

importance of tariff revision is evident in what he said in Hamilton on October 11. In his speech he directed attention to the fact that in a country like Canada, in which conditions are always changing, it is impossible that the tariff be permanent—it was never intended to be permanent—but it was intended that there should be stability. "We all know" he said, "that the time is not far distant when there should be another general revision of the tariff, but if such a revision is undertaken, upon what lines shall it be? Mr. Fielding has declared what these lines should be. In the first place Mr. Fielding has declared there shall be no revision until there has been ample investigation—until there has been consideration given to every class of the community—to the producer and to the consumer. All classes of manufacturers will be heard. We are not going to follow the old groove that has been followed ever since the Dominion of Canada became a confederation up to the present moment. We have now only one line of duty which we apply to all countries alike, except to Great Britain, to which we give the preference. But we propose to add a new chapter. We propose to have a double class of duties—to have a minimum and a maximum tariff. The minimum tariff we will apply to such countries as will treat us fairly,—to such as will trade with us fairly; that is to countries that not only sell to us but buy from us. The maximum we propose to use against those countries which are selfish in their methods, which insist upon selling to us, but will not have elasticity or reciprocity of fair trade arrangement with us. Under such circumstances we believe we are following the consensus of opinion of all Canadians when we apply to others the same treatment as they apply to us. Upon this point I have given you a few words on the line of the policy we intend to follow when we revise the tariff."

Our American friends should take notice. They have provoked a reciprocity of tariffs. If Sir Wilfrid's views are carried out, as heretofore suggested by this journal, it will be for them to say whether their products will gain entrance into Canada under the maximum or the minimum clauses of the tariff.

THE LAW RELATING TO STRIKES BY WORKMEN.

What can workmen legally do to enforce their demands against their employers? An answer to this question says Mr. Edward Meek, a well known barrister of Toronto, involves a consideration of those provisions of our criminal law which prohibit individuals or combinations of men from doing things which will result in injury or loss to others.

In the first place it is a settled principle of the law, that where men combine "to do an illegal act," their conduct is punishable, and they are also liable to an action for damages, provided the illegal act causes injury or loss to others.

In the second place it is laid down as a general principle, that where men combine for the purpose of accomplishing a lawful purpose, "but resort to illegal means" for attaining their object, their acts render them liable to prosecution and punishment under the Criminal law, and may also be the subject of an action for damages.

The propositions are fundamental and permanent. They constitute the definition of "illegal conspiracy." No civilized community can allow individuals or combinations

of men to commit acts which are in themselves illegal, or to resort to "illegal means" for attaining legal objects.

But the Criminal Code says: "No prosecution shall be maintainable against any person for conspiracy in refusing to work with, or for, any employer or workman, or for doing any act or causing any act to be done, for the purpose of a trade combination, unless such act is an offence punishable by statute. It further explains the meaning of "Trade Combination," and says: the expression "trade combination" means any combination between masters or workmen or other persons, for regulating or altering the relations between any persons being masters or workmen, or for regulating the conduct of any master or workman in or in respect of his business or employment, or contract of employment or service; and the expression "Act" includes any default, breach or omission. The meaning of this concise language is, that any combination between masters or workmen or other persons, for the purpose of accomplishing a legal object, such as the increase or decrease of wages, or the extension or limitation of the hours of labor, shall not be punishable as a criminal offence. Section 520 as amended in 1900, defines what conspiracies or combinations shall be criminal. It says: "It shall be a criminal offence for any one to conspire or combine, or agree or arrange with any other person to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in, any article or commodity which may be a subject of trade or commerce: or to restrain or injure trade or commerce in relation to any such article or commodity; or to unduly prevent, limit or lessen the manufacture or production of any such article or commodity; or to unreasonably enhance the price thereof; or to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, or supply of any such article or commodity; or in the price of insurance upon person or property." But the section contains this proviso in favor of workmen or employees: "Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection." Until each of these provisions has been adjudicated upon by a court of competent jurisdiction, it is impossible to say how far-reaching or limited each of them may be. It is left very largely to the court before which an action may be tried, to determine which acts amount to evidence of an illegal conspiracy, or combination. These are the only provisions of the Criminal Code in the Dominion of Canada which apply to conspiracies or combinations of workmen, except those which relate to a wilful breach of contract "endangering the lives or property of others" and those provisions which prohibit "intimidation."

If a person wilfully breaks any contract made by him, knowing that the probable consequences of his so doing, either alone or in combination with others, "will endanger human life or cause any serious bodily injury, or may expose valuable property to destruction or serious injury," it is a criminal offence, and punishable by fine or imprisonment, or both.

If anyone, either alone or in combination with others, without lawful authority uses violence to, or "intimidates" any other person, to compel him to abstain from doing anything which he has a lawful right to do, or to do anything which he has a lawful right to abstain from doing, and uses violence or threats, or persistently follows such person from place to place, or hides any tools, clothes or property owned or used by such person; or with one or more other persons, follows such person in a disorderly manner, or besets or watches the house or other place where such other person resides or works or carries on business, it is a criminal offence punishable by fine or imprisonment or both. These are some of the provisions of the Canadian Criminal Code applicable to the methods adopted or prosecuted by trades unions or combinations of workmen to effect their objects or purposes. And