
Bicentennial of Representative Government in Quebec

by Jean-Pierre Saintonge

In December 1991 the National Assembly marked the coming into force of the *Constitutional Act (1791)*, the statute passed by the Parliament of Great Britain authorizing the then Lieutenant Governor to create the first electoral constituencies in Quebec and to announce by proclamation the first election so that a House of Assembly might be summoned.

On May 26, 1992, the National Assembly met in the presence of the Lieutenant Governor of Quebec and distinguished guests, including over 100 former parliamentarians to commemorate the first elections held in May 1792 and to highlight the meaning and importance of that first democratic act in Quebec's history and the birth of its institutions.

In order to vote in 1792, one had to be over twenty-one years of age, be a British subject by birth, naturalization or right of conquest, and not have been found guilty of treason. There was indeed an electoral property qualification, but it was so small that it is accurate to speak of universal suffrage for heads of households. Theoretically, women could vote, but it was rare for them to exercise that right. In addition, all voters could stand as candidates, with the exception of Members of the Legislative Council and ministers of the church.

Returning officers set the date, time and place of voting; usually there was only one poll per constituency, which did little to make it easier for people to exercise their right to vote in rural constituencies, given that roads were still practically non-existent. Furthermore, the returning officer could end the voting if no votes had been cast for one hour. Since voting was done in public, this meant that a candidate who was ahead and knew the procedure could block access to the poll with the help of a few burly good friends.

After the 1792 elections and in the early 19th century, electoral practices deteriorated rapidly. The disturbances, violence and strong-arm tactics, which

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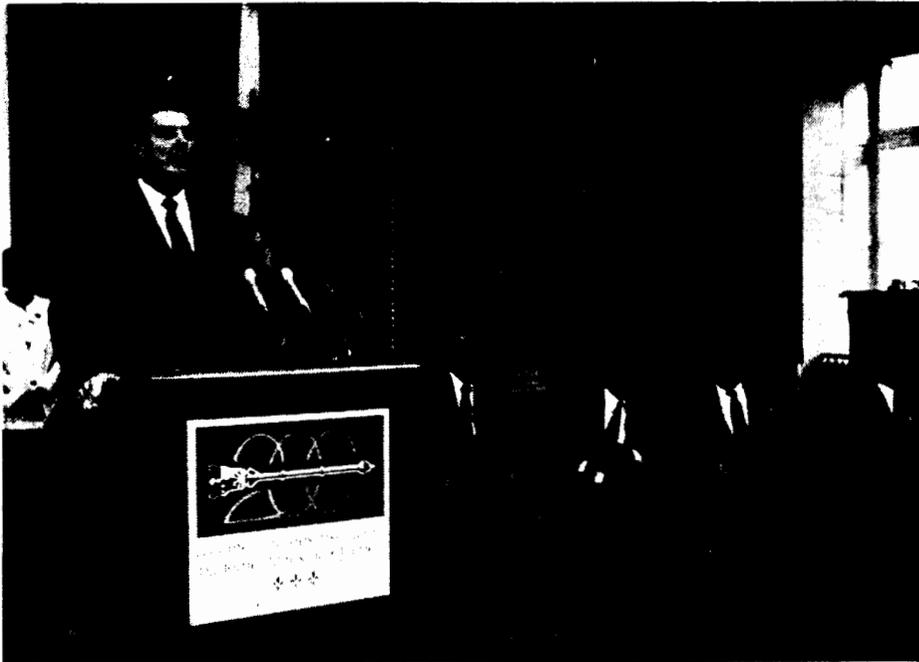
Jean-Pierre Saintonge at the official opening of the Bicentennial
(Daniel Lessard, Department of Communications, Quebec)

were paid for by candidates in order to facilitate voting by their supporters is a familiar story.

In 1849, a new elections act was passed. It denied women the right to vote, set out rules for the nomination of candidates and the election procedure, and prohibited the distribution of alcohol, the presence of armed persons near the polls and the opening of taverns during elections.

This act did not prevent all fraudulent practices, violence and bribery. Candidates took to making speeches on nomination day, which led to the famous heckling sessions, a new pretext for mass meetings, violence and disturbances. In addition, some voters realized that their votes were worth money, while others got roaring drunk and proceeded to have themselves driven to vote—at every poll in the constituency!

In 1875, the Legislative Assembly passed yet another elections act in order to put an end to the brutality and fraud that had marked elections for more than a generation. The 1875 act did not extend suffrage, since the government had refused to eliminate the property qualification. It replaced electors' indicating the persons they wished to represent them by naming, a show of hands and sometimes a recorded vote with a nomination paper accompanied by a deposit whose purpose was to



In August 1991, delegations from the Commonwealth Parliamentary Association and the International Association of French-Speaking Parliamentarians met with the Jean-Pierre Saintonge to discuss their participation with the Symposium.
(Bernard Vallée, Department of Communications, Quebec)

discourage frivolous candidates. This act limited voting to a single day, which had to be the same, in all parts of Quebec. From then on, elections would be by secret ballot. Other provisions dealt specifically with fraudulent practices and electoral expenses. Under these provisions, donations and loans, promises and threats, as well as the distribution of food and drink, were clearly prohibited. This act also required candidates to pay their expenses through an agent and publish a detailed list of their electoral expenses.

At that time, Quebec had one of the best election acts in the world; this act was then to evolve in two opposite directions. On the one hand, suffrage would be extended, becoming universal with the elimination of the property qualification in 1936 and the obtention of the vote for women in 1940. On the other hand, the ceiling on electoral expenses, the obligation to appoint an agent and the requirement to submit a statement of electoral expenses would be eliminated, in 1903, 1932 and 1936 respectively.

Like the electoral system, Quebec's parliamentary institutions themselves were changing, profoundly but slowly. Initial reforms to them were achieved after lengthy debate. More than half a century would elapse before the desires of patriot Members of the Legislative Assembly and reformers became reality:

- in 1847, the right to control public expenditures, including the salaries of senior administrators;
- in 1848, application of the principle of ministerial responsibility: members of the government were

to be selected from among Members of Parliament and were to be responsible to their peers for their actions.

These things are so naturally a part of our present concept of democracy that it is difficult to imagine that a genuine parliamentary system could operate otherwise.

Parliamentary reforms were made over the years such as reforms to the electoral map, the appointment of official agents, the limitation of electoral expenses and the production of a public report.

The primary purpose of amendments to parliamentary law was to make the parliamentary institutions more effective; the consideration of budget votes in committee, introduced in 1965, is an example. The Debates of that time included ideas that took several years to implement, such as the sessional calendar, new methods of controlling delegated legislation, and Crown corporations.

The reorganization of the parliamentary committees also dates from the 1960s. The arrival in the Legislative Assembly in 1970 of Members from two new parties accelerated reform of the rules of procedure, which had to be adapted, to a multi-party system. Under certain circumstances, the right to speak was limited depending on one's party, thus creating a distinction between Members from recognized parties and other Members.

A Quebec woman ran for office for the first time in a 1947 by-election. However, it was not until 1961 that a woman, Claire Kirkland-Casgrain, was elected to the Legislative Assembly. Today, the National Assembly

includes 23 women Members, six of whom are Cabinet Ministers. In 1963, young people 18 years of age obtained the right to vote, which they exercised for the first time in 1966.

The *Act respecting the National Assembly*, passed in 1982, gave the Assembly greater internal autonomy. This act established the Assembly's independence by creating the Office of the National Assembly, which carries out monitoring, regulatory and management functions with regard to the Assembly's budget, administrative organization and Members' allowances. The Office also prepares the Assembly's budget estimates.

The reforms just mentioned established a better balance among our democratic institutions and modernized the operation of the Assembly and its committees. Their goal was better control of the executive branch, administration, finances and public expenditures.

Recent parliamentary reform has focussed on committees, which are an essential means of exercising parliamentary control. The National Assembly reduced the number of these committees and abandoned the custom of having their structure reflect that of the departments. In addition, on their own initiative, the committees consider draft regulations, regulations, directions, the activities and management of public bodies, financial commitments and any other matters of public interest.

"The confrontation of ideas brings forth light!" Right here in Quebec, in Canada, and in all parts of the world, we can cite examples that confirm how right this adage is. History teaches us that verbal confrontation is preferable to armed conflict and is still the most civilized means of making our ideals a reality. Citizens most often succeed in making society evolve, in changing and improving it, with words and ideas, not weapons.

We no longer live in an age when Members of the House of Assembly had so few means of carrying out their duties that most Members of the first Assembly refused to run for a second term of office in 1796. The time has gone when people voted aloud, by a show of hands and without ballots, or when the words of our representatives were not reproduced in an official journal of the Assembly. In two centuries of history, we have made giant strides. In various countries and on various occasions, our democratic and parliamentary system is held up as unique and exemplary.

If a democracy is to function, it needs citizens who have a sense of freedom and are concerned about the permanence of their institutions. It needs citizens, who are committed: citizens who value their duties, responsibilities and obligations to society as much as that society values their rights and freedoms. It also needs

parliamentarians who are fully dedicated to the greater good and to the well-being of the public, that is, all those it is their responsibility to represent.

In order to better inform all residents of Quebec, we have included for this summer, in the official program of the year of the bicentennial of Quebec's parliamentary institutions, a major exhibition on the first 100 years of parliamentary government in Quebec at the Musée de la Civilisation. In the National Assembly building, two exhibitions are devoted to providing a better understanding of the role and responsibilities of Members of the National Assembly and the history of the press gallery.

On the 31st floor of the Marie-Guyart building, another exhibition provides a modern and dynamic illustration of all the parliamentary buildings that have housed the Assembly since its first sitting in December 1792. In front of the National Assembly building, on weekends from June to September, the origins and evolution of our parliamentary institutions are the subject of a sound and laser show that combines megaprojection, fireworks and the use of lasers. This show is unique in North America.

We also thought it a good idea to invite our Canadian and foreign parliamentary colleagues to be part of our reflection on democracy. As a result, the International Symposium on Democracy, to be held in Quebec City in September, will bring together for the first time official delegations from the Commonwealth Parliamentary Association and the *Assemblée internationale des parlementaires de langue française*, the two major associations of which the National Assembly is a full member. American legislators and legislative association with which Quebec has special relations will also be invited as well as parliamentary colleagues from Europe, Africa, Oceania, and Asia to form with us, the parliamentarians of the National Assembly, a vast forum on the aspirations and constraints, and also the hopes and convictions, of all those who watch over and contribute to extending the democratic process. The Premier of Quebec has agreed to act as Chairman of this Symposium.

The roster of speakers will be composed of political figures, diplomats, constitutional experts, jurists, economists, experts in political science, writers and journalists. Former United Nations Secretary General Javier Pérez de Cuéllar will be the Honourary Chairman of our Symposium.

We all hope to be honoured and proud to share this democratic ideal for a long time to come. We hope to share it among ourselves, of course, but also with all those who, like us, inhabit this planet and with whom we must help maintain and extend this ideal.