

AMERICAN EXPERT SAYS BRITISH SYSTEM IS BEST

Workmen's Compensation Laws Are Simple and Effective in England—Hearing Before Sir William Meredith Develops Into Three-Cornered Contest With Railways Arrayed Against Manufacturers.

Workmen's compensation matters were mixed up in good shape yesterday when at the suggestion of the Canadian Pacific Railway and a number of accident insurance companies P. T. Sherman of New York City, expert in workmen's compensation laws, appeared before Sir William Meredith and for four hours handed out opinions and advice on compensation laws and answered innumerable questions asked by the commissioner. In the afternoon Mr. Sherman used his lance on the argument of the Canadian Manufacturers' Association, which was prepared in blue book form by F. W. Wegman, their expert, and which favors a compensation act similar to the one now in force in the State of Washington.

The appearance of Mr. Sherman on the scene turns the drafting of the Workmen's Compensation Act from a duel between capital and labor into a three-cornered fight with the capitalists divided. Now that the drafting of a new act is certain and that the manufacturers will consequently have to insure themselves against accident liability, the question arises as to whether or not the province will control the insurance business. The manufacturers claim that state insurance would be less expensive, but the insurance companies, thru Mr. Sherman, claim that this is a fallacy. The Canadian Pacific Railway, the Grand Trunk Railway and numerous electric railway and development companies representing the largest employers of labor in Ontario, are fighting against compulsory state insurance.

Washington's Experience. At yesterday's hearing Mr. Helmut K.C. and Mr. MacMurchy, K.C., represented the C.P.R. C. H. Ritchie, K.C., and Mr. Bellamy represented the accident insurance companies, while Mr. D. L. McCarthy, K.C., represented the G.T.R. The Toronto Street Railway, the Erie Marine and a number of power companies. At the conclusion of Mr. Sherman's argument P. W. Wegman criticized some of his statements regarding the Washington State law, and said that at the next hearing of the commission Mr. Hindsale, chief auditor of the Washington commission, would be on hand to give his opinion of the law referred to.

Mr. Sherman is a graduate of Yale University and of Columbia Law School, was formerly commissioner of labor of the State of New York and has spent much time in Europe studying compensation laws. A summary of his remarks is as follows: "Insurance is not an essential feature of the compensation law. Where insurance is required in a compensation law, that requirement is simply an ancillary method of effectuating the purpose of the liability thereby imposed upon the employer. There is a specific danger under the compensation law that insurance may thwart the purpose of that law as a regulation for accident prevention. If the employer with a high risk is enabled to insure his liability at the same rate as a competitor with a distinctly lower risk, then the effect of the compensation liability as an incentive to the employer to study out methods and to incur expense to cut down his rate will be defeated. The cost of his insurance is the civil penalty each employer pays for maintaining the hazards of his business and to be effective it must be closely proportionate to those hazards.

Two Problems Presented. "Therefore, we have two problems which are logically absolutely distinct. The first problem is to frame a just and beneficial compensation law. The second problem is to determine how far insurance should be required to effectuate the purpose of the compensation law. Great care must be exercised not to confuse these two problems; otherwise you are apt to sacrifice much of the good to be derived from a proper compensation law by muddling it in a harmful experiment in social insurance.

Whether insurance should be compulsory or optional under the compensation law, is a question that should be determined by experience. It should be made compulsory only if and where reasonable to increase in order to assure to injured workmen the payment of their compensation. In no event, therefore, should those concerns that are amply able to carry their own insurance be required to buy insurance or to contribute to a state scheme that would be pure economic waste."

It is on this portion of Mr. Sherman's argument that the C.P.R. claims that it should have the right to provide its own insurance. Commenting upon the Washington law Mr. Sherman said: "One serious objection to the Washington law is that it is a three-cornered fight with the capitalists divided. Now that the drafting of a new act is certain and that the manufacturers will consequently have to insure themselves against accident liability, the question arises as to whether or not the province will control the insurance business. The manufacturers claim that state insurance would be less expensive, but the insurance companies, thru Mr. Sherman, claim that this is a fallacy. The Canadian Pacific Railway, the Grand Trunk Railway and numerous electric railway and development companies representing the largest employers of labor in Ontario, are fighting against compulsory state insurance."

Insurance Companies Object. On behalf of the labor men, Mr. Fred Hancock said the only opposition to the Washington law was coming from the insurance companies in the United States.

The manufacturers in Washington State were not organized as they are in Ontario, and consequently had not been active in refuting the arguments of the insurance companies. Ward is recognized as one of best-informed municipal men in this country.

ACCUSED OF MURDER PLOT. MACON, Ga., Dec. 27.—(Can. Press.)—Mrs. James King, widow of the owner of one of the largest plantations in middle Georgia, was arrested today after "Nicholas Wilburn," a farm hand, confessed, according to the police, that he killed James King because Mrs. King promised him \$500 to marry him if he would do it. King was shot Dec. 12 while hunting. Investigation led to the arrest of Wilburn and a negro, James Barber, who the police say, has stated that Wilburn told him he was going to kill King. Mrs. King is 42 years of age and Wilburn is 25.

Mineral Industry of California, 1912. The value of California's mineral products for 1912 will reach a total of well over \$91,500,000, being an increase of \$4,000,000 over the production of 1911, according to a preliminary report by W. H. Higgins, state mineralogist. Great activity has been evident in the mineral industry, and an increased production will undoubtedly be shown in every branch, with the possible exception of copper (owing to the fact that the mine trouble has not been satisfactorily solved as yet), but the value of the copper produced last year shows a large increase, due to the advance in the price received during the year, the average being close to 16¢ per pound, as against 12¢ per pound received in 1911. A conservative estimate of the leading mineral products for 1912 is as follows: Petroleum, \$7,000,000 bbl., \$41,000,000; gold, \$20,000,000; cement, \$10,500,000; copper, \$5,000,000.

Committed For Trial. Sprague Cleghorne, the Montreal hockey player, who rapped Newey Lalonde over the head during the Wanderers-Canadiens contest at the Arena last Saturday night, has asked, thru his counsel, Hartley Dewar, K.C., for a jury trial, and the request has been granted. Detective Guthrie was the only witness called, when the case came before the magistrate yesterday. He said that after Lalonde had checked Odé Cleghorne, a brother of the prisoner, Sprague skated across the ice and struck Lalonde over the head while he was down. Cleghorne was allowed to go on bail of \$500. He is charged with aggravated assault.

Claims He Was Robbed. Charles J. Jones, a farm laborer from Uxbridge, claimed in the police court yesterday that he had been robbed and robbed of \$55 by four men at the foot of Cherry street on Thursday, when he had been invited by the unknown men to go ice-boating. Jones said he had four times been robbed in the day, and in this way got himself into the scrape. He has given a vague description of the men, and the police are now trying to locate them.

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