

wide net spread by the law of our country. An agreement between two people to commit a trespass is a criminal conspiracy, for it is to do an unlawful act. An agreement between husband and wife to smuggle goods into this country would make them guilty of criminal conspiracy, for it would be an agreement to do an illegal act. When I come to this subject, I get a little uncomfortable, for I am not sure that when I visited the United States I was not guilty of criminal conspiracy myself. It has been held that my combination to avoid the Maine Prohibitory Liquor Law is criminal conspiracy. I have a recollection of going to a watering place where the prohibitory law was enforced. The landlord of the hotel was not allowed to supply spirits for his customers, but promised to obtain them for his customers. There was an item in my bill under the head of "sundries" which covered the cost of the spirits, and I am afraid the innkeeper and I were guilty of criminal conspiracy. Any noble lord who has length to which the law of criminal conspiracy has been carried. I am not prepared to say that any agreement to do an illegal act, or to do a legal act by illegal means, is not a criminal conspiracy. There is a case which is an apt illustration of my contention that there may be criminal conspiracy, even to boycotting, without much moral blame. There is a case now pending * * * in which it has been held that an agreement to boycott was an illegal conspiracy; and I apprehend that every illegal conspiracy is a criminal conspiracy, because it comes clearly within the definition. That is the case of a contract between highly respectable steamship companies to prevent people in a certain manner and so effect their trade. Although these companies may be guilty of criminal conspiracy, I am sure they will not feel themselves morally to blame."

Now, Sir, what I want to press is this: that, as the law stood as the Parliament of 1876 passed it, we abstracted altogether from the operation of the law of conspiracy, all acts done in pursuance of trade combinations, which did not fall within one of these two categories: first, that the act was indictable by statute, and so in its nature a grave offence, and, second, that the act was one of the offences specified in the statute itself, and which were particularly germane to the question of trade combinations. For anything outside of these, that the parties combined to do, they were free from being prosecuted for conspiracy. The revision of the law has changed that, to the detriment of the efficiency of that protection, by substituting the phrase "punishable by statute" for the phrase "indictable by statute," and has, therefore, permitted the application of the law of criminal conspiracy to acts, trivial and minor acts, done in pursuance of a trade combination, though those acts be not either indictable by statute or within the range of the specified crimes enumerated in the Act itself. What I ask the Committee and the Minister is that the efficiency of the protection which was given in 1876 shall be restored, and that a form of words shall be adopted which will accomplish that result.

Sir JOHN THOMPSON. We are dealing with a class of offences in respect of which labor organisations, or, as they are known by statute, trade combinations, feel apprehensive of inefficient protection under the laws which allow them to be formed. The legislation is restricted entirely to such trade combinations. The particular case in respect of which the apprehensions of these trade combinations exist, as I stated to the Committee a few moments ago, is the indictment for refusing to work with or for any employer or workman. In respect of that, the amendment which I propose completely covers the case. It declares that they shall not be liable for refusing to work with or for any employer or workman. On reviewing the clause which I had drafted for that purpose, but

which was not as wide as the one I propose, the labor organisations passed resolutions and memorialised privately, by circular, members of the House, asking that the Bill should be amended in the direction in which I have framed this amendment. They were willing to accept the provision in the Bill, provided I substituted the word "statute" for the word "law" in the last line of section 18. But I have gone a step further, and, in order that their request be satisfied, I propose to declare that in no case shall they be prosecuted for refusing to work with or for any employer or workman. It seems to me that in doing that I meet the practical difficulty which has arisen, and I comply with the request of those who have considered this question fully for the last few years, and who are most concerned in it, the trade organisations themselves; and I may say to the House that they have not merely considered it from their own point of view and their own knowledge of the law, but they have been carefully advised as to every question which might arise out of it. Under these circumstances, I hope the hon. member for West Durham, after having stated the views he has expressed, and having explained what his view is as to the distinction in the law prior to the revision of the statutes and now, will not press the Committee to widen the provision which I state to the House; and the House will be already aware, from the requests they have had from the labor organisations, meets every practical emergency which has been suggested, and meets to the fullest extent the requests made.

Mr. BLAKE. Well, I retain my very strong opinion that a very important protection to the labor organisations in the exercise of their power of combination has been removed, and that their position is extremely impaired; but after the hon. gentleman's statement that he has had communications from the labor organisations, and that they have informed him that they are perfectly satisfied with this legislation, I shall not now be wiser for them than they are for themselves.

Mr. LAURIER. It seems to me that the labor organisations scarcely apprehend the distinction which has just been proposed by my hon. friend from West Durham. It is certainly a very important difference, though technical, and probably on that account overlooked by the organisation; and if the attention of the organisation had been called to it, they would have only been too glad to avail themselves of the more stringent protection suggested by my hon. friend.

Sir JOHN THOMPSON. The very section which is now proposed—and I ought to have mentioned it sooner, out of deference to the hon. member for West Elgin—is the proposition he submitted to the House last year. I think he did so at the request of the labor organisation. I know, that after the Bill was introduced by him, delegates from the labor organisation waited upon almost every member of the House and requested their support for the Bill. But the Bill was not introduced early enough to reach all its stages. Delegates from a number of these labor organisations met members at the beginning of this Session, and requested that some such clause should be adopted. I proposed the clause which is in the Bill, and they distinctly agreed to that as sufficient for all their purposes. Since the Bill was intro-