

# THE ONTARIO WORKMAN.

THE EQUALIZATION OF ALL ELEMENTS OF SOCIETY IN THE SOCIAL SCALE SHOULD BE THE TRUE AIM OF CIVILIZATION.

VOL. I.

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NO. 5.

## TRADES' UNIONS.

### SIR JOHN A. MACDONALD'S BILL.

The following is a draft copy of the Bill introduced by Sir John A. Macdonald into Parliament to legalize Trades' Unions:—

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

#### SHORT TITLE.

1. This Act may be cited as "The Trade Unions Act, 1872."

#### CRIMINAL LAW AMENDED.

2. 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 conspiracy or otherwise.

3. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

4. Nothing in this Act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely:—

(1.) Any agreement between members of a trade union as such, concerning the conditions on which members for the time being of trade union shall or shall not sell their goods, transact business, employ or be employed.

(2.) Any agreement for the payment by any persons of any subscription or penalty to a trade union.

(3.) Any agreement for the application of the funds of a trade union,—

a. To provide benefits to members; or  
b. To furnish contributions to any employer or workman, not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union; or

c. To discharge any fine imposed upon any person by sentence of a court of justice; or

(4.) Any agreement made between one trade union and another; or

(5.) Any bond to secure the performance of any of the above mentioned agreements:—

But nothing in this section shall be deemed to constitute any of the agreements above mentioned unlawful.

5. No Act in force in the Dominion providing for the constitution and incorporation of charitable, benevolent or Provident Institutions shall include or apply to trade unions, nor shall this Act apply to any trade union not registered under this Act.

#### REGISTRATION OF TRADE UNIONS.

6. Any seven or more members of a trade union may by subscribing their names to the rules of the Union, and otherwise complying with the provisions of this Act with respect to registry, register such trade union under this Act, provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

7. It shall be lawful for any trade union registered under this Act, to purchase or take upon lease in the names of the trustees for the time being of such trade union, any land not exceeding one acre, and to sell, exchange, mortgage, or let the same, and no purchaser, assignee, mortgagee, or tenant, shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purpose of this section every branch of a trade union shall be considered a distinct union.

8. All real and personal estate whatsoever belonging to any trade union registered under this Act, shall be vested in the Trustees for the time being of such trade union, appointed as provided by this Act, for the use and benefit of such trade union and the members thereof, and the real or personal estate of any branch of a trade union shall be vested in the trustees of such branch, and be under the control of such trustees;

their respective executors or administrators, according to their respective claims and interests, and upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatever, save and except in the case of *Dominion Stock* which shall be transferred into the names of such new trustees, and in all actions, suits, or indictments or summary proceedings before any court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade union without any further description.

9. The trustees of any trade union registered under this Act, or any other officer of such trade union who may be authorized to do by the order thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution, or complaint in any court of law or equity, touching or concerning the prosperity, right, or claim to property of the trade union,—and may, in all cases concerning the property real or personal of such trade union, sue and be sued, plead and be impleaded in any court of law or equity, in their proper names without other description than the title of their office; and no such action, suit, prosecution, or complaint, shall be discontinued or abated by the death from office of such persons or any of them, but the same shall be proceeded in by their successor or successors as if such death, resignation or removal had not taken place; and such successors shall pay and receive the like costs as if the action, suit, prosecution, or complaint had been commenced in their names for the benefit of or to be re-imbursed from the funds of such trade union, and any summons to such trustee or other officer may be served by leaving the same at the registered office of the trade union.

10. A trustee of any trade union registered under this Act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union, but shall be liable only for the moneys actually received by him on account of such trade union.

11. Every treasurer or other officer of a trade union registered under this Act, at such times as by the rules of such trade union he should render such account as hereinafter mentioned, or upon being required so to do, shall render to the trustees of the trade union, or to the members of such trade union at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered a like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union, which account the trustees shall cause to be audited by some fit and proper person by them to be appointed;—and such treasurer if thereto required, upon the said account being audited, shall forthwith hand over to the trustees the balance which on such audit appears to be due from him, and shall also, if required, hand over to such trustees all securities and effects, books, papers and property of the said trade union in his hands or custody; and if he fail to do so the said trustees may sue such treasurer in any competent court for the balance appearing to have been due from him upon the last account rendered by him, and for all moneys since received by him on account of said trade union, and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said trade union; and in such action the trustee shall be entitled to recover their full costs of suit, to be taxed as between attorney and client.

12. If any officer, member or other person being or representing himself to be a member of a trade union, registered under this Act, or the nominee, executor, admin-

istrator or assignee of a member thereof, or any person whatsoever, by false representation or imposition, obtains possession, of any moneys, securities, books, papers or effects of such trade union, or having the same in his possession wilfully withholds or fraudulently misapplies the same or wilfully applies any part of the same to purposes other than those expressed or directed in the rules of such trade union, or any of them, the magistrate or justices having jurisdiction in cases of complaint for offences under this Act, for the place in which the registered office of the trade union is situate, upon a complaint made by any person on behalf of such trade union, or by the Registrar, may by summary order, order such officer, member or other person, to deliver up all such moneys, securities, books, papers or other effects to the trade union, or to repay the amount of money paid improperly, and to pay, if the court thinks fit a further sum of money not exceeding one hundred dollars, together with costs not exceeding five dollars, and in default of such delivery of effects or payment of such amount of money, or payment of such penalty and costs as aforesaid, the said court may order the person so convicted to be imprisoned, with or without hard labor, for any time not exceeding three months:—Provided that nothing in this Act shall prevent the trade union from proceeding by indictment against the said party: and provided also, that no person shall be proceeded against by indictment if a conviction has been previously obtained for the same offence under the provisions of this Act.

#### REGISTRY OF TRADE UNIONS.

13. With respect to the registry, under this Act, of Trade Unions, the following provisions shall have effect:

(1.) An application to register the trade union and printed copies of its rules, together with a list of the titles and names of its officers, shall be sent to the Registrar under this Act;

(2.) The Registrar upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Act, shall register such trade union and such rules;

(3.) No trade union shall be registered under a name identical with that under which any other trade union has been registered, or so nearly resembling such name as to be likely to deceive the members or the public;

(4.) Where a trade union applying to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the Registrar, before the registry thereof, a general statement of the receipts, funds, effects and expenditure of such trade union, in the same form, and showing the same particulars as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the Registrar;

(5.) The Registrar upon registering such trade union shall issue a certificate of registry, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that the regulations of this Act, with respect to registry, have been complied with;

(6.) The Governor in Council may from time to time make regulations respecting registry under this Act, and respecting the seal, (if any) to be used for the purpose of such registry, and the inspection of documents kept by the Registrar under this Act, and respecting the fees (if any) to be paid on registry not exceeding the fees specified in the second schedule to this Act, and generally for carrying this Act into effect.

14. With respect to the rules of a trade union registered under this Act, the following provisions shall have effect:

(1.) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the first schedule to this Act;

(2.) A copy of the rules shall be delivered by the trade union to every person on demand, on payment of a sum not exceeding twenty-five cents.

15. Every trade union registered under this Act shall have a registered office, to which all communications and notices may

be addressed; if any trade union registered under this Act is in operation for seven days without having such an office, such trade union and every officer thereof shall each incur a penalty not exceeding \$25 for every day during which it is so in operation.

Notice of the situation of such registered office and of any change therein, shall be given to the Registrar and recorded by him; until such notice is given the trade union shall not be deemed to have complied with the provisions of this Act.

16. A general statement of the receipts, funds, effects and expenditure of every trade union registered under this Act shall be transmitted to the Registrar before the first day of June in every year, and shall show fully the assets and liabilities at the date, and the receipts and expenditure of the trade union, during the year next preceding the date to which it is made out, and shall show separately the expenditure in respect of the several objects of the trade union, and shall be prepared and made out to such date, in such form, and shall comprise such particulars as the Registrar may from time to time require; and every member of, and depositor in any such trade union, shall be entitled to receive, on application to the Secretary or Treasurer of the trade union, a copy of such general statement without making any payment for the same. Together with such general statement there shall be sent to the Registrar a copy of all alterations of rules, and new rules and change of officers, made by the trade union during the year preceding the date up to which the general statement is made out, and a copy of the rules of the trade union as they exist at that date.

Every trade union that fails to comply with or acts in contravention of this section, and also every officer of the trade union so failing, shall each be liable to a penalty not exceeding twenty-five dollars for each offence.

Every person who wilfully makes or orders to be made any false entry in or any omission from any such general statement, or in or from the return of such copies or rules or alteration of rules, shall be liable to a penalty not exceeding two hundred dollars for each offence.

17. The Registrar-General of Canada shall be the Registrar under this Act;

The Registrar shall lay before Parliament annual reports with respect to the matters transacted by him as such, in pursuance of this Act.

18. If any person, with intent to mislead or defraud, gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules or of any alterations or amendments of the same, other than those respectively which exist for the time being, on the pretence that the same are the existing rules of such trade union, or that there are no other rules of such trade union, or if any person, with the intent aforesaid, gives a copy of any rules to any person under the pretence that such rules are the rules of a trade union registered under this Act which is not so registered, every person so offending shall be deemed guilty of a misdemeanor.

19. All offences and penalties under this Act may be prosecuted and recovered under the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intitled an Act respecting the duties of Justices of the Peace out of sessions in relation to summary convictions and orders, as amended by the Act passed in the thirty-third year of Her Majesty's reign and intitled, An Act to amend the Act respecting the duties of Justices of the Peace out of sessions in relation to summary convictions and orders, and any Act passed in the present session amending the same; provided that the complaint or information shall be brought, heard and determined before some Stipendiary or Police Magistrate or other functionary having by law the powers of two Justices of the Peace, if the offence was committed in any city, town or place in which any such Magistrate or functionary has jurisdiction, and if the offence be committed elsewhere, then before two Justices of the Peace:—Provided that,

(1.) The description of any offence against this Act in the words of this Act shall be sufficient in law, and,

(2.) That any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified in the information, and if so specified and negatived, no proof in relation to the matters specified and negatived shall be required on the part of the informant or prosecutor.

20. If any party feels aggrieved by any order or conviction made in determining any complaint or information under this Act, such party may appeal therefrom in the manner and subject to the conditions provided with respect to appeals from summary convictions and orders by the Acts cited in the next preceding section of this Act, or any Act amending them, which may be passed in the present session.

21. No person who is a master, or the father, son or brother of a master, in the particular trade or business in or in connection with which any offence under this Act is charged to have been committed, shall act as a Magis-

trate or Justice of the Peace, in any case of complaint or information under this Act, or as a member of any court for hearing any appeal in any such case.

#### INTERPRETATION.

22. In this Act, the term "Trade Union" means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or for imposing restrictive conditions and the conduct of any trade or business, as would if this Act had not been passed, have been deemed to be an unlawful combination by reason of some one or more of its purposes being in restraint of trade:—Provided that this Act shall not affect,—

(1.) Any agreement between partners as to their own business;

(2.) Any agreement between an employer and those employed by him as to such employment;

(3.) Any agreement in consideration of the sale of the good will of a business, or of instruction in any profession, trade or handicraft.

23. Any statute or law inconsistent with this Act is hereby repealed, but such repeal shall not affect any case pending before any court or tribunal at the coming into force of this Act, which shall not apply to any such pending case.

#### SCHEDULES.

##### FIRST SCHEDULE.

Matters to be provided for by the Rules of Trades Unions registered under this Act.

1. The name of the trade union and place of meeting for the business of the trade union.

2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures which may be imposed on any member of such trade union.

3. The manner of making, altering, amending and rescinding rules.

4. A provision for the appointment and removal of a general committee of management, and of a trustee or trustees, treasurer, and other officers.

5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.

6. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union.

##### SECOND SCHEDULE.

##### Maximum Fees.

For registering a trade union ..... \$4 00  
For registering alterations in rules ..... 2 00  
For inspection of documents ..... 0 50

NOTE.—The fees and penalties are intended to be proposed in committee of the whole and are inserted only for the information of members.

We have much pleasure in laying before our readers a copy of the Trade Unions Bill introduced by Sir John A. Macdonald. We also desire to publish in this issue an account of the interesting proceedings at Hamilton on Wednesday, and our columns being crowded, we have done so in the form of a supplement.

#### A CONTRADICTION.

To the Editor of the Ontario Workman.

Sir,—A report which appeared in the Globe of Tuesday, 14th inst., stating that the leading employers had come to an agreement with their employees with regard to the Nine Hour movement in this town, we wish emphatically to deny that any such arrangement has been come to. The employers made the arrangement themselves, none of the employees having been consulted in the matter whatever.

By allowing this space in your valuable paper, you will oblige,

THE GUELPH NINE HOUR LEAGUE.

Guelph, May 14, 1872.

There was a collision at the Toronto and Hamilton Junction, between two freight trains on Monday. Six cars were broken up. No other damage was done. No one was injured. There was very little delay to the trains.

The Belleville town council has passed a By-law prohibiting street profanity, the principal clause of which reads:—"It shall not be lawful for any person to arouse or make any disturbance in any place of public worship, or to utter any profane, obscene or execratory, or to be drunken, or unclean, brawling, quarrelsome, noisy, or in any way disturb the public peace of the town." Penalty in clause 26:—A fine not exceeding \$5 nor less than 2s 6d; in default, imprisonment in the common jail for any period not exceeding twenty days."