

House after the honourable leader of the Government (Hon. Mr. Dandurand) has advocated the repeal in his usual skilful and forceful manner.

I expected another member to be here to speak in opposition to this proposal, but in his absence I shall make a few remarks. I shall not give a lengthy repetition of arguments that are familiar to most honourable members.

The honourable leader of the Government has stated that no one has suffered in consequence of section 98 being on the Statute Book, because there has been no prosecution under it. If no one has been injured by the section, why should it be repealed? The section is like a danger sign to those who otherwise might seek to commit offences which it prohibits. It is perfectly true that the cause of the enactment of the section was the Winnipeg strike, but that in itself is no reason why we should repeal the section now. If honourable members will permit, I will read section 98:

98. (1) Any association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economic change within Canada by use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association.

I know there is no honourable member of this House who would defend any such association as that.

(2) Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for or on behalf thereof may, without warrant—

That is the only unusual feature—"without warrant."

—be seized or taken possession of by any person thereunto authorized by the Commissioner of the Royal Canadian Mounted Police, and may thereupon be forfeited to His Majesty.

My only comment upon that is that I think we can trust the Commissioner of the Royal Canadian Mounted Police not to take unnecessary action in this connection.

Hon. Mr. FORKE: With reference to subsection 1 of that section, what is the meaning of the words "by any means," in the latter part of the clause?

Hon. Mr. WILLOUGHBY: They mean any of the acts contemplated and specifically set out in the section.

Hon. Mr. FORKE: Who are judges as to that?

Hon. Mr. WILLOUGHBY: Any ordinary judge, as will be seen when other subsections of the section are read.

Hon. Mr. FORKE: That is pretty wide.

Hon. Mr. WILLOUGHBY: I grant that, but in my opinion it was intended to be wide. No innocent man will be affected. There has not been a prosecution under this clause since it was enacted in 1919; so there can be no complaint of harsh administration.

(3) Any person who acts or professes to act as an officer of any such unlawful association, and who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant, card, button or other device, whatsoever, indicating or intended to show or suggest that he is a member of or in anywise associated with any such unlawful association, or who shall contribute anything as dues or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

(4) In any prosecution under this section, if it be proved that the person charged has

(a) attended meetings of an unlawful association; or

(b) spoken publicly in advocacy of an unlawful association; or

(c) distributed literature of an unlawful association by circulation through the Post Office mails of Canada, or otherwise, it shall be presumed, in the absence of proof to the contrary,—

The accused gets his opportunity in court to prove his innocence.

—that he is a member of such unlawful association.

(5) Any owner, lessee, agent or superintendent of any building, room, premises or place, who knowingly permits therein any meeting of an unlawful association or any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise or defend the use, without authority of the law, of force, violence or physical injury to person or property, or threats of such injury, shall be guilty of an offence under this section and shall be liable to a fine of not more than five thousand dollars or to imprisonment for not more than five years, or to both fine and imprisonment.

(6) If any judge of any superior or county court, police or stipendiary magistrate, or any justice of the peace, is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of this section has been or is about to be committed, he may issue a search warrant under his hand, authorizing any peace officer, police officer, or constable with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, and to search such premises or place, and every person found