

9-10 EDWARD VII., A. 1910

*By Mr. Knowles:*

Q. Would it be possible for a man working not more than eight hours per day on a government contract to send his workmen home for two hours extra work that he desires on a job any night?—A. That point has come up. I think it would probably be permitted, but as a matter of fact, it would not be possible to work it out.

*By the Chairman:*

Q. Your view then is, that if the same contractor employed two groups of men on the same street that he could pay the men working eight hours on a government work a ten hours' wage and then send them across the street to work for the remaining hours? A.—I may mention that point came up for discussion on the Federal Bill and I have a note here embodying the opinion of the Senate Committee on the point, which I will read in a moment, which I think will cover the point raised by Mr. Knowles.

AMENDMENTS PROPOSED IN 1902 TO BILL REPORTED ON IN 1900.

It is, however, the New York Act which is of most interest because it has provided the model of the Bill before this committee. With the minor exceptions noticed, it covers all workmen, mechanics and labourers directly employed by the government as well as all contracts to which the state or municipality is a party involving the employment of workmen, mechanics or labourers. One would infer from the text that the law would apply to all workmen in the contractor's employ, whether engaged on the government work or not. This inference is supported by the fact that a committee of the House of Representatives which reported favourably in 1900 on the Bill (H.R. 6882) embodying a similar provision found it necessary to insert the phrase—it comes in in line 7—'doing any part of the work contemplated by the contract.' Two years later the Senate Committee on Education and Labour, considering the Bill thus amended, in reporting it favourably to the Senate considered it necessary to add to it another safeguard in the phrase 'upon such work.'

*By Mr. Smith:*

Q. How would the clause read after being amended?—A. The doubly amended clause will read as follows. (Reads):

"No labourer, or mechanic *doing any part of the work contemplated by the contract.*"

That is the first condition in line 7—

"In the employ of the contractor or any sub-contractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day *upon such work.*"

That was the second insertion.

OPINION OF THE UNITED STATES SENATE COMMITTEE.

*By the Chairman:*

Q. That was done by the federal government?—A. Yes, by the federal government. The Senate Committee made this point which bears on Mr. Knowles' question. They said:—

"We are unanimously of the opinion that the provision that no mechanic should be required or permitted to work more than eight hours in any one day means either one of two things. First, by a strained construction, that a citizen should not be permitted to work more than eight hours out of twenty-four anywhere, either at his own home or in his garden, if he has already worked eight hours upon the government contract. If it means this, such a denial of personal liberty would be unconstitutional, such a law would be impossible and absurd.

PROF. SKELTON.