

with his workman for the waiver of any of the rights of the workman under this Act, or that the liability of the employer shall be less than that imposed upon him by this Act, and every agreement contrary to the provisions of this section shall be absolutely void." This is a matter which has had a good deal of attention given to it in the English Parliament, and the old law has never been amended in that respect. That very feature was discussed, and the question was raised whether the effect of such legislation might not be that if employers found themselves liable to heavy damages by reason of the effect of the new law they would not reduce wages, because, having only a certain amount of capital, if their liabilities were to be increased, the chances were that they could not afford to continue the former rate of wages. I say this special provision is so serious in its character, both from the standpoint of an employer and of a workman, that both should be allowed ample time to consider it. Then if we were prepared to adopt this measure we might prevent workmen making a contract, that they might otherwise be prepared to enter into. A case of this kind might occur in this way. A number of workmen might band themselves together to carry on a special trade, as many do in these days of co-operative societies. The company would be

AN EMPLOYER OF LABOUR,

and it might be almost an absolute necessity to agree among themselves that they would not as against the Company enforce any of the provisions of this Bill. Yet my hon. friend would prevent their so directing to their own benefit and advantage. When there are so many industrial companies of this character formed from amongst the labouring classes I would suggest to my hon. friend the propriety of the House not proceeding with the legislation at present but allowing the matter to stand over until next session, and meanwhile taking such steps as will ensure a fuller discussion. There is another reason for delay. He proposes a very much more sweeping change than any in the English Act, in subsection six of section one. It is not in the English Act, and therefore it is a dangerous thing for us to adopt it for the first time here without very full consideration, if we are to be guided by the experience of the English Act. But there is more than this against the measure. He makes the word workman so broad that it would apply to every person working for another. The English Act, which was considered so scrupulously, excludes domestic and menial servants. This Bill

APPLIES TO ANY RAILWAY

servant, and to any person to whom the Employers' and Workmen's Act of 1875 applies. It is not only this, but he proposes to make the liability very large. He proposes to include not only railway employees, but those engaged about engines, boilers, or other machinery. That would effect every farmer who worked by steam on his place. Now, I have told you that I myself have taken a good deal of trouble to gather together data and information with respect to this subject, and I would suggest that this Bill ought not to be pressed to any further stage this session, but that it should be left over until next session; and meanwhile, for the purpose of discussion, that we should have placed in print such particulars as the reports of the Special Committees of the English Parliament on the subject contain together with other important information which I have in my possession, and in the early days of next session the whole matter can be taken up and then those whose interests would be involved would have an opportunity of being heard, and we could not be charged with precipitation. In conclusion he stated that he had a resolution to move if Mr. Meredith would not consent to withdraw his Bill.

Mr. MEREDITH—Go on.

Hon. C. F. Fraser then moved, seconded by Mr. Pardee:—

That all of the original motion after the first word "that" be omitted, and instead thereof there be inserted the following:—

"Bill No. 97 be read a second time this day six months, and that meanwhile there be laid before this House and printed for distribution:—

1. Such portions of the reports and proceedings of the Special Committees of the Imperial House of Commons in the years 1876 and 1877 respectively as have special reference to employers' liability for injuries to their servants (but not so as to include the examinations of witnesses before said Committees.)

And 2. A copy of the letter addressed by Lord Justice Bramwell to Sir Henry Jackson, a member of said Committees, with respect to the matters enquired into by said Committees.

Mr. CLARKE, as an employer of labour, had no objection to the measure. He showed by an accident in his own factory how difficult it is to define between pure accident and negligence. He did not think they could go too cautiously, and he would prefer that the leader of the Opposition should accept the amendment and withdraw the Bill, though if it were pressed to a division he should vote for the Bill.

Mr. GIBSON (Hamilton) thought there was great force in the observation of Mr. Fraser, that what has engaged the attention of Legislatures on the other side of the water for years should not be hastily dealt with here. He suggested that the Bill should be withdrawn for this session.

Mr. ERKMATINGER agreed with some of the remarks of the Commissioner of Public Works that they should proceed with caution, though he considered that the matter was of such import-

ance that in preference to having the matter lay over till next session the House would be justified in lengthening the session in order to consider it carefully. He suggested that the Bill should be referred to a Special Committee.

Mr. PHELPS objected to the Bill on the ground that the manufacturing interests in the Province were not aware of the provisions of the Bill, and he suggested that it should be laid over till next session.

Hon. A. S. HARDY—The matter in a Bill which proposes to change in a very vital manner the relations between employers and labourers should be considered with due care. It is not sufficient that the House has had time to consider the measure, but the country should be informed what the House is doing. I am not aware that there is any great demand for the Bill at the present time. The newspapers don't seem to have learned of the measure, and I have not seen it discussed in any leading newspaper. None of them seem to have understood the drift of the Bill, at any rate it has not been discussed to any considerable extent. Then also employers of labour, manufacturers, railway managers, and others should have an opportunity of being heard before a Committee or before the House, and the workmen's organizations should know what is being done, as they might want a larger measure or modifications. It is quite probable that they may not have given the Act a great deal of attention to what has been done in England, and that what is good for the employers and workmen in England is not as suitable for Canada.

Mr. CREIGHTON considered that the clause preventing workmen contracting was the most important of the Bill. He expressed himself strongly against a postponement of the Bill.

It being six o'clock the Speaker left the chair. After recess.

PRIVATE BILLS.

The following Private Bills were considered in Committee and reported:—

Mr. Blythe—To consolidate the debenture debt of the town of Durham.

Mr. Monk—To amend the Act to incorporate the Long Point Company.

Mr. Freeman—To incorporate the Turkey Point Company.

Mr. Merrick—To incorporate the Brockville, Merrickville, and Ottawa Railway Company.

Mr. Neelon—Respecting a certain by-law of the village of Beamsville.

Mr. Dill—To incorporate the Parry Sound Colonization Railway Company.

Mr. Baxter—To confirm a certain by-law of the town of Niagara Falls, and for other purposes.

Mr. Creighton—Respecting a certain by-law and certain debentures of the municipal corporation of Owen Sound.

Mr. Dowling—To amend the Acts incorporating the College of Ottawa.

Mr. Dill—To confirm the incorporation of the Bishop of the Diocese of Algoma.

The following Private Bills were read a second time:—

Mr. Meredith—Respecting St. Paul's Cemetery in the city of London.

Mr. Balfour—To authorize the corporation of Essex Centre to borrow certain moneys.

Mr. Morris—Respecting the Royal Canadian Yacht Club.

EMPLOYERS' LIABILITY.

The debate on the second reading of the Employers' Liability Bill was resumed.

Mr. FERRIS—Because a Bill has been on the Statute Book of Great Britain for a number of years is no reason that a Bill with the same general features should be passed here. There are a great many regulating Bills that may be very appropriate to the conditions of society existing there which are not appropriate to the state of affairs in this country. While there is a great deal in this Bill which furnishes food for reflection and consideration, it is a subject that will require a great deal of consideration now far we can go in this direction. The whole of England being one great workshop class legislation has established a state of things that other legislation may be

NEEDED TO CORRECT

that which had previously been passed. I think the leader of the Opposition would not be willing to bring in a Bill of the same nature as the one he quoted as a precedent to pass here without a protest. He would be the first man who would object to a Bill abolishing the right of contract between landlord and tenant being passed here. He would object to making one class of people wards of the Province. In Ireland the laws of entail and primogeniture had reduced Ireland to such a state that it was imperative that something should be done. The extent of the influence which the Bill would have should be fully considered—how far it will affect the industries of the country, the manufacturer, the employee, and the railways. Take, for instance, the lumbering interests. One class of men are sent out to construct a road, then the men draw the logs over the road, and if an accident happened to the latter class, then it would be an absurd thing to say that the employer should be responsible because the men happened not to be doing the same class of work and the former didn't make the road sufficiently well. Then the Bill

VISITS ONE CLASS OF PEOPLE

with a money penalty and gives the right of action

to another party, who does not stand in the same position, and who cannot be visited with the same penalties. The employee may cause great damage to his employer, but the latter would have no right of action under this Bill. I don't think that this House should take away the right of contract when they cannot deal with all equally. There are a great many employers making provision for employees in case of death, and have given large sums to funds to provide for insurance. Would not these parties want the money back, and would not the workmen object to this? Then does the Bill make the Government responsible for accidents on the railways? Are we, unsolicited by parties to an arrangement, to step in and dissolve the ties which have for years existed, because such a law as this has been in force in England for several years. It is well known that workmen are not under the heel of the employer in this country like it is in England, and there have been many occasions on which they have here approached the employers on something like equal terms, or in some cases as masters. In the case of railways it was well known that the work must be done, and when a difficulty occurred the workmen must be satisfied. He concluded by asking the House to proceed with circumspection and allow both sides a hearing.

Mr. GIBSON (Huron) thought the Bill mostly in favour of the workmen, and that something could be said on the side of the employer. Looking at it from a farmer's standpoint he thought the country had not had sufficient time to consider it and he should vote against the second reading.

Mr. WOOD thought that the Bill was one of a class which should be considered without relation to party exigencies, and on its merits. He thought if it went to a special committee the Government could prevent undue haste.

Mr. MEREDITH reviewed the objections to the measure and asserted that it was one to place the artisan on the same footing as the farm labourer. He stated that so far from being class legislation it removed unjust discriminations and put the workman on the same ground as if he were not employed at the place where he was injured.

Hon. O. MOWAT said that the Government had no hostility against most of the principles of this Bill. There is a very great deal of sympathy for injured workmen, and everybody of any feeling would desire that they should receive compensation as far as possible, and it is certainly a very great thing in favour of such a Bill that it has been adopted in England and that after it has been adopted there is no proposition to repeal it. But then, is there any pressing necessity for its being passed this session without giving notice to the public that any such Bill is in contemplation? It is a Bill of very great importance. It affects almost the whole community because the employers are not few in number. There are employers all over the country who have persons in their employ, and who would be subject by this Bill to pay damages in consequence of injuries to which they are not parties, for it is to be observed that an employer is made liable for damages for injuries to a workman caused not by any act of his own, or want of good faith or care on his part. I merely mention this to show how very important the change is, and how very desirable that we should proceed carefully with it. I attach great importance to what has been done in England, but I cannot forget that the Act was passed there five years ago, and yet we have had no demand in this country from the workmen for such a Bill. There have been workmen's societies in existence, and they have brought their influence to bear in seeking legislation, but of all the subjects about which they have asked our opinion this is not one of them, so that my hon. friend will see, or the House will see if he will not, that the workmen themselves are not pressing it. They have not felt the want of it. If there had been a strong pressure from them that might have been a reason for not dealing with it for another year, but since our workmen have not thought worth while to ask our attention to it we can surely wait another year. The House has seen that the Commissioner of Public Works has given much more attention to the subject than the leader of the Opposition, but after consideration we have come to the conclusion that we ought to give the employers generally information of the change we are proposing, and an opportunity of urging any objection they can urge against it. It is noteworthy that in the United States, a country than which there is no other in the world where workmen have a larger influence in handling elections of all kinds, there is no State in which the Bill has passed. There is not a single one of them has asked for such a law, because they have only to ask for it to get it. In sections of this country it may not be for the advantage of the workmen to have such a stringent law, but if it is a Bill for the advancement of the workmen then I say we ought to have it, and the Government will do all it can to have such a measure passed into law, but we must go into the subject deliberately and carefully, and we will be all the more sure that it will be in the interest of the workmen without being any injustice to the employers.

Hon. C. F. Fraser's amendment was then voted on, and carried on the following division:—

YEAS—Messrs. Awrey, Badgerow, Balfour, Baxter, Biezahl, Cascaden, Cook, Dill, Dowling, Ferris, Fraser, Freeman, Gibson (Huron), Graham, Hardy, Hart, MacKenzie, Mowat, Murray, Par-