parties. We know also that the party system is the heart and core of our parliamentary system, and if it were not for the fact that public spirited companies and individuals did contribute funds, political parties would waste away.

On the other hand, there is a certain amount of sympathy for those with limited campaign funds opposing a candidate with a tremendous amount of money for campaigning purposes. I was interested in what the hon. member for Brandon-Souris (Mr. Dinsdale) said when the bill was debated last time, when he pointed out that in the United Kingdom expenditures are limited to so much per voter in each riding plus a flat sum allowed for the national campaign. It seems to me that that is aiming at the essence of the problem. It is some sort of yardstick which determines the amount of money that a candidate or a party should spend on a campaign.

As far as the bill itself is concerned, I think it would have been on much better ground if it had concentrated on that philosophy of control of expenses rather than what has been put in the bill, because I believe the bill is unworkable. We all know that political parties have staffs who operate all year, not just during election times, and undoubtedly political parties are gathering funds all the time because they have these continuing expenses. One point which gives me the most difficulty, I think, is to know who contributes funds to political parties. I know in my own election campaign that at the conclusion of voting day I was not even allowed to buy coffee for my workers. My agent said that treating was not allowed under the elections act. Personally, I do not want to know who contributes to my election campaign. I think if one does know then perhaps involuntarily one feels under an obligation. I think that secrecy in this matter is to be desired. I think also that control is to be desired as well in the amount of funds which can be expended. I think the bill itself is not a moral bill but in effect an immoral bill in that respect.

Mr. Speaker, may I call it six o'clock?

The Acting Speaker (Mr. McCleave): The hour for private public bills having expired, the house will now revert to the business which was interrupted at five o'clock.

CRIMINAL CODE

The house resumed consideration of the motion of Mr. Fulton for the second reading of Bill No. C-58, to amend the Criminal Code.

At six o'clock the house took recess.

AFTER RECESS

The house resumed at 8.05 p.m.

The Acting Speaker (Mr. McCleave): The hon. member for Port Arthur—

Mr. Fulton: Mr. Speaker, I understand that the hon. member who was speaking when the house adjourned at five o'clock is on his way down to the chamber. Could the hon. member for Port Arthur defer for a moment or two?

Mr. Fisher: Certainly.

(Translation):

Mr. Raymond Eudes (Hochelaga): Mr. Speaker, I thank the hon. member for Port Arthur (Mr. Fisher) for letting me have the floor.

When the house suspended the consideration of Bill C-58 at five o'clock, I was referring to a piece of legislation that was introduced in the House of Commons in London, on November 18, 1958, by Mr. Roy Jenkins, the member for Birmingham, Stechford. This bill received third reading on April 24, 1959.

The first section of this bill defines obscenity as follows:

(Text):

For the purposes of this act an article shall be deemed to be obscene if its effect is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

(Translation):

The definition of obscenity as contained in this new act requires, as opposed to the Cockburn criterion, that in order to be considered obscene a publication must be considered as a whole.

This definition does however maintain as the essential element of the the offence, the tendency to deprave and to corrupt.

In the United States, for more than half a century, the courts have relied on the Cockburn criterion to decide upon the obscenity of a publication.

Numerous studies on this matter have been published by jurists, moralists, theologians, often criticizing the narrow-mindedness upon which the Cockburn criterion is based.

In 1934, in the case initiated by the United States government concerning a book entitled "Ulysses" Judge Hand said in his decision:

Are not obscene publications—

(Text):

—where the presentation when viewed objectively is sincere and the erotic matter is not introduced to promote lust and does not furnish the dominant note in the publication. The question in each case is whether the publication, taken as a whole, has a libidinous effect.

(Translation):

American courts, in their decisions on obscenity trials, are now guided by this Hand