Roncarelli v. Duplessis (1959) S.C.R. 121

Background: In the mid-1950s, religious tension arose in Quebec between Jehovah’s Witnesses, who were spreading their beliefs by distributing their publication, and Roman Catholics. In an attempt to stop what it considered to be an assault to the Catholic population, the Quebec government arrested almost 1000 Jehovah’s Witnesses for selling their publication without a license.

 Frank Roncarelli, a restaurateur and a Jehovah’s Witness, provided bail for almost 400 of those arrested. In response, Quebec Premier Maurice Duplessis ordered the Liquor Commission to cancel Roncarelli’s liquor license, which the restaurant had held for thirty-four years. Roncarelli sued Duplessis for loss of business resulting from the cancellation of the license.

Question: Was the premier’s action an abuse of power?

Decision: The majority of the Supreme Court of Canada found in favour of Roncarelli and awarded him $25,000 plus damages. The Court held that the premier’s actions were “a gross abuse of legal power”. He had used his personal power to punish Roncarelli and to send a message to others who might be inclined to assist Jehovah’s Witnesses.

Analysis Questions:

1. Explain which aspect of Rule of Law Duplessis violated.
2. If the Court had found in favour of Duplessis, what consequences do you think this decision would have had for Canadian society?

Further details of this case can be found on the [CBC Digital Archives](http://www.cbc.ca/archives/entry/the-roncarelli-affair-and-maurice-duplessis).