

panies

RESPONSIBLE FOR AN ACCIDENT

which occurred through the operation of a by-law which they did not make themselves. The fifth sub-section of section 3 provides that a workman shall have a right of action where he is injured by reason of the negligence of any person in the service of the employer who has the charge or control of any signal points, locomotive engine, or train upon a railway. Section four is an attempt to deal with the difficulties arising from carrying out the Railway Act of 1881. It has been held by the courts that the Railway Accidents Act of 1881 only applies to railways over which we have control—that is railways chartered by this Legislature and afterwards remaining under its control. As far as he knew the intention was to give the right of action, and this clause was intended to give a right of action against all railways in the Province, and when a case came before the courts the broad question would be before them. Section 6 limits the amount of compensation for injuries, and it is the same amount as that placed in the Imperial Bill. This had been found to be about

THE AMOUNT AWARDED,

and it was thought that it would be found that less suits would ensue than if the limit had not been placed. By section 7 notice must be given to the employer for an action within twelve weeks, which is double the time allowed in the English Act. Section 8 had no place in the English Act, in fact that Act provided that in certain cases an employee might contract himself out of the Act. By this Act no workman can contract himself out of this Act, unless for such workman entering into or making such contract or agreement there was other consideration than that of his being taken into or continued in the employment of the defendant; nor, unless such other consideration was, in the opinion of the court or judge before whom such action is tried, ample and adequate; nor unless, in the opinion of said court or judge, such contract or agreement, in view of such other consideration was not on the part of the workman, improvident, but was just and reasonable. Then the consideration for a workman contracting himself out of the Act must be substantial, adequate, and ample. He proceeded to state cases where he considered workmen should be allowed to contract themselves out of the Act. Take, for instance, the

CASE OF A GENERAL MANAGER.

He could be made a co-defendant, as could any employee who had contributed to the accident to his fellow-workmen, for any injury. It was only reasonable that such a workman should be allowed to forego his claim for compensation if, on the other hand, the employer released him from his responsibility for accidents. And so with co-operative companies. The employees were really also the employers in most cases; and, again, it was reasonable in such cases that they should be allowed to contract themselves out of the Act. They were also only one Province of many, and the Act proposed to affect the Canadian Pacific Co. as well as the others. He understood that the Grand Trunk Railway and the Canadian Pacific Railway had societies for the benefit of their employees. He did not think that the companies would be likely to carry on the societies for the benefit of their employees if only a portion were able to join them. So this might be a case where a workman perhaps ought to be left free to contract himself out of the Act. He did not know what the Grand Trunk and Canadian Pacific Railways did in the way of forming societies for the benefit of their employees, as he had tried but been unable to ascertain, but he would read an account of what the Baltimore & Ohio Railway Co. had done:—

In 1880 the Baltimore & Ohio Railroad Company contributed \$1,000,000 as the nucleus of a life assurance fund for its employees. A relief association was organized, to which the Company gives the services of its own officers in conducting the business of its management. Members pay from \$1 to \$4 per month, and receive from 50c to \$2.50 per day during temporary, and from 25c to \$1.25 per day during permanent disablement from accident. In the event of death from accident the legal heirs receive from \$500 to \$2,500, and if from natural causes from \$200 to \$1,000. Free surgical and medical attendance is furnished the members, and in other ways provision is made for all the vicissitudes of the life of a workman—sickness from natural causes, accidents, old age, and deaths. In 1882 saving and building funds were added, and a pension branch, through which employees of over ten years' standing and of the age of 60 are to be supported after their retirement from active service.

He had given these reasons for the clause, and he had still another. The Imperial Bill expires within a year. The whole subject therefore must be reopened shortly, and then the Government would have the benefit of the experience gained in England of the operation of the Act. If it were found inexpedient there to allow a workman to contract himself out of the Act, then the matter

could be considered here. When the Bill was considered in Committee he proposed that a clause should be added making it clear that whatever compensation is given under the three years' limit should not be subject to deduction on account of insurance secured by the deceased.

It being six o'clock the speaker left the chair.

AFTER RECESS,

Mr. MEREDITH, after referring to what he called the Commissioner's new-born zeal for the workingman, said that the Commissioner had copied the English Act, and that the measure which he (Mr. Meredith) had introduced last session was a more comprehensive one. He thought that the provision allowing companies to substitute some provident scheme for compensation was a bad one, and would introduce great uncertainty. Judges would hold all sorts of varying opinions as to whether a given provident scheme was a reasonable one. The limit within which actions should be brought should be increased from three to five years. He supported the Bill.

Hon. C. F. FRASER said that he did not think that his interest in the workmen could be described as "new-born zeal." He did not think that the moment the Act providing for compensation to workmen was passed in the Imperial Parliament this House should have passed a similar Act immediately, without waiting for the results of experience. Although there were active and vigilant labour organizations in this country, none of them had in the meantime asked for this measure, so that the Government could not be said to have moved too slowly. So far as he had heard the workmen were well satisfied with this measure.

Mr. MERRICK expressed himself as wholly opposed to the Bill.

The Bill was read the second time.

WAGE-EARNERS.

Hon. C. F. FRASER moved the second reading of the Bill to amend the Assessment Act. The object of the Bill is to remove all doubt about the exemption of a man assessed as a wage-earner from taxation, so far as the qualification for voter is concerned.

The Bill was read the second time.

PUBLIC ACCOUNTS.

The House in Committee on the Bill to provide for the better auditing of the public accounts of the Province.

Mr. MEREDITH asked what staff would be started.

Hon. A. M. ROSS said it could not be definitely decided until they had had some experience of the Auditor-General. He was not aware, however, that any additional clerks would be required above those now in the audit office.

Mr. MEREDITH, on the clause providing temporary loans to meet failure of revenue from unforeseen causes, suggested that with the great surplus there could be no need for this.

Hon. O. MOWAT—But the hon. gentleman forgets that the Bill may be in operation for 20 years; in that time he may have got in power, and there is no knowing what he may have done with the surplus.

On motion of Hon. A. M. ROSS a section was added to the Bill providing that the auditor should keep a record of cheques issued.

The Committee rose and reported progress.

SUPPLY.

The House, in Committee of Supply, passed the following items under the head of Education:—

Public and Separate Schools	\$240,000
Schools in new and poor townships	22,000
Model Schools	8,250
Teachers' Institutes	2,000
High Schools and Collegiate Institutes	87,000
Training Institutes	1,600
Inspection of Normal, High, Model, and Public and Separate Schools	54,550
Departmental examinations	10,145
Normal and Model Schools, Toronto	19,020
Normal School, Ottawa	19,435
Museum and Library, etc.	3,450
School of Practical Science	6,644
Mechanics' Institutes, Art Schools, Literary and Scientific	33,850
Miscellaneous	3,500
Superannuated teachers	55,000
	\$556,444

Mr. MEREDITH called the attention of the member for South Huron to the fact that there was an estimate for gymnastics, a study to which he understood he had a peculiar aversion. (Laughter.)

Mr. BISHOP—I supposed the leader of the Opposition was able to take care of the Government. If not, I shall have to change sides. (Laughter.)

The following items under the head of Public Institutions and Maintenance were passed:—

Asylum for Insane, Toronto	\$ 93,860
" " London	119,480
" " Kingston	89,241
" " Hamilton	80,837
" Idiots, Orillia	28,860