victor Marchand (L) | Liberal* | 51-13 | 80 |
| 1928 | William Tremblay (C) | Liberal | 39-11 | 78 |
| 1929 | William Tremblay (C) | Liberal | 50-16 | 75 |
| 1930 | Irénée Vautrin (L) | Liberal | 44-24 | 65 |
| 1931 | Irénée Vautrin (L) | Liberal | 47-21 | 69 |
| 1932 | Anatole Plante (L) | Liberal | 52-33 | 70 |
| 1933 | Anatole Plante (L) | Liberal | 53-20 | 72 |
| 1934 | Gaspard Fauteux (L) | Liberal | 52-25 | 68 |
| 1935 | Edgar Rochette (L) | Liberal | 43-19 | 69 |
| 1936 | Frédéric Monk (C) | Liberal | 43-24 | 61 |
| 1937 | Camille Pouliot (UN) | Union Nat. | 43-21 | 70** |
| 1938 | Grégoire Bélanger (UN) | Union Nat. | 48-16 | 74 |
| 1939 | P.A. Lafleur (UN) | Union Nat. | - | *** |
| 1940 | Adélar Godbout (L) | Liberal | 9-67 | 11**** |

* Premier Taschereau was personally opposed to the women's vote and invoked ministerial solidarity with members of his party, notably in 1936, in order to prevent passage of the bill.

** That vote was on an amendment to the Elections Act, to remove the word "male" from Section 21 of the Act concerning the revision of the law governing elections. Premier Maurice Duplessis was personally opposed to the franchise for women.

*** The bill had been referred to the Committee on Public Bills before being introduced in the Assembly. It was rejected by the Committee although the legislators congratulated the women's delegations that had appeared to support woman suffrage.

**** Premier Adélar Godbout had nevertheless voted against the bill during the whole period during which he was a minister in the Taschereau Cabinet.

Source: Sam Allison, unpublished notes. Based on C.L. Cleverdon, *The Woman Suffrage Movement in Canada*. (Toronto: University of Toronto Press, 1950), Ch. 7 (Québec), pp. 214-264. Reprinted by permission of the publisher.



TO HELP YOU DEVELOP THE SCENARIO FOR YOUR SKIT...

Individually...

- Read over the historical factsheet a first time.
- Give the factsheet a second reading, circling or underlining passages you consider important, or that intrigue you.

In teams...

- Share the questions and comments you noted during your reading of the historical factsheet.
- Using the ideas you circled or underlined on the historical factsheet and the documentary material, create a skit of five minutes' duration that presents to the rest of the class the acquisition of women's suffrage in Québec.

Pointers for the scenario

In which of the following contexts does the action take place?

- in 1791
- at another time
- today

Suggestions for characters

- The election of Wolfred Nelson, in 1827, depended on the support of female voters. Opponents circulated a petition demanding the annulment of the women's votes. A number of women property owners gather to denounce this manoeuvre.
- Jennifer and Anne go to the polling station to vote, as they did last election. They have to contend with the *returning officer*, who refuses to let any woman vote. An angry exchange ensues.
- Coming out of church, two women compare notes on Cardinal Villeneuve's sally against women's suffrage: both are shocked. Later, at the general store, there is a heated discussion when the same women hear some men praise the Archbishop of Québec's position on the subject.

MY HISTORICAL MEMORANDUM

Instruction A: Inside the box, note the ideas in the skit that you consider most important.

| |
|--|
| <p>Title of Skit: _____</p> <p>My notes...</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
|--|

Instruction B: At the very end of the skit, write, in the box, a brief answer to the Synthesis Question that a spokesperson for the team will give the class.

HISTORICAL MESSAGE

| |
|---|
| <p>Title of Skit: _____</p> <p>Brief answer to the Synthesis Question...</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
|---|

GLOSSARY

Assembly:

In 1792, meeting of representatives elected by the population to debate and pass laws. Synonyms: legislature, Lower House and, after 1797, Legislative Assembly. The term also refers to the place where the elected representatives meet.

Cabinet:

Also called *Executive Council*. Council of the Premier and the ministers, who form the government. This body is responsible for the administration of the budget and the application of the laws. It is now called the Council of Ministers.

Canadien:

Term used for the descendants of French settlers of Lower Canada.

Civil Law:

The legal system governing relations between persons; based on French civil law.

Crown:

The royal authority.

Election:

Process by which electors choose representatives.

Episcopal Palace:

The bishop's residence. Site of the first *sessions* of the *Assembly* in 1792. Located on the site of the present parc Montmorency in Québec, the palace was rented by the bishop to the British administration.

Executive Council:

In 1792, a nine-man team named by the king on the recommendation of the governor. It applied the laws and administered the budget of the government.

Governor:

The king's representative, whose role consisted primarily in administering the colonies in the king's name. Duties included commanding the army, ratifying or vetoing bills.

Legislation:

The body of laws.

Legislative Council:

In 1792, a 15-man team named by the king on the recommendation of the *governor*, it shared legislative authority with the assembly; no measure proposed by the latter could become law without its approval. Abolished in 1968 in Québec.

GLOSSARY

Lieutenant-governor:

The *governor's* representative in the colony. In the *governor's* absence, the *lieutenant-governor* assumed the latter's responsibilities.

Loyalists:

Residents of the 13 American colonies who remained faithful to England after American Independence (1783). Several thousand *Loyalists* settled in Canada.

Ministerial Responsibility:

System in which the government is accountable for its administration to the elected *assembly*; a government that no longer enjoys the confidence of the majority of members is generally obliged to resign.

Ministry:

Group of members chosen from the majority party in the *assembly* to administer public affairs. In the 19th century, "ministry" was synonymous with "government" and the members of the ministry were responsible for "departments."

Noble:

Person possessing a hereditary privileged rank (which could, however, be bestowed by the monarch on persons not possessing it before). Usually a rich landowner or senior government official.

Parliament:

Institution comprising a monarch or a *governor*, *executive* and *legislative* councils, and *assembly*.

Parliamentary Government:

System enabling the population to elect representatives to speak on its behalf and to publicly debate and vote on *legislation* in an *assembly*.

Parliamentary Institutions:

Bodies through which individuals and groups of persons elected or named to office. In 1792, they included the *governor*, the *Executive Council*, the *Legislative Council* and the *Assembly*.

Placemen:

A disparaging term for political appointees, widely used in the 19th century.

Prorogation:

End of a *parliamentary session*.

Qualified Electors:

Persons who meet the criteria for voting.

Quorum:

Minimum number of members that must be present in the *assembly* for its meeting to be legally authorized.

GLOSSARY

Rebellion of 1837-1838:

Popular uprising against British authority following the British government's refusal to accede to Upper and Lower Canada's demands, including *ministerial responsibility*.

Referendum:

Vote by all citizens on a matter of general interest.

Returning Officer:

Person in charge of the administration of the elections in a riding.

Royal Sanction:

Approval by the monarch or his or her representative of a bill that has passed in an *assembly*.

Session:

Period between the opening and closing of deliberations in the *assembly*.

Speaker:

Person chosen by the members of the *assembly* to lead debates.

Suffragettes:

A women's movement that aimed to obtain women's suffrage.

Test Act:

A British law (1673) requiring holders of public office to take communion in the Church of England. Because this law excluded Catholics, it made it impossible for any *Canadien* to hold public office until its abolition in the Province of Quebec, in 1774. In Britain, the Act remained in force until 1828.

Veto:

The prerogative of the king, *governor* or *lieutenant-governor* to quash a law voted by the assembly.

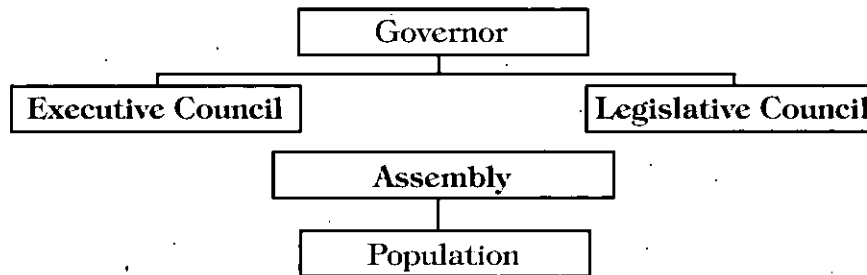
ANSWER SHEET FOR EACH UNIT

Unit 1

- p.9: 1763 Immediately after the Conquest, the British Parliament authorizes the governor to introduce an elected assembly.
- p.9 1783 The Loyalists demand an elected assembly.
- p.9: 1791 The Constitutional Act grants the assembly.
- p.10: 1792 Consequently, there will be an election.

Unit 2

- p.23: 1784 The Canadiens and the Loyalists demand an elected assembly.
- p.23: 1791 The Constitutional Act divides the "Province of Quebec" in two: Upper Canada and Lower Canada.
- p.24: 1791 The Constitutional Act organizes the administration of the "Province of Quebec" as follows:



- p.24: 1791 Québec's present parliamentary institutions are based on the Constitutional Act.

Unit 3

- p.35: 1792 The population elects 50 representatives in Lower Canada.
- p.35: 1792 All British subjects over 21 years of age and property owners or tenants have the right to vote.
- p.35: 1792 Voting generally takes place outdoors and in front of everyone.
- p.36: 1792 The following aspects of the electoral procedure used at the time could create difficulties for voters:
- voting out loud
- violence
- intimidation
- voting in public
- p.36: The 1990s Voters have to be at least 18 years of age, and voting is secret

ANSWER SHEET FOR EACH UNIT

Unit 4

p.47: 1791

The Constitutional Act authorizes:

- the division of the province into two provinces
- the establishment of an assembly
- the holding of elections
- the maintenance of civil rights and religious freedom

p.47: 1791

However, the Assembly can not impose its decisions because the governor has a veto.

p.47: 1792

In the first election in Lower Canada, 35 Francophone and 15 Anglophone representatives are elected.

p.48: 1792

The members of the Assembly have to contribute a lot of their time without receiving any remuneration.

p.48: 1792

There is not always agreement among the members of the Assembly themselves, nor between the Assembly and the governor.

Unit 5

p.57: 1792

The Speaker of the Assembly is a Francophone.

p.57: 1793

Sources of discord appear in the very first session. They concern the choice between the French language and the English language.

p.58: 1792

The Assembly agrees on certain rules, for example, a quorum.

Unit 6

p.69: 1792

The governor and the Executive Council can spend public funds without taking into account the wishes of the Assembly.

p.69: 1792

The Assembly is powerless, given the governor's powers.

p.70: 1848

A major change occurs in the functioning of the Assembly with the establishment of ministerial responsibility.

**ANSWER SHEET
FOR EACH UNIT**

Unit 7

- p.83: 1760-1790 Two groups demand an elective assembly for the "Province of Quebec": the Canadiens and the Anglophones.
- p.83: 1784 The population uses this means of pressure to support its demand for an elected assembly: a petition.
- p.83: 1791 The British Parliament grants this demand.
- p.84: 1784 Not only Anglophones, but also Francophones demand an elected assembly.

Unit 8

- p.97: 1791 Women have the right to vote.
- p.97: 1834 The government seeks to abolish this right.
- p.97: There is strong opposition to granting women the right to vote.
- p.98: 1917 In Canada, the First World War helps women to recover the right to vote.
- p.98: In Québec, women obtain the right to vote in 1940.

ANSWER SHEET FOR THE SYNTHESIS QUESTIONS

Unit 1

p. 21:



What advantages did the Canadiens derive from the introduction of the parliamentary regime in 1791?

Components of an acceptable answer

- maintenance of guarantees contained in the Quebec Act
- an elected assembly
- introduction of an electoral system
- respect for the (seigneurial) landholding system of New France in the older settled areas of the new province (along the St. Lawrence River), with the provision that all new land grants be in freehold tenure, in keeping with English landholding practices

Unit 2

p.34:



What did the Canadiens, unaccustomed to parliamentary and electoral institutions, fear in connection with the Constitutional Act?

Components of an acceptable answer

- the imposition of taxes
- that the assembly's impact would be undermined by the powers attributed to the governor and Executive Council
- that English law would replace the French system

Unit 3

p.46:



Which aspects of the 1792 electoral procedure would have had to be altered for the election to be more democratic?

Components of an acceptable answer

- do away with the requirement that voting be out loud and in public
- open voting stations
- add scrutineers
- limit the voting period
- establish a list of voters
- issue ballots
- improve the electoral map

ANSWER SHEET FOR THE SYNTHESIS QUESTIONS

Unit 4

p.56:



Which factors undermined the role of the elected representatives in the democratic system as it was set up in 1792?

Components of an acceptable answer

- the governor's veto
- the absence of political parties
- the lack of remuneration for members of the Assembly
- the appointment of the Executive and Legislative Councils by the governor
- the Assembly's lack of control over the application of the laws

Unit 5

p.68:



What were the main focuses of debate during the first parliamentary session?
Which of these issues is still being discussed in the Assemblée nationale?

Components of an acceptable answer

First part

- the choice of Speaker
- the quorum
- the language question

Second part

- the language question

Unit 6

p.82:



Name a characteristic of ministerial responsibility that has improved the quality of democracy since 1848.

Components of an acceptable answer

- the Executive Council is composed of members of the Assembly
 - the ministers are responsible for administering the budget
- or
- the ministers are accountable to the Assembly for their administration

ANSWER SHEET FOR THE SYNTHESIS QUESTIONS

Unit 7

p.96:



What were the respective positions of: the British Parliament, the Loyalists, the Anglophone merchants and the Canadien elite with respect to the proposed assembly?

Components of an acceptable answer

- Shortly after the Conquest, the British Crown enacted the Royal Proclamation, which authorized the governor to introduce an assembly as soon as he deemed appropriate.
- After the Conquest, the Anglophone merchants demanded an assembly that would represent them but not the rest of the population.
- Following the American War of Independence, Loyalists settled in Lower Canada and demanded an elected assembly.
- After the Quebec Act, leaders of the Canadien community were increasingly won over to the idea of an assembly, and joined Anglophones in petitioning the British parliament in 1784.

Unit 8

p.107:



How did women win the right to vote in Canada and in Québec in the first half of the 20th century?

Components of an acceptable answer

- Women obtained the federal vote in 1917 because many Canadian soldiers were fighting in Europe during the First World War.
- Québec women obtained the right to vote in provincial elections in 1940 under the Liberal Godbout government.

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The cover illustration

As befits a "theatrical" activity, the cover illustration brings together on one stage five important players in the early stages of parliamentary government in Québec.

Depicted (according to works of art in the National Assembly or the Musée du Québec) against the backdrop of the Assembly, are, from left to right: the patriotic hero Louis-Joseph Papineau; Louis-Hippolyte LaFontaine and Lord Elgin, defenders of ministerial responsibility and of the use of French as the language of the Assembly; Lord Dorchester, British governor of the Province of Quebec at the time of the introduction of the parliamentary system, and finally, an imaginary actor, "the Member of the Assembly arriving in Québec" - an image intended to honor the capital role of the people's representatives in a parliamentary democracy such as ours.



ASSEMBLÉE NATIONALE



Gouvernement du Québec
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