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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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PROSECUTIONS UNDER THE ACT.

A number of prosecutions for alleged infringement of the Industrial Disputes Investigation Act, 1907, took place during the year. Official statements concerning these were furnished to the department in accordance with section 67 of the Act by the magistrate presiding over the court in which the proceedings occurred, or by the clerk of the court. The various cases reported to the department were as follows:—

PROSECUTIONS AT MARBLE BAY, TEXADA ISLAND—PROSECUTIONS WITHDRAWN ON SETTLEMENT OF CASE.

A number of employees of the Tacoma Steel Company were charged, soon after the enactment of the Industrial Disputes Investigation Act, 1907, with having infringed the Act by declaring a strike contrary to its provisions. The operations of the company are carried on at Marble Bay, Texada Island, B.C. The case was the first heard under the provisions of the Act. The department received a statement of the proceedings from the presiding magistrate, Mr. H. O. Alexander, and also a joint statement from Mr. C. B. McNeil, K.C., counsel for the company and Mr. J. Edward Bird, counsel for the defendant, both which are presented below.

The following statement was received from the police magistrate :—

VANCOUVER, B.C., June 19, 1907.

The Registrar,
Boards of Conciliation and Investigation,
Ottawa, Ont.

Rex vs. De Greek.

SIR,—I herewith beg to report on the above cause in which there was a charge laid against the above defendant, under Section 56 of the Industrial Disputes Investigation Act, 1907, for going on strike prior to an investigation being held into a dispute between the Tacoma Steel Company and its employees of which number the above defendant was one. The property of the Tacoma Steel Company is situated at Marble Bay, Texada Island. Similar charges were laid against three other employees, Jess, Rutherford and Halliday, but were not proceeded with, the DeGreek case practically being a test one. The case after being adjourned twice, came on for hearing at Van Anda, Texada Island, on the 30th ult. After all the evidence being put in for the prosecution and the defence partially gone into, it appeared to me that the whole trouble had arisen from a misunderstanding. Certain demands had been made by the employees and the company was given to April 1 to consider them. On March 25, the men working in the stopes and those getting out ore were laid off. The employees thought this was a partial lockout and struck on that date. The company's explanation was that they were unable to ship ore to the Tacoma smelter, which is the smelter they ship their product to, because of a strike there, and as their ore bins were full they were forced to suspend operations. There was a difference of opinion as to this being fully explained or at all to the employees on March 25, the date the strike took place. Upon this explanation being given in court by the witnesses for the prosecution, I stopped proceedings and asked both parties if they were willing to

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discuss a settlement as it was apparent a misunderstanding had arisen and the real matters between them, viz., wages, &c., had never been discussed at all. After a short discussion they agreed to do so. Court was adjourned and a committee from the employees met the managing director and local manager of the company. I am pleased to say that after certain small points were finally adjusted, the main questions having been settled upon, the strike was declared off and the property has resumed work. All the prosecutions were withdrawn.

I am making this report, personally, as there is no clerk in the county magistrate's court at present.

I have the honour to be, sir,
Your obedient servant,
(Sgd.) HY. O. ALEXANDER, *P.M.*

JOINT STATEMENT OF COUNSEL.

The following joint statement was received by the department from the counsel concerned in the case :—

'The cases under the Industrial Disputes Act, 1907, being the first prosecutions taken under the penal provisions of the Act, were commenced before Mr. H. C. Alexander, yesterday, May 30, at 10 a.m. Mr. C. B. McNeill, K.C., appeared for the complainants, The Texada Steel Company, the owners of the copper mines at Marble Bay, and Mr. J. Edward Bird appeared for the miners, who were all members of Texada Lodge No. 113 of the Western Federation of Miners.

'The cases were all framed under section 56 of the Act, which in effect forbids men going on strike or employers causing a lockout until after the dispute shall have been referred to a Board of Conciliation under the other provisions of the Act.

'Proceedings were opened and the whole morning taken by Mr. McNeill in presenting the evidence in the first case against a miner, DeGreek, who had been in the constant service of the company for six years.

'The manager, Mr. Grant, was first called, and a history of the trouble given by him. The managing director for Tacoma, Mr. Eastman, was also examined, and in the course of the examination and cross-examination of these two witnesses it developed that there had been considerable misunderstanding between the manager and the miners. Demand for higher wages had been made by the men on March 18.

'On March 19, a wire was sent from Tacoma from this company to the manager, telling him to discontinue shipments temporarily owing to a strike at the smelter at Tacoma, which would have been unable for a time to handle the output. The men in the stope and those engaged in getting out ore were laid off. The men finding some of their number laid off on the 25th, waited on the manager by a committee of their union, and owing to such misunderstanding, left under the impression that the laying off of the men was an answer to their demand for better terms. Both parties were prepared to admit that the strained relations developed in them considerable heat, and it would appear in this condition they were unable to see in one another anything of good. The miners fought the case, advancing several defences, foremost of which was the contention that the Act was intended to apply to public utilities only, within which class copper mining would not come. It was further admitted on all sides that the coming into force of the Act was unknown to either disputants on the date of the strike, or within a fortnight thereafter. The strike occurred on the 25th, whereas the Act was assented to at Ottawa, on March 22.

'The miners further attempted to show that after the laying off of the men who were let out by the company on the 25th, there were only seven men in-

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