Board has been refused the restriction against lockout or strike shall not apply. Upon this latter point opinion seems to be divided as to what is the meaning of the present Act. The special reference to railway disputes under the Conciliation and Labour Act is omitted, as the procedure under the new Bill is to apply in all cases; the words "to which such employer or employees have been party" are inserted; and by change of wording the meaning of the old section, as interpreted in Rex v. McGuire, 16 Ontario Law Reports, 522, is made plain.

As has often been pointed out, the Act does not prohibit strikes or lockouts altogether, but only postpones them until after investigation and report by a Board, and this only in public utility industries, where the public is specially concerned. The chief purpose of the postponement, of course, is that a settlement may, if possible, be brought about in the meantime, and a lockout or strike thus altogether avoided. The objections raised by employees that the delay tends to prevent their obtaining betterment of terms or conditions of employment as soon as they otherwise might, and that if they finally have to strike to obtain what they feel they are entitled to the strike is not likely to be so effective, are endeavoured to be removed as far as possible by shortening the time for dealing with applications for Boards (sec. 13, 1); by distinctly providing that where a Board is refused they can (if no industrial agreement (secs. 56, 59), is in effect and if a strike vote has been taken (sec. 58) strike at once (proviso in new sec. 57); and by changing old sec. 57 to make it clear that they do not have to wait till the expiration of the 30 days mentioned in that section before applying for a Board in respect of an intended change in terms of employment, but may apply at any time aften ten days from the time notice is given (sec. 64). And there are also some other changes designed to prevent delay; see secs. 13 (2), 14 (2), 20 (2), 10, and 6, Form 1 (not requiring prior authority for strike before making application).

The principle of prohibiting strikes pending investigation and report was not new. Prior to 1907 it existed in Nova Scotia in the Miners' Arbitration Act passed in 1890, incorporated in Revised Statutes of Nova Scotia 1900, Chap. 21. This statute, however, went further in that it, like most of the Australian and New Zealand legislation, prescribed measures for enforcing the award of the Board, even where the parties did not agree to be bound by it. This latter element is entirely absent in the Canadian Act.

The Transvaal Act, passed in 1909, has adopted the principle of the Canadian Act, but has extended the prohibition for a month following the report, the object of this extension being to give time to have the contents of the report published and fully considered. A suggestion to insert a ten-day period in the Canadian Act was considered but has not been adopted.

58. It shall be unlawful in any public utility industry for any employees to go on strike unless and until the employees affected have, by secret ballot, voted on the question of such strike.

Note.—This is a new section which it was thought would likely commend itself to all parties.

59. It shall be unlawful in any public utility industry for any employer to declare or cause a lockout, or for any employees to go on strike while a registered industrial agreement is in effect respecting the employment in which such lockout or strike takes place.

Note.—This is a new section.

THE RIGHT TO WORK.

Under the heading "A Broad Judgment" the Montreal Witness says:—

The State of Arizona has been given a lesson by the Supreme Court of the United States which must have a marked effect on the other western States, which are all somewhat inclined to be disagreeable to the stranger within their gates. The Arizona Legislature passed a law that no employer could have among his employees more than eighty per cent. of individuals who were not citizens of the United States. In the enforcement of this law there developed the case of a cook in a restaurant, who was told by his employer that he would have to leave because more than eighty per cent. of the employees of the restaurant were not citizens of the United States, and he had been called on to dismiss someone. The cook took the matter to the courts and won his case. The State appealed; the cook again won; the State again appealed, this time to the Supreme Court of the United States. Justice Hughes has just handed down the decision of this court, the principal paragraph of which reads: "It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of personal freedom and opportunity that it was the purpose of the 14th amendment to secure. If this could be refused solely upon the ground of race nationality, the prohibition of the denial to any person of the equal protection of the laws, would be a barren form of words." This is a victory for foreigners in the United States that will make the States of the western coast more careful in future about legislative thrusts at Asiatics.

It will be noticed that if the first sentence of the above quotation from the Supreme Court's decision be read alone, it is not restricted in its protective care to the rights of foreigners but secures to everyone the right to work for a living as "the essence of personal freedom." It will be seen that this sentence read alone is a decision which should sound the death-knell of the intimidation whereby strikers often attempt to enforce their demands. And this sentence can be read alone for the first clause of the 14th amendment on which it is founded has nothing to say of foreigners. The amendment says, "No State shall deprive any person of life, liberty or property without due process of law, nor deny to any person under its jurisdiction the equal protection of laws." It will be seen that this judgment could not be more clearly worded to give anybody the right to demand the protection of the State when his attempt to work for his living is interfered with, and that the Supreme Court will support his plea. On the other hand it can equally well be