Friday, April 24, 1908

THE NEW DANCER.

ISS MAUD ALLAN is the

ISS MAUD ALLAN is the mode of the moment. "All London," as the posters say, or at any rate as much of Lon-don as can squeeze it-self into the Palace Theatre of Varieties, is making a point of con-

making a point of see-the serried ranks of

For the serried Tanks of en, old and young, equipped era glasses, it is easy to ac-y the report—not at all ac-that the lady is attired for her dances in little else than ays the London Times. But dane dames are there, too, to be seen, and a careful scru-teren reveal & ganving are

ven reveal a genuine ama

iss Allan's "turn" arrives, at r past ten, there is the sud-

nce that betokens eager ex-n. The stage is unfurnished a few pedestals for flambeaux, background there are plain irtains of a subfusc hue. Then

in bows glide softly into the ains of Choplin's valse in A pp. 34, No. 2)—and the dream

pp. 34, No. 2)—and the dream The figure of the dream is a

irl; you perceive her, that is to be a girl when you wake

to your dreaming sense sh

nph or a Tanagra statuette, she slips through the cur-

nd then appears to be drawn

ously into movement by the Say rather that she becomes the music—music made visi-e wears light classic drapery, ms not so much to clothe her ervé as ambient air wherein its. Her limbs and feet are

erve as ambient air wherein ts. Her limbs and feet are

he supported by it. When wave it is a wave in the true

at they form; a ripple runs em, slowly dying out at the ps. Her hands have someth-

ps. Her hands have someth-he leaf or petal about them, pening and folding or curving on their stem, like Daphine's in that picture of Giorgionne

god has caught her and she irning to laurel. For ex-

elicity of expression we can

hom D'Annunzio has so well alle belle mani. Here they how we cannot guess, we tate the fact—a pensive mel-

the vague sad reverle of music. But the A minor every one knows, modulates into the relative major, and dancer's face changes and

into the relative major, and dancer's face changes, and hope and joy, and her hands and all the movements of express hope and joy. Only

bs and all the movements of vexpress hope and joy. Only oment, however, for again the nks back into the minor key see the joy fading out of the ce, and leaving her arms and and she dances as one op-falling at last into a waa desy the music ceases; the dancer still, with head bowed over hat seems lifeless; then she uietly through the curtain-awake from your dream. It nge etat d'ame to have passed in this Palace of Varieties, very worldy-looking crowd the meading De Quincey

ted women and cigar-smok-n-like reading De Quincey ecourse or at Ranelagh.

text dream is to the familiar, oo familiar, tune of Mendels-Spring Song," the dream-tting hither and thither-grazioso-in pursuit of an

f butterfly. This is of course for languorous melancholy; movements are brisk and the makes little rushes back-

he makes little rushes back-nd forwards or, like "Camilla, long the plain." Now she is be with arms outstretched, now

bending to the ground, now " for a moment like the but-

ie pursues—in short, gives

itessence of the pap

This you c

them with the hands of

ex-

er and supple limbs, feet

dancing for dancing's sake.

VICTORIA' SEMI-WEEKLY COLONIS'T

Alien Labor Law-Workmen in New Industry

important judgment was rendered at the Court of the King's Bench by Mr. Justice Cross, dismissing leave to appeal in the case of Joseph Disney, who DIL

was acquitted by the Court of Sessions on the charge of infringing the Alien Labor Act, says 'the Montreal Gazette. Disney was accused of securing the services of American workmen on behalf of the Dominion Car & Foundry company. His Lordship disallowed the appeal on the ground that

although, the act, generally speaking, forbade the importation of foreign labor, such importation was nevertheless permissible in cases where a sufficient number of skilled workmen could not be found here to operate a new industry

Following is the text of his judgment: This was a rehearing under the provisions

of the Criminal Code regulating appeals. The accused had been tried before the

ludge of Sessions upon an accusation of inringement of the Alien Labor Act, and was acquitted.

The offence charged is that Joseph Disney has contravened the act known as the Alien Labor Act, cap. 97 R.S.C. (1906), in that he has within the last six months prepaid the transportation, and has assisted, encouraged and solicited the importation or immigration of an alien or foreigner into Canada, under contract or agreement made previous to the mportation or immigration of such alien or foreigner, to perform labor or service in Canada. It is also set forth in the complaint that the labor which the alien was to do was such as for that purpose can be obtained in Canada and was in an industry at present established in Canada, the said alien having been brought into Canada for the purpose of taking employment with the Dominion Car & Foundry Co. (Ltd.)

That the alien who was brought into Canada is Ferdinand Jessec and his employment is hammerman.

There appears to be no doubt of the fact that the accused went to Detroit at the instance of the Dominion Car & Foundry Co. (Ltd,) for the purpose of getting men to come and take service with that company as hammermen, that is, to do the work of rivetting ogether parts of steel cars with a hammer, perated by pneumatic pressure, and that, as a result of his trip, one Jessec came and entered into the service of the company at its orks near Lachine.

Objection is made on behalf of the de-, fendant that he acted merely as the agent of the company and that, as an infraction of the statute leads only to a money adjudication,

not liable to such adjudication, inasmuch as he has only acted within the limits of his agency, and that, consequently, the company alone could be proceeded against. *

I do not consider this objection to be well founded, because what is prohibited by this statute, under penalty of fine, has been made unlawful, and a defendant can have no mandate to do what the law prohibits, and, if he does it, the act is to be treated as having been done on his individual responsibility.

It it next objected, on behalf of the defendant, that Jessec did not come from the United States, but that, being a minor, whose home was with his father in Belgium, and, having been only temporarily in the United States in search of work, he, in reality, came from Belgium to Canada, and inasmuch as the Alien Labor Act applies only to importation or immigration from such countries as have in force laws of a character similar to the Alien Labor Act, and it is not shown that any such law was in force in Belgium, where Jessec's home was, the penalty has not been incurred. The provisions of the act, however, appear

to be directed against the induced immigration of aliens who either reside in or are citizens of the foreign country which enforces alien labor acts against Canada, and I do not consider that the legal domicile of the alien, apart from the place of his recent habitation, is a matter to be enquired into. This objection is conse-. quently also set aside.

It is next contended, on behalf of Disney, that his case came within an exception which is made in the act, in the following terms:

"Nothing in this act shall be so construed as to prevent any person, partnership, company or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in Canada in or upon any new industry not at present established in Canada; provided that skilled labor for that purpose cannot be otherwise obtained.'

It is contended, for the accused, that the engagement of Jessec to come into Canada and to work here was not an offence, because the two facts necessary to bring the Jessec case. within the exception existed, namely, first, that he was engaged to work in a new industry in Canada, and, second that skilled labor "for thatpurpose" could not be otherwise obtained. The facts proved in evidence make it clear that, in so far as concerns the equipment and setting in operation of an establishment for the manufacture of steel cars, the enterprise of the Dominion Car & Foundry company was a new one of a kind not already established in Canada. In other respects, however, this case has developed widely different pretensions concern-

ing clause of the act.

The prosecutor contends that the purport of the excepting clause is to permit the engagement abroad of those skilled workmen only whose work is new and not practiced in Canada, and that the defendant cannot exculpate himself without proving that "the skilled labor for that purpose" mentioned in the proviso means the skilled labor called into requisition by the new processes of the industry.

While admitting that, in making steel cars, the men who cut out the parts or who design them might be such as could be engaged abroad, he denies that the rivetters are skilled workmen occupied at a trade heretofore unknown in Canada. In his written argument, put on record, the prosecutor's pretension is stated thus:

'Now, our position with regard to this point is that the wording of section (b) 'skilled workmen in or upon any new industry not at present established in Canada' simply means skilled workmen whose occupation is such as has heretofore not existed in Canada."

The prosecutor accordingly submitted evidence, in considerable volume, to demonstrate that there is nothing new about the rivetting of bolts with a pneumatic hammer, and that, though it may be true that the making of steel cars is a new thing in Canada, rivetting had been done with the pneumatic hammer for some years previously in bridge construction, boiler making and other steel construction work, and he concludes that the defendant, having brought Jessec into Canada to work merely as a hammerman rivetter, has violated the act.

This view is disputed by counsel for the defendant, who argue that a new industry means an establishment or business which produces a new commodity or service, and that, in setting up such an industry, any sort of skilled laborers may be engaged abroad, whether their avocation relates to the new process or not.

Though the statute contains no interpretative clauses, I consider that its language is such as to enable me to arrive at a correct conclusion as to its meaning in relation to the present. controversy, but it will be well first to state summarily the facts proved in the case.

The Dominion Car & Foundry company had equipped a shop for the purpose of manufacturing steel box cars. Manufacturing operations had commenced. In the spring of 1907, when outdoor work became igeneral, an urgent demand for rivetters arose. They were in demand for work on the Quebec bridge, on a railway bridge near Ste. Annes, on work in Ontario, as well as in many places in and near Montreal where steel construction work was proceeding. The Dominion Car & Foundry company did not have the requisite number of laborers, and fell into arrears of deliveries of the setting up of the works.

which may be sued for in a civil court, he is ing the legal purport and effect of this except- cars under its contract with one of the railway companies. The rate of wages rose as the scarcity of laborers increased, and, as a consequence, men became unsettled and went from one undertaking to another. A foreman in the car company shop left its service, and as his successor was not to the men's liking, some of the men left also. The car company was unwilling to have the increase in wages go beyond a certain amount and others of its men went away to get higher pay elsewhere. The company advertised for rivetters, and had canvassers search for men, and it sent this defendant to Detroit for the purpose. The present prose-

cution resulted. It is contended, for the prosecutor, that rivetters, operating with the pneumatic hammer, are not skilled workmen at all. The weight of evidence, however, is against this conclusion. One witness from Detroit, named Clymo (Clement?), it is true, has testified that illiterate European day laborers, applying for work at the shops of the American Car Foundry Works, have been set forthwith at this kind of work, but this testimony is not only very improbable in itself, but is not supported by that of the other witnesses on either side. The mere fact that these operators are classed by themselves and are not regarded as day laborers is against the pretension. I consider that Jessec was engaged to do the work of a skilled workman.

The case, therefore, resolves itself into determining whether the contention of the prosecutor that the statute permits the hiring abroad, to work on a new industry, only to those skilled workmen who do some new kind of skilled work and not of all kinds of skilled workmen, is well founded or not.

As a matter of well recognized principle, an enactment purporting to restrict common freedom of action and of contract, is to be so construed as not to make the restriction extend beond what the language of the enactment clearjustifies. The act prohibits the assisting the immigration from those foreign countries to which it applies, of alien laborers, under contract to perform work or service of any kind in Canada, but it also declares that no person is prevented from engaging skilled workmen, in foreign countries, to labor in or upon any new industry not at present established' in Canada, "provided that skilled labor for that purpose cannot be otherwise obtained."

It is easy to see what the intent of this excepting clause is.

The framers of this clause clearly must have had in mind the fact that the setting in operation of a new industry would disturb local labor conditions and create a demand for workmen which could perhaps not be supplied. Skilled workmen are presumably at work and do not congregate in a locality in advance and await

While it may be true, as the prosecutor contends, that the object of the act, as a whole, is to secure a fair wage to the workman and prevent the market from being flooded with "cheap" labor, it is also clear that the object of this excepting clause is to favor the new industry and to guard it against having to stand in idleness because of lack of skilled workmen to supply the new demand.

This being so, the effect of the clause is to permit the engagement abroad, not merely of those skilled workmen whose work is confined to the new processes, but of any kind of skilled workmen, who may be needed, provided they cannot be engaged in Canada. It sanctions the engagement abroad of skilled workmen to be employed as the act itself states, "in or upon" any new industry, and though it is insisted by the prosecutor the words 'for that purpose" mean the purpose of work in the new processes, consider that these words are too indefinite to have such a meaning attached to them, but must be held to relate to the preceding phrase, "in or upon any new industry." To adopt the construction argued for by the prosecution, would, therefore, be to read into the statute something which is not there, and, not only this, but it would also involve the assumption that every new industry necessarily calls for the exercise of a skilled avocation of a new kind, whereas, as I think is generally conceded, the excellence of many new industries consists largely in the simplicity of the methods of operation by which their objects are accomplished.

It follows that it was for the prosecutorwho takes the affirmative of the issue on this point, in his complaint-to prove not merely that there were hammer men-rivetters in Canada who could work with the pneumatic hammer, but also that such rivetters could be obtained for the purpose of the car building works otherwise than by inducing aliens to come to Canada, and obtained in such numbers as would enable the company to effectively operate the works. He has not made this proof. In the evidence, the names of only three rivetters are given, who were not occupied at an unspecified date in May or June, though there are general assertions by some of the witnesses to this effect that as many as twenty men might at one time have been engaged. The company, however, was not made aware either of the names of the three men in question or of the whereabouts of the twenty

It seems to have striven by canvassing and by advertisements to procure workmen here. It succeeded to the extent of securing all the rivetters except seven employed in this new works at a time of great scarcity of skilled laborers, and I do not find that the proof shows that it could have done more. Appeal dismissed.



Northwest of the United States 門川 in a worse condition than this huge business had experienced since it became of importance more than a dozen years ago. In the Northwest the financial panic, combined with an arbitrary advance of freight rates on lumber of 25 per cent. by the railroads, quickly laid the industry low so far as railroad trade is concerned, and somewhat disturbed the cargo trade. Car shortage when the market was brisk in the early part of the year also operated as a severe check. The general situation is still so unsettled that no lumbermen is willing to predict the darkened future. In British Columbia and California the financial stringency has had a deterrent effect. The hardest blow, lowever, has fallen upon the lumbermen of the States of Washington and Oregon; the two greatest lumber producers of the West.

dent of the London Times writes as plains and the further East and restrict it to nually exceeds £12,000,000. Two hundred ther bolstered by the advanced rate. A few pears to be in British Columbia. According follows: The close of 1907 found a narrow zone on the Pacific coast. Should thousand people are directly dependent upon of these invaders of coastline business have to Vancouver advices the industry is prothe lumber industry of the Pacific such a condition be created, the foundation on the industry

The value of the annual output

The brightest general outlook for 1908 apgressing, new mills have been built in the last year and others, some of magnitude, are projected. Many new sawmill corporations are announced. Seventeen of these have capital ranging from £40,000 to £200,000. About fifteen mills are now under construction. The rapid development of Western Canada, it is believed, assures continued enlargement of the market for British Columbia lumber and shingles. For the last two years Americans have been investing heavily in timber lands of the province, and particularly so in 1907. Both men of wealth and those of, moderate means have become interested in the timber resources of British Columbia, and professional men, clerks, and laborers of the United States have readily contributed cash for cruising, and look forward to the day, when, for the expenditure of a few hundred pounds, they shall realize thousands. And they undoubtedly will, but the time of harvest must depend upon the future demand for lumber.

the warm summer-breeze-impression curiously inconwith your actual surround-the true sense of the word, s dancer's art is entracing. It you into a hypnotized sub-

he dancer has reserved her troke for the last. This "Visalome" has not only made her but has so haunting a fas-that, to our own knowledge, that, to our own knowledge, hople cannot keep away from eturn to the Palace to see it ter night. For many of us world will go anywhere in f dreams, taking Calderon's sueno for our motto, and car-be whether our dreams come prough the Gate of Ivory or of Horn. This time our s sensuous, decadent, maca-the strains of weird Oriental alome slowly descends the alone slowly descends the eps. There are jewels on her bosom, and she wears a tunic bosom, and sne wears a tunic gauze. It is of the essence, e, of Eastern dancing to show movements of the body round to speak, as a pivot, which if course, that it may become, a notorious case of the danse re, something lascivious and ly ugly. Now it is obvious dancer could make no move-bosture that is not beautiful. osture that is not beautiful, fact, her dancing as Salome, Lastern in spirit through and is absolutely without the suggestion of the vulgarities lar to the fourist in Cairo or She achieves the distinction nit it risks being a nice dis-but she achieves it—be-le lascingues and the achieves but she achieves it—be-he lascivious and the volup-Salome dances as one fasci-lowly advancing towards the d swiftly receding from it, y drawing nearer and nearer, ling upon hands and knees ting, half savagely, half am-over it then pounding upon ting, half savagely, half am-over it, then pouncing upon hawk upon.a prey. There-e dances fear, a quivering, ing dance, and finally col-huddled-but still graceful, utiful-mass. And there you secret of her art, sheer every line in it, every rhythm, ovement, every posture, every s beautiful. And so Maud res you beautiful dreams, and ot wonder that all the dream-ondon and all the lovers of ion and all the lovers or beauty's sake are crowd-be her, and return to see her again.

Wells, a Crimean and Indian eteran, who recently sold boot-i matches, was buried with mili-ors at Southchurch, Essex.

Fighting the Railroads

The various lumber associations which have banded together to combat the advance in railroad rates are awaiting the decision of the Interstate Commerce Commission on the question. From the moment the new rates were announced the lumbermen took up the cudgels of war and employed some of the highest legal talent of the country to aid them n their defence. Before the Commission, in Washington, D. C., in December, the manufacturers presented their case with a strength that they believe is unanswerable by the railroads. At this hearing a bewildering mass of statistics and many abstruse arguments were presented. While waiting for the decison of the Commission, agents of the railroads, lirectly and, it is alleged, indirectly, have offered opportunity for compromise. The umbermen positively refuse compromise of iny kind and announce their intention of ighting to the end. On each side millions of ounds are at stake. The manufacturers delare that if the railroads win, millions of ounds additional freight charges will fall into he hands of the transportation companies and carried from the West to the East-that provided that the Northwestern lumber lustry is not ruined for years, as is claimed some lumbermen. If the rate of advance allowed to stand it will give an enormous vantage to the yellow pine producers of the

outh, and, according to mill men, will crowd

which rests the wealth of 1,500,000 people would crumble, unless an unprecedented and improbable foreign demand came to offset it. The railroads claim that the manufacturers are able to bear the additional burden, and should the Commission's decision favor the lumbermen it is not at all improbable that the carriers will appeal to the Supreme Court of the United States. For the lumbermen to appeal to this source is open. In October, in the United States Circuit Court for Western Washington and Oregon, the lumbermen gained a temporary victory over their opponents. On the last day of that month these Courts, in granting applications made by two lumber associations and one shingle mill bureau, issued an injunction prohibiting the collection of the advance, but allowing it to become effective pending a decision from the Commission. Only mills belonging to these organizations were included on the order. The injunctions were granted on condition that the mill men furnish a £50,000 bond as a guarantee of full payment of the advance in the event of a decision from the Commission favoring the railroads. For the protection of Washington bondsmen more than £250,000 was subscribed by mills, rang-ing from £1,000 to £2,000 each. The feeling of the lumbermen with respect to the future of their business, with a railroad rate of two shillings a hundred pounds to Mississippi and Missouri Valley points, is indicated in the following statement by President E. G. Griggs, of the Pacific Coast Lumber Manufacturers' Association: "We are forced back five to ten years by the arbitrary advance in freight rates, and until our competitive woods, white and vellow pine and hemlock, are so denuded that they will absorb the contemplated advance, we will to that extent be driven back toward the coast with our products. Our markets are restricted, and certain high-grade products alone can be shipped."

Condition of the Industry

In tracing the growth and importance of the lumber industry of the Pacific Northwest and endeavoring to show how much is at stake. the manufacturers stated to the Commission that in Washington alone they have £20,000,ooo invested, exclusive of material on hand, logs, standing timber, or timber lands. More than 90,000 persons are engaged in the indus-

of lumber, exceeding 4,000,000,000 feet, is placed at £13,000,000 at the mills, and shingles bring £3,400,000. The total amount of freight paid the railroads annually is declared to be £5,000,000. In other words, the annual value of lumber in this State is twice that of its grain, more than five times that of its fish, and eight times that of coal.

Since early last autumn, according to lumbermen's figures, 70 per cent. of the timber mills and practically all the shingle plants have been closed. The resumption of operation this year by a few shingle mills has alarmed some manufacturers, and it is asserted by one who has just returned from the East that if the mills do not close the sale price will soon fall below the cost of production. As an illustration of the evil effects of the 25 per cent. advance in railroad rates, it is pointed out that only 14 cars of lumber products entered Denver over the Harriman lines in December, whereas the normal shipments would be 40 cars daily. Similar tales are told of other market centres, and it is averred by one of the chief manufacturers of the Northwest that the freight charges alone to Iowa are greater than the selling price of yellow pine of the South. Inquiry by retailers shows that the rural dis-tricts of the best markets are well supplied with money, and the hope is entertained that the farmers and the prosperous towns near them will place large orders this year. Even if such business results, the lumbermen of the Far West say that they cannot sell with profit if forced to pay a higher freight rate.

Production of Timber

In spite of the set-back received by the timber industry, the production of the Pacific Coast for 1907 reaches at least 7,000,000,000 feet of lumber, and about as many billion shingles. This total is for California, Oregon, Washington and British Columbia. The cargo trade of Washington, Oregon, and British Columbia totalled approximately 1,500,000,-000 feet, a decrease of nearly 60,000,000 feet. The reduction indicates a return to the normal conditions of 1905, before the San Francisco earthquake and fire, which created an un-paralleled demand for lumber in 1906 and for some time in 1907. The indrease of cargo business over 1905 is 425,000,000 feet, and this is due partly to the entrance of rail trade men into deep-sea shipments, which began when

succeeded fairly well, while others have with drawn. The outlook for 1908 trade is fair.

The total Pacific Coast cut for 1907 about one-fifth of that of the entire United States for the year. The greatest output of any one locality was that of Portland, which, though showing a decrease of 100,000,000 feet from its 1906 cut, produced 540,000,000 feet. In the cargo trade Washington suffered a loss of only 7,500,000 feet. Its domestic demand declined 50,000,000 feet, but the foreign orders rose 41,500,000 feet. Oregon's domestic loss was 25,000,000 feet, and that on foreign orders 12,000,000 feet. The total decrease of cargo business, in British Columbia was 12,-000,000 feet. There were shipped to San Francisco 750,000,000 feet, of which practically 600,000,000 feet were supplied by Washington and Oregon. To San Pedro, the port of Los Angeles, 310,000,000 feet were shipped, or 45,000,000 feet less than in 1906, twice the oss sustained by San Francisco. California exported a large quantity of redwood to Australia, Mexico, and Central America and South America. The foreign trade for the year was generally satisfactory. The offshore consignments were a trifle more than 425,000,000 feet from Washington, Oregon, and British Columbia; California's share necessarily was in no way comparable with that of Washington and Oregon, as it consumes a great deal of its own woods itself.

The principal exports for the year were as follows: Australia, 115,000,000 feet; South America, 137,000,000 ft., of which the main distributions were to Chile 100,000,000 ft., to Peru the balance; China and Japan, 98,000,-. 000 ft.; Mexico and Central America, 39,000,-000 ft.; United Kingdom and Europe, |21,-000,000 ft.; Africa, 5,000,000 ft. To the insular ossessions and Alaska the exports were: Hawaiian Islands, 24,500,000 ft.; Philippine Archipelago, 10,000,000 ft; Alaska, 22,000,000 ft.; Australia increased its purchasers by 5,000,-000 ft.; Chile's increase was 18,000,000 ft.: and Mexico did as well, Peru following with an advance of 10,000,000 ft. The European and Chinese demands each declined about 8,000,000 ft. Of the 21,000,000 ft. sold in the United Kingdom and Europe, England took 10,000,000 ft. The growth of Alaska in the last year was illustrated in an increased import of 7,000,000 ft. A drop is shown in the figures for the Philippines and Hawaii.

ODD DOINGS OF EARTHWORMS.

Ever since Darwin wrote his remarkable book on earthworms the general public has taken an interest in these lowly creatures. Everybody has observed thousands of them on the cement walks during and after a rain; but the true cause of these remarkable wanderings is not often written about. The fact is that earthworms can move about only when the ground and the grass is wet. The truth of this is easily shown by placing an earthworm on some dry sand, when the dry grains will stick to its slimy skin and make helpless.

All living creatures are endowed with the instinct to move and spread over the earth. Human beings, higher animals, and birds prefer to move about in dry weather. To the earthworm and other lowly creatures, like frogs, salamanders slugs, and land snails, rainy days are the only fair days for travelling. When the sun comes out and dries the roads and the meadows they withdraw into their hiding places. As earthwarms cannot see clearly, they crawl about in an aimless sort of way. If they happen to get on a board or cement walk, when the sky clears up they soon die and shrivel up.

When a dry season or winter approaches, the earthworms burrow deeper into the ground.