APPENDIX No. 4

Q. Then the building of a dredge would not come under the jurisdiction of that law?—A. No, nor its operation, in the case of the men working on a dredge. The court held that they were seamen.

By Mr. Marshall:

Q. If that were a dredge employed by the government, or if it were a government dredge, would the workmen not come under that Act?—A. You mean when they were working on it?

Q. Yes, on the property of the government?—A. The point is that these men working on the dredge were held by the court not to be either labourers, workmen or mechanics to whom the law applied. The court held that such men were seamen.

By the Chairman:

Q. If working in an ocean harbour?—A. In an ocean harbour. If working in a creek or a river they might be held to be workmen or mechanics, and the law would apply there. In fact there was a difference of opinion in the court between two classes of dredges, one in Boston harbour and another in Chelsea creek. Two of the judges switched when it came to discussing the creek question. They held that was a public work, and that the men employed on a government dredge in that creek were labourers and mechanics. It is rather a subtle distinction, and perhaps would not come up very often.

By Mr. Smith (Nanaimo):

Q. I understood you to say that all government employees came under this law?—A. No. All government employees who are workingmen, labourers or mechanics.

Q. That would take anybody in.

The CHAIRMAN.—The courts construed these men to be seamen and not workmen, evidently regarding the former as not belonging to a class of workmen.

Prof. SKELTON.—The Attorney General also gave an opinion on the subject. He held that caretakers, janitors and messengers were not workmen or mechanics; and of course clerical employees are excluded.

By Mr. Macdonell:

Q. The cases you are reading are pretty well all in the Supreme Court of the United States?—A. The two most important cases were in the Supreme Court of the United States, and they are quite authoritative.

Mr. MACDONELL.—As far as possible I think it would be well to adhere to those cases. The Supreme Court of the United States is a court that would not be binding on us, but their decisions would be very useful to follow out. I doubt very much the utility of following out the decisions of the Supreme Courts of the different states.

Prof. SKELTON.—Two of the references I have given pertain to the Supreme Court; I have the details here and shall insert them in the appendix. The other has reference to a Federal Court also. None of them relate to state courts.

CLASSIFICATION OF STATE LAWS.

In the division of powers between the Federal and State governments, it is to the states that the general power of legislating on the conditions of employment is assigned. The majority of the states have freely exercised this power by passing statutes defining or limiting hours of labour in various ways. It may be well to classify these statutes as concisely as possible, to clear up the distinction between legislation such as is contemplated by the Bill under discussion and legislation covering private employment alone. These laws comprise six main classes, with the first five of which we are clearly not here concerned.