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THE DEPARTMENT OF LABOUR AND INDUSTRIAL RELATIONS,  
1900-1911

by

James J. Atherton, B.A.

A thesis submitted to the Faculty of  
Graduate Studies in partial fulfilment  
of the requirements for the degree of  
Master of Arts

Department of History

Carleton University

Ottawa, Ontario

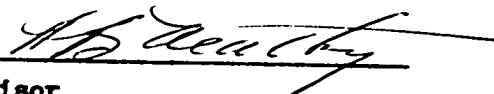
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The undersigned hereby recommend to the Faculty of Graduate Studies acceptance of this thesis, submitted by James J. Atherton, B.A., in partial fulfilment of the requirements for the degree of Master of Arts.



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## ABSTRACT OF THESIS

During the late nineteenth century unrest caused by the polarization of capital and labour in America created "the labour question." In attempting to deal with this question, social reformers argued the existence of a third party to industrial disputes—the public interest. The decline of laissez-faire attitudes and the evident suffering of the poor during the 1893-1897 depression increased agitation for reform. The result was the development of the twentieth century collectivist philosophy of government, out of which grew the various bureaus of labour statistics.

The Canadian bureau was formed in 1900 simply to administer a government fair wages policy, publish statistics, and conciliate labour disputes. However, the force of events and the talent and ambition of the bureau's first deputy minister quickly enlarged its scope and influence. By the end of its first decade it had achieved full departmental status and had evolved the basis for the modern Canadian system of industrial relations.

## PREFACE

I must first thank the Literary Executors of the W. L. Mackenzie King Estate for granting me access to Mr. King's diaries for the period 1897-1911. This extremely useful source was made available to me because the Literary Executors believed that my thesis would be a contribution to the biography of Mackenzie King and because it was, in the opinion of the Literary Executors, the kind of material which Mackenzie King himself had indicated he wished to use in his memoirs. The two executors with whom I had contact, Hon. J. W. Pickersgill and Dr. W. Kaye Lamb, were both very helpful.

Thanks are also due to Senator Eugene Forsey, for his encouragement and assistance at various stages, especially in reading over the final text prior to its submission; J. P. Whitridge and his staff in the excellent Library of the Canada Department of Labour, particularly Miss M. Robertson and Mrs. M. Bergmanis; Ian Wilson, Archivist at Queen's University, for assistance regarding Adam Shortt and the Shortt Papers; Donald Avery of the University of Western Ontario and A. R. McCormack of the University of Manitoba for their stimulating assistance and criticism; and, finally, the Public Archives of Canada, for granting me the six month's educational leave which made completion of the thesis possible.

Footnotes have been placed at the bottoms of the pages for ease of reference. All quotations may be taken as faithful reproductions of the original text. The disturbing Latin abbreviation "sic" has not been used. Errors, misspellings, or omissions in the original text have not been acknowledged, except where they might confuse the reader or interfere with the flow of words—in which case the appropriate correction or addition appears within the text in square brackets.

Except where indicated otherwise, all original sources are in the Public Archives of Canada.

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## CHAPTER ONE

### 1900: THE INDUSTRIAL SCENE

At the close of the nineteenth century Canada was entering upon a period of considerable economic and industrial expansion. Between 1891 and 1901 the population of the country increased by 11.1 percent; over the next decade the increase (from 5,371,000 to 7,207,000) was over thirty-four percent, the largest in the nation's history, never to be surpassed. The decade 1901-1911 was the first in which immigration into Canada exceeded emigration out of it. The net migration figure of 715,000 (1,782,000 immigrants as against 1,066,000 emigrants) was not exceeded until the 1950's.<sup>1</sup> Between 1901 and 1906 the population of the three prairie provinces increased by 93 percent, the largest increase (183 percent) coming in Saskatchewan. Not surprisingly, the foreign-born

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1. During the decade Canada's population grew at a greater rate (just under three percent annually) "than [that of] any other major country in the world, and at a rate rarely if ever equalled elsewhere." David C. Corbett, Canada's Immigration Policy: A Critique (Toronto: University of Toronto Press, 1957), pp. 28, 121. The net migration during the years 1951-1960 was 1,201,000 (1,574,000 immigrants; 372,881 emigrants). Canada Year Book 1961 (Ottawa: Dominion Bureau of Statistics, 1961), pp. 184, 194.

population of Canada more than doubled during the decade. As was the case elsewhere throughout the western world, the large influx of rural population was offset

by an even larger movement of persons into the cities. The proportion of urban population rose steadily, from 28.7 percent in 1891 to 37.6 percent in 1901 and 45.5 percent in 1911.<sup>2</sup> This increase occurred at a faster rate in Canada than in her southern neighbour, with the result that by 1910-1911 the urban/rural proportion in the two countries was virtually the same. To what extent the increase in urban population in Canada was due to an actual movement of rural population into the cities and to what extent it was due to potential agricultural immigrants simply becoming stranded in the large eastern centres is a matter of conjecture—and an interesting subject for future demographic research.<sup>3</sup>

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2. J. Castell Hopkins, ed., Canadian Annual Review of Public Affairs, 1906 (Toronto: Annual Review Press, 1907), p. 278; Corbett, Immigration Policy, p. 128; Harold A. Logan, The History of Trade Union Organization in Canada (Chicago: University of Chicago Press, 1928), p. 44; Canada, Board of Inquiry into the Cost of Living, Report (Ottawa: King's Printer, 1915), I, 11.

3. Arthur M. Schlesinger, The Rise of the City, 1878-1898 (New York: Macmillan, 1933), p. 78; Samuel P. Hays, The Response to Industrialism, 1885-1914 (Chicago: University of Chicago Press, 1957), p. 96; Harold U. Faulkner, The Decline of Laissez-Faire, 1897-1917 (New York, Toronto: Rinehart & Co., 1951), pp. 97, 106-107, 316, 421; Faulkner, The Quest for Social Justice, 1898-1914 (New York: Macmillan, 1931), p. 6; Faulkner, Politics, Reform and Expansion, 1890-1900 (New York: Harper, 1959), pp. 10-13.

Despite the growth in the Canadian mining industry during the period, the proportion of the labour force involved in the primary industries declined between 1891 and 1911 from just under fifty to just under forty percent, with the offsetting advance occurring not in the secondary industries (manufacturing and construction), but in the tertiary industries (transportation and trade). Numerically, Canada was to remain agriculture and primary industry oriented until the acceleration in the growth of manufacturing caused by the First World War.<sup>4</sup> These statistics are, however, misleading in that they obscure the significant advances made in the actual output of Canadian and American manufacturers during the two decades, due largely to heightened industrial efficiency. In Canada, while the number of persons engaged in manufacturing increased by only forty-five percent, the total paid out in salaries and wages and the gross value of production in the same industries in 1910 was two and a

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4. H. D. Woods and Sylvia Ostry, Labour Policy and Labour Economics in Canada (Toronto: Macmillan, 1962), p. 321; W. T. Easterbrook and Hugh G. J. Aitken, Canadian Economic History (Toronto: Macmillan, 1961), pp. 515-520; see also M. C. Urquhart and K. A. Buckley, Historical Statistics of Canada (Toronto: Macmillan, 1965), p. 463.

half times that in 1890.<sup>5</sup> The foundation for this growth had been laid with the National Policy of protective tariffs in the late 1870's, intended to encourage American investment by discouraging American imports, and the completion of the Canadian Pacific Railway in the 1880's. Nevertheless, economic depression and uncertainty had characterised most of the last two decades of the old century, especially the mid-nineties. By 1896, however, the increase in the world's gold supply, resulting from discoveries in South Africa, started to have its effect. Wheat prices began to rise. Money and credit became readily available. Exploitation of the mineral resources of the Kootenay region of British Columbia and the Yukon Gold Rush provided the spark for a burst of economic activity.<sup>6</sup> Substantial increases in prairie wheat production, with Winnipeg becoming a major railway centre; development of the

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5. Urquhart and Buckley, Historical Statistics, p. 463; Harold U. Faulkner, The Decline of Laissez-Faire, 1897-1917 (New York, Toronto: Rinehart, 1951), p. 115; see also Harold U. Faulkner, The Quest for Social Justice, 1898-1914 (New York: Macmillan, 1931), pp. 27-28.

6. S. D. Clark, The Social Development of Canada: An Introductory Study with Select Documents (Toronto: University of Toronto Press, 1942), p. 380. On the "economic spurt" of the 1896-1914 period see also William F. Ryan, The Clergy and Economic Growth in Quebec (1896-1914) (Quebec City: Les Presses de l'universite Laval, 1966), pp. 8-9, 26-29. On the relationship between Canadian tariff policy and American investment in Canada see Michael Bliss, "Canadianizing American Business: The Roots of the Branch Plant," in Close the 49th Parallel etc.; the Americanization of Canada, ed. Ian Lumsden (Toronto: University of Toronto Press, 1970), pp. 27-42.

lumbering, fishing, and mining industries in British Columbia; consolidation taking place in the maritime coal industry; development of manufacturing throughout central Canada, especially in Ontario, with Toronto, London, Hamilton, St. Catharines, Ottawa, and Montreal becoming important industrial centres—all testified to a heightened tempo of industrialization and economic growth. During what one writer has called "the Canadian manufacturer's golden age," from 1896 to 1912, Canadian industry quickly became caught up in the economic expansion taking place throughout industrial America.<sup>7</sup>

The pattern of Canadian economic and social development during the fifteen year period from the end of the great depression in 1897 illustrated to a marked degree the influence of the United States. While Canada was still very much subject to currents of thought and action originating in Britain and on the continent of Europe, important cultural and industrial forces had for some time come from her immediate neighbour.<sup>8</sup> The amount

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7. Logan, op. cit., pp. 43-44; Charles C. Tansill, Canadian-American Relations, 1875-1911 (Toronto: Ryerson Press, 1943), p. xiii; O. D. Skelton, "General Economic History, 1867-1912," in Canada and its Provinces, ed. Adam Shortt and A. G. Doughty (Toronto: Publishers' Association of Canada, 1913), IX, 252-253; Philip S. Foner, History of the Labor Movement in the United States (New York: International Publishers, 1955), II, 12.

8. The influence of British and European trends is developed by Richard Allen in "The Social Gospel and the Reform Tradition in Canada, 1890-1928," Canadian Historical

of United States capital in Canada increased dramatically during the period, as did the degree of affiliation of Canadian labour unions with American bodies. The number of "international" (with few exceptions, American) union locals in Canada at the end of 1897 was about 320. By the end of 1902 there were over 1,000 in existence.<sup>9</sup> One result was a shift in the pattern of Canadian labour legislation. Previous to the turn of the century, economic realities notwithstanding, traditional loyalties dictated that the predominant legislative influence would be the mother country. Thereafter, largely because of the identity and personality of the first federal official responsible for such matters, the influence of the United States became increasingly evident, indicating an awareness of the fact that the actual mechanisms of industrial life were extensions of a North American system.<sup>10</sup>

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Review, XLIX (1968), 381-399. See also Chapter 1 of his The Social Passion; Religion and Social Reform in Canada, 1914-1928 (Toronto: University of Toronto Press, 1971), pp. 3-17.

9. Dr. Eugene Forsey, memorandum in possession of author, Feb. 7, 1971. Dr. Forsey's manuscript history of Canadian unions, 1812-1902, is in the process of publication. For detailed statistics on the growth of international unionism in Canada from 1897 to 1902 see R. H. Babcock, "The A. F. of L. in Canada, 1896 - 1908: A Study in American Labor Imperialism" (unpublished PhD dissertation, Duke University, 1970), pp. 123, 125.

10. Henry George, the American land reformer, touched upon this phenomenon in a lecture given in England in 1884. "Here on this side of the water," he told his audience,

Unfortunately, throughout North America the average labourer did not benefit from the industrial progress. Except in the highly skilled trades, real income fell behind in the race with the rising cost of living.<sup>11</sup> The sad fact was that, as studies undertaken in the northern United States in 1890 and 1900 showed, a very small percentage of the population owned almost all the national wealth. According to one American historian of the period, "fully 80 per cent of the people lived on a margin of existence while the wealth of the nation was owned by the remaining 20 per cent."<sup>12</sup>

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"we look upon the United States as one thing and Canada as another, but when you go to the other side of the Atlantic the differences melt away." Cited in F. W. Watt, "The National Policy, the Workingman, and Proletarian Ideas in Victorian Canada," Canadian Historical Review, XL (1959), 11. See Faulkner, Decline of Laissez-Faire, pp. 73-74; Gerald M. Craig, The United States and Canada (Cambridge, Mass.: Harvard University Press, 1968), pp. 164-165; and R. H. Coats, "The Labour Movement in Canada," in Canada and Its Provinces, IX, 290.

11. Urquhart and Buckley, Historical Statistics, pp. 84, 303; Faulkner, Decline of Laissez-Faire, pp. 251-252; Thomas C. Cochran and William Miller, The Age of Enterprise: A Social History of Industrial America, Revised Edition (New York: Harper and Row, 1961), p. 261; Don D. Lescohier, "Working Conditions," in History of Labor in the United States, 1896-1932, ed. John R. Commons, et. al. (New York: Macmillan, 1935), III, 55-59. The same situation prevailed in Great Britain. See Arthur J. Taylor, "The Economy," in Edwardian England, 1901-1914, ed. Simon Nowell-Smith (London: Oxford University Press, 1964), p. 129.

12. Faulkner, Decline of Laissez-Faire, p. 21.

In 1900 there existed no minimum wage laws in Canada. Nor, in the case of male workers, was there any control over hours of work. Such matters were usually set by agreement between employer and individual worker. Where standards were applied, the ten-hour day, sixty-hour week, was common. While factory laws had been passed in Ontario and Quebec to protect women and children workers, generally speaking they were not enforced. Small shops were even less regulated than factories. In 1900 there was no legislation giving minimum ages for employment in shops. Manitoba and Ontario had laws setting a maximum of twelve hours per day (except Saturday, when the maximum was fourteen), seventy-two hours per week, for young boys and girls. While similar statutes existed in British Columbia and Nova Scotia, such regulations were rarely enforced.<sup>13</sup>

Working conditions in shops and factories had

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13. Edith Lorentsen and Evelyn Woolner, "Fifty Years of Labour Legislation in Canada," Labour Gazette, L (1950), 1415-1421.



not improved since they had been revealed by Royal Commissions in the 1880's.<sup>14</sup> The average shop or factory was crowded, noisy, dusty, dirty, ill-ventilated and usually without any means of escape in case of fire. Machinery was rarely guarded; workers were responsible for their own safety on the job, the factory owners accepting no responsibility for accidents unless actual negligence on their part could be proven. Workmen's compensation legislation was still two decades away, although serious agitation for and government study of it began during the years of the Laurier regime. An employee who committed a minor mistake (often the result of sheer fatigue) could be penalized by the employer for violating his contract. The penalty could be instant dismissal, no notice being required. Conversely, however, a worker who did not give notice well enough in advance of his leaving or stopping work would forfeit his wages—a powerful threat against the possibility of strike. While Mechanics' Lien Acts in most provinces were supposed to protect the worker's right to the wages earned by him,

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14 . Canada, "Report of the Commissioners Appointed to Enquire into the Working of Mills and Factories of the Dominion, and the Labor Employed Therein," Sessional Papers, 1882, no. 42; Canada, Report of the Royal Commission on the Relations of Capital and Labor in Canada (Ottawa: Queen's Printer, 1889).

few labourers could afford the legal proceedings necessary to take advantage of such measures.<sup>15</sup>

The situation, in brief, was that of an exploitative, industrial society in its early stages. Labour was still considered by many to be merely one of a number of commodities to be bought and sold. The strongest law was that of supply and demand. One American historian of the period has described the situation in words which, with allowance for differences in degree, might well apply to Canada:

The socially uncontrolled entrepreneurial initiative that led to America's leap into world prominence as an industrial power in the last third of the nineteenth century was accompanied by a ruthless spirit of competition that left little room for concern about the welfare or working conditions of those at the bottom.<sup>16</sup>

With very few exceptions, labour was too weak to resist. The problems of geographical separation, poor communications, cultural differences, and lack of unity within the labour movement had not yet been overcome. Unions existed only among skilled workers. According to Dr. Eugene Forsey, the total number of labour union locals in Canada at the end of 1902 was probably between 1,300 and 1,350. These figures are more than triple those for

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15. See Lorentsen and Woolner, op. cit. On workmen's compensation legislation see Faulkner, Decline of Laissez-Faire, pp. 278-279, and Ewan Clague, The Bureau of Labor Statistics (New York: Praeger, 1968), pp. 148-149.

16. James Weinstein, "Big Business and the Origins of Workmen's Compensation," Labor History, VIII (1967), 156-157.

1897, indicating the growth in trade union membership during the five years since the end of the 1893-1897 depression. As the average number of workers in a union local at that time may have been only about twenty, we can estimate total union membership in 1902 as about 26 or 27,000—out of a total work force of almost two million.<sup>17</sup> The old laissez-faire, craft concepts of pre-Industrial Revolution days were inadequate to the realities of the factory system. Yet many of the craft unions resisted the technological changes taking place around them and failed to come to grips with the reality of an increasing proportion of unskilled labourers.<sup>18</sup> In 1900 the trend towards industrial unionism (uniting all the workers in an industry, skilled and unskilled, regardless of craft) was still in its infancy. Generally speaking, the open shop was the rule, the closed "union" shop an exception. Indeed, many employers refused to deal with their workers collectively.

One problem was that the very status of organized labour was in doubt. Historically, under British common law, it had not been possible for workmen to take collective steps towards improving their wages or working conditions

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17. Private conversation with Dr. Eugene Forsey, Feb. 4, 1971; memorandum from Dr. Forsey, Feb. 7, 1971. The work force in 1901 numbered 1,782,832. Urquhart and Buckley, Historical Statistics, p. 59.

18. On craft unionism and the reaction to technological change see Foner, History of Labor Movement, III, 174-194.

without their being deemed a conspiracy or combination in restraint of trade and thus liable to criminal proceedings.<sup>19</sup> The Canadian Trade Unions Act of 1872 (patterned after a British statute of the previous year) had legalized trade unions by exempting their members from liability of prosecution merely because of their membership in a union. However, the act had applied only to those unions which registered with the Registrar General—a provision which supposed a degree of organization, stability, and cohesiveness among workers which, with rare exceptions, did not exist. As a consequence, the act had not been taken very seriously—by either labour or the government. As a matter

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19. The gist of criminal conspiracy is the agreement of two or more persons to do an unlawful act, or a lawful act by unlawful means, i.e. together. In civil law it was considered unlawful for persons to do together what each could do singly. "It was assumed, apparently, that combined pressure gave a terrifying character to an otherwise innocent act; a man could withstand trade competition from a single individual, but it was unfair to expect him to oppose a combination of persons.... Shortly stated, the main effect of the doctrine of conspiracy was to prevent lawful organization and attempts at collective bargaining." The principle of restraint of trade is based on the notion that every person has the right to dispose of his capital or labour as he pleases without interference from others. Unions were generally considered to be unreasonable restraint of trade because they attempted to control the right of their members to dispose of their services. "In law, the effect was to bar trade unions from enjoying a lawful status in the court. As plaintiffs, they could not enforce their contracts or protect their funds from dishonest officials, because the courts would not assist litigant organizations which were in unreasonable restraint of trade. As defendants, they could not be compelled to pay trade benefits promised to their members." Bora Laskin, "The Legal Status of Trade Unions in Canada, in Problems in Canadian Unity, ed. Violet Anderson (Toronto: Nelson, 1958), pp. 92-93. See also A. C. Crysler, Labour Relations and Precedents in Canada (Toronto: Carswell, 1949), p. 8.

of fact, the government provided no machinery for registration until urged to do so by the Trades and Labor Congress in the late eighties. The first registration took place in 1892. Between that date and 1900, because of the natural suspicion of government which had been built up over the years, only five unions registered.<sup>20</sup> The Trade Unions Act, therefore, had done nothing for the great mass of workers. Furthermore in common law labourers could still be prosecuted for engaging in activities in restraint of trade, such as a strike (deemed a breach of contract) or picketing. An 1876 amendment to the criminal code had sanctioned peaceful picketing, but again only in the case of unions which had registered under the Trade Unions Act. The same qualification was placed on the measure passed in 1877 which eliminated the crime of breach of contract in the case of

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20. Records of the Registrar General's Office (R.G. 68), "General Index," 1841-1908, p. 395; Trades and Labor Congress of Canada (hereafter cited as "T.L.C."), Proceedings, 1886, p. 39, 1887, p. 50, and 1888, pp. 26-27.

strike.<sup>21</sup>

In 1892, when the Canadian Parliament codified the criminal law, it included those sections of the Trade Unions Act which freed unions from criminal liability as conspiracies in restraint of trade, but without the former limitation to registered unions. Thus "restraint of trade in a trade agreement was no longer subject to criminal prosecution." However, at the same time the clause giving legal protection to peaceful picketing was dropped. Despite constant pressure by organized labour for the reinstatement of this provision, it was not re-inserted in the Criminal Code until 1934.<sup>22</sup> At the turn of the century, therefore, while labour might legally withdraw its services from an employer, if a union attempted to enforce a strike through picketing it was liable to prosecution. The state of confusion in the ranks of organized labour over the legal implications of the situation is understandable.

In enacting the various pieces of labour legislation of the 1880's and 1890's the local and federal legislatures of the United States and Canada had sought

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21 . Woods and Ostry, Labour Policy, p. 36. See also A. E. Grauer, Labour Legislation; A Study Prepared for the Royal Commission on Dominion-Provincial Relations (Ottawa: King's Printer, 1939), pp. 70-72.

22 . Woods and Ostry, Labour Policy, p. 37.

to ameliorate the condition of labour. In doing so they had in fact acted on behalf of labour, achieving through legislation what the unions (where they existed) were unable to accomplish through direct confrontation with the employers.<sup>23</sup> Such enactments were the product of the increasing labour unrest in the late nineteenth century, as the working classes grew more and more dissatisfied with their appointed position in the industrial system. Beginning in the 1870's, and continuously from the mid-1880's, organized labour in both countries had exerted pressure on the elected representatives locally and federally for reforms in that system through legislation. The education of public opinion began in the 1880's through the publications of agencies such as the Ontario Bureau of Industries and investigations such as that of the Royal Commission on the Relations of Capital and Labor which sat from 1886 to 1889. In particular, the depression of 1893 to 1897 did much to awaken the public to the human suffering and want of the poor. It was becoming painfully evident that the complexity of industrial society had undermined considerably the validity of individual economic

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23. V. L. Allen, Trade Unions and the Government (London: Longmans, 1960), pp. 44-45. See Bernard Ostry, "Conservatives, Liberals, and Labour in the 1870's," Canadian Historical Review, XLI (1960), 93-127, and "Conservatives, Liberals, and Labour in the 1880's," Canadian Journal of Economics and Political Science, XXVII (1961), 141-161.

freedom. The resulting decrease in the proportion of persons willing to accept traditional, conservative principles of competitive individualism created a more sympathetic attitude toward the poor and the labouring classes. An interest in reform blossomed in the nineties, encouraged by three forces: the growing publicity given to social problems by the popular press, an increase in statistical information available through the efforts of the various bureaus of labour statistics, and the enlarged interest of social scientists in the subject.<sup>24</sup>

Any discussion of Canadian labour legislation must be based on an understanding of the constitutional factors. The British North America Act does not mention the subject of labour relations specifically. Because Section 92 gives the provinces jurisdiction over matters affecting property and civil rights, questions of freedom of association and contracts between employers and employed are governed by provincial legislation. To the

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24. Robert H. Bremner, From the Depths; The Discovery of Poverty in the United States (New York: New York University Press, 1965), pp. 13-30, 67-85; Philip Taft, Organized Labor in American History (New York: Harper & Row, 1964), pp. xvi-xvii; Samuel P. Hays, The Response to Industrialism, 1885-1914 (Chicago: University of Chicago Press, 1957), p. 76; Cochran and Miller, Age of Enterprise, pp. 120-121; Ray Ginger, Age of Excess; The U.S. from 1877 to 1914 (New York: Macmillan, 1965), p. 281. On that extreme form of individualism, social Darwinism, which so fascinated late nineteenth century intellectuals, see Richard Hofstadter, Social Darwinism in American Thought, Revised Edition (Boston: Beacon Press, 1955).



federal parliament were assigned such subjects as trade and commerce, navigation and shipping, and criminal law, as well as the general authority to legislate for the "peace, order and good government of Canada in relation to all matters not coming within the classes of subjects ... assigned exclusively to the Legislatures of the Provinces."<sup>25</sup>

Generally speaking, the provincial legislatures are responsible for those subjects affecting the lot of the average Canadian labourer in his day to day labours—subjects such as hours of work, minimum wages, working conditions in factories. This generalization must, however, be qualified. The federal parliament does have authority to legislate for "Dominion" industries, which is to say those national in scope and chartered federally. Sir John A. Macdonald's second ministry introduced three successive factory bills into the Dominion Parliament in the early eighties.<sup>26</sup> Nevertheless, except in the case of these industries, the role of the federal government in industrial relations is restricted to what O. D. Skelton in 1910 called the "round-about method": "by setting [an] example as [a] direct employer of labour, and exerting pressure as [a] party to contract[s] for public works or

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25. See Crysler, Labour Relations and Precedents, pp. 2-3.

26. Eugene Forsey, "A Note on the Dominion Factory Bills of the Eighteen-Eighties," Canadian Journal of Economics and Political Science, XIII (1947), 580-583.

supplies."<sup>27</sup> At the turn of the century, however, the federal government's right to legislate in the industrial relations field was accepted almost without question, primarily because the measures enacted were considered to be in the interest of peace, order, and good government in Canada. In 1907 the President of Harvard University, commenting on the Industrial Disputes Investigation Act, claimed that in Canada "the regulation of industries, and of all strifes which arise in industries, falls inevitably to the national administration, and not the provincial...."<sup>28</sup> He based his statement on the peace, order, and good government provision and on the federal government's power to regulate trade and commerce. Assuming that the maintenance of "industrial peace" was a worthwhile goal—which happened to be the widely held view at that time—it then followed that the major responsibility lay with the federal government.<sup>29</sup>

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27. Department of Labour Records (R.G. 27), vol. 158, file 611.2, folder 3, O. D. Skelton to King, Dec. 4, 1910.

28. Charles W. Eliot, "Canadian Act to Aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries," McClure's Magazine, XXX (Dec., 1907), 149.

29. Memorandum "Labour Legislation by the Dominion Parliament," April 19, 1923, on file in the Department of Labour Library.

CHAPTER TWO  
BIRTH OF A BUREAU

For a number of years the Canadian labour movement had complained about the existence of the "sweating system."<sup>1</sup> The Canadian Labor Congress in 1883 and its successor, the Trades and Labor Congress, annually from 1887 to 1893 had debated and passed various resolutions condemning contract or piece-work, and calling for government regulations to control wages and conditions in factories and workshops.<sup>2</sup> Immediately following the annual meeting of the Congress in September, 1891, an appointed committee called on the Minister of Public Works to convey a resolution to him. The following March the annual T.L.C. delegation again brought the matter to the government's attention.<sup>3</sup> One member of the September Committee was A. W. Wright,

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1. Defined by Mackenzie King in 1898 as "a condition of labour in which a maximum amount of work, in a given time, is performed for a minimum wage, ... [generally] under conditions in which the ordinary rules of health and comfort are disregarded." He added that the evil was "almost invariably associated with contract work, and ... is intensified by sub-contracting in shops conducted in homes." Canada, Report to the Honourable the Postmaster General of the Methods Adopted in Canada in the Carrying Out of Government Clothing Contracts, by W. L. Mackenzie King, M.A., LL.B. (Ottawa: Government Printing Bureau, 1899),

2. Canadian Labor Congress, Proceedings, 1883, p. 37. T.L.C., Proceedings, 1887, p. 38; 1888, pp. 22, 24; 1889, pp. 18, 24; 1890, p. 27; 1891, p. 19; 1892, p. 25; 1893, p. 25.

Secretary of the General Executive Board of the Knights of Labor and a respected journalist, trades unionist, lecturer on industrial questions, and life-long Conservative who was consulted by the Dominion Government on occasion with regard to labour matters.<sup>4</sup> In the autumn of 1895, in response to a request from the Trades and Labor Congress, the Bowell administration appointed Wright to investigate the extent to which the sweating system was practised in Canada. His report, presented in 1896, was general in nature and not especially critical. It was his opinion, for example, that the "tenement house workshop system" did not yet exist in Canada, a conclusion which would have interested those unfortunate souls toiling in the sweatshops of downtown Montreal and Toronto. Wright was, however, willing to admit that the Canadian industrial system possessed all the necessary ingredients.<sup>5</sup> His report made a number of recommendations, but did not specify which of the proposals fell within the jurisdiction of the federal parliament and which more properly belonged to the

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3. T.L.C., Proceedings, 1892, pp. 6 & 9.

4. For a biographical sketch of Wright see Hector Charlesworth, ed., A Cyclopaedia of Canadian Biography (Toronto: Hunter-Rose, 1919), pp. 290-292.

5. Canada, Report Upon the Sweating System in Canada, Alexander Whyte Wright, Commissioner (Ottawa: Queen's Printer, 1896).

various provincial legislatures. The pressure of other matters resulted in the shelving of the report and its recommendations.

With the return of good times in 1897 the general climate of political opinion rendered reforms more acceptable—although the tendency to brand any labour reform as "class legislation" remained strong, especially among the more conservative elements of society. Laissez-faire doctrine, although on the wane, was still very much in evidence. One of the few members of the Laurier ministry who was sympathetic to the demands of labour was William Mulock, the Postmaster General. Mulock, who had practised law in Toronto since being called to the bar in 1868, numbered among his friends a lecturer at Osgoode Hall Law School, John King. On September 19, 1897, King paid a social call on the Mulocks, accompanied by his eldest son. With B.A., LL.B., and M.A. degrees from the University of Toronto, the younger King had just completed a year at the University of Chicago as a Fellow in that academic discipline which was the fashion of the age, Political Economy.<sup>6</sup> At Chicago he had gained insight into the problems of urban society through a close association with the Hull House social settlement. His formal instruction had come mostly from Charles R. Henderson

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6. R. MacGregor Dawson, William Lyon Mackenzie King: A Political Biography, Volume One, 1874-1923 (Toronto: University of Toronto Press, 1958), pp. 49-63.

in sociology and J. Laurence Laughlin in public finance. Henderson was a strong proponent of the use of public investigation and revelation as a means of combatting abuses. "Light is a very effective moral disinfectant," he claimed. "Information about abuses is often the only remedy that is required."<sup>7</sup> This philosophy was shared by a generation of students who occupied themselves with assembling and publishing data on the various social and industrial questions of the day.<sup>8</sup> J. Laurence Laughlin, the head of the Economics Department, was a respected classical "laissez-faire" economist. However, on joining the staff of the new University of Chicago in 1892, Laughlin had brought with him from Cornell Thorstein Veblen, a young iconoclast who was having a profound effect on that small body of students with whom he came into contact.<sup>9</sup> One of this number was Mackenzie King, who had taken Veblen's course on socialism in the spring term. King had become quite impressed with Veblen's probing, critical mind and his stimulating classroom

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7. Charles R. Henderson, The Social Spirit in America (Chicago, 1905), p. 62, cited in Bremner, From the Depths, p. 62; Dawson, King, p. 54.

8. Bremner, From the Depths, pp. 84, 205.

9. Ray Ginger, Altgeld's America, 1890-1905; The Lincoln Ideal Versus Changing Realities (Chicago: Quadrangle Books, 1965), p. 311; George E. Mowry, The Era of Theodore Roosevelt, 1900-1912 (New York: Harper & Brothers, 1958), pp. 22-23; Joseph Dorfman, Thorstein Veblen and His America (New York: Augustus M. Kelley, 1961), p. 87. Henry Steele Commager, The American Mind (New Haven & London: Yale University Press, 1950), p. 238.

presence. As a result of this contact, two articles and two book reviews by King had been published in The Journal of Political Economy, which Veblen edited.<sup>10</sup> At the age of twenty-two, Mackenzie King was acquiring a reputation as an authority on the sweating system and other facets of the labour question. The day before his meeting with

Mulock the Toronto Mail and Empire had published an article by King on the housing problem—the second of seven such articles on social issues from his pen which were to appear in newspapers during 1897 and 1898.<sup>11</sup> Also on the day before he had toured a number of Toronto sweatshops and was thus in a "shocked and combative mood"<sup>12</sup> when he talked with the Postmaster General that Sunday afternoon. During the course of their conversation the

10. The two articles were "Trade Union Organization in the United States," The Journal of Political Economy, V (March, 1897), 201-215; and "The International Typographical Union," Ibid., V (Sept., 1897), 458-484. The book reviews, of The Province of Quebec and the Early American Revolution, by Victor Coffin, and The Tailoring Trade, by F. W. Galton, appeared in The Journal for March (pp. 105-109) and September (pp. 534-535).

11. "In Chicago Slums," Toronto Globe, Jan. 16, 1897; "Crowded Housing, Its Evil Effects," Toronto Daily Mail and Empire, Sept. 18, 1897; "Foreigners Who Live in Toronto," Daily Mail and Empire, Sept. 25 & Oct. 2, 1897; "Toronto and the Sweating System," Daily Mail and Empire, Oct. 9, 1897; "The Story of Hull House," The Westminster (Toronto), Nov. 6, 1897; "Sweating System in Montreal," Montreal Herald, April 16 & 23, 1898; "The Sweating System in Canada," Toronto Globe, Nov. 19, 1898.

12. Dawson, King, p. 67.

young student emotionally drew Mulock's attention to the fact that government clothing contracts were being sub-contracted and the work performed in sweatshops.<sup>13</sup> King's lurid description of the sweating system apparently convinced Mulock of the seriousness of the matter. The Postmaster General had experienced the tribulations of the common labourer as a young man. On this particular occasion, however, he may have been more than usually receptive. Three days earlier the Toronto newspapers had carried reports of the resolution passed by the Trades and Labor Congress, then holding its annual meeting in nearby Hamilton, which drew the government's attention to the situation wherein uniforms for the militia and other public officials (such as employees of the Post Office Department) were being made "by contractors for the Government in sweatshops and tenement houses under conditions that do not guarantee ... that proper sanitary precautions have been taken to protect the health of the wearers and workers and [that] a fair wage had been paid to the workers...." The Congress had urged the government to take steps to remedy the situation.<sup>14</sup> Political considerations also played a part. A federal by-election in the industrial constituency of Centre Toronto was

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13. Mackenzie King Papers (M.G.26, J), King Diary (hereafter referred to as "Diary"), Sept. 19, 1897.

14. Dawson, King, p. 67.



pending, as was a provincial election in Ontario.

Mulock appointed King to conduct an investigation into the sweating system in Canada.<sup>15</sup> He also took action in his own Department. He and King drafted a new contract form containing clauses to prevent sub-contracting and ensure that proper sanitary conditions, wages, and hours of work would be applied to those employed in the performance of the contract. In announcing the new regulations to the press on September 29, Mulock suggested that the fair wages principle might "be adopted generally in all Government contracts." He specifically mentioned the fact that the Minister of Militia and Defence, about to call for new tenders for militia clothing, would be adopting the principle. The Prime Minister, at a Board of Trade banquet in Toronto a week later, went even further, speaking of "the principle that fair work deserves fair wages" and declaring that "a fair wage for fair work" was "the birthright of every Canadian." he labelled the sweating system "an injury and a shame, and a blot on the fair name of Canada." The principle enunciated by the Postmaster General would, he pledged, be "extended to every department of the Government." However, in a verbal bow to imperial sentiment, Laurier was careful to point out that the government had acted not on its own initiative

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15. King Papers, vol. 1, pp. 620-622, Mulock to King, Sept. 21, 1897.

but "on the example of the mother land," referring to the fact that the British Government had undertaken similar responsibilities in 1891.<sup>16</sup> The statements of Mulock and Laurier were warmly received in labour and reform circles. "The change introduced by the Postmaster-General," declared the Globe, "will be of advantage not only in advancing wages and improving working conditions among a large number of employees but as a moral influence on private employers."<sup>17</sup> The Legislative Committee of the Toronto Trades and Labor Council, Rossland Local Assembly 1,627 (Knights of Labor), the Miners and Mine Laborers Protective Association of Vancouver Island, the Trades and Labor Congress in its annual presentation to the government<sup>18</sup>, and all the international labour union journals<sup>19</sup> congratulated Mulock on his action and urged the extension of the fair wage principle to all government contracts.

Portions of the wording of the fair wages clause were copied from the British Fair Wages Resolution of February, 1891, which had been passed as a result of the revelations of a House of Lords Select Committee on the Sweating System. A House of Commons Select Committee had in turn investigated the operations of the Fair Wages

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16. Globe, Sept. 30, Oct. 7, 1897.

17. Globe, Oct. 1, 1897.

18. Globe, Oct. 15, 1897, and April 6, 1898.

19. The Voice (Winnipeg), Nov. 19, 1897.

Resolution. Its report, printed during the summer of 1897, spoke very favourably of the effects of the Resolution. In addition, by 1897, three Canadian cities had fair wages regulations in effect: Toronto, Hamilton, and London.<sup>20</sup>

Mackenzie King's investigation took him to Montreal, Hamilton, and Toronto (where he received much advice and assistance from D. J. O'Donoghue, Secretary of the Toronto Trades Council's Legislative Committee). His report was submitted to the Postmaster General on January 5, 1898.<sup>21</sup> That month the Post Office Department for the first time sent anti-sweating conditions along with official forms of tender to firms given an opportunity of tendering for a contract for mail bags. The conditions stipulated that all the bags were to be made up in the contractor's own factory and the wages to be paid were to be "those generally accepted as current in each trade for competent workmen in the district where the work is carried on." Violation of either stipulation could result

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20. Gt. Brit., Parliament, House of Lords, Select Committee on the Sweating System, Reports, Together with the Proceedings of the Committee, Minutes of Evidence (London: H.M.S.O., 1888-1890); Gt. Brit., House of Commons, Select Committee on Government Contracts (Fair Wages Resolution), Report ... Together with the Proceedings of the Committee, Minutes of Evidence ... (London: H.M.S.O., 1897); Canada, Department of Labour, Report (hereafter as "Report"), 1910-1911, pp. 61-62.

21. Canada, Report to the Honourable the Postmaster General of the Methods Adopted in Canada in the Carrying Out of Government Clothing Contracts, by W. L. Mackenzie King, M.A., LL.B. (Ottawa: Government Printing Bureau, 1899).

in non-payment and cancellation of the contract by the government. In addition, the factory was to be open to government inspection at all times and the contractor was required to file a statutory declaration testifying to the payment of proper wages and fulfilment of the other conditions before he would be entitled to payment. The Militia Department, shortly thereafter, began inserting similar clauses in its contracts for supplies.<sup>22</sup>

The southeastern mining region of British Columbia at this time was, from the standpoint of economic and industrial relations, the most dynamic region in Canada.<sup>23</sup> Newspapers across the country in the 1890's contained frequent references to centres such as Slocan, Rossland, New Denver, and mines such as War Eagle, Le Roi, and Centre Star, with regular accounts of new mining strikes, incorporations and mergers of mining companies, and advances in the price of mining shares. The public's attention was drawn to frequent episodes of labour unrest in the region. During the winter of 1897-1898 complaints appeared of ill-treatment of employees working for the various construction companies engaged in the building of the Crow's Nest Pass Railway—the C.P.R. branch line

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22. Labour Gazette, I (Sept., 1900), 11-12.

23. W. N. Sage, "The American Mining Advance into Southern British Columbia, 1864-1910," in British Columbia and the United States, ed. H. F. Angus (Toronto: Ryerson Press, 1942), pp. 264-298.

through the Rockies into the Kootenay Valley. An investigation conducted by the Winnipeg Trades and Labor Council revealed considerable evidence substantiating the charges which had been made. Not only was the pay low, but deductions were made for board and accommodation. Some sleeping quarters were in railway box cars, in spite of the lateness of the season. Many of the men had been promised free transportation to the work site and free blankets, but found they had to pay for both—transportation costs being deducted from their salaries at the rate of one cent a mile, and poor quality blankets costing as much as \$3.50 each. Some men who had quit their jobs without notice had been arrested and given fifteen days in jail.<sup>24</sup> In January, 1898, the federal government appointed a Royal Commission to investigate all such complaints and any related matters. One of the three commissioners appointed was the man largely responsible for the revelations, John Appleton, President of the Winnipeg Trades Council.<sup>25</sup> In their report, dated April 30, 1898, the commissioners produced evidence of a number of abuses, including sub-standard or non-existent facilities for

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24. Globe, Dec. 8, 1897. See also The Voice during September, 1897.

25. Privy Council Office Records, Orders in Council (R.G.2, 1), vol. 755, P.C. 55, Jan. 15, 1898.

sleeping and accommodation, unsatisfactory and insufficient food, overcharges for supplies, inadequate medical facilities, and very low wages.<sup>26</sup> Their report was followed almost immediately by further complications. Two employees had died, apparently because of negligence on the part of officials of the railway or of the construction company undertaking the work. On July 1, 1898, a commission was issued to Roger C. Clute, Q.C., a prominent Toronto lawyer with labour sympathies, to inquire into the deaths of the two men.<sup>27</sup> Clute's revelations, coming after the previous Royal Commission report, were enough to force the government into action. His report was dated January 17, 1898.<sup>28</sup> On April 13, David Mills (Minister of Justice) introduced into the Senate a bill which authorized the Governor in Council to make and enforce regulations "for the preservation of health and mitigation of disease among persons employed in the construction of public works...."<sup>29</sup> It was to apply to all public works,

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26. Canada, "Report of the Commissioners in Crow's Nest Pass Complaints," Sessional Papers, 1898, no. 90a.

27. Orders in Council, vol. 772, P.C. 1742, July 1, 1898.

28. Canada, "Report of Mr. R. C. Clute on the Commission to Inquire Into the Deaths of Macdonald and Fraser on the Crow's Nest Pass Railway - Summary," Sessional Papers, 1899, no. 70.

29. "Public Works (Health) Act," S.C. 1899, c. 30.

such as railways, canals, bridges, and telegraphs, within the legislative authority of the Parliament of Canada. Clute himself subsequently drafted the regulations, which appeared in an order in council the following January.<sup>30</sup>

Meanwhile pressure was building on the government to honour its pledge of 1897 to apply the fair wages principle to all government contracts. A return presented to the House of Commons in mid-1899 indicated that the total number of contracts entered into by the government since June 30, 1897, which contained a clause prohibiting sweating was only eight—six with the Department of Militia and Defence, two with the Post Office Department.<sup>31</sup> Furthermore, there was some doubt as to whether in the case of even these few contracts the anti-sweating regulations actually were being observed. On August 1, 1899, two opposition members in the House of Commons produced affidavits signed by labourers which indicated that the anti-sweating clauses in one particular contract were being ignored by the contractors. Attempts to force the embattled Minister of Militia and Defence to agree to undertake

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<sup>30</sup>. Orders in Council, vol. 821, P.C. 236, Jan. 31, 1900. P.C. 2364 of Oct. 8, 1900 (Orders in Council, vol. 851), authorized the payment of an account submitted by Clute for the drafting of these regulations and, as we shall see, one other important measure.

<sup>31</sup>. Sessional Papers, 1899, no. 151.

proceedings against the firm in question were barely fended off, largely through the assistance in the debate of the Postmaster General.<sup>32</sup>

Mackenzie King, home in Toronto for the summer preparing for a trip to Europe on a travelling fellowship granted by Harvard, read of the debate with keen interest. He and D. J. O'Donoghue discussed the subject at some length on August 5. Both wrote to Mulock, urging the Minister to "seek to promote the idea into all gov't work of abolishing the contract system...." "So long as work goes to the homes," King wrote to a friend, "so long will there be sweating and privation."<sup>33</sup> O'Donoghue's comments, expressed in a letter to King, bear quoting at length:

Mr. M. is really the only member of the Government—or of the House, as a matter of fact—who, in my mind, ... thoroughly understands the principle underlying the objections of organized labour and outside humanitarians to the "sweating" system and its awful evils, and his keen knowledge in this particular is mainly due to your sound coaching in past days. ... I have reason to believe ... that Hon. Mr. Mulock's views on this subject will prevail in some degree while he is a member of the Cabinet.<sup>34</sup>

When King went abroad in the autumn of 1899 he took with him a general letter of introduction and a list of British

32. Canada, Parliament, House of Commons, Official Report of Debates (hereafter referred to as "Debates"), Aug. 1, 1899.

33. Diary, Aug. 5, 7, 1899; H. A. Harper Papers (M.G. 30, D 21), vol. 1, King to Harper, Aug. 7, 1899.

34. King Papers, vol. 2, pp. 1375-1377, O'Donoghue to King, Sept. 11, 1899. (Italics in original.)



trade union officials, both supplied by O'Donoghue.<sup>35</sup> He also took a request from Mulock for "a supplementary report upon the sweating system as a result of your observations in the course of your stay on the Continent and in Great Britain."<sup>36</sup>

The government was now in its fourth year of office. Despite King's revelations in 1897, the resulting expressions of good intent by Mulock and the Prime Minister, and King's report in January, 1898, the administration had done "unconscionably little" to benefit the working classes of the country.<sup>37</sup> In 1900 the Post Office and Militia Departments were still the only ones placing anti-sweating clauses in their contracts.<sup>38</sup> The time had arrived for another gesture in the direction of the labour movement. On March 12 Mulock gave notice of motion of a "Fair Wages Resolution" to provide

that all government contracts should contain such conditions as will prevent abuses which may arise from the sub-letting of such contracts, and that every effort should be made to secure the payment of such wages as are generally accepted as current in each trade for competent workmen in the district where the work is carried out....

The Resolution deemed it "the duty of the government to

35. Ibid., vol. 2, pp. 1373-1377.

36. Ibid., vol. 2, pp. 1365-1366, Mulock to King, Sept. 26, 1899. The report was never completed.

37. William D. Atkinson, "Organized Labour and the Laurier Administration: The Fortunes of a Pressure Group" (Unpublished M.A. thesis, Carleton University, 1957), p. 131.

38. Debates, May 3, 1900, cols. 4557-4558.

take immediate steps to give effect thereto." The policy thus stated was to apply "not only [to] work undertaken by the government itself, but also [to] all works aided by grant of Dominion public funds."<sup>39</sup> Debate on the Resolution occurred on March 22 and July 17, when it was passed.

The Fair Wages Resolution, based on the measure passed in Britain nine years before, differed from previously stated government policy in that it applied to all government contracts for work, not just those for supplies. It established a precedent and provided a model for other governments and private employers to follow. (Less than two weeks later the Ontario legislature debated and passed its own Fair Wages Resolution, obviously patterned after the Dominion government's measure.) Why was it presented as a resolution, rather than a bill? The answer given at the time was: for flexibility. Both Laurier and Mulock declared that "it was much better to leave it in the form of a resolution, because it afforded more elasticity and would enable the government to meet the various conditions, and not have a cast-iron set of words that would not fit in properly with some contracts." According to the Postmaster General, "the words may have to be changed,

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39. Ottawa Citizen, March 16, 1900.

but the principle is applicable to every government contract, and no Act is required in order to give the government a mandate to apply this principle."<sup>40</sup> Perhaps so. There were, however, those who entertained doubts as to the government's sincerity, considering its past record. Mackenzie King thought that Mulock "as well as the rest need watching in this....," as he "may have an eye to votes in this matter...."<sup>41</sup> A local Ottawa newspaper referred to the motion as "a big sounding resolution ... conferring upon [the government] no power it does not already possess, but calculated to catch the labor vote."<sup>42</sup> Exactly what had prompted the reawakening of concern for the subject is not known. It was not, as one contemporary critic suggested, due to the annual visit of a deputation from the Trades and Labor Congress.<sup>43</sup> (That event took place a week after Mulock had given notice of motion.) Possibly one factor, considering the unsettled labour situation in the country, was the statement by the British Select Committee in 1897 that the English resolution quite probably had "done something to promote agreements between masters and men, in reference to wages and conditions of employment."<sup>44</sup> In any case, it would appear that the

40. Debates, July 17, 1900, col. 10501.

41. King to Mr. and Mrs. King, April 7, 1900, cited in Dawson, King, p. 70; Diary, April 7, 1900.

42. Ottawa Citizen, March 23, 1900.

43. E. F. Clarke, M.P., in House of Commons, Debates, March 22, 1900, col. 2940.

personal source of the reawakened government interest in fair wages was Mulock, and that there was a good deal of politics involved.

To give added lustre to its intentions, almost immediately after the Fair Wages Resolution had been introduced into the House of Commons and before it had actually been approved by the House the government appointed a special Fair Wages Officer. The man appointed, on the recommendation of Mulock, was the elder statesman of the Canadian labour movement, Daniel J. O'Donoghue.<sup>45</sup> The reasons for O'Donoghue's appointment may be surmised fairly easily. Of definite Liberal sympathies himself, O'Donoghue numbered among his friends prominent acquaintances of Mulock in the Liberal Party of Toronto. He had also been Clerk of the Ontario Bureau of Industries, under Liberal administrations, since 1885.<sup>46</sup> He was, moreover,

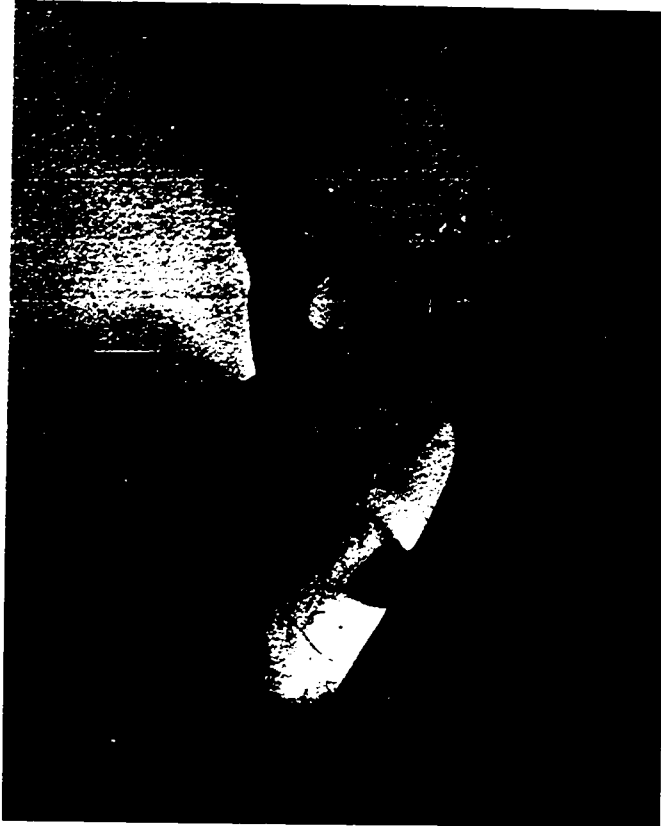
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44. Select Committee on Government Contracts ... Report ..., p. 111.

45. Mulock recommended the appointment as Acting Minister of Public Works. The recommendation was approved by the Cabinet on March 30, 1900. Orders in Council, vol. 829, P.C. 839, March 30, 1900.

46. Doris French, Faith, Sweat, and Politics: The Early Trade Union Years in Canada (Toronto: McClelland & Stewart, 1962), pp. 112, 122. Miss French's claim that O'Donoghue was politically impartial is disproven by his correspondence to Sir Wilfrid Laurier. For example, in 1898, while stating that he had "no personal ends to serve, nor have I any relatives to seek office or preferment for," he described himself as "an ardent Liberal." Laurier Papers (M.G. 26, G), vol. 75, pp. 23354-23361, O'Donoghue to Laurier, May 16, 1898.

widely respected in labour circles. His family had emigrated from Ireland to Ottawa when O'Donoghue was only eight years old, in 1852. Entering the printing trade at an early age, he had joined the National Typographical Union in Buffalo in 1866 and shortly afterwards had returned to Ottawa, where he had organized that city's first typographical union. O'Donoghue had helped found the Ottawa Trades Council in 1872 and in 1873 had attended the founding convention of the Canadian Labor Union in Toronto. Following that convention he had led a delegation to Ottawa to present labour's views to the Prime Minister, thereby originating a custom followed to this day. From 1874 to 1879 O'Donoghue had sat in the Ontario Legislature as the first Independent Labour member of a political body in Canada. During these five years he had introduced, carried, and later amended the first "Mechanics Lien Act" passed in this country. Following his defeat in 1879, he had joined the Legislative Committee of the new Toronto Trades and Labor Council and had served as its secretary for nineteen years. In that capacity he had signed the circular inviting labour organizations to send delegates to the founding convention of the Canadian Labor Congress (1883), the predecessor of the Trades and Labor Congress of Canada, which had begun meeting annually in 1886. O'Donoghue had figured prominently at every annual convention of the T.L.C. held since 1886, representing either the Toronto Trades and Labor Council or Local Assembly 2305, Knights of Labor (Toronto). His association with the Knights had begun in



D. J. O'DONOGHUE (1901)

[Trades and Labor Congress of Canada, Official Book, 1901  
(Ottawa: 1901).]



B. J. SIDENHURST (1901)

[Trades and Labor Congress of Canada, Official book, 1901  
(Ottawa: 1901).]

1885, when he had attended that organization's convention in Hamilton, representing a number of local assemblies. That same year he had been appointed Clerk of the Ontario Bureau of Industries.<sup>47</sup> According to the Toronto Globe, O'Donoghue was "in thorough sympathy with the [fair wages] regulations and enjoys the confidence of all classes of workers."<sup>48</sup> Politically, Mulock's choice was a wise one.

O'Donoghue's duties were to report to the government on the rates of wages then being paid in the various districts where government work was being carried out, to prepare fair wages schedules for insertion in government contracts, and to see that contractors complied with the wage schedules and other conditions in the contracts. As a first step he prepared a list of conditions to be incorporated in all contracts awarded by the Department of Public Works.<sup>49</sup> The list contained stipulations

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47. Doris French, Faith, Sweat, and Politics; the Early Trade Union Years in Canada (Toronto: McClelland & Stewart, 1962); Encyclopedia Canadiana (Ottawa: Canadiana Co. Ltd., 1958), VII, 431; John G. O'Donoghue, "Daniel O'Donoghue: Father of the Canadian Labour Movement," Canadian Catholic Historical Association, Report, 1943, pp. 87-96; Canadian Labor Union, Proceedings, 1873, 1874; T.L.C., Proceedings, 1883, 1886-1900; Knights of Labor, Record of Proceedings, 1885.

48. Globe, Oct. 12, 1900.

49. Labour Gazette, I (Sept. 1900), 26. The original draft conditions, dated April 21, 1900, and signed by Mulock as Acting Minister of Public Works, may be found in the Privy Council Office Records, "Dormants" series (R.G. 2, 3), vol. 134, P.C. 1060.



against sub-contracting and regulations as to the method and amount of wage payments and hours of labour. There was also a special clause prohibiting the use of alien labour in the execution of the contract. The most important item was the "fair wages schedule," containing minimum allowable rates of wages for the various classes of labour to be employed on the work. The first Public Works contract containing the anti-sweating conditions was awarded on May 31, for the erection of a new post office building in Hull.<sup>50</sup>

The Speech from the Throne opening what all observers felt would be the last session of Canada's Eighth Parliament, on February 1, 1900, contained the following passage:

The attention of the Government has been called to the conflicts which occasionally arise between workmen and their employers. While it may not be possible to wholly prevent such difficulties by legislation, my Government thinks that many of the disputes might be avoided if better provisions could be made for the friendly intervention of a Board of Conciliation, the conclusions of which, while not legally binding, would have much weight with both sides and be useful in bringing an intelligent public opinion to bear on these complicated subjects. You will be invited to consider whether the Provincial legislation in this matter may not be usefully supplemented by an enactment providing for the establishment of a Dominion tribunal for assisting

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50. Report, 1900-1901, pp. 42-43; Globe, June 1, 1900.

in the settlement of such questions.<sup>51</sup>

Five months later the government brought forward a Conciliation Bill which contained provisions similar to those stated in the Speech from the Throne, and to establish a Labour Bureau in Ottawa. The origins of the two concepts and the events which led to their incorporation in the Conciliation Act of 1900 need to be reviewed carefully.

Any state wishing to provide facilities for the settlement of industrial disputes has at its disposal four recognized methods: mediation or conciliation, compulsory investigation, voluntary arbitration, and compulsory arbitration. The first method simply provides for a conciliator to bring the employer and employees together for discussion and negotiation. There is no element of compulsion before, during, or at the breakdown of negotiations, and no prohibition of the right to strike or lockout. In compulsory investigation special boards investigate disputes and report to the government. A compulsory aspect is involved in that any strike or lockout is postponed until the board has reported. However, the only pressure on the disputants to accept the recommendations of the board comes from the influence of public opinion. In voluntary arbitration both parties agree to submit the

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51. Globe, Feb.2, 1900.

dispute to an arbitrator and abide by his decision. Compulsory arbitration, of course, compels disputants to submit to an arbitrator or board of arbitration, whose award is binding. Legislation of this kind was enacted in New Zealand in 1894. Until recently, however, compulsory arbitration has not found legislative favour in this country. Some Canadian legislation has contained provisions for voluntary arbitration, but the commonly accepted method has been a combination of conciliation and compulsory investigation.<sup>51</sup>

The earliest legislative attempt to provide machinery for the solution of labour disputes was the French system of Conseils des Prud'hommes. Created under the Napoleonic Code, these "Councils of Experts" were used extensively in the early nineteenth century in France, Germany, Belgium, and other European countries. The machinery was simple and inexpensive, but limited in scope, providing for a first stage Committee of Conciliation drawn from a panel of experts in each region, and a second stage Committee of Judgment should the first stage fail. More than half the disputes usually found their way to this second stage, where a binding award was handed down. The Conseils, which settled differences between employers and individual employees, were merely an outgrowth of the

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51. Grauer, Labour Legislation, pp. 119-120. In 1968 a mild form of compulsion was introduced in British Columbia's controversial Bill 33—the "Mediation Commission Act," S.B.C., 1968, c. 26.

guild system, workable only in a homogeneous, controlled setting. As the factory system developed, swelling the cities with large numbers of unskilled labourers, the Conseils soon proved to be inadequate, especially as both employers and employees tended to combine in order to strengthen their relative positions. By the end of the nineteenth century France had passed a general law of conciliation and arbitration.<sup>52</sup>

In England the process was much the same, as the country moved from apprentice to factory system.<sup>53</sup> Although the principle of collective bargaining received tacit approval in the Arbitration Act of 1824, it was not until the 1870's that trade unions were legalized and freed from the danger of being prosecuted as conspiracies.<sup>54</sup> The watershed came in 1896, with the enactment of the Conciliation Act.<sup>55</sup> Purely voluntary in nature, this measure was intended simply to regularize the conciliation and arbitration procedures which had developed over the years. The act was not committed to either conciliation or arbitration. Whichever process appeared most suitable

52. Report, 1907-1908, pp. 47-51.

53. See W. S. A. Martin, "A Study of Legislation Designed to Foster Industrial Peace in the Common Law Jurisdiction of Canada" (Unpublished Ph.D. dissertation, University of Toronto, 1954), pp. 46-75, for a survey of British experience in the nineteenth century.

54. Woods and Ostry, Labour Policy, pp. 31-32.

55. 59 & 60 Vic., c. 30.

was to be followed. Of special interest, since it influenced later Canadian legislation, is the fact that the act empowered the government, either on application of the parties to a dispute, or on its own initiative, to send a conciliation officer to the scene of a dispute. Interesting also is the fact that in such cases it was to be an individual who was sent. Experience had taught the British legislators that a single conciliator could work more effectively than a group of individuals.<sup>56</sup>

In Canada the turning point was her own Conciliation Act of 1900,<sup>57</sup> which incorporated all the provisions of the English measure. Precedents in Canada for labour relations legislation were few in number. The Ontario Trades Arbitration Act of 1873, the British Columbia Labour and Conciliation Act of 1893, and the Trades Disputes Act passed in Ontario in 1894, all provided for local boards or councils of conciliation and arbitration.<sup>58</sup> They were fully voluntary, relying on voluntary conciliation or, if agreed to by the parties, arbitration.

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56. Martin, "Study," pp. 70-72.

57. S.C. 1900, c. 24. A copy of the Act appears below as Appendix 1.

58. S.O. 1873, c. 26; S.B.C. 1893, c. 21; S.O. 1894, c. 42. On the background to the British Columbia act of 1893 see John T. Saywell, "Labour and Socialism in British Columbia: A Survey of Historical Developments Before 1903," British Columbia Historical Quarterly, XV (1951), 136-137.

Mutual consent was needed for any mediation to take place. The acts failed, for largely the same reason in each case. While the labouring classes might have been willing to use the machinery, since to do so would strengthen the workers' position, the employers were not so willing, for the same reason. In addition, the 1873 Ontario measure had not included the question of wages within its scope.<sup>59</sup> In 1888 the Nova Scotia legislature passed the first Canadian legislation to provide for compulsory arbitration. The Mines Arbitration Act, providing for compulsory arbitration of disputes regarding wages in the Nova Scotia mining industry, proved to be inoperable, only one case ever being referred to arbitration under it.<sup>60</sup>

Organized labour in Canada and the United States generally supported the principle of government boards of conciliation and arbitration. The 1877 convention of the Canadian Labor Union had passed a resolution calling for "the application of the principle of arbitration and conciliation in trade disputes [as] one well calculated to advance the prosperity of the trades and promote amicable

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59. Woods and Ostry, Labour Policy, pp. 41-43; Martin, "Study," ch. 3; James C. Cameron and F. J. L. Young, The Status of Trade Unions in Canada (Kingston: Queen's University Department of Industrial Relations, 1960), p. 35.

60. S.N.S. 1888, c. 3; Woods and Ostry, Labour Policy, p. 43; Cameron and Young, Status of Trade Unions, p. 36; H. D. Woods, "Public Interest Disputes and Their Settlement; Canadian Policy Experiments with Public Interest Disputes," Labor Law Journal, XIV (Aug., 1963), 739.

relations between employers and employed ...."<sup>61</sup> Six years later the Canadian Labor Congress had urged the appointment of a Board of Arbitration to which all disputes would be submitted.<sup>62</sup> Its successor, the Trades and Labor Congress, at its first convention in 1886 as well as in 1887, 1888, and 1890 had passed resolutions favouring the concept.<sup>63</sup> The Royal Commission on the Relations of Capital and Labor in 1889 had recommended the appointment of permanent boards of conciliation and arbitration in all the larger industrial centres, together with a central board of arbitration—a system patterned after that which had developed in Britain. "Whenever it should come to the attention of the permanent board that a labor dispute is pending, or contemplated," ran the recommendation,

it should be their duty to send one of their number to the scene of the disturbance. On arriving there he should at once place himself in communication with both parties to the dispute and offer his services in arriving at a settlement.<sup>64</sup>

That same year the Canadian Committee of the Knights of Labor discussed at length with members of the Dominion

61. Proceedings of the Canadian Labor Union Congresses, 1873-1877, comp. & ed., Leslie E. Wismer (Montreal: T.L.C., 1951), p. 85.

62. Proceedings of the Canadian Labor Congress, ... 1883 (Toronto: C.L.C., 1883).

63. T.L.C., Proceedings, 1886, pp. 30-32; 1887, p. 50; 1888, p. 21; 1890, p. 30.

64. Report of Royal Commission on Relations of Capital and Labor, p. 97.

Cabinet a plan whereby a Board of Arbitration and a Bureau of Labor Statistics would be created.<sup>65</sup> This was followed, in March, 1890, by a request from the Minister of Justice, Sir John Thompson, to A. W. Wright for his ideas "as to what should be the scope of an act creating a Dominion Board of arbitration and mediation for the amicable adjustment of disputes and differences between employers and workmen...."<sup>66</sup> Wright complied. However, the government chose to tread lightly, introducing legislation to create a bureau of labour statistics but making no provision for government involvement in conciliation and arbitration.

At the 1892 convention of the Trades and Labor Congress the President recommended the establishment of a committee of the Congress to draft "rules and regulations for the establishment of a Board of Arbitration and Conciliation." In doing so, he referred to British experience. The Congress in turn passed a resolution calling for the appointment of such a Board.<sup>67</sup> Four years later, Wright, in his report on the sweating system, again brought the matter to the government's attention. He was, he wrote,

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65. Knights of Labor, Record of Proceedings, 1889, "Report of the Canadian Legislative Committee," p. 19.

66. Department of Justice Records (R.G. 13), Registry files, 1890, no. 613, A. W. Wright to Sir John Thompson, March 9, 1890. A copy of this letter is in Wright's letter-book in the A. W. Wright Papers (M.G. 29, B 34), vol. 1, pp. 3 - 11.

67. T.L.C., Proceedings, 1892, pp. 11, 25.



strongly of opinion that a Dominion Board of mediation and arbitration could be made the means of averting or satisfactorily settling a very large proportion of the labor difficulties and industrial misunderstandings which now eventuate in strikes and lock-outs involving great and never wholly repaired losses to both capital and labor.

Wright also suggested a system not unlike the French Conseils des Prud'hommes with local boards and a central agency which would act as a court of appeal. He did not feel that his central board should have the power to enforce its decisions, "except, perhaps, in the case of transportation companies, telegraph, electric or gas companies enjoying public franchises..."—an interesting exception considering the pattern of later legislation. Wright felt, however, that "the mere intervention of such a board and its conciliatory hearing of both parties to a dispute would, in the majority of cases, result in either preventing a strike or lock-out or in settling the difficulty."<sup>68</sup> As we have seen, Wright's report was placed on the shelf alongside that of the 1889 commission.

Attention has already been drawn to the active conditions prevailing in the late nineties in the southeastern mining region of British Columbia where, after the completion (through government subsidy) of the Crow's

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68. Report Upon the Sweating System, p. 18.

Nest Pass Railway by the C.P.R. in 1898, a mining boom had developed. Both American capital and migratory American labour poured into the area. The militant Western Federation of Miners, which had established its first local (number 38) at Rossland in 1895, soon began to spread, aided by the passage of an eight-hour day law by the provincial government in 1898.<sup>69</sup> The mine owners announced their intention to cut wages proportionally. Refusing to accept the wage reduction, the miners' unions in both the metal and coal mining industries went out on strike. With the issue of union recognition also at stake, distrust and recalcitrance on the part of employers and workers alike prevented settlement of the dispute and fanned the flames of discontent. The heritage of conflict which had developed in the western mining region to the south was spilling over into Canada.<sup>70</sup>

The aggressiveness of the striking miners

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69. Paul A. Phillips, No Power Greater: A Century of Labour in British Columbia (Vancouver: B.C. Federation of Labour, 1967), pp. 28-29.

70. On the eight-hour day fight in the western mining region see Vernon H. Jensen, Heritage of Conflict; Labor Relations in the Nonferrous Metals Industry up to 1930 (New York: Greenwood Press, 1968), pp. 96-117. The aptness of the term "heritage of conflict" is suggested by the fact that it occurred to the writer prior to his coming upon Jensen's excellent study.

was intensified by the action of the companies in bringing in labourers from the United States to replace them, in contravention of the Alien Labour Act, With the appearance of this latter issue the Dominion government felt obliged to investigate.<sup>71</sup>

In November, 1899, the Cabinet asked Roger Clute to return to British Columbia and conduct a preliminary investigation into the labour troubles plaguing the western mining region.<sup>72</sup> Clute was asked to collect information on the number of miners employed, the capital investment in the region, the hours of labour, wages, and any other pertinent information. Setting about his task, Clute held hearings throughout the Kootenays during December.

A former chairman of the Ontario Board of Conciliation and Arbitration,<sup>73</sup> Roger Clute held rather progressive ideas on the relations between capital and labour and the government's role therein. In the first place, he felt that labour should have the right to

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71. Frank Robert Anton, The Role of Government in the Settlement of Industrial Disputes in Canada (C.C.H. Canadian Limited, 1962), p. 63.

72. Orders in Council, vol. 815, P.C. 2407, Nov. 17, 1899; Laurier Papers, vol. 131, p. 39067, Laurier to D. J. O'Donoghue, Nov. 23, 1899.

73. Laurier Papers, vol. 75, pp. 23354-23361, D. J. O'Donoghue to Laurier, May 16, 1898.

organize and bargain collectively from a position of strength. "I believe it entirely practicable," he said in May, 1900, "and I do not regard it as an assumption on the part of labor at all unreasonable that they should be permitted to present their grievances through men capable of doing so." He continued, "Capital and labor must unite in production. Is it unreasonable that while capital places its interests in the hands of the ablest men ... labor should not be allowed to do the same?" In his report he wrote:

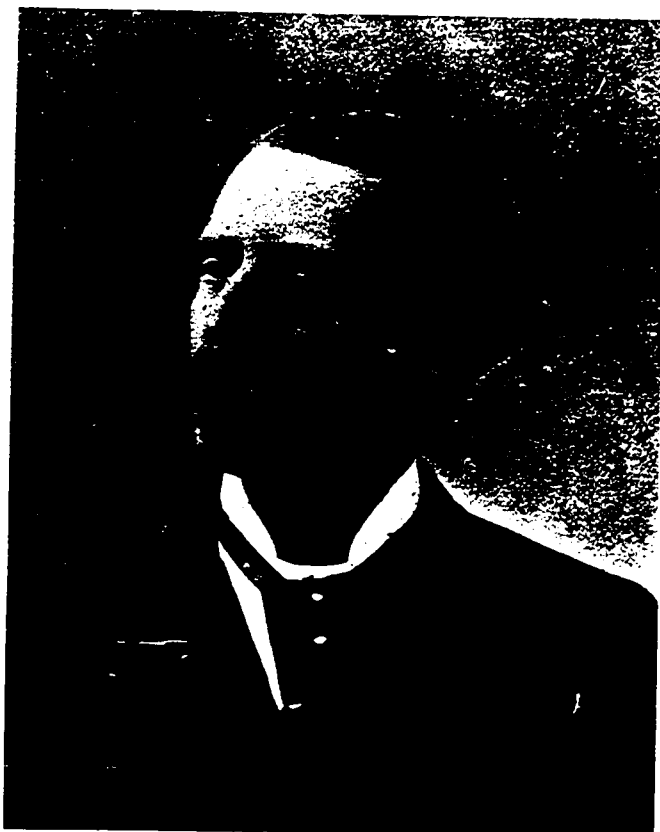
I venture to believe that not until there is a free recognition on the part of capital of the right of labor to organize, and when recognized to speak through its chosen representatives will good feeling be restored, and the basis of a permanent peace be established.

Clute also believed that the best means of settling labour disputes was through conciliation. "I think it is the only reasonable and business way," he said: "The only hope of labor is in organization, moderation, putting their ablest and most moderate men to the front and recognizing the principle of conciliation of the rights of others as well as their own."<sup>74</sup>

Acting as a conciliator as well as investigator,

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74. Globe, May 26, 1900; "Royal Commission on Mining Conditions in British Columbia," I, 377. This report was not printed, but a typescript copy is in the Library of the Department of Labour, Ottawa.



ROGER C. CLUTE (1893)

[William Cochrane, ed., Men of Canada (Brantford, 1893),  
II, 102.]



ROGER C. CLUTE (1893)

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II, 102.]

Clute brought the parties in Slocan together. "In order to get the fullest information," he wrote in his report, "I allowed any questions that were relevant to be asked of the witnesses by either the miners or managers with the result that differences were thus discussed in presence of both parties in a friendly way—, and many points cleared up, and a better feeling created between them." By the time he left the province at the end of December, 1899, Clute had effected a compromise on all but a few minor issues. In Ottawa he explained the situation to the full Cabinet on January 18. Impressed with the progress made, the ministers asked Clute to continue his mediation in an effort to achieve a settlement.<sup>75</sup>

In the report of his investigations in British Columbia Clute asked, rhetorically, whether a "solution of the labor troubles, present and prospective [could] be effected?" His answer was in the affirmative:

I believe it can with the co-operation of leading mine managers and labor leaders. But, to attain this end mutual suspicion must be put away, and a cordial recognition of mutual rights obtained. This granted; from an intimate acquaintance with managers and men, a

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75. "Royal Commission on Mining Conditions," I, 5, 134-148, 345-370.

permanent settlement is in sight. Is it too much to expect that all parties will at least make an earnest endeavour to obtain such a result?

On the other hand, if either the owners or the unions obtained a temporary victory the result cannot be lasting, and further labor troubles with all their disastrous consequences may be expected.

Clute felt it was "more than doubtful" that compulsory arbitration could "greatly aid in the settlement of labor disputes." Conciliation was, in his mind, "probably the most effective method":

The first step is for the parties to meet face to face and discuss the questions in a dispute in an amicable way. To bring together and keep the parties in friendly intercourse for a sufficient time that each may fully understand the views and claims of the other, is to eliminate many of the differences that at first stand in the way, and to reduce the matters in dispute to a minimum.

Drawing on his own experience in British Columbia, he wrote:

While I doubt the efficacy of enforced arbitration, I am of opinion that much can be done to promote agreement by a "conciliator", who with patience and tact might greatly promote the conditions favourable to a settlement, by bringing the parties together, allaying distrust, presenting the views of each in the least offensive form, eliminating minor causes of friction, promoting good feeling, moderating demands, restoring confidence, all of which are essential to a permanent and lasting settlement.<sup>76</sup>

Transmitting his report to the Minister of Justice on March 12, 1900, Clute asked whether the government deemed "further investigation ... or a further effort to endeavour to promote a better understanding between employers and employees desirable." It did. Clute continued his efforts,

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<sup>76</sup> . Ibid., pp. 390-392.



as a result of which an agreement was reached and the dispute settled."<sup>77</sup>

It is quite apparent that Clute had impressed those with whom he had come into contact. Labour elements as diverse as the Western Federation of Miners local in Slocan and Ralph Smith, the miner from Nanaimo who was shortly to become president of the Trades and Labor Congress and federal Member of Parliament for Vancouver District, wrote appreciatively of his efforts. According to Smith, "the settlement is regarded by the people of this province as one of the best things that any government ever did in the way of sending conciliators on the ground where the trouble existed...."<sup>78</sup> Clute's work had also impressed the Dominion Cabinet. Shortly after submission of his second report, in which he detailed the negotiations which had led to the settlement, Clute was asked to draft a Conciliation Bill for possible introduction that session. He did so<sup>79</sup> and the measure was introduced by Mulock in

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77. "Second Report of the Commissioner in Relation to Mines and Mining in British Columbia," typescript in Department of Labour Library, Ottawa.

78. Letter from Ralph Smith to Clute, June 23, 1900, quoted by Mulock in the House of Commons on July 6, 1900, Debates, col. 9374; Miners' Magazine, I (1900), 21.

79. Orders in Council, vol. 851, P.C. 2364, Oct. 8, 1900; Department of Justice Records, Letterbook 127, p. 159, Acting Deputy Minister of Justice to the Auditor General, Oct. 10, 1900; Ibid., p. 527, Acting Deputy Minister of Justice to R.C. Clute, Oct. 11, 1900.

the House of Commons on June 27. The ideas expressed in the bill, especially in the sections relating to conciliation work, were largely those of Clute. The bill did not give the conciliator all the freedom which he would have wished. It did not, for example, empower the mediator to intervene in a dispute "without formal request by either party" or to summon witnesses under oath, as Clute had recommended in his report.<sup>80</sup> However, the measure did contain Clute's recommendation that the Governor in Council be authorized to appoint the Conciliator a commissioner under the Inquiries Act when and if circumstances warranted such action.<sup>81</sup> According to Mulock, this particular clause had been inserted at Clute's suggestion and as a result of his claim that "if he could have obtained information which

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80. "Royal Commission on Mining Conditions," I, 399.

81. Loc. cit.; S.C. 1900, c. 24, s. 7.

would have been accepted as authoritative by both sides, it would have paved the way for an earlier settlement."<sup>82</sup>

In form the bill was to a great extent simply a copy of the British Conciliation Act passed in 1896. Mulock himself admitted that the clauses describing the conciliation machinery were, except for the references to the Minister of Labour instead of the British Board of Trade, "word for word" those of the English act. He made a point of citing British precedent for the steps being taken on several occasions during the debate in Parliament. Interestingly enough, the British measure also had been the child of a Royal Commission, which had recommended a voluntary form of conciliation and arbitration legislation to assist in the development and extension of existing practices. In Canada, however, no such practices existed. Even so, the Conciliation Act contained provisions for the establishment and registration of permanent conciliation boards. In effect, the idea of conciliation was being imposed on the Canadian industrial situation.<sup>83</sup>

The Conciliation Act also provided for the establishment of a Department of Labour to gather and

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82. Debates, July 6, 1900, col. 9379.

83. Ibid., col. 9377; Martin, "Study," pp. 66-67.

publish relevant statistical information. Precedents for such action were plentiful. The United States Bureau of Labor Statistics dated from 1884. The Labour Department within the Board of Trade in England, while officially established in 1893, actually traced its origins back to 1886. By 1900 such bureaus also existed in New Zealand, New South Wales, Queensland, South Australia, Japan, Mexico, five countries in Central and South America, eighteen European nations, and twenty-nine states of the American union.<sup>84</sup> In Canada the Royal Commission on the Relations of Capital and Labor in 1889 had recommended the establishment of a labour bureau to collect statistics and disseminate information. The result had been a statute passed the following year to provide for a "Bureau of Labor Statistics" under the Minister of Agriculture.<sup>85</sup> As the legislation had never been put into force, the proposed bureau had, in the words of R. H. Coats, "died

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84. Gustavus A. Weber, The Bureau of Labor Statistics - Its History, Activities, and Organization, Bureau of Labor Statistics Bulletin number 319 (Washington: Government Printing Office, 1922), pp. 2-3; Foner, History, II, 25, note; V. L. Allen, Trade Unions and the Government, pp. 47-51; Ontario, First Report of the Bureau of Labor for the Province of Ontario (Toronto: King's Printer, 1901), pp. 11-14.

85. Report of Royal Commission on Relations of Capital and Labor, p. 14; "An Act to Provide for the Collection and Publishing of Labor Statistics," S.C. 1890, c. 5. The bill was introduced by Joseph Chapleau, the Secretary of State.

aborning," due to the more pressing political and economic problems of the 1890's.<sup>86</sup> A similar fate had befallen the premature Bureau established in British Columbia in 1893, following passage of its Labour Disputes Bill. The bureau had lasted only a few months before being aborted, the legislation descending "into the limbo which yawns for the unfit and defective."<sup>87</sup>

Organized labour had been agitating for the establishment of labour bureaus, provincially and federally, for a number of years. The Canadian Labor Union had passed resolutions asking for a Dominion "Bureau of Labor and Statistics" at its meetings in 1873, 1876, and 1877. The Trades and Labor Congress had approached the government with suggested amendments to the Labour Statistics Bill at the time of its passage through Parliament in 1890. And in 1897 the T.L.C. President, D. A. Carey, had urged the Congress to ask Ottawa to make use of the 1890 act.<sup>88</sup> Interest in the project had grown among organized labour, especially after the establishment of a special department devoted to the interests of trade and commerce in 1892.

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86. R. H. Coats, "Beginnings in Canadian Statistics," Canadian Historical Review, XXVII (June, 1946), 122; Report of the Minister of Agriculture, 1895 (Ottawa: King's Printer, 1896), p. xliii. The act was repealed in 1906. S.C. 1906, c. 3, s. 1.

87. Saywell, "Labour and Socialism," pp. 136-137.

88. Canadian Labor Union, Proceedings, 1873, p. 20; Proceedings of the Canadian Labor Union Congresses, pp. 71, 86, 90; T.L.C., Proceedings, 1890, p. 9, and 1897, p. 7.

The latest request had come from Arthur Puttee, M.P., as one of the delegation from the Trades and Labor Congress which waited on the Prime Minister in March, 1900. The Winnipeg member "strongly advocated the forming of a labor bureau to see to the carrying out of the various statutes affecting the labor interest, and to deal with such disputes as had arisen in Slokan." His suggestion evoked the traditional non-committal response. "Mr. Puttee's suggestions regarding the erection

of a labor bureau would," he was assured, "be considered."<sup>89</sup> Shortly thereafter D. J. O'Donoghue arrived in Ottawa as government Fair Wages Officer. O'Donoghue had a particular interest in the establishment of a labour bureau, being a person with "a passion for facts, backed up by figures"<sup>90</sup> — which too often were not obtainable. Perhaps O'Donoghue made his feelings known. An additional source of pressure was the announced intention (early in April) of the Province of Ontario to establish its own labour bureau, "modelled after the system in vogue in Massachusetts, where it has proved very successful." The new bureau, it was said, would "be devoted to the compilation of statistics relating to labor, a general oversight of labor questions, and the enforcement of laws affecting the working classes."<sup>91</sup> This may well have been the deciding factor. With public pressure building and an election in the offing it became politically advisable to follow suit at the federal level.

Section 10 of the Conciliation Act provided for the establishment of a Department of Labour to "collect, digest, and publish in suitable form statistical and other information relating to the conditions of labour, ...

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89. Winnipeg Daily Tribune, March 19, 1900; Globe, March 20, 1900.

90. French, Faith, Sweat, and Politics, p. 91.

91. Globe, April 4 & 10, 1900.

institute and conduct inquiries into important industrial questions upon which adequate information may not at present be available, and issue at least once in every month a publication to be known as the Labour Gazette, which shall contain information regarding conditions of the labour market and kindred subjects...." It is clear that there was no thought given at this time to the creation of a separate department with its own minister. This would have been too much of an innovation. What was called for was a bureau within one of the existing ministries, to administer the Fair Wages Resolution, to collect and publish labour statistics, and to conciliate labour disputes. The new agency, therefore, was simply placed under the care of the minister who had demonstrated himself to be most interested in labour questions, William Mulock.<sup>92</sup>

The responsibility for the choice of editor of the Labour Gazette fell on Mulock, who offered the post to Mackenzie King even before the bill had passed the House of Commons. King, who was completing the traditional period of study in Europe, had just accepted a teaching post at Harvard University. However, he discussed the government offer with a number of acquaintances in London, all of whom urged him to accept. Similar advice came from

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92. W. J. Loudon, Sir William Mulock; A Short Biography (Toronto: Macmillan, 1932), pp. 107ff.; Orders in Council vol. 842, P.C. 1814, July 19, 1900.



Professor F. W. Taussig, who had offered him the position at Harvard. After much thought King cabled his acceptance to Mulock.<sup>93</sup> Although the exact motivation for Mulock's selection of King is not known, he was an obvious choice. One of the brighter students of industrial relations in Canada, King now had his M.A. from Harvard, was on his way to obtaining his Ph.D., and was reasonably well known in Canadian labour circles. He was, in fact, a typical example of the middle class progressive of his day, one of that "generation that came of age in the nineties."<sup>94</sup> He was also strikingly similar to the breed of young experts then being hired as the administrators of new programmes in the United States—men such as Carroll D. Wright of the Bureau of Labor Statistics, Gifford Pinchot

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93. Dawson, King, pp. 92-100; King Papers, vol. 2, pp. 1896, 1899-1900, 1903, Mulock to King, June 26, 1900, King to Mulock, June 27 & July 9, 1900, Mulock to King, July 9, 1900. No evidence was found to support the claim, made by his son, that D. J. O'Donoghue was first offered the position of Deputy Minister, because of his standing in the labour movement. According to the younger O'Donoghue, his father "thought that his lack of scholastic training was a barrier and he recommended instead the appointment of W. L. Mackenzie King...." In fact, the appointment of a Deputy Minister was not contemplated by Mulock at this time. He needed primarily someone to edit the projected Labour Gazette. See John G. O'Donoghue, "Daniel John O'Donoghue: Father of the Canadian Labour Movement," Canadian Catholic Historical Association, Report, 1943, p. 92.

94. Richard Hofstadter, The Age of Reform: From Bryan to F.D.R. (New York: Vintage Books, 1955), p. 166. Dawson, King, p. 78. For a description of the "new middle class" see Robert H. Wiebe, The Search for Order, 1877-1920 (New York: Hill and Wang, 1967), ch. 5, pp. 111-132.

of the Forestry Bureau, and Frederick Newell of the Reclamation Service. To Mulock, therefore, the appointment was warranted from the standpoint of the young man's qualifications and was bound to please the labour movement. Furthermore, King's politics were Liberal. In the eyes of the Postmaster General there was probably no one better suited for the position.



WILLIAM LYON MACKENZIE KING

(October, 1905)

[Public Archives of Canada.]



WALTER HENRY WALKER, JR.

London, 1918

[White Ancestor of Senior.]

CHAPTER THREE  
FROM BUREAU TO DEPARTMENT

Mackenzie King arrived in Ottawa on July 24 and immediately set to work finding suitable quarters and making other arrangements to get the work of the new department under way. Until such time as space had been found, he used Mulock's office in the Langevin Block on Wellington Street. His days were filled with routine duties, punctuated by talks with government officials, such as Dr. R. M. Coulter, the Deputy Postmaster General, E. H. Laschinger, Mulock's secretary, and the Parliamentary Librarian and his staff. Decisions had to be made as to the style of the official letterhead and the format of the Labour Gazette. Staff had to be hired. King also found time to begin an article on conciliation for the first issue of the Gazette, write a speech for Mulock, and, with the aid of Laschinger, locate space for the department. On August 20 King and his small staff moved into rooms on two floors above Molson's Bank, on Metcalfe Street, midway between Wellington and Sparks Street. As the department grew in size it soon filled this space and, by 1909, had spilled over onto a floor above the Great Northwest Tele-

graph Office, two doors away at the corner of Metcalfe and Sparks.<sup>1</sup> September of that year saw the entire department move to the Regal Building at the corner of O'Connor and Queen Streets, where it was to remain until 1932.<sup>2</sup>

As has already been noted, the Department at its outset was little more than a bureau, with no separate status. On Mulock's retirement in October, 1905 (to accept appointment as Chief Justice of the Exchequer Division of the Ontario High Court) his successor as Postmaster General, Allen B. Aylesworth, also assumed the duties of Minister of Labour. Seven months later, in June, 1906, when Aylesworth moved over to the portfolio of Justice, he was succeeded by Rodolphe Lemieux. A cultured gentleman in politics, Lemieux continued as both Postmaster General and Minister of Labour until King's appointment to the latter portfolio in June, 1909. King in turn held the office until his defeat, with the Laurier Ministry, in the general election of October, 1911.<sup>3</sup>

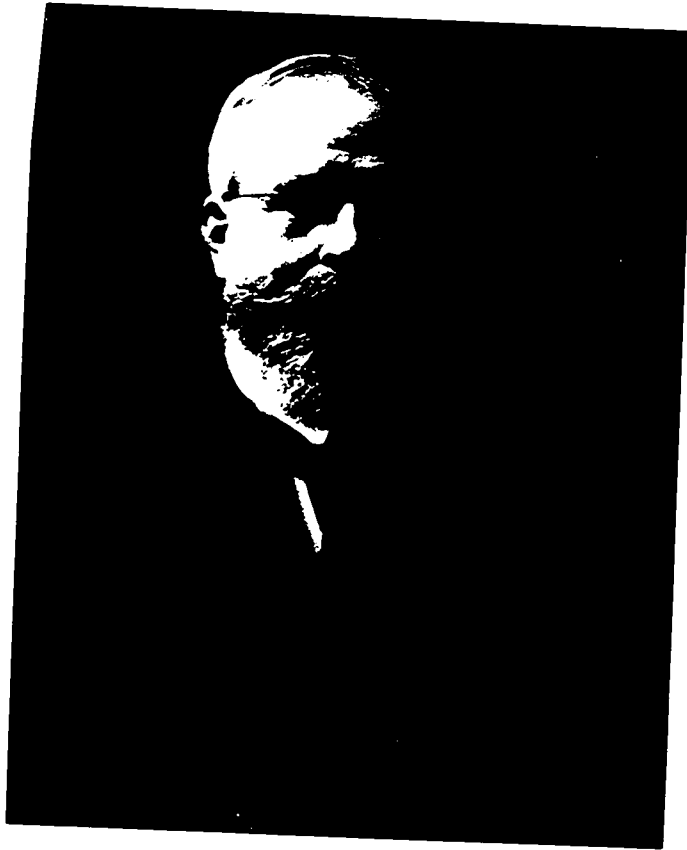
Although appointed a deputy minister on September

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1. Dawson, King, pp. 99-100; Diary, July 25, 27, Aug. 10, 1900; Ottawa Citizen, Aug. 20, 1900; Orders in Council, vol. 848, P.C. 1951, Aug. 9, 1900. Both buildings are still standing.

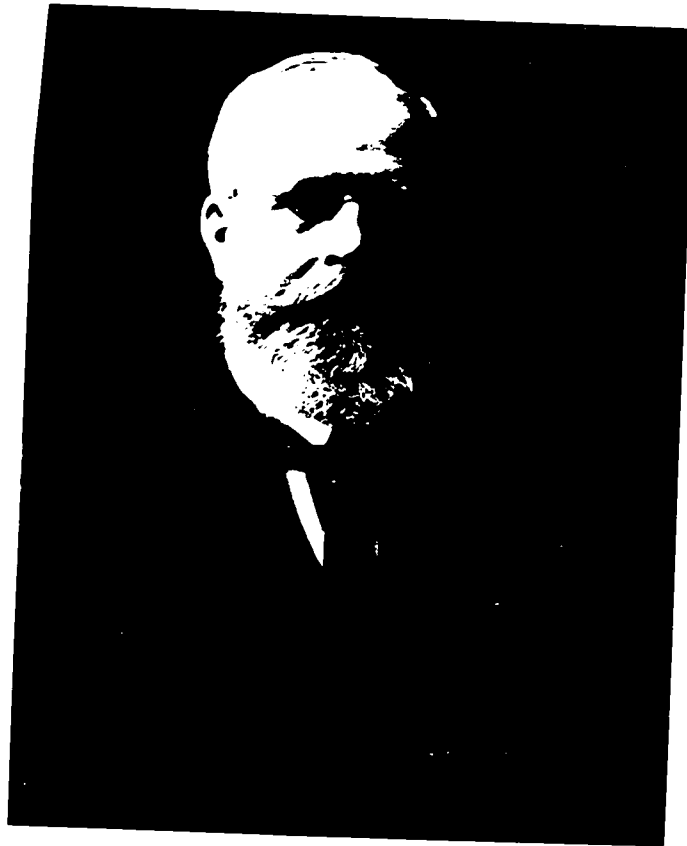
2. Orders in Council, vol. 1107, P.C. 1900, Sept. 11, 1909.

3. Public Archives of Canada, Guide to Canadian Ministries Since Confederation (Ottawa: Public Archives of Canada, 1957), pp. 29, 70, 85, 86, 93.



WILLIAM MULLOCK (April, 1902)

[Public Archives of Canada.]



..JEREMY WILSON (April, 1909)

[Public Archives of Canada.]



15, 1900,<sup>4</sup> King did not receive the full deputy's salary until July, 1902. The fact that the department did not have full status was unsettling administratively and also lessened its prestige. From the outset King pushed for greater autonomy. It was because of his urging, for example, that Mulock decided to use the title of Minister of Labour.<sup>5</sup> The Trades and Labor Congress also agitated persistently for the establishment of a separate department with its own minister.<sup>6</sup> One person who, at an early stage, fancied himself as Minister of Labour was Ralph Smith, the ambitious President of the Congress from 1898 to 1902, and a "Liberal-Labour" M.P. after 1900. From the time of the department's establishment rumours persisted of Smith being offered the position.<sup>7</sup> Smith himself lobbied for such an appointment, but to no avail. For one thing, it soon became apparent that his political stock with the Congress had decreased considerably. When the rumours cropped up again at the 1902 annual meeting he had to ward off a concerted attack by dissidents who considered him

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4. Orders in Council, vol. 850, P.C. 2203, Sept. 15, 1900; Ibid., vol. 901, P.C. 843, May 20, 1902.

5. Dawson, King, p. 103; Diary, Aug. 17, 1900.

6. T.L.C., Proceedings, 1901, p. 81; 1906, pp. 55-56; 1908, pp. 75-76.

7. Sifton Papers (M.G.27, II D 15), vol. 238, p. 330, Sifton to Mulock, Aug. 13, 1900; Nanaimo Herald, Sept. 11, 1900; Toronto Star, Sept. 29, 1900; King Papers, Family Papers, Correspondence, vol. 5, King to family, Nov. 24, 1900.

a "henchman of a capitalist party."<sup>8</sup>

Although he was, by late 1901, on friendly terms with Smith,<sup>9</sup> King had no desire to see the British Columbian as his Minister, especially since he had eyes on the position himself. On several occasions, especially after Mulock's retirement late in 1905, King pressed his claims on the Prime Minister, urging the creation of a separate department with himself as minister, and even going so far as to suggest that the Census Bureau be combined with the Labour Department or that the Department of Mines and the Geological Survey be attached to form a "Department of Mines and Labour."<sup>10</sup> Laurier does not seem to have been overly moved by King's requests. Although by the time of the 1908 election the government had more or less committed itself to the establishment of a separate department,<sup>11</sup> the Prime Minister doubted the wisdom of the decision. As a traditional laissez-faire liberal, Laurier agreed with the opinion of a distinguished Manitoba supporter that

8. T.L.C., Proceedings, 1902, p. 57.

9. Diary, Feb. 19, 1901, Oct. 4, 1901, Feb. 24, 1901, March 1, 1904; King Papers, vol. 4, pp. 3389-3390, King to Mulock, Jan. 20, 1904.

10. Diary, Nov. 4, 1905, Jan. 2, 1906, Dec. 4, 1906.

11. Following discussions with King (Diary, Aug. 29, 1908), Sifton wrote Laurier on Sept. 11, 1908: "I suppose we may now take it for granted that there will be a statement made on the subject of the Department of Labor, the effect of which will be that it is to be created a Department with a separate responsible Minister." Sifton Papers, vol. 184, p. 148569.

the creation of a portfolio of Labor with a Minister whose duties will consist mainly of supervision over and interference in struggles between capital and labor, will be a distinct political and economic mistake [and] would be an attempt to interfere with and control the great natural laws of supply and demand which apply to labor as to any other commodity.

It was, however, wrote Laurier, "too late to retrace our steps."<sup>12</sup> The bill creating the new department passed during the spring session of Parliament. On June 23, King was sworn in as Minister of Labour.<sup>13</sup>

The man who succeeded King as Deputy Minister in October, 1908, had in fact been hand picked by King to do so. F. A. Acland, a longtime newspaperman and student of industrial and social affairs, had been City Editor of the Toronto Globe when King worked for that paper as a journalist in 1896. In 1905 King had an appropriation for a departmental secretary added to the estimates. What he wanted was "a man who will be quite competent to act as deputy during the absence of the deputy himself, and who, whilst the deputy is on duty, will render valuable assistance in carrying on the increasing work of the department."<sup>14</sup>

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12. Laurier Papers, vol. 543, pp. 147309-147314, Hon. J. D. Cameron to Laurier, Nov. 6, 1908; Laurier to Cameron, Nov. 12, 1908.

13. "Department of Labour Act," S.C. 1909, c. 22 (see Appendix 2 below); Guide to Canadian Ministries, p. 29.

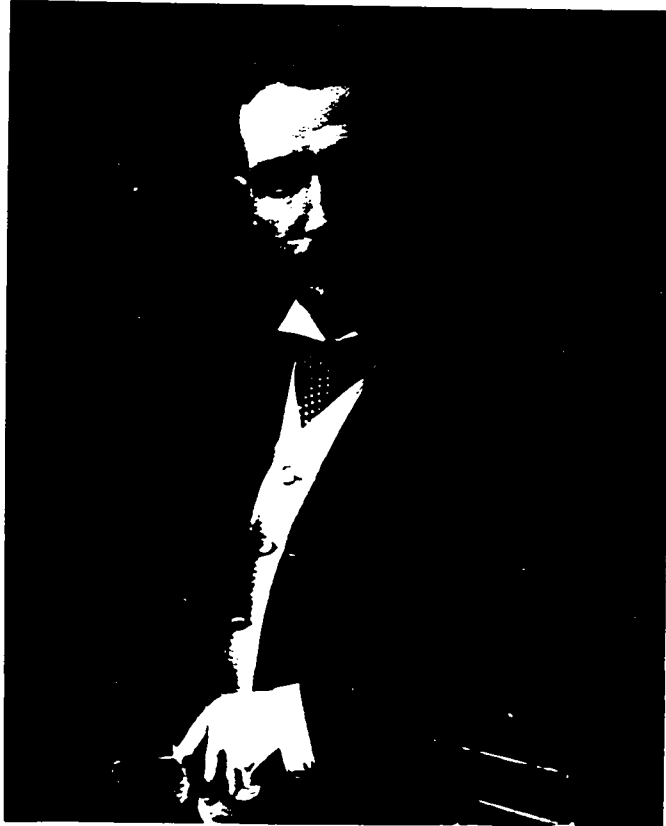
14. Debates, Jan. 20, 1905, col. 101. The words were spoken by Mulock, but almost certainly had been written by King.

Left with the choice of person to fill the vacancy, King determined that Acland was to be the man. Rather than fill the position with someone else he deliberately left it vacant for two years until he was able to get the appropriation increased to a figure sufficient to persuade Acland to accept. When he did so, Acland left a highly interesting position as western editorial representative of the Globe in Winnipeg and took a reduction in salary of \$400 per year. His appointment to the position of Secretary of the Department of Labour was effective March 1, 1907.<sup>15</sup> By the time of King's resignation a year and a half later Lemieux too had come to realize Acland's value to the Department. Apparently some members of the Cabinet had favoured as King's successor Professor Adam Shortt of Queen's University, then establishing a reputation as a highly successful chairman of boards of conciliation and investigation under the Industrial Disputes Investigation Act.<sup>16</sup> Lemieux, however, had made it clear to his colleagues that he would support only Acland, and King

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15. Orders in Council, vol. 1038, P.C. 89/1038, May 6, 1907; Report, 1906-1907, p. 10; Canada, Civil Service Commission, Minutes of Evidence (Ottawa: King's Printer, 1908), p. 622; Diary, Jan. 10, 1907.

16. On Shortt's work as chairman of boards under the Industrial Disputes Investigation Act, see below, Chapter 7, pp. 230-236.



F. A. ACLAND (July, 1907)

[Public Archives of Canada.]



F. A. ACLAND (July, 1907)

[Public Archives of Canada.]

actually told his Minister that he would not resign from his post if Acland was not to succeed him. As it was, Shortt had by that time been appointed Chairman of the new Civil Service Commission.<sup>17</sup> King's resignation, effective September 21, 1908, was followed immediately by Acland's appointment, effective October 1.<sup>18</sup>

The collection of statistics and other information naturally entailed the accumulation of a library. From the outset Mackenzie King was determined "to have a library in connect'n with the new Deptmt. to contain Labor publications from all over and [be] as complete & useful as possible ...." "We must," he wrote in his diary, "have books."<sup>19</sup> "In addition to keeping the public informed of important movements and developments at home and abroad," he hoped that a library would "accumulate by degrees a store of material which will furnish original sources of information for the history of the industrial growth and development of Canada."<sup>20</sup> King's intellectual enthusiasms

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17. Diary, Sept. 6, 1908.

18. Orders in Council, vol. 1089, P.C. 2460, Nov. 14, 1908; Ibid., vol. 1090, P.C. 2237, Nov. 21, 1908.

19. Diary, Aug. 11, 1900.

20. Report, 1900-1911, p. 65.

obviously constituted a major factor in getting the library off to a good start.

One of the initial tasks of the staff hired during the summer of 1900 was to begin assembling the publications which would form the nucleus of a departmental library. As a first step the department purchased from all English-speaking countries, and from some in Europe, complete sets of their official blue books regarding industrial conditions. It also arranged for the exchange of future publications as they appeared. Emphasis was placed on the obtaining of reports and other printed matter published by public bodies or private societies on industrial conditions pertaining to Canada. By June 30, 1901, the department had collected 2,500 separate volumes and reports. The United States Department of Labor had been especially helpful, the Commissioner of Labor, Carroll D. Wright, having sent to Ottawa an almost complete set of the publications issued by his department since its establishment, as a bureau, in 1885.<sup>21</sup> The Canadian department also arranged to obtain copies of the journals of labour organizations and other societies which published literature on current industrial questions, and to obtain copies of constitutions and rules governing the various trade unions, friendly societies, and similar bodies in Canada. The

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21. Labour Gazette, I, 35.



first issue of The Labour Gazette contained a request for all public bodies, trade unions, friendly societies, employers, and others to send to the department any copies of publications which might add to its collection.<sup>22</sup> A Clipping Bureau was established, at King's suggestion, so that the department might keep in touch with developments in the labour field.<sup>23</sup>

The publications were indexed and catalogued as they were received, with a start made at a subject catalogue during 1900-1901. In the course of the following year the department made a special effort to secure complete sets of the official publications of government labour bureaus. That year also saw the reports and other publications in the library classified and a reference catalogue prepared. This catalogue, published in the Annual Report for 1901-1902,<sup>24</sup> indicates that even at this early date the library held a substantial collection of labour sources. In addition to The Labour Gazette and the Annual Report of the department, the catalogue listed a number of publications of the federal and provincial governments (including the annual reports of the Ontario Bureau of Labour and reports of various Royal Commissions on labour

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22. Loc. cit.

23. Diary, Aug. 18 and Sept. 12, 1900.

24. Report, 1901-1902, pp. 64-92.

questions), reports and proceedings of boards of trade, trade unions and other labour organizations, and general reference sources containing information on the resources, industry, commerce, and labour conditions of Canada. From the United Kingdom the department had received collections of the British Labour Gazette and the annual reports of the Labour Department of the Board of Trade, the annual abstracts of British labour statistics, the yearly reports on changes in wages and hours of labour in that country, reports of proceedings under the Conciliation and Trades Disputes Act of 1896, annual reports on strikes and lock-outs, reports on trade unions, as well as publications of the Home Office, the reports of the Select Committee of the House of Lords on the Sweating System (1888-1890), and numerous other publications of relevance. From the United States had come the Bulletins of the Department of Labor in Washington, the annual and special reports of that department, the reports of the 1900 Industrial Commission, publications of a number of state bureaus, together with the proceedings of the annual conventions of the Officers of Bureaus of Labour Statistics, trade union literature, and many other important items in this field. The library also had received the monthly journal and special reports of the Ministère de l'Industrie et du Travail and the publications of the Musée sociale in France, the annual reports and other publications of the Government Labour

Bureau in New South Wales, the monthly journal, annual reports, and other publications of the New Zealand Department of Labour (with a collection of all the New Zealand labour legislation), and the publications of the International Labour Office in Basle, Switzerland.

In November, 1902, King visited the offices of the Department of Labor in Washington, coming away much impressed with its library facilities.<sup>25</sup> Within two months he had arranged to have a special clerk placed in charge of the library—William Wilkie Edgar, from the Library of Parliament (where his replacement was Mrs. Archibald Lampman, from the Post Office Department).<sup>26</sup> Edgar continued the work of classification and the preparation of a reference catalogue, as well as systematizing the acquisitions procedures. During the 1902-1903 fiscal year the library attempted to complete the pamphlet collection as much as possible.<sup>27</sup> By the end of 1906 Edgar had completed the cataloguing of the official publications and had made a start at a card index of the contents of the Labour Gazette. The library now had assembled 9,850 catalogue cards. It also held 1,066 reference works, 1,116 government publications, and 280 bound volumes of

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25. R. H. Coats Papers (M.G. 30, B 29), King to Coats, Nov. 21, 1902.

26. Orders in Council, vol. 915, P.C. 1/52, Jan. 14, 1903.

27. Report, 1902-1903, pp. 80-81.



W. W. EGGAR (January, 1934)

[Public Archives of Canada.]

trade and labour journals.<sup>28</sup> In the course of the next year, 1906-1907, the department began collecting copies of trade agreements in force in Canada.<sup>29</sup> Over the years, as each new labour agreement came into force it was published in the Labour Gazette, then placed in the library.

During the year ending March 31, 1909, the library received 190 official reports and other government publications, 36 reference works, a large number of pamphlets, and 133 periodicals (of which 102 were trade and labour journals). The following year saw the receipt of 180 government publications, 104 reference books, 110 trade and labour journals, 31 other periodicals, and a further accumulation of pamphlets.<sup>30</sup>

In September, 1909, the department moved from its cramped quarters in the Molson's Bank Building on Metcalfe Street to the Regal Building at the corner of O'Connor and Queen Streets. Here the library, with much more space, for the first time was able to provide proper furniture and other facilities for those wishing to use the sources. During that year the library began its collection of the constitutions of trade unions in the United States and Canada. The commencement of the cost of living investig-

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28. Report, 1905-1906, p. 103.

29. Report, 1906-1907, p. 149.

30. Report, 1908-1909, p. 182; Report, 1909-1910, p. 199.

ation and the prospective appointment of a Royal Commission to investigate the subject of technical education led to a deliberate assembling of publications on these two topics.<sup>31</sup> The Annual Report for 1910-1911 contained a list of the important works on technical education which were then in the library.

In January, 1911, the department purchased from the library of the late Carroll D. Wright in Washington copies of a number of important reference works.<sup>32</sup> During the following year the library was called upon to prepare bibliographies on several topics of current interest. Two such bibliographies, on the employment of women and industrial conciliation and arbitration were printed in the Annual Report for that year.<sup>33</sup> There was, however, no catalogue of items received. In fact, this was the last Report in which the library received specific attention, reflecting the absence of Mackenzie King from the department.

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31. Loc. cit.

32. Report, 1910-1911, pp. 148-149.

33. Report, 1911-1912, pp. 90-95.

CHAPTER FOUR  
THE FAIR WAGES BRANCH

The Fair Wages Branch actually pre-dates the Department itself, inasmuch as D. J. O'Donoghue had been appointed government Fair Wages Officer at the end of March, 1900, several months before the passage of the Conciliation Act. He was transferred from the Department of Public Works to the new Labour Department early in August of the same year.<sup>1</sup> Shortly after his transfer O'Donoghue was busy drafting clauses to appear in contracts awarded by the Department of Railways and Canals, similar to those which he had prepared previously for the Department of Public Works.

From his conversations with union leaders Mackenzie King considered the work of the Fair Wages Branch to be of special significance. In August, 1900, he told Mulock that in his opinion the conciliation work "was the least important part of the business...." In his estimation, "what the working people cared most about was the department of Labour [meaning the collection and publication of labour

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1. Orders in Council, vol. 848, P.C. 1955, August 9, 1900.

statistics] & the Fair Wages Clause." He noted in October, 1900, that of the issues being discussed by the labour sympathizers during the election campaign, "the fair wages & anti-sweating mvt. & the Department of Labour, and Labour Gazette are the main features," although he admitted that there was "some stress on the enforcement of the Alien Labour Act."<sup>2</sup> King insisted that the Labour Department make a point of setting a good example by having the printing of The Labour Gazette undertaken in union shops under "fair conditions."<sup>3</sup>

As well as preparing fair wages schedules and other clauses for government contracts, O'Donoghue was responsible for investigating the rates of wages paid by contractors furnishing supplies to the Post Office Department. That department had been the first to adhere to the fair wages principle, having done so since 1898. There was provision for the waiving of any of the anti-sweating clauses in Post Office contracts. The contractor could state his objections to the Postmaster General, who would refer them (after 1900) to the Department of Labour for an investigation by O'Donoghue or another of the fair wages officers. If it was found that "the spirit of the Fair Wages Resolution was being faithfully adhered to," in spite of the particular clause not being followed to the letter,

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2. Diary, Aug. 17 & Oct. 19, 1900.

3. Diary, Jan. 4, 1901.



the department would recommend that the permission be granted for carrying out the work under the conditions as stated, as an exception. However, the number of firms submitting such requests was small.<sup>4</sup>

Throughout 1900 O'Donoghue, in addition to these duties, was responsible for investigating complaints of non-payment of the minimum wage as set out in fair wages schedules, or the non-performance of other conditions in the areas of sub-letting, hours of labour, and the like. He also had to answer inquiries concerning the nature of conditions under which public work was being performed in different localities and the current rates of wages in these localities. These duties were more extensive than had first been anticipated, necessitating a considerable amount of travelling, with the result that O'Donoghue was frequently absent from Ottawa. In January, 1901, therefore, a second fair wages officer was appointed: Victor DuBreuil of Montreal.<sup>5</sup> A foreman with the civic Health Department, DuBreuil had an established trade union background. He had attended the T.L.C. Conventions of 1894 (representing the Montreal Central Trades and Labor Council) and 1900 (for District Assembly 18, Knights of Labor).<sup>6</sup> He also

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4. Three during the year 1902-1903, for example. Report, 1902-1903, p. 65.

5. Orders in Council, vol. 861, P.C. 27/254, Jan. 31, 1901.

6. T.L.C., Proceedings, 1894, p. 4; 1900, p. 4. The Montreal Directory listed him as superintendent of the city incinerator. Lovell's Montreal Directory for 1900-1901 (Montreal: John Lovell & Son, 1901), p. 782.

had been the Labour Gazette's correspondent for Montreal since October, 1900. Although at the outset King was unhappy with the political motivation behind this appointment,<sup>7</sup> he came to rely very heavily on DuBreuil's talents over the next few years. King's (and Mulock's) relations with O'Donoghue, on the other hand, were strained. King found it difficult to handle "the old man," who apparently neglected his work on occasion. He also had the bad habit of speaking out on public questions, to the annoyance of the Minister.<sup>8</sup>

The fair wages duties were divided between the two men, O'Donoghue confining his activities to Ontario, the Northwest Territories, and British Columbia, and DuBreuil looking after Quebec and the maritime provinces. When not engaged upon specific duties connected with the Fair Wages Resolution, they assisted in other work of the department, especially the preparation of the various statistical tables on rates of wages and hours of work which appeared in the Labour Gazette.<sup>9</sup> Following O'Donoghue's death in January, 1907, his position was filled by James Dugald McNiven of Victoria, B.C. A printer by trade, McNiven had held offices in the International Typographical Union, the Trades and Labor Congress, and the Victoria

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7. It was, wrote King, "a case of a man getting a position purely because of his supposed pull with the workingmen of Montreal prior to [the] election, a case of the division of the spoils." Diary, Feb. 9, 1901.

8. Diary, Feb. 22, 1904; Jan. 23 & 28, 1901.

9. Report, 1900-1901, pp. 40-41.

Trades and Labour Council. As Labour Gazette correspondent in Victoria since January, 1901, he had impressed King on a number of occasions with his efficiency and reliability. McNiven had represented Victoria City in the British Columbia legislature, as a Liberal, since 1903. His defeat in the provincial election on February 2, 1907, made him available. King quickly recommended his appointment to Mulock. Two weeks later the Dominion Cabinet approved the recommendation and McNiven assumed his duties as fair wages officer on March 1, 1907.<sup>10</sup>

The plan adopted at the outset in the preparation of the fair wages schedules was a simple one. The department which was to invite tenders for a contract sent a request to the Department of Labour to have a schedule prepared. One of the fair wages officers was then sent to the locality where the work was to take place, to determine the rates of wages and hours of labour current in the locality for workmen belonging to the classes likely to be engaged in the work. The officer prepared a schedule from these facts, forwarding it to the deputy minister, who sent it, through the minister, to the department involved, for incorporation in the terms and conditions of the proposed contract. In this way prospective tenderers knew in advance the rates of wages which they would be required to

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10. Report, 1906-1907, pp. 9-10; Orders in Council, vol. 1029, P.C. 320, Feb. 16, 1907; Civil Service Commission, Minutes of Evidence, I, 622.

pay their workmen. Another and in some cases more effective and convenient means of achieving the same result was to have the department seeking tenders request each contractor tendering to submit a statement of wages which he would guarantee to pay all workers who might be engaged to work on the contract, should his tender be accepted. Forms were supplied for this purpose. The statements received were then submitted to the Department of Labour for examination by the fair wages officers. Should any statement list rates considered unfair, the Labour Department prepared its own statement of wages, specifying fair minimum rates. The contractor was notified that until he could agree to pay those rates his contract would not be considered.<sup>11</sup> Where a statement was considered fair, the Department of Labour certified its approval. The department directly involved then considered the tender, approving or rejecting it on whatever grounds might apply. Once the contract was signed, the appropriate fair wages schedule was printed in the Labour Gazette.<sup>12</sup> Before he could receive payment for the

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11. The records of the Privy Council document a case in 1908 where a contractor, on being awarded a contract which was sent for his signature by the Department of Railways and Canals, refused to sign it with the fair wages schedule included. The contract subsequently was awarded to the company which had submitted the next lowest bid. Orders in Council, vol. 1060, P.C. 318, Feb. 18, 1908.

12. See Appendix 3 below for an example.

goods supplied or the services performed, the contractor had to submit a sworn statement as to the conditions having been complied with.

In its work the Branch was aided by a number of regular forms designed for its use and the use of the other departments involved. There was a form letter which one of the other departments could use in requesting the preparation of a fair wages schedule; a form acknowledgement sent by the Labour Department to that other department; form instructions issued by the Deputy Minister of Labour to the fair wages officer, requesting the preparation of the desired schedule; a form used by the officer in sending the schedule to the deputy minister; a form letter which the deputy minister then used in transmitting the schedule to the appropriate department; and finally, of course, an actual form schedule upon which the desired data could be entered.<sup>13</sup> The system seems to have worked well. The department, from its creation until the close of the 1910-1911 fiscal year, prepared 1,900 fair wages schedules for government departments: 822 for Public Works, 855 for Railways and Canals, 155 for Marine and Fisheries, and a further 68 for various other agencies, such as the Department of Militia and Defence and the Northwest Mounted Police.<sup>14</sup> According to the department's fourth Annual Report, "the

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13. Report, 1902-1903, pp. 74-76.

14. Report, 1915-1916, p. 13.

utility of the insertion of labour clauses and schedules in contracts has been demonstrated [to the various departments concerned], and the fears at first anticipated of delays or possible friction arising in connection with the preparation of Fair Wages schedules have been shown to be unfounded."<sup>15</sup> The number of departments requesting schedules was increasing, as was the number of schedules requested (233 that year, which was more than triple the number requested in 1902-1903).<sup>16</sup> Yet the department had received very little complaint that it was delaying contract proceedings in another department. It is, however, also true that King on occasion found the staffs of other departments reluctant to co-operate with the Labour Department with regard to fair wages. Getting the co-operation of the Public Works Department officials he described on one occasion as "like pulling teeth." The Department of Railways and Canals also was reluctant to insert fair wage schedules in its contracts. Most of the departments, according to King, found the Fair Wages Resolution "an encumbrance they would prefer to be freed of." During the first year a good deal of King's time was spent in communicating with other agencies, attempting to "hold them down" on the government's fair wages policy. In this he had the support of Mulock, who, King wrote in his diary, was "much in earnest on this matter," and of the Minister of Public Works, Israel Tarte. Such

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15. Report, 1903-1904, p. 48.

16. Report, 1915-1916, p. 13.

was King's frustration that in August, 1901, he suggested to P. M. Draper, Secretary-Treasurer of the Trades and Labor Congress, that the Congress push for actual legislation which would be binding on all branches of the government. The Report of the Executive Committee to the 1901 Annual Meeting of the Congress in September contained just such a recommendation.<sup>17</sup>

Of course, as the fair wages officers became better acquainted with the industrial conditions in the different parts of the country, they often found themselves able to prepare schedules from information already at hand, rather than having to visit the various vicinities personally. The information collected in the preparation of schedules was classified by the officers in Ottawa, so as to facilitate the answering of inquiries which the department received in large numbers from individuals and public bodies throughout the country. The information was revised constantly to reflect changes taking place in rates in the various communities. Some of the inquiries were from workingmen wanting to begin work in a particular area; others were from manufacturing establishments or persons considering opening business ventures in Canada. Still others were received from departments of the government, who referred to the Fair Wages Branch accounts for services rendered by local trades-

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17. Diary, Aug. 25, 1900; Aug. 22, 1901; Aug. 20, 1901; Jan. 4, 1901; Oct. 3, 1901; Aug. 15, 1901. T.L.C., Proceedings, 1901, p. 18.

men, for a check to see if the rates charged were correct. The greatest number of references of this kind came from the Department of Militia and Defence. Wherever possible such inquiries were answered from the information at hand, either in fair wages schedules or in data given in the statistical tables in the Labour Gazette. For a number of queries, however, it was necessary to hold special investigations or undertake correspondence with other departments—in which case the work occupied considerable staff time and attention.<sup>18</sup>

During the fiscal year 1900-1901 the department received thirty-four complaints of contractors not having complied with the terms of the anti-sweating clauses in their contracts. In June, 1901, King was able to arrange a satisfactory method of handling such complaints. He described it, as it related to the Department of Public Works, in a letter to Mulock:

All communications pass directly between the Secretary of the Public Works Department and myself. When a complaint arises the Department of Public Works is notified, and this Department is informed which of the Fair Wages Officers the Department of Public Works desires to have make the necessary investigation. The investigation being made is reported by either DuBreuil or O'Donoghue to myself, and after looking over their report, I send it to the Secretary of the Department of Public Works, with such comments as the Minister or Acting Minister of this Department may desire to have appended to same. The Department of Public Works withholds all payments due on any contract from the

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18. Report, 1900-1901, p. 58; 1904-1905, pp. 38-39.



time at which it is notified of the complaint until the time at which this Department notifies it that the matter has been satisfactorily adjusted. In some seven cases the Department of Public Works has sent over to this Department cheques to be paid to men for wages due to them in accordance with the terms of the Fair Wages schedule, and has subsequently deducted this amount from the amount paid to the contractor. Other complaints have been settled without recourse having been made to this extreme measure.<sup>19</sup>

The number of complaints received during 1901-1902 was seventeen, half that of the previous year. As it turns out, half of the complaints received during 1900-1901 had been made against one contractor, against whom only one complaint was lodged during 1901-1902. Not until the abnormal conditions of the war years did the department again receive more than thirty complaints in any single year. Mackenzie King was probably correct in his assessment of the situation when he wrote at the end of the department's second year, "the small number of complaints would appear to indicate that the action of the government in enforcing the carrying out of the conditions inserted in its contracts in respect of fair wages, etc., has had a tendency to lead contractors to respect their contractual obligations to the government." Part of the credit for this situation went to the Labour Gazette's policy of publishing the schedules of fair wages. Part also was due to the work performed by the fair wages officers, who often

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19. King Papers, vol. 3, pp. 2542-2547, King to Mulock, June 28, 1901; Report, 1900-1901, pp. 54-58.

were in the area at the time the schedule was prepared, negotiating with the contractor and the workmen in order to determine fair wage rates and thereby making each of the parties aware from the beginning of the conditions which were to govern their work.<sup>20</sup>

In November, 1901, the officer in charge of the works at the Halifax Dockyard informed the department that the Admiralty was considering undertaking extensive reconstruction at the station. The authorities at Halifax proposed to recommend to the British government that the Canadian fair wages principle and procedures be adopted in connection with these works. They asked the Labour Department to prepare a fair wages schedule for Halifax and district. In King's absence, his assistant, H. A. Harper, wrote them immediately "asking that particulars be furnished regarding the classes of labour required and [stating] that upon receipt of these the Department would be pleased to furnish the information asked." The request from Halifax was "kept absolutely secret until the ultimate decision [was] reached." Mulock was delighted at the endorsement of Canadian government policy and of the work of his department which the proposal involved. Harper felt that such endorsement "would at once silence carping criticism and give a tremendous impetus to the fair wage movement in Canada, so

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20. Report, 1901-1902, pp. 60-61; 1904-1905, p. 60

important is the sanction of Imperial example held in this country."<sup>21</sup> Unfortunately, the works at the Halifax station were not proceeded with, and Canadian public opinion was never made aware of the implied imperial sanction.

The fair wages principle was given additional support in 1903, through the insertion in the amended Railway Act of a clause extending the principle to cover the construction of the Grand Trunk Pacific Railway, or any other railroad which received financial aid from the government, by subsidy or by guarantee.<sup>22</sup> 1903 was also the year of seeming setback, however. When several claims were sent to the Department of Justice by the Department of Labour for action, the Deputy Minister of Justice refused to rule on them until the alleged default on the part of the contractor had been proven in the courts. "It cannot," he said, "in my opinion have been intended that the minister [of Labour] is to be put in the place of the courts for the determination of such questions...."<sup>23</sup> Apparently the contractor in question, subsequent to the awarding of the contract, had forced on his employees an agreement which was in opposition

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21. King Papers, vol. 3, pp. 2431-2435, Harper to King, Nov. 20 & Nov. 26, 1901.

22. S.C. 1903, c. 58, s. 205; Report, 1903-1904, pp. 48-49; Laurier Papers, vol. 276, pp. 75984-75986, John A. Flett and P. M. Draper to Laurier, Aug. 10, 1903, and Laurier to Draper, Aug. 11, 1903.

23. Cited in Report, 1903-1904, p. 67.

to the terms of the fair wages provisions. King felt that, in view of the opinion expressed by the Deputy Minister of Justice, more explicit conditions would have to be inserted in government contracts. He did not accept the principle, then very popular with the Department of Justice, that matters involving labourers had to be upheld in the courts prior to any government action. "It is well known," he wrote, "that workingmen find it difficult to prosecute their claims against contractors in the courts, especially where amounts involved are small...." However, it was "also true that in order to secure employment they are sometimes induced to forego rights which were intended by conditions inserted in contracts to be secured to them." He continued, "it is unfair that any one contractor should be allowed to gain an advantage over his fellow contractors in virtue of agreements or understandings which he may be able to force [on] his employees subsequent to the awarding of the contract." For this reason,

it would appear desirable ... and in accordance with the spirit of the Resolution of the House to have a clause inserted in all contracts to the effect that verbal or written agreements made between contractors and employees, whereby an employee may agree to forego in whole or in part any of the rights or privileges intended to be secured to him by any clause appearing in the contract, should be null and void; also, to prevent unnecessary litigation, a clause to the effect that in all questions of dispute arising between contractors and their employees in regard to the rights or privileges intended to be secured to any employee by any clause in the contract, the Minister should have the power to decide any such question, and such decision of the Minister be final.<sup>24</sup>

The fair wages officers, however, suggested a much simpler and less legalistic means of ensuring the enforcement of the fair wages provisions. First expressed publicly in the 1904-1905 Annual Report, their recommendation was approved by the Cabinet in 1907. It provided for the addition of two clauses to the fair wages provisions:

1. Contractors shall post in a conspicuous place on the public works under construction, the schedule of wages inserted in their contracts for the protection of the workmen employed.

2. Contractors shall keep a record of payments made to workmen in their employ, the books or documents containing such record shall be open for inspection by the Fair Wages Officers of the Government, at any time it may be expedient to the Minister of Labour to have the same inspected.<sup>25</sup>

The officers in the department, especially J. D. McNiven in British Columbia, frequently found themselves performing inspection duties on the line of construction of the Grand Trunk Pacific Railway, in response to grievances expressed by or on behalf of workers engaged in the construction of the line. In 1910, for example, one of the senior staff clerks, Frank Plant, undertook an investigation of conditions in the construction camps.<sup>26</sup> In consultation with the Chairman of the Transcontinental

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24. Report, 1903-1904, pp. 67-68.

25. Report, 1904-1905, p. 60; Orders in Council, vol. 1046, P.C. 1948, Aug. 30, 1907.

26. His account of the investigation was printed in Report, 1910-1911, pp. 88-100.

Railway Commission, the Department of Labour framed special regulations for the protection of men employed on railway construction. These regulations were transmitted to the Railway Commission in May, 1912. The Commission then sent copies to each of the general contractors, informing them "that the Commission requires all its contractors to conform with these regulations in accordance with Section 48 of their contracts for construction."<sup>27</sup> These special regulations required all employers to keep careful records of the names and other pertinent data of all the men, such information to be communicated to the Department of Labour immediately in the event of serious accident, illness, or death occurring to the particular individual. The need for this regulation arose because such a large number of the railway construction workers were from abroad and unable to speak English. The Labour Department would then communicate such information to the person's relatives in Canada or to the appropriate consular office, if necessary. In addition, the books or documents containing such records were to be open for inspection by officers of the Department of Labour at any time. During the following year McNiven made three trips of inspection over the line of construction, looking at the contractors' books and records and personally investigating working and living conditions generally, including wages, hours, board, sleeping accommo-

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27. Transcontinental Railway Commission Records (R.G. 36/1), vol. 11, Minute Book 11, May 29, 1912.

dition, transportation of workers along the line of construction, the prices of supplies, quality of hospital, medical, and mail service, accidents, and alleged misrepresentations made by employment agencies to men engaged for this work both in Canada and in the United States. On his trips McNiven tried to make a personal investigation of each complaint of mistreatment. In several instances grievances were taken up with the contractors on the spot. The Minister of Labour also was considering the appointment of special inspectors solely for the protection of the interests of the workmen employed on the railways.<sup>28</sup> During the next few years, however, due to the economic depression, the extent of railway construction declined and with it the amount of necessary inspection work.

Interest in the fair wages principle, however, remained high. By 1910 a special survey showed that seven provinces and forty-two municipalities had in effect fair wages regulations of one form or another.<sup>29</sup> An indication of the increasing prominence given to the work of the Branch is the positioning of the section relating to its work within each year's Annual Report. By 1916 it had moved from the very back of the Report to the very front. The

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28. Report, 1911-1912, pp. 22-23; 1912-1913, p. 57.

29. Report, 1910-1911, pp. 51-71.

1907 Order in Council was revised and expanded in succeeding years, with the principle being expressed in legislation in 1935. Regulations under the act, passed in 1940, were revised in 1954 and again in 1960. Administration of the "Fair Wages and Hours of Labour Act" still forms an important part of the duties of the Department of Labour.<sup>30</sup>

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30. Report, 1949, pp. 21-24; 1966, pp. 116-117; "Fair Wages and Hours of Labour Act," R.S.C. 1970, c. L-3.



## CHAPTER FIVE

### THE COLLECTION AND PUBLICATION OF LABOUR STATISTICS

The primary function of the new department was, as set out in the Conciliation Act and outlined by William Mulock in the House of Commons on first reading of the bill (June 27, 1900), "to gather statistical information and other information affecting labour, and to provide for its publication and for its being made accessible to the public generally."<sup>1</sup> Previous collection and publication of labour statistics by the Canadian government had barely scratched the surface of the labour question. The federal Census Act of 1870 had called for the first census of the new dominion to show "the produce, state and resources of the agricultural, fishing, lumbering, mining, mechanical, manufacturing, trading and other industries...."<sup>2</sup> The first three decennial censuses, therefore, had contained tables giving aggregate figures for such matters as the amount of capital employed, types of employees, hours of work, and yearly wages paid in the various industries within the various industrial centres of the country. No attempt, however,

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1. Debates, June 27, 1900, col. 8399,

2. S.C. 1870, c. 21, s. 2.

had been made to compute individual wage levels or average hours of work.<sup>3</sup> For this reason one of King's first duties, once the department was on its feet, was to approach the Census Commissioner, Archibald Blue, with a request for "more complete information on certain labour matters...." As a result a new schedule was devised for collecting data on the manufacturing industries. "Framed to suit present-day conditions," it was more specialised than the 1891 schedule, containing more than three times as many questions.<sup>4</sup>

The Conciliation Act provided for the appointment of individual correspondents (on a part time basis) in the major industrial centres of the country to report monthly conditions and events in their areas. These correspondents, it was decided, were to be appointed for the centres whose population exceeded 10,000.<sup>5</sup> Mulock made it clear from the outset that each correspondent was to be "a man thoroughly identified with the cause of labour, and in complete touch with the labour people."<sup>6</sup> This policy had several motives. A labour representative would likely provide more information on labour matters than anyone else. He also would

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3. Census of Canada, 1871 (Ottawa: Queen's Printer, 1873), Table XXVIII.

4. King Papers, vol. 2, pp. 2193-2194, King to S. M. Wickett, Oct. 22, 1900; Fourth Census of Canada, 1901, I, ix.

5. Sifton Papers, vol. 86, p. 66143, Mulock to Sifton, Nov. 22, 1900. At the time of King's retirement as Deputy Minister, in September, 1908, The Labour Gazette had forty-six such correspondents, reporting on cities from Sydney, Nova Scotia, to Nanaimo, B.C.

6. Debates, April 25, 1901, col. 3845.

have less trouble extracting information from labouring people. In addition, the appointment of somebody persona grata to the labouring classes was good politics.

Mackenzie King certainly was made fully aware of the extent to which party politics were to govern departmental appointments. On August 5, 1900, Mulock told him "that all the apptmts. wd. have to be political, & that the govt. wd. have to make them." King disapproved of the practice at first, vowing to "take no part in politics at all."<sup>7</sup> However, his initial encounter with the first of Mulock's appointments as correspondent, Phillips Thompson of Toronto, seems to have soothed his ruffled feelings. Thompson, a witty journalist with a long labour-socialist history, agreed to support King in "the effort to make the Gazette an independent journal."<sup>8</sup> The time-worn government patronage system soon established itself in most appointments of correspondents. Each was appointed on the recommendation of the cabinet minister responsible for the distribution of patronage in the local area, due regard usually being paid to the candidate's qualifications for the position.

While political considerations assumed overriding importance for some appointments to the staff in Ottawa, King was given a free hand in the choice of many. His

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7. Diary, Aug. 5, 1900.

8. Diary, Aug. 6, 1900.

immediate assistants in the preparation of The Labour Gazette, H. A. Harper and his successor R. H. Coats, were hired on King's recommendation—as were W. W. Edgar, the departmental librarian, and F. A. Acland, Secretary and, later, Deputy Minister.<sup>9</sup>

King established contact with Harper, an old friend from his undergraduate days at the University of Toronto, as soon as he arrived in Ottawa. Harper, then working as an Ottawa correspondent for the Montreal Herald, was happy to accept King's offer of the post of Assistant Editor of The Labour Gazette.<sup>10</sup> His work, he told a friend, "has particularly to do with the gathering and working up of the material for the special articles which appear in each issue of the Gazette. It involves a daily study in applied economics," he wrote, "and as we are constantly turning new ground, you can easily imagine how agreeable the work is to me."<sup>11</sup> Due to King's frequent absences from the capital Harper soon became, in King's words, "the real boss" of the work in connection with the preparation and publication of The Labour Gazette. In October, 1901, he and King agreed to an arrangement whereby the former would

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9. Civil Service Commission, Minutes of Evidence, I, 620-621; Diary, Jan. 10, 1907.

10. His appointment was dated October 1, 1900. Orders in Council, vol. 850, P.C. 2319, Oct. 1, 1900.

11. Harper Papers, vol. 1, Harper to F. Jadel Robertson, April 17, 1901.



HENRY ALBERT HARPER (June, 1901)

[Public Archives of Canada.]



HENRY ALBERT HARP (June, 1901)

[Public Archives of Canada.]

be appointed full Editor of the Gazette. Before matters could be so arranged, however, Harper was lost to the department, the victim of a drowning accident in the Ottawa River on December 6, 1901.<sup>12</sup>

In form The Labour Gazette was modelled after its British namesake, rather than after the American counterpart, the bimonthly Bulletin of the United States Department of Labor. It was, however, similar to both publications in its reliance on fact rather than opinion. Mulock, in 1903, described it as "the official gazette of the government in labour matters."<sup>13</sup> It was this and much more. When King sought out the British Gazette prior to his return to Canada in July, 1900, he had been greatly impressed with it and excited at the prospect of creating a similar publication in Canada. "I had hardly turned over a half dozen pages," he wrote in his diary, "when I saw on every sheet material which interests me greatly, and read between every line the opportunity of getting an exceptional grasp of labor problems & conditions first hand." His decision to accept the Canadian Government offer was made, he wrote, "there & then with the paper before me."<sup>14</sup> King's belief in the significance of The Labour Gazette remained strong throughout his career with the department.

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12. Dawson, King, p. 129.

13. Debates, May 18, 1903, col. 3621.

14. Diary, July 9, 1900.

He saw its role as one of furnishing the data which would be used in writing "an industrial history" of Canada: "in the information the Department has gathered, and in its method of presenting this information," King informed the Deputy Minister of the Interior in November, 1904, "this particular object is kept constantly in view."<sup>15</sup> As a matter of fact, the following month King indirectly sounded out Adam Shortt of Queen's University to see if he would be interested in working for the Department, carrying out a series of investigations with a view to assembling the data for an industrial history—in much the same vein as, for example, the work undertaken by John R. Commons and others in the United States. Direct contact between King and Shortt on the subject occurred in January, 1905. The idea, however, seems to have been dropped shortly thereafter.<sup>15a</sup>

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15. Immigration Branch Records (R.G. 76), file 249829, King to James A. Smart, Nov. 5, 1904.

15a. Queen's University Archives, Adam Shortt Papers, Frederick Hamilton to Shortt, Dec. 14, 1904; King Papers, vol. 5, pp. 4220-4223, Shortt to King, Jan. 4, 1905, enclosing Shortt to Hamilton, Dec. 19, 1904.



King outlined his philosophy in the statement of editorial policy in the first issue:

The Gazette will not be concerned with mere questions of opinion, nor will it be the medium for the expression of individual views. It is an official publication, and as such will seek to record only such statements of fact, and such collections of statistics, as are believed to be trustworthy. In the selection and publication of these, care will be taken to have the information as complete and impartial as possible, and so to arrange that, while furnishing from month to month facts and figures of current interest, these may at intervals be classified and compiled in such a manner as to show, over periods of time, the trend and development of the subjects dealt with. The work thus undertaken will, it is hoped, establish a basis for the formation of sound opinions, and for the drawing of correct deductions, but these, in themselves, are tasks which lie beyond the scope and purpose of the Gazette, and are ends it will seek to serve, not to meet.<sup>16</sup>

In Mulock's words, the publication was to "be a medium [not] for the expression of opinions, but for the registration of facts." As such, it followed a tradition begun by Carroll D. Wright with the Massachusetts and, later, United States Bureaus of Labor Statistics.<sup>17</sup>

Distribution and circulation of the new publication were intended to be as wide as possible: Mulock fixed the rate to be charged for it at a mere three cents for a single copy and twenty cents for a year's subscrip-

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16. The Labour Gazette (hereafter referred to as "LG"), I (Sept. 1900), 1.

17. Debates, June 27, 1900, col. 8399; Ewan Clague, The Bureau of Labor Statistics (New York: Praeger, 1968), pp. 4-5.

tion or "any number of copies, twelve or upwards."<sup>18</sup>

Acting Postmaster General James Sutherland, when presenting the estimates for the Labour Department to the House on April 25, 1901, optimistically predicted that the total circulation each month during the next fiscal year would be 30,000. Although results fell considerably short of his estimate, the actual average monthly circulation of 8,370 was an increase of almost 1,500 over the previous year's figure, and by 1907-8 circulation stood at 13,353.<sup>19</sup>

Mulock took a special interest in the circulation figures for the Labour Gazette, realizing that the publication's prestige was somewhat tied to its distribution. Of the 13,353 copies dispersed each month during 1907-1908, about one third (4,320) were sent out free of charge to government departments around the world and to trade papers and labour journals (in exchange for which the department received copies of regular publications for its library), as well as to public libraries, members of the House of Commons and Senate, boards of trade, newspapers, and labour organizations across Canada. Each correspondent also received three copies of each month's issue.<sup>20</sup> In early

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18. King Papers, vol. 2, p. 1907, Mulock to King, Aug. 19, 1900.

19. Debates, April 25, 1901, cols. 3803-3804; Report, 1901-1902, pp. 94-95; Report, 1907-1908, pp. 214-216.

20. Report, 1907-1908, pp. 215-216.

1901 King arranged to have a commission paid to persons, such as the correspondents or secretaries of labour unions, who obtained subscriptions to the Gazette. Paid at the rate of five cents per subscription out of the revenue received from this source, these commissions had accounted for almost four thousand subscriptions by the close of the 1902-1903 fiscal year.<sup>21</sup> King also sent members of the staff out occasionally to drum up orders. During a two-week tour in September, 1909, one of the senior staff clerks, Frank Plant, managed to add between two and three hundred names to the circulation list.<sup>22</sup>

There are no figures available to indicate what proportion of the subscribers could not be considered members of the labouring classes. If the proportion was small, the fact was not due to any lack of effort on the part of the department. "The subjects dealt with," King told an officer of the Canadian Manufacturers' Association in October, 1900,

will of course be those which primarily concern the working classes, but there is no intention to make the publication other than an entirely impartial one, which should commend itself to the manufacturers as well as to the men. If it fails to do this its chief purpose

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21. Canada, Auditor General's Report, "Labour Department; Details of Revenue and Expenditure," 1900-1901, 1901-1902, 1902-1903; Diary, Feb. 15 and 19, 1901.

22. King Papers, vol. 11, pp. 10111-10120, Gerald H. Brown to King, Sept. 16, 1909.

would be lost for as an official publication it is not sent out in the interest of any special class but for the good of the industrial community as a whole.<sup>23</sup>

During the first year a number of manufacturers subscribed to the new Gazette, including (by special arrangement) the entire membership of the Canadian Manufacturers' Association.<sup>24</sup> The department was delighted at the receipt, in July, 1901, of the first renewal subscription received from a corporation (it happened to be the E. B. Eddy Company of Hull). Albert Harper took advantage of the occasion to express his great satisfaction that "although the GAZETTE is probably of greatest advantage to workmen it has not so far given reason to excite the prejudice of the employing classes."<sup>25</sup>

In fact, both the Labour Gazette and the department as a whole were generally regarded with suspicion by the Canadian business community. The manufacturers, wrote one of their number when the first issue of the Gazette appeared, "are going to scan the various numbers as closely as the Labor officials, and possibly more critically." He warned King that already some of his colleagues were speaking of the publication "as if it followed too much along the

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23. King Papers, vol. 2, pp. 2193-2194, King to S. M. Wickett, Oct. 22, 1900.

24. Industrial Canada, I (Jan., 1901), 162; Diary, Jan. 10, 1901.

25. Harper Papers, vol. 1, Harper to King, July 31, 1901.

line of the Labor people."<sup>26</sup> On a number of occasions the Canadian Manufacturers' Association took issue with what it considered to be a bias in favour of the labouring classes—or, as the Association expressed it, a class-orientation.<sup>27</sup> Criticism usually took the form of a resolution at the annual meeting expressing dissatisfaction with the appointment of labour or union "partisans" to positions in the department, especially as the Gazette's correspondents across the country. Late in 1901 a special committee of the Association appointed to investigate the Labour Gazette reported that it contained biased information. The committee especially objected to the publication's apparent narrow definition of labour and to the fact that the correspondents were all union men.<sup>28</sup> As a result, early in the new year the Association abruptly cancelled all the subscriptions arranged the year before, an action which at least one labour journal interpreted as "certainly a testimony in [the department's] favor."<sup>29</sup> At both the 1903 and 1904 annual meetings the Manufacturers' Association charged that the Labour Department "in its general

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26. King Papers, vol. 2, pp. 2191-2192, S. M. Wickett to King, Oct. 19, 1900.

27. Industrial Canada, V (Oct., 1904), 152.

28. Ibid., II (Nov., 1901), 137.

29. Industrial Banner, March, 1902. The correspondence between the Secretary of the Canadian Manufacturers' Association and Mackenzie King is in Industrial Canada, II (April, 1902), 285-286 (King to J. A. Russell, Feb. 7, 1902, and Russell to King, March 20, 1902).

policy and through its official organ ... gives constant and abundant evidence that it has regard for and exists for the interests of organized labor only...." The department, it said, "should give equal consideration to the needs of employer and employee ... [and] should, as far as possible, be constituted in policy and practice, an impartial tribunal to advance the interests of all classes in the Dominion."<sup>30</sup> On the other hand, the Montreal Iron Moulders complained in 1904 that the Labour Gazette was "not published in the interests of labour, but in the interests of the American and Canadian Manufacturers' Associations."<sup>31</sup> King and Mulock usually paid little attention to such charges. When the Trades and Labor Congress protested against the Manufacturers' attack in 1903, the Minister loftily reminded them that the statute creating the department precluded any bias, since it "provided that the Canada Labor Gazette shall be a publication dealing with statistical information only...." He concluded, "it is the duty of the Gazette and the department, to serve all classes engaged in industrial life. It cannot in its educational work injure the the employer or the employee. Useful information cannot but be helpful and beneficial to all concerned."<sup>32</sup>

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31. Industrial Canada, IV (Oct. 1903), 129-130; Ibid., V (Oct. 1904), 152.

32. Montreal Gazette, May 27, 1904.

33. The Toiler, Oct. 2, 1903. A copy of the memorial from the Trades and Labor Congress, replying to the criti-

There is no doubt that the Gazette was impartial in its printing of information and statistics relative to the conditions of Canadian labour. Only by establishing a reputation for objectivity and accuracy could King hope to have the journal accepted as a reliable source of data on the labour question. There is also no doubt, however, that the government was fully conscious of the political advantage to be gained from a public espousal of the rights of the labouring classes.<sup>33</sup> Mulock's action in ceremoniously presenting the first copy of the Labour Gazette to the President of the Trades and Labor Congress at its annual meeting in Ottawa in September, 1900, was an obvious piece of theatrics. The Toronto Mail and Empire was quite correct in its assumption that the department had rushed the issue into print deliberately, in order to "please the labour representatives."<sup>34</sup> Nevertheless, one would have to scrutinize the Gazette during its first decade very carefully to locate examples of deliberate partisan reporting. Of course, sins of omission in particular must have been committed now and then by one or another of the correspondents, and have slipped through the editorial sieve. King

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cisms of the Canadian Manufacturers' Association, may be found in LG, IV, 329-330.

33. See Dawson, King, pp. 100-105.

34. Toronto Mail and Empire, Sept. 19, 1900; Diary, Aug. 27, 28, 29, 1900.

however, was idealistic and intelligent enough to realize that obvious bias in reporting, once detected, would destroy the reputation and therefore the value of the Labour Gazette.

In fact one criticism that could be levelled at the journal is that it was too academic and colourless in its approach. It read like most other government reports of the day. That is, it appears to have been aimed at administrators, officials, politicians, lawyers, and students of industrial relations—not at the layman and certainly not at the ordinary labourer, who must have found it exceedingly dull. Nonetheless, the Gazette did put on the record a considerable volume of statistics and other data useful for determining Canada's industrial situation. Its basic format and style remained virtually unchanged until 1966, when The Labour Gazette updated its design and ceased publishing several tabular pieces—including the list of government contracts containing the fair wages clause (which had first appeared in volume 1, number 1) and the conciliation board reports (which dated from 1907).

The motive for the publication of reliable data on the labour question lay in the optimistic concept of ultimate progress through a more highly informed electorate, a concept with which Mackenzie King wholeheartedly



agreed. Typical of "an age that assumed an automatic connection between accurate data and rational action,"<sup>35</sup> King realized that the department would have to overcome considerable apathy, in some cases hostility, in putting the facts before the public. Undoubtedly a measure of flag-waving would be required. Thus the short editorial summary which appeared at the beginning of every issue of the Labour Gazette for its first four years. It was, in King's words, "really only a review of the main features of the Gazette [—] a way of keeping to fact, escaping opinion, & yet giving more life & worth to the articles..." and was necessary because

people need to be told the worth of what they are getting before appreciating it. Every grown man has to be treated to some degree as a child. They have to see the breast before they care for the milk.<sup>36</sup>

For the same reason, when writing his first Annual Report he

inserted more of opinion in expressing the significance of work done that is, perhaps, justifiable in a strictly executive report, but the public - even parliament - nay even the cabinet - & yes even the Minister of Labour himself - need educating on the importance of the work....<sup>37</sup>

35. Wiebe, Search for Order, p. 181.

36. Diary, Jan. 8, 1901.

37. Diary, Oct. 18, 1901.

The Labour Gazette was intended to play a key role in tackling the problems of growing industrial unrest, by making available to employers and employees information on the conditions out of which disputes might arise. Assuming that they read it, parties to controversies would "be better able to understand each others' views and conditions, and more amenable to conciliatory arguments..." for the settlement of disagreements.<sup>38</sup> To be specific, the Gazette was designed to serve a double purpose. As a monthly publication, it presented the latest information on the condition of the labour market and reviewed the more important industrial events and matters of concern to labour. It also relieved the department of the necessity for publishing separate special reports or blue books, since the same information could be presented as a series in the pages of the Labour Gazette.<sup>39</sup>

The department came to consider that the information which it collected and published monthly fell into two broad categories: that related to the state of the labour market, as measured by the demand for and supply of labour; and that related to the general nature and condi-

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38. Mulock, on first reading of the Conciliation Act in the House of Commons, Debates, June 27, 1900.

39. Report, 1900-1901, p. 8.

tions of employment. The former category included statistics of industrial activity and production, construction, transportation, trade, population, labour disputes, and the employment situation generally. The latter area included details as to labour legislation, legal decisions, and proceedings under the Conciliation Act or (after 1907) the Industrial Disputes Investigation Act, as well as statistics regarding industrial accidents, labour organizations and employers' associations, rates of wages, hours of labour, and the cost of living.<sup>40</sup> The raw material for the reports or statistical tables came almost always from one or more of four possible sources: the local correspondents in the various industrial centres of the Dominion, secretaries of labour unions, officers of companies, and printed sources (usually newspapers, often used merely for verification of information already received). Inevitably, where more than one source was used, the figures were tallied against one another and discrepancies checked carefully.

The correspondents provided the majority of the data which went into each month's opening section, a general statement on industrial and labour conditions across the

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40. Canada, Report of the Departmental Commission on the Official Statistics of Canada (Ottawa: King's Printer, 1913),

country.<sup>41</sup> This monthly review served as an estimate of current industrial conditions and an index of probable activity of employment for the future. It soon came to be the focal point of the Gazette. The December, 1904, issue, for example, was 102 pages in length. Of this, over half—52 pages to be exact—was consumed by the monthly review of industrial and labour conditions. A "General Summary," at first merely a single paragraph at the beginning of the correspondents' reports, gradually grew during early 1902, and in the July issue for the first time gained separate recognition. Thereafter the monthly labour and industrial situation was discussed in two parts: a "General Summary" (which averaged ten pages in length) and "Reports of Local Correspondents." The opening paragraph of the "Summary" always consisted of a general resumé of the extent of employment and the demand for labour in Canada as a whole. This was followed by statements regarding changes in rates of wages and hours of labour, variations in prices of staple commodities, and interruptions to industry caused by strikes, lockouts, destruction of industrial establishments, weather conditions, and the like. Then came a detailed review of the latest statistical and other information obtainable regarding the trade (foreign and domestic) and revenue of the country. In

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41. See the copy of the "Memorandum to Correspondents," below, Appendix 4.

separate paragraphs there appeared information relative to important current movements and events, such as technical education, manual training, meetings of associations, and so on. Somewhere within the Summary (its precise location varied) there came to appear a "Table Showing [the] State of Employment in Canada . . ." during the previous month. This table indicated the condition of employment in the various industries and trades in the various cities across the country, using terms which indicated generally the degree to which conditions were favourable or unfavourable: "very busy", "busy", "active", "quiet", "dull", and "very dull".<sup>42</sup> The contents of the correspondents' monthly reports were summarized in a lengthy general review of industrial and trade conditions during the year, printed annually in the appropriate January issue.

The demand for labour and conditions influencing this demand were brought out in the various articles dealing with industrial activity and production, construction, transportation, and trade. The first undertaking in this area was a series of articles on the primary industries of Canada which began in the third issue, in November, 1900. Each article attempted to indicate "the relative importance of the industry or group of industries in the industrial

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42. Report, 1904-1905, pp. 10-11. For an example, see below, Appendix 5.

life of the Dominion, and to direct attention to the facts and conditions of the most concern to capital and labour."<sup>43</sup> Two examples of the sources of information used may be noted. In the case of the first article, which dealt with the coal mining industry, the department secured its information from reports by the Geological Survey and the provincial departments concerned with mining, trade reports issued periodically by the federal government, and data gathered by the correspondents from proprietors of mines and officers or members of miners' organizations. The facts in the article on the agricultural industry, which appeared in the issue for May, 1901, were gathered largely from the reports of the federal and provincial Departments of Agriculture, from information supplied by bureaus of industry and other government offices, and from reports made (through the correspondents) by farmers' associations throughout Canada.<sup>44</sup>

Other series and special reports may be mentioned to illustrate the department's attempts to provide information on conditions affecting the demand for labour. For example, a special report on farm labour in Ontario, prepared by Phillips Thompson from returns made by several hundred correspondents of the Ontario Department of Agriculture, appeared in the January, 1901, issue. A series of short articles on the agricultural industries in the various

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43. Report, 1900-1901, p. 18.

44. Ibid., pp. 24-27.

provinces was printed monthly during the first half of 1903. The issue for April of that year contained a special report on the feasibility of establishing a beet sugar industry in Ontario, a subject which was of considerable interest at the time. During the previous autumn and winter questionnaires had been sent out to beet sugar factories in the province asking for details as to their operations, capital investment, production of the finished product, and employment of labour. In addition, departmental officers visited a representative factory. The report was typical in form, containing an historical account of the origin of the industry and a resumé of the legislative encouragement in Ontario. It described the establishment of several factories, gave details of their business operations, and ended with a statistical table showing the number of factories in operation, the names of the companies running them, the amount of capital invested, locations, dates of commencement of operations, employment figures, wage levels, and so on.<sup>45</sup> Beginning in the March, 1904, issue the Gazette contained a separate monthly article on Canadian trade and commerce, based on statistics furnished by the Departments of Customs and Finance, on the weekly reports issued by the Department of Trade and Commerce, and on current information supplied

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45. Report, 1902-1903, pp. 29-30.

by the correspondents or gleaned from reliable trade and financial journals. The subject was treated under four headings, dealing with foreign, imperial, and domestic trade, and Canadian revenue.<sup>46</sup>

John Appleton, the Winnipeg printer who was the Labour Gazette's correspondent for that city, urged Mackenzie King in August, 1900, to treat as a special subject for investigation the effects of immigration on the labour market, which he described as a "really serious" question likely to cause considerable upheaval in Winnipeg.<sup>47</sup> Considering the degree of public agitation surrounding the whole alien labour question at that time, King could hardly have been oblivious to the importance of the issue. His first efforts at supplying such information appeared in two tables printed in the November, 1900, issue, which dealt with the enforcement of the Alien Labour Act during the preceding month and the previous October. Each table listed alleged violations of the Act, giving for each its locality, the trade or industry affected, the date of the complaint, the nature of the alleged violation, and the result of the investigation. These tables were continued

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46. LG, IV, 833, 917-921; Report, 1903-1904, p. 21.

47. King Papers, vol. 2, pp. 1506-1511, John Appleton to King, Aug. 12, 1900. Appleton, who had first met King through D. J. O'Donoghue in 1897, was among the first group of correspondents appointed. (Diary, Sept. 21, 1897.)



monthly for several years thereafter. A special article in the January, 1901, issue summarized the state and extent of immigration into Western Canada in 1900, giving statistics on the number of immigrant arrivals, according to points of departure and arrival, and on the financial standing of the settlers, with indication of costs from various departure points to Winnipeg, plus a statement on immigration prospects. This was followed in the February issue by an article entitled "Opportunities Offered Settlers in Canada," which set out the homestead regulations, gave other information regarding lands and equipment needed by the prospective settler, and described the experience of a number of settlers in the west. A detailed report of the proceedings of the Royal Commission on Chinese and Japanese Immigration appeared in the May, 1901, issue, with an analysis of the contents of the report appearing in the issues for April and July, 1902. In the June, 1902, number there appeared a classification of the Canadian population according to native-born and foreign-born residents, taken from Bulletin number 8 of the 4th census. The information, wrote King, provided "an analysis of the constituent elements of the population, which is of considerable interest from an industrial and economic point of view."<sup>48</sup> Special articles of this nature continued to appear. The March and June, 1905, issues, for example, contained a summary of the reports of Judge

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48 . LG, IV, 752-754.

John Winchester on the alleged employment of aliens on Grand Trunk surveys, immigration of Italian labourers to Montreal during 1904, and employment of aliens on the Père Marquette Railway. Beginning in July, 1902, the subject began to receive more consistent attention by being discussed separately within the "General Summary." The large scale Western immigration of March and April, 1903, however, caused sufficient stir that the Gazette began discussing the immigration and colonization movement separately in a special monthly article. Each of these articles, the first of which appeared in May, 1903, contained a descriptive account of the main characteristics of the movement during the preceding four weeks together with statistical tables relating to such matters as the number of immigrant arrivals, the number of homestead entries, the nationalities of the homesteaders, and the number of dominion land patents issued in Manitoba and the Northwest Territories.<sup>49</sup>

The second type of statistical data collected and published by the department was that concerning the nature and conditions of employment. Following the pattern set by the Bureau of Labor Statistics in the United States,<sup>50</sup>

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49. Report, 1902-1903, pp. 30-31; 1903-1904, p. 20.

50. Weber, Bureau of Labor Statistics, p. 20.

the department made a point of noting the various pieces of labour legislation passed and the legal decisions taken by the courts throughout the country. The first issue of the Gazette, for example, contained the entire text of the Conciliation Act plus an article (written by Mackenzie King's father<sup>51</sup>) summarizing cases affecting labour in Ontario, Manitoba, and British Columbia. The intention of the department in publishing all decisions affecting employers and employees given in Canadian courts (plus the important decisions of English and American courts) was to acquaint "both employers and employed with a fuller understanding of their respective rights and duties, and of the interpretation which the courts put upon these."<sup>52</sup> "It has also served," wrote King in his Report for 1901-1902, "to direct attention to differences in the existing laws of the several provinces, to the consequent differences in the position of labour before the law in each, and to the advisability or necessity of more uniform labour legislation by the provincial authorities."<sup>53</sup> During the 1903-1904 fiscal year (from July 1, 1903, to June 30, 1904) over

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51. Diary, Aug. 30, 1900.

52. Report, 1900-1901, p. 13.

53. Report, 1901-1902, p. 18.

seventy Canadian decisions were reported. In each instance reference was made to the names of the prosecutor and the defendant, the court in which the case was tried, the name of the presiding judge, and the time and place of the decision. Among the important subjects dealt with were: restraint of trade, employers' liability (especially in accidents causing death), employment of alien labour, Sunday observance, and the regulation of benefit and providence societies. The information was taken largely from newspaper accounts, supplemented where necessary and possible by first-hand accounts supplied by the correspondents and others.<sup>54</sup>

A series of articles regarding labour legislation commenced in the November and December, 1900, issues with two articles on factory legislation in Canada, followed in order by reviews of legislation for the protection of employees in shops and stores (January, 1902), in mines (February to April, 1901), on the railways (August, 1901), about machinery (September, 1901), and on ships (November, 1901, to January, 1902), and ending with two articles (February and March, 1902) dealing with apprenticeship legislation. Each article in the series set out in topical form the existing legislation of the federal and provincial

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54. Report, 1903-1904, p. 21.

governments, describing the various acts in such a way that a reader could easily compare "the relative position of labour under the law, in the several provinces."<sup>55</sup> Implicit in this, of course, was the idea that odious comparisons might lead to more up to date legislation being passed where necessary. Once this basic groundwork had been laid, the Gazette attempted to keep its readers up to date on the latest legislation in all areas, usually going into a subject in depth only when public interest warranted it. (One exception should be noted: the publication in the December, 1903, and January, 1904, numbers of an article summarizing laws related to the legal status of aliens. However, this article was intended as a continuation of the earlier set of summaries, to follow the one dealing with minors in the March, 1902, issue.) The first series of general articles was interrupted temporarily by the publication in May, June, and July, 1901, of two special articles on the labour legislation recently passed by the federal parliament and the provincial legislatures. The April, 1901, issue contained a discussion of the scope of the newly passed Quebec Trade Disputes Act, its arbitration system, and the likely effect of decisions reached under it. The amendments to the Alien Labour Act passed during the 1901 session were

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55. Report, 1900-1901, pp. 27-28.

discussed in the issue for June, 1901, with a consolidation of all the acts to restrict the importation and employment of aliens appearing as an appendix. The Railway Arbitration Bill of 1902, which had received only first reading at that session but was to be reintroduced at the next, was reviewed in and printed as an appendix to the June, 1902, number, in order to solicit comment from the public. Similarly, the entire text of the Act as finally passed was attached to the issue for August, 1903. In that issue itself there appeared a capsule history of the Act, a comparison of it with the bill introduced at the previous session, and commentary on the measure's provisions. The same procedure was followed in 1907 in connection with the passage of the Industrial Disputes Investigation Act.<sup>56</sup>

Closely allied to labour legislation were the various industrial agreements reached between employers and groups of employees. The department, which for some time had collected copies of such agreements, began a monthly article in September, 1906, in which it reprinted the agreements reached during the preceding month. From September to the following March eighteen such agreements were published. Again, public education was the motive. As Mackenzie King wrote in his Annual Report for that year, these agreements contained

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<sup>56</sup>. LG, II, 738-741, 769-779; IV, 136-139. Report, 1907-1908, p. 16.

a large body of information of a detailed character as to working methods, remuneration and other conditions in the trades concerned, which is of importance not only as reflecting current industrial and economic tendencies, but, as affording a practical guide in the arrangement of schedules and the settlement of disputes.<sup>57</sup>

"The settlement of disputes" itself was a subject of major concern to the department. In this formative period of industrial relations, when unions usually were not recognized and when contracts between employers and employees were a rarity, labour disputes dominated the scene. Any study of the labour question at that time was largely a study of strikes and lockouts, their causes and effects. The original labor bureau, that founded in Massachusetts in 1869, had begun publishing comprehensive statistical reports on strikes in 1880; the federal bureau in the United States had been doing so since 1886.<sup>58</sup> It was only natural that the Canadian department should do the same. In his first Annual Report Mackenzie King described in some detail the value, as he saw it, of publishing a statistical record of labour disputes. His explanation is interesting because it expresses extremely well the basis of King's philosophy as to the role of government in labour relations:

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57. Report, 1906-1907, pp. 18-19.

58. Clague, Bureau of Labor Statistics, p. 135.

Apart from the immediate value of this statistical and descriptive record, as reflecting existing relations between employers and employed throughout the Dominion, and the consequent quiet or unrest of the labour world, the monthly account serves to draw attention in one locality to conditions in other localities of immediate concern to employers or employees, and at the same time to focus public attention on a matter which, owing to the close relationship and interdependence of the individual trades and industries, may be regarded as of concern to the general public.... In compiling each month a list of the trade disputes in Canada and tabulating in some detail their more prominent features, the department has in view the larger work of furnishing satisfactory data for enlightened action in regard to this feature of the industrial situation.... From assurances received from both employers and employees, there is every reason to believe that the plan adopted by the department of communication immediately with both parties to a dispute, and of publishing an official record of disputes, has had a real influence in deterring parties from hasty action preliminary to an open strike, and of helping to bring to a termination in some cases, either through a desire to avoid publicity or anxiety to escape the censure of public opinion, disputes which have already commenced.<sup>59</sup>

King expressed the same view, a trifle more succinctly, a year later:

There is reason to believe that ... the publication of these monthly records, and the knowledge that all such disputes and differences are made the subject of official inquiry by the department, have had a decided influence in deterring parties from hasty action preliminary to a strike or lockout, and of helping to bring to a termination disputes which had already arisen.<sup>60</sup>

The method of obtaining data on strikes and lockouts was the obvious one. Whenever the department learned of a dispute anywhere in Canada it immediately sent blank forms

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59. Report, 1900-1901, pp. 11-12.

60. Report, 1901-1902, p. 16.



to the parties involved, and, where possible, to the local correspondent, requesting such information as locality, trade or industry affected, firms or establishments and unions involved, the cause or object of the dispute, and the numbers of employees and firms affected either directly or indirectly.<sup>61</sup> The information was analyzed and presented in tabular form, with the information classified under headings so that the significance of the figures could easily be understood.<sup>62</sup> In addition, short descriptive accounts of the more important disputes were printed, with the usual due regard for impartiality.

Proceedings instituted and settlements reached under the authority of the Conciliation Act or the Industrial Disputes Investigation Act were reported in full in the pages of The Labour Gazette. The settlement of the strike at Valleyfield, Quebec, at the factory of the Montreal Cotton Company—the first dispute settled by Mackenzie King under the Conciliation Act—was reviewed in the November, 1900, issue. Here, in this first report of its type, the standard of impartiality was set. Mackenzie King's biographer has pointed out, quite correctly, that the objectivity shown in such reports was in reality the

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61. Report, 1901-1902, p. 15.

62. See below, Appendix 6.

foundation stone upon which the Gazette hoped to build a solid reputation for reliability. The publication's neutrality, he wrote, could be taken for granted: it was "ensured by the fact that any bias would be quickly detected and resented by the parties involved and its value in providing a reliable medium of information destroyed."<sup>63</sup> The first volume of the Gazette (containing the issues from September, 1900, to June, 1901) contains reports on the settlement of four disputes: that, already mentioned, at Valleyfield in October; the coremakers' strike at Oshawa in December; the strike of machinists at Dundas, Ontario, which lasted from October to January; and that of the employees of the Laurentide Pulp Company at Grand-Mère, Quebec, in April.<sup>64</sup> In each case there was presented a factual account, completely devoid of comment, on the background of the disagreement, how government intervention was requested, the specifics of the department's action, and the details of the settlement. The same policy was followed later, in the case of the Industrial Disputes Investigation Act. During the first full fiscal year following passage of this latter measure (that is, from July, 1907, to June, 1908) The Labour Gazette published the

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63. Dawson, King, footnote on p. 106.

64. LG, I, 101-103, 230-232, 287, 484-485.

full texts of the reports of twenty-one boards established under the Act, "together with statements relating to the proceedings of the Boards, and embodying, in the majority of cases, formal agreements arrived at as a result of the invoking of the Act."<sup>65</sup>

In addition to printing the expected reports on the conventions of the major labour bodies and employers' associations, and occasional special articles on such organizations, the Gazette, beginning in its second issue (October, 1900), published a regular list of unions formed during the preceding month. In addition, work had begun already on the collection of information for a comprehensive statement on the current labour situation in Canada. The first results appeared in the August, 1901, issue, in the form of an historical review of the Canadian labour movement from its beginnings. This was followed, in the issue for September, by a review of contemporary trade union legislation and the first of a number of lists of labour organizations in the various parts of the country.

Gathering the information was, of course, a very methodical exercise. As a first step the department

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65. Report, 1907-1908, p. 17. Report of the Registrar of Boards of Conciliation and Investigation of the Proceedings under the Industrial Disputes Investigation Act, 1907 (Ottawa: 1908). Also printed as Sessional Paper 36a of 1908.

assembled a fairly comprehensive list of the existing organizations, through personal investigation by the correspondents, appeals to known federal and international organizations, and perusal of labour directories, trade journals, labour newspapers, and correspondence. When the department thought that the list was fairly complete, it sent a circular letter to the secretary of each organization requesting more specific information. These officials, as well as other persons in any way connected with the labour movement, were also asked to supply the names of other organizations in the area. And so the search continued, until the department had progressed as far as it felt was possible. The compilation eventually printed represented "a crystallization of the information obtained by the department through several thousand separate communications and returns."<sup>66</sup> This "crystallization," describing over a thousand organizations, was printed in parts in five issues, from September, 1901, to May, 1902. The method of classification adopted was designed to serve three objects, indicating the nature and extent of organization in the various trades, the areas and localities in which organization existed, and the chronological development of labour organization in particular trades and in the labour movement as a whole. The data was first

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66. LG, II, 182.

organized by types of bodies, beginning with the Trades and Labor Congress itself and continuing with federal trades councils, federations of particular trade unions, local unions, and District Assemblies of the Knights of Labor. Sub-groupings were by particular trades and, within this classification, according to provinces (with localities arranged alphabetically). Opposite the name of each organization there appeared, in columns, the date of its foundation plus the names, addresses, and dates of election of its president and secretary.<sup>67</sup>

The next step, following publication of the directory, was the preparation of tables describing the growth and current position of labour organizations in Canada. Information for these tables was gathered in much the same way as that for the directory, with the tables appearing in The Labour Gazette from September, 1902, to June, 1903. In addition, the directory itself was kept up to date with additions published each month and annual reviews each year, beginning with the January, 1903, issue. Work on both phases continued after initial publication.

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67. LG, II. 181-182. See Report, 1901-1902, pp. 28-32, and Appendix 7.

On the subject of the printing of the names of both the president and the secretary of each organization the following statement by King, made in a letter to Albert Harper, is interesting for its elucidation of King's concern for good public relations: "I would not like the directory to appear with the names of the Secretaries only. There are obvious reasons why we should have the names of the Presidents in,

The Gazette continued to publish monthly lists and an annual review of new unions formed; the July, 1903, issue contained a summary of additional information collected during the course of publication. By early 1904 the department was ready to publish a revised directory of the organizations then in existence. This appeared as appendices to the issues from February to June, 1904.

As a natural corollary to this work, in late 1903 or early 1904 the department started collecting information on employers' associations. A directory, listing 220 such bodies appeared in the September, 1905, issue. Like its labour organization counterpart, it gave particulars as to the date of formation and names of officers of each association, classifying the information according to industrial groups.<sup>68</sup>

It would seem in retrospect that statistics of industrial accidents would have been obvious grist for King's

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especially when we have them in our possession. You will see why it is very important that we should have their good will. They are the mouthpiece of the union, where the secretary is only a hand, and I am sure we would gain, to a large degree, their good will for the Department, by publishing their names in one of our publications, where we might lose it, if after obtaining their names no use was made of it. Moreover, the Presidents are likely to represent their unions at the Congress, and in public generally, and it is well that their names should appear. Besides it may be helpful in the matter of circulation of the Gazette." Harper Papers, vol. 1, King to Harper, July 28, 1901.

68. LG, VI, 279-288; Report, 1905-1906, pp. 20-22.

mill. For some reason, however, the department did not begin publishing such statistics until November, 1903. This is especially odd because the United States Bureau of Labor Statistics had devoted its attention to accident statistics, prevention, and related questions since its foundation in the mid-1880's.<sup>69</sup> That the Canadian department began to take an interest in the subject when it did is probably due to the higher accident rate, caused by increased business activity and a greater number of inexperienced immigrant workers.<sup>70</sup> The Labour Gazette for November, 1903, contained a list of accidents which, having been sustained by workmen in the performance of their duties during the previous month had resulted in "the loss of life or limb, or in other serious impairment to industrial efficiency."<sup>71</sup> The table, classified according to industry or trade, gave the locality in which each accident had occurred, the nature of the mishap, date of its happening, and a statement as to its cause and result. The descriptive article accompanying the table analyzed the statistics by trades and gave an extended account of the

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69. Weber, Bureau of Labor Statistics, p. 19.

70. Faulkner, Decline of Laissez-Faire, p. 277.

71. LG, IV, 367. Appendix 8 below contains a copy of the form used to obtain information on industrial accidents. A portion of the first table appears as Appendix 9.

most serious accidents reported. As Canadian industry expanded and the department's ability to ferret out information (usually through its correspondents) became more highly developed, this monthly table of industrial accidents grew. By the July, 1904, issue it spread over nine full pages. By the end of 1906 the department was forced to confine its reporting of accidents to those which had been fatal. From the beginning of 1907, non-fatal injuries were omitted from the monthly statistical tables and relegated to the pages of the annual report (although the accompanying article still took account of all mishaps).<sup>72</sup>

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72. Report, 1906-1907, p. 17.



## CHAPTER SIX

### R. H. COATS AND COST OF LIVING STATISTICS

A statistical area in which the Department of Labour was to have a great impact was that concerning wages, hours of work, and the cost of living. Such statistics were central to any study of the labour question. Their collection and dissemination had been by far the most important feature of the work of the Bureau of Labor Statistics in Washington, due largely to congressional interest in the cost of production in industries affected by foreign trade. Most recently the Bureau had completed a three year study of comparative wage rates for machine and hand labour, in an attempt to determine the relationship between mechanization and the high unemployment rate

which had developed.<sup>1</sup> In Canada no such data had yet been collected. In the 1901 census the schedule for collecting information on the manufacturing industries, while more specialized than the 1891 schedule, still did not produce any figures on individual wage levels or hours of labour. All statistics presented were aggregate totals. Information on average earnings for various occupations was not issued by the Census Bureau until 1906.<sup>2</sup>

In its first number The Labour Gazette stated its intention to

publish from time to time statistics as to the rates of wages in different trades from all parts of the Dominion. It is intended to gather information in regard to wages from reliable sources whenever possible, and, where the data is sufficiently complete, to classify and compile in statistical tables the figures obtained. Information as to current rates, changes in rates, etc., etc., will be an important feature of the returns sent in by the local correspondents of the Gazette, but this journal will avail itself of as many sources as possible to secure accurate accounts on such matters.<sup>3</sup>

It then went on to discuss the fair wages statistics printed in that issue, pointing out that the "considerable variation

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1. James Leiby, Carroll Wright and Labor Reform; The Origin of Labor Statistics (Cambridge: Harvard University Press, 1960), p. 113; Clague, Bureau of Labor Statistics, pp. 85-86, 95-96, 112-114; Weber, Bureau of Labor Statistics, p. 15.

2. Fourth Census of Canada, 1901, I, ix; III. Census and Statistics, Bulletin 1, Wage-Earners by Occupations (Ottawa: King's Printer, 1907).

3. LG, I, 13.

in the rates current in different parts of the Dominion" shown in the tables was due to the fact that the figures indicated the "nominal" or money wage, rather than the "real" wage, or "amount of commodities purchasable for the sum given." This alluded to differences in the cost of living evident in the various regions of the country—a problem which has persisted to this day.

As a regular feature The Labour Gazette published the Fair Wages Schedules inserted in contracts awarded by government departments during the preceding month. Shortly after its formation the department also began collecting information on current rates of wages and hours of labour in individual trades and occupations. These statistics were published monthly in installments, rather than together in a separate report, which would have caused a considerable time lapse between the time of collection of the data and its presentation to the public. The first article in the series, dealing with the printing trades, was printed in the January, 1901, issue; the last, which discussed the coopering trades, appeared in May, 1902.<sup>4</sup> Both employers and employees were asked to supply the data which went into the tables. The correspondents across the country also

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4. These statistics supplemented the tables on wages, hours, and other conditions in particular industries which were then appearing as part of the series of articles on the industries of Canada.

undertook independent investigations where this was felt necessary. A look at a specific investigation will best illustrate the technique used and the results achieved. In collecting the data for the tables on wages and hours in the building trades, the results of which were printed in the Gazette from June to October, 1901, the department sent letters to about three thousand contractors, to secretaries of the unions concerned, and to correspondents in all parts of Canada. With each letter went a number of blank schedules on which the recipients were asked to indicate the rates of wages and hours applicable to the first week in May (1901) in their locality. Replies were received from about five hundred contractors and from almost all the unions and correspondents. The result was a series of tables, each dealing with a specific segment of the building trades and each giving the levels of wages and hours then prevailing in the various industrial centres across the country.<sup>5</sup>

The investigations were continued for the classes of labour employed on the railways. All important railway companies in Canada and the secretaries of the local railway unions were asked to supply copies of their wage schedules and rules of employment. The information received,

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5. A copy of the blank schedule used and a sample table produced from the returns appear below, Appendix 10.

wrote King, "was much more extensive and complicated than what I thought it would be," because of the differences in methods of wage computation used by the various railroads. "A need of striking averages as correctly as possible and at the same time indicating exactly the conditions under which special rates are paid," he informed his assistant, "has made it necessary that we should make progress slowly."<sup>6</sup> The data was carefully broken down according to the various classes of labour on the railways and the various wage schemes. The tables appeared in The Labour Gazette for September, October, and December, 1902, and February, March, and May, 1903.<sup>7</sup>

The general level of economic prosperity—and wages—increased to such an extent during 1902 that the department thought it wise to publish in the June issue a special article on the changes in rates of wages in Canada that spring. It was followed, in the number for March, 1903, by a short narrative article summarizing the general rise in wages and changes in hours of labour during the period from July, 1902, to January, 1903. The department obviously intended to devote more attention to this question. The

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6. King Papers, vol. 3, pp. 2691-2692, King to R. H. Coats, Aug. 22, 1902.

7. Report, 1902-1903, pp. 11-13; see Appendix 11 below.

same issue which carried this summary article also contained, for the first time, a brief condensation of changes in rates of wages within the "General Summary." The Annual Report for that year declared that "in the preparation of this article [on the rise in wages] the department had in view the preparation of similar reviews annually or periodically, the whole being intended to serve as an index to the trend of wages in the Dominion over a given period of time."<sup>8</sup> The subject received the most thorough treatment up to that time in the statistical tables and explanatory article detailing changes for the period from January 1 to September 1, 1903, which appeared in the September issue. These statistics were compiled from data sent in by the correspondents, who submitted over two hundred schedules during the first eight months of 1903.<sup>9</sup> The department stated its intention at the time of publishing monthly a similar table of changes in rates of wages and hours of labour. This article and accompanying table was a regular feature for four months. Then, having found the task of obtaining sufficiently detailed information on such a regular basis too difficult, the department discontinued the monthly article after January, 1904, replacing it with a

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8. Report, 1902-1903, p. 32.

9. LG, IV, 213-215.

detailed quarterly statement dealing with the winter, spring, summer, and autumn changes (to appear in the April, July, October, and February issues).<sup>10</sup> In addition, the insertion of a few paragraphs on the subject into the "General Summary," which had been done intermittently since the previous March, now became a regular feature. The seasonal division of the year was changed in 1905 to a division coinciding with the calendar quarters, and to these quarterly articles was added a summary of the changes during the preceding year, which was to appear in each January issue. These quarterly and annual statements were prepared to show the approximate numbers affected by each change, the extent to which the earning capacity of those affected was increased or decreased, and the methods by which the changes were brought about. They also, of course, drew attention to any progressive or retrograde movement, by indicating upward or downward trends of wages and hours.<sup>11</sup>

What was to be a series of articles dealing exclusively with hours of labour began in the December, 1903, issue. This first article introduced the topic, explained the purpose of the investigation, and reviewed the state of labour legislation with regard to hours of

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10. Report, 1903-1904, p. 17.

11. Report, 1905-1906, p. 13. See Appendix 12.

work.<sup>12</sup> The issue for February, 1904, contained a table of the hours of labour current in the building trades, with an accompanying analytical report.<sup>13</sup> The next article in the series, to deal with the hours in the metal, engineering, and shipbuilding trades, never appeared. Apparently sometime shortly after the publication of the February article the department decided to enlarge the scope of the investigation to include a history of the tendency of rates of wages and hours of labour during the preceding ten years, together with a statement of the current situation. "Owing to the extent of this investigation," stated the notice in the March issue, "it may be some time before the results will be ready for publication."<sup>14</sup> The investigation, easily the most extensive undertaken by the department to that date, began during May, 1904, with the mailing of over 14,000 form letters with blank forms to employers engaged in the various trades and another 900 communications to labour organizations.<sup>15</sup> In addition, of course, supplementary returns were filed by the correspondents, who also

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12. LG, IV, 528-534.

13. LG, IV, 775-785.

14. LG, IV, 833-834; Report, 1903-1904, p. 28.

15. Report, 1903-1904, pp. 22-25.



personally investigated various problems before publication. The reports submitted by the fair wages officers over the previous four years were scrutinized carefully, as were the tables of wages and hours which had been published between January, 1901, and June, 1902. Information from all these sources was assembled and carefully tabulated "to present the information collected as much in detail and in as simple a manner as possible, columns being added to show the exact amount of every increase or decrease and its nature."<sup>16</sup> This "Special Investigation into Rates and Tendencies of Wages and Hours of Labour" is significant as representing a watershed in the department's efforts to assemble a complete statistical picture of the situation with regard to wages and hours of work. It was the first evidence of a new approach by the department to the collection and publication of statistics of this kind, an increased awareness of the need for complete and accurate statistics in the whole broad spectrum of cost of living.

The guiding spirit behind the more systematic collection of statistics was the man who, on January 30, 1902, succeeded Albert Harper as Mackenzie King's Associate Editor: Robert H. Coats.<sup>17</sup> Although Coats had been a student at the University of Toronto at the same time that

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16. Report, 1904-1905, pp. 19-21.

17. Orders in Council, vol. 892, 30 January 1902, P.C. 161, no. 19.

King was there, it appears that they did not meet during this period.<sup>18</sup> In fact there is nothing to suggest that the two men ever crossed paths until Harper's death brought about the vacancy in the department. Born in Clinton, Ontario, in the same year as King (1874), Coats was the son of Robert Coats, a relative of the Paisley thread-making family. He studied classics at University College, graduating in 1896. Like his predecessor, he entered upon a career in journalism, working for the Toronto World and the Globe.

With enthusiastic efficiency and industry, Coats began exerting his influence very soon after joining the department: that November it began a prices investigation much more comprehensive than anything it had previously undertaken. Earlier references to cost of living in the Labour Gazette had been confined to three articles published in November, 1900, November, 1901, and August, 1902, each containing schedules giving current retail prices for staple commodities of household consumption, monthly rents of houses, and rates paid for board and lodging, in the various centers across the country.<sup>19</sup> The information had been gathered solely by the Gazette's correspondents. In November, 1902, leading retailers and dealers were asked to furnish

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18. Dawson, King, p. 37.

19. A page of the schedule from the November, 1901, article appears below as Appendix 13.

data, in addition to the personal investigations conducted by correspondents in representative cities. The department thereby collected "extensive and reliable first-hand quotations of current prices of the commodities which enter most largely into the consumption of the average family, and are commonly spoken of as the necessities of life."<sup>20</sup> The first set of tables, which appeared in the May, 1903, issue, dealt with retail prices of provisions, grouped geographically for purposes of comparison. Within each province communities were divided into three types, according to whether their population was over 10,000, in the 5,000 to 10,000 range, or less than 5,000. Tables on retail prices of groceries, dry goods, clothing, and rents appeared in the issues for June, July, September, and November of that year. In each case the tables were based on information from outside sources only, that is, not including the department's correspondents. Figures given in the returned schedules were transcribed exactly into the tables, no matter how great the variation.<sup>21</sup> The final article in the series, which appeared in the December, 1903, issue, was compiled from the results of personal investigations undertaken by the correspondents in a series of

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20. Report, 1903-1904, p. 28.

21. See Appendix 14 below.



R. H. COATS (October, 1910)

[Public Archives of Canada.]



R. H. COATS (October, 1910)

[Public Archives of Canada.]

representative localities: Montreal and Toronto, as the two most important centres of population and industry; Ottawa, London, and Kingston, representing localities of lesser importance; Berlin, representing the larger towns; and Clinton, the smaller towns.<sup>22</sup> At the same time a similar personal investigation was begun in the United States, intended to include the American cities of New York, Boston, Buffalo, and Rochester, and to result in a tabulation for purposes of comparison with the Canadian centres. The article itself, however, was never published. We can only assume that the department ran out of time, money, or inclination to complete the study.<sup>23</sup>

The fact that the department was not overly energetic in collecting statistics as to prices and the cost of living was in no way the fault of Coats. Already, after only two years in his post, his ideas were ranging far in advance of those of Mackenzie King. The first of what was to be a series of promptings came at the beginning of September, 1904, in a memorandum to the deputy minister

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22. LG, IV, 545.

23. The Labour Gazette for December, 1903, promised the article. The fact that the investigation did begin is supported by a small file of correspondence in the Department of Labour Records (vol. 34) between King and one of his staff clerks, F. W. Giddens, during December, 1902, and January, 1903, when the latter was on a trip to Rochester and Buffalo, gathering data for the survey. It was about this time that the U. S. Bureau of Labor Statistics was undertaking its first extensive investigation of the cost of living and retail prices, based upon the prices of articles of food. (Weber, Bureau of Labor Statistics, pp. 12-13.)

regarding the possibility of organizing a wages and cost of living branch within the Labour Department. His introductory paragraph is worth quoting verbatim:

From the standpoint of the working class, and of all interested in the condition of labour in a community, the first demand upon a bureau of labour statistics is for a periodical statement of industrial and labour conditions, and the amount of employment at any time available. Following this in logical sequence, periodical statistical information relating to wages and the cost of living is demanded. To a labouring man the first question is the obtaining of employment; the second is the amount of remuneration he is to receive, and its relation to what he has to spend for subsistence. Information with regard to either one of these branches is of diminished value apart from the other.<sup>24</sup>

Coats mentioned the fact that the Gazette in its leading article each month, its special articles relating to immigration and trade, and separate articles devoted to industrial accidents and trade disputes, was dealing thoroughly with the question of labour and industrial conditions and the state of employment throughout the country. However, he wrote, "with regard to the next most important subject to labour, ... viz., wages and the cost of living, the only periodical statements which appear regularly in the Gazette are a quarterly article on changes in wages and hours, and a brief reference to current variations in the prices of staple commodities in the 'general summary'." After describing the early work

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24. Department of Labour Records, vol. 48, "Collection and Publication of Statistics - Policy" file, Coats to King, September 1, 1904.

of the department in investigating wages and cost of living, Coats suggested that "an important duty before the Department at the present time is the organization of a system by which an enquiry might be undertaken each year into wages and cost of living in Canada, and the results published in accordance with a fixed periodical plan. There would, in this way, be set forth for each industrial year a comprehensive statement of wages prevailing in the various trades and industries, and the cost of the leading commodities of consumption in all sections of Canada." Coats pointed out that the department already had on its staff two officers whose chief duty was the collection of information with regard to wages, namely the Fair Wages Officers, Victor DuBreuil and D. J. O'Donoghue. He suggested that they could be put to better use than merely supplying data on wages in contracts let out by government departments.

Coats proposed that the information collected and tabulated should be issued as a separate report annually, in the month of January, as a supplement. Thus it would appear at the same time as the annual reviews of the progress of industry, trades disputes, and labour organizations, and would be of greatest practical value to employers and employees in the arrangement of spring schedules. He mentioned that the current mode of printing wages and cost of living statistics within the Gazette itself meant that only a small proportion of the whole could be published



at any one time, leading to lack of continuity and giving "general conclusions an appearance of displacement" owing to the time elapsing between the beginning and end of an enquiry into the entire field. The annual report which he recommended should, he thought, contain "a brief standing table on the cost of living which would show the leading fluctuations in prices from month to month." Basically, the report which he had in mind would be divided into two parts: an analytical article on wages and cost of living for the year, indicating the relation between the two; and an appendix, which would constitute the bulk of the report, giving complete tables of wages and prices.<sup>25</sup> There is no evidence of any reaction on King's part to Coats' suggestions.

Exactly one year later, on September 1, 1905, Coats tackled the issue again, in a memorandum suggesting the establishment of a Wages and Cost of Living Branch and the publication of periodical statistical returns on the subject. This memorandum incorporated the arguments used the year before and those drafted earlier relating to the details involved in the establishment of the proposed new branch. Basically these may be summarized as: relieving Coats of the minor tasks in connection with the Labour Gazette, leaving him free to "take the proposed annual

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25. Loc. cit.

report on wages and cost of living completely in hand"; and placing the Fair Wages Branch in his charge, so that its duties might be amalgamated with those of the new office.<sup>26</sup> Again there appears to have been no reaction from King.

In another memorandum dated September 20, 1905, Coats urged the publication of a monthly article and table relating to current prices of selected staple commodities, "designed to illustrate, by a series of index numbers and charts, important conditions and tendencies affecting cost of living throughout Canada." He suggested that the department begin by publishing a monthly table of retail prices of selected staple commodities, including the main articles of food, fuel, and light, with a column devoted to average rentals. Clothing, because of the difficulty in selecting commodities to form an index accurately, would be omitted from the general table and given special treatment separately. The statistics were to be collected by the correspondents.<sup>27</sup> The technique of the index number as applied to

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26. Ibid., Coats to King, Sept. 1, 1905.

27. The following was the manner in which Coats suggested the information should be collected: "In compiling the first table the correspondents of the Gazette could be instructed to send in on the 15th (in the case of British Columbia on the 12th) of each month, on a special form, quotations of the prices prevailing for the several commodities during the preceding week. These reports would be received at the Department on or about the 20th of each month, allowing sufficient time for tabulation, and the

statistics of wages had emerged in the work of the Aldrich Committee in the United States during the early 1890's.

The reports of this committee

began a new epoch in wage and price statistics in two respects: they brought out clearly the many-sided usefulness of a collection of data which was more or less strictly continuous over a long period, and they demonstrated vividly the possibilities of the index number.<sup>28</sup>

By 1900 the usefulness of the method had been widely accepted. That year, the United States Bureau of Labor Statistics inaugurated the continuous investigation into wages and prices which was to become Carroll Wright's best known work.<sup>29</sup>

This was not the first occasion on which Coats had alluded to index numbers. In his September 1, 1904, memorandum, when discussing the analytical and descriptive article based on the statistics, he had suggested a comparison of local variations in wages and hours for each trade, which he said would "best be achieved by reducing the various wages and cost of living returns to a system

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calculation of averages, index numbers, etc. The additional labour involved to correspondents would doubtless be much less than might at first appear. Most of the correspondents are married men and householders, and would be able to obtain the information in their own homes, the wives in families of average means being the source from which the most valuable data is usually obtained in conducting investigations into cost of living based on retail prices. (Ibid., memorandum, Coats to King, September 20, 1905.)

28. Leiby, Carroll D. Wright, p. 119.

29. Ibid., p. 120.

of index numbers so that comparisons might be made on a mathematical basis both as between wages and cost of living in the several cities and provinces and also as to the relationship between living expenses and the remuneration of labour at different points."<sup>30</sup> On this later occasion, however, Coats took advantage of the occasion to deal at some length with the question of index numbers and their calculation. Having read all the major authorities on this question (he indicates them in a footnote), he had come to the conclusion that the application of index numbers would be feasible so long as care was taken to define exactly what the number was to represent. For one thing, Coats thought, an index number used by the Department of Labour "could not be considered as a reflection of the amounts actually expended on living by all classes in Canada," but should reflect the fact that the Labour Gazette was intended primarily to serve the interests of the working man. He also pointed out the need for "weighting"—"the adjusting of the several commodities for the purpose of fixing a general average according to the extent to which they enter into ordinary consumption." He suggested as a standard the budget which an average family (man, wife,

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30. Department of Labour Records, vol. 48, "Collection and Publication of Statistics" file, memorandum, Coats to King, September 1, 1904.

and three children) would consume in one week in purchasing the basic commodities, and he listed a proposed "Average Weekly Budget." In fixing the quantities given in the table, Coats said he had aimed at the average consumption of the family of a workingman earning two dollars per day, which he thought would amount to about five dollars per week, not including fuel, rent, and clothing.

Coats' method for calculation of the index number was to determine the amount expended on a family budget each month in each city, then take one of the cities (Coats suggested Toronto) as 100 and express the others in percentages of this. The index number of the whole country would be calculated from these index numbers of the cities, with the different population used as weights (so that Toronto, population 220,000, would have been given about 22 times the weight of Guelph, population 10,000). After a year's statistics had been accumulated in this way the method could be changed so that the average of the chosen city would be adopted for a whole year, instead of one week, as 100. In addition, the average number for the whole country for a year would be taken as 100.<sup>31</sup> This,

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31. Ibid., memorandum, Coats to King, September 20, 1905. The procedure outlined here applied to retail prices only. For wholesale prices he suggested the following: "The table of wholesale prices could be weighted by ascertaining the value of the goods produced in each class in a given year; by adding to this the value of the goods of a similar class imported and subtracting from the total the value of exports, the approximate value of the goods consumed in the

of course, is an early suggestion for what eventually was to become the "cost-of-living index," now the "consumer price index" of Canada.

No action was forthcoming on Coats' proposals at this time. However, the situation was soon to change. Prices, which had been rising continuously since the turn of the century, by 1907 had reached an unprecedented level. Frequent editorials on the subject appeared in the newspapers, the Canadian Manufacturers' Association had been pressing for more complete statistics on prices since 1905, and the 1907 edition of the Canadian Annual Review contained almost three pages dealing with the problem.<sup>32</sup> In June of that year the Civil Service Association presented the Royal Commission on the Operation of the Civil Service Act with a memorial, the largest portion of which consisted of a detailed report prepared by Coats himself on the changes in retail prices in Ottawa from 1897 to 1907.<sup>33</sup> Copies of the relevant portion of the memorial were undoubtedly in Mackenzie King's hands at the time of, or soon after, its

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country would be shown. The system of weights accepted would indicate the proportional value of the several commodities.

32. Skelton, "General Economic History," pp. 270-271; Industrial Canada, VI (December 1905), 325.

33. The Commission was established under authority of P.C. 1108 of May 8, 1907 (Orders in Council, vol. 1039). All that exists of its records is a copy of this Memorial of the Civil Service Association, dated June 26, 1907. (R.G. 33/66)

submission.<sup>34</sup> Shortly thereafter, this time on King's instructions, Coats prepared another memorandum regarding the publication of statistics relating to prices and the cost of living and, specifically, the organization of a Cost of Living Branch in the department. This memorandum was submitted on July 15.<sup>35</sup> King and Coats appear to have discussed this matter thoroughly. King wrote in his diary that he was "anxious to have a thorough investigation made" of the cost of living, and would "have it undertaken at once."<sup>36</sup> Coats' later claim that it was at this time (specifically September, 1907) that both King and Acland approved of the future investigation would appear to have validity.<sup>37</sup> Nevertheless, he was still requesting approval a year later. On August 6, 1908, again at King's suggestion, Coats submitted a massive, fully documented memorandum incorporating all his previous arguments. His recommendation "that we inaugurate some systematic and scientific method of dealing with information relating to wages and cost of living along the line of our conversations from time to time in the past on this subject" was made, he said, "in

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34. Two copies, both signed by Coats and one directed to Mackenzie King (in what appears to be Coats' handwriting), are among the records of the Department of Labour, vol. 48.

35. Department of Labour Records, "Collection and Publication of Statistics" file.

36. Diary, July 19, 1907.

37. Department of Labour Records, vol. 48, file on "Prices Investigation, 1909-1914," memorandum, Coats to Acland, July 3, 1909.

connection with the organization of the Department under the amended Civil Service Act . . .,"<sup>38</sup> an allusion to the preparations then under way to raise the bureau to full departmental status under a separate minister.<sup>39</sup>

Coats began by justifying the need for the collection of statistics regarding wages and cost of living. He pointed out three areas where the compilation of such statistics would benefit the department: by enabling it to fulfill its mission to the full, by giving it the raw figures for use in solving labour disputes, and by enabling it to answer enquiries properly. Coats suggested a wages investigation which at first would be limited to a few industries and trades, just enough to cover all the cities and major towns of the country and all outside labourers, with a fair representation of the inside crafts. This would be a feasible starting point; it could be expanded with time. The correspondents, he wrote, should be required to make an annual report on wages in their localities. In addition, the file of industrial agreements should be transferred from the

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38. Department of Labour Records, "Collection and Publication of Statistics" file, memorandum, Coats to King, August 6, 1908.

39. Also an allusion to the Civil Service Amendment Act (S.C. 1908, c. 15), which established a permanent Civil Service Commission. This act was largely the result of the Royal Commission already mentioned. See R. M. Dawson, The Civil Service of Canada (Oxford University Press, 1929), pp. 74-80, and Canadian Annual Review for 1908, pp. 56-63.



departmental library to the new branch. The fair wages officers could collect additional information without greatly adding to present duties. Finally, correspondence with employers and secretaries of unions would be useful in specific cases (although he admitted that this source "has proved unreliable for extended inquiries").

As has already been noted, the department was following the practice of publishing statistics monthly in the Labour Gazette, unlike the labour bureaus in Britain, the United States, and elsewhere, who issued special reports at stated intervals. Coats disapproved of the Canadian system. It entailed, he wrote, "apart from considerations of space, a piecemeal presentation which unduly delays a portion of the material and dissipates interest in the subject as a whole." He suggested the publication of a single report once a year, either separately or as part of the annual report of the department.

The largest portion of the memorandum, reflecting its relative importance in Coats' mind, was that dealing with statistics regarding prices and the cost of living. He believed that two distinct kinds of data were required for a complete return on living costs. The first was information regarding actual expenditures by representative families over a wide area. Considerations which would be taken into account included modes and standards of living;

variations in quantity, quality, and type of consumption according to income, race, or locality; apportionment of income; and methods of buying and selling. Also needed, however, was comprehensive information regarding wholesale and retail prices and their variations according to locality and time. This Coats described as the "ideal" or "indicative" method of illustrating tendencies in cost of living, as against the "actual" method described first. The collection and collation of information regarding "actual" conditions was, he felt, too involved to be undertaken at that time. However, the collection of statistics regarding prices could be undertaken, and should relate to retail prices first, "as representing the actual disbursements of the consumer." Coats proposed an investigation into retail prices for the period since 1890. This investigation would be carried out under four headings—food, clothing, fuel and lighting, and rentals—and would be confined to the provinces east of Lake Superior. ("In western Canada," he explained, "the conditions governing prices have not been normal in recent years and statistics relating thereto could not safely be included in reckoning general averages or tendencies.") The index number for this investigation was to be computed on the basis of the average for the 1890-1899 period equalling 100. (This was the period used by the Bureau of Labor Statistics in the American Department of Labor.<sup>40</sup>)

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40. Weber, Bureau of Labor Statistics, p. 11.

Coats again proposed the establishment of a separate "Wages and Cost of Living" Branch which would absorb the current Fair Wages Branch, take over the work of the departmental library in collecting industrial agreements, and supervise the investigation into changes in wages and hours of labour. It would work closely with the administration of the newly passed Industrial Disputes Investigation Act, giving technical assistance and digesting the various agreements arrived at, and would collaborate in the preparation of the monthly "strike" article. Coats felt that the existing fair wages room would provide enough space, provided an additional clerk was hired and a re-arrangement of floor space was undertaken. Needless to say, the person whom he had in mind for heading the new branch was himself.<sup>41</sup>

Whether Mackenzie King did not understand the importance or significance of Coats' ideas, or whether he was just too busy with other matters is not clear. Probably both, along with a good dose of caution. Nevertheless, Coats did have one friend in the department: F. A. Acland. As King became more involved in public affairs during 1907 and 1908, the routine responsibility for running the department descended upon the shoulders of Acland. He in turn must have spent considerable time

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41. Department of Labour Records, "Collection and Publication of Statistics" file, memorandum, Coats to King, August 6, 1908.

discussing objectives and projects with the man next in the line of succession, Coats, and it seems likely that the two men got around to preliminary planning of a comprehensive cost of living investigation. It would also appear that persistent persuasion, now probably being exerted by Acland as well as Coats, was beginning to have its effect. On October 26, 1908, four days after his election to the House of Commons in the general election, Mackenzie King was told by Laurier that a separate Labour Department was to be established in the first session of the new parliament and that King would be its minister. When King sounded out the Prime Minister on the advisability of enlarging the statistical activities of the department he received a favourable response.<sup>42</sup> During Mackenzie King's absence in the winter of 1908-1909, detailed planning on a prices investigation appears to have started. Exploratory letters were going out of Coats' office as early as December, and by the following May, when King returned to the department as its first full-time minister, the project was well under way.

The new investigation was the first to deal separately with wholesale prices ("as especially indicating industrial and trade sentiment") and retail prices ("as more directly reflecting the cost of living to the indiv-

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42. Diary, Oct. 30, 1908.

idual").<sup>43</sup> Because the latter are largely dependent upon local conditions, this part of the investigation was conducted by the correspondents. In May, 1909, they were asked to submit monthly returns on prices of over thirty representative staple commodities and rentals in their districts. In all, 48 industrial centres were covered. The results first appeared in the January, 1910, issue and monthly thereafter.<sup>44</sup>

In the case of wholesale prices, Coats compiled a list of 230 articles on which monthly quotations were to be obtained "in a governing or representative wholesale market" back to and including 1890. There was a two-fold purpose in undertaking a twenty year investigation: it would provide a basis for arriving at a monthly index number (the decade 1890-1899 was confirmed as the standard), and would also serve to place before the public ("at the time when the general interest in the question was at its height") accurate information as to the rise in prices prevalent over the previous few years. These statistics were combined and analyzed "in accordance with accredited statistical practice," with index numbers used to measure with considerable accuracy the movement of prices as a whole and in leading areas of trade each month.<sup>45</sup>

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43. Report, 1909-1910, p. 30.

44. Ibid., pp. 30-31.

45. Ibid., pp. 102-103.

By May, 1909, this investigation, too, was under way. John Appleton in Winnipeg was providing data on wheat, oats, barley, and flax. J. S. McLean of the Harris Abbatoir Company in Toronto furnished tables of wholesale meat prices. James O'Hagan, formerly on the Globe's mechanical staff, but in 1909 gathering quotations for publications of the McLean Publishing Company in Toronto, provided statistics on grocery and hardware items. Coats had first tried to persuade Phillips Thompson to undertake the work, but the old socialist had asked too high a payment for his services—\$5.00 a day. Acland thought this excessive "and very much higher than he [Thompson] has been in the habit of receiving from any other quarter for many years." He authorized an expenditure of from \$2.00 to \$2.50 per day. O'Hagan undertook to do the work in the evenings at thirty cents an hour and was hired immediately.<sup>46</sup> On July 3, Coats reported that three full sections of the investigation had then been completed and arrangements were well under way for the remaining ten. About seventy percent of the collection work, he estimated, was then either completed or finally arranged for.<sup>47</sup>

King, who had not been overly enthusiastic about

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46 . Department of Labour Records, vol. 48, "Prices Investigation" file, Coats to Acland, May 17, 1909; Acland to Coats, May 18, 1909; Coats to Acland, May 21, 1909; Acland to O'Hagan, May 26, 1909.

47 . Ibid., memorandum, Coats to Acland, July 3, 1909.

the project from the start, was loathe to pay outside help to gather data which he thought might be accomplished by the department's own staff. During the summer of 1909 he and Coats disagreed on this subject, with King at one time informing Coats that all such expenses were to be authorized by himself. King was anxious to have the project completed. In September, on a memorandum from the Assistant Deputy Minister, Gerald H. Brown, he scrawled numerous notes, urging speed and suggesting methods by which cost might be saved. "Please press on to conclusion," King wrote, "I would like to have as much of inquiry concluded by end of month as possible."<sup>48</sup>

Although the inquiry was not completed quite as quickly as Mackenzie King wished, by the close of 1909 the data had all been gathered. The report itself was issued in mid-July, 1910.<sup>49</sup> General reaction to it was distinctly favourable. Virtually every one of the leading Canadian newspapers commented in detail on it within the first few weeks after its appearance.<sup>50</sup> Mackenzie King himself

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48. Ibid., King to Acland, July 16, 1909; Coats to King, July 3, 1909; memorandum, Coats to Brown, September 21, 1909; memorandum, Brown to King, September 21, 1909.

49. Canada, Department of Labour, Wholesale Prices in Canada, 1890-1909 (Inclusive). Special Report by R. H. Coats, B.A. (Ottawa: King's Printer, 1910). See Appendix 16.

50. Report, 1910-1911, pp. 30-31.

congratulated Coats "on the excellence of the report you have prepared," describing it as "in every way ... a splendid piece of research work.... Anyone who has knowledge of work of the kind can see the amount of research it has involved, and in every way it is a great credit to yourself and the Department."<sup>51</sup> For Coats, considering how hard he had fought and worked, it must have been immensely satisfying.

Almost immediately after the report's publication, preparations were begun for an enlargement and reorganization of the department. Effective April 1, 1911, to reflect the growing interest in the comprehensive collection and publication of statistics, a new "Labour Statistics Branch" was created. Its director: R. H. Coats, B.A. Except that the new branch was to have under its care the publication of the Labour Gazette as well as the collection and tabulation of statistics, and was to concern itself with all statistics (not just those dealing with wages and the cost of living), it was what Coats had been pressing for since September, 1904. He now had at his disposal what he described as the means for "performing efficiently a necessary and important work in the field of labour statistics."<sup>52</sup>

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51. Department of Labour Records, vol. 48, "Prices Investigation" file, King to Coats, June 7, 1910.

52. See Report, 1910-1911, pp. 144-147.



In the years to follow, Coats' star was to rise very rapidly. Through the interest and influence of the Minister of Trade and Commerce in the Borden administration, George Foster, Coats served as a member of the six-man Departmental Commission appointed in 1912 to recommend methods for the greater co-ordination of the collection of statistics in Canada.<sup>53</sup> Their main recommendation entailed "the organization of a Central Statistical Office for the co-ordination, unification, extension and general improvement of statistics."<sup>54</sup> Also during 1912 Coats became full Editor of The Labour Gazette. At the end of the following year he was appointed to the four-man Board of Inquiry into the Cost of Living which was headed by the Commissioner of Customs, John McDougald.<sup>55</sup> Coats did not sign the report of this Board, choosing instead to submit a supplementary report of his own containing seven appendices and other very detailed sections, plus two appended memoranda as examples of the direction which he thought further investigation should take in the search for the root causes of inflation.<sup>56</sup> On June 19, 1915, Coats, who by this

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53 . Orders in Council, vol. 1213, P.C. 1485, May 30, 1912.

54 . Report of Departmental Commission on Official Statistics, p. 24.

55 . Orders in Council, vol. 1281, P.C. 3195, Dec. 20, 1913.

56 . Canada, Board of Inquiry into Cost of Living in Canada, Report of the Board (Ottawa: King's Printer, 1915), vol. II, p. v. The second volume consists entirely of the exhibit of the Statistical Branch of the Department of Labour, entitled "The Rise in Prices and the Cost of Living in Canada, 1900-1914; a Statistical Examination of Economic Causes."

time had become one of the principal advisers to the government on the subject of the cost of living, was appointed to the newly created position of Dominion Statistician and Controller of Census.<sup>57</sup> Among those who congratulated Coats was Mackenzie King, who told him that his appointment was due "to your own splendid work in the Department of Labour...."<sup>58</sup> Considering its source, one can imagine the degree of satisfaction which this comment must have given Coats.

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57. Orders in Council, vol.1350, P.C. 1398, no. 107, of June 19, 1915, simply approved Treasury Board Minute T.B. 70447, which abolished the Office of Chief Controller of the Census and Statistics Office (whose previous incumbent, Archibald Blue, had died the previous July), substituted for it the office of Dominion Statistician and Controller of the Census, and appointed Coats to the new position.

58. Foster Papers, (M.G. 27, II D 7), vol. 19, file 2464, King to Coats, June 24, 1915.

## CHAPTER SEVEN

### THE CONCILIATION AND INVESTIGATION OF INDUSTRIAL DISPUTES - FIRST STEPS

Government intervention in labour disputes, to quote an American labour historian, "is inevitable in a free democratic society, because no government can stand by idly while economic and social life grinds to a halt. A labor dispute which affects the economy seriously will always be an object of governmental attention."<sup>1</sup> The idea that there were, in fact, three parties to every industrial dispute was put forward by the National Civic Federation, founded in the United States in December, 1900. The Federation had grown out of the Civic Federation of Chicago, which had been created as a result of the Pullman Strike of 1894. Composed of representatives of labour, capital, and the general public, it saw conflicts between workers and employers not as class conflicts but as simple "misunderstandings" which could be avoided if the parties were brought together as frequently as possible.<sup>2</sup> All moderate labour

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1. Taft, Organized Labor, p. xvii.

2. Foner, History of Labor Movement, III, 63; Philip Taft, The A. F. of L. in the Time of Gompers (New York: Harper & Brothers, 1957), p. 225; Faulkner, Quest for Social Justice, p. 53; Hays, Response to Industrialism, p. 84; Marguerite Green, The National Civic Federation and the American Labor Movement, 1900-1925 (Washington, D.C.: Catholic University of America Press, 1956), Chapter 1.

spokesmen in North America agreed with these tenets. Both the American Federation of Labor and the Trades and Labor Congress of Canada urged the concept of "arbitration" prior to strikes. That is, both firmly believed in the importance of maintaining industrial peace through conciliation. In the mind of Mackenzie King, the basis of the government's involvement in the settlement of labour disputes was what he termed, in 1903, "the interdependence & interrelation of industries & public welfare."<sup>3</sup> This concept had a corollary—that a public fully informed of the facts would exert pressure to influence the course of events. Both were expounded fully a decade later in his Industry and Humanity.

Industrial relations legislation in Canada in the twentieth century has moved gradually away from British and towards American practices, away from non-interference and towards government compulsion. In the first stage the questions of union recognition and collective bargaining were tackled indirectly, if at all. What took place was de facto (though not de jure) recognition and bargaining. In the second stage, which began in the 1930's, these early arrangements were given legal sanction through the creation of quasi-judicial administrative boards charged with the enforcement of legislation compelling union

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3. Diary, May 15, 1903.

recognition and collective bargaining.<sup>4</sup>

With the passage of the Conciliation Act in 1900 the Canadian government embarked on the first stage of the trend towards compulsion in industrial relations. This is not to suggest that the government was aware of the significance of the step it was taking, for it almost certainly was not. The motive behind the industrial relations legislation passed by the Laurier government was, as a prominent labour journal expressed it in 1907, "to protect the public from the inconvenience of strikes rather than to provide a just means of settling disputes."<sup>5</sup>

The Conciliation Act provided several possible courses of action for the Minister of Labour in the event of a labour dispute. He could appoint a conciliator on the application of either party to a dispute. If both parties requested it, he could appoint an arbitrator. On his own initiative he could institute an inquiry or arrange a conference. Should the Minister think such a course desirable, he could appoint a commission of inquiry into the details of a dispute. (Three such commissions were appoint-

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4. James C. Cameron and F. J. L. Young, The Status of Trade Unions in Canada (Kingston: Queen's University, Department of Industrial Relations, 1960), p. 34.

5. The Voice, March 15, 1907.

ed during the decade.<sup>6)</sup> The Act also provided for the registration of permanent conciliation boards, in districts or trades, and the assistance of the department in the establishment of such boards.

There was present in the Act a mild form of compulsion, inasmuch as refusal of one party to a dispute to co-operate could result in its receiving unfavourable publicity. To suggest that this was "tantamount to compulsory participation in a process concerned with labour relations"<sup>7)</sup> is to overstate the case. Nevertheless, theoretically one of the parties to a dispute could force conciliation on the other. While there was no possible legal recourse against an employer who simply refused to participate in the conciliation process, the mere fact that the Minister had the power to investigate, send in conciliators, and appoint a board or commission undoubtedly exerted some pressure. Disputants were also made aware of the fact that the conciliator would be submitting to the Minister a full report of his proceedings, which would be published in The Labour Gazette. "The knowledge by each of the parties to a dispute," King wrote,

that its case, insofar as the position can be learned

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6. Report of the Royal Commission on Industrial Disputes in the Province of British Columbia (Ottawa: King's Printer, 1903); Report of the Royal Commission on a Dispute Respecting Hours of Employment Between the Bell Telephone Company of Canada, Ltd., and Operators at Toronto, Ont. (Ottawa: King's Printer, 1907); Report of the Royal Commission to Inquire Into Industrial Disputes in the Cotton Factories of the Province of Quebec (Ottawa: King's Printer, 1909).

7. Woods and Ostry, Labour Policy, pp. 45-46.

by the conciliator, must appear in an official record of the government, which serves as a focus of public opinion, has a tendency to cause each party to submit a fair statement of its case at the outset, and to refrain from any delay in granting reasonable concessions, or from holding out for unreasonable demands, once this statement has been made and an effort toward settlement is under way.<sup>8</sup>

In its conciliation work the department received assistance and advice from many corners. James R. Brown, the Ontario Provincial Inspector of Factories, took a special interest in this work. In 1900 he took the trouble of notifying King of two disputes in central Ontario. "It is to be regretted," he commented at that time, "that your department is not notified before a strike or lockout is entered upon as much ill feeling would be prevented."<sup>9</sup> Brown, like many others, seems to have misunderstood the philosophy behind the Conciliation Act, assuming that the department would intervene in any dispute of which it was "notified." The Act did empower the Minister of Labour to institute an inquiry or arrange a conference between the parties to a dispute. More the government could not do, unless requested to do so by one of the parties. In fact, it was not even prepared to go that far. The department followed the practice of intervening only when its services were requested by either one of the parties or, in special cases, by an inter-

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8. Report, 1900-1901, p. 32.

9. King Papers, vol. 2, pp. 1569-1573, James R. Brown to King, Dec. 15, 1900.

ested third party.<sup>10</sup> Only once—and this was the first dispute handled under the Act—did the department feel compelled to offer its services. The request for intervention usually came from the employees. However, on several occasions it came not from one of the parties directly involved, but from a local political figure. In most cases, once conciliation was agreed upon, the department had a conciliator on the way to the scene of the dispute within hours. In three cases conciliation was undertaken by the minister himself. In three other cases the department was able to bring about an understanding through correspondence. On all other occasions where conciliation was possible it was Mackenzie King who was despatched.

There was, therefore, nothing in the Act which legally compelled parties to a dispute to accept intervention. The Act simply provided the services of a mediator to assist in settling the difference, should such assistance be desired. Not once did both parties to a dispute apply for the appointment of an arbitrator. No permanent boards of conciliation were even formed, although King did attempt, unsuccessfully, to have the boards established in the Quebec

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10. "It would be splendid," Mulock wrote to King at the beginning of November, 1900, "if you on invitation were to intervene or succeed in Rosslund, but do not go unless so requested by one or other of the parties to the dispute." King Papers, vol. 2, p. 1908, Mulock to King, Nov. 1, 1900 (*italics in original*).



shoemaking industry in 1901 (under an award by Archbishop Bégin) registered under the Act, and in 1903 he explored with the Trades and Labor Council of Calgary the possibility of a permanent board being formed there.<sup>11</sup>

Despite the purely voluntary character of the Act, its operations did meet with a degree of success, thanks largely to the skills of those administering it. In work of this nature, the personality of the conciliator is all-important. It is unnecessary to describe Mackenzie King's manner and success as a conciliator, since this aspect of his career has been recounted fully in his official biography.<sup>12</sup> However, one feature should be repeated: King's role as a conciliator was largely unexpected. In July, 1900, he was prepared to suggest to Mulock that Percy Parker, a Toronto lawyer and an old university and fraternity colleague of King's who was interested in labour questions, be appointed the department's conciliator.<sup>13</sup> It is not known whether King actually made such a suggestion to the Minister or what Parker's feelings on the subject were. In the first intervention by the department under the Conciliation Act, at Valleyfield in October, 1900, Mulock despatched King to the scene merely "to see what could be done."<sup>14</sup> Once in

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11. Diary, Jan. 21, 1900; Bond of Brotherhood, July 17 & Aug. 7, 1903.

12. Dawson, King, pp. 109-111, 118-119.

13. Diary, July 24, 1900.

14. Dawson, King, p. 107.

Valleyfield King used his good offices to bring the parties together and negotiate a settlement. In Dr. Dawson's words, "Mulock had not expected King to act as a conciliator, though he was naturally delighted to find that his young deputy had been such a success in that capacity."<sup>15</sup>

In the years 1901 through 1906 there were almost seven hundred labour disputes in Canada.<sup>16</sup> Yet from the fall of 1900 until the passage of the Industrial Disputes Investigation Act in the spring of 1907 the department intervened in only forty-one. Of these forty-one interventions, thirty-three led to settlements. In seven cases conciliation proceedings could not get started, the company having hired other staff or otherwise taken measures so that it was not now affected by the strike and therefore saw no need for mediation.<sup>17</sup> These statistics, by themselves, do not present an accurate picture. A great many of the seven hundred disputes were of a purely local nature. In addition, the situation under the Conciliation Act undoubtedly was better than if the Act had not been passed, inasmuch as even one successful intervention under the Act could be said to have justified the measure's existence.

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15. Ibid., p. 109.

16. The exact figure was 699. See "Table of Industrial Disputes by Year," Report, 1916-1917, p. 27.

17. These statistics were taken from the tables "showing intervention of the Department of Labour in the settlement of industrial disputes," which appeared in the Annual Report each year.

Generally speaking, the department wished to interfere as little as possible in the relationship between capital and labour, leaving it up to the two to establish methods and relationships to settle their differences. However, it was prepared to help the parties develop procedures for the settlement of difficulties. Indeed, there does appear to have been a definite commitment to encourage the recognition of employees' organizations as a first step in the establishment of effective continuing communication between employers and workers. The Conciliation Act was the embodiment of this new direction in public policy.<sup>18</sup>

There was, however, nothing in the Act which would force a stubborn employer to bargain with his employees, should he choose not to do so. The record of industrial disputes during the closing years of the last century and the first years of this century abounds with cases of employers simply refusing to deal with their workers collectively. In addition, many unions preferred not to request the assistance of the department, out of antipathy for government involvement in bargaining or out of fear that such a request might be taken as a sign of weakness. As the tempo of industrial life increased so did the degree of government concern. Public policy moved gradually from reliance

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18. Edith Lorentsen and Joel Bell, "The Development of the Public Policy on Labour Relations in Canada" (unpublished study, Task Force on Labour Relations, Ottawa, 1968), pp. 169-170.

on conciliation with no compulsion to an acceptance of compulsory conciliation and investigation of disputes. Consistent throughout was the concept that industrial peace could be achieved through the pressure of public opinion.

There were many within the Canadian labour movement at this time who felt that the degree of compulsion in the Conciliation Act was not strong enough. Since 1898 the "Platform of Principles" of the Trades and Labor Congress had contained a plank advocating "compulsory arbitration of labor disputes."<sup>19</sup> Both Ralph Smith and Arthur Puttee, the Labour member from Winnipeg, favoured compulsory arbitration as a means of settling industrial disputes. During the debate on a second reading of the Conciliation Bill in July, 1900, Puttee commented that "it was pleasant to talk of conciliation in time of peace, but extremely difficult to apply in time of trouble." He said that the bill "could only be effective when both parties were willing to arbitrate, and at that stage [it] would not be needed." Puttee closed with the flat statement that "he would not be disappointed in the bill, because he expected nothing from it."<sup>20</sup> Smith took a more positive tone, describ-

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19. T.L.C., Proceedings, 1899, p. 2.

20. Ottawa Citizen, July 7, 1900.

ing the Conciliation Act, at the 1900 Convention of the Trades and Labor Congress, as "undoubtedly ... the initiation of a principle, that experience and new conditions will amend in a very short time."<sup>21</sup> A year later he attempted to get a firm statement from the Congress in support of a compulsory arbitration measure patterned after that in effect in New Zealand.<sup>22</sup> The Executive Committee of the Congress, however, felt that the Canadian Parliament did not have the power to pass such a law: "All matters affecting property and civil rights are left in the division of powers to the Provincial Legislatures, so that if compulsory arbitration were to be enacted at all, it could only be as a comprehensive measure by the several Provincial Legislatures."<sup>23</sup> Mulock had taken the same tack during the debate on the Conciliation Act. The decisions rendered by an arbitration tribunal (such as that established in New Zealand) created a legal liability, he said, and in Canada the law of contract was a provincial matter. Furthermore, the New Zealand Act affected civil rights—also under provincial jurisdiction. King made the same point in the first issue of The Labour Gazette. A "compulsory arbitration act," he wrote, "would affect civil rights,

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21. T.L.C., Proceedings, 1901, p. 7.

22. See "Memo re New Zealand Law" in King Papers, vol. C14, file 83.

23. T.L.C., Proceedings, 1901, p. 16.

and for this reason lies beyond the jurisdiction of the Dominion Parliament."<sup>24</sup>

Rather than a comprehensive compulsory arbitration measure, the Executive Committee recommended an amendment to the Conciliation Act to provide for the insertion of appropriate clauses in government contracts which would insist that any dispute be referred to either a conciliator or a board of arbitration appointed by the government. The source of this suggestion was Mackenzie King, who obviously had in mind the department's fair wages administration.<sup>25</sup>

The expansion of railway construction under the Laurier regime was accompanied by increases in the strength and militancy of the railway unions. A lengthy strike by the Canadian Pacific Railway trackmen in 1901 aroused the country's press, who saw the deteriorating condition of the tracks as a serious hazard to vital communications. Conciliation attempted by the Department of Labour was unsuccessful. Sources public and private impressed upon the government the need to protect the public interest. According to The Voice, Arthur Puttee's paper in Winnipeg, the strike was "turning the attention of thinking people to the principle of compulsory arbitration." Referring to the

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24. Debates, July 6, 1900, cols. 9369-9370; LG, I, 29.

25. Diary, Aug. 15, 1901.

apparent success of the New Zealand legislation, The Voice asserted that

the law makers have the right to say to the contending parties, not that they shall not quarrel, but that the differences shall be adjusted without endangering the public safety or disorganizing business, and not by taking advantage of the necessities of the trackmen or out-of-works, but equitably and dispassionately and on well authenticated information.<sup>26</sup>

The President of the C.P.R., Sir Thomas Shaughnessy, in a letter to the Prime Minister early in 1902, raised the possibility of another strike occurring, similar to that of the previous year. "These strikes on a railway," Shaughnessy wrote,

resulting in the stoppage or the serious obstruction of traffic, are a source of such very great public inconvenience and loss that it seems to me they warrant the consideration of Parliament.... I quite understand that nothing must be done calculated to strengthen the hand of the railway company in dealing with its men, because this would be, manifestly unfair, but it is not impossible that a tribunal might be named for settling these disputes, that would be acceptable to the country at large.

Shaughnessy believed that the prohibition of strikes would go hand in hand with the establishment of his "tribunal." The letter was referred to Mulock, who was non-committal in his reply, merely suggesting that Sir Thomas make his views known on the subject.<sup>27</sup> At a subsequent meeting in Montreal Shaughnessy and King discussed the possibility of having

26. The Voice, July 5, 1901.

27. Laurier Papers, vol. 222, pp. 62540-62543, Shaughnessy to Laurier, Feb. 4, 1902; Laurier to Mulock, Feb. 5, 1902; Mulock to Laurier, Feb. 7, 1902.

defeated. "Sooner or later," he said, "strikes and lockouts lead to arbitration. Why not sooner than later?" And, in words that must have been written for him by his Deputy Minister, Mulock declared:

while strikes and lockouts upon railways affect the companies and their employees, there is a third interest to be considered, the public interest, perhaps the greatest of all, and that paramount interest appears to give jurisdiction on this occasion to what is apparently an extreme means in order to ward off the civil consequences following from railway strikes and [lockouts].<sup>30</sup>

In fact, neither King nor Mulock believed that compulsory arbitration was a suitable remedy. Two entries in King's diary early in 1901 reveal his feelings on the subject. Describing discussions with Smith Curtis, the member of the British Columbia legislature for West Kootenay and Rossland, who favoured compulsory arbitration and nationalization of railroads, King wrote:

I let him see that I did not favour this tendency, & was inclined to feel that it were better to leave industry more alone, save in laying down rules & restrictions against unfair play, & also subjecting it to the influence of public opinion where this could be focussed thro' a Department or other means as e.g. in Conciliation.... I think ... he is mistaken in regarding compulsory arbit'n as a great panacea. Most men who consider & advise it, see only the seeming immediate effect upon stoppage of strikes, they fail to see that a strike may after all bring greater good than its prevention. I cannot believe [in] the compulsory adjustment of wages schedules. No judge unless he be an economic divinity could regulate rightly

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30. Debates, April 29, 1902, col. 3725-3726.



wages in any trade of importance for 1 year.<sup>31</sup> King's view of the usefulness of compulsory arbitration, taking into consideration the history of industrial relations under similar acts elsewhere, would appear to have been the right one. He realized that labour disputes usually occur between two groups who must live with each other once the dispute is over. A forced settlement, unsatisfactory to one or both sides, can only hinder this continuing relationship.<sup>32</sup>

King and Mulock had already decided on the principle that was to emerge in the measure enacted the next year, compulsory investigation.<sup>33</sup> King later stated that the Government could have introduced such a bill and had it passed that year rather than the next. They chose instead to introduce the Railway Arbitration Bill, as "a feeler" to test opinion on the relative merits of compulsory arbitration and compulsory investigation.<sup>34</sup> The object was to give labour a chance to really think through the implications

31. Diary, Jan. 11, 12, 1901.

32. Conciliation and Arbitration of Labour Disputes in Canada (Kingston, Queen's University, Department of Industrial Relations, Bulletin No. 13, 1949) pp. 1-2.

33. Shortly after the 1901 Trades and Labor Congress meeting, King, describing his and Mulock's reaction to Ralph Smith's proposals, wrote that "it will likely resolve itself into an amendment giving Govt. power to take initiative into enquiry re railway disputes, but not more." Diary, Sept. 30, 1901.

34. King Papers, vol. 31, pp. 27959-27967, King to Charles W. Eliot, Oct. 23, 1916.

of compulsory arbitration, hoping thereby to gain its support and the support of the public generally to the more moderate idea.

King himself supervised the survey of opinion. He had the text of the bill printed as an appendix to the June, 1902, issue of The Labour Gazette, and separately along with the text of the debate which had taken place in the House on April 20.<sup>35</sup> Between 1,500 and 2,000 copies of this pamphlet were mailed to labour organizations, boards of trade, and members of the public, inviting serious criticism. Over the seven months from May to November, 1902, the department received seventy-six requests for copies of the bill. In response it distributed over four thousand copies.<sup>36</sup>

At the time when he mailed out the sample copies in June, 1902, King predicted to Mulock that the verdict would be against arbitration and in favour of compulsory conciliation and investigation.<sup>37</sup> He was right. Organized labour, especially the railway unions, generally pronounced itself as firmly opposed to the principle of compulsory arbitration. At the convention of the Brotherhood of

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35. Debate in the House of Commons on Settlement of Railway Labor Disputes, Together with a Copy of the Proposed Bill (Ottawa: King's Printer, 1902).

36. Department of Labour Records, vol. 71, file 322.1 (3), "Railway Act (Expressions of Opinion," undated memorandum, "Requests for Railway Bill of 1902."

37. King Papers, King to Eliot, Oct. 23, 1916.

Locomotive Engineers in Toronto during the last week of July, 1902, the bill was the most important question under discussion and was universally opposed.<sup>38</sup> A week later, representatives of the railway brotherhoods met in Ottawa to discuss the measure. The delegates to this meeting strongly disapproved of the bill, especially the section which would have declared strikes illegal. They decided to prepare a memorial with suggested amendments for submission to Parliament.<sup>39</sup> The Railway Telegrapher seemed to express the sentiments of all railway men when it wrote that "a careful perusal of the bill leaves no doubt that were it to become law it would take away from the railway laboring men all rights they now enjoy in the Dominion of Canada and make them worse than slaves."<sup>40</sup> The Labour Department received petitions against the legislation from eleven railway locals, sixteen non-railway locals, three trades and labour councils, the Trades and Labor Congress itself, and one employer. One trade official, two non-railway locals, and one employer supported the concept.<sup>41</sup> In addition, Mulock conferred on several occasions during the early winter with deputations of railway employees,

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38. Guelph Mercury, July 24, 1902.

39. Peterborough Examiner, Aug. 4, 1902.

40. Quoted in Ottawa Journal, Aug. 2, 1902.

41. Martin, "Study," p. 176; Department of Labour Records, file 322.1 (3); King Papers, vol. 3, pp. 2814-2816, King to Mulock, July 31, 1902.

all of whom made known their unhappiness with the proposed bill.<sup>42</sup>

King began working on a draft of a new railway bill about the end of 1902. One measure which he had before him and, it would appear from the bill which emerged, he used as a model, was the Erdman Act passed in the United States in 1898.<sup>43</sup> That legislation provided for either the employer or the employees in a dispute calling on the Chairman of the Interstate Commerce Commission and the U.S. Commissioner of Labor to mediate. In the event that mediation failed and the parties agreed to arbitration, three arbitrators were to be appointed, one by the employer, another by the employees, and in the event of these two not agreeing on a third, one by the Commissioners. A condition of the arbitration was that the men were to remain at work and the employer could not discharge any employee for engaging in the strike. In addition, the men could not leave or be dismissed for three months after the award, except with thirty days' notice. The essential features of the bill were described in the Toronto Globe

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42. Department of Labour Records, file 322.1 (3), King to Michael Delaney, Jan. 27, 1903.

43. "Act Concerning Carriers Engaged in Interstate Commerce and their Employees," June 1, 1898, 30 Stat., 424. See Charles P. Neill, "Mediation and Arbitration of Railway Labor Disputes in the United States" (Washington: Bureau of Labor Statistics, Bulletin No. 98, 1912), pp. 1-26.

as follows:

Of course the whole fabric is built up on the basis of mutual consent to arbitration. Neither employer nor employee can be forced to arbitrate if opposed to that process of settlement, and the strike and lockout are still as lawful as before the bill was passed. The point that has been gained, however, is to put the party which refuses to arbitrate in the wrong.... As public opinion is still the most potent factor in the settlement of labor disputes it is of the utmost importance to one side or the other to be able to approach the public and say "The trouble is not our fault, for we offered to arbitrate before the tribunal appointed by Congress." The new law will thus make both sides more careful of their ground and the justice of their contention before proceeding to extremities.<sup>44</sup>

The Erdman Act, like the National Civic Federation, traced its origins to the Pullman Strike of 1894. The three-man commission appointed to investigate that dispute (chaired by the Commissioner of Labor) had recommended the appointment of a permanent tri-partite body to have in the railway labour field authority similar to that of the Interstate Commerce Commission in the field of railway rates. The result, after three years of study, was the Erdman Act, with its emphasis on public involvement in industrial relations.<sup>45</sup>

It will be recalled that Roger Clute, in his report on the labour situation in the mines of British Columbia, had recommended that a conciliator be appointed with the

44. Globe, June 24, 1898.

45. Thomas Russell Fisher, Industrial Disputes and Federal Legislation (New York: Columbia University Press, 1940), pp. 156-159; Hays, Response to Industrialism, pp. 86-87; John Lombardi, Labor's Voice in the Cabinet: A History of the Department from Its Origin to 1921 (New York: Columbia University Press, 1942), pp. 43, 97.

power to take evidence under oath, and to compel the attendance of witnesses and the production of pertinent documents. The government had not been prepared to take the full step at that time, preferring to leave it up to the discretion of the Minister of Labour to appoint commissions of enquiry where necessary. At the 1901 Trades and Labor Congress Convention, on the recommendation of the committee appointed to report on the President's Address and the Report of the Executive Officers, the Congress recommended that the government adopt, as an alternative to compulsory arbitration, "a trial of Compulsory Conciliation."<sup>46</sup> As a result, on March 10, 1902, Arthur Puttee introduced in the House of Commons a private bill to amend the Conciliation Act. Contrary to the conclusion of one modern student of labour legislation,<sup>47</sup> the measure did not involve compulsory arbitration. The object of Puttee's bill, which he also urged upon the government as a member of the annual Trades and Labor Congress delegation on March 17, was "to carry the intent and principle of the Conciliation Act as far as it seems possible to extend them without getting into the realm of compulsory arbitration with power

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46. T.L.C., Proceedings, 1901, p. 77. The Congress had already passed a private resolution favouring compulsory arbitration, which remained in the "Platform of Principles" for another year. T.L.C., Proceedings, 1901, p. 62.

47. Martin, "Study," p. 186.

to enforce awards."<sup>48</sup> In summary, Puttee's Bill

(1) empowered the Minister of Labour to appoint a conciliator or board of conciliation on his own initiative (whereas the Conciliation Act permitted him to do it only when requested to do so by one of the parties to a dispute);

(2) allowed the Minister to appoint an arbitrator or arbitrators "on the application of either party to a difference (rather than both parties, as the Act stipulated);

(3) declared it to be the duty of the arbitrator so appointed "to take evidence under oath regarding the matter in dispute, and, after having carefully considered the facts, to render a decision indicating a fair basis of settlement, a copy of which decision shall be presented to the parties to the dispute, and shall also be published in the Labour Gazette" (an addition to the section of the original Act which described the duties of the conciliator); and

(4) prohibited the insertion of "iron-clad" clauses (whereby an employee was required to relinquish his membership in a union) in any agreement achieved through conciliation or arbitration.

Puttee's bill received only first reading that session. However, he reintroduced it the next year, at which time it was discussed in Committee, but was not given third reading.

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<sup>48</sup>. The Voice, March 21, 1902 (italics added); LG, II, 594.

On December 8, 1902, Charles Francis Adams, the American railroad expert and historian, in a paper read before the National Civic Federation proposed a policy of "investigation and publicity as opposed to 'Compulsory Arbitration'" for the settlement of serious labour disputes. The main feature of his programme was the appointment of a special commission to investigate and report on such a dispute. This commission was not to be continuing, but was to serve only the needs of the particular occasion. Each commission so constituted would have the power to call witnesses, demand the production of evidence, enter premises, and undertake any other action necessary to determine the facts of the case. The report of the commission would be transmitted to the parties and to Congress for appropriate action. Adams published a pamphlet containing his remarks and a draft act embodying his ideas. At King's request he sent several copies of the pamphlet to Ottawa early in January, 1903.<sup>50</sup>

Two entries in King's diary contain hints as to his line of reasoning as he drafted the new legislation. On January 2 he wrote:

Worked for a while on ... some form of arbitration.... My present feelings are against the apptmt. of a Permanent Board, as increasing machinery which at [this] stage is not necessary.... I wd rather make the whole an addition to Conciliation, thereby strengthening the power of the former & minimizing the need

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50. King Papers, vol. 3, pp. 2865-2866, Charles F. Adams to King, Jan. 10, 1903; King to Adams, Jan. 13, 1903.



of arbitration. Machinery is nothing, personality everything.

And again the next day:

I worked almost the entire time on the bill for the settlement of Labour Disputes. I think a measure of this kind should be brief, and with as little machinery about it as possible, its aim should be to afford a means of the public getting an intelligent view of the facts of the situation and of bringing an [enlightened] public opinion to bear. In this connection, I would like to make the Labour Gazette give greater service.<sup>51</sup>

At this early stage King was still thinking of some form of arbitration, albeit non-compulsory. The early printed draft of the bill, bearing the title "Railway Labour Arbitration Act," provided for the appointment of a Board of Arbitration to investigate the issues in dispute and submit to the Minister of Labour a report and award, both of which were to be published in The Labour Gazette and the Annual Report of the department.<sup>52</sup> Later, however, the title was changed and an additional conciliation step added, to precede the actual "arbitration" proceedings. This change may well have occurred as a result of a special all-day meeting held in mid-January at Mulock's home in Toronto, when a deputation of the various railway trades (about twenty-five men in all) freely discussed the draft

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51. Diary, Jan. 2, 3, 1903.

52. Printed copies of the bill in its various stages may be found in the King Papers, vol. E30, file 171, "Labour Legislation."

of the new bill, clause by clause, with King and the Minister.<sup>53</sup> Printed copies of the amended bill went out to labour leaders at the beginning of February. Following further consultations and taking into account reaction to this draft, the bill was revised in time for the opening of the new session of Parliament on March 12.<sup>54</sup>

The Railway Labour Disputes Bill received first reading in the House of Commons on March 17, 1903. Second reading took place on May 6, third reading and passage of the bill on May 19. The measure provided for the appointment of tripartite "Conciliation, Mediation and Investigation" Committees to inquire into the causes of disputes and attempt to arrange settlements. Such committees were to be established, either on application or on the Minister's own initiative, "whenever a difference exists between any railway employers and railway employees, and it appears to the Minister that the parties thereto are unable satisfactorily to adjust the same, and that by reason of such differences remaining unadjusted a railway lockout or strike has been or is likely to be caused or the regular and safe transportation of mails, passengers or freight has been or may be interrupted or the safety of any person employed on a railway train or car has been or is likely to be

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53. Diary, Jan. 17, 1903.

54. Peterborough Review, Feb. 3, 1903; The Voice, April 10, 1903.

endangered...." Should either of the parties refuse to nominate a representative on the committee the Minister was empowered to make a suitable appointment. Similarly, if the two representatives could not agree on a Chairman, the Minister was to appoint one. A committee so established was to attempt to negotiate a settlement, reporting its findings to the Minister of Labour. Should it be unable to effect a settlement, the Minister was empowered to refer the difference to arbitration, in which case the Conciliation Committee could act as a Board of Arbitrators or a new board could be appointed. This Board of Arbitrators was to meet immediately, submitting a written report of its findings to the Minister. Any person wishing a copy of the report was to receive one. In addition, it was to be published in both The Labour Gazette and the Annual Report of the Department, "for the information of Parliament and the public...."<sup>55</sup>

The very title of the new measure indicated the change in direction from that suggested in the 1902 bill. Whereas the 1902 Railway Arbitration Bill had been "an act for the settlement of railway labour disputes," the Railway Labour Disputes Act of 1903 was intended merely "to aid in the settlement of Railway Labour Disputes."<sup>56</sup> It did

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55. S.C. 1903, c. 55, s. 3 & 4. A copy of the Act appears below as Appendix 22.

56. Italics added.

not prohibit a strike or lockout during the course of conciliation and investigation proceedings. (King later claimed that he had urged Mulock to include such a provision in the bill, but the Minister "was unwilling ... to take both steps at once, and preferred not to go farther than securing the adoption of the principle of investigation and publicity with respect to railway disputes."<sup>57</sup>) Neither did the Act contain any provision making the arbitration award legally binding on either of the parties. Reliance was placed on the power of public opinion to exert pressure towards achievement of an agreement. In fact, therefore, the arbitration procedure contained in the Act was not true arbitration at all, but simply an investigation process, providing for more complete study of the difference as well as giving some time for public opinion to make itself felt. Compulsion existed only in that the minister could force an investigation on the parties, and witnesses could be forced to attend the "arbitration" proceedings to present evidence.<sup>58</sup> In other words, the Act embodied what the Trades and Labor Congress had requested in 1901—"compulsory

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57. King Papers, King to Eliot, Oct. 23, 1916.

58. When the Halifax Trades and Labor Council claimed that the 1903 bill involved compulsory arbitration, since it provided for disputes unsettled after conciliation to be referred to arbitration, King pencilled on their letter: "but the Arbitration as provided in the Act is not Compulsory [Arbitration]. It is only compulsory investigation of facts, with no binding award & so differs from C. A." Department of Labour Records, file 332.1 (3), notation on D. A. Wilson, Secretary, Halifax Trades and Labor Council, to King, April 9, 1903.

conciliation."

The Railway Labour Disputes Act (and the Industrial Disputes Investigation Act after it) provided for government intervention at the climactic moment of truth in each dispute—the moment of impending strike or lockout. It was, in effect, a "fire-fighting" policy: the public interest was not to be asserted until a dispute had reached "the point of actual or apprehended conflict." Here we see the germination of what has become "the dominant characteristic of the Canadian law of Collective Bargaining," removal of the right to strike, lockout, or change terms of employment until an attempt has been made by government officials to conciliate a dispute.<sup>59</sup> First the railways and later the Alberta coal industry were predominant influences in the development of the Canadian system of collective bargaining. The precise significance of the Railway Labour Disputes Act lies in the fact that it embodied the first practical attempt to settle industrial disputes through the technique of a conciliation board vested with conciliatory investigation functions. This practice of tying conciliation and investigation together into one function, within one authority, has been common to all federal industrial relations legislation passed in Canada since that day.<sup>60</sup>

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59. A. W. R. Carrothers, Collective Bargaining Law in Canada (Toronto: Butterworth's, 1965), pp. 32ff.

60. See Martin, "Study," pp. 25-26.

In the period under discussion there were only three referrals to the Railway Labour Disputes Act: a disagreement between the Grand Trunk and its telegraphers in 1904 (discussed in detail below) and disputes in 1907 and 1908 between the Intercolonial Railway and its freight handlers. Other serious problems on the country's railways did occur, but were not referred to this particular piece of legislation for solution. On numerous occasions, in both The Labour Gazette and its Annual Reports, the Department credited the relatively peaceful situation largely to the mere existence of the Act, which it claimed acted as a deterrent to both labour and management. In one particular case on record, a threatened strike on the Quebec Southern Railway in 1904, there is evidence to support this claim, for the Department was able to intervene at an early stage, effect a settlement, and thus avoid the necessity for applying the terms of the Act.<sup>61</sup>

How did the Railway Labour Disputes Act operate? Fortunately the one instance of referral to it prior to passage of the Industrial Disputes Investigation Act in 1907 is well documented.

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61. Department of Labour Records, vol. 65, file 220.2 (42).

On April 25, 1904, the Minister of Labour received a lengthy letter from D. A. Campbell, Third Vice President of the Order of Railroad Telegraphers, applying for the appointment of a Conciliation Committee or Board of Arbitration and explaining in considerable detail the controversy, as seen by the telegraphers of the Grand Trunk Railway.<sup>62</sup> This was not the first time that Mulock's attention had been drawn to the dispute by Campbell. He had been in touch with the Minister of Labour several months before, in December.<sup>63</sup> Before complying with the request, the Department communicated with the company. It soon became apparent that whereas the employees were anxious to negotiate, the employer was not. Charles M. Hays, Vice President and General Manager of the Grand Trunk Railway system, was completely unsympathetic to the demands of his employees. As far as he was concerned, the company had given a final answer to those demands the previous fall (1903) and there the matter stood. "While the Company may regard their answer as final," Mulock pointed out to him, "it appears that the station agents and telegraphers have not accepted it as settling their existing

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62. Department of Labour Records, vol. 71, file 322.1 (4), D. A. Campbell to Mulock, April 25, 1904. A summary of the events is in the Annual Report of the Department for 1904-1905, pp. 63-79.

63. Department of Labour Records, file 322.1 (4), Mulock to Charles M. Hays, July 22, 1904.

differences."<sup>64</sup> To this Hays did not reply. Further correspondence with the union, which confirmed the employees' intentions to strike, contained a request for prompt attention to their application for the appointment of a Conciliation Committee. Mulock again wrote to Hays, on May 21, suggesting a meeting at which he might hear both sides "before referring the case to the Board for investigation." While seemingly agreeable to such a meeting, Hays nevertheless procrastinated. Rather than actually meeting Mulock as arranged, he sent a detailed reply to the Minister's letter of May 21. This communication contains two very revealing statements. Reacting to the claim by Campbell that no change in the position of the Company would lead to a strike of the telegraphers and station agents, Hays said that such an eventuality was impossible, the agents and operators having all signed individual contracts with the company which required fifteen days notice of intention to leave the company's employ. Since no such notices of intention had been received, Hays could not accept the idea that a strike could occur, "as we know [the station agents and telegraphers] to be law-respecting and abiding men...." The General Manager's second comment is even more interesting:

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64. *Ibid.*, Hays to Mulock, April 30, 1904; Mulock to Hays, May 3, 1904.



We do not object to an arbitration of differences respecting the interests of this Company when both parties are responsible and in legal position to respond to any breach of a contract or arrangement entered into as a result of such arbitration. If the members of the Order of Railway Telegraphers will incorporate with a paid up capital of an amount sufficient to warrant our entering into a contract legally enforceable in the event of a claim against them for damages arising out of non-fulfillment we are quite prepared to endeavour to reach an agreement with them, and failing agreement, to refer matters in dispute to arbitration, but it is manifestly unfair to hold this corporation responsible when there is no responsibility on the other side, and when the very parties who have made the arrangement may, within a short time thereafter, have ceased their connection with the Company and left the question of interpretation to others not familiar with what was intended by the agreement.<sup>65</sup>

"Divide and conquer" would appear to have been the policy of the Grand Trunk in its relations with its employees. One fact not mentioned by Hays (but brought to the Minister's attention by Campbell) was that the Act had been passed "with the full knowledge of the fact that none of the Railway Labour Organizations were incorporated." Furthermore, Campbell pointed out, the actual legal status of either party was quite irrelevant: "the employees represented in this controversy are not dealing with the Grand Trunk Railway as an incorporated body, but only the Management as employee with employer...."<sup>66</sup> In fact, in 1899 the company had entered quite willingly into arbitration with the same

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65. Ibid., Hays to Mulock, May 27, 1904.

66. Ibid., Campbell to Mulock, May 31, 1904.

telegraphers, then in just as unincorporated a state.

Mulock finally had an interview with Hays on May 31, at which time he was able to persuade him to meet with Campbell the following day. The two met, agreeing that the telegraphers' committee and Campbell (who was not an employee of the Grand Trunk) would meet with the Manager, F. H. McGuigan, in an attempt to settle their differences. Any points upon which they could not agree would then be referred back to Hays. The meetings with McGuigan lasted from June 14 to 22, by which time agreement had been reached on all issues except three. These three issues, which Campbell considered "the three most important rules contained in our proposition," provided for pay for Sunday work, annual paid vacation, and increased minimum salaries. They were referred to Hays, as agreed. At a meeting on June 28 and 29 the General Manager simply "approved of all that McGuigan had done, and refused to grant any concessions in regard to the matters which were appealed to him."<sup>67</sup> He confirmed this decision in writing to Campbell on July 14. Campbell then polled the employees concerned, eighty-four percent of whom favoured strike action. After submitting the demands once again to Hays, with a definite deadline after which he said he would have no alternative but to order a strike, Campbell informed Mulock of the proceedings, sending him all

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67. Ibid., Campbell to Mulock, July 18, 1904.

the relevant correspondence. Within twenty-four hours the Minister of Labour had decided to refer the matter to a Committee of Conciliation. Notice was served on both parties on July 21. Two copies of the notice were sent to each, with a request that one copy be endorsed with that party's acceptance of the service to be rendered and be returned to the Department. Both parties did so immediately, W. H. Biggar, the Grand Trunk's Assistant General Counsel, signing on behalf of the company. However, that same day Hays wrote a bitter letter to the Prime Minister, in which he complained of unfair treatment. The Department, he said, had acted without hearing his side of the story.<sup>68</sup> Mulock, to whom the matter was referred, patiently explained to Hays the reasons for his decision:

Inasmuch as it has been made known to your Company, that a strike would in all probability result from a material failure in these negotiations, and inasmuch as these negotiations have been brought to the present position of failure, with a clear understanding as to what would in all probability follow, it seems to me that the parties themselves to the dispute must be considered as having failed to find a solution that would be accepted by both sides as satisfactory, there, therefore, remains only one other method of dealing with the question, viz., invoking the aid of the Act, or the alternative method of allowing the difference to continue unadjusted. The latter course will in all probability, I am led to believe, cause a strike amongst the telegraph operators, and as [their] services are, I think, necessary in order to the safe operation of your Company's line, it is my duty to send the case to be dealt with

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68. Laurier Papers, vol. 329, pp. 88229-88230, Hays to Laurier, July 21, 1904.

under the Act in order to prevent a threatened strike.<sup>69</sup>

The objection of the Company to the dispute being referred to conciliation and arbitration was that the latter method usually resulted in a compromise being reached, with the employees obtaining a pay raise. In Hays' view the Railway Labour Disputes Act could only have been a satisfactory means of adjusting disputes if it had provided for the unanimous agreement of the three arbitrators, which it did not. Hays, therefore, went into the arbitration "under protest", reserving his decision as to final action until he had learned the results of the arbitration and knew "whether or not the decision is such as the interests of this Company will permit me to recognize."<sup>70</sup>

There now followed a short delay, during which agreement was reached on the third member and chairman of the Conciliation Committee. The person finally chosen was Mr. Justice J. V. Teetzel of the High Court of Ontario. The Committee met in Toronto on August 22 and 23, but was unable to negotiate a settlement. Its report was submitted to the Minister of Labour, who promptly decided to refer the differences to a Board of Arbitrators. In the arbitration proceedings, which lasted almost four months, Mulock placed the resources of the Labour Department at the disposal of

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69. Department of Labour Records, file 322.1 (4), Mulock to Hays, July 22, 1904.

70. Ibid., Hays to Mulock, July 23, 1904.

Judge Teetzel, making it clear that he wanted the staff of the department "to be extremely attentive particularly in regard to the Telegraphers' Arbitration allowing nothing, so far as the Department is concerned, to interfere with the prosecution of the Arbitration. When delay occurs care must be taken that the delay is not chargeable against the Department."<sup>71</sup>

The Board of Arbitrators met regularly from September 19 to January 7, 1905, submitting its report to the Minister on February 20. The award itself was signed by the Chairman and the representative of the workers; the Company representative submitted a minority report. Copies of both were despatched to the Grand Trunk and the telegraphers. Together they were printed for general distribution and copies were sent to the press. They were also printed in The Labour Gazette.<sup>72</sup>

Hays was sent a copy of the award on February 21. He acknowledged its receipt, but made no comment on its contents or what steps the Company planned as a result.<sup>73</sup> Hays then passed the matter on to McGuigan, asking him to request the various superintendents throughout the Company

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71. Department of Labour Records, file 322.1 (3), Mulock to R. H. Coats, September 7, 1904.

72. LG, V, 974-980.

73. Department of Labour Records, file 322.1 (3) King to Hays, February 21, 1905; Hays to King, February 22, 1905.

to report "as to the result to your pay-rolls should the recommendations be adopted and made effective March 1st."<sup>74</sup> The results could not have pleased him, for the Grand Trunk chose simply to ignore the arbitration award. On March 15, in response to a report which had appeared in the press to the effect that the increase in wages recommended by the Board of Arbitration had been granted by the Company and was to go into effect on March 31, King wrote to McGuigan for confirmation. McGuigan's response was simply: "I have not yet seen any of the articles, hence am not in a position to say as to their accuracy."<sup>75</sup> A further letter from King brought the information that Mr. McGuigan had gone on his vacation. A month later King again wrote McGuigan asking for a reply to his earlier request, to which McGuigan responded that the question "has been receiving our earnest consideration, but the subject is one of such great importance that we have not yet been able to reach a decision." King, becoming exasperated, asked McGuigan to "kindly inform the Department whether I am right in interpreting this as meaning that no action has yet been taken by the company

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74. Canadian National Railways Records (R.G. 30), vol. 1788, Letterbook, Second Vice President and General Manager's Office, G.T.R., Hays to McGuigan, February 23, 1905.

75. Department of Labour Records, vol. 71, file 320.21 (7), McGuigan to King, March 16, 1905.

by way of carrying out the recommendations made by the Board of Arbitrators."<sup>76</sup> There appears to have been no reply to this letter.

Meanwhile, Campbell was keeping in close touch with the Department. As of the end of May there still was no change in the attitude of the Company, though, as King pointed out to an anxious telegrapher, it was "through no fault either of the Minister or the Government that the Company have not conceded the increases recommended by the Board of Arbitrators. All that is permissible to do under the Act has been done."<sup>77</sup>

Just about this time, for some reason, the Company had a change of heart. Negotiations were resumed on June 14. Hays met with Campbell and other officers of the union for three days and, on June 16, agreement was reached. The telegraphers were pleased with the final result of their efforts, feeling that the Railway Labour Disputes Act had served them well. King contrived to have Campbell put his pleasure in writing, which he duly did. Not surprisingly, his efforts to obtain a similar commendation from Mr. Hays were not successful. The General Manager of the Grand Trunk did "not think the arbitration under the Railway

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76. Ibid., McGuigan to King, April 17, 1905; King to McGuigan, April 19, 1905.

77. Department of Labour Records, vol. 71, file 320.21 (8), King to Jas. Baldwin, May 31, 1905.

Labour Disputes Act in any way facilitated the settlement of the differences, or that it was the means of averting a strike on the road."<sup>78</sup> Campbell's appraisal appears to be the more realistic. The Act was of assistance to the telegraphers, he wrote, "inasmuch as the Company refused to increase the minimum salaries before the matters were referred to Arbitration...." More important from the point of view of the Department itself, the Act "also facilitated the settlement of the differences which would otherwise most certainly have resulted in a strike."<sup>79</sup> This it achieved, wrote King, by providing a means whereby the telegraphers "were able to get at the facts of the case under oath, and to know exactly the position in which the Company was placed."<sup>80</sup>

The general characteristics of industrial relations at the beginning of this century clearly exhibit themselves in the labour-management problems of the Grand Trunk Railway Company. When a strike occurred later in 1905 in the Company's Stratford shops, Mulock made a point of writing Laurier, bringing the unsatisfactory state of affairs forcibly to the Prime Minister's attention. He was especially aware of the danger that "the Government ... will share

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78. Department of Labour Records, file 322.1 (3), Hays to King, June 22, 1905.

79. Ibid., Campbell to King, June 27, 1905.

80. Ibid., King to E. L. Maynard, June 30, 1905.



some of the ill-will of men towards Mr. Hays and his management." Politically, therefore, he felt it to be "most important on the Government's account, that peace be restored, and that the men realize that the Government has endeavoured to serve them well." However, it was not just for the sake of votes that Mulock found himself sympathizing with the employees. "There is little doubt," he informed the Prime Minister, "that Mr. Hays and his immediate officers have inaugurated among their workmen in Canada an arbitrary and tyrannical course of treatment which is developing the worst of feeling on the part of the men towards the company." Hays' treatment of the telegraphers Mulock branded as

cold-blooded and cruel. ... I have had to do with a good many employers of labour in Canada, and with all truthfulness can say that the most heartless, cruel, and tyrannical employers that have ever come under my observation are those of the Grand Trunk. Mr. Hays ... appears to me to be utterly devoid of human sympathy, and a continuation of such a course towards the employees of the Grand Trunk can only result in continuous strife between the company and their men.

Sir William urged Laurier to "fight it out with them and win the battle as to what should be the company's relations with its men...."<sup>81</sup>

Needless to say, Laurier did not "fight it out" with the Grand Trunk. However, he did in fact take consid-

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<sup>81</sup>. Laurier Papers, vol. 380, pp. 101145-101148, Mulock to Laurier, September 14, 1905. See also Department of Labour Records, vol. 69, file 222 (5), "Strike of Machinists at Stratford, 1905."

erable interest in the conciliation work of the Labour Department, especially in the early years when he was frequently involved in decisions as to possible intervention in disputes. In this one case, the 1905 machinists' strike in Stratford, the Prime Minister actually entered the conciliation process, going to Montreal to talk to Hays and attempting to arrange a meeting between the Grand Trunk General Manager and the union, with himself and Mulock present.

CHAPTER EIGHT  
THE INDUSTRIAL DISPUTES INVESTIGATION ACT

Several protracted labour disputes in 1906 focussed public attention on inadequacies in the existing federal legislation. The first was a strike of saw mill hands of the James McLaren Company in Buckingham, Quebec, in October. The company, which had refused to accept conciliation, attempted to break the strike. The result was a riot, with two strikers and one policeman killed, and the militia being sent in. In the second dispute, on the Hamilton Street Railway in November, disturbances led to troops being called in and the Riot Act being read. The third incident, the decisive one, was the dispute in the Lethbridge coal mines.

On March 6, 1906, five hundred miners struck the Lethbridge mines of the Alberta Railway and Irrigation Company, which supplied the domestic fuel of much of the Canadian prairies. As winter approached the probable, in some cases actual, fuel shortages in various areas caused genuine concern. Early in November the Premier of Saskatchewan formally brought the matter to the attention of the Department of Labour. King was despatched to Alberta. Following prolonged negotiations a settlement finally was

reached on December 2.

According to King the major obstacle which had prevented effective negotiation and the termination of the strike was the question of union recognition. Even when the workers were willing to negotiate, the employer balked, realizing that such negotiation would imply recognition of the union. In addition, the miners appeared to be "wholly indifferent to the seriousness of the situation created to the north as a result of [the] disputes."<sup>1</sup> There was, in other words, no appreciation of the public interest being involved in the dispute. By the time King arrived, the relative positions of the company and the strikers had hardened to such an extent that communication seemed virtually impossible. What stood in the way of settlement, he wrote later, was "the difficulty of bringing about a conference; and the absence of any machinery to get at the facts, once, after days of delay, a conference was finally effected."<sup>2</sup> Immediately upon his return to Ottawa, King discussed the problem with the Minister of Labour (Rodolphe Lemieux) and the Prime Minister. In these discussions and in his report on the strike he suggested that a case could be made for

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1. W. L. Mackenzie King, Industrial Peace (Cincinnati, 1913), p. 8.

2. W. L. Mackenzie King, Industry and Humanity (Boston, New York: Houghton Mifflin, 1918), p. 510. See also Department of Labour Records, vol. 69, file 222 (7), "Conciliation: Coal Miners at Lethbridge, Alta., 1906."

enforced investigation of the issues in a dispute, where the public interest warranted such action. Specifically, King recommended that provision be

made whereby, as in the case of the Railway Labour Disputes Act, all questions in dispute might be referred to a board empowered to conduct an investigation under oath, with the additional feature, perhaps, that such reference should not be optional but obligatory, and pending the investigation and until the board has issued its finding the parties be restrained, on pain of penalty from declaring a lockout or strike.<sup>3</sup>

King's recommendation was accepted. The report went to the Minister on December 8 and was published in The Labour Gazette a week later.<sup>4</sup> On December 13 King wrote F. H. Sherman, the President of District 18, United Mineworkers of America, in Fernie, B.C.:

I sincerely hope with you that we may be able to devise some plan whereby strikes and lockouts may become a thing of the past. You will notice in the report which I have prepared for the Government ... that I dwelt pretty strongly upon the necessity for legislation which will compel an arbitration. This feeling was left uppermost in my mind as a result of the Lethbridge Strike.<sup>5</sup>

That same day Lemieux gave notice in the House of Commons of his intention to introduce a new bill to extend the compulsory investigation procedure in the Railway Labour Disputes Act to cover mines and public utilities.<sup>6</sup>

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3. Report, 1906-1907, p. 51.

4. LG, VII, pp. 647-662.

5. King Papers, vol. 6, pp. 5441-5442, King to F. H. Sherman, Dec. 13, 1906.

6. Report, 1906-1907, pp. 51-52; Diary, Dec. 4, 1906.

Labour Disputes Act being given a wider application had been considered when that measure was being drafted early in 1903. At that time the Government preferred to move slowly, limiting the provisions to railway disputes. During debate on Puttee's suggested amendments to the Conciliation Act, on May 18, 1903 (the day before the Railway Labour Disputes Act was passed by the Commons), Mulock expressed himself as having no objection to the idea of a conciliator being appointed on the initiative of the Minister, with no formal request from either party. He also agreed with the idea of publishing the conciliator's report. However, he could not accept the appointment of an arbitrator without the consent of both parties. Such a proposition, he said, was "contrary to the principles of the Conciliation Act." Not only that, it was "in advance of public opinion." While he admitted that the principle had been incorporated in the Railway Labour Disputes Bill, Mulock said the government "cannot consent to that principle in regard to ordinary industrial troubles."<sup>7</sup>

Nevertheless, evidence suggests that, prior to the passage of the Railway Labour Disputes Act, the government had committed itself to a widening of the application of that measure, should it prove successful with disputes on

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7. Debates, May 18, 1903, cols. 3259-3260.

railways.<sup>8</sup>

Later in 1903, following passage of the railway labour legislation, Mulock informed a delegation from the Trades and Labor Congress that he thought public opinion was "getting ripe for the extension of the principle beyond railway differences." Failing agreement of the parties, he thought that "no other way remains in a law-abiding country for the settlement of trade disputes except through the intervention of third parties." Elsewhere in his remarks Mulock spoke of the "feeling growing up ... that some tribunal must by law or by good will of the community be established for the settlement of industrial disputes." He continued:

We have our courts of the land for dealing with legal disputes. I do not see that the courts of the land or the methods of the courts of the land would be the proper method for adjusting industrial disputes, but I do believe that the education of the public to a point that will compel both classes in cases of difference to refer differences to third parties, offers a solution to this question....

The Minister referred to the way in which public opinion had exerted an influence towards settling the recent strike in the western coal industry. "There was no law involved," he

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8. An undated (but certainly dating from early 1903) memorandum in the files of the Department of Labour, in describing departmental policy, said that the measure to be passed that year "will likely be limited in its application to disputes on railways, but if, in this field it prove of useful service, its extension to industries in general may be looked for at an early date." (Department of Labour Library, memorandum on the work of the Dept., n.d.)

said, "except the law of public opinion," and he concluded, "Whether Canada is ripe for the enactment of a general measure of that kind is open to question. No such legislation will be of any force unless it rests upon the approval of the public."<sup>9</sup>

In 1904 Mulock told Judge Teetzel that, if the idea of compulsory investigation could be made to work, "we might look for its extension to meet other cases and perhaps to the ultimate solution of labour disputes generally." Mulock impressed upon Teetzel the importance of the arbitration. "It is the first one under the act," he wrote, "and if the arbitrators succeed in reaching a satisfactory conclusion, the result may be most beneficial in regard to labour disputes generally."<sup>10</sup> As King wrote a few years later, the feeling in 1903 and 1904 was that if the Railway Labour Disputes Act was successful, "other industries would, of their own [notion], ask for an extension of the application of such legislation, and thus such extension brought about at the instance and with the approval of those interested would prove more beneficial than if forced upon them prematurely." It was his belief that the 1903 legislation "served as a lesson and was followed by an extension and enlargement of

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9. The Toiler, Oct. 2, 1903.

10. Department of Labour Records, file 322.1 (3), Mulock to Teetzel, Sept. 3, 1904.



the [scope] of the Act in [1907] ...."<sup>11</sup>

Other influences also were at work. The Library of the Department had been collecting all publications of interest in the field of industrial relations. In the debate on second reading of the 1907 bill, Lemieux listed a number of American commissions and independent authorities which during the preceding decade had recommended the principle of compulsory investigation.<sup>12</sup> King himself later admitted that the Act was not original but was "based on legislation in other countries." A good deal of the phraseology was from legislation in New Zealand and from various state laws in the U.S.<sup>13</sup> The only original feature of the Canadian legislation was the suspension of the right to strike or lockout until an investigation had been made. "The Act was framed," King wrote a decade later, "with a view to rendering unnecessary any resort to strike as a means of compelling consideration of grievances or demands. For this reason, pending the necessary period of investigation, the right to strike was held in abeyance, not more in the interest of the public than in the interest of the parties themselves."<sup>14</sup>

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11. King Papers, vol. 14, pp. 13627-13629, King to Robert Luce, Nov. 27, 1909.

12. Debates, Feb. 14, 1907, cols. 3020-3032.

13. United States, Commission on Industrial Relations, Final Report and Testimony (Washington: Government Printing Bureau, 1915), I, 714. For a description of the differences between the Industrial Disputes Investigation Act and New Zealand legislation, see King Papers, vol. 7, pp. 6504-6509, King to C. E. Norton, Aug. 30, 1907.

14. King, Industry and Humanity, p. 512; King, Industrial Peace, p. 10.

The bill was introduced in the House of Commons by Lemieux on December 17, 1906, given second reading on February 14, discussed in Committee between February 19 and March 15, and given third reading and passage on March 19. The Senate dealt with the measure on the following two days, with Royal Assent on March 22. The preparation of the first draft of the bill was left entirely in Mackenzie King's hands. Lemieux had given a general idea of its provisions to the House on December 17, but he did not see the actual bill until the first week of the New Year. Although King completed the first draft on January 3, he and Lemieux did not look over the measure together until January 9, by which time King had received the galley proofs from the printer and given final revision to the Clerk of the House of Commons.<sup>15</sup>

While the general administration of the Act was under the Minister of Labour, the details of administration were assigned to a Registrar. This idea of parties to a dispute registering prior to government-sponsored intervention had been expressed tentatively by Mulock to a delegation from the Trades and Labor Congress in April, 1903.<sup>16</sup> Section 4 of the Act, which provided for the appointment of the Registrar, stated that

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15. Dawson, King, p. 135; Diary, Jan. 2, 3, 5, 9, 1907. The drafts and proofs of the bill are in the King Papers, vol. C14. A copy of the Act as passed appears below as Appendix 23.

16. T.L.C., Proceedings, 1903, p. 13.

the office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs such duties, shall by virtue thereof be the Registrar.<sup>17</sup>

This section was so worded in order to provide for future flexibility. Lemieux, however, stated quite plainly during debate in the House of Commons that it was the government intention to appoint as Registrar the Deputy Minister of Labour. "It is important," he said, "to have a man well versed in the machinery of the Act."<sup>18</sup> An order in council of April 6, 1907, designated the Deputy Minister of Labour as the Registrar of Boards of Conciliation and Investigation.<sup>19</sup>

Several interesting features of the Act should be mentioned. As in the Railway Labour Disputes Act, a dispute could be referred to a board only when negotiation was at an impasse and a strike or lockout threatened. An application for a board was to be accompanied by a statement describing the nature and cause of the dispute and giving an estimate of the number of persons to be affected and a description of "the efforts made by the parties themselves to adjust the dispute." Also to accompany the application was

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17. S.C. 1907, c. 20, S. 4.

18. Debates, Feb. 26, 1907, col. 3822.

19. Orders in Council, vol. 1034, P.C. 663, April 6, 1907.

A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lockout or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.<sup>20</sup>

Employers or employees wishing assistance in conciliation through the good offices of the department before the danger of a strike or lockout was apparent could obtain it, but under the terms of the Conciliation Act—or, rather, of the Conciliation and Labour Act, the measure in which the Conciliation Act and the Railway Labour Disputes Act were combined, in the consolidation of the statutes which took place in 1906.<sup>21</sup>

An application to the Registrar for a Board could come from either the employer or the employees. The applicant was to send a copy of the application to the other party, to avoid delay, and the second party was to make a statement in reply immediately, sending it to the Registrar and the party making the application. The Minister of Labour then considered the request. If a Board was to be established,

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20. S.C. 1907, c. 20, s. 15.

21. R.S.C. 1906, c. 96. The Conciliation and Labour Act is still in existence, empowering the Minister of Labour to enquire into the causes of industrial disputes and arrange conferences between the parties, appointing a conciliator or board of conciliation at the request of either party, or a board of arbitration at the request of both. See D. E. Armstrong and Muriel Armstrong, "Third Party Intervention in the Alberta Coal Industry," in H. D. Woods, ed. Patterns of Industrial Dispute Settlement in Five Canadian Industries (Montreal: McGill University Industrial Relations Centre, 1958), p. 33.

the Minister was to do so within fifteen days of receipt of the request. The procedure for formation of a board was carried over from the Railway Labour Disputes Act. Each party was to name a member. Should either party refuse to do so, the Minister was to make the appointment. Similarly, should the two members be unable to agree on a Chairman, the choice would be made by the Minister, as indeed it was in many of the disputes referred to boards.<sup>22</sup> King felt that the failure of one party to co-operate in the proceedings should not affect the operations of the board. Both parties, he wrote, "should understand that it is a matter of complete indifference to the Government of the country whether they appoint representatives to the board or not." He continued:

Their right to appoint a representative is in the nature of a privilege, if they don't wish to avail themselves of that privilege, then the Government will see that the provisions of the Act are complied with by making the appointment of a member itself.

King also pointed out that board members were "not there as the representatives of the parties, as they are frequently in the habit of saying, but as members of an impartial tribunal, who have taken an oath to discharge their duties irrespective of all considerations other than those which are imposed upon them by the Act."<sup>23</sup>

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22. G. W. Levy, "The Lemieux Act and the Privy Council Decision of 1925," (unpublished M.A. thesis, McGill University, 1927), p. 28.

23. King Papers, vol. 9, pp. 8362-8368, King to Lemieux, May 23, 1908.

The Act provided for a one-step investigation process, rather than the two steps contained in the railway clauses of the Conciliation and Labour Act. The three-man Board of Conciliation and Investigation, was to attempt to effect a settlement of the dispute. If unable to do so, the board was then to report its findings to the Minister of Labour, who would convey them to the parties involved and make them public. At this point recourse to strike or lock-out was legal.

Provisions were included in the legislation making it possible for parties to a dispute to agree in advance to be bound by the recommendations of the board. In addition, disputes in industries or trades not covered by the Act might, by mutual consent of the disputants, be referred to a Board of Conciliation and Investigation. The scope was further widened during the War, when the provisions of the legislation were extended to all industries engaged in war work.<sup>23a</sup>

In 1910 at labour's request the Act was amended to, among other things, compel a thirty day notice of any intended changes in wages or hours of labour.<sup>24</sup> (King had recommended this provision in 1903, in his report on the activities of the Royal Commission on Industrial Disputes in B.C.<sup>25</sup>)

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23a. Orders in Council, vol. 1389, P.C. 680, March 23, 1916, issued under the authority of the War Measures Act.

24. S.C. 1910, c. 29.

25. Canada, Report of the Royal Commission on Industrial Disputes in the Province of British Columbia (Ottawa: King's Printer, 1903), p. 73. See also Dawson, King, p. 139. .

On only one occasion during the period under review was the constitutionality of the legislation tested in the courts. The Montreal Street Railway in August, 1911, following application by the company's employees for a board, challenged the power of the federal parliament to pass the measure. Although the company was able to obtain a temporary injunction restraining the board from proceeding with its inquiry, the Superior Court of Quebec refused an application for a permanent injunction in November, 1912. In reviewing the case the following June, the Superior Court upheld the constitutionality of the legislation because of its general or national application and its connection with the maintenance of peace, order and good government in Canada. At the same time, the Court made the injunction permanent, declaring that the manner of appointment of the board had not been in keeping with the provisions of the Act.<sup>26</sup>

The constitutional question arose very briefly during the lengthy debates on the bill in the House of Commons. On February 26, Lemieux defended the right of the federal government to pass the legislation on two grounds: because it involved the maintenance of peace, order and good government, and because of the persistent possibility

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26. Margaret Mackintosh, "Government Intervention in Labour Disputes in Canada," Supplement to The Labour Gazette, XXV (March, 1925), 15-16.

of the militia being required in an industrial dispute. Lemieux merely touched on the latter reason: "the action of the federal authorities," he told Parliament, "cannot be put in question whenever in any of the provinces the troops are called. ... Inferentially ... in the case of a strike or lockout the troops are liable to be called, and the action of the federal authorities must be felt somewhere in preventing such an event taking place."<sup>27</sup> The following day (February 26) Lemieux returned to the matter, reading into the record a letter from the Deputy Minister of Justice which judged the Act to be within the jurisdiction of Parliament as concerning peace, order and good government.<sup>28</sup>

In its original form the Industrial Disputes Investigation Bill included all railway employees in its provisions and was intended to supplant the Conciliation and Labour Act for that class of labourers. However, several organizations of railway employees urged upon the government the retention of the terms of the earlier statute, claiming that it provided for a simpler and less expensive means of carrying out an investigation. While not agreeing

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27. Debates, Feb. 26, 1907, cols. 3816-3817. On the use of the militia in industrial disputes see Desmond Morton, "Aid to the Civil Power: The Canadian Militia in Support of Social Order, 1867-1914," Canadian Historical Review, LI (Dec., 1970), 407-425.

28. Department of Justice Records, Letterbook 143, pp. 669-670, E. L. Newcombe to Lemieux, Feb. 27, 1907, cited in Debates, Feb. 27, 1907, col. 3845.



with the allegation, there seemed to be no objection to making the use of the Act optional for railway employees and employers. Following considerable debate the bill was amended to give railways and their workers the choice of invoking either the old or the new legislation. However, the provisions forbidding strike or lockout prior to investigation were made applicable to both statutes.<sup>29</sup>

In fact, the earlier Act was used rarely after 1907. The reasons for the preference for the new legislation may be surmised. For one thing the Industrial Disputes Investigation Act machinery brought its full conciliation/ investigation machinery to bear on a dispute immediately upon referral, whereas the Railway Labour Disputes Act procedure involved an attempt at conciliation prior to the more complete investigation stage being reached. In addition, for non-railway disputes the older legislation called for the use of a single conciliator, usually a government official. The machinery under the new Act, which left conciliation up to a tripartite conciliation board, would have been preferred by most representatives of both capital and labour.

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29. Report, 1906-1907, p. 68.

The Industrial Disputes Investigation Act laid down rigid procedures for the conduct of investigations, including provisions for obtaining information under oath, summoning witnesses to appear, and entering premises to extract information. All such procedures, however, should be read in the light of Section 23, which stated that

in every case ... it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it sees fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof,

and Section 65, which read:

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

The emphasis, in other words, was on conciliation, not investigation. In Mackenzie King's words, "Boards of Conciliation should avoid as far as possible the handing out of [independent] decisions, and employ every means possible for bringing the parties to a mutual agreement."<sup>30</sup> The policy was one of informal procedure aimed at conciliation, with public opinion always in the background as a restraining influence. (This same policy was being followed in the

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30. Queen's University Archives, Adam Shortt Papers, King to Shortt, August 23, 1907. On another occasion King wrote: "No technicality as to form in which an application is made should be allowed to stand in the way of avoiding a strike." (King Papers, vol. 9, pp. 8362-8368, King to Lemieux, May 23, 1908.)

United States in mediation proceedings under the Erdman Act.<sup>31)</sup> From the beginning Boards tended to operate "freed, so far as possible, from the formal procedure suggestive of the ordinary judicial court."<sup>32</sup> The taking of sworn evidence, for example, was discouraged. Obviously the choice of chairman was important. A chairman such as a judge or lawyer who followed strict court-room procedure, enforcing legal technicalities and using stenographers, would, it was felt, probably do more harm than good, since his actions might tend to harden attitudes and crystallize issues. In the second dispute referred to the Act, barely a month after its becoming law, the parties were unable to agree upon the choice of chairman and it fell upon the Minister to appoint a suitable person. Lemieux chose not a representative of the bar or the bench, but a distinguished Canadian economist, Dr. Adam Shortt of the Political Science Department at Queen's University. The person who suggested the choice of Shortt was the new Secretary of the Department, F. A. Acland.<sup>33</sup> Mackenzie King also thought well of Shortt, whom he had first met in 1901.<sup>34</sup> In late 1904, as we have seen, King investigated the possibility of having him join the Department.<sup>34a</sup> Following a luncheon with him in 1906 King described Shortt as "a much better

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31. Neill, "Mediation and Arbitration," p. 13.

32. Canada, Department of Labour, Fourth Report of the Registrar of Boards of Conciliation and Investigation... (Ottawa, 1911), p. 17.



ADAM SHORTT (June, 1911)

[Public Archives of Canada.]



ADAM SHORTT (June, 1911)

[Public Archives of Canada.]

informed man on Canadian economic conditions than anyone I have met in Canada, unassuming in manner, a little slow in expressing himself, cautious and guarded in his statements, ... a sound thinker and earnest scholar."<sup>35</sup> King could almost have been describing himself! He and Acland obviously detected in Shortt the type of personality necessary for effective conciliation.

Shortt was remarkably successful in this work, serving as the chairman of eleven boards in the year prior to his appointment as Civil Service Commissioner in 1908. His thoughts on his work as a conciliator during that year are, therefore, of interest. A few lengthy quotations taken from an address which Shortt delivered to the American Economic Association in 1909 will serve to indicate his philosophy and procedure.

In the case of all the boards over which Shortt presided, "it was arranged that there should be no newspaper reports of the proceedings before the board." He continued:

The objection to such reports has been that the very calling for a board implied that there were more or less radical differences of opinion and assertions of right, which the respective parties were about to lay down and defend, but which, in the course of the proceedings before the board, must be given up or at least greatly modified on one or both sides if a settlement were to be reached. In a court of law the arguments on either side are presented and maintained to the close of

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33. King Papers, vol. 7, pp. 6849-6854, Acland to King, March 17, 1908.

34. Diary, Jan. 5, 1901.      34a. See below, p. 99.

35. Diary, Jan. 12, 1906.

the case, the verdict is given by the court and accepted of necessity. There is no objection, therefore, to the publication of the argument. But where, as before a board of conciliation, the verdict is to be reached by concession and compromise, and voluntarily accepted by both parties, it is not so rapidly reached if there is a daily record in the press of every modification of the original claims, which were advanced with confidence and backed with vigor through all the fruitless conferences which have preceded the reference of the case to a board. Moreover, in the presence of the press there is a strong temptation to talk to the gallery rather than to the subject in hand, all of which is very inimical to that attitude and frame of mind which is essential to the settlement of difficult and often bitter disputes, which only come to such a board when all other methods of settlement have failed. As to the interest of the public in the case: when a settlement is reached the chief public interest is served; and when it is not reached a definite and intelligent report of the whole case is presented to the public, which, from such a report, one is better able to judge of the real merits of the respective cases than from the fragmentary and picturesque notes of the reporter, wherein the cutting blasts and high temperatures are fully recorded, but the calm weather largely ignored.<sup>36</sup>

On the general attitude of labour and capital towards one another, Shortt held "a strong conviction that while one may recognize the operation of certain economic principles, yet the personal factor is a very powerful one, and the study of a particular case is more concerned with the manner in which economic principles affect the personal factor than the manner in which the personal factor affects economic principles." However, he felt that a knowledge of economics was essential for an understanding and interpre-

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36. Adam Shortt, "Canadian Industrial Disputes Investigation Act," American Economic Association Quarterly, 3rd series, X (April, 1909), 161-162.

tation of the discussions involved in negotiations. The technique used involved the handling of personalities, the elimination of misconceptions, and the removal of suspicions. "The value of an economic training in dealing with such matters," according to Shortt, "is not so much that it enables one to make a direct appeal to economic principles in the settlement of disputes, as that it enables one to realize the one-sided or impractical character of many of the generalizations made by people who have given little or no attention to economics."<sup>37</sup>

The compulsory features of the Act were, Shortt felt, simply not enforceable:

Experience indicates that it is impossible, in a democratic community, to compel any considerable number of men to work under given terms of employment; nor, in spite of the hostages to the courts which the property of an employer furnishes, is it possible to compel him to employ any given number of men on certain proscribed terms. Freedom to accept or reject proffered terms of employment, and freedom to manage one's own business are essential to sound economic relations in a free community. Experience has proved also that the compulsory feature in the Canadian act is almost impossible of enforcement where either of the parties considers it advisable to refuse to submit its case to a board. Where such refusal has taken place, however, it has usually been on the supposition that the acceptance of the award of the Board was essentially compulsory. Thus it is only the voluntary nature of the ultimate settlement which renders the compulsory submission of a case to a board workable.<sup>38</sup>

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37. Ibid., pp. 169-170.

38. Ibid., p. 171.



The compulsory powers of the boards, therefore, were used rarely. (A month after the passage of the Act King wrote in his diary, "I heartily disapprove of the whole policy of coercion and intend to make it clear that the Industrial Disputes Investigation Act has in view conciliation and nothing more."<sup>39</sup>) Very few of the boards actually subpoenaed witnesses or compelled submission of the records of businesses, preferring rather to use reason and persuasion to achieve their ends. In the case of the dispute between the Nova Scotia Steel Company and its 1,750 miners in May, 1908, the company refused to name a member of the board and refused to present any evidence. The Minister of Labour appointed a member to represent the company. Shortt, as chairman, felt that the basis of the company's attitude was misapprehension as to the board's functions. He set about the task of removing such misapprehensions. Following a personal discussion with Shortt, the company's president's fears were allayed and he agreed to waive the company's objections to taking part in the proceedings, later even giving the board access to confidential information as to contracts and earnings. The board unanimously recommended against a wage increase, due to inability of the company to pay, arriving instead at a compromise pay package. Both Shortt and the employees'

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39. Diary, April 21, 1907.

representative attended the union ratification meeting, at which the contract was ratified. The general manager of the company eventually wrote to the Minister of Labour approving of the procedure which had been used.<sup>40</sup>

The penal clauses of the Act were not enforced by the government. These provisions, said King in 1914, were always treated "in the same light as a penalty for trespass."<sup>41</sup> That is, enforcement was left to the parties themselves, or the provincial governments. While a few complaints of violation of the law came before the courts, the government in no case made an effort to prosecute a large body of men for striking. "It was never intended that the Government should take upon itself the duties of a public prosecutor in this connection," King asserted several months after the passage of the Act. "The measure was," he wrote, "intended as a step on the path of conciliation."<sup>42</sup> Administrators of the Act came to see the wisdom of the policy of non-enforcement, believing that a contrary policy would have hindered the conciliation process. That being the case, why were the provisions left in the Act? King claimed later that they had been inserted to aid the bill's passage through Parliament.<sup>43</sup> They were left there in the belief that their inclusion had

40. Report, 1908-1909, p. 260.

41. U.S. Committee on Industrial Relations, Report and Testimony, I, 715. See also Mackintosh, "Government Intervention," pp. 12-13.

42. King Papers, vol. 6, pp. 5933-5943, King to Charles W. Eliot, August 21, 1907.

43. U.S. Committee on Industrial Relations, Report and Testimony, I, 715-716.

"a certain moral effect," and that public opinion would provide "the most effective enforcement."<sup>44</sup>

Adam Shortt was a stubborn, doggedly persistent conciliator. "In our boards," he said,

the incident was never regarded as closed when we had submitted our proposals for a settlement and they were not accepted, as sometimes happened. The parties were seldom brought together again, but negotiations between them were conducted by the board with the chairman as a common medium, assisted, in dealing with the employers, by their representative on the board, and, in dealing with the employees, by their representative. Occasionally, however, the chairman conducted the final negotiations alone. The object of these negotiations was to find, on either side, the lines of least and also of most resistance, to overcome prejudice, to plead what seemed to the board or the chairman as the just cause of each side with the other, and gradually to break down or dissolve away the barriers between the parties until so little remained that it was not worth while to risk a great and uncertain struggle for so small an ultimate advantage, even if successful.<sup>45</sup>

With people such as Shortt representing the public interest on boards, it is not surprising that the Act enjoyed such success. Public interest in the measure, in Canada and elsewhere, was considerable. In his Annual Report for 1907-1908 Mackenzie King listed fifty prominent public figures who had written to inquire about the Act during its first year. It appears to have inspired similar legislation in the Transvaal (1909), Queensland (1912), and New Zealand (1913).<sup>46</sup>

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44. H. H. Ward, private letter, March 9, 1926, cited in Levy, "Lemieux Act," pp. 30-31.

45. Shortt, op. cit., p. 164.

46. F. A. Acland, "Canadian Legislation Concerning Industrial Disputes," Canadian Law Times, XXXVI (March, 1916), 215.

Labour's immediate reaction to the Act was favourable.<sup>47</sup> The government, needless to say, had consulted with union leaders while the bill was in its early stages.<sup>48</sup> The 1907 convention of the Trades and Labour Congress expressed its approval of the legislation.<sup>49</sup> One major exception was the Western Federation of Miners, who scorned the Act from the outset. The annual convention of District 6 (the Kootenay region of British Columbia) in January, 1908, labelled the Act detrimental to the interests of the working class because it outlawed strikes. Seeing in the legislation "another instrument in the hands of the employing class for the subjugation of the working class," the assembled miners pressed for its repeal.<sup>50</sup> Such a reaction was hardly surprising. The Western Federation of Miners, as a matter of policy, refused to have anything to do with government measures, no matter what their source, preferring to achieve reform through strikes and other forms of direct pressure on the mine owners. Such suspicion of labour legislation

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47. Diary, Jan. 15, 1907; See Babcock, op. cit., Chap. X, pp. 397ff)

48. For example, on February 11 and 18 Laurier and Lemieux had met with representatives of the railway unions to discuss various objections to the bill. Laurier Papers, vol. 448, pp. 119660-119663, J. H. Hall to Laurier, Feb. 12, 1907; E. J. Lemaire to Hall, Feb. 9 & 13, 1907; Hall to Lemaire, Feb. 14, 1907.

49. T.L.C., Proceedings, 1907, pp. 9-10, 55-56.

50. The Trades Unionist, Feb., 1908.

and government intentions is understandable considering the history of the previous few decades. "The employee," wrote one scholar of the Act, "unfortunately has too often suffered from the legal subterfuges of his employer's solicitor"<sup>51</sup>— or, it might be added, of his elected representatives.

In fact, dissatisfaction soon arose within the Trades and Labor Congress itself. Over the next few years amendments repeatedly were requested, and some granted. In 1911 and 1912 the Congress requested outright repeal of the legislation. Some of the criticisms were: that the Act operated to the disadvantage of workers by requiring a lengthy delay (one month) after notice of any change in working conditions had been given; that it prevented employees using the strike weapon at the very time they considered most advantageous; and that, although board recommendations usually favoured the workers, many of the employers simply did not accept the recommendations of the boards.<sup>52</sup> It is an interesting question, but one which is not within the scope of this inquiry, why it was that with the end of the war in 1918 organized labour changed its opinion, favouring the Act consistently thereafter. In 1919 the Congress asked that the legislation be made applicable to industries other than public utilities. When the Act was ruled ultra vires by

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51. Levy, "Lemieux Act," pp. 26-27.

52. Carrothers, op. cit., p. 38; Logan, op. cit., pp. 219-222.

the Judicial Committee of the Privy Council in 1925, labour urged upon the Government the amending legislation necessary to maintain the Act in operation.

In the four year period from the passage of the Act in March, 1907, until the close of the 1910-11 fiscal year there were a total of 106 applications for boards.<sup>53</sup> The vast majority of the applications came from employees. Forty-four of the disputes concerned mines or smelters, fifty-eight involved transportation or communication interests. Three applications came from other industries and were referred to the department by consent of both parties under Section 63 of the Act. Strikes were averted or ended in ninety percent of the cases referred. A number of disputes were settled without a board being constituted, the department performing conciliation and applying pressure when needed. Whereas 106 applications for boards were received, only 95 such boards actually were granted. In only 10 cases were strikes not averted or ended as a result of the Act being applied.

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53. The statistics given are taken from the Fourth Report of the Registrar of Boards of Conciliation and Investigation, pp. 80-81. Another excellent source is Benjamin M. Squires, Operation of the Industrial Disputes Investigation Act of Canada (Washington: Government Printing Office, 1918).

In any assessment of the operations of the Industrial Disputes Investigation Act there are a number of intangibles. For example, one cannot say what might have been the result if the Act had not existed. In how many cases did the measure's mere existence encourage parties to settle a dispute, so as not to have to utilize a board? Of course, one cannot say that all the settlements achieved as a result of the legislation were better than what might have resulted without government intervention. A modern day commentator has written:

The statute was concerned not with the terms of agreement but with the bare fact of agreement, for, in spite of the directive to boards of conciliation to induce "fair and amicable" settlements, the essential object of the statute was secured if the board could report agreement, whatever the terms.<sup>54</sup>

Also, as one of the many contemporary observers of the operations of the Act wrote, it is likely "that in exceptional cases a strike or lockout is a more wholesome culmination of an aggravated dispute than a series of temporizing and unsatisfactory compromises."<sup>55</sup> Regardless of the merits of that argument, it ignores the factor of public interest. As F. A. Acland wrote in 1911, the department made no claim that the act was "in any sense a panacea for industrial

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54. Carrothers, op. cit., pp. 38-39.

55. Victor S. Clark, "Canadian Industrial Disputes Investigation Act of 1907," Bulletin of the Bureau of Labor (Washington), no. 86 (January, 1910), p. 3.

evils...."<sup>56</sup> It was intended simply to protect the public interest by "aiding in the prevention and settlement of disputes" in a vital area of the economy. Its great asset was simply that it brought into conciliation disputants who might otherwise not enter into communication.

The Act was also important because of several ways in which it set or solidified patterns for future developments in the Canadian system of collective bargaining. For example, the Act had a considerable effect on the Alberta coal industry, where several permanent conciliation boards were formed. During the period 1907-1911, virtually every known dispute which was not settled by negotiations between the parties directly involved was submitted to one of these boards. There were two exceptions, one of which was settled independently and the other conciliated by a Fair Wages Officer of the Labour Department.<sup>57</sup> King was interested in seeing the establishment of permanent conciliation and arbitration boards elsewhere in industry. At the 1909 Annual Meeting of the Canadian Manufacturers' Association, shortly after his appointment as Minister, he advanced the idea, describing it as the "next logical step" in the direction of industrial peace.<sup>58</sup>

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56. Fourth Report, pp. 7-8.

57. Armstrong, "Third Party Intervention," p. 63.

58. Industrial Canada, X (Oct., 1909), 328.



One element in the 1907 Act which has been carried forward into the present system of industrial relations is the principle of an enforced "cooling-off" period, the postponement of the right to strike until completion of conciliation and investigation. Another is the two-step procedure, seen in the machinery by which the Minister was to determine whether a difference referred to him constituted a dispute under the terms of the Act. In his use of members of the staff of the Labour Department to examine the circumstances lies the origin of the conciliation officers now in the department and the present two-stage process, wherein an officer of the department enters a dispute, followed by a conciliation board. Many of the functions nowadays performed by the Canada Labour Relations Board were handled by the boards of conciliation and investigation under the 1907 Act. These early boards, in the absence of any other tribunal, dealt with issues such as union recognition, determination of bargaining unit, and unfair labour practices, establishing policies and precedents which have survived to the present day.<sup>59</sup>

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59. E. E. Herman, "The Problem of Determination of Appropriate Bargaining Units by Labour Relations Boards in Canada" (unpublished Ph.D. dissertation, McGill University, 1965), pp. 31-33; Lorentsen and Bell, "Development of Public Policy," pp. 181-182; Shortt, "Canadian Industrial Disputes Investigation Act," pp. 166-168.

The Industrial Disputes Investigation Act contained no provision forcing union recognition in the industries to which it applied. As a matter of fact, the bill introduced into Parliament contained "open-shop" provisions, which not only prohibited an employer from dismissing an employee for union membership, but also prevented an employee from striking because his employer had hired someone not a member of a union. Lemieux, who personally favoured the provisions, struck them out of the bill in Committee at the insistence of M.P.'s who were sympathetic to labour.<sup>60</sup> That action in itself was significant as a departure from accepted business practice. The Act, therefore, "did not, as did contemporary and antecedent legislation in New Zealand and Australia, seek to protect or advance the economic welfare of any one party to the conflict."<sup>61</sup> Such a statement, however, should not be taken as criticism of the Act. To attempt to draw a parallel between the situation in Australia and New Zealand and that in Canada at the turn of the century is to engage in false analogy. The political situations were not at all similar, the electorate in

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60. The Voice, March 8, 1907.

61. Carrothers, op. cit., p. 38

the antipodes being more attuned to social reform and not at all willing to accept the principle that manipulation of the economy by a few persons in privileged positions was consistent with good citizenship. Both Australia and New Zealand had been settled by working class elements of mid-nineteenth century industrial Britain, with the result that the development of social equality and the growth of industry were concurrent. In addition, in both countries a chronic scarcity of labour had placed the working class itself in a privileged position, opening the door for social reforms not possible in Canada, where, to borrow the words of an historian of Britain, "the forces of . . . [labour] had to wage their battle with capitalism on ground that had already been chosen for its advantages by the capitalists."<sup>62</sup> In addition, because of Canada's size and scattered population, the labour movement in this country was far less organized, the industrial system far less unified. The fact is that the Industrial Disputes Investigation Act, by bringing employers and employees together, facilitated collective bargaining and often achieved de facto recognition of workers' committees and

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62. A. P. Thornton, The Habit of Authority; Paternalism in British History (Toronto: University of Toronto Press, 1966), p. 319. See also Ibid., pp.297-300; Ian Turner, Industrial Labour and Politics (Canberra: University Press, 1965), pp. 1-2; Gad Horowitz, Canadian Labour in Politics (Toronto: University of Toronto Press, 1968), p. 4.

labour unions. J. G. O'Donoghue, the solicitor of the Trades and Labor Congress, touched on this point in his report to the 1907 meeting of the Congress. "Unincorporated trade unions," O'Donoghue noted, "are officially recognized by the Bill and their representatives are entitled to a hearing before a public body constituted under it." The measure, he thought, marked "a great advance in public opinion and to that extent will deprive individual employers of an argument that is very often resorted to by them to avoid recognition of a trade union."<sup>63</sup> Among those "radical principles of practical justice" for which Adam Shortt felt his boards had "to steadily contend," he placed first the principle of union recognition, "in the sense that no employees should be discriminated against because they were members of labour unions or officers in them...."<sup>64</sup>

The Department of Labour wished to interfere as little as possible in the relationships between capital and labour, for the reason that continual interference would impede the establishment of a stable collective bargaining situation. "It would be bad policy," King wrote to a board chairman in 1909,

for either myself or any officer of the Government to intervene in any dispute which has once been referred to and adjudicated upon by a Board appointed under the Act. To intervene in such circumstances

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63. T.L.C., Proceedings, 1907, p. 45.

64. Shortt, "Canadian Industrial Disputes Act," pp. 165-166.

would be equivalent to expressing a want of confidence in the findings of a board for which the Department had been, in the first instance, responsible. Moreover, it would cause the parties to industrial disputes to look indefinitely to the Government for intervention, and it is better, I think, that, once a dispute has been referred under the Act, the parties should understand that the Government's good offices end there.<sup>65</sup>

In these matters the Department was merely building on the principles first set out in the Conciliation Act and later strengthened in the Railway Labour Disputes Act. Union recognition and collective bargaining were still contentious issues in 1907; they would remain so for some time. However, in retrospect it appears that the Industrial Disputes Investigation Act constituted a watershed. The gradual evolution of the modern Canadian system of collective bargaining had been assured.<sup>66</sup>

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65. King Papers, vol. 12, pp. 10991-10993, King to J. W. Longley, Aug. 3, 1909.

66. King, Industry and Humanity (Revised edition, 1946), p. xxvi; Cameron and Young, Status of Trade Unions in Canada, p. 44; Herman, "Problems of Determination," p. 30; Herman, "Freedom of Association," Chapters 1 & 2.

## CHAPTER NINE

### ALIEN LABOUR AND IMMIGRATION PROBLEMS

During its first decade the Department of Labour found itself involved to an unexpected degree in immigration problems, particularly arising out of the importation of contract labour. This issue was one of major interest to workingmen at the turn of the century, largely because of the absence of effective government control over immigration. Official immigration policy at that time was exceedingly uncomplicated. Clifford Sifton, as the minister responsible, stated it in these words:

Our desire is to promote the immigration of farmers and farm labourers. We have not been disposed to exclude foreigners of any nationality who seemed likely to become successful agriculturalists....

It is admitted that additions to the population of our cities and towns by immigration [are] undesirable from every standpoint and such additions do not in any way whatever contribute to the object which is constantly kept in view by the Government of Canada in encouraging immigration for the development of natural resources and the increase of production of wealth from these resources.<sup>1</sup>

Sifton, therefore, "centred his immigration activities on those countries from which he believed he could draw persons able, fit and willing to endure the rigours of frontier

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1. Memorandum, Sifton to Laurier, April 15, 1904, cited in Mabel F. Timlin, "Canada's Immigration Policy, 1896-1910," Canadian Journal of Economics and Political Science, XXVI (1960), 517.

life on the prairies."<sup>2</sup> However, this should not suggest that the government openly discouraged other forms of immigration, especially if it too was destined for work in newly developed resource areas. Indeed, it was precisely because it did not restrain such immigration that it came into conflict with organized labour.

In 1900 only three classes of immigrants were proscribed from entry into Canada: the diseased, those deemed criminal or vicious, and those likely to become a public charge. Furthermore, immigration controls were exercised only on entries by ocean ports (Halifax and Quebec City being the ports of entry). There was no regulation of those entering by railway, from or through the United States.<sup>3</sup> As an additional factor, immigration of British subjects from other parts of the Empire was unrestricted. These two exceptions, especially the latter, were to cause the Canadian Government considerable embarrassment over the next few years.

The expanding industrial and economic growth of this period produced in turn an expanding labour market. To fill it the new industrialists sought the cheapest labour available, which often entailed going out of the country

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2. Ibid., p. 518.

3. Ibid., p. 517.

to find and import surplus manpower to satisfy the requirements of the Canadian market and thereby maintain low wage levels. The situation was aggravated by the fact that many of the new industries were supported by capital and controlled by managers from the United States. All too often labourers found potential positions in a new local industry filled by American, European, or Asiatic workers. The question assumed greatest importance in British Columbia, due to the large influx of oriental labourers. For example, the weekly journal sponsored by the Vancouver Trades and Labor Council in 1904 described the subject of "immigration and alien labor" as one of "increasing and vital importance to the future of Canada." In an article covering the entire first page of its issue for July 23, 1904, The Independent summarized labour's fears, prejudices, and emotions:

This question of alien immigration appeals particularly to the organized workman of Canada, for it strikes at the foundation of every labor organization in the Country. All classes of labor [are] affected—organized and unorganized. This labor is generally garnered from the slums of Europe and Asia, and they are thus thrown into direct competition with all kinds of Canadian labor. These immigrants having been brought up under conditions, which no Canadian, we trust, will ever have to contend with, and which we, as a free and enlightened people will never tolerate—work for wages upon which no Canadian could raise a family and exist. Our immigration laws are supposed to bar undesirable persons, and yet there are thousands upon thousands of this class of immigrants who gain entry into this country every year, and they are rapidly increasing in numbers each year, and no effort is made by the government to curtail it. These immigrants come into direct contact with Canadian citizens, and as they pay no taxes, own no homes, buy little or nothing from our merchants, support neither churches, schools, nor public institutions, become not only a menace to the integrity and prosperity of the country, but a detriment to the well-being and morality of the locality in which they locate.



The editor then went on to advocate the passage of federal legislation "requiring all immigrants to read and write the English language and also to declare their intention (under oath) of becoming residents and citizens of this country.... Such a law," he claimed, would do much to abate this evil and prevent the dumping on our shores of this very undesirable class of immigrants."<sup>4</sup>

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4. The Independent (Vancouver), July 23, 1904. The problem of Oriental immigration and Mackenzie King's involvement with this issue in 1907 and 1908 are not described in this thesis, as they do not directly relate to the actual work of the Department of Labour itself. Those interested in this aspect, however, should consult Dawson, King, pp. 146-166; Tien Fang Cheng, Oriental Immigration in Canada (Shanghai: Commercial Press, 1931); C. H. Young, Helen R. Y. Reid, and W. A. Carrothers, The Japanese Canadians (Toronto: University of Toronto Press, 1938), Chapter 1; Canada, Report of the Royal Commission Appointed to Inquire into Methods by which Oriental Labourers have been induced to Come to Canada (Ottawa: King's Printer, 1908); Report by the Honourable Rodolphe Lemieux, K.C., Minister of Labour, of his Mission to Japan on the Subject of the Influx of Oriental Labourers into the Province of British Columbia (Ottawa: King's Printer, 1908); Report by W. L. Mackenzie King on Mission to England to Confer with the British Authorities on the Subject of Immigration to Canada from the Orient and Immigration from India in Particular (Ottawa: King's Printer, 1908).

The official political spokesmen for labour took a more reasonable, responsible stand on the matter of immigration. Both Ralph Smith and Arthur Puttee objected to the importing of labourers under contract. They were careful to stress, however, that they did not oppose "immigrants coming into Canada to take their part in the ordinary way in building up the country."<sup>5</sup> According to Smith, "what labor wants is an anti-contract law of general application-- a law prohibiting as well as voiding the importation under contract, from any country, of labourers of any kind."<sup>6</sup> What labour had was a measure which was limited in its application to one country, confined to non-skilled labour, and not enforced by the government.

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5. Arthur Puttee in the House of Commons, Debates, Aug. 5, 1904, cols. 8603-8604.

6. T.L.C., Proceedings, 1901, p. 8.

The Alien Labour Act of 1897 had been passed primarily not to control the importation of labour, but as a means of retaliation against the United States.<sup>7</sup> Although its stated intent was to prevent the importation of foreign workers into Canada, the act applied only to citizens or residents of those countries which had in force laws of a similar nature directed against Canada. There was only one such country—the United States, which had had a similar "Contract Labor Law" on its statute books since 1885.<sup>8</sup> Laurier had not approved of the principle of retaliation and had opposed it continuously since its first discussion in Parliament in 1890. By 1897, however, he had become aware of the "unanimous feeling" in the House of Commons "that the persistence of the American Congress in keeping upon the Statute-book these very obnoxious clauses, leaves no alternative to the Canadian people but to apply the same law themselves."<sup>9</sup> Briefly stated, the act provided for fines and deportation in cases where persons had been brought into Canada from the United States under

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7. S.C. 1897, c. 11. See Appendix 20 below.

8. 23 Stat. 164. See Atkinson, "Organized Labour," pp. 8-12.

9. Debates, April 7, 1897, col. 626.

contract or other agreement made in this country.

Not anxious to antagonize the United States on the issue, the Canadian government proceeded slowly in bringing the measure into effect. No appropriation for the administration of the act was made in 1897-1898, although \$3,000 was voted in 1898-1899, \$4,000 in 1899-1900, and \$9,000 in both 1900-1901 and 1901-1902.<sup>10</sup> The cabinet did agree to enforce the statute in the west. In July, 1897, the Minister of Justice authorized the Commissioner of Immigration in Winnipeg, W. F. McCreary, "to institute proceedings under ... [the] Act to restrict importation and employment of aliens, and prosecutions for violation thereof, and to authorize such proceedings and prosecutions when you deem it advisable to do so."<sup>11</sup> Assisted by Customs officers at various points in the west and, later, Ontario, McCreary attempted to control the entry of railway construction workers from the United States, notably Italians hired to work on the C.P.R.'s Crow's Nest Pass Railway.<sup>12</sup>

The policy of the government at this time was "to enforce the Alien Labour Act in all parts of the Dominion in cases where the public interest demands."<sup>13</sup> A more

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10. Canada, Parliament, Estimates, 1897-1898; 1898-1899, 1899-1900, 1900-1901, 1901-1902.

11. Immigration Branch Records (R.G. 76), vol. 79, file 22078, "Canadian Alien Labour Law, General File," Oliver Mowat to W. F. McCreary, July 23, 1897; Timlin, op. cit., p. 519.

12. See Immigration Branch Records, file 22076.

13. Department of Justice Records, (R.G. 13), Letterbook 119, p. 517, Deputy Minister of Justice to Samuel Porter, Aug. 24, 1897.

precise statement policy was given in 1898 by the Department of Justice. "The Canadian Alien Labour Law," wrote the Deputy Minister, "is intended to be purely defensive."<sup>14</sup> To the Collector of Customs at Fort Erie, Ontario, he explained that it was "the intention of the Government to enforce the alien labour law of Canada wherever the Americans on their side of the adjoining frontier are enforcing the United States Alien Labour law against Canadians." He continued: "where the United States law is not in force however, it is not intended to enforce the Canadian law."<sup>15</sup> On another occasion the Deputy Minister informed his Alien Labour Agent in Montreal that, in his opinion, "in view of the terms of the statute, ... the cases of employment of aliens to which the Act can properly be held to apply are probably very limited. We of course desire to enforce the law," he wrote, "but with as little expense as possible."<sup>16</sup> The same policy applied in the case of the agent in Toronto. Appointed only after pressure had been applied on the Justice Department by the Toronto Trades and Labor Council, W. B. McMurrich was instructed to report any violations of the act to the Minister but "not to take any proceedings

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14. Ibid., Letterbook 120, p. 769, Deputy Minister of Justice to Collector of Customs, Fort Erie, Jan. 24, 1898.

15. Ibid., Letterbook 121, p. 116, Deputy Minister of Justice to Collector of Customs, Fort Erie, Feb. 17, 1898.

16. Ibid., Letterbook 122, pp. 544-545, Deputy Minister of Justice to William Keys, Aug. 25, 1898.

without receiving the express instructions of the Minister of Justice."<sup>17</sup> Like the other Alien Labour Agents appointed at this time, McMurrich received no remuneration, only his expenses being paid by the government.

Laurier, in fact, had requested Washington to agree that neither country would enforce its law, pending negotiation of the question by the International Joint Commission then sitting. In the meantime, the Canadian government's intention, according to the Prime Minister, "was simply to discourage its enforcement as far as possible."<sup>18</sup> Unfortunately the American government could not reciprocate without the authorization of Congress. The American act was enforced automatically.<sup>19</sup> T. V. Powderly, United States Commissioner General of Immigration, on a visit to Canada in 1898, claimed that "the framers of the Alien Labour law did not intend that Canadians should be included in the scope of its operations." The act, he said, had been passed at the request of organized labour in the United States, to prevent the importation of strike breakers from Europe. Powderly undoubtedly was correct. Nevertheless, he admitted that "the provisions of the Alien Labour Law were very strict, and, unfortunately, several American

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17. Ibid., Registry files, 1902, file 88, Deputy Minister of Justice to W. B. McMurrich, May 11, 1898.

18. Debates, Aug. 10, 1899, col. 10124.

19. Atkinson, "Organized Labour," pp. 17-22.

judges had been inclined to base their judgments on the strict letter of the law without taking into consideration the intentions of its framers."<sup>20</sup>

Organized labour in Canada found the situation distinctly unsatisfactory. Ralph Smith summarized the predicament in his presidential address to the annual meeting of the Trades and Labor Congress of Canada in September, 1899. The Prime Minister, said Smith, claimed that the government had passed the law "not because they were in love with such methods, but because such laws might help the American people to see the error of their ways." The government's decision not to enforce the act thoroughly was based "on the understanding supposed to exist between them and the United States Government, that uniform legislation would be brought about, and in the meantime our people would not suffer by any one-sided discrimination...." Yet Canadian labourers were being deported from the United States regularly. Smith's advice to the government was that "not by making, but by enforcing, law can a people be taught to see the error of their ways."<sup>21</sup>

In early 1899 the International Joint Commission adjourned its proceedings. The importance of other subjects, such as the North Atlantic fisheries and the Alaska Bound-

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20. Toronto Mail and Empire, Aug. 19, 1898.

21. T.L.C., Proceedings, 1899, p.

ary disputes, had relegated the alien labour issue to diplomatic limbo. Pressure on the government to enforce the law, from the labour movement and its spokesmen in Parliament, grew to the point where it could not be ignored. Representatives of the Trades and Labor Congress told the Prime Minister on March 19, 1900, that they did not now desire the enforcement of the alien labour law "as a retaliatory measure." They desired only "the prevention of the importation of workmen under contract." Their spokesman, John A. Flett, mentioned several serious labour disputes within the past year, all of which owed their origin to "bringing aliens into the country to take the place of the Canadians." Since, he said, "the Canadian manufacturer received fiscal protection, the wage-earner, who had only his labor to sell, should also be protected."<sup>22</sup>

Another member of the delegation which met with the Prime Minister in March, 1900, was E. P. Bremner, from New Denver in the Slocan region of British Columbia, representing the Western Federation of Miners and the Miners' Association of B.C. Bremner, who on this occasion spoke in favour of the request for federal arbitration legislation,<sup>23</sup> had already made himself known to the Prime Minister. A week and a half earlier he had addressed a memorial to Laurier

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22. Toronto Globe, March 20, 1900.

23. Toronto Globe, March 20, 1900.



and members of his cabinet urging the enforcement of the Alien Labour Act in the Kootenays.<sup>24</sup> Bremner echoed the sentiments of many labourers in blaming Roger Clute for the unfortunate situation which had developed in British Columbia, where the mine owners, in retaliation to an eight-hour day law passed by the provincial legislature in 1899, had formed an association to protect their interests. Among other things, they had imported labour from the United States, in an attempt to create a fluid labour market, thereby lessening the danger of strikes. Reflecting government policy, Clute had taken an apparently legalistic attitude in his discussions with the two sides regarding the Alien Labour Act. The mine owners had begun a vigorous campaign of immigration, bringing in groups of labourers from the United States to the Kootenay district during January and February, 1900. According to Bremner, "the interpretations of the [Alien Labour] act as rendered by Mr. Clute, encouraged largely the disregard in which it is held."<sup>25</sup> In a further communication to the Prime Minister, dated the same day as that on which the Trades and Labor Congress delegation met with Laurier and probably delivered at that time, Bremner drew Laurier's attention to "the pressing necessity for immediate action, as recommended, owing to the strained

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24. Laurier Papers, vol. 144, pp. 43038-43041, E. P. Bremner to Laurier, March 9, 1900.

25. Loc. cit.; see also Atkinson, "Organized Labour," pp. 22-25.

situation reported already from Rossland—which I am advised has been caused by contract importations [—] and so put an end to further friction and avoid [possible] precipitation of violence." With this letter was a petition signed by the western Members of Parliament.<sup>26</sup> Early in June, Bremner, who subsequently had met with the Prime Minister and, probably, the Minister of Justice, was appointed a full time Alien Labour Officer to see to the enforcement of the law in British Columbia.<sup>27</sup> The government then checked with Clute and on June 23 decided, in Laurier's words, "to put the Alien Labour Law into force."<sup>28</sup> The Justice Department subsequently appointed two other regional officers, on a part-time basis: W. H. Becks of Little Current, Ontario, and Ralph Garner of Niagara.<sup>29</sup>

The first issue of The Labour Gazette listed three ways in which the Department of Labour was involved in the

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26. Laurier Papers, vol. 147, pp. 43495-43497, Bremner to Laurier, March 19, 1900.

27. Department of Justice Records, Register, 1900, folio 177; Laurier Papers, vol. 166, pp. 48282-48296, Bremner to Laurier, Aug. 14, 1900.

28. Laurier Papers, vol. 159, p. 46752, Laurier to W. German, June 25, 1900; Ibid., vol. 147, p. 43573, David Mills to R. C. Clute, June 20, 1900.

29. Department of Justice Records, Letterbook 127, pp. 252-253, Deputy Minister of Justice to W. H. Becks, Aug. 17, 1900; pp. 739-740, David Mills to William Mulock, Dec. 7, 1900; p. 735, Deputy Minister of Justice to W. German, Dec. 7, 1900. Ibid., Central Registry files, 1901, file 167.

enforcement of the Alien Labour Act. First, it was insisting that regulations be placed in public contracts to ensure compliance with the law on work of a public nature.<sup>30</sup> Second, acting under the authority of the Fair Wages Resolution of 1900, the government was inserting proper wage schedules in all public contracts. Such schedules, binding the company to the payment of standard wages, were felt to be a protection against the employment of alien labour, since they took away "the chief motive for importing foreign labour."<sup>31</sup> Finally, a special departmental Alien Labour Officer had been appointed in August, 1900, in the person of Edward Williams from Hamilton, an engineer on the Grand Trunk Railway and a man well-known in Canadian labour circles.<sup>32</sup> Williams investigated alleged infringements of the act, reporting his findings to the Minister of Labour, who in turn submitted the report to the Attorney General, the latter's consent being required

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30. Mulock told the Prime Minister in April, 1900, that a prospective contract to be let at Port Colborne harbour by the Department of Railways and Canals should contain "a provision ... to the effect that the men employed on the work shall be persons domiciled and resident in Canada. Otherwise the contractors may bring men over from Buffalo to the great irritation and discomfiture of Canadian workmen. This is a most important provision...." Laurier Papers, vol. 149, p. 44812, Mulock to Laurier, April 17, 1900.

31. Report, 1900-1901, p. 27.

32. City of Hamilton Directory, 1899 (Hamilton: Irwin, 1899), p. 297; Orders in Council, vol. 848, P.C. 2047, Aug. 20, 1900.

for the initiation of legal proceedings against persons alleged to have violated the act. By September, 1900, the department already had received sixteen complaints of infractions of the act, ten of which had been investigated by Williams. In half the cases investigated he found sufficient evidence to warrant deportation of individuals to the United States. In each case the guilty employer paid the costs of deportation and proceedings were then dropped.<sup>33</sup> This pattern continued throughout the fiscal year. In all, the department received seventy-one complaints, virtually all of them from labour organizations. Williams investigated forty-eight, finding in thirty-three cases that, in fact, no violation of the act had occurred. In only fourteen cases were actual violations disclosed. The number of aliens deported was fifty-two; another nineteen left Canada voluntarily during the course of investigation. The Department of Justice undertook no legal proceedings during the year. The complainants were willing to forego the right of action on condition that the persons in Canada illegally were deported immediately by, and at the expense of the employers against whom the complaints had been laid. The usual course of action was that the Attorney General communicated such a proposal to the offending parties, who accepted it and deported the individuals involved. The person or persons complaining, then satisfied, did not

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33. LG, I, 75.

press matters further.<sup>34</sup>

By December, 1900, the Department of Labour had assumed responsibility for the actual administration of the Alien Labour Act, although the Justice Department still sanctioned legal proceedings in specific cases under the act. The three regional officers, Bremner, Becks, and Garner, now reported to the Labour Department.<sup>35</sup> At the suggestion of the Minister of Justice and following negotiations between the Deputy Minister of that department and King, the Cabinet on February 20 passed an order in council transferring the parliamentary appropriation for the enforcement of the act to the Department of Labour.<sup>36</sup> Hardly had it done so, however, when changes in the legislation altered drastically the government's role in its administration.

Despite the fact that the Alien Labour Act was now being enforced, the labour interests had found that the machinery moved too slowly, requiring preliminary investig-

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34. Debates, April 2, 1901, cols. 2473-2474; Report, 1900-1901, p. 60. In at least one case the Minister of Labour personally interviewed an employer and extracted suitable promises from him. Diary, Feb. 7, 1901.

35. Department of Justice Records, Letterbook 127, pp. 739-740, David Mills to Mulock, Dec. 7, 1900. For some reason Mills neglected to mention Becks in his letter, with the result that the Department of Labour was unaware of his existence for five months—until Becks submitted a report on an alleged violation of the act in May, 1901. Ibid., Central Registry files, 1901, file 441.

36. Ibid., Central Registry files, 1901, file 167; Orders in Council, vol. 863, P.C. 338, Feb. 20, 1901.

ation by the Department of Labour prior to the Justice Department authorizing the initiation of proceedings or arranging for deportation. Often a considerable time elapsed between the registration of the complaint and any resulting action. Organized labour recommended, as had Clute, that the act be amended so as to allow any labourer to bring a complaint directly before a local judge or magistrate.<sup>37</sup>

Under pressure from employers not to place the enforcement of the act within too easy reach of the average Canadian worker, the government did not accede fully to the demands of labour.<sup>38</sup> However, amendments passed in 1901 did make substantial changes in the legislation.<sup>39</sup> Both Ralph Smith and Arthur Puttee were consulted prior to the introduction of the amending bill, which appears to have been drafted by Roger Clute.<sup>40</sup> It was Smith who proposed an amendment exempting from the provisions of the act any skilled labour not otherwise obtainable in Canada, thereby easing considerably the bill's passage through the House of Commons.<sup>41</sup>

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37. Atkinson, "Organized Labour," pp. 22-27.

38. Ibid., p. 27.

39. S.C. 1901, c. 13.

40. Debates, April 10, 1901, cols. 2705-2706. The Laurier Papers (vol. 189, pp. 54097-54111) contain a memorandum from Clute, undated but apparently from February or early March, 1901, explaining various clauses in a draft bill, which obviously was the one eventually introduced. The documents were forwarded to Laurier by King on March 8, 1901, on instructions from the Acting Minister of Labour.

41. Debates, April 2, 1901, col. 2489.

Smith and Puttee jointly sponsored a bill earlier in the session which bore a striking resemblance to the later government measure. This bill (number 11) was introduced and given first reading on February 21. The government bill (number 47) was introduced by Laurier on March 7,<sup>42</sup> passing third reading on May 14. It was piloted through the House by the Prime Minister, not the Minister of Labour. (Mulock at that time was in Australia, representing the Canadian government at the opening of the new Commonwealth parliament.<sup>43</sup>)

Several of the more significant amendments should be mentioned. The act as originally passed in 1897 and amended in 1898 applied only to those persons who were actual citizens of the United States. The 1901 amendments made the measure applicable to all persons resident in that country. At the suggestions of the labour organizations a section forbidding advertising to induce immigration of labour was inserted.<sup>44</sup> The penalty for infringement of the act was changed from a flat \$1,000 (which was held to be so severe as to make courts conservative in enforcing the act) to one not exceeding \$1,000 and not less than \$50. In addition, the mode of recovery of the penalty was simplified. The section necessitating application to the federal government

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42. Debates, Feb. 21, 1901, col. 199; March 7, 1901, col. 1066.

43. Canadian Annual Review, 1901, pp. 152-153.

44. Debates, March 7, 1901, col. 1066.

before commencement of proceedings was repealed. Henceforth, individuals might, with the written permission of a judge or provincial attorney general, sue for and recover an amount as a debt in any court of competent jurisdiction, or charges could be laid and, upon conviction before any judge of a county court or other competent official, the penalty was to be paid to the Receiver General of Canada. The Receiver General could then order the payment to the informant of a portion (up to one half) of the penalty secured.<sup>45</sup>

The effect of the change in mode of procedure was significant, since it involved a sizeable diminution of government responsibility. Although Section 6 of the act contained a provision whereby the Attorney General could deport persons in the country illegally, the government appeared determined to divest itself of the responsibility for enforcing the act, placing such responsibility in the hands of the persons directly involved. Following the measure's becoming law, the Department of Justice declared that the government, henceforth, would not authorize any deportations until proceedings had been concluded in the courts. The Labour Department thereupon ceased its investigatory work. Persons sending in complaints were simply "furnished with a copy of the Acts as consolidated, and [were] specially directed to Section 3 of the Act to see the provision which has been

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45. Report, 1906-1907, pp. 106-107.



made under the new amendments, for its enforcement."<sup>46</sup>

The three regional officers originally appointed by the Justice Department were no longer required. Bremner was kept on until later in the year. The other two, Becks and Garner, were let go immediately.<sup>47</sup>

The episode involving Bremner is an interesting one. Shortly after his appointment as Alien Labour Officer in June, 1900, Bremner had appeared in Vancouver proclaiming himself to be "Dominion Labour Commissioner" for the province, with power to intervene in all phases of the labour problem on the west coast.<sup>48</sup> In this capacity Bremner intervened personally, and with some success, in a number of labour disputes, including the B.C. salmon fishery strike of July, 1900. He also sent monthly reports back to Ottawa on labour conditions in B.C.<sup>49</sup> Although no evidence can be found that Bremner was ever officially appointed anything more than Alien Labour Officer, organized labour in British Columbia

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46. King Papers, vol. 3, pp. 2542-2547, King to Mulock, June 28, 1901. A copy of the consolidated act, as it appeared in The Labour Gazette, is in Appendix 25 below. On the subject of the Department of Justice requiring prosecution prior to deportation see Department of Justice Records, Central Registry files, 1901, file 152.

47. King Papers, King to Mulock, June 28, 1901.

48. The Province (Vancouver), June 22, 1900.

49. See his reports to the Minister of Justice for July and to the Labour Department for December, 1900, in the Laurier Papers, vol. 166, pp. 48288-48296, and vol. 183, pp. 52149-52165.

at that time and writers since that day appear to have taken at face value his statements as to his status.<sup>50</sup> Ralph Smith, in his Presidential Address to the 1900 Trades and Labor Congress convention, referred with "great satisfaction" to Bremner's appointment "for the settlement of labor disputes in British Columbia...."<sup>51</sup> In March, 1901, Smith urged the Department of Labour to have Bremner act as conciliator in a dispute in the B.C. coal mines.<sup>52</sup> Yet Bremner does not seem to have sought or received guidance from Ottawa on the performance of his duties. King, naturally enough, was afraid that Bremner, acting independently of department control, might embarrass the government.<sup>53</sup> In fact the whole situation was an embarrassment. Once the amendments to the Alien Labour Act had been passed, Bremner's services as an Alien Labour Officer in the field were no longer required. Ed Williams was

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50. The Department of Justice Registry file containing the letter of instructions to Bremner (dated June 7, 1900) was sent to the Department of Labour in December, 1900, and has since disappeared. (Department of Justice Records, Register, 1900, folio 177) However, it very likely was exactly the same as the form letter sent in the case of other such appointments, copies of which occur in the Letterbooks. Modern scholars who have referred to Bremner's position are Martin Robin, Radical Politics and Canadian Labour, 1880-1930 (Kingston: Queen's University Industrial Relations Centre, 1968), p. 54, and H. K. Ralston, "The 1900 Strike of Fraser River Sockeye Salmon Fishermen" (unpublished M.A. thesis, University of British Columbia, 1965), p. 124.

51. T.L.C., Proceedings, 1900, pp. 7-8.

52. Diary, March 13 and 14, 1901.

53. Diary, Sept. 4, 1901.

performing the necessary duties in Ottawa satisfactorily. King wanted to have Bremner "dropped" immediately.<sup>54</sup> However, because of the sensitivity of the situation, he managed to hang on until the end of the year. Not until February of 1902 were his accounts with the Department of Labour settled and the episode ended.<sup>55</sup>

Once the 1901 act had been passed, the department's involvement with the Alien Labour Act was limited to administration and correspondence (presumably carried on largely by Ed Williams). The Annual Report for 1903-1904 mentions the considerable correspondence which the department was carrying on in connection with the act, furnishing persons with information as to the provisions of the law, notifying parties of alleged infringements of the act, and directing attention to the penalties for such infractions. The department also administered the payment to informers of fifty percent of fines imposed, although this particular task could not have been overwhelming. The Annual Reports of the Auditor General list one such action each year for the five years from 1903 to 1908. During the period under review only four of the eleven Annual Reports of the Department of Labour contained special sections on the administration of the Alien

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54. Diary, March 13, 1901.

55. Diary, Feb. 18, 1902.

Labour Act: that for 1900-1901, when the government was directly involved in proceedings, and those for the period 1905-1908, when, as we shall see, there was more than usual interest and involvement in the subject. Between 1901 and 1908 The Labour Gazette printed information on only twenty-four cases under the act. Perhaps, as King wrote in 1906, "there is reason to believe, that through informing parties of the provisions of the law and their liability in the event of the provisions being violated, the department was successful in many cases in preventing infringements of the Act."<sup>56</sup>

Early in 1904 the Dominion Institute of Amalgamated Engineering informed the Minister of Labour that the Grand Trunk Pacific Railway was employing large numbers of American citizens and other non-residents of Canada in connection with surveys being undertaken on the new transcontinental railway line. Mulock interpreted the situation as a test of wills. The government, he wrote Laurier, "will be expected to see that restrictions are imposed." Otherwise the problem would "crop up continually, and it would ... be well, at the very commencement, to have the Grand Trunk Pacific clearly understand that the Government cannot do less than require them to comply with the law."<sup>57</sup> Between April 19 and May 13 the Department endeavoured to determine the facts

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56. Report, 1906-1907, p. 78.

57. Laurier Papers, vol. 313, pp. 84355-84358, Mulock to Laurier, April 11, 1904.

through correspondence with the Grand Trunk.<sup>58</sup> As these attempts met with no success, the cabinet on May 23 appointed Judge John Winchester of the Ontario High Court to conduct a comprehensive inquiry into the charges.<sup>59</sup> Winchester was directed to obtain the names, nationalities, places of residence, and other pertinent information on all persons employed in connection with surveys on the proposed railway and also to ascertain the names of all Canadians or bona fide residents of Canada who had applied for such employment, the type of employment applied for, and the results of their applications. The enquiry began in Montreal on May 30, moving on to Winnipeg, Edmonton, and Regina, then returning through North Bay to Ottawa, Montreal, Toronto, and Kingston in July. Over 120 witnesses were examined, including the general manager, assistant engineer, and a number of others employed by the railway. During the course of the enquiry Winchester forwarded to Mulock interim reports naming a number of employees and officials of the company as liable for deportation. These reports being immediately forwarded to the Department of Justice, the Attorney General issued warrants for the arrest and deportation of the persons named.<sup>60</sup> The Department

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58. While the Department of Labour file no longer exists, Mulock summarized its contents in the House of Commons on May 13, 1904 (cols. 3070-3077).

59. Orders in Council, vol. 955, P.C. 997, May 23, 1904.

60. Report, 1904-1905, pp. 81-83. Mulock's letters to the Department of Justice, enclosing copies of Winchester's reports on persons in Canada illegally, and a copy of one of the bench warrants issued for the arrest and deportation of one of the persons named, are on Department of Justice Central Registry file 579 of 1904.

of Labour published the full report of the commission and the evidence, as presented to Parliament on March 1, 1905.<sup>61</sup> Two persons were attached to the commission to assist Winchester: a solicitor, H. M. Mowat, K.C., of Toronto, and the senior clerk in the Labour Department, G.G.V. Ardouin, whose task was the recording of evidence. The work of transcribing the evidence and preparing it and the report for publication had to be undertaken by the staff of the Department.<sup>62</sup>

As a result of the work of this commission and the consequent action of the Attorney General, fifteen out of the twenty-four persons whom Judge Winchester specifically named left the employ of the Grand Trunk Pacific. Some were deported by the Department of Justice; others left voluntarily to escape such action. (In one case the Justice Department ordered a stay of deportation proceedings after the offender complained to the State Department in Washington.<sup>63</sup>) The government subsequently took steps to prevent their being hired by the Transcontinental Railway Commission for work on that portion of the new line which was to be built by the government.<sup>64</sup>

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61. Canada, Royal Commission on Employment of Aliens on Grand Trunk Pacific Railway, Report of Commission and Other Documents (Ottawa: 1905).

62. Report, 1904-1905, p. 83.

63. Department of Justice Records, Central Registry files, 1904, file 579, A. F. Sladen to Minister of Justice, Aug. 3, 1904; Sir Mortimer Durand to Lord Minto, Aug. 4, 1904; Acting Deputy Minister of Justice to Governor General's Secretary, memorandum, Aug. 6, 1904.

64. Laurier Papers, vol. 360, pp. 95949-95951, Mulock to Laurier, March 23, 1905, with enclosure Mulock to F. C. Wade, March 20, 1905.

A more important consequence, however, was the increased public awareness of the alien labour problem, resulting from the publicity given the subject during the investigation.<sup>65</sup>

Early in 1905 the department became involved in another case of large scale infringement of the Alien Labour Act by a railway company. The Père Marquette Railway Company of Michigan, after having obtained control of the Canadian portion of the Lake Erie and Detroit River Railway, had been replacing the Canadian employees of the old system with workers from the United States. The Acting Minister of Public Works, C. S. Hyman, asked Joseph T. Marks, editor of the Industrial Banner in London, to inquire into the matter and prepare a confidential report. Marks did so, providing evidence confirming the veracity of the allegations which had been made.<sup>66</sup> On April 20 Winchester was appointed commissioner to investigate the situation. Assisting him were Marks and Albert O. Jefferys, K.C., of London, as counsel appointed to represent the government. Winchester examined thirty-eight witnesses. In his report, tabled on May 19, he named individuals who had been discharged by the company and Americans who had been hired in their places.<sup>67</sup> The Minister of Labour

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65. Report, 1904-1905, p. 83.

66. Report, 1904-1905, pp. 84-87; Industrial Banner, June 1905. The original handwritten text of Marks' report and a carbon copy of the typed text are in the King Papers, Memoranda and Notes, vol. C13, file 75.

67. Canada, Royal Commission on Employment of Aliens on Père Marquette Railway, Report of Commissioner (Ottawa: Dept. of Labour, 1905).

requested the Attorney General to have the persons hired in violation of the Alien Labour Act returned to the United States immediately. Some employees left Canada of their own accord; warrants were issued against the others on June 2. Immediately after their arrest, however, they obtained writs of habeas corpus. On June 16 Mr. Justice F. A. Anglin of the High Court of Ontario ruled that the Alien Labour Act was ultra vires of the dominion parliament, on the grounds that, in compelling the return of aliens to the United States, Parliament had authorized acts to be done beyond the territorial limits of Canada, an exercise of jurisdiction which could only be conferred on the Canadian parliament by the parliament of Great Britain.<sup>68</sup> One year later the Judicial Committee of the Privy Council in London reversed the decision of Mr. Justice Anglin, declaring the deportation clause of the act to be within the powers of the Canadian parliament.<sup>69</sup>

The outcome of the legal proceedings was, of course, of great interest to the Department of Labour. Immediately following Anglin's ruling in June, 1905, King suggested to Mulock that the Minister, then in London, approach the British authorities to see if they could, on behalf of Canada, ask the American government to take steps to stop the movement

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68. Report, 1904-1905, pp. 84-87.

69. Report, 1905-1906, pp. 77-78.



of labour to Canada at source.<sup>70</sup> Whether Mulock took his deputy Minister's advice at all seriously on this occasion is not known. Six days later (on June 26) the Minister of Justice announced in the House of Commons the government's decision to appeal to the Judicial Committee.<sup>71</sup> The Labour Department bore the expense of the legal proceedings. The publicity arising out of those proceedings in the press and through the distribution of copies of the Report of the Royal Commission (almost six thousand copies by June 30, 1905<sup>72</sup>) appears to have had a salutary effect. Whether, as the department claimed,<sup>73</sup> the publicity effectively stopped all importations of aliens from the United States is doubtful. It is interesting, however, that during the fiscal year 1905-06, when the status of the act might have been thought in doubt, there were more actions brought under its provisions than ever before. The Labour Gazette that year mentioned ten, more than double the number mentioned in any other year.

The Alien Labour Act was a continual political headache for the government. Whereas organized labour agitated to have the legislation strengthened and enforced,

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70. King Papers, vol. 3, pp. 2542-2547, King to Mulock, June 28, 1905.

71. Debates, June 26, 1905, vol. 8147.

72. Report, 1904-1905, p. 130.

73. Report, 1906-1907, p. 110.

the manufacturers wanted it weakened. When the 1901 amendments were before the House of Commons, the Secretary and an ex-president of the Canadian Manufacturers' Association interviewed Laurier regarding the clause which prohibited advertising for workers in the United States. As a result of this meeting the Prime Minister agreed to the amendment, which was subsequently moved by Ralph Smith, to exempt from the bill's provisions skilled workmen imported to perform labour on any new industry where suitable manpower was not available locally.<sup>74</sup> During the next two years the Association sought to widen the exemption to include skilled labour for established industries as well as new ones. In both 1902 and 1903 John Charlton, the Independent Liberal member for North Norfolk, introduced an amending bill designed to satisfy the wishes of the manufacturers. His 1902 bill did not get beyond first reading. The 1903 measure did not progress beyond second.<sup>75</sup>

Very soon after the amendments of the act in 1901 organized labour realized that the action had been a mistake. Ralph Smith admitted that the Trades and Labor Congress had expressly asked the government "for the right of any person to sue..." However, he said, "we desired this right while forgetting that it might cost us something." That is, the

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74. Industrial Canada, I (April 1901), 233.

75. Debates, March 10, 1902, col. 882; April 15, 1903, cols. 1295-1296; May 18, 1903, cols. 3283-3285. Industrial Canada, III (Sept., 1902), 89.

procedures provided for in the act were too time consuming, too expensive, and not effective. "I am convinced myself," said Smith, "that the best and certainly the cheapest thing is to have the Department of Labor assume the deportation of aliens rather than the recovery of a fine." He continued,

We must have this done at no expense to the unions, and thus the Government should retain this power and send out special officers to make investigation into every supposed or reported violation of the law and deport when necessary at the expense of the parties violating the Act, where such could be proven. I am convinced that the Act should be under the Minister of Labor, and the Government should see that the Act is enforced as originally intended. Otherwise, I am afraid it will remain a dead letter.<sup>76</sup>

The Executive Committee of the Trades and Labor Congress expressed its wishes very succinctly:

Legislation should be enacted which would provide a speedy and effective means of securing the deportation of aliens rather than the recovery of a fine for their illegal importation, and to this end the Department of Labor should have authority to cause its special officers to make an immediate investigation, and to deport at the expense of the party who had violated the act, where such violation could be proven to the satisfaction of the special officers. In the event of a person not deporting aliens upon receiving notification from the Department that they had been illegally imported, that person should be subject to a very heavy penalty, such as both fine and imprisonment. The operations of the Act should be under the Minister of Labor, and the Government should see that the act is enforced as originally intended, otherwise it will remain a cumbersome, contentious and useless measure.<sup>77</sup>

Four months earlier, in the course of several meetings regard-

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76. T.L.C., Proceedings, 1901, pp. 7-8.

77. Ibid., p. 16.

ing the changes in the administration of the act which the Prime Minister held with Smith (and at which King was present) prior to final passage of the legislation, the Trades and Labor Congress President expressed himself as "anxious to have the bringing-in of workmen from the United States made the subject of a special application to the Minister [of Labour] and to have his decision published each month in the Labour Gazette." King told Mulock that he thought the idea was unacceptable because it "would mean changing the matter of administration into one of policy, which might involve the Department in some complications."<sup>78</sup>

King at first had been opposed to the very principle of the Alien Labour Act. "I have no sympathy for the Act whatever," he wrote in March, 1901, when the amendments were before the House.<sup>79</sup> However, the open violations of the law taking place in British Columbia gradually swung him around. By October King was writing in his diary: "As to the non-enforcement of the law by the Gov't, there is unquestionably reason in the decision of the Dept. of Justice on the ground that the Govt. does not wish to enforce any such law, but in this case there seems to be fair ground for stretching a point to stop wholesale importation."<sup>80</sup> Ed Williams at that time was in the Kootenays investigating the situation regard-

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78. King Papers, vol. 3, pp. 2539-2541, King to Mulock, May 14, 1901.

79. Diary, March 14, 1901.

80. Diary, Oct. 2, 1901.

ing the importation of alien labour by the mine managers.<sup>81</sup>  
 The seriousness of the situation failed to budge the Justice Department from its position that conviction in the courts would have to precede deportation proceedings. However, the Dominion Police were on the alert, ready to move a man into Rossland in case deportation proceedings should have been ordered.<sup>82</sup> Mulock even considered having King appointed a commissioner under the Inquiries Act to investigate the alleged violations of the Alien Labour Act in British Columbia, but dropped the idea after discussions with his colleagues.<sup>83</sup>

The Department felt the need to explain the act to the labour movement. In 1901 it paid \$100 to the Trades and Labor Congress to have printed in its Official Book a short article on the terms of the measure.<sup>84</sup> King agreed

81. The Voice, Oct. 4, 1901.

82. Department of Justice Records, Central Registry files, 1901, file 152, A. P. Sherwood to E. L. Newcombe, Sept. 24, 1901; Mulock to David Mills, Sept. 26, 1901; W. A. Galliher to Mulock, Oct. 9, 1901; Mulock to Galliher, Oct. 14, 1901; Mulock to Mills, Oct. 14, 1901; Mills to Mulock, Oct. 17, 1901.

83. The Sifton Papers, vol. 107, pp. 84833-84834, contain a draft order in council, signed by Mulock, dated October 25, 1901, Ralph Smith, the previous February, had suggested to both Laurier and Sifton that the powers of the Royal Commission on Chinese in British Columbia be broadened to include the whole question of alien labour. Laurier and Sifton offered to discuss the matter with Smith but went no further. Laurier Papers, vol. 187, pp. 53343-53344, Smith to Laurier, Feb. 11, 1901, and Laurier to Smith, Feb. 12, 1901; Sifton Papers, vol. 113, p. 89118, Smith to Sifton, Feb. 11, 1901, and Ibid., vol. 241, p. 816, Sifton to Smith, Feb. 15, 1901.

84. Canada, Auditor General, Labour Department: Details of Revenue and Expenditure, 1901-1902, (Ottawa, 1902). Trades and Labor Congress of Canada, Official Book, 1901 (Toronto, 1901).

with the representatives of labour that the Alien Labour Act was "in a most unsatisfactory condit'n. ... The Govt. is practically powerless to act without being forced by indiv'ls. thro' machinery which is most cumbersome & largely ineffective." James Sutherland, the Acting Minister of Labour during Mulock's absence in 1901, felt that the act was "a farce & disgrace."<sup>85</sup> Nevertheless, King was convinced that "it wd. not be well for the Dept. to administer the Act."<sup>86</sup> He suggested to the Labor Congress Executive that the existing procedure be simplified. Smith, however, in the 1902 session went so far as to introduce a bill designed to implement his idea expressed the year before, "to put enforcement of the Alien Labour Act in charge of the Minister of Labour, instead of the Attorney General as now." Referring to the fact that "the Government have interpreted the law to mean that they have nothing at all to do with the enforcement of the Act," Smith said that, under his amendment, "the government will be called upon to send out their commissioner at the request of the labour unions to investigate any complaint with regard to the importation of alien labour into the country, and to report on each case, and if necessary deport them."<sup>87</sup> The Canadian Manufacturers' Association was, needless to say, horrified. At the Association's annual meeting in September,

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85. Diary, June 17, 1901.

86. Diary, Aug. 15, 1901.

87. Debates, April 21, 1902, col. 3128.

1902, its Parliamentary Committee stated its belief "that the Department of Justice is fulfilling its functions quite satisfactorily and that there is no occasion to have this work undertaken by the Department of Labor."<sup>88</sup> As the bill did not go beyond first reading, there was no discussion of Smith's proposal in Parliament. Laurier, however, summarized the government's policy on March 17, 1902, when he informed a deputation from the Trades and Labor Congress requesting the same amendment that "deportation of alien workmen without trial would depart from the oldest and best tradition of British law."<sup>89</sup>

The Trades and Labor Congress consistently pressed for a return to the principles of the original act, with the administration of the statute under the Minister of Labour. The business community, on the other hand, took every occasion to suggest that the Alien Labour Act be left as it was or simply be repealed. The government, as usual, was caught in the middle. Laurier, for example, while not in agreement with the legislation, saw no alternative to the course he had taken. "I regret more than anybody else," he told the General Manager of the Grand Trunk Railway in June, 1904, "the legislation which we had to adopt on the subject of Alien Labour." He continued:

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88. Industrial Canada, III (Sept., 1902), 89.

89. Canadian Annual Review, 1902, p. 487.

We had to do it in self defence and only after a long resistance. There is only one way of settlement and it would be to abolish on both sides, all such drastic laws; but this is a matter into which we cannot move unless our neighbours do the same thing. For us to abolish our Alien Law whilst they would keep their own on their Statute Books would simply be suicidal for any Government to undertake.<sup>90</sup>

Six weeks later the Prime Minister reiterated his feelings:

I do not like the Alien Labour Law. I am not in sympathy with it, but so long as our neighbours maintain it, I do not see how we can help ... following even that bad example. ... I believe sincerely that bye and bye we must reach an agreement to repeal it on both sides. That would be a most fortunate action and nothing would give me more personal satisfaction.<sup>91</sup>

To a disturbing degree government ministers and officials were out of sympathy or out of touch with the philosophy of labour with regard to immigration. In June, 1901, for example, the Department of Labour received a request from Canadian immigration officials in Scotland for extra copies of the issues of The Labour Gazette containing a series of articles on the industries of Canada, for the purpose of distributing them to the press in Scotland and northern England. Similarly, the High Commissioner's Office in London requested extra copies of the Gazette or off-prints of the relevant articles. In each case the motive was to stimulate immigration of labourers to Canada.

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90. Laurier Papers, vol. 322, Laurier to Charles M. Hays, June 20, 1904.

91. Laurier Papers, vol. 331, p. 88739, Laurier to Hays, Aug. 6, 1904.



Mackenzie King's reaction, expressed in a letter to Mulock, is revealing:

This is one idea I had in mind when I thought of beginning this special series of articles on the industries of this country, and I am much pleased to find that, without any suggestion from this side, and apparently without knowledge by one of the action of the other, both the English and Scotch authorities have discovered for themselves the worth of these articles for the very purpose for which among other things, they were especially intended.<sup>92</sup>

One wonders what the reaction of Canadian labour leaders would have been to such a revelation

The year 1903 brought a fresh batch of problems. Unofficial immigration agencies in Britain were misrepresenting the condition of labour in Canada and encouraging large-scale immigration of mechanics and artisans. The busiest of these agencies, the "Canadian Labour Bureau," had established itself in the same building as the Canadian Immigration Office in Charing Cross. There was considerable suspicion that the official government immigration agents were involved in its activities. Indeed, the Canadian Immigration Commissioner in London, W. T. R. Preston, had issued several statements claiming a great shortage of mechanics in Canada and was known to have referred interested labourers to the Canadian Labour Bureau.<sup>93</sup> The Canadian Manufacturers' Association was

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92. King Papers, vol. 3, pp. 2542-2547, King to Mulock, June 28, 1901. Italics supplied.

placing advertisements in the British press and had established contact with the "Labour Bureau" and other such agencies (such as the Salvation Army) in Britain. Not surprisingly its efforts along these lines met with "the most unbecoming and unpatriotic opposition on the part of organized labor...."<sup>94</sup> The fact that England at this time was faced with alien labour problems of her own may have had some bearing on these activities, but meant nothing to the Canadian labourer. Many of the immigrants from Britain found that they had been deceived about employment and wages. More than a few discovered that they had been sent out to act as strike breakers. During the winter of 1903-1904 the Department of Labour carried on considerable correspondence, uncovering enough exact information regarding fraudulent representations to warrant government action. At the request of the Trades and Labor Congress and the Labour Department, the Department of the Interior instructed Preston "to confine [his] efforts towards

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93. Immigration Branch Records, file 195281, part 2, James A. Smart to Preston, Feb. 15, 1904. See also The Toiler, June 5, 1903, et. seq.

94. Industrial Canada, IV (Oct., 1903), 129. See also ibid., III (June, 1903), 480; IV (Sept., 1903), 59; IV (Dec., 1903), 273; and S. D. Clark, The Canadian Manufacturers' Association (Toronto: University of Toronto Press, 1939), p. 45.

promoting the immigration of agricultural classes."<sup>95</sup> It also placed advertisements and notices in the English newspapers and its immigration offices warning that any agencies promoting the emigration of mechanics and other skilled workmen to Canada were in no way connected with or sanctioned by the Canadian government.<sup>96</sup> Sifton pressed upon his deputy Minister the policy that the department's immigration agents were not to encourage in any way the migration of persons seeking employment as skilled mechanics or labourers.<sup>97</sup> These actions, which greatly annoyed the Canadian business community,<sup>98</sup> barely scratched the surface of the problem as far as labour was concerned. The Canadian Labour Bureau continued its activities and the flow of artisans to Canada grew, as did concern within the ranks of the Canadian working class.

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95. Mulock, Debates, April 27, 1903, col. 1855; T.L.C., Proceedings, 1904, p. 34; Canadian Annual Review, 1903, pp. 556-557.

96. Report, 1903-1904, pp. 102-103; Sifton Papers, vol. 168, pp. 135684, 135850-135855, Mulock to Sifton, March 3, 1904, Aug. 11, 1904; Immigration Branch Records, file 195281, part 2, Mulock to Sifton, June 15, 1904.

97. Immigration Branch Records, file 33957, James A. Smart to Alfred F. Jury, Feb. 5, 1904.

98. Industrial Canada, V (Oct., 1904), 151-152.

Meanwhile the Department's attention was being drawn to another controversy. The spring of 1904 witnessed an unusual influx of six to eight thousand Italian labourers into Montreal. During May and June the number of Italians out of work in Montreal caused hardship among them and discontent among Canadian labourers in general. Mackenzie King conducted an investigation into the problem during the late spring, recommending to the government on June 11 that a further inquiry be undertaken under oath by a Royal Commission. As a result, the terms of Judge Winchester's commission to investigate the Grand Trunk Pacific problems were widened on June 20 to include this new matter. Winchester was instructed to inquire into the circumstances which had induced the Italian labourers to come to Montreal, the persons engaged directly or indirectly in promoting their immigration, and the methods adopted to bring about such an influx.<sup>99</sup> Even before the actual inquiry began in July, King's investigation and report had put a stop to the importations and had caused the responsible parties to find a means of ridding the Montreal labour market of the burden placed on it by the presence of so many unemployed.

The taking of evidence began on July 21, with Mowat and Ardouin continuing to aid the Commissioner. Over sixty

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99. Orders in Council, vol. 957, P.C. 1230, June 20, 1904.

witnesses were examined, including the Italian consul, the Mayor of Montreal, and the president of that city's Italian Immigration Society. The Report, as tabled in the House of Commons on May 19, 1905, contained a fascinating tale of fraudulent immigration practices, together with maltreatment and extortion of immigrants. By June 30 over two thousand copies of the Report had been distributed.<sup>100</sup> As a result of the inquiry, prosecutions were undertaken against the main culprit, one Antonio Cordasco, by a number of victims of his extortion. More important was the passage of a bill to outlaw such false representations as had taken place in encouraging the immigration to Canada of the unfortunate labourers.

During the late winter and spring of 1904 the pressure on the government from organized labour for legislation to protect Canadian railway workers from the competition of alien labour became too strong to resist.<sup>101</sup> Near the close of the parliamentary session, on July 29, Mulock introduced into the Commons a proposed "Act to Consolidate and amend the Acts respecting Alien Labour," or "Act respecting Aliens" as it was officially titled later.<sup>102</sup>

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100. Report, 1904-1905, p. 130. Report of the Royal Commission to Inquire into the Immigration of Italian Labour to Montreal, and Alleged Fraudulent Practices of Employment Agencies (Ottawa: King's Printer, 1905). Some of the records of this Commission have survived and may be found in the Public Archives of Canada (R.G. 33/115).

101. Laurier Papers, vol. 320, pp. 86092-86095, Sir Thomas Shaughnessy to Laurier, May 25, 1904; Laurier to Shaughnessy, May 26, 1904. Ibid., vol. 349, pp. 93109b-93109e, Mulock to Laurier, n.d. [July, 1904].

It was introduced on July 29, receiving second reading and considerable amendment in Committee on August 5, with Mulock agreeing to the dropping of whole sections in the hope that the more important portions at least would be passed that session. The Commons gave the amended bill third reading on August 6, passing it on to the Senate, where it received first reading the same day. On August 10, the last day of the session, the measure was talked out in the Upper House. Its defeat was due in no small measure to the sustained opposition of the Canadian Manufacturers' Association, who saw the bill's attempts to control immigration of workers as "seriously and unnecessarily inimical to Canadian interests."<sup>103</sup>

The bill passed by the Commons contained several interesting features. For one thing it proposed the repeal of Section 6 of the existing Alien Labour Act, which provided for the Attorney General of Canada taking action to deport immigrants who were in Canada in violation of the act. In place of the existing procedure, the bill empowered immigration agents or "special officers" appointed under the proposed act to arrest without warrant and detain any alien who had entered or been brought into the country illegally. The Minister of Labour was to have the power to deport such persons. The "special officers" would be appointed by the

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102. House of Commons Bill 162 of 1904. A copy of the Bill as printed for Committee study in the House of Commons appears below, Appendix 21.

103. Industrial Canada, V (Sept., 1904), 74-75; Ibid., V (Oct., 1904), 151.

Governor in Council, who could also bestow on them "the power ... of summoning witnesses and compelling their attendance, and of requiring them to give evidence on oath and to produce documents and things, in as full measure as such power is preserved by any court of record...."<sup>104</sup>

Mulock admitted that the section providing for deportation of undesirables "has nothing to do in itself with the question of alien labour, but strictly belongs to the question of immigration":

However [he continued] the Minister of the Interior having charge of immigration and the Department of Labour having charge of the subject of alien labour, and having also to do with deportations, it was deemed advisable that one department alone should be concerned in the subject of deportation, and my colleague the Minister of the Interior thought it more properly belonged to the Department of Labour to take complete charge of the subject of deportation....<sup>105</sup>

This concession on the part of the Minister of the Interior is understandable when viewed in the context of government immigration policy at the time, which was, in Sifton's words, "to promote the immigration of farmers and farm labourers" and discourage the immigration of industrial labourers. "Additions to the population of our cities and towns" he described as "undesirable from every standpoint...."<sup>106</sup> Presumably immigration of urban workers was considered a

104. Bill 162, S. 13, 15.

105. Debates, Aug. 5, 1904, col. 8569.

106. Memorandum, Sifton to Laurier, April 15, 1901, cited in Timlin, "Canada's Immigration Policy," p. 518.

labour, rather than an immigration matter.<sup>107</sup>

According to Mulock the "three salient points" in the bill were those which provided for railways aided by public funds to be constructed as far as possible by British subjects, for the stopping of false representations to induce immigration, and for the exclusion of undesirable immigrants.<sup>108</sup> The first was simply an attempt to incorporate into law the spirit of the clauses in the Crow's Nest Pass Railway contract which had decreed the use of Canadian labour, construction companies incorporated in Canada, and directors and capital from within the Empire.<sup>109</sup> The immediate prod was a bill introduced on May 24 by George A. Clare, the Conservative M.P. for South Waterloo, to amend the Grand Trunk Railway Bill then under discussion. Disturbed by the alien labour situation on the railway, Clare wished to protect competent workmen of British allegiance in Canada. His proposal was that,

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107. Mulock, on June 7, 1904, had referred Sifton to the Alien Bill recently introduced in the British House of Commons. "I would suggest your getting this Bill", wrote Mulock, "reading it over, and considering whether you could not to advantage introduce legislation giving more complete control than you to-day have in respect of undesirable immigrants. It might be that these provisions could go into our Alien Labour Bill or if preferred, it might be separate legislation." (Sifton Papers, vol. 168, p. 135793, Mulock to Sifton, 7 June 1904.) By the end of June, Mulock had decided on separate legislation rather than amendments to the Alien Labour Act. (Sifton Papers, vol. 168, p. 135813, Mulock to Sifton, 1 July 1904.)

108. Debates, Aug. 5, 1904, col. 8565.

109. Mulock, Debates, July 29, 1904, cols. 7898-7901.



subject to the authority of the Minister of Labour, when unable to obtain labourers in Canada the Grand Trunk Pacific should give preference to British subjects. His amendment would have made it unlawful for the railway to employ any person not a British subject or, if an alien, not a resident of Canada for one year preceding the employment. Clare's amendment was rejected after Mulock announced the appointment of the Commission of Inquiry and stated that the government intended to introduce a more comprehensive measure later in the session which would cover all railways rather than just one.<sup>110</sup> This the Alien Bill did.

Mulock admitted that the section which defined classes of persons to be excluded from Canada, like that relating to deportation, had "nothing whatever to do with the question of alien labour but has to do simply with the endeavour to secure as good a population as circumstances will permit."<sup>111</sup> Section 10 of the Alien Bill expanded the list of persons excluded from immigration into Canada to include, among others, idiots, insane persons, polygamists, anarchists, and prostitutes. Although this bill was not passed, the list can be seen as a forerunner of the exclusion sections

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110. Canadian Annual Review, 1904, p. 94; Debates, May 25, 1904, cols. 3450-3451.

111. Debates, Aug. 5, 1904, col. 8568. In defending the bill to John Torrance, Montreal financier and businessman, Laurier wrote: "Whilst it is most important to increase the population by judicious immigration, you will agree with me that we should not fall into the mistake which has been made by our neighbour and open our doors to the scum of the earth." (Laurier Papers, vol. 331, p. 88710, Laurier to John Torrance, 4 Aug. 1904.)

in the Immigration Act of 1906.<sup>112</sup>

A very interesting section of the bill was that which prohibited false representations intended to induce immigration. This section, the outcome of the British immigration problems of recent years and, more immediately, the Italian labour situation in Montreal then being investigated by Judge Winchester, was drafted by Mackenzie King.<sup>113</sup> Indeed, it seems safe to assume that the entire bill was the product of the deputy minister.<sup>114</sup> Much confusion surrounded this particular section when the bill was under discussion in the House, because of its apparent similarity to section 8 of the Alien Labour Act, which prohibited anyone from assisting or encouraging the importation or immigration of any person residing in the United States through advertisements printed or published in that country. The difference was that whereas the Alien Labour Act applied to only one country but related to all advertising, the new clauses had world wide application but prohibited only false advertising. Section 6 of the bill read:

6. Every person who does, in Canada, anything for the purpose of causing or procuring the publication or circulation by advertisement or otherwise, in a

112. S.C. 1906, c. 19, s. 26-29.

113. Diary, April 4, 1906.

114. Some of the ideas in the bill were taken from a draft measure proposed by the member for St. Jacques in Montreal, Honoré Gervais, and submitted to the Prime Minister on May 26, the day following discussion of Clare's amendment. (Laurier Papers, vol. 320, pp. 86135-86149, Honoré Gervais to Laurier, May 26, 1904, with enclosures; Laurier à Gervais, 28 mai, 1904; Laurier to Mulock, 28 May 1904.)

country outside of Canada, of false representations as to the opportunities of employment in Canada, or as to the state of the labour market in Canada, intended or adapted to encourage or induce the immigration into Canada, of persons resident in that country, or who does anything in Canada for the purpose of causing or procuring the communication to any resident in such country of any such false representations, shall, if such false representations are thereafter so published, circulated or communicated, be guilty of an offence, and liable, on summary conviction before two justices of the peace, to a penalty of not more than one thousand dollars and not less than fifty dollars for each and every such offence.<sup>115</sup>

As already noted, the Alien Bill did not become law. However, on March 13, 1905, H. J. Logan, Liberal M.P. for Cumberland, introduced as a separate measure a bill to prevent false representations intended to induce immigration. Identical to section 6 of the 1904 Alien Bill, it was introduced at the request of the Trades and Labor Congress. Subsequently, the Canadian Manufacturers' Association communicated with Logan, informing him that it would support his bill provided it were altered to relate to representations intended to deter as well as those intended to encourage immigration.

The Trades and Labor Congress accepted this change.<sup>116</sup> As amended, the bill was passed by the House of Commons on July 17 and subsequently became law.<sup>117</sup>

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115. Bill 162, 1904, s. 6.

116. Debates, July 17, 1905, cols. 9699-9700; Industrial Canada, VI (Oct., 1905), 142.

117. "Act respecting false representations to induce or deter immigration", S.C. 1905, c. 16.

It soon became obvious that the act was not effective. Persons evaded it very simply—by publishing and communicating false representations not in Canada, but abroad, safe from the jurisdiction of the Canadian parliament. The Canadian Labour Bureau thus was able to continue its immigration work in London. The matter was brought to a head early in 1906 by a complaint from a party of British printers who had been induced to emigrate from Britain to Winnipeg. While they had been promised jobs, they found on arriving that they were to be used as strike-breakers.<sup>118</sup> Their complaint took the form of a memorial to the British Prime Minister and to King Edward VII. The Canadian government, on being informed of the matter, referred it to the Department of Labour. Mackenzie King undertook a full investigation during the month of March, 1906, finding that the allegations made by the printers were substantially correct. An agent of the master printers of Winnipeg had deliberately misrepresented the facts by concealing the existence of the strike. The Canadian government sent King's report on to London, with its approval of his suggestion that Westminster enact legislation similar to the Canadian act of 1905. During May the House of Commons in Ottawa debated a resolution presented by Ralph Smith (at the suggestion of King, who

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<sup>118</sup>. For a summary of this case, see Report, 1905-1906, pp. 69-76.

drafted the resolution and Smith's speech <sup>119</sup>) which urged the necessity of having British legislation. This resolution was passed with the concurrence of both sides of the House near the end of the session, on the motion of the Prime Minister. Thereafter the British government, whenever the attention of the Emigrants' Information Office was directed to a request for a large number of skilled labourers, inquired as to whether the demand was a result of a labour dispute. If so, it issued a public warning. The result of this practice was considerable correspondence between that office and the Department of Labour in Ottawa regarding the existence of strikes in Canada.

Throughout 1906 there was a great deal of agitation among Canadian labour organizations on the subject. Many petitions were received by members of parliament from labour interests. The Trades and Labor Congress annual meeting that year passed resolutions protesting against false representations in British newspapers and asked the Minister of Labour to appoint a commissioner in each province to oversee the enforcement of the Alien Labour Act.<sup>120</sup> The Secretary-Treasurer of the Congress, P. M. Draper, wrote the Minister of Labour on August 27, 1906, suggesting that someone be sent to England to press upon British authorities the urgency

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119. Diary, April 4, Sept. 20, 1906. A copy of the speech is in King Papers, Memoranda and Notes, vol. C13, file 75.

120. Canadian Annual Review, 1906, p. 298.

of the request for legislation similar to that in Canada. Draper suggested that, should the Minister himself not be able to go, his deputy minister should be chosen. Lemieux replied that he thought Draper's suggestion a good one and was therefore sending Mackenzie King to England to interview British authorities.<sup>121</sup> In England during October King held a number of interviews with officials of the Colonial Office and had a lengthy audience with the Colonial Secretary, Lord Elgin, on October 23. Four days later he was informed that the President of the Board of Trade, at the suggestion of the Colonial Secretary, had given notice that he would propose the insertion of an appropriate clause in the Merchant Shipping Bill then before the British House of Commons. The clause, which passed, provided for a fine and imprisonment for anyone who "by false representation, fraud, or false pretence, induces or attempts to induce any person to emigrate or to engage a steerage passage in any ship...."<sup>122</sup>

The provisions thus enacted were, presumably, enforced. The January, 1908, issue of The Labour Gazette contains a description of the sentencing in Liverpool of two men guilty of defrauding emigrants, whom they had sent to Canada stowed away on C.P.R. ships. The two defendants,

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121. Report, 1906-1907, pp. 100-101; King Papers, vol. 6, pp. 5470-5472, King to Ralph Smith, 6 Sept. 1906; Ibid., pp. 5894-5899, King to P.M. Draper, 14 Jan. 1907.

122. 6 Edw. 7, c. 48, S. 24; Report, 1906-1907, pp. 98-105.

one of whom had sent six emigrants, the other three, were each sentenced to six months' hard labour. The judge, who said he would also recommend that their sentences be followed by ~~expulsion~~ expulsion from the country, described emigrants as "a class of people who required the utmost protection of the law."<sup>123</sup>

Despite the legislative precautions so far taken, 1907 witnessed a higher than normal number of immigrants from Britain to Canada. The increase was partly due to the efforts of the newly established British Office of the Canadian Manufacturers' Association under the Association's Labour Agent, Louis Leopold.<sup>124</sup> A large proportion of the arrivals had had their transportation paid by charitable societies in Britain out of public funds. The societies naturally were working chiefly among what the Minister of the Interior, Frank Oliver, called "the unemployed, destitute and incompetent classes in the congested centres of population." While Oliver "did not contend that some of these immigrants may not make successful citizens of Canada, nevertheless it is true that it is not the object of these associations to encourage the immigration of the really competent, industrious and ambitious man so long as he succeeds in supporting himself, and that their operations are confined almost

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123. L.G., VIII, 874.

124. Industrial Canada, VII (Aug., 1906), 66; Ibid., VII (Oct., 1906), 240; Ibid., VIII (Oct., 1907), 208-210.

exclusively to the class from which it is very unlikely that the needs of Canada can be properly supplied." That class he described as including "not only the unemployed but a large proportion of those who are a drag in the labour market from misfortune, incompetence or indifference."<sup>125</sup> During 1907 Canada excluded 141 and deported 441 persons who had come from Britain—an unusually high number in each case.<sup>126</sup> The situation worsened as the depression winter of 1907-1908 progressed. Out of nearly 1,800 deportations in 1908, nearly 1,100, or seventy percent, were deportations of persons from the British Isles.<sup>127</sup> Early in 1908, reacting to public criticism, the Canadian Manufacturers' Association closed its London labour bureau and ceased urging its views concerning immigration on the government.<sup>128</sup> The Trades and Labor Congress meanwhile had stationed a representative in Britain to counteract the work of the employment agencies.<sup>129</sup> On

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125. Orders in Council, vol. 1061, P.C. 410, Feb. 25, 1908.

126. Loc. cit.

127. Timlin, op. cit., p. 523.

128. Industrial Canada, IX, (Oct., 1908), 217, 233-236.

129. T.L.C., Proceedings, 1908, pp. 31-51. A new Immigration Act passed by the Canadian Parliament in 1906 appeared to give the government considerable powers of discretion insofar as classes of immigrants were concerned. Section 30 of the statute permitted the Cabinet to prohibit, by Order in Council, "the landing in Canada of any specified class of immigrants." However, the Department of Justice interpreted this section as applying only to exclusion connected with disease, pauperism, or moral turpitude. (Timlin, "Canada's Immigration Policy," p. 253.)



February 25, 1908, the Canadian government took steps to halt the flow. An order in council, effective April 15, prohibited

the landing in Canada of any person whose passage has been paid, wholly or in part, by any charitable organization or out of public moneys, unless it is shown that the authority in writing of the Assistant Superintendant of Immigration for Canada in London, has been obtained for the emigration of such person, and that such authority has been acted upon within a period of sixty days.<sup>130</sup>

Publications issued by the Immigration began to sprout notices warning that "farmers, farm labourers, railway construction men, are the only people the Canadian Immigration department advises to emigrate to Canada. All others should get definite assurance of employment before leaving home, and have money enough to support them for a time in case of disappointment."<sup>131</sup>

Periodically over the next few years the subject of British immigration was brought to the attention of the government by the Trades and Labor Congress. The activity of the Salvation Army in promoting the emigration of workers to Canada was an issue for several years. The problem of labour exchanges arose at the end of the decade, was investigated by the Department of Labour, and was discussed at the Imperial Conference of 1911 but set aside—thanks

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130. Orders in Council, vol. 1061, P.C. 410, Feb. 25, 1908.

131. L.G., VIII, 1360.

largely to the attitude of Laurier, who now seemed fully aware of the attitude of Canadian labour towards any organized importation of workers.<sup>132</sup> Aside from speaking out on every suitable occasion, however, there was little that the Canadian government could do. Stringent legislative controls on British immigration would have been unthinkable.

At the time the Père Marquette report was tabled, on May 19, 1905, the Prime Minister stated that amendments to the Alien Labour Act were under consideration.<sup>133</sup> Laurier apparently had contacted the American Vice President and arranged to "meet quitely" with him once the session of Parliament had ended, to explore the possibility of reconvening the International Joint Commission of 1898-99 for a discussion of all outstanding issues between the two countries.<sup>134</sup> An abortive attempt to reconvene the Commission did take place the following year. In its preliminary policy statements the Canadian government suggested that the United States exempt residents of Canada from the operations of their Contract Labor Law ("which, it is commonly understood, was originally directed against European cheap labour"), thereby causing the retaliatory Canadian measure

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132. T.L.C., Proceedings, 1911, pp. 17-18. Assistant Deputy Minister Gerald H. Brown's report prepared in August 1909 is in the Department of Labour Library (Gerald H. Brown, "Memorandum re British Labour Exchanges," Aug. 17, 1909).

133. Debates, May 19, 1905, col. 6232.

no longer to apply to residents of the United States.<sup>135</sup> However, the Canadian initiative came to naught, overcome by the preliminary diplomatic wrangling, and the lack of enthusiasm from Washington.

Near the close of the 1907-08 session of Parliament, A. C. Boyce of Algoma West raised the subject again, questioning the Minister of Labour (at that time Lemieux) about the possibility of strengthening the Alien Labour Act to make it more retaliatory. Boyce read into the record a petition from the citizens of Sault Ste. Marie to the Minister of Labour, which requested that the law "be so changed as to secure efficient and drastic measures be taken for the protection of Canadians against importation of foreign labour." The petition also asked that immigration agents (appointed along the American border for the first time that year) be named for the port of Sault Ste. Marie and that "such further measures may be taken for the protection of Canadian citizens as are equivalent to the measures used against them on the other side of the line." In reply, Lemieux thanked Boyce for raising the subject and thereby providing him with a "brief" to take to the Minister of Justice. Saying he also believed in the principle of

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134. Laurier Papers, vol. 370, p. 98620, Laurier to Charles Fitzpatrick, June 16, 1905.

135. Governor General's Office Records (RG7), G21 series, vol. 93, file 192A, vol. 1(a), Laurier to Lord Grey, Sept. 25, 1906.

retaliation, Lemieux promised to "communicate with the Minister of Justice and see what better provision can be made to render the law more pliable and more effective in protecting our own people against the alien labour"<sup>136</sup>— which prompted J. G. O'Donoghue, the Labor Congress Parliamentary Solicitor, to retort that "a very simple remedy would be to utilize the efforts of the Alien Labor Officer, as was first intended and was actually the practice immediately after the Act was passed."<sup>137</sup> Early in the next session, Haughton Lennox, member for Simcoe South, referred back to Lemieux's promise, asking whether the government proposed to amend the act to make it "as drastic as the American." Lemieux's reply was that "the government is not of the opinion that any necessity exists for the amendment of the Alien Labour Act during the present session."<sup>138</sup> Apparently he had, as promised, consulted with the Minister of Justice. Their conclusion, according to King, "was that the law in its present shape was likely to give the most satisfaction to the public generally."<sup>139</sup>

There the matter rested. The last debate on the subject of the Alien Labour Act in parliament during the period under review took place in 1911, when Boyce again

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136. Debates, July 7, 1908, cols. 12157, 12160.

137. T.L.C., Proceedings, 1908, p. 69.

138. Debates, Jan. 26, 1909, cols. 166-167.

139. Debates, March 17, 1911, col. 5534.

raised the question of strengthening the legislation.

Mackenzie King's reply, in part, was as follows:

Frequently the Department of Labour is charged with being indifferent in the administration of our laws regarding the admission of aliens. This attack is made regardless altogether of the fact that the Department of Immigration and other departments of the government have also a great deal to do with this matter. In fact the greater part of the work of restricting the entry of aliens falls within the scope of the Department of the Interior, and the immigration officials. It is only that part of immigration which has to do with contract labour that comes within the purview of the Alien Labour Act.... As respects the administration of the Alien Labour Act ... there are two methods which might be employed. One would require the federal government to take action every time that Act was violated; the other would leave it in the hands of the parties themselves to take immediate action. ... On the whole [the latter method] is a more effective way of securing compliance with the provisions of the Act than for this government to have one or two officers whose business is to watch possible violations of the law along a border of between three and four thousand miles between the Atlantic and the Pacific. ...

The administration of the law is in the hands of the interested parties. If it is being laxly administered, that is because those who have opportunity to get redress under it do not seek to avail themselves of that opportunity. It is not due to any indifference on the part of any department of the government.<sup>140</sup>

Obviously the government had no intention of becoming directly involved in the enforcement of the act.

The Alien Labour Act is still on the statute books, in virtually the same form it was in 1901.<sup>141</sup> It has, however, become largely a dead issue, simply because the alien labour problem no longer exists. The strength of the labour unions has seen to that.

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140. Ibid., cols. 5530-5534.

141. "Alien Labour Act," R.S.C. 1970, c. A-12.

## CHAPTER TEN

### CONCLUSION

By 1911 the Department of Labour was firmly established in a position of leadership within the Canadian labour movement. Through the work of the Fair Wages Branch in overseeing rates of wages and hours of labour on work performed for the federal government, through the efforts of The Labour Gazette in providing accurate statistical data, and through its mediation work and pioneering industrial relations legislation the Department had well justified its existence. The inside staff, not including the Minister, now numbered twenty-four and the first signs of a formal organizational structure had begun to appear. (Since 1908, for example, the Department had boasted an Assistant Deputy Minister.)<sup>1</sup>

In addition to the duties already described, Mackenzie King and the Labour Department had been involved in several other matters of concern to the labour movement. Reflecting the growing interest in Britain and North America over industrial diseases and, more particularly, phosphorus necrosis ("phossy jaw") among workers in the match industry, Canada followed the lead of the mother country in 1911 in

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1. See Appendix 22, containing an organizational chart of the Department, March 31, 1911.

having legislation passed to prohibit the manufacture and sale of white phosphorus matches. Prior to introduction of the legislation the Department communicated with all Provincial Secretaries on the subject and Mackenzie King personally visited a match factory in Hull and the homes of some victims of the disease.<sup>2</sup> Also early in 1911, following upon his attendance at the International Opium Commission in Shanghai two years before, King introduced and had passed an act designed to prohibit the importation, manufacture, sale, or use of opium, morphine, cocaine, or eucaine for other than scientific or medicinal purposes.<sup>3</sup> The Department sought out information on laws regulating hours of labour on public works in various countries, in response to growing pressure for federal government leadership in this field. When Alphonse Verville, M.P., re-introduced his eight-hour day bill for the fourth time near the end of 1909, King agreed to have the subject investigated by a select committee. It was, and the report of the committee was distributed widely. Though no specific federal legislation resulted, at the suggestion of the committee Professor O. D. Skelton was appointed by the Department to prepare a special report on the subject.<sup>4</sup>

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2. Faulkner, Decline of Laissez-Faire, p. 275; Report, 1909-1910, p. 223; Report, 1910-1911, pp. 105-109; Dawson, King, p. 204.

3. Report, 1910-1911, pp. 101-104.

4. Dawson, King, pp. 200-201; Debates, Dec. 9, 1909.

The late nineteenth and early twentieth centuries witnessed a growth in interest in industrial efficiency. With this end in mind, the business community led a crusade for the enactment of legislation to train skilled workmen. By the middle of the first decade of the century organized labour had come to support the principle.<sup>5</sup> King, who believed strongly in the greater education of the workingmen, supported the call for a public investigation of the subject. After contacting all the provincial governments to allay any suspicions as to the federal government's intentions in the field of education, King successfully urged upon his colleagues the appointment of a Royal Commission, which submitted its report to the Borden ministry in 1913.<sup>6</sup>

Another subject receiving attention at the time was workmen's compensation. Although provisions for

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cols. 1235, 1414-1415; ibid., Feb. 2, 1910, cols. 2887-2924; ibid., Feb. 9, 1911, cols. 3280-3281; Report, 1910-1911, pp. 157-158; Governor General's Office Records, Numbered Files (R.G. 7, G 21), vol. 304, file 749, Governor General to Colonial Office, no. 565, Dec. 20, 1909, and Colonial Office to Governor General, no. 107, Feb. 15, 1910.

5. Cochran and Miller, Age of Enterprise, p. 271; Samuel P. Hays, Conservation and the Gospel of Efficiency (Cambridge: Harvard University Press, 1959), pp. 126-127; Faulkner, Decline of Laissez-Faire, pp. 265-266; Logan, History of Trade Union Organization, p. 243.

6. Dawson, King, p. 201; Canada, Report of the Royal Commission on Industrial Training and Technical Education (Ottawa: King's Printer, 1913). For a discussion of the fight for federal government aid to technical education, and King's role in that fight, see Robert M. Stamp, "Technical Education, the National Policy, and Federal-Provincial Relations in Canadian Education, 1899-1919," Canadian Historical Review, LII (Dec., 1971), 404-423.



assisting injured workers were extensive in Europe by the turn of the century, legislation in this sphere in both Canada and the United States was practically non-existent. By 1911, however, both capital and organized labour in North America had come to favour the idea.<sup>7</sup> A notable breakthrough occurred during the next decade, the Department of Labour leading the way through the immediate post-war period in Canada. While King was sympathetic to the concept, he did not want to have the government move on the matter until public opinion had been educated properly. During the summer of 1911 King and Acland began to collect information from the various countries with experience in the field, with a view to having "the whole matter carefully considered by the Government."<sup>8</sup> Earlier that year the various railway brotherhoods had interviewed both King and Laurier on the subject of compensation for accidents on the railways, and King had sought the advice of the Department of Justice on the constitutionality of any such legislation. King also had approached several prominent newspaper editors to see if their journals could give some prominence to the issue in order to stimulate public

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7. Weinstein, "Big Business"; James Weinstein, The Corporate Ideal in the Liberal State: 1900-1918 (Boston: Beacon Press, 1968), pp. 44-45; Faulkner, Decline of Laissez-Faire, pp. 278-279; Coats, "Labour Movement," pp. 350-353; Lorentsen and Woolner, "Fifty Years," p. 1414.

8. King Papers, vol. 18, pp. 16584-16585, King to A. M. Patterson, July 20, 1911.

discussion. What he had in mind was a plan to extend the government annuity programme to include insurance covering sickness and accident.<sup>9</sup> He also had explored with the other members of the cabinet the possibility of extending the principle of compulsory investigation into fields of activity other than strict labour disputes. His Combines Investigation Act in 1910 had been an attempt to deal with the problem of monopoly in industry through public disclosure of abuses.<sup>10</sup> That same year he indicated his line of thought in a letter to a close friend, written in the context of the extraordinary interest in conservation of natural resources which was then spreading throughout North America:

In a crude sort of way [he wrote], what I have in mind is working out a series of measures or inquiries all of which may help to remove the waste, and save the energy of human life. Much attention is being paid to the Conservation of Natural Resources. That is well enough and all important. But the individual

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9. Dawson, King, pp. 202-207; King Papers, vol. 16, p. 15051, memorandum, Gerald H. Brown to King, Jan. 25, 1911; vol. 16, pp. 14753-14756, memorandum, Acland to King, Feb. 17, 1911; vol. 17, pp. 16079-16080, King to Stewart Lyon, Feb. 21, 1911; vol. 16, pp. 14843-14846, King to Aylesworth, March 20, 1911, and Aylesworth to King, April 11, 1911; vol. 17, pp. 15717-15719, J. H. Hall and others to King, March 16, 1911, and King to J. H. Hall, March 20, 1911; vol. 17, p. 16004, E. J. Lemaire to King, March 27, 1911; vol. 18, pp. 16584-16585, King to A. M. Patterson, July 20, 1911.

10. Although unsuccessful, this first combines act was the direct forerunner of the later legislation passed by King's government in 1923. Dawson, King, pp. 204-206; D. Gordon Blair, "Canada," in Anti-Trust Laws: A Comparative Symposium, ed. W. Friedmann (Toronto: Carswell, 1956), pp. 8-11.

is of more value than lands, or mines, or waterpowers, and I am anxious to demonstrate this and to provide measures that will help towards the Conservation of Human Life. In this connection I propose taking up the loss of life and impairment to Industrial efficiency through industrial accidents, the diseases occasioned in certain classes of industries, the housing of the working people and other like problems. I would like to consider the advisability of enacting a measure which would provide for state insurance in connection with accidents, the employer and employee to be contributing parties.<sup>11</sup>

What King had in mind was a measure "to provide for the Investigation of Industrial Conditions in Canada, and the dissemination of information" so as to educate the public and policy makers federally and locally on the needs for new labour legislation. While neither the workmen's compensation measure nor a proposal for creating a small staff of inspectors (of boilers, gear, construction camps, etc.) as a branch of the department got past the initial planning stages, King appears to have begun drafting the investigation bill. He certainly discussed it with his cabinet colleagues and even arrived at a title for the legislation: "the Industrial Conditions Investigation Act."<sup>12</sup> As it turned out, the reciprocity election campaign and the defeat of the Liberals in 1911 doomed such legislation for the time being. The wider application of the compulsory investigation principle undoubtedly was a premature concept in 1911. However, it eventually was expressed in legislation following World War II.

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11. King Papers, vol. 15, pp. 13888-13891, King to Violet Markham, July 13, 1910. On the conservation movement see Hays, Conservation and the Gospel of Efficiency, pp. 131-133, and Stewart Renfrew, "Commission of Conservation," Douglas Library Notes, XIX (Spring, 1971), 17-26.

12. King Papers, vol. 15, pp. 13923-13928, King to Violet Markham, Dec. 2, 1910; vol. 14, pp. 12921-12922, King to G.P. Graham, Nov. 10, 1910, and Graham to King, Nov. 11, 1910. See also King, Industry and Humanity, p. 515. On the proposed staff of inspectors, see Graham Papers (M.G. 27, II D 8), vol. 35, King to Graham, Nov. 8 & 10, 1910.

It first appeared in the Industrial Relations and Disputes Investigation Act of 1948 and may be seen today as Section 62 of the "Canada Labour Code."<sup>13</sup>

Much has been written in American historiography of the nature of the Progressive Movement and the personalities of its leaders. Unfortunately, the subject has barely been touched by Canadian historians, despite the fact that at the beginning of this century Canada was influenced by the same currents of opinion as both the United States and Britain. The great interest in social investigation and social reform did not stop at the forty-ninth parallel or the Atlantic seaboard. From the descriptions provided by students of the period in the United States a composite picture emerges of the character and personality of the North American "Progressive." A brief study of this picture is interesting and instructive of events in Canada, if only because of the light it sheds on the personality of Mackenzie King.

Whether or not we accept the revisionist thesis that the so-called "Progressive" era was actually an era of conservatism,<sup>14</sup> it seems clear that the typical progressive politician or public servant was in fact essentially a conservative. Like Mackenzie King, he probably came from

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13. S.C. 1948, c. 54; R.S.C. 1970, c. L-1.

14. This is the thesis of Gabriel Kolko, The Triumph of Conservatism: A Reinterpretation of American History, 1900-1916 (New York: Free Press, 1963).

the "solid middle class" and had received a legal training.<sup>15</sup> He was also very likely aware of his membership in what Richard Hofstadter has termed "a responsible elite," conscious of his responsibility to direct popular reform agitation into moderate, "constructive" channels.<sup>16</sup> Like King, his attitude towards "the labour question" was ambivalent. Although in sympathy with many of labour's causes, he worried about the danger of the new unions attaining too much power. However, "where the labor movement was of no more than moderate strength and where it represented the middle-class aspirations of native workers and of business unionism, it was readily accepted...."<sup>17</sup> Like the new intellectuals, with their philosophy of pragmatism, the technocrats of the period (and certainly King) "abhorred the notion that society was composed basically of groups which struggled to gain power and influence" and "were horrified at evidence of class conflict in American life."<sup>18</sup> Social change, they thought, should come about through education of the public to the ills of society, followed by government reaction to an induced moral concensus.<sup>19</sup> Thus the great interest which Mackenzie

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15. Mowry, Era of Roosevelt, p. 86. On the essential conservatism of British (and American) radicals see also Thornton, Habit of Authority, pp. 309-325.

16. Richard Hofstadter, The Age of Reform; From Bryan to F.D.R. (New York: Vintage Books, 1955), pp. 163-164.

17. Ibid., p. 241.

18. Hays, Response to Industrialism, p. 75.

19. Ibid., pp. 75, 89.

King manifested in the importance of public opinion. One important characteristic of the progressive which distinguished him from his conservative contemporaries was, we are informed, "his conviction that human character was malleable and that through a strenuous process of moral and ideological training it could rapidly be changed." Objectives were to be achieved "by first educating and then letting the force of public opinion supply the necessary coercion."<sup>20</sup> Carroll D. Wright, perhaps the most influential labour reformer of his day, spoke often of "the altruistic spirit" which governed the work of the good public servant, interested in promoting the public interest and concerned with "the sovereignty of public opinion."<sup>21</sup> Richard Hofstadter's remark that "the Progressive mind was characteristically a journalistic mind, and ... its characteristic contribution was that of the socially responsible reporter-reformer," reminds us of Mackenzie King's period of graduate study and his early newspaper work.<sup>22</sup>

The motive of labour reformers in pressing for the establishment of bureaus of labour statistics was, therefore, to provide machinery for the publication of data on the state of the labouring classes. Such publicity they saw as the ground from which a desire for remedial

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20. Mowry, Era of Roosevelt, p. 51.

21. Leiby, Carroll D. Wright and Labor Reform, p. 181.

22. Hofstadter, Age of Reform, p. 186. See above, pp. 27, 62-64.

legislation would grow.<sup>23</sup> The politicians who created the bureaus did so, of course, for entirely different motives. As we have seen was the case in Canada, the impulse usually sprang out of a desire to mollify public opinion and more often than not occurred as a result of an unstable political situation or some other form of political uncertainty.<sup>24</sup> The genuine impulse for reform had few adherents in Canadian politics at that time. Reflecting the relative importance of the manufacturing as compared with the primary industries, the Labour Department was considered to be of secondary significance and labour matters generally were given a low priority in government circles. Mackenzie King, therefore, fought almost a lone battle in his attempts to deal with "the labour question."

How successful was King in his work with the Department of Labour? How important was he to the Department and its work? King himself in 1904 claimed that, "had [he] never lived, the Dept. of Labour wd. not exist today, nor [would] the legisl'n which has been passed to date in the interests of labour [have] been on the Statute books."<sup>25</sup> One tends to be skeptical of such praise. Few, however, have been so negative as H. S. Ferns and Bernard

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23. Leiby, op. cit., p. 68.

24. Ibid., p. 76. See especially Chapter II of Leiby's excellent study, "Labor Reform and the Origin of Labor Statistics," pp. 39-75.

25. Diary, Feb. 24, 1904.



Ostry who, in 1955, declared that there was "no evidence presently available which suggests that in terms of policy, as distinct from technical advice, Mackenzie King contributed anything to the activities of the Government beneficial to labour."<sup>26</sup> Such an opinion could only come from a misreading and misunderstanding of King's industrial relations legislation, especially the Industrial Disputes Investigation Act. In addition, to dismiss the work of the Labour Gazette, the pioneering endeavours of the Fair Wages Branch, and the mediation efforts of King and his successors in that domain as mere "technical advice" seems uncharitable at best. With the movement toward increased collective action (what Hofstadter called "a rising regard for the collective aspects of life"<sup>27</sup>) in the twentieth century, a government agency concerned with the needs and problems of the working class was likely to prosper. However, the fact that the Department of Labour emerged as a potent force within the labour movement so quickly was due largely to the ambition and ability of Mackenzie King.

Perhaps it is fitting that King should have the last word. Three weeks before his death in July 1950, he drafted a message for the fiftieth anniversary issue of the Labour Gazette that September in which he described the establishment of the Department of Labour as "one of

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26. H. S. Ferns and Bernard Ostry, The Age of Mackenzie King: The Rise of the Leader (London: Heinemann, 1955), p. 64.

27. Hofstadter, Social Darwinism, p. 167.

the most significant milestones in the industrial-labour history of Canada." The action was especially significant, King wrote, because it "represented a quickened social consciousness"<sup>28</sup>—which, he could have added, has continued to grow as the century progressed.

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28. LG, L (Sept. 1950), 1312.

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## THE SOURCES

Knowledge of the social and industrial changes taking place throughout North America in the late nineteenth and early twentieth centuries is essential for an understanding of the events which led to the formation of the Department of Labour and the significance of the Department's work during its first decade. A number of useful American texts are available. Harold U. Faulkner's Decline of Laissez Faire (33)\* and his Politics, Reform, and Expansion (34) are both basic reference sources. Better than either is the same author's Quest for Social Justice (35), first published in 1931. It is a valuable, interpretative social history. In the same category is Ray Ginger's Age of Excess (40), a critical social history of the period 1877 to 1914. Arthur M. Schlesinger's Rise of the City (84), which first appeared in 1933, is still superb and required reading for anyone wishing to understand the late decades of the last century. A competent, thorough, and traditional study, first published in 1942, is Thomas C. Cochran and William Miller's Age of Enterprise (20). Of more recent vintage and less traditional

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\*. The numbers appearing in parentheses following titles of sources in this essay refer to items in the bibliography which follows.

slant is The Response to Industrialism (47), in which Samuel Hays identifies the unifying theme of the Progressive Era as the reaction against industrialism. Also recommended is George E. Mowery's Era of Theodore Roosevelt (73), a readable narrative of the social and political events in America during the first decade of this century.

Chapter 18 of G. M. Trevelyan's English Social History (161) sketches a rough picture of the late nineteenth century in Britain. Also of use is a collection of essays entitled Edwardian England (74) and containing a chapter on "The Political Scene" by Asa Briggs and another by Arthur J. Taylor on "The Economy." The early chapters of Henry Pelling's Modern Britain, 1885-1955 (77) were also found to be useful.

Canadian historiography lacks a literature of surveys on the Progressive Era. However, a few general sources were informative, such as A. R. M. Lower's Canadians in the Making (66), the best social history of Canada. The most readable and comprehensible source on Canadian economic history is the book by that title written by W. T. Easterbrook and Hugh G. J. Aitken (32), although O. D. Skelton's article published in Canada and its Provinces in 1913 (158) is not without value. Two other works worth mentioning are: William F. Ryan's scholarly study of one aspect of Canadian development after 1896, The Clergy and Economic Growth in Quebec (83), and Morris Zaslow's recently published Opening of the Canadian West (105). The latter contains two valuable chapters on

the development of Northern Ontario and Quebec at the turn of the century. Margaret Ormsby's British Columbia: A History (75) is useful for background information on the industrial situation in the coast province at that time. Also of value in that connection is the essay by W. N. Sage which appeared in 1942, "The American Mining Advance into Southern British Columbia, 1864-1910" (152). On the general influence of American capital on Canada, Michael Bliss's article "Canadianizing American Business: The Roots of the Branch Plant" (123) is necessary reading. Also recommended is Gerald Craig's The United States and Canada (27). Intended for the general reader in the United States, it is a highly perceptive, well-written work.

Much useful statistical data may be found in M. C. Urquhart and K. A. Buckley's Historical Statistics of Canada (95).

Studies of various aspects of the reform movement of the late nineteenth and early twentieth centuries in the United States are plentiful. A number of them shed light on events in Canada. One of the most fascinating is Robert H. Bremner's From the Depths (9), valuable for a comprehension of the awakening of interest in reform during the nineties. Similar to it is Ray Ginger's Altgeld's America (41), which probes the spirit of Chicago during the fifteen turbulent years from 1890 to 1905, placing emphasis on the humanist reformers. Benjamin Rader's The Academic Mind and Reform (79) investigates, as its sub-title indicates, "the influence

of Richard T. Ely in American life," thereby throwing light on the intellectual roots of the Progressive Movement. Henry Steele Commager's The American Mind (21), published in 1950, remains a classic work on the modern intellectual history of America. On the same level is Richard Hofstadter's The Age of Reform (48). Although its essentially liberal interpretation of progressivism has been questioned lately by a series of revisionist historians, The Age of Reform remains a superb, fascinating work of the first rank—essential for anyone searching for an understanding of the Progressive Era. Chapter 7 of Hofstadter's American Political Tradition (49) also contains valuable insight into the business excesses of the late nineteenth century, while his Social Darwinism in American Thought (50) is the standard source on that subject. The latter, it might be added, contains an excellent bibliography.

One of the revisionist historians is Gabriel Kolko, whose Triumph of Conservatism (59) is an intriguing study, albeit somewhat of an exercise in semantics. Another is James Weinstein, who sees liberalism in the Progressive Era as a conscious creation of the leaders of the giant corporations and financial institutions. His ideas are expressed in The Corporate Ideal in the Liberal State (97). The relations between businessmen and progressives are explored by Robert Wiebe, in his Businessmen and Reform (98). In The Search for Order (99), Wiebe sees the theme of the Progressive Era as a striving for order in society. The interest in industrial

efficiency which characterized the industrial scene during the period is the subject of Samuel Hays's stimulating Conservation and the Gospel of Efficiency (46). Also useful for an understanding of the efficiency cult is Samuel Haber's Efficiency and Uplift: Scientific Management in the Progressive Era (45). In this connection, a reading of Stephen Scheinberg's paper on one aspect of the role of the middle class reformer in the Progressive Movement, "Progressivism in Industry: the Welfare Movement in the American Factory" (154), would be useful. Those interested in tracing the concerns of Canadian industrialists may wish to start by consulting S. D. Clark's study of The Canadian Manufacturing Association (17), although he will probably find it somewhat superficial. A far more useful source is the C. M. A.'s journal which began appearing monthly in 1900, Industrial Canada.

The character of reform in Britain at the turn of the century is explored in Chapter 6 of A. P. Thornton's The Habit of Authority (93). Studies of the Canadian movement are rare. Stewart Crysdale's The Industrial Struggle and Protestant Ethics in Canada (29) provides some insight into the social problems which plagued Canadian society during the period. Of more recent vintage is Richard Allen's The Social Passion (31), which explores the work of the churches in social reform from 1914 to 1928. Chapter 1 of Allen's book gives the background to these movements. An earlier version of this chapter—"The Social Gospel and the Reform Tradition in Canada" (119)—appeared in the Canadian



Historical Review in 1967.

There are several general histories of labour in the United States worthy of mention. Perhaps the most readable surveys are Thomas R. Brooks's Toil and Trouble (10) and Philip S. Foner's several volume History of the Labor Movement in the United States (38). The most complete survey for the period under study is the voluminous History of Labor in the United States, by John R. Commons and associates (22), which appeared in the 1930's. A valuable source of statistics on the growth of labour is Leo Wolman's The Growth of American Trade Unions (101). The standard work on Canadian labour history is Harold A. Logan's History of Trade Union Organization in Canada (63), a pioneer study of some value in indicating organized labour's attitude towards social issues but with little sense of human involvement. Charles Lipton's The Trade Union Movement of Canada (62) is a superficial Marxist interpretation with numerous errors in the text and Clifford Scotton's Brief History of Canadian Labour (85) is just that, a bare outline. Those interested in such a summary would be better advised to hunt up Eugene Forsey's short "History of the Labour Movement in Canada" which appeared in the Canada Year Book for 1957-58 (130). Dr. Forsey's complete history of Canadian labour organization up to the schism of 1902 has not yet been published. While the manuscript has been microfilmed by the Canadian Labour Congress and a copy of the film presented to the Public Archives of Canada, I was unfortunately unable to consult this source during my period of research. The basic

history of organized labour in British Columbia, produced for the B. C. Federation of Labour, is Paul Phillips's No Power Greater (78). Original sources bearing upon Canadian labour which were consulted include the Proceedings of the Canadian Labor Union, 1873-1877 (106,114); the Canadian Labor Congress of 1883 (115); the Trades and Labor Congress of Canada, 1886-1911 (116); and the Knights of Labor from 1878 to 1900 (110). The involvement of the Knights in Canada is the subject of D. R. Kennedy's "The Knights of Labor in Canada" (172), an interesting study which provides a good background to labour problems in Canada during the late nineteenth century.

R. H. Coats's article in Canada and its Provinces, "The Labour Movement in Canada" (125), contains considerable data on the strength of American ties and influences but is outdated, as is Labor in Canadian-American Relations (52), edited by H. A. Innis and published in 1937. It contains two lengthy articles, one by Norman J. Ware on "The History of Labor Interaction" and the other by Harold A. Logan on "Labor Costs and Labor Standards." Of considerably greater merit and value is John Crispo's International Unionism: A Study in Canadian-American Relations (28), which appeared in 1967. Of special interest, however, and recommended reading for all students of the subject, is R. H. Babcock's excellent Ph.D. dissertation completed in 1970, "The A. F. of L. in Canada, 1896-1908" (167), a stimulating treatment of the impact of American unionism in Canada.

The growth and influence of the "radical" labour

movement is treated well by Vernon H. Jensen in his history of the Western Federation of Miners, Heritage of Conflict (55). Another highly readable source is Joseph R. Conlin's Big Bill Haywood and the Radical Union Movement (24). Conlin disputes the syndicalist interpretation of the I. W. W. as advanced by Patrick Renshaw, in The Wobblies (80), and by Melvin Dubofsky. While time did not permit a reading of Dubofsky's massive volume on the Wobblies, his article on "The Origins of Working Class Radicalism" (127) was useful.

A number of sources exist on the relationship between labour and politics/government. Martin Robin's highly readable Radical Politics and Canadian Labour (82), unfortunately contains errors and gives the over all appearance of having been put together too quickly. A more thorough work is that of Gad Horowitz, Canadian Labour in Politics (51), whose first chapter probes the nature of radicalism in Canada. Stuart Jamieson's Industrial Relations in Canada (54) contains a chapter on "Government Policy" which is an excellent survey —possibly the best available. Several specific studies should be mentioned as worthy of consultation: an article in the Canadian Historical Review in 1959 by F. W. Watt, "The National Policy, the Workingman, and Proletarian Ideas in Victorian Canada" (162); W. D. Atkinson's M.A. thesis on "Organized Labour and the Laurier Administration" (166); John T. Saywell's 1951 article, "Labour and Socialism in British Columbia: A Survey of Historical Developments Before 1903" (153); and Bernard Ostry's two articles on "Conservatives,

Liberals, and Labour" in the 1870's and 1880's (148, 149). Finally, three works not pertaining to Canada were nonetheless found useful. Trade Unions and the Government, by V. L. Allen (4), relates to the British scene but has validity for Canada. Ian Turner's Industrial Labour and Politics (94) deals with (to quote its sub-title) "the dynamics of the labour movement in Eastern Australia, 1900-1921," and is of value in depicting the unique industrial situation in Australia. Margeurite Green's study of The National Civic Federation and the American Labor Movement (44) sheds light on the conservative labour policies being pursued by government and business in the United States and Canada.

On the general subject of labour legislation and the status of labour before the law in Canada two works should be mentioned: A. C. Crysler, Labour Relations and Precedents in Canada (30), and The Status of Trade Unions in Canada, by James C. Cameron and F. J. L. Young (11). The former, published in 1949, was written by the Special Adviser on Labour Problems to the Law Society of Upper Canada. It is legalistic and contains some errors of fact and interpretation, but is nevertheless worth consulting. The latter, published by the Queen's University Department of Industrial Relations in 1960, is the most lucid source on the subject and highly recommended.

Researchers interested in Mackenzie King will find his official biography, by R. MacGregor Dawson (31), a necessary background source, although somewhat lacking in description of King's actual work with the Department of Labour. H. S. Ferns

and Bernard Ostry's Age of Mackenzie King (36) was intended as the first volume of a larger biography. Fortunately the second volume never appeared. A completely negative interpretation of King's early career, the book contains a number of factual errors and examples of misrepresentation. On the other hand, The Fall and Rise of Mackenzie King, by F. A. MacGregor (68) tends to lean too far in the opposite direction. The author was King's private secretary during his years with the Rockefeller Foundation. King's own ideas on industrial relations may be found in his Industry and Humanity (58), published in 1918 and extremely difficult to read. A resumé of his ideas may be gleaned from his testimony before the United States Commission on Industrial Relations in 1915 (195). Needless to say, the Mackenzie King Papers in the Public Archives of Canada are a prime source, both the correspondence and the diaries, which were made available to me in advance of their official opening by the Literary Executors.

The major sources on the actual operations of the Department of Labour are its Annual Reports (183) and its monthly publication, The Labour Gazette. In addition, the records of the Department in the Public Archives (248) contain valuable data. Unfortunately their value is diminished by their being incomplete. No papers of any consequence of the first Minister, William Mulock, have been located. However, evidence can be gleaned from King's diaries and from his correspondence in his own papers and elsewhere, especially the Laurier Papers (249).

The major sources for a study of the early work of the Department in the field of fair wages are its Annual Reports, The Labour Gazette, and the King Papers (especially the diaries). The only biography of D. J. O'Donoghue, by Doris French (39), is overly romantic and full of errors, as is the tribute to the old man written by his son, John G. O'Donoghue, in 1943 (147).

Obviously The Labour Gazette, the various statistical reports published by the Department (188,189), and each year's Annual Report are the prime sources for research on its work in the collection and publication of labour statistics. An article written by R. H. Coats and published in 1946, "Beginnings in Canadian Statistics" (124) is an interesting review. Several books dealing with the U. S. Bureau of Labor Statistics also shed light on the operations of its Canadian counterpart. The first was published by the Bureau in 1922: The Bureau of Labor Statistics, by Gustavus A. Weber (96), a valuable summary of the Bureau's activities. Forty-six years later Ewan Clague's book with the same title (16) was published. This source is interesting because the author was Commissioner of Labor Statistics from 1946 to 1965. Many parallel's between the work of the American Bureau and the Canadian Department emerge from a reading of these two works. In addition, John Lombardi's Labor's Voice in the Cabinet (64), while concentrating on the efforts of the U. S. Department of Labor from 1913 to 1921, nevertheless contains useful information on the earlier work of the Bureau of Labor Statistics. It also

contains a comprehensive bibliography. One final source should be mentioned: James Leiby's Carroll Wright and Labor Reform (61). Subtitled "the Origin of Labor Statistics," the book deals with just that and is, therefore, valuable for an understanding of the North American background of labour reform in which the Canadian Department was created. Especially interesting is chapter 2, "Labor Reform and the Origin of Labor Statistics."

A competent compendium of government attempts to deal with labour unrest is F. R. Anton's The Role of Government in the Settlement of Industrial Disputes in Canada (5). H. D. Woods, in his article on "Public Interest Disputes and their Settlement" published in 1963 (164), provides a useful summary of legislation in this field. Another summary of collective bargaining legislation with some value is K. L. Alexander's 1951 M.A. thesis, "A Study of Collective Bargaining in the Canadian Labour Movement..." (165). E. E. Herman's 1962 M.A. thesis and his 1965 Ph.D. dissertation (169, 170) both contain useful material on the significance of the early labour relations legislation. Also useful, although legalistic, is the study prepared for the Wood's Task Force on Labour Relations by Edith Lorentsen and Joel Bell, "The Development of the Public Policy on Labour Relations in Canada" (174). Of more value is A. W. R. Carrothers's Collective Bargaining Law in Canada (13), chapter 3 of which contains some perceptive comments on the Conciliation Act and the Industrial Disputes Investigation Act. His earlier work, Labour Arbitration in

Canada (14) has a good introduction on "the Background of Collective Bargaining Legislation in Canada." By far the best general source, however, is Conciliation and Arbitration of Labour Disputes in Canada (23), produced by the Department of Industrial Relations at Queen's University. This lucid work contains an excellent discussion of the principles of conciliation and the procedures developed in Canada. On the subject of the Railway Labour Disputes Act, two interesting sources should be mentioned. John T. Wilson, President of the Brotherhood of Railway Trainmen, gives background and comment on the 1901 C.P.R. trackmen's strike in The Calcium Light Turned on by a Railway Trainmen, published in 1902 (100). The U. S. Bureau of Labor Statistics in 1912 published a detailed report on the Erdman Act of 1898 and proceedings under it, "Mediation and Arbitration of Railway Labor Disputes in the United States" (146), which is interesting because of the influence of American experience on Canadian legislation.

A good analysis of the Industrial Disputes Investigation Act and its operations is Ben M. Selekman's Postponing Strikes, published in 1927 (87). The author was with the Department of Industrial Relations, Russell Sage Foundation. A shorter, earlier critique is his Industrial Disputes and the Canadian Act (86), a reprint of a 1917 article in The Survey (155). Probably the best sources for statistics as to the functioning of the act are Benjamin M. Squires's report published by the U. S. Bureau of Labor Statistics in 1918 (89) and the Fourth Report of the Registrar of Boards of Conciliation and Invest-



igation (184). Sir George Askwith's report to the British Board of Trade in 1913 is also quite complete (179). F. A. Acland's two articles, in the Annals of the American Academy for 1910 (117) and the Canadian Law Times in 1916 (118), contain the thoughts of the man who was then serving as Registrar under the act. A similarly useful commentary is Adam Shortt's description of his work as chairman of a number of early boards (156). G. W. Levy's 1927 M.A. thesis, "The Lemieux Act and the Privy Council Decision of 1925" (173) is a summary of the intent, operations, and status of the legislation written shortly after its having been declared unconstitutional by the Judicial Committee of the Privy Council. Another thesis of merit is W. S. A. Martin's Ph.D. dissertation, "A Study of Legislation Designed to Foster Industrial Peace in the Common Law Jurisdiction of Canada" (175). Finally, an interesting, specialized article bearing directly on the subject is that by D. E. and Muriel Armstrong, "Third Party Intervention in the Alberta Coal Industry" (120).

Two major sources provide background information on Canadian immigration policy: an article by Mabel Timlin published in 1960, "Canada's Immigration Policy, 1896-1910" (159); and chapter 5 of David Corbett's Canada's Immigration Policy: A Critique (26). The latter surveys Canadian economic growth since 1867, with emphasis on the effects of immigration and population growth. On the work of the government departments, the obvious sources are the records of the Immigration Branch (245), the registry files of the Department of Justice

(246), and the Annual Reports of the Department of Labour. There are, in addition, the reports of the Royal Commissions which investigated the employment of aliens on the Père Marquette Railway (208) and on the Grand Trunk Pacific Railway (209), and that which inquired into the immigration of Italian labour to Montreal in 1905 (210). Useful documentation on the Department's work in connection with alien labour may also be found in the King and Laurier Papers.

## BIBLIOGRAPHY

### I. BOOKS

1. Adams, Thomas Sewell, and Sumner, Helen B. Labor Problems: A Text Book. New York: Macmillan, 1905.
2. Allen, Frederick Lewis. The Big Change: America Transforms Itself, 1900-1950. New York: Harper & Brothers, 1952.
3. Allen, Richard. The Social Passion; Religion and Social Reform in Canada, 1914-28. Toronto: University of Toronto Press, 1971.
4. Allen, V. L. Trade Unions and the Government. London: Longmans, 1960.
5. Anton, Frank Robert. The Role of Government in the Settlement of Industrial Disputes in Canada CCH Canadian Limited, 1962.
6. Barnett, George E., and McCabe, David A. Mediation, Investigation, and Arbitration in Industrial Disputes. New York: Appleton, 1916.
7. Berger, Carl. The Sense of Power; Studies in the Ideas of Canadian Imperialism, 1867-1914. Toronto: University of Toronto Press, 1970.
8. Berton, Pierre. The Last Spike; The Great Railway, 1881-1885. Toronto: McClelland & Stewart, 1971.
9. Bremner, Robert H. From the Depths; The Discovery of Poverty in the United States. New York: New York University Press, 1956.
10. Brooks, Thomas R. Toil and Trouble: A History of American Labor. New York: Delta Paper, 1965.
11. Cameron, James C., and Young, F. J. L. The Status of Trade Unions in Canada. Kingston: Queen's University Department of Industrial Relations, 1960.

12. Canadian Annual Review of Public Affairs, ed.  
J. Castell Hopkins. Toronto: Annual Review Press,  
1902-1911.
13. Carrothers, A. W. R. Collective Bargaining Law in  
Canada. Toronto: Butterworths, 1965.
14. ———. Labour Arbitration in Canada. Toronto:  
Butterworths, 1961.
15. Cheng, Tien Fang. Oriental Immigration in Canada.  
Shanghai: Commercial Press, 1931.
16. Clague, Ewan. The Bureau of Labor Statistics.  
("Praeger Library of U. S. Government Departments  
and Agencies.") New York: Praeger, 1968.
17. Clark, S. D. The Canadian Manufacturers' Association;  
A Study in Collective Bargaining and Political  
Pressure. Toronto: University of Toronto Press, 1939.
18. ———. The Social Development of Canada: An Intro-  
ductory Study With Select Documents. Toronto:  
University of Toronto Press, 1942.
19. Clegg, H. A., Fox, Alan, and Thompson, A. F.  
A History of British Trade Unions Since 1889.  
Vol. 1. London: Oxford University Press, 1964.
20. Cochran, Thomas C., and Miller, William. The Age  
of Enterprise; A Social History of Industrial  
America. Revised Edition. New York: Harper &  
Row, 1961.
21. Commager, Henry Steele. The American Mind: An  
Interpretation of American Thought and Character  
Since the 1880's. New Haven and London: Yale  
University Press, 1950.
22. Commons, John R., et. al. History of Labor in the  
United States, 1896-1932. Vols. 3 & 4. New York:  
Macmillan, 1935.
23. Conciliation and Arbitration of Labour Disputes in  
Canada. ("Queen's University Department of Industrial  
Relations, Bulletin No. 13.") Kingston: Queen's  
University, 1949.
24. Conlin, Joseph R. Big Bill Haywood and the Radical  
Union Movement. Syracuse: Syracuse University  
Press, 1969.

25. Cook, Ramsay, and McNaught, Kenneth. Canada and the United States: A Modern Study. Toronto: Clarke, Irwin, 1963.
26. Corbett, David C. Canada's Immigration Policy: A Critique. Toronto: University of Toronto Press, 1957.
27. Craig, Gerald M. The United States and Canada. Cambridge, Mass.: Harvard University Press, 1968.
28. Crispo, John. International Unionism: A Study in Canadian-American Relations. Toronto: McGraw-Hill, 1967.
29. Crysedale, Stewart. The Industrial Struggle and Protestant Ethics in Canada: A Survey of Changing Power Structures and Christian Social Ethics. Toronto: Ryerson Press, 1961.
30. Crysler, Alfred Cosby. Labour Relations and Precedents in Canada: A Commentary on Labour Law and Practice in Canada. Toronto: Carswell, 1949.
31. Dawson, R. MacGregor. William Lyon Mackenzie King; A Political Biography, 1874-1923. Toronto: University of Toronto Press, 1958.
32. Easterbrook, W. T., and Aitken, Hugh G. J. Canadian Economic History. Toronto: Macmillan, 1961.
33. Faulkner, Harold U. The Decline of Laissez Faire, 1897-1917. New York and Toronto: Rinehart & Co., 1951.
34. ———. Politics, Reform, and Expansion. ("The New American Nation Series," ed. Henry Steele Commager and Richard B. Morris.) New York: Harper, 1959.
35. ———. The Quest for Social Justice, 1898-1914. ("A History of American Life," ed. Arthur M. Schlesinger and Dixon Ryan Fox.) New York: Macmillan, 1931.
36. Ferns, H. S., and Ostry, Bernard. The Age of Mackenzie King: The Rise of the Leader. London: Heinemann, 1955.
37. Fisher, Thomas Russell. Industrial Disputes and Federal Legislation, With Special Reference to the Railroad, Coal, Steel and Automobile Industries Since 1900. (Columbia University, Faculty of

Political Science, "Studies in History, Economics and Public Law," No. 467.) New York: Columbia University Press, 1940.

38. Foner, Philip S. History of the Labor Movement in the United States. Vols. 2 & 3. New York: International Publishers, 1955.
39. French, Doris. Faith, Sweat, and Politics: The Early Trade Union Years in Canada. Toronto: McClelland and Stewart, 1962.
40. Ginger, Ray. Age of Excess: The U.S. from 1877 to 1914. New York: Macmillan, 1965.
41. ———. Altgeld's America, 1890-1905: The Lincoln Ideal Versus Changing Realities. Chicago: Quadrangle Books, 1965.
42. Glück, Elsie. John Mitchell, Miner: Labor's Bargain With the Gilded Age. New York: John Day Co., 1929.
43. Grauer, A. E. Labour Legislation: A Study Prepared for the Royal Commission on Dominion-Provincial Relations. Ottawa: King's Printer, 1939.
44. Green, Marguerite. The National Civic Federation and the American Labor Movement, 1900-1925. Washington, D.C.: Catholic University of America Press, 1956.
45. Haber, Samuel. Efficiency and Uplift: Scientific Management in the Progressive Era, 1890-1920. Chicago: University of Chicago Press, 1964.
46. Hays, Samuel P. Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920. Cambridge: Harvard University Press, 1959.
47. ———. The Response to Industrialism, 1885-1914. Chicago: University of Chicago Press, 1957.
48. Hofstadter, Richard. The Age of Reform: From Bryan to F.D.R. New York: Vintage Books, 1955.
49. ———. The American Political Tradition. New York: Vintage Books, 1948.
50. ———. Social Darwinism in American Thought, 1860-1915. Revised Edition. Boston: Beacon Press, 1955.
51. Horowitz, Gad. Canadian Labour in Politics. Toronto: University of Toronto Press, 1968.

52. Innis, H. A. (ed.). Labor in Canadian-American Relations. Toronto: Ryerson Press, 1937.
53. Jackson, James A. The Centennial History of Manitoba. Toronto: McClelland & Stewart, 1970.
54. Jamieson, Stuart. Industrial Relations in Canada. Toronto: Macmillan, 1957.
55. Jensen, Vernon H. Heritage of Conflict: Labor Relations in the Nonferrous Metals Industry up to 1930. New York: Greenwood Press, 1968.
56. Jones, Peter d'Alroy. The Christian Socialist Revival, 1877-1914: Religion, Class, and Social Conscience in Late Victorian England. Princeton: Princeton University Press, 1968.
57. Keys, William (ed.). Capital and Labor: Containing the Views of Eminent Men of the United States and Canada on the Labor Question, Social Reform and Other Economic Subjects. Montreal: Dominion Assembly Knights of Labor, 1904.
58. King, William Lyon Mackenzie. Industry and Humanity: A Study in the Principles Underlying Industrial Reconstruction. Boston and New York: Houghton Mifflin, 1918.
59. Kolko, Gabriel. The Triumph of Conservatism: A Re-interpretation of American History, 1900-1916. Chicago: Quadrangle Paperbacks, 1967.
60. Kuczynski, Jürgen. A Short History of Labour Conditions under Industrial Capitalism: Volume 1, Great Britain and the Empire, 1750 to the Present Day. London: Frederick Muller Ltd., 1942.
61. Leiby, James. Carroll Wright and Labor Reform: The Origin of Labor Statistics. ("Harvard Historical Monographs," XLVI.) Cambridge: Harvard University Press, 1960.
62. Lipton, Charles. The Trade Union Movement of Canada, 1827-1959. Montreal: Canadian Social Publications Ltd., 1966.
63. Logan, Harold A. The History of Trade Union Organization in Canada. Chicago: University of Chicago Press, 1928.

64. Lombardi, John. Labor's Voice in the Cabinet: A History of the Department of Labor from its Origin to 1921. New York: Columbia University Press, 1942.
65. Loudon, W. J. Sir William Mulock: A Short Biography. Toronto: Macmillan, 1932.
66. Lower, Arthur R. M. Canadians in the Making: A Social History of Canada. Toronto: Longmans, Green, 1958.
67. Lubove, Roy. The Struggle for Social Security, 1900-1935. Cambridge: Harvard University Press, 1968.
68. MacGregor, F. A. The Fall and Rise of Mackenzie King, 1911-1919. Toronto: Macmillan, 1962.
69. Mackintosh, Margaret. Government Intervention in Labour Disputes in Canada. ("Queen's University, Departments of History and Political and Economic Science, Bulletin No. 47.") Kingston: Queen's University, 1924.
70. Mitchell, John. Organized Labor: Its Problems, Purposes and Ideals and the Present and Future of American Wage Earners. Philadelphia: American Book and Bible House, 1903.
71. Morton, W. L. Manitoba: A History. Toronto: University of Toronto Press, 1957.
72. Mote, Carl H. Industrial Arbitration. Indianapolis: Bobbs-Merrill, 1916.
73. Mowry, George E. The Era of Theodore Roosevelt, 1900-1912. New York: Harper & Brothers, 1958.
74. Nowell-Smith, Simon (ed.). Edwardian England, 1901-1914. London: Oxford University Press, 1964.
75. Ormsby, Margaret A. British Columbia: A History. Vancouver: Macmillan, 1958.
76. Pelling, Henry. America and the British Left. London: Adam & Charles Black, 1956.
77. ———. Modern Britain, 1885-1955. Edinburgh: Thomas Nelson & Sons, 1960.
78. Phillips, Paul A. No Power Greater: A Century of Labour in British Columbia. Vancouver: B.C. Federation of Labour, 1967.



79. Rader, Benjamin G. The Academic Mind and Reform: The Influence of Richard T. Ely in American Life. Lexington: University of Kentucky Press, 1966.
80. Renshaw, Patrick. The Wobblies: The Story of Syndicalism in the United States. New York: Doubleday, 1967.
81. Reynolds, Lloyd G. The Control of Competition in Canada. ("Harvard Studies in Monopoly and Competition," No. 2.) Cambridge: Harvard University Press, 1940.
82. Robin, Martin. Radical Politics and Canadian Labour, 1880-1930. Kingston: Queen's University Industrial Relations Centre, 1968.
83. Ryan, William F. The Clergy and Economic Growth in Quebec (1896-1914). Quebec City: Les Presses de l'universite Laval, 1966.
84. Schlesinger, Arthur M. The Rise of the City, 1878-1898. ("A History of American Life," ed. Arthur M. Schlesinger and Dixon Ryan Fox.) New York: Macmillan, 1933.
85. Scotton, Clifford A. A Brief History of Canadian Labour. Ottawa: Woodsworth House, 1956.
86. Selekman, Ben M. Industrial Disputes and the Canadian Act: Facts About Nine Years' Experience With Compulsory Investigation in Canada. New York: Russell Sage Foundation, 1917.
87. ———. Postponing Strikes: A Study of the Industrial Disputes Investigation Act of Canada. New York: Russell Sage Foundation, 1927.
88. Smith, W. G. A Study in Canadian Immigration. Toronto: Ryerson Press, 1920.
89. Squires, Benjamin M. Operation of the Industrial Disputes Investigation Act of Canada. (United States Bureau of Labor Statistics "Bulletin" No. 233.) Washington, D.C.: Government Printing Office, 1918.
90. Taft, Philip. The A. F. of L. in the Time of Gompers. New York: Harper & Brothers, 1957.
91. ———. Organized Labor in American History. New York: Harper & Row, 1964.

92. Tansill, Charles Callan. Canadian-American Relations, 1875-1911. ("The Relations of Canada and the United States" Series.) Toronto: Ryerson Press, 1943.
93. Thornton, A. P. The Habit of Authority: Paternalism in British History. Toronto: University of Toronto Press, 1966.
94. Turner, Ian. Industrial Labour and Politics: The Dynamics of the Labour Movement in Eastern Australia, 1900-1921. Canberra: University Press, 1965.
95. Urquhart, M. C., and Buckley, K. A. Historical Statistics of Canada. Toronto: Macmillan, 1965.
96. Weber, Gustavus A. The Bureau of Labor Statistics—Its History, Activities, and Organization. ("Bureau of Labor Statistics Bulletin" No. 319.) Washington, D.C.: Government Printing Office, 1922.
97. Weinstein, James. The Corporate Ideal in the Liberal State: 1900-1918. Boston: Beacon Press, 1968.
98. Wiebe, Robert H. Businessmen and Reform: A Study of the Progressive Movement. Cambridge: Harvard University Press, 1962.
99. ———. The Search for Order, 1877-1920. New York: Hill & Wang, 1967.
100. Wilson, John T. The Calcium Light Turned on by a Railway Trackman. St. Louis, Mo.: Trackmen's Publishing Co., 1902.
101. Wolman, Leo. The Growth of American Trade Unions, 1880-1923. New York: National Bureau of Economic Research, 1924.
102. Woods, H. D., and Ostry, Sylvia. Labour Policy and Labour Economics in Canada. Toronto: Macmillan, 1962.
103. Woodsworth, Charles J. Canada and the Orient: A Study in International Relations. Toronto: Macmillan, 1941.
104. Young, C. H., Reid, Helen R. Y., and Carrothers, W. A. The Japanese-Canadians. Toronto: University of Toronto Press, 1938.
105. Zaslow, Morris. The Opening of the Canadian North, 1870-1914. Toronto: McClelland & Stewart, 1971.

II. PAMPHLETS

106. Canadian Labor Union. Proceedings of the ... Canadian Labor Union, 1873 [-1875]. Toronto: Canadian Labor Union, 1873-1875.
107. King, W. L. Mackenzie. The Canadian Method of Preventing Strikes and Lockouts. New York: Railway Business Association, 1912.
108. ———. The Four Parties to Industry. Toronto: Empire Club, 1919.
109. ———. Industrial Peace. Cincinnati: n.p., 1900.
110. Knights of Labor. Record of Proceedings of the General Assembly, 1878-1900. (Microfilm copy of original printed proceedings held by Wisconsin Historical Society. Available in the Library, Canada Department of Labour, Ottawa.)
111. ———. Report of the Canadian Legislative Committee. n.p., [1889].
112. National Industrial Conference Board. The Canadian Industrial Disputes Investigation Act. ("Research Report No. 5.") Boston: National Industrial Conference Board, 1920.
113. O'Donoghue, J. G. The Industrial Disputes Act: Prepared for the Trades and Labor Congress of Canada. Toronto: T.L.C., 1916.
114. Proceedings of the Canadian Labor Union Congresses, 1873-77. Compiled and edited by Leslie E. Wismer. Montreal: T.L.C., 1951.
115. Proceedings of the Canadian Labor Congress, ... 1883. Toronto: Canadian Labor Congress, 1884.
116. Trades and Labor Congress. Proceedings of the ... Trades and Labor Congress, 1886-1911. Toronto: T.L.C., 1887-1912.
117. ———. Official Book, 1901. [Toronto: T.L.C.,] 1901.

III. ARTICLES

117. Acland, F. A. "Canadian Industrial Disputes Investigation Act," Annals of the American Academy of Political and Social Sciences, XXXVI (Sept., 1910), 419-437.
118. ———. "Canadian Legislation Concerning Industrial Disputes," Canadian Law Times, XXXVI (March, 1916), 207-222.
119. Allen, Richard. "The Social Gospel and the Reform Tradition in Canada, 1890-1928," CHR<sup>\*</sup>, XLIX (Dec., 1968), 381-399.
120. Armstrong, D. E. and Muriel. "Third Party Intervention in the Alberta Coal Industry, 1900-1951," Patterns of Industrial Disputes Settlement in Five Canadian Industries (ed. H. D. Woods), Montreal: McGill University Industrial Relations Centre, 1958, pp. 23-88.
121. Beveridge, Albert J. "Our Canadian Cousins: How They Solve the Problem of Industrial Wars," The Saturday Evening Post, Sept. 23, 1911, p. 26ff.
122. Blair, D. Gordon. "Canada," Anti-Trust Laws: A Comparative Symposium (ed. W. Friedmann), Toronto: Carswell, 1956, pp. 3-44.
123. Bliss, Michael. "Canadianizing American Business: The Roots of the Branch Plant," Close the 49th Parallel etc.: The Americanization of Canada (ed. Ian Lumsden), Toronto: University of Toronto Press, 1970, pp. 27-42.
124. Coats, R. H. "Beginnings 'n Canadian Statistics," CHR, XXVII (June, 1946), 109-130.

---

\*. The following abbreviations have been employed in this portion of the bibliography:

- CHR - Canadian Historical Review  
CJEPS - Canadian Journal of Economics and Political Science  
LH - Labor History

125. ———. "The Labour Movement in Canada," Canada and Its Provinces (ed. Adam Shortt and A. G. Doughty), Toronto: Glasgow, Brook & Co., 1914, IX, 277-355.
126. Cohen, Maxwell. "The Canadian Anti-Trust Laws - Doctrinal and Legislative Beginnings," Canadian Bar Review, XVI (June, 1938), 439-465.
127. Dubofsky, Melvyn. "The Origins of Western Working Class Radicalism," LH, VII (Spring, 1966), 131-154.
128. Edgar, W. W. "The Settlement of Industrial Disputes in Canada," Journal of Political Economy, XVI (Feb., 1908), 88-93.
129. Eliot, Charles W. "The Canadian Act to Aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries Connected with Public Utilities," McClure's Magazine, XXX (Dec., 1907), 149-156.
130. Forsey, Eugene. "History of the Labour Movement in Canada," Canada Year Book, 1957-58, pp. 795-802.
131. ———. "The Influence of American Labor Organizations and Policies on Canadian Labor," The American Economic Impact on Canada (ed. Hugh G. J. Aitken, et al), Durham, N.C.: Duke University Press, 1959, pp.127-171.
132. ———. "Insights into Labour History in Canada," Relations Industrielles, XX (July, 1965), 445-465.
133. ———. "A Note on the Dominion Factory Bills of the Eighteen-Eighties," CJEPS, XIII (Nov., 1947), 580-583.
134. Habakkuk, H. J. "Entrepreneurial Decline in the Late Nineteenth Century," The English Tradition: Modern Studies in English History (ed. Norman F. Cantor and Michael S. Werthman), New York: Macmillan, 1968, II, 293-298.
135. Hays, Samuel P. "The Politics of Reform in Municipal Government in the Progressive Era," Pacific Northwest Quarterly, LV (Oct., 1964), 157-169.
136. Huthmacher, J. Joseph. "Urban Liberalism and the Age of Reform," Mississippi Valley Historical Review, XLIX (Sept., 1962), 231-241.
137. Keyfitz, N., and Greenway, H. F. "Robert Coats and the Organization of Statistics," CJEPS, XXVII (Aug., 1961), 313-322.

138. King, W. L. Mackenzie. "How Canada Prevents Strikes," World's Work, XXVI (August, 1913), 438-444.
139. Landon, Fred. "The Canadian Scene, 1880-1890," Canadian Historical Association Annual Report, 1942, pp. 5-18.
140. Laskin, Bora. "The Legal Status of Trade Unions in Canada," Problems in Canadian Unity (ed. Violet Anderson), Toronto: Nelson, 1938, pp. 90-102.
141. Lorentsen, Edith, and Woolner, Evelyn. "Fifty Years of Labour Legislation in Canada," The Labour Gazette, L (Sept., 1950), 1412-1429ff.
142. Lubove, Roy. "Workmen's Compensation and the Prerogatives of Voluntarism," LH, VIII (1967), 254-279.
143. McCormack, A. R. "Arthur Puttee and the Liberal Party, 1899-1904," CHR, LI (June, 1970), 141-163.
144. McNulty, Paul J. "Labor Problems and Labor Economics: The Roots of an Academic Discipline," LH, IX (1968), 239-261.
145. Montague, J. T. "The Growth of Labour Organization in Canada, 1900-1950," The Labour Gazette, L (Sept., 1950), 1388-1401.
146. Neill, Charles P. "Mediation and Arbitration of Railway Labor Disputes in the United States," Bulletin of the Bureau of Labor, No. 98, Washington: Government Printing Office, 1912.
147. O'Donoghue, John G. "Daniel John O'Donoghue: Father of the Canadian Labour Movement," Canadian Catholic Historical Association Report, 1943, pp. 87-96.
148. Ostry, Bernard. "Conservatives, Liberals, and Labour in the 1870's," CHR, XLI (June, 1960), 93-127.
149. ———. "Conservatives, Liberals, and Labour in the 1880's," CJEPS, XXVII (May, 1961), 141-161.
150. Renfrew, Stewart. "Commission of Conservation," Douglas Library Notes, XIX (Spring, 1971), 17-26.
151. Robin, Martin. "The Trades and Labor Congress of Canada and Political Action: 1898-1908," Relations Industrielles / Industrial Relations, XXII (1967), 187-214.

152. Sage, W. N. "The American Mining Advance into Southern British Columbia, 1864-1910," British Columbia and the United States (ed. H. F. Angus), Toronto: Ryerson Press, 1942, pp. 264-298.
153. Saywell, John T. "Labour and Socialism in British Columbia: A Survey of Historical Developments Before 1903," British Columbia Historical Quarterly, XV (1951), 138-150.
154. Scheinberg, Stephen J. "Progressivism in Industry: The Welfare Movement in the American Factory," Canadian Historical Association, Historical Papers, 1967, pp. 184-197.
155. Selekman, Ben M. "Nine Years of the Canadian Act. The Experience with Compulsory Investigation and its Application to the United States," The Survey, XXXVII (March 31, 1917), 746-754.
156. Shortt, Adam. "Canadian Industrial Disputes Investigation Act," American Economic Association Quarterly, 3rd series, X (April, 1909), 158-179.
157. Skelton, O. D. "Canadian Experiment in Industrial Peace," The Outlook, LXXXVIII (Jan. 4, 1908), 32-37.
158. ———. "General Economic History, 1867-1912," Canada and its Provinces (ed. Adam Shortt and A. G. Doughty), Toronto: Publishers' Assoc. of Canada, 1913, IX, 95-274.
159. Timlin, Mabel F. "Canada's Immigration Policy, 1896-1910," CJEPS, XXVI (Nov., 1960), 517-532.
160. Toronto District Labor Council, "Canadian Labor Organization in Danger," Official Programme and Souvenir: Labor Day, 1902, Toronto, 1902, pp. 11-30.
161. Trevelyan, G. M. "The Second Half of the Victorian Era (1865-1901)," English Social History, London: Longmans, Green, 1944, Chapter XVIII, pp. 551-586.
162. Watt, F. W. "The National Policy, the Workingman, and Proletarian Ideas in Victorian Canada," CHR, XL (1959), 1-26.
163. Weinstein, James. "Big Business and the Origins of Workmen's Compensation," LH, VIII (Spring, 1967), 156-174.
164. Woods, H. D. "Public Interest Disputes and their Settlement: Canadian Policy Experiments with Public Interest Disputes," Labor Law Journal, XIV (August, 1963), 739-745.

IV. UNPUBLISHED SOURCES

165. Alexander, K. L. "A Study of Collective Bargaining in the Canadian Labour Movement with Special Emphasis on the Development and use of Trade Agreements." Unpublished M.A. thesis, Acadia University, 1951.
166. Atkinson, William D. "Organized Labour and the Laurier Administration: the Fortunes of a Pressure Group." Unpublished M.A. thesis, Carleton University, 1957.
167. Babcock, Robert Harper. "The A. F. of L. in Canada, 1896-1908: A Study in American Labor Imperialism." Unpublished Ph.D. dissertation, Duke University, 1970.
168. Edgar, W. W. "Railway Labour Legislation in Great Britain and Canada." Unpublished M.A. thesis, University of Toronto, 1904.
169. Herman, E. E. "Freedom of Association and Recognition of Labour Organizations Prior to Order in Council P.C. 1003 of 1944." Unpublished M.A. thesis, McGill University, 1962.
170. ———. "The Problem of Determination of the Appropriate Bargaining Units by Labour Relations Boards in Canada." Unpublished Ph.D. dissertation, McGill University, 1965.
171. Jackson, Harold Francis. "Arbitration and Conciliation in Labour Disputes." Unpublished Ph.D. dissertation, Dalhousie Law School, 1952.
172. Kennedy, Douglas R. "The Knights of Labor in Canada." Unpublished M.A. thesis, University of Western Ontario, 1945. Subsequently published by the University of Western Ontario in 1956.
173. Levy, G. W. "The Lemieux Act and Privy Council Decision of 1925." Unpublished M.A. thesis, McGill University, 1927?
174. Lorentsen, Edith, and Bell, Joel. "The Development of the Public Policy on Labour Relations in Canada." Canada, Task Force on Labour Relations, Studies, Report No. 8 (1968).



175. Martin, William Steward Arnold. "A Study of Legislation Designed to Foster Industrial Peace in the Common Law Jurisdictions of Canada." Unpublished Ph.D. dissertation, University of Toronto, 1954.
176. Ralston, H. K. "The 1900 Strike of Fraser River Sockeye Salmon Fishermen." Unpublished M.A. thesis, University of British Columbia, 1965.
177. Thompson, Lorne. "The Rise of Labor Unionism in Alberta." Unpublished study prepared for Dr. Eugene Forsey, 1965.
178. Thwaites, J. D. "The International Association of Machinists in Canada: to 1919." Unpublished M.A. thesis, Carleton University, 1966.

#### V. GOVERNMENT PUBLICATIONS

179. Askwith, Sir George. Report to the Board of Trade on the Industrial Disputes Investigation Act of Canada, 1907. London: H. M. Stationery Office (Cd. 6603), 1913.
180. Canada. Auditor General's Report. Ottawa: King's Printer, 1901-1912. Also published in each year's Sessional Papers, as No. 1.
181. Canada. Board of Inquiry into Cost of Living. Report of the Board. 2 vols. Ottawa: King's Printer, 1915.
182. Canada. Civil Service Commission. Minutes of Evidence. Vol. 1. Ottawa: King's Printer, 1908.
183. Canada. Department of Labour. Annual Report. Ottawa: King's Printer, 1901-1912.
184. ———. Fourth Report of the Registrar of Boards of Conciliation and Investigation of the Proceedings Under the Industrial Disputes Investigation Act, 1907. Ottawa: King's Printer, 1911.
185. ———. The Labour Gazette. Ottawa: King's Printer, 1900-1911.
186. ———. Report by W. L. Mackenzie King ... Deputy Minister of Labour, on Mission to England to Confer with the British Authorities on the Subject of Immigration to Canada from the Orient and Immigration from India in Particular. Ottawa: King's Printer, 1908.

187. ———. Report by W. L. Mackenzie King, C.M.G., Deputy Minister of Labour, on the Need for the Suppression of the Opium Traffic in Canada. Ottawa: King's Printer, 1908.
188. ———. Report on Strikes and Lockouts in Canada from 1901 to 1912. Ottawa: King's Printer, 1913.
189. ———. Wholesale Prices in Canada, 1890-1909 (Inclusive). Special Report by R. H. Coats, B.A. Ottawa: King's Printer, 1910.
190. Canada. Department of Trade and Commerce. The Dominion Bureau of Statistics: Its Origin, Constitution and Organization. Ottawa: King's Printer, 1935.
191. Canada. Parliament. House of Commons. Official Report of Debates. Ottawa: King's Printer, 1890-1911.
192. Canada. Statutes. Ottawa: King's Printer, 1890-1911.
193. Great Britain. Parliament. Correspondence Relating to Complaint of Certain Printers who were Induced to Emigrate to Canada by False Representations. (Cd. 2980.) London: His Majesty's Stationery Office, 1906.
194. Ontario. First Report of the Bureau of Labor of the Province of Ontario. Toronto: King's Printer, 1901.
195. United States. Commission on Industrial Relations. Industrial Relations. Final Report and Testimony Submitted to Congress by the Commission on Industrial Relations. Washington: Government Printing Office, 1916. Vols. 1 and 9.
- oOo-
196. Canada. "Report of the Commissioners Appointed to Enquire into the Working of Mills and Factories of the Dominion, and the Labor Employed Therein." Sessional Papers, 1882, vol. 9. Ottawa: Queen's Printer, 1883.
197. ———. "Report of the Commission to Inquire into and Report on the System of Laws Regulating Labor in the State of Massachusetts." Sessional Papers, 1883, No. 16. Ottawa: Queen's Printer, 1883.

198. ———. Report of the Royal Commission on Chinese Immigration. Ottawa: Queen's Printer, 1885.
199. ———. "Report of the Commission on the State of the Manufacturing Industries of Ontario and Quebec." Sessional Papers, 1885, No. 37. Ottawa: Queen's Printer, 1885.
200. ———. Report of the Royal Commission on the Relations of Capital and Labor in Canada. Ottawa: Queen's Printer, 1889.
201. ———. Report Upon the Sweating System in Canada. Alexander Whyte Wright, Commissioner. Ottawa: Queen's Printer, 1896.
202. ———. Report to the Honourable the Postmaster General on the Methods Adopted in Canada in the Carrying Out of Government Clothing Contracts, by W. L. Mackenzie King. Ottawa: Queen's Printer, 1899.
203. ———. "Report of the Commissioners in Crow's Nest Pass Complaints." Sessional Papers, 1898, No. 90a. Ottawa: Queen's Printer, 1898.
204. ———. "Report of Mr. R. C. Clute on the Commission to Inquire into the Death of MacDonald and Fraser on the Crow's Nest Pass Railway - Summary." Sessional Papers, 1899, No. 70. Ottawa: Queen's Printer, 1899.
205. ———. "Royal Commission on Mining Conditions in British Columbia." 2 vols. 1900. Typescript in Library, Canada Department of Labour.\*
206. ———. "Second Report of the Commissioner in Relation to Mines and Mining in British Columbia," 1900. Typescript in Library, Department of Labour.
207. ———. Report of the Royal Commission on Industrial Disputes in the Province of British Columbia. Ottawa: King's Printer, 1903.
208. ———. Report of the Royal Commission on Employment of Aliens on the Père Marquette Railway. Ottawa: King's Printer, 1905.

---

\*. Although not published, items 205. and 206. have been listed with the other reports of Royal Commissions for the sake of convenience.

209. ———. Report of Royal Commission on Employment of Aliens on Grand Trunk Pacific Railway. Ottawa: King's Printer, 1905.
210. ———. Report of the Royal Commission to Inquire into the Immigration of Italian Labour to Montreal, and Alleged Fraudulent Practices of Employment Agencies. Ottawa: King's Printer, 1905.
211. ———. Report of the Royal Commission on a Dispute Respecting Hours of Employment Between the Bell Telephone Company of Canada, Ltd., and Operators at Toronto, Ont. Ottawa: King's Printer, 1907.
212. ———. Report of the Royal Commission Appointed to Inquire into Methods by which Oriental Labourers have been Induced to Come to Canada. Ottawa: King's Printer, 1908.
213. ———. "Report by W. L. Mackenzie King ..., Commissioner Appointed to Investigate into the Losses Sustained by the Chinese Population of Vancouver, B. C., on the Occasion of the Riots in that City in September, 1907." Sessional Papers, 1907-1908, No. 74f. Ottawa: King's Printer, 1908.
214. ———. "Report by W. L. Mackenzie King ..., Commissioner Appointed to Investigate into the Losses Sustained by the Japanese Population of Vancouver, B.C., on the Occasion of the Riots in that City in September, 1907." Sessional Papers, 1907-1908, No. 74g. Ottawa: King's Printer, 1908.
215. ———. Report of the Royal Commission to Inquire into Industrial Disputes in the Cotton Factories of the Province of Quebec. Ottawa: King's Printer, 1909.
216. ———. Report of the Royal Commission on Industrial Training and Technical Education. Ottawa: King's Printer, 1913.

VI. NEWSPAPERS AND PERIODICALS

217. B.C. Trades Unionist and Union Label Bulletin (Vancouver), 1908-1909.
218. Bond of Brotherhood (Calgary), 1903-1904.
219. The Citizen (Ottawa), April - June 1899.
220. The Daily World (Vancouver), July - December 1898.
221. Eastern Labor News (Moncton, N.B.), 1909-1913.
222. The Gazette (Montreal), October - December 1898.
223. The Globe (Toronto), October 1897 - June 1898,  
January 1900 - February 1901.
224. The Independent (Vancouver), 1902-1904.
225. Industrial Banner (London, Ont.), 1897-1900.
226. Industrial Canada (Toronto), 1900-1911.
227. The Mail and Empire (Toronto), July - September 1898.
228. The Miners' Magazine (Denver, Col.), 1900-1901.
229. Saskatchewan Labor's Realm (Regina), 1907-1910.
230. The Star (Montreal), January - March 1899.
231. The Toiler (Toronto), 1902-1904.
232. The Tribune (Toronto), 1905-1906.
233. The Voice (Winnipeg), 1897-1906.
234. The Western Clarion (Vancouver), 1903-1911.
235. The Western Wage Earner (Vancouver), 1909-1911.
236. The Winnipeg Daily Tribune, January - June 1898,  
October 1899 - June 1900.
237. The Winnipeg Free Press, July - September 1899.

VII. MANUSCRIPTS\*

238. Canadian Labour Congress Records (M.G. 28, I 102).
239. Canadian National Railways Records (R.G. 30).
240. Coats Papers (M.G. 30, B 29).
241. Foster Papers (M.G. 27, II D 7).
242. Governor-General's Office Records (R.G. 7).
243. Graham Papers (M.G. 27, II D 8).
244. Harper Papers (M.G. 30, D 21).
245. Immigration Branch Records (R.G. 76).
246. Justice Department Records (R.G. 13).
247. King Papers (M.G. 26, J).
248. Labour Department Records (R.G. 27).
249. Laurier Papers (M.G. 26, G).
250. Privy Council Office Records (R.G. 2).
251. Shortt Papers (M.G. 30, D 45).
252. Sifton Papers (M.G. 27, II D 15).
253. Transcontinental Railway Commission Records (R.G. 36, 1).
254. Willison Papers (M.G. 30, D 45).
255. Wright, A. W., Papers (M.g. 29, B 34).
256. Queen's University Archives, Adam Shortt Papers.

\*. With the exception of the final item (number 256), all original sources are in the Public Archives of Canada.

## APPENDIX 1

"The Conciliation Act," 1900

63-64 VICTORIA.

## CHAP. 24.

An Act to aid in the prevention and settlement of trade disputes, and to provide for the publication of statistical industrial information.

[Assented to 18th July, 1900.]

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

1. This Act may be cited as *The Conciliation Act, 1900.* Short title.
2. In this Act, unless the context otherwise requires, the expression "Minister" means the member of Her Majesty's defined. Privy Council for Canada to whom, for the time being, the Governor in Council may assign the carrying out of the provisions of this Act.
3. Any board established either before or after the passing of this Act, which is constituted for the purpose of settling Registration of conciliation boards. disputes between employers and workmen by conciliation or arbitration, or any association or body authorized by an agreement in writing made between employers and workmen to deal with such disputes (in this Act referred to as a conciliation board) may apply to the Minister for registration under this Act.
  2. The application must be accompanied by copies of the Application therefor. constitution, by-laws and regulations of the conciliation board, with such other information as the Minister may reasonably require.
  3. The Minister shall keep a register of conciliation boards, Register of boards. and enter therein with respect to each registered board its name and principal office, and such other particulars as he thinks expedient; and any registered conciliation board shall be entitled to have its name removed from the register on sending to the Minister a written application to that effect.
  4. Every registered conciliation board shall furnish such Returns by boards. returns, reports of its proceedings, and other documents as the Minister may reasonably require.

1900.

*Conciliation Act.*

Chap. 21.

3

difference, and, with a view to the removal of such misunderstanding or disagreement, desires an inquiry under oath into such causes and circumstances, and, in writing signed by such conciliator or the members of the conciliation board, as the case may be, communicates to the Minister such desire for inquiry, and if the parties to the difference or their representatives in writing consent thereto, then, on his recommendation, the Governor in Council may appoint such conciliator or members of the conciliation board, or some other person or persons, a commissioner or commissioners, as the case may be, under the provisions of the *Act respecting inquiries concerning public matters*, to conduct such inquiry, and, for that purpose, may confer upon him or them the powers which under the said Act may be conferred upon commissioners. R.S.C., c. 114.

8. Proceedings before any conciliation or arbitration board shall be conducted in accordance with the regulations of such conciliation or arbitration board, as the case may be, or as is agreed upon by the parties to the difference or dispute. Proceedings before board.

9. If it appears to the Minister that in any district or trade adequate means do not exist for having disputes submitted to a conciliation board for the district or trade, he may appoint any person or persons to inquire into the conditions of the district or trade, and to confer with the employers and employed, and, if he thinks fit, with any local authority or body, as to the expediency of establishing a conciliation board for such district or trade. Power of Minister to aid in establishing conciliation boards.

10. With a view to the dissemination of accurate statistical and other information relating to the conditions of labour, the Minister shall establish and have charge of a Department of Labour, which shall collect, digest, and publish in suitable form statistical and other information relating to the conditions of labour, shall institute and conduct inquiries into important industrial questions upon which adequate information may not at present be available, and issue at least once in every month a publication to be known as the *Labour Gazette*, which shall contain information regarding conditions of the labour market and kindred subjects, and shall be distributed or procurable in accordance with terms and conditions in that behalf prescribed by the Minister. Department of Labour to be established. Publication of statistics, etc., and of Labour Gazette.

11. The expenses incurred in the carrying out of this Act shall be defrayed out of the money provided for the purpose by Parliament. Expenses.



4

Chap. 24.

*Conciliation Act.*

63-64 VICT.

**Report to  
Parliament.**

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

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OTTAWA : Printed by SANCEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.

## APPENDIX 2

"The Department of Labour Act," 1909

## 8-9 EDWARD VII.

## CHAP. 22.

## An Act respecting the Department of Labour.

[Assented to 19th May, 1909.]

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

1. This Act may be cited as *The Labour Department Act*. Short title.
2. There shall be a department of the Government of Canada Department constituted. which shall be called the Department of Labour, over which the Minister of Labour for the time being, appointed by the Governor General by Commission under the Great Seal, shall preside.
2. The Minister of Labour shall hold office during pleasure, Minister. and shall have the management and direction of the department.
3. The salary of the Minister of Labour shall be seven Salary. thousand dollars per annum.
3. The Governor in Council may also appoint an officer who shall be called the Deputy Minister of Labour, and such officers, Deputy Minister. Clerks. clerks and servants as are requisite for the proper conduct of the business of the department, all of whom shall hold office during pleasure.
4. The Minister of Labour shall be charged with the administration of *The Conciliation and Labour Act* and *The Industrial Disputes Investigation Act, 1907*, and with such other duties as Duties of Minister. R.S., c. 96. 1907, c. 20. may be assigned to him by the Governor in Council.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to the King's most Excellent Majesty.

APPENDIX 3

"Fair Wages Schedules in Government Contracts Awarded During November, 1906."

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[ THE LABOUR GAZETTE

DECEMBER, 1906

**FAIR WAGES SCHEDULES IN GOVERNMENT CONTRACTS AWARDED DURING NOVEMBER, 1906.**

The following is a list of contracts awarded by the Department of Public Works, the Department of Railways and Canals, Canada, and the Department of Marine and Fisheries, which have received the signatures of both parties, together with the fair wages schedule inserted in each contract, setting forth the minimum rate of wages to be paid to the labourers engaged upon the work. A statement of orders for supplies given by the Post Office Department is added.

**Department of Public Works.**

**C**ONSTRUCTION of a breakwater at Port Arthur, Ont.; name of contractor, M. J. Hogan; date of contract, November 5, 1906; amount of contract, \$363,000.

**FAIR WAGES SCHEDULE.**

Class of Labour.	Rate of Wages, not less than:
Contractor's foreman carpenter.....	\$ 4.00 per day, 10 hrs. p.
Contractor's foreman mixing concrete.....	3.50 " 10 "
Contractor's foreman laying concrete.....	3.50 " 10 "
Contractor's foreman stone-cutter.....	3.50 " 10 "
Carpenters.....	3.50 " 10 "
Timekeepers.....	60.00 p. month
Dredge engineer.....	130.00 "
Dredge 2nd engineer.....	100.00 "
Dredge fireman.....	60.00 "
Dredge crane-man.....	80.00 "
Dredge deckhands.....	50.00 "
Dredge cook.....	60.00 "
Tug captain.....	100.00 "
" engineer.....	80.00 "
" 2nd engineer.....	50.00 "
" fireman.....	40.00 "
" sailors.....	50.00 "
" cook.....	60.00 "
Scowmen.....	50.00 "
Divers.....	10.00 p. day 8hrs. p. day
" helpers.....	2.50 " 8
Steam derrick engineer.....	80.00 p. month
" fireman.....	40.00 "
Ordinary labourers.....	2.25 p. day 10 hrs. p. day
Driver with 2 horses & wag.....	4.50 " 10 "

Construction of pile and concrete revetment wall at Owen Sound, Ont.; names of contractors, Green & MacKinnon, Owen Sound, Ont.; date of contract, November 20, 1906; amount of contract, \$11,355.00.

**FAIR WAGES SCHEDULE.**

Class of Labour.	Rate of Wages, not less than:
Foreman of concrete.....	\$4.50 p. day 10 hrs. p. day
Concrete workers.....	.22½ p. hr. 10 "
Stonecutters.....	.40 " 8 "
Stone masons.....	.40 " 9 "
Blacksmiths.....	.20 " 10 "
" helpers.....	.17½ " 10 "
Carpenters.....	.27½ " 10 "
Ordinary labourers.....	.22½ " 10 "
Driver, 1 horse & cart.....	.35 " 10 "
" 2 horses and wagon.....	.40 " 10 "

Construction of building for disinfection at Quarantine Station, Grosse Ile, Que.; name of contractor, Achille Dugal, Quebec, Que.; date of contract, November 20, 1906; amount of contract, \$4,689.00.

**FAIR WAGES SCHEDULE.**

Class of Labour.	Rate of wages, per day of 10 hours, not less than:
Bricklayers.....	\$3.00
Masons.....	2.50
Carpenters.....	1.75
Painters and glaziers.....	1.75
Plasterers.....	2.25
Plumbers and steamfitters.....	2.00
Sheet metal workers.....	2.00
Electricians.....	1.75
Builders' labourers.....	1.47
Common labourers.....	1.25
Driver, 1 horse and cart.....	2.00
" 2 horses and wagon.....	3.00
Stonecutters.....	3.00

Construction of wharf at Les Escoumains, Que., name of contractor, Thos. P. Charlebois, Ottawa, Ont.; date of contract, November 23, 1906; amount of contract, \$12,445.00.

**FAIR WAGES SCHEDULE.**

Class of Labour.	Rate of wages, per day of 10 hours, not less than:
Contractor's foreman carpenter.....	\$2.50
Carpenters.....	1.75
Blacksmiths.....	2.00
" helpers.....	1.25
Ordinary labourers.....	1.25
Drivers, 1 horse and cart.....	2.00
" 2 horses and wagon.....	3.00

## APPENDIX 4

## Department of Labour, Canada.

## MEMORANDUM TO CORRESPONDENTS.

DEAR SIR:—

With a view to securing thoroughness and uniformity, and at the same time to rendering assistance to the correspondents in the preparation of their reports, the Department has prepared a series of blank forms, which are being sent to you under separate cover, and which you are requested to use in forwarding your reports. These forms contain in the margin a series of suggestions and instructions, and in the preparation of a report each correspondent is requested to follow, as far as possible, in the method of treatment, manner of arrangement, etc., of his report, the directions laid down in these marginal notes.

(1.) *The general condition of the labour market during the month.*

You will observe that the report should open with an account of the general condition of the labour market during the month. It is not expected that a correspondent should fill in details immediately opposite the points indicated in the margin, but that in giving an account of general conditions, he should endeavour, in so far as possible, to cover all current developments of the sort suggested. By noting these points from day to day, the correspondent should at the end of the month be in a position to give a satisfactory summary of the general condition of the labour market in his district.

(2.) *Condition of local industries.*

You will observe that a distinction has been made between local industries and particular trades. The purpose in this as in other classifications is to enable the Department, after having received all the reports, by reading a particular page of each report, to write up a general description for the Dominion on the subject dealt with on the particular page. For this reason it is important that the order of arrangement suggested in the report should be carefully followed. As mentioned in the margin, there may be in some districts, say, very little mining or very little agriculture, in which cases reference under these heads might be omitted altogether, or during the winter season agricultural operations may have ceased, when no mention will be necessary. So far as possible, however, the correspondent is expected to keep the public thoroughly informed through the *Gazette* of the position of the industries in his locality.

(3 & 4.) *Condition of particular trades.*

You will observe that the Department has endeavoured to classify the several trades in groups. In his report the correspondent is expected to note first, in a general way, the condition of employment in each group and then to specify particulars in regard to the individual trades. It may be that some months certain trades will require mention in considerable detail, while others will require slight mention or no mention at all. The general arrangement, however, in any event, should follow directly the order as indicated. Where particular trades are not dealt with, information should be given for the group to which they belong.

(5) *Formation of labour organizations, etc.*

The instructions given on the forms in regard to the above are sufficiently clear and require no additional explanation.

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As to space.—It is quite possible that the forms supplied will not afford sufficient space for all the details which a correspondent may desire to cover in his report, nor in supplying the forms is it expected that all information will be necessarily included on them. Where information exceeds the space, it should be written on separate sheets attached to the particular page to which it rightly belongs. It is desirable also, that the report be sent in, both as to handwriting and matter, as nearly as possible in readiness to send to the printer. For this reason it will be necessary for many of the correspondents to prepare their reports in the first instance on blank paper, and copy them with care on the official form. One of the chief difficulties in editing some of the reports has been caused by the evident haste with which they have been prepared and written. It should in no case be forgotten that a report of a correspondent is an official document, that the original is kept on file in the Department, and that Parliament may at any time call for the production of the original reports as sent in by the correspondents.

(6.) *Re Strikes, lock-outs, &c.*

The attention of the correspondents is specially drawn to the fact that they are expected to supply the Department, without fail, with particulars in reference to the commencement, progress and settlement of industrial disputes in their cities and districts, the same to be sent in on the forms of the Department. These forms, as filled out by correspondents, are filed as official records and are quite as important as the reports themselves. Some of the correspondents have been extremely careful in the manner in which they have discharged this part of their duty, but the Department has been embarrassed by the conscious or unconscious neglect of others, more particularly in failing to mention at the close of each month, and in each report, any particulars as to strikes of which notice has been given in former reports, or at some period during the month. In addition to sending in the official forms, the correspondent should make mention in every report of the trade disputes in his locality and their position at the time of reporting. The best place in the report on which to give this information is at the end of the description of the general condition of the labour market during the month.

(7.) *Re Industrial accidents.*

The blank forms containing accounts of industrial accidents should be mailed to the Department at different intervals during the month, according as the number of accidents may take place in the locality of the correspondent, this so as to facilitate the making up of statistical tables which should be completed in time to be sent to the printer with other copy. The blank forms indicate sufficiently the nature of the information required.

(8.) *Re Changes in rates of wages.*

Important changes in rates of wages or hours of labour affecting six or more workmen or workwomen should be noted on the blank form prepared for the purpose, and forwarded to the Department as soon as they come to the attention of the correspondent. It is particularly desirable that special care be taken in filling out these schedules to see that they are as complete and accurate as possible.

(9.) *Re Retail prices of staple commodities.*

The Department attaches special importance to the return showing the retail prices of staple commodities which is published in each issue of the *Gazette*. The forms sent in by correspondents in this connection must be prepared with the utmost care, inasmuch as they are intended to illustrate the comparative cost of living in the several localities and must therefore follow identical methods in each case. The instructions set forth on the form should be read over each month and implicitly followed. The date of sending in these returns is on or about the middle of each month. As the labour entailed by this branch of

the work will be considerable an extra allowance of \$25.00 a year will be paid therefor, conditional, however, on the work being performed promptly and with absolute accuracy in every detail.

N.B.—In forwarding the various schedules mentioned above please see that every item called for on each is covered. Where any space for information is left unfilled, state reason for omission. Every one of the details mentioned is essential to the statistical work of the Department, and failure to supply the same in the first instance is cause of unnecessary correspondence and delay.

(10.) *Stationery.*

Correspondents are expected to notify the Department when they require an additional supply of blank forms or other stationery. In sending in information to the Department use the yellow envelopes for monthly reports for the *Gazette*, and the blue envelopes for forms containing information on strikes, etc.

(11.) *Time of mailing reports.*

Experience has shown that, owing to the difficulty of having the *Gazette* printed at a sufficiently early date in the month, it is necessary to have all copy in shape for the printer very near its commencement, and as the reports of correspondents occupy the first part of the *Gazette*, and the whole make-up is delayed if any of the reports are late, correspondents are requested to mail their reports at a date not later than will insure their receipt by mail at Ottawa at least two days before the end of the month to which they relate. In the event of it being desirable to make important additions to the report on happenings between the date at which the report is mailed, and the last day of the month, this information should be sent by separate letter or if necessary by telegraph, in time for insertion in the copy which goes to the printer, or in the proofs.

(12.) *Signature of Correspondents.*

In sending in his report, the correspondent is expected to fill in at the head of each page thereof the particulars indicated.

Kindly acknowledge the receipt of this communication, and of the forms mentioned herein.

Yours truly,

.....  
Deputy Minister of Labour.

OTTAWA, .....