

the measure deals only with the present issue. I would remind him that one may regard a lawsuit in the courts as only one case, but it may be cited frequently as a precedent in future cases. It may well be that parliament will on a future occasion face a problem similar to that now before us, and what it will do at that time one cannot predict.

I have been hopeful that the government would see fit to adopt such a policy as that in force in the United States, where the President has power to seize the railways and appoint an administrator. The government here could do the same thing, and the railways would continue to operate. However, the government has not seen fit to adopt that method, and I do not propose to move an amendment at this time.

The current trouble started in about June, 1949. In the fall of that year the government appointed conciliation officers to study the matter, and later a conciliation board was set up to deal with it. The companies accepted the board's findings, but the men refused. It should have been clear to the people of Canada then that we were heading for troubled waters, and the government ought to have known better than the rest of us what was going to happen, because they had their investigators and negotiators at work. Only a week before the strike was declared, I believe, the Deputy Minister of Labour said there would be no strike, that an agreement would be reached. An agreement had always been reached in the past, but I think another factor entered into this dispute. The world is now facing a crisis—I am not referring to Korea—and a person would have to be deaf, dumb and blind to not know that Russia is getting ready for war. While we hope that it will not happen, each of us in our heart really feels that it may. That is the situation which is agitating our men and women. They are uneasy.

Our labour unions believe that if war comes, labour prices will be fixed and workmen will be unable to get any increases. They are jumping now for all they are worth so as to get their increases before the clamp goes on. If I were a labourer and thought as I now do, I too would be getting ready for a war. Why were we called together this session? It was to deal with this bill; but in two or three weeks we were going to be called anyway to deal with another matter.

I should have liked to see clause 5 make provision for the procedure they have in the United States. There the President takes over the control of the railroads and they continue to operate. Then a solution is worked out. In these nine days of standstill our railroads have lost a tremendous amount of

money and business that they will never recover. Canadian businessmen have found that trucking is a good substitute for certain kinds of railroad transportation, and to that extent the railroads will lose business. That is my opinion and I think it is shared by some wholesalers and other people in the country. The fish producing industry of northern Manitoba has already suggested that instead of waiting for trains to take out their products they should have trucks to carry it to points of embarkation. I think that to a degree this sort of thing will happen all over Canada especially in Ontario and Quebec. If I were a labouring man or a representative of labour I would be bitterly opposed to clause 5. I would say, "Don't you tell me that this is only going to be used in this one case. Perhaps that is true, but it will be used as a pattern in other cases that come up".

Hon. Mr. Hardy: And quite right too.

Hon. Mr. Haig: Well, that is your opinion, not mine. I still firmly believe that more can be accomplished by negotiation than by dictation. If anybody has had anything to do with bringing up a family he knows what I mean. Here we are saying to the labour unions, "If you people cannot agree about something, and we declare it to be a matter affecting the interests of the whole of Canada, then we can put in an arbitrator, and he will settle it".

Subsection 3 is not quite what I thought it was. After reading it carefully I noticed a clause which helps me to understand it.

In deciding any matter under this section, the arbitrator—

And these are the words that change the whole meaning.

—shall decide the matter within the limits of the proposals that he determines were made by the railway companies and the unions . . .

In other words, no matter what the unions or railways may say their proposals were, the arbitrator could say "No, that was not the proposal; here is the proposal", and then determine accordingly. Therefore the clause does not mean anything.

Hon. Mr. Hayden: Is that not how a judge in a court decides a case? He hears both parties and decides the case on the facts.

Hon. Mr. Haig: Yes, but this does more than that. It provides that he can determine what the facts are.

Hon. Mr. Hayden: No, it does not.

Hon. Mr. Haig: Oh, yes, it does. He can say what the limits were. It says, "based on the facts before him".

Hon. Mr. MacKinnon: It is his understanding of the offer.