

statutes, including the Railway Act. A very short time after that, however, the commissioner seems to have assumed very arbitrary powers. On June 24, the commissioner of police advised the assistant commissioner by telephone that no movement of the strikers eastward was to be permitted by railway, motor cars, buses or trucks, and subsequently confirmed these instructions by telegram as follows:

No movement of the strikers eastward is to be permitted by railway, motor cars, buses or trucks. Truck and bus companies should be asked to cooperate with the government. If the situation develops seriously on Wednesday permanent forces will be called out to support the police and state of national emergency will be declared by the government.

On June 27 the commissioner gave further instructions. Still later, on that date, he further advised the assistant commissioner:

Confirming my telephone conversation with you government is taking action under the relief measures act declaring national emergency so as to maintain peace, order and good government. This will protect you against such actions and seizures which you consider it necessary to take with regard to present situation affecting camp strikers in Regina. Those whom you find it necessary to arrest should be confined under escort where most convenient and prosecuted in the usual manner.

Surely that is an outstanding example of a blank cheque! That was sent from Ottawa, giving the assistant commissioner *carte blanche*, going even so far as to state that those were to be arrested whom it was found necessary to arrest. Let me point out that the relief measures act, referred to in this last telegram, is chapter 13 of the statutes of Canada of 1935. Section 3 of that act provides:

In addition to the powers conferred under the provisions of any statute or law the governor in council may, when parliament is not in session—

Let me call particular attention to that phrase, "when parliament is not in session."—take all such measures as in his discretion may be deemed necessary or advisable to maintain, within the competence of parliament, peace order and good government throughout Canada.

Let me point out that Mr. Guthrie stated that no order in council of any kind had been passed in connection with the Regina situation. That is an extraordinary situation; action was taken against those men under the authority of the relief measures act; yet that act requires an order in council, and action could be taken under it only when parliament was not in session. There was no such order in council, and parliament

[Mr. Woodsworth.]

was in session. In regard to this matter of the order in council the commission say:

This statement was of course contrary to the information given by Commissioner MacBrien to the assistant commissioner in his telegram on the evening of June 27.

That is a severe indictment of the commissioner of police. He was taking these extreme measures, said he had authority to take them, when he had no authority.

The commission states that the government was justified in stopping the trek. In clause 16 of the report I find the following:

That the dominion government was justified in the conclusion they had reached in adopting all lawful means to terminate the movement is amply borne out by the evidence.

Now, that is an extraordinary statement, especially to come from a body composed of legal gentlemen. "Lawful means," they say; yet the commission themselves acknowledge that the means taken were not lawful or at least not in conformity with the commissioner's statement. There had been no order in council, and further than that, parliament was still sitting. The commissioners go on to express an opinion in this same clause 16:

Being absolutely without means of subsistence on the way to Ottawa they would have been a menace to the peace, order and good government of every town or city in which they stopped unless and until their needs were supplied; on arriving at Ottawa, unless their demands had been fully met, one can readily surmise the danger involved. It probably would have been necessary to call out the militia in order to preserve the peace and a worse riot would likely have occurred than that which actually took place at Regina.

That was by no means a legal decision. It would require a great deal of foresight to tell what might take place during the course of a trek from Regina to Ottawa. Talk about "precautionary arrests!" I submit that that is an altogether new type of thing in Canada. These men are to be arrested lest they might do something which would get them into trouble with the law. Prior to that time these men had not broken the law. But they were prevented from proceeding on their way to Ottawa lest perchance they should get into trouble. Surely, that is an infringement of the liberty of the subject. The arrests were justified by the commission on that ground. I would suggest that it would not be a long step to what has been called "protective arrest" in which an innocent man might be arrested lest someone should injure him. After this remarkable opinion, which in no sense can be called a legal opinion, the commissioners naively proceed:

Whether or not and if so to what extent the dominion government exceeded its power in stopping the trek and in taking control of the police to enforce its will is not for us