

binding on the parties, just as the agreement was supposed to be. Now, if it is not an agreement such as is contemplated under section 65, the parties are their own judges—one party can lockout or the other strike, or they can apply for another investigation.

Mr. CONMEE. And have the same board again?

Mr. LEMIEUX. It is not provided in the Bill that the board shall be reconvened. But it is provided that the minister may make regulations, and there is nothing to prevent his making a regulation which will cause the board to reconvene to hear the parties.

Mr. CONMEE. I understood the minister, in one of the discussions on the Bill, to say that that would be provided for.

Mr. LEMIEUX. I did introduce an amendment, but it was dropped and another one substituted for it.

Mr. DUNCAN ROSS. If a finding of the board has been agreed to by the employers and the men, it is to have effect for a stated period. But if, in the opinion of the men, the company are not living up to the finding and a court of law afterwards decides that they are, will the men be mulcted in the penalty provided under section 60 because they had the honest opinion that the agreement was not being lived up to?

Mr. LEMIEUX. Not at all.

Mr. MONK. I would like to point out to the minister that the United States Act is much more liberal than the Bill under discussion, because, though it provides in a different way for the settlement of the dispute and although the finding of the arbitrators is binding, still the personal liberty of the workmen is absolutely safeguarded. Before this Bill is read the third time, I would ask the minister to consider how this legislation will work out in view of the Trades' Union Act of 1872. My hon. friend will find that, in the well known Act of 1872, which was reproduced in the consolidated statutes and is in the revised statutes to-day exactly as it was enacted in the first place, the agreements among trades unions are absolutely lawful and binding and can be enforced. Now, what I ask myself is this: If a labouring man went on strike in contravention of the section now under consideration, and were charged with that offence, if he offered as a defence that he belonged to a trade union and was bound to follow the rules and by-laws of that organization, which are expressly declared to be legal, would it be possible to convict him? He would say: I received orders under the by-laws of my association, from the committee on strike

or from the walking delegate, to cease work—it seems to me that his defence could not be overruled as long as the Trades' Union Act is in force. I mention that in order that the minister may give the point his consideration, for, if this law is to be worth anything it must be workable; and it seems to me that the defence which the labouring man would offer under the circumstances I have indicated would be a valid defence and would enable him to evade absolutely the provision of this section and the one following.

Mr. LEMIEUX. I do not think the Trades Unions would evade the law any more than other parties. This law provides that no strike or lockout can take place unless an investigation has been held. A trades union or any member of a trades' union could not evade that law under the pretext that he has received instructions to strike from the walking delegate or the officers of the union.

On section 58,

58. In every case where a dispute has been referred to a board, until the dispute has been finally dealt with by the board, neither of the parties nor the employees affected shall, on account of the dispute, do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the board so reports to the minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

Mr. LEMIEUX. At a former stage of the discussion, I submitted to the House in anticipation of the discussion to take place on this clause an amendment which I intended to propose. I move to insert, before the words 'in every case,' the words: 'Employers and employees shall give at least thirty days' notice of intended change affecting the conditions of employment in respect of wages and hours; and also to insert after the word 'shall' and before the words 'on account' the words: 'alter the conditions of employment in respect of wages or hours or—'

Amendment agreed to.

On section 62—Dismissing an employee because of membership in union, illegal; and section 63—Striking because of employment of persons other than union members, illegal.

Mr. LOGAN. Some time ago the minister agreed to drop these two sections. I ob-