

A Winnipeg jury has found B. Russell guilty of 'seditious conspiracy' by unanimous verdict. Russell was one of the leaders of the so-called "sympathetic" strike in Winnipeg last spring, and with several others was arrested charged with seditious conspiracy in that connection. He has had the advantage of being defended by the ablest counsel he could secure—bringing him all the way from Vancouver—and the reports of the trial indicate that the counsel played his privileges to the limit—and then some. Application has been made for a new trial. No one can tell what the final result will be. But no matter what happens Russell, and no matter what future decision is reached, the established fact remains that although given every opportunity to prove his innocence a jury of his fellow citizens has found him guilty. The fact that the counsel for the defence did not put his witnesses on the stand—which would have subjected them to cross-examination—more than likely,—and properly,—influenced the jury in their verdict, aside from the actual weight of evidence offered by the prosecution.

Now that the verdict has been rendered discussion of the merits of the case may be permitted. To the unlegal mind the contention of the defence seemed to be that unless a direct attempt to overthrow the national government were proven there could be no conviction for "seditious conspiracy." By their verdict the jury expressed the view that there is no division in governmental authority and responsibility. That as provincial and municipal authority is derived from and in the last resort depends for its maintenance upon the strength and backing of the national government under the terms of the constitution, an attempt to overthrow or displace civic authority by force is in fact sedition; and that plotting to bring such force to bear is "seditious conspiracy."

It would appear from the course of the defence that the strike had been engineered under the impression that if the ultimate logical result of success of such a "sympathetic" strike were kept in the background the penalties for sedition and seditious conspiracy could be avoided in case of failure. It is obvious that constituted authority could not be defied and set aside with ultimate success in the city of Winnipeg without the authority of the crown as represented by the dominion government being also defied and set aside. Under our constitution the whole military force of the dominion is at the disposal of the civic authority in case of necessity; as was finally demonstrated at the climax of the Winnipeg strike.

To forcibly establish a "dictatorship of the proletariat" in Winnipeg was to overthrow the authority of the crown.

A city has not separate existence from the country of which it forms a part. For convenience and better administration (presumably) it has a measure of home rule. But that measure of home rule does not in any degree divorce the authority delegated through the provincial government to the city from the responsibility of the crown. The crown delegates some portion of its power and authority to the city for their presumably better exercise there; but the crown is not thereby divested of such authority, or any portion of it, if and when the authority thus delegated ceases to function because of force used against it.

There was no question about the temporary overthrow of civic authority, or about the existence of a conspiracy to achieve that purpose. The state is one and indivisible. To forcibly seize or to publicly defy constituted authority, whether national, provincial or civic, is in fact sedition. But as to whether such act should be classed as sedition would depend on the gravity of the occasion. There is no doubt that the occasion of the so-called "sympathetic" strike in Winnipeg was sufficiently grave to justify the verdict of the jury on the facts brought to their attention and emphasized by witness after witness.

While no direct attempt or proposal to overthrow the government of Canada was brought out in evidence, there is no doubt in the minds of any one who followed the events of the strike at the time (with the branch strikes and attempted strikes throughout the west) that that was the real object. The strikes at Winnipeg, Edmonton, Calgary and Vancouver were a try out. Their success would have meant the subversion of constituted authority throughout the west. A rallying ground for the "red" element in the United States would have been established. No man could tell what the outcome might have been. It is not conceivable that the strike leaders had no plan other than the

damage they were able to do by the length to which they went. Unless their object was political revolution they were simply a gang of thugs who wanted to destroy for the sake of destroying. Even they would hardly claim that distinction for themselves.