

victed. Clause 4 of the Bill, as I have said, puts the onus on the accused. Under this clause any person accused of seditious intention will have thrown upon him the onus of proving his innocence. I am sure that the people of Manitoba, and of the West in general, understood that section 98 would be repealed absolutely. This Bill repeals it by one section and, in effect, re-enacts it by another.

Hon. Mr. DANDURAND: I should like to ask my honourable friend if he objects to that clause 4.

Hon. Mr. HAIG: I do not object to clause 4 at all, but I do object to the hypocrisy of repealing section 98 and re-enacting it by clause 4 of the Bill.

Hon. Mr. DANDURAND: Of course, I was not among those who went before the people in the last campaign advocating the repeal of section 98. Liberal candidates made repeal a plank in their platform. May I read to my honourable friends a statement made by the Minister of Justice when he moved the motion for second reading in the other House?

Right Hon. Mr. MEIGHEN: Do not read it again.

Hon. Mr. DANDURAND: It is a short extract:

May I say here and now why I propose to add a few words to section 133? I do not think they are necessary—

He agrees with my honourable friend.

—but it is merely to make it clearer that nobody can by words or writing preach the use of force to bring about governmental changes. I do it because in some of the judgments the courts seem to have required that it must be proved that the words or the teachings were strong enough to lead to disturbance, disorder and trouble. This is merely to make it absolutely clear that nobody should be allowed to teach the use of force to bring about change of government in Canada.

Hon. Mr. GORDON: May I enlighten my honourable friend the junior senator from Winnipeg (Hon. Mr. Haig)? I believe the Minister of Justice inserted clause 4 because he knew that without it no honest senator would vote for the repeal of section 98. That consideration justifies the vote I shall give. If it had not been for this clause 4, which amends section 133 of the Code, I should have voted against the repeal of section 98, even if I were the only senator to do so.

Hon. Mr. COTE: Honourable senators, may I say a few words? I think that the Minister of Justice inserted clause 4 not merely for the purpose of making the law clearer, but, as he indicated, to meet the decisions of the courts. Actually the effect is

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not so much to make the law clearer as to strengthen it, for the courts have become loathe to convict an accused person unless he has committed a series of overt acts from which seditious intention could be inferred. I am quite in sympathy with clause 4.

Hon. Mr. ROBINSON: If my honourable friend will pardon me, the debate is closed.

Hon. Mr. COTE: Who closed it?

Hon. Mr. ROBINSON: I understand the leader of the House (Hon. Mr. Dandurand) closed the debate when he made his reply.

Hon. Mr. COTE: Well, perhaps he will not object to my taking one or two minutes more. I am very glad to say that I sometimes receive more generous treatment from the honourable leader than from some old friends.

In this section 4 is involved a point of law which is interesting not only to lawyers, but to every citizen who concerns himself with matters affecting the safety of the State. Under this amendment it will be easier to obtain a conviction, for the Crown will not have to establish that the actions of the accused amount to an intention to bring about governmental changes by force. If the accused is a person who "publishes, or circulates any writing, printing or document in which it is advocated, or who teaches or advocates, the use, without the authority of law, of force, as a means of accomplishing any governmental change within Canada," he shall be presumed guilty. I am perfectly satisfied with this amendment. It goes farther than section 98 and justifies me in voting for the repeal of that section.

The Hon. the SPEAKER: Honourable senators, the question is on the motion for the second reading of the Bill.

Right Hon. Mr. MEIGHEN: Where is the honourable senator from Parkdale (Hon. Mr. Murdock)?

The motion was agreed to, and the Bill was read the second time.

THIRD READING

Right Hon. Mr. MEIGHEN: If there is time, I think the Bill should be referred to committee. I am not opposing any of the clauses, but I think in some cases the draftsmanship is faulty.

Hon. Mr. DANDURAND: I thought the Law Clerk had indicated to me that the draftsmanship was all right.

Hon. Mr. DANDURAND moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time, and passed.