

If anybody ever names a boat after me, I hope he will call it the "Anxious Polly," for oh! how I have peeped out of upper windows in the moonlight, watching the folks who were enjoying themselves mightily upon the river, and making sure they were all drowned.

Who forgets to mention that he is going to run up to Albany, and supposes the folks will know it by intuition? Man.

Who forgets to write home for a week or two? Man.

Who goes off in the morning with ammunition and fire-arms, and a friend who is going to try to learn to shoot that day? Man.

Who takes pain to get himself into danger, and wonders why women will fidget so? Man.

Who worries about man? Woman.

It is well-known that a boy baby cuts his teeth harder, is in danger of death oftener, and is far more trouble "to raise" than a girl. That what with a strong will, and a fondness for climbing to high places born in the child, the woman who keeps her little boy from breaking his bones is a marvel. And on the whole, I don't know but I should side with the Woman's Rights folks if they would only change their form of words and say, instead of "Man is a tyrant," "Man is a bother."

He certainly is if you care any thing about him, and on the whole, it is rather a thankless task to love him much, as a general thing; and at the close of life old Granny Grey may lie down with the remark:

"I've worried about a number of men folks in my life, and I've cooked for a good many too, and I don't know as I ever had any thanks for it."

As for the other world, I believe angels are neither men nor women, and I'm very glad to believe it too; else would there be some gentleman angel for whom I should be predestined to sit up late *always*.

RELEASED.

A little low-ceiled room. Four walls Whose blank shut out all else of life, And crowded close within their bound A world of pain, and toil, and strife—

Her world. Scarce furthermore she knew Of God's great globe that wondrously Outrolls a glory of green earth, And flames it with the restless sea.

Four closer walls of common pine; And therein lying, cold and still, The weary flesh that long had borne Its patient mystery of ill.

Regardless now of work to do, No queen more careless in her state, Hands crossed in an unbroken calm; For other hands the work may wait.

Put by her implements of toil: Put by each course, obtrusive sign: She made a Sabbath when she died, And round her breathes a rest divine.

Put by, at least, beneath the lid, The exempted hands, the tranquil face; Uplift her in her dreamless sleep, And bear her gently from the place.

Oft had she gazed, with wistful eyes, Out from that threshold on the night; The narrow bourn she crosseth now; She standeth in the eternal light.

Oft hath she pressed, with aching feet, Those broken steps that reach the door; Henceforth, with angels, she shall tread Heaven's golden stair for evermore!

AN EDITOR'S LAMENT.

Whoever thinks of sitting down and writing a letter of condolence to the editor upon the rejection of a MSS.? Who is there to remind him that these light afflictions, which are but for a moment, etc., etc.? Here is he made by Providence the infliction of a thousand hurts, and with no one to drop a sympathetic tear! Heavy-hearted, he frames gentle excuses and deprecatory declinations, knowing well that there is no art of putting that can prevent a pang. The blow may be received with a sneer and a hit back; or with a real feigned or heartiness, or with hopeless resignation. The first experience, he supposed, is next in comfort to a letter of condolence; the second will do very well unless the author has too much encouragement, and is dooming himself to new and graver disappointments; but your resigned cases—there is the confounded part of it! It was never any portion of his literary ambition to become the part of an executioner; he is too sensible of his own short-comings to want to sit in judgment upon other people's work—and yet he is made to figure, in the eyes of a host of good and gentle souls, either as a person of no heart or of no brains; he is only too grateful when it is merely the lack of brains of which he is accused.

Of course—said my unhappy friend—there are certain MSS., that can be returned with few compunctions. If an editor could add to his printed and written "forms" one addressed to "idiots," another to "impertinent old ladies in pantaloon," his correspondence would be simplified, and his conscience saved. But what becomes of a man's moral nature after he has invented some nine hundred white lies in a twelvemonth!

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THE CRIMINAL LAW AMENDMENT ACT.

The following paper was read by Mr. Henry Crompton at the recent Trades Congress held at Leeds:

Since the meeting of the Trades Union Congress last year at Nottingham, many prosecutions have taken place under the Criminal Law Amendment Act, fully confirming the views and fears then expressed. Many innocent men and some women have been convicted and sent to gaol, and others have been put to great expense in defending themselves against the unjust accusations to which the whole laboring population is now exposed. A report of some of these proceedings has been printed, but I will state their result shortly. Men have been convicted for merely standing still in the street, when there was no attempt at intimidation or coercion, without word or gesture having been used. Seven men were sent to gaol in one batch at Perth for doing nothing more than this Picketing, that is, the mere waiting for a fellow-workman, accosting him, and endeavoring to influence him by argument or persuasion, has been declared to be a crime, by a competent legal tribunal. On one occasion, seven women were sent to prison for shouting at a man, who was walking away from the pit where he had been working, and who is reported to have said in his evidence, "I heard shouting, but I cannot say where it came from." And the magistrate, in giving his decision, declared that, "Molestation meant annoying and disturbing, and although not disturbed in his person, he (the man shouted at), was annoyed and harassed in his mind." It is really difficult to say what such an interpretation would not include. At Hammer-smith a magistrate decided that the giving of a handbill in the street, in front of some iron works, in reference to the nine hours movement, and containing the following sentence, "By so refusing you will forward our cause, as well as your own as working men" was coercion. In this case the prosecution was withdrawn before the appeal, but the accused suffered three days imprisonment, and the sentence of two months imprisonment was pronounced by a competent lawyer. It comes to this: that any workman who tries to induce his fellow-workmen to strike, or any workman who uses hasty words in reference to his work or employment, whether those words are calculated to intimidate or not, is liable to be sent to gaol for this pretended coercion. The cases show, as I pointed out, that if there is a strike, the magistrate will infer coercion from any facts, or even from the strike. There has been no prosecution, as far as I am aware, for tumultuous intimidation, except in two cases of riot in which the offenders were properly convicted; shewing, as I predicted, that the Act gives magistrates summary jurisdiction in cases of riot, and so far deprives workmen of the right of trial by jury. The only real instance of tumultuous intimidation that I have heard of, and which nothing can palliate, did not fall within the provisions of the Act. I refer to the attempt in the House of Commons tumultuously to intimidate Mr. Auberger, and suppress freedom of speech in Parliament.

Some cases have, however, occurred in which punishment has been richly deserved. Most of these were assaults, and might have been punished as such; but there have also been instances of real intimidation by threats of violence. Now, I have always maintained that a threat of violence should be a crime punishable by imprisonment, not limited to workmen, but equally applicable to all citizens, and part of the general law of the land. To make such an action penal only for workmen, and to exempt all other persons is unjust and invidious. A law which punishes a workman for hasty words uttered in a moment of excitement, and which allows a man to terrify a woman by threats of violence is unjust, and reflects the gravest discredit upon Parliament. And since this part of the Criminal Law Amendment Act should be applicable to all citizens, the fact that some workmen have received punishment that they deserved, is no argument against the repeal of the Statute. Mr. Gladstone asserted in July that there had been a hundred decisions under the Act, and that the working men objected only to three or four of them. This statement was untrue, misleading and ungenerous; because he took no pains to distinguish between those which could have taken place under the ordinary criminal law, and those which could not; because, instead of objecting to four only, the representatives of the workmen have objected to all of them, except those of violence, and threats of violence! And because Mr. Gladstone, at the moment he uttered that statement, knew perfectly well that this Congress had recorded a unanimous protest against the whole law. This perverse confusion of the crimes about which there is no dispute, with the real cases of injustice to which this Act gives rise, is an evasion and a refusal to meet the demands of the Congress. Instead of a hundred cases, there is not, a single one the facts of which even tend to justify the retention of Mr. Gladstone's oppressive law. I trust that this Congress will declare that every one of those convictions for coercion has been unjust and tyrannical. They are so in my opinion; and I repeat that the only cases in which it can be said that the Criminal Law Amendment Act has had a beneficial effect are those of threats of violence, which ought to be dealt with by the general law. It is a very

remarkable fact, that for several prosecutions for real intimidation by threats of violence, in which sentences of hard labor might have been justly pronounced, the magistrates declined to exercise their power under the Act, and were content to require the offenders to find sureties for their good behavior in future. A practical judicial result, which affords a striking commentary upon the convictions for the pretended coercion.

But I think we have had enough criticisms of this Act. Parliament, by its rejection of Mr. Harcourt's Bill, Mr. Gladstone, by his flippant refusal of the demands of this Congress, have entirely changed the position of affairs. Mr. Harcourt's Bill was the most moderate compromise that could have been offered to the House of Commons. For while it would, without doubt, have rendered the position of working men less dangerous, it still remained open to the gravest objections, which are fully explained in the digest of the Act which you have before you. Parliament and Mr. Gladstone have refused all compromise and concession. The matter has passed beyond the stage of argument. There have been, however, prosecutions under other penal laws which demand the most serious attention of the Congress. Prosecutions which appear to me to show more clearly than any others, that what we have dreaded has come to pass, namely, that the Criminal Law has become a recognized mode of attack upon the combinations of labor. I refer to the Gas Stokers' strike. I am not defending that strike, I condemn it; but I say, as I said last year, that we are not concerned with the moral question whether a particular strike is right or wrong. Workmen claim the right of striking, that a strike shall be a lawful proceeding and not criminal, and therefore, we have to consider the effect of those proceedings against the gas stokers, whether the authorities in their eagerness to inflict punishment, have not infringed the constitutional liberties of the working classes? The convictions under the Master and Servants Act were strictly legal. *The Pall Mall Gazette* in an able article, condemned the punishment as excessive, in these words, "No doubt they were bound to give their labor during the week or month for which they sold it. But this amount of obligation only makes the gas stokers offenders in the same degree as other workmen, who fail to fulfil their contracts. What we complain of is, that they have been regarded as offenders in a much higher degree." I endorse this view. But I say besides, that the injustices lies in the existence of an Act which makes breach of contract a crime. Parliament denies that the Criminal Law Amendment Act is a one-sided and class-made law. The answer is, that there are many other unjust laws, of which Lord Esher's Master and Servants' Act is one. It is a recognized doctrine in our law that a man may break his contract and abide the consequences imposed by the civil tribunals. Imprisonment for debt has been abolished; an iniquitous system called bankruptcy is part of our law, by means of which men get daily whitewashed from their debts and responsibilities, and are even protected from the civil consequences of their breach of contract. The unfortunate servant or workman has to go to gaol, because even if he is not sentenced to imprisonment, he has to go to prison if he cannot pay the fine, by virtue of a harsh Act of Parliament called the Small Penalties Act, which imposes enormous sentences of imprisonment in lieu of fines, and as a method of enforcing them. One month for £1, two months for £2. This Act must always be coupled with all other Acts giving summary jurisdiction to magistrates. The iniquity of it is, that in practise it makes fine the punishment for the rich, imprisonment for the poor. Whereas, if there is to be a difference it should be inverted; because a fine is a real punishment to a poor man, and not to a rich man. If you go through the vast list of offences over which magistrates have summary jurisdiction, you will find that Parliament is most reluctant to attach the punishment of imprisonment to offences committed by the rich; and even when forced to do so, employs qualifying words to impair the efficiency of the law or render it inoperative. The Truck Act is an example. What is a £20 fine for an infringement of the Truck Act, when the culprit makes £30,000 a year out of Truck alone. All this bears directly upon my subject; because I make two charges against Parliament—one of unjust legislation, the other of systematic encroachment upon the right of trial by jury. All this has been done without Parliament having ever discussed the constitutional question of how far summary jurisdiction ought to take away the right of trial by jury. And now they are multiplying small offences against the poor, as if they would substitute a wretched and minute system of penal law to regulate all things, and to replace that trust and confidence of man to man, on which alone there can be a healthy social life. In the judgments that I have read, our judges coolly look upon imprisonment for breach of contract as morally

right to hold people to their contracts, and to make them suffer when they wilfully inflict injury upon those with whom they have contracted. But, when breach of contract is made so highly penal as to be punished by imprisonment, the law goes too far, and discourages that which it intends to promote. Breach of contract may be unavoidable; it may be morally right, and the longer the time for which a man has contracted the more likely is something to occur which may render it impossible for him to fulfil his engagements. For this he should be civilly liable. A power given to a civil Court to pass a sentence of imprisonment, if the circumstances appear to require it, is a most extraordinary power. None of the superior Judges have such a power. It is a power certain to be abused. I am told, by undoubted authority, that it is abused constantly in cases that never come before the public at all. Thousands of contracts are broken every day by the upper and middle classes, and no one dreams of punishment by imprisonment. It has been said that this power of the magistrates is analogous to that of the Court of Chancery, in the case of disobedience to its injunctions. I say that it is altogether different: that if ever such a power was given to, or claimed by, the Court of Chancery over workmen, and abused, it would then be as necessary to deal with that court as it is now necessary to put a stop to the proceedings of these criminal courts. The issuing of 500 summonses against the gas stokers, to be used as they were used, for the purpose of weeding out the obnoxious men, and terrorising the rest of the workmen, is of itself an abuse of the criminal process of which Government ought to take notice.

This process, and this law, is directly applicable to every case of contract between masters and men; to yearly hirings; to agricultural service. It puts an end either to contracts or to strikes; for, if men enter into a contract, they will not be able to strike, not even against the most flagrant injustice, until the end of the term for which they have contracted; if they do, they will have to go to gaol. They may have no effectual remedy at law; the injustice may have nothing to do with the contract, and may render their lives intolerable—and yet breach of contract is for them a crime. The fact is that the taint of serfdom still clings to those who work, and the principles of justice and social equality have not yet penetrated the hearts of those who rule us. The moral is, that if you don't stir yourselves, and that in a different way to what you have hitherto done, you will feel the smart of the Criminal Law more and more. The principle of combination, which is the source of your strength, is directly assailed. The effect of the Criminal Law Amendment Act has been to invite the use of penal law as a weapon of attack upon labor.

And then, as if this was not enough, upon the top of it all, comes the recent conviction for conspiracy. In my opinion this conviction was strictly legal. In one count of the indictment the men were charged with conspiracy to commit an offence against the Masters' and Servants' Act. It is undoubted law that any combination to commit a crime is a conspiracy; and I do not agree with those who say that when the crime has been committed the conspiracy is merged in it. The fault lies in the Statute which makes breach of contract a crime; and if Mr. Justice Brett had simply convicted the men in this way, there would have been nothing to complain of except the existence of such laws, and the severity of the sentence. But Mr. Justice Brett, in his summing-up, went much further, and laid down propositions of law, which, practically, makes all strikes illegal, irrespective of the Masters' and Servants' Act.

I have constantly warned working men that the law of conspiracy was one of the most dangerous parts of our laws; that every prosecution for conspiracy should be closely watched; but that, in a Trade Union Bill, it was impossible to propose an adequate alteration of that which was the general law of the land, and which, whatever its evils and dangers, is a powerful means of dealing with a large variety of odious crimes, which otherwise would flourish unchecked. All that could be done was to introduce into the Acts clauses which should legalize the combinations of workmen, destroy the old doctrine of restraint of trade, and declare that combinations which had for their object the compulsion of the masters by strike, should no longer be conspiracies. To this the Government assented; and the first section of the Trade Union Act says, "That the purposes of any Trade Union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such Trade Union liable to criminal prosecution for conspiring or otherwise." And then a Trade Union is defined to be "such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions in the conduct of any trade and business, as would, if this Act had not passed, have been deemed an unlawful combination by reason of some one or more of its purposes being in restraint of trade."

And then, in the Criminal Law Amendment Act, at the end of the well-known molestation clause, there is this proviso:—"Provided that no person shall be liable to any punishment for doing or conspiring to do any act, on the ground that such act restrains, or intends to restrain, the free course of trade, unless such

act is one of the acts heretofore specified in this section, and is done with the object of coercing, as hereinbefore mentioned."

act is one of the acts heretofore specified in this section, and is done with the object of coercing, as hereinbefore mentioned."

Now, whatever be the legal effect of these clauses, the working-classes were led to believe that stringent as the Criminal Law Amendment Act was, they were at least protected against these prosecutions for conspiracy, and against the uncertainty of judicial decisions; and this more especially with respect to molestation, as to which the Government actually took credit to itself for having rigidly defined the law. Now, in the face of all this, it is surprising to have a new judicial decision as to what is molestation. I quote Mr. Justice Brett's words: "Was there an agreement or combination between the defendants, either or some of them, to force Mr. Trewby, or the company, to conduct the business of the company contrary to their will, by an improper threat or improper molestation? There would be improper molestation if there was anything done to cause annoyance, or in the way of unjustifiable interference, which, in the judgment of the jury, would have the effect of annoying or interfering with the minds of ordinary persons carrying on such business as that of a gas company. It was enough if they thought there was molestation intended and agreed upon, with an improper intent, which in their judgment would be an annoyance and an unjustifiable interference with the business, and have a deterring effect on the minds of Mr. Trewby and the company."

It is fortunate, perhaps, that this decision should have been so clear and unmistakable. Every strike comes within the terms of this definition, for every strike deliberately aims at coercing the employers. The object of every strike is to coerce: and if the strike is just, the coercion is morally right, let legislators and lawyers say what they will. Their prosecutions for conspiracy have revived the abolished doctrine of restraint of trade in different language; and, therefore, they constitute a direct attack upon the principle of combination. If there had been nothing more than these prosecutions for conspiracy that would have been a sufficient ground on which to have founded a demand to Parliament for the complete and fundamental reconsideration of the Penal Laws affecting the combinations of labor.

What is to be done? I declare, and I do so under a feeling of the deepest responsibility, that you ought to use all lawful means to stop these proceedings, by raising an excitement and agitation throughout the land. Parliament has trifled too long upon this matter, playing a game of deception; declaring at one time that they would do what was wanted in order to avert the rising popular indignation. That was done when Parliament voted for the second reading of the Bill brought in by Mr. Hughes and Mr. Mundella. And then, when the agitation had subsided, they passed the Criminal Law Amendment Act, in spite of their pledged word, which they falsely and perfidiously broke.

Believing that this Congress is ready to discuss a programme for a much wider agitation, I beg to offer you the following heads for a scheme of practical reform upon this subject:

1. Repeal of the Criminal Law Amendment Act, with a view to the reconsideration by Parliament of the Penal Laws affecting trade combinations.
2. No imprisonment for breach of contract, as enacted by the Masters' and Servants' Act.
3. Repeal of the Small Penalties' Act, with view to the passing of a juster law for enforcing the payment of penalties against the poor.
4. No conviction for conspiracy to commit an act for which a maximum penalty is already imposed by Statute, to subject any person to a greater or other penalty than that which is so imposed.
5. That a Royal Commission be issued with full powers to inquire into the mode in which the summary jurisdiction of magistrates has been exercised.
6. That at last Parliament shall be required to consider and solve the important constitutional question of how far summary jurisdiction is to take away the right of trial by jury. (This should be done by a very large extension of the principle upon which summary jurisdiction is now given to magistrates in cases of larceny and embezzlement: in which cases the person accused has the option of whether he will be tried by a judge and jury or summarily by a magistrate; whereas under the Criminal Law Amendment Act workmen have no such option.)

One word in conclusion. As a Parliament of Labor, you have not merely to express the views of those whom you represent, but to take measures to ensure their adoption; and you ought, besides, in any opinion, to utter a voice of warning to the House of Commons and to the ruling classes, saying, that the condition upon which they hold their power is the just administration of just and equal laws.

Mr. Crompton was occasionally loudly applauded, and at the close a hearty vote of thanks was given to him, on the motion of Mr. A. McDonald, seconded by Mr. Alderman Carter, M. P.

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