

colonies to the south, the British government restored the French laws and institutions, under the Quebec act of 1774. But when, at the close of the American Revolution, the British government had to provide for many of the Loyalists in Canada, they found it difficult to persuade them that a fitting reward for their adherence to the British laws and institutions in the revolted colonies was their transfer to the Canadian wilds, where they must forego all British civil laws and institutions and become the feudal subjects of an English Bourbon. To avoid the danger of a second revolution on the part of the Loyalists, the constitutional act of 1791 was passed, dividing Canada into two provinces and adding to the previous autocratic system of an appointed governor and council, the democratic feature of a representative house of assembly. The French element being in the ascendency in Lower Canada retained the French system of laws and institutions there, whereas the British element in Upper Canada adopted the British laws and institutions. From this time Canada included two nationalities with their respective institutions and ideals.

Under the system of checks and balances between the representative assembly with legislative powers, the appointed governor and legislative council, also with legislative powers, and the governor and executive council with administrative powers, the Canadian provincial government had all the possibilities of an excellent conflict of authority without any definite location of responsibility. As these latent powers gradually revealed themselves in practice they were worked with great industry and zeal. The power of the purse, usually relied upon by democratic assemblies to promote sweet reasonableness on the part of executive governments, was only very partially within the control of the Canadian assemblies, inasmuch as earlier imperial laws and provincial ordinances had provided certain permanent revenues for the executive government, which, together with the advances made by the home government through the military chest, enabled the beleaguered executive to withstand a siege of considerable duration. Incidentally, many urgent needs of the country, in which the members of the assemblies were vitally interested, were also paralyzed for lack of funds.