

of the law—have him tried before a judge and a jury, when evidence would be presented, and arguments pro and con fully stated and reported. In this way it would become a celebrated case, and would be impressed upon the minds of those who might be tempted to commit a like offence. I think that such a method would be much preferable to all the hole-and-corner stuff contained in this rigmorale, which, I submit, although not a lawyer, is a mere defacement of our statute book. We might as well preserve the laws against witchcraft and say that they do no harm because nobody has been prosecuted under them for a couple of hundred years. We all agree that men ought to be perfectly free to express their opinions, to criticize the Government, or to advocate changes in the mode of government, and while we want to impress the public mind with the idea that force or violence must not be used in the advancement of ideas, it seems to me that it is possible to do so without all this rubbish, which I think we ought to sweep off the statute book.

Right Hon. Mr. GRAHAM: Honourable gentlemen, my words will be few. I started to say a few moments ago that I could not enter into any legal argument, because I am not possessed of the necessary qualifications. Nevertheless a man may hold views outside of those of the law courts.

The argument of my honourable friend (Hon. Mr. Willoughby) that the presence of this section of the Criminal Code on the statute book has probably had the effect of preventing crime has some force. We will all agree that it has not been used. But surely the fact that it was on the statute book did not evangelize all the people of Canada and convert all who are supposed to be sub-normal criminals to proper thinking. It is just as arguable that the fact of this statute not having been used for ten years is at least comparative proof that it was not needed.

Hon. Mr. DANIEL: No.

Right Hon. Mr. GRAHAM: And a thing that is never used is, in ordinary parlance, useless.

Hon. Mr. DANIEL: It is a preventive.

Right Hon. Mr. GRAHAM: I say there is some force in the argument of my honourable friend, but it is not at all conclusive. My own opinion is that the statute as it existed before 1919 would be more applicable to present-day conditions than the amendment adopted in that year. Honourable gentlemen will agree that the conditions exist-

ing at the end of 1919 do not exist to-day. Conditions then might possibly be described as a bit panicky, because at that time people who were inclined to be opposed to stable government and that sort of thing thought the time was ripe to take certain action, and they did so. But we are now ten years away from the war. Nations are reducing their armaments to normal strength, and it strikes me that we might very well remove from our statutes a weapon which has never been used, and substitute for this high-power gun the weapon that we had before 1919, which to my mind would be just as effective.

My honourable friend from Welland (Hon. Mr. Robertson) suggested that the trades unions were not unanimous. Well, I have hardly ever known them to be unanimous about any one thing. In fact, about some things we in this House are not unanimous. But that does not alter the situation that a great many of the trades unions are in favour of restoring the provision which was in the Criminal Code before the war.

It will be remembered that in conjunction with the Criminal Code amendment in 1919 there was an amendment to the Immigration Act which gave the Immigration Department extensive powers as to the deportation of individuals found guilty of treason and offences of that character. Last year the Parliament of Canada, including this House, amended the Immigration Act, and agreed, I think unanimously, to restore to a large extent the old law. The proposal to repeal the provisions placed in the Code in 1919 is along the line of the action taken by Parliament a year ago in repealing certain clauses of the Immigration Act which were found to be very obnoxious.

I had thought of reading a portion of the amendment of 1919, but my honourable friend has read sufficient to show that it is very drastic. A considerable portion of our population consider that that provision may be a reflection on them or an impediment in the way of carrying on the legitimate affairs of their organization, and I feel that we might well trust the people of Canada to adhere to the law which was previously on the statute book, and was certainly sufficiently drastic to protect the citizenship of Canada, our Government, and our constitution.

The section repealed in 1919 reads as follows:

133. No one shall be deemed to have a seditious intention only because he intends in good faith,—

(a) to show that His Majesty has been misled or mistaken in his measures; or,

(b) to point out errors or defects in the government or constitution of the United