

fluence of that element in society, not only in this country but in many countries throughout the world, have so abated as to justify the Parliament of this and other countries in placing more confidence in and allowing greater latitude to those who are prone to violate the laws of the land. I hope that the action taken by this House in years past will be repeated to-day, because we shall thereby be doing Canada a service, and in my opinion our first duty is to Canada, without regard to any subordinate organization with which we happen to be connected.

Hon. Mr. LEWIS: Honourable gentlemen, I feel bound to disagree with the opinion expressed by the honourable leader on the other side, that we should allow this legislation to remain on the statute book because no prosecutions have ever taken place under it. I am in favour of abolishing this law because it seems to be wholly unnecessary, and capable, at least, of being used for oppressive purposes. The first section, 98 (1), says:

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.

Practically, after the verbiage is eliminated, this is simply a declaration that an association for criminal purposes is unlawful. We surely do not require that to be on the statute book. Then we have the most extraordinary provisions of an inquisitorial character, such as this:

(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, 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.

All these extraordinary powers are given on the ground merely of suspicion. Then we have the next one:

"(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,

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button or other device, whatsoever, indicating or intended to show or suggest that he is a member of or in any wise 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.

The next clause penalizes anyone who attends meetings of an unlawful association. During the excitement of the war meetings were held in Toronto which were of such a character that outsiders could not know whether they were for lawful or unlawful purposes, and any person attending them, either because he wanted to observe the course of public opinion or because he wanted to oppose what was being advocated, would, under this law, be liable to imprisonment.

Then again:

Any owner, lessee, agent or superintendent of any building, room, premise or place, who knowingly permits therein any meeting of an unlawful association—

—would be punishable. Another inquisitorial provision.

And finally:

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 put the law in motion. All police magistrates are not experts in constitutional law; but if one of them suspects that someone is going to hold an illegal meeting he is given all kinds of inquisitorial powers. An instance showing the un wisdom of placing these enormous powers in the hands of magistrates and policemen occurred in the United States during the excitement of the war. A man was arrested, and in his possession was found a typewritten document which the policeman said was seditious. The accused protested and said: "Why, that is not seditious. That is just an extract from the writings of Thomas Jefferson, the author of the Declaration of Independence." The zealous police officer replied: "That is all right. We will get that fellow Jefferson too." While that may be an unusual case, we cannot assume that all policemen and magistrates are experts in constitutional law and the law of sedition, and are capable of judging a case of this kind.

It seems to me that if we want to really impress the foreigner who comes here, or anyone else who is ignorant of our laws, with the seriousness of such offences, it would be far better to leave him to the ordinary process