



CHAPTER 11

An Act to protect the Province against communistic propaganda

[Assented to, the 24th of March, 1937]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. This act may be cited as *Act Respecting Communistic Propaganda*. Short title.

2. In this act the following terms and expressions shall have the meaning hereinafter given to them: Interpretation:

1. The word "house" shall mean any building, shelter, penthouse, shed or other construction, under whatever name known or designated, attached to the ground or portable, erected or placed above or below ground, permanently or temporarily; and in the case of a house within the meaning of this paragraph situated partly in the territory of the Province and partly outside of such territory, the word "house" shall mean the portion situated within the territory of the Province of Quebec; "House";

2. The word "person" shall mean and include any individual, corporation, association, partnership, firm, trustee, lessee, agent or assignee; "Person";

3. The word "owner" shall also include his lawful representatives. "Owner".

3. 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. Deemed illegal use of house.

Penalty for infringement. **4.** The Attorney-General, upon satisfactory proof that an infringement of section 3 has been committed, may order the closing of the house against its use for any purpose whatsoever for a period of not more than one year; the closing order shall be registered at the registry office of the registration division wherein is situated such house, upon production of a copy of such order certified by the Attorney-General.

Executing of order. **5.** Any peace officer is authorized to execute such order by availing himself of the necessary assistance.

Petition for revision of order upon proof of: **6.** At any time after the issuing of an order in virtue of section 4, the owner of the house may, by petition to a judge of the Superior Court sitting in the district wherein such house is situated, have the order revised upon proving:

Good faith, etc.; *a.* that he was in good faith and that he was in ignorance of the house being used in contravention of this act; or

Non-use during certain period. *b.* that such house has not been so used during the twelve months preceding the issuing of the order.

Notice, etc., of petition. A notice of at least six clear days of the place, date and time of the presentation of such petition must be served by bailiff upon the Attorney-General.

Suspending of order by judge. **7.** In the case of sub-paragraph *a* of section 6, the judge may decree the suspension of the order, if the owner furnish in favour of the Crown such security as the judge may fix guaranteeing that such house will not be again used for such purposes.

Cancelling registration of closing order. The registrar of the registration division in which such house is situated must, upon receipt of a certified copy of the decree of the judge, cancel the registration of the closing order.

Reestablishing in force of closing order. The Attorney-General may, upon application to a judge of the Superior Court sitting in the same district and upon proving that use is being made of the house in contravention of this act, obtain a new decree reestablishing in force the closing order. The security shall be exigible immediately upon the issuing of such decree.

Provisions applicable to security. The Criminal Cases Recognizance Act (Revised Statutes, 1925, chapter 148) shall apply to the security contemplated by this section.

Cancelling of order. **8.** In the case of sub-paragraph *b* of section 6, the judge may cancel the order.

Upon production of a certified copy of the decree of the judge, the registrar shall cancel the registration of the closing order. Cancelling of registration of order.

9. Any judgment rendered in virtue of sections 7 and 8 shall be final and without appeal. Judgment.

10. The Attorney-General may, at any time after the issuing of a closing order, permit the occupation of the house on such conditions as he may determine, if it appears to him that such occupation be necessary for the protection of the property and the effects there-in contained. Occupying permitted in certain case.

11. The Attorney-General may at any time revoke a closing order and have the registration thereof cancelled by notice to the registrar. Revoking of closing order.

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. Deemed unlawful acts.

13. Any person infringing or participating in the infringement of section 12 shall be liable to an imprisonment of not less than three months nor more than twelve months, in addition to the costs of prosecution, and, in default of payment of such costs, to an additional imprisonment of one month. Infringement and penalty.

Part I of the Quebec Summary Convictions Act (Revised Statutes, 1925, chapter 165) shall apply to prosecutions for infringements of section 12. Provisions applicable thereto.

14. Any constable or peace officer, upon instructions of the Attorney-General, of his substitute or of a person specially authorized by him for the purpose, may seize and confiscate any newspaper, periodical, pamphlet, circular, document or writing whatsoever, printed, published or distributed in contravention of section 12, and the Attorney-General may order the destroying thereof. Confiscation, etc., of certain publications, etc.

15. This act shall come into force on the day of its sanction. Coming into force.