

W. A. Pritchard's Address to the Jury

IN

THE CROWN

vs.

ARMSTRONG, HEAPS, BRAY, IVENS, JOHNS,
PRITCHARD, AND QUEEN

(R. B. Russell was tried previously)

Indicted for Seditious Conspiracy and Common Nuisance,
Fall Assizes, Winnipeg, Manitoba, Canada,
1919-1920

Prepared by the Defense Committee, 220 Bannatyne Ave., composed of
Delegates from the various Labor Organizations in
Winnipeg, Manitoba

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William A. Pritchard

THE KING v. WM. IVENS, et al

Morning Session, March 23rd, 1920, 10 a.m.

WILLIAM A. PRITCHARD'S ADDRESS TO JURY

My Lord, and Gentlemen of the Jury:

You and I have sat here now for some nine weeks, eight of which have been taken up by the learned counsel for the Crown in an effort to build up a case. We have been interested—I am sure I have; and you have also been very patient. I am going to ask you to extend that patience, as I know you will, for just a little time longer.

After the Crown had completed its case, we came to the conclusion that it was unnecessary for us to call any witnesses, because we considered that from the one thousand and ten exhibits put in by the Crown itself, we could build up a defense, without going to the extra trouble of calling witnesses. We have been twitted by the learned and distinguished counsel for the Crown because we have not called a defense, and because we have not contradicted this or that or the other. I want to tell you, gentlemen, that if we had ever decided to bring a rebuttal to this point, to that point, and to other point, insofar as I am myself concerned, I would not have rested until a complete rebuttal had been made to every point claimed by the Crown.

If the object of the Defense were to smash entirely the position taken by the Crown it could be done, and in my own mind I rest assured that the historian of the future will drive the knife of critical research into the very bowels of the bogey that has been conjured forth out of the imagination of certain legal luminaries of this city; and placing everything in its proper position will appreciate at their worth each fact and each factor; and will

appreciate at their proper worth all those persons who have become part and parcel of what has been conceded by gentlemen of both sides, to be the greatest case in the history of Canada.

I would ask for your patience, I know that I will receive it. I want here to offer my compliments to the leading spokesman for the Crown, for the excellence of the address that he gave to you, gentlemen of the jury. I appreciate a piece of craftsmanship, I admire the lines, for instance, of a beautiful horse. I like in my own little crude way to appreciate the works of a great craftsman, and I compliment my learned friend Mr. Andrews upon his ably constructed, closely reasoned, and excellently presented address. But I want to say here that if half the attention had been paid to the foundation as was apparently given to the superstructure, that possibly history would have recorded that a great oratorical edifice had been builded. To my mind that old dream of the ancient prophet comes back; of the image with the head of gold, with the shoulders and arms and torso of silver, with the thighs and legs of brass, and the feet of clay, and to my mind that fits in with the presentation of the case as summed up by the learned counsel for the Crown in his address to the jury.

Now, there are others who have looked into the case and who have given you their opinions. Mr. Trueman, for instance, likened this case to the imaginary kilamazoo. My learned colleague, Mr. Queen, took you back over fifteen years of the reign of tyranny in Russia, and likened this case to similar cases in that country, and told you how the flower of that country had been for years sent out to the desert wastes of Siberia, and to the dungeons of exile. Mr. McMurray seemed to think that the case reminded him of the Irishman who caught the wild cat.

All these impressions may carry their point, but recognizing, as I stand here before you, that I am involved in this matter, I looked at this thing and attempting to analyse it from every possible angle, my mind went back over the reaches of history and could find only one parallel for what has transpired in Canada during the last few months. My mind went back to the triumvirate at Rome, to the days of wholesale proscriptions; to the days of the hounding of political opponents.

As I stand here before you in this court, my mind travels to the 17th of February, in the year 1600, when

Giordano Bruno offered his life, bound to the stake in the flower market of Rome, because of his scientific analysis of the then known world; because he followed his intellectual master Copernicus, and had declared in certain writings that the universe was not geocentric; that the earth was not the centre of this solar system, but the sun. Of course, he had taken these findings of his and levelled them against the superstition and ignorance of his day, and because of that fact we find him bound to a stake on the 17th February, in the year 1600, in the flower market at Rome.

On June 22nd, 1633, we find Galileo, because of his age and his infirmities, recanting in front of the authority of the State and the Church, from opinions which he knew to be perfectly correct. He had exploded the theory of Aristotle concerning falling bodies. He was master of physics at that time, not only from the mathematical standpoint, but by demonstration had proven his position to be correct. And the power of the Church and State was placed upon the neck of Galileo until he himself rebelled. Today the name of Galileo is given forth in our schools as a master of mathematics and physics, while the names of his prosecutors and his traducers are known only to a few who delve into history.

We have heard something of poison in this court. A very apt analogy! There was a certain writer who said that every analogy must fall short, every analogy is poor and must only be used when scientific argument fails. And the analogy used by my learned friend Mr. Andrews is the poorest of the poor. He told you, with a voice ringing with indignation, about poison. You could go to the drug stores and get poison; and he referred to certain pieces of literature as poison. What really is the situation, gentlemen? In every medicine there is poison; in every food there is poison, and this is one of the contradictions that exist today in the world. A contradiction is not necessarily an absurdity. And what have our friends of the opposition done? What have they done? They have collected here a mass of correspondence from people all over the world to people all over the world. They have sent their agents from the Atlantic seaboard to the Pacific slope. They have dusted out every cobwebbed corner of every shack of every working-man whom they considered suspect. They have sent their agents to dive into every ash-barrel that exists in the Dominion of Canada, and they have dragged forth a bat-

talion of documents of various kinds. Had I the time, gentlemen, I could go through every one of those documents and show the hopeless position that the Crown have placed themselves in. From this mass of documents, from this collection of correspondence, pieces from speeches given by people whom we don't know, in places where we have never been, and the circumstances of which we have no knowledge, being brought in here as evidence against us; and out of that mass of documents, out of that mass of correspondence, my learned friends have gone with the microscope and the surgical knife and they have carved out terms, "red," "bol-shevik," "industrials," "socialism," "evolution," "revolution," "proletarian," "bourgeoisie," etc. You see these are the little pieces of poison.

I can imagine away back in the painful days of last Fall, my learned friend Mr. Pitblado gathering these choice collections and saying to Mr. Andrews: "Look what I have found." You remember old Archimedes as he stepped in the bath suddenly discovered the means of detecting a flaw in the purported gold crown, and he forgot himself, and rushing home through the streets naked, he cried: "Eureka! Eureka!"—I have found it. And in my mind's eye, I can see Dr. Pitblado rushing around the corridors of this institution crying: "Eureka! Eureka! I have found it." And suddenly my learned friend Mr. Andrews comes around the corner and says: "What have you got?" and Dr. Pitblado says: "Here it is, here it is, here is the connection," and they put it in the bottle, and upon the face of that you can see written in a hand that no one can deny: "Shake well before giving to the jury."

"Take the poison out of your food." Yes, take the spirit out of your potatoes and you get Irish Whiskey; take the spirit out of corn and you can make Bourbon. I have known people to try to make whiskey out of potatoes, and they finished up by making Sam Suey. It looks as if my friends tried to make a case out, but they finished up by making a bottle full of Chinese suey.

I have studied my learned friends for the last eight or nine weeks. I never had the pleasure of meeting Mr. Andrews before I came into court at the preliminary hearing. I can easily forgive Mr. Andrews for having mixed up his bottle of medicine upon me. I am not a vindictive kind of chap, and I can easily forgive him. But do you know, gentlemen, I am not so charitably inclined towards Dr. Pitblado.

To me he appears to be educated somewhat, and ought to have known better.

Then we come to the indictment. I am not going to go through that indictment and tell you what it is as a legal instrument. I have seen so many marvellous pieces of Law drawn up. I am capable of understanding English, to the extent of the authors, but I have seen so many mysterious documents dragged forth from the intermost recesses of the legal mind—they talk about a Philadelphia lawyer—why a regiment of Philadelphia lawyers could not decipher some legal documents. In fact, honorable profession as it is, the legal profession exists for the purpose of having one side make up legal documents so that the other side can come along and tear them to pieces. This indictment has been held to be a good piece of Law. It may be so. It may be so. There are six counts in it, and those six counts set out what they call seditious conspiracy in six different ways. They must have run short of material when they came to the end of the sixth count, and carrying an imaginary man-eating, snake-devouring Kilamazoo in their little legal bag, they said: "Now what shall we do? These fellows may be all right. They may be able to produce their bona fides. If they do they will get from out of our grip—what shall we do then." A bright idea struck one of the members of the Crown counsel for the Citizens' Committee, and he said: "I will tell you, we can never allow the Kilamazoo to run around without a tail," so they brought out the seventh count and they said: "We will indict them for common nuisance, we will put that tail on the Kilamazoo to balance it up."

Mr. Andrews said: "The defense have not called any evidence. The matter before you is going to be simple. You will only have to take the evidence which has been given from that box." I am willing to do that, and I trust, with the assistance of His Lordship, I will keep a little closer to the evidence that came from that box than my learned friend Mr. Andrews appeared to be capable of doing; so that for the purpose of my own defense I shall be limited to the evidence that came from that box and the evidence that was given to you by the learned and distinguished counsel for the Crown.

It is a peculiar position. Arrested on a charge of inciting to disaffection in the months of May and June, 1919. Preliminary hearing, remand, remand, remand. Why? Why

NOTE—For Kilamazoo story see end of book.

the remands? If there were a reason existing for the arrest in the first place, gentlemen, why the continued remands? That is the history of this case. I will tell you why. They wanted to mix the bottle of medicine. And they have mixed it pretty good. And we are here to unmix it. I want to tell you this, gentlemen, speaking with a knowledge of the facts as they apply to me, whether or not we can unmix that bottle of medicine, to your satisfaction, and to the satisfaction of this court, just so sure as I stand here before you, I know this, that I shall unmix that bottle of medicine to the satisfaction of history. Whether or not we be vindicated in this court, we shall be vindicated in process of time by history. I want to tell you that I had never looked for any such distinction as this. I had never hoped that my poor modest name could have been linked with the name of Milton; with the name of Galileo; with the names of all those illustrious men of the past, who fought superstition and darkness wherever it existed; who took the broom of scientific investigation and swept up the cobwebs of superstition and ignorance. I am going to do my best to go into those facts and prove them to you first by the Crown witnesses. But I am placed in this position. I have told you how these exhibits came to be here. You know that. You know how they came to be here. From the original charge of May and June, 1919, the thing has been stretched. The Kilamazoo could not jump far enough, so they put some of their choice medicine into it and gave it a shock so that it would jump a little further, and they have tried to make it jump over the years 1917, 1918, 1919. Then we asked for some particulars. If you read those particulars for a little while, gentlemen, you will find that the Crown counsel stopped short. They might have gone further as they worked back in their brief; they could easily have gone to the days when Horace Greeley was editor of the New York Tribune; they might have taken you back to the days of William Morris; to the days of the Chartist movement, and come down through those days of anti-combination laws, or gone back further to the days prior to the French Revolution. Aye! and they could have taken you to Sir Thomas More's "Utopia."

I don't know whether my feelings were hurt or not. My feelings are getting to be such that I am not so susceptible as I used to be when I was a young fellow. When the learned counsel for the Crown turned around and said:

"Gentlemen, you will see the paucity of originality in these men"—said it twice. "Paucity of originality." Does my learned friend really know what he is talking about? Does he not know that everyone of us, you and I, have nothing original about us; that we are, everyone, products of a long line of historical development, and that whatever knowledge I may possess I can trace it back through a long development which takes me into the literature and culture and the science of ancient Egypt; to the Hanging Gardens of Babylon, to the Colonnades of Greece, and to the grandeur that was Rome. And that for anything that I may know now insofar as mathematics are concerned I go to Euclid, to Archimedes, and to many other ancients. As I go into my own library I stand face to face with the burning of the Serapion library at Alexandria. The history of the development of scientific thought has been the burning of books, and the destruction of libraries here and destruction of libraries there. And they thought if they could only tie Bruno to the stake then the earth would not go around the sun any more.

You remember how Galileo, when he heard that the Dutchman Lippershey had invented a telescope which brought the heavenly bodies closer to the eye; you remember just as soon as he heard there was such an instrument, his knowledge of physics led him to construct one for himself although he had never seen Lippershey's, and as he looked through the telescope he saw something which the naked eye could not distinguish. There were thousands of people trusting to their own eyesight. You say: "I can believe my own eyes." They believed their own eyes, and they said Jupiter hadn't any moons. He said Jupiter had four moons. And the lawyers of that day came down and they said: If Jupiter has four moons Galileo must have made them himself and stuck them into his telescope.

When Pritchard comes along and, out of the paucity of knowledge which he may possess, drives the knife of research into our economic life, and with his little knowledge of economics tells you that the industrial situation today has developed to that point; has become so intense; has become so complex; its mechanism has grown to such a degree that no longer can industry guarantee a living wage to all its workers and at the same time guarantee interest upon bonds. When he tells you that, and when he says, gentlemen: "Look at the British pound sterling on the New York

Exchange down to 3.64, and has even touched, a few weeks ago, 3.19"—what does Pritchard mean when he says that? Pritchard must have put it into his telescope. Is that the language of the distinguished gentlemen belonging to the honourable legal profession talking about the paucity of originality?

I must get on. I am placed in the position where I have to defend the history and literature of two movements. When you look through the address given by the Crown, you will see that I do not have to offer a defense—I would not lower myself to give it such a name. But I have to explain to this Court the history of the Trades Union Movement and the history of the Socialist Movement. In the explanation of the history and literature of the Socialist Movement it will take you into a library which in all probability is the greatest library of any school of thought of any day in history.

Not only has the Socialist Movement in the course of its development produced itself one of the greatest volumes of literature, but it has at the same time in opposition to itself, created a library greater than its own. From the day when the Minister of Finance of Austria, Dr. Albert Schafle wrote his "Quintessence of Social Democracy," the opponents of Socialism have been adding to the stock of literature given in opposition to the Socialist Movement.

In this connection I want to tell you, gentlemen, that Plato, who wrote the "Republic," said, on one occasion: "A house that has a library in it, has a soul." I want you to keep that in your minds while I am doing my best to explain to you and you are doing your best to be patient with me,—keep that in your minds, and throughout the whole of this case, let it sink in. When you go back into that room, remember that we are not being charged with, gentlemen, nor tried for believing or not believing in, witchcraft. I do not stand before you today because I am either religious or irreligious. I am not being tried for advocating or rejecting infant damnation, am I? I am going to show just how good the case for the Crown was that it had to drag in a whole mass of totally irrelevant matter. It was all allowed in—I say that with all respect, and it has, to my mind, nothing to do with the charge; not covered by the indictment; dragged into this case by the heels, as it were.

If, gentlemen, you were sitting upon a case in which a man was being tried for stealing a horse, if instead of these

brilliant young men, who with myself today make up the accused, you had in the box a horse thief, what would be the question before you? Does this man believe in the Aryan Creed? Does he follow Luther? Or does he follow somebody else? Would those be the questions that would be brought to your mind? If you were sitting upon a case for stealing a horse, what would you think of the prosecutor who told you that the horse thief was a follower of Ingersoll? Has that anything to do with the theft of a horse? Has it anything to do with the case at all?

All through the eight weeks that the Crown have been building up this case, that little tune that was given to us in the beautiful light operas of Gilbert & Sullivan, kept recurring to me: "The flowers that bloom in the Spring, tra-la, have nothing to do with the case," and eighty per cent. of the evidence that came from that box was like the "Flowers that bloom in the Spring"—it had nothing to do with the case. Still they were brought in, and we have been charged with certain things that are laid in the indictment, and with nothing else. People have been charged with various things in times past. In front of one of the greatest jurists of Britain, a woman was once charged with witchcraft, and it was said that she had caused children to vomit crooked pins. Very funny, when we look at it today; we brush it to one side, because we know better; education has moved on apace. Science and industry have developed, and we no longer accept those notions. We no longer accept witchcraft, nor the story of the old lady with the pointed hat who went riding through the clouds on a broomstick, to sweep the cobwebs off the moon. Why? Because science has advanced and because the masters of the land desire men to work for them who have at least the elements of education, and you cannot put education into the minds of the young and have them hold those old-fashioned and superstitious notions. Yet, in that case, the learned judge, when he charged the jury, was emphatic as to there being no doubt as to the existence of witches, as being established by history and expressly taught by the Scriptures. I could give you instance after instance of this kind, but I must forbear. I want to give you a quotation: "Education is the most radical thing in the world." I wonder when Dr. Pitblado was going through his course of reading that he did not come across this quotation, and take the word "Radical" out of it. It was given many years ago: "To teach the

alphabet is to inaugurate a revolution." Terrible, gentlemen. "To teach the alphabet is to inaugurate a revolution. To build a school house is to construct a fort. Every library is an arsenal filled with the weapons and ammunition of progress." Who said that, gentlemen? One of the greatest orators of the democracy south of the 49th parallel, Robert Ingersoll. You may not accept him. I may not accept him, but I accept that quotation from one of his speeches because it means something to me and to those who are dependent upon me.

I don't know, gentlemen, whether you are religious or not; it doesn't matter to me, but I have sufficient confidence in you to know, however much you differ from me in your outlook on life, that has nothing to do with the case, and you can judge upon the merits of the case as it is presented to you. The Crown have sought from the very commencement to build up in your minds that I, forsooth, am an irreligious man. I look back again over history and I will tell you something. I will even go back to the life of Calvin. I can tell you that I like Calvin when he wrote a book on "Religious Toleration." But when in the city of Geneva, he met Michael Servetus, and Calvin said that Christ was the Son of the Eternal God, and Michael Servetus disputed with him and said that Christ was the Eternal Son of God; how much of a difference of opinion was there, gentlemen? Yet on one fine day, when the wind was blowing, Servetus was bound to the stake and with green faggots under him, the wind blew the flames away from him, and for hours he remained in torture, while Calvin looked at his rival and helpless victim through a window. I like Calvin when he wrote that work on "Religious Toleration," but I want to tell you honestly, gentlemen, I cannot like Calvin when I see him there, looking through the window at his helpless victim, because of a small difference of opinion.

Now I am not going to deal with any Law except insofar as to show the history affecting the working class movement. But there have been funny Laws. Really, I could almost smile, gentlemen, when I listened to my friend Mr. Andrews standing before you, and going back a hundred years for his Law. I don't blame him. I think you have got to go back about a hundred years to find a good Law, but when he went back a hundred years for his economics, my philosophic soul rebelled—I trust you will forgive me if I use that expression, "rebelled." A hundred years

and you are back in the days of the stage coach in Britain. A hundred years and you are back before the time of big industry. What has transpired during the last one hundred years? He might have gone back and taken you through the Trades Union Act of 1906, and he would get his Law up-to-date in Britain; in 1871, to the days when Disraeli made "Social Reform" his platform and rode to a political victory. He might have gone back to the day of the repeal of the Corn Laws. He could have gone back to 1824; to those other Laws that were used by the masters of that time for the purpose of crushing the growing combinations of working men.

I have quoted Ingersoll. And in order to make my position clear to you, gentlemen, I am going to quote another man who is not relished by certain people, and yet a man whose characteristics and outlook are of the finest. It is a long time ago, and the world has moved since then, consequently I do not accept all that these individuals have to say, but look at this, and when you get this you will get my outlook on life. You will find that instead of carrying a couple of Mills bombs in my pocket; and a couple of bowie knives in my socks, and going rushing around the country as a wild incendiary, you will find my dynamite, in so far as I am capable of using it, mental dynamite; that the fight I carry on amongst my fellow-workers is a fight with ideas, for I recognize this, gentlemen, although the learned gentlemen for the Crown may not, that the first task imposed upon any political party seeking power is to convince the majority that your programme and your tactics are correct, and until you have done that, there is no other task to which you can lay your hand.

In this connection I want to give you this quotation of Thomas Paine: "To argue with a man who has renounced reason is like giving medicine to the dead." I think I am wise enough to be able to see when my ideas are not accepted, and I hope you will understand this position, gentlemen, that in every economic or political question that I take up, if fact is opposed to fact, truth will come to light; and truth will come to light out of that most pitiless of contests, the contest of opinion.

I do not want to go over every hill and dale that was gone over by Mr. Andrews, but I want to give you one example of really socratic logic. He was talking about us. He could not help talking about us, and on one occasion

there, while I was reading, I heard my name mentioned. I looked up, and counsel for the Crown was talking about the accused Pritchard. His index finger was pointed at me that way (indicating). I could not help it, I had to smile, and I said to myself: "Oh, to be loose from this, and to have the power to set this thing down in its proper order, in its proper shape, to have the necessary musical training, I would write the finest comic opera that would ever grace the boards in any country under the sun." I am going to come to the phrase "Accused Pritchard," shortly, but listen to this: "They commenced sewing the seeds of discontent, and preaching the doctrine of hate. They go to the artisan, who is rearing his family in contentment, satisfied with things, and believing that his children are going to have something better, and they say: 'You are wrong; you must not be contented; you must be discontented.'"

My Lord, I think I am reading from the newspaper report of Mr. Andrews' speech to refresh my memory.

THE COURT: You cannot do that. Newspaper reports have all been cut out. It does not matter much what was said by Mr. Andrews, or how he said it, but there might be things misreported there. You are reading from the newspaper?

Mr. PRITCHARD: Yes, My Lord, that is why I checked myself.

THE COURT: I have no objection to your saying Mr. Andrews said so and so, but to tell them it is a newspaper report gives it a certain authenticity which it does not deserve. Newspaper reports are very often taken down by men who try to do their best, but do not always hear, or who cannot read their notes sometimes, and use their own imagination.

Mr. PRITCHARD: But it seems to me these are pretty good reports.

THE COURT: I may say that seventy-five per cent. of what is reported as having been said by me is not what I actually said.

W. A. PRITCHARD (Continuing): Then I will refer to my own notes. You will remember how he drew a picture of an artisan in contentment, and how we were going to the artisan and saying: "You must not be contented; you must be discontented." And he said: "Why don't you go to the profiteers? Why make a man, who has already suffered, suffer more?" Who is suffering? Is it the profiteers

he was talking about who are suffering? And if you draw a picture of an artisan who has everything that he wants and is satisfied, why turn around in the next breath and talk about them suffering? Such inconsistencies crop up right through his speech, gentlemen, and I am going to take certain parts and show you just exactly what he did.

Another thing that he said, and this is an important point to me: "If we were to read to you all we would like we should be here until Christmas." Gentlemen, out of the 1,010 exhibits it will be a physical impossibility for me to go through each of them and explain them to you, so I can only take a number. Yet my learned friend Mr. Andrews may come back and say to you: "Pritchard never said anything about this one, and Queen never said anything about this one, and someone else never said anything about this one." It is the same argument as was used as to our not calling witnesses. I want to show you our position. We are not concerned with breaking down every single point; we just want to make a breach, and we are going to make a breach in the bulwarks of the Crown. But in dealing with that literature and with the correspondence, what did you get, gentlemen—words misconstrued, sentences wrenched from their context, and tacked on to a collection of disembowelled paragraphs, and these things were given to you as the position of the seven men standing before you as the accused. One of Britain's greatest grammarians, Gerald K. Hibbert, M.A., of Cambridge, in writing to students to tell them how best to become acquainted with foreign languages, says: "Instead of making too much fuss over the alphabets of other languages, get this well in your minds, you cannot understand the meaning of a word, apart from the sentence of which it is a part, and you cannot appreciate the worth of a sentence taken from the paragraph of which it is a part, and you cannot understand that paragraph apart from the entire context." I want you to keep that in mind.

Mr. Andrews drew a picture of work, sweet, beautiful, enjoyable work. Where was he? Not a hundred years back with his Law and Economics, but he was away on the village green in the old country, in merry England, dancing around the Maypole, when work was something which took man outside; when work was something which made men; not the hideous thing it is today in our modern factory hells, something which strangles and kills. Work, work! Let us listen to the song, a psalm of praise, to work, as it comes

tripping from the lips of a corporation lawyer. Did he ever work in a coal mine? Does he know what it is to bend his back before the face of the rock, or push wagons from the drive to the bottom of the shaft? Does he know what it is to stand in a slicker and sou-wester and with the rain pouring down engage in painful and persistent perambulations behind a truck heavily laden with wet fish, for seventeen hours a stretch. If he did he wouldn't find so much annoyance in terms. There is a little work, which I haven't here with me, called: "Useful Work versus Useless Toil," which Mr. Andrews might well read to his advantage.

Then we come to this term "Plug." Oh, the horror of it! "Plugs!" they call them "Plugs." We on the pedestal; they down below; our fellow-workers; we call them plugs! In the workshop you know the term "Plugs"—every-day terms. And that other term made much of in this court, "Demand," "Request." Go to your dictionary and you will need that microscope that Mr. Andrews spoke of to find the difference between demand and request. But if you go to the employers with a new schedule, and you enter into negotiations, you call them "Demands," and he calls them "Demands," being the term of the trade, if you will. I am on the water-front in Vancouver, and I have been piling rubber as the trucks come in with monotonous regularity, two cases for the truck, and I am on the floor, two fellows on the top, and we take the case and toss it up, and the truck goes away. The stevedore is right there, the man who is running the whole of the dock. He is a member of the International Longshoremen's Association. He is the boss. He knows when that particular mark or brand of rubber is running out, and we are near the end of it. He sees the ship's manifest and can tell there is a thousand cases of that brand. Then, so that those fellows up there will not be left with nothing to do, he says: "Hey, you plugs, come down here, I want you over on this pile of tea," and they come down. He uses the term and they respond to that term and nothing more is thought of it. I want to tell Mr. Andrews or any other gentlemen of the legal profession that if they go for twelve months through that kind of work, they will use this term just as freely as I am beginning to say "my learned friend"—terms of the trade. And I am asking him now to please have a little more respect for the terms of my trade. Every man to his trade. Every profession is honourable whether it be dirty or clean,

using dirty or clean in the broad sense of the term and not to denote graft.

There was one thing that struck me before I got very deeply into this, gentlemen. I notice these little things. And they seem to me to be of more importance even than the steady repetition of witness after witness going into the box and kissing the book and saying something. Scripture has been quoted. I might quote Scripture, and I may do it perhaps better than those individuals who consider me to be irreligious. I am not concerned, gentlemen, when I read the stories in the Scriptures, as to whether they are true or not; whether they happened or not; what I am really interested in is getting a lesson out of them if there be a lesson in them. And he told us of that unruly member, the tongue; that terrible member, the tongue. Do you remember, gentlemen, how he said: "It is that which cometh out which defileth a man." And he quoted the Scriptures to that effect: "That which cometh out." All right. There is another little piece of Scripture, too, that I am going to couple with it: "Out of the fulness of the heart the mouth speaketh."

I had another little piece of food for thought for my cynical soul when I saw my learned friend on one occasion on the floor, turn around and refer to us—he meant to say "co-defendants" and he said "co-respondents." If the Scriptures can be quoted one way; they can be quoted another, and he talked to you of morality. "Out of the fullness of the heart the mouth speaketh." That is the first time I have been called a co-respondent.

Talking about free speech. Gentlemen, I don't care what speech is made, or article is read, we can get something out of it. It is not the kind of stuff I read, nor is it the amount of stuff I read, it is what I read and how I read it—how I read it is the most important. I can take Esop's Fables, or I can take Dickens, Thackeray, Jack London; I can go through Thomas Paine or Ingersoll; I can take Herbert Spencer or Karl Marx—it all depends on how I read, and—am I getting anything out of it? Why, gentlemen, I can even read the rent book and get something out of it. Of course I find a lot of satisfaction when I find it is paid to date.

Propaganda! He said: "I think they go to bed at night and wake up saying: 'Strike, strike strike.'" I don't know — the experience we have passed through — remember,

gentlemen, it has been some strain upon you for the last two months. I have been under this strain for the last nine months. Yes, I wake up at night and say: "Strike, strike, strike!" I am entitled to say also, if I wanted to use that kind of language that he used respecting us, that he might wake up at night and say "The Citizens' Committee." That is more likely. Why were men rushed to Stony Mountain Penitentiary in the fashion you have heard. Warden Graham said it had never been done before. My learned friend is liable to retort that it was as a measure of safety for the men themselves. Perhaps. "A measure of safety!" Instead of putting them into gaol they took them to Stony Mountain as a measure of safety. I suppose they dragged me back from Calgary and put me in Stony Mountain, because Stony Mountain was much safer than the Calgary gaol.

We have a despatch from London—showing that the story must have seeped through to the labor men in the Old Country—of how the Labor Congress in Southport, held in the early days of June of last year, passed a resolution asking the British Government to bring to the attention of the Canadian Government, and bring pressure to bear on the Canadian Government, to see that British-born citizens of Canada should not be deported without a jury trial. Counsel for the Citizens' Committee has told you that he wanted to be fair to me. Well and good, and yet I can see that in his fairness to me he would have been so fair as to have desired that you twelve gentlemen would not have been the tribunal to sit upon this matter. Why did these workers in Britain take the position they did?

I am going to come back to some of these things that he said; I have got to touch them here and there as they appeared in his speech. You will remember that on three occasions, if I remember correctly, he referred to the burglar coming into your house with a gun in the dead of night—in the dead of night. Why does he do his work in the night? I think there is another little piece of Scripture which says something about working in the night because their deeds are evil. And you have found, gentlemen, that burglars were not the only ones that worked in the night. And while you may have had cases of burglars in the middle of the night, there was not one word said about the burglars who walk around in broad daylight, clothed in the robes of respectability. I am going to touch on that later on. I want you to get these points as I proceed.

There was another thing—Crown counsel endeavored to anticipate things. He said: "Gentlemen, some of the undefended accused will come and tell you this, that and the other. They may try and convert you." Well, I hope we make a better job of it than he did. He said: "They may try to dazzle you with their eloquence," and he told you, gentlemen, to be on your guard against some of the undefended accused. Why did he do this? Well, you have heard Mr. Queen; you have heard Mr. Ivens; and he said some of the undefended accused will try and dazzle you with their eloquence. I am modest enough to believe that he did not intend to include me, after listening to Mr. Queen and Mr. Ivens. In any case, gentlemen, I believe you are intelligent enough to drive your own minds into this mass of evidence and drag out the real substance. Why did he need to tell you, and warn you that some of the undefended accused will come before you and say this, that and the other. Couldn't he leave it alone. Had he not faith in his jury—"my jury"—to do their duty, but he had to tell you that some of us would come along and say this, that and the other. Wasn't it our privilege to come along and say anything to you at all, provided it was within the four walls of the evidence that had been given. I am going to come back a little later on to some parts of the Crown's speech, but there is just one thing that strikes me now, and I am going to deal with it. You will remember how the counsel for the Crown would read to you and shake the document in this fashion (demonstrating) "Gentlemen, anything about the vote in that; anything about the ballot in that? Anything about constitutional action in that? No!" I am going to show you, gentlemen; I had to think seriously as to whether or not I would bring a defense to prove my position on questions both economic and political. You will remember that I offered, on one occasion, a wire. I did it seriously, but at the time I did not know whether or not you gentlemen of the jury thought I was sincere or whether you thought I was bluffing. I might have got that wire in as evidence for the defense, but had I put one particle of defense I would have put in a full and complete defense. But after digging through all the mass of stuff, looking over some of it for the first time in history, I find that I have all the arguments that I desire.

I go to the Exhibit 560, "Western Labor News," Winnipeg, August 9, 1918. My learned friend says in his truly

Ajaxian style: "Pritchard is just as much responsible for the "Western Labor News" as any of them." By that same process of reasoning you can come to the conclusion that Pritchard is responsible perhaps for the editorials of Horace Greeley, to which I have referred; that Pritchard is responsible for the programme of the Labor Party of Australia; that Pritchard is responsible for the position, actions and the utterances of the Labor men of the Old Country. Gentlemen, think of it! Even in my wildest and most egoistic moment, I wouldn't have taken to myself half the power that has been ascribed to me by the Crown counsel.

This is signed "Pat." (indicating article in "Western Labor News"). I am only going to take out of it the things I require for the purpose of my own argument. It is headed: "Change your name, Christopher." Evidently a little bit of advice given to some fellow who runs around this land under the jocular cognomen of Christopher. "The attention of the writer has at various times been drawn to oft-times clever effusions of one who signs himself 'Christopher Columbus'." The article goes on to state that he writes in the "Free Press Bulletin," and the writer of this article urges Christopher to change his name. He said that originally Christopher Columbus may have been some discoverer, but this one is not. Later in the article—and this is what I want you to take notice of—I want you to follow me step by step. I know it is difficult for me to try and make it clear to your minds, perhaps, but I am going to do my best, and I know you will. "However, to get down to brass tacks, dear Christopher, let us in a brief way endeavor to show you why a Socialist cannot support the candidature of any other political party whether it be Capitalist or avowedly Labor, why we will not at any time cast our vote for any but a Socialist." Then he goes on and gives a definition of property given by Professor Jenks, of Oxford University, in his "Short History of Politics." "A right vested in a human being or a limited number of human beings. The essence of it, as its name implies, is the appropriation, the making special to an individual or a small group of individuals, of a part of the common stock of things." "We see then, because we do not think that Mr. Columbus will deny the correctness of this definition, that the Socialist can have no dealings with any other political nominee or with any other organization."

Remember, gentlemen, I am using the arguments from

these exhibits which have been put in against me. They have been used against me, and it is my privilege, therefore, as a British subject, to use these exhibits in my own defense, even though I may never have seen them before.

Now, we come to an exhibit, "The Class Struggle." That is Exhibit No. 535. Something that is published in New York. And here on page 14, it is stated: "The conception of political action as parliamentary activity only leads to that 'parliamentary cretinism' denounced by Marx, which produces the delusion that the whole world and its social process revolve about the parliament." With that argument I am going to deal a little later on. "This conception of political action is false theoretically, and in practice leads ultimately to disaster. In itself it cannot develop the independence and aggressive action of the working class which are necessary in order that it may achieve its final emancipation. But, related to the general mass action of the proletariat, parliamentary action becomes a vital phase of Socialist activity." That is not, you will notice, gentlemen, issued by the Socialist Party of Canada.

Now, we get one of these small leaflets. You will remember they were dangled before your eyes; just a small leaflet with the simple heading, "What We Want," by Wilfred Gribble. And he goes on to explain all about it in simple words, the development from the simple machine to the complex wheels of modern industry. I am not going to bother you with the entire article. I want to smash the position put up by the Crown—"Nothing about the ballot in that. Nothing about the vote." How does Gribble conclude. "How shall we do this?" Follow this reasoning, gentlemen. "Well, what stands in the way. The powers of the Government which stand as guarantee for the present form of ownership," they may be strong words, gentlemen, but listen—"Behind that Government stands your vote." Did he put that in there and did he mean it? Other people have distributed this little leaflet. I can't go into the history of that. I have lived in Winnipeg more since the trial commenced than I ever did in my life. I can't go into the history of things in Montreal, Winnipeg, or anywhere else. I must just build up my own position the best way I can. "What stands in the way. The powers of Government which stand as guarantee," and so on, "and behind that Government stands your vote," and the writer of this article may be very emphatic to the people whom he is addressing.

"Behind your vote is your ignorance and your class interests. What other explanation is there? You are far, very far the more numerous. You are potentially far stronger than the capitalist, but you don't know how to use your strength." "Behind the Government stands your vote." Take that, gentlemen, with the position I gave you a short time ago, that the first task of any political party was to convince the majority of the people that your programme and your tactics are correct. "You are far more numerous; you are potentially stronger than the capitalist, but you don't know enough yet to act in your class interests; behind that Government stands your vote."

Now, gentlemen, I am going to ask you to assume something. I don't know whether I should or not, seeing that you have all this evidence in, but I am going to risk this, I am going to ask you to assume that sometime, somehow, somewhere, I had a father. I don't think there is anything objectionable in that, although there is no evidence before this court, but I am going to ask you to assume that I had a father. As you heard me make my objections when certain evidence went in, and I think His Lordship told me that my father, if he wasn't an angel now, would be some day; you remember that, I didn't know at that time, gentlemen, that right in those things themselves there would be evidence that would bear out my objection. I am speaking honestly.

Mr. BONNAR. My Lord, the speaker would like Mr. Williams to get him some of the exhibits.

THE COURT: Very well, we will adjourn for a short intermission.

(Court adjourned for fifteen minutes.)

W. A. PRITCHARD (Continuing): Now, gentlemen, just before we adjourned I was telling you that I had a father, and I was bringing back to your minds that during this trial when I offered my objection to certain exhibits I did it seriously. I took that book, looked at the outside of it, and I took that one and I said that belonged to my father, and I took this one and I said that belonged to my father. Now, I was not trying to crawl out of anything. Not in the least. I want you to take notice of this. It was my right, and it was my duty to make that objection because history is replete with instances of men who have been convicted upon circumstantial evidence.

That is the position of the Socialist party, the stand we take when this point intervenes. I don't know what the number of this exhibit is, gentlemen, I am not concerned with it, all I want you to notice is the name, "W. A. Pritchard." You can see the handwriting. Here we have Exhibit 663, and you see under the name "J. Pritchard's Book." You will notice the difference. Now, I have another exhibit here, another book. I have asked you to assume that I had a father. I don't think I am violating any of the regulations of this court if I told you that father was a coal miner, who went to work at nine years of age. (Pointing) The word "Exoteric" is underlined—(Pointing to pencil note on margin)—"Exoteric Teaching, Mysterious Teaching"—all I want you to notice is the writing. See if that writing compares with the signature W. A. Pritchard, or compares with the other signature (Shows to jury). I just wanted to get one idea in your minds as you went along, gentlemen. The book itself has been used against me. I am going to quote from this book later on on other points. Yet in this book, using the terms which have been used for the last half century in Britain in connection with the Socialist movement, this book itself says, on page 50: "I have said that the class struggle is a compass to steer by in the present struggle for the emancipation of the working class. If we steer by this compass, we will resolutely reject all overtures from political parties representing the interests" and so on. "Especially as individuals will we avoid giving our votes or our support to any middle class party which we may at times fancy to be making in the right direction."

Now then we come to this pamphlet, "Canadian Socialist Party," which also has been used against me. It appears to be a kind of manifesto issued by a certain group, as to their position. With that we are not concerned. But I must use it for myself, as it has been used against me. What says this pamphlet? I didn't know there was so much literature in the world until now. Page 17: "The present ruling power which is in the hands of the capitalist class is so powerful, that the working class in its present circumstances is unable to overthrow it. The fists of the working class, weakened by hunger, are too insignificant against the gatling guns in the hands of the capitalists. An armed revolution therefore is out of the question as long as the ruling power is in the hands of the capitalist class. The field for the class struggle is therefore in Parliament." Anything about the

vote in that, gentlemen? Anything about the ballot; anything about constitutional practice? Anything about Parliament? "The field for the class struggle is therefore in Parliament."

Eight months arranging exhibits, building up a case, hunting charges. Page 28, under the heading of "Political Demands": "Unrestricted and equal suffrage to men and women, and the abolition of those obstacles which disfranchise the workers in Dominion, Provincial, or Municipal elections, or are obstacles which prevent a Canadian citizen from becoming representative or candidate for office."

I will deal with that a little later on. We will deal with those obstacles, which in the last year or two have been created for the purpose of preventing that kind of thing: "9. Initiative and referendum, proportional representation and the right to recall." On page 28, it says: "We should struggle more vigorously than before, for the changing of the Franchise and Election Laws to be really democratic." Now I am willing to take the statement of my learned friend Mr. Pitblado that the Law says that anything that is found in a man's house can be used against him. I am using some of it for myself. Let us use some more.

Exhibit 208: Platform of the Socialist Party of Canada, together with the application for membership. The application for membership states: "The applicant recognizes that the struggle between the capitalist class and the working class is a struggle for political supremacy." In any organization you have the organization blank filled in to see whether the applicant is a fit and proper person for your society. It may be any kind of society, gentlemen—it may be the Elks, or the Bull Moose, or any other organization, and you put your questions short and pithy, not that the world might know, but that the applicant and the members of your organization might know.

This is already made out: "R. C. Mutch, address, Smithers, B.C. Occupation, carpenter; age 26. Voter, yes." Look at that, please (handing to the jury) "Voter, yes." I wonder, gentlemen, what the Executive Committee of the Socialist Party of Canada were thinking about when they put "voter" on the application form? Did they put it there just to fill up a blank hole, or will you gentlemen agree with me when I tell you that it was put there to mean what it says, that any political party, taking in members, wishes to know for the purpose of tabulation the number

of members who are upon the register, so that they can use them as scrutineers, or may be if they possess certain abilities, put them up as candidates.

Then I want you to look at this Exhibit 541, "The Slave of the Farm." This was evidently the first edition. A small one gotten out in the form of a complete article. The other one "Slave of the Farm," which you will remember I read to you somewhat extensively, was gotten out later on, rather built upon this, so it would appear, and it was put in the form of letters, like a young romantic man would write to a dear lady. He always writes: "My Dear E." In the first one, Exhibit 541, page 16, issued by the Dominion Executive Committee of the Socialist Party of Canada, put in as an Exhibit against us, says: "Our work is plain before us, the masters hold their place because they hold political power, they are few; we are many, we must then join hands with our brothers of the factory. With our brothers of the factory, mill or mine, and workers all, go to the ballot and grasp political power; send our own men to Parliament to rule as we shall dictate."

It may be urged, gentlemen—I want to give it all to you—that this does not appear in the next issue. This was gotten out in entirely different form, this was written during a discussion that was raging on economic questions. It was an academic question. Two sets of economists were arguing as to whether or not the farmer when he sold his wheat had not thus worked up his energy into so many bushels of wheat, and therefore sold his energy in wheat just like the worker sells his energy by the day or by the month. On the other hand, there was another kind of economist who said: "No, the farmer does not get his that way; the farmer to all intents and purposes owns the land, owns horses, owns machinery, and yet, generally speaking, he is in the same position as the wage-worker. When all is said and done he toils from morning to night, and continues to toil day in and day out." The position that they took and the position I take, gentlemen, is that the wheat raised by the farmer belongs to him, but he does not have the market in his back yard, and if I produce something away up in the North Pole, I might just as well save my work. The farmer produces his wheat for the market in Europe and America. When you come to deal with Manitoba No. 1 hard wheat, you find it holds its place on the world's market because its quality is the finest for milling. Before that wheat can be

made use of it must get to the market; that market must be there, before anyone can take the wheat off your hands. Here was the position then we took, that in front of the farmer there stands the man with the gun who says: "Stand and deliver," and that between the farmer and his wheat and the market for that wheat there stands the chain of elevators, there stand the railroads, there stands the mighty octopus of capital that is represented in the Grain Growers' Grain Company of Chicago, who can make fifty thousand dollars on an investment of fifty thousand.

But to pass that. Just as I, a longshoreman, standing some fine morning at 5 minutes to seven, as a liner pulls in, standing alongside a number of my fellows, the stevedore runs his eye over us, and he says: "Come on Jim, Jack." "You plugs over there, you go down to No. 3; you go to the slings," just in the same way; and in this book these arguments are developed to the full. There is an application for a charter to the Dominion Executive Committee of the Socialist Party of Canada. Then there is a pledge similar to the one that you have in that individual application form, and here is the column for the names, column for the age, column for the occupation, column for the address. At the end the column for "Office in local," and before that "citizen?" Why should we want to waste paper asking if individuals making application for charter were citizens or not? Here is the answer, gentlemen, in the last paragraph of that little pledge:

"If this application be granted, we hereby agree to maintain or enter into no relation with any other political party." That is our constitutional right as a political party; nothing seditious in that. It goes on: "We pledge ourselves to support by voice, vote and all other legitimate means the ticket and programme of the Socialist Party of Canada only." Gentlemen, you may belong to the Conservative Party or you may belong to the Liberal Party. You may belong to the Single Tax Party—you may in a very short time, I suppose you will, belong to the Farmers' Party, and upon the floor of your Convention someone will say: "I am whole-heartedly in support of the ticket of the Farmers' Party." What do you mean by "ticket." We have some peculiar names, under which we hide our meanings. Has that only just been discovered? "To support by voice, by vote, and by all other legitimate means,"—by argument, by presentation of your facts, your programme. What do

you mean by programme in any political party? Programme—and before you come to programme, gentlemen, “ticket”? It is almost beyond me, gentlemen. I don't know how the counsel for the Crown could have gone through these exhibits and omitted these things. Anything about the ballot in that? Anything about constitutional practice in that? Anything about Parliamentary action in that? I am going to leave it to you, gentlemen. What do you mean by ticket and programme? What do I mean? I am willing to take all of the world's possessions and lay them beside a brass button, if I were a betting man, that you know what I mean when I say “ticket.”

In the Western Clarion, of Oct. 15th, 1918, page 2, there is an article—it may be strong language, “Nationalization of Industry”: “For as long as the Capitalist class remains in possession of the reins of the Government, all the powers of the State would be used to protect and defend their property rights in the means of wealth production and their control of the products of labor.” “National ownership or control is only more and more a development of capitalism and is generated by the commercial jealousy of one section of the Capitalist class against another which holds a monopoly of some essential industry and in furtherance of their aims, they bamboozle the workers at election times into voting for a so-called public ownership.”

Then there is a historical article, which is continued evidently from previous issues, “Capitalism in its latest stages in England.” Remember, counsel for the Crown said: “What do they mean by political action.” Right in here appears the meaning. I am going to take the time, gentlemen, because I think you will bear with me in doing this; you have a duty to perform—so have I. I owe a duty to myself; I owe a duty to my wife and to my children in this matter. I owe a duty also to my fellow-workers, and I do not propose to shirk those duties in any particular.

“Any attempt on the part of the workers to improve their conditions was regarded in the nature of a conspiracy and severely suppressed. Until the early part of the 19th century, up to 1824, when the ‘Combination Laws’ were repealed, workmen could not even meet to discuss or deliberate on the question of wages or hours. But, of course, it was considered no offense for employers to organize for the purpose of regulating working conditions to their own advantage.”

Where are these articles taken from? From "Toynbee's Industrial Revolution," and from the "Industrial History of Great Britain," by H. de B. Gibbon, Prizeman in political economy, Wadham College, Oxford University.

"Lacking political power the workers were unable to help themselves." "But even had they possessed"—what?—political power? What says the article? "Lacking political power the workers were unable to help themselves, but even had they possessed"—political power in practice—"even had they possessed a voice in the Government they would certainly have accomplished nothing of permanent benefit to themselves, for they understood the fundamental causes of their misery even less than do the workers today"

Now, we get another exhibit. This is going back to April, 1916, Exhibit 843 (Western Clarion). This is dealing with a case against a man by the name of Reid. What I want to bring to your attention is that there are copies of two affidavits sworn by merchants of a certain district in this matter. I want you to get a complete picture of the Socialist Party.

The first one is made by a man named Macklin, sworn before a Commissioner, J. H. Robinson, of Evarts, Alberta. "At the meeting held at Evarts school house, in the latter days of March, 1916, addressed by John Reed, Socialist Candidate for the Red Deer Dominion Electoral District." Now carry your minds back. When was the last Dominion Election. Gentlemen, covered by the dates in this indictment, 1917, was it not? But it may be urged that this was 1916 and therefore he was a candidate for a Dominion Constituency prior to 1917. Well and good, when was the Dominion Election, prior to 1917? Am I correct in saying it was in September or October, of 1911? I think so. Was it not in 1911 the great political issue was called, "The full market basket." It looked to me like the first cousin to the "full dinner pail," because it was only a painted picture of a market basket. That was the election cry. Here we have Reid, the Socialist Party of Canada candidate for the Dominion Electoral District of Red Deer—it could not be for 1911, it had gone past—nominated as the candidate for the Electoral Division of Red Deer, evidently for the election that came on in 1917. The other fellow gives a somewhat similar affidavit, and refers to this John Reid, Socialist Candidate, Red Deer Electoral District.

Then there is an article dealing with a gentleman by the name of Parker Williams. Parker Williams had evidently been a member of the Socialist Party in the very early days, but he became a good Liberal after he got a good Government job. I will let that pass. What did he say. He said he was still a Socialist. "I am not," he is reported to have said, "in any sense repudiating its theories, that is, the Socialist Party of Canada, but its uncompromising attitude is"—the very thing which sets the nerves of my learned friend on edge—"its uncompromising attitude is not satisfactory, particularly so when that attitude has been such a weapon in the building of the Conservative machine." There may have been people during the strike who kicked at the Socialist Party of Canada because of the uncompromising attitude of the Socialist Party of Canada in Winnipeg. I do not want my learned friend to be too much haunted by reminiscences, so I pass on.

This article deals with the means for solving problems: "Our quidnuncs, ignoramuses, damagogues, fakirs, anglers around the capitalistic pie counters say: 'compromise with this or that capitalist party.' In effect they say to the working class, against whom the dice are loaded: 'Let us trade; follow us into the Liberal camp and watch us spoil the Egyptians; next election into the Conservative camp and beard the lion.' And so we go round and round the vicious circle from disillusionment to disillusionment; the blind leaders and the blind, weaving ropes of sand."

Why should we deal with these papers, exhibits, that the Crown have put in. Why should we deal, from our viewpoint, with the Liberals and Conservatives, and wander with them into their wilderness of party politics, when our position is that the working class must build up its own political party and keep itself clear in its own political fights?

Then there is an article in another exhibit, Western Clarion, March, 1917. This was the paper my learned friend Dr. Pitblado gloated over. There he says you will see "W. A. Pritchard," editor of this paper in 1917, and he passed over the pages, there you will see "Our Bookshelf" reviewed by W. A. Pritchard, "The Diplomatic History of the War, including a diary of negotiations and events in the different capitals and the texts of the official documents of the various Governments. Public speeches in the European Parliaments, an account of the military preparations of the coun-

tries concerned and original matter," edited by M. P. Price, published by Charles Scribners & Sons.

To show you our viewpoint all along, not only at elections, but between elections, here is an article on "Women's Rights," by J. Harrington. The article is fairly philosophical in its way. He deals with the cry that is coming to the surface for rights for women. And he says: "The non-participation of women in active national affairs and the narrow sphere in which they have moved for so many centuries, naturally produced a narrow viewpoint. This sufficiently accounts for their undoubted conservatism." Here is the problem that this writer lays before the Government: "The balancing of the increasing radical slave vote"—may be strong language, perhaps we call ourselves slaves—perhaps we call one another wage slaves. If we go to a volume that was written by Robert W. Service, in his "Songs of a Sourdough," we find a poem on the "Wage Slave"—"The slave vote, with a number of Conservative votes, certainly cannot be overlooked by the master class, obviously apprehensive of a new post war slave psychology."

Harrington sees the problem here, that the politicians of today, in order to offset the increase in votes against them by the men, will grant the vote to the women. This was written in March of 1917, gentlemen, and in the Fall of that year, we had a number of politicians who fulfilled that prophecy to the very letter. They gave the vote to a certain number of women because they considered they could use that vote. There was a certain writer of note who said that the differences between politicians and statesmen was this: A statesman is a man who honestly desires to do something for his country, and a politician is a man who wants, in any way at all, his country to do something for him.

There were a bunch of these politicians who worked that franchise and they climbed into office by virtue of a War Times Election Act, and a number of women who have since repented.

You will remember how my learned colleague, Mr. Queen, pressed home the point that Arthur Meighen came down here with the Hon. Mr. Robertson. His was the fine Italian hand which drew the War Times Election Act, the same fine Italian hand which wrote the amendment to the Immigration Act that Mr. McMurray brought to your notice, whereby a British subject can be deported from British possessions—that same Italian hand which fulfilled the pro-

phesy made by Harrington months before in this Exhibit of the Crown's, No. 843. He is a politician, a gentleman of parts—I should say of several parts—a politician with a rather shady past and a very hazy future, and if I can read the signs of the times aright, a Machiavelli who will go down at the next election.

Talking about Election, what have we? Here on page 12 of this Exhibit, "Vancouver Campaign Committee," "Important Notice." Over here, "B.C. Provincial Executive Committee, Attention!" In the first advertisement: "B. C. Provincial Election will take place in June. (This is April, 1916) and as we have to put up a deposit of \$100.00 for each candidate we nominate, it means \$600.00, for Vancouver City Electoral District (6 candidates). The Campaign Committee calls upon all comrades and sympathizers to contribute as liberally as possible to our campaign fund. To date we have \$165.00."—Arthur Meighen had nothing to do with this campaign—"which means that we will have to get \$435.00 to place a full ticket in the field. Make all moneys payable to J. M. Jenkins, 169 Georgia Street. Remember the Socialist Party of Canada depends upon the members of the working class for its support. This is your fight." This is part of that mysterious medicine shaken up in the bottle: "Remember the coming B. C. Provincial Election. Twelve months ago a dozen candidates stood nominated to contest several districts. The election did not materialize at that time and was held off until now." The Honourable William John Bowser put the thing off for a little while just as the fellows in Ottawa are trying to stave off the evil moment. "The political situation is of a nature that demands an election, and the Government realizing this necessity have practically declared an election for the month of June. At any rate the House of Parliament in Victoria must disband in June, so we call upon all the Reds worthy of the name to stand by the Socialist Party of Canada in this election. There never was a fight in any of the previous elections in B. C. that can compare with the one we are anticipating now." Funny, isn't it? "Don't be misled by the variety of parties that are out to save you, the only saviour of the working class is the working class themselves, so we call upon every Red in B. C. to do his part by assisting us in the pending elections."

Now, I am a little under a disadvantage, I am going to tell you honestly. Taking poison out of letters is an easy

job compared to taking sweet morsels. A particularly innocent phrase in a letter from one person to another, which can be made to appear in court to bear a sinister meaning, but which in reality possesses none, is taken and tossed about in order to prejudice the mind of the jury. I have listened to it for weeks. One fellow writes to another and says: "Our speakers, Pritchard, Harrington and somebody else are our top-notchers, and somebody else coming along in the offing." You will remember that has been given to you. I don't want to be egotistical, because I tell you, gentlemen, a man who knows a little at all knows how little he knows. And the more he gets to know the more he knows that he knows very little. The more the human mind goes into the realm of literature or art, music or of any of the comparative sciences, the more his own mind is humbled, by a realization of the mass of knowledge that can be obtained by the human mind. I am not saying it in any egotistical sense, the Crown have used it. Mr. Andrews, walking up and down, says: "Pritchard, the top-notch." "Pritchard, the man who came like Blucher at the call of Wellington, when Russell called." Gentlemen, I trust that I will never indulge in heroics of that kind. Anyway, the learned counsel for the Crown in likening me to Blucher meeting Wellington is using a very unhappy illustration, because it was when those two gentlemen met together that Napoleon was conspiring to manoeuvre them out of business, and he was defeated.

Well, here we have the election in British Columbia. True, it is 1916, and the Crown may use that. They can use it if they like; they used the argument that Pritchard was a top-notch, and that we had \$145.00 towards \$600.00 for putting those candidates in the field in the City of Vancouver. Gentlemen, use your discretion in deciding who were those six candidates in the City of Vancouver. That was in 1916. This is 1920. Gentlemen, the reason that the Socialist Party of Canada have not put up any candidates since the last election might be easy for you and I to find even though it would cause some cudgeling of the brains of a distinguished lawyer. Do you remember who the member for the City of Winnipeg is. It is common knowledge, isn't it, Major Andrews, who ran against a labor man in Winnipeg. I think it was Bob Ward. Do you know who the member for Centre Vancouver is? H. H. Stevens. Do you know when he was elected first? In 1911. Do you know when he

went back again? In 1917, as the Unionist Government candidate. Who was the Liberal who ran against him? Why the distinguished acquaintance of His Lordship, William Wallace Bruce McInnis.

THE COURT: I don't claim any acquaintanceship with Billy McInnis.

MR. PRITCHARD: Then you and I are coming to a point of agreement more and more all the time. I withdraw that. I will say William Wallace Bruce McInnis was a distinguished acquaintance of the late Sir Wilfrid Laurier.

THE COURT: Of course he is dead.

MR. PRITCHARD: But still I remember, My Lord, when Sir Wilfrid Laurier came to Vancouver, someone opened the carriage door, and there was Billy McInnis standing there with a big chew in his mouth——

THE COURT: Wasn't it Laurier who fired his father?

MR. PRITCHARD: I don't know, My Lord. I have not been very long in this country.

THE COURT: Well, perhaps so.

MR. PRITCHARD: But I know Billy McInnis. Gentlemen, H. H. Stevens was on the Unionist ticket, and McInnis was the Liberal nominee. There was a Labor man running on the Socialist Party of Canada ticket. Who was he? Go to the list of "top-notchers"; use your common sense, gentlemen, I can't tell you. That was in 1916; that was the last Dominion Election.

Now, gentlemen, I stand here before you accused of conspiring and agreeing to carry into effect a seditious intent and that I am thereby guilty of seditious conspiracy. I am also accused of aiding, abetting, counselling, procuring and forming a common intention to commit a common nuisance. You have seen the indictment, I think. I won't offer you that indictment. I looked at it the way it reads when right side up, and then I turned it upside down and read it that way; I read it from the middle towards both ends, and I worked back again. There was a fellow—he may have been a little profane—who was reading this with me, and he said: "This is the devil's own indictment." I agreed with him. It may be good Law, but I know just a little of the history of the Law, not of the Law as a legal instrument, but the history of economic movements, of peoples who have produced Law. If there is a true science of Law it is that view of Law which looks upon it from its origin and its growth. Even the Law changes, gentlemen. Not very long

ago the learned judges on the Bench of the Province of B.C. used to appear with big wigs, which took you all your time to tell which of the learned judges were presiding in the court, because they all looked alike.

I don't think the framer of this indictment drew it up as a monument to his art, I think he drew it up as a monument to his artfulness. That is the indictment under which I stand. It may mean something and it may mean nothing, but I want to tell you gentlemen this, that one of the first indications that the Law is being written by the common people will be the fact that the common people will be able to understand it. I say that with all due deference to the illustrious craftsman of the honourable profession; I may be egotistical, but if I had my way I would carve all Latin out of it.

THE COURT: There is no Latin in that indictment. There is no Latin in our books.

MR. PRITCHARD: Well, I was going to use some of it.

THE COURT: Don't, because neither the jury nor I will understand it.

MR. PRITCHARD: I thought, perhaps, that some gentleman should be given the task of reconstructing the Canadian Criminal Code so that it could be understood. Nevertheless, gentlemen, under instructions from a more or less mysterious source, the whole of the police and the police spy system of this country, conjured up from God knows where during this last year or so, was set in motion. Dozens of men's homes have been entered into and ransacked. Papers have been dragged from out of their basements, some of them bearing all the ear-marks of having been put down in the coal heap ready for the furnace. Stores have been ransacked; books, papers, political speeches and letters have been piled one on top of another in this court; extracts have been taken from those letters and publications, and have been pieced together, and having been pieced together they make the most exquisite legal crazy-quilt that I have any knowledge of in the whole history of Law. This collection of words, sentences, acts, utterances—disconnected from each other, and independent of each other, have been assembled like the farmer gathers eggs from different parts and puts them all in the basket, and labeled "seditious conspiracy."

Let us see—there are two phrases which my learned friends of the legal profession use—one is "de jure" and

the other is "de facto." Speaking briefly, as you know, gentlemen, "de jure" means in the Law—according to the Law; "de facto," according to the fact. When my learned friend pointed his finger at us and said: "The accused Pritchard; the accused Heaps; the accused Johns"—it ran in my mind, yes, the accused Pritchard "de jure"—according to the Law; but not the accused Pritchard "de facto." I stand here according to the Law the accused Pritchard; but according to the facts of life, according to the experiences of my fellow-workers in industry, according to my own experiences—some of them bitter and painful—I stand here "de facto" the accuser of malicious conspiracy; the accuser of men—not because I hate them—because I don't—not because I think anything vile about them. I don't. But I stand "de facto" the accuser of men, who have lent themselves to the most damnable piece of infamy that has ever been perpetrated in any part of the British Empire in the name of Law. I stand here today *de facto* the accuser of men who entered into a conspiracy to rob the constitution, to carve the vitals out of the privileges of British subjects; who knock the props from underneath free speech and free press. Everyone who lent themselves to that business, gentlemen, aided and abetted, counselled and procured, and assisted and formed the common intention to enter into a malicious conspiracy to do away with the entire British constitution.

Speaking as a student somewhat of constitutional history, I want to tell you it is in the realm of constitutional history that the working class stand supreme. The working class has nothing to lose, and everything to gain by working within the limits of the constitution. Where that constitution gives an ever-extending franchise to the people as they grow and develop, the movement can take place peacefully. When that constitution is throttled; when that constitution is violated, when that constitution has been raped, gentlemen, there is bound to be a clash somewhere, sometime.

I am giving this to you because after lunch I want to go into one or two things dealing with political action, dealing with the constitutional character of the organizations to which I belong. I want to show you that men who could frame the War Times Election Act; who could write—I don't care what the situation was—the amendment to the Immigration Act, such as was rushed through both

houses of Parliament in about forty minutes, can do anything. Nothing can ever be given as a pretext for passing that kind of legislation. But to deal with the history of this thing as it is, I have got to show you why, in a Labor Convention, I stood right behind certain resolutions. I have got to show you why it was we objected to a Government by Order-in-Council, professedly being a Government of the people, by the people and for the people. I have got to show you when that Government—first of all I trust it is plain that I will use the Crown Exhibits—I am going to show you, to the best of my ability how that Government in its very inception was a conspiracy; how it bought up every newspaper of any standing in Canada.

I am reminded of a story by Bob Edwards of the Calgary "Eye-Opener," something so apt, so delightful, to anyone who knows just a little of the political wire-pulling that has gone on in the various provinces throughout this Dominion. Edwards said, concerning Arthur Sifton, then Premier of Alberta: "There's one good thing about Arthur Sifton—his name is not Clifford."

THE COURT: Such things as that are neither material or seemly in a court of justice. We will adjourn.

(Court adjourned at 1 p.m.)

2.30 p.m., March 23, 1920.

W. A. PRITCHARD: My Lord and Gentlemen of the Jury: Discussing the matter of the position of the Socialist Party of Canada, I would like to give you a text, which can be found in Exhibit 492, "Red Flag," May 24, 1919. All through this trial the thought expressed in this text seems to me to have been hammered home. It is an utterance, an epigram by one of the finest men of letters of Britain today. You may disagree with him, but any man of standing in the world of literature will tell you, if you ask for the names of the three men in Britain who stand out pre-eminently in the world of letters: George Bernard Shaw, Gilbert Chesterton, and Hillaire Belloc. Shaw says this: "Nothing is so terrifying to the Socialists of today as the folly of their opponents."

You have been troubled a little about Plato's "Republic," as to whether Plato's "Republic" had not been forbidden under an Order-in-Council. I find, however, gentlemen of the jury, right from the Exhibits put in by the Crown,

that Shaw's "Unsocial Socialist," the "Mikado" and other plays by W. S. Gilbert, were banned. "Mademoiselle Fifi," by de Maupassant, one of the finest of the French story writers, was banned. "First Principles of Sociology," by Herbert Spencer, was banned. "The Origin of the Species," of Charles Darwin, and I could give you a whole lot more of the same kind that were banned. To understand my position, you must understand the position of the censor. What is the position he then took. I am not claiming, gentlemen, when the censor under Orders-in-Council passed a blanket order to a certain publishing house that he was acting maliciously. I would not for a moment think so. I don't think so now, but I can come to no other conclusion than that he was acting absolutely from pure ignorance. But, however, discussion of politics brings me to the Manifesto of the Socialist Party of Canada. Before I touch that there is something else I want to say first. Making request of the Crown for further particulars as to how the bottle of medicine came to be mixed we were furnished with a number of them. I had to use the microscope again. And this is what I find about myself in the particulars: "The accused Pritchard was a party to the said conspiracy long prior to the Western Labor Conference in March, 1919, which he attended as a delegate." Now, really it would be amusing, gentlemen, were it not so sad. My particular objection to this set of particulars is to be found in the fact that they lack particularity. You have heard something about fairness. I think I can look beyond the personalities, and look into those great causes which produce economic and political movements, but I must say this that personally I am not suffering from any heavy sense of that fairness.

Under the heading "Politics," in the Manifesto of the Socialist Party of Canada, there is an excerpt from the Communist Manifesto. I am going to read to you that excerpt as it was read to you by counsel for the Crown: "Free man and slave, patrician and plebian, lord and serf, guild master and journeyman, in a word, oppressor and oppressed stand in constant opposition to one another..." Do you notice any difference? Did you notice the difference between the past tense and the present tense—that is how it was presented to you, and yet, immediately before that paragraph is the key which explains that this is treating the matter historically. "The history of all hitherto existing society (that is, all written history) is the history of

class struggles." Written history takes us back to the hardy pioneers on the shores of the Mediterranean, the Phoenicians. It must be dug out of the records of the past, as it can be found in tools and instruments used by primitive man in various stages of development. You see how a small thing will give it an entirely different complexion: "Free man and slave, patrician and plebian, lord and serf, guild master and journeyman, in a word, oppressor and oppressed, stood in constant opposition"—twisted into "stand" in constant opposition.

I think we can accept Justin McCarthy as one of the reliable historians of the Victorian Era, author of the *History of Our Own Times*. He tells us in one of his historical essays that a study of the *History of Rome* is valuable for every student of history and politics, because in the life of Rome, and particularly in its decline and fall, we see a picture of every slave empire which preceded it, and we have lessons and pictures for every social epoch that has succeeded it. Take that lesson with the quotation: "Free man and slave, patrician and plebian, lord and serf, guild master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstruction of society at large, or in the common ruin of the contending classes." McCarthy shows that as those empires which preceded Rome went down, Babylon, Carthage, Alexandria, Greece, everyone of them show that lesson of history, the common ruin of the contending classes. And then in Rome, the last of the great slave Empires, as it went down, we have the other lesson of history, revolution and reconstruction of society at large.

Dealing with this matter of the ballot, and with the matter of the Socialist Party of Canada and Parliamentary action, they read to you from the first paragraphs of the section on politics. I had already read this to you some time ago, and I also read concerning the rise of the different slave empires, the prelude to feudalism, then the institution of feudalism, the rise of the merchant class, the destruction of feudalism. Then I went into the section on "Economics," showing our definition of value, what we mean by the Law of surplus value, what we mean by price, by exchange, and all the other terms that are used in the science of economics. Why did I do that? To give you an idea of the work in its

entirety, to show you, that while it was the Manifesto of the Socialist Party of Canada—which fought in every election up to the present time—it was nevertheless a disquisition on the history of movements throughout the world; it was a work explaining world movements. The wheat that you produce on your land ties you up to every other country in the world. The ships that I load and unload connect me, may be, with the labors of the Chinese coolies of Shanghai, Hong Kong and other oriental ports; and brother Johns, as he works with the micrometer and the lathe in the machine shops, his labor is connected with the slaves of the American rolling mills. That is why I read specifically from this work, which deals with the movements throughout the world. "For one country it may be the ballot, in another the mass strike, in a third insurrection." And they try to read the thing upside down.

You know as well as I do, gentlemen, how the workers in Belgium were forced into a mass strike in order to gain the franchise. Did the franchise mean anything to them? If it did not, why did they expend their energy in a fight of that kind. Under the old three-class voting system, despite the fact that the worker could vote under the Kaiser's rule in Germany, what good was that? We look at the conditions of the worker in what Lloyd George himself called "A Ramshackle Empire," Austro-Hungary! "In one country it may be the ballot; in a second the mass strike, and in a third insurrection."

I can remember yet the appeals that were sent over from our side into Germany, hoping that the workers in Germany would rise against their masters, at the time the war was on. If in one country it is the ballot, which country will that be, gentlemen, but in that country where that ballot is allowed free and full expression. Does that expression, "In one country it may be the ballot," mean anything, or are they empty words? I tried to explain to you that, under the constitution that develops and moves, it would be the height of insanity to use any other method for popular expression but the ballot, because the ballot is our most expedient method of settling disputes.

Parliament was born somewhere around the 12th Century. When the King, in order to make his highways clear, went into a village and dragged off hostages and kept them until the villagers had made the necessary reparation to the King; it was from that crude practice that Parliament arose. To

be a member of Parliament in those days was no soft job at all. Yet it has developed from one point to another, and we find in the last century the franchise being widened and extended. The franchise was really never in the hands of the workers to any extent until the passing of that Franchise Act I referred to this morning. For myself, I do not need to give evidence as to where I come from, my brogue will tell you just as Mr. Queen's brogue will tell you where he came from. My brogue will tell you I come from not very far south of the Tweed. I never had a vote myself until I came to this country. Of course, like a wise man when I did have a vote I went out and I voted for myself.

I will refer to Exhibit 577, No. 20 in the circle, in the Socialist column of the Western Labor News. "The Dictatorship of the Proletariat." It says, signed "Local No. 3, Winnipeg, Socialist Party of Canada." Yet, in the article itself, right in the commencement, gentlemen, it says: "The Law of the great and free Canada informs me that the literature of Kerr, of Chicago, is banned," and so on. Now, it indicates it was written by one man—"informs me"—and counsel for the Crown gloated over that and also—that there were some quotations from the Communist Manifesto. And this writer who states: "The Law of this great and free Canada informs me"—goes on with the quotation: "In one country the ballot, in another the mass strike, in a third insurrection." The point that he was making in the definition of political action was the fact that this Manifesto is addressed to the International Working Class, and that there is implied therein that political action can take various forms in different countries, according to the conditions of those countries. And then he says—and this was emphasized strongly by the Crown—"At one time we thought that the constitution of Canada allowed us to come under the first category, but now-a-days we are in doubt." Written in January, 1919. I feel almost like saying, "Perhaps so." Thousands of Orders-in-Council put forward in lieu of statutes. Now we are in doubt. We could hardly blame him when we see what has been enacted in the name of Legislation down at Ottawa, and when we further bring to mind the fact that they have so bolstered up themselves that they could declare to the world at large that they were going to hang on until 1923.

Gentlemen, you have heard something of Marx. I have got to introduce you to Marx. The "Communist Manifesto"

has been thrown around and quoted from quite a lot. Who was Marx? It is not a matter of any hero-worship. My learned friend said that in his young and romantic days he, too, was a Socialist, but he had heard nothing of this Marxian Socialism. Marx's father was a Jewish lawyer, who, in 1824, went over to Christianity. The whole family were baptised as Christian Protestants. Karl Marx went to the High Grammar School at Treves, and afterwards, in 1835, to the Universities of Bonn and Berlin. He studied first Law, and then history and philosophy, and in 1841 he took the degree of Doctor of Philosophy. In Berlin he had close intimacy with the most prominent representatives of the Young Hegelians, the Brothers Bruno and Edgar Bauer and their circle, the so-called "Freien."

After a while he became editor of a certain paper, the *Journal of the Rhine*, and while it is not necessary to the argument, it may be interesting to tell you that he married the daughter of a Government official, Jenny von Westphalen.

Concerning his work, I am going to give you an excerpt from—since it is a standard work—the *Encyclopedia Britannica*.

THE COURT: Oh, no.

MR. PRITCHARD: I understand, My Lord, that you said we might make references to standard works.

THE COURT: Well, you misunderstood me.

MR. PRITCHARD: My Lord, we have had quotations from poets; quotations from the Bible——

THE COURT: Oh, I have allowed you to go on because it would make more trouble to stop you in some cases. In any event, we usually allow quotations from the Bible; they are so interesting.

MR. ANDREWS: Your Lordship will know that most of the articles in the *Encyclopedia* are written by those in sympathy with the doctrine that is being expounded—very many of them.

MR. PRITCHARD: I think the Crown is misinstructed there. If he were to read the article on religion he would have an entirely different opinion of the writer of that article. My Lord, if the court could be told something about what Lord Roberts said in Albert Hall, in London, I should think we could quote the *Encyclopedia Britannica*.

THE COURT: It wasn't read from anything, was it?

MR. PRITCHARD: No, it seemed to be grasped from the atmosphere.

THE COURT: The jury might disbelieve the man who said it, but the jury might pay certain attention to something from the Encyclopedia Britannica.

MR. PRITCHARD: Of course, I could tell them what Winston Churchill said in 1914 in Liverpool—

THE COURT: How do you know you could?

MR. PRITCHARD: I mean to say I was perfectly capable of doing it, providing Your Lordship allowed me, in the same way as Mr. Andrews quoted Lord Roberts.

MR. ANDREWS: The reference I made to Lord Roberts was with reference to the German invasion; that he had warned the people of England for many years.

MR. PRITCHARD: Then I will have to present my own argument on the matter of these works. I consider this germane to my argument. This case with all its ramifications is almost overwhelming. I will proceed, My Lord, with your permission and present this as my argument.

THE COURT: Do not present it as being an article in any book.

MR. PRITCHARD: No, My Lord, it will be merely an argument inserted in my brief. In contradistinction to most of the Socialists of the day, Marx laid stress upon the political struggle as the lever of social emancipation. In some letters which formed part of a correspondence between Marx, Ruge, Ludwig Feuerbach, and Mikhail Bakunin, published as an introduction to *The Review*, this opposition of Marx to socialistic dogmatism was enunciated in a still more pronounced form. "Nothing prevents us," he said, "from combining our criticism with the criticism of politics, from participating in politics, and consequently, in real struggles. We will not then oppose the world like doctrinarians with a new principle; here is truth; kneel down here. We expose new principles to the world out of the principles of the world itself. We don't tell it, 'Give up your struggles, they are rubbish, we will show you the true war-cry.' We explain to it only the real object for which it struggles, and consciousness is a thing it must acquire even if it objects to it."

In Paris, Marx met Friedrich Engels. Friedrich Engels became, as C. P. Scott, Editor of the *Manchester Guardian*, says, "The letters that passed between Marx and Engels"—but this is a historical sketch and has nothing to do with this case. We are prepared to admit, if it will help my

learned friend, that Karl Marx may have written many books, but they say only the Communist Manifesto was distributed, and therefore we cannot consider these interesting letters to Engels. Like the flowers that bloom in the Spring, my Lord, they have nothing to do with the case.

Engels' uncle was a large cotton manufacturer, about two miles from where I came from, near Manchester. It might have something to do with this case if I can show you that these two men, as they analyzed the political conditions in Europe and in England, were forced to the conclusion that of all the European countries England would be the one where the change would come about peacefully. Owing to the traditions of the British working class and owing to the industrial development of Britain itself, they concluded that the great change that they looked for would come about peacefully through perfectly constitutional forms. If I can show you that, gentlemen, I am entitled to do it, just as I would be entitled to show you who Herbert Spencer was, what he did and what he wrote. But I will pass. I avoided any interruptions to my learned friend's address although many a time I felt that he was getting away from the mark.

However, there came a time when Marx came to London, after being buffeted from pillar to post, and was invited to write letters to the New York Tribune, of which Horace Greeley was editor. Some of these letters have been published under the title, "Revolution and Counter-Revolution in Germany in 1848." They constitute a great analysis of the political conditions of that day. He also wrote letters to the New York Tribune, for a living, on the Eastern question, and they were published under that title. Part of these letters dealing with the Eastern question and the Crimean war were published in 1897, in London, and somewhat later reprinted in pamphlet form. The co-operation of Marx, who was determinedly anti-Russian since Russia was the leading reactionary power in Europe, was obtained by David Urquhart and his followers. Marx wrote a series of articles on the diplomatic history of the 18th Century for the Urquhartite "Free Press," in 1856-57. When, in 1859, the Franco Austrian War about Italy broke out, Marx denounced it as a Franco-Russian intrigue directed against Germany, on the one hand, and the revolutionary movement in France, on the other. He was attacked by certain individuals, one of whom was Karl Vogt. He replied to him.

But it was in that same year, 1859, that he published his first real work on economics, "A Critique of Political Economy." This was the first part of a larger work planned to cover the whole ground of political economy. But Marx found that the arrangement of his materials did not fully answer his purpose, and that many details had still to be worked out. He consequently altered the whole plan and sat down to rewrite the book, of which, in 1867, he published the first volume under the title of "Das Capital," and the economic theories that are in that work have been reduced and embodied in that little work to which I referred.

This argument proceeds—gentlemen, that he has been justly compared with Darwin, it is in these respects that he ranks with that great genius, not through his value theory, ingenious though it may be. With the great theorist of biological transformation he had also in common the indefatigable way in which he made painstaking studies of the minutest details connected with his researches. In the same year as Darwin's epoch-making work, the "Origin of Species," there appeared also Marx's work, "A Critique of Political Economy." The Crown told you the Communist Manifesto was drawn up in Germany. The preface of the work, written in 1888, by Fredrich Engels, tells us that though drawn up in Germany in 1848, the manuscript was sent to a publisher in London a few weeks before the French Revolution. A French translation was brought out in Paris, shortly before the insurrection of June, 1848, and the first English translation, by Miss Helen Macfarlane, appeared in George Julian Harney's "Red Republican," London, 1850.

It is in this work, about which they have made so much; this work from which they have taken one or two points, I would like to show you, gentlemen of the jury, that it was in this work first of all that Marx developed his concept of historical development, that men do not produce movements, but that movements produce men; that it was not so much Napoleon that made the conditions of Europe of his time, but that the very conditions of Europe themselves called out for Napoleon to appear. You may not agree with this view of history, gentlemen, but I must put it before you—that we look not on the passing of feudalism as an incident in the Lutheran reformation, but we look upon the Lutheran reformation itself as an incident in the passing of feudalism and the coming into existence of capitalism, and this preface was written in London, by Frederick Engels, on the 30th of

January, in 1888, and so far as I know, is still circulated among the Labor and Socialist Movements of Britain.

In Manitoba, for the first time in the history of the Labor Movement in any part of the British Empire, so far as I know, it has been dragged in as evidence of a seditious conspiracy. I know if the learned counsel of the Crown were as conversant with the tools of my occupation as he is with his own, and if I were as conversant with his occupation as I am with my own, we might make a better legal argument out of it, but I have got to get the facts before you as best I can, to the best of my little ability. We are driven into this position, that throughout the length and breadth of the British Empire, it is left to a province in the Middle West of the Dominion of Canada, to say, "this is poison," "this is seditious"—and shall we say it, gentlemen, merely because learned counsel for the Citizens' Committee come forward and tell us that it is so?

Take that preface, what does it tell us? Dealing with the work itself, in this preface, Engels says: "Yet when it was written, we could not have called it a Socialist Manifesto." Why? Because the term Socialism was used by Robert Owen, by Fourier, who built Utopias in the way Bellamy did. Why does Engels say this in the preface? He says: "An Armenian translation, which was to be published in Constantinople some months ago, did not see the light, I am told, because the publisher was afraid of bringing out a book with the name of Marx on it." Well, we might understand that in the land of Turkey. "Thus the history of the Manifesto reflects, to a great extent, the history of the modern working class movement; at present it is undoubtedly the most widespread, the most international production of all Socialist literature, the common platform acknowledged by millions of working men from Siberia to California. Yet, when it was written we could not have called it a Socialist Manifesto. By Socialism, in 1847, were understood, on the one hand, the adherents of the various Utopian systems; the Owenites in England, Fourierists in France, both of them already reduced to the position of mere sects, and gradually dying out; on the other hand, the most multifarious social quacks, who, by all manner of tinkering, professed to redress, without any danger to capital or profit, all sorts of social grievances; in both cases men outside the working class movement, and looking rather to the 'educated' classes for support."

Then he gives a quotation from his preface to the German edition of 1872: "However much the state of things may have altered during the last 25 years, the general principles laid down in this Manifesto, are, on the whole, as correct today as ever. Here and there some detail might be improved. The practical application of the principles, will depend, as the Manifesto itself states, everywhere and at all times, on the historical conditions for the time being existing, and, for that reason, no special stress is laid on the revolutionary measures proposed at the end of Section II. That passage would, in many respects, be very differently worded today. In view of the gigantic strides of modern industry since 1848, and of the accompanying improved and extended organization of the working class, in view of the practical experience gained first in the February revolution, and then, still more in the Paris Commune, where the proletariat for the first time held political power for two whole months, this programme has in some details become antiquated." Further on he tells us: "Also, that the remarks on the relation of the Communists to the various opposition parties, Section IV., although in principle still correct, yet in practice are antiquated because the political situation has become entirely changed, and the progress of history has swept from off the earth the greater portion of the political parties there enumerated."

Why did I take you into that preface, gentlemen? Because the end of Section II., and the end of Section IV., were the particular portions of this Manifesto that were brought to your attention by the learned counsel for the Crown.

I read before, when I had the opportunity, showing you how this deals with the development of industry from the Middle Ages to the present time, dealing with the changing of political conditions. Remember this, gentlemen, written in 1847, applying to the political conditions in Europe, around the time of the Chartist Movement in the Old Country, long before the working class were ever given a chance to express themselves by the franchise. What does he tell us: "That portion would, in many respects, be worded very differently today," "because the political situation has been changed, and the progress of history has swept from off the earth the greater portion of the political parties there enumerated."

With the thought still ringing in my mind, gentlemen,

that "Out of the fulness of the heart the mouth speaketh," because in this court—it may have been a mistake all right, yet for the first time in my history, I have been referred to as co-respondent—

THE COURT: I wouldn't worry about that. Nobody here is accused of that kind of a crime.

MR. PRITCHARD: My Lord, I am not worrying. Had it been said in earnest, I wouldn't worry about it, any more than I would worry about the things that have been said in earnest.

There is a drama going on here, and the actions of the actors in this drama, shall at least be brought to the attention of the gentlemen of the jury.

THE COURT: Do you want to indict Crown counsel?

MR. PRITCHARD: I wouldn't indict them for anything, My Lord. I wouldn't waste my time writing out an indictment. Goethe could say: "I always know I am travelling when I hear the dogs bark."

You remember, gentlemen, taking up this work, and linking together the two paragraphs by another one—two paragraphs quoted by Mr. Pitblado, with the other left out—but I won't go over it again because I can trust your intelligence and your memory. Dealing with the question of property, I gave you the definition of property by Professor Jenks, in his "History of Politics." Professor Jenks was reader in Law to Cambridge University, and possibly next to Paul Lafargue was the one man who wrote clearly on the evolution of property.

THE COURT: Are those in as Exhibits?

MR. PRITCHARD: My Lord, what Professor Jenks said, and Paul Lafargue's book are both in as Exhibits.

THE COURT: We will have to see them, if they are in the court. Gentlemen of the jury, when it comes to matters of Law, as this is dealing with the Law of property, evolution of property, I will have to tell you about that.

MR. PRITCHARD: My Lord, I was not giving it to them as a matter of Law, I was dealing with this work of Professor Jenks, in his history of Politics.

THE COURT: I don't want to embarrass you. If they are in as Exhibits you are entitled to use them. Go on.

MR. PRITCHARD (continuing, reads from Communist Manifesto): "Hard-won, self-earned property? Do you mean the property of the petty artisan and of the small peasant, a form of property that preceded the bourgeois

form? There is no need to abolish that; the development of industry has to a great extent already destroyed it, and is still destroying it daily. Or do you mean modern bourgeois private property? But does the wage-earner create any property for the laborer? Not a bit. He creates capital, i.e., that kind of property which exploits wage-labor, and which cannot increase except upon condition of getting a new supply of wage-labor for fresh exploitation. Property, in its present form, is based on the antagonism of capital and wage-labor. Let us examine both sides of this antagonism."

"The abolition of the family! Even the most radical flare-up at this infamous proposal of the Communists. On what foundation is the present family, the bourgeois family, based? On capital, on private gain. In its completely developed form this family exists only among the bourgeoisie. But this state of things finds its complement in the practical absence of the family among the proletarians, and in public prostitution. The bourgeois family will vanish as a matter of course when its complement vanishes, and both will vanish with the vanishing of capital. Do you charge us with wanting to stop the exploitation of children by their parents? To this crime we plead guilty."

Then the argument trumped up against us in regard to Communist morality. Gentlemen, I wondered at whom the accusing finger was pointed—certainly the accused Pritchard—the accused Pritchard de jure, but de facto something else. What does it say, gentlemen? "He has not even a suspicion that the real point aimed at is to do away with the status of women as mere instruments of production."

I wanted to deal with that Communist Manifesto at greater length, but I think I have told you something about it. I have made it clear from the book itself that it has an extensive circulation in the mother country. You will remember the outburst of righteous indignation from the lips of counsel for the Crown: "Would you like your children to read that?" Who was it, gentlemen, who said: "When I was a child, I spoke as a child, but when I became a man I put away childish things." Some people, evidently long after they become men, do not put away childish things. I had a paternal aunt, a good old soul in her way, who, at the very time when I was studying the Scriptures—I don't know whether I told you about that—but His Lordship says

I can quote from Scripture here—but when I was reading the Scriptures, this aunt of mine would carefully steal away the Old Testament so that I wouldn't read it. Gentlemen, if I were to deal with the Bible in the same way as Mr. Andrews has dealt with that book, I could convince every one of you jurymen, that your children ought to have nothing whatever to do with the Bible. If I were to go to work and wrench little pieces from their context in the Bible, I could do exactly with it, and more so, as did Mr. Andrews to the Communist Manifesto—and gentlemen, I am offering no condemnation of the Bible.

Yes, they gathered this literature. I don't know whether this has left the same impression upon you minds as it has upon mine, but here you see a mountain of stuff, and when you come to consider the sources whence that stuff came, I am sure it leaves the same impression. From scores of houses, from bedrooms, from halls, gathered together and brought here whether it had anything to do with the case or not. You saw those Crown witnesses in the box, Government servants. My learned friend referred to Pauline Johnson's "Redcoated Riders of the Plains." But Pauline Johnson would never think that her "Redcoated Riders of the Plains" were to be used for this kind of business. It is all right, a little emotional stuff now and again works in when argument fails, as used by the counsel for the Crown. Did you listen to them? "Did you bring all that was in the house?" "No." "What did you bring?" "I brought what I thought was necessary." You remember Mr. Queen asking one of them what it was that he went out to get. "We went out to get whatever we could that seemed to have some connection with the Socialist Party of Canada, the O. B. U. or the Winnipeg strike." You remember a man who brought a handful out of a room which contained a truckload, and that same man said that the individual who owned the room had over five hundred books in his bookcase, and he didn't touch one of them, merely "Taking a handful of stuff out of a truckload in the room."

You remember in that box stood a witness, and he said: "We have got this stuff from the Socialist Party hall, in Vancouver, and we have four times as much stuff as this taken from there out in the North West Mounted Police barracks in Vancouver. Good. Good. These things sink in, gentlemen, when counsel for the Crown says the defense have not called any evidence. Put yourself in my place,

gentlemen. Why are two or three pamphlets taken out of one's library, and the rest of it comes back in a potato sack more or less twisted about? They go into your house and take what they like and use what they like, and they say if there was anything else there you can bring it in as your defense. How are you going to do it? They say: "Pritchard, we haven't proved that you were a member of the Socialist Party of Canada, but somebody said you were a top-notch, so you are connected anyway." And that is good enough. For the purpose of this prosecution it is good enough. "And Pritchard, if you want to take any other of that stuff that was down there in Vancouver in your home, or at that hall, you can do so"—and four times as much as is brought here is still in the North West Mounted Police barracks in Vancouver. And they say so politely: "You can bring the rest of it if you like." How are we to know where it is; how are we to know it has not been carried away to the incinerator and burned? They say here is a letter; then let us bring the other letters. How are we going to dig in after they have dived into every house they could think of and brought these things up to the surface and then used them for their own purpose?

I might go into the Economic System, by Dr. Wm. Adrian Bonger, and show to you, gentlemen of the jury, that at least there is nothing seditious nor pernicious in these things; I might take hundreds of these Exhibits and then the Crown could come back and say: "You didn't touch this one; you didn't touch that one." In connection with the pamphlet of Dr. Bonger, I am going to tell you this, gentlemen, that, looking it over, I find that it is taken from his work on "Criminology," and by the Criminological Society of America, Dr. Bonger has been considered as the greatest writer on the subject of Criminology. They talk about the economics in that Communist Manifesto, yet, in Dr. Bonger's work on the economic conditions you find the same arguments. You find him dealing with the rise of the capitalist class within the last 200 years; you find him dealing with the industrial revolution from 1760 to 1840; you find him dealing with the growth and the change of the family in the various tribes as they have developed from one point to another.

MR. ANDREWS: Is this an Exhibit?

MR. PRITCHARD: I am not the father of all these

Exhibits here, but since you have put them in I must use them.

THE COURT: What is it?

MR. ANDREWS: This is an extended review of the book you are referring to.

MR. PRITCHARD: I was referring to a work by Dr. Bonger, the latest work on Criminology. And I find there has been a written review of this book in one of the Crown's Exhibits by Clarence Darrow. I was merely telling the jury some arguments there presented are found in the Communist Manifesto.

THE COURT: The book is not an Exhibit.

MR. PRITCHARD: Gentlemen of the jury, I cannot tell you what Dr. Bonger said until I discover it somewhere. We will leave that just for a moment. But he does say this, gentlemen, and this is in, as he deals with the present economic system—

THE COURT: I don't know who Dr. Bonger is.

MR. PRITCHARD: He is a Doctor of Law in Amsterdam University, and this work of his was originally written in French and was translated.

THE COURT: I remember the book now.

MR. PRITCHARD: It is listed in the works of the Criminological Society of the United States. I think Your Lordship will remember there is an introduction by Frank H. Norcross.

THE COURT: I know the book, but I don't think it is in.

MR. PRITCHARD: The book is not in, but the review is in. I got a copy of the book myself through Mr. Norcross at the time.

Referring to Exhibit 201: "The situation may be summed up as follows," says Dr. Bonger: "Under the capitalistic system the greater part of the population, the part upon whose labor the entire social fabric is based, lives under the most miserable conditions. The proletariat is badly clothed, badly fed, miserably housed, exhausted by excessive and often deleterious labor, uncertain as to income, and ignorant and coarse." You recognize that term "Proletariat." Mr. Andrews said: "All their terms are borrowed from the I.W.W. in the United States and other places." Let me speak for a minute as to where that term came from. It was a term given by a Roman emperor to those in the Empire whose duty it was merely to bear off-

spring, and gather material for building up the Roman army. At that time it referred, strictly speaking, to citizens of Rome who had less than 1,500 asses. It is a word that has come to be used by political economists through the last century as referring particularly to the working class. You will remember Mr. Ivens making the distinction between the industrial working class and the agricultural working class.

Bonger said: "The proletariat is badly clothed, badly fed, miserably housed, exhausted by excessive and often deleterious labor, uncertain as to income, and ignorant and coarse. Up to this point I have been speaking of the proletarian on the supposition that he has been able to sell his labor power. But, as we have seen already, when this sale is not possible, he and his family are left to their fate."

I am going to break off there, gentlemen, and I am going to bring to your attention the witness in the box—Zaneth. You will remember I asked: "Is this what I said—Production is not undertaken for the sake of consumption but for profit, so that the man who believes that he has a good chance of improving his condition goes to work and produces without asking himself whether there is need of his product or whether he can meet the required conditions; is that what was said? He said. Yes; you were always talking like that." Wouldn't it be surprising, gentlemen, if you find that is a quotation taken word for word by myself not very long ago in this court room from Dr. Bonger's work on Criminology and Economic Conditions? He was sure that was what I said. "This then is what freedom of labor means, a freedom that the slave never knows, freedom to die of hunger. No one guarantees to the workman or his family the means of subsistence, if for any reason, he is not able to sell his labor. The slave owner had an interest in taking care of a sick slave, for the slave represented value which he did not care to see diminished. But if a workman is sick he is discarded and replaced by another. The sickness and death of the laborer do not harm the capitalist at all." That is what Dr. Bonger said, the most eminent criminologist of the present day. What more does he say, gentlemen: "At length the workers have perceived that the interests of the employer are opposed to their own, that the cause of their poverty lies in his luxury. They have begun to set up opposition when they learn that by organizing themselves into labor unions they gain a

power by which they can ameliorate their lot. The work no longer being done separately, as in the time of the guilds, but together, there has been this consequence for the workmen, that being now in the same position with regard to the capitalist, and in the same social condition, they have gained in the feeling of solidarity and in discipline, two conditions which are essential to victory in the struggle. Little by little the workers have learned that their enemy is not their own employer, simply, but the whole capitalist class. The strife has become a strife of classes." You remember what my learned colleague Mr. Queen had to say about that? His argument will suffice for me, gentlemen.

"The means by which the working class attempt to better their position are of various kinds. First, there are the unions, which undertake the contest for the shorter day and higher wages. Then there is co-operation and finally, and above all, politics. The movement for unions, which could not exist without liberty of the press, of meeting, and of forming associations, forces the working man to take part in politics. At first when they still had no clear idea of the position they occupied in society, the working men permitted other political parties to make use of them. But coming to understand that the laborers form a class apart, whose interests are different from those of other classes, they formed an independent working man's party. Finally, the contest of the working class could not limit itself to improvements brought about within the framework of the existing economic system; if they wished to free themselves permanently, they saw themselves obliged to combat capitalism itself. Thus modern Socialism was born; on one side from an ardent desire of the working class to free itself from the poverty caused by capitalism; on the other side from the development in the manner of capitalistic production, in which small capital is always conquered by large capital. The conviction becomes more and more general that capitalism has fulfilled its historic task—the increase of the productive forces—and that the means of production must belong to all if we are effectively to deliver humanity from the material and intellectual miseries which result from capitalism. The Labor movement blends itself with Socialism, then, and thus social democracy becomes the political organization of the working class."

This brings me to another phase of this matter, gentlemen. I have mentioned the letters, I have mentioned the

documents. Now, Crown Counsel selected from these only that which they considered to be fatal and damaging to us. They might have called your attention to a fair average of the documents and letters; they might have given you a comprehensive view of the position.

I want to remind you, too, of that point which has so often been brought out in cross-examination, that the members of the secret police, these raiders, these searchers, were acting under instructions to seize only what they considered useful to them. You remember what they considered to be useful; what they considered to be necessary. To my mind, this, of itself, strikes me—I don't know whether it strikes you or not—as showing the unjudicial and bitter motives that have throughout been the incentive to this prosecution.

It may be contended that the problems and the struggles of the working men in the factory, in the machine shop, on the dock and in the mine are different from yours, or different from the problems that confront the tiller of the soil. In doing this work, Crown Counsel, in several instances, to my mind, overshot their mark. Remember what I told you of the supposed man charged with horse stealing. Just hold that in your minds. You remember the leading counsel for the Crown took something that he found in a report of a convention and used it. I am not in a position to either deny or affirm that. I cannot give evidence. But I want you to get this in your minds. Why was it taken by the counsel for the Crown, whether it were true or not, why was it taken by them and used in front of you as an ingredient in a seditious conspiracy? Was their case so weak, so vile in its character, and so crazy in its construction that they had to drag into use something which might possibly prejudice your minds against me? If so be that some of you are religious, what can I say about it? I feel, sometimes, gentlemen, that I cannot say another word. To take it out of a report such as this. My learned friend Mr. Andrews is welcome again to the consolation that comes to him from using this. And what have you? Granting it to be true—I can't help you on that. What would it amount to if you take the full 100 per cent. out of it, but this—the working man in the convention, who works day after day in the mines, shops, on the dock, in various places—Mr. Ivens told you they do not always use university language—well, and good—all it amounts to is this, gentlemen, that

they used it against me, but I am not in a position to deny it or affirm it—as I have told you all it amounts to is this, that in a Labor convention I may have used certain language that other gentlemen, even King's Counsel, clothed in robes of respectability, can use behind couped hands. I am not peddling my morality, but I am asking you now, why did he use it? Was it to convince you that there was a seditious conspiracy, or did he take the position of the head prosecutor in the case of the man who had stolen the horse and with a religious jury in front of him, he said, gentlemen: "The man is charged with stealing a horse, but he doesn't read his Bible, or Pilgrim's Progress; we can't prove to you that he stole the horse, but the man who does not read Pilgrim's Progress must have stolen the horse and you must find him guilty." There could be no other motive for doing that! I want to tell you that the man who descends to such depths in order to bolster up his case of conspiracy and would drag a little thing like that in which is neither here nor there, and had nothing to do with the case one way or the other—blasphemy—it may be. Gentlemen, to me blasphemy is not something which is framed in words, but something that is expressed in acts. If the facts were clear, if the facts stood out for themselves, if the case were so obvious as the learned counsel for the Crown claims it is, gentlemen, he could at least have remained Crown prosecutor and a gentleman at the same time and left irrelevant matter out of it.

(Intermission of fifteen minutes)

I was telling you, gentlemen of the jury, that it seemed to me in many instances the Crown had overshot its mark, and there are the letters which the Crown said purported to be letters from some individual by the name of Beattie, in Coleman, Alberta, to some other person named Stephenson, of Vancouver. And, yet, in these letters which the Crown claim are letters purporting to come from this man, and upon which and out of which they have attempted to make very much, you find in Exhibit 221—I am going to deal with these, because Crown Counsel, if my memory serves me right, said: "Look at Beattie! look at Beattie! for the propaganda." Yet, the evidence, gentlemen of the jury, that such propaganda—if that is the name you want to use—as was sent to him was sent to him after he had written the letters, not before; and in one of these alleged

letters, February 6, 1919, Beattie appears to say to Stephenson: "We are, none of us, very well up in Socialism and would like to have some system of educating ourselves at our meetings."

And then the letter of April 22nd, 1919, Exhibit 235, he appears to talk this way: "Our local is doing fine. We have 33 members, but the economic class is not going ahead as it should, but I think that is owing to not having a well enough informed comrade to expound the subject to us."

Then a letter of November 24, 1918, Exhibit 211, which was read by Mr. Coyne, I think, and a lot made out of: "In the mine I work in the sole topic of conversation, both going in and coming out, is Socialism or Bolshevism, and the last day I was there a proposition was put forward that at the next meeting we be allowed to hold (meetings are stopped just now on account of the "Flu") that we pass a resolution to go before the next United Mine Workers' of America District 18 Convention to the following effect: That we, the members of District 18, U. M. W. of A., being so disgusted, etc. with the International Union, go over en bloc to the Industrial Workers of the World." And the Crown tried to impress you that these accused were part of a concoction to link this up with the Industrial Workers of the World. And they have used Beattie—poor misguided Beattie—and they asked, or at least they probably will ask: "What did Stephenson reply to him; why didn't he answer him this way?" in the same manner in which they asked concerning my wire to Berg: "Did Pritchard withdraw?" Surely, gentlemen, they cannot understand the working class movement.

Why do I belong to a Trades Union? Because working at a certain job, and finding that the workers on that job are organized for their collective betterment, I join that organization. In fact, I might tell you that I could not work on that water-front in Vancouver had I not been a member of that organization. But in any case, there is the situation. Why do I come together with my fellows into a Trades Union? Now then there are, in a Trades Union, all kinds of men. I suppose—in fact, I was going to say I know—I know some of the farmers of Alberta—however, you know your own position, but in the United Farmers' of Alberta there will be even Socialists, Conservatives, Liberals, men of all political faiths, and some with no political faith at all. But what is it that binds them together in that Farmers'

Organization? Common interest. The same with the Trades Unions. In Trades Unions there are men of all political faiths, and some without political beliefs at all. I might be a member of a political party—a Socialist, and I might be president of the International Longshoremen's Association in Vancouver; and the Business Agent, being a capable man in doing his work, might be high in the circles of the Conservative Party, and yet we are bound together with a common tie in the Trades Union. He works at the job; I work at the job, and despite our different political beliefs we are both bound together by this one thing, that is, the conditions of work, the hours of labor, and the rates of pay on that job. However much I might differ with him on other matters, I fight the best I know how for the betterment of conditions and for the maintenance of our wage schedule. I have that done right along. At the same time, on the floor of this Union, when some hair-brained, loose-tongued anarchist gets up and presents his views, I can get up on the floor of that Union and tell him they are entirely wrong in their premises, and that all this ranting and roaring about things will not accrue with any benefit to themselves; they must get down and understand what they are talking about.

If you come across a man who by the votes of the workers has been placed in a certain position, and you possibly by the votes of the workers have also been committed to a certain job, and you find yourself in disagreement with this man, and if it is your duty to point out certain things to him, you would do that, wouldn't you, if you disagreed with these individuals fighting in their own organization? And what would you think of a person who would come along and say: "Oh, yes, you disagreed with them all right; you pointed out to them what you considered to be an error, but you didn't withdraw." Gentlemen, as a man who must work with my hands for my bread and butter, it is utter nonsense to tell me that I must withdraw from the organization of my class; that I must withdraw from the organization that has been formed upon the job for the purpose of maintaining certain conditions and guarantee to us a certain rate of pay. Even if the circumstances would allow you to withdraw, isn't it the part of wisdom to remain and fight? If these men are off their base, isn't it the part of the wise man, instead of driving them right to the wall, instead of being domineering, as it were, all along the line, to try and point out to them their errors?

I will tell you when I come to it shortly what would happen in a working man's organization, if at a meeting one of these individuals opened up, and instead of pointing out the looseness of their logic and the falsity of their position, you were to take a club to them and tell them that they are brainless fools—what would you have done? If they are workers that satisfy the boss they will still stay on the job, and consequently they will still stay in your organization—and by hammering at them, repudiating them, using a club to them, as my learned friend Mr. Andrews suggested might have been done, I will tell you what would have been accomplished. Instead of just having them as incipient anarchists, you would make them violent anarchists, and you could never get them to listen to any of your arguments any more. I have taken the position, that although they may be mistaken, now and again these individuals show a desire to want to know something, and if they wish and desire to study, then allow them the possibility of studying. Do not club them on the head all the time; nevertheless, maintain your own position, if you consider it right.

After that interpolation I will come back to these letters of Beattie's, where he said that the Union of which he was a member, somewhere in Alberta, disgusted with their own International, with headquarters down in Indianapolis, passed a resolution to go over en bloc to the I.W.W. The Crown gloated over that, and they threw out the inference, as they have thrown out many inferences, like nooses that they imagined would fit around our necks. But, gentlemen, they remind me very much of the Indian who for the first time in his life saw a locomotive tearing across the prairie. He had been used to lassoing. He could run around and lasso a deer; lasso a steer; lasso a broncho; lasso a buffalo; just pull the horse back on its haunches and he would have whatever he lassoed. But he threw the lasso once too often. It has seemed to me that the distinguished counsel for the Crown has thrown a lasso once too often; he threw it around the smokestack of a locomotive and figured he could stop it—instead of that it pulled him off his horse.

"They passed a resolution to go over to the I.W.W." Poor, misguided Beattie, that we are told of, and concerning which the charge is made that stuff was sent to him, and something else was done. What does he say about it him-

self, foolish as he may be, after, as I have already shewn to you, stating and admitting that he doesn't know very much about Socialism, and that it was hard to keep an economic class going because they had not a well enough read comrade to carry it on, how does he finish up this part of his letter?—"While I agree that it would start something"—that is another term that comes from the workshop—"and show that we were not satisfied with things as they are, I argued against the proposition, but made a poor showing."

Then again, in his letter of November 24th, Exhibit 211, he says: "Hoping that if you have any more information on these subjects you will put us in the way of getting it, with best personal wishes, I am." And then again in another letter of February 6, Exhibit 221: "You might give me an outline of how these economic classes are conducted, also what might be the most essential books to use in an argument, while we know we are right, there is too much groping for words to express what we mean, this leads to confusion, especially amongst the foreign-speaking comrades who only speak a little English."

Now, from what I have briefly given you as to the industrial working conditions, the circumstances under which the modern workers are brought up, you will have got the idea of how anarchists are made sometimes, and the conditions, particularly in the Western portion of North America, which produce large numbers of modern workers, who, becoming disgusted with things as they see them, moving around from one job to another, engaged in such jobs that they cannot get an organization of their own, in various camps, in different works, where the worker has to move on from one point to another, and he cannot very well better the conditions except he is on the job. I trust you follow me, gentlemen, because when you have such jobs as these lasting four or five or six months, either you must take the conditions as you find them, or else you must fight to better those conditions, and by the time you have accomplished something, you have to go somewhere else. That is the reason why possibly so many of the workers in the places where I have mentioned have been driven, from their lack of knowledge of the character of the conditions which they face, toward what I would call the violent anarchist school. I want to tell you, gentlemen, sincerely, that knowing that they are being produced by a combination of those circumstances, their own quarrels, and the

nature of the conditions, I am pleased to be able to say I am taking my little part in trying to rid them of their ignorance. The man who is ignorant is oftentimes dangerous, and when such an one appears it is better to deal with him and attempt to give him such little knowledge as you possess yourself.

I have pointed out one or two things about the working class movement, and in this movement, in attempting to give the working class education, the hardest fight that the scientific Socialist has—Mr. Ivens used that expression, I don't want to go to work to explain it—just accept it as it stands—the scientific Socialist has to wage is against the violent type of anarchist, and the element that turns to sabotage, represented by the I. W. W. On the one hand, you have these individuals who are driven through a combination of their own ignorance and the conditions under which they work, into the school of sabotage and anarchy; on the other hand, you have individuals who form, I would call, the idealist anarchist school.

Perhaps it is not the place to say so, but I would put Mr. Ivens in that school of idealists. The school to which I belong is one which tries to explain the nature of conditions to the idealist, and at the same time rob the violent anarchist of his nonsensical ideas of attempting to make progress by a policy merely of ranting and destruction. But if we get these men into our organizations, what can we do with them? Take the organization like that one I have spoken of, with 1,500 members. You can easily see that all kinds of men get into organizations like that. You would have at least two or three anarchists in a group of 1,500 workers. When I say anarchist, I mean those who are anarchist in thought. You will have a number belonging to the Socialist Party, and so on all along the line. What are you going to do? My position is to obey the regulations in the organization of which I am a member, which circumstances compel me to be a member of. Take the Socialist Party, you saw the application form I gave you this morning. Men like Beattie drift into your membership at times. Then there would be some of the other school drift into that party, and realizing the policy, they honestly state their lack of working class education. What would be your position, gentlemen? The position that I take is that we should welcome them if they show a desire to educate themselves. I might state that of such was this man Beattie. Of course, the

necessity of circumstances finds us unwillingly in the company of men of these different schools, just as in travelling in a railroad train, and taking a quiet smoke in the smoker, you might find yourself mixed up with a number of card sharpers and artists of that kind.

However, I pointed out that the counsel for the Crown have made or have tried to make quite a lot of the anarchistic remarks in Beattie's letters, where he talks about "riots and petty revolutions." I am going to deal with these things because the Crown may come back and say Pritchard never touched upon them when he was showing to the jury how the Socialist Party of Canada had contested such elections as their finances would permit, all along the line. What does he say, this man who says he knows very little about Socialism and who wants someone to come and tell him something; that if they only had somebody who knew something they might be able to make more progress with the study class. "The remedy we all know of, capture the reins of Government, but how, certainly not by the ballot." "The only way we will get anywhere is by using force," and so on. And the Crown tried to gain a point by stating that these sentiments were not combatted by Stephenson, whom they claim to be the Dominion Secretary of the Socialist Party of Canada. I have pointed out why such men should not be combatted; I have pointed out that when we meet men with energy of this kind it is a matter of grave consideration to turn that energy in proper channels, not oppose them to such an extent that they will make use of that energy in a false direction. When we find men who desire to work, not only for their own education, but for the education of those surrounding them, is it, gentlemen, good policy to hit those men over the head with a club? For if you can get such an one with so much energy to study at all, even if it take a year or two years, if finally you get a proper scientific concept into that man's mind, what have you done? You have taken a man who had given every promise of being a violent anarchist and by your careful handling of such a person, and by the methods you have adopted in educating him, you have made of him another educator, who can turn around and deal with other anarchists in a somewhat similar fashion.

I will leave that just as it is. However, we find amongst the things that were sent to him, some leaflets, "Capitalist Production," by Karl Marx. (When Marx took up his studies

where Ricardo left them off, he based his studies upon the findings of Adam Smith and William Petty). Some "Red Flags," "Evolution of Man," "Life and Death," and Mary E. Marcy's "Shop Talks on Economics."

There is quite a little bit here on hate. The counsel for the Crown said that we were preaching hate; that we were preaching class hatred. I thought that the illustration used by Queen with the umbrella, was very apt. Gentlemen, when you know the conditions of industrial life, if you have any sense at all, you will avoid preaching hate; you will understand that out of the very conditions of life itself amongst many workers hatred is developed, and you will set yourself to work, if you are honest, and endeavor to explain to those workers why the hatred exists. If you can explain to them why the hatred exists, they will take possibly the same position as I do myself.

I find myself in opposition to these learned gentlemen representing the Crown. You know how they were roped in by Mr. Queen, as the representatives of the Citizens' Committee. I thought that I had, during my young life, seen a little of the actions of the profession in British courts. I can remember, even now, the work done by Judge Parry in Manchester, where everything possible was done for the workers. Gentlemen, in an industrial dispute, such as the one that existed here in Winnipeg last year, where you find the workers on one side, and, as the evidence was explained so clearly by Mr. Queen, on the other side the Citizens' Committee—you will remember Mr. Queen smilingly said that the Defense claims Mr. Andrews, Mr. Pitblado, and Mr. Sweatman, mentioned here, (in an Exhibit) are the same gentlemen who appear on the floor of this court, you remember that, gentlemen. The Crown prosecutors were the opponents of the workers during that strike. I don't know, but I am rather of the opinion that were such a situation to arise in the mother country that no member of that profession would ever have placed himself in such an invidious position that suspicion could be cast upon him of being both persecutor and prosecutor at the same time; and, yet, with all that has been given against me, all that may have been twisted, the tactics that have been used, I can tell you honestly, gentlemen, I don't hate them. Of course, if there be a disagreement between myself and any other person on any matter of human knowledge, maybe a little thing in scientific thought,

there is only one reason why myself and the other person should disagree—we do not both know the fundamentals; and that is the position I take in the working class movement—there is only one reason why I disagree with Ivens on some point; there is only one reason why I should disagree with Berg; there is only one reason why I might disagree with Johns. That reason is, gentlemen, that one of us does not know enough about the matter. I always take the position that progress can be made by myself taking the position that I do not know enough, and the only way to progress in knowledge is to discuss the points at issue and thresh everything out. Because I discuss those things, because I might fight with those individuals on those points is no reason why I should hate them. I might fight with them, in fact I might carry that a little further—I am going along in the Summer time and I am annoyed by the attentions of a cloud of mosquitos; I don't like their buzzings or their attentions, and while I might turn around and swat the mosquito to save myself, I do not hate the mosquitos; I know they develop in the swamps. I don't hate these persons, gentlemen, because when a man progresses in knowledge he will cease to hate.

I just want to read this little extract in connection with that argument. It is an article by Thorstein Veblen, in the "Red Flag," of March 15, Exhibit 487. "Bolshevism is a Menace—to Whom?" This article appeared in the New York "Dial," of February 22. "The transportation system does not appear to have precisely broken down. The continuance of military operations goes to show that much." (He was a professor in the Chicago University). "Also the crop year of 1918 is known to have been rather exceptionally good in European Russia on the whole, so that there will be at least a scant sufficiency of food stuff back in the country and available to that portion of the population who can get at it. Also it will be noted that by all accounts the civilian population of the cities has fallen off to a fraction of its ordinary number by way of removal to the open country or foreign parts." Without quoting any more I can give you the gist of it. He shows that the position in European Russia causes a whole number of vested interests, outside of any consideration of the facts—that that very position causes them to hate that thing. That bears out the argument I have been offering.

The way to do away with hate is to clear the road for an understanding.

It may be urged that our industrial system is not so bad as it is in England. It may be. But during the days of the 1913 panic, when jobs were scarce and men were plentiful, and the boss came along and said: "Tom, Dick, Harry, you will have to lay off," he didn't hate those fellows. They could turn around to him and say: "What is the matter; anything the matter with my work?" "No, we are slack—that's all." "What are you slack for?" "Well, there are no orders coming in." "Yes; why don't you send somebody out and find some orders?" "We have done that; we have drummers all over the world and they cannot find a market for our goods; in fact they tell us there are too many of our goods upon the market already; you will have to lay off." Why? Not because there is a shortage of stuff, gentlemen, but because there is an over-production, and in every one of those crises that is the position of quite a number of workers; told by their master they must lay off; the master doesn't hate them, and we will admit for the sake of argument that they do not hate the master—but there is the situation. Having produced too much they can now tramp back and forth looking for another job. Thousands of them were in that position. We haven't given the attention to some of these problems confronting society that we might have done, because an all-absorbing commercialism has everyone of us in its grip. As Mr. Queen pointed out to you—I might call him my learned colleague, or I might call him my learned plug friend, and he would understand that and wouldn't hate me because I used that term—the scene at the factory gate, with one job open, and three men for the job. What is the position, gentlemen? I don't hate you and you don't hate me, but I will take two of you out of that box, one man from that side, and one man from this side, and I stand here, as I have pointed out before, right on the dock, offering myself for sale for a job, and all the gangs have been picked, and there is only one more man to be picked. They want a trucker for No. 5 gang—there are three of us. I don't hate you and you don't hate me, but there is the situation, gentlemen. You have a wife and family; I have a wife and a family, and we stand there and there is only one job; and your wife and family mean more to you than they do to me; my wife and family mean more to me than your wife and family mean to me. I don't hate you,

but I fight right there with you for that job—the three of us trying to get the one job. That is only a little picture, gentlemen, three men for one job. And have you seen them fight like tigers, as I have seen them at the dock gates in Manchester, fighting for the chance to get a temporary job at 11 cents an hour? We have seen a repetition of Liverpool and Manchester on the docks at Vancouver. Then you wonder how it is that out of those conditions there may be here and there a man of anarchistic thought in a Trades and Labor organization. But the system of economics, which, as I pointed out in the early part might explain some of these things, just as old Galileo with his telescope discovered the four moons of Jupiter, and the learned thinkers of that day said that he must have made those four moons and put them into his telescope, so they turn around on us today and they say: “Yes, you have discovered the Laws that govern production and exchange of commodities in a modern society, but you must have invented these things to find them so.” Gentlemen, we may have to explain them, but to those who understand, we don’t need to explain them so much, as these things are driven home to them every day in the week by the conditions they are surrounded with here, there and the other places.

I know, gentlemen, the silken robe will fight against these arguments. I don’t wonder! Do you, gentlemen, wonder why lawyers, real estate men, brokers, company promoters, tax gatherers, bankers, financiers, profiteers, and all the rest of the fraternity who live one way or another by dealing in gold brick propositions—why they may possibly oppose and hate men who will delve into the causes of modern problems in the manner in which I have crudely tried to show you?

Mr. Andrews said the son of the boot-black can become Premier of Canada if he be worthy. I don’t know. During these last two or three years, in the Province of Manitoba, it seems to me that his father would have to have a good stand-in with Arthur Meighen before he would have any show at all of becoming Premier of Canada. “Any man can become what he likes.” I am not fighting my learned friend over this. I am just arguing. I am just telling him as I am telling you. I believe he will be a better man and know a little more possibly when this is over than he did before, because I could not bring myself to the point of thinking that he was only talking with his tongue in his cheek, but

—“any man can become what he likes, anything at all.” Just think for a moment; just let that sink in. Gentlemen, take it home to yourselves. How many farmers on this bald prairie, raising grain, does it take to make a coupon-clipper in the wheat pit of Chicago? Every man that goes into the British army has a chance to become field marshal—how many generals, colonels, majors, captains, right away down the line to “buck” privates does it take to make a field marshal? You point to the initiative of the millionaire, who became great by his own integrity and brains. He is a millionaire in what? In copper. A copper king on Wall Street. How many toiling slaves in the hills of British Columbia and Montana are necessary to make a copper king? How many workers in the Southern States in the cotton fields does it take to make a cotton king? How many farmers with mortgages on their farms and collection bills from the machinery companies against them does it take to make a wheat king?—a man who may not be able to tell a grain of wheat from a grain of barley, but who is content to gamble upon wheat, upon the wheat exchange of Chicago, New York, Manchester. And as you belong to that vast army of toilers who produce wheat, I belong to that other vast army of industrial workers whose every energy makes possible the existence of some clever, marvellous individual, who has become king in a certain realm by virtue of his own effort? I know if I were John D. Rockefeller I could only hold my position as such so long as there were crowds beneath me toiling in my mines, and toiling in my mills.

It is effrontery, gentlemen, to go down and tell those workers: “You can all become like me if you try hard enough.” Did you ever run a race at school? I did. There are ten of you running; one first prize. Somebody wins. There it is. Along comes a philosopher. He does not have to think very hard on his daily problems. You came in sixth or seventh. And he looks at you: “Well, well, you made a fine exhibition of yourself, didn’t you; why didn’t you win?” “Well, the other fellow ran faster than me.” “Why didn’t you run faster than him?” And suppose you had, then the man who hadn’t won would have the same argument against him: “You must run faster than the other fellow.”

Mr. Ivens may have told you, I think he did, that he was staggered at the conditions he found in certain working class homes. It is not because of the tyranny of the capitalist, nor because of the unworthiness of the workers that the

situation is what it is—it is simply because of the development of industry itself from the simple tools that were held by the worker, changing and developing from point to point until we get modern industry.

Here is the view that we take. We go back into the day of the old guilds, when capitalism was only just being born. It may be urged that we have always had capitalists. I fall back again on the authority of Professor De Gibbins who showshow capitalists were coming into power only two or three centuries ago, and as they gained in economic importance they carried on a political fight with the then rulers, the landed aristocrats. There is one thing that individuals who have received the slightest schooling in the town from whence I come, can never forget. Take 1649, when the Stuarts were superseded by the Cromwellian commonwealth, and the political power of the old rulers was broken, and the political power of the new group was made effective, and how later on a second Stuart was removed from the Throne in the person of James II. What do the histories say about that? They call that, gentlemen, the great revolution. Did you ever hear of such terms? Here are the terms that are being used against us today, and yet that event, which Engels refers to as a puny event, that event of 1688, when James II. was compelled to abdicate, and I understand, dropped a golden key in the waters of the Thames when he crossed over in a boat, after his abdication—

THE COURT: I always thought he didn't stop to abdicate. He stood not upon the order of his going, but he went.

MR. PRITCHARD: Yes, I agree with Your Lordship on that historical point; he commenced to go and he got out, but if that is not abdication, I don't know if that is the position Your Lordship takes—

THE COURT: He didn't stop; he didn't wait to abdicate. And they were all glad to see him go.

MR. PRITCHARD: Yes, he went anyway. The point I was trying to show was that he went in 1688. Really the first act of the new monarch was the bringing in of another piece of the written part of the British constitution, the Bill of Rights in 1689.

Here is a cobbler working with his hand tools, and he makes a complete pair of boots. Here is the journeyman carpenter, with a full kit of tools and he makes everything. He will turn the newell on the staircase, and he makes the

handrails, and the sills and the doors by hand tools. Here is the old weaver, as you may find them yet in the garrets of some old country town, weaving silk with a simple hand or foot loom. Simple hand tools, owned by those who used them. In those days of simple hand tools everything belonged to those who used those tools. Times change. Industry develops. We may say that the workers were divorced from those tools, forced from them—and when I use the term force, I do not necessarily mean intimidating force; I don't mean the same kind of force that is used when one prize fighter gives another prize fighter a black eye. But the workers were divorced from their tools. Why? Because the age of inventors came, and Arkwright, Crompton and others invented the spinning jenny and the power loom, and in the hands of those who controlled them compelled the owners of the simple tool to leave those tools and gather together in the master's factory. Instead of being themselves producers, they became part and parcel of machine production.

Our contention is this, gentlemen, that with every change in those tools, there has been a change in the ownership of them; there has been a change in the political conditions arising from those methods of production.

Simple production, personal ownership, and we leave the day of the simple tool and we come to the day of the factory, where the power is supplied maybe by the wind, maybe by the water-wheel; ownership by the individual master of his factory. That again is superseded by the joint stock company, and the application of steam power to industry. Again those old tools become obsolete, and their owners are divorced from them, forced from them, not because someone takes them by the nape of the neck and drags them away from them, but simply because the newer tools coming into existence, and supplying the market cheaper, render the other fellow useless as a competitor in that market.

Then, from the joint stock company there comes finally the trust, the vast combination, the merger. Every change that has taken place in those changing relations between those tools and the owners, and between the owners and the workers who merely operate them, and every change that has taken place all down along that line, has been a change in the ownership. We, today, stand in front of that mighty machinery capable of supplying the world's needs in shorter time than ever before in history. We look back along the line and we see the simple hand tools, then the power

machine in the factory; then we see the mighty industry with motor power supplied by steam and electricity, and we find ourselves today standing in front of the combinations, trusts and mergers, in short, practically the entire world's resources in the hands of a huge financial oligarchy, and that is what we mean when we refer to the capitalist class.

Take the little fellow who tries to run a grocery store on the corner, working very hard to make a living; or the fellow maybe on a quarter section of land trying to make ends meet, getting up at two or three o'clock in the morning, getting to the elevator to sell his wheat before the other fellow. And you know how in those dark cold mornings you would set out and you would try to be at the elevator first so that you would sell your wheat—you know something of that fight, that is the fight of the workers with one another as they try to sell themselves at the factory gate. You realize that kind of thing cannot go on eternally. What is the use of each of us trying to get ahead of the other fellow, when there will always be some fellow who will lose out after all. So the farmers' organizations spring into existence, in order that they may use their collective efforts to make such conditions in the wheat market as they consider necessary for the selling of their wheat.

But as we follow that line of history, gentlemen, and we see that the machinery of production has changed hands from one group to another and is now in the hands of mighty corporations, are we to take the position that although there has been a change in the ownership of the tool in the past, that there can be no more change in the ownership of the tool, or in the nature of the tool? The world will not stop. The world will not stop even if we do, gentlemen. But I take it that the wise man is not the man who refuses to go forward in a world that insists upon moving. The wise man is the man who tries to keep pace mentally with the development of society in its industrial process.

And we urge, and it has been urged by others years ago in a Utopian form, urged often by the founders of the Rochdale Co-operatives, that there should be the greatest good to the greatest number, that the motive should be production for use rather than production for profit; that the vast machinery of production that is in the hands of a financial few should be vested in the entire people, and that is what you have heard, that is what has been urged for quite a time. Gentlemen, in putting forward such a view, I am

going to ask you, do you think there was anything seditious?

Yet you will come across in this literature, the phrase: "Production for Use," with a blue mark around it. Do you think there is anything seditious in that?

I don't know why my learned friends should so seek to entrap me; why they appear to hate me. Gentlemen, here I am. It means something to me. It may mean something to you. I am feeling very strongly about it. I know and you know how the farmers in Ontario swept the boards, and it was this same Arthur Meighen, who turned loose his oratorical flood-gates against those farmers——

MR. ANDREWS: My Lord, there is no evidence of this.

THE COURT: What is this?

MR. ANDREWS: The accused is trying, Arthur Meighen. Says he turned his flood gates loose on the farmers of Ontario. We are not interested in that issue.

THE COURT: I told Pritchard we were in a court of justice, not at a political meeting. You know, if I were in a political meeting and not a judge I might agree with Pritchard in some of his political attacks, but this is not a political meeting, and I am a judge, and I must conduct the court according to the proper procedure.

MR. PRITCHARD: I understand perfectly, My Lord, I am in a court of justice; and with due deference to yourself I want to make this remark. I understand that perfectly that I am not in a political meeting. I know that.

THE COURT: Sometimes I wish I were.

MR. PRITCHARD: So do I, My Lord, and then I could say what I like about some of these individuals around me. Possibly at the next election we may have a chance. I seem to be better known in Winnipeg than I am at home. But there was no evidence in this court for Mr. Andrews to say that Mooney was a member of the I. W. W.

MR. ANDREWS: I will undertake to find that from the literature in this court.

MR. PRITCHARD: That may be so. I also find from the evidence that he was a member of the Moulders' Union, and Business Agent for the Street Railwaymen of San Francisco.

THE COURT: There is also evidence that he was convicted of something.

MR. PRITCHARD: And Mr. Ivens sought to establish that President Wilson did not think that was right.

THE COURT: I don't think he established it very well.

MR. PRITCHARD: No, I think he was stopped, but that is not worrying me, My Lord. Of course, it is too late now to watch for and stop the counsel for the Crown when he was making some of his wild statements. I was merely referring to something that is well known; Your Lordship said that we all know that Charles I. lost his head.

THE COURT: But that is so long ago people are not disputing about it. When history has become of some ancient date, that may be referred to, but that is all in the discretion of the jury, as I take it, as to whether such a thing ought to be referred to or not.

MR. PRITCHARD: It is a matter of history that the Farmers of Ontario took the Provincial Election.

THE COURT: I never stopped you on that.

MR. PRITCHARD: Immediately following those elections it is a historical fact that the Honourable Arthur Meighen launched a broadside against those farmers. I don't know that myself. I only know the thing by a newspaper.

THE COURT: Any time a newspaper says anything about what I happen to have said, they don't say it exactly as I have said it. We can't rely on newspapers for the sins of Arthur Meighen. He may have never said that; we don't know.

MR. PRITCHARD: I find myself in that position, too, My Lord, about the newspapers.

Gentlemen of the jury, it seems I cannot tell you what the Honourable Arthur Meighen launched in Ontario.

THE COURT: If I were chairman of a political meeting I would be inclined to let you go on, but I am not, and we must not attack parties here.

MR. PRITCHARD: If you were chairman of a political meeting, My Lord, I think you would have to let me go on.

THE COURT: I might put you out. I can't very well do that here.

MR. PRITCHARD: No, I don't think you would "put me out." Of course, Your Lordship did not mean that when you spoke about putting me out.

THE COURT: I said I might; it would depend on how you conducted yourself. Next to Queen you are doing pretty well.

MR. PRITCHARD: I am not ashamed of being harnessed to Queen since I have come to know him.

Gentlemen of the jury, there is a word that has been used by the Crown, and it seems to have been blue-pencilled wherever it is discovered—it is the word "Revolution." To the popular mind I suppose it can be given a sinister meaning. I am going to tell you what the word means, considered historically. I read to you from various exhibits, "Socialism, Utopian and Scientific," was one of them, to show you the meaning of that term. I also read from that Exhibit at great length to show the development of what he called Scientific Socialism in the introduction, to show you what the work meant. I explained to you it was an abridgment of a larger work which Engels launched as a polemic against a Berlin professor; that it has had a world-wide distribution for years, particularly in British possessions. And you remember that I told you even then that the historian Toynbee speaks of the "Industrial Revolution," as being a period of change in industry from 1760 to 1840.

In the English language the term "Revolution" is used for all kinds of things. What we mean by it will be shewn when I deal with the history of the term revolution. The daily motion of the earth we call a revolution; the movement of the earth around the sun we call a revolution. It was considered that William Morris, the Socialist writer, who loved the beautiful for the sake of the beautiful, made a revolutionary change in the art of printing.

Revolution means a change which comes at the end of a line of growth or evolution, and the scientist, insofar as I can see, when he looks into the world of material things around him, does not distinguish evolution from revolution. That is growth from change. He sees them as parts, one of another. Even in the article which has been given here as an Exhibit; "By which means—evolution or revolution," you will see the same thought expressed and made clear. And keeping in your mind what I said before, that Marx and Engels, as students in the early days, could see even then—when the working class had obtained only a partial franchise—because of the nature of the conditions in Britain, because of the traditions of the British working class, this revolution which they looked forward to would come about peacefully in Britain. I referred to that revolution when I got into controversy with His Lordship about whether James II. abdicated or just run away—a glorious revolution—no one hurt. James II. just rowed himself across the river Thames in a boat.

Go back again to that little piece of literature that has been used against me, and you will understand all this then. When does it say: "A grain of wheat that falls into the ground and dies will spring forth a hundred fold." What is that? Revolution. Where the thing kills itself in order to appear later on in greater fruition, a hundred fold. You had Mr. Ivens running around your barn yards collecting eggs and bringing them before you as a conspiracy amongst the hens. You know that process, gentlemen, but I know now that hens lay eggs, and that from eggs come chickens. Scientific facts; what is the process? The egg is laid; the old hen sits upon that egg and destroys it by the process of hatching. The period of evolution is there; there is the slow growth; the growth of the chick inside the shell until at a certain point in its growth it is faced with that condition, either it dies in its shell or breaks the shell, and the sensible chick wants to live, pecks at the shell, breaks the shell, and the only thing that is hurt is the shell—revolution. Gentlemen, that is a revolution in the organic world. The chicken might either bite its way out or die inside the shell, and we poor deluded Socialists, with our false theories on economics, we cannot look at that vast machinery of production and say it can continue in the world and function as it is in the hands of its present masters; that a change is inevitable; that to continue as we have continued, to allow things to go along as they were, as they existed before the war, is impossible; that they can no longer guarantee a living wage to the worker and at the same time keep piling up interest on their bonds; and that society is faced with the question that the chicken is faced with in its process of development, the question of either bursting its shell and making the change or dying inside the shell. It is not a matter of hate. It is a matter of growth. You may know something about chickens. You may know something about cattle. Now, if there be anything sacred, these are the things, gentlemen, that are sacred. They are not matters of jest to me. I am going to take you back on your old farm again. You know what it is to be kept up at night because of trouble with the old cow. In perfect obedience to the Law of life that cow is about to calve. Should we hide that? It is a fact known to everyone of us who has come to the years of understanding. People may laugh at this illustration. I don't. It is no laughing matter for the cow anyway. But what happens after a certain period of growth? There is

a birth; there is a new being; instead of the old cow alone there is the old cow and one other, her calf. The Law of change has been at work; that Law which you can see working throughout everything in the world—birth—growth—decay. And the Law that works upon men and upon women and upon chickens and upon cows, works upon social epochs, upon society—birth—growth—decay. And I want to tell you, gentlemen, when they see the calf alongside of the mother cow, they can write whatever Laws they like; they can refuse to see what is taking place in front of them; they can do what they like, gentlemen, but they cannot put that calf back.

And the new conditions that have arisen confronting the workers here, there and everywhere else, are the product of conditions which existed before them, like the calf was the product of the cow. You can't put the calf back, and you can't put the conditions that have grown out of previous conditions back again. You can't turn the clock of time back again. Let me try to state it, these are the things that we can see; these are the things we attempt to explain; we go along and we can see that change is taking place all around us, and we can see that some great change is coming within the next ten, twenty, thirty, forty or fifty years, but we can see it just as we can follow the growth of a chicken or a calf, we can follow the growth of human society and we can see those changes.

We are doing our little bit to explain those things, and as Mr. Queen said, if the shower can be seen to be coming, we are doing our best to tell the people to get out their umbrellas. If we can see that the calf is to be born, we are doing our best to ask those around us to prepare a place for that calf.

That word "Revolution" has been taken as though it meant violence, bloodshed, anarchy, chaos; as though it meant everything that could be combed together from the calendar of crime, and you are asked to believe that that is what we mean by the term "Revolution." It has been used by historians all along the line to indicate certain great political changes or certain great industrial changes. That is the sense in which we make use of that term.

Now, I come to another point. Gentlemen, surely, in the last eight weeks you have heard almost everything that you could hear that was bad about me. You have had a most terrible picture painted of myself, and of Queen. Could

you not see that he was a member of the working class?

I know His Lordship, possibly from the best of motives, told you that he often had asked that we have counsel, that we be represented by counsel at the Bar. You heard Queen give his story of his position. Do you think that any counsel at the Bar could have told you of the things that Queen knows from his experience like Queen did it? Why have we come before you? I want to let you know, gentlemen, the kind of men we are. You can judge for yourselves. As far as I am concerned, gentlemen, whatever you decide I am satisfied, but I want you to see, I want the world to see if it may be, what character of men we are. Was it not said of Paul and his colleague: "These men have turned the world upside down?" I remember when he went into Ephesus—I don't care whether he did or not, there is the story—and the silversmiths and the lawyers and the Citizens' Committee of Ephesus ran around crying: "Our calling is in danger! Great is Diana of the Ephesians!"

I am going to let you know what kind of men we are. I want you to judge as to whether or not we are speaking the truth. I want you to judge as to our sincerity. And we want you to decide upon the evidence, from what you know, and from what you have seen, whether or not any criminal intent actuated us in anything that we have done or said.

I don't want to talk about myself, but I must do it more or less since someone else has talked about me. Counsel for the Crown do not claim that I was at the Quebec Congress in 1918. Why? Because they could not find it so. I am going to ask you, gentlemen, to assume that I was not. They do not claim that I was at the Alberta Federation of Labor in the city of Medicine Hat. I am going to ask you to use the same reasoning on that point. They do not claim that I was in the Coal Miners' Convention—I forget what date it was—at the City of Calgary. I am going to ask you to use the same reasoning on that. They do not claim that I was at the Walker Theatre or the Majestic Theatre meetings.

You have evidence given in court by Mr. Andrews himself that Pritchard is just as much responsible as anyone else for the riots of June 10th, although he did not come into the city until afterwards. I was wondering where I could prove to you as to the time I came into the city. My learned friend gives evidence and I am willing to accept it—what did he say, gentlemen: "If we had no other evidence than

the Walker Theatre meeting, we contend that is evidence enough against the accused." What do you think of that? December 22, 1918. There is no evidence to show that I even knew where the Walker Theatre was, or even just where Winnipeg was.

THE COURT: I think we will adjourn.

(Court adjourned at 6 p.m., March 23, 1920)

MARCH 23rd, 1920, 8 P.M.

MR. PRITCHARD: We were discussing, gentlemen of the jury, prior to adjournment, the fact that the Crown did not contend that I was present at the Quebec Conference or other different places that are mentioned in this indictment, and even mentioned in evidence by the witnesses brought in by the Crown. They do contend—I am perfectly willing to admit it—that I was at the B.C. Federation of Labor Convention. I was also at the Western Calgary Conference. I must deal with that personally. Mr. Trueman dealt with it at some length and I do not want to go over any ground that has been touched by any other speaker.

It must be tiring to you, gentlemen, after eight or nine weeks listening to this kind of stuff, and indeed it may be tiring to me also, and I wish to make my remarks as brief as I can and yet state my position and do my duty to myself and those dependent upon me.

I stated that I have been placed in a position where I had to defend, as it were, the history and literature of the two movements—the Trades Union Movement and the Socialist Movement. I tried to explain as well as I could some of the terms that are used in Socialist literature, terms that are used on the Socialist platform, terms which are used even today, gentlemen, in the literature and on the platforms of the Socialist Parties in Britain—exactly similar language.

In one of the Exhibits I noticed the Platform of the Socialist Party of Great Britain, almost identical with the platform of the Socialist Party of Canada; so with the other parties, the terms used—used for half a century—are dragged into a court in Manitoba to be given a twisted meaning.

When we deal with the history of Trades Unionism and the working class movement, I want to go over a few

of the things that are necessary to an understanding of the development of the movement. I want you to be patient with me. I have tried several times to take your minds along with mine in unfolding the story of the development of the machine. Now, that machine grows in complexity, and society periodically adjusts itself to the changed conditions produced by that changing machine, just as the chicken stepping out of the shell steps out to a new environment.

One of the most important things for us to understand, first of all, is that man is a social being, and that for his continued existence he needs at least food, clothing and shelter, and that by social instinct he is what biologists call gregarious. The more complex the social order becomes, the closer grows the relation between the individual members of society.

Gentlemen, when a man understands the significance of the fact that man, as an individual, is a social being, that very moment he takes issue with the anarchist, and that very moment he takes issue with those who desire disruption and disorder in the machinery the world must use for the maintenance of humanity. It is a complex machine and its parts are interrelated each with the other. Of course, I know there used to be a little song about the independent farmer. You know that is not so, gentlemen. The farmer as a producer is useless without the miner, without the man in the shop, the maker of the plowshare and the maker of the machine. None of us are independent; we are inter-dependent upon another.

This afternoon I took you along with me up to the discovery and use of steam, its application to industry; that point brings us to the time where division of labor developed in industry; individual workmen were forced by circumstances from their simple tools in the shops, even as the serfs, driven off the common lands during the reign of Henry VIII., were forced into the towns and the factories, and there arose a combination amongst workmen, and that combination came to be known as a Trades Union. In touching on the Law, I do not want to take the position of a member of the honorable profession—I have told you I know very little about it—I want you to just follow me in its history, not to deal with these things as legal instruments, but with the power of certain economic movements which cause Laws to be enacted. I do not want to deal with them as they stand on the Statute Books as legal instruments; but there

is a history of Law, and reasons exist for the introduction of certain statutes. We take England for our examples, because it is the classic ground of industry. For instance the growth of the Trades Unionist Movement. In 1799, gentlemen, there was passed what were called the Anti-combination Laws—39 George III., chap. 18, 39-40—106. I am not concerned, gentlemen, with those Laws as legal instruments, but as a working man studying history, I am concerned with the fact that they were passed through the influence of great employers and against the working man, and they were launched particularly against a society known as the Institution of Halifax. This institution was, in 1796, one of the trade associations, extending over a wide area. What was the result of the passing of the Law, gentlemen? The working men of that time evaded that Law by simply turning their Trades Unions into friendly societies, and this very institution, the Institution of Halifax, fell back upon the old statute of Apprentices, 5th Elizabeth, C. 22, 2 and 3, Phillip & Mary, C. 11, and under the old Statutes of Apprentices they secured repeated verdicts against employers. In 1802, the employers secured a temporary suspension of the Statutes of Apprentices and they were finally repealed in 1814. It was, at this time, under the impulse of the rapidly developing large industry of which I have spoken to you, that the employers seized upon the political teachings of Adam Smith, and they used the arguments of Adam Smith, for the abolition of the Statutes of Apprentices. I have told you a little of combination, and the reason for combination. Combinations of the weak against the strong are as old as human society—combinations of men against others in order to preserve themselves. Right through the middle ages, combinations are seen time and time again. The Craft Guilds themselves arose as an expression of resistance to the oppression of the burgesses. The burgesses were the townsmen of those dark Middle Ages. And these very Craft Guilds, when they became tyrannical, were in turn opposed by the Fraternity of Journeymen. I want you to get that in mind, and then you will understand why the Trades Union Movement grows and develops and changes its form, so that by the combination of the weak against the strong they may be able to hold their corner, if I may use that term. I want to use it in dealing with the One Big Union, because in that we contend that if the workmen are to have any chance at all in the

matter of rates of pay and conditions of work, then they must themselves make the combination, since the masters themselves already are in a One Big Union of their own. One big union of financiers; one big union of Canadian Manufacturers; one big union in all other lines, demand that our divisions in the working class movement be broken down and that we come together making an effective combination again of the weak against the strong.

Going back to those times of which I was recently speaking, there were Laws designed to destroy the combination of workmen, Laws of marked severity. These are in the year 1800, George III., Chap. 106, in answer to petitions from employers. This made all trades combinations illegal (similar to Napoleon's Penal Code, 1802). By this Law, workmen were prohibited from getting an advancement of wages or "Altering the usual time of working, on pain of imprisonment."

In similar fashion it was enacted that every journeyman who shall enter into combination to obtain an advance in wages, or lessen the time or hours of working or shall by solicitation or intimidation or any other means endeavor to prevent any unemployed workmen from hiring to any manufacturer shall be subject to a like penalty.

Do you see the drift of the argument? There should be imprisonment for a period not exceeding three calendar months or not more than two months with hard labor. I am not concerned with the Law, but with what happens in history. For the result of this Law, gentlemen, which I have already told you was expressly designed by the employers and passed following a petition by these employers to put an end to strikes altogether at that period. Gentlemen, this Law is a remarkable example of the usual effect of such measures and holds a close analogy to the present situation in Canada. Workmen's associations, which to this time had been open, became secret and yet they spread through the length and breadth of England.

My learned friend goes back a hundred years. He does well. He goes back to the time, gentlemen, when British workmen met in their Trades Unions and kept the books of their organizations concealed upon the moors of the North Country and of Scotland, and when, between the years 1819 and 1823, a most horrible oath was exacted from the members of a certain Scotch Union, in order to escape, if possible, the application of that particular Law. How-

ever, March 1, 1823, the repeal of these Laws was moved by Peter Moore. The campaign was renewed the following year, resulting in the Law of 1824.

I might go from one point to another and consider them in detail as legal instruments, but at the moment I am interested only as to the interests that brought these Laws upon the Statute Books, and as to the fight the working men put up in order to maintain themselves and their organizations.

The history of the fight for the ten-hour day in Britain makes remarkable reading. I have not time to go into that. I just want to show you that whatever position is held to-day, gentlemen of the jury, by a Trades Union here or in Britain, is the result of ceaseless fighting on the part of individuals comprising these unions; that every so-called concession and privilege has been wrenched, if I may use that word, from the opposition. What we are now concerned with is the result. Mr. Queen told you of the ceaseless fighting on the part of those who have gone before for the right of working men to combine. In those fights that occurred we could, had we time, show you how the British privilege of free speech and free press was not something that came on a silver platter for the working men to use, and that all along the line they had to keep their eyes open and watch that these dearly bought liberties were not filched from them. The fight raged before the passing of the Act of 1871, and was carried on until the framing of the Law of 1875, a fight that culminated in the Taff Vale decision and then we have the passing of The Trades Union Act of 1906. How was it brought about? By leaving it to the gentlemen of the legal fraternity to look down upon the experiences of working men and then telling what they thought was good for the workers? No; it was by carrying the fight into the ranks of the opposition; letting these people see something of the conditions of the working class, and by that ceaseless vigilance of the workers in Britain, free speech, free press and free assembly as we had it was maintained for others.

And in showing this development I am reminded that these were the days of Peterloo. Some mention was made here in this case of Peterloo. There was a little bit out of a poem stuck at the bottom of some little article somewhere something like this:

“Rise like lions out of slumber
 In unvanquishable number;
 Shake your chains, like morning dew,
 Which in sleep have fallen on you;
 Ye are many, they are few.”

If I remember correctly, my learned friend, Mr. Andrews, used a little bit of this in his address when he said: “Ye are many they are few.” I asked my friend, Mr. Pitblado: “Who is the poet?” and he said: “I do not know.” He does not say; it seemed to me that he did not seem to know whether it was Bobby Burns or Bernard Shaw. But he brought it back to Peterloo. The one thing that has hurt me possibly more than anything else in this case has been the display of learned ignorance that I find among men of the legal profession. Peterloo will be remembered amongst all liberty-loving people in Britain for all time, and that is where that poem came from—Shelley. Aye! And what more did Shelley say in that glorious “Mask of Anarchy”?

“What is Freedom? Ye can tell
 That which slavery is too well,
 For its very name has grown
 To an echo of your own.

’Tis to work and have such pay
 As just keeps life from day to day
 In your limbs as in a cell
 For the tyrant’s use to dwell.”

This is where they get it from. He knew something of what was called freedom, and Mr. Andrews says Pritchard and the other accused go to the contented artisan and say “Slave! Slave! Slave!” And what did Shelley say? It is too bad that they did not haul my volumn of Shelley down with this other stuff into the court room. Yes, indeed, what is freedom?

Seditious, gentlemen? Seditious? It may be. Part of it there, stuck in we don’t know where it is from; other poems may be brought around. There are things marked by the learned gentlemen for the Crown in these Exhibits as seditious, which, if I were to take back to the author of “Tam o’ Shanter” and the “Cottar’s Saturday Night” would make the poet plowman turn in his grave. Supposing it was shown in one of these papers that it was from: “Man Was Made to Mourn.”

“If I’m designed yon lordling’s slave
By nature’s Law design’d
Why was an independent wish
Ere planted in my mind?”

You know where this is from, gentlemen. I think you do. Do you call that seditious? But in the course of social development there comes a time and conditions arise over which man has no control. Then all these privileges that he seems to have won go by the board and as the machine of which I have been speaking to you is rendered obsolete by its newer forms; as machinery more and more performs work automatically, the man of skill is thrown into the ranks of the unskilled. I wish I had time to take you to a modern bakery and show you how the bread that your mother used to try to make is made today without any man ever handling or touching any part of the bread, until it is loaded on the rig. The mixing and cutting up and weighting and kneading all done by machinery, and what is true of the baker’s work is true of every industry under the sun. The skill of the baker goes into the machine and the skilled workman becomes just a mere appendage to the machine; just as the early worker was forced from his simple tools, so the modern worker is forced from his skill, so that we of the working class, boasting of our skill, looking at the various gradations in our ranks, have said: “I am a machinist; I am better than the man that wheels the chips; I am a journeyman carpenter and, better than the man that carries the hod,” and yet, today all there is, gentlemen, practically speaking, to modern carpentry is a bag to carry a bunch of nails in and a claw hammer to put in the right hand, and if you have muscle in your arm you are all right as a carpenter, because the sashes are made by a machine and the doors come made by a machine. Your skill is gone; you become unskilled labor; you lose this division. Something occurs which makes it necessary for the suspension of all the rules Trades Unions, have built up in years. These are the facts, gentlemen, which force—I am using the word again—which force workers into the One Big Union. These things, gentlemen, force them into the One Big Union more than the rhetorical bombast of so-called Industrial Unionists. The gentlemen of the Crown see great danger in the One Big Union. They see a danger, they say, in the Socialist Party—a danger to their commercial system. Let me tell

you, gentlemen, that more deadly to the modern system of commerce, more deadly to your modern system of international credit than any One Big Union or Socialist Party, is the fact that last year we crossed the Atlantic without touching water. That is more important; and if they want to know why it is that at present modern commercialism stands before them bankrupt, let them look into those Laws which govern that modern commercialism. The cutting of the Panama Canal was more deadly to the continued rule of international capital than any eloquence that any soap-box orator at any time could ever use or command. Why? Because the cutting of the Panama Canal meant the cutting down in trade routes, and cutting down in trade routes meant a cheapening of commodities on the market, and the only thing to cheapen commodities upon the market is to cheapen the labor power which produced them. And whenever you cheapen that labor which produces, you must throw some of the skilled workers out into the ranks of the unemployed. And when you do that you produce a social problem; and when you produce a social problem you produce something that demands serious consideration and that cannot be turned aside with a wave of the hand. I was trying to show you how a man became an anarchist. There is the history of the movement. He imagined he was doing some good for himself by practicing what I refer to in that telegram as "Sabotage," meaning a slow going style; yet sabotage is not something which is used only by certain ignorant workers. Sabotage is the key-stone of the entire modern commercial edifice. Business is sabotage. It is a word you do not like—my learned friends do not like that—I do not like it. But there it is—Modern business is sabotage—the destroying of one fellow's property by the operation of another fellow's property; the capturing of his business in order to extend one's own; the beating down of your competitor by underselling him on the market; boosting up your goods as something which they are not. All these vices contributing to the undoing of our modern society arise from the fact that modern business is only sabotage.

And time goes along, and the employing class treat with the working class on the matter of the conditions under which they shall work. This is not something that grows on trees like gooseberries which might be plucked. There was a history about that, too, but only after strong fearless effort did it become possible to write up a schedule

between a group of workers and their masters. The development of the trusts in the realms of business made it necessary that the workers follow that same line of organization. That is, it took on the trust form, particularly in those occupations that are connected with the so-called vital trades. I have tried to show you how these transient workers had to make their conditions better, right where they were working or else they lost out; and if that is so, then their organizations must be such that ignore craft divisions, and recognize the fact that the skill of the worker has passed into the machine and that the workers were become unskilled themselves. That is to say that the machine, having broken down craft divisions in the processes of this work, the worker must also break down that division in the form and structure of his organization. I am going to give you an instance of what might be.

There came a revolution in the construction of buildings. The meaning of that word "Revolution" is perfectly clear when I use it in that sense—a revolution in the construction of building houses. You know there was a time—and in some cases it is used even now—where the lather used to come along and put laths upon the studding. That was his job and the lathing trade was a skilled trade, and they wrote their own agreements around the work of that craft. But along came the plasterer and he put on the first and second coat of plaster. He also had his craft organization. He had his craft autonomy; he made agreements with his boss and negotiated schedules for himself, and there was no disagreement between the lather and plasterer because they both had distinct jobs and both jobs were skilled. An inventive genius appears with his machine; he makes what is called a plaster-board. This is neither lath nor plaster, but it takes the place of both. Do you see what we are up against in the Trades Union Movement when a thing like that occurs. In an International organization, such as the American Federation of Labor today, International officers will come down into the district and say to the lathers: "Say, boys, that plaster-board takes the place of the laths and it is your job and you must fight for it." Right on the heels of this, gentlemen, will come along the organizer of the Plasterers' Union and say: "That is your work; you must fight for that," and the working men in the Plasterers' Union and the working men in the Lathers' Union fight tooth and nail, each with the other, as to who

should do that job when they have a hard enough fight trying to get the best possible wages that the market will allow. Yet, their method of organization has not kept pace with the change in the methods of doing things; has not kept pace with the changes in the machine. Do you see what that means? So, while the lather and plasterer are quarrelling as to who shall do the job, along comes the man with the bag of nails and claw hammer and chisel and tacks it right on, and says: "What do you say; this thing belongs to the carpenter, because it is put on with hammer and nails." These are facts, and the boss says: "That looks good to me; they are fighting, and I like this." So, while the lather and plasterer are fighting, he says to the carpenter: "You go to it, and get 50c an hour. The other fellows get 65c."

Gentlemen, we of the working class were forced to this position that we did not worry whether the lather or plasterer or carpenter does that job, because any man who can use a hammer and nails can put the plaster-board on, and we do not care whether it is somebody in the plasterers' craft or somebody in the lathers' craft or somebody in the carpenters' craft or whether it was put on with a steam roller—it would not matter so long as we knew that the men doing the job were being paid what we consider to be reasonable wages according to conditions. I do not know whether I can refer to that; it is a matter of history. The Blacksmiths' International Union in the United States, with headquarters over there, tried to pull all the blacksmiths—

THE COURT: I do not think we can go into that.

MR. PRITCHARD: I was just coming back to Canada to show how the organization works; how it affects Canadian working men.—

MR. ANDREWS: I assume there is evidence for this, otherwise I do not see why we should take time going into it.

MR. PRITCHARD: My learned friend, in his opening address to the jury, told the jury that they might not know about Trades Unionism and proceeded to tell them—

THE COURT: Trades Unionism, I presume, Mr. Andrews dealt with as a matter of Law.

MR. PRITCHARD: I would presume so, but I do not think—

THE COURT: Perhaps he was trying to deal with it as a matter of Law. Several others have tried.

MR. PRITCHARD: Still, the fact remains that the

jury have been told that Canadian men organized in Trades Unions today, for the greater part, are all men with their organization headquarters in the United States.

THE COURT: I presume they were told they joined American institutions and the Laws that govern American institutions do not govern us here as a matter of Law.

MR. PRITCHARD: Well, it could readily be assumed, gentlemen, you could readily conceive that a fight of that description—work that has been done by the blacksmith hitherto, owing to the fact that the machine had further developed, and that instead of the blacksmith doing welding work, as heretofore, welding was done by the acetelyne welder and upon railroads in the railroad shops on the North American continent and on some railroad, we will assume, away down there in Southern California, that because the acetelyne welder had come in to the shop, instead of blacksmiths doing it in their trade, that carmen may have been put on the job to use the acetelyne welder, and the Trades Union organized in this craft is in the American Federation of Labor today, and under their constitution, and according to their regulations they may be justified in saying to all the blacksmiths on all the railroads: "You fellows will have to come out on strike, because (we will say) the Santa Fe Railroad is allowing Carmen to do work that should be done by Blacksmiths." That is the position of the American Federation of Labor today.

What is our position? Since the acetelyne welder has appeared and taken the skilled work from the blacksmith, we care not whether the blacksmith or carman does it. If the machine has broken down the worker's skill, the Blacksmiths and Carmen may both use the acetelyne machine—the machine has broken down the skill of the blacksmith and will allow anyone to use an acetelyne welder. Carmen use it, and we say to them: "All right, let us talk this thing over. The machine has thrown us together. Instead of being separate organizations with separate sets of books and officials and business agents with all the duplication of expense and waste of effort; if the machine has put us together, let us be sensible and get together, also, in our own organizations. Instead of our being blacksmiths and pipefitters and carmen and machinists and boilermakers, in a railroad shop where each in turn do the same work, the machine is making it possible for these things to be done by any one of these men. Instead of having all these divisions

and fights for craft autonomy and all that added expense, the machine tells us to cut out these divisions and go in for combination—the weak against the strong.”

As long as there remains a vestige of craft skill from which condition any position in the struggle for wages is derived, a craft organization will fill a function. It does not matter how many individuals you may have talking about Industrial Unionism; (whether it be myself or any one else) as long as there is the division that I mentioned, the workers will take advantage to that extent and all our sooth saying will make no difference. Still, as I pointed out, if that machine displacing manual skill is a factor in production then this position occurs. You may have noticed in the newspapers—I do not mean in the news columns of the newspapers (it seems to be a very dangerous proceeding quoting from newspapers just now) but in the advertisements as well as editorials—you will notice where certain firms will promise to put you down a house complete in every detail all ready for you to put up, packed up in a box; and they will send it on a flatcar and all you have to do is to open it out, like a big umbrella, and you have it finished, up-to-date—a barn or stable—the product of the machine; the skill of the worker has been shut out by the machine. And the machine sings a song to the worker that can be understood only by the worker. I did not compliment Mr. Andrews, for many of the things that he has said, but I believe he and I could talk things over quite a bit. But I know his position.

Gentlemen, I found myself, after the Law threw its lasso around me, in an atmosphere of prejudice. I found myself in a most peculiar position. As I have come to see the unfolding of the case, I can easily understand the prejudice of the learned counsel from the Citizens' Committee. Every man, gentlemen, is more or less a creature of his environment. I might be as funny looking to you on a farm as possibly one of you might be in some kind of industry; I do not doubt it. I know I would. The product of a certain habit of thought, a certain environment, the prejudice that I have met springs from that environment. I have felt it all around the place. Gentlemen, do you know that I would not be mad, I would not feel it keenly even if His Lordship were to show prejudice to me; not at all. I could readily expect it; I could readily expect it.

THE COURT: Why do you anticipate that, Pritchard.

MR. PRITCHARD: My Lord, I am trying to show the difference in the habit of thought of the working man——

THE COURT: I have not exhibited any prejudice to you.

MR. PRITCHARD: No, My Lord; but I am trying to show the difference in the habit of thought of the working man and of members of the legal profession. You will remember, My Lord, that you asked me why I did not take counsel, and I told you, My Lord, that under any other circumstances I would have taken the best counsel that I could——had it been any other charge, My Lord, I would have run around the City of Winnipeg and found my learned friend Mr. Andrews (loud laughter). I think he would have done better for me. But I mentioned at the time, that I considered the legal mind as an indoor mind. I am not blaming the legal profession—to me it is an honorable profession; in fact I am seriously considering taking it up myself (laughter). I am young yet, but it was given seriously and sincerely when I stated that I thought the legal mind was an indoor mind. By that I meant it did not and could not obliterate the effects of its environment; it could not have any knowledge of the mechanism of the industrial world.

THE COURT: What has that got to do with any prejudice I might have against you.

MR. PRITCHARD: Merely this; I might have prejudice—I know there is prejudice from the legal profession and I know every distinguished judge on the Bench has been raised from that profession, and I know a man cannot be anything else than his habits of thought may make him. I may try, My Lord, to accept your point of view; I may take your training and experience, and you may do your best to take my point of view—I meant no disrespect to you, My Lord, when I made that remark.

This, gentlemen of the jury, is only showing you I must fight this position the best I know how. I offered to put up my own defense. I might have been assisted by a lawyer so far as the Law goes, and I do not want to boast nor act egotistically. I cannot think of any lawyer who could feel the experiences of the worker and tell them, too; and that is why I appear undefended. It may be a mistake; it may prove to be a mistake. Gentlemen of the jury, if it is, I will have erred grievously, and grievously I suppose I will answer it. But one of my best friends, himself a lawyer (I have friends that are lawyers, gentlemen of the jury, just

as I have friends that are politicians; that does not mean to say I am going to withhold criticism from the politician now and again) and we were talking one day about certain things and I happened to be in a room looking at a radiator. The legal man, looking at the product of the machine, said: "Is not that wonderful, that these sections of the radiator could all be turned out, faced, and with straight bearing made so that steam or hot water can be forced through there and there should be no leaks?" To the legal mind this was something that came down out of the Arabian Nights; this was the product of the country of Alice in Wonderland. To the machinist, to the workers, there was nothing wonderful about it, because he makes thousands of such things every day through the machine. That is the difference that I wanted to impress you with between the mind of the worker and the mind that I call an indoor mind.

Gentlemen, this brings me to the Western Calgary Convention. The Crown take this up from Quebec. I was not at Quebec, at least the Crown did not say so. Gentlemen, from evidence given by Percy, the Crown sought to show that there was something sinister, something seditious, in the fact that resolutions put to the Congress asking for this breaking down of craft divisions and of the organization upon industrial lines, that this came from machinist organizations, and the learned counsel for the Crown stated that this is significant. Russell and Johns were both members of the machinists' organization. Let me tell you, in my humble opinion, these resolutions came from the machinists, in spite of, and not because of Russell and Johns. Possibly the machinist is the one man in the workshop today who has felt that skill being taken from him by an ever developing and extending use of machinery, consequently he wants a closer affiliation with his fellow-workers. He does not want jealousies pounded back and forth with the boiler-maker, he wants to join the boiler-maker in the fight to maintain a standard of living to which they have been accustomed.

Quite a story was unfolded in the calling of the Western Calgary Convention. Then the evidence of Percy and from the statements made from time to time by the counsel for the Crown—these things appear clearly to you, gentlemen. First—dissatisfaction by the Western members with the machine politics of Congress. Of course, in P. M. Draper, as Secretary of the Canadian Trades Congress—why was it

pointed out?—Why did they not come along and say that he had held that job for some 15 years, and had been away from his trade and lost touch with the workers; or that he held a job under the Government, which may actually, if not nominally, have been that of King's Printer. Dissatisfaction in the machine politics of Congress! To constantly hold—

MR. ANDREWS: As Draper is not here to defend himself, he should not be criticised. I do not know whether he is holding a Government job or held a Government job for 15 years. I do not know about the gentleman—there is no evidence about this.

THE COURT: We ought not to attack a man who is not a party to these proceedings.

MR. PRITCHARD: It was not an attack. It was stated in this court—it was given that P. M. Draper was Secretary of the Trades Congress; it was put in the Exhibits by the Crown.

MR. ANDREWS: Then the accused went on to say, he had been there 15 years, and was practically a Government official. There is no evidence of that.

THE COURT: If that is all the attack—

MR. ANDREWS: There is no evidence.

MR. PRITCHARD: I ask the—

THE COURT: He may be a fool to be a Government official, but there is no reason he should be attacked for it.

MR. ANDREWS: There is no evidence, and he is leading up to something.

MR. PRITCHARD: I think, with all due respect to Your Lordship, if he is a fool for being a Government official, I may disagree with him for being that. He may be anything in the world for being that, and be entitled to it—

THE COURT: Some people seem to know other people's business better than they do their own.

MR. ANDREWS: The accused is only leading up to some argument, based on this; there is no evidence of it.

THE COURT: He has not made the attack—I would rather not be told—

MR. PRITCHARD (to the Registrar of the Court): Can you look for the article in the Bulletin: "The proletarian dictatorship has been proclaimed in Canada—the head line only was read by Crown Counsel. I am doing my best among 1,000 Exhibits.

THE COURT: What do you want to say about Draper?

MR. PRITCHARD: I could not say all that I would like to say about Draper (laughter).

THE COURT: If you feel that way about him you had better leave him alone.

MR. PRITCHARD: I think I can show my point. Yes; this article, My Lord, put in by the Crown states: "Circular letter sent out under the signature of Tom Moore, and P. M. Draper, President and Secretary-Treasurer, respectively, of the Trades and Labor Congress of Canada."

THE COURT: You don't want to go and knock hell out of the Labor Party, do you?

MR. PRITCHARD: My Lord, working men may use language at times that is not very choice, but I think they share that distinction with other members of society although they may not be so particular as to where they say it.

THE COURT: I am not finding fault with that language; I think one word spoke volumes.

MR. PRITCHARD: Yes; I think that Russell was just as sincere then as I found him to be at other times when he said he was knocking hell out of the Labor Party; I do not find anything here about him being King's Printer; so I may come to that article later on.

THE COURT: Mr. Pritchard, we have not much to do with Draper, I do not think.

MR. PRITCHARD: I want to proceed, My Lord, if I could manage to get past some of these irrelevant interruptions. But it is pointed out, gentlemen—

THE COURT: Queen rather liked that to get a little rest.

MR. PRITCHARD: There are so many spectators here, I have not room to sit down (referring to the crowded state of the court room).

MR. QUEEN: I used to sit down on the table and listen.

THE COURT: Orders chair to be placed for Mr. Pritchard's convenience.

MR. PRITCHARD (turning to Mr. Andrews): You can now interrupt me as often as you like.

MR. ANDREWS: I will only interrupt when something is being said that ought not to be said. I do not think I have interrupted improperly.

MR. PRITCHARD: I am trying to keep as well as I can within bounds.

MR. ANDREWS: I think he has been very good, My Lord.

MR. PRITCHARD: I think so, too, My Lord, and I will only scold, or scald, Mr. Andrews whenever I consider it necessary. This has been pointed out—the ballot—by Mr. Queen and Mr. Truceman—why should I go over that argument? You have it, gentlemen. I could do it if I had to, but there is no use going over an argument that has once been presented to you. Disparity in the representations between East and West because of holding this Congress down in the East—I think Winnipeg is about the third largest city in the Dominion—I do not know when the Congress was held in Winnipeg last—there is no evidence to show us; I cannot tell you. The Congress is always flooded with International officers who sit there by virtue of their office that I have told you about. And in addition to the development of the machine which was breaking down these craft divisions there has been growing, particularly in Western Canada, in the ranks of organized labor, a resentment against the red tape and the cast iron formula of the American Federation of Labor.

I want to digress here. My learned friend drags the I. W. W. constitution in from somewhere, some hole or corner, some place, and says: "Gentlemen, look at that. Look at the O. B. U. constitution; you have to take a microscope to find the difference." You don't gentlemen; you don't. The O. B. U. constitution states its position simply as this Exhibit shows (quotes from constitution). And the difference is apparent to any who will read, but the International Association of Machinists have been mentioned here, the American Federation of Labor has been mentioned here; their preambles are not in as evidence, so you cannot take the microscope and look at the O. B. U. Preamble as against the American Federation of Labor or the International Association of Machinists, yet, to all intents and purposes the working of these preambles are identical.

MR. ANDREWS: Now, why should the accused say that; he has already said there is no evidence, but he tells us they are identical. There is no evidence of it.

THE COURT: What was it you said?

MR. ANDREWS: The constitution of the Internationals is not in and he tells the jury that the constitution of the International Order of Machinists and the O. B. U. are just the same.

MR. PRITCHARD: No; I stated that they did not need to take the microscope to see where there was any difference between them, My Lord, and if you will permit me, I want to do this for the reason that the American Federation of Labor has been introduced here, the International Association of Machinists has been introduced and the resolutions passed——

THE COURT: The constitution and the matter you are speaking of, I do not recollect being introduced.

MR. PRITCHARD: But, My Lord, here is the position. If my colleague, Mr. Jones, is to be prejudiced merely by the inference that he has left the International Association of Machinists and gone into what is known as the One Big Union, would it not have been an act of grace on the part of the Crown to have put in the preamble of the International Association of Machinists?

THE COURT: No; I would not have done it if I were counsel for the Crown, for the simple reason the Federation of Machinists has nothing to do with the Laws of the country.

MR. PRITCHARD: I grant that and admit that.

THE COURT: You had every privilege to put it in if you wished to put it in.

MR. PRITCHARD: I have stated my reasons for not putting it in.

THE COURT: You have taken your course and it is not in, and I think the sooner we find one thing exists in one way, as soon as we understand that the better we will get along.

MR. PRITCHARD: Well, I do not hold that view, My Lord.

THE COURT: No; may be not. The court is bound by its rules. The jury will look at the situation that is here and say what they have to say about it themselves.

MR. ANDREWS: My Lord, I object that the accused tell to the jury what is the contents of the evidence he has elected not to put in evidence of.

THE COURT: I will have to tell the jury there is no evidence to confirm the constitution.

MR. PRITCHARD: It is almost an anomalous position to me. I know well enough this country cannot be bound by the Laws of a foreign organization. Nevertheless, we have in this country taken into the Government of this country,

a man who boasts of his connection with that same foreign organization—the American Federation of Labor.

THE COURT: I am not bound by what the Government does, but what is on the Statutes, and the jury are not bound by them.

MR. PRITCHARD: I will not proceed with that.

THE COURT: If the members of the Government were to come into the court and attempt to tell us what the Law was, I would probably send them to jail.

MR. PRITCHARD: A member of the Cabinet did come into this court in the closing days of the Russel trial—

THE COURT: Yes; but he did not attempt to tell me what to do. He has the right of every citizen to come into court.

MR. PRITCHARD: I understand that, My Lord.

THE COURT: The jury is not bound by any member of the Cabinet, and under our constitution, as it is, nobody but myself can tell the jury what to do.

MR. ANDREWS: I also object to the accused saying the Minister of Labor boasts of being a member of the American Federation—there is no evidence of that kind here, and I think the accused may as well know now. He has not been particularly offending up to date, but he thinks he may tell the jury anything that is not before the court, stating facts before the jury we cannot meet—that the Machinists' preamble is the same as the O. B. U.—we cannot deny it.

THE COURT: There is no evidence of that. I will have to tell the jury there is no evidence that Gideon Robertson is a member of that institution.

MR. PRITCHARD: I did not say that; my learned friend gets up to say something; I did not say the Minister of Labor—I said a member of the Government, and he came along and made it specific—

THE COURT: I hope you are not referring to the Minister of Justice.

MR. ANDREWS: This may be very funny and suit the crowd at the rear, but every one knows when the reference is made to a member of the Government being a member of the Federation of Labor, he means the Minister of Labor. It is not funny—it is quite improper.

MR. PRITCHARD: It is not funny at all. I have known a man rise from the workshop bench and go into the legal

profession. I think there are men of that description who have left their tools and gone into the legal profession.

THE COURT: What has that to do with it.

MR. PRITCHARD: They might become Minister of Justice and then boast of the American Federation of Labor (laughter).

THE COURT: I know one labor man who rose to be a lawyer, and he was quite worthy of filling any position that the country could give him. I say nothing about myself. I worked pretty hard before I became a lawyer.

MR. PRITCHARD: I appreciate the position, My Lord. You and I may differ as to whether I could rise— —

THE COURT: I do not see how that man can be any better than he is — —

MR. PRITCHARD: Gentlemen of the jury, I do not know— —

THE COURT: That has not much to do with these things, Mr. Pritchard.

MR. PRITCHARD: I just said: "Gentlemen of the jury, I do not know" — —

THE COURT: Well, if you do not know, that has not much to do with the other.

MR. PRITCHARD: But, My Lord, I do not know what I do not know; I had not time to tell what I did not know (laughter).

THE COURT: I thought it had something to do with this case. Now let us get on.

MR. PRITCHARD: This is not funny, gentlemen of the jury. There may be here and there lighter spots in this thing, and there may be occasions when we can afford to laugh. I can laugh myself, and I can appreciate possibly a pretty turn of wit, but I recognize my position, and while I may be transgressing a little, I do not want to do it. It is not — —

THE COURT: You can proceed and pass on there, Pritchard, if you — —

MR. PRITCHARD: Will my learned friend; when my learned friend stands upon the floor of the court — —

THE COURT: If you transgress from here, I will not take it in the easy way.

MR. PRITCHARD: He says it may be funny; it may not be funny. I have just as much right to say it may not be funny as he has to say it may be funny. The developments of that machine, gentlemen, I have illustrated to you,

in this country, does it take place in other countries? Does it? I will leave it to your judgment whether there have been changes in the industrial world, we will say in England, and if so, I will leave it to your judgment as to whether or not in England the workers too, have come together along the lines I have suggested. I may not be permitted to deal with that as it affects the older country; there is evidence somewhere here in the Crown's Exhibits as to the Triple Alliance of all railroad workers and miners and transport workers. Railroad workers are one organization—all in one organization. I think that I am within my rights if I tell you that on the railroads in England, there are locomotive firemen and engine men, as they are called—drivers; there are conductors—brakesmen or guards; there are the men to mend the tracks known as plate-layers; there are signal men and men who sell the tickets in the offices and a whole host of different workers on the railroads and there is an organization known as the Railroad Men's Union of England—one organization. There is evidence in there that the railroad men and miners and transport men's unions again come together in what is known in the Labor World as the Triple Alliance. I am going to ask you to use your judgment as to whether the workers in the old country have not followed the logic of that machine.

We come to a verbatim report of the Western Labor Conference. You may have seen it. If you go through it you will be struck with one thing—that is its faulty construction, its poor grammar and it can lead only to one conclusion—that it was a poorly taken report, faulty in many respects. Senseless expressions appear here and there—possibly one of the worst reports of a Labor Convention. The omission of one word can materially affect the sense of a whole sentence—alter the whole meaning of the whole text, and in that verbatim report you will find something like this: "Delegate Kavanagh.—'Any time the workers imagine they can emancipate themselves merely through the gas houses of this or any country, they have another think coming.'"—quite different to what he said. It is not quite clear, and even if I knew I could not tell you.

As I developed the argument this morning about the use of the ballot, and as the Crown have claimed that Kavanagh is a member of the Socialist Party of Canada, then what he said on that occasion might be of some value in the argument presented this morning that the real fight comes

before the elections, and that can be taken for what it is worth from the man whom the Crown says was my colleague. In a Labor organization, in a Labor Convention of Trades Unionists, which, as I explained to you this morning, are composed of all shades of political opinion that are bound together with a common object of selling their energy for the highest possible price, according to conditions—they say that we repudiated, in that Convention, political action, and yet, these very men in that Convention, a Convention which was for the purpose of dealing with economical questions, of bread and butter and conditions of work on the job, that when the question of political action, parliamentary action came up in that Convention, this same Kavanagh said: "Not at this Convention—not within the scope of this Conference—certainly not either going in favor of or against—it is none of our business and consequently we lay this question on the table—it is our duty at this moment." Yet that same man (you can see his trend of thought even where the questions were industrial questions and an industrial Convention) when the question to be dealt with was parliamentary action—he said the real fight goes on in the country before the elections. Why before the elections? Gentlemen, dealing with that report in its faulty character brings us to the reports of persons who went out to meetings, newspaper men who had to get a story for their paper for a living. Other men who also evidently had to get a story for a living, and if the story was not there, seemed to be perfectly capable of creating one. You will remember that my learned colleague, Mr. Queen, quoted an utterance of Judge Macdonald—you remember its import. You remember how the thing works in the newspaper office; dragged just a little bit out that they have in the newspaper—what they call color. One of these reporters admitted that the Tory newspaper and Liberal newspapers print entirely different stories of the same meeting, while Mr. Brindly confessed that the story was afterwards made to fit the amount of space, and the city editor, when giving these men assignments, would say to them, get a stick on that—make it a stick or two sticks (a term used in newspaper offices). The stick is what the compositor uses to make up his lines on. Condense it. And the other terms that they brought out as to room, "plenty" or "tight," and they have to write the story according to the space—"plenty" or "tight"; yet they came back, refreshed their memory from

these newspaper reports and gave their evidence. I want you to notice this, too, that if these other reports that were taken into offices and built up—they went back and wrote some of them the next day—I do not know whether I am trespassing or not, but I remember one day a little bit of an argument here concerning the result of the activities of the gentlemen on the other side of the lamp there (referring to the court reporter) His Lordship said something about not hanging a dog on a reporter's notes. And again I find myself in perfect agreement with His Lordship.

That is the position you take, gentlemen; then what can we do about it? Where we find counsel for the Crown trying to hang a number of us, not on the reporter's notes that may be made at the time, but on reporter's notes that he has slept on, and then writes after he gets up in the morning. Gentlemen, supposing one of these individuals had gone to a meeting and had gathered what he considered necessary, and as he went to bed that night he had a nightmare and got up in the morning and wrote his notes, how much of the meeting and how much of the night-mare would he get into the story. Are we to be hung on these kinds of notes? And to develop that point a little further, as it concerns me. I am not going to bother you with going into what the witnesses said that I have said at meetings; you can judge that for yourselves. One thing I notice is that the North West Mounted Policeman from Calgary, by the name of Waugh—just this thing that struck me—you will remember they brought in evidence about meetings in the Pantages Theatre in Calgary, in June, a meeting in St. George's Island Park. Put it all together. What does it all amount to; and this evidence they gave of what I said. This is a thing that struck me, that the witness said I had stated that all we desired was British Justice and we were determined to get it, and yet, under cross-examination, he had to bark back that he thought these men, meaning us, had had enough of British Justice. Listen to that! And what would you think of the testimony of the man that has displayed open hostility to that extent? Supposing, gentlemen, that I had said upon a platform, and had told the crowd the same way, that I may be telling you now, that we desire British Justice and we were determined to get it; do you see anything seditious in that? Do you? And when he comes to a matter of creating trouble in a community I want to know if the activities and utterances of men in

that connection are the things that cause trouble, or whether the utterances, like the man in the box who said: "I think these men have had enough of British Justice," I want to know whether you think—whether the utterances, the actions of such men as these are things that would cause trouble in a community. I want you to use your judgment accordingly, on the statement of these simple facts. One meeting in Winnipeg—that is all, gentlemen. Just a few sentences. Three minutes from a two-hour address; all that was necessary and all that was considered objectionable—15 minutes from an hour—a three minutes address, perhaps not that much—considered objectionable and in that 15 minutes was collected this—that Ivens said that we wanted British Justice and were determined to get it. These little pieces have been collected from these speeches, gentlemen, in Calgary, in Winnipeg—not one tittle of evidence on any speech that I have made at any other time, or in any other place has been brought here. The Crown reads from certain documents and points to the picture of the accused Pritchard going up and down Vancouver Island—I am not referring to the fact that somebody may have said in some letter that I was over in Vancouver Island during the week-end—gentlemen, am I transgressing if I tell you that I came to this country some time or other, and the Crown does not contend that I came to Winnipeg until after the 10th of June and the Crown has sought to show by the evidence of men who entered my house that I lived in Vancouver. There is evidence to show, out of some of these Exhibits that one fellow writing to another, referring to the speakers said they are all working for capitalistic bosses. I had a job somewhere. And the Crown has been able to show that away back in 1917 I was in Vancouver, and that before that, in 1916, I was in Vancouver. They may have gone further back; I don't know that they did. This is certain, gentlemen, if they sought to show I spoke in Vancouver Island, they bring evidence—just a little dripping from the trough of what I said in Calgary—just a little carving out of what I said on the same platform as Woodsworth, Ivens—has it come to pass in Canada, gentlemen, that if you occupy the same platform as another man, you of necessity endorse all that he says? Has it? Is that so? The Crown tried to make something out of the fact that I could be found with Ivens, or that Ivens could be found with me. I do not know which was the malefactor

in the play. But one of us was a bad man for associating with the other fellow. I am prepared, gentlemen, in this case to be Barrabas. But this is a significant point. These little things can be brought into this court and Victoria Park, Winnipeg, Mewata Park at Calgary, St. George's Island Park, Calgary, Pantages Theatre, Calgary. Calgary seemed, as we looked at this evidence, to be the centre of the universe so far as this police spy system was concerned. Extracts from five different speeches in Calgary and two or three in Winnipeg, yet living in Vancouver for a number of years the Crown gloats over the fact that this fellow, Pritchard, is a "top-notch." Not one scrap of evidence from any one of the many speeches I might have made in the town in which I lived. Why, gentlemen? Is it, gentlemen, because a prophet hath no honor in his own country, or do the gentlemen representing the Crown want to tell me that their resources were so meagre that they could not have got a story about me in the place where I am known and where I have my home, members of Trades Unions fighting alongside me, addressing them and from time to time listening to them, and not one scrap of that is brought into this court. Just something I said in Calgary, something I said in Winnipeg; the whole business appears to me to be the most delightful concoction that was ever conjured forth in the legal mind at any time. And suppose, gentlemen, that in addition to the development of the machine I have shown you, the workers were confronted with other conditions; supposing that Laws on the Statute Book respecting health and sanitation, the time of payment of wages, etc., etc., set down in the Provincial Laws, are just a picture book; suppose the conditions in the places in which you work are not at all like what they should be if the Laws on the Statute Books were enforced. Suppose, gentlemen, that there be a Law which tells the employer in the camp that he must put on the water supply in such and such fashion; that he can only build bunks in the bunk house of such and such a character; that they must not be tier bunks, one bunk above another; that two men shall not sleep together in what lumber-jacks call double-barrelled bunks; that they shall not be built so that you crawl in head first or foot first—what lumber-jacks call muzzle-loading; supposing it says that reports shall be turned in respecting these bunk houses, and despite the Law, suppose this: these mattresses are made of a decomposed substance that might at one time

have been hay, and suppose all these things are done, and put upon the Statute Book, what are you going to do about it as workers? Would you organize as best you could and force your demands right there upon these chaps where you work, and see if you could not, "by virtue of your industrial strength, make such demands as such workers may at any time consider necessary to their maintenance and well being?" Would you not, gentlemen of the jury, consider it good policy on the part of these workers if they could by their efforts build up an organization which would save themselves to some extent? There is a Health Act in British Columbia; it has been there a long time, but it is a dead letter; "please observe it," we say to the masters, "or we refuse to work together." Is that seditious conspiracy? Or supposing in the camps in this work, gentlemen, that right in the place where you had to sleep the pigs are running in and out. And suppose there the case of a man taken to hospital with ptomaine poisoning because of the alleged condition of the cook house there, and suppose out of your wages you had to pay \$2.00 a month towards a hospital, whether you went there or not, if you banded together with your fellows for the purpose of seeing the boss got in decent crockery so you would not have to go to the hospital, would that be seditious? And if you made one big organization of the lumber-jacks of British Columbia, working under such conditions—nobody will argue if these labor Laws mean anything, that they were put there except for the purpose of being observed (and they never have been observed until you made your organization) what would you think of that, gentlemen? And suppose you had another Law for a minimum wage for women and a Minimum Law that says that a woman worker over the age of 18 shall not receive less than so and so—so much per week. And supposing you are faced with that contingency and that the Minimum Wage Law goes into effect and the boss, by virtue of that Law is compelled to come through with that minimum wage, and then suppose, gentlemen, that just as soon as that Law has been put through that you had fought for for months and months and months; suppose after all that, gentlemen, that the boss turns around and says, yes, women over 18 years of age must go, the whole lot of them; and he gets girls of the age of $17\frac{3}{4}$ years and others of lesser ages; then, how are you going to make him respect that Law if you cannot build an organization up industrially which will

deal with your boss and make him obey that Law. Gentlemen, that little picture is only a little corner of the entire scope of the workers' struggles. That is what the worker has from day to day and week to week with the masters of industry. I want to tell you that there is no more peaceful or Law abiding section of the community under the sun than the industrial worker. At the same time there is no man or set of men who have been more goaded by their conditions than these same men.

You may carry the supposition further, and be able to read some of the things that occurred in the Calgary Convention and you can come with me on the suppositious journey to the Parliament offices in B. C. Suppose, gentlemen of the jury, that there is a Law, and this Law may be called the Coal Mines Regulations Act, and one of the clauses in this Law runs like this: That ever so often the miners shall from amongst them nominate a committee called an Inspection Committee, and the duties of such committee shall be to inspect all the workings of the mines and that they shall report gas wherever they find it to the Inspector of Mines, and to the employer, and that the Law further states when gas has been discovered by such committee that the employer must then and there take steps to see that the mine is properly ventilated. You can suppose that, gentlemen. And suppose you and I, and we will say the gentlemen there over in the corner (pointing to one of the jurymen)—three of us are elected by the votes of our fellow-workers, to act on that committee, to discover gas, and report gas if it is there, what would you do under the circumstances; would you do your duty and report? Because the Law says if you find gas and do not report it you are subject to penalties. But suppose, doing your duty according to the Law in the interests of yourselves, you find gas and report, the Law says you shall report it if you find it, and if you find it and do not report it there are penalties, let us suppose you find it and report it, and whatever the Law says the boss says: "You get out of this right now," what are you going to do about that; and if I were to tell you that in the self same supposition that the Coal Mining Regulations Act had never been lived up to and that it had been on the Statute Book for years and years and years, and not until the organization could be formed of laundry workers could the masters be made to observe the real let-

ter and the spirit of the Minimum Wage Laws; and we were forced to the same position respecting coal mines.

Gentlemen, take the case of seditious conspiracy, and they put penalties on it. You know I know the penalties. But they write Laws in our interests and they say, after this the miners of British Columbia or Manitoba or wherever else it may be in camps or upon any work at all, not then confined to a municipality, that every employer of labor shall pay wages to his employees twice a month and he does not do so, and they go to Law—the Law is clear enough. It was intended, I think, that the employer should pay wages twice a month, but he does not do it. You need your money; may be when working in the wilds of British Columbia, a man's family is down in Vancouver. He needs that money to go home, and to get the money all he can do is to go to the expense of hiring a lawyer and taking his employer into court and the employer may be fined \$25.00. Gentlemen, here is a proposition that we are up against all the time.

MR. ANDREWS: My Lord, the accused has drawn a picture of supposition. Now he starts and says these are the conditions which we are up against. There is not a tittle of evidence of these things. If he considered them material to his case he could have offered evidence and we could have rebutted it if we wanted to. But for the last fifteen minutes he has been drawing suppositious cases and we are up against the conditions—we, he says.

THE COURT: I have told the jury time and time again, that is time wasted.

MR. PRITCHARD: Well, gentlemen of the jury, I cannot tell you that these are the conditions that we are up against.

THE COURT: There is no evidence that any of these conditions exist, gentlemen of the jury.

MR. PRITCHARD: Well, gentlemen of the jury, the Crown made much out of the resolution passed of the six-hour day. I think there is evidence to show that the Bulletin was gotten out, dealing with the tentative outline of organization. I think it was No. 4, and I think somewhere in this evidence there was mention made in No. 3 or No. 2—of the six-hour day. The miners wanted a six-hour day. Gentlemen, they could have put that Bulletin in. The evidence is to show it was gotten out through the country as to our reasons for asking for that six-hour day. Our intent,

our motives, would have appeared in the argument in that Bulletin. But it is not in. Marvellous, gentlemen, what could be gathered together between Halifax and Vancouver, is it not? You have seen quite a lot of this stuff. What can be gathered together, gentlemen, to suit the purpose of the Crown in this prosecution, but it reminds me of the Irishman who was making — —

MR. ANDREWS: Before the Irishman's story is told

— —
THE COURT: Well, is the Irishman in?

MR. ANDREWS: The accused knows perfectly well; he said that a certain Bulletin was issued, and certain things in it; but it does not happen to be in evidence; the jury knows and Your Lordship knows that they could have put them in if it was relevant to this case.

THE COURT: I am almost through telling the jury that.

MR. ANDREWS: And the accused knows he has no right to make a statement of that kind.

THE COURT: We will adjourn.

MR. PRITCHARD: My Lord, before we adjourn— —

THE COURT: I thought this would be a good time to adjourn.

MR. PRITCHARD: Yes, but I have already made it clear why we have not called that evidence.

THE COURT: No, you have not.

MR. PRITCHARD: I am entitled to make it clear to the jury as to the position we have taken.

THE COURT: Well, you may have made it clear—the position you have taken.

MR. PRITCHARD: But, so I may be ready tomorrow morning, do you hold I cannot tell the story about the Irishman?

THE COURT: No.

MR. PRITCHARD: I was just about to tell it, when my learned friend interrupted.

MR. ANDREWS: The accused knows he has no right to state to the jury there is a certain paper we might have put in evidence—disclose certain evidence—to raise that.

MR. PRITCHARD: Then I shall take the trouble to go through the exhibits and show that such a Bulletin was gotten out and that I stated that it is in these Bulletins.

MR. ANDREWS: He has no right to say that.

THE COURT: You have no right to state that.

MR. PRITCHARD: But if I show the Bulletin was gotten out for a six-hour day, was I to infer there was nothing but a heading and nothing in the policy?

THE COURT: You have to deal with the evidence. But in the meantime you may tell your story about the Irishman; I have not adjourned the court and you may tell your story about the Irishman.

MR. PRITCHARD: I had put the Irishman to sleep—but, gentlemen of the jury, he is not in evidence, but it does not matter; a lot of things go on here that are not in evidence. That argument I was presenting about the Bulletin, I said it reminded me about an Irishman. There was an Englishman giving a speech; it was a remarkable speech, not so much for what it said as for what it did not say. He put his hand up like this (raising his hand) and said: "I trust that you understand me." An Irishman at the back of the hall said: "Be jabbers, I understand every word you did not say." And that is the story about the Irishman (laughter).

FOREMAN OF THE JURY: We will sleep on that, Mr. Pritchard.

Morning Session, Wednesday, March 24th, 1920

10 a.m.

My Lord and Gentlemen of the Jury: I want you to take a look now with me at the Western Labor Convention, of Calgary. I want you to keep in mind that the accusation of our learned enemies is that this was an ingredient and a substantial part of the seditious conspiracy, and that they attempted to persuade you that they have discovered this. They contended that at that convention we were against parliamentary action, and there seems to be, at least to my mind, an endeavor to confuse this particular issue by interchanging the term parliamentary with the term constitutional. It seems to me there has been a great anxiety to labor a false point, namely, that the only constitutional action permitted to the British people is to go along once in five or seven years and mark a ballot and drop it in the box. If that is the sum total of the activities of the people at large in the affairs of the country, what kind of a pass should we come to? Something infinitely worse even than what we have at the present time.

I think I may make the general statement that there has been a steady and constant rise in the cost of living. I am not going to give you any figures. It is not necessary. People may wonder why working men make objections, why they offer new demands, why it may be that they often attempt to set aside an agreement and ask for new negotiations. I will tell you. We will consider that the figure five represents the weekly family budget of expenses, that is the cost of living for the working man with an average family can be represented by the figure five, and the wages he is receiving also are represented by the figure five, and the landlord comes around one day with an envelope and a message in it, and on April 12th, we find him saying it may be "the rent of your house will be raised from \$8.00 to \$12.00." The old lady trips off with an empty basket to the corner grocery store and she finds that butter, 65 cents a pound, suddenly jumps to 75 cents a pound, and so on all along the line. You get on a street car and offer a nickle, and the fellow in uniform says: "You had better come through with another cent." So that in all those necessary things for living, the figure five has gone up to the figure six. By what process of reasoning are you going to make that "five" stretch to cover that "six." You have to increase that "five" to a "six."

There is one funny thing about the cost of living, everybody seems to be engaged in the business of pulling it down out of the atmosphere and nailing it on the floor, but they haven't accomplished it yet. For the cost of living does go up in a way I tried to show by that little problem. I am going to ask you and I am going to ask my learned friends if, under those conditions, with an almost daily increase in the cost of the staples of life, if at this day and date the working men shall be backed into a corner and told: "What are you worrying about the cost of living for?" Well, it may be that there are some married men with wives and children who may not worry their heads about it, but the partners of their joys and sorrows will worry their heads about it. "What do you want to worry yourself about the cost of living for; there is an election coming on in 1923!"—that is if the people in power go to the country when they said they would.

There are other ways, in the course of history, whereby man can attempt to redress grievances, and my experience, and the experience of my fellow-workers has been

that, generally speaking, they have been driven into a corner before they take any kind of action. They are always the first to suffer, and they suffer all the time. Possibly it is for this very reason that our opponents shout when the action of the working men may bring a little inconvenience to them. Inconvenience, suffering, and hardship are the lot of the workers on such occasions, nothing new to them, and consequently they are victims of that familiarity which breeds contempt. The other man gets excited. He is not used to it.

Well, it has been urged, and I am ready to admit it, that there were some fairly definite expressions on the matter of Trades Unions allowing their executive bodies to go over to the Parliament Houses lobbying for so-called reforms. Suppose, gentlemen, you were industrial workers instead of agricultural workers, and you were members of different unions in the city. Your unions, we will say, are all bound together for the discussion of their common grievances in what is known as a Trades and Labor Council. And outside of these city workers there are workers in other parts of the province, and apart from being bound together in the Trades and Labor Council of the city, the entire organized workers are affiliated on the basis of their economic strength, with an organization that will be called a Provincial Federation of Labor. And we will suppose that this Federation of Labor from the years 1910, up until the present time has held its annual conventions, has laid down its policies, has given its instructions to its Executive Committees, and over and above that, gentlemen, has further taken all the conclusions of its provincial conventions and submitted them for revision to a vote of the rank and file. And suppose that once a year only that Executive Committee goes over to the capital city—if we were speaking of British Columbia it would be Victoria—and the whole accumulation of grievances of that entire mass of workers throughout that province were to be taken before the Provincial Cabinet in Victoria. And when you get there, after having sent word that you were coming—made the date—and you have done this year after year—when you get there there are only a few of His Majesty's Ministers waiting to listen to you. Those that are there, say: "Take a seat" (looking at watch). "Now I have some very important business on. I have just fifteen or twenty minutes time to listen to what you have to say." (Looking at watch).

Half the Cabinet away, and the other half wanting to get away in a hurry, and you have Workmen's Compensation Laws, Relief Acts, Wage Laws and all the other things that are necessary under the present conditions of the working men.

What would you do, gentlemen, after some years of that? That resolution passed at the Western Canada Calgary Convention has been twisted through the use of legal jingle into meaning that every man in that convention and that entire body repudiated political action of the working class, because we said that no more would we send our executives lobbying Parliament for palliatives that do not palliate. Do you see anything seditious in that? Instead of sending our executives over and over again to carry on this yearly lobbying, they said we will build up our organizations on the job; that is, the workers in the shipyards; workers on the street railway; the workers on the water front, and those men who take their lives in their hands every day, falling timbers in the wilds of British Columbia—we will build up our organizations and develop in ourselves a sense of brotherhood, one with another, and educate ourselves as to the most efficient method of dealing with our disputes. Do you blame us, gentlemen, as workers? Would you consider that seditious?

There may have been some in the Calgary Convention, some two of the delegates, as I remember, who wanted the Convention to ignore Parliaments altogether. Some were at the other end of the plank and wanted that Convention to start and make a new political party. There were others, myself included, who tried to point out that we had already some political parties of the working class, and that a man might join these if he so desired, according to his light and opinion—that he could join the Labor Party by paying a dollar for admission fee; that he could join the Socialist Party if he considered that to be the best political expression of working class needs; that he might, if he so desired, join the Social Democratic Party.

The logic of the situation was this: If there are already certain political parties in existence, why is this Convention composed of representatives of certain Trades Unions talking about forming a political party? What business have they to do so, especially when it was discovered that not a man on the floor had any instructions along that line?

It has been pointed out by learned counsel for the

Crown that I was there representing Vancouver Trades and Labor Council. How did that happen? We will suppose, gentlemen, that I was a member of a Trades Union in Vancouver; we will suppose it is the International Longshoremens's Association, and that I had been sent by the votes of the members of that Trades Union as a delegate to the Trades and Labor Council at an election, which is held, we will say once every three months—and that is a democratic election, to my mind—once every three months. Something of that kind might be the best possible means of avoiding graft in political affairs. If you put a man in for three months, and he develops signs of graft, you get him at the end of the three months. That is the democracy in the Trades Union. Give a man a seven year term, and if the man be clever, and on the right side, is it to be wondered at that he might go in there a poor man and come out something different? But if he knows he is to be there only for three months, and that if he doesn't do the wishes of his constituents he will, to use a vulgar phrase, get the hatchet right where the chicken got it two days before Christmas, he will endeavor to do his best for the people he represents. The Trades and Labor Council of Vancouver is affiliated with the B. C. Federation of Labor; affiliated with the Trades Congress of Canada; affiliated with all the different International Unions in the different cities of the United States, and the American Federation of Labor. Because of the reasons that I have enumerated, the Western delegates down at the Trades Congress, as a result of those accumulations of disgust over a period of years, had decided to send out a call, which would be voted on, as to the Western delegates holding a Convention of their own before the next Congress met. I am not sure, but in this correspondence you may find that at the Western Caucus down at Quebec it was resolved that a meeting be held for the Western delegates a week prior to the next Congress. However, the Western Convention was called.

This is what I want to make clear to you. It seems to me that counsel for the Crown were trying, by inference, to make something out of the fact that first of all you get at a certain date the Alberta Federation of Labor Convention, then right on the heels of that you get the United Mine Workers of America Convention, District 18—that takes in the coal mines of British Columbia in the Crows Nest Pass, on the Main Line, Canmore, Bankhead, and away

up to Drumheller, and those points up to the Yellowhead Pass—that these were all held together, and the very fact that these Conventions were held in that fashion, close together, would in itself suggest some master-mind, or a number of master-minds running these Conventions, with seditious intent.

Gentlemen, in the Exhibits of the Crown you can find that this Western Calgary Convention was to be held in January, 1919, but the "Flu," that dread disease, intervened and it had to be postponed.

The B. C. Federation of Labor Convention—why should it come out of British Columbia? When you have an organization, for instance, which wants to run candidates in an election, which is close on, and they find they have only \$135.00 for the campaign, and it takes \$600.00 for the deposits of the candidates, it is not likely to waste expenses. And when the membership of an organization in British Columbia have endorsed the call for a Western Canada Convention, and vote to send delegates; and they are also to send delegates to their own Federation Convention, is it not good policy to have the same delegates hold credentials to both Conventions at the same place, and by that means save expense—that means something to a working class organization, the saving of expenses. There are thousands of these innocent instances that can be explained, gentlemen, but it takes time to dissipate wrong inferences thrown out by the Crown. Just something after the same fashion that a steam shovel picks up half a ton of coal and scatters it around the place, and we have to go around and pick up the pieces of coal and put them back in their place.

I can understand very well, after the time you have been here, that you are feeling tired and you would like to go home. I feel like that myself. But, gentlemen, I dare not, as I value my liberty, I dare not leave any of these points untouched. As for the vast multitude of trivialities that have been brought in here, I let them pass, but on these main questions, on all these things that have been twisted and given an altogether different meaning from the one they originally held, I must deal with them, gentlemen, and I must ask you, irrespective of what you may think now, or what you may do in the future—I must ask you to bear with me as I go from point to point. It is not only difficult to bring these things to your attention so that you may understand them, but there is also the difficulty of keeping

my own mind clear as to whether or not I can tell you what occurred—is it in evidence in any one of these Exhibits?

But I did go as a delegate to the Western Canada Convention at Calgary, and you may suppose, being sent there by the Trades and Labor Council of Vancouver, that I was sent there by acclamation. I can't remember any other Trades and Labor Council having representatives there, except as the Crown has told you, R. B. Russell and R. J. Johns, represented Winnipeg. But there were delegates at Calgary from Regina, from Moose Jaw, from Transcona, from Edmonton, Saskatoon and other places. Some of these delegates, as we went along, contributed many bright thoughts and ideas. Yes—I remember now, there was a fellow from Saskatoon Trades and Labor Council by the name of W. Mills, and there is a resolution that he introduced, which I will deal with later on.

You will remember, gentlemen, that counsel for the Crown addressed you with a certain amount of emphasis—in fact, it appeared to me that the arguments of the counsel for the Crown, whatever they may have lacked in logic, they made up for it in emphasis—these resolutions and discussions of the delegates—which were read with an air of great finality—were declared seditious, every one of them. Well, let us go through a few of them. I do not want to go over the ground Mr. Trueman went over so much, but I am going to read them to you without the bitter accent and prejudicial expressions given by the counsel for the Crown, and I think I can lay claim to be able to read these resolutions to you in a better form than any lawyer could, because, as the counsel for the Crown contends, I was there—they were not.

On page 10 of the report of the Western Canada Labor Conference you have this resolution: "Delegate Kavanagh, Chairman— —" Now, gentlemen, before I touch that let me take you back again in your mind's eye to that box when the witness Perry was there. I asked him about Labor Conventions, and if a man introduced a resolution in a Labor Convention, did it necessarily follow that he was the father of that resolution; that, for instance, if John Jones, a delegate from the Plumbers' Union, brings in a resolution, generally speaking, it is not the resolution of John Jones, but is a resolution which has already been discussed and passed upon by the Plumbers' Union and given to him, with instructions as to what he should do with it as

a delegate to that Convention. He told you how these Conventions were run, didn't he. You remember we went over the 16th Annual Convention of the United Mine Workers of America, and I said: "Mr. Perry, you reported that Convention, did you not?" He said: "Yes." "You have reported other Conventions, have you not?" "Yes." "Did you report the 15th Annual Convention of the United Mine Workers?" "Yes." "Do you remember they passed a resolution before they adjourned, setting the date and place for the next Convention?" "Yes, they did." "So that the arrangements for that 16th Annual Convention for the United Mine Workers of America were laid down at the 15th Annual Convention?" "Yes." And so were the Alberta Federation Conventions. All these things are pre-arranged from time to time. Yet they are thrown together and by inference counsel for the Crown would have you believe that this was some seditious scheme to start a revolution—yet every one of them were arranged by the one that went, before.

At these Conventions, as you may know, the delegates strike off their various committees. At the Grain Growers or Farmers' Conventions much the same procedure is followed—a certain number of delegates are told off as a Resolution Committee—a Committee of Ways and Means, a Committee on Constitutional Law, and so on, and each of these committees have their chairman. And every one of the resolutions brought in by every delegate from their own unions goes to the Resolution Committee, and the Chairman of the Resolution Committee gives those resolutions to the meeting.

This is resolution No. 1: "Realizing that the aims and objects of the Labor Movement should be the improving of the social and economic condition of society in general, and the working class in particular; AND WHEREAS the present system of production for profit and the institutions resulting therefrom, prevent this being achieved; BE IT RESOLVED, that the aims of Labor as represented by this Convention are the abolition of the present system of production for profit, and the substituting therefor, production for use, and that a system of propaganda to this end be carried on."

If that be seditious, gentlemen, let me say this, that it is a late day in the world's history to find it so, and it is a funny place in the British Empire to declare it so—in the Province of Manitoba.

There is something in those Exhibits about the Rochdale Co-operative Movement, whose motto is: "All for each and each for all." "To every man according to his needs—from every man according to his ability." What is that, gentlemen, but production for use instead of production for profit? Many, many moons have come and gone since the Rochdale pioneers launched the Co-operative Movement.

Then there came the resolution that was made so much of, and which I have dealt with last night and this morning: "WHEREAS, great and drastic changes have taken place in the industrial world; AND WHEREAS, in the past the policy of organized labor of this country in sending their Provincial and Dominion Executives to the Legislative Assemblies, pleading for the passage of Legislation which is rarely passed, and which would be futile if it were, is now obsolete. THEREFORE BE IT RESOLVED, that this Conference of Western Workers lay down as its policy the building up of organizations of workers on industrial lines for the purpose of enforcing — —" How that word rankles in the legal mind. Amongst the workingmen, generally speaking, there are no very fine distinctions in language. There are very few of them, gentlemen, suffer from a university "degradation"—but they are educated—I WANT TO TELL YOU THAT, GENTLEMEN. Education is not something which proceeds from reputed halls of learning; education is the realization of the problems that stand in front of you and me. That is education. And the school of real education is the school of experience in the material world. There is a big difference between education and instruction—I am not going to develop that—I may have time later on, when the mists have blown away, to tell the people in Winnipeg the difference between instruction and education, but I must pass on. ".....For the purpose of enforcing...." Gentlemen, why give that term a sinister meaning? In framing resolutions, you may use terms which might be very simple to your minds, but which an astute lawyer could, long after they had been passed, perhaps twist into something to suit himself. It may be that at some Farmers' Convention they may come to the conclusion that the present Government has acted in such a manner that they may go to the extreme limit of asking that Government to resign. Suppose the Boilermakers, Blacksmiths, Machinists, and Longshoremens, in Convention, passed a resolution de-

manding that the Government should resign? Is there any real difference in the two resolutions? I don't think so.

"...Such demands as such organizations may at any time consider necessary for their continued maintenance and well being..." "Such demands"—what for? To end this eternal aviation of the cost of life's necessities? The Crown seem to think there is something very distressful in this. "May at any time consider necessary for their continued maintenance and well being." Do you see anything sinister in "for their continued maintenance and well being?" "And shall not be, as heretofore, the sending of Executive officers to plead before Legislatures for the passing of legal palliatives which do not palliate." I have dealt with that—with those half-hour trips to the Government officials.

Then there was the resolution that Mr. Trueman dealt with, but it would seem to me that if I did not mention it, it would be held to my account that I deliberately avoided it. I do not mean to avoid anything, although it is impossible for me to go through one thousand and ten Exhibits and deal with each one singly.

RESOLUTION No. 5: "WHEREAS, holding the belief in the ultimate supremacy of the working class in matters economic and political and that the light of modern developments have proved that the legitimate aspirations of the Labor Movement are repeatedly obstructed by the existing political forms, clearly showing the capitalistic nature of the Parliamentary machinery.

"This Convention expresses its open conviction that the system of industrial Soviet control by selection of representatives from industries is more efficient and of greater political value than the present system of Government by selection from district.

"This Convention declares its full acceptance of the principle of "Proletarian Dictatorship," as being absolute and efficient for the transformation of capitalist private property to communal wealth." That was made a lot of, gentlemen, and I will have to deal with it at length. This was also made a lot of: "The Convention sends fraternal greetings to the Russian Soviet Government, the Spartacans in Germany, and all definite working class movements in Europe and the world, recognizing they have won first place in the history of the class struggle."

This Convention, you will recall, gentlemen, was held

in March, 1919. If I could show you that in March, 1918, President Wilson, who at that time appeared to be the chief spokesman for the Allies, himself sent greetings to the Congress of all Russian Soviets of the workers, peasants and soldiers, stating in these greetings that the attitude for the Western countries toward Russia would be the acid test of their good will, then what are you going to say to that? That was flashed all over the world, across the wires, over the cables, reported practically in every newspaper of any account, that President Wilson, of the United States of America, sends his greetings to the Congress then being held of Soviets of Moscow—and that is done in March, 1918. Twelve months later, right to the very month, the working men passed a similar resolution. Would you say, gentlemen, that President Wilson had executed a wonderful political victory for himself, and that twelve months later the same resolution by the working men in Western Canada was seditious? Would you say that? From these Exhibits I can show you that President Wilson did send greetings to that Congress in March, 1918.

And that also, gentlemen, from these Exhibits we could show you that working class political parties in their Conventions, and the Trades Unions in their Conferences in Britain, both before our own Calgary Convention and after that Calgary Convention, had sent similar greetings, what decision will you come to? That working men's Congresses throughout the length and breadth of the Mother Country can send greetings of this kind, but it must not be in Calgary, it must not be in Manitoba. It is all right in Nottingham; all right in Southport; all right in London; all right in Glasgow; all right in Manchester, but, gentlemen, a horrible crime in Calgary; a horrible crime in Winnipeg. Are you going to take that position? It is for you to decide. As I have told you, I am not worrying a great deal about it, because, as I develop these points, I am going to show you that it is not a matter merely of Pritchard's personal liberty—it will be a matter of history; history that I am sure will defend us in that respect. I told you how the name of Galileo today is respected, and the names of his persecutors and traducers almost forgotten. What are the learned gentlemen for the crown doing, gentlemen? What are they doing? They do not know. They learn nothing. They forget nothing. Why are they building up a case, gentlemen, in this year 1920 in the City of Winnipeg? Are they build-

ing up a case for another purpose than that the world should remember the name of Pritchard or some other obscure workman, while it may forget with ignominy and contempt the name of A. J. Andrews, King's Counsel, member of the King's Bench? Are they doing that? I want to tell you that just as Mr. Andrews said he was doing a good turn for me in bringing some of these things to light, I want to tell him with the same amount of sincerity that I am doing the same thing. I am going to deal a little later with the "Dictatorship of the Proletariat."

There is an Exhibit here, the latter half of which I want to deal with. You will remember it was put in the Communist Manifesto in another form. This is an article written some years ago by the father of Karl Liebknecht. You will notice how I brought to your attention, in some of these Exhibits, that Karl Liebknecht had been sent to a gaol several times, although by the Law of the land he was an officer in the army of that country. He had been sent to gaol several times because of his exposure of the German military machine. In 1909 he gave to the world an exposure of the international armament ring, and showed Prussia's part in it. "Militarism" is the name of the book. He went to gaol. We on this side of the water hold Liebknecht as the most courageous man in all Europe; the one man that stood up in those fateful days of 1914, member of the Reichstag, and openly defied the Chancellor. He voted against the war credits, and pointed out to the so-called Social Democrats, who are being recognized more or less now to be the power in Germany—the Ebert, Scheidemann Government—that they were "Kaiser-Socialists," interested in the colonizing schemes of the Kaiser. You will remember in the early days of the war that Scheidemann, David and others were given commissions by the Kaiser himself to go to the various countries in an attempt to persuade particularly the Socialists and workers of Italy to bring pressure to bear upon their Government, so that they would stay with the old Triple Alliance of Italy, Austria-Hungary, and Germany. And it is to the credit of the Italian Socialists, and history will record that fact, that they told Scheidemann to go back home, that they would have nothing to do either with him or his masters.

By an irony of fate, it may seem, the father of Karl Liebknecht, William Liebknecht, went to gaol in the Franco-Prussian War, in 1870, for doing the same as his son did in

1914. He wrote this little pamphlet years ago, and he deals with this "Dictatorship of the Proletariat"—horrible sounding phrase—on page 30 of his "No Compromise." He said: "The political power which the Social Democracy aims at and which it will win, no matter what its enemies may do, has not for its object the establishment of a dictatorship of the proletariat, but the suppression of the dictatorship of the bourgeoisie." That is what he meant. "Just as the class struggle, which the proletariat carries on is only a counter-struggle in self-defense to resist the class struggle of the bourgeoisie against the proletariat; and the end of this struggle by the victory of the proletariat will be the abolition of the class struggle in every form."

Then he goes on to tell them how they must stand in with the Laws according to which political and social evolution goes on: "We know we can no more introduce at will Socialistic production and a Socialist form of society than the German Kaiser, nine years ago, could carry out his February proclamations"—this was written quite a long time back—"against the representatives of the capitalistic class struggle. Therefore, we were able to watch with smiling indifference the attempt of our opponents to crush the Labor Movements by force. We were and still are sure of our success, as sure as the solution of a mathematical problem, but we know also that the shifting of relations, though it goes on unceasingly, yet goes on gradually because it is an organic movement." The egg and the chicken, gentlemen—goes on gradually—an organic movement. "And it goes on, too, without destruction of the existing relations." Notice this—"The removal of the dead is not destruction." "The destruction of the existing, of the living, is, in general, impossible." It might be interesting to read more from that, but it is not necessary for my present purpose.

Then, dealing with that tern that I dealt with yesterday, "Revolution," the term that has been, perhaps, inflated, or if I might use that expression, blown up like a baloon, possibly more than any other that the Crown has gathered. That is the active ingredient in the bottle of medicine that they mixed up. (Reading): "The catchword revolution is certainly ridiculous. Ridiculous it certainly is—and no one has expressed this more clearly than myself—to drop the words 'Revolution' and 'Revolutionary' out of the mouth at every opportunity. It can become as mechanical a song as

saying one's beads. But ridiculous as it is to boast of belonging to the party and to express one's views at every opportunity when there is no necessity for it, still such exaggerations do not justify us in throwing away the good with the bad, and declaring that to emphasize the revolutionary character of our party is, under all circumstances, ridiculous." "Such exaggerations do not justify us in throwing away the good with the bad." Do you see any force in that argument? It would be the height of absurdity to throw away the good with the bad.

Dealing with the wire to Berg, and as to the letter that he wrote, counsel for the Crown said: "But did Pritchard withdraw from this?" What is it? Conspiracy or concoction? "Did he withdraw from this concoction?"—and throw away the good with the bad? Any sense in that? (Reading): "It is serious because membership in the Social Democracy means a struggle, a political struggle with grievous persecution, and a private struggle for existence; a struggle that, for the majority, is far more difficult and heavy than the political struggle. And it is necessary because the courage of this two-fold struggle is created only by the consciousness that the injustice of society by which the great majority of mankind are today oppressed, corrupted and crippled, can only be abolished through a revolutionary movement."

While I am dealing with this subject, gentlemen, I will leave myself in the middle of the Calgary Convention for the time being. You will remember how my learned friend talked about our use of the term bourgeoisie. He used the term. What does he mean? He said: "It means the middle class," those people who started in when they were young and worked hard and then got a corner lot somewhere out on Sherbrooke Street, turned it over to somebody at a profit, who has been trying to get rid of it, so they would not have to pay the taxes, ever since. He said these are the people these men mean by the term bourgeoisie. Gentlemen, I was amused, I am telling you honestly. First of all I saw my learned friend as a sociologist; then with chameleon-like rapidity he changed to a historian; then he became an economist; finally he came down as a moralist. But as a historian he was funnier than ever he could be as a moralist.

He took the Communist Manifesto, where Marx refers to the middle class of Germany, to explain the term, but at that time, in 1848, there was a revolution in Germany

against the landed aristocracy, by the bourgeoisie, which was then, under those circumstances, the middle class. They were thrown back after having succeeded for a while, and that aristocracy still remained in the saddle. I think His Lordship will permit me to tell you that there is in Scotland a town by the name of Edinburgh, and that there are in Germany towns by the name of Hamburg and Mecklenburg; that in France there is a town by the name of Cherbourg. What do these names mean, gentlemen? Coming to the Old Land, you come across Leicester, Chester, Manchester, and all those other names that end with Chester—what do they signify—that everyone has been built upon the site of an early Roman camp. And when you go through these countries of Europe and you find these towns, and the end of the name of the town is “burg”—what does that mean? These are the towns of the Middle Ages. People came together in their various business and commercial needs. In these towns, as they grew, there were what came to be called free townsmen or burgesses, men who by acquiring certain money at that time, could purchase privileges from the King, and who finally went into business.

In the process of time, in the hills of Bohemia, silver mines were discovered, and men had to go to work in those mines, and they had to be clothed—like I have discovered in Winnipeg this winter, you have to be clothed or else you would have to be cut off above the knees—you need woollen garments next the skin. Then, with the growth of these burgess townsmen throughout Europe, there came the raising of sheep; the days of Henry VIII., the enclosing of the common land, and the weaving of wool into cloth; business was growing. These were the brokers, townsmen, burgesses; these were the ancestors of the modern capitalist class, and the term bourgeois is a historical term with a historical meaning—from the French. But the modern capitalist class, the owners of the trusts, the financial magnates, that is what we mean by the bourgeoisie.

I told you what we mean by proletariat, and I am going to ask you this, without any ego, in dealing with proletariat and in dealing with bourgeoisie, certainly Mr. Andrews may have known that little bit of history; but I am going to ask you to come to a conclusion, too, whether the learned counsel for the Defense, Pritchard, or the learned counsel for the Crown, Mr. Andrews, knows the more about what he is saying in this regard.

There is the resolution, passed at Calgary, on dictatorship, the suppression of the dictatorship of the bourgeoisie—that is all it means—in other words, to put it in good, simple language so that you may understand—the suppression of the dictatorship of the financiers, the suppression of the dictatorship of what is known in popular parlance as the profiteer; the suppression of the dictatorship of the bourgeoisie; the suppression of the dictatorship of the Pattons, the Flavelles, the Rosses and the Allison; the suppression of the dictatorship of the bourgeoisie. The suppression of the untrammelled dictatorship of the financiers of foreign lands in Canada; the suppression of the dictatorship of the unscrupulous Wall Street financiers as they operate the copper mines in British Columbia, without any regard for the workmen in any respect—only for profit for the Guggenheims and Rockefeller's Standard Oil Company. Go out into the pockets of the hills where they pick copper. Who are the owners? The suppression of the dictatorship of the bourgeoisie. Backus, at Fort Francis, would let Canada go without daily newspapers so that his investments be maintained, and profits flow from the production of pulp down at Fort Francis into the coffers of, as far as we are concerned, gentlemen, unknown persons that adorn Wall Street in the United States. I know, in the Law, we have nothing to do with the United States, but I know that you cannot touch an industry in Canada of any account without touching United States capital.

There is a different tradition behind the Labor Movement of Britain than there is behind the Labor Movement of America. Some of the greatest struggles have been fought out between capital and labor in the last few years. You will get a 2 x 4 strike in someone's backyard in the States, and immediately you get gunmen and hired thugs to break it. There is a difference between the history of the Labor Movement in British countries and the Labor Movement in America. So we have something to do with America after all.

Now, I would like to read, without worrying you, gentlemen, from an article in the "Glasgow Forward." This is from Exhibit 492. This article was reprinted in the "Red Flag," of May 24, 1919. Some of you may know the "Glasgow Forward," and know something of its history. If you don't, I can't tell you, anyway. Here is an article by William Stewart, in the "Glasgow Forward," on "Dictator-

ship." He said: "The idea of dictatorship as a method of government has, ever since the revolution in Russia, become familiar in discussions concerning national and international politics. It has been discussed almost as if it were something new, whereas it is the only method of government that has been practised in the history of organized society. Nearly every form of what is called democracy has merely been camouflaged dictatorship, nominally vesting the power of government in the people or in sections of the people, but retaining it actually in the hands of a select minority. In Russia alone has democracy frankly accepted the responsibilities of government, and declared itself as the dictatorship of the proletariat. The unconcealed alarm of the other practitioners of government dictatorship the wide world over, but especially in this country, is at once comical and tragic."—And this is one point I want to drive home.—"They are prepared to shed tears over the dangers to the sacred principle of democracy. They are also prepared to raise armies to destroy the dictatorship—in Russia. But there has always been dictatorship in Russia, and up until two years ago our British statesmen were in no hurry to organize military expeditions for its destruction."—When I come to deal with that phase of the situation, I am going to show you, gentlemen,—talk about strong resolutions in the Walker Theatre, strong resolution from anywhere else—the strongest words I have ever read against intervention in Russia were two different articles, one an editorial from the "Manchester Guardian," and the other a speech of Senator Johnson's down in the United States Senate.

"So it would seem that the objectionable thing is not the dictatorship, but the people or interests who wield it. The dictatorship of the Romanoffs was tolerable, even admirable, and international alliances could be made with it, but the dictatorship of Lenin and Trotsky! that is a horrible thing." And so the article goes on. "Henry VIII. objected to the dictatorship of Rome in his matrimonial affairs, and so began the English Reformation. It is really an exceedingly interesting study, this question of dictatorships, and not devoid of humorous aspects. But it is said that the Russian revolutionists refuse to allow the bourgeoisie any share in the dictatorship. Naturally. It wouldn't be a proletarian dictatorship if they did. It may be wrong and reprehensible, but that is what dictatorships have always done. In

this country the feudal dictatorship refused to allow the new middle class—the bourgeoisie, in fact—any share in the government, until the middle class nearly rose in rebellion and threatened to play the very deuce with the venerable British constitution.” You will remember my telling you yesterday of the abdication of James II., in 1688 and 1689—that is what he is referring to. “The combined feudal-commercial dictatorship refused to allow the working class any share in the government; and now, if the working class should assume the dictatorship, and should, in their turn, exclude these others, it will doubtless be altogether undemocratic, but it will certainly be according to precedent. And it will have this distinction. For the first time dictatorship will be in the hands of the majority. In the past minorities have dictated. Can it be that the dictatorship of the working class is merely the consummation of the long evolutionary process gradually transferring power from the few to the many? Can it be that the dictatorship of the proletariat is simply the practical expression of the will of the people? If so, the organizing of military expeditions to stifle it will be not only foolish, but futile. Evolution cannot be stopped, not even when it takes the form of revolution.”

I have gone over that situation in Russia, gentlemen, in order to explain to you our viewpoint in passing this resolution in the Calgary Convention.

You will remember, I told you, in dealing with the Socialist Party's position, in regard to political action, yesterday, how this fellow Kavanagh had stated that it was: “None of our business at this Convention.” This is from the Western Labor Conference minutes, page 107: “Delegate Sinclair (Vancouver): ‘Do I understand there is no political action at all?’

“Delegate Kavanagh (Vancouver, Chairman of Committee): ‘Not this Convention; not within the scope of this Conference; it is purely an industrial organization, founded along industrial lines. Either going in favor or going against is not within the scope of this Conference, and as such we lay it on the table; it is our duty at this moment.’”

Suppose, gentlemen—be patient with me—that the farmers organize for the purpose of bettering conditions at the elevator, it may be even for the purpose of combining to have a common elevator, for the purpose of getting better conditions with respect to the placing of your cars from

time to time—you form an organization—that is your economic organization. Transfer that into the industrial world, and it would be what we call an industrial organization. It is purely an industrial organization, founded along industrial lines.

Then, suppose the farmers of Ontario, over and above forming an organization for this purpose, went to work and built up a political organization. And this political organization has its offices and its machinery and its conventions. And your economic organization also calls its conventions, elects officers, erects and maintains its machinery. Would you admit questions that are the business of the political organization, and would be dealt with at the convention of the political organization, and attempt to deal with those questions in the economic organization convention? Would you? I don't think so. If you did you would be doing something to which you had not been committed; you would be following a line along which you had not been instructed.

Consequently, an economic organization of the workers cannot pretend to lay down political lines of action for these workers—that is purely within the province of those workers themselves.

Yesterday, gentlemen, I had a sweet, melodious tenor; today I have a deep baritone.

“Deligate Sinclair (Vancouver): ‘If it comes to elect representatives of our own calibre at all, there will have to be political action taken some time sooner or later, and it would be through the workmen; it doesn't matter how it comes, it has got to come some time, and until we have men of our own calibre, you will never get what you want; never will. Now, what I want you to be clear on is this; practically at no time have labor men been united for to take political action.’”

“By the Chairman: ‘That matter has not been decided or stated definitely by this Convention.’”

So you see the charge that that Convention repudiated political action, in its proper place, falls to the ground both in substance and in fact.

But in this regard, fortunately, I do not have to depend altogether upon my own words and thoughts, as to the theories I may hold concerning Governmental action. Gentlemen, it is the right of a British subject to hold any theory of government that he desires, and even to promulgate

those theories, provided he does it without violence and without inciting to disaffection. It is possible for well known Republicans like H. G. Wells and Bernard Shaw to defend their theories, as they do. It is my right and your right to proclaim the virtues or denounce the shortcomings of any particular form of government, providing it be done in a manner that is not malicious. After all, when you take this case and pull it to pieces and expose it to the winds, the real matter at issue is the intent or the maliciousness; that is all, as far as I can see, it amounts to—whether there was a criminal intent or maliciousness.

I have wondered all along why they dragged in the Communist Manifesto and pulled little pieces out of it, and shouted about immorality. Gentlemen, might they not have gone into someone's house and from the shelves of his library—take that fellow who had 500 books in his library—I am asking you to suppose that amongst those 500 books, they would take George Bernard Shaw's "Man and Superman." Why not bring that into court? Why not deal with Shaw's position on "woman," read little extracts, and say, "immorality." "Would you like your children to read that?"

Gentlemen, if I were to tell you that I have read "Shaw's "Man and Superman," and if I were to tell you that in my house there was a copy of Shaw's "Man and Superman," you could believe or disbelieve me. And if I were to tell you that since I came back to Winnipeg to stand upon my trial, I went down to the Walker Theatre and saw a play on those boards called Shaw's "Arms and the Man," you could believe me or disbelieve me; and might suggest to you that by the same process of reasoning that has been used by the counsel for the Crown, they could bring that play in here; and they talk about Shaw's lack of patriotism.

(Court adjourned for fifteen minutes)

We were discussing, gentlemen of the jury, when we adjourned, the British subject's right of holding any theory of government that he so desires. As I look over the history of the British Constitution, I see where that constitution itself holds all the possibilities for any change in its structure. By virtue of that constitution, properly considered, you could constitutionally abolish that constitution. I hold these theories—that is my right and my privilege. If there be any merit in them I contend that as education goes amongst the people they will accept them. If there be no merit in them, then the same people will reject them.

Did you ever consider, gentlemen of the jury, that you cannot kill ideas with a club? You cannot drive theories into oblivion by machine guns. If an idea be healthy, if a theory be correct, drag it out into the open and let us look at it. If it be healthy, sunshine will help it to grow; if it be not healthy, sunshine will help to kill it. That is my position. I may be wrong, or I may be correct in many of the views that I hold. It is to my benefit, if I am incorrect, to have those things pointed out to me. If it can be demonstrated to my satisfaction that I am incorrect, then it is to my advantage to accept the conclusions thus brought to me. What is the use of going through life in a position which is manifestly false, if it has been so demonstrated to you? I wonder if I might give you the words of a legal gentleman in this country — —

THE COURT: Not unless they are in. We have enough legal gentlemen here now.

MR. PRITCHARD: I think so, My Lord. I was going to say, if his sentiments were the same as mine, and if my sentiments would be better presented in his words, I would use his words. This is in the "Canadian Law Times," from the Manitoba Law Society library.

THE COURT: Is it in a case, or is it a judgment, or is it the opinion of a judge, or what is it?

MR. PRITCHARD: No, I think it is the opinion of this learned gentleman.

MR. ANDREWS: Is it John S. Ewart?

THE COURT: You can't use it merely because it is in the "Law Times," and in the library of the Manitoba Law Society. There are very many articles, even written by learned judges, altogether aside from the point, and sometimes wholly mistaken.

MR. PRITCHARD: I notice my learned friend, Mr. Coyne, had an article right alongside this one in the "Canadian Law Times." If I can't use that — —

THE COURT: It is only the thin end of the wedge, and then I have to be watching all the time; there may be some lawyers come after you who might not be quite so nice in following out my ruling.

MR. PRITCHARD: There are a number of lawyers who have not been nice to me, My Lord. I suppose it is only because they haven't known me; as soon as they know me they are all right with me.

THE COURT: I have been very nice to you. I am

telling you now you can't do that. By this time you know the reason. You will just have to use your native ability to get it in.

MR. PRITCHARD: That is what I was using, My Lord, I was trying to get it in.

THE COURT: You weren't using your own ability. If I were to allow that in, the lawyers will say: "That is all right, but if I tried a thing like that I would get—what was it Russell said?—

MR. PRITCHARD: On what occasion?

THE COURT: A bright and shiny occasion which always presents itself to my mind.

MR. PRITCHARD: Then I must present this as my own argument, gentlemen of the jury. I will have to be careful. I put forward this argument as my own, and holding the theory of government, which I consider I am entitled to do, I go and tell you in my own language.

The war has proven that the modern form of popular government does not fulfil the office for which it was created. You will remember during the war, gentlemen, how the administration of this country passed rapidly, and to the ordinary mind almost imperceptibly, but nevertheless rapidly from the members of Parliament themselves into the hands of specially created Boards, whose business it was to look after the various departments of the administration. So that instead of a number of lawyers being in the position of administering this department, and that department, and the other department, experts, specialists for the running of the administrative affairs of the country, and technicians were appointed and formed into Boards, The Railway War Board, and other Boards will come to your attention as you think the matter over. Government by Mr. Asquith was every whit as autocratic as government by the German emperor; and the autonomy of the political boss is no more wholesome than the autonomy of a monarch by right divine.

Under the stress of war the party system has temporarily disappeared, in Great Britain at all events. Party leaders have had to give way to honest and competent administration. The politician has been replaced by the expert. But what when peace returns? Is there to be a return to the old system which in times of peace squanders the national resources, corrupts and despoils the peoples, enriches the few at the expense of the many, and in war threatens the

national existence with extinction. Although there may be only a few individuals today holding these theories, gentlemen, still the question is, is it not their constitutional right so to do? You might find a few, probably, subscribing to my ideas, the ideas which I am now presenting to the best of my ability, which revive memories of some fifty years ago when Edward, Prince of Wales, was reported to have stated that he never expected to succeed to the throne, because by that time it would be put up for competitive examination. That—quoting the words—“there should be but one avenue to the public service, competitive examination in the elements of a sound and comprehensive general knowledge,” the examining and inspecting bodies to be formed from the heads of universities. And as we look over the history of legislative bodies, and as we see the rapid change in the conventions of those bodies in recent times, is it too much to say, gentlemen, although the words may be strong, that Parliament has sunk almost to the position of a convenient audience?

Thus, for the last half century, this word “democracy” has fallen from the tongues of all the political administrators like a sweet morsel, democracy has been the magic word of beneficial creation, and autocracy, the word of anathema. And this may be well, for human liberty cannot be too highly prized; and in the somewhat late recognition of the value and dignity of the individual lies the best hope for the future of the race.

But, gentlemen, here is my position, it is the institution, not the name. Remember Mr. Ivens saying, that “a rose by any other name would smell as sweet.” My name is William, and I can't help it if Mr. Andrews says the Kaiser's name is William, too. I don't suppose I could help that. I don't see that there is any reason why I should be hung with him. You know, I must tell you this, it is the first time that I have entered into a debate where the other fellow went first, I followed, and then he had a chance to come after me and wind up. But I remember one time I had a little bit of an argument with a person I mentioned to you the other day, William Wallace Bruce McGinnis. He was a judge down there.

THE COURT: Is he?

MR. PRITCHARD: He was. He is now a very poor lawyer, trying to make a living.

THE COURT: We haven't got very much to do with Billy McGinnis, thank the Lord.

MR. PRITCHARD: He might be a help in this argument.

THE COURT: All right; use him.

MR. PRITCHARD: I don't know whether to use him now or wait until this afternoon. But it is the institution, not the name. There was an idea, gentlemen, in the matter of telling the story, and it is not the words—I am not concerned about the words I use—I want you to get the ideas. Gladstone said: "Words were often used to obscure ideas." It is the stock-in-trade, the art of the politician to make the simple complex and the plain obscure. I want to use words to convey meanings, and if I deal with an institution, I don't worship the name as a fetish, it is the institution that counts.

His Lordship says I can tell you a story. Well, I remember seeing one of the cartoons of Captain Bairnsfather, the originator of those humorous pictures, "Fragments from France," and here was Kaiser Bill of Potsdam sitting up in bed, a very sick looking fellow, and "Old Bill," he of the "Better 'Ole," seated at the end of the bed, and he was looking at Kaiser Bill, and he says: "All I can say is what a horrible mess you have made of the name of William." Name! Name! It is common knowledge that McGinnis' name is William, and it is generally known what kind of a mess he made of it.

Now, all this carries a lesson. I may be given a name by my mother, or Mr. Andrews—it is not the name that counts, it is the man under the name.

It is the institution and not the name which is hurtful to human progress; the thing itself, the self-expression of one at the expense of the many, call it by what name you will, is that which is inimical to the people. In truth it may be that government by Mr. Asquith was every whit as autocratic as government by the German Emperor; and the autocracy of the political boss is no more wholesome than the autocracy of a monarch by right divine. From a superficial glance one may be tempted to assume that the power of the democratic autocrat is far less stable and assured. But in reality this is not so. Both the political boss and the monarch have certain limitations to their powers. Both are subject to the same internal restrictions, the power of the people to revolt and the inability of any Government

to long resist the directed and concentrated will of the governed.

Then, too, with the modern spirit of individualism the widely diffused consciousness of individual freedom and individual worth, and the right of everyone alike to life, liberty and the pursuit of happiness, no tyranny can be very grinding, no autocracy can press very hardly and very obviously on the masses of any nation. On the other had a modern popular movement can be exceedingly corrupt and almost inconceivably inefficient. So it comes about that, while an hereditary monarchy of the autocratic type must, by the very conditions of its existence, maintain a certain high level of efficiency, and has little or no temptation or tendency to corruption, in so-called democratic countries, on the other hand the people are very often badly cheated and almost invariably very badly served.

I go on with my argument—it does not necessarily follow from a perception of these truths that democracy, as a form of society, is bound to perish, or that autocracy, as a form of government, is likely to persist. But on the other hand it has become very obvious that if those countries whose social construction is democratic are to continue to exist as national entities, it is becoming increasingly imperative for them to adopt some different institutions of governance than those embodied in the party system.

So-called popular government has become as great a tyrant as any autocracy. Indeed, in some ways it is worse. The ultimate sum of its activities may be even more deadly and destructive than those of an absolutist monarch, just as the ravages of a swarm of locusts is more harmful than the occasional incursion of a larger beast of prey.

The main point of distinction lies in the fact that its depredations are usually spread over a larger area, and are accomplished, as far as possible, in secret; and also that it relies more on corruption than on open violence. Its ravages are therefore more insidious because less noticeable.

No one can doubt that a democratic structure of society is most calculated to secure the happiness of the greatest number. Possibly most men will agree that a Socialistic structure of society is the ideal of human progress; the persistent effort after social reform, which has been so characteristic of the last decade and a half, marks a dim apprehension of this goal of human effort.

I would like to continue with my argument, gentlemen,

if you will bear with me. Quite recently the evil I have been speaking of has attained alarming proportions. Popular government has altogether ceased to perform the functions for which it was instituted. It has become merely a means for the existence of politicians, for the enrichment of the leaders of the dominant party and the livelihood of the rank and file. In addition to the ordinary expenses of the administration, the nation has to provide for those who guide and those who support the political parties. Politics has become a recognized means of earning a living. Politicians have become a professional class. A new burden of taxation has been imposed on the people, the more dangerous, as it cannot be controlled; the more insidious, as it is unavowed. Large parts of the public revenue are secretly and fraudulently diverted to serve the needs of party politics. A whole host of parasites fatten on the public wealth.

This portentous phenomenon has been brought about by a skilful misuse of the representative system, and the regimentation and rigid control of the parties. The public has become familiar with "machine" government without paying much attention to all that is latent and implied in the conception. The political machine, as it is called, that is the party organization, would be more aptly compared to the nervous system of the animal body. It consists of a flexible network of agencies, ramifying into all the structures of the social organism. The forces at its disposal are bribery and persecution. The elements of political power, the votes of the electors must be combined, and this necessary work is accomplished by the hierarchy of political agents by means of a system of rewards and punishments. All the levers of temporal interests by which men's activities are largely determined are utilized by the "wardheelers" of modern political life. The sinister influence of the politicians is brought to bear upon the mass of the people through the means by which they earn their living. The merchant's market, the tradesman's custom, the professional man's clientele, the parson's congregation, are all influenced by the activities of the party organization. The political boss has become ubiquitous. Men like G. B. Cox, in Cincinnati, dominate whole cities and districts and extend the ramifications of their powerful influence into the domain of national policy. Nations are governed in the interests of particular classes. All this political organization, all these party activities, need copious supplies of money; and those

who pay the piper feel justified in calling the tune. Every organ of public life becomes corrupted. The newspapers are bought or run to advance the interests of particular groups of society, and this species of corruption is perhaps more dangerous than the grosser methods of debauchment, for material advantage is sought under the guise of the advocacy of moral advancement. The world has become familiar with the "cocoa press"; immense campaigns have been fought, in the pretended championship of temperance, really for the profit of the manufacturers of non-alcoholic liquor. The great evil springing from this venality of the public press lies in the debasement of public opinion. The masses of the nations have become readers of newspapers, and are daily fed on lies. The unveracity of the daily paper is only equalled by its ignorance, its illiteracy, and its impudent scurrility. It fabricates news which may tend to the advantage of its masters, it suppresses everything which it dislikes, it venomously attacks all those whom it fears or disapproves of. Gentlemen, I have met coal miners from the face of the rock, who could argue on points in philosophy and political economy as well as anybody I ever heard. I think, honestly in my own mind that some of these scarred, black-faced toilers from the depths of the mines could write better editorials with their picks, possibly, than the editor of the "Free Press" with his pen. Its readers, occupied with their own several cares and concerns, have little inclination or means to investigate the truth of what is read, and lose all possibility of forming a correct judgment on the questions of the time.

By these means a political party is built upon the foundations of the material interests of certain social classes, and affords scope for the criminal activities of the professional politician. All the strings of the organization are held in the hands of a few men who, by superior improbity and craft, have succeeded in dominating the party. In the hands of these men rest the destinies of the countries. They exercise almost despotic power. To attack them means usually to imperil the interests of the party. Over their followers they maintain their hold by a similar system of rewards and punishments. The faithful are rewarded by employment for themselves and their relatives in the public service.

If I put that forward as an indictment against the present system, it is my constitutional privilege to do so.

And if I hold that greater efficiency and greater good to the greatest number can be made possible in the nation by holding and advocating another system of government, it is my constitutional right to do so. This is true of Britain, and, in a sense, it is true of other countries.

This party system is not bound by the English channel and the Irish sea. The Dominion of Canada has felt the curse throughout its length and breadth. From the Atlantic to the Pacific has rolled the tide of corruption, inefficiency, waste and mismanagement which flows from the mimic strife for place and power. New Brunswick, Manitoba, Saskatchewan, British Columbia, have each added their melancholy tale of political immorality, gross dishonesty and squandering of the public wealth. Nor does the Federal arena display any brighter scene; for, to the ordinary peculations of politicians has been added the new and attractive pursuit of making illicit profits out of the preparations for the war.

I continue this argument. If anything had been wanting to make party politics stink in the nostrils of all honest men, the conduct of Canada's military business would assuredly have supplied the lack. The greedy crowd of politicians and political adherents rushed to share the spoil, like a cloud of noisome flies fattening on a carcass. Everything that the soldier needed was sold to the Government, at prices ranging from twice to two hundred times what the article was worth; and not seldom the things which did reach the man in the field were useless and even dangerous.

The binoculars cost the country anywhere from twice to six times their real value, but they could be used, and they were not actively dangerous. But what of the boots which were condemned by ninety odd regimental boards of inquiry, which were so well made and so well inspected that "the men had to tie shingles and bits of board and pieces of bags across the bottom of their boots to keep their feet off the ground."

MR. ANDREWS: There is no evidence of all this. There is evidence that the Canadian troops were the best provided for troops at the front. I do not think, in this court of Law, we are here to discuss supplies furnished, and criticisms by the accused of the administration of the army.

MR. PRITCHARD: My Lord, I was developing my argument. It is my right to hold any theory of government

I desire, and I can put forward, in a perfectly constitutional way, my views on any theory of government.

THE COURT: Is it your views that the soldiers were not provided with proper shoes?

MR. PRITCHARD: It was, My Lord, and it is. I was showing that if this inefficiency occurs because of the character of the administrative machinery, then I can put forward my own theories as a means for a more efficient administration for the benefit of the people of this country.

MR. ANDREWS: The accused was stating these things as if they were facts. They are not in evidence, and not in issue.

THE COURT: I have already told the jury that they cannot consider these hypothetical arguments put forward, as making any facts or evidence. "If the moon is green cheese." If the sun is just a mile or two away from this earth, and if this and if that. . . . They should pay no attention to those hypothetical matters. But I am somewhat interested in Mr. Pritchard's view that our soldiers had no shoes, and thereby the Government ought to be interned. I am somewhat interested in that. Go on, Mr. Pritchard.

MR. PRITCHARD: My Lord, do I then understand that supposing it to be common knowledge, from our understanding of the term, that there have been appointed in this country commission after commission to look into these very things, that I cannot refer to them, and mention it to the jury?

THE COURT: No, you may be able to present your side of the facts, but you are coming up against what I told you when you came to address the jury; you must keep to the facts that are in and not go afield.

MR. PRITCHARD: I watched my learned friend, Mr. Andrews, very carefully, and let him run along, and I thought I might be allowed to travel in somewhat the same direction. However, I will have to pass that.

THE COURT: Mr. Andrews was not giving evidence. I have frequently told him and you, too, that when counsel was going too far afield the jury were to pay no attention to him. There are a lot of things you say are common knowledge that do not seem to be known to me at all. However, as to whether the soldiers were well shod or badly shod is not material to the issue. There is nothing there that will justify sedition. If the jury arrives at a view of sedition which will be contrary to your interests, you can-

not show that because the soldiers were not well shod you had a justification. The whole thing will turn on whether what was said was or was not seditious.

MR. PRITCHARD: My Lord, that is not my argument; and if that is to be made my argument I will refuse to proceed with it.

THE COURT: Then I wish you would not go into those things, because you may get into the position that that might be taken from your argument. Go on.

MR. PRITCHARD: Gentlemen of the jury, we will pass on. We come now to Resolution No. 4, at the Calgary Convention, page 45. This deals with the question of free speech and free assembly. This is the original resolution: "WHEREAS certain scientific and religious literature has been placed on the prohibited list, owing to regulations imposed under the War Measures Act of the Dominion of Canada; AND WHEREAS, the war has to all intents and purposes ceased, the armies being in process of demobilization. THEREFORE, be it resolved that this Convention demand full freedom of speech, press, and assembly, and advocate united action by organized labor to enforce these demands. And be it further resolved that this Convention demand the release of all political prisoners and the removal of all disabilities and restrictions now upon working class organizations, and that we favor united action by organized labor to enforce these demands."

They took the position, just as the workers in Britain took, the position that oftentimes it is necessary to speak in no uncertain way.

The amended resolution reads as follows: "WHEREAS, a general censorship has been instituted against freedom of speech, press and assembly; BE IT RESOLVED, that this Convention demand full freedom of speech, press and assembly, and demand the release of all political prisoners, and the removal of all disabilities and restrictions now upon the working class organizations, and that a referendum asking for a general strike be taken on these questions, to become effective June 1st."

There is a resolution very similar in character to one of the resolutions passed at the Walker Theatre meeting on December 22nd, 1918. The Crown do not contend I was there. I read that article this morning from the Glasgow "Forward," on "Dictatorship." And this argument appeared to me, as I was reading it, that if these resolutions, even

though they were strong in language, are to be considered pernicious here in Winnipeg, and the same resolution over in Glasgow is not—if that is so, we have a real protest against the continuation of government by Order-in-Council, and I want to tell you that I was fairly strongly in favor of the passage of the resolution, as you will have noticed, I seconded its adoption.

Now, gentlemen, with the permission of His Lordship, I want to call your attention briefly to the War Measures Act.

THE COURT: The Statutes you may always refer to. The Statutes prove themselves.

MR. PRITCHARD: Dealing with the War Measures Act I want you to get in your minds what it was we were protesting against. Shortly after Canada became engaged in the recent European war there was passed through Parliament an Act known as the War Measures Act, 1914, Chapter 2 of 5 George V, and entitled: "An Act to confer certain powers upon the Governor-in-Council and to amend the Immigration Act."

Section 6 of this Act is the section defining the special powers given thereby to the Governor-in-Council, which you will notice made the Governor-in-Council practically an autocrat, over all the matters mentioned in this section. I want you to follow me and see the amount of power placed in the hands of an individual, because we must come to that censorship and the powers of the censor. I may be wrong, gentlemen, but I have always held, since I came to years of understanding, that under the British Constitution, legislative power could not be delegated. I may be wrong in that, and if I am, well, it is not too late in the day for me to be put right.

Section 6 of the War Measures Act says: "The Governor-in-Council shall have power to do and authorize such acts and things, and to make from time to time such orders and regulations as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defense, peace, order and welfare of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor-in-Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:

"(a) Censorship and the control and suppression of

publications, writings, maps, plans, photographs, communications and means of communications.

“(b) Arrest, detention, exclusion and deportation;

“(c) Control of the harbors, ports and territorial waters of Canada and the movement of vessels.

“(d) Transportation by land, air, or water and the control of the transport of persons and things;

“(e) Trading, exportation, importation, production and manufacture;

“(f) Appropriation, control, forfeiture and disposition of property and of the use thereof.

“(2) All orders and regulations made under this section shall have the force of Law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor-in-Council may prescribe and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability, acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation.”

Now, section 5 declares that the state of war existed from the 4th day of August, 1914, and shall be considered to exist until it pleases the Governor-in-Council to say that it exists no longer. So that, legally speaking, gentlemen—“de jure”—I understand we are still at war, and this section 5 reads as follows:

“Section 5. It is hereby declared that war has continuously existed since the fourth day of August, 1914, and shall be deemed to exist until the Governor-in-Council, by proclamation published in the ‘Canada Gazette,’ declares that it no longer exists; but any and all proceedings instituted or commenced by or under the authority of the Governor-in-Council before the issues of such last mentioned proclamation, the continuance of which he may authorize, may be carried on and concluded as if the said proclamation had not been issued.”

Section 3 states that: “The provisions of Sections 6, 10, 11, and 13 of this Act shall only be in force during war, invasion, or insurrection, real or apprehended.”

Now, under the powers vested in the Governor-in-Council by this Act, hundreds, yes, I think I may say thousands of Orders-in-Council were issued. It is totally

impossible for the man in the street to keep track of them all. They were passed at Ottawa, and became the Law of the land, and had the force and authority of Acts of Parliament, as far as the ordinary man was concerned.

Here is the pith and substance of my argument. If a man had plenty of money and could afford to employ eminent legal counsel, he could probably put up a fight against some of these Orders-in-Council, so as to test their constitutionality. That is a luxury that the ordinary working man cannot afford. And that ordinary working man went to gaol, by the scores, by the virtue of what I consider these arbitrary orders.

In the matter of banned literature, "Fragments from Science," by Tyndal; "First Principles of Sociology," by Herbert Spencer; "Theory of Banking," by Howe; "Ancient Society," by Professor L. H. Morgan.

THE COURT: Are these Exhibits?

MR. PRITCHARD: They are all mentioned in Exhibits. They are covered by a blanket Order-in-Council, put in here as an Exhibit by the Crown, the one I argued against—you remember the Order-in-Council which reads: "A post card and other publications."

It might be interesting to run through a list of all those books that are thereby banned from entry into Canada. There has been only one man in America who has been recognized by the Universities of Europe as a real scientist, Professor Lewis H. Morgan, author of epoch-making works on ethnology, who lived for a quarter of a century amongst the Iroquois Indians, gathered all their customs and habits and presented them scientifically to the world. Gentlemen, I had to take that book off the shelves of my library because of the Order-in-Council passed at Ottawa—the only really comprehensive work on the science of ethnology in the English language. I told you yesterday that I objected to that procedure, not because I considered the censor had acted maliciously, but I could come to no other conclusion than that he had acted out of pure ignorance.

In the matter of banned literature, these orders were published, as it were, over night, and even before many lawyers in the country, were aware of the ban—without taking into consideration the ordinary man—the secret police were raiding houses and stores belonging to anybody whom they considered suspect, with general warrants to

search for banned literature. We have had a little recital of such proceedings.

I am going to argue, gentlemen, that possibly while engaged in war, under the then existing conditions, such things had to be tolerated, but you will remember, gentlemen, I don't know that it is in as evidence, but I think I can tell you this, that the armistice was signed on November 11, 1918. My position is that Parliament, when passing this Act, at least it appears to me from the reading of it, intended that Section 3 should terminate the autocratic powers of the Governor-in-Council upon the conclusion of active hostilities, that is, providing Parliament gave the matter any consideration at all, and did not blindly vote for the measure simply because it was a Government measure.

Our Convention was held on March 13th, 14th, and 15th, 1919, just four months after the conclusion of hostilities, and these arrests were still going on and the country still being ruled by the Governor-in-Council under powers given him by this War Measures Act. Do you wonder, gentlemen, we were against the banning of literature necessary for keeping the working class movement straight, clear, scientific and orderly? Do you wonder that we protested against those censorship regulations? And new censorship notices covering more books and papers were being issued every day or so; no one seemed to be safe. Protests seemed to have little effect, and the workers talked strike, as Mr. Andrews said—they talked strike. Mr. Andrews urged that we should have waited until the next election, waited until the crowd at Ottawa got ready to hold an election which, we notice, they are staving off until 1923.

Now, there is another thing about that Convention. Remember how we brought out the fact that someone discovered what he called a "stool pigeon" or spy—I think it was on the second day of the Convention—up in the gallery. If you read that report you will find that the chairman asked visitors to go into the gallery on two occasions. Why? Evidently because they were in the body of the hall, mixed in with the delegates, some of them. You will notice some of these things put in here—"Delegate unrecognized! Delegate unrecognized!" Well, what happened when they discovered this so-called police spy? It was a man by the name of Bruce, whose name was Gosden, referred to as a former I.W.W., now a police spy. Moved and seconded that he be requested to leave. What happened to the motion? The

motion was turned down and he was allowed to remain and do all the spying that he wanted.

Matter is accumulating there on the afternoon of the first day, and while it does not appear in the report, yet you can easily imagine some delegate getting up and asking whether or not they can have a reporter, or where they could get one. Evidently they couldn't find one in Calgary. And from the miners comes the suggestion that there is a court stenographer down in Fernie by the name of Perry: "We have used him; send for him." And we sent down to the city of Fernie for a court reporter, a Government official, to come into our Convention and report, if he could, word for word what was uttered there. Of course, he didn't get it word for word, as you will find by reading the report.

This is what I want to next bring to your minds. In the report, on page 27, "A Delegate Unrecognized," this fellow says: "Mr. Chairman, it appears to me—I am quite in agreement with the proposed committee—but it seems to me no sufficient consideration has been given to set the machinery to forestall any action by the authorities to "can" that executive and put them in the jug. I would like the Chairman for the Committee to take into consideration the advisability of making provisions for co-operation in the event of any of the Executive Committee being arrested and placed in gaol. We know of all the processes by Orders-in-Council, whereby executives of revolutionary organizations can be outlawed, and we never know when that process is likely to be put in operation. I think this is a point which should be well considered by the delegates present this morning. If you are going to set machinery in motion for the organization, you must also make arrangements for exigencies from a despotic Government."

He just got up and stated his conviction while the discussion was on. And the counsel for the Crown brings this one man's opinion, stated on the floor of a convention, against us—the opinion of one delegate to the Convention. What happened to his opinion? He was allowed to express it, and then it evaporated into thin air and no one took any more notice of him.

This resolution No. 4 dealt also with the question of "Political Prisoners," and, if I remember correctly, this is one of the resolutions emphasised by counsel for the Crown as being somewhat similar to the one put forward in the Walker Theatre meeting. Now, the political prisoners re-

ferred to, covered several kinds of men who were imprisoned under the Military Service Act, and were principally conscientious objectors, and others who, for various reasons, had broken or were supposed to have broken the terms of this Act. Gentlemen, I may hold strong opinions myself, and I might disagree with an extremely religious man, like Ivens—I am just using him for an illustration—but when it comes to a matter of working class tactics in a movement, I may fight with him, but I think that I know enough to respect his position and his opinions. I think so. And there were many of these prisoners who formed strong religious conscientious objections—they looked upon the command, “Thou shalt not kill,” and took it literally, as though it meant what it said. And there were others—you have, no doubt, met some of those fellows—belonging to the Bible Students, fine fellows; some of them disagreeing with Pritchard, no doubt, yet many of them were man enough to discuss things with Pritchard, and I hope Pritchard was big enough man to discuss these things with them. They, to my mind, seem to have got into their heads that the maxim of Christian philosophy, which reads something like this: “If thy enemy smite thee on the one cheek, turn unto him the other cheek also.”—I might disagree with them, gentlemen, in their opinions on that point, but I respect those opinions, if they were honestly conceived and honestly presented—and another one: “If a man steal thy cloak, give him thy coat also.”—**are real principles and think they ought to be lived up to.** You and I may conceive these individuals as very curious men. Then there are others who believe in what they call the “Brotherhood of Man,” and they support a rather strange doctrine which had something to do with loving one another. Some of these men call themselves Christian Socialists, some of them call themselves out and out Christians, and some call themselves Pacifists.

Here was our position, gentlemen. The war being over, and there were plenty of problems to face, we considered that no good purpose was being served by holding these men in gaol. Possibly, if there were any effect upon them at all, by keeping them in gaol—remember my argument on the violent anarchist and the idealist anarchist—the same scientific method as is used in the labor movement could be used with those fellows—and all we could see that would be produced by keeping them in gaol was that if they went into gaol idealists—what we call idealist anarchists—

I might consider those who hold the maxim, "If a man steal thy cloak, give him thy coat also," an idealist anarchist—and were kept in gaol after the war was over, the only thing that might be produced would be the turning of such men into violent anarchists.

This brings me to another question—Russia—and the the resolution we passed at this Convention. I am not going to bother my head with the resolutions passed in the Walker Theatre meeting; it does not appear to be within my province at this time. I wasn't there, and the Crown do not contend that I was there, consequently, it would be no more to the point for me to deal with the resolutions passed at the Walker Theatre meeting than it would be for me to deal with resolutions, we will say, that might be passed in London. All those things can be dealt with in their proper order. This I want to say: Council for the Crown said: "Gentlemen, if you had no other evidence than the Walker Theatre meeting, we contend you have enough evidence to ask for a conviction on seditious conspiracy." Let me use that logic, gentlemen.

If we have punctured their armor plate at any one point, then we contend that we have gained sufficient, by that one point alone, to show you the nature of the case for the Crown, and we, therefore, confidently stand before you and tell you that, as counsel for the Crown could ask for a conviction on the evidence of the Walker Theatre meeting alone, then, upon the puncturing of their evidence on that or another point, just as confidently, we can ask for an acquittal.

THE COURT: We will adjourn until 2.30.

Afternoon Session, 2.30 p.m., March 24th, 1920.

(Continuation of W. A. Pritchard's Address to Jury).

My Lord and Gentlemen of the Jury:

When we adjourned we had come to the question of Russia. As I had pointed out previously, greetings were sent following the same act twelve months before by President Wilson.

The Crown do not contend that anyone carrying on their work in the labor movement in Canada received any Bolshevik money, as it is known to the press, still you must have noticed a peculiarly worded letter from that prolific writer Berg. Writing to someone, somewhere, he

said—I might get the exact words, and while Mr. Lefaux is finding it, we will go on. He noticed in the press that they—referring to the other side—had used one of his letters to Russell, in which he said he had just got a shipment of Bolshevik funds for this purpose. You will remember a little argument about that by the Crown. In the letter he asked Russell to come and address some railroad men. Exhibit 513: “I just got in a shipment of Bolshevik funds for this purpose.” Then, in the other letter, referring to this, he said — — We will have to leave that, gentlemen, until it is found.

We passed the resolution in favor of the withdrawal of troops from Russia. It is quite true, as Mr. Andrews says, that the British Canadian boys were in Siberia, North Russia, possibly around Archangel. That may all be admitted. There is no evidence in this court, but I think it is sufficiently common knowledge for me to contend that there is no evidence that war was ever declared upon Russia. I want to deal with this at length, because this goes right down to the very substance of this movement, and of this prosecution.

While they are trying to find those letters for me, I want to go back again to that Socialist Party of Canada, and the part taken by some of the members of that party in the attempt to obtain and spread as accurate information as could be gained regarding the happenings in Russia. Counsel for the Crown have laid much stress upon this phase of the so-called conspiracy, and have introduced hundreds of Exhibits touching upon the matter, in order, they tell you, to convey to you something of the immensity of this propaganda. They should be wished success at the task. For, if police agents are to be turned loose in every city, and in every part of the country, and homes raided, it is not to be wondered at that they can bring these things together, and then talk about the immensity of this propaganda.

Their action leaves me no alternative, but to deal with the matter as fully as I possibly can. It may be urged that someone said we point to Russia. Well, perhaps we may gain some lessons from Russia, just as we might gain some lessons from studying the facts of the Napoleonic or the Thirty Years Wars. It may be that students of history today and statesmen might know more if they could bring themselves to the point of taking the good as they find it in

everything. "Hold fast to that which is good." So it is this man Stephenson in one of these letters, purporting to have been written by him to another man named Johnson, says: "The reason why we put so much matter in the 'Red Flag' is that we want to stir up public feeling as much as possible against intervention."

They may have used that term "Reds"; it may have been used against the old Whigs, at the time of the fight between the Whigs and the Tories. Crown counsel points out to you some publication like this and says: "You see, gentlemen, there is a 'Red flag' on it." In this history of the case of Rex versus John Burns, in 1886, in which John Burns was the accused, it was shewn that he carried a red flag at the head of a parade, a procession, a mob, or whatever other name you like to give to that collection of people. You will remember that my learned friend, Mr. Coyne, read some little poem about "The Peoples' Flag is Deepest Red," read it more or less impressively, and I asked if he would give me the name of the writer. He said it didn't matter, the name of the writer, it was what it is and where it is found. Am I really going out of the way if I were to tell you that right on the Exhibit the name of the writer would be found, Jim Connel, author of "Socialism and Survival of the Fittest." literateur and writer for the old Social Democratic Party of Britain? Henry M. Hyndman, Belfort Bax, William Morris and many others were members, and still are, as far as I know. Connel wrote this little song, which has been sung by the workers at all their gatherings for the last quarter of a century. That, too, gentlemen, brought in here as evidence of a seditious conspiracy. If I were to show you that that little song is the song that is sung at the workers' meetings, at their parades, not in this country, at least so far as I know, but in the Old Country, and that not very long ago the workers in Glasgow paraded to the number of 110,000 through the streets, away down to Glasgow Green, and there they had twenty platforms and twenty speakers going at one time, and the song was sung by the whole body of workers, you would know the history of that little song.

As we pick out these terms, "Revolution," "Reds," we come to some of those little phrases of Russell, that His Lordship and myself both seem to agree upon, "packing with Reds"—"Reds knocking hell out of the Labor Party," and so on.

Russell, I may tell you, is a Scotchman, and I don't think I am violating any confidence in telling you that his language is the language of the workshop.

This is Exhibit 355. Stephenson writes to a man named Fillmore, down in New Brunswick, and I am going to read it right through to show you the nature of that letter: "Yours to hand of February 25th. Many thanks for your account of the conditions in the Maritime Provinces. We are more than pleased to hear that you think that the outlook favorable for the spread of our education. You enclose a list of names, but do not specify what it is for, but suspect it is of those who desire the R. F. or they are those who are to form the nucleus for a local. Regret that so far as the R. F. is concerned, we cannot send it out by mail, but only in bundles of 25, by express. Hope you will have success in starting a local in Amherst.

"Re that young returned soldier Hobey. He was around here for a little while and left for the Old Country some time ago. While here he was admitted to the local. As we run three educational classes a week besides the regular propaganda meetings, our test for admittance is not very high, trusting to the influence of the classes and the general environment to put young members on a sound basis. I had several talks with Hobey and although he thought he knew something of Socialism, it struck me he did not and that his mind was of such a calibre or in such a state, probably the last better describes it, as to preclude him ever understanding it. I should consider him rebellious and also fearfully fond of hearing himself talk. Nothing worse, so far as I know. Nevertheless Many thanks for the tip on Seymour. Will pass it on. I see in the papers that Cahan has resigned. He had a brainstorm when he first took over his job, but I suppose the novelty wore off and so he lost interest, besides, the patriot says he can make more money other ways. That leaves the country to go to the dogs now. Will send you a few of the Open Letters under separate cover.

"Regret to report that Kerr's literature is still on the ban, but they write us that they have hopes of soon getting it lifted.

"On re-reading your letter, I now understand what the list of names was for. At present we have no list that would be any good, as it is impossible to get some that were on the old list. However, I will have another list pre-

pared, though we cannot guarantee to always fill orders, as it is very hard to keep a full stock. I am enclosing the names of subscribers on our last mailing list for the Maritime Provinces. Our old mailing lists contained many more, but, for certain reasons, they were all destroyed."

Even that was emphasised in the reading of it by the Crown, as though it showed something very, very sinister. The Crown themselves have proven, by the introduction of a certain Order-in-Council as an Exhibit, that the "Western Clarion," which was the paper of the Socialist Party of Canada, had been placed under the ban in September or October, in 1918—I am not quite sure of the date—and this is the mailing list of names of that paper. They were all destroyed. Why? Because when the Order-in-Council has been passed and given forth, and a paper is put on the banned list, you must destroy everything in connection with that paper. That was the Law, and that is why it had been done.

Passing on to the bottom of the letter, I want you to take this in, as affecting that Socialist Party. "Formerly we were dangerously near being a part of the working class instead of being of them. In relation to this I believe developments in the struggle in the British Isles are well worth watching, as providing very valuable lessons for us in this country, as I think the conditions there which determine the activities of the revolutionary element as more nearly approximating to the conditions here than those of Russia or Germany. Not that the advance of the proletariat in these different countries will differ in its broad, general features over a period of time, but in the minor features of the day to day struggle."

"And if we are able to show you," said distinguished counsel for the Crown, "that these men in their every-day activities were always pointing to Russia, always saying look at Russia." Well, this very man whom they have apparently dragged in as one of the arch-conspirators in the alleged conspiracy, writing to some other man, said: "I believe the developments in the struggle in the British Isles are well worth watching as providing very valuable lessons for us in this country, as I think the conditions there which determine the activities of the revolutionary element as more nearly approximating to the conditions here than those of Russia or Germany."

If the farmers, through the Non-partisan League, gain

control of the legislative machinery in North Dakota and establish State Banks, and the Farmers in Alberta, in Convention, knowing that the farmers in North Dakota have succeeded in obtaining political control, and the farmers in Alberta send their fraternal greetings to the farmers of North Dakota, what does that mean? They might not know all about the actions, policy and programme of the farmers of North Dakota, but they recognize the farmers' movement, and they send greetings, just as the workers did.

I have found the letter I was talking about. Exhibit 513. This man Berg writes to Russell and says: "I have been asked by some of the railroad men here if it is possible to bring you West to address a meeting of the railroad organization"—evidently Russell was a member of a railroad organization—"If you can do this, let me know. The Provincial Committee will stand all the expenses. I just got a shipment of Bolshevik funds for this purpose. One Miners' Union sends \$250, and tell me they will send more." The term "Bolshevik" there is used in a facetious sense, the letter carrying on the face of it its own meaning. When I was speaking of prejudice, yesterday, gentlemen, I had this particular thing in mind, part of the barricade that has been erected around we men of the working class as we stand here today on trial. I can understand that prejudice, and I do not hate anybody for it. Neither do I contend that the term prejudice carries with it the meaning of something malicious, but it arises from being a total stranger to the situation and the circumstances.

This fellow Berg writes to Thom—something, Prince George, B.C., Exhibit 527, and he says: "Well, I see by today's paper that the powers that be have raided the offices in Vancouver, wonder who is next? I also notice that they got a letter that I wrote to Russell in Winnipeg, where I said to Russell that I had just gotten in some Bolsheviki funds (you know the saying, we are supposed to have all kinds of Bolsheviki moneys) and they printed this, but they were careful not to print the following sentence, which would have explained the whole thing, as I stated that one Miners' Local just sent in \$250.00 with the promise of more to get speakers and literature in the field; a man does not even dare to think these days. . . ." Gentlemen, if this man away out there in Northern Alberta could read from the press that they had given so garbled an account out to the public at large, don't you think that the rest of the people

in Winnipeg, where we had to come on trial, would be, to some extent influenced by that. If I were to tell you that that letter did appear in the newspapers in Winnipeg, garbled to that extent that a comma had been taken and changed to a full stop, and that the qualifying portion of a sentence had been entirely obliterated, what would you say concerning the fairness of the tactics used against us, and if I were to tell you, gentlemen, that the letter was put into the newspapers in that fashion by a responsible minister of the Crown, what would you say to that?

THE COURT: Pay no attention to that, gentlemen of the jury. He is trying to make you believe that a responsible minister of the Crown altered that letter; that is giving evidence.

MR. PRITCHARD (continuing): I do not assume, gentlemen, that you fell down into that jury box like the manna came down to the children in the wilderness, or that you appear here in that virginal purity—I take you to be men of the world, who read the newspapers, and are able to use your own judgment upon this case.

THE COURT: And, gentlemen of the jury, I think I told you more than once to put out of your minds all you have seen in the newspapers. I did this more for the purpose of assisting the accused than anybody else. You are to understand that you are to put out of your mind all matters you have seen in the newspapers. You are not to assume that a responsible minister of the Crown did wrong. By this time Mr. Pritchard should know all that very well.

MR. PRITCHARD: I won't argue that any further, My Lord. About closing time last night I was telling you about the leaflet issued by the Central Committee of the O. B. U., who were elected at this Convention at Calgary, and that the leaflet on the six-hour day, if it appeared, would contain the arguments in favor of that proposition.

Now, here in the One Big Union Bulletin, of Edmonton, April 4th, 1919, there is an article I drew to your attention some time ago, on "The Spectre of Industrial Unionism," referred to in the letter by Berg, and in that letter we have a copy of a wire which he claims Midgley and I sent to him. Well, in that same issue there appears what is evidently a copy of another leaflet, because it bears at the end, "Central Executive Committee, 210 Labor Temple, Vancouver, B.C., and the heading of this is, "Tentative Outline of Industrial Organization." It has a "Foreword," and I want

to go over it with you. These were leaflets that the Central Committee were getting out for the purpose of sending to the members of organized labor, so that they could discuss the proposition and vote upon it intelligently. Then, gentlemen, this itself would contain the ideas and the intentions of the men who were instructed by that Convention to proceed with the production of the necessary literature. "Foreword."

"The press is not abusing the Western Labor Conference and villifying the One Big Union because it has nothing else to do. It is speaking on behalf of its masters, the employing class. It is pursuing its logical programme of belittling any honest effort of the workers to 'cease chasing rainbows,' and organize on a basis that alone will ensure to them a chance of meeting the masters in the industrial field. It is now praising craft organizations (which in times past it abused and condemned) because it realizes that Craft Unionism cannot disturb its masters."

Then the article, proper, follows: "Many questions, no doubt, present themselves to the minds of the average members of organized labor, who are honestly desirous of improving their form of organization, chief of which, we imagine, will be"—you will see, gentlemen, we raise imaginary objections, we anticipate imaginary objections from our fellow-workers, and we try to meet those objections in advance; the chief of which, we imagine, will be: "How shall we go about the formation of the One Big Union?" The article continues: "And many think that before they can even vote upon the question, that they must sever their connections with their present International Union. That is not so. Let us bring to your attention recommendations Nos. 5 and 6 of the Policy Committee of the Western Conference—"see press for resolution or report—in Bulletin, of course—these will be given in full.—W.A.P.")—The crown have contended in certain cases that where they found the initials "W.A.P." it meant "W. A. Pritchard."—I am going to contend the same in this instance.—"No 5, you will see, shows that in promoting the new form of organization, we shall work through existing bodies, and that no definite steps can be taken until we are assured by the vote of the rank and file, that they desire Industrial Organization."

Now, this is what I want to make clear to you. If that leaflet were gotten out separately, and if it were published in other newspapers, and in order to save time copying Nos.

5 and 6 clauses of the Policy Committee's report at the Conference, it just made that "See press for resolution or report—in Bulletin, of course—these will be given in full.—W.A.P."), as instructions to the printer to follow, and if he showed no more sense than to print those instructions, what would you think of that? I leave that with you.

No. 6, you will further observe, demands a further conference of representatives of all Trades Councils and District Boards, who shall perfect plans of organization and develop a definite line of action.

Those comments were printed on Nos. 5 and 6 without giving the resolutions themselves, and as I cannot find in the Exhibits of the Crown another copy of this "Tentative Outline of Industrial Organization," I have to turn to the Exhibit, the Official Report of the Convention, to see what clauses 5 and 6 mean in order to make this article intelligible. It looks to me that I didn't say enough in that wire.

"No, 5. In the opinion of the Committee, it will be necessary in establishing an industrial form of organization to work through the existing Trades Councils and District Boards, and no definite plan of organization can be submitted until after the referendum has been taken."

The conspiracy is hatched; the plan arranged; then, why a referendum to the rank and file?

So the article goes on: "No. 5, you will see shows that in promoting the new form of organization we shall work through existing bodies, and that no definite steps can be taken until we are assured by the vote of the rank and file, that they desire Industrial Organization."

Then counsel for the Crown says: "Look at these men drunk with power; look at these men, self-appointed, self-constituted autocrats, dictators of the proletariat." "Until we are assured by the vote of the rank and file that they desire industrial organization."

Was it Glendower, in conversation with Hotspur, who said: "I can call the spirits from the deep," and his companion said: "Aye, and so can I, and so can any man, but will they come when you call them?"

They tell about us calling a strike. I can call a strike. Dick Johns can call a strike, and he can shout himself hoarse from the housetops, but they won't come—you can call them if you like, but they won't come without the reasons for coming and the conditions for coming are there.

You recognize that. "Until we are assured by the rank and file that they desire that."

SIXTH: The Committee further recommend that after the returns of the vote are received, the Central Committee shall call a Conference of representatives of Trades Councils and District Boards to perfect the plans of organization. Basis of representation, affiliated membership of 5,000 or less, one delegate; over 5,000, two delegates; over 10,000, three delegates."

The article goes on: "No. 6, you will further observe, demands a further Conference of representatives of all Trades Councils and District Boards, who shall perfect plans of organization and develop a definite line of action.

"The Central Executive Committee is but a temporary body, elected to prepare propaganda and issue and receive ballots on the referendum. We cannot, therefore, take on work to which we have not been committed, and concerning which we have not been instructed.

"However, it appears that many opponents who know better, and other workers, who are honest, but do not know, think that by Industrial Organization we shall throw the workers together promiscuously without regard for the industry; bottle washers, boiler makers and musicians, for instance. Such a contention is ridiculous on the face of it. Craft organization is according to craft; i.e., painter, plumber, sheet metal worker, etc. Industrial organization must be according to industry; i.e., shipbuilding, building trades, mining, transportation, public service (civic employees). These will be subdivided according to trades necessarily, but will discuss together all common questions, and vote and act on them together.

"Do you see the difference?

"Instead of one trade acting, or coming out on strike by itself, it will and can only act, together with other trades of the same industry."

The article goes on—I am reading it all to you, gentlemen: "When we do write a Constitution for the new Industrial Organization, it must be drafted upon the lines of industry as they at present exist, and to that extent workers will be organized to their association in the product of their joint labor, and not by the craft they follow. The craft (the work of the skilled workman) is being wiped out by the machine.

"Industrial Organization is an advance upon the old

and now obsolete 'craft' form, because it places the workers in a position whereby they can function effectively in defense and for such concessions that market conditions will allow.

"One Big Union of workers would be impracticable unless cast in the same mold as the industrial system in which we live and work.

"If we are prepared, as members of the working class, to recognize each other as comrades of one body, of one class, then the next logical step is to so organize as to place our forces in the same relation to employers as they are to us.

"Later we hope, if finances permit, to publish a leaflet showing the reduced overhead expenses of industrial organization, as against the present "craft" form; i.e., that industrial organization is cheaper and more efficient for its members. This will be our next Bulletin. Look for it. Central Executive Committee, 210 Labor Temple, Vancouver, B.C."

Gentlemen, I am going to ask you to assume if this Bulletin could find its way into this sheet, would it be unreasonable to suppose that a later bulletin, if finances would permit coming out, would also find its way into this sheet. I have searched diligently through these Bulletins to find the Bulletin in regard to the reduced overhead expenses and could not find it.

There is an Exhibit here, No. 855, which is a circular letter, issued by A. S. Wells, Secretary-Treasurer of the B.C. Federation of Labor, which seems to be addressed to the members of the Executive of that body. "B.C. Federation of Labor, office of the Secretary, May 8th, 1919. Dear Sir and Brother: Nothing very untoward has developed in the last two weeks, since I last wrote you, the returns are coming in fast now, and are overwhelmingly in favor of the O. B. U. The Central Executive Committee met on Thursday, and decided to issue a call for the Conference to be held on June 4th. Personally I am inclined to think that this organization should be represented at the conference, and I would like your opinion on the matter."—That is, this organization, the B.C. Federation of Labor. That resolution No. 5, laid down the policy to "work through the existing Trades Councils and District Boards," Wells evidently taking objection to what was passed at the Convention; that he personally thinks that in addition to the

Trades Councils and District Boards, this organization should be represented at the Conference. "I would like your opinion on the matter. Every care must be taken at the onset, or we may bring about chaos, and as the Federation took the first step, I think that we should have representation.

"Receiving a request for an organizer for the Trail District, President Kavanagh asked me to wire Bro. Phillips for a man for this work, Bro. Phillips nominated Bro. Potter, of Fernie, for the position, and he is now at work in the district.

"Bro. Naylor may do some little work at Nanaimo in the near future, but it will depend on the circumstances, and he is now in the district on other matters, and will let us know as to conditions.

"I have on hand a number of the copies of the proceedings of the Convention, you can have some of these if you so desire for distribution in your vicinity.

"It is my intention to issue the call for the second half year's per capita tax on June 1st, so that we can carry on organizing work, and would like your opinion on the question of submitting the amendments to the Constitution, in view of the fact that the O. B. U. seems a certainty, should we leave it until we see the outcome of the Conference in June. I remain fraternally yours, Secretary-Treasurer, A. S. Wells."

You see the method by which we work.

Now, it has been contended that my Brother Johns was down somewhere in the East, doing something or other, and from the evidence that we have here, it appears Johns was in Montreal during the period of the Winnipeg strike. The question may be raised, that if Pritchard could send a wire to Berg, about "The Spectre of Industrial Unionism," why couldn't he send a wire to Manitoba, since they copied the same article? Gentlemen, you yourselves, if your hands are full, working for your living, cannot see everything; but I think my bona fides were made clear when I sent that telegram—if I did send the telegram—as soon as I discovered the kind of stuff those men were putting in the paper. Johns, it is contended, is also a mem-

ber of the Central Executive Committee. "What do we find him doing?" says counsel for the Crown. "He comes back from Calgary, on the Central Committee of the One Big Union; then we find him going down East agitating, stirring up trouble organizing for the O. B. U." There are Exhibits here to show that there were representatives from every craft in the different railroad shops of Canada, negotiating with the War Board at Montreal.

There is a difference between what is known as the Running Trades and the Shopmen. You can easily understand that. The Railway Shopmen are the men who work in the shops. They comprise the machinists, who, under the old form of organization, belonged to the International Association of Machinists, headquarters in Washington; Boilermakers, belonging to an International Union also, headquarters in Kansas City; Carmen, Pipe Fitters and all those crafts you can find in railroad shops. The representatives of these men were called together to carry on negotiations for a new schedule of conditions of work and wages before the Railway War Board in Montreal.

District 2 of the Machinists, covering all the machinists on every railroad in Canada from Halifax to Victoria, of which Russell, as you have seen, was the Secretary, would send a man to the War Board. Then, just as the machinists were organized for their own craft, so were the boilermakers, carmen, pipe fitters, and each would send their representative down to the Railway War Board.

What did Percy, himself with some knowledge of railroad organization, say in respect to Johns being a representative of the War Board. "Q: Now, Mr. Johns, the accused, tell us how many railroads he represented on that Committee?" Answer: That Committee represents every railroad in Canada, practically. Q: Was he on the Committee? A: He was on the Committee. Q: Representing every railroad in Canada, Government and otherwise? A: Yes. Q: Fifteen in all, was it not? A: Fifteen, I believe, is the number."

And from Mr. Percy you get this enlightening testimony, that Johns would have to be an employee before he could represent those men down there. Counsel for the Crown have shewn that Johns was a member of Local 122,

International Association of Machinists. What was Local 122 of Machinists? Machinists working in the C. P. R. shops in Winnipeg. So that I am going to ask you to assume that when Johns, elected by the votes of his fellow machinists of District 2, went down to Montreal to represent them, that he was at that time an employee of the C. P. R. shops, and that is what he was doing down in Montreal. And if he wrote to some other person about matters respecting Sir Charles Temple, Chairman of the Board, then he was talking of the business that they had before them in those negotiations down on that Committee. One of the letters is Exhibit 349, and says: "We met the War Board this afternoon, Sir Charles Temple is the Chairman." Telegrams from other men—who apparently were on that War Board—and negotiations for the railroad shops, sent to Russell, have been dragged in here as evidence, when they show on the face of them that they refer directly to the business of the railroad employees.

Something has been made out of the fact that a fellow named Dickie, who was down there too, sent a letter stating that Russell was Chairman of the Soviet in Winnipeg. Is that what it did say? You know, we fellows can have a joke with one another now and again. What did the letter say: "I see by the press,"—that puts an entirely different light on it—"that you are Chairman of the Local Soviet in Winnipeg. More power to your elbow." Why "by the press"? We seem to be getting into agreement here in this court as to the things we can see and cannot see, sometimes, by the press.

On the matter of intervention in Russia. I am going to read to you this from the "Red Flag," of January 18th, 1919, Exhibit 9, put in by the Crown. This is a short article taken from the "Manchester Guardian." This comes home to me a little. That is a paper in the Old Country, standing out above every other provincial newspaper, at least, in the opinion of the vast bulk of Manchester people, who look upon that paper as an institution, just as they look upon the Town Hall, or Ryland's Library. "Manchester Guardian," of Nov. 27, 1918. I want you to notice that date, gentlemen, because the Walker Theatre meeting, which seems to be really the starting point for the weaving of this crazy-quilt by the learned and distinguished gentlemen

for the Crown, was held on December 22nd, 1918. "What was said at the Walker Theatre meeting on December 22nd, 1918, and the resolutions passed there, gentlemen—if this is all that we had," says the Crown, "we contend it is enough to prove a seditious intent." December 22nd, 1918, and a month before that, November 27, 1918, this is what the Manchester Guardian, edited for a number of years by Charles Prestwich Scott, had to say about the Russian situation. "What of Russia," is the heading, and the article proceeds: "'The New Republic,' that admirable American weekly, mentions incidentally one of those pieces of news thought by our censors too strong for the English stomach."

I want you to realize the strength of this language. Then I want to contend, gentlemen, that strong as any language we might have used in our working class resolutions may have been—we are not educated in the Law, nor the niceties of diction—it pales into utter insignificance alongside the strength of the language of this editorial from the "Manchester Guardian."

"Mr. Hara, the new Japanese Premier, declared we are told that all Japan wants in Russia is the exclusion of German influence, and a responsible Government, 'whether Bolshevik or otherwise.' That can be called a policy, the policy of leaving it to the Russians to choose their own Government. Have the Western Allies a Russian policy, or at least a policy that they dare avow as frankly as Japan declares hers? We know what is happening under their wing. British soldiers who were enlisted to save the world from Prussianism find themselves, after the war against Prussianism has ended victoriously, killing and being killed by Russian peasants and Russian workmen in a cause and for a purpose that has never been explained."—"Manchester Guardian," remember—"Fresh drafts, it is stated, are even now being sent out. But this we hesitate to believe. With Germany the Allies have made an armistice. To the Bolshevik request for an armistice they do not so much as deign to give an answer. The slaughter of Russians must go on. Why? The original pretext for waging war on the Bolsheviks was to prevent the Germans from overrunning Russia. That danger is over. Now, if one is to judge from the statements of British Ministers, the pretext is that we do not like Bolshevik political manners and morals. Ministers who

rest upon evidence like the notorious forged anti-Bolshevik documents are not the most reliable judges." I am going to contend, gentlemen, that if the "Manchester Guardian" would state that there were such things as "notorious forged anti-Bolshevik documents," that at least the words bear some weight. "Assuredly the Bolsheviks have sinned, but they are certainly not as black as they have been painted, and when the truth is published it will be found that the Allies are not free from sin against the Bolsheviks. But even if the Bolsheviks were as bad as our Ministers say they are, does that justify sending our English lads to kill and be killed by them? What Government could be worse than that of the Tzar? Did we send armies to overthrow it? We made an alliance with it and over 30,000 English lads died at Gallipoli so that it might rule in Constantinople. But if we are not at war with the Bolsheviks to defeat the Germans, and if we are not at war with them because they are bad men, why are we at war with them? Is it because they are Socialists? The Government has itself to blame if, in default of any intelligible and convincing reason being given, that conclusion is drawn. It is all the more natural to draw it as the latest Government set up in Siberia under the Allied wing is a reactionary dictatorship so unqualified that it claps into gaol even Socialists who have been foremost in fighting the Bolsheviks."

Gentlemen, if a speech at the Walker Theatre meeting had been given word for word, as I have read the editorial from the Manchester Guardian, what would the Crown have said? And if the Walker Theatre meeting had been held, not on December 22nd, but on November 27th, sixteen days only after the signing of the armistice, under those circumstances, what would they have said?

Counsel for the Crown said: "And the boys were coming back home, and this was the kind of stuff being given off in the Walker Theatre, asking for the troops to be returned from Russia, December 22nd, 1918." With all due respect, gentlemen, the boys coming back into Canada, as far as numbers were concerned, could not be compared to the number of boys who were coming back into that northern industrial portion of Britain. And if the speakers in the Walker Theatre had an audience of 1,700, the "Manchester Guardian," a month previously, had an audience of several hundred thousand, and it used words and arguments

stronger than anything that was used in the Walker Theatre meeting. If there were the sinister intent and dangers that the Crown claims in connection with the Walker Theatre meeting, considering all its circumstances, then how much more and to a how much greater extent must there have been danger in the Northern portion of Britain as a result of the editorial in the "Manchester Guardian"? I am going to ask you the question: Do you come to the conclusion that this was pernicious and seditious in the meeting on December 22nd, 1918, in Winnipeg, but that it was all right, and possibly the height of good statesmanship to make the same protest into an editorial a month earlier in one of the leading journals of Great Britain?

This is Exhibit 482, "Red Flag," February 1st, 1919, and again we have the "Manchester Guardian" commenting on "Intervention in Russia." "Up until now the Allies would seem to have taken the line that they do not care what Russian rules in Siberia, provided that he is sufficiently reactionary and sufficiently vehement against the Bolsheviki. They must by now have learned that the kind of gentry whom they are feeding with their money and with English blood are not the stuff of which conquerors of the Bolsheviki are made. The Kolchaks and Semenovs are fighting not for Russia, still less for the Allies; they are fighting for their own hands, and they will go on fighting so long as they get Allied money and Allied blood to help them. Even now drafts of British troops are ordered out to Siberia to fight the battles of the Kolchaks and Semenovs. If the British Government does not stop this disgraceful adventure of its own accord it will find it will soon be stopped for it."

Gentlemen, never at any time as the evidence for the Crown has been trotted out, can you find language dealing with the intervention in Russia as strong as that language. I want to develop these things.

In the same paper, February 1st, 1919, there is an article, "Is It True?" "The Nation," of New York, is the oldest, ablest and most influential political weekly journal in the United States. It is owned and edited by Oswald Garrison Villard. Some time ago Mr. Villard, in the public interest, addressed certain inquiries, printed below, to the Secretary of State, and invited a reply. Receiving none,

Mr. Villard prints them in 'The Nation,' of November 16th, and again invites an answer. They will go to the heart of the Russian situation and the public will await with eagerness the answer of Secretary Lansing." Just bear with me, gentlemen, while I go through this article. Here are the questions submitted:

"Is it true that the administration knew, at the time of the Brest-Litovsk negotiations, that the Soviet Government, represented by Lenine and Trotsky, was opposed to the projected treaty, and looked forward to signing it only because of the physical impossibility of resisting the German demands unless the Allies, or some of them, came to its aid?

"Is it true that Lenine and Trotsky, a week or more previous to the signing of the treaty, handed Raymond Robbins, at that time a representative in Russia of the American Red Cross"—you will remember me pointing that out when dealing with that little pamphlet by Albert Rhys Williams, "The Bolsheviks and the Soviets," as to who Raymond Robbins was, head of the American Red Cross in Russia, after Col. W. B. Thompson had resigned from that position—"a communication to President Wilson declaring their opposition to the treaty, and stating that they would refuse to sign it if the United States would assure them of its moral support in breaking off the negotiations and would send to Russia food and arms?

"Is it true that at least two copies of the communication were at once cabled to Washington, one of them to the Department of State, through diplomatic officials of the United States in Russia?

"Is it true that the communication was duly received by the Department of State and came under the eye of Secretary Lansing?

"Is it true that the communication was not laid before Mr. Wilson at the time, but that Mr. Wilson was ignorant of its existence until after his decision to intervene in Russia had been arrived at and announced?

"Is it true that Mr. Robins, who is alleged to have been instrumental in securing the communication from Lenine and Trotsky, and having it cabled through diplomatic channels, spent several weeks in Washington upon

his return vainly trying to secure an audience with Mr. Wilson; and that in the meantime he was given to understand by the American Red Cross and the Department of State that he was not to make any public statement upon the subject?

“Is it true that the former Russian Ambassador, Mr. Bakhmetieff, although no longer the legal diplomatic representative of any existing Government in Russia, nevertheless continues to be recognized officially by the Department of State as the Russian Ambassador; that Russian citizens now in this country, having business with the Government, have been informed in writing by the Department of State that their communications must be transmitted through Mr. Bakhmetieff as Russian Ambassador; and that Russian citizens in this country, who desired exemption from the draft have been required to have their applications approved by him?”

“Is it true that the locomotives, cars, and other railway material purchased or contracted for on account of the Russian Government by Prof. George V. Lomonossoff, and legally in his custody at the time when he was removed from office as head of the Russian Railway Mission by Mr. Bakhmetieff and his papers seized by agents of the Department of Justice, have in part been sold, with the knowledge of the Government, and the proceeds applied to the payment of interest on Russian bonds or for other alleged public purposes, and in part used in aid of Allied military operations in France or elsewhere?”

And the article closes: “Is it true that Mr. Bakhmetieff, acting as Russian Ambassador, is at this time carrying on in the United States, through the Russian Information Bureau, or paid lectures, or other means, a systematic propaganda designed to discredit the Soviet Government and to encourage public sentiment in favor of the continuance of intervention in Russia and that what is being done in this direction is known to the Department of State or to Mr. Wilson?”

Then you will remember, gentlemen, that strong editorial that I read from the Manchester Guardian, which opened “That admirable American weekly, the ‘New Republic.’” All I want to do is to show that on the front

page of Exhibit 874, "Red Flag," February 8th, 1919, there is an article, "Conciliation for Russia," from the "New Republic."

Then again in this same Exhibit 874, there is a short excerpt from the same paper I mentioned this morning, the "Glasgow Forward," of Saturday, November 23rd, 1919. "Our opponents are overjoyed at a story in their press quoting from the Moscow 'Izvestio,' the 'official Soviet organ,' of a free love decree for Bolshies. 'There ye are!' 'What did we tell ye.' etc. But the "London Call," 14-11-18, has got the facts. The decree was no decree at all. It was not published in the 'Izvestia,' the official organ of the Moscow Soviet. All that had happened was that in the early part of this year a writer in a small paper in the Ural Mountains had an article advocating some kind of sexual communism. Maxim Gorki drew attention to it—he was opposing the Bolsheviks at that time—and doubtless thought it was a good stick with which to beat Lenin's back. Nothing farther was heard of the article until it blossomed out the other day in our capitalist press as a Bolshevik 'decree.'"

I come now to Exhibit 487, and I ask you to bear with me while I read it to you in its entirety. I will cut out as much as I can, if I do not consider it material to my argument. There you see the heading, "Preface to An Open Letter to America," by Arthur Ransome, Correspondent in Russia for the "London Daily News."

I don't know if I am going outside of the bounds, if I tell you that he wrote for the "New Republic." Arthur Ransome is the author of many beautiful stories, biographer of Edgar Allan Poe, and, at least in my opinion, no literary man in Britain would ever accuse Ransome of literary dishonesty. No man of letters would ever question the integrity of Ransome as far as literature is concerned. Here is his preface to his "Open Letter":

"Every day brings a ship,
Every ship brings a word,
Well for those who have no fear,
Looking seaward well assured
That the word the vessel brings
Is the word they wish to hear."

“Emerson wrote the poem I have stolen for a head-piece to this letter, and Emerson wrote the best commentary on that poem: ‘If there is any period one would desire to be born in—is it not the age of revolution; when the old and the new stand side by side and admit of being compared; when the energies of all men are searched by fear and by hope; when the heroic glories of the old can be compensated by the rich possibilities of the new era? This time, like all times, is a very good one, if we but know what to do with it.’ ”

That is Emerson commenting on his own poem used by Ransome. Let me break here. This same Emerson, seer and writer, the great Philosopher, quoted by all the publicists and politicians at election time, quoted in the halls of the legislatures, what did Emerson say? “Speak with vehemence what you consider to be the truth today, and tomorrow speak what you consider to be the truth tomorrow even though it contradict what you say today.”

“Perhaps some old woman will say, ‘You will be misunderstood.’ Misunderstood! Misunderstood! Misunderstood is a right fool’s word. Confucius was misunderstood; Socrates was misunderstood; Jesus was misunderstood. To be great, is to be misunderstood.”

Ransome continues this preface to his Open Letter: “Revolution divides men of character far more sharply than they are divided by war. Those whom the gods love take the youth of their hearts and throw themselves gladly on that side, even if, clear sighted, they perceive that the fires of revolution will burn up perhaps the very things that, for themselves, they hold most dear. Those others, wise, circumspect, foolish with the folly of wisdom, refrain, and are burned up none the less. It is the same with nations, and I send this pamphlet to America because America supported the French revolution when England condemned it, and because now also America seems to me to look towards Russia with better will to understand, with less suspicion, without the easy cynicism that prepares the disaster at which it is afterwards ready to smile. Not that I think all this is due to some special virtue in America. I have no doubt it is due to geographical and economic conditions. America is further from this bloody cockpit of Europe, for one thing. For another, even rich Americans dependent for

their full pockets on the continuance of the present capitalist system, can whole-heartedly admire the story of the Bolshevik adventure, and even wish for its success, without fearing any serious damage to the edifice in which they live. Or it may be, that, knowing so little about America, I let myself think too well of it. Perhaps there, too, men go about repeating easy lies, poisoning the wells of truth from simple lack of attention to the hygiene of the mind. I do not know. I only know that, from the standpoint of the Russian revolution, England seems to be a vast nightmare of blind folly, separated from the continent, indeed from the world, by the sea, and beyond that by the trenches, and deprived, by some fairy godmother, who was not invited to her christening, of the imagination to realize what is happening beyond. Shouting in daily telegrams across the wires from Russia I feel I am shouting at a drunken man asleep in the road in front of a steam-roller. And then the newspapers of six weeks ago arrive, and I seem to see that drunk, sleeping fool making a motion as if to brush a fly from his nose, and take no further notice of the monstrous thing bearing steadily towards him. I love the real England, but I hate, more than I hate anything on earth (except cowardice in looking at the truth) the intellectual sloth, the gross mental indolence that prevents the English from making an effort of imagination and realizing how shameful will be their position in history when the story of this last year in the biography of democracy comes to be written. How shameful, and how foolish, for they will one day be forced to realize how appalling are the mistakes they committed, even from the mere bestial standpoint of self-interest and expediency. Shameful, foolish and tragic beyond tears. For the toll will be paid in English blood. English lads will die and English lads have died, not one or two, but hundreds of thousands, because their elders listen to men who think little things, and tell them little things, which are so terribly easy to repeat. At least half our worst mistakes have been due to the underestimation of some person or force outside England, and disturbing to little men who will not realize that chaos has come again and that giants are waking in the world. They look across Europe and see huge things, monstrous figures, and to save themselves, and from respect for other little lazy minds, they leap for the easiest tawdry explanation, and say, 'Ah, yes, bogies made in Germany with candles inside turnip

heads!' And having found their miserable little atheistical explanation they din it into everybody, so that other people shall make the same mistakes, and they have company in folly and so be excused. And in the end it becomes difficult for even honest-minded, sturdy folk in England to look those bogies squarely in their turnip faces and to see that they are not bogies at all, but the real article, giants, whose movements in the mist are of greater import for the future of the world than anything else that is happening today."

The article continues: "I think it possible that the revolution will fail. If so, then its failure will not mean that it loses its importance. The French Revolution gave a measure of freedom to every nation in Europe, although it failed most notably in France and ended in a dictator and a defeated dictator at that, and for the brave clear-sighted France foreseen by Diderot and Rousseau substituted a France in which thought died and every one was free to grub money with a view to enslaving everybody else. The failure of the French Revolution did not lessen the order which the ideas that sprang from it poured into the minds that came to their maturity between 1795 and 1801. And perhaps it was that failure which sharpened the conflict of the first half of the nineteenth century, in which, after all, many candles were lit and fiercely, successfully, guarded in the windy night that followed the revolutionary sunset. Let the revolution fail. No matter if only in America, in England, in France, in Germany, men know what it was that failed, and how it failed, who betrayed it, who murdered it. Man does not live by his deeds so much as by the purposes of his deeds. We have seen the fight of the young eagles. Nothing can destroy that fact, even if, later in the day, the eagles drop to earth, one by one, with broken wings.

"It is hard here, with the tragedy so close at hand, so intimate, not to forget the immediate practical purpose of my writing. It is this: To set down, as shortly as possible, the story of the development of the Soviet power in Russia, to show what forces in Russia worked against that power and why; to explain what exactly the Soviet Government is, and how the end of the Soviet Government will mean the end of the revolution, whatever may be the apparent character of any form of Government that succeeds it. Moscow, May 14th, 1918."

You remember, gentlemen, I read from the conclusion of that same "Open Letter," as it appeared in that little pamphlet by Albert Rhys Williams, "The Bolsheviks and the Soviets"—Questions and answers which he prepared, because of the questions which had been asked him after he had lectured in the Church of the Ascension, in New York, and in Ford Hall in Boston.

(Court adjourned for 15 minutes)

4.30 p.m., March 24, 1920

Gentlemen of the Jury: I have made those few arguments on the question of intervention in Russia, and I am going to skip from point to point as rapidly as I can, without reading at any length, except for the purpose of advancing the argument that I give.

Here in Exhibit 545 of the Crown's, "Red Flag," March 29th, you find an article, "Raymond Robins, on Soviet Russia"—and here a clipping from the Vancouver "Daily Province," of March 25th, 1919. The heading reads, "Urges Recognition For Lenine Regime." "Recognition of the Lenine-Trotsky Government by the United States and the Allies was urged by Col. Raymond Robins, former head of the American Red Cross mission to Russia, in an address before the League of Free Nations' Association."

It might be urged (it was urged by Crown counsel on one occasion) that Raymond Robins took an entirely different position to what this claims he did. Well, taking this despatch from one of the capitalist newspapers, we take it for what it is worth.

(Continuing): "Asserting that since his retirement from the mission, he felt no longer the necessity of silence." You will remember when I read that other stuff by Villard in the New York "Nation": "Is it true that Raymond Robins had offered this and offered that; is it true that he had been asked and in fact instructed to keep silent?"

The Vancouver "Daily Province" continues: "Asserting that since his retirement from the mission, he felt no longer the necessity of silence, Col. Robins vigorously defended the Bolshevik leaders and criticised the attitude of

the United States towards them. Col. Robins said he had found the Soviets were the only force in Russia who could get something done and done expeditiously. Defending Lenine and Trotsky, he said they would not have signed the Brest-Litovsk treaty with Germany had their overtures to the Allies been accepted." A little admission like that out of a capitalist newspaper might help to go a long way to answering "Is it true," etc.

Another piece. "Moscow and the Ukraine," from the "Manchester Guardian," of March 6th. The same line of argument. I am just going to pass over it, gentlemen.

"The Blockade of Russia," by M. Cachin, copied from "L'Humanite," labor newspaper of Paris, February 27th. An article on "Economics," by some farmer out in Saskatchewan. However, that doesn't matter so far as the present argument goes.

There is one thing I have tried to make clear, my position as a member of a Trades Union, because I am a wage-worker, living by getting wages. I tried to make clear by a little analogy, how the farmers would have dual organizations—economic and political organizations—and the worker has his union, industrial organization, and may possibly have his political organization also.

In the "Red Flag," of April 6th, the organ of the Socialist Party—the party, who, says the Crown, supply the phrase, the "One Big Union"; who developed this great conspiracy, and who formed part of this conspiracy—there is an article on the "One Big Union," which commences on the front page, takes in all of page 2, and goes down to the last page. It deals with the history of the Labor Movement in the Old Country, the history of the Socialist Movement and the purpose of the Socialist Movement, and it is signed by "J.H." It may be contended by the Crown that is "J. Harrington." I am not going to read you all of that argument, I am just going to bring you to the last sentence: "The 'One Big Union' is no task of ours."

You are made to understand, gentlemen, that the One Big Union was some kind of healthy baby that belonged to this organization. "The 'One Big Union' is no task of ours."

Now, to revert again to what was done in Calgary in March by Trades Unionists. Here is a little despatch taken from a newspaper somewhere: "Labor Demands that 'Conchies' be Liberated." "London, April 3rd"—not very long after the March Convention—"A resolution demanding the withdrawal of all British troops from Russia, the raising of the blockade, the withdrawal of the Military Bill from Parliament and the liberation of conscientious objectors was adopted by acclamation today by the Trades Union Congress. Robert Smillie, the leader of the miners, in moving the resolution, declared the miners would strike for the removal of conscription and the raising of the blockade."

Again the "Manchester Guardian," March 20th, 1919, on "The Military Situation in Russia," reprinted in "Red Flag," April 12th. Then, "Editor of the London 'Times' apologizes for slanders on Bolshevik regime." A letter by Joseph King. Funny how all these other people and persons should be doing these things in other parts of the country, and other parts of the world, around about March, 1919. "Six Red Months in Russia," by Louise Bryant, correspondent of the Bell Syndicate in Russia.

Then; "Trend of Opinion in Great Britain": "The Independent Labor Party is to have its Twenty-Seventh Annual Convention, beginning April 20th, and to last three days, at Huddersfield, York, England. Below we reproduce a few of the resolutions to be submitted. These will indicate to some extent the character of the ideas and trend of opinion of that element of the working class of Great Britain which attaches itself to that conservative body, the I. L. P."

Resolution No. 13, "Conscription," asking for the immediate and unconditional release of all political prisoners and conscientious objectors"—the date of this paper is April 12th, 1919.

No. 41, "Allied Intervention in Russia and Germany": "That this Conference hereby register its emphatic protest against the 'undeclared' war against Russia, and calls upon the Government of Britain to withdraw the British troops from Russia," and so on.

No. 42, "Demands the immediate withdrawal of every British soldier from Russian soil."

No. 43, "That this Conference protests against British troops being sent to Russia, asks for the immediate withdrawal of those who are already there, and further asks for the withdrawal of the press censorship in relation to the affairs of Russia." The Independent Labor Party Convention in Huddersfield, York, April 20th.

No. 52, "That this Conference reaffirm its belief in the need for a reduction of the number of hours of labor, and considers that a six-hour working day and a five-day week should be established by statute." I.L.P. Convention, Huddersfield, York.

"Party Organization and Recommendations and Instructions to N.E.C.," which I will contend, gentlemen, means the National Executive Committee—but it doesn't matter what it means, the resolution is what counts. "This Conference, recognizing that the workers in their struggle to emancipate themselves from the thralldom of capitalism must use every weapon, calls upon the workers to perfect their organizations in order that they may be better instruments for the final overthrow of capitalism"—strong words—I.L.P. Convention in Huddersfield, York. If that had been passed in the Walker Theatre on December 22nd, and put out in the papers, the Crown would have put a whole series of blue marks around it. (Blue was the acknowledged marking of exhibits by the Crown).

No. 89, "That the National Executive Committee be asked to enter into negotiations with the B.S.P. and the S.L.P., with a view to forming one United Socialist Party of Great Britain."

No. 49, "That this Conference protests against the repeated appeals of the N.E.C. to the representatives of capitalistic and imperialistic Governments; and is of the opinion that the emancipation of the workers will be the work of the workers themselves, and that the time is now opportune for the N.E.C. to call a conference of the workers to put into full operation the principles and aims of the Leeds Conference."

I.L.P. Conference in Huddersfield, Yorkshire, England, in April, 1919.

No. 99, "That this Conference, realizing the futility of calling upon a capitalistic Government to socialize the land,

coal mines, mineral wealth, quarries, railways, and ships, is of the opinion that the propaganda of the I.L.P. should be directed towards the absolute overthrow of the capitalist system."

The workmen in Calgary passed a resolution that that conference takes as its policy a system of production for use and not for profit. Do you consider it pernicious in Huddersfield, Yorkshire, England, where hundreds of workers had gathered together? What do you think of them?

The next one, "Why Are You Out of Work"; "On the Nature and Uses of Sabotage." You will remember what I said about the "Sabotage in the commercial and business world." "Strength of the Bolsheviki Government." The "Manchester Guardian" says, "Despatch from Correspondent in Warsaw." "Russian Bolshevism," by Bessie Beatty, author of "The Red Heart of Russia," correspondent of the San Francisco "Bulletin." It is a long article and I cannot take you over it all. It concludes: "Military intervention has failed. It deserved to fail for its sheer stupidity, if for nothing else. The scarcely less sinister policy of starving Russia into submission to the will of the other nations can be hardly more successful. The Papier-mache Governments of the opposition which have sprung up like mushrooms all over that vast land, and have been as shortlived as mushrooms, offer no hope of a working solution. It is time to make an honest effort to find out the true condition of Russia, and to understand what has really happened there. The most essential thing in understanding the Russian situation is a realization that it cannot be judged by any of the old measuring sticks. We have here an experiment in Government which has never before been made in the story of the race."

A little despatch from Reuters. You know, the Reuters Cable. London, May 22, "Quarterly meeting of the Iron and Steel Trades Conference practically unanimously carried a resolution submitted by one of its branches in favor of the declaration of a general strike on July 1st, to enforce the withdrawal of British troops of Russia."

Then at the bottom, the little text I chose for my present sermon: "Nothing is so terrifying to the Socialists of today as the folly of their opponents."

Exhibit 885, despatch from London, England, May 27th, "Great Britain Triple Alliance"—I explained to you what the Triple Alliance was; a Miners, Transport Workers, and Railwaymen's Union. "Great Britain Triple Alliance demands"—you notice the recurrence of that word "demands," gentlemen; a common term amongst members of the working class—"demands withdrawal from Russia."

Exhibit 495, "Red Flag," of June 14th, 1919: "Withdraw from Russia." "No Conscription Resolution of the Miners' Federation," from "Common Sense," edited by Jerome K. Jerome. If he is not known in the realm of literature in Britain, then no other man is. Just a short article: "The lies told in the name of Mr. Lloyd George and placarded over the country by Coalition candidates at the General Election, have come home to roost. Mr. Churchill's Bill for continuing conscription after the peace has exasperated the country, which wants to restore honesty and veracity in public life. So, on Wednesday the Miners' Federation, after completing its Conference on the Governments' offer, went on to discuss Mr. Churchill's Conscription Bill, and passed the following resolution." March 29th. Who was it said, "Beware the Ides of March?"

"That this Conference calls upon the Government immediately to withdraw all British troops from Russia, and to take the necessary steps to induce the Allied powers to do likewise. We further most emphatically protest against the attempt of the Government to fasten conscription on this country by means of the Bill now before Parliament, described as the Naval, Military, and Air Forces' Service Bill, and call upon the Government immediately to withdraw this Bill, or, alternatively, this Conference proposes to take such steps in conjunction with the organized Labor Movement, both political and industrial, as will compel its withdrawal."

Gentlemen, that is the language used by working men in their Congress in Britain—where I come from, and where possibly some of you come from.

Then another one, "A Contrast." "Organized Labor in Great Britain is demanding that the Allied Troops in Russia be withdrawn and that the blockades be lifted." And so on. There is this in the same paper, Exhibit 495, "Printers

Refuse to Set up Misleading Copy at 'Sun'—Ordered Off Premises." That is the Vancouver "Sun," a morning newspaper. I don't know whether the article was by the well-known Winnipeg correspondent, Colonel Porter, or not.

"The Laborer's Turn"—you remember me reading that to you before. It is from the June "New Republic," that "admirable American Weekly," as the "Manchester Guardian" calls it. And this article that I read to you, shows where the lawyers and the merchants, some time ago, emancipated their jobs, and now, in the process of history, the bricklayer and the carpenter, the machinist and the blacksmith, like the lawyers and merchants of the Middle Ages, have been brought on the turn of the wheel to the point where they, too, say: "Let us emancipate our jobs. Let us make our jobs honorable, then there will be no need to rise from our jobs, since the work of the street-sweeper will be as necessary for the good of society as the work of the doctor, the lawyer or possibly the philosopher."

This article in the admirable American Weekly; the "New Republic," says: "It is not proposed to reduce all economic conditions to a dead level; it is not proposed to remove the natural incentive that draw men out of one career and into another. All that democracy requires is that the manifold trades shall be vested with industrial responsibility, and freed from the servile incidents of excessive fatigue and sweated wages, so that the young men of ability and pride and ambition, who have a personal preference for them may elect them without feeling that they are committing themselves to a role of inferiority." The last sentence, "That is essential to democracy. It is also essential to economic progress." There is an article here, "The Death Train of Siberia." It is taken from the "Liberator." This story was first made known by a brief and unrevealing despatch which appeared in the New York "Times."

"In Petrograd Now," by Jean Longuet, in the Paris "Populaire." "Captain of Finance and the Engineers." And here is something that comes home to me, the one thing above all others that I might have reason to feel hostile about, and yet I don't. A despatch from London, June 22nd, dealing with Labor Party Conference at Southport. What does it say? "Labor Party Conference at Southport has

passed a resolution protesting against the attempt of the Canadian Government secretly to deport British-born leaders of Labor for participation in recent industrial disputes in the Dominion, and urging the British Government to use its influence to prevent the Canadian Government from proceeding with such a step."

Exhibit 501, "The Soviet," of Edmonton—I have got to go over all these, gentlemen, because they have all been piled in against me, whether I like it or not.—"Bring the Boys Home from Russia," from the "London Herald," a London Labor daily. The arguments are similar to those appearing in the "Manchester Guardian."

"Lies Unearthed," and an article about Russia in the New York "Nation."

And this is in blue pencil, I would take it, by the Crown—whole portions of an article taken from the Babson Statistical Organization to its capitalistic clients, Roger W. Babson, is a statistical expert of the United States, and he writes an article for the benefit of his clients. Some Labor people published the article in their paper, and counsel for the Crown puts a blue mark around it. I don't know whether it is a compliment to Babson or not.

Then the article: "The Vicious Circle—Flour Mills are Forced to Close," in the "Soviet," of April 18th, 1919.

Then Exhibit 958, "What is the Truth About Bolshevist Russia?" editorial taken from the "Chicago Tribune," Saturday, March 22nd, 1919, contains arguments similar to those I have presented before.

In the "Soviet," of June 10th, "May Day Demonstrations in Scotland," evidently taken from an Old Country paper.

"Despite cold and showery weather, the May Day demonstrations in Scotland were almost everywhere impressive and enthusiastic, giving the capitalists who witnessed the procession great pain and apprehension.

"The 'Glasgow Herald' admist 100,000 persons on Glasgow Green, and the procession through the streets certainly took fifty minutes to pass." Who were in the procession, gentlemen? "Banners, decorations, gaily-caparisoned horses,

red rosettes everywhere." Red—red—red rosettes everywhere! Somehow or other the blue pencil did not hit upon this piece of "red." "There were no untoward incidents, although at one point some of the young bloods made remarks to the police about 'Bloody Friday,' which were not—distinctly not—appreciated; and Andy Cameron marching in the Discharged Soldiers' contingent, was not popular with the capitalists, as he shouted out mockingly, 'Ye're no throwin' chocolates at us noo!' A cyclist, too, holding up photographs of the smashing of Davie Kirkwood by the policemen's baton in George Square—he also was not popular! A little girl in white, riding on a pony, was a distinctive feature of the procession."

Then what did I say about working class meetings in Britain? "At the Green there were no fewer than 22 platforms, and upwards of 100 speakers. Vast crowds gathered round each platform, and the literary salesman plied their wares. Most of the speakers dealt with the British Government attacks upon the Soviet Government of Russia, and condemnatory references to intervention met with *chœurs*. A very large crowd gathered at the platform, addressed by the Countess Marcovitz, as she described what was going on in Sinn Fein Ireland. At every platform the following resolution was put and carried unanimously."

And this is what I want to bring to your attention. At a meeting like that in Glasgow, they declare for "The overthrow of the capitalistic system of production for profit, and the establishment of a co-operative commonwealth based upon production for use; and, further, that this meeting of workers assembled on Glasgow Green sends their fraternal greetings to the European Soviet Republic and the workers of the world. Also, we protest against the arrest and deportation of foreign subjects without trial; further, we urge the withdrawal of all armies of occupation, and declare in favor of the 1st day in May being observed as International Labor Day."

This is put in by the Crown, "A Reply to the Press Lies Concerning the Russian Situation." The Crown' says, "Banned." It had been banned by an Order-in-Council in Canada. "An Open Letter to America," by Arthur Ransome. Just before we adjourned I read the "Preface to the Open Letter"—the preface does not appear here, but a

heading appears: "The following article is a reprint from the 'New Republic,' issue of July 27th, and is from the pen of Mr. Arthur Ransome, well known in the newspaper and literary world. Mr. Ransome writes from Moscow, having been in Russia all through the revolutionary period, hence this article is written by one who really knows the state of affairs there. It is free from prejudice, and is a clear and concise statement of the facts, which place Mr. Ransome amongst those rare exceptions who have not allowed their class interests to bias their judgment. His concluding paragraphs are particularly fine, where he makes his appeal to the people of other countries, and should at least clear the mind of the reader of the lies that have been circulated by the capitalist press."

The point I want to bring out is that this "Open Letter," according to the heading, was a reprint from the "New Republic," of July 27th, of which the "Manchester Guardian" says, "That admirable American Weekly, the 'New Republic.'" And the "New Republic" reprint, "An Open Letter," was banned from Canada. There is no evidence to show that the "New Republic" was banned from entry into Canada. You will remember what I had to say with respect to the censor, and the banning of all that list of books, that I have mentioned one or two times. But here is the position, gentlemen, that "Admirable American Weekly" still continues coming into Canada, containing this "Open Letter"; but when the article is reprinted as a pamphlet, the Canadian censor, in his good judgment, says, "That pamphlet must be banned." Yet, at the very same time you could go into a book store and buy the "New Republic" that it was copied from.

You will remember me reading, some time ago, the concluding paragraph of this "Open Letter to America." "Well, writing at a speed to break my pen, and with the knowledge that in a few hours the man leaves Moscow who is to carry this letter with him to America . . ." and so on, he goes on to state: "No one contends that the Bolsheviks are angels. I ask only that men shall look through the fog of libel that surrounds them and see that the ideal for which they are struggling, in the only way in which they can struggle, is among those lights which every man of young and honest heart sees before him somewhere on the road, and not among those other lights from which he reso-

lutely turns away. These men who have made the Soviet Government in Russia, if they must fail, will fail with clean shields and clean hearts, having striven for an ideal which will live beyond them. Even if they fail, they will none the less have written a page of history more daring than any other which I can remember in the story of the human race. They are writing it amid showers of mud from all the meaner spirits in their country, in yours and in my own. But, when the thing is over and their enemies have triumphed, the mud will vanish like black magic at noon, and the page will be as white as the snows of Russia, and the writing on it as bright as the gold domes that I used to see glittering in the sun when I looked from my windows in Petrograd.

“And when in after years men read that page they will judge your country and mine, your race and mine, by the help or hindrance they gave to the writing of it.”

“The Bolshevik Declaration of Rights,” appears on the front page of the “Western Clarion,” October 1st, 1918, and the Crown made quite a noise about it. It is from the September number of “Current History.” “Current History” is a monthly periodical, I think I may tell you, gentlemen, published by the New York “Times,” all through the period of the war. I think the New York “Times” is one of the newspapers that His Lordship thought you yourselves might have here to read.

The whole business is taken from “Current History.” “In reproducing it here ‘Current History’ magazine leaves the reader to make his own comments upon the Bolshevik acts, as compared with the principles and assertions contained in the document.”

Then the Crown tried to connect me up, because here is an article, “Editorial Erudition,” by “W.A.P.” The Crown have contended that that “W.A.P.” means W. A. Pritchard. Of course, it could mean something else.

Here are two editorials, August 31st, 1918, the day before Labor Day, one from the Vancouver “World,” and the other from the Vancouver “Province,” set side by side. The “Province” talks about the gospels of the working class, and “The term ‘wage slavery’ as being accepted by a group of local orators and writers as a correct statement of the

situation of employees, even when they earn a dollar an hour and the employer works harder and gets less." On the other side is the editorial from the Vancouver "World": "Investigation of food profiteering in the United States discloses facts unparalleled except perhaps in Russia. A report recently made to the United States Treasury shows profits exceeding in some cases a thousand per cent. Some of the figures given are truly astonishing, for instance, a canning company which made a profit, in 1916, of 377 per cent., increased that figure, in 1917, to 1,074."

You can see the parallel: "Where the worker gets a dollar an hour and the boss works harder and gets less," and here is a firm that increases a 377 per cent. profit to 1,074 per cent—they must have been working a good many hours a day to make that!

"A flour milling company, with a capital of \$2,500,000, made a clear profit of one million dollars last year. And dozens of canning companies made profits over 100 per cent. Meat packers did especially well."

THE COURT: What is that paper you are reading from?

MR. PRITCHARD: Exhibit 845, My Lord.

THE COURT: Is it referring to Canada?

MR. PRITCHARD: The figures make a parallel between the United States and Canada. This is an editorial in the Vancouver "World" that I was quoting.

The article that follows underneath, gentlemen, is an article which the Crown contend was written by myself. I just wanted to show you my viewpoint, which might have helped in the matter of intent. But I will let that pass.

Dealing with the matter of intent, I come to October 15, 1918, "Western Clarion," Exhibit 846, which deals with the matter of "The Suppression of Foreign Organizations in Canada," which quotes a despatch from Ottawa, dealing with this situation. Then underneath there is a statement of the position taken by the editor, I suppose of the paper, stating the party's position in this "Western Clarion," the official organ of the Socialist Party of Canada. What does it say?

"We have always realized that the government of a people, whose group interests are profoundly in conflict, must of necessity be a dictatorship. In times of great national stress, and especially of war, it finds extraordinary measures of coercion necessary to ensure the success of its policies.

"In times of peace these coercive measures are found neither necessary nor excusable, and the statesmen and rulers of the past whom posterity have most delighted to honor have generally deemed it wisest and most politic to relax this tyranny and rule with the iron hand under the velvet glove. Society is made up of many conflicting elements." It deals apparently with the suppression of the foreign organizations.

Then it states: "In view of this we are loth to believe that any government would be so pitifully blind and foolish as to attempt to suppress this movement. We hope and trust they will not. For our desire, more even than our political opponents, because we know our histories better, is for a peaceful, orderly solution of the admitted social evils of modern times. We regret the act of the Canadian Government and cannot regard it as necessary, but we do not believe, yet, that its intention is to try to suppress the Socialist Movement, and think the extraordinary measures that have been taken are taken not with a view of their permanency, but as temporary expedients of a war-time policy. However, time will tell." Doesn't that show the position of these men, recognizing the stress of war times, when there came this suppression of the various organizations in Canada. This organization was not mentioned; you cannot find it amongst the list of names that are put in on the Exhibits—you cannot find the name of the Socialist Party of Canada amongst the suppressed organizations.

"We have had more than enough from press and pulpit of the shallow anarchistic bourgeois justification of wars, that the world needs a blood bath periodically in order to achieve spiritual and social regeneration. Wars and other social violences are the surface effects of deeper lying causes than any such creed. The truth of greatest significance that history has to show us is that these calamitous affairs result from the arresting of social forces in their natural channels of development; some obstruction; something standing in the way.

“Socialists claim no monopoly of the virtues. They concede to all their opponents, equal with themselves, strength of desire to abolish social ills, but they believe they know what is wrong with society, and more than their opponents think it possible to accomplish. They believe they know how to remedy the wrong, how to remove the obstruction and set the social life processes free. And from this work they can not stay their hand.

“We counsel all our comrades to keep their heads. Carry on the Socialist propoganda within the Law. Organized society, even such as it is, is the product of historical development. You can not place yourself outside it, outside its forms, its pains and penalties, its rules and procedures, and kick it into your desired position as you would a football.

“Be of good cheer. After all we are sure of this, that the working class have the ‘good will of history.’ No government can suppress that fact.”

Do you see, in the language used there, gentlemen, what the nature of the intent is? Dealing with the situation and counselling, from this paper, of carrying on such propoganda within the Law? That all men must find themselves subject to the Laws of organized society, such as it is, seeing that it is the product of history! We cannot place ourselves outside of it and kick it into the position that we desire, like a football!

Then there are some more articles, “Genuineness of ‘Bolshevik Documents,’” “Published by Committee of Public Information Doubted by Capitalist Newspaper.” “Following is an editorial taken from the New York ‘Evening Post,’ of September 16th, 1918.” The article follows.

Then we come to Exhibit No. 498, “Senator Johnson and the Russian Intervention.” “In the New York ‘Times’ almost two columns on the front page were given to Senator Johnson’s speech in the Senate.” Quite a long article—I am not going through it all. He refers to Col. Robins and the position Robins took with respect to the communication that he got from Russia that I have already referred to. At the conclusion of his address he said:

"There is a heavy reckoning some day for those who have been responsible for this wicked and this useless course in Russia. And the heaviest responsibility, the wrong which can never be atoned, is the shedding of American blood in Russia. It is to this phase I desire to arouse the Congress, and to which, if I had the power and my voice would carry, I would arouse the people of the nation. It is of American boys and American blood I am thinking."

And then, mind you, here the London "Times" informs us of a Conference convened by the "Hands Off Russia" Committee, held in the Memorial Hall, Farringdon Street. It goes on to say that two or three hundred delegates attended.

"A mass meeting was held at night in the same hall, and although we understand that it has seating capacity for some ten thousand people, yet the overflow meetings had to be held downstairs.

"The Chairman was Mr. Arthur MacManus, of the Clyde Workers."

Then we come to Exhibit 668, "Western Clarion." My learned friend, Mr. Pitblado, pointed out "After-the-war Problems," by W. A. Pritchard; No. 2, "Woman and Motherhood," and he read rapidly from these quotations, and not very distinctly. I haven't the time to go all through that article to show what I was doing when I wrote it. Listen, though! What do I state in the beginning of the article? "The task we essay in this article is to demonstrate: (a) the desperate need of the masters for re-population after the war; (b) the utter impossibility of attaining such an object without ruthlessly destroying the existing moral fabric of society. Before proceeding to an attempted proof of the two propositions given above, let us return to the article mentioned in our last, to wit, Spencer Brodney's "Woman's Invasion of British Industry," in order to grasp, if possible, the significance of woman's present position as an industrial factor.

Those who are interested can read all of this article of Brodney's, in "Current History," for April, 1916, published, as I have told you, by the New York "Times."

Here are these quotations, not in my words at all, but used in my argument, taken from Spencer Brodney:

"The excess number of women over men made marriage not the certainty it ought to be. After the war the number of marriageable men will be still smaller by reason of those lost in the war or crippled and invalided by service at the front. At the same time the men able to marry will be less likely to do so when good employment is scarcer and the cost of living higher."

Remember, he was dealing with "Woman's Invasion of British Industry."

Then I quote again further down, which Mr. Pitblado pointed out was in black-faced type. "But England, after the war, is going to be no land of faery, but one where illusions will be stripped aside by disconcerting realities. The war has shewn that there is apparently nothing a woman cannot do."—Spencer Brodney—not Pritchard.

"In fact it is conceivable that, apart from the necessity of having fathers for the succeeding generations, woman could get along quite easily without men."

Then it goes along to deal with the position of woman in industry: "The factories making munitions will, of course, close down as soon as the war is over, and the women, as well as the men, who have been drawn on for this labor will no longer be required. But there will still be the women in the other professional, commercial, and industrial occupations in which there will be no closing down. It is there that the great struggle will take place." Brodney says: "The readjustment to normal conditions will withdraw part of the women, but the outstanding fact will be that the number of female wage earners will be enormously greater than before the war, that many will have learned the meaning of economic independence, and in so learning will have acquired new ways of life and thought."

"The problem of unemployment among men will, as we have seen, be acuter than it has ever been. It will not be the only problem. There will be another. Great Britain, like the other belligerent countries, is suffering from a terrible wastage of manhood. The loss cannot be made good in less than a generation. But even then the nation's

supply of men will not be fully replenished unless it be possible for the women of this generation to become mothers."

Spencer Brodney is dealing with a social problem as a reader and observer of men and things. He was the editor of "Current History" for a time. In just recognizing the force of his argument, what was I doing, but assisting in the more general understanding of the nature of these problems? Showing what had been advocated in certain quarters. And this was quoted against me. It was what Spencer Brodney said. I was using it only as a quotation—not my own words at all.

"In some quarters it is urged that every woman able to fulfil her natural function should, as a duty, become a mother; and so, for this first time in Christendom, we get a hint that partial polygamy is to be pardoned in the interests of the State, and more boldly the demand that the unmarried mother should no longer be regarded as a sinner." Written by Spencer Brodney in "Current History," but used as evidence against Pritchard.

I am going from one point to another, gentlemen. This has all been put in here against me. Here again, "Scraps of Paper in History," by W. A. Pritchard: "Philip of Macedon and Athens."

Gentlemen of the jury, I have gone at some length, and possibly even to the point of exhausting your patience, into this question of the attitude of the workers here in Western Canada to the Russian situation. I have done so, gentlemen, for the reason that the contention of the Crown is, that at the Walker Theatre meeting, and meetings in Calgary, in Vancouver, and it may be in other places, similar resolutions were being passed dealing with this question, and asking for the withdrawal of troops from Russia, and by that process of reasoning, the Crown contends further, that since the acts of this Conference and the acts of that and the other Conferences all look alike, the conclusion to be drawn is, as Mr. Ivens said, that there was a conspiracy amongst the hens. And in making our position clear for demanding the withdrawal of troops from Russia, I have gone to some pains in order to put before you, if I could, our general viewpoint; and to show you that what we work-

men in this part of the Dominion were doing, was identical with the position taken by some of the leading men of the day; identical with the position of Senator Johnson of the United States of America; identical with the position taken by the workers in the I. L. P. Conference held in Huddersfield, Yorkshire, in April, 1919; identical with their Conventions in Glasgow and Southport; identical with the position taken by the Triple Alliance, the organization of the Railway Workers, the Miners, and the Transport Workers of Great Britain. The workers in all these organizations were against prosecuting a war against a country and a people when war had not been declared upon them.

And at the very same time when we were sending greetings to the workers of Russia, concerning which the Crown has made so much fuss, the same thing was being done all over Great Britain by the workers in that country, and they had even taken the position that if necessary drastic action be taken with respect to this particular question.

I have developed my argument also, to show you that the resolutions passed, concerning the political prisoners, the withdrawal of troops from Russia, and the removal of the censorship on certain scientific and religious works in this country, were similar to resolutions passed by the workers in the Old Land; and whatever language had been used, and whatever sentiments were expressed at these different times and places, that on no occasion was the language half so strong, half so forceful, half so incisive, as the language used in the editorials of the "Manchester Guardian" upon the same questions.

Censorship! In this connection I take a position which may involve a legal argument, and consequently I do not want to go into it lengthily. So far as you and I are concerned, I brought it to the attention of His Lordship, and rightly so, he doesn't consider it within his province to dispose of it. But I understand that an Order-in-Council is virtually a Statute, and I further understand that a Statute carries its own interpretation. I find an Order-in-Council put in here by the Crown as an Exhibit, and you will remember that I tried to deal with it in the early stages of this trial. This Order-in-Council—I cannot recall the exact wording of it—goes something like this.

On such a day, a certain postcard, entitled, "After the War," published by Charles H. Kerr and Company, at such and such an address in the City of Chicago, and other publications of the said Charles H. Kerr and Company, that have hitherto and may hereafter be published, are by Order-in-Council, by virtue of the War Measures Act, declared objectionable in Canada and placed under the ban.

It is funny to some of us, looking for the definiteness in an Order-in-Council which is supposed always to be in a Statute. Do you see what it meant to men who had to take works on sociology, works on ethnology, works dealing with organic and inorganic evolution, and various other pieces of literature which they had held in their possession for years for the purpose of studying, from off their shelves and destroy them? Some working men may spend a little change on beer; some working men may spend a little change on billiards or some other game, and some working men may spend a little change on books, and after ten or twelve years they have a library of books which they enjoy and that they read for themselves. Like a bolt from the blue there comes an Order-in-Council, and an entire library of fifteen years' collecting, is blown to the four winds. No other conclusion is left to the working man but that if the censor did not act maliciously, he acted from pure unadulterated ignorance. ,

The wording of that Order-in-Council still stands before me—"a post card"—and then with a long sweep of a mighty hand, "and other publications of the said Charles H. Kerr & Company." Do you see what it meant? Not "a post card and one other publication;" not a "postcard and some other publications," nor "a post card and all other publications." The thing was left hanging delightfully in the atmosphere. We look at it from one side and from the other—"a post card and other publications." Did it mean some other publications; or did it mean fifty other publications; or did it mean all other publications, and if it did mean all other publications, then why did it not say so; why didn't it have that definiteness that is always supposed to be part of a Statute?

So we took the stand at that Convention, in regard to the censorship, a stand that has been taken, I should say, by many other people, that the ban should be taken off those

world scientific works. Surely, gentlemen, if I have a copy of a book, "Fragments of Science," by Tyndall, published in Britain, and alongside of it I have the same book, "Fragments of Science," written by Tyndall, published by Charles H. Kerr & Co., should the Law say the one is banned and the other one is not? Where is the absurdity? In the book? And if it is not in the book, do you blame us for concluding that it must be in the Law? If I have a copy of Marx's "Capital," published in London, as far as the Law is concerned, that book can be on my shelf; yet, if the plates are taken from the place where that book was printed and used by Charles H. Kerr & Company, and the same book is produced, I cannot have it in my possession, according to Law. I have on the shelves of my library two volumes of Marx's "Capital"; one published since 1907, by Charles H. Kerr & Company, the other published in England, by George Allen, the same book, printed from the same plates! You see how it affected us. The Law says that the book published in Chicago is banned; if it is published in London it is all right, yet, printed off the same plates.

Under those conditions we had to protest and we did protest. And we came to the conclusion that the war being over, just as we did with respect to these conscientious objectors, that no more useful purpose could be served by keeping in existence an Order-in-Council of that kind.

Exhibit 938, "Shall Socialism Triumph in Russia," by John Reed. I don't want to take up your time by reading from that little booklet, although I have some parts of it marked up.

Then they brought in three or four copies of this: "Lessons of the Russian Revolution," by Lenine, Exhibit 868. What do I find on it? "British Socialist Party, 21a Maiden Lane, Strand, London, W.C., 2nd July, 1918." Then I find they, too, have a library of the following publications: "The Politics of Capitalism," by J. T. Walton Newbold, M.A."; "Karl Marx, His Life and Teachings"; "Marx and Modern Capitalism," by J. T. Walton Newbold, M.A.; address, "British Socialist Party, 21a Maiden Lane, Strand, London, W.C."

You remember I read to you from a little booklet, "76 Questions and Answers on the Bolsheviks and the Soviets,"

by the Rev. Albert Rhys Williams. You will remember they put this in as evidence of sedition and seditious conspiracy. You will remember how I read from this flyleaf that Albert Rhys Williams was a war correspondent in Belgium, and author of "In the Claws of the German Eagle." He went to Russia and for fifteen months lived in the villages with the peasants, in the Red Army with the soldiers, and in the industries with the workers. His travels took him down the "Mother" Volga and through the beautiful Ukraine on the Dneiper, then through all the great cities of Russia and over 6,000 miles of the Trans-Siberian Railway.

He addressed the soldiers at the front, the great mass meetings of the People's House in Petrograd, and the Cirque Moderne, and the sailors of the Baltic Fleet. When the Germans began the drive on Petrograd he organized an International Legion for the defense of the Red Capitol. In the Foreign Office of the Soviet Government he helped prepare the propaganda which was sent to Germany to stir up the revolution.

Some of his experiences Mr. Williams has written for "New Republic," "The Nation" and other journals. After his addresses in the Church of the Ascension, in New York, and at Fort Hall, in Boston, many questions were raised. Some of them are briefly answered here.

You will remember how two or three weeks ago I went through this book with you and carried point after point, and I do not want to trouble you with any further reading from this little pamphlet, except to bring to your minds just this one point. The question is set down here by Albert Rhys Williams: "Are Socialists the only ones who believe in the Soviets?" And he gives the answer: "No, all classes of Americans; Colonel W. B. Thompson, of Wall Street; Colonel Raymond Robins, head of the American Red Cross, who knew Lenine and Trotsky; Major Thatcher; Bessie Beatty, of the San Francisco "Bulletin"; Louise Bryant, of the Bell Syndicate; Madeline Z. Doty, of Harpers; Louis Edgar Brown, of the Chicago "Daily News"; Dr. Charles F. Kunz; Jerome Davis, acting head of the American Y. M. C. A. in Russia; John Reed, of the Liberator, and scores of others."

Here is an Exhibit put in by the Crown, No. 827, "The Russian Soviet Republic Speaks to President Wilson." This

was the address of Tchitcherin to President Wilson. It opens: "Note of Soviet Commissaire of Foreign Affairs, transmitted October 24th, 1918." It doesn't give any indication of where it came from. This is what I wanted to bring to your attention: "Mr. President: In your message of January 4th to the Congress of the United States of North America, in the sixth point, you spoke of your profound sympathy for Russia, which was then conducting, single-handed, negotiations with the mighty German Imperialism. Your programme, you declared, demands the evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure that best and freest co-operation of the other nations of the world in obtaining for her unhampered and unembarrassed opportunity for the independent determination of her political development and national policy, and assure her a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance of every kind that she may need and may herself desire. And you added that the 'treatment accorded to Russia by her sister nations in the months to come will be the acid test of their good-will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.'

"The desperate struggle which we were waging at Brest-Litovsk against German Imperialism apparently only intensified your sympathy for Soviet Russia, for you sent greetings to the Congress of the Soviets (March, 1918)"—a full year before our Conference in March, President Wilson sends greetings to the Soviets—"which, under the threat of a German offensive ratified the Brest Peace of violence—greetings and assurances that Soviet Russia might count upon American help."

Here I want to bring your attention to Exhibit 847; this seems to be a manuscript, headed "Another Glorious Victory." I am told it was found in the room of a man named Beeny. Some kind of stuff written up for the press and signed "Socialist Party of Canada, Local No. 3, Winnipeg."

The first paragraph was read by the Crown for the purpose of dealing with the Majestic Theatre, and Market Square meetings. It was something evidently written by

some member of the Socialist Party of Canada, dealing with this particular incident. It says: "A meeting called by the Socialist Party of Canada, first in the Majestic Theatre, and later in the Market Square, to pay honor to the memory of Liebknecht and Luxemburg, who gave up their lives as a culmination of their life-long struggle against Kaiserdom and its supporters in Germany, was on Sunday, January 26th, 1919, broken up by veterans of the war."

It goes on: "Another glorious victory has been won, the members of the Board of Trade, of the Grain Exchange, the Real Estate Exchange, and all the other organizations of the master class are joyful. The word passes around amongst them, 'we should worry about Bolshevism in Canada, why, the Great War Veterans are on our side against the working class. If those workers ask more wages the G. W. V. will supply us with men to beat them up or better still, will go to work in the strikers' places and with the help of their pensions be able to work cheaper.'" Arguments, apparently, he is offering in this article.

He goes on to deal with this incident: "Sharp at 2 o'clock the members of the G. W. V. Association, as so carefully advertised on their notice board for days before, assembled at their headquarters in the London Block, Main Street, and some hundreds strong marched down to the Market Square as they tersely put it 'to beat the speakers up.'" Without reading all the way through, this writer refers to the incident as anarchism, and refers to the individuals that were engaged in this business as anarchists. "Not being able to satisfy their blood lust on the Market Square, like the real anarchists they are, they then marched to our headquarters on Smith Street to destroy our belongings. We see then the difference in tactics between the anarchists and the Socialist who propagates his ideas amongst the workers in order that they will capture the political powers, so that by legal means they will be able to take over the property of the capitalist class to be administered in the interest of all the people, whereas the anarchist in the flush of his glorious victory proceeds to destroy property."

This thing then goes on to deal with the position of the Labor Party.

Now, gentlemen, I am going to deal with some of that correspondence, but I think perhaps I had better leave the argument until after supper.

THE COURT: Yes, we will adjourn.

(Court adjourned at 6 p.m., March 24th, 1920 to
8 p.m., March 24th, 1920).

March 24th, 1920, 8 p.m.

MR. BONNAR: I think possibly it would be as well to let the court and jury have an idea about where we stand in the case, My Lord, it might be interesting to the jury, especially. Mr. Pritchard has become practically exhausted and will endeavor to close his address tonight. Tomorrow, Mr. Heaps will address the jury, and if there is any time left over after Mr. Heaps gets through tomorrow, some of the accused would like if I would occupy the balance of the evening in addressing the jury, myself. I thought possibly I might not address the jury at all, but if there is time they would like that I should address the jury for a couple of hours.

HIS LORDSHIP: We would be very disappointed if you did not.

MR. BONNAR: I thought you would be very glad. However, we are going to try and close the addresses tomorrow night, so that the jury can get away this week.

HIS LORDSHIP: That is Thursday.

MR. BONNAR: That is Thursday. I thought they would like to know they might be certain to get away home on Saturday.

FOREMAN OF JURY: That is joyful news, My Lord.

HIS LORDSHIP: I thought you would object to that. I have not any home to go to, so it does not matter to me.

MR. BONNAR: That is your loss, My Lord.

MR. PRITCHARD: I am agreeing with you again, My Lord. Gentlemen of the jury, I do not want to tire you. I feel I am tiring myself. I am tired in my mind and I want

to cover what remains in this vast amount in the shortest possible space of time. It is a physical impossibility, gentlemen, to go through every single item and deal with it and I have done my best to take what I consider to be the most important features as presented by the Crown and riddle them to the best of my little ability, and if it can be done in one instance, could it not be done in the others, gentlemen? And I shall have to make a summary a little later on on the points that have been established.

The Crown endeavored to convey the impression when a man by the name of Knight came down into Winnipeg to address a meeting on behalf of the O. B. U., then and there, between him and Russell, there passed something by means of which they intended to use the Metal Trades Dispute to bring about a general dispute. Knight came here in response to a telegram asking that he come to address the meeting and the telegram is Exhibit No. 55, sent by Russell on April 16th, to Berg. It says: "Wire reply if Knight can address meeting, Winnipeg, Sunday, first, seven p.m. Will bear all expenses." In reply to that: "Joe has arranged meetings for Miners at Canmore for Sunday, but if you think more good can be done by him going to Winnipeg he is willing to go. Miners are solid and do not need to be worked. We understand that the Manitoba vote is taken. Wire reply. We leave you to judge as to where he is to speak on Sunday. Berg." He understood that the vote of the Manitoba Unions had been taken. In reply to that, Knight was going to Canmore, but was willing to cancel that date if it were thought that he might do more good in Winnipeg, but understood the vote was taken. A matter of explaining to the workers the new form of organization. The reply to that went back from Russell to Berg: "Important that Joe speak here Sunday, Manitoba vote not taken." That is the slender bridge my learned friend, Mr. McMurray, told you had been constructed by the counsel for the Crown. Knight came here and there was the sinister purpose, and these telegrams, gentlemen, I contend, upon the very face, show the reason for Knight coming here; but before ever Russell sent a telegram asking Knight to come here to speak to the workers, he sent a telegram on April 15th, that is the day before that other telegram, to Midgley, Secretary of the Trades and Labor Council, Labor Temple, Vancouver, B.C.: "Wire at once if Pritchard can come to Winnipeg to address a meet-

ing on the O. B. U. on April 20th. Will pay all expenses. If he cannot come, ask Kavanagh if he will." The contention of the Crown, possibly, gentlemen, is that some member of the Executive Council, provisional Executive of the O. B. U., should come here at Russell's request—they were holding a propaganda meeting on the O. B. U. Knight came, as I have shown you with these wires, but before they asked for Knight, they sent that wire asking for Pritchard—Pritchard, of course, was a member of that provisional Executive—but if Pritchard cannot come, ask Kavanagh. It was a matter of getting a speaker. Kavanagh was not a member of that Executive Committee. What was the reply from Midgley: "We cannot spare either P. or K."—that, we contend, means Pritchard or Kavanagh—"they have more than they can attend to here for the next month, Midgley." If they were a part of this great conspiracy, gentlemen, would it not be known between these individuals, and if Russell wired for Pritchard to come and address a meeting, and if, as the Crown contends, instead of that, Knight came, and Russell and Knight made certain arrangements, if that be the contention, gentlemen, and if we had all these sinister motives of which we have been accused, would any job that we had to do down at the coast have kept us away—more work than we needed—could not come. That is that correspondence. I have dealt with some of the literature. It is a mighty big task. I am going to argue this, gentlemen, all this collection, various kinds from all over the place—here seven men stand before you—and I am going to argue, gentlemen, with all this mass of stuff in front of you, when all comes to all, what did they get in Queen's house? Follow the evidence. What did they get in Heap's house? What did they get in Johns' house? And even if it be such a terrible thing—yes, let's admit it—what did they get in Pritchard's house? What did they get in Armstrong's house—Socialist lecturer in Winnipeg? Where is it, gentlemen? Here in this court? Where do you find it? What did they get in the houses of the accused brought here together on trial for this conspiracy? Practically nothing. And then, all this matter of correspondence alleged to be between different people brought in front of us, face to face with us, we have to deal with correspondence and I can only deal with that correspondence as I have tried to deal with the literature. It is a physical impossibility to encompass it all. I am going to contend that if we make a breach—if we make these

irreparable breaches in the battlements of the Crown's fortress—we have established our case. Run over these. All these letters have gone in. Letters alleged to be from Stephenson to Russell, April 9th, 1919. It says: "The O. B. U. is the only topic of conversation here among comrades and Trades Unionists. It looks to us like an easy thing for the Industrialists. From all we can gather, the Unionists are voting fairly solid in favor." A man by the name of Heilingher, Ottawa, writes to Stephenson about economic classes; Stephenson replies, January 24th, on classes and necessity for education. Then Lawson, Calgary, to Stephenson, January 28th, 1919, re Calgary meetings, he says: "Mass meetings by Trades and Labor Council and the Forum." You remember a little argument as to whether certain meetings at which I spoke in Calgary were really held under the Socialist Party of Canada, or whether this particular meeting was a meeting of the Forum. Here, January 28th, 1919, Lawson writes to Stephenson about meetings by the Trades and Labor Council and the Forum, Russell, of Edmonton, and the Rev. Irving, speakers, and in taking the letters at great length as I did of Beattie's gentlemen, and explaining them, I tried to demonstrate our position with respect to this correspondence. And Stephenson writes to a man by the name of McGregor, of Detroit, March 3rd, 1919. He says: "Quite a number of our comrades are slated for the Western Congress of Labor Unions, to be held at Calgary next week and we intend using them to make a noise about the suppression of our paper and revolutionary literature in general. It is a forlorn hope, but we must do something and we may get some result from it." And Stephenson writes to Heilingher—I am taking random shots at passages in all this correspondence—"We are delighted to read you were successful in keeping the educational classes going." And Stephenson writes to a man by the name of Robinson, Winnipeg, March 28th, 1919: "Could you prevail upon any comrade in Winnipeg to write an article of an educational character," and Heilingher writes to Stephenson, March 30th, on the necessity of education. Then there is a letter from W. A. P. to Russell, which Mr. Andrews used in his address to you, gentlemen of the jury, and tried to make something out of it: "This burg is ablaze over discussion of the new form of organization." One Trades Unionist writing to another Trades Unionist about Trades Union matters, that the burg was ablaze, that

is to say, in Trades Union circles this was the main topic of conversation. Is that what you would read in it? The letter goes on to say: "The reactionaries are fighting hard, but we think we have the drop on them from now on." Mr. Andrews dramatically stated: "Think of it, gentlemen, 'we have the drop to them now.'" The letter didn't state that. The letter didn't state we have the drop on them now. He had just read the letter to you, quoted from the letter, and then turned it around right afterwards. The reactionaries in the Labor Movement fighting the new form of organization that we considered to be more efficient, more up-to-date, more in keeping with the needs of the times for the purposes of the working class in their every-day fight over the bread and butter question, the reactionaries fighting against us; not "We have the drop on them now," but "We think we have the drop on them from now on," that is to say we had beaten them in the argument. Then W.A.P. to Russell, March 25th, contains business references to the O. B. U., no reference to the Socialist Party of Canada. Then from Russell back to W. A. P., March 31st, a letter dealing with the O. B. U. and no reference to the Socialist Party of Canada. Then there is a wire from Russell to a man named Thomas, which refers to the Federated Trades and Railway Shopmen's Disputes. Then there comes one already referred to, from a man named Dickie to Russell that "I see from the press reports" you are so-and-so and so-and-so, and, gentlemen, here we stand accused of a common design, conspiracy, common design and charged with a number of overt acts as set out in various counts of the indictment which are presented as ingredients of that conspiracy. We find Ivens, we will say, the Pastor of the so-called Labor Church, a member of the Labor Party, we find Queen, you heard Queen and his testimony, he can speak for himself, Heaps, Armstrong, whom the Crown contends is a lecturer for the Socialist Party of Canada, Johns and Pritchard working together hand in hand, in common agreement to carry into effect a seditious intent. Midgley, Secretary of the Trades Council in Vancouver, March 31st, 1919, writing to Russell, says: "Our local press is, of course, giving considerable space to oppose the One Big Union, and we find that where formerly they used to object to 'Foreign Agitators,' as they used to term the International officers coming over here, they are now slobbering all over them and telling the public how necessary the International offic-

ers are to 'the Labor Movement.' Old man Kingsley"—referring to some person down in Vancouver—"Kingsley is bucking the new movement from the old 'commodity struggle' standpoint of the Socialist Party of Canada; he and Armstrong would make a good pair. Yours for the O. B. U."—and the Defense contends that the Armstrong referred to in that correspondence is the same George Armstrong here accused, and Russell replies to Midgley respecting this point that Midgley raises about Kingsley bucking the new movement. Midgley says that Kingsley and Armstrong would make a good pair and Russell writes back and he says: "Yes, Johns and I are going to debate the matter with Armstrong and Patterson. We think we can put it over them. His position is so punk." Russell and Johns and myself linked together here in this indictment in common design with Armstrong who with Kingsley would make a good pair; Kingsley, who is bucking the new movement, and Russell says we are going to debate with him (Armstrong) and we figure we can put it over him, his position is so punk. Midgley writes to Russell, on April 21st, concerning that Japanese fan that they stuck in the "Western Labor News" here; you saw it, with the lines going all out like the sun rising, division marks, and he says, "the Australian plan is of doubtful value"—can we get that letter and see just what it is, I would like to deal with that at length.

Then a fellow in Edmonton by the name of Maquire writing to Midgley, on April 24th. He says: "I know that at present the O. B. U. is not organized." Then we come to this man Berg. You can go through that report of the Calgary Convention and you will find that the committee that has been spoken of, the committee of five, were elected by the general vote of the entire Convention and then it was decided for the purposes of carrying on the necessary work in each of the provinces that the delegates for Manitoba should meet in a room, we will say downstairs, and elect their own Provincial Committee, and the workers from Alberta should meet up in the gallery and elect their own Provincial Committee and that the Provincial Committee of the B. C. Federation of Labor would constitute the Committee of B. C. Saskatchewan would do the same. Berg, along with others, was elected to the Alberta Committee by the votes entirely of the Alberta delegation and not by

the votes of any other part of that Convention. Berg turns out a paper which is put in here, dated April 4th, and read with gusto and used with delight by the Crown. Gentlemen, just as I objected to some of that literature, which I claim to be father's, I made an objection here. I did it sincerely; you can make your minds up about that.—I objected on the ground that a wire which I sent to Berg might help in clearing the situation if the Crown would put it in. Was there such a wire, gentlemen? Was I acting in good faith? If there was a wire, gentlemen, is it this wire that Berg himself refers to in writing to some other person, I just forget who it was now—I have it here in Exhibit 904. What did he say? Here it is: "We consider your article 'Spectre of Industrial Unionism,' foolish in issue of April 4th. Reads like I. W. W. sabotage philosophy." I went to great lengths to explain to you what I meant by sabotage and told you how I stood in opposition to it. You will remember that I read that to you, gentlemen, early in the trial. Mr. Andrews, in dealing with it in his address to you, said: "Yes, but Pritchard did not read the paragraph that followed." I will leave it to you, gentlemen, whether I did or not on that occasion. I am going to read it now and I am going to emphasize the point in it that I tried to emphasize on that occasion. Here is the paragraph that follows: "I got a letter today stating they were sorry that I had taken the telegram so seriously." He is very emphatic about the wire, "here it is," and he quotes the words exactly, but he does not quote any words from the letter, just gives an impression. Throughout this man's correspondence, you will find he is sore. He works his spleen against what he calls "his ballot box friends," and in that correspondence, too, you will find that he took umbrage at the fact that he could not get and did not get his particular ideas worked up into the constitution of the O. B. U. in the Convention in June. He says: "They know that I was working hard and for the best of the movement, that they appreciated my work and that they had told members of the Committee everywhere that if we had two or three Bergs in every province that it would not be hard to win, but that they did think at the time that the article mentioned was not good." And then he makes a kick, he does not want to see the O. B. U. used as a cloak for any political purposes. Commences to accuse people, he says: "I do tell you, Bill, we have got to be on the lookout for any political moves

and we do not need to expect that all of our old political friends have turned Industrialists over night." Then he refers to this copy of Russell's paper in another letter, Exhibit 908, of May 9th, written to a man by the name of Kolling: "I am sending you a copy of Russell's paper. You can see that he has taken a lot from our own paper, even the 'Spectre of Industrial Unionism.' He is liable to get expelled by that bunch who are opposed to such literature." Then again, May 7th, Exhibit 907: "Manitoba Committee has issued a Bulletin and they have copied"—and so on, and so forth—"Even the headings, and what will the politicians say, and they have even copied the article 'Spectre of Industrial Unionism' and put it in the first issue. More foolish people. I wonder if they will also get a wire." The paper was published on April 4th. Berg wrote that letter carrying the copy of the wire on May 1st. Then, sometime between April 4th and May 1st, that wire must have been sent. Does that show my intention? I want to come back to that when I deal with another piece of literature that has found its way here. Here is the letter in full from Midgley and the part I wanted to deal with on this Australian plan, what I call the "Japanese Fan": "Wells has received a good diagram of the Australian plan of organization, will probably run it in the next issue, but must say I do not care much about it. We have discussed several times here the idea of drawing up some concise plan of organization, and also the idea of drawing a diagram of the proposed plan of organization, but we always come back to the idea that this new form of organization is not something that is going to be wrapped around the Labor Movement like a new suit of clothes, it will necessarily be a matter of growth and you can no more draw the plan of the growth of it than you can draw a plan of the growth of a tree. Conditions and circumstances will determine what form the organization will ultimately take." The Crown brings in a reported speech of Knight at the Miners' Convention. I do not want to go over that, but look over the report of the Western Labor Convention, look over that report, gentlemen, and you must be forced to one of two conclusions, the report is either very badly taken or else the speaker was laboring under some great excitement—most peculiar grammar. The only thing that struck me in the address, a little more than usual, that he told you that from that report Knight said: "Lenine was a Bolshevik, I have his works since 1903," and

yet the report says "Lenine was a politician." It may have been a slip of the tongue, I do not know. I read to you at great length that letter Stephenson sends to Fillmore, showing how we should take the development of the Labor Movement in the British Isles as providing very valuable lessons for us, as he thought the conditions there more nearly approximate to the conditions here than those of Russia or Germany, and then there is a letter the Crown makes so much of which they contend is from a man named Breeze to Stephenson, about the meeting or the reputed meeting in the Market Square here in Winnipeg. Right in that letter this fellow says they were unable to get the theatre so there was no intention of holding a Market Square meeting and a few members took it upon themselves. Then they take other correspondence and they play upon it like a man plays upon a piano. A fellow by the name of Johnston writes to Stephenson—there may be all kinds of these people, I suppose at least half a dozen of them may be found in the Dominion of Canada. They may write to Stephenson like Beattie did (and I dealt at length with Beattie, gentlemen). This fellow, Johnston, says on the 20th of January, 1919: "It is only a question of time now, of that I feel confident, a time that is measured by months and not years, when the workers will have to make a forceful and bloody decision whether they will remain under the oppression of the master class or secure their freedom for all time." That was used to great advantage by the Crown. Their agents go into the houses and into halls and seize this correspondence and literature. Gentlemen, where is Stephenson's reply to that letter? It is marvellous that replies of Stephenson to two of the letters could be found; most marvellous that letters of Russell and replies to Russell's letters could be found. Gentlemen, you may understand what they say; can you understand every word they do not say? Where is the reply of Stephenson to that letter of Johnston's, of January 20th, 1919? It is not here. To one of two conclusions only then can you come; either that Stephenson did not deem it necessary to reply to the letter, in which case it is robbed of the importance given it by the Crown; or, if he did, that the Crown's agents seizing these files of correspondence, finding the letter, discovered that they could not use it and, consequently, we do not find it here. Then they say: "Oh, well, but you could have introduced it as part of your defense." But if a man

comes into your place and takes a file of your correspondence, selects a few pieces for his own purposes and that is the last you see of it, what kind of logic is it then to accuse that man of not using the rest of the correspondence on that file? That letter is not here. Either there never was an answer to that letter, gentlemen, or else it was an answer such as might possibly have helped the defense in this case. Stephenson writes to Johnston, that is the same Johnston, later on in the year, four months afterwards, April 2nd, 1919, so the correspondence does not seem to have been broken, yet we cannot discover that missing link. Here is Exhibit 393, Stephenson to Johnston, April 2nd. I told you, gentlemen, the correspondence didn't seem to be finished and it would appear that Johnston must have sent another of these blood-curdling letters to which Stephenson, in a letter, replies: "Give it time, social revolutions are bound by their very nature to move slow." I dealt with those gradual changes in human society, gentlemen—"So we must have patience and saw wood." And this fellow, Hanwell, Exhibit 255, writes to Stephenson and he speaks of the evolutionary process in Europe and then he, too, like other workers, some of whom think that the time for political action has passed, says: "I cannot give you the view of our other comrades here." In reply to that, Stephenson says the working classes have to make a big jump mentally. A big jump mentally! That is to say, there must be a change in the ideas of the majority of the workers in order to be able to convince the majority of the people that our programme or tactics are correct. He goes on: "We are still corresponding with Ottawa on the matter of the "Clarion," trying to get them to specify in what we have offended, but so far without results, evasive replies all the time." Then this rather wild-eyed revolutionist of December 1st, 1918, Hanwell, writes to Stephenson. He says: "I certainly enjoyed the trip to Calgary. It sure is a treat to meet so many comrades. Whether the time is ready for the One Big Union is a matter which only time will tell. If we judge things from these small places, there sure would be no hope. There seems so few that are able to watch the great events that are taking place so rapidly in the world and understand them." So that this great revolutionary enthusiast of December, 1918, when he got to March 27th, 1919, was not even sure if the time was ripe for an Industrial Organization like the O. B. U.

Here is another letter that the Crown made quite a lot about and you will notice, gentlemen, it is very facetious, very. Heilingher writes to somebody, to Bennett, a man by the name of Bennett, Vancouver, June 4th, 1919. He says: "I suppose we will know when the revolution (?) commences. I am anxiously awaiting and doing my little bit towards it by enlightening the slaves I can. Somehow or other I am too pessimistic. I wish it came already and not make me wait. The freaks—(He refers to those other fellows that disagree with him as "Freaks")—"the freaks we have around here are sure of the Canadian revolution in a month. Can you see it come? Wire me, please, if you see it come from your direction. The slaves are quite content with the latest increase in pay and promised eight hour day in the sweet bye and bye. Some few machinists are on strike, but who bothers and why should anyone that do not belong to our Union. Some slave solidarity, eh? Much chance here for the O. B. U.?" The whole trend of that letter shows that fellow is dealing with the thing facetiously.

I have not dealt very much at all, gentlemen, with the Winnipeg strike. Mr. Andrews, in his address, said that I did not appear here myself until after June 10th, and the evidence has shown that these men were arrested in the early morning of June 17th. I was arrested afterwards so that I must have left Winnipeg before June 17th. You can please yourselves as to how long you think I was there. There is the evidence, came into Winnipeg some time after June 10th and left Winnipeg some time before June 17th. The evidence shows that I addressed a meeting of the so-called Labor Church along with the Rev. A. E. Smith, of Brandon, and J. S. Woodsworth, of Vancouver.

I want to make this point clear, gentlemen, respecting these men that go to meetings and take notes and then come back the next day and write them down. And that report of Sergt. Reames, who seems to have been the head of the Intelligence Department in Winnipeg, and who went around to Mr. Ivens' meetings and took notes of what was said, took notes of other meetings. And what did he say? In Volume One, Page 87, of the Preliminary Hearing Evidence, in so far as his report deals with the Labor Church meeting of April 6th, 1919: "It was not very interesting as

far as I was concerned (Page 100) I wrote down the most objectionable"— —

MR. ANDREWS: Was that evidence given here?

MR. PRITCHARD: That was out of Sergt. Reames' report.

MR. ANDREWS: The accused, My Lord—perhaps he doesn't know he shouldn't do it—is referring to evidence given by Reames at the Preliminary Investigation.

HIS LORDSHIP: No, he cannot do it.

MR. PRITCHARD: My Lord, if Reames gave evidence of a written report in the Preliminary Hearing, I would take it it would be the same report that he would give in evidence in this case. It is a written report of a meeting. He surely would not have a written report for the Preliminary Hearing and then come and read another report of a different kind in giving evidence here.

HIS LORDSHIP: If the depositions of the Police Court are filed, if they are in, if they are part of the evidence in this case, all right, but if they are not made part of the evidence in the manner prescribed by Law, they are not evidence at all. Some times the depositions of the Police Court are put in through the process of the court.

MR. PRITCHARD: Before I proceed, My Lord, I would like to be clear on this. I understand that Volume Three of the evidence at the Preliminary Hearing is in as an Exhibit in this case. I have it down here as Exhibit 694. My notes may not be correct.

HIS LORDSHIP: It may be in as an Exhibit.

MR. PRITCHARD: There are 1,010 Exhibits.

HIS LORDSHIP: That would be 1,011.

MR. PRITCHARD: Perhaps my learned friend, Mr. Andrews, can assist me in that.

MR. ANDREWS: Where I think Mr. Pritchard is under, perhaps, a misunderstanding of the fact, there was certain evidence put in which was found in that volume. It was not torn out, it was read to the jury and as read was taken down in the reporter's notes here, I presume. .

HIS LORDSHIP: The depositions were not read?

MR. ANDREWS: The depositions.

HIS LORDSHIP: That may have covered the part Pritchard wants to get out now.

MR. ANDREWS: No, My Lord, Reames was a witness called on this trial. He is reading from Reames' deposition.

HIS LORDSHIP: But if Reames was called on trial, there is a way in which the Police Court depositions may have been put in.

MR. ANDREWS: It was not.

MR. PRITCHARD: As I recall it, My Lord, Sergt. Reames read from his report to refresh his memory and then gave it out to the court, in fact, afterwards, he was practically allowed to read from that report.

HIS LORDSHIP: These were not put in.

MR. PRITCHARD: He gave it as evidence, My Lord.

HIS LORDSHIP: But the actual reports, I do not think, were put in, because Mr. Andrews could not put them in.

MR. PRITCHARD: I understand that, My Lord, but this is my position. If he read from those reports right along, read from those reports, then the very reading from those reports made it evidence.

HIS LORDSHIP: Made what?

MR. PRITCHARD: What he said.

HIS LORDSHIP: What he said would be evidence, yes.

MR. PRITCHARD: My contention is, My Lord, that he said this from these reports, from the notes that I have made. My recollection is that he said these things from these reports.

HIS LORDSHIP: You are perfectly right in saying he had those reports here and he was referring to those reports.

MR. PRITCHARD: My recollection is, My Lord, I have not been able to get copies of the evidence run off, but my

recollection is that these items that I have taken down in my notes were given by him after reading from his notes and then it was stated to the court as evidence. That is my position, My Lord, that I am taking it as evidence given at this trial.

HIS LORDSHIP: Mr. Andrews said something to me about the Police Court.

MR. ANDREWS: The accused said: "I am reading from the depositions taken at the Police Court." He was reading something which manifestly would not be in this report. It was a remark apparently supposed to have been made when in the box at the Police Court as to the nature of the evidence he had taken down.

HIS LORDSHIP: You cannot read from the Police Court depositions unless the depositions themselves were put in. It may be hard to understand, but that is a fact.

MR. PRITCHARD: Still, I have down here "Exhibit 694, Volume Three of the Preliminary Evidence, Judge's copy."

MR. QUEEN: I understood, My Lord, that Volume Three of the Preliminary Evidence went in as an Exhibit.

HIS LORDSHIP: The records will show, I do not recall it.

MR. PRITCHARD: This is a copy of the record I have, My Lord, so I am instructed.

HIS LORDSHIP: I could not keep track of everything done in this trial, I leave that to counsel. I have here, Number Three, it is marked as an Exhibit, I do not know why.

MR. ANDREWS: It happens that the evidence of the first witness that was read was contained in Volume Three.

HIS LORDSHIP: I do not know why. You had better get the notes. Apparently that whole book was an Exhibit.

MR. PRITCHARD: That was my understanding, My Lord.

MR. ANDREWS: Perhaps this will recall it to Your Lordship's mind. It was necessary for us to prove a copy of the evidence that was given by the witness, I think it

was Mr. Parnell, and in order to prove that we read a copy from that volume and at the end is found a certificate of the magistrate referring to the contents of the document.

HIS LORDSHIP: Is it that book that is marked as an Exhibit.

MR. ANDREWS: The book should not be in; what should have been marked was Edward Parnell's evidence which appears in it. That is what was read. As a matter of fact, the Crown would not object to having the whole book in.

HIS LORDSHIP: Without the record, I cannot tell anything about it. Get the reporter's notes.

MR. ANDREWS: The defense would never have permitted us to put in this volume of evidence.

MR. PRITCHARD: My misconception has arisen from the reading of the record.

MR. QUEEN: Did Mr. Andrews say the defense would not allow him to put it in, as evidence?

HIS LORDSHIP: There was an awful fight about putting in something that is in that as evidence.

MR. QUEEN: The defense knew that the whole of Volume Three was going in, if Mr. Andrews didn't know, and they saw it go in.

HIS LORDSHIP: Get the reporter's notes; you will probably find out as to what went in.

MR. ANDREWS: Your Lordship knows how difficult it is to get the reporter's notes; probably by the time the trial is over we will find out. Your Lordship can see at once it was not admissible as evidence, could not have been without the consent of all the accused and the matter was never under discussion at all. They objected to the evidence even of Parnell.

MR. QUEEN: I remember that, too, but Your Lordship will remember the objections were all over-ruled.

HIS LORDSHIP: If I had the reporter's notes I could find out what the record was. I am not going to hear argu-

ments or waste time on it. You certainly could not put it in if there was objection to it. Mr. Andrews certainly had no right to put it in, but things sometimes get in without any right.

MR. ANDREWS: We can very shortly settle this if the accused now say that they consent to this being treated as evidence, I will be very glad.

HIS LORDSHIP: Well, some of the accused are not here; they might claim a mis-trial on that very point. If they want to mark as an Exhibit something they have not a right to put in, I cannot watch.

MR. PRITCHARD: It might be possible, My Lord, if Counsel for the Crown would agree that Sergt. Reames read his report as evidence in this case, that would allow me to continue my argument without bothering any further. It is just a matter of making some agreement so that I can go on.

HIS LORDSHIP: If he read his report it would go in as evidence.

MR. ANDREWS: Part of Reames' evidence is contained in Volume One, and part in Volume Three.

MR. PRITCHARD: The part I want to use, My Lord, is Volume Three, which is marked on the record as an Exhibit, and I am not worrying about Volume One.

HIS LORDSHIP: The book ought not to be in. It is placing evidence against the accused the Crown has no right to place against them; anyone could object to it.

MR. ANDREWS: There were at least six witnesses called at the Preliminary Hearing who are not called as witnesses here, evidence which was not given here.

HIS LORDSHIP: Yes, if the book is in as evidence, the whole book, it is absurd. The Crown had no right to put in as evidence in this case, matter taken at the Preliminary Hearing. You, however, could get it in if you want it in the course of the trial, but for the Crown to put it in would be absolutely unfair. I would never have allowed it. The only way the Crown can get the evidence taken at the Preliminary Hearing in here is to show that the party who

gave evidence is beyond our border or too ill to attend the province.

MR. PRITCHARD: All those considerations operate, My Lord. My understanding was that Mr. Andrews was willing that we should refer to any part of the Preliminary Hearing evidence that might assist us.

HIS LORDSHIP: Oh, no, no, that could not be because we could not allow you to refer to that and not allow him to refer to it. Of any understanding, there is no trace on my mind at all. It would have left a trace because it is the first time I ever heard of it being done. I do not know what points you are trying to make. I will allow you to tell us what points you are trying to make, I will allow you to tell.

MR. PRITCHARD: I would not like to do that, My Lord, in front of the jury. If I were to tell you the point I was trying to make, I would not proceed any further. If Your Lordship would like to see the point I want to make, then I would like to show it to Your Lordship.

HIS LORDSHIP: Do you want to show that he read this in the Police Court?

MR. PRITCHARD: I want to show the general attitude, the lengths to which these men go to collect evidence.

HIS LORDSHIP: Do you want to use the evidence given in the Police Court?

MR. PRITCHARD: I want to use the words that he had in his official report which he used in the Police Court.

HIS LORDSHIP: Well, if you want that book in—as I said before I do not want any argument about it, there is a record and the record will show what is in. I am through with it, I am tired of trying cases where I cannot find out what is being done.

MR. PRITCHARD: My Lord, I recognize the difficulty in this case in all this vast amount of Exhibits, but if my colleagues are in agreement that this should go in, that was the understanding, they thought it was in, so I do not see why they should object now when it depends upon their assent.

HIS LORDSHIP: Unfortunately Armstrong is not here and Heaps is not here.

MR. QUEEN: It was my understanding all along that Volume Three was in and while Mr. Andrews was addressing the jury I understood he could have made reference to this Volume three, that it was at his disposal.

HIS LORDSHIP: I do not want to have any more argument about it; I will get the reporter's notes and find out. No doubt, Mr. Andrews said what he was putting in and no doubt the reporter has it. I am not going to decide the thing on what one man understands. It would be an unheard of thing to allow him to refer to that.

MR. PRITCHARD: If Your Lordship would allow it, I would leave this point, let it go, and if we consider it necessary to come back to it, then, if we discover the reporter's notes or anything, we can do so. I do not want to waste any valuable time in this fashion.

HIS LORDSHIP: Very well.

MR. PRITCHARD: Now, gentlemen of the jury, I have tried to give you, in a more or less haphazard fashion, some of my views. I have tried to explain to you some of my actions; have tried to show you a little of the history of the Trades Union and the Socialist Movements; I have tried to deal, to some extent, with certain parts of the literature; I have gone into points in connection with the Socialist Party of Canada; I have taken you over the charter application form for new locals, where the men signing that form (or the women) subscribed to a pledge by which they said they would maintain and enter into no relations with any other political party, that they would support by voice, vote and all other legitimate means the ticket and programme of the Socialist Party of Canada; I have gone through various parts of this evidence to show our standing with respect to parliamentary action and that it surely is not our fault, gentlemen of the jury, if we have not put up any candidates since the last election. I have tried to show as clearly as I can what we mean by the words, "Class Struggle," the fight that goes on all the time; what we mean by the term, "Revolution," and you might recall the quotation that I gave to you from Ingersoll: "To teach the alphabet is to inaugurate a revolution." You might be able to understand the term

better when you take it in conjunction with that quotation from Ingersoll. You remember Mr. Ivens quoted Wesley as saying: "The world is my parish." I could quote Paine, Thomas Paine: "The world is my country, to do good is my religion, the time to be happy is now and the way to be happy is to try and make others happy." Those terms that have been picked out here and there by the distinguished counsel for the Crown, "Class consciousness," "Class struggle," etc., appear in other works on the subject; they appear even in the matter that I read from Dr. Bonger's remarkable work, "Criminality and Economic Conditions." And what do we mean after all, gentlemen of the jury, by "Class struggle"? A fight, a struggle, between classes. You could not imagine a cat struggle without it were a struggle between cats. We contend that in the great system of purchase and sale, everyone who sells wants to sell of what he has to sell as little for as much as possible and everyone who buys, wants to buy as much as possible for as little as possible, whatever the commodity may be that is up for sale. We contend that the workers as they offer themselves for wages by the hour, by the day, by the week, by the month, are selling something, selling their energy, the only thing they have for sale; but as they sell that energy collectively through their Trades Union, like everyone else who sells something, they desire to sell as little of that energy for as much as possible; and the master who buys that energy wants to buy as much of that energy for as little as possible, so that between those two bodies or classes with those contending opinions, with those conflicting views, there arises this struggle, the struggle between those who buy labor power and those who sell labor power. The struggle between classes—class struggle—just as you get a struggle between those who sell eggs and those who buy eggs. It may not appear upon the surface, but down beneath it exists just the same. In this respect, when we come to deal with the nature of the Trades Union Movement, it is possible that the gentlemen who represent the Crown in this case might not take any statement from me on this point without the weight of the authority of some eminent member of their craft. I want to refer them to Sir James Stephen's "History of the Criminal Law of England," (Vol. three, Chapter 30, page 218) where speaking of strikes he says: "Every strike is in the nature of an act of war; gain on one side implies loss on the other." Sir James Stephen on strikes! Where you

have buyers of labor on one side and sellers on the other, you find a conflict of interests. A strike, I suppose, gentlemen, is what the counsel for the Crown would call an overt act—I don't know—in this conflict of interests. Yet, because someone writes a letter to somebody else saying we must get in all the propaganda we can, twenty-four hours in the day, somebody else writes to somebody else with their notions, the Crown collects all these little things, puts them together and then tell you, gentlemen, that we spent our time preaching class hatred. When Mr. Andrews made one of his strong points, he declaimed dramatically: "It is a foul lie;" when he says we preach class hatred, gentlemen, I tell you that is a deliberate misrepresentation. Again, from Sir James Stephen's "History of the Criminal Law of England," (Volume three, page 208) he says: "In the process of time," (this is referring to the regulations and Laws re wages and places of residence of certain laborers and mechanics) "In process of time this became inconsistent with the altered circumstances of society." (The very thing I have been trying to bring to your minds here for the last two days: "Altered circumstances of society," altered by the very fact that the production processes themselves have continually undergone alteration, because that machine changes all the time; that they themselves have changed and the circumstances of society have been altered by virtue of the fact that the means by which society lives have been altered.

Now, gentlemen, after two days from 10 in the morning until 10 in the evening, I am beginning to feel a little brain fag. You may be in the same position. I would have liked, and I think I would have been able to do it had it been possible within the confines of physical endurance, to have gone minutely over every scrap of this stuff here, but I find it cannot be done. I will have to leave you with the points that I have been able to establish. Gentlemen, you may have been in a vaudeville show, you may have gone to a circus; you must have seen the acrobat on the trapeze throwing himself through the air from one bar to another, turning somersaults, cool, confident, catching himself by his toes, while the audience is held spell-bound; does it naturally, without any worry, without any trouble, without the slightest hesitation. Habit, gentlemen, habit, training, the doing of those things day after day until he

does it just like rolling off a log, just as the saying is, does it as naturally as a man rolling off a log. Training, training of the mind, does not worry about it. Suppose I were to go down onto one of your farms and I took the lines of your team of horses, gentlemen, I would be in a terrible position and you would take me off the rig and you would take the lines and the thing would go along all right. Habit, gentlemen, training. If I was on the box I would be spending more mental energy trying to concentrate on that business than you need to do, because you were used to it. That is what we mean, "used to it," that is what we mean by habits of thought, you have become used to it. Why, you would take those lines and you would not think about it and yet would not make a mistake. I would take those lines and would be doing nothing else but thinking about it and I would be in trouble all the time, and so with the acrobat. If I went out on the trapeze in the air and turned a couple of somersaults and tried to get my toes on the bars across on the other side of the ring, I would break my neck, my relatives possibly would break the ten commandments and a lot of other things would be broken. What is the meaning of that? Habit, habit! Why have I told you this? I want you to come back again to that box, that witness box; I want you to come back again to the testimony of an individual who said he had been sent into a certain district in the closing days of the year 1918 and right up until October, of 1919, he had trained like you until you had learned to drive horses, until you do it naturally; he had trained like a trapeze artiste in the circus until the performance could be done easily, naturally, without the slightest hesitation. For a period of over nine months, according to his own words, he had turned the somersaults, figuratively speaking; he had lied day after day, day after day, whenever he considered it necessary. Gentlemen, if I drove horses day after day, day after day, for nine months, I could go onto your farm and I could drive horses as naturally as any man. And if I lied day after day, day after day, as often as I considered it necessary, gentlemen, believe me or believe me not, I think the habit would grow upon me until I would not know whether I was lying or not even if I were in a witness box and under oath. Habit, habit, habit—system of thought. Are you going to tell me that a man that lied every day consistently for nine months could suddenly pull himself out of that rut and tell you: "I am telling the truth now." Do you believe

it possible for any human mind; if so, it is a marvellous human mind. I told you when I came across that one point in these Exhibits, the war between France and Austria, in 1859, what did it mean to me? Perhaps nothing in passing. Remember that the individual that I am referring to stated that he came from Piedmont. He knew that half the population of Trieste, in Austria, spoke Slavic, yet, he had never been there. He was buttressed and bulwarked on every side. First of all he receives exemption from an officer under the Military Service Act; then he receives papers as a registered alien, an Austrian, so that he would not be troubled by Dominion officers looking for draft evaders. You know where Piedmont is, gentlemen. It has been referred to, aptly, as the other end of France. France often has gone to war with Austria over certain Italian claims and the matter of what is known as the Italian Irridenta and the Austrian Tyrol. Trieste district has made cause for war between France and Austria more than once. In that war, of 1859, the battle frontier was Piedmont and for years, gentlemen, that backward and forward movement of military in a state of active warfare has gone on over that particular district, and wherever you get a district which is nothing more nor less than a perpetual frontier of war you raise a population that leans first to one side and then to the other, according to circumstances. Out of these very conditions of life there is bred a people who themselves must resort to lying and who are made cunning and sharp by the very conditions in which they find themselves. A nation of liars and perjurers arise. Do you remember that Mr. Zaneth admitted that the Italian name for Zaneth was Zanetti. Why, gentlemen? I can tell you. Can you imagine an Italian, without it be one that left his country early in life, who can properly pronounce the "T-H, Zaneth, Zanetti, he admitted, was his real name, and then he turned round and said that his father had changed his name to Zaneth when he was a baby and he did not know what it was all about, yet he knew that half the population of Trieste spoke the mother language, although he had never been there. I am not going to deal with that evidence any further. I think, gentlemen of the jury, I can leave that to you, but there has been brought into this case a pamphlet. I had to go through this carefully right here. Were I acquainted with the document, I would not have needed to have spent the time going through it. Here is the collection of evidence, gentlemen, so many copies

of this, so many copies of that, so many letters, so many pamphlets, so many papers brought in a heap and out of this collection of matter from the Atlantic seaboard to the Pacific slope, the Crown produced one copy of one pamphlet, "Social General Strike," written by some fellow or other and published in New York and I have looked through it. You will remember in the telegram to Berg about I. W. W. Sabotage Philosophy, the pamphlet I have here is what I would call Syndicalist nonsense. It is brought in here against seven men, one copy only, gentlemen, could they find in the whole Dominion of Canada. Where did they find it? Now let us see. Let us follow some of the tactics used by the agents of the Crown. Remember the little discrepancy of Zaneth, between the 25 or 30 rifles and the one thousand rifles, and did you notice that almost always those conversations that this gentleman had were in the nature of dialogues, generally speaking; he was always talking to some other fellow. He said Kavanagh said something to him in my presence as a number of delegates were going back to Vancouver from the Western Conference. Look through that report, gentlemen, and you will find quite a number from Vancouver at that Conference and they were going back home. You can imagine them just saying: "Well, so long, fellows," to whoever they may have known there in Calgary. Remarkable, isn't it, that out of that vast collection of delegates going back home that this individual should have spoken to Kavanagh in my presence. Why not in the presence of any one or any two or any ten of the rest of the delegates going back home? Gentlemen, I do not want to labor that; you can believe it or believe it not as testimony as to what Kavanagh said. Here is this individual who told you that he had an I. W. W. card. I do not care where he got it from, gentlemen of the jury. He claimed that his superior officer gave it to him and had taken it off another man who had been in gaol for a day or two and that he, himself, scratched out the other fellow's name and put his own name on there. Did he? You can believe him if you will. You can imagine in a thousand different ways as to where he got that I.W.W. card, or you may recognize, as even other people recognize, as I recognize, that the I. W. W. position and the I.W.W. philosophy creates the finest breeding ground for stool pigeons and spies. Why did he carry an I. W. W. card? What was the object? Don't you know, gentlemen, that the Law of this country at that time was such

that the I. W. W. was suppressed and that anyone found carrying a card was liable to penalties, and here he was in plain clothes, running around every day in the week and lying as often as he considered it necessary, packing a card of the I. W. W. For what purpose, gentlemen, for what purpose? Was it so that perhaps he might get some poor misguided worker to tell him: "Yes, I think that is the organization that we should join." Use your judgment on this, gentlemen. Do you think he just packed that I. W. W. card in his pocket and as he met workingman after workingman, never used it, never said anything about it, never attempted to induce those with whom he came in contact to join with him in that organization? And the Crown uses this one copy of this pamphlet, "Social General Strike." Where did they find it? They found it, as the evidence says, in the Socialist Party hall in Calgary. I let it go at that. The gentleman that carried the I. W. W. card sold lots of literature, gave lots of literature away, lied as often as he considered it necessary, every hour in the day, and apparently had access to all kinds of workingmen's homes, had access to that Socialist hall and said in the box that he was at every business meeting of the Socialist Party of Canada, a man packing around an I. W. W. card and carrying literature here and carrying literature there and reporting day after day to his officer commanding. Gentlemen, do you think that it would be possible for him to go and put the only one copy that could be found in the Dominion of Canada—for such a man to take one copy of that pamphlet himself—and put it in a place where he or his officer commanding could go and find it? Do you think that possible? If you do, draw your own conclusions. Habit, gentlemen, grows upon every man. A man working at a machine, say a lathe, day after day can work that lathe, and becomes, by habit, part of that machine, and the man that lies every time that he considers it necessary for the greater part of a year, must have become so accomplished in the fine art that even the illustrious Ananias must have rolled over in his grave when he thought of the wonderful achievements of this, his modern prototype.

We have come before you, gentlemen; we have tried to show you a little of what kind of men we are; we have tried to go into some of this literature; we have tried to explain some of the terms; we have dealt with resolutions

passed in different places and explained them; we have shown that those resolutions were similar to resolutions passed in other places and passed by the workers in Britain; we have shown you that the stand that the workers took regarding intervention or non-intervention in Russia was similar to the stand being taken by the workers in the Old Country, by other people in different walks of life and I have tried to show you in my humble way as a workingman, with the task before me of finding bread and butter for a wife and family, a hard enough task, that at the same time, honestly, sincerely, I have tried to do my little bit in the education of my fellows. I look back over history and I see that great things come from small beginnings, the simple thing is always changing, ever growing, the hens laying the eggs and hatching them out and the chicken growing up into hens and roosters and the process continually going on, and I was driven to the conclusion that history is a process of change. Have we now reached a full stop? I have been driven to the conclusion, gentlemen, that as that machinery grows and develops, every day that passes sees some new machine brought into existence and that every new machine brought into existence means that the world's machinery is capable of producing human needs in shorter time and, therefore, cheaper. And we go on from day to day while the products of these vast machines pile up finally upon the world's market and cause what we know as crises; crises known as over-production, commercial crises, industrial depressions; and as you follow the development of that machine during the last century, from 1825 onward, these crises, you will have observed, have occurred more frequently all along the line and have become more violent one after the other in their character, so that it now becomes possible in a shorter length of time to clog the world's markets with commodities than it was before and that, consequently, there stands in front of human society today a problem as to what is to become of that machine, as to whether or not there is a change coming in human affairs, whether or not sometime in the future instead of reckoning the greatness of a man according to the amount that he can take from society we shall reckon a man's greatness by the amount that he contributes to society, and that we may some time in the future practise as our own the motto of the old co-operatives: "The greatest good for the greatest number. Each for all, all for each"; production for use instead of

production for profit. Gentlemen, I have done my little bit in attempting to make for working class advancement; I must leave it with you to judge whether or not in my actions amongst my fellow-workers, whether it be on the job, in the Trades Union Hall, or on the floor of a Convention, wherever it may be, as a Trades Unionist, I have sought to advance the interests of myself and my fellows along perfectly peaceable and constitutional lines; whether I have been actuated by criminal motives; whether or not in my work as a member of a political party the same holds good; whether in doing that I have honestly set before myself—making mistakes, perhaps, and the man that never made a mistake never made anything!—set before myself the task of honestly seeking to explain to my fellows the cause of those things in human society, explain to them the nature of these admitted evils, of these social problems, to show them whether or not there is a solution.

I look back over the development of the human race. We talk about contentment and the learned counsel for the Crown makes a strong point out of the gospel of contentment. If the outlook of our forefathers for ages had been along the lines suggested by the counsel for the Crown in his little homily on contentment, gentlemen, we would still have been one with our forefathers, blue-painted savages, fishing in coracle on the rivers of Britain for a living, or possibly meandering along the mud-flats of the Mediterranean, or slowly moving on the banks of the Nile. It has been said that discontent is the father of progress; it is certain that human society has progressed, and it is further certain, gentlemen of the jury, that human society has progressed more in the last quarter of a century than possibly in the preceding one hundred years. Looking back over history, then, I see a history of struggle. I see Rome in the days of her zenith, Rome, mighty Rome, with her warriors, the fame of whom had reached to the length and breadth of the then known world, with her philosophers of the greatest; with her scientists leading the world's thought, with her statesmen the profoundest; and yet, in the very hour of Rome's greatness, that disease which had eaten the vitals of previous wealthy societies was gnawing at the vitals of Rome. Let us see if it is gnawing at the vitals of our society, gentlemen? The poet, Goldsmith, describes that condition where this disease was eating the vitals out of the Roman

Empire: "Where wealth accumulates and men decay." Rome went down, gentlemen, because of that disease, right at a time when apparently she was at the zenith of her power; when Attila, with his Huns, and Alaric, with his barbarian horsemen, who carried with them their day's supply of dried meat hanging to their saddles, a new power that Rome never recked of, until there came that titanic struggle on the plains of Chalon, both sides claiming victory and neither side capable of recuperating, while out of the downfall of Rome arose another society. Can we learn lessons from history?

I have dealt a little, when I opened yesterday morning, with the position taken by the eminent astronomer and physicist, Galileo. When Dr. Harvey discovered the nature of the blood stream in the human system, he was so afraid of official criticism, gentlemen, that he waited two decades before making known his discovery to human society. When the old scientist of the Roman Church, Copernicus, wrote his book bearing that terrible title, "De Revolutionibus," in which he set himself against the prevailing ideas on astronomy, he dared to set himself against the learned ignorance of that day and against officialdom. Yet, though he was positive his analysis was correct, he had to send his book to a Norwegian by the name of Osiander, and he died without even knowing that the book had been published, and that in order to save himself Osiander had written a preface to the work in which he made it appear that Copernicus had written this and that the theories put forward were only hypothetical, only make-believes, were not true. I might add instance upon instance of men back in history whose analysis of certain things have proven to be correct who suffered, were sneered at, were crushed.

You have heard Mr. Queen; you have heard Mr. Ivens; you have seen us all for the last eight weeks; you have seen us, possibly, gentlemen, with a little spirit of fire, temper, upon occasions, but I think you have been able to judge the character of the men who are now before you. The Crown may contend all it likes; we contend the opposite, gentlemen. Mr. Andrews, when he concluded, gave a pretty little poem written by some lady from St. Dunstan's Hospital. If I may be permitted, I am going to give you a quotation from one of the greatest of the modern French writers,

Anatole France, on "Education," a speech delivered at a congress of teachers at Tours this last year, because I cannot find, myself, anything much better which summarizes my entire position. It is beyond the ability of any man to wade through all this vast mass of documents and take every single thing and say: "Here, we have met the charge here," and not leave some one point where the Crown may come back and pick at this and pick at that and say: "Pritchard did not deal with this because he could not." I have dealt with what I considered, gentlemen, the most important things and I shall be satisfied with your judgment as to my dealing with these questions; the question of constitutional action; with my view of constitutional history; of my position respecting parliamentary activity and the position of a working class political party in that regard as far as our constitution is concerned; and as far as other countries may be concerned I must deal with those other countries according to the conditions as I see them there, and I explained that one thing, I think, to the best of my ability, as to what we meant when we said in our "Manifesto": "For one country it may be the ballot; for another the mass strike; for another insurrection," and I took the countries one after another, the country with a constitution and an ever extending franchise and then a country like the ramshackled Empire of Austria-Hungary with the people, the proletariat under the heel of a military jack-boot, where such semblance of a franchise as existed was only an empty shell. Then, gentlemen, in concluding, I summarize my position in these words of Anatole France, the foremost man in liberal thought and literature in France today. He is speaking to teachers. In the hands of teachers of today, gentlemen, lies the destiny of your children and mine. Mr. Ivens told you that he was staggered when he found conditions as they exist in working class homes. Gentlemen, I am going to ask you right in the close of my address to assume something more than those conditions which staggered Mr. Ivens, as he says, when he found them; to assume that somewhere between the end of the battle of Waterloo and the declaring of war between Russia and Japan I appeared upon the scene of human activity. I cannot give evidence, but I am going to ask you to assume that somewhere between those two dates I came along, and gentlemen, Mr. Ivens was staggered. But I staggered into those conditions—I do not think it is a matter of giving evidence—in the year, 1888, in the

industrial section of South-east Lancashire. You might not know much of the conditions there. I do. We talk of fathers in this court whether we have fathers or not. An explosion takes place in a coal mine, 1885 or 1886, in the Clifton Hall Colliery, in Pendlebury, Lancashire, two or three years before I was born. My father was one of the last men to come out alive. Why? Coal Mines' Regulations Act violated because of greed for profit. But I will be done with that, gentlemen, and give you the summary of my position in these words; my position honestly. I have held and accepted for some years the position I have briefly attempted to outline to you and shall I now shrink from the possible consequences of such acceptation? Perhaps, I, even as Bruno, can look my prosecutor in the face and say: "Perhaps you are more afraid of me as you pass sentence than I am of you in receiving it."

No more industrial rivalries—this is what I am honestly striving for, gentlemen, "no more industrial rivalries, no more wars; work and peace. Whether we wish it or no, the hour has come when we must be citizens of the world or see all civilization perish. My friends, permit me to utter a most ardent wish," said Anatole France to the teachers, "a wish which it is necessary for me to express too rapidly and incompletely, but whose primary idea seems to me calculated to appeal to all generous natures. I wish, I wish with all my heart that a delegation of the teachers of all nations might soon join the Workers Internationales in order to prepare in common a universal form of education and advise as to methods of sowing in young minds ideas from which would spring the peace of the world and the union of people.

Reason, wisdom, intelligence, forces of the mind and heart, whom I have always devoutly invoked, come to me, aid me, sustain my feeble voice, carry it, if that may be, to all the peoples of the world and diffuse it everywhere where there are men of good-will to hear the beneficent truth. A new order of things is born, the powers of evil die poisoned by their crime. The greedy and the cruel, the devourers of people, are bursting with an indigestion of blood. However, sorely stricken by the sins of their blind or corrupt masters, mutilated, decimated, the proletarians remain erect; they will unite to form one universal proletariat and we shall see

fulfilled the great Socialist prophecy, "The union of the workers will be the peace of the world."

Gentlemen, if I have erred, I have erred in good company. If I have erred, I am glad, gentlemen, to have erred in company with Anatole France, with Bernard Shaw, and with any other of those bright minds who are seeking to use such talents as they possess to bring about the day when the sword in reality shall be beaten into the ploughshare. I do not want to afflict you with memories that have seared my mind from childhood. One thing I desire—for myself I am not making a plea—but, gentlemen, if any suffering can be passed on to my carcass and in its passing my children can be saved from what I passed through as a child, I am satisfied. Look at all that is in this case now; take it to pieces in your own mind; use your own judgment. I shall be satisfied, gentlemen. I am satisfied.

And standing before you now, on the threshold of the parting of the ways, one path leading, maybe, to the concrete-bound and iron-clad obscurity of the penitentiary and the other leading out to life, to comparative liberty, to wife and children and such home as a workingman may possess, I want to tell you, gentlemen, standing at that point, with a mind clear to myself and before my fellows, I can say truthfully: "I have done nothing of which I am ashamed; I have said nothing for which I feel I need apologize." Gentlemen, in so far as my poor self is concerned, this case is in your hands. I am satisfied. And in parting, let me tell you that what I have done, I have done, and in stating that I want you to carry this with you as coming from the innermost recesses of my being. What I have done, I have done in good faith, in sincerity, and, from my own standpoint, from the purest of motives. I thank you, gentlemen, for the patience you have shown in listening to me for this last two days.

THE END

Kilamazoo Story

NOTE:—The "Kilamazoo" story referred to several times was a story told by W. H. Trueman, K.C., who opened the case for the Defense, ridiculing the case for the Crown, and is here given in full:

I must congratulate my learned friend upon having delivered a singularly able as well as resourceful address. He made a telling array of his evidence and it cannot have failed to have impressed you. Unfortunately for him, I think it was too adroit and too ingenious and revealed that he felt the necessity of using and manipulating the evidence in a way that would support his theories rather than to allow the evidence to tell its own story, because I think the Crown's case is exclusively made up of a perverted arrangement of facts to suit ideas that have no existence except in the mind of the counsel. I can illustrate the Crown's position by a story.

The story is that passengers on a ferry boat in New York harbor were attracted by the actions of a fellow-passenger who was keeping close guard of a box he was carrying. Every few moments he was noticed to be pressing down the lid as though something inside was trying to escape. The passengers gathered about him and asked him what the box contained. He immediately commenced to show great alarm and told them to keep away from him. That only made them more curious. He said: "I can't tell you what there is inside, because if I do it will make a panic on the boat and there will be a frightful loss of life, and in the confusion the box will be upset and we will all be destroyed." That only made the passengers more curious than ever. "Well," he said, "come close to me so that I can whisper it. I have inside the terrible Kilamazoo, the only one that has ever been in captivity, and what is worse, it is the female of the species and it is more deadly than the male." All the passengers fled from him in terror except one. He wanted further information. He said: "What do you feed the animal with?" "That," said the owner of the box, is my greatest trouble. All its life in the wilds of Africa it has lived on snakes and gorillas. It will have no other food. Fortunately, I have a brother who drinks a great deal and every day or two he has the horrors, and sees things like baboons and boa constrictors. When he does, I capture them and give them to my Kilamazoo." "But," said the questioner, "those are imaginary creatures. You can't feed it with

those." "Well," said the owner of the box, "since you are so darned curious, I don't mind telling you that what I have in the box is an imaginary Kilamazoo." Gentlemen, if you will take the case out of the hands of the Crown counsel and lift up the lid and explore its contents you will find that they have been trying to terrify us with an imaginary Kilamazoo.

Mr. Pritchard has made the remarks that he has not much use for lawyers, because they have what he calls "an indoor mind." Well, he is right, if he means that lawyers are ignorant of the meaning of great world movements that are shaking mankind out of its slumber and its contentment with its old point of view towards human relations and the structure of society. Lawyers like to keep things as they are. They are familiar with them, they understand them, and they are perplexed and ill at ease if you suggest to them that great changes are taking place that will make the world a different place from what it has been. In the scheme of things as they are at present some lawyers have as good a share of the good things of life as the capitalist, and they are as much interested as is the capitalist in holding the lid tight on existing conditions. The lawyer has more independence than most men; he has self-respect, because he is nobody's workman, and he has influence in his community and possibly in a wider sphere. Roads of ambition and success are open to him. He can take his part in important cases, such as state trials, and he can be leading counsel for the Crown in a galaxy of brilliant lawyers. He can look forward to the grave and quiet dignity of a position on the bench. By reason of his training and education he can be a leader in public affairs, having his place in Parliament and helping to mould the Laws and perhaps guide the destinies of his country. A reconstruction and readjustment of society is not needed by him for he has no grievance of any kind. He would not desire even to have the judges different from what they are. He cannot, therefore, understand why any one is discontented, and he does not see why there should be unrest and upheavals in any country under the sun, not even in Russia, land of bondage, though it was.

After speaking for about nine hours, and having been interrupted by the court some thirty times, Mr. Trueman finally sat down and refused to proceed with his speech when the court would not allow him to read the article on Socialism from the Encyclopedia Britannica. Mr Trueman showed quite a mastery of the case and only after repeated interruptions by the court finally sat down as a protest against what he considered unwarranted rulings and interruptions.

W. A. Pritchard was stopped by the court from quoting the Britannica on Marx.

The reason given for these interruptions was to the effect that "that was not the kind of Socialism that we have to deal with here."

W. W. L.



