

Internal Administration of the House:

The Beginning in Quebec (1867-1868)

Marc-André Bédard

Quebec became a province of the new Canadian Confederation in 1867. As such it had a Legislative Assembly and a Legislative Council, just as it had as Lower Canada in 1791 and under the *Act of Union*, in 1840. A Lieutenant-Governor was the Monarch's representative in the province. The first session of the Legislative Assembly opened on December 27, 1867 and continued until February 24, 1868. During this brief period, Members of the Assembly established the various structures that would govern the affairs of the House.

The Clerk and his Staff

The Clerk of the Quebec Legislative Assembly was George Manly Muir. He began working for the House during the Union period in 1841 and worked as Clerk of the English *Journal* prior to becoming Assistant Clerk of the Assembly in 1862. He filled this position until 1867 when he became Clerk of the Legislative Assembly.¹

Born in Ontario Muir was one of those rare employees who made the transition from the old Legislature of the United Province of Canada to the Quebec Legislative Assembly. There were a number of reasons for this. Ottawa had become the permanent capital of the Union in 1858 and many employees moved there permanently. They were no longer interested in returning to Quebec. Also, the salaries offered by the new House of Commons in Ottawa were higher than those offered by the provincial Legislative Assembly. Thus the only employees to return to Quebec were those who received a promotion involving a salary increase or those who did not receive any offers of employment in Ottawa.

George Manly Muir appears to have been one of the latter. As Assistant Clerk at a salary of \$2,200 under the Union, he accepted the position of Clerk in Quebec at the salary of \$1,800. He was the only employee for whom the change in status involved a decrease in salary. The others all saw their salaries increase substantially. Copying Clerks O.C. de la Chevrotière and Paul Ernest Smith, who were receiving \$800 and \$1,000

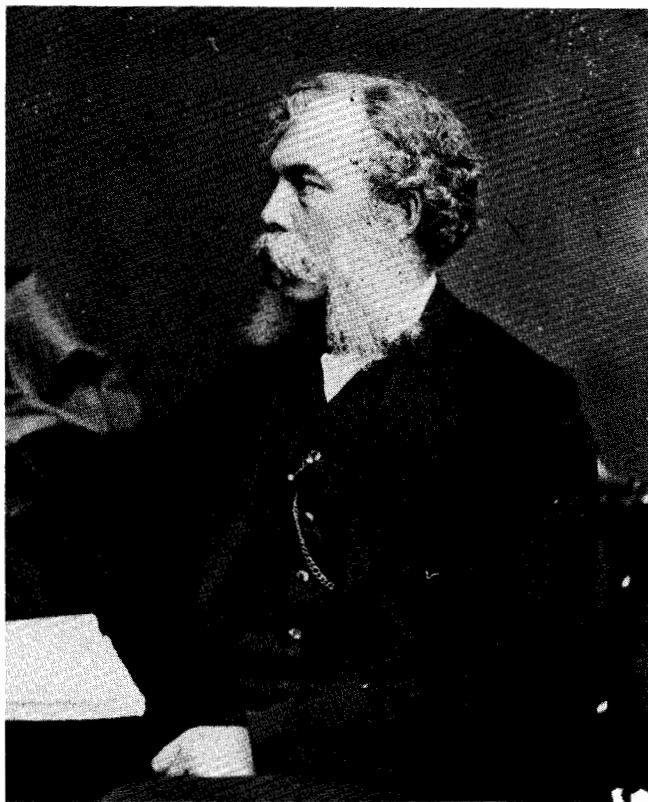
respectively, were promoted to Clerk of the French *Journal* and Clerk of the English *Journal*, at salaries of \$1,200 per year. Other employees or supernumerary copying clerks, paid on a daily basis, also made the transition from one House to the other to go onto an annual salary.

The Contingencies Committee established at the beginning of the session reported on January 9, 1868, that the seventy-five employees established by the Speaker was sufficient. It recommended that no new names be added. In fact a number of Members found that too many employees had been hired. As the Member for Montmorency, Mr. J.-E. Cauchon noted, applications were coming in from everywhere and hundreds of job-seekers were blocking the halls of the House.²

Other Members, including Mr. J.-H. Bellerose (Member for Laval), Chairman of the Contingencies Committee, replied that it was difficult to establish exactly how many employees would be required at the beginning of a new political era. He said that he believed it would always be possible to cut back later on the services on those who did not appear to be required.³

The fifth report of the Contingencies Committee gave rise to heated discussion in the House. It was presented on January 24, 1868, and adopted with amendments two days later. One of the Committee's recommendations was to increase its own powers to allow better control over expenditures. Mr. Bellerose even spoke of "ruinous waste" and "complicity in such frauds on the part of a number of officers of this House". The employees in question were not named. Perhaps what was said was an exaggeration. Nevertheless, the committee recommended that the Sergeant-at-Arms should make no payments relating to contingent expenditures without the written approval and order of the Chairman of the Contingencies Committee, not only during the recess of the Parliament but also when it is sitting. Following this recommendation, Mr. Cauchon noted that during the recess, there were no longer any standing committees and new committees had to be appointed at the beginning of each session. The report was finally adopted with an amendment specifying that the Sergeant-at-Arms could not "make any expenditures pertaining to contingent expenditures of the House without the order in writing of the Clerk of the House, approved (if during the session) by the Chairman of the Contingent Committee, or (if during the recess) by Mr. Speaker".

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The Premier and Leader of the Opposition in 1867. Pierre Chauveau (left) and Henri Gustave Joly de Lotbinière. (Public Archives of Canada)

The report also recommended reducing the expenditures for subscriptions to the journals (expect for the *Official Gazette*). Henceforward only three copies of the journals would be taken during the session and only one copy during the recess.⁴

During the month of February 1868, the Contingencies Committee, in a number of reports approved by the House, reduced expenditures still further and decreased the number of employees.

Thus on February 7, when the Committee submitted its budgetary estimates of \$88,950, it expressed the desire that "for the future most vigorous measures of retrenchment must be adopted". It further recommended "that for the future the Department of Public Works shall have the superintendence of the Parliament Buildings, their heating and lighting; and also the control over the night guards of said buildings". The report was approved by the House on February 10.

Still with a view to cutting back on the Legislature's spending, the Contingencies Committee recommended that the Chairman of the Committee be able to communicate with the Contingencies Committee of the Legislative Council to study possible savings that could be made through common action. The House approved this report, but on February 18, 1868, the Legislative Council refused to accede to this request.

On February 13, the Members approved a report from the Committee recommending restricting the number of employees for the following session. The report reads as follows: "that the number of extra messengers be reduced from twenty to ten ... temporary messengers to be paid only during the session. That the number of permanent charwomen be fixed at two ... Temporary charwomen to be paid only during the session. That the

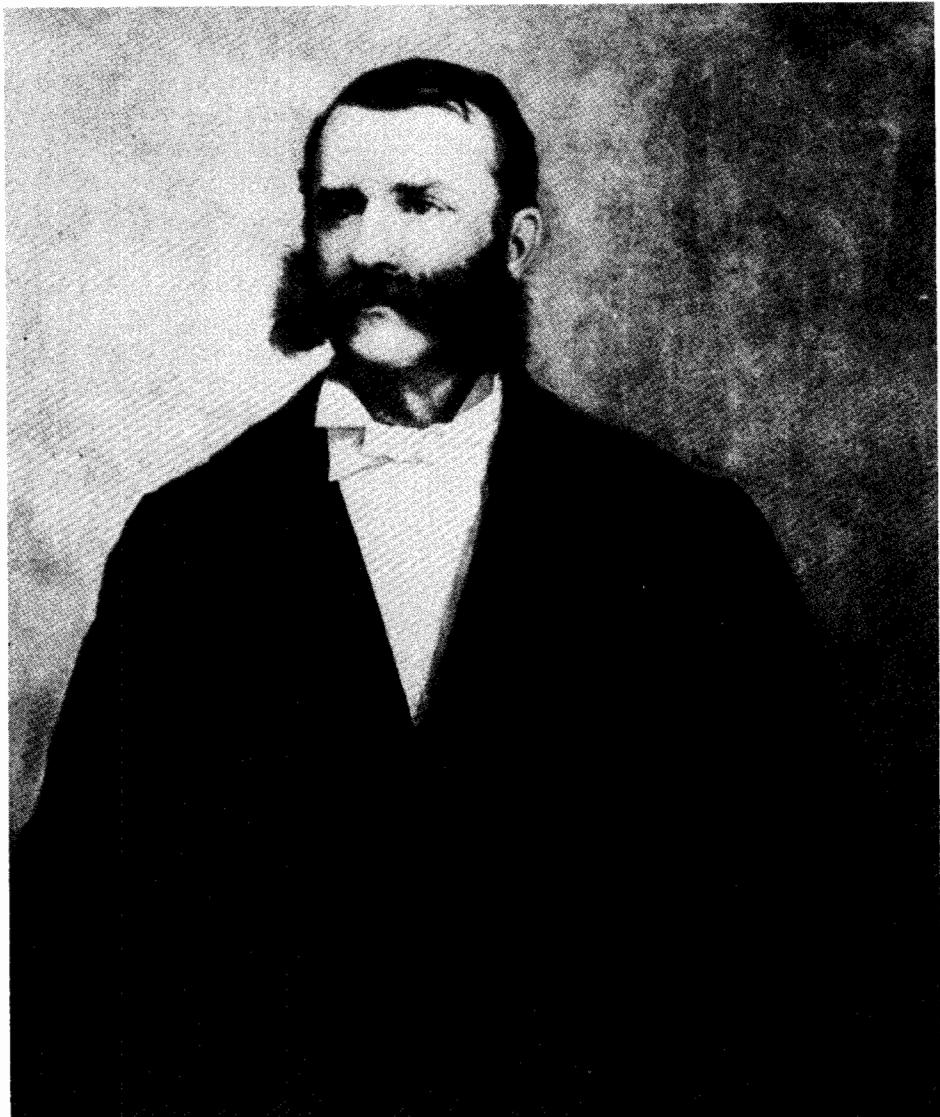
messengers employed in the House to distribute stationary, and paste the documents, etc., and the guardians of the toilet room, be employed during the sittings of the house as guardians in the galleries, or made useful elsewhere; and that one messenger only be kept in the reading room and Library, respectively."

Two days later, the Contingencies Committee submitted further recommendations which were accepted by the Assembly. These decisions were still concerned with limiting spending. In future, non-permanent employees were to be paid only during the session. "That whenever, in the future, a vacancy shall occur in the staff of the officers or other employees of the House, ... it shall not be filled up until after the case has been submitted to this Committee." It was also decided that employees would not receive any additional pay for extra work, whether required of them by the Clerk of the House or any other authorized or proper person.

Finally on February 17, the House concurred in a report of the Committee recommending better utilization of personnel when Parliament was not sitting: employees of the House were to be "placed at the disposal of the other departments of the Civil Service, whenever any of these departments may require supernumerary assistants."

Regulations of the House

At the opening of the session on December 27, 1867, no code of regulations officially governed debates in the Legislative Assembly. According to British parliamentary custom, Clerk Muir chaired the election of the Speaker. He was also appointed, along with Law Clerk McCord, to administer the oath to newly elected



The first Speaker of the Quebec Legislative Assembly was Joseph Godérich Blanchet. He later served as Speaker of the House of Commons.

Members of the Assembly. The following day, Etienne Simard was appointed Assistant Clerk by the Speaker.

It was also decided that "the Votes and Proceedings of this House be printed, being first perused by Mr. Speaker" and "That until otherwise provided, the Rules, Regulations, and Standing Orders of the House of Commons of Canada, be those of this House; and that in all unprovided cases the Rules and Regulations of the House of Commons of the British Parliament will be applicable."

A Select Committee was immediately appointed to frame Rules, Regulations and Standing Orders for the Assembly. Since this report was approved by the House only on February 22, 1868, two days before the end of the session, for all practical purposes it was the Rules, Regulations and Standing Orders of the House of Commons which were in use for the 1867-1868 session. It should be noted that the Standing Orders of the House of Commons as used in the Quebec Legislative Assembly were amended on a number of occasions between December 28, 1867 and February 22, 1868, particularly with respect to the time limit for receiving petitions concerning private Members' bills.

The Rules and Regulations adopted on February 22, 1868 comprised 116 sections. Of these, thirty pertained to the role of

the Clerk and employees of the Legislative Assembly. It should nevertheless be noted that there were very few innovations in these sections, which sometimes appear to be largely based on the Regulations of the Legislative Assembly of United Canada.

Sections 101 to 110 specifically dealt with conditions of work for employees of the Assembly.

"101. The hours of attendance of the respective officers of this house, and the extra clerks employed during the session, shall be fixed from time to time by Mr. Speaker.

102. Before filling any vacancy in the service of the House by the Speaker, enquiry shall be made touching the necessity for the continuance of such office; and the amount of salary attached to the same shall be fixed by the Speaker, subject to the approval of the house.

103. It shall be the duty of the officers of this house (including the clerk and clerk's assistant) to complete and finish the work remaining at the close of the session.

104. The clerk of the house shall be responsible for the safe keeping of all the papers and records of the house, and shall have the direction and control over all the officers and clerks employed in the offices, subject to such orders as he may from time to time receive from Mr. Speaker, or the house.

105. The clerk of the house shall place on the Speaker's table, every morning, previous to the meeting of the house, the order of the proceedings for the day.

106. It shall be the duty of the clerk to make and cause to be printed, and delivered to each member, at the commencement of every session of parliament, a list of the report or other periodical statements which is the duty of any officer or department of the government, or any bank or other corporate body, to make to the house, referring to the act or resolution, and page of the volume of the laws or journals wherein the same may be ordered; and placing under the name of each officer or corporation a list of reports or returns required of him or it to be made, and the time when the report or periodical statement may be expected.

107. The sergeant-at-arms, attending the house shall be responsible for the safe-keeping of the mace, furniture, and fittings thereof, and for the conduct of the messengers and inferior servants of the House, subject to the orders which he may, from time to time, receive from Mr. Speaker, from the House and, in the absence of the Speaker, from the Clerk of the House, and, in the absence of the Clerk, from the Assistant Clerk.

108. No stranger, who shall have been committed by order of the house, to the custody of the sergeant-at-arms, shall be released from such custody, until he has paid a fee of four dollars to the Sergeant-at-Arms.

109. No allowance shall, in future, be made to any person in the employ of this house, who may not reside at the seat of government, for travelling expenses in coming to attend his duties.

110. The clerk shall employ at the outset of a session, with the approbation of the Speaker, such extra writers as may be necessary; engaging others as the public business may require."

Two additional sections relating specifically to the role of the Clerk in connection with the Library were added. Section 114 authorized the Clerk to admit persons to the Library during recess of Parliament. Section 115 authorized the Clerk to subscribe to newspapers published in the province and "for such other papers, British and foreign, as may from time to time be directed by the Speaker." He was also authorized under section 115 to "import annually the continuation of periodical works in the Library."

The Joint Committee of Printing

The committee of printing was a "joint" committee, i.e. it included Members from the Legislative Council and Legislative Assembly. The idea of a joint committee of printing was not a new one. It dated back to the era of United Canada. At the time it had

been decided to establish this type of mechanism to reduce the enormous expenses incurred by the many publication requirements of both houses. The system was therefore adopted in Quebec following Confederation and the committee was established on December 30, 1867.

On January 30, the Committee submitted its first report on the subject of which documents were to be printed and how they were to be distributed. The report concludes by specifying that in addition to some 100 copies distributed to members one copy of the *Journals* and sessional papers are to be provided to:

- The Executive Departments in Ottawa, Toronto, and Quebec.
- the Departments of Crown Lands, Provincial Secretary and Works and Mines in Nova Scotia and New Brunswick.
- the Judges of the Superior Courts in the Dominion.
- Colleges, Universities, etc., in the Dominion.
- certain Libraries in the Dominion, England, United States, and other countries with whom exchanges are usually made.

On February 22, 1868, the Joint Committee of Printing submitted its second report to the House which was adopted that very day. It primarily concerned procedures for improved control over expenses stemming from various printing requirements. It was decided that accounts were not to be paid by the accountant prior to certification by the Chairman of the Joint Committee of Printing. During recess, however, the Clerks of the two Houses were authorized to certify payment of accounts for printing. The Committee also decided that separate books would be kept for printing on behalf of the Council and the Assembly, and that each House would pay its own respective accounts.

Also on February 22, the Joint Committee of Printing submitted its third report concerning contracts for printing, paper and binding. The session ended two days later and the House does not appear to have adopted the report; we do know at least that submissions had been requested for these three types of contracts.

According to estimates submitted on February 7, 1868, the various expenses on printing totalled approximately \$15,000 out of a total of \$88,950 for all contingent expenses. ■

Notes

¹Mr. Muir held the position until May 31, 1879.

²A.N.Q., *Journals, Legislative Assembly of Quebec, First Session 1867-1868*, Quebec, vol. 1, pp. 15-16.

³*Ibid.*, pp. 15-16.

⁴*Ibid.*, p. 42.