

asks you to believe something different. He admits he was not on active service there, further than that he enlisted about the close of the war, and when he arrived with his company in South Africa the war was practically over. He says he didn't say these things at all, so either these people are mistaken or else he is not telling the truth. I think it is a fair observation to say that when a man at a public meeting who is advocating political principles makes a charge like that he should not make it in ambiguous language, he should not leave any doubt upon his audience as to whether he is speaking of personal knowledge or whether he is giving some other man's statement of it, because it is a pretty severe arraignment of Great Britain's methods if these things were true and these witnesses pledge their oath that they believed this defendant to be giving his own personal knowledge of these matters. He says he was not, that he was giving a statement of some one else. They pledge their oath that he in discussing the present war charged the British soldiers with selling German fingers as souvenirs in Scotland and Paris, and that these were preserved in alcohol. He rebuts part of that statement and confines it, I believe, to an admission that he said such things were being done in Paris or somewhere in France. These people swear that he said, "We have nothing to be proud of that we have been born under the British flag, that we have no King or country. He served his country faithfully during the Boer war and then he travelled five thousand miles home to find he didn't have a job, he didn't have a country, he didn't have a flag." His statement now here is that he didn't serve through the Boer war but reached there about the time the war was practically concluded. These witnesses swear positively that he made statements to the effect that this war was being carried on in the interests of the capitalists class who were really the inciting cause of the war. They also say he criticised the administration of the Patriotic Fund, saying that the proceeds would go to the members of the British Cabinet and the British Parliament. That these same were interested in an Armament Trust that had control of the armaments in both the Allies and Germany and Austria. He qualifies that now by saying that he was giving the opinion of another writer in that regard. They say further in their evidence that especially at the last meeting at which there were over a hundred present there was a very strong feeling, that the meeting was on the edge of a tumult. That to my mind is very important because that is one of the features which must be kept in mind very prominently in determining whether or not the defendant is guilty or not guilty of the charge. You are the absolute judges of the fact but I do not think it is an unfair comment for me to make when I say that might reasonably be expected, if at a time when our country is at war when great efforts are being made to enable the country to conduct this war to a successful conclusion, if some of the men holding public meetings, denounce those who are conducting the war, denounce their honesty and integrity and advocate that recruits should not join because those who are conducting the war have a vicious purpose in conducting it, then it seems to me those are things which might well agitate people and create a feeling of hostility and ill faith.

Now, gentlemen of the Jury, this is entirely a question of fact for you, having in mind the

directions which I have given you, and if in your opinion the purpose of these speeches or of any one of them, or any part of any one of them could fairly be considered to have in view the creation of a feeling of hostility for the purpose of bringing into contempt our administration, or any part of it or our army, or any part of it, or of those who are enlisting then it seems to me that the defendant has brought himself within the definition of the charge may be found guilty, if you come to that conclusion. The defendant seems to be a man who has travelled a good deal, you have heard him give his evidence. He seems to me a man who has made some study of the affairs of the world so he cannot have the benefit of this, that he was not able to appreciate and properly conclude what would be the reasonable effect of his words. He is apparently a somewhat clever young man, can speak quite fluently, can advocate his principles quite fluently and apparently is not lacking in intelligence at all and while granting him the right to hold political principles and to advocate them in a peaceful and proper way yet he must recognize the law as it exists. You, under your oath, must administer that law on the facts as you find them without fear or favour and as I have already observed I think it is a matter eminently fitting for six jurymen to adjudicate upon, not only for the purpose of the words spoken but the credibility of the defendant is in issue because in regard to some of the statements he has, as I have already observed, pledged his oath against the oath of the witnesses for the Crown. He is asking you to put a different construction on some of his statements from the construction which these men put upon them who heard them, and I have already told you that when people in public places for political or other purposes advocate things they are properly chargeable if people draw an inference which is a reasonable inference from the words spoken, and the words spoken have been so far as the evidence for the Crown is concerned, pretty well established. A good many of them have been admitted by the defendant. He has qualified them in a number of instances by saying these were not statements of his own knowledge but they were information from other sources. He has not given a very satisfactory explanation to my mind of the sources of the information in some of these regards. If he had them and is unable to have them now he is unfortunate but I am bound to make this observation that when a man in a public meeting attempts to instruct people or attempts to advocate political principles and make certain statements, I think he is under a duty to be able to give a reasonable substantiation of them when they purport to be statements acquired from some other source, especially when he makes wholesale charges which impute dishonest and improper motives to other citizens and when charged with making those statements he then says "well, I got them from some other source, from some newspapers or some journal". I do not think we are asking too much of him if we expect him within reasonable bounds to produce the source of his information and if he does not make a reasonable explanation in that regard I think it is one of the items which may influence you properly in determining the credibility you will give to his statements in that regard.

Now, gentlemen of the jury, this is entirely and consider your verdict. It will be necessary for you to say under each count, there are