

industries of manufacture are the signals that that would warn the forces beneath the banner of unionism to prepare for the fray. 'In times of peace prepare for war.' There is generally a lull before a storm, and the temporary calm sometimes gathers the force of a cyclone to render impotent a weak and staggering resistance. The question arises: what shall the members of the Federation do to neutralize the ominous portending shadows that point to a measuring of strength between labour and capital? We would suggest that every member who is employed contribute to the treasury of his local one day's pay each month for a period of one year. By doing this organized labour will be placing in its arsenal some of the ammunition that is necessary to cope with capital on the field of battle.

At page 10:

Conservatism in a labour organization is rapidly becoming a synonym for cowardice.

At page 19:

Discontent is an indication of intelligence.

At page 35 the following editorial paragraph:

Dick Adams, who won corporation gratitude for his distinguished services as a hired thug during the Cour D'Alene trouble of 1892 and 1899, was killed a few weeks ago in the Bunker Hill mill. According to the account in the Idaho State Tribune 'he was caught by a set screw in the line shaft and wound up and instantly killed. His neck was broken, his head nearly severed from the body, his arms and legs broken and the body badly crushed. Throughout the mining states and territories of the west there are many miners who know and have heard of this cold-blooded hireling, and some who have felt the sting of his sneers and jeers, and it is safe to say that among the miners few tears will be shed over the tidings that he met an untimely end. When he ceased to be useful in carrying out the cruel mandates issued by Standard Oil brutality, he was given a job like any other wage slave, and in the performance of his duties in the mill he met his death. His remains have been shipped to Oregon for interment, and it may be that Rockefeller and the other mining magnates of Idaho will pass the hat around for a collection to place a slab at his grave that will bear the following inscription: 'Here lies our servile tool.'

In the May number, in commenting on the appointment by the Governor of Colorado of a commission to inquire into and report on the labour troubles, President Moyer and Secretary Haywood of the Western Federation of Miners say, over their own signatures at page 4:

An arbitration commission that was appointed last October by President Roosevelt have just brought in their verdict, which is an insult to the honour and dignity of organized labour.

At page 27, commenting on the Anthracite Commission's report, the editor says:

The courts are recognized to-day by organized labour as partial to capital. Nearly every labour law that passes a legislative body is de-

clared unconstitutional. What justice can be expected from tribunals which, upon the slightest pretext, grant injunctions to corporations which shackle the power of organized labour in its struggle for justice.

At page 36 the editor says:

The minister of the gospel who is not in sympathy with organized labour should be placed on the 'scab' list.

At page 49 a contributor says:

Don't you know that the next strike must be won by a national or international strike to show capitalism and ourselves how omnipotent unified, consolidated labour is? Stop every wheel in America; silence every telegraph; stop every train; hold every ship at anchor; close every market; silence every press for ten days! Europe will follow our example, and it will be the last strike of labour. The next strike will occur at the ballot box, and the war will be over forever. There is not food enough to feed the world longer than ten days without our work in production and distribution; not jails enough to hold us; not soldiers enough to guard us; not police enough to arrest us, and not judges enough to 'enjoin' us! The universal ten days' strike is the means to the end!

These examples have been taken at random out of the only numbers of this publication that have been handed in to the Commission, but they are enough, we think, to show its character.

#### The Incorporation of Unions.

We think, then, that legitimate trade unionism ought to be encouraged and protected, and that organizations of the class just dealt with ought to be prohibited and declared illegal, and that there ought to be strict enforcement of the law relating to the administration of voluntary oaths. We would, therefore, suggest that provision be made for the incorporation of trade unions with a model constitution; that among other things it should be provided that no strike should be declared without at least 30 days' notice to the employer except in cases where the employer is attempting to change the conditions of employment to the disadvantage of the employer without giving similar notice; that there should be at least a two-thirds majority of those present in its favour at a meeting called specially to consider the question; that the matter should be decided by ballot; that no strike be declared which shall be in violation of any contract not already violated by the employer; that all strikes,

lockouts and disagreements with the employer shall be settled without the interference of any person residing outside of the Dominion unless by mutual consent.

To protect the union it ought to be made an offence for the employer to discriminate against, or discharge any member of an incorporated union for the reason only that he is, or intends to become a member of such union; and, generally on this subject, it would appear to be just to enact that no person should be refused employment or in any way discriminated against on account of membership or non-membership in any labour organization, except such as may be declared illegal by competent authority; and on the other hand, that there should be no discrimination against or interference with an employee who is not a member of any legal organization by members of such organization. We think that the incorporation of such unions with adequate protection, would meet with the approval of the majority of the intelligent and reasonable leaders in labour circles. It has been urged as an objection that they would be merely targets for law suits, and that their benefit funds would be liable to be seized to make good any judgments against them. As to this, it could be provided that purely benefit funds should be vested in trustees nominated for that purpose, and they should not be liable to answer any judgments, other than such as may be rendered in litigation relating to such funds; and if this were done we cannot see how any valid objection can be taken to the proposition that a union should be liable for any violation of contract or any legal wrong it may commit equally with any other organization. In fact it is a mistake to suppose that an unincorporated body can not be sued for wrongs done by the action of the body as a whole. Lord Lindlay says, in the *Taff Vale Case*, (1902, Appeal Cases, at page 443):

I have myself no doubt whatever that if the trade union could not be sued in this case in its registered name, some of its members (namely, its executive committee) could be sued on behalf of themselves and the other members of the society, and an injunction and judgment for damages could be obtained in a proper case in an action so framed. Further, it is, in my opinion, equally plain that if the trustees in whom

the property of the society is legally vested were added as parties, an order could be made in the same action, for the payment by them out of the funds of the society of all damages and costs for which the plaintiff might obtain judgment against the trade union.

On the other hand, an employer would be very much more willing to deal with an incorporated union than with an unincorporated body, as he would be dealing with a body that had a legal status, and generally some corporeal substance, and not with a shadow; and those workmen who desire recognition of their unions would have much more reason to expect it if their unions were incorporated than if they were not.

It is also objected that the unions might be subject to repeated litigation, and exhausted by a series of appeals by wealthy employers. As to this it could be provided that if the union were successful in the first instance there should be no appeal except by leave of the judge appealed from, or of the Court of Appeal, and that either could, in any case in which it might appear to be just, require the appellant to pay all costs in any event as a condition of the leave to appeal, for which course there is ample precedent in the practice of the Judicial Committee of the Privy Council.

There would, of course, be nothing to prevent members of the incorporated unions from retaining their international membership if they chose to do so.

#### The Union Label and the 'Unfair' and 'Scab' List.

Further, we see no reason why incorporated unions should not be given the right to use the union label on the products of their manufacture. And here is an illustration of the difference between methods which are right in principle and those which are wrong in principle. There is no reason why a union should not be allowed to advertise its products by means of the label, and in this way bespeak the patronage of the public. On the other hand, the publication of the 'unfair' and 'scab' list is wrong in principle. Why should any person or union be allowed to publish or placard any other person or body of men as 'unfair' or as 'scabs'? Such action tends