

mines in our locality would be affected, and it would make the situation much more serious than it was last summer. I would like to hear an explanation from the minister.

Mr. LEMIEUX. I am glad my hon. friend (Mr. Herron) has called attention to this matter. I received a telegram yesterday from Mr. Sherman, and also many telegrams from the owners of the mine. There seems to be a misapprehension as to the enforcement of the law. Mr. Sherman seems to be under the impression that it is the duty of the government to take proceedings against those who declared a lockout. We have reminded Mr. Sherman that the remedy was in his own hands, and that if the law was being violated, it was open to any individual concerned to go before a justice of the peace and to avail himself of the procedure provided by the Criminal Code. I expect that during the day I will be able to give further, and I hope more encouraging news.

Mr. R. L. BORDEN. Has either party made the necessary application to bring the pending dispute under the Act.

Mr. LEMIEUX. The deputy minister has been informed that an application has been sent from a place called Taber, but it has not yet reached the department.

Mr. R. L. BORDEN. I would not be prepared to acquiesce in what the minister says about the enforcement of the statute. If this parliament passes a law which provides that no strike or lockout shall take place under certain conditions, and that statute is deliberately violated by one party or the other, it does not seem to me that the government can say to one of the parties: You can violate this law as much as you please unless the other party takes the responsibility of proceeding to punish you. If that is the proper way to look at it, I doubt very much whether the statute will be effective.

Mr. LEMIEUX. I should think it would be the same as in the case of any other statutory offence where a penalty is provided. If the law is violated, it is the duty of any person who is aggrieved to take action. That is specially provided for in cases where in the Criminal Code, a distinction is made between 'malum in se' and 'malum prohibitum.' We have advised the men in the west that if a lockout has been declared by the company without an application being made to the department, there is a penalty provided, and it is open to them to take action against the company. This strike occurs at a great distance from Ottawa and the details are not yet in the possession of the department.

Mr. R. L. BORDEN. It is necessary to have the facts definitely ascertained before one can say very much about it, but I ab-

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olutely dissent from the proposition which the minister has laid down as to the enforcement of the law. If this statute was passed for any purpose at all it was passed in the general interest of the public, and not in the interest of those who lockout or those who strike. To say, notwithstanding this, that the general interests of the public may suffer even to the last extremity, that people shall suffer for lack of coal, and that the government shall leave it to either one party or the other to enforce the law, seems to me to be a complete departure from the policy which the Minister of Labour laid down when he introduced this Bill. If there was any basis at all for this law, it was, that, when the public interest demanded it, the government should step in to enforce the law if either party to the dispute did not enforce it. I protest against any policy which declares that the government should not enforce this law in the public interest, whether that policy be followed by this government or any other government.

Mr. SPROULE. And especially so in view of the fact that we have established a Department of Labour, whose duty it should be to enforce such a law. You might as well say, when we pass an Inland Revenue law for the protection of the revenue, that it is not the duty of the Department of the Inland Revenue to enforce it, as to say that it is not the duty of the Labour Department to enforce this law.

GOLD AND SILVER MARKING ACT.

Hon. W. S. FIELDING (Minister of Finance). I would move that order No. 52 for the second reading of Bill (No. 137), from the Senate, to amend the Gold and Silver Marking Act, be called, so that the Bill may be referred to the Committee on Banking and Commerce. This is a Bill to amend the Act of last session, which was of a very technical character, and in order that the parties may be heard, it should be referred to the committee.

Motion to call the order agreed to.

On motion of Mr. Macpherson the Bill was read the second time and referred to the Select Standing Committee on Banking and Commerce.

YUKON COUNCIL GRANT—AUDIT.

Hon. FRANK OLIVER (Minister of the Interior). In the discussion in committee on the Yukon Amendment Bill last Wednesday the question was raised as to whether the expenditures of the grants to the local council of the Yukon were audited by the Auditor General. The impression seemed to have been that they were not so audited, and that the Auditor General's Report