

*Validity of Quebec Statute*

bring before the house some grievances of the people of Canada, and I think the minister—who has some streaks of Liberalism in him, anyway—will not deny me the right to do that.

Mr. LAPOINTE (Quebec East): We all have some streaks of something.

Mr. WOODSWORTH: The question has been raised as a point of order. I looked up another case away in the past having to do with this same question of the Jesuits' Estates Act, to which the leader of the opposition referred. My reference, however, has nothing to do with the famous speech of Sir John Thompson. My reference is to a subsequent debate the following year, on April 30, 1890. On the motion to go into supply Mr. Charlton said:

Before you leave the chair, sir, I wish to place in your hands a motion of which I gave notice a few days ago, with a few slight changes in the verbiage, with reference to submitting the Jesuits' Estates Act to the Supreme Court of Canada.

After a number of whereases the motion concluded:

This house is of the opinion that the question of the constitutionality of the said act should have been submitted to the Supreme Court of Canada, in pursuance of the powers conferred by the Supreme and Exchequer Courts Act, when the question could have definitely been determined by such court.

Here you have the curious case of a member of the house, after disallowance had been refused, rising in his place the following year to bring in a motion of want of confidence in the government. This was done on going into supply in connection with a matter that had been settled already.

Mr. DUNNING: Quite right.

Mr. WOODSWORTH: To-night I am rising to urge upon the government that in view of a situation which exists, in view of the suffering being caused to citizens of this country, consideration should be given to these grievances. The minister says that he is not able to answer me. I am sorry if he will not answer what I have to present. All I can do is to petition the government, and it is for the government to say whether they will listen to me, whether they will say nothing in connection with the grievances which I am bringing forward. That is for the government to say. I cannot instruct the minister even in that small matter. That must be determined by his own conscience and by expediency.

Mr. LAPOINTE (Quebec East): It is determined by the constitution.

[Mr. Woodsworth.]

Mr. WOODSWORTH: I cannot force the minister to speak, but I rather resent what he said when he referred to the house interfering in this matter. What is this house except a forum in which we can discuss the affairs of this country? Why am I sent here if not to bring grievances, if such exist, to the attention of the house?

Mr. LAPOINTE (Quebec East): There is no grievance here.

Mr. WOODSWORTH: The duty of this house is to guard the people's liberties. When anything affects those liberties, such as the existing arrangements in Quebec, then I have the right to defend those liberties. I would be recreant in my duty as a member of this house if I failed to do that.

I brought up this matter some fourteen months ago, and the minister promised that he would take it under consideration. Outside of asking one or two questions, we have refrained this session from bringing before the house these grievances which affect a very considerable section of the people. I do not think we should be asked to refrain any longer. All I am doing is to present the case, and the minister can choose whether he will say anything in answer. He can continue his stony silence if he likes; that is for him to decide. However, I want to make it clear from the very commencement of my remarks that I am not asking him to state whether he is going to ask for disallowance. My plea last year was not for disallowance; it was for the reference to the supreme court of a very troublesome matter.

On March 30 of last year I brought this matter to the attention of the house. I do not want to repeat the speech I made at that time, but let me quote shortly from Hansard of that date, as follows:

Premier Duplessis in introducing the bill stated, according to the Gazette of March 18, that since the parliament of Canada repealed section 98 of the criminal code, there was no means of preventing communist meetings. I submit that that statement in itself is an admission that that legislation is an indirect attempt to legislate in the field of criminal law, and as such it is in reality *ultra vires*. The important sections are 3 and 12. Section 3 reads:

It shall be illegal for any person, who possesses or occupies a house within the province, to use it or allow any person to make use of it to propagate communism or bolshevism by any means whatsoever.

And then section 12:

It shall be unlawful to print, to publish in any manner whatsoever or to distribute in the province any newspaper, periodical, pamphlet, circular, document or writing whatsoever propagating or tending to propagate communism or bolshevism.