

therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein at the time of such search, and the same, when so seized, may be carried away and may be forfeited to His Majesty.

That is to be done only on the order of a judge of any superior or county court, police or stipendiary magistrate, or any justice of the peace.

(7) Where, by this section, it is provided that any property may be forfeited to His Majesty, the forfeiture may be adjudged or declared by any judge of any superior or county court, or by any police or stipendiary magistrate, or by any justice of the peace, in a summary manner, and by the procedure provided by Part XV of this Act,—

That refers to summary procedure, I think.—in so far as applicable, or subject to such adaptations as may be necessary to meet the circumstances of the case.

(8) Any person who prints, publishes, edits, issues, circulates, sells or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind, in which is taught, advocated, advised or defended, or who shall in any manner teach, advocate, or advise or defend the use, without authority of law, of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial, or economic change or otherwise, shall be guilty of an offence, and liable to imprisonment for not more than twenty years.

It goes without saying that no honourable member would defend any offence contemplated under that subsection.

(9) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, as described in this section, by mailing the same or causing the same to be mailed or posted in any Post Office, letter box, or other mail receptacle in Canada, shall be guilty of an offence, and shall be liable to imprisonment for not more than twenty years.

That speaks for itself.

(10) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind as described in this section, shall be guilty of an offence and shall be liable to imprisonment for not more than twenty years.

(11) It shall be the duty of every person in the employment of His Majesty in respect of His Government of Canada, either in the Post Office Department, or in any other Department to seize and take possession of any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publica-

tion or document, as mentioned in this section, upon discovery of the same in the Post Office mails of Canada or in or upon any station, wharf, yard, car, track, motor or other vehicle, steamboat or other vessel upon which the same may be found and when so seized and taken, without delay to transmit the same, together with the envelopes, coverings and wrappings attached thereto, to the Commissioner of the Royal Canadian Mounted Police.

I submit that section 98 causes injury to no one. It was enacted at a time of stress. There still are certain portions of Canada where the strong arm of the law is necessary to prevent offences contemplated in this section. I am informed that in out-of-the-way places there are people who are constantly, if not openly, advocating a change of government by force. I repeat that the section is a danger signal to anyone who might be tempted to commit any of the offences enumerated in the various subsections, with a view to bringing about by force a change of government, or an industrial or economic change. On five or six previous occasions this House has decided that section 98 should not be repealed. It has been felt that the section served a useful purpose in certain communities, particularly in places where there are foreigners who are not accustomed to our democratic form of government, and who come from countries where constitutional changes are brought about by means of revolution.

Hon. JAMES MURDOCK: Honourable senators, I am personally unconcerned whether this particular section is adopted or not, but I should not be doing justice to the position I hold, I should be disregarding the experiences that have been mine in years gone by, if I did not express my views on this matter. I think I may say I have the distinction—if distinction it be—of having looked in the eyes of a greater number of men in the class against which section 98 is aimed than has any other honourable member—or any dozen honourable members. I have met men of that class in various parts of Canada and the United States. In my judgment this section and the discussions on it in Parliament have done more than anything else in Canada to dignify and hold up to the approbation of his fellows any individual who belonged to the class against which the section is aimed. There are certain people—I have met thousands of them—who admire the fellow who dares to defy this or any other regulation, to take the law into his own hands—in brief, to snap his fingers at the law. That is exactly what has been going on under section 98. In the highways and the byways, and in the back parts of the towns and cities of Canada, there have

Hon. Mr. WILLOUGHBY.