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### Introduction: The Pre-Confederation Context, 1763–1867

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# Introduction: The Pre-Confederation Context, 1763–1867

*Sam Allison and Jon Bradley*

Notwithstanding Sir Wilfrid Laurier's oft-misquoted observation: 'I think we can claim that it is Canada that shall fill the twentieth century', there is no question that the one hundred-year span from the 1763 Treaty of Paris to the 1867 British North America Act (generally referred to as 'the pre-Confederation era') was a period of seismic historical shifts that in many ways grounded the Canada that we see today.

The 1763 Treaty of Paris, ending the Seven Years' War, was a major turning point in history. The significant implications for Canada were that France was removed from the North American environment and English became the majority Continental language.

Article IV of the Treaty of Paris reads, in part: 'His Most Christian Majesty renounces all pretensions which he has heretofore formed or might have formed to Nova Scotia or Acadia in all its parts ... Moreover, His Most Christian Majesty cedes and guarantees ... as well as the island of Cape Breton and all the other islands and coasts in the gulph and river of St. Lawrence.'

For the conquered peoples of New France, life was dramatically changed. The linguistic and religious connections to Mother France were severed, and the inhabitants had now to adapt to a new colonial reality. Nevertheless, the Treaty of Paris guaranteed: (1) unrestricted emigration for 18 months so that anyone in New France could return to France; (2) the Roman Catholic religion could be practised with few reservations anywhere in Canada; (3) while not specific to the treaty, British convention permitted the local laws of conquered people to remain in force; hence, unique civil laws/seigneurial systems specific to New France remained; (4) the French language was not banned; and interestingly, (5) French Canadians could keep their slaves.

The newly established British North America was almost immediately beset with trials and tribulations. The 1775–83 American

Revolutionary War was followed by the War of 1812–14 and the Upper and Lower Canada rebellions of 1837–8, with the Fenian Raids commencing in 1866. Furthermore, many isolated and far-fetched ‘incidents’ marred the economic and political landscape. For example, the 1789 ‘Nootka Crisis’, 1811 ‘Tonquin Incident’ and 1864 ‘Kingfisher Incident’ highlighted tensions between the competing interests of American, British and Spanish traders with the Aboriginal inhabitants on Vancouver Island.

In 1821, the merger of the Hudson Bay Company and North West Company ended the longstanding trading tensions in the Prairie regions. The Shiner’s War, from 1835 to 1845, was an off-and-on conflict between Irish Catholics and French-Canadian Catholics fighting over the timber trade around the Ottawa River region. Perhaps the most extreme example of unrest happened in 1849 when a mob – reacting to the passage of the Rebellion Losses Bill giving compensation to pardoned rebels – burned the Parliament Buildings in Montreal. This incident was the only time in British and Commonwealth history that citizens burned their Parliament Buildings to the ground. In the words of Robert Louis Stevenson, Canadians have ‘a grand memory for forgetting’ and generally think of their history as particularly peaceful and law-abiding.

As is often noted, ‘the past is a foreign country.’ What has become important to Canadians today is not necessarily what those who lived in the past regarded as important. As committed educators and historians, it is our task to raise previously ignored or minimized elements. For example, our historical accounts have often been devoid of ecological, climatic and racial understanding. Therefore, the varied articles in this special issue offer differing perspectives on this seminal hundred-year span. Each article, in its own way, shines a new lens onto this important period in the development of the country. Via these views, each author challenges readers to re-think and re-examine this crucial century of development.

The 1867 Constitutional Act (originally enacted as the British North America Act) closed the pre-Confederation era and inaugurated the modern post-Confederation scene. Enshrining many of the elements that still mark Canada today, it is noteworthy that Canada is still an officially bilingual country with a political structure grounded in a constitutional monarchy tradition.

Climate researchers Victoria Slonosky and Isabelle Mayer-Jouanjan (‘Climate Observing During Canada’s Empires, 1742–1871: People, Places and Motivations’) challenge our generation to investigate in detail the rich trove of climate records kept by all manner of inhabitants over

the last several hundred years. At base, how has our climate changed and did these changes affect political and societal interactions?

Slonosky and Mayer-Jouanjan note that the summers of 1807 and 1808 were the warmest on record up to that point. In addition, they suggest that weather conditions may well have played a far more significant part in the 1837 and 1838 rebellions than is generally thought. For too long, our historical narratives have ignored possible climate implications, and these authors suggest that weather/climate is a far more definitive factor than hereto acknowledged.

Damien-Claude Bélanger ('Loyalty and Lobbying: French-Canadian Delegates in London, 1763–1840') explores in depth the many and various French-Canadian lobbyists who travelled to Britain in order to obtain increased rights. Concentrating on the period immediately following the 1763 Treaty of Paris up to the 1840 Act of Union, Bélanger details the individuals and groups who sought change.

Bélanger makes it clear that some gains were indeed realized, but that many of the French-Canadian lobbyists were not able to form connections or obtain support from British lobby groups related to commerce and industry and/or the Anglican Church.

Nicholas Bayne ('Why Ross Survived When Franklin Died: Arctic Explorers and the Inuit, 1829–1848') examines the demise of the ill-fated Franklin Expedition of 1845–6. Global interest in the mysterious fate of Franklin and his crew was heightened in 2014 and 2016 when both his ships (the *HMS Terror* and *HMS Erebus*) were discovered and filmed by intrepid adventurers.

For decades, people have wondered 'What happened to Franklin?'. Bayne presents a compelling argument that a major error was made by Franklin and others not to seriously engage with the local inhabitants. The Inuit had existed and survived in this harsh landscape and had been interacting with whalers for centuries. Be it ignorance or avarice, this lack of cooperation may have doomed the expedition.

Phillip Buckner ('The Canadian Civil Wars of 1837–1838') suggests that far from being 'simple' rebellions (the favoured Canadian word), the Upper and Lower Canadian 1837–8 unrest was, in actuality, a 'Civil War'. Words do matter, especially in describing historical incidents, and Buckner offers the reader a detailed narrative.

Just as the Quebec Separatist Referendums of 1980 (the sovereignty-association option) and 1995 (partnership proposal) divided both the Province and the Country, so did the political manifestations of the late 1830s. Deep societal divisions fractured Upper and Lower Canada, but the vast majority did not favour a break with Britain.

Richard W. Pound ('Constitutional Statesmanship: Lord Durham and the Creation of a New Colonial Paradigm, 1839–1841') brings his breadth and depth of Canadian history, as exhibited in his 1,100-page compendium *The Fitzhenry and Whiteside Book of Canadian Facts and Dates*, to offer a nuanced portrayal of British nobleman John George Lambton; better known in the Canadian context as Lord Durham.

There is perhaps no other single individual who is as reviled or praised as Durham. His (in)famous *Report* is oft-(mis)quoted and used to justify all manner of interpretations. He arrived in Canada in May 1838 and departed only four months later. His *Report on the Affairs of British North America* was deposited in 1839 but he died from tuberculosis in July 1840. With his early demise, his own rebuttals or further reflections were impossible. Durham has had a profound and lasting impact on Canadian historiography and British colonial policy throughout the Empire.

John R.E. Bird ('Settler Salvation and Indigenous Survival: George Copway's Reconciliatory Vision, 1849–1851') brings a segment of George Copway's fascinating life to our contemporary eyes. An articulate advocate for an 'Indigenous Territory' in the 1840s and 1850s, Copway, a successful Indigenous author, travelled widely throughout the United States and Europe, presenting a case for preserving a unique geographic space for self-governing Aboriginal Peoples to 'call home' safe from possible colonization.

The recent *Truth and Reconciliation Commission Report* continues to plead and advocate for full Aboriginal rights and respect within Canada. George Copway's life story highlights the long and tangled dialogue that has existed for centuries between First Nations peoples and various conquerors. The recognition of those Indigenous people who made their intellectual mark in Canada is long overdue.

This special issue is grounded as an assault on historical amnesia, with articles designed to further Michael Oakeshott's 'Great Conversations of History'. Rather than advocate for one side or another, these authors eloquently challenge the reader to ponder and view the complexities of the past.

## Note on Contributors (Guest Editors)

**Sam Allison** was born in Scotland and immigrated to Montreal in 1968. Teaching secondary economics and history for many years on the 'south shore', he actively served on local school boards as well as Quebec Ministry of Education curriculum committees. For several years

he was vice-president of the Quebec Association of Teachers of History. During his tenure as a senior history specialist, Allison has contributed to numerous seminal curriculum publications; including, *Elements of Our Past: An Outline Review of The History of Quebec and Canada* (1991). Following his retirement from the high school classroom, Allison spent several years as a sessional lecturer, teaching historical curriculum development with the Faculty of Education of McGill University. In 2016, he received the ‘Gordon Atkinson Memorial Prize in Highland Military History’ for his book: *Drv’n By Fortune: The Scots March to Modernity in America, 1745–1812*.

**Jon Bradley** initially trained as an elementary school teacher but has since taught social studies and Canadian history at every level of both public school and university, through to graduate studies. Over his years with the Faculty of Education of McGill University, he challenged his students to engage with historiography and not blindly accept prevailing dogma, be it historical or pedagogical. In parallel, he became an advocate for ‘boy learning’ and the plight of the male teacher in the contemporary educational landscape. Furthermore, he served on numerous curriculum committees at both provincial and international levels; for example, receiving in 1997 the Service Key Award from Phi Delta Kappa International as well as McGill University’s Faculty Appreciation Award in 2003. The author of numerous articles, book chapters, curriculum guides and newspaper opinion pieces, his most recent co-authored book is *Making Sense in Education: A Student’s Guide to Research and Writing* (2nd edition, 2017).

## Conflict of Interests

The authors declare that there are no conflicts of interests with this work.