

satisfy you beyond a reasonable doubt that the inferences you should draw, the only inference you can draw, is that he is guilty. If you are satisfied beyond a reasonable doubt then you are bound to bring in your verdict in accordance with that conclusion.

Now, there are some principles which must be recognized in adjusting yourselves to the proper viewpoint in connection with a charge of sedition. You have been told that the gist of the offence is speaking words of seditious intent and the Code has not described or attempted to define what seditious intent is, but the authorities are pretty well settled upon that and apparently it is to this effect, that any persons wishing to discuss public questions, questions affecting our Government institutions, affecting the authorities who administer those, they must do so within certain bounds. Counsel for the defence has quite properly called your attention to the well accepted principle applicable under British law and British institutions, and I may say particularly the British institutions, because it formed one of the central points of political discussion in England for a long time before the principle was eventually recognized and established, namely, that the subject of a Government had a proper right, the legal right to discuss and to criticise and even to condemn the Government if he thought the Government was dishonest or inefficient or the form of government was one which he believed was not the best one for his country; that principle is in force now and recognized by us that every subject has that right.

Some reference has been made to the religious opinions or the lack of religious beliefs of the defendant. That is also recognized in the British Dominion that a man has absolutely freedom of conscience as to the religious beliefs or lack of religious belief which he may adopt or profess and that is not to be charged against him.

Now, then, I think you may start with that as one of the accepted principles and one which must be kept in mind. There is another very important principle recognized and that is this that in order that any government may afford protection to life and property and even afford protection to that principle to which I have referred, namely: (that people shall have the right of freedom of speech and belief), there must be some authority to assert and protect that right therein; that means there must be some administrative function, some form of government which will be able to so administer the law that we may have these privileges and that we may profess them without molestation assuming we are honestly professing them and adopting them for an honest purpose. Then you have those two principles and they may apparently meet and may apparently conflict when we come to discuss and decide just what is a seditious utterance or what are words which are capable of being charged as having a seditious intention. Every one must be presumed to intend the natural meaning and consequences and results of his words and his action, and I think that is peculiarly applicable to a man who assumes the responsibility of teaching or advocating or trying to enlighten others on political principles. I do not think he can complain if we assume he is a man who has undertaken to educate, to instill in others doctrines which he believes. Then he cannot be heard to complain if we say we will take him at his word,

[Mr. Doherty.]

and we will infer his intention in speaking these words from the natural meaning, the natural consequences of these words. Now I have already told you that in order that there may be an administrative function, some form of government which will be able to maintain law and order that involves that we shall not have in our community, in our country, riots, disturbances, tumults in places where people meet or assemble; and so then those who wish to express their opinions either by way of advocating any particular political opinion or by way of enlisting others must have that in view that they may be chargeable, if they speak words in times and places and of a nature that may have a tendency to incite people to opposition; to create in the people who hear them a spirit of hostility, to arouse feelings of animosity. I feel that as men of ordinary common sense it must be plain, it hardly needs to be argued, that words which will bring into contempt and scorn and ridicule those who are in high authority must be considered very very carefully by those who intend to utter them. I have already told you that people have the right to have that opinion even of those in high authority, even of members of the Government, even of the King, but the law requires a limit in this request that when they want to express these opinions to others they must have in view the fact that the law will not tolerate them expressing them under conditions which may create the feelings to which I have already referred, the feelings of animosity and hostility.

In regard to the words spoken at the three different meetings, the evidence is to the effect that they were spoken by the defendant in his capacity as an advocate of a party or an organization which I infer is of a political or semi-political nature. The defendant was holding meetings in the province of Alberta, in which he was discussing the principles which he believed should be applied and the form of government, or possibly the absence of form of government, although I have not heard any very clear expressions of the form of government. However generally we may say, that he claims to be the representative of the Socialist Organization of the province of Alberta, and he was advocating the principles of his organization, and I think it is only fair to say that he was doing that for the purpose of obtaining converts, of impressing people with his views and thereby turning people from their present opinions to his opinions, if they did not in the first instance agree with him.

Now the evidence is to the effect that in discussing these questions he dealt very pointedly with the present condition of things, with the state of war which now exists between our country and Austria and Germany, and he made certain statements at these different meetings which are pretty nearly the same. Witnesses have sworn positively that he said he served in the Boer War and that he personally knew of British atrocities and the burning of Boer homesteads that were quite equal to any atrocities now charged against the Germans. Three witnesses have pledged their oath to that. They were unshaken in cross-examination and they say their minds were particularly impressed by that statement because they were apparently inclined to discredit it. They pledged their oath that their understanding of what was said was this, that the speaker, namely, the defendant, had served in the Boer war and knew these things by personal observation. The defendant