feeling, which would not unfit them for arguing in defence of their order, but which would be no qualification for an impartial decision. When decision, therefore, is called for, it had better be left to the more practised and more responsible portion of the Board.

XV. *Constitution of the proposed Arbitration Court.*—The question then arises—how should this section of the Board be constituted? We think it should consist of not less than three. The Chairman should be appointed by the Government; and it is not necessary to say that he should be a fair-minded man, whose reputation should be a guarantee for industry, honesty, and impartiality. His colleagues, or coadjutors, should be selected to represent the conflicting interests of employers and employed, and should be elected by these two parties respectively. These members of the Board should be appointed for a term. They would always be in office ready to act. In case of a dispute the full Board of Conciliation would be constituted by the election of not less than six other persons, an equal number from each side. If the Board failed in its task of conciliation, then the members who form the standing portion of the Board would constitute a Court of Arbitration, and would give a decision. If they could not agree unanimously, or even by a majority, then the decision of the President would be the decision of the Court.

XVI. *Trade.*—We have taken a considerable amount of evidence on the subject of written agreements between employers and employed in the several trades and occupations. Some witnesses have objected to them on the ground that they are apt to be one-sided, and others on the ground that in the case of a large strike, if they are faithfully adhered to, they prevent unionists from coming to the support of their comrades. But the evidence is, on the whole, clear that suitable and equitable agreements, dealing with all the practical details of the several callings, promote a good understanding. We suggest, therefore, that the Conciliation Board should be empowered, whenever requested to do so, to assist in the discussion and settlement of the terms of industrial agreements. Its services would unquestionably be very valuable in this respect; its intervention would be a guarantee for fairness and thoroughness, and, in case of a dispute, the standing Board would be in possession of all the knowledge necessary to interpret and apply the agreement fairly.

XVII. *Experience in England.*—On the debatable question as to whether the functions of conciliation and arbitration should be exercised by the same or by different persons, there has been a considerable and varied experience. In France the duties are separated, and the judicial award is an official one, and is enforceable by law. In England, where the active Boards are all voluntary, the practice has differed considerably. The Union of Glasgow tailors, as far back as thirty years ago, provided for conciliatory work being done by a Committee, and failing a satisfactory result the matter was to be referred to an equal number of employers and employed, whose decision as arbitrators should be final, the disputants binding themselves to abide by the same. The Glasgow potters, in 1860, made disputes referable to an Arbitration Board of six persons, three being manufacturers and three working-men. The scheme is reported to have succeeded in ninety out of 100 cases. Mr. Mundella's scheme of 1860 provided that when the Board of Conciliation failed there should be a reference to some arbitrator appointed for the occasion. The Wolverhampton scheme provided for a single umpire to be chosen in the case of a tie on the question before the Conciliation Board. Judge Rupert Kettle was the first umpire chosen, and he worked out a scheme which provided for a permanent standing arbitrator. In the Staffordshire Potteries, the President is in the chair when the Board is doing conciliation work, but, when it is arbitrating, a standing referee presides, and his decision is final. He is not called in unless arbitration has become necessary. The Leicester Hosiery Board has a standing referee, whose decision is given in case of an equal vote. In the iron trade of the North of England a standing Committee first investigates the details of the dispute. Failing to come to a settlement, it hands the matter to the larger Board. If that fails to agree it appoints an independent referee. A subsequent modification, thought to be an improvement, makes the Arbitration Board consist of three members: one chosen by the employers, one by the men, with an umpire, whose decision is final. In the Nottingham Lace Board, established in 1874, there is a standing referee, who is appealed to in the case of an equal vote, and whose decision is final. In the South Staffordshire iron trade a President, not connected with the trade, listens, without speaking, except to ask for explanations, and in the case of an equal vote he gives his decision then and there. In the Chemical Trade Board for Northumberland and Durham the rules provide for a referee for the occasion. In the Leicester boot trade a permanent referee is appointed. According to Mr. Howell, the London dockers' strike of 1889 was really settled by arbitration after efforts to effect conciliation had failed, though those efforts paved the way for the settlement. The most recent English model is the conciliation scheme of the London Chamber of Commerce, which was drawn up by some very able men, and in the light of all the English experience: and this provides that the Conciliation Board shall not constitute itself a body of arbitrators, except at the express desire of both parties, but shall in preference offer to assist the disputants in the selection of arbitrators. Perhaps, however, the most important lesson to be derived from the English experience is that conciliation has been found to do much more work, and more satisfactory work, than arbitration, and that it is by far the more effective agency of the two.

XVIII. *In other Countries.*—With respect to the attempts made in other countries to establish trade tribunals, we have not had at our disposal witnesses who could give us much personal experience; but we have collected from books such information as was available, and are thus enabled to furnish a résumé sufficiently full to admit of a fair understanding of the methods adopted elsewhere, and of their adaptability to our circumstances.*

XIX. *France and Belgium.*—It is to France that the world is indebted for the first type of a Court of Conciliation, and for many years—nay, even for centuries—France had a monopoly of this wise institution. It originated as far back as 1296, in the reign of Philippe-le-Bel. Its first incep-

* Details of the systems of conciliation and arbitration in vogue in France, England, Germany, Belgium, Italy, Denmark, and Norway, and the United States, and of the different schemes proposed in these Colonies, will be found in the Conciliation Appendix.