

referred back to the Conciliation Board for investigation and report. *The Conciliation Board heard the evidence of many witnesses and visited several localities during the investigation. The report of the Board was presented to the Court in July, 1908, but there were dissenting reports accompanying the main report, and these reports expressed the views of the workers' representatives as to what they held to be a fair settlement. The case was considered by the Court in a sitting lasting from the 6th to the 15th July. The Court decided not to make an award for general farm hands, on the ground that fixing their hours of work and wages would alter seriously the conditions under which farming is now carried on. The Court, however, made some recommendations to farmers as to the rates, &c., to be considered fair. (Vol. ix, Awards, p. 517.)

On the 19th December, 1908, an award was delivered fixing the terms of time, wages, &c., between the Inangahua Miners' Union and the firm of John McLean and Sons, contractors for the Otira Railway Tunnel. The Court declined to fix a minimum wage, on the ground that there was no minimum fixed at the time the contract was taken, and that therefore fixing a minimum after such time might prove unfair to the contractors. (Vol. ix, Awards, p. 879.)

An interesting case concerning the right of men to refuse work under an award may be found reported at length (Vol. ix, Awards, p. 658). It was held that the duty of men to work arises not from anything in the award but from the contract between parties. A specimen of such contract by agreement may be seen in the same volume, p. 898. A provision in an award compelling employers to provide certain work for certain men may be found in the same volume, p. 749.

A penalty was imposed on the Auckland Electric Tramways' Union of Workers by the Arbitration Court sitting on the 27th October, 1908, for having struck work in breach of award. The Court acknowledged mitigating circumstances in that the strike followed some unpopular dismissals, but took into consideration the serious inconvenience and loss sustained by the citizens of Auckland in losing their accustomed means of transit, and fined the union £60.

The Wellington Bakers' strike produced some cases presenting peculiar positions in regard to abetting strikes. A restaurant employer was cited for aiding and abetting a strike, who was neither an employer nor a worker in the baking trade. The Court stated that the case illustrated the necessity of amendment in the law, since a mischief-maker who was not actually engaged in the trade in dispute could not be punished. The case was dismissed (Vol. ix, Awards, p. 540). Another case concerned the secretary of the Bakers' Union of Workers, who was cited for aiding and abetting. The judgment was of interest in the definition of "strike" given by the Judge, who said that the offence of striking is complete when, acting in concert, the workers refused to return to work, and that to continue on strike was not made an offence by statute. The Act has since been amended. The application for enforcement against the secretary was dismissed (Vol. ix, Awards, p. 541). On the 4th September, 1908, the Wellington Bakers' Union was charged with proposing a strike. A penalty of £100 was inflicted, and this fine was paid by the union on the 11th September, 1908. The men who took part in the strike had no further penalty inflicted (Vol. ix, Awards, p. 598).

On the 5th February, 1909, the president and secretary of the Canterbury Shearers' Industrial Union of Workers were charged with an offence under section 110 of the Act, in having published in the *Otago Daily Times* a notification to shearers not to shear in Canterbury or elsewhere at less than 18s. per 100. This was said to prejudice the Otago Shearers' award. The Court, however, found that to constitute an offence under the above-named section the offenders must be either employers or workers, and this point had not been proven in this case, which was thereon dismissed. (Vol. ix, Awards, p. 84.)

The Inspector of Factories, Greymouth, applied to the Court (sitting at Auckland) on the 12th May, 1908, for enforcement of an order against the members of the Blackball Miners' Union. The Miners' Union had been ordered by the Court on the 12th March to pay £75 as a penalty for proposing a strike. A distress-warrant having been issued to levy on the union's effects, and not sufficient property being found on which to levy, the Court ordered that the individuals composing the union should pay the £75, but each be liable for not more than £10.

The Christchurch Iron and Brass Moulders' Union asked the Court in July, 1908, to prohibit all premium and bonus work. The workers evidently feared that the "team system" of driving workers along was likely to be introduced, but the Court did not entertain the application, holding that the premium or bonus system if worked under fair conditions is in the interest of both employers and workers. (Vol. ix, Awards, p. 449.)

In a memorandum attached to an award concerning the Southland Timber-yards and Sawmills' Union, dated 2nd September, 1908, explanation was given of a new provision in regard to strikes—viz., that should a strike take place, the provisions of the award in relation to bonus, wages, &c., will cease to operate (Vol. ix, Awards, pages 553, 590, 597, 617, 774). This matter, however, was legislated on in the amending Act of 1908.

That unions sometimes claim to be heard in respect of certain occupations not included in their rules was the cause of comment in a memorandum attached to the Auckland Certificated Engine-