925. CHRISTCHURCH CARPENTERS.—DECISION *RE* APPLICATION TO JOIN PARTIES TO AGREEMENT.

(Dismissed on grounds that parties cannot be compulsorily joined to an agreement, and that the application should be for an award.)

In the Court of Arbitration, Canterbury District (Christchurch).—Between the Christchurch Carpenters and Joiners' Union and Idiens and others.

DECISION OF THE COURT, DELIVERED BY CHAPMAN, J. (PRESIDENT), WITH REPORT.

THE application was similar to that in the Christchurch Gardeners *v.* Allen, in form an application complaining of a breach of duty. Treated as an application to join parties, it asked the Court to order them to be joined as parties to an industrial agreement dated the 24th November, 1904 (Book of Awards, Vol. vi., p. 7). The parties cited were very numerous; some had given written consents; the greater number did not attend. One attended and objected to the proceedings.

CHAPMAN, J., PRESIDENT: We have no authority whatever to make an order in this proceeding, which seems entirely misconceived. There is an industrial agreement, and nobody can be ordered to become a party to it against his will. If what it was intended to effect was to compel all these parties to come in and be bound by the terms of this agreement, there should have been an application for an award. That would have been addressed to the Board of Conciliation, though it might have been afterwards, and before hearing, brought here under section 21 of the amending Act of 1901. There is no semblance of such a proceeding here,

and the resolution of the special meeting shows that it has never been commenced. If the parties wish this, they must proceed in the usual way, which is simple enough. Application dismissed.

19th June, 1905.

PERMITS TO UNDER-RATE WORKMEN: SHEET-METAL WORKERS.

On the 16th September the Chairman of the Conciliation Board granted a permit to one man to work for 8s. per day for six months.

OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT.

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926. DUNEDIN AND SUBURBAN CARTERS.—DECISION OF COURT *RE* EMPLOYERS' DEMANDS.

(No jurisdiction until meeting held in accordance with Act. Workers' application to be gone on with. See award, page 852.)

In the Court of Arbitration, Otago and Southland District (Invercargill).—The Dunedin and Suburban Carters' Union *v.* the Dunedin and Suburban General Carriers' Union of Employers.

Mr. R. Breen and Mr. J. Haymes appeared for the Carters' Union, Mr. William Scott for the Employers' Union.

APPLICATION FOR ARBITRATION.

Report of Case.

MR. BREEN asked the Court to be satisfied that the Act had been complied with as to the original reference, and raised the question as to whether the extraordinary meeting of employers authorising the reference was a special meeting as required by the Act. The president and secretary of the employers' union were called by Mr. Scott. After deliberation, the following decision was given:—

THE PRESIDENT: We have looked at all the material before us in order to determine whether anything was sent out to members in the nature of a clear intimation of the matter to be brought before the meeting. We cannot assume that these printed terms and conditions now forming the employers' demand were sent out with the circular. The secretary candidly says he thinks they were, but he cannot say so positively. The only evidence we have is the other way—namely, that the print setting out the terms and conditions is of later date. Mr. Scott tells us that he cannot advance the proof further, and we can only treat the case as we have treated other cases in which there were similar defects. We accordingly decline jurisdiction in the matter, and, treating the preliminary requirements of the Act as not proved, we decide not to hear the