

holding franchise. Upper Canada was provided with a legislative council of not less than seven members appointed by the governor and an elective assembly of not less than fifteen. As the chief executive officers and the direct representatives of the Crown, a governor and a lieutenant-governor were provided for each province. The governor and lieutenant-governor could convoke or dissolve their legislatures, refuse assent to bills or reserve them for the pleasure of the Crown. All acts of the colonial legislatures could be disallowed by the home government within a period of two years.

In 1838 Lord Durham was sent to govern both Canadas with instructions to inquire into the political situation made precarious by the Papineau rebellion in Lower Canada and the Mackenzie rebellion in Upper Canada and to make recommendations on the form of government to be granted to the colony.

He recommended the union of the two Canadian provinces at once, the ultimate union of all British North America and the granting of this large state full self government.

In 1840 the Act of Union was passed to carry out the initial recommendation of Lord Durham's report. The law provided for the union of Lower and Upper Canada under a single government to consist of a governor, a legislative council and an assembly. The governor and the legislative Council of not less than twenty members were appointed by the Crown, the members of the council to hold office for life. The Lower House or House of Assembly consisting of eighty four members was to be chosen by popular suffrage, forty-two members from each of the old provinces. This equal division temporarily gave the advantage to Upper Canada which at that time had a smaller population than the sister province.

The most important omission from the Union Act was the fact that the law did not deal with the executive principle at all, and that no reference whatsoever was made to responsible government, the crux of the Papineau and Mackenzie trouble in 1837. So far as the executive principle was concerned the law showed no advance over the constitutional legislation of 1791.

The germ from which responsible government developed is to be found in Lord John Russell's dispatches of September 7 and October 16, 1839 rather than in the Act of Union. The latter instructions contained the significant sentence "The importance of maintaining the utmost possible harmony between the policy of the legislature and of the executive government admits of no question, and will of course be your anxious endeavor to call to your councils and to employ in the public service those persons who by their position and character have obtained the general confidence and esteem of the inhabitants of the province." A long struggle was necessary before the responsible government became fixed as one of the fundamental customs of the Canadian constitution.

Under a series of governors the Canadas approached and veered away from the accomplishment of responsible government, depending on the personality of the Governor. Nevertheless considerable progress was made under this governorship toward the recognition of at least the principle of responsible government. Robert Baldwin precipitated a discussion of what the governor viewed as "theoretical points of governments" by calling for copies of Lord John Russell's dispatches of 1839 and by moving a series of six resolutions the essence of which was the recognition of cabinet responsibility in colonial government. Sydenham at once drew up four amendments to Baldwin's proposals. They were introduced in the assembly by Samuel Bealey Harrison and were adopted. In conjunction with the contents of Russell's dispatch of October 14, 1839, the adoption of the Sydenham-Harrison Resolutions made responsible government inevitable.

Under Sir Charles Bagot the progress towards responsible government was accelerated. The admission of the French Canadians to the ministry during his regime and the increasing functions exercised by the ministry during his illness marked great steps forward in the struggle for responsible government.