

trate of Cobalt on a charge of unlawfully inciting the employees of a mining company to go on strike, at a time when neither party to the dispute had asked for the application of the provisions of the Act. Against this conviction the defendant appealed to the Divisional Court before which his counsel argued at great length and with great ingenuity, that the magistrate had no jurisdiction to try the case under the Act, as it had not been invoked by either the mine owners or the workmen. It is quite obvious, that if this contention had prevailed, it would be possible for the contending parties to push their quarrel to the last extremity so long as both concurred in neglecting to avail themselves of the provisions of the Act.

The 60th section under which the conviction was made, provides that any person who incites any employee to go or continue on strike "contrary to the provisions of this Act," shall be guilty of an offence and liable to a fine. The interpretation of this section involves the question of what is meant by "going on strike contrary to the provisions" of the Act, and in this connection it was necessary to consider section 56, the true construction of which is the point on which the decision in this case principally turned. That section declares that "it shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions" of the Act. The "man on the street" would probably think that this language indicates, with sufficient clearness, that no lockout or strike could be lawfully declared until after recourse to the means of conciliation provided by the Act, and there can be no doubt that one of its objects would have been defeated if a contrary construction had been adopted by the Court. This, however, it refuses to do, and the conviction in its essential points was confirmed.

The following quotation from the judgment of Mr. Justice Magee well states the reasons which make the decision a satisfactory one from the point of view of the framers of the Act and of the general public. "The limited class of industries to