

within the terms of the Code, that act was sedition still. On this point I shall quote from as good an authority as I can find—and I am sure no one will dispute it—in order that honourable senators may see just what is embraced within the very comprehensive term “sedition,” and therefore what is also embraced within the meaning of that term in the law of Canada, because sedition is not defined in our Code. I quote from Archbold's Criminal Pleading, Evidence and Practice, 25th Edition, page 1070:

Sedition, whether by words spoken or written, or by conduct,—

I hope honourable members will get the effect of those words.

—is a misdemeanour indictable at common law, punishable by fine and imprisonment. It embraces all those practices, whether by word, deed, or writing, which fall short of high treason, but directly tend or have for their object to excite discontent or dissatisfaction: to excite illwill between different classes of the King's subjects; to create public disturbance, or to lead to civil war; to bring into hatred or contempt the sovereign or the government, the laws or constitution of the realm, and generally all endeavours to promote public disorder.

That is sedition as defined through the long succession of cases under the law of England, and that definition applies in this Dominion to-day. Under section 133 of our Code all such sedition—even the intent is there defined—is punishable by imprisonment up to a period of twenty years. The provisions of section 98 do not extend the ambit of that definition one iota. Under that description of sedition, as deduced from the common law, scores of offences are forbidden which are not forbidden by section 98 at all. Section 98 was nothing more nor less than a specific outline and description of a certain feature or element of sedition that always had been sedition. It was portrayed there so that all would know that attention was upon it, and that if sedition of that character was committed punishment would follow.

Now, what did the Government do? It promised to repeal section 98. I do not dispute that such a promise was made, and I know why it was made. Therefore it has a mandate. I do not question that at all. I am not saying what our duty would be, even under the compulsion of that mandate, if the very citadel of our country, the home fires of the nation, were imperilled by the repeal. I do not dispute the mandate, but I question what we should do were anything serious to happen by reason of this repeal. The law is strong and imperious, even with the repeal, and the whole promise was nothing but a roaring farce, nothing but a resounding fake.

Right Hon. Mr. MEIGHEN.

Now I come to an outline of the law as it is to be. By section 4 of this Bill it is provided:

Section one hundred and thirty-three of the said Act is amended by adding thereto as subsection four the following:

“(4) Without limiting the generality of the meaning of the expression “seditious intention” everyone shall be presumed to have a seditious intention 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.”

Under this provision a new presumption is raised, a presumption of guilt, if anyone utters or publishes or circulates anything advocating the use of force as a means of accomplishing governmental change. Perhaps it is in the minds of some honourable gentlemen that this provision does not go as far as the previous one, in that the former one forbade the doing of certain things as a means of bringing about either governmental change or economic or industrial change. But if honourable gentlemen will reflect on the actual facts, and will put the two sections together, they will see that they mean just the same thing. You cannot bring about economic change without governmental change; you cannot bring about industrial change without governmental change. The governmental system must be overthrown first in order that these other changes may follow. The words “economic and industrial change” were in fact just as unnecessary then as they are to-day. The only important purpose they served was to indicate to the people that certain conditions must not be overturned by force—that they must not advocate, or belong to an association whose active purpose was to advocate, the doing of these things. As I say, there is only one way to effect industrial or economic change by force, and that is to overturn the Government and our system of government; and the Government takes particular pains to point out to all and sundry that if they advocate such change they are presumed to be guilty of the intention of sedition.

The punishment is placed at twenty years, which is heavy enough, and just what it was before. The offence is just where it was before, and the law is just what it was before. The only difference, and this is incidental and unimportant, is in the method of procedure to convict. Still we have all this long dissertation about the horrors of section 98.

I do not think there is, or ever was, a good citizen in any part of Canada who, after studying section 98 in its essence, would have any objection to it. The denunciation of it