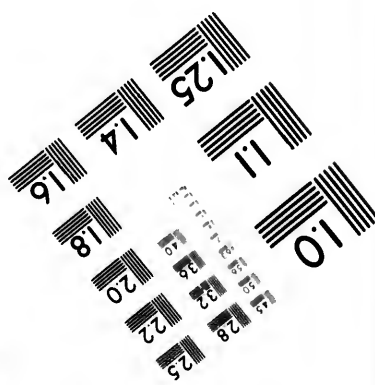
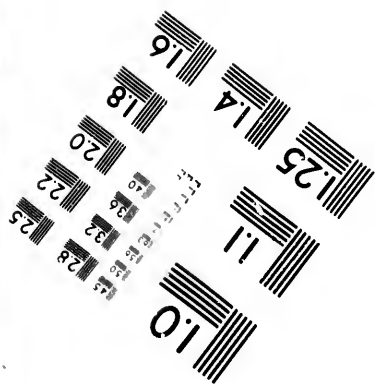
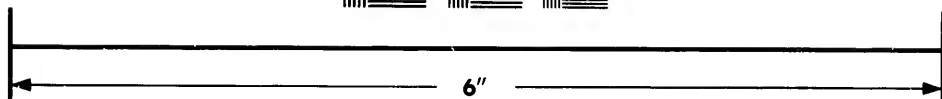
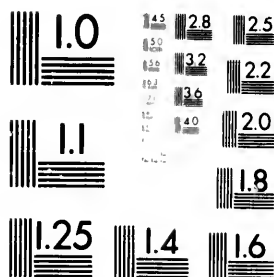


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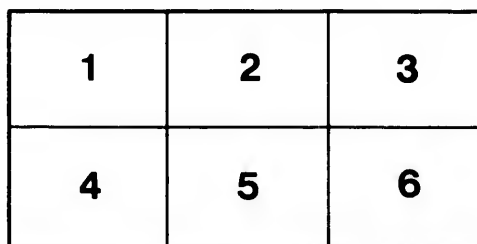
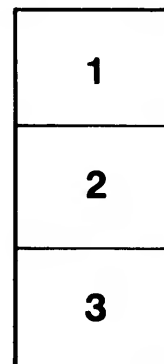
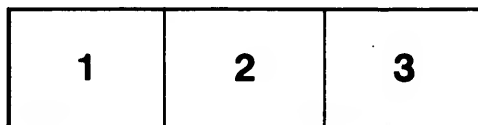
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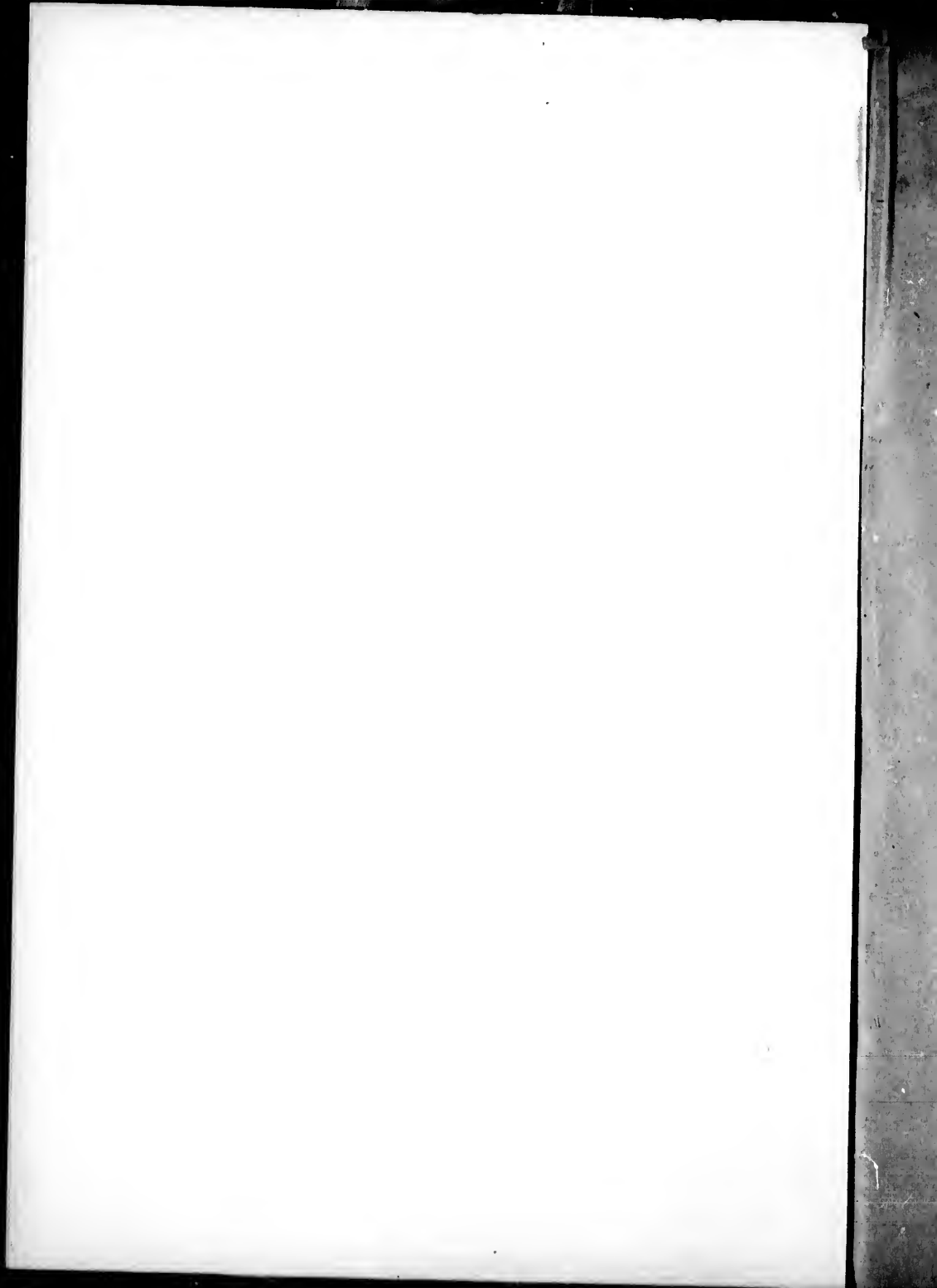
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THE

Laws Relating to Labor



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THE LAWS RELATING TO LABOR

Mechanics' Lien.

The Mechanics' Lien Act of 1873 was passed soon after the Liberal Government assumed office, and was intended to protect mechanics, machinists, builders, miners and contractors from loss on account of labor or material furnished in the erection of buildings or the construction of machinery. The Act not merely recognizes the new form of liability, but provides the means for establishing and enforcing claims arising under it. The original Statute has been several times amended, with a view to make it more simple and perfect in its working.

An act to further facilitate the enforcement of the just rights of wage-earners and sub-contractors, enacted in 1893, provides that "every device by any owner or contractor, which shall be adopted in order to defeat the priority of wage-earners for their wages under the several Acts relating to Mechanics' liens, shall, as respects such wage-earners, be null and void." Another section provides, that "in the case of wages due to any mechanic, laborer or other person, in respect of work referred to in the 4th section of *The Mechanics' Lien Act*, the jurisdiction of a police magistrate in a city under the *Act respecting Master and Servant*, shall extend to wages for thirty days, or for a balance equal to the wages for thirty days, though the same or the balance thereof exceed the sum of \$40 in the said section mentioned." It is also provided that "where no specific rate of wages has been expressly agreed to between the parties, the city police magistrate aforesaid may order payment of the wages, reckoning the amount thereof according to the current rate of wages in the city, in like cases, or according to what may appear to be a just and reasonable allow-

ance," and "any order of a city police magistrate for the payment of such wages as aforesaid, shall be payable forthwith."

This Act was consolidated, amended and greatly enlarged in its scope by chapter 35 of the Act of 1896, which may be cited as *The Mechanics' and Wage-Earners' Lien Act, 1896*. It was extended and made specially and particularly applicable to railway companies and all bodies corporate, including municipal corporations, and to the case of work done upon the property of Married Women with the consent of the husband. The Act now covers almost every case.

By section 7 insurance on property destroyed by fire in respect of which there is a lien is bound also to the extent of the lien.

By section 10 the owner of the property is required to retain from the contractor, for the purpose of satisfying liens under the Act, for a period of 30 days after the completion or abandonment of the contract, 20 per cent. of the value of the work, service, or material done or supplied. Where the contract exceeds \$15,000 the amount to be retained must be 15 per cent.

By section 12 it is declared that the lien created by the Act shall have priority over all judgments, executions, assignments, attachments and garnishments issued or made after the lien arises, and over all payments or advances made on account of any conveyance or mortgage after notice in writing of the lien.

By section 13 special preference is given for 30 days' wages to the earnings of the mechanic or laborer, and re-enacts the important clause in 56 Vict., c. 24, which is as follows:

"Every device by any owner, contractor or sub-contractor adopted to defeat the priority given to wage-earners for their wages by this Act shall, as respects such wage-earners, be null and void."

By the same section. (sub-section 6) "Wages" are defined to extend to moneys earned by piece-work as well as to work by the day.

By section 14 it is provided that any payment made for the purpose of defeating a claim for a lien shall be null and void.

By section 16 a claim must be registered in the registry office of the county where the land lies.

By section 17 it is provided that any number of persons may join in one registration of claims; and no claim is to be invalidated (sec. 18) by reason of want of formality. The fee for registration is 25 cents (sec. 19).

By section 21, claims must be registered within 30 days from

the completion of the contract or work, or during its performance.

Section 30 provides that any number of lien-holders having claims may join in one action.

By section 31 the Master-in-Ordinary, or Local Master, or Official Referee, or a Judge of the County Court, may summarily try the case.

By section 37 no fees in stamps are to be paid on a claim for wages, and but one dollar per hundred on any other claim up to one thousand dollars.

This new Act as amended appears to be entirely satisfactory to the public, as complaints which were many and numerous against the old Acts are not continued as to the present one. Indeed, no complaints have been made as to its inefficiency, and it has now been so amended as to make it as perfect as a law of this kind can be made.

Employers' Liability.

For years past in England an Act of Parliament has been in force which makes employers liable, under certain circumstances, for injuries to their employees. That Act was, at the instance of the House of Lords, limited in its operation to five years, but it has given such general satisfaction that it will, undoubtedly, be made permanent, as indicated in legislation now being considered by the British House of Commons, and will probably at the same time be given a wider application. In the session of 1886, an Act was passed by the Ontario Legislature to secure compensation to workmen in certain cases for personal injuries caused (1) by defective machinery or works; (2) by negligence of fellow employees entrusted with the duty of superintendence; (3) by conforming to the orders of fellow employees placed in authority; (4) by the operation of the employer's regulations, or (5) by the negligence of railway signal-men. The different kind of defects that make a railway company liable are specified, and the maximum amount of compensation is fixed at three years' earnings. Contracting out of the liability is not allowed, except when there is some other consideration than being taken into employment, which consideration must be, in the opinion of the Court trying an action, "ample and adequate," and on the side of the workman not "improvident," but "just and reasonable." This Act provides a simple method of enforcing claims arising under it.

An amendment in 1887 applied the provisions of the Act to railway companies and employers who had established provident and insurance societies for their men, even though the workmen injured had not connected themselves with such societies.

A further amendment in 1889 makes the employer for whom the work is done, as well as the contractor, liable for injuries received by the workmen,—it being provided, however, that double compensation shall not be recoverable for the same injury. This amendment also provides that even if the workman was aware of the defect or negligence which caused his injury, he should not therefore be deemed to have voluntarily incurred the risk of being injured.

At the session of 1892 all the Acts just referred to were consolidated into one.

In the session of 1893, this Act was still further amended by repealing sub-section 3 of section 2 of the Act of the year before, and substituting therefor: (3) "Workman does not include a domestic or menial servant, or servant in husbandry, gardening, or fruit-growing, where the personal injury caused to any such servant has been occasioned by or has arisen from or in the usual course of his work or employment as a domestic or menial servant, or as a servant in husbandry, gardening or fruit-growing, but, save as aforesaid, means any railway servant, and any person who, being a laborer, servant, journeyman, artificer, handicraftsman, hired, or otherwise engaged in manual labor, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be expressed or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labor."

The Factories Act.

"An Act for the Protection of Persons employed in Factories" was passed in 1884. It contained a proviso that it should not come into force until proclamation should be made by the Lieutenant-Governor, the object being to secure, either by concurrent Dominion legislation, or by a decision of the Supreme Court, that the validity of the law would not be disputed. All efforts to induce the Dominion Government to aid in removing the uncertainty having failed, the necessary proclamation was issued in October, 1886, and the "Ontario Factories Act, 1884,"

became law. It provides, among other things, (1) that the employment in a factory of a child, a young girl, or a woman, in such a way that their health is likely to be permanently injured, shall be an offence punishable by imprisonment or fine; (2) that no boy under twelve, and no girl under fourteen, shall be employed in any factory, and that children under fourteen and women shall not be employed more than ten hours a day, or sixty hours a week; (3) that women and children shall not be allowed to clean machinery, while it is in motion; (4) that working extra hours in a time of emergency shall be done only with the consent of the Inspector under the Act; (5) that factories shall be kept in proper sanitary condition; (6) that machinery and other sources of danger to employees shall be properly guarded; (7) that each factory shall be supplied with the means of extinguishing fires, and also with fire-escapes if the building is a high one; and (8) that the inspector shall be notified promptly when loss of life results to employees through fire or accident. The Act clothes the Inspector with the powers necessary to enable him to discharge his duties efficiently, and provides a simple means of enforcing its provisions. Appended to it is a schedule containing a list of the different kinds of factories that come under its operation, and it is provided that the Lieutenant-Governor-in-Council may add to, or take away from, that list by proclamation in the *Ontario Gazette*. The putting of this admirable measure into operation places the factory laborers of Ontario in as good a position in the matter of protection as is enjoyed by such laborers in any country in the world.

In 1887, an Amendment was passed, providing that boys under 12 and girls under 14 might be employed in the summer months in gathering and preparation of fruit or vegetables for canning purposes, such preparation not to involve cooking, and to be done in a different room.

An Act analogous in its provisions to the Factory Act was passed in 1888, which gave power to Municipal Councils, on application of three-fourths of the employers in any class of shops, to pass by-laws for the closing of all such shops at the hours mentioned in the application. This has the effect of shortening the hours during which children and young persons may be confined in such shops. It also ordered that seats be provided for female employees; also, that no young person should be employed in or about any shop longer than 74 hours, including meal hours, in any one week, nor longer than 14 hours, including meal hours, on any Saturday—notice to this effect to be posted up in the shop. This

provision not to apply in cases in which the employees are members of the families of the employers. This Act was amended in certain of its provisions in 1889.

In 1889 an amendment to the Factories Act made several new and most important changes, governing and for the protection of young persons engaged in factories, gave a detailed list of lines of business to which the Act applied, and, most important of all, sub-section 2 of section 3 of this Act of 1889 declares that "Section 2 of the principal Act is hereby amended by omitting therefrom the words 'provided that where not more than *twenty* persons are employed in any place coming within the foregoing definition of a factory,' and inserting instead thereof the words 'provided that where not more than *five* persons are employed in any place coming within the foregoing definition of a factory.'"

The Railway Accidents Act.

In 1881 the Legislative Assembly appointed a special committee to enquire into the causes of the loss of life from accidents on railways. Much valuable information was taken, and many of the most useful suggestions offered were the following year embodied in an Act "To make Provision for the Safety of Railway Employees and the Public." The preamble to that Act is as follows —

"Whereas frequent accidents to railway servants and others are occasioned by the neglect of Railway Companies to provide a fair and reasonable measure of protection against their occurrence; and whereas a proper construction of railway bridges, and certain precautions in the construction and maintenance of railway frogs, wing-rails, guard-rails, and freight cars would greatly lessen, if not entirely prevent, the happening of such accidents."

The Act goes on to specify the improvements which railway companies are required to make in their bridges, tracks and freight cars; and in the event of accidents to their employees caused by failure to do so, the latter are placed in as good a position, with respect to the right of compensation, as if they had not been in the company's employ. In other words, the great principle embodied in the Act securing compensation for injuries is anticipated by this provision of the Railway Accidents Act, just as the principle that railway companies and factory proprietors should be compelled to make proper provision for the safety of the public was anticipated by the Act of 1874, which requires the owners of machines properly to guard those parts likely to cause injury to persons coming in contact with them.

NOTE.—In connection with the Railways Accidents Act, creditable to the Ontario Government both in intent and enactment, it may not be unimportant to observe that the House of Commons of Canada, in 1888, enacted that "The Intercolonial Railway, the Grand Trunk Railway, the North Shore Railway, the Northern Railway, the Hamilton and Northwestern Railway, the Canada Southern Railway, the Great Western Railway, the Credit Valley Railway, the Ontario and Quebec Railway, and the Canadian Pacific Railway, are hereby declared to be works for the general advantage of Canada, and each and every branch line or railway now or hereafter connecting with or crossing the said lines of railway, or any of them, is a work for the general advantage of Canada."

Work and Wages.

In 1873 two Acts were passed, one intended to facilitate agreements between masters and workmen for participation in profits; the other intended to facilitate the adjustment of disputes between masters and workmen. With reference to these two measures, and the Mechanics' Lien Act passed in the same session, the Hon. Attorney-General Mowat made the following remarks in a speech delivered in Toronto on the 8th of January, 1879:

"We have passed laws securing to mechanics, laborers, and others, a lien for their pay on the property on which their labor is expended or their materials used, so far as this seemed practicable without prejudice to persons not concerned in the transaction. We have passed laws in the interest of masters and workmen, for facilitating agreements between them for sharing the profits of the business in which they may be engaged. The object of that law is of great importance to the working-classes. It is by such means that their status is to be raised. Those who have given attention to this subject seem to be unaware of any method by which so large an amount of good can be looked for to the great mass of our working population as some method which may enable them somehow to share the profits of the business in which they are employed. In framing these laws we had the advantage of what had been done elsewhere, and we have placed on the Statute Book the best laws that the example or experience of other places enabled us to devise.

"We have also passed a law to facilitate, by means of a machinery found useful elsewhere, the amicable settlement of disputes between employers and employed."

Industrial Disputes.

Sir Oliver Mowat, still continuing on the line indicated in his Toronto speech of January, 1879, during the session of the On-

tario Legislature of 1894 introduced and had passed into law, "An Act respecting Councils of Conciliation and Arbitration, for settling industrial disputes." This is admittedly an important Statute, containing among its provisions the best of those to be found in measures of like character in the United Kingdom, New South Wales, British Columbia, Nova Scotia and in France. The preamble to this law declares that "there is reason to believe that the establishment of Councils of Conciliation and Arbitration for the friendly settlement of disputes between employers and employees would conduce to the cultivation and maintenance of better relations and more active sympathy between employers and their employees, and would be of benefit in the public interest by providing simple methods for the prevention of strikes and lock-outs, from which industrial operations and the welfare of the country generally may suffer injury."

In this Act, the word "employer" means any person or body of persons, incorporated or unincorporated, employing not less than ten workmen in the same business in which the trade dispute has arisen; the word "employee" means any person in the employment of an employer, as defined by this Act.

A claim or dispute under this Act shall include any of the matters following as to which there is a disagreement between any employer and his employees:

(1) The price to be paid for work done, or in course of being done, whether such disagreement shall have arisen with respect to wages, or to the hours or times of working;

(2) Damage alleged to have been done to work, delay in finishing the same, not finishing the same in a good and workmanlike manner, or according to agreement; or a dispute respecting materials supplied to employees and alleged to be bad, or unfit, or unsuitable.

(3) The price to be paid for mining any mineral or substance mined, or obtained by mining, hewing, quarrying or other process; or the allowances, if any, to be made for bands, refuse, faults, or other causes whereby the mining of the mineral substance is impeded.

(4) The performance or non-performance of any stipulation or matter alleged to have been in an agreement, whether in writing or not.

(5) Insufficient or unwholesome food supplied to employees where there is an agreement to victual them, or to supply them with provisions or stores of any kind.

(6) Ill-ventilated or dangerous workings or places in mines, or

unwholesome or insanitary rooms or other places of accommodation, in which work is being performed, or want of necessary conveniences in connection with such rooms or places.

(7) The dismissal or employment under agreement of any employee or number of employees.

(8) The dismissal of an employee or employees for their connection with any trade or labor organization.

(9) No claim or dispute shall be the subject of conciliation or arbitration under this Act in any case in which the employees affected by such claim or dispute shall be fewer in number than ten.

A Council of Conciliation for the purposes of any dispute or claim, shall consist of four conciliators, two to be nominated by each of the parties to the dispute.

A dispute or claim within the meaning of this Act may be referred for settlement to a Council of Conciliation in the cases following :—

The parties to the dispute or claim may jointly agree, in the prescribed manner, to refer such dispute or claim for settlement to a Council of Conciliation.

Either party to the dispute or claim may, in the prescribed manner, lodge an application with the registrar requesting that the dispute or claim be referred for settlement to a Council of Conciliation.

There shall be a Council of Arbitration for the settlement of disputes and claims by Award. Such Council shall consist of three members, one to be appointed by the Lieutenant-Governor on the recommendation of the employees, and one to be appointed by him on the recommendation of the employers, and these two submit the name of some impartial person to the Lieutenant-Governor as the third arbitrator and who shall be the chairman.

The following may be the method of ascertaining the recommendation of employers and employees as to the persons to be appointed on their recommendation respectively as members of the Council of Arbitration :

(1) For the person to be recommended by the employers, every employer in the Province having at least ten persons in his employment shall be entitled to one vote; every organization in the Province, whether incorporated or unincorporated, representing the interests of employers, each member of which has at least ten persons in his employment, shall be entitled to one vote; and every board of trade in the Province, legally constituted, shall be entitled to one vote.

every district assembly of the Knights of Labor, every federated council of building trades, every lawfully incorporated trade union, every organization of wage-earners of an industrial calling primarily constituted for, and actually and *bona fide* operated for, the regulation of the wages and hours of labor as between employers and employed, shall be entitled to one vote; but this shall not be deemed to include co-operative associations or societies.

Co-operation.

In 1880 an Act was passed for the relief of Co-operative Associations, experience having shown that a relaxation of the former law was necessary in two respects. This Statute increases the maximum value of the shares any one member may hold from \$400 to \$1,000, and authorizes associations to incur a debt, secured by mortgage, for the purchase of business premises.

Collecting of Wages.

In 1885 an Act was passed which is of great importance as affording valuable protection to workmen in respect of wages. It provides that when a debtor makes an assignment of real or personal property for the general benefit of his creditors, an exception shall be made in favor of persons in his employment at, or immediately before, the time of the assignment, who shall be paid in full up to three months' wages or salary, and be entitled to take rank as general creditors for the remainder of the amount due them. A similar provision is made to apply to the distribution of the assets of a company in process of liquidation under "The Joint Stock Companies' Winding-up Act," and to the settlement of claims under "The Creditors' Relief Act, 1880." The measure applies to all wage-earners, whether by the day, the week, the piece, or otherwise.

No less valuable was an Act of 1889, providing that where proceedings under *The Act respecting Master and Servant* are taken before a Police Magistrate, and payment of wages is ordered by him to be made by the master or employer to the servant or laborer, and the same are not paid within the time limited by the order, the same proceedings may be taken by the person claiming the benefit of the order, as may be taken by a party having an unsatisfied judgment or order in a Division Court for the payment of any debt, damages or costs as respects the examination of the judgment debtor touching his estate and effects, the means

he has of discharging his liability, and the disposal he has made of any property, and the Police Magistrate shall have the like power and authority to enforce payment of the debt as are possessed by the Division Court Judge in like cases. The Police Magistrate may also, if he thinks fit, name in the order for payment of wages, such time, not exceeding 21 days, as to him may seem just and reasonable for the payment of the same and costs, and in case of non-payment within such time, the complainant shall be entitled to take forthwith the proceedings for enforcement provided by the Act respecting master and servant, and this Act.

Section 12, chapter 139, of the Revised Statutes of Ontario, 1897, provides that any one or more Justices of the Peace upon the oath of a servant or laborer against his master or employer concerning any non-payment of wages, may summon the master or employer to appear before him or them, and he and they, upon due proof of the cause or complaint, may discharge the servant or laborer from the service of the employment of the master, and may direct the payment to him of any wages found to be due, not exceeding the sum of \$40, and the Justice or Justices shall make such order for payment of the said wages as to him or them seems just and reasonable, with costs, and in case of the non-payment of the same together with the costs, for the space of twenty-one days after such order, a warrant of distress shall issue for the levying of the wages, together with the costs of conviction and of the distress. By an Act passed in 1891, the foregoing was amended by expunging the words "twenty-one days," and substituting therefor the words "eight days."

Imported Contract Labor.

With a view to the protection of the Ontario laborer from the oppressive competition of certain classes of foreigners, whom it is the custom to bring into the country under agreements which virtually prevent them from being free agents in the disposal of their services, the Legislature, in the session of 1886, enacted as follows:

"Any agreement or bargain, verbal or written, expressed or implied, which may hereafter be made between any person, and any other person not a resident of Canada, for the performance of labor or service, or having reference to the performance of labor or service by such other person in the Province of Ontario, and made as aforesaid, previous to the migration or coming into Canada of such other person whose labor or service is contracted for, shall be void and of no effect as against the person only so migrating or coming."

This enactment leaves the imported foreign laborer, who comes into Ontario on the strength of a previous agreement, free to cancel his agreement after his arrival here if he sees fit to do so, while if he chooses to observe the agreement on his part, he can hold his employer to it also. The object of this legislation is to discourage the practice of advancing money to foreign laborers to pay their passage into this Province, by making it impossible for the employer to recover the sum advanced if the employee sees fit to break his engagement. No more effective means could be devised.

Salaries and Wages.

Another Statute that calls for notice in this connection is one passed in 1874, which enacts that the wages or salary due to a laborer, mechanic, or servant, shall not be liable to seizure, or attachment, or garnishment for debt, unless the sum due to him exceeds \$25, and then only for the amount of such excess. The object in view is to prevent the wage-earner from being left entirely penniless, a reasonable relief in view of all that the law has done for other classes of debtors.

In 1891 the Woodman's Lien for Wages Act became law, and under its provisions any person performing any labor, service or services in connection with any logs or timber in the districts of Algoma, Thunder Bay and Rainy River shall have a lien thereon for the amount due for such labor, service or services, and the same shall be deemed a first lien or charge on such logs or timber, and shall have precedence of all other claims or liens thereon, except any lien or charge which the Crown may have upon such logs or timber.

The Woodman's Lien for Wages Act (1891) was in 1895 extended and made to apply to Algoma, Thunder Bay, Rainy River, Muskoka and Parry Sound and in 1896 to the provisional County of Haliburton, and a new clause was included in the Act of 1896 providing that any contractor who has entered into any agreement under the terms of which he has cut, removed, taken out and driven, for any licensee of the Crown, by himself or by others in his employ, any logs or timber into the waters at or near Lake Superior, the Georgian Bay, Lake Huron or the Saint Mary's River, for export from the log out of the Province of Ontario, shall be deemed to be a person performing labor, service or services upon logs or timber within the meaning of the "Woodman's Lien for Wages Act."

Workmen allowed Time to Cast Their Votes.

To many persons entitled to vote, in cities and towns, where during the whole of the hours of polling they are employed at a distance from their voting places, polling their votes is a matter of loss and difficulty. With a view to removing this obstacle, the Legislature, in the session of 1886, enacted that "any voter entitled to vote within a city or town, shall, on the day of polling, for the purpose of voting, be entitled to absent himself from any service, or employment," for the two hours between twelve and two in the middle of the day, without making himself "liable to any penalty, or to suffer or incur any reduction" of wages, provided that, if his employer requires him to do so, he shall afterwards make up for his absence by an hour of extra work.

Registration and Incorporation.

In 1892 was passed "An Act respecting Insurance Corporations," and in which it is provided that "any lawfully incorporated Trades Union in Ontario, which, under the authority of the Incorporating Act, has an insurance or benefit fund for the benefit of its own members exclusively, shall, upon due application for registry hereunder, be entitled to be registered on the Friendly Society Register."

At the session of 1894 of the Legislature, the Government introduced, and had enacted into law, "An Act respecting Benefit Societies"—to be read and construed as one with *The Insurance Act, 1892*—providing that upon like proceedings taken as enacted in section 2 of the Act just mentioned, INCORPORATION, subject to the same limitations, may be granted in either of the two following cases:

- (a) Where any trade or labor union or organization proposes to undertake contracts with its own members exclusively for any of the insurance benefits enumerated in sub-section 2C of section 4 of *The Insurance Corporations Act, 1892*, or contracts to furnish tools, or to pay unemployed or superannuation benefits to the said members;
- (b) Where any organization of wage-earners, consisting of not less than twenty-five members, and managed

and operated as a friendly society under rules conforming to *The Insurance Corporations Act, 1892*, proposes to contract with its own members exclusively for sick benefits not exceeding five dollars per week and a funeral benefit of not more than one hundred dollars, or either of such benefits.

(2) The body so incorporated may, upon due application, be admitted to registry as a friendly society; but, unless and until so registered, the corporation shall not undertake, nor agree or offer to undertake, any contract insuring the said or other insurance benefits.

It may be added that the cost of incorporation is but \$1, and that of registration \$3—for both \$4.

The Mines Act, 1892.

Under the head of "Employment of Women and Children," section 54 of this very comprehensive Act provides that "No boy under the age of fifteen years shall be employed in or allowed to be for the purpose of employment in any mine to which this Act applies below ground; and no girl or woman shall be employed at mining or allowed to be for the purpose of employment at mining work in or about any mine." Another section provides that "A boy or male young person of the age of fifteen and under the age of seventeen years shall not be employed in or allowed to be for the purpose of employment in any mine to which the Act applies for more than forty-eight hours in any one week, or more than eight hours in any one day; that is, (1) the period of such employment shall be deemed to begin at the time of leaving the surface and to end at the time of returning to the surface; and (2) the week shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night." Provisions are also made providing for the keeping of a correct register of all boys and male persons employed; that a person in charge of a windlass or gin shall be at least twenty-one years of age; and that in the event of contravention of any of such provisions by any person whomsoever in the case of any mine, the owner and agent of any such mine shall each be guilty of an offence against this Act, unless he proves that he had taken certain specified precautions. It is also provided in this Act that no wages shall be paid to any person employed in or about any mine to which the Act applies, at

or within any public-house, beer shop or place for the sale of any spirits, wine, beer or other spirituous or fermented liquor, or other house of entertainment, or any office, garden or place belonging or contiguous thereto or occupied therewith. Very definite and detailed provisions for the prevention of accidents and penalties for neglecting or contravening the same are also included.

"An Act to make further provisions respecting Mines and Mining" (1896) repeals certain sections of previous Mines Acts, and substitutes the following for section 53 of the Mines Act, of 1892. (53). This part shall apply to all mines, quarries and pits, and oil, gas and salt wells, and other openings from which ores or minerals of any kind or class are raised or taken, and to all furnaces or works for smelting or otherwise treating ores, rocks, clays, sands, oils, brines or other minerals for any economic object; and all owners or agents of such mines, quarries, pits, wells, furnaces and works, shall observe and keep the provisions of this part, and in case of non-observance thereof shall incur the penalties provided therefor by section 69 of the Mines Act, 1892.

Creditors' Relief Act, 1892.

With the object of better securing the wages of employees in cases coming under the provisions of "The Creditors' Relief Act, 1892," the Act respecting wages was amended by providing that—"All persons in the employment of the execution debtor "at the time of the seizure by the sheriff, or within one month "prior thereto, shall be entitled to be paid the wages or salary "due them by the execution debtor not exceeding three months "wages or salary, in priority to the claims of the other creditors." This applies whether the employment in respect of which the wages is payable be by the day, by the week, by the job or piece or otherwise.

Factories Amendment Act.

"The Factories Amendment Act" (1895) is a laudable attempt to remove the practical defects in previous factory legislation in the Province, as demonstrated by experience. The Act provides for the better guarding of dangerous places; that where two or more persons occupy or use the same room or premises for carrying on any work or business within the meaning of the Factories Act, and employ in the aggregate six persons or more, no one of such persons employing as many as six, each of the several

employers shall be held responsible for providing proper and sufficient water-closets and the other requirements set forth in the eleventh and twelfth sections of "The Ontario Factories Act"; which said sections shall apply to each and every of such employers as if they were partners in all the work or business of the said room or premises; that a wire or other rope shall be provided, as directed by the Inspector, at the windows above the second storey of every factory as a means of escape in the event of fire; that such rope shall be not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room in which it is kept to the ground below, and every such window of every room is to be provided with proper, convenient, and secure fastenings and appurtenances to which one end of the rope may be safely secured or fastened, etc. It is further provided that in case of fire or accident in any factory, occasioning any bodily injury to any person employed therein whereby he is prevented from working for more than six days next after the fire or accident, a notice shall be sent to the Inspector in writing by the employer forthwith; after the expiration of the said six days, he shall be liable to a fine not exceeding \$30; and in case of an explosion occurring in a factory, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the Inspector in writing by the employer within twenty-four hours next after the explosion, and if such notice is not so sent the employer shall be liable to a fine not exceeding \$30. Where a person is killed from any cause, or injured from any cause in a manner likely to prove fatal, like notice is to be sent to the Inspector under a penalty of not less than \$30 for neglect. The time for laying an information in respect of offences and fines under the Factories Act or this Act shall be within two months, or where the offence is punishable at discretion by imprisonment, within three months after the offence has come to the knowledge of the Inspector.

Payment of Wages on Public Works.

The many and serious losses inflicted upon workmen employed upon Public Works from time to time, in various ways, having been brought to the attention of the Government on more than one occasion, it was determined that a law be enacted to safeguard the rights of this class of the general community—a class least able to protect itself under ordinary circumstances. As a consequence, a measure was introduced and enacted into law.

during the Session of the Legislature in 1896, entitled "An Act to secure Payment of Wages for labor performed in the Construction of Public Works," of which the following is a synopsis:

(1) Where a contractor for the construction of a public work, under contract with the Government, or any sub-contractor, makes default in the payment of the wages of his employees, (including teams), if the claim for such wages be filed in the office of the Department entering into the contract within two months after the same became due, and proof is furnished, the Minister may cause such claim to be paid to the extent of any moneys or securities at the time of the filing of the claim in the hands of the Government for securing the performance of the contract.

(2) A member of the Government may require the contractor or sub-contractor to file in his office on the fifteenth day of each month a list showing the names, rate of wages, amounts paid, and amounts due and unpaid for wages or labor in respect of the contract. Said list to be attested upon oath or statutory declaration.

(3) In case of default in forwarding such list, the contractor or sub-contractor shall incur a penalty not exceeding one hundred dollars and not less than ten dollars for every day during which default continues, to be determined by the Minister.

(4) Where any subsidy or bonus is granted by the Legislature in aid of the construction of any railway or other work, it shall be deemed a condition of the grant that the Lieutenant-Governor-in-Council may detain so much of the money as may be thought proper to secure the payment of claims for wages.

(5) Every company hereafter incorporated under any general or special Act of the Legislature shall become liable for the payment of wages of all workmen and teams employed in the construction of the work by or for the company—whether the work be done through a contractor or sub-contractor, or otherwise.

(6) In case of default by the contractor of the payment of wages, a notice stating the name of the claimant, and the amount of wages claimed, shall be served upon the company not later than two months after such wages are payable. The notice may be served upon the president, vice-president, secretary, managing director, superintendent or engineer, or any recognized officer representing the company, or by leaving the same with any adult person at the office or domicile of any one of them.

(7) The Act applies to contracts heretofore entered into, and to subsidies or bonuses heretofore authorized by the Legislature as well as those hereafter entered into or authorized.

Certain Agreements Declared Null and Void.

"An Act for the better protection of certain classes of Workmen" (1896), provides among other things, that every agreement or bargain, verbal or written, expressed or implied, which has heretofore been made or entered into, or which may hereafter be made or entered into, on the part of any workman, servant, laborer, mechanic or other person employed in any kind of manual labor intended to be dealt with in "The Act respecting Master and Servant," "The Mechanics' Lien Act," "The Woodman's Lien for Wages Act," or any other Act heretofore passed providing remedies for the recovery of wages or otherwise by such employees, by which it is agreed that the said Acts, or any of them, shall not apply, or that the remedies provided for by any of the said Acts shall not be available for the benefit of any person entering into such agreement, is hereby declared to be null and void and of no effect as against any such workman, servant, laborer, mechanic or other person.

Electric Railway Act.

That workmen may be protected in every line of work, it is provided in "The Electric Railway Act of 1896," that every mechanic, laborer or other person who performs labor for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages of thirty days or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by "The Mechanics' Lien Act" and the Acts amending the same.

Act Respecting Bakeshops.

"An Act respecting Bake Shops" (1896), was entirely new. It defined that the word "bakeshop" shall mean any building, premises, workshop, structure, room, or place wherein is carried on the manufacture for sale, of confectionery, or of bread, bis-

cuits, cakes, or any other food product made from flour or from meal, or from both, in whole or in part, and the said bakeshop shall include also any room or rooms used for storing the confectionery, bread, cakes, biscuits, and other food products. After defining the words "inspector," "employer," and "week," the Act declares that all bakeshops to which this Act applies shall be constructed as to lighting, heating, ventilating, draining, in such a manner as not to be detrimental or injurious to the health of any person working therein, and shall also be kept at all times in a clean and sanitary condition, so as to secure the production and preservation of all the food products thereof in a good, wholesome condition; every bakeshop shall be provided with a proper wash-room, closet, and other conveniences necessary for the health and comfort of the persons employed therein; the wash-room, closet, and other conveniences to be separate from the bakeshop; and such wash-room, closet, and other conveniences shall be kept clean and in a sanitary condition; the sleeping place or places of the employees of every bakeshop shall be entirely separate from the bakeshop, and no person shall be allowed to sleep in such bakeshop; every bakeshop shall be provided with proper means and facilities of escape in case of fire, such means or facilities to be to the satisfaction of the Inspector empowered by this Act to inspect such bakeshops; no employer shall require, permit or suffer any employee in any bakeshop to work more than sixty hours in any one week, except by the permission of the Inspector, given in writing to the employer; and no employee shall knowingly require, permit or suffer any person to work in his bakeshop who is affected with consumption of the lungs, or with scrofula, or with any venereal disease, or with any communicable skin disease; and every employer is thereby required to maintain himself and his employees in a clean and healthy condition while engaged in the manufacture, handling or sale of such food products.

Acts of 1897.

At no time within the preceding quarter century was labor legislation so comprehensive or so far-reaching as was the case in 1897, when no less than seven specific laws of this character were enacted. An Act of that year amending the Statute Law, amongst other things amended section 7 of the Railway Accidents Act, by providing that a railway servant shall not

by reason of his continuing in the employment of the railway company with knowledge of the matter, default or negligence which caused his injury, be deemed to have voluntarily incurred the risk of the injury.

"An Act respecting Wages and the Estates of Deceased persons," (1897) comprised only two sections—the first being as follows: In the administration of the estate of a deceased person any person in the employment of the deceased at the time of his death, or within one month prior thereto, who shall be entitled to share in the distribution of the estate, shall be entitled to his salary or wages, not exceeding three months thereof, in priority to the claims of the ordinary or general creditors of the deceased, and such person shall be entitled to rank as an ordinary or general creditor of such deceased person for the residue, if any, of his claim.

"The Trades Disputes Amendment Act" (1897), in cases where parties fail to recommend a member of the council of arbitration, provides that, in case either employers or employees, or both, fail to recommend any person to represent them on either or both the Councils as provided for in this section, the Lieutenant-Governor-in-Council may appoint a person or persons to fill the vacancy or vacancies. It also provides in addition to previous provisions in that behalf that the mayor of any city or town upon being notified that a strike or lock-out is threatened or has actually occurred within the municipality, shall at once notify the Registrar thereof by writing, stating the name of the employer, the nature of the dispute, and the number of employees involved, as far as his information will enable him to do; and it shall be the duty of each of the Councils of Arbitration appointed under the said Act, upon being notified or on being otherwise made aware that a strike or lock-out has occurred or is threatened, to place itself, as soon as practicable, in communication with the parties concerned and to endeavor by mediation to effect an amicable settlement, and if in the judgment of the Council it is deemed best to enquire into the cause or causes of the controversy it shall proceed as provided in this Act in the case of a reference. Section 18 of the Act of 1896 is amended by adding thereto—that any two members of the Council of Arbitration shall constitute a quorum for the transaction of business, and may hold meetings at any time and at any place within the Province of Ontario, and that the Council of Arbitration may order that an examination or investigation shall be held before any one member of the Council, but such member shall report upon such examination or

investigation to the Council, and the decision of such member shall not be considered binding until approved by the Council or a majority thereof.

"An Act respecting Shops and Places other than Factories" (1897) is practically a consolidation and amendment, in some instances, of the Ontario Shops Regulation Act (1888), "An Act for the protection of persons employed in places of business other than Factories" (1892), "An Act for the Further Protection of Persons employed in Places of Business other than Factories" (1895), and "An Act Respecting Bake Shops" (1896). Some of the more important sections of the Acts just mentioned, amended by the Act of the Session of 1897, are as follows:—

The Act defines "shop" to mean any building or room where goods are handled, sold or manufactured, to which the Ontario Factories Act does not apply, and laundries not run by steam, water-power or electric-power; but shall not include any place where the only trade or business carried on is that of a tobacconist, news-agent, hotel, inn, tavern or premises where liquor is sold by retail.

The Act further provides that no person under ten years of age shall be employed in any shop, and that no child, young girl or woman shall be employed in or about a shop on any day of the week except Saturday, or the day next before a statutory holiday, before seven in the morning or after six in the evening; nor shall they be employed in a shop on Saturday or the day next before a statutory holiday before seven in the morning or after ten in the evening. Provided that such person may be employed on one day per week other than Saturday, or the day before a statutory holiday, until ten o'clock in the evening, but shall not in such case be so employed on Saturday evening later than six o'clock. Every such person shall be allowed not less than one hour for a noon-day meal each day; and, when employed after six in the evening, not less than forty-five minutes for another evening meal.

The occupier of a shop in which females are employed shall provide a seat for every such female and permit of its use when she is not necessarily engaged; and any employer who prevents this by open or covert threat, rule or intention, or by any contrivance, shall be liable to a fine of not less than \$10 and not more than \$25 with costs; and in default, by imprisonment in the common gaol for not less than one month nor more than three months.

Any owner of premises who has control thereof, or right of ac-

cess thereto, who lets or hires out, or contracts for work to be done therein by any other person, and such other person engages or employs therein any workman, child, young girl or woman for the performance of such work, they shall be considered as being in the service and employment of such owner, tenant or occupier.

A part of a shop is to be taken for the purposes of the Act as a separate shop.

An employer shall provide a suitable room in the shop for the purpose of a dining or eating room for the persons employed in the shop, where the Inspector so directs.

The shop is to be sufficiently ventilated, kept clean, and free from effluvia, is not to be overcrowded, and shall have in connection therewith a sufficient number of closets for the employees, which shall be kept clean and well ventilated.

Besides the present requirements as to fire escapes; in cases of shops over two storeys high, a wire or other rope for every window in the room shall be provided, if the Inspector shall so require; the rope to be not less than three-quarters of an inch in thickness, and of sufficient length to reach to the ground. Fastenings shall also be provided for the rope at each window, and the rope shall be kept in a coil in the room.

Regulations may be made by the Lieutenant-Governor for enforcing the Act, and Inspectors—male or female—may be appointed, as may be found necessary.

Informations are to be laid within two months after their committal, or within three months where the offence is punishable by imprisonment.

A conviction shall not be removed by certiorari or otherwise into a higher court, and all prosecutions may be brought or heard before any two of Her Majesty's justices of the peace.

Nothing in the Act shall apply to shops where the only persons employed therein are at home, or are members of the family dwelling therein, or to members of the employer's family dwelling in the house to which the shop is attached.

Amendments of Bakeshop Act, 1897.

Among other provisions are the following:—

Every bakeshop is to be provided with a proper wash-room, closet and other conveniences necessary for the health and comfort of the persons employed therein, which shall be separate from the bakeshop, and shall be kept clean and in a sanitary condition.

The sleeping places of the employees shall be entirely separate from the bakeshop, and no person shall be allowed to sleep in the bakeshop.

Facilities for escape in case of fire shall be provided.

No employee shall be required to work on Sunday, nor more than twelve hours in any one day, nor more than sixty hours in any one week, except by permission of the Inspector given in writing, which permission shall be posted up in a conspicuous place in the shop.

No person afflicted with consumption, scrofula, or certain other diseases, shall be permitted to work in the bakeshop, and the employers and employees shall keep themselves in a clean and healthy condition.

The words "bakeshop" shall mean any building or room wherein is carried on the manufacture or sale of confectionery, bread, biscuits, cakes, or any other food or product made from flour or meal; or for storing such goods.

The word "employer" shall mean any person who, in his own behalf, or for any other person has charge of any bakeshop, or employs any person or persons therein.

The word "week" shall mean the period between midnight on Saturday night and midnight on the succeeding Saturday night.

All bakeshops shall be lighted, heated, drained, etc., so as not to be detrimental or injurious to the health of the employees, and shall be kept in a clean and sanitary condition.

The provisions of the Act shall not conflict with the powers and duties of local Boards of Health, or officers appointed under 59 Vic., nor to any place of business within the operation of the Factories Act, 1889.

The Act shall not apply to any place of business within the operation of the Ontario Factories Act or the Ontario Factories Act of 1889.

Immigration of Children.

"An Act to regulate the Immigration into Ontario of certain classes of Children," 1897, is largely explained by its title. The following are some of its provisions:

"Child" means a person under eighteen years of age.

Definitions are given of the words "society," "agent," and "inspector."

The word "society" means any individual or association, incorporated or unincorporated, undertaking the care, reform or education of orphans, neglected or dependent children, or the

bringing of such children into the Province, or placing them into foster homes, or as apprentices.

"Agent" means the superintendent or other officer of any such society.

"Inspector" means the superintendent of neglected children, appointed by the Lieutenant-Governor-in-Council.

It is further provided that every such society or agent, before acting, shall obtain authority to act from the Provincial Government; and that after such authority is given it shall be subject to the inspection and supervision of the Inspector.

The societies shall keep records in writing, showing the names of the children, and of the parents or guardians; also the date on which the child was brought into the Province, the age and date of birth of the child, the name and place of residence of the persons having custody of the child, the more important terms of the agreement of apprenticeship, and such other particulars as the Inspector may, with the approval of the Minister, from time to time require to be kept on record.

If a child, once apprenticed or placed out, is returned to the home, the true cause shall be ascertained; and information shall be given to any person afterwards taking the child, under a penalty of \$100.

Penalties of not less than \$10 and not more than \$100 are provided for persons bringing children other than their own children, or children over whom they act as guardians, into the Province without first obtaining the authority before mentioned.

No child shall be brought into the Province by any society, or by any other person than the parent or person standing *in loco parentis*, from any part of Great Britain or Ireland, unless before the child sails a certificate from an examiner has been obtained, stating that the child named in the certificate has not been convicted of any crime or misdemeanor, or displayed vicious or criminal tendencies. One such certificate may include any number of children forming members of the same party.

Penalties are provided where a society or agent brings into the Province any child who, from defective intellect, or disease or physical infirmity, or any other defect, or who is of known vicious tendencies, or known to be a habitual criminal, or who has been reared or raised amongst habitual criminals, or any child whose parents have been habitual criminals, lunatics, idiots, or weak-minded, or defective constitutionally, or confirmed paupers, or diseased.

Nothing in the Act shall affect the provisions respecting Master and Servant.

Technical Schools.

"An Act respecting Technical Schools, 1897." This Act, after defining how and upon what conditions Technical Schools may be established in Ontario, provides that the provisions of the *High School Act*, 1896, shall apply to Technical Schools, subject to any regulations of the Education Department with respect to the fees to be paid by pupils, the course of study, the qualifications of teachers, the use of text-books, and the equipments of the school. The conditions upon which money is voted by the Legislature for High Schools shall apply to all appropriations made to Technical Schools. It shall be lawful for the municipal corporations of any city or town by by-law to appropriate such sums of money as may be deemed expedient for the establishment of a Technical School for adults within the meaning of this Act. All the powers vested in the corporation by *The Municipal Act*, for the purchase or expropriation of lands, or for leasing or repairing buildings, or for the erection of new buildings for the use of the municipality, shall be applicable to this Act. Towards the maintenance of such schools, there shall be paid annually, on the report of the Minister of Education, out of any moneys appropriated by the Legislature for that purpose, a sum not exceeding the amount payable for the maintenance of High School pupils under the regulations of the Education Department. The general management and control of the school for adults shall be vested in and exercised by a board of management to be appointed as provided in section 3 of *The Public Libraries Act*, 1895. In cities and towns in which a Public Library has been established under Part I., of said Act, Technical Schools for adults shall be under the management and control of the board of such library; provided always that any Technical School already established under by-law of a municipality may be carried on under such by-law during the pleasure of the Municipal Council, subject to regulations of the Education Department.

Administration in Favor of Labor.

It is not only in legislation that the Government have safeguarded labor, but they have extended the principles of approved labor legislation into their administrative Acts. For instance,

amongst others they have introduced the nine hour system and in some cases the eight hour system where mechanics and other skilled workmen are employed on works under the immediate direction of the Public Works Department at Toronto, and this extends also to laborers employed upon like works.

In letting the contract to the lowest tenderers for preparing, printing and binding the cash and account books to be used by Municipalities and School Boards under the new "Municipal Audit Act," they have required the contractors—

- (a) To perform all the work in Ontario.
- (b) To pay the highest or union wages for all work to be done under the contract.

Several years ago, Mr. A. W. Wright, a well-known Canadian Conservative, and the Commissioner appointed by the Conservative Government of Canada in 1895 to enquire into the existence or otherwise of the "sweating" system in the Dominion, while a member of the Executive Board of Knights of Labor of America, writing from Philadelphia, Pa., voluntarily, and evidently with pride, took occasion to say:—"While there is still a good deal of Legislation which we labor cranks think should be enacted, I am free to say that Ontario has not much to learn from any State in the Union in this respect, and is immeasurably in advance of most of them." How much more justifiable are these truthful remarks of Mr. Wright in the light of Ontario's Labor Legislation to date.

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