

That Bill 138 be not now read a third time, but that it be amended by adding the following as clause 2:

2. Section ninety-eight of the said Act is repealed.

Hon. Mr. POPE: I would point out that the seconder of the amendment is not present in the House. Is it not necessary that the seconder should be here?

Hon. Mr. MURDOCK: I beg the honourable gentleman's pardon. I should have said, seconded by Hon. Senator Spence.

I crave the indulgence of honourable senators in placing before them once more this question, which they have considered on several previous occasions. This is the sixth time, I understand, that the regularly elected representatives of the people of Canada have decided that section 98 of the Criminal Code, which is regarded as a reflection upon the patriotism, responsibility and good citizenship of organized labour, should be removed from our Statute Book.

I know that some honourable senators will say the section does not apply to properly conducted, reputable and stable labour organizations, but it is my opinion—and in this I am guided by my experiences over the last thirty years—that some honourable members do not make a clear distinction between those branches of organized labour that are banded together for co-operation and mutual assistance, and branches that have different objects. I have been for many years the Vice-President of the Brotherhood of Railroad Trainmen, composed of more than 15,000 members, with 98 lodges, scattered over this country from the Atlantic to the Pacific. Many members of that organization believe, and have believed ever since section 98 was enacted, that the original framers of the section aimed the coercive features of the measure at them as much as at any other class of citizens in Canada.

May I suggest here that one of the greatest republics in the world, if not the greatest and wealthiest, came into existence in the seven-teen-seventies as a result of just the same coercive spirit that is demonstrated in section 98, which we are asking to have repealed. In all reverence, I say, thank God Great Britain does things differently to-day. In England you would not hear of anything of this kind, aimed at one and all of the working men. No! In that country there is set aside a place to which people may go who have in their hearts traitorous feelings against British institutions and who wish to exploit their views. There they may spout as much as they like and when they like, out in the open air, and not, as it would be necessary to do

under this particular measure, in cellars or back alleys or closely watched lodge rooms.

In my judgment the law on this subject should be corrected on this the sixth occasion on which the regularly elected representatives of the people have passed the amendment and sent it to this side of Parliament for adoption.

Now may I refer to the very eloquent, inspiring and enlightening discussion to which we have listened in this House relative to the League of Nations and the wonderful accomplishments that have resulted in removing causes of conflict and dissension from among the peoples of the earth. During the course of that discussion, with which I was in entire agreement, I wondered whether all that had been said would be forgotten when we came to a proposal to remove this grave reflection upon the labouring men of Canada as represented by the labour organizations of this country. I doubt that any country in Europe would take such elaborate means as are taken by section 98 to demonstrate to organized labour generally that the big stick was being held over the heads of their associations or other organizations. As I said yesterday, honourable members, I am not very much concerned personally with the decision you render to-day; but I earnestly plead with you on behalf of the tens of thousands of reputable and upright Canadian citizens belonging to labour organizations—organizations that have done something, I trust, to establish harmonious and amicable relations between employer and employed in this Canada of ours. I appeal to you also in the name of the relatives of those tens of thousands of men who gave their lives ten years ago in the interest of Canada and for British institutions. It is unfair to those men, it is disrespectful to their memory, to allow such a section to remain on the Statute Book any longer. I would be the last one to make any such suggestion if there were not ample provision in the Criminal Code and the common law to cover every point dealt with in section 98 without any such reflection as is contained in it. I appeal to you, honourable members, not to say: "No, no; we will maintain that regulation, be it good or bad." I say that the tens of thousands of members of labour organizations in Canada deserve better treatment than has been accorded to them on five previous occasions when this measure has come from the other House, and I hope the amendment will carry.

Hon. W. B. WILLOUGHBY: Honourable members, I do not want to be forced into the necessity of talking this measure out, but if