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2. An employer, party to the reference, if not an incorporated company, may, if an individual, appear in person or by his agent duly appointed in writing for that purpose; if a partnership firm or association, by any member of the firm or association or any number of persons not exceeding three, appointed in writing by the firm or association, or by counsel or solicitor where allowed as hereinafter provided.

3. Employees, parties to the reference, if members of an incorporated union, may appear by its president and secretary, or by any number of persons not exceeding three, appointed in writing by its president or by counsel or solicitor where allowed as hereinafter provided.

4. Employees, parties to a reference, if not members of an incorporated union, may appear in person or by agent duly appointed in writing for that purpose, or by counsel or solicitor where allowed as hereinafter provided.

Class of employees may be represented by agents.

40. Where a dispute affects a class of employees it shall not be necessary for them all to take part in the inquiry, but the class may be represented before the Board by a limited number chosen by a majority, or by agents duly appointed in writing, or by counsel or solicitor where allowed as hereinafter provided.

Parties to be bound by acts of representatives.

41. Every party appearing by a representative shall be bound by the acts of such representative.

Counsel or solicitors excluded except by consent of parties and of Board.

42. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Members of Board be British subjects.

43. Persons other than British subjects ~~and residents of Canada~~ shall not be allowed to act as members of a Board.

Presence of parties.

44. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Time and place of sittings of Board.

45. The sittings of the Board shall be held at such time and place as are from time to time fixed by the Chairman, after consultation with the other members of the Board, and the parties shall be notified by the Chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject matter of the proceeding before it arose.

Proceedings to be public unless otherwise determined by Board.

46. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatatives, the officers of the Board and the witnesses under examination shall withdraw.

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Majority of Board.

47. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

Quorum.

48. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

If any member of a Board die, refuse, neglect or become incapable to act, a successor shall be appointed in like manner as is provided in respect of the original member of the Board

All members of Board to be present.

49. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

Trivial matters.

50. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

51. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Allowance to members of Board.

52. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the Chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedy as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

Acceptance of gratuities and perquisites by members an offence.

53. No member of the Board shall accept in addition to his salary any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of

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the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary travelling expenses of members allowed.

54. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence, in Canada, for the purpose of attending or after having attended a meeting of the Board.

Payment of expenses of Board.

55. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Chairman of the Board, which vouchers shall be forwarded by the Chairman to the Minister. The Chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

Duties of the Registrar.

To receive and deal with applications.

56. It shall be the duty of the Registrar:—

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms relating to proceedings before Board.

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act;

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder.

Strikes and Lockouts prior to and pending a reference to a Board illegal.

Prohibition of strikes or lockouts

57. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any

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prior to or pending reference to Board.

dispute prior to a reference of such dispute to a Board of Conciliation and Investigation, or during the pendency of any proceedings in relation to such dispute before a Board under the provisions of this Act: Provided that nothing in this section shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike.

Duration of parties to remain unchanged pending proceedings before a Board.

58. In every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall, on account of the dispute, do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

Penalty for causing lockout.

59. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

60. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

61. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Dismissing employee because of membership in union illegal.

62. If an employer dismisses from his employment any employee by reason merely of the fact that the employee is or is about to become a member of a trade union, such employer shall be liable to a penalty not exceeding fifty dollars for each employee so dismissed.

2. In every such case it shall lie on the employer to satisfy the court that such employee was dismissed by reason of some facts other than those mentioned in this section.

Striking because of employment of persons other than union members illegal.

63. If an employee goes on strike by reason merely of the fact that his employer has employed or is about to employ some person not a member of a trade union, he shall be liable to a penalty not exceeding fifty dollars.

2. In every such case it shall lie on the employee to satisfy the court that he went on strike by reason of some facts other than those mentioned in this section.

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64. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part LVIII of *The Criminal Code*, 1892, and amending Acts, relating to summary convictions. — Procedure for enforcing penalties.

SPECIAL PROVISIONS.

65. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner. — Recommendation of a Board binding in certain cases.

66. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act. — Application of provisions of this Act to any dispute on joint application of parties.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the lock-out or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

67. The Governor in Council may, from time to time, by notice in the *Gazette*, declare any specified industry to be an agency of transportation or communication or a public service utility, and such industry shall thereafter be deemed to be included in the provisions of this Act. — Governor in Council may specify certain industries as coming within the provisions of this Act.

68. In the event of any question arising as to whether or not a particular employment properly appertains to an industry or class of industries included under the terms "agency of transportation or communication, or public service utility," the matter shall be referred to the Minister, whose decision shall be final. — Minister given power to determine if certain employment appertains to industries included in this Act.

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Law not applicable in certain cases.

69. Nothing under this Act shall apply to the Crown or to any Department of the Government of Canada, or the government of any province without the consent of such province; and this Act shall not apply to disputes in any province which has enacted or enacts a compulsory investigation or compulsory arbitration Act applicable to industrial disputes, except upon the request of such province.

Courts to have no power to recognize or enforce reports of or testimony before a Board, except in prosecutions for perjury.

70. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

Technicality not to invalidate proceedings.

71. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

72. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

73. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

74. The Minister may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*.

Expenses.

75. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

76. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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No. 36.

3rd Session, 10th Parliament, 6-7 Edward VII., 1906-7

NOTE.—When I move the second reading of the Bill, I will ask the House for permission to amend the title, so that it will read "An Act to Aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities."

Hon. RODOLPHE LEMIEUX,
Minister of Labour.
House of Commons, December 17, 1906.

BILL

An Act to aid in the prevention and settlement of Strikes and Lockouts in Coal Mines.

First reading, December 17, 1906.

MR. LEMIEUX.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1906-7

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Title
Bill
with proposed amendments

No. 36.] **BILL.** [1906-7

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Coal Mines.

(Reprinted as amended in Committee of the Whole.)

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1906.* Short title.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires— "Minister."
(*a*) "Minister" means the Minister of Labour; "Department."
(*b*) "Department" means the Department of Labour; "Employer."
(*c*) "Employer" means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works;
(*d*) "Employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; "Employee."
(*e*) "Dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting the general nature of the above definition, includes all matters relating to— "Dispute." "Industrial dispute."
(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;
(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;
(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

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(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof.

"Lockout." (*f*) "Lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "Strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment.

"Board." (*h*) "Board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "Application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed" (*k*) "Prescribed" means prescribed by this Act, or by any rules or regulations made thereunder;

"Trade union." (*l*) "Trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

Administration.

Minister of Labour to administer Act. **3.** The Minister of Labour shall have the general administration of this Act.

Registrar. **4.** The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

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Boards of Conciliation and Investigation.

Constitution of Boards.

Reference of disputes to Boards of Conciliation and Investigation.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act. Provided however, in the case of a dispute between a railway company and its employees, such dispute may be referred for the purpose of conciliation and investigation under the provisions concerning railway disputes in the act respecting Conciliation and Labour.

Minister to appoint Boards on application.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply. and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the act respecting Conciliation and Labour.

Members of Board.

7. Every Board shall consist of three members who shall be appointed by the Minister.

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

Procedure for appointment of members of Board.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

1. Each party to the dispute may, at the time of making application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

Notification to be given parties of members of Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the Chairman

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thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the Chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The Department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.

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3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

Signatures to application

16. The application and the declaration accompanying it—

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

(4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Application to be transmitted by registered letter.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the Department shall be regarded as the date of the receipt of such application.

Party making application to transmit copy to other party to dispute.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Statement in reply to be made and sent to Registrar and to party making application.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

To whom communications transmitting copies of applications and replies between parties are to be sent.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or

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to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

Functions, Powers and Procedure of Boards.

Jurisdiction. At least ten employees to be affected by dispute.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the Chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and

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circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

Report and recommendation to be made to the Minister in writing.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the Chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

Filing and distribution of report.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Publication of report.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Form of summons.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books,

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papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Documents not to be made public.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to summons, may be inspected by the Board, and also by such parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Parties may be compelled to be witnesses.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Allowance to witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking

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place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

Power to interrogate, examination of factories, &c. Inspection of work.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

How parties may be represented before Board.

40. Every party appearing by a representative shall be bound by the acts of such representative.

Parties to be bound by acts of representatives.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Counsel or solicitors excluded except by consent of parties and of Board.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

Members of Board be British subjects.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Presence of parties.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the Chairman, after consultation with the other members of the Board, and the parties shall be notified by the Chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

Time and place of sittings of Board.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatatives, the officers of the Board and the witnesses under examination shall withdraw.

Proceedings to be public unless otherwise determined by Board.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

Majority of Board.

47. The presence of the Chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

Quorum.

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All members of Board to be present.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

Trivial matters.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Allowance to members of Board.

51. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the Chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the Chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedy as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

Acceptance of gratuities and perquisites by members an offence.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged

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in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board. travelling expenses of members allowed.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Chairman of the Board, which vouchers shall be forwarded by the Chairman to the Minister. The Chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings. Payment of expenses of Board.

DUTIES OF THE REGISTRAR.

55. It shall be the duty of the Registrar:—

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application; To receive and deal with applications.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act; Assist in constituting Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act; Assist in giving effect to recommendations of Boards.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister; Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act; Supply information and necessary forms relating to proceedings before Board.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to a reference of such dispute to a Board of Conciliation and Investigation, ~~or during the pendency of any proceedings in relation to such dispute before a Board~~ under the provisions of this Act. Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry Prohibition of strikes or lockouts prior to or pending reference to Board.

or during

prior to or pending a reference of such dispute under the provisions concerning railway disputes in the Act respecting Conciliation and Labour, or

prior to or during a reference or under the provisions concerning railway disputes in the Act respecting Conciliation & Labour

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or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Act respecting Conciliation and Labour.

Conditions of parties to remain unchanged pending proceedings before a Board.

57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours; and in every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Procedure for enforcing penalties.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV of *The Criminal Code*, relating to summary convictions.

SPECIAL PROVISIONS.

Recommendation of a Board binding in certain cases.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record;

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every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of provisions of this Act to any dispute on joint application of parties.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the lock out or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

Courts to have no power to recognize or enforce reports of or testimony before a Board, except in prosecutions for perjury.

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

Technicality not to invalidate proceedings.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

68. The Minister may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or

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advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*.

Expenses.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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Bill

No. 36.

3rd Session, 10th Parliament, 6-7 Edward VII., 1906-7

BILL.

An Act to aid in the prevention and settlement of Strikes and Lockouts in ~~Coal~~ Mines. and industries connected with public utilities.

(Reprinted as amended in Committee of the Whole.)

MR. LEMIEUX.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1906-7

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No. 36.] **BILL.** [1906-7

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Coal Mines.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1906.* Short title.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires—

(*a*) "Minister" means the Minister of Labour; "Minister."

(*b*) "Department" means the Department of Labour; "Department."

(*c*) "Employer" means any person, company or corporation employing one or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works; "Employer."

(*d*) "Employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; "Employee."

(*e*) "Dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving questions which are the subject of an indictable offence); and, without limiting the general nature of the above definition, includes all matters relating to— "Dispute." "Industrial dispute."

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

Hon Feb 15th

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(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof.

"Lockout." (*f*) "Lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "Strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment.

"Board." (*h*) "Board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "Application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed" (*k*) "Prescribed" means prescribed by this Act, or by any rules or regulations made thereunder.

Administration.

Minister of Labour to administer Act. **3.** The Minister of Labour shall have the general administration of this Act.

Registrar. **4.** The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

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Boards of Conciliation and Investigation.

Constitution of Boards.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it without having recourse to a lockout or strike, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act. **Reference of disputes to Boards of Conciliation and Investigation.**

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, the Minister, within thirty days from the date at which the application is received, shall establish such Board under his hand and seal of office. **Minister to appoint Boards on application.**

7. Every Board shall consist of three members who shall be appointed by the Minister. **Members of Board.**

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:— **Procedure for appointment of members of Board.**

1. Each party to the dispute may, within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as convenient, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as convenient, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the chairman of the Board.

9. As soon as practicable after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the chairman **Notification to be given parties of members of Board.**

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thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest in dispute or parties.

11. No person shall act as a member of a Board who has any direct or indirect pecuniary interest in the subject of the dispute before the Board, or has any such interest in either of the parties thereto.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The Department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A sworn declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.

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16. The application and the declaration accompanying it— Signatures to application.

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees, members of an incorporated or registered trade union, shall be signed by any two of its duly authorized officers;

(4) if made by employees not members of an incorporated or registered trade union, shall be signed by not less than ten of their number.

17. Every application for the appointment of a Board shall be transmitted by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the Department shall be regarded as the date of the receipt of such application. Application to be transmitted by registered letter.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute a copy of the application and of the accompanying statement and declaration. Party making application to transmit copy to other party to dispute.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter to the Registrar and to the party making the application. The signatures to the statement in reply shall be *mutatis mutandis* as provided in section 16 relating to signatures to the application. Statement in reply to be made and sent to Registrar and to party making application.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is— To whom communications transmitting copies of applications and replies between parties are to be sent.

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of an incorporated or registered trade union, shall be sent to the president and secretary of such union;

(4) composed of employees not members of an incorporated or registered trade union, shall be sent to not less than ten of their number.

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Functions, Powers and Procedure of Boards.

Jurisdiction. At least ten employees to be affected by dispute. Same dispute not to be referred twice to Board within a year without consent of parties.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees directly affected by the dispute are fewer than ten; and provided that no new application between the same parties and upon the same dispute shall be received or acted upon within less than one year after the rendering of a report thereon by the Board as between such parties and on such subject matter without the concurrence of both of such parties.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply to the other party to the dispute, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereunder. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

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27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the Chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board.

Report and recommendation to be made to the Minister in writing.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Filing and distribution of report.

29. For the information of Parliament and the public, the report and recommendation of the Board shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Publication of report

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books, papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Form of summons.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to summons, may be inspected by the Board, and also by such of the parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Documents not to be made public.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Parties may be compelled to be witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses accord-

Allowance to witnesses.

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ing to the scale for the time being in force with respect to witnesses in civil suits in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

Power to interrogate, examination of factories, &c. Inspection of work.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

How parties may be represented before Board.

39. An employer, party to the reference, if an incorporated company, may appear by its manager and one other principal executive officer, or its agent, duly appointed in writing for that purpose, or by counsel or solicitor where allowed as hereinafter provided.

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2. An employer, party to the reference, if not an incorporated company, may, if an individual, appear in person or by his agent duly appointed in writing for that purpose; if a partnership firm or association, by any member of the firm or association or any number of persons not exceeding three, appointed in writing by the firm or association, or by counsel or solicitor where allowed as hereinafter provided.

3. Employees, parties to the reference, if members of an incorporated union, may appear by its president and secretary, or by any number of persons not exceeding three, appointed in writing by its president or by counsel or solicitor where allowed as hereinafter provided.

4. Employees, parties to a reference, if not members of an incorporated union, may appear in person or by agent duly appointed in writing for that purpose, or by counsel or solicitor where allowed as hereinafter provided.

Class of employees may be represented by agents.

40. Where a dispute affects a class of employees it shall not be necessary for them all to take part in the inquiry, but the class may be represented before the Board by a limited number chosen by a majority, or by agents duly appointed in writing, or by counsel or solicitor where allowed as hereinafter provided.

Parties to be bound by acts of representatives.

41. Every party appearing by a representative shall be bound by the acts of such representative.

Counsel or solicitors excluded except by consent of parties and of Board.

42. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Members of Board be British subjects.

43. Persons other than British subjects and residents of Canada shall not be allowed to act as members of a Board.

Presence of parties.

44. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Time and place of sittings of Board.

45. The sittings of the Board shall be held at such time and place as are from time to time fixed by the Chairman, after consultation with the other members of the Board, and the parties shall be notified by the Chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject matter of the proceeding before it arose.

Proceedings to be public unless otherwise determined by Board.

46. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatatives, the officers of the Board and the witnesses under examination shall withdraw.

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Majority of Board.

47. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

Quorum.

48. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

All members of Board to be present.

49. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

Trivial matters.

50. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

51. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Allowance to members of Board.

52. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the Chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedy as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

Acceptance of gratuities and perquisites by members an offence.

53. No member of the Board shall accept in addition to his salary any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of

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the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary travelling expenses of members allowed.

54. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence, in Canada, for the purpose of attending or after having attended a meeting of the Board.

Payment of expenses of Board.

55. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Chairman of the Board, which vouchers shall be forwarded by the Chairman to the Minister. The Chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

DUTIES OF THE REGISTRAR.

To receive and deal with applications.

56. It shall be the duty of the Registrar:—

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms relating to proceedings before Board.

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act;

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

Prohibition of strikes or lockouts

57. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any

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prior to or pending reference to Board.

dispute prior to a reference of such dispute to a Board of Conciliation and Investigation, or during the pendency of any proceedings in relation to such dispute before a Board under the provisions of this Act: Provided that nothing in this section shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike.

Relation of parties to remain unchanged pending proceedings before a Board.

58. In every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall, on account of the dispute, do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

Penalty for causing lockout.

59. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

60. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

61. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Dismissing employee because of membership in union illegal.

62. If an employer dismisses from his employment any employee by reason merely of the fact that the employee is or is about to become a member of a trade union, such employer shall be liable to a penalty not exceeding fifty dollars for each employee so dismissed.

2. In every such case it shall lie on the employer to satisfy the court that such employee was dismissed by reason of some facts other than those mentioned in this section.

Striking because of employment of persons other than union members illegal.

63. If an employee goes on strike by reason merely of the fact that his employer has employed or is about to employ some person not a member of a trade union, he shall be liable to a penalty not exceeding fifty dollars.

2. In every such case it shall lie on the employee to satisfy the court that he went on strike by reason of some facts other than those mentioned in this section.

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64. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part LVIII of *The Criminal Code*, 1892, and amending Acts, relating to summary convictions. **Procedure for enforcing penalties.**

SPECIAL PROVISIONS.

65. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner. **Recommendation of a Board binding in certain cases.**

66. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act. **Application of provisions of this Act to any dispute on joint application of parties.**

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the lock-out or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

67. The Governor in Council may, from time to time, by notice in the *Gazette*, declare any specified industry to be an agency of transportation or communication or a public service utility, and such industry shall thereafter be deemed to be included in the provisions of this Act. **Governor in Council may specify certain industries as coming within the provisions of this Act.**

68. In the event of any question arising as to whether or not a particular employment properly appertains to an industry or class of industries included under the terms "agency of transportation or communication, or public service utility," the matter shall be referred to the Minister, whose decision shall be final. **Minister given power to determine if certain employment appertains to industries included in this Act.**

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Law not applicable in certain cases.

69. Nothing under this Act shall apply to the Crown or to any Department of the Government of Canada, or the government of any province without the consent of such province; and this Act shall not apply to disputes in any province which has enacted or enacts a compulsory investigation or compulsory arbitration Act applicable to industrial disputes, except upon the request of such province.

Courts to have no power to recognize or enforce reports of or testimony before a Board, except in prosecutions for perjury.

70. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

Technicality not to invalidate proceedings.

71. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

72. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

73. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

74. The Minister may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*.

Expenses.

75. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

76. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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No. 36.

3rd Session, 10th Parliament, 6-7 Edward VII., 1906-7

NOTE.—When I move the second reading of the Bill, I will ask the House for permission to amend the title, so that it will read "An Act to Aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities."

Hon. RODOLPHE LEMIEUX,
Minister of Labour.

House of Commons, December 17, 1906.

BILL

An Act to aid in the prevention and settlement of Strikes and Lockouts in Coal Mines.

First reading, December 17, 1906.

MR. LEMIEUX.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1906-7

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With proposed amendments

No. 36.] **BILL.** [1906-7

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Coal Mines.

(Reprinted as amended in Committee of the Whole.)

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1906*. **Short title.**

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires—

(*a*) "Minister" means the Minister of Labour; **"Minister."**

(*b*) "Department" means the Department of Labour; **"Department."**

(*c*) "Employer" means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works; **"Employer."**

(*d*) "Employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; **"Employee."**

(*e*) "Dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting the general nature of the above definition, includes all matters relating to— **"Dispute." "Industrial dispute."**

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

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(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof.

"Lockout." (*f*) "Lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "Strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment.

"Board." (*h*) "Board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "Application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed" (*k*) "Prescribed" means prescribed by this Act, or by any rules or regulations made thereunder;

"Trade union." (*l*) "Trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

Administration.

Minister of Labour to administer Act. **3.** The Minister of Labour shall have the general administration of this Act.

Registrar. **4.** The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

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Provided however, in the case of a dispute between a railway company and its employees such dispute may be referred for the purpose of conciliation and investigation under the provisions concerning railway disputes in the Act respecting Conciliation and Labour.

BOARDS OF CONCILIATION AND INVESTIGATION.

Constitution of Boards.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act. **Reference of disputes to Boards of Conciliation and Investigation.**

and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway dispute in the Act respecting Conciliation and Labour.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply. **Minister to appoint Boards on application.**

7. Every Board shall consist of three members who shall be appointed by the Minister. **Members of Board.**

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:— **Procedure for appointment of members of Board.**

1. Each party to the dispute may, at the time of making application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the Chairman **Notification to be given parties of members of Board.**

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thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the Chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The Department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.

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3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

Signatures to application

16. The application and the declaration accompanying it—

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

(4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Application to be transmitted by registered letter.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the Department shall be regarded as the date of the receipt of such application.

Party making application to transmit copy to other party to dispute.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Statement in reply to be made and sent to Registrar and to party making application.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

To whom communications transmitting copies of applications and replies between parties are to be sent.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or

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to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

Functions, Powers and Procedure of Boards.

Jurisdiction. At least ten employees to be affected by dispute.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the Chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and

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circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

Report and recommendation to be made to the Minister in writing.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the Chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

Filing and distribution of report.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Publication of report.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Form of summons.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books,

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papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Documents not to be made public.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to summons, may be inspected by the Board, and also by such parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Parties may be compelled to be witnesses.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Allowance to witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking

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place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

Power to interrogate, examination of factories, &c. Inspection of work.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

How parties may be represented before Board.

40. Every party appearing by a representative shall be bound by the acts of such representative.

Parties to be bound by acts of representatives.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Counsel or solicitors excluded except by consent of parties and of Board.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

Members of Board be British subjects.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Presence of parties.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the Chairman, after consultation with the other members of the Board, and the parties shall be notified by the Chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

Time and place of sittings of Board.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatatives, the officers of the Board and the witnesses under examination shall withdraw.

Proceedings to be public unless otherwise determined by Board.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

Majority of Board.

47. The presence of the Chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

Quorum.

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All members of Board to be present.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

Trivial matters.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Allowance to members of Board.

51. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the Chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the Chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedy as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

Acceptance of gratuities and perquisites by members an offence.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged

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in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board. *travelling expenses of members allowed.*

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Chairman of the Board, which vouchers shall be forwarded by the Chairman to the Minister. The Chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings. *Payment of expenses of Board.*

DUTIES OF THE REGISTRAR.

55. It shall be the duty of the Registrar:—

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application; *To receive and deal with applications.*

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act; *Assist in constituting Boards.*

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act; *Assist in giving effect to recommendations of Boards.*

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister; *Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.*

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act; *Supply information and necessary forms relating to proceedings before Board.*

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to a reference of such dispute to a Board of Conciliation and Investigation, ~~or during the pendency of any proceedings in relation to such dispute before a Board~~ under the provisions of this Act. Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry *Prohibition of strikes or lockouts prior to or pending reference to Board.*

or during

or prior to or during a reference under the provisions concerning railway disputes in the Act respecting Conciliation and Labour.

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or in respect of any dispute which has been the subject of reference under the provisions concerning railway disputes in the act respecting Conciliation and Labour.

or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act.

Relation of parties to remain unchanged pending proceedings before a Board.

57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours; and in every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Procedure for enforcing penalties.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV of *The Criminal Code*, relating to summary convictions.

Special Provisions.

Recommendation of a Board binding in certain cases.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record;

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every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of provisions of this Act to any dispute on joint application of parties.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the lock out or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

Courts to have no power to recognize or enforce reports of or testimony before a Board, except in prosecutions for perjury.

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

Technicality not to invalidate proceedings.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

68. The Minister may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or

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advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*.

Expenses.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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No. 36.

3rd Session, 10th Parliament, 6-7 Edward VII., 1906-7

BILL.

An Act to aid in the prevention and settlement of Strikes and Lockouts in Coal Mines.

(Reprinted as amended in Committee of the Whole.)

MR. LEMIEUX.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1906-7

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No. 36.] **BILL.** [1906-7

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Coal Mines.

(Reprinted as amended in Committee of the Whole.)

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1906.* Short title.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires— "Minister."

(*a*) "Minister" means the Minister of Labour; "Department."

(*b*) "Department" means the Department of Labour; "Employer."

(*c*) "Employer" means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works;

(*d*) "Employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; "Employee."

(*e*) "Dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting the general nature of the above definition, includes all matters relating to— "Dispute." "Industrial dispute."

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

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(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof.

"Lockout." (*f*) "Lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "Strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment.

"Board." (*h*) "Board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "Application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed" (*k*) "Prescribed" means prescribed by this Act, or by any rules or regulations made thereunder;

"Trade union." (*l*) "Trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

Administration.

Minister of Labour to administer Act. **3.** The Minister of Labour shall have the general administration of this Act.

Registrar. **4.** The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

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Boards of Conciliation and Investigation.

Constitution of Boards.

Reference of disputes to Boards of Conciliation and Investigation.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act.

Minister to appoint Boards on application.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

Members of Board.

7. Every Board shall consist of three members who shall be appointed by the Minister.

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

Procedure for appointment of members of Board.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

1. Each party to the dispute may, at the time of making application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

Notification to be given parties of members of Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the Chairman

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thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the Chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The Department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.

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3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

Signatures to application

16. The application and the declaration accompanying it—

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

(4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Application to be transmitted by registered letter.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the Department shall be regarded as the date of the receipt of such application.

Party making application to transmit copy to other party to dispute.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Statement in reply to be made and sent to Registrar and to party making application.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

To whom communications transmitting copies of applications and replies between parties are to be sent.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or

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to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

Functions, Powers and Procedure of Boards.

Jurisdiction. At least ten employees to be affected by dispute.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the Chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and

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circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

Report and recommendation to be made to the Minister in writing.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the Chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

Filing and distribution of report.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Publication of report.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Form of summons.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books,

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papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Documents not to be made public.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to summons, may be inspected by the Board, and also by such parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Parties may be compelled to be witnesses.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Allowance to witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking

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place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

Power to interrogate, examination of factories, &c. Inspection of work.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

How parties may be represented before Board.

40. Every party appearing by a representative shall be bound by the acts of such representative.

Parties to be bound by acts of representatives.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Counsel or solicitors excluded except by consent of parties and of Board.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

Members of Board be British subjects.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Presence of parties.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the Chairman, after consultation with the other members of the Board, and the parties shall be notified by the Chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

Time and place of sittings of Board.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatatives, the officers of the Board and the witnesses under examination shall withdraw.

Proceedings to be public unless otherwise determined by Board.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

Majority of Board.

47. The presence of the Chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

Quorum.

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All members of Board to be present.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

Trivial matters.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Allowance to members of Board.

51. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the Chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the Chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedy as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

Acceptance of gratuities and perquisites by members an offence.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged

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in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board. travelling expenses of members allowed.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Chairman of the Board, which vouchers shall be forwarded by the Chairman to the Minister. The Chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings. Payment of expenses of Board.

DUTIES OF THE REGISTRAR.

55. It shall be the duty of the Registrar:—

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application; To receive and deal with applications.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act; Assist in constituting Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act; Assist in giving effect to recommendations of Boards.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister; Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act; Supply information and necessary forms relating to proceedings before Board.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL ~~or~~ during

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to a reference of such dispute to a Board of Conciliation and Investigation, ~~or during the pendency of any proceedings in relation to such dispute before a Board~~ under the provisions of this Act. Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry Prohibition of strikes or lockouts prior to or pending reference to Board.

prior to or during a reference or under the provisions concerning ~~of this Act~~

railway disputes in the Act respecting Conciliation and Labour.

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or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act.

Relation of parties to remain unchanged pending proceedings before a Board.

57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours; and in every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Procedure for enforcing penalties.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV of *The Criminal Code*, relating to summary convictions.

SPECIAL PROVISIONS.

Recommendation of a Board binding in certain cases.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record;

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every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of provisions of this Act to any dispute on joint application of parties.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the lock out or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

Courts to have no power to recognize or enforce reports of or testimony before a Board, except in prosecutions for perjury.

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

Technicality not to invalidate proceedings.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

68. The Minister may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or

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advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*.

Expenses.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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No. 36.

3rd Session, 10th Parliament, 6-7 Edward VII., 1906-7

BILL.

An Act to aid in the prevention and settlement of Strikes and Lockouts in Coal Mines.

(Reprinted as amended in Committee of the Whole.)

MR. LEMIEUX.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1906-7

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N° 36.] **BILL.** [1906-7

Acte ayant pour objet d'aider à prévenir et à régler les grèves et les contre-grèves dans les houillères.

SA Majesté, de l'avis et du consentement du Sénat et de la Chambre des communes du Canada, décrète:

1. La présente loi peut être citée sous le titre de *Loi des enquêtes en matière de différends industriels, 1906.* Autre titre.

DISPOSITIONS PRÉLIMINAIRES.

Définitions.

2. En la présente loi, à moins que le contexte n'exige une interprétation différente—

a) "Ministre" signifie le ministre du Travail; "Ministre."

b) "ministère" signifie le ministère du Travail; "Ministère."

c) "patron" signifie toute personne, compagnie ou corporation qui emploie une ou plusieurs personnes et qui possède et exploite quelque propriété minière, agence de transport ou de communication, ou d'utilité publique, y compris les chemins de fer de traction à la vapeur, à l'électricité ou à autre force motrice, les steamers, les lignes de télégraphe et de téléphone, les usines à gaz ou à lumière électrique, les distributions d'eau et les usines de forces. "Patron."

d) "employé" signifie toute personne employée par un patron à quelque travail manuel ou d'écritures pour gages ou rémunération dans une industrie à laquelle s'applique la présente loi;

e) "différend" ou "différend industriel" signifie tout différend entre un patron ou l'un ou plusieurs de ses employés sur des matières ou choses qui se rattachent au travail fait ou à faire par ce ou ces employés, ou sur les privilèges, droits et devoirs des patrons ou des employés (en dehors des questions qui sont le sujet d'un acte criminel; et, sans restriction de la portée générale de la définition ci-dessus, comprend toutes matières relatives— "Différend."

1) aux gages, au salaire ou autre rémunération des employés, ou au prix payé ou à payer pour leur travail;

2) aux heures de travail, au sexe, à l'âge, à la qualification ou à la situation des employés, ainsi qu'au mode, aux termes et conditions de leur emploi;

3) à l'emploi des enfants ou de toute ou toutes personnes ou classe de personnes, ou au renvoi de toute ou toutes personnes ou classe de personnes ou au refus de les employer;

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4) aux prétentions de la part d'un patron ou d'un employé relativement à la question de savoir si et dans quelles circonstances il devrait ou non être donné préférence en matière d'emploi à une classe de personnes sur une autre composée ou non de membres d'organisations ouvrières ou autres, sujets britanniques ou étrangers;

5) aux matériaux fournis et prétendus mauvais, impropres ou non convenables, ou aux dommages prétendus avoir été faits aux ouvrages à l'usine;

6) aux us et coutumes établis soit en général soit dans la contrée particulière dont il s'agit;

7) à l'interprétation d'un marché ou d'une clause de marché.

"Contre-grève."

f) "contre-grève" (sans restriction du sens ordinaire de l'expression) signifie la fermeture d'un établissement de travail ou une suspension du travail, ou le refus d'un patron de continuer d'employer quelque nombre que ce soit de ses employés en conséquence d'un différend, dans le but de forcer ses employés ou d'aider à un autre patron à forcer ses employés d'accepter certaines conditions d'emploi;

"Grève."

g) "grève" ou "se mettre en grève" (sans restriction du sens ordinaire de l'expression) signifie cessation de travail de la part d'un certain nombre d'employés de commun accord ou refus concerté ou refus résultant d'une entente commune d'un certain nombre d'employés de continuer de travailler pour un patron, en conséquence d'un différend, dans le but de forcer leur patron ou d'aider à d'autres employés à forcer leur patron d'accepter certaines conditions d'emploi;

"Conseil."

h) "conseil" signifie un conseil de conciliation et d'enquête établi sous le régime des dispositions de la présente loi;

"Demande."

i) "demande" signifie une demande de nommer un conseil de conciliation et d'enquête sous le régime de la présente loi;

Directeur des enquêtes.

j) "directeur des enquêtes" signifie le directeur du service de conciliation et d'enquête sous le régime de la présente loi;

"Prescrit."

k) "prescrit" signifie prescrit par la présente loi ou par les règles et règlements établis pour en régler l'exécution.

Administration.

Le Ministre administre la présente loi.

3. Le ministre du Travail est chargé de l'administration générale de la présente loi.

Directeur.

4. Le Gouverneur en conseil doit nommer un directeur du service de conciliation et d'enquête, lequel doit avoir les pouvoirs et remplir les fonctions que prescrivent la loi et les règlements établis pour son exécution.

2. La charge de directeur des enquêtes peut être occupée soit séparément ou en même temps que toute autre charge dans le service public, et dans ce dernier cas le directeur des enquêtes, si le Gouverneur en conseil le juge à propos, peut être nommé non pas personnellement mais par désignation de cette autre charge, et dès lors la personne en exercice de la dite charge doit d'office être le directeur des enquêtes.

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CONSEILS DE CONCILIATION ET D'ENQUÊTE.

Constitution des conseils.

5. Quand existe un différend entre un patron et quelqu'un ou quelques-uns de ses employés, et que les parties sont incapables de le régler sans avoir recours à une grève ou une contre-grève, l'une ou l'autre des parties adverses peut demander au Ministre la nomination d'un conseil de conciliation et d'enquête, auquel conseil peut être soumis le différend sous le régime des dispositions de la présente loi. Différends soumis à des conseils de conciliation et d'enquête.

6. Chaque fois que sous le régime de la présente loi il est fait une demande en forme tendant à la nomination d'un conseil de conciliation et d'enquête, le Ministre doit, dans les trente jours à compter de la réception de la demande, établir un pareil conseil sous son seing et sceau officiel. Sur demande le Ministre nomme un conseil.

7. Chaque conseil doit être composé de trois membres qui sont nommés par le Ministre. Membres du conseil.

2. Des trois membres du conseil l'un est nommé sur la présentation du patron, un autre sur la présentation des employés (partie au différend) et le troisième sur la présentation des deux premiers ainsi choisis.

8. Pour la nomination des membres du conseil, sont à observer les dispositions qui suivent: Procédure pour la constitution des conseils.

1. Chaque partie au différend peut, dans les cinq jours après en avoir été requise par le Ministre, présenter le nom d'une personne disposée et prête à agir en qualité de membre du conseil, et le Ministre doit nommer cette personne membre du conseil.

2. Si l'une ou l'autre des parties manque ou néglige de faire une présentation dans le dit délai ou dans la limite de telle prorogation de ce délai que, pour cause, peut accorder le Ministre, ce dernier doit, aussitôt qu'il lui convient, nommer une personne propre à cet office membre du conseil, et ce membre est censé nommé sur la présentation de la dite partie.

3. Les membres choisis sur la présentation des parties peuvent, dans les cinq jours qui suivent leur nomination, présenter le nom d'une personne disposée et prête à agir en qualité de troisième membre du conseil, et le Ministre doit nommer cette personne membre du conseil.

4. Si les membres choisis sur présentation des parties manquent ou négligent de faire une présentation dans le dit délai ou dans la limite de telle prorogation de ce délai que, pour cause, peut accorder le Ministre, ce dernier doit, aussitôt qu'il lui convient, nommer une personne propre à cet office troisième membre du conseil, et ce membre est censé nommé sur la présentation des deux autres membres du conseil.

5. Au troisième membre du conseil en appartient la présidence.

9. Aussitôt que la chose est possible après que le conseil a été constitué par le Ministre, le secrétaire doit notifier aux parties les noms des membres du conseil et de celui qui en est le président, et cette notification est à toutes fins définitive. Les noms des membres, notifiés aux parties.

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Durée d'office.

10. Chaque membre d'un conseil reste en office depuis sa nomination jusqu'à ce que le rapport du conseil ait été signé et transmis au Ministre.

Les membres n'auront pas d'intérêt pécuniaire dans les différends ni dans les parties.

11. N'agira en qualité de membre d'un conseil nulle personne qui a quelque intérêt pécuniaire direct ou indirect dans le sujet du différend dont est saisi le conseil, ou a quelque intérêt de cette nature dans l'une ou l'autre des parties.

Comment se remplissent les vacances.

12. Toute vacance dans la composition d'un conseil doit être remplie de la même manière que s'est faite la nomination première du membre dont la place est devenue vacante.

Serment d'office et secret.

13. Avant d'entrer dans l'exercice de leurs fonctions les membres d'un conseil, y compris le président, doivent prêter serment ou affirmer devant un juge de paix qu'ils rempliront fidèlement et impartialement les fonctions de leur office, et aussi, que, sauf dans l'exercice de ces fonctions, ils ne révéleront à personne quoi que ce soit de ce qui viendra devant le conseil.

Aides aux écritures, &c.

14. Le ministère peut fournir au conseil un secrétaire, un sténographe, et tels autres aides aux écritures que le Ministre juge nécessaires pour la due exécution des dispositions de la présente loi.

Procédure pour le renvoi d'un différend à un conseil.

Manière de faire la demande d'un conseil.

15. Pour déterminer la manière dont doit se faire une demande à l'effet de faire nommer un conseil et le nombre de personnes par qui cette demande doit être faite sont à observer les dispositions qui suivent:

1. La demande doit se faire par écrit selon la formule prescrite et doit en substance prier le Ministre de nommer un conseil auquel renvoyer le différend sous le régime de la présente loi.

2. La demande doit être accompagnée—

a) d'un exposé où sont mentionnés—

1) les parties au différend;

2) la nature et la cause du différend, y compris ce qu'une des parties réclame ou exige de l'autre et que cette dernière refuse d'accorder;

3) le nombre approximatif des personnes dont les intérêts sont en jeu dans le différend ou peuvent le devenir;

4) les efforts faits par les parties elles-mêmes pour régler le différend; et

b) d'une déclaration sous serment énonçant que si le différend ne se règle ou n'est référé par le Ministre à un conseil de conciliation et d'enquête sous le régime de la loi, il y aura grève ou contre-grève, selon le cas, et que l'autorisation nécessaire pour la déclaration d'une contre-grève ou d'une grève a été obtenue.

Signature de la demande.

16. La demande et la déclaration qui doit l'accompagner—

1) si elles sont faites par un patron, et que ce patron soit une compagnie ou corporation légalement constituée, doivent être signées par un de ses gérants ou autres principaux officiers exécutifs régulièrement autorisés;

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2) si elles sont faites par un patron qui n'est pas une compagnie ou corporation légalement constituée, doivent être signées par le patron lui-même dans le cas d'un individu, ou par la majorité des associés ou des membres, s'il s'agit d'une société ou d'une association;

3) si elles sont faites par des employés qui sont membres d'une union ouvrière constituée en corporation ou inscrite, doivent être signées par deux de ses officiers régulièrement autorisés, quels qu'ils soient;

4) si elles sont faites par des employés qui ne sont pas membres d'une union ouvrière constituée en corporation ou inscrite, doivent être signées par au moins dix d'entre eux.

La demande doit être transmise par lettre recommandée.

17. Toute demande à l'effet de faire nommer un conseil doit être transmise par lettre recommandée (*registered*) adressée au directeur des enquêtes, au ministère du Travail, à Ottawa, et la date du récépissé de cette lettre recommandée donné au ministère, doit être regardée comme la date de la réception de la demande.

Celui qui fait la demande doit en transmettre copie à l'autre partie.

18. Dans tous les cas où il se fait une demande à l'effet d'obtenir la nomination d'un conseil, le demandeur doit, à la date où il la transmet au directeur des enquêtes, aussi transmettre par lettre recommandée à l'autre partie au différend une copie de sa demande ainsi que de l'exposé et de la déclaration qui l'accompagnent.

Réponse à transmettre au directeur des enquêtes et au demandeur.

19. Quand l'une ou l'autre des parties à un différend reçoit une copie d'une demande à l'effet de faire nommer un conseil, cette partie doit sans délai préparer une réponse à la demande et la transmettre par lettre recommandée au directeur des enquêtes et au demandeur. Les signatures que doit porter la réponse à la demande doivent être *mutatis mutandis* selon les prescriptions de l'article 16 relatives aux signatures de la demande.

A qui adresser les copies de demandes et de réponses.

20. Les copies des demandes ou des réponses aux demandes, qui, sous le régime des articles précédents, sont à transmettre par une partie à l'autre—

1) lorsque l'autre partie est un patron et que ce patron est une compagnie ou corporation légalement constituée, doivent être adressées au gérant ou autre principal officier exécutif de la compagnie ou corporation;

2) lorsque l'autre partie est un patron qui n'est pas une compagnie ou corporation légalement constituée, doivent être adressées au patron sous le nom généralement connu de la maison ou de l'établissement;

3) lorsque l'autre partie se compose d'employés qui sont membres d'une union ouvrière constituée en corporation ou inscrite, doivent être adressées au président et au secrétaire de cette union;

4) lorsque l'autre partie se compose d'employés qui ne sont pas membres d'une union ouvrière constituée en corporation ou inscrite, doivent être adressées à dix au moins d'entre eux.

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Fonctions, pouvoirs et procédures des conseils.

Juridiction.

21. Tout différend peut être référé à un conseil sur demande à cette fin faite en forme par une partie au différend; toutefois, nul différend ne sera référé à un conseil sous le régime de la présente loi si les employés dont les intérêts sont directement en jeu dans le différend sont moins de dix en nombre; et nulle nouvelle demande relative au même différend entre les mêmes parties ne sera reçue ni y sera-t-il donné suite, dans un délai de moins d'un an après un rapport du conseil sur ce différend et entre ces parties, sans l'assentiment des deux parties.

Dix employés doivent être intéressés.

Un différend ne peut être référé deux fois dans l'année sans l'assentiment des parties.

Méthode de référer les différends aux conseils.

22. Sur la nomination d'un conseil, le directeur des enquêtes doit adresser au président une copie de la demande qui a amené la nomination de ce conseil, ainsi qu'une copie de l'exposé et de la déclaration qui l'accompagnent et de la réponse de l'autre partie au différend, et le conseil doit incontinent s'occuper des matières dont il s'agit dans ces pièces.

Devoirs du conseil.

23. Chaque fois qu'un différend a été régulièrement référé à un conseil, il est du devoir du conseil d'en effectuer le règlement, et à cette fin, il doit, de la manière qu'il juge à propos, s'enquérir promptement et avec soin du différend et de toutes matières qui peuvent influer sur le mérite et sur le règlement de la question. Dans le cours de cette enquête le conseil peut suggérer et faire toutes choses qu'il juge à propos pour engager les parties à en venir à un règlement amiable du différend et peut ajourner la procédure à telle époque que le conseil juge à propos pour permettre aux parties de s'entendre sur les termes d'un règlement.

S'il y a règlement acte doit en être rédigé et rapporté au Ministre.

24. Si les parties arrivent à une entente pendant que le différend est devant le conseil, celui-ci doit libeller un acte de règlement que doivent signer les parties, et copie de cet acte avec le procès-verbal des procédures doit être expédié au Ministre.

Autrement le conseil fait un rapport.

25. Si les parties n'arrivent pas à une entente pendant que le différend est devant le conseil, celui-ci doit faire au Ministre un rapport complet où se trouvent consignées les procédures du conseil et les mesures prises par lui pour se mettre avec soin et complètement au courant des faits et des circonstances, et dans lequel rapport se trouvent aussi relatés ces faits et circonstances ainsi que ses conclusions, avec indication des causes du différend et exposé de ce que recommande le conseil pour le règlement du différend en bon droit et justice.

Formule de la recommandation.

26. La recommandation du conseil doit porter sur chaque point du différend et énoncer en termes clairs, en évitant autant que possible toute technicité, ce que, à l'avis du conseil, devraient ou ne devraient pas faire les parties respectivement concernées. Chaque fois que le conseil juge la chose à propos, la recommandation doit aussi dire pendant quelle période le règlement suggéré devrait demeurer en vigueur et la date d'où compter cette période.

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27. Le rapport et la recommandation du conseil au Ministre doivent être par écrit et signés par ceux des membres qui y donnent leur adhésion, et ils doivent être transmis par le président, par lettre recommandée, au directeur des enquêtes aussitôt que possible après que le différend a été référé au conseil. Rapport et recommandation, par écrit.

28. Sur réception du rapport du conseil le Ministre doit immédiatement le faire déposer au bureau du directeur des enquêtes et en faire adresser sans frais une copie aux parties au différend et à tout représentant de journal publié en Canada qui en fait la demande, et le Ministre peut faire distribuer des copies du rapport de la manière qui lui paraît la plus efficace comme moyen d'assurer l'accomplissement de la recommandation du conseil. Le directeur des enquêtes doit, sur demande, fournir des copies attestées moyennant un droit prescrit, aux personnes autres que celles mentionnées dans le présent article. Dépôt et distribution du rapport.

29. Pour le renseignement du parlement et du public, le rapport et la recommandation du conseil doivent être sans délai publiés dans la *Gazette du Travail* et être inclus dans le rapport annuel du ministère du Travail au Gouverneur général. Publication du rapport.

30. Pour les besoins de son enquête le conseil a, pour assigner des témoins et les forcer de comparaître, faire prêter serment et exiger que les témoins rendent témoignage sous serment, ou sur affirmation (s'ils ont le droit d'affirmer en matières civiles) et qu'ils produisent tels livres, papiers ou autres documents ou choses que le conseil juge nécessaires pour son enquête, tous les pouvoirs qu'ont les cours dites Courts of record. Témoins et production de documents.

2. Tout membre du conseil peut faire prêter serment et le conseil peut accueillir, admettre et rechercher tout témoignage qu'en équité et conscience il juge à propos, que ce témoignage soit strictement légal ou non.

31. Les assignations doivent être dans la forme prescrite et peuvent enjoindre à toute personne de produire devant le conseil tous livres, papiers ou autres documents ou toutes choses en sa possession ou dont il peut disposer et qui ont trait à l'objet de l'enquête. Forme d'assignaiton.

32. Les livres, papiers et autres documents ou choses produits devant le conseil, soit volontairement soit en obéissance à une assignation, peuvent être examinés par le conseil et aussi par ceux à qui le conseil permet de les examiner; mais les renseignements y obtenus ne seront pas rendus publics, excepté dans la mesure jugée à propos par le conseil, et les parties des livres, papiers ou autres documents qui, de l'avis du conseil, ne se rapportent pas au différend peuvent être scellées. Les documents ne seront pas rendus publics.

33. Toute partie aux procédures est habile à rendre témoignage en qualité de témoin ou peut y être forcée. Les parties peuvent être forcées de rendre témoignage.

34. Toute personne qui est assignée et comparaît dûment comme témoin a droit à une allocation pour ses frais selon l'échelle de rétribution alors en vigueur pour les témoins devant les tribunaux civils dans la province où se fait l'enquête. Rétribution des témoins.

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Transport gratuit des témoins dans les différends entre chemins de fer et leurs employés.

35. Quand a été référé à un conseil un différend entre une compagnie de chemin de fer et ses employés, tout témoin assigné par le conseil au sujet de ce différend a droit à être transporté gratuitement sur tout chemin de fer en se rendant à l'endroit où siège le conseil et en s'en retournant chez lui, et le conseil doit fournir à ce témoin un certificat régulier qui établisse son droit à la gratuité de transport.

Peine pour désobéissance à une assignation.

36. Quiconque a été régulièrement assigné comme témoin et à qui ont en même temps été payés ou offerts ses frais de voyage raisonnables en conformité de l'échelle ci-dessus mentionnée, manque de se présenter en conséquence ou de dûment produire quelque livre, papier ou autre document ou chose exigés par son assignation, est coupable d'une contravention et passible d'une amende n'excédant pas cent dollars, à moins qu'ils ne justifie de bonne et suffisante cause pour son manquement.

Injure au conseil.

37. Si, au cours des travaux du conseil, quelqu'un de propos délibéré insulte un de ses membres ou interrompt les procédures ou sans bonne raison refuse de rendre témoignage ou se rend autrement coupable de grave manque d'égards (wilful contempt) envers le conseil, tout officier du conseil ou tout constable peut arrêter le délinquant, l'expulser des lieux et le faire détenir sous garde jusqu'à la fin de la séance du conseil, et le délinquant est passible d'une amende n'excédant pas cent dollars.

Visite des lieux.

38. Le conseil ou quelqu'un de ses membres et, sur autorisation par écrit de la part du conseil, toute autre personne peut, sans autre autorisation que la présente loi, en tout temps pénétrer dans tout lieu tel que bâtiment, mine, chantier de mine, navire, bateau, fabrique, atelier, local quelconque, où s'exerce une industrie ou des travaux se poursuivent ou ont été faits ou commencés, ou que s'accomplit ou s'est accompli quelque chose dont le conseil a à s'occuper, et là examiner les ouvrages, matériaux, machines, appareils et choses qui s'y trouvent et y interroger des personnes à propos de toute chose ci-dessus mentionnée; et quiconque entrave le conseil ou toute personne autorisée comme il est dit ci-dessus, dans l'exercice de tout pouvoir conféré par le présent article, est coupable d'une contravention et passible d'une amende n'excédant pas cent dollars.

Pouvoir d'interroger les personnes.

Comparution.

39. Un patron, partie au différend, qui est une compagnie constituée en corporation, peut comparaître dans les personnes de son gérant et d'un autre fonctionnaire exécutif, ou son agent, dûment nommé par écrit à cet effet, ou par procureur ou solicitor dans les cas où le permettent les dispositions ci-dessus.

2. Un patron partie au différend et qui n'est pas une compagnie constituée en corporation, peut, s'il s'agit d'un individu, comparaître en personne ou par son agent dûment autorisé à cette fin par écrit; s'il s'agit d'une société ou d'une association, par un membre de la société ou de l'association ou par un nombre de personnes ne dépassant pas trois nommées par écrit par la société ou l'association, ou comparaître par procureur ou solicitor, dans les cas ou le permettent les dispositions ci-dessous.

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3. Les employés partie au différend, s'ils sont membres d'une union ouvrière constituée en corporation légalement, peuvent comparaître par le président et le secrétaire de l'union ou par un nombre de personnes n'excédant pas trois nommées par écrit par le président de l'union, ou comparaître par procureur ou solicitor dans les cas où le permettent les dispositions ci-dessous.

4. Les employés partie au différend qui ne sont pas membres d'une union constituée en corporation peuvent comparaître en personne ou par agent dûment nommé à cette fin par écrit, ou comparaître par procureur ou solicitor dans les cas où le permettent les dispositions ci-dessous.

Une classe d'employés peut être représentée par des agents.

40. Quand les intérêts d'une classe d'employés sont en jeu dans un différend, il n'est pas nécessaire que tous prennent part à l'enquête, mais la classe intéressée peut être représentée devant le conseil par un certain nombre d'employés choisis à la majorité, ou par des agents dûment nommés par écrit, ou par procureur ou solicitor dans les cas où le permettent les dispositions ci-dessous.

Parties liées par leur représentants.

41. Toute partie qui comparaît par représentant est liée par les actes du représentant.

Procureurs et solicitors doivent être agréés par les parties et par le conseil.

42. Nul procureur ou solicitor n'a droit de comparaître ou de se faire entendre devant le conseil à moins du consentement des parties au différend, et, nonobstant ce consentement, le conseil peut refuser la comparution de procureurs ou de solicitors.

Les membres doivent être sujets britanniques.

43. Nul autre qu'un sujet britannique résidant en Canada n'est admis à agir comme membre d'un conseil.

Présence des parties.

44. Si, sans justifier de bonnes raisons, une partie au différend devant le conseil manque de comparaître ou de se faire représenter, le conseil peut poursuivre ses travaux comme si la partie avait dûment comparu ou avait été représentée.

Temps et lieu des séances du conseil.

45. Les séances du conseil se tiennent en tels temps et endroit qu'à toute époque détermine le président après consultation avec les autres membres du conseil, et le président doit donner avis aux parties du temps et de l'endroit où doivent avoir lieu les séances. Toutefois, autant que possible, le conseil doit siéger dans l'endroit où le différend a pris naissance.

Séances publiques, si le conseil n'en ordonne autrement.

46. Les séances du conseil sont publiques; toutefois, au cours d'une telle séance, le conseil, de son chef ou à la demande de l'une des parties, peut ordonner que les séances se tiennent à huis clos et que toutes personnes autres que les parties, leurs représentants, les officiers ou fonctionnaires du conseil et les témoins rendant leur témoignage se retirent.

Majorité du conseil.

47. La décision d'une majorité des membres présents à une séance du conseil est la décision du conseil, et les conclusions et recommandations de la majorité de ses membres sont les conclusions et recommandations du conseil.

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Quorum.

48. La présence du président et d'au moins un autre membre du conseil est nécessaire pour constituer une séance du conseil.

Tous les membres doivent être présents.

49. Dans le cas d'absence d'un membre d'une assemblée du conseil les deux autres ne procéderont pas, à moins qu'il ne soit établi que le troisième membre a reçu avis de l'assemblée assez tôt pour pouvoir être présent.

Matières triviales.

50. Le conseil peut en tout temps mettre de côté toute question qui lui est référée et qu'il considère comme frivole ou triviale.

Emploi d'experts

51. Avec le consentement du Ministre, le conseil peut employer des experts ou assesseurs compétents pour examiner les livres ou les rapports officiels de l'une ou de l'autre des parties et l'éclairer sur toute question technique ou autre ayant de l'importance dans son enquête, mais ne dévoilera pas ces rapports ou les résultats de l'examen des experts fait sous le régime du présent article sans le consentement des deux parties au différend.

Rémunération et frais du conseil.

Allocations aux membres du conseil.

52. Les membres d'un conseil, pendant qu'ils sont occupés au règlement d'un différend, sont rémunérés comme suit pour leurs services:

a) aux membres autres que le président il est attribué—

i) une allocation de cinq dollars par jour pour une période n'excédant pas trois jours pendant laquelle ils sont effectivement occupés au choix d'un troisième membre du conseil;

ii) une allocation de quinze dollars pour chaque séance du conseil d'une journée;

iii) une allocation de sept dollars pour chaque séance du conseil d'une demi-journée;

b) au président est attribuée une allocation de vingt dollars pour chaque séance du conseil d'une journée et de dix dollars pour chaque séance du conseil d'une demi-journée;

c) nulle allocation n'est faite à aucun membre du conseil pour une séance du conseil qui ne dure pas une demi-journée, à moins qu'il ne soit établi aux yeux du Ministre que pareille séance du conseil était nécessaire pour la prompte exécution de sa tâche et que les causes rendant impossible une séance du conseil d'une demi-journée échappaient à sa volonté.

Il est interdit aux membres d'accepter des revenants-bons.

53. Il est interdit à tout membre du conseil d'accepter, en sus de son allocation, de revenant-bon ni de gratification d'aucune sorte de la part d'aucune corporation, association, société ou personne intéressée dans quelque chose de soumis ou à être soumis au conseil sous le régime des dispositions de la présente loi. L'acceptation de pareil revenant-bon ou de pareille gratification par un membre du conseil constitue une contravention et rend ce membre passible d'une amende n'excédant pas mille dollars.

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54. Chaque membre du conseil a droit à ses frais de voyage effectifs pour chaque jour qu'il passe à voyager entre le lieu de sa résidence en Canada et celui des séances du conseil, soit pour se rendre à ces séances soit pour en revenir. Frais de voyage alloués aux membres.

55. Toute la dépense du conseil, y compris les frais de transport de ses membres ou de personnes sous ses ordres dans la poursuite des enquêtes sous le régime de la présente loi, les appointements des employés et agents, les allocations et le transport des témoins doit être ordonnancée et payée sur présentation d'acquits détaillés de ces frais approuvés par le président du conseil, lesquels acquits le dit président doit transmettre au Ministre. Le président doit aussi faire tenir au Ministre une liste détaillée et attestée des séances du conseil, portant indication des membres présents à ces séances. Paiement des frais du conseil.

DEVOIRS DU DIRECTEUR DES ENQUETES.

56. Il est du devoir du directeur des enquêtes,—

a) de recevoir et enregistrer, et, en conformité des dispositions de la présente loi, mener à fin toute demande de référer un différend à un conseil, de la part de patrons ou d'employés, et de porter immédiatement chaque pareille demande à la connaissance du Ministre; Recevoir et mener à fin les demandes.

b) de faire avec les parties et avec les membres des conseils la correspondance nécessaire pour constituer les conseils aussi promptement que possible en conformité des dispositions de la présente loi; Aider à constituer des conseils.

c) de recevoir et caser les rapports et les recommandations des conseils, et conduire la correspondance et faire les choses qui peuvent aider à rendre effectives les recommandations des conseils, en conformité des dispositions de la présente loi; Aider à donner effet aux recommandations.

d) de tenir un registre dans lequel s'inscrit ce qui concerne les demandes, les référés, les rapports et recommandations, au sujet de la nomination d'un conseil et de ses procédures; et garder en sûreté les demandes, les exposés, les rapports et les recommandations et les autres documents qui se rapportent aux travaux des conseils et, à demande, les transmettre, ou quelques-uns d'eux, au Ministre; Tenir registre des procédures et garder en sureté les documents.

e) de fournir à toutes personnes, à demande, des renseignements sur la présente loi ou sur les règlements établis ou les procédures suivies sous son régime, et aussi fournir aux parties à un différend et aux membres du conseil les formules imprimées et autres papiers ou documents requis pour la mise à exécution effective des dispositions de la présente loi; Fournir les formules nécessaires et les renseignements sur les procédures.

f) en termes généraux, de faire toutes choses et de prendre toutes procédures qui peuvent être nécessaires dans l'exercice des fonctions qui lui sont attribuées par la présente loi ou tout règlement établi sous son régime.

ILLEGALITE DES GREVES ET DES CONTRE-GREVES AVANT LA NOMINATION OU PENDANT LES TRAVAUX D'UN CONSEIL.

57. Il est illégal pour un patron de déclarer ou faire déclarer une contre-grève ou pour un employé de se mettre en grève au sujet d'un différend avant que ce dernier soit référé à un conseil Interdiction des grèves et contre-grèves avant qu'un

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conseil se soit prononcé.

de conciliation et d'enquête ou pendant que se poursuivent les travaux d'un conseil au sujet d'un différend sous le régime des dispositions de la présente loi; mais rien dans le présent article n'interdit la suspension ou la discontinuation d'une industrie ou du travail de toutes personnes y engagées pour quelque cause que ce soit, si la chose ne constitue pas une contre-grève ou une grève.

Les rapports entre les parties doivent rester les mêmes pendant les travaux du conseil.

58. Chaque fois qu'un différend a été référé à un conseil, aucune des parties ni les employés dont les intérêts sont en jeu, ne feront, tant que le conseil ne s'est pas prononcé, ni ne contribueront à faire, directement ou indirectement, rien qui soit de la nature d'une contre-grève ou d'une grève, ou qui constitue une suspension ou discontinuation d'emploi ou de travail, et les rapports entre patron et employé doivent continuer ininterrompus par le différend ni par rien qui en découle; mais si, de l'avis du conseil, l'une ou l'autre des parties invoque la présente ou toute autre disposition de la présente loi dans le but de maintenir injustement, au moyen de délais, un état de choses donné, et que le conseil rapporte la chose au Ministre, cette partie est coupable de contravention et passible des mêmes amendes que celles imposées pour violation de l'article qui précède.

Peine pour le fait de causer une contre-grève.

59. Un patron qui déclare ou cause une contre-grève contrairement aux dispositions de la présente loi est passible d'une amende d'au moins cent dollars et n'excédant pas mille dollars pour chaque jour ou partie de journée que dure cette contre-grève.

Peine pour le fait de se mettre en grève.

60. Tout employé qui se met en grève contrairement aux dispositions de la présente loi est passible d'une amende d'au moins dix dollars et d'au plus cinquante dollars pour chaque jour ou partie de journée que cet employé est en grève.

Peine pour le fait d'inciter à une grève ou à une contre-grève.

61. Toute personne qui incite, encourage ou aide de quelque façon un patron à déclarer ou continuer une contre-grève, ou un employé à se mettre en grève ou à rester en grève contrairement aux dispositions de la présente loi, est coupable d'une contravention (*offence*) et passible d'une amende d'au moins cinquante dollars et d'au plus mille dollars.

Il est illégal de renvoyer un employé parcequ'il est membre d'une union.

62. Si un patron renvoye un employé pour la simple raison que l'employé est membre d'une union ouvrière ou sur le point de le devenir, ce patron est passible d'une amende n'excédant pas cinquante dollars pour chaque employé ainsi renvoyé.

2. Dans tout pareil cas il est à la charge du patron de démontrer au tribunal que l'employé a été renvoyé pour des faits autres que ceux mentionnés au présent article.

Illégalité des grèves résultant de l'emploi d'autres que des membres de l'union.

63. Si un employé se met en grève pour la simple raison que son patron a employé ou est sur le point d'employer quelque personne qui n'est pas membre d'une union ouvrière, il est passible d'une amende d'au plus cinquante dollars.

2. Dans tout pareil cas il est à la charge de l'employé de démontrer au tribunal qu'il s'est mis en grève pour des faits autres que ceux mentionnés au présent article.

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64. La procédure pour l'application des peines imposées ou dont l'imposition est autorisée par la présente loi, est celle prescrite par la Partie LVIII du *Code criminel de 1892*, et les lois qui la modifie, au sujet des convictions par voie sommaire. Procédure pour l'application des peines.

DISPOSITIONS SPECIALES.

65. Toute partie à un différend qui sous le régime de la présente loi peut être référé à un conseil, peut, en tout temps avant que le conseil ait fait son rapport et sa recommandation, convenir par écrit de se trouver lié par la recommandation du conseil de la même manière que sont liées les parties par une sentence arbitrale dans un référé d'une cour dite Court of record; toute pareille convention faite par une partie doit être expédiée au directeur des enquêtes, qui doit la communiquer à l'autre partie, et si l'autre partie convient pareillement de se trouver liée par la recommandation du conseil, alors la recommandation deviendra l'équivalent d'une ordonnance de pareille cour à la demande de l'une ou l'autre des parties et exécutoire comme telle. La recommandation lie en certains cas.

66. S'il arrive qu'un différend se produise dans la poursuite d'une industrie ou dans l'exercice d'un métier qui ne tombent pas sous les dispositions de la présente loi, et que ce différend menace de résulter en une grève ou une contre-grève, l'une ou l'autre des parties peut se déclarer par écrit prête à permettre que le différend soit référé à un conseil de conciliation et d'enquête à être constitué sous le régime des dispositions de la présente loi. Application de la loi à tous les différends à la demande des parties.

2. Toute telle convention doit être expédiée au directeur des enquêtes, qui la communique à l'autre partie, et si l'autre partie convient pareillement de permettre que le différend soit référé à un conseil, le différend peut être ainsi référé tout comme si l'industrie ou le métier et les parties étaient du domaine des dispositions de la présente loi.

3. A compter du moment où les parties ont reçu du directeur des enquêtes avis qu'en conséquence de leur consentement réciproque à ce que le différend soit référé à un conseil sous le régime des dispositions de la présente loi, le Ministre a décidé de référer le différend, s'il y a grève ou contre-grève, la grève ou la contre-grève doit cesser incontinent, et les dispositions de la présente loi lient les parties.

DIVERS.

67. Le Gouverneur en conseil peut, quand il y a lieu, par voie d'avis dans la *Gazette du Canada*, déclarer que telle industrie est une agence de transport, de communication ou d'utilité publique, et cette industrie est dès lors censée comprise dans le domaine des dispositions de la présente loi. Certaines autres industries peuvent tomber dans le domaine de la présente loi.

68. S'il s'élève quelque doute sur la question de savoir si un emploi particulier appartient bien à une industrie ou à une classe d'industries comprises dans les termes "agence de transport, de communication ou d'utilité publique", la chose doit être référée au Ministre dont la décision est définitive. Le Ministre détermine si certaines industries sont comprises dans la loi.

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La loi ne s'applique pas en certains cas.

69. Rien en la présente loi ne s'applique à la Couronne ni à un département du gouvernement du Canada, non plus qu'au gouvernement d'aucune province sans le consentement de cette province; et la présente loi ne s'applique pas aux différends qui se produisent dans une province qui a rendu ou qui rend une loi instituant l'enquête obligatoire ou l'arbitrage obligatoire en matière de différends industriels, sauf à la demande de cette province.

La procédure, &c., devant un conseil, n'est pas reconnue par les cours.

Exception.

70. Nulle cour de justice du Canada ou d'une province ou d'un territoire du Canada, n'a le pouvoir de reconnaître ou de mettre à effet, ou de recevoir comme preuve un rapport d'un conseil, ou un témoignage rendu, ou un acte de procédure accompli devant un conseil, à l'encontre de qui que ce soit ou pour aucune fin, excepté contre l'accusé dans le cas d'une poursuite pour parjure.

Défaut technique n'invalide pas la procédure.

71. Nulle procédure sous le régime de la présente loi ne sera tenue pour invalide pour cause de défaut de forme ou d'irrégularité technique.

Rémunération sous le régime de la loi.

72. Le Ministre détermine l'allocation ou les sommes à payer à toutes personnes, autres que les membres d'un conseil, employées par le gouvernement ou un conseil, y compris le directeur des enquêtes, les secrétaires, commis, experts, sténographes ou autres qui rendent des services sous le régime de la présente loi.

Rapport au directeur des enquêtes des poursuites sous le régime de la loi.

73. Dans les cas de poursuites sous le régime de la présente loi, qu'il y ait eu conviction ou non, il est du devoir du greffier du tribunal devant lequel pareille poursuite a eu lieu de faire au directeur des enquêtes un rapport succint des circonstances de cette poursuite dans les trente jours après la conclusion de cette dernière, et ce greffier a droit à un émolument déterminé pour la rémunération de ses services.

Le Ministre peut faire des règlements.

74. Le Ministre peut établir des règlements relatifs aux délais dans lesquels doivent se faire toutes choses autorisées par la présente loi, et à toutes matières ou choses qui lui paraissent nécessaires ou à propos pour l'exécution effective des différentes dispositions de la présente loi. Tous tels règlements entrent en vigueur dès le jour de leur publication dans la *Gazette du Canada*.

Défense.

75. L'administration de la présente loi doit être défrayée sur les crédits votés pour cet objet par le Parlement.

Rapport annuel.

76. Doit être présenté au Gouverneur général, annuellement par le Ministre, un rapport de tout ce que le Ministre a fait au cours de l'année sous le régime de la présente loi; et le dit rapport doit être soumis au Parlement dans les quinze premiers jours de chaque session.

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C 9836

N° 36.

3e Session, 10me Parlement, 6-7 Edouard VII, 1906-7.

BILL.

Acte ayant pour objet d'aider à prévenir et à régler les grèves et les contre-grèves dans les houillères.

Première lecture, 17 décembre 1906.

M. LEMIEUX.

OTTAWA
Imprimé par S. E. DAWSON
Imprimeur de Sa Très Excellente Majesté le Roi
1906-7

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C 9837

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

In the Matter of the Industrial Disputes Investigation Act,1907, and of a dispute between

.....(employer)

- and -

.....(employees)

To.....

of.....

WHEREAS it hath been made to appear that you are likely to give material evidence touching the matters in question in this dispute,

These are therefore to require you to be and appear before the Board of Conciliation and Investigation to which the said dispute has been referred on ..... the ..... day of .....19....at the hour of .....o'clock in the.....noon at..... ..... to give evidence touching such matters and to bring with you at the time and place aforesaid and produce before the Board any books, papers or other documents or things in your custody or under your control, in any way relating to or touching such matters.

AND HEREIN FAIL NOT.

WITNESS the Chairman of the said Board the..... day of..... in the year of Our Lord one thousand nine hundred and ..... at..... .....

.....

Chairman.

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In the Matter of the Industrial Disputes Investigation Act, 1907.

SPECIAL SUBPOENA.

C 9838

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CANADA

(5/2.45

C 9839

APR 19 1918

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

.....

.....

(*Employer*)

AND

.....

.....

.....

(*Employees*)

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdon of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith.

To .....

WE COMMAND YOU to attend before the Board of Conciliation and Investigation appointed in the above matter, at.....

on.....the.....day of.....19.....

at the hour of.....in the.....noon, to give evidence in the above matter, and to bring with you at the time and place aforesaid, and produce before the Board, any books, papers or other documents or things in your custody or under your control in any way relating to the said matter.

WITNESS the Chairman of the said Board the.....

day of.....19.....

.....

Chairman.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

(2)

C 3840
Form 165

SENT
APR 18 11 AM

DEPARTMENT OF LABOUR CANADA

In the Matter of the Industrial Disputes Investigation Act, 1907, and a dispute between

.....

.....

.....

(Employer)

AND

.....

.....

.....

(Employees)

.....and

.....

who have been appointed members of a Board of Conciliation and Investigation in this matter on the recommendation of the employers and employees respectively, having failed to recommend the name of one person who is willing and ready to act as a third member,

the undersigned, the Minister of Labour for Canada, hereby appoints.....

.....

of the.....of.....in the.....

of.....a member of the said Board.

IN WITNESS WHEREOF the Minister has hereto set his hand and affixed his seal of office at Ottawa on the.....day of.....A. D. 19.....

Minister of Labour.

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CANADA

C 9841

10-35/17 1.30 (2)

Crest of Department of Labour.

In the Matter of the Industrial Disputes Investigation Act.1907,and of a dispute between,

.....

.....

....

-and- (Employer)

.....

....

.....

(Employees)

~~and~~.....and.

~~and~~.....

who have been appointed members of a Board of Conciliation and Investigation in this matter on the recommendation of the employers and employees respectively,having failed to recommend the name of one person who is willing and ready to act as a third member. the undersigned,the Minister of Labour for Canada,hereby appoints

.....

of the.....of.....in the.....of

.....a member of the said Board.

IN WITNESS WHEREOF the Minister has hereunto set his hand and affixed his seal of office at Ottawa on the.....day of..... A.D.19.....

Minister of Labour.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9842

In the Matter of the Industrial Disputes Investigation Act,1907, and of a dispute between

..... employer. (employer) Plaintiff, Applicant

and

....., employ... (employees.)

Edward the Seventh,by the Grace of God,of the United Kingdom of Great Britain and Ireland,and of the British Dominions beyond the Seas,King,Defender of the Faith.

To

We command you to attend before the Board of Conciliation and Investigation appointed in the above matter,at ,on the day of ,190, at the hour of in the noon,to give evidence in the above matter on behalf of the employ ,and to bring with you at the time and place aforesaid,and to produce before the Board,any books,papers or other documents or things in your custody or under your control in any way relating to the said matter.

Witness.....

the Chairman of the said Board the day of 190 . (Seal).

Chairman.

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CANADA

C 9843

IN THE MATTER OF THE ROYAL COMMISSION TO INQUIRE INTO LABOUR DISPUTES IN BRITISH COLUMBIA.

Summons to a Witness.

:o:

CANADA:
PROVINCE OF BRITISH COLUMBIA. }

District or County of

To

of

of

Sample for paper

in the said District or County

WHEREAS it hath been made to appear to us that you are likely to give material evidence touching the matters in question before this Commission.

These are therefore to require you to be and appear on

at o'clock in the noon at

before the undersigned to testify what you know concerning the said matters

and to bring with you

GIVEN under our Hand and Seal, this day

of , in the year of Our Lord one thousand

, at

in the District or County aforesaid.

C 9844

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CANADA

Sample of paper - quality and colour for special subpoena in the matter of the Industrial Disputes Investigation Act 1907

C 9844

IN THE MATTER OF THE ROYAL COMMISSION TO INQUIRE INTO LABOUR DISPUTES IN BRITISH COLUMBIA.

SPECIAL SUBPOENA.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9845
Form 1104

(4) 2945

DEPT. OF LABOUR
APR 18 1944

DEPARTMENT OF LABOUR
CANADA

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

.....

.....

(Employers)

AND

.....

.....

.....

(Employees)

On the recommendation of.....

and.....who have been appointed members of the Board of Conciliation and Investigation in this matter on the recommendation of the emyloyer and the employees respectively, the undersigned, Minister of Labour of Canada, hereby appoints

of the.....of.....in the

.....of.....

a member of the said Board.

WITNESS the hand and seal of office of the said Minister at Ottawa the.....

day of.....A.D. 19.....

Minister of Labour.

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CANADA

10.2 12 1 15 (4)

C 9846

Crest of Department of Labour.

In the Matter of the Industrial Disputes Investigation Act.1907,and of a dispute between,

.....

.....

.....

-and- (Employer.)

.....

.....

.....

(Employees.)

On the recommendation of.....

and.....who ~~and~~

.....who

have been appointed members of the Board of Conciliation and Investigation in this matter on the recommendation of the employer and the employees respectively,the undersigned, Minister of Labour of Canada,hereby appoints _____

Leave extra space

.....

of the Office of the .....in the

.....of.....

a member of the said Board.

WITNESS the hand and Seal of Office of the said Minister at Ottawa the. .....day of.....

A.D.I9.....

Minister of Labour.

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CANADA

Industrial Disputes Investigation Act — Form C

C 9847

REFERENCE No. 10

Department of Labour, Canada.

The Industrial Disputes Investigation Act, 1907.

Form of Application for Appointment of a Board of Conciliation and Investigation.

.....19.....
(Locality and Date)

To the Registrar
Boards of Conciliation and Investigation,
Department of Labour,
Ottawa.

The undersigned hereby make application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, to which a dispute between the parties named in the accompanying statement may be referred under the provisions of the said Act, and submit the statement and statutory declaration prescribed under the Act as necessary in making such application.*

(a) STATEMENT.

Locality of dispute.....

Trade or industry.....

The parties to the dispute:

(i) Employer.....
(Designate the individual, company, or companies involved)

.....

.....

.....

(ii) Employees.....
(Designate in general terms the employees involved, by classes of employment, for example. If members of a union give name of union)

.....

.....

.....

.....

Approximate estimate of number of employees affected or likely to be affected:

	Directly.	*Indirectly.*
Males, 21 years or over.....		
" under 21 years.....		
Females.....		
Total.....		

(*) "The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

"The application shall be accompanied by a statement setting forth (1) the parties to the dispute; (2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken; (3) an approximate estimate of the number of persons affected or likely to be affected by the dispute; (4) the efforts made by the parties themselves to adjust the dispute." (SECTION 15, SUB-SECS. 1 AND 2 (*a*))

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Nature and cause of dispute, including claims and demands by either party upon the other to which exception is taken : *

Outline of efforts made by parties concerned to adjust the dispute : *

(*) If space allotted is insufficient, details of this statement may be continued on a supplementary sheet.

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Person recommended as member on Board of Conciliation and Investigation :— (*)

Name in full .....

Address .....

This application is made on behalf of the .....
(designate whether on behalf of employer or employees.)

Signatures of parties making application :— (**)

Name .....

Address .....

Name .....

Address .....

Authority .....
(State where, by whom, and when authority was given for making this application, also wherein conditions of Section 16, quoted below (**) have been complied with.)

(*) " Each party to the dispute may at the time of making application, or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

" If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board, and such member shall be deemed to be appointed on the recommendation of the said party." (SECTION 8, SUB-SECS. 1 AND 2.)

(**) " The application and the declaration accompanying it—

" if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers ;

" if made by an employer other than an an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association.

" if made by employees members of a trade union shall be signed by two of its officers *duly authorized by a majority vote of the members of the union or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice* for the purpose of discussing the question ;

" if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number *duly authorized by a majority vote taken by ballot of the employees present at a meeting duly called on not less than three days' notice* for the purpose of discussing the question." (SECTION 16, SUB.-SECS. 1—4.)

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C 9850

(b) STATUTORY DECLARATION.*

CANADA.

Province of .....

County of .....

To Wit:

I, ...

of the ..... of .....,

in the ..... of .....,

(and if more than one declarant fill in the blank spaces as may be necessary and I .....

of ..... of .....

do ..... solemnly declare ..... as follows, that is to say:—each of us for himself declares),
(severally)

that, to the best of ..... knowledge and belief, failing an adjustment of the dispute herein referred
(my or his)

to, or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, a ..... will be declared, and that the necessary authority to declare such ..... has been obtained.
(strike or lockout) (strike or lockout)

And ..... make this solemn declaration conscientiously believing it to be true, and knowing
(I, or, each of us)

that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Signatures .....

.....

.....

DECLARED .....
(by the said)

.....

and

.....

before me at ..... in the County

of ..... this .....

day of ..... A.D. 19.....

.....

A Commissioner, &c.

(To be declared before a Commissioner for taking affidavits or any other functionary authorized by law to administer an oath).

Note.—The attention of THE PARTY MAKING THIS APPLICATION is directed to the following sections of the Act:—

"Every application for the appointment of a Board shall be transmitted by post by Registered Letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such Registered Letter at the Department shall be regarded as the date of the receipt of such application. (SECTION 17.)

"In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also *transmit by Registered Letter to the other party to the dispute*, or by personal delivery, a copy of the application, and of the accompanying statement and declaration." (SECTION 18.)

"Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is –

(1) An employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) An employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) Composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) Composed of employees some or all of whom are not members of a trade union—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of Section 16, two persons have been authorized to make an application, shall be sent to such two persons. (SECTION 20.)

The attention of THE PARTY RECEIVING A COPY OF THIS APPLICATION is directed to the following section of the Act:—

"Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, *prepare a statement in reply to the application and transmit it by Registered Letter, or personal delivery, to the Registrar and to the party making the application.*" (SECTION 19.)

(See also SECTION 20 quoted above.)

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* "The application shall be accompanied by a statutory declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained." (SECTION 15, SUBSEC. 2) (*b*).

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PUBLIC ARCHIVES PUBLIQUES
CANADA

10/11 1.30/17/5 Printed Please make corrections indicated & send us another revise C 9851

REFERENCE NO.....

Department of Labour, Canada.

The Industrial Disputes Investigation Act, 1907.

Form of Application for Appointment of a Board of Conciliation and Investigation.

.....19.....
(Locality and Date)

To the Registrar
Boards of Conciliation and Investigation,
Department of Labour,
Ottawa.

The undersigned hereby make application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, to which a dispute between the parties named in the accompanying statement may be referred under the provisions of the said Act, and submit the statement and statutory declaration prescribed under the Act as necessary in making such application.*

(a) STATEMENT.

Locality of dispute.....

Trade or industry.....

The parties to the dispute:

(i) Employer.....
(Designate the individual, company, or companies involved)

.....

.....

(ii) Employees.....
(Designate in general terms the employees involved, by classes of employment, for example. If members of a union give name of union)

.....

.....

.....

.....

Approximate estimate of number of employees affected or likely to be affected:

	Directly.	*Indirectly.*
Males, 21 years or over.....	.....	.....
" under 21 years.....	.....	.....
Females.....	.....	.....
Total.....	.....	.....

(*) "The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

"The application shall be accompanied by a statement setting forth (1) the parties to the dispute; (2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken; (3) an approximate estimate of the number of persons affected or likely to be affected by the dispute; (4) the efforts made by the parties themselves to adjust the dispute." (SECTION 15, SUB-SECS. 1 AND 2 *(a)*)

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Nature and cause of dispute, including claims and demands by either party upon the other to which exception is taken : *

Outline of efforts made by parties concerned to adjust the dispute : *

(*) If space allotted is insufficient, details of this statement may be continued on a supplementary sheet.

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Person recommended as member on Board of Conciliation and Investigation :— (*)

Name in full .....

Address .....

This application is made on behalf of the .....
(designate whether on behalf of employer or employees.)

Signatures of parties making application :— (**)

Name .....

Address .....

Name .....

Address .....

Authority .....
(State where, by whom and when authority was given for making this application, also wherein conditions of Section 16, quoted below (**) have been complied with.)

(*) " Each party to the dispute may at the time of making application, or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

" If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board, and such member shall be deemed to be appointed on the recommendation of the said party." (SECTION 8, SUB-SECS. 1 AND 2.)

(**) " The application and the declaration accompanying it—

" if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers ;

" if made by an employer other than an an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association.

" if made by employees members of a trade union shall be signed by two of its officers *duly authorized by a majority vote of the members of the union or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice* for the purpose of discussing the question ;

" if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number *duly authorized by a majority vote taken by ballot of the employees present at a meeting duly called on not less than three days' notice* for the purpose of discussing the question.' (SECTION 16, SUB.-SECS. 1–4.)

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C 9854

(b) STATUTORY DECLARATION.*

CANADA)
Province of.....)
County of _____)
To Wit:)

I _____ of
the _____ of _____ ,
in the ~~_____~~ of _____ ,

(each in manner and if more than one declarant; ~~or~~ fill in the blank spaces throughout as indicated below the lines)

and I..... ~~of the~~.....
(~~if more than one declarant, say~~)
of the..... ~~in the~~.....
in the _____ of _____
do ~~severally~~ solemnly declare.....
(severally)
as follows, that is to say:- each of
..... that, to the best of _____ knowledge
us for himself declares) (my or his)
and belief, failing an adjustment of the dispute herein referred to,
or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, a..... will be declared, and
(strike or lockout)
that the necessary authority to declare such _____ has
(strike or lockout)
been obtained.

And _____ make this solemn declaration, con-
(I, or each of us)
scientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

.....

(signatures)

....

Declared.....
(by the said----------)----
.....
and----------and----------
..... before me
----------,
at _____ in the
County of _____ ,
this _____ day of
A.D. 19 .

.....
A Commissioner, &c.

(To be declared before a commissioner for taking affidavits or any other functionary authorized by law to administer an oath.)

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PUBLIC ARCHIVES PUBLIQUES
CANADA

Printer: C 9855
To have this form as a slip, but use heads + form on sheet attached

Province of .....
County of .....
To Wit :

(b) STATUTORY DECLARATION.*

I, or We, according to the facts.) ..... of the .....

of ..... in the County of ..... of the .....

of ..... in the County of .....

do solemnly and severally declare, that failing an adjustment of the dispute herein referred to, or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, to the best of my or our knowledge and belief a ..... (state whether strike or lockout.) will be declared, and that the necessary authority to declare such ..... (state whether strike or lockout.) has been obtained.

And I. or We,) make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Signatures .....

.....

DECLARED before me at .....,
in the County of .....
this ..... day of ..... A.D. 19

.....
A Commissioner, &c.

(To be declared before a Commissioner for taking affidavits or any other functionary authorized by law to administer an oath).

Note.—The attention of THE PARTY MAKING THIS APPLICATION is directed to the following sections of the Act :—

"Every application for the appointment of a Board shall be transmitted by post by Registered Letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such Registered Letter at the Department shall be regarded as the date of the receipt of such application. (SECTION 17.)

"In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also *transmit by Registered Letter to the other party to the dispute* or by personal delivery, a copy of the application, and of the accompanying statement and declaration." (SECTION 18.)

"Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is –

(1) An employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation ;

(2) An employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known ;

(3) Composed of employees, members of a trade union, shall be sent to the president and secretary of such union ;

(4) Composed of employees some or all of whom are not members of a trade union—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union ; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number ;

(*c*) Where, under paragraph (4) of Section 16, two persons have been authorized to make an application, shall be sent to such two persons. (SECTION 20.)

The attention of THE PARTY RECEIVING A COPY OF THIS APPLICATION is directed to the following section of the Act :—

"Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, *prepare a statement in reply to the application and transmit it by Registered Letter, or personal delivery, to the Registrar and to the party making the application.*" (SECTION 19.)

(See also SECTION 20 quoted above.)

---

* "The application shall be accompanied by a statutory declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained." (SECTION 15, SUB-SEC. 2) (*b*).

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PUBLIC ARCHIVES PUBLIQUES
CANADA

(3) 2145

C 9856

Form 3

APR 18 11 AM

DEPARTMENT OF LABOUR CANADA

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

.....

.....

(Employers.)

AND

.....

.....

.....

.....

(Employees.)

On the recommendation of the employe..... the undersigned, Minister of Labour of Canada, hereby appoints

.....

of the.....of.....

in the.....of.....

a member of the Board of Conciliation and Investigation in this matter.

WITNESS the hand and Seal of Office of the said Minister at Ottawa,

the.....day of.....A.D. 19.....

Minister of Labour.

.....

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PUBLIC ARCHIVES PUBLIQUES
CANADA

10.30/17 1.18/17 (3)

C 9857

Crest of Department of Labour.

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between.

.....

.....

.....

-and- (Employer).

.....

.....

.....

(Employees).

On the recommendation of the employé... the undersigned. Minister of Labour of Canada, hereby appoints .....

.....

of the.....of.....

in the .....of.....

a member of the Board of Conciliation and Investigation in this matter.

WITNESS the hand and Seal of Office of the said Minister at Ottawa, the.....day of.....A.D.19.....

Minister of Labour.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

(1) 2nd

Form 2/ C 9858

DEPARTMENT OF LABOUR CANADA

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

.....

.....

(Employer)

AND

.....

.....

.....

.....

(Employees)

WHEREAS the employ..... ha..... duly applied for the appointment of a Board of Conciliation and Investigation, to which the above disputes may be referred under the provisions of the Industrial Disputes Investigation Act, 1907.

AND WHEREAS the Minister of Labour of Canada, hereinafter called the Minister, is satisfied that the said dispute is one to which the provisions of the said Act apply, and that the application does not relate to a dispute which is the subject of a reference under the provisions concerning Railway Disputes in the Conciliation and Labour Act.

NOW THEREFORE, in pursuance of the provisions of Section 6 of the Industrial Disputes Investigation Act, 1907, the Minister does hereby establish a Board of Conciliation and Investigation, to be constituted as in the said Act provided, to which Board the above dispute shall be and is hereby referred under the provisions of the said Act.

IN WITNESS WHEREOF the Minister has hereunto set his hand and affixed his seal of office at Ottawa on the.....day of.....

A.D. 19.....

Minister of Labour.

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CANADA

C 9859

(1)

8.15/17 10-10-17

Department of Labour

Crest.

In the Matter of the Industrial Disputes Investigation Act,1907,and of a dispute between

.....

....

.....

-and- (Employers)

.....

.....

.....

(Employees)

WHEREAS the employ....ha.....duly applied for the appointment of a Board of Conciliation and Investigation,to which the above disputes may be referred under the provisions of the Industrial Disputes Investigation Act,1907.

AND WHEREAS the Minister of Labour of Canada,hereinafter called the Minister,is satisfied that the said dispute is one to which the provisions of the said Act apply,and that the application does not relate to a dispute which is the subject of a reference under the provisions concerning Railway Disputes in the Conciliation and Labour Act.

NOW THEREFORE,in pursuance of the provisions of Section 6 of the Industrial Disputes Investigation Act,1907,the Minister does hereby establish a Board of Conciliation and Investigation,to be constituted as in the said Act provided,to which Board the above dispute shall be and is hereby referred under the provisions of the said Act.

IN WITNESS WHEREOF the Minister has hereunto set his hand and affixed his seal of office at Ottawa on the.....day of..... A.D.I9. .....

Minister of Labour.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9860

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

.....

.....(*Employer*)

AND

.....

.....(*Employees*)

To.....

of.....

WHEREAS it hath been made to appear that you are likely to give material evidence touching the matters in question in this dispute.

These are therefore to require you to be and appear before the Board of Conciliation and Investigation to which the said dispute has been referred on..... the.....day of.....19....., at the hour of.....o'clock in the.....noon, at..... to give evidence touching such matters and to bring with you at the time and place aforesaid and produce before the Board any books, papers or other documents or things in your custody or under your control, in any way relating to or touching such matters.

And herein fail not.

WITNESS the Chairman of the said Board the..... day of.....in the year of Our Lord one thousand nine hundred and.....at.....

.....

Chairman.

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CANADA

C 9861

IN THE MATTER OF THE

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

SPECIAL SUBPOENA.

Case 5

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(5) 8.50/17 10.31

C 9862

Crest of Department
of Labour.

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

.....

.....

-and- (Employer)

.....

.....

....

(Employees.)

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith.

To.....

WE COMMAND YOU to attend before the Board of Conciliation and Investigation appointed in the above matter, at..... on.....the.....day of.....19..... at the hour of.....in the.....noon, to give evidence in the above matter, and to bring with you at the time and place aforesaid, and produce before the Board, any books, papers or other documents or things in your custody or under your control in any way relating to the said matter.

WITNESS the Chairman of the said Board the..... day of.....19....

....

Chairman.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9863

In the Matter of the Industrial Disputes Investigation Act,1907,and of a dispute between,

.....

.....

.....

-and- (Employer)

.....

.....

.....

(Employees)

I.....

Chairman.....of the Board of Conciliation
(or member)
and Investigation in the above matter do hereby solemnly swear that I will faithfully and impartially perform the duties of my office as member .....of the said Board,and that except in
(and Chairman)
the discharge of my duty,I will not disclose to any person any of the evidence or othermatter brought before the Board.

Sworn before me at the.....)
)
of.....in the County of)
)
.....this.....)
)
day of.....A.D.19[redacted]..)

J.P. in and for the said County.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9864

Reference No.....

The Department of Labour, Canada.

Industrial Disputes Investigation Act, 1907.

Form of Application for Appointment of a Board of Conciliation and Investigation.

(This is to set in opinion, indented at both sides)

"1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

"2. The application shall be accompanied by a statement setting forth (1) the parties to the dispute; (2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken; (3) an approximate estaimate of the number of persons affected or likely to be affected by the dispute; (4) the efforts made by the parties themselves to adjust the dispute." (Sec. 15, sub-secs. 1 and 2.)

To the Registrar ~~of Boards of~~ Board of Conciliation and Investigation
The Department of Labour,
Ottawa.

.....

(Locality and date.)

The undersigned hereby make application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act. 1907, and submit the statement and statutory declaration prescribed under the Act as necessary in making such application:

(a) Statement:

Locality of Dispute.....

Trade or industry.....

The parties to the dispute:

I. employer.....
(designate the individual ~~company~~ or companies involved)

II. employees.....
(designate in general terms the employees involved
.....
(by classes of employment, for example.) If members of a union give name
.....
of union.
.....
.....

Approximate estimate of number of employees affected or likely to be affected:

	Directly	Indirectly
Males, 21 years or over	.....	.....
" under 21 years.	.....	.....
Females	.....	.....
Total----------		

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CANADA

Nature and cause of dispute, ~~etc.~~ including claims or demands by either party to which exception is taken *.....

.....

.....

.....

.....

.....

.....

Outline of efforts made by parties to adjust the dispute *.....

.....

.....

*If space allotted is insufficient, details of this statement may be contiued on a supplementary sheet.

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CANADA

C 9868

"7. Each party to the dispute may,at the time of making application or within five days after being requested so to do by the Minister,recommend the name of oone person who is willing and ready to act as a member of the Board,and the Minister shall appoint such person a member of the Board.

"8. If either of the parties fails or neglects to duly make any recommendation within the said period,or such extension thereof as the Minister,on cause shown,grants,the Minister shall,as soon thereafter as possible,appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party". (Sec. 8 subs. 1 & 2)

Person recommended as member on Board of Conciliation and Investigation.....

Name in full.....

Address.....

"The application and the declaration accompanying it---

(1) if made by an employer,an incorporated company or corporation, shall be signed by some one of its duly authorised managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation,shall be signed by the employer himself in case he is an individual,or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union shall be signed by two of its officers duly authorised by a majority vote of the members of the union. or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

(4) if made by employees some or all of whom are not members of a trade union,shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question." (Section 16, Sub Sec. 1-4)

Signatures of parties making application

name ..... address .....

name ..... address .....

This application is made on behalf of the.....
(designate whether on behalf of employer or employees)
in the above dispute.

Signatures of parties making application

name _____
address _____

name _____
address _____

authority
(state here by whom and when authority was given for making this application, also whether conditions of section 16 above quoted have been complied with)

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-4-

The Application shall be accompanied by

"A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained. (Section 15. Sub-Sec 2(b))

(b) Statutory Declaration (Blank form by this)

I, or We.....

.....

and severally
do solemnly declare:

That failing an adjustment of the dispute herein referred to, or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, to the best of our knowledge and belief a.....
(leave space enough for one word only)
(fill in as to strike or lockout)
will be declared and that the necessary authority to declare such.....
(fill in as to strike or lockout)
has been obtained, And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared before me at.....
this.....day of.....A.D.19....

Signatures.....
.....

.....
A commissioner &c. for taking affidavits.

Next page to follow on here

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CANADA

The attention of the party making this application is directed to the following sections of the Act.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the Department shall be regarded as the date of the receipt of such application.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

The attention of the party receiving a copy of this application is directed to the following sections of the Act.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9869

Reference No.....

The Department of Labour, Canada.

Industrial Disputes Investigation Act, 1907.

(*) Form of Application for Appointment of a Board of Conciliation and Investigation.

.....19.....
(Locality and date.)

To the Registrar
Boards of Conciliation and Investigation,
The Department of Labour,
Ottawa.

The undersigned hereby make...application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, and submit....the statement and statutory declaration prescribed under the Act as necessary in making such application.

(a) STATEMENT.

Locality of dispute.....

Trade or industry.....

The parties to the dispute:

I. Employer.....
(designate the individual company or companies involved)
.....

.....

II. Employees.....
(designate in general terms the employees involved(by
.....
classes of employment, for example) If members of a union give name of union)
.....
.....
.....

Approximate estimate of number of employees affected or likely to be affected:

	Directly	Indirectly
Males, 21 years or over.....	.....	.....
" under 21 years---------	.....	.....
Females----------	.....	.....
Total ----------		

(*) "The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

"The application shall be accompanied by a statement setting forth (1) the parties to the dispute; (2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken; (3) an approximate estimate of the number of persons affected or likely to be affected by the dispute; (4) the efforts made by the parties themselves to adjust the dispute." (Section 15, sub-secs. 1 and 2 (a)

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* Nature and cause of dispute, including claims or demands by either party to which exception is taken: .....

.....

.....

.....

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.....

.....

.....

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.....

*..Outline.of.efforts.made.by.parties to adjust the dispute.....

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.....

.....

(*) If space allotted is insufficient, details of this statement may be continued on a supplementary sheet.

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CANADA

(*) Person recommended as member on Board of Conciliation and Investigation:

Name in full.....

Address.....

This application is made on behalf of the.....
(designate whether on behalf of
.....
employer or employees)

in the above dispute.

(**) Signatures of parties making application:

Name..... Authority:.....
(State here by whom and
Address..... .....
where authority was given for
Name..... .....
making this application,also
Address..... .....
wherein conditions of Section I6,
.....
quoted below,have been complied
.....
with.
.....

....

.....

(*) "Each party to the dispute may,at the time of making application,or within five days after being requested so to do by the Minister,recommend the name of one person who is willing and ready to act as a member of the Board,and the Ministershall appoint such person a member of the Board.

"If either of the parties fails or neglects to duly make any recommendation within the said period,or such extension thereof as the Minister,on cause shown, grants,the Minister shall,as soon thereafter as possible,appoint a fit person to be a member of the Board,and such membershall be deemed to be appointed on the recommendation of the said party." (Section 8,sub-secs. I and 2)

(**) "The application and the declaration accompanying it--

"if made by an employer,an incorporated company or corporation,shall be signed by some one of its duly authorized managers or other principal executive officers;

"if made by an employer other than an incorporated company or corporation,shall be signed by the employer himself in case he is an individual,or a majroty of the partners or members in case of a partnership firm or association;

"if made by employees members of a trade union shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote ~~of its officers duly authorized by a majority vote of th~~ taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

"if made by employees some or all of whom are not members of a trade union,shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting duly called on not less than three days' notice for the purpose of discussing the question." (Section I6,sub-secs I---4)

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PUBLIC ARCHIVES PUBLIQUES
CANADA

(b) STATUTORY DECLARATION (*)

I,or We.....

.....

.....

do solemnly and severally declare,that failing an adjustment of the dispute herein referred to,or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act,1907, to the best of our knowledge and belief a..... will be declared,and
(strike or lockout)
that the necessary authority to declare such..... has been obtained.
(strike or lockout)

And I,or We,make this solemn declaration conscientiously believing it to be true,and knowing that it is of the same force and effectas if made under

oath,and by virtue of the Canada Evidence Act.

Declared before me at..... Signatures.....
this.....day of.....A.D.19....

.....

.....
A commissioner &c.for taking
affidavits.

(*)"The application shall be accompanied by a statutory declaration setting forth that failing an adjusgment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act,to the best of the knowledge and belief of the declarant, a lockout or strike,as the case may be.will be declared,and that the necessary authority to declare such lockout or strike has been obtained. (Section 15,Sub-sec.2 (b)

Note.

The attention of the party making this application is directed to the following sections of the Act:

"Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation,Department of Labour,Ottawa,and the date of the receipt of such registered letter at the Department shall be regarded as the date of the receipt of such application. (Section 17).

"In every case where an application is made for the appointment of a Board the party making application shall,at the time of transmitting it to the Registrar,also transmit by registered letter to the other party to the dispute,or by person delivery. a copy of the application,and of the accompanying statement and declaration." (Section 18)

The attention of the party receiving a copy of this application is directed to the following section of the Act:

"Copies of applications or statements in reply thereto,to be transmitted to the other party under any of the preceding sections where the other party is---

(1) an employer,an incorporated company or corporation,shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees,members of a trade union,shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,---

(a) Where some of the employees are members of a trade union, shall ve sent to the president and secretary of the union as representing

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CANADA

C 9873

To go on page 4

the employees belonging to the union;also

(b) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees,shall be sent to ten of their number;

(c) Where,under paragraph (4) of Section I6,two persons have been authorized to make an application,shall be sent to such two persons. (Section 20.)

"Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall,without delay,prepare a statement in reply to the application and transmit it by registered letter,or personal delivery,to the Registrar and to the party making the application. (Section I9)

(See also section 20 quoted above)

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REFERENCE No. C 9874

Department of Labour, Canada.

The Industrial Disputes Investigation Act, 1907.

Form of Application for Appointment of a Board of Conciliation and Investigation.

(Locality and Date) 19

To the Registrar
Boards of Conciliation and Investigation,
Department of Labour,
Ottawa.

The undersigned hereby make application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, and submit the statement and statutory declaration prescribed under the Act as necessary in making such application.*

(a) STATEMENT.

Locality of dispute.....

Trade or industry.....

The parties to the dispute:

(i) Employer.....
(Designate the individual, company, or companies involved)

(ii) Employees.....
(Designate in general terms the employees involved by classes of employment, for example. If members of a union give name of union)

Approximate estimate of number of employees affected or likely to be affected:

	Directly.	*Indirectly.*
Males, 21 years or over.....		
" under 21 years.....		
Females.....		
Total.....		

(*) "The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

"The application shall be accompanied by a statement setting forth (1) the parties to the dispute; (2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken; (3) an approximate estimate of the number of persons affected or likely to be affected by the dispute; (4) the efforts made by the parties themselves to adjust the dispute." (SECTION 15, SUB-SECS. 1 AND 2 (a))

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Nature and cause of dispute, including claims and demands by either party to which exception is taken : *

Outline of efforts made by parties concerned to adjust the dispute ; *

(*) If space allotted is insufficient, details of this statement may be continued on a supplementary sheet.

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CANADA

C 9876

Person recommended as member on Board of Conciliation and Investigation :— (*)

Name in full .....

Address .....

This application is made on behalf of the .....
(designate whether on behalf of employer or employees.)

Signatures of parties making application :— (**)

Name .....

Address .....

Name .....

Address .....

Authority .....
(State here by whom and where authority was given for making this application, also wherein conditions of Section 16, quoted below (**) have been complied with.)

(*) "Each party to the dispute may at the time of making application, or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

"If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board, and such member shall be deemed to be appointed on the recommendation of the said party." (SECTION 8, SUB-SECS. 1 AND 2.)

(**) "The application and the declaration accompanying it—

"if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

"if made by an employer other than an an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association.

"if made by employees members of a trade union shall be signed by two of its officers *duly authorized by a majority vote of the members of the union or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice* for the purpose of discussing the question;

"if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number *duly authorized by a majority vote taken by ballot of the employees present at a meeting duly called on not less than three days' notice* for the purpose of discussing the question." (SECTION 16, SUB-SECS. 1—4.)

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CANADA

C 9877

4

(b) STATUTORY DECLARATION.*

I, or We, ... of ..... in the County of .....

..... of ..... in the County of .....

do solemnly and severally declare, that failing an adjustment of the dispute herein referred to, or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, to the best of our knowledge and belief a ..... will be declared,
(state whether strike or lockout.)

and that the necessary authority to declare such ..... has been obtained.
(state whether strike or lockout.)

And I, or We, make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Signatures .....

.....

DECLARED before me at ....., in the County of .....
this ..... day of ..... A.D. 19

.....
A Commissioner, &c., for taking Affidavits.

Note.—The attention of THE PARTY MAKING THIS APPLICATION is directed to the following sections of the Act :—

"Every application for the appointment of a Board shall be transmitted by post by Registered Letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such Registered Letter at the Department shall be regarded as the date of the receipt of such application. (SECTION 17.)

"In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also *transmit by Registered Letter to the other party to the dispute*, or by personal delivery, a copy of the application, and of the accompanying statement and declaration." (SECTION 18.)

The attention of THE PARTY RECEIVING A COPY OF THIS APPLICATION is directed to the following section of the Act :—

"Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is –

(1) An employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation ;

(2) An employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known ;

(3) Composed of employees, members of a trade union, shall be sent to the president and secretary of such union ;

(4) Composed of employees some or all of whom are not members of a trade union—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union ; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number ;

(*c*) Where, under paragraph (4) of Section 16, two persons have been authorized to make an application, shall be sent to such two persons. (SECTION 20.)

"Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, *prepare a statement in reply to the application and transmit it by Registered Letter, or personal delivery, to the Registrar and to the party making the application.*" (SECTION 19.)

(See also SECTION 20 quoted above.)

* "The application shall be accompanied by a statutory declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained." (SECTION 15, SUB-SEC. 2) (*b*).

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CANADA

10 Feb 1908
with a copy
K.

C 9878

REFERENCE No.....

DEPARTMENT OF LABOUR
SECTION
APR 2 PM

The Department of Labour, Canada.

Industrial Disputes Investigation Act, 1907.

Form of Application for Appointment of a Board of Conciliation and Investigation.

.....190.....
(Locality and Date)

To the Registrar
Board of Conciliation and Investigation,
Department of Labour,
Ottawa.

The undersigned hereby make application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, and submit the statement and statutory declaration prescribed under the Act as necessary in making such application.*

(a) STATEMENT.

Locality of dispute.....

Trade or indutry.....

The parties to the dispute:

(i) Employer.....
(Designate the individual, company, or companies involved)

.....

.....

(ii) Employees.....
(Designate in general terms the employees involved by classes of employment, for example. If members of a union give name of union)

insert below if necessary but don't run over into next line

.....

.....

.....

Approximate estimate of number of employees affected or likely to be affected:

	Directly.	*Indirectly.*
Males, 21 years or over.....	.....	.....
" under 21 years.....	.....	.....
Females.....	.....	.....
Total.....	.....	.....

(*) "The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

"The application shall be accompanied by a statement setting forth (1) the parties to the dispute; (2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken; (3) an approximate estimate of the number of persons affected or likely to be affected by the dispute; (4) the efforts made by the parties themselves to adjust the dispute." (SECTION 15, SUB-SECS. 1 AND 2 (a)

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CANADA

C 9879

* Nature and cause of dispute, including claims and demands by either party to which exception is taken : .....

* Outline of efforts made by parties to adjust the dispute : .....

(*) If space allotted is insufficient, details of this statement may be continued on a supplementary sheet.

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C 9880

(*) Person recommended as member on Board of Conciliation and Investigation :—

Name in full .....

Address .....

This application is made on behalf of the .....
(designate whether on behalf of employer or employees.)

.....

(**) Signatures of parties making application :—

Name .....

Address .....

Name .....

Address .....

Authority .....
(State here by whom and where authority was given for making this application, also wherein conditions of Section 16, quoted below (**) have been complied with.)

.....

.....

.....

(*) "Each party to the dispute may at the time of making application, or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

"If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board, and such member shall be deemed to be appointed on the recommendation of the said party." (SECTION 8, SUB-SECS. 1 AND 2.)

(**) "The application and the declaration accompanying it—

"if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers ;

"if made by an employer other than an an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association.

"if made by employees members of a trade union shall be signed by two of its officers *duly authorized by a majority vote of the members of the union or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice* for the purpose of discussing the question ;

"if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number *duly authorized by a majority vote taken by ballot of the employees present at a meeting duly called on not less than three days' notice* for the purpose of discussing the question." (SECTION 16, SUB.-SECS. 1—4.)

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CANADA

C 9881

(b) STATUTORY DECLARATION.*

I, or We, ...

.....

do solemnly and severally declare, that failing an adjustment of the dispute herein referred to, or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, to the best of our knowledge and belief a ..... (state whether strike or lockout.) will be declared, and that the necessary authority to declare such ..... (state whether strike or lockout.) has been obtained.

And I, or We, make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

DECLARED before me at ....., }
this ..... day of ..... A.D. 19 }

Signatures { .....
.....

.....
A Commissioner, &c., for taking Affidavits.

NOTE.—The attention of THE PARTY MAKING THIS APPLICATION is directed to the following sections of the Act:—

"Every application for the appointment of a Board shall be transmitted by post by Registered Letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such Registered Letter at the Department shall be regarded as the date of the receipt of such application. (SECTION 17.)

"In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also *transmit by Registered Letter to the other party to the dispute*, or by person delivery, a copy of the application, and of the accompanying statement and declaration." (SECTION 18.)

The attention of THE PARTY RECEIVING A COPY OF THIS APPLICATION is directed to the following section of the Act:—

"Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) An employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) An employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) Composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) Composed of employees some or all of whom are not members of a trade union—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of Section 16, two persons have been authorized to make an application, shall be sent to such two persons. (SECTION 20.)

* "The application shall be accompanied by a statutory declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained." (SECTION 15, SUB-SEC. 2) (B).

"Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, *prepare a statement in reply to the application and transmit it by Registered Letter or persona delivery, to the Registrar and to the party making the application.*" (SECTION 19.)

(See also SECTION 20 quoted above.)

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CANADA

C 9882

Set 40 ems 10 1/2 11

Note to Printer — Please try and arrange form so as to leave as much space for filling in as possible — bring up the top and bring down foot notes, also leave as much space as possible for ~~the~~ Margins

Leave in corner

REFERENCE No.....

Department of Labour, Canada.

The Industrial Disputes Investigation Act, 1907.

Form of Application for Appointment of a Board of Conciliation and Investigation.

.....1907.

(Locality and Date)

To the Registrar
Board of Conciliation and Investigation,
Department of Labour,
Ottawa.

The undersigned hereby make application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, and submit the statement and statutory declaration prescribed under the Act as necessary in making such application.*

(a) STATEMENT.

Locality of dispute.....

Trade or indutry.....

The parties to the dispute:

(i) Employer.....
(Designate the individual, company, or companies involved)

.....

.....

.....

(ii) Employees.....
(Designate in general terms the employees involved by trade or occupation, or by classes of employment, for example, if members of a union give name of union)

.....

.....

.....

.....

Approximate estimate of number of employees affected or likely to be affected:

	Directly.	*Indirectly.*
Males, 21 years or over.....		
" under 21 years.....		
Females.....		
Total.....		

(*) "The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

"The application shall be accompanied by a statement setting forth (1) the parties to the dispute; (2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken; (3) an approximate estimate of the number of persons affected or likely to be affected by the dispute; (4) the efforts made by the parties themselves to adjust the dispute." (SECTION 15, SUB-SECS. 1 AND 2 (a))

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* Nature and cause of dispute, including claims and demands by either party to which exception is taken : .....

* Outline of efforts made by parties to adjust the dispute : .....

(*) If space allotted is insufficient, details of this statement may be continued on a supplementary sheet.

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PUBLIC ARCHIVES PUBLIQUES
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C 9884

(*) Person recommended as member on Board of Conciliation and Investigation :—

Name in full .....

Address .....

This application is made on behalf of the .....
(designate whether on behalf of employer or employees.)

(**) Signatures of parties making application :—

Name .....

Address .....

Name .....

Address .....

Authority .....
(State here by whom and where authority was given for making this application, also wherein conditions of Section 16, quoted below (**) have been complied with.)

.....

.....

.....

.....

(*) "Each party to the dispute may at the time of making application, or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

"If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board, and such member shall be deemed to be appointed on the recommendation of the said party." (SECTION 8, SUB-SECS. 1 AND 2.)

(**) "The application and the declaration accompanying it—

"if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

"if made by an employer other than an an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association.

"if made by employees members of a trade union shall be signed by two of its officers *duly authorized by a majority vote of the members of the union or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice* for the purpose of discussing the question;

"if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number *duly authorized by a majority vote taken by ballot of the employees present at a meeting duly called on not less than three days' notice* for the purpose of discussing the question." (SECTION 16, SUB.-SECS. 1—4.)

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CANADA

(b) STATUTORY DECLARATION.*

I, or We, ...

.....

do solemnly and severally declare, that failing an adjustment of the dispute herein referred to, or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, to the best of our knowledge and belief a ..... (state whether strike or lockout.) will be declared, and that the necessary authority to declare such ..... (state whether strike or lockout.) has been obtained.

And I, or We, make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

DECLARED before me at .....,

this ..... day of ..... A.D. 19

Signatures .....

.....

A Commissioner, &c., for taking Affidavits.

NOTE.—The attention of THE PARTY MAKING THIS APPLICATION is directed to the following sections of the Act:—

Every application for the appointment of a Board shall be transmitted by post by Registered Letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such Registered Letter at the Department shall be regarded as the date of the receipt of such application. (SECTION 17.)

"In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also *transmit by Registered Letter to the other party to the dispute*, or by personal delivery, a copy of the application, and of the accompanying statement and declaration." (SECTION 18.)

The attention of THE PARTY RECEIVING A COPY OF THIS APPLICATION is directed to the following section of the Act:—

"Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is –

(1) An employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) An employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) Composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) Composed of employees some or all of whom are not members of a trade union—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of Section 16, two persons have been authorized to make an application, shall be sent to such two persons. (SECTION 20.)

* "The application shall be accompanied by a statutory declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained." (SECTION 15, SUB-SEC. 2) (*b*).

"Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, *prepare a statement in reply to the application and transmit it by Registered Letter or personal delivery, to the Registrar and to the party making the application.*" (SECTION 19.)

(See also SECTION 20 quoted above.)

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9886

REFERENCE No.....

Department of Labour, Canada.

The Industrial Disputes Investigation Act, 1907.

Form of Application for Appointment of a Board of Conciliation and Investigation.

.....19
(Locality and Date)

To the Registrar
Boards of Conciliation and Investigation,
Department of Labour,
Ottawa.

The undersigned hereby make application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, and submit the statement and statutory declaration prescribed under the Act as necessary in making such application.*

(a) STATEMENT.

Locality of dispute.....

Trade or industry.....

The parties to the dispute:

(i) Employer.....
(Designate the individual, company, or companies involved)

(ii) Employees.....
(Designate in general terms the employees involved by classes of employment, for example. If members of a union give name of union)

Approximate estimate of number of employees affected or likely to be affected:

	Directly.	*Indirectly.*
Males, 21 years or over		
" under 21 years		
Females		
Total		

(*) "The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

"The application shall be accompanied by a statement setting forth (1) the parties to the dispute; (2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken; (3) an approximate estimate of the number of persons affected or likely to be affected by the dispute; (4) the efforts made by the parties themselves to adjust the dispute." (SECTION 15, SUB-SECS. 1 AND 2 (*a*))

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CANADA

Nature and cause of dispute, including claims and demands by either party to which exception is taken : *

Outline of efforts made by parties concerned to adjust the dispute : *

(*) If space allotted is insufficient, details of this statement may be continued on a supplementary sheet.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9888

Person recommended as member on Board of Conciliation and Investigation :— (*)

Name in full.....

Address.....

This application is made on behalf of the.....
(designate whether on behalf of employer or employees.)

Signatures of parties making application :— (**)

Name .....

Address.....

Name .....

Address.....

Authority.....
(State here by whom and when authority was given for making this application, also wherein conditions of Section 16, quoted below (**) have been complied with.)

(*) "Each party to the dispute may at the time of making application, or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

"If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board, and such member shall be deemed to be appointed on the recommendation of the said party." (SECTION 8, SUB-SECS. 1 AND 2.)

(**) "The application and the declaration accompanying it—

"if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

"if made by an employer other than an an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association.

"if made by employees members of a trade union shall be signed by two of its officers *duly authorized by a majority vote of the members of the union or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice* for the purpose of discussing the question;

"if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number *duly authorized by a majority vote taken by ballot of the employees present at a meeting duly called on not less than three days' notice* for the purpose of discussing the question." (SECTION 16, SUB-SECS. 1—4.)

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9889

4

Province of ——
County of ——
To wit

(b) STATUTORY DECLARATION.*

~~I, or We,~~ (I or we accordingly as the facts) of the ... in the county of ...

of the ... in the county of ...

do solemnly and severally declare, that failing an adjustment of the dispute herein referred to, or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, to the best of ~~my~~ (my or our) knowledge and belief a ... (state whether strike or lockout.) will be declared,

and that the necessary authority to declare such ... (state whether strike or lockout.) has been obtained.

And ~~I make~~ (we) make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Signatures { ...
...

DECLARED before me at ...,
in the county of ——
this ... day of ... A.D. 19

...
A Commissioner, &c., ~~for taking Affidavits~~ (by law to administer an oath)

† (To be declared before a Commissioner for taking Affidavits or any other functionary authorized)

Note.—The attention of THE PARTY MAKING THIS APPLICATION is directed to the following sections of the Act:—

"Every application for the appointment of a Board shall be transmitted by post by Registered Letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such Registered Letter at the Department shall be regarded as the date of the receipt of such application. (SECTION 17.)

"In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also *transmit by Registered Letter to the other party to the dispute*, or by personal delivery, a copy of the application, and of the accompanying statement and declaration." (SECTION 18.)

The attention of THE PARTY RECEIVING A COPY OF THIS APPLICATION is directed to the following section of the Act:—

"Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is –

(1) An employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation ;

(2) An employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known ;

(3) Composed of employees, members of a trade union, shall be sent to the president and secretary of such union ;

(4) Composed of employees some or all of whom are not members of a trade union—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union ; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number ;

(*c*) Where, under paragraph (4) of Section 16, two persons have been authorized to make an application, shall be sent to such two persons. (SECTION 20.)

"Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, *prepare a statement in reply to the application and transmit it by Registered Letter, or personal delivery, to the Registrar and to the party making the application.*" (SECTION 19.)

(See also SECTION 20 quoted above.)

---

* "The application shall be accompanied by a statutory declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained." (SECTION 15, SUB-SEC. 2) (*b*).

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CANADA

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

In the Matter of the Industrial Disputes Investigation Act,1907, and of a dispute between

.....(employer)

- and -

.....(employees)

To.....

of.....

WHEREAS it hath been made to appear that you are likely to give material evidence touching the matters in question in this dispute,

These are therefore to require you to be and appear before the Board of Conciliation and Investigation to which the said dispute has been referred on ..... the ..... day of .....19....at the hour of .....o'clock in the.....noon at..... ..... to give evidence touching such matters and to bring with you at the time and place aforesaid and produce before the Board any books, papers or other documents or things in your custody or under your control, in any way relating to or touching such matters.

AND HEREIN FAIL NOT.

WITNESS the Chairman of the said Board the..... day of..... in the year of Our Lord one thousand nine hundred and ..... at..... .....

.....

.....

Chairman.

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In the Matter of the Industrial Disputes Investigation Act, 1907, and a dispute between

.....(employer)

-and-

.....(employees)

(Royal Arms)

Summons to a Witness.

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

GREETING:

Canada.
Province of.....
County of.....

To.....

of.....

WHEREAS it hath been made to appear that you are likely to give material evidence touching the matters in question in this dispute

These are therefore to require you to be and appear before the Board of Conciliation and Investigation in which the said dispute has been referred on.....the.....day of.....19....at the hour of .....o'clock in the.....noon at.....touching .....to give evidence such matters and to bring with you at the time and place aforesaid and produce before the Board any books, papers or other documents or things in your custody or under your control, in any way relating to or

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touching such matters ~~the said matter~~

AND HEREIN FAIL NOT.

WITNESS the Chairman of the said Board the ~~day~~ ..... day of.....in the year of Our Lord one thousand ~~eight~~ nine hundred and.....at .....

....

Chairman.

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(b) STATUTORY DECLARATION.

CANADA.
Province of.....,
County of ,
To wit:

I of
the of ,
in the of
,

(if more than one declarant, say "and I.....
of the.....of.....)
do solemnly declare .....
("severally") ("as follows, that is to say:-
.....
each of us for himself declares)
that, to the best of knowledge and belief,
(my or his)
failing an adjustment of the dispute herein referred to,
or a reference thereof by the Minister of Labour to a
Board of Conciliation and Investigation under the
Industrial Disputes Investigation Act, 1907, a.....
(strike or
.....will be declared, and that the necessary
lockout)
authority to declare such has been
(strike or lockout)
obtained.

And make this solemn
(I or each of us)
declaration conscientiously believing it to be true and
knowing that it is of the same force and effect as if
made under oath and by virtue of the Canada Evidence Act.

.....

(Signatures).

Declared.....
(by the said-----
.....
and-----and-----
.....before me
-----
at in the
County of ,
this day of
A.D.19 .

.....

A Commissioner, &c.

(To be declared before a commissioner for taking affidavits or any other functionary authorized by law to administer an oath).

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9894

Crest of Department
of Labour.

In the Matter of the Industrial Disputes Investigation Act.1907,and of a dispute between.

.....

.....

....

-and- (Employer...) .

.....

....

.....

(Employees)

.....

.....

and.....

who have been appointed members of a Board of Conciliation and Investigation in this matter on the recommendation of the employers and employees respectively,having failed to recommend the name of one person who is willing and ready to act as a third member. the undersigned,the Minister of Labour for Canada,hereby appoints

.....

Minister of Labour.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9895

Department of Labour,

Crest.

In the Matter of the Industrial Disputes Investigation Act,1907,and of a dispute between

.....

....

.....

-and- (Employer)..)

.....

.....

.....

(Employees)

WHEREAS the employ....ha.....duly applied for the appointment of a Board of Conciliation and Investigation,to which the above disputes may be referred under the provisions of the Industrial Disputes Investigation Act,1907.

AND WHEREAS the Minister of Labour of Canada,hereinafter called the Minister,is satisfied that the said dispute is one to which the provisions of the said Act apply,and that the application does not relate to a dispute which is the subject of a reference under the provisions ofn-cerning Railway Disputes in the Conciliation and Labour Act.

NOW THEREFORE,in pursuance of the provisions of Section 6 of the Industrial Disputes Investigation Act,1907,the Minister does hereby establish a Board of Conciliation and Investigation,to be constituted as in the said Act provided,to which Board the above dispute shall be and is hereby referred under the provisions of the said Act.

IN WITNESS WHEREOF the Minister has hereunto set his hand and affixed his seal of office at Ottawa on the.....day of..... A.D.I9. .....

Minister of Labour.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9896

Crest of Department
of Labour.

In the Matter of the Industrial Disputes Investigation Act.1907,and of a dispute between,

.....

.....

.....

-and- (Employer...)

.....

.....

.....

(Employees.)

On the recommendation of.....

.....and

.....who

have been appointed members of the Board of Conciliation and Investigation in this matter on the recommendation of the employer....and the employees respectively,the undersigned, Minister of Labour of Canada,hereby appoints.....

.....of the

.....of.....in the

.....of.....

a member of the said Board.

WITNESS the hand and Seal of Office of the said Minister at Ottawa the. .....day of.....

A.D.I9.....

Minister of Labour.

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CANADA

C 9897

Crest of Department

of Labour.

In the Matter of the Industrial Disputes Investigation Act,1907,and of a dispute between.

.....

....

.....

-and- (Employer..)

....

.....

.....

(Employees).

On the recommendation of the employ.....the undersigned. Minister of Labour of Canada.hereby appoints.....

.....

of the.....of.....

in the .....of.....

a member of the Board of Conciliation and Investigation in this matter.

WITNESS the hand and Seal of Office of the said Minister at Ottawa,the.....day of.....A.D.I9.....

Minister of Labour.

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CANADA

Crest of Department

of Labour.

In the Matter of the Industrial Disputes Investigation Act,1907,and of a dispute between

.....

.....

.....

-and- (Employer)

.....

.....

....

(Employees.)

EDWARD THE SEVENTH,by the Grace of God,of the United Kingdom of Great Britain and Ireland,and of the British Dominions beyond the Seas, King,Defender of the Faith.

To.....

WE COMMAND YOU to attend before the Board of Conciliation and Investigation appointed in the above matter,at..... on.....the.....day of.....I90..... at the hour of.....in the.....noon,to give evidence in the above matter,and to bring with you at the time and place aforesaid,and produce before the Board,any books,papers or other documents or things in your custody or under your control in any way relating to the said matter.

WITNESS the Chairman of the said Board the..... day of.....I9....

....

Chairman.

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CANADA

C 9899

REFERENCE No .....

Industrial Disputes Investigation Act.
Form No. 1.—1,000-26-5-1910.

Department of Labour, Canada.

The Industrial Disputes Investigation Act, 1907.

Form of Application for Appointment of a Board of Conciliation and Investigation.

.....19.....
(Locality and date.)

To the Registrar
Boards of Conciliation and Investigation,
Department of Labour,
Ottawa.

The undersigned hereby make application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, to which a dispute between the parties named in the accompanying statement may be referred under the provisions of the said Act, and submit the statement and statutory declaration prescribed under the Act as necessary in making such application.*

(*a*) STATEMENT.

Locality of dispute.....

Trade or industry.....

The parties to the dispute:

(i) Employer.....
(Designate the individual, company, or companies involved.)

.....

.....

(ii) Employees.....
(Designate in general terms the employees involved, by classes of employment, for example, if members of a union give name of union.)

.....

.....

.....

.....

Approximate estimate of number of employees affected or likely to be affected:

	Directly.	*Indirectly.*
Males, 21 years or over.....	.....	.....
" under 21 years.....	.....	.....
Females	.....	.....
Total.....	.....	.....

(*) "The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

"The application shall be accompanied by a statement setting forth (1) the parties to the dispute; (2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken; (3) an approximate estimate of the number of persons affected or likely to be affected by the dispute; (4) the efforts made by the parties themselves to adjust the dispute." (SECTION 15, SUB-SECS. 1 AND 2 (*a*).

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CANADA

C 9903

Nature and cause of dispute, including claims and demands by either party upon the other to which exception is taken :*.....

Outline of efforts made by parties concerned to adjust the dispute :*.....

(*) If space allotted is insufficient, details of this statement may be continued on a supplementary sheet.

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Person recommended as member on Board of Conciliation and Investigation : (*)

Name in full.....

Address.....

This application is made on behalf of the.....
(Designate whether on behalf of employer or employees.)

Signatures of parties making application : (**)

Name.....

Address.....

Name.....

Address.....

Authority.....
(State where, by whom, and when authority was given for making this application, also wherein conditions of Section 16, quoted below (**) have been complied with.

(*) "Each party to the dispute may at the time of making application, or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

"If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board, and such member shall be deemed to be appointed on the recommendation of the said party." (SECTION 8, SUB-SECS. 1 AND 2.)

(**) "The application and the declaration accompanying it—

(1) "If made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) "If made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) "If made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee;

(4) "If made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question." (SECTION 16, SUB-SECS. 1—4.)

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CANADA

C 9902

(*b*) STATUTORY DECLARATION.*

CANADA :

Province of .....

County of .....

To Wit :

(if more than one declarant)

(where necessary fill in the blank spaces as indicated)

I, ...

of the ..... of .....

in the ..... of .....

and I, ...

of the ..... of .....

in the ..... of .....

do ..... (severally) solemnly declare as follows, that is to say :—

that, to the best of ..... (my or our) knowledge and belief, failing an adjustment of the dispute herein referred (each of us for himself declares)

to, or a reference thereof by the Minister of Labour to a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act, 1907, a ..... (strike or lockout) will be declared, and *that the necessary authority to declare such* ..... (strike or lockout) *has been obtained; or* (*) *that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed and that there is no reasonable hope of securing a settlement by further negotiations.*

And ..... (I, or each of us) make (s) this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Signatures .....

.....

.....

DECLARED .....

(by the said .....)

.....

and

.....

before me at ..... in the County

of ..... this .....

day of ..... A.D. 19.....

.....

A Commissioner, &c.

(To be declared before a Commissioner for taking affidavits or any other functionary authorized by law to administer an oath.)

NOTE.—The attention of the PARTY MAKING THIS APPLICATION is directed to the following sections of the Act :—

"Every application for the appointment of a Board shall be transmitted by post by Registered Letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such Registered Letter at the Department shall be regarded as the date of the receipt of such application. (SECTION 17.)

"In every case where an application is made for the oppointment of a Board the party making application shall, at the time of transmttting it to the Registrar, also *transmit by Registered Letter to the other party to the dispute*, or by personal delivery, a copy of the application, and of the accompanying statement and declaration. (SECTION 18.)

"Copies of applications or sta ements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) An employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation :

(2) An employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known ;

(3) Composed of employees, members of a trade union, shall be sent to the president and secretary of such union ;

(4) Composed of employees some or all of whom are not members of a trade union—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary ot the union as representing the employees belonging to the union ; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number ;

(*c*) Where, under paragraph (4) of Section 16, two persons have been authorized to make an application, shall be sent to such two persons." (SECTION 20.)

The attention of THE PARTY RECEIVING A COPY OF THIS APPLICATION is directed to the following section of the Act :—

"Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board, such party shall, without delay, *prepare a statement in reply to the application and transmit it by Registered Letter or personal delivery, to the Registrar and to the party making the application.*" (SECTION 19.)

(See also SECTION 20 quoted above.)

(*) "The application shall be accompanied by a statutory declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained ; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognised by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations.

"The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application." (SECTION 15, SUB-SEC. 16.)

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CANADA

C 9903

Industrial Disputes Investigation Act
Form No. 2.
500-19-5-48.

DEPARTMENT OF LABOUR
CANADA

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

(*Employer*)

AND

(*Employees*)

WHEREAS the employ ha duly applied for the appointment of a BOARD OF CONCILIATION AND INVESTIGATION, to which the above dispute may be referred under the provisions of the Industrial Disputes Investigation Act, 1907.

AND WHEREAS the MINISTER OF LABOUR, CANADA, hereinafter called the Minister, is satisfied that the said dispute is one to which the provisions of the said Act apply, and that the application does not relate to a dispute which is the subject of a reference under the provisions concerning Railway Disputes in the Conciliation and Labour Act.

NOW THEREFORE, in pursuance of the provisions of Section 6 of the Industrial Disputes Investigation Act, 1907, the Minister does hereby establish a BOARD OF CONCILIATION AND INVESTIGATION, to be constituted as in the said Act provided, to which Board the above dispute shall be and is hereby referred under the provisions of the said Act.

IN WITNESS WHEREOF the Minister has hereunto set his hand and affixed his seal of office at Ottawa on the day of
A.D. 19

Minister of Labour.

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CANADA

C 9904

Industrial Disputes Investigation Act.
Form No. 3.
500-19-5-08.

DEPARTMENT OF LABOUR CANADA

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

(Employer)

AND

(Employees)

On the recommendation of the employe the undersigned, MINISTER OF LABOUR OF CANADA, hereby appoints

of the of

in the Province of

a MEMBER of the BOARD OF CONCILIATION AND INVESTIGATION in this matter.

WITNESS the hand and Seal of Office of the said Minister at Ottawa, the

day of A.D. 19

Minister of Labour.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9905

Industrial Disputes Investigation A .
Form No. 4.
250-18-4-07.

DEPARTMENT OF LABOUR CANADA

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

(Employer)

AND

(Employees)

On the recommendation of
and
who have been appointed members of the BOARD OF CONCILIATION AND INVESTIGATION in this matter on the recommendation of the employer and the employees respectively, the undersigned, MINISTER OF LABOUR OF CANADA, hereby appoints

of the of
in the province of
a MEMBER of the said BOARD.

WITNESS the hand and seal of office of the said Minister at Ottawa the
day of A.D. 19

Minister of Labour.

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Industrial Disputes Investigation Act.
Form No. 5.
250-18-4-07.

DEPARTMENT OF LABOUR
CANADA

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

(*Employer*)

AND

(*Employees*)

and
who have been appointed members of a Board of Conciliation and Investigation in this matter on the recommendation of the employers and employees respectively, having failed to recommend the name of one person who is willing and ready to act as a third member, the undersigned, the MINISTER OF LABOUR OF CANADA, hereby appoints

of the of in the province of

a MEMBER of the said BOARD.

IN WITNESS WHEREOF the Minister has hereto set his hand and affixed his seal of office at Ottawa on the day of A. D. 19

Minister of Labour.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9907

Industrial Disputes Investigation Act.
Form No. 6.
500-19-5-08.

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

.....

.....(*Employer*)

AND

.....

.....

.....(*Employees*)

I, ...

member.....of the Board of Conciliation and Investigation
(and Chairman)

in the above matter do hereby solemnly swear that I will faithfully and impartially perform the duties of my office as member.....of the said Board,
(and Chairman)

and that except in the discharge of my duty, I will not disclose to any person any of the evidence or other matter brought before the Board.

SWORN before me at the.....
of.....in the County
of .....this.....
day of.....A.D. 19.....

J. P. in and for the said County.

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The Industrial Disputes Investigation Act, 1907

In the Matter of a Dispute between

_____ (Employer)

and

_____ (Employees)

I, ~~the Honourable W. L. Mackenzie King~~, His Majesty's Minister of Labour of Canada,

_____

do hereby appoint

_____

of the _____ of _____ in the Province of _____

_____ of the Board of Conciliation and Investigation in this matter.

Witness my hand and Seal of Office at Ottawa, this _____

day of _____ one thousand nine hundred and _____

L. S.

_____

Minister of Labour

C 9903

Industrial Disputes Investigation Act.

Form No. 7.

CANADA.

Province of .....

County of .....

THE INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

IN THE MATTER of a dispute between .....

.....

.....

.....

Employer.

AND

.....

.....

.....

Employees.

WHEREAS it has been made to appear that you are likely to give material evidence respecting the matters now being investigated by a Board of Conciliation and Investigation constituted under the Industrial Disputes Investigation Act, 1907; these are, therefore, to require you to be and to appear before the said Board at .....

.....

on ..... the ..... day of .....

191..... at the hour of ..... in the ..... noon, to give evidence in the above matter, (and to bring with you at the time and place aforesaid, and produce before the Board .....

.....

..... and any other books, papers or documents in your custody or under your control in any way relating to the said matter.)

GIVEN under my hand and seal this ..... day of

..... 191.....

.....

Chairman of Board of Conciliation and Investigation.

(L.S.)

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 9910

Industrial Disputes Investigation Act.

Form No. 8

1,000-23-7-07.

In the Matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

Employer;

AND

.....

Employee;

referred to the undersigned as a Board of Conciliation and Investigation under the provisions of the said Act.

This is to Certify that.....

who resides at.....has been summoned as a witness to attend before the undersigned Members of the Board of Conciliation and Investigation in the above matter, and is entitled to free transportation over any line of railway from his said residence to.....

and return to.....

This Certificate is given under Section 35 of the said Act.

Dated at.....this.....day of the month of.....in the year one thousand nine hundred and.....

.....Chairman.

.....

.....

} Members.

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(Industrial Disputes Investigation Act,
Form No. 9.)

Ottawa, ... 19 .....

MEMORANDUM CONCERNING EXPENDITURES UNDER THE INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

The attention of the Chairman of any Board of Conciliation and Investigation established under the Industrial Disputes Investigation Act 1907, is directed to Sections 34, 35, 51, 53, and 54 of the Act, bearing on the question of accounts connected with the Board, and more especially to that portion of Section 54 requiring the presentation to the Chairman of itemized vouchers relating to expenditures under the Act, ''which vouchers'', in the words of the Act, ''shall be forwarded by the Chairman to the Minister''.

It is also particularly requested that with a view to the strict adjustment of accounts, the Chairman will be careful to comply with the final clause of Section 64 requiring that ''the Chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.''

With reference to the employment of stenographers and other clerical assistance, the attention of the Chairman is drawn to the fact that under Section 14 of the Act such assistance is limited to that which ''to the Minister appears necessary'', &c. Experience has shown that stenographic reports of proceedings, besides being costly, have without exception proven an obstacle to the expeditious and satisfactory adjustment of disputes, and that better results are invariably obtained where proceedings are held informally and in a manner which avoids many expenditures of a kind incidental to proceeding in a court of law. The Minister has accordingly decided not to grant permission to employ stenographers unless some quite exceptional circumstance appears to render such service an absolute essential. The appropriation for the administration of the Act has been framed accordingly, and the Chairman is therefore requested kindly to refrain from employing any such assistance, save for the typewriting of reports, copying of agreements, schedules, or other necessary memoranda.

F. A. Acland

Deputy Minister of Labour and
Registrar of Boards of Conciliation and Investigation.

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C 9912

DEPARTMENT OF LABOUR

CANADA.

In the matter of the Industrial Disputes Investigation Act, 1907,

and in the matter of a dispute between the.....

.....

.....

and .....

.....

referred to a Board of Conciliation and Investigation.

CERTIFIED COPY

OF

REPORT AND FINDINGS

OF THE

Board of Conciliation and Investigation.

I hereby certify the present document to be a true copy of the Report and Findings of the Board of Conciliation and Investigation established in this matter.

.....

Deputy Minister of Labour and Registrar of
Boards of Conciliation and Investigation.

Dated at Ottawa..... 19.....

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C 3913

Ottawa 6th March 1907.

Memo for Mr W. L. Mackenzie King;

I subjoin form of oath proper to be taken by the members of the Board, including the Chairman.

In the matter, &c.,
(T i t l e)

I.... .....Chairman (or member) of the Board of Concilliation and Investigation in the above matter do hereby solemnly swear that I will faithfully and impartially perform the duties of my office as member.....of the said Board, and
and Chairman
that, except in the discharge of my duty, I will not disclose to any person any of the evidence or other matter brought before the Board.

Sworn before me at
the day of in the
County of this
day of A.D.19 .

J.P. in and for the said County.

In the form of subpoena where the phrase "in the above matter" occurs for the second time, better say "in the said matter".

Jno. B. Fraser

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Sept. 17 Labour
Cres't -

C 9914

In the matter of the Industrial Disputes Investigation Act,1907,and of a dispute between

.....

(Employer),

and

.....

(Employees),

WHEREAS the employ ha duly applied for the appointment of a Board of Conciliation and Investigation,to which the above dispute may be referred under the provisions of the Industrial Disputes Investigation Act,1907.

AND WHEREAS the Minister of Labour of Canada, hereinafter called the Minister,is satisfied that the said dispute is one to which the provisions of the said Act apply,and that the application does not relate to a ~~NOWxTHEREFORE,inxpursuancexofxthexprovisionsxofxsectionx6xofxthexsaidxAct~~ dispute which is the subject of a reference under the provisions concerning Railway Disputes in the Conciliation and Labour Act.

NOW THEREFORE,in pursuance of the provisions of section 6 of the Industrial Disputes Investigation Act,1907,the Minister does hereby ~~constitute and~~ establish a Board of Conciliation and Investigation ~~to~~ to be constituted as is in the said Act provided, to which Board the above dispute shall be and is hereby referred under the provisions of the said ~~last mentioned~~ Act.

IN WITNESS WHEREOF the Minister has hereunto set his hand and affixed his seal of office at Ottawa on the day of AD.19

Minister of Labour

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In the matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

(Employer),

and

.....

(Employees).

On the recommendation of the employer ~~or employee~~ the undersigned, Minister of Labour of Canada, hereby appoints _____ of the of , in the of , a member of the Board of Conciliation and Investigation in this matter ~~established by him, the said Minister, by instrument under his hand and seal of office bearing date the day of A.D.19~~.

WITNESS the hand and Seal of Office of the said Minister at Ottawa the day of A.D.190 .

Minister of Labour

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C 9916

In the matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between

.....

(Employer ,)

and

.....

(Employees .)

On the recommendation of _____ and _____, who have been appointed members of the Board of Conciliation and Investigation in this matter on the recommendation of the employer and the employees respectively, the undersigned, Minister of Labour of Canada, hereby appoints _____ of the of , in the , of , , a member of the said Board.

WITNESS the hand and Seal of Office of the said Minister at Ottawa the day of A.D.19 .

Minister of Labour

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Memoranda and Notes (1887-1921)
85. Industrial Disputes Investigation Act, 1907 (3)

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Mr.Lemieux's Bill for the prevention and settlement of strikes and lockouts,which was introduced in parliament on December 17,has been printed,and copies will be distributed to-morrow to the members of the House. It is entitled "The Industrial Disputes Investigation Act,1906," and applies to strikes and lockouts in all mines or public service utilities, including agencies of transportation or communication,such as railways,whether operated by steam,electricity or other motive power,steamships,telegraph and telephone lines,gas and electric light,water and power works. It also contains provision whereby a dispute in any industry or trade,whether belonging to the classes specified in the Act or not,may be,on consent of the parties,brought within the provisions of the Act.

The Bill makes provision for the constitution of Boards of Conciliation and Investigation,to deal with any dispute between employers and employees,which cannot be settled without recourse to a ~~settlement~~ strike or lockout. Two of the members of the Board are to be appointed on the recommendation of the parties to the dispute; the third member by the two so appointed,or by the Minister of Labour in case they fail to agree. The Boards

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are given power to summon witnesses, take evidence under oath, compel the production of documents and to commit for contempt; in short, are given all the powers of ordinary courts in dealing with civil matters. The members of the Board are to do all in their power to effect a settlement of the dispute between the parties. If they fail to effect a settlement, then they are to report fully upon the causes and nature of the dispute and make recommendations which, in their opinion, would lead to its settlement on a fair and equitable basis. Until disputes have been referred to the Board and the Board has fully investigated and reported upon them, it is made an offence for employers to look out their employees, or for employees to go on strike. The Act contains a number of provisions intended to ensure a reference of disputes to be made to the Board as expeditiously as possible, and to ensure proceedings before the Board being carried on without delay. After a dispute has been made the subject of reference to the Board and the Board has made its recommendations, the parties are free to accept or reject its findings. It is clear that the purpose of the measure is to prevent disputes ever developing to such a stage that a strike or lockout will be

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C 9919

-come necessary. Should a strike or lockout occur notwithstanding the efforts of a Board to effect a settlement, the public will already have been made familiar with the causes and be in a position to judge upon the merits of the dispute.

The Bill contains a special provision making it an offence for any person to incite others to declare or continue a strike or lockout prior to or pending a reference of a dispute to a Board of Conciliation and Investigation under the Act. The difficult question of the rights of employees to become members of labour organizations and of employers to employ men, whether members of labour organizations or not, is met by special provisions which state that it shall be an offence for employers to declare a lockout simply because any of their employees are or may become members of labour organizations, and that it shall be an offence for employees to strike simply because an employer employs some person other than a member of a labour organization. These provisions have evidently been framed with a view of making quite clear and preserving the fundamental principles of individual liberty in the relations existing between employers and employees.

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C 8920

A provision is included whereby in the event of ~~any~~ both of the parties agreeing to be bound by the recommendations of any Board the findings of the Board shall bind the parties as though they were a rule of any court of record.

Taken generally, the Bill provides for the prevention and settlement of industrial disputes, the same kind of machinery as exists at present through the ordinary courts of the land, for ~~dealing~~ dealing with disputes between private individuals, with the exception that while the parties are restrained on pain of penalty from declaring a strike or lockout until the differences between them have been amicably settled or publicly investigated, an intelligently formed public opinion rather than coercion is expected to govern the parties in their attitude towards each other after the differences between them have been submitted to the tribunal which the law provides.

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1. This Act may be cited as *The Industrial Disputes Inves-* **Short title.**
tigation Act, 1906.

"Industrial" is used inasmuch as the Act refers to disputes arising in industries. It is preferable to "labour disputes," inasmuch as a dispute is between capital and labour,and may be caused by either side. The same word is also used in New Zealand legislation and is the one most generally used by economists.

The term "trade disputes" is sometimes used to apply to strikes and lockouts,but it is more strictly applicable to strikes or lockouts arising in particular trades,such as printing,bricklaying,etc.,rather than in industries such as transportation.electric light,etc.

"Dispute" covers both strikes and lockouts,but has a wider meaning. It includes differences which have not yet resulted in strikes or lockouts.

"Investigation" is used,as this is the main feature of the Act. It is not arbitration,as arbitration has reference more particularly to deciding a point in reference to a condition of things which already exists. A ddispute may be in regard to a condition that should exist, e.g. reduction or increase in hours.

"Arbitration" moreover,properly speaking,should carry with it the implication of a binding award.

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"Lockout." (f) "Lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Lockout" and "Strike." These definitions have been carefully drawn,so as to make it clear that the Act does not apply to the cessation of work either by employers or employees for causes other than those actually aimed at by this Bill which provides that "nothing shall prohibit the suspension or discontinuance of any industry or the working of any persons therein for any cause not constituting a lockout or strike."

In connection with " lockout" for example. the closing of a place of employment or suspension of work must be (I) in consequence of a dispute,or (2) to compel employees to accept terms of employment. Unless both these conditions are present it is not a lockout within the meaning of the Act.

Nothing in this section would,of course,prevent an employer from dismissing men for incompetency,dishonesty,or through the falling off of business etc.

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"Strike." (*g*) "Strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment.

"Strike." It will be observed that three conditions are necessary to constitute a strike.

(1) There must be a concerted refusal to work or refusal under a common understanding

(2) It must be in consequence of a dispute.

(3) It must be done as a means of compelling an employer to accept terms of employment.

Unless these three conditions are fulfilled the action of men in quitting work for any cause would not constitute a strike within the meaning of the Act.

It may be asserted that there will be difficulty in provingnthese conditions where a strike exists. The reply to this is that cases of men quitting employment under circumstances other than on the three conditions named are not likely to embarrass industry to an extent to make any procedure under this Act necessary. One must remember that in the case of a strike men do not quit employment for the purpose of going elsewhere or of seeking employment elsewhere. They regard themselves as still employees of a particular employer,who have for the time being refused to work,in order to compel him to accept certain terms. If men wish to leave an employment

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to better their position elsewhere,either as individuals or in numbers,they should have a perfect right to do so. Their action in such a case would be quitting employment altogether--not going on strike.

See also,in this connection.the provisions of Section 57.

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"Board." (*h*) "Board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "Application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed" (*k*) "Prescribed" means prescribed by this Act, or by any rules or regulations made thereunder.

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Minister of Labour to administer Act.

3. The Minister of Labour shall have the general administration of this Act.

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Registrar.

4. The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

C 9927

It is important that there should be a special officer to whom all applications can be addressed. The Minister may be absent from Ottawa when an application is received. Communications addressed to the Minister might,therefore,be subject to delays.

Until experience shows to what extent the work of the Department of Labour may be increased in consequence of this Act,it is not contemplated to make any new appointment. On the other hand,it may be that the duties of the position of Registar may become so onerous as to necessitate a special appointment to this position.

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5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it without having recourse to a lockout or strike, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act.

Reference of disputes to Boards of Conciliation and Investigation.

"May make application." It might appear that the word "may" in this section left the constitution of a Board optional. This section, however, should be read with section 6. which says that the Minister shall establish a Board whenever a request is made under section 5. It is permissive for either of the parties to make application. It is obligatory upon the Minister to act upon the application when the same is made in proper form.

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6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, the Minister, within thirty days from the date at which the application is received, shall establish such Board under his hand and seal of office.

Minister to appoint Boards on application.

"Within thirty days." It is intended that steps should be immediately taken after application to establish a Board. Thirty days is cited only as an outside limit to meet exceptional cases where there may be delays owing to distance or difficulty of securing persons to act as members of a Board. The Bill throughout is framed in a manner to obviate both delays and expense. For example, section 8 allows a maximum of five days to the parties to choose their member of the Board. It also provides that the person chosen must be "willing and ready to act."

Section 9, also, requires the Board to be convened "as soon as practicable" after the members are chosen.

Section 22. The Board shall forthwith proceed to deal with the matters.

Similarly, Section 23, requires the Board to expeditiously and carefully enquire into the dispute.

So, also, with section 28: the Minister is to forthwith cause a copy of the award to be sent to the parties and given to the public.

Section 44 enables the Board to proceed in case the parties delay in attending.

In the Railway Labour Disputes Act these time limits are not to be found, and experience in the case of the investigation into the threatened strike of telegraphers showed that it was necessary to name a definite time within which the Board was to be constituted, and also as to its manner of

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proceeding. Moreover,all that part of the Railway Labour Disputes Act which has to do with the appointment of a preliminary Conciliation Committee,and the delay and expense which this would involve,has been eliminated from the present measure.

It is difficult to see how any parties who are favourable to the Railway Labour Disputes Act could object to the present measure on the score of either delay or expense.

(Read letters from Harvey Hall re Railway Labour Disputes Act and present Bill.)

There is not a single particular in which there is cause for additional expense or appreciable delays in connection with the present measure,as compared with the Railway Labour Disputes Act,while this measure contains provisions which would make proceedings under it much less expensive and much more expeditious in every way.

Compare section 3 of the Railway Labour Disputes Act,stating that the Minister may establish a Committee of Mediation and Investigation,and Section 5,procedure for appointment of Board of Arbitrators after Conciliation Committee.

Section 52,fixing the remuneration and expenses of the Board has been framed specially with a view to securing whole-day sittings of the Board,and the discharge of its duties as rapidly as possible. It was found in the case of the investigation under the Railway Labour Disputes Act that the work of the Board was unnecessarily prolonged through short sittings.

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Note Section 58: "If either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay...such party shall be guilty of an offence."

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C 3932

7. Every Board shall consist of three members who shall be appointed by the Minister. **Members of Board.**

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

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8. For the purposes of appointment of the members of the Board, the following provisions shall apply:— Procedure for appointment of members of Board.

1. Each party to the dispute may, within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as convenient, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as convenient, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the chairman of the Board.

C 9933

Note person recommended must be willing and ready to act. Also, Minister bound to accept party nominated.

Sub-section 2. "or such extension thereof as the Minister on cause shown grants." These words are inserted as there may be cases where, to the advantage of both the parties, it might be necessary to allow an extra day to secure the acceptance of a certain person as a member of the Board.

It might be suggested that some person other than the Minister should have the appointing of a third member. If a more acceptable course can be proposed it might reasonably be adopted, but all things considered having the choice made by the Minister who is responsible to Parliament, and certain to be interested in seeing that the Act is as effectively administered as possible, would appear the most acceptable course. There is a prejudice in the minds of large numbers of the working class against the

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judiciary making appointments. Though this is not a reasonable prejudice, still it is one which must be considered.

A deputation of the Legislative Board of Locomotive Firemen and Enginemen requested that the word "convenient" in line 29 and line 40. should be changed to "possible" so as to render clearer the purpose of the Act.

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45 **9.** As soon as practicable after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the chairman thereof, and such notification shall be final and conclusive for all purposes.

Notification to be given parties of members of Board.

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Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

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Members not to have pecuniary interest in dispute or parties.

11. No person shall act as a member of a Board who has any direct or indirect pecuniary interest in the subject of the dispute before the Board, or has any such interest in either of the parties thereto.

This is to secure as much independence as possible in the personnel of the Board.

With this section should also be read section 53,making the acceptance of gratuities by members an offence.

In the case of large corporations it might be assumed that there would be a temptation to employ as a member of the Board some person to whom a large fee might be paid,the influence of which payment might be prejddicial to a strict impartiality.

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How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

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Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

In every particular the Act is framed so as to make the Board of Investigators for the time being as powerful and impartial as a part of the judiciary. The oath of office and secrecy is intended as an additional security in this direction.

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Clerical and other assistance.

14. The Department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Act.

It has been thought advisable to allow the Minister to determine upon the expediency of the amount of clerical assistance to be given a Board. Inasmuch as the Board is one of investigators,and it is expected to perform its duties as promptly as possible,it is not presumed that the proceedings of the Board will be carried on in the formal manner in which proceedings in the courts are conducted. In fact the Board is apt to do its most effective work to the degree with which it dispenses with unnecessary formalities and conducts its investigation in a manner similar to the manner in which the Deputy Minister of Labour has conducted his investigations when acting under the Conciliation Act. There might be a desire on the part of some Boards to engage a shorthand reporter,etc. By reserving in the hands of the Department the direction of these matters it is probable that more effect would be given to the policy of the Department in having the Act administered expeditiously and at a minimum cost.

Moreover,it will be possible in this connection to allow the Board,where the occasion appears to warrant it,the assistance and experience of officers in the Department of Labour,who having had to do with the constituting of particular Boards may be able to bring the benefit of their experience to bear upon other Boards.

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Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A sworn declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.

Inasmuch as the Act clothes Boards of Investigation with extensive powers,such as compelling the production of documents,taking evidence under oath. inspecting books,premises,etc.,it is most important that the provisions of the Act should not be envoked for the mere purpose of enabling one party or the other to a dispute to ascertain certain facts in regard to the position of the other side. For this reason it is important that as far as possible no case should come before the Board except where the actual crisis of a lockout or strike has been reached.

Moreover,it is desirable that the Board when appointed should have before it a statement of the position of both parties,so that the real cause of the difference may not be lost sight of during the investigation,and additional matters dragged in.

Sub-section I is to be read in connection with section 5.

Sub-section 2. The various particulars in statement (a) are necessary to make sure that

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the case comes within the provisions of the Act.

Sub-section 2 (b) A sworn declaration is necessary to ensure bona fides on the part of whoever may be evoking the provisions of the Act.

It is to be noted that all this method of proceedings is a matter of every-day practice in cases coming up in the courts on matters much less important to individuals and the community than those which may be at the basis of a lockout or strike.

At the request of a deputation from the Legislative Board of the Brotherhood of Locomotive Firemen and Enginemen, it was agreed that the words "to the best of the knowledge and belief of the parties" should be inserted before "lockout or strike."

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16. The application and the declaration accompanying it— Signatures to application.

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees, members of an incorporated or registered trade union, shall be signed by any two of its duly authorized officers;

(4) if made by employees not members of an incorporated or registered trade union, shall be signed by not less than ten of their number.

The provisions in this clause are necessary to secure the responsibilities of the parties. An unincorporated association, either of employers or men, is not known to the law. It is, therefore, necessary to make a special provision for such associations.

The purpose in fixing the number of persons to sign as ten will be seen by referring to section 2I, which requires that there must be at least ten persons directly affected by a dispute for it to come under the provisions of the Act. Moreover, the fixing of this number ensures that employees pretty generally will have a knowledge of what steps are being taken under the Act, so that it will be impossible for one single set of men to take any action which might not be acceptable to the majority as a whole.

"Incorporated or registered" would mean incorporated or registered under any act of the Dominion or Provinces.

(See attached memo. for legislation re incorporation.

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17. Every application for the appointment of a Board shall be transmitted by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the Department shall be regarded as the date of the receipt of such application.

Application to be transmitted by registered letter.

The purpose of requiring applications to be made by registered letter is to afford a means of verifying any contentions as to the date of mailing or receipt of such applications Where registration is made there is always a record to which appeal can be made in case of dispute. Moreover,it is desirable that in an important communication of this kind an immediate and direct delivery should be secured. Having letters addressed to the Registrar at the Department of Labour. Ottawa,secures their delivery at headquarters. A letter might addressed to the Minister may be forwarded were he away from Ottawa.

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18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute a copy of the application and of the accompanying statement and declaration.

Party making application to transmit copy to other party to dispute.

This section must be read in connection with section 19. This procedure is followed in regard to civil matters in the courts.

It is conceivable that in the case of some disputes the employers might urge that they were not before the Board fully acquainted with the nature of the demands which their men had made. The delivery of a copy of the statement by registered letter would prevent either side from claiming that they had not full knowledge of the troubles in dispute. Moreover, it is conceivable that where as heretofore, many employers have refused to meet their men and have required all dealings to be between foremen and employees, that causes of strikes which heretofore have not come to the notice of the management until after a strike has been declared, will be brought in this manner promptly to their attention and the whole difference carefully looked into and possibly adjusted before even the Board itself is appointed.

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2 E.

(e) "Dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving questions which are the subject of an indictable offence); and, without limiting the general nature of the above definition, includes all matters relating to— "Dispute." "Industrial dispute."

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof.

C 9946

"Dispute,or industrial dispute." The definition of "dispute" has been made sufficiently broad to include practically all those classes of difference between employers and employees which experience has shown to be at the base of strikes and lockouts in these and other countries.

Sub-section 1 includes payment for work whether on a time or piece basis.

Sub-section 2 takes in such matters as employment of women,men over a certain age,apprentices,etc.

Sub-section 3 has to do with the employment of children or particular classes of persons, e.g. Chinese,Hindoos,union or non-union employees,etc.

Sub-section 4 has special reference to matters of preference in employment from various causes.

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19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter to the Registrar and to the party making the application. The signatures to the statement in reply shall be *mutatis mutandis* as provided in section 16 relating to signatures to the application.

Statement in reply to be made and sent to Registrar and to party making application.

What has been said in regard to section 18 also applies here, with the additional fact mentioned in connection with section 9. that the Department should be possessed of a statement of the case to lay before the Board immediately upon its meeting. This will secure dispatch in the proceedings of the Board, no time being lost in determining what are the actual matters in dispute.

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20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is— To whom communications transmitting copies of applications and replies between parties are to be sent.

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of an incorporated or registered trade union, shall be sent to the president and secretary of such union;

(4) composed of employees not members of an incorporated or registered trade union, shall be sent to not less than ten of their number.

These clauses are necessary to secure assured delivery of communications.

What has been said in regard to section 16 also applies here.

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Jurisdiction.

At least ten employees to be affected by dispute.

Same dispute not to be referred twice to Board within a year without consent of parties.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees directly affected by the dispute are fewer than ten; ~~and provided~~ that no new application between the same parties and upon the same dispute shall be received or acted upon within less than one year after the rendering of a report thereon by the Board as between such parties and on such subject matter without the concurrence of both of such parties.

The proviso that at least ten employees must be affected by a dispute is necessary to prevent trivial disputes being referred to a Board. A low number is fixed purposely, inasmuch as while only a few may be directly affected the indirect effect of a dispute may be to throw large numbers out of employment. For example, in the case of mine employees who control the pumps and the fans, should they have a dispute it might be the means of closing down and of causing all work in the mines to be stopped.

Similarly on railways: a group of dispatchers and telegraphers, though few in number, might be the means of crippling a whole system.

The clause that the same dispute shall not be the subject of reference to a Board within a year without the consent of the parties is simply to prevent unnecessary investigations being held.

(Read here what Mr. Hall says in his letter as to section 21--that under this section the officers of a railway company can hold their men up to any interpretation they have a mind to on any clause of an agreement which may have been entered into between themselves and their employees when such has been arrived at after enquiry under this Act.)

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It is only necessary to point out that if an agreement is entered into after an enquiry under this Act a dispute in reference to the interpretation of a clause of such agreement would not be an application upon the same dispute as that which had occasioned the appointing of a Board. It would be a new dispute falling within the class mentioned in Sub-section (c) 7 of section 8.

The fact that Mr.Hall has cited this particular section in the manner in which he has as one ground for objecting to the Act,and of giving to it an interpretation that the words do not fairly admit of,is evidence that he is endeavouring for motives best known to himself to find objections which he can urge against the measure,and to unfairly represent its provisions to this on whose behalf he is acting.

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Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply to the other party to the dispute, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

As already mentioned experience has shown that a good deal of time on Boards is taken up in discovering what are the causes of a difference and in getting at the main arguments of both sides. By the Board having before it at the very beginning of its proceedings a statement from both parties, it is enabled to proceed without any delay.

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Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereunder. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

The main duty of a Board shall be to try and effect a settlement of the difficulty. It is expected that in a large number of cases after the Board has ascertained certain facts and has represented these facts with their bearing to the contending parties, an adjustment of the difficulty will be rendered possible. It is for this reason that the Board is expected to act, not in the formal manner in which a court conducts its proceedings, but as any board of conciliation. The three members of the Board looking into the difference may possibly reach a conclusion upon which they are all agreed. The representative of one party may make known the position of the Board to the party whose representative he is on the Board. and in this manner an adjustment of the whole dispute may be effected.

It is not intended that a Board shall conduct proceedings to the bitter end whether where the parties are willing to settle or not. The whole effort of the Board will be to effect a settlement.

The Board will have performed its duties to the greater satisfaction of the public if it brings about an adjustment without finding it necessary to report at length with recommendations as to what should be done. It will therefore be to the interests of the members of the Board, for their good name and reputation to endeavour to effect a settlement. It is only where they are unable to get the matter adjusted while it is under consideration before them that they will be obliged to make recommendations in view of the attitude

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of the parties.

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Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

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Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Under this section the public will be enabled before a strike or lockout is actually declared, to form an unprejudiced view of the attitude of the parties and be in a position to know to which side its sympathies should be extended. Instead of receiving through the press, biased or inspired articles it will have before it the calm, deliberate statement of a body of responsible men, who have already looked carefully into the case, and as judges and trusted public servants have given their views upon it.

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Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

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27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the Chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board.

Report and recommendation to be made to the Minister in writing.

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C 9013

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Filing and distribution of report.

As an example of the methods in which the Minister may wish to distribute copies of the report, the Minister may wish to send to each of the employees an individual copy, or he may wish to send copies to all the members of an organization to which a particular class of workmen belong. or he may wish to send copies to other companies likely to be affected by the action of any one company. This discretionary power is given with a view of enabling the Minister to have public opinion and every desirable influence brought to bear upon the dispute with a view to its settlement.

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29. For the information of Parliament and the public, the report and recommendation of the Board shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General. Publication of report

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30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

It is important that a Board should be clothed with plenty of authority otherwise its services may be set at naught at the caprice of the parties. The whole purpose of the Act is to constitute the Board a judicial tribunal, clothed with the powers and dignity, for the time being, of a court of Justice to deal with industrial disputes.

As to calling for evidence not strictly legal this is to prevent the purposes of the Board being frustrated through technicalities and legal objections.

With this section should be read section 70, which protects the parties in any statements they may make from proceedings in the courts in regard to the same, except in case of perjury.

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31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books, papers or other documents or things in his possession or under his control in any way relating to the proceedings. Form of summons.

Necessary forms,etc., will be prepared by the Department of Labour.

With this section should also be read section 56,sub-section 3,requiring the registrar to see to the supply of forms,etc.

By the registrar acting as a central authority and the Department of Labour drafting forms,etc..a uniformity will be preserved in the proceedings of the several Boards.

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32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to summons, may be inspected by the Board, and also by such of the parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Documents not to be made public.

The business reasons for this section will be self-evident. The section moreover offsets a possible objection to a public investigation, namely that competitors may be given information of a private nature. It also prevents the abuse by either of the parties to the dispute of the power of investigation entrusted to the Board.

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33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness. Parties may be compelled to be witnesses.

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34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the province where the inquiry is being conducted.

Allowance to witnesses.

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Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

This section is already law under the Railway Labour Disputes Act in reference to disputes being investigated under that Act.

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Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

It is desirable to fix a sufficiently large amount as a maximum penalty otherwise in the case of witnesses holding important positions in the service of large corporations there might be a temptation to disobey a summons,notwithstanding the penalty fixed.

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Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

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View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

Power to interrogate, examination of factories, &c. Inspection of work.

This section, like a number of others in this Bill relating to the procedure of Boards, is taken almost verbatim from the legislation in New Zealand, New South Wales and West Australia.

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How parties may be represented before Board.

39. An employer, party to the reference, if an incorporated company, may appear by its manager and one other principal executive officer, or its agent, duly appointed in writing for that purpose, or by counsel or solicitor where allowed as hereinafter provided.

2. An employer, party to the reference, if not an incorporated company, may, if an individual, appear in person or by his agent duly appointed in writing for that purpose; if a partnership firm or association, by any member of the firm or association or any number of persons not exceeding three, appointed in writing by the firm or association, or by counsel or solicitor where allowed as hereinafter provided.

3. Employees, parties to the reference, if members of an incorporated union, may appear by its president and secretary, or by any number of persons not exceeding three, appointed in writing by its president or by counsel or solicitor where allowed as hereinafter provided.

4. Employees, parties to a reference, if not members of an incorporated union, may appear in person or by agent duly appointed in writing for that purpose, or by counsel or solicitor where allowed as hereinafter provided.

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Class of employees may be represented by agents.

40. Where a dispute affects a class of employees it shall not be necessary for them all to take part in the inquiry, but the class may be represented before the Board by a limited number chosen by a majority, or by agents duly appointed in writing, or by counsel or solicitor where allowed as hereinafter provided.

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Parties to be bound by acts of representatives.

41. Every party appearing by a representative shall be bound by the acts of such representative.

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42. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Counsel or solicitors excluded except by consent of parties and of Board.

The purpose in not allowing solicitors or counsel without the consent of both parties,is that in many disputes employees might be placed at the decided disadvantage of being unable to pay for counsel,while companies might find it possible to engage the best legal talent.

Moreover,there is a tendency where counsel or solicitors are employed,for proceedings to become protracted,and legal technicalities of one kind or another introduced as obstacles.

The Board should be capable of asking its own questions. It is contemplated that the examining of witnesses will be chiefly by members of the Board themselves. They will know on what matters they need to be enlightened,and will be the best judges of the questions to be asked

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43. Persons other than British subjects and residents of Canada shall not be allowed to act as members of a Board. Members of Board be British subjects.

Inasmuch as members of the Board receive remuneration for their services from the Government.and are given power to administer oaths.it is desirable that they should be British subjects. Moreover.in matters affecting Canadian industries it is desirable that only British subjects should be clothed with the powers which this measure gives.

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30 **44.** If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented. **Presence of parties.**

This section is intended to prevent delays in the proceedings of the Board through parties wilfully abstaining from attendance before the Board.

The section should be read in connection with section 36, obliging parties to duly attend.

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45. The sittings of the Board shall be held at such time and place as are from time to time fixed by the Chairman, after consultation with the other members of the Board, and the parties shall be notified by the Chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject matter of the proceeding before it arose.

Time and place of sittings of Board.

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46. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatatives, the officers of the Board and the witnesses under examination shall withdraw.

Proceedings to be public unless otherwise determined by Board.

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Majority of Board.

47. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

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Quorum.

48. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

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All members of Board to be present.

49. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

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Trivial matters.

50. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

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Employment of experts.

51. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

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Allowance to members of Board.

52. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the Chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedy as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

The amountsfixed for remuneration of services of members of the Board are based upon a due regard for the responsibilities and duties of its members. This section should be read with sections 53 and 54.

It is expected that persons requested to act on a Board will be prepared to act from motives of public duty,rather than from the amount of remuneration they are to receive.

There may be a temptation in some cases for the Board to protract its sittings over a period of time if payment were made for the entire time during which an investigation were being carried on. In fixing the remuneration the section has been so framed as to make it incumbent upon the Board,from motives of self-interest to proceed with its business as rapidly as possible.

In fixing the amount for the Chairman at $20 it should be remember that in this position he is likely to have extra duties such as the responsibility of preparing and forwarding the report,keeping a record of the attendance of witnesses and other members of the Board, submitting statements as to expenses etc. See section 55

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Acceptance of gratuities and perquisites by members an offence.

53. No member of the Board shall accept in addition to his salary any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

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This section is to secure independence on the part of the members of the Board. It is necessary to fix a high penalty, namely, one thousand dollars for a violation of this provision in order that a gratuity offered is not likely to be in excess of the penalty attached for receiving it.

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54. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence, in Canada, for the purpose of attending or after having attended a meeting of the Board.

Actual necessary travelling expenses of members allowed.

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55. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Chairman of the Board, which vouchers shall be forwarded by the Chairman to the Minister. The Chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

Payment of expenses of Board.

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56. It shall be the duty of the Registrar:—

To receive and deal with applications.

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms relating to proceedings before Board.

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act;

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder.

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57. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any Prohibition of strikes or lockouts

prior to or pending reference to Board.

dispute prior to a reference of such dispute to a Board of Conciliation and Investigation, or during the pendency of any proceedings in relation to such dispute before a Board under the provisions of this Act: Provided that nothing in this section shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike.

In regard to this section, note what has been said in regard to Section 2 (2) and (5) concerning meaning of lockout and strike.

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Relation of parties to remain unchanged pending proceedings before a Board.

58. In every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall, on account of the dispute, do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

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Penalty for causing lockout.

59. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists. 25

One thousand dollars may seem a large penalty. more particularly when the penalty for going on strike is fixed at only $50. On the other hand it must be remembered that if 100 men go on strike the total penalties may amount to $5,000.,whereas an employer may lockout at any time 100 or 1000 men and pay a penalty of not more than $1000.

Moreover,unless a large amount is fixed as a maximum penalty,it might pay employers in certain cases to violate the law and forfeit the penalty.

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Penalty for going on strike.

60. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

The purpose of fixing a minimum penalty of $10 is to make the penalty sufficiently large to cause men to reflect carefully before violating provisions of the Act. A small penalty might lead to individuals violating the Act upon the inducement of others who would undertake, for reasons of their own, to make good the penalty.

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Penalty for inciting to lockout or strike.

61. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

It is particularly desirable that persons not engaged upon an industry should not be permitted to foment trouble from motives which may be ulterior in their nature. It is quite conceivable that in a combination of employers some member might be prepared to induce one of the combination to declare a lockout in order to off-set some threatened action on the part of the men.

Similarly it has been claimed that persons have endeavoured to create strikes in Canadian industries at the instance of rival concerns in the United States. The British Columbia Labour Disputes Commission report of the shows that both in connection with mines and railways in British Columbia, Canadian workingmen were deceived by agents from the United States, who brought them out on strike without revealing the full causes or reasons for so doing. It is most desirable that a heavy penalty should be fixed for this offence.

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Dismissing employee because of membership in union illegal.

62. If an employer dismisses from his employment any employee by reason merely of the fact that the employee is or is about to become a member of a trade union, such employer shall be liable to a penalty not exceeding fifty dollars for each employee so dismissed.

2. In every such case it shall lie on the employer to satisfy the court that such employee was dismissed by reason of some facts other than those mentioned in this section.

This section should be read along with Section 63. The preservation of the liberty of the individual, whether he be an employer or employee, a union or non-union man, is the motive underlying them.

These provisions appear to be very much misunderstood, and both employers and employees have protested against one or the other.

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Striking because of employment of persons other than union members illegal.

63. If an employee goes on strike by reason merely of the fact that his employer has employed or is about to employ some person not a member of a trade union, he shall be liable to a penalty not exceeding fifty dollars.

2. In every such case it shall lie on the employee to satisfy the court that he went on strike by reason of some facts other than those mentioned in this section.

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64. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part LVIII of *The Criminal Code*, 1892, and amending Acts, relating to summary convictions. **Procedure for enforcing penalties.**

It is desirable that it should be possible to take proceedings under this Act without delay, so that a penalty may be inflicted for a violation of its provisions as soon after a violation has taken place as possible.

In view of the revision of the Code, the figures. Part LVII of the Criminal Code, 1892, are subject to revision in accordance with the paragraphing of the Revised Statutes at present before the House.

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65. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Recommendation of a Board binding in certain cases.

This section makes compulsory arbitration possible if the parties to a dispute so desire. Only with the concurrence of both sides is a compulsory award likely to be effective or lived up to. This act may therefore be said to meet the demand of those who favour compulsory arbitration, in so far as it is possible for the law to meet their wishes with the hopes of having them realised.

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66. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

Application of provisions of this Act to any dispute on joint application of parties.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the lock-out or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

This section makes possible the bringing of any dispute within the provisions of this Act.

Inasmuch as machinery is provided for a compulsory investigation, and the Act allows any of the parties to a dispute to avail themselves of its benefit, a serious responsibility will rest upon whichever side might refuse to take advantage of this section, in the event of either desiring to avail themselves of it.

The Conciliation Act still remains in force and available in case of disputes not covered by this Act. It may be that in many cases the conciliator will find that what is necessary to settle a dispute is some Board with power to investigate certain difficulties. This section of this act might then be used as a means of furthering the purpose of the Conciliation Act, and of assisting to bring about a termination of disputes.

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67. The Governor in Council may, from time to time, by notice in the *Gazette*, declare any specified industry to be an agency of transportation or communication or a public service utility, and such industry shall thereafter be deemed to be included in the provisions of this Act.

Governor in Council may specify certain industries as coming within the provisions of this Act.

This section is necessary on account of the indefiniteness of the words "agency of transportation or communication," or "public service utility." Also, because it is conceivable that in the course of years industries at the present time carried on by a number of competing firms and not strictly in the nature of public service utilities may gradually become combined and partake of the nature of capitalistic monopolies upon which the public at large are more or less dependent. In such cases it is most desirable that power should be given to the Department to see that they are included within the provisions of this law, e.g. a lumber combine.

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68. In the event of any question arising as to whether or not a particular employment properly appertains to an industry or class of industries included under the terms "agency of transportation or communication, or public service utility," the matter shall be referred to the Minister, whose decision shall be final.

Minister given power to determine if certain employment appertains to industries included in this Act.

This section is also necessary on account of possible misunderstandings.

It is to be noted that it differs from the former section in making the decision of the Minister final, instead of that of the Governor-in-Council. the reason being that this section 68 refers only to certain employment belonging to industries already specified.

Where a question would arise under this section it would probably be only at a time when a strike was actually threatened or in existence, and when a decision would have to be made quickly. e.g., longshoremen might feel that they were not part of "an agency of transportation or communication." On the other hand, the Minister, if the matter were referred to him would be in a position to give a decision immediately on the basis of whether or not they were employees of the classes included under the head of sub-section (t) of Setion 2. "Employer."

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Law not applicable in certain cases.

69. Nothing under this Act shall apply to the Crown or to any Department of the Government of Canada, or the government of any province without the consent of such province; and this Act shall not apply to disputes in any province which has enacted or enacts a compulsory investigation or compulsory arbitration Act applicable to industrial disputes, except upon the request of such province.

This section exempts the Post Office Department, the Intercolonial Railway, etc. There being penalties attached for violations of the provisions of the Act. the Government cannot be criminally prosecuted.

The reason for exempting the Governments of Provinces is that without the consent of the Provinces action under this Act might be regarded as interference on the part of the Dominion with the Provincial Government.

Exempting provinces having compulsory investigation or compulsory arbitration Acts has been inserted with a view indicating that in the opinion of the Dominion Government it is advisable that the Provinces themselves should provide the proper machinery for dealing with such disputes.

Particularly in provinces like British Columbia and the Maritime Provinces which are some distance from the seat of Government there is a special need why machinery of an effective sort to prevent industrial disputes should be provided. It is not the desire of the Dominion to conflict in any way with any effective machinery which the Provinces may constitute.

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Courts to have no power to recognize or enforce reports of or testimony before a Board, except in prosecutions for perjury.

70. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

This section is framed with the view of allowing as much freedom as possible to Boards of investigators, and to remove any reasonable objection to the strict observation of legal technicalities.

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Technicality not to invalidate proceedings.

71. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity. 15

This section is in accordance with the general spirit of the Act which aims at getting at facts and arriving at results rather than preserving certain outward semblances of form.

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Payment of services under Act.

72. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

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Prosecutions under Act to be reported to Registrar.

73. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

This section is inserted with a view to assisting the Department of Labour in gathering information which will enable it to report to Parliament upon the effects of this Act.

In dealing with the present measure the great value to be attached to the statistics with regard to strikes and lockouts has been collected in the Department has been which sufficiently demonstrated that it is most important in connection with a measure of this kind, the Department should be able to determine not only how many strikes may have been prevented etc., but also to what extent the law has been successful in its operation by the action of the parties themselves without the coercion of the courts.

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Minister may make, alter and amend regulations.

74. The Minister may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*.

In a measure of this kind, dealing with such a large question, it is impossible to make provision for all the exigencies that may present themselves in the course of administering the Act. It is desirable, therefore, that a reasonable latitude should be allowed the Minister to see that the provisions of the Act are not render ineffectual through the absence of some necessary regulation.

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Expenses.

75. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

It is the intention to ask Parliament for a sum not exceeding .....dollars for the purpose of carrying out this Act.

Inasmuch as it is impossible to say,with any degree of certainty,what number of investigations there may be under the Act,or how expensive these investigations may,the amount which has been named must not be taken as indicative of what the expense to the country of this measure is likely to be. Until there has been opportunity of ascertaining by experience what amount is required,it will be impossible to name an amount with any degree of certainty.

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C 10006

Report to Parliament.

76. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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11

Public utilities

What they are.

"Employer." The intention here has been to group together under such economic terms as appear to be sufficiently specific, those industries and classes of industries, upon the more or less continuous and uninterrupted operation of which the welfare of the general public and other industries are dependent; for example, any mining property.

In "Mining property," the intention is to include all classes of mines, coal, metalliferous and other mines. Inasmuch as other industries are so largely dependent on the continuance of mining operations it is desirable that operations in these mines should be as continuous as possible. For example, the smelting industry is dependent upon the mining industry being continuous.

"Agencies of transportation or communication." Here again the purpose of the Act is to endeavour to secure the continuous operation of agencies upon which the carrying on of other industries and businesses depend.

"Public service utility" or "Public utility." (With this section must be read sections 67 and 68.)

As is the case with phraseology ~~of~~ in all legislation these words must be taken according to their generally accepted meaning. It may be difficult to give a precise definition, but the general meaning of the words is well understood.

Under modern industrial conditions, more particularly with the growth of cities and the organization of capital, there have

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C 10068

come to be a class of industries which perform a service upon which the general public either in a particular community or in the country at large ~~are~~ more or less dependent. For economic reasons this service in a number of cases is best performed by a single or limited number of individuals or companies. In other words it partakes of the nature of what may be termed a natural monopoly. The industries so carried on have come to be known in our day as public utilities or public service utilities.

The industries known as public service utilities are distinguished from other industries in that in public service utilities the element of competition is either for natural or economic reasons, or reasons of public policy, eliminated to a greater or less degree. Broadly speaking they include those industries which are generally referred to as natural monopolies, in connection with which the State or municipality exercise greater or less control. It is assumed in regard to all of them that an industry can be carried on more perfectly and cheaply through one system than by a large number. There appears to be among economists a difficulty in giving an exact definition to the words but generally public service utilities or public utilities may be taken to mean those industries which partake of the character of a monopoly, and in which for public, economic or natural reasons, the element of competition has been replaced by combination.

The word "utility" is here used in its economic sense. The Encyclopedia of Political Science and Political Economy, edited by John J. Lalor published in New York, 1899, thus defines the term:

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"Utility. This word has the same meaning in politico-economic language as in the usual vocabulary. What it designates in things, persons or acts is the power they have of rendering us some service."

The following passage from the preface of a volume on Municipal Monopolies, by Edward F. Bemis, will serve to illustrate what is meant:

> "Everyone concedes that soon one half of the population of this country will be living in cities of over 8,000 inhabitants. and that to everyone of these cities the supply of water, street railways, electric light, gas for fuel and lighting purposes. and the telephone at the command of every one, if not in every home, will have become vital necessities. Nearly every one is also ready to concede that each of these industries partakes of the character of a monopoly.
>
> "Although competition has been tried in hundreds of places, combination, either avowed or tacit, has always been the result. The longest continued competition has been between gas and electric light, but consolidation, has now occurred among companies producing even such distinct forms of illumination as these."

At page 477 of his book on Municipal Monopolies. Professor Bemis defines what is meant by a business being "affected with a public interest." The same words might be used to explain what is meant by "public service utility."

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"When a business becomes a practical monopoly,to which the citizen is compelled to resort,and by means of which tribute can be exacted from the community,it is subject to regulation by the legislative power. (Bradley,J..interpreting the Munn case in Sinking Fund case, 99 U.S. 700.747.)

Similarly,the following passage from a volume entitled "Social Theory" by John Bascom. Professor of Political Economy in Williams College. may serve to illustrate what is meant:

"There are also many important monopolies in modern society which rest partly on law.partly on the nature of the case,and partly on the interests of the community. A good example of these is the gas supply of a city,or of any subdivision of it. A corporate company receives the privilege of supplying a certain area with gas. The securing of a site,the building of works,and the laying of pipes give the first occupants an advantage not easily overcome. Of much more importance is the fact that the community can be best,and most cheaply. served by a single plant. The larger the gas works,the more economically they can be run. It is a great annoyance,and a useless expenditure. to pipe twice over the same district. Competition,therefore,instead of reducing the price of gas,must necessarily increase its cost,or result in serious loss. If a single company can be compelled to satisfy itself with moderate profits. it can render a given district a cheaper and better service than can possibly be secured by two companies.

....."To this class of quasi-monopolies belong public electric lights,water-works. street railways,oftentimes omnibus-lines,telegraphs,telephones,railroads. ~~Strictly parallel~~, or proximately parallel,railways are quite sure to fall of their apparent purpose. They put upon the community a ~~more~~ expensive and cumbersome service,~~and~~ must themselves endure the loss,or ~~inflict it on others in high rates.~~"

The Dictionary of Political Economy,edited by Inglis Palgrave,groups the industries here referred to under two classes,the first,natural monopolies,which it defines as meaning-- "the railroads,telegrapghs. telephones,water-works,gas and electric lighting plants.

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1/

Objections - 1. Debate

C 10011

It is compulsory arbitration

- No. C. investigation
- Honours the means of settling.
- Right to strike exists
- Withheld during investigation

Investigation may be prolonged.

- No.
- Telephone Co.
- 22. 23.
- Ready to accept amendments

Makes sweeping changes in Labour Union

- No.
- Compels the parties to meet together in the interest of Labour.

Within 30 days.

- Utmost limit - will not be taken strike may be settled during investigation

Present employer retaining workers during strike.

- Yes. - Unless unreasonable -

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C 10012

2/

You are trying the hands of one side.

No - trying the hands of both during
beginning

Employer may lockout authorized
a demand re -
by I. R. Shop at Shotfort
sympathetic Lockout

All employe has to do is to say
he has a grievance against - an
employee and then he prevents
that man from striking.

No.
See last 15= affidavit re -

Notice stuck up - changing Conditions
morning

No
Week or months notice from
by law

It is interference with the liberty
of employer and employee -

No. The liberty of the individual
is conceded only when the
liberties of others are not
infringed in consequence -

Ely - p - 409 -

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3/ Civil liberty to prevent people
to get fuel
food
water
fire protection ?

His interference with freedom
of contract & labour.

No - it secures greater freedom
because
it secures equality to both.
Close pools. Telephone &c.

All kind of industries
yes in accordance with
the intent of the act.

Clothing with provincial
jurisdiction.

N.B.A -
Watson
Calling out troops -

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C 10014

4 Do not interfere where not asked

Buckingham -

R. B

Employees do not care for strike as a last resort

Employees do not care for Inquiry -

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Substitute the following for Sec 39.

C 10015

Any party to a reference may be represented before the Board by three or less persons designated for the purpose, & by counsel or solicitor where allowed as hereinafter provided

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Borden C 10016

By Lab. disp. act
Minister = Not satisfactory.

Representations
Conferences
Letters } By men & Canada

No Committee Lead

By men claim that they are exhaust all possible means before a strike.

C 10017

General Dep. spent.

Committee will not assist.

It will delay - -

A principle at Stake ...

Commissions.

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C 10018

Committee will not assist-

It will delay

Verville
Smith- agree ~~Foster~~

principle at Stake

Commission Pa Coal Strike

Commission agriculture Labor

Roosevelt.

Elliot.

Bell Telephone

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Labour Bill

C 10019

Protects of Ry men must be read in the light of interpretation given by Hall -

Unfair criticisms
Unfair Comments.

See Letter Hansard p. 3427.

Compulsory arbitration

Compulsory arbitration -
It is not first step.
If it were - Le approved of part. in 1903.

Therefore many of protests must be Construed as against Compulsory arbitration.

Duration

"Within 30 days". Board of Investigation.
not true further delay of 2 weeks or more
arbitrators chosen must be ready and willing to act and Board begins inquiry at once.
See 8. (d.s. 3)

Duration of Inquiry - 2 or 3 months. 22-23-28-44.9

No.
Act requires Board to proceed as expeditiously as possible
(see s. 22-23)

No benefit

"No benefit" except answer in some form"
But = benefit of public investigation
Necessity of Legislation to Court investigation
Consequence of the award in favour of employees -

Public Opinion

"Public Opinion"
What Hall said briefly in 1903

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2/

Contradiction { "You must strike"
No in 1903. Hall said that public opinion would compel them to retain
see letter.

{ Enforced delay
additional expense. } chief objections

Note that it is not compulsory arbitration -
Now I take issue with him on the 2 other objections.

Improvement on Bill as regards { Expense
Investigation before instituting strike. { delay.
Answer -
1 Already during negotiations - Log "Jurgeons
to meet the strike"
2 Expense - one days strike
Government

{ Many industries and public utilities
dependent on hours protection
Shipment of coal
supplies

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C 10021

Objections of Ry Employees

Memorandum re Bill No.36.

The objections of the railway men are ~~three~~ two fold:

I. They allege that if they are forced into an investigation after spending three or four months negotiating with the company. the Company will then be enabled to place itself in a position to defeat their strike by the employment of strike-breakers,etc.

Answer:

This argument assumes that the railway company will sit idly by doing nothing in the way of preparation to defend its interests during the three or four months during which negotiations are being carried on. The fact of the matter is that from the very day the railway organizations present their grievances. those grievances are being considered by the company and preparations are being made by the company to protect its interests in the event of a strike being ultimately declared. So that at the time when,in the ordinary course of events a strike would be declared and which time under the Act would be the commencement of the investigation,the company is fully prepared for anything that may happen. All that would then occur by reason of the investigation would be the marking of time by the company pending the investigation. The argument loses its force by reason of the actual conditions that present themselves.

2. Then,it is stated.that the railway organizations spend several thousands of dollars in the payment of their committees during the negotiations with the company.and that then to foist the investigation upon the men would simply be imposing upon them a further expense involving perhaps the expenditure of several thousands of dollars.

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Answer:

(a) Assuming that the investigation meant the expenditure of two or three thousand dollars in the case of one of the large railway organizations, say the engineers, if they went on strike the expenditure for one day would far exceed that amount.

(b) There is no necessity under the Act for the maintenance of a large committee to carry on the proceedings before the Board of Investigation. That duty could be given to a small committee which would have power to call upon other members if conditions should demand.

It Rep in Jour

During the discussion of the Bill by the Toronto District Labour Council on the I4th inst., the man who was most pronounced in his endorsation of the Bill was the representative of the Street Railway Men's Union and one of the most experienced labour men in Canada. His name is James MacDonald. He was eminently well satisfied to rest the claims of the men in the judgment of the tribunal to be appointed under the Act and, as he said himself, it was proper to remember that there was a third party to all of these disputes that deserved to be considered, namely, the great body of the public, who were not immediately concerned with the dispute itself, but who were subject to suffer great inconvenience by reason of it

As expressed to me by representatives of labour the two points that appeal most to them in connection with the Bill are (I) that the men are enabled to remain at work and (2) that publicity is given to their claims. They state that in the past they have been forced to go on strike in order to have any attention

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given to their claims,and that even then they could not always get the ear of the public to listen to what they had to say,with the result that through lack of interest on the part of the public the efforts of the men to secure consideration of their claims were defeated time after time. Under this Bill they will be in the happy position of being able to draw their daily wage and at the same time have their demands investigated and passed upon by a tribunal one member at least of which will be appointed by themselves. In addition their right to strike is only suspended and if a strike actually becomes necessary by reason of the refusal of the employer to recognize the recommendations of the Board they will then be in a position to strike for their demands having the full force of public opinion behind them. The effect of public opinion cannot be better demonstrated than the recent telephone investigation in Toronto,where.after the company had declared it would not be bound by the findings of the Board.public opinion was of such influence in the matter that,out of deference to it the company joined in what ~~was clear~~ appears to be a very satisfactory settlement. Nothing but public opinion did it.

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C 10024

Memorandum re Bill No.36.

The speeches of Lancaster,Lennox,MacLean,Boyce and other Conservatives all advocate delay and holding over the measure till next session,bearing out what was said in regard to Borden's motion for a committee,that it was to shelve the idea of legislation altogether.

p.3340. Letter read by MacLean is directed against compulsory arbitration. Says nothing about compulsory investigation. Speaks of every honourable means being exhausted. This measure affords an additional honourable means,and the right to strike exists after it. The statement that the right to strike is to be denied to special classes of the community,namely,those engaged in transportation is not true. The right to compulsory investigation is granted,and pending this investigation the right to strike is withheld.

p.3339 Lancaster's statement that investigation may be prolonged for a long time;cite the case of the Telephone Enquiry as an illustration of how long an investigation takes,and note points indicated to show wherein Bill is framed with a view to expedite enquiry. Also,welcome suggestions as to wherein the Bill can be perfected from the point of view of expediting matters,without running risk of not being able to meet exceptional cases.

p ss42. Boyce's statement that Bill makes sweeping changes in

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the principles which govern trade unions. Ask for one instance. And in relations generally beftween master and man. Ask for any instance other than thatwhich compels the parties to meet together which is decidedly in the interests of workingmen.

p.3346. Speech of A.C.Macdonnell quoting from Harvey Hall, states Bill is intended to legislate organized labour out of existence. How does this harmonise with Mr.Hall's endorsation of the Bill when applied to other organizations? Have it pointed out wherein the Bill has the effect that Mr.Hall describes. The further statement that labour men must accept a settlement on any condition is absurd,as the Act expressly states that no settlement is binding on the parties without their consent.

p.3345. Re Verville's statement that Bill gives employer 30 days before the award is made,to get ready to fight. This assumes that the utmost limit of time will be taken,which is improbable. Further. that a settlement of the differences may not be made during the investigation as in the case of the telephone enquiry. Nor does this have regard for the effect of public opinion upon an employer during the course of investigation,nor the added strength given to the cause of the men in the event of the award being favourable to them.

As to the suggested amendment to prevent an employer from reducing wages during enquiry,this seems reasonable and can be met.

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p.3350.

Re what Lancaster says about tying the hands of one side. He does not observe that the hands of both are tied during the enquiry. It is not uncommon for an employer to lockout his men with a view to anticipate their forming a union or making some demand upon him. Witness the case of the Grand Trunk shops at Stratford,where the Company,expecting a demand from its employees for an increase of wages,got the employees to work overtime until all repairs were made,then closed up the shops,locking out its employees in anticipation of their demand.

Note,also,that it is not uncommon for employers to declare a sympathetic lockout,with a view to assisting each other. This measure will make such action quite impossible,pending an enquiry and the public being informed of the fact.

Further,workingmen know that it is a common practice for an employer to impose conditions with a view of forcing a strike at times when business promises to be slack,and when they think they can cripple a labour organization in consequence. This measure will make it impossible for an employer to force his men on strike in any such way,until the men have had an opportunity of putting their side before the public.

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p.3361 Lancaster's statement that an employer has only to say that he has a grievance with an employee and then prevents that man from striking: This is absolutely false and ignores the condition in the Act requiring affidavit,statement of efforts to adjust matters,etc.etc.

p.3352. Mr.Macdonnell cites the case of where "without any dispute,without any warning or notice of any kind,the men can come down to the shop in the morning and find a notice stuck up changing conditions."

As a lawyer Mr.Macdonnell should know that notice of this kind would involve a breach of contract,as the class of employees likely to be employed on the industries here mentioned are engaged by the week or month,and at least a week or month's notice should be required for a change which would give employees sufficient time to make an application for investigation under the Act. The Government can,however,if it is deemed necessary, make a further protection against a case of this kind by an amendment of the Act.

p.3352 Mr.Ross also asks in this connection,in the event of an employer reducing wages without warning:the same reasoning would apply. This is intended to be met by section 58,which can be made more explicit.

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p.3357. Re argument that Bill is an undue interference with the liberty of employer and employees,as mentioned by Mr.Monk:

If one will study the teachings of the economists of the John Stuart Mill school,best known as the English individualist laissez-faire school,he will find that the liberty of the individual is conceded only where the liberties of others are not infringed in consequence. Any true definition of individual liberty implies this.

Where a strike in a coal mine takes place or on a railroard and in connection with gas works,electric light or water works,and people are prevented from getting fuel,receiving their food supplies and having drinking water or a city from having its fire protection,etc.,it is perfectly clear that in all these cases the liberties of a great many people are being infringed in consequence of too excessive liberty on the part of others. This measure proposes to restrict individual liberty only at a point where,if it is exercised at too great a length,the liberties of others are thereby infringed.

p.3358. Similar reasoning applies to statement by Mr.Monk that it interferes with freedom of contract in labour. Far from interfering with freedom of contract,it secures a greater freedom of contract. How can there by equality of bargaining between unequal units. Take the case of the telephone girls in Toronto. What power had these girls,unorganized and unassisted,with no

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means of keeping up a strike,to make a contract on the basis of freedom of contract,with a powerful corporation like the Bell Telephone Company? Where public opinion was brought to bear on the situation for thefirst time was there an approach to an equality between the parties in the matter of freedom of contract.

p.3358. Mr.Monk's criticism that the government can extend its provisions to all kinds of industries: This is clearly a wilful misreading of the intent of the measure. The provision here criticised is simply to secure the application in accordance with the intentof the Act,not to cause the provision to be extended.

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Reasons why railway organizations should be included.

Mr.Hall does not represent all the railway organizations. The Brotherhood of Locomotive Firemen repudiated him as their representative a year or so ago,and have since appointed another representative in the person of Mr.Wark. The Railway Trackmen,or Maintenance-of-way men are not represented by Mr.Hall or Mr.Wark. but are represented by the Dominion Trades and Labour Congress, and the officers of the Dominion Trades and Labour Congress are prepared to say on their behalf that they desire to have the proviaions of this measure extended to them. Other representatives of railway organizations have signified to the Department their desire to have this measurepassed. They are men who have carefully studied its provisions. The opposition which has come in from railway quarters has been from persons who have not seen the Bill or who have acted solely on the advice of Mr.Hall without studying its provisions. Mr.Hall's letter is so entirely misleading that any communications which have come into the Government as a consequence of it cannot be regarded as expressing an unbiased opinion on the part of any of the railway organizations from which they have come.

The Department,also,has reason to believe that many of the railway organizations wish this measure passed,inasmuch as a strike in any one branch of railway work affects all alike. For example, a strike of the maintenance-of-way men or trackmen,

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tying up a road would have the effect of preventing engineers. firemen,conductors and others from continuing their employment. This measure will help to preservethe continuous operation of the road,and thereby prevent one class being injured through the effects of a dispute which might be brought on in a hasty or ill-advised manner. No also the great danger to the public,as mentioned in the case of the strike of trackmen in 1902,by Mr. Lemieux.

Moreover, a strike on a railway may prevent shipments of coal or supplies being brought to factories,or disturb and lead to a general cessation of industrial operations in mines,factories and industrial plants of one kind or another. In the interests of all industries dependent in any way on the railways,it is desirable that railways should be included in this legislation.

The statement has been made that the railways contitute 95 per cent of those who will be affected by the Bill. This statement is quite absurd. The total number of miners,street railway employees,telegraph operators,telephone operators,steamship employees,employees of gas,water works,electric light and power companies far outnumber the railway employees who constitute only a part of the whole.

If Mr.Hall gave his consent to the Bill and believes that it is good for other organizations,what reason can he urge as to why it is not also good for railway employees?

A further reason why there should be no objection to this measure applying to railways is that it virtually carries out

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one of the principles of most of the constitutions of railway organizations,namely,that before striking they should be willing to submit their grievances to arbitration. This measure is equivalent to stating that where corporations or companies are unwilling to enable workmen to carry out this condition in the constitution of the unions,the Government will assist them in seeing that it is complied with.

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p.3374. Mr.Fowler states "I for one am not in favour of needlessly encroaching on the liberty of the subject. I am a great believer in individual liberty.

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p.3380. Mr.Herron,Conservative,states that he has communications from some of the union,sreferring to railroad and miners' unions. containing statements to the effect that "if the resolution moved by the Leader of the Opposition had been adopted,giving these men a chance to come here and give evidence,in all probability,they would have been in favour of even stronger legislation than what is proposed in this Bill." Further on: "I understand ~~further~~ from their communications to me that they are in favour,as I stated,of even stronger legislation than the Government is bringing down.

Mr.Herron's argument gives away the whole case of the Opposition,which is that they are in favour of Mr.Borden's policy of indefinite delay,and being unable to secure delay through a committee are going to obstruct this measure.

If,as Mr.Herron has stated,railway and miners' unions are in favour of even stronger legislation than is proposed in this Bill. They will hardly object to this measure which is not as drastic as they would be prepared to concede.

p.3392. Mr.Lancaster states: "The workingmen must face all the loss and undergo all the disadvantages necessary to prevent a strike." This,he says,is the effect of the Bill as he reads it. Here is an instance of the deliberate kind of misrepresentation ~~as he reads it.~~ in which the Opposition indulges. In the first place,the measure is intended to save the workmen from undergoing any loss,as they would be obliged to undergo in the case of a

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strike where their wages would immediately cease. In this measure they continue to draw their wages while remaining employed,and the whole cost of the investigation is born by the government instead of having their revenue immediately cut offat the time when it most becomes necessary. The government under this measure,comes to the assistance of the workmen and supplements their income,so far as assisting them in the matter of a complete investigation.

Similarly,Mr.Lancaster says nothing of the case where employers deliberately lock out their men for the purpose merely of starving them into submission to a particular set of conditions. Such an occurrence would be absolutely prevented by this law,which would see that the men have the right of having their conditions determined before their supplies are cut off.

p.3393. Also Mr.Lancaster states: "He does not by this Bill tie up capital while he does tie up the only weapon which the labouring man has,and prevents him from using it."

As to tying up capital,what about the clause which makes the declaring of a lockout illegal? As to tying up the only weapon which the labouring man has,instead of doing this it supplies the workingman with a weapon the most powerful he can have in fighting corporations,namely,the power to have his whole case submitted to the public.

The whole argument of the Opposition is based on the assumption that workingmen want to strike. ~~This~~ which is an entirely erroneous point of view. A strike is always a costly thing to

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workingmen and is a last resort in every case. The reason they strike in many cases is to help to bring the matter before the public. This measure will enable them to do that without subjecting themselves to the losses which a strike involves.

p.3393. Mr.Lancaster states further,if the capitalist chooses to say to the labour man, I will only pay certain wages in the future to the labouring man and the labouring man thinks of striking to prevent that step being taken the capitalist gives notice and compels him to go on as before. And a little further on: I do not need to try and agree with my workmen,there is a Bill,which is dinstinctly not called compulsory arbitration,but compulsory investigation...all I have to do is to disagree with them and I can bring about an investigation which,so long as I can keep it going will maintain things in the position in which they are.

All this reasoning assumes that a capitalist courts public enquiry in a week case,which common sense proves to be absurd. Ask a union man what is the last thing an employer wants,and he will tell you that it is a conference with his employees or a public arbitration. What the labour organizations have been fighting for in this country since their creation has been to get employers to the point where they would arrange to confer with a committee or to arbitrate the case. The last thing an employer is willing to do,where he is arbitrary---and it is only in arbitrary cases that strikes are likely to take place---is to desire a conference or anything in the nature of publicity.

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p.3395

Lancaster,as to statement that half or more of the troubles that come under this Act will come under the Railway Disputes Act,and as to jurisdiction,etc.

It is to be noted that the whole operation of the Railway Labour Disputes Act depends upon the will and decision of the Minister. There can be no clashing of jurisdiction unless the Minister gives his consent to the provisions of the Railway Labour Disputes Act being invoked. The only opportunity the men have of taking advantage of this measure is by the Minister's consent,and consequently any matter of troubles coming under one Act and clashing with the other,assumes a condition which is not existent,namely,that the Railway Labour Disputes Act is applicable in the same manner as the present compulsory investigation Act.

As to clashing with provincial jurisdiction,the fact that militia is called out in connection with these strikes is sufficient justification for the Dominion taking such action as will prevent this,by way of maintaining peace,order and good government of the country.

p.3397.

Mr.Sproule asks: How would the request of the province make it legal? Mr.Lancaster says: I do not know,it would amount to our undertaking to amend the Brith North America Act,etc.

It is not a question of the request of the provinces to make the measure legal. It is legal whether the provinces request it or not. The request of the province is simply to permit an option in the matter of the application of the provisions under

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certain circumstances,where existing provincial legislation appears to be sufficient to maintain the purpose aimed at by this Act,namely,the avoidance of strikes likely to affect the peace, order or good government of the country. A similar section is found in the Railway Labour Disputes Act,the legality of which has not been questioned.

p.3399. Mr.Barker attempts to raise a prejudice in the minds of the workingmen by stating that "possibly after consultation and with the advice of counsel which they can command,employers may have approved of the measure." He goes on to state that "I think there is a little more due to the members of labour organizations who are not blessed with all these advantages,and who have,perhaps relied on what the Minister of Labour has told them as to the purport of this measure.

The Trades and Labour Congress of Canada,wh o have retained a solicitor in the person of Mr.J.G.O'Donoghue---a well qualified and competent barr ster,and one moreover who,from his earliest days,by association,training as well as inclination,has strongly at heart the interests of labour---will hardly thank Mr. Barker for his insinuation that they have been unable to obtain legal advice.

It might,perhaps,be well for Mr.Barker to understand that the labour organizations of this country have affiliated themselves with a body known as the Trades and Labour Congress of Canada,which body is formed primarily for the purpose of watching legislation going through this parliament,and that its executive

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of which the president.vice-president and secretary are chief members,is specially charged with watching legislation in the interests of the Congress as a whole. Also,that the Congress has retained a solicitor to consult with executive on these matters. It is this body ef representing organized labour of the Dominion which has strongly endorsed and which is working to-day for the enforcement of this measure,and it is upon the advice,after careful study of the measure and its provisions by the solicitor,that the executive is being guided in this matter. It is to be hoped that the Opposition will always be as ready to see that the labour men get the benefit of legal advice as they appear to be at this time.

p.3402. Mr.Monk says: "Here is a measure which interests probably I600 labour associations throughout the country,but it has not been submitted to any one of them."

The reply to this is that the measure has been submitted and carefully studied by the representatives of the I600 organizations---by the representative specially appointed to guard their interests,and that they give their strongest approval of it.

p.3403. Mr.Monk states,if this Bill does not absolutely deprive a man of the freedom of labour.it suspends the exercise of his right to labour for whom he likes and under such conditions as he chooses.

The position is entirely the other way. It saves him from being obliged to work under conditions which he does not

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choose to work under and secures him an opportunity of redress against impositions which would be forced upon him but for the opportunity of having his case submitted to an impartial tribunal.

p.3409. Mr.Cockshutt admits that in the case of the Bell Telephone Company strike,this is one of the instances in which intervention perhaps accomplished something,but it may be that the intervention. "But it may be that the intervention was somewhat voluntary.

If there ever was an instance in the world where intervention was not voluntary it was in this case of the Bell Telephone Company. This Company refused in the first instance a joint conference,then it refused arbitration,it refused to be bound by medical testimony,it refused to be bound by the award of the Commission,it refused to accept the award of a board of expert medical advisors on a matter affecting the health of its operators,and yet in face of all that it was forced,in virtue of the pressure of public opinion,as shown by facts brought out through a public enquiry,to concede to its employees conditions which made a settlement of their dispute possible.

p.3410. Mr.Cockshutt says the men have their blood up when which they generally do when a strike is on,it is very difficult for any man to thrust himself between the two parties and try to push them apart.

This is one of the strongest arguments in favour of this measure namely,that the question should be settled before the blood is up and the strike actually on.

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Note moreover,that Mr.Cockshutt is anemployer of labour,and it is therefore probable because as an employer he says that there will be publicity in consequence of this measure in matters of dispute that he is,under the guise of other reasons,doing what he can to prevent this measure being enacted.

p.3412. Mr.Cockshutt says I ~~do not~~ contend that any man who can get more is justified. It is his inalienable right as a citizen that he should be allowed to sell his labour ~~for~~ to the best advantage.

That is precisely what this measure endeavours to do for the workingman,namely,to allow him to sell his labour to the best advantage,seeing that full justice is done to him in bargaining with a corporation,that in consequence of its greater powers and organization it does not take an undue advantage of his necessities.

p.3413. Mr.Cockshutt says: If you are asked to come in and settle a dispute,do so if you can. This is a case where you are not asked; you are interfering in business that does not belong to you."

Mr.Cockshutt takes precisely the same point of view that the Company did at Buckingham. How does he reconcile his point of view with those on his side who say that the Department should have intervened in the Buckingham strike? It is against this attitude on the part of employers where public interests are concerned that the present measure is intended as a protest. It

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asserts that the public has rights as well as the parties to a dispute.

Re delay in the measure.

The Opposition have gone out of their way to cite cases that are quite improbable and have ignored entirely the provisions of the Act intended to secure its immediate enforcement.

p.3425.

re Boyce. As instance of kind of misrepresentation of Opposition see what Mr.Boyce has stated.

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C 10043

S U M M A R Y.

Introductory.

Reason for introducing Bill before Christmas.

Consensus of Opinion on Bill as gathered from representations made.

The Injurious effects of industrial disputes.

Evidence as to their magnitude and extent indicate economic loss.

In Great Britain

" United States Exhibit.....

" Germany

" France

" Canada

Effects other than economic:

Suffering and loss to individuals and families.

Effect on national unity.

Danger to State.

Consideration of measure before the House.

(a) In respect of main feature of Bill. dompulsory ánvestigation.

(b) As to machinery of Bill.

(c) As to extent of application.

(d) Compulsory arbitration vs. public opinion.

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C 10044

(a) Main feature of Bill--compulsory investigation.			
	(I) An advance along the lines of our own legislation.		
		(a) The Conciliation Act and its purpose.	
		Tribute to Sir William Mulock	
		Evidence by Sir William Mulock at time of introduction of Bill.	Exhibit.... Speech of Sir Wm.Mulock introducing Conciliation Act.
		Results achieved under Conciliation Act.	
		Features in present measure taken from experience of Conciliation Act.	
		(b) The Railway Labour Disputes Act and its purpose:	
		Results achieved under Railway Disputes Act	
		Intended extension of Railway Disputes Act evidencedby Sir William Mulock	Exhibit... Remarks of Sir Wm.Mulock at Toronto Nov.1902.& Remarks of Sir Wm.Mulock in introducing Railway Disputes Bill.
		Features in present measure taken from experience of Labour Disputes Act.	Exhibit.... The Outlook June 2,1906. pp.262--3.
		(c) An American appreciation of Canadian Conciliation Act and Railway Labour Disputes Act.	
		(d) Summary of what experience under Conciliation Act and Railway Labour Disputes Act have taught in justification of main feature of present Bill,and extent to which experience will be applied.	
	(2) Justified by views of important Commissions.		
		(a) Commission appointed to deal with Pennsylvania coal strike of 1902	Exhibit... Report of Com pp.84 & 85 Striking parallel to Leth - bridge situatio p.86

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(b)	United States Industrial Commission of I898.	Ex..... Vol.I9,pp. 3,7 & particularly 953.
(c)	Report of British Columbia Industrial Disputes Commission: Remarks dealing with Commission's reference to compulsory arbitration.	Ex.... B.C.Com. pp.72--75.
(d)	The Indiana Labour Commission,I899--I900	Ex... p.359.

(3) Endorsed by important authorities:

(a)	Opinion of Prof.Richard T.Ely.	Ex..... "Evolution of Industrial Society pp.376-7
(b)	Opinion of E.A.Moseley. Sec.of the Industrial Commission.	Ex.... Gilman's "Methods of Industrial Peace," p.360
(c)	Opinion of Everett P. Wheeler,M.A. LL.D.,	Ex.... The Outlook, June 2,I906, pp.272-3
(d)	Opinion of N.P.Gilman, author of "Methods of Industrial Peace."	Ex--- "Methods of Industrial Pece pp.280,282,283. 284 pp.36I,362
(e)	Opinion of Chas.Francis Adams	Ex... Pamphlet on Compulsory Investigation-- passage marked.
(f)	Opinion of the President of the United States.	Ex.... President's Message to Congress,p.I6

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(4) Endorsed by workings of existing Boards of Conciliation and Arbitration with similar powers:

(a) Massachussetts Board.

(b) Illinois Board.

(c) General reference to other Boards.

(d) Opinion of N.P.Gilman on work of these Boards.

Exhibit ... Typewritten statement herewith in reference thereto.

(5) Same principle advocated for national disputes:

(a) By Hague Tribunal

(b) By American Federation of Labour.

Ex...Communication from W.T. Stead.
Ex...Newspaper clipping re general arbitration.

(6) Same principle adopted in dealing with other disputes in local courts and by bodies such as railway commissions.

(b) Machinery provided by Bill.

(Note here method of constituting Boards, application of parties, powers of boards, etc.)

(c) Extent of application.

(See typewritten statement, to be prepared)

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(d) Compulsory Arbitration vs. Public Opinion.	(See typewritten statement herewith as to New Zealand legislation and compulsory arbitration.

(I) New Zealand system not applicable to Canadian conditions.

(2) New Zealand system not acceptable to industrial classes in Canada.

(a) Advantages of public opinion over coercion. (Statement to be prepared)

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Opinions of Authorities.

The President of the United States.

Since notice was given in this House of the intention of the Government to introduce the present measure for the prevention and settlement of industrial disputes, the press of the country announced that the President of the United States in a message addressed to the Senate and House of Representatives at the present session of Congress had drawn attention to the necessity for immediate legislation to prevent strikes and lockouts. Being desirous of ascertainingthe exact nature of the President's remarks in this connection I wrote to Washington with a view to obtaining a copy of the President's message. I received this copy after the present Bill had been introduced and was not a little surprised, as well as gratified to find that the recommendation for legislation which it contains was in principle precisely that which was already embodied in the Act which I had presented to the House.

Read from Message of President.p.16.

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Opinions of Authorities.

Charles Francis Adams, one of the best known writers on historical and economic questions of the United States, who for many years was a member of the board of railway commissioners of Massachusetts, President of the Union Pacific Railway, President of the Massachusetts historical society, the author of a number of important works on railroads, and other ~~psohomic~~ and historical subjects, who has given the most careful study to industrial questions and their solution, has published an important pamphlet on the subject of investigation and publicity, as opposed to compulsory arbitration. Mr. Adams views were of sufficient importance in the eyes of the commissioners who constituted the Anthracite Coal strike commission, for them to recommend a careful consideration of these views to the President of the United States, and the people of that country. Mr. Adams, in addition to presenting his views in the form of an essay, has drafted a proposed Act to provide for the investigation of controversies. The provisions of this Act have been carefully studied in connection with the preparation of the present Bill.

See pamphlet herewith, passages marked of Mr. Adams' views.

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Opinions of Authorities.

In the "Outlook" of June 2nd, 1906, there is an important article by Everett P. Wheeler, M.A., Lld., a prominent lawyer of New York, the author of a work on Wages and the Tariff, on the modern law of Carriers, on By-metalism, the life of Daniel Webster, and other important works. For some years Mr. Wheeler was chairman of the New York City Civil Service Commission. He is one of the best authorities on industrial and legal questions in the United States. The article by Mr. Wheeler is entitled "Compulsory Investigation of Labour Disputes." It strongly endorses the recommendation made by the Commission appointed by President Roosevelt to investigate the Anthracite Coal strike of the United States to pass a law making provision for a Board to conduct compulsory investigation in trade disputes. Mr. Wheeler's comments on the objection to compulsory arbitration, and on the necessity of a clause making the strike, pending an investigation illegal, are deserving of special consideration.

See Outlook
June 2,1906,
pages 272-273.

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Opinions of Authorities.

N.P.Gillman, another economist of note in the United States. The author of several labour volumes on economic and labour subjects, has published in 1904 a volume entitled "Methods of Industrial Peace". This volume is a comprehensive and careful study of the methods adopted in different countries to deal with the subject of strikes and lockouts . Chapters on Conciliation, the work of trade and state boards of conciliation and arbitration, and the consideration of the New Zealand compulsory arbitration legislation. After pointing out that the state boards of arbitration of New York, Indiana and Ohio, have all advocated at different times the adoption of the principle of compulsory investigation in connection with strikes and lockouts on public service utilities, and after quoting the views of Mr. Adams, Mr. E.A.Mosely, Secretary of the interstate Commerce Commission, and of Professor Ely, Mr. Gillman states that he does not hesitate to give to their views a cordial assent. He continues "strikes on steam railways, &c. .

see page 361, 362, methods of industrial peace by N.P. Gillman.

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Re Canadian Conciliation Act.

It may be interesting to Members of the House, when making light of the legislation which has already been enacted for the prevention of industrial disputes, and in considering the advance which Canada has made relative to other countries, to note the view which the people of the United States have taken, and expressed in regard to our legislation. In an article in the "Outlook", published in New York, June 2, 1906, entitled "The Settlement of Labour Disputes", an account is given of certain settlements under the Canadian Conciliation Act, and a reference is made to the Railway Labour Disputes Act. The article concludes- " we commend Canada's example to the Congress of the United States."

See"Outlook" June 2,1906, pages 262-263.

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Negotiations between employers and unionists for a "Living wage" or a shorter working day, can be viewed with equanimity by all other parties, no matter how extreme the demands of either party at the beginning, so long as both parties are in a position to compete on equal terms, neither being under duress of any kind, and so long as the outcome soon to be expected is a bargain of some sort, not a fall into anarchy and violence. Let the unions get all they can get in the way of higher wages and fewer hours, and let the employers get all they can in the wage of lower wages and longer days. The important points are, first, that the two parties shall be in a psoition to bargain "competently", as the economists would say, and second, that they shall conclude a bargain and not arrest production and disturb the public peace by refusing to make a bargain, and rejecting all offers to have a settlement made by others, if they will not make it themselves.

Extract from "Methods of Industrial Peace" by N.P.Gilman page 280.

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From "Methods of Industrial Peace".

by N.P.Gillman.

pages 361- 362.

Strikes on steam railways or street lines and on steamships are sure to cause untold damage to the public. Strikes and lockouts should therefore be strictly prohibited, collective bargaining should be required, and in case it is not effected the law should in some way settle the dispute with final authority. Then, if the employees do not relish the terms imposed, let them be at liberty to withdraw gradually and in accordance with the rules for giving notice, without disturbing traffic. It is difficult to conceive a self-respecting, intelligent society preferring the anarchy and riot of the usual strike on a railway or a trolley line to legal regulation of such disputes by an expert commission.

The same argument will apply to other public utilities,like gas works, electric light works, and water works owned by companies. Just as these businesses are in fact diverse from ordinary private businesses, so they should be more subject to public control in respect to labour relations. The two parties have no proper claims to be "let alone" to inconvenience the public as much as they see fit. If they will not of themselves continue to supply the service incumbent upon them, the State should present to them the alternative of forfeiture of charter and others privileges, or the acceptance of working rules imposed by a government board.

Other industries than those just named may occasionally be

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affected by disputes which inflict immense injury on the public, as in the case of the anthracite coal strike of 1902 in Pennsylvania. Where a true monopoly exists, as in this case, the same arguments would apply as in the case of railways.

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C 10056

From "Methods of Industrial Peace",

by N.P.Gillman.

pages 360- 361.

The judgment on this subject of Mr. E.A.Moseley, secretary of the Interstate Commerce Commission from its formation in 1887, carries weight:-

Two things are indispensible to the prevention of strikes on railways. One is the full recognition of railway labour societies as corporations. The other is the settlement of disputes between railway employers and railway employees by means of compulsory arbitration between the men, represented by their labour corporation, as one party, and the stockholders of the Company, represented by the railway corporation, as the other party. We then obtain that equality of power and force which compels the essential requisites of friendly relation, respect, consideration and forbearance. .. Congress unquestionably has power to compel arbitration.... It is but a step further to provide that organizations of railway employees shall, when disputes arise with railway managers, file approved bonds with designated officials for and in behalf of the men, that they will abide by the decision of the board of arbitration; that the railway corporations shall likewise file similar bonds; and that awards made under such conditions shall be enforceable in the courts.

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C 10057

From "Methods of Industrial Peace".

by W.P.Gillman.

page 381.

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Professor R.T.Ely, in his "Studies in the Evolution of Industrial Society" (1903), roughly classifies industries according to the amount of legal regulation to which labour disputes in them should be subject:-

Naturally, railways, telegraph lines, and generally the agencies of transportation and communication, together with lighting plants and other so-called local "public utilities", belong in a... class in which the social interest asserts itself most vigorously. Here, clearly, the interest of society is paramount, and the duty of preserving the continuous operation of these industries is like that of the prevention of crime. In other words, in these particular cases, we should have courts of conciliation and arbitration, with adequate powers to settle disputes without a recourse to private industrial warfare. (p. 383).

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Extract from "Evolution of Industrial Society", by Prof. Ely, page 382.

In a class above this group should be placed those industries the continuous operation of which is of still greater importance. Here we place coal mining and the larger manufacturing concerns. It again would be necessary to define the size of the manufacturing enterprise, or other business establishment, which would place it in this class. All the great trusts should be treated as a single enterprise, although they may have factories located in various places, inasmuch as each trust combination operates as a unity. In this class of industries it is recommended that we should have everything short of the absolutely compulsory acceptance of the awards of a board of arbitration. There should be a heavy penalty for a strike or lockout without first going through all the prescribed steps to arbitrate the difficulty.

Naturally, railways, telegraph lines and generally the agencies of transportation and communication, together with lighting plants and other socalled local "public utilities", belong in a still higher class in which the social interest asserts itself mostly vigourously. Here clearly the interest of society is paramount, and the duty of preserving the continuous operation of these industries is like that of the prevention of crime. In other words, in these particular cases we should have the courts of conciliation and arbitration with adequate power to settle disputes without a recourse to private industrial warfare.

One important consideration is that no public board of con-

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ciliation and arbitration should ever be clothed with so little power as to render it contemptible. The reasons why a feeble board can accomplish nothing are similar to those which would render judges of little use if contempt of court were permissible.

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In June 1898, the Federal Government of the United States passed an Act authorizing the appointment of a nonpartisan commission to collate information, and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital. The commission was created immediately after the passing of the Act, and was composed of five members of the Senate, five members of the House of Representatives, and nine other persons, representing the different industries and employments. The Commission was appointed originally for two years, but this time was subsequently extended to four.

See Final Report of Industrial Commission 1902,volume 19,page 7 Preface. For list of volumes of Industrial commissions,see page 2.

The reports of the Commission were embodied in nineteen volumes, presenting a substantially complete epitome of the industrial life of the nation, and cnntaining many important recommendations for legislation. The final report was transmitted to Congress February 10th, 1902. This commission is the most important body of its kind,,which has ever been constituted in the United States.

At page 952, the Commissioners state, " the commission believes that whoever inaugurates a lockout or strike without first petitioning for arbitartion, or assenting to it when offered, should be subjected to an appropriate penalty, The object of this recommendation being to encourage peacable adjustment of differences, and to discourage the resort to strikes and lockouts until legal methods have been tried.

Note carefulle additional statements page 953.

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Professor Richard T. Ely, an economist of note, the author of a volume on "Monopolies and Trust", a volume on "Socialism and social reform", and several other important economic works. In a volume entitled "Studies in the evolution of Industrial Society", there is an extremely interesting and profitable chapter on "Industrial Peace". In this chapter, Professor Ely states that while strike warfare may be domestic, it is nevertheless civil war. He points out that the Government has as one of its ends, the preservation of order and quiet, and that this fact naturally suggests an extension of public authority, in such manner that provisions may be made for the settlement of controversies between employers and employees.

See pages 376-377, Ely Evolution of Industrial Society.

He points out how under a capitalistic organization of society, such as we have today, there is a great interdependence of industry, and that as a consequence a strike or lockout in one concern is likely to affect the interests of large numbers employed in others. He makes an interesting classification of industries, according to the extent to which the public interest of the other portion comes to be paramount. He points out that in the case of industrial establishments not particularly affecting the public, the constitution of voluntary boards of conciliation, such as our own Conciliation Act makes provision for, is a very effective agency in the maintenance of industrial peace. In a case of the second class of industries, comprising establishments with a given number of employees, and a given amount, he thinks that there should be reference of dispute in such establishments after they have reached a certain stage, to boards of conciliation or arbitration, with

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power to take evidence under oath, and to prepare a report. This is practically in line with the machinery provided in the railway labour disputes Act, which provides for a Board to which disputes may be referred on application of either of the parties, or by the Minister of the Department, but it contains no provision preventing a lockout or strike until such reference is made, or pending an inquiry. "There is however,"says Professor Ely,"a class of industries above this group, in which those who begin a strike or lockout, without first submitting the case to some kind of board of arbitration, should be liable to fine or other penalty. In this class should be placed those industries, the continuous operation of which is of great importance. Here we place coal mining, and the larger manufacturing concerns. All the great trusts should be treated as a single enterprise, &c." Here is precisely an advocacy of the exact measure which is presented to Parliament in this Bill.

pages 382, 383.

Prof.Ely
Evolution of
Industrial
Society,
382, 383.

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Opinions of Authorities.

Mr. E.A.Mosely, who from the time of its formation, has been Secretary of the Interstate Commerce commission in the United States, and an authority whose views are entitled to the greatest respect, is a strong advocate of compulsory arbitration in connection with railway labour disputes, which places both parties on an equal footing before an impartial tribunal, in the consideration of difficulties likely to lead to lockouts or strikes. At pages 16 and 20 of a work entitled "Arbitration as applied to railway corporations, and their employees," Mr. Mosely says-

See Gillman's Methods of industrial peace, page 360.

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The Indiana Labour Commission.

An important labour commission appointed in the State of Indiana, which reported the year 1899-1900, made the following recommendations in regard to industrial disputes, largely affecting the public interests.

See page 359 Gillman's methods of industrial peace.

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Recommendation of principle re disputes aroused in other fields. Cite the analogy of law courts in dealing with civil disputes, the railway commission in dealing with disputes as to rates, &c., and other similar bodies.

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C 10066

Opinions of Commissions for views of report of Anthracite Coal Strike Commission, recommending compulsory investigation as a means of settlement of disputes. See report of Commission pages 84 and 85. Note further endorsation by commissioners in their report, which affords a striking parallel to the Lethbridge situation on page 86'

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Endorsation of principle by Hague Convention.

The method which this Bill proposes of settling industrial disputes is the same in principle as that advocated by the Hague convention, which has been formed for the purpose of securing international peace. Article 3 of the Convention advises that "before drawing the sword, disputants should place their case in the hands of neutral friends, who should act as seconds, or peacemakers, who for a period not exceeding 30 days, shall confer together with the object ot averting war." The editor of the "Review of Reviews", who has been a promoter of this convention, has recently suggested that this article of the Convention should be made one of the main features in the records of the second conference at the Hague . He suggests that if this article were made obligatory, any power which appealed to armies before advocating the intervention of such peacemakers, or refusing to refer the dispute to a commission d'enquete, ought to be declared an enemy to the human race, and subjected to a financial and commercial bycott by all other powers.

See communication from W.T. Stead on the next Hague conference on this programme.

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Endorsation of principle by American federation of Labour and its President.

Opinions of Authorities.

The American federation of labour, which is the leading labour organization on this continent, representing by far the largest number of workingmen, of any organization on the continent, and with which most of the local trade unions were affiliated, recently adopted a resolution in regard to national disputes, advocating as a means to their settlement, prior to strife, precisely the same procedure and method of settlement as this Bill proposes to adopt in connection with industrial disputes. Within the past month, Mr. Samuel Gromper, President of the Federation, has issued a circular to all branches of the organization, urgently requesting them to secure from their local Congress, immediate expressions as to their sympathy with the movement which proposes to put an end as far as possible to war, by requiring all difficulties to be submitted before hostilities are engaged in by nations, to an impartial investigation. See despatch from "Ottawa Citizen", January 15th, attached hereto.

It is natural that trade unions should take this attitude in regard to international conflicts, as it represents precisely the method of procedure which they have been advocating in regard to industrial disputes for many years past. It is difficult to say whether inthe event of the present measure becoming law, and operating successfully, the principle of submitting differences to a board of investigation prior to hostilities, may receive such

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encouragement as will greatly strengthen the Unions in seduring the application of the same principle to the much larger field of disputes between nations. An advance in the settlement of industrial disputes through the recommendation of any fair and honourable principle, is likely to lead to the application of the same principle in other and larger fields.

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Methods for the Prevention and Settlement of
Industrial Disputes.

Speaking broadly, we may classify the several methods for the settlement of industrial peace under five headings,

(1). An amicable arrangement of difficulties between parties themselves brought about as the result of a joint conference terminating in a verbal or written understanding.

(2). Joint trade agreements, meaning thereby agreements entered into between an employer or body of employers, and a union or association of workingmen, whereby the parties frame an agreement binding upon them over a term of years. The system of joing agreements is, in this present day of organization, both on the side of capital and labour, an object to be chiefly aimed at. The question is, as to what method can best bring this about.

(3). Boards of Conciliation or arbitration instituted (a) a particular industry or trade. This is the practice common in many of the large industries in England. (b) Instituted by the State. The employers agree to meet representatives of workingmen, either in their own employ or belonging to some particular union, and discuss with them at a common board, the difficulties relating to the industry and the rights of the parties. One of the endeavors of the Board of Conciliation is to bring about a joint agreement. Their main feature is a recognition of the rights of both parties to discuss matters of common interest at a common board. In some cases these boards of Conciliation adop t rules governing conditions in the industry, and have a standing clause to the effect that differences which cannot be settled by conciliation shall be referred to some third party which shall arbitrate upon them.

For an account of trade boards of conciliation and arbitration see chapter 11 Gillman's " "Methods of Industrial Peace". Also especially page 327.

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It is always preferable that one of the above methods should be adopted between employers and employees. If there are many industries in England which go on year after year, without any interruption being occasioned through industrial disputes, it is because the employers and the men have learned the value of meeting jointly and recognizing their mutual rights and obligations. They do not reserve the right to meet jointly until some strike or lock-out is declared, but meet regularly at stated intervals, and they are able to anticipate any difficulties before they are likely to develop to the extent that a strike or lockout becomes inevitable.

Where the parties fail to arrange matters by mutual consent, the only method settlement, either before or aftera strike, is to refer the matter in some manner to a third party, or to await the outcome of the struggle until its termination is brought about through some cessation or yielding on the part of the parties.

(4). In some countries, and particularly in a number of the United States, the Government has provided machinery whereby parties may refer their disputes to boards, specially constituted to deal with matters of this kind. These may be known as state boards of conciliation, and arbitration. Some of these boards may be voluntarily constituted at the request of the parties, or a conciliator appointed in their stead. Neither a conciliator nor the boards have other than voluntary power.

For particulars as to state boards of conciliation and arbitration, see Gillman's methods of industrial peace, chapter 12.

(5). The State may appoint a Board at the request of the parties in certain disputes, as under our Railway Disputes Act, or have a permanent Board to which may be referred questions in dispute

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as in the case of the State Boards of New York, Massachusetts, Ohio, and several other States. The powers of these Boards may be more or less extensive. In the case of New York and Massachusetts, they are given full power to investigate under oath, and to prepare a report leaving however, the enforcement of the report to public opinion.

The State of Massachusetts has always led the other States of the American Union in the matter of labour legislation. The State Board of Arbitration and Conciliation in Massachusetts represents perhaps the most advanced step taken in any part of the United States, in the way of constituting machinery for the prevention and settlement of industrial disputes. The Massachusetts board, and also the board in New York, were constituted in 1886, A comparison of the powers of the Boards in Massachusetts and New York will show that their functions, jurisdictions and powers are much the same as those with which the present law closed the proposed boards of Conciliation and investigation under this Act. There is this one exception, however, that in the case of Massachusetts and New York, the only manner in which the parties can be restrained from declaring a strike or lockout is by their making a voluntary agreement in advance, not to strike or lockout, provided the dispute is referred to the Board. The Boards will not refuse to investigate a dispute except in certain cases, while a strike is existing, it being apparently felt by the framers of the measure that the privilege of having a dispute investigated by the Board is of itself sufficient inducement to prevent the parties from declaring a lockout or strike. The experience of the Boards in New

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York or Massachusetts in such cases as have been brought before them is quite sufficient to justify the belief that a compulsory investigation will prove an effective means of settling the majority of industrial disputes. On the other hand, the reports of these Boards themselves go to show that where the functions of the Board can only be exercised at the option or upon the consent of the parties, there are but a limited number of references to the Board, and the Boards have therefore frequently in their reports to the Government recommended that it should be made obligatory upon the parties to refer their disputes, prior to a strike or lockout, upon pain of penalty, should they strike or lockout without so doing. The present Bill practically adopts the machinery of these State Boards of Massachusetts and New York, adding the feature which experience has caused them to report to be desirable and necessary. A statement of the law in Massachusetts and in New York and of the powers of these Boards may be sufficient to show that the lines along which the present measure has been directed are in accord with existing legislation in the most enlightened States of the Union .

For an example of this recommendation by the State Board of New York, see Gillman's industrial disputes, page 354.

For law in connection with Massachusetts Board, see Methods of industrial peace by Gillman pages 330 and 335.
(It should be noted that the so-called Boards of Arbitration might more correctly be designated Boards of Investigation.

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(5).

Twenty-five States in the United States now provide for mediation of one kind or another in the settlement of industrial disputes . Of these the statutes of 19 contemplate the compilation of conciliation and arbitration laws, through permanent State tribunals. Of these 19, 11 also authorized temporary local boards.

A complete list of the laws governing these Boards in the several cities will be found as an appendix to the 6th annual report of the Board of Arbitration of the State of Ma Massachusetts, published in January 1906 at page 181.

Mr. Gillman, who has given careful study to the work of the State Board in the Unite d States, concludes that from the fact that reference to them is voluntary, and at the option of the parties, and also because in many cases the Boards are not clothed with sufficient powers, they are not taken seriously enough by the public, or by disputants, and that therefore the final word in regard to them must be that the Boards do good work as far as they go, but that they might do for success of much more.

See page 388 Gillman's industrial peace for results of intervention under Massachusetts board, and cases brought before it. Page 341 New York board.

(See page 345.)

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The most complete account of what has been accomplished in the way of intervention in industrial disputes on the part of the State is to be found in an article which appeared in a Bulletin of the Bureau of Labour of Washington in September.1906,entitled "Government Industrial Arbitration," by Mr.Leonard W.Hatch,M.A., who at the present time is a member of the staff of the New York Department of Labour. Mr.Hatch is a graduate of one of the leading American Universities,and has made a most complete and thorough study of what has been attempted and accomplished in the several countries under the laws.

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C 10076

Memorandum.

See "The Open Shop" Volume 6,March 1907,for criticism of Bill No.36."The Industrial Disputes Investigation Act."

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C 10077

Extract from the speech of Hon. Rodolphe Lemieux, Minister of Labour, in the Canadian House of Commons, February 14, 1907, Hansard, pp. 3019-22.

"As I have said, this principle embodied in existing legislation has met with the unqualified endorsation of the leading commissions which have sought to settle industrial troubles during the last ten years. By reason of the great coal strike which took place in Pennsylvania a few years ago, we know how many thousands of miners were subjected to great loss, and how many millions of people in the United States, and in Canada as well, suffered. After the strike had lingered for months and months, the President of the United States, who enjoys the reputation of Peace-maker in national as well as international disputes, of his own volition, appointed a commission to investigate and to report. I quote from the last paragraph of the instructions of President Roosevelt to the commissioners, of date Washington, October 23, 1902:

> "To the Anthracite Coal Commission -
> Gentlemen,- At the request both of the operators and of the miners I have appointed you a commission to inquire into, consider and pass upon the questions in controversy in connection with the strike in the anthracite region, and the causes out of which the controversy arose. By the action you recommend, which the parties in interest have in advance consented to abide by, you will endeavour to establish the relations -

Mark these words:

> - you will endeavour to establish the relations between the employers and the wage earners in the fields on a just and permanent basis, and as far as possible to do away with any cause for the recurrence of such differences as those which you have been called in to settle. I submit

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to you herewith the published statement of the operators, following which I named you as the members of the commission.
(Sgd.) THEODORE ROOSEVELT."

Mark these words, Mr. Speaker: 'and as far as possible to do away with any cause for the recurrence of such difficulties.' What is the remedy advocated by the commissioners? The commissioners were George Gray, Carroll D. Wright, John M. Wilson, John L. Spalding, Edgar E. Clark, Thomas H. Watkins, Edward W. Parker, all very eminent authorites on industrial questions. I read the following paragraph from the report:

"Your letter of October 23, 1902, stated that you had appointed the undersigned 'a commission to inquire into, consider, and pass upon the question in controversy in connection with the strike in the anthracite region, and the causes out of which the controversy arose,' and also enjoined upon us to make the 'endeavour to establish the relations between the employers and the wage workers in the anthracite fields on a just and permanent basis, and as far as possible, to do away with any causes for the recurrence of such difficulties as those which you have been called in to settle.'

"We believe that the awards we have made, and which are herewith submitted, will accomplish, certainly during their life, the high aims contemplated in your letter. Faithful adherence to the terms of the awards can not fail to accomplish this; but in order to secure the public against long-continued controversy, and to make a coal famine or a famine in any other direction practically impossible, we deem it essential that there should be some authority to conduct just such investigation as that you called upon us to make.

"There are some who have urged the commission to recommend the adoption of compulsory arbitration, so called, as the means of securing this desired result, but we can not see our way to recommend any such drastic measure. We do not believe that in the United States such a system would meet with general approval or with success. Apart from the apparent lack of constitutional power to enact laws providing for compulsory arbitration, our industries are too vast and too complicated for the practical application of such a system.

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> "We do believe, however, that the State and federal governments should provide the machinery for what may be called the compulsory investigation of controversies when they arise. The States can do this whatever the nature of the controversy. The federal government can resort to some such measure when difficulties arise by reason of which the transportation of the United States mails, the operations civil or military, of the government of the United States, or the free and regular movement of commerce among the several states and with foreign nations, are interrupted or directly affected, or are threatened with being interrupted or affected."

So we have the opinion of probably the highest commission appointed in modern times to settle an industrial dispute, endorsing strongly the principle which is contained in the measure now before the House. But another commission was appointed in 1888 by Congress to study and report on the conditions of labour, agriculture and capital in the United States. That commission was created immediately after the passing of the Act and was composed of five members of the Senate, five members of the House of Representatives and nine other persons representing different industries and employments. The commission was appointed originally for two years, but its time was subsequently extended to four years. The reports of the commission were embodied in nineteen volumes presenting a substantially complete epitome of the industrial life of the nation and containing very important recommendations for legislation. The final report was transmitted to Congress in February, 1902. This commission is the most important body of its kind which has ever been constituted in the United States or perhaps in any other country. At page 952 of their final report the commissioners atate:

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"The arbitration and conciliation laws have recently been considered by congress in connection with the arbitration act applying to railway disputes (United States Statutes, 1898, 370). In a general way, the commission would report that such laws in the States have been found effective for purposes of conciliation, but that the strict arbitration machinery rarely functions well. The arbitration laws now existing, particularly the National Act of 1898, should be made clear, so that the parties to the arbitration, whether employer or employee, should appear as lawfully constituted associations or corporations, or otherwise as individuals with proper machinery for representation by their leaders; and the commission believe that whoever inaugurates a lockout or strike without first petitioning for arbitration, or assenting to it when offered, should be subjected to an appropriate penalty."

That is the very principle contained in our Bill.

"The object of the first recommendation is to get responsible parties to the record, and to make sure that the individuals concerned in the difficulty are lawfully represented in the proceedings; and the object of the second recommendation is to encourage peaceable adjustments of differences and to discourage the resort to strikes or lockouts until legal methods have been tried. The statute should not confine arbitration to a public board but should permit the parties to choose arbitrators if they prefer."

To this I draw the attention of my hon. friend from North Toronto (Mr. Foster), who the other day expressed his opinion in favour of a binding award.

"There should be no provision to compel either side to abide by the decision. It is believed that a full and fair investigation of the facts will in most cases bring the parties into substantial agreement, while in other cases the result can be safely left to public opinion."

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Extract from the speech of Hon. Rodolphe Lemieux, Minister of Labour, in the Canadian House of Commons, February 14, 1907. Hansard, pp. 3025-26.

"But for me, Mr. Speaker, the highest authority on these subjects is the President of the United States. When I introduced this Bill in December last, the Congress of the United States was about to meet. I was not a little surprised to find, in the message of the President of the United States at the opening of that Congress, the words which I now commend to the attention of the House. This is the message communicated to the two Houses of Congress at the beginning of the second session of the 59th Congress. He says:

> "The commission appointed by the president on October 16, 1902, at the request of both the anthracite coal operators and miners, to inquire into, consider and pass upon the questions in controversy in connection with the strike in the anthracite regions of Pennsylvania and the causes out of which the controversy arose, in their report, findings and award expressed the belief 'that the state and federal governments should provide the machinery for what may be called the compulsory investigation of controversies between employers and employees when they arise.' This expression of belief is deserving of the favourable consideration of the Congress and the enactment of its provisions into law. A Bill has already been introduced to this end."

The president proceeds giving statistics of strikes and lockouts, and concludes with the following words:

> "Many of these strikes and lockouts would not have occurred had the parties to the dispute been required to appear before an unprejudiced body representing the nation and, face to face, state the reasons for their contention. In most instances the dispute would doubtless be found to be due to a misunderstanding by each of the other's rights, aggravated by an unwillingness of either party to accept

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as true the statements of the other as to the justice or injustice of the matters in dispute. The exercise of a judicial spirit by a disinterested body representing the federal government, such as would be provided by a commission on conciliation and arbitration would tend to create an atmosphere of friendliness and conciliation between contending parties; the and giving each side an equal opportunity to present fully its case in the presence of the other would prevent many disputes from developing into serious strikes or lockouts, and in other cases, would enable the commission to persuade the opposing parties to come to terms.

"In this age of great corporate and labour combinations, neither employers nor employees should be left completely at the mercy of the stronger party to a dispute, regardless of the righteousness of their respective claims. The proposed measure would be in the line of securing recognition of the fact that in many strikes the public has itself an interest which can not wisely be disregarded; an interest not merely of general convenience, for the question of a just and proper public policy must also be considered. In all legislation of this kind it is well to advance cautiously, testing each step by the actual results; the step proposed can surely be safely taken, for the decisions of the commission would not bind the parties in legal fashion, and yet would give a chance for public opinion to crystallize and thus to exert its full force for the right."

Mr. Speaker, these are the words used by the President of the United States to both branches of Congress, the House of Representatives and the Senate. A Bill will be presented, in fact is now being presented before Congress, and that Bill will probably be an exact copy of the Bill which I now introduce before parliament.

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WLMIC C 10083 (1907)

So far as railways are concerned the present bill requires that an investigation should take place before a strike, — this is a matter of principle, which the House and not a Committee should decide, and a principle which members on both sides of the House have endorsed and are agreed upon. If the principle is a good one a Committee to take evidence in regard to it is unnecessary.

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C 10084

so far as the Bill relates
to railway men, of the
principle is agreed upon
that there shall be no strike
till after an investigation
and the opportunity of an
investigation is given
at the option of the parties
the

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As to the other features of the
bill in so far as they relate
to industries and trades
other than railway men, they
have already been endorsed
in the strongest manner,
and a Committee is un-
-necessary to get a further
opinion. — Besides, her
Vernille Sherbrooke, speaking
on behalf of the labour
men, have pointed out that
a Committee is not desired
that there are objections to it
on the ground of delay, & other words

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Objections to Compulsory Arbitration.

The New Zealand Law:

Not literally true to call New Zealand a land without strikes. There have been several since the law went into effect.

(Bulletin of Labour, November, 1903, p. 1228)

It should be noted that relations between employers and employers were nominally harmonious for some time prior to passing of Act, and not such strong comparison before and after passing of Act as might be supposed.

Union officials in most parts of the colony are still of the opinion that there is nothing in the Act to prevent their striking after an award. Claim to have been legally advised that men could strike under awards if so disposed. Some members of Employers' Associations have also taken this view.

No doubt that "go easy" or intentionally soldiering on a job prevalent in New Zealand in certain industries and that it is sometimes encouraged or suggested by conditions created through awards. Nothing to prevent soldiering by employees where dissatisfied with award and consequent restriction of output. Several cases of restriction of output to force employers to pay on piece-work basis.

Victor S. Clark, Ph.D., special investigator on New Zealand labour conditions for U.S. Government states:

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"It would seem to an observer coming from outside the colony that the effect of the arbitration law upon industrial development and general business prosperity had been very greatly exaggerated.....There is no more occasion to attribute the expanding commerce and manufactures of the colony to labour legislation than there is to ascribe the rise and fall of the tides on our Atlantic coast to the river and harbour bill."

Mr.Clark states that there were instances where investors have hesitated to put money into enprises,and where new undertakings have been discouraged by the fear that they might be hampered by the regulations of the Court of Arbitration.

An increase in wages under an award usually results in an increased price paid by the consumer. The increased cost of production is passed on to him. The desire of the employer to make a profit out of the Act sometimes leads to peculiar methods. The following incident,in this connection,is related by Clark (p.1240)

> The blacksmiths and farriers of Wellington formed a Union and had practically completed an agreement with their employers,when the masters sent notice to the union that they would have to bring the matter before the Court--that they--the masters--would not make a voluntary settlement. When one of the employers was questioned as to their sudden change of front,he

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said: We are willing to let the men have what they want,but we shall have to get the matter into court to justify us in raising prices."

The increase in cost of living has advanced from between 20 to 40 per cent since awards began to go into effect.

What may be the attitude of the farmer who alone of the producers of the colony sells in a foreign market under unrestricted competition whose necessary commodities and services are not supplied by award-protected wage-earners? His attitude under all conditions of the world market is the crux of the high price question raised involved in the arbitration law's effects.

There is no more finality in the labour situation under the existing awards than there was before the law went into effect. Awards are growing more numerous and more complex;and this increase can hardly help but constitute an unsettled condition unfavourable to the extension of industries. As one labour ef member of parliament in New Zealand has said: "They thought that when one crop of awards was over industrial peace would reign for a number of years,until conditions changed to demand a revision. They did'n't reckon that these disputes were going to be hardy perennials."

The experience of Clark went to show that the class

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most bitterly opposed to the legislation was the large farmers, as well as smaller agriculturists.

Seven employees out of hundreds possibly employed in an industry may form a union and the majority of these, or four dissatisfied men may bring their employers into court.

The New Zealand law as evolved in operation is certainly class legislation, and the rights of society at large are not sufficiently protected or observed as yet in the system it creates...It is evident that unless built upon the interests of the whole community the law may be serious endangered, or even may fall, in some storm and stress period of popular discontent.

Many workingmen in New Zealand have expressed themselves of the opinion that in hard times or on a falling market the act would fail.

Such legislation as that of New Zealand is in an experimental stage it has been framed along lines of practical expediency alone and has not yet been sufficiently tried and tested to allow any broad generalizations as to its final efficiency and permanent success.. One should remember that the colony has been legislating for New Zealand and it has been unnecessary to adjust laws to many conditions prevailing elsewhere.

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Compulsory arbitration law with binding award not applicable to Canada.

The question of Federal and Provincial jurisdiction would arise.

Production of interchangeable commodities could not well be regulated by a provincial court, for manufacturers hampered by an award would simply move over into another province.

The problem that has presented itself in New Zealand as to the adjustment of awards to conditions of production in different localities, would be multiplied many times in a country like Canada. The New Zealand awards, moreover, are adjusted only to conditions of competition in a home market, while in Canada they would have to be adjusted to conditions of competition and production in foreign markets and countries if we are to retain our export trade. To draw any final deductions from the working of the law in an agricultural colony, remote from immigration routes and with no export trade in manufactured commodities that would apply to the more complex conditions of a country like our own is manifestly impossible.

Take the case of workingmen ordered to abide by a decision of a court reducing their wages. They must obey the decision of the court. They may be arrested and brought into a factory. If the force of a sheriff or police officer is not

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sufficient appeal can be made to the Government. The order of the court must be enforced and all the power of the Government brought to enforce it. This means compulsion and at the point of the bayonet,----compulsion with a very ominous sound to Canadian ears.

Take then the case of an employer. The court decides against him and the judgment is that he must pay a certain rate. He declines to pay this rate. He is forced under the persuading influence of loaded rifles to continue his works and to pay the wage adjudged,or execution may be levied on his property. He must pay a stated rate when it may be the market cannot be supplied with goods on the basis of this wage. He cannot close his works without disobeying the order of the court--he cannot pay the amount adjudged without loss to his property. Compulsory arbitration then works confiscation. The law has stepped in to fix arbitrarily andbby all the civil and military power of the State,either the price at which a man shall sell his labour under penalties or the price at which the producer shall sell his goods under penalties. BUT THE PLAN DOES NOT PROVIDE THAT THE CONSUMER SHALL PURCHASE GOODS AT THE FIXED PRICE under penalties,which should be done if there is any logic in compulsory arbitration.

Suppose an employer submits to the judgment of the Court,continues the operation of his works and pays the rate adjudged,although he knows he cannot sell his goods on this basis. He has two courses which he can adopt (1) adulterate his goods to recoup his loss in wages,or (2) make a combine with other

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manufacturers to control prices in order that when certain prices are decreed by the Court of Arbitration there will be no competition,the trust or combine regulating prices in accordance with the decrees of the Court.,and therefore caring nothing what the decrees may be because the consumers must bear the expense of the decree.

The result would be combinations more and more severe in terms. Every great industry would be forced into the trust through the action of the sheriff or the military forces of the State.

Trusts represent consolidation,and this to socialists is but the stepping-stone to State socialism.

The question may be asked whether the advocates of compulsory arbitration are ready to accept the logical conclusion of their system by forcing at the point of the bayonet all industries under state control and thereby establish by militrary force the rule of State socialism.

Mr.Carroll D.Wright,late Commissioner of Labour for the United States is strong in his arguments against compulsory arbitration.

Mr.John B.Lemon,Treasurer of the American Federation of Labour,writes in the Independent for May 2,~~1906~~ 1895: "The Federation is unqualifiedly committed against compulsory or legal

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arbitration...We object to this method of compulsory arbitration because it is not arbitration. Arbitration means a peaceful settlement--compulsion means force."

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Re New Zealand Legislation and Compulsory Arbitration.

It has been asserted that we should adopt in Canada a system of compulsory arbitration similar to that in vogue in New Zealand. The objections to the adoption of such a course at the present time are so obvious that only a brief statement is necessary to show wherein the advocacy of such a system is ill-timed and inadvised.

(I) Canadian Industrial conditions not suited to the adoption of the New Zealand system.

It must be remember in the first place that New Zealand is a country which occupies a peculiar industrial position. In size the area of New Zealand approximately equals that of the State of Colorado. In 1901 there were in all only 773,000 persons of European birth in the country, but 226,000 lived in towns of 10,000 population or over. This 29 per cent of the population, moreover, was distributed among four cities of about equal size, while in New South Wales, where a compulsory arbitration act has also been enacted, 30 per cent of the whole population of the State resides in the capital. It is easy to see where in a limited area of this kind, and with an industrial population closely concentrated, it might be quite possible to enact measures which would operate successfully, that in a country like Canada, four thousand miles in extent, with a population of nearly six millions, the whole scheme might utterly fail, or be completely impractical from

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The system of compulsory arbitration in vogue in New Zealand is based first of all upon the principle that all the industries of the country must be formed into associations,and all the labour in the country organized in the form of trade unions. One has only to suggest the necessity of compelling the manufacturers in a particular trade to agree to become members of one associatn to be bound by common rules as to wages,etc.,to see what endless difficulty there would be in preparing the necessary machinery for the operation of a compulsory law. The difficulty becomes still more apparent,and the objection in the eyes of manufacturers at least,unfortunately greater when it is suggested that all the workingmen in the Dominion should be compelled to become members of labour organizations. Such a scheme might be possible and practicable if undertaken by a single province,but it could hardly be worked out by the Dominion as a whole.

In the second place,for the purpose of the working of the compulsory arbitration scheme in New Zealand the country is divided into a limited number of industrial districts. Within these districts the findings of any court of arbitration are binding alike upon all the employers and all the employees engaged in the district upon the industry to which the award of a court of arbitration relates. In a small country where the number of indistrial establishments are few,and where industrial conditions are much the same in all parts,it is conceivable that the awards of a court might not work serious injury where everyone is placed upon the same footing under the award. In a country like Canada

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however,it would be impossible,without making very small the districts within which an award would be binding upon all,not to permit of one employer gaining some advantage over other or grade of workmen employers or grades of workmen in consequence of some difference in the cost of living or other like condition,and on the other hand unless employers or workmen were not to be adversely affected by a decision binding upon them alone and not upon others in the same industry,the area of industrial districts would of necessity be so large that the whole scheme would be quite inoperative. The truth is that a careful study of the working of the compulsory arbitration would seem to indicate that it is justly applicable only to what may be termed "non-competitive" industrial areas. The whole of New Zealand may be so regarded if its position in regard to the rest of the world is considered. A mistake in the award of a Board which places wages at too high a figure may be offset in a rough way by a change in the tariff which will place employers in the same position relative to outside competition as they might be under a lower tariff and a lower scale of wages. On the other hand in a country like Canada where the area is so great and where there is an industrial nation as keenly competitive as that of the United States,so close at hand.it is not altogether improbable that awards of Boards of arbitrators,were they made binding upon the parties might,should an error of judgment characterize any decision prove the means of placing an industry which might be bound by them,at such a disadvantage as to lead to its total or partial destruction,or to workingmen deserting altogether certain industries in this country for better and more favourable conditions

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elsewhere. The New Zealand system,therefore,as applied to Canadian conditions is not only impractical,but might,were it attempted under existing conditions prove absolutely injurious to the industrial development of the country.

(3) Compulsory arbitration not acceptable to the industrial classes in Canada.

A system of compulsory arbitration would,if adopted at the present time be strongly disapproved of by the workingmen of Canada and by employers. As labour becomes better organized and joint trade agreements between employers and workingmen become more frequent,it is quite conceivable that public opinion in regard to this method of settling industrial disputes may change and that parties once accustomed to meet together and discuss difficulties will be prepared,where they are unable to effect a settlement,to leave the matter to the adjustment of some tribunal,agreeing to abide absolutely by its decision. Unfortunately in Canada,many of the employers have still to be educated to the point of being prepared to discuss with their men or representatives of their men,conditions which are of mutual concern to themselves and their employees. It is hoped that the present measure will be a means of educating those engaged in industrial disputes as to the advantages which are to be derived from joint conference. Once joint conference becomes a common practice, a willingness to refer and to abide by the decision of a third party will follow as a natural sequence.

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WLMK C 10093 1910

(1)

Friday 25/10.

Boards of adjustment
committee
Joint Board
General committee

1. Paragraph (b) of subsection 2 of section
15 of the Industrial Disputes Investi-
gation Act 1907 is amended by adding
the following words, "provided however, that
a dispute affects or directly
where the employees ~~directly concerned~~ are more than
in the dispute ~~who are members of a trade union~~
one province ~~the Statutory declaration~~
~~of the~~ having a general committee
~~made for~~ authorized to act on
behalf of the members of said
organization, the Statutory declaration
of the Chairman (or President) and
~~the~~ Secretary of the said Committee

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C 10099 (2)

to the effect

That the dispute has been the subject of negotiation between the Committee and the employers and that ~~if~~ ~~has been carried all effectual~~ all possible efforts to obtaining a satisfactory adjustment have failed and that further negotiations are impossible ~~to~~ all means to effect a settlement of negotiation between the parties have been exhausted, shall be suspended as constituting ~~the~~ acceptable ~~statement of the~~ in lieu of that declaration to ~~the effect~~ that the necessary authority to declare such lockout or strike has been obtained. (over)

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C 10100

Brary in only one copy

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C 10102

C 10101

(3)

XCIV

Sec 5-1 of the said Act ~~is amended by~~

~~[redacted]~~ 5-1

Paragraphs (ii) and (iii) of ~~subsection~~ section 5-1 (b) and (c)
(a) of section 5-1 are repealed
and the following is substituted
therefore

"(ii) an allowance at the rate
of fifteen dollars for each
days sitting of the Board"

(b) to the chairman an allowance
at the rate twenty dollars for each days

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C 10102

selling of the board

~~Also by ... the following~~

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C 10103 (4)

Section 53 is amended by adding after the words "necessary travelling expenses in like manner, the words "and an allowance of ten dollars"

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CANADA'S WAY WITH STRIKES.

There is nothing revolutionary about the so-called Canadian Industrial Disputes Investigation Act, which act is the machinery used in Canada to prevent strikes and lockouts and to bring about the settlement of disputes between labor and capital, on agencies of transportation and communications, whether steam railways, street railroads, steamships, telegraph and telephone lines; in mines either coal or metaliferous; and in industries in the nature of public service utilities, as, for example, gas, electric light, power and all other forms of public utility industries. Not only was the act of March 1907, for that was the date of its enactment, a direct and logical result of conditions which were found in Canada at that time, and of experience gained in meeting similar conditions in the past, but was also a direct and logical evolution from statues which were already on the Canadian books and which had been thoroughly tested and tried out in Great Britain. We were forced to look conditions in the face. We did it and evolved an act to meet those conditions and similar conditions which we felt might arise in the future.

It might assist in an intelligent appreciation of the main features of the Act and the ends it seeks to serve, were I to tell something of the conditions that brought it into existence, so that an American reader may understand those conditions and decide for himself whether or not they are likely to be duplicated in the future on the American side of the international frontier. I do not say that the

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Canadian act will solve anew this one feature of the labor problem. I do not presume to suggest that it would be a good act to adopt in the United States. I shall simply endeavour to give a corredt idea of its principles and of its operations in my own country.

In the Spring of 1906, the coal mines of the Province of Alberta ceased operations in consequence of a strike. The strike ran on all through the summer and late on into the fall. It attracted the usual newspaper publicity, but few of the people in the vast terrutory lying between the Great Lakes and the Rocky Mountains realized what became so painfully obvious later that the strike in its effects was not a local matter at all, but that it involved the cutting off of the supply of one of the most vital necessities of life throughout that whole great region. It was not until the cold of autumn foretold the approach of winter that the people of that country came suddenly to realize that they were soon to be face to face with a Canadian winter with practically no supply of fuel on hand or obtainable.. To show the condition as it developed, I quote herewith a letter addressed to the Right Honourable Sir Wilfrid Laurier, then Prime Minister of Canada, by one of the settlers in Saskatchewan. In graphic relief the situation as it was over miles and miles of sparsely settled prairie, is depicted in this letter, and it is deserving of record for this if for no other reason; but as the assertion of a free man of hig rights, and the obligations which as a freeman he has the right to expect from the State.

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Local Improvement District of Ramsay,
Saskatchewan, Nov.19th,190

"Dear Sir Wilfrid:

The hamlet of Bladworth is the supplying point for settlers in approximately 12 townships surrounding.

"These townships have approximately 50 settlers each settled therein. The country is open rolling prairie, devoid of trees. The settlers depend for fuel on wood or coal obtain at the nearest railway station-Bladworth. The local dealers secure their wood from the Prince Albert country, and their coal fromthe Galt mines., Lethbridge. No coal has been obtained from this latter source since April 1st. One car was obtained from Banff in September last, since which no coal has been received here. Ten cars are under orders from Lethbridge and none delivered. One car is ordered from Estevan and promised b y the mine operator for Dec. 17 next.

"Wood has been ordered from the Cowan Company, Prince Albert, and their answer is:

"We have neither slabs, edgings, nor cuttings and though we have inquired we are unable to purchase any cord wood as there is none in the city."

"Settlers have been burning lumber at $30 a thousand, willow bramble, twisted hay and grain. These sources are well nigh exhausted.

"Sr. J. Pyfe reports from observation that no fuel is in the settlers' hands, and that suffering and perhaps death will ensue therefrom. All public schools are closed for want of fuel. The Saskatchewan Hotel, a 30-roomed house, has but one fire.

"A blizzard has been blowing on Nov. 15,16 and 17, with zero weather. W leave you, sir, to imagine what the condition of your fellow subjects is in the electoral division of Batoche--a name not unknown in history. This condition is not local but general.

"We are informed that those persons operating the mines of the people are disputing over their rights, regardless of the right of the people to live. W would respectfully ask, that you, sir, put an end to a dispute that is intolerable, and the main tenance of which endangers the life and happiness (inalienable rights of all free people) of all settlers.

"I ask you, sir, on behalf of a suffering people that by the powers vested in you thr right of eminent domain be exercised.

"I can assure you, sir, without exaggeration that

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this matter is one of life and death to the settlers here, one requiring immediate action.

"Your obedient humble servant,

"Wm. L. Ramsey,
"Chairman of Committee."

This letter, was but one of the many similar communications received. I was at the time the deputy Minister of the Department of Labour of Canada, and while in this office had frequently been called upon to intervene in industrial disputes where the situation created had been such as to affect the public welfare. Following precedent I went to Lethbridge on this occasion and there encountered again the two difficulties which are almost always mostly responsible for the prolongation of industrial disputes. It was in the first place next to impossible to get the parties to the dispute to meet together, and in the second place, when at last they were brought together, it was difficult to get accurate information in regard to the points in dispute.

The question at issue at the beginning of this strike had almost ceased to be the real issue at the time I reached Lethbridge. Instead there had grown up innumerable petty disputes, many of them wholly personal, and the constant bickerings over these matters had created so much bitterness, prejudice and hatred, that the parties to the conflict seemed hopelessly antagonistic. Studied at close range it seemd a wholly unnecessary waste of capital, reason and resources, and at the same time a criminal injustice to third parties dependent upon the mines for their sources of heat and power.

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Having encountered on many previous occasions, these same obstacles, to amicable adjustment of existing differences, of getting the parties to a dispute to meet together and th difficulty of getting at the facts after they were together, the strike having at last been terminiated, and the necessities of the people in the western provinces met, I made on my return to Ottawa a report to Parliament, which was then in session in which I emphasized the advisability of devising means whereby in disputes likely to seriously prejudice the public welfare, means should be found of compelling the parties to meet together and of enabling facts to be made a matter of public record. Where this was necessary either to prevent a lockout or strike, to give to the pblic an intelligent appreciation of its cause in the event of either taking place.

It was in the belief that means such as these could they be found, would go a long way towards maintaining industrial peace, and that it was the obvious duty of the State to seek out such means that I wrote the report from which the three following paragraphs are taken:

"When it is remembered that organized society alone makes possible the operation of mines to the mutual benefit of those engaged in the work of production, a recognition of the obligations due sociwty by the parties is something which the State is justified in compelling if the parties themselves are unwilling to concede it. In any civilized community private rights should cease when they become public wrongs. Clearly, there is nothing in the rights of parties to a dispute to justify the inhabitants of a province being brought face to face with a fuel famine amid winter conditions, to long as there is coal in the ground, and men and capital at hand to mine it. Either the disputants must be prepared to leave the differences which they are unable to amicably settle to the arbitment of such authority as the State may determine most expedient, or make way for others who are prepared to do so.

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"Inasmuchas coal is in this country one of the foremost necessaries, on which not only a great part of the manufacturing and transportation industries but also, as the recent experience has shown, much of happiness and life itself depends, it would appear that if legislation can be devised, which, without encroaching upon the recognized rights of employers and employees, will at the same time protect the public, the State would be justified in enacting any measure wich will make the strike or lockout in a coal mine a thing of the past. Such an end, it would appear, might be achieved, at least in part, were provision made whereby, as in the case of the Railway Labor Disputes Act, all questions or dispute might be referred to a board empowered to conduct an investig tion under oath, with the additional feature, perhaps, that such reference should not be optional but obligatory, and pending the investigation and until the board has issued its finding the parties be restrained on pain of penalty, from declaring a lockout or strike.

"In view of past experience and the present situation, I would, therefore, respectfully recommend that the attention of Parliament be, at as early a date as possible, invited to a consideration of some such or other measure with a view of preventing a possible recurrence of an experience such as this country has been forced to witness during the past month, and of promoting in the interests of the whole people the cause of industrial peace."

The grim experience of that year was sufficient to ensure a sympathetic hearing from parliament. Having been requested by the Prime Minister to draft my recommendations in the form of a Bill, I did so making abundant use of existing legislation in Canada and other countries, and supplementing this by such additional features as experience seemed to dictate as in the public interest.

The Department of Labour was not at that date a separate Department of the Government of Canada, but the portfolio of Minister of Labour was held by the Postmaster General. The Honourable Rodolphe Lemieux, M.P., was Postmaster General and Minister of Labour, and on December 17, almost within a month of the date of Mr. Ramsay's letter to Sir Wilfrid Laurier quoted above, Mr. Lemieux presented to Parliament the Bill enbodying the principles and features outlined.

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It passed rapidly practically without amendment through the House of Commons and Senate and received the Royal Assent on March 22nd, becoming law from that time.

Of course, as indicated the bill had its genesis in the coal mine strike, and strong arguments in favor of it were based upon the situation created and the needs of the people in the winter of 1906. But the bill itself was made broad enough to include not coal mines only, but all other enterprises which enter into the services of the public. The underlying idea of it is that any corporation, firm, or individual, doing business in what has come to be a necessity of life or essential to the public welfare must not allow that industry to be paralyzed and its function rendered useless through any dispute wihtout first having made every reasonable effort to settle the dispute and, at any rate, made the cause of the dispute a matter of public record.

The provisions of the act itself are very simple. Whenever a strike or lockout is threatened in any one of these industries, the parties if unable to amicably adjust their differences, must refer them to a Board for settlement before such a strike or lockout can legally take place. If the men are going to strike, they must serve a notice on the Government that unless a board is appointed a strike will take place. If the management proposesa lockout, it must serve a similar notice on the Government. The notice will say that all possible means of arriving at a settlement have been exhausted and pray the Government to appoint a Board of Investigation. The notice served on the Government must contain a statement of the differences between the parties and a copy of that

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statement must also go to the other party to the dispute.

When such a notice has been served, in compliance with the terms of the Act, the Minister of Labour calls on each of the parties to name a member of the Board. These two members have the opportunity to name a third member who shall be the Chairman. If they are unable to agree, within a reasonable time, the Minister of Labour himself appoints a Chairman. If either party fails to name a member of the Board, the Minister of Labour appoints some one to serve on the Board as the representative of the party defaulting in making an appointment.

The Board has all the powers of a court of record. It may compel the production of documents; it may subpoena witnesses; it may take evidence under oath; but its duty is primarily that of a conciliation board and a board of inquiry and only secondarily that of a court.

After meeting, if a settlement can be affected, the Board simply reports to the Government the settlement of the difference. If no settlement is affected, the Board publishes a report of the dispute. This is given to the press and public and sent broadcast throughout the land. It sets out the opinion of the Board as to the real trouble and what, in its opinion, ought to be done to prevent a strike or a lockout.

There the function of the Government ends. There is no compulsion on either party to accept the finding of the Board. There is not restraint on the parties. Once they have had this inquiry, they may do just as they please about the strike or lockout. It has so often been thought by some not

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familiar with its provisionn that this act is in a sense an act of compulsory arbitration that I am glad to take this opportunity of pointing out that there is not the slightest compulsion placed upon either labor or capital as a result of the investigation under this Act.

When I say there is no compulsion I mean, of course, no legal compulsion as respects the award. There is the restraint which the law imposes of delaying open conflict prior to and pending inquiry and there is, once an investigation has taken place, the restrining influence of public opinion, intelligently formed. If any company, or any group of labor, operating a public utility of any sort, ties up that public utility so that the public have not a full and complete use of it, the public at least know that the cause of the disputes are, and also have an opinion as to what seems to be the right and the fiir thing to do under the circumstances. This restraining influence of public opinion we have found in Canada a very powerful aid to industrial peace; in the last analysis it is the most powerful factor in settlig the worst conflicts between capital and labor.

This original act of 1907 has been slightly amended since its introduction. One of its amendments compels a thirty-day notice to be given by either company or men, if there is to be any change of wages of of hours of labor. The change if objected to, cannot go into effect till an inquiry had taken place. This clause gives the men opportunity, in case the company announces a reduction in wages, to appeal to the Government; and also gives the companies a similar opportunity, if the men demand increases in wages or

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changes in the hours of labor. This if the most important amendment that has been made in the act. It was made at the request of representatives of labor. It places the burden of showing cause for a change in conditions if exception be taken, upon the party that proposed the make the change. Another amendment coneedes to union officials, ehere a union is recognized by a company, cdrtain privileges as to the mmnner in which applicati ons for the Boards arc made to the Government.

This legislation is very simple. It is well under-stood not only by lbor and capital but by the general pblic, the people take a closer interest in and follows much more in cetail the disputes ahat arise in Canada as a result of this legislation. The Act has practically made the people of Canada a party to every dispute in industries that supply public necessities..

This act has now been on the statute books for over six years. A complete record of its operation from the end of March 1907, to the end of March 1912, six years, shows that during that time there have been altogether 145 applications for Boards. Of these 40 have had to do with coal minind; 11 with metal miningl 61 with the railways; 13 with the street railways; 7 with shipping; 2 with commercial telegraphers; 2 with telephone workers; 4 with civic laborers; and 5 related to industries other than mines or public utilities, such as the boot and shoe industry, which can come in under its provisions ff the parties acquiesce.

Of the 145 applications for Boards, strikes were averted or ended in all cases save 18. That is to say there have been

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in all cases save on an average of three in every year for C 10114
over a period of six years. There have been isolated cases
where men have struck witout knowing that the act was on the
books; but in these cases the differences have been settled
under the law almost immediately after its provisions became
known.

Out of those 145 cases, 18 were settled after application had been made for a board, but before the Borad was actually appointed. This is an evidence of the restraining effect of such an act. In these cases, either one or other of the parties to the dispute recognized the fact that regard being had to publicity and investigation they did not have a good enough cause to take before a Board, and were prepared, therefore, to make a settlement without further investigation. For the same reason the actual effect of this law is probably very much wider than the figures would seem to indicate. I know from personal knowledge of cases which under former conditions, strikes or lockouts wold have taken place but which, because of the fear of publicity or investigation, have been settled and smoothed away by an agreement between the men and the companies without even an application for a Board. It is impossible, of conse, to assume, with any degree of accuracy; how many disputes have been thus privately settled, which in other years might have become serious. Small disputes, which are perfectly easy to settle in the first place, if dealt with in time grow not infrequently into tremendous battles between capital and labor, where there is no compelling force or power to bring the parties to a dispute together in amicable conference.

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To go back to the records during the six years following the enactment of this legislation, in 127 cases, Boards actually held inquiries and reported upon their work. I will outline very briefly some of the details of the settlement affected. In considering its application to the steam railways thescope of the law must be kept in mind. It appears not merely to the classes of labour comprising the operating crews of railroads, as is the case with the Erdman Act in the United States, but embraces classes of persons employed in connection with railroads, as for example, round house employees, car builders and repairers, clerks, freight handlers, and others. Limiting the application of the Act to cases where the operating crews of railroads have been above concerned, the record shows that but one strike occasioning any serious interruption to transporation has occurred on the railways of Canada since the Act was placed on the Statutes. That was the grand French strike of 1910 which took place after there had been an investigation by a Board. It lasted about two weeks and was finally settled very mudh on the basis recommended by the Board. There have been other strikes of employees of railroads, but they have not perceptibly affected the gublic welfare.

In the street railway field, we used to have in Canada a series of strikes every year. They were among the worst strikes we had in the country, bu which I mean that they inconvenienced the public more than other strikes, that they not infrequently led to the destruction of a great deal of property and that they occasionally resulted in the inflicting of permanent injury and in one or two cases in the loss of life

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itself. Since the passage of this act for this period of six years we have had but one strike on all the street railway systems of Canada. That was a strike which took place in Winnipeg after a Board had made an investigation and which lasted only for a few days and was then settled on the basis of award madeeby the Board.

Formerly our steamship companies were tied up in the seaports almost every spring as the result of industrial disputes. Since the Act went into effect we have little or not stoppage in water transportation, either on the Great Lakes, the St. Lawrence, or ocean ports, due to lockouts or strikes.

We used to be troubled also with strikes of telegraphers and telephone operators. Since this act was passed we have had no such interruption of these important agencies of communication.

I have toched here on the main factors that enter into the transportation and communication system of the country. It is obvious from the records that in Canada with the exceptions noted we have had for six years, what might be call anall but complete immunity from industrial strife on the agencies of transportation and communication in the Dominion. In mines the record has not been quite so good, though here also, it has been considerable. If the act had done nothing more than perceptibly minimize the yearly average of industrial disputes it would be deserving of being classed notonly as a successful bit of legislation, but as that measure that had conferred upon the people of the whole Dominion a security in industrial affairs

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hitherto unknown. But it has done more, it has maintained industrial peace to a degree the money value of which it is impossible to estimate.

If one asks whether this system of compulsory investigation, which we have made a law, does not work hardship upon either capital or labor, or perhaps upon both, the only reply that needs to be made, is that the leaders of both industry and of labor have over and over again endorsed the act as sound, fair and equitable. The managets of the companies are almost unanimous in the approval which they give to its provisions. Some labour officials have opposed its provisions but such labor leaders as Mr. Calvin Lawrence, the Legislative Representative of the Brotherhood of Locomotive Engineers, Mr. E.J. Dowley, the Legislative Representative of the Brotherhood of Firemen and Enginemen; Mr. John Maloney, the Legislative Representative of the Brotherhood of Railroad Trainmen; Mr. D. Campbell of the Order of Railrpad Telegraphers have endorsed the act strongly. Mr. A.B. Lowe, President of the International Brotherhood of Maintenace of Way Employees stated in a letter to the Department of Labour in 1910 "My opinion of the Act itself has never changed, that it is one of the best pieces of legislation that has been passed (to my knowledge), in the interests of industrial peace." That it has met with the approval and surpassed the expectations of the general public is beyond all question.

Nor is the success which has attented this legislation and its general acceptance matter of wonder, when one considers a few fundamental truths on which it is based and which it helps to exemplify. One is that in the carrying out of all legislation, men are more important than measures. The

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Canadian Act by according to each of the parties thus own representatives on Boards of inquiry, and permitting them to appear in person to aid in the work of conciliation and investigation, a degree of sympathy with the enactment and all that takes place under it is assured which would not be possible in the case of a Statute more mechanically administered. Another truth is that in evoking confidence personality is a more potent factor than policy. The Canadian Act is not dependent in the carrying out of its provisions upon precedent, on the other hand, it permits a range of the whole Dominion in the selection of person or persons best qualified to deal with a particular situation Furthermore, publicity as a means of preventing and redressing wrong is often more effective than penalty. It is a fact of human nature that however mean and contemptible men may be as individuals, collectively, and in the light of day, they hesitate to have their actions so appear. The Canadian Act by x insuring the widest publicity prevents the mean man from profiting in virtue of his meannes. Lastly, as Burke has said, "Justice in the common concern ofmankind." the Canadian Act by recognizing the public as a party immediately concerned in the prevention of industrial wrong, helps to ensure that measure of justice in the investigation of industrial differences which makes the verdict of public opinion, or the fear of it, all powerful as a factor in the maintenace of industrial peace. The Canadian Statute may have its short comings and limitations but being in its essentials an instrument calculated to ensure fair play, betwen employer and employed, in situations in which the public is immediately and immeasurably affected, it bids fair to

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becomr more and more, as time goes on, a not less welcome than efficient means of maintaining industrial peace.

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Under the Industrial Disputes Investigation Act as passed by the House of Commons, strikes and lockouts in mines and on public utilities cannot take place until after a full investigation has been made into the cause of a dispute between employers and employees. The term "public service utilities" includes all agencies of transportation or communication, such as railways steamships, telegraph and telephone lines, street railways, gas, electric light, water and power works, in fact all of the large quasi-public undertakings on which the successful carrying on of industry as well as prosperity of a community so largely depend.

The Act provides machinery for a full and expeditious investigation where a dispute arises on any of these industries. Provision is made for the appointment of boards of conciliation and investigation, which boards must be created within fifteen days after notice has been given of a threatened strike or lock-out, and must commence their enquiry immediately. They have all the powers given to the ordinary courts of the country, including the summoning of witnesses, compelling production of documents. examing premises, etc., etc. It shall be the duty of these boards to try and effect a settlement pending the enquiry before them. If unsuccessful in getting the parties to agree upon terms mutually

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satisfactory,the board will report to the Minister of Labour their findings on the questions in dispute,which findings,together with the recommendations of the board,will be immediately announced to both parties and the public generally by the Minister. After this investigation has been made and the report of the board has been issued,if either the employers or the workmen still feel that in the light of the evdence given before the board,justice has not been done them,they are at liberty to declare a lockout or a strike,as the case may be. The public, however,will at that time be fully informed as to who is in the right or wrong in the matter and will be able to direct its sympathy accordingly. What is most probable is that rathern than have a public investigation employers and workingmen alike will agree among themselves as to the terms of conditions of employment,or in the light of evidence will make a settlement pending an enquiry,so that a strike or lockout will not take place.

As a result of amendments made in deference to certain representations on behalf of railway employees while the Bill was before the House,employees on a railway may, ~~if~~ have the investigation made into their grievances under the provisions of either the Railway Labour Disputes Act of 1903,or the provisions of the present Act. Until,however,an investigation has taken place under one act or the other,so that the public can be fully informed of the nature of the trouble,no strike or lockout can take place on a railway.

An important provision of the measure is that in all

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these large public services undertakings employers and employees must give at least thirty days notice of any intended change affecting conditions of employment with respectto wages or hours. The fact that this notice is required will give the parties plenty of time to negotiate a settlement in the event of changed conditions not proving satisfactory and will prevent lockouts or strikes being suddenly precipitated before ample opportunity is given to consider the question at issue in all its bearings. Another important provision which may be the means of helping to preserve industrial peace is that which makes it an offence punishable by a fine of not less than $50 or more than $1000 for any person to incite,encourage or aid in any manner any employer to declare a lockout or any employee to go on strike contrary to the provisions of the Act,which means,of course,prior to an investigation.

The Act also contains special provisions whereby if the parties so desire they may agree to be bound by the recommendations of a board in which event the board's recommendation would have the same effect as an award of a court of justice. There is also a provision whereby employees in any industries in the country other than those included in the classes named in the Act may,by mutual agreement,invoke its provisions as a means of investigating their ~~difficulties~~ differences and bring about a settlement without interruption to industry on either side.

The Act has been framed with a view specially to having

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enquiries as expeditious and thorough as an industrial dispute in a large industry will permit,and in the belief that publicity and public opinion may be relied upon to compel an equitable adjustment of industrial differences.

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Memorandum.

The purpose of the Act will be to prevent the cessation of operations in a coal mine through differences between employers and employees to such an extent that third parties are likely to be seriously embarrassed.

The refusal of one or two men to work,or the dismissal of one or two men,would not produce this effect. Individual cases of this kind,therefore,need hardly be considered. What,however,is necessary,is to carefully define what is meant by'lockout'and 'strike'. In the case of the word 'strike' some such definition as the following would appear to serve the purpose:

> "The expression 'strike' or 'to go on strike' (without limiting the meaning of its meaning) means the refusal under a common understanding or for a common purpose of a material number of employees of a company to continue to perform,in accordance with the terms of their hiring. their usual and ordinary services to the company,contrary to the provisions of this Act."

A similar definition of lockout might be given,the necessary changes being made to meet the difference in the parties.

It would be necessary to define,also,the meaning of 'dispute' and 'difference' so as to protect both employees and employers where reasons other than those having to do with a difference

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between the parties,would be responsible for a cessation of employment at the instance either of employees or the company. It is to be remembered that the moment a man stops work his wages also cease. He cannot,therefore,be a party to a strike unless he receives aid in the same way from the organization to which he belongs. The rules of unions require,in order that individuals may receive aid during the course of a strike,that the union itself sanction a strike. It would,therefore,be practically impossible for men to leave an employment in such numbers as to seriously embarrass operations,without the union in some way being obliged to give them support. The fact of a union supporting men out of work because they had voluntarily quit their employment, would be evidence sufficient of the existence of a strike,and would render the parties who had quit work liable to a penalty.

Some clauses similar to the following would appear to serve as a means of enforcing a compliance with the Act·

> From and after the passage of this Act it shall be unlawful for any Company to declare or cause a lock-out in respect of any of its employees,prior to and pending a reference of the difference or dispute to the Board.
>
> Any Company declaring or causing a lock-out,prior to and pending a reference of the difference or dispute to the Board,shall be liable to a fine equal to the amount of wages, salary or other remuneration (computed for the period covered by such lock-out)which,but for such lock-out,would have been payable to the employees so locked out,if they

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had continued uninterruptedly to serve the Company in accordance with the terms of their hiring, and shall also forfeit to each of the said employees a sum of money equal to the amount of said wages, salary or other remuneration, and which amount shall be recoverable along with said fine and payable to said employees free from deduction of any kind.

From and after the passage of this Act, it shall be unlawful for any employee to go out on strike, prior to and pending a reference of the difference or dispute to the Board, and any employee who shall go out on strike shall be liable to a fine equal to the amount of wages, salary or other remuneration (computed for the period covered by such strike) which, but for such strike, would have been payable to him if he had continued uninterruptedly to serve the company in accordance with the terms of his hiring, and shall also forfeit to the company a sum of money equal to the amount of such wages, salary or other remuneration, which amount shall be recoverable along with such fine and payable to said Company free from deduction of any kind.

Everyone who incites any coal mining company to declare or cause a lock-out, or to continue a lock-out prior to and pending a reference of the difference in dispute to the Board is guilty of an offence, and shall in respect of each employee affected or to be affected thereby be liable on conviction to a fine equal to double the amount of one week's wages, or other emolument of said employees.

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Everyone who incites any employee or employees to go out on strike or to continue on strike, prior to and pending a reference of the difference in dispute to the Board, is guilty of an offence and shall be liable on conviction to a fine equal to double the amount of one week's wages, prior to such strike, salary or other emolument of such employee or employees.

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file re Bill

C 10128

The new Labour Bill which received the royal assent on the 22nd March, and is now the law of Canada, will be known generally as "The Industrial Disputes Investigation Act 1907", and its object, as the complete title to the measure sets forth is "To Aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities". Such disputes obviously affect the public interest far more vitally than those that relate to any other class of industry, and it is greatly to the public interest that the evil resulting from an interruption of the regular operation of such industries should be so far as may be possible eliminated from industrial life. No less than one third of the number of employees affected by strikes and lockouts during the past six years are connected with onr or other of the various departments which are commonly accepted as in the class of public utilities, viz- mining, transportation, street railways, telephony and telegraphy; the total number of employees affected by all strikes within that period being 142,027, while the number of those connected with public utilities was 47,337. What, therefore, the new Act proposes to do is to require that any dispute arising in connection with the class of industries indicated should be submitted to a Board of Conciliation and Investigation appointed under the Act, and no strike or lockout can be legally brought about in such industries until an investigation has taken place before such a board. In other words,

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the Act demands an investigation before a strike or lockout comes into operation.

A question considerably debated in the House of Commons on the second reading of the Bill, and during its Committee stage was, whether or not the Act would apply to disputes between railway companies and their employees. Representatives of several organizations of railway employees had urged upon the Government that the Railway Disputes Act 1903 was better suited to their wishes than the new measure and met the public interest. After much debate, therefore, the Minister of Labour decided to amend the Act in such a way that in the event of a dispute between the Railway Company and its employees, either the sections of the Conciliation and Labour Act, chapter 96 , R.S.C. 1906, bearing on such disputes, (the Railway Disputes Act 1903 being incorporated in that Act in the Revised Statutes of Canada 1906) or the present Act may be invoked with a view to procuring a settlement, but one or other of such Acts must be invoked, and the dispute in question dealt with under it, before a strike or lockout can be legally brought about.

The vital provisions of the new Act are contained in section 5, viz.:

> "Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act:

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> Provided, however, that in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act."

and in section 56 (in part), viz.:-

> "It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, provided, &c. "

Under the Act, a Registrar of Boards of Conciliation and Investigation will be appointed. Probably an existing official in the Department of Labour will, as suggested by a clause in the Act, fill this position, and to him must be addressed all applications for the appointment of such Boards. The Registrar will attend to all the necessary clerical work relating to office, &c., and will promptly apprise the Minister of Labour of the receipt of applications. The applications will be accompanied by statements setting forth the nature of the dispute and the number of persons affected by it, and will include a statutory declaration stating that without reference of the dispute to a Board of Conciliation and Investigation, it is likely a strike or lockout will ensue.

Under the Act the Minister of Labour will appoint a Board of Conciliation and Investigation within fifteen days after he is in receipt of the application for such an appointment.

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An important provision of the Act is that which requires employers and employees coming within its scope shall give at least thirty' days' notice of an intended change affecting conditions of employment as to wages or hours, and that, pending the proceedings before a Board, the relation to eachother of the parties to a dispute shall remain unchanged and neither party shall be concerned in doing, either directly or indirectly, anything tending to promote a strike or lockout; but it shall be an indictable offence for either party to a dispute to use this or any other provisions of the Act for the purpose of unjustly maintaining a given condition of affairs through delay.

The penalties to be imposed under the Act are as follows:- Any employer declaring or causing a lockout contrary to the provisions of the Act becomes liable to a fine of not less than $100 nor more than $1,000 for each day or part of day that such lockout exists; while an employee who goes on strike contrary to the provisions of the Act becomes liable to a fine of not less than $10 nor more than $50 for each day or part of a day that such employee is on strike.

A further important provisions of the Act declares that any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of the Act, shall be guilty of an offence and liable to a fine of not less than $50 nor more than $1,000.

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Although, as stated above, the finding of the Board is not in itself binding and when delivered leaves the parties to the dispute free to take such action as they may respectively choose, yet under section 38, either party to the dispute may agree to be bound by the award or recommendation of the Board, and if the other party agrees in like manner, then the recommendation shall be made a rule of the Board on the application of either party and shall be binding on both parties "as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record."

An important special provision of the Act is that (section 63) which allows for a reference under the act of disputes occurring in industries other than those associated with public utilities, and provided for such variation in the machinery as may be necessary to cover the case; but it is important to remember that the measure is aimed especially at preventing interruptions to the great public utility industries, where cessation of work is fraught with peril to the public welfare.

It is not, of course, to be hoped that the present legislation will work from the start without a hitch, but it is believed to be a long step in advance upon all preceding measures that have touched the vexed and difficult problems of the relations of capital and labour in Canada. It varies in important

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respects from the labour legislation that has been enacted in any other country where such matters have been seriously regarded, and it is believed such variations from beaten paths will be found helpful in the solution of the problem indicated, which is surely one of the most remendous that the twentieth century will confront. In the successful working of the Act much depends upon the spirit in which it is accepted by employers and employees respectively; if this be, as there is every reason to hope, one of moderation and conciliation, the present measure may go far to obviate the friction that too often marks the relations to each other of these two all important elements in the social system and may then help to promote the stability and development of Canadian industry, on which latter condition, more than any other, depends ultimately the welfare of the country as a whole no less than the betterment of the lot of the industrial classes in particular.

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C 10134

Memo.

~~A summary of~~ The new Labour Bill which received the royal assent on ~~Friday last~~ the 22nd instant, and is now the law of Canada, ~~will be of special interest to our readers at the present time. The Act in question~~ will be known generally as "The Industrial Disputes Investigation Act 1907", and its object, as the complete title to the measure sets forth is "To Aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities". Such disputes obviously affect the public interest far more vitally than those that relate to any other classe of industry, and it is greatly to the public interest that the evil resulting from an interruption of the regular operation of such industries should be so far as may be possible eliminated from industrial life. ~~It will doubtless surprise many of our readers to learn that~~ No less than one third of the number of employees ~~that have been~~ affected by strikes or lockouts during the past six years are connected with one or other of the various departments which are commonly accepted as in the class of public utilities, viz.- mining, transportation, street railways, telephony, and telegraphy, the total number of employees affected by all strikes within that period being 142027, while the number of those connected with public utilities was 47397. What, therefore, the new Act proposes to do is to require that any dispute arising in connection with the class of industries indicated should be submitted to a Board of Conciliation and Investigation appointed under the Act, and no strike or lockout can be

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legally brought about in such industries until an investigation has taken place before such a board. In other words, the Act demands an investigation before a strike or lockout comes into operation. 8 A question considerably debated in the House of Commons on the second reading of the Bill, and during its Committee stage was, whether or not the Act should apply to disputes between railway companies and their employees. Representatives of several organizations of railway employees had urged upon the Government that the railway disputes Act 1903 was better suited to their wishes than the new measure and met the public interest. After much debate, therefore, the Minister of Labour decided to amend the Act in such a way that in the event of a dispute between the Railway Company and its employees, either the sections of the Conciliation and Labour Act, chapter 96, R.S.C. 1906, (bearing on such disputes being incorporated in the Act the Railway Disputes Act 1903 appears in the Revised Statutes of Canada 1906) or the present Act may be invoked with a view to procuring a settlement, but one or other of such Acts must be invoked, and the dispute in question dealt with under it, before a strike or lockout can be legally brought about. 9 The vital provisions of the Act are contained in section 5, viz:

> Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act: Provided

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however, that in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act. "

and in section 56 (in part) "It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, provided, &c. "

Under the Act a Registrar of Boards of Conciliation and Investigation will be appointed. Probably an existing official in the Department of Labour will, as suggested by a clause in the Act, fill this position, and to him must be addressed all applications for the appointment of such Boards. The Registrar will attend to all the necessary clerical work relating to office, &c., and will promptly apprise the Minister of Labour of the receipt of applications. The applications will be accompanied by statements setting forth the nature of the dispute and the number of persons affected by it, and will include a statutory delcaration stating that without reference of the dispute to a Board of Conciliation and Investigation, it is likely a strike or lockout will ensue.

Under the Act the Minister of Labour will appoint a Board of Conciliation and Investigation within fifteen days after he is in receipt of the application for such an appointment. An important provisions of the Act is that which requires employers and employees coming within the scope shall give at least thirty days' notice of an intended charge affecting conditions of employment as to wages or hours, and that, pending the proceedings before a Board, the relation to each other of the parties to a dispute shall remain unchanged and neither party shall be concerned in doing, either directly or indirectly, anything tending to promote a strike or lockout; but it shall be an indictable offence for either party to a dispute to use this or any other provisions of the Act for the purpose of unjustly maintaining a given condition of affairs through delay.

The penalties to be imposed under the Act are as follows:— Any employer delaring or causing a lockout contrary to the provisions of the Act becomes liable to a fine of not less than $100, nor more than $1,000 for each day or part of a day that such lockout exists; while an employee who goes on strike contrary to the provisions of the Act becomes liable to a fine of not less than $10 nor more than $50 for each day or party of a day that such employee is on strike.

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A further important provision of the Act declares that any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of the Act, shall be guilty of an offence and liable to a fine of not less than $50 nor more than $1,000.

delivered

Although, as stated above, the finding of the Board is not in itself binding and when delivered leaves the parties to the dispute free to take such action as they may respectively choose, yet under section 62, either party to the dispute may agree to be bound by the award or recommendation of the Board, and if the other party agrees in like manner, then the recommendations shall be made a rule of the Board on the application of either party and shall be binding on both parties "as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record."

An important special provision of the Act is that (section 63) which allows for a reference under the act of disputes occuring in industries other than those associated with public utilities, and provides for such variation in the machinary as may be necessary to cover the case; but it is important to remember that the measure is aimed especially at preventing the interruptions to the great public utility industries, where cessation of work is fraught with peril to the public welfare

It is not, of course, to be hoped that the present legislation will work from the start without a hitch, but it is believed to be a long step in advance upon all preceding measures that have touched the vexed and difficult problems of the relations of capital and labour in Canada. It varies in important respects from the labour legislation that has been enacted in any other country where such matters have been seriously regarded, and it is believed such variations from beaten paths will be found helpful in the solution of the problem indicated, which is surely one of the most tremendous that the twentieth century will confront. In the successful working of the Act much depends upon the spirit in which it is accepted by employers and employees respectively; if this be, as there is every reason to hope, one of moderation and conciliation, the present measure may go far to obviate the friction that too often marks the relations to each other of these two all important elements in the social system and may then help to promote the stability and development of Canadian industry, on which latter condition, more than any other, depends ultimately the welfare of the country as a whole no less than the betterment of the lot of the industrial classes in particular.

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WALLACE GRAHAM HALIFAX.

Memorandum of Mr. Justice Graham on the Industrial Disputes Investigation Act of Canada.

The law as it stands is a fairly good Act, at least as compared with the Acts of other countries. Since it has been in force in Canada there are statistics which show a very large proportion of cases in which the decision of a Board in respect to a dispute has been accepted and no strike has followed. Whether there are fewer strikes than there were before the Act passed, I do not know.

In Nova Scotia at least, labourers, particularly those who are organized into societies, do not wish to be considered as law breakers by going on strike before applying for a reference of the dispute. Of course there is a penalty for so doing and perhaps that acts as a deterrent. It may be that labourers sometimes use the Act with the hope of forcing an increase of pay where they have no serious intention of going on strike and would not do so if there was no Act. I have come to the conclusion that almost any Act is better than none, inasmuch as it brings the parties face to face and where mediators can reach them. The Chairman of the board is sometimes a Judge and the "long jaw" which takes place before him and the weight of his opinion and the lapse of time has, I think, a beneficial effect.

I think that the Act might be improved by having the selection of members to constitute a board made in some other way. The labourers generally select, if not one of their own members, at least one that they may depend on - a partisan. I suppose the employers also sometimes select a partisan more or less. The parties must each suffer by such a selection because a partisan cannot really have any weight with the Chairman. Then everything depends on the third man. The two do not very often agree about the third man. Then the Department makes the appointment and that gives any politician who may be depending on votes of the labourers the opportunity of influencing the appointment. I do not say that this is done in Canada.

In my opinion it would be better to have the board larger, say five members and part of them, at least the Chairman, permanently appointed by the State. I think a Judge (or lawyer of the standing of a Judge) should be permanently appointed as chairman. There ought to be two experts in the industry to which the dispute belongs - one of the employers' class and one of the labourers' class. The other two might be selected by the parties.

The permanent Chairman might be used the moment a dispute arose to visit the locality and try conciliation. Disputes in Canada have yielded to mere conciliation, and there would then be the saving of the expense of a board.

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Section 21 has been rendered useless by reading it"indirectly affected." It ought to read "directly affected".

Section 41. The labourers, I think largely out of prejudice, generally object to counsel. They select three of their best men to conduct the case and of course the employers have a very small number to select from. I think counsel should not be excluded. They help the tribunal. It is very difficult to convince labourers. They are suspicious and do not reason well. But if the tribuanl convinces the counsel, much has been done o towards convincing the clients. Counsel would be a great assistance to labourers in many cases. In dragging evidence out of the books of a corporation labourers are very helpless.

Section 56. I have never looked carefully into this section but it has been contended under that section that after a dispute has been referred and dealt with, then not only the employees directly concerned in it may go on strike, but all employees in other branches of the of the employer's business, and of other employers as well may go on a "sympathetic strike", without incurring any penalty, merely because the main dispute has been referred and dealth with. It ought to be made clear that the subject of the sympathetic strike constitutes a dispute distinct from the main dispute and that the penalty will be incurred unless that dispute has been referred and dealt with as well as the main dispute.

As far as I can understand the Canadian Act there is no express legislation to prevent a party against whom an adverse decision has been given by a board immediately applying for another reference in the hope of getting a more favourable personnel for the next board and having it overrule the determination of the first board. That is objectionable on the ground of expense, if nothing more.

I think it is a good feature having the decision of the Board take the form of a Report to a Member of the Government. It prevents the use of a writ of certiorari to defeat or delay its effect.

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C 10140

Labour Legislation in Canada.

The Parliament of Canada has not been long in giving expression by legislation to the lesson of experience. At the approach of the passed winter the new provinces of Saskatchewan and Alberta were brought to the verge of a fuel famine, in consequence in part, of a protracted strike in the mines of the Alberta Railway and Irrigation Company at Lethbridge, Alta., one of the most important coal fields of the west. The strike was settled during November through the intervention of Mr. Mackenzie King, C.M.G., Deputy Minister of the Dominion Department of Labour, who, in his report upon the situation, recommended that the attention of Parliament should be invited, at as early a date as possible, to the consideration of a measure aimed at the prevention of a possible recurrence of such an experience. The situation had been sufficiently alarming to arouse the legislators, and within a few weeks after, the Minister of Labour, the Honourable Rodolphe Lemieux, K.C., M.P., introduced in the House of Commons a Bill "to Aid in the prevention and Settlement of Strikes and Lockouts in Coal Mines and on Public Service Utilities," framed in accordance with the suggestions outlined by Mr. King in his report. This measure was debated at some length in the House of Commons, though few amendments were made to the Bill as introduced. It passed the Senate without any amendment and received the royal assent on March 22, becoming law on that date.

As its title indicates, the new Act has reference primarily

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to industrial disputes in coal mines and in industries connected with public utilities. The term "public utilities" is stated to include all agencies of transportation or communication such as railways,steamships,telegraph and telephone lines,street railways, gas,electric light,water and power works,in fact all the large quasi-public undertakings on which the successful carrying on of industry,as well as the prosperity of a community so largely depend. Disputes in these industries obviously affect the public interest far more vitally than those which relate to any other classes of industry,and it is greatly to the public interest that the evil resulting from their interruption of the regular operation of such industries should be,so far as possible,eliminated from industrial life. What,therefore,the new Act proposes to do is to prohibit under penalty,the declaration of any strike or lockout in mines or on public service utilities,until after a full investigation has been made of any dispute arising in connection with the classes of industries indicated,has been submitted to a board of conciliation and investigation appointed under the Act. In other words,the Act demands an investigation before a strike or lockout can be legally declared. The Minister of Labour is obliged to appoint a board of conciliation and investigation within fifteen days after receipt of an application in due form for its establishment. Such application must be accompanied by statements setting forth the nature of the dispute and the number of persons affected by it,together with a statutory declaration that without a reference of the dispute to a board of conciliation

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and investigation,to the best of the knowledge and belief of the applicants a strike or lockout will ensue. The board of conciliation and investigation shall consist of one representative of each of the disputants,and one to be chosen by these two. If either disputant refuses to name a representative or the two chosen are unable to agree upon a third,then the Minister of Labour shall make the necessary appointment. The three shall be formally appointed as a Board and be fully empowered to do all things necessary to investigate thoroughly,such as compelling attendance of witnesses and requiring the production of documents and books. They are to have no direct interest in the dispute and will be paid for their services by the Government. The Board when constituted has all the powers of a court of justice to make fullenquiry into the subject of the difference. It is the duty of any board so appointed to endeavour to itself effect a settlement of the differences,and failing this,to report fully upon the facts and make such recommendations as in its opinion would lead to an adjustment of the difficulty on a basis equitable and fair. The findings of the board and its recommendations in such a case are not binding upon the parties,who are then free,if they so desire,to declare a lockout or strike as the case may be. By this time,however,the enquiry which the Act provides will have acquainted the public with the facts of the case,and public opinion based upon the evidence and guided by the findings and recommendations of the board,will have been brought to bear upon the situation.

An important provision of the Act is that which requires

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employers and employees coming within its scope,to give at least thirty days' notice of an intended change affecting conditions of employment as to wages or hours,and which requires that pending the proceedings before a board the relation to each other of the parties to a dispute shall remain unchanged,and neither party be concerned in doing,either directly or indirectly,anything tending to promote a lockout or strike. The penalties to be imposed under the Act as are as follows: Any employer declaring or causing a lockout contrary to the provisions of the Act becomes liable to a fine of not less than $100 nor more than $1,000 for each day or part of day that such lockout exists; while an employee who goes on strike contrary to the provisions of the Act becaomes liable to a fine of not less than $10 nor more than $50 for each day or part of a day that such employee is on strike. A further important provision of the Act declares that any person who incites,encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of the Act shall be guilty of an offence and liable to a fine of not less than $50 nor more than $1,000.

It will be interesting and instructive to the citizens of this country to observe that the Canadian parliament has actually accomplished in the way of legislation what has been repeatedly recommended to Congress by the highest authorities in our own land. The Commission appointed by the President in 1902 to pass upon the question of the controversy in connection with the strike in the

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Anthracite regions of Pennsylvania in their report,findings and award expressed the belief "that the State and Federal Governments should provide the machinery for what may be called compulsory investigation of controversies when they arise." In his message to Congress at the beginning of its recent session,the President devoted considerable attention to the need of investigation of disputes between capital and labour.and referring to the suggestion of the Anthracite Commission herein quoted,said: "This expression of belief is deserving of the favourable consideration of Congress and the enactment of its provisions into law." During the debate in the Canadian House of Commons frequent reference was made to these expressions of opinion by the President and of the Antracite Coal Commission,and it is reasonable to infer that they added not a little to the weight of authority cited in support of the measure.

Canada in her legislation has shown a commendable fearlessness and foresight in attempting a practical solution of the industrial conflicts of our day. In 1900 she enacted a voluntary conciliation Act,which has proved an effective means of settling many of the most serious strikes in the Dominion. In 1903 she went one step further in regard to industrial disputes on railways. providing the machinery for a compulsory investigation either in the case of any threatened or existing strike,though no provision was made at that time prohibiting a lockout or strike until this investigation had taken place. In the present measure she has

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made a still further advance,providing not only the machinery for compulsory investigation,but making it obligatory upon the parties to submit to a full investigation the differences between them before engaging in industrial warfare. The measure,moreover,is not confined to any one industry,but includes,as already mentioned, mines and all industries [redacted] may be grouped as public service utilities. In seeking to advance the interests of her industries and people,Canada has not hesitated to pro[redacted]by her knowledge of industrial conditions as they have shaped themselves in the United States. Our own country can well afford to follow Canad's example by the enactment of such legislation as,by common experience and general consent,is admitted to be in the interests of industrial peace.

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C 10146

MEMORANDUM of Opinions on fyle in the Department of Labour
re
Bill No.36,"The Industrial Disputes Investigation Act.

****

No	From Whom	Opinion re Bill		Remarks
1	ckstein & Grey Ferrie,B.C. for U.M.W. of A. District No 18		Unfavourable	Adjustment postponed indefinitely; compulsory feature
2	G.G.S.Lindsay, Crows Nest Pass Coal Co. Fernie,B.C.	Favourable		Suggested changes in Sec. subsecs 4 and 7, Sec.9, Sec. 16 subsecs.3 and 4 Secs. 21 and 37
3	W.H.Biggar, Solicitor, Grand Trunk Ry. Co.			Possible Confusion if Act of 1903 remains in force and Bill 36 is passed in present form.
4	Deputation, Builders' Exchange. Montreal.	Favourable		Should be extended to cover all disputes; parties should notify Dept. of Labour of any disputes.
5	Legislative Board Bro. Locomotive Firemen & Enginemen (Deputation)	Favourable		Suggested amendments to Sec 8, subsecs 2 & 4; Sec. 15 subsec.8.
6	Locomotive Firemen & Engineers Lodge No 262, Toronto Jct.,Ont.		Unfavourable	Proceedings prolonged advantage could be taken to reduce wages,etc. Would suggest elimination of "Steam Railways"
7	Order of Railway Conductors,Ottawa		Unfavourable	
8	Bro. of Railroad Trainmen,No 168, Moncton,N.B.		Unfavourable	Against interests of Railway Labour Organizations; elimination of "steam railways" suggested.
9	Order of Railroad Telegraphers, Canada.		Unfavourable	Against interests of Railway Telegraphers; elimination of "steam railways" advocated.
10	Order of Railway Conductors,Brockville,Ont.		Unfavourable	Against interests of Railway labour organizations; elimination of "steam railways" advocated.
11	E.Norman Smith, Ottawa Free Press	Favourable		
12	J. Hall,representing railway labour organizations at Ottawa		Unfavourable	

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C 10147

2,000-4-5-06.—Req. 24.

REMARKS:

Ref. No. 762

Subject Memo of previous re Bill 36

DEPARTMENT OF LABOUR, CANADA.

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Conciliation
Industrial Boards
Mail to Mr. Bland

In Canada the principle of conciliation and arbitration is accepted by many of the leading employers, and is endorsed by practically all of the trade unions. Working agreements have been entered into between employers and employed in many branches of the building trades, in the various manufacturing industries, in the mining industry and on various lines of transportation. These agreements have taken various forms but few, if any, correspond exactly with the more permanent forms of industrial agreements which are at present in force in different branches of industry in the Mother Country.

An exception to this statement may perhaps be made in the case of the conciliation of shoe manufacturers and shoe workers, which was recently established in the City of Quebec, with the object of improving the relations between employers and employed in the shoe factories of Quebec, and of settling any difficulties which may arise between the employers and workmen concerned.

A joint committee has been established by this agreement, consisting of nine manufacturers and three members

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of each of the three unions who are parties to the understanding.

The complaints and difficulties which cannot be settled by the officers of the union must be submitted to the joint committee, and must be decided unanimously. In case a unanimous decision cannot be arrived at, the difficulty must be submitted to a Board of Arbitration composed of three members, one selected by the manufacturers, one by the workers; these two to appoint the third member, and the decision of this tribunal to be fianl.

Most of the trade agreements in Canada which have been entered into, from time to time, have been made for a stated term, and contain provisions for the disposal of any disputes arising thereunder during the period of the agreement.

These agreements are renewed and amended from time to time, and the operation of the Industrial Disputes Investigation Act has resulted in the conclusion of agreements of this nature applicable to some of the most important public utilities of the Dominion.

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From the reports of the British Board of Trade it would appear that during 1907, 89 Permanent Boards of Conciliation and Arbitration considered 1,545 cases, as compared with 1,561 cases considered by 93 Boards in the previous year.

Nature and Methods of British Boards.

There are two kinds of Permanent Boards of Conciliation and Arbitration in the United Kingdom - Trade Boards, of which 88 considered cases in 1907, and District Boards, only one of which considered cases during that year.

The organization and scope of the Trade Boards differ in the various industries.

The building trades in England and Wales are organized on a national basis. First, there are local Boards to which disputes are first submitted. When a local Board fails im making a settlement, the matter may be referred to the Northern or the South-Eastern Centre Board, and when these Boards fail it may be submitted to the National Board of Conciliation for the Building Trades. Sometimes a dispute is referred by a local Board to the Umpire appointed by the Board of Trade under the Conciliation Act, 1896.

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In 1907, one case was considered by the National Board, and three by the Northern Centre. One case was considered by the South-Eastern Centre, but subsequently withdrawn. 53 were considered by local Boards, of which 10 were withdrawn and settled independently. 36 were settled by Conciliation, and 7 by Arbitration.

In Scotland there are 3 local Boards.

In the coal mining industry in England and Wales there are Boards of Conciliation for the Counties of Northumberland, Durham, Cumberland, and the Federated Districts which include Yorkshire, Lancashire, Cheshire, Derbyshire, Nottinghamshire, Leicestershire, Warwickshire, North Staffordshire, Cannock Chase and North Wales. These deal with general county or district questions only.

There are also local Boards of employers and employees in the coal industry, called Joint Committees, which deal with disputes affecting individual collieries. In Scotland there is a Board of Conciliation for the regulation of wages in the coal trade which deals only with general wages questions and not with individual cases. Four advances in wages were settled in 1907 by the Board and two by the neutral Chairman of the Board, in which about 90,000 underground workers were affected.

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In iron mining the Board of Conciliation for Cumberland considered a claim for advances in wages and procured an advance of five per cent, which came into operation in January and affected 3,500 workpeople. This Board was later dissolved. A Joint Committee of Cleveland Mine Owners and Miners considered 13 cases, of which one was withdrawn, one settled independently, two by the Committee and nine by arbitration.

In the quarrying industry there are Boards of Conciliation for the West Cumberland ironstone trade, which settled three claims for advances in wages, and the Weardale Joint Committee, which deals with disputes at individual collieries.

In this district general wages questions are settled by negotiation between the Cleveland Mine O wners' Association and the Cleveland Miners' Association.

Similar Boards of Conciliation and Arbitration and Joint Committees also exist for the industries of iron and steel manufacture, engineering and shipbuilding, bolt and nut manufacture, brass foundries, gas, electric light, water, steam, etc., fittings trades, tinplate manufacture, dying and lace-making, boot and shoe manufacture, dock and water-side labour, and book binding. The only district Board which took action

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during the year was the London Labour Conciliation and Arbitration Board, which affected two settlements, one involving silver workers and another the Association of Master Lightermen and Barge Owners (Port of London) and the Amalgamated Society of Watermen, Lightermen and Watchmen of the River Thames.

Legislative Efforts Elsewhere.

The earliest legislative attempt to grapple seriously with the problem of industrial disputes was the French system of Conseils des Prud'hommes, or Councils of Experts, which was created under the Napoleonic code, of a century ago, and has since, with some modification, been adopted and employed extensively not only throughout France, but in Germany, Belgium and other continental countries. The machinery of these councils is simple and inexpensive, but the scope of the councils is limited. The councils are really composed of two committees, the first--a council of conciliation before which the disputants appear with their witnesses and lawyers and having the right to call for documents or other matters relative to the case. If this committee does not effect a settlement satisfactory to the parties the issue is submitted to the Committee of Judgment, which deliberates with much of the formality and with most of the powers of a duly constituted legal tribunal. A very large number

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of cases came before these councils. Generally speaking, more than half the total number of cases brought up are not settled by the conciliation committee and have consequently to be referred for judgment.

With the growth of great cities and the tendency to combination on the part of employer and employed, the Conseils des Prud'hommes have proved more and more inadequate to deal with the larger industrial disputes and they have not been effective in preventing strikes on a large scale in any continental country. In France, their unsuitability for dealing with large questions was virtually acknowledged some years ago by the passing of a general law of conciliation and arbitration.

Many attempts were made to introduce a system of conciliation and arbitration into the settlement of disputes in the chief industries of England, and after numerous failures a conciliation Board was established in 1860 in the hosiery and lace trades in Nottingham. In 1865 a similar board was established for the building trades at Wolverhampton, and in 1869, for the north of England iron trade, similar boards being subsequently developed in connection with other industries.

In the United States, the same process has been at work, many states having departments or bureaus of labour, and usually, in connection with them, either permanent boards of

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arbitration or machinery for the establishment of such boards to deal with disputes as they may occur. In none of these cases, however, on the continent of Europe, in Great Britain, or in the United States, has any feature of compulsion hitherto entered the proceedings. Everything has been on a voluntary basis, conciliation being the great working principle. Conciliation has been described as the system of the 'long jaw' or a discussion unlimited and unhampered, and, on the whole, friendly over the matter at issue, and whatever may be the final modification which the primitive Conseil des Prud'hommes may undergo, it is certain that this full and free discussion between the parties concerned in the dispute must remain the essential factor in promoting an understanding. Fortunately, in the vast majority of cases, with any machinery which allows free play to this human element, there is reasonable expectation of securing a working arrangement between the employer and the employed.

The process of voluntary arbitration is a natural development from attempts of conciliation and usually means that when the contending parties have failed to agree between themselves they decide to leave the settlement of their dispute in the hands of a third party. In fact, in the working of these methods in the older industrial countries, conciliation has been found most practicable in the settlement of small disputes, where the joint

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committee of employers and employed has been the medium, and arbitration has been applied to the adjustment of larger questions such as the general rate of wages, which is, of course, the most vital feature of the whole industrial problem.

"Labour and Capital" by John P. Peters, D.D. 1902.

Mr. Warren A. Reed, Chairman of the Massachusetts Board of Conciliation and Arbitration, in an article on Conciliation and Arbitration in Massachusetts, says:

"We endeavor to bring about between employer and employee, under our supervision, trade agreements which settle the main points of interest to them and which contain a clause binding them, in case they shall be unable in the future to settle their differences amicably, to submit, without strike or lockout, their differences to arbitration by the State Board, or a local or joint board if they prefer it. What we can do along these lines is clear gain and lays the foundation, before controversies arise, for a fair and equitable disposition of them. Not infrequently our rooms present the pleasant picture of a meeting of committees of associations of employers with committees of the employed, or their representatives, who are honestly and earnestly looking for a peaceful solution of their troubles.

'To climb steep hills requires slow pace at first,' but we believe that we have begun to climb the hill when we have induced parties to agree beforehand to waive the battle and submit to the decision of a tribunal of their own choosing. We notice that at present such trade agreements are only possible where both sides have had their fill of fighting. It will be long before such understandings will be general, but we believe that as time goes on, and as men slowly learn that even the victor suffers greatly in industrial warfare, they will tend to come to a peaceful agreement to avoid the struggle. More hopeful still is the attitude of both contestants when, without the aid of a Board, they enter into a compact that, without a strike or lockout, they will submit all their differences to the State

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Board or to a local or joint board. This movement is meeting with considerable favor among some of our manufacturers and their employees in Massachusetts, and as far as we know, is considered by them as a solution of the labour problem. It is needless to say that we foster such arrangements."

"Labour and Capital" by John P. Peters, D.D. 1902.

Mr. John McMackin, New York State Labour Commissioner, in an article on Arbitration, says:

"Arbitration and Conciliation.--Boards of arbitration and courts of conciliation are perhaps the principal and most successful methods yet adopted for the adjustment of labour disputes. The former, as a rule, decide actual, definite grievances, while the latter are permanent, take action on all difficulties arising between employers and employees, and endeavor to prevent strikes by fostering kindly and stable relations. Courts of conciliation have produced very encouraging results wherever established.

"Voluntary arbitration can only be made successful through the influence of public opinion and the willingness of the two parties to an issue to submit to an amicable adjustment of difficulties. It has been found in this State that the method of entering into annual agreements as to wages and hours have been productive of the best results. We have had very few strikes in the mechanical trades owing to their thorough organization and system of making agreements for a specified time."

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"Labour and Capital" by John P. Peters, D.D. 1902.

Mr. E. E. Clark, Grand Chief Conductor of the Order of Railway Conductors, in an article on Compulsory Arbitration, says:

"The practice of employer and employee meeting on even terms and in a friendly and conciliatory spirit for the purpose of intelligent and frank discussion of these matters is, therefore, the rational, reasonable, and civilized way of dealing with this question. If that way be adopted, the next and natural step is a friendly agreement to submit to arbitration such disputed points as the principals are unable to reach an agreement upon. If the proper spirit is entertained at the start and exercised during the discussions, there can be no fear of anything occurring to seriously mar the pleasant relations or to prevent the matter being carried to the logical conclusion of negotiations carried on in that spirit--arbitration.

"If each knows at the outset that such points as cannot be agreed upon are to be submitted to arbitration, they will be much less liable to assume or maintain any position which their conscience and better judgment tell them is wrong and untenable. Simple fair-mindedness as between man and man will be the basis of the negotiations and the foundation stone of the conclusion finally reached."

"Labour and Capital" by John P. Peters, D.D. 1902.

Mr. John Mitchell, President of the United Mine Workers of America, in an article on Compulsory Arbitration, says:

"I am of the opinion, however, that the best and most practical plan that could be adopted to avert strikes and lockouts would be for the employers of labour and the representatives of labour organizations to meet in joint

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conference, as is done by the soft-coal miners and operators of this country, and mutually agree upon contracts governing the scales of wages and conditions of employment, said contracts or agreements to last for one or more years.

• • • •

"If arbitration is to be the final refuge to which capital and labour shall turn for a solution of the industrial problem, it is my opinion that the most effectual and practical plan would be to have boards of arbitration formed within each separate industry. I believe that in the mining industry, for instance, a board of arbitration should be selected representing the mine employees and the mine owners; and the questions that cannot be settled in joint conference of employers and employees shall be referred to said board of arbitration, and, in the event of their failure to agree, they be empowered to call upon some disinterested person who would be authorised to pass final judgment."

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From "Methods of Industrial Peace."

by N.P. Gillman.

pages 361 - 362.

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Strikes on steam railways or street lines, and on steamships are sure to cause untold damage to the public. Strikes and lockouts should therefore be strictly prohibited, collective bargaining should be required, and in case it is not effected, the law should in some way settle the dispute with final authority. Then, if the employees do not relish the terms imposed, let them be at liberty to withdraw gradually and in accordance with the rules for giving notice, without disturbing traffic. It is difficult to conceive a self-respecting, intelligent society preferring the anarchy and riot of the usual strike on a railway or a trolley line to legal regulation of such disputes by an expert commission.

The same argument will apply to other public utilities, like gas works, electric light works, and water works owned by companies. Just as these businesses are in fact diverse from ordinary private businesses, so they should be more subject to public control, in respect to labour relations. The two parties have no proper claims to be "let alone" to inconvenience the public as much as they see fit. If they will not of themselves continue to supply the service incumbent upon them, the State should present to them the alternative of forfeiture of charter and other privileges, or the acceptance of working rules

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imposed by a government board.

Other industries than those just named may occasionally be affected by disputes which inflict immense injury on the public, as in the case of the Anthracite Coal strike of 1902 in Pennsylvania. Where a true monopoly exists, as in this case, the same arguments would apply as in the case of railways.

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C 10162

Extract from "Methods of Industrial Peace".

by N.P.Gillman.

Page 280.

Negotiations between employers and Unionists for a "Living Wage" or a shorter working day, can be viewed with equanimity by all other parties, no matter how extreme the demands of either party at the beginning, so long as both parties are in a position to compete on equal terms, neither being under duress of any kind, and so long as the outcome soon to be expected is a bargain of some sort, not a fall into anarchy and violence. Let the unions get all they can get in the way of higher wages and fewer hours, and let the employers get all they can in the way of lower wages and longer days. The important points are, first, that the two parties shall be in a position to bargain "competently", as the economists would say, and second, that they shall conclude a bargain and not arrest production and disturb the public peace by refusing to make a bargain, and rejecting all efforts to have a settlement made by others, if they will not make it themselves.

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C 10163

From "Methods of Industrial Peace".

by N.P. Gillman,

page 361.

Professor R.T. Ely, in his "Studies in the Evolution of Industrial Society" (1903), roughly classifies industries according to the amount of legal regulation to which labour disputes in them should be subject:-

Naturally, railways, telegraph lines, and generally the agencies of transportation and communication, together with lighting plants and other so-called local "public utilities" belong in a... class in which the social interest asserts itself most vigorously. Here, clearly, the interest of society is paramount, and the duty of preserving the continuous operation of these industries is like that of the prevention of crime. In other words, in these particular cases, we should have courts of conciliation and arbitration, with adequate powers to settle disputes without a recourse to private industrial warfare. (. 383)

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C 10164

Extract from "Evolution of Industrial Society",
by Prof. Ely, page 382.

In a class above this group should be placed those industries the continuous operation of which is of still greater importance. Here we place coal mining and the larger manufacturing concerns. It again would be necessary to define the size of the manufacturing enterprise, or other business establishment, which would place it in this class. All the great trusts should be treated as a single enterprise, although they may have factories located in various places, inasmuch as each trust combination operates as a unity. In this class of industries it is recommended that we should have everything short of the absolutely compulsory acceptance of the awards of a board of arbitration. There should be a heavy penalty for a strike or lockout without first going through all the prescribed steps to arbitrate the difficulty.

Naturally, railways, telegraph lines and generally the agencies of transportation and communication, together with lighting plants and other socalled local "public utilities", belong in a still higher class in which the social interest asserts itself mostly vigourously. Here clearly the interest of society is paramount, and the duty of preserving the continuous operation of these industries is like that of the prevention of crime. In other words, in these particular cases we should have the courts of conciliation and arbitration with adequate power to settle disputes without a recourse to private industrial warfare.

One important consideration is that no public board of con-

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ciliation and arbitration should ever be clothed with so little power as to render it contemptible. The reasons why a feeble board can accomplish nothing are similar to those which would render judges of little use if contempt of court were permissible.

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C 10166

Extract from "Methods of Industrial Peace".

by N.P.Gillman.

Page 280.

Negotiations between employers and Unionists for a "Living Wage" or a shorter working day, can be viewed with equanimity by all other parties, no matter how extreme the demands of either party at the beginning, so long as both parties are in a position to compete on equal terms, neither being under duress of any kind, and so long as the outcome soon to be expected is a bargain of some sort, not a fall into anarchy and violence. Let the unions get all they can get in the way of higher wages and fewer hours, and let the employers get all they can in the way of lower wages and longer days. The important points are, first, that the two parties shall be in a position to bargain "competently", as the economists would say, and second, that they shall conclude a bargain and not arrest production and disturb the public peace by refusing to make a bargain, and rejecting all efforts to have a settlement made by others, if they will not make it themselves.

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C 10167

From "Methods of Industrial Peace".

by W.P.Gillman.

page 361.

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C 10168

From "Methods of Industrial Peace."

by N.P. Gillman.

pages 361 - 362.

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Strikes on steam railways or street lines, and on steamships are sure to cause untold damage to the public. Strikes and lockouts should therefore be strictly prohibited, collective bargaining should be required, and in case it is not effected, the law should in some way settle the dispute with final authority. Then, if the employees do not relish the terms imposed, let them be at liberty to withdraw gradually and in accordance with the rules for giving notice, without disturbing traffic. It is difficult to conceive a self-respecting, intelligent society preferring the anarchy and riot of the usual strike on a railway or a trolley line to legal regulation of such disputes by an expert commission.

The same argument will apply to other public utilities, like gas works, electric light works, and water works owned by companies. Just as these businesses are in fact diverse from ordinary private businesses, so they should be more subject to public control, in respect to labour relations. The two parties have no proper claims to be "let alone" to inconvenience the public as much as they see fit. If they will not of themselves continue to supply the service incumbent upon them, the State should present to them the alternative of forfeiture of charter and other privileges, or the acceptance of working rules

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UNREVISED EDITION

P 1182

House of Commons Debates

SECOND SESSION—ELEVENTH PARLIAMENT

Vol. XLIII. Tuesday, December 7, 1909. No. 19

NOTICE TO MEMBERS.

The rules for printing the Debates were amended by the House of Commons on April 27, 1899 (see V. & P., p. 184), and the following clauses were adopted:—

5. The type of the daily edition shall be kept standing, and the sheets of the daily issue shall be revised by an officer appointed by the House. Members may send corrections to the said officer to be embodied in his revise.

6. That the time allowed for the aforesaid revision and correction by members shall not exceed twenty-four hours after the delivery of the daily issue to the House; and that all corrections shall be sent to the Debates office within that time. That promptly on the expiration of the twenty-four hours the proof sheets shall be sent to the Printing Bureau, where the corrections shall be made and the final proofs shall be read for the book form; and the work shall be then forthwith printed and constitute the Revised Edition.

It will be seen from the above that corrections which are not sent in within the stated time cannot be made, and that in such cases, the book form, or revised Debates, must be made up without change from the unrevised edition, and will go to press at once.

HOUSE OF COMMONS.

TUESDAY, December 7, 1909.

The SPEAKER took the Chair at Three o'clock.

FIRST READINGS.

Bill (No. 58) respecting the Montreal, Ottawa and Georgian Bay Canal Company.—Mr. McGiverin.

Bill (No. 59) respecting the Saint Maurice Valley Railway Company.—Mr. Mayrand.

NEWMARKET CANAL—HOLLAND RIVER CHANNEL.

Hon. G. P. GRAHAM. I wish to make a slight correction in answer to a question asked by the hon. member for South Simcoe (Mr. Lennox) about a week ago. The question was as follows:

1. Has the Department of Railways and Canals had a survey or investigation made into the feasibility and cost of constructing a channel from the Devil's Elbow on the Holland river to a point in the neighbourhood of the Bradford Railway station, in South Simcoe?

2. If not, will the department have this done at an early date, and if done, is the report favourable, and what is the estimated cost?

The answer is:

1. Yes.

2. The Bradford survey was begun on the west branch of the Holland river at the junction of the Newmarket canal, which point is 4·9 miles from the mouth of the river, Cook's bay, and carried up the west branch of the river to a point about 3 miles above the Bradford and Holland Landing road.

The canal or channel leading to the proposed basin in front of the Grand Trunk station, Bradford, would leave the west branch at the Devil's Elbow, 7 miles from Cook's bay, and the Bradford basin would be at 8·2 miles, or in other words the canal would be 1·2 miles long with a bottom width of 50 feet. The proposed Bradford basin is estimated for 200 feet width, inclosed with concrete dock walls. No work is required in the 2·1 miles of river between the junction of the Newmarket canal and the Devil's Elbow. The estimated cost of the work is $52,947.

QUESTIONS.

IMPERIAL EXPORT COMPANY.

Mr. DANIEL:

1. Has an application been made to the government by the Imperial Export Company for assistance in establishing a regular freight steamship service between Atlantic ports in Canada and Australia and New Zealand?

2. Has the government received any communications from the trade agents in Australia and New Zealand favouring the establishment of such service?

3. Has the Minister of Trade and Commerce received any communications from Canadian shippers or others requesting the establishment of such a service? If so, what communications and from whom?

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Sir WILFRID LAURIER:

1. Yes.
2. Yes.
3. Yes, but it is not thought advisable until the matter has been adjusted to bring down the information sought for.

NAVAL DEFENCE.

Mr. R. L. BORDEN. Before the orders of the day are called I wish to ask the Prime Minister when we may expect the Navy Bill? We were promised some information on that point a week ago yesterday.

Sir WILFRID LAURIER. I think we will be able to take up the Navy Bill immediately after the disposal of the Budget or about that time.

Mr. MONK. I would ask the government to lay on the table of the House the correspondence, despatches, cables and communications between the imperial government and the government of Canada concerning naval defence, since the Imperial Defence Conference last July and up to the present date.

Sir WILFRID LAURIER. There is no objection.

CANADIANS ENTERING THE UNITED STATES

Mr. SCHAFFNER. I wish to call the attention of the First Minister and of the government to a matter of considerable importance, and one which we discussed last session. It is a question which is causing considerable feeling in southwestern Manitoba. I read from this morning's Ottawa 'Citizen'.

Stopped Pastor returning to Ireland from Winnipeg via U.S.A.
(Special to the 'Citizen.')

Winnipeg, Dec. 6.—Rev. T. Davidson, famous pastor of Belfast, Ireland, who has been preaching special services here for several weeks left on Friday last for home via the United States. He was stopped at the boundary by immigration agents and compelled to return to Winnipeg to have papers filled out showing he was not an undesirable.

Such occurences are becoming so frequent that it is creating a strong feeling here. No one regrets it more than United States Consul General Jones, who is doing everything possible to create good feeling. He ascribes it all to ignorant and over zealous officials.

I did not suppose that I would be in order in discussing the question at this stage but it is certainly one which needs the serious consideration of the government. I refer to the manner in which the United States officials are dealing with people of almost all classes who are crossing over the boundary into the United States.

Hon. Mr. OLIVER. We have no jurisdiction over the immigration officials of the United States. They exercise jurisdiction on their side of the line and we exercise jurisdiction on our side. I cannot give any answer to my hon. friend on this matter at all.

Mr. FOSTER. It seems to me that the Minister of the Interior and the government cannot afford to treat such a matter in this fashion. The Prime Minister will remember that last year we had a discussion over some rather outrageous cases and I think the Prime Minister himself promised that the matter would be looked into. Perhaps he can tell us if anything has been done, and if so what? Such things as these referred to by the hon. member (Mr. Schaffner) are indignities and we have no spirit unless we resent them. We ought at least try to make fair inquiry and see whether the conditions cannot be ameliorated.

Sir WILFRID LAURIER. I did not trust my memory about what occurred last session and I thought the Minister of the Interior would know. My impression is that representations have been made on this subject, but I will look into the matter and give further information to my hon. friend. I thought we had some arrangement about it.

FIRST READING.

Bill (No. 60) respecting the House of Commons.—Mr. Campbell.

INTERCOLONIAL RAILWAY BRANCH LINES.

Hon. GEO. P. GRAHAM (Minister of Railways and Canals) moved second reading of Bill (No. 17) to authorize the government of Canada to acquire by lease lines of railways connected with the government railways.

Some hon. MEMBERS. Explain.

Mr. GRAHAM. I explained this Bill on its introduction, and as the question of acquiring branch lines has been so thoroughly discussed in this House time and again, I think it hardly necessary to go into details. The Bill provides that the government shall have power to lease such line or lines as connect with the government railways and on the report of the board of management that such lines will be of benefit to the government railways. The Bill also provides that no line shall be taken over unless the chief engineer of the Department of Railways and Canals reports that it is in good order and in safe condition for operating. That provision is to obviate the necessity for expending a large amount of money on the line after it has been taken over. If it should be thought desirable to take over any line of railway under this Act, the government will not take it over

unless the owners put it in such condition that we can operate it without having to undertake an expenditure on capital account to put that line into proper condition. In other words, we do not propose to lease any lines that are not workable and not in good operating order. The third clause is a safeguard to parliament that no line shall be leased and no contract of lease entered into without first submitting it to parliament for approval.

Mr. W. F. MACLEAN. Is the tendency of this proposal along the lines of increasing government ownership? Is the government fully committed to that principle now and do they intend to work it out to its full extent?

Mr. GRAHAM. That question covers a very vast territory, and I could hardly be expected to give an answer to it. If advantage is taken of this Act to lease any line or lines that now connect with the railway, on the face of it it certainly widens the field of government ownership.

Mr. W. F. MACLEAN. And therefore it shows that the stories as to the government giving up the control and administration of the Intercolonial, are pure fiction?

Hon. J. HAGGART. I do not clearly understand the necessity for this Bill. The minister has not stated what lines he has at present in view that might be taken over, but I assume it is his intention to follow in the proposal made by the hon. member for Westmoreland (Mr. Emmerson) who has advocated from year to year the acquisition of these different lines by the government. I do not clearly understand the necessity of it. Why do you want authority from parliament to make a lease of these lines and afterwards come to parliament to ratify it? Why cannot you make a lease without the authority of parliament at all, and then come to parliament to get the lease ratified? I think that would have been the best plan. An acquisition of a property would be more fully considered if the whole of the reasons were to be given by the minister for the acquisition of a particular line. The pros and cons might be fully discussed, instead of the government coming to parliament with a cut and dried lease entered into by the government with the approval of the commission. That, I think, would be the more parliamentary course, and the better course to pursue if the government had not authority to enter into a lease, because once having entered into a lease, we would have no power of altering or amending it; the lease would come to us holus bolus, take it or leave it. According to the other plan, if the lease was entered into conditionally without the government being bound until parliament had given its approval, I think that would be a far better plan than the one proposed by the Minister of Railways. But the Minister of Railways surely has some object in view, he has surely considered the question whether there are any railways in the maritime provinces which would, if acquired by the government, benefit the operation of the Intercolonial. If that be his object, he should take the House into his confidence and state what line he has in view, what railways he thinks would be for the benefit of the Intercolonial if they were acquired by the government.

Mr. GRAHAM. My hon. friend is in error in thinking that I have some particular line or lines in view. The introduction of this Bill is the result of consideration by the government after repeated discussions in this House, and after considering, not only a report made by commissioners appointed by the New Brunswick government, but a report made by a commission appointed by this government over a year ago. They reported on some twenty railways in the provinces of Quebec, Nova Scotia and New Brunswick. I am free to admit that I have not entered into the merits of any of these lines to ascertain which one or ones it would be proper for us to acquire. Until this year we have not had the machinery for that purpose which we have now, a body thoroughly well qualified, as I think the present board is, to judge of the merits of any of these lines, and to judge whether they might be of benefit and of how much benefit to the government line. That is the point of view from which the question would be approached. The other point of view, of course, would be the benefit of transportation to the people. But the first object, from my standpoint, would be the benefit that the leasing of these lines would be to the government system itself. As I say, I have not gone into the merits of any of these roads to see which ones we had better lease. My hon. friend will see that any lease we might make, or any negotiations we might enter upon for making a lease, would always be made on the distinct understanding that they would not be binding until parliament gave its approval.

Mr. CROCKET. Would that mean that the government railway would not operate the lines until parliament approved?

Mr. GRAHAM. Certainly.

Mr. CROCKET. I can hardly see the purpose of the Bill.

Mr. GRAHAM. My hon. friend will understand that the government could have introduced the Bill, or could have gone ahead without a Bill. We could have entered into negotiations without parliament

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having first said: We are agreeable, and if you find a line that will be of benefit to the government road, you may enter upon negotiations. By the passage of this Bill parliament approves of the principle of leasing any line or lines if they are found to be of benefit to the government system, although the details of such lease must be approved by parliament before they can become effective. One of the safeguards we have at the present time in considering questions of that kind is the fact that the government line will not consider any proposition unless the board of management first approves or recommends it; and secondly, the chief engineer of the department must approve the standard of the road before the government will enter into negotiations for its acquisition, it being understood that an arrangement would not come into force until parliament had given its approval.

Mr. SPROULE. I would expect that the government would not propose a Bill like this unless they were prepared to inform the House whether it is the fixed policy of the government to extend the principle of government ownership of railways. If that is not their policy, it does not seem to be the part of wisdom to proceed along this line without some definite object in view. I would naturally expect that the Minister of Railways had gone into an inquiry, through this board or through his chief engineer, with regard to the situation of the Intercolonial railway and the conditions which make it a non-paying concern, and that the object of these leases was to make it a paying concern in the future. I think also he ought to be able to tell the House whether it is the determination of the government to go on and extend government ownership, because there is a great deal of controversy going on over that matter, some being in favour of it and some against it. I think there is a motion on the Order Paper for passing the Intercolonial over to some other railway to run it. Now, that indicates that there are some persons, at least from the maritime provinces, who are opposed to this principle. I think the Minister of Railways ought to be able to furnish such data to the House as will justify us in saying now that we are giving you a free hand, you have something in view, you have looked carefully over the ground, there are many feeders to this railway that would be valuable if put in good condition, providing we can lease them at a reasonable figure. But I agree with the ex-Minister of Railways (Hon. Mr. Haggart) that the government have such power already. Did they not do it with the Gibson railway, and with the Drummond County railway? Have they not done it several times during the last 14 or 15 years with reference to railways in the maritime provinces? Now, what different relation will the government be in with regard to this work after the Bill has been passed from what they were in before? They could already make a lease subject to ratification by parliament if they thought proper to do so. They will be able to do the same thing in future, so I cannot see what great benefit is going to be accomplished by this Bill. At any rate, if we pass the Bill it is assenting to the principle, and if that principle means the extension of government ownership of railways we ought to be given some better information than we possess at present. I am not opposing the Bill, but I think the Minister of Railways ought to be able to furnish the House with better data than he has, and a more elaborate scheme, and show us that he has carefully considered this subject, and that he thinks it will be wise for us to extend the principle.

Mr. GRAHAM. I would be glad to give my hon. friend an outline of an elaborate scheme if I had one; but I frankly stated to the House what my view is, that it is proposed to obtain from parliament authority to have the Board of Management investigate any line that they think would be beneficial to the government line of railways, and authority to lease any such line. As to the enlargement of government ownership, I am not prepared to announce any particular policy. The present policy of the government is government ownership of the Intercolonial Railway; and so long as we own that line, which will probably be quite a while, I propose to make the best of it. But my hon. friend says there is a question on the Order Paper suggesting that the Intercolonial be leased. If the government were proposing to lease the government road, such a movement as this would neither help nor hinder the leasing of the government road. My own opinion is that if a company owned the Intercolonial, it would have had possession of some at least of these branch lines long before this. If it be true, as has been argued time and again in this House, that the leasing of certain lines would not only improve the transportation facilities for the people, but also increase the usefulness of the government line, then parliament ought to be prepared to give us the power asked for in this Bill—to investigate and see if this be true in any case, and, if so, to act accordingly.

Mr. CROCKET. Does the minister say that the government has not already the power to investigate a railway and enter into negotiations to lease without the passing of this Bill?

Mr. GRAHAM. As I explained a few moments ago, the government can investigate this or any other question. But there is this difference, that with this measure on the statute book, parliament has approved of the principle of leasing any branch line which it may be found, after investigation, to be in the interest of the government railway to lease. We are starting on that investigation with the approval of parliament to the policy of leasing these lines if the conditions do exist, the details to be submitted to parliament.

Mr. CROCKET. But the lease is not to become effective, I understood the minister to say, until it is submitted to parliament and is approved by parliament. If so, I cannot see the purpose of this Bill at all, unless as a meaningless sop offered to the member for Westmoreland (Mr. Emmerson).

Mr. R. L. BORDEN. The Minister of Railways has perhaps properly described the effect of this Bill when he says that it gives the government a general authority to negotiate. He says, as I understand him, that general authority to negotiate ought to be granted by parliament, for he makes it clear to us that there are some lines of railway in Quebec and in the maritime provinces which may usefully be acquired by the Intercolonial railway, having regard to the interests of the people in respect to transportation, and having regard to the interests of the Intercolonial railway as a going concern. I may say in passing that I rather object to the expression of government ownership. I would like the government to understand that they do not own the Intercolonial railway. They are for the time being, unfortunately for the people of this country, entrusted with its management and control; but the railway is owned by the people of Canada, and not by the government at all. I must confess that I would have expected the Minister of Railways and Canals, according to his own definition, to have given us a little more information than he has given us so far. He has not made it clear that, in his own opinion, there are any railways of that character. He has referred us to certain reports of certain gentlemen appointed by this government and certain other gentlemen appointed by the government of New Brunswick, who have arrived at certain conclusions. I am not very familiar with these reports, and the minister appears to be no more familiar. However, he has not stated to what extent he has acepted their conclusions, nor has he given us the name of any railway which he thinks it advisable for the government to acquire. More than that, he has not intimated to us the principle upon which the government or the Government Railway Management Board will proceed in dealing with this question. Although the minister very cleverly introduced into his speech words that are not in the Bill, I do not observe in the Bill itself any statement of policy upon which the Government Management Board will proceed. I understand that they have full discretionary powers of management and control so far as the operation of the Intercolonial railway is concerned; but I do not understand what discretionary powers they are to have in regard to leasing branch lines. I do not understand what considerations they are to have regard to in coming to a conclusion. The Bill leaves us entirely ignorant of this point, and the minister also leaves us ignorant of that. If the minister asks us for this Bill as a general authority to negotiate, and that is all it can amount to, ought he not to give to the House some explanation of the principles upon which they will proceed to negotiate—what considerations they will have regard to and upon what lines they will proceed, in coming to a conclusion as to whether they shall recommend or not? I can understand that the Intercolonial railway might embark upon a policy of acquiring ultimately every one of these branch lines. That is perfectly intelligible whether we approve of it or not. I can understand that the policy might be very much more restricted than that—that it might relate only to such of these lines as would in the immediate future become financially profitable to the Intercolonial railway as a going concern. I can understand that lines would be acquired because they would give increased transportation facilities to the people, and although not immediately profitable, would become profitable within a reasonable period. There are other lines of policy that might be suggested. The minister does not commit himself to anything, and only asks for general power to negotiate. He does not give us the slightest idea of the lines on which the action of the government or the Railway Management Board is to be conducted. I am bound to say that I am in favour, so far as I am personally concerned, of coming to parliament first and stating what the government proposes to do and getting this general authority to negotiate. I think that, perhaps, on the whole—although there may be a difference of opinion—that is the wiser and fairer course to pursue. But I do not think it a very advantageous course to pursue unless we get from the minister some intimation of the lines upon which the general power to negotiate will be exercised and the policy which will influence the government in coming to a conclusion, one way or the other, with regard to any of these lines.

Mr. BLACK. I would like very much to have a little more light on this question. When it comes to a vote, I propose to vote on this Bill. At the present juncture, I

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do not know whether I shall vote for it or against it. Unless I get a little more light on the subject, a little more information than I have now, I shall be strongly inclined to vote against it. I think that the minister must surely have had in mind, when he prepared that Bill, some branch railways or some number of branch railways that he was going to acquire. For myself, I would like to have some definite information what branches are to be taken in. Is it for a few branches in New Brunswick that are not paying a dividend and never will pay a dividend, under present management? Is it for some branches in the province of Quebec that are in trouble? Is it for certain branches in Nova Scotia that are not paying dividends? I remember that, last autumn, a commission was appointed to examine and report on the subject of branch railways. And I was astonished to learn afterwards that the most prosperous branch, the branch that runs through the best part of the maritime provinces, the Dominion Atlantic railway, had not been examined or reported on at all. This road, as many hon. members know, runs through the richest part of the maritime provinces——

An hon. MEMBER. Oh, oh.

Mr. BLACK. Perhaps the hon. member for Pictou (Mr. Macdonald) does not know, but I know that this road runs through the richest part of the maritime provinces; that we send over that road between half a million and a million barrels of apples alone every year; that the country through which it runs is handicapped by that railway, a country that would be alive with manufactures if we had a railway that was assisting manufacturing development, instead of taking out of the manufacturers all they can. This is a railway which is managed from London, and anything in Canada managed from London is hardly ever prosperous so far as Canadians are concerned. I say I was astounded to learn that this road had never been examined or reported on by the commissioners. And when I inquired the reason, I found that there had been a difference between the management of that road and the commission in regard to the cost of running over the road. I believe—of course, I am not speaking positively, but the information came to me from a very good source—the management wanted $30 a day for taking the commissioners over the road, and the commissioners, in an economical frame of mind, refused to give it, and made no report on the road. I should like to know, before I vote, if it is contemplated to take over the Dominion Atlantic as one of the branches of the Intercolonial. It can be bought, and it is not in bankruptcy. All that any one has to do is to look at the report sent to the government every year, and he will find it to be a good paying road. A part of it is leased from the Intercolonial railway. This private company actually leases part of its road from the Intercolonial. And it is one of the best paying roads in Canada. I would like to know if the government intend to withdraw that lease. It was a foolish lease in the beginning, it has been a foolish lease so far as the people of Nova Scotia are concerned ever since, and it will continue to be a foolish lease until the end. I repeat that I should like very much to have a little more information before deciding whether I shall oppose this Bill or support it.

Mr. SPROULE. How would it do to use this power as a means to extend the Intercolonial westward to Georgian Bay?

Mr. TALBOT. I have opposed any further purchase, lease of administration of any railway in addition to what the government possesses. And I oppose it now. And I am prepared to say that, unless things happen that should change my mind—and they will have to be very real and important things, I shall oppose it for many years to come.

Mr. HENDERSON. The Bill before us is, to my mind, an extraordinary one; it is something new, I think, in the way of railway legislation. The powers asked for by the government are very unusual, and they are asked upon a basis of very little information as to how the Bill will actually be carried into effect. I understand that the Bill will authorize the government to lease certain railways—we do not know what railways, nor do we know whether they are rich corporations or poor ones. They may be corporations whose bonds are not worth ten cents on the dollar; but the moment the government gets this power to lease these roads, no doubt the bonds will go up very quickly. To my mind, there is an open door there for a good speculation on the part of some one down in New Brunswick or Quebec. I should like more information before we are called upon to vote on the question. I do not wish to oppose anything that is in the interests of the Intercolonial railway or will promote the interests of the maritime provinces or Quebec in relation to their railway systems. But it does seem to me that there is something about this Bill that is rather dark. Under it, the Minister of Railways is to be authorized to lease certain roads in whole or in part, in fact, any line or lines connected with the government railway. And he is authorized to do this upon the recommendation of the Government Railways Managing Board. In effect, the Minister of Railways is authorized to do this on his own recommendation, because, practically, the Minister of Railways and the Managing Board of the Intercolonial are one and the same power—I do not think they are very far apart yet. I confess that the legislation is of a character new to me; it seems to me to give the Minister of Railways extraordinary powers. Now, if the recommendations of the government Railways Managing Board would go so far as to tell before the purchase is gone into who the owners of the railway are, and what is the value of the road, whether it is a bankrupt road or one paying dividends, and so on, I could see my way more clearly to giving the minister this power. But, if the Bill passes, he is to get this power without our having any information as to the value of the road or roads to be leased. That, to my mind, is a very strong objection, and I think the minister ought to see his way to remedying that defect. I assume that the minister will not press this to a conclusion at once, but that he will give members a further opportunity of looking into the matter and by all means that he will be able to place before the House, before the Bill passes its second reading, definite information with regard to the names of the railways he proposes to purchase, their value, the value of their securities and the holders of these securities, practically a statement of the persons who are to be benefited by this leasing or purchase. It looks to me like a dark horse. I think we are taking a great deal for granted if we confer on the minister a power like this on the limited information he has given.

Hon. W. S. FIELDING. I am afraid the hon. member for Halton (Mr. Henderson) is unduly suspicious. It never occurred to me that there was anything very dark or dangerous about the Bill; it seemed one of the most moderate and reasonable Bills ever submitted to parliament and I should be surprised if, after a fair consideration of the Bill, there is any serious opposition to it. The adoption of this Bill simply asserts a principle which has frequently found expression in the debates of this House and which every man in any way acquainted with railway matters will readily approve. That principle is that where there are branch lines connected with a large and important system it would undoubtedly be in the interest of economy and efficiency that these branch lines should be consolidated with the general system if such a consolidation can be brought about on fair and reasonable terms. It needs no argument to say that a short branch line of railway may be economically a failure, its expensive management may be so great that it cannot pay even its working expenses. Take that same branch line and consolidate it with a large system and it may become a burden or it might become a useful feeder to the larger system.

any hon. gentleman who has the slightest knowledge of railways will at once agree to this general principle. It is well known that along the line of the Intercolonial railway there was a number of branches worked more or less inefficiently—I will not say more or less efficiently, some of them are not worked efficiently, and it is believed that if these branches were consolidated with the Intercolonial railway better results could be obtained. I do not agree with the hon. gentlemen opposite but it is essential to specify what branches are in contemplation. For myself I have no idea of a single branch which will be leased under this Bill, while I have no doubt that some branches will be acquired by way of lease. The criticism of the hon. member for Lanark (Mr. Haggart) rather goes to the fact that the minister will have to come back to parliament for approval. That goes to show that the Minister of Railways has not been taking to himself some unwarranted power but has been unduly modest. He does not ask authority to enter into any binding arrangement with anybody but he does ask the House to accept the principle involved in this Bill that the consolidation of branch lines with the Intercolonial railway is a desirable thing if it can be brought about on fair and reasonable terms. Any branch of the Intercolonial railway may properly be brought within the operation of this Bill.

Mr. R. L. BORDEN. My criticism was confined to the absence of any statement by the minister as to the principle upon which the government intended to proceed. What will be the government's policy after getting this power to negotiate? I approve of their coming here to get the power to negotiate as I have said, but I think we are entitled to some statement of what the policy of the government will be.

Mr. FIELDING. It is certainly desirable that there should be as clear an understanding as possible, but my hon. friend will agree that inasmuch as we must come back to parliament for approval, even although the government should be unwise enough not to negotiate in the right direction, the rights of parliament are fully protected. The Bill sets forth, in the first place, that the road must be in good and safe condition. There is a very important assertion of principle. If you take a dilapidated road and acquire it by lease, although on the surface it may seem to be a good arrangement, you may have to spend a large amount in putting it in order. Therefore the Minister of Railways has wisely determined that he will not consider the acquisition of any branch line unless it is in a safe condition.

Mr. W. F. MACLEAN. Railway managers often take over a road just because it is in a poor condition and put it in good order.

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Mr. FIELDING. No doubt there might be cases where the Minister of Railways would say to the parties: Your road is not in a condition to enable me to negotiate for it; put it in a substantial position so that we will not have to spend a large amount of money on it and we will deal with you. There are a number of railways that might be acquired, notably in New Brunswick. There are very few in Nova Scotia that would be willing to be called branch lines. The hon. member for Hants (Mr. Black) has spoken of the Dominion Atlantic. I am afraid the Dominion Atlantic would be offended if it were called a branch line.

Mr. BLACK. I do not mind offending them, they have offended us often enough.

Mr. FIELDING. People are often very glad to get railway accommodation and when they get it are sometimes too ready to find fault with the railway company. However that may be, I think the House ought to adopt the principle of this Bill. It is a principle of what might be called the economy of railway management.

Mr. R. L. BORDEN. The Dominion Atlantic could come under this.

Mr. FIELDING. Yes.

Mr. LENNOX. It is not confined to branch lines, it is any line connecting. It might be a railway 1,000 miles in length.

Mr. FIELDING. It might be, but we have not any railways of that length down there.

Mr. LENNOX. It might be anywhere, it might be the Canadian Northern.

Mr. FIELDING. I do not think there is any danger of a branch of 1,000 miles in length being brought under this Bill and anyhow, as we must come back to parliament for ratification of any agreement made, my hon. friend will see that the public interests are adequately protected. This Bill simply authorizes the Minister of Railways to enter upon the consideration of a policy that has again and again found advocates on both sides of this House. True the minister could have gone ahead made his negotiations and then come back to parliament, but he has thought it best to pursue the policy, which I am glad to say has won the approval of the leader of the opposition (Mr. R. L. Borden), of coming here and asking a general declaration in favour of the principle. I would take it for granted that the managing board would have to satisfy the Minister of Railways that the road will either from the beginning or at a very early stage pay its own working expenses and a sufficient sum to protect the government against loss. That leads me to repeat the observation I ventured to make that it is quite possible a branch railway which is losing money as a branch line might even make a little when consolidated with the general system. I think the Bill is reasonable, I think the criticism of the hon. member for Lanark (Mr. John Haggart) that we do not need to come to parliament as we have the power to negotiate without coming to parliament, while true is not important; in fact I think it is much wiser that the minister should come here and ask parliament to give general approval to the principle laid down and then I think it is not too much to ask the House to believe that the Minister of Railways and the managing board will not recommend the acquisition, even by way of lease, of any railway which would not be a helper to the Intercolonial railway. But if the Minister of Railways should be so unwise as to do that and if his colleagues in the government should be so unwise as to encourage him to do it, you still have the safeguard of this House of Commons and this parliament because no lease that the minister might propose could be of any binding effect until it had been submitted to this House and had received the approval of parliament.

Mr. FOSTER. The hon. member for Hants (Mr. Black) was asking for light a little while ago. I watched him quite closely while the Minister of Railways (Mr. Graham) was diffusing such light as he has diffused on this Bill; I did not see much of an answering gleam on the face of my hon. friend, and when the Minister of Finance got up I noticed that my hon. friend fixed both eyes on him. I do not believe I am far astray when I venture the guess that no very great light has gone into the cranium of the hon. member for Hants as a result of the explanation or the diffusing of light by the hon. Finance Minister.

Mr. BLACK. I am still waiting for light.

Mr. FOSTER. Still waiting! Then, I want to give the hon. member for Hants some of the light he was asking for. If he will just remove the little blur before his eyes and look back and down he will see a certain figure, not long ago upon the ministerial benches. He will see that that figure is no longer on the ministerial benches, but is removed a little farther to the right, and he will remember that that gentleman has had for some years a very decided liking for the absorption of maritime province railways by the Intercolonial railway, that he has advocated it in the country before his constituents, advocated it in the House, that he has pestered and bothered the present Minister of Railways and Canals considerably by the persistent advocacy and criticism which accompanied that advocacy, and that as a result the Minister of Railways, bothered with the fellow, gave a commission and had some of his wise

men sail around about the maritime provinces. They had a good time, looked over all these roads, drew their money, got their expenses and then prepared a report for him which, strange to say, the Minister of Railways has not yet read. Am I wrong in that?

Mr. GRAHAM. My hon. friend is wrong to this extent, that it was laid on the table last year and he should have read it if he has not.

Mr. FOSTER. I am not talking about myself. The hon. member for Hants has not been asking me for light.

Mr. GRAHAM. But you are attempting to give it to him.

Mr. FOSTER. And I thought that it was a fair assumption from what the minister said that he had not looked within the pages of the report. Has he?

Mr. GRAHAM. I have read it through twice.

Mr. FOSTER. Then, if my hon. friend has read it through twice, it is a very poor report or he would be able to give his opinions in reference to it. Now, he certainly says that he has not bestowed any thought upon it at all. Meanwhile the hon. member for Westmoreland, still somewhat critical, a little on the offside, bothers the minister again, and the minister says: I will have another whack at him; I will put some enabling measure on the law-book; I will have a statute that will enable me to take in these railways. Of course, I am not going to bestow any bother upon looking into the question whether there are or are not any roads. This is sufficient for my purpose at the present time. My purpose is to get another stepping stone away from that bothersome man from Westmoreland. That is about all the light there is in it except that a little more may be shed upon it in this way. I see a splendid arrangement for future good work about the time of the coming elections. The minister comes down and says: Here is a matter of sufficient gravity to be called to the attention of two hundred and odd gentlemen whose time is precious and who are here to consider serious, honest and earnest legislation. He first calls the attention of his colleagues to it and says: This is the measure that I propose to bring down, and then he calls the attention of the House to it. When he calls the attention of the House to it, asks them to pass it, and they ask him for his policy he has no more policy than the man in the moon. He cannot tell us whether he believes there are any roads that would come under this category. He does not say whether he will find the branches in Nova Scotia, New Brunswick or Quebec, or whether he will use this power as a possible negotiating instrument to obtain a road and join it on to the Intercolonial railway at the city of Montreal running to the Great Lakes, or a road running across the prairies, or a road running all the way across to the Pacific ocean, because, under the enabling power of this Act, he can enter into negotiations with the Canadian Pacific railway to-morrow or any day and can acquire these roads by lease, provided they are willing.

Mr. FIELDING. But he could do that without the Act.

Mr. FOSTER. He could do that without the Act, but let me tell you what I say is the difference between doing it with and without the Act. You have done it without an Act. The government have done things equal to this and like it, as the government are doing time after time. Instance after instance is given. But, there is this difference which is two-fold. The moment you pass this Act everybody knows that the minister will have every branch and small railway which joins with or is in close proximity to the Intercolonial railway on his back and he will no longer have the advantage of being able to say to them: The government has not made up its mind in reference to this; I have no authority for this sort of thing. The best I can do would be to make a sort of arrangement with you and to take it to parliament. But the moment the Act is passed he is in a very different position. They come to him and say: You have no excuse for not entering into negotiations for this road. Here is a branch road, we want you to take it over; what is your excuse for not doing it? You have the approval of the House to do the very thing that we are asking you to do. Does not the minister see that his powers of resistance are absolutely taken away from him and he cannot help but enter into negotiations with them and yield to their pressure? Then, when it comes down to the House, the House itself is restricted and restrained when the minister rises and says: Here is the report of my board of managers, here is the report of my engineer, I am doing exactly what parliament has sanctioned and ordered to be done under certain conditions and why are you opposing it? So, the power is made all the greater as against any opposing force because the government would say: We have the authority of parliament; we have simply entered into a contract with the authority of parliament and it must be passed. It is difficult for the opposition, even though part of it is composed of men on the government side, to make headway against a government measure when it is brought down for the first time, but it is infinitely more difficult when it is brought down in sequence of a measure that approves of the principle involved in the transaction. The House will have com-

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mitted itself to the principle once it passes this Act, and that is the reason why I rather agree with my hon. friend the late Minister of Railways and Canals in reference to this matter. But there has not been a single assertion made by the government or the minister who is bringing down this measure as to how extensive or how limited this power may be. Does the minister think this proper to ask us to confirm a power which might be applied to all the great railways of the country because they all merge into either the city of Montreal, or the city of Quebec, as well as the points along the Intercolonial railway. It is of continental application and the ministers, in bringing in their Bill, do not even say that they do not contemplate going beyond branch lines. It is giving them a tremendous omnibus power and this parliament is binding itself that if certain conditions are fulfilled they may carry out the operation. Then, there is another point in connection with the matter and it was hinted at by my hon. friend from Halton. What a splendid avenue this opens up to the ingenious and skillful schemer. Here is an omnibus proposition. Here are some people who to-day own the bonds of a crippled railway. They say: The government has the power to take this railway over and operate it. Once it is taken over and operated and the blood of the Intercolonial railway system runs in its deadened veins, it will suddenly come to the point of not only sustaining itself but of giving profits, and what a splendid avenue it opens up to companies of every kind to bring influence upon the minister and the government to negotiate with reference to the absorption of a certain road and possibly to carry it out. We will wake up after the negotiations have carried through probably to the fact that somebody has got the worthless bonds, worthless up to that time and that these people will then have made a fortunate speculation for themselves. As to the recommendation upon which the minister acts, what does it amount to as it is outlined in this section? Nothing at all. They need not give a single reason to the minister. If the minister communes with himself or with his creatures for he is the creator of these creatures; if he communes with himself and satisfies himself he takes that part of himself which is outside himself, to wit his board of managers and he says: Write me a recommendation. They write him a recommendation which may be in five lines or less and he comes down to the House with that recommendation and it is not worth a hill of beans simply because it is not a reasoned recommendation. He does not provide for a reasoned recommendation in this Bill and he ought to provide for it. The grounds upon which the recommendation is based should be set out and should become the property of the House when they are asked to consider the matter. It does seem to me that the minister and the government have not thought about this thing sufficiently to give us light on it. I join in the pitiful cry of the member for Hants: Light, more light upon this subject before we can consider it.

Mr. MACDONALD. This little preliminary discussion has swung in a rather wide circle ranging from the position of my hon. friend from York that this Bill had absolutely no meaning whatever, to the wild flights of imagination indulged in by the hon. gentleman (Mr. Foster). Now that we have had this preliminary fireworks it might be well for us to consider just what this proposition really means. We do not need to soar to imagination nor descend to misrepresentation to arrive at the proper conclusion which is quite apparent to any one who looks at the measure with calmness and deliberation. It is nothing more nor less than that the government has asked this House to affirm the principle that it would be desirable for them to go into the question of obtaining a lease of certain branch lines along the Intercolonial railway to be utilized as feeders thereof and in connection therewith. My hon. friend from Toronto has no doubt overlooked the preamble of this measure which expressly limits the railways to be leased under this Act to such railways as are feeders of and are in connection with the Intercolonial railway. I do think that this proposition is sufficiently important to engage the attention of hon. members in a somewhat more serious discussion. Is it wise that this parliament should say to the government that they should look into the question of what branch lines lying along the Intercolonial railway would be advantageous to the people of the country generally as well as to the people of the country living along the lines of the railways in question. We have had the matter discussed at various sessions in the abstract, but parliament has never declared one way or the other on the proposition, and now this Bill asks for a declaration in favour of it. Of course hon. gentlemen know that it is impossible for the minister to say that he proposes to lease this, that or the other railway, but it is well within the knowledge of every member of this House that last year a return was brought down showing that after investigation it was found that there were 15 branch railways lying along the Intercolonial which it would be advisable to incorporate with that trunk line of railway. Let me premise by saying that so far as the operation of the Intercolonial is concerned, after you leave the city of Quebec and until you come to Campbellton it can hardly be said that the Intercolonial strikes any point that is accessible to the ocean. From Campbellton you run through a country that does not connect with any

ocean port until you come to St. John; thence you run along to Halifax and the railway touches at one or two points only in Nova Scotia which are available for ocean transportation.

Mr. W. F. MACLEAN. Could you not connect at Metapedia and get an ocean port along the Bay Chaleur to Gaspé?

Mr. PUGSLEY. That railway is only constructed to Paspebiac.

Mr. W. F. MACLEAN. That is an ocean port.

Mr. MACDONALD. The railway is not yet constructed to Gaspé, and we have the Intercolonial railway in the anomalous position that with the exception of some points in Nova Scotia and at St. John, the whole of that vast range of coast along the maritime provinces is not reached directly by the Intercolonial but is reached by some 15 or 16 branch lines. That is a condition of affairs that invites attention. Some of us dream of the time when this country will be sufficiently self-contained that at least in the winter season we will be able to control Canadian exports through Canadian ports, and make our own ports the avenue through which will come our imports. That seems to be to be a laudable idea and one which we should aim to attain. And, in order that we may control the traffic to the sea the proposition now before us becomes a very important one. What this Bill does is that it asks parliament to say whether or not parliament approves of the idea of incorporating these branch line feeders with the trunk line. Upon the wisdom of that proposition a gentleman of such wide experience as Mr. Tiffin, the traffic manager of the Intercolonial, and formerly of the Canadian Pacific railway, and Mr. Story, say:

> The want of proper facilities for the conduct of even the existing traffic is detrimentally affecting the business interests of the districts interested in these branches, and preventing that development of industries, enhancement of property values, and general betterment that would undoubtedly follow on an improved service.
>
> The present branches are hampered by lack of capital and insufficient equipment, and are not in a financial position to increase their inadequate traffic facilities, and the absorption of these lines into the Intercolonial system would beyond question result in a greatly improved condition of affairs.
>
> It is a well established fact that in nearly every case where branch lines have been absorbed by trunk lines, and extended markets have thus been opened up for business along the main lines, such a policy has not only proved to be of great value to the branch lines, but has provided additional revenue for the main line, they becoming valuable feeders, increasing the traffic and the earning powers of the trunk lines.

One need not argue that proposition further. The magnificent success which has attended the Canadian Pacific railway throughout this country and which has made it the pride of every Canadian, has been very largely due to the wise policy of its directors in reaching out here and there and absorbing the feeders of the Canadian Pacific railway which has developed the territory through which they ran. The position of the Minister of Railways simply is: that the government should be permitted to look into the advisability of acquiring the branch lines and feeders of the peoples' railway as the Canadian Pacific railway and the Grand Trunk and other railway systems in Canada have done with regard to their connecting lines. To that proposition the House cannot fail to give assent. The interests concerned are not merely local or provincial but they are great national issues in that the object sought is to obtain an outlet for the Intercolonial railway to the various ocean ports of the maritime provinces. As to whether or not any one is to be injured by the minister entering into negotiations for the purpose of obtaining a lease of a railway which is in proper condition for operation, I think the Bill throws around that the very proper safeguard that nothing can be eventually done without the sanction of parliament.

I venture to say that my hon. friend from North Toronto, who conjured up some difficulties that might result from the adoption of this Bill, would not be deterred from the most energetic opposition to any proposal which the Minister of Railways might bring down if he chose to think that the proper thing to do was to oppose it. It is perfectly understood that the House does not commit itself to the adoption of any particular proposal under this Act until it is submitted; but by this Bill, if it is adopted, parliament will commit itself to the proposal that it is wise that the Intercolonial Railway should enter upon the policy of incorporating branch lines.

Mr. SPROULE. Will the hon. member tell me what difference there is between the power the Minister of Railways and the government possess now and the power they will possess after this Bill passes?

Mr. MACDONALD. If my hon. friend had listened to the argument of his hon. leader who sits beside him, he would not have found it necessary to ask me that question. The hon. leader of the opposition and the hon. member for North Toronto both made it clear that this Bill does do a very important and serious thing, in that it declares that the policy of this country shall be to incorporate with the Intercolonial railway such branch lines as it may be advantageous to the country to incorporate

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with it, and the minister is authorized to go on and negotiate subject to the ratification of this House. It affirms an important principle that has never before been affirmed by parliament, and for that reason this is an important measure. The question of the acquisition of branch lines is one in which not only the people of the maritime provinces, but the people of the whole of Canada, are interested. I would like, before this session closes, that my hon. friend the Minister of Railways would look into one or two other matters relating to the extension of the Intercolonial railway. The construction of a line of railway from Moncton to Pugwash, along the north shore of Nova Scotia, and the construction of a comparatively small addition from New Glasgow to Country Harbour in Guysboro would give the people of this country a line of railway exactly the same in length as that part of the Intercolonial now running from Moncton to Halifax, and would place the ocean-going trade 100 miles nearer to the ocean than it is at present by the line to Halifax.

Mr. BLACK. And by a good port too.

Mr. MACDONALD. That is a matter of detail. I have frequently pressed this proposal on the minister. It is to be hoped that the people of Canada generally will appreciate the ambition of this little province down by the sea, that as we go on developing Canada it may more and more become the entry and the exit for the trade of this country. We look to measures such as the one before the House as hastening the time when our ideas and ambitions in that respect may be realized.

Mr. J. A. CURRIE. I would like to ask the hon. gentleman if he can point to any Act on the statutes of this country that enacts a theory. I have always thought that parliament enacted something, and not merely a theory or a principle without anything being done.

Mr. MACDONALD. My hon. friend will find that this proposal is no mere theory, but a very practical piece of legislation which I hope will be for the good of Canada.

Mr. SAMUEL BARKER (East Hamilton). Mr. Speaker, the hon. member for Pictou (Mr. E. M. Macdonald) appears to think that the hon. member for North Toronto (Mr. Geo. E. Foster) has been indulging in a little imagination. On the contrary, I think that what the hon. member for North Toronto said is very hard business, and it is just the kind of business that I would expect from him. Before I heard a word that he uttered, I had prepared and intended to introduce an amendment on the very point he raised, and I do not think I am much given to imagination. The hon. member for Pictou tells us that everything is made right by the preamble—that satisfies the general idea. But the point is that the preamble does not say how much of the preamble is to be looked to by the minister, how much by the board of management and how much by the chief engineer. When we come to clause 3, however, we find how very little the board of management have to do. The minister will go to his board of management and will say: Do you think we ought to lease such a railway or such half dozen railways? And they will say: Perhaps we ought to, the line would be more or less valuable to the government railway; yes, we recommend that. Then the minister enters into negotiation and ascertains what the terms are likely to be; but there is not a word in that clause that requires him to obtain from the board of management their approval of the terms. It is very little use to ask, as protection to the people of this country, the approval of the board of management unless that approval covers the terms of the lease, and that is the very question raised by the hon. member for North Toronto. Now, I propose to ask the House to amend that clause to that effect. Then we shall have a recommendation that will be worth something to us. I might very easily recommend the minister to take a lease of a piece of property; but when I saw the terms of the lease. I might advise him not to have anything to do with it on those terms. I hope the minister will not object to making that point clear. So far as I am concerned, if it is made perfectly clear, I see no objection to his getting the recommendation he gets from his board of management, which consists of practical railway men and experts in railway management. In committee I propose to move an amendment to that effect.

Mr. CONGDON. I think the hon. gentleman is mistaken with respect to the purport of this section 3. The recommendation of the Government Railways Managing Board must cover the whole terms of the lease, and it is only the report of the chief engineer that relates to the good and safe condition of the road. So that objection appears to me to be removed by the terms of section 3 of the Bill itself. I think it is a matter of common knowledge to this House that the Intercolonial needs some extension in order that it may become efficient and effective, and serve the country through which it runs. It is also a matter of common knowledge to this House that there are many branch roads connecting with the Intercolonial which it would be in the interest of that system to acquire. It appears to me, therefore that there is some soundness in the contention that this Bill does not give any additional power to the Minister of Railways, but is

merely an intimation that this parliament supports him in the endeavour he contemplates making to add to the effectiveness of the service of the Intercolonial. Ample protection is thrown around the whole operation under this section, by providing at the end that any lease made under it is of no effect until ratified by the parliament of Canada.

Mr. GRAHAM. I do not think it is necessary to add much to what has been said. I assure the House that this Bill was not introduced, as the hon. member for North Toronto (Mr. Foster) thinks, to placate a certain gentleman best by his continual coming he might weary me. It is a sincere desire to make the best possible out of the government railway; that is the only desire I have, not to try to serve any friends, or disconcert any enemies. I want to make it clear to the House that my Bill is introduced with the object in view of taking parliament into the entire confidence of the government, and having a discussion of this question before we enter upon negotiations; and then, after negotiations have been entered upon, to submit the details to parliament for ratification. We want everything to be done openly and above board, after the fullest investigation and scrutiny made. I can assure my hon. friend from Hamilton (Mr. Barker), who discussed this question from a practical point of view, that I certainly thought I had covered the point he has mentioned. The minister does not propose to enter upon negotiations to lease any line unless upon the recommendation of the board, which recommendation shall include the terms of the lease also. Certainly that is my intention, and if it is not clear we will make it clear in committee. I assure the House again that this Bill is for the sole purpose of rendering, if possible, the government railways more efficient. We take the step in the interest of the public and of the government line, and if it is found after investigation by practical men, that they are lines, the leasing of which would bring about this object, then we will proceed to make the lease.

Mr. MIDDLEBRO. Might I ask if any applications have been made to the government, or any negotiations have been entered into with any branch line company?

Mr. GRAHAM. The only discussion I have had as to branch lines, hon. gentlemen have heard it all in the House. There has been no application for leasing any line from any company that has come to my knowledge.

Mr. JOHN HAGGART. Allow me briefly to draw the distinction between the position of the government before this Bill is passed and their position after it is passed. The House and the minister must remember that by the passage of this Bill we affirm the principle that branch lines may be a necessity of government railways, and we empower the government to enter into arrangements for acquiring them. When we affirm the principle and give power to the government, it is the duty of the government to acquire them. Look at the different position you are in after the passage of this Bill from the position you are in before. Before, the option was left entirely with the government to enter into an arrangement of this kind or not; but after the passage of this Bill, if my reasoning is correct, it is compulsory upon the government to do so, you have no longer an option. If a branch line, or any railway that connects with the Intercolonial, is considered to be necessary for the Intercolonial, and will increase the earnings of the Intercolonial, we affirm the principle that under certain circumstances the government must acquire that branch line. My contention is that you are not merely passing an empowering Act, but you are laying down a principle which the government must enforce. Now I differ from my hon. friend the leader of the opposition, who thought perhaps it was best to come to parliament and get the power. He qualified that statement, however, by saying that the principle should be laid down before exercising the power, and that a principle could be laid down in an Act of parliament which would guide the commission in making the inquiry, and the government in exercising the option. The better plan I think the government may act upon at the present time. If they think, in the interests of this road, that it is desirable to enter into an agreement with branch line companies to acquire their property, then let the government come to parliament and get the necessary power, after they have obtained the opinion of the board of management that the road is likely to be useful to the Intercolonial, and the opinion of the chief engineer that the road is in a proper condition. Then parliament would authorize the government to go on and acquire the road.

Mr. NESBITT. I am sorry to disagree with my hon. friend from Lanark (Mr. Haggart), who is much older and more experienced than myself in these matters. But I cannot see that if we adopt the principle of authorizing the Minister of Railways and his board of management to inquire whether it would be well to acquire a branch line or lines, that we thereby force the government to do so. I do not believe there is anything in the whole Bill that would suggest such a thing. If the Bill is not clear enough on the question that the hon. member for Hamilton (Mr. Barker) raised, let it be made clear, but I think it is perfectly clear. When I read the Bill I thought that was the intention of the Min-

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ister of Railways, but if that intention is not clear let it be made clear. Now as I am not of a suspicious turn like my hon. friends of the opposition, who think that this Bill hides some sinister purpose, I must say that for my part I commend the Minister of Railways for coming to this House and asking us to lay down a principle before he proceeds with the investigation of any particular road with a view of taking it over. I understand it is the intention that the board shall investigate any particular road which in their judgment they think would be serviceable in increasing the earning power of the Intercolonial. If this board are not capable of doing that, they are not capable of managing the Intercolonial, they are not capable of doing what they are supposed to be doing now.

Therefore, as I think, personally, that they are capable, and as I think the minister is wholly capable. I believe this House runs no risk in trusting to this board the further addition to their duties of examining into whether branch railways will be a benefit to this railway or not. The principle of branch railways has been adopted not only by the great roads of this country but by the great roads of the United States as well. Feeders are absolutely necessary in order to get returns, and it is returns we want, after all, from the Intercolonial. I believe that when we have the statement of the Intercolonial before us, it will show that we were justified in appointing this board of management. As I have stated before, that I believe we do not run any risk. The minister has to come back to this House with all the terms and particulars; he has to get sanction for every piece of road he proposes to take over. It seems to me there is no reason for the suspicion which seems to exist in the minds of some hon. members, judging by the expressions we have heard this afternoon. We must trust to a very large extent to the management. The minister has to report to the governor in council and get their sanction and he has to get also the sanction of parliament. How can it be necessary to hedge him around more than with these precautions? Again I say that, for my part, I commend the minister for asking the authority of this House to the principle before taking action.

Mr. RHODES. I quite agree with the hon. member for South Lanark (Mr. Haggart) that the passage of this Bill will mean the affirmation by this House of the principle of the acquirements of branch roads. Upon that ground alone I am prepared to support the measure now before the House. It was not my intention to speak on this subject, because it seemed to me obvious that it ought to pass.

Mr. NESBITT. Privately-owned railways, whether in Canada or elsewhere, make their business successful in proportion as they acquire or build feeders for their lines, and, if the Intercolonial is to be run as a business proposition, to my mind it is obvious that it must acquire feeders along its route. So much from that standpoint; but there is another phase of the question which has not been discussed at all, and one to my mind that is of vital importance to the people of the constituency in which I live in common with many others in the maritime provinces and in Quebec. That point is that where there is a multiplicity of small railways, a shipper of freight who lives on a branch line has to pay two, and sometimes three, freights. In my own county, for instance, to send freight for a distance of only twelve miles in a certain direction three railways must be used. I speak of freight shipped from River Hebert via Maccan to Springhill. The freight must be sent over the Maritime Coal, Railway and Power Company's line to Maccan, then over the Intercolonial to Springhill Junction, and then over the Cumberland Railway and Coal Company's line to Springhill. Consequently, to cover this distance of twelve miles a shipper is called upon to pay a larger sum for freight than he would have to pay for perhaps 100 miles over a line of railway owned by a single company or by the government, as the case may be. Without discussing the question further, I wish to say that I am in hearty accord with the principle of the Bill, and if it comes to a vote it is my intention to vote for it.

Mr. BLACK. I desire——

Mr. SPEAKER. The hon. member has spoken.

Mr. BLACK. Others have spoken twice——

Mr. SPEAKER. I did not call attention to the Minister of Railways (Mr. Graham) speaking in answer to a question.

Mr. BLACK. But the hon. member for South Lanark (Mr. Haggart) spoke twice, and he is not a minister of the Crown.

Some hon. MEMBERS. Go on.

Mr. BLACK. Have I the right, Mr. Speaker, to ask a question?

Mr. SPEAKER. I would warn the House that if the right to speak twice is given to one member, it can hardly be refused to another. The rule is against, but it is for the House to say whether the rule is to be lived up to.

Mr. FIELDING. Only a question.

Mr. SPEAKER. I suppose a question might be allowed.

Mr. BLACK. Before this vote is taken, I wish to ask the Minister of Railways (Mr. Graham) if the refusal of his commission to examine and report on the Dominion Atlantic railway means that the minister does not consider that the Dominion Atlantic is a branch or connection of the Intercolonial and so is barred from the operation of this Bill? I feel very strongly on this subject, because we have been for years paying two freights on almost everything imported into that country. If we get a barrel of flour from Montreal, we pay two freights; if we get a parcel by express, two express charges must be paid. All our manufacturers who export have to pay double freight, and so have all the people who import goods into that country. I cannot help feeling warmly on this question, because the interests of the people I represent, the prosperity of the manufacturers and importers are vitally concerned. So far as the Act of the commissioners is concerned, I think they treated the country from Windsor to Annapolis not exactly very courteously. I would like to know in what position the Dominion Atlantic railway stands in regard to this scheme before I cast my vote.

Mr. GRAHAM. That is a pretty long question; I am afraid it will take a long answer. As to the latter part of what the hon. member (Mr. Black) says, it rather proves what has been said before, that the Intercolonial so far as rates are concerned, is more beneficial to a community than an ordinary company road, else my hon. friend would not prefer that the Intercolonial should have the Dominion Atlantic. The second part of the hon. member's question is easily answered: There is nothing that would preclude the Dominion Atlantic from coming within the scope of this Bill.

Mr. W. F .MACLEAN. Mr. Speaker——

Mr. SPEAKER. The hon. member (Mr. W. F. Maclean) has already spoken.

Mr. W. F. MACLEAN. I have not spoken on the general subject; I only asked a question.

Mr. SPEAKER. It is an infraction of the rules——

Mr. W. F. MACLEAN. I still say that I am within the rules, Mr. Speaker, as I only asked a question.

Mr. SPEAKER. The rule is that a member may not speak twice on the same motion.

Mr. W. F. MACLEAN. With all due respect, Mr. Speaker, I submit that asking a question is not interpreted as making a speech. I shall not occupy the attention of the House for more than a moment. I am an absolute believer in the public ownership of railways in Canada. Therefore, I believe in this country owning and maintaining in the highest efficiency the Intercolonial. I would like to see it extended and improved on the line indicated by the hon. member for Cumberland (Mr. Rhodes). I take this measure to be a declaration in favour of the acquisition of local lines, and that it will mean an end to the talk and rumours and secret negotiations said to be under way concerning the handing over of the Intercolonial either to the Canadian Pacific or the Canadian Northern. And with this new departure in favour of public ownership, I believe there will come an absence——

Mr. SPEAKER. The hon. member should confine himself to the question he wishes to ask.

Mr. W. F. MACLEAN. I think, Mr. Speaker, I can set myself right in your eyes by explaining that I said I had asked a question only, but had not spoken on the subject. I think I am quite within your previous ruling, having only asked a question, in speaking on the question now. There is a declaration to-day in favour of the extension of the principle of government ownership of railways to the wide extent of taking in all or most of the local lines in the provinces where the Intercolonial railway now runs. But if they are to be taken in, they must be taken in on business terms and on reasonable values, and the roads so acquired and the Intercolonial railway itself must be administered from the point of view of business and efficiency and must be absolutely separated from politics. I believe if public ownership is attempted in this country on those lines it will succeed, and I hope that not only will the Intercolonial railway be widened and broadened in the maritime provinces, but that at an early date this state-owned road, which to-day is Canada's greatest asset, will be extended from the Atlantic to the Pacific. I want to see the state-owned road extended into Ontario, I want to see it at the Niagara river and the Detroit river, and most of all I wish to see it extended where there is abundance of traffic and where the competition of such a road would discipline the great private-owned roads, that is in the west. We were told a while ago that it was very much in the air that the Intercolonial railway was to pass into the hands of the Canadian Pacific railway or the Canadian Northern. Instead of the disappearance of that road, I wish to see it extended, its administration made efficient, and its operations extended to the west. If there is room in this country for the extension of the Grand Trunk railway to the Canadian west, there should have been room and there is to-day room for the extension of the state-owned road

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to the Canadian west. My objection to the Transcontinental system is not so much that it was not required, it was required very much, but that I thought it should have been a part of the present state-owntd road, the Intercolonial railway system. The government which is to-day taking the power to lease these roads could a short time ago have taken over the Parry Sound road which the Grand Trunk railway have now acquired. If they had acquired that road on reasonable terms, or on lease, the Intercolonial railway would to-day have been at the Georgian bay, which is now the source of the greatest amount of traffic for the roads going east. The Canadian Pacific railway are now double-tracking their system from the Georgian bay to Montreal and the ports of the St. Lawrence in order that they may handle the traffic of the west. In the same way, if the Intercolonial railway had taken a lease of the Canada Atlantic, the policy which is now begun in the east where there is very little traffic, would have produced such results that the Intercolonial railway, the state-owned road, would be in a much better position, would be able to pay all its expenses and even some interest on the cost of construction. So I agree with the hon. member for Cumberland (Mr. Rhodes) that the principle is not a bad one, but that it ought to be lived up to in the best way. Speaking of state ownership and taking over leases, one way of bedevilling public ownership, and it has been practised a good deal in this country, is to apply the principle only where there is very little traffic or business, and then you have public ownership condemned. Take the instance of the government telegraph systems. The only government owned telegraph systems in Canada are those supplying the coast where there is very little or no business, and as a consequence, if you want to cite a horrible example of public ownership, you say: Oh, look at the government telegraph system! The only way to apply government ownership is to apply it where there is business and traffic, and the only way in which the Intercolonial railway will become the success it ought to become is to extend it into the province of Ontario, extend it to the Niagara boundary, to the Detroit river, put it in touch with the Georgian bay and extend it through the great Canadian west. That is the way to work government ownership in this country, and that is the way I hope we will yet see it.

Mr. OSLER. Mr. Speaker, there is no doubt that the taking over of short branch lines connecting with the trunk line is, as a rule a very wise and proper policy. I understand from the Minister of Railways that in connection with the report which he proposed to get from his advisory board, the business aspect of these lines will be considered as well as their physical fitness. If they are taken over on a business basis, there is no doubt it should be a good thing for the branch lines, a good thing for the Intercolonial railway, and a good thing for the country. The danger is that very often branch lines are taken over as feeders and they turn out to be suckers. If that can be avoided I think the principle of the Bill is exceedingly good.

Mr. DANIEL. It has been stated this afternoon that this Bill, if passed, will not confer on the government any more power than it has already. That of course may be the case but it is as important because it will be, if passed, the adoption of the principle of the Intercolonial railway taking over the branch lines in the maritime provinces. We listened a couple of years ago to a very interesting discourse on this subject by the present member for Westmoreland (Mr. Emmerson). He went into the matter very fully and I think gave very good reasons indeed why the branch lines in the maritime provinces should be taken over by the Intercolonial railway. I agreed with the remarks of that hon. gentleman when he made them in this House. I thought his reasoning was sound and I am prepared to vote for this Bill which gives the Minister of Railways power to go into the taking over of these branch lines under certain favourable conditions. Why, Sir, in the rest of Canada, leaving out the maritime provinces, the uniform policy of the great through lines has been the taking over of branch lines, the building of branch lines, the grid-ironing of the country with their own lines and feeders, and in that way they have succeeded in becoming prosperous and in serving the country to a far greater extent than they otherwise would have done. There can be no doubt that the policy which has succeeded so well in the western part of Canada would succeed equally well in regard to the eastern provinces. I cannot see any reason why this Bill should not pass, especially as, by its adoption, parliament will approve of the principle of taking over these branch lines. I do not support it because the Intercolonial is owned and operated by the government. I quite agree with those who think that perhaps the Intercolonial railway might have been much better operated and governed under a private owner than it has been under the government. At the same time the Intercolonial railway remains there one of the guarantees of confederation; and I am quite sure that the people of the maritime provinces are determined to keep that line in the ownership of the people of this country. I do not believe that the large majority of the people of the maritime provinces will consent to its passing out of the hands of the people of this country. For these reasons I shall be pleased to vote for the Bill.

Motion agreed to, and House went into committee on the Bill.

Mr. GRAHAM. As intimated a few minutes ago there is no objection at all to the amendment proposed by the hon. member for Hamilton (Mr. Barker) to make clear our intention, except that there is a correction of one clerical error which I have made. I have inserted the word 'chief' so as to make it read 'chief engineer.' I propose this amendment to section 3:

That clause 3 of the Bill be amended by inserting, in the 26th line thereof, after the word 'Canada' the words 'nor shall any such connecting railway be entered upon or operated on behalf of the government of Canada until the said managing board and the said chief engineer shall have approved the terms and conditions of such lease having regard to the beneficial results to the government railways and until the parliament of Canada has ratified such lease.

Mr. RHODES. I think the clause would be better drafted if the words 'line or' were inserted between the words 'such' and 'lines' in line 20. I therefore beg to move:

That in line 20 after the word 'such' the words 'line or' be inserted.

Amendment (Mr. Rhodes) agreed to.

Mr. DEPUTY SPEAKER. Is the committee ready for the amendment proposed by the Minister of Railways and Canals?

Mr. FOSTER. That meets the objection that I raised provided the meaning is clear. 'Having regard to the beneficial results to the government railways.' How broad is that? I had a thought like this—may be this carries it out—that the board of managers would write a full report showing that the line of railway in question, from its situation, condition and traffic resources, is one the acquisition of which, under the proposed terms of the lease, will result beneficially to the net revenue of the government railways.

Mr. GRAHAM. This covers the point.

Mr. FOSTER. If it covers it that is what I want. I want a reasoned report.

Mr. GRAHAM. A report will be required giving reasons.

Mr. FOSTER. And showing that good will result to the goverment road from a money point of view.

Amendment (Mr. Graham) agreed to.

Mr. CONGDON moved:

That the words 'be binding upon the government of Canada' in the 26th line be struck out and instead thereof there be inserted the words 'have any force or effect.'

He said: I suggest this for the reason that the lease is made in the first instance by the Minister of Railways, and I do not see why the proviso should substitute for the minister the government of Canada. I submit that it would be better to use general words and say that no such lease shall have any force or effect until the parliament of Canada has ratified the same.

Amendment agreed to.

Mr. CROCKET. In view of the amendment which has been added to the Bill I think it would be safe in striking out the words: If such lines are reported by the chief engineer of the Department of Railways to be in a good and safe condition for operation. I can conceive of a railway not being in a good and safe condition for operation, but which it might be advantageous to the country to take over and put in good condition, and operate as part of the system. There are perhaps some lines of railway in New Brunswick of which it might be said that they are not in first-class condition for operation, but which might be taken over and operated very advantageously from the standpoint of the country and of the Intercolonial railway itself. The words added to the Bill: 'Having regard to the beneficial results to the government railway,' makes it possible for us to safely strike out the words I have referred to, and leave the question entirely in the hands of the board and of the engineer. I take it that any proposition of the kind must now be submitted to parliament for approval and that the facts will be stated in regard to the condition of any railway which it may be thought desirable to take over, and therefore it would be just as well to authorize the government to negotiate for the taking over of any branch railway which might be thought advantageous to the government railway system.

Mr. PUGSLEY. I suppose the province of New Brunswick is more interested in this question than any other province because it has a greater number of branches of the Intercolonial than Nova Scotia or Quebec. But while that is so there would be very serious objection to changing the Bill in the way proposed by my hon. friend (Mr. Crocket). It is one of the essential features of this Bill that parliament shall not adopt the principle of entering upon a large capital expenditure in connection with any of these branch railways. One great objection which would be raised in other portions of Canada would be that such a proposition as that set forth by the hon. gentleman might involve the country in a large capital expenditure. The Bill provides that the managing board can only make a recommendation for the leasing of a road when it is certified by the chief engineer that that road is in good and efficient condition for operation as part of the gov-

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ernment railway system. That is a safeguard which it seems to me will commend itself to prudent men all over Canada whether they live within the sphere of the influence of the Intercolonial railway or not. It would be very unwise to change the Bill in this respect. If there is a railway which is not at present in good condition and which the board of management may think it desirable to acquire it would not be a very difficult thing for the owners of that road to make the necessary financial arrangements to put it in proper condition, on the assurance that it might then be leased to the government. Of course the rental to be paid by the government upon the recommendation of the board of management would be to some extent based upon the expenditure incurred by the company in bringing the road up to the required standard. If any special case should arise which the board could not deal with under this Act that case could be brought before parliament and considered by itself. It seems to me that in adopting this general principle we ought to be very careful that we do not authorize the Minister of Railways or the managing board to enter into negotiations with respect to any road which would involve any large capital expenditure, or indeed any capital expenditure at all on the part of the government.

Mr. CROCKET. I would agree with the Minister of Public Works if under the terms of this Bill parliament were not to be consulted before any such road was leased. But, when we provide that a Bill shall be submitted to parliament for the leasing of the road it does seem to me that no harm can be done if we authorized the Minister of Railways to negotiate so that even although a road may not at present be such as the engineering department would describe as in good and working condition, that road might advantageously be taken over by the government and put in good condition afterwards. My idea is that if it is intended to take over such a road it would be far better to have the government put it in good condition than to have the railway company do it simply for the purpose of leasing it to the government.

Mr. W. F. MACLEAN. I agree with the remarks of my hon. friend (Mr. Crocket). We have this afternoon adopted this principle largely on the ground that it is the invariable practice of all the big roads to take in the smaller lines and to improve the service and give better facilities to the people. If a road happens to be in bad condition and it would be advantageous for the country to take it, and the owners could not get the money to put it in proper condition, the improved service will not be given to the people and our idea will not be realized. If the principle is sound it ought to be applied to any road which when put in good condition by the government would serve the general public and would be advantageous to the government system of railways.

Mr. RHODES. It seems to me that the principle upon which the government, on the advice of the Railway Board, is to take over any given branch line is the consideration whether that line would be a paying one for the government.

Mr. GRAHAM. Not that alone.

Mr. RHODES. If that be the principle then we need not object to capital expenditure on these lines if we can get a fair return for our money. I think there is much in the suggestion of my hon. friend from York.

Mr. GRAHAM. I quite appreciate that hon. gentlemen opposite are now willing to go much further than I contemplated. But, if it is found that this Bill works out in the interest of the people and in the interest of the government railways it would be possible to meet their views later on. However, we must be very careful that the power which we take under this Bill shall meet with the approval of the people of Canada. There is no use disguising the fact that there has been a good deal of criticism on both sides of the House on the large expenditure of capital on the Intercolonial. In submitting this Bill to parliament I wanted to guard against the criticism which would have at once been launched, that we were opening the door to which perhaps might be an enormous addition to the capital expenditure on the Intercolonial. It is well to proceed gradually. If we find that the lines that we take over meet with acceptation we perhaps may come to parliament later and change the Act as is suggested. But for the present I want to tie up the Board of Railway Management so that they cannot recommend the acquisition of a line unless it is placed in such a condition that it would not require an immediate large outlay of capital. With that condition, the question of whether it would be profitable or beneficial would be largely problematical. Once started on the expenditure of capital for the improvement of a line, we do not know where that expenditure will end. We merely say to the company, we propose to lease your line if after full investigation we come to the conclusion that if it were put in proper condition it would at least support itself. There is no trouble about a company under such circumstances being able to finance such improvements as would put it into good condition. Thus we avoid opening the door to a large capital expenditure; but if such a door is opened it will not be closed if it turns out to be for the benefit of the country and of the government railway.

Mr. JAMESON. While on the subject of the possible cost of improvement of these railways and the expenditure likely to be incurred by the government in acquiring them, I would like to ask the minister if he has any plan as to the basis of rental which would be paid for any roads that might be taken over; and whether the amounts which have been paid, either by a provincial government or the Dominion government, in the way of subsidies to aid in the construction of any of these branch lines or connecting roads, will be taken into consideration by him when the rents are determined? I have in mind particularly the case of the Halifax and South Western railway, one of the connecting roads which may possibly receive some benefit under this Bill. The minister, in reply to a question asked by the hon. member for North Grey (Mr. Middlebro), has very frankly stated that, so far as he is aware at the present time, no application has been made by any branch or connecting road to participate in the benefits of this Act. At the same time, from the information which I have been able to obtain from time to time regarding the operation of the Halifax and South Western railway, and the results of its operations so far as revenue is concerned, I am very much inclined to think that it is not altogether unlikely that in the comparatively near future that railway will be one of those brought under this Act. According to Poor's Manual of Railways. 1908. the government of the Dominion of Canada paid toward the construction of that road, the Middleton and Victoria Beach branches, the sum of $1,147,069, and the province of Nova Scotia contributed $2,213,173 in subsidy and by way of loan. It has been stated to me, though I am not prepared to say that the information is correct, that the company is not at the present time earning the operating expenses of the road. If that be the case, it is not unlikely that when the door is opened, this company will ask, or possibly the government of Nova Scotia, being the mortgagor, may ask, that the government of Canada enter into arrangements for the leasing of that line. Under these circumstances, I think it might very properly be asked of the minister that he should state to the committee whether he has arrived at any conclusion as to the basis upon which these rentals would be fixed, and as to whether he is in a position to say that the amount of such subsidies which have been paid would be taken into consideration and would in any way lessen the amount of rental which would ordinarily be paid in cases where large subsidies and loans had not obtained.

Mr. GRAHAM. I have not thought much along that line, but my idea was riveted to this point, outlined in the Bill and the amendment, that the chief thing to be kept in mind is, can we lease this line so that it will be a benefit to the government railway and to the country. The details will all lead to that point. If what my hon. friend says be true, that the Halifax and South Western railway is losing money all the time in its operation, perhaps it would not be up to the standard which the board would require in any line proposed to be taken over. As a matter of fact, I think the Nova Scotia government has a mortgage on the Halifax and South Western railway, and if anything were done with regard to that line—I have no intimation that anything of the kind would be done—it would probably be that the Nova Scotia government would proceed against the railway or would become the interested party. I can assure my hon. friend that his statement is the first intimation that I have had that the Halifax and South Western Railway Company had any idea of leasing their line to the government. But all the questions brought up by my hon. friend will be considered from this point of view: will this road benefit the Intercolonial railway and assist the people in the transportation of their products?

Mr. W. F. MACLEAN. And will the terms be reasonable?

Mr. GRAHAM. Of course.

On the question, that the Bill be reported:

Mr. HENDERSON. After this lengthened discussion, I feel that I have a very slight knowledge of this Bill, and I think other members are in the same position. I think it a pity that a Bill of such far-reaching importance as this, and cut and slashed in the manner in which this has been, should be dealt with without having some expert draftsmen go over it and make all these clauses fit one into the other. I think the minister would be well advised if he would ask the committee to rise, report progress and ask leave to sit again, and in the meantime have this Bill submitted to the law officers of his department to see if its various clauses are well fitted together.

Mr. GRAHAM. This Bill was drawn by the legal adviser of my department and was submitted to the law clerk of the House of Commons, and the amendment is that of the hon. member for Hamilton, who is himself a good lawyer and draftsman.

Mr. HENDERSON. If the hon. minister had allowed the amendment of the hon. member for Hamilton to remain as he suggested it, I would have much more faith in it.

Mr. GRAHAM. I did exactly.

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Mr. HENDERSON. Was there not an amendment to the amendment? At any rate, the Bill has been amended and re-amended so much that I think it should receive the mature consideration of some expert draftsman to see that the different parts properly fit into each other and in such a manner that the Bill will be workable.

Bill reported as amended, and amendments read the first and second time and agreed to.

GOVERNMENT RAILWAYS PENSION FUND.

Mr. GRAHAM moved the second reading of Bill (No. 19) to amend the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act. He said: As hon. gentlemen know, the Provident Fund Act is an Act under which the employees of the government railways contribute a certain amount, the government duplicates the amount, and on retirement of the employees they get a certain allowance. It is along the lines adopted by the other great railways of Canada and the United States, and this amendment is designed to make the terms of the Provident Fund Act a trifle more liberal to employees. I will tell the House frankly my object in introducing this Bill. Owing to the large reduction in the staff of the government railways, quite a number of the older employees have been for the time being dropped from the service; I would not like to use the term 'dismissed,' because if opportunity offers these will be the first men to be re-employed.

Mr. HUGHES. What does the minister mean by employees? Does he mean merely workmen, or does that include railway officers?

Mr. GRAHAM. It includes some of the railway officers, but some of them are under the old Superannuation Act. The term 'employees' includes the workmen, who are by far the larger number. Not a few of the older men who have been working on the government railways for many years were dropped. The hardship to them came from the fact that some of them, perhaps from 75 to 100 in number, speaking roughly, were within a few years of the time at which they could have had some benefit from the provident fund, but dropping them at this time precluded them from receiving that benefit. The case was represented to me, not pushed at all; but a few months ago a gentleman pointed out that this was a hardship to some of the old employees, and after thinking the matter over I came to the conclusion that, looking at it from the human side, it was a hardship. Men who had worked for a number of years for the government, and contributed to the provident fund a certain amount, and were then dropped out, although in a few years they would have become entitled to the benefit of the fund, that seemed to be a hardship.

Mr. FOSTER. Would the minister define what he means by 'a few' years.

Mr. GRAHAM. Under the present statute, the number of years an employee has to work before he is entitled to be placed upon the provident fund is 15; my Bill proposes to reduce that time to 10 years, and to apply it to those who were in the employ of the government up to March 31 last. My sole object is to meet the situation that has arisen by dropping a lot of these men, and depriving them of the benefit they would have had if they had remained a little longer; in other words, those who were dropped since March 31 last, and have been in the employ of the government for 10 years, can be placed under the provident fund.

Mr. FOSTER. Can the minister say whether there are not some men who, on March 31, were within a month or a few days of being entitled to the fund?

Mr. GRAHAM. The reason we take that arbitrary position is that before that time there were very few men who were dropped except for cause, dismissed absolutely. But here are men who were dropped because the board of management thought the staff was too large, they were not dropped because of any fault of their own.

Mr. HUGHES. Are those men now in the service that have been retired?

Mr. GRAHAM. The men have been dropped. Advisedly I did not use the word 'dismissed,' because it is the intention of the board, if at any time the services of these men are again required, to re-engage them. Those who have retired under the provident fund will never be re-employed.

Mr. BARKER. This Act will apply to a few men who may hereafter be retired.

Mr. GRAHAM. This will apply to a few. It reduces the time, and makes that reduction to all men who were retired since March 31 last.

Mr. MACDONALD. I would ask the minister to consider a proposition to extend the advantages of that section to men who have been permanently disabled while in the employ of the government but who had not yet served long enough to obtain the advantages of the retirement fund, having served perhaps a couple of years short of the 15. I think there ought to be some reasonable limitations to cover that class of men.

Mr. HUGHES. The minister says in the second section of the Bill that this amendment should not apply to any person retired prior to the 1st day of April, 1909. What about the persons who were retired between the 1st day of April and the coming into force of this Act?

Mr. GRAHAM. I think these will be included.

Mr. HUGHES. It does not state that it should apply to persons retired between those dates.

Mr. GRAHAM. We must read into it the consequence that it does apply to any person retired since the 1st day of April of this year. All but those who are excepted will be included.

Motion agreed to, Bill read the second time. and House went into committee thereon.

Mr. LENNOX. Are the men referred to by the minister a few minutes ago those who were under investigation recently by Judge Barron, Mr. O'Donaghue and another? I understand there was an investigation quite recently into the cause of the dismissal of 350 men from the Intercolonial road. Are these the men referred to?

Mr. GRAHAM. That takes a little explanation. It does not apply to any particular class, but to all employees that come within the scope of the Act. In the case of certain employees, a conciliation board was asked for by the men themselves. A conciliation board was asked for by the men of Halifax, and that conciliation board was formed with Sir George Garneau as chairman. That board made a report a few days ago. This other board, to which the hon. member (Mr. Lennox) refers, was asked for by the men at Moncton who have their own brotherhoods. This board also made a report on the grievances complained of. It may be of interest to hon. members to know that, from the despatch I have just seen in the Toronto papers, the board suggested that this measure should be passed, as it will assist in meeting some of the difficulties that in the opinion of the board, seem to exist.

Mr. LENNOX. That is what I was referring to. These gentlemen recommend that some legislation should be passed that would enable the minister to deal with companies of this kind; and I presume that some of these men dealt with in that report would be covered by this legislation.

Mr. GRAHAM. Yes, they would.

Mr. HUGHES. What was the necessity of appointing this commission consisting of Judge Barron, Mr. O'Donoghue and another? Why did the minister feel called upon to appoint them?

Mr. GRAHAM. The minister did not feel called upon to appoint them.

Mr. HUGHES. Who made the appointment?

Mr. GRAHAM. They were a board of conciliation appointed under the Act, asked for by the men themselves.

Mr. HUGHES. Who appointed them?

Mr. GRAHAM. A board of conciliation, under the Act, is constituted in this manner: When the workmen of the Intercolonial, or any other railway, let us say, think they have a grievance against the management, they ask the Department of Labour to appoint a board of conciliation.

Mr. HUGHES. Then, they were appointed by the government?

Mr. GRAHAM. The men select one member, the management selects another, and if these two do not agree on the third, the appointment of the third is made by the Department of Labour.

Mr. HUGHES. Whom did the Department of Labour appoint in this case to this commission?

Mr. GRAHAM. It is not a commission, but a board of conciliation. And there were two such boards that have been spoken of here; to which does the hon. member (Mr. Hughes) refer?

Mr. HUGHES. The one of which Judge Barron and Mr. O'Donoghue were members.

Mr. GRAHAM. The Department of Labour appointed Judge Barron.

Mr. MACDONALD. I desire to express my entire disapproval of the minister appointing a board in the manner he has done. No provision is made for the appointment of such a board as sat for the consideration of these matters. The Industrial Disputes Act does not apply to the Crown, in the absence of any specific provision making it so applicable. It seems to me that for the Crown to resort to the provisions of an Act of that kind to settle disputes with its servants is a very unfortunate principle, one that ought not to be acted upon in the Railway Department or any other. Until we have a declaration on the statute-book and some method by which the Act is to be applied, it seems to me that no department of the government should be made a party to such a proceeding.

Mr. CROCKET. Do I understand the hon. member (Mr. E. M. Macdonald) to say that the Minister of Labour had no right to make the appointment?

Mr. E. M. MACDONALD. My hon. friend (Mr. Crocket) is a member of the legal profession and will appreciate what I said. I ventured the opinion that the Industrial

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Disputes Act did not apply to any department of the government. That is my position as a lawyer. The hon. member can draw his own conclusions.

Mr. CROCKET. Did this appointment purport to be made under the Industrial Disputes Act?

Mr. R. L. BORDEN. I think we ought to have that point understood. It is a very important one. We should have some explanation.

Mr. GRAHAM. I suppose this raises the whole question of the Crown's prerogative.

Mr. FOSTER. It raises the question of King's prerogative.

Mr. GRAHAM. It is a very large question, and I do not intend to discuss it. I may be all wrong, but I think that when the Crown goes into running a railway it must conform to all the conditions that govern other people in the same line of business. The employees on the government railway have the same brotherhoods, the same rules and regulations as the employees of any other road. They would consider it rather arbitrary, if, having provided machinery by which the employees of company roads can ask for boards to settle a grievance, the very authority that created the machinery should refuse the use of that machinery to correct grievances on the government line. Speaking broadly, I suppose, the Crown is not subject to any of these laws. But I am told that when the Industrial Disputes Act was up for discussion in this House, it was generally understood that the employees of the Intercolonial railway should have the same privileges under the Act as the employees of any other railway. As to the legal part of it, I will leave that out of the question, because the road, during the whole of my time, and, I believe, ever since the introduction of the Industrial Disputes Act, has allowed the employees to apply for a board of conciliation and it has been granted.

Mr. R. L. BORDEN. But the minister has not touched the point raised by the hon. member for Pictou (Mr. E. M. Macdonald). If it is the policy that boards of conciliation be created in respect of employees of the Intercolonial, the only means by which that can properly be done is by a statute. That is perfectly plain and straightforward. But when you undertake to apply to the employees of the Intercolonial a statute which is not legally applicable, though, of course, the Minister of Railways has not any regard for the legal side of the question —it seems to me a curious——

Mr. GRAHAM. I did not say that.

Mr. R. L. BORDEN. It seemed to amount to that. Of course, there is a great deal of force in what the minister says, that if the Crown carries on business it ought to carry it on under the usual methods. But it is absolutely true, as the hon. member for Pictou (Mr. E. M. Macdonald) has said, that no statute is binding on the Crown unless the Crown is expressly made subject to the provision of that statute, and no consensus of opinion of the House of Commons, no expression of that kind in the progress of debate, has any more effect on that statute than the deliberations of any debating society. The difficulty of the situation is that when you are proceeding under a statute which has no application whatever, the whole matter is without any legal foundation, the persons appointed are not properly appointed, they have no right to subpoena witnesses, the witnesses have no right to be paid and any witness can insult the commissioners, disregard their authority, treat them with contempt and nothing can be done about it. The result would be to bring the whole operations into public contempt of the community upon occasion. That is if my hon. friend from Pictou is correct in the statement that there is nothing in the statute which makes it binding upon the Crown, and my recollection is the same as his

Sir WILFRID LAURIER. There is some misapprehension, I believe, in the impression derived from the position taken by my hon. friend from Pictou. The Conciliation Act, as I understand it, does not apply to the Intercolonial railway men. The consequence is that the railway employees can refuse to be bound by that Act, they could go on strike with impunity. But in this matter the railway authorities thought it advisable voluntarily to apply to themselves the provisions of the Conciliation Act. They had certain disputes with the management, and it was thought advisable, very properly, to have a conciliation board, to bring themselves under the Act. It was not perhaps legal, but it was voluntary and was acted upon in a voluntary manner. They agreed to have a conciliation, they selected their own arbitrator, the management selected another and these two called upon the Minister of Labour to select a third. All this was done in a voluntary manner. I do not think it was done under the law, but it was done by consent, and the result was the same, a satisfactory conclusion of the dispute between the railway men and the board of management. If the men had refused to be bound by that Act, no authority would have been able to force them to act on it, but of their own motion they chose to come under the provisions of the statute.

Mr. R. L. BORDEN. Then it is just the same as if some other body of men to whom the Act does not apply had done the same thing? The difficulty is that whenever any-

one chooses to treat the court as having no legal position and, for instance, refuses to obey a subpoena or to acknowledge the authority of the court when there, all the proceedings fall into contempt. Therefore, I say if the Intercolonial railway employees are to have the benefit of this Act, their rights should be given to them by a statute of this country, they should not be dealt with in this way. If it is worth while putting the Act on the statute-book, and it is desirable to give it a more extended application, the way to do it is not without the law but within the law by passing a proper amending Act.

Mr. E. M. MACDONALD. I think you will look in vain for any proceeding where the Crown has abrogated the right to deal with its own servants in whatever way it deems best, and the responsibility of the Crown on the advice of the different ministers to take a certain course in regard to its servants is a matter on which it is responsible to parliament, and the minister's responsibility in such a case cannot be abrogated by saying that a conciliation board has come to a certain conclusion and therefore the government is rid of the responsibility. Personally, I do not think that in the case of the Intercolonial railway it is wise that the provisions of this Act should apply. These men are servants of the Crown. I know of no case in which they have threatened to strike, or have struck, and I cannot conceive of a case in which they would strike. I think the minister is the proper person to remedy the grievances that exist and to deal with them, and he is responsible to parliament for his course in regard to them. I mention this matter because I not only think there was no legal authority for the appointment of the board, but I think that as a matter of policy the board should not have been appointed.

Mr. HUGHES. Why not change the reading of clause (f) to make it apply to those who were in the service on the 1st day of April, 1909?

Mr. GRAHAM. The law clerk of the House advises me that that clause refers to the original Act and this amendment is passed as if it were part of the original Act. Therefore, the form used is necessary.

At six o'clock, House took recess.

After Recess.

House resumed at eight o'clock.

Mr. R. L. BORDEN. I observe that this fund is provided, one half by the government and one half by the monthly contributions of the employees of the Intercolonial railway and the Prince Edward Island railway. The fund is to be administered by a board consisting of five persons, of whom one is the general manager of the Intercolonial railway, who shall be the chairman and preside at meetings of the board; two members appointed by the minister from among the chief officers of the railway, one of whom shall always act as chairman in the absence of the general manager and the remaining two shall be elected annually by the employees contributing to the fund. I would like to know whether the proposed amendment has been submitted to the board or the representatives of the employees who contribute half the amount of the fund and, if not, whether the minister does not think it would be fair to give them an opportunity of being heard.

Mr. GRAHAM. I have received a communication, not in reference to this, but in reference to some other things that the employees want to place before me. There is no doubt in the world about them being in harmony with this Bill, I think, but they are going to submit some other matters to me early in January. I thought that if we put this Bill through the committee stage I would let it stand for the third reading, and then, if there is anything that they desire by way of amendment, it can be dealt with before the Bill receives its third reading. There is a committee representing the men who were on the provident fund, or those who were interested, and I will ask them to present to me in writing the matters which they desire to bring to my attention so that I can submit their proposals to the board before we assemble again after recess. I expect that will be done.

Mr. R. L. BORDEN. Of course, I am quite prepared to accept the assurance of the minister that they are entirely in harmony with the proposals, but at the same time I do not see how they can be in harmony with them if they do not know anything about them; nor do I see how the minister can be sure that they are in harmony with them if he has not heard anything from them. That, however, is a matter for himself and the committee will be bound to accept his assurance. I am under the impression that the minister added to the rules of the fund a note to the following effect:

No absolute right of retirement exists under this Act. It must be clearly understood that the fund is a provident fund for the purpose of caring for disabled, worn out and old employees and not a retiring fund for the purpose of allowing men to secure other employment and at the same time draw an allowance.

I understood that that was the memorandum of the minister and I am not sure that it met the approval of the board. The minister will know about that. Does the minister consider that the proposal contained

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in clause (f) is quite in harmony with this note, for which he, I understand, is responsible.

Mr. GRAHAM. I am not responsible for that note, but the object of that was to prevent applications being made by men for retirement who really left the employment of the road to better themselves. We have had men who left their employment that the board did not consider as being entitled to be put on the provident fund at all. It shall go on the provident fund. No man may demand to go on the provident fund. He may make his application and that application is referred to the board, which is composed of the representatives of the men as well as of the government, each furnishing a portion of the money for the purpose. That board, after taking into consideration all the circumstances, pass upon the application before it comes to the minister. Then, it comes to the minister for his approval, and I think that no injustice can be done to any person. Some circumstances have arisen in which men have no right to the benefits of the retirement fund, because they took other employment and simply wished to better their positions. They endeavoured to get their retirement allowance and to better their position at the same time.

Mr. R. L. BORDEN. It will still be necessary to secure the recommendation of the board in order to be placed on the fund?

Mr. GRAHAM. Yes, absolutely.

Mr. R. L. BORDEN. That provision is not interfered with in any way?

Mr. GRAHAM. Not at all.

Mr. LENNOX. I do not think the minister has mentioned how many people will probably come within the scope of this Act.

Mr. GRAHAM. Yes.

Mr. LENNOX. About how many?

Mr. GRAHAM. The chairman of the board told me that he thought between 75 and 100. It is a litle difficult to say because we have not the ages of the men, but from the information he received he thought the number would not be more than 100.

Mr. CROSBY. Some reference has been made to the conciliation boards. We have had two conciliation boards. The last conciliation board which was referred to this afternoon was a board called together for the purpose of ascertaining the rights of some men who had been dismissed from the Intercolonial railway within the last year. I think that is what they were called together for.

Mr. GRAHAM. That was one of the questions before the board.

Mr. CROSBY. Has it anything to do with this Bill?

Mr. GRAHAM. No.

Mr. CROSBY. Because if it has I would like to bring up some other matters in connection with it.

Mr. LENNOX. The minister said that it had to do with it, that a number of the men who had been dismissed and whose case was investigated would, with others, come within the scope of this Bill.

Mr. GRAHAM. The board itself would not have anything to do with this Bill. Any person whose services were dispensed with would come under this arrangement, whether they were in that class or some other class. They would be affected by this Bill, but the conciliation board itself would have nothing to do with it.

Mr. CROSBY. Then, if I understand it, the Bill is intended only to apply to employees from April, 1909? It does not go any further back than that? These men who have had this conciliation board dealing with their affairs certainly were dismissed. They were all out of employment before that time and consequently this Bill would not cover them.

Mr. GRAHAM. One of the things for which the employees asked for the conciliation board was to ascertain if the management of the road had not violated some agreement with them in dispensing with the services of several of them since April 1 last, because that is when the board took charge. This Bill deals with the employees who were dismissed since April 1, 1909, and any man of them who had then served ten years would be entitled to superannuation if the board recommends it. Without this amendment he could not be superannuated unless he had served fifteen years on that date.

Mr. MACDONALD. Is there any restriction as to the age of the employees who will be entitled to the advantages of this section?

Mr. GRAHAM. It only applies to men who are seventy years of age and have been ten years in the service, we substitute ten years for fifteen.

Mr. MACDONALD. Yes, but are you not making provision for another class of people who no matter what their age, were removed since April the 1st, 1899. Under the wording of this would they would be entitled to superannuation?

Mr. GRAHAM. They have to fulfil all the other conditions.

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Mr. MACDONALD. Yes, but there are different classes mentioned and in all these classes an age limit is specified and now you are adding an additional section in which there is no age limit.

Mr. R. L. BORDEN. I should think that the point mentioned by my hon. friend (Mr. Macdonald) is well taken. I am not discussing the question of policy but simply the construction of the statute, and if the clause is passed as it now reads there would be no age limit stipulated.

Mr. GRAHAM. I think the point is well taken. Under the old Act men who withdrew from the service for any reason would not participate in the provident fund until they had reached 60 years, and I do not think we would be doing any injustice if we put the age limit here at 55 years, then they would have the benefit of five years in the two ways.

Mr. DANIEL. What is the object of restricting this Act to those who are retired since April the 1st 1909?

Mr. GRAHAM. Before that date there were practically few compulsory retirements except for cause, and a man who was dismissed for cause would not have any claim on the provident fund. But since April the 1st the board has dispensed with a large number of men whose only fault was that they were not required in the service. By this legislation I am trying to meet the well founded complaint that they were harshly dealt with.

Mr. DANIEL. Does the minister say that men were not dismissed before April 1909?

Mr. GRAHAM. I would not say that, but as a rule the men retired before that time were retired for some cause.

Mr. TAYLOR. Political or otherwise.

Mr. GRAHAM. No.

Mr. CROCKET. How many men have dropped from the service since April the 1st last?

Mr GRAHAM. I gave the number in 'Hansard' the other day; I think about 500.

Mr. CROSBY. I understand that there were quite a number of men dismissed and particularly in Halifax, between the 1st of December 1908, and April 1909, and some of these were men who had served 25 years but who not having reached the age limit of 60 years were not provided for out of the provident fund. They were dismissed simply because their services were not required.

Mr. GRAHAM. I have not had any cases of that kind brought to my notice.

Mr. CROSBY. If there are cases of that kind would it not be very unjust to provide for those whose services were dispensed with since April while you make no provision for those who were dropped between December and April.

Mr. GRAHAM. If there are such cases I imagine that the committee which is to wait on me will probably present them. We will not press the Bill to the third reading until we hear from that delegation.

Mr. CROSBY. I should think that would be satisfactory. One class of employees should be provided for as well as the other.

Mr. R. L. BORDEN. We are to understand then definitely that the Bill will not be read a third time until this delegation makes its views known to the minister.

Mr. GRAHAM. Yes.

Mr. LENNOX. Would it not be better to leave the Bill in committee?

Mr. GRAHAM. We can refer it back to committee if there is any difficulty.

Mr. LENNOX. It is much better to leave it in committee. There is a great deal in what has been said by the hon. member for Halifax (Mr. Crosby). Here we have men who have not been in the service for more than 10 years who are being dismissed, which is proof of what we have contended often from this side of the House that we have had a small army of men on that railroad who were not required at all. If it is fair and equitable—and I am not going to object to it, because I have a good deal of sympathy with the men—to make compensation to those men who have been in the service only 10 years, many of whom admittedly should not have been in the service at all, would it not be far more equitable to make provision for men who have been probably 25 years in the service, and yet have not reached the age of 60 years? I think it is pretty harsh that a man who is 59 years of age and has been say 25 years in the service, is to get no consideration at all. When we are reconsidering the Act, let us reconsider fully, and do justice all round. The question arises from the fact that we have had a large number of people employed on the railway who should never have been employed there at all. This is no fault of these men, though a great deal of fault to the government, and I am disposed to treat these men generously, or at all events justly. We shall not be doing even-handed justice if we do not consider the cases of the men who have almost reached the age limit. I do not think the minister should object to leave the Bill in the committee for fuller investigation.

Mr. BARKER. Let us understand clearly what we are talking about. In the first

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section the wording of the Bill is: 'Those who are in the service at the time of the coming into force of this Act'. As I understand the minister, those words do not mean at the time of the coming into force of this Bill as an Act, but they mean those who were in the service on the 22nd of March, 1907.

Mr. GRAHAM. That is correct.

Mr. BARKER. I think perhaps the minister would have avoided some confusion if, instead of saying 'at the time of the coming into force of this Act', he had said, on the 22nd of March, 1907, which is the date he is referring to.

Mr. GRAHAM. I had not the Bill drafted in this way originally, but on being referred to the law clerk of the House of Commons, he redrafted it in this form in order to keep it within the four corners of the original Act.

Mr. BARKER. There was no objection to the words 'the 22nd of March, 1907', in the original Act, and if they were put into this Bill there would be no confusion.

Mr. R. L. BORDEN. I think the first section is perfectly clear as it is. It is incorporated in the original Act and is to be construed as if it had been there when the Act was originally passed. Therefore the date is when the Act was originally passed.

Mr. GRAHAM. The Act referred to is the Original Act, and this section becomes part of that Act. I wish to move to add the following words at the end of the section 'and had at the time of such retirement reached the age of 55 years'.

Mr. DANIEL. Perhaps the minister will explain a little more fully why he is adding those words. He mentions a specific age, which might cause a good deal of injustice.

Mr. GRAHAM. My hon. friend will see that had the old Act remained, only those persons who had reached the age of 60 years could be retired. We are reducing the length of time they have to be in the service by five years, and we are also reducing the age limit by five years.

Mr. DANIEL. At the same time, this Act is intended to apply to only a few men—those who are relieved of duty after the first of April, 1909. That appears to me to be an extremely arbitrary arrangement. I think section 2 had better be allowed to stand until this whole matter can be considered again. I do not think the committee has sufficient information to be able to deal with this matter in a proper and judicial way.

Mr. LENNOX. This affords an additional reason why this Bill should remain in committee. I understand that a deputation of parties who are interested is going to wait on the minister. I understand from a newspaper report to-day that there has been forwarded to the Minister of Labour a report and recommendation from the recent conciliation board with reference to 350 men. We shall have this deputation waiting on the minister, and yet not have afforded, up to this moment, any of the men interested any notice whatever that we propose to put a time limit on this provision. The Act has been announced in the press, the men interested know something of it, they understand it to be an Act providing that any man who has been ten years in the service will be entitled to recovery. Now we propose to make an age limit of 55 years. The minister may be right in that or wrong, but the men interested have had no opportunity to present their case. Why amend these sections now when in all probability we shall have to refer the Bill back to the committee for reconsideration in a few days? Will it not be more sensible to leave the Act unamended, report progress and ask leave to sit again, and leave the Bill in committee?

Mr. GRAHAM. It is not worth while arguing about it. What I want is to get the measure advanced a stage, and the interests concerned will be protected just the same as under my hon. friend's suggestion.

Mr. LENNOX. Except if we determine on 55 years, whether right or wrong, it will be more difficult to alter it afterwards.

Mr. GRAHAM. It will not make a whit of difference. I do not want to urge the Bill through, but merely as a matter of expedition to get it off the Order Paper, after giving the assurance that I would have it referred back to the committee if necessary. When my hon. friend starts to make out a case, he must see that no matter what limit we may fix, it would be open to question. There must be a line drawn somewhere. The Act is arbitrary, and I am just changing the terms a little to meet the condition of the people referred to and who may have some reason for complaining. When the Act was passed, the argument of my hon. friend could have been used just as well as to-day. Section (a) provides:

> Those who have attained the age of 70 years after being 15 years in the service.

Why, according to the hon. gentleman's argument, exclude those who were in the service fourteen years and six months? Why exclude people who were fourteen years in office and let in those who were fifteen? You have to draw the line somewhere and make an arbitrary ruling, and any Act to help a certain class of men will give reason for others to complain because they are not included. Take another class, class (b) which covers those, who, after

being fifteen years in the service, become physically or mentally incapacitated. But here is a poor man who was fourteen years in the service when he became incapable. Why do injustice to him by excluding him? Take the other class:

> Those who have attained the age of 60 years after being 15 years in the service, and request to be retired from the service.

Why not include those who served 13 or 14 years? While there may be something in the contention of my hon. friend, draw the line where you like, it must be arbitrary, and some will come just short of meeting the conditions you impose, no matter how lenient.

Mr. BARKER. We may as well be quite frank in discussing these things. There is an impression, rightly or wrongly, among some people, that men have been dismissed otherwise than for lawful cause, and that possibly some of these clauses may affect the rights of such men. There would not be any difficulty about the first part of section (1). The difficulty seems to be about section (2), and I propose to discuss section (2) with relation only to these 55-year men, leaving the other to be discussed separately. Why not make paragraph (2) read:

> The paragraph added to section 12 of the said Act by section 1 of this Act shall not apply to anybody retired prior to the 1st April, 1909, otherwise than for lawful cause.

This cannot affect the hon. gentleman, as he knows he has not dismissed anybody except for lawful cause.

Mr. GRAHAM. I am not trying to open the door for a great many years back, but to meet the complaint which has arisen among a large number of the men who have been dismissed by the board. There was no complant along that line, so far as I have heard, previous to the establishment of the Railway Grant Board Rightly or wrongly, they have dispensed with the services of many men, and both sides of politics have complained to me that they thought the action of the board was perhaps not wrong in dispensing with the services of these men, but there was quite a number whose services were dispensed with through no fault of their own. This is to meet the conditions which have arisen since the board took charge and dispensed with the services of a large number of men.

Mr. TALBOT. I believe this measure is particularly intended to relieve 75 or 100 people who have complied with the conditions of ten-year service. But what will happen the other 350 who have given good service during 4 to 9 years and have been put out in the cold without an hour's notice?

Mr. GRAHAM. The Provident Funds Act was passed to relieve those who had attained a certain age and men could not be employed, since that Act came into force, over 55 years of age. In the case of men who were employed fairly young and had not served the railway ten years, of course their claim on that fund is not so strong as that of those who have attained a certain age. No one regrets more than I that men should lose their positions. That part of the management of the road has worried my mind more than any other, but in all great industrial enterprises that occurs, and fewer have lost positions on the Intercolonial railway than on any other railway during the last five years.

Mr. LENNOX. The hon. member for Pictou (Mr. Macdonald) suggests that there is less reason for pensioning a man who has been improperly employed for ten years and who has been a charge upon the public funds than one so employed for lesser number of years. There is logic in that, as the minister must see. The whole thing comes back to this—that the difficulty arises through the fact that the government would not take any action until this Railway Managing Board was appointed. The Managing Board now has discharged men who ought never to have been employed. The fact that these men have been employed ten years rather than five is not a very logical reason why they should get a pension rather than the five-year men. At the same time, no doubt, it would be a hardship on the men, and I suppose we should have to let it go in the end. It arises from having too many men on the railway.

Mr. DEPUTY SPEAKER. Is section 1 amended as agreed to?

Mr. LENNOX. No, the minister said he would allow it to stand.

Mr. GRAHAM. If the hon. member (Mr. Lennox) does not wish to carry out the arrangement made between his leader and myself. I am quite willing that it should remain in committee.

Mr. LENNOX. I did not understand that any arrangement was made.

Mr. GRAHAM. The hon. leader of the opposition (Mr. R. L. Borden) was satisfied that I should leave it until the third reading.

Mr. LENNOX. I would not have made objection had I understood that. But I hold to what I said.

Mr. DEPUTY SPEAKER. Is the committee ready for the amendment to section 1?

Mr. LENNOX. No.

Mr. DEPUTY SPEAKER. Carried.

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Mr. GRAHAM. I would like to get the Bill into shape so that it can be reprinted, for I propose to send a copy to this committee for their consideration as well as to ask them to send me their suggestions.

Mr. BARKER. And the whole Bill will be open for consideration?

Mr. GRAHAM. And leave it to the third reading.

Mr. LENNOX. We have settled this matter. If we are going to argue further, let us argue it all. If the minister is not prepared to do what he suggested a few minutes ago, there are many things we can discuss. I understood that the minister was ready to move that the committee report progress.

Mr. GRAHAM. As far as I am concerned, it does not make any difference to me. I submitted the matter to the leader of the opposition (Mr. R. L. Borden) and the gentleman from the section particularly affected who will probably be waited on by those concerned. If I can get this through to the third reading, I will have it reprinted and a copy sent to the committee. If the hon. gentleman (Mr. Lennox) does not want it that way, I am not particular.

Mr. LENNOX. That can be done without it going through Committee of the Whole.

Mr. GRAHAM. It will not be printed unless it passes the committee.

Mr. R. L. BORDEN. If the minister says he will, on request, send it back to the Committee of the Whole, I think that covers the point.

Mr. LENNOX. If my leader says that he is satisfied with the proposal, I will certainly submit. At the same time, I do not feel that that is the best way, and I will give my reason: There are a good many things in connection with this Bill that we shall want to discuss more at length, and it is advisable that we should have the fullest information before we discuss them. It is not advisable that we should discuss them piecemeal and from time to time. If this Bill remains in committee we should have an opportunity to bring them forward. I submit to the judgment of my leader that it would be better to leave the Bill in committee.

Mr. R. L. BORDEN. Of course, I do not wish to force my views on any hon. member. But I understand the minister to say that he desires to get the Bill out of committee that he may have it printed. And he undertakes, on the request of any hon. member, to send it back to the committee after it is reprinted.

Mr. GRAHAM. Certainly—no trouble.

Mr. DEPUTY SPEAKER.

Mr. R. L. BORDEN. So, we have only to make the request and we should be where we are now.

Mr. LENNOX. As I plainly see that my leader thinks that the proper course, I certainly take his suggestion, and allow the matter to go.

On section 2:

The paragraph added to section 12 of the said Act by section 1 of this Act shall not apply to any person retired prior to the first day of April, one thousand nine hundred and nine.

Mr. DANIEL. What objection would there be to striking out this section altogether and allowing this measure to apply from the passage of the Bill of 1907?

Mr. GRAHAM. That would open up the whole Act very much more than is intended. It would be popular, I have no doubt, but I have no idea what it would cost the country or how much it would cost the men. On the basis of the present section, we have a pretty good idea of how many men would come under it. That matter will be discussed with the representatives of the men when they come.

Mr. DANIEL. The hon. minister stated that there had been no dismissals except for cause. So, I thought there could be no objection to striking out this section. I ask it for the sake of those cases, if there are any, that the minister does not call to mind and to whom injustice may have been done and who would be cut out by this paragraph.

Mr. SAMUEL SHARPE. The Minister of Railways (Mr. Graham) as head of the department knows the position of the employees prior to April, 1907. If there have been no dismissals prior to that, the elimination of this section will not enlarge the scope of the Act or increase the expenditure necessary to carry it into effect. The hon. minister knows who has been dismissed, and whether dismissed for cause or not. I think the point taken by the hon. member for St. John (Mr. Daniel) is well taken.

Mr. GRAHAM. If the hon. member (Mr. Samuel Sharpe) had the responsibility of carrying out such an Act and realized the scope of it he would not, I am inclined to think, make the remarks he has made. The men were under certain conditions up to the introduction of this amendment, that is up to April 1, 1909. A new system of management was introduced. The hon. gentleman must remember that there are, if I recall the number correctly, some 6,000 employees on the government railways. If we open the door for those back to 1907 some hon. member may say, 'Why 1907? Let us go back further.' There must be a line, and it must be, in a measure, arbitrary. This Act was passed in 1907. I was not here then, but no doubt many hon. members before me were here at that time. The line was drawn strongly and arbitrarily and an age limit fixed. All I pretend to be attempting to do is to make the Act a little more lenient owing to the new conditions having arisen by the change in management. My hon. friend suggests that I know just who were dismissed out of these 6,000 men. I suppose he is not serious in that.

Mr. SAMUEL SHARPE. The minister would know the number.

Mr. DANIEL. The minister stated there were none.

Mr. GRAHAM. I did not state anything of the kind.

Mr. DANIEL. Except for cause.

Mr. GRAHAM. I said once or twice that I did not make that statement, but my hon. friend has put in my mouth twice since. Generally speaking, before this Act men were dismissed for cause as they would be in any railway or any other line. But when the management was changed the conditions changed, the circumstances to which the old Act applied were altered and a general reduction of the staff all over the system was entered upon. New conditions arose which acquired a new Act. I am trying to meet the conditions that have arisen owing to a large number of men having been dismissed at once by the board of management. It must be remembered that the men still in the employ of the road will have to pay their share to those men who retire, and this Act has met with their approval. I do not know why in attempting to meet new conditions we should drag in all the old conditions existing before the passage of the Act of 1897. My only attempt was to meet the new conditions that have arisen since the board was appointed.

Mr. S. SHARPE. How many men have been dismissed from October last to the 1st of April?

Mr. GRAHAM. I think I gave that information in answer to a question.

Mr. R. L. BORDEN. Information of that kind was given in answer to a question of mine, but it related only to the county of Halifax. When the Bill is again in committee perhaps the minister would be good enough to have all this information ready so that we can discuss it a little more intelligently.

Bill reported.

SUPPLY—THE NAPANEE RIVER.

Mr. FIELDING moved that the House go into Committee of Supply.

Mr. U. WILSON (Lennox and Addington). Mr. Speaker, I wish to call attention to a matter of considerable importance to many people in my riding. At a public meeting on November 30 of representive men in the town of Napanee, the state of the Napanee river was discussed. In justice to the Minister of Public Works I would say that last year, although there was no appropriation for the dredging of the river, he gave me a pledge across the floor of the House that he would see if he could get a dredge and have a certain amount of dredging done. He made an appropriation of $2,800. I talked the matter over with him and I supposed if he did some dredging in the shallow places it would greatly assist the navigation of the river. But it turns out that there was only a very narrow channel made about twenty-five feet wide. The captain of the dredge was at that public meeting and explained the condition of the river. Marine men stated that the river was worse than it had been before any dredging was done. The captain said that only a narrow cut was made and when the dipper of the dredge came up it would bring up an overflow and pile up logs and stones and mud, forming a ridge on one side of the cut. Thus, if the vessel happens to get out of the channel she is in much shallower water than before the dredging was done. Captain Christie, of the steamer 'Brockville', quite a considerable steamboat, says that it is very important to his company to know what is going to be done about the dredging of the river, because unless the navigation of the river is improved his company will have to withdraw their boats from that route. He is anxious to know because he says they always make their routes the year before, so they will know what they are going to do in the spring. A question of mine as to whether it was intended to make an appropriation this year for the dredging of the Napanee river has not been answered. My constituency is one of the counties that get very little public money in return for what we contribute to the revenues of the country. We do not wish to be unreasonable, but we think this is a very important matter, inasmuch as the town of Napanee and the entire surrounding country are deeply interested because we get our coal from the United States, it has to come in vessels, and the river is so low for want of dredging in certain places that only the smallest vessels can come in, and they are decreasing in number. Having to use the small vessels naturally increases our freight rates. The Minister of Public Works is, I think, disposed to deal fairly by us, and I hope that a reasonable appropriation will be made in the supplementary estimates for this work of prime necessity. I hope I will not be told, as the Minister of Finance often tells members on this side, that

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we are continually finding fault with the large expenditure that is made but are still asking for more. What we want is that the appropriations should be made for useful public works, not for works like the Newmarket canal. You could dredge twenty-five rivers like the Napanee for the money wasted on the Newmarket canal. I allude to this in order that the minister may not think I am unreasonable and want expenditures for purposes which are not necessary. I now leave this matter in the hands of the government, hoping the minister will reply and give us fair reason to believe he will do what I have asked.

Hon. WM. PUGSLEY (Minister of Public Works). Mr. Speaker, as my hon. friend (Mr. U. Wilson) has mentioned the subject of the dredging of the Napanee river and has intimated that one of the captains has made the statement that navigation is more dangerous than before, I think perhaps I should call the attention of the House to what has actually been done during the past season. Before doing so I may say that before we began working upon that river during the past season the river, for seven miles, was full of obstructions, such as sunken logs and stumps. There was also a wreck right in the channel of the river and it was a serious menace to navigation. It was reported to me, not only by my hon. friend but also by prominent citizens of Napanee, by captains of vessels as well, that the dredging of this river was necessary in order to give satisfactory navigation. Well, Sir, it is true, as I told my hon. friend and a number of other gentlemen in Napanee, who communicated with me upon this subject, that there was no special appropriation made at the last session of parliament for this work, but I stated that if possible I would endeavour to get a dredge and have the work done. We had no government dredge available for the purpose because our dredges were all busily engaged elsewhere, but we did succeed in making a very satisfactory arrangement with the Windsor Dredging Company, what I think every one who is familiar with the condition of affairs in that river will say was a satisfactory arrangement, the price being 14 cents per cubic yard with a special allowance of $150 for removing the wreck. The report which I have is that dredging has been performed to a depth of 12 feet below low water at various points in the river where most required, the cuts were widened from 25 to 30 feet and the remains of the old wreck were entirely removed. Altogether during the past season this company dredged some 20,000 cubic yards of material in addition to removing the wreck. The total expenditure has been in the vicinity of $2,800. I think from this report and from what I have heard outside of the report the work which has been done has been very satisfactory and excellent value has been got for the money which has been expended. I may say to my hon. friend that the question of continuing the dredging will receive careful consideration, but I do trust that my hon. friend recognizes, that, at his own request and at the urgent request of a number of prominent citizens of Napanee, I made arrangements under considerable difficulty to do this work, believing that it was a justifiable work, just as all other work which is done by my department is justifiable work and necessary in the public nterest. I can assure my hon. friend that he would make a stronger case for the dredging of the Napanee river if he would simply rely upon the merits of the work which we have on hand and not seek to disparage the public work which is being done in other places. I think it is a great mistake, when one desires that some work should be done in his own locality, that he should feel it necessary to throw out the suggestion that every expenditure made in any other part of the country is a waste of money and that the only place in the whole Dominion of Canada where money can be expended to public advantage is in the particular locality in which he resides.

Mr. U. WILSON. I did not throw out any such insinuation, I did not intend to and I think, Mr. Speaker, you will bear me out when I say that I gave the minister full credit for his generosity last year. I acknowledge that under difficulties he made this appropriation. I have a letter from Captain Christie which bears out everything I have said in reference to the dredging. I will let the minister see it.

Motion agreed to, and the House went into Committee of Supply.

Public Works—chargeable to income, harbours and rivers, Nova Scotia—Pinckney Point breakwater—extension of, $1,000.

Hon. WM. PUGSLEY (Minister of Public Works). This is for the purpose of extending the breakwater at Pinckney Point. The difficulty which we are seeking to obviate there is that silt and gravel wash away through the action of the sea and obstruct the berth. We find it necessary to build an extension of the block 40 feet long, the whole cost of which will be $1,000.

Piper's Cove— breakwater—pier, $8,000.

Mr. PUGSLEY. This is to provide for the construction of a breakwater pier at Piper's cove on the Bras D'Or lake. The proposed structure will extend to eight feet at low water, and it proposed to construct blocks and spans 224 feet in length. There is to be a road bridge 270 feet long as well. The total cost is $8,000.

Mr. JAMESON. Will this work be done by tender and contract?

Mr. PUGSLEY. Yes, I think this will be done by public tender and contract.

Mr. JAMESON. I would like to urge upon the minister the advisability, wherever possible, of having these works done by contract. There is a variety of very good reasons why this course is preferable to the alternative of having the work done by day labour. In most of these communities there is a large number of people who are very anxious to secure employment upon these public works at certain times of the year when they have not very much to do and when it is a great boon to them to be able to make a few dollars. It very often happens that when a work is done by day labour only the friends of those who have the management or control of it are placed upon the work of others, who are equally deserving, are debarred from that privilege. There is another reason why it is desirable to have this work done by contract and that is that it reduces the number of foremen, sub-foremen, supervisers and officials of that character, and saves expense. The cost of construction is lessened, perhaps I may say the cost of officials who do not work is lessened, and a saving is thereby effected to the department. I have found in my own constituency that where the work is done by day labour and not by contract, the privilege of supplying timber and other materials is given only to a few individuals who are often compelled to take the value of the material, out of the store of the person who has charge of the work. In like manner the workmen are obliged to take their wages under what is called the truck system. For these reasons it is desirable that the work should be done by contract wherever possible so that all may have a fair chance of participating in the distribution of the money. When work is let by contract this truck system is broken up and that in itself is a good thing. When we were considering the other day the appropriation for David's cove in Digby county I expressed the desire that the work should, if possible, be done by contract, and I urged it because the experience in that county at least has been that very great hardship has been entailed in the past on the workingmen and on those who supplied materials in that they had not been able to draw their pay in cash but were compelled to draw it through the shop of the man in charge of the work. I know that the minister has the welfare of his department and of the public works of Canada at heart, and it is for this reason that I bring this to his attention.

Mr. PUGSLEY. I have already stated that it was the rule of the department to do work by contract except in cases where it clearly appeared to the responsible officers that it could be done better by day work. With regard to workmen being obliged to take goods from a store in lieu of their pay I wish to state publicly that no foreman has the right to require a man to take his pay otherwise than in cash, and if any complaint is made to the department that a foreman has required those under him to resort to the truck system that foreman would be reprimanded and unless a satisfactory explanation is given he would be dismissed. Of course it may happen sometimes that workmen in anticipation of a cheque coming for their wages desire to obtain supplies in advance from a store, but in all cases it is the well understood duty of the foreman to pay promptly in cash when the money is available in the hands of the engineer.

Mr. JAMESON. I may say for the information of the minister that I know a case in which men who are willing to work and who had applied for work were flatly told that unless they took their wages out of the store of the man who had charge of the work he would not give them employment, and, those who were willing to supply material were told that they would have to take their payment in a similar way in respect to this particular work. I think that is a very serious hardship.

Mr. PUGSLEY. Would my hon. friend object to giving me the name of the foreman who made that condition and if he does I assure him that I will have the matter investigated and will see that such a foreman will not receive further employment. Any foreman who insists upon that condition of employment is certainly not discharging his duty.

Mr. JAMESON. I will have great pleasure in giving to the minister privately the name of the foreman.

Mr. PUGSLEY. That will do.

Mr. JAMESON. I do not suppose it is necessary to publish the name in 'Hansard' but I shall give the name to him privately.

Mr. PUGSLEY. Very well.

Mr. JAMESON. The view taken by the Minister of Public Works is the proper one and I was quite confident he would take such a view when the matter was brought to his notice. Let me say that if foremen generally have notice from the department that such conduct would not be recognized it would go far towards effecting a cure of this pernicious system.

Mr. FIELDING. I like the contract system best, but I am bound to say that I am not so satisfied as my hon. friend (Mr. Jameson) as to its popularity in any given district. I do not say that because it is unpopular it should not be adopted but there are views that may be offered on the other side. The contractor may come from a dis-

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tant part of the country and very often he brings with him his staff and some of his employees to the exclusion of those living in the neighbourhood, a thing which is never very popular. Then again it sometimes happens that the contractor not having sufficient resources gets into difficulties, and I have known cases where the contractors went away leaving claims unpaid and very much discontent. The contract system, as a rule, is the better one, but there is another side to the question.

Mr. JAMESON. If a contractor should bring from outside a considerable portion of the labour to be employed I can well understand that it would not be satisfactory, but in the case of these works ranging from $7,000 to $8,000 I think the contractor would be very likely to find sufficient local labour and would not import any. As to a contractor leaving the workingmen unpaid I do not think there is any excuse whatever for such a condition, because it would be a proof that the officers of the department, who had the money in their hands had not exercised proper supervision and had been derelict in their duty.

Mr. FIELDING. No. I could give my hon. friend a case where no one was at fault; where the contractor took his work at too low a price and although his intentions were honest enough he got into difficulties and he was not able to pay the workmen. The usual percentage was kept back but that did not suffice. He was a man of honest purpose but there was not enough money to give him his contract price and a fair profit.

Mr. JAMESON. That would be an exceptional case.

Mr. FIELDING. Yes.

Port Dufferin — breakwater at Smiley's Point, $2,550.

Mr. PUGSLEY. This will complete the work.

Mr. STANFIELD. What is the total cost?

Mr. PUGSLEY. $7,000.

Porter's Lake—boat channel to Three-Fathom harbour, $4,500.

Mr. PUGSLEY. This is an important work, Porter's lake being 17 miles in length and surrounded by a good farming country, well settled. The total cost of the work, including breakwater, will be $17,000.

Mr. JAMESON. Where is this?

Mr. PUGSLEY. In Halifax county. There have been expenditures in 1907-8 and 1908-9.

Mr. CROSBY. How much more will be required to complete the work?

Mr. PUGSLEY. It is estimated that it will take $10,000 more.

Mr. CROSBY. As the minister states, this is in a very fertile part of the county of Halifax, and the work gives access to a very beautiful lake. I suppose it is intended that the work shall be continued during the coming summer?

Mr. PUGSLEY. Yes.

Port Hood harbour—closing northern entrance, $40,000.

Mr. PUGSLEY. This is a very important work. A good deal of coal is shipped from Port Hood. Formerly there was a natural breakwater extending from the island to the mainland, but some years ago it was carried away by a violent storm, and we have been for some years gradually closing the entrance so that it will afford a sheltered harbour. We are asking this year for a larger vote than usual, with a view to proceeding vigorously with the work.

Mr. JAMESON. How much has been expended on this work, and what does the minister estimate the total expenditure will be? Also, what material is used in the construction of the breakwater?

Mr. PUGSLEY. The material used has been brush and stone. The total estimated cost was originally $215,000. The work has been carried on continuously since 1903. There has been expended $92,796.67, and with this $40,000 it is estimated that $82,250 will still be required to complete the work. I may say that this work has been asked for not only by the people of the locality, but by resolutions of various boards of trade, including the Maritime Board of Trade, which has urged the importance of continuing the work as rapidly as possible.

Mr. WRIGHT. We are frequently told of wharfs being washed away on the Atlantic coast. Is it not possible to devise some method of constructing these wharfs so that this will not happen so frequently? There must be some fault in construction.

Mr. PUGSLEY. What was washed away was the natural connection between the island and the mainland—not an artificial structure, but a natural breakwater or bar, which deprived the harbour of its natural shelter, and it is for that reason that we are erecting a breakwater.

Mr. WRIGHT. I may have misunderstood the hon. minister in this case, but all the same we do have constantly recurring cases of wharfs being washed away.

Mr. FIELDING. I do not think it often happens that a wharf is washed away. Undoubtedly wharfs are damaged from time to time, and I am afraid that my hon. friend is not sufficiently acquainted with the force of the Atlantic waves, or he would not see anything surprising in that. I am

not sure that even concrete works would withstand some of the storms on the Atlantic coast.

Mr. EDWARDS. I want to call the minister's attention to the fact that while large sums are being expended on wharfs and breakwaters along the coasts of the maritime provinces, some expenditures are necessary on the inland waters. I have had occasion to refer to the need of a little dredging near Wolfe island. The people there build their own wharfs, but in the latter part of last session I informed the minister that an expenditure of $150 or $200 in dredging would enable vessels to land coal on the island, whereas otherwise the people would be obliged to haul their coal on the ice from Kingston. This would mean a saving of fifty or sixty cents a ton on all the coal used on Wolfe island. I simply want to draw attention to that. The hon. minister said last session that it was then too late to consider the matter. I want now to call his attention to it before it is too late. This is a matter of great importance to the people there, and while we are making these large expenditures down by the sea, we should not forget the people living along the lakes.

Mr. PUGSLEY. The hon. gentleman is speaking of dredging required at Pope island. The result of the inquiry I made is that this is a private wharf, owned by a company, and the business down there is the business of this company, and the work could not be properly regarded as work for the general benefit of the public.

Mr. EDWARDS. The wharf, I believe, was constructed by private parties who were living on the island, but it is used by the general public without charge. I can only repeat that the dredging would result in great and general benefit to the people on that island inasmuch as it would enable coal vessels to land cargoes there, and the people would then get their coal at 60 cents to 70 cents a ton less.

Mr. PUGSLEY. If the hon. gentleman would write me a letter stating the number of people accommodated by that wharf and mentioning the fact that the wharf is open to public use without charge, I shall be glad to take a note of it for further consideration.

Mr. EDWARDS. The population is some 1,200.

Mr. CROCKET. How long has this work been in progress?

Mr. PUGSLEY. Since 1903.

Mr. EDWARDS. When will it be completed?

Mr. PUGSLEY. It is proposed to let the contract now and we hope to finish it in about two more years.

Mr. CROCKET. When the work was begun in 1903, how is it the department is only giving a contract now?

Mr. PUGSLEY. The work was experimental. To have made a solid breakwater of crib-work and stone would have cost a great deal more perhaps than we felt justified in spending. This mode of construction was an experiment and we went along gradually to see whether it would stand the action of the waves. It has certainly stood remarkably well, and the department is convinced it will be permanent, so that we feel justified in asking a larger appropriation with the view of entering into a contract.

Mr. CROCKET. What has it cost up to the present?

Mr. PUGSLEY. $92,000.

Mr. CROCKET. All that was done by day labour?

Mr. PUGSLEY. Yes.

Mr. CROCKET. What is the estimate of the work yet to be done?

Mr. PUGSLEY. $122,250 to finish the whole work.

Port Joly—extension of Herring Rocks breakwater, $2,000.

Mr. PUGSLEY. This is for an extension.

Port Malcolm—wharf, $2,500.

Mr. PUGSLEY. This is to reconstruct. There is a private wharf there now, owned by Mr. Malcolm. The department is going to acquire that for some $2,200, including the right of way. The department will make it a public wharf and reconstruct it. The total estimated cost, including cost of the property, will be $7,000. I am now asking $2,500 and will require a further $2,500 to complete the reconstruction.

Mr. CROCKET. What are the dimensions of the wharf the department is buying?

Mr. PUGSLEY. 225 feet in length and it extends to 6½ feet below water. For a distance of 105 feet it is 64 feet wide; for a distance of 24 feet, 42 feet wide; for a distance of 70 feet, 18 feet wide; and for the remaining distance of 26 feet, 22 feet wide. That is the existing wharf. We propose to reconstruct it.

Mr. CROCKET. How was this figure arrived at? Was that just the amount asked or was an officer of the department sent to examine the wharf?

Mr. PUGSLEY. The resident engineer, Mr. Bernard Sconi, was instructed to make

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an examination and report, and he estimated its value at $2,100. It is on his report that we propose to buy the property.

Mr. CROCKET. Has the deed been executed?

Mr. PUGSLEY. No, we would not take a deed until we got the vote.

Mr. CROCKET. How large a place is it?

Mr. PUGSLEY. It has a population of 600; the residents are farmers, who engage in fishing during the fishing season. There is a freight and passenger steamer which calls there.

Mr. TAYLOR. What county?

Mr. PUGSLEY. Richmond.

Mr. TAYLOR. If this wharf belongs to a private individual why should the government acquire it?

Mr. KYTE. The parties who own the wharf are out of business. They conducted a large mercantile establishment there until a few years ago. The senior member of the firm died, and the property is in the market. Up to the present is has been used by the public without charge, but the wharf is not in proper condition at present and a request was made to the department to furnish a new one.

Mr. TAYLOR. We have hundreds of cases throughout Ontario of wharfs owned by private parties and used by the public. We have three or four at Gananoque which the owners would be glad to sell to the government if the government feel disposed to buy old wharfs. I do not see why the government should furnish a wharf at this place.

Mr. PUGSLEY. In Ontario the department has done that frequently. It sometimes happens that a private wharf, owing to the owner having gone out of business, becomes neglected, and there is a justifiable demand for a public wharf. It is often considered best that, instead of building another wharf, the private wharf should be taken over, where it can be had at a fair and reasonable price, and repaired and devoted to the public use. It has been done in several cases in the province of Ontario and in Quebec also. It is not confined to the province of Nova Scotia, I can assure my hon. friend.

Mr. STANFIELD. Is this engineer, Bernard Sconi, one of the regular men?

Mr. PUGSLEY. Yes.

Mr. STANFIELD. In Halifax?

Mr. PUGSLEY. No, in Antigonish.

Mr. EDWARDS. I would call attention to the wharf at Wolfe Island to which I have already referred. In view of what the minister has said in regard to the policy of acquiring wharfs owned by private individuals who have gone out of mercantile business—

Mr. PUGSLEY. Perhaps the hon. member (Mr. Edwards) will pardon me a suggestion. If he wishes to make a suggestion as to the government acquiring a wharf in Ontario, perhaps it might be more convenient to wait until the Ontario items are before the committee.

Mr. EDWARDS. If the minister prefers it. It struck me that it would be cheaper for the people if the government will buy the wharf. It could be got for less money than is being paid for this one.

Mr. CROCKET. By whom was the department asked to buy this wharf? Was there any request from the municipality?

Mr. PUGSLEY. My hon. friend from Richmond (Mr. Kyte) informs me that he presented a petition of the people urging strongly that this wharf should be acquired. I do not recollect the petition at the moment, but no doubt it is on fyle.

Mr. CROCKET. Was there any request from the municipality?

Mr. PUGSLEY. No.

Mr. EDWARDS. Is there any income?

Mr. PUGSLEY. The hon. member for Richmond informs me that Mr. Malcolm gave the public free use of the wharf while he was in business.

Port Maitland breakwater, $2,000.

Mr. PUGSLEY. This is to complete the reinforcing block of creosoted timber on the outer face and partial renewal of the flooring.

Mr. CROCKET. How long is it since the work was begun?

Mr. PUGSLEY. In 1908. The total estimated cost is $6,700, and this $2,000 is intended to complete the work.

Mr. STANFIELD. Is this in Hants?

Mr. PUGSLEY. No, Yarmouth.

Mr. CROCKET. Has the work been done by contract?

Mr. PUGSLEY. No, by day labour.

Mr. CROCKET. Is that the principle upon which the department proceeds in works of this kind?

Mr. PUGSLEY. The total work in any one year did not amount to more than $3,000, and it was considered by the engineer better to do it by day work. It was repairing work and, while that class of work can sometimes be done by contract, it is not always so.

Mr. STANFIELD. Is this Mr. Perry, the foreman, one of the faithful?

Mr. PUGSLEY. Does the hon member wish to ask if he is a faithful workman? I think he is.

Mr. LAW. Mr. Perry belongs to one of the oldest Tory families in the county of Yarmouth. I may say that it would be impossible to have that work done by contract. The breakwater came near being washed away last winter. The work is the tearing down of old work and building new.

Mr. STANFIELD. I did not intend to raise talk over this matter, but I know that in the county I have the honour to represent the only people appointed on these jobs are the faithful. Occasionally, a man on our side gets a position by promising to help my opponent.

Mr. PUGSLEY. I do not hesitate to say that, so far as the foremen are concerned, if, in any locality, we can get a competent reliable man who is a Liberal I think it is our duty to appoint him. For, a Liberal is interested in doing satisfactory work, work that will be creditable to the government; a Conservative would be interested rather the other way—in work that will bring discredit upon the government. So far as men under the foremen are concerned, let him employ good workmen whatever their politics may be.

Mr. BLAIN. Are there no good Liberals at this place to be recommended?

Mr. LAW. If the hon. member (Mr. Blain) heard what I said, he will know that I stated that this gentleman belonged to one of the oldest Tory families in the county. But I wish to add that he has seen the light.

Mr. BLAIN. That is the explanation. By whose recommendation was the gentleman appointed and what were his special qualifications for the position?

Mr. PUGSLEY. He was appointed by my direction.

Mr. LAW. Further, the resident engineer, Mr. Dodwell, has told me several times lately that Mr. Perry was one of the best foreman he had had for men in the province of Nova Scotia.

Mr. BLAIN. At whose recommendation was he appointed?

Mr. PUGSLEY. I do not carry in my head the names of those who make such representations. I have no doubt that I satisfied myself that Mr. Perry was a thoroughly competent man. And I may say also that it is one of the instructions to the resident engineer that when a foreman is recommended he must satisfy himself of the competency of that foreman.

Mr. STANFIELD. I suppose we shall have to agree with the minister that, when a position is open, a Liberal must get it. But I would ask him to instruct his resident engineer and director to occasionally give a Tory a job, if it is nothing better than as a labourer. In my county, a Tory cannot get even day's work on one of these government jobs.

Mr. PUGSLEY. I think the labourers are employed irrespective of party.

Mr. STANFIELD. In my county, our Liberal friends go at these things as though it were their own money and we had nothing to do with it. I don't see why a poor Tory might not have a chance occasionally. You might kindly make a note of that.

Mr. FIELDING. Was it the practice to give the poor Liberals a show in former years?

Mr. G. TAYLOR. Always.

Mr. STANFIELD. I have only been in politics a short time, I am a mere lamb in politics, but I understand the Liberals did get a job occasionally. If I remember, one or two Liberals were appointed to the Senate.

Mr. McCOIG. It might be a good idea for the hon. gentleman to send some of that advice up to the government at Toronto.

Mr. CROCKET. Was there a subforeman on this work as well as a foreman?

Mr. PUGSLEY. An assistant foreman.

Mr. CROCKET. How many men were employed?

Mr. PUGSLEY. I cannot give that information, I have no memorandum as to that.

Mr. CROCKET. Was there also an inspector?

Mr. PUGSLEY. The work would be inspected by the resident engineer, Mr. Dodwell, of Halifax.

Mr. CROCKET. Is the resident engineer always relied on to inspect the work?

Mr. PUGSLEY. The foreman is relied on first of all to see that the work is well done, but the engineer is relied on to visit the work from time to time to see that it is done properly.

Mr. CROCKET. I see that in the majority of cases of construction of wharfs and breakwaters there is an inspector.

Mr. PUGSLEY. That is where the work is being done under contract.

Mr. CROCKET. Only where it is under contract?

Mr. PUGSLEY. Done under contract.

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Mr. CROCKET. Is that the practice?

Mr. PUGSLEY. Unless you call the foreman an inspector.

Mr. CROCKET. What is the foreman's duty?

Mr. PUGSLEY. The foreman is in charge. It is his duty to see, where the work is done by the day, that it is done according to the plans and specifications. We do not have an inspector where work is being done by the day, in addition to the foreman, but where it is done under contract we have an inspector.

Mr. CROCKET. As a matter of fact, those are the chief duties of a foreman, to inspect the work. Does he engage the workmen?

Mr. PUGSLEY. He employs them.

Mr. CROCKET. And purchases the materials?

Mr. PUGSLEY. He purchases the materials and sees that the work is done.

Mr. CROCKET. What are the duties of the subforeman?

Mr. PUGSLEY. To assist the foreman. He is really more like the head labourer.

Mr. CROCKET. But the foreman does not take any part in the work, he supervises it.

Mr. PUGSLEY. Oh, yes, the foreman, if he is a good man, very often takes off his coat and works with the rest.

Mr. JAMESON. The minister was very kind in stating that wherever there was a qualified Liberal available he preferred to have him appointed to the supervision of work of this character. Does he think it is good policy that these men, good Liberals as they are, where they are so appointed, should discriminate between Liberals and Conservatives when it comes to engaging a labourer on this work? I mean that a man should be asked his political leanings, how he is going to vote, in order to determine whether or not he is entitled to labour on that government work.

Mr. PUGSLEY. The foremen are left free, so far as it has ever come under my observation, to employ such labouring men as in their judgment are best qualified to do the work. The government has never interfered in connection with the politics of a labouring man. The foreman is left free to exercise his good judgment, to get good workmen at fair wages, and to see that they do their work properly.

Mr. JAMESON. Would the minister approve of such a policy? It has been the practice for them to ask workmen how they were going to vote before they were engaged. When the answer came: I am not going to vote Liberal, the men were turned away. I do not suppose the minister is aware that that position exists to-day in Nova Scotia.

Mr. FIELDING. I think it would be highly improper that a man should be asked how he is going to vote, that he should be asked to make any promise as to his vote in connection with his employment. The first consideration should be to get good capable men and it generally happens that men are found in both political parties for work of that character. But suppose there is a limited number of men required, what harm would there be if a preference were given to the friends of the government? I do not think we should have any hypocrisy in this matter. I propose every time, all other things being equal, to give a preference to my friend in every relation of life. What is wrong with it?

Mr. SCHAFFNER. We have heard the hon. gentleman express that opinion many times in the House but when it comes to employing labourers in work of this kind I am surprised that the minister should make such a statement. It is not the government's money.

Mr. FIELDING. I did not say it was.

Mr. SCHAFFNER. It is the money of the people of this country and surely if a man happens to be a Conservative, he has been taxed for that money and why has he not a perfect right to participate in that work?

Mr. FIELDING. I do not see any distinction in respect to the labouring man and the man who might be a candidate for the highest office in the country. Our system of government is a party system. With all its faults it is the best that has been discovered. It is the British system and a preference is given by the government wherever the party system prevails to its own friends. There is nothing wrong in that. It would be perfect hypocrisy to pretend that the Conservative party did not practice that during the whole 18 years they were in power. My hon. friend from Colchester (Mr. Stanfield) says he is only a lamb. He is old enough to know that in his own county that rule was thoroughly enforced, he knows that a man could not get employment on the Intercolonial railway in the days of the Conservative administration unless he was identified with the Conservative party, and we did not kick about it either, we recognized it and we did not squeal. When these hon. gentlemen opposite talk about the poor Tory not getting any chance, I wish they had a little of that compassion for the poor Liberal in the olden days.

Mr. SCHAFFNER. I simply wished to remind the minister that this was not his money.

Mr. FIELDING. I did not say it was our money. It is the money of the people of Canada but the government of Canada are the custodians of that money and they are answerable to the people of Canada for the way in which they expend it. If it is a crime to give a preference to a Liberal the government will have to be turned out for that crime.

Mr. JAMESON. The Minister of Finance has been very frank in his statement to the committee. His frankness deserves that I should be equally candid. He has stated that he considers it perfectly proper that a man should be asked his politics.

Mr. FIELDING. No, I did not say that. I said I would regard it as highly improper that when a man comes to work he should be asked anything about his politics. In every small community in Canada every man's politics is thoroughly well known, and I say that if a preference was given by the government of the day, be it Liberal or Conservative, to its own friends, always with the condition that they are capable, good men, I do not think there is anything to complain of. No one is hurt, the public interest does not suffer so long as the work is done properly. It can be as well done by a good Liberal as by a good Tory. What is the difference?

Mr. JAMESON. The minister stated that in the good old times the poor Liberals did not get any share.

Mr. TALBOT. They were not the good old times, say the old times.

Mr. JAMESON. Well, call it any kind of a time you like. Now, he says that he considers that in every district in Canada it is unnecessary to ask a man's politics because the politics of the people are generally pretty well known. I am going to say, with regard to the work which was done at Digby during the election of 1908, that men who went to the government pier to make application for work were asked: How are you going to vote?—and if they said that they were not going to vote Liberal, as many of them frankly did, they were told that they could not get any work, that they were bleu. Consequently they were not permitted to share in the labour which was available. The minister has said that in the good old days the poor Liberals did not get an opportunity to share in any of this labour or to receive any benefit from it. On that same public wharf at Digby, when money was expended under the Conservative regime, Liberals and Conservatives indiscriminately were given and had equal opportunities for employment. That is a matter of fact and it is a matter of record which the minister, I dare say, can verify if he chooses to look up the returns in the department, because the political leanings of the people are so well known in these different districts. I am not finding any fault. The minister does not, I hope, think that I am one of those who squeal because I do not squeal; I merely ask that every person in the community, without regard to his political qualifications, be permitted to share in this work.

Mr. FIELDING. I do not say that I would approve of what the hon. gentleman says occurred at Digby. If it is a fact that men came and asked for work and were told that they could not get it unless they voted in a certain way I certainly would not approve of it, and, while I am bound to accept my hon. friend's statement, I would be very much surprised if it occurred.

Mr. JAMESON. I can assure my hon. friend that it did occur.

Mr. EDWARDS. The minister would dispose of that fact by the statement that those in charge of these works were not thoroughly versed in the politics of the people.

Mr. FIELDING. I would assume that as a rule they do know.

Mr. EDWARDS. They do know what their politics are?

Mr. FIELDING. As a rule they do know. I may say to my hon. friend that they are well informed people in Nova Scotia and as a rule in any of the small districts the average man knows the politics of his neighbour. If a preference were given to men who were friends of the government, always provided they were good men, nobody would be hurt.

Mr. CROSBY. I spoke about this the other evening when we were discussing this matter, and I told of men applying for work being required to bring a certificate from the local committee as to their politics. Nobody expects the Liberal government to give a position of importance to any but their friends—I think that is a fair proposition—but, all things being equal, we do expect that the workingmen shall not be subjected to the necessity of bringing a certificate from any committee when they are prepared to give an honest day's work for an honest day's pay. I can remember the Minister of Finance in the city of Halifax, time and time again, getting up and thanking, not the Liberals, but the Conservatives of the county of Halifax for electing him. I know he can remember that and I know he can remember that if the Conservative party had been as decided in seeing that the local

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government should be in line with the federal government my hon. friend would not have occupied the position that he did very long. He knows that he was elected time and time again by the votes of good Conservatives. I know many good Conservatives who supported him, but it was only on the ground that local and Dominion politics should not be mixed up together. My hon. friend was always willing that that should be the case, but a fellow has a pretty poor show now in both local and Dominion affairs if he happens to be a Conservative or a Tory. I am not complaining of it. We put the evidence on record in the city of Halifax. We had men brought up who had the signatures of the late members representing Halifax and we proved in court that these members gave orders to men to get work before the last election. We had the same thing prevailing in the eastern parts of Nova Scotia. I do not complain, but I say be fair, reasonable and honest. Give them all a chance; God knows you are spending enough money to enable you to do so. Do not turn the Conservatives down. Do not make them go and get certificates from the committees because the committee is pretty hard upon them. Sometimes it is well to be nice to your opponents, because, if you are. you may get them to assist you. We find that we have to be nice to the Liberals. I could not have been elected in Halifax last year if it had not been for the kindness of the Liberals. I ask for nothing that is unfair or unjust. Appoint your foremen and those occupying the principal positions from your own ranks, but do not say to the poor honest, decent fellow who comes along that he shall not have a job until he goes to some Tom, Dick or Harry and brings a certificate to say that he is this, that or the other thing. I appeal in all fairness that when day's work is done we shall not look into a man's mouth or at his teeth to see if we can find how he is going to vote. Let us have a little fairness in that regard, and I know it is only necessary to bring the matter to the notice of the Minister of Public Works.

Mr. PUGSLEY. What do you suppose would happen if we appointed a good Tory foreman?

Mr. CROSBY. I presume he would do about the same as anybody else.

Mr. PUGSLEY. He would employ Tory labourers.

Mr. CROSBY. Perhaps he would. If he did I would say he would not be doing right. But I do not deny that the Minister of Public Works or any other minister has the right to employ anybody else than his own friends in positions of trust. Perhaps that is a fair proposition, but I am simply speaking of the labourers. This is public money and let the people have the money. There are always men who are particular to say that they are a great help to the party when sometimes they are not much of a help after all. All I plead for is that the ordinary workman shall be given a fair show and that he shall not be handicapped on account of his politics.

Mr. FIELDING. I should be surprised if it could be shown in the case of any work requiring any considerable number of labourers that the men were all of one political faith. It has generally happened in cases that have come under my observation that men of both parties have been employed. It generally happens that if you want a good many men you have to take men at certain seasons because you cannot get them at other seasons. My observation is that as a rule there are men of both political parties employed. My hon. friend seems to think that it is a great crime for a member of parliament or a prominent Liberal to give a recommendation to anybody to get employment. I cannot quite see it in that light. I have no doubt that every member in this House is in the habit of getting a recommendation from some one asking him to be good enough to do something to help somebody. What is wrong in that?

Mr. CROSBY. It is perfectly proper to give a man a recommendation, but what I complain of is that the rule was made that a man could not get work unless he was recommended by a Liberal.

Mr. FIELDING. The hon. gentleman was good enough to say that he has heard me many a time in Halifax express my gratitude to good Conservatives. That is true, but don't make any mistake about it, I never had anything to thank the Conservative party machine for. I never ran an election in Nova Scotia that I did not have to fight the whole Conservative party machine for what is was worth. I never owed them anything, but I do owe much to high-minded independent Conservatives who were good enough to vote for me and I have always been ready to express my indebtedness to them. I never ran an election for the local legislature that I was not opposed by every power the Federal government could bring to bear against me.

Mr. McCOIG. The conditions must be very different in Nova Scotia from what they are in Ontario if opponents of the Nova Scotia government are employed on public works. In my riding of West Kent, where the Federal government has very kindly given an appropriation for public works, we have Mr. Fluke, a Conservative contractor doing that work, and at the last elections he had eight or ten men in his employment and not one of them was a

Liberal. We also had another contract where a Conservative was the contractor and he had many Conservatives working for him drawing the money which was appropriated by this government. If the Conservatives have any grievance in Nova Scotia they certainly have not in the other provinces.

Mr. BLAIN. Was that contract let after public competition, or is the work being done by day work?

Mr. McCOIG. The work was let after public competition and Mr. Fluke was the contractor and the men working on the job were all Conservatives. I can assure you that as far as my riding is concerned the Conservatives are not discriminated against. They have the same chance of getting work as the Liberals have, and I only wish the Conservative government in Toronto would be as generous to the Liberals as the Liberal government here is to the Conservatives.

Mr. BLAIN. I am glad to hear the hon. gentleman compliment the Conservative government of Toronto on the policy they adopt of letting public works by open competition.

Mr. McCOIG. I did not say anything about that. I merely expressed the hope that the Ontario government would be as willing to give employment to Liberals as the Liberal government here is to give employment to Conservatives on public works.

Mr. BLAIN. The policy of the Ontario government is to put everything possible up to public competition but the hon. gentleman (Mr. McCoig) was a member of the Ontario legislature and he supported a government which did not carry out that kind of a policy.

Mr. McCOIG. No.

Mr. BLAIN. Take for instance the policy of the Ross government with regard to the school books.

Mr. TALBOT. Is the question of the Ontario school books before the Chair.

Mr. BLAIN. No, but my hon. friend (Mr. McCoig) introduced the subject and I tell him he was a supporter of a government in Ontario which instituted a school book monopoly that was put out of business when the Conservative party came into office. The Conservatives put the publication of the school books up to public competition and awarded the contract to Timothy Eaton & Company, the heads of which firm are prominent Liberals.

Mr. STRATTON. I desire to correct the hon. gentleman. I was a member of the Ross government in the province of Ontario and there is no doubt at all that Mr. Ross who was Minister of Education at the time invited competition for the publication of the school books and awarded the contract after public competition on the merits of the tenders.

Mr. WRIGHT. The Minister of Finance advocates the employment on public works of the party friends of the government, and he says that is the British system. I say that in Britain the government never distinguishes between the two parties in such matters and the Minister of Finance cannot convince the House that such is the case. It is not the British system; it is un-British and the present government here has carried it on to an extent never before equalled by any government either federal or provincial. I deny that the present government of Ontario pays any attention whatever to the party leanings of its officials. There never was a government in power in Canada, less partisan in this respect than the government of Mr. Whitney. In my riding there are men in the employment of the provincial government to-day who during my election of 1904 were in the employ of the Ross government and who chased me all over the riding. These men are still in the employ of the Ontario government and every time I go on the streets I have to meet these officials with a smile on their faces, still they are holding office. It is an unjust charge to make against the Whitney government that in any way it discriminates in favour of its party friends. The system in Ontario is very different from the system followed by the Nova Scotia government if we are to take as a standard of its doings the dictum laid down by the Minister of Finance.

Saw pit—block and span wharf, $1,500.

Mr. BLAIN. What county is that in?

Mr. PUGSLEY. Lunenburg.

Mr. BLAIN. There is to be a by-election there very shortly, and I hope the Finance Minister will not send down the policy which he has announced to-night. The hon. gentleman is getting bolder every year in announcing that policy. A few years ago he was very mild, but later he announced that it was the policy of the government to give work to their own political supporters. Now he announces it with a flourish of trumpets, and I thought he would probably go to Lunenburg and announce it in the by-election. May I ask when this money will be expended?

Mr. PUGSLEY. Some time next summer.

Mr. BLAIN. Will there be competition for this work?

Mr. PUGSLEY. No, it will be done by day work. It is to repair damage done by ice, and cannot very well be done by contract.

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Shelburne harbour — deep water wharf, $10,000.

Mr. PUGSLEY. This is new work. It is the construction of a much-needed deep-water wharf.

Mr. EDWARDS. When was the lapsed vote of $8,000 taken?

Mr. PUGSLEY. Two years ago.

Mr. EDWARDS. Why has the vote been increased by $2,000?

Mr. PUGSLEY. The reason is that we propose calling for tenders for the work, the total estimated cost of which is $30,000, and we expect to expend $10,000 during the coming year.

Mr. EDWARDS. Will this be a revenue-producing wharf?

Mr. PUGSLEY. It will be when it is handed over to the Department of Marine and Fisheries.

Mr. CROCKET. Has the government any other wharf accommodation at Shelburne?

Mr. PUGSLEY. Not at this point.

Mr. CROCKET. Who makes the estimate of $30,000?

Mr. PUGSLEY. The resident engineer, and his figures are verified by the chief engineer.

Mr. CROCKET. When did he make his report?

Mr. PUGSLEY. About two years ago, when this item was first voted.

South Ingonish—wharf, $5,000.

Mr. PUGSLEY. This is to make provision towards extending the wharf by adding a new block 24 feet square to the present structure. The new block will be in deep water. It is going to cost altogether $6,200, of which we are asking $5,000 now, and a balance of $1,200 will be required to finish it.

Mr. CROCKET. Is the present wharf the property of the government?

Mr. PUGSLEY. Yes.

Mr. CROCKET. When was it built?

Mr. PUGSLEY. In 1903 or 1904.

Mr. CROCKET. What was the cost of the original wharf?

Mr. PUGSLEY. I have not the statement of the cost of the present wharf, but if the hon. gentleman desires it, I will give it to him at a later stage.

Mr. CROCKET. Will that be done by contract?

Mr. PUGSLEY. That is my present view.

Spanish Ship bay (Liscomb)—wharf on west side of bay, $1,800.

Mr. PUGSLEY. This is a revote. The total estimated cost is $1,800.

South Cove—wharf, $6,300.

Mr. PUGSLEY. This is to give a water frontage of forty feet. This is the total estimated cost of the work to be done by contract.

Mr. BLAIN. What request was there for the expenditure?

Mr. PUGSLEY. I have no record of any, but it was very strongly recommended by the member for the county (Mr. McKenzie). It is in North Victoria, Cape Breton.

Mr. HUGHES. What were the reasons given?

Mr. PUGSLEY. That large shipments would be made from this place if this wharf were constructed. A daily steamer passes within a short distance, but does not call there as there is no landing place.

Mr. HUGHES. What is the population of the town?

Mr. PUGSLEY. There is no town, but in the locality there are a hundred farmers who would ship their produce by this wharf.

Mr. BLAIN. Has there never been a wharf there?

Mr. PUGSLEY. No, not within seven or eight miles.

Mr. BLAIN. How is it the hon. gentleman has neglected this important part of the county so long?

Mr. PUGSLEY. There are so many important works to be attended to, that we cannot do them all at once.

Mr. BLAIN. Last session a great many votes were allowed to stand over on the promise of the minister to take them up before any new expenditures were incurred. Have all these been attended to?

Mr. PUGSLEY. I can safely say they all have except in some cases where, on further consideration, I have not been convinced of their urgent necessity.

Mr. BLAIN. Will there be any revenue from this wharf?

Mr. PUGSLEY. When handed over to the Marine Department, I think there should be some revenue, but it will be a great accommodation to a considerable number of people.

Swim's Point and West Head—removal of rocks from approaches to wharfs, &c., $1,000.

Mr. PUGSLEY. There is a very good wharf there, but there are rocks quite near

which are a menace to vessels, and it is necessary to have them removed.

Sydney Mines—wharf at Barrington Cove, $15,000.

Mr. PUGSLEY. This is to make provision towards reconstructing the wharf so as to enable it to accommodate at all tides vessels drawing ten to twelve feet of water. It is proposed to build out to a distance of 730 feet from the end of the public road. It is going to be quite expensive, but the work is very important. There is a large shipping business done there. This is going to cost about $35,000 in all.

Mr. CAMPBELL. In whose riding is it?

Mr. PUGSLEY. Cape Breton, North Victoria.

Mr. CAMPBELL. Has the contract been let?

Mr. PUGSLEY. No, but the work will be let by contract.

Mr. CROCKET. Is there any other government wharf there?

Mr. PUGSLEY. No.

Mr. EDWARDS. What population will this accommodate?

Mr. PUGSLEY. 8,000.

Tenecape breakwater—addition, $7,000.

Mr. PUGSLEY. This is to build an extension eighty feet long and forty feet wide. This will complete.

The wharfs—Lunenburg county breakwater, $2,000.

Mr. PUGSLEY. This is to construct a breakwater. It is a fishing station; $2,000 will do the work. This is a new work and will afford shelter for the fishing boats.

Mr. CROCKET. Will this be done by day labour.

Mr. PUGSLEY. We have not decided. I think it would be better done that way.

Three-Fathom harbour—renewal and repairs to breakwater, $1,000.

Mr. PUGSLEY. This is in the county of Halifax. It is to repair damage done by storms.

Toney river—extension of channel protection piers at mouth of piers, $2,000.

Mr. PUGSLEY. This is to afford an extension fifty feet long and ten feet wide and will complete the work.

Tusket Wedge wharf—restoration and extension of, $6,000.

Mr. PUGSLEY. This is a government wharf in the county of Yarmouth. This will complete.

Mr. HUGHES. Is any provision made for placing a light on the rock where the 'Hestia' was wrecked?

Mr. PUGSLEY. That has been attended to.

Upper Prospect breakwater, $3,000.

Mr. PUGSLEY. This is to make provision for the construction of a breakwater 200 feet long by 30 feet wide and with a height of 19 feet at the outer end, as a shelter for the fishermen of the locality. It is in the county of Halifax. This sum will complete the work.

Upper Washabuck (McDougal's) — wharf, $1,800.

Mr. PUGSLEY. This is to construct a pile wharf, 40 by 50 feet, with an approach 110 feet. The timber of the wharf will be creosoted to resist the ravages of the torredo. The amount asked for will complete the work.

West Advocate — breakwater — revote of $4,800 lapsed, $10,000.

Mr. PUGSLEY. This is in the county of Cumberland. The work is to provide proper shipping accommodation and for the protection of water vessels entering the port. A large number of vessels go to West Advocate.

Mr. CROCKET. Is it a new work?

Mr. PUGSLEY. Yes.

Mr. CROCKET. Will this vote complete it?

Mr. PUGSLEY. This is in the county is $20,000.

Mr. CROCKET. Will it be done by contract?

Mr. PUGSLEY. Yes.

West Baccaro—extension of breakwater, $2,000.

Mr. PUGSLEY. This is in the county of Halifax. It is a necessary work, and all that is asked is an extension of existing breakwater.

West Dublin bay—dredging approach to wharf, $9,000.

Mr. PUGSLEY. This is to remove some 30,000 cubic yards of mud to make a channel from Curry's wharf to the main channel, 100 feet in length, allowing a depth of 9 feet. The estimated cost is $9,000. This is in Lunenburg county.

Mr. EDWARDS. What population has this place?

Mr. PUGSLEY. About 200. It is a farming and fishing population.

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Mr. CROCKET. Is this to be done by government dredge or will it be given out by contract?

Mr. PUGSLEY. We have not decided that yet.

Mr. EDWARDS. Do many vessels call there?

Mr. PUGSLEY. Considerable shipping is done and vessels are not able to get to the wharf conveniently owing to the channel being filled in.

Mr. EDWARDS. Are there any regular passenger boats to this place?

Mr. PUGSLEY. They are mostly sailing vessels.

Mr. EDWARDS. Fishing vessels?

Mr. PUGSLEY. And trading vessels, too.

Mr. CROCKET. It seems to me that when the minister asks for money for dredging he ought to be able to state whether the work is to be done by government dredges or under contract. A great deal of dredging goes on all over the country, contracts are let and immense sums are wasted. I am satisfied that the sums paid for dredging are excessive to the extent of fifty per cent. In the province of New Brunswick there are many dredging contracts. One spoken of last year was the dredging of Maquapit lake in the constituency of Queens and Sunbury. A channel was to be dredged from a depth of three feet to a depth of seven feet, and it cost the people of this country no less than $48,000.

Mr. PUGSLEY. How many cubic yards were dredged?

Mr. CROCKET. I do not know.

Mr. PUGSLEY. Before the hon. member can say whether there was any money wasted or not, he ought to know the quantity of work done.

Mr. CROCKET. I remember that it was at the rate of about 50 cents a yard. And I have heard it stated by men competent to judge that it was not worth 10 cents a yard.

Mr. PUGSLEY. It is a great wonder they did not tender for the work.

Mr. CROCKET. They did not get a chance.

Mr. PUGSLEY. They did; tenders were called for by public advertisement and every one had a chance to tender.

Mr. CROCKET. I know the minister stated that last year, but it developed that the work was actually in progress by the Maritime Dredging Company when the tenders were called for.

Mr. PUGSLEY. That does not make any difference.

Mr. CROCKET. The minister takes steps to give these things good appearance. But it was for the Maritime Dredging Company and Mr. John E. Moore, the minister's friend, who received five or six times the value of the work. And the Auditor General's Report, which I have consulted, shows that the inspection charges are rank. About $600 or $700 was spent for inspection on this work. There were three or four inspectors, one at $5 a day, one at $3, and another at $2.50, and my recollection is that they had seventy or eighty days more than the time within which the work was in progress. These inspectors are appointed by the minister, and I have not the slightest doubt appointed upon the recommendation of the contractor.

Mr. PUGSLEY. Unless the hon. member has information to that effect, he ought not to make that statement. I tell him that there is no foundation whatever for the statement. No inspector in New Brunswick or elsewhere is put on at the recommendation of the contractor. The hon. member ought to know that he should have the most positive evidence before making a statement of that kind.

Mr. CROCKET. Notwithstanding the minister's statement, I have no hesitation in expressing my opinion that, in the dredging that goes on in New Brunswick, the inspectors are in league with the contractors. What does the hon. minister think of the dredging at Dalhousie and the inspection certificates put through in that case? It developed in court that the dredging inspection was done and the records kept by an employee of the firm of A. & R. Loggie, who sued the inspector, issuing a summons against him in the magistrate's court. And the matter was fixed up. Does the minister mean to say that Mr. Alleyne, the dredging inspector, was thoroughly independent of the firm of A. & R. Loggie or that the inspection was done without reference to the interests of the firm? It is very well for the minister to make such statements as that which he has made, but it has been and will be pretty difficult to make the people in communities where the dredging is done believe that fraud is not being committed on the public treasury in connection with these dredging contracts in different parts of the country. It is only necessary to examine the certificates and note the handwriting of some of these inspectors. They are men who write with the greatest difficulty and could not possibly figure a cube. Such things are reported to me from different parts of the country. I have no hesitation in expressing my belief that this dredging business is worked by dishonest and fraudulent inspection. So, I think that when the minister comes down

with an estimate of this kind for dredging, the House are entitled to have information as to just how that money is to be expended—whether it is to be expended by contract given out in this way or upon dredges owned by the government. It seems to me that there is a great deal of dredging done and let by contract to private contractors that ought to be done by the government dredges. The government own a very extensive dredging plant and I thought it was the intention that as much dredging as possible should be done by the dredges owned by the government. There is no doubt that men have gone into this dredging business who had no experience and have gone into it to make money out of it relying on their political pull with the department and with the government. Since my hon. friend became Minister of Public Works the firm of A. & R. Loggie has embarked upon that business with very profitable results to them. They have not been in the business very long but they have contracts to the extent of thousands of dollars. That firm is composed of gentlemen who have been very close to the Minister of Public Works.

Mr. PUGSLEY. Close in what way?

Mr. CROCKET. Politically and in every other way.

Mr. PUGSLEY. In what other way?

Mr. CROCKET. In every other way——

Mr. PUGSLEY. What does the hon. gentleman mean now, 'in every other way.'

Mr. CROCKET. I say they were close friends and closely associated with the Minister of Public Works.

Mr. PUGSLEY. In what way?

Mr. CROCKET. The minister regards A. and R. Loggie as among his closest friends in the province of New Brunswick. Then there is the McAvity and the John E. Moore interest, who have also formed a dredging company. They are also very [illegible] the Minister of Public Works, and I think when we see the thousands and thousands of dollars going to these firms, we should scrutinize these dredging contracts closely. I have no desire to make any reflections on any of these gentlemen, and I am not making them, any reflections I make are upon the department for being guilty of these wasteful expenditures. I have no hesitation in criticising them as wasteful expenditures. Dredging could be done in some cases for one-quarter or one-fifth of what has been paid by this government.

Mr. PUGSLEY. The hon. gentleman said that there was fraudulent dealing in connection with the dredging. There can be nothing fraudulent unless the contractor is guilty of fraud. How does the hon. gentleman reconcile that statement with his other statement that he makes no reflection on the contractors? If there is fraud, the contractors must be a party to it, and I cannot imagine a more serious charge for a member to make than to allege that the contractors have conspired together with the inspectors to send in fraudulent returns and so defraud the government. Let me say to my hon. friend that if he has information of that character, if he has information which would justify him as a public man in making that statement behind the backs of these contractors and sending it broadcast throughout this country, giving to it all the authority and weight that should be attached to the statement of a respectable and honourable member of this parliament, then he is negligent in his duty as a public man if he fails to give the necessary information to the officers of my department or to the officers of the Department of Justice in the province from which he comes, so that they may take the necessary proceedings in order to prevent any further defrauding of the public revenue, and to punish those whom he believes guilty of fraud. That is the duty the hon. member owes to himself, to parliament and the people whom he represents. Let me say to my hon. friend that he should be careful and take warning by the fate that has befallen some gentlemen who have preceded him in this parliament. I remember that an hon. member representing one of the Simcoes was in the habit of rising in his place in this parliament and making similar accusations with regard to the treasury being defrauded by dredging contracts. He was never able to prove the assertions he made and when he went back to his people where a considerable amount of this dredging was being carried on and where he had alleged fraudulent transactions were going on from week to week and from month to month, the people of the constituency let that hon. gentleman know what they thought of the exaggerated accusations he had so often made in this House. Let me say to my hon. friend that as one occupying a seat in a parliament of gentlemen he ought not to make these accusations unless he is prepared to back them up and give the proof of the statements he makes.

In regard to A. and R. Loggie, I do not know whether they went into the dredging business after I became minister or not. I think they were in the business before I became minister, in fact I am satisfied they were, and my deputy so informs me. Let me say further that they are not intimate personal friends of mine, I do not know whether I can say they are active political friends. I think that they but seldom take an active part in politics. They are men who stand in the very front rank of merchants and manufacturers in

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the Dominion of Canada. They are men who by patience and energy and devotion to their business have built up a very large business which extends over various parts of the provinces of New Brunswick, Nova Scotia and Prince Edward Island, and I think it extends up into the province of Quebec. Until to-night I have never heard any insinuations thrown out against their integrity. The hon. gentleman has chosen to insinuate that they have gone into the dredging business because they are friends of the Minister of Public Works, and he throws out the insinuation that they hope in some way by reason of that fact to secure benefits at the expense of the treasury of this country. Let me say that, so far as I know, since I became minister the Messrs. Loggie have never secured a single contract except by public competition when they were the lowest tenderers, and I know of no misconduct on the part of inspectors, I know of no misconduct or wrong doing on the part of Messrs. Loggie, and I have yet to learn that it is any crime for any man in this country to tender for a public work. I have yet to learn that it is any crime on the part of the minister to award a contract for any public work to the man who happens to be the lowest tenderer, even although he may belong to the same political party as the minister.

With regard to Messrs. Moore and McAvity it is true they are engaged in the dredging business, but they are both men of large activities, they are men who engage in many lines of business, they are active, energetic, enterprising men. One of them Mr. Moore, is the president of the Maritime Dredging Company. What connection Mr. McAvity has with the company I do not know, but whether he has any connection or not makes no difference. Let me say that the contract for dredging both upon the St. John river and Maquapit lake and the harbour of St. John were let to the Maritime Dredging Company after public competition and after everybody had had full and fair opportunity of tendering for the work.

Mr. CROCKET. And after they had been put to work on the job.

Mr. PUGSLEY. I do not remember whether they were on the work, but if so it was distinctly under this agreement that the work should be let by public tender and that for any work which they did in the meantime, pending the awarding of the contracts, the Maritime Dredging Company were to receive the price at which the work was tendered for by the lowest tenderer. But no assurance was given them and they had no expectation that they would receive the contract unless they happened to be the lowest tenderers. Tenders were advertised for in the leading daily newspapers of St. John and everybody had an opportunity of tendering for this work. Take the case that my hon. friend spoke of. The hon. gentleman says that it is well known that the money is being wasted and that the contractors are receiving amounts larger than they are entitled to. Upon what does my hon. friend base that statement?

Mr. CROCKET. I did not say that in reference to the St. John Harbour contract.

Mr. PUGSLEY. Then, my hon. friend, I understand, limits its charge to the Maquapit lake work.

Mr. CROCKET. That and the payment of 90 cents per cubic yard to the Maritime Dredging Company for the Gasperaux river work.

Mr. PUGSLEY. I will deal first with the Maquapit lake work. This is out of order and I would not have referred to it but for the extraordinary statement of the hon. gentleman. As to the Maquapit lake work, my hon. friend ought to know that dredging in different places does not always cost the same amount of money. A good deal depends upon the extent of the work that is to be done. Then, the question of the cost of a dredge enters into the calculation of the contractor. A good deal depends upon the nature of the soil which has to be excavated. But it so happens that all these considerations were taken into account, I presume, by the contractors who tendered for this work at 50 cents per cubic yard. My chief engineer, who has had a large experience in these matters and who had the report of the resident engineer before him, certified that the price was fair and reasonable and the contract was awarded to the Maritime Dredging Company.

Now, let me speak of the work which my hon. friend referred to at the Gasperaux river. Tenders were called for the work. I am not quite sure whether there was any tender put in except that of the Maritime Dredging Company. The work was very widely advertised but there were very few people, if any, outside that company who were willing to undertake it. The work is at a very exposed place, at Port Elgin—whether it is upon the straits of Northumberland or not I do not remember at this moment—and the cost of towing the dredge there was very large. There was a great deal of danger connected with it. While the work of dredging was going on one of the scows was wrecked involving a very large loss to the contractors. Although the Maritime Dredging Company were offered the work for the next season at the same price of 90 cents per cubic yard, they refused to again enter into a contract and declined to go back there last spring. In consequence of that we were obliged to wait

for a number of months before we could make any arrangements for doing the work, and, being unable to get them to send their dredge back, we were obliged, late in the fall, to undertake the continuance of that work by means of the government dredge which we brought from Nova Scotia.

Now then, in face of these facts, how can the hon. gentleman expect this committee to believe there was anything wrong in the awarding of that contract to the Maritime Dredging Company? The only other contract to which reference has been made is that in the city of St. John. What took place there? You have the right to look at all the work which this company is doing. Before I became Minister of Public Works my predecessor, having invited tenders by public competition, received tenders for this work and the lowest tender received was 90 cents per cubic yard. When I became minister, recognizing the necessity of continuing that work, I asked myself how it would be possible to get the work done at a lower price? In past years the practice had been to let contracts from year to year. I determined that I would let a contract extending over a number of years because I thought that in that case there would be an encouragement to the contractors to purchase a dredge and that they would be willing, as they would be sure of the work extending over a number of years, to tender at a lower price than they would be if they only had the contract for one year. I called for tenders and the result was that the Maritime Dredging Company tendered for the work at 39 cents per cubic yard, a little more than one-third of what had been previously paid for dredging in St. John harbour. The hon. gentleman referred to the dredging work that Mr. Mayes did at one time at 55 cents per cubic yard, and afterwards at 90 cents per cubic yard. We are getting the dredging done, and a very important work it is, in the harbour of St. John, by the Maritime Dredging Company at either 39 or 39½ cents per cubic yard.

Just a word in regard to the inspectors. I say to my hon. friend that in no single case has an inspector been appointed who was supposed to have any relations of any kind or description with the contractors. So far, I know of no inspector having been appointed upon the recommendation of the contractors, and we have always been careful to see that they have no connection of any kind or description with the contractors so that they would not be likely to be in the slightest degree influenced in favour of the contractors. We have endeavoured to get honest men, and I believe we have honest men. I believe we have honest men in the employ of the government to-day as dredge inspectors, and until I have some better evidence than the mere statement of my hon. friend that these inspectors are dishonest, I shall continue to believe that they are honest. I shall continue to believe they are honest until I have evidence to the contrary.

I would say to my hon. friend that I think the fair thing for him to do would be to investigate these accounts thoroughly. I have no objection to the most thorough investigation before the Public Accounts Committee, but I do say to him that in all fairness to those who are not here to defend themselves he ought not to be throwing out these insinuations unless he has the facts to support such statements, and if he has the facts to support them, then it is his duty to submit these facts to the proper officers of the Crown whose duty it is to take criminal proceedings and give them an opportunity of taking such a course as they may deem to be best in the public interest. The hon. gentleman has now the opportunity of going to his own political friends. It so happens that the Premier of New Brunswick, who is also the Attorney General of that province, is a political friend of the hon. member who represents the county of York and who has made these insinuations. I have no doubt that if he goes, in the discharge of his duty, and submits the facts to the Attorney General he will feel it to be his duty to take the necessary steps in order to punish those who have defrauded the treasury of this country, if there has been any defrauding of the treasury, although I do not hesitate to tell the committee that I do not believe it, and I shall refuse to believe it until I have some positive evidence that there has been such fraud as my hon. friend insinuates.

Mr. CROCKET. I think I have a full sense of my responsibilities and duties as a member of this House, and that I do not require any instructions from the Minister of Public Works in that behalf. I stated that I believed in many cases in connection with dredging contracts in New Brunswick the public treasury had been defrauded of large sums of money. I stated that and I reiterate that now as my firm belief. I say this after having investigated, to some extent, the accounts in connection with the dredging operations and after having had communicated to me information by letter and by personal interview by some several very reliable men in different parts of New Brunswick. I refer to one case, the contract of A. and R. Logie for dredging at Dalhousie. I am not making any insinuation. I state what is my absolute and firm belief founded on facts. I have a letter from Dalhousie stating that Mr. Alleyne who was appointed—and I have since discovered that he was appointed upon the order of the Minister of Public Works to do the inspecting at that place—has been paid

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day after day during the whole season, and that for many days he was not there at all. There is a memorandum upon the file signed by the Minister of Public Works asking that this same Mr. Alleyne be appointed. He was appointed, but the work was done by another person, and my information is that he was an employee of the firm of A. and R. Loggie and that a summons was issued in the magistrate's court.

Mr. PUGSLEY. Issued by whom?

Mr. CROCKET. Issued by the man who did the inspecting.

Mr. PUGSLEY. Against whom?

Mr. CROCKET. Against the inspector who was receiving the money from the government. That is my information, and when the summons was issued and served it was fixed up through the intervention of the contractor. But, the fact remains that the dredging of Maquapit lake was the easiest sort of dredging, dredging a channel where there was three feet of water to the depth of seven feet. The minister has said that there has been no case in which a contract has been let to the firm of A. & R. Loggie, and I think he added, or to any other firm in New Brunswick, without a tender. What has the Minister of Public Works to say as to this? I hold in my hand a copy of a telegram which reads:

Dalhousie, Oct. 14, 1902.

Eugene D. Lafleur, Ottawa.

Kindly authorize resident engineer Stead to put dredge 'Hayward' at work at Bathurst at same price as Caraquet contract, to be certified fair and reasonable by Mr. Stead, work not to exceed $5,000.

Signed, WM. PUGSLEY.

Mr. PUGSLEY. What is the date?

Mr. CROCKET. The 14th October at Dalhousie, when the minister was down there in the election campaign and after no doubt he had seen his friend, Mr. Loggie.

Mr. PUGSLEY. Was that to be at the same rate as the other?

Mr. CROCKET. Prices to be certified fair and reasonable by Mr. Stead. Well, I have had occasion to look into some of Mr. Stead's certificates and to judge of the value of his certificates as to what is fair and reasonable, and perhaps when we come to some other matters that have occurred in the province of New Brunswick this House will have some light as to the value to be attached to any certificate furnished by Mr. Stead as to fairness and reasonableness. But there is the telegram signed by the minister himself telegraphing from Dalhousie, where Mr. Loggie was, to his engineer and instructing him to give Loggie's dredge some work at prices to be fixed by the minister's engineer, Mr. Stead. I think, Mr. Speaker, that the people of the province of New Brunswick, where this work is being done, will require something more than the affected indignation on the part of the Minister of Public Works. He invariably shields himself—that has been his habit for many years—when a statement is made which reflects upon himself or his department by trying to treat it as something said against somebody else, and then he proceeds to laud that somebody else to the skies and to speak of him as some one of the highest reputation for honour and integrity and righteousness in which he is excelled by no man in the Dominion of Canada. He has said that of his friend, Mr. McAvity, he has said that of his friend, Mr. Loggie. Well, these are private contractors and I am not here to criticise the Department of Public Works.

Mr. PUGSLEY. Does the hon. gentlemen say that a contractor has conspired with an inspector to defraud the department and yet makes no reflection on him?

Mr. CROCKET. What I said was that I was not here for the purpose of making reflections on these people who were dealing with the department.

Mr. PUGSLEY. Why do you do it then?

Mr. CROCKET. Because I am here as a representative of the people to criticise the conduct of the department and I am not here to reflect upon these contractors or to justify them. I certainly would not presume for one moment to justify Mr. Loggie or Mr. John E. Moore or any of the minister's friends in this transaction. I have no hesitation in saying that my firm belief is that there has been fraud in this connection and that the country is paying as much as fifty per cent and one hundred per cent in some cases for dredging, more than would represent a fair price.

Mr. PUGSLEY. Does the hon. gentleman suggest to this committee that there can be fraud unless the inspector and the contractor are parties to that fraud?

Mr. CROCKET. I am not saying whether that is so or not, but I do say and the great majority of the people in the communities who know what is going on, believe it, that these certificates upon which payment is being made to these very contractors are certificates which cannot be relied upon. I have referred to this because of the certificate of Mr. Alleyne, appointed by the minister himself in connection with the Loggie contract; a certificate which has been brought down, and which would convince anybody that the man was not competent to estimate the quantity of dredging material worked by that firm or any other firm. In addition to that there is the information which has

been communicated to me by a prominent resident of that community in reference to Mr. Alleyne's neglect of his duty, and the fact that it was known that he was not there day after day and for weeks at a time, but he signed these certificates upon statements prepared by another man who was in close relation with the Loggie firm. Now, Mr. Chairman, in view of these facts the House will be in a better position to properly judge the weight of the statement which the minister made, and as I say, it will require more than that exhibition of affected indignation to which the minister always resorts when he claims that there are foul insinuations made against him or his friends; it will require more than his affected indignation to change the opinion of the residents of these communities where these things have gone on. So far as I am concerned it is not an insinuation. I state, as a member of this House, that it my firm belief, after examining the documents which have been brought down in connection with these contracts, and after having had communicated to me by reliable people these facts of which I have made mention.

Mr. CROSBY. The minister said he did not know whether this work would be done by contract or by the government dredge. Is there not a government dredge in that vicinity.

Mr. PUGSLEY. No.

Mr. CROSBY. Is there not one at Lunenburg?

Mr. PUGSLEY. Not a government dredge; it belonged to the W. J. Poupore Company.

Mr. CROSBY. I understood there was a government dredge at Bridgewater not very long ago.

Mr. PUGSLEY. That was a Poupore dredge, but of course we have dredges at several places.

Yarmouth harbour improvements, $60,000.

Mr. PUGSLEY. This is to continue the very necessary work of improving the harbour at Yarmouth.

Mr. DANIEL. How is the dredging being done there?

Mr. PUGSLEY. It is done under contract. Tenders were called for, several were received, and the lowest tender was that of the Dominion Bridge Company, which is doing the work. The prices are 50 cents a yard for taking out to sea, and 30 cents to cast over.

Mr. DANIEL. How far do they have to take the material?

Mr. PUGSLEY. I have not that information.

Mr. LAW. About five miles.

Mr. BLAIN. What will be the total cost of the work?

Mr. PUGSLEY. That will depend on the extent of the improvement we shall make. We are widening and deepening the channel so as to accommodate the large steamers which now come to Yarmouth, especially those running to Boston. If we were to continue the work to the full extent that would be useful the cost would run up to a large amount; but we do not think it necessary to do that. We can keep widening the channel gradually. At present we have in contemplation only the work for which we are now asking for an appropriation.

Mr. JAMESON. Will the work at Westport be done by contract?

Mr. PUGSLEY. Yes. The hon. member for Cumberland asked what the $367.77 was expended for at Diligent River harbour. It was for removing what is known as the Gore rock, which was a menace to navigation, about 225 tons of stone having been removed. Then, the hon. member for Digby asked me with regard to the wharf at Centreville. I may say that I have had a report made upon that wharf, and while it is a fairly useful work, I find that it will cost from $75,000 to $85,000. Therefore I am afraid that I cannot hold out much expectation that that work will be done in the near future.

Mr. JAMESON. I do not want the minister to confuse the repairs necessary to sustain the present structure with the very elaborate harbour improvement referred to in the report. The wharf at present there is liable to be carried away during any tempestuous weather and a comparatively small sum would retain that, and that is what I referred to.

Mr. PUGSLEY. The difficulty, in the opinion of the resident engineer is that it would be a waste of money to repair the present wharf, while to build a new one, which would be the only way to make it effective, would cost the sum I have stated.

Mr. JAMESON. All I can say is that it would be a most disastrous thing to allow that wharf to go down for the lack of a comparatively small sum of money. I know the wharf quite as well as the resident engineer. The entire business carried on there is dependent on that structure, and if it is allowed to go down, the business done there will be brought to an immediate termination, and many thousands of dollars invested in valuable plants will be entirely lost and hundreds of people thrown out of employment. So I hope the minister will either ask the resident engineer for a special report on that wharf, or send a special engineer to make a special report.

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Mr. PUGSLEY. I cannot promise to send a special engineer, but I will again look carefully into the report. My hon. friend also mentioned Battery Point, Digby, Nova Scotia. I find that a part of it belongs to the Department of Militia and Defence and the other part to the Dominion Atlantic Railway Company. Therefore, there is no obligation on my department to make any improvements.

Some resolutions reported.

On motion of Mr. Fielding, House adjourned at 11.35 p.m.

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responsible for the strike or its continuance over so long a period of time. The calamity which threatened the country and the possible recurrence from similar causes of a like condition is, however, a sufficient justification for not passing over the whole matter in silence. In looking at a situation, so much depends on the point from which it is viewed as to the estimate likely to be placed upon it. From the company's standpoint, there appears to have been much that was exasperating in the manner in which the strike was declared. From the men's standpoint, there appears to have been cause for exasperation also, at the manner in which their efforts to secure a consideration of their demands were met by the company. I cannot but feel that a little more tact and a disposition to understand aright the position of the other by each of the parties might have averted the whole trouble. Certainly, had the parties been prepared to view their actions with the same regard to the interests of the public that they finally came to view them, the strike would never have continued so long. In the settlement which was reached, both parties, I believe, made concessions in view of the great public emergency, which they would not have made had they not been moved by humanitarian considerations. Up to this point, however, the struggle, so far as third parties were concerned, appears to have been purely selfish. Until brought face to face with the serious situation which the long continuance of the dispute had produced, the public does not seem to have come in for any consideration whatever.

"When it is remembered that organized society alone makes possible the operation of mines to the mutual benefit of those engaged in the work of production, a recognition of the obligations due society by the parties is something which the State is justified in compelling if the parties themselves are unwilling to concede it. In any civilized community private rights should cease when they become public wrongs. Clearly, there is nothing in the rights of parties to a dispute to justify the inhabitants of a province being brought face to face with a fuel famine amid winter conditions, so long as there is coal in the ground, and men and capital at hand to mine it. Either the disputants must be prepared to leave the differences which they are unable to amicably settle to the arbitrament of such authority as the State may determine most expedient, or make way for others who are prepared to do so.

What I know of conditions in the Canadian West leads me to believe that the labour troubles in the mines which this country has been forced to witness during the present year, will not be without repetition, at some future time, unless, and this, I fear, is improbable, the attitude of the parties towards each other becomes vastly different than it has been in the past, or some machinery is devised by the State — either the Federal or Provincial Governments — whereby the parties will be obliged to refer to an impartial tribunal such differences as, failing of amicable adjustment, are likely to lead to a lockout or strike.

Recommendation.

The Parliament of Canada has already enacted legislation which has done much towards preventing industrial conflicts, and furthering industrial peace. The Conciliation Act was passed in 1900. This measure is designated "An act to aid in the prevention and settlement of Trade Disputes." The experience of six years has shown that in practically all cases in which intervention under this act has been requested and accepted a speedy termination of existing strikes or lockouts has been effected, and the list is one which includes several of the most serious and important disputes which have taken place in Canada during that period of time. The Conciliation Act is a voluntary measure and does not contain any element of compulsion. In 1903, Parliament went one step further and introduced an element of compulsion in "An Act to aid in the settlement of Railway Labour Disputes." Under this act, in the case of a threatened or existing strike or lockout on any railway, the Government, through the Minister of Labour,

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has power to compel an investigation under oath into the causes of the difference. Since this act was passed, there has not been a single strike or lockout on any of the railroads of Canada which has been of sufficient magnitude or duration to interrupt the regular and safe transportation of mails, passengers or freight, or endanger the safety of any person employed on a railway train, while the act in the one case in which the provisions have been invoked is known to have been the means of averting a far reaching and serious strike on the second largest railway system of the Dominion.

The purpose of Parliament in enacting both the Conciliation and the Railway Labour Disputes Acts might, it seems to me, be considerably furthered were an act, applicable to strikes and lockouts in coal mines, similar in some of its features to the Railway Labour Disputes Act, also enacted. Inasmuch as coal is in this country one of the foremost necessaries, on which not only a great part of the manufacturing and transportation industries but also, as the recent experience has shown, much of happiness and life itself depends, it would appear that if legislation can be devised, which, without encroaching upon the recognized rights of employers and employees, will at the same time protect the public, the State would be justified in enacting any measure which will make the strike or lockout in a coal mine a thing of the past. Such an end, it would appear, might be achieved, at least in part, were provision made whereby, as in the case of the Railway Labour Disputes Act, all questions in dispute might be referred to a Board empowered to conduct an investigation under oath, with the additional feature, perhaps, that such reference should not be optional but obligatory, and pending the investigation and until the board has issued its finding the parties be restrained, on pain of penalty from declaring a lockout or strike.

In view of past experience and the present situation, I would, therefore, respectfully recommend that the attention of Parliament be, at as early a date as possible, invited to a consideration of some such or other measure with a view of preventing a possible recurrence of an experience such as this country has been forced to witness during the past month, and of promoting in the interests of the whole people the cause of industrial peace.

I have the honour to be,

Sir,

Your obedient servant,

W. L. MACKENZIE KING,
Deputy Minister of Labour.

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Mr Oclaird
Letter in reference
to Mr Macdonald's
remarks re
Chief Officer
Intercolonial Railways re
Pensions

This has been Mr. Mackenzie King's week. The new minister of labor was tried out on two occasions, and it cannot be said that he came out of the smoke of battle triumphantly with the scalps of his opponents hanging to his belt. In the matter of the technical education resolution of Mr. Guthrie, Mr. King made a palpable mistake, and in the debate following the motion to give a second reading to Mr. Verville's bill respecting an eight-hour day on all public works, he also made a false move. The technical education resolution was such a simple proposition that all the ministry had to do was to accept it and appoint the commission. Instead of this, Mr. King spoke for nearly an hour in favor of the desired object and then damned it by rushing the House into a division on the subject of whether it should be indefinitely postponed. In the case of the Verville bill, Mr. King blew hot and cold at intervals, and it was apparent that so far as any authority to give the policy of the Government on the eight-hour question he was as innocent as the new-born babe.

It is refreshing to see a Government supporter register a protest against the working of an administration for which he is expected to vote, willy-nilly. On Tuesday, Mr. E. M. Macdonald kicked over the traces and considerably upset the equanimity of the Minister of Railways. The Government railways pension bill was up and Mr. Macdonald gave voice to his displeasure of the policy of the department in appointing a conciliation board under the Lemieux Act to deal with the grievances of the Intercolonial employees. This is what Mr. Macdonald said: "I desire to express my entire disapproval of the minister appointing a board. The Industrial Disputes Act does not apply to the crown in the absence of any specific provision making it so applicable. For the Crown to resort to the provisions of an act of this kind to settle disputes with its servants is a very unfortunate principle, and one that ought not to be acted upon." Mr. Macdonald is brave, and his valiant deeds have been performed chiefly on the Public Accounts Committee, where he has consistently blocked the investigation of expenditures. If he will permit his streak of independence exhibited to an astonished house on Tuesday to develop he may attain a better political reputation than he now possesses.

Montreal Gazette
Dec 13.09.

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Replying to the Canadian Federation of Labor on Saturday, Hon. W. L. Mackenzie King said he was in favor of the gradual extension of the Lemieux act to general trades, beginning with the building. Application must come, however, from those affected.

EXTENSION OF LEMIEUX ACT

Minister Willing and Gives Reasons.

In Reply To Canadian Federation of Labor.

Commencement Might Be Made In Building.

The resolutions adopted at the recent convention of the Canadian Federation of Labor in Ottawa were presented to Sir Wilfrid Laurier, Hon L. P. Brodeur and Hon. W. L. Mackenzie King on Saturday by Messrs. Patterson, Mercure and Tapp of the federation. Among the requests made was one for the extension of the Lemieux Act to industrial disputes generally, in place of to the public utilities as at present.

In reply to this Hon. Mr. King expressed the opinion that the extension should be gradual and a commencement, he said, might be made with the building trades. However the demand should come from the trades affected. When they desired it the member said he was prepared to recommend the extension of the act. He promised enquiry into the charge that children under age are employed in the Quebec cartridge factory.

Mr. Brodeur promised to look into some criticism made with regard to the system of licensing masters and mates. Of the numerous other resolutions careful consideration was promised.

The Morning Citizen
Ottawa
1/10/09

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Ry. Labour Disputes Act.

the Prince Edward Island Railway and any of its employees, the power to appoint conciliators or arbitrators which otherwise in accordance with the foregoing provisions might be exercisable by the Minister shall be exercisable either by t the Lieutenant Governor in Council of the Province of Quebec, of New Brunswick, of Nova Scotia, or of Prince Edward Island (in this Act called the Lieutenant Governor in Council), as the Minister shall for that purpose in each case of conciliation or arbitration in writing name.

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CHAPTER 96.

An Act respecting Conciliation and Labour.

SHORT TITLE.

1. This Act may be cited as the Conciliation and Labour Act. Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Interpretation.

(a) 'Minister' means the member of His Majesty's Council for Canada to whom, for the time being, the Governor in Council may assign the carrying out of the provisions of this Act; 'Minister.'

(b) 'railway' means any railway whether operated by steam, electricity or other motive power, and whether under the jurisdiction of the Parliament of Canada or of the legislature of any province; 'Railway.'

(c) 'railway employer' means any company or government owning or operating wholly or to a lesser extent any railway operated by steam, electricity or other motive power, and whether under the jurisdiction of the Parliament of Canada or of the legislature of any province; 'Railway employer.'

(d) 'railway employees' means persons engaged to perform any work, or service in respect of any railway whether operated by steam, electricity or other motive power, and whether under the jurisdiction of the Parliament of Canada or of the legislature of any province; 'Railway employees.'

(e) 'difference' means any dispute, disagreement or dissension which in the opinion of the Minister may have caused or may cause a lockout or strike on a railway or which has interfered or may interfere with the proper and efficient transportation of mails, passengers or freight, or the safety of persons employed upon any car or train; 'Difference.'

(f) 'committee' means the committee of conciliation, mediation and investigation established under the provisions of this Act; 'Committee.'

(g) 'board' means any board of arbitrators established under the provisions of this Act; 'Board.'

(h) 'conciliation board' means any body constituted for the purpose of settling disputes between employers other than 'Conciliation board.'

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than any railway employer and workmen by conciliation or arbitration, or any association or body authorized by an agreement in writing made between employers other than railway employers and workmen to deal with such disputes;

'Conciliator.' *(i)* 'conciliator' means any person or persons appointed by the Minister to mediate between an employer of labour and his workmen;

'Lieutenant Governor in Council.' *(j)* 'lieutenant governor in council' means the Lieutenant Governor in Council of the province of Quebec, of Nova Scotia, of New Brunswick, or of Prince Edward Island. 63-64 V., c. 24, ss. 2, 3 and 4; 3 E. VII., c. 55, ss. 2 and 7.

TRADE DISPUTES.

Registration of conciliation boards.

3. Any conciliation board may apply to the Minister for registration.

Application therefor.

2. The application must be accompanied by copies of the constitution, by-laws and regulations of the conciliation board, with such other information as the Minister may reasonably require. 63-64 V., c. 24, s. 3.

Register of conciliation boards.

4. The Minister shall keep a register of conciliation boards, and enter therein with respect to each registered conciliation board, its name and principal office, and such other particulars as he thinks expedient; and any registered conciliation board shall be entitled to have its name removed from the register on sending to the Minister a written application to that effect.

Returns by conciliation boards.

2. Every registered conciliation board shall furnish such returns, reports of its proceedings, and other documents as the Minister may reasonably require. 63-64 V., c. 24, s. 3.

Conciliation board ceasing to act.

5. The Minister may, on being satisfied that a registered conciliation board has ceased to exist or to act, remove its name from the register. 63-64 V., c. 24, s. 3.

Powers of Minister as to trade disputes.

6. Where a dispute exists or is apprehended between an employer or any class of employers and workmen, or between different classes of workmen, the Minister may, if he thinks fit, exercise all or any of the following powers, namely:—

Inquiry into causes. *(a)* Inquire into the causes and circumstances of the dispute;

Promoting amicable settlement. *(b)* Take such steps as to him seem expedient, for the purpose of enabling the parties to the dispute to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon or nominated by him, or by some other person or body, with a view to the amicable settlement of the dispute;

Appointment of conciliator. *(c)* On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district

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or trade and the circumstances of the case, appoint a conciliator; and,

(d) On the application of both parties to the dispute, appoint an arbitrator or arbitrators. Appointment of arbitrators.

2. The conciliator shall inquire into the causes and circumstances of the dispute, by communication with the parties, and otherwise shall endeavour to bring about a settlement of the dispute, and shall report the proceedings to the Minister. Duties of conciliator.

3. If a settlement of the dispute is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the Minister. 63-64 V., c. 24, s. 4. Memorandum of settlement.

7. It shall be the duty of the conciliator to promote conditions favourable to a settlement, by endeavouring to allay distrust, to remove causes of friction, to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement, and also to promote agreements between employers and employees with a view to the submission of disputes to conciliation or arbitration before resorting to strikes or lockouts. 63-64 V., c. 24, s. 5. Duties of conciliator generally.

8. The conciliator or conciliation board may, when deemed advisable, invite others to assist them in the work of conciliation. 63-64 V., c. 24, s. 6. Assistance, if needed.

9. If, before a settlement is effected, and while the dispute is under the consideration of a conciliator or conciliation board, such conciliator or conciliation board is of opinion that some misunderstanding or disagreement appears to exist between the parties as to the causes or circumstances of the dispute, and, with a view to the removal of such misunderstanding or disagreement, desires an inquiry under oath into such causes and circumstances, and, in writing signed by such conciliator or the members of the conciliation board, as the case may be, communicates to the Minister such desire for inquiry, and if the parties to the dispute or their representatives in writing consent thereto, then, on his recommendation, the Governor in Council may appoint such conciliator or members of the conciliation board, or some other person or persons, a commissioner or commissioners, as the case may be, under the provisions of the Inquiries Act to conduct such inquiry, and, for that purpose, may confer upon him or them the powers which under the said Act may be conferred upon commissioners. 63-64 V., c. 24, s. 7. Governor may appoint commissioner to hold inquiry under oath. R. S., c. 101.

10. Proceedings before any conciliation board or arbitrators shall be conducted in accordance with the regulations of such conciliation board, or arbitrators, as the case may be, or as is agreed Proceedings before board.

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agreed upon by the parties to the dispute. 63-64 V., c. 24, s. 8.

Powers of Minister to aid in establishing conciliation boards.

11. If it appears to the Minister that in any district or trade adequate means do not exist for having disputes submitted to a conciliation board for the district or trade, he may appoint any person or persons to inquire into the conditions of the district or trade, and to confer with the employers and employed, and, if he thinks fit, with any local authority or body, as to the expediency of establishing a conciliation board for such district or trade. 63-64 V., c. 24, s. 9.

STATISTICS.

Minister may establish department.

12. With a view to the dissemination of accurate statistical and other information relating to the conditions of labour, the Minister shall establish and have charge of a department of labour, which shall collect, digest, and publish in suitable form statistical and other information relating to the conditions of labour, shall institute and conduct inquiries into important industrial questions upon which adequate information may not at present be available, and issue at least once in every month a publication to be known as the *Labour Gazette*, which shall contain information regarding conditions of the labour market and kindred subjects, and shall be distributed or procurable in accordance with terms and conditions in that behalf prescribed by the Minister. 63-64 V., c. 24, s. 10.

Publication of statistics and of *Labour Gazette*.

RAILWAY DISPUTES.

Appointment of conciliation committee in cases of railway disputes.

13. Whenever a difference exists between any railway employer and railway employees, and it appears to the Minister that the parties thereto are unable satisfactorily to adjust the same, and that by reason of such difference remaining unadjusted a railway lockout or strike has been or is likely to be caused, or the regular and safe transportation of mails, passengers or freight has been or may be interrupted, or the safety of any person employed on a railway train or car has been or is likely to be endangered, the Minister may, either on the application of any party to the difference, or on the application of the corporation of any municipality directly affected by the difference, or of his own motion, cause inquiry to be made into the same and the cause thereof, and, for that purpose, may, under his hand and seal of office, establish a committee of conciliation, mediation and investigation to be composed of three persons to be named, one by the railway employer, and one by the railway employees, parties to the difference, and the third by the two so named, or by the parties to the difference in case they can agree.

Notice.

2. The Minister shall in writing notify each party to name a member of the committee stating in such notice a time, not

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being later than five days after the receipt of such notice, within which this is to be done.

3. If either party within such time or any extension thereof that the Minister, on cause shown, may grant, refuses or fails to name a member of the committee, the Minister or the lieutenant governor in council, as the case may be, as hereinafter provided, may appoint one in the place of the party so refusing or in default, and if the members of the committee so chosen fail to elect a third member, the Minister, or the lieutenant governor in council, as the case may be, may make such selection. 3 E. VII., c. 55, s. 3. If party notified fails to appoint.

14. It shall be the duty of the committee to endeavour by conciliation and mediation to assist in bringing about an amicable settlement of the difference to the satisfaction of both parties, and to report its proceedings to the Minister. 3 E. VII., c. 55, s. 4. Duty of committee.

15. In case the conciliation committee is unable to effect an amicable settlement by conciliation or mediation the Minister may refer the difference to arbitration. Board of arbitrators.

2. In such case a board of arbitrators shall be established by the Minister under his hand and seal of office, and shall consist of,— Of whom to consist.

(a) if acceptable to both parties, the committee; or,

(b) in case of objection by either party to its representative on the committee, or to the chairman of the committee, new representatives in place of the member or members of the committee objected to, appointed in like manner as the original members of the committee, and of such of the committee as against whom no objection has been so made. 3 E. VII., c. 55, s. 5.

16. If any member of ~~such~~ committee or board shall die, refuse, neglect or become incapable to act, a successor shall be appointed in like manner as is ~~hereinbefore~~ provided in respect of the original member of the committee or board, and the appointing authority shall endeavour to appoint only such person as shall not be reasonably objected to by either party. Filling of vacancies.

2. Before such appointment the name of the person proposed to be appointed shall be submitted to both parties to the difference, and there shall be afforded to each of them an opportunity, within such time as the Minister may fix, of making known to the appointing authority whether such proposed appointee is objected to. 3 E. VII., c. 55, s. 6. Objections.

17. In the event of the establishment of a committee of conciliation, mediation and investigation, or of a board of arbitrators to deal with any difference between the government of Canada, in respect of the Intercolonial Railway and the In case of difference with Intercolonial Railway employees.

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the Prince Edward Island Railway, and any of its employees, the power to appoint conciliators or arbitrators which otherwise, in accordance with the foregoing provisions, might be exercisable by the Minister, shall be exercisable by the Lieutenant Governor in Council ~~whom~~ the Minister shall for that purpose in each case of conciliation or arbitration in writing name. 3 E. VII., c. 55, s. 7.

Chairman.

18. The third member of the said committee or board shall be the chairman. 3 E. VII., c. 55, s. 8.

Acts of majority of board.

19. In case of arbitration pursuant to the provision hereinbefore contained, the findings and recommendations of the majority of the arbitrators shall be those of the board.

2. In case of the absence of any one arbitrator from a meeting of the board, the other two arbitrators shall not proceed unless it is shown that the third arbitrator has been notified of the meeting in ample time to admit of his attendance. 3 E. VII., c. 55, s. 9.

Convening board.

20. Forthwith after the appointment of the board the chairman shall promptly convene the same, and the board shall, in such manner as it thinks advisable make thorough, careful and expeditious inquiry into all the facts and circumstances connected with the difference, and the cause thereof, and shall consider what would be reasonable and proper to be done by both or either of the parties with a view to put an end to the difference, and to prevent its recurrence, and shall, with all reasonable speed, make to the Minister a written report setting forth the various proceedings and steps taken by the board for the purpose of fully and correctly ascertaining all the facts and circumstances, and also setting forth said facts and circumstances, and its findings thereon, including the cause of the difference, and the board's recommendations, with a view to its removal, and the prevention of its recurrence. 3 E. VII., c. 55, s. 10.

Inquiry by board.

Report to Minister.

Communication of report.

21. The Minister shall forthwith cause the report to be filed in the office of the department ~~of labour,~~ and a copy thereof to be sent free of charge to each party to the difference, and to any municipal corporation as aforesaid, and to the representative of any newspaper published in Canada who may apply therefor.

Copies.

2. Any other person shall be entitled to a copy on payment of the actual cost thereof. 3 E. VII., c. 55, s. 11.

Publication of report.

22. For the information of Parliament and the public the report shall without delay be published in the *Labour Gazette*, and be included in the annual report of the ~~said~~ department to the Governor General. 3 E. VII., c. 55, s. 12.

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23. For the purpose of such inquiry, the board shall have all the power of summoning before it any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation, if they are persons entitled to affirm in civil matters, and produce such documents and things as the board deems requisite to the full investigation of the matters into which it is inquiring, and shall have the same powers to enforce the attendance of witnesses, and to compel them to give evidence as is vested in any court of record in civil cases; but no such witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution. 3 E. VII., c. 55, s. 13.

Witnesses to be summoned.

24. On the application of any of the parties, or on its own motion, the board may issue summonses to such persons as the board may think necessary to give evidence in the case.

Issue of summons.

2. Any witness summoned by the board shall be entitled to free transportation over any railway *en route* when proceeding to the place of meeting of the board, and thereafter returning to his home, and the board shall furnish to such witness a proper certificate evidencing his right to such free transportation. 3 E. VII., c. 55, s. 14.

Expenses of witnesses.

25. The summons shall be in such form as the Minister shall prescribe, and may require such person to produce before the board any books, papers, or other documents in his possession or under his control, in any way relating to the proceedings. 3 E. VII., c. 55, s. 15.

Form of summons.

26. All books, papers, and other documents, produced before the board, whether voluntarily or in pursuance to summons, may be inspected by the board, and also by such of the parties as the board allows; but the information obtained therefrom shall not be made public, and such parts of the books, papers, and documents as, in the opinion of the board, do not relate to the matter at issue, may be sealed up. 3 E. VII., c. 55, s. 16.

Documents not to be made public.

27. The department ~~of labour shall,~~—

Payment of members of committee or board.

(a) pay to each member of a committee or board his actual travelling expenses, and also to each of them, other than the chairman, ten dollars per day for each day ~~on which~~ he shall attend a meeting of the committee or board, or be engaged in travelling from or to his home, being in Canada, for the purpose of attending or after having attended a meeting of the committee or board;

Payment of chairman.

(b) pay to the chairman such sum as the Governor in Council deems reasonable; and,

Payment of clerical assistance.

(c) at its expense, provide the committee or board with a stenographer, secretary and any other clerical assistance that

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that to the Minister may appear necessary for the efficient carrying out of the provisions of this Act. 3 E. VII., c. 55, s. 17.

Report to be signed.

28. The report of the committee and the report of the board shall be signed by such of the members as concur therein, and may also be signed by a dissenting member. 3 E. VII., c. 55, s. 18.

Counsel not allowed except by consent.

29. No counsel or solicitor shall be entitled to appear before the board except with the consent of all parties to the difference, and notwithstanding such consent, the board may, if it deems it advisable, decline to allow counsel or solicitors to appear before it.

Agents allowed.

2. The parties to the difference may appear in person or by agents. 3 E. VII., c. 55, s. 19.

Jurisdiction of courts.

30. No court of the Dominion of Canada or of any province or territory shall have or possess any power or jurisdiction to recognize or enforce or to receive in evidence any report of any board of arbitrators or ~~of any~~ committee of conciliation, or any testimony or proceedings before either ~~such~~ board or committee as against any party or person, or for any purpose whatsoever, except in case of prosecution for perjury. 3 E. VII., c. 55, s. 20.

Representation of employees before board.

31. Where the difference, which is being inquired into, affects a class of employees, it shall not be necessary for them all to take part in the inquiry, but the class may be represented by a limited number chosen by a majority or by agents other than counsel or solicitors. 3 E. VII., c. 55, s. 21.

Power of arrest for contempt of board.

32. If, in any proceedings before the board, any person wilfully insults any member of the board, or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any unlawful contempt in the face of the board, it shall be lawful for any member of the board or constable to take the person offending into custody and remove him from the precincts of the board, and retain him in custody until the rising of the board. 3 E. VII., c. 55, s. 22.

Secrecy of proceedings.

33. It shall be in the discretion of the board to conduct its proceedings in public or in private. 3 E. VII., c. 55, s. 23.

REGULATIONS.

Regulations may be made and amended.

34. The Minister may from time to time make, alter and amend regulations, as to the time within which any thing hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable ~~for~~ the effectual

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effectual working of the several provisions of this Act. 3 E. VII., c. 55, s. 24.

REPORT.

35. An annual report with respect to the matters transacted by the Minister under this Act shall be made by him to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof. 63-64 V., c. 24, s. 12.

Report by Minister to Governor General.

omitted

EXPENSES.

36. The expenses incurred in the carrying out of this Act shall be defrayed out of the money provided for the purpose by Parliament. 63-64 V., c. 24, s. 11.

Money to be voted.

omitted

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.

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(Copy)

Ottawa, August 13,1909.

Sir:

In the matter of the Industrial Disputes Investigation Act 1907 and in the matter of differences between the Intercolonial Railway and certain of its roundhouse employees, members of the Canadian Brotherhood of Railroad Employees, Division No. 15.

I have the honour, by direction of the Honourable the Minister of Labour, to forward for the consideration of the Department of Justice a copy of an application for the appointment of a Board of Conciliation and Investigation received in the Department of Labour from certain roundhouse employees of the Intercolonial Railway of Canada, members of the Canadian Brotherhood of Railroad Employees, Division 15.

The Minister has been given to understand that the Department of Railways and Canals may take exception to the appointment of a Board herein, on the ground that the complaint set forth in the application is one which does not properly come within the class of disputes referable to a Board under the Industrial Disputes Investigation Act, and desires to be informed whether in the opinion of the Department of Justice an exception on these grounds would be properly taken; also whether having regard to the application as herein and the provisions of the Act, the Minister has any alternative other than that of proceeding with the constitution of a Board in accordance with the provisions of the Act.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) Gerald H.Brown.

The Deputy Minister
Department of Justice,
Ottawa.

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(Copy)

Memorandum.

May 23, 1910.

A reply to my letter of August 13, 1909, as Acting Deputy Minister of Labour, addressed to the Deputy Minister of Justice, was received by telephone from Mr. A. Power, at that time Acting Deputy Minister of Justice. In this conversation Mr. Power expressed the opinion that the Industrial Disputes Investigation Act would not apply to the Intercolonial Railway other than by mutual consent of the parties, since the Government was not an employer under the terms of the Act as defined in the Interpretation Clause of this Statute.

(Sgd.) Gerald H.Brown.

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87. Industrial Disputes Investigation Act, 1907 (5) C 10233

88. " " " " " (6) C 10499

89. Industrial Relations (1) C 10615

90. " " (2) C 10831

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Act with Department's suggestions as to amendments indicated

pp. 5, 11

6-7 EDWARD VII.

CHAP. 20.

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

[*Assented to 22nd March, 1907.*]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1907.* Short title.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires—

(*a*) "Minister" means the Minister of Labour; "Minister."

(*b*) "department" means the Department of Labour; "Department."

(*c*) "employer" means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works; "Employer."

(*d*) "employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; "Employee."

(*e*) "dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting "Dispute." "Industrial dispute."

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ing the general nature of the above definition, includes all matters relating to—

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof;

"Lockout." (*f*) "lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment;

"Board." (*h*) "board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed." (*k*) "prescribed" means prescribed by this Act, or by any rules or regulations made thereunder;

"Trade union." (*l*) "trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

Administration.

Minister of Labour to administer Act.

3. The Minister of Labour shall have the general administration of this Act.

Registrar.

4. The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

BOARDS OF CONCILIATION AND INVESTIGATION.

Constitution of Boards.

Reference of disputes to Boards of Conciliation and Investigation.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act: Provided, however, that, in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act.

Minister to appoint Boards on application.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

Members of Board.

7. Every Board shall consist of three members who shall be appointed by the Minister.

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

Procedure for appointment of members of Board.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

1. Each party to the dispute may, at the time of making

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application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

Notification to be given parties of members of Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the chairman thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Min-

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ister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:— Manner in which application to be made.

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

In Section 15, sub-section 2 B, after the clause as it now stands, add the following words:

"or where the men affected reside at centres extending beyond the confines of one Province, then the joint statement of the two chief officers in the Dominion of Canada of the organization concerned that to the best of their knowledge and belief a strike will take place shall be sufficient for the purposes of the Act."

application.

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

In Section 16, sub-section 3, add the following words:

"or where the men affected are members of Unions located at centres not confined within the limts of one Province then the application and the declaration accompanying it shall be signed by the two chief officers of such organization in the Dominion."

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(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.

3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

16. The application and the declaration accompanying it— **Signatures to application.**

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

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(4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Application to be transmitted by registered letter.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the department shall be regarded as the date of the receipt of such application.

Party making application to transmit copy to other party to dispute.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Statement in reply to be made and sent to Registrar and to party making application.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

To whom communications transmitting copies of applications and replies between parties are to be sent.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

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Functions, Powers and Procedure of Boards.

Jurisdiction. At least ten employees to be affected by dispute.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do,

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its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

Report and recommendation to be made to the Minister in writing.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

Filing and distribution of report.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Publication of report.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Form of summons.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books, papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Documents not to be made public.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to

summons, may be inspected by the Board, and also by such parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Parties may be compelled to be witnesses.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Allowance to witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking

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place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

Power to interrogate, examination of factories, &c. Inspection of work.

How parties may be represented before Board.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

Parties to be bound by acts of representatives.

40. Every party appearing by a representative shall be bound by the acts of such representative.

Counsel or solicitors excluded except by consent of parties and of Board.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Members of Board to be British subjects.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

Presence of parties.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Time and place of sittings of Board.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the chairman, after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

Proceedings to be public unless otherwise determined by Board.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatives, the officers of the Board and the witnesses under examination shall withdraw.

Majority of Board.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the

 findings,

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findings and recommendations of the majority of its members shall be those of the Board.

47. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board. Quorum.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance. All members of Board to be present.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial. Trivial matters.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute. Employment of experts.

Remuneration and Expenses of Board.

51. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:— Allowance to members of Board.

(*a*) to members other than the chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on

In Section 51, add the following sub-section (d)

"Each member of the Board shall be entitled to his actual necessary travelling expenses and an allowance of ten dollars per day for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board."

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Quorum.

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All members of Board to be present.

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Trivial matters.

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Employment of experts.

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Remuneration and Expenses of Board.

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51. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedily as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

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Acceptance of gratuities and perquisites by members an offence.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary travelling expenses of members allowed.

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board.

Payment of expenses of Board.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Minister. The chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

DUTIES OF THE REGISTRAR.

To receive and deal with applications.

55. It shall be the duty of the Registrar:—

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with

necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act; relating to proceedings before Board.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder. Generally.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

Prohibition of strikes or lockouts prior to or pending reference to Board.

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

Relation of parties to remain unchanged pending proceedings before a Board.

57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours; and in every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less

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than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Procedure for enforcing penalties.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV. of *The Criminal Code* relating to summary convictions.

SPECIAL PROVISIONS.

Recommendation of a Board binding in certain cases.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of provisions of this Act to any dispute on joint application of parties.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the

lockout or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

Courts not to recognize reports of or testimony before a Board, except in prosecutions for perjury.

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

Technicality not to invalidate proceedings.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

68. The Governor in Council may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

Expenses.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.

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act with Mr Macdonell's 4.

~~alt with~~ suggested amendments indicated

pp. 5, 11, 12

6-7 EDWARD VII.

CHAP. 20.

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

[*Assented to 22nd March, 1907.*]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1907.* Short title.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires— "Minister."
(*a*) "Minister" means the Minister of Labour; "Department."
(*b*) "department" means the Department of Labour;
(*c*) "employer" means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works; "Employer."
(*d*) "employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; "Employee."
(*e*) "dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting "Dispute." "Industrial dispute."

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ing the general nature of the above definition, includes all matters relating to—

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof;

"Lockout." (*f*) "lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment;

"Board." (*h*) "board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed." (*k*) "prescribed" means prescribed by this Act, or by any rules or regulations made thereunder;

"Trade union." (*l*) "trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

Administration.

Minister of Labour to administer Act.

3. The Minister of Labour shall have the general administration of this Act.

Registrar.

4. The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

BOARDS OF CONCILIATION AND INVESTIGATION.

Constitution of Boards.

Reference of disputes to Boards of Conciliation and Investigation.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act: Provided, however, that, in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act.

Minister to appoint Boards on application.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

Members of Board.

7. Every Board shall consist of three members who shall be appointed by the Minister.

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

Procedure for appointment of members of Board.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

1. Each party to the dispute may, at the time of making

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application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

Notification to be given parties of members of Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the chairman thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister

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ister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A statutory declaration setting forth that failing an agreement as to the dispute or a reference to a Board of Conciliation and Investigation

1. Paragraph (b) of subsection 2 of section 15 of the Industrial Disputes Investigation Act, 1907, is amended by striking out the words "and that the necessary authority to declare such lock-out or strike has been obtained" in the fifth, sixth and seventh lines of the said paragraph.

duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

2. Paragraph (3) of section 16 of the said Act is amended by striking out all the words after the word "officers" in the second line of the said paragraph.

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Procedure for Reference of Disputes to Boards.

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(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lock-out or strike, as the case may be, will be declared~~, and that the necessary authority to declare such lockout or strike has been obtained~~.

3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

16. The application and the declaration accompanying it— **Signatures to application.**

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union, shall be signed by two of its officers ~~duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;~~

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(4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Application to be transmitted by registered letter.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the department shall be regarded as the date of the receipt of such application.

Party making application to transmit copy to other party to dispute.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Statement in reply to be made and sent to Registrar and to party making application.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

To whom communications transmitting copies of applications and replies between parties are to be sent.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

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Functions, Powers and Procedure of Boards.

Jurisdiction. At least ten employees to be affected by dispute.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do,

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its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

Report and recommendation to be made to the Minister in writing.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

Filing and distribution of report.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Publication of report.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Form of summons.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books, papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Documents not to be made public.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to

summons,

summons, may be inspected by the Board, and also by such parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Parties may be compelled to be witnesses.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Allowance to witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking

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place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

Power to interrogate, examination of factories, &c. Inspection of work.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

How parties may be represented before Board.

40. Every party appearing by a representative shall be bound by the acts of such representative.

Parties to be bound by acts of representatives.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Counsel or solicitors excluded except by consent of parties and of Board.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

Members of Board to be British subjects.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Presence of parties.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the chairman, after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

Time and place of sittings of Board.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatives, the officers of the Board and the witnesses under examination shall withdraw.

Proceedings to be public unless otherwise determined by Board.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the

Majority of Board.

findings and recommendations of the majority of its members shall be those of the Board.

47. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

Quorum.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

All members of Board to be present.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Trivial matters.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Employment of experts.

Remuneration and Expenses of Board.

3. Section 51 of the said Act is repealed, and the following is substituted therefor:-

"**51.** The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:-

"(a) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

"(b) an allowance of dollars for each day's sittings of the Board."

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Employment of experts.

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Remuneration and Expenses of Board.

Allowance to members of Board.

51. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedily as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

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Acceptance of gratuities and perquisites by members an offence.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary travelling expenses of members allowed.

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board.

Payment of expenses of Board.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Minister. The chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

DUTIES OF THE REGISTRAR.

To receive and deal with applications.

55. It shall be the duty of the Registrar:—

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with

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necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act; relating to proceedings before Board.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder. Generally.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

Prohibition of strikes or lockouts prior to or pending reference to Board.

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

4. Section 57 of the said Act is repealed, and the following is substituted therefor:-

"**57.** Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment or with respect to wages or hours. In the event of such change not being accepted by the employer or the employees affected, the party who has given such notice shall, upon being notified of such non-acceptance, apply for the appointment of a Board under

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less

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Actual necessary travelling expenses of members allowed.

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board.

Payment of expenses of Board.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Minister. The chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

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56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

this Act to investigate the proposed change; and in every such case, until the dispute has been finally dealt with by the Board, neither the employer nor the employees affected shall alter the conditions of employment or the wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall

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Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with

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necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act; relating to proceedings before Board.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder. Generally.

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4. Section 57 of the said Act is repealed, and the following is substituted therefor:-

"**57.** Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment or with respect to wages or hours. In the event of such change not being accepted by the employer or the employees affected, the party who has given such notice shall, upon being notified of such non-acceptance, apply for the appointment of a Board under

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less

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this Act to investigate the proposed change; and in every such case, until the dispute has been finally dealt with by the Board, neither the employer nor the employees affected shall alter the conditions of employment or the wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall

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shall be guilty of an offence, and liable to the same penalties imposed for a violation of the next preceding section."

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this Act to investigate the proposed change; and in every such case, until the dispute has been finally dealt with by the Board, neither the employer nor the employees affected shall alter the conditions of employment or the wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall

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continue uninterrupted by the dispute, or anything arising out of the dispute. Any violation hereof shall constitute an offence, and the guilty party shall be subject, if an employer, to the penalty imposed by section 58 of this Act, and if an employee, to that imposed by section 59 of this Act.

"2. If, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party

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shall be guilty of an offence, and liable to the same penalties imposed for a violation of the next preceding section."

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necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act; relating to proceedings before Board.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder. Generally.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

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57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours; and in every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section. Relation of parties to remain unchanged pending proceedings before a Board.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than Penalty for causing lockout.

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than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Procedure for enforcing penalties.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV. of *The Criminal Code* relating to summary convictions.

SPECIAL PROVISIONS.

Recommendation of a Board binding in certain cases.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of provisions of this Act to any dispute on joint application of parties.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the

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lockout or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

Courts not to recognize reports of or testimony before a Board, except in prosecutions for perjury.

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

Technicality not to invalidate proceedings.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

68. The Governor in Council may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

Expenses.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

Italics (6-7 Edward VII, chap. 20, as amended by 10-11 Edward VII, chap. 29)

~~[As amended by Chap. 29 of the Statutes of 1910.]~~

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1907*. Short title.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires—

(*a*) "Minister" means the Minister of Labour; "Minister."

(*b*) "department" means the Department of Labour; "Department."

(*c*) "employer" means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraphs and telephone lines, gas, electric light, water and power works; "Employer."

(*d*) "employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; "Employee."

(*e*) "dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting "Dispute." "Industrial dispute."

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ing the general nature of the above definition, includes all matters relating to—

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof;

"Lockout." (*f*) "lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment;

"Board." (*h*) "board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed." (*k*) "prescribed" means prescribed by this Act, or by any rules or regulations made thereunder;

"Trade union." (*l*) "trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

Administration.

Minister of Labour to administer Act.

3. The Minister of Labour shall have the general administration of this Act.

Registrar.

4. The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

BOARDS OF CONCILIATION AND INVESTIGATION.

Constitution of Boards.

Reference of disputes to Boards of Conciliation and Investigation.

5. Whenever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act: Provided, however, that, in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act.

Minister to appoint Boards on application.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, and such application does not relate to a dispute which is a subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

Members of Board.

7. Every Board shall consist of three members who shall be appointed by the Minister.

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

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Procedure for appointment of members of Board.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

1. Each party to the dispute may, at the time of making application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

Notification to be given parties of members of Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the chairman thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the chairman, shall make oath or affirmation before a justice of the peace or other person authorized to administer an oath or affirmation,

that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The Department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

Statutory declaration to accompany application for appointment of Board.

(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer,

Declaration by officers of trade union.

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that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations.

3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

Signatures to application.

16. The application and the declaration accompanying it—

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee;

(4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Application to be transmitted by registered letter.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the department shall be regarded as the date of the receipt of such application.

Party making application to transmit copy to other party to dispute

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by

registered

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registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Statement in reply to be made and sent to Registrar and to party making application.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

To whom communications transmitting copies of applications and replies between parties are to be sent.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

Jurisdiction. At least ten employees to be affected by dispute.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

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Functions, Powers and Procedure of Boards.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

Report and recommendation to be made to the Minister in writing.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

Filing and distribution of report.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Publication of report.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Form of summons.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books, papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Documents not to be made public.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to summons, may be inspected by the Board, and also by such parties as the Board allows: but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Parties may be compelled to be witnesses.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

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Allowance to witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any

Power to interrogate, examination of factories, &c.

Inspection of work.

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any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

How parties may be represented before Board.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

Parties to be bound by acts of representatives.

40. Every party appearing by a representative shall be bound by the acts of such representative.

Counsel or solicitors excluded except by consent of parties and of Board.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Members of Board to be British subjects.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

Presence of parties.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Time and place of sittings of Board.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the chairman, after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

Proceedings to be public unless otherwise determined by Board.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatives, the officers of the Board and the witnesses under examination shall withdraw.

Majority of Board.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

Quorum.

47. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

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All members of Board to be present.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

Trivial matters.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Remuneration of members of Board.

51. The members of a Board shall be remunerated for their services as follows:—

(*a*) to members other than the chairman, an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(*b*) to each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board.

Acceptance of gratuities and perquisites by members an offence.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary travelling expenses of members allowed.

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board.

Payment of expenses of Board.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Minister. The chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

DUTIES OF THE REGISTRAR.

55. It shall be the duty of the Registrar:—

To receive and deal with applications.

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms relating to proceedings before Board.

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act;

Generally.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

Prohibition of strikes or lockouts prior to

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute

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or pending reference to Board.

dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

Relation of parties to remain unchanged pending proceedings before a Board.

57. Employers and employees shall give at least thirty day's notice of an intended change affecting conditions of employment with respect to wages or hours, and in the event of such intended change resulting in a dispute, until the dispute has been finally dealt with by a Board, neither of the parties affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute: but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions

of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Procedure for enforcing penalties.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV. of *The Criminal Code* relating to summary convictions.

SPECIAL PROVISIONS.

Recommendation of a Board binding in certain cases.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of provisions of this Act to any dispute on joint application of parties.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the lockout or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

Courts not to recognize reports of or testimony before a Board,

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any

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except in prosecutions for perjury.

person or for any purpose, except in the case of a prosecution of such person for perjury.

Technicality not to invalidate proceedings.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

68. The Governor in Council may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

Expenses.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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Compared amendments with certified copy of 10-11 Edw VII chapter 29; is furnished by Senate to King's Printer. [illegible]

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

Note (6-7 Edward VII, Chap 20 as amended by 10-11 Edward VII Chap 29).

~~[As amended by Chap. 30 of the Statutes of 1910.]~~

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1907*. Short title.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires—

(*a*) "Minister" means the Minister of Labour; "Minister."

(*b*) "department" means the Department of Labour; "Department."

(*c*) "employer" means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraphs and telephone lines, gas, electric light, water and power works; "Employer."

(*d*) "employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; "Employee."

(*e*) "dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting "Dispute." "Industrial dispute."

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ing the general nature of the above definition, includes all matters relating to—

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof;

"Lockout." (*f*) "lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment;

"Board." (*h*) "board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed." (*k*) "prescribed" means prescribed by this Act, or by any rules or regulations made thereunder;

"Trade union." (*l*) "trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

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Administration.

Minister of Labour to administer Act.

3. The Minister of Labour shall have the general administration of this Act.

Registrar.

4. The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

BOARDS OF CONCILIATION AND INVESTIGATION.

Constitution of Boards.

Reference of disputes to Boards of Conciliation and Investigation.

5. Whenever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act: Provided, however, that, in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act.

Minister to appoint Boards on application.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, and such application does not relate to a dispute which is a subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

Members of Board.

7. Every Board shall consist of three members who shall be appointed by the Minister.

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

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Procedure for appointment of members of Board.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

1. Each party to the dispute may, at the time of making application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

Notification to be given parties of members of Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the chairman thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the chairman, shall make oath or affirmation before a justice of the peace or other person authorized to administer an oath or affirmation,

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that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The Department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

Statutory declaration to accompany application for appointment of Board.

(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer,

Declaration by officers of trade union.

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that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations.

3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

Signatures to application.

16. The application and the declaration accompanying it—

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee;

(4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Application to be transmitted by registered letter.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the department shall be regarded as the date of the receipt of such application.

Party making application to transmit copy to other party to dispute

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by

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registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Statement in reply to be made and sent to Registrar and to party making application.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

To whom communications transmitting copies of applications and replies between parties are to be sent.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

Jurisdiction. At least ten employees to be affected by dispute.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

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Functions, Powers and Procedure of Boards.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

Report and recommendation to be made to the Minister in writing.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

Filing and distribution of report.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Publication of report.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Form of summons.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books, papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Documents not to be made public.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to summons, may be inspected by the Board, and also by such parties as the Board allows: but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Parties may be compelled to be witnesses.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

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Allowance to witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any

Power to interrogate, examination of factories, &c. Inspection of work.

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any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

How parties may be represented before Board.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

Parties to be bound by acts of representatives.

40. Every party appearing by a representative shall be bound by the acts of such representative.

Counsel or solicitors excluded except by consent of parties and of Board.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Members of Board to be British subjects.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

Presence of parties.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Time and place of sittings of Board.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the chairman, after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

Proceedings to be public unless otherwise determined by Board.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatives, the officers of the Board and the witnesses under examination shall withdraw.

Majority of Board.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

Quorum.

47. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

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All members of Board to be present.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

Trivial matters.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Remuneration of members of Board.

51. The members of a Board shall be remunerated for their services as follows:—

(*a*) to members other than the chairman, an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(*b*) to each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board.

Acceptance of gratuities and perquisites by members an offence.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary travelling expenses of members allowed.

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board.

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Payment of expenses of Board.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Minister. The chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

DUTIES OF THE REGISTRAR.

55. It shall be the duty of the Registrar:—

To receive and deal with applications.

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms relating to proceedings before Board.

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act;

Generally.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

Prohibition of strikes or lockouts prior to

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute

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or pending reference to Board.

dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

Relation of parties to remain unchanged pending proceedings before a Board.

57. Employers and employees shall give at least thirty day's notice of an intended change affecting conditions of employment with respect to wages or hours, and in the event of such intended change resulting in a dispute, until the dispute has been finally dealt with by a Board, neither of the parties affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute: but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions

of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Procedure for enforcing penalties.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV. of *The Criminal Code* relating to summary convictions.

SPECIAL PROVISIONS.

Recommendation of a Board binding in certain cases.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of provisions of this Act to any dispute on joint application of parties.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the lockout or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

Courts not to recognize reports of or testimony before a Board,

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any

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except in prosecutions for perjury.

person or for any purpose, except in the case of a prosecution of such person for perjury.

Technicality not to invalidate proceedings.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

68. The Governor in Council may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

Expenses.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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Section 5 to be amended by adding the words: "Provided however, in the case of a dispute between a railway company and its employees, such dispute may be referred for the purpose of conciliation and investigation under the provisions concerning railway disputes in the Act respecting Conciliation and Labour."

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Section 6 to be amended by inserting after the word "investigation" and before the words "the Minister" in line 9 the words: " and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the Act respecting Conciliation and Labour."

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Amend section 56 by substituting for the first sentence the following:

"It shall be unlawful for any employer to declare or cause a lockout or for any employee to go on strike on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Act respecting Conciliation and Labour."

Also, by adding to the section the following words:

"Or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Act respecting Conciliation and Labour."

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Section 24 to be amended by inserting after the word "authorise" in line 31, the following words: "And shall, if the parties so agree, be binding as if made a recommendation of a Board under Section 65 of this Act."

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Section 43 to be amended by striking out the words "and residents of Canada," after the words. "British subjects."

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Section 49 to be amended by the addition of the following words:

"If any member of a Board die,refuse,neglect or become incapable to act,his successor shall be appointed in like manner as is provided in respect of the original member of the Board."

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Section 58 to be amended by inserting before the words "In every case," at the beginning of the section, the following words:

"Employers and employees shall give at least thirty days notice of an intended change affecting conditions of employment in respect of wages and hours; and---"

Also, by inserting after the word "shall" and before the words "on account" in line 3 of this section, the following words: --"alter the conditions of employment in respect of wages or hours, or---"

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Section 23 to be amended by inserting after the words "the right settlement thereunder," in line 6, the following:

"But such enquiry shall not extend beyond the period of thirty days."

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Section 28 to be amended by inserting after the words "the right settlement thereunder," in line 6,the following:

"But such enquiry shall not,except upon the written consent of both parties,extend beyond a period of thirty days."

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Section I5,sub-section 2,to be amended by adding sub-section (c) as follows:

"Sub-section (c). "Necessary authority' to declare a strike is used in this connection,shall mean the consent of the employees affected,as evidenced by a tw-thirds majority vote, taken by ballot of the employees affected at a meeting called on not less than three days notice,for the purpose of discussing the question."

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Section 2I to be amended by the addition of the following words: "Unless such application relates to the meaning to be attached to an award,or the interpretation to be placed upon any clause of the same in which case the Board may make a further pronouncement."

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Section 57 (See new numbering on revised Bill) to be amended by inserting after the word "dispute" in line 8 of this section, the words "prior to or pending a reference of the dispute under the provisions concerning railway disputes in the Act respecting Conciliation and Labour, or"

Also, by adding to the section the following words:

"Or in respect of any dispute which has been the subject of a reference under the Act respecting Conciliation and Labour."

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(New section)

This Act shall not apply to any railway company or the employees of any such company in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Act respecting Conciliation and Labour (R.S.C. 1906. Chap.96).

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The following considerations must be kept in mind in considering the provisions of this Act:

I. That the measure only applies to public utilities, all of which are in the nature of well-established industries, where organization of labour is more or less complete, either in trade union or some other form.

2. That in connection with these industries exceptional cases presenting peculiar features are not likely to arise. If experience shows they do arise, they may be met either by regulations made by the Minister or by amendments to the Act.

3. That the parties concerned, namely, employers and employees are not likely to be an aggregation of saints, or an aggregation of sinners, but persons endowed with average common sense, and likely to be governed in their relations with each other by the same kind of motives in the future as have been governing them in the past, and to be amenable to the same kind of argument and reason.

4. That the last thing which a corporation or a company cares to have is an investigation of its affairs and publicity in regard to them.

5. That the last thing workingmen desire is a strike, and desire to have it resorted to only when all other means of remedying their grievances have been exhausted.

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Section 20. Sub-section 3 to be amended by striking out the words "an incorporated or registered" and inserting the word "a".

Sub-section 4. substitute the following:

"composed of employees some or all of whom are not members of a trade union shall be sent:

(1) where some of the employees are members of a trade union to the president and secretary of the union as representing the employees belonging to the union;

(2) where under section 16, sub-section 4 persons have been authorised to make an application, to such persons;

(3) where there are no persons authorised to represent employees who are not members of a union, to ten of their number. "

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Amend section 3,sub-section (c) by inserting after the word "neglect" in line II,the words "except as herein after provided."

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Amend section 8,sub-section (c) by inserting after the word "neglect" in line 11,the words "except as herein after provided."

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Amend section 3,sub-section (e) by inserting after the word "neglect" in line 11,the words "except as herein after provided."

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Section 57 to be amended by adding the words:

"And provided,except where the parties have entered into an agreement under section 65,that nothing in this Act shall be held to restrain any employer from declaring a lockout or any employee from going on strike,in respect of any dispute which shall have been duly referred to a Board,and which has been finally dealt with under sections 24 and 25 of this Act."

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"Trade Union" means any organization of employees formed for the purpose of regulating relations between employees and employees."

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Section 57 to be amended by adding the words:

"And provided,except where the parties have entered into an agreement under section 65,that nothing in this Act shall be held to restrain any employer from declaring a lockout or any employee from going on strike,in respect of any dispute which shall have been duly referred to a Board,and which has been finally dealt with under sections 24 and 25 of this Act."

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"Trade Union" means a trade union as defined by "~~The~~ An Act respecting Trade Unions," R.S.C. 1906. c.125,sec.2.

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Section 20. Sub-section 3 to be amended by striking out the words "an incorporated or registered" and inserting the word "a".

Sub-section 4. substitute the following:

"composed of employees some or all of whom are not members of a trade union shall be sent:

(1) where some of the employees are members of a trade union to the president and secretary of the union as representing the employees belonging to the union;

(2) where,under section 16,sub-section 4 persons have been authorised to make an application,to such persons;

(3) where there are no persons authorised to represent employees who are not members of a union,to ten of their number. "

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Section I6. Substitute for clauses 3 and 4 the following:

"3. If made by employees members of a trade union, shall be signed by two of its officers duly authorised by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days notice for the purpose of discussing the question.

"4. If made by employees some or all of whom are not members of a trade union, shall be signed by two or three of their number duly authorised by a majority vote taken by ballot of the employees present at a meeting called ~~te-ee-~~ on not less than three days notice for the purpose of discussing the question."

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Section II to be amended so as to read:

"No person shall act as a member of a Board who ~~is not~~ has any direct pecuniary interest in the dispute."

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That the words after "that" in the fifth line of the proposed resolution be struck out, and the following substituted:

"That whereas the Conciliation Act passed in 1900 and the Railway Labour Disputes Act passed in 1903, have aided effectively in the prevention and settlement of disputes, it is desirable that provision be made extending the principle and application of these measures, and that legislation for this purpose be introduced at the present session of Parliament."

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	For	against	majority
Kellenni	38	16	+ 22
Franks	50	77	-27
Hollicrest	25	1	+24
Lisle	93	17	+76
Lundbeck	34	20	+14
Michael	139	294	-155
Canmore	69	54	+15
Coleman	190	32	+158
Rankhead	91	33	+ 58
Fernie	393	201	+192
	1122	745	+377

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Mill-act
Amend to Act 17-

An Act to aid in the Prevention and Settlement of Strikes
and Lock-outs in Coal Mines, [redacted]
and Industries connected with Public Utilities.

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An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

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The following considerations must be kept in mind in considering the provisions of this Act:

I. That the measure only applies to public utilities, all of which are in the nature of well-established industries, where organization of labour is more or less complete, either in trade union or some other form.

2. That in connection with these industries exceptional cases presenting peculiar features are not likely to arise. If experience shows they do arise, they may be met either by regulations made by the Minister or by amendments to the Act.

3. That the parties concerned, namely, employers and employees are not likely to be an aggregation of saints, or an aggregation of sinners, but persons endowed with average common sense, and likely to be governed in their relations with each other by the same kind of motives in the future as have been governing them in the past, and to be amenable to the same kind of argument and reason.

4. That the last thing which a corporation or a company cares to have is an investigation of its affairs and publicity in regard to them.

5. That the last thing workingmen desire is a strike, and desire to have it resorted to only when all other means of remedying their grievances have been exhausted.

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"Trade Union" means a trade union as defined by "The Act respecting Trade Unions," R.S.C. 1906, c.125,sec.2.

An

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"Trade Union" means any organization of employees formed for the purpose of regulating relations between employees and employees."

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C 10327

B I L L .

An Act to amend The Industrial Disputes Investigation Act 1907.

His Majesty &c.

1. Paragraph (b) of subsection 2 of Section 15 of the Industrial Disputes Investigation Act 1907 is repealed and the following is substituted therefor:-

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained. Provided, however, that where a dispute directly affects employees in more than one province, who are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees by a statutory declaration to be made by the Chairman or President and by the Secretary of such Committee setting forth that the dispute has been the subject of negotiations between the Committee and the employer; that all efforts to obtain a satisfactory settlement have failed; and there is no reasonable hope of securing a settlement by further negotiations.

2. Subsection 3 of Section 16 of the said Act is amended by adding thereto the following words:

"or where a dispute directly affects employees in more than one province who are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees shall be signed by the chairman or president and by the secretary of the said committee."

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and

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B I L L

An Act to amend The Industrial Disputes Investigation Act 1907.

His Majesty &c.

1. Paragraph (b) of subsection 2 of Section 15 of the Industrial Disputes Investigation Act 1907 is repealed and the following is substituted therefor:-

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained. Provided, however, that where a dispute directly affects employees in more than one province, who are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees by a statutory declaration to be made by the Chairman or President and by the Secretary of such Committee setting forth that the dispute has been the subject of negotiations between the Committee and the employer; that all efforts to obtain a satisfactory settlement have failed; and there is no reasonable hope of securing a settlement by further negotiations.

2. Subsection 3 of Section 16 of the said Act is amended by adding thereto the following words:

"or where a dispute directly affects employees in more than one province who are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees shall be signed by the chairman or president and by the secretary of the said committee."

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and

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O

B I L L .

An Act to amend The Industrial Disputes Investigation Act 1907.

His Majesty &c.

1. Paragraph (b) of Section 2 of The Industrial Disputes Investigation Act 1907 is ~~amended by adding the following thereto:~~

~~"also any person, company or corporation employing one hundred or more persons in any other industry or trade."~~

2. Paragraph (b) of subsection 2 of Section 15 of the Industrial Disputes Investigation Act 1907 ~~the said Act~~ is repealed and the following is substituted therefor:-

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board ~~of Conciliation and Investigation~~ under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained Provided however

that where a dispute directly affects employees in more than one Province, who are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees by a statutory declaration to be made by the Chairman or president and by the Secretary of such committee setting forth that the dispute has been the subject of negotiations between the committee and the employer; that all efforts to obtain a satisfactory settlement have failed; and there is no reasonable hope of securing a settlement by further negotiations."

2. Subsection 3 of Section 16 of the said Act is amended by adding thereto the following words :

"or where a dispute directly affects employees in more than one province who are members of a trade union having a general committee authorised to carry on negotiations in disputes between employers and employees shall be signed by the chairman or president and by the secretary of the said committee".

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and

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Printing Bureau
Department

B I L L

An Act to amend The Industrial Disputes Investigation Act 1907.

His Majesty &c.

1. Paragraph (b) of subsection 2 of section 15 of the Industrial Disputes Investigation Act 1907 is repealed and the following is substituted therefor:

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained; provided, however, that where a dispute directly affects employees in more than one province, who are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees, a statutory declaration to be made by the Chairman or President and by the Secretary of such Committee setting forth that the dispute has been the subject of negotiations between the Committee and the employer, that all efforts to obtain a satisfactory settlement have failed; and that there is no reasonable hope of securing a settlement by further negotiations, shall be accepted in lieu of the declaration that the necessary authority to declare such lockout or strike has been obtained.

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2. Subsection 3 of Section 16 of the said Act is amended by adding thereto the following words:

"or where a dispute directly affects employees in more than one province who are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees may be signed by the chairman or president and by the secretary of the said committee".

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and the following are substituted therefor:

"(ii) an allowance at the rate of fifteen dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.
(b) to the chairman an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the board.

4. Section 57 of the said Act is amended by striking out the words: "And in every case where a dispute has been referred to a Board" in the third and fourth lines thereof and substituting therefor the words "And in the event of such intended change resulting in a dispute"; by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employers" in the sixth line thereof.

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I. Paragraph (b) of sub-section 2 of section I5 of The Industrial Disputes Investigation Act,I907,is amended by adding the following words, "provided,however,that where a dispute affects directly employees in more than one province who are members of a trade union having a general committee authorised to act on behalf of the members of said ~~organization~~ union, the statutory declaration of the chairman (or president) and ~~the~~ Secretary of the said Committee ~~to the effect~~ setting forth that the dispute has been the subject of negotiation between the Committee and the employer and that all efforts to obtain a satisfactory adjustment have failed,and that all means to effect a settlement by negotiation between the parties have been exhausted, shall be acceptable in lieu of the declaration that the necessary authority to declare such lockout or strike has been obtained."

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Subsection 3 of section I6 is amended by adding the following words: "Provided,however,that where a dispute affects directly employees in more than one province who are members of a trade union having a general committee authorised to act on behalf of the members of the said union,the application and the declaration accompanying it may be signed by the chairman (or president) and the secretary of the said committee."

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Paragraphs (ii) and (iii) of subsection (a), subsection (b) and (c) of section 5I are repealed and the following is substituted therefor:

"(ii) an allowance at the rate of fifteen dollars for each day's sitting of the Board."

(b) to the chairman an allowance at the rate of twenty dollars for each day's sitting of the board."

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Section 53 is amended by adding after the words "necessary travelling expenses" in line two, the words, "and an allowance of ~~ten~~ following dollars."

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Section 57 is amended by striking out the words "and in every case where a dispute has been referred to a board" in lines 3 and 4 of said section, and inserting the words "and in the event of such intended change resulting in a dispute "

By substituting the word "a" for the word "the" before the word "board" in line 5, and --

By striking out the words "nor the employees" in line 6.

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Hold over

Section 2 subsection(c) is amended by adding the words "also any person,company or corporation employing I00 or more persons in any other industry or trade."

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C 10333

Paragraph (b) of subsection 2 of section I5 is amended by inserting after the words "will be declared, and" and before the words "that the" in line 5 of the said subsection the words, "except where application is made by ~~the~~ an employer in consequence of an intended change in wages or hours proposed by said employer."

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CANADA

C 10339

B I L L

An Act to amend the Industrial Disputes Investigation Act 1907.

His Majesty &c.

1. Paragraph (b) of subsection 2 of Section 15 of the Industrial Disputes Investigation Act 1907 is repealed and the following is substituted therefor:-

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees and so recognized by the employer, a statutory declaration ~~may be made~~ by the Chairman or President and by the Secretary of such Committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared; that the dispute has been the subject of negotiations between the Committee and the employer; that all efforts to obtain a satisfactory settlement have failed; and that there is no reasonable hope of securing a settlement by further negotiations.

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2. Subsection 3 of Section 16 of the said Act is amended by adding thereto the following words:

"or where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees may be signed by the chairman or president and by the secretary of the said committee."

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and the following are substituted therefor:

"(ii) an allowance at the rate of fifteen dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.

(b) to the chairman an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board.

4. Section 57 of the said Act is amended by striking out the words: "And in every case where a dispute has been referred to a Board" in the third and fourth lines thereof and substituting therefor the words "And in the event of such intended change resulting in a dispute"; by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employers" in the sixth line thereof.

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CANADA

C 10341

B I L L

An Act to amend The Industrial Disputes Investigation Act 1907.

His Majesty &c.

1. Paragraph (b) of subsection 2 of section 15 of the Industrial Disputes Investigation Act 1907 is repealed and the following is substituted therefor:

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained; provided, however, that where a dispute directly affects employees in more than one province, who are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees, a statutory declaration to be made by the Chairman or President and by the Secretary of such Committee setting forth that the dispute has been the subject of negotiations between the Committee and the employer, that all efforts to obtain a satisfactory settlement have failed; and that there is no reasonable hope of securing a settlement by further negotiations, shall be accepted in lieu of the declaration that the necessary authority to declare such lockout or strike has been obtained.

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2. Subsection 3 of Section 16 of the said Act is amended by adding thereto the following words:

"or where a dispute directly affects employees in more than one province who are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees may be signed by the chairman or president and by the secretary of the said committee".

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and the following are substituted therefor:

"(ii) an allowance at the rate of fifteen dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.
(b) to the chairman an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the board.

4. Section 57 of the said Act is amended by striking out the words: "And in every case where a dispute has been referred to a Board" in the third and fourth lines thereof and substituting therefor the words "And in the event of such intended change resulting in a dispute"; by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employers" in the sixth line thereof.

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CANADA

C 10343

BILL

An Act to amend The Industrial Disputes Investigation Act 1907.

His Majesty by and with the consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (b) of subsection 2 of section 15 of the Industrial Disputes Investigation Act 1907 is repealed and the following is substituted therefor:

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained; provided, however, that where a dispute directly affects employees in more than one province, who are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees, a statutory declaration to be made by the Chairman or President and by the Secretary of such Committee setting forth that the dispute has been the subject of negotiations between the Committee and the employer, that all efforts to obtain a satisfactory settlement have failed; and that there is no reasonable hope of securing a settlement by further negotiations, shall be accepted in lieu of the declaration that the necessary authority to declare such lockout or strike has been obtained.

OFFICE OF SUPERINTENDENT
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2. Subsection 3 of Section 16 of the said Act is amended by adding thereto the following words:

"or where a dispute directly affects employees in more than one province who are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees may be signed by the chairman or president and by the secretary of the said committee".

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and the following are substituted therefor:

"(ii) an allowance at the rate of fifteen dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.
(b) to the chairman an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the board.

4. Section 57 of the said Act is amended by striking out the words: "And in every case where a dispute has been referred to a Board" in the third and fourth lines thereof and substituting therefor the words "And in the event of such intended change resulting in a dispute"; by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employers" in the sixth line thereof.

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CANADA

C 10345

B I L L

An Act to amend the Industrial Disputes Investigation Act 1907.

His Majesty &c.

1. Paragraph (b) of subsection 2 of Section 15 of the Industrial Disputes Investigation Act 1907 is repealed and the following is substituted therefor:-

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reformace thereof by the Minister to a Board of Conciliation and Investigation under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained; or where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees and so recognized by the employer, a statutory declaration may be made by the Chairman or President and by the Secretary of such Committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared; that the dispute has been the subject of negotiations between the Committee and the employer; that all efforts to obtain a satisfactory settlement have failed; and that there is no reasonable hope of securing a settlement by further negotiations.

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2. Subsection 3 of Section 16 of the said Act is amended by adding thereto the following words:

"or where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees may be signed by the chairman or president and by the secretary of the said committee."

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and the following are substituted therefor:

"(ii) an allowance at the rate of fifteen dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.

(b) to the chairman an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board.

4. Section 57 of the said Act is amended by striking out the words: "And in every case where a dispute has been referred to a Board" in the third and fourth lines thereof and substituting therefor the words "And in the event of such intended change resulting in a dispute"; by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employers" in the sixth line thereof.

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CANADA

C 10347

B I L L .

An Act to amend The Industrial Disputes Investigation Act 1907.

His Majesty &c.

1. Paragraph (c) of Section 2 of The Industrial Disputes Investigation Act 1907 is amended by adding the following thereto:

"also any person, company or corporation employing one hundred or more persons in any other industry or trade."

1. Paragraph (b) of subsection 2 of Section 15 of the Industrial Disputes Investigation Act 1907 is repealed and the following is substituted therefor:-

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained ~~Provided however~~ that where a dispute directly affects employees in more than one Province, who are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employees and employees by a statutory declaration to be made by the Chairman or president and by the Secretary of such committee setting forth that the dispute has been the subject of negotiations between the committee and the employer; that all efforts to obtain a satisfactory settlement have failed; and that there is no reasonable hope of securing a settlement by further negotiations."

2. Subsection 5 of Section 16 of the said Act is amended by adding thereto the following words :

"or where a dispute directly affects employees in more than one province who are members of a trade union having a general committee authorised to carry on negotiations in disputes between employers and employees may be signed by the chairman or president and by the secretary of the said committee".

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and

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and the following are substituted therefor:

"(ii) an allowance at the rate of fifteen dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.

(b) to the chairman an allowance at the rate of twenty dollars for each day's sitting of the board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the board.

4. Section 57 of the said act is hereby repealed and the following is substituted therefor:

"57. Employers and employees shall give at least thirty days notice of an intended change affecting conditions of employment with respect to wages or hours, and in the event of such intended change resulting in a dispute, until the dispute has been finally dealt with by a Board neither the employers or employees affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing directly or indirectly anything in the nature of a lockout or strike or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute or anything arising out of the dispute.

2. If in the opinion of a Board either party uses this section or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay and the Board so reports to the Minister such party shall be guilty of an offence.

3. Any person guilty of an offence or violating any of the provisions of this section shall be liable if an employer to a fine of not less than one hundred dollars nor more than one thousand dollars and if an employee to a fine of not less than ten dollars and not more than fifty dollars for each day or part of a day during which such offense or such violation of this section is continued".

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4. Section 57 of the said Act is amended by striking out the words: "And in every case where a dispute has been referred to a Board" in the third and fourth lines thereof and substituting therefor the words "And in the event of such intended change resulting in a dispute"; by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "~~of the parties~~" in the ~~fifth~~ sixth line thereof and substituting therefor the words "~~the employers~~".

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CANADA

C 10350

B I L L

An Act to amend The Industrial Disputes Investigation Act 1907.

His Majesty &c.

1. Paragraph (b) of subsection 2 of Section 15 of the Industrial Disputes Investigation Act 1907 is repealed and the following is substituted therefor:-

(b) A Statutory Declaration setting forth that failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by said employer) that the necessary authority to declare such lockout or strike has been obtained; ~~Provided, however, that~~ or where a dispute directly affects employees in more than one province, ~~who~~ are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees ~~a~~ statutory declaration may be made by the Chairman or President and by the Secretary of such Committee setting forth that the dispute has been the subject of negotiations between the Committee and the employers, that all efforts to obtain a satisfactory settlement have failed; and that there is no reasonable hope of securing a settlement by further negotiations.

2. Subsection 3 of Section 16 of the said Act is amended by adding thereto the following words:

"or where a dispute directly affects employees in more than one province who are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees may be signed by the chairman or president and by the secretary of the said committee."

3. Paragraph (ii) and (iii) of subsection (a) and subsections (b) and (c) of Section 51 are repealed and

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and the following are substituted therefor:

"(ii) an allowance at the rate of fifteen dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.
(b) to the chairman an allowance at the rate of twenty dollars for each day's sitting of the board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the board.

4. Section 57 of the said act is hereby repealed and the following is substituted therefor:

"57. Employers and employees shall give at least thirty days notice of an intended change affecting conditions of employment with respect to wages or hours and in the event of such intended change resulting in a dispute until the dispute has been finally dealt with by a Board neither the employers or employees affected shall alter the conditions of employment with respect to wages or hours or on account of the dispute do or be concerned in doing directly or indirectly anything in the nature of a lockout or strike or a suspension or discontinuance of employment or work but the relationship of employer and employee shall continue uninterrupted by the dispute or anything arising out of the dispute.

provision of this section 2. If in the opinion of a Board either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay and the Board so reports to the Minister such party shall be guilty of an offence.

3. Any person guilty of an offence or violating any of the provisions of this section shall be liable if an employer to a fine of not less than one hundred dollars nor more than one thousand dollars and if an employee to a fine of not less than ten dollars and not more than fifty dollars for each day or part of a day during which such offense or such violation of this section is continued".

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C 10352

Industrial Disputes Investigation Act 1907.

Amendments thereto by

Act of Parliament 1910.

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C 10354 /

Mr. King—On Wednesday next—BILL intituled: "An Act to amend the Industrial Disputes Investigation Act, 1907."

Vote & Proceeding
Feb. 28. 1910.

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Mr. King—On Monday next—IN COMMITTEE OF THE WHOLE—The following Proposed Resolution:—

Resolved, That it is expedient to amend The Industrial Disputes Investigation Act, 1907, by providing for the payment to the Chairman and members of a Board of Conciliation and Investigation, of an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.

Votes & Proceedings
March 3. 1910.

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Mr. King moved, That the House do go into Committee of the Whole to-morrow, to consider the following proposed Resolution:—

That it is expedient to amend The Industrial Disputes Investigation Act, 1907, by providing for the payment to the Chairman and members of a Board of Conciliation and Investigation, of an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.

Whereupon, Mr. King informed The House, That His Excellency the Governor General having been informed of the subject-matter of the said proposed Resolution, recommends it to the House.

Votes Proceedings

March 4. 1910.

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The House went into Committee of the Whole on a proposed Resolution to amend the Industrial Disputes Investigation Act, 1907.

(In the Committee.)

The following Resolution was adopted:—

Resolved, That it is expedient to amend The Industrial Disputes Investigation Act, 1907, by providing for the payment to the Chairman and members of a Board of Conciliation and Investigation, of an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.

Resolution to be reported.

The said Resolution was reported, read the second time and agreed to.

Mr. King then presented a Bill No. 198, An Act to amend the Industrial Disputes Investigation Act, 1907, which was read the first time and ordered for a second reading at the next sitting of the House.

Votes & Proceedings
April 7. 1910.

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INDUSTRIAL DISPUTES INVESTIGATION ACT AMENDMENT.

House went into committee to consider the following proposed resolution:

Resolved, that it is expedient to amend the Industrial Disputes Investigation Act, 1907, by providing for the payment to the chairman and members of a Board of Conciliation and Investigation, of an allowance at the rate of twenty dollars for each day's sitting of the board and for each day necessarily engaged in travelling from or to their places of residence to attend or after attending a meeting of the board.—Mr. King.

Mr. KING. This resolution is necessary in consequence of one amendment it is proposed to make to the Industrial Disputes Investigation Act. At the present time, the chairman of a board of conciliation receives $20 a day and the other members of the board $15 a day. It has appeared that this rate of remuneration is hardly adequate for the services rendered, having regard to the payments made in arbitrations of much less important subjects than those under the Industrial Disputes Investigation Act, and it is suggested to change the rates of remuneration to allow all the members of the board the same rate, viz.. $20 a day. It is true that the chairman has some special duties to perform, but it has also been shown in practice that the other members of the board representing the two parties have also special services in the way of endeavouring to effect a conciliation, which services are performed at times other than those during which the board is sitting, and for which they receive no remuneration whatever. It is thought that by allowing all the members of the board $20 per day the services of the members in this particular will be compensated.

Mr. LANCASTER. Is there any difference in the qualification required from the chairman and from the other members of the board?

Mr. KING. The members of the board are chosen in the first instance by the parties themselves, each side is given an opportunity of naming a representative.

Mr. LANCASTER. They have not to have any special qualification—

Mr. KING. It is left to the parties themselves to say who shall represent them. As a matter of fact, the representatives that have been chosen in the past have been almost without exception men of exceptional ability.

Mr. LANCASTER. What was the reason in the first place for making a difference in the stipend between the one as compared with the other two?

Mr. KING. It was thought before we had any experience under the Act that probably the duties of the chairman would be more onerous than those of the other members of the board. But it has turned out that while the chairman has some duties that are not performed by the other members, the individual members have a great deal of work after hours conferring with the parties whom they represent with a view to bringing the two sides together, and their time is taken up in a manner in which the chairman's time is not.

Mr. BLAIN. What has been the expenditure for the enforcement of this Act during the past year?

Mr. KING. The first year $16,000 was required, the second year $20,000, and this year the expenditure will amount to $20,000, possibly a little more.

Mr. BLAIN. Has the hon. gentleman before him the number of disputes that have been settled in each of the years mentioned?

Mr. KING. The Act has now been on the statute-book for over three years. During that time there have been applications for 82 boards. In 76 cases out of the 82 settlements have been effected and strikes or lockouts averted, and in only 6 cases have the boards failed to bring about a settlement between the parties, or their findings not been accepted by one side or the other.

Mr. BLAIN. Is the number of applications on the increase?

Mr. KING. During the fiscal year ended March 31 of the present year, there were 30 applications for boards.

Mr. BLAIN. How many in 1906?

Mr. KING. From March 22, 1907, to March 31, 1908, there were 35 applications; in the next year there were 20, and last year 30. There have been 5 less during the last fiscal year than during the first year of the Act, and 10 more than during the second year.

Mr. BICKERDIKE. I would suggest that there should be a little difference in the compensation of the ordinary member on the board and the chairman. I think that when you take a judge off the bench to act as third man, you can hardly expect him to work for less than $25 a day.

Mr. KING. With regard to the judges, they already receive pay for their services under the regular allowance granted by parliament, and I think in their case at least there is no special reason for giving them any extra allowance. As to other persons who act in the position of chairman, I would say that the department has found no difficulty during the past in obtaining suitable persons at that remuneration.

Resolutions reported, read the second time, and agreed to.

Mr. KING moved for leave to introduce Bill (No. 198) to amend the Industrial Disputes Investigation Act, 1907.

Motion agreed to, and Bill read the first time.

Debates April 7. 1910.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

The Bill No. 198, An Act to amend the Industrial Disputes Investigation Act, 1907, was read the second time, considered in Committee of the Whole, reported without amendment, read the third time and passed.

Votes + Proceedings
April 26. 1910.

W. L. Mackenzie King Papers
Volume C 15

PUBLIC ARCHIVES PUBLIQUES
CANADA

INDUSTRIAL DISPUTES INVESTIGATION ACT—AMENDMENT.

Bill (No. 198) to amend the Industrial Disputes Investigation Act.—Mr. King.

Read a second time and the House went into committee thereon.

On section 1,

Mr. SPROULE. Will the minister give us some general light on this?

Mr. KING. The proposed amendments are intended to simplify the procedure in the light of our experience, and to meet what appears to be the very reasonable request made on the part of the working men through their organizations in respect to certain features of the Bill which they believe to operate to their disadvantage. The proposed amendments do not in any way change the principles of the Act as it stands. The Act has given general satisfaction during the three years of its existence, but the railway labour men have found they are at a disadvantage as compared with the members of other labour organizations. For example, the Act requires that before a board of investigation is asked the parties must take an oath that the necessary authority to declare a strike or lockout has been obtained. Where the organization is confined to one locality it is not difficult to have this expression of opinion, but where the organization extends through various provinces, they represent that the taking of a vote of their members is a great expense and inconvenience. The railway organizations have duly constituted grievance committees which take up grievances with the companies, and they claim they can get a long way in the settlement of differences by mutual conference, and that if they cannot succeed in that way the certainty of a vote being in favour of a strike is virtually established. Then, if the board is constituted after the vote has been taken and before a strike can be declared, should the parties be unwilling to accept the findings of the board a second vote is required over the whole system, which also involves considerable expense. It is proposed by one of these amendments to remedy that, and to allow the organizations to apply for a board if their officers can make a declaration to the effect that the difficulties between them and the company have already been the subject of careful negotiation and that they have got as far as is possible in the negotiations. A declaration to that effect will be sufficient to warrant the government to establish a board. There is one other point—under the law as it stands at present if either of the parties change the conditions and the other party is not satisfied with the change of conditions, then before a strike or lockout can take place a board of investigation must be appointed. Experience in the working out of the Act has shown that while either party may change the conditions, in so far as the railway employees are concerned they must always make the application for a board. We are proposing an amendment here which will throw upon the party who proposes the change, the onus of asking for the board. In the case of the strike of the machinists on the Canadian Pacific railway, in 1908, the company proposed certain changes which the men were not satisfied with, and before the men could go on strike they were obliged to ask for a board which reported adversely to them. It was then represented in the press that the men had asked for the board and refused to accept its findings. There is a slight element of injustice in that representation. The company having changed the conditions should have been obliged to call for the board before putting the changes into effect, and had that been the case it would not have appeared that the men were responsible for the calling of the board. There is an amendment framed which will remedy that state of things. I may say that I have submitted the amendments to the various railway brotherhoods, who are the only parties that up to the present time have taken any exception to the measure. The replies which have been received from them indicate that this proposed change removes the objection almost in whole, which any of them may have entertained towards the Act. I think it important to give this information to the committee, and with the permission of the House, I will read a communication which I sent to the different brotherhoods of railway employees, inclosing a copy of the proposed amendments and the replies that I received:

Department of Labour, Canada,
Ottawa, March 5, 1910.

Dear Sir,—I am inclosing a copy of proposed amendments to the Industrial Disputes Investigation Act, 1907, which have been framed, after consultation with yourself and others, with a view of meeting what seem to me very reasonable requests made on behalf of the workingmen of this country through some of their representative labour bodies and officers, and in particular with a view of removing the possibilities of certain injustices which have been alleged on behalf of railway employees as existing, in so far as the provisions of the measure are applicable to them.

I wish you would kindly look carefully over the amendments proposed, and let me know whether in your opinion they are satisfactory, and whether if adopted by parliament they would bring the Industrial Disputes Act into a form generally satisfactory and acceptable to railway employees.

Yours faithfully,

(Sgd.) W. L. MACKENZIE KING.

Windsor Hotel,

W. L. Mackenzie King Papers
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CANADA

Ottawa, March 5, 1910.

The Hon. W. L. Mackenzie King, C.M.G.,
Minister of Labour,
Ottawa.

Dear Mr. King,—I have the honour to acknowledge the receipt of your communication of March 5, together with a copy of the proposed amendments to the Industrial Disputes Investigation Act, 1907, and in reply, I am pleased to say, that I have very carefully looked over the suggested amendments and they appear to me to be very satisfactory and, in my opinion, if adopted by parliament they should bring the Industrial Disputes Investigation Act of 1907 into a form generally satisfactory and acceptable to railway employees; therefore, as representing the Brotherhood of Locomotive Engineers, I can consistently endorse the Act when so amended, believing that it will, if amended as proposed, be a benefit not only to railway employees, but also to the public generally.

I wish to avail myself of this opportunity to express to you the appreciation of myself and those I represent for the courtesy and consideration you have extended to me during our interviews regarding railway legislation.

I have the honour to be, Sir,
Yours very respectfully,
(Sgd.) CALVIN LAWRENCE,
Legislative Representative B. L. E.

Ottawa, March 10, 1910.

W. L. Mackenzie King, Esq.,
Minister of Labour,
Ottawa.

Sir,—I have your letter of the 9th instant with inclosed copy of proposed amendments to the Industrial Disputes Investigation Act, 1907.

I have gone carefully over the amendments proposed and I am of the opinion that they will be satisfactory should they become law as they are drafted. I am also of the opinion that the Industrial Disputes Investigation Act, if it is amended as proposed, will bring the Act into a form that will meet with the general approval of the railway employees that I have the honour to represent.

Thanking you for the many courtesies that you have extended to us in the past,

I am, respectfully yours,
(Sgd.) W. J. DOWELL,
Legislative Representative of the Brotherhood of Locomotive Firemen and Enginemen.

Ottawa, March 10, 1910.

Hon. W. L. Mackenzie King,
House of Commons,
Ottawa.

Honourable and Dear Sir,—I beg to acknowledge receipt of your letter of March 5, inclosing copy of the proposed amendments to the Industrial Disputes Investigation Act of 1907.

I have carefully read over the amendments, and wish to state, as a representative of the Trainmen's Organization, I find them entirely satisfactory, and in my opinion will bring about all desired results. I also feel if proposed amendments are adopted by parliament, will bring the Industrial Disputes Investigation Act into a form satisfactory and acceptable to all members of the Trainmen's Organization.

Respectfully yours,
(Sgd.) JOHN MALONEY,
Dominion Legislative Representative
Brotherhood of Railroad Trainmen.

Mr. SPROULE. May I interrupt the hon. gentleman? Is there any need of risking the time of the committee with these letters when he has told us that all the letters are in approval of the legislation?

Mr. KING. I think it important that these letters should be placed on record, as these amendments are being introduced to make the Act acceptable to the railway employees, and I think the public should know the view of the amendments taken by the representatives of the various classes of employees.

Mr. SPROULE. I think the House is accepting with full confidence the statement of the hon. gentleman that he has written to these bodies and has received replies from them in approval. I think that should be sufficient, as no person is disputing his statement.

Mr. KING. Possibly I might abbreviate by giving the gist of what is said in one or two or the letters. The next letter is from the representative of the telegraphers:

Order of Railroad Telegraphers,
264 Rusholme Road, Toronto, Mar. 14, 1910.

The Honourable
W. L. Mackenzie King, C.M.G.,
Minister of Labour,
Ottawa, Ont.

Dear Mr. King,—Replying to your favour in reference to the proposed amendments to the Industrial Disputes Investigation Act, I desire to say that if these amendments can be obtained, the Act will be entirely satisfactory to our organization. In fact, we have felt the need of these amendments almost ever since the law has been enacted, and we are hopeful that parliament will see the wisdom of them.

Wishing you success,
I am,
Yours sincerely,
(Sgd. D. CAMPBELL,
Third Vice-President.

Mr. Harvey Hall, representing one of the other branches, writes as follows:

Ottawa, Ont., Mar. 14, 1910.

Dear Mr. King,—This will acknowledge yours of March 9, with a draft copy of proposed amendments to the Industrial Disputes Act attached.

I have gone carefully over the proposed amendments and believe they will, to some extent, relieve the railway employees of a very serious complaint, namely, delay and expense, when they are forced to apply for a board.

I must admit that the amendments proposed, if adopted, will certainly meet the views of the railway men as far as they go.

Mr. HUGHES. What order does Mr. Hall represent?

Mr. KING. I think he represents at this time the railway conductors. Then, I have a letter, dated March 11, 1910, from Mr. A. B. Lowe, the president of the International Brotherhood of Maintenance of Way Employees, in which he says:

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CANADA

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The Hon. W. L. Mackenzie King, C.M.G.,
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CANADA

My opinion of the Act itself has never changed, that it is one of the best pieces of legislation that has been passed to my knowledge, in the interests of industrial peace.

And on March 18, he writes:

I think that the amendments proposed may be placed in the law.

The House will observe that these communications cover all the different classes of railway labour—locomotive engineers, firemen, trainmen, telegraphers, conductors and maintenance of way employees. I have also discussed these amendments with representatives of the railway companies and they they have stated to me without exception that they think they are fair and reasonable, and I understand that no opposition will be offered to them if they are enacted by the House.

Mr. W. F. MACLEAN. Are these allowances as liberal as in the Act that went through to-day in regard to combines?

Mr. KING. Yes, the allowance is the same as that allowed in the investigation of combines.

Bill reported, read the third time, and passed.

Debates April 26. 1910.

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A Message was brought from the House of Commons by their Clerk with a Bill (198) intituled: "An Act to amend the Industrial Disputes Investigation Act, 1907," to which they desire the concurrence of this House.

The said Bill was read a first time.

On motion of the Right Honourable Sir Richard Cartwright, seconded by the Honourable Mr. Dandurand, it was

Ordered, That the said Bill be read a second time at the second sitting of the House to-morrow.

Minutes + Proceedings Senate —
April 27. 1910

W. L. Mackenzie King Papers
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CANADA

The House, according to Order, was adjourned during pleasure, and put into Committee of the Whole on the Bill (198) intituled: "An Act to amend the Industrial Disputes Investigation Act,"

(*In the Committee.*)

After some time the House was resumed, and

The Honourable Mr. Baird, from the said Committee, reported that they had gone through the said Bill, and had directed him to report the same to the House without any amendment.

On motion of the Right Honourable Sir Richard Cartwright, seconded by the Honourable Sir Richard Scott, it was

Ordered, That the said Bill be now read a third time.

The said Bill was then read a third time accordingly.

The question was put whether this Bill shall pass?

It was resolved in the affirmative.

Ordered, That the Clerk do go down to the House of Commons and acquaint that House that the Senate have passed this Bill, without any amendment.

Votes & Proceedings Senate —
April 30. 1910.

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CANADA

C 10365 10

INDUSTRIAL DISPUTES INVESTIGATION ACT.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (No. 198) An Act to amend the Industrial Disputes Investigation Act, 1907.

(In the Committee.)

On clause 2,

2. Subparagraph (b) of paragraph 2 of section 15 of the said Act is repealed and the following substituted therefor:—

(b) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the minister to a board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the minister to a board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations.

Hon. Mr. LOUGHEED—I would like to ask my right hon. friend what is the object of this amendment?

Rt. Hon. Sir RICHARD CARTWRIGHT—This was asked for by the trades unions, alleging that the Act as it then stood put certain difficulties in their way with respect to dealing with these industrial disputes.

Hon. Mr. LOUGHEED—I don't understand the exception there. It would almost look to me that this is not applicable where there is a trades union; that is to say, the setting in motion of the machinery of the Act.

Rt. Hon. Sir RICHARD CARTWRIGHT—Well, this is what they asked for. They may be unwise in asking for it, I cannot answer for that.

Hon. Mr. BAIRD, from the committee, reported the Bill without amendment.

The Bill was read the third time, and passed.

Senate Debates
April 30. 1910

W. L. Mackenzie King Papers
Volume C 15

PUBLIC ARCHIVES PUBLIQUES
CANADA

C 10366

13

Pte Bill Industrial

[CONFIDENTIAL.]

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE HOUSE OF COMMONS OF CANADA.

BILL [redacted]

An Act to amend the Industrial Disputes Investigation Act, 1907.

HIS Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subparagraph (*b*) of paragraph 2 of section 15 of *The Industrial Disputes Investigation Act, 1907*, is repealed and the following is substituted therefor:—

"(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees and so recognized by the employer, a statutory declaration may be made by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared; that the dispute has been the subject of negotiations between the committee and the employer; that all efforts to obtain a satisfactory settlement have failed; and that there is no reasonable hope of securing a settlement by further negotiations.

2. Paragraph 3 of section 16 of the said Act is amended by adding at the end thereof the following: "or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, may be signed by the chairman or president and by the secretary of the said committee."

3. Subparagraphs (ii) and (iii) of paragraph (*a*) and paragraphs (*b*) and (*c*) of section 51 of the said Act are repealed and the following subparagraphs and paragraph are substituted therefor:

"(ii) an allowance at the rate of fifteen dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to their place of residence to attend or after attending a meeting of the Board.

"(*b*) to the chairman an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board."

4. Section 57 of the said Act is amended as follows: by striking out of the third and fourth lines thereof the words "and in every case where a dispute has been referred to a Board," and substituting therefor the words "and in the event of such intended change resulting in a dispute"; by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employees" in the sixth line thereof.

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CANADA

C 10367

14

UNREVISED PROOF FROM A. H. O'BRIEN LAW CLERK, H. of C.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE HOUSE OF COMMONS OF CANADA.

BILL

An Act to amend the Industrial Disputes Investigation Act, 1907.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1907, c. 20, s. 15 amended.

1. Subparagraph (*b*) of paragraph 2 of section 15 of *The Industrial Disputes Investigation Act, 1907*, is repealed and the following is substituted therefor:—

Statutary declaration to accompany application for appointment of Board.

"(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations."

Declaration by officers of trade union.

Section 16 amended.

2. Paragraph (3) of section 16 of the said Act is amended by adding at the end thereof the following: "or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, may be signed by the chairman or president and by the secretary of the said committee."

Signatures to application and declaration.

and so recognized by the employer,

New s. 51.

3. Section 51 of the said Act is repealed and the following is substituted therefor:—

Remuneration of members of Board.

"**51.** The members of a Board shall be remunerated for their services as follows:—

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CANADA

C 10368

"(*a*) to members other than the chairman, an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

"(*b*) to each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board."

Section 57 amended.

Relation of parties pending proceedings.

4. Section 57 of the said Act is amended as follows: by striking out of the third and fourth lines thereof the words "and in every case where a dispute has been referred to a Board" and substituting therefor the words "and in the event of such intended change resulting in a dispute;" by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employees" in the sixth line thereof.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1909-10

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Industrial Disputes Investigation Act, 1907.

First reading, March 7, 1910.

MR. KING.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909-10

H-94 69

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CANADA

C 10369

15.

UNREVISED COPY OF
A. H. O'BRIEN
LAW CLERK, H. OF C.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE HOUSE OF COMMONS OF CANADA.

BILL =.

An Act to amend the Industrial Disputes Investigation Act, 1907.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1907, c. 20, s. 15 amended.

1. Subparagraph (*b*) of paragraph 2 of section 15 of *The Industrial Disputes Investigation Act, 1907*, is repealed and the following is substituted therefor:—

Statutary declaration to accompany application for appointment of Board.

"(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in industrial disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations."

Declaration by officers of trade union.

Section 16 amended.

2. Paragraph (3) of section 16 of the said Act is amended by adding at the end thereof the following: "or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, may be signed by the chairman or president and by the secretary of the said committee."

Signatures to application and declaration.

and so recognized by the employer

New s. 51.

3. Section 51 of the said Act is repealed and the following is substituted therefor:—

Remuneration of members of Board.

"**51.** The members of a Board shall be remunerated for their services as follows:—

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CANADA

C 10379

"(*a*) to members other than the chairman, an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

"(*b*) to each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board."

Section 57 amended.

4. Section 57 of the said Act is amended as follows: by striking out of the third and fourth lines thereof the words "and in every case where a dispute has been referred to a Board" and substituting therefor the words "and in the event of such intended change resulting in a dispute;" by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employees" in the sixth line thereof.

Relation of parties pending proceedings.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1909-10

THE HOUSE OF COMMONS OF CANADA.

BILL

An Act to amend the Industrial Disputes Investigation Act, 1907.

First reading, March 7, 1910.

MR. KING.

OTTAWA
Printed by C. H. PARMELEE
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CANADA

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16

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE HOUSE OF COMMONS OF CANADA.

BILL 198.

An Act to amend the Industrial Disputes Investigation Act, 1907.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 13 of *The Industrial Disputes Investigation Act, 1907*, is amended by adding after the word "peace" in the third line thereof the words "or other person authorized to administer an oath or affirmation." 1907, c. 20, s. 13 amended. Oath of office.

2. Subparagraph (*b*) of paragraph 2 of section 15 of the said Act is repealed and the following is substituted therefor:— S. 15 amended.

"(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations." Statutory declaration to accompany application for appointment of Board. Declaration by officers of trade union.

3. Paragraph (3) of section 16 of the said Act is amended by adding at the end thereof the following: "or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee." Section 16 amended. Signatures to application and declaration.

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New s. 51.

Remuneration of members of Board.

4. Section 51 of the said Act is repealed and the following is substituted therefor:—

"**51.** The members of a Board shall be remunerated for their services as follows:—

"(*a*) to members other than the chairman, an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

"(*b*) to each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board."

Section 57 amended.

Relation of parties pending proceedings.

5. Section 57 of the said Act is amended as follows: by striking out of the third and fourth lines thereof the words "and in every case where a dispute has been referred to a Board" and substituting therefor the words "and in the event of such intended change resulting in a dispute;" by substituting the word "a" for the word "the" before the word "Board" in the fifth line thereof; and by striking out the words "nor the employees" in the sixth line thereof.

198.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1909-10

THE HOUSE OF COMMONS OF CANADA.

BILL 198.

An Act to amend the Industrial Disputes Investigation Act, 1907.

First reading, April 7, 1910.

MR. KING.

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Geddes
Reserve on Lyttelton matter
changes which this bill must effect

14.

6-7 EDWARD VII.

CHAP. 20.

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

[*Assented to 22nd March, 1907.*]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1907.* Short title.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires—

(*a*) "Minister" means the Minister of Labour; "Minister."

(*b*) "department" means the Department of Labour; "Department."

(*c*) "employer" means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works; "Employer."

(*d*) "employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; "Employee."

(*e*) "dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting "Dispute." "Industrial dispute."

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ing the general nature of the above definition, includes all matters relating to—

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof;

"Lockout." (*f*) "lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment;

"Board." (*h*) "board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed." (*k*) "prescribed" means prescribed by this Act, or by any rules or regulations made thereunder;

"Trade union." (*l*) "trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

Administration.

Minister of Labour to administer Act.

3. The Minister of Labour shall have the general administration of this Act.

Registrar.

4. The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

BOARDS OF CONCILIATION AND INVESTIGATION.

Constitution of Boards.

Reference of disputes to Boards of Conciliation and Investigation.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act: Provided, however, that, in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act.

Minister to appoint Boards on application.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

Members of Board.

7. Every Board shall consist of three members who shall be appointed by the Minister.

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

Procedure for appointment of members of Board.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

1. Each party to the dispute may, at the time of making

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application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

Notification to be given parties of members of Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the chairman thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister

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ister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

Statutory declaration to accompany application for appointment of Board.

"(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations."

Declaration by officers of trade union.

Signatures to application.

shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

(4)

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(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.

3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application, or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee.

16. The application and the declaration accompanying it— Signatures to application.

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

(4)

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(4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Application to be transmitted by registered letter.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the department shall be regarded as the date of the receipt of such application.

Party making application to transmit copy to other party to dispute.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Statement in reply to be made and sent to Registrar and to party making application.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

To whom communications transmitting copies of applications and replies between parties are to be sent.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

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Functions, Powers and Procedure of Boards.

Jurisdiction. At least ten employees to be affected by dispute.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do,

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its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

Report and recommendation to be made to the Minister in writing.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

Filing and distribution of report.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Publication of report.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Form of summons.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books, papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Documents not to be made public.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to

summons,

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summons, may be inspected by the Board, and also by such parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Parties may be compelled to be witnesses.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Allowance to witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking

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place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

Power to interrogate, examination of factories, &c. Inspection of work.

How parties may be represented before Board.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

Parties to be bound by acts of representatives.

40. Every party appearing by a representative shall be bound by the acts of such representative.

Counsel or solicitors excluded except by consent of parties and of Board.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Members of Board to be British subjects.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

Presence of parties.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Time and place of sittings of Board.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the chairman, after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

Proceedings to be public unless otherwise determined by Board.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatives, the officers of the Board and the witnesses under examination shall withdraw.

Majority of Board.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the

findings and recommendations of the majority of its members shall be those of the Board.

Quorum.

47. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

All members of Board to be present.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

Trivial matters.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Remuneration of members of Board.

owance members Board.

"**51.** The members of a Board shall be remunerated for their services as follows:—

"(*a*) to members other than the chairman, an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

"(*b*) to each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board."

(*b*) the chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedily as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

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findings and recommendations of the majority of its members shall be those of the Board.

Quorum.

47. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

All members of Board to be present.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

Trivial matters.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Allowance to members of Board.

51. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedily as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE HOUSE OF COMMONS OF CANADA.

BILL 198.

An Act to amend the Industrial Disputes Investigation Act, 1907.

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Acceptance of gratuities and perquisites by members an offence.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary travelling expenses of members allowed.

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board.

Payment of expenses of Board.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Minister. The chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

DUTIES OF THE REGISTRAR.

To receive and deal with applications.

55. It shall be the duty of the Registrar:—

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with

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necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act; relating to proceedings before Board.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder. Generally.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

Prohibition of strikes or lockouts prior to or pending reference to Board.

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

Relation of parties to remain unchanged pending proceedings before a Board.

57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours, ~~and in every case where a dispute has been referred to a Board~~, until the dispute has been finally dealt with by ~~the~~ Board, neither of the parties ~~nor the employees~~ affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

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and in the event of such intended change resulting in a dispute

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less

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than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Procedure for enforcing penalties.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV. of *The Criminal Code* relating to summary convictions.

SPECIAL PROVISIONS.

Recommendation of a Board binding in certain cases.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of provisions of this Act to any dispute on joint application of parties.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the

lockout or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

Courts not to recognize reports of or testimony before a Board, except in prosecutions for perjury.

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

Technicality not to invalidate proceedings.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

68. The Governor in Council may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

Expenses.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.

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6-7 EDWARD VII.

CHAP. 20.

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

[*Assented to 22nd March, 1907.*]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1907.* Short title.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires— "Minister." "Department."

(*a*) "Minister" means the Minister of Labour;

(*b*) "department" means the Department of Labour;

(*c*) "employer" means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works; "Employer."

(*d*) "employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies; "Employee."

(*e*) "dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting "Dispute." "Industrial dispute."

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ing the general nature of the above definition, includes all matters relating to—

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof;

"Lockout." (*f*) "lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

"Strike." (*g*) "strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment;

"Board." (*h*) "board" means a Board of Conciliation and Investigation established under the provisions of this Act;

"Application." (*i*) "application" means an application for the appointment of a Board under the provisions of this Act;

"Registrar." (*j*) "Registrar" means the Registrar of Boards of Conciliation and Investigation under this Act;

"Prescribed." (*k*) "prescribed" means prescribed by this Act, or by any rules or regulations made thereunder;

"Trade union." (*l*) "trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

Administration.

Minister of Labour to administer Act.

3. The Minister of Labour shall have the general administration of this Act.

Registrar.

4. The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

2. The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

BOARDS OF CONCILIATION AND INVESTIGATION.

Constitution of Boards.

Reference of disputes to Boards of Conciliation and Investigation.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act: Provided, however, that, in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act.

Minister to appoint Boards on application.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

Members of Board.

7. Every Board shall consist of three members who shall be appointed by the Minister.

2. Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

Procedure for appointment of members of Board.

8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

1. Each party to the dispute may, at the time of making

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application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

5. The third member shall be the Chairman of the Board.

Notification to be given parties of members of Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the chairman thereof, and such notification shall be final and conclusive for all purposes.

Term of office.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

Members not to have pecuniary interest.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

How vacancy to be filled.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

Oath of office and secrecy.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

Clerical and other assistance.

14. The department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Min-

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ister appears necessary for the efficient carrying out of the provisions of this Act.

Procedure for Reference of Disputes to Boards.

Manner in which application to be made.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

1. The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

2. The application shall be accompanied by—

(*a*) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

(3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) the efforts made by the parties themselves to adjust the dispute;

and—

(*b*) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.

3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

Signatures to application.

16. The application and the declaration accompanying it—

(1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) if made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

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(4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Application to be transmitted by registered letter.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the department shall be regarded as the date of the receipt of such application.

Party making application to transmit copy to other party to dispute.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Statement in reply to be made and sent to Registrar and to party making application.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

To whom communications transmitting copies of applications and replies between parties are to be sent.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

(1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) composed of employees some or all of whom are not members of a trade union,—

(*a*) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(*b*) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(*c*) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

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Functions, Powers and Procedure of Boards.

Jurisdiction. At least ten employees to be affected by dispute.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

Method of referring disputes to Board.

22. Upon the appointment of the Board the Registrar shall forward to the chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

Duties of Board.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

Where settlement effected, memorandum of same with report to be forwarded to Minister.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

Where settlement not effected Board to make report with recommendations.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Form in which recommendation shall be made.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do,

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its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

Report and recommendation to be made to the Minister in writing.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

Filing and distribution of report.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

Publication of report.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

Powers of Board to summon witnesses, compel testimony and produce testimony and production of documents.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

2. Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Form of summons.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books, papers or other documents or things in his possession or under his control in any way relating to the proceedings.

Documents not to be made public.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to

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summons, may be inspected by the Board, and also by such parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

Parties may be compelled to be witnesses.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Allowance to witnesses.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

Witnesses in railway disputes to be entitled to free transportation.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

Penalty for failing to obey summons.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Contempt of the Board.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

View by direction of Board.

38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking

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place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

Power to interrogate, examination of factories, &c. Inspection of work.

How parties may be represented before Board.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

Parties to be bound by acts of representatives.

40. Every party appearing by a representative shall be bound by the acts of such representative.

Counsel or solicitors excluded except by consent of parties and of Board.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

Members of Board to be British subjects.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

Presence of parties.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

Time and place of sittings of Board.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the chairman, after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

Proceedings to be public unless otherwise determined by Board.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatives, the officers of the Board and the witnesses under examination shall withdraw.

Majority of Board.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the

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findings and recommendations of the majority of its members shall be those of the Board.

Quorum.

47. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

All members of Board to be present.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

2. If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

Trivial matters.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

Allowance to members of Board.

51. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(*a*) to members other than the chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half-day's sittings of the Board;

(*b*) the chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(*c*) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedily as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

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Acceptance of gratuities and perquisites by members an offence.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Actual necessary travelling expenses of members allowed.

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board.

Payment of expenses of Board.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Minister. The chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

DUTIES OF THE REGISTRAR.

To receive and deal with applications.

55. It shall be the duty of the Registrar:—

(*a*) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

Assist in constituting Boards.

(*b*) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

Assist in giving effect to recommendations of Boards.

(*c*) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

Register particulars of proceedings before Boards and safeguard all documents relating to proceedings.

(*d*) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

Supply information and necessary forms

(*e*) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with

necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act; relating to proceedings before Board.

(*f*) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder. Generally.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

Prohibition of strikes or lockouts prior to or pending reference to Board.

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

Relation of parties to remain unchanged pending proceedings before a Board.

57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours; ~~and in every case where a dispute has been referred to a Board,~~ until the dispute has been finally dealt with by the Board, neither of the parties ~~nor the employees~~ affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

and in the event of such intended change resulting in a dispute (see sec 13?)

Penalty for causing lockout.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less

 than

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than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

Penalty for going on strike.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

Penalty for inciting to lockout or strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

Procedure for enforcing penalties.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV. of *The Criminal Code* relating to summary convictions.

SPECIAL PROVISIONS.

Recommendation of a Board binding in certain cases.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of provisions of this Act to any dispute on joint application of parties.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

2. Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

3. From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the

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lockout or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

Courts not to recognize reports of or testimony before a Board, except in prosecutions for perjury.

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

Technicality not to invalidate proceedings.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment of services under Act.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

Prosecutions under Act to be reported to Registrar.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Minister may make, alter and amend regulations.

68. The Governor in Council may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

Expenses.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

Report to Parliament.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

OTTAWA: Printed by SAMUEL EDWARD DAWSON, Law Printer to the King's most Excellent Majesty.

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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

Table showing Proceedings under Act from March 22, 1907, to March 31, 1910.

	Applications concerning disputes in mines and public utilities.									Applications concerning disputes in industries other than mines and public utilities	Total applications under Act.
	79									3	82
	Concerning mines and smelters		Concerning transportation and communication						Concerning civic employees	Disputes referred by consent of parties concerned under sec. 63 of I.D.I.Act, 1907	
	40		35						1	3	82
	coal mines	metalliferous mines	rail ways	street rail ways	long shore men	freight handlers	teamsters	sailors			
Strikes averted or ended	30	5	26	4	3	2	1	1	1	3	76
Strikes not averted or ended.	4	1	1	0	0	0	0	0	0	0	6

*At the close of the financial year results were still pending in connection with seven applications, viz:-(1) application made on behalf of the Alberta Coal Mining Company of Cardiff, Alta., and employees; (2) application made on behalf of conductors, baggagemen, brakemen and yardmen of the Toronto, Hamilton and Buffalo Railway Company; (3) application made on behalf of conductors, baggagemen, brakemen and yardmen of the Canadian Pacific Railway Company; (4) application made on behalf of conductors, baggagemen, brakemen and yardmen of the Grand Trunk Railway Company; (5) application made on behalf of the Syndicated Longshoremen of the Port of Montreal and various steamship companies navigating to Montreal; (6) application made on behalf of telegraph and station employees of the Grand Trunk Pacific Railway Company; and (7) application made on behalf of employees of the Dominion Atlantic Railway Company.

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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

Table showing Proceedings under Act from March 31, 1909, to March 31, 1910.

	Applications concerning disputes in mines and public utilities.								Applications concerning disputes in industries other than mines and public utilities.	Total applications under Act.
	29								1	30
	Concerning mines and smelters.		Concerning transportation and communication.					Concerning civic employees	Disputes referred by consent of parties concerned under sec.63 of I.D.I.Act 1907	
	11		17					1	1	30
	coal mines	metalliferous mines	rail ways	street rail ways	freight handlers	long shore men	teamsters			
* Strikes averted or ended	6	1	12	1	2	1	1	1	1	26
Strikes not averted or ended	3	1	0	0	0	0	0	0	0	4

* At the close of the financial year results were still pending in connection with seven applications, viz:-(1) application made on behalf of the Alberta Coal Mining Company of Cardiff, Alta., and employees; (2) application made on behalf of conductors, baggagemen, brakemen and yardmen of the Toronto, Hamilton and Buffalo Railway Company; (3) application made on behalf of conductors, baggagemen, brakemen and yardmen of the Canadian Pacific Railway Company; (4) application made on behalf of conductors, baggagemen, brakemen and yardmen of the Grand Trunk Railway Company; (5) application made on behalf of the Syndicated Longshoremen of the Port of Montreal and various steamship companies navigating to Montreal; (6) application made on behalf of telegraph and station employees of the Grand Trunk Pacific Railway Company; and (7) application made on behalf of employees of the Dominion Atlantic Railway Company.

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Memorandum to the Minister.

April 8, 1910.

Re proceedings under the Industrial Disputes Investigation Act, March 1907 - March 1910.

The proceedings under the Industrial Disputes Investigation Act, 1907, reported in the summary statement which has been furnished to you on the 6th instant, have been divided by years as follows, namely:

from March 22, 1907, to March 31, 1908	 35
from March 31, 1908, to March 31, 1909	 20
from March 31, 1909, to March 31, 1910	 27

In addition to the 27 applications received during the year ending March 31, 1910, proceedings have taken place also during this period in connection with three applications which were received during the previous year.

The total number of applications received under the Act during the three years was 82.

Gerald H. Brown

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Industrial Disputes Investigation Act 1907 - Statement of Proceedings, March 1907-November 1909

Applications concerning disputes in mines and public utilities	Applications concerning disputes in industries other than mines and public utilities	total applications under Act
77	3	80

	Concerning mines and smelters		Concerning transportation and communication					Civic Employees	Disputes referred by consent of parties concerned under Sec. 63 of I.D.I.Act 1907	
	43		33					1	3	
	coal mines	metalliferous mines	railways	street railways	longshoremen	teamsters	sailors			
Strikes averted or ended	34	4	23	4	3	1	1	1	3	74
Strikes not averted or ended	4	1	1	0	0	0	0	0	0	6

No. of applications - 80
No. of Boards granted - 69
No. of cases strikes averted, or direct-agreement - 74

6 not settled,-
Cumberland Railway Coal Company - 2
C.P.R. machinists - 1
Nicola Valley Coal Co. - 1
B.C.Copper Co. - 1
Dominion Coal Co. - 1

No. of workmen concerned in disputes settled - 57,000

The disputes dealt with by Boards to date over 92% have been distributed by industries as follows:

Coal mining	-	28
Metal mining	-	5
Railway employees (all branches)	-	24
Street railway employees	-	4
Longshoremen	-	3
Sailors	-	1
Civic Employees	-	1
Industries other than public utilities	-	3
		69

average loss of time = 24 days
228 000
114 000
1,368,000 days round 2½ a day
2736000
684000
3,420,000 ½ days

Coming profits at 10% on ord dollar
342,000 profits saved
3420,000
3,762,000 in wages-profits
besides consolidation produced
or services rendered = say 5,000,000
Coal-Co losses by loss time 57,000

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This Session - 09-10 C 10407

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INDUSTRIAL DISPUTES ACT—AMENDMENT.

Mr. MACDONELL moved for leave to introduce Bill (No. 23) to amend the Industrial Disputes Investigation Act, 1907. He said: This Bill is a copy of the Bill which I introduced towards the close of last session, and time was not afforded to reach a conclusion upon it. Its object is to amend the Industrial Disputes Act in several more or less important respects. First, it asks that the authority which the Act now requires to be obtained from a labour union desiring to strike, in the shape of a meeting, and the proceedings consequent thereon in the way of notice, be dispensed with. That is found expensive and cumbersome, and not conducive to the best working out of the Act. The next provision deals with the fees that are payable to the arbitrators. I have not inserted any fees here, leaving the amount to be considered by the government. At present the chairman receives a larger fee than the other members of the board, although he performs no greater service. The present fee is $15 per day. It is thought that a general charge of $25 per day for every member of the board would be reasonable, especially in view of the fact that most of the sittings are continued well on into the night. A further amount is proposed to section 57 of the Act, which provides that only investigations regarding intended changes in wages and hours of labour can take place. It is desired that these should be extended to any conditions affecting employment. Then, at present the onus of proceeding with an investigation does not rest on anybody. That is found to work hardship, and the provision of the Bill is that on those who set the Act in motion by giving notice of a desire or intention to effect a change in working conditions, shall rest the onus of proceeding with the appointment of the board of arbitrators, and that no change in the conditions shall take place after the notice is given. At present the conditions can be changed by either party up to the time the board is appointed. That is found to work hardship, certain interested parties taking advantage of the delay between the serving of the notice and the appointment of the board to change the conditions of labour. The spirit of the Act is that no change in the conditions of labour shall take place after the notice is once given, when the parties are at arms length and the issue is on.

Motion agreed to, and Bill read the first time.

Nov. 22, 1909

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UNREVISED EDITION

House of Commons Debates

FIRST SESSION—ELEVENTH PARLIAMENT

Vol. XLII. Tuesday, March 30, 1909. No. 49

Last Session

Mr. Macdonell's

Remarks in introducing Bill

INDUSTRIAL DISPUTES INVESTIGATION ACT AMENDMENT.

Mr. A. C. MACDONELL (South Toronto) moved for leave to introduce Bill (No. 113) to amend the Industrial Disputes Investigation Act, 1907.

Some hon. MEMBERS. Explain.

Mr. MACDONELL. The Bill which I have the honour to introduce is a short one. It seeks to remove some of the imperfections and inaccuracies of the Industrial Disputes Act, 1907, which have been revealed during the two years in which the Act has been in operation. The amendments are, very shortly as follows: The Bill seeks to amend section 15 of the Act which is a section dealing with the procedure for the reference of disputes to boards and the manner in which the application to the board must be made. The amendment seeks to put the men in the same position in regard to the notice as the employers are under the Act as at present. The Act as at present requires, in the case of the men making a demand for a board, that they shall have convened meetings and obtain authority to enable their officers to say that a strike has been decided upon in the absence of their demands being acceded to. This amendment seeks to make it unnecessary to hold these meetings for the purpose of authorizing the officers to make the necessary declaration. It is reported that a very great deal of time is wasted and that in certain cases thousands of dollars are unnecessarily expended by the men being convened and holding these meetings at which the required authoriy is obtained. The amendment seeks to put the men on the same basis as the employers in that regard. The second amendment is simply desired to increase the compensation awarded to the members of a board of conciliation. It has been manifest during the reference of disputes to boards which have taken place under the Act that the board sits sometimes almost day and night continuously. It sits well into the night in order to accomplish a settlement, and the amendment proposes to increase the compensation from $15 to $25 a day and to put all the members of the board on an equality with regard to compensation. The chairman now receives $5 more than the other members. As all the members of the board perform practically equal service and as they all sit the same lengh of time it is believed that the compensation shall be identical. Then, the Bill seeks to amend

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section 57 of the Act in some important respects.

That section is the section requiring the condition of the parties to remain unchanged pending proceedings before the board, and it also requires that employers and employees shall give at least 30 days notice of an intended change respecting conditions of employment in the matter of wages or hours. It is confined to disputes arising in connection with wages or hours, but the Bill extends so as to make it include any intended change with respect to any condition of employment. If this amendment carries, the notice will not only require to be given with respect to changes desired by either party with respect to wages or hours, but also as to any other condition of employment; it being felt that many others of the conditions of employment are just as important to the parties concerned. Section 57 is also sought to be amended by compelling the party who gives the notice to apply for a board of conciliation in the event of the other party not accepting the contemplated change, so that whether either employer or employee seeks to alter existing conditions of labour by making some change and gives notice to that effect, if the other party does not acquiesce then the onus of obtaining the board is on the party who seeks to make the change and has given notice. As the law at present stands it permits either party to do that and it has not been found that it works altogether equitably. I think myself that the onus, as in the case of every other dispute, should be cast upon the party who gives notice of the change. Then again section 57 says that where a dispute has been referred to a board, until the dispute has been finally dealt with by the board neither the employers nor the employees affected shall alter the conditions existing with respect to wages and so forth. The change contemplated by the Bill is intended to prevent a change in the conditions of labour taking place at any time after the giving of the notice. At present the section permits the employer or employee to change the conditions after the notice has been given and before the board has been appointed. The parties are practically at issue when the notice has been given and it is felt by many that after notice has been given and when the parties are practically at issue, no change in the conditions should be permitted until the dispute is dealt with and disposed of by the board. At present changes can take place at any time before the board is constituted, but this amendment will cover the whole period of time and prevent any change in the conditions of labour taking place between the initiation of the notice and the final disposition by the board.

Mr. MACDONELL.

Mr. FIELDING. As the hon. gentleman read his Bill I would be inclined to think it comes within the prohibition respecting money Bills. I understood the hon. gentleman to say it would increase certain allowances and expenditures. We can see as to that before the Bill reaches a further stage and I do not wish to press the point now.

Mr. MACDONELL. The minister is quite right with regard to one section of the Bill.

Motion agreed to, and Bill read the first time.

INDUSTRIAL DISPUTES' ACT.

Mr. A. C. MACDONELL. Before the orders of the day are called, might I ask the Right Hon. the Prime Minister if an opportunity will be afforded the House to consider item No. 51 in the Public Building Orders? It is a Bill introduced by me to amend the Industrial Disputes' Act. From present appearances, I can scarcely hope that the Bill will be reached this session. The matter is one of public importance to a very large number of people, and I would ask the government to put it on the government orders or to afford an opportunity for considering it.

Rt. Hon. Sir WILFRID LAURIER. I am sorry I can make no promise. We have several important matters, each of which will have to take its turn.

April 21, 1909

Bill did not again appear during 1908-09

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A:M April 6, 1910.

Re Penalties imposed
by Criminal Code

Memorandum to the Minister:

Mr. Gisborne sends me the following written statement on this point:

"In reply to your verbal enquiry, I may state that the section of the Criminal Code (R.S.C.1906 chap.146) providing a punishment for an offense for which no special punishment is provided is 1052 - in the case of indictable offenses five years imprisonment, in summary convictions a penalty not exceeding $50.00 or imprisonment with or without hard labour not exceeding six months or both. Under section 1035 a fine may be inflicted in addition or in lieu of the five years imprisonment. The five years is of course only the maximum penalty; the court may award less.

"Section 164 of the Criminal Code provides a penalty of imprisonment for one year for anyone guilty of disobeying an Act of the Parliament of Canada without lawful excuse where no other penalty is provided. Section 1035 would also apply to this.

"It is this section 164 that I discussed with your Minister. It is of very wide application. I would suggest that a typewritten copy of Sections 164 and 1035 be supplied your Minister as part of his brief on the bill. I do not think I can add anything that would be of any assistance."

// The sections mentioned, 164 and 1035, are as follows:

164. Every one is guilty of an indictable offence and liable to one year's imprisonment who, without lawful excuse disobeys any Act of the Parliament of Canada or of any legislature in

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Canada by wilfully doing any act which it forbids, or omitting to do any act which it requires to be done, unless some penalty or other mode of punishment is expressly provided by law. 55-56 V., c.29, s.139.

1035. Any person convicted by any magistrate under Part XVI. or by any court of an indictable offence punishable with imprisonment for five years or less may be fined in addition to, or in lieu of any punishment otherwise authorized, in which case the sentence may direct that in default of payment of his fine the person so convicted shall be imprisoned until such fine is paid, or for a period not exceeding five years, to commence at the end of the term of imprisonment awarded by the sentence, or forthwith as the case may require.

2. Any person convicted of an indictable offence punishable with imprisonment for more than five years may be fined, in addition to, but not in lieu of, any punishment otherwise ordered, and in such case, also, the sentence may in like manner direct imprisonment in default of payment of any fine imposed. 63-64 V.,c.46, s.3.

F. A. Acland

Deputy Minister.

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Memorandum re methods of settlement
by railroad organizations.

Mr. Calvin Lawrence, legislative agent of the Brotherhood of Locomotive Engineers, states that in the case of this organization the method followed in negotiating with the management of a railway for the removal of a grievance is as follows: The grievance is first taken up in each lodge. The number of lodges depends upon the extent of the railway. In the case of the Michigan Central there are five lodges; four in the United States and one in Canada. In railways with more mileage there is a correspondingly large number of lodges. A delegate is elected from each of these lodges, constituting what is called a general committee, or sometimes known as a joint protective board. The grievance having been discussed in the lodge and approved, it is turned over to be dealt with by the delegate of the lodge concerned, to be submitted to the general committee constituted in the manner described. If the general committee is convinced that the matter under discussion is one proper for negotiation it is carried before the head of the locomotive department, the superintendent of motive power and equipment. The general committee waits on this official in a body, the Chairman usually acting as spokesman. If the grievance in question is a matter

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relating to wages this official usually refers ~~the grievance~~ *it* to the general superintendent of the Company. The general committee arranges a meeting with the general superintendent and waits on him in a body, as in the case of the official previously waited on. When the general committee waits on the general superintendent the latter has with him representatives of all the master mechanics and divisional superintendents, or as many of such officers as represent divisions affected by the dispute. If the grievance which is the subject of negotiation is not arranged between the general superintendent and the general committee, the general committee of the employees carries it to the general manager and failing a settlement here in some cases it is carried to the President of the road.

The process of negotiation is practically the same in all the large railway orders, with the exception that in the case of the trainmen's organization and the conductors' organization the grievance is taken straight to the general superintendent of the road and not to the superintendent of motive power. When all negotiations for a settlement have failed recourse would be had in Canada to the Industrial Disputes Investigation Act. In the event of the dispute not being settled before a Board of Conciliation and Investigation, and of the employees not accepting the findings and desiring to strike rather than accept the conditions offered, it would be necessary for the lodges concerned to instruct their

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respective delegates to the general committee as to their views. The general committee, if it so desires, would then represent the situation to the international head of the order, stating that it was the desire of the employees concerned, as expressed through the lodges, to take a vote on the question of the strike. The chief of the order would come in person or by delegate to investigate the matter and would be in a position to give the general committee the right to take a strike vote. The strike vote would then be taken by certain members of the committee or others on their behalf throughout the length of the road, the members distributing ballots and collecting the same, after the question of the strike has been voted on. The distribution and collection of ballots is never done by mail, the balloting being secret, and hence arises the heavy expenditure of the same, the amount varying necessarily in proportion to the length of the road affected and the number of lodges comprised in the organization, and reaching in many cases from $3,000 to $4,000. Members of the committee are paid while in session, or on business of this nature, at the rate of $7.00 per day, this involving the bulk of the expenditure.

March 11/10.

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Since the above was dictated Mr. W.J.Dowell, legislative representative of the Brotherhood of Locomotive Firemen and Enginemen, has called up the Department , and states the method outlined is precisely that followed in the case of his organization.

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MEMORANDUM

April 8, 1910.

On Wednesday morning, the 6th instant, Mr.J.G.O'Donoghue, Parliamentary Solicitor of the Trades and Labour Congress, Mr.Glockling, President of the Congress, and Messrs. [redacted] and ——— members of the Executive, waited on the Minister to discuss the proposed amendments to the Industrial Disputes Investigation Act. The deputation submitted a typewritten memorandum regarding the same. The effect of the discussion went to show that the members of the deputation were fully satisfied with the amendments proposed to meet the requirements of railway workers, those, namely, to Sections 15 and 16 of the Act. Some criticism was directed to the phrase "and so recognized by the employer" occurring in the proposed amendment to Section 15, but no serious objection was taken to this. The arguments of the deputation, apart from the remarks of Mr.O'Donoghue, appeared to rest mainly on the assumption that the amendments proposed to substitute certain machinery for bringing a Board into existence for the machinery now comprised in the Act, Mr. Glockling particularly not appearing to realize that all powers now conferred under the provisions of the Act remain, the proposed

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amendments simply providing an alternative which may be adopted in certain cases. When the Minister had made this clear to the deputation, no further criticism was offered on this point. Speaking generally regarding the amendments proposed to meet the railway workers' views, Mr. O'Donoghue remarked that if the railway men were satisfied, as he understood them to be, certainly he and the other representatives of the Trades and Labour Congress were satisfied.

The feature of the amendments principally objected to was the failure to amend Section 57 of the Act so that the thirty days' notice now required in the case of changes in wages and hours should be made applicable to conditions of employment. Mr.Glockling and Mr.O'Donoghue and the other members of the deputation argued quite strongly in favour of this view, and the Minister stated his inability to concede it, taking the ground that the great majority of all disputes that really mattered were contained within the matters relating in some form or other to wages and hours. Some members of the deputation, on the other hand, insisted that there might well be very serious disputes which related simply to conditions

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of labour. Mr.O'Donoghue finally agreed that in perhaps the great majority of cases, the wages question might be said to enter in one form or another. "At any rate", Mr.O'Donoghue remarked, "we can say that we have asked for this further amendment and the Minister has been unable to see his way to granting it. What we have got is in the meantime a decided step in advance, and we must be content with that for the present".

With regard to the further amendment asked by the deputation to Section 57, specifying the penalty to be imposed in the case of infringements, the Minister pointed out that although no penalty was precisely named in the Act as it now stands, he had had a definite statement from the Justice Department showing that where no specific penalty is covered, the General Interpretation Act as applied to the Criminal Code itself indicates the penalty that may be imposed. He thought this general clause sufficiently covered the present case and that it would be undesirable to stir up discussion in the House on this point. Mr.O'Donoghue was not quite sure that the general penalty would be applied

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in such a case, but agreed that the point at the present stage of the session was not desirable to be pressed upon the House and that the debate on the subject would be on the whole a disadvantage.

The deputation left, expressing the view that on the whole they had reason to be satisfied with the amendments proposed.

Deputy Minister.

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Re Sec.4. - This amendment appears reasonable upon one condition, namely, that the word "or" should be inserted in line 3 of the Act between the words "employment" and "with"; and that the words "with respect to" in line 7 of the Act should be struck out and the words "or the " inserted instead.

Disputes most frequently arise over

(a) Wages and hours.

(b) Conditions of employment.

The Act as it stands, and as it would stand, with the amendments proposed by the Minister, would only provide for disputes over "wages and hours." The "conditions of employment" are just as important.

The Act should be further amended by adding to Sec.57 the following:- "Any violation hereof shall constitute an offence, and the guilty party shall be subject, if an employer, to the penalty imposed by S.58 of this Act, and, if an employee, to that imposed by S.59 of this Act."

The section would then read as follows:-

57. " Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment or with respect to wages or hours; and in the event of such intended change resulting in a dispute, until the dispute has been finally dealt with by a Board, neither of the parties affected shall alter the conditions of employment or the wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other

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provision of this Act for the purpose of unjus tly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section. Any violation hereof shall constitute an offence, and the guilty party shall be subject, if an employer, to the penalty imposed by S.58 of this Act, and, if an employee, to that imposed by S.59 of this Act."

Sec.13 of the Act should be amended as follows :

By inserting after the word " peace" in the third line "or any one entitled to administer an oath or affirmation."

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45.

MEMORANDUM.

Re proposed amendments to Lemieux Act - by the Honorable the Minister of Labor.

Re Sec.1 . - Re the following words in lines 13 and 14 - "or where a dispute directly affects employees in more than one province."

This, in the case of railway employees on roads like the Ontario Road, the Temiskaming, the Kingston & Pembroke and other like roads, would involve all the cumbersome procedure and cost that led to the application for amendment in the first place.

Re the following words in line 17 - "and so recognized by the employer."

In nearly every case the employer refuses to deal with any except his own employees, and these do not as a rule constitute the "general committee."

I suggest dropping the following words in lines 13 and 14 : "a dispute directly affects employees in more than one province and."

A nd the following words in line 17 : "and so recognized by the employer."

Re Sec.2. - For the same reasons the following words should be struck out of lines 28 and 29 : "a dispute directly affects employees in more than one province and."

Re Sec.3 is all right.

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Memorandum re I.D.I.A. amendments.

As stated on the occasion of the introduction of the present measure it is not proposed at the present time to make any change in the principle or general features of the Industrial Disputes Investigation Act, but simply to modify the procedure in two or three respects where there is reason to believe it has pressed with some severity on certain classes; also, as already stated, to increase slightly the remuneration of members of the Board other than the Chairman.

Important variations from Mr. MacDonald's Bill

The amendments affected by the present Bill have been the subject of frequent representations to the Minister of Labour, and the Honourable Member for South Toronto has twice introduced a measure in which it has been sought to legislate on these points. The procedure suggested in the Bills introduced by the Honourable Member for South Toronto shows naturally a lack of intimate acquaintance with the administration of the Act, and is such as would seriously interfere with the effective working of the measure. The Honourable Member's Bills have each differed from the proposed measure in some important respects.

Features of present Bill

The present Bill has three features, namely, (1) to relieve employees under certain circumstances from the necessity of stating on oath that the necessary authority to declare a strike

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has been obtained; (2) to place the onus of invoking the Act on the party proposing a change in wages or hours where any such proposed change results in a dispute, this being effected by providing that no such change shall become operative until it has been finally dealt with by a Board, and (3) to increase slightly the remuneration payable to members of the Board other than Chairmen.

Railwaymen's deputation to [redacted] Lemieux session 1908-9

The amendments are substantially identical with those urged on the then Minister of Labour during the session of 1908-9 by an important deputation representing jointly the Trades and Labour Congress, the Brotherhood of Locomotive Engineers and Firemen and other important railway organizations. Mr. Alphonse Verville M.P., at that time President of the Trades and Labour Congress, and Mr. J.G.O'Donoghue, Parliamentary solicitor for the Trades and Labour Congress, accompanied the deputation, which included also Mr. Calvin Lawrence, the legislative representative of the Brotherhood of Locomotive Engineers and Firemen, Mr. J. Harvey Hall, who at that time represented the Brotherhood of Telegraphers, and other prominent representatives of leading railway organizations.

Railwaymen's special grievance in matter of sworn statement

The points most strongly urged on this occasion were that the requirement from the employees of the sworn statement that the necessary authority to declare a strike had been obtained was the occasion in some cases of considerable expense. Railway men, it was alleged, were particularly affected and required relief. The special reason for the grievance in their case lay in the fact that railway men concerned in a dispute may frequently be stretched along

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a transcontinental line of 3,000 or 4,000 miles and the work of securing a strike vote under such circumstances is carried on only with much expenditure of time, labour and money. The Minister of Labour of that date, the Honourable Rodolphe Lemieux, requested that a written statement might be submitted, setting forth the reasons for the proposed change and indicating in some detail the expenditure necessitated by the present procedure, which it was desired to obviate.

Cost to railwaymen under present system

Subsequently on behalf of the deputation a statement was submittedby the parliamentary solicitor of the Trades and Labour Congress, alleging that the amendments were proposed with a view to making the procedure for reference of disputes less costly and set forth the following as a statement of the expenditure which the present method of procedure had entailed on the Brotherhood of Locomotive Firemen and Enginemen in the case of a reference under the Act:-

The Joint Protective Board of the Brotherhood, numbering thirty members paid at the rate of $7.00 per day had to be called in, requiring men to come from the East and West of Canada, necessitating expenditure as follows:

Convening Board, 5 days at $210.00 per day	$1050.00
In session 2 days at $210.00 per day.....	420.00
Out on line getting vote, 7 days at $210. day.....	1470.00
Printing, postage and telegrams.....	487.00
	$3427.00

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Railwaymen's deputation to Mr. King, Nov. 9,1909.

On November 9, 1909, a deputation representing the Brotherhood of Railway Trainmen waited on the Minister of Labour, being introduced by Mr. Ralph Smith, M.P., and suggesting amendments covering the changes now proposed to be made in sections 15 and 16. The spokesman of the railway men on this occasion was Mr. James Murdock, Vice President of the Brotherhood of Railway Trainmen, and a resident of Toronto. Mr. Murdock said it was not the wish of the deputation to depreciate in any way the value of the Act. The members of the deputation realized that the measure had been productive of great good in many ways and they realized, moreover, that it was an Act that was destined to remain on the Statutes of Canada. They believed, however, that in some ways a certain provision contained in the Statute handicapped such an organization as that which the deputation represented. This organization numbered no less than 8,600 men in Canada, extending from Victoria, B.C., to Sydney, C.B. On the C.P.R. line there were no less than 2,200 members. Such a vote as that called for by the Act would cost the Brotherhood on the C.P.R.line not less thsn $4,000, the branches being scattered from one end of the country to the other, and it being necessary to take a vote of each of the several local unions.

This deputation included representatives from Ottawa, Windsor, Toronto, Depot Harbor, Fort William, Port Arthur, Havelock and Lindsay, all in Ontario; from Sherbrooke, Montreal and Quebec

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in the Province of Quebec; Vancouver, B.C.; Calgary and Medicine Hat in Alberta; Moose Jaw, Saskatchewan; Brandon, Manitoba; Moncton and St.John in New Brunswick; and Halifax and Glace Bay in Nova Scotia.

On May 18, 1909, also Mr. Calvin Lawrence and Mr. Harvey Hall, the former in the capacity of legislative agent of the Brotherhood of Locomotive Engineers and Firemen, the latter as representing the Brotherhood of Railroad Telegraphers, had called to submit their views as to the desirability of amendments of the character outlined to Mr. W.L.Mackenzie King M.P., who had then recently returned from his mission to the East. On this occasion the same representations as previously were made as to the desirability of amendments to the Act in the respects indicated.

In September 1909 the Trades and Labour Congress, meeting at Quebec, passed a resolution requesting an amendment of the Act largely on the lines of the present Bill, though the procedure suggested was not identical with that which is now proposed, and was, it is believed, less effective than that in the measure presented to the House.

The amendment as to onus of application

With regard to the amendment by which it is sought to place the onus of calling for ~~an application~~ a Board on the party proposing charges in wages or hours, where such changes are not acceptable

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to the other side, instead of leaving the onus as at present on the party affected by the charges, the point is met by providing that in addition to the present requirement that 30 days' notice of any such change shall be given, no such change shall go into effect until any dispute growing out of the proposals has been dealt with by a Board. This has the effect of placing the onus of making the application for a Board on the party proposing a change, the alternative being the abandonment of the intended charges.

Modification of section 15 as to employers' procedure

This change in procedure has necessitated a further modification of section 15, which will be noted enclosed in parenthesis in the first section of the present bill. Under the law as it now stands the employer, when submitting an application, must, as in the case of employees, include in his sworn declaration the statement that the necessary authority to declare a lockout or strike has been obtained. By the amendment now proposed, when a change in wages or conditions is proposed by an employer, the onus will fall upon the employer of making the application. It is obvious that the employer will not usually be prepared to state that a lockout is likdy to occur and on the other hand he will seldom be in a position to state that the necessary authority to declare a strike has been obtained. The employer, therefore, when making application on account of an intended change proposed by himself as to wages or hours, is relieved of the necessity of making this statement.

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Injustice of present situation as to onus of application

The existing condition as to the onus of the application is claimed to be unjust to the men and it is conceivable that under certain circumstances it might also be unjust to the employer. The only onus, so far as I am aware, where any definite grievance as an outcome has been stated, is in that of the dispute between the Canadian Pacific Railway Company and its mechanics in the summer of 1908. In this case the Company proposed a new schedule, and the men, being unwilling to accept changes and being unable to reach an adjustment with the Company by means of the customary negotiations, were compelled to call for a Board of Conciliation and Investigation. The findings of the Board were not accepted by the men and a strike followed, during the course of which the criticism was frequently seen in the newspapers that the employees, having called for a Board, should have been morally bound to accept the findings and recommendations thereof. As to this, it is of course the intention of the Act that the efforts of the Board should be devoted to the adjustment of the dispute referred to it, and it is highly desirable that where an actual adjustment is not effected, the findings of the Board should be accepted by both parties, but there is no ground for the assertion that the party calling for the Board is, any more than the other party, bound morally to accept the findings, and any criticism suggesting this is based on an imperfect study and appreciation of the Act. The men concerned in the case cited, however, felt the criticism as

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being a genuine grievance and it has been thought desirable to take this opportunity of removing the occasion. There can be at least no grievance to either party in the condition created by the change. In the vast majority of cases the application is received from the employees and the present amendment will not apply. I am not aware of any case, other than the one cited, in the eighty odd applications received in the Department, where the amendment would have affected the procedure that actually occurred. There is no other case in which it has been made clear to the Department that the dispute has arisen from changes proposed by the employer and unacceptable to the men. This grievance, it may be added, so far as it exists, is of course common to all industries to which the Act applies and the amendment applies equally to them all.

Change of attitude towards Act on part of railway employees

It is interesting in this connection to note the general change of attitude towards the Act on the part of railway employees. On January 29, 1908, a meeting was held at the Grand Union Hotel composed of representatives of the Brotherhood of Locomotive Engineers, the Order of Railroad Conductors, the Brotherhood of Railway Trainmen, the Order of Railroad Telegraphers and the Brotherhood of Locomotive Firemen and Enginemen, at which the following resolution was passed:

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Whereas, this Body having carefully considered the application of the Industrial Disputes and Investigation Act of 1907, with due regard to its operation in each case where it has been invoked in the disputes of Railway Employees, and

Whereas, it is the opinion of this body that no benefit has been derived therefrom that could not have been obtained by our well established methods of negotiating with the Railway Managements, or through the operation of the Industrial Disputes Investigation Act 1908, and that on the contrary the operation of the Act has in many instances tended to disturb the harmonious relationship existing between the Railway Managements and the employees, and has further been a disadvantage in some cases, therefore be it

Resolved that this joint Committee representing the membership of the above named organizations, and voicing their expressed opinion and wishes, hereby instruct our Legislative Representatives to inform the Honourable the Minister of Labor that we are still unable to endorse the said Act, and that the Government be respectfully requested to exempt the Railway employees herein represented from its operation.

This resolution was signed by Mr.Calvin Lawrence as Chairman and Mr. D. Campbell as Secretary. Mr. Calvin Lawrence was at the time a member of the joint committee of the Brotherhood of Locomotive Engineers; he is now the legislative representative ofmthe same organization. Mr. D. Campbell, who signed as Secretary of the meeting, passing the resolution, was then as he is now third Vice President of the Order of Railroad Telegraphers. A copy of the resolution was forwarded by Mr. J. Harvey Hall to the then Minister of Labour on February 13, 1908, Mr. Hall signing the covering communication as legislative representative of the Brotherhood of Locomotive Engineers, the Order of Railroad Conductors, the Brotherhood of Railway Trainmen and the Order of Railroad

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Telegraphers; and Mr. W.A.Dowell, signing as acting legislative representative of the Brotherhood of Locomotive Firemen and Enginemen. To what extent the sentiments of the gentlemen associated with this resolution have been changed is best shown by letters received during the past few days by the Minister, in which in several instances the same gentlemen heartily endorse the amendments to the Act proposed in the present Bill, and cordially accept the principle of the whole measure as amended.

Effect of proposed change

The Act in its original shape required that after the dispute had been submitted to a Board no change could be made by either party with respect to conditions of wages or hours until the dispute had been finally dealt with. This prohibition is not of course affected by the present amendment, but is made positive and certain, with regard to any such proposed change, instead of being left conditional on the reference of the dispute to a Board. It is desirable to add, however, that during the operation of the Act only one instance has been brought to the attention of the Department, where it has been alleged that any change in conditions has been made or has been ~~effected~~ amended during the progress of an inquiry. Such an allegation was made by the employees in the case already cited, that namely of the dispute between the C .P.R. and its machinists in 1908. The Department explained the procedure necessary, but nothing further was heard of the matter.

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Objections to extending prohibition to all changes

There have been representations that the prohibitions proposed under this section as to wages and hours should be extended to all conditions of labour, and in the Bill introduced by the Honourable Member for South Toronto provision was made to accomplish this, but it has not been deemed desirable to include in the present Bill any provision to this end. It is believed that no change of real importance can be proposed which does not affect either wages or hours or both, and it has not been deemed prudent to handicap either employer or employees by applying the same restrictions, therefore, to changes of minor importance. Should such changes, nevertheless, result in a dispute which cannot be adjusted by ordinary negotiations, the parties concerned may still avail themselves of the general machinery of the Act and secure an enquiry before a Board. Changes affecting such points as the use of lights in a coal mine, as to the wearing, say, of a particular uniform by railway conductors or street railway conductors, as to the method of presenting or discussing grievances, as to the question of apprenticeship, and as to many other such matters, important in themselves, though not as a rule vital in their character are unlikely to offer serious difficulty in adjustment; on the other hand it may easily happen that in some of these matters there would be injustice to one side or the other in surrounding the proposed change of conditions with these delays or restrictions.

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General effectiveness of Act

As to the general effectiveness of the Act it is no doubt demonstrated best of all by the result of the various references under its provisions. These may be briefly stated as follows:

Total number of applications received in Department down to March 31, 1910.....82

Cases in which a strike has been averted or a direct agreement affected.....76

Number of Boards granted in all.....71

Cases in which the threatened strike has not been averted..... 6

(5 of the above cases relate to disputes in coal mines, and the sixth was that of the C.P.R. and its machinists. Of the six cases four concerned directly the question of Union recognition and in the two other cases this question was indirectly involved. The cases settled were distributed as follows among the various industries coming within the scope of the Act:

coal mining	-	29
metal mining	-	6
railway employees, all branches	-	24
street railways	-	4
longshoremen	-	3
sailors	-	1
industries other than public utilities	-	3
		70

At the close of the year there were in existence eight Boards which had not reported, or in some cases completed - the enquiries referred to them. Five related to railway disputes, three concerned the grievances of the trainmen of the C.P.R., G.T.R.,

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and T.H. & B.; a fourth related to the differences between the G.T.P.. and its station agents and a fifth to the dispute between the Canada Atlantic Railway and its employees; a sixth dispute related to the Alberta Coal Mining Company and its employees, a seventh to the British Columbia Copper Company and its employees, and the eighth to the differences between the Montreal Shipping Companies and longshoremen.

Reports have since been received in the case of the two last mentioned Boards, and it is worth quoting in the case of the Coal Mining Company the view expressed by the manager as to the virtue of the Act as an agency of conciliation. Writing under date of April 9 to the Department Mr. G.S.Montgomery, manager of the Alberta Coal Mining Company, stated:

> "In reply to yours of April 2nd will say that I am in receipt of the findings of the Board of Conciliation and Investigation in the matter of the Alberta Coal Mining Company Ltd. and its employees; and there is nothing in the findings of the Board but what this Company can and will comply with. The differences between the parties were caused by misunderstandings, and were exaggerated by outside parties, and as far as the management of the mine is concerned there will be no further trouble.
>
> "We are pleased to be able to refer differences to such a Board as is established under the law, for without this recourse there would have been either a strike or a lockout and the mine would have been idle during the busy portion of the year."

In the case of the British Columbia Copper Company also a strike which was imminent in December, but as appeared from a letter then addressed by the men to the Company, has been

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successfully averted.

Cases where Act has been ignored

There have been in the meantime not a few cases where strikes have taken place in industries falling directly within the scope of the Act without any reference under the terms of the Act and entirely contrary to its spirit. The most notable instances have been those in which western coal miners have figured. Early in April, 1907, immediately after the enactment of the Act the employees of various coal companies in eastern British Columbia and southern Alberta ceased work and remained idle for several weeks. The differences were finally adjusted by the efforts of the then Deputy Minister of Labour. Perhaps it is hardly fair to count this difficulty as among those in which the Act was ignored, seeing that the parties respectively concerned had hardly had the opportunity of becoming familiar with the provisions of the new legislation. The employees of many of these same companies, not, however, including those of the Crow's Nest Pass Coal Company, were again on strike from the beginning of April until the end of June in 1909. The strike commenced before the dispute to which it related had been investigated, but later, on application of the employees, a Board was established and the dispute was ultimately settled closely on the lines recommended in the Board's report.

Coal miners in Nova Scotia have in two or three instances ceased work without regard to the provisions of the Act, but

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usually in such cases the strike has been nominal only and has been short lived. All, however, have been noted in the records compiled in the Department.

The metal miners of Cobalt, Ont., ceased work in the summer of 1907 without regard to the provisions of the Act and remained on strike for several weeks. Neither side invoked the provisions of the Act and the strike gradually dwindled until it became ineffective, the various Companies concerned making each its own arrangement with the men concerned.

Longshoremen and freight handlers have on several occasions ceased work without regard to the provisions of the Act. The most important of these was that occurring at Montreal in May, 1907. Here again the men involved were unaware of the nature of the Act, which had been but shortly before enacted. The men here returned to work at the end of one week and an inquiry taken place before a Board resulted in a settlement which, with a trifling modification, has remained good until the present time, when the conditions are again in course of adjustment before a Board. Strikes of longshoremen have occurred also at Halifax, St.John, Windsor, Vancouver and Hamilton. With regard to the first named of these, that at Halifax, (May 26, 1907), both parties declared themselves entirely ignorant of the nature of the Canadian Act,

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and admitted that had they been aware of the existence of the measure the strike would not have occurred. In the other casex instanced above the strikes were invariably short lived.

Strikes of freight handlers contrary to provisions of the Act have occurred at Port Arthur, Fort William, Halifax,(twice), Owen Sound, Depot Harbour, Windsor and Fort William. All were short lived, and in several cases were closed by a reference of the dispute under the terms of the Industrial Disputes Investigation Act. The dispute occurring at Fort William in August, 1909, was adjusted before a Board of Conciliation and Investigation, the men returning to work at the end of a few days' strike, and declaring in their application for a Board that had they been aware of the existence of such a measure as the Industrial Disputes Investigation Act there would have been no strike. It is only fair to state that in this last case the great majority of the men concerned were foreigners not speaking English, and not long in the country.

Strikes of teamsters without regard to the provisions of the Act have occurred at Montreal, (twice) Ottawa and Hamilton. None lasted more than a few days.

One strike of telegraphers contrary to the provisions of the Act has occurred, that namely of the employees of the Great North Western Telegraph Company at Quebec, Montreal, Toronto and Winnipeg, to the number of 75, in August 1907.

Details of strikes contrary to provisions of the Act are contained in the attached statement.

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The Act in other lands

If imitation is the sincerest form of flattery the Act has been greatly flattered by the manner in which it has been imitated in different parts of the world, as also by the extraordinary degree of attention it is receiving from foreign countries. Inquiries reach the Department daily from different parts of the world for the fullest information as to the operation of this Act, showing on the one hand how universal is the trouble to which it relates and how ineffectively the trouble has been dealt with from a legislative point of view in most countries. The Act has been for the last year or two a favorite subject of debate in high schools and colleges, in the United States perhaps to a larger degree than in the Dominion, and innumerable have been the requests received in the Department for information showing the exact procedure and the degree of success or failure achieved under the Act. Similar inquiries have been received from State officials all over the United States and from many foreign countries. It is doubtful if any Canadian Act has ever before been scanned with such intensity and has, on the whole, received such general eulogy. The Minister and the Deputy Minister have been again and again requested to furnish papers discussing the work of the Act, though circumstances have seldom permitted compliance with such requests.

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At the present moment an Act embodying the principles of the Canadian measure and modelled closely on its lines is before the legislature of Massachusetts and an active discussion on the Bill has taken place in the United States press.

American press comments

The Springfield Republican, for instance, after outlining the general character of the measure, remarks "this plan has proved very effective as applied to public service industries in Canada. It has, as our news columns have already stated, reduced to an almost insignificant total the number of disputes which have been carried on beyond and against the report of a public arbitration board. It would undoubtedly prove effective if applied generally in this State; and if we could succeed in obtaining an arbitration or investigating board, whose personnel commands general confidence , the effectiveness of the plan would be greatly enhanced".

The New York Sun discussing the measure closes an article in which the measure is carefully summarized with the following somewhat skeptical comment "does it follow that because the Canadian law has worked well in its limited sphere a comprehensive law, as proposed by Mr. Luce (the author of the Massachusetts measure) would realize his hopes in Massachusetts, where laws are less observed and the police power is less respected and feared than in Canada?" It is worthy of note that the only ground urged for skepticism as to the applicability of the principle of compulsory investigation in the

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United States involves the payment to the people of Canada of the high compliment of being a law abiding and orderly people.

Mr. Weinstock's report

In the State of California also the principle of the Canadian Act has been endorsed in an elaborate report presented to the Governor by Mr. Harris Weinstock, a special labour commissioner who was commissioned to investigate the labour laws and labour conditions of foreign countries generally in relation to strikes and lockouts. Mr. Weinstock's report, which is an able document of over 150 printed pages, setting forth concisely the laws on this subject in all civilized communities, strongly recommends legislation on the same lines as the Canadian Act and contains the draft of a measure closely approximating the Canadian Act. The closing sentences of Mr. Weinstock's report are worthy of quotation.

> "It is generally conceded", he says, "that public opinion is a most important factor in the settlement of labor disputes, more especially when they are of a character likely to affect public convenience or comfort or profit. It is rarely if ever that a strike or a lockout can succeed that has public sentiment against it. The problem, however, has ever been how properly to enlighten public opinion and how to place before it the actual facts involved in a labor dispute as found by a disinterested inquirer in whom the public would have confidence.
>
> "With these thoughts in mind it seemed to me that an important stride would be made in the direction of industrial peace, if legislation was created calling for a public inquiry in labor disputes before they had reached the serious stage of strike or lockout.
>
> "I realized, however, that any legislation along such lines, in a country such as ours, must at best be experimental. While in that stage I feel that the proposed legislation should be confined to disputes likely to arise in the conduct of public utilities, since it is strikes and lockouts in these activities that, as a rule, more seriously affect the public welfare. Should the proposed legislation after a fair trial prove a success it would then be in the interest of all concerned to broaden it so that all industries might be brought under its

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"influence.

"This conclusion having finally been reached on my part I forwarded it on paper while in Brussels, Belgium, in the nature of a rough draft of a proposed law.

"On arriving in Paris a few days later I found awaiting me there a packet of printed matter sent me by the Canadian Labor Department through the courtesy of Mr. Dougherty of the Canadian Department of Agriculture, whom some months before I had met while in Rome.

"Looking over this printed matter I was surprised to find that my idea had been anticipated by the Deputy Minister of Labour of Canada, McKenzie King, who had recently formulated and had succeeded in getting the Canadian Parliament to pass a public enquiry act. My satisfaction can be understood when I found among other documents in his collection the first annual report just issued by the Canadian Labor Department of the operation of the Act which showed that ninety-seven per cent of the labor disputes submitted to a public enquiry had been amicably adjusted, and that in only three per cent of cases inquired into had there been strikes after an award was made.

"Here we have a most striking illustration of the difference in effectiveness between voluntary arbitration and public enquiry. Under VOLUNTARY ARBITRATION, having behind it all the machinery and influence of the State, there are strikes and lockouts in about ninety-seven per dent of cases and peaceful settlement without cessation of work in about three per cent of cases. Under PUBLIC INQUIRY we find the very first year of its trial in Canada, when at best the system could not yet have been perfected, ninety-seven per cent of peaceful settlements without cessation of work and but three per cent of strikes. Whatever doubts or misgivings I may have had as to thedesirability or the practicability of the proposed public inquiry law were removed by the showing made by Canada as the result of an actual application of the principle. Surely, if in California we can, through the medium of public inquiry adjust peacefully ninety-seven per cent of labor disputes, we shall have accomplished a most important work and shall have come as near establishing industrial peace as under our system of government is possible.

"Sailing from Egypt to India it was my good fortune to meet Mr. McKenzie King, the framer of the Canadian public enquiry act, to whom I am indebted for valuable hints and suggestions embodied in the following recommendations, which I have the honour to submit herewith to your Excellency".

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C 10443

It is understood that the Californian measure was held in abeyance for some time on account of the alleged unconstitutionality of certain of its provisions. This point has, however, been subsequently waived and the measure will now shortly be dealt with in the legislature.

The State of Wisconsin

An Act similar in character has been introduced into the Wisconsin legislature again after consultation with the Department of Labour of Canada, and in this case also has been held pending the consideration of the question of constitutionality. The dedision in California will no doubt affect the situation regarding the Act in Wisconsin, and the action of the legislature of Massachusetts will probably also have its due effect in both cases. The State of Ohio has been in active communication with the Department, various officials and public men having indicated a desire to see whether similar legislation might not be made effective in that State.

Position of Illinois

In the case of Illinois it is not understood that any definite action has been taken in the direction of legislating along the precise lines of the Industrial Disputes Investigation Act, but at a convention of officers of conciliation boards and boards of arbitration in Washington in January last, - attended by the Deputy Minister of Labour - the special representative of the Governor of Illinois, in the course of a paper on compulsory arbitration contributed by him to the proceedings of the conference, spoke in the most cordial terms of the principle on which the

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on which the Canadian Act is based and commended its features generally. Mr. C.J.Doyle, the gentleman indicated, spoke as follows on this subject :

> "It is the hasty, ill-advised strike that causes most of our trouble and at least half of them could be averted if both sides were required to submit to an impartial investigation and full publicity as to the merits of the controversy. After such investigation, the public,which is discriminating in such matters where the facts are known, would soon end a strike were one to take place. It is doubtful if any corporation or labor union would have the hardihood to fly in the face of an educated, enlightened public opinion and for that reason I believe publicity is the strongest weapon that can be used for the maintenance of industrial peace.
>
> "The experience of Canada with its "Industrial Disputes Investigation Act" of 1907 has been most gratifying. Industrial conditions in Canada do not differ materially from those in the United States. The organized workers in both countries belong to the same international unions. The Canadian act has not prevented strikes in every instance. It was not expected that it would, but in the first year of its operation 32 disputes out of 35 referred under the law, were satisfactorily adjusted. The number of men involved in the controversies referred to was between 25,000 and 30,000. The actual number of boards constituted under the law during the first year of its operation was twenty. That record proves that the Canadian law is well adapted to present day conditions.
>
> "It is perhaps unnecessary for me to say much about the Canadian law as you doubtless are all familiar with its provisions. It was enacted on the recommendation of the deputy minister of labor following a prolonged strike of coal miners which caused a coal famine throughout Saskatchewan. Briefly it prohibits any strikes or lockout in any industry affecting a public utility until an investigation has been made and allows a period of thirty days in which to make such investigation.
>
> "After the investigation has been completed by an official board created for that particular case and the result of its findings made public, the employer or the union is free to engage in a strike or lockout if they choose. Of course the board does everything possible to

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"After the investigation has been completed by an official board created for that particular case and the result of its findings made public, the employer or the union is free to engage in a strike or lockout if they choose. Of course the board does everything possible to effect an amicable settlement, as well as conduct an investigation and its official report is in the nature of recommendations to one or the other of the

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"effect an amicable settlement as well as conduct an investigation and its official report is in the nature of recommendations to one or the other of the parties, or to both. Generally speaking, those recommendations have been accepted without recourse to a strike. Where they have not been and a strike has been called, the same recommendations have sometimes been accepted later to settle the strike.

"Though the Canadian law does not in every case prevent strikes it furnishes an easy and sensible method for adjusting industrial disputes if either one side or the other has an honest desire to settle. If they have not there is no law, compulsory or otherwise, that will prevent strikes.

"It has been my experience, however, that in a large majority of cases both sides are anxious to avert strikes, if a middle ground can be found and neither one required to forego any principle. In matters pertaining to hours and wages, usually some compromise is possible; in cases where a principle is at stake it is more difficult. Even then, though it is impossible to arbitrate or compromise on a question regarded by either side as a fundamental principle, it frequently is possible by means of intelligent discussion and argument to present a situation in a very different light from that in which it may have been viewed by one side or the other. For that reason the Canadian law of compulsory investigation previous to a declaration of war in industries affecting public utilities, seems to me an admirable one which possesses advantages not possessed by the compulsory arbitration laws of Australasia. No edict of a court will convince either a workingman or an employer that he is wrong and the court is right. If he is open to reason and conviction an intelligent argument may convince him that his position is untenable and he will acquiesce cheerfully, where in the other case he might submit rather than go to jail, but would still be dissatisfied".

Turning to the other side of the world, South Africa, again we find the influence of the Industrial Disputes Investigation Act in a marked degree. The legislative authorities of the Transvaal had been in close touch with the Department of Labour for a year or two regarding labour legislation

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Principle adopted in the Transvaal

Turning to the other side of the world, South Africa, again we find the influence of the Industrial Disputes Investigation Act in a marked degree. The legislative authorities of the Transvaal had been in close touch with the Department of Labour for a year or two regarding labour legislation generally and on September 27 last the Minister of Labour received the following letter from the Honourable Jacob de Villiers, Minister of Mines of the Transvaal, saying that a measure had been enacted in that

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country modelled closely on the lines of the Canadian Act.

"I have to thank you for your letter of the 24th July last, and also for the very interesting documents which have been forwarded by Mrl Acland, the Deputy Minister of Labour.

"I enclose a copy of the Industrial Disputes Act, as passed in the Transvaal Parliament at its last Session. I regret that I am unable to forward you the official reports of the Debate, as they are not at present available, but will do so later.

"The Bill, as you will see, is modelled on practically identical lines with the Canadian Act; changes being made merely to suit differences in local conditions. The Bill received the support of all sections of Parliament, the principle of conciliation and investigation being accepted in preference to that of compulsory arbitration.

"In preparing and introducing the Bill I was much assisted by the valuable reports published by your Department.

"I wish to tender you the thanks of my Government for your kind offer of co-operation and assistance, which I greatly value and reciprocate".

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C 10449

42.

Department of Labour, Canada,

Ottawa, March 5, 1910.

Dear Sir:

I am inclosing a copy of proposed amendments to the Industrial Disputes Investigation Act, 1907, which have been framed, after consultation with yourself and others, with a view of meeting what seem to me very reasonable requests made on behalf of the workingmen of this country through some of their representative labour bodies and officers, and in particular with a view of removing the possibilities of certain injustices which have been alleged on behalf of railway employees as existing, in so far as the provisions of the measure are applicable to them.

I wish you would kindly look carefully over the amendments proposed, and let me know whether in your opinion they are satisfactory, and whether if adopted by Parliament they would bring the Industrial Disputes Act into a form generally satisfactory and acceptable to railway employees.

Yours faithfully,

(Sgd.) W. L. Mackenzie King.

CalvinLawrence, Esq.,
Legislative Representative B.L.E.
Windsor Hotel, Ottawa.

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C 10450

Windsor Hotel,
Ottawa, March 5, 1910.

The Hon. W. L. Mackenzie King, C.M.G.,
Minister of Labour,
Ottawa.

Dear Mr. King,—I have the honour to acknowledge the receipt of your communication of March 5, together with a copy of the proposed amendments to the Industrial Disputes Investigation Act, 1907, and in reply, I am pleased to say, that I have very carefully looked over the suggested amendments and they appear to me to be very satisfactory and, in my opinion, if adopted by parliament they should bring the Industrial Disputes Investigation Act of 1907 into a form generally satisfactory and acceptable to railway employees; therefore, as representing the Brotherhood of Locomotive Engineers, I can consistently endorse the Act when so amended, believing that it will, if amended as proposed, be a benefit not only to railway employees, but also to the public generally.

I wish to avail myself of this opportunity to express to you the appreciation of myself and those I represent for the courtesy and consideration you have extended to me during our interviews regarding railway legislation.

I have the honour to be, Sir,
Yours very respectfully,
(Sgd.) CALVIN LAWRENCE,
Legislative Representative B. L. E.

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Ottawa, March 10, 1910.

W. L. Mackenzie King, Esq.,
Minister of Labour,
Ottawa.

Sir,—I have your letter of the 9th instant with inclosed copy of proposed amendments to the Industrial Disputes Investigation Act, 1907.

I have gone carefully over the amendments proposed and I am of the opinion that they will be satisfactory should they become law as they are drafted. I am also of the opinion that the Industrial Disputes Investigation Act, if it is amended as proposed, will bring the Act into a form that will meet with the general approval of the railway employees that I have the honour to represent.

Thanking you for the many courtesies that you have extended to us in the past,

I am, respectfully yours,
(Sgd.) W. J. DOWELL,
Legislative Representative of the Brotherhood of Locomotive Firemen and Enginemen.

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C 10452

Ottawa, March 10, 1910.

Hon. W. L. Mackenzie King,
House of Commons,
Ottawa.

Honourable and Dear Sir,—I beg to acknowledge receipt of your letter of March 5, inclosing copy of the proposed amendments to the Industrial Disputes Investigation Act of 1907.

I have carefully read over the amendments, and wish to state, as a representative of the Trainmen's Organization, I find them entirely satisfactory, and in my opinion will bring about all desired results. I also feel if" proposed amendments are adopted by parliament, will bring the Industrial Disputes Investigation Act into a form satisfactory and acceptable to all members of the Trainmen's Organization.

Respectfully yours,
(Sgd.) JOHN MALONEY,
Dominion Legislative Representative
Brotherhood of Railroad Trainmen.

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Order of Railroad Telegraphers,
264 Rusholme Road, Toronto, Mar. 14, 1910.

The Honourable
W. L. Mackenzie King, C.M.G.,
Minister of Labour,
Ottawa, Ont.

Dear Mr. King,—Replying to your favour in reference to the proposed amendments to the Industrial Disputes Investigation Act, I desire to say that if these amendments can be obtained, the Act will be entirely satisfactory to our organization. In fact, we have felt the need of these amendments almost ever since the law has been enacted, and we are hopeful that parliament will see the wisdom of them.

Wishing you success,
I am,
Yours sincerely,
(Sgd. D. CAMPBELL,
Third Vice-President.

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C 10454

Table showing number of strikes and lockouts; approximate number of employees affected and loss of time in each year from 1901 to 1909 inclusive.

Year	No. of strikes and lockouts	Approximate number of employees affected	Approximate loss of time in working days
1901	104	27,192	801,800
1902	123	11,219	224.270
1903	160	53,722	1,102,250
1904	103	15,665	278,956
1905	87	16,127	284,140
1906	188	26,014	489,775
1907	146	34,972	613,986
1908	66	26,196	718,443
1909	67	17,873	842,275
Total	994	228,980	5,355,895
	110	25444	594099 av. 24 days

10 yrs = 1104
1 yr = 110.

254324

5949994
at 2.50 per day
11899988
2974997

Note - Statistics for 1909 are incomplete.

Loss to community

at 2.50 per day loss in wages in 10 yrs = 14,874,985 = 15.000.000

assuming 10% profit of each $ is wage. loss in profit = 1,487,498 = 1.500 000

loss equal to all commodities ~~other than labour~~ produced by all employment other than labour 25.000,000
16.500.000

Amount of purchasing power moved

have meant

Loss to individual worked

24 days = 1 month's work
or 1/9 of year

interest etc =
roughly - 40 or 50 millions

add loss to other industries
loss of service for all time
eg. of building etc

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1908	66	26,196	718,443
1909	67	17,873	842,275
Total	994	228,980	5,355,895(av.24
	110	25,444	594,099 days
10 yrs-	1104	254,424	5,949,994

Note - Statistics for 1909 are incomplete.

At $2.50 per day

11899988
2974997

Loss to Community

At $2.50 per day loss in 10 yrs,	14874985 -	15,000,000
Assuming 10% profit of each $1 in wages, loss in profits	1487498 -	1,500,000
All commodities this labour would have produced, say		25,000,000
Loss all employment which this amount of purchasing power would have meant		16,500,000

Interest, etc, roughly, 40 to 50 millions.

Loss to individual
24 days = 1 month's work or 1/9 of year

Additional loss to other industries
loss of service for all time - of building, etc.

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Industrial disputes bill. –

In 3 years 80 boards
74 settlements
Not concerned in settlement 5.000
Saving in working days 1.400.000
" " wages – $3.500.000
loss " " " strikes 10 preceding years $15,000.000
" profits
" community – winnipeg Philadelphia

Strikes on Public Utilities
6 years 1901-6 = 100
3 " 1907-10 6 – question of union recognition

no interruption to transportation
all differences other than minor settled,
Expense – 20.000 a year
N.S.M. – appeals to Canada – $375,000.

Significance – to other countries
U.S. – S. Africa.
" in purchasing world movement
place

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Strikes and lockouts in Building Trades in Canada during year 1907 & 1908.

Year.	No. of disputes	No. of employes affected.	Loss of Time in working days
1901	14	2873	56,600
1902	28	3052	34,548
1903	44	7642	247146
1904	29	5789	107000
1905	19	1589	27246
1906	29	8390	98600
1907	45	5,558	184,763
1908	12	1,561	20,960
1909			
	220	36154	776854
or nearly			800,000 in 10 yrs
average	24.6	4.015	88095
" in each district		1600	3:5:24
			22

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C 10458

over
average wage 3. 88.095 X 3 = loss in wages
= 264.285 per year
= 2,642,850 in 10 yrs

average profit 20%
= 60 cents on each dollar 88.095 X .60 = 52.854 per year
528,540 in 10 yrs

on an investment in wages of
Projects combined 3,171.390 in 10 yrs
without calculating profits or compound interest

Loss to Community — in the greater
and in clude materials, which there would
have been a demand had labour been steadily employed
& articles demanded by extra purchasing power
& profits & wages lost — all along line
— loss of services which would have contributed and rendered
thus for all time.

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Memo. re Industrial Disputes Investigation Act.

The question of industrial disputes is one of perennial interest. In most countries it is made the subject of careful thought and investigation, it being realized that it deserves and requires the attention and consideration of the best minds of the community and that the more nearly industrial peace is attained the more prosperous and the happier the nation concerned.

The industrial classes of a country are its thews and sinews and vigorous health is possible only when these are strong and sound.

In Canada there has been of late an unfortunate disposition to seek party capital out of such industrial misfortunes as have occurred and which the best efforts of those concerned have failed to avert.

It is a striking testimony to the excellent record of the Government generally that its opponents should have been driven to this desperate step.

Opponents of the Government who criticise the policy and legislation of the Government with reference to industrial disputes are blind wilfully and deliberately, or by some oversight of nature, to what is happening in other countries.

Four years ago an Act was enacted in Canada which had as its object to aid in the prevention and settlement of strikes and lockouts in mines and public utilities.

The title should be carefully noted: "To Aid in the Prevention and Settlement of Strikes and Lockouts, &c."

The Act did not prohibit strikes or lockouts.

It did not undertake to prevent or to settle strikes or lockouts, only to aid in doing so.

No country has ever yet succeeded in devising a law which will prevent ten men of ten thousand men from striking if they are determined to do so.

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The country that perhaps comes nearest in doing this is China, where capital punishment is still practised on a liberal scale.

Strikes, too, in Russia are rare and began only with the larger freedom which came to Russia during the last few years.

The Canadian law of 1907 did not aim at the impossible; it declared that in a certain type of industries there should be no strike or lockout sanctioned by the law until the dispute concerned had been made the subject of inquiry by means of machinery provided under the Act.

It was not a compulsory arbitration law.

Some of our sister nations under the British flag have enacted compulsory arbitration laws and in their way they are doubtless excellent, but in all these countries strikes persist and prevail even to a greater extent than in our own country.

No; compulsory investigation was rather the principle laid down in the Canadian Act and then only in the case of certain industries, on the regular continuance of which the safety and comfort of the community is largely dependent, such for instance as coal minihg, the transportation and communication services and the supply of light and water.

The Canadian Act broke new ground on legislation of this subject.

The legislation was based simply on a recognition of the simple and obvious truths of life.

Capital and labour are as essential to eachother as the right hand to the left.

In an infinite number of cases they work altogether in close harmony and with the greatest benefit and advantage to all concerned.

Now and then there is friction.

In a new country like Canada, where development is proceeding

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on the hughest scale and people of many nations are pouring continually into the country, the wonder is not that jars occasionally occur but that they are, on the whole, so rare and so slight.

The differences between capital and labour are best adjusted by those directly interested; the less interference to which they are subjected the better.

It is only when the larger interests of the community are at stake that it becomes expedient to depart from this course.

The Government may well devise machinery of a nature to assist in negotiations between parties to a dispute.

Negotiations are a main point; but the Government went a step further and decided that in the case of the classes of industries indicated, where the public interests are directly and vitally concerned, there shall and must be negotiations before a strike or lockout can be legally declared; this is the principle that may be described as compulsory investigation, and is based on the world-old theory that once you can get men dealing freely and frankly with each other, face to face, the natural relations between man and man will prevail and a working compromise will be, in the vast majority of cases, established as to the matter at issue.

In Canada, perhaps the most truly democratic country in the world, more may be expected from this method than can be expected in any other country.

What has been accomplished in Canada under the Act is fairly well known. During the four years of the existence of the Act, the machinery of the Act has been sought in the case of 105 different disputes; that is to say there have been 105 disputes in connection with which it has been sworn by one of the parties concerned that a strike or lockout would take place unless a board should be established, and a board has been established in all these cases save only in the case of a few where the dispute was adjusted under the pressure of an impending investigation, without the establishment of a board.

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In the case of nine of these disputes there have been strikes; in no more.

This is not a bad record.

It has never been claimed by those responsible for the Act that it holds a charm or has any miraculous power behind it; but many leading men in other countries who have investigated the Canadian Act, and carefully examined its record, have been loud in its praises and have in some notable cases paid it the sincere homage of imitation.

The Transvaal, shortly prior to the confederation of South Africa, frankly copied the Canadian Act and wrote the Department of Labour to that effect.

Leading publicists in Massachusetts, Wisconsin and California have advocated a measure closely on the lines of the Canadian Act and statutes have been proposed in these States similar to the Canadian Act, which though not successful at the moment, are held only in abeyance and may yet become law.

The great Republic of France has heard of the Act and has asked for the fullest information from the Government, and statesmen in the ancient kingdom of Sweden have paid a similar compliment to the legislation of the Dominion.

It is in Canada alone that the opponents of the Government, hard pressed to find flaws in the record of the Government, with its long list of giant surpluses and the magnificent development and prosperity which the Dominion has enjoyed ~~in~~ under its administration, have been driven to exploit for political ~~game~~ gain the few disasters that have befallen industry in this country and to condemn the Government because this country has not performed the miracle of ending industrial strife.

Let it be repeated that those responsible for the enactment and administration of the Act have never claimed for

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it the miraculous power of averting or stopping strikes; only that it goes so far in that direction as it seems possible to go at the present time.

And is not the record a good one?

Consider for a moment what it means to have averted strikes in not less than 96 cases out of 105 instances in which strikes have been threatened.

Let it be remembered that not less than 102,000 men were concerned in these strikes.

The amount saved in wages by the avoidance of these strikes was approximately $4,900,000. This calculation is based on an average wage of $2.00 per day and an estimate of 24 days for each strike.

The loss of employers' profits which would have occurred had these strikes not been averted, estimating the employers' profits at 5% of the cost of the labour employed, would have amounted to the sum of $245,000.

It is particularly interesting to contrast the effect of the Canadian Act, so far as a comparison is possible, with that of compulsory arbitration in the countries which have adopted this method.

It is found that during a period of eighteen months during which a careful search was made of public records, there were twenty strikes in the Dominion of New Zealand. Allowing for the possibility of an error, the strikes for one year may be placed at 12.

This is relatively a larger proportion of strikes than have been found in Canada during the two years last recorded.

It must be remembered that the population of New Zealand is, roundly, 1,000,000, against 8,000,000 for the Dominion of Canada.

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Allowing, therefore, for the difference in the population, Canada has fewer strikes than New Zealand in spite of the compulsory arbitration law of New Zealand.

Compulsory arbitration in New Zealand, therefore, does not after all secure as good results as compulsory investigation in Canada, although the Canadian law is directly applicable only to a limited number of industries.

As time goes on, it is likely that the value of the principle on which the law is founded will be so clearly recognized that it will be possible to extend the Act to other industries, possibly to all industries.

Already the Trades and Labour Congress of Canada has requested that the Act should be made applicable to all industries, and each year since the enactment of the Act the Government has been urged by a powerful association of employers in the building trades to extend the Act to these industries.

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C 10465

Memorandum re Industrial Disputes Act.

Note that-----

Victor Clark's article in Bulltin No.76 of the U.S.Bureau of Labour,

Dr.Eliot's article in McClure's September 1909

Prof.Adam Shortt's article on the Canadian Industrial Disputes Act (Publications of American Economic Association,Vol.1,1909,pp.158-179)

are mentioned as references under the heading "Industrial Conciliation and Arbitration"in "Guide to Reading and Social Ethics and Allied Subjects," published by Harvard University.

G. May 17

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C 10466

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

Table showing Proceedings by Calendar Years.

Year.	No. of applications.	No. of Boards granted.	Strikes averted.	Strikes not averted.
1907 9 months	25	22	24	1
1908	27	25	26	1
1909	22	21	18	4
1910	28	23	24	4
1911 3 months	4	3	4	0
Total	106	94	96	10

Strikes not averted or ended.

Parties to dispute.	No. affected.	Duration of strike.	Result.
Cumberland Railway & Coal Co. & employees	1,700	Apr. 1 to Apr. 8, '07	Returned to work on Board's award.
Canadian Pacific Ry. Co. & mechanical employees	8,000	Aug. 5 to Oct. 5, '08	Returned to work on Board's award.
Nicola Valley Coal & Coke Co. & employees	150	Apr. 28 to June, '09	Returned to work on Board's award.
British Columbia Copper Co. and employees	225	June 28 to July 24,'09	Returned to work on Chairman's award.
Dominion Coal Co. & employees	3,000	July 6,'09,to Apr. 28, '10	Agreement based on Board's award.
Cumberland Railway & Coal Co. & employees	1,550	Aug. 9, '09, --------	Still continues.
British Columbia Copper Co. & employees	350	Apr. 19 to May 11,'10	Returned to work on Board's award.
Canadian Northern Railway Co. & carmen & steamfitters	432	July 7 to Sept. 27,'10	Returned to work on Board's award.
Grand Trunk Railway Co. & trainmen	3,017	July 18 to Aug. 2,'10	Settlement effected through Government intervention.
Winnipeg Electric Railway Co. & employees	603	Dec. 16 to Dec. 31, '10	Settled through efforts of Citizens Committee.

No. of workmen concerned in 96 strikes averted 1907-11 82,653
No. of workmen concerned in 10 strikes 1907-11 19,027
101,680.

Saving in workmen's wages through avoidance of strikes..... $4,959,180
(Based on average strike of 24 days' duration & average wage of $2.50 per day).
Saving in profits (5% of foregoing)..... $ 247,959

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INDUSTRIAL DISPUTES INVESTIGATION ACT 1907.

Table showing Proceedings under Act from March 22,1907, to July 31,1910.

	Applications concerning disputes in mines and public utilities. 94	Applications concerning disputes in industries other than mines and public utilities. 3	Total Applications under Act 97

	Concerning mines and smelters 41		Concerning transportation and communication. 52							Concerning Gas Works Employees	Concerning civic employees 1		
	Coal Mines	Metalliferous Mines	Railways	St.Railways	Longshoremen	Frt.Handlers	Teamsters	Sailors	Ship Liners	Gas Works Employees			
*Strikes averted or ended	31	5	35	5	3	2	1	1	1	1	1	3	89
Strikes not averted or ended	4	1	3	0	0	0	0	0	0	0	0	0	8

* At the close of this period results were still pending in connection with three applications, namely:- (1) application made on behalf of the Government Railways Telegraphers; (2) application made on behalf of the employees of the Toronto Street Railway Company; (3) application made on behalf of the Ship Liners of the Port of Montreal.

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The disputes in which strikes were not averted were as follows:

(1) Cumberland Railway and Coal Company and its employees;

(2) Canadian Pacific Railway Company and its mechanical employees;

(3) Nicola Valley Coal and Coke Company and its employees;

(4) British Columbia Copper Company and its employees;

(5) Dominion Coal Company and its employees;

(6) Cumberland Railway and Coal Company and its employees;

(7) Grand Trunk Railway System and its employees in train and yard service;

(8) Canadian Northern Railway Company and its carmen, plumbers and steamfitters.

It will be noted that five of the disputes in which strikes occurred have been in the mining industry, four of them being mainly concerned with the question of union recognition. The three disputes in the railway industry in which strikes occurred concerned wages, hours and condition of employment. In one of these, that of the C.P.R. and its machinists, which occurred in the summer of 1908, the employees returned to work on the terms originally recommended by the Board. In the case of the recet strike of the Grand Trunk Railway employees in train and yard service, it may fairly be claimed that the work of the Board was not without substantial value since it had the effect of informing public opinion on the points at issue and was also used as a basis of negotiations between the parties concerned. A strike of carmen, plumbers and steamfitters was declared on the Canadian Northern Railway on July 5 and is still in progress. It is understood that the strike in question, however, has not received the sanction of the organizations to which the employees in question belong.

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C 10469

INDUSTRIAL DISPUTES INVESTIGATION ACT 1907.

Statement of Operations from January 1,1910, to July 31,1910.

Total applications received.--

Coal Mining	2	
Metalliferous mining	2	
Railway employees	16	
Street Railway Employees	1	
Longshoremen	1	
Ship Liners	1	
Gas Works Employees	1	24
		24

Strikes averted or ended	22
Strikes not averted or ended	2
Number of Employees affected	16,649

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(2)

No dispute shall be the subject of reference to a Board under this Act in any case in which the employees directly affected by such dispute shall be fewer in number than ~~ten per cent of the~~ ten ~~members.~~

the whole ten employees to be affected by dispute

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letters.

Mr. Calvin Lamerence, Legislative Representative of the Brotherhood of Locomotive Engineers wrote:-

"I am pleased to say, that I have very carefully looked over the suggested amendments and they appear to me to be very satisfactory and, in my opinion, if adopted by parliament they should bring the Industrial Disputes Investigation Act of 1907 into a form generally satisfactory and acceptable to railway employees; therefore, as representing the Brotherhood of Locomotive Engineers, I can consistently endorse the Act when so amended, believing that it will, if amended as proposed, be a benefit not only to railway employees, but also to the public generally.

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C 10472

See Page 8 0 2 7/-

Mr. King re Amendment I. D. A. A. 1907 -

E. H. W.

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company liable for the goods. However, as my hon. friend from Guysborough (Mr. Sinclair) has stated, this Bill is in the nature of a compromise between the shippers and the ship owners, and it would be in the interest of the shippers to let the Bill pass as it is, because if any amendments were made to it they would block the Bill for this year and the shippers would have no protection during the coming year. This Bill will afford a degree of protection to them, and therefore it would be better to let it go through as it is.

Mr. DOHERTY. The provisions of the Bill which restrict the liberty of a ship-owner by means of stipulations in the bill of lading relieving himself from responsibility, are a great advantage to the shipper, and to that extent the Bill is an advantage to the shipper. But I think we require to proceed with care when it is proposed, because those particular sections give certain advantages to the shipper to impose upon him a disadvantage by other sections of the Bill. There may be a sufficient reason for enacting this section, but it certainly is a section which relieves the ship-owner, that is, the ship-owner who is engaged in transporting goods, from responsibilities which undoubtedly were incumbent upon him at common law. I was surprised to hear the hon. gentleman (Mr. Sinclair) say that a ship-owner was not a carrier and did not come under the common law regarding carriers. I think he is a carrier in precisely the same sense as a railway company, if he carries on the business of a carrier, that is, if he transports goods in a ship. The mere fact that a man owns a vessel does not make him a carrier, but if he uses it to carry goods, he becomes a carrier the same as a railway company is a carrier. A railway company, because it owns a railway, is not thereby a common carrier, but when it engages in the business of carrying, then it comes under the common law regulating carriers. Railway companies have special legislation affecting them, and this is special legislation made for the ship-owners. But when the hon. gentleman said that there never was any liability, that it never was the law that the ship-owner engaged in the business of carrying goods was responsible for the loss that occurred by error in the management of the vessel, I must say he enunciated a proposition quite new to me. It is in fact because the ship-owner is a common carrier at common law, and as such would be responsible to deliver the goods that he undertook to carry, and could excuse himself for their loss only on the ground that the loss was attributable either to the act of God or to the King's enemies, that there is any object in making a section of this kind. It is clearly a section to modify the responsibility which at common law lies upon the ship-owner as a common carrier. It seems to me to go exceedingly far, it is going to put the ship-owner in a different position, not only from that of common carrier, but it is going to put him in a different position as regards responsibility, from that occupied by every other person who employs others to act as his servants. The general rule of law is, that I am responsible for damage that is caused by the fault or negligence of my servant in the performance of the duty for which I employ him. Now, this is a provision that the ship-owner shall not be responsible for damage caused by the fault of the servant in the performance of the duties for which he employs him, and its practical effect is that the ship-owner, even though he employed an incompetent captain, will not be responsible for the damage resulting from the incompetence of that captain in the management of the ship. It is true, it is required, as a condtion of this exemption, that he should exercise due diligence to make the ship in all respects seaworthy and properly to man it, so it will be on him to show the due diligence. But I think the effect of the section is to create an exceptional position for the ship-owner, it places him in a category by himself.

Mr. SINCLAIR. What does the hon. gentleman find in this proposed statute that enables the ship-owner to employ an incompetent captain and send him out with the ship?

Mr. DOHERTY. I pointed out that of course he would have to establish that he had used diligence, but even though he may have used diligence, the captain that he has employed may prove to be incompetent, and still he is being relieved from damage resulting from mismanagement. Now we find here the words: 'error in navigation or mismanagement of the ship'. Those are errors attributable to the captain or officers of the vessel, and the fact that they make such errors would at all events, in relation to that particular error, show them to be incompetent, and yet we relieve the ship-owner from responsibility. I will not discuss whether the general rule of the law is a good rule, but I certainly think that it cannot be disputed that the general rule of law is that I am responsible for damage that is done by my employee if that damage is caused by him while he is in the performance of the duties for which I employ him; and if you pass this section you place the ship-owner in a different position from any other employer, and you relieve him from responsibility for the incompetency of the people whom he employs. That is clearly a most material diminution of the responsibility of the ship-owner at common law as a carrier, and as an employer of persons. Whether the ad-

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vantages to the shipper from the other sections of the Act are sufficiently great to compensate for the disadvantages, would perhaps be a matter of question. I think myself that this House ought not to adopt this legislation on the supposition that it never was the law that the ship-owner was responsible for mismanagement of the vessel by his employees.

Mr. MACDONALD. There can be no doubt that at common law the principle laid down by the hon. member for St. Anne (Mr. Doherty) is correct. My hon. friend will agree that when parties have contracted, however, in regard to the carriage of goods, this clause always appears in a bill of lading for the protection of the shipper. And what are we doing here in this Bill? It might be said in a way that we are making a bill of lading to govern the shipment of goods from Canada and into Canada. We are following in that respect the example which was set by the United States when they adopted some years ago what is known as the Harter Act, and the clauses which are incorporated here are a reproduction of that legislation which was settled at the suggestion of the commercial world in the United States. In declaring what shall be in the bill of lading it might be said that we are declaring what shall be the bill of lading for the future. We are not doing anything that is unfair to either party. The various interests that appeared before the committee on this subject were representative of the shippers and the carriers, the latter of whom were anxious to have a definite and clear bill of lading made a matter of law. While under the common law these liabilities did exist on the ship-owner, as a matter of fact they did not exist on account of being contracted against, and I do not think there is anything anomalous in reproducing in the law what is practically in every bill of lading in the country. The fact that the different interests watched with the greatest keenness in order to see that no undue advantage was given to either side is the best evidence that the measure is a well considered one.

Mr. SINCLAIR. I am afraid my hon. friend from St. Anne (Mr. Doherty) misunderstood what I intended to convey. Under the law, as at present, the ship-owner is allowed to make a contract, and in every charter party and bill of lading he is very careful to contract himself out of as much liability as he can. For hundreds of years, in every one of these shipping contracts it has always been the custom of ship-owners to contract themselves out of the specific things that are mentioned in section 7, such as: loss arising from fire, dangers of the sea, the acts of God and the King's enemies, and inherent vice of the thing carried. These are among the things that have appeared in every bill of lading and charter party that has been in existence in British countries for very many years. We are now by this Act taking away from the ship-owner the right to make a contract that will contract himself out of liability, but we think this clause is a reasonable one.

Mr. SPROULE. The shipper is obliged now to sign the bill of lading presented to him or otherwise he cannot ship his goods. If a loss should be sustained through the negligence of the common carrier and in common law he were sued for damages, would not the court determine which of these provisions in the contract were reasonable and which unreasonable, and only allow to prevail those which were reasonable?

Mr. SINCLAIR. I think the courts have always held a man liable for the consequence of his own negligence. He can contract himself out of his negligence, and if the owner of the goods agrees to that contract you have a contract between the two, but that is the thing we are trying to avoid. The committee arrived at the conclusion that the provisions in clause 7 were reasonable. That is the meaning of it and nothing more.

On section 7,

Mr. DOHERTY. There is something in this section to which I would call the special attention of the committee, because it involves so serious an error that I doubt very much if it could have been intended that the section should be couched in these precise words. At all events I do not think it could have been intended to produce the effect which the enactment of the clause would produce. I quite agree that it would be a proper thing to exempt the ship-owner from loss arising from the different causes which are mentioned in this section, provided such loss arises without his fault or privity or the fault or privity of his servants, for whom he is responsible. But, as I read the section as drawn, it exempts the ship-owner from responsibility if the damage is the result of any one of the causes enumerated there, without considering at all whether that cause is attributable to his fault or the fault of those for whom he is responsible. For instance, under the section as drafted, the ship-owner would have nothing to do but say your goods were destroyed by fire, and then he would be exempt under the section. I submit he should be called upon to show that the goods were destroyed by fire which was not attributable to his fault or to the fault of those for whom he was responsible.

Mr. BARKER. Under section 4, he cannot contract himself out of liability for negligence.

Mr. DOHERTY. Yes, but in this section it is not a question of contracting himself out of anything; the law itself here says, that the ship-owner shall have no responsibility, regardless of what contract he may make, for the loss of goods destroyed by fire. It may be that the shipper is insured against that loss, but I have difficulty in convincing myself that it was intended to say, as this section says, that the ship-owner in order to be relieved, need only prove that the cause was fire. Fire is not a thing that necessarily excludes the idea of fault on the part of persons in charge of the place where the fire occurred, on the contrary, probably in the majority of cases, fire is due to somebody's fault. When you merely prove that the goods were burnt, the question remains absolutely undetermined in any way whether that is a loss attributable to the fault of the ship-owner or his employees. In dealing with a section of this kind, which has nothing to do with what a man may contract himself out of, but which is fixing the legal liability, you want to remember in making statutory provisions what the position of the party was in the absence of these provisions. His position in the absence of any provision to relieve him, was that his obligation was to produce the goods or explain why he did not, and to so explain it as to exclude the idea that it was his fault that he did not produce them. The only excuses the common law recognizes were the act of God and the King's enemies. I am not arguing that a man should not be exempt from responsibility for the causes enumerated in this section; what I contend for is that he should be so relieved from that liability, only provided that the happening of any one of these things mentioned is not attributable to his fault. I know it may be answered that as regards some of the things enumerated in this section they could not be his fault, such as the act of God or the King's enemies or inherent vice in the things carried.

Mr. SINCLAIR. That is not his fault.

Mr. DOHERTY. Certainly not, but the answer to that is that the common law relieves him from that liability. That clearly could not be a cause of liability because that could not be his fault. The act of God, or the King's enemies or a defect in the goods that were furnished to him would not be his fault, and the common law would relieve him of all liability, but when you come to fire it might be his fault.

Mr. SINCLAIR. Fire is the only one that might be his fault.

Mr. DOHERTY. I beg your pardon. When you come to the perils of the sea it is quite true that the peril is not his fault, but an accident resulting from it might be his fault if he has not taken proper precautions to avoid it. Under the the very same sort of legislation you will find judgments of the court to the effect that, though the immediate cause is the peril of the sea, the ship-owner is responsible for the accident by which his vessel succumbed to the peril of the sea in that, for instance, the vessel was not seaworthy or, until we had the immediately preceding section, that she was not properly managed. With those exceptions, the act of God, the King's enemies and defects in the goods themselves, all of which would exempt him at common law, I submit that the law should be made to read that the ship-owner shall not be held liable for loss arising without his fault or the fault or privity of any person from whom he is responsible from the causes mentioned in that section. I think that the explanation of how the section comes to be worded in this way is to be found in the fact that the people who drew it followed the example of the revisers of the statutes in 1906 and who, with all respect, I think, have made a very serious error. In 1906 they purported to revise chapter 82 of the Revised Statutes of 1886 and, more particularly they revised section 2 of that statute. In what purported to be a reproduction of section 2 they entirely altered the sense of section 2 apparently because they thought there would be an advantage in dividing the paragraphs of the section and giving each one a number. Section 2 of chapter 82, Revised Statutes, 1886, dealt with this subject precisely in the way that I contend it should be dealt with now and its provision reads as follows. After declaring the liability for the loss of or damage to goods entrusted to them for conveyance they went on to say, in subsection 4, section 2:

Provided, that they shall not be liable to any extent whatsoever to make good any loss or damage happening without their actual fault or privity, or the fault or neglect of their agents, servants or employees,—

(a) To any goods on board any such vessel, or delivered to them for conveyance therein, by reason of fire or the dangers of navigation.

Exempting there substantially the very two causes mentioned here, but making it an additional requirement that the accident should happen without the fault of the ship-owner or carrier or the persons for whom he is responsible. Then they went on:

(b) Arising from any defect in or from the nature of the goods themselves, or from armed robbery or other irresistible force.

Then they went on with other provisions—I am not quite clear whether they are the same here or not. When the revision took place in 1906, and when the re-

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visers came to reproduce that section, they made it read:

Carriers by water shall be liable for the loss of or damage to goods entrusted to them for conveyance, except that they shall not be liable when such loss or damage happens,—
(a) without their actual fault or privity, or without the fault or neglect of their agents, servants or employees; or,
(b) by reason of fire or the dangers of navigation.

So that they did what this Bill is now doing; they made the absence of fault one distinct cause of exemption from liability, and then they made fire and the perils of navigation and these other things that are enumerated other causes of exemption from liability, producing practically the result that even though the fire should be attributable to the fault of the ship-owner, nevertheless, it was to be a cause of exemption from liability. As I said in the beginning, I cannot convince myself that that was intended, for they enact that without regard to the question whether you are in fault or not, you shall not be responsible provided the damage be due to fire, and yet what the section says is clear from the fact that they make the absence of fault one distinct and substantial ground of relief from liability standing by itself. Then they go on to make fire and all the other things separate and distinct grounds of relief from liability. I do not know how this Bill was drafted, but it seems to me that it is the result of following the bad example of the gentlemen who drafted the Revised Statutes in 1906, and who, in the Act as put in the revision of 1906, drifted away from what was the perfectly sound and correct statement of what ought to be causes of exemption from liability, namely, fire and the perils of navigation, etc., provided the loss was not attributable to the fault or occurred without the fault of the ship-owner or the persons whom he employed. What I would suggest and what it seems to me would make it a perfectly reasonable law and not entail any injury upon the ship owner, is that in the second line of the section, after the word 'arising' there be inserted the words 'without their actual fault or privity, or without the fault or neglect of their agents, servants or employees'. That would bring the wording back to the wording of the provision of section 2 of chapter 82, which was the provision intended to be merely reproduced from that section in the revision of the statutes of 1906, section 964, and which would set the law forth on what I submit would be a reasonable basis. Then it would go on 'or from,' etc.

Mr. BUREAU. Since recess I have had a talk with my hon. friend from Montreal, St. Anne (Mr. Doherty) and I have also taken occasion to consult some English-speaking gentlemen about the phraseology of the section. Here is a question of English grammar and phraseology which I frankly admit I am not competent to decide, but I am told that this last phrase of section 7 'or for loss arising without their actual fault or privity or without the fault or neglect of their agents, servants or employees' is not a separate and distinct reason why they should be relieved from liability, but is a qualifying phrase which ought to be read with the rest of the section and applied to the whole section. Then, if it is the act of God, or if the ship is burned, the ship-owner shall not be liable provided there is no fault on the part of the master, servants or employees. I do not claim to be competent to judge when it comes to a question of English grammar. My hon. friend compares the statute of 1886 with the revised statute of 1906. The language of the Bill is exactly the language of the revised statute of 1906. I am not prepared to admit that the change in the language was made in the revision of the statute. There have been intervening amendments made to the statute of 1886. There may have been a discussion in the House on those amendments justifying the amendment as it now stands in the revised statutes. That I am not prepared to say, because I had not time during the recess to look over the statutes from 1886 to 1906 to see whether there had been any amendments between the consolidation and the revision. There may have been, as the hon. member for St. Anne says, a slip on the part of those who revised the statutes. Before accepting the amendment suggested, I think we ought to find out whether the language of the statute of 1906 is not a repetition of the language used in statutes enacted subsequent to 1886, and prior to 1906.

Mr. BARKER. If the Solicitor General has been properly informed as to the last two lines governing the whole section, there can be no objection to the insertion of the words which the hon. member for St. Anne proposes, because in that case they will not add anything to the meaning of the section.

Mr. BUREAU. That is a question for you to decide.

Mr. BARKER. I think it is rather a question for the law clerk to consider, and therefore, the hon. gentleman should allow that clause to stand.

Mr. SINCLAIR. There is not the slightest doubt in my mind that it was intended that the ship-owners should not be liable and we are enacting that which is the law now. If you look at section 964 of the Shipping Act, you will find that it says:

Carriers by water shall be liable for the loss of or damage to goods entrusted to them for

conveyance, except that they shall not be liable when such loss or damage happens,—
(a) without their actual fault or privity, or without the fault or neglect of their agents, servants or employees; or
(b) by reason of fire or the dangers of navigation; or
(c) from any defect in or from the nature of the goods themselves; or
(d) from armed robbery or other irresistible force.

Clause (b) was inserted because ship-owners would not undertake otherwise to carry goods at the rates that now prevail. For instance, a ship-owner might be liable for the loss by fire of a cargo of cotton worth $1,000,000 which he was carrying for $10,000. The cotton does not belong to him, and he cannot insure it, but the shipper can. Therefore, the statute now allows him to contract himself out of that liability. If the company wish to make him liable, they have to change the meaning of the section altogether.

Mr. DOHERTY. I do not question that, it is precisely in section 964 where the error was made. I think the Solicitor General will find that there was no intervening legislation, and that section 964 of the revised statutes of 1906, merely purported to revise and reproduce the dispositions of subsection 4 and the following subsections of section 2 of chapter 82 of the Revised Statutes of 1886; but in the reproduction they made the proviso governing all the exemptions read, as the hon. gentleman has just read it, as a separate clause of exemption from liability. The hon. gentleman talks of the danger of a load of cotton being burned, and says that the ship-owner ought to be allowed to contract himself out of liability for it. I am not arguing against his being allowed to contract himself out of liability. The question is not with regard to contracting himself out of liability; it is with regard to determining what his legal liability is in the absence of a contract. The cargo of cotton may be an exceptional case. On the other hand, look at all the classes of goods which in themselves are not specially liable to fire. If a vessel burned and my goods burned in it, and the ship-owner had not contracted on the subject at all, under this section all he would have to do would be to say that the goods were burned, and even though I proved that the fire was the result of the grossest fault on his part, he would go scot free, because fire per se, without regard to what caused it, is made a ground of exemption. The hon. gentleman says that nobody would carry goods otherwise.

Mr. SINCLAIR. Not at the present rates of freight.

Mr. DOHERTY. Up to 1906 people carried goods under the law which I am arguing for. I am not arguing that a party shall not be free to contract himself out of liability, and he will naturally do that when he is dealing with goods that are particularly liable to fire. But in cases where there is no question of goods particularly liable to fire, where people are shipping different kinds of goods in quantities, and the ship-owner does not deem it wise or desirable to stipulate that he shall not be liable for damage resulting from fire, if we are going to step in to his aid and relieve him of liability because it is a fire, even though it be proved that the fire is his direct fault, I must say that it is most dangerous legislation.

Mr. BUREAU. That might be possible, but not probable.

Mr. DOHERTY. The law of the province of Quebec considers it so probable that a fire, when it occurs, is attributable to the fault of the person at the place where it occurred or to the fault of his employees, that in the case of landlord and tenant there is a presumption of the tenant's fault when a building is destroyed by fire.

Mr. LEMIEUX. There was a case in which they held the contrary.

Mr. DOHERTY. In that case it was held that the tenant might prove that it was not his fault. When the ship-owner to whom I give my goods, comes and says: I do not deliver, there is my contract to deliver your goods, that is my contractual obligation, I do not deliver them. I say: Why don't you deliver, and he replies: Oh, they were burnt on my vessel, my vessel was burnt; I was in charge of it, and I have no further account to render to you. That is a hard enough situation for the shipper, but supposing I am in a position to go on and prove that that fire was the ship-owner's fault, nevertheless, under this legislation, I would have no recourse. Now, I submit that in the revision of the statute it was not intended to so alter the law. The hon. gentleman speaks of men in business refusing to be bound under the law in the sense which I contend for, yet I affirm without a moment's hesitation, that that certainly was the law up to 1906 when this revision of the statute took place, and still there was a good deal of shipping, and a good deal of business done. The hon. gentleman will find in the reports cases where precisely what I contend for was held, but under the exemptions as they stood prior to 1906, neither fire nor the perils of the sea were causes of relief from liability, unless it was shown that the fire was not attributable to the fault of the ship-owner or that as regards the perils of the sea the ship-owner had properly guarded against those perils. Now, I submit that while it is quite true that this section is carrying on

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the law as it is expressed in the revision of 1906, it is materially altering the law as it stood up to that time, and altering it to create an exemption from liability in a case that I submit does not deserve sympathy at the hands of this parliament. After all, what is it that I am asking for in asking for the insertion of those words?

Mr. BUREAU. Is the liability as in the Revised Statutes of 1906 new, or has there been any intervening amendment to the statute of 1886?

Mr. DOHERTY. My memory is that though the Revised Statute of 1906 purports to be a revision of chapter 82 of the revision of 1886, and refers to no other Act, I am under the impression, the very strong impression, that there was intervening legislation between 1886 and 1906, but in that intervening legislation the wording of 1886 was retained. It is noteworthy that in the revised statutes each section refers back to the particular legislation which it purports to revise. I am fairly confident that I am making no mistake in what I have said, because it was not for the purpose of dealing with this Act that I had occasion to look into it. I had occasion to look into the legislation as it existed before the revision of 1906, and I distinctly remember my surprise to have it pointed out to me that the revision of 1906 altered the provision of the law. I am confident that whether there was intervening legislation between 1886 and 1906 or not, it is the revision of 1906 that first made this alteration. In that connection, I think it is noteworthy that the alteration, while a substantial alteration of the law, is effected merely by a rearrangement of the words. Where the law comes to be altered, it is done by taking a proviso covering all the subsections and making it a separate subsection. Now, I would be very much surprised if that is not merely the work of some gentleman occupying a more or less clerical position who thought he was making the thing look better by having each proviso with a number to it, with the result that he made that proviso a substantial disposition standing by itself. I am confirmed in that opinion, because I am convinced that the result is to produce a most unwarrantable condition of the law.

Mr. DANIEL. At the Marine and Fisheries Committee at which this matter was brought up there were representatives of the Dominion Millers' Association, and the Canadian Manufacturers' Association, and I think every member of the committee who was present will give these gentlemen credit for doing everything they possibly could to put every liability on the shipowner, and take it off the shipper. But there was not one of these gentlemen who objected to the inclusion of fire in that section. They were quite content to include it after going over this whole business, and they were also the gentlemen who represented those associations before the Senate where this Bill was drafted, and afterwards passed, so that I think this matter has already received a great deal more attention than this House is in a position to give it, and with all due deference to every one I may say more intelligent thought and attention.

Some hon. MEMBERS. Hear, hear.

Mr. DANIEL. Because these gentlemen were present and had an opportunity of having the various matters argued before them, pro and con, on every clause that came up before them. Now the hon. member for St. Anne (Mr. Doherty) has given I have no doubt a very able legal argument in favour of the change he proposes, but at the same time he is a gentleman who lives on the land pretty much; he is acquainted with fire as it occurs in houses and places of that kind. But I take it he is not much of a seaman and he has not spent many days, weeks or months of his life on the ocean. I think it is only necessary to call to the mind of that hon. gentleman the fact that there is no greater horror in existence than fire at sea, and I cannot imagine any one having charge of a ship, either as master or mate, or in any other capacity, who would for a moment relax efforts calculated to prevent the occurrence of a fire at sea, for such a fire puts in jeopardy not only the cargoe and the ship, but also the lives of the people who are managing and navigating the ship. So I take it that there are other reasons besides merely legal reasons which might have been brought out by the hon. member for St. Anne (Mr. Doherty) why this matter should remain as it is, because the word 'fire' has been put in there after a great deal of consideration by those who were appearing for the ship-owners and also those who were appearing for the shippers. There is another point which I think we should not forget. This Bill is a Bill in favour of shippers as opposed to ship-owners. It has, as has already been mentioned, taken away from the shipowner the power to make his own contract with the shipper, something which has not been done by any nation having a large maritime fleet. It is not done by England, Italy, France, Germany or Norway and Sweden. These latter two countries are really stealing away a great deal of our own shipping business, especially as between the maritime provinces and the port of Montreal. I think that we as a parliament will have to give some little attention to both sides of this controversy, and not give all the law and all the sympathy to the shipper at the expense of the shipowner. The United States have practically

driven their ocean tonnage off the sea and their freight trade is now being carried on by ships sailing under foreign flags because the countries to which these vessels belong have not surrounded these ships with the restrictions of every shape and form which the United States have and which Canada is now beginning to do. For my part I think the section ought to stand as it is.

Mr. R. L. BORDEN. Is it the intention of those who are supporting the Bill to relieve the ship-owner absolutely from liability for negligence in these respects?

Mr. SINCLAIR. I understand that to be the intention. In cases where the damage arises from loss by fire or from damage of the sea or from the acts of God or public enemies, it was considered reasonable to relieve the ship-owner absolutely from responsibility for negligence, keeping in mind that the ship-owner has his own property in risk, that he has employed a captain competent under the law, that the ship is of value, that if the ship is lost the owner loses everything, and that he is also not in a position to insure the shipper's property. He can insure his own property but not yours.

Mr. J. HAGGART. Suppose the shipowner sets the fire or is contributary to it? Does that relieve him from liability?

Mr. SINCLAIR. Oh, no, he would then be guilty of a crime.

Mr. DOHERTY. You may send him to penitentiary for the crime of arson, but you are indicating there without any conditions that he shall be relieved from liability for loss by fire.

Mr. SINCLAIR. I do not understand it that way. It is the law now.

Mr. R. L. BORDEN. Of course under the common law the carrier is an absolute insurer, and has always relieved himself from liability by means of provisions in the bill of lading. This statute in the 4th section prevents him from doing that under certain conditions, but at the same time, under the section we are now considering, I think it goes a little too far in the opposite direction; it is taking away with one hand, and giving more with the other, at least it is giving a great deal. You might have a case of the greatest possible negligence and a claim might be made against the ship-owner who at common law is an insurer, and he would point to this law and say: Although I have been guilty of the greatest possible negligence in consequence of which your goods have been destroyed I am not liable. That is departing in a very marked degree from the principles of liability that are usually recognized.

Mr. BUREAU. I understand that this Bill is practically the result of a compromise between the two parties the shipowners and the shippers, and its provisions have been drafted after both parties have been heard and represented before the committee who had charge of the examination of the Bill before it came to the House.

Mr. SPROULE. Should parliament not exercise its judgment in enacting a law?

Mr. BUREAU. Certainly it is just to show the principles of the Bill. I understand as the leader of the opposition says, that it is relieving the owner of quite a responsibility, the responsibility for loss by fire, but on the other hand the nature of the case affords a certain guarantee. The idea of self-preservation is sufficiently well developed in every individual, whether at sea or on land, to stay his hand from performing any act that will lead to the destruction of his own life.

Mr. R. L. BORDEN. I realize the importance of that argument, but when actively engaged in the practice of my profession I had a good many of these maritime cases, and I am bound to say that the considerations which the hon. gentleman has mentioned have never tended very much to prevent acts of very great negligence at sea. I call to mind just one illustration. Two large ships in the middle of the Atlantic ocean with no land near, no other ships near, in broad daylight, in calm weather collided, and one of them was sunk. You might apply the consideration mentioned to a case of that kind, and say it would be absolutely impossible that such an event could be brought about, that the law of self-preservation, the desire to perform a man's duty, would have prevented an accident of that kind, and yet it did happen under the conditions I have stated with no possible reason for the collision. In the end it came down to a question of the direction of the wind, each ship insisting that having regard to the direction of the wind, and the course she was steering the other should have given way. The result was that neither gave way and one went down. There was no loss of life, but a very narrow escape.

Mr. BUREAU. I do not contend that the thing is impossible, I remarked that the chances, the probabilities, are very small.

Mr. DOHERTY. How does the hon. gentleman explain the number of cases of fires that occur where it has been pleaded that the ship-owner was not responsible for fires. Then fires do not always destroy the whole vessel, only a portion of the goods may be destroyed. It must be remembered that we are dealing not only with

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ocean going vessels, but with inland passenger boats as well.

Mr. BUREAU. My hon. friend in order to back his argument said that in 1886 the statute made it without fault or negligence on the part of the ship-owner, his agents or employees. But the ship-owner contracted himself out of liability not only in the case of fire, but of every possible eventuality, while loading. I was even told that when during the investigation before the committee it was found that they had inserted a clause whereby ship-owners carrying cheese and cattle contracted themselves out of any liability for manure or anything of that kind running through the deck, and damaging goods beneath. I suppose that this was a compensation for taking away from the ship-owner the right to contract himself out of liability. I am not a maritime man. Three Rivers has some shipping, but not enough to make a man an expert. If we are going to put this Bill through, I think that, as my hon. friend (Mr. Sinclair) has said, it would be a disappointment to the parties most interested if we did not let it go as it is. I would, therefore, ask my hon. friend (Mr. Doherty) if he would have any objection to allowing his amendment to stand for the present?

Mr. DOHERTY. I take no objection to letting it stand, but what is going to happen in the meantime if we pass the Bill?

Mr. BUREAU. The law will remain as it is in the revised statutes.

Mr. DOHERTY. When I saw this discrepancy in the revised statutes I made a note of the necessity of amending the revised statutes. Now, I must confess that the thing is so palpably opposed to every sound principle, that I would feel rather ashamed to allow my amendment to stand. The persons interested, whom the Solicitor General represents as having accepted this wording, were, I think, under the erroneous impression that the words as they came at the end of the section qualified the whole section.

Mr. BUREAU. The hon. member for Guysborough tells me not.

Mr. DOHERTY. Well, to my mind to allow that to pass is creating a situation quite new, and giving a most exorbitant privilege to the ship-owner. You must remember that even with the words 'without fault or privity' the ship-owner is going to escape if he can show that he did what he could to take care of his ship. The hon. gentleman says: Of course they will take care of their ship; yes, and of course they will prove it every time. It is not asking much of a man to ask him to take care of his ship.

Mr. DOHERTY.

Mr. BUREAU. It is shifting the burden of proof.

Mr. DOHERTY. If he proves what the hon. gentleman says, that he always does, why, he will escape his liability. I think it is my duty at all events to submit my amendment. I move:

That section 7 be amended by inserting in the second line after the word 'arising' the words 'without their actual fault or privity or without the fault or neglect of their agents, servants or employees'; and by inserting in the tenth line thereof after the word 'arising' the words 'from other cause.'

Mr. SINCLAIR. By placing these words in there 'without their actual fault or privity,' I ask the hon. gentleman how the ship-owner could be negligent in case of an act of God or of the King's enemies? I think he does not intend to make the amendment in the way he has made it, or to put it in the place he puts it, for it makes the whole section absurd. We have already enacted that the shipper is bound in all respects to see that his ship is seaworthy and properly equipped, and that section is binding upon us. The ship-owner, therefore, cannot be liable for any negligence of his own, from dangers of the sea or other navigable water.

Mr. DOHERTY. I have no objection to putting the words somewhere else. The absurdity of the section consists in our enacting a statutory legislation to say that the ship-owner shall not be liable for the loss resulting from the act of God or the King's enemies. That is the law now. It did seem to me, even if the words were put where they are, that everybody might take his chances that the courts would not interpret them to mean that after a man had proved that something was the act of God, he required to prove in addition that it was not his own fault.

Mr. SINCLAIR. If the hon. gentleman is acting in the interest of the owners of goods, he is taking a step that is very likely to destroy the Bill altogether. There is no person who would be better pleased, if this Bill does not become law, than the ship-owner. This Bill is taking away valuable concessions and rights from the ship-owning people of this country, and if the hon. gentleman pretends to be acting in the interest of the shipper and the people who own the goods, he will allow this section to pass as it stands.

Mr. DOHERTY. I am not acting in the interest of anybody, either the ship-owner or the shipper, I am trying to act as a member of this parliament to see that the legislation that goes through is in accordance with what I conceive to be justice. That is my entire motive in discussing this matter. The hon. gentleman, assuming that I represent the interests of the ship-

pers, says to me: Well, though this thing may be an unjust thing to you, if you do not consent to this unjust thing, why, the ship-owners will refuse to allow this parliament to pass these other sections which this parliament considers are just, and which prevents them from contracting out of obligations which this parliament thinks should not be allowed to be contracted out of. I think it is putting this House in a humiliating situation that we should be told that we are to be compelled to do something prejudicial to one interest because if we do not, there is another interest that will force this House to refuse to pass three or four sections of this Act.

Mr. A. M. MARTIN. Supposing the hon. gentleman's amendment carries, what will be the effect on section 964 of the Canada Shipping Act?

Mr. DOHERTY. This being the last legislation, it will repeal section 964 so far as there is a difference between them. But I am not quite clear that section 964 deals with precisely the same classes of carriers in all respects, but if it does, the effect of my amendment would be to modify section 964.

Mr. A. M. MARTIN. It is not clear. I might read the clause that I referred to for the hon. gentleman. It provides that they:

Shall not be liable when such loss or damage happens by reason of fire or the dangers of navigation.

Mr. DOHERTY. It will be modified to the extent of making it read, 'except that they shall not be liable when such loss or damage happens,' etc. The effect of my amendment would be to strike out letter (a) simply, and embody the rest of it in the first paragraph, making it read this way:

Carriers by water shall be liable for the loss of or damage to goods except that they shall not be liable when such loss or damage happens without their actual fault or privity or without the fault or neglect of their agents, servants or employees.

Then striking out the word 'or' simply, and going on:

By reason of fire or the dangers of navigation; or, from any defect in or from the nature of the goods themselves; or, from armed robbery or other irresistible force.

It would bring section 964 back to read just as did read section 2 of chapter 82, R.S., 1886. If the hon. gentleman will look at that section in the Revised Statutes of 1906 he will see that it purports to reproduce section 2, of chapter 82, of 1886, but does not reproduce it. When I say purports to reproduce it also purports to revise, but in the process of revision they have altered the sense. It will bring it back to the original form of the statute.

Mr. SINCLAIR. In reply to the hon. gentleman (Mr. Doherty) I would say that he has altogether misunderstood me. I did not hold any threat over the hon. gentleman or anybody else. He has a perfect right to propose any amendment that he chooses to this Bill. I intend to vote against his amendment for two reasons, first, because it does not seem to me to be intelligible. The amendment renders the clause almost meaningless, because we all know that a ship-owner could not possibly be liable by his negligence for the acts of God, the King's enemies, and all those other things that are mentioned. Then, I intend to vote against his amendment for the further reason that I do not consider it is proper legislation. In my opinion, ship-owners should not be liable for damage from fire, I care not how it was caused; they should not be liable for the whole value of the goods that are shipped. The ship-owner has always been able to make a contract up to this date. He does not consider whether the cargo that he takes on is valuable or not. It is not his cargo, he risks his own property and he undertakes to carry it and do the best he can, but it has hitherto been his privilege and right to make a contract that he will not be liable for the value of goods provided they are lost by fire at sea. I think that is a proper contract for him to make, and up to this date he has the right to make it under the law of Canada. Now we are taking that right away from him by section 4 of this Bill, and it ought to be conceded by every reasonable man, when we are taking that right away, that there are certain rights which we should leave with him. If we intend that shipping business is to be done, if we intend that capital shall go into shipbuilding, and if we are to be in the position of having our wheat, agricultural products and manufactured goods carried cheaply across the ocean, we must at least give the ship-owner the right to make a reasonable contract. It will be most unreasonable if the owner of the ship who loses his own property, a property, perhaps, worth a quarter of a million dollars, must also lose another quarter of a million dollars for the goods which have been lost. There is no reason why the clause should not be enacted as it stands. I beg to differ altogether from the hon. member for Montreal, Ste. Anne, with regard to that.

Mr. DEPUTY SPEAKER. Mr. Doherty moves that after the word 'arising' in the second line of clause 7 there shall be inserted the words 'without their actual fault or privity, or without the fault or neglect of their agents, servants or employees.'

Amendment negatived.

Mr. DEPUTY SPEAKER. It is also moved by the hon. member for Montreal, Ste. Anne, that in the tenth line of section 7,

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after the word 'arising' there be inserted the words, 'from other cause.'

Mr. BUREAU. That is the same amendment.

Mr. DOHERTY. That is only a necessary consequence of the other one.

Mr. BUREAU. Yes, it has no application, the other having been lost.

Amendment negatived, and section agreed to.

Bill reported, read the third time and passed.

INDUSTRIAL DISPUTES INVESTIGATION ACT—AMENDMENT.

Bill (No. 198) to amend the Industrial Disputes Investigation Act.—Mr. King—read a second time, and the House went into committee thereon.

On section 1,

Mr. SPROULE. Will the minister give us some general light on this?

Mr. KING. The proposed amendments are intended to simplify the procedure in the light of experience, and to meet what appears to be the very reasonable request made on the part of the working men through their organizations in respect to certain features of the Bill which they believe to operate to their disadvantage. The proposed amendments do not in any way change the principles of the Act as it stands. The Act has given general satisfaction during the three years of its existence, but the railway employees allege they are at a disadvantage as compared with the members of other labour organizations. For example, the Act requires that before a board of investigation is asked the parties must take an oath that the necessary authority to declare a strike or lockout has been obtained. Where the dispute is confined to one locality it is not difficult to secure this declaration, but where a dispute extends through various provinces, the railway men's organizations represent that the taking of a vote of their members is a great expense and inconvenience. The railway organizations have duly constituted grievance committees which take up grievances with the companies, and they claim they can get a long way in the settlement of differences by mutual conference, and that if they cannot succeed in that way the certainty of a vote being in favour of a strike is virtually established. Then, if the board is constituted after the vote has been taken before a strike can be declared, should the parties be unwilling to accept the findings of the board a second vote is required over the whole system, which also involves considerable expense. It is proposed by one of these amendments to remedy that, and with proper safeguards, to allow the organizations to apply for a board if their officers can make a declaration to the effect that the difficulties between them and the company have already been the subject of careful negotiation and that they have got as far as is possible in the negotiations. A declaration to that effect the provisions of the Act in other particulars being complied with will be sufficient to warrant the government establishing a board.

There is one other point—under the law as it stands at present, if either of the parties change the conditions and the other party is not satisfied with the change of conditions, then before a strike or lockout can take place a board of investigation must be appointed. Experience in the working out of the Act has shown that while either party may change the conditions, in so far as employees are concerned they must always make the application for a board. We are proposing an amendment here which will throw upon the party who proposes the change, the onus of asking for the board. In the case of the strike of the machinists on the Canadian Pacific railway, in 1908, the company proposed certain changes which the men were not satisfied with, and before the men could go on strike they were obliged to ask for a board which reported adversely to them. It was then represented in the press that the men had asked for the board and refused to accept its findings. There is a slight element of injustice in that representation. The company having changed the conditions should have been obliged to call for the board before putting the changes into effect, and had that been the case it would not have appeared that the men were responsible for the calling of the board. There is an amendment framed which will remedy that state of things. I may say that I have submitted the amendments to the various railway brotherhoods, who are generally speaking the only parties that up to the present time have taken exception to the measure. The replies which have been received from them indicate that this proposed change removes the objection almost in whole, which any of them may have entertained towards the Act. I think it important to give this information to the committee, and with the permission of the House, I will read a communication which I sent to the duly authorized representatives of the different brotherhoods of railway employees, inclosing a copy of the proposed amendments and the replies that I have received :

Department of Labour, Canada,
Ottawa, March 5, 1910.

Dear Sir,—I am inclosing a copy of proposed amendments to the Industrial Disputes Investigation Act, 1907, which have been framed, after consultation with yourself and others, with a view of meeting what seem to me very reasonable requests made on behalf of the workingmen of this country through some of their representative labour bodies and officers, and in particular with a view of removing the possibilities of certain injustices which have been alleged on behalf of railway employees as existing, in so far as the provisions of the measure are applicable to them.

I wish you would kindly look carefully over the amendments proposed, and let me know whether in your opinion they are satisfactory, and whether if adopted by parliament they would bring the Industrial Disputes Act into a form generally satisfactory and acceptable to railway employees.

Yours faithfully,
(Sgd.) W. L. MACKENZIE KING.

To this communication I received the following reply from Mr. Calvin Lawrence, the legislative representative of the Brotherhood of Locomotive Engineers :

Windsor Hotel,
Ottawa, March 5, 1910.

The Hon. W. L. Mackenzie King, C.M.G.,
Minister of Labour,
Ottawa.

Dear Mr. King,—I have the honour to acknowledge the receipt of your communication of March 5, together with a copy of the proposed amendments to the Industrial Disputes Investigation Act, 1907, and in reply, I am pleased to say, that I have very carefully looked over the suggested amendments and they appear to me to be very satisfactory and, in my opinion, if adopted by parliament they should bring the Industrial Disputes Investigation Act of 1907 into a form generally satisfactory and acceptable to railway employees; therefore, as representing the Brotherhood of Locomotive Engineers, I can consistently endorse the Act when so amended, believing that it will, if amended as proposed, be a benefit not only to railway employees, but also to the public generally.

I wish to avail myself of this opportunity to express to you the appreciation of myself and those I represent for the courtesy and consideration you have extended to me during our interviews regarding railway legislation.

I have the honour to be, Sir,
Yours very respectfully,
(Sgd.) CALVIN LAWRENCE,
Legislative Representative B. L. E.

The following communication was received from Mr. Donald, the legislature representative of the Brotherhood of Locomotive Firemen and Engineers:

Ottawa, March 10, 1910.

W. L. Mackenzie King, Esq.,
Minister of Labour,
Ottawa.

Sir,—I have your letter of the 9th instant with inclosed copy of proposed amendments to the Industrial Disputes Investigation Act, 1907.

I have gone carefully over the amendments proposed and I am of the opinion that they will be satisfactory should they become law as they are drafted. I am also of the opinion that the Industrial Disputes Investigation Act, if it is amended as proposed, will bring the Act into a form that will meet with the general approval of the railway employees that I have the honour to represent.

Thanking you for the many courtesies that you have extended to us in the past,

I am, respectfully yours,
(Sgd.) W. J. DOWELL,
Legislative Representative of the Brotherhood of Locomotive Firemen and Enginemen.

From Mr. John Maloney, the legislative representative of the Brotherhood of Railway Trainmen, I have received the following reply:

Ottawa, March 10, 1910.

Hon. W. L. Mackenzie King,
House of Commons,
Ottawa.

Honourable and Dear Sir,—I beg to acknowledge receipt of your letter of March 5, inclosing copy of the proposed amendments to the Industrial Disputes Investigation Act of 1907.

I have carefully read over the amendments, and wish to state, as a representative of the Trainmen's Organization, I find them entirely satisfactory, and in my opinion will bring about all desired results. I also feel if proposed amendments are adopted by parliament, they will bring the Industrial Disputes Investigation Act into a form satisfactory and acceptable to all members of the Trainmen's Organization.

Respectfully yours,
(Sgd.) JOHN MALONEY,
Dominion Legislative Representative
Brotherhood of Railroad Trainmen.

Mr. SPROULE. May I interrupt the hon. gentleman? Is there any need of risking the time of the committee with these letters when he has told us that all the letters are in approval of the legislation?

Mr. KING. I think it important that these letters should be placed on record, as these amendments are being introduced to make the Act acceptable to the railway employees, and I think the public should know the view of the amendments taken by the representatives of the various classes of railway employees.

Mr. SPROULE. I think the House is accepting with full confidence the statement of the hon. gentleman that he has written to these bodies and has received replies from them in approval. I think that should be sufficient, as no person is disputing his statement.

Mr. KING. Possibly I might abbreviate by giving the gist of what is said in one or two of the letters. The next letter is from the representative of the telegraphers:

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Order of Railroad Telegraphers,
264 Rusholme Road, Toronto, Mar. 14, 1910.

The Honourable
W. L. Mackenzie King, C.M.G.,
Minister of Labour,
Ottawa, Ont.

Dear Mr. King,—Replying to your favour in reference to the proposed amendments to the Industrial Disputes Investigation Act, I desire to say that if these amendments can be obtained, the Act will be entirely satisfactory to our organization. In fact, we have felt the need of these amendments almost ever since the law has been enacted, and we are hopeful that parliament will see the wisdom of them.

Wishing you success,
I am,
Yours sincerely,
(Sgd.) D. CAMPBELL,
Third Vice-President.

Mr. Harvey Hall, representing one of the other branches, writes in part as follows under date of March 14:

This will acknowledge yours of March 9, with a draft copy of proposed amendments to the Industrial Disputes Act attached. * *

I have gone carefully over the proposed amendments, and believe they will, to some extent, relieve the railway employees of a very serious complaint, namely, delay and expense, when they are forced to apply for a board. * * *

I must admit that the amendments proposed, if adopted, will certainly meet the views of the railway men as far as they go.

Mr. HUGHES. What order does Mr. Hall represent?

Mr. KING. I think he represents at this time the railway conductors. Then, I have a letter, dated March 11, 1910, from Mr. A. B. Lowe, the president of the International Brotherhood of Maintenance of Way Employees, in which he says:

My opinion of the Act itself has never changed, that it is one of the best pieces of legislation that has been passed to my knowledge, in the interests of industrial peace.

And on March 18, he writes:

I hope that the amendments proposed may be placed in the law.

The House will observe that these communications cover all the different classes of railway labour—locomotive engineers, firemen, trainmen, telegraphers, conductors and maintenance of way employees. I have also discussed these amendments with representatives of the railway companies and they have stated to me without exception that they think they are fair and reasonable, and I understand that no opposition will be offered to them if they are enacted by the House.

There is another amendment to increase the allowance to members of boards, and to simplify proceedings in the matter of the oath which members of boards are required to take. They in common with the other amendments have been requested by workingmen through the Dominion Trades Congress and other labour organizations, and appear to be fair and reasonable.

Mr. W. F. MACLEAN. Are these allowances as liberal as in the Act that went through to-day in regard to combines?

Mr. KING. Yes, the allowance is the same as that in the investigation of combines.

Bill reported, read the third time, and passed.

FISHERIES ACT AMENDMENT.

Bill (No. 192) to amend the Fisheries Act read a second time, and House went into committee thereon.

Mr. TEMPLEMAN. I might explain that this Bill, although four or five pages in length, is very largely a Bill correcting and slightly amending some clauses of the present Fisheries Act. This section 1, repeals subsection 4 of section 9 of the Fisheries Act, which reads: 'The holder of any such license shall not operate more than one whaling steamer in connection with the whale factory under license.' That particular section refers to the licensing of whale factories and the use of steamers. The custom hitherto on the Pacific coast has been to license factories about 100 miles apart, I think, and under the regulations the use of one steamer was permitted at one factory. By removing this clause from the Act it will be possible for the minister to permit the use of two steamers at one factory. On the coast it has been found that sometimes whales were not numerous in the vicinity of one factory, and it was desired that the steamer attached to that factory might be used at another factory. The object of striking out this clause is to permit the use of two steamers at one factory, and when that is done, one of the factories will be closed up.

Mr. BARNARD. As a matter of fact, have not factories on the Pacific coast been using two steamers in the past?

Mr. TEMPLEMAN. Not at all. A factory can only use one steamer under its license.

Mr. BARNARD. I know that, but I wanted to know whether the minister knew as a matter of fact that factories had been using two steamers, evading the law or having had permission given.

Mr. TEMPLEMAN. The department is not aware that the law has been evaded, and, of course, permission has not been given to evade the law.

On section 2, boundaries of estuary fishing.

Mr. KING.

Mr. TEMPLEMAN. This is simply adding the three words, 'to do so,' which are placed there for the purpose of making the section more explicit.

On section 3, space between nets and dimensions of nets.

Mr. TEMPLEMAN. This is simply to correct a clerical error. The word 'hundred' in the second line should be 'thousand.'

On section 4,

Mr. BRADBURY. What is that section?

Mr. TEMPLEMAN. This repeals section 22 of the Fisheries Act, and will stop fishing by rod and line at fish-ways.

On section 5,

Mr. TEMPLEMAN. This will discontinue the practice of taking small trout for bait, which has been a privilege, I believe, in the past.

On section 6, no net or device to prevent passage of fish-screens to prevent escape.

Mr. TEMPLEMAN. The change in this section is the addition of the last three lines, 'providing that the minister may authorize the placing and maintaining of screens or other obstructions in streams to prevent the escape of fish held for breeding purposes. At present, ponds are used for breeding purposes under the law, and this is to provide that screens may be placed by permission of the minister where ponds are being so used.

Mr. CROSBY. Has the Bill been before the Fisheries Committee?

Mr. TEMPLEMAN. No.

Mr. CROSBY. Why?

Mr. TEMPLEMAN. Why, I cannot say except that the enactments of the Bill are of a very minor character, largely corrections in the present Fisheries Act.

Mr. CROSBY. It seems strange that it should not be sent to that committee whose members would have a better opportunity of ascertaining whether or not they approved of the Bill.

Mr. TEMPLEMAN. The Bill has been circulated for several months and contains corrections of a minor character, and one or two slight amendments to the existing Act not of sufficient importance to be sent to the Committee on Fisheries. Then it is a government Bill and it is not the practice to refer all government Bills to a standing committee.

Mr. CROSBY. If it is to be understood that government measures in connection with Marine and Fisheries matters are not to be sent to the standing committee I am glad to know it, but I understood the reason for the appointment of the committee was to facilitate such matters by having all Bills pertaining to these matters referred to it.

Mr. TEMPLEMAN. I trust my hon. friend will not interpret my remarks as meaning that government measures will not be referred to that committee. As a matter of fact the department has received great assistance from that committee, and will avail itself of that assistance on every possible occasion.

Mr. R. L. BORDEN. I think the minister has not quite an adequate idea of the importance of the Bill in one respect at least. On section 15, the discussion of the regulations which have been agreed to should come up, and I would have thought it eminently proper that these regulations should be under investigation by the standing committee on Marine and Fisheries.

On section 7, closing of traps, &c., over Sunday.

Mr. TEMPLEMAN. The amendment is in the last three lines, providing for the closing of these fishing apparatus in such a way that fish cannot enter. It strengthens the clause.

Mr. SINCLAIR. Does this mean that it will not be permitted to allow a trap net to remain set over Sunday? It has not been usual to prevent a fisherman from leaving his trap net set. It is a very difficult net to move, it is large, it is put down with stakes, and anchors, and it is two days work to get the trap down. It would not be practicable to take it up over Sunday. I understand that this allows the closing of the trap so that no fish can get in on Sunday. What is the purpose of this amendment?

Mr. W. H. SHARPE. Does this Bill affect the international waters?

Mr. TEMPLEMAN. Clause 15 authorizes the department to take authority to proclaim the bringing into force of the fishery regulations established under the International Fisheries treaty.

The only change in clause 7 is to allow the effective closing of all traps during the weekly close season so that fish cannot enter them at all. It has been pointed out that the closing of pound nets is the method adopted in the state of Washington, and that the same system has been used successfully in New Brunswick. It does not require the fishermen to remove the weirs or nets on Sunday, but simply to close them effectively.

Mr. CROSBY. The trouble we are having to understand this Bill simply shows that it should have been referred to the Fisheries Committee. It seems to me that the

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object of the last three lines is to prevent the fishermen from desecrating the Sabbath. If this Bill had been referred to the Fisheries Committee, it would save this House bothering with it.

Mr. J. D. TAYLOR. I suggest that the last three lines of this section will not help the case at all so far as they are intended to preserve the fish from being taken in traps during the close season:

All sedentary fishing stations and weirs, all pounds and trap-nets, seines, gill-nets and other apparatus used for catching fish, whether under license or not, should be so raised or adapted as to admit of the free passage of fish through, by, or out of such apparatus, or be so effectively closed as to completely obstruct and prevent the entrance of fish into such apparatus.

If this matter had been referred, as suggested, to the Committee on Fisheries, I think that some members of that committee would have been able to show to the minister how that clause must fail of beneficial effect. While it provides that the traps themselves shall be closed, it makes no provision to prevent the fish getting into the leads, which are commonly about half a mile long, and into which the fish go and from which they do not return. So the effect of this provision is virtually to give continuous fishing to the traps. We have had experience of that in the past few years where the trap fishermen on Puget Sound have fished continuously because of a provision such as this. I know that the minister has in his department evidence of the effect of this provision on the Puget Sound traps, and I would ask him whether it would not be well to strike out the last three lines, and make this Act provide absolutely that there shall be free passage through the traps during the close season.

Mr. TEMPLEMAN. My understanding of the effect of the statute as at present on the statute-book is that a fish trap has to be opened at one point in order to allow the fish to escape during the weekly close season. The addition provided by this amendment is that the entrance to the trap shall be closed so as completely to obstruct the entrance of the fish into the trap, and by preventing them from getting in, or permitting them when they are in to get out, during the weekly close season; that is what is contemplated by this amendment. That is the whole thing, it does not affect the hours of the close season. Previously, if fish got into the fish trap during the close season the trap was supposed to be open and the fish could get out. Under the present law the fish cannot be retained in the trap in the close season. The effect of this is to make it more difficult during the close season for fish to get into the traps.

Mr. CROSBY. Mr. SINCLAIR. I would like to know if this applies to fishing on the Atlantic coast as well as to British Columbia? It appears to me that it applies to all waters. It strikes me this is rather a stringent rule to impose upon the fisherman owning a trap, that during the prohibited hours from six o'clock in the afternoon of every Saturday to six o'clock on Monday morning in tidal waters, fishing cannot be allowed, and that the net must not be opened at all during those hours. That is a new provision that I never heard of before, and I think it will take away a very valuable privilege from the trap fishermen that they now possess. On the Atlantic coast there are a great number of them.

Mr. DANIEL. The hon. member is quite mistaken as to its being a new provision, it is a provision of the law now. The only change in this clause is in the phraseology, that is all.

Mr. TEMPLEMAN. This has been the law for years. The clause is the same as it is in the present Act, except the last three lines, which simply make it more difficult for the fish to get into the trap; that is the only change we are making. We are simply trying to limit the catching of fish in traps during the present close season—we are not changing the close season at all. We are trying to make the Act more effective, and trying to make a regulation that will prevent the fish from getting into the trap, and to allow them the chance to get out if they should get in. The law contemplates that there shall be during every week a close season, and it is because the present fixtures in the trap are not perfect, and because the fish are caught in traps and retained there, and the aperture is not open for them to get out—those are the reasons the department has thought it advisable to say that the fishermen must effectually close their traps so that the fish cannot get in. There can be no doubt of the necessity for conserving the fish by permitting them to have one day's rest at all events, so that no trap or net will take them. This has been the law for years and years. It may not have been effective, and it may not be under this amendment properly enforced, but that is the intention. We want to make it a little more possible to enforce the law.

Mr. BRADBURY. I do not think the minister has answered the contention raised by my hon. friend from New Westminster (Mr. Taylor). This lead is from half a mile to three-quarters of a mile long, and while the trap may be closed the lead practically holds all the fish there, and as soon as the trap is opened fish which have congregated all Sunday will move into the trap. It is absolutely necessary in the interest of the fisheries that the fish should

have free passage one day in a week. If the fishery department wants to make this law effective there must be more than the closing of the trap; the lead must be closed also.

Mr. TEMPLEMAN. I quite understand that the point raised is important particularly on the Pacific coast. The leads leading up to the traps in the Pacific ocean are very long, and no doubt keep back a large number of fish. I may say, however, that nine-tenths of the Canadian salmon caught in traps in the Pacific ocean are caught in American traps on the American side of the boundary, and that there these leads are in use. We have in British Columbia very few traps indeed, not a quarter as many as they have on the American side. I am informed that this amendment that we are putting into the Fishery Act, and which will apply to all Canada, was approved of by the Fishery Commission, and will apply also to the traps on the Pacific ocean. This is an attempt to make the taking of fish in traps during the close season more difficult than formerly. In the fishery regulations which have been drafted by the fishery Commissioners of Canada and the United States, there are some regulations in regard to trap fishing and this is one of the provisions of these regulations. This is the best we can do as between Canadian and American fishermen in regard to international waters. It is a very desirable addition to this clause. I am sure that what the House and every person interested in the fisheries wants is to conserve the fisheries, and if there is a close season for one day in the week, which may be Sunday or any other day, the whole object and intention is to make that closed day effective so that fish will not be taken in traps.

Mr. BRADBURY. I agree with the minister that everybody who has any interest in the fisheries, must admit that there should be one day in the week during which fish cannot be taken, but I contend that the contention raised by my hon. friend from New Westminster is absolutely correct, that as long as these trap nets are allowed to remain in the water, and these long leads are allowed to remain down while the trap is not catching fish, the fish are congregating there, and when the trap is opened next day the fish that would have passed through, if the lead had been opened or up, will simply find their way into the trap. I can understand very well that this amendment is a step in the right direction, but I contend that it does not go far enough. The leads to the trap nets should be lifted during the day when fishing is not allowed. If that had been taken up with the International Commission it should have been arranged, because I understand that on the coast the Americans are really getting our Canadian fish. The amendments you are proposing I do not think will be effective to a very great extent as far as protecting our fish are concerned. While you do not fish on Sunday the fish are congregating there and they will go into the trap on Monday.

Mr. J. D. TAYLOR. I would like to point out that the addition which the minister has made to the section renders it absolutely inoperative in so far as providing a weekly closed season is concerned, and that before he added anything to it it was an effective provision. It was provided that the fish should pass freely through the traps at all times. Now, it simply erects a barrier against which the fish may congregate while the trap is not supposed to be in operation and where they will remain until the hour comes for the lifting of the gate of the trap when all the fish will go in and be caught. The remedy is very simple. If the government does not think it wise to provide that there must be a free passageway through the traps, there is another device by which they can effect a close season and that is to provide that there shall be an opening in the lead through which the fish will pass when they find their way barred by the gate of the trap. The International Fisheries Commission recognized that when they were dealing with fish other than the salmon of the Pacific coast. Unfortunately it is true that the provision that they have made with regard to Pacific coast salmon is not effective. We seem to have deferred to the American greed for the catching of fish without respect to the effect on the industry, and we have allowed them to make a provision with respect to the Puget Sound for continuous fishing. But, with regard to Ontario, they have made an effective regulation which I see no reason for not applying to the Pacific coast. The Ontario regulation reads as follows:

During this weekly close season, all weirs or other fixed apparatus used for the capture of salmon shall be so raised, closed, or adapted as to admit of the free passage of fish through, or by, or out of such weirs or other fixed apparatus.

There is an effective provision. What I want to know is why we cannot have a provision so simple and so effective as that under the general operation of the law so that it may apply to the traps in Ontario, the maritime province and British Columbia alike.

Mr. TEMPLEMAN. I think that a careful perusal of this section will show that exactly what the hon. member for New Westminster wants is provided for. The trap may be either closed or opened, whichever way is the more effective.

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Mr. BRADBURY. The trap?

Mr. TEMPLEMAN. The trap may be either opened or closed:

It shall be so raised or adapted as to admit of the free passage of fish through, by, or out of such apparatus, or be so effectively closed as to completely obstruct and prevent the entrance of fish into such apparatus, whether under license or not.

Mr. J. D. TAYLOR. Is it at the option of the trap operator or the fishery officer that it shall be opened or closed?

Mr. TEMPLEMAN. This amendment is recommended by the British Columbia Fishery Commission.

Mr. J. D. TAYLOR. At whose option is this?

Mr. TEMPLEMAN. I am stating that this amendment is on the recommendation of the British Columbia Fish Commission. The same regulation has been adopted by the American commissioner in the state of Washington. It would seem to me from the reading of the clause, that it will be at the option of the party operating the trap, and I would at once concede to my hon. friend (Mr. J. D. Taylor) that if the House thinks it desirable to make it at the option of the fishery inspector I am prepared to do so The most effective way to close the trap is to have it at the option of the fishery overseer, who will see that the trap is open or closed as the case may be.

Mr. J. D. TAYLOR. If the minister makes it at the option of the fishery inspector and not the trap operator, for myself I can see no objection to it.

Mr. BRADBURY. In that is involved the important question that our legislation on the Canadian side should be uniform with the American legislation. Unfortunately, for many years the Americans have always got the best of us in this respect, and if we make our law stringent and allow the Americans to have theirs as lax as they like, they will get the salmon and we wont. The concession which the minister offers to make is undoubtedly a proper one, but if we make our fishery officer responsible for seeing that the traps should be opened or closed then there should be some pressure brought to bear on the American authorities to have a similar regulation on their side. We have been protecting the fish in Canadian waters, but the Americans have been fishing how and when they like, and that is a great hardship to Canadian fishermen. If we cannot induce the American fish commissioners to meet our Canadian regulations, then a good deal of our work for fish preservation is useless.

Mr. CROSBY. If this Bill is of such a simple character as the minister has stated, and if we have had practically the same law on the statute-book for a great many years, no interest can suffer by allowing the Bill to stand over for another session, and referring it to the fisheries commission, so that we may ascertain the conditions both here and in the United States, and try to make uniform the regulations of both countries.

Mr. DANIEL. How would this legislation affect the regulations issued by the National Fisheries Commissioners in respect to fishing in international waters? I presume that the regulations made by that commission, being the result of a treaty, will have priority over any law we may pass.

Mr. TEMPLEMAN. I am sure my hon. friend (Mr. J. D. Taylor) will see the force of the observations of the hon. member for Selkirk, that it would be discriminatory to make more drastic regulations on the Canadian side than exist on the American side. The International Fisheries Commissioners have agreed to certain regulations, and this regulation now proposed is the regulation on the American side. If, as I proposed, we should make this provision enforcible by the Canadian inspector on the Canadian side, and the American inspectors on the American side have not the enforcement of it, we would be subjecting our fishermen to more stringent regulations than the Americans would operate under. Perhaps it is better to leave this clause as it is. We are working under extraordinary difficulties, particularly on the Pacific coast, with regard to our fisheries. The Americans catch our fish when passing through their waters, as they have a perfect right to do, and they catch them in their own way. They have been catching fish for a great many years in traps without comparatively speaking any regulations at all, while we on our side have been enforcing stringent regulations. Under the proposed agreement with the United States, what are practically the Canadian regulations have been adopted by the International Commission, and they will be enforced so soon as they are proclaimed the law on both sides.

Mr. BRADBURY. This Bill would in no way limit the conclusions arrived at by that commission?

Mr. TEMPLEMAN. No.

Mr. SINCLAIR. I have a doubt whether the traps used on the Atlantic coast are capable of being closed. I am not a practical fisherman, but I have seen the traps, and as I understand it there is no machinery for closing them, so that you would require a trap differently constructed from that now used in order to comply with this regulation.

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C 10483

2,000-19-8-10.—Req. 7734.

REMARKS:

Ref. No 730

Subject Statistics of infractions of I. D. I. Act.

DEPARTMENT OF LABOUR, CANADA.

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Table of Strikes in Mines and Public Utilities, in violation of I.D.I Act. 1907.

Occupation.	Locality	Name of Employers	No. of Strikers.	Date of beginning.	Date of ending.
Mining					
Coal miners.	Nean Morinville Alta.		64	April 13. 1907	April 20 1907
Coal miners.	Springhill. N.S.	Cumberland ~~Coal & Railway~~ Railways Coal Co.	1,700	" 1 "	" 8 "
" "	Alberta & Eastern B.C.	Crows Nest Pass Coal Co. Canadian American Coal Co. International Coal & Coke Co. West Canadian Collieries Pacific Coal Co. Breckenridge Coal & Coke Co. H.W. McNeill Coal Co.	3,450	" 16 "	May 7 "
" "	Lethbridge, Alta.	Alberta Railway & Irrigation Co.	100	Aug 12 "	Aug 14 "
" " (boys)	Westville, N.S.	Acadia Coal Co.	325	Sept. 21 "	Sept. 26 "
" (drivers, pushers)	Nanaimo, B.C.	Western Fuel Co.	1,342	Oct. 1 "	Oct. 6 "
" "	Coal Creek. B.C.	Crows Nest Pass Coal Co.	1,125	Jan. 29, 1908.	Feb 1 1908
" "	Coleman Alta.	International Coal & Coke Co.	441	April 30 "	June 13; "
" "	Port Hood, N.S.	Port Hood & Richmond Coal Co.	300	May 1 "	May 5 "
" "	Michel, B.C.	Crows Nest Pass Coal Co.	924	May 18 "	May 23 "
" "	Michel. B.C.	Crows Nest Pass Coal Co	920	May 25 "	May 29 "
" "	Taber, Alta	Dominion Coal Co.	75	Dec 11 "	Dec 17 "
" "	Middlesboro' B.C.	Nicola Valley Coal & Coke Co	—	Dec 15. "	Dec 17 "
" "	Port Hood, N.S.	Port Hood & Richmond Ry Coal Co..	300	March 22, 1909	April 22, 1909
" "	Coleman, Alta.	International Coal & Coke Co.			
" "	Lith. Bellevue,	Western Canada Collieries			
" "	Hillcrest	Hillcrest Coal & Coke Co.			
	Passburg	Leitch Collieries			
	Lethbridge Alta	Alberta Railway & Irrigation Co.	2,500	April 1, 1909	June 30, 1909
	Canmore, B.C.	E. P. McNeil Co.			
	Bankhead.	Pacific Coal Co			
	Taber Alta	Dominion Coal Co			
	Frank, Alta				
" "	Middlesboro' B.C.	Nicola Valley Coal & Coke Co.	150	April 28, 1909	June — 1909 (Co. generally affected)
" "	Westville, N.S.	Drummond Colliery.	712	May 20 "	June 4. 1909
" "	Taber, Alta	Canada West Coal Co.	300	April 23 "	July 31, 1909
~~" "~~	~~Glace Bay N.S.~~	~~Dominion Coal Co.~~	~~2500~~	~~July 6~~ "	
" "	Inverness, N.S.	Inverness Railway Coal Co.	526	July 9 "	July — 1909. (Co. generally affected)
" "	Edmonton, Alta.	Standard Coal Co.	75	Nov 25 "	Nov. 30 "
Copper miners	Marble Bay, B.C.	Texada Steel Co.	50	March 25, 1907.	May 30. 1907
Iron miners	Wilbur, Ont.		36	April 11, 1908	April — 1908.
Gold miners	Goldbrook, N.S.	Great Brae d'Or Mining Co.	22	Feb. 21, 1908	March 2, 1908.
Silver miners	Cobalt, Ont.	(Thirty Companies)	3,000	July 8, 1907	Sept — , 1907
Asbestos miners	Thetford, Mines, Que	Beaver Asbestos Co.	140	April 26, 1909	May 5 , 1909

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Table of Strikes in Mines and Public Utilities in violation of I.D.I. Act, 1907. (continued)

Occupation	Locality	Name of Employers	No. of strikers	Date of beginning	Date of ending
Transport:					
Longshoremen.	Montreal, Que. (Seventeen Companies)		1,600	May 13, 1907	May 21, 1907.
"	Halifax, N.S.	Furness, Withy & Co. Pickford & Black, C.G. Jones & Co H.L. Chipman & S. Cunard & Co	500	May 26, 1907	June 4, 1907
"	St. John, N.B.	C.P.R. Beltline Furness Line Manchester Line	1 000	Nov. 22, 1907	Dec 4, 1907.
"	Windsor, Ont.	Heathline, Donaldson S.S. Co. Elder Dempster Co. Allan Co.	50	April 21, 1908	April 22, 1908
"	~~Windsor, Ont.~~		~~40~~	~~Sept 1, 1908~~	~~Sept 3, 1908~~
"	Vancouver, B.C.		225	March 29, 1909	April 10, 1909.
"	Hamilton, Ont.	Mutual Steamship Co.	40	July 6, 1909	July - 1909.
Freight handlers.	Port Arthur, Ont.	Canadian Northern Co.	250	June 8, 1907	June 15, 1907
"	Fort William, Ont.	Canadian Pacific Railway Co.	600	June 8, 1907	June 15, 1907
" checkers	Halifax, N.S.	Intercolonial Railway	40	June 12, 1907	June 13, 1907
" (inside)	Halifax, N.S.	"	55	June 29, 1907	July 8, 1907.
"	Owen Sound, Ont.	Canadian Pacific Railway	250	May 7, 1908	May 11, 1908
"	Depot Harbour, Ont.	Grand Trunk Railway	100	July 13, 1908	July 17, 1908
"	Windsor, Ont.	Canadian Pacific Railway	40	Sept 1, 1908	Sept 3, 1908
"	Fort William, Ont.	Canadian Pacific Railway Co	700	Aug 9, 1909	Aug 16, 1909.
Teamsters.	Montreal, Que.	Stedden Forwarding Co.	256	May 15, 1907	May 23, 1907
"	Ottawa, Ont.	Dominion Transport Co.	21	May 9, 1907	May 21, 1907
"	Hamilton, Ont.	Hendrie Carriage Co.	50	June 6, 1907	June 11, 1907.
"	Montreal, Que.	Dominion Transport Co.	325	June 20, 1907	June 21, 1907
~~Railway trackmen~~	~~Montreal & Winnipeg~~	~~Canadian Pacific Railway Co.~~			
Miscellaneous Trades					
Telegraphers.	Quebec, Montreal, Toronto, Winnipeg.	G.N.W. Telegraph Co.	75	Aug. 13, 1907	Sept - 1907 (Exceeded Time Effected)

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Name of dispute	Application received	Applicants	Names of parties communicated with
Grand Trunk Railway System and its employees being telegraphers and station agents	December 3, 1909	employees	On behalf of applicants- Mr. D. Campbell, 264 Rusholme Road, Toronto; On behalf of company- Mr. [redacted] Third Vice President Grand Trunk Railway Company, Montreal.
British Columbia Copper Co. and its employees, being miners and smelters	January 8, 1910	Company	On behalf of applicants -Mr. J.E. McAllister, General Manager The British Columbia Copper Company, Greenwood, B.C.; On behalf of employees- Mr. George Heatherton, Secretary Greenwood Miners'Union, No.22, Western Federation of Miners, Greenwood,B.C.
Toronto,Hamilton and Buffalo Railway Company and its trainmen and yardmen	March 17, 1910	employees	On behalf of applicants- Mr. S.N. Berry, 53 Beatrice Street, Toronto; On behalf of company - Mr. H.H. Adams, General Superintendent Toronto, Hamilton and Buffalo Railway, Hamilton,Ont.
Canadian Pacific Railway Company and its conductors, baggagemen, brakemen and yardmen	March 17, 1910	employees	On behalf of applicants- Mr. James Murdoch, 49 Melbourne Avenue, Toronto; on behalf of company - The President Canadian Pacific Railway Company, Montreal
Grand Trunk Railway Company and its conductors, baggagemen, brakemen and yardmen	March 17, 1910	employees	On behalf of applicants - Mr. James Murdoch, [redacted] Brotherhood of Railroad Trainmen); Mr. S.N. Berry, 53 Beatrice Street,Toronto, (representing the Order of Railway Conductors); on behalf of company- Mr. E.H. Fitzhugh, President Grand Trunk Railway Company, Montreal.
Grand Trunk Pacific Railway Company and its telegraph and station employees	March 19, 1910	employees	On behalf of applicants - Mr. D. Campbell, 264 Rusholme Road,Toronto; on behalf of company - Mr. C.M. Hays, President Grand Trunk Pacific Railway Company, Montreal.
Dominion Atlantic Railway Company and employees	March 22, 1910	employees	On behalf of applicants- Mr. William Bardell, Kentville King's Co.,N.S.; on behalf of company- Mr. P. Gifkins, General Manager Dominion Atlantic Railway Company, Kentville N.S.
Canadian Northern Railway Company and carmen and plumbers, gas fitters and steamfitters	May 2, 1910	employees	On behalf of applicants- Messrs. Sproule and Looke, McIntyre Block, Winnipeg,Man.; on behalf of company - Mr. C.H. Clark, K.C., solicitor's department, Canadian Northern Railway Company, Winnipeg,Man.

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CANADA

C 10493

Industrial Disputes Investigation Act 1907

Table Showing Proceedings by Calendar Years

	1907 • (9 mos.)	1908	1909	1910‡ (3 mos.)	Total
No. of applications	25	27	22	8	82
No. of Boards granted	22	25	21	7	75‡
Strikes averted or ended	24	26	18	8	76
Strikes not averted or ended	1	1	4	0	6

• The Act became law on March 22, 1907, so that the proceedings cover 9 months only.

† To the end of the financial year, March 31.

‡ A Board was appointed early in the financial year 1910-11 on account of one of the applications received in the closing weeks of the financial year 1909- 10.

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Nature of dispute	No. affected	Names of members of Board	Remarks
concerning wages, advertising of vacancies,&c.	760	J.E.Atkinson (C) W.T.J.Lee (M) Wallace Nesbitt(E)	Report of Board,bearing signatures of all 3 members,received Feb.24.Report was unanimous on certain points,the Chairman and Mr.Lee offering certain recommendations which were not concurred in by the Companys appointee. Recommendations of Board accepted by Company were unanimous. Company also made further proposals for adjustment of dispute.Dept. informed by Mr.D.Campbell on March 10 that Company's attitude would not likely be accept able to employees.No cessation of work has, however, taken place.
employees unwillingness to work with non-union men	350	J.H.Senkler (C) J.A.Mara (E) J.McInnis (M)	Report of Board was accompanied by a minority report signed by Mr. John McInnis,member appointed on behalf of the employees. The Board's report was substantially in favor of the Company,the minority report being in favor ofmthe employees.
concerning employees' demand for increased compensation & improved conditions	101	J.E.Atkinson (C) F.H.McGuigan (E) J.G.O'Donoghue(M)	Case still pending before Board
concerning employees' demand for increased compensation and improved conditions	4360	J.E.Atkinson (C) Wallace Nesbitt(E) J.G.O'Donoghue(M)	Case still pending before Board
do.	3017	J.E.Atkinson(C) Wallace Nesbitt(E) J.G.O'Donoghue(M)	Case still.pending before Board
concerning [redacted]	75	His Honour Judge McGibbon (C) Donald Ross (E) W.T.J.Lee (M)	Case pending before Board. Letter received from Mr.D.Campbell complaining of violation by Company of section 57 of Act
Concerning terms of employment and dismissal of certain employees	4 directly 25 indirectly	Hon.John N. Armstrong (C) McCallum Grant (E) A.R.Mosher (M)	Report of Board received in Department on May 12, signed by all 3 members,but containing certain proposals by employees' representative which were not concurred in by other members of Board. Letter received from Company May 23 accepting report in so far as the same acquitted the Company of having dismissed or threatened to dismiss employees because of their membership in the Can.Bro. of Railroad Employees. Communication receive from employees June 1 accepting recommendations of A.R.Mosher.Correspondence with parties not yet concluded.
Concerning demand for new working agreement,increased wages & shorter hours	432	W.E.Macara (C) D.H.Cooper(E) P.C.Locke(M)	Case still pending before Board

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Name of dispute	Application received	applicants	Names of parties communicated with
Canadian American Coaland Coke Co. and miners in its employ	April 18, 1910	Company	On behalf of applicants- Mr. A.A.Muller, The Canadian-American Coal Company, Frank; on behalf of employees- Mr. George Nicol, Secretary Local 1263,U.M.W.A., Frank,Alta.
Nova Scotia Steel and Coke Company and miners in its employ		employees	
Canadian Government Railways and certain of its employees members of Can. Bro.of Railroad Employees	May 28 1910	employees	On behalf of applicants- Mr. A.R.Mosher, 57 Gerrish Street , Halifax, NS.; on behalf of company- Mr. A.W. Campbell, Chairman Managing Board, Canadian Government Railways, Ottawa.
Quebec and Lake St.John Railway and carmen	June 6 1910	employees	On behalf of applicants- Mr. John Desrosiers, Stadacona Village, Que.; on behalf of company Mr. W.D.Barclay,Genl. Manager Quebec and Lake St. John Railway, Quebec.

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Nature of dispute	No. affected	Names of members of Board	Remarks
concerning making of new agreement and recognition of U.M.W.A.	262	I.S.G.Van Wart (C) Colin MacLeod(E) Clement Stubbs(M)	On May 10 the Department was informed by telegram from Chairman of satisfactory settlement of strike which had taken place in this case. Copy received on June 4 of agreement entered into between Company and employees
nonfulfillment of agreement governing rules and regulations and rates of pay of certain employees	1000		No Board as yet established
increased wages	75		No Board as yet established

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Table of strikes in mines and public utilities in violation of I.D.I.Act 1907.

Occupation	Locality	Name of Employers	Number of strikers	Date of beginning	Date of ending
Mining					
Coal miners	Near Morinville, Alta.		64	April 13, 1907	April 20, 1907
Coal miners	Springhill,N.S.	Cumberland Railway and Coal Co.	1700	" 1, "	" 8, "
" "	Alberta & Eastern B.C.	Crow's Nest Pass Coal Co. Canadian American Coal Co. International Coal & Coke Co. West Canadian Collieries Pacific Coal Co. Breckenridge Coal & Coke Co. H.W.McNeill Coal Co.	3450	" 16, "	May 7, "
" "	Lethbridge,Alta.	Alberta Railway & Irrigation Co.	100	Aug. 12, "	Aug. 14, "
" " (boys)	Westville,N.S.	Acadia Coal Co.	325	Sep. 21 "	Sep. 26 "
" " (drivers and pushers)	Nanaimo, B.C.	Western Fuel Co.	1342	Oct. 1 "	Oct. 4 "
" miners	Coal Creek,B.C.	Crow's Nest Pass Coal Co.	1125	Jan. 29 1908	Feb. 1 1908
" "	Coleman, Alta.	International Coal & Coke Co.	441	Apr. 30 "	June 13 "
" "	Port Hood, N.S.	Port Hood & Richmond Coal Co.	300	May 1 "	May 5 "
" "	Michel, B.C.	Crow's Nest Pass Coal Co.	920	May 18 "	May 23 "
" "	Michel, B.C.	Crow's Nest Pass Coal Co.	920	May 25 "	May 29 "
" "	Taber, Alta.	Domestic Coal Co.	75	Dec. 11 "	Dec. 17 "
" "	Middlesboro,B.C.	Nicola Valley Coal & Coke Co.	--	Dec. 15 "	Dec. 17 "
" "	Port Hood, N.S.	Port Hood & Richmond Ry. Coal Co.	300	Mar. 22 1909	Apr. 22 1909
" "	(Coleman,Alta. (Lille,Bellevue (Hillcrest (Parsburg (Lethbridge,Alta. (Canmore, B.C. (Bankhead (Taber,Alta. (Frank, Alta.	International Coal & Coke.Co.) Western Canada Collieries) Hillcrest Coal & Coke Co.) Leitch Collieries) Alberta Railway & Irrigation Co.) E.P. McNeil Co.) Pacific Coal Co.) Domestic Coal Co.)	2500	Apr. 1, 1909	June 30, 1909
" "	Middlesboro,B.C.	Nicola Valley Coal & Coke Co.	150	Apr. 28, 1909	June - 1909(Co.ceased to be affected)
" "	Westville, N.S.	Drummond Colliery	712	May 20, "	June 4 1909
" "	Taber,Alta.	Canada West Coal Co.	300	Apr. 23 "	July 31 1909
" "	Inverness, N.S.	Inverness Railway & Coal Co.	526	July 9 "	July - 1909(Co.ceased to be affected)
" "	Edmonton, Alta.	Standard Coal Co.	75	Nov. 25 "	Nov. 30 1909
Copper Miners	Marble Bay, B.C.	Texada Steel Co.	50	Mar. 25 1907	May 30 1907
Iron miners	Wilbur,Ont.		36	Apr. 11 1908	Apr. -- 1908
Gold Miners	Goldbrook,N.S.	Great Bras d'or Mining Co.	22	Feb. 21 1908	Mar. 2 1908
Silver Miners	Cobalt,Ont.	(Thirty Companies)	3000	July 8 1907	Sep. - 1907
Asbestos miners	Thetford Mines,Que.	Beaver Asbestos Co.	140	Apr. 26 1909	May 5 1909

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Occupation	Locality	Name of employers	Number of strikers	Date of beginning	Date of ending
Transport					
Longshoremen	Montreal, Que.	Seventeen companies	1600	May 13, 1907	May 21, 1907
"	Halifax, N.S.	Furness,Withy & Co., Pickford & Black,) C.G.Jones & Co., H.L. Chipman & S.Cunard) & Co.)	500	May 26, 1907	June 4, 1907
"	St. John, N.B.	C.P.R. Battle Line, Furness Line, Manchester Line, Head Line, Donaldson SS. Co., Elder Dempster Co., Allan Co.	1000	Nov.22, 1907	Dec. 4, 1907
"	Windsor,Ont.		50	Apr.21, 1908	Apr.22, 1908
"	Vancouver, B.C.		225	Mar.29, 1909	Apr.10, 1909
"	Hamilton,Ont.	Mutual Steamship Co.	40	July 6, 1909	July - 1909
Freight handlers	Port Arthur,Ont.	Canadian Northern Co.	250	June 8, 1907	June 15,1907
"	Fort William, Ont.	Canadian Pacific Railway Co.	600	June 8, 1907	June 15,1907
" & checkers	Halifax, N.S.	Intercolonial Railway	40	June 12,1907	June 13,1907
" (inside)	Halifax, N.S.	" "	55	June 29,1907	July 8,1907
"	Owen Sound, Ont.	Canadian Pacific Railway	250	May 7,1908	May 11,1908
"	Depot Harbour, Ont.	Grand Trunk Railway	100	July 13,1908	July 17,1908
"	Windsor,Ont.	Canadian Pacific Railway	40	Sept. 1,1908	Sept. 3,1908
"	Fort William,Ont.	Canadian Pacific Railway Co.	700	Aug. 9,1909	Aug. 16,1909
Teamsters	Montreal, Que.	Shedden Forwarding Co.	256	May 15,1907	May 23,1907
"	Ottawa,Ont.	Dominion Transport Co.	21	May 9,1907	May 21,1907
"	Hamilton,Ont.	Hendrie Cartage Co.	50	June 6,1907	June 11,1907
"	Montreal, Que.	Dominion Transport Co.	325	June 20,1907	June 21,1907
Miscellaneous trades					
Telegraphers	Quebec,Montreal, Toronto, Winnipeg	G.N.W. Telegraph Co.	75	Aug. 13,1907	Sept. 1907 (Co. ceased to be affected

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C 10499

Memorandum to Mr.Acland.

Re Montreal Street Railway Dispute.

It is my opinion that in any cases where exception is taken by either side to a minority making application in a matter which affects union and non-union men alike,under the Industrial Disputes Investigation Act,that Section 4 of Sub-section 16 should apply as being the only section in the Act which relates to procedure ~~being~~ to be followed in cases where some or all of the employees are not members of a trade union.

In cases where all employees are members of a trade union there can beno doubt that Sub-section 3 of Section 16 applies;in cases where all are not members of a trade union there can be no doubt that Sub-section 4 of Section 16 applies. but in cases where some are and some are not members of a trade union there are reasonable grounds for doubt,and as no injustice can be done any body of men concerned in a dispute by allowing all of them to pass upon the question whether or not their dispute shall or shall not be referred under the I.D.I. Act. the Department will be putting the matter beyond doubt by requiring a compliance with Sub-section 4 of Section 16.

M of L.

July 8/11.

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2,000-19-8-10.—Req. 7734.

C 10500

Industrial Disputes Investigation Act.

REMARKS:

Ref. No 730

Subject List of convictions under Industrial Disputes Investigation act.

DEPARTMENT OF LABOUR, CANADA.

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C 10501

Memo. to the Minister.

April 12, 1911.

Re Convictions under Industrial Disputes Investigation Act.

1. PROSECUTION AT Marble Bay, Texada Island, B.C., in June, 1907, of employees of Tacoma Steel Company, charged with infringement of Act by declaring a strike contrary to its provisions. The Magistrate who tried this case found that the trouble was due to misunderstanding. The strike was accordingly declared off and the prosecutions withdrawn.

2. CONVICTION UNDER ACT at Cobalt, in September, 1907, of James McGuire, President of Cobalt Miners' Union before Police Magistrate Brown. Accused was found guilty of inciting the employees of the Nipissing Mining Company to go on strike, a penalty of $500 being imposed, or in default of payment, six months with hard labour. This case was carried in appeal to the Divisional Court, Toronto, in February, 1908, and judgment given by Mr. Justice McGee which pronounced the conviction defective in certain respects. The defendant was not called upon to undergo sentence.

3. CONVICTION UNDER ACT in Alberta. The prosecution was brought against the Hillcrest Coal and Coke Company of Hillcrest, Alta., in October, 1907, for closing down its mines during the continuance of proceedings before the Board of Conciliation and Investigation. Inspector Belcher, R.N.W.M.P., found the Company guilty of a violation of the Act, and imposed a fine of $200 and costs. The conviction was sustained on appeal by the Supreme Court of Alberta.

4. PROSECUTION AT Michel, B.C. in May, 1908, against James Douglas and others, charged with violation of I.D.I. Act by inciting and encouraging to strike. The Magistrate held he had no jurisdiction in the case; that the penal clause should be administered either by the Minister of Labour or by a Board of Investigation and Conciliation created by the Act.

5. CONVICTION UNDER ACT against Galbraith Coal Company, Alberta, for closing down its mine during continuance of procedure before the Board of Conciliation and Investigation; a fine of $200 imposed. The conviction was, later in the year, sustained on appeal by the Supreme Court of Alberta.

W.L.M.K.
A.D.M.L.

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March 30,1911.

re Convictions under Act.

Case of Hillcrest Coal & Coke Co.,Hillcrest, Alta.

This case was heard before Inspector P.Belcher,R.N.W.M.P. police magistrate at Pincher Creek, Alta., on Oct.10,1907. Inspector Belcher's official statement on the subject to the Department is as follows:-

"I have the honour to state that on the 10th day of October, 1907, while the Board of Conciliation was sitting at Hillcrest, and before it had finished its work, the Hillcrest Coal & Coke Company posted up notices which caused the miners to stop work; also on the night of the 10th the whistle was blown by the orders of the Company, signalling that there would be no work on the next day' Owing to these causes the mine was closed for two days. The Miners' Union laid an information against the Company for causing a lockout, and the case was heard by me. On the evidence producted I convicted the Company and fined them $100 for each day and costs $6.25, or altogether $206.25. The Company have appealed the case to the next sitting of the Supreme Court of Macleod district. The notices posted up have been forwarded to the clerk of the court, Macleod, as exhibits, also all the papers in connection with the case."

The conviction was appealed by the Company and the appeal was heard before Judge Carpenter, Judge of the District Court of the Judicial district of MacLeod, who dismissed the appeal with costs.

Prosecution at Michel,B.C., Question of jurisdiction to impose penalties.

Information was laid on behalf of the Crows' Nest Pass Coal Company at Michel against various persons, charging them with violating the I.D.I.Act by inciting and encouraging to strike. The incident occurred during the prolonged strike ensuing from April 1,1909. The case was tried before Mr. J.H.McMullenm stipendiary magistrate for the County of Kootenay,B.C., on May 21 and on May 23 a decision was given by Mr. Mcullen to the effect that his court had no jurisdiction. On the attached sheet is a clipping taken from the annual report for 1908-9, giving the text of the magistrate's decision.

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LEGAL DECISIONS.

Three prosecutions for alleged infringement of the terms of the Industrial Disputes Investigation Act, 1907, were reported to the Department during the year. Under Clause 67 of the Act, in cases of prosecutions, whether a conviction is or is not obtained, it is the declared duty of the clerk of the Court before which any prosecution takes place to briefly report the particulars of such prosecution to the Registrar of Boards of Conciliation and Investigation within thirty days after it has been determined. The various cases reported to the Department were as follows:—

I.—PROSECUTION AT MICHEL, B.C.—QUESTION OF JURISDICTION TO IMPOSE PENALTIES.

A decision Act given at Michel, B.C., during the month of May, as the outcome of some industrial disturbances in the collieries of the Crow's Nest Pass Coal Company. Information was laid on behalf of the Company against James Douglas, Charles Gardner and William Whitehouse, charging them with violation of the Industrial Disputes Investigation Act by inciting and encouraging to strike. The cases were tried before Mr. J. H. McMullen, stipendiary magistrate in and for the county of Kootenay, B.C., on May 21, and on May 23, a decision was rendered by Mr. McMullen to the effect that his court had no jurisdiction in the case. The text of the decision is as follows:—

TEXT OF DECISION.

James Darbyshire, Informant.
James Douglas *et al*, Accused.

Before coming to any consideration upon the evidence adduced in support of the information it is necessary to decide the validity of the point raised by the defence agent against my jurisdiction to hear and determine the case.

The principal objection raised by Mr. MacDonald is that this is not the tribunal contemplated by the Act, for the purpose of hearing and determining an information laid under Section 60 of the said Act, which reads as follows:

60. " Any person who incites, encourages, or aids in any manner an employee to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than a thousand dollars."

As it is necessary to refer to Section 61,, I give the text of it, which is as follows:

61. " The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV of the Criminal Code, relating to Summary Convictions."

argued before the Hon. Mr. Justice Stuart, in the Supreme Court of Alberta, on

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It is stated in Paley on convictions that the examination and punishment of offences in a summary manner by Justices of the Peace . . . . are founded entirely upon a special authority conferred and regulated by Statute, and I can find no legislation in Canada which raises this general principle of law; on the contrary, the following comments on the same question are found in Seagers' Magistrates' Manual:

" Jurisdiction is the authority which an official has by law to hear and determine and do justice between the parties in a cause or matter brought before him. It is never presumed, but must appear affirmatively in some authorizing Statute, otherwise his proceedings are absolutely void. No power or right to hear and determine a cause can be given otherwise than by some jurisdiction conferred by and emanating from sovereign authority."

It is further argued that such an information is not triable under Part XV of the Criminal Code relating to Summary Convictions and that the said Part XV does not apply to the Industrial Disputes Investigation Act except in so far as the same is especially made to do so by the provisions of Section 61, which particularly states that all the proceedings subsequent to conviction shall be governed by the provisions of Part XV of the Code. I am of the opinion that Parliament purposely excluded the operation of all the Sections of Part XV save those mentioned in Sec. 61 so that the penal clauses should be administered either by the Minister of Labour, to whom is given by virtue of Sec. 3, the general administration of the Act, or by a Board of Investigation and Conciliation created by the Act. In any event if Parliament intended that all the provisions of Part XV of the Criminal Code should apply to the Act in question it is natural to suppose that they would have so stated, instead of directing that only a portion of said provisions should apply.

My opinion is strengthened by the fact that I have read a number of the acts of a quasi criminal nature passed during the same session as that in which the Act in question was passed, as well as Acts of a similar character contained in the revised Statutes of Canada such as the Electricity Inspection Act, the Meat and Canned Foods Act, Canada Temperance Act and the Lord's Day Act, and in all cases I find that the penal clauses contain the words " on Summary Conviction" which words are lacking in Sec. 60 of this Act.

For these reasons I am of the opinion that it was not intended that offences against the said Act should be tried under Part XV of the Criminal Code and I decide accordingly. Unless I have jurisdiction under said Part XV of the Criminal Code I am of the opinion that the Act contains no other provisions whereby the information can be heard and determined by me and I decide accordingly.

The Counsel for the defence has raised a number of other objections to the proceedings before me, and if an appeal should be taken from my findings on the main question of law involved and these findings be reversed by the Appellate Court, I think that I should also dispose of the other matters so that all the important questions of law may be decided at one time by such Appellate Court.

I, therefore, find that all the remaining objections raised by the Counsel for the defence are not well taken, with the exception of that demurs which to the information on the ground that it includes more than one offence. I find that this objection is well founded as the informations charge that the accused " did incite or encourage," etc., each of which in my opinion constitutes a separate offence.

J. H. McMULLIN,
Stipendiary Magistrate in and for the County of Kootenay.

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CANADA

C 10505

delay would be in the interests of conciliation. In comparing the date of receipt of application with the date of receipt of report, all of which are duly set forth in the tabular statement on the working of the Act accompanying the present report, it must be remembered that in a number of cases a formal or informal agreement between the parties was effected some days or weeks before the official report concerning the same reached the department.

PENAL CLAUSES OF THE ACT.

The penal clauses of the Industrial Disputes Investigation Act were invoked several times during the year. The first case was that of a copper mine at Van Anda, Texada Island, B.C. The men had struck work and the company, under section 56 of the Act which forbids men going on strike or employers declaring a lockout until after the dispute shall have been referred to a board of conciliation and investigation under the Act, proceeded to charge the men with an infringement of the law. The proceedings in court developed the fact that there had been much disunderstanding on both sides, but especially showed that the men had not intended infringing the Act. The magistrate, after hearing some evidence, afforded the disputing parties an opportunity of settling the dispute out of court, and the men involved took advantage of this opportunity. A mutual spirit of compromise was manifested; the strike was immediately called off, and a scale of wages agreed upon satisfactory to both parties.

Proceedings under the Act were instituted also at Cobalt against a miner who was alleged to have infringed section 60, 'any person who incites, encourages or aids,' &c. The defendant, who was president of the local branch of the union, was convicted before the Police Magistrate at Cobalt, and sentenced to a fine of $500 and costs, or six months imprisonment. The case was appealed to the Superior Court of Ontario, and the sentence was amended to a fine of $500 and costs, or three months imprisonment. The defendant was not, however, subsequently called upon to undergo sentence.

A conviction was entered under the Act, also, in the case of a charge against the Galbraith Coal Company to the effect that it had closed down during an investigation before a board. In this case the employing company was, under section 67, fined $200. Here, also, an appeal was entered, a decision with regard to which had not been given at the close of the fiscal year.*

A full list of the various decisions under the Act in these cases is printed elsewhere in the present report.

RETURN OF PROCEEDINGS UNDER THE ACT.

On Thursday, February 27, a return was laid on the table of the House of Commons by the Honourable the Minister of Labour, giving information respecting the operation of the Industrial Disputes Investigation Act, 1907, from the date of its enactment. The return was called for by an Order of the House dated December 12, in response to a motion by Mr. Ralph Smith, M.P. The order called for a return showing:—

1. The number of disputes dealt with under the Industrial Disputes Investigation Act, 1907, to the 1st of December, 1907.

2. The dates at which the several applications for the operation of the Act have been received.

* Later in the year the conviction was sustained in the Supreme Court of Alberta.

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C 10506

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

STATEMENT OF PROCEEDINGS UNDER THE ACT DURING THE FINANCIAL YEAR ENDING MARCH 31, 1907.

Application concerning disputes in Mines and public utilities.	Application concerning disputes in industries other than mines and public utilities.	Total references under Act.
34	1	35

Concerning Mines and Smelters.	Concerning Transportation and Communication.	Disputes referred by consent of parties concerned under sec. 63 of I.D.I. Act 1907.	
22	12	1	35

	Coal Mines.	Metalliferous Mines.	Railways.	Shipping.	Street Rys.		
	18*	4	8†	3	1		
Strikes averted or ended	16**	3	8	3	1	1	32
Strikes not averted or ended	1††	0	0	0	0	0	1††

* In the case of three of these applications the disputes were settled before a Board had been constituted.

† The Boards were distributed among the various classes of railway employees as follows: Locomotive Engineers, 1; Machinists, 1; Carmen, 2; Firemen and Engineers, 1; Freight handlers, 1; Telegraph operators, 2.

** There were still pending at the close of the financial year, six applications for investigations, viz.: 4 in case of coal mining disputes; 1 in the case of shipping; and 1 in the case of street railways.

†† Only one strike occurred in cases where a dispute had been referred to a Board, but in this instance a second Board established to investigate other differences between the same parties was in session when the strike was declared. In another case where proceedings for a Board were discontinued, the aversion of a strike is not counted. These two cases account for the difference of two between the figures in the column and the figures at the head of the column.

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C 10507

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

Table showing proceedings under Act from March 31, 1909, to March 31,1910.

	Applications concerning disputes in mines and public utilities								Applications concerning disputes in industries other than mines and public utilities	Total applications under Act
	29								1	30
	Concerning mines		Concerning transportation and communication					Concerning civic employees	Disputes referred by consent of parties concerned under sec.63 of I.D.I.Act 1907	
	11		17					1	1	30
	Coal mines	Metalliferous mines	Railways	Street railways	freight handlers	longshoremen	Teamsters			
Strikes* averted or ended	6	1	12	1	2	1	1	1	1	26
Strikes not averted or ended	3	1	0	0	0	0	0	0	0	4

* At the close of the financial year results were still pending in connection with seven applications, namely: (1) Application on behalf of the Alberta Coal Mining Company,of Cardiff,Alta., and employees; (2) Application on behalf of the conductors, baggagemen, brakemen and yardmen of the Toronto, Hamilton and Buffalo Railway Company; (3) Application on behalf of conductors, baggagemen, brakemen and yardmen of the Canadian Pacific Railway Company; (4) Application on behalf of conductors, baggagemen, brakemen and yardmen of the Grand Trunk Railway Company; (5) Application on behalf of the Syndicated Longshoremen of the Port of Montreal and various Steamship Companies navigating to Montreal; (6) Application on behalf of telegraphers and station employees of the Grand Trunk Pacific Ry.;(7) application on behalf of employees of the Dominion Atlantic Railway Company.

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C 10503

INDUSTRIAL DISPUTES INVESTIGATION ACT,1907.

Table showing proceedings under Act from April 1,1910, to November 1, 1910.

Applications showing disputes in mines and public utilities	Applications concerning disputes in industries other than mines and public utilities	Total applications under Act
25	0	25

	Concerning mines and smelters	Concerning transportation and communication	Disputes referred by consent of parties concerned under sec.63 of I.D.I.Act, 1907	
	3	22	0	25

	Coal mines	Metalliferous mines	Railways	Street railways	long-shoremen	ship liners	deck hands		
Strikes averted or ended*	3	0	15	3	1	1	1		24
Strikes not averted or ended	0	0	1	0	0	0	0	0	1

At the close of the last financial year(March 31,1910) proceedings were still pending on connection with seven applications, which are included in this statement.

* On November1,1910,proceedings were still pending in connection with seven Boards,viz.:
(1) Application on behalf of telegraphers,train despatchers and station agents of the Intercolonial and Prince Edward Island Railways;

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(2) Application on behalf of maintenance-of-way employees of Canadian Pacific Railway Company;
(3) Application on behalf of maintenance-of-way employees of Grand Trunk Pacific Railway Company;
(4) Application on behalf of maintenance-of-way employees of Canadian Northern Railway Company;
(5) Application on behalf of deck-hands at Vancouver and Victoria employed by Canadian Pacific Steamship Company;
(6) Application on behalf of employees of Winnipeg Electric Railway Company.
(7) Application on behalf of employees of Crow's Nest Pass Coal Company.Limited

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C 10510

INDUSTRIAL DISPUTES INVESTIGATION ACT 1907.

Table showing proceedings under Act from March 31, 1908, to March 31,1909.

	Applications showing disputes in mines and public utilities					Total applications under Act
	20					20
	Concerning mines and smelters		Concerning transportation and communication			
	10		10			20
	Coal mines	metalliferous mines	Railways	Teamsters	Sailors	
Strikes averted or ended	9	1	7	1	1	19
Strikes not averted or ended	0	0	1	0	0	1

2 disputes are included in this table in connection with which proceedings occurred in the year 190708, as well as in the year 1908-09.

At the close of the financial year results were still pending in connection with four applications, viz.: (1) application made on behalf of the commercial telegraphers employed on the lines of the Michigan Central Railway Company in Canada regarding matters in dispute with the Great North Western Telegraph Company; (2) Application on behalf of the Manitoba Cartage Company Limited of Winnipeg; (3) Application on behalf of the station and telegraph employees of the Kingston and Pembroke Railway Company(4) Application on behalf of certain employees of the Dominion Coal Company of Glace Bay,C.B.

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CANADA

COPY

C 10511

Intervention under Act

March 1907 to December 31,1909.

		Cases Settled	
No.of Applications.	80	Coal Mining.....	28
Strikes averted or direct agreement..	74	Metal "	5
Boards granted	69	Ry.Employees (All branches)...	24
Not settled.....	6	Street Railways....	4
5 mines		Longshoremen.....	3
1 machinists		Sailors	1
4?for Union Recogn.		Other than public utilities.....	3
2 partly " "			69
All returned on finding of Board.			

Total Employees concerned in settlements 57,000

General Results

No interruption to agencies of transportation

All difficulties (other than union) settled

Saving in wages $3,500,000
(Loss in wages thro' strikes in 10 yrs preceding $15,000,000)

--profits --to community.

Comparison between Winnipeg and Philadelphia

N.S.W.with population one quarter of Canada
Settlement of disputes and adjustment of wages Boards
$375,000 in one year.

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Creation of Department of Labour
Conception of position of Department in National economy

Industrial information
L.G.- Annual reports, special reports
Industrial developments, conditions
" progress.

Industrial Waste and Loss.
Lockouts and strikes, accidents
Identity of interests.

Industrial Legislation
Review of reports of Departments and Bureaus
Legal decisions.
Need of uniformity.

Industrial Efficiency
Technical Education
China
Appropriation

Industrial Standards.
Oriental Immigration
Japan
China
India

Industrial Reform
Sweating system
False representation
Inquiries - Telephone and Cotton Mills
Opium
Combines and Trusts.

Industrial Peace.
Conciliation and industrial disputes.
Policy of Conciliation, Progress and Reform
in harmony, general policy of administration.

International Peace.
Conciliation in tariff matters
Agreement- waterways
Arbitration at Hague, in
Mission of New World in affairs of Old.

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Work of Department of Labour.

(1) The creation of the Department of Labour:-

A liberal measure based on the changing conditionsof democracy from status to contract - slavery - two parties to contract.

Pym's maxim of Government

Not in narrow sense - a class department - interests of labour, capital and community inseparably interwoven.

Individuals vs. factors of production.
Finances and war
Labourers and inventions
Chinese and railroads

(2) Industrial information:-

The Labour Gazette - photograph conditions, revealing industrial development

Annual reports) Social progress
Special ") The movement of wages -charts
" " prices "

Strikes and lockouts
Industrial accidents.

(3) Industrial waste and industrial loss.

Lockouts, strikes and accidents

Last 5 years
shews 1,300 killed, 2,500 industrial efficiency impaired.

= in 10 years, 13,000, 25,000

Illustrates identity of
interests of labour, capital and community.

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(4) Industrial Legislation

Information re collected

Reviews of legislation
Reports of departments
Legal d&visions

Need of uniformity,

as between Provinces
as between countries

International association - U.S.- Canada
" " labour legis'n - Boston

(5) Industrial efficiency.

Technical Education
National importance of question.

-Yellow peril - Hankow

What will save us
Need of artisans
Need of education

Action taken in Parliament
Appropriation.

Industrial Standards

Oriental immigration
Difference in standard of living.
Important consideration of first political concern

(1) trade, political alliance, Empire

Policy of conciliation

(a) Japan
(b) China
(c) India. - Letter from India.

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Industrial reform

1. The Sweating system - followed by municipalites and Provinces.
   Fair Wages.
2. Legislation re false representation
3. Inquiries - Telephone and Cotton mills
4. Opium traffic
   International conference at Shanghai
   Representation by U.S. and other countries.
5. Combines, trusts and mergers.

Industrial Peace.

Conciliation Act
Railway Labour disputes
The Lethbridge strike

Industrial Disputes Investigation Act

57,000 men concerned.
1,368,000 days saved
$3,500,000 wages saved

Wider significance - other countries.

International Peace.

Conciliation in tariff matters
Agreement in waterways and 5 other treaties
Arbitration at Hague in Fisheries
Celebration of 100 years of peace.

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Industrial efficiency:

Industrial changes due to industrial development

Importance of technical knowledge, processes, devices, etc.

Imperfect training of apprentices.

World competition

Development of industry in Orient.

Real yellow peril -- San Francisco letter.

Building up foreign trade essential to national progress.

History of German commercial and industrial development.

Opportunity to workingmen to rise.

Position of Government on Technical Education.

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When at the close of 1911, the world witnessed the overthrow of the oldest existing dynasty, and saw a Republic substituted for a monarchy in the ancient Kingdom of China, there seemed to have been achieved one of the most remarkable revolutions known to history. The awakening of the Orient from its slumbers of the ages can no longer be spoken of as an event of the future, the Orient is already wide awake, and is busy with the task of readjusting its political and industrial life under the modern ideals, influences, ~~after the model and in accordance with the methods~~ and the onward sweep of western civilization. Standing beside the events, we are perhaps too close to properly appreciate the magnitude of its significance, or to see it surprising and remarkable as has been the revolution in China, it is my belief that within the next fortnight we have been witnessing an event fraught with vastly greater significance to mankind, and portending mightier changes in the social order of the world. Being within the shadow, we are unable to view its proportions, and we are too close perhaps to grasp its significance, but the fact stands out that in Great Britain, 18 million men, some of them the most intelligent, many of the most unlettered in the United Kingdom, have chosen in perfect unison, of one accord and acting as one man, to save a nation from industrial paralysis, the most conservative parliament in the world was compelled (reluctantly forced) to

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~~to speak there of legal enactments in framing these demands~~

to enact legislation compelling ~~an acquiescence~~ a recognition
of these demands, is of all ~~subsequent labour troubles~~ incidents in industrial
history, perhaps the most annoying, and in its consequences, the most
~~history~~ for reasons, ~~to indicate~~
~~Those are those who take the blood power of the labour~~
~~unemployed has been felt~~

As seems before there has been demonstrated what is
meant by the "Solidarity of Labour;" as seems before,
~~there has been demonstrated~~ it has been seen how in the last analysis
labour and nature ~~and wealth~~ are the forces which create
all wealth comes from; ~~nature is forced to yield~~
~~labour from~~
~~the labour of labour~~
-forces of labour, as seems before ~~there has been demon-~~
~~-strated~~ been learned
, how those who live on the top of the earth are
dependent on those who work beneath it, and how all
industry, all trade, all human ~~existence~~ life in fact, is
made possible by the silent and ceaseless ~~self-sacrifice~~ efforts of
those who toil. Henceforth 'the State and labour' will
have a new meaning to all concerned ~~and politicians~~
alike in industry and politics alike. An old power
has ~~demanded~~ revealed a new possibility, both to study and
~~the forces that~~
~~the world~~, and the relations of men to each other

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~~And~~ in the industrial world will seem incredible to be ~~just~~ quite the same. Something may for the moment be lost. ~~In time~~ but something in respect has been forever gained. When there will be also like Mr Balfour, the Conservative leader in Britain, will think that a Government has deserved itself, and deserved the House of Commons, ~~the London~~ allowing ~~the venerable halls~~ of Westminster ~~Conservative~~ hoary in ~~splendour~~ the ~~instrument~~ of a "revolutionary democracy" ~~in the~~ but later generations will discover in this prompt and decisive action of the ~~present~~ acquitted administration the genius of the British peoples, to use British institutions as a means of preserving freedom ~~in practice~~ British ~~liberty~~ and ~~in time~~ ~~a larger measure~~ subsisting ever widening liberties of ~~the liberty for~~ mankind.

It is to this problem of the State in its relation ~~in Canada~~ of Labour ~~in Canada~~, as this problem ~~was brought to be dealt with~~ in a social control over private rights & possessions,

~~by a Liberal Government~~ The late Liberal Administration of which I had the honour to be a member, sought to deal with in Canada

That I wish to invite your attention tonight.

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Memorandum

of

Proceedings under the Industrial Disputes Investigation Act,
April 1, 1911, to date.*

17 applications were received under the Act during the past year. In 13 of these cases Boards were established; in the other 4 cases the matters in dispute were disposed of whilst communications were passing between the Department and the parties looking to the establishment of Boards.

16 applications related to disputes in mines and public utilities, and 1 to disputes other than those in mines and public utilities. The 17 applications were made up as follows, by industries:

Coal mining	3
Metal mining	1
Railways	8
Street railways	1
Telephone workers	1
Electrical workers	2

the 17th dispute relating to the boot and shoe making industry in the City of Quebec.

There were 3 out of the 17 cases during the year in which strikes were not either averted or ended, as follows:

In the mines controlled by the Western Coal Operators' Association;
In the mines of the Alberta Coal Mining Company;
and
In the machine shops of the Grand Trunk Pacific Railway Company.

Particulars have been published in the monthly numbers of the Labour Gazette of the proceedings in all but one of the 17 disputes. The exception referred to is that of the dispute between the Michigan Central Railway Company and its telegraphers. The report in this case will be published in the April number of the Labour Gazette. It is understood that an increase is being granted by the Company to its telegraphers, a strike being thereby averted.

The 17 cases above mentioned together with the 106 applications received up to March 31, 1911, constitute the total proceedings under the Act to date. The total number of applications, March 1907 - 1912, is accordingly 123.

*March 20,1912.

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Memo. re Proceedings under Industrial Disputes Investigation Act during the fiscal year 1911-12.

During the year 17 applications were received and 13 boards were established. In four cases the matters in dispute were arranged while correspondence was passing on the subject. Of the 17 disputes those referred under the Act there were three cases where the strikes which had threatened and were the occasion of reference were not prevented.

The disputes referred during the year 1911-12 were respectively as follows:

Coal Mining Industries

1. Western Coal Operators' Association and employees in Eastern British Columbia and Southern Alberta; number of persons affected,6000; application received April 13,1911; board's report received July 10, 1911. In this case the application was not received until after a strike has been declared and the strike continued until November 17, when a settlement was effected closely on the lines of the Board's report.

2. Canadian Northern Coal and Ore Dock Company and employees,being Coal Handlers at Port Arthur,Ont.; number of employees affected 150; application received June 2,1911; Board's report received June 19,1911. The report was unanimous and the dispute settled.

3. Alberta Coal Mining Company Limited and employees, Edmonton, Alberta; number of employees affected 80; application received October 23,1911; Board's report received December 12,1911. The report was unanimous with exceptions on minor points on the part of one Board member. After the Board's report had been received work ceased for a few days, whether by reason of formal strike or otherwise is uncertain. At the end of a week work was resumed and the dispute ended.

Metal Mines

Hudson Bay Mining Company Limited and employees, Gowganda, Ont. Number of employees concerned 30; application received May 25,1911; Board's report received July 10,1911. In this case a minority report was presented. So far as the Department is aware the dispute was ended as a result of the inquiry.

Railway Employees

1. Michigan Central Railway Company and sectionmen, St.Thomas, Ont. Number of employees affected 1200 - 1400. In this case the employees had notified the Department of their intention to apply for a Board ; an officer of the Department,being on the ground, negotiated an agreement with the Company and no formal Board was established.

2. Quebec and Lake St.John Railway Company and carmen, Quebec ,

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Que; number of employees affected,80. This case resembles the preceding. The dispute was closed by correspondence through the Department without the formal establishment of a Board.

3. Grand Trunk Railway Company and machinists,Montreal. Number of employees affected,2000; application received July 18,1911; board's report received October 23,1911. In the Board's report one member dissented on certain points. The employees objected to the Board's report but no strike has been declared.

4. Grand Trunk Pacific Railway and machinists and boilermakers, Winnipeg and Western Canada. Number of employees affected 300. The Board's report was unanimous but a strike had been declared before the report was received. The employees were willing to accept the Board's report; the Company declined to accept the report. The men claimed that the strike is still in progress. The Company claims that it has no need of men.

5. C.P.R. and freight clerks,&c., Western Canada. Number of employees affected 6,500. In this case the proceedings were terminated without formal inquiry before a Board. No strike occurred.

6. Quebec Central Railway Company and station employees,Quebec. Number of employees concerned,70. A settlement was reached in this case during procedure for establishment of a Board.

7. Michigan Central Railroad Company and station agents,telegraph and telephone operators, Western Ontario. Number of employees affected 115; application received December 12,1911; report received March 15, 1912. In this case a minority report was made by the Company's representative. At date of writing it is not known what result will follow the investigation but it is believed the threatened strike has been averted.

8. Pere Marquette Railway Company and Maintenance-of-way employees, Buffalo Division Pere Marquette Railway. Number of employees affected 140; application received December 29,1911; board's report received February 19,1912. The Board's report was unanimous and a settlement was effected of the matters in dispute.

Street Railways 1. Montreal Street Railway Company and employees,Montreal. Number of employees affected,30 directly, 1970 indirectly; application received June 17,1911. In this case the Board was restrained by injunction from proceeding, pending the determination of proceedings urging the unconstitutionality of the Act. The court proceedings in this matter are not concluded. No strike has occurred.

2. Telegraph operators Great North Western Telegraph Company

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and telegraphers. Number of employees concerned 200; application received March 3,1911; Board's report received July 17,1911. The Board's report was unanimous, with one member dissenting on minor points. The findings of the Board were accepted by both parties.

3. Telephone Company employees. British Columbia Telephone Company and employees. Number of employees affected 220; application received September 6,1911; Board's report received November 28,1911. In this case a minority report was presented by the Company's representative. The Board's report was not formally accepted by either party but the threatened strike was averted.

Municipal Public Utilities

1. Cities of Port Arthur and Fort William and their electrical workers; employees concerned directly and indirectly 98; application received May 27; Board's report received July 3,1911. The Board's report was unanimous and the dispute satisfactorily terminated.

2. Edmonton,Alta., and electrical workers. Number of employees concerned 35; application received May 29,1911; report of Board received July 5,1911. Board's report was unanimous and difficulty was arranged.

3. Shoe Manufacturing industry. In this case the dispute was referred only under section 63 of the Act and by joint consent of both parties; four firms of shoe manufacturers in the city of Quebec were concerned, with 943 employees affected. The application was received April 3,1911, and the Board's report was received June 26,1911. The Board's report was unanimous and the dispute was ended.

It will be observed that three strikes occured in the case of disputes included in the above list as follows, namely:

(1) Western Coal Operators and employees;
(2) Alberta Coal Mining Company, Edmonton,and employees;
(3) Grand Trunk Pacific Railway Company and machinists, Western Canada.

Particulars as to these disputes are included in the statement above printed.

Looking over the record of the Act as a whole it is found that

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there have been, since the enactment of the statute in March 1907, 123 applications for Boards divided among various industries as follows- coal mining 246; metalliferous mining 10; railways (including almost every variety of labour on steam railways) 52; street railways 9; longshoremen 3; freight handlers 2; teamsters 1; sailers 1; ship liners 1; deckhands 1; commercial telegraphers 2; telephone workers 1; labourers 1; electrical workers 2; leather workers 2; mule spinners 1; textile workers 1. The number of cases in which the threatened strikes were not either averted or ended is 13.

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C 10526

SESSIONAL PAPER No. 36a

DEPARTMENT OF LABOUR, CANADA.
STATISTICAL TABLES, XI., A.R., No. 3

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

TABLE SHOWING PROCEEDINGS BY CALENDAR YEARS.

	[1]1907 9 months.	1908	1909	1910	[2]1911 3 months.	Tosal.
Number of applications	25	27	22	28	4	106
Number of Boards granted	23	25	21	23	3	95
[3]Strikes averted or ended	24	26	18	24	3	95
Strikes not averted or ended	1	1	4	4	0	10

[1]The Act became law on March 22, 1907, so that the proceedings cover nine months only.

[2]To the end of the financial year, March 31.

[3]In the case of one of the applications received during 1911, the Company had gone into liquidation at the time of the investigation.

DEPARTMENT OF LABOUR, CANADA,
STATISTICAL TABLES, XI., A.R., No. 4.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

TABLE SHOWING PROCEEDINGS BY FISCAL YEARS.—1907–1911.

	1907–1908	1908–1909	1909–1910	1910–1911	Total
Number of applications	34	21	27	24	106 — 123
Number of Boards granted	32	19	25	19	95 — 108
Strikes averted or ended	33	20	23	19	95 — 110
Strikes not averted or ended	1	1	4	4	10 — 13

[1]In the case of one of the applications received during 1910–1911 the Company had gone into liquidation at the time of the investigation.

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C 10527

C 10527

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

PROCEEDINGS, 1907-1908.

Statement of Applications for Boards of Conciliation and Investigation and of Proceedings thereunder from March 22, 1907, to March 31, 1908.

A.—MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

1. Appointed by the Minister, under Section 8, Sub-section 1, of the I.D.I. Act, on recommendation from party concerned.
2. Appointed by the Minister, under Section 8, Sub-section 2, of the I.D.I. Act, in the absence of a recommendation from party concerned.
3. Appointed by the Minister, under Section 8, Sub-section 3, of the I.D.I. Act, on the joint recommendation of the two members first appointed.
4. Appointed by the Minister, under Section 8, Sub-section 4, of the I.D.I. Act, in the absence of a joint recommendation by the two members first appointed.

MINING AND SMELTING INDUSTRY.

1. COAL MINES.

DEPARTMENT OF LABOUR, CANADA, STATISTICAL TABLES, XI., A.R., No. 5.

Date of receipt of application.	Parties to Dispute.	Party making application	Locality.	No. of persons affected.	Nature of Dispute.	Names of Members of Board: (C) Chairman, (E) Employer, (M) Men.	Date on which Board was constituted.	Date of receipt of report of Board.	Result of Reference.
1907 Apr. 8	[1]Cumberland Railway & Coal Company and employés.	Employer	Springhill, N.S.	1,700	Concerning employment of non-union workmen.	.....	.....	.....	On April 1, employés went on strike. It was alleged by employés that they were under impression that the mines of Nova Scotia were exempt from provisions of Act. When it was explained Act applied to all Canada, employés returned to work April 8. Difficulty amicably settled. No Board constituted.
Apr. 9	[1]Canada West Coal & Coke Company and employés.	Employés	Taber, Alta.	150	Concerning hours of labour.	.....	.....	.....	On April 1, employer locked out employés. Employer alleged that this was done in ignorance of provisions of Act. When informed of provisions of Act by Department, mines were re-opened on April 18. Subsequently an amicable settlement was effected through intervention of Mr. J. D. McNiven, Fair Wages Officer of Department. No Board constituted.

[1]It is important to note in connection with these disputes that the Industrial Disputes Investigation Act was not assented to till March 22, 1907. It was some weeks later before copies of the Act were available for distribution. Its provisions in consequence were not fully known by the parties at the time these disputes occurred.
[2]Applications for a Board were received also from the employers, parties to this dispute.

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VI. STATISTICAL TABLES.

Statistical tables follow showing:

1. The proceedings under the Act from the date of its enactment, March 22, 1907, to the close of the financial year, March 31, 1911.

2. Proceedings under the Act by calendar years, 1907 to 1911.

3. Proceedings under the Act by fiscal years, 1907 to 1911.

4. Proceedings under the Act in detail for the four fiscal years covering the life of the Act, and ending respectively March 31, 1908, March 31, 1907, March 31, 1910, and March 31, 1911.

DEPARTMENT OF LABOUR, CANADA,
STATISTICAL TABLES, XI., A.R., No. 2

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

TABLE SHOWING PROCEEDINGS UNDER ACT FROM MARCH 22, 1907, TO MARCH 31, 1911

	Applications concerning disputes in mines and public utilities. 103												Applications concerning disputes in industries other than mines and public utilities. 3	Total applications under Act. 106
	Concerning mines and smelters. 44		Concerning transportation and communication. 58									Concerning civic employés. 1	Disputes referred by consent of parties concerned under sec. 63 of I.D.I. Act, 1907. 3	106
	Coal mines.	Metalliferous mines.	Railways.	Street railways.	Longshoremen.	Freight handlers.	Teamsters.	Sailors.	Ship liners.	Deck hands.	Commercial telegraphers.			
[1] [2]Strikes averted or ended	3	6	4	7	3	2	1	1	1	1	2	1	3	95
Strikes not averted or ended	6	2	4	1	0	0	0	0	0	0	0	0	0	10

[1] In the case of a dispute between the North Atlantic Collieries Company, Limited, of Port Morien, N.S., and its employés, operations in the Company's mines had been discontinued at the time of the investigation, the Company itself having gone into liquidation.

[2] At the close of the financial year results were still pending in connection with the application made on behalf of the commercial telegraphers employed by the Great North Western Telegraph Company of Canada.

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on May 29, a formal notification from the President of the Coal Company concerned that terms of agreement had been reached, and it should be specially noted that work was resumed practically on the lines of the recommendations of the Board which had investigated the dispute twenty-two months earlier. The parties originally concerned in No. 6 were identical with those concerned in No. 1, but as the strike proceeded in the case of No. 6 the property changed hands. In No. 7, the strike lasted from April 19 to May 11, when the employés returned to work on the conditions recommended in the report of the Board. Nos. 4 and 7 are also identical. In No. 8, the strike lasted from July 7 to September 27, when the employés returned to work on the conditions recommended in the report of the Board. In No. 9, the strike lasted from July 18 to August 2, when a settlement was effected through Government intervention. In No. 10, the strike lasted from December 16 to December 31, when the strike was terminated through the efforts of a committee of citizens. The four cases, Nos. 7, 8, 9 and 10, included in the above and falling within the financial year 1910–11, have been dealt with somewhat more fully in the analysis for the year 1910–11.

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Collateral C 10530

Industrial Disputes Investigation Act 1907.

MONTREAL WITNESS.

APR 23 1913

MEDIATION.

Mr. Taft, who could not be accused of being an emotional man, thought he saw the possibility of international arbitration for all disputes, and his announcement that he believed it possible was accepted with avidity by the people. Though this was the opinion of a judicially minded and aloof president, and though the response in the heart of the bulk of the nation was spontaneous, many questioned the practicability of international arbitration being extended even to those questions which had previously always been excepted from treaties, such as questions touching the nation's honor. It was not until Sir Edward Grey embodied in treaty form the decision of the British government to accept the challenge, and submitted it to the government of the United States, that others began to consider it as more than a dream. The thing could have been, and would have been done, had not the Senate, being out of touch with popular feeling, refused to accept it, except in an emasculated form. The United States has now a new president, and a new secretary of state. Mr. Bryan is neither as judicial or as conservative as was Mr. Knox, but he could hardly have dared bring forward his new proposal for international arbitration without the knowledge and consent of Mr. Wilson, who is generally credited with an unsual knowledge of the history of international affairs and a sound judgment.

The mediation proposal that Mr. Bryan now places before the world is much of the same character as the Lemieux Trade Disputes' Act, which has done so much for industrial peace in Canada, and attracted so much attention abroad. The proposal is, that no hostilities be entered upon between the United States and any other contracting nation until such time as the causes of disputes have been laid before an international tribunal, and a finding handed down. The finding of the court or commission is not to be binding on either party, just as the findings of our trade commissions are not binding on either employers or employees. The purpose of the finding would merely be to give to the people and government of the disputing nations a judicial lead as to how they should act, should Mr. Bryan's proposal be acceptable to the Senate of the United States. The general proposition will doubtless be welcomed by the other countries, though the proposal that a question between two countries coming before such an advisory tribunal shall require the cessation of war preparations on the part of both is, in that blank form, more unworkable than Mr. Churchill's holiday of a year. It is hardly fair, however, that he should again place Great Britain in the position of having to put a proposal emanating from the United States for arbitration into concrete form, with the possibility, if not the probability, of being again confronted with a rejection from the Senate.

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Manchester Guardian Feb. 1/13.

THE LEMIEUX ACT IN CANADA.

Sir George Askwith's visit to Canada to obtain information about the working of the "Lemieux" Act has borne fruit in the form of an instructive but in its conclusion rather disappointing Report. The Act was passed in 1907 for the purpose of averting strikes and lock-outs in those industries, such as mining and transportation, upon whose regular and uninterrupted working the whole economic structure of modern life largely rests. The Act requires that any dispute arising in connection with such an industry shall be submitted to a Board of Conciliation and Investigation with a view to arriving at a settlement before a strike or lock-out can be legally brought about. The Board consists in each case of three members, one nominated by the employer, one by the employees, and the third by these two; it is appointed by the Minister of Labour, and paid by the State; its services may be invoked by either party, and it has power to compel the attendance of witnesses, to take evidence on oath, and to inspect any books, documents, etc., which it may deem necessary for its information. If the Board fails to bring about a settlement by consent it is required to make a full report to the Minister with such recommendation as it sees fit for the settlement of the dispute, and not until this has been done may a strike or lock-out be legally begun. The penalties for illegal strikes and lock-outs are heavy--£2 to £10 per day for an employee and £20 to £200 a day for an employer,--and anybody who incites, encourages, or aids an illegal strike or lock-out may be fined from £10 to £200. Sir George Askwith's Report takes a very sympathetic view of the Act, and gives it full credit for the very considerable measure of success with which it has been applied. This success has perhaps been most conspicuous in the case of the railways, and it is noteworthy that the railway workers' unions, although at first strongly opposed to it, are now

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amongst its warmest supporters. Employers generally appear to value it, but trade union opinion in Canada is on the whole adverse to it, and the Canadian Trade Unions Congress passes an annual resolution demanding its repeal. The coalminers of Western Canada regard it with particular disfavour: they contend that it deprives them of the right to strike at the most opportune time and enable the employers of accumulating stocks and otherwise to prepare beforehand for the stoppage, and it is considered a monstrous thing that legal penalities should be incurred by "giving a meal to a starving striker." The conclusion indicated by the Report is that where employers and employed have had a reasonable sense of the wider social obligations it has succeeded, and that where that sense has been wanting it has failed. Illegal strikes have taken place, and of course it has not been found possible to impose legal penalties. The compulsory and final provisions of the Act appear to be largely co-operative, and do not certainly make it more acceptable here than in Canada. But without them the "Lemieux" Act does not differ materially from any other method of providing voluntary means of conciliation, and therefore cannot de aid to carry so much farther towards conciliation of the difficulty which it was chosen to meet.

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Collective - Industrial Disputes Investigation Act 1907.
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THE
WORLD'S WORK

AUGUST, 1913

VOLUME XXVI NUMBER 4

THE MARCH OF EVENTS

WE ARE living in a most interesting time in American life. We are trying out legally and industrially the great combinations built up in the last ten or fifteen years. We are going to see what greater strides we can make in industry without a protective tariff; we are going to try a new currency plan, the first in fifty years or more; and we are cleaning up politics and business at an amazing rate. Mr. Lamar, with his boasted villainies, and Mr. Lauterbach, with his exaggerations, are products of the past.

These changes in our economic and political life deserve much more attention than they usually get. As a nation we neglect these things. As children we are taught American history as a series of wars, from the conflicts with the Indians and the French, down through the Revolution, the Mexican War, and the Civil War to our conquest of the Spanish islands. The true history of the United States is a succession of economic and political steps, here and there interrupted by war. Our more serious wars have been operations on the body politic. They have come only when some of the regular machinery of progress has broken down — when our politics and industry were sick. And the convalescence from the operation of war has been long and costly.

The old saying, "Happy is the nation whose annals are few," is true when you think of annals, as most of our historians do, as being in a large part the records of wars. But wars do not mark the progress of a people. They mark their worst periods. The real annals of a people are the exploits of the men of inventive genius and constructive minds who make possible the ever-improving standards of life.

If we had not made a tremendous mistake in economics — the mistake of believing slave labor to be efficient — we should not have had the Civil War. If we did not still mistakenly believe that cheap foreign labor is efficient we might escape some future industrial strife.

We are in an era of construction and progress. It is a good time and place in which to work and to live, and whether you look at it merely from the present standpoint or take a broader view, the prospect is cheerful.

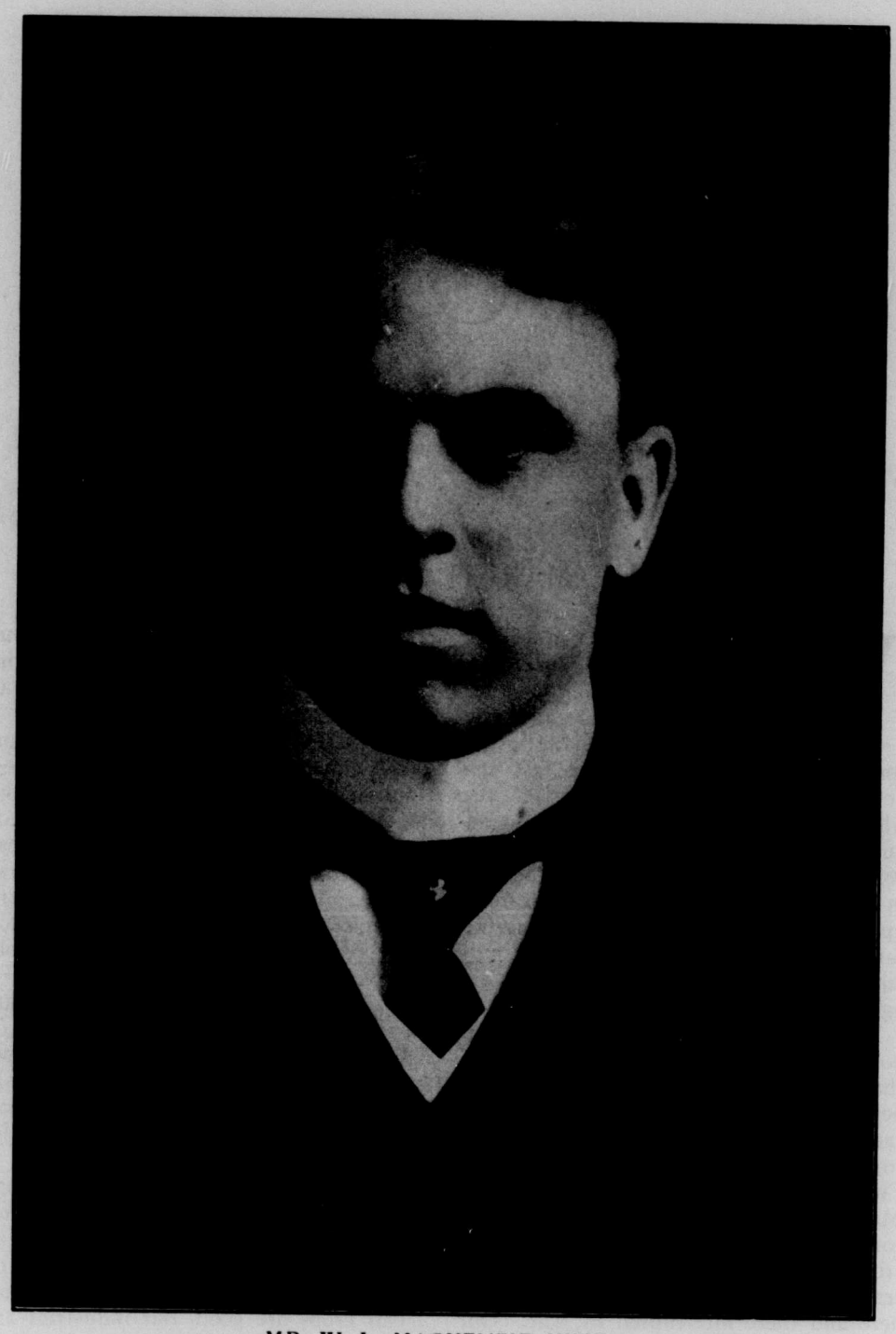
Our crops are good, our industries are busy, the tariff and the currency are in a fair way to be improved, and our standards of living are getting better year by year.

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MR. W. L. MACKENZIE KING

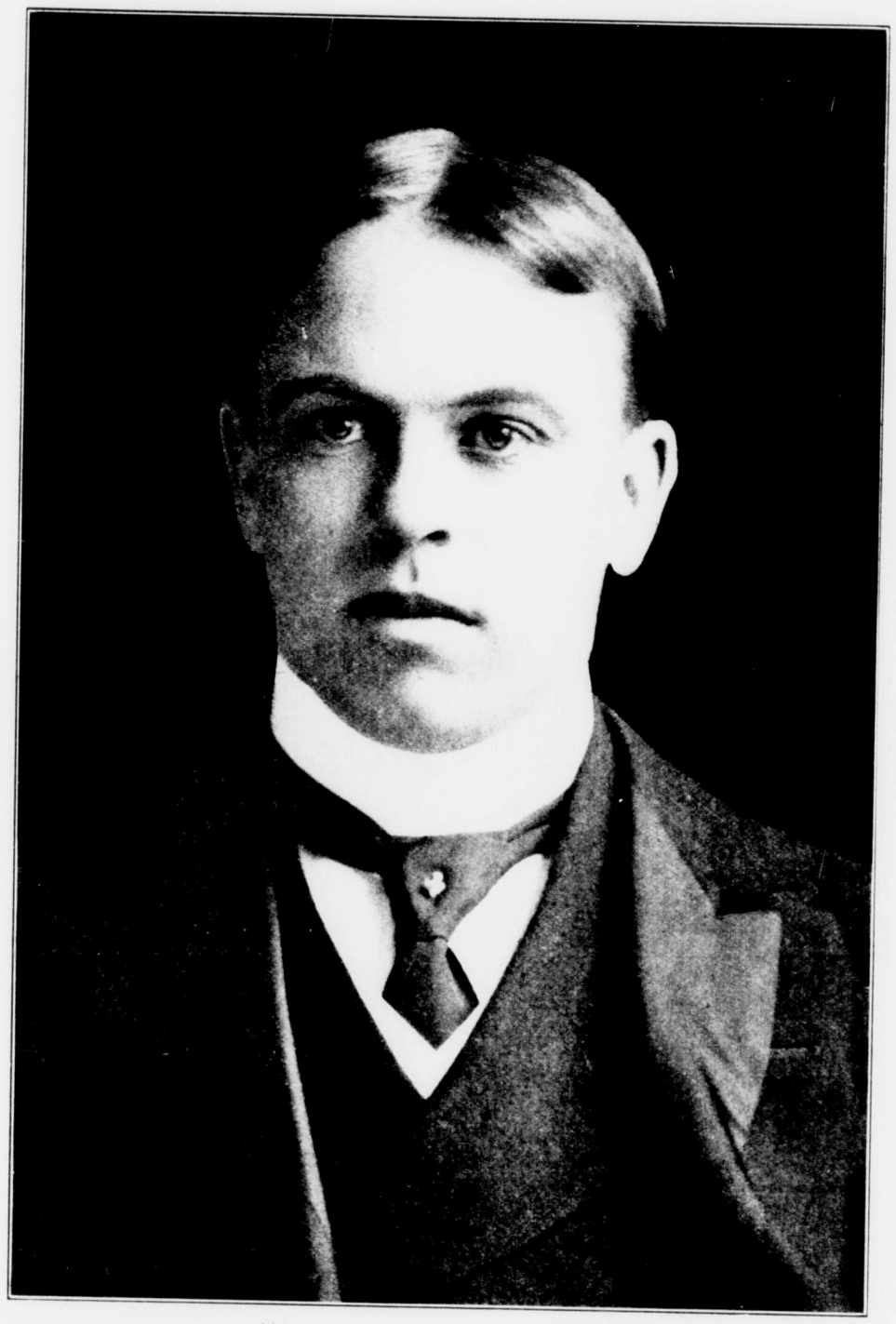
THE CANADIAN COMMISSIONER OF LABOR IN THE MINISTRY OF FORMER PREMIER SIR WILFRID LAURIER AND AUTHOR OF THE INDUSTRIAL DISPUTES INVESTIGATION ACT UNDER WHICH NEARLY 90 PER CENT. OF THE THREATENED STRIKES IN THE LAST SIX YEARS HAVE BEEN AVERTED

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MR. W. L. MACKENZIE KING

THE CANADIAN COMMISSIONER OF LABOR IN THE MINISTRY OF FORMER PREMIER SIR WILFRID LAURIER AND AUTHOR OF THE INDUSTRIAL DISPUTES INVESTIGATION ACT UNDER WHICH NEARLY 100 PER CENT. OF THE THREATENED STRIKES IN THE LAST SIX YEARS HAVE BEEN AVERTED

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plus of 25 per cent. of its capital is all that is required of a national bank, whereas permission to invest its surplus, or excess surplus, in approved mortgages would be a certain incentive for it to build up a large reserve. Such permission would enable it properly to accommodate nearly all desirable borrowers, and the increased surplus would give added strength to the bank and added security to its depositors, and in turn would increase the limit of its lending power. National savings bank deposits total $750,000,000, and surplus and undivided profits amount to $950,000,000. Our suggestion would, therefore, enable the national banks to take on a billion or more dollars in real estate security, and still not carry so large a proportion as that which the state banks now carry.

The farmer's need of improved farm financing is not so great as the whole country's need of a new currency and credit system; and as the farmer's individual requirements are comprehended in the larger plan for the whole people, he ought to lend his influence to secure the legislation needed for this purpose.

HOW CANADA PREVENTS STRIKES

ITS LAW THAT HAS PREVENTED ALL BUT EIGHTEEN STRIKES IN SIX YEARS ON THE RAILROADS, ON PUBLIC UTILITIES, AND IN THE MINES

BY

W. L. MACKENZIE KING

(FORMER MINISTER OF LABOR FOR CANADA AND AUTHOR OF THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT)

THERE is nothing revolutionary about the so-called Canadian Industrial Disputes Investigation Act, which provides the machinery that is used in Canada to prevent strikes and lockouts and to bring about the settlement of disputes between the labor and capital of transportation agencies and of mines and of other industries of public service, as, for example, gas, electric light and power companies, and all other forms of public utility industries. Not only was this Act of March, 1907, a direct and logical result of conditions in Canada at that time, and of experience previously gained in meeting similar conditions, but it was also a direct and logical evolution from statutes already on the Canadian books and similar enactments which had been thoroughly tested and tried out in Great Britain. We were forced to look conditions in the face. We did it and evolved an Act to meet those conditions and similar ones which we felt might arise in the future.

It might assist in an intelligent appreciation of the main provisions of the Act and the ends it seeks to serve, were I to tell something of the conditions that brought it into being, so that an American reader may understand those conditions and decide for himself whether or not they have been paralleled in the past or are likely to be duplicated in the future on the American side of the international frontier. I do not say that the Canadian Act will solve even this one aspect of the labor problem. I do not presume to suggest that it would be a good Act to adopt in the United States. I shall endeavor simply to give a correct idea of its principles and of its operation in my own country.

In the spring of 1906 the coal mines of the province of Alberta ceased operations in consequence of a strike. The strike ran on all through the summer and late into the fall. But few of the people in the vast territory lying between the Great Lakes and the Rocky Mountains realized, what became so painfully obvious later, that the effect of the strike was not a local matter at all, but that it cut off the supply of one of the most vital necessities of life throughout a large part of the whole of

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that isn't worth a good road isn't worth what it sells for, and soon won't be worth living in.

To sum up, we are working to solve four of our greatest state and national problems — to check four of our greatest sources of waste: an impoverished soil, impractical educational methods, lack of farm organization, and poor roads. Perhaps the greatest accomplishment that has thus far been put to the credit of the Illinois Bankers' Association is that it has awakened other associations to their responsibilities and opportunities for usefulness in these directions. We have participated in conferences called by bankers in various sections of the country; and, at our call, banker-farmers from twenty-four states met at New Orleans, where we were largely instrumental in getting the great American Bankers' Association to appoint a permanent Committee on Agriculture and Financial Development and Education. The movement is already nation-wide.

"But," someone will ask, "have you not overlooked the most important of all the farmer's problems — his lack of adequate credit facilities?" Not at all. Indeed, the various aims of the banker-farmer movement, which I have undertaken to describe — particularly the aim that contemplates the building up of a soil reserve and the adoption of business-like methods of agriculture — are in the final analysis the conditions precedent to any change in our system of farm finance.

This problem of farm credit is precisely the same as the problem of credit in any other industry, except that the use of such farm credit as is already available is as little known and efficiently employed as is the soil. Honesty and good judgment, with an industrious application of both, are the basis of good credit. The good farmer, as the good business man, with these attributes of credit and with a good farm on which to display them, makes an ideal debtor. We believe the majority of country bankers appreciate this fact, though their appreciation of it does not produce so much business as the fact warrants. We want the country to know this and to know also the direct mutual and public benefit that flows from an increase in business between the farmer and the banker. Official data shows that the farmer is getting as good treatment as his town neighbor, but we must do more than that if the farmer is to begin improved farming that shall be constructive alike for agriculture and the Nation.

We cannot afford to furnish money at any price for "soil robbers," "land skimmers," and farm exploiters. The farmers do not properly employ any large fraction of their present borrowings in constructive, permanent, investment farming. The reason they do not is usually given somewhat like this: "Because the loans that are available are for short periods, three to five years, and must be paid long before any material returns can be got from the investment." The facts, however, prove quite the contrary. Every agricultural college bulletin, every farm paper, and the practice of all progressive farmers are daily demonstrating that almost all the newer methods will pay themselves out at a profit in one, three, or five years at the most.

The American farmer has had great opportunities to invest his money more profitably outside than by putting it into the funds of the loan societies, and this has helped to keep interest rates higher. And the independent and individualistic tendencies of our people make doubtful the success of coöperative banking on any extended scale, though it would, of course, be interesting to see it tried out under proper safeguard. The result might be beneficial in developing business ability and vision among the farmers.

It is timely to point out that all farm financing is intimately associated, or should be, with the greater problem of a new currency system, the most pressing of all our needs. With a modern banking and currency system, there would be no objection — indeed, there would be great advantage—in permitting national banks, especially rural national banks, to invest at least 80 per cent. of all their savings deposits, and the bulk of their surplus, in good mortgages. The same privilege might well be extended to the Government's system of postal savings banks. A sur-

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that great region. It was not until the cold of autumn foretold the approach of winter that the people of that country came suddenly to realize that they were soon to be face to face with a Canadian winter with practically no supply of fuel on hand or obtainable. To show the condition as it developed, I quote herewith a letter addressed to the Right Honorable Sir Wilfrid Laurier, then Prime Minister of Canada, by one of the settlers in Saskatchewan. In graphic relief, the situation as it existed over miles and miles of sparsely settled prairie is depicted in this letter, and it is deserving of record for this, if for no other reason. But more than that, as the assertion by a free man of his rights and of the obligations which as a freeman he has the right to expect from the State it is, I think, an historic document.

DEAR SIR WILFRID:

The hamlet of Bladworth is the supplying point for settlers in approximately 12 townships surrounding.

These townships have approximately 50 settlers, each settled therein. The country is open rolling prairie, devoid of trees. The settlers depend for fuel on wood or coal obtained at the nearest railway station — Bladworth. The local dealers secure their wood from the Prince Albert country, and their coal from the Galt mines, Lethbridge. No coal has been obtained from this latter source since April 1st. One car was obtained from Banff in September last, since which no coal has been received here. Ten cars are under orders from Lethbridge and none delivered. One car is ordered from Estevan and promised by the mine operator for December 17th next.

Wood has been ordered from the Cowan Company, Prince Albert, and their answer is:

"We have neither slabs, edgings, nor cuttings, and though we have inquired we are unable to buy any cord wood as there is none in the city."

Settlers have been burning lumber at $30 a thousand, willow bramble, twisted hay, and grain. These sources are well nigh exhausted.

Dr. J. Fyfe reports from observation that no fuel is in the settlers' hands, and that suffering and perhaps death will ensue therefrom. All public schools are closed for want of fuel. The Saskatchewan Hotel, a 30-roomed house, has but one fire.

A blizzard has been blowing on November 15th, 16th, and 17th, with zero weather. I leave you, sir, to imagine what the condition of your fellow subjects is in the electoral division of Batoche — a name not unknown in history. This condition is not local but general.

We are informed that those persons operating the mines of the people are disputing over their rights, regardless of the right of the people to live. I would respectfully ask that you, sir, put an end to a dispute that is intolerable and the maintenance of which endangers the life and happiness (inalienable rights of all free people) of all settlers.

I ask you, sir, on behalf of a suffering people that by the powers vested in you the right of eminent domain be exercised.

I can assure you, sir, without exaggeration that this matter is one of life and death to the settlers here, one requiring immediate action.

Your obedient humble servant,

WILLIAM L. RAMSAY.
Chairman of Committee

Local Improvement District of Ramsay,
Saskatchewan, Nov. 19th, 1906.

This letter was but one of many similar communications received.

I was, at the time, the Deputy Minister of the Department of Labor of Canada, and while in this office had frequently been called upon to intervene in industrial disputes that directly affected the public welfare. Following precedent, I went to Lethbridge on this occasion and there encountered two difficulties which are almost always chiefly responsible for the prolongation of industrial disputes. It was, in the first place, all but impossible to get the parties to the dispute to meet together, and in the second place, when at last they were brought together, it was difficult to obtain accurate information in regard to the points in dispute.

The question at issue at the beginning of this srike had almost ceased to be the real issue at the time I reached Lethbridge. Instead, there had grown up innumerable petty disputes, many of them wholly personal, and the constant bickerings over these matters had created so much bitterness, prejudice, and hatred, that the parties to the conflict seemed hopelessly antagonistic. Studied at closer range, it seemed a wholly unnecessary waste of capital, labor, and resources, and at the same time a criminal injustice to the public dependent upon the mines for their sources of heat and power.

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After the strike was at last terminated, and after the necessities of the people in the Western provinces had been met, I returned to Ottawa and made a report to Parliament, in which I emphasized the advisability of devising means whereby (in disputes likely seriously to prejudice the public welfare) the contending parties should be made to meet together and the facts made a matter of public record, where this might be necessary to prevent a lockout or strike, or to give to the public an intelligent appreciation of its cause in the event of either taking place.

It was in the belief that these means, could they be found, would go a long way toward maintaining industrial peace, and that it was the obvious duty of the State to seek these means, that I wrote the report from which the three following paragraphs are taken:

> When it is remembered that organized Society alone makes possible the operation of mines to the mutual benefit of those engaged in the work of production, a recognition of the obligations due Society by the parties is something which the State is justified in compelling if the parties themselves are unwilling to concede it. In any civilized community private rights should cease when they become public wrongs. Clearly, there is nothing in the rights of parties to a dispute to justify the inhabitants of a province being brought face to face with a fuel famine amid winter conditions so long as there is coal in the ground and men and capital at hand to mine it. Either the disputants must be prepared to leave the differences which they are unable to settle amicably to the arbitrament of such authority as the State may determine most expedient, or make way for others who are prepared to do so.
>
> Inasmuch as coal is in this country one of the foremost necessaries, on which not only a great part of the manufacturing and transportation industries, but also, as the recent experience has shown, much of happiness and life itself depend, it would appear that if legislation can be devised, which, without encroaching upon the recognized rights of employers and employees, will at the same time protect the public, the State would be justified in enacting any measure which will make the strike or lockout in a coal mine a thing of the past. Such an end, it would appear, might be achieved, at least in part, were provision made whereby, as in the case of the Railway Labor Disputes Act, all questions in dispute might be referred to a board empowered to conduct an investigation under oath, with the additional feature, perhaps, that such reference should not be optional but obligatory, and pending the investigation and until the board has issued its finding the parties be restrained, on pain of penalty, from declaring a lockout or strike.
>
> In view of past experience and the present situation I would, therefore, respectfully recommend that the attention of Parliament be, at as early a date as possible, invited to a consideration of some such or other measure with a view of preventing a possible recurrence of an experience such as this country has been forced to witness during the past month, and of promoting in the interests of the whole people the cause of industrial peace.

The experience of that year was sufficient to ensure a sympathetic hearing from Parliament. Having been requested by the Prime Minister to draft my recommendations in the form of a bill, I did so, making abundant use in some of the sections of existing legislation in Canada and other countries, and supplementing these by such additional provisions as experience seemed to indicate would be in the public interest.

The Department of Labor was not, at that date, as it now is, a separate department of the Government of Canada, but the portfolio of Minister of Labor was held by the Postmaster General. The Honorable Rodolphe Lemieux, M. P., was Postmaster General and Minister of Labor, and on December 17th, almost within a month of the date of Mr. Ramsay's letter to Sir Wilfrid Laurier quoted above, Mr. Lemieux presented to Parliament the bill embodying the principles and provisions I have outlined. It passed rapidly, practically without amendment, through the House of Commons and Senate and received the Royal Assent on March 22d, becoming law from that time.

As indicated, the bill had its genesis in the coal mine strike, and strong arguments in favor of it were based upon the situation created and the needs of the people in the winter of 1906. But the bill itself was made broad enough to include not coal mines only, but all other enterprises which enter into the services of the public. The underlying idea of it is that any cor-

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poration, firm, or individual, doing business in what has come to be a necessity of life or essential to the public welfare, must not allow that industry to be paralyzed and its function rendered useless through any dispute without first having made every reasonable effort to settle the dispute, and, at any rate, made the cause of the dispute a public record.

The provisions of the Act are very simple. Whenever a strike or lockout is threatened in any one of these industries, the parties, if unable to adjust their differences amicably, must refer them to a board for settlement before such a strike or lockout can legally take place. If the men are going to strike, they must serve a notice on the Government that unless a board is appointed a strike will take place. If the management proposes a lockout, it must serve a similar notice on the Government. The notice will say that all possible means of arriving at a settlement have been exhausted and pray the Government to appoint a board of investigation. The notice served on the Government must contain a statement of the differences between the parties and a copy of that statement must also go to the other party to the dispute.

When such a notice has been served, in compliance with the terms of the Act, the Minister of Labor calls on each of the parties to name a member of the board. These two members have the opportunity to name a third member who shall be the chairman. If they are unable to agree within a reasonable time, the Minister of Labor himself appoints a chairman. If either party fails to name a member of the board, the Minister of Labor appoints some one to serve on the board as the representative of the party defaulting in making an appointment.

The board has all the powers of a court of record. It may compel the production of documents; it may subpœna witnesses; it may take evidence under oath; but its duty is primarily that of a conciliation board and a board of inquiry and only secondarily that of a court.

After meeting, if a settlement can be effected, the board simply reports to the Government the settlement of the difference. If no settlement is effected, the board publishes a report of the dispute. This is given to the press and public and sent broadcast throughout the land. It sets out the board's opinion of the real trouble, and what, in its opinion, ought to be done to prevent a strike or a lockout.

There the function of the Government ends. There is no compulsion on either party to accept the finding of the board. There is no restraint on the parties. Once they have had this inquiry, they may do just as they please about the strike or lockout. It has so often been thought by persons who are not familiar with its provisions that this Act is in a sense an act of compulsory arbitration, that I am glad to take this opportunity of pointing out that there is not the slightest compulsion placed upon either labor or capital as a result of an investigation conducted under its provisions.

When I say there is no compulsion I mean, of course, no legal compulsion. There is the restraint which the law imposes of delaying an interruption to industry before and pending inquiry, and there is, once an investigation has taken place, the restraining influence of public opinion intelligently formed. If, after investigation, any company, or any group of labor, operating a public utility of any sort, cares to tie up that public utility so that the public have not full and complete use of it, the public at least knows what the causes of the disputes are, and also has an opinion concerning what seems to be the right and the fair thing to do under the circumstances. This restraining influence of public opinion we have found in Canada a very powerful aid to industrial peace; in the last analysis, it is a most powerful element in settling all conflicts between capital and labor.

This original Act of 1907 has been slightly amended since its introduction. As Minister of Labor, I introduced in 1910 an amendment to compel a thirty days' notice to be given by either company or men, where any change of wages or of hours of labor is proposed. The change, if objected to, cannot go into effect till an inquiry has taken place. This clause gives the men opportunity, in case the

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company announces a reduction in wages, to appeal to the Government, and also gives the companies a similar opportunity, if the men demand increases in wages or changes in the hours of labor. This is the most important amendment that has been made to the Act. It was made at the request of representatives of labor. It places the burden of showing cause for a change in conditions, if exception be taken, upon the party that proposed the change. Another amendment, made at the same time, concedes to union officials, where a union is recognized by a company, certain privileges in the manner in which applications for the boards are made to the Government.

This legislation is very simple. It is well understood not only by labor and capital, but by the general public. It has led the people to take a closer interest in, and to follow much more in detail, the disputes that arise in Canada. The Act has practically made the people of Canada a party to every dispute in industries that supply public necessities.

This Act has now been on the statute books for more than six years. A complete record of its operation from the end of March, 1907, to the end of March, 1913, shows that during that time there have been, altogether, 145 applications for boards. Of these, 40 have had to do with coal mining, 11 with metal mining; 61 with railroads; 13 with street railways; 7 with shipping; 2 with commercial telegraphers; 2 with telephone workers; 4 with civic laborers; and 5 with industries other than mines or public utilities, such as the boot and shoe industry, which may come under its provisions if the parties acquiesce.

Of the 145 applications for boards received during six years, strikes were averted or ended in all cases save 18; that is to say, in all cases, save, on an average, three in every year. There have been isolated cases where men have struck without knowing that the Act was on the books, but in these cases the differences have been settled under the law almost immediately after its provisions became known.

Of these 145 cases, 18 were settled after application had been made for a board, but before a board was actually appointed. This is an evidence of the restraining effect of such an Act. In these cases, either one or the other of the parties to the dispute realized that they did not have a good enough case to take before a board, and were prepared, therefore, to make a settlement without further investigation. For the same reason, the actual effect of this law is probably very much wider than the figures seem to indicate. I know, from personal knowledge of cases in which, under former conditions, strikes or lockouts would have taken place, but which, because of the fear of publicity through investigation, have been settled and smoothed away by an agreement between the men and the companies without even an application for a board. It is impossible, of course, to assume, with any degree of accuracy, how many disputes have thus been privately settled, which in other years might have become serious. Small disputes, which are perfectly easy to settle in the first place, if not dealt with in time, often grow into tremendous battles between capital and labor, where there is no compelling force or power to bring the parties to a dispute together in amicable conference.

To go back to the records, during the six years following the enactment of this legislation, in 127 cases boards actually held inquiries and reported upon their work. I will outline very briefly some of the details of the settlements that were effected. In considering its application to steam railroads the scope of the law must be kept in mind. It applies not merely to the classes of labor comprising the operating crews of railroads, as is true of the Erdman Act in the United States, but it embraces all classes of persons employed by railroads: roundhouse employees, car builders and repairers, clerks, freight handlers, and so forth. Limiting the application of the Act to cases where only the operating crews of railroads have been concerned, the record shows that only one strike occasioning any serious interruption to transportation has occurred on the railroads of Canada since the Act was placed on the statute books. That was the Grand Trunk strike of 1910, which took place

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after there had been an investigation by a board. It lasted about two weeks and was finally settled very much on the basis recommended by the board. There have been, in all, five other strikes of employees of railroads, but none of these has perceptibly affected the public welfare.

In the street railway field we used to have strikes in Canada every year. They were among the worst strikes we have had in the country, by which I mean that they inconvenienced the public more than other strikes, that they not infrequently led to the destruction of a great deal of property, and that they occasionally resulted in the inflicting of permanent injury and, in one or two cases, loss of life itself. Since the passage of this Act, for this period of six years we had only one strike on all the street railway systems of Canada. That was a strike that took place in Winnipeg after a board had made an investigation and that lasted only for a few days and was then settled on the basis of an award made by the board.

Formerly our steamship companies were tied up in the seaports almost every spring as the result of industrial disputes. Since the Act went into effect we have had little or no stoppage in transportation either on the Great Lakes, the St. Lawrence, or ocean ports, due to lockouts or strikes.

We used to be troubled, also, with strikes of telegraphers and telephone operators. Since this Act was passed we have suffered no interruption of these important agencies of communication.

I have touched here on the main elements that enter into the transportation and communication systems of the country. It is obvious from the records that in Canada,with the exceptions named, we have had for six years what might be called an all but complete immunity from industrial strife on the agencies of transportation and communication in the Dominion. In mines, the record has not been quite so good, though there, also, it has been very favorable.

If the Act had done nothing more than perceptibly to minimize the yearly average of industrial disputes it would be deserving of being classed not only as a successful piece of legislation but as a law that had conferred upon the people of the whole Dominion a security in industrial affairs hitherto unknown. But it has done more than this; it has maintained industrial peace to a degree the money value of which it is impossible to estimate.

If one asks whether this system of compulsory investigation, which we have made a law, does not work hardship upon either capital or labor, or perhaps upon both, the only reply that need be made is that leaders of both industry and of labor have over and over again endorsed the Act as sound, fair, and equitable. The managers of the companies are almost unanimous in the approval which they give to its provisions. Some labor officials have opposed its provisions, but such labor leaders as Mr. Calvin Lawrence, the legislative representative of the Brotherhood of Locomotive Engineers, Mr. E. J. Dowley, the legislative representative of the Brotherhood of Firemen and Enginemen; Mr. John Maloney, the legislative representative of the Brotherhood of Railroad Trainmen; and Mr. D. Campbell, of the Order of Railroad Telegraphers, have endorsed the Act strongly. Mr. A. B. Lowe, president of the International Brotherhood of Maintenance of Way Employees, said in a letter to the Department of Labor, in 1910, "My opinion of the Act itself has never changed—that it is one of the best pieces of legislation that has been passed (to my knowledge) in the interests of industrial peace." That it has met with the approval, and surpassed the expectations, of the general public, is beyond all question.

Nor is the success which has attended this legislation and its general acceptance a matter of wonder when one considers a few fundamental truths on which it is based and which it helps to exemplify. One is that in the carrying out of all legislation, men are more important than measures. The Canadian Act, by according to each of the parties its own representatives on boards of inquiry, and permitting them to appear in person to aid in the work of conciliation and investigation, ensures a degree of sympathy with the Act and all that takes place under it which

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would not be possible in the case of a statute more mechanically administered.

Another truth is that in evoking confidence, personality is a more potent element than policy. The Canadian Act is not dependent upon precedent; in the carrying out of its provisions, on the other hand, it permits a range of the whole Dominion in the selection of the persons best qualified to deal with a particular situation.

Furthermore, publicity as a means of preventing and redressing wrong is often more effective than penalty. It is a fact of human nature that however mean and contemptible men may be as individuals, collectively and in the light of day they hesitate to have their actions so appear. The Canadian Act, by ensuring the widest publicity, prevents the mean man from profiting because of his meanness.

Lastly, as Edmund Burke has said, "Justice is the common concern of mankind." The Canadian Act, by recognizing the public as a party immediately concerned in the prevention of industrial wrongs, helps to ensure that measure of justice in the investigation of industrial differences which makes the verdict of public opinion, or the fear of it, all-powerful as an element in the maintenance of industrial peace.

The Canadian statute may have its shortcomings and limitations, but being in its essentials an instrument calculated to ensure fair play between employer and employed in situations in which the public is immediately and immeasurably affected, it bids fair to become more and more, as time goes on, a not less welcome than efficient means of maintaining industrial peace.

A WOMAN OF ACHIEVEMENT

MISS GERTRUDE BEEKS

WHOSE SUCCESS IN BETTERING WORKING AND LIVING CONDITIONS AT PANAMA, IN STORES AND FACTORIES, AND AMONG MANY OTHER LARGE BODIES OF MEN AND WOMEN IN INDUSTRY PLACES HER AMONG THE FOREMOST "WELFARE" WORKERS OF THE WORLD

BY

SARAH COMSTOCK

THERE may be several ways of accounting for Miss Gertrude Breckenridge Beeks, and she is worth accounting for.

She was sent by President Roosevelt and Secretary of War Taft to Panama in 1907, to make investigation and give expert advice upon the social life, food, and housing of American employees there. In 1913, she was chosen by the New York University's School of Commerce to organize and head the first systematic course in welfare work ever given in the history of education. These are two specific items in her career. In general, she is acknowledged as probably the foremost welfare worker in America to-day, having organized and developed the Employers' Welfare Department of the National Civic Federation, of which she is nominally secretary and actually the very pulse.

During her presidency of the National Association of Business Women, Miss Beeks found that Chicago offered no suitable lunchroom for business women of a fairly prosperous class. She thought the matter over, then proceeded to bring together three elements, namely, a few people who could furnish financial backing for the start; a set of pleasing Dutch-blue dishes; and some excellently broiled chops. The enterprise was launched, was patronized, and it paid. What it taught her of the needs of the worker and of economic management was the basis of all she has done since.

At that time welfare work was new, and its advocates were without a definite idea of where it would lead. In a few

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Proceedings for year ended March 31, 1913.

Total number of applications received 21*

Applications classifed according to industries:

Coal mining	1
Metalliferous mining	3
Railways	8
Street railways	5
Longshoremen	1
Telephone workers	1
Labourers	1
Machinists, blacksmiths and helpers	1
	21

Number of applications made by employers 1
" " " " employees 20

Number of employees concerned in above 21 disputes 40,937

Number of cases in which strikes were not either averted or ended by a reference of the dispute under the Act 3

The three cases in which strikes occurred are as follows:

The dispute between the Canadian Northern Coal and Ore Dock Company, Limited, Port Arthur, Ont., and employees, most of whom were members of Coal Handlers' Union No. 319.

The dispute between certain mine owners in South Porcupine, Ont., and employees, members of Porcupine Miners' Union No. 145, W. F. M.

The dispute between the Canadian Pacific Railway Company and various employees -- freight handlers, freight clerks, etc. -- members of the Canadian Brotherhood of Railroad Employees.

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* This number includes one case in which certain proceedings had taken place during the previous year.

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Strikes and Lockouts.—The tailors' strike commencing April 1st affected about fifty women. The strike was wholly for increase of wages; the master tailors offered an eight per cent. increase, which was not considered sufficient. The strike lasted for three weeks, closing on April 22nd. The result is a ten per cent. increase in wages.

The Hislop Employment Agency reports sending ten women out of the city to domestic work. They send out upwards of one hundred weekly as charwomen. They supply chiefly cooks, cook-generals, generals, housekeepers, waitresses and kitchen girls.

The Y.W.C.A. head office placed some four thousand women last year. They have more British girls than other employment agencies, generally speaking.

The Associated Charities and the Day Nursery also send out numerous charwomen.

Grace Church during the year has helped some three hundred girls find work monthly as stenographers and bookkeepers.

THE INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907—REVIEW OF PROCEEDINGS FOR SIX YEAR PERIOD AND FOR YEAR 1912-13.

THE Industrial Disputes Investigation Act of Canada became law on March 22, 1907, and had therefore been in operation for six years at the end of the month of March last. Tables are presented in the present issue of the *Labour Gazette*, showing the proceedings which have taken place under the Act during the year ending March 31, 1913, which, with the tables published in the last Annual Report of the Registrar of Boards of Conciliation and Investigation under the Industrial Disputes Investigation Act, comprise a statement of all proceedings thereunder since 1907.

In all, 145 applications have been received in this six year period for the establishment of Boards of Conciliation and Investigation under the Act, as a result of which 127 Boards were established. In the eighteen cases remaining, the matters in dispute were adjusted by mutual agreement whilst steps for the establishment of Boards were pending. The total number of employees affected by these 145 disputes was 186,650, or an average of 1,287 in each dispute. There were altogether eighteen cases in the six years in which strikes were not either averted or ended through the instrumentality of the Act. Eleven of these eighteen strikes occurred in the mining industry, one in the operation of railways, five in railway offices, shops and yards, and one in the operation of a street railway. In 127 cases the matters in dispute were either settled by mutual agreement or the threatened interruption of work was otherwise averted.

Twenty-two applications under the Act were dealt with during the year ending March 31, 1913, resulting in the establishment of eighteen boards. In the four remaining cases the matters in dispute were adjusted by mutual agreement whilst steps for the establishment of Boards of Conciliation and Investigation were pending. One of the twenty-two applications above mentioned was received prior to April 1, 1912, the procedure continuing for a month after that date. Correspondence was also exchanged between the Department and persons concerned in various disputes in which, however, the circumstances did not call for any form of procedure under the Act.

The disputes referred under the Industrial Dispute's Investigation Act during the past year involved very many different questions, including wages, hours, discriminations, suspensions, dismissals, the revision of existing agreements, union recognition, the check-off system of collecting union dues, rental of houses, breaches of agreement, and dis-

add about
ten since march

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In all schools lying on the outskirts of Toronto the teachers report a decrease in the attendance. In several cases investigated, they have found that children instead of being sent to school have secured light employment in various factories, while others were working in city stores as messengers and delivery boys. The matter was brought before the School Board, and it was decided to make a thorough investigation, and to prosecute all parents whose children continue working instead of attending school.

Organizations of Women Workers. — Notwithstanding the number of working women and girls in Toronto, there is up to the present very little organization. This may be attributable to several causes: ignorance as to the advantages to be derived; a general feeling of satisfaction with conditions as they are; and an absence in general on the part of women workers of looking to their occupation as a life work. This feeling of lack of permanency incidentally produces a drifting of women from one occupation to another, with its resultant superficial work. The following organizations in Toronto have women members:—

	Female Membership.
Cigarmakers International, No. 27	40
United Garment Workers of America	110
Int. Musical Protective Association	30
Journeymen Tailors' Union of America	40
Journeymen Tailors' Int. Union of America	8
Commercial Telegraphers' Union	10
Telegraphy, covering C.P.R.	4
Furworkers' Union, No. 14, 187	2
Garment Cutters' Union, ladies	90
United Garment Workers of America, No. 202.	75
Total	409

Women's Compensation Act. — Sir James Whitney announced to the Legislature that there would be no workmen's compensation legislation this year.

Factories and Shops Act.—The various amendments to the Factories and Shops Act, noted last month as being before the Provincial House, have been rejected.

Winnipeg.

General Condition of Female Labour.—The demand for women in all spheres of work undertaken by them has been steady during April. There has been an increased demand towards the end of the month, possibly accounted for by the fine weather.

Employment in factories has remained rather constant. There has been some demand for additional help, but this has not been pronounced except in the case of operators in some of the women's ready-to-wear establishments. Fifty operators were wanted by the Guarantee Ladies' Wear.

The Local Council of Women have expressed the opinion that a woman factory inspector should be secured for Winnipeg.

There are reported by the Industrial Bureau 361 factories in Winnipeg. Some of the factories employ from seventy-five to 100 women.

The demand for housekeepers has not been excessive. The wages are good, running all the way from $25 to $45 in the city and from $20 to $35 in the country. Cooks are wanted, as are also housemaids and nursemaids, but the great demand in domestic help is for the general servant and the cook-general.

Factory help has not been conspicuously in demand, some factories reporting that they are not specially busy at this season of the year, and not taking on new hands. Book-binders have sought assistants during April. Confectionery and biscuit factories are not engaging new help this month. Dressmakers and milliners, telephone operators, waitresses and retail clerks have all been sought after. Stenographers and bookkeepers have been increasingly in demand during the month, and much more in demand than during March. Teachers are wanted, and nurses have been brought in both from the United States and from the Old Country.

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placement of Canadian train crews by Americans.

The twenty-two disputes dealt with under the Act during the past year were distributed among the different industries affected as follows: coal mining, one; metal mining, three; railways,* nine; street railways, five; shipping, one; telephones, one; municipal service, one; street car manufacturing, one. The number of employees concerned in the twenty-two applications received under the Act during the year was 51,596, being an average of 2,345 for each dispute.

In connection with each of the twenty-two disputes above mentioned, sworn statements were furnished to the Minister of Labour to prove that, failing an adjustment of the differences or a reference of the same under the Industrial Disputes Investigation Act, a strike or lockout, as the case may be, would be declared.

There were four cases during the year in which strikes were not either averted or ended through the instrumentality of the Act, to which reference is made elsewhere in the present article. Two of these strikes occurred in metalliferous mines and two in the railway industry. Neither of these latter had, however, to do with the operation of railway trains.

All of the disputes referred to last year, with one exception, occurred in mines and industries of the public utilities class, to which the law primarily applies. One dispute was referred under the Act by joint agreement of the parties concerned, as provided for in Section 63 of the Statute. This case related to a dispute between the Ottawa Car Company of Ottawa and its machinists, blacksmiths, and helpers to the number of sixty-five, and was caused by the unwillingness of the Company to grant to these trades a nine hour day with the wages then being paid for ten hour service. The Board was successful in concluding a signed agreement between the parties, effective for one year, and thereafter until terminated on sixty days' notice by either party.

*The classes of labour concerned in the disputes were: conductors, telegraphers, accountants, railway clerks, stenographers, draughtsmen, rod men, engineers, firemen, brakemen, machinists, boiler makers, blacksmiths, checkers, frieght handlers, baggagemen, and porters.

Question of Constitutionality of Statute.

In November, 1912, a judgment was delivered by Mr. Justice Lafontaine, of the Superior Court, Montreal, dismissing an application of the Montreal Street Railway Company for a prohibition order against the Board of Conciliation and Investigation which was established by the Minister of Labour in July, 1911, to enquire into a dispute between this Company and certain of its employees. The Company's application, which also called into question the constitutionality of the Industrial Disputes Investigation Act, was contested by counsel for the Dominion Government. Judgment was given, dismissing the application for a prohibition order and upholding the constitutionality of the statute. Later in the same month, notice was given of appeal by the Montreal Street Railway Company from the foregoing judgment to the Court of Review. The hearing of this appeal before the Court of Review was held on April 3, 1913, judgment being reserved.

Dispute in Coal Mining Industry.

The only coal mining dispute of the year referred under the Act was that affcting the mines of the Inverness Railway and Coal Company at Inverness, C.B. This difficulty grew out of the employees' demand for a five per cent. reduction in the rental of certain houses owned by the Company, and improved conditions therein, a fifteen per cent. increase in wages, and the unwillingness of certain employees to countenance the deduction by the Company from their wages of lodge dues in the Provincial Workmen's Association. Through the Board's efforts an agreement was reached between the Company and its employees and the threatened strike thereby averted.

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Railway Disputes.

A dispute between the Canadian Pacific Railway Company and its railway telegraphers, grownig out of the latter's demand for a wage increase of fifteen per cent., involved directly 1,800 employees scattered over the Company's entire system, and was understood to indirectly affect 8,000 other employees besides. The Board award favoured a ten per cent. increase, which the Company was willing to concede, but which the employees would not accept as a satisfactory adjustment. It being quite evident that a strike was imminent, the Minister of Labour placed himself in communication with the Company's officers and the employees' general committee, and also visited Montreal for the purpose of personally inquiring into the dispute and lending his good offices to secure a peaceful settlement. An agreement was finally reached by negotiation, which was understood to provide for an increase of about twelve per cent. over previously existing rates of wages and the reduction of one hour in the employees' working day.

In the spring of 1912 arrangements were made between the Canadian Northern Railway Company and the Midland Railway Company of Manitoba for a lease to the latter of running rights over the Canadian Northern Railway line between Winnipeg and Emerson. The object of this arrangement was to permit of the Great Northern and Northern Pacific Railway Companies, joint owners of the Midland, operating their own through trains between Winnipeg and St. Paul, Minn. Objection was made by the Canadian Northern Railway train service employees operating between Winnipeg and Emerson that this agreement would result in their being displaced by American train crews, and application was made to the Minister of Labour in the matter under the provisions of the Industrial Disputes Investigation Act, a Board of Conciliation and Investigation being accordingly established. As a result of ensuing negotiations between the Department of Labour and the Board of Railway Commissioners of Canada, an order was issued by the latter, notifying the Canadian Northern and Midland Companies that as the running rights agreement referred to had not been submitted to the Board for approval under Section 364 of the Railway Act, the same was accordingly in contravention of the Railway Act, and, further, that an order would issue imposing a penalty if the conditions of operation which existed prior to the agreement were not immediately restored, pending submission of the agreement to the Board for its approval. Whilst the Board of Conciliation and Investigation was in session in Winnipeg, a satisfactory settlement of the difficulty was reached by negotiation between the parties directly concerned.

Street Railway Disputes.

Disputes were successfully disposed of under the Act last year which involved the operation of the street railway systems in the following cities, viz., Ottawa, Halifax, Quebec, Hull, Fort William and Port Arthur, the matters at issue in some instances being of a particularly difficult nature, having to do with wages, hours, and other conditions of employment, dismissals, and Union recognition. Through the Boards' efforts settlements were concluded in each case and the threatened strikes thereby averted.

In the case of the Ottawa Electric Railway the agreement provided for increases of the employees' wages and for the right of the employees to meet the Company either individually or by Committee for the discussion of any grievances or disputes that might arise.

In the case of the Halifax Electric Tramway Company an agreement was made providing for an increased scale of wages and assuring all employees an opportunity of presenting any complaints or grievances which might subsequently arise to the proper officials of the Company with the further privilege of appeal, if necessary, to the Company's Board of Directors.

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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

Table Showing Proceedings Under the Act from March 31, 1912, to March 31, 1913.

Industries Affected.	No. of disputes referred under Act.	No. of strikes not averted or ended.
I. Disputes affecting Mines and Public Utilities:		
(1) Mines:		
(a) Coal	1	0
(b) Metal	3	2
Total, Mines	4	2
(2) Transportation and Communication:		
(a) Railways	9	2
(b) Street Railways	5	0
(c) Shipping	1	0
(e) Telephone Workers	1	0
Total, Transportation and Communication	16	2
(3) Civic Employees	1	0
Total, Mines and Public Utilities	21	4
II. Disputes affecting other than Mines and Public Utilities	1	0
Total, all classes	22	4

The proceedings under the Act during this year include one case in which certain proceedings had taken place during the preceding year, viz.: a dispute between the Canadian Pacific Railway Company and its freight handlers and freight clerks at Winnipeg, Man.

At the close of the fiscal year results were still pending in connection with three applications, viz.: (1) application made on behalf of certain employees of the Canadian Northern Railway Company; (2) application made on behalf of certain employees of the Corporation of the City of Vancouver; and (3) application made on behalf of certain employees of the Canadian Pacific Railway Company on the Alberta Division of that Railway.

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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

Proceedings 1912-1913.

Statements of Applications for Boards of Conciliation and Investigation and of Proceedings thereunder from March 31, 1912, to March 31, 1913.

A.—MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC SERVICE UTILITIES.

1. Appointed by the Minister, under Section 8, Sub-section 1, of the I. D. I. Act, on recommendation from party concerned.
2. Appointed by the Minister, under Section 8, Sub-section 2, of the I. D. I. Act, in the absence of a recommendation from party concerned.
3. Appointed by the Minister, under Section 8, Sub-section 3, of the I. D. I. Act, on the joint recommendation of the two members first appointed.
4. Appointed by the Minister, under Section 8, Sub-section 4, of the I. D. I. Act, in the absence of a joint recommendation by the two members first appointed.

I. MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to Dispute.	Party making application.	Locality.	No. persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of report of Board.	Result of reference.
1912 June 4...	Inverness Railway & Coal Company and coal miners in its employ.....	Employees...	Inverness, N. S...	500.....	Concerning wages conditions of employment, and retention of dues for the Provincial Workmen's Association.....	Finlay MacDonald (c) 4; Major W. Ernest Thompson (e)1; James Cameron Watters (m) 1.....	Aug 21....	Oct. 9.....	A unanimous report was presented by the Board, in which it was stated that an agreement had been reached by the parties concerned.

2. METAL MINES.

July 3...	Britannia Mining and Smelting Company and employees, members of Britannia Miners' Union....	Employees...	Britannia Mines, B. C.....	300.....	Concerning wages, conditions of employment, and recognition of union.....	Jas. A. Harvey, K. C. (c)4; W. Ernest Burns (e)1; George Heatherton (m)1.....	Aug. 6....	Sept. 16...	Report of Board was accompanied by a minority report signed by Mr. Burns. The employees concerned accepted the award of the majority of the Board but the Company declined to do so. Mining operations were continued until February 18, when the alleged dismissal by the the Company of one of the union officials brought the existing dissatisfaction to a head and a strike was declared which had not been terminated at the end of the fiscal year.

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*July 20.	McEnaney Mines, limited, and employees ited,, and employe's number of Porcupine Miners' Union No. 145, Western Federation of Miners.....	Employees...	Porcupine, Ont..	40 dir..... 1,000 indir.	Concerning proposed reduction in wages.	Peter McDonald, (c)4; H. E. T. Haultain (e) 1; Wm. C. Thompson (e) 1.	Aug. 23..	Nov. 7.... Oct. 21....	Report of Board was accompanied by a minority report signed by Mr. Thompson. The majority report was not acceptable to the employees concerned and on November 15 a strike was declnred, which had not been terminated at the end of the fiscal year. Operations had, however, been resumed in a number of the mines concerned.
*July 26..	McIntyre - Porcupine Mines, Limited, Jupiter Mines, Limited, Vipond Porcupine Mines, Limited, and Plenaurum Mines, Limited and employees members of Porcupine Miners' Union No. 145, Western Federation of Miners...	Employees...	Porcupine, Ont..	225 dir.... 1,000 indir.	Concerning proposed reduction in wages.				
†Nov. 30.	Fort Steele Mining and Smelting Company and employee members of Kimberley Miners' Union No 100, W.F.M.	Employees...	Kimberley, B.C...	140.....	Concerning wages....				
†Dec. 3..	Standard Silver Lead Mining Company, Limited, Van Roi Mines, Limited, Silverton Mines United, and employees members of Silverton Miners' Union No 95, W.F.M....	Employees...	Silverton, B.C....	325 dir.... 50 indir...	Concerning wages....				
†Dec. 3..	Queens Mines, Inc., and employees, members of Ymir Miners' Union No 85, W.F.M.....	Employees...	Sheep Creek, B.C.	45 dir..... 200 indir..	Concerning wages...	W. S. Bullock Webster (c)3..... Chas. R. Hamilton (e)1..... J. N. Bennett (e)1	Dec. 21...	Feb. 4..... Jan. 27....	Report of Board was accompanied by a minority report signed by Mr. Bennett. The majority report of the Board found against the demands of the employees. No cessation of work occurred.

*The two applications here recorded are regarded as one in the tabular statement.

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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—Continued.

Proceedings 1912-1913.

Statements of Applications for Boards of Conciliation and Investiga and of Proceedings thereunder from March 31, 1912, to March 31, 1913.

METAL MINES.—Continued.

Date of receipt of application.	Parties to Dispute.	Party making application.	Locality.	No. persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of report of Board.	Result of reference.
1912									
†Dec. 9..	Lucky Jim Zinc Mine, Limited, Rambler Cariboo Mines, Surprise Mine, Hope Mine, Noble Five Mines, Richmond Eureka Mines and Idaho-Alamo Mines and employees, members of Sandon Miners' Union No 81, W.F. M.....	Employees...	West Kootnay, B. C.	210 dir.... 90 indir...	Concerning wages....				
†Dec. 10.	Blue Bell Mine, No 1 Mine, Highland Mine, Hope Mine, Silver Horde Mine, Molly Gibson Mine Eureka Mine, Poorman Mine, and employees, members of Nelson Miners' Union No 96 W.F. M.....	Employees...	Nelson, B.C.....	300.....	Concerning wages...				

†The five applications here recorded are regarded as one in the tabular statement.

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II. TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1912									
Mar. 11..	Canadian Pacific Railway Company and freight handlers & clerks, members of Winnipeg Division No. 177 Brotherhood of Railroad Freight Handlers & Railway Clerks....	Employees...	Winnipeg, Man. .	220 dir.... 230 indir..	Concerning alleged discrimination by Company against members of the union and dismissals.....	Hon. Mr. Justice H.A. Robson (c)4 Chas. P. Fullerton (E)2..... Thos. J. Murray, (M)1.....	April 3....	May 3....	A unanimous report was presented by the Board, in which it was stated that the Company had re-employed all the employees who wished to return to work.
April 29..	Canadian Northern Railway Company and Train Service Organizations.....	Employees...	C.N.R. lines.....	2,000.....	Concerning the proposed displacement of train crews of the Canadian Northern Railway by the Midland Railway Company which had acquired running rights over the Canadian Northern line from Winnipeg to Emerson.....	R. Max Dennistoun (E)1..... L. L. Peltier (M)1..	.....	.....	Pending the final constitution of the Board a satisfactory arrangement was arrived at by the parties concerned.
May 8...	Canadian Northern Coal and Ore Dock Company, Limited, and coal handlers, most of whom were members of Coal Handlers' Local No 319.....	Employees...	Port Arthur, Ont.	90.....	Concerning alleged breach of agreement by Company, also concerning wages, recognition of union, and demand for yearly conference between Company and employees.....	His Honour Judge John McKay (c)4 George F. Horrigan (E)1..... Frederick Urry (M)	May 22..	July 19.... July 22....	Report of Board was accompanied by a minority report signed by Mr. Urry. The majority report of the Board was in favour of the Company. The employees refused to accept same and declared a strike on July 29 which continued until August 5, when an agreement was reached which provided for certain increases in pay and the reinstatement of certain former employees.

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INDUSTRIAL DISPUTES INVESTIGATIONS ACT, 1907.—Continued.

Proceedings 1912-1913.

Statements of Applications for Boards of Conciliation and Investigation and of Proceedings thereunder from March 31, 1912, to March 31, 1913.

II. TRANSPORTATION AND COMMUNICATION.—Continued.

1. RAILWAYS.—Continued.

Date of receipt of application.	Parties to Dispute.	Party making application.	Locality.	No. persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman: (e) Employer: (m) Men.	Date on which Board was constituted.	Date of receipt of report of Board	Result of reference
June 28..	Canadian Pacific Railway Company and employees in station and telegraph service, members of the Order of Railroad Telegraphers	Employees..	C.P.R. system....	1,800 dir... 8,000 indir.	Concerning wages and amendment of conditions of service..	Peter McDonald, (c)4..... J. E. Duval (e)1.. J. G. O'Donoghue (m)1.....	July 22....	Sept. 4.... Sept. 6....	Report of board was accompanied by a minority report signed by Mr. J. G. O'Donoghue. The majority report was accepted by the Company but was not accepted by the employees concerned. As a result of further conferences between the parties an agreement was reached, effective, regarding wages from August 1, 1912, and hours overtime rates & other changes from October 1, 1912. The threatened strike was thereby averted.
Nov. 21..	Canadian Pacific Railway Company and freight handlers, freight clerks, etc., members of the Canadian Brotherhood of Railroad Employees.....	Employees..	Ottawa Division of the C. P. R., of Port Arthur Fort William..	1,300 dir... 15,000 indi. &	Concerning alleged unfair dismissals and refusal of Company to negotiate with employees respecting schedule of rules and rates of pay..	His Honour Judge D. McGibbon (c)4 J. E. Duval (e)1.. J. A. McDonald (m)1.....	Nov. 28...	Dec. 11...	Report of Board was accompanied by a minority report signed by Mr. Duval. Prior to the date of the application the employees had gone on strike and remained out from November 1 until February 3, when the Department was informed that an agreement had been reached by the parties concerned and the employees had accordingly resumed work.

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Dec. 9...	Intercolonial Railway of Canada and locomotive engin'rs members of the Brotherhood of Locomotive Engineers	Employees...	I. C. R. lines....	8 dir..... 350 indir..	Concerning employees demand for reinstatement of certain employees and for payment for time lost to these and to others who had been suspended.....	.....	.....	.....	Proceedings under Act were stayed pending further negotiations between the Government Railways Managing Board and the Brotherhood of Locomotive Engineers, which had not been finally concluded at the end of the fiscal year.
1913 Jan. 31...	Intercolonial and Prince Edward Island Railways and certain employees, members of the International Association of Machinists International Association of Blacksmiths and Helpers Brotherhood of Railway Carmen of America International Association of Boilermakers and International Association of Boiler makers' Helpers.	Employees...	I. C. and P. E. I. Railway lines..	1,500.....	Concerning employees' demand for revision of schedules and for an eight hour day.	.....	.....	.....	Proceedings under Act were stayed pending negotiations between the Minister of Railways and Canals and a committee of the employees concerned, which resulted in a settlement of the matters in dispute.
Mar 11..	Canadian Northern Railway Company and certain employees, members of the Order of Railway Conductors.	Employees...	C.N.R. lines.....	450 dir.... 2,200 indir.	Concerning employees demands for various changes in existing schedule, including wages, hours and working conditions.	Hon. Mr. Justice A. Haggart (c)3. Wm. Cross (e)1... J. Harvey Hall (s)1	Mar. 29.....		Proceedings unfinished.
Mar. 31..	Canadian Pacific Railway Company and certain employees, members of the Brotherhood of Locomotive Firemen and Enginemen.	Employees...	Alberta Division of C.P.R.....	2,659 dir.. 7,000 indir.	Concerning alleged breach of agreement by Company.	.....	.....	.....	Proceedings unfinished.

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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—Continued.

Proceedings 1912-1913.

Statements of Applications for Boards of Conciliation and Investigation and of Proceedings thereunder from March 31, 1912, to March 31, 1913.

II. TRANSPORTATION AND COMMUNICATION.—Continued.

2. STREET RAILWAYS.

Date of receipt of application.	Parties to Dispute.	Party making application.	Locality.	No. persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of report of Board.	Result of reference.
1912 May 9...	Ottawa Electric Railway Company and employees, members of Division No. 279, Amalgamated Association of Street and Electric Railway Employees of Ame.	Employees...	Otawa, Ont.....	425.....	Concerning refusal of Company to accept terms proposed by the employees providing for increased wages, shorter hours and improved working conditions.	Hon. Mr. Justice J. M. McDougall (c)4. ..... Travers Lewis, K.C (e)1. ..... P. M. Draper (m)1	May 18...	June 13...	A unanimous report was presented by the Board making certain recommendation for the settlement of the dispute, which were accepted by both parties concerned.
July 18..	Halifax Electric Tramway Compa'y and employees., members of Division No. 508, Amalgamated Association of Street and Electric Railway Employees of America.	Employees...	Halifax, N.S.....	125 dir.... 50 indir.	Concerning wages and conditions of employment as set forth in schedule submitted.	His Honour Judge W. B. Wallace (c)3 George S. Campbell (e)1..... John T. Joy, (m)1	Aug. 1....	Aug. 22...	A unanimous report was presented by the Board embodying the terms of an agreement which had been arrived at by the parties concerned.
Aug. 29..	Quebec Railway, Light, Heat and Power Company & street railway employees, members of Fraternité Nationale No 1, Employés de Tramway	Employees...	Quebec, Que.....	231 dir.... 30 indir...	Concerning wages,recognition of union and reinstatement of certain employees.	Hon. Mr. Justice C. E. Dorion (c)3 J. L. Perron (e)1. J. P. N. Simard(m)1	Sept. 25...	Dec. 12....	A unanimous report was presented by the Board, embodying an agreement signed by both parties concerned.

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Sept. 18..	Hull Electric Railway Company and employees, members of Division No. 591 Amalgamated Association of Street & Electric Railway Employees of America.	Employees..	Hull, Que.....	68 dir..... 74 indir...	Concerning wages and conditions of employment.	Peter McDonald (c)4..... George D. Kelly (E)1..... George C. Wright (M)1.....	Oct. 1.....	Nov. 2....	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute which were accepted by both parties concerned.
Sept. 25..	Cities of Port Arthur and Fort William and employees in street railway service.	Employees...	Port Arthur and Fort William, Ont.....	72 dir..... Most of the industrial workers in the two cities, indir.	Concerning alleged breach of agreement and alleged unsatisfactory investigation of charges.	George H. Rapsey (c)3..... Wm. P. Cooke (E)1 Frederick Urry (M)1	Oct. 7.....	Dec. 16...	The report was signed by all three members of the Board, Mr. Urry, however, dissenting in one particular. At a meeting of the Joint Board of Management a resolution was adopted accepting the findings of the Board.

3. SHIPPING.

1912 Sept 11..	Certain Steamship Co doing business at the Port of Halifax, viz: Pickford and Black, Furness Withy Company, T. A. S. De Wolfe and Son, Canada Atlantic and Plant S. S. Co., Cunard Company Royal Steamship Company and Employees, members of Halifax Longshoremen's Association.	Employees...	Halifax, N. S....	500.....	Concerning wages....	His Honour Judge W. B. Wallace(c)3 George A. McKenzie (E)1..... Arthur M. Hoare (M)1.....	Sept 21....	Oct. 15....	A unanimous report was presented by the Board, in which it was stated that an agreement had been arrived at by both parties concerned, effective from October 15, 1912, to December 31, 1913

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INDUSTRIAL DISPUTES INVESTIGATION, ACT, 1907.—Continued.

Proceedings 1912-1913.

Statements of Applications for Boards of Conciliation and Investigation and of Proceedings thereunder from March 31, 1912, to March 31, 1913.

II. TRANSPORTATION AND COMMUNICATION.—Continued.

4. TELEPHONES.

Date of receipt of application.	Parties to Dispute.	Party making application.	Locality.	No. persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of report of Board.	Result of reference.
1913 Mar. 17..	British Columbia Telephone Company and employees, members of Local Union No. 213 International Brotherhood of Electrical Workers.	Employer....	Lines of British Columbia Telephone Company	320.....	Concerning wages and conditions of employment.....	.....	.....	.....	Through the good offices of the Department conferences were arranged between the officials of the Company and a committee of the men who had ceased work on March 14. These conferences resulted in a settlement of the main points at issue. The men returned to work on March 24.

III. MUNICIPAL PUBLIC UTILITIES.

Mar. 14..	Corporation of the City of Vancouver and certain employees, being scavengers, waterworks employees, and maintenance and construction men, members of Civic Employees' Union and Local of International Union of Hodcarriers, Building and Common Labourers	Employees...	Vancouver, B. C.	1,200 dir... 1,200 indir.	Concerning wages of waterworks men, also alleged discrimination against union men.	H. O. Alexander (e)1..... George E. McCrossan (m)1.....	.....	.....	At the close of the fiscal year the Board had not been completed by the appointment of a chairman.

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B.—INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC UTILITIES.

1913 Jan. 9....	Ottawa Car Company Limited, and machinists, blacksmiths and helpers, members of Lodge No. 412, International Association of Machinists and Lodge No. 446, International Brotherhood of Blacksmiths and helpers.	Employees...	Ottawa, Ont.....	69.....	Concerning wages and hours.....	Hamnett P. Hill (c)3..... George F. Henderson (E)1..... James Cameron Watters (M)1....	Jan. 11....	Jan. 17....	A unanimous report was presented by the Board, embodying an agreement signed by both parties to the dispute, effective for one year from January 17, 1913

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ber of the workmen involved in this dispute went on strike on July 29, and on the same evening a riot occurred near the coal docks, in which the Chief of Police of Port Arthur and several others were seriously injured. On request of the municipal authorities the militia were called out on the following day, but were withdrawn on the 31st. On August 5 an agreement was reached, providing for certain increases in pay and the reinstatement of former employees, by which the strike was terminated.

2. A dispute between the Britannia Mining and Smelting Company of Britannia Beach, Howe Sound, B. C., and its employees to the number of 300. The matters in dispute related to the employees' demand for recognition of their Union and for improved conditions of employment. The majority report of the Board of Conciliation and Investigation in this case was generally favourable to the employees' demands. The same was accompanied by a minority report of the Company's nominee, which held that the provisions of the Act did not apply in this case. The majority report was accepted by the employees, but was not accepted by the Company. Mining operations were continued until February 18, 1913, when the alleged dismissal by the Company of one of the union officials brought the existing dissatisfaction to a head and a strike was declared, which had not been terminated at the end of the fiscal year.

3. A dispute between the McEnaney, McIntyre, Jupiter, Vipond and Plenaurum Mines Companies of South Porcupine, Ontario, and their employees to the number of 465. The dispute related to a proposed reduction in wages. The majority report of the Board of Conciliation and Investigation made certain recommendations for the settlement of the dispute, which were not, however, acceptable to the employees concerned. A strike was declared on November 15, which had not been terminated at the end of the fiscal year. Operations had, however, been resumed in a number of the mines concerned.

4. A dispute between the Canadian Pacific Railway Company and its freight handlers, freight clerks, checkers, and various other employees, members of the Canadian Brotherhood of Railroad Employees. The cause of dispute was the refusal of the Company to deal with the employees' organization or to consider an application for certain rules and rates of pay submitted through the Brotherhood and later by a committee of employees, also the dismissal of certain employees for refusing to withdraw from the Brotherhood. This matter was first brought to the attention of the Minister of Labour in July, 1912. Action under the Industrial Disputes Investigation Act was, however, delayed to permit of direct negotiation between the parties concerned. The employees' application for a Board of Conciliation and Investigation was renewed in October, 1912, when it was held that the application did not disclose circumstances and conditions in which the provisions of the Act should be invoked. For this reason no Board was granted. A strike was declared of the employees concerned in this dispute on November 1, 1912. Shortly after this strike occurred, the application was again renewed for the establishment of a Board under the Industrial Disputes Investigation Act, and a Board was established on November 29, 1912, to deal with the matters in dispute on the Ottawa division, at Fort William, Port Arthur, and points east of Port Arthur where special evidence was required on any special phase of the dispute. The majority report of the Board favoured the employees. The Company's nominee on the Board held that the Government should not have granted any Board under the circumstances. The Board findings were accepted by the employees, but were not accepted by the Company, the strike continuing until February 3, when an agreement was reached and the employees resumed work.

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gary late in March, 1907, they first heard of the intention to pass such an Act, they immediately concluded that its purpose was to prevent them taking quick action against their employers, and so assist the employers by delays in such a way as to enable them to prepare for any stoppage that might take place. So much were they imbued with this feeling that a proposal was made to cease work at once as a protest against the passing of the Act. It was urged, however, that they should wait until they knew what the provisions of the Act were, as up to the day of the Act becoming law they claimed to have had only meagre knowledge. Although this course was followed, the resentment against what was conceived to be an attempt to prevent them from striking was sufficiently strong to bring about a stoppage without regard to the Act. This attitude of the coal miners of Western Canada is instructive, as it has been more or less sustained since that time.

"In considering the attitude of labour towards the Act, it should be remembered, therefore, that the Act had a hostile reception from some of those most immediately affected, not so much because of any demerits it might possess, but because it was believed to have been introduced with a view to frustrate their efforts in the effective use of the strike weapon.

"I believe this conception to have been erroneous, but my present point is simply to show that the Act was prejudiced in the early stages of its work, which prejudice has retarded the full benefits that might have resulted from its becoming law.

"The reception given to the Act by the United Mines Workers of Western Canada was, then, frankly hostile, and labour generally was, to say the least, suspicious. Even the railway trade unions, whose members are amongst the best organized workmen in Canada, and who were then working under the Act of 1903, were opposed to the new Act being applied to them, so much so that when it was proposed to include railways in the Bill (railways not having been included when the measure was first introduced) strong representations were made by the railway unions against the proposal, a joint deputation from these organizations waiting upon the Minister who had charge of the measure, the plea being that the railway labour Disputes Act of 1903 was all that was necessary so far as railways were concerned. Notwithstanding this representation, railways were included, the only concession made being that they were given a choice, so far as procedure was concerned, of the machinery of either Act. In effect, however, they came under the new measure, the machinery of which is more simple and does not involve the appointment of two Courts, conciliators and arbitrators.

"The Act was launched, therefore, in face of the strong opposition of unions covering two of the largest sections of labour dealt with by the Act—the Western coal miners and the railwaymen—an opposition supported, for a variety of reasons, by many trade union officials in trades outside the Act

Present Attitude of Labour in Canada

"As regards the Western coal miners, this attitude of opposition has been maintained, and has been more or less supported by many leading trade unionists. With respect to the railway unions, however, a reversal of their former attitude has resulted from their experience under the Act, and no more warm supporters of the Act are now to be found in the Dominion than leaders of railway unions. . . .

"It was admitted to me by opponents of the Act that it had been beneficial to weak trade unions, but that where unions were strong it was a disadvantage; this, however, could not be the case; the telegraphists, for example, were probably in as strong a position as it was possible for a body of workmen to be, yet they and the other strong railway unions endorse the Act.

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"The points of opposition to the Act, as gleaned from conversations and interviews which I had throughout Canada, and also as raised at the Congress at Guelph, may be summed up as mainly consisting of the following:—

"1. That the Act hindered the workers from taking advantage of the best moment for securing better conditions.

"2. Refusal of employers to accept recommendations of the Boards.

"3. Unnecessary delays by the Boards in arriving at a conclusion.

"4. Exploitation by employers of the period during which strikes are not legally permitted.

"5. The right of the parties themselves to settle their own differences.

"6. Refusal to grant Boards.

"7. The alleged partisan character of some of the Boards.

"8. Certain judicial decisions in connection with the Act.

"9. The absence of a method of interpretation of decisions of the Boards.

"These objections sum up generally the more salient criticisms of the Act from the labour point of view.

"The first of these objections raises the whole question of the main principle of the Act. A section of trade union opinion favours freedom to cease work at a moment's notice. It is contended that the owners of all other commodities can sell or withhold them without any restrictions whatever, and, it is asked, why should workmen, who have only their labour to sell, be prevented from disposing of it or withholding it at the moment most favourable to them? These advocates instance wheat, coal, iron, or any other article, and say it is not proposed to compel the owners of these commodities to give thirty days' notice and await the result of an investigation before they can withdraw their wheat or coal or iron from the market, so why should it be so with labour?

"Without attempting to discuss the question of cornering the necessities of life, and how such a development could best be met, I think the answer to this criticism is obvious. If wheat, or coal, or iron, or any other commodity were to be held up in such a way as to endanger society, and active steps taken to hinder all importation from any other source, no doubt society would take steps to protect itself, and it was the danger which society was in of being held up by a cessation of labour which apparently induced the Canadian Government to pass the Industrial Disputes Investigation Act.

"Carried to its logical conclusion, the claim to cease work at a moment's notice, if acted upon, would make business impossible, and in a civilized community business must be made possible; it is therefore not unreasonable for a community to say both to employers and workmen: If you desire to engage in this or that business under the protection of our laws you can only do so under certain conditions, one of which is that before bringing about a cessation of work which may seriously jeopardize the public well-being, certain notice must be given. This principle has indeed long been recognized both by the Government in dealing with labour (see 38 and 39 Vict., cap. 86, s. 4) and in every-day business contracts.

"A great deal might be said from the workman's own point of view in criticism of this policy of sudden stoppage, but I need not touch upon that, beyond pointing out that the policy of every well-established trade union, both in this country and America is in the direction not of the sudden attack, but of obtaining discussion, and exhaustive discussion, before a stoppage is resorted to. The Canadian Act is an extension of this principle of exhaustive discussion. In effect it stipulates that not only shall the principals themselves exhaust their own efforts at securing agreement, but the community must also have full knowledge of the matter, with a view to seeing if a tribunal free from the prejudices of both parties cannot suggest some way out of the difficulty. With a view to obtaining this result the Act gives a right to obligatory discussion, and enforces the

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it. One official, in the debate at the Guelph Congress, asserted that his union was responsible for ten Boards having been established and, while dissatisfied with some of the results, had on the whole bound the Act of great benefit.

The Attitude of Employers and General Public in Canada.

"With the exception of one employer, who was averse to any interference, and which might arise between himself and his employees, I found the many employers whom I interviewed generally favourable to the Act, certainly to its principle and policy. Many expressed themselves as being willing to accept any tribunal which promised a fair and impartial consideration of industrial differences, and pronounced the Industrial Disputes Investigation Act as being the best that had been devised. Others stated that the Act did not go far enough, but agreed with it so far as it did go.

"There can be no doubt that for some time after the Act was passed some employers objected to the action of the Government. The objection may have been due to various reasons, but I think mainly to the distrust frequently felt to any interference by Government action in industrial matters. This distrust has, so far as I could judge, almost entirely disappeared, and some of the strongest opponents of the Act, particularly among the railway employers, have been convinced of its value. I was afforded good opportunities for ascertaining the views of many railway officials, and found that they and employers generally had a high opinion of the moral weight of the findings of the Conciliation Boards and generally of the usefulness of the Act.

"The public men with whom I discussed the Act were practically, without exception, favourable to it, and thought that it might be extended with advantage to other trades. They particularly emphasized the advantages of the conciliatory work effected under the Act, and the value of the mutual understanding which had been in many instances obtained by means of it. . .

Suitability of the Act to this Country and Conclusions.

"It will have been gathered from the preceding explanation of the working of the Act that where it was frankly accepted as a means of preventing disputes it has worked extremely well, but where, for reasons, some apparent and others which can only be guessed at, its introduction has been resented, it has not succeeded to the same extent. In such latter cases where, by the imposition of penalties, efforts have been made to enforce the Act the results have not been satisfactory. . . .

"I consider that the forwarding of the spirit and intent of conciliation is the more valuable portion of the Canadian Act, and that an Act on these lines, even if the restrictive features which aim at delaying stoppage until after enquiry were omitted, would be suitable and practicable in this country. Such an Act need not necessarily be applied in all cases, but neither need it be confined to services of public utlity. It could be generally available in cases where the public were likely to be seriously affected. Without the restrictive features it would give the right not only to conciliate but fully to investigate the matters in dispute, with similar powers in regard to witnesses, production of documents and inspection, as are vested in a court of record in civil cases, with a view, if conciliation fails, to recommendations being made as to what are believed to be fair terms.

"Such an Act, while not ensuring complete absence of strikes and lockouts, would be valuable, in my opinion, alike to the country and to employers and employed."

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BUILDING OPERATIONS IN CANADA DURING 1912.

THE present article contains a review of the building operations in the principal industrial centres of the Dominion in the year 1912, and is similar in scope and form to reviews published in the *Labour Gazette* in previous years, with reference to building operations during 1905, 1906, 1907, 1908, 1909, 1910 and 1911. The information is based on statistical returns supplied by official correspondents of the *Labour Gazette*, and by city clerks, engineers, building inspectors, and other municipal officers, to whom the Department is indebted for their courtesy in furnishing the desired particulars.

The statistics have reference chiefly to municipalities having a population of 5,000 and upwards, and are classified, wherever possible, according as to whether the work was in connection with new buildings, or with repairs, alterations, or additions to old ones. The number of permits is given in the case of municipalities where building permits are issued, and in the case of others estimates are given of the actual cost of building construction, based on as accurate information as could be obtained.

General Result.

The Department obtained information with reference to 132 localities, or 29 more than in 1911. The total value of building operations for these localities amounted to $229,941,446. The greatest amount of building in any one municipality was done in Toronto, Ont., where the expenditure amounted to $27,401,761. Montreal came next with an expenditure of $25,883,690, followed by Winnipeg with an expenditure of $20,563,750, Calgary with $20,394,220, Vancouver with $19,388,322, and Edmonton with an expenditure of $14,446,819.

The following statement shows the localities in Canada other than those above mentioned where an expenditure of $500,000 or over was made:—

Localities.	Expenditure.
Victoria, B.C.	$8,208,155
Regina, Sask.	8,045,233
Saskatoon, Sask.	7,640,530
Hamilton, Ont.	5,491,800
Moosejaw, Sask.	5,275,797
Ft. William, Ont.	4,211,285
S. Vancouver, B.C.	2,600,000
Port Arthur, Ont.	2,494,179
Prince Albert, Sask.	2,042,450
New Westminster, B.C.	1,634,508
Steelton, Ont.	1,411,165
Lethbridge, Alta.	1,358,250
St. Boniface, Man.	1,252,412
Brantford, Ont.	1,167,105
Oak Bay, B.C.	1,138,051
London, Ont.	1,136,118
Windsor, Ont.	1,107,383
Brandon, Man.	1,024,529
Weyburn, Sask.	1,000,000
N. Battleford	850,995
Swift Current, Sask.	791,014
Sault Ste. Marie, Ont.	754,745
Berlin, Ont.	729,728
Kamloops, B.C.	559,203
Sudbury, Ont.	557,363
N. Vancouver, B.C.	543,605
Galt, Ont.	506,130

Comparative returns relating to the value of building operations in 1911 and 1912 were obtained in the case of ninety-seven localities. In these localities the total value of buildings erected in 1912 was $219,691,337, and in 1911, $180,194,301, an increase in the past year of 21.9 per cent.

The number of localities for which the returns received show an increase over the operations during 1911 was sixty-one. These are:—Sydney, Dartmouth, Halifax, Westville, and Amherst, N.S.; Moncton, N.B.; Chicoutimi, Quebec, St. Hyacinthe, Sherbrooke, Maisonneuve, Montreal, Westmount, Verdun, and Shawinigan Falls, Que.; Ottawa, Kingston, Peterborough, Toronto, St. Catharines, Niagara Falls, Welland, Hamilton, Brantford, Galt, Berlin,

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Industrial Disputes Investigation Act, 1907.

1907	Enacted
1910	Amended
1916	Amended by Order in Council under War Measures Act to bring in
1918	" (war work
1918	Order in Council providing for Court of Appeal (not regarded as an amendment to the Act)
1918	Order in Council re enforcing penalty clauses in Act (not regarded as amendment to Act)
	Order in Council giving power to Chief of Dominion Police to enforce penalty clauses (not regarded as amendment to Act)

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P. C. 680.

AT THE GOVERNMENT HOUSE AT OTTAWA.

THURSDAY, the 23rd day of March, 1916.

PRESENT:

HIS ROYAL HIGHNESS
THE GOVERNOR GENERAL IN COUNCIL.

His Royal Highness the Governor General in Council is pleased, in virtue of the War Measures Act, 1914, to Order that the provisions of the Industrial Disputes Investigation Act, 1907, other than Section 63 thereof, shall specifically apply in the case of any dispute between employers and any employees engaged in the construction, production, repairing, manufacture, transportation or delivery, of SHIPS, VESSELS, WORKS, BUILDINGS, MUNITIONS, ORDNANCE, GUNS, EXPLOSIVES, and materials and supplies of every nature and description whatsoever, intended for the use of His Majesty's military or naval forces or Militia, or for the forces of the nations allied with the United Kingdom in the present war,—if such dispute threatens to result in a strike or lockout.

(Sd.) RODOLPHE BOUDREAU,
Clerk of the Privy Council.

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C 10566

Department of Labour of Canada.

(MINISTER'S OFFICE.)

Ottawa, July 23, 1918.

Dear Sir,

You will find enclosed copies of the Order-in-Council in which the Government has laid down the principles which in its view should, during the continuance of the war, govern the relations between employer and workmen. The subject is, as you will be aware, one which is greatly agitating the public mind at the present time and it is hoped by having publicity given to the views in question and by employers and employees putting into practice the principles here laid down, Canadian industry generally may be enabled to meet the difficult conditions of the day more effectively than has been the case hitherto. I am myself well aware of the mutual concessions as between employers and workmen, whereby in numerous instances friction has been healed and the cessation of production has been prevented, but there have been important exceptions and the exceptions have tended lately to grow in number with results that have been the occasion of severe hardship in certain localities and have decreased one way or other the net result of Canada's effort for the war, the cause, as has been abundantly shown, we have all at heart.

You will observe that the Order-in-Council is permissive and not mandatory, seeking only to secure the co-operation of employer and workmen, and it is from this point of view alone that I bring the document to your attention.

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I am pleased to be able to state that within a week after the promulgation of the Order-in-Council word was received from an important employer, stating that although in a dispute which had come before a Conciliation Board the findings had gone against his company and the company's representative on the Board had presented a minority report, yet in the circumstances it had been decided to accept the Board's findings and the dispute was accordingly adjusted. In a second case where a dispute occurred in an industry not falling within the direct scope of the Industrial Disputes Investigation Act, employer and workmen were persuaded to agree together mutually to refer the matter for adjustment to a Board of Conciliation, and the employer writes me that he was induced to do so directly by reason of a desire to conform to the principles laid down by the Order-in-Council. These are illustrations of the spirit which the Government desires to see become universal in Canada, and while this condition may hardly be attainable, yet I am confident the cordial co-operation of the employers and employees along the lines indicated will do much to improve the present situation.

W. L. Mackenzie King

Minister of Labour.

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P.C. 1743.

Privy Council, Canada.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 11th July, 1918.

The Committee of the Privy Council have had before them a report, dated 9th July, 1918, from the Minister of Labour, representing that industrial unrest during the past few months has become more general than formerly, thus causing serious interruption in some lines of war work, and indications are that it will become more widespread still unless successful efforts be made to check it. This unrest has many causes, among which are the shortage of labour, rapid advance in the cost of many of the necessaries of life, employers denying their workmen the right to organize or to meet them in joint conference to discuss requests for improved conditions or to negotiate adjustments of differences; and in others from too hasty action on the part of working men in ignoring the provisions of The Industrial Disputes Investigation Act and in adopting drastic measures before exhausting every reasonable effort to reach a satisfactory settlement. Wages alleged to be inadequate, together with length of the work day said to be too long, are among other frequent causes of such unrest.

The Minister, realizing the necessity of steady work and close and sympathetic co-operation between employers and employees to secure maximum results from war efforts, is of opinion that the Government should forthwith adopt such means as may seem practicable for the prevention of such interruption during the continuance of the war, whether caused by lockouts or strikes, and the establishment of such co-operation, while at the same time striving to ensure to the workmen adequate compensation for their labour and reasonable safeguards for their health and safety, and to employers fair and reasonable treatment.

The Minister is further of opinion that a declaration by the Government of a war labour policy, fair and equitable to all concerned, governing relations between employers and workmen in all industries engaged in war work and including all those mentioned in The Industrial Disputes Investigation Act (except railways), and amendments thereto by Parliament or extensions thereof by Order in Council, for the duration of the war, would materially contribute to the attainment of these objects.

The Minister, therefore, recommends that the Governor in Council declare the following principles and policies and urge their adoption upon both employers and workmen for the period of the war.

1. That there should be no strike or lockout during the war.

2. That all employees have the right to organize in trade unions, and this right shall not be denied or interfered with in any manner whatsoever, and through their chosen representatives should be permitted and encouraged to negotiate with employers concerning working conditions, rates of pay, or other grievances.

3. That employers shall have the right to organize in associations of groups, and this right shall not be denied or interfered with by workers in any manner whatsoever.

4. That employers should not discharge or refuse to employ workers merely by reason of membership in trade unions or for legitimate trade union activities outside working hours.

5. That workers in the exercise of their right to organize shall use neither coersion nor intimidation of any kind to influence any person to join their organizations or employers to bargain or deal therewith.

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6. That in establishments where the union shop exists by an agreement the same shall continue and the union standards as to wages, hours of labour and other conditions of employment shall be maintained.

7. That in establishments where union and non-union men and women now work together, and the employer meets only with employees or representatives engaged in such establishments, the continuance of such conditions shall not be deemed a grievance.

This declaration, however, is not intended in any manner to deny the right or discourage the practice of forming labour unions, or the joining of the same by workers in said establishments as aforesaid, nor to prevent a Board of Conciliation or other body or adjuster from recommending improvements in the matter of wages, hours of labour, or other conditions, as shall from time to time be found desirable.

8. That established safeguards and regulations for the protection of health and safety of workers shall not be relaxed.

9. That all workers, including common labourers, shall be entitled to a wage ample to enable them with thrift to maintain themselves and families in decency and comfort, and to make reasonable provision for old age.

10. That in fixing wages, minimum rates of pay should be established.

11. That women on work ordinarily performed by men should be allowed equal pay for equal work and should not be allotted tasks disproportionate to their strength.

12. That in all cases where eight hours is by law or agreement the basic day, it shall so continue. In all other cases the question of hours of labour should be settled with due regard to governmental necessities and the welfare, health and proper comfort of the workers.

13. That a maximum production from all war industries should be sought and methods of work and operation on the part of employers or workers which operate to delay or limit production or which tend to artificially increase the cost thereof should be discouraged.

14. That for the purpose of mobilizing the available labour supply with a view to its rapid and effective distribution as well as constant employment, the managers and operators of industrial establishments and the trade unions concerned should keep provincial and municipal employment agencies and the Canada Registration Board fully informed as to labour required or available. Those agencies should be given opportunity to aid in the distribution of labour.

15. That in fixing wages, hours and conditions of labour regard should be had to the labour standards, wage scales, and other conditions, prevailing in the locality affected, always mindful, however, of the necessity of payment of living wages.

16. That to better preserve industrial peace during the war, employers and employees should, after once establishing an agreement as to wages and working conditions, agree to its continuance during the war, subject only to such changes in rates of pay as fluctuation in cost of living may justify.

17. That when employers and employees are unable to arrive at a mutual agreement concerning any existing dispute, unless some other means of settlement is agreed upon by the parties, they should use the machinery provided for in The Industrial Disputes Investigation Act in an endeavour to reach an adjustment.

Should the recommendation of the Board of Conciliation not be accepted either party may appeal to the Board of Appeal, who shall review the findings of the Board of Conciliation and hear such further evidence as either party to the dispute may desire to submit at their own expense, the decision of the Board of Appeal to be final.

Any settlement of a dispute referred to the Board of Conciliation, or carried in appeal to the Board of Appeal, shall be effective not later than the date on which the application for a Board of Conciliation was filed.

The Board of Appeal shall be composed of two representatives of labour nominated by the Executive Council of the Trades and Labour Congress of Canada, two representatives of the employers, nominated by the Executive of the Canadian Manufacturers' Association, and a Chairman nominated by the said members of the Board, or, in case of failure to agree upon a Chairman, then the Minister of Labour shall appoint such Chairman.

The Minister further recommends that the Minister of Labour be authorized to make regulations governing procedure on appeal provided for by paragraph 17 of the above recommendations.

The Committee concur in the foregoing recommendations, and submit the same for Your Excellency's approval.

(Signed) RODOLPHE BOUDREAU,
Clerk of the Privy Council.

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C 10570

(Copy) P.C.1832

At the Government House at Ottawa
Friday, the 19th day of July, 1918
Present:
His Excellency the Governor General in Council.

The Committee of the Privy Council have had before them a report, dated 19th July, 1918, from the Minister of Labour, representing that in numerous cases, especially in certain industries, the provisions of the Industrial Disputes Investigation Act of 1907, making it unlawful for any employer to declare or cause a lockout or for an employee to go on strike, on account of any dispute, prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of that Act, have been entirely ignored by one or other party to the dispute. Recently this course has been more frequently followed, resulting in cessation of work in essential industries, which might, and in many cases probably would, have been avoided had the provisions of the said Act been observed.

The Minister further observes that the Federal Government has not at any time since the enactment of that statute instituted any legal prosecution for the violation of its provisions, nor have any such been otherwise begun except in a few cases by private parties; and the Minister is convinced that should the Federal Government proceed to enforce the said provisions of that Act it would increase its effectiveness in the best interests of the public.

The Minister is further of the opinion that an announcement by the Government that immediate steps to this end will be taken would tend to prevent interruption of work and avert the evils caused thereby

The Minister, therefore, recommends that such action by the Government as may be necessary to ensure the prompt prosecution of any violation of the provisions of the said Act should be taken forthwith

The Committee concur in the foregoing recommendation and submit the same for approval.

(Signed) Rodolphe Boudreau
Clerk of the Privy Council.

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Extract from the speech of Hon. Rodolphe Lemieux, Minister of Labour, in the Canadian House of Commons, February 14, 1907.
Hansard, pp. 3025-26.

"But for me, Mr. Speaker, the highest authority on these subjects is the President of the United States. When I introduced this Bill in December last, the Congress of the United States was about to meet. I was not a little surprised to find, in the message of the President of the United States at the opening of that Congress, the words which I now command to the attention of the House. This is the message communicated to the two Houses of Congress at the beginning of the second session of the 59th Congress. He says:

> "The commission appointed by the president on October 16, 1902, at the request of both the anthracite coal operators and miners, to inquire into, consider and pass upon the questions in controversy in connection with the strike in the anthracite regions of Pennsylvania and the causes out of which the controversy arose, in their report, findings and award expressed the belief 'that the state and federal governments should provide the machinery for what may be called the compulsory investigation of controversies between employers and employees when they arise.' This expression of belief is deserving of the favourable consideration of the Congress and the enactment of its provisions into law. A Bill has already been introduced to this end."

The president proceeds giving statistics of strikes and lockouts, and concludes with the following words:

> "Many of these strikes and lockouts would not have occurred had the parties to the dispute been required to appear before an unprejudiced body representing the nation and, face to face, state the reasons for their contention. In most instances the dispute would doubtless be found to be due to a misunderstanding by each of the other's rights, aggravated by an unwillingness of either party to accept

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as true the statements of the other as to the justice or injustice of the matters in dispute. The exercise of a judicial spirit by a disinterested body representing the federal government, such as would be provided by a commission on conciliation and arbitration would tend to create an atmosphere of friendliness and conciliation between contending parties; the and giving each side an equal opportunity to present fully its case in the presence of the other would prevent many disputes from developing into serious strikes or lockouts, and in other cases, would enable the commission to persuade the opposing parties to come to terms.

"In this age of great corporate and labour combinations, neither employers nor employees should be left completely at the mercy of the stronger party to a dispute, regardless of the righteousness of their respective claims. The proposed measure would be in the line of securing recognition of the fact that in many strikes the public has itself an interest which can not wisely be disregarded; an interest not merely of general convenience, for the question of a just and proper public policy must also be considered. In all legislation of this kind it is well to advance cautiously, testing each step by the actual results; the step proposed can surely be safely taken, for the decisions of the commission would not bind the parties in legal fashion, and yet would give a chance for public opinion to crystallize and thus to exert its full force for the right."

Mr. Speaker, these are the words used by the President of the United States to both branches of Congress, the House of Representatives and the Senate. A Bill will be presented, in fact is now being presented before Congress, and that Bill will probably be an exact copy of the Bill which I now introduce before parliament.

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Extract from the speech of Hon. Rodolphe Lemieux, Minister of Labour, in the Canadian House of Commons, February 14, 1907, Hansard, pp. 3019-22.

"As I have said, this principle embodied in existing legislation has met with the unqualified endorsation of the leading commissions which have sought to settle industrial troubles during the last ten years. By reason of the great coal strike which took place in Pennsylvania a few years ago, we know how many thousands of miners were subjected to great loss, and how many millions of people in the United States, and in Canada as well, suffered. After the strike had lingered for months and months, the President of the United States, who enjoys the reputation of Peace-maker in national as well as international disputes, of his own volition, appointed a commission to investigate and to report. I quote from the last paragraph of the instructions of President Roosevelt to the commissioners, of date Washington, October 23, 1902:

> "To the Anthracite Coal Commission -
> Gentlemen,- At the request both of the operators and of the miners I have appointed you a commission to inquire into, consider and pass upon the questions in controversy in connection with the strike in the anthracite region, and the causes out of which the controversy arose. By the action you recommend, which the parties in interest have in advance consented to abide by, you will endeavour to establish the relations -

Mark these words:

> - you will endeavour to establish the relations between the employers and the wage earners in the fields on a just and permanent basis, and as far as possible to do away with any cause for the recurrence of such differences as those which you have been called on to settle. I submit

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to you herewith the published statement of the operators, following which I named you as the members of the commission.
(Sgd.) THEODORE ROOSEVELT."

Mark these words, Mr. Speaker: 'and as far as possible to do away with any cause for the recurrence of such difficulties.' What is the remedy advocated by the commissioners? The commissioners were George Gray, Carroll D. Wright, John M. Wilson, John L. Spalding, Edgar E. Clark, Thomas H. Watkins, Edward W. Parker, all very eminent authorites on industrial questions. I read the following paragraph from the report:

"Your letter of October 23, 1902, stated that you had appointed the undersigned 'a commission to inquire into, consider, and pass upon the question in controversy in connection with the strike in the anthracite region, and the causes out of which the controversy arose,' and also enjoined upon us to make the 'endeavour to establish the relations between the employers and the wage workers in the anthracite fields on a just and permanent basis, and as far as possible, to do away with any causes for the recurrence of such difficulties as those which you have been called in to settle.'

"We believe that the awards we have made, and which are herewith submitted, will accomplish certainly during their life, the high aims contemplated in your letter. Faithful adherence to the terms of the awards can not fail to accomplish this; but in order to secure the public against long-continued controversy, and to make a coal famine or a famine in any other direction practically impossible, we deem it essential that there should be some authority to conduct just such investigation as that you called upon us to make.

"There are some who have urged the commission to recommend the adoption of compulsory arbitration, so called, as the means of securing this desired result, but we can not see our way to recommend any such drastic measure. We do not believe that in the United States such a system would meet with general approval or with success. Apart from the apparent lack of constitutional power to enact laws providing for compulsory arbitration, our industries are too vast and too complicated for the practical application of such a system.

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"We do believe, however, that the State and federal governments should provide the machinery for what may be called the compulsory investigation of controversies when they arise. The States can do this whatever the nature of the controversy. The federal government can resort to some such measure when difficulties arise by reason of which the transportation of the United States mails, the operations civil or military, of the government of the United States, or the free and regular movement of commerce among the several states and with foreign nations, are interrupted or directly affected, or are threatened with being interrupted or affected."

So we have the opinion of probably the highest commission appointed in modern times to settle an industrial dispute, endorsing strongly the principle which is contained in the measure now before the House. But another commission was appointed in 1888 by Congress to study and report on the conditions of labour, agriculture and capital in the United States. That commission was created immediately after the passing of the Act and was composed of five members of the Senate, five members of the House of Representatives and nine other persons representing different industries and employments. The commission was appointed originally for two years, but its time was subsequently extended to four years. The reports of the commission were embodied in nineteen volumes presenting a substantially complete epitome of the industrial life of the nation and containing very important recommendations for legislation. The final report was transmitted to Congress in February, 1902. This commission is the most important body of its kind which has ever been constituted in the United States or perhaps in any other country. At page 952 of their final report the commissioners state:

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"The arbitration and conciliation laws have recently been considered by congress in connection with the arbitration act applying to railway disputes (United States Statutes, 1898, 370). In a general way, the commission would report that such laws in the States have been found effective for purposes of conciliation, but that the strict arbitration machinery rarely functions well. The arbitration laws now existing, particularly the National Act of 1898, should be made clear, so that the parties to the arbitration, whether employer or employee, should appear as lawfully constituted associations or corporations, or otherwise as individuals with proper machinery for representation by their leaders; and the commission believe that whoever inaugurates a lockout or strike without first petitioning for arbitration, or assenting to it when offered, should be subjected to an appropriate penalty."

That is the very principle contained in our Bill.

"The object of the first recommendation is to get responsible parties to the record, and to make sure that the individuals concerned in the difficulty are lawfully represented in the proceedings; and the object of the second recommendation is to encourage peaceable adjustments of differences and to discourage the resort to strikes or lockouts until legal methods have been tried. The statute should not confine arbitration to a public board but should permit the parties to choose arbitrators if they prefer."

To this I draw the attention of my hon. friend from North Toronto (Mr. Foster), who the other day expressed his opinion in favour of a binding award.

"There should be no provision to compel either side to abide by the decision. It is believed that a full and fair investigation of the facts will in most cases bring the parties into substantial agreement, while in other cases the result can be safely left to public opinion."

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C 10577

	No.of Boards established	No.of strikes after investigation
1907-08	31	1
1908-09	18	1
1909-10	24	4
1910-11	23	4
1911-12	14	4
1912-13	16	4
1913-14	17	0
	143	18

C 10578

In the eighteen cases where strikes occurred after investigation:

	Chairman	Rep.of Company
Appointment on recommendation	5	14
Appointment without recommendation	13	4

C 10579

Statement showing how many appointments were made on recommendation to the Minister of Labour, and how many were made in absence of any recommendation:

	Chairman	Rep.of Company	Rep.of Men
Appointment on recommendation	68	126	143
Appointment without recommendation	75	17	
	143	143	143

C 10580

Industries in which the eighteen strikes occurred:

Coal mining	6
Metal mining	5
Railways	6
Street Railways	1
	18

C 10581

The records show that in 42 cases minority reports were handed in. Of these, 26 were signed by representatives of the employees, and 16 by representatives of the employing companies.

C 10582

Minority reports were submitted in 42 instances. In 16 of these cases strikes followed the non-acceptance of the Board's report

C 10583

Minority reports and the 18 strikes:

Minority reports by representatives of employees	11
Minority reports by representatives of employing Companies	3
Three separate reports, Company willing to accept Chairman's	1
Unanimous report, but slight objections by both reps.	1
Unanimous report,employees decline	1
Unanimous report,Company declines	1
	18

C 10584

Sixty-six of the 143 Boards have been presided over by members of the Judiciary. In 7 of the 18 cases where the disputes were not settled by the Boards, Judges of the Canadian Bench acted as Chairmen.

C 10585

In ten of the eighteen cases, the disputes had to do in whole or in part with the question of alleged discrimination against or the recognition of certain labor unions. Eight of these ten related to the mining industry, one to the operation of a street railway, and one to a company employing coal handlers at the docks.

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C 10586

Chairmen of the 18 Boards

Mr.Justice Graham	(3)
P.A.McDonald	(4)
Judge P.S.Lampman	(3)
Judge P.E.Wilson	(4)
Judge W.B.Wallace	(4)
Mr.Justice Longley	(4)
J. H. Senkler	(4)
Wm. E. Macara	(3)
J. E. Atkinson	(4)
W. J. Christie	(3)
Rev. C. W. Gordon	(4)
George Ritchie	(4)
Rev.J.W.Sparling	(4)
Norman Fraser	(3)
Judge John McKay	(4)
Jas. A. Harvey	(4)
Peter McDonald	(4)
Judge D. McGibbon	(4)

(3) Appointed on recommendation
(4) Appointed without recommendation.

C 10587 1913-14

Chairmen who have acted three times or oftener:

Judge P.E.Wilson	3
Mr.Justice Stuart	4
Adam Shortt	12
Judge Wallace	4
Rev.C.W.Gordon	3
Peter McDonald	4
Judge McGibbon	7
Mr.Justice Fortin	7
Judge Gunn	6
Judge Barron	3
J.E.Atkinson	4

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Table showing proceedings under the Industrial Disputes Investigation Act, 1907, by classes of labor concerned, and by fiscal years, from March 22,1907 to March 31,1916.

Made up from detailed statement of disputes in Annual Report of the Department of Labour for the year ending March 31, 1916, pp.15-87.

	1907 -08	1908 -09	1909 -10	1910 -11	1911 -12	1912 -13	1913 -14	1914 - 15	1915 -16	Total
I. Disputes affecting Mines and Public Utilities.										
1. Mines										
(a) Coal	18	8	8	3	2	1	1		2	43
(b) Metal	3	1	2	1	1	3		2		13
2. Transportation & Communication										
(a) Railways	8	9*	13+	13	10	8	9	1	4	75
(b) Street Railways	1	2	1	3	1	5	2	2	4	21
(c) Shipping	3		1	2		1	3		1	11
(d) Commercial Telegraphs				2						2
(e) Telephones					1	1				2
3. Light and Power								3		3
4. Municipal Work			1		2	1		4	1	9
II. Disputes affecting other than Mines and Public Utilities.	1	1	1		1	1	1	4	2	12
Totals	34	21	27	24	18	21	16	16	14	191

Including Teamsters, see page 32.
Including Freight Handlers, see page 40.

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C 10589

Table showing proceedings under the Industrial Disputes Investigation Act, 1907, by classes of labor concerned, and by fiscal years, from March 22, 1907 to March 31, 1916.

Made up from annual tabular summary in Reports of the Department of Labour from year to year.

	1907 -08	1908 -09	1909 -10	1910 -11	1911 -12	1912 -13	1913 -14	1914 -15	1915 -16
I. Disputes affecting Mines and Public Utilities.									
1. Mines									
(a) Coal	18	26	34	37	39	40	41	41	43
(b) Metal	3	4	6	7	8	11	11	13	13
2. Transportation & Communication									
(a) Railways	8	17*	30+	43+	53+	61	70	71	75
(b) Street Railways	1	3	4	7	8	13	15	17	21
(c) Shipping	3	3	4	6	6	7	10	10	11
(d) Commercial Telegraphs				2	2	2	2	2	2
(e) Telephones					1	2	2	2	2
3. Light and Power								3	3
4. Municipal Work			1	1	3	4	4	8	9
II. Disputes affecting other than Mines and Public Utilities.	1	2	3	3	4	5	6	10	12
Totals	34	55	82	106	124	145	161	177	191

* Including Teamsters.
\+ Including Teamsters and Freight Handlers.

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C 10590

Memoranda re operations of

Industrial Disputes Inv. Act.

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Memoranda re operations of

Industrial Disputes Inv. Act.

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(8) To endeavor to effect as far as practicable an amicable settlement or adjustment of any dispute between an employer and an employee or to which either an employer or employee is a party, arising out of any contract expressed or implied, or principle or provision of law, and relating to any matter directly or indirectly having to do with the relation of employer and employee, except claims for damages for death or physical injury, or any dispute arising out of the business of an employment agent, employment office, wage broker or other intermediary between employers and employees or prospective employees.

The provisions of this subdivision and of subdivision 8a and 9 shall be construed to extend to and include all industrial, trade or business relations which the Commission finds to be substitutes for or analogous to the relation of employer and employee.

NOTE: If this provision is used as part of an act in which the term "employee" is defined as in the first section of this act, the provisions of these subdivisions should be expressly made to include those employees who are excepted in the definition of the term.

(8a) To investigate and determine the facts and merits of any dispute referred to in subdivision 8, if unable to effect an amicable settlement thereof, and to make such recommendations as it deems proper. Notice of the time and an opportunity to be present shall be given to both parties to the dispute.

In any action or proceeding at law brought to enforce such recommendations the finding or determination of fact made by the Commission shall constitute prima facie evidence, and if the opposite party to the controversy after due notice failed to appear in person or by attorney

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at the time set by the Commission for making the investigation, then such findings of fact shall constitute conclusive evidence.

(9) To render all legal aid and assistance necessary for the enforcement of its recommendations made under the provision of subdivision 8a; to render such aid and assistance in any other matter referred to in subdivisions 8 and 8a, including claims for damages for death or physical injury; and to protect employes from frauds, extortions, incompetency, exploitation or other improper practices on the part of any person, public or private, and to investigate such cases for the purpose of presenting to the proper authorities the facts for action thereon and of inducing remedial action by the various agencies of the state possessing the requisite jurisdiction. Legal aid and assistance under the provision of this subdivision shall be rendered only to such persons as the Commission finds are financially unable to employ counsel, and no fees or charges of any sort shall be received by the Commission therefor.

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During the period of seven years from March 22, 1907 to March 31, 1914, there were received 161 applications for the establishment of Boards of Conciliation and Investigation. Of these 161 applications, 52 related to disputes between mining companies and their employees, 99 to disputes between Transportation and Communication companies and their employees, 4 to disputes affecting civic employees, and 6 to disputes affecting employees in industries other than mines and public utilities. As a result of these applications, 143 Boards were established. There were 18 cases in which strikes were not averted or ended through the instrumentality of the Board. Of these eighteen strikes, 11 affected the mining industry, six the railways, and 1 a street railway.

This statement shows that about 11% of the disputed issues ended in strikes, and about 89% resulted in satisfactory settlements without ~~loss~~ cessation of work.

The following is a statement showing particulars concerning the eighteen disputes in which strikes were not averted:

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1. Parties to dispute: Cumberland Railway & Coal Company and employees.
Locality: Springhill, Nova Scotia.
Date of application: May 8, 1907.
Employees affected: 1700
Nature of dispute: Wages.
Members of Board: Hon. Mr. Justice Graham, Halifax, N. S., Chairman.
P.S.Archibald, Moncton, N. B. (E)
R.B.Murray, Springhill, N. S. (M)
Length of strike: August 1, 1907 to August 31, 1907.
Result: Employees returned to work on the conditions recommended in the report of the Board.

2. Parties to dispute: Canadian Pacific Railway Company and its mechanical employees.
Locality: Canadian Pacific Railway system.
Date of application: April 28, 1908.
Employees affected: 8000.
Nature of dispute: Wages and conditions of employment.
Members of Board: P.A.McDonald, Winnipeg, Manitoba, Chairman.
C.P.Fullerton, Winnipeg (E) Withdrew before investigation
G.F.Galt, Winnipeg (E) concluded.
James Somerville, Toronto, Ontario (M)
Length of strike: August 5, 1908 to October 5, 1908.
Result: Employees returned to work on the conditions recommended in the report of the Board.

3. Parties to dispute: Nicola Valley Coal & Coke Company and employees.
Locality: Middlesboro, British Columbia.
Date of Application: April 13, 1909.
Employees affected: 150
Nature of dispute: Alleged discrimination against certain employees.
Members of Board: His Honour Judge P.S.Lampman, Victoria, B C., Chairman.
Thomas Kiddie, Northport, Wash. (E)
Thos.C.Brooks, Merritt, B. C. (M)
Length of strike: April 28, 1909 to June 15, 1909.
Result: An understanding, which was understood to have been promoted by the inquiry, was reached between the management and the men.

4. Parties to dispute: British Columbia Copper Company and employees.
Locality: Greenwood, British Columbia.
Date of application: April 5, 1909.
Employees affected: 225.
Nature of dispute: Alleged discrimination against certain employees.
Members of Board: His Honour Judge P. E. Wilson, Cranbrook, B.C., Chairman.
E. Cronyn, Toronto, Ontario (E)
John McInnis, Phoenix, B. C. (M)
Length of strike: June 28, 1909 to July 24, 1909.
Result: Several reports were put in by members of the Board. Settlement was on the lines substantially of the Chairman's recommendations.

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17. Parties to dispute: McEnaney, McIntyre, Jupiter, Vipond and Plenaurum Mines Companies.
Locality: South Porcupine, Ontario.
Date of Application: July 20 and July 26, 1912.
Employees affected: 265.
Nature of dispute: Wages.
Members of Board: Peter McDonald, Woodstock, Ont., Chairman.
H.E.T.Haultain, Toronto, Ont. (E)
Wm.C.Thompson, South Porcupine, Ont. (M)
Length of strike: November 15, 1912 to June 21, 1913.
Result: Arrangement made by which, although the strike was not officially called off, the men were permitted by the Union to return to work.

18. Parties to dispute: Canadian Pacific Railway Company and its freight handlers, freight clerks, checkers, and various other employees, members of the Canadian Brotherhood of Railroad Employees.
Locality: Canadian Pacific Railway system.
Date of Application: November 21, 1912.
Employees affected: 1300.
Nature of dispute: Alleged unfair dismissals and refusal of Company to negotiate with employees respecting schedule of rules and rates of pay.
Members of Board: His Honour Judge D. McGibbon, Brampton, Ont., Chairman.
J. E. Duval, Montreal, Que. (E)
J. A. McDonald, Halifax, N.S. (M)
Length of strike: November 4, 1912 to February 3, 1913.
Result: Agreement reached by the parties concerned and employees accordingly resumed work.

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13. Parties to dispute: Grand Trunk Pacific Railway Company and its machinists and boilermakers.
Locality: Winnipeg, Manitoba.
Date of Applications: July 31, August 8, 1911, respectively.
Employees affected: 300.
Nature of dispute: Wages, hours, and conditions of employment; also demand for schedule.
Members of Board: Rev. Dr. J. W. Sparling, Winnipeg, Man. Chairman.
Rev. J. L. Gordon, Winnipeg (E)
Thos. J. Murray, Winnipeg (M)
Length of strike: October 10, 1911 to December 13, 1912.
Result: An agreement reached between the parties concerned.

14. Parties to dispute: Alberta Coal Mining Company and its employees.
Locality: Cardiff, Alberta.
Date of Application: October 23, 1911.
Employees affected: 80.
Nature of dispute: Wages and conditions of employment.
Members of Board: Norman Fraser, Edmonton, Alberta. Chairman.
J. C. Hannah, Calgary, Alberta. (E)
Clement Stubbs, Bellevue, Alberta. (M)
Length of strike: "A few days".
Result A settlement was reached on the basis of the Board's findings.

15. Parties to dispute: Canadian Northern Coal 7 Ore Dock Company and its coal handlers.
Locality: Port Arthur, Ontario.
Date of Application: May 8, 1912.
Employees affected: 90.
Nature of dispute: Alleged breach of agreement by Company; also demand for increased wages, recognition of union, and yearly conference by the company with employees.
Members of Board: His Honour Judge John McKay, Port Arthur, Ont. Chairman.
George F. Horrigan, Port Arthur, Ont. (E)
Frederick Urry, Port Arthur, Ont. (M)
Length of strike: July 29, 1912 to August 4, 1912.
Result: Agreement reached providing for certain increases and the reinstatement of certain former employees.

16. Parties to dispute: Britannia Mining & Smelting Company and its employees.
Locality: Britannia Beach, Howe Sound, British Columbia.
Date of application: July 3, 1912.
Employees affected: 300.
Nature of dispute: Wages, conditions of employment, and recognition of union.
Members of Board: James A. Harvey, Vancouver, B. C. Chairman.
W. Ernest Burns, Vancouver, B. C. (E)
George Hetherton, Vancouver, B. C. (M)
Length of strike: February 18, 1913 to --- Not terminated March 31, 1914.

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9. Parties to dispute: Grand Trunk Railway Company and employees in train and yard service.
Locality: Grand Trunk Railway system.
Date of application: March 17, 1910.
Employees affected: 3017
Nature of dispute: Wages and conditions of employment.
Members of Board: J. E. Atkinson, Toronto, Ont., Chairman.
Wallace Nesbitt, Toronto, Ont. (E)
J. G. O'Donoghue, Toronto, Ont. (M)
Length of strike: July 18 1910 to August 2, 1910.
Result: A settlement effected through Government intervention.

10. Parties to dispute: Winnipeg Electric Railway Company and its employees.
Locality: Winnipeg, Manitoba.
Date of Application: October 22, 1910.
Employees affected: 603.
Nature of dispute: Alleged discrimination against certain employees.
Members of Board: W. J. Christie, Winnipeg, Man. Chairman.
Capt. William Robinson, Winnipeg. (E)
L. L. Peltier, Fort William, Ont. (M)
Length of strike: December 16 to December 31, 1910.
Result: Strike was terminated through the efforts of a committee of citizens.

11. Parties to dispute: Coal Mining Companies comprising the Western Coal Operators' Association and their employees.
Locality: Provinces of Alberta and British Columbia.
Date of Application: April 13, 1911.
Employees affected: 6000.
Nature of dispute: Failure to agree upon the terms of a new working agreement.
Members of Board: Rev. C. W. Gordon, Winnipeg, Man., Chairman.
Colin Macleod, Macleod, Alta., (E)
A. J. Carter, Fernie, B. C. (M)
Length of strike: April 1, 1911 to November 1911.
Result: The majority of the mines remained closed down until the ~~end~~ middle of November, when a new agreement was signed.

12. Parties to dispute: Hudson Bay Mining Company and its employees.
Locality: Gowganda, Ontario.
Date of Application: May 25, 1911.
Employees affected: 30.
Nature of dispute: Wages.
Members of Board: George Ritchie, Toronto, Ont. Chairman.
Professor John Sharp, New Liskeard, Ont. (E)
Duncan J. McDonnell, Gowganda, Ont. (M)
Length of strike: See next paragraph.
Result: The strike occurred in the month of June. Operations were discontinued for nearly a month and a half but were resumed with other workmen at the end of July.

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5. Parties to dispute: Dominion Coal Company and its employees.
Locality: Glace Bay, Cape Breton.
Date of application: March 4, 1909.
Employees affected: 3000.
Nature of dispute: Alleged discrimination against certain employees, members of the United Mine workers of America; recognition of U.M.W.A.
Members of Board: His Honour W.B.Wallace, Halifax,N.S., Chairman.
G.S.Campbell, Halifax,N.S. (E)
Daniel McDougall, Glace Bay C.B. (M)
Length of strike: July 6, 1909 to April 28, 1910.
Result: Employees returned to work on the lines recommended in the report of the Board, with such modifications as had been made in the same by an agreement subsequently effected.

6. Parties to dispute: Cumberland Railway & Coal Company and its employees.
Locality: Springhill, Nova Scotia.
Date of Application: May 10, 1909.
Employees affected: 1550.
Nature of dispute: Wages, conditions of labor, and demand for recognition of the United Mine Workers of America.
Members of Board: Hon.Mr.Justice J.W.Longley, Halifax,N.S., Chairman.
Charles Archibald, Halifax, N.S. (E)
E.B.Paul, Springhill,N.S. (M)
Length of strike: August 9, 1909 to May 27, 1911.
Result: Company's mines closed down until early in the month of March, 1910, when operations were resumed on a limited scale. In May, 1911 a settlement was effected by negotiation between the parties. (It should be noted that the parties concerned in Nos. 1 and 6 are identical.)

7. Parties to dispute: British Columbia Copper Company and its employees.
Locality: Greenwood, British Columbia.
Date of application: January 8, 1910.
Employees affected: 350.
Nature of dispute: Employees' unwillingness to work with non-union men.
Members of Board: J. H. Senkler, Vancouver, B. C. Chairman.
J. A. Mara, Victoria, B. C. (E)
John McInnis, Phoenix, B. C. (M)
Length of strike: April 19, 1910 to May 11, 1910.
Result: Employees returned to work on the conditions recommended in the report of the Board. (Same parties as in No. 4)

8. Parties to dispute: Canadian Northern Railway Company and its carmen and steamfitters
Locality: Winnipeg, Manitoba.
Date of application: May 2, 1910.
Employees affected: 432
Nature of dispute: Wages, hours, and conditions of employment.
Members of Board: William E. Macara, Winnipeg, Man. Chairman.
David H. Cooper, Winnipeg, Man. (E)
Philip C. Locke, Winnipeg, Man. (M)
Length of strike: July 7, 1910 to September 27, 1910.
Result: Employees returned to work on conditions recommended by Board.

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The following have acted more than once
as Chairmen of Boards of Conciliation and Investigation.

His Honour Judge Patterson	12
His Honour Judge Wilson	123
Hon. Mr. Justice Stuart	1234
Adam Shortt	123456789012
His Honour Judge Wallace	1234
I.S.G.Van Wart	12
Rev. C. W. Gordon	123
Prof. S. J. Maclean	12
J. H. Senkler	12
George Ritchie	12
Peter McDonald	1234
His Honour Judge McGibbon	1234567
Hon. Mr. Justice Fortin	1234567
His Honour Judge Gunn	123456
His Honour Judge Myers	12
His Honour Judge Barron	123
J. E. Atkinson	1234
His Honor Judge McKay	12
Hon. Mr. Justice Teetzel	12
His Honour Judge Taylor	12

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DISPUTES IN COAL MINES

	Chairmen	Representatives of Employers	Representatives of Employees.
1907	Sir William Mulock (4)	J. L. Parker (1) F.B.Smith (1)	L.P.Eckstein (1)
	Hon. Mr. Justice Graham (3)	P.S.Archibald (1)	R.B.Murray (1)
	- Hon. Judge Patterson (4)	P.S.Archibald (1)	R.B.Murray (1)
	Hon. C. W. Fisher (4)	J.R.McDonald (1)	F.H.Sherman (1)
	- His Honour Judge ~~Patterson~~ Wilson (4)	F.B.Smith (1)	F.H.Sherman (1)
	- Hon.Mr.Justice Stuart (4)	S.A.Jones (1)	F.H.Sherman (1)
	- Hon.Mr.Justice Stuart (4)	R.Duggan (1)	F.H.Sherman (1)
	- Hon.Mr.Justice Stuart (4)	J.Shorthouse (1)	F.H.Sherman (1)
	G. Montgomery (3)	F.L.Otter (1)	F.H.Sherman (1)
	- His Honour Judge Patterson (4)	Hiram Donkin (1)	R.B.Murray (1)
1908	- Adam Shortt (4)	J.Dix Fraser (1)	Dr.A.Kendal (1)
	- Hon.Mr.Justice Stuart (3)	W.E.Bullock (1)	F.H.Sherman (1)
	- His Honour Judge Myers (4)	J.O.Hannah (1)	F.H.Sherman (1)
	His Honour Judge Dawson (4)	G.C.Crowe (1)	F.H.Sherman (1)
	- His Honour Judge Wallace (4)	Hon.John Armstrong (2)	R.B.Murray (1)
	~~His Honour Judge Wilson (3)~~	~~J.A.Harvey (1)~~	~~S.S.Taylor (1)~~
	~~Adam Shortt~~		
	- His Honour Judge Taylor (4)	F.B.Smith (1)	F.H.Sherman (1)
	- Adam Shortt (3)	Dr.D.Allison (2)	J.W.Maddin (1)
	His Honour Judge McGillivray (3)	Geo.S.Campbell (1)	Jas.Macdonald (1)
	Rev. Chas. Wilson (3)	B.Barnhill (1)	R.B.Murray (1)
	Chas. Simister (3)	F.B.Smith (1)	Jas.A.McDonald (1)
1909	- His Honour Judge Wallace (4)	G.S.Campbell (2)	Daniel McDougall (1)
	His Honour Judge Lampman (3)	Thos. Kiddie (1)	Thos.Chas.Brooke (1)
	His Honour Judge Chipman (4)	His Hon.Judge MacGillivray (2)	D.McDougall (1)

55 Judges

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DISPUTES IN COAL MINES (Cont'd.)

1909	Rev. Hugh Grant (4)	Colin Macleod (1)	F.H.Sherman (1)
	Hon. Mr. Justice Longley (4)	Chas.Archibald (2)	E.B.Paul (1)
	His Honour Judge R. Winter (3)	Colin Macleod (1)	W.C.Simmons (1)
	Geo. F. Cunningham (3)	F.B.Smith (1)	Clement Stubbs (1)
1910	R. G. Duggan (3)	J.O.Hannah (1)	Clement Stubbs (1)
	I.S.G.Van Wart (4)	Colin Macleod (1)	Clement Stubbs (1)
	I.S.G.Van Wart (4)	W.S.Lane (1)	Clement Stubbs (1)
1911	Prof. Robt. Magill (4)	D.G.MacDonald (2)	Alex.McKinnon (1)
	Rev. C. W. Gordon (4)	Colin Macleod (1)	A.J.Carter (1)
	J. Norman Fraser (3)	O.Hannah (1)	Clement Stubbs (1)
1912	Finlay MacDonald (4)	W.E.Thompson (1)	J.C.Watters (1)

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DISPUTES IN METAL MINES

1907	His Honour Judge Wilson (3)	J.A.Harvey (1)	S.S.Taylor (1)
	Adam Shortt (3)	E.C.Kingswell (1)	John A.Welch (1)
1908	Prof.S.J.Maclean (4)	M.F.Pumaville (1)	C.B.Duke (1)
	Prof.S.J.Maclean (4)	E.L.Fraleck (1)	C.B.Duke (1)
1909	His Honour Judge Wilson (4)	Edw.Cronyn (1)	John McInnis (1)
1910	J. H. Senkler (4)	John A.Mara (1)	John McInnis (1)
1911	George Ritchie (4)	R.F.Taylor (1)	Chas.H.Lowthian (1)
	George Ritchie (4)	Prof.J.Sharp	D.J.McDonell (1)
1912	Jas.A.Harvey (4)	W.E.Burns (1)	G.Heatherton (1)
	Peter McDonald (4)	H.E.T.Haultain (1)	W.C.Thompson (1)
	W.S.Bullock (3)	Chas.R.Hamilton (1)	J.N.Bennett (1)

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DISPUTES BETWEEN RAILWAY COMPANIES AND EMPLOYEES

1907	-	Adam Shortt (4)	Wallace Nesbitt (1)	J.G.O'Donoghue (1)
	-	Adam Shortt (4)	Wallace Nesbitt (1)	J.Cardell (1)
		Prof. W. Murray (3)	Henry Holgate (1)	R.E.Finn (1)
1908		P.A.Macdonald (4)	C.F.Fullerton (1) G.F.Galt (2)	Jas.Somerville (1)
	-	His Honour Judge McGibbon (4)	Henry Holgate (1)	J.G.O'Donoghue (1) R.E.Finn (1)
	-	Hon. Mr. Justice Fortin (4)	C.Campbell (1)	W.T.J.Lee (1)
		Ludovic Brunet (3)	E.A Evans (1)	P.J.Jobin (1) A.Chartrain (1)
	-	Hon. Mr. Justice Fortin (3)	Wallace Nesbitt (1)	J.G.O'Donoghue (1)
	-	His Honour Judge Gunn (4)	F.H.Richardson (1)	J.Harvey Hall (1)
	-	His Honour Judge Gunn (4)	J.L.Whiting (1)	J.G.O'Donoghue (1)
	-	His Honour Judge McGibbon (4)	J.F.Mackay (2)	J.G.O'Donoghue (1)
1909	-	Hon. Mr. Justice Fortin (4)	Wallace Nesbitt (1)	W.T.J.Lee (1)
		Hon.R.F.Sutherland (3)	F.H.McGuigan (1)	J.G.O'Donoghue (1)
	-	His Honour Judge Myers (4)	W.J.Christie (1)	J.G.O'Donoghue (1)
		Sir George Garneau (4)	Jas.M.Gilmour (1)	A.A.R.Mosher (1)
	-	His Honour Judge Barron (4)	Jas.H.Gilmour (1)	J.G.O'Donoghue (1)
	-	J.E.Atkinson (4)	Wallace Nesbitt (1)	W.T.J.Lee (1)
1910	-	J.E.Atkinson (4) (C.P.R.)	Wallace Nesbitt (1)	J.G.O'Donoghue (1)
	-	J.E.Atkinson (4) (G.T.R.)	Wallace Nesbitt (1)	J.G.O'Donoghue (1)
	-	J.E.Atkinson (4) (T.H.& B.)	F.H.McGuigan (1)	J.G.O'Donoghue (1)
	-	His Honour Judge McGibbon (3)	Donald Ross (2)	W.T.J.Lee (1)
		Hon.John N. Armstrong (4)	McCallum Grant ( )	A.A.R.Mosher (1)
		Wm. E. Macara (3)	D.H.Cooper (1)	P.C.Locke (1)

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DISPUTES BETWEEN RAILWAY COMPANIES AND EMPLOYEES (Cont'd.)

1910	His Honour Judge Barron (3)	J.H.Gilmour (1)	J.G.O'Donoghue (1)
	A.G.B.Claxton (4)	Wm. Aird (1)	C.Rodier (1)
-	His Honour Judge McGibbon (4)	F.H.McGuigan (1)	W.T.J.Lee (1)
-	His Honour Judge McGibbon (3)	H.W.Dawsey (1)	W.T.J.Lee (1)
-	His Honour Judge McGibbon (3)	F.H.McGuigan (1)	W.T.J.Lee (1)
1911	His Honour Judge McKay	G.F.Horrigan (1)	Andrew Boyd (1)
-	Hon. Mr. Justice Teetzel (3)	Wallace Nesbitt (1)	J.G.O'Donoghue (1)
	Dr.J.W.Sparling (4)	Rev.J.L.Gordon (2)	Thos.J.Murray (1)
-	Peter McDonald (4)	J.E.Duval (1)	J.G.O'Donoghue (1)
	Hon.Chief Justice Sir Glenholme Falconbridge (3)	Wallace Nesbitt (1)	J.G.O'Donoghue (1)
1912	Hon. Mr. Justice Robson (4)	Chas.P.Fullerton(2)	Thos.J.Murray (1)
-	His Honour Judge McKay (4)	G.F.Horrigan (1)	Frederick Urry (1)
-	Peter McDonald (4)	J.E.Duval (1)	J.G.O'Donoghue (1)
-	His Honour Judge McGibbon (4)	J.E.Duval (1)	J.A.McDonald (1)
1913	Hon. Mr. Justice Haggart (3)	Wm. Cross (1)	J.Harvey Hall (1)

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DISPUTES BETWEEN ELECTRIC RAILWAY COMPANIES AND EMPLOYEES.

1908 -	Adam Shortt (4)	G.F.Henderson (1)	J.G.O'Donoghue (1)
1909 -	Rev. C. W. Gordon (4)	W.J.Christie (1)	J.G.O'Donoghue (1)
1910 -	His Honour Judge Barron (3)	J.P.Mullarkey (1)-	J.G.O'Donoghue (1)
	W. J. Christie (3)	Capt.W.Robinson (1)	L.L.Peltier (1)
1911 -	Hon. Mr. Justice Fortin (4)	J.L.Perron (1)	C.Rodier (1)
1912	Hon. Mr. Justice McDougall (4)	Travers Lewis (1)	P.M.Draper (1)
-	His Honour Judge Wallace (3)	G.S.Campbell (1)	J.T.Joy (1)
	Hon. Mr. Justice Dorion (3)	J.L.Perron (1)	J.P.N.Simard (1)
-	Peter McDonald (4)	Geo.D.Kelly (1)	Geo.C.Wright (1)
	George H. Rapsey (3)	Wm.P.Cooke (1)	Frederick Urry (1)

DISPUTES BETWEEN SHIPPING COMPANIES AND EMPLOYEES.

1910 -	Hon. Mr. Justice Fortin (4)	Wm. Lyall (1)	Gustave Francq (1)
	W. D. Lighthall (4)	J.H.Lauer (1)	Geo.Poliquin (1)
	His Honour Judge McInnes (3)	G.E.McCrossan (2)	J.H.McVety (1)
1912 -	His Honour Judge Wallace (3)	G.A.McKenzie (1)	Arthur M.Hoare (1)

DISPUTES BETWEEN TELEGRAPH & TELEPHONE COMPANIES AND EMPLOYEES.

1910	J. E. Duval (3)	F.H.McGuigan (1)	D.Campbell (1)
1911 -	Hon. Mr. Justice Teetzel (3)	F.H.Markey (1)	D.Campbell (1)
~~1911~~	~~Hon. Mr. Justice Teetzel (3)~~		
-	John H. Senkler (3)	W.M.Barker	Chas.Enright (1)

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DISPUTES BETWEEN RAILWAY COMPANIES AND FREIGHT HANDLERS.

1909	Donald Ross (4)	Wallace Nesbitt (1)	J.G.O'Donoghue (1)
	S. C. Young (3)	W.J.Christie (1)	W.T.Rankin (1)

DISPUTES BETWEEN CARTAGE COMPANIES AND TEAMSTERS

1909	Rev. Dr. C. W. Gordon (3)	Prof.R.Cochrane (2)	T.J.Murray (1)

DISPUTES BETWEEN MUNICIPALITIES AND EMPLOYEES.

1909	E. J. Meilicke (4)	Alex.Smith (1)	E.Stephenson (1)
1911	Rev. S. C. Murray (3)	J.Dix Fraser (1)	C.W.Foster (1)
	Hon. Mr. Justice Taylor (3)	A.W.Ormsby (1)	W.Symonds (1)

DISPUTES IN INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC UTILITIES.

1909	Hon. Mr. Justice Fortin (3)	F.G.Daniels (1)	A.A.Gibeault (1)
1911	Dr. G. W. Jolicoeur (3)	Felix Marois (1)	J.A.Langlois (1)
1913	Hamnett P. Hill (3)	G.F.Henderson (1)	J.C.Watters (1)

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This statement shows that about 11% of the disputed issues ended in strikes, and about 89% resulted in satisfactory cessation settlements without ~~loss~~ of work.

The following is a statement showing particulars concerning the eighteen disputes in which strikes were not averted:

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   Date of application: May 8, 1907.
   Employees affected: 1700
   Nature of dispute: Wages.
   Members of Board: Hon. Mr. Justice Graham, Halifax, N. S., Chairman.(3)
   P.S.Archibald, Moncton, N. B. (E)'
   R.B.Murray, Springhill, N. S. (M)'
   Length of strike: August 1, 1907 to August 31, 1907.
   Result: Employees returned to work on the conditions recommended in the report of the Board.

2. Parties to dispute: Canadian Pacific Railway Company and its mechanical employees.
   Locality: Canadian Pacific Railway system.
   Date of application: April 28, 1908.
   Employees affected: 8000.
   Nature of dispute: Wages and conditions of employment.
   Members of Board: P.A.McDonald, Winnipeg, Manitoba, Chairman.+
   C.P.Fullerton, Winnipeg (E)' Withdrew before investigation
   G.F.Galt, Winnipeg (E)~ concluded.
   James Somerville, Toronto, Ontario (M)'
   Length of strike: August 5, 1908 to October 5, 1908.
   Result: Employees returned to work on the conditions recommended in the report of the Board.

3. Parties to dispute: Nicola Valley Coal & Coke Company and employees.
   Locality: Middlesboro, British Columbia.
   Date of Application: April 13, 1909.
   Employees affected: 150
   Nature of dispute: Alleged discrimination against certain employees.
   Members of Board: His Honour Judge P.S.Lampman, Victoria, B.C., Chairman.[3]
   Thomas Kiddie, Northport, Wash. (E)'
   Thos.C.Brooks, Merritt, B. C. (M)'
   Length of strike: April 28, 1909 to June 15, 1909.
   Result: An understanding, which was understood to have been promoted by the inquiry, was reached between the management and the men.

4. Parties to dispute: British Columbia Copper Company and employees.
   Locality: Greenwood, British Columbia.
   Date of application: April 5, 1909.
   Employees affected: 225.
   Nature of dispute: Alleged discrimination against certain employees.
   Members of Board: His Honour Judge P. E. Wilson, Cranbrook, B.C., Chairman.+
   E. Cronyn, Toronto, Ontario (E)'
   John McInnis, Phoenix, B. C. (M)'
   Length of strike: June 28, 1909 to July 24, 1909.
   Result: Several reports were put in by members of the Board. Settlement was on the lines substantially of the Chairman's recommendations.

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5. Parties to dispute: Dominion Coal Company and its employees.
Locality: Glace Bay, Cape Breton.
Date of application: March 4, 1909.
Employees affected: 3000.
Nature of dispute: Alleged discrimination against certain employees, members of the United Mine workers of America; recognition of U.M.W.A.
Members of Board: His Honour W.B.Wallace, Halifax,N.S., Chairman.
G.S.Campbell, Halifax,N.S. (E)
Daniel McDougall, Glace Bay,C.B. (M)
Length of strike: July 6, 1909 to April 28, 1910.
Result: Employees returned to work on the lines recommended in the report of the Board, with such modifications as had been made in the same by an agreement subsequently effected.

6. Parties to dispute: Cumberland Railway & Coal Company and its employees.
Locality: Springhill, Nova Scotia.
Date of Application: May 10, 1909.
Employees affected: 1550.
Nature of dispute: Wages, conditions of labor, and demand for recognition of the United Mine Workers of America.
Members of Board: Hon.Mr.Justice J.W.Longley, Halifax,N.S., Chairman.
Charles Archibald, Halifax, N.S. (E)
E.B.Paul, Springhill,N.S. (M)
Length of strike: August 9, 1909 to May 27, 1911.
Result: Company's mines closed down until early in the month of March, 1910, when operations were resumed on a limited scale. In May, 1911 a settlement was effected by negotiation between the parties. (It should be noted that the parties concerned in Nos. 1 and 6 are identical.)

7. Parties to dispute: British Columbia Copper Company and its employees.
Locality: Greenwood, British Columbia.
Date of application: January 8, 1910.
Employees affected: 350.
Nature of dispute: Employees' unwillingness to work with non-union men.
Members of Board: J. H. Senkler, Vancouver, B. C. Chairman.
J. A. Mara, Victoria, B. C. (E)
John McInnis, Phoenix, B. C. (M)
Length of strike: April 19, 1910 to May 11, 1910.
Result: Employees returned to work on the conditions recommended in the report of the Board. (Same parties as in No. 4)

8. Parties to dispute: Canadian Northern Railway Company and its carmen and steamfitters.
Locality: Winnipeg, Manitoba.
Date of application: May 2, 1910.
Employees affected: 432
Nature of dispute: Wages, hours, and conditions of employment.
Members of Board: William E. Macara, Winnipeg, Man. Chairman.
David H. Cooper, Winnipeg, Man. (E)
Philip C. Locke, Winnipeg, Man. (M)
Length of strike: July 7, 1910 to September 27, 1910.
Result: Employees returned to work on conditions recommended by Board.

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Members of Board: William E. Macara, Winnipeg, Man. Chairman.
David H. Cooper, Winnipeg, Man. (E)
Philip C. Locke, Winnipeg, Man. (M)
Length of strike: July 7, 1910 to September 27, 1910.
Result: Employees returned to work on conditions recommended by Board.

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9. Parties to dispute: Grand Trunk Railway Company and employees in train and yard service.
Locality: Grand Trunk Railway system.
Date of application: March 17, 1910.
Employees affected: 3017
Nature of dispute: Wages and conditions of employment.
Members of Board: J. E. Atkinson, Toronto, Ont., Chairman.
Wallace Nesbitt, Toronto, Ont. (E)
J. G. O'Donoghue, Toronto, Ont. (M)
Length of strike: July 18 1910 to August 2, 1910.
Result: A settlement effected through Government intervention.

10. Parties to dispute: Winnipeg Electric Railway Company and its employees.
Locality: Winnipeg, Manitoba.
Date of Application: October 22, 1910.
Employees affected: 603.
Nature of dispute: Alleged discrimination against certain employees.
Members of Board: W. J. Christie, Winnipeg, Man. Chairman.
Capt. William Robinson, Winnipeg. (E)
L. L. Peltier, Fort William, Ont. (M)
Length of strike: December 16 to December 31, 1910.
Result: Strike was terminated through the efforts of a committee of citizens.

11. Parties to dispute: Coal Mining Companies comprising the Western Coal Operators' Association and their employees.
Locality: Provinces of Alberta and British Columbia.
Date of Application: April 13, 1911.
Employees affected: 6000.
Nature of dispute: Failure to agree upon the terms of a new working agreement.
Members of Board: Rev. C. W. Gordon, Winnipeg, Man., Chairman.
Colin Macleod, Macleod, Alta., (E)
A. J. Carter, Fernie, B. C. (M)
Length of strike: April 1, 1911 to November 1911.
Result: The majority of the mines remained closed down until the ~~end~~ middle of November, when a new agreement was signed.

12. Parties to dispute: Hudson Bay Mining Company and its employees.
Locality: Gowganda, Ontario.
Date of Application: May 25, 1911.
Employees affected: 30.
Nature of dispute: Wages.
Members of Board: George Ritchie, Toronto, Ont. Chairman.
Professor John Sharp, New Liskeard, Ont. (E)
Duncan J. McDonnell, Gowganda, Ont. (M)
Length of strike: See next paragraph.
Result: The strike occurred in the month of June. Operations were discontinued for nearly a month and a half but were resumed with other workmen at the end of July.

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13. Parties to dispute: Grand Trunk Pacific Railway Company and its machinists and boilermakers.
Locality: Winnipeg, Manitoba.
Date of Applications: July 31, August 8, 1911, respectively.
Employees affected: 300.
Nature of dispute: Wages, hours, and conditions of employment; also demand for schedule.
Members of Board: Rev. Dr. J. W. Sparling, Winnipeg, Man. Chairman.*
Rev. J. L. Gordon, Winnipeg (E)'
Thos. J. Murray, Winnipeg (M)'
Length of strike: October 10, 1911 to December 13, 1912.
Result: An agreement reached between the parties concerned.

14. Parties to dispute: Alberta Coal Mining Company and its employees.
Locality: Cardiff, Alberta.
Date of Application: October 23, 1911.
Employees affected: 80.
Nature of dispute: Wages and conditions of employment. Recognition Union.
Members of Board: Norman Fraser, Edmonton, Alberta. Chairman.
J. C. Hannah, Calgary, Alberta. (E)'
Clement Stubbs, Bellevue, Alberta. (M)'
Length of strike: "A few days".
Result: A settlement was reached on the basis of the Board's findings.

15. Parties to dispute: Canadian Northern Coal & Ore Dock Company and its coal handlers.
Locality: Port Arthur, Ontario.
Date of Application: May 8, 1912.
Employees affected: 90.
Nature of dispute: Alleged breach of agreement by Company; also demand for increased wages, recognition of union, and yearly conference by the company with employees.
Members of Board: His Honour Judge John McKay, Port Arthur, Ont. Chairman.*
George F. Horrigan, Port Arthur, Ont. (E)'
Frederick Urry, Port Arthur, Ont. (M)'
Length of strike: July 29, 1912 to August 4, 1912.
Result: Agreement reached providing for certain increases and the reinstatement of certain former employees.

16. Parties to dispute: Britannia Mining & Smelting Company and its employees.
Locality: Britannia Beach, Howe Sound, British Columbia.
Date of application: July 3, 1912.
Employees affected: 300.
Nature of dispute: Wages, conditions of employment, and recognition of union.
Members of Board: James A. Harvey, Vancouver, B. C. Chairman.*
W. Ernest Burns, Vancouver, B. C. (E)'
George Hetherton, Vancouver, B. C. (M)'
Length of strike: February 18, 1913 to --- Not terminated March 31, 1914.

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Members of Board: Norman Fraser, Edmonton, Alberta. Chairman.
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Locality: Britannia Beach, Howe Sound, British Columbia.
Date of application: July 3, 1912.
Employees affected: 300.
Nature of dispute: Wages, conditions of employment, and recognition of union.
Members of Board: James A. Harvey, Vancouver, B. C. Chairman.*
W. Ernest Burns, Vancouver, B. C. (E)'
George Hetherton, Vancouver, B. C. (M)'
Length of strike: February 18, 1913 to --- Not terminated March 31, 1914.

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17. Parties to dispute: McEnaney, McIntyre, Jupiter, Vipond and Plenaurum Mines Companies.
Locality: South Porcupine, Ontario.
Date of Application: July 20 and July 26, 1912.
Employees affected: 265.
Nature of dispute: Wages.
Members of Board: Peter McDonald, Woodstock, Ont., Chairman.
H.E.T.Haultain, Toronto, Ont. (E)'
Wm.C.Thompson, South Porcupine, Ont. (M)'
Length of strike: November 15, 1912 to June 21, 1913.
Result: Arrangement made by which, although the strike was not officially called off, the men were permitted by the Union to return to work.

18. Parties to dispute: Canadian Pacific Railway Company and its freight handlers, freight clerks, checkers, and various other employees, members of the Canadian Brotherhood of Railroad Employees.
Locality: Canadian Pacific Railway system.
Date of Application: November 21, 1912.
Employees affected: 1300.
Nature of dispute: Alleged unfair dismissals and refusal of Company to negotiate with employees respecting schedule of rules and rates of pay.
Members of Board: His Honour Judge D. McGibbon, Brampton, Ont., Chairman.
J. E. Duval, Montreal, Que. (E)'
J. A. McDonald, Halifax, N.S. (M)'
Length of strike: November 4, 1912 to February 3, 1913.
Result: Agreement reached by the parties concerned and employees accordingly resumed work.

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It would be unjust ~~the~~ to throw the responsibility of a ~~the~~ strike upon the Chairman of a Board which had failed to negotiate a settlement. The eighteen Boards under discussion were presided over by as many different men, nine of whom had acted successfully in other disputes. Judge McGibbon, for instance, had served upon six other Boards, Messrs. Peter McDonald and J. E. Atkinson upon three other Boards, Judge Wilson, Judge Wallace, and Rev. C. W. Gordon upon two others, ~~and~~ while Judge McKay and Messrs. Senkler and Ritchie had each acted with success in one other dispute. ~~It might be noticed, however, that The professions represented by these several Chairmen are fairly representative of the~~ No one profession or calling seems to have undue representation in this list: the number of judges is seven, but the proportion ~~seems~~ is normal, ~~in view of the~~ since 66 of the 143 Boards have been presided over by members of the Judiciary. Most of these men, 13 in fact out of the 18, were chosen by the Minister in the absence of any joint recommendation from the other members of the Board. This ~~fact~~ may have some significance in the light of the fact that of the 143 appointments, 75 were made by the Minister without recommendation. This would seem to indicate that a larger measure of success had followed the efforts of Boards which had been constituted in the ordinary way. At the same time account should be

Total 143 — Strikes 18

Board Parties agree on Chairm 68 — 5 (63) Employees

Chairm. differ 75 — 13 (62) Employees

5 Strikes out of 18

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Information furnished by the Department of Labour, Ottawa, November 28, 1916.

C 10614

DIGEST OF OPERATIONS UNDER THE INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

Proceedings from March 22, 1907, to October 18, 1916.

Industries affected	No. of disputes referred under Act		No. of strikes not averted or ended	
I. Disputes affecting Mines & Public Utilities:				
1. Mines:				
(a) Coal	44		6	
(b) Metal	15		5	
Total Mines		59		11
2. Transportation & Communication:				
(a) Railways	85		7	
(b) Street railways	27		2	
(c) Shipping	11		0	
(d) Commercial telegraphy	3		0	
(e) Telephones	2		0	
Total Transportation & Communication	128	128		9
3. Light and Power		4		0
4. Municipal Public Utilities		9		1
Total affecting Mines and Public Utilities		200		21
II. Disputes affecting other than Mines and Public Utilities		12		0
		212		21

The total number of Boards of Conciliation and Investigation established under the Act during the period is 182.

Of the 212 cases in which application was made for the establishment of a Board of Conciliation and Investigation -

167 were reported upon by Boards.
29 were settled without the establishment of Boards.
8 were settled while Board was in process of constitution.
1 Board was restrained by the Court of Review from proceeding with its investigation.
6 are being dealt with by Boards at the present time.
1 is being held in abeyance to permit of a probable settlement.

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Memoranda and Notes (1887-1921)
89. Industrial Relations (1)

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An Act Respecting the Investigation of
Industrial and Labour
Conditions.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

(1) This Act may be cited as The Industrial Conditions Investigation Act.

(2) In this Act, unless the context otherwise requires,

"Minister" means the Minister of Labour.

(3) The Minister may acquire, and may diffuse in such manner as seems to him most desirable in the public interest, information on matters pertaining to the status, health, well being, mode of living, environment and betterment of the conditions of the working classes, and the relations between workmen and their employers;

(4) When, in the judgment of the Minister, the public interest requires the Minister may direct an investigation into any of the subjects named in section 3 of this Act.

(5) Such investigation shall be made in such manner and by such persons as the Minister may direct.

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(6) The Governor in Council may appoint such permanent officers, and employ such experts as are necessary to conduct work of research or investigation or to acquire and disseminate information, and the duties of such officers and experts shall be such as the Minister determines.

(7) The Minister may, with the approval of the Governor in Council, employ from time to time such temporary employees as are necessary to assist in special investigations, and in the collection and dissemination of statistics and information relating to industrial conditions, and the duties of such employees shall be such as the Minister determines.

(8) For the purposes of the investigation the person having the conduct thereof shall, with the authority of the Minister, have the power:

(a) to enter and view any place or premises;

(b) to summon witnesses and enforce their attendance;

(c) to examine witnesses under oath;

(d) to require the production of books and papers.

(9) Every person shall give full, true and exact information upon all matters which may be the subject of investigation under this Act, when such information is requested in writing or otherwise by the Minister, or by any person appointed by the Minister to conduct such in-

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vestigation.

(2) Every person who wilfully, or without being excused by the Minister, refuses or neglects to furnish such information, or who wilfully gives false information, or who practices any deception in connection therewith, shall be liable upon summary conviction to a penalty not exceeding $100 and not less than $10.

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Confidential
Private Letter to A Shaw

Borden Resolution

C 10618

-5-1

Experience under the Conciliation Act.

What has been the experience under the Conciliation Act? Honourable members may be perhaps surprised to know that in practically every case in which the services of the Department of Labour have been requested under the Conciliation Act, and have been accepted, the intervention of the Department has resulted in an immediate termination of the strike. This list includes in all about forty strikes, several of which have been the most serious and important in the history of the Dominion. I need only mention two or three of the most important of these strikes to remind the members of this House of the great service which the Department of Labour has rendered the country under this Act.

In 1900 there was a serious strike at Valleyfield, in which the militia had been called out, and in which about 3,000 employees were involved. The strike was settled by the Deputy Minister of Labour within two days after his arrival at Valleyfield.

The Leader of the Opposition will remember the serious strike of longshoremen which took place in his city in the spring of 1902, affecting some 1200 employees, and which, for a time, led to a complete stoppage of all shipping at the port of Halifax. He will remember how this strike was settled and an agreement affected between the fifteen steamship companies

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C 10619

THE RELATIONSHIP OF CAPITAL AND LABOR

By C.M.MacKay.

One of the most interesting and valuable contributions to the discussion on the subject of the relationship of capital and labor--of employer and employe--that has come to the writer's attention is that from the pen of J.W.Oliver, President of The Oliver Machinery Co., which appeared in the April number of The Furniture Manufacturer and Artisan. This article is well worth the time necessary to read it very carefully by every man who has given this subject consideration and is seeking for an honest solution of one of the most perplexing problems that has ever presented itself for the consideration of the world at large.

The article in question is rendered doubly interesting by the fact that its author is the head of a manufacturing Co., and to that extent is identified with Capital. It is also valuable and interesting because it contains a recognition of a fact that is so rarely recognized or admitted, i.e., that the interests of employer and employe are identical; and the whole article seems to be the great search light of an honest man with an honest desire in quest of an honest solution of this great industrial problem.

Failure to recognize the mutual interests and obligations of Capital and Labor is the cause of the friction between the two, and what is required is education that will first create a spirit of toleration and enlightenment on this subject; and then there will come to each a sense of their absolute helplessness when separated from the other. The great trouble with those who are watching for a chance to strike a blow at Capital is they do not understand what Capital is; and many of these men who decry Capital are themselves capitalists in a small way and do not know it; and some of them have money invested in the very enterprise they are condemning and do not even know that. The great bulk of the money that is invested in the industrial enterprises is borrowed from the banks who in their turn borrowed it from the working people. When a man deposits his savings in a bank he at once has a tangible interest in that financial institution and anything that injures that concern or impairs its credit is liable to injure him to the extent of his deposit. This is made evident at times of industrial panic when a series of events lead to the suspension of industrial activities. Financial institutions that have taken the deposits of the working people and loaned them to carry on the industrial enterprises become uneasy when men in large numbers are thrown out of employment because it means the withdrawal of their savings. All this means money that was borrowed tied up in industrial concerns on the one hand; and a demand for its return to the original lender on the other hand. The situation becomes aggravated by unreasonable demands of labor unions at one end of the line and the demand of these same men for the return of their money deposited with the banks at the other end of the line. When the situation reaches a climax there is a run on the bank; the bank suspends payment and the working people have become victims of their own folly. They have lost their jobs and lost their money all because they did not understand the relationship that exists between Capital and Labor and which misunderstanding created distrust.

It has been the practice in certain quarters to class capitalists as non-producers and capital as non-productive. This too is a mistake and the result of ignorance of the relationship that exists between Capital and Labor. One Hundred Thousand Dollars invested in

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plant and equipment is doing its share in producing the commodities of life, just the same as the man who works ten hours a day, and is entitled to its share of the product of the labor because it represents labor in some form, and is itself the product of labor. It may have been obtained from a bank that obtained it from workingmen who obtained it in exchange for toil. When working men deposit their savings in the bank they expect to get interest for the use which the bank has of the money. Now the bank can pay interest only when it receives interest, so it loans the money to persons who use it to buy machinery and pay for the labor involved in building factories, and for the purpose of running the industrial and mercantile affairs of the country and for which they pay a higher rate of interest than the bank pays to the depositors. Now the men who borrow the money from the bank cannot pay interest on it unless they too can make a profit on it, consequently part of the product of the factory goes to the workingmen in the form of wages and part to the employer as profits. These profits are divided with the banker who loaned the money to carry on the business, and the banker divides his share with the workingmen who deposited with him the money which he loaned to the employer.

But let us illustrate the relationship between Capital and Labor in another way. Suppose Mr.Jones has in his mind an idea of a machine that will do the work of twenty-five men; and if completed will add very materially to the wealth of the world. But Jones has no means by which to live during the building of this machine, so he gets influential friends to go his security at the bank for a sufficient sum of money to keep him going until the machine is completed. In due time this is accomplished and the machine is found to be equal to all the claims made on its behalf. But Jones has no use for it now that it is made, and the only way that he can get anything that will be of value to himself as compensation for the time and labor spent in building the machine is to sell it to someone who can use it and make it do the work it was designed to do. Only when the machine is put to work can he realize anything for his labor, so he finds a man who can use the machine. Now there are two ways in which Jones can realize on his labor. He can put the machine in the factory and take a part of its product in payment for its use, or he can sell the machine outright for a stated sum. But Jones has his obligation at the bank to meet, and he wants to build another and better machine and wants to sell it outright; but the buyer has not the money to pay cash and he,in his turn goes to the bank and borrows it. The machine is put in the factory and becomes so much "Capital" invested. But it represents Labor just as truly as it would have done had it been a man instead of a machine and is entitled to its share of the produce. The product of that machine is placed on the market and sold. A part of the proceeds of the sale goes to the man who operated it, and a part goes to the man who owns it. The man who owns it divides his share with the banker who loaned him the money with which to buy it from the man who made it; and the banker divides his share with the workingman who deposited their savings with him. Thus Capital and Labor are indissolubly linked together, and their interests and obligations are mutual.

Many illustrations of a similar nature might be given to

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show the close connection between Capital and Labor; but to the man whose mind is open to the reception of truth enough has been said to prove beyond controversy that Capital and Labor are bound together by a tie which cannot be broken; and that Capital is entitled to its share of the product of labor because it represents labor in its truest sense.

But a recognition of these facts by all concerned will not serve to mitigate the existing difficulties unless that knowledge is acted upon in a spirit of fairness by these same persons. If Capital is entitled to a share of the product of Labor it is entitled to a fair share--but no more. Labor is entitled to afair share also. In the division of the product of Labor seems to lie the crux of the whole difficulty; and here also is to be found the solution of the problem arising therefrom. It is not a fair division of the product of Labor that enables Capital to accumulate vast sums, send its sons and daughters to the colleges and universities at home; and then go abroad to complete their education; while Labor must ~~content~~ be content with only enough to obtain the necessities of life without any of the luxuries, while its sons and daughters must be handicapped in life as their parents were before them with a meagre public school education. Truly, for such a man life is one perpetual struggle for existence and he has no time or inclination to "tackle the problems of his employer". The problems of life as they concern him directly are greater than he can solve, and overtax his undeveloped talents. With what reason can it be expected that the boy at school who spends "forty minutes per week upon each of the three R's and the balance of the time on genuine vocational training" will obtain a sufficient insight into economic truths to understand that the interests of Capital and Labor are identical, and is it any wonder that men thus trained,(or left untrained) "become the easy victims of the labor agitator, and will riot and do violence if not restrained with an iron hand".

Industrial training is not a solution of the problem that confronts the industrial world today. What then is the solution? In the first place all classes must be educated in the principles of business economy in order to bring about a universal recognition of the fact that the best interests of all classes are identical and are best served by a reciprocity between these interests. But what is it that prevents a reciprocity between the two interests at the present time? It is the mad race for wealth. Many persons imagine that this mad race is between the rich and the poor; between the high and the low. It is nothing of the kind. The poor have long since fallen out of the race and the struggle is now between the rich themselves; and between the forces thus arrayed the common people are being crushed.

After education must come action on the part of those who are engaged in industrial enterprises for the purpose of making a livelihood and not merely for the purpose of accumulating wealth. If the interests of Capital and Labor are one then they should be partners, and as such they should be treated. If Capital and Labor are partners why should Labor be kept in ignorance of the percentage of its own product which it receives? This ignorance is at the root of the suspicion with which the average workingman regards the employer and results in a determination to do as little as possible for as much as possible because he thinks his employer is trying to make him do

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as much as possible for as little as possible.

Now, what will allay this suspicion? A knowledge of the proportion Labor receives of his own product; and if that proportion is a fair one there will be no cause for suspicion and no cause for complaint.

How can this fair and equitable division of the product of Labor be brought about? By a system of profit sharing on an equitable basis. The writer is of the opinion that piece work and profit sharing is the only solution of the problems arising from the industrial unrest of the present time. The complaint that Labor cannot be controlled is well founded; and what is more, it will never be controlled again under the wage system as at present constituted, to the same extent that it has been in the past. This may be a disturbing truth to some; but the only way to improve conditions is to look these truths in the face--to face the facts boldly and courageously. If the interests of Capital and Labor are mutual it will not do for Capital to preach the doctrine of mutual interests and obligations to the workingman and at the same time say, "This is my business; you are working for me, and I shall make what rules I like for my factory; and if you take my pay you take my say". Actions which speak thus are out of harmony with the spirit of the times. Men do not like to be told that their interests and the interests of their employer are one and then be used as though they had no interest in the concern whatever.

Under a system of piece work and profit sharing where the interests of all are mutual in reality as well as in name, and where every man receives his fair share of the product of his toil there will be no such occurences as recorded by Mr.Oliver, and men will no longer say, "I can do that job easy in two weeks, but shall take a month; because if I do it in two weeks I shall always be expected to after that". He will then know without being told that it is to his interest to do the job quickly; because the more he does the more he receives. And it is to his interest to do the job well and sustain the reputation for quality in order to maintain the business and insure profits.

I take it for granted that those manufacturers who read this are engaged in business for gain, and not merely to be employers of labor and be boss of a lot of men; and that anything that will increase their profits amd make like more tolerable for them as well as for the workingman will appeal to their reason and receive a sympathetic hearing. To those who are vitally interested in this question I would suggest that they read, in the light of what has been here said, the address of "Herbert Hoffman" in "From the Old to the New Regime" by William Randal Rolph, in the March number of the Furniture Manufacturer and Artisan, page 108., also the second chapter of the same story in the April number of this Journal, page 157.

I have studiously avoided discussing this question from an ethical standpoint, preferring rather to consider it from the standpoint of political economy; and by facing the situation squarely,and looking at things as they are not as they ought to be,try to find a way whereby there may be evolved from the present industrial unrest and uncertainty a system that will recognize the rights as well as the obligations of both Capital and Labor and bring peace and contentment to

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many who are now on the verge of despair.

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OBLIGATIONS OF EMPLOYER AND EMPLOYEE.

by C.M.MacKay.

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There is no problem before the industrial world today demanding a solution, that is of more moment or greater magnitude, or that seems to be more difficult of solution than the problem presented by the relationship of employer and employee. And yet no problem need be more easy to solve if we could bring about a recognition of their mutual obligations and interests.

On the part of some employers there is an inclination to obtain a maximum amount of work for a minimum of remuneration; and so strong is this inclination in some cases that it has become the settled policy of the concern and stands out prominently as the chief feature of all labor bargaining. The employer who makes this a part of his attitude toward his employes very seldom reaps the reward desired because he usually gathers around him men who are striving in a similar way--trying to get a maximum amount of pay for a minimum amount of work. Good men are not usually found in shops of this kind because their services are in demand at all times and in all places and they go where conditions are most congenial.

Some managers have the idea that in order to get best results from their men they must be continually finding fault with them. They have the idea that the men will become satisfied and attempt to rest on the laurels already won if given a word of praise or encouragement. But such an idea is contrary to all human experience. No man ever accomplished anything great, if he knew he was striving for the impossible. Once convince a man that you cannot be satisfied and his efforts are immediately turned from that direction toward a policy of deception. The manager who will not be satisfied is quite often, very easily deceived; and all things follow the course of least resistance, even to men's efforts.

A man once said to the writer, "I never give any of my men praise and if I see one of them do a clever thing and likely to become a little conceited over it I usually find a way to take the conceit out of him and bring him to his level. I want my men to know that they are working for me and that I am boss."
"Don't you think" I replied, "that you would better get better results from your men if your attitude toward them was such as to convey the impression that they were working "with" you instead of "for" you? And don't you think you would be more likely to get them to work for you if your attitude toward them was such as to command respect instead of fear?"

If you want a man to strive for the highest possibilities, cheer him on; encourage him in his efforts. Tell him he is doing well; and you believe he can still do better. Don't be afraid he will ask you for a raise in wages. Even if he does make the request your encouragement will enable him to earn much more than the increase which he asks, and you are the gainer in any case.

It is a short-sighted policy on the part of the employer ~~that deprives~~ ~~words, "well done."~~ that deprives the employe of the satisfaction of hearing the words "well done," and when a man has done his best

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dissatisfied, and then receives complaints he naturally comes to the conclusion that his employer cannot be satisfied, and that further effort would be useless. The best man living can be spoiled by such treatment, if continued. He first loses hope and courage and then begins a gradual transformation of his whole character. He no longer manifests any real interest in the welfare of the business; that having been destroyed along with his hope and courage. Selfishness soon displaces that feeling of mutual interest that is so essential to success.

After a man has done well and you have expressed your appreciation of his efforts, do not let the matter rest there, but show your appreciation in a tangible way. Instead of being afraid that he will ask for an increase in salary, anticipate his desire and inform him at once that you will increase his remuneration as fast as he increases in proficiency. By doing this you stimulate his concern for your business and he soon begins to realize that his interest in the business is real and tangible and not imaginary.

Take the case of yourself for instance. You would soon lose interest in any enterprise that did not show increased returns in response to an increased expenditure of time,energy or money.

Here is another point. Workmen are as a rule, lacking in academic training and their mentality is less alert than is that of a man of business. The former is trained to work with his hands, and the latter with his brain. Now a workman whose intellectual development has been neglected is very suspicious of shrewd business men and that suspicion is in direct proportion to the extent of that his education has been neglected. Business men are not suspicious of each other. It is the confidence that these men have in each other that renders possible the transaction of business in the business world today.

If this is so in the field of commerce it is much more so in the world of industry. The success or failure of any industry depends upon the men in the factory as much as upon the men in the office and unless there is harmony and goodwill and confidence between these the best results are impossible.

In order that employer and employee shall enjoy the goodwill and confidence of each other it is necessary that the employer keep faith with the men in every particular. It is also necessary that any improvement in the proficiency of a workman receive prompt recognition in the way of increased remuneration. The failure of some employers to keep faith with their men has created in the minds of many the idea that employers are all alike, hence the antagonism in some quarters toward all "Capital".

The following is a sample of what frequently occurs in some factories when an applicant asks for a job :-
Manager-"What wages do you want?" Applicant-"What do you pay?"
Manager "We pay what a man is worth but I cannot tell what you are worth until I see your work.You start to work in the morning and after we see what you can do we will arrange about the wages."

Now this understanding, if carried out, would be the only safe and fair way to settle the wage question because the manager could

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not place a price upon the man's time until he knew its value. But this is what happens in many cases:- The man, if he does not meet some one in the meantime who has already been"stung" starts to work in the morning. After a day or two the manager says to the foreman: "How is Jones getting along?"
"He is getting along all right. I think he is a good man" answers the foreman.
"I wish you would feel him and see what wages he expects. I think we can get him fairly cheap", says the manager.
Two days after, the foreman reports to the manager that Jones thinks he is worth 20¢ per hour and expects to get that on the strength of the understanding that he would receive what he was worth. Now, 20¢ an hour is the highest wages paid for the kind of work Jones is doing. Then the manager says, "Don't say anything more to him about it. We will let it stand until pay day, and if we need him after that I suppose we will have to pay him his price but we will pay him only 18¢ an hour until then".

Right from the start the man feels that his credulity has been taken advantage of and that in the future he must "look out for himself".

The loss sustained through undermining the confidence of an employee is many times greater than the few dollars saves. The feeling that one must look out for himself is contagious and spreads among the workmen, and instead of realizing that their interests are linked with the interest of their employer, they begin to plot and scheme against him. Here, as elsewhere, "a house divided against itself cannot stand".

As I said before, the condition of comparative servitude with the resultant lack of education and mental development from which the average workman, especially those from foreign countries have evolved has left its impression and consequently these men are distrustful of those in the higher walks of life. This circumstance, coupled with occasional instances of unfair treatment renders them easy victims of the wiles of the agitator.

The recent step taken by the furniture manufacturers of Grand Rapids towards the nine hour day viewed in the light of the recent unsuccessful struggle for dictatorship by union officials should do much to clear the atmosphere and remove any ground that may exist for suspecting that capital, as a whole, harbors designs against labor.

The common people of today are struggling for a better condition of existence and employers can benefit themselves by assisting the common people to attain their end. Every employee in a factory is an asset, the value of which depends upon his ability to perform certain things, and ought, therefor, under proper treatment, to become more valuable each day. It is therefor in the interest of employers to have conditions of labor congenial, to keep men healthy in body and mind so that they may apply their minds to work and not to worry and that the former and not the latter shall absorb their energy.

Thus far we have discussed the duties and obligations of the employers, and we now come to the case of the employee. The man who strives to get a maximum amount of pay for a minimum amount of work is also

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also working against his own best interests. Even suppose his present employer will never recognise and appreciate his energy and ability if he does the best he can he is qualifying himself for something higher which is sure to offer itself from somewhere, some day. I remember the case of a foreman who, as a result of an unfortunate misunderstanding with his employer left and sought a position with another firm. He was a man of marked ability, and the manager of the concern where he sought employment recognized in him unusual talent, and after a few minutes conversation said:- "We have no position suitable for you, open at present, although we are in need of a man at the bench and would gladly give you the place. But had you not better wait a while and see if something better does not turn up?"

"No", replied the man,"I cannot afford to wait for something to turn up, I must turn something up. Give me the vacant position at the bench and I will start to work."

Two weeks later he was called to the office and when he entered the manager said," I understand the superintendent of the F-- factory has resigned and they are looking for a man to take his place. You apply for the position and refer them to me. I don't like to lose you from here, but you have no business at the bench. You are qualified for something higher and I will not stand in the way of your advancement".

Needless to say, the man applied for the position and obtained it, and from that day,on, he has been rising higher and higher.

Contrast with the above the case of the young man who worked under me some years ago. He was indolent and careless and I spoke kindly to him about it. He replied that he was earning all that he was getting and there was no encouragement for him to do better, and he wanted me to promise him an increase in wages. My reply was that as soon as we saw that he was worth more he would receive it- But he was not satisfied with that; and he returned to his work in a sulky mood. In the factory in question pay day came once a month. Three or four days before the pay day following the above talk with the man I noticed he seemed to be taking more interest in his work and was doing more of it, and I decided that if he kept it up he would receive a substantial increase in wages; the increase to date from the time the improvement commenced. Pay day would come on the sixth of the month and on the fourth of the month the young man came to me and asked if I did not think he was doing better and I assured him that I was delighted at the improvement. Then he said, " What about the raise in wages?"

"You keep on the way you are doing now and we will give you a good raise for this month", I replied.

" But I want to get the raise this pay for last month",he said.

I told him he did not earn his raise last month and that he would get it the pay following if the improvement in his work continued. But this was not satisfactory to him and he returned to his work and again sulked until near the end of the month when the improvement was again noticeable. In a few days he came back again with his request for increased wages; but with the same result as before. This thing continued for several months. I may say that while we were not running a charitable institution we were somewhat charitable in his case

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as he was the only son of a widowed mother; otherwise we would have discharged him. At last we began to think that perhaps the young man did not quite understand the situation and we decided to give him the benefit of the doubt. So I went to him one day toward the end of the month and said:- "John, I see you are improving in your work and we are going to raise your wages, the increase to start with the first of the present month, so that you will get it in your next pay." He thanked me and went on with his work but almost from that hour he fell back into his old careless way and we had to let him go.

Two years after, he wrote me to the effect that he had applied for a position of responsibility with a large concern and asked me to recommend him. But I knew he had not been faithful in small things and consequently would not be faithful if made ruler over many things, and could not comply with his request. Happily, men of this stamp are scarce. In a quarter cantury's experience, I have met but few.

When the writer was learning his trade there worked with him in the shop a young of just ordinary ability. One day the boss came to him and told him he need not be so particular about some work he was doing.

"Am I doing it fast enough?" asked the boy.

"Yes, you are doing it fast enough, but you need not do it so well", replied the boss.

"I would rather do it well, even if I do have to work a little harder", answered the boy, "I want to learn how so that I can do it if I ever have to."

That boy is a man today and occupies an enviable position in a furniture factory noted throughout the country for the high quality of its goods.

Men talk about luck! There is no such thing. The difference between the man who succeeds and the man who fails is not opportunity. The probabilities are that the man who failed had greater opportunities than had the man who forged ahead from one success to another.

The difference between the men was that one qualified himself to seize and hold the opportunity when it came his way, and the other did not.

Some years ago the writer read and committed to memory the following lines. They have been a help and spur to me many times since and I pass them on.

It Isn't Luck.

It isn't luck when a man succeeds;
It isn't luck when he wins the game.
Look over the list of his noble deeds,
And you'll find that he earned his right to fame,
What seems to you but a happy turn
On the wheel of fate, and the man climbs high
Was a circumstance he had to earn,
Or otherwise 'twould have passed him by.

"Why, he had a pull", you say, "a friend,
Who gave him the place that he holds today,
His path was level from end to end,
He never struggled in any way."
But search his record and you will see

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He had toiled by night and had known that he,
Could fill the place when it came his way.

Luck isn't a factor in man's success,
Though the little goddess gives favors out,
To the man who is brave when he's in distress,
The man of strength and of courage stout,
But he must toil in the face of woe,
And bear adversity along with pluck
At last, when his fortune smiles-- Ah no,
You cannot say that he wins by luck.

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INCREASING MAN'S EFFICIENCY.

By Wilfrid Mack.

I was much interested in the article by Chas.D.Gifford in the March Woodworker on "Increasing the Employe's Efficiency" and the reasons assigned for the success or failure of various schemes that have been tried to promote, or increase the efficiency of the average workman. That the average man today is only about 50% efficient is a fact that is recognized by almost all who have given the subject serious consideration. The reasons why this is so are many and varied and are bound to be the subject of much thought and research in the very near future on the part of those interested, and furnish themes for much discussion.

The condition of a man's physical and mental being is what determines his efficiency and it is to the man's environment, the conditions under which he lives; the things with which he comes in contact which affect his mind and body; ~~and~~ it is to these we must look, and it is these we must change if we would increase man's efficiency.

Now what are some of the things which have an adverse influence upon a man's mind or body? In the first place it is a rare thing to find a mind that is quick to perceive and prompt to pursue the right course if enshrouded in a delapidated or neglected body. Man is a many sided creature and if he is to remain normal, that is, have a well balanced mind and body he must have a variety of exercises. Toomany men put in their time as if their chief object in life were to eat and sleep. They rise in the morning ~~just~~ in time to get their breakfast before it is time for work; and then the morning is spent with one eye on their work and the other on dinner time. When that time comes they rush home and one would think the whole morning had been spent in anticipation of the spread before them and they were determined to get satisfaction. They eat until they cannot eat any more; then they slowly rise and leave the table. There is no rushing now; no hurrying back to work. All through the day the man feels sluggish and lacks energy. He has less energy now than before he had eaten. Why is this so? His energy has gone to help operate an overloaded stomach. When a man eats a normal meal it requires 95 per cent of the energy produced by the food he has eaten to digest itself; and if a man eats until his digestive apparatus is overtaxed nature draws upon the energy that is held in reserve to sustain a man and make him efficient at his work, is used to prevent the complete demoralization of the system; and if this is continued for any length of time the reserve force becomes utterly depleted. Men should not live to eat--they should eat to live, and live in such a way that instead of drawing upon the reserve force they are adding to it until they have reached the meridian of life. Only by doing this can men attain efficiency in any walk of life, or enjoy the highest possibilities of existence.

Again,men sleep the sleep which soon means death instead of that which restores lost energy and renews wasted tissue and renovates the whole system. They lock themselves ~~in~~ in their rooms at night with no thought of from whence they are to get the air they are to breathe. After a few hours the air in the room is depleted of that life giving oxygen and heavily charged with poisonous vapors expelled from the body.

In the morning the man is half stupid, he finds it difficult to awaken; his eyes are heavy and his head is heavy and his mental apparatus seems completely out of order; and in this condition he continues until he reaches fresh air with its revivifying and invigorating efficacy. But this work of revivifying and restoring vigor

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and energy should have been going on throughout the silent hours of the night when all the faculties were suspended and resting. But instead, the man was clouding his mind and poisoning his system by inhaling the poisonous fumes which he had thrown off. Every breath of air a man inhales if pure and fresh carries to his system life, vigor and energy; and having done its work it is then exhaled and carries with it the poisonous vapors generated by the system. This knowledge reveals the importance of having an abundance of fresh air at all times and in all places if a man's energy and efficiency are to be increased, or even the present standard maintained.

Another thing that is disastrous to energy is the habit which so many workingmen have of remaining in bed until they have barely enough time to jump into their clothes, eat their breakfast and get to work on time. The conditions under which men sleep as mentioned in the preceding paragraph frequently have considerable to do in forming this habit, because when the time comes to rise the man lacks the energy to do so and thinks he has not had enough sleep, when perhaps the truth is he has had too much of the kind, and is merely suffering from a sort of stupor caused by the poisonous vapors which he has been inhaling.

An hour in the fresh air before breakfast will have an invigorating and energizing effect upon a man that will surprise him if continued for any length of time. Especially is this so in the summer time when the day begins much earlier than at other seasons. Early morning sun and air are much more beneficial than they are during the later parts of the day and when the sun rises about half-past-four it too often sheds its life-giving, invigorating and energizing rays for naught as far as man is concerned, for he is hidden away in darkened, stuffy rooms awaiting the gong of the clock to rouse him from his stupor and bring him in an ill-prepared condition to face the stern activities of the day.

That this truth is admitted and the wrong recognized is shown by the fact that two or three years ago, representations were made to the governments of England, Canada and, I think, of the United States to have the hands of the clock moved forward one hour during the summer months so that men would be compelled to rise one hour earlier by the sun although the time would be the same by the clock.

Many efforts to increase the efficiency of employes have been tried and many of them have failed because the real cause of the inefficiency has not been understood. Some time ago a manufacturing firm wishing to increase the efficiency of their employes allowed them ten minutes in the middle of the forenoon for lunch. Of course the employes appreciated it; but it fell far short of accomplishing the purpose for which it was intended. Working under the writer at the present time is a man who, a year ago was almost constantly complaining about lack of physical energy. The man was taking a lunch in the middle of every forenoon and had begun to think he could not go beyond half-past nine or ten o'clock without something to eat. I spoke to him about it and he assured me he would collapse before noon if he did not have the usual lunch. I tried to reason the matter with him; but he was immune to anything of that nature. My next impulse was to give him his choice of giving up his job or his lunch; but I thought better of it. He had been a good efficient man and I determined to exhaust

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all the arts of deplomacy and strategy before resorting to extreme measures. I therefor advised him to consult a certain doctor and if the result was not satisfactory I would pay the bill. In the meantime I telephoned the doctor and gave him the particulars of the case. The man was persuaded to give up his forenoon lunch and he is today as efficient as any man around the place and says he never felt better in his life.

If you want to give your employes ten minutes, let them have it for relaxation or recreation; and not to place an additional and unnecessary tax upon the reserve store of energy.

Now why are these things thus? Why do men do these things that are so detrimental to their physical and mental well-being? Because they have not had either the time or the ambition to acquaint themselves with the elementary principles of hygiene; while those who do know have not thought it worth while; or with a very few exceptions have not considered it in their own interests to make the facts known to the world. For some reason, human beings are the most neglected class of domestic animals on the face of the earth. I see a teamster working on our streets. When the noon hour arrives he carefully places his wagon in the shade of a spreading maple or other tree. Into the wagon he places two boxes of chopped hay and oats from which the horses feed. He then loosens the harness and raises the collar high on the neck of each horse, or if extra careful, he removes it entirely to relieve the shoulders and prevent them becoming tender. These things being carefully done he drops himself in a fence corner and eats his dinner cold and dry from a tin pail and washes it down with great gulps of tea--and sometimes something worse.

Then night comes. The day has been hot and both horses and man are covered with grime, and dust and sweat. The harness is carefully removed from the horses; their shoulders and feet are carefully examined and washed; the comb and brush are used until the horses are slick and clean, and then the man---he washes the grime from his face and hands and rolls into bed with no more thought for the needs of his body.

Man, Know Thyself! The average workman in our factories has some hobby. It may be chickens, flowers or vegetables, or it may be something else; but whatever it is he studies its needs in order to obtain from it the highest possibilities. He can talk long and learnedly on his hobby. He knows more about it than he knows about himself.

The employer will see that his employes are instructed in the care of tools and machinery and insist on the instructions being carried out; but will not give a single instruction on the care of the most valuable asset he has, i e, the employee himself; without whom all his tools and machinery would be as naught.

If we would increase the efficiency of our employes we must study the conditions under which they live, improve the conditions under which they work and educate them in the care of themselves.

A short time ago the writer met a man and asked him where he had been working.
"Up at the jail", came the laconic reply. It being the county town my mind went at once to the place where men are confined who have proven themselves unfit and unsafe to be left at liberty.

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"What are you doing there?",I asked.
"Running a jointer," he replied.
"Running a jointer!", I exclaimed, "I don't understand you. They have no machinery up there".
The man looked at me in mild surprise for a moment, then a light seemed to dawn upon him and he said:-
"I am working up at the G--- factory."
Upon inquiry I found that as a result of the conditions under which they worked the employes of this place, by common consent called it "The Jail". How a man could expect to obtain satisfactory results from men working under conditions that would have such an effect upon their minds is beyond the writer's comprehension.

One reason why so many schemes for the promotion of efficiency have failed was because from there very nature they were not intended to obtain that result, but merely to stimulate a fast waning energy. Other reasons are to be found in the fact that some of them were prompted by an inordinate selfishness and were intended, not to increase the men's efficiency, nor their income, nor to benefit them in any way; these were all of secondary importance compared with the one great purpose for which these schemes were designed, that of swelling the profits of the concern. Take for instance the case of the firm referred to by Alex T.Deinzer in the January Woodworker,Page 85. Here a man works by the hour and we will say the minimum wage is 20¢ an hour. In order to hold his job at this price he must turn out a certain number of pieces which, for the sake of convenience in figuring we will place at $1.00 per hundred. Now, work turned out at this price will net the firm a good profit. In order to encourage their employes to become efficient and industrious this concern has offered them a bonus for all the work they produce over the minimum amount. This bonus amounts to 50 per cent of the value of the work produced, calculated on the basis of the minimum wage. That is, if a man does 20 pieces in an hour he gets 20 cents; if he does 40 pieces in an hour he gets only 30cents or 25 per cent less than he would get for the same amount of work if he took twice as long to do it. In other words the more work a man does in an hour the less he receives for what he produces. It certainly requires a powerful eye to see in that anything that would spur the average intelligent mechanic to greater industry and efficiency.

Now one would think that the intelligent and fair minded employer having regard to his own interests and the interests of his employes would be satisfied with the increased profits which accrue in the regular way and let the employes reap the reward of their extra labor. Especially would we think thus when it is remembered that these extra profits which result from the extra exertion of the employes come to the employer without any additional expenditure, or investment in plant or equipment on his part. But instead of being satisfied with this he wants, in addition to his legitimate profits half the product of the employes toil.

Let us examine this system and see what these bonuses in the aggregrate mean to the employer and employe. Suppose an employer has 150 employes with an annual paysheet of $100,000. Under this bonus system the output is increased 50 per cent which under ordinary conditions would bring the paysheet up to $150,000. But under this

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bonus system the employer gets one half of the increase or $25,000 plus his legitimate profits on the increased production while the 150 employes who actually produced the whole thing get the other $25,000, or an average of $166. each.

Let employers be honest and fair in regard to this bonus system and fewer failures will be recorded. Let them say what per cent on the capital invested they desire; let that be the first charge against the net profits of the business and let the ~~max~~ balance of the profits be divided between capital and labor according to their earnings and the profits sharing business will be a huge success.

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FROM THE OLD TO THE NEW REGIME.

by William Randal Rolph.

John Hoffman was getting old. He had been in the furniture business for forty years and had made money. Seven years before the time of which we write he had decided to retire, but when he stepped out of office and of business, it seemed like stepping out of the world in which he had lived all his life and entering one with which he was not familiar; and the inactivity bore heavily upon him, and he decided to go back into business and spend the remaining part of his life in the harness he was so much accustomed to. He therefor decided to build a new factory on the most modern plan and and equip it in the most modern style, and manage it in ---the old-fashioned way. When asked if he intended to engage a general manager or a general superintendent,he replied, "No Sir! I am going to be the general. If we have too many generals we have no soldiers, consequently no one to do the fighting. I shall manage the business and have only men who will work."

Shortly before the new factory was ready to commence operations he placed the following advertisement in one of the papers:- Wanted,--Foreman for furniture factory. One who can do drafting and is capable of taking full charge of machine and cabinet rooms, and acting as overseer of the whole plant. Apply--The John Hoffman Furniture Co.

He figured that by placing the two departments under one good man he would save the salary of a foreman and by giving this man supervision of the whole mechanical end of the plant, he would get results and save a superintendent's salary also.

Harvey Winters sat in the Royal Hotel, looking over the evening paper, and as he did so the expression of his countenance was not any too pleasant. His career had been somewhat checkered and he was now travelling for a well known firm of furniture manufacturers. But his success had been of the doubtful kind and he was looking for a change. When he read the above advertisement a smile relieved the disturbed look of his face, and he read it over again."Just the thing I have been looking for," he said to himself, "I know old John pretty well and I believe I can make a deal with him. It is a pretty big thing to make a success of but the bigger the better for my purpose. It is certainly three men's work, but if I am to do the work of three men there won't be anyone to give me away if I fail to do it right. It would be impossible for me to hold a position of this kind if I had an expert machine man on the one hand and an expert finisher on the other. But where I have full control of the cabinet and machine rooms and have general control of the other departments I think I can arrange things so as to cover up any mistakes I may make. Of course this does not make provision for letting me down easy at the end of the year if there has been no money made, but as Old John never had any use for systems of cost keeping, he won't know whether the loss is in the office or the mechanical end of the concern. However it will be soon enough to worry about that part of it when the time comes. In the meantime I must make plans for getting the job. One obstacle is,I really do not know anything about drafting; but the reputation that my brother has as a draftsman and designer of furniture will help me out on the start and I can pick it up after I get started. True,the men

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will not be able to work according to my drafts but--they are working under me and can't squeel, and I will pull through somehow. I have had to live by my wits most of my life and I don't think they will fail me ~~new~~ in this case. I will go and see the old man before I leave town in the morning.

Accordingly the next morning he presented himself at the office of the John Hoffman Furniture Co. Being a good talker he was soon able to get the ear of Mr.John Hoffman, and as he~~ld~~id considerable stress on the fact that he~~wa~~ was a brother of George Winters, the well known furniture man, he created a very favorable impression on the mind of the veteran furniture manufacturer. The result of the interview was that he was invited to return in the afternoon by which time a contract would be drawn up along the lines agreed upon and ready for the signatures. Af~~te~~er he had retired, Mr.Hoffman turned to Mr.Gibson, his office man and said,

"I believe I have got the very man I want. He has had twenty five years experience in the furniture business as manufacturer, dealer and traveler, and these ought to qualify him for the position. Besides, his brother is, without exception, the best furniture man in the country, and this ought to be in his favor".

"It certainly helped to secure the position for him, but I don't see how it can help him hold it,: replied Gibson,co~~l~~ly.

Mr.Hoffman looked over his spectacles at the speaker but did not reply. The remark had started him thinking and he began to wonder himself just how George Winters' ability as a furniture man was going to be of any great benefit to Harvey Winters under the circumstances, or to the Hoffman Furniture Co. either.

"The Higrade Furniture Company, who have him employed are the people reaping the profits from George Winters' ability," continued Gibson insinuatingly.

"Yes, and see the salary they have to pay him. Harvey worked with his brother for a year and ought therefor to be a good man and we get him for a third less salary."

Although Gibson knew that Harvey Winters had proven an absolute failure while with his brother, he did not say anything more, because to do so, he knew would only make Mr.Hoffman more "set" in his opinion. He had said enough to set him thinking and that was all he could hope to do.

Time wore on and the Hoffman Furniture Co. began to manufacture furniture and, so far as Mr.Hoffman could see, everything was moving along nicely and he was getting in shape a fine stock for the fall rush of business.

But things were not going smooth in the factory. The machine men could not understand the drafts and when Winters was appealed to his explanations were not always clear and satisfactory, and the men began to suspect that he did not understand them himself. Some of the stock bills were made out finished length and some allowed for trimming, and there was no way of distinguishing one from the other. All this caused great confusion and loss of time, as well as loss of material through mistakes in getting out stock. The veneer room was having trouble with loose veneer and checking, and the foreman finisher and Winters had had "words" on several occasions as a result of bad cabinet work. But John Hoffman knew it not. Harvey Winters was his

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only source of information about the factory end, and, Winters, who had no wish that any of the trouble should reach Mr.Hoffman made no complaints about any of the men. He wanted the manager to believe that everything was moving along smoothly. Time enough,he thought, to make complaints when the manager finds out about the trouble. To do otherwise might precipitate a crisis before he was ready for it.

In this way time passed with Mr.Hoffman living in a fool's paradise until the fall rush was on and the accumulated stock was to be shipped out. Then it was found that very little of it was fit to go. The veneer was checking and becoming loose; panels were warping and twisting and mirror frames were opening at the joints. Altogether the situation was most distracting. In no very pleasant frame of mind he called Winters into the office and asked for an explanation of the condition of things.

"Our veneer man does not understand his business."Winters began, "and"-

"You should have informed me of this before," interrupted Mr.Hoffman, "and not have waited until there was so much work spoiled. Here we have the stock that cost us several thousand dollars to make and very little of it fit to ship when wanted. Why did you not have them repaired when you saw they were not right?"

"The stock was alright when it went into the finishing room, and the finisher never told me anything about it going bad, consequently I did not know anything about it", answered Winters.

"Well, I suppose there's no use crying over spilled milk; we will just have to get this stock fixed up as soon as possible and shipped out. But we will have to get someone else at once to do the veneering if this man does not understand his business. We cannot have a repetition of this kind of work."

On Saturday night the veneer man's pay envelope contained his pay in full and a slip stating that his services were no longer required. The man who took his place had a reputation for good work but he met with no better success than did his predecessor. When Mr.Hoffman's attention was again drawn to the difficulty in getting stock ready for shipment he went after the finisher to find out the cause of the delay. The finisher told him that the veneering was bad, that the veneer was either checking or coming loose, either of which made extra work and caused delay. When Mr.Hoffman drew Winters' attention to this, the latter said:

"The stock is alright when it goes into the finishing room but the finisher does not know how to handle it. He is either roasting the wood with heat or destroying the veneer and glue with that dope he is putting on. You can't tell him anything; he knows it all. I have tried to tell him that his new-fangled way of finishing would spoil the best ~~xkxx~~ work that ever was, but I would get only abuse for my trouble."

The result of it all was that a change was made in the finishing room and a new man engaged to look after that department. Thus the fall and winter passed; the spring rush was over and midsummer stock-taking came; when it was found that the business had lost money. When Winters' attention was drawn to the poor showing he said it was not usual for a concern to make any great amount of money the first year of business, but he was a little surprised at it showing a loss.

"However", he continued, "I think we are in fine shape now for getting out the work at a profit and making a good showing this year. You know

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we had trouble with the veneering and finishing rooms last year; but I think the men in these departments now will be alright: and this year we can reduce the cost of production fully twenty-five per cent."

In this way Mr.Hoffman had the wool pulled over his eyes, and again things went along pretty much as usual. The new finisher was finding fault with the woodwork and Winters was trying to lay the blame on the finishing room methods; and the result was continual friction between these two; and those who were on the inside and knew what was going on wondered how long this condition of things would last. Mr. Hoffman himself knew that there was something serious the matter and that the proper results were not being obtained, but was unable to locate the cause of the trouble. Finally, in desperation, he decided upon a plan. His only son,Herbert, was assistant manager of one of the most progressive and prosperous furniture factories in the country and Mr.Hoffman decided to make him an offer to come into the business with him as associate manager and take charge of the factory end of the concern; locate the leaks and put the manufacturing end on a paying basis.

Herbert at first hesitated to accept the offer as he realized that there were serious difficulties in the way of accomplishing the needed reforms. His father was very conservative in his ideas while he was quite radical and he feared the two might conflict. But his father was getting old and the business would in the natural order of things fall to him as the only son in the very near future and he decided after mature consideration to accept the offer, and try to strike a happy medium between the two extremes of ideas and bring order and prosperity out of chaos.

It soon became rumored among the men in the factory that Herbert Hoffman was coming to manage the factory, and as he was credited on all hands with being clever and shrewd, the possible outcome of the new regime was the chief topic among the men. Some were of the opinion that within three months he would have the factory weeded out; others thought it would take six months to do it, while some others who knew a little more about how things were being run were of the opinion that between Mr.Hoffman's conservatism and Winters' scheming Herbert was likely to get crushed and the last state in the factory be worse than the first.

Three months after Herbert had entered upon his duties two men were walking home from the factory at the close of the day, and one said to the other: "You talk about schemers, but this man Winters has them all beat."

" What is he doing now?" asked his companion.

"Doing?/ Why, he has Herbert and his father fighting like cats and dogs", replied the first speaker. "You remember when Herbert first came here we gave him from three to six months to either clean this place out or get cleaned out himself; well, it looks as though he were the one who is going to be cleaned out. At first it looked as if he was in a fair way to straighten things out and discover where the leaks were, and Winters evidently became alarmed and began to plot against him the same as he has plotted against every other good man who has been around the place. You know there have been several of the best men quit lately and two engineers have left since Herbert came. Winters

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saw some little thing wrong about these men and magnified it greatly in Herbert's eyes and asked him to speak to them. The result was the men flew off the handle and quit. Mr.Hoffman knew they were good men and blames Herbert for their leaving. Then there were several changes in the factory that would involve the expenditure of considerable money and Mr.Hoffman had decided before Herbert came not to make them. Winters had Herbert going on these changes. They ought to be made all right and Herbert knows it, but the old man does not, consequently there is conflict between the two. Again, there were several lines that Mr.Hoffman had decided to cut out and had told Winters that it was not his intention to make any more of them. Winters goes to Herbert and advises him to have double the usual quantity of these particular lines made in order to reduce the cost of making. Herbert acted on Winters' advice and in consequence got in the old gent's bad books."

"What's Winters' object in creating trouble between Herbert and his father?", asked his companion.

"Why, to centre their attention on each other instead of on him; and to make it so unpleasant for Herbert that he will quit. If Herbert had a free hand here he would soon locate the cause of the trouble, but he is almost afraid to make a move himself, and his father turns down every proposition he makes as being too radical. Once he told him he was revolutional in his ideas. Herbert will quit one of these days unless something happens, and then things will be worse here than ever."

But something happened! A few mornings after the above conversation, when the men came to work they saw crepe on the office door and a card stating that Mr.Hoffman had,the night before, suddenly expired while preparing to retire, and in consequence, the factory would be closed for a few days.

On the morning of the day when the factory resumed operations the men were all called to the shipping room where they were met by Herbert Hoffman who spoke to them as follows:

"Gentlemen:- You are all acquainted with the changed conditions under which we meet and the sad circumstance which brought about this change; and it is not necessary for me to refer to that at any length. Neither shall I look back upon the past except to remind you that up to the present time this business has not been a financial success. Who is to blame for that it is not now worth while to inquire. We will let the past be swallowed up in the past, and will turn our eyes toward the future. From this day a new era dawns in the history and management of this business and it passes under a new regime and you men, you who work at the bench, you who operate machines, you foremen,you are to be the arbiters of its destiny. Upon you shall devolve the responsibility for its success or failure. No one man can manage a concern the size of this and do it successfully. In the future each department shall have its head, and the heads of all the departments shall constitute a general executive; and each individual foreman shall be responsible for the proper performance of his duties to this executive as a whole, and not to any single member. Every foreman shall be on an equality and each shall be directly responsible for his own department only; at the same time if the foreman of one department sees anything being practiced that is positively wrong in another department it shall be his duty to bring the matter to the attention of the executive. If one foreman has a charge of any kind to

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make against another foreman, he shall make that charge in writing and hand it to the chairman of the executive; and a special meeting to hear the charge may be called. If one of the workmen thinks he has been treated unfairly by his foreman or has any other complaint to make he may make it in writing and bring it before the executive. For the purpose of hearing complaints of workmen there shall be selected by the men themselves one man from each department to act with the foreman in hearing the complaint. To prevent mere spitework and trumped up charges if a man fails to prove them he shall lose his position in the factory unless the committee are satisfied that it is a mere misunderstanding.

In order that each man shall have some inducement it is the intention to have all the work done piecework, the price to be fixed by myself, the foreman of the department where the work is done and the one man selected to represent the men. I am at present working out a scheme to share the profits. While it is not complete, it will operate something like this. After paying 10% on the capital invested, the balance of the profits shall be divided among the shareholders and the men according to their claim upon it. For instance, we have $100,000 invested in this plant and we pay $100,000. per annum in salaries and wages. Suppose at the end of the year we have a net profit of $25,000 that would leave, after paying $10,000. as dividend to the shareholders, $15,000. to be divided among the shareholders and the men which would be equal to a little over 13% on $110,000. the amount received by men and shareholders as wages and dividends.

'But; someone will ask,'why apportion the surplus profits according to the amount received in wages and dividends?' I reason the matter out this way; Here we have on the one hand men who have made an investment of $100,000. in plant and equipment; on the other hand there is an investment of 150 men. We arrive at the monetary value of these men from the amount which they earn per annum, and which for the sake of convenience we have placed at $100,000. That amount capitalized at 10% represents an investment of 1,000,000. Now the $100,000. of the shareholders is represented in the productive powers of this establishment by the machinery and the building, and is doing its share toward production just the same as you men who represent the million dollars at which you are valued are doing your share toward production: so that I think you will agree with me that the claims of the shareholders and workmen are equal in proportion to the monetary value of their investment. Under this system we have two classes of shareholders--the preferred and the common. The workmen are the preferred because they come before all else and receive their dividends in the form of wages according to the value of their investment as shown by the amount they have earned. At the end of the year, if there is any money (profits) left, enough of it is taken to pay the common shareholders 10% on their investment of One hundred thousand dollars, providing there is enough left to pay that much. If there is not enough then the common shareholder must be satisfied with less. But if there is still some money left after paying the 10% to the common share-holders, the amount so remaining will be divided between the common and preferred shareholders according to their claims as shown by their earnings. Thus there would be $110,000 on which to pay the remaining profits. If one man had earned $1,000 he would receive 13% on that, or $130. If another man had earned only $800. he would receive 13% on that amount or $104.00

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This system will also reduce to a minimum the danger of anything like the fairness that sometimes attends the piece work method of production because if a man does not get his pay in the form of wages,he will receive it at the end of the year in the shape of dividends. The main thing to be watched in this regard is that the prices of the different kinds of work are properly adjusted.

Supplies and materials for use in the factory will be purchased by a committee composed of myself and the foreman of the department in which the supplies are used.

The office end, which includes the clerical and financial work will be separate from the factory end and will, as at the present time, be controlled by men, specially trained for that work. But at the end of the year the men shall select one of the auditors to represent them at the audit.

I will be the chairman of all the committees and shall have the power of veto but as it is in the interests of all concerned to have foremen of large brain capacity and to pay them a salary equal to their ability it shall be the duty of you men to see that your foreman understands his business, and it shall be the duty of all the foremen and all the men to see that no barnacle holds a position of responsibility in the factory. With every foreman and every workmen true to himself, true to each other and true to the interests of this business, it will never be necessary to exercise the power of veto vested in the chairman of the committee."

For a moment after Herbert ceased speaking, there was absolute silence. The men seemed scarcely to realize the importance of the announcement or to grasp the magnitude or signifigance of the proposition. They were simply dumbfounded, and stood looking at each other in amazement, Then someone shouted "Three cheers for Herbert Hoffman", and one hundred and fifty men were suddenly awakened from their stupor and from one hundred and fifty lusty throats went forth three hearty cheers.

But there was one man who did not cheer; one man to whom this generously fair proposition brought no joy. He too was dumbfounded, not because he did not understand, but because the full signifigance of its import struck him with a suddenness ~~of~~ and force of a bolt from the blue, and inwardly Winters cursed his luck. The one man management would soon be at an end and henceforth he must stand on his own merits in competition with his fellowman. Up to the present time he had been using the various departments to cover up his blunders and several good men had been sacrificed in order to hide traces of his incompetence. But he realized that the possibility of continuing this was at an end, and in the future he was more likely to be the accused than the accuser. Moreover, he would never again be able to have a man dismissed on his unsupported word that he was incompetent. Every man would be given an opportunity to defend himself and would be judged by a jury of his peers. The more he thought the matter over, the more convinced he became that this factory held no place for him. Then he hesitated. He had bluffed it now for nearly three years, why not bluff it to the end?,he asked himself. He would think the matter over and let the morrow decide.

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That evening the veneer man and the bandsawyer were walking home together when the former said,"Did you notice the dejected look of Winters all day today?" "No,I did not. Why should he be dejected any more than the rest?" answered the bandsawyer.

"Why, because as Herbert said, a new era has dawned, a new regime has commenced and that means that Winters' days here are numbered", replied the veneer man. "It was only under the old order of things that a man like Winters could possibly hold a position of responsibility. This factory has been at the mercy of that man ever since it commenced. The man who was doing the veneering before I came was a good man, but the work was not satisfactory. My work has not been any better and I know that I was to be sacrificed soon in order to cover up his incompetence. There are a lot of dressers going through the factory, half of which had to be veneered over again,and the veneer is coming loose on the other half. Winters insisted that I was using the glue too heavy and when I would not thin it down he poured water into it himself and I told him if there was a kick made about the job I would see that the responsibility was placed where it belonged. Since then he has been trying to get some other excuse,to fire me before the old man found out about the dressers and raised a kick. This kind of thing has been going on throughout the ~~factory~~ whole factory and Winters knows he has no hold upon any position here, and no claim upon any man's sympathy. Under the new system he will not be able to hold a position as draftsman because neither the machine man nor the cabinet makers can work by his drawings. He cannot go into the machine room because the cabinet room would not stand for his mistakes, and he could not go into the cabinet room because there he would be up against the finishing room. Apart from the advantage the men will derive from this new system, it is to be commended because under it parasites cannot exist and the barnacles that sap the very life-blood of an institution of this kind will be scraped off."

The men were so intent that they did not hear footsteps behind them and when they approached the corner the electric light under which they had just passed ~~through~~ the shadow of a man before them, and turning round they saw Winters turn up the side street in the direction of his home. As he did so a muttered curse escaped his lips and he said to himself, "I see the men are all on to me and I guess my days here are over."

For a few minutes he walked on in deep thought then he continued ,"I suppose I might as well take it philosophically. It is but an illustration of the truth of the saying that'it is a long road that hasn't got a turn'and that 'every dog has his day'. I came to the turn sooner than I expected but the other fellows are now coming into their own and I guess I am not getting any more than is coming to me."

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UNDER THE NEW REGIME.

By William Randal Rolph.

Chapter 2.

At the time that the John Hoffman Furniture Co., passed from the Old to the New Regime the shop was strongly union. It was not recognized as a union shop in the sense in which the term is generally unddrstood, but unionism had an influence that was felt, and was in many instances an intimidating if not a dominating factor. In less than two months after the new order of things commenced every man of the Hoffman Furniture Factory decided to separate from the union. They began to recognize that their interests in the factory were real and tangible; that unionism was inimical to those interests and that to continue in the union would be to continue in an attitude which, under the circumstances, would be hostile to themselves. It was also pointed out by some of the wiser heads that any money paid into the union would never, under the present condition of things be of any benefit to the men of the Hoffman factory, because in the very nature of things, a strike would be impossible, consequently strike pay would never be required.

But separation from the union raised in the minds of some the question of a meeting place and it was finally decided to organize a club to be known as the Herbert Hoffman Club, provided Herbert were willing that his name should be thus used. When the ideas of the men were laid before Herbert he suggested that the name Herbert be dropped and that the ~~XXX~~ Club be known as "The Hoffman Club", ~~XXX~~ if the men still desired to use that name; and promised to support it liberally. He also suggested that in connection with the club there should be established a mutual benefit fund into which the men could pay the money formerly paid into the union; and which now could be used for the benefit of those who paid it in.

But there is nothing perfect here below and even this well-devised system was not totally free from slight jars and jolts. But the system was, with the exception of very few cases able to smooth things out to the satisfaction of all concerned. It was a part of the system that a list of the prices paid for the different lines of work be furnished each man so that he would not only have the prices paid for his own work before him, but would have the prices paid the other branches as well, and if any inequalities were discovered the matter could be brought to the attention of the executive and be adjusted. In this way it was soon discovered that the machine operators could earn considerably more in eight hours than could be earned by either the finishers or cabinet makers in the same length of time. It was also discovered that a man operating a shaper could earn more than the man who ran some other machine. Some of the men got together and talked the matter over and finally decided to bring the matter to the attention of the executive. This was done; the matter was considered and the decision handed out to the men in writing as follows:

Fellow Employes of the Hoffman Furniture Co.,

Gentlemen:- Your executive committee have gone fully into the question of the alleged inequality of prices paid certain lines of work and we beg to report that we fail to find the inequality complained of; although during our investigation we did find a case that seems slightly unfair but of which nothing previously had been said. Regarding the inequalities complained of it must be remembered that a man operating a

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shaper expends a great deal more physical and nervous energy and equally as much mental energy than the man who works at the bench in either the cabinet or the finishing rooms during the same length of time; while the element of danger, which is responsible for the increased expenditure of nervous energy, is many times greater in the machine room than in any other department. These facts must be taken into consideration when adjusting the rates of pay. If the highest price at which a certain line of furniture can be sold is so low that it is altogether out of proportion to the amount of the material and labor involved in its construction it is an unprofitable line and a wise man would soon discontinue it. If the rate of pay for any particular line of work in the factory is so low as to be out of proportion to the expenditure of energy required, that particular line of work is also unprofitable and will soon be at a standstill because there will be no men to engage in it. If men were working by the day there would be a choice of two ways in which a matter of this kind could be adjusted:- Either pay the man more per day for the increased expenditure of energy required, or lessen the number of hours during which he is expected to work each day. In the present instance where men are paid for what they produce the rate must be regulated by the quantity of nervous, physical and mental energy required to produce a given amount within a given time. It is not merely a question of a certain amount of money for a certain amount of time; but a question involving the production of an article and the amount of time and energy required to produce it on the one hand, and their equivalent in money on the other hand. There is also the element of danger to life and limb which must be added to the expenditure of time and energy and counted as a part of the cost to the man in producing a certain article. There must always be some special inducement that appeals particularly to certain men in order that they may be influenced to accept certain positions of a hazardous or unpleasant nature, otherwise all men would be after the more pleasant and congenial jobs and the other places would be left unmanned. Some men would rather work at finishing for 25¢ per hour than encounter the dangers of running a machine at 40¢ per hour, while other men are willing to take the extra risk for the extra money.

Some men will take a position because the pay is high although the hours are long, while others again prefer shorter hours although the pay is less. In this way the different spheres of activity in our factories, and in fact throughout the whole world are kept balanced.

The inequality which we discovered but of which no complaint had been registered exists in the finishing room. The men who stain and varnish at the dipping vat are able to earn about the same amount as the men who stain or varnish with the brush. We think there should be a slight charge made here and that, owing to the fact that working at an open vat is not as pleasant as working with the brush the man who does the former should be able to make a day's pay in one hour less than the man who does this work with a brush. In these conslusions your committee are unanimous. ----

When the men read this decision they were, with one exception agreed that the committee had made out a strong case, and wondered why they had never seen it in this light before. The one exception was soon told by the men that he was an agitator and that if he wanted to practice his art he had better move to other fields as there was no

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room for his kind in that factory.

On one occasion one of the cabinet makers complained that his foreman was not using him fairly and was sending work back to him without cause. The matter was thoroughly investigated; the men who knew anything about the case were examined as to their knowledge concerning it with the result that it was found that notwithstanding the vigilence of the foreman the lowest quality of the work that left the cabinet rooms came from the man who registered the complaint; and that instead of being treated unfairly he had been used most considerately. The rule that a man making a complaint against another man must substantiate his charge or lose his position was enforced and the man was compelled to quit. This was in accordance with one of the fundamental principles of the business---that harmony is essential to success, and that all cause for discord, and those who create discord must be removed.

Another foreman was charged with using grossly insulting language toward one of the subordinates. The charge was proven and the foreman dismissed. In the decision handed out it was held that a man who could not control himself could scarcely be expected to successfully control others.

These two cases are typical of the working of this part of the management. No employe could be discharged on the mere word of a foreman. It was necessary for the foreman to lay a charge in the regular way against the man,who could appear before this "tribunal" and make his defense and have the case thoroughly investigated if he so desired. Failure on the part of the foreman to substantiate his charge was considered evidence of incompetence in the handling of men and he lost his position. This method prevented the perpetration of those abuses that are so common in some factories where a workman may be dismissed on the mere word of an incompetent or jealous foreman, and all redress for the loss, and perhaps disgrace and suffering entailed, denied him. But cases of this kind were very rare; so rare in fact that they would not be recorded here except for the purpose of illustrating the working of the system.

Another thing that contributed to the rarety of these occurrences was the fact that every man's past record was looked into before he was employed. A man seeking employment was asked to sign an application form, giving references, etc. A list of these names was posted up in each department, and if any man knew why an applicant would likely prove undesirable he was requested to fill out a form giving his reasons for thinking so. It was in the interest of all the men that only good competent men be employed; and this fact was an inducement for the right kind of men to make application.

And thus the first year under the new regime passed away and the men decided to celebrate the anniversary of ~~t~~ its inauguration by a monster banquet in honor of Herbert Hoffman. To this banquet the Mayor and Aldermen were invited, and happy indeed were the speeches made on that occasion; but the most interesting of all was that of Herbert Hoffman, who, in response to the toast,"The New Regime", spoke in part as follows:

"In the life of every man there are periods which stand out prominently because they mark some particular event. Today marks the first milestone under the New Regime, as we are pleased to call it and also marks happiest day of my life. I am extremely happy today, not because

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you hold this banquet in my honor, but because of the spirit which prompted the act, and because you are happy. As a manifestation of that happiness and of the harmony and good will that prevails among all the people connected with this institution this banquet is a great success; but if its purpose is to honor me it must signally fail because no honor is due me. Whatever has been accomplished during the past year has been accomplished by you acting along certain lines which I suggested. Had you failed to respond to my appeal of a year ago; had you shirked the responsibility which I placed upon your shoulders at that time when I said that upon you must devolve the responsibility for the success or failure of this business because the future management of the factory would be left in your hands--had you not done your part utter and deplorable failure would have been the result. Hence the honor for the success of the past year belongs to you and not to me; and in the success we have all shared.

But we must not look too much on the past or rest upon its achievements, or use them except as stepping stones to the still greater things which the future has in store for us. Owing to your increased interest in the work, the quality has greatly increased and, without any additional expenditure for plant or equipment the output increased thirty per cent. But largely as a result of the higher quality of work which we are doing even this increase was inadequate to meet the increased demand. It will therefore be necessary to enlarge our plant at the earliest possible moment.

The profits during the past year have been greater than I could have hoped for. After paying in the shape of wages and salaries an amount which I think you will agree netted you satisfactory returns for your labor, and after paying ten per cent on the capital invested in the business and allowing for depreciation in the value of plant and equipment, there is left a balance of $20,000 to be divided among those who have been connected with the business during the past year.

I said a few moments ago that in order to meet the ever increasing demand for our goods it will be necessary to enlarge our plant; and for this purpose capital will be required. We have had offers from outside sources of many times the amount required; but we think that those connected with the business and have helped to make it a success should have the first opportunity to invest their money in it. We therefore lay this proposition before you: Before any outside capital is taken up, those of you who wish to invest your share of this $20,000 in the business or to invest any other money which you may have, may do so and shares of a par value of $25.00 each will be issued for the amounts. Cheques for your chare of the $20,000 will be handed to you tomorrow so that you will be at liberty to use them as you wish."

When Herbert made this announcement and sat down the whole concourse of people rose with one accord and cheered again and again. The men had been so well satisfied with the amounts which they had been receiving weekly in their pay envelopes that they had almost forgotten the probable surplus profits which would be divided; and as the fact of there being a surplus had been kept a profound secret by the office staff and the auditors the announcement came as a surprise; but was none the less pleasant for that.

The following day, cheques, representing each man's share in the surplus profits as shown by his earnings was handed to him.

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(Under the New Regime)

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With very few exceptions the cheques were endorsed and handed back with an additional sum to make an amount equal to the par value of a certain number of shares; and in this way a considerable sum was raised toward the amount required for extension; the balance being ~~t~~ taken up by the original stock holders.

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THE MAN HANDLING PROBLEM.

By M.C.MacKay.

The man handling problem as it presents itself in the strenuous, high tension factory of life of this strenuous, high tension age demands an amount of skill and diplomacy that is to be found in comparatively few of the men who are daily called upon to meet some phase of this most perplexing question. An innate knowledge of human nature--the power to look as with an microscope into the hearts and sould and minds of men and see the secret working of the most intricate part of this most intricate organism and understand the motives which underlie men's actions--is given to but few persons and for this reason only a very few are successful in solving the man handling problem.

But notwithstanding the fact that it is not given to every one to understand the human element in all its relations to life, the germ of this knowledge is implanted in every human breast, and may, by the exercise of care and consideration be developed into a bright and glowing light, shedding its rays into life's dark places and making more light the path of our daily life.

Man, know thyself. It is not always wise for a man to judge others by himself; but a pretty thorough knowledge of himself is necessary to a thorough understanding of others. The man who lacks confidence in himself cannot inspire others with confidence. He who is deficient in knowledge cannot expect to instil knowledge into others; and the man without sufficient knowledge of himself to control himself cannot expect to successfully control others. To the man who is anxious to know I would say: Study yourself; ascertain the means by which you can be induced to give best results, and then apply these means in your efforts to solve the man handling problem, and your own life will reflect itself in the lives of those around you. The same method in all particulars will not answer for all men as no two men are constituted exactly alike; but just how to modify the rule in order to successfully cope with special situations will present itself to the student of human nature when the special cases arise.

But let us here stop for a moment to examine my line of reasoning and see where it leads to. If a man studies himself and finds that he can be made to work only by being watched closely and urged on continually; and if given a word of praise will geta swelled head and look for a raise in wages, according to my process of reasoning this man would learn that the proper way to get best results from the men under him would be to always be on the watch and everlastingly prodding them along. To this method some will object; but my reasoning still holds good. Man, know thyself! And if you find that you are a man as above described you ought to know that you are unfit to handle men--at least unfit to handle men who are not of your own kind. If this be true, it follows that those in authority should know themselves in order to ascertain their own fitness or unfitness to deal with the man handling problem as it presents itself in our modern factory life. The man who thinks that persistent nagging at subordinates is essential to success is an absolute failure as a man handler; not because he cannot, or does not get more work out of them by his method; but

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because he soon gathers around him a class of men who can be made to do their best only by some such process--by arousing in them the element of fear; and such men are unprofitable at best. Good men, that is men who are not only willing but are anxious to do a fair dayss work for a fair day's pay without any urging have too much self respect to stand for that kind of treatment, and, as their services are always in demand they go where conditions are more congenial.

A great many managers make a practice of passing through the factory once a day, and they do this usually at a certain hour of the day. Others, for obvious reasons, vary the time at which they pass through the mechanical departments. It is remarkable the difference in the effects which the presence of these men has upon their respective employes. Take for instance the man who thinks the way to get best results is to be constantly nagging both the men and the foremen; and whose sole purpose is to grind as much work out of his men as possible. In a factory under such a manager the men are always on the lookout for him and when one sees him coming the signal is given and passed on from one man to another along the line, and when the manager enters every man is engaged at something--but that something is not always productive. I remember a man who got so excited when the signal was given that the manager was in the room that he picked up his hammer and began vigorously to rub the face of it on the oilstone, and the manager passed through charmed at the effect of his presence upon the men and congratulated himself upon his ability to so train men as to get the best results. But could he have cast one lingering look back into that room after he had disappeared through the doorway and seen the gestures, and heard the expressions of utter contempt which were hurled after him he would have had cause to reflect a little on the result of his attitude toward his men. This same man was out trying a new automobile one day when he ran into a street car and smashed his machine. His plight met with jeers from the onlookers while on all hands could be heard expressions of regret that the machine, and not the man, had been smashed.

Contrast this with the case of another man in the same town who employes several hundred hands. When he enters his factory in the morning the effect of his presence is magical and illuminating. Everybody has been doing his best and with a clear conscience he awaist the manager's smile and cheery "good-morning". If any employe has sickness in the family the manager will stop and make inquiries; and not infrequently some delicacy finds its way from the manager's home to the home of that employe. When Christmas time comes he is the recipient of an address and a huge bouguet of flowers from the employes as an evidence that harmony and goodwill prevails.

Does this method pay? From a financial standpoint is it profitable? Or does it end with the flowers and expressions of goodwill? A comparison of the experiences of the two factories cited above will demonstrate which is the ~~most~~ profitable as each is engaged in the manufacture of the same line of goods.

The first factory ~~xxxxx~~ mentioned has a large percentage of defective goods as a result of carelessness on the part of the employes. Efforts to overcome this have been made but without success; and this large percentage of defective goods which must be sold at a sacrifice

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is now looked upon as one of the necessary evils of the business. The firm also has periodical trouble with its help, and good men cannot be induced to remain any length of time. Wages are low and the manager says he cannot pay higher wages because the profits will not permit it.

The second factory has a reputation for quality that is second to none on this continent. Every employe takes a personal pride in vieing with the others in the quality of the work he turns out. Each recognizes that his interests are linked with the interests of the business, and that to neglect the one would be to neglect the other.

The whole business is a success and every man connected with it seems to succeed. Of course there are those who are unkind enough to say that the sunny smile and genial manner of the manager, and the interest he manifests in his employes are all for a purpose,--that of hoodwinking the employes and bringing gold to his coffers. Granted! for the sake of argument, in which case it cannot be denied that the sunny smile succeeds in accomplishing its purpose. And surely it is the more pleasant way, and if in addition to being the more pleasant it is also the more profitable why should it not be adopted?

The primary object of engaging in business is financial gain and not merely for the purpose of "lording it over" a lot of men and giving them to understand that "I am boss". From this gain you expect to reap happiness and comfort, and if in the reaping you sow some seeds of joy in the hearts of your employes don't you think you will likely share in the harvest from that sowing also?

There is not anything that is more profitable than good-will between the employer and employe. There is no investment that the employer can make that will bring him larger returns than a smile or a word of praise. Many employes grow careless and reckless simply because they have come to the conclusion that their efforts are not appreciated. I once knew a man who made it a point to find fault whenever he thought a foreman had pretty good reason to be satisfied with the result of any effort he had made. This fault finding was done for the purpose of preventing the foreman getting a "swelled head" and perhaps asking for a raise in salary. It was done under the delusion that the foremen were liable to become satisfied with their present achievements and "leave well enough alone". But such an idea is contrary to the experience of the ages. "Nothing succeeds like success" and when a man sees that he is succeeding he is encourgged to greater efforts. But create in the mind of the man the idea that he is striving for the impossible and his efforts are at once relaxed and failure follows.

A few years ago the writer was employed in a factory, the manager of which was a man who thought it necessary to be always driving the men in order to get best results. As time wore on and the men saw he could not be satisfied they made no further efforts in that direction further than to do a fair day's work. In fact many of the men became so discouraged that they would not even do that; but turned their efforts in the direction of fooling and deceiving the manager--a thing much more easy to accomplish.

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(The Man Handling Problem)

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The assistant manager was of an entirely different stamp. He never tried to drive anybody but rather to draw them. It was apparent to all that behind his smiling countenance there was an inflexible will and within the velvet glove a hand of steel. But these were never used in the aggressive; only in the defensive. The sunny smile and pleasant ways turned men at his will and it was only when some luckless individual, mistaking the kindly manner for weakness, had revealed to him the sterner qualities beneath.

One summer the manager went to Europe for three months and it was during that time, when the whole management fell upon the assistant manger, that the difference in the results of the two methods of dealing with men became apparent. The men became interested as never before in their work; the foremen made a special effort to make a good showing for themselves as well as for the assistant manager; and notwithstanding the fact that the output during the three months in question had been greater than during the same period in any previous year, there was a larger stock ready for the fall rush of trade than had ever been on hand before. And this was accomplished without any additional help or expense of any kind. The foreman often remarked that it would pay the firm to give the manager the salary to remain in Europe. The assistant manager has since started in business for himself and many of the best men in the old factory followed him and his pleasant ways. And he is making money and his employes are making money also.

But one of the most difficult phases of the man handling problem is that related to the question of cost-keeping. Many employes look upon a system of cost keeping as something designed for the purpose of putting the screws on a little tighter and squeezing just a little more work out of them; and where this idea prevails accurate cost keeping is an absolute impossibility. Under such a condition any attempt at cost keeping is worse than useless because the men employ considerable of their time trying to beat the system.

The first thing that should be done when a cost systme is introduced is to assure the men that it is not designed against them in any way; that its object is to ascertain the actual cost of the work with a view to regulating the selling price. Explain to the men the impossibility of intelligently placing a value on an article without first knowing the cost of labor and material involved in its construction. And never at any time use the cost cards or time sheets for any other purpose than to ascertain the cost. If a man has been too long on a job do not take his time sheet and show it to him to back up your complaint. Make a private memorandum of the time the man started the job and the time he finished. And when you do this do not tell him that he has been too long at the job unless you wish to antagonize him at the start. Tell him you find the cost of the article is going to be so high that it cannot be sold at a profit, and you were thinking that perhaps some scheme could be devised whereby the cost could be reduced. If you talk that way to the man you have his attention from the start and he at once becomes interested. Then show him the actual cost of the work he has performed, and the amount you would like to have it reduced, and tell him you will leave it with him to think over.

If your request was a reasonable one you will find in the great majority of cases that when the next job goes through the man has made an effort to reduce the cost to your figures, either by an improved method of doing the work, or by extra exertion on his own part.

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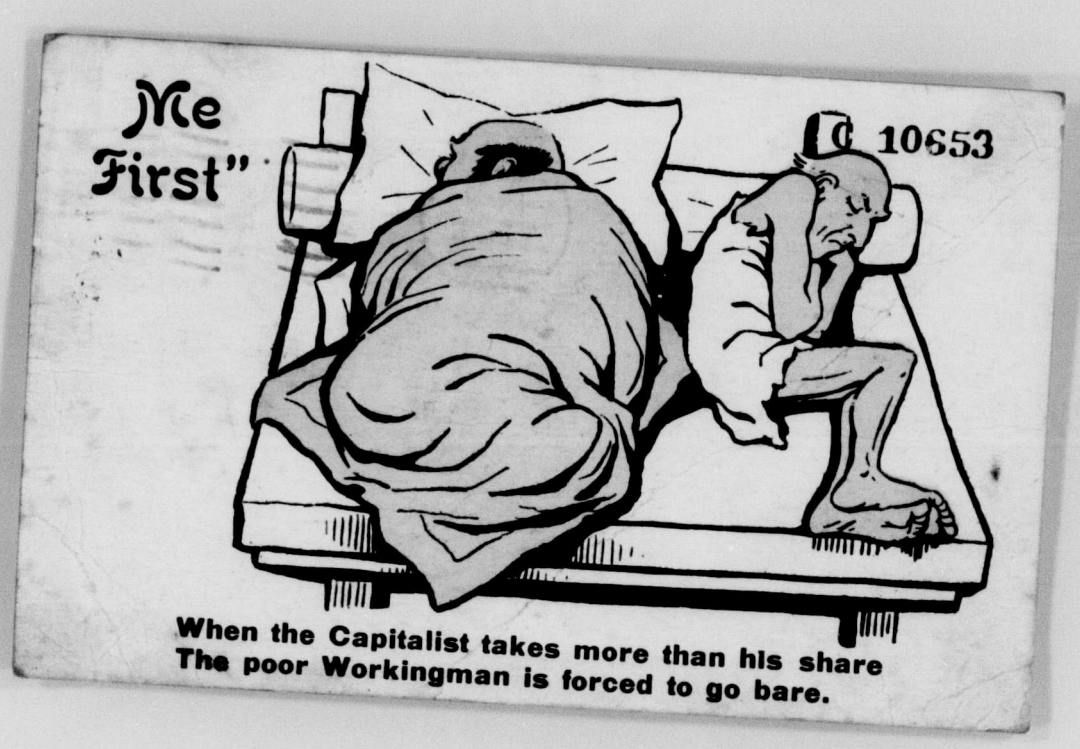
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Then when he has done this go and tell him that you appreciate his efforts. Do not be afraid that a word of praise will spoil a man of this kind. On the contrary your appreciation will encourage him to greater efforts to obtain the highest possibilities.

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COMMITTEE ON INDUSTRIAL RELATIONS
CHAMBER OF COMMERCE OF THE UNITED STATES
RIGGS BUILDING, WASHINGTON, D. C.

ORGANIZATION
OF
LOCAL LABOR ADMINISTRATIONS

A conference called by the United States Employment Service held in Washington on July 19, of delegates from each state of the East and the Middle West representing labor and management marked the first step in the organization of local labor administrations. The Western states will send delegates to Denver July 25th for a similar conference.

These delegates selected by the principal chambers of commerce at the request of the United States Employment Service acting with the Chamber of Commerce of the United States, and by the state federations of labor, after receiving instructions, will return to their states and, with the State Director of the Public Service Reserve, act as an organization committee to create the local administrative machinery, as follows:

1. State Advisory Board of the U. S. Employment Service;
   Membership: (a) State Director of U. S. Employment Service, Chairman;
   (b) Two representatives of management;
   (c) Two representatives of labor.

2. Federal Community Labor Boards, City of
   Membership: (a) Chairman, representing U. S. Employment Service;
   (b) One representative of employers;
   (c) One representative of labor.

All the existing federal agencies for the recruiting and distribution of labor will be merged into this general organization.

State Advisory Boards

The two members of the State Advisory Board representing management will be appointed by the Organization Committee from the list of names suggested by the employers through their delegates. This board will nominate the candidates for positions of examiner or superintendent in charge of local employment offices throughout the state. No appointments will be made except from such nominees. The State Advisory Board have power to recommend removals; the final decision rests with the Director General of the United States Employment Service. This board also has appellate jurisdiction in all cases where the community boards fail of unanimous agreement.

Community Labor Boards

The chairman of the Community Board will be selected by the Organization Committee. He should be a man of influence and standing in the community, commanding the confidence of both labor and management. He may or may not be the local federal officer in charge of the employment service.

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Upon this board will rest the responsibility for the efficient administration of the employment service in the community. Having at first the duty of recruiting and distributing unskilled labor in war industries after August first, according to the proclamation of the President of June 17th, it must inevitably assume heavier burdens the efficient administration of which is vital to the local industries. As the war needs grow greater, as more millions of men are taken from industry for military service, and as the demand for labor increases in intensity, the industries of the communities must turn to these boards for guidance and government. In their work of distributing the labor, both skilled and unskilled, the board will be confronted by problems of classification, standardization of wages, conditions of work, disputes, and all the responsibilities which are now assigned, in individual concerns, to employment managers. In short, the Community Boards will become the general employment managers for the collective industries of the districts, as well as becoming the local labor administration.

The necessity for efficiency of administration in these boards far outweighs all other considerations. They must be made to work or industrial chaos will appear. Both management and labor have a common interest here so intense as to supersede all conflicting interests. They can well afford, indeed circumstances will compel them, to lay aside their antagonisms in this board and co-operate for efficient administration. The appointees on each side should be men who will instantly command the respect and confidence of the other side.

In this situation lies a great opportunity and a great hazard for employers. They have been the managers of industry individually, they may now become the managers of industry collectively, or yield up the function to government officials. Since the beginning of the war it has been the policy of the War Administration to encourage self-government among the industries so long as they will subordinate all selfish and competitive interests to war necessities. This has been done with fuel, materials, and transportation, now it must be done with labor. Touching labor, employers must give up competition and self-interest.

All of this signifies that management must co-operate in labor administration. In many industrial centers this has already been achieved, notably Rochester, Des Moines, Indianapolis, Baltimore and other cities. The invitation extended to employers in the plan of organization of the United States Employment Service to participate so completely in future labor administration should be appreciated in its full significance.

Committee on Employment Management

The time, therefore, seems most opportune to organize the employing interests of each community for complete co-operation in all matters relative to employment management. The employers' delegate at the Washington conference has been instructed to initiate such proceedings throughout his state immediately. Every community should have a permanent committee on employment management with broad and effective powers of control over industrial concerns. Its duty should be to select and maintain a member representing management on the Community Board. Upon the ability of this man the success or failure of the local labor administration may depend.

The interpretation and local application of the rulings of the Priority Committee of the War Industries Board and the apportionment locally of recruitment demands from the State Director may be referred to this committee on employment management. It will stand behind its members on the Community Board and help make his work effective among employers; his strength can be multiplied by the unanimous support of such a committee. The War Labor Administration has expressed the hope that this self-government of management may be so complete as to obviate the necessity of any compulsion by the Administration.

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REPORT OF BUREAU OF INDUSTRIAL RELATIONS.

Mr. H. P. Kendall, Chairman,
Committee on Industrial Relations.

At your suggestion I submit the following report of a tentative program to guide the activities of this bureau now being organized as the administrative arm of your committee. These suggestions follow closely the conclusions reached in interviews with you and President Wheeler and the expressed opinions of our committee.

The general purpose of the bureau, obviously, is to render service to the constituency of the Chamber and to the government. Especially during the war, its primary duty will be to assist to the utmost of its ability in promoting the war program of the Chamber and of the government.

FUNCTIONS OF BUREAU.

This service naturally falls into a three-fold classification:

1. To publish and interpret to the membership and thus to the employing interests of the country, actions taken by the War Labor Administration and all other governmental agencies affecting industrial relations.

2. To represent to the War Labor Policies Board and other governmental agencies the interests of the membership and to influence legitimately the actions of these bodies in the direction of the general policies of the Chamber as expressed from time to time.

3. To investigate all experiments and developments in industrial relations both in this country and abroad and to place before the membership the results of such research. To assist the constituency of the Chamber in bettering the relationship between employer and employe by making available the records of the best experience and practice concerning wage and hours adjustment; methods of handling grievances and discipline, industrial service (improving the working and living conditions of employes and their families, housing, medical service, recreation, insurance, accident prevention, etc.); dealing with labor organizations; utilizing mediation and arbitration in disputes; securing the cooperation of employes in raising standards of efficiency; improved methods of employment management, hiring, transfer and dismissal, fitting the man to the job.

POLICIES.

The bureau will endeavor at all times to make effective the resolutions and principles enunciated by the committee. The committee has already committed itself to complete cooperation with the labor program and policy of the government during the war. The bureau will, therefore, whenever requested, act as an agency of the War Labor Administration so far as is consistent with the general purpose of the Chamber. In advising the labor administration, the bureau will not commit the Chamber to any opinion or course of action until properly authorized according to the rules of the Chamber.

METHODS.

Communication with the constituency of the Chamber will be maintained through frequent bulletins in the name of the committee; contributions to the regular bulletins, to The Nation's Business, to publications of the members of the Chamber; consultations with representatives of local bodies, personally and through correspondence; speakers under instructions from the bureau, recruited

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from local organizations or in government service. It is hoped that many constituent associations will appoint committees on industrial relations with whom close relations may be established, thus opening up a free channel of communication from the War Labor Administration to the individual industrial establishments.

PERMANENT RESULTS.

The permanent results of the activities of this cimmittee and its bureau will be educational. If successful, it will have created in the minds of employers a rational attitude, supported by facts and information, concerning the relations between themselves and those whose interests they are administering. The wage-earner is just as dependent upon the intelligent and successful administration of enterprize as is the business upon the loyal and efficient service of the employes. The war has given an impetus toward democratic methods of administration both in public and private enterprize. Industrial administration must adapt itself to those conditions and conform to the prevailing ideas of the time or find itself in antagonistic relationships with all interests with whom it must deal. The employer must conceive himself to be a trustee of the interests of all involved in his enterprise and see that these interests are properly represented lest he be confronted with opposition handicapping all his efforts. These administrative difficulties are not wholly the product of war nor will theydisappear at the close of the war; indeed, it is more likely the industrial problem will increase in complexity with the coming of peace.

Respectfully submitted,

Earl Dean Howard
Secretary.

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There are three major problems created by war conditions which must be dealt with by management: (a) allocation of an increasingly adequate supply of both skilled and unskilled labor, (b) substitution or dilution of the labor supply with women, men outside the draft age, and handicapped persons through training by quicker methods on a large scale, and (c) standardization of wages. Adequate handling of these problems will require the best brains and trained ability to be found in local management and these must be placed at the command of the local administration.

HENRY P. KENDALL,
Chairman, Committee on Industrial Relations.

Attest: EARL DEAN HOWARD,
Secretary.

July 22, 1918.

State Directors of Employment

(**Also Director of Public Service Reserve.*)

ALABAMA.—George B. Tarrant, 29 North Nineteenth Street, Birmingham.
ARIZONA.*—Thomas J. Croaff, 34 South Central Avenue, Phoenix.
ARKANSAS.—R. B. Keating, Main and Markham Streets, Little Rock.
CALIFORNIA.—William T. Boyce, 806 Claus Spreckels Building, Third and Market Streets, San Francisco.
COLORADO.—Roady Kenehan, 355 Federal Building, Denver.
CONNECTICUT.*—Leo A. Korper, 8 Ford Street, Hartford.
DELAWARE.—A. G. Benkhart, Old Federal Building, Wilmington.
FLORIDA.—Walter A. Dopson, 130 Hagan Street, Jacksonville.
GEORGIA.*—H. M. Stanley, 16 South Pryor Street, Atlanta.
IDAHO.—M. J. Kerr, St. Anthony.
ILLINOIS.—Mark L. Crawford, 11 North Dearborn Street, Chicago.
INDIANA.*—N. Z. Squibb, 225 North Pennsylvania Street, Indianapolis.
IOWA.—A. L. Urick, State Capitol, Des Moines.
KANSAS.—A. Will Kelly, Topeka.
KENTUCKY.—W. G. Sprague, 525 West Market Street, Louisville.
LOUISIANA.—Hans A. M. Jacobsen, City Hall, New Orleans.
MAINE.*—Charles S. Hichborn, Blaine Mansion, Augusta.
MARYLAND.*—John K. Shaw, 2 North Eutaw Street, Baltimore.
MASSACHUSSETTS.*—William A. Gaston, Statehouse, Boston.
MICHIGAN.*—John A. Russell, 101 Fort Street West, Detroit.
MINNESOTA.—Hugo Koch, 319 Second Avenue South, Minneapolis.
MISSISSIPPI.—E. D. Self, Mazza & Woods Building, Meridian.
MISSOURI.—W. W. Brown, 804 Grand Avenue, Kansas City.
MONTANA.*—Scott Leavitt, Great Falls.
NEBRASKA.—George J. Kleffner, 2218 South Thirty-first Street, Omaha.
NEVADA.—J. E. Hern, 182 Fourth Street, Reno.
NEW HAMPSHIRE.—E. K. Sawyer, 442 Central Street, Franklin.
NEW JERSEY.*—Lewis T. Bryant, State Capitol, Trenton.
NEW MEXICO.—D. A. MacPherson, Albuquerque.
NEW YORK.*—Henry D. Sayer, 230 Fifth Avenue, New York City.
NORTH CAROLINA.—George J. Ramsey, Raleigh.
NORTH DAKOTA.—Lindley H. Patten, Statehouse, Bismarck.
OHIO.*—Fred C. Croxton, Statehouse, Columbus.
OKLAHOMA.—C. E. Connally, State Capitol Building, Oklahoma City.
OREGON.—Wilfred F. Smith, 247 Davis Street, Portland.
PENNSYLVANIA.—E. C. Felton, seventh floor, Finance Building, Philadelphia.
RHODE ISLAND.*—Edwin A. Burlingame, Statehouse, Providence.
SOUTH CAROLINA.*—H. L. Tilghman, 1222 Washington Street, Columbia.
SOUTH DAKOTA.*—Charles McCaffree, State Capitol, Pierre.
TENNESSEE.—Joseph T. Ware, Memphis.
TEXAS.—Charles F. Gordon, Smithville.
UTAH.*—P. J. Moran, 34 South Central Avenue, Salt Lake City.
VERMONT.—E. K. Sawyer, Franklin, N. H.
VIRGINIA.—Ralph Izard, 910 East Main Street, Richmond.
WASHINGTON.—Lawrence Wood, First Avenue and Main Street, Seattle.
WEST VIRGINIA.—Lemuel B. Spaun, Charleston.
WISCONSIN.—Eswald Pettet, Madison.
WYOMING.*—Ed. P. Taylor, Capitol Building, Cheyenne.
HAWAII.—W. R. Farrington, Honolulu.

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State Directors of the Public Service Reserve

(Directors for States omitted are given in list of State Employment Directors.)

ALASKA.—R. E. Robertson, 200 Seward Building, Juneau.
ALABAMA.—Ray Rushton, Montgomery.
ARKANSAS.—Benjamin D. Brickhouse, Little Rock.
CALIFORNIA.—A. P. Will, Legal Counsel Building, Sacramento.
COLORADO.—William N. W. Blayney, 1729 Arapahoe Street, Denver.
DELAWARE.—Charles Warner, Odd Fellows' Building, Wilmington.
DISTRICT OF COLUMBIA.—Charles V. Wheeler, 1211-A Connecticut Avenue, Washington.
FLORIDA.—Robert Gamble, 106 West Bay Street, Jacksonville.
IDAHO.—O. G. F. Markhus, 705 Bannock Street, Boise.
ILLINOIS.—C. A. Munroe, Council of Defense, Chicago.
IOWA.—H. J. Metcalf, State Council of Defense, Des Moines.
KANSAS.—A. A. Knapp, State Labor Commission, Topeka.
KENTUCKY.—Dr. Frank L. McVey, University of Kentucky, Lexington.
LOUISIANA.—Frank A. Crippen, 804 Gravier Street, New Orleans.
MINNESOTA.—Donald R. Cotton, 1414 Pioneer Building, St. Paul.
MISSISSIPPI.—S. J. Owen, 93 Owen Street, New Albany.
MISSOURI.—C. C. Carson, Central Broom Co., Jefferson City.
NEBRASKA.—George E. Norman, State Department of Labor, Lincoln.
NEVADA.—C. X. Knight, Council of Defense, Reno.
NEW HAMPSHIRE. C. E. Carr, Statehouse, Concord.
NEW MEXICO.—J. H. Wagner, 225 Hillside Avenue, Santa Fe.
NORTH CAROLINA.—T. L. Bland, the Ricks Hotel, Rocky Mount.
NORTH DAKOTA.—J. P. Hardy, Fargo Commercial Club, Fargo.
OKLAHOMA.—H. C. Tyrrell, 302 Central National Bank, Tulsa.
OREGON.—F. T. Griffith, Electric Building, Portland.
PENNSYLVANIA.—J. C. Frazee, Finance Building, Philadelphia.
TENNESSEE.—Samuel L. King, State Capitol, Nashville.
TEXAS.—H. W. Lewis, State Council of Defense, Smithville.
VERMONT.—Robert W. Simonds, State Capitol, Montpelier.
VIRGINIA.—Herbert P. Carter, 529 King Street, Alexandria.
WASHINGTON.—Robert Moran, 4037 Arcade Building, Seattle.
WEST VIRGINIA.—Samuel B. Montgomery, Bureau of Labor, Charleston.

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"The Whole Position Saddens Me,"

he said. "Many months ago I declared there was a conspiracy to bring conscription into operation, and I have not ceased to point out the dangers latent in the proposal. These dangers are no longer latent, but actual. I have spoken of the danger of destroying the national unity, and the country is now divided. I warned the Government from my place in the House of Commons of the risk they were incurring in antagonising the Labour movement, and organised Labour has now declared its uncompromising opposition to the principle of the Bill and to the methods of applying it. I showed long ago that the cry against the 'slacker' was ungenerous and hypocritical, and we are now coming to see that the single young men who have not offered themselves for military service are for the most part those who have domestic obligations that it would be cowardly and mean of them to shirk, or men who have conscientious objections to combatant service which the Government itself is forced to honour. It is not seriously denied, I venture to say, that when these exceptions and exemptions are enumerated the remainder will prove to be a really negligible minority. The number will not justify the Bill. The only explanation I can give for its introduction is that the

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to yield by the Compulsionist group in the Cabinet in order to avoid the threat of a general election. Let me do the Prime Minister bare justice by saying that I believe he has fought against the proposal as long as he could, and that he is perfectly honest in his intention to limit the measure as he has indicated. I believe also that he has pledged himself with absolute sincerity to prevent the measure being used as a means of bringing about industrial conscription. His assurances upon this point satisfy me personally that such is his desire and resolve. But he cannot answer for what others may make of this Bill. And I am quite convinced that if it passes a new campaign will be started to extend the principle and to apply it not only for military but for industrial purposes as well."

"You will continue to oppose it in the House, despite the apparent collapse of Parliamentary resistance?"

"We shall continue the fight to the very end. Every legitimate device in the way of proper Parliamentary debate—I do not mean obstruction—will be employed against the measure as long as argument and reason can influence the Government. Beyond that I cannot go. The situation is as grave as any I have known, and none of us can say what will develop. We know what

The Workers have Decided.

The attitude of the Congress last Thursday week was unmistakable, and the decision of the miners last Wednesday was equally strong and clear. Speaking for my own organisation I can say that we are absolutely opposed to the Bill. The Triple Alliance? Of that I can only say now that a meeting has been called to consider the position. Do not make any mistake about it. The position is serious, notwithstanding Mr. Asquith's pledges, and apart from the suspension of the resignations of the Labour men in the Government. These developments do not mean that opposition is weakening. The withdrawal of the resignations does not imply in any sense a reversal of the declared policy of the Labour movement in regard to these proposals. It is in form and fact a suspension of the resignations until the Labour Party conference next week, and in my mind there is no doubt of what their attitude will be."

"But after the Bill has passed, Mr. Thomas——"

"There you touch a question about which it would be rash and perhaps dangerous to speak at length. I do not think anyone can say what will happen after the Bill has passed, if it does pass. I am inclined to think that before that happens we shall have a general election. This would change the aspect of things a good deal. But I know what ought not to happen, and what I should be bound to do my best to prevent: there should be

No Question of Strikes.

I shall have no hand in promoting industrial revolution while the war goes on. I set my face against strikes. If any man has done what in him lies to keep the industrial truce in spirit and letter, I think I can claim to have done so. I cannot be a party to any efforts to reawaken industrial strife, if Mr. Asquith's promises are kept in regard to the safeguarding of the measure against abuse by unscrupulous employers, and provided it is not extended by the efforts of the Ministers who have brought the thing to pass, and the position of the conscientious objector is not interfered with: subject to these qualifications, if we fail to sustain our case, I should be obliged to use my influence to keep industry going. If these guarantees and precautions and warnings are disregarded a situation would then arise which would call for a different policy."

So much Mr. Thomas said in the quiet of his own office. On our way to Westminster, he talked of many other matters. Speaking of the

New Triple Alliance

between the Railwaymen, the Miners, and the Transport Workers, he said that already its effects are beginning to be felt, and that its ultimate influence upon industrial policy in this country cannot be measured. "It has strengthened the spirit of solidarity in each of the three organisations concerned, and has directly increased the individual power of each. Separately, we were before extremely powerful organisations, but we are still stronger now. The Alliance is, of course, the most formidable force in the industrial movement, not merely because it combines one and a-half million workers, but because those workers are engaged in vital industries, the stoppage of which would paralyse the whole industry of the country. Literally nothing could move if we stopped. So tremendous an instrument cannot be used recklessly. The very magnitude of the power residing in it dictates restraint and caution and responsibility. It will not be set in motion for trivial things, and we are proceeding carefully in formulating the common programme. But the power is there. It cannot be ignored or despised. When the war ends, organised Labour will be faced with tremendous problems, and we shall need all the strength we have."

"What problems do you think will become immediately important when the war ends?"

"Well, for example, what about the great

Problem of Unemployment?

What are we going to do about the trade unionists now on active service when they return home, those of them that survive this awful business? That problem seems to me to be cardinal. It cannot be solved in a sentence, and I won't attempt to discuss it here"—we were then crossing Trafalgar Square: perhaps the problem *will* be discussed in Trafalgar Square one day, where it has often been discussed by excited multitudes before! "Again, what are we going to do with the women who have entered industry since the war began, and are now filling the places of men who have gone to the front? I offer a one-word solution of that problem which will help to make the situation easier when the real struggle comes: it is Organise! Those women workers are largely unorganised now, but they are becoming skilled competitors of the men they have displaced, and employers will be only too ready to use them to keep down wages if they can do it; and that, at any rate, must be prevented before we can even begin to think of the difficulty of finding work for all the workers who will crowd the labour market when peace is declared. These are some of the questions exercising the minds of those of us who feel responsible for the

Workers' Standard of Life.

And I do not think the trade unions can begin too soon, despite the terrible problems that face us now, to give their minds to these matters. Trade unionism has never been so active, powerful, and influential in this country before; and what has begun will not be easily undone later. I do not think that the railways, for instance, will go back into private hands again. That lesson, surely, has been learned. Has it been a success? There is no doubt about it: State control has not merely greatly increased efficiency in the administration, but it has brought about real economies even now, though the main concern at present is to run the railways for military purposes. What can be done when military necessity no longer governs railway administration we have already learned enough to imagine; and I shall be very much surprised indeed if the nation lets matters slip back to where they were before."

So we talked, in snatches, of many things; and on the steps of the building where his committee awaited him Mr. Thomas said his last word, which related to the question about which we had began to talk when we met at first. "I do not know," he said, "what sort of show the Labour movement would make if a general election comes on this matter of conscription. I do not think it would affect me at Derby. Some of us might disappear. But I have not the slightest doubt that it would be better for us all to disappear from the House of Commons fighting this proposal than to accept the proposal and hold our seats."

Education and the Economy Campaign.

By Fred Henderson.

Let me say at once that with regard to the general work of public administrative bodies, whether national or local, in England to-day, I agree entirely with the call made upon them for the strictest possible economy. The finance of every public body entrusted with the expenditure of public money is now, and no doubt will be for some years to come, governed by new facts, limited by new conditions. We have to defend our very existence as a nation; and it is imperative that all our resources should be made available for the supreme effort of a war in which our failure would mean the disappearance of all our standards of domestic attainment. Hence, it is necessary that every department of public expenditure, however desirable in normal times, should be scrutinised for possible saving.

A National Danger.

But this appeal for public economy raises questions of special difficulty, and I think of very real national danger, if it is to be applied to educational expenditure with anything like the ruthlessness that some people are demanding. Our expenditure on education at the best of times has not been on such a scale as to leave us much margin to work upon for effecting economies. Education, the most vitally important of all the public services of a nation, has been the most starved; we have not yet learned to value it enough to spend adequately upon it, let alone lavishly. If we begin to cut down ruthlessly in this department of our national work, we shall be cutting down what to begin with is already a starvation diet.

A Vital Distinction.

There is this broad and vital distinction between educational expenditure and almost every other form of public expenditure. In the bulk of public work it is, generally speaking, possible to postpone expenditure with no worse result than delay. You go without the desired thing for a year or two—whether it is a street improvement, or a new road, or a public park, or the building of baths—but when you get it ultimately you get it as you would have had it now but for the delay. You can pick up your project where you dropped it. But you cannot do that with education. The work of the schools has to do with but a few years of the life of our children; but they are the formative years. It is work which cannot be postponed and picked up again later on. The child passes on into its life of adult responsibility, and the ignorance, the undeveloped outlooks, the narrowed powers due to any educational neglect during those few formative years will be a lasting handicap, affecting adversely the whole quality of the national life into which such a neglected and starved school generation grows up.

A Practical Illustration.

As a practical illustration of the matter, one has only to consider for a moment how some education authorities are now proposing to respond to the call for economy. Take the cutting down of scholarship facilities, for example. Every educationist will agree that, if the quality of the national life is to be raised to its proper level, we must stop the terrible waste of brains and intelligence brought about by the premature cessation of education for those capable boys and girls who, by reason of their poverty, never get beyond the elementary school stage. It has been a point of pride with educationists during the past two or three decades to set up what is called "the educational ladder" from the elementary school to the highest training of which any child is capable. By our system of scholarships the abyss between the elementary school and higher education has been to some extent bridged; and to-day you will find occupying the highest places in our secondary schools and carrying off the honours at our universities large numbers of scholarship-holders who a generation ago would have been doomed to leave school and take to a life of unskilled labour as soon as their bare elementary education was finished. This access to higher education, made possible by the scholarship system, has not been an act of justice only to the children themselves who have benefited by it, enabling them to possess their own minds in the joy of full development; it has been an enormous national gain also, an equipment for service to the race of a vast power of brain and thought and ability which would otherwise have been buried alive, lost to the nation and to the world.

Treason to the Nation.

What is one to think of those education authorities who propose to respond to the call for economy by cutting down the number of such scholarships? The most we have been as yet able to do with scholarships is all too little; we have only saved a fraction of the child life of the nation for higher education. The few who have been able to escape from a life of ignorance and thwarted powers through this door have been very few indeed compared with the host whose ability is still sacrificed to their poverty. To reduce still further this narrow gateway to opportunity seems to me to be treason to the nation; economy in money for the time being perhaps, but a frightful squandering of the real national wealth, and in the long run a frightful waste in material wealth also. These ill-judged economies may be described as "for the period of the war only"; but in their very nature they are permanent and irretrievable losses to the nation.

What We Owe to Education.

It is very largely to the intelligent quality in our national life, due to past educational expenditure, cramped as that expenditure has been, that we owe our safety now, our capacity for the supreme effort of the war, our national ability to rise to a great occasion. In so far as we have fallen short, it has been largely because of defects in the national mind and spirit, due to past stinting in education. And I do urge most seriously upon every reader of this article, whether they are public administrators or private citizens who can influence administration by their power of citizenship, that even in time of war, with all the war claims upon our resources, we must safeguard the efficiency of education for the sake of the future of the race—for the sake of maintaining, and where they are weak enlarging, those qualities which have made us strong in the present struggle.

Our Duty to Posterity.

We shall need them more than ever in the generation passing on to the responsibilities of citizenship after the war—the generation now passing through our schools. If ours is the task of fighting and bearing the tremendous burden of the war itself, theirs will be the task of carrying through those immense reconstructions in the life of Europe which for fifty years to come will demand the best brains, the most alert intelligence, the widest-mindedness in all the democracies of Europe. It is in that work of reconstruction that the greater purposes behind the present armed conflict will be won or lost. Even in normal times, those of us who think with any pride at all of our country, who believe that British citizenship is not a little thing, not a thing consistent with squalor of mind, but a thing for honourable pride, involving responsibilities for which the nation would be weakened by ignorance or by a low standard of mental or physical development in any section of its people, have always felt that one of the most searching and infallible tests of true patriotism is zeal for education. The truth of that is intensified a hundredfold to-day, in view of the responsibilities which the generation after the war will inherit from us.

The Coming Campaign.

Just as in the effort of the war itself we realise that our fighting men would be helpless unless the production of munitions is adequate, so also with the effort of the great reconstruction to come. In that effort the present school generation will be in the ranks of the fighting men and women, and their munitions, their equipment for their work, will be the knowledge and intelligence they can bring to bear upon it. For that great campaign of reconstruction every school is now a munition factory. Let us keep up the output.

"Through Darkness and Death to Light."

By the Chief Rabbi.

"Forgivingness."

By Rev. J. A. Hamilton, Penzance.

PAMPHLET SUPPLEMENT TO OUR NEXT ISSUE.

The Supplement to our next issue will contain two discourses:—(1) "Through Darkness and Death to Light" (Exod. vi. 2, 3), by Dr. J. H. Hertz, the Chief Rabbi; and "Forgivingness" (Matt. vi. 12; Luke xi. 4), by Rev. J. A. Hamilton, of Penzance. The Chief Rabbi's sermon deals with the war from a religious point of view. Mr. Hamilton's discourse is on the positive quality of forgiveness and its results with the debtor.

The Supplement to the present issue is "The Gospel of Physical Comfort" (Jer. xliv. 17), by Rev. Hugh Black, M.A., D.D. This powerful sermon was preached by Dr. Black at the last service he conducted in the City Temple on June 24.

The price of THE CHRISTIAN COMMONWEALTH and Supplement together is 1½d.; by post 2½d. The Supplement can be obtained separately at 1d., by post 1½d., from THE CHRISTIAN COMMONWEALTH office.

A Supplement is issued every week with THE CHRISTIAN COMMONWEALTH. To obtain the Supplement for ½d. readers must ask their newsagents to supply it *every week* with the "C.C." (1d.).

The sermons are so printed that they can be folded into 8-page pamphlets for binding. A complete list of those in stock (about 200) can be had free on application to 133, Salisbury Square, E.C.

We wish to have the names and addresses of newsagents who fail to supply the Supplement.

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Education and the Economy Campaign.

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Let me say at once that with regard to the general work of public administrative bodies, whether national or local, in England to-day, I agree entirely with the call made upon them for the strictest possible economy. The finance of every public body entrusted with the expenditure of public money is now, and no doubt will be for some years to come, governed by new facts, limited by new conditions. We have to defend our very existence as a nation; and it is imperative that all our resources should be made available for the supreme effort of a war in which our failure would mean the disappearance of all our standards of domestic attainment. Hence, it is necessary that every department of public expenditure, however desirable in normal times, should be scrutinised for possible saving.

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But this appeal for public economy raises questions of special difficulty, and I think of very real national danger, if it is to be applied to educational expenditure with anything like the ruthlessness that some people are demanding. Our expenditure on education at the best of times has not been on such a scale as to leave us much margin to work upon for effecting economies. Education, the most vitally important of all the public services of a nation, has been the most starved; we have not yet learned to value it enough to spend adequately upon it, let alone lavishly. If we begin to cut down ruthlessly in this department of our national work, we shall be cutting down what to begin with is already a starvation diet.

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It is very largely to the intelligent quality in our national life, due to past educational expenditure, cramped as that expenditure has been, that we owe our safety now, our capacity for the supreme effort of the war, our national ability to rise to a great occasion. In so far as we have fallen short, it has been largely because of defects in the national mind and spirit, due to past stinting in education. And I do urge most seriously upon every reader of this article, whether they are public administrators or private citizens who can influence administration by their power of citizenship, that even in time of war, with all the war claims upon our resources, we must safeguard the efficiency of education for the sake of the future of the race—for the sake of maintaining, and where they are weak enlarging, those qualities which have made us strong in the present struggle.

Our Duty to Posterity.

We shall need them more than ever in the generation passing on to the responsibilities of citizenship after the war—the generation now passing through our schools. If ours is the task of fighting and bearing the tremendous burden of the war itself, theirs will be the task of carrying through those immense reconstructions in the life of Europe which for fifty years to come will demand the best brains, the most alert intelligence, the widest-mindedness in all the democracies of Europe. It is in that work of reconstruction that the greater purposes behind the present armed conflict will be won or lost. Even in normal times, those of us who think with any pride at all of our country, who believe that British citizenship is not a little thing, not a thing consistent with squalor of mind, but a thing for honourable pride, involving responsibilities for which the nation would be weakened by ignorance or by a low standard of mental or physical development in any section of its people, have always felt that one of the most searching and infallible tests of true patriotism is zeal for education. The truth of that is intensified a hundredfold to-day, in view of the responsibilities which the generation after the war will inherit from us.

The Coming Campaign.

Just as in the effort of the war itself we realise that our fighting men would be helpless unless the production of munitions is adequate, so also with the effort of the great reconstruction to come. In that effort the present school generation will be in the ranks of the fighting men and women, and their munitions, their equipment for their work, will be the knowledge and intelligence they can bring to bear upon it. For that great campaign of reconstruction every school is now a munition factory. Let us keep up the output.

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with just as much education as he could acquire in the brief years of childhood at the council schools. When he was a few years older he went to

Work on the Railways.

beginning an association which has continued ever since: he started at the bottom and rose stage by stage from the position of oiler and cleaner to that of fireman and of engine-driver. Political and trade union work, of course, gave him opportunities of leadership among his fellows. When I first heard of him, years ago, it was as one of the most prominent propagandists and agitators in the organised Labour movement in South Wales. He was active in the Independent Labour Party both at Cardiff and Swindon, and in the former city secured on his own financial responsibility the first hall the party there possessed. In Cardiff he had a strong following, and was nominated by the Labour Party to contest the Parliamentary seat against both Mr. D. A. Thomas and the late Lord Ninian Stuart. He now represents Derby, winning the seat in January, 1910, from the Unionists, and his grip upon it is not likely to be shaken even if a general election becomes necessary over the Conscription issue.

My talk with Mr. Thomas was a very hurried affair, though it lasted from first to last nearly an hour. He had appointed a meeting at what I thought was rather an early hour for a member of Parliament—between 9.30 and 10 a.m., at Unity House. Early hours, however, are with him a daily habit. He begins work at his office at

Eight o'clock Every Morning,

and spends the day at committees and meetings of all sorts, takes his Parliamentary work as part of the routine, and ends up somewhere about midnight, to begin the same programme again the next day; it is diversified by week-end meetings all over the country, which entail much night travelling and the strain of constant speaking in large halls to great crowds of men. "Tired? Well, yes," he said, when I remarked about it: "but no man becomes a Labour leader for the sake of his health." We talked for awhile in his office and then boarded a 'bus for Westminster, where he had to attend an executive meeting. His duties as assistant-secretary of the National Union of Railwaymen are enough for one man. But he is also treasurer of the newly-formed Triple Alliance of Labour, and is serving on two departmental committees; he is a member of Lord Lansdowne's "Starring" committee, and was nominated by the Prime Minister to represent Labour on the Retrenchment Committee, where his views on war economy are probably not those of the majority.

The immediate Parliamentary situation in relation to the Government's Military Service Bill has evidently disturbed Mr. Thomas very greatly.

"The Whole Position Saddens Me,"

he said. "Many months ago I declared there was a conspiracy to bring conscription into operation, and I have not ceased to point out the dangers latent in the proposal. These dangers are no longer latent, but actual. I have spoken of the danger of destroying the national unity, and the country is now divided. I warned the Government from my place in the House of Commons of the risk they were incurring in antagonising the Labour movement, and organised Labour has now declared its uncompromising opposition to the principle of the Bill and to the methods of applying it. I showed long ago that the cry against the 'slacker' was ungenerous and hypocritical, and we are now coming to see that the single young men who have not offered themselves for military service are for the most part those who have domestic obligations that it would be cowardly and mean of them to shirk, or men who have conscientious objections to combatant service which the Government itself is forced to honour. It is not seriously denied, I venture to say, that when these exceptions and exemptions are enumerated the remainder will prove to be a really negligible minority. The number will not justify the Bill. The only explanation I can give for its introduction is that the

Prime Minister has been Forced

to yield by the Compulsionist group in the Cabinet in order to avoid the threat of a general election. Let me do the Prime Minister bare justice by saying that I believe he has fought against the proposal as long as he could, and that he is perfectly honest in his intention to limit the measure as he has indicated. I believe also that he has pledged himself with absolute sincerity to prevent the measure being used as a means of bringing about industrial conscription. His assurances upon this point satisfy me personally that such is his desire and resolve. But he cannot answer for what others may make of this Bill. And I am quite convinced that if it passes a new campaign will be started to extend the principle and to apply it not only for military but for industrial purposes as well."

"You will continue to oppose it in the House, despite the apparent collapse of Parliamentary resistance?"

"We shall continue the fight to the very end. Every legitimate device in the way of proper Parliamentary debate—I do not mean obstruction—will be employed against the measure as long as argument and reason can influence the Government. Beyond that I cannot go. The situation is as grave as any I have known, and none of us can say what will develop. We know what

The Workers have Decided.

The attitude of the Congress last Thursday week was unmistakable, and the decision of the miners last Wednesday was equally strong and clear. Speaking for my own organisation I can say that we are absolutely opposed to the Bill. The Triple Alliance? Of that I can only say now that a meeting has been called to consider the position. Do not make any mistake about it. The position is serious, notwithstanding Mr. Asquith's pledges, and apart from the suspension of the resignations of the Labour men in the Government. These developments do not mean that opposition is weakening. The withdrawal of the resignations does not imply in any sense a reversal of the declared policy of the Labour movement in regard to these proposals. It is in form and fact a suspension of the resignations until the Labour Party conference next week, and in my mind there is no doubt of what their attitude will be."

"But after the Bill has passed, Mr. Thomas——"

"There you touch a question about which it would be rash and perhaps dangerous to speak at length. I do not think anyone can say what will happen after the Bill has passed, if it does pass. I am inclined to think that before that happens we shall have a general election. This would change the aspect of things a good deal. But I know what ought not to happen, and what I should be bound to do my best to prevent: there should be

No Question of Strikes.

I shall have no hand in promoting industrial revolution while the war goes on. I set my face against strikes. If any man has done what in him lies to keep the industrial truce in spirit and letter, I think I can claim to have done so. I cannot be a party to any efforts to reawaken industrial strife, if Mr. Asquith's promises are kept in regard to the safeguarding of the measure against abuse by unscrupulous employers, and provided it is not extended by the efforts of the Ministers who have brought the thing to pass, and the position of the conscientious objector is not interfered with: subject to these qualifications, if we fail to sustain our case, I should be obliged to use my influence to keep industry going. If these guarantees and precautions and warnings are disregarded a situation would then arise which would call for a different policy."

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between the Railwaymen, the Miners, and the Transport Workers, he said that already its effects are beginning to be felt, and that its ultimate influence upon industrial policy in this country cannot be measured. "It has strengthened the spirit of solidarity in each of the three organisations concerned, and has directly increased the individual power of each. Separately, we were before extremely powerful organisations, but we are still stronger now. The Alliance is, of course, the most formidable force in the industrial movement, not merely because it combines one and a-half million workers, but because those workers are engaged in vital industries, the stoppage of which would paralyse the whole industry of the country. Literally nothing could move if we stopped. So tremendous an instrument cannot be used recklessly. The very magnitude of the power residing in it dictates restraint and caution and responsibility. It will not be set in motion for trivial things, and we are proceeding carefully in formulating the common programme. But the power is there. It cannot be ignored or despised. When the war ends, organised Labour will be faced with tremendous problems, and we shall need all the strength we have."

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What is one to think of those education authorities who propose to respond to the call for economy by cutting down the number of such scholarships? The most we have been as yet able to do with scholarships is all too little; we have only saved a fraction of the child life of the nation for higher education. The few who have been able to escape from a life of ignorance and thwarted powers through this door have been very few indeed compared with the host whose ability is still sacrificed to their poverty. To reduce still further this narrow gateway to opportunity seems to me to be treason to the nation; economy in money for the time being perhaps, but a frightful squandering of the real national wealth, and in the long run a frightful waste in material wealth also. These ill-judged economies may be described as "for the period of the war only"; but in their very nature they are permanent and irretrievable losses to the nation.

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The Christian Commonwealth

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Organised Labour and the Perils Ahead.

Interview with Mr. J. H. Thomas, M.P.

(By Our Special Commissioner.)

An Englishman, according to Burke, is the unfittest person on earth to argue another Englishman into slavery. No man can argue well for a cause he hates and despises. But the converse of this is equally true: no man is better fitted to be highly. It is to him a definite reality. Freedom means the right of every man to remain an end to himself and not to be the means to another man's end. Mr. Thomas would doubtless accept this as a definition of freedom as a philosophical abstraction,

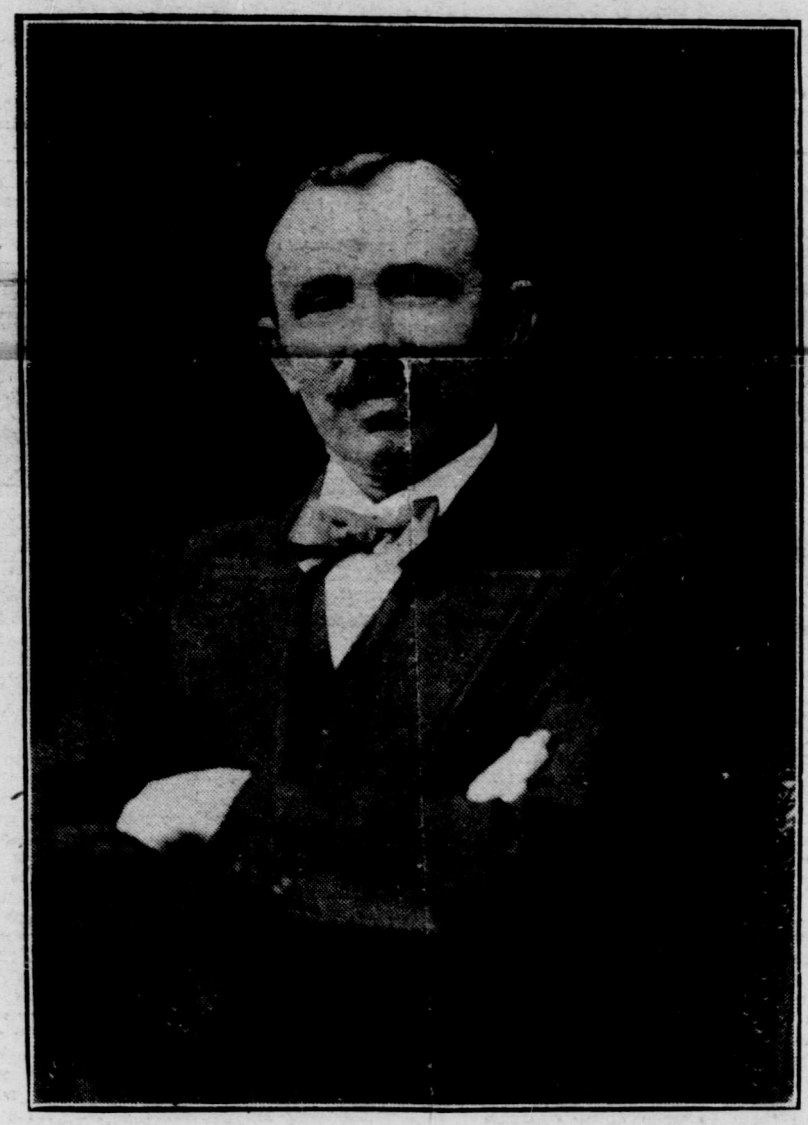


Photo. by [*J. Russell and Sons.*

MR. J. H. THOMAS, M.P. FOR DERBY.

an apologist and defender of liberty than an Englishman—and of all such advocates whose passion for freedom makes them eloquent a representative of the English working classes is the most convinced and convincing. Mr. J. H. Thomas is an Englishman. He is also a leader of one of the most powerful trade unions in the country. It is therefore quite impossible for him to argue other Englishmen into slavery; but it is very probable that his energy and power of speech will help to save them from it. He has no illusions, as a man belonging to the working classes, about the meaning of slavery, and he is incapable of rating abstract freedom too but it is for specific concrete assertions by the workers of that abstract right that he is fighting: for the right to remain masters of their own labour and their own lives and their own organisations, and to determine for themselves, knowing all the truth, the sacrifices they must make for the security and well-being of the State.

The emergence into the front rank of a man like Mr. Thomas is one of the most significant developments of the war. It points to a remarkable change within the Labour movement itself, brought about very largely by the new conditions under which the workers are living. Leaders of his type, trade unionist to the backbone, administrators familiar with the actual problems of organising and controlling labour, understanding the mentality and temper of the workers, and possessing their confidence, have inevitably enlarged their authority and responsibility in the industrial movement, while the purely political leaders have receded into the background. It is no exaggeration to say that the men whose words have greatest weight to-day both in the House of Commons and in the country are

The Trade Union Leaders.

Political leadership is at a discount; there are no political parties (in the strict sense) to lead. They have been put out of action by the Coalition and silenced by the political truce. But the heads of the great industrial organisations have never been more active or their influence more potent. Trade unionism, in short, which was before the war a solid, slow-moving mass giving weight and direction to the politically organised Labour and Socialist movement, now dominates the whole field, and is in fact the only Labour movement that matters. It has never been negligible. But there were times when trade union opinion was treated as negligible even by leaders of the political Labour movement who bulked more largely in the public eye than the men who led the big trade unions.

The position is reversed. Before the war came Mr. Thomas, for example, was known to the general public, instructed by the newspapers, for the most part as a Labour leader who was always being repudiated by a section of his followers. His name meant less to them than that of—well, of any popular Labour leader whose real influence over the workers by no means corresponds with his public reputation. And it is true that Mr. Thomas has probably been more often repudiated by the malcontents in the movement than any other man; a few of them had done it so often that it threatened to become a habit. Yet he is to-day a

Nationally Representative Figure,

whose right to speak for the workers is not anywhere challenged, least of all by the railwaymen whom he leads. Every newspaper reader is aware that Mr. Thomas has been the most strenuous and persistent critic of the Conscriptionist proposals since that campaign was started. The whole agitation against forced service was focussed by him. His claim to speak against it is strengthened by the fact that he has borne his full share of the work of the joint recruiting campaign, and has used all his influence to maintain industrial peace during the war. He has set his face against strikes. No one can accuse him, on the one hand, of lack of patriotism or, on the other, of unreflecting enthusiasm for war and indifference to the danger that Labour may sacrifice its heritage of freedom without adequate guarantees against exploitation during the war and when peace returns. Mr. Thomas has succeeded in being loyal both to the nation and to his own class.

To his own class (I say) because he takes pride in his origin, as he is thoroughly justified in doing: he was born of labouring parents at Newport, in Monmouthshire, about 42 years ago, and began to work as an errand boy at the age of nine,

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Industrial Relations

Industrial Research

Canada 67.

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Causes of Industrial Unrest

from Judge Lindsey's evidence before the United States Industrial Relations Commission, Denver, Colorado, December, 1914.

Violence produces violence; hate produces hate. I have seen that throughout all this struggle in southern Colorado, and while I deplore violence and am against it on both sides, I know from my own experience that the violence of the men of the labouring class is simply the pent-up feelings that comes from oppression and tyranny and lawlessness and the attitude of men like Mr. Osgood, who, if he is right, stands for masters in this country on the one hand and slaves on the other; and it is that sort of thing that does more to produce violence and all the Anarchists and Socialists that I know anything about.

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From evidence given before United States Industrial Relations Commission at Denver, Colorad, December, 1914. Judge Lindsey speaking of a meeting in the public square in Denver on his return from the east.

Chairman Walsh: "Well, did you afterwards have a public meeting at which you made a report?"

Judge Lindsey: "Yes, we had a public meeting; at least, down in the street there were several thousand people there, to whom I spoke from an auto and told in a general way about the mission. I told them that the thing that impressed me most about the industrial situation from my trip east was this, that there were two governments in this country, that there was an industrial government at New York City, and what was called the Rockefeller interests were the head of the industrial government, (I speak of Rockefeller as a generic term only); and that there was a political government at Washington; and that until there would be changes in our laws, in the laws of property as I regarded it, there would not be much hope for permanent peace in these struggles, and that political independence in this country was not going to amount to very much as long as there were economic dependents, and that had been demonstrated by the series of troubles and difficulties we had in this State; and if this mission that we had been on down there accomplished nothing else, it would have tended or helped to shew this big truth that underlying these occasional and spasmodic eruptions between

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labour and capital were great economic problems and questions that had to be fought out in the industrial world, but could not be fought out and decided rightly until, through agitation and education, the people came to understand what they meant. That was in substance the report.

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Hon. Mackenzie King
The Roxborough
Ottawa
Canada

(Draw by Earl Dean Howard, of Hart Schaffner & Marx, Chicago, at the request of the Senate Committee on Education and Labor.

(January 25th, 1919)

AN ACT

To create a Federal Industrial Relations Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

What the president of the United States with the consent and advise of the Senate shall appoint a Commission to be known as the Federal Industrial Relations Commission which by the authority of this act shall assume responsibility for exercising the power and authority of the United States government to promote industrial peace and prosperity among all the people by dealing with the causes and conditions provocative of industrial discontent and unrest.

That the Commission shall consist of seven members qualified by various experience in and study of industrial relations and administration selected as follows: two employers of labor, one to be appointed for a term of two years and one for a term of five years; two representatives of wage-earners, one to be appointed for a term of three years and one for a term of five years; one Economist for a term of three years; one experienced specialist or expert in labor administration for a term of five years; and one experienced specialist in government administration of labor. These members, if reappointed, or their successors, shall be appointed for a term of five years.

That each member of the Commission shall receive a salary of ten thousand dollars per annum; that the Commission shall be empowered to employ such expert and clerical assistance as it shall deem advisable properly to perform it's functions.

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(2)

That the Commission shall establish an organization adequate in scope and personnel to perform the following functions, to wit.

(1) to apply all the resources within the scope of it's authority to mitigate conditions of unemployment; (2) to cooperate with all the government departments which employ labor directly, or indirectly through purchases or contracts in order that such employment of labor may be so arranged as to equalize and regularize employment opportunities, (3) to supervise and set standards of industrial relations (including wages hours, conditions of employment and standards of service or output) wherever the government is interested as employer or purchaser of product; (4) to represent the public interest wherever opportunity presents in joint arrangements or agreements between employers and employes; (5) to promote and develop the organization of adjustment boards for the standardization of wages, hours and conditions of work by the joint and voluntary action of employers and employes in various industries; (6) to promote uniform legislation throughout the country in the matter of child labor, workmens coruporation, industrial insurance, and in all other matters relating to industrial peace and the welfare of the wage-earners; (7) to aid or establish educational agencies for the training of managers and administrators of employment or industrial relations, (8) to maintain a personnel bureau for the recommendation and selection by scientific methods, of rating and testing of labor managers or administrators and advisors mediators, investigators and arbitrators, (9) to cooperate with the departments of commerce and labor in all matters of common interest.

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FROM MAJORITY REPORT

In summary, regarding the Erdman Act, the following may be said.

The clause of the Act which provides that employes shall not withdraw or be dismissed within three months on account of dissatisfaction with the award is commendable, giving reasonable freedom to both sides, yet preventing concerted action which would nullify the award.

The provision of the Act which requires an award to be made within thirty days from the time that the third arbitrator is appointed makes it impossible for any adequate investigation to be made regarding all the facts in any complicated case, such as that now before this Board for arbitration.

The danger of a strike in the case of the public utilities has been greatly lessened by the Erdman Act, but has not ceased to exist, The operation of the act is to settle a dispute rather than to adjudicate a controversy.

But the most fundamental defect of the Erdman Act is that the interests of the public are not guarded by it. In the Eastern and Western railway cases * the claims for an advance of freight

(*Interstate Commerce Commissions Opinion,1508 and 1509.)

tariffs were not only presented by the railroads but supported by the employes. Manifestly it is advantageous to both employers and employes to have the railroads get a sufficient income so that they will be able to meet the requests of the employes for increased compensation. For the public utilities, however, there are not only two parties to the controversy -- the railroads and the employes, -- but a third, the public. As we have already mentioned, the railroads, one

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of the parties to the controversy, are subject to national and state commissions, which commissions are entrusted with the special duty of protecting the public interests. Advances in rates cannot be made without the consent of the proper commission. The railroads are not only subject to the commissions in rates, but are subject to them in regard to maintaining their service. The employes of the railroads are not subject to control through commissions; although they are influenced in common with all organizations by public opinion.

This disparity of status naturally suggests the creation of national and state wage commissions or labor commissions, which should exercise functions regarding labor, engaged at work in public utilities, analogous to those now exercised with regard to capital by the public service commissions already in existence. If wage commissions were established, doubtless there would have to be some degree of co-operation between commissions of the two kinds. Much of the statistical information useful to the public service commission would be valuable to the suggested wage or labor commissions. Many investigations might be carried on jointly by both. But the questions to be dealt with by each are so different that it would probably be better to have separate wage commissions or labor commissions, than to impose upon existing public service commissions, already over-burdened with important duties, the additional heavy task of adjusting labor controversies and determining what constitutes a fair wage for each class of railway employes.

If such commissions as are suggested should be created, they must be provided with expert and statistical aid to enable them to undertake elaborate investigations of the facts bearing upon the economic condition of railway employes. When such commissions

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have been in existence for several years, they will have in their possession the necessary facts upon which to make awards in individual cases; or, at all events, they will have the machinery and equipment necessary for gathering the facts promptly and interpreting them accurately. There is no reason why such a commission could not proceed in the case of a labor difference with the same promptness ~~as~~ that existing commissions exercise in the matter of railway rates.

If the suggestion for wage commissions be adopted, many excellent features and provisions of the Erdman Act and the Canadian Industrial Disputes Act, and acts for conciliation and arbitration in other countries, might be embodied in the law creating them. The discussion of the details of such a law would not be in place here. But it seems to the Board that the proposal made would meet the fundamental defects which have been noted in connection with the Erdman Act.

Instead of having a board for each case, which board has other duties and has wholly inadequate time in which to perform its work, there would be a continuous board, the members of which give their entire time to the adjustment of wages. This board would have a corps of experts and statisticians; it would be allowed sufficient time to investigate a case fully. Thus the award would be upon the basis of merit instead of upon the basis of securing a settlement. If desirable, the feature of the Erdman Act and Canadian Industrial Disputes Act might be added, providing for one representative from each party to the controversy. If this were done, and the board consisted of five or more members, it would have a permanent majority and a shifting minority. It can be urged in favor of this feature that each representative would intimately know the facts regarding his side of the case and the point of view of those represented. A board thus constituted would have a permanent controlling center interested in

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securing equity, which might be assisted in their work by representatives of each of the parties to the controversy.

Above all, the wage commissions proposed would represent the public. They would work in cooperation with the Interstate Commerce Commission and thus secure to railway employes just wages; and this without regard to whether the employes are fully organized. Under the existing situation, well organized railway labor, illustrated by engineers, firemen, conductors, trainmen, etc. receive consideration from railroads not accorded to the classes of labor, less well organized.

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From Minority Report by P. H. Morrissey

WAGE COMMISSIONS AND COMPULSORY ARBITRATION

There could be no serious objection on the part of the railway employees to the creation of wage commissions, as suggested in the majority report of the Board, for the purpose of collecting information and data pertinent to wage and economic conditions throughout the country. Such information would be useful in determining a controversy such as this. It has already been pointed out that the average daily compensation statistics reported by the Interstate Commerce Commission are faulty and that just conclusions cannot be reached in any railway wage controversy by their use. Clothed with the authority of a government report, their misuse in this arbitration has worked great injury to the engineers. Certainly, the Interstate Commerce Commission, or the Bureau of Labor (which handles statistics of all other labor), or a wage commission created for this purpose, should take the matter in hand and supply just such information as has been lacking in the present arbitration.

But when it is contemplated that such wage commissions would have all the powers of a court in determining a labor controversy, or at least equal to the power of the Interstate Commerce Commission in the determination of transportation rates, with which it is here compared, we strike at a vital and fundamental principle affecting the legal and economic rights of railway employes. No fault can be found with the public's interest in keeping open the arteries of commerce; indeed, the railway is an essential part of our modern civilization. It is dedicated to the public use, and laws regulating it in the public interest are now an established policy. But with all this, railways are privately owned, and the

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relation of the railway employe to his employer is private and not public. Whatever relation the railway employe may have to the public is secondary and through his employer. The railway hires, establishes the pay and regulations of employment, and exercises its prerogative as a private employer by dismissing the employe. In all this the public has no voice and very little interest. What it expects is that the railway owners and employes should work together peaceably, and it makes no discrimination as to whether the employe is fairly paid or underpaid. The fact that the railway employe is engaged in an employment affected with public use confers upon him no benefits or advantages as compared with employes engaged in other private industries; on the contrary, he suffers disadvantages on account of the character of the service he performs, with its hazards, great responsibilities and many other exactions, such as age limits, physical examinations, severity of discipline, and so on.

These conditions make necessary the organization of railway employes for their own protection and advancement, just as if they were engaged in any other industry. To take away from them their present industrial defense because of their relation to the public service simply with the promise that they would be treated fairly by a wage commission or other tribunal created for the purpose, is wholly inadvisable. It is a change that no person familiar with labor and economic conditions as between the railways and their employes would recommend the railway employes to accept. There can be no comparison between the fixing of a rate by a commission with the view of determining a fair measure of justice between a railway and the public, and the fixing of a wage rate between the railway and its

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employes. There is a human element in every wage controversy that can never be measured by statistics, averages, graphics, and so on, such as abound in this arbitration and similar wage controversies.

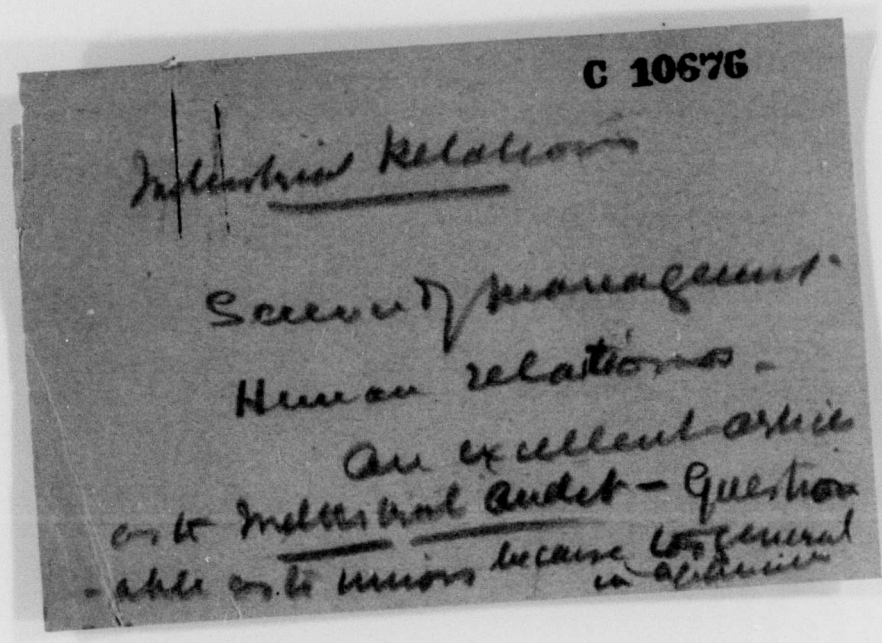
In conclusion, I wish to emphasize my dissent from that recommendation of the Board which in effect virtually means compulsory arbitration for the railroads and their employes. Regardless of any probable constitutional prohibitions which might operate against its being adopted, it is wholly impracticable. The progress toward the settlement of disputes between the railways and their employes without recourse to industrial warfare has been marked. There is nothing under present conditions to prevent its continuance. It will never be perfect, but even so, it will be immeasurably better than it would be under conditions such as the Board propose. The peace that would satisfy such an ideal condition as that had in mind by those making the recommendation, would be too dearly bought even if it could be attained. To insure the permanent industrial peace so much desired will require a broader statesmanship than that which would shackle the rights of a large group of our citizens.

(Signed) P. H. Morrissey,

November 2, 1912

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Industrial Relations

Scientific Management.
Human relations -
An excellent article
on the Industrial Outlook - Question
- able on the whole because too general
in character

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industry and commerce and in different localities does not get us anywhere.

The first and most important thing that we can do is to increase the amount of wealth produced by each worker each day, as this will result in there being an unquestionably greater amount of wealth to be distributed. Just how and in what proportion the wealth produced shall be divided among those who take part in its production is such an involved subject that we do not get anywhere in discussing it. There are too many factors to be taken into account, none of them being sufficiently constant.

Perhaps one thing more than any other complicates the whole problem, and that is dull times. We go on for a few years enjoying prosperity in a marked degree, and during these periods of prosperity we all of us acquire certain standards of living and certain wasteful or extravagant habits. Wages are increased to meet these higher standards of living and extravagances, and only a few of us are sufficiently provident and far-seeing to realize that such periods of prosperity are almost inevitably followed by periods of depression when our standards of living must be lowered, and we must get along on considerably less than we had during the period of prosperity, and that consequently we should during the period of prosperity be setting aside a certain reserve to carry us through the periods of depression.

During these periods of prosperity manufacturing facilities are greatly increased to meet the demand, and this leads to the raising of those expenses which are known as fixed charges. These charges can be reduced very little in dull times, but must be met as well as in prosperous times. As a result of a factory being run far below its capacity and the product over which these fixed charges must be distributed being greatly diminished, business is done at a loss which must be more than offset by the profits earned in good times. Consequently it would be fatal to any business to pay out in wages all of the money received during good times after deducting all other expenses. The same thing would be true if the entire profits earned in good times were paid out in dividends.

As long as this condition exists and there is so much uncertainty as to the length of time that prosperity will be with us or how long dull times will last it is impossible to fix anything in the nature of a basic wage even if we had a proper means of determining what the basic wage should be for each of the thousands of different jobs for a business running at its normal capacity. Anything in the nature of a basic wage necessitates a certain degree of stability in the conditions upon which the basic wage should be founded.

What is true of a business, i. e., that prices charged must be high enough to cover the cost in good times and to enable the building up of a reserve to meet the loss in dull times when commodities are sold at less than cost, is equally true in theory at least with respect to wages—they must be high enough to enable the worker to set aside during good times a reserve that will carry him through periods of enforced idleness. This does not work out in practice in a very satisfactory manner.

Consequently in attempting a solution of this problem the first thing to do is to try to bring about something in the nature of stable industrial conditions. If this can be done, we shall have advanced a long way in solving all of the problems of industry, and to a great extent the question of a basic wage will take care of itself.

We have all come to regard dull times as being of supernatural origin, that is to say as being something over which we have no control, and which while to be regretted must be endured. On the contrary, however, the future will show that dull times are the result of our own foolish actions, and of one group of men trying to profit at the expense of others.

It has been my thought that if the amount of money, time and energy expended in a scattered and inefficient way to solve this problem could be expended under the control of one commission having almost unlimited power, that a solution might be reached.

SCIENTIFIC MANAGEMENT AND ORGANIZED LABOR[1]

The Functions of the Industrial Counselor—Possible Relations of Scientific Management and Labor Unions

By Robert G. Valentine.[2]

In beginning my work I had to adopt as a working hypothesis very distinct tentative beliefs. One working hypothesis I adopted was a belief in Scientific Management and claim to understand it very much as you do. The second hypothesis is that I believe in absolute democracy in group action on matters. Without assenting to any particular form of association, I feel that in any community or in any group of people, where you did not find a sane quiet beginning towards group action, that group or that concern, or those individuals are headed for trouble. And so in accepting the facts of our time as we find them, I believe in Trade Unionism as one distinct form of democratic development, despite all its imperfections and its monstrous economical fallacies.

Last Saturday I was called on the telephone by one of a firm of Buffalo lawyers, who asked if I knew anything about a text-book concern in Massachusetts. I told him I had no accurate information about it. He said, "Assuming what you have seen in the papers and what you know about it is all true, would you consider that firm financially sound at the present time?" I said, "Yes, sir."

Then, "Assuming also what you know about it, would you consider that firm, or would you not consider that firm as sound in its methods of management and its processes of doing the work?" Knowing the concern to be what any of us would consider an up-to-date, clean-cut business concern, I said, "Yes; I should consider it perfectly solvent, both financially and as regards the way it is works its processes."

Next I was asked, "Do you think that concern is industrially solvent, meaning that the relations between employers and employes in that concern, and all the partners in that concern, between themselves, and any other relations they have with each other, and with their employes, and with outside labor forces of any kind, and their relations with the management itself, were not only all fixed pretty soundly, but were developing in the right direction?" I replied, "From what I know of that concern I should not consider that concern industrially sound. I do consider it financially sound. I do consider it sound as to its plant and equipment and methods and processes of manufacture and operation, but not so on the side of human relations existing all throughout." The man inquiring then said, "That is what I wanted to know. I had some doubts about it myself; and we will look into it further now, from what you have said."

Now, to me it is significant that that type of question is

[1]An address at the Annual Meeting, December 5, 1914.
[2]Industrial Counselor, Boston.

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rising. I want to place before you that same question in another form.

Imagine that a large industrial concern desires to issue new capital stock. The ordinary process is for it to go to its bankers. Bankers talk over the situation, and if they think generally well of the plan, they ask the industrial company to have its financial condition certified to by an impartial disinterested concern of public accountants. Bankers also get, either from those accountants or directly through a firm of industrial engineers, a certificate as to the condition of the plant and the equipment. Those certificates appear in the prospectus of the new securities, and stand to the investing public as a mark of the care taken by the bankers before they lend their names to the flotation of the securities. It also assures the public that the concern did not have capital tied up in unnecessary stores; that its methods of stores keeping were in keeping with economy.

The day is not far distant when the same bankers will demand a third certificate, in connection with any such transaction. The third certificate will testify to the industrial relations existing within the concern. It will be made by industrial counselors, and will certify as to the industrial relations existing in this concern. This concern may have a good bill of health on the first two points, and yet in the next six months they might have a strike on their hands which would make their securities worth nothing beyond the pieces of paper they are written on.

I think that third certificate will read somewhat as follows:

"We have investigated the condition of the X. Y. Z. Co.; first, as to questions of fundamental organization, particularly in their relation to the economic and social forces of the day; second, we have examined all questions of personnel such as description of jobs, selection and development of personnel; third, we have investigated questions of rates, amounts and methods of pay; fourth, we have examined questions of attitude toward labor unions, and all forms of association; fifth, we have investigated relations to labor laws, both state and federal, and to court decisions affecting labor; sixth, we have investigated questions affecting the relations of the concern to the public, particularly in matters of safety, sanitation, health and regularity of employment; *and we find* that the X. Y. Z. Company is giving due attention to the human relations in industry and is not likely to be involved in serious labor trouble or to carry a heavy burden of dissatisfaction cost."

Such a certificate may seem like the wildest dream to a large percentage of employers in the world to-day; but it will no longer seem so when we can educate ourselves to the point of being willing to move on from some of the outworn political and economical and social theories of our time and give to these problems some of the thought now given to questions of finance and plant. The manufacturer will then change from the condition of a blind or honestly puzzled employer, clinging to traditions of inherited belief in a worn-out economic and social theory, into a business-like practical sense of the concrete industrial forces and opportunities around him.

In making an audit of this kind—an industrial audit—the first task of the industrial counselor is to get the concern oriented. This means analyzing its organization and finding out whether this organization has effective roots in modern conditions. For example: A concern which is found to be doing nothing toward some form of self-government among the employes, can get from me no honest certificate of security against labor troubles.

One of the first things a concern anxious to get headed right must do is to lift its employment department from a subordinate place in some operating department to a level with the manufacturing, selling and accounting branches, and place it directly in charge of a partner or major manager, one of whose chief duties it shall be to develop a perpetual human audit of the kind I am suggesting here. With this personnel branch of its business thus developed at one end of its line of major functions, and some form of internal association among all its members developing at the other end of the line, the concern will become more and more conscious of its real industrial status. From a business point of view no organization of this kind can or should be defended except on the ground either that it pays or that it is necessary in view of existing or imminent law. In saying this I am not for a moment denying to business men other virtues than business virtues; but it is a cardinal point of good business administration, as of ethics, to keep pay and patronage apart.

Don't be led astray by the size of the job when I say that the head of the personnel division of a concern must be actively in touch with economic, industrial, social and political forces of the day; he must be alive to the meaning of trade unionism; he must be able to distinguish between its constructive meaning and its destructive meannesses. He must be equally ready to admit the meannesses of his fellow managers, and anxious about their constructive side. He must be alive to the trend of even the humblest business toward a status in the public service, for the public character that our railroads have taken will be rapidly followed by an effective public interest in the foods we eat and from which we are individually powerless to bar the poison. I am not asking that the personnel manager shall approve of these things. It is not a question of approval or disapproval, but he must be alive to them. So he must be alive to the growth of co-operation, to the real contribution of the trusts, to the growth of consumer's controls, to the backwardness of our educational system as a whole, despite its noble exceptions. He must be alive, still whether he agrees or not, to "votes for women" and the feminist movement. For the personnel manager, in order to be fit for his job, must be an industrial counselor.

And these are questions which affect your business. And when you go to put them clearly down on paper and to analyze them, you will find them not more numerous or more varied than the problems you face in your selling and manufacturing departments and in your accounting department.

While not more numerous, and not more varied, it is true they are more subtle; harder to get a line on because just as in physics you have a number of variables, full of different elements. Yet nevertheless it is fairly definite at that end. And at the other end of science you have the whole field of socialism, which is full of the definite and intangible, and yet it is capable of scientific analysis.

Having charted the situation of the concern in these questions of fundamental organization, the industrial auditor passes on to questions of personnel. At the bottom, the concern is its own business personnel. What are the fruitful sources of labor supply for the concern? Except at the bottom grades is the concern itself its own best resource? It should be. Roads *up*, *out*, and *in*, should be developed. Its basic discipline should be its own educational system. Its foremen and superintendents should be teachers instead of bosses. Are the jobs clearly stated? The best concern to-day has criminally wasteful gaps between functions and overlapping of functions. Are the wastes of selecting wrong people for jobs minimized? Is the concern alive with useful counsel one to another? Are individual friction and jealousy seared

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and withered and co-operative spirit drawn forth by the magnetic power of what the concern as a whole stands for, clearly held in the minds of each individual within it?

The industrial auditor then passes to questions of pay. Is the wage system already beginning to be modified by some form of profit and loss sharing, which, by the way, can only healthfully exist when a concern has at least rudimentary beginnings toward that bogey of the unawakened employer called "share in the management." The verbal bogeys lose their terror before easily installed sane beginnings of self-government. What do the people make by the week, by the month, by the quarter, by the year?

Out of the pay envelope must come the living powers of employe and manager. For both, the questions are vital of savings, of insurance against illness, accident, unemployment, old age and death; of housing; of purchasing power; and of such social questions as health, education and recreation. That is what each one in this room is up against, whether he considers it or not. To what extent may the concern, and should the concern, efficiently share in these?

And from these more internal questions of organization, personnel and pay, the industrial auditor proceeds to the relation of the concern to labor organizations, labor laws, and public standards. If the concern deals with labor unions, are its dealings merely defensive or are they constructive? Does it take a legitimate hand in seeing that wise laws are framed, or does it fight the principle of a new labor law *in toto* and stand aloof from details only to be handed later an inefficient statute, a hybrid output of timid politicians and sentimental philanthropists? Are the employes safe from fire and accident? Are conditions sanitary? Is the need of a healthy personnel understood? The shifting force in a large business is at once, perhaps, the greatest waste of our times both from the point of view of the business itself and the community.

The development of the technique of an industrial audit is, of course, in its infancy. But already the constructive power of merely asking these businesslike and practical questions in an ordered and businesslike fashion has been wonderfully fruitful. They open up new horizons to business enterprises. The organization chart of an old time industrial engineer showed a lot of pretty oblongs or ovals connected by interesting lines. Functions and positions held impersonal sway among them. In the new organization chart, the people appear by name; the best paper organization in the world is nothing apart from the men and women who run it. The quality of the personnel is the last and greatest fact in business solvency.

Today when a business concern gets into labor troubles the usual course is for the management to call in their lawyer. As a rule, lawyers have no grounding in the industrial problem; and furthermore, the methods and practices of our courts are not at all the methods and practices proper to the decision of industrial questions. That is one reason why the courts are not the arena in which labor problems can be successfully tried out. Courts are not equipped either with the knowledge or with the machinery. Many lawyers, of course, as individuals, have gone into various aspects of the industrial problem, and some of them so deeply and skilfully as to have been already in a position of substantially practising another profession alongside of their legal profession.

The industrial counselor should not be the advocate of either side in a controversy, helping it to put its own ideas across. He should be a master in the growing laws of industry and should have it specifically understood in connection with every service he performs, that his job begins and ends by helping his client to understand and fulfil those laws. Thus he is valuable either to employers, employes, or the public, and whichever is his client, in the sense of paying him, can expect from him only such service as is to the interest of all three parties. No scientific and just service could be built on other grounds. It must be understood that his job begins and ends by helping his clients to understand and fulfil those laws; and thus he is valuable alike to employers, employes and the public.

Possible Relations of Scientific Management and Labor Unions

Suppose a manufacturer should say to me, "I wish to start, equip and run a new plant in a certain section of the country." I suppose the ordinary method would be to begin to decide about the size of the plant, what you would make, etc. After you had decided what you were to manufacture you would start to consider building the plant and equipping it, and the processes of manufacture and management. And after it was all together you would expect to pick up your labor supply.

The first thing that I would do if I were confronted with such a proposition would be to make a study of the labor situation in that locality before the ground was broken. The first thing I would do would be to take up the question of labor supply, with all of the existing sources of labor supply at that time. I would go to the labor unions and raise all the questions in advance that might be raised afterwards, as far as one could humanly foresee them. Next, I would show that insofar as there were any unions in that vicinity connected with those trades—I should run a preferential shop—I would appeal to the unions for men before I appealed to anybody else. If they could give the men I wanted I would take them in preference to anybody else. Then I would say that I would pay as the piece rate of my wages the union rate in that vicinity, regardless of whether or not the shop was unionized. And any other methods of pay would have to be built on that.

Then I would make the union mad by telling them that I would pay a minimum wage in that factory. My great quarrel with the union men is that they have their minds fixed on so much an hour, and they are giving shamefully too little attention to the idea that a week is the shortest unit a man can count on.

I would like to see the union leaders awaken to that job, and see that the ideal of employment is not the week, but it is one year. A year containing the four seasons is the lowest ideal unit of planning which one should engage in. But if one could get industry on a carefully graded weekly basis, instead of the hourly rate, a great step in advance would be made.

When I put that question to a small group of manufacturers the other day, they came back and said, "Supposing you could not afford to pay the minimum wage in some catastrophic time?" Then I said, "That concern should be declared industrially insolvent, exactly as they do when a man does not meet a note or a company does not meet the interest on its bonds.

Then I would demand that you should plan as far as you possibly could for regularity of employment; first by regulating your own business to the greatest extent possible, and secondly, that you establish and have some idea of co-operative relationship with other concerns in other lines of industry, so that when your slack period came, when yours came against his full period, you could make some shift to the

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advantage of each, and thirdly, as business men looking after your own interests, that you take some kind of interest in state public work, so the state would not be going into the market when wages were high and business good, but instead when conditions of unemployment bad.

When I had done those things in regard to the labor situation then I would turn to the side of production, and I should consider there everything that deals with individual capacity and in its relation to securing the greatest possible output socially possible at any time. Absolutely getting out of limitation of output, it seems the first thing is to develop the selling department as nearly as possible to a state of perfection, and study the flow of orders that will come into that plant through proper salesmanship. It has been my experience that frequently the selling side of the business is left to be organized until long after the factory side has been organized. At the end when you have your selling organization completed in this new factory, then I would do all my planning work, and all the system for maintenance of schedule, and all kinds of work analysis. I think before the Motion-and-Time people get on the job, these things should be considered, task matters should be considered.

Then I would shift the lower costs to the heading called "The rights of the Consumer in the Business"; and there I would lay out the maximum conditions of the business. I would not wait for the law to reach me—I would have no watered stock, restricted dividends, no concealed management salaries—and I would see that the sanitary conditions are good; and then I would say, that it is due to me and to the consumer for me to get my unit cost lower and lower and lower.

If there were some labor union men in this meeting I should take pleasure in saying that where I had arranged to deal with the unions—and this of course would be easier in a perfectly new undertaking, rather than in an old one, although it is practical in both—I could still get by every single thing that a majority of you people in this room would declare to be legitimate scientific management; that I could get by every single element, because the whole business of relationship between employer and employe would have been shifted from the violent method of adjustment to a constitutional basis, and the whole list of crimes now committed by labor unions and by employers also would have departed.

Discussion

HENRY P. KENDALL: Mr. Valentine has made some revolutionary suggestions. He has touched on one significant factor of organization—lifting the employment department to an equal status with that which has to do with the production, with machinery, with sales, and other parts of the organization. I think that too little attention is given to the employment feature in any industrial concern. The old form of putting that work up to the foreman, to hire and to discharge, to regulate wages, administer discipline is fast becoming archaic.

I am not ready to accept Mr. Valentine's theory of putting such a man on the same status as the other partnership members in the business. I do not know where such men can be secured at the present time. It is a stiff proposition to get by a Board of Directors, too, I am afraid. I feel sure, however, that that sort of thing is coming.

The matter of the regularization of employment is a question of the utmost importance to the American people. It is a part of this question of non-employment now surging throughout the country, in the different cities and different states. I feel that for any management to impress the people they must organize by industries, and force a change in the customs of the country that affect seasonal employment. One of the greatest drawbacks in the business in which I am engaged—that is the printing and the binding of school books—is that it is a seasonal employment. As schools open in September and public school boards never adopt the books until their last meeting in June, it brings the business of furnishing these books into a few months and prevents the manufacturers from knowing in the winter time what they can manufacture. There is no reason why pressure should not be brought on the public authorities to compel school boards to adopt in January the books for their next season's business. And yet that custom is one of the causes in the book business for seasonal employment. Each manufacturer and employer must work to meet these conditions.

In the second part of his paper, the "Possible Relations of Scientific Management and Labor Unions" I feel that Mr. Valentine is a rank theorist. The whole hypothesis of democracy in industry is all right as a working hypothesis. There are some of us, however, who are engaged in one single cross section of industry. We have to think of the pay roll for next week, how labor opposition will affect our sales next month, and how this law will absorb our surplus through factory changes and workmen's compensation. That is, we are fighting the whole situation all over the country; but we also have an eye on the cross section which affects us; and we are powerless as an individual plant to affect the whole problem.

I do not know that I should begin that new industry which Mr. Valentine speaks of in exactly the way he would. I should have too much fear that in some communities with the closed shop prevailing, and the labor union leader who could hardly be distinguished from the ward boss politician—and there are such—whether such an industry could even get started, to say nothing of holding its own later on. Those are problems which a man viewing the cross section too closely might well hesitate to take his chances on.

There are always other factors which control labor unions than merely the local group. Your local group in the city may be entirely in sympathy with your enterprise and willing to co-operate in every way. The national union and the affiliated unions may have the opposite view. The question is whether you can view a particular industry, or your particular job for the next five years as the basis for the whole theory of industrial democracy, or the cross section of it which will touch you in the next five years; will you not have to view it as a cross section, but with the understanding and sympathy and belief which you should have for the whole problem.

MR. C. B. THOMPSON: With Mr. Valentine's main point, the necessity of recognizing and co-operating with organized labor, I must of course agree. I have been preaching this policy continuously for two years and I proposed a definite method of co-operation between employers and organized labor at the Chicago meeting of the Western Economic Society early in 1913.

It seems to me, however, that Mr. Valentine's suggestion has omitted one vital factor. Assuming that sooner or later we will have to work with labor unions, what are we going to do about their policies of restriction of output and equalized wages? Both these policies are of course denied by some labor union leaders but their existence and constant practice are matters of every-day observation. If we must

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sooner or later accept collective bargaining as a policy of Scientific Management, our bargain must include some specific and definite provision for the application of these principles of Scientific Management which are not in harmony with restriction of output and equalized pay for unequal effort. There must be provision for the establishment and enforcement of a proper day's work and for the characteristic application of the bonus.

ROBERT T. KENT: Several years ago I proposed that unions should grade their own workmen according to their ability; that a $4 a day man should get a card showing that he was a $4 man; a $3 a day man should get a card showing him to be a $3 man. The employer could agree with the union that if he wanted a $4 a day man the union would supply him with such a man. Today, if we get a union man in the shop, we cannot be sure that the union has supplied us with the kind of man we want. The union insists that we pay the union rate, whether or not the man is nothing more than a $2 a day man. The fact that he carries a union card entitles him, solely by virtue of that card, to demand the union wage. If the employer could be sure in getting a union man he would not be paying $4 for a $2 man, there would be less opposition to union shops.

I believe that the Brass Workers Union of England has adopted this scheme of grading its men according to their ability; that a man unsatisfied with his wages could apply for examination before a joint board selected by the employer, the unions and the town authorities. The man had to demonstrate that he was a better man in his trade than the rating assigned to him called for. If he failed in the examination he had to abide by the rating he had, and he was debarred for six months by the union from applying for an examination to regrade him. If the unions would take a step like the Brass Union in England is reported to have taken, we would have less difficulty over the question of closed and open shops.

C. N. LAUER: Mr. Valentine stated that in starting a new industry he would discuss his problem with the trade unions in the locality. What would he accomplish by that except a closed shop?

MR. VALENTINE: You would have a closed shop with the union working with you instead of opposing you. The only difference between a preferential and a union or closed shop is the method of getting the men. The preferential shop arrives at the closed shop with the door always open to get people from outside if the union cannot supply men who are up to the standard, and the union must accept your standard. Those who claim that there is an ultimate difference between the closed and preferential shop are wrong. For the union to state that it will make a closed shop is violent, whereas a preferential shop is headed for the closed shop by the educational method, which leaves everyone in better shape.

W. J. ADAM: What does Mr. Valentine mean by cooperating with employes to restrict output for a definite period. What is accomplished by that?

MR. VALENTINE: Assume that a concern was refusing to deal with unions, or with forms of association, I would consider it absolutely necessary as a practical method for the union, in order to retain its membership and get ready for the ultimate results which will come from group action, to insist on group action and equal wages. Otherwise their organization drops. As in war, they must present a steady, unbroken fighting line. As soon as the necessity of fighting for their life as an organization is removed, you will find the union assisting you in differentiating labor. But until this little element of democracy is infused into the movement, the unions will deal with you as a group. The moment the union is recognized, the level wage is the worst thing that they can have.

SANFORD E. THOMPSON: Not long ago in Chicago a prominent labor leader said that he believed in the principles of scientific management so far as they applied to the elimination of unnecessary operations and of unnecessary work for the employes. More recently I was talking with the president of one of the strongest labor organizations in the country, and he agreed that if a two dollar man could replace a three dollar man at a machine, so that the three dollar man could be employed elsewhere at a higher class of work for which he was fitted, it would be advantageous. Such indications show a tendency toward the acceptance of some of the fundamental, economic principles referred to by Mr. Valentine.

One of the primary difficulties with many labor union men is the belief way down deep in their hearts that there is not work enough to go around unless they work slowly. This of course is another way of expressing belief in the limitation of output. This point was brought forcibly to my attention the other day by a member of the Department of Public Works of a province of Australia. He told me that the leaders of the unions there were taking the definite stand that there was not work enough for their men unless they worked slowly. With this in mind the bricklayers have limited their output to 450 bricks per day on all classes of work, although even with the larger sized brick that are used in the United States they could readily lay twice this number in many cases. As a result of this stand, the cost of building operations had increased, he said, so much as to greatly retard construction.

The matter of seasonal employment brought up by Mr. Valentine I consider one of the most vital problems from the standpoint of the working man and, in fact, for all classes of wage earners—a problem much more serious than that of the minimum weekly wage. A very interesting little book has been written by the Misses Clark and Wyatt on "Making Both Ends Meet." They bring out in a most interesting manner and very fairly the difficulties met by wage earners through irregularity of employment. The prevention of seasonal idleness must involve in many cases a readjustment of wages and also a readjustment of prices, for a margin of profit is essential in any industry if it is to live, and in many cases the margin is so small that a radical change would simply cause a shutdown which would throw the factories entirely out of business.

Recently a Committee of the Boston Chamber of Commerce, co-operating with the American Association for Labor Legislation and the American Association on Unemployment, has been making an investigation of seasonal employment, and while no final report has as yet been presented, some tentative suggestions have been formulated. These illustrate the effect of irregularity of work upon both the manufacturers and the employes. As the suggestions so far as I know have appeared simply in the publication of the Boston Chamber of Commerce, "Current Affairs," and they may be of interest in this connection, and I give them, as follows:

1. On the basis of records, a careful calculation of expected output should be made in factories at the beginning of each year, and this output divided as equally as possible among the different months—advertising, buying and selling being directed to this end.

2. A close connection should be maintained in factories between the manufacturing and selling departments, and the head of the sales department should thoroughly understand the manufacturing end of the business and organize his selling force so

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as to find or develop markets that will take goods in the slack season.

3. Manufacturers should consider carefully the advantages of keeping a stock department. Such a department is practically a storage for temporary surplus, making possible production in advance of demand.

4. Manufacturers should endeavor to bring to bear upon jobbers and retailers a strong influence to anticipate sales and place orders early.

5. In certain industries where rapid changes in style are particularly detrimental, organized attempts should be made to restrict such changes of style within reasonable limits.

6. Manufacturers should study the possibility of developing a variety of products and introducing new lines which will be likely to find a market in seasons when sales of other staple lines fall off.

7. All establishments of any considerable size should maintain a special employment department required to keep careful records of employment, including the number of workers of each class employed throughout the year in each department; the wages, hours worked, number hired and discharged. The policy of such a department should be directed toward maintaining regularity as far as possible and instructing other departments of the business as to their employment requirements.

8. So far as possible, employes should be shifted from one department to another so that they may become familiar with various kinds of work necessary to the conduct of the business. In certain seasons, such training may make comparatively easy an increase of the force in some departments and a decrease of the force in others, thus reducing or eliminating the necessity of discharging experienced workers.

9. Employers should be educated to the necessity of maintaining an efficient organization by providing regular work, even at some apparent financial loss, in order to prevent the much greater financial loss incident to the reorganization of the working force at the beginning of the busy season.

10. Every effort should be made to bring about a thorough organization of the labor market in every trade or group of allied trades. It would be a great advantage to employers to be able to draw their labor from a central bureau which would, with experience, reach a position where it would be able to meet the demand for workers by shifting them rapidly from one job or one employer to another.

H. T. NOYES: I think Mr. Valentine's theory is right. I believe the development of the profession of industrial counselor is of interest to those with the subject of scientific management at heart; and I believe the two subjects go together, and that the minds of business men may be opened to these points. I sympathize with Mr. Valentine's viewpoint, but I think his theories have carried him very far.

One suggestion he made seems ridiculous to me. I am connected with an industry that must use a payroll. Mr. Valentine spoke of the institution that guaranteed a weekly minimum, whatever the conditions of the industry. Theoretically it is fine, but extreme conditions sometimes arise. He said that in a given industry he would assume the responsibility of standing squarely on this proposition, that if an industry failed to meet its weekly guarantees, that it should be declared insolvent and put in the hands of a receiver, as it would be practically for a failure to meet financial obligations.

I will give him a few figures: Many industries in the last few months, due to the very unusual condition of affairs, have been booking business at 25 to 30 to 40 per. cent of normal. Out of the clear sky things have happened which could not have been foreseen. Assume that industry had guaranteed weekly payments—say 1,000 people are guaranteed by a concern a weekly minimum, it might easily be true under these conditions, if they paid that weekly guarantee they could lose in one month perhaps an amount equal to what they would pay for one year on their bonded indebtness and by way of dividend on their preferred stock. Their loss in one month might equal or be somewhat in excess of the sum they would have to pay annually on bonds and like indebtedness. Therefore it seems to me Mr. Valentine should be criticized for making such emphatic statements and saying that such a concern should be placed in the same category with the bankrupt.

MR. VALENTINE: There is nothing so theoretical as a practical man. I do not want for one minute to appear to retreat from the statement I made, but possibly it was overlooked, and you are almost entirely sure to overlook it, that I said, "A very carefully guarded weekly minimum." I do not retreat from my general statement: It should be a carefully guarded minimum; and if you went over with me the definite safeguards you would be inclined, I believe to agree with me.

The particular safeguards I worked out, I worked out with a partner and a manager in a concern employing 1,000 people outside of the industry in question under this minimum wage matter. And it was the manager of this concern employing about 1,000 people that developed a plan for a weekly minimum wage under certain conditions which he felt he would be perfectly safe in adopting in his plant, and which he is considering adopting irrespective of whether the law established a minimum wage in his industry or not.

The particular element in the plan he worked out was: That the weekly minimum wage should be installed by ten-week periods. We will say that the law determined that instead of an hourly rate with an $8 minimum, the weekly rate minimum should be $7.75; that there should be reduction for voluntary absence, and the manager should be free to turn anybody out, and he should not be restricted from paying this minimum to any number.

Then, in a sense, the minimum wage is not a wage, it is simply a retainer fee for labor. I ask you, when you come to me, what does it cost you to work, and you say that you can get by on $7 a week. Then after you have been with me a few weeks I would determine if you were or were not working within your retainer fee, and also determine whether your wages should be more or less than that amount.

It is merely a retainer fee for labor, and the man must earn that money in the course of the week for the employer, in order to enable the employer to pay him that much out of it. So you see he creates his own wage scale.

Now this is the most helpful thing I had done for me, and that is that even that weekly wage, $7.50, should not be paid to the employe for each week, but that it should be for a period of ten weeks preceding. That is, the employes should count on $7.50 each week, and when they earn anything in any given week, say $6, they get $6 for that week; and if they earn $8 the next week, they get $8, and when it is figured up at the end of the ten weeks, the extra $1 for one week will balance the lesser payment of another week.

PROF. HOXIE: I have been studying the bringing together of organized workers and employers. The possibility of bringing them together into some collective arrangement, whereby the principles of scientific management could be put over, has occurred to me. Now I do not think that abstractly there is any great difficulty to be found in getting some agreement between employers and workers whereby the principles of scientific management can be applied to industry under collective agreement. I say abstractly. The trouble is to do it concretely.

The trouble lies in two things: (1) The unions think they know all about scientific management, whereas they know nothing about it. (2) The employers and scientific managers think that they know unionism, and they know less about that than the unions know about them.

There is a constantly reiterated statement of employers and scientific managers that the unionists believe in the restriction of a scientific output. Now, the unionists do not believe any such thing. They do restrict output, we will have to grant, but they do not believe in it. And that means

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simply this, that you cannot say what the unionists believe in until you get below the surface of their actions and have discovered the reasons for their actions. The employers simply see the actions of the unions, and they assume to know what the beliefs of the unions are and what you can depend on the unions to do. The unions do the same thing for the scientific managers and the employers.

If each could understand the why of the attitude of the other side, we would be able to come to some agreement. Why don't we get to the point where we can have each side understand the why of the other side?—Because when the unionists discuss the deviltry of the employers and explain it, they do it among themselves; and when the scientific managers discuss the question of the possibility of getting together with the unions, they tell each other what the unions do. My suggestion to you is if you want to promote the science of management, that you change your constitution so as to admit members of unions, and then make a campaign among the labor organizations; and if you do that I will furnish you with some names of trade unionists that will join your organization, who are as keen as any of you here, and when you come to the discussion of restriction of output, you will find out why they take that stand.

THE SUPERVISOR OF PERSONNEL[1]

By Ernest M. Hopkins[2]

The development of machinery and the later discovery of the sources of power, which made necessary the centralization of machinery within factory walls, imposed upon the industrial world a multitude of problems, which had to do, at first laregly with machines and afterwards with the plant—that is, the structure of the building and its arrangement within. Meanwhile, the laborer was taken for granted, and if thought was given to him at all, it was with the promise that he was of lesser concern and that such discontent as he might have could better be quelled than removed. Along with this, there unquestionably has been the assumption that gradually industry was getting to the point where it would be less dependent upon the human factor.

Importance of the Individual Worker

Something of the same sort, as regards the importance of the individual, has proved true in industry. The functions of the individual workman have changed but dependency upon him remains. The day of large profits is passing. The time has already passed when knowledge and skill were confined to a few. Machinery and methods of production alike are becoming standardized. One does not see, to any large degree, manufacturing processes carried on in the type of building common fifteen or twenty years ago. Now, attention is centered on the status of the individual worker, and the individual worker is coming into his own as a supremely important subject for study and for development. Industry has become a science. When there is no advantage to one over another in plant, machinery methods, price of raw materials, or opportunity for distribution, varying grades of success will be determined by the intelligence of selection of the personnel and the reasonableness of the adjustments with it.

The production corps as a mass is a necessity of industry, and cannot be done without. No man, however great his capacity, could be omnipresent enough to cover the attendance at numberless machines, or to execute the variety of processes of the modern factory, mill or shop. The efforts of the mass need co-relation and direction, to be sure, and for this the executive exists, but it is not considered now as in some times past, that the executive is the sole necessary adjunct of the institution, and that the productive force exists but to supplement his efforts. The cold logic of the proposition is rather the reverse.

The Supervisor of Personnel

Now if that be so, it should not be in any institution that department heads should be called upon to superimpose upon their other duties the necessity for choosing their employes. A man capable of directing the running of a machine, or of a hundred machines to maximum capacity is not necessarily the man who knows best how to get at the available labor supply of the given city or town and to pick from it. That is a separate and distinct function, and must be developed on its own lines. Thus it has become generally accepted that the selection of personnel is work for a special functionalized officer,—a man who has made a study of this problem, and who goes at it with the same scientific attitude as that of the man who builds the plant or selects the mechanical equipment.

It should be said that it is true in every concern, unfortunately, that there are a few foremen and sub-managers who feel that in some subtle way their authority and discipline are impaired unless they independently seek their people, interview the applicants originally, and make their own arbitrary selection from them. To these, the establishment of an employment department is an offense and all its operations are anathema. The economic loss of detaching their attention from the operations on which they are specialists on the one hand, or of assigning the interviewing and selection to a subordinate in the department, on the other hand, never appeals to them. It is generally the type of foreman or manager which would most resent any suggestion that another might know anything of his business which most quickly resents the suggestion that a specialist on employment might be useful in sending to him a preferred group of applicants, saving him, at least, the weeding-out process. In the main, however, foremen and managers work heartily in accord with the employment manager and make his work pleasant.

No Fixed "System" for Selecting Workers

The waste of money involved in unwise selection and consequent change is beyond the belief of those who have not investigated this. It is not enough that a position should be filled with one who will not botch his work; it needs the best available candidate, and changes as infrequent as may be.

I do not undertake to say that some of the widely advertised methods of judging human characteristics are not all that are proclaimed for them, but I do believe that cause and effect have been mixed under some of these—that the superficial attributes which are accepted as an index may have been developed by past achievement, or lack of it, and that while accurate in regard to this, the index may fail sometimes in determining potentiality.

There is, in my estimation, no "open sesame" which will do for all employment work. It is a matter of records, carefully gathered and scientifically kept, in regard to the sources of supply, special requirements of different departments and individuals, and respective successes and failures. It requires hard work, common sense, and good-natured persistence, wherein it is like most other work.

The position of the employment manager in the organization is of vital importance to the success of the work. He

[1]A paper read at the Annual Meeting of the Society, December 5, 1914.

[2]Manager of the Employment Department of The Curtis Publishing Company, Philadelphia.

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should have a rank which will at least make his work respected for the importance attached to it by the management, while he is gaining respect on the basis of accomplishment. He should report to the general manager or to the officer who fulfills the functions of general manager, whatever his title. I have always emphasized this when asked by a company for suggestion as to the establishment of such a department, or when asked by an individual in regard to going to a company for employment work. If the human element is not considered of enough importance by a concern for its representative to have ready access to its corporate ear, there had best be no pretense of undertaking work having to do primarily with its personnel.

The Health of the Prospective Employe

If the employment department is to have the fullest possible knowledge of the fitness of the candidate for the position for which he is under consideration, it must have assurance in regard to his physical condition. Therefore, the health work naturally falls into this department. The prospective employe should certainly be capable of the physical or mental effort required for his particular work, and he should be free from any taint that might contaminate his fellows, if he were to be put to work. There are some difficult questions that arise in connection with this, but I know of no safe basis for settlement of these except consideration of the greatest good for the greatest number of the employes. It obviously is not necessary to require examination until an applicant has satisfied other requirements, but it should be required then. Health work is capable of extension far beyond this. It has aroused opposition in some cases because of abuse on the part of employers, who have utilized paid nurses illegitimately in seeking information in the homes.

The effects of health work in great plants have been more clearly shown in the decrease of tuberculosis, perhaps, than in the case of any other specific disease. Of course, the whole tendency toward this disease has been much lessened under modern factory standards. The light and air and all around cleanliness have been the foundations upon which health work should be built. If, now, there is added to these features the prevention of the disease being brought in by the new worker, a still further advance has been made in the general safety. If there can be added to this some system of periodical examination of the employes at work, looking toward the early exclusion of any who may be developing traces of disease, the matter will be as thoroughly safeguarded as possible. It must be recognized, however, that the introduction of a system of periodical physical examination is likely to bring trouble among the older employes. This, however, to a large extent can be eliminated, if it is generally understood that the company proposes to help in the case of any individual whom it finds necessary to lay off because of physical condition. What very naturally arouses strong feeling in the minds of working people is the idea that some impairment of their physical vigor may be discovered and that, in consequence, they will lose their positions, no matter how they may have struggled to keep up their standard of work. If a concern is to undertake the conservation of health among its employes, it needs to act with the utmost discretion and broad-mindedness.

The Advantages of Educational Work

In any discussion of so-called educational work, which is another phase of the employment department's responsibility, it is necessary to lay down premises which would have caused much dispute a few years ago but are accepted now, except in the cases of employers who have failed to keep step with modern movements. One of the greatest curses of industrialism now is the settled conviction on the part of many that classes are practically fixed and that employers have every desire to keep the wage earner always a wage earner. It would be worth almost anything to capital if this conviction could be shown to be false.

The mathematics of the proposition is that there is always such a plentiful supply of labor of the lower gades and that the supply rapidly becomes so much smaller as the requirements of intelligence increase, that a company can afford to do very extensive training work itself in developing its lower grades of employes to the point where they are capable of accepting better positions. It must be borne in mind, in this connection, that many an employer and many a manager will oppose this statement in the beginning, who would readily concede its truth, if he should be enough interested to investigate the interest of his business as a whole. It must be remembered that the employer who desires a stable personnel, but the grade of whose work is such that there is constant shifting of employes in his department, is very naturally reluctant to see any system introduced which will bring discontent with their station to his people and will constantly take away from him his more ambitious employes, as they qualify themselves for higher grade work.

Nevertheless, it is becoming all the time more generally conceded that in the long run the concern benefits itself specifically as well as industry in general when it gives every assistance to the individual worker for qualifying to better his position, whether such betterment means transfer from one department to another, or transfer from the particular concern to one doing work of higher grade and, therefore, capable of paying higher wages.

The Employment Department a Means of Bettering the Relation of Employer and Employe

In the final analysis, the employment department should be a great service department, representing the interests of employers at all times and especially in the selection of the best available working force, but standing ready, also to see that the interests of employers are further safeguarded to the extent that they should always know the point of view of their working people. Now, anything is capable of various interpretations and, in my belief, the convictions and aspirations of the working people have been all too seldom interpreted sympathetically to the employers. Many times a sympathetic interpretation would have won recognition and usually this interpretation is thoroughly justified. I have always felt that the employment department stood toward the employes engaged through it somewhat in the position of the man who guarantees a note. The department represents the concern to be certain definite things. All machinery of present day industrialism is designed toward holding the worker up to his job. It is not only simple justice but it is for the best interests of capital that some department should make it its prime interest to hold the employe up to desirable standards, as far as his relations with his people go. It is for this reason that the welfare department ought to be classed as a phase of employment work.

Having secured the employe and placed him at his work, it is the desire in any well regulated concern to retain him. He should, therefore, be convinced that the company is interested in doing the fair thing by him as well as getting the utmost from him. It is highly desirable that he should feel contented to the extent that will make him wish to stay with the company rather than to go elsewhere, and also that there should be an *esprit de corps* which will give him maximum enthusiasm and loyalty.

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In regard to the matter of wages, the whole trend of things is toward a more liberal attitude on the part of capital. We grew, a long time ago, away from the theory of "caveat emptor" in trade, and it is recognized to-day that there can be advantage to both the buyer and the seller of a commodity—that it is not necessary for the one to have advantage, that the other should suffer disadvantage. I believe that we are coming to something of the same sort in the buying and selling of labor. The theory is pretty well discarded already that the price of labor can fairly be determined by supply and demand, especially if the demand come from the modern aggregations of capital and the supply be considered wholly as individual units in the negotiations.

The Place of Welfare Work

Welfare work is, of course, variously interpreted in different concerns. In some, it has to do simply with superfine things, while in others it exists as a free-lance proposition, with full liberty to interest itself in everything which its name could be conceived to cover. It is a certainty, however, that it ought to interest itself in fundamental things before it goes in for the luxuries; for instance, it is highly undesirable to ignore the matter of safety devices, prevention of occupational diseases, safeguards against fire hazards and like matters of concern, and meanwhile, provide such luxuries as flower gardens, concerts or lecture courses.

Sanitation of the First Importance

One of the most frequent causes of irritation complained of has to do with the matter of lavatories, toilets, locker rooms, etc. When you bring in a working force of three, five or ten thousand people and force them into cubby holes to get their street clothes off and their working clothes on, then jam them into crowded elevators of which there is an insufficient supply, to carry them to their work, so that it is necessary for them to add from half an hour to an hour on each end of their day in getting to their assigned places and getting away from their work, you will find irritation and discontent more than sufficient to wipe out appreciation of other benefits which may be conferred.

I know one of the most progressive concerns in this country which has given the most radical acquiescence to the claims of its employes in general, but which has so ignored this problem as to have but an ineffectual and thoroughly irritating checking system, which is troublesome in every way. The net result of this is that in spite of all that has been done, the people arrive at work in the morning vexed and go away from it at night delayed and irritated.

It is the belief of not a few that great as have been the strides in the processes of production in the past, there will be advances as great or greater in the near future, as a result of the efficiency which will come from the co-operation of labor and capital, working with knowledge of each others' interests, for the common purpose of creating an increase in economic wealth, each deriving its advantage therefrom. Such a result will be dependent on employes giving not only a perfunctory and formal attention to their assignments but a loyalty in sentiment and an enthusiasm in accomplishment which will carry the output of productive methods into new realms. It will likewise be dependent upon the employers' knowledge not only of plants and machinery but also of the temperaments and attributes of their man. This is the most valuable function which the welfare department can fulfill—aiding each to understand the other.

Fatigue Studies Not to be Neglected

The scientific study of fatigue, for instance, has revealed that employers were failing to conserve their own interests in the long hours formerly required. As a result of this, we have the movement toward the decrease of working hours to the point of maximum efficiency where vitality enough can be preserved for interest in participation in those things outside of industry which broaden life, while at the same time relieving worries, leaving the man not only a better citizen but a more effective workman.

Many who would not argue that an employer should shorten hours simply for the sake of giving employes more time to themselves would concede that the employer should know at what point in the number of hours required per day or week he gets maximum production of major quality. It is a matter of record that in various industries an actual increase in output has resulted from decreasing the working hours per day. There is probably a much greater number of industries which could reduce the number of hours without loss of production, at least.

I have personal knowledge of a textile industry in which a reduction of hours from 62 to 57½ was made, in which the superintendents of the mills involved testified that there was no reduction in production and that, if anything, they were getting more. Another well known company discovered, upon analysis of its working conditions that it could so arrange its hours as to close on Friday night, not opening again until Monday, thus giving its productive corps two days a week. The plan has been entirely successful. Three years ago, a great department store made an analysis of its summer sales and decided that it would make an arrangement by which its people should not come into the store at all on Saturdays during July and August. Since that time, this principle has been adopted by stores in most of the great cities of the country.

There is, of course, some point at which this process stops, but my contention is that the intelligent employer needs to be guided by something aside from precedent. Meanwhile, it goes without saying that when such reduction in hours is made, the employe needs to recognize, as he generally does, that he must put more concentration upon his labor, if he is relieved from conserving his energies for the more prolonged effort.

Improvements Should be Based on Analysis

Intelligent analysis, therefore, of working conditions, that knowledge may be had of them by employers, is not only the employes' right, but it is due the industry itself. The so-called welfare activities should be founded upon this principle, and if commercially worth while, they must hark back to it continually.

Conditions under which an individual or a small group of individuals might work not uncomfortably may become almost intolerable when hundreds and thousands are gathered and subjected to the regulations necessary when men are assembled in large bodies. State and national inspections are forcing upon the laggards the modern view of the workingmen's right to work where his life, his safety and his health are endangered as little as may be. There are some lesser things of fundamental sort that are not as rigorously watched, that an employer cannot afford to be ignorant about, and with which a welfare department should concern itself. Opportunities for personal cleanliness, such as running water and washing facilities, including soap and towels; conveniences, such as locker rooms and toilet facilities; essentials to health, such as temperature regulation, ventilation, light and pure drinking water, need constant and solicitious attention. Furthermore, these are rights of employes, and must be provided as such, for if they are given as concessions or benefactions, the co-operative aspect is lost, and they become

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assumed to be another effort of capital to make labor dependent upon it.

THE EMPLOYER MUST KNOW HIS BUSINESS

The greatest grievance that any group of employes can have against their employers is lack of intelligence in the conduct of their business. In general, we expect leadership to be informed about the path along which it purports to lead, but one of the most disturbing factors in our industrial life has been the employer who has had no further knowledge of where he was going than that he was on his way. The man who assumes industrial leadership is an industrial menace, unless he makes or has made those strides which shall inform him as to the vital facts of his business, such as manufacturing costs, hours of labor required for maximum production, the very great distinction between increased individual wages and increased total expense, and so on. Gradual elimination of seasonal employment and reduction in labor turn-over must be his aim.

The domain of the work of such a department as we have been discussing ought not to be too definitely defined. Its work is bound to be staff work in the main. It offers opportunity for centralization of the practical idealism, now to be found in connection with most industries, and for the adjustments which are so necessary to keep the proportions of things right. Its goal must be to contribute as much as possible to hastening the day when an efficient, profit-making industry, and prosperous, contented workers see their mutual dependence, and live with mutual respect. Such is "the day" toward which we must all look, and our greatest satisfaction must be the fact that every once in a while, as we look, it seems not so far away as when we looked before.

MORRIS L. COOKE: My principal objection to Mr. Hopkins is not his attitude, but this: I am primarily a democrat. I do not want to do anything that does not fit in with the widest conception I can form as to how society will be assisted in what I can say. So, when we talk about the workingman wants, there is the reaction. We can give them a place, I think, that takes that sting out of it, so that this work of the supervisor of personnel is not done with any particular group in mind. Those of us in responsible positions do need the help of just such an agency as Mr. Hopkins is trying to describe. And if we can make it something that applies to all the different grades in the business and all the different people in the industry, men and women, from the top down, it takes that sting away from it.

One of the first things which struck me in reading Shop Management by Mr. Taylor was his reference to the agency used for employment of men. Now it seems to me we can turn this over to Mr. Hopkins's supervisor, and we are ready to consider the exceptional man, and to come into contact with certain employes where even the supervisor of personnel may feel he is not the man to handle the situation. We should in turn classify any people who are specifically qualified for that work.

What makes me say that is my experience with factory owners. I have what I call my social secretary. If I were going to get the most out of politics I certainly had to perform some of the services formerly performed by the Ward Boss, and when someone was born or died or was sick, or something else happened to them, I must do what the Ward Boss formerly did. So I put on a young woman whom I think of as my social secretary. I have seen factory owners that were not of the kind Mr. Hopkins has in mind. I believe there are more factory owners and others with titles corresponding to that, that hurt this movement more than they help it.

I have in mind now a case of a factory nurse who was used as a spy. I know another factory nurse in a New England establishment that did very good work. But I have found that I must keep away from my social secretary as much as two months at a time without talking to her. I have ascertained that the impression was going out that this young woman went into the homes of the employes—and she always goes to the hospitals when we have any man sick there, and we always have someone there—I found the impression was being created that she was reporting directly to me about these things.

Now, that is an unfortunate opinion for the workmen to have. However benign the employer, the employes do not want to feel that everything that a particular employe assigned to social work knows, goes to the management or to the Board of Directors. This scheme of having a department of personnel acts as a sieve. We must remember that it cannot be efficiently carried on if the employes think the information is going to headquarters.

Another thing suggested by Mr. Hopkins's talk is this suggestion of social welfare. I was glad to hear him say there were many things that could be done in that department. In Dayton they give a physical examination of every employe that comes into a certain establishment. Now, I believe that is brutal. If you said that everyone should be physically examined, there would be probably 85 to 90 per cent examined.

Now, do not let us injure this cause of improving conditions, by being too arbitrary about it, and making the employe feel he is not a part of it. I have had a lot hammered into me in the last three years, and I have found you can work with some pretty high class people and yet have their views differ from yours on many things.

Now, if this is true of people in the higher grades, it is even more so in the lower grades. You must avoid in every way you can, imposing on them rules and systems which they cannot understand. Start with that idea in view and announce your programme, not too loud, get all you can into the first year, and then the next year exert a little pressure, but do it so that no one will know where it comes from, and by and by you will get it completed through a process of psychology, which will be more efficient than by doing it overnight and under pressure.

My experience in the last year, and especially in the last few months, seems to teach me that if you are doing big things—the bigger the things you are trying to do, the more mobile your organization must be,—the less and less you are going to regret losing people. You may lose them because they are going on for their own betterment. But whether they go for this reason or for any other, you have got to get away from the old idea of holding on to people. Undoubtedly unemployment will be reduced by building our organization so that people can stay if it is to their advantage, and your advantage for them to stay; and the more valuable they are to you and you to them, the more unlikely it is that people will change.

H. V. R. SCHEEL: It is admittedly good business to consider the psychological side. Take a case where three men have about the same kind of responsibility, or are doing about the same kind of work, instead of considering them as equal jobs of equal value, it has been found better to arrange them arbitrarily, one above the other as to importance and pay, into a lower and intermediate and an upper grade, so that a line of succession is established and advancement will be possible from one to the other. The result is psychologically that the man in the lowest of the three has something

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to look forward to, the man in the highest of the three has something to look back upon. It has been worked out satisfactorily with clerks. It is worthy of consideration. The disadvantages of the greater number of changes due to more frequent promotions are taken care of by having the men themselves take the responsibility for breaking in their successors and acquiring the knowledge of the new job under the penalty of forfeiting the chance to advance.

MR. J. M. BRUCE: Some of the points made by Mr. Hopkins have interested me favorably, and it occurs to me that some of the work along these lines which I have succeeded in doing for the American Tobacco Co. may be of interest in this connection.

The company's sales force is directed from the home office through the supervision of five general districts and under them there are some forty state department managers. These latter have always had the hiring and firing of the salesmen in their hands. In going over the records I found that during the previous four months, 140 men had been hired to fill thirty vacancies and 110 discharged. The salary and traveling expenses of these men who averaged nearly six weeks each in this company's employ, was a heavy burden of expense on the sales department, not to speak of the disastrous effect of the undisciplined work of inefficient men in the various territories and the disturbing influence of this constant changing on the moralé of the whole organization.

After considerable experiment we evolved the following plan now in effect: I will illustrate with a concrete example. Desiring ten new men in the Middle West, the state department manager needing men in that territory was directed to advertise for applicants and to pick out three or four men for each position to be filled. They were supplied with record blanks worked out by Prof. Walker Dell Scott of Northwestern University—in whose hands the final selection of the men was placed, as will be shown.

These blanks contained specific and searching questions which had to be answered categorically by the applicants and those responsible persons, either former employers, school teachers or business men acquainted with the applicant. By this means we avoided the usual testimonial with which we are all so painfully familiar—which in the case of a drunkard generally reads: "I have had John Smith in my employ for some time (generally about two weeks) and have found him industrious and honest.—Blank Blank Co." In the case of a crook the testimonial is changed to read, "I found John Smith sober and industrious."

With Prof. Scott's blanks a direct lie was necessary to get one of these men by for further consideration. Quite a few refused to be bothered with so much red tape, and were eliminated. Next a careful examination of the applicant's physical features was made by a regular life insurance physician, special attention being given to the conditions of the men's feet as well as the regular organic examination. Some twenty-four passed these preliminary tests and were sent to Evanston to take the final examination. The test started with the simple Binet Simon test to discover persons of arrested mental development, who are utterly unfit to become satisfactory salesmen, and who cannot be detected in a casual interview by the most expert of examiners. Next came simple tests in memory, accuracy of perception, quickness of perception, etc. These tests were made increasingly difficult and consumed some 6 hours. About 7 or 8 were eliminated, or eliminated themselves. Then came the final determining test. Each applicant had it explained to him that to be a successful salesman he must be able to gain and hold the interest and attention of his prospective customer, and that this operation would have to be repeated many times each day. To show the men's capacity to do this, Prof. Scott, some assistants and some advanced students numbering twelve in all gave each applicant a 5-minute interview on a subject of general interest named by the examiner as the applicant entered the room where the examiner awaited him alone. The last book read—Base Ball—The last play—The good and bad points of the last job—School, etc., were the topics selected by the examiners. Each man was thus required to give twelve 5-minute interviews to twelve different men in an hour. Each examiner graded the men numerically as he found their work relatively interesting, the sum of the ratings and the examinations determining the men's standing.

Twelve men were selected for work in the school. This school is in charge of an experienced state department manager who had been a school teacher before becoming associated with the company. Two weeks were given to training the men in handling the company's forms and reports and giving them some knowledge of products and prices. Then four weeks were spent in actual work in Chicago, first in groups under the eye of the instructor and then individually. Nightly meetings were held, in which the men met, told of their failures and successes and had the errors of their work pointed out by the instructor, often with demonstrations of the correct method.

The result of this work is that of the ten men graduated from the school, nine are now with us and are among our best bonus earners. In fact the high man for the past four months over all the salesmen in the company is a graduate of the school. Of course we are able to follow the work of each individual with absolute exactness because the whole force is operated on the task and bonus system. The tests are not anything that could not be given anywhere by a group of ten or twelve trained observers but the point is that they will not be given under the old system of forcing a hard-driven sales manager to do the work himself—hiring and firing is more easier and more conventional.

WILLIAM KENT: I am interested in what Mr. Hopkins said about paternalism and democracy. At a mining village in Pennsylvania I noticed a row of houses built in blocks, and they were of unpainted wood, and in front of them was a miserable wooden pavement, and between the pavement and the house there was nothing but mud and dirt and chickens and pigs. That is democracy, with every man free to do with his own doorway as he feels.

A few years afterwards I was over in Germany. In looking over a coal mine there I saw a room where 2,000 men could hang their clothes on hooks suspended from the ceiling, and take from the hangers his mining suit. There was a room adjoining with 200 shower baths. In Pennsylvania when the men came home from the coal mine, they looked as though they had been in a coal mine, but in Germany the men went home cleaned up with no trace on them of what their business was. They took us then into the German village, and the houses there were built of brick with a concrete stone pavement in front, and they had grass plots in front and each house had a window box with flowers in it. Then they took us into a house and we went in the back yard. There was a pig out there but he was all clean and polished up. Now, that contrasted very favorably with the democracy which was exhibited in Pennsylvania. If it was wrong for the mine owner to do that, then the village should take it up, and have uniform architecture and flower

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boxes; and whether you call it paternalism or not, I want to say that I would like to see it done here.

CHAS. DAY. I have been greatly impressed by Mr. Hopkin's able address and believe that he has directed attention to one of the most important subjects with which Scientific Management must deal. Until the matters to which he has referred have been dealt with along substantially the lines suggested, we cannot assume that we are dealing directly with the individual in the broad and helpful manner which is necessary.

I would like to know whether Mr. Hopkins believes tests as a basis for the selection of employees, along the lines suggested by Dr. Munsterberg have, or are likely to prove practicable. For example, in public service work there are certain occupations which are hazardous unless operatives possess the necessary physical and temperamental qualifications. Insofar as I know, specific tests of a scientific character are not applied by any public service companies in the selection of men for such posts. The tests which Dr. Munsterberg developed in connection with the selection of motormen illustrate what I have in mind.

I will be very glad to hear from Mr. Hopkins on this point.

D. M. BATES: I would like to hear from Mr. Hopkins and any other gentleman, as to what, if any, responsibility the concern takes regarding compulsory examinations and medical attention.

About twelve years ago I was with the Bancroft Company in Wilmington, Delaware. One of our young girls was taken ill with small-pox, and we suggested to all the employes in that plant that they be vaccinated. I suppose that 90 per cent of all the people in that one plant—400 to 500 people, men and women—were vaccinated. In the four or five years following there were various things that occurred, death or disabilities of one kind or another, and several cases were traced back in the minds of those particular families to that vaccination. I always felt afterwards if we had another such case of small-pox, I would rather go to Siberia than advise vaccination. So I wondered what liability the company sustains in recommendations of that kind—a recommendation to vaccinate.

Five or six weeks ago, at the Lewiston Bleachery a boy with poor sight walked into a strand of cloth running down into our bleach-house from the "gray-room," and broke his arm in one or two places. We had him properly cared for by the doctor, paid his hospital expenses, and then the question came up as to whether we would pay his weekly wages until he got back. I would have been glad to do that, prior to one year ago. We covered weekly wages for a man for a period of 15 months, and he finally got well and sued us for damages, and the man lost the case. It was defended, however, by the insurance company. We told the insurance company our position, and they advised us in the future to get a release before making wage payments. On the next case that came up, that of this boy, we said, "We will give you the wages; we will pay you, but we must have a release so that you cannot bring any suits against us afterwards." We said, "If you think you have a suit against us, go ahead and bring it now, but we are not going to pay your wages for six or eight weeks and then have you sue us on top of that." And I cited to the boy's father, who was there, this case where we were sued by a man after paying him wages for 15 months.

We had two or three conferences with the boy's father and the boy, and I talked with them. They signed a release, and we paid the boy's wages, and now the boy has recovered the use of his arm and is back at work. The arm, however, is not strong and the physician says there is some lack of the bone-making materials, calcium and phosphate, in the boy's system, which might result in the arm never developing its original strength. This is a matter entirely beyond our control. If that arm does not work out into a strong arm, I would be willing to give the father back the release, if he wanted it, as I have no desire to take any advantage of him should he desire to bring suit. But, this case brings up an interesting point as to how far a concern is responsible for the advice given by its regular physician to one of its employes, who at the time of an accident and afterwards is ready and desirous to avail himself of the physician's advice and assistance. I would like information on this point.

H. T. NOYES: Do you not find organized labor strongly opposed to physical examinations? It is in our city. Would not a factory having physical examinations suffer in consequence?

MR. HOPKINS: I think the danger of which Mr. Noyes and Mr. Cooke have spoken is very real, but the labor opposition as stated by me, lies in the belief that it may work as a spy system back into the home. At any rate we have the full usefulness of it, although against the company's position there was a suspicion. It has come to be understood that the employment office does not know what the doctor finds or what advice he gives.

Our whole point is the greatest good to the greatest number. I believe I could get that across to the labor leaders. We are against injecting into our organization an individual who might be a contamination for the rest. We have not ventured to insist upon physical examination. There must be a verification in regard to his heart and his lungs and his teeth. We do not demand perfectly good teeth, but he shall not have an infection in his mouth, or in connection with his heart or his lungs. They must be good.

MR. NOYES: We started physical examination two and a half years ago. It was not compulsory. Seventy-seven per cent of the workers submitted to it. We started again one year ago, and this time we made very thorough examination, giving one-half an hour to each applicant, and the fact that we made the examination so thoroughly seems to stimulate the men to make application for examination. And they were so pleased with our examination the second time that all the old employes save five, voluntarily made application. We had some talk with the five, and recommended it, with the result that every person in our plant voluntarily submitted to it. They were pleased with it because the examination was so thorough and the advice we gave them was good. We got it over the second time by giving them very thorough examinations and good advice.

H. P. KENDALL: I am much impressed by what Mr. Noyes said about the favor in which the examination was received by his employes. When I visited his plant he had some 1100 employes; I would not have believed it would have met with such a full response.

There has been discussion in our concern at one time and another about having physical examination but it has always been abandoned on account of the belief that it would make trouble.

We have gone this far, that all women applicants who are accepted must pass the approval of our factory nurse who gives them a superficial examination, who may ask them for a doctor's examination. This gives her a chance to get

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acquainted with each accepted applicant, and often she can advise well those whom she rejects. And the factory nurse believes they go away with a better idea of what they shall do for their health than otherwise would be possible.

A PROPOSED MODIFICATION OF TASK AND BONUS[1]

By C. W. Mixter[2]

The idea of the writer's modification of task and bonus is to accept that method as sound in principle, but to so redesign it as to afford greater satisfaction to the workers and lessen the expense of the employers. These remarks are intended to apply only to typical or prevailing conditions of industry as carried on under Scientific Management.

Jobs on task and bonus under Scientific Management fall into two classes. (1) Jobs with respect to which we feel most certain as to the accuracy of the time allowed, and (2) jobs fit for task and bonus, but with respect to which we feel less confident as to the accuracy of the time allowed.

Under ordinary day wage, if a man should perform a job in two hours and then go home, the time for which he would be paid would obviously be but two hours. If he did the job in three hours and went home, the time for which he would be paid would be three hours. The more time he takes, the more time he is paid for. Contrariwise, should he regularly work all day but gradually shorten the time for performance of this job from eight hours to six, to four, to three hours, etc., the time paid for doing this particular work would be constantly less in exact proportion to the lesser time taken. This brings out the fundamental defect of time wage; the workman works entirely for his employer and not at all for himself. All the gain from time saved on jobs goes to the employer, and the workman has no direct incentive for taking up slack. The method longest and most widely in use for taking up slack is the piece rate method which is at the opposite extreme from the day wage, so far as reward for fast work is concerned. All advantage of gain from time saved on a job, so far as wage cost is concerned, goes to the workman.

To obviate the disadvantages of day rate and piece rate, various systems of wage payments have been adopted, the more prominent among them being the premium system, the task and bonus method, and the Taylor differential piece rate. It is with a modification of the Gantt bonus method that we are concerned here. Under the Gantt bonus, the man is guaranteed his daily wages for the time spent on the job, irrespective of whether or not he accomplishes the job in the time allowed. This is illustrated graphically in the diagram Fig. 1. The diagonal line, AB, represents the daily wage line; the horizontal axis in the diagram represents time spent, while the vertical axis represents wages paid. If a task is set for a workman to occupy four hours and he accomplishes it in that time or less, he receives in wages the equivalent value of his daily wages for four hours plus an additional bonus of 33%, or 1⅓ hours.

The objection which the writer has experienced to the use of the Gantt bonus is that there is a sharp demarcation between accomplishment of the task and failure to accomplish it. If the workman exceeds the task time by ever so little, he is penalized in that he loses his bonus and is paid only the regular daily wage for the time expended It is, as it were, that the workman is climbing a hill represented by the line CD in the diagram and is required to finish the task before he reaches the point D. If he fails to accomplish this task he falls over the precipice at D and suffers injury exactly as he would did he fall over a real precipice, in that he loses a certain reward for work done.

It has been observed that workers under the Gantt system, who find themselves well within the task time will work at their top speed. On the other hand, workers who are closely approaching the task time, will not exert themselves particularly to reduce their time, as the reward for so doing is not sufficiently greater than that for just accomplishing the task to make the special effort attractive. Following this reasoning still further, it has been found that some workers who find that they cannot complete the task in the allotted time will deliberately slow down and consume as much time as possible without getting into trouble with their superiors.

To obviate this tendency on the part of the workers, the modification of the Gantt bonus described below, has been proposed by the writer. The principle is shown in the diagram herewith. It comprises a gradually decreasing bonus for the worker, who exceeds the task time up to a limit of 10, 15 or 20 per cent., as the case may be; after which the worker will be paid at only his regular day wage rate. For the worker who performs a job in less than the task time, an increase in the bonus is provided which, in the case shown, has a maximum of 10 per cent. of the Gantt bonus. This maximum is reached when the the worker shortens the time to a point where the time saved is equal to the excess time allowed over the task time before the worker begins to earn only day wages. That is, if a decreasing bonus is allowed for a period in excess of the task time equal to 10 per cent. of the task time, then an increasing bonus over the Gantt bonus is provided for all time saved up to 10 per cent. of the task time. For any saving beyond this 10 per cent., the worker is paid the task time plus the Gantt bonus of 33 per cent. plus the writer's modification of 11 per cent. This method, it is believed, will compensate for errors in the time study or for conditions over which no control can be exercised and of which time studies cannot take cognizance. For instance varying temperatures, varying rates of humidity in the atmosphere, and similar conditions, which may or may not affect the time in which the work can be done. Thus, if a job is in hand, the time of performing which may be affected by the humidity of the atmosphere, a time study taken on an extremely dry day will not necessarily give the proper time for the same job if performed on a day when considerable moisture is present in the atmosphere. It would be obviously unfair to penalize the employe for failure to accomplish the task under these conditions and yet under the Gantt bonus, he would be so penalized.

Referring again to the diagram, which is intended only to outline the writer's modification, the variation permitted over the task time is represented on the diagram by distances FJ and FK, in this case each being 10 per cent. of the task time. A man requiring the time AJ for his work will be paid an amount represented by the line LJ, or at his daily wage rate. For work accomplished in a time less than AJ, but greater than AF, as AN, he will be paid an amount represented by the line NP, of the distance between the base line AJ and the line joining points D and L.

For those employes who perform the job in less than the task time in the case under consideration, a gradually in-

[1]Abstract of a paper read at the Annual Meeting, Dec. 5, 1914.
[2]Associate Member of the Society.

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[Editor's Note: Professor Mixter's original paper comprised about 12,000 words and 8 diagrams. In order to publish it in the space available in the Bulletin, it has been necessary to abridge it as above. Those desiring to examine the entire paper, will find it on file at the office of the Secretary.]

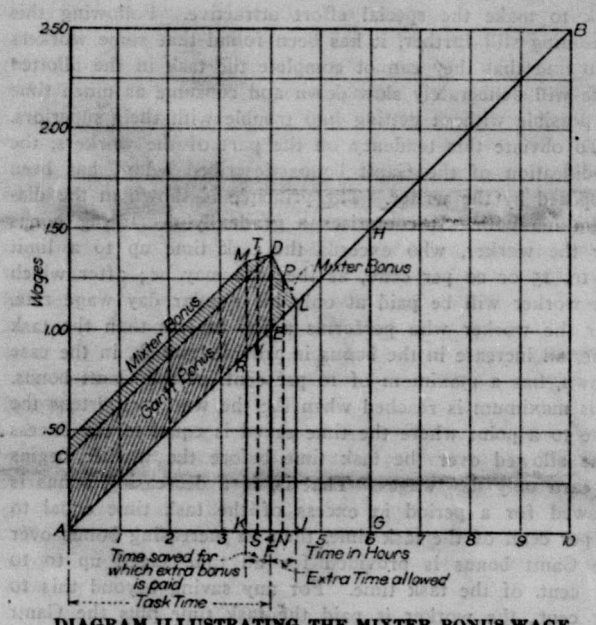


DIAGRAM ILLUSTRATING THE MIXTER BONUS-WAGE RATE, 25 CENTS PER HOUR

PROF. ROBINSON: The objection that Prof. Mixter's method interferes with fixing costs seems rather fallacious. Even if the worker is always paid the same rate per piece, if he does more at one time than at another the overhead changes, so that the real cost is subject to change anyhow.

The whole theory of Prof. Mixter's plan is based on human nature. It is based on the fact that people are not alike. It is impossible to get together a set of workers who will all do the same job in the same time.

Even the same worker will vary in his speed from day to day and from season to season throughout the year. It is one of the established principles of Scientific Management that every man shall earn his bonus, that is of course after a reasonable time spent in learning how to do the job. If there are twenty men working all on the same sort of work and they have all become fairly skilled and are all expected to earn their bonus, then it follows that the task must be set so that the slowest man of the twenty can earn the bonus. It seems certainly obvious that some of the workers would be able to do considerable more work than the slowest man.

J. C. REGAN: Having in mind that an allowance over the time shown by the time study is made for the whole job, it seems to me unnecessary to take into account so keenly any variations that are in the worker or in the conditions that exist. If we are all looking for something to fix our piece price, we must have it within a reasonable limit, and therefore, you should be able to guarantee it, for a year or two years or three years.

It would be a fatal mistake in any business to penalize the better workmen by decreasing the bonus, as has been suggested, as the time consumed on a job is diminished considerably below the task time. Why not establish an acceptable labor cost standard and maintain that? Why say anything about the speedy workers? Why not let them get all they can? If the time study is at all near right, you should make money.

H. V. R. SCHEEL: We have one kind of winding machine, having 36 winding spindles on a side. The yarn run by operatives on these machines is of varying size, count or weight. The theoretical number of spindles on the various counts which an operator can run at standard efficiency has been determined, varying perhaps, from 14 spindles to 40 spindles, but the exactly correct number of spindles an operator can run cannot be assigned to each operator, so all of the yarns are roughly grouped into two classes: (1) Those which can be run on 18 spindles, and (2) those on 36 spindles.

Again, sometimes yarn is run from full spools and sometimes from partially full spools, the task being stiffer when small pieces are handled. Accordingly it sometimes happens that one of two operators on a side is running a count of yarn which normally takes 14 spindles, leaving 4 extra spindles available for her neighbor, who perhaps is running a count of yarn (and may be from full spools) which will permit her using these four spindles and doing a good day's work turning off perhaps 16 or 18 hours' work in 10 hours, with the result that the amount of earnings runs up as Prof. Mixter outlines. I think Prof. Mixter's modification would be fair and without the objection which the present system has.

MR. REGAN: If the condition was constantly varying and you knew it had to vary, that would be all right. But with the general run of the time studies made, in the metal trades, the only constant to consider is the constant of hardness in the material, and also variations encountered in assembling, due to machining.

The condition you speak of is one which is met in that field to which you refer; however, is it true of studies, generally?

There is no doubt that we will always find conditions that have to be cared for as we meet them, but suppose we had a case which involved 150,000 to 200,000 rates or piece prices, would it be practical to consider a re-adjustment or re-arrangement every day, as under the Mixter plan, especially when each job may not last more than 6 or 8 hours, and the rate may be as low as 20 cent per 100 dozen?

MR. KENDALL: I should like to ask how Prof. Mixter's scheme will differ from the point of view of the workman, from the differential piece rate? That seems to me to be arriving at the differential piece rate through the means of the Task and Bonus, instead of arriving at it through the usual method of the old-fashioned piece-rate corrected with a stop watch, and then made into a differential. It seems to me Prof. Mixter is arriving at the same thing, only he starts from the Task and Bonus, whereas the differential piece-rate started at the piece-rate, possibly corrected by the stop-watch.

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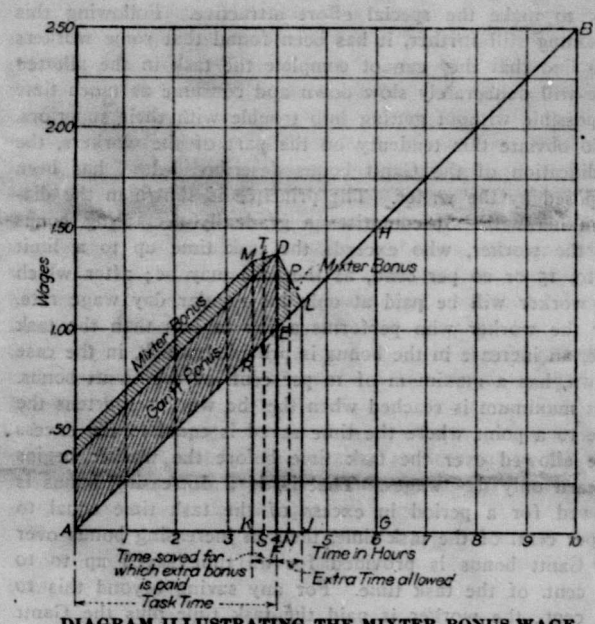


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Bulletin of The Society to Promote the Science of Management

VOL. I, No. 2. JANUARY, 1915 Price 50 cents.

OFFICERS OF THE SOCIETY

President (1914-15) Harlow S. Person, Hanover, N. H.
Vice-President (1914-15) Morris L. Cooke, City Hall, Philadelphia, Pa.
Vice-President (1915-16) Charles Day, 611 Chestnut St., Philadelphia, Pa.
Secretary (1914-15) Robert T. Kent, 47 Broad St., New York.
Treasurer (1914-15) H. K. Hathaway, 18th and Hamilton Sts., Philadelphia, Pa.

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All the Officers, *ex-officio*.
Arthur E. Barter (1914-15), Norwood, Mass.
Sanford E. Thompson (1915-16), Newton Highlands, Mass.

MEMBERSHIP COMMITTEE

H. V. R. Scheel, Brighton Mills, Passaic, N. J.
C. N. Lauer, 605 Chestnut St., Philadelphia, Pa.
M. L. Cooke, City Hall, Philadelphia, Pa.
Carl T. Barth, 6151 Columbia Ave., Philadelphia, Pa.
C. Bertrand Thompson, Harvard University, Cambridge, Mass.
Harlow S. Person, *ex-officio*.

THE ANNUAL MEETING

The annual meeting in New York was an unqualified success. Upwards of 100 persons attended the various sessions and 36 sat down to dinner at the Engineers' Club. The general subject of the meeting was Scientific Management and Labor and the papers and discussions dealt with the questions of organized labor, wage payments, selection of employes and kindred topics. Abstracts of the papers are given on other pages of this bulletin, together with principal discussions thereon. Complete discussions are on file at the Secretary's office and can be seen by any one interested.

New Officers

The following officers were elected at the annual meeting:

Vice-President, to succeed Wilfred Lewis, Charles Day, Philadelphia, Pa.

Member of Governing Board, to succeed H. P. Kendall, Sanford E. Thompson, Newton Highlands, Mass.

Members of the Membership Committee, Carl G. Barth, Philadelphia, to succeed F. A. Parkhurst and C. B. Thompson, Harvard University, Cambridge, Mass., to succeed Wilfred Lewis.

New Members

The following were elected to membership in the Society at the annual meeting:

Members—J. A. Bursley, Prof. Mechanical Engg., University of Michigan, Ann Arbor, Mich.

Richard A. Feiss, of Joseph & Feiss Co., Cleveland, Ohio.

Associate Members—John M. Bruce, Consulting Engineer, 5710 Grand Central Terminal, New York.

Milton Herrmann, of Herrmann, Aukam & Co., 31 Thomas St., New York.

Junior Members—Lyle E. Jenne, 120 E. Washington Lane, Germantown, Philadelphia, Pa.

D. J. Walsh, Jr., Herrmann, Aukam & Co., Lebanon, Pa.

Applications for Membership

The following applications for membership are before the Membership Committee:

Arthur Ro. Zachert, Babcock & Wilcox Co., Bayonne, N. J.

Elroy C. Robertson, Leavenworth Apartments, Syracuse, N. Y.

Robert B. Wolf, 128 Prospect St., Berlin, N. H.

Walter N. Polokov, 1233 Chapel St., New Haven, Conn.

NEXT MEETING AT NEW HAVEN

The next meeting of the society will be held at New Haven, Conn., on Feb. 12 and 13. The general subject of the meeting will be "Cost Accounting and Scientific Management." Features of the meeting will include a visit to the plant of the Acme Wire Co., an informal smoker, and a dinner at the Hotel Taft. A tentative program is given below. Details will be announced to the members through the mails at least one week prior to the meeting.

PROGRAM OF NEW HAVEN MEETING

Friday, Feb. 12,

8 P. M.—Address, "Cost Accounting Theory and Practice," Yale University, Mason Laboratory.

10 P. M.—Smoker, Hotel Taft.

Saturday, Feb. 13,

9 A. M.—Visit to Acme Wire Co.

12.30 A. M.—Luncheon, Hotel Taft.

2 P. M.—At Yale University, Mason Laboratory.

Address, Scientific Management as Applied to Public Service Properties with Special Reference to Cost Statistics—Charles Day.

Address, An Outline of the Scheme of Accounting as Developed by F. W. Taylor with Especial Reference to the Relation of Cost Keeping to Other Functions; Mnemonic Symbolization; Classification of Expense; Distribution of Burden.—H. K. Hathaway.

6.30 P. M.—Dinner at Hotel Taft.

8.15 P. M.—Discussion of papers of the afternoon session.

CURRENT WAGE THEORIES[1]

By PROFESSOR C. A. PHILLIPS[2]

Economic Science is passing through a stage of readjustment. Old theories, notably wage theories, have been cast aside, and new ones, ardently advocated, are being subjected to rigorous tests. Of current wage doctrines the "marginal productivity" and "bargain" theories command hearty assent.

The advocates of the "bargain" theory of wages regard the wage question as a price problem, the solution of which is to be found in the relation between the supply of labor and the demand for it. While the supply of labor is fixed roughly

[1] Abstract of address at the Annual Meeting, December 4, 1914.
[2] Dartmouth College.

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by the standard of life, this force operates slowly, and in some instances it may happen that the lower limit to wages is the bare subsistence of the workers. On the side of demand there is an upper limit to the wages of any group, fixed by the value of the laborer's contribution to the product. Between these limits wages will fluctuate according to the relative bargaining power of employers and employed.

The proponents of the marginal productivity theory maintain that the laborer obtains as wages approximately the value of what he adds to the product of the group to which he belongs. But under the universal law of diminishing returns the greater the number doing the same kind of work that he does, in comparison with the other factors of production in the same group, the smaller will be his contribution to the product, and, therefore, the lower his wages; and *vice versa*, the fewer doing his kind of work the greater his imputed product and the higher his wages. Whatever tends, then, to reduce the number of laborers in proportion to land and capital tends to increase wages. A rising standard of living tends to raise wages indirectly by entailing a lower birth rate and in time fewer laborers. Trade schools, instrumental in augmenting the numbers of skilled laborers, tend to lower wages in the skilled trades and to raise the pay of unskilled laborers whose ranks are at the same time somewhat reduced. Increased efficiency of labor, provided the efficiency of the other factors in production do not increase in proportion, is tantamount to increased numbers and for any given group is favorable to reduced *piece* wages.

Professor Taussig, of Harvard, maintains plausibly that wages are fixed, not by the marginal product but by the discounted value of that product, making the rate of interest one of the fundamental determinants of wages.

Points of difference in these current theories are as much apparent as real and careful analysis would go far towards bringing them into harmony.

Discussion

WILFRED LEWIS: At the last meeting when the question was raised as to how a proper basis for wages could be established, I said that the basic wage depended primarily, in my opinion, upon the production of gold which is the standard by which all other values are measured. By this I mean that the average amount of common labor expended for a dollar will not be diverted to the mining of gold unless it can realize thereby at least 25.8 grains of gold. Nor will a gold miner seek other employment if the labor which yields him 25.8 grains of gold does not pay him a dollar for the same effort in some other direction. What a day's labor may be worth, depends, therefore, upon how much gold it can recover from the earth in mining, and this naturally depends upon the number of hours per day that can be utilized to advantage. Organization and capital will, of course, affect the total output in mining the same as in any other industry, but gold mining is the only industry in which the product is money itself and labor's share of that product necessarily fixes the basic wage. When gold is plentiful, wages are high and when gold is scarce they necessarily shrink with it, because the gold produced in a given time is all there is to divide among the workers for the time spent in its production. In other industries labor may have more or less than its share of the products of labor but in the mining of gold it cannot realize more than this without checking or stopping production, and when this occurs the value of the dollar standard appreciates until the same reward commands more labor, and stimulates again the mining of gold. In prosperous times it is possible that labor does not receive its full share of the things produced, but in times like these, I believe labor is generally overpaid. It is the chief item of expense in all manufacturing and when we see a thousand to fifteen hundred failures every month aggregating twenty to thirty million dollars, it is perfectly clear that most of these manufacturers have paid out more in wages than they were able to recover in the sale of their products.

D. M. BATES: As I understand it, it has been a matter of collective bargaining in all instances. Suppose Mr. Lauer's firm has taken a contract to lay twice the usual number of bricks a day, and that by collective bargaining the price had been fixed where they were coming out at a loss. Suppose that happened all over the country. The result would be great hesitation at going into any such contracts. Engineers when asked to bid on such buildings would increase their bids and brick buildings would figure out very unattractive for factories and business blocks, and then skilled bricklayers, thrown out of employment, might be glad to get back at a reasonable price. Is it not time that there is always a compensating factor in human life working in accordance with some such law?

PROF. EDWARD ROBINSON: Prof. Phillips in his discussion of wages used bushels as his unit instead of dollars. The real wage is what the worker is able to get in goods, commodities or other material things for his labor. The speaker had occasion some time ago to look up the matter of wages, hours of labor and prices of commodities in the United States from 1840 to 1900.

Taking the United States census figures for each decade and reducing the figures to the amount of commodities that the average working man received for one hour of labor at each decade, we find that the real wage has continually increased so that in 1900 the worker was getting about three times as much goods for an hour's labor as he was getting in 1840. This is a fact of tremendous significance and is wholly independent of any theory of wages.

What has caused this tremendous increase in real wages in this sixty years? It is very easy to see that the great improvement in machinery, the development of factory organization, the improvement of railroads, etc., has made it possible for each worker to produce several times as much product as he did before. This extra product is divided between labor and capital. Each as a rule gets its fair share. The labor union which stands for the principle of collective bargaining comes in to see to it that labor does get its fair share.

When one labor union is able to raise its wages to a point in excess of its real value it does so at the expense of other workers who have weaker unions. It is impossible for labor as a whole to get more than it produces.

Scientific Management is of the nature of an improvement in the arts and as such makes it possible for labor to produce more and therefore to receive more wages, as the only way in which it is possible for labor to receive more is to produce more.

H. K. HATHAWAY: It seems to me that a discussion of how a basic wage shall be determined in each branch of industry is almost futile at this day. Arguing and theorizing as to whether rates of pay shall be determined as a result of bargaining, the law of supply and demand, or whether there may be found at some future time a more scientific method of determining what should constitute a proper recompense for a day's work in the thousands of different branches of

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R. G. V.
A. P. M.
J. J. D.

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The Plimpton Press agrees wit the Boston Typographical Union No. 13 to the following four articles.

.....

ARTICLE I.

This agreement shall be operative from June 4, 1914. Beginning June 11, 1914, the Plimpton Press agrees to pay all Journey men printers in their employ the wages set forth in the attached scale of wages of Boston Typographical Union No. 13. Provided that if at any time during the term of this agreement Boston Typographical Union No. 13 makes effective a new scale of wages, by agreement with the Boston Typothetae, then the Plimpton Press agrees to substitute for the attached scale the new scale and to make said scale effective in its composing room as per agreement.

ARTICLE II.

The Plimpton Press agrees that there will be no objection on their part to present employees becoming members of Boston Typographical Union No. 13.

ARTICLE III

The Plimpton Press agrees that employment by them shall not, with their approval, be considered encouragement for members of above-named union to neglect or refuse to meet their obligations to Boston Typographical Union No. 13.

ARTICLE IV.

If at this time conditions in the composing room of the Plimpton Press do not conform with the conditions set forth in the attached scale, then it is agreed that conformity shall be brought about at as early a date as is practicable, to the end that the spirit in which this agreement is made may apply to the contracting union, the Plimpton Press and their present employees.

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ORDER OF RAILWAY CONDUCTORS OF AMERICA
Cedar Rapids, Iowa, May 26, 1916.

W. S. Stone,
G. C. E., B. L. E.,
Cleveland, Ohio.

W. G. Lee,
President, B.R.T.,
Cleveland, Ohio.

W. S. Carter,
President, B.L.F.& E.,
Peoria, Ill.

Sirs and Brothers:

The Thirty-fifth Session of our Grand Division closed yesterday and we took action on the following matters of common interest:

We adopted without any change whatever the joint national legislative arrangement. We adopted the same for Canada with resolution attached authorizing the President to make such changes therein as would make it fit Canada conditions. The rulings of the President in regard to matters before the Canadian Railway Commission being considered as a part of, and being handled by, the Protective Department of the Organization were unanimously approved by the Grand Division.

Our Law governing Associations was amended so that in the future strike votes in Associations will be counted with the Association as the unit instead of a line of railroad being the unit, so that if two thirds of the members in an Association vote in favor of a strike, all of the lines will be counted as having voted in favor, even though on some individual property less than 66 2-3 per cent may have voted in favor thereof. We also provided that when three-fourths of the membership in Association territory had voluntarily become members of the Association, all other lines within that territory should automatically become members of the Association also. To meet the conditions where a company refused to be represented by Conference Committee of Managers the President was empowered to exclude the committee for such line from participation in negotiations, or from being a party to the collective settlement.

A committee of five members was appointed to confer with a like committee of the Brotherhood of Railroad Trainmen to draw a joint working agreement, if possible, between the two Organizations for future government, the five being composed of two Grand officers, one of whom is the president and three lay members appointed by the President.

These I believe to be the only matters of inter-relational interest that were enacted by our body; but if, after the records arrive, it develops that there were other points, you will be further advised upon the subject.

Yours fraternally,
A. B. GARRETSON,
President.

C O P Y.

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C 10695
178.3.6

TO THE RAILROAD WORKERS OF AMERICA

The Railroad Brotherhoods, wherever organized, are beginning to realize that all the orders must work together in their struggle with the railroads in efforts to gain shorter hours, higher wages and better working conditions. And further, to counteract the degrading effects of abused power of corporate wealth and the demoralization resulting from installation of labor-saving machinery, such as larger locomotives.

The members of said organizations realize that thousands of the best and bravest union men are today out of employment, for the very reason that the craft form of labor organization has failed to protect its members, throught not keeping abreast of industrial progress. Although the evils arising from the use of larger power has been manifest and increasing for many years, no effective steps have been depended upon these same crafts for livlihood.

The representative committees of these crafts, the General and Joint Boards of Adjustment, the Grand Lodge Officers and Conventions, have been stunned and bewildered at the effects arising from INDUSTRIAL EVOLUTION. And in the very face of still larger locomotives, with yet more labor-displacing machinery and militant-steps- more disemployment, these bodies remain awe-striken and helpless. They are fearful of taking the first militant steps of free men defending their means of livelihood, indisposed or afraid to estimate our Brotherhoods at their true value as fighting impliments in honorable warfare, indisposed to join with those bodies which can be commanded as allies, afraid to declare that no form of labor-displaeing machinery or industrial development shall ever be allowed to deprive willing and skilled workers from a job and thereby of opportunity to maintain a home, unable to raise the glorious banner of unionism, with its transcendent inscriptipn: - INDUSTRIAL PROGRESS SHALL BECOME A BLESSING INSTEAD OF A CURSE TO MANKIND.

We should therefore, in every meeting where all crafts assemble, extend out most cordial and heartfelt appreciation to our several crafts for whatever measure of blessing we now enjoy, and we urge our Brothers not to despair. That from this time on we must renew with increased energy and resolute purpose the warfare against capitalistic greed. That this struggle must be continued with increased confidence, rigor and determination, with steadfast resolve to win more things in the future than have been won in the past.

We, the members of these segeral organizations, will always pledge our continued support to our committees in every effort they may make in bringing our several orders together into one fighting unit. And we should demand that soon as this can be effected, we should turn all our power toward acquiring the eight hour 80 mile day in road service, four hour 70 mile day in passenger service, an eight hour day in switching service, with universal double time for all overtime and no reduction in rates.

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Our members, wherever located, should arrange at once for the calling of meetings of all railroad employees who are members of craft unions, for the purpose of allowing all to consult together freely and discuss the formation of that most powerful of labor unions, THE INDUSTRIAL LABOR UNION.

In order that this form of labor organization may come into being with the least possible friction, we should preserve our several orders as we have them at present, but at once weld them into one fighting unit, as a means for recovering lost opportunities, carrying out our future program, to stimulate the study of labor problems and to insure a brighter future. A moment's reflection will demonstrate to ever the thoughtless, that only in this manner can the forces of labor be united and directed to better advantage in the future than in the past.

In forwarding our program for better conditions and shorter hours, we should iggore the pleas of the illegitimate holders of stolen plunder, and recognize that all who urge these pleas are advising us to betray our own interests and forget our rights. And because of our overwhelming numbers they are alos the enemy of civiliaation. After what we have seen of labor's disemployment, it should teach us to always cling close to our own interests. Should the railroads threaten receivership we can say with truth that we would as willing take our chances with a plunder-owned government as with the plunderers themselves.

In the face of these unsolved problems, therefore, let us devote every effort to extending these meetings into every terminal on this system, then to other railroad systems, and with all possible speed, to the end that employment may be restored, justice done to all, and a bloody revolution averted.

RAILROAD WORKERS EDUCATIONAL LEAGUE.

Approved this date by Joint System Meeting of B. of L. E. and B. of L. F. & E.

(Seal)

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BUREAU OF INFORMATION OF THE EASTERN RAILWAYS
NEW YORK

FORM A.
CO-OPERATIVE AGREEMENT
(Amended December 9, 1915)
---o---

For the purpose of maintaining the benefits of the rates, rules and regulations now in effect, and for the purpose of improving the same as conditions may warrant, we, the members of the B.L.E., B.L.F.&E., O.R.C. and B.R.T., on the .....Railway, through our duly authorized committees, do hereby agree to co-operate under the following rules:

Article 1. The right to make and interpret contracts, rules, rates and working agreements for the different branches of the train service shall be vested in the authorized General Committees of such Organizations.

Article 2. The Co-operative Board will consist of the different General Committees, parties to the agreement, in accordance with the laws of their respective organizations.

(This means that where the laws of an organization require the entire General Committee to be convened and to exhaust their efforts before issuing call for an officer, that method will be followed by that organization. Where the laws of another organization do not require that method of procedure, such portion of the General Committee as meets the requirements of the law of that organization will be all that is necessary, but in any case when the conduct of a grievance reaches a stage where the presence of the entire Committee is required under the laws of any of the organizations, that law must be complied with.)

Article 3. Any organization, party to this agreement, desiring to enlist the aid of the Co-operative Board on any grievance, shall through its General Chairman, mail to the Chairmen of the other organizations, party to the agreement, a complete statement of the case, requesting a meeting of the Co-operative Board for the purpose of considering that grievance. On receipt of such statement, the Chairman of the other organizations addressed shall, in conjunction with other chairmen interested, arrange a date for meeting the others at the time and place which shall be agreed upon.

The General Committees representing the organizations, party to this agreement, shall, if they have cases to present, meet separately, each compiling its own matters for adjustment in accordance with its Constitution and By-Laws, after which the said General Committees shall meet jointly, the request of each organization, presented over the signatures of its General Chairman and Secretary, be explained and, if approved by the Joint Co-operative Committee, they shall be presented for adjustment by the Co-operative Board, except such matters as are now being handled, or shall be handled by the different associations.

Article 4. After said matters have been submitted to the management by the Co-operative Board, no party to this agreement shall have the power to settle or adjust with the management without the written consent of all other parties to this agreement, except that should the matter reach an issue in the failure of any organization to sustain the action of the Co-operative

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Board by a strike vote, said organization may withdraw from this agreement. Provided that when a majority of the organizations party to the co-operation desire to accept settlement, they shall be privileged to do so, and any organization not satisfied with the action taken by a majority of a co-operative Board will be privileged to proceed as if co-operation did not exist, and will not be considered as having withdrawn from the Plan of Co-operation by so doing, although a strike ensues; the foregoing not to conflict with Article 13.

Article 5. Should the Co-operative Board fail to adjust matters satisfactorily, the Chief Executives of the organizations, party to this agreement, may be appealed to, provided the laws of each organization, party to this agreement, in regard to the calling of officers have been conformed to.

Article 6. Each organization represented on the Co-operative Board shall have an equal vote (regardless of number of members representing various organizations) on any and all questions coming under its jurisdiction. In case of absence or vacancy on the said Co-operative Board, such vacancy may be filled in accordance with the laws of the organization affected.

Article 7. In handling violations of regulations (working agreements) before the local officials, the local committees, or chairmen of same, of each organization, party to this agreement, may co-operate in the same manner as outlined for the general committees.

Violations of regulations not adjusted satisfactorily by local committees, or chairmen of same, may then be taken up by the Co-operative Board of the General Committees after having been passed upon by the Division or Lodge of the aggrieved organization, in accordance with its laws.

Article 8. The officers of the Co-operative Board shall consist of a Chairman, a Vice-Chairman and Secretary, the same to be elected at each session of the Co-operative Board, and to hold office for the session for which elected and until the next session is convened.

The duties of the presiding officer shall be parliamentary only, the grievances of each organization being handled before the officials of the company by the respective General Chairmen of the aggrieved organizations.

Article 9. The expenses incurred in the settlement of any complaint (or in case of strike) shall be paid by each organization in accordance with the provisions of its Constitution and By-Laws.

Article 10. Nothing contained in this Co-operative Agreement shall controvert the laws of the organization, party to the agreement.

This agreement shall not become effective until a two-thirds majority of the members of each of the organizations, party thereto, have voted in favor thereof and it has received the approving signatures of the Chief Executives of said organizations and a copy has been filed in the office of each Chief Executive.

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Article 11. Any organization, party to the Co-operation, failing to comply with the rules and regulations contained herein shall not receive any support or recognition from any organization embraced in this Co-operation on the system upon which the violation occurs, but no organization will be deprived of the benefits of this Co-operation by reason of the acts of its representatives or its individual members until such time as it has approved of the action by failure to discipline the parties at fault, and then only after a proper trial and conviction by a two-thirds vote of the Co-operative Board, subject to an appeal to the Chief Executives of the organizations parties hereto. An organization on trial shall have no vote in the Co-operative Board during its own trial.

Article 12. If a Co-operation is formed on any system which does not include all the organizations named herein, the others shall be eligible to membership and may file application for such membership with the Secretary of the Co-operative Board. The Chairman of each organization, party to the Co-operation, will submit the question of acceptance to his associates in each General Committee and upon receipt of the result of their vote will notify the Secretary of the Co-operative Board of the result thereof, and if a majority of the organizations, party to the Co-operation, vote in favor of the admission of the organization, the Secretary of the Co-operative Board shall furnish notice of that fact to the Executives of all the organizations interested, and the admission shall be effective when properly signed "Forms B" as herein printed have been received and approved by all Chief Executives who have previously signed "Form A".

Article 13. An organization on any system may withdraw from the Co-operation for that system hereunder by submitting such proposition to the membership of that organization on the system, and if a majority of the members vote in favor of withdrawal, the General Chairman and Secretary of that organization shall notify in writing, the Chairman and Secretary of the Co-operative Board for that system and the Chief Executive of the organization withdrawing. The withdrawal shall be effective fifteen days from the date of notice to the officers of the Co-operative Board.

Article 14. Should any organization, or organizations, be conducting a wage movement through any of the associations recognized by any or all of the organizations, parties hereto, and on a portion of the lines involved co-operation may be in force and effect, such organization, or organizations, may proceed under the laws governing said organization, or organizations, without invoking the aid of those with whom they are co-operating without being considered to have violated any of the provisions of this Co-operative Agreement.

Article 15. It is understood that, in order to avoid jurisdictional disputes, but one organization claiming to represent the same class of service shall be admitted to this Co-operation.

Article 16. All co-operative agreements hereafter entered into shall conform to the provisions herein contained.

These Articles may be revised, altered or amended as provided in Section 12 of the Plan of System Federation.

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The foregoing plan is in accordance with Article 11 of the Cedar Rapids Plan of System Federation as revised June 17, 1914, but it is to be understood that after July 1, 1915, both federation and co-operation cannot remain in effect on the same property. It was evidently the impression on a number of properties that both co-operation and federation could be in force and effect , the Federation only embracing a portion of the organizations in most instances that were party to the Co-operative Plan, while in one or two instances exactly the same organizations were embraced in both. Where both are in effect, the General Committees will submit to the Divisions and Lodges entitled to representation in the General Committees for the line the question of which form of associated action (Federation or Co-operation) the men on the property prefer and the vote of a majority (in each organization) of such Divisions or Lodges will decide, and when the choice has been made and notification furnished to the Chief Executives as to the result, the existence of the other form of joint action will be terminated by joint notice from the Executives.

The attention of all concerned is drawn to the fact that the Executives of the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen and Enginemen are necessarily compelled by the terms of the Chicago Joint Agreement between those two organizations to hold that neither of those organizations can become party to the Co-operation unless the other is also a party thereto.

Proposition for co-operation on the .....has been submitted to a vote of the members of our respective organizations employed thereon and two-thirds of the members of each organization whose representatives sign this agreement have voted for co-operation for the system, said co-operation to include the B. of L.E., B. of L.F.&E., O.R.C. and B.R.T.

Signed this .....day of .....191....

For the B. of L.E..... Approved.....191....
Chairman

.....
Secretary

.....
Grand Chief Engineer

For the B.L.F.&E..... Approved.....191....
Chairman

.....
Secretary

.....
President

For the O.R.C..... Approved.....191....
Chairman

.....
Secretary

.....
President

For the B. of R.T..... Approved.....191....
Chairman

.....
Secretary

.....
President

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C O - O P E R A T I V E A G R E E M E N T
(FORM B)

THIS FORM TO BE USED BY OTHER ORGANIZATIONS WHO DESIRE TO CO-OPERATE WITH THE TRAIN ORGANIZATIONS.

Proposition for co-operation with the B.of L.E., B.L.F.&E., O.R.C. and B.R.T., (cross out those not included) on the ....in accordance with the preceding Co-operative Agreement now in effect between the General Committees of those organizations, has been submitted to a vote of the members of the .....employed thereon and two-thirds of the members have voted for co-operation with the organizations above referred to.

Signed this.....day of.....191.....

For the B. of L.E..... Approved.....191....
Chairman
.....
Secretary
.....
Grand Chief Engineer.

For the B.of L.F.&E..... Approved.....191....
Chairman
.....
Secretary
.....
President

For the O.R.C..... Approved.....191....
Chairman
.....
Secretary
.....
President

For the B. of R.T..... Approved.....191....
Chairman
.....
Secretary
.....
President.

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178.2.15

WEST VIRGINIA-NEW RIVER DISTRICT.

WAGE AGREEMENT April 1, 1915 to April 1, 1919

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MEMORANDUM OF AGREEMENT.

Between the Coal Operators and Miners of the New River and Winding Gulf Fields of West Virginia, including all Mines covered by Present Agreement.

1st. It is agreed that negotiations for a new contract shall commence 60 days prior to the expiration of this contract. It is further agreed that should an agreement not be reached prior to the expiration of this contract that the miners shall continue to work for 30 days thereafter, provided negotiations for a settlement are pending, and the new contract shall be retroactive to the date of expiration of this contract.

2nd. Any grievance arising under this contract shall be submitted for adjustment by the party or parties aggrieved; first to the mine foreman, and upon failure to agree, to the mine superintendent and general manager in turn.

In case of a continued disagreement the matter in dispute shall be submitted for adjudication to two permanent commissioners, one to be chosen by the miners, the other by the operators, and upon their failure to agree the case shall be submitted to a permanent umpire chosen by the persons whose names are attached to this agreement, whose decision shall be final.

All questions referred to the above named board for final settlement must be passed upon and decision rendered within 10 days from the time that case is given into their hands, and if final decision is not rendered within 10 days from date it is submitted to the board, the aggrieved party shall, provided decision is rendered in his favor, receive compensation at his regular rate for all time beyond 10 days from the date the case was submitted to the board.

3rd. There shall be no discrimination against any one on account of belonging to a union, or against any one on account of not belonging to a union.

4th. All labor shall be paid semi-monthly, for which itemized statements shall be made. Semi-monthly means that miners shall be paid twice a month, pay days to be determined locally.

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5th. Nine hours shall constitute a day's work. A nine hour day means nine hours' work at the face, exclusive of noon time, six days a week, or 54 hours a week, provided the operators desire to work the mines, and no local ruling shall in any way affect this rule or impose conditions affecting the same, and all classes of regular inside day labor shall be paid for the number of hours, or fraction thereof, actually worked, at the hour-rate, based on one-ninth of the scale rate per day, except that when the men go into the mines to work in the morning they shall be entitled to two hours'pay, whether the mine works two hours or not.

If,for any reason, the regular routine work cannot be furnished inside day labor for any portion of the first two hours, the Operator may arrange other than regular labor for the unexpired time.

6th. Checkweighmen, or checkmeasures to be selected from employes at the mines, may be placed on tipples, at the expense of the miners, and their duties shall be those prescribed by the laws of the State of West Virginia. No checkweighman shall be placed on any tipple except where same is desired by a majority vote of the miners working in said mine, said vote to be taken by secret ballot.

7th. Employes shall have the right to trade where they please, and no coercion will be permitted to influence their trade.

8th. The Operator, his superintendent, or his mine foreman shall be respected in the management of the mines and the direction of his working force. The authority to hire and discharge shall be vested in the mine superintendent or mine foreman, and nothing in this agreement shall be construed to bridge the rights of the employer in either of these respects, and no case of discharge shall be taken before the commission except those coming under the provision of this contract.

9th. The miners shall be required to load their coal in every instance free from all impurities. In case any slate, bone, sulphur or other impurities are sent out by the miner, it shall be the duty of the trimmer of the car to call the attention of the weighmen to the same so as to make the proper deduction from the miner.

In cases where the coal is weighed deduction shall be not less than 250 pounds, nor more than 500 pounds, where it is paid for by the car, the same deductive proportion shall prevail. For the second offense

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the miner may be suspended for one working day or fined $1. For the third and each subsequent offense in any one calendar month he may be suspended, discharged or fined two dollars and fifty cents at the option of the superintendent.

In malicious and aggravated cases the Superintendent shall have the right to suspend or discharge for the first or any subsequent offences.

Any miner abusing or seeking to embarrass the trimmer for performing his duties shall be fined three dollars, or be discharged at the option of the Superintendent. It is understood that if the checkweighman leaves his post of duty to investigate any impurities thrown out, or for any other purpose, the running of the coal over the tipple shall not be suspended on account of his absence.

The proceeds of all fines arising under Section 9 shall be paid into the hospital or burial fund. Under no circumstances shall the fines be remitted or refunded.

10th. The scale of prices agreed upon for mining shall include the work required to mine, shoot, load the coal and properly timber the working places in the mines, and the operator shall be required to furnish in accordance with the mining law, the necessary props and timber to properly timber the working places.

All mining, drilling, shooting, posting and other work performed by the miners must be done in a practical and workmanlike manner, and in accordance with the State mining laws of West Virginia.

If a miner shall fail to properly timber and care for his working place, and such failure shall entail falls of slate, rock and the like, or if by any improper or reckless shooting of coal in rooms or entries, the mine props or other timbers shall be disturbed, and consequent falls result, the miner whose fault causes such damage shall repair the damage without any compensation, andif such miner fails to repair such damage it shall be considered a dischargeable offense, and may be dealt with at the discretion of the Superintendent.

11th. Should any employe, without first having obtained the consent of the mine foreman, absent himself from his work for two continuous days, or should an employe, unless due to sickness persist in working irregularly, it shall be construed as sufficient cause for discharge.

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12th. All classes of day laborers are to work full nine hours. Going to and from their respective work places shall be done on their own time. All day men shall perform whatever day labor their foreman may direct.

A nine hour day means nine hours work in the mine at the usual working places, exclusive of noon-time, for all classes of inside day labor. This shall be exclusive of time required in reaching said working place in the morning and departing from the same at night.

Drivers shall take their mules to and from the stables and the time required is so doing shall not be included in any part of the day's labor, their time beginning when they reach the change where they receiv empty cars and ending at the same place. The prevailing customs relative to harnessing and unharnessing shall continue.

13th. Under no circumstances shall the operator recognize or treat with any miners, or representatives of miners during a suspension of work in violation of this contract.

14th. It is agreed that the price now paid for pick and machine mining shall remain unchanged during the life of this contract, except that should a general increase be paid in the central competitive field, viz.: Illinois, Indiana, Ohio and Western Pennsylvania, then, and in that event, the operators shall voluntarily pay a corresponding per cent of increase for pick and machine mining, and for all classes of day labor, both inside and outside of the mine.

For all inside day labor the following schedule shall be used as a minimum, except that all employes now being paid more for the work included herein shall not be reduced while engaged in their recent capacity.

Inside Day Labor	per day
Water Haulers, machine haulers and drivers of 1 mule	$2.05
Drivers of two mules	2.16
Motor and machine runners	2.55
Track Layers	2.43
Track Layers helpers	2.00
Slate shooters	2.28
Couplers	1.18
Greasers	1.08
Trappers	1.00
All other inside day labor	2.00

15th. During any strike or suspension it is hereby understood that all men on all kinds of outside work, together with all kinds of work inside the mines, which is not producing coal, must continue at work; ar it is further agreed that such miners as are necessary are to be per-

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#5.

mitted to mine coal for boilers and domestic consumption on the property, but this is not to be contrued to mean to mine coal for shipment.

16th. The miners shall have the right to hold lawful meetings on the operator's property, with or without their representatives. Such meetings, however, shall only be held at the regularly designated place, mutually agreed upon by the miners, or their representatives, and the Management of the mine. Such meetings shall not be held during regular working hours, except when miners are idle.

17th. This contract shall become effective April 1, 1915, and terminate April 1, 1919.

This agreement signed on the part of the

Operators by

John Laing,
E. E. White,
G. H. Caperton,
S. A. Scott,
H. M. Bertolet.

Miners by

Thomas Haggerty,
L. C. Rogers,
J. C. Hurt,
G. R. Blizzard,
N. O. Skaggs,
J. R. Mills,
Tonsy Sisalli,
Edward Whitney,
G. W. Lavender,
John Stepto,
Joseph Vasey.

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C 10703

(Copy)

The interview, which with some hesitation I gave to a representative of the press, in reference to the issues involved in the lamentable strife, now existing in the anthracite coal regions, seems to have effected the objected I had in view in stating what I conceived to be the true significance of the movement made by the United Mine Workers in declaring and continuing the strike.

From the numerous letters however, which I have received and to which I am not able to make an individual reply, and from the editorial notices and communications in reference to the interview which have appeared in influential journals, I infer that my views have been misunderstood and therefore ought to be more clearly defined. I observe that there is a tendency on the part of many of the writers to regard me as the champion of the coal operators and as the adversary of the striking miners. No greater mistake than this could be made. What I intended to do was to set forth as clearly as possible the position occupied by the contending parties, and to show that the real issue was not the question of wages or of hours, but of the preservation of civil liberty and of republican institutions. Any apparent defense of the position of the operators was due to the fact that their position and contention necessarily placed them in opposition to the demand of an outside organization, representing antagonistic interests in the bituminous coal fields, to determine the conditions upon which the mines in the anthracite region should be operated, involving the gravest political question as to the right of society to a free labor market. To my mind, in the last analysis, the question is thus made a political one in the proper sense of that term and therefore of the deepest interest to every good citizen.

I observe that Mr. Mitchell seems to think that my reference to the political consequences of the movement, of which he is the head, was made in jest, and he denies that the main object of the strike is to secure the recognition of the organization. This statement is not in accordance with the discussion which I had with him. Before the strike order was issued, he stated that the question of wages and hours could be readily arranged, provided the operators would receive him and his associates as representing the United Mine Workers Association. He declared that they were determined to secure this recognition, because they regarded it as essential in the discussion of questions affecting the interests of capital and labor. I pointed out to Mr. Mitchell that so far as I knew the operators did not object to the formation of unions in the several localities, but they did object to discriminating against non union men, and that if the issue for forced it would necessarily be a fight to the death, because it involved the right to labor, which no man can surrender for himself or for others without being a traitor to his manhood. While Mr. Mitchell did not yield his view, he left me with the impression that he would use what influence he had to avoid the strike during the present year and I wish to do him the justice to say that in the Hazelton Convention he appears to have acted upon this conclusion. He was overruled by the younger and more boisterous element in the Convention, who were undoubtedly in the minority if a fair expression could have been had, free from the excitement of the occasion. I am confident that a great majority of the strikers were opposed to forcing the issue at this time, and I am sure that the older members of

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the Union would gladly return to work if they could see any way in which to avoid the reproaches and the obloquy which would follow such action.

Mr. Mitchell has however removed all doubt as to his position and the policy which he is pursuing with great earnestness in consolidating the forces of labor. In his address on Labor Day at Washington Park in Philadelphia he concludes with the following statement:

"I stand for the solidarity of the trades union movement. I hope to see the time when no man who earns his bread by the sweat of his brow will be outside the ranks of his trade union. I look forward to the time when the workers of our country will take possession of their own."

These words leave no doubt as to the truth of my statement that the strike organized in the coal region had for its ultimate object the recognition of the Miners Union as a national organization with power sufficient to enforce its wishes by declaring if necessary a general strike in all the coal mines, thus bringing capital to terms by paralyzing its operations.

The same question was involved in the Steel Workers strike last year under Shafer. If he had succeeded the present strike would never have taken place because the battle of recognition for federated labor would already have been won. The Miners Union had only to effect the solidarity with the Steel Workers Union, as indicated by Mr. Mitchell, to have become the controlling power in the industries of the country. With this power vested in a few men the step towards political action would not only have been easy but unavoidable. In England, where the trades union movement is older and better organized, the President of the congress now sitting in London has announced that the time has come when the trades unions must gain their ends through political action. It is easy to see how in this country a combination between the miners and the steel workers and the railroad labor organizations, the Government of the United States will pass under their control and be administered by men who, however earnest and able they may be in their several departments of business, have had no training in the arts of government and no adequate knowledge of statesmanship. It does not require much consideration to see that when this happens the whole structure of the Government will be changed, and its powers and duties will be transferred to a class who are under no legal responsibilities to the public, and whose leaders are a law unto themselves. The world has not been without examples of the danger of such a transfer of power. It occurred in the French Revolution and will occur again whenever the responsibilities of government are transferred from those who are trained to its administration into the hands of men, not versed in constitutional law. I wish that every American citizen could read the second volume of Taine's History of the French Revolution, entitled "Democracy". I am sure that the workmen of this country would recoil with horror from the consequences of taking upon themselves the duties and responsibilities of the government of eighty millions of people, even for the brief period involved in a single administration.

I know that I shall be severely criticised as an alarmist but Mr. Mitchell gives me the credit of sincerity. In this he is not mistaken. The danger and the consequences of a transfer of governmental functions from the regular channels created by the opposing political parties, controlled by men who as a rule are under oath, and who are familiar with the fundamental principles of political organization, to a class who are responsible to no tribunals and who are governed by no traditions and who are under the guidance of men who hold no commissions from the public, cannot be contemplated without the most serious

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apprehension.

This is the basis of thought which I desire to bring to public attention. I hope I have succeeded in this aim. At the same time I recognize that the strife between capital and labor must be adjusted upon principles of equity and justice. I feel that the time has arrived when strikes should no longer be allowed to occur. The damage not merely to the contending parties but to the public at large is so vast that society must protect itself at all costs and hazards from the consequences of warfare conducted by men on both sides, responsible not to the public and not even in close touch with the parties whom they represent. There cannot be a doubt that the innumerable army of stock and bondholders in the coal companies are anxious that the officers whom they employ to care for their interests should come to a speedy settlement of their difficulties with the miners. On the other hand there is no doubt that the miners themselves who are suffering the consequences of loss of work would gladly resume their places if it could be done without fear of personal injury and ostracism. Moreover the great public who are deprived of fuel, and whose losses can only be measured by millions, and many of whom have to face bankruptcy, brought upon them by causes to which they have not contributed, feel that the situation is intolerable. All of these several classes will agree that strikes should be made impossible in the future. For this purpose legislation is required. The right to strike as the law now stands, is as inherent in the workman as the right to labor. It cannot be taken away from the workmen without substituting an adequate compensation for giving up this privilege.

For many years I have devoted much time to the study of this question, and in 1890, in my address to the members of the British Iron and Steel Institute, then on a visit to this country, I took occasion to formulate the principles which it seemed to me were applicable to the solution of this, the greatest question of our day and generation. I repeat them here because I think they will be generally regarded as axioms ingrained in the very constitution of human nature, and therefore to be regarded as standards of right and wrong, to which all contentions may be referred.

I. Individual liberty consists in the right of each person to control his own life and to use the products of his labor in his own way, so long as he does not interfere in the equal right of any other person.

II. Individual liberty implies the right of two or more persons to combine together and to use their property as they may see fit, so long as they do not interfere with the equal right of other individuals or combinations of individuals.

III. As population grows there will naturally be interferences between individuals and combinations of individuals, which must be adjusted. Hence the necessity for government and for [illegible] tribunals, whose judgment must be final.

IV. In countries where law expresses the will of the majority, and in which it can be amended as often as the majority desire, there is no justification for resort to private or personal force, in order to rectify wrongs, correct abuses and maintain the rights of men. If the courts of justice have not adequate jurisdiction, it is the duty of the legislature which represents the public will to supply it, and all agitation should be directed to secure such legislation. No man or set of men should be allowed to take the law into their own hands or usurp the functions of the courts of justice or forestall the action of the legislature.

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Bearing these postulates in mind, the following conclusions may be submitted as incontrovertible.

It is the equal right of employers and employes to make combinations among themselves respectively or with each other to advance or reduce wages, or to establish or resist legislation, which either or both may regard as essentially desirable or objectionable.

Neither party has the right to coerce the other party into submission, except through the action of the courts or of tribunals, duly constituted to hear and decide upon courses of action submitted to them by either or both parties.

The right of workmen to refrain from labor and the right of the employer to cease to employ labor are correlative rights, but no one has the right to compel any other workmen to cease from labor, nor has the employer any right to lock out his workmen in order to compel submission to obnoxious rules.

Strikes and lockouts are therefore equally indefensible on the ground of justice and can only be tolerated in the absence of provision for the submission of grievances to the adjudication of competent tribunals.

No man has the right to compel another man to combine with him in any organization, and when a man declines to combine it is a violation of right to refuse to work with him and to deny him the means of earning a living. It is equally wrong for employers to black list men so that others will not give them employment.

A boycott cannot be defended under any circumstances whatever. It is in effect a declaration of private war.

The claim of any body of men that under any circumstances they have the right to stop the operations of business by the issue of an order in the name of associated labor or of associated capital cannot be tolerated.

If these conclusions be admitted, as I think they must be by every student of politics, it is quite evident that the first duty of society is to provide tribunals for the adjudication and settlement of trade disputes. Arbitration is already authorized in England, but it has not met with favor either from employers or employes. Councils of conciliation however have been tried with great success. It may be affirmed that no ordinary trade dispute can occur which such councils, composed of an equal number of employers and employes, are not competent to adjust. It is to be observed that such councils of conciliation have no political power, and avoid the objections which all publicists and students of social science find in the position taken by Mr. Mitchell in favor of the solidarity of trade unions for the purpose of enforcing their decrees. In the present condition of organized capital and organized labor, as well in England as in this country, it would seem to be clear that any attempt to enforce through the courts the decision of the councils of conciliation, or to give the courts jurisdiction in the trade disputes, would not be popular, and therefore is not feasible.

As a conclusion from the above propositions, it seems to me plain that association of labor in the trades unions and of capital is most desirable as affording the machinery for conciliation by local conferences wherever the disputes may arise. Any attempt to settle these disputes by the action of a universal trades council or to control the terms and conditions of labor by such councils must result in failure. It is indeed necessary that there shall be personal contact between those who are interested in the particular dispute in order to understand its merits. To refer such disputes to outsiders from a distance, not familiar with the conditions of the particular industry or of the

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special operation where the difficulty arises, will simply prolong the conflict and lead to an effort to involve by sympathetic strikes other industries to take part in the conflict. What is needed is not centralization of labor interests, but rather a diffusion of the means of settlement through local councils and personal conference of those who are interested in the particular dispute. If the national organizations represented by Mr. Mitchell and others will take their "hands off" and devote the unquestionable abilities of the leaders to the localization of disputes, they can render a service to the public. Any attempt however to monopolize the power to settle disputes everywhere, and in every branch of industry, by a central council is to create a labor trust, more perilous and more pernicious than any aggregation of capital which has yet existed in the world. Time is wanted to follow out this line of thought, but if the labor organization should succeed in creating a solidarity of trade unions, as Mr. Mitchell proposes, it would be followed by the withdrawal of capital from industry, wherever it was possible to make such withdrawal, and by the cessation of productive enterprises it would bring about general ruin and industrial chaos. There are a class of thinkers, honest and earnest, who believe that this is the road to socialism and the solidarity of labor is therefore encouraged in order to bring about the administration of all industries by the state. Another class of thinkers are quite sure that such a result would be followed by the substitution of despotism of rule for the free republican institutions. In other words, "the man on horse-back" would appear, as he always has appeared in periods of insecurity to private property, and the consequent interruption to the work of production, which is necessary for the welfare of mankind. If strikes should thus be rendered unnecessary by the establishment of tribunals for conciliation and voluntary arbitration, and if by this means the recurring warfare between the representatives of capital and the representatives of labor should be converted into friendly intercourse and the peaceful settlement of such differences as may from time to time occur, it may be contended that the result will be the permanent establishmet of castes in the industrial life of the United States. So far as such a condition exists at present, it would not be aggravated by the friendly settlement of trade disputes. Nevertheless the effort of the statesman should be to minimize, and not increase, the distinction between the classes. It is most desirable that those who labor with their hands as well as with their heads should have a direct interest in the profits of industry in addition to the wages and salaries which they may receive. It is from this point of view that the great extension of corporations in our day, involving almost unlimited issues of capital stock, offer the most interesting field of study and discussion. President Roosevelt has in his recent speeches dealt with the question of "trusts" as they are called, with more fullness of thought than any other public man with whose utterances I am familiar. It is quite evident that he recognizes that the trusts have come to stay. They have come to stay because they represent the natural evolution of industry under modern conditions. The President would as far as possible prevent abuses by publicity and by other safeguards which will prevent monopoly without seriously impairing the efficiency of this new factor in the industrial operations of the world. To effect this object a constitutional amendment is suggested, but it seems to me that much can be done without any such amendment even now or in the future. I am at a loss to see how an amendment can be devised giving jurisdiction of corporations to the general government without changing the framework of the Constitution under

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which we are living and have so greatly prospered . The remedy it seems to me is to be sought for in quite a different direction. The labor element of the country should be encouraged by favorable legislation and by the action of the corporations themselves to acquire the ownership of stock in these great and efficient organizations. This has been rendered very easy by the unexpected and certainly singular evolution of the trusts in the issue of what is called"watered stock". As a rule the preferred stock represents the actual capital invested in the trust and te amount common stock represents the good will and possesses the power of control. The latter having generally been issued without any money payment sells in the market at prices dependent upon its earning power. It is open to purchase by the general public and more particularly in some corporations at least, it is made available to the workmen employed without the direct purchase of stock in the open market. In the hands of those who actually operate the establishments, this stock has its market rate after the company has established its position in the business world, is a safe purchase. To the workman it offers not merely the direct inspection of personal ownership, but entitles him to share in the conduct of the business and to ascertain whether it is profitable or not. The solution of the labor question therefore to my mind will come peacefully and advantageously to all concerned, when the workmen in these great establishments shall by their own action become stockholders in the corporations by whom they are employed. I am well aware that the workmen as a rule, although there are many exceptions, are not in a position to make this purchase directly. It is here that the trade unions can render a great service to the industrial classes. By small assessments, such as are now imposed in case of a strike, the fund can be collected which, when invested in capital stock, would enable the trades unions to demand and receive recognition in the boards of direction and in the management of the business of the trusts. The money which has been lost by the miners in the present strike would be sufficient to secure the control of at least one, and probably more, of the coal mining and carrying corporations. It has been a matter of surprise to me that an intelligent man like Mr Mitchell has not seen his opportunity in this direction. If now he would call the strike off and continue to collect assessments from the coal mining industry of the country, as he is now striving to do, and invest it in securing one of the seven parties to what is called the "Coal Combine," he would then be able to meet with the operators upon equal terms and share in their councils and decide upon the policy to be pursued and the prices to be fixed as well for wages as for the coal supply to the consumers.

From this brief statement it will be seen that I regard the creation of trusts as offering to the labor organizations an opportunity to share in the profits of the business and to direct its management. I look forward to the time when the wage earners will secure so large an interest in the industries which give them employment as to make them really the beneficiaries of any profits which may be realized over and above the fair cost of production and will put them in a position of hiring capital in the shape of preferred stock instead of selling labor forwages. Such a transformation of industry however will never dispense with the necessity for ability in the management. Ability will always be paid according to its efficiency and hence the gradations of compensation, the result of hundreds of years experience in the industrial world, will be continued. If a workman of the type, we will say of Mr. Schwab, shall be developed in any branch of industry his ability will be recognized and his compensation will be practically only limited by a fair division of the profits due to his superior management.

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The wages system will, in my judgement, continue to exist. Salaries proportioned to ability will continue to be paid, but the ultimate profits will be distributed among those, as they ought to be, who supply the capital by which ability may be utilized and wages may be paid. The trades unions have come to stay as permanently as the trusts. They have steadily improved in organization, and they are now proving that they can stand continued assessments provided the object shall commend itself to their judgement as it will do when it is discovered that the funds thus collected are invested in profitable undertakings.

When conducted for this object I can see no limit to their usefulness and their influence. When however they are organized for the purpose of taking the control of industry through officers not selected by the owners of the property and they undertake to decide in secret upon the management of vast industrial interests, they must and they ought to fail in their efforts. When they aim at a solidarity which will give them omnipotent power in the industrial world, thispower will in accordance with the history of mankind be soon transferred to the arena of politics. The government will thus pass into their hands and instead of being based upon republican principles will be vested in a class which I say with some reluctance is the least fitted for the exercise of the powers of government.

To sum up the whole matter then my position is simply this. What Mr. Mitchell terms the solidarity of the trade unions would result in the concentration of power, which he declares is to be exercised in order that the workmen may "take possession of their own." Undoubtedly he means by this phrase that they shall control the property upon which they expend their labor. There is no doubt in my mind that such control would result in a diminution of the wages received by the workmen, even though the whole of the profits heretofore paid over to themine owners shall be distributed among the workmen. The oldest company in the Lehigh region is the Lehigh Coal & Navigation Co. It opened the orignial mines in the neighborhood of Mauch Chunk and it constructed the canal by which the coal was transmitted to tide water. It has therefore from the beginning had all the profits incident to the mining of coal and the transportation to market. Its stock has never been watered and has never been issued at any depreciation of the par value. The average rate of dividends, which has been paid during the eighty years of its existence, including of course non dividend years, is 4.02%. The books for the last ten years show that the profit without any charge for royalties on coal mined and sent to market is 11.09 cents per ton. If all the money received by the stockholders had been paid to the miners, it wouldhave amounted to a small fraction over 4% upon the capital required for opening and operating the mines. If the management had been in the hands of the workmen instead of the able and honest men who for nearly three generations have administered it, I think it may be safely affirmed that not only would nothing have been added to the wages, but that, as a matter of fact, the entire dividends, moderate as they have been, wouldhave been wasted under incompetent management.

This is a startling statement, but the Lehigh Coal & Navigation Co. have been more successful than many others in the same field, which is strewn with the wrecks of maladministration and inadequate capital. I do not make this statement in order to benefit the case of the operators, because from my point of view the operators are only entitled to support in this emergency because they happen to represent the principles of civil liberty and of republican government. This government was founded to secure the blessings of liberty and

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the rights of property. Neither can exist without the other. The claim of Mr. Mitchell to pass upon the manner in which coal property shall be managed, and particularly to determine the labor to be employed in the mines, is practically antagonistic to the fundamental principles of our government.

I oppose him and his proposition to consolidate the trade unions into an overpowering force, because it is inevitable that it would be used for the destruction of the Government under which we have prospered until we are the wonder and the envy of the civilized world.

(Signed) Abram S. Hewitt,

Sept.9th, '02.

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BROTHERHOOD OF LOCOMOTIVE ENGINEERS
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
ORDER OF RAILWAY CONDUCTORS
BROTHERHOOD OF RAILROAD TRAINMEN

DUTIES OF MEMBERS AND OFFICERS IN CONDUCT OF STRIKE.

Sirs and Brothers:

In connection with the strike you will observe the following instructions:

DUTIES OF MEMBERS.

1. No man involved in the strike will perform any service after the hour set to strike, unless he has already begun a trip and has actually left the terminal. If the train has left the terminal he will complete the trip and deliver the engine and train at the end of run, or tie-up point if tied up under the law, after which he will perform no further service until the close of the strike. Men in other than road service will leave the service at the appointed time.

So far as your legal right to strike is concerned, there is no difference between a mail train and freight train. You have identically the same right to refuse to perform service on a mail train as you have to refuse to perform service on a freight train.

2. All men on strike will keep away from the company's property, except such men as are designated certain duties to be performed by authority of the organizations.

3. Acts of violence of any nature will not be tolerated by the organizations.

4. The local representatives will arrange for a hall for meeting purposes at all terminals, using one of their own lodge rooms if available. Immediately after strike becomes effective all men will assemble at the hall secured for meeting purposes. When thus assembled an organization will be perfected by the election of a chairman, vice-chairman and secretary.

No person will be permitted to be present in the meeting halls other than those who are on strike, except by permission of the assemblage.

5. The secretary will arrange a roll call (alphabetically) with each organization on a separate sheet. Roll will be called twice daily, morning and afternoon. The names of the non-members will be kept separate on the roll from the names of those who are members of the organizations. All strikers will be required to answer the roll call and also to be in the halls, where halls are provided, during the day at all times, unless excused by committee action or by chairman of the meeting.

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The secretary will also keep a record of the proceedings from day to day.

6. In the conduct of every strike there are numerous irresponsible persons, not members of the organizations, who take occasion to engage in acts of violence and disorderly conduct, and such actions are usually attributed to members of the organizations, and great care should be taken by every member of the organizations to avoid associating with such persons and such conduct should be discouraged so as not to cast reproach upon the cause.

7. Some railroad officials may endeavor to coerce or mislead the men by asserting that men at other points have not quit or that they have returned to work. Such information should be discounted and all strikers should apply to their officers and committeemen for information, and be governed accordingly, and no member of non-union man will return to work until the strike is officially declared off, when all will return to work at the same time without prejudice and with all former rights.

DUTIES OF LOCAL CHAIRMEN.

1. The local chairmen of each organization on each division of railroad will jointly supervise the prosecution of the strike on the territory over which they have jurisdiction.

2. Local chairmen are expected to keep in close touch with the situation and use every honorable effort to further the cause, and will report daily, preferably by night letter, to their respective general chairmen as to the condition of affairs. Wherever it is possible for the four local chairmen to report to the four general chairmen jointly in one communication, it should be done.

3. Expense incurred for telegrams will be borne jointly.

4. When deemed advisable the four local chairmen will agree upon assistant chairmen for their respective organizations to be located at outlying points, and said assistant chairmen will report to their respective local chairmen.

5. Clearly defined cases of disloyalty or inefficiency on the part of any representative of the organizations should be reported to the other organizations and necessary action either as to discipline or safety measures taken at once.

DUTIES OF GENERAL CHAIRMEN.

1. The general chairmen of each railroad involved in the strike will supervise and be responsible for the conduct of the

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strike upon the line of railroad over which he has jurisdiction, and will make reports by night letter to the Grand officer having general supervision over that line of road.

Expense incurred by so doing will be paid in accordance with the laws of the respective organizations.

2. On roads where because of the number of strikers involved it becomes necessary for the general chairman to have assistance, he may designate other officers and members of the general committee or joint board as in his judgment may be necessary to successfully carry on the strike.

3. In the absence of instructions from the Grand officer in charge of the district, the general chairmen will agree between themselves as to the points at which they will be located during the strike, and they will immediately advise the officer in charge of the district and each of their local chairmen where they are located and proper address. The four general chairmen should keep each other advised as far as possible as to their location or movements.

DUTIES OF GRAND OFFICERS.

The Grand officers of the four organizations will be assigned to certain districts and each Grand officer so assigned will have general supervision over the strike in his respective district and over all members on strike and others associated with them in that district.

Grand officers will keep the executives of the four organizations advised of the exact situation in their district.

Fraternally yours,

L. E. Sheppard
Acting President, O. R. C.

W. S. Stone
Grand Chief Engineer, B.of L.E

W. G. Lee
President, B. of R.T.

W. S. Carter,
President, B. of L.F.& E.

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BROTHERHOOD OF LOCOMOTIVE ENGINEERS
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
ORDER OF RAILWAY CONDUCTORS
BROTHERHOOD OF RAILROAD TRAINMEN

March .....10....., 1917.

To all Local Chairmen, Members, and others employed in classes
of service represented by the B. of L.E., B. of L.F.& E.,
O. R. C. and B. R. T. on _____ R. R.

Sirs and Brothers:

This is to advise that the vote of the employes in train and engine service on the eight hour day and time and one-half time for overtime proposition was overwhelmingly in favor of a strike.

Instead of applying the Adamson Eight-Hour Law, the railroads took the matter into court. No one knows when a decision will be rendered, or what the decision will be.

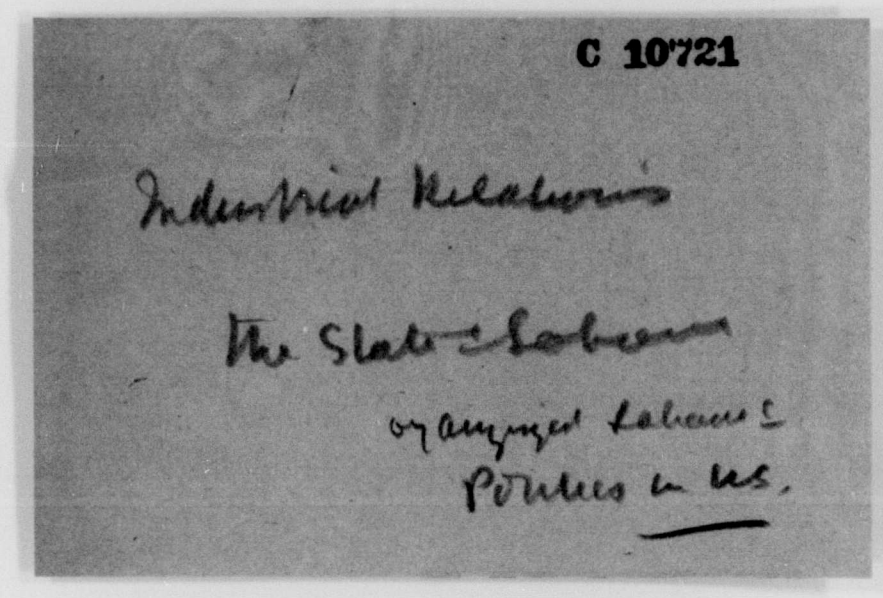
Your representatives have been unable to effect a satisfactory settlement and a strike of the members of the above named organizations and others of our class (except regular road passenger employes) under the laws of the respective organizations becomes effective on ..... at .....

Impart this information, so that those interested will understand that they are to promptly obey.

Fraternally yours,

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THE TREND OF EVENTS.

By J. K. Turner

Since the advent of the present administration at Washington, judging by the various appointments to important positions on commissions, etc., labor organizations dominate the administration; at least, they have the ear of the administration to such an extent that they have become more or less influential and color the actions and activities emanating therefrom.

The significance of this condition lies in the opportunities that labor sees from this influence and the efforts they are making to take advantage of it. The officials of the Federation have made an assessment for the purpose of further strengthening their organizations numerically.

A number of organizers have been added to the various staffs and they are constantly at work. Notwithstanding the fact that there is a marked depreciation in their income, due to unemployment, there is no cessation in their activities.

Illustrative of this fact is the appeal that has been made by Gompers to the leaders of the four brotherhoods asking them to get behind a movement to consolidate the powerful brotherhoods with the Federation, pointing out what the Federation has done in the way of influencing legislation and obtaining controlling power in 26 states.

A similar activity is noticeable among the four brotherhoods. A determined effort is being made to get all of the railroad organizations, five in number, federated for joint action. Garretson, Stone, Lee, Carter and Perham had a meeting in Chicago recently and outlined a plan of federation. The various lodges

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throughout the country are receiving letters from their officials which emphasize the need of stronger co-operation.

The firemen are instructed, by Carter, that when engineers who belong to the firemen's union and who cannot afford to carry both organizations, the B. of L. F. & E. is to encourage them to join the engineers. This is a revolution in the tactics of that organization. All instructions received from Carter insist upon the necessity of a federation of the four brotherhoods.

The same instructions are going out from Lee, of the trainmen, who goes further in his recommendation by stating that the federation of the four brotherhoods is their only salvation. The leaders in Chicago mentioned above, are quoted as saying that when they once get together they will make concerted demands, and will have no difficulty in enforcing them.

The signs of the time indicate a coming struggle. I do not believe anything can be done to prevent it, for a careful analysis of conditions, past and present, in labor circles, indicates a growing feeling of disaffection and dissatisfaction over the conduct of affairs and the results obtained.

The enormous expense entailed by the propaganda of unionism is bearing so heavily upon the rank and file that they are ripe for open rebellion. The leaders see this and recognize the fact that unionism as conducted today is at the point of disintegration. They are not going down without a struggle if they can force one.

The arbitration proceedings at Chicago indicate plainly the inability of these leaders to handle this problem, to say nothing of the lack of wisdom displayed in making demands on a declining labor market, particularly when the pendulum of public

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opinion was beginning to halt on its radical swing and swing towards conservatism.

Never before in the history of organized labor has there been such general condemnation of the tactics and insistent demands of union labor as will be found today in the intelligent and influential press.

Another important factor which enters into this matter at this time, and one which cannot be emphasized too greatly, is that the people have more leisure at their disposal than under normal conditions.

They are complaining of conditions and are anxious to ascertain the reason therefor. Consequently they are searching eagerly for, and reading all reviews and editorials on this subject with more open minds than formerly.

Hence, if the future is to be subserved, and the power and force now dissipated through unionism is to be saved from a socialistic trend, opportunities should be accorded the people of the country to learn the exact status of conditions and facts about affairs and the arrogance of the tactics of the present day propagandists who would build up a special class in this country at the expense of the more thrifty and provident.

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THE NEW YORK STATE FEDERATION OF LABOR.

ORGANIZED 1864.

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR.

Office of EDWARD A. BATES, Secretary-Treasurer.
Room 14, Jones Building.

Utica, N. Y. June 1, 1915.

To the Wage Earners of the State of New York:

A meeting of the Executive Council of the New York State Federation of Labor was held at Albany May 24 and 25, 1915, to prepare a program of amendments expressive of Labor's needs in the State Constitution. With the assistance of many representatives of the Local Unions of the state, and representatives of twentyfive International Unions, including Samuel Gompers, President of the American Federation of Labor and James M. Lynch, Commissioner of Labor, Labor's demands were formulated and presented to the Constitutional Covention through the Industrila Relations Committee of that body by President Gompers. A copy of the program is enclosed for the information of the members of your Union.

The Executive Council of the State Federation of Labor decided to begin a campaign of education among the voters of the State to apprise them of the importance of the work of the Constitutional Convention to the wage earners of the State. This is to be accomplished by means of literature bearing on the subject and placing speakers in the field, and also keeping our legislative committee at the Capitol to watch the proceedings of the Convention. This plan had the unanimous support of the representatives who were in conference with our executive council.

The underlying intent of this is to keep the voters of the State, especially the wage earners, thoroughly informed as to the work of the Constitutional Convention, to the end that when the amendments are submitted to the people at the general election in November wage earners will know how to vote so as to best safeguard the public interest. Incidentally the Federation will give the voters in the one hundred and fifty Assembly Districts of the State the record of their local Assemblyman in the last Legislature.

The State Federation has never entered a more important and far reaching campaign. Your know the work of the present Constitutional Convention, as adopted by the people, will be the fundamental law for the next twenty years. If it be good or bad will depend upon the voters. New ideas give the people more and needed power in government matters. The Constitution was so formed by the Constitutional Convention of 1894 that Labor found it necessary to submit threeamendments to a vote of the people because the courts had declard our laws unconstitutional. These were to eliminate convict contract labor from the State prisons; establishment

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of an eight hour day on public works; the right to establish a compulsory Workmen's Compensation Law. Amendments of this character have to pass two sessions of the Legislature and then secure an affirmative vote of the people. This costs much time and money. If we are on our job this year we can secure a Constitution that will not have to be amended so that Labor may secure the justice it is entitled to.

The work of the last Legislature is still fresh in your minds. You know how diligently it tried to destroy the protective laws which it had taken us more than twenty-five years to place on the statute books at enormous sacrifice of money and time. We have opportunity to write into the State Constitution provisions which will for all time safeguard the interests of the people of this State. All that is necessary is to press our propositions now. In this the New York State Federation of Labor will seek to guide. This can be accomplished, however, only by hard work on the part of the officers of the Federation and money furnished by the Unions of the State. The Council and the conference decided it would be necessary to raise $5,000 by contributions by the Unions. This will be an easy sum to raise if the twenty-six hundred unions of the State, to whom this letter is addressed, will contribute $2.00 each. We relize, however, that there are many small unions in the State who will be unable to contribute even this small amount, and we therefore request the larger Unions, able to do so, to contribute at least $25.00, and as much more as their condition will permit. However, any lesser sum will be acceptable. We must have five thousand dollars to carry on a successful campaign of education.

The present fiscal year has been the most expensive in the history of the New York State Federation of Labor, made so by the efforts of the officers to secure representation in the Constitutional convention in the election last November. After failure in this we were compelled to do battle with the Legislature to save out laws from complete exsanguination. The leaders in this movement did do some damage, but not as much as they intended to do, or would have done, if not held in check by the battle put up by the officers of the Federation, encouraged and ably assisted by the loyal trade unions of the State and subsequent vetoes by the Governor.

The officers of the State Federation of Labor promise you their best efforts inkeeping you informed and educating the people. We must have your financial support. We must have your moral support. We shall depend upon every loyal trade unionist to preach this gospel to his indifferent fellow trade unionist and to his acquaintances. We shall expect every union to appoint a committee to educate their fellow members. Especially is this true of city and trade central bodies. Agitate and educate. Success will then attend our constitutional propositions.

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Send all contributions to Edward A. Bates, Secretary-Treasurer, 14 Jones Building, Utica.

Confident you will give this movement every assistance in your power, we are,

Fraternally,

The Executive Council:

HOMER D. GALLA, president.
T. M. GUERIN
JAMES P. HOLLAND
CHAS. HARSTEIN
THOS J. CURTIS
WILLIAM COLLINS
SAMUEL KOVERSKI
JOS. A SULLIVAN
GEO. T. McGUIRE
JOHN C. CLARK
EDWARD A. BATES, Sec.-treas.

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AMENDMENTS TO STATE CONSTITUTION PRESENTED TO CONSTITUTIONAL CONVENTION BY THE NEW YORK STATE FEDERATION OF LABOR.

May 28, 1915.

1. Resolved, That the Constitution contain a provision as follows: That the labor of a human being is not a commodity or article of commerce and the Legislature shall not enact a law and the courts shall not con-strue a law contrary to this declaration."

2. Resolved, That any act which any person may legally and lawfully do shall be held to be legal and lawful when done by two or more in concert.

3. Proposing an amendment to article 1 (section 19 and new section), providing that nothing contained in the Constitution shall be construed to limit the power xx of the Legislature to enact laws for the protection of the lives, health, safety, comfort or general welfare of employees.

4. For power to enable the State to insure workers against accident, sickness, invalidity, old age and unemployment.

5. To provide a state fund, to insure employers against a risk of workman's compensation, to the exclusion of every other form of compensation insurance.

6. That there shall be a Department of Labor and a compensation commission (function separated) provided for in the Constitution.

7. Empowering the State and its several political divisions to undertake such public works and engage in such industries, as they deem necessary to the public welfare for the purpose of relieving distress from unemployment or other extraordinary emergencies.

8. Abolish the power of the courts to nullify laws regularly passed by the Legislature or the voters of the State by means of referendum on the ground of alleged unconstitutionality.

9. Insure the right to trial by jury in all criminal or quasi-criminal prosecutions where the offense charged is punishable by imprisonment , including all cases of contempt of court.

10. To provide that the right of Habeas Corpus shall never be suspended and that military tribunals shall not exercise civil or criminal jurisdiction over citizens while the regularly constituted state Courts are open to administer justice.

11. For the extension of popular rule and control of officials by the initiative, referendum and recall.

12. Favor election x of all judges. Election to take place at time no other officer is elected. Ballots to contain no party emblem. Candidates to be grouped under title of office.

13. Resolved, That this special convention of the New York State Federation of Labor declares itself in the interest of the masses of the citizenship of the State of New York against the abandonment of the annual sessions of the New York State Legislature.

14. Resolved, That the terms of the elective officers of the State of New York shall not be extended.

15. That the terms of the State Senators shall be for a period of one year.

16. Resolved, That the delegates to constitutional conventions be elected at a time when no other State officials are to be chosen and that no party emblems be used at such elections.

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17. Resolved, That with a view of having the members of the Legislature in a more independent position financially, this conference recommend to the Constitutional Convention the wisdom of raising the salaries of the members of the Legislature to an adequate amount.

18. To amend procedure necessary to pass a bill (now found in section 15, article 3) so as to take from the Governor the nullifying of that section by the use of emergency messages.

19. Against the State constabulary and the employment of private armed forces in labor disputes. That the Governor of the State be the Commander-in-Chief of the army and naval forces thereof, and that as such Commander, he alone be empowered to call out any portion or the whole of said forces or either of them in time of need.

20. Resolved, That this conference of the Executive Council and representatives of Labor of the State of New York go on record in favor of the constitutional amendment as adopted by the Legislature, to be voted on at the coming election for woman suffrage, and that all are urgently requested to support the ratification thereof.

21. Resolved, That inasmuch as the so-called "Short Ballot" is a proposition to vest greater powers in the hands of the chief executive of the nation, states and municipalities, it is in violation of the fundamental principals of justice, democracy and freedom. The proposition should therefore not be endorsed but condemned and opposed, and it is hereby condemned.

22. Free Speech and Free Press.----Every person may freely speak, write or publish his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed by the Legislature to restrain or abridge the liberty of speech or of the press. Nor shall any officer or court of the State, or officer or court of any political division of the State, abridge, ~~enjoin~~ enjoin or restrain the liberty of speech or of the press. The question as to whether the rights of freedom of speech, or of the pres have been abused, shall be determined by a jury. In all criminal prosecutions for libel, no person shall be found guilty and be punished where the matter alleged to be libelous be true unless the alleged matter was written and published with criminal motives and for wrongful ends.

23. Eight Hours.----In all cases of employment by and on behalf of the State, or any political division thereof, or in any contract for labor or for supplies, by or on behalf of the State, or any political division thereof, not more than eight hours in any twenty-four consecutive hours shall constitute a day's work.

24. Capital Punishment.--Capital punishment, that is, death penalty for crime, is hereby prohibited.

copied;
Phila., 6/10/15. B.

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C 10730

Memo. for Mr. Lee:

The unions are now about to start a full-fledged publicity campaign of their own. Looks as if the railroads' campaign had made them a little uneasy.

You will be interested in this circular.

Mr King a 4/8
Please note
DSL

Mr R Jr
Mr Murphy
Of interest DSL

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The Full Crew Special.

Dear Sir & Brother:

Clinton, Ill., March 27, 1915.

We are going to throw a blanket of publicity over the entire country, carrying your best arguments for the Car Limit Law and the full crew law, as well as other legislation desired by YOU railroad men.

To make this campaign of publicity effective these papers must be distributed everywhere. It will be the duty of your lodge and the other railroad lodges in YOUR city to see that a copy of this paper is placed in every house in your city and distributed in the towns over your division. You can understand that if the boys on all the other railroads will do what we are asking you and them to do, that the arguments for the legislation that YOU want will be carried EVERYWHERE, and this will inagurate a far greater campaign of publicity for YOU than anything that has ever been said or done.

Thousands of people to day are signing petitions circulated by the agents of the railroad because they are IGNORANT on what they are doing. They have read the paid for editorials and advertisements of the railroads in the papers, but had never had the opportunity to rear YOUR arguments and YOUR side of this national issue.

WILL YOU and YOUR lodge co-operate with us in carrying your message and putting your arguments before the public--- and help to mould public opinion favorable to YOU? WILL YOU joing in this publicity and educational campaign for your own cause? We must put out several millions of copies of the FULL CREW SPECIAL and this we will do. Will YOU use the full strength of your Union card to help make this the largest and most effective campaign of publicity ever inaugurated? Then we want you to place your assistance at our command NOW Give us an order for enough papers to cover your city and the towns over which your lodge has jurisdiction-- and see that they are distributed. This paper will make friends for YOU -- it will give character and dignity to your cause. Place your order with us at ONCE.

I am your foreffective publicity.

Carl E. Person,
Publicity Agent,
Box D, Clinton, Ill.

Copied:
Philadelphia, 4-1-15. A.

This is your order blank.

The Full Crew Special,
Clinton, Ill.

Enclosed herewith note.....Dollar for which send.....copies of tne Full Crew special to the following address:

Name.....
Street and No.....
City.....State.....

Make all money orders and checks payable to Carl E. Person

(Tear off here).

.....

THE FULL CREW SPECIAL.

The Full Crew Special is published for the purpose of placing before the public the RAILROAD argum MAN'S arguments for the Full Crew Law, the Train Limit Law, and other measures desired by RAILROAD MEN.

The railroad companies are spending millions of dollars for publicity in every state of the Union for the purpose of creating a sentiment favorable to the RAILROAD MANAGEMENT and against the interest of RAILROAD MEN.

As a railroad man YOU must place your side of this fight before the public

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Sheet #2

who in the end will determine the final decision on the legislation you desire. The railroads are doing this in YOUR State and every other state.

The publishing of the Full Crew Special is sanctioned by the transportation brotherhoods. These organizations will furnish all the reading matter for it. In this Full Crew Special will be found all the best arguments in favor the Full Crew Law, the Train Limit Law and other railroad legislation.

IT IS UP TO YOU and the other transportation organizations in your city to purchase a sufficient number of these papers so that one may be placed in every home in your city and in the small towns along the division over which YOU have jurisdiction. In order to make your campaign of publicity as effective as that carried on by the railroads YOU must do your Full duty by covering your city and the small towns on your division with a blanket of publicity setting forth your arguments for the LEGISLATION THAT YOU DESIRE.

The railroads are using publicity -- you must do the same.

The railroads killed the Full Crew Law in Missuori with PUBLICITY. And right now the same weapon is being used all over the country. Every metropolitan newspapers is carrying high priced advertisements and paid-for editorials. With their money the railroads have monopolized newspaper space and have made it impossible for YOU to purchase any. Therefore, YOU must start a publicity campaign of YOUR OWN. The Full Crew Special will service your purpose in this campaign. It is up to you RAILROAD MEN to purchase a sufficient number of papers to EDUCATE THE PUBLIC in your community as to the laws necessary for YOUR WELFARE and THEIR protection.

Prices on Bundle Orders of the Gill Crew Special are:

1000 papers.....	$10.00	9000 papers.....	75. 00
2750 papers.....	25.00	12500 papers.....	100. 00
6000 papers.....	50.00		

You are requested to take this matter up at the next meeting of your Brotherhood. We trust that YOU will do your part in ADVERTISING YOUR OWN CAUSE by purchasing a large order of these papers.

Awaiting your early reply, I am

Yours for an Effective Campaign of Publicity

Carl E. Person,

Publicity Agent, Box D, Clinton, Ill.

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COPY

C 10733

FROM HEADQUARTERS U. M. W. A.
(By E. L. Doyle)

LUDLOW AND ITS LESSON

Has the lesson of Ludlow been learned? Is the question that occurred to my mind on this the anniversary of that day of horror. Surely no human being would wilfully be a party to the promoting of conditions that could have no other effect than resulting in such revolting scenes as transpired at Ludlow, and still when we consider the neglect and indifference of each citizen toward the government of which he is a part, it can be readily seen that the nation itself is responsible for the industrial unrest out of which springs our Homesteads, Calumets and Ludlows that so seriously threaten the institutions of the land.

This, because government exists among civilized peoples for the purpose of carrying out such functions as by their very nature are social, but the assuming of these duties, this artificial person called government, adds new duties to the individual citizens who compose this government, namely that each give his proportionate share of time and energy to the proper operation of the government.

The mistake seems to be that people as a rule establish their government, elect a few officials and think it should continue to operate for time everlasting, with little or no attention from them. Each busies himself with the affairs of his own business and social life, never giving a moment's time to the duty of every citizen in the operation of government, except to inquire on election day as to who are the candidates for the various offices and perhaps pay their taxes with as much complaint as the dignity of their social standing will permit, and for this they believe they are entitled to all the comforts of a modern government. They never seem to realize that as population increases and industry expands, ever operating on a larger scale, that the duties of government increase and necessarily needs more and not less attention on the part of its individual units if it is to constantly meet and solve new problems.

Not until an eruption takes place in what may have always seemed a contented community, do they become concerned, and then only to call upon the strong arm of the government to "jam" the discontented community back into its supposed normal place, and "jam" they do, for how could a neglected government be expected to meet and solve a new condition which is but the result of industry developing faster than government.

Ludlow and all like outbreaks are the warnings of the hour to the slumbering citizens of the nation, that neglect and indifference toward the affairs of government are fast undermining our social structure.

Let us hope this is the lesson Ludlow has taught, and if practiced we can rest assured that the victims of that day have not died in vain.

Confidentially submitted,

G. I. C.

Denver, April 17, 1915.

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C 10734

COPY
Release April 20th

FROM HEADQUARTERS U. M. W. A.
(By J. D. Ramsay)

IN MEMORIA

April 20th, 1915, marks the first milestone of time since the lives of those twenty victims of corporate greed and Militia villainy were sacrificed on the altar of industrial freedom on the plains of Ludlow. We bow our heads at the graves of these martyrs today and renew our vows of loyalty and service in the great cause of humanity.

Every great humanitarian movement has demanded its toll of human life, such sacrafices as that which drenched Mother Earth at Ludlow, which heroic blood teaches us that the great spirit that was the Father of American freedom is not dead.

It is true that the bodies of those Ludlow heroes lie in the cold grave, but it is equally true that the spirit they displayed in life is today a living and active force for good. They did not die in vain. Generations to come will reap untold benefits - the direct result of their efforts and example. Let us all hallow their memory. The names of Elvira Valdez, age 3 months; Frank Petrucci, 6 months; Luch Petrucci, 3 years; Joe Petrucci, 4 years; Lucy Costa, 4 years; Cloriva Pedregone, 4 years; Roderlo Pedregone, 6 years; Onafiro Costa, 6 years; Mary Valdez, 7 years; Eulala Valdez, 8 years; Rudolph Valdez, 9 years; Prunio Laroase, 18 years; Mrs. Patria Valdez and Mrs. Pedelino Costa, who were murdered and cremated by the gunmen-militia, and Frank W. Snyder, 11 years of age; Louis Tikas, James Fyler, Chas. Costa, Frank Rubino and John Bartoloti who were shot and killed by the gun-men militia, will be remembered and honored by generations and generations long after the names of their murderers have been mercifully buried in dishonored oblivion.

It may be that earthly courts will not pronounce judgement upon those responsible for the hideous massacre of our martyred brethern, but we cannot doubt that sooner or later, either upon this earth or before the final tribunal, when the hearts of all men are known, and when the Great Judge of all men sits far removed from all contaminating influences, that justice will be done and the dying cries of those innocent children whose young lives were so ruthlessly destroyed will be heard and their sufferings avenged.

The damp earth may cover the charred remains of those children, but so long as their murderers walk this earth they will never be able for one single moment to put from their minds the fact that the charred fingers of those children are ever pointed at them, telling the world of the dastardly crime.

An artificial civilization may at times play upon public feeling to such an extent that men who have fought against and killed their fellow men in wars and have assisted in great destruction, are heroes, but such unnatural adulation has no lasting property. Murder, destruction, cruelty and waste, no matter under what guise or under what names they are committed, are grossly immoral and the so-called laurel wreathes earned on thebattle field will, when the memory of the attendant horrors and injustices are viewed from the vantage point of humane intelligence, prove to be crowns of thorns.

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How different are the memories of those who give up their lives as sacrafices on the industrial fields of the world's work. No martial music roused their passions and stimulated the blood lust. No laced and buttoned uniforms pandered to an unnatural military spirit. They dressed in the common, every day livery of their craft; they lived and died in a hand to hand struggle with poverty, and no monuments of carved stone mark the first place that they found that rest and peace of which Christ Himself promised to all who followed him.

The members of that great and growing army who are struggling for a greater portion of that industrial freedom, which is rightfully the heritage of all human beings, will keep its memory green, and down through the ages will the message of coming freedom be carried and wherever that message reaches, the spirit of the Ludlow martyrs will be held up as an example to all men to encourage them and urge them on to renewed efforts to build up and beautify the habitations of man to raise the standard of education and living, and usher in the car of peace and good will among men.

The Ludlow heroes died for us; when their call came they were not found wanting; they gave their all for their fellow man and we can rest assured that they now rest in the hands of a Just and Merciful God and that the spirit which animated them while they were with us, is still living and that it is still a power for good among us.

Confidentially submitted,

G. I. C.

Denver, Colorado,
April 17, 1915.

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THE TREND OF EVENTS.

Since the advent of the present administration at Washington, judging by the various appointments to important positions on commissions, etc., labor organizations dominate the administration; at least, they have the ear of the administration to such an extent that they have become more or less influential and color the actions and activities emanating therefrom.

The significance of this condition lies in the opportunities that labor sees from this influence and the efforts they are making to take advantage of it. The officials of the Federation have made an assessment for the purpose of further strengthening their organizations numerically.

A number of organizers have been added to the various staffs and they are constantly at work. Notwithstanding the fact that there is a marked depreciation in their income, due to unemployment, there is no cessation in their activities.

Illustrative of this fact is the appeal that has been made by Gompers to the leaders of the four brotherhoods asking them to get behind a movement to consolidate the powerful brotherhoods with the Federation, pointint out what the Federation has done in the way of influencing legislation and obtaining controlling power in 26 states.

A similar activity is noticeable among the four brotherhoods. A determined effort is being made to get all of the railroad organizations, five in number, federated for joint action. Garretson, Stone, Lee, Carter and Perham had a meeting in Chicago recently and outlined a plan of federation. The various lodges throughout the country are receiving letters from their officials which emphasize the need of stronger co-operation.

The firemen are instructed, by Carter, that when engineers who belong to the firemen's union and who cannot afford to carry both organizations, the B.of L.F.& E. is to encourage them to join the engineers. This is a revolution in the tactics of that organization. All instructions received from Carter insist upon the necessity of a federation of the four brotherhoods.

The same instructions are going our from Lee, of the trainmen, who goes further in his recommendation by stating that the federation of the four brotherhoods is their only salvation. The leaders in Chicago mentioned above, are quoted as saying that when they once get together they will make concerted demands, and will have no difficulty in enforcing them.

The signs of the time indicate a coming struggle. I do not believe anything can be done to prevent it, for a careful analysis of conditions, past and present, in labor circles, indicates a growing feeling of disaffection and dissatisfaction over the conduct of affairs and the results obtained.

The enormous expense entailed by the propagande of unionism is bearing so heavily upin the rank and file that they are ripe for open rebellion. The leaders see this and recognize the fact that unionism as conducted today is at the point of disintegration. They are not going down without a struggle, if they can force one.

The arbitration proceedings at Chicago indicate plainly the inability of these leaders to handle this problem, to say nothing of the lack of wisdon displayed in making demands on a declining labor market, particularly when the pendulm of public opinion was beginning to halt on its radical swing and swing towards conservatism.

Never before in the history of organized labor has there been such general condemnation of the tactics and insistent demands of union labor as will be found today in the intelligent and influential press.

Another important factor which enteres into this matter at this time, and one which cannot be emphasized too greatly, is that the people have more lesiure at their disposal than under normal conditions. They are complaining of conditions and are anxious to ascertain the reason therefor. Consequently they are searching eagerly for, and reading all reviews and editorials on this subject with more open minds than formerly.

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Hence, if the future is to be subserved, and the power and force now dissipated through unionism is to be saved from a socialistic trend, opportunities should be accorded the people of the country to learn the exact status of conditions and facts about affairs and the arrogance of the tactics of the present day promore thrifty and provident.

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C 10738

(K)

THE RELATIVE IMPORTANCE OF MANAGER AND WORKMAN.

By H. L. Gantt.*

About twenty-five years ago the financiers of this country discovered a new and seemingly a very important principle. They realized that, in many cases, at least, the larger factories were making a larger percentage of profit than small ones, and conceived the idea of uniting the small ones under one system of management. By this move, they certainly did give the small factories a better financial standing, at the same time reducing what might be called the financial or business expense.

By this they also reduced competition, and decreased the cost of selling, which has always been a large element of expense. Under these conditions, business prospered rapidly. The illustrated magazines were filled with the pictures of the captains of industry that had engineered these combinations, and it was freely predicted that the economies to be obtained were so great that it would only be a question of time before Europe would be flooded with American goods.

Magazine articles of this character were extremely popular for three or four years, and the formation of consolidations or trusts in manufacturing, and of great systems in railroading, went on at a rapid rate. The economies that had been produced by these methods, together with the fact that, with the elimination of competition, the selling price had been upheld, enabled many such combinations to pay dividends on stock which had originally represented little or no value.

* Read before the meeting of the Associated Industries of Massachusetts, September 23, 1916.

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The unprecedented prosperity that followed the introduction of these methods was undoubtedly caused in a large measure by them, and the financier was justly regarded as having done much to promote the prosperity of the country.

Our internal trade grew at an astounding rate, but the American invasion of Europe did not materialize; and it was not very long before we began to hear complaints of the increasing inefficiency of labor. Wages began to rise, but the output of the workmen did not rise correspondingly. The financier had undoubtedly affected economies on those portions of business directly under his control, but had not succeeded in producing a similar effect on those with which he did not come in direct contact.

As a result of this condition the necessity for knowing factory costs became urgent, and there was such a great demand for people capable of installing cost systems that we had what might be called an "epidemic" of cost keeping in this country during which time any reasonably intelligent clerk with a good address could get the job of installing a cost system somewhere. Undoubtedly, much that was done was beneficial, but it is also an undoubted fact that much of it was quite the reverse, for, in the desire to learn costs many people gave more prominence to their cost system than they did to their production methods, and in many cases caused their systems of production to be modified to conform with the cost-keeping methods that had been installed.

Needless to say that in a few years such an"epidemic" ran its course, and the enthusiasm for cost systems somewhat diminished. Another result was that, in the main, only the better of these systems survived, and many manufacturing concerns are today still without cost systems, due to the doubt on the part of the managers as to

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the value of such systems as have been installed.

About the time this "epidemic" began to wane the word "efficiency" became the slogan, and many of the cost accountants having read the writings of Mr. Taylor, Mr. Emerson and others bought a stop-watch and set up as Efficiency Engineers. They preached the doctrine "if we could only make the workmen efficient all would be well". Undoubtedly much good would have been done if they could have accomplished their purpose, but, in many cases,- I might almost say, in most cases - the only benefit derived from the activities of these efficiency experts was the benefit which they themselves received, and the word "efficiency", which should stand for so much, became obnoxious to all. Through these periods the relations between employer and employe have not improved, but have grown progressively worse, until today the industrial conditions of this country are, in many respects, deplorable, and we realize that neither cost control of manufacturing plants, which has been so strongly advocated by some, nor the type of efficiency control which has generally been preached, offers any solution for the troubles which beset our industrial relations. The reason for this is not far to seek. To attempt to control a factory through costs is very much like trying to grind with the water that has passed.

The attempt to remedy our troubles through the efficiency of the workman alone would indicate that the workman was really the responsible man in an industrial organization, and that to him alone was due the credit for the economies and efficiencies that are produced. This is so far from the fact that it is hardly worth discussing. The workman bears the same relation to the management that the soldier in the ranks bears to the officers. No amount of bravery on the part of the soldier, or efficiency on the part of the workman, can

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amount to very much if he is improperly directed.

A little consideration of this subject will lead us to the conclusion that leadership in industry and war are equally important, and as war is the great training school of those who are to make war, so industry is the great training school for those who are to guide industry. If this is the case, it is well for us to see what the greatest warrior of modern times has to say about the importance of leadership in war, and thus arrive at some appreciation of the importance of leadership in industry. Napoleon said:

"In war men are nothing; it is the man who is everything. The general is the head, the whole of an army. It was not the Roman army that conquered Gaul, but Caesar; it was not the Carthaginian army that made Rome tremble in her gates, but Hannibal; it was not the Macedonian army that reached the Indus, but Alexander; it was not the French army that carried the war to the Wester and the Inn, but Turenne; it was not the Prussian army which, for seven years, defended Prussia against the three greatest powers of Europe, but Frederick the Great."

The historian in making this quotation stated that Napoleon reiterated a truth confirmed by the experience of successive ages, that a wise direction is of more avail than overwhelming numbers, sound strategy than the most perfect armament. Similarly in industry, a wise policy is of more avail than a large plant, good management than perfect equipment.

The historian goes on to say:

"Even a professional army of long standing and old traditions is what its commander makes it; its character sooner or later becomes the reflex of his own; from him the officers take their tone; his energy or his inactivity, his firmness or vacillation, are rapidly com-

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municated even in the lower ranks; and so far-reaching is the influence of the leader that those who record his campaign concern themselves but little, as a rule, with the men who followed him. The history of famous armies is the history of great generals, for no army has ever achieved great things unless it has been well commanded. If the general be second-rate, the army also will be second-rate."

These facts in military history have their exact counterpart in industrialism, and the real problem of today is how to select and train, or rather how to train and select our industrial leaders.

The indisputable fact that the possession of wealth and hence power, does not necessarily fit a man for leadership, has been per force accepted by the warring nations of Europe. There is a general feeling, however, that because our industries have in the past been directed in an autocratic manner, that autocracy will continue to be the rule, and that there is apparently no escape from it. The feeling seems to be quite widespread, and to be substantiated by the marvelous industrial development of Germany under autocratic rule. While it is possible that autocracy in industry is the final stage, I do not think the case is by any means proven, although the contrast which democratic England and autocratic Germany presented at the outbreak of the war seems at first sight conclusive.

This, however, is misleading as will be seen by a closer study of the subject. The industrial effects so far produced by the war give us a clearer insight into the subject than we have as yet been able to get from any other source. You will therefore pardon my allusion to the subject.

This war is the most far-reaching event that has taken place since the fall of the Roman Empire, and many methods which were in vogue when it began, will be as obsolete when it ends as the dodo.

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If we would keep our place in the new world, which is to be created by this war, we must learn our lesson as it progresses, and train our people accordingly.

In order to do this, we must ask ourselves why it is that Germany has shown so much greater efficiency, both from a military and an industrial standpoint, than have the ~~XXXXXX~~ Allies?

Although we have talked efficiency in this country for several years, and many books have been written on the subject, many of us feel that the actual results so far have been lamentably small; and that we should be much more nearly in the class with England at the breaking out of the war than with Germany if we were suddenly confronted with her problems. It would seem, therefore, that we should find the fundamental reasons why England presented such a strong contrast to Germany, and see if we can not learn something therefrom.

It is only a short time since England led the world in the arts, but recently Germany has demonstrated her superiority to both England and France.

We must ask ourselves how this happened. It would seem to be something on this wise: The financiers of England, feeling that wealth could purchase whatever was needed for themselves and their national life, have devoted their energies for a number of years to securing the wealth which was produced by others rather than to making strenuous efforts to produce it themselves. In this attempt they have sent abroad millions of dollars to develop industries in foreign lands, which brought them great returns.

The leaders of Germany, on the other hand, not being able to exploit foreign peoples to the extent which was possible in England, turned their attention to developing their own resources, and the ability of their own people.

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Bismarck and von Moltke, following the lead of the Great Frederick, believed and taught that the great industry of a country was War; and the history of the world, until the development of modern industrialism, has borne out that theory. Bismarck argued that to be strong from a military standpoint the nation must have a large number of well-trained, intelligent, healthy men, and he set about so ordering the industries of Germany as to produce that result.

Military autocracy forced business and industry to see that men were properly trained and that their health was safe-guarded. In other words, because of the necessity of the military state for such men, the state saw to it that industry was so organized as to develop high grade men, with the result that a kind of industrial democracy was developed under the paternalistic guidance of an autocratic military party.

Under such influences, the increase of education and the development of men went on apace, and were soon reflected in an industrial system which bid fair to surpass any other in the world.

In England, on the other hand, the business system was developed by an autocratic and "socially irresponsible" finance, which, to a large extent, disregarded the interests of the workman and of the community.

At the breaking out of the war, the superiority of the industries of Germany over the industries of England was manifest, not only by the products of the industries, but by the feeling of the people, and their loyalty to the National Government, which had so cared for, or disregarded, their individual welfare.

This superiority became so rapidly apparent that, in order to make any headway against Germany, England was obliged to imitate the methods which had been developed in Germany, and to say that the

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industries (particularly the munition factories) which were needed for the salvation of the country, must serve the country and not the individual.

The increased efficiency which England has shown since the adoption of this method is most marked, and in striking contrast with the inefficiency we are still displaying in similar work.

Confessedly our industries are managed in the interests of an autocratic finance. In Germany it has been proved beyond doubt that an industrial system, forced by military autocracy to serve the community, is vastly stronger than an industrial system which serves only a financial autocracy.

England is beginning to demonstrate the same thing; for had England not been more efficient in the production of munitions than we have been in this country, it would have been indeed a sad day for the British Empire.

In considering these facts, we should ask ourselves if there is not some fundamental fact which is accountable for the success of industry under such control. The one thing which stands out most prominently is the fact that, in the attempt to make the industries serve the community, an attempt has been made to abolish industrial privilege, and to give every man an opportunity to do what he can and reward him correspondingly.

This is the most perfect form of democracy, and the facts that at first sight seem to indicate that autocracy produced greater efficiency than democracy really prove the contrary when we get real democracy.

In order to reward every man according to his deserts, we must have some means of measuring the efficiency of the service rendered.

So far the only efforts that have been made in this direc-

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tion have been applied to the workman and they have, apparently, not helped us to solve our industrial problems. It is absolutely necessary for us to measure the efficiency of those in control, for without efficiency in management, efficiency of the workmen is relatively useless, even if it is possible to get it. With an efficient management there is but little difficulty in training the workmen to be efficient. This has been proved so many times and so clearly that there can be absolutely no doubt about it. Our most serious trouble is incompetency in high places. As long as that remains uncorrected, no amount of efficiency in the workmen will avail very much.

Can we find a measure, or even a correct indication of that efficiency?

I think we can, but we shall have to revise our methods of cost accounting, for those at present in vogue are not designed for that purpose.

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The Labor Problems of Industry reveal certain needs which are engaging the constant and scientific attention of only one profession --- that of Industrial Counseling. These needs show themselves to different degrees at different times and in different ways in different industries. But fundamentally these needs are common to all Industry.

Do you know the cost of your labor turnover?

What is your percentage of spolied goods? Of seconds?

What is your percentage of lost customers?

Have you considered the desirability of a Bill of Industrial Health from an impartial source even if conditions are substantially sound in your concern?

Do you hunt outside for your higher priced men, when,as a matter of fact, you either have them at hand if you only knew it or would have them with training?

In the great majority of cases labor difficulties have come as a surprise to the management. The surprise is due not because the difficulty has arisen suddenly, but because the management has been indifferent to or ignorant of various causes that finally led up to the outbreak of the difficulty. Are you sure that none of the causes that have been silently operating to create labor difficulties in every variety of business in every

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part of the country are wholly unexistent in your plant?

Have you considered all the factors that enter into the unit costs of production and particularly the bearing of the human factor on such unit costs? This means have you fully analyzed the different jobs in your business?

Do you properly value the desire for more which runs throughout the industrial system and therefore which constantly moves labor as well as capital? Have you the facts you need in order to meet this demand for more effectively, to yield to it to the extent that is practicable and just, to oppose it successfully when it is impracticable or unjust? This demand for more changes from time to time and the facts by which the demand must be judged change from time to time. Have you therefore placed on someone within your business the definite duty of keeping in touch with these changing facts?

For example, have you estimated the stimulation to this demand for more which your business offers through the way it appears to your workers, their wives and children and the community in which they live -- what they think they know about the return to capital as compared with the return to labor? If you live in that community, your living conditions as compared with theirs? Whether you happen to live there or not, the living conditions of those whom they believe to be stockholders in yours or in other enterprises? Have you estimated the pressure from thinking of this sort that

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comes from increasing education in the public schools, churches, newspapers and magazines, moving picture shows, theatres, saloons, clubs and all kinds of social organizations? Insofar as there is absentee management in your business, have you figured that as a source of unrest or hostility? Have you by scientific enquiry determined the resentments that welfare work arouses instead of removes? Have you considered how the systematic pursuit of scientific enquiry along all the lines here indicated will not only enable you to remove unnecessary causes of misunderstanding which abnormally stimulate the pressure for more, but to enlist the cooperation of all elements of the business in its success?

Have you figured the effect on your business coming from the uncertainties to which both your salaried force and wage earning force are subjected by the fluctuating cost of living? If in figuring this effect, you have concluded that any decrease in their accustomed standard of living is detrimental to the efficiency of the business, have you carefully considered all practicable steps to adjust salaries and wages to the purchasing power of money as that fluctuates? Undoubtedly, reliable figres on this head are difficult to obtain. Undoubtedly also general statistics are a very unsafe guide in estimating the exact figures that should govern a specific plant. In most instances probably a technique of obtaining a steady source of reliable figures must be devised by each particular concern for its own use. But it is

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necessary to attempt to obtain such figures, for they are indispensable to the best development of a business.

These and similar problems are the expert field of Industrial Counseling.

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C 10764

Mr. Everett Colby,
Essex Building,
Newark, N. J.

Wishes to be considered an applicant for appointment in connection with Investigation of Industrial Relations.

Interviewed in New York early in March, 1915.

Prepared to give the first year's service at his own expense.

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C 10765

Theodore Douglas Robinson,
750 Park Avenue,
New York.

Wishes to be considered an applicant for appointment in connection with the Investigation of Industrial Relations.

His name suggested by Mr. Evertt Colby of Newark, N. J.

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C 10767

Industrial Unrest in Great Britain.

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C 10767 April 1917

very strong that more employers would undertake such experiments if they knew and understood the facts.

Mr. Huyck strongly indorses the general principles of health insurance, stating that, in his opinion—

it is far more important than workmen's compensation, and I feel that all arguments against it must fall and that finally we in this country will take the position of those countries that are so far ahead of us in social insurance and demand of our State governments that the protection of health insurance be given to working men and women.

INDUSTRIAL UNREST IN GREAT BRITAIN.

At the Manchester meeting of the British Association for the Advancement of Science, held in 1915, an extended discussion developed on the subject of the promotion of industrial harmony,[1] and so important was the matter regarded as affecting economic conditions after the war that a committee was appointed to investigate the causes of industrial unrest and the attempts made to diminish it. The report of this committee is embodied in Chapter II of the volume, "Labour, Finance, and the War," recently issued by the association.[2] Seven causes for existing industrial unrest were found, as follows:

1. The desire of workpeople for a higher standard of living.
2. The desire of workpeople to exercise a greater control over their lives and to have some determining voice as to conditions of work. These include a consideration of the effects of speeding up on the one hand and of limitation of output on the other.
3. The uncertainty of regular employment.
4. Monotony in employment.
5. Suspicion and want of knowledge of economic conditions.
6. The desire of some employers for more regular and satisfactory labor.
7. The effects of war measures.

The desire of workers for a higher standard of living finds expression in a demand for higher wages, resulting frequently in labor disputes. In fact, it is noted that unrest among workpeople in recent years has been coincident with the rise in the cost of living, and that the revival of industrial strife after the truce of the early months of the war followed upon a considerable and steady increase in prices, especially of food. It is perhaps natural that workers should desire to raise their standard of living, "but the extent to which improve-

[1] A summary of this discussion is contained in the volume, Credit, Industry, and the War, issued by the British Association for the Advancement of Science. Ch. II, pp. 17–67. London [1916]. Price, 2s. 6d.

[2] Labour, Finance, and the War, being the results of inquiries arranged by the section of economic science and statistics of the British Association for the Advancement of Science during the years 1915 and 1916. Ch. II, Industrial Unrest, pp. 20–57. London [1916]. Price, 3s. 6d.

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company $7,900. There was a balance of $2,476.21 at the end of the fifth year, July 1, 1916, making a total cost of $14,282.46, or "1.6 per cent of the pay roll." Disability and death benefits have amounted to $8,618.69, which practically equals the 1 per cent of wages contributed, and medical service, hospital treatment, and medicines have amounted to $5,662.52.[1]

It may be interesting to note that the entire insurance plan has involved a total contribution of $27,108.67, of which the company has contributed $18,250 and the employees $8,858.67. On July 1, 1916, there was a balance of $3,133.01, making the entire cost $23,975.66, "which is 2.7 per cent of the pay roll for the period," instead of an approximate 3.5 per cent, with a maximum of 6 per cent estimated at the time the plan was inaugurated.

Mr. Huyck suggests that a spirit of fairness and an appreciation of the benefits of the plan have been shown by the employees from the start and cites the following instance:

> In case of illness there is no payment for the first three days. Some time after the plan was started a committee came to us and said they feared that some advantage would be taken of this; that a person having been out ill for three days might stay out the balance of the week because half pay could be secured; and, as they did not wish the plan to fail for any such cause, they thought it would be better that there should be no payment for the first week. There have also been cases where employees, having been out for some time and having received more than the amount they had contributed, asked to have payments stopped, as they did not think it fair that they should draw more than they had paid.

The company appears to be well satisfied with the operation of the plan and feels that the expense has been amply justified by the results achieved.

> There is not the slightest question in our minds but that, except that it does not provide for those who leave the company's employ, the plan has been in every way successful; that it has given us steadier, healthier, more contented employees; that it has made us more alive to the need of healthful, sanitary, working conditions; and that it has been worth to our company far more than it has cost us.

There appears to have been very little difficulty in the administration of the plan.

> The administration of the plan has been very simple. The entire records are kept in two large check books, with divided stubs for description and distribution of all receipts and payments. The 1 per cent contributed by employees is deducted each week from their wages and deposited in the mutual contribution account. The whole thing is so simple and has been of such great value to everyone concerned, and the cost has been so small, considering the number of employees involved and the size of the business, that our conviction has become

[1] There is a slight discrepancy in these figures which are taken from Mr. Huyck's article. It will be noted that the last two items total $14,281.21 instead of $14,282.46.

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> ment is possible is limited by the industrial development of the nation. It is impossible to raise the general standard of living indefinitely by raising wages, without at the same time raising the productivity of our industries."

The practice of speeding up by employers and the consequent reduction of wage rates, and the retaliatory practice of limitation of output by workers have been fruitful of considerable industrial unrest. The committee suggests the importance of employers realizing that the cutting of piece rates may actually be uneconomical and that they should give attention to the cost of labor and not merely to the amount of wages paid. On the other hand, the workers should remember that limitation of output can not increase the demand for labor, but may even lessen it, and undoubtedly tends to lessen the amount available for paying wages. It is pointed out that labor also desires the right to determine the class of worker that shall be employed on a particular job.

The uncertainty of regular employment appears to be one of the main reasons for industrial unrest, and the committee suggests that this condition may be minimized by the extension of unemployment insurance with increased benefits to workers.

Monotonous work is recognized as a valid reason for unrest because it constitutes a considerable nervous strain. But the committee thinks that the evils of monotonous employment inside the factory may be lessened by improved working conditions and also by varied conditions of living outside the shop.

So far as workers being suspicious that they are being exploited is concerned, it seems that this is due to their lack of knowledge of economic conditions in the industry which, if known, would prove much of the suspicion to be baseless.

The desire of employers for more regular and satisfactory labor is natural, and they are urged to regularize employment and discourage overtime, while the workers are urged to look ahead, exercise thrift when work is plentiful, and thus average their earnings so as to enjoy the highest standard possible.

War measures, especially the Munitions of War Act, have operated to curtail the freedon of action of employers and employed, while the decisions of the tribunals have seemed too harsh to the workpeople. The irritation thus caused has been intensified by the physical strain involved in long hours of work at high speed. Furthermore, the cost of living has increased materially; many companies have apparently made big profits, leading labor to believe that the nation was being exploited for private gain. "The fresh outburst of strikes in 1915 was as much a protest against such exploitation as a demand for higher wages."

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The investigating committee found that this industrial unrest has been met in a large degree more or less successfully (1) through the activities of conciliation and arbitration boards; (2) by arbitration, compulsory and voluntary; (3) by the industrial council, representing employers and employees, established in 1911 for the purpose "of considering and of inquiring into matters referred to them affecting trade disputes; and especially of taking suitable action in regard to any dispute referred to them affecting the principal trades of the country, or likely to cause disagreements involving the ancillary trades, or which the parties before or after the breaking out of a dispute are themselves unable to settle"; (4) by the application of profit sharing and copartnership; and (5) by cooperation.

The value of the work of the boards of conciliation is shown by the small proportion of cases referred to them which ultimately involve stoppage of work. In 1913, 195 boards and joint committees took action in 4,070 disputes, of which 2,283 were settled, 291 were referred to umpires appointed by them, and only 31 resulted in stoppage of work. The committee suggests that the machinery of conciliation boards should be extended and perfected and that these boards should be made a permanent feature of each industry. Since there are many differences that can not be settled by mutual agreement, voluntary arbitration has been resorted to; but arbitration has proved unsatisfactory, to a certain extent, because of the difficulty of finding an arbitrator who is impartial and who knows the industry thoroughly. There is no way of enforcing an award, but "as a matter of fact, it is surprising how few awards are rejected on the whole." Compulsory arbitration was introduced by the Munitions of War Act of 1915 and has been accepted as an emergency measure, although both labor and capital seem to be strongly opposed to it. Arbitration may be adopted satisfactorily to determine matters of fact, but questions of principle are beyond its scope, and since some matters in dispute, for example trade-union recognition, involve the attitude and will of the parties, much difficulty in settling them by arbitration may be experienced. To this extent, then, arbitration, both voluntary and compulsory, does not meet the situation created by industrial unrest.

Profit sharing has been only partially successful because the workers have felt that it was a scheme both to obtain greater production at comparatively small cost and to weaken trade-unionism. Besides, it is stated that "the existing systems of profit sharing and copartnership hardly meet the claims of labor for a share in the control of industry." As to cooperation, it is regarded as a very attractive ideal and "has so much to recommend it that its success is to be desired."

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The committee's recommendations are based upon a recognition of the necessity for an industrial reorganization involving a revision of methods of production, and are submitted in the hope that they "may prove helpful in the solution of the greatest industrial problem that has ever faced a nation." These recommendations concern (1) the general attitude and outlook of employers and workmen; (2) the machinery for dealing with disputes; (3) the organization of industry; (4) post-war arrangements.

In the first place, the committee believes that there should be frankness on both sides and that both employers and workers should discuss industrial matters together or through duly accredited representatives. "Only thus can they come to understand each other, and such an understanding is the first essential to a solution of the problems of industrial unrest." In the second place, employers should consider the collective cost of labor and not the total amount of wages earned by workmen each week. If this is done it may be expected that labor will abandon its position on limitation of output, already mentioned. Employers appear to be recognizing this fact. "It must be said, however, that the majority of employers still adopt the narrow attitude described, and it is necessary for the majority to change before we can hope for a change in the policy of trade-unions." Finally it is essential that the fundamental facts and principles of economics be known by employers and employees in order that each may have a better understanding of the problems of industry.

In considering the machinery for dealing with disputes it is recommended that workers and employers in each industry should extend and improve their organizations with a view to determining jointly the conditions under which the special industry should be carried on. It has been suggested that membership in these organizations should be compulsory, but the committee thinks that a wiser solution would be for the State to recognize approved associations of employers and trade-unions, and that when these organizations in any trade have come to an agreement as to wages, hours, conditions of employment, etc., the whole trade in the district affected, both employers and employed, should be bound under penalty to work in accordance with the agreement.

Interest and not legal compulsion would thus induce all to join their trade organizations, and the many serious problems raised by compulsion would be avoided.

The value of permanent joint boards and committees having been mentioned heretofore, the committee recommends that they be established in each industry to consider all matters of common interest to both employers and employees, including not only questions in dis-

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pute but important problems concerning the organization of the industry. As a final arbitrator, in case these boards are unable to settle disputes, a national joint board is proposed. But it is important that both employers and workmen should be absolutely loyal to the decisions and agreements made by their organizations.

Perhaps the most important factor in dealing with industrial unrest is the proper and effective organization of industry, involving, first of all, the frank recognition of the necessity for cooperation between employer and employee. This cooperation should not only be concerned with distribution of product, but should cover also a determination of conditions under which work is carried on, including hours of labor, rest periods, working shifts, speed of machinery, discipline, etc. It would then better the standards of work, leading employers to refrain from excessive speeding up and employees to modify their policy of restriction of output.

Special attention was given by the committee to conditions where labor-saving machinery or new processes have been introduced which diminish the amount of labor required for a given operation. Here an economic situation is created which affects the employer by causing a decrease in the cost of production; lower prices and increased demand for the special commodity manufactured, and hence reduction of overhead charges; the employment of less labor, but possibly somewhat higher pay for those employed; and increased profits. So far as workers are concerned, a few skilled, semiskilled, or unskilled may be retained to operate machines; some men will be advanced in pay, while others will be forced out of employment. To meet this emergency, the committee suggests that employers should make a forecast as to the exact effect of the new methods, this forecast to be considered by both employers and workers; that an arrangement should be agreed upon with due regard to the fact that capital takes all the financial risk of the new methods, but has heretofore had the advantage of any immediate gain; that labor at the outset may be diminished in number, although eventually more men will be employed; that some labor may benefit immediately, and that labor is employed in making and designing the machines; and that employers should consider to what extent temporarily displaced labor can or ought to be compensated by means of unemployment insurance or by a percentage of the increased product.

The report thus summarizes its recommendations for the improvement of existing industrial unrest:

Employers should be organized into—
(*a*) Associations of one trade in a given district.
(*b*) National association of one trade.
(*c*) Local federations of trades.
(*d*) National federations of trades.

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Of these, (*a*) and (*d*) would be organized under a system of representation. Workpeople should have unions and federations corresponding to those of the employers, and in both cases the national federations should be carefully organized councils enjoying a large measure of authority, tempered by the necessity to win and preserve the confidence of their electors. From these two representative bodies there could be elected an industrial council as a court of appeal representative of the whole industrial activity of the country. So far as these various bodies were approved by the State, they would enjoy far-reaching powers. Approval by the State should depend on the observance of moderation and the working in conformity with carefully devised regulations, for the State, in this matter, would be the representative of the consumer and of the national interest.

To deal with the problems that will arise in connection with the demobilization of the troops after the war the committee recommends the establishment of district boards of practical men, who shall have power to handle each case as it arises, their special work being to supervise the reinstatement in industry of those who left their employment either to fight or to make munitions. It is believed that representative business men who know conditions as to markets, etc., should make a forecast of what may be expected in home and foreign trade, that such forecast, after thorough consideration and test, should be submitted to labor, and that both parties should meet and endeavor to agree upon a policy to meet whatever is anticipated—either increased or decreased business, less or keener competition in the markets, and the sharing of gains or the meeting of losses.

Appended to the report is a note expressing the views of two members of the committee who think that the report is deficient in that it suggests improvements within the existing industrial system, whereas a movement that aims at far-reaching economic reform must involve a change in the system itself. It is urged that in any scheme for coping with the industrial situation the State must be a third party to any agreement, carrying a step further the plan of the committee for cooperation between employers and employees. Industry "must be self-managed but State regulated," if it is to be standardized and if the workman is to secure that status in industrial democracy to which he is entitled as a citizen.

GOVERNMENT CONTROL OF FOOD SUPPLIES IN FRANCE.

With respect to maintenance of a sufficient supply of food during the present war France, until very recently, was apparently in a situation more favorable than either Great Britain or Germany; more favorable than Germany, since until February 1, 1917, she had no blockade to undergo, and has been able to maintain free access to

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all her ports. Her position was, in certain respects, more favorable than that of Great Britain, since normally France is almost self-sufficient, and does not have to resort to importation from abroad for so large a part of her food supply.[1] But on the other hand it must not be forgotten that France has a part of her territory invaded, not very large in area, but very considerable in industrial production; for it is there that most of her coal and iron mines, her mills and factories of wool and cotton, her fields of beet roots, and her sugar refineries, are located. Even the wheat and potato crops have suffered considerable diminution from this cause. It is for this reason that the general rise in prices for foodstuffs has on an average been hardly less than in England, but much more for products peculiar to the invaded area.

Nevertheless the French Government has not had to resort to the same extreme measures as the German, notably to rationing. No food product has yet been rationed in France. The fixing of a maximum price has been employed up till now only for a few commodities.[2]

MAXIMUM PRICES FOR WHEAT, FLOUR, AND BREAD.

So far as bread and meat are concerned, fixing prices is not an innovation due to the war. It is authorized by an old law dating from 1791; indeed, this law is the oldest weapon in the French legislative arsenal, and it empowers mayors to fix prices for these two commodities whenever they judge prices to be too high. The law has been in force since its adoption, in spite of the protests of economists, who for more than a century have continually agitated for its repeal.

Mayors have made use of this power in regard to bread fairly often, though rarely in regard to meat. But the Government rightly thought that the authority of the mayors to fix the price of bread would be useless in practice, or quite unfair to the bakers, if at the same time prices were not fixed for wheat and flour, the raw materials of bread. The mayors could not have maintained the price of bread at 40 centimes a kilogram (3.5 cents a pound) if the price of wheat

[1] In 1913, out of a total importation amounting to 8,231,000,000 francs ($1,589,000,000), France imported 1,803,000,000 francs ($348,000,000) of foodstuffs, of which there were 613,000,000 francs ($118,000,000) of wheat and flour, while in 1912 Great Britain imported £262,000,000 ($1,275,000,000) of foodstuffs, and Germany 3,170,000,000 marks ($754,000,000) of foodstuffs. The above importation amounts to scarcely 12 per cent of the total French consumption of foodstuffs. It must be observed, moreover, that under normal conditions French exports amount to 833,000,000 francs ($161,000,000). It would therefore have been permissible to suppose that during the war France would not have exported any foodstuffs and would have imported only a small quantity. But this was not the case, for in 1915 the total imports of foodstuffs amounted to 2,549,000,000 ($492,000,000) and the total exports of foodstuffs to 544,000,000 francs ($105,000,000). The increase of imports was due to the bad harvests of 1915 and decreased acreage. The larger part of the exports went to Great Britain and Switzerland.

[2] Gide, Prof. Charles. "The provisioning of France and measures taken by the Government to that end." The Economic Journal, London, March, 1916, pp. 35 ff.

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J. R. Commons
Re. Conference Pamphlet

Report on Convention

UNITED MINE WORKERS of AMERICA

Indianapolis, Ind.

January 18th to February 1st, 1916.

The twenty-fifth successive constitutional and second biennial convention of the United Mine Workers of America was called to order at 10.00 A. M., Tuesday, January 18th, President John P. White in the chair.

After announcing the appointments of various committees, President White read his report. He dwelt on the enforced idleness of thousands of miners, due to the fact that a great many mining companies had suspended operations indefinitely, which fact, he said, taxed the ability of the organization to effectively deal with wage contracts, promote the strikes that were in progress, and render some financial assistance to those who so sorely needed it by reason of this depression.

Concerning the policy of non-suspension, pending adjustments, Mr. White said:

"I think the policy of working, pending settlements, is essential to the well being of our organization and its membership, and the welfare of the public.

"There is no longer any need of remaining idle during negotiations and of destroying the markets of organized territory by permitting a few who speculate in stock coal to make money out of the misfortunes of the people. We have always ample opportunity to resort to strikes, if strikes we must have, and I can see no well defined reason why the miners can not, with just as much safety to their welfare and interests, work pending negotiations, as do other bodies of organized workers under like circumstances. I therefore recommend that we reaffirm our policy to work pending negotiations."

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After considerable debate in favor of and against this policy, President White's suggestion that miners remain at work during the negotiations for a contract, or pending settlements, was carried by an overwhelming majority in the convention.

In reference to the mine run system, President White made the following statement:

"One of the principal demands of the last International Convention, as well as many others which have preceded it, was the mine run system. Illinois having secured that system by agreement, the desire to establish it in Indiana, Western Pennsylvania and Ohio has been persistent. In approaching this question I want to point out a few inconsistencies that exist in our own ranks on this important subject.

"To being with, let me state that I am heartily in accord with the desire so often expressed by our people for the mine run system. I believe it to be the only correct method of giving equal and exact justice to the miners, but like many other reforms that we are interested in securing, it cannot be brought about in a day despite the keen optimism of our people.

"The criticisms I have to make on our inconsistencies on this question can be summed up about as follows:

"In 1912 an examination of the records will reveal that we demanded the mine run system and that the price be based upon the percentage of screenings. In 1914 we again demanded the mine run system, and when we approached this question in conference we found a very unhappy division of a fundamental character existing within our own movement. For instance, Ohio, which upon its own initiative, had secured the exactment of a law providing for the abolition of screens, refused to agree on a price that would be based upon the percentage of screenings. Indiana refused to accept mine run, even on the basis now in effect in Illinois, contending that they would not accept any mine run system whose prices were not based on the actual percentage of screenings.

"While we were deadlocked at Chicago on this question we thought we might overcome the crisis by securing mine run for Indiana. We had reasonable assurance that the operators of Indiana would grant the mine run system based upon Illinois prices, but as stated before, this was not satisfactory to the Indiana miners. Thus it will be seen at a glance that it was a physical impossibility to reach conclusions with the operators with such fundamental differences of opinion existing within our own organization, therefore a disagreement was inevitable."

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"Without attempting to unjustly criticize anyone, I have no hesitancy in saying that had there been an unanimity of opinion among our representatives on this important matter, larger and more satisfactory results would have been among the accomplishments. I am constrained to believe that the Indiana miners are not so interested in securing mine run system as we have sometimes led ourselves to believe. I have no criticism to make unnecessarily of their position, but I am firmly convinced that there is little or no hope, for the present at least, of establishing mine run in Indiana on a basis higher than that of Illinois."

Pertaining to the amalgamation of the United Mine Workers of America and the Western Federation of Miners, Pres. White quoted the resolution of the joint committee of both organizations, which reads as follows:

"Butte, Montana, July 28, 1915.

"After having made an exhaustive investigation of the question of amalgamation between the United Mine Workers of America and the Western Federation of Miners, and after giving full consideration to the present condition of each organization, we are forced to the conclusion that because of the many obstacles that now present themselves, and which will be explained in the reports hereinafter provided for, that any attempt to consummate an amalgamation at this time would be premature.

"While we jointly agree that to effect an amalgamation of the two organizations at this time would be impracticable, in consideration of the views expressed by the respective committees, we hereby decide that each committee prepare a separate report, stating in detail the result of their findings and that the same be submitted by each committee for the consideration of their respective organizations.

Signed		Signed	
Dean W. Selfridge	For	B.Farrington	For U.M.
Joseph Gorman	W.F.	Adam Wilkinson	W.of A.
J.B.Rankin	of M.	Robt.H.Harlin	

President White diplomatically advised against amalgamation of the two organizations and his suggestion was subsequently sustained by the action of the convention.

Outside of the convention of higher officers and the more prominent delegates, in discussing the question of amalgamation with the W.F.of M., stated that the principal objection to such a movement was on account of there being so many socialists in the W. F. of M., and the socialistic tendencies of that organization.

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Mr. White mentioned the Howat-Holt controversy in the Southwestern Districts. These men were accused of accepting money from operators for settling strikes. Howat has since been re-elected President of District No. 14, Pittsburg, Kansas. It was afterwards decided in the convention that Howat should not take office or be appointed on any committees, until he was cleared of the charge.

The Ohio and Colorado strikes were spoken of by Pres. White, but his comments were not new, or of any particular interest, and he made no recommendations.

In commenting on the Vancouver strike, Mr. White stated that, like the Ohio and Colorado strikes, it cost the organization a great deal of money and that it was characterized by much oppression on the part of the operators and determined opposition by those who represented the Canadian Government; that the same tactics which were employed for the most part in the United States to railroad innocent men to the penitentiary seemed to be very much in evidence in the Dominion Government in this controversy.

Continuing on this subject, President White said: "The things that contributed most to bring about our failure were the ability of the companies to secure Oriental labor; import at a cheap rate of transportation, coal from New Zeland Australia and Japan; the industrial depression which brought about idleness of thousands of men and enabled the companies to recruit strikebreakers therefrom, and the attitude of the Provincial Government which left nothing undone that they could do in order to assist the companies to break the strike. Armed forces were needlessly placed on the Island for no other purpose than to intimidate the men and drive them back to the mines. But the most powerful of all obstacles in the way of our success was the attitude of the Government toward our men relative to picketing, which they would not allow to be carried on even in the most peaceful manner. As a result of this the companies were able to import strikebreakers, and our men were not allowed to approach them for the purpose of inducing them to refrain from going to work. In addition to this, the Government allowed the companies to employ hundreds of unqualified men in absolute violation of the mining laws of the Province.

"All our fellow workers who were imprisoned during this strike have been liberated and recent investigations on the Island seem to indicate that while the strike was a keen disappointment to us, when the great European war, which is now so seriously affecting this Colony, is over, we may be able to establish our union without encountering such drastic experiences.

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In regard to local strikes, President White expressed himself in the following strong terms:

"I again emphasize most forcibly my position on local and unauthorized strikes, which too frequently take place within our movement. There is a growing need, generally speaking, for the officers of our respective districts to rise to the occasion and exercise their authority as outlined in the law and the contracts. I regard the local strike as one of the most menacing evils of our movement. These strikes invariably weaken the structure of the joint trade agreement, destroy the discipline of our organization and, as a rule, work serious injury to those who participate in them.

"There is absolutely no justification for their existence and our fundamental laws give no local union such authority. The ease with which some of our district officials condone these offenses against our organic law and contracts is, to say the least, surprising. Men who accept positions of leadership with any organization should be broad enough to assert the power of their office without catering to influences which injure the prospects for the extension of our organization. The great trouble with many of our leaders is that they want the exercise of power, but they do not care to assume the responsibilities. Nothing but ruin awaits any movement that is influenced by such procedure. I trust this convention will emphasize most forcibly its disapproval of such a destructive policy."

Acting on President White's advice, the committee subsequently adopted a recommendation to punish any member who precipitated an unauthorized strike. The resolution reads as follows:

"We further recommend that it be the decision of this convention that any member or officials of any branch of our organization guilty of promoting a strike in violation of any agreement entered into between any branch of the United Mine Workers of America and any coal operator is guilty of an offense against our organization.

"Said member or official so offending may be prosecuted as per our constitution, and expulsion, or removal from official position, may be fixed as a penalty by any of the tribunals of the organization hearing the case."

Commenting on conditions in the anthracite region, President White stated:

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"The organization has remained in a reasonably satisfactory condition during the life of the four year agreement now drawing to a close. We have put forth great effort to organize the anthracite miners during the past four years and I am proud to say that the results have been highly gratifying. The anthracite mine workers have done remarkably well, all things considered. I compliment them on their splendid showing and I believe if they are given proper encouragement and support they will realize the ideals for which they have been struggling.

"So far as it lies within my power, in the future, as in the past, I expect to render them the very best service of which I am capable, in the hope that we may secure for them that measure of justice which they so much deserve."

Mr. White then quoted the demands formulated at the Tri-District convention held at Wilkes-Barre, Pa., Sept. 7 to 10, 1915, and said he submitted them for the consideration and approval of the convention. The demands were as follows:

First: We demand that the next contract be for a period of two years, commencing April 1, 1916, and ending March 31, 1918, and that the making of individual agreements and contracts in the mining of coal shall be prohibited.

Second: We demand an increase of twenty percent on all wage scales now being paid in the anthracite coal fields.

Third: We demand an eight hour work day for all day labor employed in and around the mines, the present rates to be the basis upon which the advance above demanded shall apply, with time and a half for over time and double time for Sundays and holidays.

Fourth: We demand full and complete recognition of the United Mine Workers of America of Districts Nos. 1, 7 and 9, Anthracite.

Fifth: We demand a more simplified, speedy and satisfactory method of adjusting grievances.

Sixth: We demand that no contract miner shall be permitted to have more than one working place.

Seventh: We demand that the selling price of mining supplies to miners be fixed on a more uniform and equitable basis.

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Eight: We demand that whenever coal shall be mined on a car basis it shall be weighed and paid for on a mine run basis of 2240 pounds to the ton, and all refuse cleaned from the coal (either gobbed or loaded) shall be paid for on at least an equal basis as paid for the coal mined.

Ninth: We demand a readjustment of the machine mining scale to the extent that equitable rates and conditions shall obtain as a basis for this system.

Tenth: We demand that the arrangement of detailed wage scales and the settlement of internal questions, both as regards prices and conditions be referred to the representatives of the operators and miners of each district to be readjusted on an equitable basis."

The foregoing was afterwards approved and ratified by the convention.

Mr. White stated that the average membership of the organization for 1915 was 361,927, as against 387,217 for 1914.

President White, in dealing with the subject of wage agreements, said:

"A very grave responsibility devolves upon our organization and its membership at this time, in view of the fact that wage scales will expire April 1st in the anthracite fields and in Central and Western Pennsylvania, Ohio, Indiana, Illinois, West Virginia, Michigan, Iowa and Kentucky, and later in the year in Missouri, Kansas, Oklahoma, Arkansas, Texas, Wyoming, Montana, and Washington. The contract in District No. 18, British Columbia, will not expire until March 31, 1917.

"I most earnestly urge that our scale committee carefully canvass the situation when formulating our demands for the consideration of this convention. Industrial conditions are greatly improved now, and from various authoritative sources we are advised that the country is entering upon an unprecedented era of prosperity. We should demand improvements in our wage scale as conditions will warrant."

Vice President Frank J. Hayes, in his report to the convention, made the following statement in reference to the situation in unorganized fields:

"We have maintained a force of organizers in the non-union fields, and have endeavored to reach every unorganized section with the gospel of our movement. Owing to the severe industrial depression during the past biennial period, we were somewhat handicapped in conducting this work because we knew,

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in many instances, to have organized the men in these fields would have provoked a strike, and owing to the exhausted condition of our treasury, due to the bitter conflicts in Colorado and Ohio we did not deem it advisable to take any particular chances. Our organizers devoted themselves principally to an educational campaign and they report to me that the men in unorganized fields are anxious and ready to join our movement just as soon as we feel able to give them proper protection in the event of a strike. We have established a number of new locals in the non-union fields, and we are also maintaining locals in the various branches in these regions. It ought to be evident to our entire membership that these campaigns in the non-union fields must be continued if we expect to establish better wages and improved conditions for the whole industry."

In reference to the situation in West Virginia, Mr. Hayes stated:

"We have given considerable attention to West Virginia, and wish to report that from a total of 56 locals at the beginning of our administration we have at the present time a total of 182 locals in good standing in this state.

"I regret to report that our work in West Virginia during the past year has been seriously handicapped because of the internal dissension that prevailed and still prevails to some extent in this field. A dual district movement was organized there last summer, which prevented in a large measure the extension of our movement into certain unorganized sections of this district. Internal dissension is the thing the enemies of our cause like to see, and no doubt the non-union operators have encouraged this friction to some extent. There is no excuse for any of the mine workers of this state to secede from the district organization and in doing so, under our laws, outlaw themselves from the International organization.

"I trust that those in West Virginia who have left the fold will soon see the error of their way; that they will return to the organization and take up whatever grievances they may have, in harmony with the laws of our union.

"We have tried to point out to the West Virginia mine workers that they must assume some of the responsibility in making the fight in this region; that the International organization is ready and anxious to do all in its power, but that where the men have the right to joint the organization, even though the wage contract we have is not as beneficent as it ought to be, due to competitive conditions, it is, nevertheless, their duty to become dues-paying members and to show by example that they believe in the efforts we are putting forth to make for a better day for the mine owners of West Virginia. Dual organizations divide the workers and cause them to spend their energies in fighting each other instead of combatting the common enemy.

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" With the proper program placed before the West Virginia operators, who are very apprehensive that we will put them out of business, I am hopeful that their opposition will largely disappear and that we will find it much easier to enter these non-union fields without a strike and, in due time, get these particular operators to recognize our movement and to consider us as an organization of strength and character."

The following resolution was unanimously adopted: "Resolved, That this convention denounce the attitude of such representatives from West Virginia so acting in the Congress of the United States, and we do hereby pledge ourselves to do all that can be lawfully done in behalf of those who, in the future, are willing to use their efforts as representatives in Congress to secure equal and exact justice for labor in West Virginia, and to the same extent, we hereby pledge ourselves to do all we lawfully can to prevent the success of those who have been found to be opposed to labor receiving its full measure of justice in West Virginia."

Dave Wilson, Local Union 705, Illinois, proposed the following resolution, which was adopted:

"Resolved, That this convention advise and instruct the various district officials and scale committees to use their best efforts to have a clause inserted in the new contracts that all companies, a party to the contract, will operate under the workmen's compensation law."

Chas. B. Loescher, President; John De Wuff, Secretary and Adolph Germer, delegate, all of Local Union No. 728, Mt. Olive, Ill., introduced a resolution to appoint a committee of three to go over the records of the International office, including expense accounts of elected and appointed officials, the time they spend in the field and whether their activities were satisfactory to the members in the district in which they worked; that any officer affected by the result of this investigation shall have the right to explain in writing, any apparent extravagance or inactivity or apparent lack of efficiency. The foregoing resolution was defeated.

Resolution No. 206, reading as follows, was adopted:

"Whereas there are a number of organizations affiliated with the A. F. of L. that debar negroes from membership in their organizations, and

"Whereas, We believe this to be against the principles of an organization and unfair to the negro race, therefore be it

"Resolved by the Twenty-fifth Annual Convention of the United Mine Workers of America, That no appeal for financial or moral assistance be granted by the International District of

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Local Unions to any organization that debars anyone from membership on account of race, creed, color or nationality."

Resolution No. 225 was adopted. It reads as follows:

"Whereas, As strikes in the various parts of the United States are part of the working class fighting for freedom at this time, and

"Whereas, An industrial organization composed of all crafts would be more useful to the working class; therefore be it

"Resolved, That we, the delegates assembled, demand our officials to call a convention as soon as possible, that we correspond with all craft unions for the purpose of organizing an industrial union."

A resolution demanding that the United States Government take over all railroads and mines and that these demands be enforced by a general strike of all industries, was defeated.

A resolution that the convention endorse the Socialist party was defeated.

Delegate Smith of District No. 23 introduced Resolution No. 265 which was adopted by a unanimous vote and which read as follows:

"Whereas, There are 30,000 mine workers in the state of Kentucky who are denied the fundamental rights guaranteed by the Constitution of our country, and

"Whereas, There has been introduced in both houses of the General Assembly of the Commonwealth of Kentucky, bills which have for their purpose the liberation of this vast army from the slavish conditions under which they are compelled to labor, therefore be it

"Resolved, That a committee be appointed to prepare a suitable memorial to be sent to the President of the Senate and the Speaker of the House of the General Assembly of Kentucky urging passage of the bills referred to."

James Lord, President of the mining department, made the following statement:

"The unions at present affiliated with the mining department are the U.M.W.of A., Western Federation of Miners, International Brotherhood of Steam Shovel and Dredgemen; Amalgamated Assotiation of Iron, Steel and Tin Workers of North America, and International Association of Machinists."

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Delegate Doyle discussed the Colorado strike and criticised the Colorado strike and criticised the officers of the U. M. W. of A. for not giving proper financial or moral support. He spoke for nearly four hours on the subject. Delegate Bittner, District No. 5, made a motion that Delegate Doyle's statements should be stricken from the records. This was carried. Doyle is suspected of having some connection with a detective agency.

From the report of committee on officers reports, the following is quoted:

"It is a matter to rejoice that the Ohio men have gained that which they fought so magnificently for, even though the strength of the organization was necessarily divided.

"The Colorado and Vancouver strikes will simply have to be reverently placed among the battles fought and not completely lost. The spirit of the people who participated therein was magnificent, the support of the organization was as full and complete as it could honestly give. They are over, but we can make those fights yet declare dividends to the human race by building this organization into a still bigger and better one."

The matter of prohibiting members of the militia from membership in the U.M.W. of A. was discussed at some length. On this subject a telegram was received by President White from Frank P. Walsh, reading:

"Kansas City, Mo., Jan. 31, 1916. Hasty examination of law would indicate that you can not legally bar militia from your organization. Am writing."

Resolution No. 281 was then unanimously adopted. It reads as follows:

" Resolved, That the U.M.W.of A. as represented by their delegates in this convention assembled, petition the American Federation of Labor and the various state federations of labor to secure the enactment of legislation that will prevent military forces from privately armed gunmen from acting as strike-breakers, and be it further

"Resolved, That the U. M. W. of A., and the various district branches are hereby instructed to co-operate in an effort to secure the passage of such legislation."

Resolution No. 280, reading as follows, was adopted by a unanimous vote:

"Resolved, That this convention of the U.M.W.of A. pledge our loyal support to President Moyer in his efforts to rehabilitate the Western Federation of Miners, and commend him for his loyalty to organized labor."

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In reference to the organizing campaigns, the committee made the following statement, which was concurred in by the convention:

"Organizing the mine workers of this country is of vast importance to the mining industry and its complete success will bring into being a period of stability and prosperity that no other single agency can give, and the committee recommends a continuance of the strong organizing efforts that have been made. The International officials to be the judges of the best methods to pursue and upon the magnitude the campaign shall assume so far as it is within their power to extend or limit."

This leaves this important matter virtually in the hands of President White. He and other officials are in favor of devoting their efforts to organizing Western Pennsylvania first, then West Virginia. President White furthermore made this statement confidentially outside of the convention.

Suggestions were made in reference to organizing Canada, but it was decided that on account of the war and the depleted condition of the treasury of the U.M.W. of A. that such a plan was not feasible at present. It is the desire of the officers of the organization to organize the United States thoroughly first.

Alabama was mentioned as a field where organizing should be done, but action in that region was deferred on account of the reasons previously given.

In The convention of 1914 the organization pledged itself to inaugurate an organizing campaign in Hopkins County, Ky., and western Kentucky District No. 23, but were unable to carry that policy into effect on account of insufficient funds, due to the expenditures in the Colorado and Ohio strikes. A resolution was presented, reading as follows:

"Resolved, That it be the policy of this convention and the International Union, that as soon as the financial condition of the International organization will warrant its doing so, a campaign of organization be inaugurated in Hopkins County, and Western Kentucky, and prosecuted until a complete organization is established in that field, and be it further

"Resolved, That it is the sense of this convention that owing to the acute situation now confronting our district organization that this be the next field entered for the purpose of organizing the non-union miners of the country."

The foregoing was referred to the International Executive Board, which will unquestionably give Pennsylvania precedence over Kentucky in the matter of organizing.

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The following is the report submitted by the Scale Committee, which was adopted by the convention:

"First: We demand that all coal be weighed before being screened and paid for on a mine run basis.

"Second: We demand a ten per cent per ton increase at the basing point.

"Third: We demand a ten per cent increase on all dead work and yardage.

"Fourth: We demand a twenty per cent increase on all day labor.

"Fifth: We demand a uniform day and wage scale for all classes of outside and inside day labor.

"Sixth: We demand a proper readjustment of the machine differential at the basing point.

"Seventh: We demand that the eight hour day shall apply from bank to bank.

"Eight: We demand that all local inequalities and internal differences be deferred to the various districts affected, for settlement.

"Ninth: We demand that our contract shall be in effect for a period of two years.

"Tenth: We demand weekly pays.

"Eleventh: We demand that every other Saturday shall be an idle day."

We reaffirm and endorse the demands of the anthracite miners formulated at their Tri-District Convention held at Wilkes-Barre, Pa., Sept. 7 to 10, 1915, which are as follows: (details of these demands will be found on pages 6 and 7 of this report).

The report of International Secretary-Treasurer William Green shows the following:

Balance on hand Dec. 1, 1914	$ 110,938.66
Income Dec. 1, 1914 to Nov. 30, 1915	1858,604.64
Total	$ 1969,543.30

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Expenditures Dec. 1. 1914 to
Nov. 30, 1915 ..... $1,776,984.33

Balance on hand Dec. 1, 1915 ..... $ 192,558.97

In 1914 and 1915 the organization gave

Colorado	$2,209,000.00
Ohio	1,294,500.00
Total	$3,503,500.00

The next convention will be held in Indianapolis, Ind., in January, 1918.

There was some talk on the part of President White of retiring, but he eventually decided not to do so.

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INDUSTRIAL COMMISSION OF WISCONSIN ACTIVITIES


GENERAL ADMINISTRATION
STATISTICS
SAFETY AND SANITATION
WOMEN & CHILD LABOR
WORKMEN'S COMPENSATION
FACTORY INSPECTION
BOILER INSPECTION
ELEVATOR INSPECTION
BUILDING CODE
FIRE PREVENTION
ADMINISTRATION AND REPORTS (95% OF ALL CASES)
CONTESTED CASES (5% OF ALL CASES)
INSURANCE REPORTS
REPRESENTATION ON INSURANCE COMPENSATION BOARD
MEDIATION & ARBITRATION
ENFORCE LAW ON REPORTING OCCUPATIONAL DISEASES
ENFORCE LAW ON BRANDING PRISON MADE GOODS
ENFORCE LAW ON MATTRESSES
LIQUOR STATISTICS
HANDICAPPED PEOPLE
EMPLOYMENT
MISCELLANEOUS
APPRENTICESHIP
SCHOOLING
PUBLIC EMPLOYMENT OFFICES (MANAGEMENT OF)
PRIVATE EMPLOYMENT OFFICES (REGULATION OF)
CAUSES OF UNEMPLOYMENT (INVESTIGATION OF)
HOURS AND WAGES
SUPERVISION OF SHOP WORK
INDENTURING
REPRESENTATIVE ON VOCATIONAL EDUCATION BOARD
TRUANCY
STREET TRADE PERMITS
CHILD LABOR PERMITS
CHILD EMPLOYMENT
HOME WORK
MINIMUM WAGE
HOURS OF LABOR
SAFETY, SANITATION & WELFARE
SANITATION
VENTILATION
LIGHTING
ACCIDENT PREVENTION
FIRE PROTECTION
CIGAR FACTORIES
BOILER INSPECTION
ELEVATOR INSPECTION
THEATERS & HALLS
SCHOOLS
HOTELS & TENEMENTS
SAFETY OF BUILDING WORKMEN
ARCHITECTS REGISTRATION
FIRE PREVENTION
CORN SHREDDERS, ETC.
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Conductors, Order of Railway

Garretson, A.B.

W. L. Mackenzie King Papers
Volume C 15

PUBLIC ARCHIVES PUBLIQUES
CANADA

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ORDER OF RAILWAY CONDUCTORS.

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MONTHLY CIRCULAR.

Cedar Rapids, Iowa, March 10,1916.

BROTHERS:

Our General Committee for the Missouri Pacific secured the reinstatement of a dismissed member.

Our General Committee for the Boston & Maine secured the reinstatement of a dismissed member.

Our General Committee for the Chicago & Northwestern secured the reinstatement of a dismissed member.

Our General Committee for the Southern Pacific (Pacific System) secured the reinstatement of a dismissed member.

Our General Committee for the Union Pacific secured the reinstatement of two dismissed members.

Our General Committee for the Canadian Pacific secured the reinstatement of a dismissed member, also, the reinstatement of four passenger conductors whom the company had prosecuted, but who were acquitted by the trial judge.

The Local Committee of Division 514 secured the reinstatement of a dismissed member.

The Local Committee of Division 2, for the Pennsylvania Lines East, secured the reinstatement of a dismissed member.

The Local Committee of Division 354, for the Western Maryland, were able to secure a change of decision by Superintendent from dismissal to thirty days' suspension; also another case where member had been suspended indefinitely, decision was changed to thirty days.

Joint General Committees, O. R. C. and B. R. T., for the Denver & Rio Grande, secured the reinstatement of a dismissed member.

Joint General Committees, O. R. C. and B.R.T., for the Grand Trunk, secured the reinstatement of a dismissed member of our Order, and two dismissed members of the B. R. T. They also satisfactorily adjusted some other matters which had been placed in their hands.

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CANADA

Joint General Committees, O.R.C., B.L.E. and B. R. T., for the Seaboard Air Line, secured the extension of their rates and rules over the Charleston, Atlantic & Western, a newly acquired line, which means about 18 per cent increase to the men on that territory.

Joint General Committees, O.R.C. and B.R.T., for the Frisco, assisted by officers, secured the reinstatement of nine members of our Order, and seven members of the B.R.T., carrying with them the payment of a total amount of $5,673.91 for time lost. They also satisfactorily adjusted a large number of other matters of complaint which had been referred to them.

Joint General Committees, O.R.C., B.L.E., B.R.T. and B. L. F. & E., for the Boston & Albany, assisted by officers, satisfactorily adjusted the matter of manning trains running over the Boston & Albany tracks and NewYork Central tracks between New York City and North Adams, by giving the Boston & Albany one crew in the pool of four.

Joint General Committees, O.R.C. and B.R.T., for the Pittsburgh & Lake Erie, secured way freight rates for drag and pool runs on a portion of their lines, with back pay from November 15, 1915. They also satisfactorily disposed of some other matters which were in their hands.

Joint General Committees, O.R.C. and B.R.T., for the Maine Central, having failed to work harmoniously, it became necessary to assign officers to assist in bringing about a more harmonious feeling between them. Vice-President Carey of our Order and Vice-President Murdock of the Trainmen, met the Committee and as a result the differences were harmonized and agreement made as to future joint action.

Division 633 was organized at Elmwood Place, Ohio, on February 20, by Brother F. S. Thomas, of Division 101, acting as Deputy President.

Division 637 was organized at Casper, Wyo., on February 29 by Brother A. T. Wright, of Division 583, acting as Deputy President.

Division 635 was organized at Sharonville, Ohio, on February 27, by Brother F. S. Thomas, of Division 101, acting as Deputy President.

The northern division of the Pacific Northwest-Electric Railroad, has been declared as coming within the intent and purpose of Section 19 of the Statues, and conductors who can fulfill all the requirements of said Section 19 are eligible to membership in the order.

Brother H. E. Smiley, of Division 181, Chillicothe, Ohio, lost card case containing B. & O. pass, O.R.C. and Masonic receipts. Case was found by stranger who left it with a lady at Black Fork, Ohio, but withheld O.R.C. receipts. It is quite probably that improper use may be made of these O.R.C. receipts. If presented,

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take up and forward to this office.

Divisions will no doubt receive a request for financial aid from Brother John B. Lennon of the American Federation of Labor, who is also Treasurer of the Industrial Relations Committee. As all the membership have no doubt seen through the papers, the Industrial Relations Committee was formed primarily to secure the printing of the records of the late Industrial Commission, including the report and testimony given in full, as well as to useits efforts and influence for the enactment of legislation that would make effective some of the recommendations in the report as to conditions found existent by the Commission. It is not desired that this Committee should be financed by men of wealth posing as philanthropists and the effort is therefore being made to secure funds largely through labor unionsources. No money is available in these brotherhoods for such purposes and in consequence an appeal will undoubtedly be issued directly to Divisions. While as a member of the former Federal Commission on Industrial Relations, I am fully aware that I may be prejudiced in regard to the value of its work, still I believe that its work was of immense value to the laboring men of the country, and especially to the trades Union men, and that the appeal by this committee is well worthy of consideration by the Divisions.

A condition has arisen in connection with the next meeting of the Grand Division that is unfortunate. The Grand Division at Detroit enacted legislation forbidding the issuance of credentials by any Division for the purpose of soliciting advertisements and it was done with the intent and purpose of putting an end to the abuses that had grown up in the soliciting of advertising for souvenir programs for the preceding Grand Divisions and the misuse of those credentials for fraudulent purposes after they had served their purpose. The St.Louis Division appointed committees in the usual manner and, without authorization by them, as stated by the Division, the Chairman of one of those committees entered into arrangements with advertising solicitors for the preparation of a souvenir book, regardless of the fact that such action was forbidden by law. We have had numberless letters from those who have been approached asking in regard to this and we have in every instance been compelled to advise that no one could be authorized on behalf of the Order of Railway Conductors to solicit advertisements for a publication of this character. All Divisions should take it upon themselves to protect the business men in their own locality by notification that the Order of Railway Conductors is not responsible for the preparation of any souvenir book for the approaching session of the Grand Division.

While the condition of my eyes is very much better, I am yet unable to determine whether or not they will stand the continued demand which will be made upon them. On the first of this month I resumed control of affairs of the Organization and am proceeding with the hope that I may have no further difficulty in performing the service. I take this opportunity of expressing my appreciation of the thoroughly friendly attitude of my associate officers in performing gladly and loyally the added service that has been required of them on account of my absence from the service.

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On account of the conditions existing in Canada growing out of the European war it has been decided by the members of the four organizations in the Dominion that they will not participate in the eight-hour movement. Joint circular advising of the details of this action has been forwarded to the Divisions located in the Dominion.

Yours truly in P. F.

A. B. GARRETSON

IL

President

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Necessity for Industrial Co-operation

FRANK A. VANDERLIP

THE NATIONAL CITY BANK OF NEW YORK

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Necessity for Industrial Co-operation

FRANK A. VANDERLIP
President
The National City Bank
of New York

AN ADDRESS
BEFORE
Fifth Avenue Association
New York, N. Y.
November, 1916

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Necessity for Industrial Co-operation

I have noticed in the official announcements which the Fifth Avenue Association puts out, the statement that it exists primarily to safeguard and to improve the Avenue and to guard it from destructive influences. I think you take just satisfaction in what this Association has accomplished in safeguarding the Avenue, and the City of New York is under debt to you for your activities. Just the value of that service and the measure of your accomplishment you can weigh much better than I. To guard Fifth Avenue from destructive influences, if taken in a broad sense, may well mean the exercise of some of the highest duties of citizenship, and it is in the broad aspect of such a duty that I should like to talk to you.

For example, I should like to contrast two pictures of Fifth Avenue—the one of its dense, though wisely regulated and well ordered traffic, its normal atmosphere of activity, its generally inviting aspect, which is the day's picture that all of us have; the other, a picture which is now not two months old of this same street. Everyone of you can remember the aspect it bore for some days while the conflicting interests of two groups of men, resulting in a transportation strike, disrupted the sensitive organs of this great city's transportation system. You who take a just pride in Fifth Avenue must have then witnessed with indignation and apprehension the melee of traffic, the frantic efforts for relief, the disgraceful inconvenience, to which a considerable portion of the people of this city were put.

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Masses of humanity blocked the sidewalks of your beautiful Avenue and struggled with each other for places on all manner of vehicles. They were hurried pell-mell through the streets without regard for traffic regulations. The Avenue carried a procession of trucks and drays into which were herded men and women. People were exhausted in the effort to reach their work and to return to their homes. The tranquillity of a vast community was summarily shattered through a misunderstanding in the relations between two groups of men in that community. Such an occurrence is a matter of deep concern to everyone who feels devotion to society's common interests. With your organization formed for the purpose of safeguarding this Avenue from destructive influences, does not the memory of such an invasion of the peace and orderliness, and the prospect that a repetition might come at any time, offer a subject that should engage your deep consideration? This particular occurrence, however, is but indicative of a larger question—a question that must address itself to every good citizen, for it typifies and is symptomatic of a friction that exists in our whole social system.

The recurring disturbances of strikes and of threatened strikes show that it is no small spirit of unrest that troubles the social and economic life of the nation. This country indulges in a lavish waste through strikes, the losses from which would appall any less wealthy nation. The cost of the recent garment makers' strike in New York City has been estimated to be in the neighborhood of fifty million dollars. The last anthracite coal strike in the short course of five months caused a loss of one hundred and twenty million dollars to employers and employees in the community. I have seen the statement that in a single

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year the losses that could be attributed to labor disturbances in this country total more than a billion dollars. Of course, the real losses that may be traced to the friction in the social order that exists from this one cause alone are beyond computation. We may compute in any particular case what the loss of wages has been, what the losses in profits foot up, and if the strike has been accompanied by violence, what has been the result in losses of property. But such statistics do not reveal the social losses and wastage attendant upon these conditions. We have in such a situation, it seems to me, a true index to a condition of dangerous restlessness in our modern industry. I should like to go a bit further and pry beneath these ugly facts which are merely outward reflections of disharmony within the social body.

Biologists tell us that pain has a very useful function to perform. It is an alarm that reports the presence of danger to the organism. It compels attention. It gives a warning which is imperative. No one regards a throbbing tooth as an accident, but rather as an indication. Pain is a clear indication that something is wrong with the organism and it is pretty certain to drive home securely the lesson of attention. Now, on the social plane, as well as on the organic plane, unsound organization, impractical ideas, obsolete customs and life-ways harmful to society are ever being betrayed by some form of social unrest. It may once have appeared in the burning of a sorceress in order to cast off a plague due to the lack of sanitation, or, today, it may be in an anarchistic meeting which denounces the whole social system. At the bottom, the idea is the same. Something is wrong with society, and society, like all living things, is twisting and turning and squirming to get relief from some local pain

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and discomfort. The diagnosis of the evil may be wrong; the remedy may be foolish; but what you may be sure of is that the disturbance is a certain symptom that something is wrong in the organism of society, and that there is need for intelligent treatment. The proper attitude toward these phenomena of social unrest is neither indifference nor fear, nor a Toryism that insists that things go on as they are. There is nothing unnatural or new about these social pains. The life-environment is ever changing and the invisible forces of evolution are constantly cutting away maladaptations from the social body. Do not stop with deploring the existence of this social unrest! The wise thing for everyone of us to do is to extract the last ounce of wisdom that we can from hard experience. It is our duty to look below the surface of social unrest for the true inciting causes, to search for something more than palliatives, and to bring about a union of sound economic principles and sympathetic social justice.

Remedies for ailments in our social system, if they are to have any permanent value, must be fundamental and not mere scratchings at the surface. Massage may relieve a rheumatic pain, but it does not grapple with the cause of it. We have finally learned that true charity does not consist in indiscriminate alms-giving which may alleviate the pain but nourishes the cause, but are we looking as clearly at the phenomena of social unrest? Are we not still going on trying to better working conditions by arbitrarily limiting the hours of labor, whereas such a policy may have precisely the contrary effect, since anything that limits productivity and impairs efficiency must necessarily redound to the injury of the workingman himself along with the rest of society. Thoreau's saying that "there

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are thousands hacking at the branches of evil * * * for one who is striking at the root," is too true.

Our first duty is to distinguish genuine and fundamental help from artificial and temporary help. The overwhelming majority of both employers and employees are fair-minded. There is, unfortunately, an element of employers who are greedy, who fail to recognize their duties to society and who are unfair in their treatment of labor. Likewise, there is an element of labor that makes its living by perpetuating discord, an element that is without true patriotism even to its own class and is blind to the economic principles that must rule all society, employing and employed. Good citizenship demands that employers must be alert to new agencies for industrial harmony. The provision for sickness, invalidity and old age, the provision of hygienic working conditions, the payment of fair wages, and the general recognition of the humanities, are demanded, in the light of our present-day intricate society, as fundamentals of good citizenship.

As society becomes more populous and more complex, as the means of production and distribution become more intricately interlaced, the social organization must conform. Old methods, no matter what measure of authority from long usage they may have, must be modified or replaced if they are causing friction in the delicate adjustment of our increasingly intricate society. It is evident to everyone that with the growth of cities, with the growth of corporations and the consequent sub-division of labor, society's welfare is becoming increasingly dependent upon the harmonious co-ordination of every single part. The current of social evolution is inevitably flowing toward true co-operation, and the pains which society suffers are largely the result of the obstacles that prevent

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freedom in the flow of that current. One needs but to look about him in a great city to realize how finely prescribed must be the rights of each individual, how carefully laid must be the rules for daily conduct in the community in order that vast numbers can live together agreeably.

It is time-honored humor to joke about that pleasing delusion that two can live as cheaply as one. This much, however, is sure. Two working together—working so as to harmonize and supplement their efforts—can produce more than two working alone. We might say that society's history from the smallest isolated family group to the complex community of a great city is simply a progressive realization of "the fundamental unity of society".

If we take a broad view of the trend of business development during the last ten or fifteen years, we shall recognize that Competition is passing from the plane of Individualism to that of Collectivism. I hesitate to recur to the present situation in Europe to illustrate what I mean. There seem to be two extreme views of that situation, the one predicting complete collapse and exhaustion, the other foreseeing a Europe which will emerge remolded and revitalized by war. It has been said that in the last thirty months antiquated ways and ideas have been discarded which thirty years of peace could not have eliminated. Such tremendous strides in organization and in co-operation have been made by all of the warring nations that I have heard it predicted that after the war we will speak of "the Old United States" and "the New Europe". Whether Europe turns out to be exhausted or regenerated at the signing of peace, our present duty in either case is to preach Industrial Preparedness—in the former event so as to help rebuild and restore those countries;

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in the latter, to be fitted to hold our place in the world's market under the test of renewed competition.

Your Association is one of thousands in the United States whose members have seen the advantage of merging their private interests in a larger, more inclusive common object. The subordination of the individual to the National ideal has been called the first duty of citizenship.

Taking the nation as a whole, however, there is reason to doubt whether the co-operative spirit has yet rooted itself very deeply in the American mind. "Unorganized America" is no idle phrase. Under our temporay isolation there is danger of our growing sluggish, like an athlete, who, even for a short time, breaks training. We must begin now to get back into condition. Our industrial mechinery must be tightened. Leaks must be stopped. The government, the merchant, the manufacturer, the investor, the banker, and the farmer must all pull together. We have thought and planned too little as a nation. We must realize national solidarity. The nation of the future which has this idea of national co-operation most highly developed will be the best fitted for leadership.

As a nation, we have thus far been unable to link up and co-ordinate the three vital forces for national unity and progress—Business, Education and Government. Unfortunately the Government has been trying to settle our economic problems not by co-operative but restrictive legislation. It is a characteristic of coercive legislation that it very generally produces the exact opposite of the result sought. It seems highly plausible that much better results might be obtained if our government, as do certain foreign ones, were to confer some sort of authority on associations of business men, which in many instances are better informed on local

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needs than the central authorities could be. It has been found that the members will obey the laws in the making of which they have had a voice more faithfully and see to their enforcement more zealously than under the most efficient government supervision. The legal standard of a nation can never extend beyond the limit of the moral responsibility of its people.

Australia is considered the most peaceful of any industrial community, yet we are told by observers that restrictive legislative measures have stifled industry there until it is dormant. She has, indeed, industrial peace, but it is the peace of the grave. Co-operative legislation planned and executed jointly by business and governmental interests means the peace of the bee-hive. A timely illustration of the possibilities of co-operation in legislation is the present effort of the National Chamber of Commerce of the United States to have enacted a law to prevent railroad strikes pending a settlement of disputes between employers and employees. Our northern neighbor, Canada, has some such legislation. In their system it would seem that publicity has proved a more effective remedy than penalty, in harmony with that true bit of philosophy of Edmund Burke that "Justice is the common concern of mankind".

Organizations such as your Fifth Avenue Association, expressing the principle of association for common ends, supplies the best type of machinery for co-operation. But we must go a step further than joining individuals into organizations—there needs to be co-operation between the various associations of business men. We find promising evidence of a better understanding of this requirement in recent newspaper articles. They have told us of the formation of the National Industrial Conference Board. This body is

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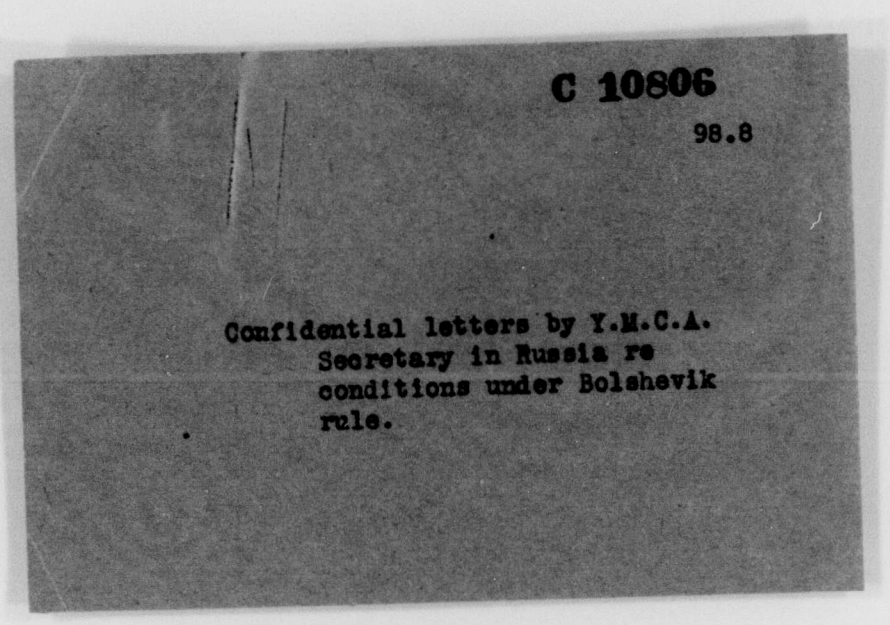
said to be composed of 5,000 employers, members of twelve of our largest business organizations which employ seven million workers. Its aim is to analyze the essential elements of a given situation, to suggest improvements, and to inspire "united and intelligent action". It hopes to promote a clearer understanding between the employer and the employee, and between its members and the public at large.

Co-operative planning among progressive business organizations for the good of the nation strikes the keynote of what appears to be the surest possible way out of our past and present difficulties. To inspire "united and intelligent action" roughly expresses our one great need—unity of thought and action—enlightened co-operation. The sooner we become convinced of the truth that business has outgrown itself as merely business, and that trade is not merely trade; that trade and commerce are the outstanding features of modern social development; that they are the devices of men living in human society for making possible a life worth living, and as such are to be judged by standards of social utility,—the sooner can we attack the many problems confronting us. Clearly the future business man must deal with social forces. He must attain that attitude of mind which will lead to flexible, statesman-like judgments, practical in application.

The currents of creative thought in our national development must be directed toward one objective, out of which must crystalize a nation supreme in quality, in industry, and in efficiency; such is the price of progress; such is the requirement for the super-organization of the nation of the future.

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Confidential letters by Y.M.C.A. Secretary in Russia re conditions under Bolshevik rule.

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From confidential letter, Y.M.C.A. Secretary, Moscow, December 30, 1917.

"The workmen have taken over the factories and are paying the owners wages for their labor. The army has the guns and has made these things possible. In all this there has been a minimum of disorder, a thoroughness of action, a large number of mistakes, some pitiable blunders, and here and there an efficiency that cannot be realized by one who is not in the midst of things."

"Political power is vested in the soviets, composed of representatives of the workmen and soldiers. The extent to which these groups are organized for representation is truly extraordinary. Practically every trade, including skilled and unskilled labor, is now throughly organized . Factories are organized to care for their own interests. From all these groups there are chosen delegates to congresses and out of these come the soviets, or those who are delegated to act as well as deliberate."

"Another factor in the situation is that owing to the loosing of the sea of political discussion the workman is only half efficient when he is working. He is likely to stop in the midst of his labors to help settle the issues of the day, a privilege that formerly belonged only to his employer.

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His pay, of course, goes on for this time. In many factories the work is being directed by the workmen's committees, the owners and managers getting only the same wages as the men, and there being no difference made between skilled and unskilled labor. Numerous concerns have gone on the rocks because of this sort of thing, and many others have been closed by the owners who could not keep them going. In some cases it has been reported that the owners have been forced to sacrifice all they had, even homes, in keeping the factories running, until they were bled white."

"Banking is at a standstill. The banks in Moscow have not been open for eight or nine days, and our best information is that they do not know when they will open again - the earliest hope is two weeks more. The institutions, including foreign banks, have been taken over by troops and a decree issued nationalizing financial institutions. The interests of small depositors are to be protected - those of large ones are being investigated. It was stated in the papers that while only a limited amount of cash was found in the Moscow banks, yet billions in valuables were found in the vaults of the safe deposit boxes of the well-to-do. These will probably be utilized as the basis of equalizing conditions or the means of financing the establishment of the socialist state. At any rate, the backbone of capitalism here has been broken by this proceeding, and the capital restored to the people - if one may judge by the announcements in the public prints and official exhortations."

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From confidential letter, same Y.M.C.A. Secretary, Stockholm, Sweden, January 29, 1918.

"In the main the changes which have taken place in Russia in the last month have been for the worse. The glide down grade into anarchy is gathering momentum. Disorder, accentuated by the reappearance of vodka in salable quantities and the increasing shortage of foodstuffs, is more general and frequently breaks out into food riots in the smaller cities and towns."

"The firebrand of revolution has been thrown into Finland, aided and abetted by the Petrograd regime."

"Our last information from the Ukraine came just before I left Moscow and said the bottom was dropping out of things there."

"What is of greater importance to my mind is that the powers that be in Petrograd are actually more hostile to the western democracies than to German autocracy. They believe Germany to be less capitalistic, though less democratic and their antagonism to capitalism is greater than is their antipathy toward autocracy. They believe the overthrow of autocracy will be comparatively easy in Germany after the war, but they feel that the struggle with capitalism in the west will be the real battle. The scornful reception of President Wilson's speech defining our aims - I am speaking of the attitude of

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officials only - can be understood only in this light. One of them cast the speech aside with the remark, "Another capitalist trick". On the other hand patriotic Russians express themselves quite favorably, one man of discernment telling me that the President was more kind to Russia than she deserved, and expressing himself as pleased with the frank statement of war aims, or rather, peace terms. The great majority are frankly cynical or in the case of the ignorant masses are unconcerned. As for the leaders of the present regime it must also be borne in mind that to them Russia is nothing but "a geographical expression". They will sacrifice Russia unhesitatingly if by doing so they can promote their dream of internationalism and they will take long chances in this matter. For Russia as a nation they have no ultimate concern. They are devoted to a single purpose and Russia is now one of the means towards its accomplishment, just as German favor and money have been. They are sincere (at least Lenine and Trotsky) - at least that is my judgment, but they do not scruple as to the means employed and for Russia as a nation they do not care a fig."

"The hunger and famine which I predicted thirty days ago has already appeared in many centres. Food riots had occurred in cities and towns about Moscow before I left there, but the superior storage and organization facilities of Mosoow and Petrograd have spared them such horrors as yet."

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"In Moscow there are something over 900 street cars. Of these about 500 are now out of commission. The employees for the entire number are kept on the pay roll and the four hundred cars must earn the wages. The system of tram service is being operated by the workmen both in Moscow and Petrograd. For the first four days of January there was no tram service in Petrograd and it was far from restored to dependable state when I left there."

"Some (Y.M.C.A.) huts have troops quartered in them, in other centres we are under investigation on the charge of being representatives of a capitalistic regime."

"No one who is not in the midst of ~~all~~ this revolutionary movement can appreciate the volume of its flow or the depth and speed of the current. It has world wide proportions and aspiration. It is feared in Sweden and Norway and it counts upon success in Germany and Austria, and later in the western democracies of Europe. Revolutionists in Russia have confidently assured me that America would not escape. The leaders are frankly and openly scattering their firebrands and offering their assistance wherever they find an opening - as in Finland and Roumania. The present leaders cannot organize this revolutionary movement even in Russia so that it can actually undertake foreign conquests on a large scale, but it is not impossible that trained leaders

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may be found in some of the present warring countries. The fervor of the masses in Russia duplicates the enthusiasm of the French revolutionists and properly organized and led they will constitute a menace to world peace - at least to world order as we have known it. I shall not be surprised if peace is much farther removed than any of us dream - in fact that the war now on may prove to be the "curtainraiser" for the real thing. I hardly see how it can be possible and I know you will think I am possessed, but stranger things have happened and the reports I am now getting of what is going on in the outside world are disquieting to say the least."

"Among those who guide and control the thought and action of the simpler folk of Russia, America is anathema because capitalistic and our labors are accepted largely because they render easier and more efficient the efforts of those who are bent upon bringing about at home what they accomplished in Russia."

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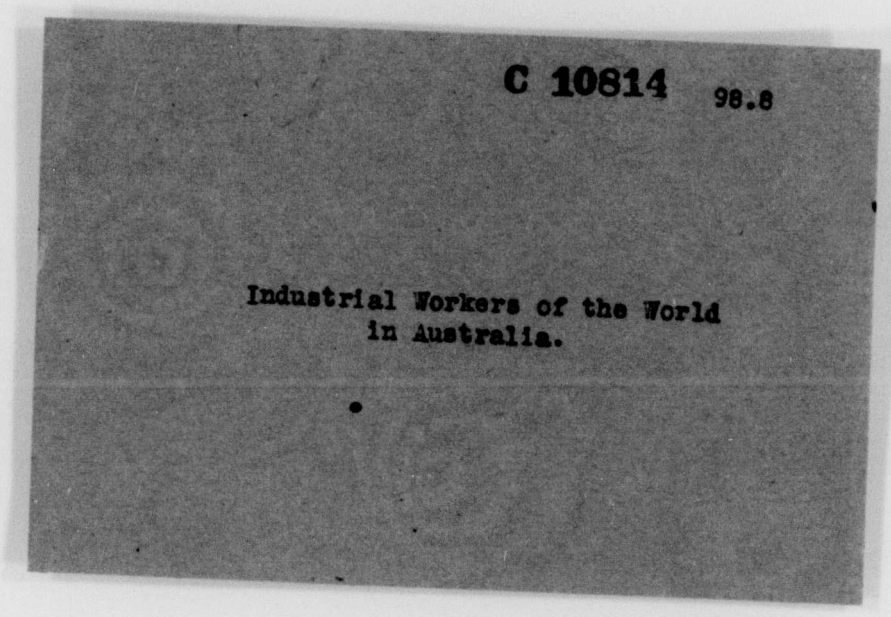
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Whatever may be said of the capitalistic organizatio... of industry, this at least cannot be charged against it, that it tends in any way to limit production. The truth is, it has gained the world sway it has because it makes possible an all but unlimited production. Under the old domestic system, only a limited production was possible. The total wealth resulting from industry could never go beyond what human labor, assisted by such implements and tools as human ingenuity had devised could produce from the materials at hand. With scanty resources, small markets, and restricted methods of manufacture, everyone might be barely employed and the total resultant wealth of an industrial community remain comparatively small. Once, however, discovery had disclosed new sources of wealth in all quarters of the globe, once man's inventive genius had taught him to harness the powers

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TRADES UNIONS WILL JOIN WITH MINISTRY

Labor Leaders Will Take More Prominent Part in all Departments.

(Associated Press Despatch.)

LONDON, May 24—It is understood that an important change in the relations between the government and the trade unions is contemplated, the movement probably being an outgrowth of the many labor difficulties that have arisen during the war. Proposals are being advanced, it is stated, with a view to making better use of the assistance of the trade union leaders in strengthening the ministry of labor and co-ordinating its work with various government departments, such as the admiralty, the war office, the ministry of munitions and the shipping control department, which all have direct relations with the trade unions and exercise control over labor.

The government is making inquiry, it is declared, as to how far the trade unions could co-operate with the ministry of labor in an advisory capacity and relieve these various departments of direct negotiations in industrial questions.

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The Industrial Workers of the World appeared in Australia a year or two before the beginning of the War. Their influence was considerable amongst the Trade Unionists of New South Wales and Victoria. Such influence however has greatly increased since the War began.

In Western Australia the I.W.W. were unknown before the war. Since the War the Society has had Branches in Western Australia but the movement has apparently failed.

The principles which the Society judging from its Australian propaganda appears to advocate may be shortly stated as follows:

The wages system is to be made impossible. That result is to be attained by making it impossible for any employer to make any profits. Profits are to be destroyed by any effectual method such as slowing down or the lazy strike, the destruction of or injury to machinery and generally the rendering of production by the employer expensive and unprofitable.

The advocates of the system appear to think that having made it impossible for employers to carry on owing to the unprofitableness of doing so, it will not follow that the industries now carried on by employers will cease but that it will follow that those industries will continue apparently carried on without capital by the employees. They they think that the working man will in their own language "own the world."

The whole of this creed and the arguments by which it is supported judging again from the literature disseminated in Australia is so un-

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intelligent that it is difficult to believe that it can find adherents except amongst those who are attracted by the criminality of its methods or amongst persons of a very low order of intelligence. This has in fact been the case in Western Australia whether it has been so in the Eastern States I am not in a position to state.

It does however appear to be clear that the organization has in America attained very large proportions indicating that there must be both money and brains behind it. For the reasons already pointed out it is difficult to understand how money and brains can be found to support the doctrines of this Society but apparently this has occurred in America. How is this to be explained ?

It has occurred to me as possible that the reason may be that in America such an organization has an important political significance and can be used for political purposes at election times. Is this so ? If not how is the phenomenon explained.

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Playing up to get the Vote "at any price" has brought this condition about — the "Chickens come home to roost" and in the case they are coming into St. George's Hall Corps.!!

Sept. 10 1915.

a disposition to make a separate peace in the step taken by the Czar in placing himself at the head of his armies in their national struggle. It is a singular misreading of the signs of the times—as grossly erroneous as the idea that the fresh massacres of the civilian residents of the Metropolis and of the Eastern Counties perpetrated this week will terrorise London, and help to paralyse the arms and the will of Britain. The spectacle of the Czar at the head of his troops is guarantee and evidence that all the powers and resources of a mighty Empire are being combined in the sacred task of grappling with and overthrowing the invader, and that the fight will be carried to a finish.

Mr Lloyd George attended the Trade Union Congress at Bristol yesterday, and delivered a speech on the subject of munitions. It was the same speech as he made months ago when addressing a conference of Trade Union leaders; it was the same speech as he delivered at Manchester, at Liverpool, and at Cardiff shortly after he became Minister of Munitions. Is there anyone who fails to see the irony of this, who does not consider it pitiable that months after we were told, on the authority of the Minister of Munitions, that we must put our strength into this problem, we have still to be reminded of the urgency of the matter and of our failure to deal with it effectively? There has been progress, unquestionably. Mr Lloyd George said yesterday that we have set up sixteen national arsenals, and we are constructing eleven more. Moreover, 715 shops producing munitions of war have been taken over by the Government and declared controlled establishments. There are indubitable signs of progress in these facts; but evidently they are not enough. We have got, or are getting, the workshops; and presumably we have the tools and machinery; but we want the men to work the machines. We are short, according to Mr Lloyd George's statement yesterday, of 80,000 skilled workmen. In addition, we require 200,000 unskilled men and women. Everyone will receive these figures with disappointment. Three months ago the Government started a scheme for the voluntary requisition of skilled workers who were willing to be employed in any controlled establishment or national munition factory to which they might be sent. We were assured by the Trade Union leaders, who were consulted before the adoption of the scheme, and who promised to do everything in their power to assist it, that the men would be forthcoming. The appeal, it was confidently stated, would show that all the men required could be obtained by voluntary means, without resort to compulsion of any kind. Evidently the hope has been falsified. According to reports current at the time, about 100,000 men were enrolled, but many of them were not eligible, as they were already engaged on munition work, and the residual number was far from sufficient. The failure of the scheme, which cannot be laid at the door of the Trade Union leaders, who were as good as their word, and did everything in their power to assist recruiting, raises grave questions. It is, however, for the Government alone to decide what must now be done. The public do not know how many additional workers were obtained by the method of voluntary enrolment, or what the probabilities are that the 80,000 skilled workers, as well as the 200,000 unskilled, who are still required can be got by continuing the appeal on voluntary lines. The National Register may perhaps help. In any case, it will show how many skilled tradesmen are not actually employed in the production of munitions, and, therefore, what the reserves still available are.

As a consequence of the shortage of labour, only 15 per cent. of the machines, Mr Lloyd George said, are working night and day. They might be working continuously and producing double their present output if more labour were available. But that—grave as it is—was not the most serious part of Mr Lloyd George's statement. The most striking and most painful part of his speech was his indictment of Trade Unionism. It may have been meant only as an indictment of individual workers, but the facts which he cited are the gravest charge that has ever been brought against Trade Unionism in this country. Months ago, it will be remembered, the Government had a conference with Trade Union leaders, at which an agreement was drawn up and signed, under which the Unions agreed to suspend during the period of the war the restrictions upon output and the employment of unskilled workers which prevailed before the war. That agreement, solemnly entered into, and safeguarded by the most ample assurances as to the future, has been repeatedly broken. The Trade Union leaders—the men who signed the agreement—are not responsible; they have done their best to impress upon the rank and file the necessity of compliance; but the numerous cases cited by Mr Lloyd George yesterday in which it has been deliberately ignored, leave no doubt that the sacredness of the pledge sits lightly on the shoulders of large numbers of workpeople. Skilled men have refused to allow unskilled workers to man the machines; even at Woolwich, which is wholly in the control of the Government, a resolution has been passed declaring that unskilled work should not be allowed. Further, objection has been taken to skilled men in one craft utilising their ability in an allied craft, for which their training fully equips them; while women have been warned off for no better reason than that they are doing this work for the first time. These things are bad enough; but it is still worse to learn, on Mr Lloyd George's authority, that men who dare to do a full day's work are bullied and threatened until they reduce their pace to the Trade Union limit. One man completed in 8½ hours work which, according to Trade Union standards, should have occupied 31½ hours. He was pilloried in a circular sent round the workshop. Another man was fined £1 for exceeding the Trade Union rate; and yet another was compelled to reduce his rate so that he only earned 1s. an hour, whereas he could easily have earned 2s. 6d. Men are doing only a half or a quarter of what they are capable of doing because their Trade Unions will not allow them. Men and women who might be doing valuable work for the State are kept out of the munition factories because the Trade Unions will not allow them in. If, Mr Lloyd George said yesterday, Trade Unions restrictions were suspended as they ought to be, the output could be increased in some factories by 30 per cent., and in others by 200 per cent. That, he said, was the conclusion of the reports which he received from the Admiralty, the War Office, and the officials of his own Department. It is a most deplorable state of affairs.

Complaint was made at the Trade Union Congress on Tuesday that the employers were escaping lightly, whereas the men were being asked to make large sacrifices. The only sacrifices asked from the men are that they should for the period of the war do as much work as they are capable of, and permit others who are willing to undertake the manufacture of munitions to work alongside them. Surely these are not unreasonable demands to make during the greatest crisis that this country has ever passed through, when compliance means victory, as Mr Lloyd George said yesterday, and when without the support of the workers we cannot win the war. But if it were true that the workmen only were being asked to surrender their privileges, while the employers were permitted the untrammelled freedom of peace times, the workers would have sound reason for complaint. As a matter of fact, however, the employers have been put under even stricter control than their workpeople. In every factory or workshop where the men have been asked to suspend Trade Union rules, the control is in the hands of the Government. The war may offer opportunities for large profits in the kind of business which an employer usually transacts; but his workshop and his tools are needed for Government business, and he must forego his own advantage. Moreover, he is not allowed to make exceptional profits out of the national work which he is doing. As Mr Lloyd George explained yesterday, the employer is restricted to an average of his recent profits, *plus* a little additional for any new capital he may have put into his business in converting it to a munition factory. The Trade Union Congress invited Mr Lloyd George to address them in order that they might hear from him how employers were being dealt with, and they learned that the employer had suffered a severer curtailment of freedom than themselves. They learned also—or it may be hoped that they learned—that a grave responsibility is incurred by any Trade Union official, individual workman, or body of workmen who refuse to implement the agreement for the suspension of restrictions upon output. It cannot be believed that the errors and mistakes of the past were wilful in the sense that they were committed in full realisation of all that they meant. There is hope, therefore, that with fuller knowledge will come a new resolve and a new energy. On Wednesday the Trade Union Congress passed, with only seven dissentients, a resolution showing that they believed in the cause of the Allies and were determined that it should triumph. There can be no question of the loyalty of our people; but some of them are blinded to the needs of the hour by devotion to the principles of Trade Unionism and some of its worst practices.

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ADDRESS OF HOWARD T. VAILE,

SECRETARY OF THE EMPLOYEES' BENEFIT FUND COMMITTEE OF THE

MOUNTAIN STATES TELEPHONE & TELEGRAPH CO.

TO DENVER CHAMBER OF COMMERCE. DENVER, COLORADO.

Jan. 22, 1915.

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Mr. President, Members of the Denver Chamber of Commerce, and guests:-

Welfare work, that is, what an employer can do in a practicable way to help those who work for him, is a pretty big subject.

In these few minutes the most a speaker can do is to outline the subject and make suggestions, suggestions which we hope will be like good seed sown in good ground.

Numerous government and private commissions are investigating the subject and compiling all sorts of statistics so before long a speaker on this subject will have so many statistics that he can prove anything he wants to, to his own satisfaction at least.

Perhaps you will say that this is a trivial subject,— it is as trivial as the little safety valve on the great boiler. As there can be no peace in the home where the members of the family are discontented, so there can be no peace in the industrial world until every thing necessary to the happiness of the working man and working girl is given them. For your own welfare and for that of your children and your country you must consider the welfare of those under you. It is a case where every employer must do his duty. There are two kinds of patriotism, that of the battlefield and that of the shop.

"Withhold not good from them to whom it is due when it is in the power of thy hand to do it".

Perhaps you will say that this is all fol de rol, that you have worked hard in your day and all you ever expected of your employer was decent wages, that you never asked for pink teas, but times have changed as the fellow said when he came home from a celebration and found a strange policeman on the beat.

How have they changed? The speaker last week said that the old

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relationship between owner and workman was gone. Once the business was owned by one or two men who knew every man they employed and there was warm personal loyalty to the firm.

This is the day of corporations, when no one knows who the stockholders are and even the stockholders often cannot tell you the name of the president of their company. While the old ties of sentiment which have bound the workman to his bench have been severed, he has been finding it harder to pay his bills and meet all the demands made upon him, much more to save up against a rainy day.

Travel, amusement, dress, modern houses, and the pursuit of health cost a man's family today ten times what they did once.

The corporation is now losing the loyalty of the worker and the worker upon his part finds he is not getting ahead.

Both are discontented and discontent is the rock upon which efficiency splits.

What is going to change this condition? The same magic that has so often come to the world's rescue, the magic of love expressed in this case by the phrase, the brotherhood of man. This gospel of brotherly helpfulness is being preached as never before. We hear it from the pulpit and the stage, from the press and the legislature, the socialists preach it and every fraternal society and order declares it.

This spirit has taken root in the hearts of men, it <u>cannot</u> be crushed. War may suppress it for a while but it will rise again when the war is over.

In corporations this spirit is leading those in authority to study plans for the welfare of their people and what finer memorial can a man leave behind him than the remembrance in the minds and hearts of his employees that he took a practical interest in their wellbeing, such a memorial as for instance our late member Max Exner has left.

Make a workman contented and he will turn out a product that will find favor. President Nichols of Dartmouth College is quoted as saying that

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organization has not yet developed a heart and a soul. Soulless corporations, however, are taking a more conscientious interest in their people and giving them better wages than is the small employer who is supposed to have a soul — so what's the use in having a soul.

The same speaker said, "corporations are trying to understand the people", that is true and I believe that as a result of their trying they do understand the people and understand their workmen a great deal better than the people and the workmen understand the corporation.

Those who work, ask justice not charity. They ask, first of all, for wages which will enable them to marry and raise a family in comfort and send their children out into the world properly equipped for life, under such economic conditions as promise to them also, not a starved precarious existence but a life of moderate toil under happy conditions.

So, before an employer talks of welfare work he should see to it that he is paying living wages.

Give a hungry man bread before you give him cake.

But an employer's duty does not stop with paying fair wages.

Under present conditions the working man and woman find it hard to save and harder still to keep from losing what they do save; they find it hard to meet the heavy drains caused by sickness, the employer must come forward with some practicable scheme that will not be charity but will enable them to help themselves.

The conditions surrounding the employments must be made as pleasant as possible.

The work must be as steady as possible for lay offs are the great curse of our industrial world.

If a company will look after its people as a father looks after his children, we shall hear little more about social unrest, but that care must be systematic and organized to be effective.

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One of the most important features of Welfare Work is a Workmen's Compensation Act.

The treatment the injured have in the past received from many employers is a disgrace to our common humanity; the injured and their families had to either accept what employers felt like giving them or go to law and if after years of anxiety and litigation anything was recovered the lawyers usually got one half. I will add that the U. S. Government, according to statistics, is the most niggardly of all employers in settling with its injured employees and their heirs.

The Workmen's Compensation Act gives the injured definite compensation in every case and the cost of accidents is thereby added by the employer to the expenses of his business and is paid by the consumer instead of the man and his family becoming charges on public charity.

This unfortunately works a hardship on public service corporations since their rates are regulated by commissions.

There are two classes of these Acts, the compulsory where the employer must pay the benefits prescribed by the Act and the elective where he may not. In the latter case if he does not accept and suit is brought by the injured person the employee loses the three common law defenses of contributory negligence, fellow servant and assumption of risk.

The manner of paying the compensation differs in different Acts.

In some the employer pays the prescribed benefit direct to the employee. In some the employer's check passes through the Industrial Commission. In others a fund is created, to which employers pay a sum equal to a certain percentage of their pay roll; the various industries are divided into classes and each class has its separate fund which cannot be used for accidents occurring in other classes.

A few States have one common fund from which all compensation is paid. This latter seems very unfair to an employer who maintains his plant in the best condition possible and does all he can to avoid accidents.

The railroad companies, the Santa Fe, D. & R. G., and others, deserve

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the credit of being pioneers in the matter of securing medical and surgical attendance for every employee. They do this through hospital associations, to which employees contribute. Their hospitals are finely appointed and well conducted. Most railroads give old age pensions.

I believe all Colorado employers are generous and respond in every case of need, but welfare work should be systematic and the employee should know exactly what he can expect.

The utility companies, the department stores and many others have benefit plans but in nearly every case the employee must contribute. It seems to me that in this they do not go far enough.

The Colorado Fuel & Iron Company deserves credit for a wonderful welfare work in connection with the education of their mine workers and their care when sick or injured. For 33 years they have carried on their work quietly and unostentatiously and at the cost of hundreds of thousands of dollars. Time will not permit me to enumerate the dozens of lines of activity in which they engage--hospitals, schools, lectures, libraries, cooking schools, etc., etc., etc. It is model of its kind for the world. Dr. Corwin and the officials of that company who have been approving of the expenditures are certainly building a memorial for themselves far more endurable than one of granite.

Of all welfare work the encouragement of thrift is the greatest. You may give good wages, you may do everything in your power to make the lot of your workman happy, but if he is not thrifty, if he is not getting ahead and laying up for a rainy day, especially if he is in the clutches of a loan shark, there will still be discontent -- you are discontented if you are not getting ahead -- so is he.

The thrifty employee is no floater, he stays with you, learns your business, goes to work in the morning planning how much he can do that day.

The loan shark is spoiling many a good workman for you.

Employers everywhere are taking active steps to encourage thrift, the big concerns are taking the lead; employees organize savings associations and

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some concerns go so far as to donate to the fund from 25 cents to 50 cents for every dollar that their workman put in.

The funds are usually invested in high class bonds and real estate mortgages -- loans are made to members and other employees. Employees are urged to permit a part of their wages to be transferred to the savings association regularly -- some companies have also boxes to take the dimes and quarters that employees save from foolish expenditures. Men will not hunt up a bank and deposit a dime, they will however drop it into a box in the shop.

Mary is buying shoes, here is a sensible pair for $4.00, there a fancy pair for $5.00, she hesitates but finally saves the $1.00 and into the box it goes.

The man who will save his own money will save yours.

Some concerns have regular building and loan associations of their own which contribute to a man's welfare by enabling him to build and own a home or relieve himself of an annoying mortage.

The old plea "I cannot save", is lost.

There are soulless corporations that in addition to paying good wages and helping their people save, have adopted the dastardly practice of giving them a share in the corporation earnings.

Many companies sell their stock to their people at a low figure, on the installment plan, charging only 4% for the unpaid stock and the man getting the dividend so that on a 7% stock he is making 7% on his own money and 3% on what he has borrowed.

Save your people from the loan shark. Doubtless many of you have suspected something wrong with an employee, discovered he was in the clutches of a shark and you have loaned him money and saved him. That's the finest kind of welfare work.

Before speaking on the Benefit Plan of The Mountain States Telephone and Telegraph Company I will mention our activities in general welfare work.

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These are not at all notable, but you may be interested to hear of them. In some cases what I mention is applicable to Denver and to our largest exchanges.

All employees after one year's service are entitled to one two weeks' vacation with pay, depending on length of service and nature of position held.

Legal holidays are recognized and in offices Saturday afternoons are given the year around.

Tennis courts and baseball grounds are provided for all employees.

Telephone operating is a severe nervous strain upon a girl so the Company does all it can to relieve them.

Eight hours per day is of course the maximum time, but many work less than that.

A compulsory rest of 15 minutes is given every 2 hours and any operator can have a 5 minute rest at any time by request.

The Company pays one and a half time on Sundays and holidays and a girl who works Sundays gets a week day off.

Well appointed rest, lunch and bath rooms are found in every large exchange with a matron in attendance. Here the girls find easy chairs, periodicals and a piano. Tea, coffee and milk are furnished free.

In Denver we have a roof garden with swings, seats, etc.

A room in the hospital is endowed by the Company for lady employees and an employee is allowed four weeks use free of charge.

A welfare supervisor visits the homes of applicants for the position of operator because it has been found that a girl brought up in good home surroundings makes a better operator than one living in an untidy house where there is discord.

On January 1st an offer was made to employees to sell them stock on the instalment plan, in either our company or The American Telephone and Telegraph Company. The employee accepting the offer arranges to have $2.00 per month for each share, taken from his wages and applied to the purchase of the stock.

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He receives the dividends on his stock and pays only 4% on his borrowed money, so that he is not only getting 7 or 8 per cent on his own savings but is also making money on his borrowed money. It is expected that in that way his stock will be full paid in much less than four years.

I will speak of the Benefit Plan of The Mountain States Telephone and Telegraph Company.

The details of this plan would take a book to explain, in fact, a pamphlet has been issued and I would be very glad to give anyone a copy of the same.

I will merely outline it in this short talk. Mr. Theodore N. Vail, President of the American Telephone and Telegraph Company, which is known as the "parent Bell Telephone Company", after some years of the most careful investigation and consideration, on January 1, 1913 brought about a contract between the American Telephone and Telegraph Company and each of its associated companies (which includes The Mountain States Tel. & Tel. Co.) wherein each company agrees to give its employees certain benefits in case of sickness, accident and death, as well as give them old age pensions and it was further agreed that in the bestowal of these benefits any service an employee may have had in one company should be considered and counted by any other of the contracting companies.

In regard to our Company I may say in passing that we have 5000 employees. If we consider 4 persons to a family, The Mountain States Tel. & Tel. Co. has 20,000 persons who are in a degree interested in employment by it; 20,000 persons would make a city as large as Greeley, Fort Collins and Fort Morgan combined.

I wish to call attention in passing to what it means to Denver to be the headquarters of this large telephone System operating 563,121 miles of wires, 232,691 telephones in 7 states and parts of two other states with a pay roll in Denver alone of $850,000.00 per year and in our whole System about $4,000,000.00 per annum.

The benefits of the Plan are given absolutely outright, there are no assessments against employees, no reductions made in wages and no contributions

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on the part of employees except the contributions of good, faithful, loyal and continuous service and I may say that we are now getting such service from our people and you cannot now pry one of us loose from our Company with a crow bar.

To obtain financial security for the scheme a cash fund of $175,000.00 has been set aside by The Mountain States Tel. & Tel. Co. This is drawn from for benefits and restored to its full amount each year by our Company. As this amount would of itself be sufficient to pay all demands of the Fund for several years, even the continuance of a period of hard times would not interfere with the Company meeting these benefit obligations. Furthermore, the parent company, the American Telephone and Telegraph Company, pledges itself to assist in case of necessity.

The giving of benefits is in the hands of a committee of five, representing different departments, and no foreman, boss, supervisor or head of any department can withhold any benefit. This insures the giving of money and relief in an impartial manner free from all prejudice. We endeavor to supplement these benefits by having the superior of the person sick or injured visit them and take a personal interest in their welfare and, in case of death, the family of the deceased.

Let us see what was done in the year 1913, the first year of operation.

We had one pensioner and he for part of the year, to whom we gave $979.00.

We paid out to injured men for their lost time while disabled, for their doctor, hospital, nurse and such expenses $16,000.00.

To sick employees we gave $12,000.00.

To families of those who died from sickness $1680.00.

To the families of those killed $23,000.00.

The cost of administration was paid by the Company and did not come out of the Fund.

There were 451 cases of sickness, accident and death benefits, 8% of the force received benefits.

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Altogether the Plan cost The Mountain States Tel. & Tel. Co. $60,000.00 for its first year. Every dollar went to cheer the homes of people who without that money would have felt the pinch of deprivation.

In fact a person injured while at work for our Company is upon his recovery in as good financial condition as when he was injured, since every dollar of expense has been paid from the Fund and his salary has been going on all the time. Of course, in case of sickness we could not undertake to pay any doctors' bills.

Those of you who are familiar with legislation both in Europe and America on the subject of Workmen's Compensation when injured, will note as I describe the benefits that this Plan of ours, while equally liberal, in fact in most particulars more liberal than any such State Act, goes way beyond any legislation by giving aid to the sick and the aged and death benefits to the dependents.

The benefits, which by the way we do not consider as charity but as something earned by our people, are as follows:

In case of accidents occurring while at work, not a question is raised as to who was to blame, it matters not whether the employee was run over by someone's automobile or was struck by lightning, or how it happened. It makes no difference whether it was his own carelessness or the fault of the Company. All we know is he was hurt while at work and he is entitled to benefits. We pay full pay for three months beginning the date of the accident and half pay thereafter and pay all expenses of doctors, ambulances, nurses, hospitals and drugs.

In case of sickness, after the first 7 days absence we pay to those whose service has been from 2 to 5 years, 4 weeks full pay and 9 weeks half pay. For 5 to 10 years 3 months full and three months half pay. For over 10 years service 3 months full and 9 months half pay. These benefits are not given here and there to favorites but everyone from the janitress up receives them if with the System over two years.

If death follows sickness the,wife, or dependents, receive on top of

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sickness benefits six months pay if employee's service was from 5 to 10 years and one year's pay if over 10 years, maximum $2000.00.

If a man injured while on duty dies, the family receives on top of all previous benefits 3 years pay regardless of whether the man worked for us 10 years or 10 minutes and regardless of where any blame may lie, also an allowance for burial expenses.

Pensions are based on the length of service and are computed by multiplying 1% of the average monthly wages for 10 consecutive years by the number of years. Accordingly a person of 25 years service receives 25% or ¼ of what he got during the best 10 years of service. The minimum amount is $20.00 per month.

We take every opportunity of impressing upon our people that they should not consider our death benefits as in any way a substitute for life insurance and that they should provide for their families as though there were none such. Likewise that a pension is but a help to them when they are old and that they should be thrifty and provide for themselves as though there were no such provision made.

Gentlemen, I trust that those of you who are pessimistic as to the future relations of capital and labor will take heart from this evidence of a new and better spirit developing among capitalists.

Since time began human nature has not changes and always a kind, considerate spirit shows by one person to another calls forth a similar spirit from the other person. I would strongly urge those of you who are large employers of labor to consider plans along this line for your own employees.

I thank you.

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THE LABOUR UNREST.

THE LEWY SCHEME.

A highly interesting document, drawn with considerable care and skill, and well worked out.—The "Mining Journal," London, October 15, 1898.

The simplicity and ingenuity of his plan do great honour to its author.—"Annales des Sciences Politiques," Paris 1896.

The "Daily Mail" of April 2 contained an article by Lord Robert Cecil, insisting on the necessity of finding some solution of industrial problems other than brutal force, and referring to my scheme for the international regulation of the output of coal in Western Europe, Lord Robert concluded by saying: "Surely it is at least worth a searching and impartial investigation."

The so-called Lewy scheme offers the desired solution in the coal industry to begin with, for whilst giving a complete and all-round satisfaction to the miners, it safeguards the owners' legitimate rights and protects their interests in every respect. Under the present system it is impossible to attain that two-fold end, and although most of the miners' claims are absolutely legitimate, the owners cannot be blamed for resisting them.

The scheme, based on goodwill and harmony between Capital and Labour, is so planned that it must be initiated by the miners. A provisional plan was drafted in order to lay the matter before the leaders in some concrete form, so as to facilitate their work. A copy of that plan, also some literature on the subject, will be sent to any person desiring it.

Unanimously agreed to by the French, Belgian, and Scottish Miners' Federations' leaders and men alike, also by more than hundred miners' lodges in Durham, their leaders included, and a great number of branches in Northumberland, Yorkshire, etc.—as a matter of fact, the British miners, if consulted, would, without a single exception, declare themselves in favour—the scheme is opposed by some old-fashioned, conceited British leaders. Had it not been for their disgraceful opposition and idiotic policy, the scheme would have been in force many years ago, and there would have been no coal strike. Thus the responsibility for the recent strike—and for many things besides—rests with them.

Difficulties are made to be overcome. But although possessed of a certain amount of perseverance, I renounced, some eight or ten years ago, my labours with the object of improving the conditions of a class of workers whom I profoundly sympathise with, ever since I became acquainted with their miserable lot. I was disheartened by the fact that a few influential men, in many directions worthy of respect, should be allowed to stand in the way of justice being done to millions, particularly to the workers whose welfare they are paid for promoting. Moreover, my motive power was not unlimited. For more than ten years I had devoted nearly my whole time and energy to propagating my proposals, partly trying to convert some Britishers who did not want to be converted—not a very pleasant task—partly preparing for a fight with them. It came to a fight in Durham. I was not there. But my supporters, although they had the majority on their side before their Council meeting, were defeated owing to all sorts of tricks resorted to by their Union's officials. It really looks as if some British miners' unions existed more for the climbing of the officials than for the welfare of the members. Briefly, the obstacles laid in my way by a few British leaders and some of their obedient followers were such that, left to my sole resources, success was impossible. Apparently I have always been on good terms with most of those leaders, but they declared, more or less openly, that they would not have anything to do with my scheme, embodying, however, the very principles the leaders in the federated area have always been contending for—trade union policy!

But as a result of the recent strike, some of my former supporters, discontent with their leaders' lack of foresight, their absurd methods and countless blunders, have requested me to assist them in a renewed effort with a view to getting my scheme adopted. In responding to their appeal, I am simply doing my duty.

We mean business. No academic discussions, for they seldom lead to anything practical. And if our opponents don't fall into line—I don't expect they will—my friends will try to make them pay the penalty for the harm they have done, as a means of removing the only hindrance to my scheme's adoption, at any rate, by the miners. And provided they take care that delegates to their Council meetings don't "run away," as sometimes happens, the men will have the last word with their high-handed officials, however cunning they may be.

The reform suggested by me is said to be drastic. Obviously the coming into force of my scheme will have far-reaching consequences all round, but they will all be good for the community at large. Adopted in the coal industry, the principles underlying my scheme could, with some modifications, be successfully applied to many other indutries. And so much is certain, that, for more than one reason, and more than any other country, Great Britain is interested in my scheme's speedy realisation. Great Britain's predominant industrial position has been taken into serious account in the drafting of the provisional plan. And I venture to add that responsible Britishers, having a little time to spare, could do worse than facilitate—no advocating is wanted—the ventilation of my proposals, so as to usefully pave the way for the bringing about of a better state of things than the present. The raising of democracy, which my scheme in force will have for result, is by no means opposed to true conservatism. On the contrary. For suppressing, by an amicable understanding, the chief causes of friction between Capital and Labour, it will put a stop to the always increasing industrial unrest. Even more. An international understanding in the coal industry of Western Europe on the lines suggested will forthwith make for international peace. I am not a novice in foreign politics, and I shall devote a few pages to that aspect in a leaflet dealing with the miners' right to a weekly—not daily—minimum living wage and matters connected, which I intend publishing at an early date. Meanwhile, the result of my propsals for the international regulation of the coal output in Western Europe might be usefully considered, from a political standpoint, by the pacifists and the short-sighted advocates of close friendship between England and Germany—at the expense of the entente cordiale with France. The miners will obviously not meet with the approval of the shipbuilding industry, among others, and of a certain press, for, with my scheme in force, less Dreadnoughts will be wanted, and there will no longer be any reason for spending millions and millions on armaments. But it is always difficult to please everybody and his uncle .

All objections made, or likely to be made, have been peremptorily refuted in print, and the practicability of my scheme has only been questioned by incompetent people, or people with prejudice.

EMILE LEWY.

Neuilly-sur-Seine,
1, Rue du Midi,
July, 1912.

FOUR LETTERS PUBLISHED IN THE "MORPETH HERALD," 1903.

ROBT. SMILLIE, Vice-President of the Miners' Federation of Great Britain, to Ben Foster, Checkweigher, Evenwood, Durham.

Larkhall, 21st August, 1903.

Dear Comrade,—I have given a lot of thought to M. Lewy's scheme, and am of opinion that it is quite practical, provided we have the miners united on the question, and I feel sure that the greatest hindrance to its adoption is the British miners, as the miners on the Continent are favourable. So far as I can see, the prominent leaders of the miners in Durham and Northumberland, as well as in the Federated area, are not prepared to give the matter fair consideration. They seem to look upon M. Lewy as a visionary, and to laugh at his proposals, but they do not seem capable of proving that the scheme is wrong in principle or impossible of realisation. I am a great believer in the regulation of the output, national and international, and am of opinion that wages could be raised and conditions of employment improved by its general adoption. But I greatly fear that the present race of leaders will have none of it, unless the rank and file insist upon the scheme's adoption. The prominent leaders are too full of prejudice to give the matter fair consideration.

ANOTHER LETTER FROM ROBT. SMILLIE.

Dear Comrade,—I have given the matter some study, and believe that it is quite practical to carry out the Lewy scheme, if the miners and their leaders were united in the matter. Competition has been said to be the life of trade. But my experience is that, when carried too far, as is the case in the Coal trade, such undue competition is the death of the miner, and has usually kept those depending on him on the verge of starvation. I do hope that you may succeed in bringing your Council to our way of thinking on this great question.

FROM A YORKSHIRE LEADER.

Dear Sir,—So far the work has gone on very well in our district. If we can get a few more branches pledged to the scheme, we shall have captured the E.C., and our opponents can please themselves whether they agree or not. I am surprised that our prominent leaders in the federated districts should oppose a scheme which embodies the very principles they are contending for. I had a conversation with one of my colleagues on the Executive, who is strongly of opinion that before long a scheme such as you set forth will have to be adopted for, says he, we cannot go on as we are. I am fully persuaded that neither Mr. Cairns nor any leader can stop the march of time, and the Lewy scheme will be adopted. The rank and file would accept it at once if the leaders, "so called," were out of the way. We have already covered a large part of the district, and we intend to get the matter carried, as a recommendation to the Miners' Federation of Great Britain. Rest assured that already thousands of miners here are bent on the scheme coming into existence. We can only hope that all those who oppose the scheme may see their folly, and at once throw in their lot with us, thereby helping to bring about a much better state of things than we have at present. I need not tell you that the question of your scheme is the greatest question ever put before the mining community, and I feel sure that it is being examined by thousands of miners all over Great Britain.

FROM A LANCASHIRE LEADER.

Dear Sir,—As regards your letters in the "Morpeth Herald," I cannot find any fault, but I am thoroughly astonished at the course which Mr. Cairns is taking. There was never a scheme or system commenced which was up to order to suit all, and therefore I am convinced that the objections raised by Mr. Cairns can easily be got over. We are suffering from the effects of underselling. I sincerely hope that an International Conference will be convened for the purpose indicated by you.

Neuilly-sur-Seine,
1, Rue du Midi.

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CHAMBER OF COMMERCE OF THE UNITED STATES
COMMITTEE ON INDUSTRIAL RELATIONS

October 23, 1918.

PRELIMINARY SUGGESTIONS FOR REFERENDUM ON INDUSTRIAL RELATIONS.

Earl Dean Howard, Sec'y.

1. Reasons for Action by Chamber.

1. The world war has profoundly affected the economic as well as the political relationships of men. There is equal necessity for courageous intelligent and competent leadership in both fields of human interests.

2. War conditions forced the government to take a hand in the adjustment of industrial relations. Hitherto these relations had been determined by free contract between the interested parties. When it became obvious, however, that the natural operation of economic laws would produce conditions threatening to defeat the war program, the government could not refrain from interference. Such administrative control must be continued even after the war, so far as it is evident that an abrupt return to the policy of free contract is dangerous to the future prosperity and peace of the country.

3. To fulfill the purpose for which it was created, the Chamber of Commerce of the United States cannot decline to concern itself with this subject. The federal labor administration desires to have information, suggestions, and constructive criticism from organized business as well as from organized labor and it is therefore, the duty of the Chamber to formulate a policy which shall represent the most intelligent and patriotic thought of its membership.

Declaration of the Purpose of the Chamber in Adopting and Announcing a Policy.

4. Broadly representative of business in all its phases, the Chamber does not speak for any class interest but approaches the problem in the spirit of statesmanship zealous for the common national welfare. No plan or policy which disregards the proper interests of any class can promote permanently the prosperity of the country; every proposition must represent an adjustment of class interests

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most favorable to the general welfare.

5. Leadership presupposes a definite aim and purpose which shall ultimately win the approval of business. It must be in advance of the general thought but not so far ahead that reasoning men cannot reach it by a natural and congenial process of logical thinking. Above all, the plans it proposes must be thorough and deal with fundamental difficulties and not mere symptoms.

6. Because the Chamber has hitherto taken no stand in industrial controversies between management and labor it has the opportunity to speak without prejudice and to win the confidence of all classes in a patriotic and constructive program. It is in a position to declare the interest of non-industrial employers and non-employing business in the maintenance of public peace and prosperity and their right to demand that industrial employers do not create a public nuisance and danger from a bad system of industrial relations.

Policy of Industrial Peace.

7. The winning of the war and the prosperity of the country after the war require industrial peace and the maximum utilization of all national resources, including labor and managerial skill; any policy of industrial relations must prove that it is the most direct means to the achievement of these ends before it is entitled to approval.

8. The general economic welfare of all classes, making possible to every person the fullest measure of a secure and comfortable livelihood, with opportunity for everyone to exercise legitimately his talents and realize the reward therefor, is the aim of this program.

9. Industrial peace is both a favorable condition and a symptom of healthy industrial relations. It is an achievement of human intelligence and effort collectively applied and not, as experience is showing, the natural result from individualistic enterprise, however efficient.

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Causes of Industrial Unrest.

10. The adjustment of industrial relations by free contract, either by individual or collective bargaining, on the basis of economic power rather than on principle is bound to make for dissatisfaction, especially among those workers who are collectively weak. It tempts labor to resort to uneconomic practices, such as restriction of output, strikes, closed shop, etc. in order to gain or consolidate economic strength. Worse than all this waste is the real hostility toward the wage and capitalistic system created in the minds of the economically weak who are unable to maintain satisfactory standards by bargaining. Such dangerous tendencies, expressed by the radical socialists and the I.W.W. with its policy of sabotage, indicate the urgent need for some better system of adjusting industrial relations.

11. The policy of leaderless drift permits the exploitation of labor by irresponsible unscrupulous or helpless employers to the detriment of legitimate industry, at the same time it often places autocratic power in the hands of ignorant violent or self-seeking labor leaders whose tyrannical policies, adopted to fortify their own power, are obstructive and dangerous to industry and harmful to the workers themselves.

12. There is, of course, a large section of wage-earners who are satisfied with the system of free and unrestricted contract. Strongly organized for collective bargaining or protected by some natural advantage, they are able to bargain on equal terms at least; they regard the strike as merely a resource in the bargaining process. During the war, especially, the disproportionate demand for labor has enabled this class to gain great advantages and their discontent or restlessness is due to the idea that they are not realizing the full advantage of their economic position. Such unrest is remediable by improvements in working conditions, better housing, elimination of profiteering by employers, better employment management, adjustment of minor and personal grievances, more rational and uniform scales of wages - none of these requiring any general changes in the system of free contract.

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The Plan of the Federal Labor Administration.

13. The plan of the government thru its war labor administration contemplates the adjustment of industrial relations, not by conflict, but by agencies establishe for the purpose in which the workers' interest has equal influence with that of the employer. The principle of self-government as well as of equal representation of all interests involved must control in this democratic country. The process of organizing adjustment boards for the standardization of wages, hours, and conditions of employment, for the interpretation and application of such standards, and for their enforcement, is now going forward. The Chamber not only approves of this procedure but already has participated in the process by calling conferences of employers to meet with the chairman of the War Labor Policies Board.

14. Most industrial managers will acknowledge that employment conditions are frequently not satisfactory, but they will show how the pressure of competitive conditions makes it impossible for the single employer or individual enterprise to improve upon them. The plan of the federal labor administration provides a remedy for this difficulty by assisting each industry or trade to establish standards for itself under the sanction of the government and protected against the demoralization of competition. It is only by collective action of management thruadequate agencies that certain conditions of industrial relations, admittedly unsatisfactory from every standpoint, can be corrected and certain conflicts of interest, hitherto thought irreconcilable, can be composed by the application of the rule of reason.

15. The policy of determining industrial relations (wages, hours and conditions of employment), not by a process of measuring economic strength, becoming more and more organized and effective, of the worker against management but by a process in which reason, public policy, human needs shall predominate over might, has one great advantage - it disposes of at least three fourths of the causes of friction and strife between employer and employe. The essential conflict of interests between the wage-payer and the wage receiver is not eliminated, of course,

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but is transferred to a forum where the issues are larger and clearer and less confused by personal and petty considerations. Ultimately the consumer pays the wage and the conflict of interest will then shift from the employer to the public as one of the parties. The employer will be relieved of the temptation to make an extra profit by reducing wages and need not complain since all his competitors will be held to the same standard.

16. There are even now establishments and industries where standardization is already imposed upon the employer, not by a board in which his interests are adequately represented, but arbitrarily by a labor union. The strongest consideration in the making of these standards is the primary necessity of the union to maintain its own existence and dominant power. The future issue is not likely to lie in a choice between a system of free contract and standardization by joint boards but between the latter and arbitrary standards fixed by organized labor.

17. Industrial relations which the worker himself has a hand in creating are likely to be more satisfactory even tho they are intrinsically no better than others not so created. Autocratic authority is likely to be suspected and resisted because the reasons for its acts are often not understood and its motives are assumed of course to be selfish.

The British Policy.

18. A British Commission investigating the subject of industrial relations, as your committee is now doing, concludes that any plan should include "a means for securing to the workpeople a greater share in and responsibility for the determination and observation of the conditions under which their work is carried on, together with a better understanding and closer cooperation between the workpeople and their employers". (Whitely Report).

19. To give practical effect to this principle, the Commission suggested a system of "works committees" for industrial plants supplemented by district councils and national industrial councils in the various industries. Standards would be

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determined by joint agreements. These committees and councils would be composed equally of representatives of employer and employe with a joint or non-partisan chairman. They would be responsible for the creation, enforcement, and application of standards agreed upon. The reception of the plan by English industry is indicated by the following quotation from a supplementary report:

> "As a result of the replies which have been received from a large number of Employers' organizations and Trade Unions generally favoring the adoption of those proposals, the War Cabinet have decided to adopt the Report as part of the policy which they hope to see carried into effect in the field of industrial reconstruction".

Local Committees Recommended.

20. Your committee recommends the appointment in each industrial community under the auspices of the local Chamber of Commerce or similar organization of a committee on industrial relations. This committee should undertake to improve the relationship between local employers and employes by calling attention to better methods of managing and adjusting these relations. The committee should assume the leadership in the community in developing public opinion on this subject, through public discussion and the dissemination of information. Right thinking is the very basis of organized life in a democratic country. Right thinking, however, is an achievement which is the reward of intense collective effort and the intelligent use of the resources of organization. Right thinking is effective only if it can be brought to bear upon decisions and plans for action.

21. These committees may become the medium of expression for the most enlightened ideas and the agency through which they can be applied in industry. In an unusual degree, their effectiveness will depend upon their personnel. While variety of opinion is desirable, men who represent mere prejudices or class

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interests may seriously obstruct if not defeat the purpose of the committee. The men to be sought for should have broad understanding of our economic system gained through practical experience which has broadened rather than narrowed them. They should be men of scientific mode of thought, dispassionate, patient; of balanced judgment and sense of proportion; of humane instincts but without sentimentality or credulity; unbiased by their own personal interests or belief in panaceas; correctly estimating the frailties as well as the possibilities of human nature. Of course, these qualifications are not to be found in every member but they should appear in the committee as a whole. Above all, the personnel of the committee should give it unquestioned leadership in guiding the local public opinion in these controversial and dangerous questions.

Employment Manager Recommended.

22. As a practicable and demonstrated first step toward industrial peace and managerial efficiency, the Committee has already urged the appointment by industrial establishments of an employment or labor manager. The committee endorses the authorized statement of the War Industries Board wherein it says:

> "If the Government assists in finding men it lies with the employer to do his part in putting his employment practice on a scientific basis. It will certainly be no recommendation for an employer, in the eyes of his local employment board, if he admits that he still continues the antiquated hiring-and-firing process, or that he has a high labor turnover, or that he has no department charged with responsibility for maintaining proper working conditions. Industrial experience proves that employment problems can best be solved by having a separate organization in a factory prepared and equipped to deal with questions of personnel by themselves. The prompt discovery and analysis of unfavorable working conditions can only be made by a central employment bureau."

23. The experience of the labor manager, coming in close contact with the workers and understanding their grievances and aspirations, should ultimately be utilized in the managerial councils. He should be equipped with adequate influence and authority to represent and direct the management in all natters touching the interests of the employes. No industrial administration is complete

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until, in some part of it, it is sensitive and responsive to the interests of the employes. If it will not or cannot function according to the principles of economic justice, then assuredly outside force will sonner or later be brought against it.

Right Principles to Govern Industrial Relations.

24. The introduction of collective control and government into the field of industrial relations will permit the adjustment of these relations on the basis of right principles hitherto accepted in theory but not universally applied.

1. Industrial enterprise is the source of livelihood of the worker as well as the employer and therefore business should be conducted with full consideration of its function of creating opportunities for the people attached to and dependent upon it.

2. The right of the employer to discharge employes as a disciplinary measure, guarded against abuse, to enforce standards of efficiency must be retained by management until efficiency can be guaranteed by other means.

3. Wherever there is a standardized wage there should also be a specified measure of efficient labor performance.

4. Every worker has a moral right to compensation in direct proportion to his individual accomplishment or service.

5. The right of the workers (as well as any other group in a democratic country) to organize voluntarily for collective action not inimical to the general welfare cannot be denied orresisted without creating a sense of industrial injustice. Power developed by organization, however, cannot be permitted to work injury to the national welfare not to demoralize the industrial process. It is the duty of government to require that both management and men function efficiently and mould

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their motives to fit the accepted ideas of economic justice.

6. Power won from a reluctant employer by labor, organized economically or politically, is likely to be used more unscrupulously and with less constructive wisdom or regard for public welfare than is a participation in management granted by employers in recognition of a moral right of the worker to have it, in so far as he shows himself competent to exercise it without abuse and wisely.

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Labor in War Time in Great Britain -
and Canada.

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LABOR IN WAR TIME IN GREAT BRITAIN.

THE QUESTION OF COMPULSION.

In the effort to mobilize its labor forces for war purposes, a primary problem confronting Great Britain was to determine whether compulsion should be attempted and, if so, to what extent. For the purposes of rapid and effective mobilization, the use of some form of compulsion, exercised by a central directing authority, suggested itself as having many advantages. In practice, however, the problem proved more complicated than it might appear on the surface.

To a large extent the success of compulsion depends upon the social conditions and immediate history of a people. If a nation has been schooled to the idea of universal military compulsion, either as a set national policy or as a result of the needs of national defense, and if there exists machinery to deal with the distribution of men, not only for military purposes but also for industrial purposes, then some of the difficulties in the way of compulsory labor mobilization are removed. Thus, it appears that the principal Continental belligerents have, generally speaking, adopted compulsion both for military and for civilian purposes. Even so, the experience of these countries, in so far as information is available, would seem to indicate that civil compulsion is by no means an easy thing to maintain over a long period and is, in any case, a difficult thing to administer. As illustrating the latter point, it may be pointed out that the strain of industrial compulsion is undoubtedly beginning to make itself felt in Germany. While credence need not be given to exaggerated reports of industrial unrest, and while full allowance must be made for the conditions which obtain in that country, it is still apparent that the system of martial law in civil life tends in the long run to exhaust the patience and to militate against the most successful output of a people even though they have been long accustomed to obedience and authority.

As to the difficulty of administration, however well France and Germany may have utilized their resources in man power in the early stages of the war, it seems to be admitted that the mistakes made by both of these countries were considerable. In other words, that desire of placing every man at his right post has by no means been achieved by the Continental powers. Indeed, the difficulties of the effort to do this on a large scale have been shown to be overwhelming by the experience of Germany in its attempt to control labor under the Auxiliary Service Act.

It would appear, therefore, from all available information regarding experience in the present war, that compulsion of labor generally is by no means the complete solution of war-time problems in any country. It may safely be said that the industrial organization is so complex and reacts in so many thousand unexpected ways that

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custom should not be changed at this time; that where either the employer or the employee has been unable under normal conditions to change the standards to their own liking, they should not take advantage of the present abnormal conditions to establish new standards. Among those standards is the standard of living. The Council of National Defense recognizes the fact that the standard of living is an indefinite standard, difficult to determine, that it is almost entirely dependent upon the rate of wages retaining the same purchasing power. If the wages received will not purchase as much, then the standard of living is lowered. If the wages received will purchase more, then the standard of living is increased. Because of the indefiniteness of the standard of living and the maintaining of it at the same point, the Council recognizes the fact that from time to time disputes will arise as to what is necessary to maintain that standard of living, but it feels that before any stoppage of work takes place in any industry in which the Government is interested for the maintenance of safety that the established agencies of the Government should be given an opportunity to use their good offices to bring about an adjustment of the impending dispute.

Now, there is only one point aside from the wage question in which your organization is especially interested in connection with standards, and that is the question of recognition of the union. That is the one burning question in which, aside from these other questions, you are involved. I do not know the attitude of the other members of the Council on this particular point, but my own attitude is this, that capital has no right to interfere with workingmen organizing labor any more than the workingman has a right to interfere with the capitalists organizing capital. The two are on a parity on that point, and so my feeling is that in the present emergency the employer has no right to interfere with you in your efforts to organize the workers into unions, just as you have no right to interfere with capitalists organizing capital into corporations. If you can get a condition where efforts to organize the workers are not interfered with and where a scale of wages is recognized that maintains the present standard of living, it occurs to me that for the time being no stoppage of work should take place for the purpose of forcing recognition of the union. Of course, that would not interfere with the employers and yourselves entering into any arrangement for recognition that might be mutually agreeable.

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no central organization can be built up in time of stress which would make the best possible use of each individual unit. This is particularly true of a country like Great Britain, where the idea of compulsory service, even for purposes of national defense, was entirely alien. With this in mind, the British Government, confronted by the immediate question, decided at the outbreak of the war that it was only upon a basis of agreement and by volunteering that the labor of the country could be managed.

Subsequent experience has shown clearly that the mobilization of labor combines three distinct problems, which, from the standpoint of the use of compulsion, were of quite different character and complexity. These are:

(1) The allocation of labor between the fighting forces and industry.

(2) The distribution of labor among the various branches of industry with regard to the needs of the fighting force and the needs of the civilian population.

(3) The control of labor, when distributed, in such a way as to obtain from it the maximum output. This is the aspect of the problem which has, in practice, been responsible for the most serious administrative difficulties.

1. Allocation of Labor Between the Army and Industry.

As regards the allocation of labor between the Army and industry, it is common knowledge that the original system of volunteering for the Army did result in a depletion of the ranks of skilled men subsequently required for the manufacture of munitions. But what is not so obvious is that the original system of volunteering for civil work produced somewhat similar results. At the beginning of the war a large proportion of engineering establishments of the country were apparently under the impression that the war would affect them very prejudicially. On the other hand, those establishments which from the outset were engaged on war work obviously were likely to increase largely. As a result many businesses which subsequently became of vital importance were drained, for some time, of the best part of their employees to fill up the works of the direct army contractors.

2. Distribution of Labor Among Different Branches of Industry.

The above conditions complicated the whole matter of the most efficient distribution of labor among the various branches of industry, and seemed to make it imperative to recruit labor from private to war work, and to keep on war work the labor already engaged upon it. At this stage, in the absence of compulsion, a system of war-munition voluntaryism was attempted. It should be noted that this project was definitely instituted as the alternative of some form

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of compulsion, and it was plainly indicated that if it broke down compulsion would have to be resorted to. But such a system was extremely difficult, if not impossible, to put into effective operation, because of the original shifting of men. In addition, the private employer often found it difficult to understand why he should expose his business to possible bankruptcy, and it appears that in many cases, and not altogether from unpatriotic motives, he put considerable difficulties in the way of the volunteers.

When contracts began to be spread more widely, and even in the earlier days before they had been widely spread, it became a necessity for all employers on war work to have at their disposal the most skillful staff available. Believing that they would be able to recoup themselves from national funds, they offered wages which tended completely to upset the labor market and which also probably interfered with the efficiency of output by making the men uncertain as to whether they would stay in their existing employment, thereby rendering labor mobile at a time when it was desired that it should be kept stable. The expedients adopted later to check these tendencies are dealt with below.

3. Control of Labor so as to Obtain the Maximum Output.

The third problem—that of control—resolves itself into a consideration of how work can be maintained—

(*a*) Without cessation.
(*b*) Without loss of time or energy.
(*c*) With the highest production results.

(*a*) *Maintenance of work without cessation.*

This raises the whole question of industrial warfare. The experience of Great Britain in the early months of the war showed that the patriotic impulse was in itself sufficient to prevent strikes, and that the industrial truce which was arrived at on the outbreak of war was easily maintained for the first few months. This, of course, is not difficult to understand. In the other two aspects of labor control just enumerated, demands are made on individuals for largely increased exertions and on trade-unions to give up cherished rights and privileges. But in order to maintain work without cessation, the workers are only called upon to stay at their work and to forego at the moment the right to enforce demands by methods which would gravely prejudice, and which they could see would gravely prejudice, the nation. In the early stages of the war, therefore, there was an entire absence of any possible necessity for compulsion. Later, however, various causes came into operation which tended somewhat to restore the prewar attitude of the workers toward the subject of strikes. The

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factors at work to produce these results are difficult to analyze. They may, however, be grouped as follows:

(1) The gradual awakening of the workmen to the fact that their employer is profiting by the war.

(2) The reaction which follows on long and arduous work.

(3) The necessary demands accordingly made on the individual to continue for long hours without interruption and at a higher tension than any obtaining previously.

(4) The demand that treasured rights and privileges must be surrendered.

(5) The rise in wages.

(6) The habituation of the mind of the workman to the existence of war.

As illustrating these developments it may be pointed out that, at the outbreak of war, threatened labor troubles of a serious character disappeared and profound industrial peace reigned for the first few months. Thereafter, however, it became necessary to make demands on the workmen, and evidence began to accumulate that an unsettled feeling was arising in certain parts of the country. It is a matter of considerable interest that the coming into force of the first Munitions Act[1] was marked by a very serious strike in the South Wales coal fields. This strike was settled by concession, and not by use of the powers of compulsion given by the act. The interest of the strike is that it occurred in war time, just when compulsion was put into force, and that no other of similar magnitude has occurred since that time.

It may be noted as certain that no statute making strikes illegal will entirely prevent strikes. Several have occurred since the passing of the Munitions Act,[2] and what is even more significant is that they occur, if not so frequently, at any rate with a certain persistency, in Germany. It may be, however, that the existence of a power to prevent strikes, coupled with a system of compulsory arbitration, does tend to keep alive the spirit of the industrial truce by constantly bringing to the minds of the workmen the remembrance that the national necessity for constant work has been crystallized in a statute, the breach of which involves a penalty.

(*b*) *Maintenance of work without loss of time or energy.*

Here again it may be noted that in the early days of the war the patriotic impulse went a long way to securing the maximum time and energy of the worker. But the constant increase in wages, and the fatigue necessarily consequent on long hours, tended to produce a slackening in the work. The question of shop discipline then came

[1] July, 1915.
[2] For text of the Munitions of War Act see Bulletin 221 of the U. S. Bureau of Labor Statistics, p. 125, et seq.

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up. The ordinary methods of dealing with lack of discipline were no longer open to the employer. He could not dismiss because of the great labor scarcity and also because dismissals might lead to difficulties with workmen generally which he was not prepared to face under existing conditions. At such a point the demand arises for the State, as a third party, to step in and deal with the matter on a national basis. This means devising some method by which punishments for failure to work can be meted out by some form of tribunal.

This is one side of the maintenance of work at full pressure. There are two other aspects, namely:

(1) The attitude of the employer in maintaining long hours for his own purpose.

(2) The right of the employer to dismiss and of the workmen to leave his employment.

1. *Long hours.*—As to the question of long hours, from the beginning of the war there were statutory powers, so far as women and young persons were concerned, under the Factory Acts, but in the all-absorbing pressure these acts were, with the consent of the administering authority, often ignored. There were never any statutory provisions dealing with the case of adult males. But it was considered necessary by the Government that the question of hours should be dealt with on a compulsory basis. It is not clear whether there was ever statutory sanction for this compulsion, but it seems to have been assumed by Government departments and by employers that such power did exist, and in fact, as time went on, the Government found itself called upon to deal more and more stringently with such questions as Sunday labor and excessive overtime, in order to increase production. From this negative beginning there is apparently emerging an extensive system of welfare and health, which by State direction will demand from the employer a provision of reasonable comfort in working conditions for persons employed.

2. *Right of dismissal and of leaving.*—As regards the right of the employer to dismiss and that of the workman to leave, it early became clear that as long as these rights were completely unfettered there would be, particularly if there were no uniformity in wages, a tendency for labor to shift, and shift even more irregularly than in peace time. Apparently of all the difficulties encountered, none assumed a more acute phase than this. Cases occurred in which men left skilled work to go to unskilled work where wages were higher; where men were drawn from permanent work of national value to temporary work at higher rates; and where men were finally lost to some industries by drifting to temporary employment, at the termination of which they were taken by the Army.

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(c) *Maintenance of work with highest production results.*

The third main factor of control is that of maintaining work at the highest possible level of productivity. The history of this matter indicates primarily that the patriotic spirit was not sufficient to compel individuals to surrender rights which had been won by generations of effort. It is a matter of common knowledge that the trade-unions in self-defense had built up a most elaborate classification of work, both in degrees and departments, in order to secure subsistence for their members. Workmen were graded as skilled, semiskilled, and unskilled, and the province of each was most jealously and rigidly secured. Moreover, from the same point of view, a code of restrictions, dealing with the amount of output, the hours of labor, and similar points, had grown up. This code was devised partly in the interests of health and partly upon the principle that the pace of any body of workers should be accommodated to the pace of the average man, and at the same time with a view to confining the amount of output by spreading the work available over the largest possible number of workers.

After some six months of the war it became reasonably evident that these distinctions and restrictions were fundamentally hindering the national output of munitions. In March, 1915, therefore, an attempt was made by agreement to remove all the restrictions. This agreement was arrived at between representatives of the Government and of the unions. It may safely be said that except in so far as it prepared the mind of the worker for later compulsion, the agreement completely failed to achieve its purpose. The main cause of this failure was:

(1) A feeling on the part of the men that they were being called upon to surrender what they regarded as their heritage

(2) Without the employers being called upon to make any corresponding sacrifice.

As to the first part of this, it was necessary for the Government to give certain promises to restore earlier conditions after the war. The nature of these promises will be discussed later. It is possible that they need never have been given, or at any rate need not have been given in the form in which they were given if the second cause had been removed from the outset.

There appears to be no doubt that of all the factors that have been contributing to labor difficulties the most formidable has been what is called "Profiteering by contractors." It is probable that if from the outset of the war there had been automatic provision preventing individuals from profiting by the war, labor difficulties, both sentimental and actual, would have been in large part, if not wholly, avoided. It must have followed that if the workman had realized

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that the employer had foregone all material advantage, he on his side might be asked to forego certain of his rights. The ultimate limitation of profits [1] and the heavy excess-profits duty, while to a certain extent efficacious, never entirely removed the first and abiding sting of seeing huge profits accumulated. Of all the conclusions that one is entitled to draw, none emerges with greater certainty than this, that compulsion in dealing with private profits from the outset is the fundamental method of grappling with all labor difficulties.

With these general remarks as a basis, a more detailed examination will now be made of the policies adopted by Great Britain and of the machinery set up for putting such policies into effect.

VOLUNTARYISM TEMPERED BY COMPULSION IN PRACTICE.

(1) Administrative Bodies.

In Great Britain, at the outbreak of the war, there did not exist any single department which was charged with the sole duty of dealing with industrial problems. The Board of Trade was charged with the duty of dealing with unemployment and the distribution of labor, and also with conciliation in labor disputes. The Home Office was responsible for administering the Factory Act. The Local Government Board was responsible for the relief of industrial distress which could not be met by the operations of the Board of Trade. All these departments were, of course, distinct from the contracting departments, with whom rested the decision as to where the contracts should be placed, and whose primary concern in the placing of contracts was to obtain rapidity of delivery.

The system which gradually evolved was one of rule by committees. Attempts were made, notably in the case of the committee on munitions of war, to foregather with various departments with a view to having a single controlling authority. The committee, however, as an expedient of government, has definite limitations. This ultimately produced the result that some central authority for dealing with labor was felt to be required. Accordingly, there was set up the Ministry of Munitions,[2] and this office tended to take upon itself, to a considerable extent, the essential functions of a labor ministry. It must be remembered, however, that while the handling of labor was recognized as an important secondary function of the ministry, its first purpose was to secure munitions. If there had already existed a complete organization for obtaining munitions, it is unlikely that

[1] For provisions of Munitions of War Act limiting profits of controlled establishments, see Bulletin 221 of the U. S. Bureau of Labor Statistics, p. 127. Under the Munitions of War Act (July 2, 1915), controlled establishments must pay a tax of 80 per cent of net profits in excess of average net profits for the two financial years preceding the war. Under the Finance Act, all businesses other than controlled establishments were required to pay for the year ending July 1, 1915, a tax of 50 per cent of excess profits, and during 1916, 60 per cent of excess profits over and above the average of any two of the last three years preceding the war plus £200 [$973.30].

[2] June 9, 1915.

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a labor organization would have been attached to it. It was felt, however, that some central authority must exist, and an obvious place was found in the new and vigorous organization. Originally the ministry undertook on behalf of both itself and the Admiralty the management and distribution of labor, enlisting for this purpose the resources of the Board of Trade, and also undertaking the administration of the new compulsory powers which have been referred to earlier.

Late in the war a Ministry of Labor was set up.[1] This ministry, however, did not absorb the great labor department which had been set up by the Ministry of Munitions, and it remained distinct from the subsequently created labor department of the Admiralty and also from the later organized system of national service.

(2) Regulation of Wages.

The history of the gradual control of wages went through four main stages. These may be very briefly sketched. The first stage lasted till the passing of the first Munitions of War Act (July 2, 1915). During this period wages were left to the ordinary play of competition and industrial arrangement. It was open to any employer, if he saw fit, to increase wages or to alter their basis with the view of attracting additional labor or of encouraging the labor already at work. At this stage, when the Government contracts were being pressed with the utmost power of the Government to expedite output, little consideration was given to uniformity of wages. All sorts of wage anomalies began to appear. Big contractors in one district, in order to attract labor from other sources, paid rates out of all proportion to what had previously been paid, not only to skilled but also to unskilled men.

The second stage arose when the Government assumed power by the Munitions Act, so far as controlled establishments were concerned, to veto any variation in wages both upward and downward. At the same time, by the institution of compulsory arbitration, an effort was made to modify the irregularities which had already occurred by attempting to devise uniform advances throughout the whole country. The central arbitrating committee on production found itself faced with an extremely heavy task if its aim was to provide a reasonable basis of remuneration. In practice it seems to have limited itself largely to the attempt, first, to level down some of the more obvious anomalies, and, later, when these had to a certain extent been removed, to assure future advances being on a uniform basis.

The adoption of the Munitions Act, however, added certain complications to the wages situation. In the first place a pledge was

[1] December, 1916.

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given that no piece rates should be cut. This had an unexpected result. Piece rates had been hurriedly fixed throughout the country in the belief that a large number of processes were skilled. The introduction of automatic machines and the general speeding up of manufacture showed that a large number of processes hitherto regarded as skilled were either semiskilled or unskilled. In view of the pledge given, however, it became essential to keep the existing piece rates. The result was that semiskilled and unskilled men introduced onto machine processes often obtained earnings far in excess of those earned by skilled men working at time rates in the same shop.

An additional complication was introduced by the war munitions volunteer scheme. This scheme was designed to attract workmen from parts of the country where they were not particularly needed to other parts where they were urgently required. It provided that the men transferred should earn either the rate of the job to which they were transferred or their old rate if that were higher. As a result of certain interpretations of this provision cases began to appear of men on identical work and working side by side receiving considerably different wages.

The third stage started with the Munitions of War (Amendment) Act, 1916.[1] This act for the first time gave the Government power to take the initiative with regard to wages. It provided that the Government might make orders regulating wages as regards women—to whom the provisions as to restriction on leaving employment applied—and certain classes of unskilled men replacing skilled men. So far as women's wages were concerned, the Government had the advantage of starting with what was virtually a clean sheet. There were practically no such things as district rates for women, or where they existed they were so low that in war conditions it was quite reasonable to advance them. Orders were made as regards women doing women's work and women replacing men.[2] The point of fundamental interest about the first of these two classes, and to a less extent about the second, was that the actual rates were fixed in the orders, and the decision left for the arbitrators was not as to whether the rates themselves were sufficient but was merely to determine such questions as to whether in a given case a particular piece of work was men's work or women's work. This assisted very considerably the general regulation of wage matters so far as women were concerned.

The fourth stage was arrived at early in 1917 when an attempt was made to secure through the central arbitrating body a ruling that advances should be national instead of by district.

[1] January 27, 1916. See Bulletin 221 of the U. S. Bureau of Labor Statistics, pp. 133–140.
[2] See Bulletin 223 of the U. S. Bureau of Labor Statistics, p. 71 et seq.

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It is a controverted question whether the Government at the start should have adopted the same method of control over all wages as it ultimately adopted in the case of women's wages. In any case it is to be remembered that there was a very essential difference between men's and women's wages, namely, that while, as stated above, women's wages were entirely fluid, men's wages had been sharply crystallized and differently so from one district to another. It would, therefore, have been a matter of very serious difficulty for the Government to establish for men as it has for women any uniform rates to prevail throughout the country. A possible course would have been to settle definitely the district rate in each district, and thereafter, having regard to the alteration of food prices, to make readjustments as occasion required. Such an undertaking, however, would have required immense effort and very protracted negotiations. It would have been necessary to deal, at least so far as munitions work was concerned, with the whole country, trade by trade.

(3) Control and Discipline, Including Consideration of Hours of Labor and Welfare.

At the beginning of the war there was no machinery in existence for dealing with discipline in the workshop beyond what obtained in peace time, viz, the right to dismiss for offenses and the cumbrous and unusual resort to the Employers and Workmen's Act. It became apparent after the first few months of the war that the existing remedies were inoperative. At a time of acute labor shortage it was not possible to dismiss for offenses, and the remedy in the act referred to above was in any case of little value. The need for some remedy was increased by the operation of two causes:

(*a*) The increase in wages which rendered the workman less anxious to work full time.

(*b*) The fatigue which was beginning to overtake men who had been working at a stretch for some months without resting.

Accordingly when the first Munitions Act was passed in 1915, it was provided that in the case of controlled establishments factory rules might be framed to govern the discipline of the factory, and a breach of these rules would be punishable before a special domestic court which was set up under the act. The class of cases that the court was designed to cover were minor disciplinary offenses, such as bad time keeping (i. e., absences and broken time), refusal to obey orders, and, generally, failure to observe the necessary factory rules.

It was found almost immediately, however, that the powers thus conferred did not reach the heart of the trouble. It became essential to go deeper and attack the ultimate source, which in many cases was the existence of long hours and unremitting and arduous labor. The work accomplished in this direction is of the utmost importance.

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It is probable that in so far as an improvement in discipline has been effected, this improvement was at least as much effected by the reduction of working hours as by punitive legislation.

It does not appear that the time keeping has at any time been ideal. Nor does it appear that a vast improvement has been effected by the methods adopted under the Munitions Act and as a result of welfare measures. It is possible, however, that the troubles might never have arisen if from the outset wages had been adequately controlled and the health of the worker had been properly protected.

There is perhaps no sovereign remedy for the maintenance of discipline in workshops, but experience has shown plainly that it is desirable to realize that inordinately long hours are bound in the long run to lead to diminution of output, and that for one reason or another special war conditions may require special forms of legislation. It was not forgotten that a considerable element in discipline is the creation of a proper spirit between employers and employed, and this spirit was cultivated in some cases by the creation of shop committees. It has been argued that the danger of such committees is that they tend to assume the functions of management or, failing success in this direction, tend to become practically useless through inactivity. On the whole, however, experience seems to show that if arrangements are effected by which the men can see that a proper shop committee exercises a certain control over the foremen, a good deal of workshop difficulty can be avoided. Clearly it is not enough to control wages, to look after health, and to have legislation giving disciplinary powers to the State, unless the good will of the workmen is fully enlisted, and this was attempted through the cooperation of the unions. After the passage of the Munitions Act there were created local advisory boards under the general direction of the national advisory committee. It was hoped that these might in part help to smooth the way. They do not seem to have accomplished much, and the lesson seems to be that effective intervention must be in the immediate shop and is but little helped by the establishment of an outside committee.

(4) Prevention of Strikes and Lockouts.

It has been pointed out in an earlier part of this article that, at the outset of the war, compulsion to avoid strikes seems to have been the least necessary form of compulsion. It was stated further, however, that when once workmen became alive to a number of considerations their patriotic impulse to remain at work suffered a severe check. The history of the strikes since the Munitions Act points to the conclusion that compulsion alone, without the help of public feeling, can never banish strikes completely.

The existing compulsory powers to deal with strikes are twofold. There is first the Munitions Act, which makes strikes and lockouts

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illegal and makes compulsory arbitration essential. There is in the second place the Defense of the Realm Regulations which make incitement to strike, or rather an attempt to interfere with the output of munitions of war, a serious misdemeanor, punishable with very heavy penalties.

So far as the first of these powers is concerned, it would appear that the existence of the powers has in a large number of cases prevented minor strikes from occurring. It is, of course, a truism to say that without the patriotic feeling of the workmen the act would have had no effect, but it is obvious that the act was possible only because it did represent something of the feelings of the people. Apparently the Munitions Act was passed because the country was ready for the Munitions Act, and was prepared to accept the principles which it laid down. At the same time it has been found increasingly that as an instrument of punishment for strikes the Munitions Act is not very effective. Where large numbers of men are involved, it is necessary to choose a few, since to prosecute thousands would be impracticable. Such action is bound to evoke accusations of victimization. Moreover, the penalty, while severe, is not of a character to be very effective.

When really serious industrial trouble has arisen, it has been considered necessary to call in the special powers given by the Defense of the Realm Regulations. It is not clear, however, that the form in which the Defense of the Realm Regulations are drawn meets the issue in the most satisfactory manner. It is necessary in every case to establish evidence against the inciter, and the persons concerned are not likely to furnish the necessary evidence if they can avoid it.

The powers of the Defense of the Realm Regulations have been used only once in a case of a big strike, though the possibility of using those powers has several times apparently been threatened. It is a matter of much interest that following the action in the case referred to there was complete industrial peace for a period of almost a year in an area previously extremely troubled.

(5) Freedom of Workmen to Move.

As was noted above, the demand for labor by employers and the desire of workmen to do what they believed to be their duty and also to secure certain employment during a time when there was some doubt as to whether full employment would be available, created a considerable shifting of labor, detrimental to the greatest immediate output. At the outset it was complained that a good deal of labor was moved in order to meet the urgent immediate necessities of the mobilization of the dockyards and the army. In so far as this shifting was carried on through the labor exchanges, there was apparently no particularly bad effect. An attempt was

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made by those institutions to distribute the men so as to impede as little as possible the future of industry in the areas affected. But the labor exchanges handled only a part of this work. Employers were not satisfied to rely solely on the exchanges. Workmen, on the other hand, were not prepared to wait to be singled out, and left in large numbers for well-known armament and dockyard centers.

It was not until a comparatively late date that the preventing of labor shifting by checking unequal raises in wages was even considered. The problem, indeed, was approached from an entirely different point of view, the first effort to prevent labor shifting being to make it an offense for an employer to entice labor. Because of the difficulty in proving enticement, this effort seems to have been a failure, and was suspended by the system of leaving certificates, provided for by the Munitions of War (Amendment) Act. While all the provisions of the act have been subjected to hostile criticism, this provision is one feature of the act which employers are prepared to praise, and by subsequent amendments and modifications it has become less oppressive to the workmen.

It would seem that this type of restrictive measure tends to be unpopular because it definitely limits industrial freedom and goes extremely near to industrial compulsion direct. It has been suggested by some that the one remedy which would make any such provision unnecessary would be a system of labor or employment exchanges, so constituted as to be the only source through which men could be recruited. But it is clearly very difficult to set up such an organization in war time because it involves the most careful organization.

(6) Removal of Restrictive Practices and Customs.

The outbreak of the war found the British engineering industries, and in fact most other manufacturing industries, carried on under a complicated system of trade-union customs and regulations. These customs and regulations had been built up during several generations by the efforts of the trade-unions and had come to be more or less explicitly recognized by the employers. They were sometimes embodied in written codes or agreements, drawn up and signed by trade-unions and by employers' associations or particular employers, and sometimes they were contained in trade-union printed rules, to which employers were not parties but which they for the most part, either voluntarily or of necessity, had come to recognize and accept.

These rules and conditions naturally had been made in the interests of the workpeople, to provide—

(*a*) Against unemployment.

(*b*) Against reduction of wages or the standard of living.

(*c*) For protection against capricious or tyrannical employers.

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(*d*) For the opportunity of securing progressive improvements in wages and general conditions of work and living.

The customs referred to embraced not only the standard rates of wages, but the length of the normal working-day, including arrangements for overtime, nightwork, Sunday work, mealtimes and holidays; also the exact class of employees (apprentices, or skilled, semiskilled, or unskilled laborers, or women) to be employed or not to be employed on particular processes or on different types of machines; whether any should be employed at all; whether one operative should complete an entire job or tend only one machine, or form part of a team of specialists, each doing a different process; whether boys, apprentices, or women should be employed on certain processes, or on certain machines, or at all, or in what proportion to the adult workmen; whether pay should be by time or by piece, or by some other system of payment by results; and, perhaps the most difficult of all to localize and combat, what amount of output by different employees should be considered a fair day's work, not to be considerably exceeded.

In the first few months of the war it became clear that, owing to the enormous supply of munitions required and the number of skilled workmen who had gone into the army, it would be impossible to cope adequately with the demands made on the munitions factories unless all trade-union rules and practices tending to restrict employment or production should be set aside. The most important change that was required was to obtain complete freedom for each employer to dilute labor by setting one or two skilled mechanics to help and direct a number of less skilled workers; to break up jobs so as to bring them within the capacity of semiskilled workers; to introduce automatic machinery; to employ nonunionists and unapprenticed men, laborers, and women. Another change which was declared by the war cabinet as of paramount importance, particularly in the shipbuilding industry, was the substitution of payment by results in place of payment by time.

Negotiations with the trade-unions concerned resulted in the Treasury Agreement of March, 1915.[1] One clause in this agreement was to the effect that the trade-unions were of the opinion that during the war period the relaxation of the present trade practices was imperative, and that each union should be recommended to take into favorable consideration such changes in working conditions or trade customs as might be necessary, with the view of increasing the output of munitions or of war equipment. These recommendations were made conditional on the Government requiring all contractors and subcontractors engaged on munitions and war equipment to give

[1] For text of this agreement see Bulletin 221 of the U. S. Bureau of Labor Statistics, p. 118 et seq.

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certain pledges. These pledges in effect amounted to an agreement that any departure during the war from the prewar practices should be only for the period of the war, and that all workmen who had joined the colors or who were at that date in the firm's employment should have priority of employment after the war; that the rates paid to the substituted labor should be the same rates as would normally be paid the workmen engaged upon the same work; that a record should be kept of the changes made from the prewar conditions, and that before any change was introduced notice to the workmen concerned, and an opportunity of local consultation with the men or their representatives, should be given.

As already stated, the terms of this agreement were three months later incorporated in the Munitions of War Act of 1915,[1] and controlled establishments were expressly given the right to regard all restrictive rules or customs as in suspense on condition that they on their part observed the terms of the agreement set out above. It will be observed that the Government made itself responsible for a distinct pledge, which has several times been repeated by responsible ministers of the Government, that the changes introduced from the normal prewar trade practices should be for the period of the war only. It is clear, however, that to a very considerable extent conditions have changed physically, as well as industrially, in such a way that an absolute restoration of prewar customs is practically impossible.

The introduction of improved machinery and appliances has in itself changed conditions in a way which was not foreseen when the pledge was given, and, though the Government is under an obligation to restore to the trade-unions the most analogous practices, where the operation or process is a new one introduced since the war began, it is obvious that the ultimate industrial situation after the war must be very different from what it was before the war. Some trade-unionists certainly will not oppose this state of affairs. They assume that economy of labor must make for national prosperity and the nation's prosperity will be to the benefit of the workingman. In addition to this, they believe that when employers and employed come to settle industrial conditions after the war, the unions will be possessed of a powerful lever in the shape of the Government's restoration pledge, by means of which they may be able to exact much improved conditions, especially in the matter of hours per day. For this reason there are those who consider that the pledge as to restoration was a mistake, but, on the other hand, there is little doubt that without the agreement of the labor leaders of the country it would have been impossible, at least in 1915, for the Government to have started with any hope of success on any scheme for breaking down,

[1] See Bulletin 221 of the U. S. Bureau of Labor Statistics, pp. 125-132.

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even for a temporary period, the established trade-union customs and practices. Compulsion in regard to this matter, without the previous ageement of labor, must have given rise to months of industrial strife, perhaps with doubtful results in the direction desired. As it was, the suspension of trade-union rules was made a matter of law, but it was only so made after agreement with the unions.

To take two important instances, namely, dilution of labor and the introduction of piecework, the maintenance of rules preventing the operation of these systems was clearly suspended in controlled establishments by the Munitions of War Act. In practice it was found, however, that it was necessary to proceed in the case of each district, or in the case of particular establishments, as if the suspension were entirely voluntary and not a matter of law. Special agreements on both subjects were made in many districts, and these documents, though they do perhaps modify the law in some minor details, are in fact little more than the repetition of the law on the subject, put in the form of an agreement. Where opposition to the introduction of a change has been maintained the case has been decided by compulsory arbitration. In some cases where an award has been made against the unions concerned, the men still have refused to obey. This is a clear violation of the Munitions Act, but in practice it has been found necessary, almost without exception, to proceed by way of negotiation.

It seems to follow, therefore, that in Great Britain, where union practices have secured a firm hold, it is impossible to set these practices aside except on the basis of their voluntary suspension, first by the representatives of all labor and then by the actual workers themselves.

The principles on which it is agreed that an employer shall proceed in making a change have been mentioned above, namely, he shall give notice and an opportunity of consultation to the workmen concerned, or their representatives, and he shall make a record of the change when it has been made, as evidence, for the purposes of restoration after the war. The principle of notice and consultation has been found one upon which the trade-unions have set the greatest possible store, and this may be taken as the most essential condition upon which the suspension of rules has been allowed. The wording of the act in this respect, which was taken from the Treasury Agreement of March, 1915, is not very definite. With the aim of remedying this difficulty, certain recommendations were issued by the Ministry of Munitions in the fall of 1915, setting out in greater detail the procedure which should be followed in giving the required notice and consultation. It was suggested that the workmen in the shop in which a change was to be made should be requested by the employer to

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appoint a committee from their number, together with a local trade-union representative if they desired, to whom particulars of the proposed change would be explained. The employer should then, after explaining the changes proposed and giving the date when it was to go into effect, give the committee full opportunity of raising any point it desired in connection therewith, so that, if possible, the introduction might be made with the consent of all parties. Should the committee then be unable to agree upon the change, opportunity should be given for further local consultation, that representatives of the trade-unions concerned might be present. It was not intended that the introduction of the change should be delayed until the concurrence of the workpeople was obtained, but that the change should be introduced after a reasonable time, and if the workpeople or their representatives desired to bring forward any question which could not be mutually settled, they should report it for compulsory arbitration. These recommendations, though they have been generally adopted by the employers, have no legal sanction in so far as they extend beyond the terms of the Munitions Act.

The terms of the act in regard to the making of records have been criticized. At present they are limited to changes made after an establishment has become controlled and they merely state that a record of the nature of the change shall be kept. In securing the introduction of changes it has been found that one of the chief difficulties to be encountered is a suspicion on the part of the workpeople that the employer on his part is not carrying out the conditions attaching thereto as laid down by the act. The most important point, as already stated, is the question of notice and consultation.

Another question has been that of recording the change made. It became obvious that workpeople were not prepared to give up rights and privileges which they have won after years of hard warfare without some record of the fact that they should not be prejudiced thereby. Employers, owing to the urgency of the immediate work before them, were found to ignore the condition of recording changes made. The Ministry of Munitions therefore undertook the collection and registering of all such records, and part of the system followed is to show a copy, at the earliest possible moment, to the unions concerned, in order that they may know that the record has been made. It has been suggested that a more convenient and probably better plan would have been for the making of the record to be part of the preliminary procedure of notice and consultation; that is to say, that the record should be drawn up and agreed to and a copy given to the men concerned, or their union, at the time when the change is explained to them.

Under normal conditions the requirement that substituted labor shall receive the same rate of wages for a job as would be paid to the

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worker normally employed upon it is regarded by the trade-unions as very important. The objects of the unions in insisting upon this condition were to secure—

(*a*) That the employers should not make a profit from dilution of labor.

(*b*) That the skilled workman should not be undercut on a skilled job by less skilled workers.

It has been suggested that the unions, with the experience that they have now, would not wish again to insist upon this condition under similar circumstances. In the introduction of less skilled workers under the supervision of the skilled, there soon appeared the anomaly of the substituted man's working on piecework at rates previously demanded by the skilled man and making higher wages than the skilled man on the same job ever earned, and higher wages than the skilled man, as supervisor, even now earned, owing to the practical necessity of paying the supervisor on a time rate. To meet this anomaly many experiments have been made in the direction of payment on the fellowship or gang system, whereby the supervisor, as well as the operatives themselves, receives a proportion of the piecework balance earned by any section of workers. This, however, does not seem to be practicable in all cases, and to a large extent the fact still remains that there are numbers of highly skilled mechanics who are engaged on the higher class of work but who can not be paid by the piece, and are accordingly in receipt of considerably lower wages than their less skilled fellows in the same establishment.

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LABOR CONDITIONS IN CANADA AS AFFECTED BY THE WAR.

STATEMENT FURNISHED BY MR. F. A. ACLAND, DEPUTY MINISTER OF LABOR OF CANADA, UNDER DATE OF APRIL 18.

A general review of the situation in Canada since the outbreak of the war in August, 1914, seems to justify the conclusion that if no drastic action for regulating or controlling industry, safeguarding of standards, etc., has been taken by the Government, it has been because there has not been any obvious or apparent reason for doing so. Industrial unrest, as evidenced by strikes and lockouts, has been at the minimum in Canada during the past three or four years. For instance, our strikes and lockouts in Canada during 1916 numbered 75 (double the number of the preceding year), while those in Australia, according to a recent return from the Commonwealth statistician numbered about 330 for 1916, and the total for the three years 1914, 1915, and 1916 was about 850. The population of Australia is about 5,000,000, that of the Dominion about 8,000,000. The MONTHLY REVIEW of the United States Bureau of Labor Statistics, for April, 1917, gives 3,323 as the number of strikes and lockouts for the United States during 1916. The population of the United States is about twelve times that of Canada, but there are greatly more than twelve times as many strikes. One must not, of course, accept statistics blindly or draw conclusions hastily, but these figures seem to corroborate the statement that labor difficulties here have been at the minimum. As to the causes, it is more difficult to say. There is (1) the Industrial Disputes Investigation Act and its direct influence in the settlement of certain disputes and its indirect or passive influence in other cases; (2) the department is constantly in touch with industrial disputes and does a very large amount, relatively speaking, of conciliation work, preventing numerous disputes from developing into strikes or lockouts; (3) there is no doubt a disposition on the part of the majority of employers and workmen to recognize the wholly abnormal times through which we are passing and the desirability of all parties doing their best to avoid serious troubles; instances to the contrary can be cited, but the absence of serious disputes is not wholly the result of accident.

As to the safeguarding of standards, there has been no formal agreement or compact between employers at large and workmen, through unions or otherwise. Labor is organized in Canada in a greatly smaller measure than in Great Britain, where such standards had probably reached their maximum of effectiveness and in considerably smaller measure than in the United States. The total trade-union membership in Canada at the end of 1916 was approximately 160,000, the larger part of it belonging to unions in affiliation with the American Federation of Labor. Five-sixths of the Canadian membership is, I would add, found in international organizations, the headquarters of which are in the United States. The greatest industrial activity has prevailed in connection with munitions industries, using the term in its broadest sense and including not only shell-making establishments, etc., but also numerous lines of work connected with the furnishing of soldiers and armies. The department hears only too quickly of grievances in connection with any contract over which the Government has any degree of control. A good many grievances have been reported and there have been numerous investigations and adjustments, strikes seldom resulting. The manufacture of munitions in the more limited sense, shell making, etc., has been in the hands of what is called the Imperial Board of Munitions, which conducts its business under the direct authority of the Imperial Government, Mr. J. W. Flavelle, a prominent Toronto gentleman, being chairman. The contracts are distributed by the board, and the board accounts to the Imperial Government. There is, of course, necessary cooperation on the part of the Dominion Government. None of the firms engaged on munition contracts of any sort whatsoever are in any sense controlled establishments.

Disputes are reported sometimes to the Imperial Board, sometimes elsewhere, but eventually come to this department, and we do our best with them, through our traveling inspectors or otherwise. Word reaches us of a good deal of friction, but the record shows how seldom it has developed into strikes. The Imperial Board and the department of labor are in touch in these matters. Wages in munitions work are probably somewhat ahead of those in other lines, but the work is scattered well over the country and one must avoid a sweeping statement. Wages in most lines of industry have been increased very considerably, sometimes commensurately with the increasing cost of living, and sometimes not commensurately; there is, of course, much difficulty in determining the precise bearing of the one movement on the other.

The conditions differ in industries less vitally affected by war work, such as railways, mining, etc. Railway workers in the more important lines have been working as usual under agreement and there has been no special departure of any kind. In metal mining there has been considerable unrest, but little cessation of labor. In coal mining there has been, particularly in western Canada, much unrest and there have been strikes, though as a rule they have been short-lived. I would add on this last point that, whereas the group of coal mines in eastern British Columbia and southern Alberta, coming collectively under the control of operators belonging to the Western Coal Operators' Association, had not for 10 years been able to renew without a strike the working agreement which comes to an end biennially on the 31st of March, yet when their agreement ended on March 31, 1915, a working agreement was achieved without

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a strike. The agreement came up for renewal on March 31 last, two or three weeks ago. There was a little striking, but operations generally continued and there was every expectation of an agreement being pulled through. Our officers have been there for a month lending a hand. To-day word reaches us that some of the miners have gone out. The men are members of the United Mine Workers of America and the leaders of that organization were among those who recently at Washington promised to do their best to have strikes averted. Their promises had specific reference of course to the war situation in the United States, but they would, I think, regard it as equally binding here, and our impression is that the international officers are using their influence for peace; under such circumstances a strike should not last long.

The attitude of the labor leaders in Canada is believed to have been substantially in line with that of workmen generally, disposed to safeguard so far as possible, by agreement or otherwise, the wage rates and other conditions obtained before the war, but more inclined, having regard to conditions at large, to ask and make concessions.

You inquire as to the extent to which it has been necessary to resort to the labor of women. We have no figures on this point. There has been a good deal of change in the character of women's labor, but it is difficult to say to what extent additional women have undertaken work, though the number is considerable. Domestic servants are scarcer than ever, but there is no lack of female labor for clerical purposes. In some Ontario cities, particularly Toronto, women have gone somewhat extensively into munitions work and have done very well at it. In the west there is of course a shortage of women. One must be careful not to compare the situation with that of England. In the older country there were approximately 2,000,000 more females than males at about the beginning of the war. In Canada the situation was reversed. Our census of 1911 shows a male surplus of 432,000, and the surplus would have been very largely of the younger adults; during the two or three years following, immigration was very active and the numerical male surplus at the beginning of the war is believed to have been not less than 600,000. While more may yet be done in the way of utilizing the labor of women, there is not in Canada the large reserve of female labor that existed in Great Britain. The matter has been one of interest, but has not so far been the occasion of friction.

There is a growing danger of labor shortage for agricultural operations and many plans are being formulated to meet the danger. The provincial governments are taking steps from different points of view. Last year the soldiers training for overseas were given leave at some points to assist in gathering the harvest.

No word has reached us as to special hazards from industrial poisoning or industrial accidents due to the speeding up of industry.

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It happens, however, that during the last three or four years our provinces have been specially active in the enactment of laws of a somewhat drastic nature relating to workmen's compensation, etc. This has not been specially due to war speeding, but may at the same time have some bearing thereon.

No special grievances resulting from long hours or Sunday work have been reported. These conditions would be more likely to exist in connection with munitions industries than elsewhere, and grievances arising would not be differentiated from other grievances as above mentioned. There has been nothing in the nature of a scientific inquiry into the results of industrial poisoning, fatigue and maximum hours, etc. Many influences have combined to prevent a wide increase of the number of working hours in a day and to require special rates for overtime; we hear only of isolated grievances, and these receive due attention.

Information collected by the department of labor in connection with the report issued annually on labor organization in Canada shows that the organized labor forces of the Dominion have partially recovered from the heavy losses in membership which were recorded in the years 1914 and 1915. The increase for 1916 was 17,064, the total membership recorded at the end of the year 1916 being 160,407.

It was also reported to the department that from the outbreak of the war to the end of the year 1916, 21,599 trade-unionists in Canada had enlisted for overseas service and 593 reservists rejoined the colors, making a total of 22,192 recruits furnished by units of organized labor.

As to food products, the attached order in council, which is administered under the minister of labor, controls. Some inquiries are being made as to stocks and prices and much information as to this point has been collected. It is thought to have tended to prevent hoarding in cold storage and other establishments. So far there have been no prosecutions. The increase in prices has been less than in any other country save the United States, and perhaps Australasia. There has been no price regulation save, I think, in the case of print paper. Changes in the situation on this point may of course occur any day. For instance, this morning's newspapers announce the removal by the Government of duties on wheat and flour, which may have an important bearing on the price of these articles in Canada.

ORDER OF NOVEMBER 10, 1916, RESPECTING HIGH COST OF LIVING, AS AMENDED BY ORDER OF NOVEMBER 29, 1916.

His excellency the administrator in council with a view to prevent the undue enhancement of the cost of living, is pleased, under the power in that behalf conferred by section 6 of the War Measures Act, 1914, or otherwise vested in the governor general in council, to make the following regulations respecting the price, sale, control, storage

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transport, etc., of the necessaries of life and the same are hereby made and enacted accordingly:

1. For the purposes of these regulations the expression—

"Council" means the governing body of a municipality.

"Necessary of life" means a staple and ordinary article of food (whether fresh, preserved, canned, or otherwise treated), clothing and fuel, including the products, materials and ingredients from or of which any thereof are in whole or in part manufactured, composed, derived or made.

"Municipality" means any county, district, township, parish, city, town, village, or other area within a Province which is governed municipally by a council or similar body.

"Person" includes natural persons and bodies corporate.

2. (1) No person shall conspire, combine, agree, or arrange with any other person—

(*a*) To limit the facilities for transporting, producing, manufacturing, supplying storing or dealing in any necessary of life, or—

(*b*) To restrain or injure trade or commerce in relation to any necessary of life; or

(*c*) To prevent, limit, or lessen the manufacture or production of any necessary of life, or to enhance the price thereof; or

(*d*) To prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, insurance, or supply of any necessary of life.

(2) Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

(3) Section 498 of the Criminal Code shall, as respects necessaries of life only, until the repeal of this section of these regulations, be deemed to have been repealed.

3. (1) No person shall accumulate or shall withhold from sale any necessary of life beyond an amount thereof reasonably required for the use or consumption of his household or for the ordinary purposes of his business;

(2) Every person who shall at any time hold any necessary of life beyond an amount thereof reasonably required as aforesaid, and every person who shall hold for the purpose of sale, whether as manufacturer, wholesaler, jobber, retailer, or otherwise, any stock in trade of any necessary of life, shall offer for sale the said excess amount, or the said stock in trade, as the case may be, at prices not higher than are reasonable and just.

Provided, however, That this section shall not apply or extend to any accumulating or withholding by any farmer, gardener, or other person, of the products of any farm, garden, or other land cultivated by him; nor shall any manufacturer, wholesaler, or jobber, because of anything herein contained, be under obligation to sell to other than such classes of persons as are accustomed to purchase from manufacturers, wholesalers, or jobbers, respectively, nor shall any person be under obligation to sell otherwise than in accordance with the ordinary course of business.

4. The minister of labor may, by notice in writing under his hand or that of his deputy, require any person who operates, controls, or manages any cold-storage plant, packing house, cannery, factory, mine, warehouse, or other premises in which or in any part of which any necessary of life is prepared, manufactured, produced, or held by such person for himself or for another, or who in any manner deals in any necessary of life, to make and render unto such minister, within a time set in such notice, and such person shall make and render unto such minister precisely as required by him, a written return under oath or affirmation showing in detail—

(*a*) The species and amount of any necessary of life held by such person at any indicated time or times, including any time preceding the making of these regulations, where and for whom said necessary is held, and if held for another, upon what terms held;

(*b*) The time when any or all of such necessary of life was prepared, manufactured, produced, acquired, or taken into possession;

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(*c*) The cost of such necessary of life, including all charges and expenses of an overhead or other nature, affecting such cost;

(*d*) The price at which such necessary of life, if already sold, has been sold, or, if unsold, is held for sale;

(*e*) Such other information concerning any necessary of life as the minister may require, including a full disclosure of all existing contracts or agreements which such person, or his principal or agent, may have at any time entered into, with any other person, touching or concerning the sale or resale prices of any necessary of life, or the period of time during which any necessary of life should be held, as bailee or otherwise, before sale or resale, or limiting the quantity of any necessary of life which should be sold to any one buyer or combination of buyers or within any limited district.

5. Whenever the council of any municipality shall declare by way of resolution that in its opinion excessive prices are being demanded within the limits of such municipality for any necessary of life, such council may, by notice in writing under the hand of its clerk or other authorized officer, require any person dealing within the municipality in such necessary of life, and locally situate therein, to make and render unto such council within a time set in such notice, and such person shall make and render unto such council, precisely as required by it, a written return under oath or affirmation, showing in detail—

(*a*) The amount of such necessary of life held by such person for sale or disposition within such municipality at any indicated time or times including any time preceding the making of these regulations;

(*b*) The time when any or all of such necessary of life was acquired, produced, or brought within or into such municipality;

(*c*) The cost of such necessary of life, including all charges of an overhead or other nature affecting such cost;

(*d*) The price at which such necessary of life is held for sale or at which any sales of part of the same or of a similar necessary of life have been made by such person within such municipality at any indicated time or times, including any time preceding the making of these regulations.

If, after the receipt of any such return, such council shall consider that any circumstances justify reference of the return and a statement of the conditions to the minister of labor for further investigation at his hands, or if no return, or what the council shall consider an untrue or misleading return, is made, such council may, by way of resolution in writing expressing the facts and the council's conclusion therefrom, report to such minister.

6. (1) If, after the receipt by the minister of labor of any return made to him or to any municipality in purported compliance with these regulations, such minister shall consider that any circumstances so justify, or if, after a return under these regulations has been required, none is made or none is made within the time set in the notice requiring such return or within such further time as the minister of labor may upon special application to him allow, the said minister shall have power to investigate the business and to examine the premises, books, papers, and records of the person making or failing to make such return, as the case may be and for those purposes such minister may appoint an examiner or examiners and may authorize in writing any examiner so appointed to enter and examine the premises, books, records, and papers of such person and to take evidence under oath or affirmation of any person who such examiner may believe has knowledge relating to such matters as ought to have been included within a proper return according to circumstances.

(2) Every person who is in possession or control of any such premises, books, records, or papers shall give and afford to such examiner admission and access thereto whenever and as often as demanded.

(3) No person shall in any manner impede or prevent or attempt to impede or prevent any such investigation or examination.

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(4) Every person in any manner required by such examiner to give evidence under oath or affirmation touching or concerning the matters committed to such examiner for investigation shall attend before said examiner and give evidence whenever so required.

7. Whenever, in the opinion of the minister of labor, after an investigation and examination held in pursuance of the powers conferred by these regulations, an offense against any of these regulations is disclosed, said minister shall remit to the attorney general of any Province within which such offense shall have been committed for such action as such attorney general may be pleased to institute because of the conditions appearing, certified copies of (*a*) any return or returns and resolutions of any municipality which may have been made, rendered, or passed pursuant to these regulations and are in the possession of the minister and relevant to such offense and of (*b*) the evidence taken on any such investigation or examination and the report of the examiner.

8. (1) No prosecution for a contravention or nonobservance of any provision of these regulations shall be commenced without the written leave of the attorney general for the Province in which the offense is alleged to have been committed, expressing whether such prosecution shall be by way of indictment or under Part XV of the Criminal Code.

(2) Such prosecution shall be commenced only in the county or municipality in which some or all of the necessary of life with respect to which the alleged offense was committed were situated at the time of the commission of the offense or in the county in which the person charged resides or carries on business.

9. (1) Any person who contravenes or fails to observe any of the provisions of these regulations shall be guilty of an indictable offense and liable upon indictment or upon summary conviction under Part XV of the Criminal Code to a penalty not exceeding $5,000 or to imprisonment for any term not exceeding two years, or to both fine and imprisonment, as specified; and any director or officer of any company or corporation who assents to or acquiesces in the contravention or nonobservance by such company or corporation of any of the provisions of these regulations shall be guilty personally and cumulatively with his company or corporation and with his codirectors or associate officers.

(2) For the purposes of the trial of any indictment for any offense against these regulations, section 581 of the Criminal Code, authorizing speedy trials without juries, shall apply.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

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BRITISH LABOR UNDER WAR PRESSURE.
By Sidney Webb,
in North American Review.

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NORTH AMERICAN REVIEW

June, 1917

BRITISH LABOR UNDER WAR PRESSURE

BY SIDNEY WEBB, LL.B.

Not the least interesting and instructive chapter in the history of the great war, when it comes to be written in the cool reflection of a subsequent generation, will be the effect of an unparalleled national struggle upon the labor movement. The war has not yet run its course, and even when peace comes there will be still to be endured the gigantic reverse dislocation of industry from war purposes to peace purposes. Not for many years shall we be able adequately to estimate the changes which these years of strain will have made in the ideals and in the organization, in the position, and in the activities of the labor movement of the world. In Great Britain, however, we can provisionally take stock, after thirty-two months of war, of the results so far upon our own wage-earning class and our own labor movement. We have first to notice the extent to which the British labor movement has, almost whole-heartedly, supported the war. From the very hour of the declaration of war every trade union, without a single exception, has shown its devotion to the cause of the nation. Every conference of trade unions without exception has made the same declaration. Dissentients there have, of course, been, but these have nearly always objected to this or that particular proposal or action of the Government rather than to the resolute waging of the war. After almost three years of a war of unprecedented intensity, cost, and suffering the genuinely "pacifist" element among the British wage-earning class is still infinitesimally small. It is voiced not so much by trade union leaders or manual workers themselves as by middle-class members of the two socialist societies called, respectively, the Independent Labor Party and the British Socialist Party. It should be noted that the two other Socialist organizations of importance, the

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this: The Provisional Government, in a warning manifesto, said: " Petrograd and its vicinity are flooded with German spies. We must fight against them. But it is difficult to uncover the traitors. . . " The traitors appear to have uncovered themselves. They are the inflammatory advocates of " the social revolution " in the Council of Workmen's and Soldiers' Delegates, a body entirely without lawful authority, gathered together at haphazard from the workshops of the capital and from the youthful soldiers—in reality no more than boys—in the regiments about Petrograd. Deluded by agitators like the Tiflis Socialist orator, they have with amazing success played Germany's game; and, unfortunately, the Provisional Government has not felt itself strong enough to suppress instantly, and drastically, in the name of genuine liberty, their proceedings, but has, on the contrary, made concessions and compromises which are highly dangerous. Among these, the most fatal are the measures loosening the bands of discipline in the army, in effect telling the soldiers they are under no binding obligation to obey their officers. Anything more calamitous, in the face of an armed and treacherous foe, it would be impossible to imagine.

Emboldened by this first great success, the agents of Germany have taken the next step: they have openly denounced other members of the Entente; they have tried to discredit and overthrow the Provisional Government, to make way for a junta of pro-German Socialists; they have openly cried out for peace with Germany. The Provisional Government, challenging a vote in the Council of Workmen's and Soldiers' Delegates, has won a victory by so narrow a margin—only 35, we are told, out of 2,500—that it is hardly distinguishable from defeat. For the moment, a kind of security has been gained, but we may be quite certain that neither determination nor gold will be lacking to the German agents, further to press their plot.

Meanwhile, throughout Russia, there is a rising tide of wrath against these treacherous doings in Petrograd, which, by the way, are receiving vigorous " aid and comfort " from American Socialists with German names. Strong protests, behind which stands an entire readiness for vigorous action, are coming to Petrograd from the leaders of the army. As this is written, we appear to be, once again, on the eve of decisive events.

CHARLES JOHNSTON.

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Fabian Society and the National Socialist Party, do not share these views, nor does the Labor Party itself (the great national federation). By their ability, their manifest earnestness, and their persistence the few opponents of war secure a quite disproportionate amount of attention in the press, but they have not succeeded in obtaining more than a relatively small minority of votes either at any Trade Union Congress or at the combined Conferences of Trade Unions and Socialist Societies called by the Labor Party.

The whole-heartedness and loyalty with which the British trade unions (which have over four million members and accumulated funds exceeding six million pounds sterling) have supported the war has been made manifest, first, by their devoted assistance in the voluntary recruiting for the army, and, secondly, by their abandonment for the sake of increasing the output of munitions, etc., of all trade union rules and practices that could be thought to hamper the production of munitions of war.

The voluntary recruiting was extraordinary and unparalleled. For its army and navy, as is well known, the British Empire had, down to 1916, relied exclusively on free and optional enlistment. Within the first two years of the war more than five million men had freely and voluntarily offered themselves for service in the army or navy—more than ten per cent. of the census population—a vastly larger force than had ever been raised without compulsion in any country at any time. Nearly four-fifths of these millions were manual working wage-earners, and an enormous proportion of them—notably among the miners and railway workers—active trade unionists. So great was the rush to enlist that the Government had the greatest difficulty in retaining enough men in indispensable industries, and it was eventually found necessary not only to prohibit enlistment in various trades, but actually to return thousands of men from the front (especially in the engineering trades), in order that they might resume their civilian occupations, from which they could not be spared. The world has never seen such a voluntary recruiting, and this was very largely promoted and organized by the trade union leaders through their own organizations. Compulsion was adopted only after more than five millions had voluntarily come forward, and it was then adopted very largely to satisfy a popular demand for complete equality and a military desire for certainty as to

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the numbers still to be trained rather than with any belief in the magnitude of the additional numbers to be thereby added to the army. After five millions of volunteers the number of physically fit men of military age left in Great Britain, who were not occupied in indispensable work, was necessarily comparatively trifling. The total number of "conscientious objectors" (Quakers and others) proved to be under five thousand, comparatively few of them belonging to the manual working class, and most of these consented to render "alternative service" under Government direction.

When it became evident that an enormously increased output of munitions of war was required the trade unions were asked by the Government to give up, for the duration of the war, all their rules and customs in any way interfering with maximum production. Without a single exception the trade unions agreed to this request. They formally laid aside all restriction of output; all limitation of the working day; all refusal to work overtime, at night, or on Sunday; all objection to the introduction of labor-saving machinery; all resistance to the admission to their trades of non-unionists, unapprenticed men, laborers, boys, and even women; all opposition to the substitution of piece-work payments for hourly rates, and all reluctance to co-operate in teams at component parts instead of each workman completing his own task. They gave up the right to strike and submitted to compulsory arbitration. They even accepted in the Munitions of War Acts of 1915 and 1916, in order to secure continuity of production, the position of being forbidden to leave their employment under a heavy penalty. Never has there been, in any community, a greater or a more complete sacrifice for the common good. The result has been that—at the cost of greatly increased hours of labor and greatly increased strain and effort of the manual workers—the output per operative has, throughout the whole kingdom, by means of a great increase of machinery, been enormously increased. By this sacrifice on the part of the British labor movement British manufacturing industry has been, in these two years of war, very largely revolutionized—more completely changed, in fact, than at any time since the great industrial revolution of 1780-1825.

Having noted the patriotic efforts of the British labor movement, we have now to record the results of the war on the economic position of the wage-earning class. This war

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has, at almost all points, baffled the prophets; and in no department have the results been more unexpected than in the economic field. Thus, all previous wars of magnitude have been accompanied by terrible financial suffering among the mass of the people. One of their most frequent results—a social injury enduring for a whole generation—has been the degradation of the standard of life among the wage-earners. The last war waged by the United Kingdom on anything like the scale of the present Armageddon—the Napoleonic conflict that lasted almost unceasingly from 1793 to 1815—reduced the British working-class to a very general destitution, exhausted popular savings, filled the prisons, put ten per cent. of the whole population on the pauper roll, brought down wages to the barest subsistence level, and destroyed for many years every vestige of either industrial or political power among the wage-earning class. On the outbreak of the present war many people naturally expected widespread unemployment and distress among practically all the poorer classes. The trade unions, it was said, would soon be bankrupt and powerless. The political influence of organized labor, it was predicted, would be swept aside as completely as its industrial strength. The great Co-operative Movement, with its network of distributive stores and growing manufacturing departments would, it was supposed, suffer at least an arrest of development, and might have its resources seriously impaired. The Friendly Societies, entangled in the gigantic scheme of National Insurance, would, it was feared, find their accumulated funds drained dry. In short, many people looked, on the outbreak of war, for ruin and misery among the mass of the working people. Certainly, no one would have predicted that, after a war of such magnitude and intensity had been waged for over two and one-half years, the wage-earning population of the United Kingdom would find itself, as a whole, actually better off financially than it was in the years of prosperity that immediately preceded the war. Yet (subject to many unfortunate exceptions) this is today undoubtedly the fact.

In spite of a rise of prices of foodstuffs now approaching one hundred per cent.; in spite of an average increase in the total cost of living of the typical wage-earning family which may be put at sixty to seventy per cent.; in spite of the levy of new taxation on the wage-earning class to the extent, it is estimated, of at least fifty millions sterling per

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annum (in the increase of beer, sugar, tea and cocoa taxes; in the raising of railway fares and postage; and in lowering the level of exemption of the greatly augmented income tax)—there is every sign of the British manual working-class, taken as a whole, being considerably better off in 1917 than in 1913. Money wages have risen, practically everywhere, in one form or other, sometimes only by ten or twenty per cent., but in exceptional instances (such as the steel-smelters), by sixty or eighty per cent. It is true that the rates of wages have never (or hardly ever) risen to the same extent as the prices of commodities, or the cost of living. But, with relatively few exceptions, the average family income has increased more than the rate of wages. More members of the household are, in most families, earning money—there are no unemployed men, and no intervals in which no wages are earned; the girls are at work as well as the boys, the superannuated and the invalids; in hundreds of thousands of cases the wives as well as the spinsters and widows. Moreover, piece-work earnings have been widely substituted for fixed weekly wages; there has been a free advancement of laborers and of women from unskilled to skilled rates; the working hours have often been lengthened, bringing increased earnings; and overtime and Sunday duty have been freely adopted up to the very verge of excessive strain. The loss of family income consequent on the absorption of five million men into the army and navy has been made good by the payment from public funds of separation allowances and pensions on a scale of quite unprecedented liberality. The disabled soldiers, in particular, of whom already many tens of thousands have been discharged, are being provided for in ways unknown in any previous campaign.

The total result is that, whilst a considerable number of cases of individual suffering exist, taking the wage-earning population of the United Kingdom as a whole, far from feeling the strain of war, it exhibits today every indication of unparalleled prosperity. Thus, the number of persons simultaneously in receipt of Poor Law relief has fallen from nearly a million (in the whole United Kingdom) to fewer than six hundred thousand—these being now almost entirely the sick, the lunatic, the helpless aged, and the orphan children. Poor-houses are being used for soldiers' hospitals. The tramps have almost entirely disappeared from the roads

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This remarkable result, so far, of such a calamity as the present war, has, of course, not "come about of itself." It has been the outcome of the measures which have been deliberately taken by the Government and Parliament, supported generally by public opinion, and acquiesced in by the employers and the propertied classes. And this policy of deliberately maintaining unimpaired, at whatever cost of the Treasury, the standard of life of the manual working wage-earners—in consonance with the teaching of the political economists that any degradation of this standard of life is the worst injury that a nation can suffer—has undoubtedly been made possible, as an achievement of economic statesmanship, only by the industrial and political strength, and the persistent pressure, of the British labor movement.

The measures taken as the outcome of this economic statesmanship have been many and varied.

We must note, to begin with, the definite refusal to allow any use to be made, for any war need, of the demoralizing machinery of the Poor Law, which has lost all credit and

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The deliberate adoption of this policy by the Liberal Cabinet, and its official promulgation by circulars of the Local Government Board in August, 1914, marks an epoch in the history of unemployment in the United Kingdom. Within a very few weeks, however—before the new policy of prevention could be put into force, and even before it was commonly understood—it became evident that no widespread unemployment among men was to be feared. Unemployment among women workers lasted for a few months, during which it was sought in pursuance of a like policy, not to start the old eleemosynary "relief works," but to organize public orders, and where necessary to supply full maintenance to the women who could not immediately get employment, conditional on their attending at centers

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What prevented unemployment in the latter part of the year 1914, and rendered it unnecessary to put in force the policy of expediting public works of merely eventual utility, was the same policy of deliberately maintaining the aggregate total of wages by increased Government orders. But, under the stress of war needs, it took the form, first of the enrolling of an enormous army, such as the United Kingdom had never contemplated—reaching eventually five million men, or nearly one-ninth of the whole population of all ages and both sexes—and, secondly, of the manufacture of shells, rifles, cannon, uniforms, accoutrements, and the thousand and one requirements of war, not only for the United Kingdom but also for all the Allied Governments, on which there are at present over three million persons employed. The influence of the changed opinions on economic matters, and of the strength of the organized labor movement, is seen in the remarkable series of Government decrees by which the workers' standard of life has been protected from degradation.

We had first the high rates of pay—by far the highest in Europe—and the extraordinarily liberal rations granted to the soldier; and then the separation allowances paid to his wife and family, or other dependents, on a scale hitherto unheard of, and amounting now to nearly a hundred millions sterling annually. Next we had a series of orders as to pensions for disabled men and the widows and orphans of those who die—the public insisting, upon an agitation led by the organized labor movement, on successive increases to the Government's original scale, so that the sum now payable already exceeds thirty millions a year. Then came an equally progressive series of orders securing proper wages for the millions of munition workers, not only in the Government's own establishments but also in the ten or fifteen thousand private establishments turned to war service. The rates of pay thus secured are, so far as the lower grades are concerned, still far from being satisfactory to the British labor movement; but their extortion from a reluctant Government, and their imposition on still more reluctant capitalists, has done an enormous amount to raise the standard

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What is more widely known is the admission of the labor movement to partnership in the administration of the State. When in 1915, the Liberal Government gave way to a Coalition Government, the Labor Party, as a whole, was formally invited to consent to take part, its chairman being offered a seat in the Cabinet and two of its prominent members being made Under-Secretaries of State. Several other leading officials of the trade union movement were given the honorary distinction of being sworn in as members of the Privy Council. Finally, when in December, 1916, Mr. Lloyd George succeeded Mr. Asquith as Prime Minister, the adhesion of the Labor Party (though it had only thirty-five members in a House of Commons of six hundred and seventy) was recognized as essential; and Mr. Lloyd George in a long private interview on the day of crisis personally solicited the co-operation of the Party—offering the Chairman a seat in the supreme War Cabinet of five members, making another Labor member Minister for Labor and a third Minister for Pensions; and appointing three more to subordinate Ministerial positions.

It will, of course, be understood that these concessions of recognition of the labor movement have gone beyond the concessions of effective power. The representatives of trade unions and other organized labor bodies, who have thus been admitted to administrative committees, called into counsel on committees formed to advise the Ministers, placed

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as assessors or members on tribunals, or even admitted to the Cabinet, do not, it is to be feared, yet exercise in these capacities, as much authority as their middle or upper class colleagues. Even when labor members are placed at the head of important Government departments, they find themselves, at present, quite unusually restrained and guided by their permanent officials, and by their Ministerial colleagues. Their actual influence in administration is therefore still below that which they might, from their position, be supposed to exercise. It has, indeed, been complained by some members of the labor party that the trade unions and the Labor Members in the House of Commons do not find that their power over the Government is increased by the holding of important official positions by leading members of the Party, but rather decreased—that the latter are where they are in the capacity of hostages for the good behavior, or rather the docility of the rank and file. Time will show how far this complaint is justified. In the meantime the very extensive share in the Government now accorded to the representatives of the trade unions and other sections of the British labor movement marks an advance in status, and in influence on public opinion, from which there will be certainly no going back. Nor is the recognition of trade unionism confined to any one political party. In all probability, there will never be another Ministry in the United Kingdom, whether it calls itself Liberal or Conservative or any other designation, which does not include among its members one or more representatives of the trade union movement.

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of life, especially among women workers. Meanwhile the Government, on the successive demands of the trade unions concerned, has, at its own expense, raised the wages of the half million railway workers by ten shillings per week, amounting to about £13,000,000 a year for this industry alone; and has awarded increases to millions of workers in private employment by orders which have the force of law—increases which are complained of as being far from sufficient, but which are, at any rate, remarkable for war time. In February, 1917, there was being ordered a legal minimum wage for all the agricultural laborers in Great Britain of twenty-five shillings per week, which is certainly fifty per cent. more than the average of three years ago. Concurrently with these increases in the income of the wage-earning families, we have had the Rent Restriction Act, which (to the financial loss of the property owners) prevents any raising of the rents of working-class dwellings above those of August, 1914; the prohibition of lapsing of industrial insurance policies of two years' standing, notwithstanding the non-payment of premiums; various measures for preventing, as far as practicable, the steadily continuing advance in the prices of commodities; and the relaxation of the rules that would have forfeited the old age pensions of persons obtaining increased receipts from work or gifts. Finally we have had an actual increase by fifty per cent. of the old age pension now drawn by the men and women over seventy—an increase long refused by the Government, persistently demanded by the whole labor movement, and finally extorted by the determination of the Miners' Federation. Meanwhile, though the taxes have been, in the aggregate, nearly trebled, the amount levied on the wage-earning class has been only moderately increased, whilst an addition of over two hundred and fifty millions a year has been made to the imposts levied on the employing and propertied classes, so that, what with excess profits tax, income tax, supertax and death duties, the richest industrial magnates often find at present (literally) three-quarters of their incomes confiscated to the service of the community.

Nothing like these things has ever before happened in the United Kingdom, either during peace or in any previous war. It is these measures, forced upon a reluctant Exchequer, owing to the way in which the British labor move-

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ment has educated and led the public opinion of the country, that have so far saved the nation—to the amazement and delight of the political economists, who never expected the workmen to manifest so much power, or the Government to exhibit such true economic statesmanship—from the overwhelming calamity of a fall in the standard of life.

Even more remarkable has been the extent to which, under war pressure, the British labor movement has secured, from the propertied and employing classes and from the Government that these still mainly control, formal and official recognition as an equal partner in the State. At the outset of the war, it was immediately realized that the new official organization for the prevention and relief of distress initiated by the Prince of Wales would have to recognize the position and the claims of organized labor. In spite of the protests and the resistance of many County and Municipal Councils, which are still nearly all in the hands of the middle and upper classes, the Government insisted that the representatives of the local trade unions and other labor organizations, both of men and women, should be placed on all the local committees, and accorded full administrative power. But this was only the beginning.

With the pressure for more munitions, the Government called into being a whole series of special committees, both national and local, representing the trade unions concerned with the several munition industries—eventually embracing nearly all the principal manufacturing and transport trades—and obtained their advice and assistance with regard to each successive increase of Governmental authority. Trade union representatives, both men and women, were placed on all the munitions tribunals, which adjudicated in cases of workshop offences under the Munitions Acts. Trade union representatives were similarly placed on the military service tribunals, which gave temporary or permanent exemption from the obligatory military service. When, in 1916, an organization was formed through the kingdom for awarding pensions, increasing the separation allowances and providing treatment for the disabled, the labor organizations obtained a recognition which went beyond anything hitherto accorded. In all previous cases in which labor representatives had been placed on official bodies not formed by popular election, the representatives have been chosen by the appointing authority.

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It will, of course, be understood that these concessions of recognition of the labor movement have gone beyond the concessions of effective power. The representatives of trade unions and other organized labor bodies, who have thus been admitted to administrative committees, called into counsel on committees formed to advise the Ministers, placed

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The Western Union
and the
War Labor Board

The Company's Position

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The Western Union
and the
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The Company's Position

THE WESTERN UNION TELEGRAPH COMPANY
NEW YORK
1918

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THE WAR LABOR BOARD

I

The Prime Facts and the Steps Taken

This pamphlet is issued in order that those interested may have available the essential data as to the labor policy of the Western Union Telegraph Company.

The Prime Facts

The prime facts in this situation to be noted are the following:

1. There has been and is at present no dispute between the company and its employees.

2. The continuity or the quality of its service has at no time been threatened by any action of the employees of the company.

3. In protection of the public the policy of the company has been to refuse to have dealings with any labor organization which

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employs the strike for its own ends or in sympathy with others, the company's policy in this being precisely the same as that of the Post Office Department, to whose service that of this company is in many ways so closely analagous.

4. It has for over ten years made it a condition that it would not employ persons who were members of such organizations or retain in its employ those who became members. Its policy in this regard was so well known that it was understood that those who accepted employment were considered to have agreed thereto.

5. The labor union involved in this matter has no membership whatever among this company's employees, but is an organization carrying on a propaganda to induce our employees to become members.

6. The labor union which invoked the interference of the National War Labor Board sought to secure an interpretation of the Board's principles that would in effect become a mandate of the Board in support of its propaganda to secure members from the staff of the company by inducing them to violate the conditions of their employment.

7. The procedure of the National War Labor Board as embodied in its statement

of principles and put into force by the President's proclamation, requires that in cases where it is unable to bring about a settlement between parties, or in cases wherein the members of the Board "shall be unable to unanimously agree upon decision," an umpire shall be appointed to decide the controversy.

8. In this case there was no unanimous decision by the National War Labor Board and no umpire was appointed. By a majority vote it decided to make no finding.

9. The belief of the company is that the telegraph being nation-wide and essential for public use must be uninterrupted, hence the essential employees, especially those working the wires, cannot be subject to a strike order either for their own benefit or sympathetically for the benefit of others, nor can there be organization, harmony or facility in the handling of Government and public business if groups of the essential force owe allegiance to different and divergent interests.

10. Notwithstanding its firm belief that its long standing policy was in the interest of the public, in view of the circumstances of the times and to uphold the authority of the National War Labor Board in every possible respect, the company offered to submit the

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matter of the alleged wishes of its employees to a secret referendum to be held under the direction and control of the War Labor Board. No consideration whatever was given to this fair and reasonable proposal.

11. The company maintains that the conditions surrounding its service are of a character to justify the public support of its position, especially in view of its entire willingness to leave to the self determination of the majority of its employees the question whether it should waive a condition of employment of long standing and adopted wholly as a measure of protection to the public service the company is expected to render.

12, The Western Union has no quarrel with the principle of unionism. There are associated with the company many employees who are members of various unions. To surrender control of the direction of its business and of the essential employees to an outside organization animated in its policies by considerations having nothing to do with promoting the service of the company as a great public utility, would be subversive of the very principles upon which the company regards its public obligations to rest.

The Steps Taken

I. Under date of March 29, 1918, the War Labor Conference Board, representing employers and employees, recommended the appointment of a War Labor Board "to bring about a settlement of mediation and conciliation of every controversy arising between employers and workers in the field of production necessary for the effective conduct of the war."

II. While there was not on that date, and there is not now, any controversy between the Western Union Telegraph Company and its employees, there was an organization of which none of this company's employees were members, which had for many years been seeking to induce our employees to ally themselves with it. Though there are some 70,000 Morse operators in the United States and Canada, only 2,500 of them are members of this organization, and they are chiefly Canadians.

III. Immediately the project of forming a War Labor Board was under way, this organization undertook an unusually active propaganda especially directed to our employees. Meetings were held on April 28th under the direction of the organization in various cities

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throughout the country and about 40,000 of our employees were invited to attend.

IV. Notwithstanding the promises of higher wages, better working conditions, and guarantees against loss of position made by the organizers of these people, only 140 Western Union employees responded.

This small number understood perfectly well that the long-established, well-advertised policy of the company was opposed to membership in this particular organization and that they were making a choice between employment with the Western Union and membership in this organization.

The reasons actuating this policy of the company have been long and thoroughly considered. They are in keeping with the policy of the Post Office Department, which, in order to maintain its service unimpaired and uninterrupted, has objected to its members joining a labor union which employs the strike either directly or in sympathy with other strikes. The telegraph service is in many respects very similar to the postal service and the vitally important feature of it is, of course, its promptness and continuity.

The policy of the Post Office Department was set forth fully by Postmaster General Burleson in his report for 1917, wherein he states explicitly that certain labor organizations have taken advantage of the war emergency to attempt with the Post Office Department pre-

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cisely what in this case has been attempted by this particular organization against the telegraph service. ***(See on page 28 extracts from the report of the Postmaster General on this subject.)***

V. Immediately after this issue had been created, these former employees of the Western Union appealed to the newly created War Labor Board, headed by Honorable William H. Taft and Honorable Frank P. Walsh. The War Labor Board immediately asked the company to agree not to take any action against the employees who had allied themselves with this organization.

VI. Convinced, however, that the whole campaign of this organization had been based upon misleading promises and guarantees, the company was clear that to sacrifice its own principles in this matter, even temporarily, would only result in the further misleading of its employees and general demoralization of the service the company was under obligation to render to the public, and the War Labor Board was so advised.

VII. Mr. Carlton shortly afterward appeared before the War Labor Board at Washington and presented a statement of the company's position, which, in substance, is reprinted herein.

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VIII. In a telegram to the War Labor Board dated May 22 (see page 21), the Western Union Telegraph Company offered to submit to a secret ballot of its employees the question and, in case the majority of its employees so voted, to agree to permit its employees to become members of the Commercial Telegraphers Union.

IX. The company also offered to co-operate with the War Labor Board in the development of an organization to be confined to the Western Union employees, thus giving the employees all opportunities for collective bargaining, and agreeing to submit all differences between the company and this organization to arbitration by the National War Labor Board.

X. Neither of these propositions appear to have received consideration by the War Labor Board, but the Company has subsequently undertaken on its own account to invite its employees to a conference looking to the development of such an organization as that indicated. (*See page 32 for action of Board of Directors, Western Union Telegraph Company, on this subject.*)

XI. The subsequent proceedings are indicated in the report herein published in full as issued by the War Labor Board on page 19.

II

Reasons for the Company's Position

Following the announcement of the War Labor Board, Newcomb Carlton, President of the Western Union, issued the following statement to the press:

"The telegraph company understands that its employees have made no complaints to the National War Labor Board respecting hours of labor, rates of pay, or general working conditions.

"The company does understand that the officials of an organization known as the Commercial Telegraphers Union of America,

[whose membership is made up of a small contingent of telegraphers not in the employ of the telegraph company, about 2500 in number, and principally resident in Canada]

desire to enlarge their membership, among approximately 40,000 Western Union em-

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ployees, of whom about one-half are directly engaged in working the wires.

"In recognition of the fact that the first obligation of the telegraph system is to maintain uninterrupted service for the public and the Government, the settled and well advertised policy of the company has always been to oppose any organization of operators that employs the strike.

Post Office Department against unionizing Mail Service

"Our policy in this respect is based upon the same reasoning as that of the Post Office Department, whose policy with respect to the unionizing of Post Office employees is set forth in the last report of the Postmaster General.

The Postmaster General said:

> An outside organization has during the past several years attempted to unionize Government employees, including those in the Postal Service, and a large number of postal employees are now affiliated with it, and others soon will be, notwithstanding the fact that such affiliation is believed to be contrary to the Act of August 24, 1912.

> The advisability of permitting Government employees to affiliate with an outside organization and use the strike and boycott as a last resort to enforce their demands is seriously questioned by those interested in the public welfare.
>
> Postal employees have become bold because of this affiliation and have within recent years threatened to strike, and in one case actually did so by tendering their resignations and leaving the service in a body. In this case they were promptly indicted and prosecuted in the Federal courts.
>
> While strikes in the Postal Service may be averted for the time being, yet they will inevitably come, and the public will then be brought face to face with a most serious situation—one which will be a menace to our Government. *—From report of the Postmaster General, 1917. Further extracts on pages 28-31.*

Employees understand policy of Company

"This policy is so well understood by employees that the company feels that there is an obligation upon them not to ally themselves with the Commercial Telegraphers Union of America.

"It is well to bear in mind that there are two national systems of communication

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universal in character and open to the public at low cost—

"The United States Mail and the telegraph system.

"Each must maintain an uninterrupted, efficient service if confusion and disorder are not to take the place of well-ordered national procedure.

Disastrous effects of interruption to Service

"It would be impossible to estimate the loss and damage to the Government and the public were either of these two great means of communication to be interrupted.

"At this hour, when the destiny of nations depends upon quick communication, there should be no experiments.

"I am in close touch with thousands of our employees and I am satisfied from my personal acquaintance with them that fully 99 per cent are giving their best energies in helping to win the war by maintaining an efficient tele-

graph and cable service, and that they do not require the aid of an outside organization to secure the completest recognition of their rights on the part of the company, and do not desire the interference of such organization in the adjustment of their relations with the company.

"The telegraph company understands that in organizing the National War Labor Board it was intended that organizations that were unionized should remain so and those pursuing the policy of an open shop should not be changed.

Non-union organizations and the policy announced by the President

"By inference it is equally clear that organizations non-union in character should also pursue that policy during the period of the war.

"It appears clear that the board should act as mediator in disputes that arise between employers and employees under the labor relationship and policies that existed prior to

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the war; that the principles formulated by the War Labor Conference Board and recommended to the President had as their fundamental basis the continuance of the relations affecting the organization of employees existing at the opening of the war, and that is the telegraph company's understanding of the effect of the President's proclamation approving and adopting such principles.

Or are the hands of the employers tied?

"If this is not true, and if these principles are interpreted as compelling this company and others in like situation to abandon their settled policies and leaving outside organizations free to work as they may see fit among their employers, then the hands of the employers are tied and the principles of the War Labor Board furnish a cloak behind which a propaganda for the unionizing of labor in every industry may be carried on without let or hindrance.

"Surely there was no such thought in the

organization of the War Labor Board, since to use the moral force of that board in an attempt to unionize all trades would inevitably lead to serious disputes at a critical time in the nation's existence.

No quarrel with principles of unionism

"The Western Union has no quarrel with the principles of unionism and there are associated with the company many employees who are members of various unions, **but it holds to the belief and the practice that it cannot surrender control of the essential employees to an outside organization.**

"The Western Union is not seeking to deprive any one of his inalienable rights, but it recognizes that its employees must choose between employment with the company and membership in the C. T. U. A. with employment in the many other telegraph positions open to them.

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"The Western Union employs less than twenty per cent of the total telegraphers in the United States.

"The company says in effect to its employees: If you desire to join the C. T. U. A., then we must part.

"So long as you retain your position with the company you will have every protection and a full right of appeal, but we cannot agree that you shall join any organization which imperils the continuity of the telegraph service which this company is expected to provide for the Government and public of the United States."

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III

War Labor Board Report

The National War Labor Board on Sunday, June 2, 1918, authorized the following:

At an executive session of the National War Labor Board at the Hotel Belmont, New York City, June 1, a section of the board, consisting of the joint chairmen, Messrs. William H. Taft and Frank P. Walsh, submitted the following report of the findings of the section in the controversy between the Western Union Telegraph Company and their employees:

***Report to the Board**

"*To the National War Labor Board:*

"In the matter of the complaints of former employees against the Western Union Telegraph Company on the ground that they were discharged by the company for belonging to a union called the Commercial Telegraphers Union of America, the members of the board

*Sub-headings are inserted—they are not in the original report by the Board.

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are advised of the general situation by the full opportunity given to the employees on one side and the president of the Western Union Telegraph Company on the other, to state the facts in respect to the controversy as they respectively viewed them.

"Before a section consisting of the joint chairmen was appointed to attempt mediation and conciliation the members of the board had a vigorous discussion as to the meaning of the principles recommended for approval to the President and approved by him to guide this board. The discussion had been so full before the section received the matter that it did not seem necessary to do other than submit propositions of compromise to the one and to the other of the parties with a view of adjustment.

Proposal to the Western Union

"Accordingly, Mr. Taft, at the suggestion of Mr. Walsh, submitted to Mr. Carlton and Mr. Wiggin, the chairman of the executive board of the Western Union directors, a proposal that the Western Union receive back the men whom it had discharged upon these conditions:

"1. That the Western Union would receive a committee of its own men only who desired individually, or in a group composed of the employees, to present requests for better conditions of labor as to hours, compensation, and otherwise, and that if an agreement could not be reached the matter should be referred to this board and the question disposed of in accordance

with the procedure provided for the board under the rules guiding it.

"2. That the Western Union should not be required in any way to deal with the union or to recognize it.

"3. That the Commercial Telegraphers Union should agree with the National War Labor Board and guarantee to it that in any effort by its members to secure better conditions of labor it would not itself initiate and it would not itself permit its members to use the strike, but that it would submit their grievances to the National War Labor Board and abide the decision under its procedure.

"4. That if any employee of the Western Union Telegraph Company, a member of the telegraphers union, should fail to conform with this agreement and to abide by the rules and principles of the board the Western Union Telegraph Company might discharge such employee, and that the National War Board would sustain such discharge."

The Counter Proposal of the Company

"Mr. Carlton declined to accept this proposition, but tendered a counter one by telegram, as follows:

"NEW YORK, *May 22, 1918.*

"Hon. W. H. TAFT,
"*National War Labor Board,*
"*Washington, D. C.*

"The Western Union Telegraph Company holds that its first obligation is to the Government and public in an uninterrupted and competent telegraph service.

"The company has reached the conclusion that this

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end can not be achieved if its telegraph operators are members of the C. T. U. A. Employees now have a basic eight-hour day, premium for overtime, vacations with pay, semi-annual premiums, sickness benefits at full pay for varying periods, pensions, life insurance, and many other advantageous conditions of labor. The company desires, however, that its employees shall have whatever benefits there may be in collective bargaining. It is satisfied that these benefits can not be obtained through the medium of the C. T. U. A. Furthermore, the company is of the opinion that a majority of its telegraph operators do not desire to join the C. T. U. A., but it is willing to submit that question to a referendum of such employees having a reasonable length of service and in the following manner:

The Offer of The Western Union

"The National War Labor Board shall undertake, under a program to be agreed between us, to organize and carry out the machinery for the taking of a secret ballot, the question to be proposed simultaneously in general terms as follows:

"1. Are you desirous of becoming a member of the C. T. U. A., or

"2. Are you in favor of an organization to be confined to Western Union employees, such organizations to have the right of collective bargaining but not to employ the strike or affiliate with any organization that employs the strike either for itself or for others; the officers of the association to be employees of the company, elected by the employees, and the association to be controlled and managed by them; differences between the company and the association or its members to be arbitrated before the National War Labor Board?

"In the event that a majority of our telegraph operators

vote affirmatively on question 1, the company will withdraw its objections to that union and membership therein will no longer be cause for dismissal, but we specify that the company shall not be called upon to recognize that union nor shall it be required to deal with officers of that union as such, whether employees or otherwise.

"If, however, a majority vote 'no' on question 1, then the present policy of the company respecting membership of its employees in the C. T. U. A. shall be maintained.

"If a majority are in favor of question 2, then the machinery for such an association shall be set up by joint agreement between your board and this company and turned over to the employees.

"I have not dealt with the scope of an association as outlined in question 2. It would be our idea that such an organization would be voted upon by all employees of reasonable length of service and to include all employees of the company who desired to become members.

"This agreement to cover the period of the war.

"NEWCOMB CARLTON.

Mr. Taft's Reply

"To this telegram Mr. Taft sent the following answer:

"CHICAGO, *May 27, 1918.*

"NEWCOMB CARLTON, *President*
"*Western Union Telegraph Co., New York.*

"Your telegram received. I am sorry you find it inconvenient to come to Chicago, because I hoped to have a talk with you before our section reported the case to the board at Chicago. I must, therefore, trust to the wire to tell you my individual opinion about the

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case and your attitude. I have not told Walsh or Osborne or the others, but I must do so in my report as one of the sections.

"I do not think our principles include the closed non-union shop in the status quo to be maintained.

"I do not think our principles require us to ignore or invite a breach of existing contracts of employment in which the men affirmatively agree not to join union.

"I do not think you have such contracts with your men. A mere understanding that men will be discharged who join the union does not constitute such a contract on their part not to join unions.

"I think the making of such contracts after the proclamation of the President is not in accordance with our principles of action by him approved, though the making of them would be legal. I think the plan upon which our board acts contemplates a waiver by employers of such a right, just as it contemplates a waiver by employees of the legal right to strike, as a method of securing industrial peace.

"With these views, I think that your last proposal does not square with the principles on which our board must act if the issue is made by the employees' part of our board.

Does not Recognize Union

"You deny to a majority of your employees a right to join a labor union. On the other hand, I think the proposal made by Walsh and presented by me to you at Philadelphia is one which you should accept in the interest of industrial peace. By it you do not recognize the union or deal with it. You deal only with committees of your employees. You take back your men discharged for joining a union, which under our principles an employer should not prevent their doing. The union would agree with the board not to order or

permit a strike under any circumstances, but to rely for a redress of grievances solely on the lodging of complaints by committees of your employees with our board and the board's action thereon. You would be given the express right under such a compromise to discharge any employee who sought remedy for grievance in any other way, and the board would sustain the discharge. Under such a compromise, which would be consistent with our principles, the board would have the power to secure you against the danger of a strike as completely as practical machinery can provide against it. Thus would be removed the danger to resort to a strike and consequent public injury upon which you have your obligation to exclude union men from your employ. I ask you to consider again this proposal before a final rejection. Of course your submission to our jurisdiction is a matter of discretion, but I deprecate an attitude on the part of an employer of men so widely distributed which may defeat the usefulness of our board. You may show this to Mr. Osborne.

"WM. H. TAFT.

The Recommendation as to Action

"Mr. Carlton, after receiving this telegram, advised Mr. Taft that he would submit it to the executive board on Tuesday last. Upon this afternoon Mr. Carlton notified Mr. Taft that he would not accept the compromise.

"In view of the correspondence it does not seem useful to further prolong the mediation. The construction of our principles, as set forth in Mr. Taft's telegram to Mr. Carlton, leads to the conclusion that the Western Union Telegraph Company should accept this compromise as therein stated. It declines, however, to do so or to submit to the jurisdiction of this board, and no further action of the board is therefore recom-

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mended except the publication of this report of the section and the vote of this board upon the report.

"WM. H. TAFT,
"FRANK P. WALSH,
"*Section.*"

The report was taken up for consideration by the board and the following actions ensued:

Motion, Mr. Walsh, "I move as one of the makers of the report that it be adopted," which was seconded.

Then an amendment by Mr. Savage, "I move that the following be added after the words 'as therein stated':

"It is therefore recommended that the attitude of the Western Union Telegraph Company in this case be brought to the attention of the President of the United States and a copy of this entire report is given to the press and that the following words be stricken out of the report of the section: 'It declines, however, to do so or to submit to the jurisdiction of this board and no further action of the board is therefore recommended except the publication of this report of the section and the vote of this board upon the report."

Which motion was voted down by the employers and the two chairmen.

A motion by Mr. Michael, as follows: "I move that the report be received and filed and further action deferred until the Western Union Telegraph Company can be heard as to the existence of employment contracts with their employees and that the board further consider the proposal of settlement of the controversy offered by the president of the Western Union Telegraph Company," which was voted down by the workers and the two chairmen.

Mr. Osborne then offered the following amendment to Mr. Walsh's motion to adopt the report: "I move that with the statement to the public that this report

has been adopted that it be shown who voted for and against it," which amendment was carried unanimously.

The Vote on the Report

Then recurring to the original motion to approve the report, the motion was carried by a vote of the workers and the two chairmen, all of the employers voting against it.

For the report: Messrs. William H. Taft and Frank P. Walsh, joint chairmen; Victor A. Olander, representative International Seamen's Union; T. M. Guerin, representative United Brotherhood of Carpenters and Joiners; Adam Wilkinson, representative United Mineworkers; Thomas J. Savage, representative International Association of Machinists; T. A. Rickert, representative United Garment Workers.

Opposed to the report: Loyall A. Osborne, vice-president Westinghouse Electric and Manufacturing Co.; F. C. Hood, president of the Hood Rubber Co.; C. Edwin Michael, president of the Virginia Bridge and Iron Co.; W. H. Vandervoort, president of the Root & Vandervoort Engineering Co.; B. L. Worden, president of the Lackawanna Bridge Co.

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IV

The Attitude of the Post Office Department on the Same Problem

Extracts from Annual Report of the Postmaster General of the United States for 1917

Through the efforts of Government employees a provision was included in the Act of August 24, 1912, which permits them to become members of associations or organizations and affiliate with outside organizations so long as they do not impose an obligation or duty upon them to engage in any strike or propose to assist them in any strike against the United States.

* * *

In a report submitted some time since, covering an investigation at an office where the department was experiencing much difficulty, it was stated that the whole trouble was due to too much unionism of the employees, and that because of their affiliation they were inclined to resent any efforts on the part of the postmaster to enforce discipline.

The department insists that all employees shall be treated in a fair, just, and equitable manner, and to secure such treatment it is not necessary that they

belong to any organization, because the employees who do not are entitled to the same just and fair treatment as those who do.

* * *

While the employees should at all times be jealous of their own rights and protection, yet they should ever be mindful of their obligations to the public and devote their talents and energy to the betterment of the service to the people in which they are engaged. This they could do by co-operating and assisting in solving the postal problems that are constantly arising.

The need for this co-operation was never greater than at the present time, when the Nation is engaged in a world war to maintain the right of liberty and self-government.

* * *

All kinds of business and of labor will be severely taxed, and each must make its own sacrifices. It will be necessary for the Nation to furnish its quota of men, and for capital and labor to produce, and to produce quickly, the funds, material, and services necessary for the successful conduct of the war. Great sacrifices will be required, not only of those who go to the front but of capital and of labor as well, and necessarily the interests of the individual must for the time being be subordinated to those of our country. Normal working conditions cannot prevail, and the war cannot be won nor the world rebuilt under normal conditions. Notwithstanding this fact, and at the critical period in our Nation's history, it is regrettable to state

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that the organized postal employees are making many selfish demands and insisting that they shall not be required or permitted to work in excess of the usual number of hours; also that their salaries be permanently increased, although they are justly compensated, receiving more than three times as much as those fighting in the trenches, who must of necessity suffer the hardships of warfare and sacrifice their all if necessary.

* * *

An outside organization has during the past several years attempted to unionize Government employees, including those in the Postal Service, and a large number of postal employees are now affiliated with it, and others soon will be, notwithstanding the fact that such affiliation is believed to be contrary to the Act of August 24, 1912. The advisability of permitting Government employees to affiliate with an outside organization and use the strike and boycott as a last resort to enforce their demands is seriously questioned by those interested in the public welfare.

Postal employees have become bold because of this affiliation and have within recent years threatened to strike, and in one case actually did so by tendering their resignations and leaving the service in a body. In this case they were promptly indicted and prosecuted in the Federal courts. While strikes in the Postal Service may be averted for the time being, yet they will inevitably come, and the public will then be brought face to face with a most serious situation—one which will be a menace to our Government.

* * *

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The conduct of these organizations at this time is incompatible with the principles of civil service and with good administration of the Postal Service. They are fast becoming a menace to public welfare and should no longer be tolerated or condoned. It is earnestly recommended that the provision in the Act of August 24, 1912, referred to, be repealed.

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V

What Has Been Done by the Company

The Western Union Telegraph Company has for many years past given special attention to the promotion of amicable relations between itself and its employees.

The company feels that no one will question the fact that its employees today enjoy unusually favorable working conditions. These are a matter of public record and knowledge.

Recognizing the desirability of perfecting an effective method whereby the management and the employees might confer concerning their mutual interests, the company has for some time past been studying the most successful experience in both England and America along these lines.

The result was expressed in the following notice addressed to all employees of the company on the evening of June 13, 1918:

The Board of Directors of the Western Union Telegraph Company, at a meeting held June 11, gave careful consideration to the subject of a petition from a number of employees regarding the organization of an association to be controlled and officered by employees, and which would best serve and further the mutual interests of the employees and the company.

The company is prepared to help in any way it can in the formation of such an association, and to that end the president has been requested to communicate with the employees of all divisions, suggesting that they choose representatives for a convention which shall perfect an industrial constitution, such convention to be held at Chicago on July 10.

Essential Features of the Plan

The essential features of the proposed industrial constitution shall be:

(a) complete control of such an association by employees, none of whom shall be in authority to hire or discharge, and;

(b) that it be representative of all employees.

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In accordance with the foregoing, it is recommended that employees proceed to elect delegates as hereafter provided to meet in convention and authorized to deal with subjects of a common interest, especially the following, which are tentatively suggested:

Proposition the Employees will Consider

1. The better utilization of the practical knowledge and experience of the employees.

2. Means for securing to the employees a greater share in and responsibility for the determination and observance of the conditions under which their work is carried on.

3. The settlement of the general principles governing the conditions of employment, including methods of fixing, paying, and readjusting wages, having regard to the need for securing to the employees a share in the increased prosperity of the industry.

4. The establishment of regular methods of negotiation for issues arising between the company and the employees, with a view both to the prevention of differences and to their better adjustment, should they appear.

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5. Means of insuring to the employees the greatest possible security of earnings and employment, without undue restriction upon change of occupation or employer.

6. Methods of fixing and adjusting earnings, piecework prices, etc., and of dealing with the many questions which arise with regard to the method and amount of payment apart from the fixing of general standard rates, which are already covered by paragraph 3.

It has been suggested that the procedure in the selection and election of delegates should be as follows:

Procedure in Electing Representatives

The manager at each independent office at a stated time will call together all employees aged 18 years, or more, including commercial, plant, traffic, and accounting, who have been in the service for six months, and supply them with blank ballots for the purpose of selecting by secret ballot from their own number one elector.

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When all have voted, the manager, in the presence of two employes, shall count the vote and post the result thereof in a conspicuous place in the office.

The employee receiving the highest number of votes so cast shall be declared the elector for the office.

Either men or women may be selected for electors.

The elector shall cast the entire vote of the employees in the office he represents for two delegates to be chosen from the employees of the company division in which the elector resides, to represent the employees of that division at a convention at which an industrial constitution and by-laws shall be adopted.

The electors above referred to will mail their votes for delegates in sealed envelopes addressed to the Division General Manager at division headquarters, the ballot to be enclosed therein in a plain sealed envelope unmarked except for a certificate of the Manager on the back of the envelope stating the number of qualified votors represented by the

elector, votes to be in the hands of the Division General Managers not later than July 1 next.

The Division General Managers shall open these ballots at an appointed place and hour in the presence of the local elector.

The two persons receiving the highest number of votes will be certified by the Division General Manager and the elector as having been duly elected and this certificate shall be delegates' authority to take part in the Constitutional Convention.

It is the company's earnest hope that the action taken by the employees may truly represent the wishes of all the workers.

No employee authorized to employ or discharge shall either vote or serve as an elector or as a delegate.

The company will pay the necessary expenses of the convention, including the salary and expenses of delegates.

NEWCOMB CARLTON
President

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Recapitulation

The Western Union Telegraph Company is above all else eager that the relationship between itself, its employees and the public shall be such that its service may be of the highest possible effectiveness in helping to win the war. This is the spirit guiding its policy.

The company is likewise frankly eager to enjoy public support of a policy toward its employees which shall be justifiably regarded as generous and enlightened.

The proposed organization of employees, truly representative of the rank and file of the men and women in this company's service, will give the whole of its fifty odd thousand employees an effective voice in the consideration of the terms and conditions under which their work is carried on.

Under the proposed plan the views of the chosen representatives—and through them of

all the employees of the Western Union—will be considered in conference with the management, and in case differences develop, an equitable plan of arbitration will be agreed, under which, if need be, the good offices of the National War Labor Board may be invoked.

A scheme will be worked out for co-operation among those interested solely in promoting this company's service to the public and not in serving ulterior ends or promoting the propaganda of another organization.

The good faith of this whole plan will become quickly apparent. If it does not work well it will break down.

The company on its part assures all employees of its desire that they regard this as a plan to give them the utmost possible freedom and effectiveness of expression in their relations with the management.

The alternative to the foregoing plan would be for the company to waive its objections to its employees joining an outside union, and, against its better judgment and experience, open its doors and subject its

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service to the disturbance incident to a propaganda for membership by an outside organization, which for many years has been frankly hostile to the company and has now no interest in its service to the public.

Once the employees had joined such an organization under the plan as suggested by the War Labor Board, they would enjoy during the war no greater rights than under the plan now projected, for they would have waived their privilege of striking.

It is submitted, therefore, that the plan proposed is constructive and designed to give the employees themselves the greatest possible benefits, so solidifying their loyalty and enthusiasm in co-operating with the management that an uninterrupted and competent service to the public may be assured.

The one most feature is not at the same time, preventing the men to join any organization they chose.

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C 10924

DOCTRINE OF SABOTAGE SWEEPS LABOR RANKS

AGITATORS' PREACHING HAVE MADE DISLOYALTY A VIRTUE.

Foreign Workmen, Unused to Freedom, and Neglected by Employers, From Chief Converts to Theory of Destruction, Declares Investigator—Establishing Confidence Is Called the Only Antidote to Industrial Poison.

By FRED E. RUSLANDER.
(Copyright, 1916 by New York Commercial.)

Sabotage is the doctrine of disloyalty.

It may take the form of property destruction—as preached by the most radical branch of labor and political agitators.

It may be hidden under various "isms" and arise as "direct action" strikes.

It is most frequently, shown in the slight letting down of efficiency that marks the dissatisfied workman, increases production cost, raises the fixed overhead expense, and its reflection is general disloyalty.

Few employers will admit the disloyalty of the big body of their employes. The eyes of some are too close to the ledger of profit and loss for true prespective; others, and they form the big majority, believe their men credit them with good intentions and, blinded either by consciouness of rectitude or by self conceit, class the prophets of trouble as unreliable alarmists.

Yet the one economic philosphy that has grown with increasing rapidity in the past ten years, is this same insidious, convincing but horrid doctrine of disloyalty.

Sabotage is made possible only because the new idea in big business is still in experimental form. The feeling of Capital towards Labor today is far indifferent than prevailed prior to 1905. True, some of the old school of bosses still remain. But the new generation has come to the realization that labor has its rights, and that it is not charity, but common business sense, dividend paying acumen, to anticipate these rights and to see that labor received them, frequently against the will of the very workingmen concerned.

But the labor agitator, the demagogue, the political favor seeker, the "investigating" committees, part of the press, the men themselves, are judging the employer of today by the employer of the past decade, and are taking as examples of the whole, the few throw backs to a former generation.

Let me say here, that, starting with Judge E. H. Gary, of the United States Steel Corporation, and extending downward to the employer of 50 working people, I have found a general acceptance of Judge Gary's breif summary: "It is for us to find out what is just and right towards our employers—and then do it. Then we must leave the rest to the intelligence of the workers and to the public as a whole".

That the present day employer is not only willing, but anxious to do what is just and right towards his employes is certain. It is to aid in determining what this may be, that these articles are written.

And, while employers are spending time and anxious thought—for in this case money is a secondary consideration—in trying to do justice, there is a wildfire spread, in the ranks of labor, of the doctrine of Sabotage.

Take the case of Jan Swzybolski, as an example, for it must be remembred that American skilled labor is not the present problem, but that the vast conglomerated mass of common labor presents the complications.

Swzybolski, who will hereafter be called Jan, is a Slovak, who arrived in New York in 1910. He was big, strong, stoical, filled with mysticism of the Slav, his fighting spirit, his power of endurance, and his habit of obedience. For 30 years he had lived and worked by grace of the police authorities. To him was forbidden the power of self expression; a secret organization meant conspiracy and death if betrayed. He was a favor seeker and a graft payer.

On his arrival in New York he paid two of his too few dollars to an employment agency, and in time was sent by that agency, which received a further fee from the industry, to the Pittsburgh steel district.

There he was put to work, and paid what to him seemed fabulous wages. To earn, as he did then, 20 cents an hour for 10 hours a day, (his former earnings had been perhaps 30 cents for a day of 12 to 14 hours) was riches. He lived in a boarding house with a dozen others of his like. He joined one or more of the innumerable Slavic secret societies. He found all that had been forbidden him in his own land, and he ran riot with the freedom. True, he paid tribute to a dishonest foreman; he saw an old employe discharged to make room for a new one who would pay for the job; he sometimes found himself cheated in his pay envelope; but on the whole he earned more, worked less and lived better than he had dreamed of in his wildest imaginings.

Now the grafting employment agent, the dishonest pay clerk and the soliciting foreman are no longer common to the steel industry—the Steel Corporation spends thousands of dollars yearly to keep out graft—but they do exist in spots, and they form another reason for the spread of disloyalty.

To Jan, soon, comes the union agitator, the radical politician the I. W. W. lecturer. He speaks Jan's own language; he is a member of his church; he wears the emblem of his secret order—to Jan little less than blood brotherhood. Remember Jan is still intoxicated with freedom, order joining is still to him a wonderful experience, and the prohibition against unions but add zest to his hopes.

"You, my brother", says the organizer, who is paid a portion of the dues Jan will pay, or who would vote Jan for his leader or for himself, "are being cheated. You make all the money for these capitalists. They pay you $2 and you make $20 for them. Think of Mike Cruzo, who was boiled in a vat of steel; think of this, think of that. If you kick, you get fired, and are put on the black list and

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can't get a job; you are a slave. Well, we are all slaves. Join the union (or vote for me) and as one united body we can force these blood sucking capitalists to pay back some of what they are stealing from us."

Again remember, Jan is a stranger in a strange land, drunk with freedom; something must be wrong or he would not be paid as much as he is getting; but then too, he finds he has little leaft each payday. He is told it is all a combine to keep him so poor he dare not stop working. His companion, or the speaker at the lodge, wears the button of the fraternity. Jan is, too, a natural joiner.

The man beside him is a member of the I. W. W.

"All profits come from labor", he declares. "Without us this mill could not turn a wheel. Yet we get a little, the man with the money gets too much. All should be ours. What did capital ever do to you except make you work all the time and pay you just enough so that you may live to continue working. You owe the boss nothing; to Hell with the boss".

Crude arguments, I admit, but Jan is crude.

"Do as little as you can and hold your job", he is advised. "Someday, we will put this place on the bum if the bosses don't pay more wages. If we start in and spoil machines, and goods and materials, they will have to pay."

Now a sabotage strike is invincible. If the philosphy gains ground, an institution can only pay, or stop operations. Jan is no economist. He does not consider that the spread of sabotage would ruin him by ruining industry. He feels that if he breaks one plant, he can find a job in another. He owes the boss nothing. He is simply A34587 employed by the American Something Company, a mere figure in the columns of production unit cost. He can see no reason for his loyalty. He reads—if he reads at all—or hears, of dishonesty in high places, he reads of sabotage by elected representatives against the people, he hears of governmental prosecution against his employers, he is constantly approached by organizers and agitators.

His employers know him only through his foreman, who is rarely a student of economics, and who is too busy to pay much attention to an individual Hunk who may be laid off tomorrow if business slacks down a little.

Jan was an easy convert. True, he has never yet put his theory into practice; but he has the belief that it is justified; that there is a state of warefare between Capital and Labor—he is told constantly about the war by Labor emmisaries—and that he should mark time until the day the workingmen throw off their chains.

I am told constantly that I exaggerate the importance of this philosophy and magnify its spead; that such a sneaking, treacherous unAmerican doctrine could never gain ground on United States soil, I wish this were true. Yet the East Liverpool pottery strikes, the Lawrence, Mass., strike, the Ohio rubber strikes, all tell their own story. And, for years I have been close to the men themselves.

The foreign workers have heard but one side of the story, they are taught but one thing, they are reached but by one class the apostles of hatred, the preachers of disloyalty, the stirrers up of trouble. They know no argument for industrial peace, they have never been taught true Americanism.

They are let alone largely by employers, If they happen to be miners, they are usually sent to sequestered camps, with no facilities for mental improvement or relaxation. They work, sleep and eat, and on pay days walk to 5 to 15 miles to the nearest village, whence they return with a barrel of beer on one shoulder and a bottle of whiskey in their pockets. In most camps the craefully regulated, and supervised saloon is forbidden; the one excitement of the week is the stealthy visit of the labor agitator. These mine camps are not beds of disloyalty.

The "old man" passed out of business years ago, and with him went the personal equation. The reestablishment of the personal equation, the getting close to the men by higher executives, is a problem that is giving big employers much concern, and is being approached from different angles by many institutions.

One thing is certain. The doctrine of sabotage and the philosophy of making disloyalty and shirking a virtue rather than a disgrace, will continue, until employers gain the confidence of their workingmen and cease leaving the arguement entirely in the hands of self seeking agitators.

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C 10926

THE PENNSYLVANIA RAILROAD COMPANY

NEWSPAPER CLIPPING

Mr King
This is interesting -
WLL

FROM NEW YORK CITY. "AMERICAN" DATE APR 15 1915

Ble
Labor Referred to Boards

'BIG BUSINESS' IS PREPARING FOR MORE CONTROL

Centralization of Power, However, Will Be Aided Rather Than Hampered by New Law.

By B. C. FORBES.

High Finance and Big Business have laid plans to meet the "interlocking directorates" law which takes effect eighteen months from to-morrow, on October 16, 1916.

In plain language, this law forbids anyone from sitting on the boards of two or more companies having business dealings with each other.

Its aim is to scatter the "Money Power," to stop the same set of capitalists from dominating, say, railroads and steel or equipment companies, thus decentralizing railroad, industrial and financial control.

But it will not, in practice, effect its purpose.

How are our financiers to comply with the letter without conforming with the spirit and intent of the law?

In two ways.

First: The size of directorates will be reduced.

Second: Dummies will be used where necessary.

CENTRALIZATION AGGRAVATED.

Did you not notice that the United States Steel Corporation board has already been cut from twenty-five to eighteen members and that other companies have acted along the same lines?

This movement will be carried very much further during the next eighteen months.

The same total number of men will thus be able to direct the affairs of perhaps as many enterprises as heretofore, without violating the law.

Indeed, instead of forcing decentralization of control, it will aggravate centralization, since fewer interests will be represented on any one board.

This will tend to remove counterbalancing checks and to make the boards of important corporations more lopsided than ever.

In certain cases junior partners of powerful firms will be named to succeed senior partners, and the vice-presidents may be elected in addition to the presidents of corporations, but this will not, of course, modify the real control one iota.

"Ownership must always carry control" is a favorite capitalistic motto.

TWO SUGGESTED REFORMS.

Yet, for my part, I seriously question the wisdom of maintaining the existing form of corporate directorates.

At least these two reforms ought to be made voluntarily:

1. A representative of its employes (not an officer) should be given a seat on the board of every large concern.

2. Small investors should have the right to name a director in every case where the stock has been widely distributed among the public.

Direct representation on boards would give labor a new sense of responsibility and dignity. It would, I believe, tend to remove poorly founded discontent, since the workers would be kept closely informed of the conditions confronting the management—in other words, labor would be enabled to see both sides of a company's position.

And since "the labor cloud," as it is coming to be called, occasions more concern in thinking industrial circles than anything else, surely no step calculated to aid in lifting it should be left untaken.

THE SMALL INVESTOR.

The importance of cultivating the confidence of small investors is becoming more urgent every year, and is destined to continue so as the nation produces a constantly increasing number of savers and investors.

In many instances twenty-five per cent, and in a few nearer fifty per cent of the total capital stock distributed is owned by "odd lot" investors—that is, those holding less than 100 shares.

The average holding of railroad stock in this country, according to comprehensive returns I compiled four months ago, is only 108 shares per stockholder, while the average amount owned by industrial stockholders is still lower, seventy-two shares.

America's financial stability and its industrial progress are more dependent upon the confidence and the support of small investors than of multi-millionaires.

Therefore, small investors should have their own representatives on directorates.

VOLUNTARY REFORM NEEDED.

I wish capital would carry out more reforms VOLUNTARILY.

I wish capital would oftener act when it begins to discern handwriting on the wall and not wait until the message is written into the statute books—frequently over capital's protest.

The "interlocking directorate" law is not a brilliantly-drawn piece of legislation, and, no doubt, will be easily circumvented.

Yet those whom it is aimed at should not overlook the fact that it embodies a spirit which it were well not to brazenly flout.

Before business aspires to dominate the Government of the country it should demonstrate its fitness to govern itself wisely.

Would it not be a stroke of statesmanship to widen and diversify directorates along the lines here suggested?

The greater the number of people identified with the management of business the less the danger of an uprising against business management.

Instead of making a mockery of the new law, let our men of affairs utilize the next eighteen months in evolving reforms that will do away with the necessity for such clumsy legislation in future.

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C 10927

Form 16

Ordered through Supt., Oct 6, 1917

Re Bulletin 33 Am. Labor Legislation Supt of Labour

188.3

For K

CLIPPING FROM London Eng Times

ISSUE OF Aug 2 1917

re Crisis in connection with unrest

Industrial "Unrest."

The Report of the Commissioners for Wales, of which we publish a summary this morning, completes the results of the inquiry into industrial "unrest" ordered last June. Summaries of the Reports for the seven other areas were published yesterday, and readers can now judge of the whole. But we strongly advise all persons who are interested in the subject—which is vital for the war—to procure the documents and study them for themselves at leisure. They will then be in possession of the whole case and in a position to support the necessary measures for allaying discontent or to demand them if they are not forthcoming. The inquiry has been well carried out, and the plan of having eight Commissions for as many areas is justified, not only by the gain of time thereby secured, but also by the completeness of the record. For though the Reports all agree in several details, they all differ in certain respects. Some lay more and others less stress on particular points, and conditions ascribed to one area are omitted from the account of another. Those who are well acquainted with the industrial world will recognize in these variations a correct reflection of the actual state of things, which differs widely in important respects in different parts of the country. To gain a clear and sufficient view of the whole the Reports should all be taken together. They throw light not only on the present situation and its bearing on the war, but also on the general problem of the relations of employers and employed and the future prospects after the war. That applies particularly to the Report on Wales, which is the longest, most thorough, and most informing, in that it deals with the most disturbed area of all. It is the only one of the Reports which discusses the existence of organized efforts for promoting radical changes in the constitution of society and the conduct of industry—in other words, Socialism and Syndicalism, though the terms are avoided. The absence of any reference to these influences in the other Reports is very curious, because it is quite impossible that no witnesses drew attention to them in the other areas. We have never endorsed the view that agitation of this kind is at the bottom of all the trouble, but to ignore it altogether is to mislead. It is a most potent influence in exploiting and magnifying grievances, in inflaming passion, instilling suspicion, and putting a sinister construction upon all actions of the Government and of employers. It would, in our opinion, have little power to cause actual conflict without some material to work upon; but on the other hand it often magnifies small grievances into great ones and swells a ripple into a dangerous wave. Nor does it ever "let well alone," for its preachers and professors deny that anything can be well until the millennium is inaugurated by whatever new form of society they happen to advocate. And it has been intensely active during the war.

We agree, however, that the way to disarm this force is to remove the grievances which provide it with an effective handle. They are fully detailed in the Reports, and, though there is hardly one among them which has not been previously pointed out in *The Times*, their complete and reiterated enumeration in these official documents presents them with a new force. The first of all is "profiteering" and the cost of food, but especially profiteering. All the Reports place these causes of unrest in the forefront, and all insist on the importance of profiteering. The summary issued by MR. BARNES last week gave a wrong impression on this head. We demurred at the time to the comparatively small part assigned by him to profiteering, and we find that the Reports fully bear out our criticism. Some of them state that it has more to do with discontent than prices. For instance, the Report for Scotland says:—"The actual increase in the "cost of living does not appear to be so important "a factor in the workers' mind as the belief that "'profiteering' exists." We have repeatedly pointed this out. As a matter of fact, prices are not causing privation or serious hardship to any considerable section of the community, and certainly not to those bodies of organized workmen who complain most about them. The same Report says that, "despite high prices of commodities, "on the whole among industrial workers there "is no serious difficulty in meeting the cost of "living, at least among the workers engaged in "the largest industries in Scotland." Of course it is desirable, for the sake of the really poor, that the price of necessaries should be lowered, but, as we said the other day, that will not stop the trouble if the belief in profiteering remains, and it will remain so long as revelations of enormous dividends and vast wealth keep coming before the eyes of the public. It is clear from the Reports, which nowhere define the term "profiteering," that in the conduct of this inquiry it meant just making money out of the war, and apparently it generally means that. In that case it should include those unskilled workers mentioned in the Report for Yorkshire and the East Midlands, who are "earning from £10 to "£18 a week, and could easily earn more but "are afraid to." However this may be, the problem of prices and profiteering is being vigorously tackled by the Food Ministry, and no doubt LORD RHONDDA will be further stimulated by the strong evidence of the urgency of the question furnished in the present Reports.

That particular and most prominent cause of unrest is not specially industrial, but general. The industrial causes are for the most part connected with the Munitions Act. We have frequently enumerated them. Some have already been removed, although apparently the men do not know it. This touches on one of the underlying causes, which we have over and over again pressed on the Government. It is specially emphasized by the Report for the West Midlands. We refer to the want of publicity and adequate explanation. The need of measures, their objects and their working, have not been explained. Men have been left in the dark to form their own opinion, under the guidance of advisers whose interest it is to make trouble. Of other official stupidities and delinquencies the Reports bear ample evidence. The Commissioners for the North-West area relate some amusing experiences of their own in coping with London officials who tried to prevent them from carrying out their mission. Against such stupidity the gods themselves fight in vain. But it is clear that a great deal may be done to put matters on a better footing. With regard to the actual relations of employers and employed, the best course seems to be to give immediate effect to the recommendations of the Whitley Commission. As for the supply of beer, which figures in all the Reports but two as a serious cause of discontent, it is clear that the grievance is not the restrictions imposed by the Central Control Board, but the shortage of supply, which is due to the withdrawal of materials from brewing, and the quality and price resulting from the same cause. The distinction is important, because the cause can be removed—and is in process of removal—without disturbing the arrangements which have so greatly improved the sobriety of the nation.

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C 10928
1883

Boston Evening Transcript
DEC 16 1915

LABOR UNREST EXPLAINED

REPORT BY EXPERT ON FEDERAL COMMISSION

High Prices, Inequalities in Distribution of Products, Unrestricted Immigration, Excessive Issues of Stocks and Bonds, Insecurity of Employment, Nervous Pressure, Lack of Insurance, Woman and Child Labor, Control by Corporations, Long Hours of Labor, Lack of Organization for Purchasing, Among the Causes

[Regular Correspondence of the Transcript]

Washington, Dec. 15.

WHAT is regarded by many here as one of the most significant of the many studies made by experts for the late United States Commission on Industrial Relations is that on "The Underlying Economic Causes of Industrial Unrest," prepared by W. Jett Lauck, the contents of which have just become known. The full report has not yet been published and may never be, though there is a movement on foot in Congress to secure the printing of the final report of the commission, exclusive of the special separate reports like that of Mr. Lauck. The author of this study is a well-known economist and investigator into relations of labor and capital, and is ranked high among the experts of this city and the country. Mr. Lauck was on the Immigration Commission, the Tariff Board, and during the early days of the Industrial Commission was director of investigations, a position subsequently filled by Basil M. Manly.

The "Fundamental Causes"

The fundamental causes of the present industrial unrest Mr. Lauck outlines as follows:

The constant increase in the level of prices during recent years, resulting in a decline in real wages, very marked in this country and abroad.

Inequalities in the distribution of the output of industry, due to the coördination of industry, the increasing use of machinery, and the improvement of facilities for transportation and communication; and, coincident with this "the subordination of the industrial worker to machinery and the consequent weakening of his bargaining power."

Unrestricted immigration, which has enormously increased the labor supply, checked wage advances by lowering the standard of living and intensifying unemployment.

The uncontrolled issuance of stocks and bonds in all industries, including railroads, resulting in the absorption by interest and dividend requirements of fictitious securities of the increased productivity of the laborer.

The insecurity of employment to workers in mines and mills.

The growing physical and nervous pressure placed upon industrial workers.

Lack of accident and sickness insurance, impairing the efficiency of the worker.

Woman and child labor.

Control of industrial communities by corporations.

Excessive hours of work.

Lack of organization for collective bargaining among the workers.

Lack of aspiration for advancement on the part of many workers, chiefly recent imigrants from Southern and Eastern Europe.

No Legislative Panacea

The report takes up and enlarges upon each one of these alleged causes of industrial unrest. The author attributes the present situation to the development of "a slow, evolutionary process," and declares that the only remedy is for existing economic forces to be supplanted by others which will gradually work out the desired industrial order. "It is evident," says Mr. Lauck, "that there is no legislative panacea. Much can be done by legislation. The most that can be hoped for, however, is by sound laws to place the existing economic forces into proper channels. The ultimate goal must be attained by the interplay of these forces, and this action will be influenced by codes of business, corporate and political conduct, by general and industrial education, and by the attitude and programme of labor organizations. It is certain that what is primarily needed is the correct treatment of fundamentals. Extensive legislative and other measures are, as a rule, only superficial palliatives, which, if the existing industrial situation is properly diagnosed, will frequently be unnecessary."

The report emphasizes again and again the idea that wage earners should have a fair share in the output of industry, and that this share should be based partly on their own efficiency and productivity, and partly on the results of industrial progress. "The real standard of measurement of our industrial development," says the writer, "is to be found in the economic status and welfare of the industrial worker. If industrial progress has been attended by a proper advancement in the economic well being of the individual, it is worthy of acceptance; if, on the other hand, it has resulted in economic degradation of the wage earner, or in his failure to participate properly in the output of his labor, it has been a failure."

Regulation of Security Issues

Mr. Lauck emphasizes particularly that the rights of capital and property must be carefully considered, and in urging the control of corporations and credit he declares that proper regulation by Federal authorities is a measure as much in the interest of the capitalists as it is in the interest of the wage-earners. One of the few measures of legislation urged in this report is a bill for the control by the Government of the issuance of industrial securities, which, it is argued, will result in a fairer share of the output of industry going to the consumer as well as to the wage-earner.

"Productive Efficiency"

"Productive efficiency" is the phrase used in the report to describe a new method of wage payments which, if properly adjusted, it is claimed would secure a fair margin of profit to the capitalist, an adequate share to labor, and reasonable prices to the general public. Collective bargaining and industrial rather than occupational unions are urged as a means to this end.

In conclusion, Mr. Lauck outlines the "fundamental problem of developing better industrial relations and a larger measure of industrial peace," as follows:

Equity in the distribution of industry by proper regulation of the corporation organization of industry.

Industrial education for the development of productive efficiency.

The adoption of better agricultural methods of production and distribution and the reduction of wasteful habits of consumption among all classes of population.

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Socialism
& Labour reform

Equality of Opportunity

10929

An Independent Clean Newspaper for the Home. Devoted to Public, Not Party Service.

EDITORIAL.

ECONOMIC QUESTIONS.

A correspondent says that "most of the fellows who are howling about conscription of wealth are animated by envy and hate of those who have by their energy and prudence and sobriety" made money which they otherwise would not have done.

Our correspondent no doubt is sincere in his view and that it represents the opinion of many others need not be disputed. But fundamentally this view is unsound. It presupposes equality of opportunity, which, as our correspondent will no doubt acknowledge, does not exist and cannot exist under our present social system. That the lazy, indifferent and shiftless man will not get ahead is true, but oftentimes, indeed in the vast majority of cases, the hardworking, sober and honest are little or no better off. The statement of our correspondent that "there is no healthy man in Canada, who if he is decent, provident and diligent, need be a wage slave or a sore head" is contradicted in thousands of instances within a ten mile radius of the Ottawa city hall. There are many families in Ottawa, as there are in every other city and town and village, hardworking, diligent and sober, who are destined to be wage slaves all their lives under existing economic conditions. But this is a digression. The real point, we think, is conscription of wealth at this particular time.

The statement that the laborer is as great a hold up artist as the millionaire and as great a profiteer when opportunity offers is true, but that also is the fault of the system. The laborer sees that there is no appeal to justice or that anything counts except ability to get and hold when the chance occurs. It does not seem to strike the wealthy that there is such a thing as noblesse oblige in such matters. The disclosure that immensely wealthy men are not beneath petty graft in public services has an effect upon the whole community which cannot be estimated.

What we must first disabuse our minds of is that there is any inherent class distinction in democratic countries. What distinction exists is artificial and of our own creation. The man sweeping the street is a fellow citizen of the bank president, and as such as fully entitled to respect and consideration at the hands of every other citizen. The distinction that exists is that of wealth and opportunity, the former a consequence of the latter in most cases. The remedy is not in confiscating what the wealthy have whenever they accumulate it, but in equalizing opportunity, so that all will start the race on as nearly even terms as it is humanly possible to arrange. It is the firm belief and conviction of followers of the philosophy of Henry George that such equality can be accomplished by the introduction of a tax on land values, to replace all other existing imposts, thereby freeing labor from wage slavery and enabling it to retain the full value of what it produces.

In the meantime, the wealthy and the poor, the millionaire and the laborer are equally victims of the existing system. The millionaire wants more and the poor want what they can get and hold. Both classes are profiteers, as our correspondent says, in effect. It is the primitive instinct of safety developed along modern lines by our social and economic system.

Conscription of wealth, under the circumstances that exist and have existed from time immemorial, in our economic structure, is palliative only. It will not reach the root of the evil. Conscription for war purposes at this time is an entirely different matter. The laborer, or wage slave, considers, and rightly, in our opinion, that if the war is to perpetuate conditions as they have existed hithertofore the wealthy have the most at stake, and should be mulcted for the funds necessary to continue a system beneficial to them only. The ideal combination, we imagine, would be conscription of wealth now as well as conscription of man power, and the introduction after the war of a system which would guarantee equality of opportunity to all. Perhaps that may be the outcome. Perhaps the men at the front, returning home, will be struck with the anomaly of asking men to defend the privileges of a comparative few at the cost of their lives.

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1601 D

Resolved that whereas the
Pan American congress having
had their programmes printed
by a firm who do not pay their
employees a living wage
and whereas
While the subjects under
discussion may be of interest
to ~~labor~~, the workers of their
economic condition is of para-
mount importance, and as there
is only one lecture dealing with
labor on their syllabus at which
no discussion is allowed.
Therefore be it resolved that we
as a party ~~x~~ take no part in
their deliberations, nor endorse
their action
~~x~~ censure their action in supporting
non union labor and mill,

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C 10931

SOCIALIST LABOR PARTY.

(Canada)

PLATFORM.

THROUGH the perversion of democracy to the ends of plutocracy, labor is robbed of the wealth which it alone produces, is denied the means of self-employment, and, by compulsory idleness in wage slavery, is even deprived of the necessaries of life.

Human power and natural forces are thus wasted, that the plutocracy may rule.

Ignorance and misery, with all their concomitant evils, are perpetuated, that the people may be kept in bondage.

Science and invention are diverted from their humane purpose to the enslavement of women and children.

Against such a system the Socialist Labor Party once more enters its protest. Once more it reiterates its fundamental declaration that private property in the natural sources of production and in the instruments of labor is the obvious cause of all economic servitude and political dependence; and

WHEREAS, The time is fast coming, when, in the natural course of social evolution, this system, through the destructive action of its failures and crises on the one hand, and the constructive tendencies of its trusts and other capitalistic combinations on the other hand, shall have worked out its own downfall; therefore be it

RESOLVED, That we call upon the people to organize with a view to the substitution of the Co-operative Commonwealth for the present state of planless production, industrial war and social disorder; a commonwealth in which every worker shall have the free exercise and full benefit of his faculties, multiplied by all the modern factors of civilization.

We call upon them to unite with us in a mighty effort to gain by all practical means the political power.

In the meantime, and with a view to immediate improvement in the condition of labor, we present the following demands:

SOCIAL DEMANDS.

1. Reduction in the hours of labor in proportion to the progress of production.
2. The Dominion shall obtain possession of the railroads, canals, telegraphs, telephones, and all other means of public transportation and communication; but no employee shall be discharged for political reasons.
3. The municipalities to obtain possession of the local railroads, ferries, water works, gas works, electric plants, and all industries requiring municipal franchise; but no employee shall be discharged for political reasons.
4. The public lands to be declared inalienable. Revocation of all land grants to corporations or individuals, the conditions of which have not been complied with.
5. Legal incorporations by the Provinces of Local Trade Unions which have no national organizations.
6. The Dominion to have the exclusive right to issue money.
7. Legislation providing for the scientific management of forests and waterways, and prohibiting the waste of the natural resources of the country.
8. Inventions to be free to all; the inventors to be remunerated by the nation.
9. Progressive income tax and tax on inheritances; the smaller incomes to be exempt.
10. School education of all children under 14 years of age to be compulsory, gratuitous and accessible, to all by public assistance in meals, clothing, books, etc., where necessary.
11. Repeal of all pauper, tramp, conspiracy and sumptuary laws. Unabridged right of combination.
12. Official statistics concerning the condition of labor. Prohibition of the employment of children of school age and of the employment of female labor in occupations detrimental to health or morality. Abolition of the convict labor contract system.
13. Employment of the unemployed by the public authorities (county, city, provincial and nation).
14. All wages to be paid in lawful money of Canada. Equalization of women's wages with those of men where equal service is performed.
15. Laws for the protection of life and limb in all occupations, and an efficient employers' liability law.

POLITICAL DEMANDS.

1. The people to have the right to propose laws and to vote upon all measures of importance, according to the Referendum principle.
2. Abolition of the veto power of the Executive (National, Provincial and Municipal), wherever it exists.
3. Municipal self-government.
4. Direct vote and secret ballots in all elections. Universal and equal right of suffrage without regard to color, creed or sex. Election days to be legal holidays. The principal of proportional representation to be introduced.
5. All public officers to be subject to recall by their respective constituencies.
6. Uniform civil and criminal law throughout Canada. Administration of justice to be free of charge. Abolition of capital punishment.

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C 10932

Denver Post. Jan 28, 1916.

RIFLES DELIVERED TO STRIKERS BY PRETTY YOUNG DENVER WOMAN IN AUTO, SAYS LESTER WITNESS

Asserts Two Employes of State Labor Commissioner Were With Her—Enoch Muir Identified as In Walsenburg Battle by Two Men.

(By JAMES R. NOLAND.)

Castle Rock, Colo., Jan. 28.—A Denver woman, stated to be young and beautiful, who is daring in a rare degree, and whose identity is shrouded in a veil of mystery the state's attorneys have not lifted, hauled high-power rifles and ammunition from Denver to the southern coal fields for the use of the striking miners in the Walsenburg battles in April, 1914, according to the uncontradicted testimony of J. H. McMorrow, a witness for the prosecution in the coal mine murder strike trial here. She loaded the war munitions into an automobile, drove past soldiers and mine guards and deputy sheriffs in the strike zone unsuspected, and delivered her "baggage" at the United Mine Workers headquarters in the Big Four mine district, a few miles from Walsenburg.

William Hickey, an official in the state federation of labor and at that time employed by Edward Brake, state labor commissioner; Eli Gross, another employe of Brake's and highly prominent in organized labor circles thruout the state, together with Joe Britt, a Walsenburg labor leader, and E. L. Neely, a Walsenburg merchant and strong sympathizer with the United Mine Workers, were with the mysterious young woman when she reached the strike district, according to the testimony of McMorrow.

"They drove up to my house between 10 and 11 o'clock on the Saturday night preceding the Monday the Walsenburg hogback battles began," McMorrow, a member at that time of the United Mine Workers, employed at the Carbonato mine, testified. "Hickey explained to me," he stated, "that the woman in the party had started from Denver with a load of guns and her machine had broken down and they had telephoned to Walsenburg to get Neely to come out in his machine and get them."

WOMAN IS TRUSTED TO DELIVER GUNS.

McMorrow added that Hickey told him that the woman was "one of the finest little women on earth," and they had gotten her to bring the guns because they couldn't trust any of the men. One of the party informed him, the witness said, that there were 150 rifles in a crate in the machine. The only guns the witness saw, he stated, were the rifles carried by the party, all of them, the woman included, having a rifle with the exception of Neely. He had jokingly searched the latter, he declared, and had not found any firearms.

"Hickey told me," the witness affirmed, "that there'd be a clean-up of Fremont county that night, and a good many of the strikers there would be down to the Walsenburg district to clean up from Walsenburg to Trinidad."

The automobile party led by the young Denver woman that night was then en route, McMorrow testified, to the Big Four mine district local union headquarters to deliver the rifles and ammunition supposed to be in the automobile.

WITNESS DECLARES MUIR IN HOGBACK BATTLE.

McMorrow's testimony thruout was the most startling yet offered by the state, and whatever damaging effect it may have was emphasized in the cross-examination, he holding tight to the story he told on direct examination and adding much that was not brought out by the attorneys for the prosecution. Enoch Muir was the only one of the four defendants on trial identified by him as an active participant in the hogback battles.

The witness and four companions went up on the hogback during the fighting Monday and Tuesday, he stated, but they did not carry arms. He counted two strikers along the ridge and just below it on Tuesday, a great majority of them armed with rifles, he testified. He also told of how he had borrowed a field glass from a farmer and with its aid had been able to survey the country thereabouts. There was so much shooting on the hogback, he declared, that if there was any return fire from the soldiers or mine guards he did not hear it. He admitted, on cross-examination, that he had heard heavy cannon firing from the direction of Walsenburg, where the soldiers were stationed on Wednesday morning, the day Maj. Pliney P. Lester was killed.

MACGREGOR DIRECTED FIGHTING, SAYS WITNESS.

McMorrow testified that he was in the Toltec headquarters of the strikers Wednesday from noon to 3 o'clock. The leader in charge was Donald MacGregor, he said, who was not a member of the union. He heard MacGregor, in answering the telephone at different times identify himself as "General MacGregor at Union military headquarters, Toltec." And at about 2 o'clock, or shortly thereafter, after receiving a telephone message, MacGregor, the witness stated, went to the window and directed several mounted strikers in the street below to ride to the hogback and inform the men that a truce had been declared.

"But tell them to hold their ground," McMorrow said MacGregor added, "and play safe until they see the flag floating over the camp of the regular federal troops in Walsenburg. Then they can go home."

THREE DEFENDANTS NAMED IN BATTLES.

C. M. Bell, a young man employed as mine clerk at the Tiogo mine, in the Walsenburg district, during the strike troubles, testified today that he had seen Enoch Muir, Mike Salvage and Arthur Quinn, three of the defendants, among a large number of other miners, all armed and wearing white handkerchiefs on their sleeves, the day before the hogback battle started.

Muir had stopped Bell and three other mine employes at Toltec as they drove thru to Walsenburg.

"Muir carried in his hand a new six-shooter and he wore a belt of cartridges he said he had taken from the 'super' of the Pictou mine," the witness said, "and he told me after he had called five or six scabs he would give me the gun." Asked on cross-examination if he ever got the gun, Bell said he never got it because Muir never got across the ridge where the non-union men were.

Salvage worked for the mine where Bell was employed as clerk and the witness stated that the day after Major Lester was killed Salvage told him that he (Salvage) had been on that part of the hogback when Major Lester was shot.

It was the announced purpose of the miners, he said, "to burn all the mines from Walsenburg to Ludlow and to kill all the scabs."

The strikers were shouting as they marched out of Toltec toward the hogback the day the battle started, he declared, "We'll kill all the scabs and burn all the mines."

The killing of Louis Tikus at Ludlow, he said, seemed to be the "big thing" with the strikers rather than the burning of the tent colony.

STORY OF SLAUGHTER PRONOUNCED A FAKE.

J. S. Cross, the first witness called yesterday afternoon, testified that a party of strikers, including C. W. Hulsey, who later turned state's evidence, William and Dick Trimbath and several others unknown to him, stopped in front of his house the day the fighting started on the hogback. All were heavily armed, and one of the strangers declared, Cross said, that "we started the Ludlow fight a day too soon. If we had waited a day we'd have made a general cleaning up." The same man, he stated, on cross-examination, had taken credit for killing eight soldiers on the hogback that day. Attorney E. P. Costigan, for the defense, brought out that this was what is known in the coal mine district as "a blue bird story"—in other words, a fake.

The witness Cross related in detail a raid he said had been made on the coal company store in which he was employed as a clerk. Twenty-two heavily armed men came to the establishment just before noon on Wednesday, the last day of the fighting, he stated, and failing to find any guns or ammunition, declared that they must have food for the men on the hogback who were hungry. The squad then loaded quantities of canned goods and other eatables into sacks, he said, and while they were doing this crowds of other men, with women and children, entered the store and looted it. "They took about $2,500 worth of goods," Cross declared.

This witness identified Enoch Muir as being one of the strikers actively engaged in the hogback battles. Muir, he said, had advised him on Tuesday to keep the store open and to sell goods as usual on credit, after the custom, as by doing so he might avoid any trouble. He did not name any of the other three defendants.

Alex Osvirk, the Walsenburg youth who testified to an alleged "baptism" service at the Walsenburg headquarters of the United Mine Workers where Osvirk said he took the oath, is threatened with arrest on a perjury charge preferred by E. L. Neely of Walsenburg.

Osvirk stated on the stand that Neely had brought a load of rifles and ammunition to the headquarters the night he joined the union. Neely stopped Osvirk on the street here yesterday afternoon and denounced him as a perjurer, saying that he, Neely, was at the Albany hotel in Denver all that week. This verbal attack was followed with the threat to have Osvirk haled before the court here on a perjury charge. Neely likewise declares that McMorrow is wrong when he says he, Neely, was with the mysterious Denver woman and her companions.

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Rocky Mountain News, Jan 28, 1916

UNION SMOTHERS TIRADE OF DOYLE

Denver Mine Leader Fails in Attack on Officers; Speech Voted Out.

INDIANAPOLIS, Ind., Jan. 27.—After a bitter attack by E. L. Doyle of Denver, Colorado, secretary of the Colorado miners, in which he assailed the management of the strike in that state, the United Mine Workers of America in convention gave a sweeping vote of confidence to John P. White, president, and Frank J. Hayes, vice president, today when it approved by a large majority all that the international officers had done to win that labor struggle.

For more than two hours Doyle, with a mass of letters, documents and photographs, attacked some of the things done by the leaders in conducting the strike.

Remarks Cut Out.

After the convention had approved the acts of the international officers a motion to expunge from the record all the remarks of Doyle was carried by an overwhelming vote.

Doyle's attack was one of the sensations of the convention.

The delegates appeared to be so eager to vote on the question of approving the acts of the international officers that Vice President Hayes was unable to gain the floor to make a reply and gave notice that he would make a statement later.

Doyle Assailed.

President White made a heated reply in which he declared that Doyle had done irreparable injury to the struggling mine workers of Colorado.

Doyle in opening his speech admitted the rank and file of the organization had nobly stood by the Colorado strikers and gratefully acknowledged that $3,695,514 had been sent into the state to help win the strike.

He declared, however, that some of the national officers in the summer of 1914 did not show the same zeal in conducting the strike as they had at the beginning.

Plan Is Revived.

He alleged that W. R. Fairley of Alabama and Vice President Hayes had offered a plan of settlement which was unsatisfactory to Doyle and other district officers; that Fairley burned all copies of the plan supposed to be in existence and that later this identical plan turned up as President Wilson's plan, which called for a three-year truce.

Letters purported to have been written by detectives of a national detective

(Continued on Page 6. Column 6.)

(Continued From Page One.)

agency were read by Doyle in which it was stated that the agency had planned to have an agreement made between the operators and miners in Colorado as they had done in one of the West Virginia fields.

He did not say where he got the letters.

Doyle asked the delegates to remember that national officers in charge of the Colorado strike had been in command of affairs in West Virginia.

He mentioned no names in his inferences and made no specific charge. He had no faith, he said, that the federal commission sent to Colorado by President Wilson would accomplish anything that would help the miners there.

President White in his reply declared that it was idle to believe that the attack on the international organization smacked of sincerity.

He had been assailed, he declared, in order to bring discredit upon his administration, but he would not reveal all he knew about Colorado and jeopardize the life and liberty of men in that state.

"You can't make me out a traitor and a squealer," he shouted.

President White also said he held letters from the district officers of Colorado stating that he and the other international officers had done all they could to avoid the strike, pouring nearly $4,000,000 into the state and emptying the treasury of the organization. He felt sure, he said, that Doyle did not voice the sentiments of the miners of Colorado.

The miners' leader spoke long and earnestly in defense of the international organization and himself deplored the attack because of the injury it will do the Colorado miners.

A report gained circulation today that President White may not be a candidate for re-election a year hence as he desired to retire.

Mr. White would not discuss the report, but it is said that he has not finally made up his mind.

It was announced by the credentials committee that 1,221 delegates representing 1,281 local unions, are attending the convention.

Transportation of the delegates cost $26,074, and is paid by the international organization.

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HENRY W. BRAITHWAITE,
12, WILMINGTON AVENUE, CHISWICK,
LONDON, W.

C 10934

EVENING NEWS (LONDON) DECEMBER 9th, 1915.

TRIPLE ALLIANCE OF LABOUR.

Mr. Smillie to be the First President.

THE CONSTITUTION.

"We recognise that this is not the time for heroics, and it is unlikely that the drafting of a national programme will take place for some months."

Mr. Robert Smillie, firs tPresident of the Labour Triple Alliance.

To-day at a conference in London the executives of

The Miners' Federation,
The Railwaymen's Union, and
The Transport Workers' Union

have agreed formally upon the constitution of the Triple Alliance of Labour, which joins for purposes of defence and offence the interests of 2,000,000 workers.

Mr. Robert Smillie, of the miners, is to be the first president, Mr. Harry Gosling the vice-president, Mr. Thomas Ashton the secretary, and Mr. J. H. Thomas, M.P., the treasurer.

The constitution decided upon, which will go before a great mass conference of all the three unions, lays down:—

(1) That questions submitted to the joint organisation should be of a national character or vitally affecting a principle which, in the opinion of the executive making the request, requires combined action.

(2) The co-operation of joint organisation shall not be called upon unless and until the matter in dispute has received the endorsement of the national executive primarily concerned, and each organisation instituting a movement shall, before any definite steps are taken, submit the matter to the joint organisation.

(3) Meetings of the three full executives shall be held at least half-yearly. There shall be a consultative committee composed of six (two members from each executive), which shall have power to call at any time a special conference of the executives of the three bodies.

Mr. Smillie said in an interview:—

The rules in the constitution, as it was proposed, were taken in order and agreed to with the exception of the one dealing with the taking of joint action.

[The draft rule had been that there should be joint action when two of the three executives had decided upon such action.]

The Miners' Federation put forward a new rule to take its place, and considerable discussion arose.

Ultimately this resolution was agreed to unanimously:—

"That joint action can only be taken when the question at issue has been before the members of the three organisations and decided by such mthods as the constitution of each organisation provides; and a conference shall then be called without delay to consider and decide the question of taking action."

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New York American
FEB. 2 1916

Local Strikes by Miners Called Menace to Union

Indianapolis, Feb. 1.—The biennial convention of the United Mine Workers of America adjourned to-day to meet in Indianapolis in 1918.

John P. White, who has been president for twenty years, said he had decided to stand as a candidate for re-election next December.

One important action affecting coal miners and their employers was the adoption of an amendment providing for the punishment of members of local unions who shut down mines in violation of contracts.

John Strambo, of the anthracite regions, a district officer, declared miners should have the right to strike when one is forced upon them by operators. President Farrington, of the Illinois miners, and President White styled local strikes a menace to the union.

Delegate Kennedy declared the anthracite miners were on the threshold of one of the most critical periods in their history and delegates who condoned local strikes should display better judgment, as such action might endanger the making of new contracts. Delegate Dempsey believed the promoters of local strikes should be punished rather than the miners who go out.

Among the resolutions adopted was one urging Congress to declare the coal mining industry of the country to be interstate commerce, with the view of having Federal laws cover all matters in the industry, such as safety and competition in the coal trade in lieu of the many conflicting State laws.

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C 10936

New York World
JAN 25 1916

RAILROAD STRIKE PLANNED TO BE A WAR OF DOLLARS

Unions, With $12,000,000, Figure They Can Hold Out Longer Than Railroads.

A minimum revenue loss of $10,000,000 a day for the railroads—a maximum cost to the unions of $400,000 a day—these are the estimates upon which labor leaders forecast victory in a nation-wide railroad strike.

The four great steam railroad unions of the United States have accumulated through years of careful administration funds which aggregate more than $12,000,000. It is the present plan of the leaders of these unions to hazard every cent of this in the gigantic battle against capital by which they expect to force through a nation-wide strike, tying up every mile of steam railroad in this country, should the lines refuse the demands to be presented soon after March 1.

Of this fund, approximately $4,000,000 belongs to the Brotherhood of Locomotive Firemen and Enginemen. This union has nearly $1,000 members. Its fund was started in 1873. W. S. Carter is its President and he is the man who is universally credited with being the originator and organizer of the plan for a country-wide strike on steam railroads, following the presentation of demands, and a refusal to arbitrate, which labor leaders themselves do not expect to be granted.

How the Unions Figure It.

Mr. Carter, The World is reliably informed, has figured out the financial side of a national railroad strike on a basis substantially as follows:

1. That the aggregate funds of the four unions involved, now exceeding $12,000,000, be converted into one general strike war fund upon declaration of a strike.

2. That during the strike each striker be paid from the general fund a daily strike benefit of $1.

3. That the fund itself, plus additions which can reasonably be expected in event of a strike, will guarantee each striker his benefit for a minimum of forty-five days as well as defray all other expenses.

4. That the gross income of all railroads in the United States from passenger and freight transportation may be estimated for 1916 as not less than $4,000,000,000.

5. That the per diem expense to the unions through the strike benefit would be only $350,000 to $400,000, whereas the per diem loss of gross transportation revenue to the roads would be in excess of $10,000,000.

6. That a nation-wide strike would mean a loss of revenue to steam railroads of $500,000,000 each fifty days it lasted, or a quarter of a billion each twenty-five days.

Carter argues that the steam railroads of the United States could not long withstand such terrific losses of revenue with attendant depreciation, and that the strike would be practically won long before the first period of twenty-five days passed, and hence before the war bags of the unions were half empty.

Carter's Skillful Campaign.

It appeared yesterday to be the view of labor leaders generally that Carter has conducted his campaign up to the present time with great skill. From the start, The World is informed, he sent out orders to his lieutenants to avoid publicity. The secrecy with which he has been able to formulate and put into partial execution a plan which affects every railroad employee in the United States is admitted by even his opponents to be a striking testimonial to the organization which he has built up.

Whether the strike will eventuate, railroad managers and labor men say, is largely dependent upon the headway opposition to Carter makes in his own union. His opponents admit that the arguments which he advances to show that a strike would succeed are plausible, but against conducting a nation-wide strike to a successful finish they urge these elements:

Opposition Arguments.

That the demands as formulated apply equally to every railroad, regardless of its location, business or condition; that it is a fact that many roads could not meet them without going into bankruptcy, and that therefore the roads generally will combine and fight to a finish, be the consequences what they may.

That the Order of Railroad Conductors cannot be held in line by even the most resolute efforts of their leaders, because the conductors are satisfied, and because they realize that others as competent as themselves could be trained within a fortnight.

That the Brotherhood of Locomotive Engineers will not stick out a finish fight, because these men are in large majority satisfied; because they are unwilling to see their large union fund melt away; because they recognize that be the outcome of the strike what it may a number of them now in active service would be dropped at the reorganization which would inevitably follow a strike.

That employees of the Pennsylvania Railroad system, on lines east of Pittsburgh especially, would most likely revolt against a strike order, for the Pennsylvania has put into effect a service pension system which these men would not gamble on so doubtful a proposition.

That Southern union members could not be relied upon for the main reason that they believe a strike fight would result in an amendment to the constitution taking negroes into membership.

That the lack of a general demand for better conditions would cause friction from the first, which would rapidly result in disintegration of the strike forces and spell failure.

Labor is united, however, according to statements made to World reporters that certain demands which are only fair ones in their opinion should be made and all the power of unionism be thrown behind them. The chief of these is for greater security in holding down a railroad worker's job.

Erie Railroad conductors on incoming trains yesterday read The World's account of the proposed strike with interest. They said they were satisfied with their twelve-hour schedule and would not strike, but believed freight trainmen should have an eight-hour run.

Although Weary From Dancing Strikers Resume Parading.

Strikers in the Salespeople's Union continued to parade Division Street yesterday as a protest against their employers in the cloak and suit houses for not recognizing their newly formed union. Four hundred strikers, 40 per cent. of whom are women or girls, were on the street yesterday wearing strike cards in their hats.

Mrs. Amos Pinchot and Mrs. J. Sergeant Cram, who have taken an interest in the strikers, were in Division Street yesterday afternoon, and according to the strikers, gave them much encouragement.

"It isn't a question of wages," said one of the officers of the union. "The members want the union recognized and they want a promise of steady employment all through the year."

Many of the strikers were weary yesterday, having spent most of the night at the first union ball in the union headquarters, No. 98 Forsyth Street. Open air meetings will be held during the week and to-morrow night a mass meeting will be held in the headquarters.

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Quoted in "World-Wide"

August 25, 1917

WAR AND INDUSTRY.

(The 'Spectator,' London.)

Three years ago the war, breaking in suddenly upon our domestic quarrels, saved us from great social and industrial perils. We were within sight of civil war in the military sense in Ireland, and of civil war in the industrial sense in England and Scotland. If peace were to return as suddenly as it left us, and we had not made good all our preparations for demobilizing the Army and for establishing a system which would secure harmony in the relations between Capital and Labor, we should be at once confronted with the grave danger of industrial chaos, almost of revolution. We should have lost the patriotic impulse towards unity, which is felt as strongly in the working classes as in those which are supposed to wear black coats, and we should not have gained anything equally potent to put in its place. But since peace is not at all likely to come upon us without ample 'warning,' we have still time to examine the forces of unrest which, even under the pressure of war necessities, continue to smoulder beneath the industrial surface and here and there to break through in actual strife.

War has taught to industry, to those who employ labor and those who supply it, lessons of incalculable value. It has taught, first, that our capacity of production as an industrial nation is almost without limit. Our peace system of intensely jealous individualism on the part of employers, and of intensely suspicious restrictions on the part of Trade Unionists, has given place to the national organization of production, which, though still far from perfect, has shown what can be done by modern brains and modern machines when they are given a fair run. Prices of material will continue high after the war—at least for a considerable time—and wages must continue high. Yet our latent productive capacity has been revealed to be so great that we shall be able to supply all our people with far more of the necessaries and comforts of life—at prices lower comparatively than they were before the war—if employers and employed will but unite for a common effort. It is a big 'if,' upon which everything turns; without a unity of effort brought about by a system of enlightened mutual self-interest, we shall drift back to restricted costly output, to constant friction, and to a future almost swept clear of hope for the well-being of our people. To secure this sentiment of enlightened national self-interest employers must learn that workmen or workwomen will not put forth their best efforts unless they are sure of enjoying a liberal share in the value of their increased output; workmen and workwomen must learn that employers cannot lay down new and expensive plant, and remorselessly scrap old and wasteful plant, unless they are sure that their machinery will be worked to its full capacity. Content on the part of employers and of workpeople cannot be secured unless each learns to regard the other as a partner in production.

Towards this end—the begetting and birth of this sentiment of enlightened self-interest upon which the future of British industry depends—the best brains and hearts of Capital and Labor are striving to-day. The Government by becoming the chief controller of production in the country are materially helping with their experience and advice. We have rarely seen pronouncements which inspired us with greater hope for the future than Dr. Addison's recent speech on munition production, and the Reconstruction Committee's proposed scheme of Industrial Councils extending from the factory to the central, or the national, body at the heart of each organized industry. Dr. Addison showed how the methods of war had expanded almost miraculously our production of munitions, and laid down two propositions which seem to us to contain the whole secret of our future industrial prosperity. 'Nothing,' said he, 'in the relations between Capital and Labor gives rise more to difficulty and distrust than two customs which are dependent upon one another. The first is the cutting of rates of pay on piece-work so as to limit the rise of earnings when improved methods of manufacture, leading to a great output, are introduced. It is not the practice of the best employers, but it is adopted by many. This practice—or the fear of it—has inevitably led to the second and retaliatory practice of the restriction of output. The influence of these two practices in our industrial life is thoroughly poisonous. We must establish a system whereby both parties have a direct interest in the introduction of improved methods.' In other words, British employers and workmen must learn, what their American cousins have long since discovered, that the more a man produces the more he is 'worth,' and the more a machine produces the more it earns. If an American workman earns so much that he comes down to his labors in a Ford car wearing a fur coat, his employer regards this brilliant spectacle as the finest advertisement of the soundness of his pay methods and the best proof that his machinery is earning its full keep. An average British employer with this evidence of working-class wealth before him would instantly seek—the foolish man!—to cut down the piece-work rates which made possible such healthy prosperity. The Ford car and the furs would go and restrictions on output would come. The workman would suffer, the employer would suffer, and the country—whose wealth is not in money but in goods—would also suffer.

It would have been of little use to tell employers and workpeople how foolish they had been to cut one another's throats unless a way had been at the same time indicated of putting their razors to a more useful purpose. Two days after Dr. Addison had indicated the two lessons which employers and workmen must learn in unison, the Reconstruction Committee set forth its proposed system of Industrial Councils representative of employers and employed in which each may learn from and teach to the other how industrial peace and mutual prosperity may be attained. Dr. Addison's principles, if adopted in practice, with the Councils to see that both sides loyally carried them out, would give us not only harmony between Capital and Labor, but a rate of national production not to be surpassed by any country, except possibly the United States. And production is everything. Wages are paid and profits are earned out of the value of the goods produced. The more goods produced per man or per woman, the higher wages can rise and the greater can be the turnover out of which profits are paid. There is no other wealth than goods—in the widest sense—and the products of the soil. All

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the rest, what we call for convenience money, is a matter of figures in books and on scraps of paper.

We cannot make up for the destruction of war, and for the deferment of production during these melancholy years, except by getting on with the production of necessaries and comforts the moment that the war ends. For a long time there will be no possible 'glut' to fear. The world is years behind in the manufacture of the goods which it really wants to use and enjoy, and one may anticipate that the demand for labor during the period of reconstruction will be as eager as it is now. And afterwards, when we get down to a new normal consumption, if employers and employed have learned to work hand in hand instead of with fist against fist, if the wages earned are high and the costs of goods low as the result of greatly increased output, there should be a demand much larger than we knew in the days before the war. The world can never supply the world with as much as it desires to consume; its appetite is limited only by its purse. If we all produce more, we shall have more to exchange for the productions of others in our own country or overseas. Our modern power of production—even at Lord Leverhulme's ideal of a six-hours day—is so tremendous if restraints upon its capacity are abandoned, and our desire for goods to consume so limitless, that recovery from the waste of war may be far quicker than any one at present dares to hope for. All we need do is to accept and carry out Dr. Addison's principles as set forth above. They point the sure path towards industrial peace and national prosperity.

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lied, whether of Zeppelins or of airplanes, have accomplished no military service. They have been the mere pin pricks and harassments of the war, serving indeed in England to the undoing of their practitioners by enraging a hesitant people to the point of eager enlistments.

All the records of the war have not been made public, but apparently aircraft as offensive weapons against ships or forts are of slender value. Many took part in the battle of Jutland, but the report of the damages suffered by the ships includes nothing of hurts from aerial bombs. Cuxhaven, Zeebrugge, Essen, Freiberg, Friedrichshaven, have all been the objectives of aerial raids by the Allies, but the damage done has been slight. An effort to collect the cases of submarines of all belligerents sunk by aerial bombs resulted in a list of only twenty, and of these several were of doubtful authenticity. One ship of war only has been sunk by a torpedo from an airplane, of the type that Admiral Fiske is vainly urging upon the United States navy.

As the eyes of an army airplanes have proved themselves invaluable. As its fists they have yet to prove the value of their punch.

COALFIELD DISCONTENT.

(By the Special Correspondent of the 'Daily Mail,' London.)

On the surface of things the miners are behaving very badly.

I know people who say that they always do. 'The more they get, remarks the cynic, 'the more they want. Did you ever know a miner contented? It's all the fault of the Syndicalists, or the Socialists, or the pro-Germans. They want everything. They want the mines. They want the earth!'

So at least it would appear on paper. Read any report of a miners' mass meeting; even attend one, if they will let you through the doors, Everyone who is not a miner, according to one speaker, is a 'drone and a parasite living on the backs of the workers' (subdued applause from one-tenth of the audience), and 'if this thing is detrimental to "our" interests we shall strike' (general applause from several thousand men).

It sounds very bad, and when it is greeted with general approval it is very bad. But what are the facts? The facts are that such sayings are symptomatic of discontent, and discontent always has some solid matter-of-fact foundation.

I have looked into the causes of the discontent in a coalfield, and they appear to be somewhat simple of understanding though not always easy of solution.

Prime cause of discontent lies in the very nature of the work in a coalfield. Man is naturally an open-air, clean-living, active creature. Persuade him, or compel him by necessity, to seek his living in the black, dusty depths of an overheated mine a thousand feet below the surface, and in all but the most lethargic or sweet-tempered of men a primary symptom of discontent manifests itself. Let anything go wrong and up rises the well of discontent, flows over, and for a time drowns everything.

Unequal Gain.

Second cause of discontent, an unequal distribution of the good things of life arising from the business of cutting coal and selling it. Coal-mining, well managed, is a very sure and certain source of wealth for the investor. Spend boldly and on good advice and the dividends come rolling in. For the man who risks his fortune in such a venture there are town and country houses, yachts, race-horses, a seat in Parliament, power and position in local or national affairs according to his taste and inclination.

Even little men, shopkeepers and traders in a mining centre, may take a substantial share of the profits by lending their half-crowns and pounds to the venture. With one eye on their own business affairs and the other on the share market, they can boast of their lucky deals and thank the goodness and the grace that put them in the way of earning so much with so little effort.

This, at least, is the way it looks to the miner who does not invest in mining shares, and so knows nothing of the heartache which comes when the mine dividend drops to nil from ten percent, because the seam is lost or because the manager over-spent on sinking a new pit. Truth to tell, the miner has not much wish to speculate or much money to invest. When times are bad and shares are cheap he is earning about sufficient to keep himself and his family from want; when times are good and dividends are high he knows too much to risk his money, and there are scores of desirable things to eat, wear, and amuse him withal which now for the first time come into his home.

Third cause for discontent, the miner's home. Even mine-owners have been known to lament the aspect of a mining village in this coalfield. Picture a bold, narrow valley. The bottom is occupied by a rapid-flowing, black river. On the only available piece of level ground stand the winding machinery, engine and power houses. A railway and sidings run along the valley and into the mine area. Wherever possible houses have been built; the side streets almost as steep as the walls. Gardens are impossible. Recreation fields are an absurdity. In places the back wall of the house is the side of the mountain, and the house breeds disease.

Need of Good Managers.

Fourth cause of discontent, the management. Unless a manager is a strong, purposeful man and a good disciplinarian a mine will pay no dividends. If he is all that, he will come in conflict with the men over a score of matters, from wages to the sacking of a man and the supply of the materials essential to good and easy mining. Having come in conflict with his men, the manager will need all the tact of a diplomat and the foresight of a general officer commanding to prevent a stoppage of work.

No one connected with a mine, not even the owner, is more critical of the manager than the miner himself. Upon good management depends the miner's own prosperity. If the roads are badly kept, the little underground railways not properly laid or extended, the supply of pit-props scanty, or the ventilation defective, the miner's output and wages go down together. He drops to the minimum wage, complains, and on the least provocation takes a stop day or definitely lays down tools. Bad or unlucky management has been the provoking cause of most of the internal mining legislation of recent years. The minimum wage, the eight-hour day, and the single day shift were all instituted for the purpose of giving the miner a set-off against it. No miner wants a minimum wage when he is working in a good place, cutting coal easily, and getting enough coal out to give him good wages. No miner cares a cent about the single shift in a mine in which the manager sees to it that a man finds as clean a place waiting for him when he returns to work at the face as he left sixteen hours before. Legislation has ameliorated the results of bad management, but it has not given every mine a good manager.

Fifth cause of discontent, the huge profits made by the coal-owners and the manner in which they have been used. Miners are not averse from working in a mine which makes large profits. They are even proud of its management, but they would like to see more spent upon the villages and homes in which they live, more done for the safety and comforty of the men underground, more recreation grounds and places of entertainment for winter evenings. They would also like to see more 'common honesty' in the presentation of balance-sheets and estimation of profits.

It is undeniable that the owners have their causes of discontent also; but without a glance at the main causes of the miners' discontent it is impossible to judge of any movement connected however remotely with work or wages in a coalfield.

G.C.C.

SWEDEN'S RELATION TO THE WAR.

(Special Correspondence of the 'Outlook,' New York.)

I was in Stockholm a few months ago for the purpose of ascertaining the real Swedish position with regard to the war. I had the opportunity of an exhaustive discussion with Admiral Lindman—an ex-Prime Minister—who now with a change of Government has been appointed Minister for Foreign Affairs.

He was a supporter and intimate friend of the then Prime Minister, Mr. Hammerscholl. Ad-

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New York Times

MAR 8 - 1916

SOFT COAL WORKERS GET WAGE INCREASE

Sub-Committee of Operators and Miners Reach an Agreement.

STRIKE WILL BE AVOIDED

Settlement Adds 12 Cents a Ton to the Cost of Mining Bituminous.

A settlement of the negotiations for a new wage agreement and working conditions in the bituminous coal industry, which is expected to have an important effect upon the terms upon which the anthracite operators will endeavor to reach an agreement with their employes, was reached at 11 o'clock last night by the sub-committee of miners and operators in the soft-coal industry at the McAlpin Hotel.

The settlement carries with it an increase of 12 cents a ton in the cost of mining bituminous coal, which, according to the operators, will be added to the selling price very soon after the new wage scale goes into effect. The General Conference Committee of bituminous miners and operators will meet at the McAlpin Hotel at 11 o'clock this morning, at which time it is expected the agreement will be ratified.

The joint sub-committee of operators ond miners in the anthracite wage and working demands will meet at the Union League Club tomorrow afternoon at 2 o'clock to begin working on the terms of a new agreement to go into effect on April 1.

It can be stated authoritatively that the anthracite operators, taking the agreement of 1912 as a precedent, will attempt to predicate their concessions on those granted in the bituminous industry, and that the United Mine Workers will resist this attempt with all the power of their organization.

The first session of the joint subcommittee of anthracite miners and operators will meet from 2 to 5 o'clock the first day and from 1 o'clock to 5 for a few days thereafter. Later, it is expected, morning and afternoon sessions will be held. The anthracite negotiations are expected to last at least three weeks.

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New York Sun

MAR 9- 1916

HIGHER WAGES AND HIGHER COST OF LIVING.

The soft coal miners who have been negotiating their new wage scale here may get out of it some $11,000,000 a year or they may get more. Soft coal miners not represented in this settlement may gain other millions. The anthracite miners may do as well.

Then the 400,000 railway engineers, firemen, conductors and brakemen may get forty or fifty millions of increased wages for their share.

And it may be that on the economic test of exchanging a day's labor into rent, food, clothes, insurance and other things they all need it.

It's a perfectly obvious truth that if a man's labor is supposed to be valued by a given number of commodities and other things into which it will exchange, his earnings do go down, though his wage does not, when his labor ceases to exchange into that given number of things.

So if it is conceded that a wage-earner, whether he be a coal miner or a locomotive engineer, should be able to exchange his labor into what we may call a certain standard of living, then it must be conceded that if all the things into which his labor exchanges run higher up the price scale, the only way to preserve the exchange power of his labor and its relation to that standard of living is to run his wage also up the price scale correspondingly.

But if this goes on indefinitely the question must become, Where does he get off when immediately the price scale of his living climbs away from him again? And where does the man get off who has this price scale of living soar above his head but whose wage does not happen to rise with it?

Nobody dreams that the wage increase to the coal miners, whether it shall total $11,000,000 a year more or $22,000,000 a year more, is going to come out of the pockets of the owners of the coal mines. Nobody dreams that if the railway men get $50,000,000 a year more, or only $25,000,000 a year more, this wage increase is going to come out of the railroads.

It's all going to come out of the general public, which must pay all the costs. So then coal must be higher, because of the increased wage cost in it; but it must be still higher because of the increased transportation cost in it as well. And everything we eat and drink and wear must be higher to everybody, because of the increased power cost, transportation cost and all the related costs that will go with it.

So where does anybody get off? This is worse than trying to pull yourself up by your bootstraps, because when you try to do that, if you don't get up, at least you don't go further down. Standing on the floor in the beginning and standing in the same place at the end, you do manage to hold your own.

But when you pump the cost of all articles of consumption up higher and faster than you yourself can ever climb a ladder after them, when you draw yourself up to them only to have them go soaring still further above you like a balloon, you don't hold your own. You are trying to climb the ladder, but you are slipping down.

This is the economic problem which faces the American people, with a constant inflation of wage cost causing a constant inflation of living cost, and nobody any better off except the rare man who, as a seller of the article whose value is constantly inflated faster and higher than anything else, rides in the balloon.

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New York Tribune
MAR 9 - 1916

Signs of Industrial Adjustment.

About the last thing this country yearns for this spring is a series of disastrous strikes in basic industries. Confronted with an unexampled opportunity to strengthen itself commercially, industrially and financially, any serious disintegration of its productive forces must be accounted a calamity, a virtual acknowledgment that in America democracy has succumbed to prosperity, while in Europe it defies adversity. A general railroad strike, a strike of coal miners, would severely cripple our preparation against the day of reaction and desperate competition which will come with peace, and, of course, would count in the end against our military effectiveness, a consideration very close to American hearts.

The report of the joint sub-committee of operators and miners in the bituminous coal fields and the prospects of a friendly settlement, also, of the disputes between the anthracite mine operators and their miners and between the railroads and their operatives should bring cheer, therefore to every patriot. We would advise against premature thanksgiving, but at least there appears in the reports of the negotiations proceeding between capital and labor in these different fields a disposition to conciliation and compromise which seems highly encouraging.

In the mean time, however, the public, as a third party to each of these disputes, has its own selfish interest in the terms of their settlement, quite apart from its desire to see harmony prevail, and should insist upon consideration. The anthracite operators, for example, have announced that to grant the miners' increase of 20 per cent in wages will entail an increase of 60 cents in the price of a ton of domestic anthracite. Such coöperation of employer and employe to gouge the consumer is hardly the kind of harmony worth buying.

The Interstate Commerce Commission has lately reduced a large percentage of the railroad rates on anthracite to tidewater, and previously Congress and the courts had ordered the divorce of railroads and coal companies. If the law has been complied with in these respects then the previous "skinning" of the coal properties by the railroads should no longer obtain, and the operators, wholly regardless of a better demand for their steam sizes, which increasing prosperity brings, should find their net earnings increasing. In such a situation the public, while refusing to support the miners in any unreasonable demands for better wages and working conditions, should also resist bitterly any attempt to place upon it the whole burden of a wage increase.

But an adjustment which should reasonably suit all hands must be a possibility in this as in the other controversies. What is of primary importance just now

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New York Sun
MAR 8 1916

REGULATE TOIL, TOO, SAYS RAILWAY HEAD

Willard of B. & O. Thinks Labor Should Be Checked as Well as Companies.

POINTS TO NEW DEMANDS

Daniel Willard, president of the Baltimore and Ohio Railroad Company, gave out a statement yesterday in which he intimated that Congress should relieve railroads from the pressure of such problems as the present railroad labor situation. Four railroad brotherhoods are demanding an eight hour day and time and a half for overtime.

If, he argues, common carriers are not allowed to raise rates charged to the public without permission from a regulating agency, the interest of the public demands that no body of men should be allowed to add millions to the cost of operation of the railroads unless permitted to do so by a regulating agency after a full hearing of the facts.

"If such cases of management of individual railroads as the New Haven, Rock Island, St. Louis and San Francisco and others, involving the interests of limited sections of the public and of comparatively small bodies of stockholders, were worthy of the attention of Congress," said President Willard, "why shouldn't a matter involving the transportation service rendered the whole public of the United States and the interests of all holders of railroad securities be considered quite as well worth the attention of the same tribunal?

"Undoubtedly the public is interested in the rights of train crews to fair, even good, rates of pay and suitable working conditions. If it should develop on investigation that these men are not now well paid, considering the nature and circumstances of their service, they should have their wages increased. If it should then appear that the railroads are unable to add such increase to their expenses and still render the kind of service that the public demands, while returning to owners of the capital invested the amount of profit necessary to attract the additional capital the railroads require to enable them to take care of the country's expanding business, they should be allowed to increase their rates and charges.

"If, on the other hand, it should appear that the engineers, conductors, firemen and trainmen are already fairly paid, then there is no reason why the public should be compelled to pay higher rates simply because these four large organizations have made, or expect to make, most unusual demands.

"Officers of the brotherhoods have expressed their dissatisfaction with the results of arbitration in the past and have intimated that they might refuse to arbitrate in this case. If they should do that it appears to me that a Congressional investigation, or a thorough inquiry by the Interstate Commerce Commission, acting under a mandate from Congress, might then become inevitable.

"The carriers are not permitted to raise the rates they charge the public unless permission to do so is first obtained from the proper regulating agency. Under proper regulation, also in the interest of the public, no body of men, large or small, should be permitted to add millions to the operating cost of the railroads unless permitted to do so after a full hearing of all the facts. Logically this hearing should take place before the same body that fixes the rates and other conditions of service—that is to say, the Interstate Commerce Commission."

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New York American

FEB 25 1916

RICH OFTEN DOMINATED BY POWER LUST

Greed for Gold Not the Only Motive That Spurs on the Financiers.

By B. C. FORBES.

Money—money lust—is not the motive power that drives all financial and industrial giants onward and upward.

What many of them strive for and fight for—and die for—is not wealth. It is **power.**

They want to be masters.

They want to be able to direct and dictate.

They want to turn their dreams into realities.

They want to achieve, to do things the world must note, to build up organizations that shall be their monuments to-day and to-morrow.

They want to shine forth to the world and to history as Napoleons in their field.

"I think I'm now in a position to sit down and compose a few financial symphonies," said one of America's—and the world's—most powerful financiers to me the other day.

"I believe I now have the right instruments to play them."

HAS STRENGTH OF A GIANT.

This man is, of course, rich—very rich. He is not money mad. His dominating aim is not to roll up more millions that he can never hope to spend.

But he has the strength of a giant, and he delights to create opportunities for exercising it constructively.

He is clean and clear-conscioned.

He is convinced that his work makes for the upbuilding of America.

He finds intense happiness in giving profitable employment, not only to the younger generation associated with him, but to thousands upon thousands of workmen.

"After you have a competency for yourself and your family, money becomes merely an instrument for the carrying out of your projects," he once told me.

I was talking this week with a man who is a national figure in the railroad world. Our conversation drifted to life and living, to motives and inspirations, to moneymaking and ideals. There were times, we agreed, when money had to be made a secondary consideration.

MONEY NOT ONLY AIM.

"Yes," he replied, "but there are many who do not seem able to understand that moneymaking is not the first and only aim of some people.

"When I work late into the night it is not money I do it for. The question of money does not enter at all. The money you earn is incidental.

"Let me tell you my own little experience.

"When I was offered my present position I was not influenced by money to take it.

"As a matter of fact, I was earning as much money where I was, and when I spoke of leaving I was offered a long contract at any salary I cared to name.

"But I chose the other position—without any contract and with no increase in salary."

WAS ONCE A LABORER.

This is no pleasant little bit of fiction. It is a page from twentieth century business life.

Of course all men are not built that way.

But might not the adoption of a similar attitude greatly help those of us who form the rank and file?

This man was once a common laborer. He had nothing but his head and his hands—and his ideals and ambitions—to win promotion.

Yet even then his meagre pay was not his sole spur. It was not the slender pay-envelope that inspired him.

His mind was more on his work then on his weekly wages.

And in due time he climbed every rung of the railroad ladder without aid or influence.

Are most of us at or near the bottom too much concerned over what we can get and too little concerned over what we can give in return?

Do we let money become our mainspring and, ultimately, our master?

And, so doing, don't we run the risk of ceasing to be capable of enjoying the worth-while things of life?

POWER GOES FARTHER

The thirst for power, like the thirst for money, can also deaden other tastes.

But, somehow, I have always found more to admire in gladiators fighting through love of power than those obsessed solely by greed of gold.

Also, it has been my observation that the man whose ambition is power usually gets farther than the man whose goal is gold.

Powerlust may sometimes blind a man; moneylust nearly always does.

And there are so many things in human life and intercourse more worth seeing and enjoying than mountains of lucre.

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Washington Evening Star

JAN 18 1916

PENSION SYSTEM THEME OF REPORT

William R. Willcox, Committee Chairman, Discusses Subject Before Civic Federation.

SUGGESTIONS IN BEHALF OF FEDERAL EMPLOYES

Straight Method and Contributory Plan Considered—Public and Private Wage-Earners.

William R. Willcox, chairman of the pension department of the National Civic Federation, presented the report of that department late yesterday afternoon at the convention of the federation in the New Willard Hotel, advocating a pension system for superannuated employes of the federal government.

"The time is coming," Mr. Willcox said, "when we in the National Civic Federation must make a closer determination of what we shall recommend either to governments—federal, state and municipal—or to industrial corporations as a fair and actuarially safe pension system. We have been studying the subject for ten years and have even gone so far as to undertake to draft a standard pension plan applicable both to public and private wage earners."

Mr. Willcox's Report.

Mr. Willcox said, in part:

"Among federal employes there have been two factions, the one advocating the straight pension plan, under which the annuity for loyal service should be given outright by the government, and the other the contributory system, under which both the employes and the government should provide the fund. It is not our aim today to present the arguments for either side. The Civic Federation has been unable to take a position for or against either, the employes themselves being thus divided, two organizations being engaged before Congress in a controversy on the subject, and we further note that in a newspaper vote taken last June, in which 3,420 Washington civil service employes participated, 2,646 were cast for the contributory principle and 616 against. Only if, after a world-wide study of the question, the facts gleaned should be overwhelmingly convincing, could we be warranted in taking a stand one way or the other.

"Personally, I have been conservative about wanting our pension department in the federation to prescribe a platform of hard and fast principles on pensions or retirement funds, and my own decision is not today definitely fixed. I have always favored the contributory principle because of the difficulty of establishing a straight pension plan in government service; yet I have wished to see the early installation of some method to care for the men incapacitated by age, without waiting to remove the obstacles in the way of adoption of the straight pension system.

Straight Plan by Corporations.

"On the other hand, while we have been considering this question during the ten years, many corporations have introduced the straight pension or service annuity plan; and if those business corporations, which for the most part pay higher wages than does the government to men in the same grades of work, can pay dividends and yet give the pension without contributions from the employes, we must be ready to face the argument that the government, which pays smaller salaries and has instituted and vigorously enforced a civil service law, should not take from those meager earnings contributions for any purpose.

"Today great corporations, such as the American Telephone and Telegraph Company, the Edison Company, the American Tobacco Company, the American Sugar Refining Company, the International Harvester Company, the United States Steel Corporation and others in many lines of industry, pay big higher wages than the government to the same classes of men, give a free pension after a certain number of years of service. That being so, the question persists. Should the government, which invites men into a life work, call upon them to contribute toward their pensions?

"While, as stated, I have always favored the contributory pension, when, as a public official during much of the last ten years, instead of seeing wages for government employes increase, I have witnessed in the advancing cost of living a stationary scale that amounts to a reduction, and on the other hand observed the developments of straight pension systems among corporations, a comparison of the business methods and results in view makes me pause. In one national department an extravagant additional service, creating a large annual deficit, has been put into effect, and an attempt at the same time made to make up those deficits by not giving increases in salaries and making a few men perform the service for which more had theretofore been required. Yet the government ought to be a model employer.

Under Exacting Regulation.

"It is to be remembered that corporations, especially public utility corporations, have during this same period of ten years come under a more exacting supervision and regulation by state and national authorities. Moreover, as compensation laws are developed so as to include occupational diseases, the employer will have an additional reason to avoid any extra payments in his industry.

"Heeding the lessons of the past, we have verified information in which it had been represented to us that the recent tendency of private enterprises throughout the world after a wide period of experience, has been to turn from the straight to the contributory system, the tax on the industry under the former having become onerous. On reference to the report on superannuation and similar funds of British railways (1910), we find among fifteen funds for the salaried staff one in which the employer contributes nothing, another where the employer's contributions are insignificant and thirteen in which employers' and employee's contributions are equal or nearly so. It is also stated that in establishing the free pension system foreign concerns have usually taken into account the pensions ultimately to be paid and fixed a wage rate not so high as might have been expected had no pensions been paid. At the same time, it is to be borne in mind that only a small percentage of employes reach the superannuation age, thus losing both full market wages and pension.

Legislators Hesitate.

"In considering the practical side we have realized that legislators hesitate to inaugurate another big pension list. There is also the difficulty of getting through Congress provision for the age of incapacitation of federal employes because legislators from districts in which incomes are expressed in low figures cannot readily accept the idea that a clerk drawing, say, $1,200 a year for steady employment until sixty years of age is not better off than the carpenter or ordinary wage earner in private life receiving daily or monthly wages without continuity of service and subject to many changes in economic conditions. It is asked whether the government employe does not earn money enough for the support of his family and old age savings as well as the average workman in the community. Then comes the idea, if government guarantee is to be an accepted principle in this matter of provision for old age, whether insurance, open to all citizens, should not be the solution of the problem. On this point, Canada has of recent years put in operation a general method deserving careful consideration, especially as it comprises the features of both old age pensions and life insurance.

"Returning to the policy to be considered in the interest of the early establishment of a pension fund for federal employes now in the service, we find the suggestion that the difference between the amount of the salary of an employe at the age of retirement and the lower amount paid to the employe entering at the foot of the list should be devoted to the pension fund. For example, if a man drawing $1,200 were retired at sixty and a young substitute put on at $600, the old employe might receive the other $600, if he has fulfilled the requirement of a prescribed period of service. He should not be entitled to retirement after twenty years of service if still active and efficient, going on the pension list perhaps to draw a salary in another occupation.

Coupled With Contributory Plan.

"Nor should this method be the sole one. It might be coupled with the contributory plan, the employes making small contributions and the government adding to the fund. My present views are that in the beginning there might be a small contribution from the beneficiary, with provision that after a certain period of service he could be retired on part pay. This, it is my hope, might establish a pension fund which would at once be sound and not a burden either upon the employes or the government. It is to be taken into account that retiring a man on part pay, without augmentation of the fund in some way, would leave no provision to increase the pay of those who at the inception of their employment get only about half the pay of those retired. In case of promotions and consequent increases in salaries and wages, the law itself provides for definite increases. This calls for more money, which must come from contributions, in the absence of appropriations.

"It is to be observed that our report contemplates, on the one hand, pensions from federal, state and municipal governments to their employes, and on the other hand from industrial establishments to their employes.

Incapacity for Life.

"It is to be borne in mind that the incapacitated for life by accidents in industrial enterprises are pensioned as a burden on the industry. This has no place in our plan for pensions.

"We have not ventured into the field of old-age pensions in general, such as are given by the governments in England and Germany to that class of the population having an income below an amount assumed to be sufficient for independent subsistence. So far as our information goes, there has been no demand on the part of labor for such pensions in this country, though among the many movements for social amelioration there is one along this line. The report of our committee on preliminary foreign inquiry into the English system, made at our last annual meeting, should cause us to hesitate to inaugurate such a method in this country until further inquiry furnishes a solid basis of procedure."

John Hays Hammond Likens Military Preparedness to the Fireproofing of Houses

John Hays Hammond expressed the belief at this morning's session of the National Civic Federation at the New Willard Hotel that the policy of the United States regarding military and naval defense is unquestionably the most important to be determined by the present administration and Congress. He directed his examination of the subject for a considerable part of the address he delivered toward the objections which have been raised against increased military preparedness on the ground of the cost.

"The estimated wealth of our nation," Mr. Hammond said, "is upward of a hundred and eighty-five billion dollars. It is estimated that the expenditure of one billion dollars beyond our present naval and military budget, over a period of five years, would provide a navy and an army that would afford the nation adequate protection against any considerable foreign military aggression.

Will Minimize Distress.

"Is not this, regarded purely as a business investment, amply justified to provide an insurance not, it is true, always effectual against war, but which will at least minimize his distress incident to war; just as in the case of fireproof houses, which, while they may suffer some from fire, are admittedly far less likely to receive the damage that may befall those structures less carefully erected?

"While all thoughtful men admit that the maintenance of great armies and navies is a futile expenditure in that it serves no useful purpose; that it is a profligate and wicked expenditure, in that it diverts an enormous sum of money from the alleviation of human suffering to which it could otherwise be applied, nevertheless under the circumstances it would be indefensible—indeed, execrable—to oppose national defense because of the expense involved.

Should Provide for Defense.

"In view of all these facts it seems to me it would be criminal folly on the part of any administration to fail to provide an adequate national defense for our nation."

Speaking of the political aspect of the question, Mr. Hammond said that he had endeavored to obtain republican support for the policies of the administration. On this subject he said in part:

"This is not the moment for either party to endeavor to make political capital for campaign purposes, and for that reason, together with others belonging to a different political party from that of the present national administration, I have endeavored to array the support of republicans behind the democratic administration in an insistent demand that no time be lost in expediting the carrying out of an American program for national defense through the injection of partisan issues."

Urges "Real General Staff" for the Navy as Well as Increase in Fighting Ships

Arthur H. Dadmun, secretary of the Navy League, delivered an address this morning at the session of the National Civic Federation devoted to consideration of the question "What is adequate preparedness for national defense?" held at the New Willard Hotel. He discussed the strength of possible opponents of the United States and said that the nation should decide on a naval policy that will ultimately furnish the United States with a navy second to none, but that in any event will give us the quickest possible ship increase and restore us to second place as a sea power."

In advocating the building of a navy "second to none," Mr. Dadmun asserted that both England and Germany today, "if not interfered with by other powers, could easily destroy our fleet, our commerce, could conquer our island and other possessions, could land from 200,000 to 400,000 troops on our shores and sweep from Maine to Cape Hatteras without difficulty." Recent reports from Japan, he added, "indicate that at the present rate of construction, Japan's navy, as measured by capital ships, will equal our navy by the year 1920."

Explains England's Fleet.

Since the outbreak of the present war, Mr. Dadmun declared, "England has put into commission twelve new battleships, five battle cruisers and more than seventy thirty-five-knot destroyers, whereas the United States has but eight dreadnaughts in commission and no battle cruisers. England can be said to have laid down, built and put into commission a navy equal in strength to that of the United States since the outbreak of the present war."

In speaking of the strength of the German navy, Mr. Dadmun stated that Germany "has a fleet of large, seagoing submarines, thoroughly seasoned in the practice of actual war; we have a heterogenous lot of small non-seagoing submarines, which, in the recent fall maneuvers, were able to make only five knots in the moderate seas which prevailed."

Navy Lacks in Strategy.

As to the personnel and operations of the navy, Mr. Dadmun said it was the opinion of the officers of the Navy League that as much emphasis should be given to these questions as to that of the material strength of the navy. The American navy, from the standpoint of efficiency and strategy, is said by many naval experts to be far behind those of England, Germany and Japan, Mr. Dadmun said, and the blame for this was laid on the lack of "a real general staff."

"Admiral Fiske has estimated," the speaker continued, "that it will take our navy five years, under the careful direction of a real general staff, to attain the efficiency of the English or German navy. If that is true, and Admiral Fiske is surely a good authority, it is equally as important for Congress to provide a general staff as it is to add battle cruisers to our fleet, now totally lacking in that type of ship."

Urges Reasonable Safeguard to Protect United States Against Influx From Europe

Prof. Jeremiah W. Jenks of the University of New York, chairman of the committee on immigration of the National Civic Federation, submitted the report of his committee to the immigration symposium of the federation, at the New Willard Hotel, this afternoon, asserting that a policy of restriction of immigration should be adopted by the United States.

The present is an opportune time, Prof. Jenks believes, for reviewing and summarizing the entire question of immigration. Thorough assimilaton, it is stated, now is seen to be a much more difficult process than the majority of Americans heretofore have believed. Preparedness includes not only military and naval measures of defense, but steps that will insure a united people, loyal and steadfast in devotion to American ideals and principles.

Taxes to Offset Wages.

Taking up the question of whether the present decline in immigraton will be merely temporary or permanent, Prof. Jenks says:

"Those who believe in a permanently decreased immigration base their opinion upon the assumption that high wages and a great demand for labor in Europe after the war will keep the people from emigrating, that love of country will hold men to the places where they have suffered hardships, and that European governments will adopt the policy of restricting emigration.

"Granting that wages will be high in Europe, a decided rise in the cost of living, especially through greatly increased taxation, will largely offset any increase in wages earned. Another factor to be reckoned with is the employment of women in callings for which a year ago they were regarded as unfitted. Many readjustments must be made before industry again is running smoothly and on such a scale as to fully employ Europe's labor force.

Urges Reasonable Safeguards.

"Against the argument of love of country as a means of keeping the people of Europe at home the question may fairly be asked: Is it likely that the Jew or the Pole of Russia, Austria, Germany and Rumania, or the Armenian of Turkey, or the Finn of Russia will remain for love of country after this recent experience? Another factor to be reckoned with is that thousands of foreigners here, at the end of the war, will want to bring their families to America."

If immigration is to follow its normal course, the report states, an almost immediate return to the figures preceding the war, perhaps an increase, may be expected. In view of these facts, the report says, reasonable protection should be given the American workingman against any large influx that would lower his standard of living.

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JAN 17 1916

SETH LOW SHOWS THE NATION'S NEED FOR PREPAREDNESS

Voices Plea at Opening Session of National Civic Federation.

TELLS WAY TO PREVENT EUROPE'S ANTAGONISMS

In Strength of Arms and Willingness to Die Lies America's Safety, He Says.

SAMUEL GOMPERS PRESIDES

Miss Wetmore, in Reporting for Woman's Department, Welcomes Any Plan for Defense Which Will Quicken the National Spirit.

Another strong plea for increased military preparedness for the United States, with the backing of a great and powerful organization representing capital, labor and the public of the country, was made today at the opening session of a two-day convention of the National Civic Federation at the New Willard Hotel.

The plea was voiced by Seth Low, president of the organization, who is the former mayor of New York and the former head of Columbia University, in the presence of a distinguished gathering of some of the most prominent men and women of the country, the latter being present to participate in what was a joint session of the main body of the federation and the woman's department of the organization. Samuel Gompers, president of the American Federation of Labor, vice president of the federation, presided.

Wherein Lies Nation's Safety.

Mr. Low was cheered to the echo by all elements when he said:

"If the United States is to prevent the antagonisms and hates of Europe and its age-long traditions of empire from finding lodgment on this continent after the war, it must be by the strength of our own right arm and by the willingness to die for what is certainly precious to ourselves and for what we believe to be no less precious to humanity."

Today's sessions of the convention, which took place at 10 a.m. and 2:30 p.m., were not intended to be devoted to the subject of military preparedness. That will come up in a special session of the organization tomorrow morning, but the subject of adequate defenses for the United States is largely engaging the attention of the members, and the woman's department intends to play a very large part in the discussion of this public question, having organized what is called "The Woman's Section of the Movement for National Preparedness." The latter organization, which is amalgamated with the entire woman's section of the federation, is composed of the same prominent women who so efficiently handled the women's end of the Belgian relief work. The whole woman's section of the federation intends this coming year to interest itself in the work of increased military preparedness for the United States.

Today, however, many other important subjects came up for discussion at the convention sessions as the result of various important reports presented. One of these was the report of Louis A. Coolidge of Boston, former assistant secretary of the treasury, now treasurer of the United Shoe Machinery Company, who is chairman of the welfare department of the federation. He surprised his hearers by declaring that representative leaders of organized labor are opposed to the practice of profit-sharing between employer and employe. He said labor men believe that employers find profit-sharing useful to weaken and disrupt trade unions.

Wage Commission Recommendations

A. J. Porter, chairman of the minimum wage commission of the federation, recommended that the Departments of Commerce and Labor make a joint investigation of the relation of labor to the location of industries and the effect of legislation on behalf of women and children on industries and workers. P. Tecumseh Sherman, chairman of the social insurance department, said that the higher wages of the United States with appropriate means to insure one's self is far better than the low wage systems of Europe with compulsory insurance.

Thomas W. Shelton of Norfolk, Va., chairman of the uniform law committee of the American Bar Association, declared that if Congress assumes to direct the manner in which courts shall act that is equivalent to directing the result of the deliberations of the courts and maintained that judges ought to be selected by organizations of lawyers. Other reports included those on pension problems, industrial hygiene, changes in labor conditions and the growth of employers' welfare work.

Miss Maude Wetmore, in presenting the report of the woman's department, said:

"Any plan of military preparedness which makes the flag under which we live the emblem of our life, our all, and not a rag with which to protect the corpse from which the spirit has fled, I welcome."

She spoke of the work done by the District of Columbia section of the woman's department of the federation in glowing terms. Reporting on the activities of the District section of women, Mrs. Archibald Hopkins, chairman of the section, described the work of the surgical dressings committee for relief in Europe; the school committee, working

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SETH LOW SHOWS THE NATION'S NEED FOR PREPAREDNESS

(Continued from First Page.)

in support of the teachers' retirement bill; the government employes' committee on welfare work and the committee concerning itself with the Ellen Wilson Memorial homes. Work in every department of the section has made, she the most satisfactory progress.

Welcomed by Mr. Macfarland.

Henry B. F. Macfarland, in welcoming the convention to Washington, said, in part:

"No word of welcome is needed from Washington. You are in your own city, in which you take the same vital interest as we do who live here, in common with all patriotic Americans. We can only say that we are glad you are here and we hope that you will return as often as possible. This is the natural meeting place for national organizations. We thank you for all you have done for our National Capital, and count upon your co-operation in all efforts to maintain its progress. It shares, of course, in the beneficent results of all you have done and are doing for the material and spiritual welfare of our country."

Mr. Low said he favored the administration defense program, not because he though it ideally perfect, but because it was a long step in the right direction. "Personally," he continued, "I believe that a short-time service under the colors on the Swiss system, modified, perhaps, to meet our conditions, should be required of every young man in the United States and that we should no longer depend upon an army which, as in England, strengthens the view that it is the business of a few to protect all, rather than the business of all to protect each other."



WILLIAM R. WILLCOX,
Chairman pension department.

Reports Made by Officers and Heads of Committees to the Woman's Department

"Any plan of military preparedness which makes the flag under which we live the emblem of our life, our all, and not a rag with which to protect the corpse from which the spirit has fled, I welcome," declared Miss Maude Wetmore, in presenting her annual report, at this afternoon's session of the women's department.

Reports of the various officers and standing committees were heard as well as section reports from the various section chairmen.

Miss Wetmore declared that the woman's section of the commission for relief in Belgium, which had completed its activities, had decided to offer those who took part in that work the opportunity of continuing, "under the banner of preparedness, to show the same measure of devotion to their country that they had shown the Belgians when in the grip of starvation." To rally to this call, she declared that many women have responded and, under the chairmanship of Mrs. Lindon Bates, are organizing the woman's section of the movement for national preparedness, which is amalgamated with the woman's department of the federation.

Says Conditions Are Improving.

Miss Wetmore declared that general conditions as affecting the woman's department have improved during the year, and that the growth of the department has been steady and encouraging. Satisfactory results were obtained, she said, in securing work for the unemployed in New York city last winter, and efforts to crystallize this work have met with success.

The national surgical dressings committee, Mrs. Mary Hatch Willard chairman, has made a remarkable showing during the year, Miss Wetmore reported. Six hundred committees exist today in the United States, and nearly 4,000,000 dressings have been sent abroad. The committee has its own depots in Paris and Bordeaux, from which places distributions are made.

The New York and New Jersey section of the woman's department has continued its interest in prison reform, the slogan being "Sing Sing must go." Miss Wetmore told of the educational exhibit which has been prepared by the joint committee on prison reform, and which shows conditions in the New York state prisons, reformatories and other correctional institutions. In speaking of the work of the New England section she said that one of the largest state boards having to do with industrial questions had asked permission to incorporate part of the industrial committee's report in its recommendations.

Mrs. Archibald Hopkins' Report.

Reporting on the District of Columbia section, Mrs. Archibald Hopkins, chairman, said, in part:

"I wish to report for the past season the continued efforts of its various committees along welfare lines; a membership of 196 active, 42 associate and 640 who belong to the Teachers' Auxiliary, and expenditures for the eight active months of 1914-15, $1,516.35.

"The lecture committee, Mrs. Hopkins, chairman, arranged a series of very interesting monthly meetings, which were well attended and aroused great interest in the work.

Immediately after Thanksgiving the surgical dressings committee began its work with about forty volunteer workers, under the leadership of Mrs. Frederick K. Brooke, the vice president. The office is open every morning in the week at 1623 H street, the use of which building was donated by Mr. Horace Westcott. Supplies have come in wonderfully well, muslins, linens, cotton goods and about $81.35 in money with which gauze and oakum were bought. There are now ready three boxes containing cushions, blankets, sheets, pillowslips, towels and 875 dressings. These things will be sent to their destination by the American Red Cross.

"The most important work which the school committee is doing at this time is in connection with the teachers' retirement bill. At the request of Senator Pomerene the efficiency bureau of the national government is preparng, from statistics furnished a sound financial plan for the bill. A report from the bureau is expected by the 1st of February, after which the teachers' branch will begin its active campaign.

Ellen Wilson Memorial Homes.

"Immediately before Congress adjourned last spring, Mrs. Hopkins, chairman of the legislation committee, was successful in securing for the Ellen Wilson Memorial Homes a federal act of incorporation, which named eight incorporators and authorized them to manage the finances, pay the dividends, and, together with a committee of the woman's department, National Civic Federation, manage the business side of the corporation. The section is also continuing its fight to improve the loan shark bill, and it is hoped that the amendment just ready to be introduced in Congress will be passed, making 2 per cent the rate of interest.

"Under the chairmanship of Mrs. McLaughlin the last year's work of the government employes' welfare committee in the Treasury Department was relative to the general health of the employes, while this year the special feature will be in directing attention to the lighting, and the care of the employes' eyes. Dr. George Collins has been appointed by the bureau of public health to look after this work. The restroom is now self-supporting, a small contribution of 10 cents being given once a year by all enjoying its privileges. During the four years it has been installed over 2,000 people have been treated there.

Benefits P. O. Employes.

"In the Post Office Department, since the last report, Mr. Kram, the auditor, has installed modern electrical machines, doing away with the old hand-punching machines, which were detrimental to the health of the woman employes.

"In the early fall the chairman of the section, together with the chairman of the government employes' committee, inspected, with permission fro mthe Secretary of the Interior, the plans for the new department, and found that they cover all the requirements for the general welfare of the employes.

"The housing committee is directing all its energies toward the Ellen Wilson Memorial not only to improve local conditions, but as an object lesson to the country to improve housing, to reduce rents, thereby helping laboring people to keep out of debt, and to raise the standards of morality and lower death rate. The active campaign for funds to push the memorial to completion will be in charge of Mr. John Ihlder, late field secretary of the National Housing Association, who as executive secretary of the Ellen Wilson Memorial Homes Company will be in Washington January 15, 1916.

Improved Labor Conditions Compared With Generation Ago Are Shown in Report

Hayes Robbins presented this afternoon at the meeting of the National Civic Federation, at the New Willard, the report of the industrial economics department of the federation, describing improvements in labor conditions today as compared with those of a generation ago.

The review of changes in wages, hours of labor, organization and living conditions signifies, according to the report made by Mr. Robbins, that the workingman of today has knowledge and power to deal with injustices and abuses, to protect his civic rights and improve his material condition through the industrial and political system which affords the means of an increasing and broadening social welfare.

The evidences of progress, great as they are, do not imply, the report states, "final solution of any given labor problem, or that wages are high enough, the working day short enough or that employment in many parts of the industrial field are not still far below the modern standards of civilization." A large part of the high cost of living is due to high standards of living, said Mr. Robbins; to the common use of many comforts and conveniences which were the luxuries of the wealthy not many years ago; to better clothing and a general change in workingmen's homes from the dingy and insanitary tenements to the modern type of cottage or flat, with proper light and ventilation and sanitary equipment.

No Labor Papers in the U. S.

Mr. Robbins stated in his report that while there was not one labor paper in the United States before 1825, today there are more than five hundred; that there was no such thing as a labor law until 1836, while the 1914 digest of labor laws fills 2,473 pages; that today there are labor statistics bureaus in thirty-five states and bureaus with powers of factory law enforcement in thirty-eight. He mentioned in particular new workmen's compensation laws and the way in which hardships due to unemployment from accidents, sickness or incapacity have been reduced by legislation. The lessening importance of the strike and lockout were mentioned and the increasing resort to direct negotiation, mediation and the trade agreement.

Statistics given by Mr. Robbins indicated an average wage increase during the past forty years of about 80 per cent, a decrease of from 10 to 40 per cent in working hours and an actual decrease in prices of many of the necessities of life, even with the abnormal prices of the past fifteen years.

The report pointed out that the organization of labor was under the ban of law and that seventeen conspiracy trials took place before 1842. Most of the labor activity prior to 1880 was along communistic and political lines and was a record of successive failures. Mr. Robbins said that not more than half a dozen of the 110 national and international organizations which now compose the American Federation of Labor, with their 2,000,000 members, were even in existence as late as 1870.

Louis A. Coolidge Declares Leaders of Organized Labor Oppose Profit-Sharing Plan

Louis A. Coolidge, former assistant secretary of the Treasury, now an official of the United Shoe Machinery Company and a member of the executive committee on the part of employers of the National Civic Federation, delivered an address today at the convention of the federation at the New Willard Hotel, in which he said that representative leaders of organized labor oppose the general theory and practice of profit sharing between employer and employe.

The European war stimulated the work of the welfare department of the federation, said Mr. Coolidge, who is chairman of that department of the federation. Manufacturers of arms and other war supplies called upon the federation, he stated, for advice in the construction of their new plants. He cited one large arms company with 30,000 new employes which had consulted the welfare department for advice as to building homes for its army of workers. He said the company was building homes which would be rented cheaply and which could be bought on easy terms by the employes, to take care of 6,000 families.

Dormitories for Woman Employes.

Ten dormitories, each to accommodate more than 100 girls, were being built for part of the 13,000 woman employes. Mr. Coolidge reported that, as one result of the war, requests had come from European belligerents for advice about the occupational training of women who have gone into the munition plants abroad to take European men's places.

Mr. Coolidge told of an investigation into plans embodying the idea of extra payments to labor. Representative leaders of organized labor, he declared, are "unanimous in opposing the general theory and practice of profit sharing." He said organized labor holds that the employer's real interest lies in the alleged usefulness of profit sharing as a means to weaken and disrupt the trade unions.

Employers Not a Unit.

About one-third of the companies which have profit-sharing, he stated, reported that they considered it a success, although employers were by no means a unit on the question, some of them saying the men insisted upon joining unions and presenting demands in spite of the company's efforts to give them a share in the extra gains of the business.

While great advances have been made in industrial hygiene, much remains to be accomplished, said Mr. Coolidge. He pointed out the value of keeping employes healthy. He said American workmen insist on having a part in bettering their own condition, they they "distriust free lunches and gratuities," and the purpose of welfare work should be "to stimulate the co-operation which will result in contentment and dividends, both to employer and employed."

Workmen's Compensation Department Year's Report Given by August Belmont

August Belmont presented his report on the year's activities of the workmen's compensation department of the National Civic Federaion this morning, at the meeting of the federation held at the New Willard Hotel.

"Beginning with the year 1908," he said, "we have been continuously an active educational agency, developing new drafts of model state laws in the interest of uniformity as changing events warranted such action.

"At present we are circulating two documents, one an elective workmen's compensation act, recommended as a useful guide, which may readily have substitued sections making it compulsory when state constitutions will permit, another being a later memorandum upon main provisions to an adequate compulsory workmen's compensation law.

In an Experimental Stage.

"Just now, the laws are in an experimental stage and are being submitted to the test of experience. The general disposition is to wait and see how the different forms and different features work out.

"The majority of them are still elective, but they will probably be made compulsory when the question of constitutionality is decided by the United States Supreme Court, if it be decided favorably.

"A notable achievement of this department since the last annual meeting was the enactment, through our efforts, of the Colorado state workmen's compensation law. We sent, at the request of the governor and speaker of the house, two experts, namely, Cyrus W. Phillips of the workmen's compensation commission of New York state and E. H. Downey, chief statistician of the industrial commission of Wisconsin, who assisted not only in drafting the legislation, but in the conferences preceding its enactment.

Some Laws Very Narrow.

Mr. Belmont called attention to the fact that some of the laws are very narrow and of doubtful application, as in New York, while others, as in New Jersey, cover practically all occupations, including agriculture and domestic service.

"The problem for consideration," he said, "is whether it would not be better and more satisfactory to everybody to extend the compensation laws to have such full coverage just as soon as people have become accustomed to this comparatively new principle."

A bitter subject of dispute, he said, is whether private insurance or state-managed insurance is the better. The federation, he added, has investigated the subject impartially, but has taken the position that "it is rather improper for such an association to take any decided stand one way or the other until experience has been longer developed and more decisive, in which event, of course, it may become proper to take a stand on the merits."

Extent of Workmen's Gain.

"The extent to which the workmen gain from the compensation law," he continued, "may be illustrated by the fact that it is reported that the net payments to wage-earners under "employers' liability" in Massachusetts in 1911 were estimated at less than $400,000, of which a large proportion probably went to their attorneys; whereas under the workmen's compensation law in 1913 $1,677,380 was paid out in actual losses to wage-earners."

In discussing the comparative merits of elective and compulsory compensation laws Mr. Belmont said that "wherever the law is voluntary or elective the schedule is apt to be reasonable, because otherwise the employer will not elect to go under the act; also the New York state schedule is more exorbitant than any other in the entire world."

He drew attention to the fact that many of the specific schedules in the United States which provide for fixed payments in case of certain definite injuries are not equitable.

"For instance," he said, "the loss of a first finger may be a very serious thing to an engraver, whereas to a stevedore it may really not reduce his earning capacity at all. In all the foreign laws the compensation in such cases is a proportion of the reduction in earning capacity resulting from such injury. It may be that the foreign rule is the better. Those who have studied this subject most thoroughly favor especially the foreign rule."

Says Federal Authorities Control But 60 Per Cent of General Meat Supply

Dr. E. E. Smith delivered an address this afternoon before the meeting of the National Civic Federation at the New Willard Hotel, in which he charged that in spite of the existing system of federal inspection of cattle, sheep, swine and goats slaughtered in the United States and all meats now imported there remains approximately 40 per cent of our general meat supply entirely beyond federal control. Dr. Smith added that he felt safe in asserting that in spite of known conditions not more than a small part of this 40 per cent receives any adequate inspection. He thought that in respect to this portion of the general meat supply action by local authorities is urgently needed. Continuing, he said:

"Recent federal meat inspection statistics show that in about 3 per cent of cattle and in more than 6 per cent of swine the carcases are affected with a disease or condition that makes it necessary to condemn many of them, either in whole or in part. The figures which have been cited are authentic and there is good reason to believe that the ratio of diseased animals is greater still in the numbers slaughtered in those slaughter houses that operate without inspection of any kind. The question of what becomes of the meats and products derived from the diseased and unfit animals slaughtered in the latter class of houses is a serious one, indeed.

Central Abattoirs Suggested.

"The remedy suggested by a well known authority is that municipalities provide central abattoirs at which an efficient system of inspection shall be maintained. Where private establishments are large enough and well enough equipped from a sanitary standpoint to warrant separate inspection, this might be permitted, but all should be compelled to conduct their operations under adequate inspection. The sale of meats and meat-food products which have not passed federal inspection, or an efficient state or municipal inspection, should be prohibited."

Dr. Smith thought the introduction of federal inspection and the refrigerating systems in meat preservation and transportation had done more in the last thirty years than any other measure to maintain the quality of the world's meat supply. While evils exist, he said, they are chiefly local.

After stating that, on the whole, the cold storage system had benefited the world's food supply, Dr. Smith added that there were several abuses incident to the system. These, he said, are: The introduction into cold storage of food unfit for consumption; the keeping of food in cold storage for too long a period of time; the improper handling of food when removed from cold storage, and the representation of storage food as fresh.

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Journal of Commerce

JAN 25 1916

RAILROADS, GOVERNMENT AND UNIONS.

The railroads of this country are menaced by a new movement of organized employes, upon whom their service is dependent for a larger share in their earnings, regardless of their financial condition and at a time when they are not free to increase their revenue without permission of a Government commission. This movement is instituted in an exceptional year, when the railroads happen to be having an unusual amount of traffic and great difficulty in handling it, and when a political campaign is pending in which it seems to be assumed that a potent appeal to the labor vote may be made to influence official action. Certain demands have been formulated by the unions of locomotive engineers, firemen, conductors and trainmen in the freight service, upon which a referendum vote is being taken of the members of the four unions throughout the country, the final result to be announced in March. It is said, though it can hardly be known, that the vote is going overwhelmingly in favor of the proposed demands, with the menace of a strike and paralysis of railroad traffic if they are not complied with.

Without going into particulars, it may be said that the demands are to be a day of eight hours or a 100-mile run, with a retention of the present rate of wages, and a rate and a half for overtime or for excess distance within the regular time, the present working day being ten hours, with the 100-mile distance limit. A strict limit of time for the day's work is impracticable in railroad train service, and even more so in freight transportation than in passenger service. The time of runs from one division to another and between terminals and places of change and transfer, cannot be closely calculated upon. The service of a day may fall within the limit of hours, in which case there is no reduction in pay, or it may overrun the limit, and in that case there is extra pay at an increase per hour. Regularity of hours or of daily distance is utterly impracticable in the freight service, if it is to be effectively carried on for the business of the country; and wages for employes on trains are necessarily adjusted accordingly. The present basis of wages is the result of liberal adjustment in recent years, and the sole object of this new demand appears to be more pay for the same service, or possibly less service.

There are said to be nearly 400,000 men engaged in this freight train service, and their yearly wages amount to about $400,000,000 now. The total number of other railroad employes of the country is stated at 1,500,000, and it is said that the present wages of all employes absorb 45 per cent of the receipts of the corporations, some of which pay no dividends upon their stock and have difficulty in meeting interest charges. It cannot be said definitely whether the prevailing rate of wages—which "prevails" because it has been forced by unions or conceded by companies to avoid dispute or allay agitation—is altogether fair or not without knowledge of a mass of details and conditions and a study with which none but experts in the business can be familiar. These conditions differ in different parts of the country and on different lines and systems, but a certain uniformity of service and of pay has been forced without regard to the interests of anybody but the unionized employes. Perhaps this may be regarded as equitable, all things considered, provided the arrangement is made as fair and just as the conditions will permit; but there is no evidence thus far that this new demand for a change is in any way justified.

There are said to be three or four times as many men employed by railroads in other service, in yards, along the lines, at terminals and in work upon construction, equipment, etc., as in the operation of freight trains. How are the companies to meet the demand for an increase in wages, estimated to amount to about $100,000,000 a year? It might be done in part by cutting down the pay of other employes, but that would not be fair and would be resisted. It might be by reducing or postponing dividends on stock, and the rate of interest on new issues of bonds might be cut down, but this would discourage investment of capital in railroads and hinder their development and improvement, to the injury of the service and of both capital and labor in other industries and in trade. There might be a reduction of expenses for construction, for the separation of grades and for enlarged and improved terminals and more stations; but in the long run that would be a losing policy, not only for the roads but for the men they employ or might employ in larger number and on better terms, and for the whole community. There remains the resource of increasing the rates charged for their service, but that they can do only with the consent of a Government commission having the supervision of service and regulation of charges.

The railroads may be forced by circumstances to reduce their expenses and curtail their operation, and the weaker ones may be driven into bankruptcy; but what good will that do? Getting the privilege of increasing rates and so adjusting them as to meet every requirement, including an increase of pay for train service, is a difficult and doubtful matter under the law as it now exists, and getting the law changed is no easy matter. Suppose the time comes within a couple of months for this contemplated demand to be made upon the railroads of the country, what will their managers do about it? Suppose they unitedly refuse, what will these unions, which have a more powerful combination than the companies are allowed to form, do about it? Will there be a general strike to paralyze the business of the country at this critical time? If so, what will the Government and public authorities generally do about that? What would the people of the country outside of the railroad business think of it? It looks as though this movement, just at this critical time in our relations with other countries and in our home politics, were an effort at intimidation by a "combination in the form of trust or otherwise," more daring than capitalists ever ventured upon, or would ever think of venturing upon.

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New York Times
Jan 31 1916

WALSH AID EXCITED OVER 'BIG BUSINESS'

Capitalist Plot Against Wilson Scented by Industrial Investigator.

CALLS VANDERLIP NAMES

Basil Manly Declares American International Corporation a Menace to Country.

Basil M. Manly, who was Director of Research and Investigation for the recent United States Commission on Industrial Relations, of which Frank P. Walsh was Chairman, told the Labor Forum at the Washington Irving High School last night that interests affiliated with the American International Corporation had determined upon the political destruction of President Wilson because of his refusal to invade Mexico.

"If President Wilson had given the word for an invasion of Mexico," said Mr. Manly, "he would have the financial power of this group solidly behind him, for in the last two years he has trimmed his domestic policies to suit their wishes. As it is, they have resolved to destroy him, and no candidate will secure their support who is not ready to meet their demands on this issue."

Mr. Manly talked of a "new policy of imperialism" among big business interests in the United States, and he professed to see a great menace in this to the wage earners of the United States, "upon whose backs" such a structure of industrial and commercial expansion would add a new burden. He made several references to a dangerous "visionary" whom these big business men had in mind for a sort of "benevolent despot" and who would serve their interests if elected President, but he refrained from mentioning this visionary by name.

Mr. Manly called Frank A. Vanderlip of the National City Bank "the most dangerous man in the United States," describing him as one of the leaders in the policy of "new imperialism," who were planning an industrial raid on the entire world.

"The American International Corporation," said Mr. Manly, "was organized on Nov. 23, 1915, with representatives of every important great railroad and industrial corporation upon its Board of Directors. Its promoter was Frank A. Vanderlip, whom I firmly believe the most dangerous man in America at the present time. You will see the great number of interests included when I name the men backing the American International Corporation. They are J. Ogden Armour, Charles A. Coffin, Joseph P. Grace, James J. Hill, O. H. Kahn, R. S. Lovett, Ambrose Monell, Henry S. Pritchett, Percy A. Rockefeller, John D. Ryan, Charles H. Sabin, William L. Saunders, James A. Stillman, Frank A. Vanderlip, Theodore N. Vail, Edwin S. Webster, Albert H. Wiggin, Beekman Winthrop, Charles A. Stone, and Guy E. Tripp.

"R. P. Tinsley, the Treasurer, is associated with the Standard Oil Company, and the American International Corporation is the greatest consolidation of big business in the history of the world.

"Its purpose, as explained in the official announcement of the National City Bank, is to 'have the United States take part in the industrial development of other countries. It is an aggressive foreign policy intended to protect every American dollar with a battleship and a regiment of soldiers.'"

Mr. Manly said the real purpose, however, of the "dangerous combination" was "revealed more clearly by the use of every means to coerce the Administration into an invasion of Mexico."

He talked at length of a "militaristic policy for foreign exploitation" and of the intention to use immigrant, or cheap, labor to advance the building up of the new foreign policy. He insisted there was nothing patriotic in the plan, and that it could only work harm to the laboring classes of the country.

Edward T. James, representing the Central Federated Union, drew great applause by referring to the nomination of Louis D. Brandeis for Associate Justice of the Supreme Court.

"When all things look dark to the wage earners there always comes a ray of sunshine," he said. "For we read in the public press that President Wilson, the man who has done so many grand and glorious things during his short time in public life, has recommended to the United States Senate the name of Louis D. Brandeis of Massachusetts, the people's champion, for the vacant seat on the United States Supreme bench. I hope and trust each one of you will write a personal letter to the two United States Senators from this State requesting them to vote for his confirmation."

Miss Helen Marot, President of the Women's Trade Union League, was a speaker also. There was a protest over an attempt by certain persons connected with the Washington Irving School to force the removal of a painting in the foyer of the school representing unemployment. A number of homeless persons are shown in the painting sitting on a bench on the Thames Embankment, and the criticism arose over the belief that the subject was "too morbid" to be displayed to the students.

A vote was taken, and it was unanimously agreed by the members of the labor forum that this criticism was unjust.

Officials of the American International Corporation reached last night said Mr. Manly's criticism was "too preposterous" to be dignified by a formal reply.

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New York Sun

JAN 27 1916

RAILROAD WORKERS SURE 8 HOUR DEMAND WILL WIN

Concerted Efforts of Four Unions Forms Novel and Far Reaching Plan—Success Might Lead to Other Classes of Labor on Roads Acting.

With the balloting on the eight hour day referendum still going on in the 4,000 lodges of the four great railroad unions all over the country reports yesterday were that the leaders of those unions were more confident than ever that their plan of federation would go through and that with the unions united the railroads would have to capitulate.

Little by little details of how this federation scheme has been fostered are coming to light. All show how systematic has been the campaign of the unions' officers ever since the Chicago arbitration award last April. A statement which Grand Chief Stone of the engineers has just issued shows how he views the situation. This says:

> For the first time in the history of the railroad unions they are all united. There has never been such a general disposition on the part of the railroad employees of the country to act as a unit. This was shown at all conferences of the representatives of the various railroad men's organizations that have so far been held on the eight hour question. All internal dissensions have been ruled out and all factional and other disputes which would interfere with the national eight hour movement among the railroad men have been laid aside.

Slogan Is "No Compromise."

Stone has told the railroad men with whom he has talked that should the vote support the demand and the federation plan the leaders will see that there is no compromise, though he would do all he otherwise could to avert a strike. He and the other leaders have been also assuring the doubters that in the face of a united demand by the four unions for the eight hour day the railroads are sure eventually to concede the eight hour day, particularly in view of the big business they will be doing when the two parties begin negotiations in the spring.

The federation plan upon which the leaders are relying for success is a development of the four arbitrations which have occurred since 1912. These in turn came about through the demand of the four unions acting in most cases individually for a standardization of wages on all railroads in a district. Their success in securing standardization in this manner convinced the leaders of the four organizations that if some plan of federation could be put through they would be able to wield a power that would be irresistible. The idea of this, it is said, came originally from England, where the railroad men have pursued such tactics with success.

To put through this federation plan required the laying aside of differences which in the past have kept some of these unions, notably the engineers and the firemen, apart. To accomplish this plan, the most ambitious yet attempted in the labor field in this country, conventions of grand chairmen in different districts were called and delegates appointed to a Chicago conference. At this the demand now being submitted was drawn. It was agreed, however, that the federation plan would not be binding on any organization unless two-thirds of the members supported it by their votes.

First Combination of Kind.

The so-called cooperative agreement that is now being voted on in connection with the eight hour demand provides for cooperation of the four organizations "in advancing the common interests of their members." This is the first instance on record, it is said, where four national unions have attempted to combine their forces in any such manner and the unions' leaders are telling their followers that it will undoubtedly mark a new era. The four unions have a total membership of about 400,000. The men are organized by railroads and the railroads by districts.

Although the failure of any one of the four unions to cast two-thirds of its voting strength for the demand would automatically take that union out of the proposed federation there seems to be little likelihood of this happening. The malcontents are relatively small in number and apparently most of the men are rather anxious to see how the federation plan will work and what it will get for them.

Although national federation of these unions is new it has been tried before to some extent in connection with local grievances. Vice-President George H. Sines of the Brotherhood of Railroad Trainmen said yesterday on this point:

"The principle of system federation and national federation has been developing with great rapidity among railroad men in recent years. It has met with success in every instance where it has been tried in situations that have arisen involving the interests of members of the four organizations in different localities."

Other Classes Might Act.

The members of these four unions, it was pointed out yesterday, comprise about 20 per cent. of the employees of the railroads. Should these win anything through their present action it would undoubtedly lead to demands from some of the other classes. Many of these, it is admitted, are underpaid. In fact it is the consensus of opinion among railroad officials that if the railroads should make any wage advances they should go to some of these employees, many of whom have not secured increases in years. With labor now taking 45 cents out of every dollar of revenue, however, they do not see how they can do this if the 20 per cent. represented in these four unions secure increases on top of those they have had in the last few years.

Among these other employees not represented in the present movement are 87,000 clerks, 200,000 station agents and other station men, nearly 350,000 trackmen, 40,000 switch tenders and watchmen and 56,000 machinists, not to count telegraph operators, carpenters and shopmen. There are also 250,000 other employees and laborers unclassified.

While it is impossible to figure out exactly just what the schedule proposed by the four unions involved would add to the railroads' expenses a conservative estimate made yesterday placed it at $150,000,000. That would have to be paid before even fixed charges should the demand be granted.

An idea of the problem the railroads are facing in this movement may be gained from the fact that since 1907 upward of $5,000,000,000 has been invested in new facilities, yet the gain in net revenue for 1915 was only about $30,000,000 more than it was before this money was put in. This represented less than 1 per cent. on the money invested.

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HENRY W. BRAITHWAITE,
12, WILMINGTON AVENUE, CHISWICK,
LONDON, W.

Daily Chronicle 31st December, 1915

Labour Position

LABOUR CONGRESS.

TO DISCUSS GRAVE ISSUES FOR TRADE UNIONISM.

A special national Trade Union Congress is to be held in London next Thursday to discuss compulsory military service.

This was the decision of a joint labour conference held yesterday at the Wesleyan Central Hall, Westminster, when Mr. Arthur Henderson, President of the Board of Education, presided. The three organisations forming the conference were the Parliamentary Committee of the Trade Union Congress, the Executive Committee of the Labour Party, and the Management Committee of the General Federation of Trade Unions. The official statement issued last night says:—

The national situation arising out of the Government's proposal with regard to the compulsory enlistment of single men was very fully discussed, and it was agreed that the importance of the issue involved was so serious that any decision on behalf of the trade union and Labour movement could only be reached by a national conference representative of the entire movement.

This recommendation was discussed later at a joint meeting of the Parliamentary Labour Party with the executive committee of the party, when its terms met with their full concurrence.

It has been agreed that, in view of the very pronounced views expressed by resolution at the Trade Union Congress last September, a special congress should be held, and that, in addition to the societies affiliated to the Trade Union Congress, invitations should also be issued to all societies affiliated to the other sections of the Labour movement.

In order that representatives may have the fullest available information, and in view of the report that the Prime Minister proposes to introduce the Government Bill on Wednesday next, the committee has decided to convene the congress for Thursday, January 6, to be held in London at 10.30 a.m. Mr. Harry Gosling, L.C.C., chairman of the Parliamentary Committee of the Trade Union Congress, will preside, and the standing orders of the congress will be observed.

TRAGEDY OF THE SITUATION.

Leading members of the conference made no secret of their views. They frankly deplore the possibility of compulsion in any shape or form.

"It is a tragedy," said one, "that after raising, by the voluntary system, a magnificent Army of 4,000,000 men, we should be threatened with compulsion for a remnant of 200,000 or 300,000 at the very outside, and possibly not anything like that number."

One section—supported very largely by Labour members of Parliament—took the view that it was their duty to stand by the pledge given by Mr. Asquith at a time when single men were not coming forward fast enough. Some among this section were of opinion that if the Government tabled a Bill and postponed it for three or four weeks—during which time eligible men should be given an opportunity of attesting under the temporary reopening of the group system—actual resort to conscription would be unnecessary.

On the other hand, the anti-conscriptionists pointed to the determined opposition to compulsion expressed in resolutions of the workers themselves at the Trade Union Congress and elsewhere, and this section strongly demanded that the views of the entire movement should be elicited. Ultimately they carried their point, as indicated in the official report.

"If it is needed for military purposes," said one member, "it is just as important that they should conscript to maintain national credit. One does not love a country for its soil but for its traditions. That is the great objection to compulsory method."

Another leader said: "If the Government proposal only goes to the extent of requiring all eligible men to attest under the Group System, and reasonable consideration is given to substantial claims for postponement or exemption, it is unlikely that there will be any great volume of objection to the Bill, even amongst trade unionists—that is if the measure is temporary and to meet pressing military requirements, and there are unequivocal safeguards against the application of militarism to industry."

At the close of the conference a joint meeting of the executive committee of the Labour party and the Labour members of Parliament was held to consider the line to be taken by Mr. Henderson, Mr. G. H. Roberts, and Mr. W. Brace, all of whom are Labour members of the Government.

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Labour - Politics

THE EVENING STAR

WASHINGTON? D? C., THURSDAY, JANUARY 13, 1916.

SEEKS THE CO*OPERATION

OF UNIONS IN HIS WORK.

F. P. Walsh Appelas to Labor

In Large Cities Throughout

The Country.

Closer co-operation between the central labor unions in the principal cities of the United States and the committee on industrial relations, Frank P. Walsh chairman, is the purpose of the celebration of "industrial relations day", in which it is proposed to have 675 city union unite the latter part of this month. In the case of most of them the day proposed is January 15th.

A local committee on industrial relations will be created in each central union, which will take charge of the active campaign for its own city. This Committee will form a medium through which the committee on industrial relations from its headquarters in Washington can effectively reac, the 2,500,000 trade unionists of the country.

Telegrams and letter s are being received by the committee on industrial relations giving the names of the members of the local committees and the speakers who have been chosen. Practivally all of the cities will hold public meetings and arrangements have been made for special speakers and music to stir the enthusiasm of the audiences, who have already signified themselves, through their unanimous resolution at the San Francisco Convention of the American Federation of Labor, as being united behind the Walsh program.

These meetings says an announcement from the committee, form the beginning of an active campaign backed by all the trade unionists of the country to put into effect the recommendations made by the commission on industrial relations, including a drastic inheritance tax, government ownership of telephones and telegraphs, government protection of the right of workers to organize and effective protest against the abuses of justice by the courts and corporations.

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CONFIDENTIAL REPORT.
New York Special Investigator reports:
New York, January 10, 1916.

I.A. of M.

The subject of the meeting of the Metal Trades in Washington and opening today, was the line sent out to the Executive Board of the Central Federated Union today and another communication to the Brooklyn Central Labor Union, giving them all the information at hand to date, and asking that they get ready for a publicity campaign and general mass meetings for the rest of the winter.

Brooklyn has already made plans for a great mass meeting on the 30th of the month and to which either Walsh of the United Committee on Industrial Relations or "Jim McConnell" of the Metal Trades Department of the A.F. of L. will be the principal speakers. In case they cannot get either of these men, then John B. Lennon, Vice-President of the A. F. of L. or Garretson of the Brotherhood of Conductors, will be the speakers. All four of them were members of the Commission, it will be remembered.

This is the way that the organizing campaign will start, out, and they have selected some of the best speakers in the movement for the work. Brooklyn will also have a detailed report for the joint action of the federated Central Bodies on January 20th, in the Executive meeting at Beethoven Hall, East 5th Street, Manhattan.

They will pay strict attention to the short comings of the Metal Manufacturers, as the I.A. of M. representatives are strong in the Brooklyn Central Union, and Jim O'Connell of the Walsh Committee, is one of their own members. They intend to take a slap at all the "Unfair" manufacturers, and even "Uncle Sam" will get some inside information, as to the conditions in the Brooklyn Navy Yard, where the battle is on for more "dough" and other concessions from the Government.

The next plan that is being perfected, and one that seems to be coming around all right is the coming back to the fold of the United Hebrew Trades. This radical Jewish Organization with over two hundred and fifty thousand Jewish workers affiliated, has always been more or less a thorn in the side of the more conservative organizations, and a red ray to the local Central Federated Union. The United Hebrews have on several occasions, backed seceding factions from the A.F. of L. and in various ways made trouble, they being extremely Socialistic. In fact, even Gompers has been unable to talk to them, so radical were their ideas.

The first step has been taken to bring them into line, and the credit is with the local officers, of the I.A. of M. The local men realizing the immense weight the United Hebrews had with the mechanics and near mechanics among the Jews, and knowing that the U.H.T. was behind the seceding faction of the Brotherhood of Metal Workers, get busy a and from the meetings of the Federated Trade Councils or Central Bodies, the plan was worked out, and through the Essex Central Council east of New Jersey, the different Bodies are getting closer together for the first time for the past two years or more.

The United Hebrews will pay a share of the expenses to bring Frank Walsh here, Him McConnel, the Essex Trades Council, and if the Walsh report is not printed by order of the Congress, they will asses every member of the their organizations, and its affiliated organizations, at least one dollar to have it printed, and they are the crowd who will do it too, when it comes to anything like this; they can raise the money and the recent trial of the labor men in the garment trades over the "Dopey Benny" confession proved that.

The executive Board meeting of the C. F. U. tonight, also agreed to extend the invitation to the speakers that Brooklyn Labor Bodies have invited Walsh, Lennon Garretson and McConnel to address Manhattan audiences, and they suggest that the Jersey Central Bodies do the same.

The matter will come up before this time next week, for a definite action both in both Manhattan and New Jersey, in the menatime Brooklyn is driving ahead lining up for the meetings.

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C 10953

HENRY W. BRAITHWAITE,
12, WILMINGTON AVENUE, CHISWICK,
LONDON, W.

THE STANDARD (LONDON) JANUARY 28, 1916.

THE DILUTION OF LABOUR.

THE EXAMPLE OF FRANCE.

By HAROLD OWEN.

In conclusion, it appears to the Mission that the increase of production in France is due to one cause, and one cause only, and that is the patriotic enthusiasm which exists there.

There the whole matter is reduced to its ultimate terms, the test and motive of patriotism. France has had its Labour troubles. France has had its anti-militarists. France has had its share of the problems of democracy. France has had to contend with extreme idealists in its own household who did not see that their ideals were futile, and might even be dangerous, so long as at its borders was a nation always armed to its teeth and its claws, waiting not only to shatter the dream of their distant ideals but to make a bloody mincemeat of their existing and achieved state, imperfect though it might be. But France, once at war with her external foe, became at once at peace within herself. She has put aside every sentiment, principle, preoccupation, and ideal that would conflict with her duty, which is war to the last ounce of her energy, and with her necessity, which is victory. With a Socialist Premier who has put his Socialism into cold-storage until "after the war"; with a Minister of Munitions who was a Pacifist, but now thinks of nothing but guns and shells and cartridges; and with her anti-militarists like Hervé saying "Give us the biggest Jingo and reactionary of our own blood and country, rather than the most advanced theorist of the enemy's blood," France is to-day realising a unity of nationalism which is a rebuke to our own discontents, and reservations, and dissipation of energy by controversies raised at each effort to attain a national unity of purpose. France is a democracy, too, but it is showing us—especially by the attitude of Labour to the production of munitions—that a democracy can be a united, coherent force, subjecting itself willingly to a central governing mind, and concentrating every energy on the one essential task.

Our Destiny Linked with France's.

It is true enough that they are fighting their enemy on their own soil, and that fact has been urged in palliation of the contrast of our own comparative lassitude and our recurrent industrial troubles. But when all allowance has been made for that stimulus to them—the fact that the enemy is in their midst and that no North Sea sings its lullaby to them—we are still driven back to a position that leaves us no excuse for entire self-satisfaction. For our own national destiny is but a link in the very same chain of Fate as their own more immediate danger, and a really enlightened and reflective democracy should not have to wait until war is carried to its own hearth and chimney tops before it realises what defeat would mean—and what present efforts alone can with certainty avert.

And what example does Labour in France set to us? A commission whose report carries the signatures of two of their own class out of the four composing it ought to carry the respect and confidence of Labour at home. Mr. Brownlie, chairman of the Amalgamated Society of Engineers, and Mr. D. J. Shackleton, Labour adviser to the Ministry of Munitions, have signed the report, and their fellow-commissioners were another official of the Ministry and the secretary of the Federation of Engineering Employers—a compact and well-balanced body. They went all over France, visiting every variety of munition works, and their report (recently issued, but too little noticed) ought to drive the matter home to every union, lodge, workshop, and

[illegible] telling us [illegible] idea and one determination alone now possesses France, so that "the nation," and not its soldiers only, "is at war," the report goes on to speak of the "many thousands of women" employed in the munition factories, and of "the most impressive spirit of good will" with which men and women work together:

"The men have apparently welcomed the introduction of women into their factories, and are doing everything they can to instruct and co-operate with them in increasing the output of munitions." (With us machines are idle because of the lack of this good will and co-operation.)

"Practically, all the factories run night shift as well as day shift." (With us we have not enough labour to run the available machines even during the day, and to run them night shift as well would double the output and reduce by half the capital expenditure on new factories.)

"There is no restriction on the work women may do. The only processes which are so far confined to men are setting up and tool-making, though women may qualify for some part of the former, and with regard to the latter some women are actually grinding the edges of cutting tools for the machines." (That is to say, whilst women in France are even entering the ranks of skilled labour, skilled labour here largely opposes their introduction in subsidiary and non-skilled processes.)

"The premium bonus system is unknown. Unskilled men and women are taught in each factory. The objection originally raised in a few cases to the system of a man teaching a woman has long disappeared, and no difficulty is placed in the way of unskilled male and female labour being enabled to acquire all the skill necessary for their work." (Here the difficulties are widespread and the source of constant friction.)

"A remarkable feature in the French factories is the almost entire absence of lost time." (With us time is lost in many ways, not least in disputes concerning trades union rules and the introduction of non-union labour.)

"No trades union restrictions exist at the moment." (No contrasting words are necessary for this and the following points):

"Although before the war the usual labour troubles were experienced, no strike has taken place since the commencement of hostilities."

"No limitation of profits exists, and no question in this respect has been raised by the workpeople."

"No applications for general advances in wages have been made by the workpeople since the war began."

A Record to Imitate.

There is a record which no amiability can whittle down to make the contrast less unflattering to us. For when everything relevant to the contrast has been considered, and everything irrelevant to us has been excluded, the bare fact remains that in France Labour does not set its own class interests, immediate or remote, in conflict with the interests of the State, and does not segregate itself as a separate entity within the State, but merges itself wholly into the nation, so that every Frenchman becomes, in the deeper sense of the word, a state's-man, and the mechanic in his blouse is but the comrade of the soldier in his uniform. "'What Labour troubles have you here?" I asked M. Albert de Dion, head of the big Dion-Bouton works. 'Labour troubles? We have none. Our workmen would not be able to look their comrades in the face if they didn't do their best. Everyone is working, without second thought, for France.'"

So wrote a special correspondent of the "Manchester Guardian" in Paris last September. In France Labour is thinking only of the war, knowing that that vague period and uncertain factor known as "After the war" will then be able to take care of itself. In other words, it takes the long view, not by looking ahead to that uncertain future whose conditions are being shaped by the war itself, but by looking at that which lies under its nose and to its hand, for they know that what comes "after" depends entirely on what is done now.

Meanwhile, safe in our own island, and with none of our mineral resources and metallurgical areas in the occupation of the enemy, we also are building up a vast system of munition factories, and turning the country into a huge arsenal. And in a succeeding article I shall give a general survey of this giant work, to show that there will be no lack of arms if only there is no lack of willing "hands." For willingness, that personal, eager and intimate sense of identification with the country's needs and fate for which we have (and need) no better word than patriotism, is what makes the French example so admirable—even if viewed only as a spectacle, a manifestation of national union and sentiment—and is what alone can make our own efforts formidable.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 10954

New York Press
JAN 24 1916

MINERS PLANNING 6-HR. DAY DEMAND

Wage Increases of from 5 to 50 Per Cent. Contemplated in Resolutions.

DECISIONS DUE THIS WEEK

Union Convention Scale Committee to Fix Amount of the Advances.

INDIANAPOLIS, Jan. 23.—Delegates to the convention of the United Mine Workers of America, representing more than half of the 763,000 men employed in the coal mining industry in the United States, expect this week to decide upon the specific demands they will make upon the coal companies, anthracite and bituminous, in the negotiations for the renewal of contracts, most of which expire on March 31.

An increase in wages and improved conditions will be asked of every employer, but the amount of the increase, except in the anthracite fields of Pennsylvania, where the men will request a 20 per cent. advance, is not definitely known.

Those who have had an opportunity to scan the ninety-one resolutions submitted to the Scale Committee of the convention for adoption found the local unions in different parts of the soft coal fields, reaching from central Pennsylvania to Texas and Wyoming, have asked for wage increases ranging from 5 to 50 per cent. Several resolutions asked for a six-hour day. The miners for years have been working eight hours.

The opinion prevails among the miners that there will be no serious trouble in negotiating new agreements. District officers look for a 10 per cent. increase. The Scale Committee has not yet met.

Delegates to-night listened to an address by Frank P. Walsh of Kansas City, former chairman of the Federal Commission on Industrial Relations. He explained the aims of the Industrial Relations Committee, of which he is chairman, and which is supported by voluntary contributions.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 10955

Chicago Tribune

DEC 7 1915

A HUMAN NATURE STRIKE?

The strike on the Belt line, which has tied up a great deal of traffic and threatened even more serious consequences, as far as THE TRIBUNE can find out, appears to turn upon the following main facts:

The men demand that the company pledge itself to run a train to take them to their work at Clearing until October next, with an understanding that the time shall be extended if conditions then justify.

The company insists upon substituting June for October in the agreement.

Here is a schoolyard casus belli. Yet both employers and employés are grown up. The representatives of the company assert that the representative of the men is dictatorial and bellicose. The men indicate that the company management has been inconsiderate of their convenience and careless of their welfare. The atmosphere of the situation seems charged with hostility, which probably explains the strike rather than the ridiculous squabble over the date when the service train may, or may not, be taken off.

It would seem to the outsider that common sense dictates the cultivation of a more reasonable and friendly sentiment between the corporation and its employés, each side contributing to a better spirit. The fighting instinct of the male is valuable, but it can be exaggerated and misdirected. However pleasant to the respective representatives of the belligerents it may be to indulge emotion in this case, it is expensive to the corporation, the employés, and the public served by the Belt line.

The way to rational compromise would seem to be open. The street car service between Auburn Park, where most of the men live, and Clearing is said to be very bad. It can and should be made good. Pending that improvement, the train service should be maintained, and doubtless will be. It is hardly conceivable that this difficulty cannot be adjusted without a tieup of public service on the Belt line, to say nothing of a sympathetic railroad strike of greater dimensions.

Or is a great utility to be crippled at considerable loss to the innocent public because a few men have got into a bad temper?

If compulsory arbitration is desired by either side, this seems to be an effective way of making it inevitable.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 10956

New York Herald
DEC 27 1915

Demands of 700,000 Miners Threaten Industrial Tie-Up as Operators Stand Firm

Anthracite Union Leaders Assert That Ninety Per Cent of the Men Are in Organization and Bituminous Miners Are in Harmony.

With apparently no effort yet having been made by which the workers and operators may be led to compose their differences, the eastern part of the United States faces the prospect of the most colossal labor strike in its history as a result of the presentation of demands by coal miners all over the country. Unless all present signs fail more than 700,000 mine workers will quit on March 31 with the expiration of the agreements under which they have been kept peacefully at work since 1912.

For the first time in many years the working agreements of both the hard and soft coal miners expire simultaneously. Already the demands presented by the hard coal workers have been refused by the operators and declared impossible. The convention of the bituminous coal miners will be held in Indianapolis beginning January 18. At that time, it now is believed, the representatives of the soft coal miners will adopt a schedule of demands even more drastic than those already turned down by the owners of the mines in the anthracite fields of Pennsylvania.

Peril for All Industrial Plants.

Apparently the deadlock is even more complete than that which preceded the coal strike of 1902, and both sides for months have been preparing for a labor war which may cripple industrial plants from one end of the country to the other. The present situation, it is freely admitted by both the operators and the representatives of the workers, is even more complicated than that existing in 1912, when the "get together" programme advocated by the HERALD averted a miners' walkout only after weeks of inactivity at the mines had cost approximately $50,000,000. That tremendous loss, however, represented less than half of the estimated total cost of the strike of 1902. Persons familiar with the situation now rapidly developing admit a condition far worse than that of 1902 is in prospect, with not the faintest hope at this time of peaceful settlement.

Coupled with the present shortage in the surplus supply of mined coal, dealers all over the country admit it will be impossible to prevent doubling of the cost to the consumer almost immediately after the miners lay down their tools. Heretofore it has been possible for many of the country's great industrial plants to keep going by virtue of the fact that the agreements under which the anthracite and bituminous miners worked expired at different times. With the anthracite coal market crippled by a strike, it has been possible in the past for the soft coal mine owners to double their output and to some extent take care of the situation.

Little Coal in Storage.

This time, however, the situation has been changed. If a strike is declared, or a deadlock ensues over the adoption of new agreements it means that every coal miner in the country will quit work practically at the same moment. Already the labor shortage at the mines is estimated at considerably more than fifty per cent. So great has been the industrial awakening all over the country, as well as the speeding up of industries long dormant to meet the European demand caused by the war, that estimates place the supply of coal now on hand at far less than one-third, hard and soft, of the amount usually in storage at this season.

Realizing beforehand that their demands would be refused, the anthracite coal miners have perfected an iron bound organization prepared to withstand a siege severer than any so far faced in the history of American unionism. Similar organization has been going on for many months in the rank of bituminous coal miners. So near completion is this gigantic task that the miners' representatives have declared for months that they are ready for a life and death struggle and that nothing short of complete capitulation by the operators will avert the threatened strike.

Virtually an identical ultimatum has been delivered by the mine operators, who have estimated in a public statement that acceptance by them of the miners' demands for increased wages would alone entail an increased production cost of approximately $22,200,000, figured on the 1914 production in this country of 81,000,000 tons of anthracite coal.

Not Prepared for Long Siege.

A solid front of opposition will be presented by the anthracite and bituminous operators and a working agreement, it is declared, already has been reached under which it is considered likely there is no possibility of a separate peace being declared in either field. So confident are the railroads and great industrial corporations that a strike is coming that for many months they have been storing every available ton of both anthracite and bituminous. This attempt to take time by the forelock has failed so far as providing anything like an adequate supply against a long siege is concerned.

Several months ago the Pennsylvania Railroad was declared to have placed upward of 1,000,000 tons of coal in storage as a precaution against the strike, and this reserve supply has been added to as rapidly as possible ever since. Yesterday it was announced from the West that the prospect of a strike seemed so certain that the Big Four railroad system had adopted a similar policy of hoarding coal all along its lines. The Central Railroad of New Jersey, the Lehigh Valley and the Delaware, Lackawanna and Western railroads also are known to have adopted similar courses.

The formal demands of the anthracite workers were made early in October. While the hard coal miners have presented their formal demand for an eight-hour day, it is predicted that the bituminous miners have arranged to insist on a demand for six hours of daily labor. This demand, however, may be modified at the Indianapolis convention, although a strong faction of the soft coal miners is ready to force the issue now rather than a few years later.

Demands of Anthracite Workers.

Briefly these are the demands as formally presented by the anthracite workers and rejected in a public statement by the operators:—

A two year working agreement.

Twenty per cent increase in wages.

Time and half for overtime and double time for Sunday and holiday work.

Recognition of the union.

A better system than the Conciliation Board for the adjustment of grievances.

No contract miner to work at more than one place at a time.

Selling prices of mining supplies to be put on a more uniform and equitable basis.

All coal to be weighed and paid for on a basis of 2,240 pounds at the mine run (before being put through breaker).

Readjustment of scale for machine mining so as to create more equitable conditions and a better system.

Arrangement for union delegates operating in each district to decide detailed questions of wages and complaints about conditions.

With New York city using approximately ten million tons of soft coal a year and a corresponding amount of hard coal, it is feared that the metropolitan district will be the first to feel the pinch caused by the strike, in view of the fact that there now is a shortage of soft coal here, which has left the market practically bare.

Even if the strike ultimately is averted, local dealers asserted last night, they fear a situation similar to that in 1912 cannot be avoided. At that time, as several times before, the miners quit work as soon as the existing agreements expired, and, although not actually on strike, refused to return to work until the new agreements were reached.

FEAR DEATH GRAPPLE IN MINERS' STRIKE

[SPECIAL DESPATCH TO THE HERALD.]

WILKESBARRE, Pa., Sunday.—Numerically and financially stronger than at any other time in their history, the United Mine Workers of America look upon the expiration of their working agreement with the anthracite operators as the opportune time to make demands for concessions denied to them for fifteen years.

Operators have their eyes open to the fact that the time is near when United Mine Workers will either have to be recognized or a death fight waged against the organization. Each side is preparing for the crisis which must come on the last day of March.

Mine workers will have numerous demands to present to the operators for consideration. Those who have been fighting since the days of Mitchell's leadership will demand full and complete recognition of their organization.

Four years ago recognition in a modified form came to the men, when the operators signed the working agreement with the three district presidents. John P. White, international president, was not recognized in the contract, and the international union was therefore slighted. This year the miners demand not only recognition of their district presidents but recognition of their national chief and the organization as well.

The weighing of coal is a demand which is to meet with stubborn opposition of the operators. The rule of the anthracite fields at present is to pay by the car and not by weight. An eight hour day has been one of the dreams of the anthracite miners.

Put Burden on Operators.

The check-off has always been one of the chief demands of the anthracite men, for this carried with it complete recognition of the union and assured the organization permanent growth by collection of all union dues through the company office and forcing every man into the union. The check-off, however, is not to be one of the demands of the miners this year, and in purposely dropping this old demand the miners have displayed strategy.

Anthracite operators have been bothered in the last four years by petty strikes. Strikes have been declared because men employed about the mines would not join the union. Operators have charged violation of agreement time and again and complained that petty strikes have been annoying and costly.

The check off would be a permanent guarantee against petty strikes, and if these strikes have annoyed the operators and cost them money the miners say that it is up to the operators to adopt it.

The national political situation is expected to have its bearing on the anthracite situation. The miners were pleased when, during their last negotiations, the way was opened to have the agreement expire during a Presidential year. With the present agreement expiring when a Presidential campaign is under way the miners believe they are better fortified, especially in view of the fact that a strike in April would bring about a conflict of labor and capital that might be nation-wide in its scope.

Union Leader Hopes for Peace.

John P. White has said here that he does not want a strike. He believed that the operators know the strength of the United Mine Workers and that to attempt to deny them the chief demands would be inviting struggle.

John M. Mack, secretary-treasurer of District No. 1, to-night said:—"I regard the situation hopefully. But I do not say that there will or will not be a strike. Our union has more money than it ever had. The anthracite fields are more than ninety per cent unionized. The operators cannot say to us now as they did four years ago that the union was in the minority. That claim was always made by the operators. They charged us with having less than fifty per cent of the men in and about the mines in our union. But conditions have changed wonderfully, and they must recognize the union as representing almost one hundred per cent of the men employed in and about collieries."

Operators refuse to discuss the situation in a public way. Some of them do admit that the men are entitled to a fair increase in wages. Others hint that they would not permit an eight hour workday to stand in the way of peace. But all of them are united in their determination to fully and completely recognize the organization and thereby guarantee it a permanent life. That is the one point on which all operators are unanimous.

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C 10957

New York Sun

DEC 27 1915

FIGHT CAPITALISM WITH 'MOB MUSIC'

Hundred Members of Church of Social Revolution Drilled in Militant Songs.

CHRISTMAS "MOCKERY"

Capitalism was "sung off its throne" by 100 members of the Church of the Social Revolution at a regular gathering of members yesterday afternoon in Bryant Hall, Sixth avenue, near Forty-second street. "Mob music" was the revolutionary spark that dynamic leaders of the new idea sought to fan into active life.

Mrs. Laura Elliot, as drillmaster, explained to the congregation that by collective singing much force could be given to propaganda of any kind. In other words, whatever the individual feels strongly he can express more forcefully if he congregates with others who feel the same thing and sings the thought in unison with the others.

"It is as true as the fact that no one man would ever lynch any one else," Mrs. Elliot said, "that no man individually is able to reach the same heights of spiritual aspiration that he can obtain through the concentration of the mob."

Three songs expressing the brotherhood of man, set to the tunes of well known hymns, were then practiced by the assemblage, although Mrs. Elliot said that for the best result to be obtained it was necessary for at least 200 to participate. That is the reason the result yesterday was a rather mournful example of man attempting to attain "heights of spiritual aspiration."

Mrs. Elliot insisted that every human being can sing as well as he can walk. She continued: "We can't all be opera singers, but when the heart is right it is impossible to sing off key." A man in the audience, however, took exception to this opinion. He said he was a professional singer and that although music was the greatest part of his life all the harmony in his soul left him as soon as he entered Bryant Hall. He added that there was something about the environment of the place that left him tuneless and that in spite of the fact that he was in entire sympathy with the socialistic tendencies of the church he could not express in song his mutual belief.

There were many ardent advocates of the plan, however, as was evidenced when a foreign born son of America arose and stated vigorously that whenever he joined in a chorus of persons with whom he was in sympathy, and a song set to a patriotic air was sung, he could give "his life, his blood—his everything" for the cause.

The Rev. Bouck White, pastor of the Church of the Social Revolution, placed a serious and deeper meaning on the attempt at "mob singing" when he explained that its sole idea was "to merge the hearts, minds and souls of men into a musical melting pot which should form a new music—namely, an American music."

After the "mob music" had its tryout Mr. White preached a sermon, the subject of which was "Christiandom's Christly Christmas." Although Mr. White appeared before his flock in a sort of syncopated dressing gown, which he dignifies by calling it a frock of homespun, he impressed all by his evident sincerity. He called Saturday the most hollow mockery of a Christmas day the world has ever seen. Of course he referred to the war and said it was a shame that men should quarrel on Christmas day. "And so it was, God bless us, so it was!"

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PUBLIC ARCHIVES PUBLIQUES
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C 10958

New York Tribune
JAN 12 1916

WAGE INCREASE ENDS OHIO STRIKE

State Mediator Announces Agreement with Youngstown Workers.

ROCKEFELLER DENIES INTEREST IN MERGER

Militia To Be Recalled To-day —District Attorney Begins Rigorous Investigation.

Youngstown, Ohio, Jan. 11.—Fred C. Croxton, of Columbus, Ohio, mediator sent here to adjust the wage disputes in this district, announced to-night that the strike of tube workers at the plant of the Youngstown Sheet and Tube Company had been declared off. The men, at a mass meeting, to-night voted to accept the company's offer of an increase in wages amounting approximately to 10 per cent. The men voted to return to work to-morrow.

The plant employs 9,500 men, not all of whom, however, have been on strike, although they were compelled to quit work.

Mediator Croxton is endeavoring to settle the strike at the plant of the Republic Iron and Steel Company, and conferences of representatives of the company and the strikers will be resumed to-morrow.

Announcement was made at the headquarters of Brigadier General John C. Speaks, in command of the two regiments of Ohio National Guard now here, that as a result of the change in the situation, an order for the withdrawal of militia would probably be issued to-morrow.

Rockefeller Denies Interest.

John D. Rockefeller, jr., in a telegram received here late to-day, denied charges made by Thomas H. Flynn, general organizer for the American Federation of Labor, that the Rockefeller interests were in any way interested in the proposed merger of big independent steel interests or were indirectly responsible for the rioting in East Youngstown last Friday.

Mr. Flynn, in his statement, which was issued here last night, charged that the riot was part of a scheme to depress the value of stock of the Youngstown Sheet and Tube Company, so that control could be obtained and a merger effected with several other companies in which the Colorado Fuel and Iron Company was to be included. When the telegram was received, Mr. Flynn at once replied that he would, if Mr. Rockefeller desired, submit to him the source of his information.

John D. Rockefeller, jr.'s, message was as follows:

"Several New York newspapers this morning print telegrams from Youngstown, Ohio, containing a statement purporting to have been issued by you, in which you assert that the recent disturbances in Youngstown were due to 'a financial scheme rigged up as a last resort to depress the value of the works' stock, so that interests that are trying to form a great half-billion dollar merger could get the control they wanted.' Your statement also declared that the proposed merger was to include the Colorado Fuel and Iron Company, and you added, 'Colorado Fuel and Iron means John D Rockefeller.' There was thus in your statement a scarcely veiled implication that the unfortunate situation in Youngstown in some manner grew out of transactions in which the interests of my father were involved.

Not Connected with Merger.

"I desire to assure you in the most unequivocal manner that neither my father nor I have any interest whatever in the Youngstown Sheet and Tube Company, or in any merger to which that company may become a party; also that we have had no participation in, or knowledge of, any negotiations or transactions looking toward a merger of any company with the Colorado Fuel and Iron Company.

"In fact, every implication in your statement, in so far as it concerns my father, myself, or any company in which we are interested, or any transactions or negotiations of which we have knowledge, is wholly without foundation.

"I am sure that, knowing the above, you will be glad to correct in these respects the statement you made yesterday."

What is planned to be the most comprehensive investigation of an industrial dispute ever made by a grand jury, in this section of the country at least, begins to-morrow morning, when County Prosecutor Andrew M. Henderson will call before the Mahoning County inquest the first of the witnesses to last week's rioting.

The programme as outlined by Mr. Henderson this afternoon after a conference with Henry S. Ballard, the graft hunter of the Attorney General's office, will deal not only with the rioting and other disorders, but with conditions generally in the local steel plants, the extent, if any, to which the foreigners there employed are grafted upon by officials, wages paid, living conditions and recent transactions in the stock of the Youngstown Sheet and Tube Company.

To Investigate Shootings.

Particular importance will attach to the manner in which the company secured the guards who did the shooting on Friday, their antecedents and to the identity of the mysterious strangers who, all sides agree, acted as accelerators of trouble.

In this inquiry Henderson and Ballard have the assistance of the agents of the Department of Justice and the Treasury Department, who for the moment have abandoned the examination of prisoners with an idea to securing orders for their deportation to get at the full circumstances surrounding the outbreak.

It was the intention of Mr. Henderson to begin taking testimony this afternoon, but at the request of Frederick E. Croxton, of the State Labor Bureau, he excused Thomas F. Flynn and John J. Graney, local labor leaders, who were to have been the first called. Croxton asked this that he have a chance to settle the wage dispute.

When the subpœnas issued for the labor men similar precepts issued for James A. Campbell, president of the Youngstown Sheet and Tube Company; Charles S. Robertson, general manager of the company; James P. Woltz, who with the title of safety director had command of the guards who are charged with beginning the shooting on Friday; William H. Cunningham, Mayor of East Youngstown, and others of lesser importance.

It is clear that the inquiry at first will centre about the shooting in which three men so far have lost their lives. In this connection it is known to-night that some unusual features have developed.

Dft Mills
Mediation

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C 10959

New York Tribune
JAN 11 1916

MERGER BLAMED FOR OHIO RIOTS

Grand Jury to Take Up Labor Charges That Thugs Led Mob.

COMPANY HEAD WILL BE HEARD

County Prosecutor Certain That "Foreign Influences" Started the Trouble.

By JOHN J. LEARY, JR.
[By Telegraph to The Tribune.]

Youngstown, Ohio, Jan. 10.—After giving organized labor and its representatives a clean bill of health in connection with Saturday's rioting, Andrew M. Henderson, county prosecutor, announced to-night that he would call James A. Campbell, president of the Youngstown Sheet and Tube Company, as one of the first witnesses before the grand jury.

Campbell, who, according to present arrangements, will go on the stand to-morrow, will be asked to explain all the circumstances surrounding the trouble at his plant, the bringing of private detectives from Pittsburgh and the uses to which those men were put, as well as anything that might bear on the proposed merger of his company with the Cambria Steel Company and other plants.

The decision to call Campbell was reached after the prosecutor had examined a dozen witnesses in camera and had received the direct charge from Thomas F. Flynn, general organizer of the American Federation of Labor, that the outbreak had been caused by sluggers hired by the company. Demands by minority stockholders of the company that the entire matter be sifted to the bottom also were made to the prosecutor.

Wants To Be Fair to Campbell.

There is no intimation by Mr. Henderson or any one else that all of Mr. Campbell's acts were not entirely proper or that he had knowledge of the methods alleged to have been followed in bringing about the situation that developed, but so many charges have been made that Mr. Henderson feels it is only fair that Mr. Campbell be afforded an opportunity to clear the air.

Danger of further rioting apparently is over. Around the mills things are so quiet that Brigadier General John C. Speaks began this afternoon to send troops home. One regiment already is on its way, and the week will see the valley free of soldiers. There is no disposition now on the part of the foreigners to make trouble.

The situation, so far as the minority stockholders of the company are concerned, is not so serene. There are about 1,800 of them in this section, and they are opposed to parting with local control of an enterprise that frequently has declared 15 per cent stock dividends. It is this element that is now pressing the county authorities to act.

Pressure also is coming from Columbus. Governor Willis has called on Mr. Henderson to go into the situation from the beginning and to keep him advised as to developments. Henderson replied that he would go the limit, adding his regret that the law would not permit him to supply the minutes of the grand jury to the Executive. However, he will provide the Governor with affidavits from all material witnesses.

Accuses Outside Influences.

Henderson, with an extra staff of assistants, began his examination of prisoners and witnesses to-day. In all he had a dozen before him, and when he paused for dinner to-night he declared that it was absolutely certain that outside influences had made all the trouble.

"We have eliminated the idea that this trouble was made by Austrian or German agents," said Mr. Henderson. "That possibility was the first thing we went after. There is absolutely nothing to it."

"Furthermore, we are sure that it was not the work of organized labor. All the evidence in our possession shows that union representatives here not only did nothing to make trouble, but that at the risk of their lives they tried to preserve order after the trouble had started. This I know of my own knowledge, for I was on the ground and saw some of them at work.

"It is, however, clear that this trouble was made by men who were not known in East Youngstown, or, at least, were not employed here. Everywhere we find assertions that strangers incited the mob. Prisoner after prisoner says that these strangers urged them on, and in some cases gave them weapons. One man says that a weapon was put into his pocket. Ask them why they did as they were told, and they will say they do not know, or that they had been drinking.

Riot "An Organized Affair."

"Persons who lost property in the rioting tell the same story. All hands agree that outsiders were here giving orders and leading the men. It was, I think, an organized affair. What we must find out is who organized it and why.

"I have looked over the written charges of Flynn. I know Flynn. He has played fair in this matter. I am going to put him before the grand jury and let him tell all he knows.

"I shall also call Mr. Campbell. He may know some things we want to know. He can, for instance, tell us about the new guards he brought in and what was done with them. If the merger has anything to do with this thing we want to know it."

Henderson will see to-morrow George E. West, of Washington, who is here in the interests of the Walsh Industrial Commission. West, who arrived this morning, said to-night he was inclined to think that the trouble was caused from the outside.

Flynn, in his statement to the prosecuting attorney, says:

"We have evidence, regarded by us as conclusive, that this entire trouble was caused by paid sluggers brought to East Youngstown by the Youngstown Sheet and Tube Company.

"Here are some of the things we have established:

"These sluggers, working for the company, conducted a deliberate campaign of liquor buying on Friday to get as many as possible of the workers intoxicated.

"A hall hired by the Rumanian workers on Thursday for our use Friday morning was taken away by the company so that we could not use it. The hall was Rumanian Hall. Our purpose was to urge the workers not to drink and not to permit themselves to be drawn into trouble. The gunmen who did the shooting were residents of Pittsburgh.

Blames Merger Promoters.

"I do not think there was any foreign influence involved. I think it was a financial scheme rigged up as the last desperate resort to depress the value of tube works stock, so that interests that are trying to form a great half billion dollar merger could get the control they wanted. Strangely enough, control of tube works stock is held by local men. They did not want to sell. They figure that stock worth $300 to others, was worth that to them, and they wanted to keep the control in Youngstown.

"I have seen sluggers here that I can identify as sluggers that have operated in other places. I know these men were brought here for this job. This whole thing was engineered by financiers. Organized labor demands that this rotten thing be investigated to the finish."

Mr. Campbell had planned to answer the Flynn charges to-night, but at the last moment he changed his mind, contenting himself with saying that he had not examined the allegations. The situation, he added, was unchanged, with no new developments in the matter of the merger.

Dan Montgan, twenty-two, who was shot during the rioting, died to-night, bringing the number of deaths to three.

Persistent reports to-night said that the strikes in the plants of the Youngstown Sheet and Tube and the Republic Iron and Steel Company, in East Youngstown, Struthers and Lansingville, affecting 18,000, had been settled. Confirmation was impossible.

Thirty-one foreigners arrested for carrying concealed weapons were to-day fined from $5 to $50 in East Youngstown. More than two hundred arrests were made and the police officials intend to dispose of the rest of the cases as soon as possible.

Counsel for persons whose homes and places of business were burned by the mob, resulting in a loss estimated at more than $1,000,000, said that they would be unable to collect any damages. Insurance companies will not pay, it is held, and neither the state nor the county can be held liable.

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C 10960

New York Herald
JAN 1 1918

Plant Owners Accused of Starting Youngstown Riots

Labor Leaders Charge That "Gunmen" Were Hired to Start Reign of Terror and Pave Way for Merger of Tube Plants.

[SPECIAL DESPATCH TO THE HERALD.]

YOUNGSTOWN, Ohio, Monday.—With labor leaders hurling accusations that the Youngstown Sheet and Tube Company deliberately provoked Friday's riot to pave the way for its merger with other steel companies, with arrests of alleged rioters continuing by the score, with half a dozen separate investigations making no appreciable progress, the industrial district chafed to-day under the restraint imposed by 2,000 militiamen ready to shoot at the first sign of a renewed outbreak.

Avowedly unawed by persistent reports that he will be impeached for alleged supineness in dealing with the riot, Mayor Cunningham held court at East Youngstown until late to-night. He held sixty-seven prisoners for the Grand Jury on charges of rioting, inciting to riot or carrying concealed weapons. On fifty-three prisoners accused of minor offences he imposed a penalty of $25 fine and thirty days in jail.

A regiment which had been held in reserve at Berlin Centre, twenty miles from here, since Saturday returned to Columbus to-night. General John C. Speaks said to-night, however, that the situation does not warrant the withdrawal of a man from the two regiments which are here.

Although the Grand Jury waited all day to-day to hear witnesses, Andrew M. Henderson, Prosecutor, was unprepared to present any. Mr. Henderson said to-night he had changed his programme in that he would call James A. Campbell, president of the Sheet and Tube Company, to-morrow as the first witness.

Company Accused of Plot.

"More than fifty prisoners have told me they were ordered to strike, burn and pillage by persons they do not know," Mr. Henderson said. "I purpose to find out, if possible, who these persons are. The two Austrians who were arrested Saturday and who said they had been sent here to make trouble I have questioned at length. They are not so talkative as they were at first, and all I can get out of them now is, 'About a week, come here, make strike.' I think Mr. Campbell may be able to throw some light on the riot in connection with detectives who were brought here Thursday and Friday."

Thomas H. Flynn, organizer for the American Federation of Labor, said:—

"We have evidence that we regard as conclusive proving to us this entire trouble was caused by paid sluggers brought to East Youngstown by the Youngstown Sheet and Tube Company. Here are some of the things we have established:—

"These sluggers, working for the company, conducted a deliberate campaign of liquor buying on Friday to get as many as possible of the workers intoxicated.

"A hall hired by the Roumanian Workers on Thursday for our use Friday morning was taken away by the company so we could not use it. The hall was Roumanian Hall. Our purpose was to urge the workers not to drink and not to permit themselves to be drawn into trouble.

"We were not trying to organize the sheet and tube workers. We were organizing only the men at the Republic plant. But we did offer our services to help prevent trouble at the tube works. It was for that reason we wished to address the tube workers in Roumanian Hall. We did not intend to try to organize them and do not now intend to try to organize them until they cool down.

Nineteen Detective Agencies at Work.

"There are nineteen detective agencies on the job here with men. The job is peddled out to so many agencies because in times of peace these agencies are able to help the companies with tips. So when there is something to be done the reward is passed out to all of them.

"The gunman who fired the first shot was a resident of Pittsburg. We understand the gunmen—twenty-five of them—were deputized by Sheriff Umstead. If this is so the Sheriff violated the law. Only citizens of Ohio could be deputized legally. Perhaps the Sheriff did not intend to do wrong, but that is what happened.

"I do not think there was any foreign influence involved. I think it was a financial scheme, rigged up as a last desperate resort to depress the value of tube works stocks so that interests that are trying to form a great half billion dollar merger could get the control they wanted. Strangely enough, control of the tube works is held by the local men. They did not want to sell.

"The proposed merger was to include Colorado Fuel and Iron, Cambria Steel, Youngstown Sheet and Tube and the Lackawanna Steel Company. Colorado Fuel and Iron means J. D. Rockefeller, and John D. Rockefeller's name brings up strangely familiar remembrances of Trinidad."

Designated by Governor Willis to assume full charge of the Grand Jury investigation of the Youngstown riots, Henry S. Ballard, First Assistant Attorney General, is now on the ground. The Governor took this action on the request of Andrew M. Henderson, County Prosecutor, who, it is said, had been balked by interests inimical to a revolution of the underlying causes of the riot. Mr. Ballard was prominent in the prosecution of Ohio legislators for bribery.

W. L. Mackenzie King Papers
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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 10961

...ork Call
...STS OF THE WORKING PEOPLE

The Call Regularly Publishes News Not Found in Other Papers.

WEATHER: CLEARING AND COLDER.

...K, TUESDAY, JANUARY 11, 1916. ... Price, Two Cents.

...F STRIKE RIOT BLAME...

STRIKE ROW AT NIAGARA IS QUELLED BY POLICE

.,650 MORE MEN OUT AT ALUMINUM WORKS ON BORDER—800 MAY QUIT TODAY.

FUSILLADES OF SHOTS FIRED OVER HEADS OF MEN—FOUR IN HOSPI-...ALS FROM WOUNDS.

NIAGARA FALLS, N. Y., Jan. 10.—Rioting marked the strike today of 1,650 men at the upper plant of the Aluminum Company of America. Nightsticks and guns were freely used by the police, fusillades of shots being fired over the heads of the strikers to intimidate them. Four strikers were taken to local hospitals with broken heads. Many windows were broken by stones and clubs flung by the workers.

...e strikers went to a hall on East ...lls street to discuss the situation.

The Aluminum Company has three plants here. The men affected are the pot workers. About 300 of these are at the plant where the trouble has occurred, but this number was greatly augmented by strikers from the other plants, 1,650 men in all participating.

S. L. Westover, head potman, was struck on the head by a rock and removed to his home at the Commercial Hotel. Police Detective James Keenan was also struck on the head.

...ack of Leadership.

The strikers at the mass meeting ...nade slow progress owing to the lack ...f a leader. General Manager Moritz, ...f the Aluminum Company, addressed ...hem in an endeavor to persuade them ...o return to work.

The upper plant is a rolling mill and ... was an endeavor to persuade the ...ther departments to join in the strike.

Detective Agencies' Gunmen Hired to Stir Youngstown Workers

By CHESTER M. WRIGHT

YOUNGSTOWN, O., Jan. 10.—"After forty-eight hours of constant and careful investigating I can say that organized labor has a clean bill of health in the East Youngstown riot, and, not only that, but leaders of organized labor did everything they could to prevent trouble, though the men were not their men and were not organized."

So said District Attorney A. M. Henderson tonight, and, after quietly remarking to that effect, he fired a bomb—one that may be the first of a series to follow before the final chapter of this bloody business is written.

"Tomorrow morning President James A. Campbell, of the Youngstown Sheet and Tube Company, will be summoned to go before the Grand Jury," he said. "Campbell will be ordered to bring with him all books and records showing what detective agencies have been hired by the company to send men here. The District Attorney wants to know how many gunmen the company brought, where it got them, and why it got them."

Revelations Are Expected.

Those are but two points in a story that reeks with the filth of the rottenest of rotten business, and which, if its veracity can be established in court and the county officials stick to the job, ought to make one of the most astounding in American financial and industrial history.

Bringing it all to a focus, General Organizer T. H. Flynn, of the American Federation of Labor, issued a lengthy statement this morning. This statement was carefully looked over by Flynn after it had been transcribed, and was then signed by him. The statement has created a storm of consternation in this city. Flynn said:

"I do not think there was any foreign influence involved. I think it was a financial scheme, rigged up as a last desperate resort to depress the value of the work's stock, so that interests that are trying to form a great half-billion dollar merger could get the control that they wanted. Strangely enough, control of the tube work's stock is held by local men. They did not want to sell. They figured that stock worth $300 to others was worth that to them, and they wanted to keep the control in Youngstown.

Rockefeller in the Deal.

"The proposed merger was to include Colorado Fuel and Iron, Cambria Steel, Youngstown Sheet and Tube and the Lackawanna Steel Co. Colorado Fuel and Iron means John D. Rockefeller, and John D. Rockefeller's name brings up strangly familiar remembrances of Trinidad.

"Here is another nail that drives home the proof of devilishness: While East Youngstown was in flames some of the American Federation of Labor organizers, with some local business men, got automobiles and hurried to the scene. They found that the men who were firing the building with torches were not molested by the police, but where residents, excited by events, found saloons already broken into and went in after liquor, they were at once arrested.

"This seems to indicate that something was planned and that it was a part of the plan to burn a certain number of buildings. Of course, we do not know who is going to pay for the burning of these buildings, and we cannot absolutely prove at this time that men were paid to use the torches, but our men did see men setting fire to buildings and they were not molested by the police. These things are ugly facts.

"I have seen sluggers here that I can identify as sluggers that have operated in other places. I know these men were brought here for this job. This whole thing was engineered by financiers. President James A. Campbell, of the tube works, is slated to head the merger.

"Organized labor demands that this rotten thing be investigated to the finish.

"We have evidence, that we regard as conclusive, proving to us that this entire trouble was caused by paid sluggers brought to East Youngstown by the Youngstown Sheet and Tube Company.

"Here are some of the things that we have established:

"These sluggers, working for the company, conducted a deliberate campaign of liquor buying on Friday to get as many as possible of the workers intoxicated.

Bosses Blocked Peace Plan.

"A hall hired by the Rumanian workers on Thursday for our use Friday morning was taken away by the company so that we could not use it. The hall was Rumanian Hall. Our purpose

Sheriff and Soldier in Command Of Armed Forces at Youngstown, O.



At the left is Brig.-Gen. John C. Speaks, in command of the National Guardsmen; at the right, Sheriff J. C. Ulmstead, of Mahoning County, who was knocked down during the rioting and temporarily blinded with red pepper.

Urges "Postalization" Of Telegraph and Telephone Systems

WASHINGTON, Jan. 10.—Representative David J. Lewis, of Maryland, an authority on parcel post and telephone and telegraph rates, delivered a speech in the House today in which he reiterated his arguments for government ownership of the telegraph and telephone systems of the country and all other means of communication. He urged that these agencies be condemned and purchased by the government and operated as a bureau of the Postoffice Department.

"It costs the American as much to ...hip his long-distance conversation ...ver the wires, mile for mile, as it ...osts him to ship a ton of freight over ...he rails," said Lewis. "The railroads ...et on the average 7 mills a mile for ...noving a ton of freight. The telephone ...ompany charges 6 mills a mile for ...arrying a three-minute conversation. ...entlemen may realize how weighty ...heir conversations sometimes are. ...They weigh about a ton on the long-...istance wires."

Lewis said the benefits derived by ...he public from the parcel post system would be duplicated by the "postalization" of the telegraph and telephone systems.

"In 1912, the year before the parcel post, the express companies carried 317,000,000 packages. That represented their total traffic for the year. It was about three packages per capita, for which the express companies received an average rate of 50 cents per package. In 1913 these companies carried 280,000,000 pieces at 28 cents apiece and the parcel post carried 400,000,000 packages at 14 cents apiece, counting only packages of a pound or more. In three years the total traffic leaped from 317,000,000 packages to 700,000,000 packages."

Lewis contended that telephone rates in this country are much higher than they are in Europe, where this means of communication is operated by governments. He insisted that telephones could be operated at a cost of 1 cent a call and yield a good profit.

...CHILD LABOR LAW FIGHT IS ON IN SOUTH CAROLINA

COLUMBIA, S. C., Jan. 10.—Bills to ...nake illegal in South Carolina employ...ment of children less than 14 years ...ld, and to amend the new prohibition ...aws so that only one quart of liquor ...er month may be shipped into the ...State to any one individual, instead of ...one gallon, as at present allowed, are ...expected to come before the South ...Carolina General Assembly, which con...venes here tomorrow in annual session.

Creation of a State Board of Arbitration and Conciliation to act in industrial disputes also has been proposed

BUCHANAN MUST GIVE DATA AGAINST MARSHALL

WASHINGTON, Jan. 10.—The House Judiciary Committee did not receive sufficient evidence today from Representative Buchanan, of Illinois, indicted at New York, to warrant proceeding with his impeachment charges against District Attorney H. Snowden Marshall, of New York. Buchanan was given opportunity to submit further information.

Committee members informed Buchanan his general charges against Marshall of failing to prosecute anti-trust and neutrality conspiracy charges was not sufficient. Buchanan was informed concrete evidence must be presented.

PUBLIC ARCHIVES PUBLIQUES CANADA

W. L. Mackenzie King Papers
Volume C 15

C 10962

New York Press

JAN 28 1916

MINERS BACK CHIEF IN STRIKE VICTORY

Indorse White's Settlement of Colorado Troubles Following Attack by Doyle.

HAYES ALSO INDORSED

Bitter Speech Is Sensation of International Session in Indianapolis.

INDIANAPOLIS, Jan. 27.—After a bitter attack by E. L. Doyle, secretary of the Colorado miners, in which he assailed the management of the strike in that State, the United Mine Workers of America, in convention, gave a sweeping vote of confidence to John P. White, president, and Frank J. Hayes, vice president, to-day, when it approved by a large majority all that the international officers had done to win that labor struggle.

For more than two hours Doyle, with a mass of letters, documents and photographs, attacked some of the things done by the leaders in conducting the strike. After the convention had approved the acts of the international officers, a motion to expunge from the record all the remarks of Doyle was carried by an overwhelming vote.

Asserts Zeal Waned.

Doyle, in opening his speech, admitted that the rank and file of the organization had nobly stood by the Colorado strikers and gratefully acknowledged that $3,695,514 had been sent into the State to help win the strike. He declared, however, that some of the national officers in the summer of 1914 did not show the same zeal in conducting the strike as they had at the beginning.

Doyle recited how W. R. Fairley of Alabama and Vice President Hayes had offered a plan of settlement which was unsatisfactory to Doyle and other district officers: How Fairley burned all copies of the plan supposed to be in existence, and how later this identical plan turned up as President Wilson's plan, which called for a three-year truce.

Letters purported to have been written by detectives of a national detective agency were read by Doyle, in which it was stated that the agency had planned to have an agreement made between the operators and miners in Colorado as they had done in one of the West Virginia fields.

Doyle asked the delegates to remember that national officers in charge of the Colorado strike had been in command of affairs in West Virginia.

Delegates with White.

President White apparently had the convention with him when he began to speak. It was idle to believe, he said, that the attack on the international organization smacked of sincerity. He had been assailed, he declared, in order to bring discredit upon his administration, but he would not reveal all he knew about Colorado and jeopardize the life and liberty of men in that State. "You can't make me out a traitor and a squealer," he shouted.

Delegates from western Pennsylvania to-night decided to postpone their district convention at Pittsburgh from February 15 to March 16.

A report gained circulation to-day that President White may not be a candidate for re-election a year hence, as he desired to retire. White would not discuss the report, but it is said that he has not finally made up his mind.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 10963

New York American
JAN 28 1916

Railroads and Employes Should Reach Agreement by Mutual Fair Play

THIS dispute between the railroads and their employes is a serious matter. If it can be amicably settled, the country will go on its rapidly prospering way.

If it should come to a general strike, the whole country will suffer great loss and business and employment of all kinds will be lessened and halted.

Therefore it is to the interest of every one of us to do what can be done to bring about a satisfactory settlement of the dispute before it results in strikes and business disaster.

We believe this can be done if public opinion is brought to bear upon both sides, in the interests of a settlement fair to both.

The railroad employes demand an eight-hour day, with time and a half for overtime, and threaten to strike unless their demands are conceded.

The railroads claim that they cannot grant the eight-hour day or the time and a half for overtime.

Our own conviction is that a fair settlement would be for the roads to concede the eight-hour day and the men to withdraw the demand for time-and-a-half pay for overtime.

First, let us consider the overtime demand.

The men declare that they have set the pay for overtime at such a high figure because this will deter the roads from wanting any man to work overtime.

But in other businesses this has not proved to be true.

There is always a certain amount of work to be done each day by each railroad, and if it is not accomplished in regular time it MUST be done in overtime. And experience shows that many men will do as little work as possible during the short work-day in order to create overtime work and get the 50 per cent higher pay.

This not only defeats the very object of the eight-hour day, but makes labor cost unfairly high to the employer.

What labor should desire is the short day with the least possible overtime work and the least possible incentive for schemers to create a need for overtime work.

So we most sincerely and earnestly advise the men to withdraw this demand, in their own interest, in the interest of their employers and in the interest of the public, which finally "pays the freight."

On the other hand, we think the railroads should concede the eight-hour day as their contribution to a peaceful settlement.

We think that eight hours is long enough to work—that the short day is the most profitable day for both employers and employes.

It is the work-day made obligatory by law for all Government employes, and in many States for workers in certain industries, for women wage-earners and for State employes. It is also the length of day recognized by thousands of private manufacturing and trading concerns.

For national reasons the railroad employes should have an eight-hour day.

The first care of any nation should be to have the healthiest, most intelligent and most contented citizenry it is possible to have.

Of the actual male wage-workers of the United States, about one in ten is a railroad employe, and there are about 7,000,000 American men, women and children who depend for their mode of living, their mode of education, their final physical, moral and mental fitness to exercise citizenship, upon the wages paid by the railroads.

The shorter the working day and the better the pay the railroad wage-earners get, within fair limits, the higher will be the moral, physical and mental fitness of 2,000,000 male citizens and their families.

Such a tremendous factor in national life and national character and national productivity cannot be disregarded by a wise people.

But the railroads stoutly assert that they already pay the highest possible wages, and so maintain the best possible standard of citizenship.

The one weakness in this reply is that it is not true.

The average daily wage paid railroad workers is $16.06 to general officers, $2.54 to general office clerks, $2.33 to station agents, $1.98 to other station men, $5.24 to engineers, $3.22 to firemen, $4.47 to conductors, $3.09 to trainmen, $3.26 to machinists, $2.66 to carpenters, $2.36 to shopmen, $1.59 to trackmen, $1.71 to switchtenders and watchmen, $2.56 to telegraph operators and dispatchers.

These are official statistics. They speak for themselves. And they surely do not tell any story of high wages or of men earning enough to keep and to educate their families to be first-class citizens.

We think you will agree with us that these wages are NOT ENOUGH FOR A TEN-HOUR DAY, and NOT ANY TOO MUCH FOR AN EIGHT-HOUR DAY, and that in demanding a reduction of hours, the railroad employes are well within the limits of moderation.

We think the railroads and the men should get together on the reasonable common ground suggested.

We understand the difficulty in the way.

There is a certain total of revenue to be divided monthly, and the men want to get for themselves as much of this money as they possibly can, and the railroad managers want to get as much of it as they possibly can for interest, dividends and surplus.

Either the men or the railroads would take the whole revenue if either knew any way it could be done. But it happens that the roads can't run unless the men work, and the men can't work unless the roads are running, and both know well enough that neither can take the other's fair share of the joint earnings without smashing the whole combination.

And, besides, the Nation, which is a much bigger and more powerful concern than either the railroad directorates or the employes' organizations, has a bigger stake in the game than either or both of them, and will not submit to being ruined by the selfishness of either or both.

The American people desire the railroad men to have a reasonably short work-day, and they, at the same time, realize that the railroads must earn reasonable returns upon their business.

And the people will be very impatient of any stubbornness on either side which threatens to lead to national injury and is not settled, when it can be settled, by mutual concessions and mutual fair play.

We wish that both the railroad managers and the railroad employes would get this truth firmly fixed in their minds before proceeding to final action.

Because neither of them can make any headway against the united will and force of the whole American people, and in this momentous and far-ramifying dispute the whole American people are bent upon a peaceful settlement, and will look with strong disfavor upon either party to the dispute which refuses to come to fair terms of agreement.

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C 10964

New York Sun
JAN 26 1916

RAIL MEN SAY HOD CARRIERS GET MORE PAY

Union Leaders Charge the Roads With Financial Mismanagement.

SOME WORKERS BALK AT 8 HOUR DEMAND

Two of the chief points which the railroad labor union leaders are going to make if the members of their unions vote approval of their proposal to make an eight hour demand on the 443 railroads of this country were learned yesterday from persons in touch with these leaders. These are:

1. That the earnings of railroad workers per hour and not per day furnish the true index of their compensation for comparison with other trades and that on this basis they would be found considerably below the compensation in those trades with which such comparison should be made.

2. That if it had not been for financial mismanagement in the last ten years and the issuance of securities for which no value was received the net earnings of the railroads now, with business picking up fast, would be sufficient to pay their employees on an eight hour basis and have vast sums left over to put into improvements.

These arguments were to some extent used at the arbitration hearings of the Western firemen and engineers last spring. The result of that arbitration the union leaders have regarded as a defeat for labor, only small advances being given. Two of the chief reasons ascribed by them for this were: The inadequacy of their statistical exhibits and analyses of payrolls to meet the exhibits of the railroads; and, second, the fact that by the time the case reached the arbitration point the railroads were in the midst of a severe depression and were able to make a point of their poverty, which in a normal business year could not be done.

Expert Accountants Busy.

The Chicago award had no sooner been made, it was learned yesterday, than the union leaders began a series of conferences looking to concerted action with a view of making the general eight hour demand, upon which a referendum is now being taken. As evidence of the fact that the leaders regarded the approval of the members of their unions as a foregone conclusion expert accountants were put to work on the figures of the Interstate Commerce Commission at Washington as early as June last. They have been at work preparing analyses of the upsweep of railroad earnings and also getting up tables showing the working hours of railroad employees and their compensation.

The plan is said to be to go to the railroads with these figures, at the same time presenting them to the public. This would be done through the unions' own publicity bureau, designed to meet that of the railroads.

It will be the contention in this, the biggest general labor movement ever launched, that the high rates of compensation for the four classes of railroad workers involved, engineers, firemen, conductors and brakemen, which in some cases the railroads can show, are the result of working long hours. At the hearing last April this statement was made by President Carter of the firemen:

"The wages of engineers and firemen, when the wage per hour is taken as a basis, are so much lower than the wages of other skilled workers that it seems a shame that the railroads should pretend they pay their employees high wages. It seems unfair that they should refuse to pay time and one-half for overtime when they force their employees to work sixteen hours and thereby show high earnings. If we could get time and one-half for Sundays and holidays, as they get in other skilled trades, I will guarantee that the wages of engineers and firemen will not amount to as much in the aggregate as employees in other industries where the wage is lower."

Union Arguments.

On an hourly basis, it was contended, the wages of firemen were in reality less than those of hodcarriers and laborers in the building trades, the latter having an eight hour day and time and one-half for overtime. A man, be he engineer, conductor or trainman, can in the railroad business, by working every day in the year and sixteen hours a day, make possibly more than in other industries where the day's work is limited to eight hours and Sundays and holidays are excluded, these leaders are admitting to those among their followers who are hesitating. But, they say, they should not have to work these longer hours to make as much as the men in the building and other skilled trades. Therefore they should support the eight hour day plan of raising the hourly rate of wages.

This argument is not advanced with respect to the passenger service, which has been excepted from the proposed demand because in that service there is a five hour day. This has brought the earnings of passenger men per hour up to a level even higher than those in the building trades. But averaging the runs of the Western firemen in freight service it was found, for example, that the working hours ran from nine hours and twenty-two minutes in the fast freight service to more than twelve hours for the crews that went along picking up cars at stations. The contention of the labor leaders is that although the earnings of these men by the month or week look fairly good, by the hour they are not so good. And it is these men who are giving the greatest support to the present movement.

In reply to this point made by the leaders who have stirred up the eight hour day propaganda the railroad managers point out that the hours of work of the railroad men do not mean continuous labor, such as is represented by the eight hours work of the mason or the bricklayer. Taking time on a train as the continuous labor of these men, schedules of the railroads will show, they insist, about six hours as an average. Time on duty should not be taken as a basis, they insist, for fixing the hourly rate of compensation, if it is to be compared with the hourly rate of the men in other skilled trades.

One Ray of Hope.

In reference to the point the union leaders make concerning the financial mismanagement of certain roads, the argument is made that what was done can't be undone, and calling this "mismanagement" will not bring the money back to put into the improvements the railroads must make to do the business of the country and keep the cost of living down for the 100,000,000 people now in the United States.

About the only ray of hope which the railroad managers see in the situation concerning the eight hour demand at present lies in the reports of dissatisfaction with the propaganda which are coming from some of the union locals.

Not only are passenger men not showing any enthusiasm over it, but it is said that engineers in the freight service of roads like the Pennsylvania are demurring at the step at this time. These men, however, appear to be in the minority. If outvoted by the others they must join in supporting the demand.

Although similar dissatisfaction has been in evidence among certain classes of employees before when labor disputes have arisen on the railroads, this has never been brought out before the different arbitration tribunals. The absence of any and all employees who felt satisfied with their jobs and wages has been a feature of all these proceedings. The reason for this is that a rule of the brotherhoods absolutely forbids, under penalty of expulsion, any member from appearing and giving testimony against his officers.

This rule—one of the most important the unions have—may explain the apparent solidarity shown when situations arise like the present one. It has been one of the greatest sources of strength the leaders have had. In all proceedings outside of the locals themselves and the grand convention of the brotherhoods it acts effectively to suppress all criticism of the policy of the leaders, inasmuch as expulsion carries with it the loss of all death benefits, the penalty is so severe that apparently no member of these unions cares to incur it for the sake of voicing his sentiments.

Not All in Accord.

There have been reports the last week that even the four chieftains of these brotherhoods are not in entire accord as to how far they ought to go should the railroads flatly refuse their eight hour demand. Although Carter of the firemen and Lee of the trainmen are said to be in accord in their determination not to arbitrate anything this time, it is said that President Stone of the engineers and President Garretson of the conductors are not as yet certain about standing out to that extent.

According to one report, the whole eight hour movement has been fostered and engineered chiefly by President Carter of the firemen because of the fact that he and his fellow directors of the union come up for reelection next May at the annual convention of the brotherhood. By starting the eight hour movement and bringing it up before the railroads before the convention takes place, these men, it is said, believe that their chances for reelection will be much better than if all were peace.

Instead of this eight hour movement arising spontaneously with the men in their various locals it has proceeded in this case, according to the railroad officials, apparently from the top down. Mass meetings were called by the grand officers in important cities and resolutions of approval of the movement were passed. This preceded the referendum now going on.

The situation is much the same with the trainmen as with the firemen. The terms of the present grand officers expire in June. On the other hand, the terms of the officers of the two other organizations have several years to run.

Whether the four unions will continue to stand solidly together appears to be the all important question at this time in the railroad world. If they do not the movement will have no chance of success, it is believed. If the vote in favor of the proposed demand is sufficiently large the union heads will undoubtedly stand together for the purpose of presenting the demand to the railroads. If a break comes at all, the railroad managers believe, it will be after the railroads flatly refuse to accede to the demand. This the railroads have already decided to do.

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W. L. Mackenzie King Papers
Volume C 15

C-10965

New York Sun

JAN 26 1916

Railroad Wages as Fixed Charges.

There is always a possibility that such a labor controversy as the railroad unions are preparing to force on the country will engender a great deal more heat than light. Yet if the issues involved in the demand which is shaping for a standard eight hour day of railroad employment, with its corollary of a vast increase in payroll expenditures, are not decided by appeals to reason the country must reap a harvest of disaster.

Labor's wage now absorbs the larger part of the charge made by the railroads for performing transportation service. Payments to labor come out of the public pocket, being extracted therefrom by means of freight and passenger rates. The public is accordingly vitally interested in a clear understanding of the railroad wage question.

It is in the beginning a question of how much the railroads can stand in the way of an increasing inflation of operating expenses. In the end it is a question of what the public will stand in the way of railroad rates which produce the revenues out of which railroad expenses are met.

One of the fundamental fallacies of the era of railroad baiting by political crusaders, which seems to have about concluded, was that railroad freight and passenger rates were determined by railroad capitalization. It was assumed that the carriers as a whole were overcapitalized and that their rates for service, on this fallacious theory of relations, were therefore excessive. Hence the downward regulation of rates by legislation and commission edict in the last decade.

As a matter of fact railroad rates have been far too independent of capitalization. No portion of railroad income has been considered as devoted to a proper or necessary return on capital. What are commonly called fixed charges on capital account are not fixed at all.

Proof of this is furnished by the record of railroad insolvencies, which in the last two years was swelled to the greatest total of bankruptcy in the country's history. Railroads have gone into receivership precisely because they could not pay the fixed charges commonly so called. Interest on bonds and notes has been defaulted precisely in order that courts might take over the administration of railroad property in order that it might perform the service required of it by the public.

Yet in all the record of railroad receiverships one fact stands out clear. Wages have to be paid. They are not even scaled down by the receiver. Railroad labor does its work and expects its reward. Capital may be sacrificed, but railroad service must continue, and to its continuation labor is indispensable.

We see, then, that wages must be paid, and wages indeed constitute one of the only two items which can be justifiably classed as fixed charges in railroad practice, the other item being taxes. No matter what fixed charges are in theory, the charges on railroad income which are never avoided in practice are wages and taxes. Then, while it is not capitalization which establishes the basis of railroad rate making, irrespective of what the facts might be or ought to be, there is the closest kind of relation between railroad wages and railroad rates. If railroad wages are to go on forever up and up, absorbing an increasing share of the earning power of railroad rates, one of the very limited choice of courses which the public will have will be to sanction an ever rising tariff for railroad service.

This is a phase of railroad regulation which the proposed inquiry by Congress will do well to take up at the very outset of its investigation.

W. L. Mackenzie King Papers
Volume C 15

PUBLIC ARCHIVES PUBLIQUES
CANADA

C 10966

New York Press
JAN 26 1916

MINERS FAVOR A "NO STRIKE" POLICY

As Long as Negotiations Are Possible Union Men Would Keep Mines Going.

VOTE ON QUESTION TO-DAY

Suspensions Clothe Non-Union Employers with Power, Is Burden of Speeches.

INDIANAPOLIS, Jan. 25.—The policy of no suspension of mining in any field after present agreements have expired so long as there is hope of negotiating new contracts was given strong support in the convention of the United Mine Workers of America to-day when the question came before the delegates for their consideration. After fifteen speeches had been made, eleven of which favored the non-suspension policy, the question went over until to-morrow for final action, as many delegates desired to talk on it.

All the leading officials of the union favored the non-suspension policy, and it was predicted by them that the convention will indorse it. The burden of the majority of the speeches was that the organized men owe it not only to themselves but to the employers of union miners as well, that the coal markets supplied by organized coal diggers be not disturbed unless it is absolutely necessary to stop mining to win concessions. Employers of non-union miners, it was argued by the majority, stood ready to jump in and take the markets away from the employers of union labor in the event a suspension takes place.

Non-Suspension Safest.

The question came before the convention in the form of a recommendation from the Committee on Officers' Reports indorsing that portion of President John P. White's biennial report which advocated the non-suspension policy. The committee reported that in its opinion such a policy was the "safest, best and most considerate" one to follow. John Belshaw of Clinton, Ind., on behalf of the Indiana soft coal miners, opposed the recommendation.

President White, in advocating the non-suspension policy, said he could not see why men should not work pending negotiations, declaring there was ample time to strike when there is no hope of getting an agreement. There was great danger of non-union coal going into markets supplied by union labor in the event of a suspension, he said, and it was the part of prudence of the union to help preserve these markets for the employers who have been willing to meet the men.

He instanced many cases where markets have gone to employers of non-union labor through suspensions and never recovered by the employers of organized men, to the ultimate injury of the union mine workers. He pictured the unnecessary suffering by the miners and their families and waste of productive energy by reason of suspensions.

Suspensions Power to Opposition.

"Suspensions clothe the common enemy with power, strengthen their markets and create unnecessary unrest in the country," he told the delegates.

The Committee on Officers' Reports, besides indorsing President White's non-suspension policy, also commended his attitude against preparedness and all recommendations made in his report. These subjects will come before the convention after the non-suspension question is disposed of.

The officers of the Central Pennsylvania bituminous miners announced to-day that the joint conference of operators and miners will be held in Dubois, Pa., early in March. Among the things to be demanded are complete recognition of the union, a speedier method of adjusting disputes, assurances of payment for all dead work and a uniform day wage scale.

The advance in wages to be asked will be determined by the action of the conference to be held in Mobile, Ala., early in February, where the operators and miners of Western Pennsylvania, Ohio, Indiana and Illinois will try to arrange a new wage scale.

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PUBLIC ARCHIVES PUBLIQUES
CANADA

Labour Supply

C 10967

Journal of Commerce

~~FEB. 4 1916~~

SHORTAGE OF LABOR IN ENGLAND GROWING

HIGH LEVEL OF EMPLOYMENT MAINTAINED IN DECEMBER.

Scarcity of Workers in All but a Few Relatively Quiet Industries Was Feature of Labor Market in 1915—Can Only Be Relieved by Great Influx of Women Into Trades Formerly Employing Men.

An article published in the January issue of the "Board of Trade Labour Gazette," in which the conditions of the labor market in Great Britain during December and the year 1915 are discussed reveals the fact that the country is threatened with a severe labor shortage as a result of the war. During December the high level of employment of recent months was fully maintained, and there was a general scarcity of workers except in some branches of the clothing trades. Compared with December, 1914, when employment was already good, a considerable improvement is shown. The article makes the following comment on the situation:

"The outstanding feature of the labor market in the year 1915 was the shortage of workpeople, which became more and more pronounced as the year advanced, and was very acute at its close, owing to the active recruiting campaign which took place in the autumn and early winter. A few industries, including some of importance, such as the building trades and some branches of the clothing trades, were relatively quiet; though even in these the staffs of workpeople were so much depleted that there was very little unemployment, and, as a rule, only a small amount of short time. In the large majority of trades, however, the great difficulty was scarcity of labor, which was met to some extent by the working of overtime.

"The shortage would have been even more severely felt but for the transfer of workpeople from one industry to another, the 'dilution' of skilled by semi-skilled and unskilled labor, and by the greater employment of women and girls, partly on classes of work formerly shared between males and females, and partly on work hitherto performed exclusively by men and boys. Speaking generally, it may be said that the growing shortage of male labor can only be met by a very much larger influx of women into industry than has yet taken place.

"In the coal mining industry the average weekly number of days on which the collieries were working was the highest recorded by the Department for any December, and the number of workpeople employed was slightly greater than in November. Employment continued good at iron and lead mines; shale mines were very busy. In the quarrying industry employment was generally fair, and at the North Wales slate quarries there was a slight improvement. In the pig iron industry employment was good, and at iron and steel works very good.

"Great scarcity of labor was reported in the engineering and shipbuilding trades, which continued to work at high pressure. With the exception of tinplate, which showed a decline during December, most of the other metal trades continued busy and much overtime was worked.

"In the cotton trade the shortage of labor became more acute; in the woolen and hosiery trades employment continued good, and in the worsted trade fairly good. In the jute trade there was a marked shortage of male and female labor; the linen trade showed an improvement, but much short time was still reported in the Belfast district. Employment in the dyeing and bleaching trades was good, but with calico printers it was only moderate. The curtain and plain net branches of the lace trade were well employed, and there was an improvement in the levers branch.

"In the boot and shoe trades employment continued very good; in the leather trades it was good on the whole, except with saddle and harness makers. The bespoke tailoring trade, and dressmaking and millinery showed a decline; in the ready-made tailoring, wholesale mantle, costume and blouse trades employment was fair. In the felt hat trade it continued fairly good, and in the silk hat trade it was bad.

"In the building trades there was a further seasonal decline, especially with painters. Brick works also showed a seasonal decline, but the cement trade continued well employed. Employment in the furnishing trades was fairly good, and in the woodworking trades good on the whole. The printing trade showed an improvement, with considerable overtime; in the bookbinding and paper trades employment was good.

"The glass and pottery trades continued to be well employed. The food preparation trades were extremely busy and overtime was general. Agricultural operations were hindered by stormy weather, and in consequence the shortage of labor was not so severely felt. Employment with dock laborers was good generally. The supply of seamen for mercantile ships was not quite equal to the demand."

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PUBLIC ARCHIVES PUBLIQUES
CANADA

C 10968

New York Times

FEB. 2 1916

CAPITAL INCREASES AND WAGES ADVANCE

National City Bank Letter Calls Attention to a Law of Progress.

RAILROAD MEN'S DEMANDS

Writer Says Recent Benefits to Labor in Many Trades Illustrate an Inevitable Tendency.

Discussing the demands of the four orders of railway employes who are asking for an eight-hour day and more pay for overtime in connection with wage increases granted in the steel trade, textile centres, &c., the National City Bank says in its February letter:

"This movement illustrates how easily wages advance when business conditions are favorable and when the supply of capital increases. It illustrates a fundamental law of progress which inevitably regulates the division of product between capital and labor, but which amid all the wrangling over that division is seldom alluded to. Capital in all advanced countries increases faster than population, and this is especially true in the United States, as shown by the census returns. Since capital cannot be put into use without employing labor, it follows that a constantly increasing amount of capital competes for a relatively smaller amount of labor. Under such conditions there is an inevitable tendency of wages to rise, the new supplies of capital always coming on the market would have to lie idle if they did not enter the field and bid for labor against the capital already conducting industry. If the supply of labor increased at the same rate as the supply of capital the balance between them would remain the same, but with capital increasing faster than labor the latter constantly comes into a stronger position.

"When this is understood it is seen that for the rich to grow richer and the poor grow poorer or fail to share in the progress, in the very nature of things is impossible. Every attempt of the rich to use their capital sets in motion equalizing influences. If capital accumulates rapidly the demand for labor will increase with even greater relative rapidity.

"The direct effect upon wages is modified by the fact that as labor becomes scarce and wages rise there is greater inducement to install labor-saving machinery, but improvements of this kind multiply and cheapen the production of all the necessaries and comforts of life, and the wage-earners share in these gains as consumers. They are gainers either way the equation works out.

"Henry Ford has chosen to make a large direct distribution to his workmen in the form of higher wages, but he is devoting a part of his accumulations to the development of a farm tractor which it is hoped will decrease the cost of farming operations and cheapen the cost of food. If he is successful the portion of his profits that is so expended will be more serviceable to the wage-earning class as a whole than any distribution of cash among his own workmen and this illustrates the results of capital accumulations on every hand.

"There is going on now a rapid accumulation of capital in this country, and a corresponding increase in the demand for labor. Under normal conditions such a condition is wholesome and beneficial, but it would be a mistake not to recognize that present conditions are abnormal. If capital was increasing all over the world as it is in the United States wages would go up abroad as well as here, but unless wages advance in other countries we will have either an inflow of labor or an outflow of capital after the war is over, until the equilibrium is restored. The best conditions in industry for both empoyers and employed are those that make for stability, affording steady employment, increasing output, and a constantly enlarging distribution and consumption of products."

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PUBLIC ARCHIVES PUBLIQUES
CANADA

NEW YORK SUNDAY CALL
January - 1916

C 10969

The Groan and Fight at Youngstown

A Resume of the Report of the Committee on Industrial Relations.

By GEORGE P. WEST.

"The Youngstown strike was a sign to the owners and managers of the American steel industry that the end will come; that they cannot forever adhere to their present policy of depressing wages below a decent standard by maintaining a vast horde of helpless immigrants in a condition of economic subserviency, throwing them on charity during times of depression, paying less than a living wage during times of prosperity, and during all times brutalizing them either by imposing excessive hours of employment or by imposing the enforced leisure that breeds fear and pauperization."

This is the conclusion contained in a report on the Youngstown strike and riot of January 7, just made public by the Committee on Industrial Relations. The author is George P. West, whose reports on the Colorado strike and the Bayonne strike were published by the United States Commission on Industrial Relations before that body expired on August 23, 1915.

The strike and riot at Youngstown, says the West report, marked the beginning of a rebellion that was about to spread throughout the steel industry, and that was checked only by the prompt action of Elbert H. Gary, chairman of the United States Steel Corporation, in announcing a 10 per cent increase for the 230,000 employes of that company.

The increase is asserted to have been directly instigated by the Youngstown strike, which began December 29, nine days before the riot, at the plant of the Republic Iron and Steel Company. The report says:

"Of all the significant facts disclosed by the investigation, the most important was the conclusive evidence that full responsibility for the situation there existing lies with the management of the United States Steel Corporation.

"Reports which received credence in responsible quarters came to the writer in Youngstown, to the effect that officials of the Republic Iron and Steel Company sought advice from Judge Gary immediately after the strike began, that he advised them to resist an advance in wages, and that later, realizing the danger of a general upheaval, he acted promptly to avert a strike and announced the 10 per cent increase, effective February 1."

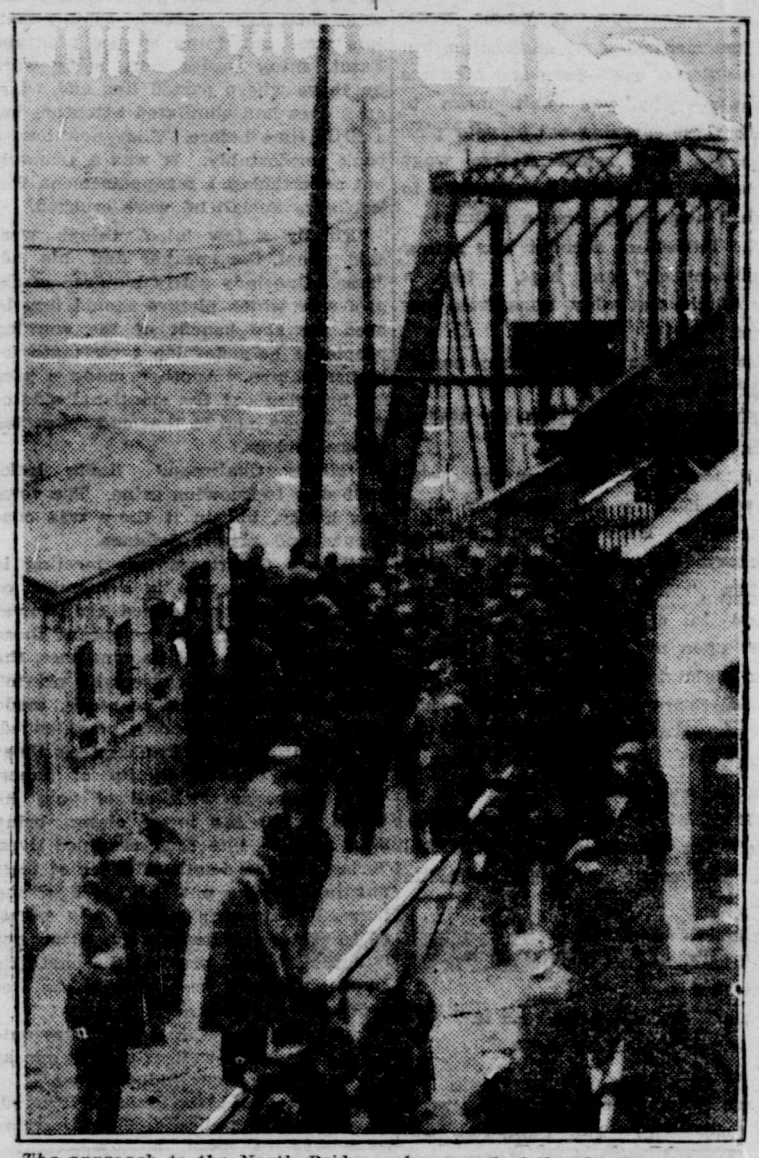
Although neither the Republic Iron and Steel Company nor the Youngstown Sheet and Tube Company is owned or controlled by the Steel Corporation, the report says, their highest officers made it clear that their wage policy is determined by that of the Steel Corporation, and that they conform substantially to the conditions of employment imposed by that company.

In an introduction to the report, B. M. Manly, director of the committee, and formerly director of research and investigation for the United States Commisson on Industrial Relations, asserts that conditions at Youngstown among the employes of the Youngstown Sheet and Tube Company and the Republic Iron and Steel Company, bad as they are, are better than those prevailing in almost any other community where steel is manufactured, either by the Steel Corporation or by other independent companies. Mr. Manly in 1910 had charge of the United States Bureau of Labor Statistics investigation into living and working conditions in the steel industry of the entire country.

Discussing the riot of January 7, in which three strikers were killed and twenty-five others wounded by armed company guards employed by the Youngstown Sheet and Tube Company, the report says:

"The riot was the natural outgrowth of a spontaneous, unorganized rebellion against an economic and industrial regime so oppressive and brutalizing as to overshadow the immediate provocation and render it comparatively insignificant.

"Not only is there likelihood of a repetition of the Youngstown riot at any one of the large steel plants that altogether employ nearly 300,000 men, but an investigation discloses that even such a disaster, shocking as it is, must be regarded as trifling when compared with the heavy toll of death and suffering that has been exacted day after day and year after year by what have come to be regarded as normal conditions in the steel industry.



The approach to the North Bridge, where most of the shooting took place. On both sides are offices of the Youngstown Sheet and Tube Company, which were burned down. The picture was taken shortly before the fatal shots were fired.

"The prevailing demand for unskilled labor in many large industries has given the unorganized workers in the steel industry the first opportunity accorded to them in many years to register their protest against these conditions without danger of starving.

"They were about to make the most of the opportunity, not only in Youngstown, but throughout the industry, when the management of the United States Steel Corporation awoke to the danger. Whether the 10 per cent advance in wages effective February 1 will be sufficient to check the revolt remains to be seen.

"Evidence is conclusive that the wage policy of the Steel Corporation has been based on the existence of a huge surplus of unskilled labor constantly replenished from Europe. So long as the corporation could maintain, with the aid of charity, two men for every job, discontent was smothered. It flared up the instant the steel workers became aware that they could quit their jobs without starving.

"The demand for unskilled labor has given the unorganized steel workers a new independence. At Youngstown they were eager to form organizations and affiliate with the American Federation of Labor, and there is reason to expect that through organization of this sort the entire steel industry will be rescued from the shameful regime heretofore imposed on hundreds of thousands of men, women and children by the Steel Corporation.

"In the eagerness of the unorganized strikers at Youngstown to form unions there is evidence that the workers in the steel industry have come to realize the necessity of organizing and acting together to protect themselves against the policy of exploitation established by the Steel Corporation, and made possible by the existence of a great surplus of organized immigrant workmen."

Discussing the cause of the riot, the report says:

"The killing of three striking workmen and the wounding of twenty-five others, and the pillage and destruction that followed, probably will be traced to the hasty action of company guards in opening fire on the crowd of strikers that surrounded the gates across the company bridge. Prosecuting Attorney Henderson, in charge of the Grand Jury investigation now in progress, told the writer that his investigation had convinced him of this. Mr. Henderson expressed belief that the company guards could have performed their legitimate function of guarding company property without firing at the strikers, and that the burning and pillaging of the business section would then have been avoided."

But the real cause of the disaster at East Youngstown, says the report, was the prevailing economic conditions. Many pages are devoted to living conditions among the steel workers.

"Forty-one per cent of all deaths in Youngstown in 1913," says the report, "were of infants under 5 years of age, according to the United States Census figures. General Secretary Hanson, of the Charity Organization Society of Youngstown, told your investigator that the infant mortality rate for Youngstown is abnormally high, being half again as great as the average rate for the United States.

"A government investigation, published in 1910, showed that 70.8 per cent of the steel workers at Youngstown were of foreign birth. In 330 typical families investigated by the government, the heads of families earned an average of $440 a year. Forty per cent of these heads of families earned less than $400 per year, and 14 per cent earned less than $200 per year. In the year covered by the investigation only 48 per cent worked nine months or over. Sixty-five per cent of the families kept boarders, and an average of 3.34 persons occupied each sleeping room.

"Since 1910 wages have advanced about 12 per cent, while, according to the United States Bureau of Labor Statistics, the cost of living has gone up slightly more than 12 per cent. It is believed a conservative statement that at least 50 per cent of the Youngstown steel workers earned LESS THAN $500 during the year 1915, including all bonuses, yet $700 IS THE LOWEST WAGE THAT WILL MAINTAIN A DECENT STANDARD OF LIVING."

J. M. Hanson, general secretary for the Charity Organization Society, is quoted to the effect that during nearly half the time during the past eight years the mills have given employment to workmen for only three or five days each week.

"To save their families from starvation," says the report, "the employes

(Continued on page 15.)

Facts About Youngstown

Babies of the workers die at an appalling rate. FORTY-ONE PER CENT of all deaths in Youngstown during 1913, according to United States Census figures, were of CHILDREN UNDER 5 YEARS OF AGE.

The average head of a family among foreign-born steel workers, who constitute over 70 per cent of the entire force, earns LESS THAN $500 A YEAR.

The workers and their families live in squalid, overcrowded houses. A trachoma epidemic at East Youngstown grew so menacing that the Youngstown Sheet and Tube Company, whose armed guards on January 7 killed three strikers and wounded twenty-five, had to take drastic measures to save the human part of its equipment.

Sanitary conditions in Youngstown in the districts where the steel workers live are frightful. The administration of the health laws is lax, and open garbage boxes and dry privies abound.

The Charity Organization Society has never tried to find out whether the steel workers get enough wages to live.

During times of depression, including nearly half of the time during the past eight years, the steel workers and their families have been KEPT ALIVE BY CHARITY. The Youngstown Sheet and Tube Company doled out the privilege of working three days a week to men whose families were found to be destitute, after investigation, and besides distributed baskets of food. The cost of these baskets was later DEDUCTED FROM THE MEN'S PAY CHECKS, after they had been permitted to work three days a week.

The Youngstown Sheet and Tube Company has paid for eight years 8 PER CENT DIVIDENDS on its $10,000,000 of capital stock. In 1913 it cut a melon in the form of a 50 PER CENT STOCK DIVIDEND. In other words, the stock has paid 12 PER CENT DURING THE PAST TWO YEARS AND A HALF. Its value is $285 a share.

For years, until the present demand for unskilled labor gave them a choice of jobs, the steel workers have been forced to accept whatever the Steel Corporation and its followers cared to give them, or to starve. This condition of helplessness and economic slavery was forced on them by a policy that kept, with the aid of charity, two men for every job and that ruthlessly CRUSHED ANY ATTEMPT OF THE EMPLOYES TO ORGANIZE.

PUBLIC ARCHIVES PUBLIQUES
CANADA

Embarrassing the Professor

By B. BLUMBERG.

Last Sunday morning I met Mrs. Simpkins, Mrs. Kenneth Simpkins, as she was leaving church. No, I did not meet her—not exactly. I tried to pass her, whereupon the lady, so frequently described in our local press as a charming hostess, one of our leading thinkers, etc., started a sort of an ungraceful jig not unlike the steps executed by vaudevillians to the first ump-pahs of the orchestra. I confess to having witnessed similar steps gracefully executed, but Mrs. Simpkins has a double chin and recently read a paper at the Woman's Club in which the wearing of short skirts and fur-topped boots were scathingly condemned, as reported in the Palladium.

Mrs. Simpkins stopped. So did I. For the first time in my life I appreciated the feelings of the hero in the "Midnight Alarm" who is seized by the villains in the play just as he utters, "Stand aside! Let me pass!"

But no, I did not say it.

"Why, good morning, Mrs. Simpkins, I'm so sorry to have missed the lecture of Professor Dyster's Friday afternoon. I—I——"

"Oh, yes, undoubtedly," she broke in.

Mrs. Simpkins clenched her teeth. She glared and the rosy tints of her cheeks became tinged with purple.

"You, you——"

"I, I, what?"

"Yes, what have I done?" Her impersonation was better done than the jig.

"I should think you would grin."

"Mrs. Simpkins, will you kindly explain?" This in the blandest manner possible.

She continued to glare and took a deep breath.

"Do you mean to tell me that you did not engineer that affair at the club Friday? It was mean, contemptible, I call it. The very idea! It's simply maddening." Then as if soliloquizing:

"I, after weeks of urging, induce the Woman's Club to secure Professor Dyster for a lecture on 'Industrialism and Ethics'——"

"And he came here—er—in—er—no condition to speak?" I interjected with a mingled expression of horror and surprise.

"Professor Dyster delivered the most profound lecture ever given before the Woman's Club," she went on frigidly, "and but for your suggestion it would have been voted the most brilliant affair of the season, from an intellectual standpoint."

"My dear Mrs. Simpkins, I'm still in the dark; but, inasmuch as the professor has the reputation of making his audiences feel comfortable, I fail to understand your agitation. True, you just mentioned my suggestion, but for the life of me"—here she eyed me narrowly—"why, you don't mean to say that the carrying out of your plan to have a few representative wage earners at the lecture, a suggestion to which I acquiesced, was a failure?

"The Palladium account was rather complimentary," and here I took a copy of the Saturday issue from my pocket.

"See, here it is on the society page." I started to read:

"'EXCITING MEETING AT WOMAN'S CLUB.

"'A meeting bordering on the exciting was held by the Woman's Club yesterday.'" Here followed the usual laudatory patter relative to the speaker. "'What is the tremendous change in ethics industrialism has forced upon us? Socialists and anarchists claim industrialism is bad and will overthrow itself, but that is not so,' was one of the scholar's telling remarks."

Here I was seized with a fit of coughing, which did not abate even though Mrs. Simpkins made reference to a "bad cold" in a coldly metallic voice.

"Why, there's nothing in this article," I said, or rather wheezed, "to indicate that——"

"Oh, cut—stop it. I've read it."

I tried to appear puzzled.

"Then why——"

"Then why," she mimicked, "why the excitement? The Palladium account is good, as usual." Then, as if speaking to herself again, "The way that lassie ripped that bunch!"

Then, with a sigh of resignation, "Well, your experiment was a success. I've got to hand it—I've got to give you credit. Your proletarian friend is not mentioned as among those present, but in the four minutes she occupied the floor—well, read it."

Mrs. Simpkins handed me a copy of the Workers' Herald, which was distributed throughout the city every Sunday. Upon the first page of the Herald was the following:

"Professor and Proletarian Clash!

"WORKING GIRL PUTS IT OVER TEACHER OF THE DISMAL SCIENCE AT WOMAN'S CLUB.

"Yesterday the Woman's Club had a program that will be remembered, and, it may be added, remembered with chagrin and regret for many a day.

"The 'cultivated ladies,' as our contemporary refers to the members of the club, planned a feature calculated to give spice to the never-ending supply of chop suey which threatened an epidemic of intellectual pellegra in the uplift circle. That danger is past, for the present.

"The experiment, a novel one, yeh know, was to have a few real, live wage earners, yeh know, comment upon Professor Dyster's lecture, and the prof., in turn, was to gracefully crush representatives of the hoi-polloi, Socialists preferred.

"The first part of the program moved splendidly, smoothly. The prof. was in fine fettle. As the sport writers would say, 'he had everything'—imposing appearance, well groomed, fluent, the knack of gracefully saying nothing and a master at revamping hoary generalities and platitudes.

"We will not take space to give a review of the 'profound thinker's' address, as the Palladium termed it. We content ourselves with what must prove to be a feeble effort to explain just how the novel experiment worked out.

"After the professor had concluded, the chairman announced that all present were invited to take part in the discussion.

"The usual polite silence followed. In fact, it was more polite than usual, or at least more marked. Plainly matters were not going as per program. Faint, smug smiles were being worn by those whose parted lips and wide-open eyes had simulated attention but a little time before. They now leaned back comfortably. It was a triumph, but nevertheless a disappointment. The 'cocksure Socialists' were crushed.

"Finally a few 'nice' things were said about the speaker and his address. One lady softly inquired of the professor which picture should first be used for the benefit of the working people to help develop their taste for higher things. Another made a plea for bringing out the emotional side of the workers, and to that end suggested several poems.

"'Missis Chairman.' Smug looks gave way to knowing grins. The voice was husky, but in it there was confidence and almost defiance.

"'Missis Chairman, this meeting is a treat to one who is a member of what the speaker termed the "lower class." By that term he meant those who prepare the food he consumes, the clothing he wears; those who printed and bound the books he reads, made and equipped the schools he attended.

"'The professor is franker than those who orate on the dignity of labor. With them, as with all of you, he would uplift the lower class; bring light and joy into their cramped lives, "bring out the emotional sides of their natures," as he put it. Much of the learned professor's lecture was devoted to ethics and democracy. Comment is superfluous in view of the part this country's rulers are taking in the European slaughter.

"'A professor of economics descanting upon ethics—well, it strikes one as a grimly humorous indoor sport.'

"At this point the ladies fidgeted. The knowing smiles and smug grins gave way to looks of illy-concealed anger. The speaker apparently was the most self-possessed person in the hall.

"'There is so little of the mirthful in the workers' lives. They live in a condition aptly termed "the Great Fear"—the fear ever haunting them of being jobless; denied the privilege of being robbed. Little time is left for contemplation of the good, the true, the beautiful.

"'Millions of workers feel, though not all understand, the constant terrific economic war—the class struggle.

"'How,' said she, turning to the professor, 'do you reconcile the democracy, which came in for so much praise, with the existence of the lower class so frequently spoken of this afternoon?

"'You further assured these cultured ladies' (whereupon the ladies were undecided whether to appear pleased or angry) 'that the workers are not and cannot be interested in economics; that their emotions must be appealed to.

"'True, they are not concerned with the economics taught in the colleges, the colleges which give unlimited attention to the works on Marxian criticism, while forgetting, apparently, that the works of Marx are easily obtained.

"'His work, which the economists for the past sixty years have been "refuting," has been the inspiration to the workers. It has laid and continues to lay bare the sophistry of preacher and professor.' At this juncture, be it said to his credit, the professor blushed.

"'The potency of their emotional appeals is dying. To a growing number, they are peddlers of a slave morality, "singing the song of those whose bread they eat."

"'Your ideal worker is what the red-blooded, clear-headed proletarian terms a "mission stiff," that is, one suffering from moral atrophy and mental paralysis; but, of course—of course—you ladies, schooled in civility, are merely whispering approval of my words to one another.'

"The chairman's gavel, tapping nervously, was head above the excited hum and buzz.

"'Your time has expired,' the chairman snapped.

"'Pardon me,' this with the sweetest possible accents, 'will have expired in twenty seconds, according to my watch. Surely you are democratic and so will abide by your four-minute rule.

"'The workers, in numbers ever growing, have caught a glimpse of freedom. They are learning to unite in all the prisons of wage slavery and upon the field of political action to gain that freedom. The goal reached, your arduous uplift labors cease. Instead, you will enjoy the right to do useful work.

"'All of that for which you stand is doomed.

"'Truly it is said "that ours is the conscious voice of history itself."

"'Stop us if you can.'"

I returned the copy of the Workers' Herald to Mrs. Simpkins. She still eyed me narrowly.

"Well," she queried with acidity, "what do you think?"

"I think the next program will probably be a subject akin to 'Fossils in Our Country,' though a symposium would be better taking as a subject 'Should Amateur Humorists Permit Their Angoras to Wander?'

"Well, good-bye. Here comes my car," and I waved a farewell to Mrs. Simpkins, Mrs. Kenneth Simpkins.

The Conservative American

That the American mind, generally speaking, is more conservative than the English mind is one of the suggestive assertions of A. C. Benson in his recent book, "Escape and Other Essays." Benson denies that the spirit of American literature has been the spirit of democracy. "It has not," he says, "except in the case of Walt Whitman himself, shown any strong tendency to invent new forms or to ventilate new ideas. It has not broken out into crude, fresh, immature experiments. It has rather worked as the Romans did, who anxiously adopted and imitated Greek models, admiring the form but not comprehending the spirit. A revolt in literary art, such as the Romantic movement in England, has no time to concern itself with the old forms and traditions. Writers like Wordsworth, Keats, Shelley, Byron, Walter Scott, had far too much to say for themselves to care how the old classical schools had worked. They used the past as a quarry, not as a model. But the famous American writers have not originated new forms, or invented a different use of language; they have widened and freshened traditions, they have not thrown them overboard."

Health in Dollars and Cents

There are far too many people in this land of ours who can't grasp or understand a thing unless it is put up to them in the form of dollars and cents!

Therefore, Dr. Irving Fisher, of Yale, quiely set to work and figured out, from government statistics, that "needless sickless, death and fatigue" annually cost this country—GUESS!

Well, the enormous sum of $1,500,000,000! (One billion and a half).

Think of it. Fifteen hundred million dollars wasted yearly just because the most of us can't or won't take a few minutes each day to fill up our lungs with fresh air, to exercise, to heed the need of moderation in eating and to THINK about the condition of our health.

Perhaps it will sink deeper if we pick out one disease. Take tuberculosis! Statistics show that the average cost of each death averages $8,000.

Well, in 1914 there were 75,000 deaths from tuberculosis in the registration area of this country (which includes only 66 per cent of the population), so the money loss thus represented—

REACHED THE ASTONISHING SUM OF $600,000,000.

After the Meeting

By CARL SCHLOSS.

You Comrades that I met tonight,
Whose hands I grasped, whose names I cried,
My heart goes out with boundless love
To you, with whom I stand or fall.
You are the keepers of the fires
For which a hundred thousand died,
Who, dauntless, flung away their lives,
Shoulder to shoulder, back to wall.

Our rugged steps will be assailed
By creatures darting from the slime;
Our quivering limbs will shriek for rest
Until our ears throw back the sound.
Our bleaching bones will mark the miles
We gain upon the upward climb,
But we will fight while yet we breathe
To spread the light that we have found.

We see the future sharp and clear
That marks when we shall come to grips—
The monster opes its fiery jaws
To slay us with its flickering breath—
But we push on until the end
With iron laughter on our lips,
For we are brothers, you and I,
In weal and woe, in life and death.

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CANADA

NEW YORK SUNDAY CALL
January - 1916
C 10969

The Groan and Fight at Youngstown

(*Continued from Page 5.*)

during these periods have begged for the privilege of obtaining even this much employment, besieging the gates of the company plants morning and evening and pleading with company agents to save their families from destitution.

"At the Youngstown Sheet and Tube Company's plant, which for more than eight years has earned dividends of 8 per cent on its capital stock, and since July, 1913, has paid dividends of 12 per cent, on a basis of $10,000,000 of common stock, the privilege of working three days a week during these years of slack operation was doled out as charity might be after investigation had shown that the man's family was in need. To supplement the boon thus granted, baskets of food were distributed to the most needy, and the cost of the food was later deducted from the husband's or father's wages. The company also donated $1,000 a year to the Charity Organization Society. The Republic Iron and Steel Company gave $500 as its annual contribution. The management of the Carnegie Steel Company, a member of the United States Steel Corporation, refused to give anything. The authority for the foregoing statements is General Secretary Hanson, of the Charity Organization Society.

"During all these years the men lived in squalid, crowded rooms. Overcrowding and poor diet aided the rapid spread of trachoma, a disease always associated with dire poverty. The epidemic became so threatening that the Youngstown Sheet and Tube Company became alarmed lest it would close its plant, and spent thousands of dollars to check the disease and restore the human part of its equipment to efficiency.

"Not only are the homes of the workers overcrowded, but they are surrounded by piles of exposed garbage, and open privies stand near the doors. Indescribably filthy are the yards, streets and alleys adjoining them, in which the children of the workers play. General Secretary Hanson, of the Charity Organization Society, told the writer that the administration of the health laws has been notoriously lax for at least eight years, being in the hands, he said, of a health officer whom he regarded as incompetent and who appointed ignorant and untrained men as inspectors. My investigation showed that a law prohibiting the exposure of garbage was wantonly and generally disregarded within a few blocks of the business center of Youngstown.

"In East Youngstown there are 9,000 inhabitants and but 450 voters. The city administration is controlled by the liquor interests, represented by twenty-two saloons. There is not a church in East Youngstown, according to my observation and the word of Mr. Hanson. The conscience of the community at Youngstown may perhaps be personified in Mr. Hanson, general secretary of the Charity Organization Society.

"Hanson admitted that during nearly half of the eight years he has spent in his present position the steel workers have been given employment only three days a week; he described the system of relief established by the largest company to keep its employes alive; he admitted sanitary conditions are bad and the infant mortality rate is excessive.

"Yet, in spite of his daily contact with the misery and degradation wrought in Youngstown by poverty, Hanson declared his conviction that low wages had nothing to do with it.

"'Have you or your society ever made an investigation to determine the cost of living for steel workers?' Hanson was asked.

"'We have not,' he replied. 'We have never felt that the poverty here was caused by low wages. I have been sure that the wages were high enough. The heads of the steel companies are progressive, high-minded men. In investigating applications for charity we find that practically all of the cases of destitution can be accounted for by bad management or drink.'

"After Hanson's attention had been directed to the excessive infant mortality, the wretched sanitary and housing conditions, and the fact that a man working three days a week, during much of the time, for $1.92 or $2.30 a day, could not possibly support his family, he admitted that wages had something to do with it, and agreed that an investigation should be conducted to determine the relation between destitution and wages."

The report sets forth several family budgets of workers interviewed by the writer, showing that the men interviewed were in debt to the grocer and butcher and could not meet the family expenses.

Discussing the labor policy of the Steel Corporation and the independent manufacturers, who follow its lead, the report says:

"The maintenance of an industrial force that during half the time is twice as large as the force that can be utilized must be attributed to something worse than disorganized and anarchic conditions in the steel industry. It must be attributed to the deliberate policy of the Steel Corporation and those that follow its lead of maintaining two men for every job in order that the workers shall have no choice between accepting the wages offered and starving.

"After the business revival of last summer and fall, the Youngstown Sheet and Tube Company let a contract for a large extension to its plant. Inserted in the contract was a clause that the contractor should not pay more for unskilled labor than was being paid by the company. For, while the steel workers are recruited from immigrants with large families, which chain them to the community in which they settle, and to which home-building schemes with the installment feature rivet them still more securely, construction workers are migratory and able to take advantage of every increase in the demand for labor. The steel company feared the contagion of higher wages. But they could not conceal from their employes the fact that unskilled labor was in demand.

"This realization came to men who had labored to the point of exhaustion ten or twelve hours a day; who had lived in squalid, crowded rooms where their families suffered with them, and their babies died; who faced endless debts and misery, or ran from them and found escape in whiskey; to whom leisure meant the enforced leisure of part-time employment, with fear, starvation and the shame of charity as its accompaniments.

"They became aware that, for the first time in years, they might quit their employment without facing starvation; that they might stand on their feet as free men and defy the boss; that they might register their protest and give vent to the resentments that for so long had been smothered by the pangs of hunger and the fear of starvation.

"This was the realization that prompted the strike. It was the amazing new consciousness that more than one man wanted their services that gave them courage as they crowded about the bridgehead leading to the company's plant at East Youngstown on that Friday evening.

"What followed the massacre by company guards was the action of a mob already flaming with resentment and infuriated by the sight of blood and the death or wounding of their companions. All the rebellion and bitterness of years flamed up, and among those who had saturated themselves with whiskey or rum in celebration of the Greek Catholic Christmas the lust for destruction knew no bounds."

Summing up the strike, the report says:

"Your investigator finds that the strike at the Republic Iron and Steel and the Youngstown Sheet and Tube plants won a 10 per cent increase in wages not only for 14,500 strikers, but for all of the employes of the Steel Corporation, so that it will eventually benefit directly nearly 300,000 men.

"Neither the strike at the Republic plant nor at that of the Youngstown Sheet and Tube plant was instigated or in any way directly brought about by the American Federation of Labor, although the campaign begun three years ago by the American Federation of Labor, with the object of reaching the unskilled and helpless steel workers with the message of organization, undoubtedly had considerable influence.

"After the strike began at the Republic plant, organizers for the federation were sent to Youngstown and formed local unions, including a Federal union of unskilled workers with 1,000 members. Officials of the Republic company met with committees elected by these unions, and when the strike was settled they promised not to discriminate against union men. Thus, there now exists in the Republic plant the nucleus of a strong organization.

"In striking contrast with the death and destruction that accompanied the strike at the Sheet and Tube Company's plant was the orderly and peaceful progress of the strike of the employes of the Republic plant. At the former plant organizers for the American Federation of Labor were prevented from hiring a hall and addressing the strikers on the day of the riot, in order to counsel moderation and orderly conduct.

"Prosecuting Attorney Henderson, of Youngstown, declared publicly after his investigation that organized labor had nothing to do with the strike and riot at this plant, although its representatives did try in vain to reach the strikers with restraining influence."

TODAY Is Child Labor Sunday

(*Continued from page 7.*)

cotton mills, the canning factories, the glass factories, the paperbox factories, the factories and the mines are endless.* So endless, that the passage of the federal child labor bill establishing an eight-hour day and age limits of wage earning children becomes imperative. Then the consumer can buy his canned goods, glass, coal, stockings and gloves with a free conscience.

ple through the control of interstate commerce has been demonstrated.

State regulation progresses so very slowly and State laws at present are so totally lacking in uniformity that forty Legislatures would have to act in order to meet the minimum standards set by this federal bill. The snail's pace at which some States improve is interesting. "It took seven

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EDITORIAL PAGE OF THE SUNDAY CALL

HOW WAR MENACES CAPITALIST PROPERTY.

THROUGH the mouth of Mr. E. G. Grace, President of the Bethlehem Steel Company, the government has been notified that if it persists in its scheme to establish a government-owned armor plant the three privately-owned armor plants—Bethlehem is one of them—will go out of business. And then, says President Grace, "the country might find itself in an unfortunate position in the event of war."

In the first part of the notification there is nothing that calls for any particular comment. Obviously the advocates of the government-owned plant knew this beforehand and calculated on it. Indeed, it is not too much to say that such was their precise object — to put the privately-owned plants out of business by producing armor-plate, not for profit, but at the cost of production. It is the second part of the threat that is important.

It means, if it means anything, that these private armor-plate makers, in case of war, if the government plant could not produce enough armor-plate for such an emergency, instead of reopening their plants, would keep them closed and let the national defense fail, instead of trying to help out. Their patriotism can only be kept alive by profits.

But, if all this really did take place, it is only too obvious that the government would immediately take over those plants and operate them as government factories. It would be compelled to do so, just as it has been compelled to similar action in European countries. But Mr. Grace talks as if this were a contingency not at all to be calculated upon; that no matter how hard pressed the government might be in fighting for national existence it would always respect "sacred property," even though the property was lying idle, and no use being made of it, though it could turn out the identical commodity that was so pressingly needed.

But the really strange thing about the matter is that not one of the advocates of the government-owned plant would dare even to hint the possibility of this procedure to Mr. Grace. Like him, they are careful to conceal it. But both understand thoroughly that it would take place, though both dread the mention of such a thing as "confiscation of property."

But in the eyes of the Socialist it is the sole merit of this sort of "government ownership" that it infallibly leads to the denial and abolition of capitalist private property, though its advocates never intend any such result, and must pretend that it doesn't. And to this instinctive recognition on the part of the capitalists generally is due the strenuous opposition they display toward this form of government ownership. It is not by any means altogether the fear of losing profits or the opportunity to make them; the fear of ultimately losing the property itself by which profits are made is the chief factor that determines the opposition.

There is some satisfaction, at least, in understanding that if our ruling classes do push the country into war, or that ruling classes of other [illegible] them, they will pay for

Swedish capital, where the harpies of business are busily engaged in profit making, and at the same time fomenting the friction between the two countries:

> The Stockholm international "agency's" work consists in capturing for Germany part of the British goods. The goods sold to Russia cannot be booked to Russia direct, as there is no through bill of lading. They are sent to the Stockholm representatives of the Russian firms, and the representatives' work is to send them on. The representatives take the bills of lading to the "exchange" in the Grand Hotel and sell them to the highest bidder. When the goods are cotton, or something else which the Germans need badly, the highest bidder is a German, or his agents. The goods are re-freighted to Germany. The vast difference between the price paid to the English exporter and the price paid by the German is pocketed by the parties to the deal. The Russian merchant does not get his goods. He is put off with the explanation that during the war goods take months to arrive; that the goods may have been lost in transit, or that they were never exported from England, owing to the fact that all the transit licenses issued by Sweden were taken up by prior applicants.
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> England has at last taken measures against this system. She has formed in Sweden a transit company which will handle all the licenses, and keep control over goods in transit from the day they reach a Scandinavian port until the day they reach Finland. Sweden's press is making an outcry against the company as an interference in the kingdom's internal affairs; and Premier Hammarskjold has made a speech foreshadowing new legislation to prevent the operations of the company.

Capitalism generates war. Capitalism brings about the conditions that make war unavoidable. These are Socialist commonplaces. But will any one who reads the above statement—from a capitalist source, too—deny it for one moment? There is nothing here but buying and selling and profit making; yet out of these things grows the menace that may plunge another six million people into the maelstrom of war.

Perhaps, though, a people that will tolerate such a system deserve all they get out of it.

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THE Anti-Militarist Committee at Washington in attacking the "high silliness of militarism" makes the statement that no one has yet answered Bryan's question of why it is that, "if a small army and navy were sufficient to enforce the Monroe Doctrine when the Latin-American countries were suspicious of the United States, we need an increase when that suspicion is removed and the republics of Central and South America are willing to co-operate with us in the support of the Monroe Doctrine?"

It is quite true that no one has answered that question, but it is not because it could not be answered. It is because the militarists dare not answer it, and, curiously enough, they dare not because they know it is not true. But it is far better for them to let Bryan go on asking questions in which things that are false are assumed to be true than to expose their falsity and have the truth come out in consequence. That is why Bryan's question remains unanswered.

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the suspicions of the South American countries somehow rendered the task of maintaining the Monroe Doctrine and asserting it as a purely American policy more difficult, but that our "small army and navy" preserved it by their puissance, and prevented the South American countries from repudiating it and backing up the repudiation with their own "small armies and navies."

And his statement that these suspicions are now removed is, in plain language, a lie. The ruling classes of the South American republics are quite as suspicious as ever they were of some sinister designs on the part of the United States, and good reason they have to be. Bryan, however, would have us believe that, because they enter into Pan-American conferences, these suspicions have disappeared, when that fact lends itself just as much to the theory that they have increased, instead.

To answer Bryan the opposition would have to tell these things, and they dare not and will not, and Bryan knows they dare not and will not. Hence he feels perfectly safe in asking his questions, knowing they will not be answered, and trickily leaving the impression that, therefore, his advocacy of pacifism is unanswerable.

Neither Roosevelt militarist nor Bryan pacifist dares look the truth in the face and announce it boldly. Perhaps it is not incumbent upon them. But it is on us. We must both announce and face the actual facts, and deal squarely with them, whatever they may show, and the position we assume must be based wholly on the deductions we draw from them. That it is which differentiates Socialism from either militarism or pacifism.

PORK AND "PREPAREDNESS."

A FLORIDA Representative named Clark has just made a most sincere and impassioned address in the Congress in the interests of "pork"—not the literal stockyards product, but the meat on which State Caesars feed—the graft that is derived from Congressional appropriations for local postoffices and other Federal buildings, dredging of creeks and waterways, and other activities that drain the National Treasury, and bring money and employment to the various States. His position was that not one cent of public money should be devoted to "preparedness" until all the "pork" available for distribution had been extracted from the Treasury. Then, if any was left over, the militarists might have it.

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As the New York Herald puts it, "His singleness of purpose in the matter of Congressional pork leads him to a heroic disregard of subter[illegible]." But curiously enough, the Herald does

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C 10970

Philadelphia Public Ledger
FEB 7 1916

What the Eight-hour Day Means to Railroads; Views of Both Sides

BELOW is a statement of the issue apparently about to be joined between the railroads of the United States and their employes as represented in the four great national Brotherhoods of Locomotive Engineers, Locomotive Firemen and Enginemen, Railway Conductors and Railway Trainmen. The railroad side of the case is taken from the speech made by Howard Elliott, President of the New Haven, before the United States Chamber of Commerce in Washington, on February 7, when he told what railway managers estimated; the Brotherhoods' side is taken from a statement made to the PUBLIC LEDGER over the signatures of the heads of the respective brotherhoods. The question turns on the proposed demand for an eight-hour day, instead of a 10-hour day, with overtime paid at time and half time rates.

THE RAILROAD VIEW

The eight-hour day would increase operating expenses 25 per cent. to 40 per cent.

Because of wage increases between 1910 and 1914, $238,000,000 was added to payrolls for the same number of men.

The proposed schedule would be, in effect, an increase of 25 per cent. in freight speed basis for wage computing.

It would mean an increase of 87½ per cent. in overtime rate.

About 1,500,000 other employes would get no benefit.

The 662,000 stockholders of the railways of the country now get less than 2 per cent. of gross earnings.

Employes now get 45.3 per cent. of gross earnings.

Employes involved, although numbering only 18 per cent. of the railway army, now absorb 28 per cent. of the railway's payroll of $1,500,000,000 a year.

The money necessary to meet this demand could be obtained only by either a reduction of wages of other employes or by reduced payments of interest and dividends, or by curtailing betterment expenditures needed by the public or by increased passenger and freight rates.

THE BROTHERHOOD VIEW

The eight-hour demand is fair; we believe it can be adopted with no greater inconvenience than accompanied its introduction in other employments.

Overtime in road service is due almost wholly to the practice of overloading trains so that they cannot make their mileage within their time limits. The railroads are doing this for profit.

The shorter work day is the only proposition upon which the men are voting. If the railroads desire to test their sincerity let them establish an eight-hour day so the men do not have to make a minute of overtime.

"Forty-five per cent. of the earnings are paid in wages," it is said; what interests the railroad employe is not the bulk sum, but the amount that goes to each man.

We are asked whether the railroads should seek another increase in rates. The men are not asking for more money; they are asking for a shorter work day. If the railroads insist on a longer day, then it will mean more pay.

We are asked whether the railroads should reduce interest or dividend payments. That is a matter with which the employes have nothing to do.

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CANADA

C 10971

New York Times

FEB 10 1916

RAILWAY WORKERS DEFEND DEMANDS

Official Statement in Behalf of 400,000 Employes Who Want 8-Hour Day.

NO TIME TO DISCUSS STRIKE

Nor Is Question of Dividends, Expenditures, or Rates at Issue, the Men Contend.

CLEVELAND, Ohio, Feb. 9.—The first official statement by the railroad men in their controversy with the railroads over working hours was issued here tonight. It gave the views of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors, and the Brotherhood of Railroad Trainmen, organizations which represent approximately 400,000 employes on 528 lines. The statement was headed "Why the Eight-hour Day," and was a reply to a statement issued Feb. 1 by the Executive Committee of the Association of Western Railways. It follows:

"The demand is fair; all of the leading industries and trades, railroads excepted, have recognized the economic justice of the eight-hour day. We believe it can be adopted with no greater inconvenience by the railroads than accompanied its introduction in other employments.

"The eight-hour day movement is based wholly upon the justice of a work day of reasonable hours that will permit the men further to separate the dead line between work and wages. The railroads say in effect that men who have put in a few years of railroad service have worked themselves out and will not be accepted if they lose their positions. If men are worked out in a few years under present service conditions, as the railroads in effect declare, the demand to extend their wage earning years is fully justified.

"Overtime in road service is due almost wholly to the practice of railroads overloading trains so that they cannot make their mileage within their time limits. The railroads are doing this for profit; they do not deny it, and if they propose to demand extra service at the sacrifice of the health and future earning ability of the men they should pay extra for it. The payment of overtime applies with particular force to yards where the companies can regulate their work so that no overtime need be made. If they exact extra service it is to their own interest and the men have a perfect right to demand time and one-half time for that service.

"The railroads contend that the men are not sincere in their demand for the shorter workday; they declare they want a wage increase rather than a time decrease, and refer to a small number of the men who prefer the extra hour jobs to prove it.

Test of Sincerity Invited.

"If the companies desire to test the sincerity of the men, let them prove their belief in what they say and establish the eight-hour day so that the men do not have to make a minute of overtime. The shorter workday is the only proposition on which the men are voting.

"The statement has been made that the payment of overtime is an incentive to delay work during the regular working time. It does not apply to railroad service. Both the employers and the men know that if delays are made without reason the men are called to account for it; if at fault they are disciplined and the companies have it within their power to determine whether or not delays are unnecessary.

"The railroads have introduced statements that serve no purpose other than to divert attention from the main question; for instance, the money paid to a 'green' brakeman is quoted at $800 a year. A 'ripe' brakeman does not get any more for the year than the 'green' brakeman except that the 'ripe' brakeman has a regular job and stands a chance to make regular time, while the 'green' brakeman is on the extra board and must take his chances for employment when the regular man lays off. Instead of getting $800 a year, there are times when he will be fortunate if he has a chance to make a trip once a month. If he works on certain roads, that one day will be applied to his payments due the volunteer relief association and he will not even receive that in money.

"The pay of train service employes, other than passenger, is based on 100 miles or less, ten hours or less. In the Eastern territory, for instance, the brakeman will receive the munificent sum of $2.67 for regular freight train service, out of which he must maintain his family at home and take care of himself at the other end of the road. The 100-mile trip is what represents one day's work, and means that at its expiration the man must lay away from home until he is dead-headed back or returned with a train. The conductors in all classes of road service receive approximately one-third more pay than the brakemen. The difference between the wages of the two is easily estimated.

"To be specific, the wages paid in freight service in the Eastern territory are as follows:

"Through freight: Engineers $4.75; firemen $2.45 to $3.40, according to the class of engine. Way freight: Engineers 25 cents additional and firemen 15 cents additional per day. Switching service: Engineers $4.10; firemen $2.50 and $2.60. One hundred miles or less, ten hours or less, constitute a day. A few roads pay engineers $4.85 and $5.15 per 100 miles or less for certain classes of heavy power, while other roads in the same territory, with heavier engines which handle approximately 35 per cent. more tonnage, pay the same rate of $4.75 to the engineer, although the fireman gets the benefit of a graduated scale running from $2.45 to $3.40.

Payment by the Mile.

"Through and regular freight work, construction, snow plow, circus or wreck train service: Conductors $0.04; flagmen $0.0267; brakemen $0.0267 per mile: runs of 100 miles or less to be paid for as 100 miles, on a speed basis of ten miles per hour. Local freight service, way freight, pick-up or drop, mine and roustabout service are paid as follows: Conductors $.045; flagmen $0.03; brakemen $0.03 per mile; 100 miles or less, ten hours or less, constitute a day.

"The sum of $800 means that the brakeman who receives that amount must work 100 miles or less for every calendar day in the year. The railroad men are piece workers; they do not get paid by the year, but by the days worked. Whatever wages brakemen receive above $800 are earned because they have worked overtime. It is no trouble to estimate these wages for they are based on 100 miles or less, ten hours or less for the day's work. Wages are a trifle higher in the Southern and Western territories.

"The statement has been made that this present demand for the shorter workday is based on 'peak' earnings of the railways, due to the present boom business. This is not so. The shorter workday movement was started before the present earnings of railroads were thought of.

"The demand is based wholly on the absolute belief of the men that the eight hour day is the proper work day, and that when they have worked that number of hours they have fully complied with every reasonable requirement that pertains to a fair day's work.

"The statement has been made that roads in the hands of receivers have not cut wages. The fact that wages have not been reduced on such roads is not to be placed to the credit of the companies themselves, but rather to the courts that have denied the right of the railway companies to reduce wages of employes on railroads in the hands of receivers.

"'Forty-five per cent. of the earnings of the railway companies are paid in wages' affords the opportunity to show the sum total of the wages paid. What interests the railroad employe is not the bulk sum paid to all of the railway employes, but the individual amount that goes to each man, and it is only on this basis that the figures of the railway companies interest him.

"That there is not so much justification for the contention of the railroads that the eight hour day is impossible is proven by the fact that at the present time there are seven roads in the Southeastern and one in the Western territory that pay overtime on an eleven miles per hour basis. Six roads in the Southeastern and five in the Western territory pay overtime on a twelve and one-half miles per hour speed basis. There is only one road in the United States of which we have knowledge that works more than the ten-hour workday, namely, the Monongahela.

As To National Regulation.

"The question has been raised 'whether there should be a national regulation of wages on the railroads, to be administered by a special national board.' This is a question that at this time should not enter into a discussion of the main proposition. It contemplates, however, so great a departure from the present methods of fixing wages that certain inquiries as to its effect are pertinent. The most important are these: Does the proposition, by implication, mean that wages so fixed would have to be accepted by the employes without question?

"Is it the idea that wages and conditions, once decided by a board of the character suggested, would mean that the employes would have to accept them and remain in service? If neither of the suggestions applies to the proposition, and railroad employes are to be left perfectly free to accept or reject wages and conditions fixed by such a board, and would not consent to work under them, it would leave the situation exactly as it is. There does not appear much to be gained by the creation of such a board unless involuntary servitude is expected to be a part of its application. Understanding the question as it has in this way been answered, the railroad organizations are opposed to it.

"The following question has been asked: 'Whether there should be government ownership of railroads, reducing the employes to classification under civil service?' The question of government ownership has nothing whatever to do with the present shorter workday movement and, therefore, is not a matter for discussion relating to it.

"This question has been asked: 'Whether the railroads in responding to the present demand of the four Brotherhoods should reduce wages of other classes?' Certainly not. The effect of wage increases to the four Brotherhoods in the past has been to encourage increases in wages to all other employes whether or not they were organized. It is true that in the last two years the railroad companies have attempted to show that the increased pay secured by the employes who were organized prevented them from increasing the pay of employes who were not organized. The purpose of this contention has been merely to becloud the main issue. The fact stands in evidence that no wage increases were given to the organized employes until they exerted every pressure at their command.

"Another question has been asked: 'Whether they should reduce interest and dividend payments?' So far as railway employes are concerned that is a matter with which they have nothing to do.

"The next question asked is, 'Whether they should cut down expenditures for so-called nonproductive improvements?' That is a matter entirely within the judgment of the railroad companies themselves, governed largely, however, by the demands of the communities for buildings and terminals that will meet the requirements established by civic pride and business demand. If a railway company in complying with public demand expends $20,000,000 for a passenger station that will not increase its revenue it can hardly be expected that the employes alone should assume the cost of the unproductive investment. It bears the same relation to their wages as so much watered stock.

"We are asked, 'Whether they (the railroads) should seek another increase in rates?' This is asked on the assumption that wages are to be increased. The men are not asking for more money. They are asking for a shorter workday. If the railways insist on a longer day, then it will mean increased pay. If the railways need revenues to meet their increased cost of operation, yes. There is no other business in the United States that is not at perfect liberty to adjust its revenues to meet the cost of operation.

"The fact that the railway companies must first secure the authority from the Interstate Commerce Commission to raise rates places them in a different position entirely from the remainder of the business in the country. This, however, is not the fault of the employes, and it is wholly unfir to expect that approximately 8,000,000 railway employes and their dependents must sacrifice their interest to the general betterment and welfare of the remainder of the population. Why should not the railway companies be permitted to increase rates to meet legitimate costs the like of which have to be met in the same way by every other industry?

"We are asked, 'Whether they (the railways) should refuse the present demand and risk a strike should arbitration be refused by the employes?' This is a question that at this time is not a part of the discussion. Whether arbitration will even be suggested or whether it will be agreeable to either side of the subject cannot be guessed at this time.

"The position of the railroad organizations in regard to arbitration is about the same, and might be expressed in general terms as follows: They are not opposed to arbitration, neither are they pledged to accept it. They are practically pledged to peace, but that does not mean peace at any price. It means peace with honor, and not peace at the sacrifice of justice. The organizations do not desire to take issue with the public; they have no disposition to take undue advantage of it in any sense; they accept every public responsibility. They challenge even the inference that they have not always been fair to the public, and they ask only of the public that which the public holds fast as its absolute right, namely, the liberty to make its own terms of service so far as it has the power.

"Now, to say what would be done would be based wholly upon personal opinion and without organization authorization. It is true that in past arbitrations the men were disappointed, and to some extent lost faith in that method of adjustment of differences, but there is neither warrant nor authority for saying that arbitration will or will not be accepted. Circumstances will determine the position of the men when the need arises and they will then decide what shall be done.

"W. S. STONE,
"Grand Chief Engineer B. of L. E.
"W. S. CARTER,
"President B. of L. F. and E.
"L. E. SHEPPARD,
"Acting President of the O. R. C.
"W. G. LEE,
"President of B. of R. T."

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C 10972

New York Sun
FEB 21 1916

WILL TRY HERE TO AVERT GREAT COAL MINE STRIKE

Representatives of Workers and of Operators Will Confer To-day on Way to Continue at Peace—Present Agreements End on March 31.

Representatives of the United Mine Workers of America and of the coal mine operators will meet at the McAlpin this morning at 10 o'clock to try to reach an agreement by which they may go on amicably working together after March 31, when the agreement now existing will expire.

During the first part of the week the anthracite miners and operators will endeavor to conclude their business. Beginning Thursday the bituminous miners and operators, who have been conferring in Mobile without success, will meet here to continue their efforts toward an understanding.

The miners are asking for an eight hour day, recognition of their union and, in the case of the anthracite workers, a 20 per cent. increase in wages. The bituminous workers are seeking a 10 per cent. increase. There are other issues at stake, but they are of minor importance.

White Hopes for Compromise.

John P. White, president of the United Mine Workers, who established headquarters at the Continental Hotel yesterday, issued a statement covering the demands of the miners and explaining why increased wages are essential to their existence. He was not hopeful that the operators will agree to the demands already drawn up, but he does believe that an ultimate compromise can be reached.

The operators have signified in a recent publicity campaign that it will be impossible for them to grant the two chief demands, namely, higher wages and shorter hours, without increasing the retail price of coal very considerably. Already they have informally refused to grant the demands. They explain that a complete acceptance of the requests made by the miners would mean an increase of $23,000,000 in the cost of mining coal, or about 30 cents a ton.

Despite the fact that there is likely to be something like a deadlock from the very beginning of the conference, Mr. White does not think that a general strike will have to be called. He explains that the union has adopted a non-suspension policy, which means that so long as there is hope of a settlement a strike will not be ordered.

"Conditions in the anthracite field have grown worse instead of better, because the cost of living has gone up faster than wages," said Mr. White. "The average anthracite mine worker gets far less than enough to support his family decently. Since 1902 wages have increased 5 6-10 per cent. The cost of food since that year has increased 17 per cent., according to the United States bureau of labor statistics. Between 1903 and 1914 the wholesale prices of clothing increased 33 per cent., according to the same authority.

Many Average $600 a Year.

"The only workers in the anthracite industry who make more than $700 a year are the contract miners, and they represent less than one-fourth of the total number employed. The anual earnings for miners' laborers, other inside men and outside workmen average not more than $600 a year. The bureau of statistics estimates that a man cannot support his family in decency for less than $750 a year."

The miners acknowledge that the operators cannot pay them more money and continue to make the same profits without increasing the retail price, but they base their argument for a right to higher wages on the ground that the owning companies have been making more than is their just share.

"The railroads that own and control the anthracite industry," said Mr. White, "have paid big dividends on heavily watered stock and have laid up huge surpluses besides. In 1913 the Reading earned 17.57 per cent. on its common stock after the payment of all expenses, including fixed charges and preferred dividends. The Central of New Jersey paid 26.73 per cent., the Lehigh Valley 16.90 per cent., the Lackawanna 32.04 per cent. and the Delaware and Hudson 12.95 per cent. That was in the bad year of 1913 before the present prosperity began. After paying these profits the roads were able to pile up a surplus of $100,000,000. The Lehigh alone had a surplus of $25,000,000 in 1913."

Want to Avoid Strike.

It is pointed out that the miners have the whip hand through the fact that the agreements under which both the bituminous and anthracite workers have been operating expire on the same date, March 31. So if the anthracite workers finally decide to strike they will be able to call on their brothers in the bituminous fields to strike with them. There was a strong suggestion in the attitude of Mr. White yesterday, however, that one side woud not support the other if it came to a showdown. There is no doubt that the miners do not want to strike and probably will agree to any reasonable compromise to avoid a strike.

The operators in the bituminous field are understood to be willing to grant some of the demands of their men. Their discussion at Mobile led to an increase of 5 cents a ton on coal mined. This would mean an average increase of about 8 or 9 per cent., which is pretty nearly what the miners want. Some of the miners were ready to settle on this basis, but others held out and so the conference at Mobile came to an end and will be resumed in this city.

"When wages were raised in 1912 less than 9 cents a ton," said Mr. White, "the increase was added to the total labor cost and the consumer paid 25 cents a ton increase. This is according to the United States bureau of statistics. The anthracite companies assert that the increase we are asking this year will mean an increase to the consumer of 60 cents a ton. The 1912 figures indicate how much of this increase will go to the miner and how far it will be justified.

"As a matter of fact I don't believe the operating companies are willing to take advantage of their monopoly of this enormously rich and natural resource either to deny the just claims of the men who risk their lives underground or to grant their demands and then make it an excuse for gouging the public."

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C 10973

Chicago Tribune
JAN 17 1916

LABOR BLAMES U. S. STEEL FOR RIOTS IN OHIO

Report Says Combine Sets Cruel Wage Standard for Independents.

TELLS OF BOOZE RULE.

The United States Steel corporation is given a large share of blame for the recent Youngstown steel plant strikes, in a report prepared by George P. West of the American Federation of Labor committee on industrial relations.

Mr. West's report was made public yesterday at a meeting of the Chicago Federation of Labor. It was read by Basil M. Manley, secretary of the committee, who spoke in place of Frank M. Walsh, chairman of both the industrial relations committee and the federal industrial relations commission.

COLORADO REPORT IN RECORD.

The Colorado coal miners' strike was investigated by Mr. West. His findings were presented to the federal industrial relations commission and are included in the commission's report.

Mr. West charges that the United States Steel corporation methods of handling its employés have been adopted by the Republican Iron and Steel company and the Youngstown Sheet and Tube company. It denounces these methods as unfair and tending to drive the men to violence. Former Judge Elbert H. Gary is censured in the report.

REPORT OF FEDERATION.

This is the report:

"The Youngstown riot was the natural outgrowth of a spontaneous and unorganized rebellion against an economic and industrial régime so oppressive and brutalizing as to overshadow the immediate provocation and render it comparatively insignificant.

"Its chief importance, with its spectacular and appalling loss of life and property, lies in the attention it attracted to the prevalence of widespread discontent among employés in the steel industry not only at Youngstown but throughout the Pittsburgh district, and to the economic conditions that have created a situation that is full of menace.

"Not only is there likelihood of a repetition of the Youngstown riot at any one of the large steel plants, but an investigation discloses that even such a disaster, shocking as it is, must be regarded as trifling when compared with the heavy toll of death and suffering that has been exacted year after year by what have become regarded as normal conditions in the steel industry.

Blames Steel Corporation.

"Of all the significant facts disclosed by an investigation at Youngstown, the most important was the conclusive evidence that full responsibility for the situation there existing lies with the management of the United States Steel corporation.

"Although neither the Republic Iron and Steel company nor the Youngstown Sheet and Tube company are owned or controlled by the steel corporation, their highest officers made it clear that their wage policy is determined by that of the steel corporation, and that competitive conditions govern the wage, even though the scale should fall below that of a living wage.

"There is excellent reason for believing that this strike was directly responsible for the action of Elbert H. Gary, chairman of the board of directors of the steel corporation, in announcing a 10 per cent increase for the 230,000 employés of that corporation.

Says Gary Was Seen.

"It is known on the most responsible authority that the highest officials of the Republic Iron and Steel company sought advice from Judge Gary immediately after the strike began, and that he advised them to resist an advance in wages, and that later, realizing the danger of a general upheaval, he acted promptly to avert a strike and announced the 10 per cent increase, effective Feb. 1.

"Judge Gary's announcement of the wage increase came unexpectedly and did not follow a regular meeting of the executive committee, the directors or the stockholders of the company. All these circumstances are important for the light they shed on a wage policy that ignores the cost of living, the welfare of the workers, and the interests of the community, and that aims to give just enough to prevent rebellion.

"In this instance it becomes apparent

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LABOR BLAMES U. S. STEEL FOR RIOTS IN OHIO

Federation Editor George P. West Reports Workers Were Crushed to Limit.

(Continued from first page.)

that the steel corporation was caught napping, and that in pursuing this policy it has been and is playing with dynamite. As late as Jan. 13 every effort was being made by public officials, mediators, and others to prevent a strike in the Youngstown plant of the corporation.

"Your investigator, therefore, finds that the strike at the Republic and Sheet and Tube plants won a 10 per cent increase in wages not only for the 14,500 strikers but for all of the employés of the steel corporation, so that it will directly benefit nearly 300,000 workers."

How Men Lived.

Here Mr. West makes the statement that neither strike at Youngstown was brought about by the American Federation of Labor. He then turns to conditions in Youngstown and proceeds as follows:

"During all these years the men have lived in squalid, crowded rooms. Overcrowding and poor diet aided the rapid spread of a trachoma epidemic at East Youngstown, so menacing that the Youngstown Sheet and Tube company became alarmed and, in coöperation with the United States public health service, spent thousands of dollars to check the disease and restore the human part of its equipment to efficiency.

"Not only are the homes of the workers overcrowded but they are surrounded by piles of exposed [illegible]bage. Indescribably filthy are the yards, streets, and alleys adjoining them, in which the children of the workers play.

Says Saloons Rule.

"In East Youngstown there are 9,000 inhabitants and but 450 voters. The city administration is controlled by the saloon interests, represented by twenty-two saloons. In the adulterated rum and whisky sold in these places the steel workers found their only escape from hideous reality.

"There is not a church in the town.

"It is significant that most of the articles taken from the looted stores were such as could be utilized in the every day processes of living. The strikers took meat, groceries, cloth, children's shoes, as well as whisky and jewelry."

Two Men to a Job.

Mr. West says the Steel corporation endeavors to at all times have two men ready for every job, in these words:

"The maintenance of an industrial force that during half the time is twice as large as the force that can be utilized must be attributed to something worse than managerial anarchy. It must be attributed to the deliberate policy of the Steel corporation and those that follow its lead; of maintaining two men for every job in order that the workers shall have no choice between accepting the wages offered them—and starving."

Feared Good Wage Contagion.

The report then deals with the unusual present demand for unskilled labor and the part Mr. West thinks it played in the strike.

"The steel company feared the contagion of wages more decent. But they could not conceal from their workers the fact that unskilled labor was in demand. This was the realization that prompted the strike. This realization came to men who had labored to the point of exhaustion, twelve hours a day and seven days a week; who had lived in squalid, crowded rooms, where their families suffered with them; who faced endless debts and misery, or ran from them and found escape in whisky.

"They became aware that, for the first time in years, they might quit their employment without facing starvation; that they might stand on their feet as free men and defy the boss; that they might register their protest and give vent to the resentments that for so long had been smothered by the pangs of hunger and the fear of starvation."

Guards Blamed for Riots.

Company guards are blamed in the report for the beginning of the violence.

"The killing of three striking workmen and the wounding of twenty-five others," it reads; "the pillage and destruction that followed, probably will be traced to the hasty action of company guards in opening fire on the crowd of strikers that surrounded the gates across the company bridge. Prosecuting Attorney Henderson of Youngstown, in charge of the grand jury investigation now in progress, told the writer that his investigation had convinced him of this.

"In so far as the outbreak registered a contempt for local authority, there is ample testimony to justify such a contempt. In years past steel workers have been ruthlessly victimized by petty peace officers and magistrates, and the present administration is in notorious alliance with the great liquor interests and subservient to their will."

Steel Corporation Leader.

In closing his report Mr. West has something to say about the working conditions in the plants of the Ohio city, as compared to other plants, as well as to declare that the steel corporation must raise wages before the independent concerns will act.

"The Youngstown strikes are particularly significant," the report asserts. "Because conditions there are better, not worse, than those prevailing in other plants. The Youngstown Sheet and Tube company has led in preventing accidents, in initiating a voluntary system of accident compensation, and in supporting a compulsary state system, in establishing a company hospital in charge of a competent surgeon."

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C 10975

Philadelphia Public Ledger
FEB 17 1916

Profits of the Retail Coal Dealer

IN THEIR recent statement concerning the "cost of a ton of anthracite coal from mine to cellar" the committee representing the Anthracite Operators' Committee included the following items:

RETAILING COST (AVERAGE) PER TON.
Rent of office and yard, lighterage, handling at yard, breakage, cartage, administration expenses and retailers' profit per ton.....$2.15

TRANSPORTATION COST (AVERAGE) PER TON.
Freight from Lehigh and Schuylkill regions to New York harbor, per ton.....$1.55

The word "average" in parentheses was doubtless intended to forestall criticism of these items; but as they are very important elements in the cost of a ton of coal from the mine to the cellar, and as one of them at least covers factors as to which the operators are not presumed to possess accurate and first-hand information, the following letter to the PUBLIC LEDGER from a well-known Philadelphia coal dealer should prove of interest to the Operators' Committee as well as to the consumers:

To the Editor of Public Ledger:

Sir—I want to correct the misstatement that the anthracite operators have been publishing in all papers throughout the country in regard to the gross profits the retail dealers have on a ton of stove coal. Their statement would leave the consumer to believe that the retail dealer is responsible for the high price of the anthracite coal, which is not the case. Now, as they have taken the retail price of stove coal, I will do the same. It is now $7.25 per gross ton. The price at the mines is $4.10; freight from the Lehigh region, $1.86, which makes the price in yard $5.96 per ton. This, taken from $7.25, leaves $1.29 gross profit to the retail coal men instead of $2.15 per ton, as the operators have it in their statement. Now the freight rate from the other regions is $1.70 per ton, making gross profit to the retail dealer $1.45 per ton for Reading coal instead of $2.15.

Now, why don't the operators treat the public fairly and put out a statement telling what it costs them to put coal on the railroad cars at the mines and give the correct freight rate to Philadelphia, which is $1.86 from the Lehigh region and $1.70 from the other region? The coal has in it from 15 to 25 per cent. dirt and refuse, which the retailer has to screen out. He has to deliver it and pay all this and other expenses out of the gross profit of from $1.29 to $1.45, so the public can readily see that the retail dealer has got the little end of the horn. His profit now on a ton of coal is not as much as it was 20 years ago, when labor was 25 per cent. lower and feed 40 per cent. lower than they are now; yet stove coal is twice as high and pea coal three times as high as it was 20 years ago.

A RETAIL DEALER.
Philadelphia, February 15, 1916.

The foregoing letter fully confirms what the PUBLIC LEDGER has insisted upon, namely, that the issue is not one solely between the operators and the miners and that no settlement which leaves out of account the consumer will be accepted by the public as just and equitable. The people do not ask that mine operators, carriers and dealers shall be deprived of a reasonable profit, but they have the right to know whether exorbitant charges are added to the cost of anthracite in its passage from the mine to the coal bin. They have yet to learn the justification for repeated increases in the retail prices of coal that double and treble the increase of cost of mining by reason of wage concessions to the miners. They want to know the reasons—other than the power gained through monopoly—for the high freight rates on anthracite. They are asking what the mining companies propose to do with the State tax collected under the act of 1913 and held in the companies' treasuries. All these questions are of vital interest to the consumers, and they ought to be answered fully and frankly, irrespective of whatever the operators may have to advance as to the reasonableness or unreasonableness of the demands of the United Mine Workers.

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C 10976

HENRY W. BRAITHWAITE,
12. WILMINGTON AVENUE, CHISWICK.
LONDON, W.

Daily Chronicle (London) 12th Jan. 1916.

GOVERNMENT DECISION ON WAGES.

NEW ADVANCES SHOULD BE STRICTLY LIMITED.

An important decision has been reached by the Government with regard to applications for advances in wages by men in certain trades. It is understood to be an outcome of Ministerial and Departmental consideration of measures of national economy.

The statement, which has been communicated by the Government Committee on Production to several trade unions immediately affected, is in the following terms:—

His Majesty's Government have given earnest attention to the financial position of the country, to the great and increasing demands which will still be made upon its resources to meet the needs of the war, and to the imperative need for economy in all forms of expenditure and consumption, both public and private.

They have also had regard to the general advances of wages that have already been given since the beginning of the war, and to the measures already taken to tax or limit the profits of undertakings.

His Majesty's Government have come to the conclusion that, in view of the pressing emergency, any further advances of wages (other than advances following automatically from existing agreements) should be strictly confined to the adjustment of local conditions where such adjustments are proved to be necessary.

It is understood (says the Press Association) that the Government decision is being rigidly applied, and unless local conditions are such as to necessitate adjustment, applications for wages advances are being generally refused.

The Committee on Production (in Engineering and Shipbuilding Establishments) was formed nearly a year ago to consider, among other matters, bad time-keeping, working conditions and increase of output of munitions and other work.

Only recently, in addressing trade union delegates on the need of economy, Mr. Asquith and Mr. McKenna gave a hint that demands for increase of wages should be limited, with a view to national economy. This was regarded as a reasonable expectation in view of the taxation of employers' excess war profits.

WAGES INCREASE REFUSED.

The application of the Joint Shipyard Trades for a wages advance of 15 per cent. throughout the country has been refused by the Board of Trade arbitrators in conformity with the Government pronouncement that additional wages increases are not for the good of the nation at the present time.

The application was put forward on behalf of 150,000 shipyard workers.

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New York American

DEC 28 1915

ALL-YEAR WORK NEW PROBLEM OF EMPLOYERS

Men Who Receive the Lowest Pay Are Those Who Should Get Part of Profits.

By B. C. FORBES.

Have you noticed that many companies and institutions are announcing profit-sharing plans, bonuses to employes and other methods of arousing the interest, the stability and the loyalty of workers?

Financiers and financial concerns have lately figured most prominently in this movement.

Is it too much to expect that financiers and bankers who accord such treatment to their own forces will exert themselves to have similar treatment extended to the employes of corporations on whose directorates they sit?

If profit-sharing, bonuses, pension funds, sick benefits and the like are good for clerks, why are the same things not good for the workers of railroad, industrial public utility, mining and other corporations?

The tendency heretofore has been to award bonuses, based on profits, only to presidents, vice-presidents, managers and other high-salaried officials.

PLAN FOR WORKERS LACKING.

The new $50,000,000 American International Corporation has set aside $1,000,000 "managers' stock," carrying very special privileges. But no plan for profit-sharing with the rank and file of workers has been devised.

Similarly, the United States Steel Corporation distributes bonuses, based on profits earned, to responsible officers and certain others, but none of this money goes to the rank and file. In the case of this corporation, however, a serious effort has been made to have employes become stockholders, and some 40,000 workers now hold shares on which special dividend payments are made.

There is a growing need, however, for devising ways and means of sharing profits with all workers, from the highest to the lowest.

The poorest-paid workmen usually are the most shiftless and undependable.

Well, why not give them inducements to become less shiftless and more dependable?

PROBLEM FOR EMPLOYERS.

One reply to that is: "We do not keep our common labor employed all the year round. We lay off and take on large numbers of unskilled workers at different seasons of the year."

Exactly.

And this is one of the biggest problems employers must take up forthwith.

If we are to have industrial and social peace and genuine prosperity herculean concerted efforts must be made to modify seasonal fluctuations in employment.

The great aim must be to provide steady all-the-year-round employment for workers.

It is a problem whose solution will test the best brains of America.

But unless capital makes an earnest, persevering effort to solve it the politicians and the public will.

Much of this country's social misery comes from the discharging of hundreds of thousands of bread winners by employers in slack seasons.

Time and talent must be spent in spreading out the busy seasons and curtailing the slack seasons. In other words, the year's work must be spun out as evenly as possible so as to keep workers engaged all through the year.

WHERE RESPONSIBILITY RESTS.

In numbers of industries this could be done by taking a little thought and realizing the responsibility that rests upon those into whose hands the well-being of workers has been entrusted.

Reduce the evils of seasonal unemployment wherever possible, and one stock excuse for not allowing unskilled workers to share in profits will be removed.

The common workers, those who receive the lowest pay, are the ones who most need a share in the profits they help to create.

Bonuses and a share of profits for high and well-paid officials are all right and may be necessary to secure the services of the right kind of men.

But ordinary workers, women as well as men, should also be given consideration in this connection.

After all, the basis of industry rests on the rank and file of workers.

DANGER TO THE STRUCTURE.

Very well, see that the basis is properly attended to **or your whole structure is in danger of toppling sooner or later.**

The way workmen are taken on for a while and then discharged whenever it suits a company is cruel.

Broadly viewed, it is shortsighted.

It breeds discontent, distress, debt, disease and all manner of unpleasantness.

It fosters socialism.

The remedy must be sought by capital as a whole, through co-operative, concerted, well-planned action.

No one employer feels particularly responsible.

It is nobody's special business to keep on workers who can be discharged to save money.

But it is **capital's** business.

And if capital persists in doing nothing to remedy matters, other agencies will.

Let each corporation strive to give all-the-year employment to the majority of its common laborers and then let these laborers participate in profit-sharing arrangements.

We are entering a new era of democracy.

The European war will alter the whole status of government, of capital and of labor.

Dynasties are doomed.

The men who used bullets will hereafter use the ballot to assert themselves.

We are to witness a changed order.

The "common people" are to rise up in their might and take a stronger hand in running things.

It behooves capital in this country to bestir itself to remove every reasonable cause for complaint on the part of the rank and file.

One of the most practical and essential steps now within sight is the adoption of profit-sharing, the beneficiaries to include all classes of employes, skilled and unskilled.

Make employment steadier and share profits and the eternal warfare between capital will at least lose some of its bitterness.

Both these suggested steps are feasible if capital will but arouse itself, rub its eyes and discern the vital necessity for moving before it is driven.

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C 10978
88-1

New York Sun

MAR 9- 1916

LABOR'S HOURS.

Another Division of the Business Man's Crowded Years.

TO THE EDITOR OF THE SUN—*Sir:* It may be that the following explanation will help to correct the mistaken opinion of the gentleman who wrote in THE SUN of March 1 that the average business man works but three full days in the entire year.

The average business man works from 9 to 5 during the day, and of this time one hour is spent in eating lunch—thus he actually works seven hours a day for five days of the week. On the sixth day, Saturday, from 9 to 1, he works four hours, thus making a total of thirty-nine working hours a week.

He sleeps eight hours a day for seven days a week, or a total of fifty-six hours of sleep a week. The remainder he spends in recreation: nine hours a day for five days, or forty-five hours; plus twelve hours on Saturday and sixteen on Sunday, or a total of seventy-three recreation hours a week.

In one year there are fifty-two weeks and one day, thus $39 \times 52 = 2,028$, plus seven working hours of the extra day equals 2,035 hours of work a year; $56 \times 52 = 2,912$, plus eight sleeping hours of the extra day equals 2,920 hours of sleep a year; $73 \times 52 = 3,796$, plus nine recreation hours of the extra day equals 3,805 hours of recreation a year; making a total of 8,760 hours a year.

But from the total number of working hours a year should be deducted the working hours of ten holidays, New Year's, Lincoln's Birthday, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Columbus Day, election day, Thanksgiving and Christmas, or seventy hours, and also the working hours of two weeks vacation in summer—seventy-eight hours—or a total of 148 hours. These 148 hours are presumably recreation hours and should be added to the total number of recreation hours.

Thus the actual number of working hours a year is 1,887; the actual number of recreation hours a year is 3,953, and the number of sleeping hours remains the same, 2,920, again a total of 8,760 hours a year.

Thus on the basis of twenty-four hours to a day the above number of hours a year would be equal to the following number of days a year: 1,887 hours, equal to 78⅝ actual working days a year; 3,953 hours, equal to 164 17-24 actual recreation days a year; 2,920 hours, equal to 121 2-3 actual sleeping days a year.

From the above it will be seen that we work approximately seventy-eight full days a year. E. M. L. MICHEL.

NEW YORK, March 8.

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C 10979

New York Times

MAR 7 1916

Conquering Time.

To the Editor of The New York Times:

That editorial of yours, "Conquering the Hours," is quite a perfect thing. The simplicity of your logic seems complete. You call the attention of your readers to the utterance of Frank Hayes, Vice President of the United Mine Workers, relating to the intention of that organization to secure the eight-hour day for the anthracite miners as it has already secured it for the bituminous, and its intention in the future to secure the four-hour day for all. Your comment is, "The irreducible minimum is in sight. Time will be conquered. Why work at all? 'No hours of labor' is the final and perfect platform."

I would like to say, not, I assure you, in a corrective spirit, but, if you will grant me the courtesy, for the information of your readers who may have overlooked the fact, that the conquering of time is not an illusion but the supreme achievement of this enterprising age. The irreducible minimum has been realized—by a few. Those who have experienced it hold it to be the highest state of earthly existence, the state to be desired. "Why work at all when others will do it for you," is the essence of their silken creed. "No hours of labor" is the distinguishing mark of our perfect gentleman.

The ultimate question is not whether time can be conquered. The great sport of the century is the capture of hours set free. The rule of the game has been that the men who have conceived, built, stoked, and guided the time-conquering dynamos and engines shall not enter the ring. It was a wise provision of those inside, for when labor does enter the ring the irreducible minimum will disappear and conquered time will be controlled by those who conquer it.

HELEN MAROT.

New York, March 1, 1916.

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C 10980 88-1

Wall Street Journal
March 7th 1916

DO TRAIN EMPLOYES WANT REAL 8-HOUR DAY?

EASTERN RAILROAD MANAGERS QUOTE BROTHERHOOD VICE-PRESIDENT ON MEANING OF THE PROPOSED DEMANDS

Says They Do Not Contemplate Any Limitation on Number of Hours Worked—Intended to Raise Wages Rather Than Reduce Length of Actual Work Day—Movement for Industrial Eight-Hour Day a Different Thing

The Conference Committee of Railway Managers for Eastern Territory, in a statement, says:

"Do the 350,000 railroad train employes, who threaten a national strike, really want an 8-hour work-day?

"The eight-hour industrial work-day movement and the railroad trainmen's demand for an eight-hour pay-day are two very different things.

"That the men are asking for higher wages and not for shorter working hours is frankly stated by leaders of the unions. Val Fitzpatrick, legislative agent and vice-president of the trainmen, in an article in the official organ, the Railroad Trainmen, calls a spade a spade. He says:

"There appears to be some difference of opinion as to what the proposal for an eight-hour basic work-day involves. Therefore, it may be seasonable to say there is quite a difference between an eight-hour work-day and an eight-hour basic work-day.

"'The first contemplates that eight hours shall be the maximum working time, and as a rule where the eight-hour work-day obtains through contract relations between employer and employes, it is the constant endeavor to prevent working overtime except in cases of necessity. It appears that some of the men in the train service are of the opinion that this is the proposal of the organizations. However, this is not the case.

"'The eight-hour basic work-day contemplates that eight hours shall be the basis for a day's work and any time in excess thereof shall be paid for as overtime, consequently under such a provision there is no limit to the hours worked. The latter system is the one proposed by the train service Brotherhoods.'

"Would the passenger engineer who now makes a four-hour fast run in the morning and earns a day's pay, and then goes back over the division in the afternoon in four hours and makes another day's pay—two days' pay in eight hours—want to work eight hours for one day's pay?

"Would the freight engineer who is earning now $2,400 a year on a twelve-hour assignment, want to work only eight hours and earn only $1,800?

"Would the men in both passenger and freight service, who have long assignments with big pay, and lay off from two to four months a year, want to adopt a real eight-hour work-day, giving eight hours service, day in and day out?

"Train employes know as well as railroad managers that train runs vary in distance and time through a wide range, and that a working day of any fixed number of hours is an impossibility. An express passenger train goes over a certain division, for example in three hours, a through freight in nine hours and a slow freight in twelve hours.

"The time on duty of different members of the crew also varies on the same run. Where a freight conductor and brakeman, for example, are on duty eight hours, the engineer and fireman may be on duty ten hours. The enginemen usually have from one to two hours of additional time (for which they are paid at full rates) before leaving one terminal and after arriving at another.

"As showing the wide variation in hours on duty, a study of 33 typical runs out of New York on six different railroads shows 32 different lengths of assignments for engineers alone, from 4½ to 14 hours.

"The employes know the unusual conditions surrounding railroad work, and the impossibility of any standard length of work-day. Their demand for a new wage scale is based on their knowledge of this situation, and, as Mr. Fitzpatrick says, there is no idea that an eight-hour basic day means an eight-hour work-day.

"The threatened nation-wide strike of railroad train employes involves two demands:

"1. Ten hours pay for eight hours work.

"2. Pay for overtime at 1½ times the new higher hourly rate."

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C 109818

New York American

JAN 1 8 1914

SHOULD LABOR DEMAND VERY SHORT HOURS?

Does Eight-Hour Day Leave as Much Leisure as Can Be Usefully Employed?

By B. C. FORBES.

Are we in danger of having working hours shortened too much in certain unionized industries?

Can the average workman have more leisure than is good for him mentally, physically and morally?

Does he know how to use his spare time profitably to himself, to his family and to the commonwealth?

Isn't an eight-hour day as short as society can afford **at this stage?**

British workmen used to sigh—and sing—for the time when they would enjoy "eight hours' work and eight hours' play, eight hours' sleep and eight 'bob' a day." (Eight 'bob' equals $2).

An agitation has begun in some unions in this country for less than eight hours' work a day.

How do those who now work eight hours spend the balance of the day?

Why do they want more leisure?

Have they not enough now to gratify all rational desires for pleasure and recreation and rest, enough for whatever studies they may wish to pursue, enough for pleasant domestic life around the home hearth and enough for social intercourse with neighbors and friends?

DIVISION OF LABOR.

The devil finds mischief for idle hands, you know.

Is eight hours in each twenty-four, six days a week—sometimes only half a day is worked on Saturday—an unreasonably long stretch to be employed in earning a living, in striving to master a trade, in endeavoring to "get on"?

What the world needs is not shorter hours for eight-hours-a-day men, but an eight-hours' day for the millions who work from early morn to night, often seven days a week, with no Summer vacations, no public holidays no respite from year's end to year's end.

There is a certain minimum amount of work to be done in the world.

The human race must be fed, clothed, housed, transported, educated, entertained.

Somebody—nearly everybody—must do some of this work.

Instead of a few classes of unionized workers being let off with comparatively few hours of daily toil it were infinitely preferable that they do a full, fair share, and that the overworked, unorganized, defenseless millions be emancipated **and** worked only eight hours a day.

PUBLIC FOOTS BILLS.

To unduly shorten the working day of millions of union members would add to the burdens of the poorer-paid workers, for the cost of the things **produced or the services rendered by the union men** would rise, since it would take each man more days to do a thing and he would have to be paid more (days') pay for doing it.

"Capital" doesn't have to foot the bill for wages paid. You and I—consumers, householders, the public—have to pay.

Why should we exact only six hours' work from half a dozen or a dozen trades and pay them enough to live on comfortably if the rest of us, and especially the worst paid, unorganized millions, have to slave all the harder to support them?

THE NOTION THAT RESTRICTING OUTPUT PRODUCES PROSPERITY IS WRONG—TOTALLLY, UNQUALIFIEDLY WRONG.

PROSPERITY CONSISTS OF AN ABUNDANCE, NOT OF A SCARCITY, OF THE THINGS NEEDFUL FOR THE SUSTENANCE AND ENJOYMENT OF LIFE.

The duty of each of us is to do a full measure of the world's work, to push as hard as we can, within reason, to make the world's wheels go round.

CURTAILING PRODUCTION.

Those who do less than their share are shirkers.

They do not keep up their own end.

They throw more work on others' shoulders.

They curtail the supply of life's necessaries and comforts.

They make the rest of us pay unfairly high prices in order to compete for supplies.

The very poor feel this competition most severely.

When everybody works industriously, production tends to be plentiful and there is more likelihood of a share being available for all.

Moreover, we are apt to have a surplus available for export, thus adding to our wealth, our comfort, our power and our place among the nations.

It may be all very well to combine to limit the number of diamonds put on the market each year. But it is a very different thing to combine to create an artificial scarcity of the necessaries of life.

Workers who unite to unreasonably curtail their output through refusing to work a rational number of hours should find no public support in their attitude and demands.

They are not friends but foes to prosperity.

Nor is their stand altogether prudent from the other point of view here discussed—that of leisure.

Strong, healthy men are all the better for having a good amount of work to do.

Eight hours' work leaves a generous margin of spare time for enjoyment, self-improvement or other form of occupation.

I rather think the leaders in the agitation for more leisure are not those who make the wisest use of the ample leisure they already have.

There is a popular fallacy that by cutting the hours and the output per man in any industry more men will thus be given employment.

A lucid explanation of why and how this idea is erroneous demands a full column later.

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New York Times

JAN 31 1916

PERKINS WOULD GIVE LABOR A FAIR SHARE

Sees in Workers' Demands Only Natural Outcome of Education and Power to Reason.

ALL SHOULD BE PARTNERS

Cites Evils of Competition and Blessings of Co-operation in Talk to Bronx Neighbors.

George W. Perkins, who lives in the Bronx, talked to the Bronx Open Forum yesterday on "The Workers' Fair Share," after being introduced to his audience at Morris High School by County Register Edward Polack as "one of our neighbors of whom we are proud."

Mr. Perkins declared that the worker's fair share had been a pressing problem from the beginning of civilization, when the relation between capital and labor was expressed in "owner and slave." It existed when the description was "master and man," and still exists when the expression is "employer and employe." These changes of description, he said, indicated great progress toward the solution of the problem, all of which progress he credited to education that gave the slave, then the man, and now the employe, capacity to see intelligently what was his fair share. This education Mr. Perkins divided into two classes, that of the schools and that which arose from modern methods of communication that give to almost every man in the world practically within the day all the worth-while thoughts and inspirations of every other man.

Steps In Self-Government.

Referring to the tendency in some quarters to question the wisdom of broadening the popular control of Government and bringing the people closer to their own problems, Mr. Perkins drew attention to the tremendous step taken 135 years ago, when our forefathers decided they needed no King to manage their affairs. "But," he asked, "did they say the last word for free government? Have we wasted 135 years and millions of dollars educating Americans to find them still unfitted to go a step or two further than their forefathers went?"

The worker's fair share, he declared, went hand in hand with the governmental questions up for solution today, because both are the products of our education.

"I firmly believe," he said, "that we never can settle the compensation for labor or whether there shall be strikes, by merely raising wages. Before laboring men had been educated and could reason they approached wages about like this: 'We are getting $2 a day. We would like $2.25 and are going to strike for it.' And they did. The $2.25 looked good for a while and then they struck for $2.50, till we have constant demands because the laboring man feels that his wage, whether $2 or $5, is not his fair share. He sees by many outward signs that the men who own the business are getting richer each year; and now when he strikes, it is for what he regards as a fairer part of the earnings of the business.

"This being so, no arbitrary dollar and cent increase will ever satisfy him, for he is striking for a principle that he has reasoned out.

"Believing these facts to be basic I was led years ago to see profit sharing as a method of getting at the worker's fair share. I do not mean bonus giving or anything that smacks of gratuity or philanthropy. I believe in genuine profit sharing by which employes become partners; by complete statements of transactions, annually, showing profits or losses, output, and all other factors, permits labor and the public to know what the business is doing.

"I believe that where possible the method of compensating the worker should be: Say to the employe: 'It takes so much money to pay the fixed charges. You receive your wages for helping to earn the fixed charges. If, at the end of the year, fixed charges are earned and anything over you will receive a percentage of the surplus.'

"Wherever possible this surplus should be distributed in the form of a security connected with the business with the understanding that the security is to be retained by the employe for a fixed time. This, you see, makes the worker an actual partner. He is drawing a certain sum for living expenses in wages, and leaving in the business his surplus earnings.

"In certain corporations with which I have been connected this plan has been tried for years and has worked admirably, greatly minimizing friction and cutting the strike menace to almost nothing. It has increased efficiency and made capitalists of wage earners, for, no matter how little a man has in a business, he will feel the responsibility of proprietorship. Then, too, the broader the partnership, the more the principle of co-operation is established, the better for the community.

Steel as an Example.

"Take the steel business, for instance. A few years ago Mr. Carnegie and a few other men owned important steel mills, out of which they were making large sums of money. These men sold to a company which is today owned by a very large number of stockholders, of which many thousands are employes. Today the profits, in place of being distributed among a few men, are distributed among many thousands. When an industry's profits are distributed so broadly it has a phase of socialism about it, in that its earnings are widely diffused; but it is a long way from socialism in that it retains all the incentive for initiative, individual growth, and achievement."

Mr. Perkins disagreed with those who would destroy great corporations and those who blame their existence on the tariff. He did not think free trade would dissolve a single trust, but was sure that if the telegraph and telephone and other means of quick intercommunication were destroyed, thus destroying the basis of big business and big thought transmission, the trusts and all other great enterprises would go with them.

Of competition he said:

"I believe one of the greatest obstacles to arriving at the worker's fair share has been ruthless competition. What gave us the sweatshop, child labor, adulterated food, and inadequate wages to women and girls? Nothing but competition.

"Competition at one time may have been the life of trade, but it was the death of manhood, the curse of womanhood, the wrecker of childhood. Competition may have been the life of trade when labor was the slave, but never looking at it from the standpoint of the worker's fair share, for when did two men or two concerns compete to improve or steady the conditions of labor or to reduce cost to the consumer? Competition has always enriched the strong and impoverished the weak.

"The hope for the worker's fair share as well as for capital's fair protection is in a live-and-let-live policy where co-operation and emulation will bring about a more equal distribution of any abundance of good things."

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C 10983

New York Herald
FEB 2 1916

Profit Sharing

Now

Labor's Share in Prosperity.

The ten per cent advance which became effective yesterday in the wages of nearly a quarter million laborers of the United States Steel Corporation and announcement of a like increase in the pay of the Connellsville coke and coal workers serve to call attention to the share that labor has in the general prosperity.

A timely comment on the general rise in wages is made in the February circular of the National City Bank. It cites the familiar fact that capital increases faster than population and, since capital cannot be used without employing labor, a constantly increasing amount of capital competes for a relatively smaller amount of labor.

This obvious fact shows the absurdity of the labor agitator's talk of the rich getting richer and the poor growing poorer. By natural economic laws more powerful than any statute labor is assured of its full share in the results of the progress of capital.

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"The Double Standard
in Economics".

Walker, John
Reed, Miss Harriett

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C 10985

The cruel, hypocritical falsity of

Society's present economics. by John Walker
President Illinois State Federation

The double standard in economics as between working men, employers and business men, which is accepted as being right (unconsciously) by the great majority of the men on both sides of this question today, is responsible in a very large measure for the present economic ills of the human race; and if that double standard could be eliminated, and one economic standard established for employers and business men, and the working men as well, this standard being one which would give exact justice to each element named, a long step would have been taken toward eliminating economic disputes and conflicts between employers and working men.

According to the present standard, as applied to him, the working man, no matter at what trade or calling he may work, may not ask from his employer a wage or return for his labor that exceeds the value of his labor. Indeed, it is accepted generally, that he must not ask as a wage or return for his labor, even all that his labor is actually worth.

If the worker asks his employer for a wage or return for his labor that is the equivalent of its full value, he is immediately told by his employer that he is unreasonable, and that he cannot or will not, give it to him; and people generally agree that the employer is right under those circumstances. If the worker, by any chance, at any time, or under any circumstances, presumes to ask in excess of what the value of the service rendered by him really is, and the employer can show that to be true, then everybody universally condemns that worker for

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being nothing short of a thief, and he is called that, or worse, and generally is treated as such by all employers and even his own fellows as well.

On the other hand, the question of what the value of his labor is, is generally not even considered by the employer or business man when determining what remuneration he shall receive for his own service. In fact, the only thing that the employer concerns himself about generally is,- By what plan or scheme can he manage to get the largest possible returns for himself, regardless of the value of the service personally rendered? He knows that the more he is able to get for the least service or work that he performs, the more he is given credit for being an exceptionally shrewd and smart business man,(instead of being considered or treated as a thief as is the worker for wanting more than his labor is worth), and being considered a shrewd and smart business man is a high honor in the estimation of our people, instead of a mark of dishonor.

When a boy is being trained to start in life as a business man, the question of enabling him to get the exact value of his services, and teaching him to ask for that amount, and no more, and how to get it, is not even considered, let alone taught. The boy is taught that being successful in business means that he shall accumulate wealth, and the question of the value of his actual services in relation to the amount of wealth that he accumulates is not considered for a moment. He is taught the different methods by which men make money through business manipulations, and he is given all available information to fit him to be an expert in all the methods of manipulation so that when the opportunity presents itself or he can create it, he may manipulate the business in such a manner as to obtain the largest amount of money or wealth possible out of it.

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The boy is taught that to fail to get wealth is a disgrace, that his lack of financial success is evidence of his failure as a man, that he is, in effect, no good; he is taught that in proportion to the wealth he can accumulate by manipulation (provided he does it without violating the law and in accord with existing business methods and customs) will be the world's measure of his success, no consideration being paid at all to the moral phase of the matter, whether or not as man to man he is entitled to wealth on the basis of the merit of the services he actually performed.

With this teaching that the more money he makes the greater of a success he will be, the boy grows up with the idea that the man who receives pay merely commensurate with the actual value of his services is on a lower level as a human being than the man who can manipulate profits out of business transactions. At last, he comes to the place where if he is naturally a good dispositioned man, he sympathizes a little with the kind of man that gets less of this world's goods than himself, but if he is not good at heart, naturally he develops a contempt for him.

On the other hand, the worker is taught generally by his parents that above all things he must be honest, and that beyond and above everything else he must do no dishonest act that will bring digrace on himself and on the name of the family; he must never ask for anything to which he is not entitled; he must never take anything that he has not honestly earned. His school books teach him this lesson; his school teacher impresses this knowledge upon him, as do the clergymen and the newspapers. The books that circulate in his sphere of life teach him the same thing, as do the fraternal and all civic organizations. In fact, the teaching radiates from every influence that reaches his life from boyhood up, and it gener-

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ally becomes a sort of religion with him. On the other hand, with the business man and employer, it has become a sort of religion to get everything he can without violating the law, ~~xxx~~ or the ethics of accepted business methods, no consideration being taken at all of the ~~xxxxxx~~ actual honesty of those methods, or the actual value of the service rendered by him in connection with it.

Because this double standard has become accepted as being right, not only by the employers and business men but by a considerable portion of the workers themselves, and because these are the ethical laws governing business or economic life, this never ending conflict is on, for no business man or employer can get wealth that he ~~they~~ did not actually, honestly earn, or which he was not entitled to for value of service rendered personally, without taking it from some man or woman who honestly earned it, who were honestly entitled to it, ~~xxxxxx~~ and who should by all means have gotten it. As long as this kind of thing obtains, there can be no peace; honest men must fight.

If we could lay down a measure ~~xx~~ by which the employers and business men would get just what they were actually entitled to, on the basis of the actual service ~~that~~ they themselves personally rendered, and make that rule apply to the workers as well, and see to it that the workers actually get the full value of the service they render, and that no person is allowed to take from them what is theirs, i.e., that which they had honestly earned, there is no question but that the big majority of our economic ills would disappear, and we would have very little trouble between employers and working men; or between the consuming public and merchants or business men. We never will have peace on the basis of justice until that kind of rule is adopted, and ~~when~~ ~~xxxx~~ until we teach boys and

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girls that the methods of ~~fixx~~ financiering whereby every penny possible is obtained, although not violating any written law or accepted business customs, may be morally and absolutely dishonest and wrong, and, in effect, stealing.

We cannot expect absolute honesty as between man and man, either in business life or as between employers and workers when boys and girls have been trained from early life to ~~thexpress~~ believe that the present double standard in economics is right, and that it is a proof of their incompetency, their lack of ability and intelligence, the positive evidence that they are a failure and no good, unless they take every penny they can in business dealings. Trained to this belief, it is a rank injustice to expect them to be honest and to measure their actions by the rule of justice between man and man, either in business, politics, or any other phase of their lives, because gradually it has become part of their very being to think that it is right, and an indication of stupidity, not to get everything for themselves that they can, provided they violate no law or the accepted rules of the game. Their teaching has been that refusing or forbearing to take or make an opportunity to manipulate a business transaction in such a manner as to obtain the largest amount of wealth out of it is a sure indication that they are deficient in intelligence, ambition or spirit; in fact, inferior beings.

Christ taught, and real Christianity (not present dgy Christianity) teaches that to take a penny not rightfully belonging to you is stealing; wrongfully taking a penny from its rightful owner makes one a thief, and that is made clear without any qualification at all. Christianity doesn't teach that you can take a penny in that manner if you do it according to law, or according to the rules of the game,

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and still be anything less than a thief.

Real Christianity does not mean that because a person is either mentally, financially, politically, socially, or in any other way stronger or better or superior to another individual, it gives that person a license to rob those other persons that are weaker. Christianity, under these circumstances, means instead that it is the duty of the more fortunate to help the others that are less fortunate, rather than steal from them or oppress them.

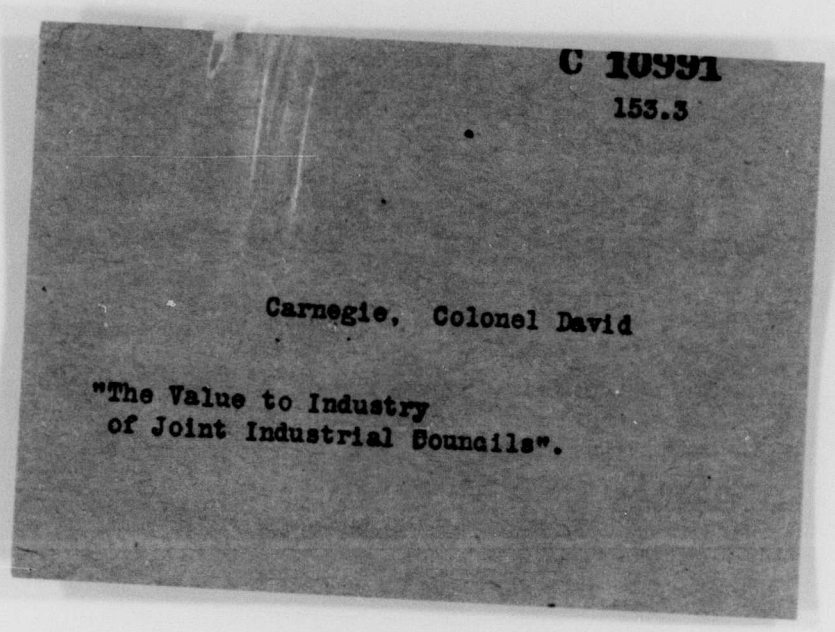
If we could, by any means, establish one rule that would mete out exact justice between man and man, no matter what position in life they occupied, we would have gone a long way towards establishing the only basis on which the brotherhood of man can be founded.

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If all persons who, by commercial or financial juggling or manipulation, took values that they did not earn by service, in addition to being branded unqualifiedly as thieves and charged with stealing, were also characterized as cowards and craven curs, penalized by law and ostracized by society; and when they accomplished their juggling through the enactment of corrupt laws or the rendition of venal or unjust court decisions, or through governmental executive action, were branded as traitors to the government and the people, and punished for treason, instead of being allowed, as at present, the reward of their ill gotten gains and honored by being credit for exceptional ability and shrewdness, the most of our economic injustices would almost entirely xxxxx die out and disappear; then, and then only, we would have real Christian economics.

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Same address excepting opening ~~Address~~ delivered Canadian Club St Catharines Feb 10th 1919

ADDRESS DELIVERED TO THE HAMILTON INTERNATIONAL ROTARY,
DISTRICT NO 4. CONFERENCE

FEBRUARY 11th, 1919

by

COLONEL DAVID CARNEGIE, F.R.S. EDIN., M. Inst. C. E.
MEMBER & ORDNANCE ADVISOR, IMPERIAL MUNITIONS BOARD.

See page 4.

Subject:- The Value & Industry of Joint Industrial Councils.

Mr. Chairman and Gentlemen, When your District Governor, Mr. Kelly invited me to address your conference, I was not aware of its International nature, but appreciate all the more highly the honour you confer upon me in asking me to speak to you today.

This meeting reminds me of a delightful gathering of Rotarians in my native City Aberdeen, when as their guest I had the pleasure of addressing their Club last October when over in the old country.

The subject assigned to me for our consideration this afternoon, viz., "The Basis of Re-construction" is so comprehensive, that I propose confining myself to that phase of it which deals with the relationship between Employers and Employed, the importance of which it is difficult to estimate at the present moment in the re-construction of National and International industry.

During my recent visit to England, I had the opportunity of studying the industrial situation there, and was glad to find so much progressive propaganda work going on to unite organized Labor Unions and Employers Associations in promoting industrial harmony and efficiency in the interests of Employer and Employed.

If I understand correctly the progressive industrial development in Canada and the United States which has taken place during the great war from which we have so happily emerged, the time is opportune for the most careful consideration of the value to industry in Canada and the United States of Joint Industrial Councils, as a basis of establishing better relations between employers and employed, the outcome of which must result in re-construction.

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I should like to consider this afternoon:-

1. A brief history of the movement towards representative Government in industry and the formation of Joint Industrial Councils in England.
2. The functions of Joint Industrial Councils and
3. There value to industry.

MOVEMENT TOWARDS REPRESENTATIVE GOVERNMENT IN INDUSTRY

For many years students of industry in the ranks of labour and capital have been working towards representative Government in industry.

Public opinion has been educated gradually to recognize the place and power of organized labour in the Councils of industrial government, in all matters affecting the progress and well being of industrial workers as a whole. During the past fifty years there has been many serious conflicts between employers and employees in regard to the claims and demands of each. There is no doubt that distrust and suspicion have marred the possibilities of a speedier recognition by both of their common interests in industry.

Here and there during the past thirty years there have been found philanthropists in industry who have done unselfish service to secure better relations between employers and employed, but labour does not want philanthropy nor do employers who have studied the situation believe that it is calculated to produce the best type of worker. Schemes for the reduction of hours of labour such as the eight hours a day were adopted nearly twenty five years ago in England and have proved in ordinary commerical as well as in government establishments, to be of economic advantage to industry, apart from being an advantage to the workers.

Large companies have demonstrated that profit sharing in industry has benefited employers as well as employees.

Labour has demonstrated through its co-operative organizations

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that profits can be obtained from co-partnership in trading.

Large gas companies in England have for many years admitted to their Boards of Directors a limited number of representatives of their employees, and have paid their workers on a profit sharing basis according to selling price of gas and the cost of production.

Employers have formed associations of manufacturers in the same and allied industries to promote the interests of industry in seeking to secure trade jointly instead of in competition with each other. Such associations have established relations between labour organizations and have recognized the right of collective bargaining between organizations of employers and employees.

Quite recently in the United States there has been demonstrated one of the most striking illustrations of representative government in industry.

I refer to the Colorado Fuel and Iron Company in the State of Colorada, which is perhaps one of the most important industries in America. In 1915 the Company decided upon a plan of representative government about which, the Commissioners appointed by the President of the United States on December 21st, 1914, to inquire into the labour differences in the coal fields of Colorada said in their report;-

"The essential features of the plan seem to your Commissioners to be

(1) That the relations between the Company and its employees as a body are defined by contract.

(2) That every employee is guaranteed the right to belong to a labour union or not, as he pleases; and

(3) That the men in each mine under this contract are entitled to choose their own representatives, these representatives being protected against abuse by the Company, by a clause in the contract which entitles them, if they even think they have been discriminated against because of the men, to appeal to the Industrial Commission

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of the State, and the contract binds the Company also to accept as final the finding of the Industrial State Commission."

This remarkable scheme which has proved to be a success was carried through largely by the efforts and genius of Mr. W. L. MacKenzie King, whose recent treatise on "Industry and Humanity" describes fully the details and methods of organisation involved.

Manufacturers in Canada sometimes speak of the difficulty they have in respect to alien labour in the consideration of plans for works committees and district councils. In the Colorada Fuel and Iron Company twenty one per cent of the ten to twelve thousand employees scattered throughout twenty or more coal and iron mining communities in Colorada were native Americans. Fourteen per cent were white and seven per cent coloured. The remainder consisted of Italians, Mexicans, Australians, Greeks, and a mixture of many other foreign nationalities. If what has been accomplished in such a difficult group of industrial camps, which a year before had been plunged into a state of unrest and conflict of serious magnitude, there need be no doubt about solving any of the complex problems between Capital and labour in Canada if the hearts and minds of both representatives are determined on that course.

In October, 1916, there was issued by the Garton Foundation a memorandum containing proposals for the union of Capital and labour, proposals which are believed by many to have inspired the action of the British Government in the appointment of the Whitley Committee. About the same time several independent students of industry made proposals bearing upon the same subject, all of which contributed to the education of that public opinion which is ripening for full representative Government in industry. Perhaps the most important discovery made by the British Government during the war was that members of labour unions and employers associations were honestly and earnestly seeking some common ground

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where happier relations and more prosperous conditions could be established between capital and labour.

It was early in 1917 that a sub-committee of the British re-construction committee, consisting of representatives of employers and employed was appointed to consider the relation between employers and employed under the Chairmanship of the Rt. Hon. J. H. Whitley, M.P., whose committee in March 1917, recommended the adoption of Joint Standing Industrial Councils in each industry. Such Councils to consist of equal representation of the employees and employers, their functions being to consider problems of industry effecting the conditions of the workers and improvements in production. Conditions about which labor unions had hitherto no adequate expression in their direction or control.

This was a great recommendation, the far reaching results of which were not realized by the Committee or the British Government who endorsed the Committee's proposals. To advocate a change in the vast industrial machine at a time when the country was involved in war looked like an attempt to invite complete disaster. This view was held by not a few. Those, however, who had followed the educational influences at work in the workers' Educational Association and Kindred Institutions as well as in the ranks of labour unions and in employers associations were not surprised to find a willing response from many employers and employees to the suggestions made in the Whitley report.

The proposals were approved by the parliamentary Committee of the Trade Unions Congress, by different Trade Unions and by a number of the employers' associations, but the propaganda work necessary in forming the Joint Industrial Councils in each industry became a matter of serious concern. The question arose as to how far the Government could father the Committees' plans or whether the propaganda work should be left to the associations of employers and labour unions.

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PIONEER WORK OF NATIONAL ALLIANCE OF EMPLOYERS AND EMPLOYED.

Prior to the appointment of the Whitley Committee a number of the most influential employers and trade unionists in Britain met on December 7th, 1916, at the Hotel Cecil, London, and formed what is known as the National Alliance of Employers and Employed. It was formed to promote active co-operation of employers and employed in the consideration of questions generally affecting labour and employment in all trades and industrial occupations. It had also in view the welfare of the industrial workers of the country and the efficiency of its industries.

This society with the Rt. Hon. Huth Jackson, as Chairman and Mr. A. H. Patterson and Lieut. General Sir. E. Bethune as secretaries, has done splendid pioneer work throughout the United Kingdom in promoting the happy alliance of employers and employed, and in making possible the establishment of Joint Industrial Councils to deal with wages, conditions of labour, etc. It was considered by many that the Government might have been well advised to have used this organization for carrying on the propaganda work in establishing Industrial Councils throughout the country. This, however, was not done but the work of the National Alliance of employers and employed paved the way and continues to help in making easier the great service rendered by the Ministry of Labour in the actual formation of industrial councils throughout the country.

PROPAGANDA WORK BY MINISTRY OF LABOUR

The British Government in advising the formation of industrial councils adopted an educational propaganda among the unions of workers and employers. Attached to the Ministry of Labour is a body of well trained officials who confer with the leaders of labour unions showing them the advantages to be gained by meeting and confering with the leaders of the unions of employers on all matters relating to the betterment of their particular industry.

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Similar meetings for conference are held with representatives of the employers and if both the labour and employers' representatives agree with the proposals, meetings are arranged between the representatives of both labour and employers' unions and opportunities are thus afforded for forming Joint Industrial Councils.

So far this propaganda work has met with considerable success in the minor industries such as in the Electric Cable industry, the Rubber manufacturing industry, the Cloth industry, the Silk industry, the Glass industries, the Vehicle building industry and others. In all their propaganda work the officials of the Ministry have avoided the very appearance of coercion in the formation of these Councils, but as a result of persistent and tactful meetings, Joint Industrial Councils have been formed. In fact officials of the Ministry have helped as a rule to draft the constitution of the industrial councils.

FUNCTIONS OF JOINT INDUSTRIAL COUNCILS

Leaving then this brief reference to the history of the formation of Joint Industrial Councils I should like to refer to the functions of these councils. It is the object of the Government that where a truly representative Joint Industrial Council is formed, which can be regarded by the industry as a whole as representating the industry, to use such Council as the channel through which the Government is informed of the needs and conditions of the industry.

While Joint Standing Industrial Councils were intended by the Whitley sub-committee to deal with matters relating to the well being and progress of the trade from the point of view of all engaged in it so far as was consistent with the general interests of the communities. Those who have been fathering these councils have seen that the question for instance of wages cannot be discussed by a body of representatives of Labour Unions and employers associations

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together, without having to consider the prices of products, the markets of products, and the methods of securing orders.

This phase of the work of Joint Industrial Councils is regarded as most helpful and is one way of enlarging the interests of the workers in the problems of securing trade and in the risks manufacturers run before they can make profits. As the work of these councils develops the workers bring not only interest but good judgment to the problems of securing remunerative trade, as well as to those relating to the maintenance of efficient production. The functions, therefore, of the Joint Industrial Councils are not only important but comprehensive calling for strenuous efforts of the best brains and hearts possessed by employers and employed.

CONSTITUTION OF JOINT INDUSTRIAL COUNCILS FOR SILK INDUSTRY

Here arefor instance the principal details of the constitution of the Joint Industrial Council of the silk industry in Britain; it states that the object is to secure the best possible machinery for joint action between employers and work people for the development of industry as a part of national life and for the improvement of conditions for all engaged in that industry. It is open to the Council to take any action that falls within the scopeof its general activities, the chief work being

1. The consideration of means whereby all manufacturers and operatives shall be encouraged to come within their respective associations.

2. The regular consideration of wages, hours and working conditions in the industry as a whole.

3. The consideration of the existing machinery for the settlement of differences between various parties and sections in the industry and the establishment of machinery for the speedy settlement of difficulties where such does not already exist.

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4. The re-organization of production and employment.

5. The improvement of healthy conditions in the industry.

6. The encouragement of the study of processes and design and of research with a view to perfecting the products of the industry.

7. The provision of facilities for the full consideration and utilization of inventions and improvements in machinery and methods and for the adequate safe-guarding of the rights of designers of such improvements, and to secure that such improvements in methods or inventions shall give to each party an equitable share of the benefits financial or otherwise arising therefrom.

8. The supervision of entering into and training for an industry and co-operation with the technical authorities in arranging adequate facilities in all the branches of the industry.

9. The regular consideration and the compilation of statistics of wages, making and selling prices, cost of material and customs' tariffs and the study and promotion of scientific and practical systems of account keeping.

10. Enquiries into problems of the industry and where desirable the publication of reports.

11. The representation of the needs and opinions of the industry to the Government, Government Departments, and Local authorities.

12. The consideration of any other matters that may be referred to it by the Government or any Government Department.

SELECTION OF MEMBERS OF JOINT INDUSTRIAL COUNCILS

I am sure you will admit that the scope of the work and weight of the responsibility resting upon the members of such Councils call for the most diligent care in the selection of members. The Council whose constitution I have just read, includes fifteen

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representatives from five different associations of employers and fifteen representatives from five different trade unions in the silk and textile industries.

I need not here refer to the methods of election of officials and to the working of the Council. The Chairman is appointed by the Council and if selected from the employers, the Vice Chairman is elected from the representatives of trade unions and vice versa. The expenses of the Council are met equally by the representatives of the employers' associations and the trade unions.

I have referred merely to Joint Industrial Councils without distinguishing between National District and Factory Councils or Committees, as the main objects of each are similar although limited according to the scope of their operations.

In regard to the actual results obtained from the working of these Joint Industrial Councils, they have been long enough in operation to inspire confidence in their development and usefulness.

While there has been considerable criticism and some opposition to their formation -- not more than one would expect from the existing complex industrial combinations - there is sufficient evidence to show that they will continue to be successful.

THEIR VALUE TO INDUSTRY

Coming to the consideration of their value to industry, whether as Factory Committees, District Councils, National Councils or International Councils. It is believed that in them the best means will be found of breaking down prejudice, suspicion and distrust which have alienated employers and employees with all their attendant evils.

Before employers and employees can jointly undertake to carry out the duties called for in such a constitution as I have read, they must recognize the common interests of their respective organized unions and the industry they represent and realize their joint responsibility. Problems will be approached then with an earnest and sympathetic desire for their solution.

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Such efforts on the part of employers and employees who have discovered that successful and happy industrial conditions lie in the path of duty to each other, are sure to bring prosperity.

In the successful operation of these Councils there will be the abandonment of unrestricted competition in securing trade, the evils of which are too well known. Through them also will be established methods for securing trade which will prevent one part of an industry being idle while the other part is working overtime. There will follow the regulation of the distribution of orders for factories according to their capacity and efficiency to produce the articles required. By such Councils there will be also a regulation of production to prevent over-production for one market and under-production for another.

It is hoped that these Councils will obtain an unrestricted output from factories and a day for the workers filled with happy activities, the hours of which will be regulated by the demands of the markets. Through the efforts of these Councils well trained men and women will enjoy the fruits of industry, the remuneration of which will be jointly determined by employer and employed. But perhaps most of all the value of these Councils will be found in the happier homes of the workers. No Council with its true objects at heart will tolerate for the employees conditions of housing such as exist in many industrial centres at present. Their value to prosperous industry will be too obvious to admit of delay in seeing that comfortable homes are provided for the workers.

URGENT NEED OF COUNCILS

There never was a time in the history of industry when the consideration of means for united action on the part of employers and employees was more necessary than now. The great War has shaken the industrial fabric of Europe and although we now enjoy the triumph of a colossal struggle the dangers of an economic and industrial warfare lark around us and demand our best thoughts and action. We must not be alarmed, however, if during the period of recovery, the industrial world

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has on its surface here and there troublesome labour volcanoes which do not represent or disturb the solidity of industry. It is not believed that Joint Industrial Councils will remove surface boils which occasionally disturb society, but one may be confident that the troubles in British industry of which we have read recently would not have reached their present dimensions, had some form of Joint Industrial Councils existed in the industries concerned.

Those who have followed the solid educational work in the ranks of labour do not regard with any apprehension these troublesome outbreaks in industry, asthey do not represent the feelings of the important masses of thoughtful and well organized labour. They do point, however, to the need for earnest consideration of the means whereby labour and Capital can work in harmony.

If we interpret rightly the nature of the forces in British Industrial life which are struggling for better conditions amongst the Employers and Employees (without considering for the present those social, religous and educational forces which are of inestimable value) I think we shall find;

1) Masses of organized and unorganized labour who are discontented with the measure of profit they obtain from industry.

2) Organizations of manufacturers who are seeking to satisfy labour by securing remunerative trade which will admit of the payment of higher wages and the provision of better conditions for labour.

3) Organizations of earnest leaders of labour and leading employers who have joined hands in promoting union between employers and employees to determine a fair share in the profits and responsibilities of industry which belong to each.

4) Organized and unorganized groups from the ranks of labour and unemployed who are determined to break up the existing machinery of State and use the profits of industry for what they term "the common good".

These different forces have played and are playing their part in the working out of better conditions in industry.

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The establishment of Joint Industrial Councils or some similar organizations for considering the claims of Employer and Employed by mutual conference, will go far in promoting in each industry, a comradship, harmony and efficiency which will satisfy all sections of the industrial community.

JOINT INDUSTRIAL COUNCILS IN CANADA

The splendid work already accomplished by the labour department of the Dominion Government, in connection with the Railways of Canada, encourage the hope that although the industrial conditions here differ in some respects from those in England, there will be found no insurmountable barrier to the formation and operation of such Councils in Canada.

While the country is much vaster than England, organized labour has done a great deal in Canada to establish machinery in such form as to make possible the selection of representation from each industry for such Councils.

Manufacturers in Canada are looking for some satisfactory means of improving the conditions of labour and the general prosperity of industry.

The enlightened leaders of Labour Unions are also earnestly seeking the betterment of industry as a whole.

While I have spoken principally about the formation of Joint Industrial Councils in Britain and their application to Canadian Industry, I believe that the work to which I have referred which has been done in the United States in the establishment of Works Committee of a similar kind to the Councils I have described, all indicate the desire for a closer union of employer and employed for the betterment of industry as a whole in the common interests of both.

When such Councils are established in Canada and in the United

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States, the recognition of their international value for securing remunerative trade for each industry as well as providing means in factories for maintaining efficient production, will bring with them international prosperity and contentment.

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C 11006

(Name) ..... (Date) .....

(Mailing Address) .....

I do / do not expect to attend the Taylor Society Conference at Ann Arbor, Michigan, May 11, 12 and 13.

I expect to bring with me the following guests :

.....

.....

Please reserve sleeping accommodations for me / us as follows :

Thursday night, May 11	Men	Ladies .....
Friday night, May 12	Men	Ladies .....
Saturday night, May 13	Men	Ladies .....

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C 11007

THIS SIDE OF CARD IS FOR ADDRESS

PROF. JOSEPH A. BURSLEY,

University of Michigan,

ANN ARBOR, MICH.

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C 11008

(Date) .....

(Name) .....

(Mailing Address) .....

.....

expects to be able to accept your invitation to be your guest on Thursday, May 11, and does / does not expect to be present for luncheon.

To MR. BOYD FISHER,
Vice-President, Executives' Club,
Detroit Board of Trade,
Detroit, Michigan.

C 11009

(Date) .....

(Name) .....

(Mailing Address) .....

.....

expects to be able to accept your invitation to be your guest on Wednesday, May 10, and does / does not expect to be present for luncheon.

To MR. RICHARD A. FEISS,
The Clothcraft Shops, Joseph & Feiss Co.,
Cleveland, Ohio.

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SPECIAL NOTICE

For Wednesday, May 10

Mr. Richard A. Feiss of Joseph & Feiss Co., Clothcraft Shops, Cleveland, Ohio, extends an invitation to members and their friends planning to attend the Ann Arbor Conference, to stop off in Cleveland on Wednesday, May 10, as guests of the Clothcraft Shops. The program for the day will include an inspection of their plant and of other plants and the serving of luncheon.

For Thursday, May 11

Mr. Boyd Fisher, for the Executives' Club of the Detroit Board of Commerce, extends a similar invitation to members and their friends to be the guests of that club during the morning and early afternoon of Thursday, May 11. The program includes arrangements to take visitors in automobiles to several of the more interesting plants, including the Ford Motor Company, and give them a complimentary luncheon either at one of the plants or at the Board of Commerce. The short trip from Detroit to Ann Arbor will be made on an early afternoon train.

Any who plan to avail themselves of either or both of these opportunities will please make use, at their earliest convenience, of the notification slips enclosed. These should be in the hands of the respective hosts not later than May 6.

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52 Vanderbilt Ave., New York, N. Y.

MINER CHIPMAN, Counsel
Problems of Management
Cambridge, Mass.

706 Union Trust Bldg., Detroit, Michigan.

What Miner Chipman as Counsel for Labor can do ....

1. Advise Labor in problems of general management.
2. Advise Labor in problems of industrial management.
3. As a technical Counsel, examine in behalf of labor, new devices of management, new systems and methods, affecting Labor in one form or another.
4. As technical Counsel, in behalf of labor, he can make scientific studies of systems of management, efficiency systems, etc. and protect labor from such abuses as may arise from the improper utilization of such systems.
5. In cases of complaint wherein Labor has a cause of grievance, he can make a scientific study of the conditions, and prepare a Brief and Opinion in their behalf, for presentation to the employer.
6. In cases of demands in relation to WAGES, he can make a scientific study of the wage problem in that particular instance, and prepare an Opinion and Brief in relation to it.
7. The chief value of Miner Chipman's service to labor will lie in his ability to prepare a Good Case for the worker in any demand he may make upon the employer, provided he has a Good Case, and sufficient evidence to prove it.
8. Miner Chipman, as Counsel to Labor, provides the worker with the same technique, the same experience, the same ability, as that employed by the employer of labor.
9. Miner Chipman, as Counsel to Labor, is STAFF only. He is Advisory only, and labor may, or may not accept his opinions and advice in their ultimate action.

What Miner Chipman as Counsel for Labor CANNOT DO.

1. He cannot act as a member of any Arbitration Board.
2. He cannot act as a member of any Conciliation Board.
3. He cannot act in any way in the settlement of a strike, except as Counsel representing the workers, and in the proper presentation of the facts and evidence in their behalf.
4. He cannot be employed by the employer and the worker in the same establishment.
5. He cannot act in a judicial capacity in any matter of difference between labor and employer.

What the service of Miner Chipman, as Counsel, means to Labor:

1. The reduction of scattered evidence, hearsay evidence, and fragments of evidence, to a solid whole. Giving force to the position of labor, and a real basis of discussion and settlement.
2. Provides Labor with the means whereby scientific and technical matters of management may be intelligently studied in their behalf. Prevents the introduction of methods of exploitation, over-speeding, etc. without their knowledge and consent.
3. Provides an avenue through which the voice of the worker can have an intelligent and forceful approach to the employer.

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C 11012

Southern Canada Power Company, Limited

Profit and Loss Account for Year ended 30th September, 1916

Gross Earnings for Year		148,429.23
Deduct:—		
Operating Expenses	$49,011.48	
Purchased Power	24,912.33	
		73,923.81
		74,505.42
Add:— **Profit on Operation**		
Non-operating Profit		7,023.01
		81,528.43
Deduct:—		
Proportion of Directors Fees, Legal Expenses and Administration Charges	6,171.32	
Bad Debts written off	893.38	
	7,064.70	
Proportion of Interest on Bonds, etc.	53,878.38	
		60,943.08
Surplus for the Year		20,585.35
Add:—		
Balance at Credit, 1st October, 1915		29,783.71
Balance at Credit, 30th September, 1916		50,369.06

MONTREAL, 18TH NOVEMBER, 1916.

Audited and found correct, subject to our Report of this date,
(Signed) MACINTOSH & HYDE, CHARTERED ACCOUNTANTS.

	1914	1915	1916
Gross Earnings	$104,442.01	$120,377.31	148,429.23
Operating Expenses and Purchased Powers	62,805.50	59,257.93	73,923.81
Net Earnings	$41,636.51	$61,119.38	$74,505.42
Non-operating Revenue	120.00	516.57	7,023.01
Total Revenue	$41,756.51	$61,635.95	$81,528.43
Deductions for Bond Interest, etc	33,819.64	39,789.11	60,943.08
Surplus for Year	$7,936.87	$21,846.84	20,585.35

MACINTOSH & HYDE
(Established 1835)
CHARTERED ACCOUNTANTS
MONTREAL.

18th November, 1916.

THE PRESIDENT AND DIRECTORS,
Southern Canada Power Company, Limited, Montreal.

Gentlemen:—

We beg to report that we have now completed the Audit of the Books and Accounts of your Company for the Year ended 30th September, 1916, and now hand you the following Statements, duly certified subject to this Report:—

1. Statement of Assets and Liabilities.
2. Statement of Profit and Loss Account.
3. Schedule of Bills Payable.

Your Superintendent, Mr. Woodyatt, has given us a Certificate to the effect that the whole Plant and Equipment of the Company has been kept in an efficient state throughout the year, and that all items charged to Plant and Equipment are, in his opinion, properly so charged, and are in the nature of extensions or betterments, but no special reserve has been credited to cover general depreciation.

Stores on Hand.—We have examined the Inventories of Stores on hand but have only checked the additions of same.

Yours faithfully,
(Signed) MACINTOSH & HYDE,
CHARTERED ACCOUNTANTS

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CANADA

C 11013

1916

Southern Canada Power Co.

LIMITED

THIRD ANNUAL REPORT

President:
CLARENCE J. McCUAIG

Vice-President and Managing Director:
F. W. TEELE

General Manager:
J. B. WOODYATT

Directors:

CLARENCE J. McCUAIG	C. W. TOOKE
F. W. TEELE	A. J. NESBITT
W. C. HAWKINS	GRANT JOHNSTON
MAJOR D. R. McCUAIG, D.S.O.	W. K. BALDWIN
H. T. CHALIFOUX	J. B. WOODYATT
B. F. BUTTERFIELD	L. C. HASKELL
J. M. ROBERTSON	

Secretary-Treasurer:
L. C. HASKELL

CAPITALIZATION

	Authorized:	Issued:
First Mortgage Bonds.....	$5,000,000	$1,300,000
Common Stock.....	3,000,000	1,300,000

Balance of Common Stock is deposited (fully paid) with Trustees for future requirements of the Company

HEAD OFFICE:

CORISTINE BUILDING

MONTREAL, CANADA.

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Southern Canada Power Company, Limited

Report of the Directors for the Year Ending September 30th, 1916

TO THE SHAREHOLDERS:—

Your directors herewith enclose a copy of the audited annual report for the year ended September 30th, 1916.

In connection with the report they desire to say that the amount due by the underwriters on account of bonds sold has since been paid in full.

The following comparative information will be interesting to the shareholders.

Earnings over a period of years ending September 30th.

	1914	1915	1916
Gross Earnings	$104,442	$120,377	$148,429
Net Earnings	41,756	61,635	81,528

Under the advice of Messrs, Viele, Blackwell & Buck of New York, the Consulting Engineers of the Company, a very large amount of preliminary and permanent work has been carried out under the close supervision of the General Manager, Mr. J. B. Woodyatt, Mr. J. M. Robertson, Consulting Engineer, and Mr. W. I. Bishop, Consulting Hydraulic Engineer of the Company.

The electric plants at St. Johns, St. Hyacinthe and Drummondville have been modernized and placed in the highest state of efficiency and the service has been considerably extended. High tension transmission lines have been constructed from Chambly to St. Hilaire and Beloeil and thence to St. Hyacinthe. New substations have been constructed at St. Hilaire and St. Hyacinthe. A transmission line has been constructed (under an arrangement with the Shawinigan Water & Power Company) from Windsor Mills to Sherbrooke.

The Company owns The St. Johns Electric Light Company, the St. Hyacinthe Gas, Electric and Power Company, the Drummondville Municipal System, the Iberville Municipal System and the Electric Light and Power Systems of St. Joseph, St. Antoine, La Providence, St. Rosalie, St. Mathias and St. Hugues. The Company also supplies Beloeil and St. Hilaire with their electrical requirements.

It has recently acquired the Brome Lake Electric Power Company supplying Waterloo, Knowlton and Foster, the Richmond County Electric Company and the Cowansville Electric System.

The earnings of several of the above are not included in the statement of earnings given as they have been taken over since the end of the last fiscal year.

With a view to still further extending the scope of the Company's business, your directors thought it would be advantageous to acquire the control of the Sherbrooke Railway & Power Company, which supplies the populous manufacturing district between Sherbrooke and the International Boundary Line with electric power and light and the City of Sherbrooke with part of its power requirements, and owns and operates the street railway system in that city. This transaction was ratified at the annual meeting and authority was given to issue $300.000 6% preferred stock of this company with dividends cumulative from the 1st January, 1920, in payment of the outstanding stock of the Sherbrooke Railway and Power Company amounting to $1,127,000.

The control of the Sherbrooke Railway & Power Company is now vested in this company, more than three quarters of the shareholders of that company having already exchanged their shares for the preferred shares of this company.

The Company is at present operating its system with power obtained from its hydro-electric developments at St. Hyacinthe, Drummondville, Sherbrooke, Richmond, Foster and Cowansville, and its steam plants at St. Hyacinthe, St. Johns, Iberville, supplemented by temporary power purchased from the Montreal Light, Heat & Power Company and Shawinigan Water & Power Company.

Complete topographical surveys have been made of the St. Francis River from above Hemmings Falls, known as Power Site No. 1, to a point below the Moulin Power, known as Power Site No. 6, a total distance of 25 miles. Within these points the Company owns and controls six undeveloped water powers with a total head of about 300 feet with an ultimate capacity of about 150,000 h.p., having acquired all the necessary dam sites and practically all the lands which will be flooded.

Complete plans of the first two developments to be undertaken have been made. The river bed has been bored and found satisfactory and by far the larger portion of the initial work completed, so that the Company is in a position to commence development of its first large water power at Hemmings Falls, as soon as the prices of labor, material and machinery recede to normal.

Very important contracts have been made with the Shawinigan Water & Power Company for the sale to it of two blocks of power out of our first and second developments, amounting in the aggregate to about $1,800,000. These two contracts alone will practically cover the interest on the cost of these two developments. This Company is indebted to the Shawinigan Water & Power Company for its friendly co-operation and assistance in taking care of the very pressing demands for power in the City of Sherbrooke and vicinity and at other points.

It is interesting to note that this Company is now supplying light and power in thirty-seven cities, towns and villages in the Province of Quebec, and two in the State of Vermont, through one of its subsidiary companies.

The Shareholders will note with interest the election to the Board of the Company, as Vice-President and Managing Director, of Mr. F. W. Teele, formerly General Manager of the Porto-Rico Railways Company, Trinidad Electric Company, the Demara Electric Company and Camaguey Electric Company, etc., and of Mr. W. C. Hawkins, Managing Director of the Dominion Power and Transmission Company of Hamilton, Ont. The election of these gentlemen to the Board gives this company, with its own capable staff, a very strong executive.

New and commodius offices have been taken in the Coristine Building to accommodate the increasing business of the company.

The business of the present year shows a gratifying increase in all departments.

By Order of the Board,

L. C. HASKELL,
Secretary.

Montreal, March 1917

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Southern Canada Power Company, Limited

Statement of Assets and Liabilities as at 30th September, 1916

Assets			
CAPITAL ASSETS:—			
Properties, Water Powers, Etc.		$3,419,190.97	
Plant		537,965.79	
Work in progress	$165,764.88		
Advances to Contractors	7,163.90		
		172,928.78	
Trustees for Bondholders		900.00	
			$4,130,985.54
CURRENT ASSETS:—			
Stores on hand		36,716.63	
Accounts receivable		19,823.86	
Investments		9,000.00	
Cash in bank and on hand		14,926.79	
			80,467.28
MORTGAGES RECEIVABLE—Real Estate:—			
Promises of sale, payable in monthly instalments			37,375.67
UNDERWRITERS, for Bonds Underwritten			350,000.00
ORGANIZATION			26,350.92
			$4,625,179.41
Liabilities			
CAPITAL LIABILITIES:—			
First Mortgage, 6% Bonds		1,422,600.00	
Deduct:—			
Bonds in escrow for Bondholders of Subsidiaries	138,500.00		
Bonds deposited as Collateral Security	370,000.00		
Bonds in Treasury	103,000.00		
		611,500.00	
		811,100.00	
Bonds Underwritten:—		350,000.00	
Bonds of Subsidiaries :—			
St. Johns Electric Light Co. 6% Bonds	59,000.00		
St. Hyacinthe Gas Elec. & Power Co. 5% Bonds	28,000.00		
Town of Drummondville, 5% Bonds	35,010.08		
Town of Iberville 4½% Bonds	15,000.00		
		137,010.08	
Mortgages		32,140.50	
		1,330,250.58	
Bond interest Accrued		4,522.17	
		1,334,772.75	
CURRENT LIABILITIES:—			
Bills Payable	97,637.50		
Accounts payable	25,148.78		
Deposits	630.93		
McCuaig Bros. Loans	98,620.39		
Current Account	18,000.00		
	116,620.39		
CAPITAL STOCK:—		240,037.60	
30,000 shares of $100 each	3,000,000.00		
PROFIT AND LOSS:—			
Balance at Credit	50,369.06		
		3,050,369.06	
			4,625,179.41

MONTREAL, 18th November, 1916.

Audited and found correct, subject to our Report of this date.

(Signed) MACINTOSH & HYDE, CHARTERED ACCOUNTANTS.

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LIST OF THOSE INVITED TO PARTICIPATE IN DISCUSSION

Representing Canadian Opinion:

W. L. Mackenzie King, former Minister of Labor and Author of the Canadian Industrial Disputes Act;

James C. Watters, president Canadian Trade and Labor Congress;

Prof. Adam Shortt, chairman Civil Service Commission of Canada; acted as chairman of the first twelve boards appointed under the Act.

Representing American Opinion:

Labor

W. S. Carter, president Brotherhood of Locomotive Firemen and Enginemen;

John P. Frey, editor Iron Molders Journal;

John B. Lennon, treasurer American Federation of Labor, member United States Commission on Industrial Relations;

John P. White, president United Mine Workers of America.

Employers

Frank Trumbull, chairman Board of Directors Chesapeake and Ohio Railroad, chairman Committee of Railway Presidents;

William B. Dickson, vice-president Midvale Steel Company;

Francis S. Peabody, coal operator;

Harris Weinstock, capitalist, member of United States Commission on Industrial Relations.

The Public

John R. Commons, professor of Political Economy, University of Wisconsin, member of United States Commission on Industrial Relations;

Charles W. Eliot, former president of Harvard University;

Oscar S. Straus, chairman, New York Public Service Commission (first district), member Arbitration Board in Wage Dispute of Engineers in Eastern Territory, 1912;

J. E. Williams, chairman Arbitration Board, Hart Schaffner and Marx agreement, Chicago.

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