

COMPULSORY AND EXCLUSIVE COMPENSATION

Law Should Not Permit Choice of Remedies by Employee—Minimize the Evils.

Every consideration of justice and economy demands that the law of workmen's compensation should be exclusive; that is, that it should not permit, after the accident has happened, a choice of remedies on the part of the employee. These considerations may be briefly stated as follows, suggested Honorable George Sutherland, United States senator from Utah, in an address upon "The economic value and social justice of a compulsory and exclusive workmen's compensation law," before the International Association of Casualty and Surety Underwriters at Quebec:—

"1. It is unjust to the employer, since its effect is to compel him to respond for such unlimited and sometimes extravagant damages as a jury may see fit to impose, whenever his negligence can be established, and then superadds a liability to pay the definite amounts prescribed by the law in all cases where he is without fault, including those where the injury was due entirely to the negligence of the employee. There is, to say the least, grave doubt whether such a law is not so arbitrary in character that the supreme court of the United States would declare it void as constituting a denial of due process of law. The exclusive law is based upon perfectly defensible considerations of mutual burden and mutual advantage. It compels the employer to pay definite compensation in all cases, but relieves him of the liability to respond in unlimited damages in some cases. It deprives the employee of his right to recover unlimited damages in some cases, but gives him in exchange the right to recover definite compensation in all cases. The effect of it is to make the employer an insurer of the safety of his employees in a fixed and limited amount, but to leave in his treasury the fund theretofore available for the payment of indefinite damages to enable him in whole or in part to meet the new obligations. It gives to the employee an insurance policy in exchange for the gambler's chance. This law guarantees the employee the certainty of compensation in place of the uncertainty of damages.

For the Benefit of All.

"2. By making the law exclusive larger compensation can be given than would be possible if a choice of remedies were allowed, since it is manifest that if the employer's liability to pay unlimited damages in case of negligent injuries be continued, and in addition he be compelled to pay large compensation in all other cases, his industry will be taxed beyond its capacity to pay. It must be recognized that the compensation law substitutes the communistic idea of benefit for the whole class in place of the individualistic theory which permits a minority of the class to recover much and the majority little or nothing. The justification for a compulsory and exclusive workmen's compensation law rests in the conception that the workmen employed in any enterprise are industrial soldiers, who, being injured in its service, are entitled to be cared for to a fair and equitable extent, having in view the ability of the industry to pay. Theoretically, therefore, we are to consider that we have a fund which, however large, is still limited; that this fund is to be distributed among the workmen who sustain injury resulting in disability and the dependents of those who sustain injury resulting in death; that this fund is to be distributed not for the purpose of penalizing the negligence of the employer, but for the purpose of aiding the injured, and that finally, it is better that everybody injured should receive compensation than that only a portion of those injured should receive damages and the remainder nothing.

To Avoid Great Waste.

"3. The double remedy will result in a continuation of the great waste which it is one purpose of the compensation law to avoid. To allow an election of remedies is to permit the injured employee to still remain a bone of contention between the personal injury lawyer, who urges him to sue for the sake of the contingent fee involved, and the claim agent, who seeks to make inadequate settlement in order to save the treasury of his company. Suits will go on as heretofore. Half of the amount recovered will be lost on its way from the treasury of the company to the pockets of the employees. The unfortunate feeling of antagonism between employer and employee which now results will continue without abatement. The expense to the taxpayer incident to the trial of personal injury cases will still continue.

"4. To allow an election of laws or a choice of remedies destroys one of the most pronounced advantages of the compensation principle, namely, the element of certainty. So long as we allow the employee to seek damages upon the basis of the employer's fault or the employer to defend upon the basis of the employee's negligence, just so long will the uncertainty of the lawsuit counteract the certainty of the fixed schedule and just so long will the fund which should be husbanded and utilized for the benefit of all be frittered away for the benefit of some. A compulsory and exclusive law saves the vast sum which is now wasted, and which would continue to be wasted, under a composite system for distribution among those who are injured. Expense will be saved to employer and employee and to the public. The only individuals who will suffer will be the personal injury lawyer and his lawsuit-hunting agents.

"5. A compulsory and exclusive law will, in my judgment, prove a powerful aid in the prevention of accidents. Under the liability system the employer and the employee are interested in

exaggerating or concealing the real facts insofar as they tend to prove or disprove negligence, the employer coloring and distorting them in one direction and the employee coloring and distorting them in the opposite direction. Between the two the precise truth as to how the accident occurs is effectually concealed. When the employer knows that he must pay and the employee knows that he must receive a certain prescribed sum wholly irrespective of the way in which the accident happened, neither will have any reason for misrepresentation, and we shall be able to ascertain the cause of the accident, and knowing why and how it happened we shall be able to prescribe remedies which will have a tendency to prevent similar accidents in the future. In dealing with industrial conditions, the prime duty of society, and therefore the prime study of the lawmaker, should be to prevent or minimize the evils which give rise to the necessity for assisting the helpless."

EUROPEAN OUTLET FOR CANADIAN MINERALS.

Prices and Prospects of Trade in Cobalt Oxide, Nickel Oxide and Arsenic.

Although the bulk of Canadian ores, and the products manufactured therefrom, continues to be exported to the United States, with the constant development of the mining industry in Canada and the increasing smelting facilities, shippers seem to be paying more attention to the prospects of securing an alternative outlet in European markets.

For some time past inquiries have been received at intervals from both United Kingdom and continental firms who were prepared to purchase from Canada supplies of particular ores in which they were interested. Latterly the London office, states Mr. Harrison Watson, Canadian trade commissioner at London, has been occasionally consulted by Canadian mine owners for information.

Inquiries instituted in connection with a recent application about the prospects of doing business in Europe in cobalt and nickel oxides and arsenic, indicate that such a considerable number of metal and chemical firms are interested in these products that a memorandum is herewith included dealing with the current market conditions in these specialties which a leading firm in the trade has courteously supplied, and also authorized its publication for the benefit of Canadian producers likely to be interested:—

In Hands of Syndicate

The European consumption of cobalt oxide is at the present moment almost entirely in the hands of certain interests working in conjunction with a syndicate composed of the principal European manufacturers of cobalt preparations. The selling price of this combination was, until recently, between 2s. 6d. and 2s. 9d. per lb., according to quantity, for black cobalt oxide guaranteed to contain not less than 70 per cent. cobalt metal, and in other respects of good commercial quality. Within the last few weeks, however, an attempt has been made to raise this price to a minimum of 3s. per lb. In view of the existence of a number of outside producers it is considered unlikely that the syndicate will be able to maintain this advance.

In addition to the black oxide of cobalt, there is considerable outlet for the so-called grey, or prepared, cobalt oxide, containing approximately 76 per cent. cobalt metal. This quality fetches a premium of 4d. to 6d. per lb. on the black oxide.

Nickel Oxide and Arsenic

The trade in nickel oxide is not, so far as known, under any form of control, and selling prices are as a rule based on the market quotations for nickel metal. There are three principal qualities of oxides, namely, black, grey and green. All three are at the present moment obtainable at a price varying between 170s. and 180s. per cwt. of nickel metal contents.

Germany, Belgium and Spain produce the bulk of the arsenic consumed in Europe; the English production no longer being of any great importance. The price for a finely powdered arsenic, guaranteed 98 per cent. pure, recently rose to the abnormally high figure of £24 per ton. It is now rapidly declining, and is at the present time nominally £17 per ton. There is every prospect of a further fall in the near future. Three or four years ago this article was selling at £11 per ton, and in view of the present over-production it seems probable that the price will revert to this level.

Windsor, Ont., ratepayers defeated a \$45,000 park by law.

The Canadian Pacific Railway will commence operations for the construction of an electrical road from Hamilton to Niagara Falls. By this line the railway will be in a position to handle traffic direct from Hamilton to Buffalo on their own right-of-way, and without having to run their traffic over the Toronto, Hamilton, and Buffalo, and the Michigan Central Railroads.