

FACTORY LEGISLATION.

Factory legislation was remitted till next session, for want of time in the session recently closed. A factory bill was introduced, and now, during the recess, is a favorable time to consider the subject. In this kind of legislation, we are but following other countries, notably Great Britain. In England there are two sides to the question. The protection of the factory hands from unduly severe labor is one of the avowed objects of the interference of the legislature; on the other side, it is intended that the shortening of the hours of labor below those of the continent, puts Great Britain at a disadvantage in competing with the manufacturers of other countries, both in the domestic and foreign markets.

On this subject, Mr. A. W. Finlayson has an article in the last number of the *Nine tenth Century*. The Factory Act of 1875 reduced the working hours from sixty to fifty-six hours. On the Continent the operatives work seventy-two hours. Foreign workmen in some branches of industry, perform much less labor than English operatives, hour for hour. But machinery, where it measures the amount of work, is a great equalizer; and the worker attending it is obliged to do about an equal amount of work, hour for hour. Possibly the machinery may be given a slightly quicker or slower pace, but that is all. A factory hand who works fifty-six hours cannot do as much work as one who works seventy-two. The flax and woollen industries of Great Britain have most severely felt the competition. But the relative decline of these industries reaches much further back than the last factory Act, which is only eight years old. That decline has been going on for more than a generation. Thirty-five years ago flax spinning was only in its infancy on the continent where there were only 190,000 spindles against 1,292,000 owned by the United Kingdom. Now the continent, which has acquired expertness in this industry, counts 1,705,600 spindles, or 32 per cent. more than Great Britain. Some such result might be looked upon as the natural outcome of the development of the foreign industry. It would be difficult to show why some parts of the continent of Europe should not successfully compete with England in this line. Great Britain is not even holding her own. But the actual decline had commenced previous to the passing of the last factory Act. Since 1861 the number of spindles that have ceased to move in England, Ireland, and Scotland is equal to over 18 per cent of the whole; and by this reduction 20,000 factory hands have been thrown out of work. The shares of ten leading flax spinning companies in England, are quoted at 58 per cent. below par. Mr. Finlayson contends that with equal hours to the continent all these would be flourishing concerns. Perhaps they would, perhaps not. The point is one of considerable interest in Canada just now.

Time is only one of the elements in the problem. The real questions is one of wages; and if the British employer pays more for a given amount of labor than his foreign rival, he is at a disadvantage; if not, not. This necessary point of comparison Mr. Finlayson has not touched.

Whatever may be the cause, it is certain that British spinners are losing ground both at home and abroad. From 1869 to 1880, both inclusive, the export of linen yarn had fallen off about half—the figures in lbs are 34,570,416 against 16,437,200—and the imports had more than doubled; the figures being 2,018,363 against 5,958,731. It is argued with much show of reason that the factory Act of 1874 is responsible for much of the decline in this branch of British industry. It is at least a remarkable coincidence that for six years prior to that Act the exports averaged over 32,500,000, and that in the six following years they sank to an average of 20,280,957 lbs. The last year given shows a decline of 53 per cent. In the export of linens there was a decline of 26 per cent. In woollens the factory Act is credited with causing a decline of 26½ per cent., while the imports of these goods had more than doubled in ten years. The export of woollens is declining heavily. English merchants instead of buying English goods for the East often buy Belgian.

That the factory Acts have assisted this decline, is at least probable. Mr. Finlayson contends that British legislation on the subject has been of the hap-hazard sort; that the remedies have not been directed to the ascertained evils, but have blindly struck at the hours of labor in factories. He suggests the adoption of a definite principle of legislation, in future. He thinks that the existing resolutions on labor should be reconsidered, and parliament should fix, say, 60 hours per week, or any other time based on medical testimony, and the minimum for women; that the different parts of factories should be classified according to healthiness, and that medical inspectors should affix bills on the doors of each room, showing the degrees of insalubrity. Then operatives could demand indemnity for the greater risk, in the shape of higher wages. Mr. Finlayson thinks there is no hope of foreign manufacturers reducing their hours of labor; and that England, to hold her own, must go back to at least sixty hours a week. Operatives will not like his advice, and Parliament may probably turn a deaf ear to it. Still the truth of the matter, whatever it may be will sooner or later have to be looked in the face.

PROVINCIAL RIGHTS.

We referred, a week ago, to one important decision of the Supreme Court involving a question of provincial rights. That was the Quebec Stamp Act. Another case, also from the Province of Quebec, in which a constitutional question was raised but not decided, is that of Poulin against the City of Quebec. It appears that Poulin was fined by the Quebec Recorder for keeping his saloon open on Sunday. The Recorder's judgment was based upon the Provincial Act of 1879 requiring all saloons and taverns to be closed every Sunday. Affainst this conviction it was objected on behalf of Poulin in the Courts, in the first place, that the Provincial Act of 1879 was *ultra vires* of the Provincial Legislature. Secondly, that the offence was not an offence within the statute, and thirdly, that the statute did not authorize such a penalty as that which had been imposed. The Su-

perior Court and subsequently the Court of Queen's Bench upheld the authority of the Local Legislature to regulate the liquor traffic, such regulation being regarded as a matter of "police protection" rather than one of "trade and commerce." In the Supreme Court the judges declined to enter into the constitutional question involved preferring to rest their decision on another ground, viz.: that the offence charged being that of keeping the saloon open on Sunday without alleging any liquor being sold therein, was not an offence within the statute. This holding rendered unnecessary any decision on the larger question although the language of some of the members of the Court would lead to the inference that they concurred on that point in the view taken by the Quebec judges.

A third case of provincial rights is involved in the opinion delivered by the Supreme Court on the constitutionality of the Provincial Legislation in connection with the Supreme Court of British Columbia. On this point the Provincial right contended for is conceded. It is held that the Court is a Provincial Court within subsection 14 of section 92 of the British North America Act. It follows that the Legislature of the Province has exclusive legislative authority over procedure in all civil matters in the Supreme Court of the province which come within the legislative jurisdiction of Provincial Legislature, and can make rules governing the procedure in that Court and delegate such power to the Lieutenant Governor in Council if they see fit. The Judicial District Act of 1879 is also held to be within the powers of the Legislature of the Province.

THE DRY GOODS TRADE.

So backward a spring as the present, and the fears expressed about the crops, render it desirable that we should look about us to see what the outlook is in this, the leading line of wholesale trade. We have already stated that stocks of dry goods were large, and some of our importers would be glad probably, to be relieved of part of their holding. The quantity of dry goods brought in at the port of Montreal during the first five months of 1883 is represented by a value of \$3,955,000, compared with \$4,573,000 for the same period of 1882. At Toronto the dry goods imports amounted to \$3,199,658, for the five months, where the year before they were \$3,690,468. There has therefore been a decline of \$1,108,810, or nearly one seventh, in the dry goods imports this season at these principal centres.

Retail stocks upon the whole seem to be not excessive; early in the present year country merchants took fright at the prospect and declined to buy except very sparingly. The benefit of this caution, and of its effect on imports, is being felt now, for stocks of some merchandise are positively scarce. It is to be borne in mind, also, that our woollen and cotton factories, which a year ago were working night and day are by no means so busy now, orders having been given them very circumspectly indeed. It would not be surprising, considering this reduced production, if certain kinds of goods were scarce in October.

March was a bad month for the dry goods