

SUDBURY DISTRICT, 5TH DIVISION COURT.

MARCH 31ST, 1913.

REX v. HOLOWASKAWE.

Criminal Law — Appeal from Conviction—Inciting to Strike — 6-7 Ed. VII., c. 20, s. 60 — Industrial Disputes Act, 1907 — No Dispute prior to Strike — Conviction Quashed — Incitement after Strike Commenced — Conviction Affirmed—Costs.

KEHOE, Co.C.J., Sudbury, quashed a conviction under section 60 of the Industrial Disputes Act 1907, 6-7 Ed. VII., c. 20 (Can.), for inciting to 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 this Act" upon the ground that there had been no dispute prior to the strike itself, but confirmed another conviction where the inciting had taken place after the commencement of the strike.

Rex v. McGuire, 16 O. L. R. 522, referred to.

An appeal from a conviction made by Thomas Tovrance, Police Magistrate, on the 21st January, 1913, under which the defendant was convicted under sec. 60, of the Industrial Disputes Investigation Act, 1907, and being ch. 20 of 6-7 Edw. VII., for inciting to strike contrary to the provisions of the Act. By this is meant according to sec. 56, a strike which is unlawful by reason of any employee going 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 this Act."

A. G. Slaght, for the appellant.

T. C. Robinette, K.C., and John M. Godfrey, for the respondent.

HIS HONOUR JUDGE KEHOE:—There is a lengthy clause, sec. 2, sub-sec. (e), which defines the meaning of the word "dispute," the effect of which is that it means "any dispute or difference between an employer and one or more of his employees," as to certain things therein generally stated or as to any other things therein specifically mentioned, such as wages, hours of employment, materials supplied and alleged to be bad, unfit or unsuitable, established custom or usage, interpretation of agreement, and other matter.

It was not proved before me, nor was it necessary to prove that there was any reference to a board of conciliation