

If an industrial union of workers in any trade should obtain a favourable verdict from the Court, the employers are bound to treat all of their employees in the same manner; that is to say, that should a union obtain a verdict increasing wages, the employer would also be obliged to pay such of his workers as might not belong to any union a similar amount. If this were not the case an employer might easily avoid the order of the Court by employing only unorganized labour. In this connection it must also be remembered that the Court has the power to decide whether an employer should engage union or non-union workers. In some of the awards, when it has been ascertained that the number of union workers is sufficient to meet all demands in a certain district, employers in that district have been ordered to engage only members of a union; in other cases when it has been proved that the number of union men may be insufficient or that it has long been the custom in a particular locality to show no preference, one way or the other, it is optional with the employers as to the men they employ. But it is always distinctly understood that a man shall under no circumstances be debarred from employment merely on account of the fact that he is a member of a union. The Act is designed to encourage organization among workers, as it is considered in New Zealand that it is easier to deal with a properly constituted union than with individuals, and therefore it would certainly be an anomalous condition of affairs were the fact that a man was a member of the union allowed to work to his disadvantage.

In 1901 the Government of New South Wales commissioned Mr. Alfred Paxton Backhouse, a Judge of one of the district courts, to enquire into and report upon the operation of the Compulsory Conciliation and Arbitration laws in force in New Zealand and the various states of the Commonwealth of Australia. Judge Backhouse presented an exceedingly able and valuable report as the result of his enquiries, and his remarks have been widely quoted. Upon this report the Government of New South Wales founded their Industrial Arbitration Act of 1901. This Act follows closely the New Zealand law with the exception that the Boards of Conciliation have been eliminated from the scheme, and disputes are referred at once to the Court of Arbitration, whose award is final.

With reference to the industrial legislation of the various states of the Commonwealth of Australia and of the Colony of New Zealand, it is not an easy matter to come to a definite conclusion with regard thereto without personal observation of the machinery in operation, as opinions differ greatly concerning the working and effectiveness of this class of legislation. For instance, as far as we have been able to gather, public opinion is somewhat divided with respect to the Industrial Conciliation and Arbitration Act of New Zealand. The friends of the measure claim that it has prevented strikes and lockouts and performed good work in bringing about stability in industrial affairs. On the other hand its opponents have urged that while the Act undoubtedly prevents labour disturbances assuming the form of strikes, it also to a certain extent stifles enterprise. Fortunately for New Zealand since

1894, the year in which the Act came into force, the Colony has been generally prosperous, and in consequence conditions have been most favourable for the enforcement of the law. It is natural enough that the worker should take advantage of these favourable conditions and demand increased pay. The decisions of the Court of Arbitration have mostly been in favour of the unions, and this perhaps is not surprising when it is remembered that owing to the general prosperity of the country it is more than likely that wages would in any event have been augmented. With regard to this point, Judge Backhouse in his report remarks as follows: "My hope is that depression may be far distant, but when lean years come, as come they must, unless the world's history leads us to a wrong conclusion as to the future, when there will be curtailment instead of expansion, when wages will be cut down, instead of being raised, by the award; then, and not till then, can anyone speak with authority as to whether the principle involved is workable."

It perhaps may be deduced from these remarks that the Act is still in an experimental stage. It would not be well to overlook the fact, however, that the law has now been in operation for some eight years, and that the people as a whole appear to be satisfied with the results attained. There is another point worthy of consideration, and that is the fact that New Zealand is an island colony, possessing the power to enforce customs duties for the protection of its industries, and therefore less likely to be affected by outside competition than either the states of the Commonwealth of Australia or the Provinces of the Dominion of Canada should they enact similar laws. In view of these facts it is likely that the New South Wales Act will afford the student of economics and the statesman a better field for observation, as this State, being an integral portion of the Commonwealth, will be subject to competition from the States of Victoria, South Australia and Queensland, in the same manner as manufacturers of British Columbia are obliged to compete with the manufacturers of Ontario where the conditions that prevail are entirely different from those that obtain in this Western Province. From the foregoing it may be gathered that while a law of this nature may be successful in a country like New Zealand, it does not necessarily follow that it would meet with equal success in all lands. In an article on the Act of New South Wales, which appeared in the *National Review* of August, 1902, the Honourable B. R. Wise, Attorney-General for that State, remarks: "Framed thus in the light of New Zealand experience, and applied to a community of fuller industrial development and less isolated than New Zealand, the New South Wales Act may be regarded as a crucial experiment which should enable a decisive answer to be given as to the practicability and benefits of the legal method of settling industrial disputes. The measure, moreover, was conducted by its framer through both Houses of Parliament without material alteration, and expresses the ideas on which it rests with a rigid and logical completeness which is rare in an Act of Parliament. If such a measure fails in New South Wales, it is safe to say that no measure, having the same object, is likely