

THE QUEBEC "PADLOCK LAW" IS EXPLAINED BY MONTREAL BARRISTER

G. A. Coughlin, K.C., Replies to Mr. Calder and Explains How Rights of British Subject Are Protected

A couple of weeks ago when R. L. Calder, K. C. of Montreal delivered a lecture in this city on the Quebec Padlock Law, that gentleman made certain charges and statements. A few days ago another Montreal Barrister Gerald A. Coughlin, K. C., also spoke on the Padlock Law or as it is correctly called "An Act to Protect the Province Against Communistic Propaganda."

Stating the name "Padlock Law" is an example of Communistic propaganda Mr. Coughlin said:

The very first thing to know about the "Padlock Act" is that there is no "Padlock Act". There is an Act Respecting Communistic Propaganda, which is Chapter 11 of the Statutes of Quebec, 1937.

The word "Padlock Act" is an example of Communistic Propaganda. It is a "slogan" used to prejudice opinion against the Act, to cloud the issues and to prevent clarity of thought.

If people discussed "the Act respecting Communistic Propaganda" they would be forced to discuss the question at issue, namely, should Communistic Propaganda be permitted, or should it be suppressed? This would involve the question as to what is the nature of Communistic Propaganda. How far has it spread? What harm is it doing or likely to do? Who is behind the movement? What is the relation of Moscow with the Canadian Communistic party? Who is supplying the funds? What is the Third International? Is Communism Canadian or subversive of all that Canadian stands for? What is Communism? Does it attack Religion, both Protestant and Catholic? Is it Atheistic? Is it merely a political or economic movement?

All that and more is involved in the very title of the Act. Ask yourselves how many of these questions have been asked and answered by those publicly discussing the Act. You will then realize to what extent the use of the word "Padlock" has succeeded in clouding the issues and in diverting attention from Communistic propaganda.

This naturally plays into the hands of Communistic and sympathizers with Communists. They naturally do not want any of these questions raised, discussed or answered. Hence the discussion about "Padlocks".

How The Act Was Passed

The first thing to be noted about the Act is that it passed both houses unanimously. English, French, Catholic and Protestant, Government or opposition Members voted for it. It represents therefore, the unanimous opinion of the elected representatives of the people. It is a striking example of principles of democratic government.

What The Act Provides

There are two separate and distinct prohibitions in the Act. First: "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". (Section 3).

The second prohibition reads as follows:

"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." (Section 12).

The two prohibitions of the Act are, therefore:

1st, the use of premises to propagate communism or bolshevism; 2nd, the printing, publishing, and distributing of writings propagating or tending to propagate communism or bolshevism.

Methods Of Enforcing The Act

1st. To close premises.

The Attorney General is authorized to close premises for a period of not more than one year "upon satisfactory proof that an infringement of Section 3 has been committed". (Section 4).

2nd. Seizure, confiscation and destruction of writings.

The Attorney General or his substitute or a person specially authorized by the Attorney General may instruct any constable or peace officer to seize and confiscate any writings printed, published or distributed which propagate or tend to propagate communism or bolshevism and the Attorney General may order that they be destroyed. (Section 14).

Protection Of Rights Of The Subject

An owner of premises which have been closed may, by a simple petition to a Judge of the Superior Court, have the order of the Attorney General—

- revised;
 - suspended;
 - cancelled;
- The Attorney General may—
- permit the occupation of the premises;
 - revoke the order.

Revision And Suspension Of The Order By The Judge

If the owner was in good faith and was ignorant that the premises were used in contravention of the Act, the Judge may revise the Closing Order. (Sections 6 and 7). For instance, if Communists were to lease premises for the purpose of propagating Communism, the premises might be closed by the Attorney General. The Landlord can make a petition to the Court (which is a much simpler and less expensive proceeding than the issue of a writ). Notice of the petition is given to the Attorney General and the landlord's lawyer and the Attorney General's lawyer appears before the Judge. The Judge hears the parties and orders the revision of the order if good faith and ignorance of misuse are proved, or may suspend it if the owner gives security that the premises will not again be used to propagate Communism. (Section 7).

Cases have already come before the Courts and the Attorney General has normally consented to the reopening of the premises on condition that they be not used for the purpose of propagating communism.

Cancellation Of Closing Order By The Judge

The Judge may cancel the closing order if the house has not been used for propagating communism for 12 months prior to the order (Sections 6 and 8).

The ordinary citizen, therefore, has nothing to fear from these provisions of the Act. Those attacking the Act are holding up a "Bogey" to frighten the ignorant when they pretend that anyone's house may be closed and kept closed by the Attorney General. The Attorney General must first have satisfactory proof of an infringement of the Act before he can close my house. He is a lawyer and I presume a rational man and a good politician. If he closes my house without the necessary proof he will be acting as no good lawyer acts; he will be acting irrationally and I certainly won't vote for him in the next election. I presume the Judge is a rational Judge. He will not see me victimized by any public officer. After all that is my protection against abuse of authority in all cases—the assumption of rationality, the Courts and my vote.

Seizure Of Communistic Writings

A number of seizures of Communistic writings, books, pamphlets, newspapers, circulars, etc., have been made.

The speaker has personally examined a great part of this literature so seized and can assure his hearers that it is not made up of novels by Dickens, such as "Oliver Twist" or the Biographies of great men such as the leader of the C. C. F., Mr. Woods-Word.

It consists of the staple revolutionary works of Marx, Engels, Lenin, Stalin and others, books, pamphlets, circulars, magazines and posters inculcating the fundamental doctrines of Communism, dialectical materialism, Theism, Class warfare and the exaltation of revolution as the legitimate means to attain the ends of Communism. Many of the works are direct attacks on Christianity and on religion.

Some of the seized books are text books actually used in Communistic schools in Montreal, published in Moscow by the Soviet Government. Children attend Communistic Schools after ordinary school hours and they circulate among boys and girls attending Catholic and Protestant schools.

These text books exalt the principles of the Russian revolution, hold up Russia as the model for Canadian youth and depreciate Canada. This naturally brings up the question—are we in the Province of Quebec to bring up young Canadians or young Communists? That is one of the questions that must be answered and Quebec has answered emphatically that it prefers young Canadians.

Criticism Of The Act

Much of the criticism of the Act is based on misinformation or misrepresentation.

For instance, it has been stated policeman can stop you on the street and confiscate a copy of Marx's "Capital" or McGill Library can be closed because it contains copies of Marx's works or Moore's Utopia or Mr. Calder's front door can be padlocked if he is caught reading Strachey's "Theory and Practice of Socialism" or the one with the introduction by the Bishop of Durham or that the Bible may be confiscated. This is pure nonsense and any word less severe is insufficient to describe these assertions.

The Act does not prohibit the ownership of any of these books or the reading of them. It prohibits the printing, publishing and distributing of writings "propagating or tending to propagate communism or bolshevism."

I own many Communistic works. I

have writings by Marx, Engels, Lenin, Stalin, Strachey, Browder, Ryerson, Tim Buck, Dimitroff, the Clarion, La Clarte. I am not contravening the law. I am using these writings to combat Communistic propaganda not to propagate it. So I presume is McGill Library and Mr. Calder. As to Saint Thomas More, he closes his Utopia with the words:—

"When Raphael (who had been describing Utopia to More) had thus made an end of speaking though many things occurred to me (More) both concerning the manner and laws of the people, that seemed very absurd, as fell in their way of making war, as in their notions of religion and divine matters; together with several other particulars, but chiefly what seemed the foundation of all the rest living in common...."

(More's Utopia in "Ideal Commonwealths" — pp. 98-99).

The Act is alleged to be an attack on "Freedom of Speech". Here again Confusion of thought is rampant.

The Act does not prohibit "Freedom of Speech" for Liberals, Conservatives, C. C. F.'ers, Monarchists, Republicans, Catholic, Anglicans, Presbyterians, members of the United Church, Baptists, Methodists; Jews, Mohammedans, Irish Republicans, Orangemen, Social Creditors, Advocates of planned and unplanned Economic Systems, Democrats, Rooseveltians, Hooverites, followers of Chamberlain or followers of Eden, upholders of the English Labour Party, Ulsterites or admirers of Mr. De Valera, Low or High Tariff Advocates, Imperialists and Separatists, Nationalists, pro-French and anti-French, pro-British and Canadian, Progressives, Reactionaries, Capitalists, Laborites, syndicalists, followers of M. Green or Mr. Lewis, Advocates of professional hockey as against amateur sport, National Unionists, Admirers of Mr. Priestly as against Mr. Walpole, Mickey Mouse as against Charlie McCarthy, movies as against the legitimate stage, the superiority of Mussolini to Hitler, or vice-versa, or of dictatorship to democracy, or the validity of Darwin's arguments for the "Origin of Species" against the Mendelian laws. People can still argue about the latest theories of hydrostatics, astronomy, physics, geology, psychology, anthropology, biology, ecology, ethnology, psychoanalysis, determinism, fatalism, philosophy, theology history and economics. On the whole therefore the field for "Free Speech" is fairly wide and should satisfy the requirements of the democratic citizen who is presumably so interested in preserving it.

Height Of Absurdity
The height of absurdity is reached by the opponents of the Act, who maintain that "Free Speech" has been abolished, when they themselves hold vociferous meetings condemning the Act which they say has abolished "Free Speech".

One warning before I conclude—Those who are so intent on preserving "Free Speech" for Communists should spend a little time on considering what and how much "Free Speech" will prevail when and if Communism prevails in Canada.

Speaking for the Communists, Mr. Strachey in his "Theory and Practice of Socialism" (page 210) says: "Thus we must face the facts that, for a period, the British and American workers will almost certainly be compelled to restrict the civil liberties of the C'sposessed classes to an extent that these classes will consider outrageous."

Just as an Act imposing the death penalty for murder may properly be entitled "An Act to preserve Life", so the Act prohibiting Communistic propaganda may properly be entitled "An Act to Preserve Free Speech".

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THE SCRIP MONEY OF ALBERTA AND HOW IT HAS FAILED

The attempt to put over scrip money in Social Credit Alberta, which failed so completely, was just an Aberhart scrip tease attempting to quell incipient revolt in party ranks and to give the clamorous citizenry some alternative for the impossible \$25 a month election promise.

That is the conclusion of an extensive and scholarly study of the scrip episode made by V. F. Coe, University of Toronto, writing the conclusions of a study assisted by the Rockefeller Foundation and published in the current Canadian Journal of Economics and Political Science.

"The Alberta Government did not issue stamp money primarily because its members had become convinced that remarkable results would follow,

but because a plan of action would check rebellion in the Legislature and indignation in the Country", the writer declares.

"Any one of a number of plans would have done as well. It was desirable that it be a monetary plan. The insurgents were worried about their promise to pay dividends of \$25 monthly and the dated stamp money scheme was first put forward as a way of paying these dividends. A non-Social Credit scheme had been the advantage that if it failed, Social Credit would still remain to be tried. The plan proposed had also the advantage that the Government appeared to get back all the money it paid out. This seemed to make it safe".

First Independent Action
Mr. Coe points to significant fact that scrip money announcement followed closely the break with Douglas in 1926. For the first time the Aberhartians were faced with the responsibility of standing on their own feet. They had to do something to satisfy the populace. The scrip tease was the result.

Justifying scrip money to the populace put the Aberhart cabinet in a ticklish spot. Maynard said scrip money was Social Credit. None of the others were quite so bold, but casually said it was a means to social credit. Mr. Coe believes that Social Creditors lost much of their enthusiasm for scrip when they found it was not directly part of the creed of the new political gospel.

Getting Albertans to accept scrip was fundamental to any measure of success. The inept Aberhartians always said the wrong thing. Confidence that the plan was permanent was of the first importance. But from the very first, Aberhart babbled about its difficulties. His Ministers blamed the capitalists for

the indifferent success of the scheme. Changes in the scheme were mooted. Publicly Aberhart was ever ready to tell the press how open minded he was about seeing the success of his innovation.

The result that almost daily, the distressed Alberta had some newspaper evidence that the intellectual and monetary wizards at parliament buildings had doubts and might, before bed-time, scrap the scrip altogether.

Rejected By Sponsor

Finally, the Aberhart Government refused to accept its own scrip. Aberhart made many brave statements about scrip being acceptable for various imposts but legislation ruled that it would be taken only in return for sales tax. Newspaper headlines reported "Scrip won't buy fishing licenses." "Scrip not good for gasoline tax."

Albertans were not enthusiastic about taking a currency risk the Government itself refused to take.

Then came more comedy about redemption. If scrip could be readily converted into ordinary currency, most people would take the risk of accepting it. Aberhart and Maynard contradicted each other half a dozen times and changed their minds the rest of the time as to how redemption would be worked.

The Government bungled by making sure that every Albertan with scrip was going to redeem it as fast as his legs would carry him to the wicket. If he kept the scrip, he would have to put a stamp on it. If he redeemed it at once, the Alberta Government paid him face value. In other words the Government wanting to get scrip circulating did precisely the wrong thing.

Relief road workers finally became the scrip victims. They had no choice, but to accept. Maximum amount issued according to Mr Coe, was around \$239,000 in August, 1938. Between 5,000 and 10,000 relief workers were the recipients. For only six weeks was the volume in circulation considerable. Merchants stole customers from other merchants by agreeing to accept scrip which most refused. The business of towns and villages was disrupted, friendships blasted.

At that scrip may have been worth something more than the paper it was written on for that paper was too thin. It tore easily. Stamps to be pasted on the back numbered 104 and were so small the holder almost needed tweezers to get them stuck. If he folded the bill, the fold came across some of the stamps which promptly fell off. Everybody grumbled.

Rush For Redemption
The first time the citizenry were

given a chance to redeem the scrip Sept. 10 to 12, over 60 per cent of the issue came bounding home into the government lap. Most of the redemptions were made the first day.

But scrip wasn't dead yet. Aberhart could still make the civil servants take it. There was no rule about it but it was wiser not to reject it. Individually, they were able to persuade regular store keepers to accept it. At that the wages paid in scrip were only \$11,000 to \$20,000 per month out of a payroll of \$200,000.

"The scrip was in the end little more than a small nuisance", Mr. Coe states. April, 1937 its abandonment was formally announced, the provincial treasurer admitting that "the amount in circulation has been lessening month by month. The amount still to be redeemed was only \$19,633—"most of which was presumed to be held as souvenirs. Even assuming that the per capita holding of coin and currency (in Alberta) is only half the average for the Dominion, the scrip in circulation was never much more than 3 per cent of the total of coin and currency and it was as much as that for only a week."

The great scheme that was to have delivered great wealth into the hands of the Aberhart Government, that was to have speeded the reign of Social Credit, that was going to deliver the province from the control of the "capitalists" left Alberta \$32,300 poorer. That, plus a few cents, is what Aberhart lost on the stunt.

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