

New Bill Would Tighten 50-50

House Proposal Seeks Boost In American Cargoes

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MTD PROTEST SPURS RR RATE STUDY

Story On Page 3

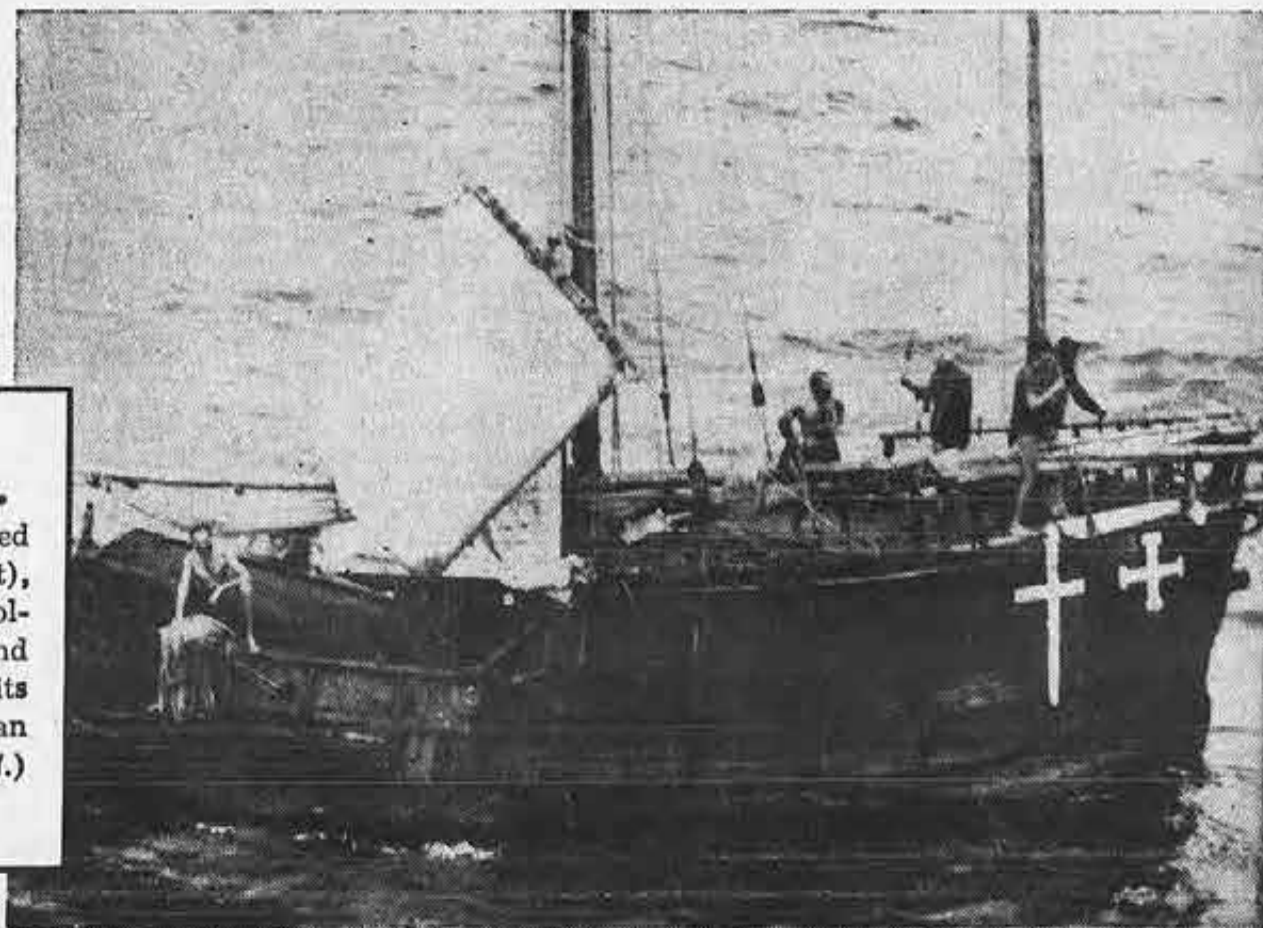
Shipping Resumes.

Back to normal with the end of the dock strike in Atlantic and Gulf ports, SIU shipping resumed last week as Seafarers returned to idled ships up and down the coast. In New York, one of the first Seafarers to return to work was Robert Brennan, steward, who shipped to the Hastings (Waterman), after he picked up his shipping card. Below, Frank Korven, wiper on the Steel Designer (Isthmian), is pictured signing on that vessel as it crews up again.



'Columbus Ship' Gets SIU Assist.

Seafarers aboard the Alcoa Pennant had an unexpected meeting in the Caribbean with the tiny Nina II (right), a replica of one of the three ships led by Christopher Columbus on his first trip to the New World in 1492, and assisted the vessel in obtaining stores and water during its long voyage from Spain. The Nina later arrived in San Salvador, setting off festive celebrations. (Story on Page 7.)



SIU OF CANADA ASKS HEAD OF COMMISSION TO DISQUALIFY SELF

OTTAWA—The Seafarers International Union of Canada has moved that the Commissioner conducting the inquiry into the Upper Lakes shipping dispute disqualify himself on the technical ground that he had served previously as counsel for one of the parties involved.

The SIU motion pointed out that Mr. Justice T. G. Norris, who had been appointed by the Minister of Labour to inquire into the dispute and into the internal affairs of the parties, had served as counsel for the SIU in 1953 and 1954.

Counsel for the SIU of Canada, George H. Henderson, in making the motion, said "it is based on the factual matters that existed in 1953 and 1954, and it is made on a technical legal ground based on those facts." The SIU counsel cited legal precedents and opinions in support of his motion.

(The verbatim text of the

official transcript of the afternoon proceedings of February 1, 1963, in which the SIU position was set forth, and the discussions that followed, are printed in a supplement in this issue of the SEAFARERS LOG).

The dispute between the SIU of Canada and the Upper Lakes Shipping Company arose after the company evaded its contractual obligations to the SIU, locked some 300 SIU crewmembers out of its fleet, and began to recruit scab crews through the Canadian Brotherhood of Railway, Transport and General Workers, and the Canadian Maritime Union, which was set up by the CBRT and the Canadian Labour Congress.

Due to the effectiveness of SIU picketing action against the company, supported by the AFL-CIO Maritime Trades Department and its affiliated unions, the CLC group, including the CBRT, last July engineered a boycott of SIU ships which led to the closing of the St. Lawrence Seaway. This action was avowedly taken by the CLC and CBRT in order to force the Canadian government to move against the SIU and to bring pressure on the US Government. The boycott led to the establishment of the Norris Commission, which began its hearings last August.

The SIU has maintained, during the entire course of the dispute, that the pattern of activity throughout clearly points to a conspiracy spearheaded by the company and the CLC group, in which the CBRT has played a major role.

MTD Sets Fight Over Bonner Bill

WASHINGTON—The AFL-CIO Maritime Trades Department is keeping a close watch on the proposed "Merchant Seaman's Health Safety Act" proposed by Rep. Herbert C. Bonner (D.-NC) last month. The bill is the latest attempt to give the Coast Guard tight control of all US merchant seamen. (See Editorial, Page 11.)

It would authorize the establishment of "physical qualifications for all positions on vessels of the United States" and provides for "such rules and regulations as may be necessary to insure that each seaman shall meet at time of signing articles the physical qualifications established. . . ."

The bill provides for fines of up to \$100 on shipping companies that hire seamen who fail to meet the unspecified physical standards, and for equal penalties against seamen.

In seeking to give the Coast Guard military control over the livelihood of civilian seamen, the bill amounts to a warmed-over version of a "profiling" program which the CG sought to impose in 1954. The "profiling" system was an effort to set up Government standards of "fitness" without which a seaman could no longer sail.

Moving? Notify SIU, Welfare

Seafarers and SIU families who apply for maternity, hospital or surgical benefits from the Welfare Plan are urged to keep the Union or the Welfare Plan advised of any changes of address while their applications are being processed. Although payments are often made by return mail, changes of address (or illegible return addresses) delay them when checks or "baby bonds" are returned. Those who are moving are advised to notify SIU headquarters or the Welfare Plan, at 17 Battery Place, New York 4, NY.



Seafarer's Family Grows—Welfare Gets Twin Bill

BELLPORT, NY—Seafarer Ben Mignano has his own little "Brotherhood of the Sea" these days, topped by the birth of identical twin boys on January 5. The proud dad and his wife, Velma, now have

eight children. Their new arrivals were the first twins of 1963 to be born at Brookhaven Memorial Hospital here on Long Island.

As far as the Mignano family is concerned, the "Brotherhood of the Sea" idea is something very real. Ben's brother Anthony, a former Seafarer, became the father of identical twin girls a few months ago, which gave him a family of eight youngsters too. He lives out in Garden Grove, Orange County, Calif.

Ben didn't know about Anthony's double event until he called a sister in Brooklyn when his boys were born at Brookhaven. Letters telling about his California event had never reached him because the family had moved a short time ago. Anthony no longer sails, and works ashore as

a safety consultant.

However, since Ben's boys arrived in the midst of the longshore strike, the double SIU maternity benefit he received came in handy. The \$400 in welfare cash plus \$25 bonds from the SIU in the name of the twins, Benjamin, Jr., and Frank Anthony, was a bonanza. Mignano is now on the Losmar (Calmar) as bosun.

For the record, when the twins weighed in, Ben, Jr., was an even 5 pounds at birth and Frank Anthony tipped the scale at four pounds, 12½ ounces.

They were the 45th set of twins for which the SIU Welfare Plan has paid out double the usual \$200 maternity benefit. The list of multiple SIU births also includes two sets of triplets among the more than 5,100 SIU maternity benefits paid to date.

Newest arrivals in family of Seafarer Ben Mignano are identical twin boys held Mrs. Mignano as the rest of their children gather around. The family now numbers eight youngsters all together, including (l-r) Karen, 7; Edward, 12; Dahlia, 15; Mitchell, 9; Giselle, 4, and Deborah, 8. Mignano's brother Anthony, a former Seafarer, had his own double event—identical twin girls—recently, and also has eight kids.

Agriculture Dept. Eyes Ferry Biz

WASHINGTON—Adding to its record of opposition to US shipping and transportation interests, the Department of Agriculture is now reported to be making a small venture into the transportation business on its own hook. The planned operation would compete directly with a private operator.

The report indicates the department intends to build a ferry to transport its employees to and from an animal experimental station located on Plum Island in Long Island Sound.

If the plan comes off, Agriculture would join the Military Sea Transportation Service, for many years a major competitor for military cargoes with private US shipping, as another Government agency in the transport field.

In doing so, the department would displace a commercial operator, New London Freight Lines, which has serviced the Plum Island route for about five years. The company has indicated that loss of the run means it will probably have to close down all of its common carrier operations servicing the public.

The department has already notified the company that it will no longer have any need for its common carrier service, which not only offers stops at Plum Island but also at other points along the Connecticut shore and on the Sound. According to the freight line, which has protested the plan to the President, the department is now building a boat with a capacity of 350 passengers.

During the last Administration, the department tried to pick up a Navy surplus vessel and wanted to build its own harbor so that it could operate its own ferry. This effort was sidetracked by protests.

Merchant Marine Forum

HALL HITS RUNAWAYS, ICC, GOV'T ROLE IN SHIP DECLINE

WASHINGTON—Participating in a forum discussion of the American merchant marine, SIU of North America President Paul Hall declared that runaway-flag shipping, the inequitable subsidy program, outdated maritime policies and the role of Government agencies were the principle factors contributing to the decline of this country's merchant fleet.

Hall was a member of the panel participating in the forum sponsored by the "Reader's Digest" at the National Press Club here on February 5. The forum discussion arose out of an article in the February issue of "Reader's Digest," entitled "Our Strike-Strangled Merchant Marine," which cited seamen's wages and benefits as the cause of the industry's shrinkage.

Victor Reisel, nationally-syndicated columnist, acted as moderator of the panel. Participants in the panel, in addition to Hall, were Thomas (Teddy) Gleason, executive vice-president, International Longshoremen's Association; Joseph Curran, president, National Maritime Union; John Weller, president, Seatrain Lines; Ralph Casey, president, American Merchant Marine Institute; Alexander Chopin, chairman, New York Shipping Association, and Edward Silver, counsel for the Tanker Service Committee. Sterling Fischer, of the "Digest" staff, presided.

Hall denied that high wage scales of American crewmen have driven away US shipping business. He pointed out that some 1,500 ships operate under runaway flags, "mainly to avoid taxes," and that about 1,000 of these sail under Liberian registry, which in 1939 did not have any ships registered.

Hall said that the character of US foreign trade had changed radically since 1936, when the Mer-

chant Marine Act was adopted, and that the law was therefore ineffective in meeting the needs of US shipping today. In 1939, he pointed out, some 80 percent of all US foreign trade was in the form of package cargo, while bulk cargo represented 20 percent. He contrasted this situation with the present situation, where package cargoes constitute 13 percent of US foreign trade and bulk cargoes have soared to 87 percent.

The SIUNA president also cited the inadequacies of the subsidy program, through which only 15 companies receive operating subsidies. Hall quoted from "A Report On The Ocean Freight Industry," by Rep. Emanuel Celler's subcommittee of the House Judiciary Committee, that only six of the companies had captured some 76 percent of all operating differential subsidy payments during the entire period of the subsidy program.

Rapping Government agencies for their failure to protect the American merchant fleet, Hall singled out the State and Agriculture Departments as enemies of US shipping, and the Interstate Commerce Commission for favoring the railroads at the expense of the domestic shipping industry.

Hall said the decline of the American shipping industry could be reversed by:

- Updating the Merchant Marine Act of 1936 in line with today's trade patterns;
- Overhauling the subsidy program;
- Revamping the ICC to include shipping representation;
- Absolute enforcement of the Cargo Preference Act by all Government agencies;
- Eliminating MSTs competition with private shipping.
- Closing of tax loopholes for runaway ship operators.

Shipping In New York



Atlantic and Gulf SIU shipping returned to normal last week, with the end of the month-long strike by the International Longshoremen's Association. The dockers went back to work on Saturday, January 26, and ships began recrewing and calling for men. The scene here at the SIU hall in New York shows Seafarers picking up their shipping cards at the early job call on Monday, January 28, which began a busy week for all hands.

Seafarers On 2-Year Indian Ocean Trip

Research Ship Bombay-Bound

WOODS HOLE, Mass.—The SIU-manned Anton Bruun, first oceanographic research vessel to come under a union contract, is now enroute to Aden from Gibraltar on her way out to Bombay. The Indian port will be her headquarters for the first five of nine exploratory cruises scheduled to last until Christmas, 1964.

The Bruun is part of a 40-ship fleet from 20 nations manning the Indian Ocean International Expedition that will chart the Indian Ocean floor and study its marine life. Leaders of the sci-

ence fleet have cross-hatched the ocean area into multiple squares like a crossword puzzle. Each ship has an assigned ocean track for each of the cruises assigned to it.

Originally scheduled to leave Bombay for Phuket, Thailand, February 18 for her first research cruise, the Bruun's late departure from home port is causing her to push ahead all future sailing dates.

From Phuket, she goes to Rangoon, spending nine days on station cartographing seabottom and classifying marine life. Her schedule calls for 20 days on station after a running time of ten days between Rangoon and Vizagapatam, India. After two days' provisioning, the Bruun heads for Madras and then back to Bombay. The first cruise is planned to last 39½ days, will cover an ocean track of 4,740 nautical miles, and is due to end the middle of May.

Second Cruise To Ceylon

The Bruun's second cruise, runs from Bombay to Ceylon, thence to Port Louis in the Mauritius Islands. On the latter run, she will remain 18 days on station, logging 5,400 miles.

Unlicensed crewmembers of the Bruun seeking SIU representation and union conditions for their long stay in the Indian Ocean struck the ship last Christmas Day, while she was in Brewer's Shipyard at Staten Island, New York. Denied their demands for SIU representation, they were successful two days

later and then returned to work.

The Anton Bruun, named after a famous Danish scientist, was formerly the Presidential yacht Williamsburg during President Harry Truman's administration.

Pacific SIU Signs MSTs Hawaii Ships

SAN FRANCISCO—The new Military Sea Transport Union of the SIU Pacific District has gained another victory in its widespread organizing drive among seamen of the Military Sea Transport Service, winning exclusive bargaining rights and jurisdiction in Honolulu for the Hawaiian Command of MSTs.

This follows its earlier success in gaining formal recognition from the Federal Government as bargaining agent for some 1,600 unlicensed seamen on 21 MSTs vessels operating out of the US West Coast. A few days after receiving notification of its bargaining status, the union filed documents seeking exclusive representation rights covering the same group.

The recognition given to the union in the Hawaiian Command is expected to provide a substantial boost to similar drives among Government seagoing personnel in other agencies.

A new organization was chartered to service MSTs personnel in order to provide the men with a union structure of their own within the SIUNA and the Pacific District. Organizing in the MSTs fleet began after a Presidential executive order gave all Government employees the right to join unions of their choice. The program allows for full representation rights and grievance procedures after majority support among the workers involved is clearly established.

MTD Protest Sparks Study Of RR Rates

WASHINGTON—Yielding to protests that a railroad rate cut on transcontinental tinplate cargoes would further weaken the remaining intercoastal water carriers, the Interstate Commerce Commission has agreed to study the latest railroad rate maneuver but is allowing new rail and water rates to go into effect.

Steamship operators had also cut their rates in a calculated move to regain lost cargoes. Both new rates went into effect on February 1.

The AFL-CIO Maritime Trades Department and steamship operators had challenged the railroad cut on the ground that it was a "flagrant example of discriminatory rate manipulation."

An MTD protest pointed out that the railroads "are maintaining existing rail rates for the combined water-rail transportation" of tinplate, while cutting the all-rail rate in order to woo tinplate shippers.

The union appeal to the ICC to set aside the reduced rate called the new all-rail rate "a transparent maneuver on the part of the railroads to eliminate competition of intercoastal shipping."

Both the unions and the domestic shipping lines welcomed the ICC decision to conduct an investigation of the rate cuts. The inquiry offers an opportunity to spotlight the efforts of the rails to wipe out intercoastal shipping by selectively slicing rates on canned goods and other commodities that provide most of the cargoes usually moved by water.

The special rate introduced by the water carriers to retaliate for the cut in railroad rates announced

House Bill Urges More 50-50 Aid For US Shipping

WASHINGTON—A much-needed boost for the US merchant fleet is in the offing under a proposal to extend the 50-50 law by allotting a larger share to American ships when the country receiving the cargo has no ships of its own available to haul it. The legislation would give US vessels preference over vessels of so-called "third party" countries not directly involved in the cargo trans-

action. The bill was offered in the House last month by Rep. Edward Garmatz of Maryland, a member of the Merchant Marine Committee. If adopted, it would provide a considerable amount of cargo tonnage now barred to American vessels by the strict interpretation given to the 50-50 law in many Government agencies.

All segments of the maritime industry, both unions and management, can be expected to support the legislation when it comes up for consideration.

The bill provides that in addition to the normal 50 percent portion of an overseas-bound Government cargo allocated to American ships "if flag vessels of such foreign nation are not available at fair and reasonable rates for such vessels, any tonnage in excess of 50 per-

centum of such gross tonnage also shall be carried on privately-owned United States-flag commercial vessels . . ."

Waiver provisions are included so that Congress, the President or the Secretary of Defense may set aside the special proviso in "emergency" situations.

Cuba Embargo

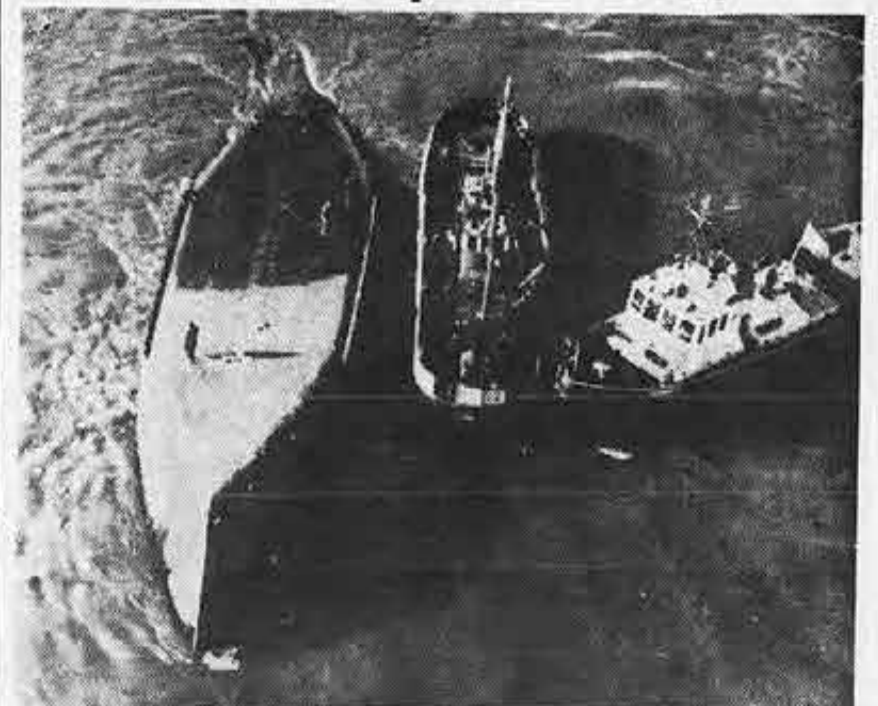
Meanwhile, in a related development, the long-awaited embargo on Government cargo shipments aboard vessels engaged in the Cuban trade has been announced by the President. However, it covers only ships in the Cuban trade since the first of this year, and allows them to bid for US-financed cargoes anyway if they pledge not to carry on further trade with Cuba.

The embargo move watered down the program indicated last fall, at the heat of the Cuban crisis, when it was expected an immediate ban on Government cargoes for Cuba trade ships would go into effect. It also only covers the ships which have actually traded with Cuba, and does not apply to other vessels under the same ownership.

The action by the President upholds the stand taken by the AFL-CIO Maritime Trades Department in initiating the crackdown on ships trading with Cuba and seeking to ban them from obtaining US Government cargoes as well.

The latest White House action also came at a time when several proposals were being offered in the House to invoke a crackdown on Cuba trade shipping via legislation.

Swedish Ship Turns Turtle



Aerial view shows Swedish tanker Thuntank VIII (left) being towed to port at Rotterdam, Netherlands, after it was found drifting upside down in the North Sea last month. Members of the towboat crew are standing on the overturned vessel. The fate of the crew of the 499-ton Thuntank remains a mystery. The ship at right is part of the Rotterdam Port Authority's fleet.

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The INQUIRING SEAFARER

QUESTION: Are movies or TV shows about the sea true to life?

Ed Tappy: The movies are definitely exaggerated. They don't show the conditions we lived under in the old days. I remember walking out on the old "Mutiny On The Bounty," and the new version is not much better. The actors do a job, but they have to follow a script that doesn't make sense.



Clarence L. Cousins: I remember a movie with Rock Hudson in which he was delivering a yacht to San Francisco during a storm. There was a crew representative who came up to him like a union patrolman would and set out the conditions under which the crew would stay aboard. I felt the union-type episode was true to life.



Clarence Ayers: In Hollywood they flower up sea movies by making things seem a little better than they actually are, though we have it pretty good these days. It's ten times better than it used to be. The boys back in the old days had it pretty rough.



Winford H. Powell: They fictionalize a lot, but they're based on things that are real. "The Longest Day" portrayed life on a troopship which was true to life, with all the color about life on a ship, the crap games and so forth. Some of the men who were really there were acting in the movie. D-Day there seemed just like the day in 1944.



William R. "Turkey" Jones: They make up a lot of it. They make it look harder for the seamen and the mates than it really is most of the time. The captain in one movie I saw had a heart-to-heart talk with a seaman and told him how rough it was before he asked him if he really wanted a job. Today, you just go to the hiring hall.



Dolores Ramos: I think they're true for the most part. I watch a lot of sea movies on TV and I don't see much difference between them and real life. The only part that's not true is about all the beautiful women who are always making sea voyages. If you could really meet all those women then everybody would be a seaman.



Notify Union On LOG Mail

As Seafarers know, copies of each issue of the SEAFARERS LOG are mailed every two weeks to all SIU ships as well as to numerous clubs, bars and other overseas spots where Seafarers congregate ashore. The procedure for mailing the LOG involves calling all SIU steamship companies for the itineraries of their ships. On the basis of the information supplied by the ship operator, four copies of the LOG, the headquarters report and minutes forms are then airmailed to the agent in the next port.

Similarly, the seamen's clubs get various quantities of LOGs at every mailing. The LOG is sent to any club when a Seafarer so requests it by notifying the LOG office that Seafarers congregate there.

As always the Union would like to hear promptly from SIU ships whenever the LOG and ship's mail is not delivered so that the Union can maintain a day-to-day check on the accuracy of its mailing lists.

Baltimore SIU, Food Unions Start Council

BALTIMORE—The SIU has joined with other local affiliates of the new AFL-CIO Food & Beverages Trades Department in forming the first Food & Beverage Trades Council in the country. A local council charter was issued here on January 30.

AFL-CIO unions in the food and culinary trades set up a structure for the new department in December, 1961, at the time of the last national AFL-CIO convention. The department represents some 800,000 workers engaged in the manufacture, processing, sale and distribution of food and beverage products.

Nine international unions, including the SIUNA, took part in

the original convention, which named Harry R. Poole, executive vice-president of the Amalgamated Meat Cutters, as its first president. Poole made the charter presentation here last week to a gathering of local representatives of most of the unions involved.

The department plans to issue charters to councils in a number of cities during coming months. They will serve as coordinating bodies for member unions in the same manner as the AFL-CIO's other official departments, such as the Maritime Trades Department.

Approximately a third of the SIUNA's total membership is affiliated with the department. Among the other unions covered are the Hotel & Restaurant Employees, Bakery & Confectionery Workers, Distillery Workers and Retail Clerks.

ICC's Report To Congress Misses Boat

WASHINGTON—A new report of the Interstate Commerce Commission is full of information about the state of transportation but again offers no new ideas to improve it. Instead, it merely renews a series of legislative recommendations made unsuccessfully one or more times in the past.

In its latest report to Congress, the ICC again offered its proposal to eliminate the shipping industry's exemption from rate regulation on bulk commodities. The suggestion would accomplish a similar purpose as the Administration's plan last year to extend the exemption to the railroads.

New Proposal

The only new proposal the ICC makes is an attempt to get rid of one of its present jobs. ICC wants to be relieved of the duty to set standard time zone boundaries because, it says, "transportation problems are only a small part of the complex matters which must be considered in fixing or changing the boundaries of the zones."

Its report also notes that although mergers are the trend currently among railroads, the reverse has been true in the motor carrier industry. Expansion programs undertaken by motor carriers in the 1950's have about been completed, the agency says.

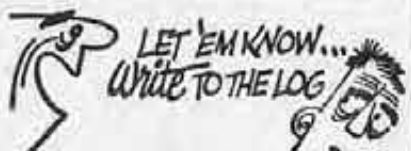
US domestic water carriers last year strongly attacked two transportation bills that would have provided the railroads with a distinct edge over shipping. They cited past actions of the railroads in selectively cutting rates as a means of wiping out water competition, and said the same thing would occur if the railroads gained a new exemption.

DIGEST OF SIU MEMBERSHIP MEETINGS

NEW YORK, January 7—Chairman, Earl Shepard; Secretary, Edward X. Mooney; Reading Clerk, Angus Campbell. Minutes of all previous port meetings accepted. Executive Board minutes of December 17 presented. Port Agent's report on shipping accepted. Due to presence of the President in Canada, the chairman gave his report covering Upper Lakes Shipping, MSTS and MTD organizing, I.L.A. strike, oceanographic vessels and other new companies. Report carried unanimously. Secretary-Treasurer's report on SIU financial affairs was carried unanimously. Welfare services report presented. Meeting excuses referred to Port Agent. Auditor's reports accepted. Seven-member appeals committee elected on appeal of John Cole from findings of trial committee in the Port of New York dated October 9. Total present: 365.

PHILADELPHIA, January 8—Chairman, Frank Drozak; Secretary, S. Zubovitch; Reading Clerk, Charles Stansbury. Previous port minutes accepted. Port Agent reported on shipping, I.L.A. strike, blood bank, Christmas dinners, petroleum workers' strike. Report accepted. President's December report accepted. Auditor's reports accepted. Discussion in good and welfare on meal books and on member laid off during I.L.A. strike. Total present: 112.

BALTIMORE, January 9—Chairman, Rex E. Dickey; Secretary, Ralph Nay; Reading Clerk, Tony Kastina. Minutes of previous port meetings accepted. Port Agent discussed shipping and strike conditions. Report accepted. President's report for December accepted. Communication from headquarters regarding extension of shipping cards during I.L.A. strike accepted. Meeting excuses referred to dispatcher. Auditor's reports accepted. Total present: 312.



Six New SIU Pensioners Total 200 Years At Sea



Taboda Zohill Bogren Howell

Six SIU oldtimers are the first to join the ranks of Union pensioners for 1963, bringing the total number of SIU men receiving benefits of \$150 per month closer to the 300 mark. The new pensioners have a combined total of nearly 200 years at sea.

Seafarers in the latest group of pensioners include: Algot Bogren, 60; William H. Howell, 71; Andres Juan Menendez, 67; Juan Patino Taboda, 67; Edward J. Taylor, 60, and John Zohill, 66.

Bogren was born in Sweden where he became familiar with the sea. He began shipping with the SIU in 1941, signing up in Baltimore, where he now makes his home. Sailing with the deck department, he paid off his last ship, the Marore (Ore Navigation), last May and ended a career of over

36 years at sea. Born in Norfolk, Howell joined the Union 17 years ago in New York and sailed in the deck department. He paid off his last vessel,



Menendez Taylor

the Antinous (Waterman), in November, to complete over 50 years on the seas. He lives with his wife, Ruby Marie, in Portsmouth, Va.

A native of Spain, Menendez joined the SIU at Tampa in 1947 in the engine department. A veteran of more than 50 years of seafaring, he was on the Niagara (Sea Transport) his last time out in November. He now resides in Texas City, Texas.

Taboda is another native of Spain who started shipping with the SIU over seventeen years ago in the engine department. He paid off his last ship, the John C. (Atlantic Carriers), in November. Now living in Brooklyn, he had been going to sea nearly 30 years.

Born in South Carolina Taylor started sailing in the steward department after joining the SIU 20 years ago. He last sailed aboard the Vivian (Intercontinental) and resides with his wife, Gertrude, in the Bronx, NY.

Zohill was born in Austria and started sailing in the steward department after joining the Union in 1947. His last ship was the Mt. Vernon Victory (Mt. Vernon), which he paid off last August. A veteran of more than 50 years at sea, he now makes his home in Philadelphia.

Living Cost Upped 1.2% Last Year

WASHINGTON—Higher prices for services were the major factor in the 1.2 percent rise in the consumer price index in 1962, according to the Labor Department, although higher food and used car prices were contributing factors.

The 1962 price picture showed an average rise of one-tenth of one percent a month, with about half the total increase occurring in the first four months of the year.

For December, the index registered a two-tenths of one percent drop due primarily to lower prices for fresh fruits, poultry and pork. However, the December drop in food prices was probably wiped out in January because of the severe cold weather in Southern fruit and vegetable areas.

The December drop in the index was the sharpest in four years for a month-to-month change and was the second monthly decline in 1962.

Girls Moving Topside?

New Bill Would Make Nurses Staff Officers

WASHINGTON—The Staff Officers Association is making plans to organize professional nurses in all Atlantic and Gulf passenger ship fleets, in line with a bill introduced in the House of Representatives on January 17.

Plans of the SIUNA pursers union were being developed following the introduction of legislation that would register professional nurses as staff officers in the US merchant marine. The measure would amend 1939 law to make the ladies who qualify into "officers and gentlemen."

There are no lady officers on US merchant ships today in any ship-board department. It's still a man's world topside, although many women do serve in the steward department aboard ship as stewardesses, waitresses and beauticians as well as nurses. The SIU currently counts two retired Delta Line stewardesses among its active pensioners.

Under the proposed legislation, applicants for registry would not be required to take an examination to qualify, but would have to furnish the Coast Guard with various proofs of experience, minimum periods of service, citizenship, good character, etc.

New Domestic Trade Bill Invites All Foreign Ships

WASHINGTON—A bill that could remove all barriers against the use of foreign-flag ships in US domestic trades was submitted to the House of Representatives on January 31 by Rep. Jack Westland of Washington.

If passed, it would empower the Secretary of Commerce to waive all protective clauses for domestic US shipping under the Jones Act, providing an American industry can prove that it is losing a substantial portion of its business to foreign competitors.

The bill would amount to a wholesale extension of the recently-voted amendment to the Jones Act in favor of US Pacific Northwest lumber producers. The amendment, which has already been allowed to cover Southern lumber growers also, permits the use of foreign shipping in the Puerto Rico trade if space on American ships is not "reasonably available." The first lumber shipment to be transported under the Jones Act suspension is due to move from the West Coast on a Japanese ship, the *Talan Maru*, next month.

Meanwhile the Maritime Trades Council in Portland, Oregon, home state of Sen. Maurine Neuberger, who sponsored the legislation that led to the Jones Act revision late in the last session of Congress, has sharply criticized her action. Frank Fellows, MTD council president and port agent for the Sailors

Union of the Pacific, said it would be remembered when she comes up for reelection in 1966.

The council's protest came in the course of its annual election meeting, at which officers were named for 1963. Besides Fellows, others reelected were Hugh "Pat" Keogh, Marine Cooks & Stewards, financial secretary; and G. W. Royer, Laborers, and Harry Williams, Firefighters, delegates to the County Labor Council. R. N. "Bob" Sweeney, Marine Firemen's Union, was elected vice president. The council has 15 affiliated unions in the Portland area.

Vacation Time



Big payoff for Seafarer Kenneth E. Sterner, AB off Coastal Crusader (Suwannee), is \$917.27 SIU vacation check covering over a year on the same vessel. All Seafarers now qualify at annual rate of \$800.

Exam Deadline Looms For '63 SIU Awards

Seafarers or their children who are eligible to compete for one of the five annual \$6,000 SIU scholarship awards may still be able to get in under the wire for the 1963 awards if they act right away.

There is one more college Entrance Examination Board test given before the 1963 awards are made this spring. The test

date is March 2, but those who are otherwise eligible and can get the necessary documents processed in time may still be able to take the exam. The test is given throughout the country.

The SIU scholarship program, regarded as one of the most generous in the US, is open to Seafarers who have a minimum of three years of seetime or to SIU youngsters whose fathers meet the seetime requirement.

Winners are chosen on the basis of high school records and other scholastic activities plus their score on the CEEB exam. One scholarship of the five given each year is reserved for an active Seafarer who qualifies. Those interested should contact the nearest SIU hall promptly.

Qualifying Exam

Meanwhile, the AFL-CIO department of Education advises that the National Merit Scholarship Examination will be given on March 5 in most US high schools. This exam must be taken when students are juniors in high school in order to qualify them for the annual AFL-CIO scholarships and for the more than 1,000 other scholarships given by the National Merit Scholarship Corporation.

In some schools the test will not be administered exactly on the fifth of March but within a few days before or after that date. Students should check with their school counsellors for information.

Apply For S&A Within 60 Days

Seafarers are reminded that in order to be eligible for \$50 weekly Sickness & Accident welfare benefits they must submit their S&A claims within 60 days of the date their injury or illness is incurred. They should also make certain they have filled out their applications completely, making full mention of the circumstances involved in their case. This will simplify checking and processing of applications whether a Seafarer applies at headquarters or in the out-ports. All payments are handled in the same manner as SIU Vacation Plan benefits.

YOUR DOLLAR'S WORTH

Seafarer's Guide to Better Buying

By SIDNEY MARGOLIUS

Beware The Racket In Seat Belts

High-pressure sellers in a number of areas are exploiting the growing interest in car safety belts by selling substandard belts for as little as \$3. The substandard sellers trying to take advantage of the belt boom include at least one heavily-advertising auto-accessory chain, and also some independent cut-rate service stations and accessory shops.

One of the major tricks, this department has learned, is that the substandard sellers label their equipment as "Meets SAE Standards," when actually only the bolt or other components may meet the SAE standard, and not the webbing itself.

The situation threatens to get worse now that low-price Japanese buckles and complete belts are being offered to American sellers to sell for \$2.50 to \$3. A number of California distributors, as well as those in other areas, are reported in the seat-belt industry to be preparing to sell, or are already selling, the low-priced imported belts, or belts using cheap imported buckles.

The problem of substandard "safety" belts that aren't really safe has arisen because of the lack of adequate policing, although a number of states now have laws that belts must meet adequate standards.

The Queens County, New York, district attorney also has moved against sellers who advertised children's restraining harnesses as "seat-belt" harnesses. A bill recently introduced into Congress by Rep. Kenneth Roberts, of Alabama, would set standards for seat belts shipped or sold in interstate commerce.

Seat belts, on the whole, have been recommended by most authorities as a valuable safety device. A number of consumer co-op organizations similarly are encouraging use of the belts.

By 1965, all new cars registered in New York State will have to be equipped with at least two safety belts in the front seat, and other states are expected to enact similar requirements. All 1962 and later cars already are equipped with threaded holes for receiving the seat-belt attachment fittings, although the belts themselves still are optional equipment at an extra cost.

Until the Roberts bill is passed, and even after because of policing difficulties, car owners who want to install belts need to make sure that belts meet standards set by GSA (General Services Administration) and SAE (Society of Automotive Engineers). What's important to check is that the package specifies that the entire equipment including the webbing meets these standards, not merely one of two components.

The SAE standard specifies that the webbing should be able to withstand stress of not less than 4,000 pounds, and should not be less than 1 7/8 inches wide. The belts should be attached with 7/16-inch bolts using reinforcing plates.

These are the basic specifications. But most of the good-quality belts on the market exceed these specifications, and are tested to exceed 5,000 pounds of strain. All-nylon is considered the superior webbing. Some of the cheaper belts are made of a blend of nylon and rayon or other fibers.

Not only should the webbing be at least 1 7/8 inches wide, but it should be at least .065 inches thick. You can't measure this without a micrometer but, in general, the standard manufacturers advise, the belt should have body and be hard to crinkle. Avoid any belt that seems limp or soft. (Rub a dampened white handkerchief against the belt to make sure color doesn't come off—not as a safety device but to protect your clothing.)

Two types of buckles are available—metal on metal, and the cam-type in which the belt is threaded into the buckle. While some good belts do have the cam-type, in general the experts we consulted consider the metal on metal superior. This type is considered stronger and also provides for quick release with one hand. In the cam-type you would need to thread the webbing out of the buckle in an emergency. There is some possibility that the teeth of the cam-type can jam into the webbing, and also can serrate it from continued use.

Because some belts have been criticized as inferior, the American Seat Belt Council also has instituted a testing program, and belts made by its members are labeled accordingly. However, some manufacturers of good-quality belts do not belong to the Council. Their belts will not carry the Council seal but will be labeled as meeting the GSA and SAE specifications.

Can you really get adequate seat belts installed for as little as \$3.33 each, as one chain recently advertised? Most experts we consulted think otherwise. Most of the standard-quality belts cost in the neighborhood of \$10 plus installation. A few large sellers offer belts meeting the Government and SAE specifications for as little as \$6.

Installation, even in pre-1962 cars, preferably should be done by professional mechanics, to make sure you don't drill into a brake line or wiring, and also to make sure, on older cars, that there is a sizable amount of uncorroded metal available for secure anchorage. While one industry representative found service stations charging anywhere from \$2.95 to \$12.95 for installing two front-seat belts, the time involved is less than 15 minutes per belt for pre-1962 cars and only a couple of minutes for the newer cars.

One of the largest manufacturers advises that installation should cost only \$1.50 to \$2 per belt, including fittings, for pre-1962 models, and \$1 to \$1.50 on 1962 and '63 cars.

Prices charged by car manufacturers for seat belts ordered as optional equipment are reasonable. Even if you pay full list, the price usually is \$17 - \$18 for two front-seat belts, or about \$33 for four belts, including two in the rear seat. Thus belts ordered with a new car usually cost less than buying and installing them later.



SIU SOCIAL SECURITY BULLETIN BOARD

SIU Welfare, Vacation Plans

Cash Benefits Paid — December, 1962

	CLAIMS	AMOUNT PAID
Hospital Benefits	6,641	\$ 58,651.03
Death Benefits	19	52,944.66
Pension-Disability Benefits	352	52,800.00
Maternity Benefits	41	8,012.85
Dependent Benefits	470	59,269.60
Optical Benefits	350	3,921.29
Out-Patient Benefits	3,831	30,177.00
Vacation Benefits	1,495	381,786.25
TOTAL WELFARE, VACATION BENEFITS PAID THIS PERIOD	13,199	\$647,562.68

SIU Clinic Exams—All Ports

December, 1962

Port	Seamen	Wives	Children	TOTAL
Baltimore	88	28	15	131
Houston	103	3	2	108
Mobile	35	5	9	49
New Orleans	245	6	11	262
New York	351	36	21	408
Philadelphia	29	20	10	59
TOTAL	851	98	68	1,017

SIU Blood Bank Inventory

December, 1962

Port	Previous Balance	Pints Credited	Pints Used	TOTAL ON HAND
Boston	7	0	2	5
New York	24	28 1/2	4	48 1/2
Philadelphia	47	2		49
Baltimore	62	1/2	0	62 1/2
Norfolk	15	0	0	15
Jacksonville	34	0	0	34
Tampa	6	0	0	6
Mobile	12	3	0	15
New Orleans	86	3	0	89
Houston	1 1/2	0	0	1 1/2
Wilmington	7	0	0	7
San Francisco	10	3	8	5
Seattle	15	1	0	16
TOTALS	326 1/2	41	14	353 1/2

SIU MEDICAL DEPARTMENT



Joseph B. Logue, MD, Medical Director

Animal Diseases Are Our Problem, Too

Some of the more troublesome animal and plant diseases seem far removed from man, but have very serious effects on millions of humans all over the world. The "Navy Medical Newsletter" details some of these problems, which are not as remote from our interests as they might seem.

For example, **DID YOU KNOW . . .**

That foot and mouth disease, or aftosa, is one of the most ruinous of animal diseases? It has ravaged herds all over the world, afflicting cattle, buffalo, camels, sheep, and goats. Losses incurred in Europe as a result of the great outbreak in 1951 amounted to over \$600 million. In many countries, the massive slaughter of animals in infected areas is the usual method of stopping the spread of the disease. This is often combined with vaccination for control. Man is mainly affected by the loss of animal protein in the diet.

That ticks can spread a large number of virus and bacterial diseases among animals, particularly sheep? Some of these diseases, such as Q fever, can also be transmitted to man by infected ticks. Spraying with insecticide will destroy ticks and so limit the spread of the diseases.

That due to the virus disease known as African horse fever, from two to three hundred thousand horses died in 1960 in an area stretching from Turkey to India? A vaccine exists, but the preparation of 5,000 doses requires as many as 250 white mice, and some 13 million horses and mules would have to be vaccinated to halt the disease in the infected territories. The horses of wandering nomadic tribes are often responsible for distributing the infection.

That swine fever, a virus disease, is fatal for about 95% of the animals affected? This fever, introduced from Africa, cost Spain the amount of 500 million pesetas in 1960. One hundred twenty thousand pigs had to be slaughtered in Spain last year. The Portuguese and French borders are strenuously guarded, as the virus can be introduced into neighboring countries by stray dogs or cats, and even by a casual or illegal piece of sausage. Slaughter is still the only available method at the moment to limit this disease.

That a virus disease, known as Newcastle disease, attacks hens, leaving no survivors? In the past 20 years, hundreds of thousands of hens had to be destroyed and mass vaccinations were performed in order to keep this disease under control and avoid the complete loss of national hen stocks in many countries. A new vaccine has been tried out in Thailand and appears to be holding some promise.

That coconut palms are being attacked by a disease, coco fever, about which very little is known? First, the coconuts fall to the ground, the leaves turn yellow and drop, trunks dry up, and all the trees become petrified. Is it due to bacteria, or to a microscopic mushroom? Is it transmitted by wind, by water, by insects, by man? Solving these questions is essential because the disease is highly contagious and millions of human beings depend on copra for their livelihood.

(Comments and suggestions are invited by this Department and can be submitted to this column in care of the SEAFARERS LOG.)

Pennant Aids Tiny Nina II

SEAFARERS GIVE 'COLUMBUS' A LIFT

If any SIU-crewed ships had been around when Columbus sailed the ocean blue, they would have undoubtedly given him a hand, just like the SIU-manned Alcoa Pennant did for the 40-foot Nina II, replica of the smallest caravel in Columbus' three-ship fleet, last December.

Seafarers who talked with her crew of eight Spaniards and one American at that time will be glad to know she made it on time to San Salvador, which was her destination "by Christmas." The Nina berthed Christmas night and was met at the dock by several hundred San Salvadorians crying "Viva Espana."

The crew came ashore dressed in 15th century seamen's costumes, carrying ancient muskets, and were offered wine-skins to toast the commemorative occasion. No one managed to drink any of it, although plenty was spilled by those who tried.

Following a Mass at an ancient

Catholic church in Cockburn Town, San Salvador, the crew of the Nina was further wined and dined. After a week's rest, they left the Nina there, and came to New York, where they were feted on January 20 by local Hispanic societies.

When the Nina was sighted on December 18 by the Alcoa Pennant, which was San Juan bound, the SIU vessel carried on a megaphone conversation with the Spanish crew that lasted over an hour. The Nina reported a dwindling food supply, mostly rice and beans and drinking water. Since she carried no radio, she asked the Pennant to advise the Coast Guard at

San Juan to drop supplies by helicopter. This was ultimately done.

According to Seafarers Charles Misak and Francisco Cornier of the Pennant's deck crew, the Nina's personnel seemed in "good shape." Cornier was able to take pictures of the crew and their little ship during their brief encounter.

The Pennant first sighted the Nina about ten miles directly ahead, but the freighter had to make three passes at the tiny ship before it was able to pull alongside.

Prior to her meeting with the Pennant, the Nina had last been reported seen on December 12 by search planes from the Roosevelt Roads Navy Base. She was spotted then about 300 miles northeast of San Juan and 714 miles from San Salvador. The Nina left the Canary Islands last October 10 to try to duplicate the voyage Columbus made across the Atlantic in 1492. San Salvador was the first place Columbus landed in the New World. The Nina is now up for sale in Nassau, after completing her special mission.

SIU Stewards' Program Nears 2nd 'Graduation'

NEW YORK—The second group of chief stewards to enroll in the SIU's Steward Department Recertification Program are well over the halfway mark in the new six-week refresher course for stewards

and are scheduled for "graduation" on February 12. The next course is due to begin February 25.

The refresher training is designed to upgrade the skills of SIU chief stewards and acquaint them with new developments in the fields of food processing, packaging and cookery. It involves six weeks of training sessions covering 30 working days devoted to classroom and field work.

For the remainder of 1963, the

tentative schedule of courses is as follows:

- February 25-April 5
- April 15-May 24
- June 3-July 15
- July 22-August 30
- September 9-October 18
- October 28-December 10

The sessions involve classroom instruction and study, implemented by field trips to meat packers, produce plants and similar locations. Developed over many months, the new stewards school is the result of recommendations by a rank-and-file committee of stewards subsequently approved by the Union membership at SIU port meetings. The first group of "students" completed its work last December.

Varied Duties

Instruction covers the varied duties of a steward aboard ship including the preparation of menus, sanitary food preservation, keeping inventory, proper storing and overall supervisory details in the culinary department.

The program received its impetus as a result of the feeding program initiated in some SIU fleets as far back as 1954 and introduced across the board on SIU-contracted vessels in 1959. SIU steward department personnel who have at least three years of seetime in a rating above 3rd cook can get further details on taking the course by contacting SIU headquarters.

US To Abandon 'Texas Towers'

The Air Force is abandoning its two remaining "Texas tower" radar stations in the Atlantic off Cape Cod, it announced last month. Inspections have shown "extensive erosion" of the sand and rock around the \$14-million-towers, it said. A similar tower off the New Jersey coast collapsed in 1961 during an Atlantic storm with a loss of 28 lives. The job of providing radar protection against low flying planes will be taken over by radar-equipped US aircraft, the Air Force said.

Radar Gear 'Too Slow' For Space

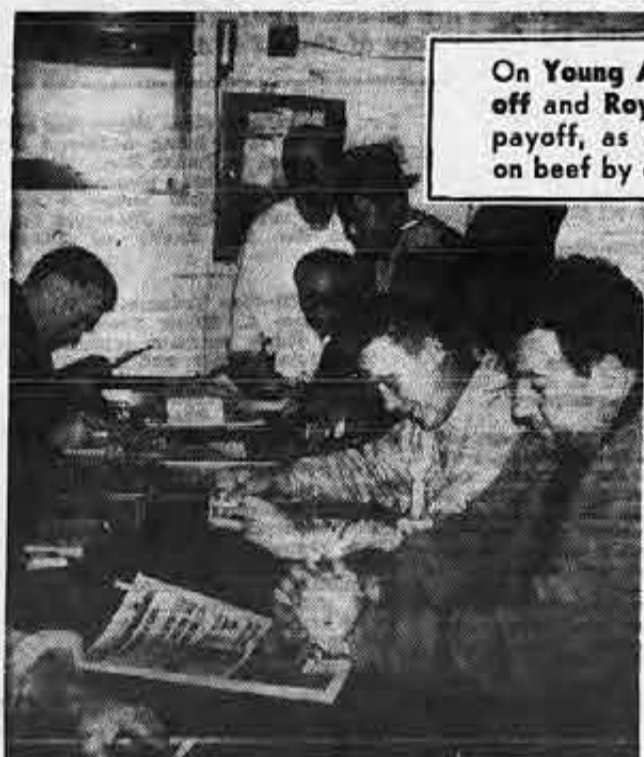
The top and bottom of the amazing world we live in today are highlighted in two "routine" scientific announcements.

At the top is an infra-red tracking device to guide orbiting space ships in "docking," as developed by the Martin Marietta Corp. It is a small two-part tracking unit that may become a possible challenger to radar for contacting two vehicles orbiting the earth at some 17,500 mph.

Called Mirtak, the 15-pound unit consists of an infra-red light source and an infra-red sensitive tracker. The tracker responds only to its mating light source, is highly accurate, and almost invulnerable to jamming. With the tracker on one vehicle and the flashing light on the other, the tracker should be able to make necessary guidance correction to bring both together, including "blind landings" for airships.

At the bottom, trying to pin down the effects of radiation waste dumps on sea life, and indirectly on man, the National Academy of Sciences and the National Research Council recently studied the disposal of packaged, low-level waste radioactive materials off the Pacific Coast. They found offshore Pacific waters can take a lot more low-level radioactive "junk" before contamination of sea life even becomes remotely dangerous, as long as recommended limits are observed in salting away radioactive materials. Some of the dump sites are over 2,200 fathoms deep, but the scientists suggested monitoring systems should be set up anyway, for safety's sake.

Port San Francisco Keeps Busy



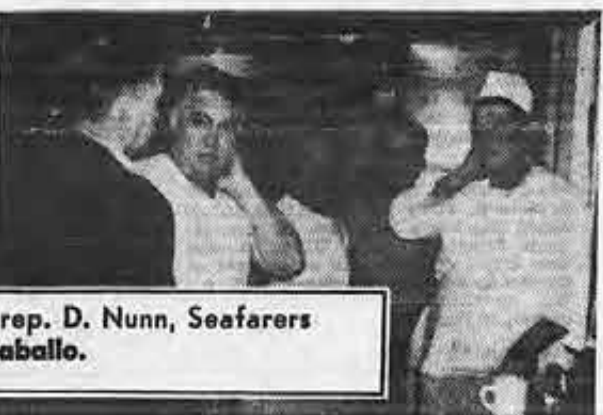
On Young America (Waterman), Seafarers Dave Pash-off and Roy Jones, ABs, are pictured (foreground) at payoff, as SIU Port Agent Frank Boyne (left) checks on beef by crewmembers concerning voyage.



Sea-Land's containership Elizabethport, shown at Oakland, will be joined in East-West run by sistership San Francisco.



Framed by tank valves, trio on National Defender (National Transport) includes W. J. Tracy and George W. Harding, ABs.



In Elizabethport galley (l-r) are Food Plan rep. D. Nunn, Seafarers S. Jenson, R. Martin, T. Thompson, R. Carraballo.

LET US KNOW!
Write TO THE LOG

One-Way Sea Lanes Asked For English Channel Traffic

LONDON—A proposal has been advanced by a working group from several European maritime countries to set up a system of traffic regulation in the busy Dover Strait-English Channel area by establishing one-way sea lanes to separate the main streams of traffic heading north and south.

The lanes would be dotted with navigational and buoy markers at specified intervals, according to a report in "Fairplay," the British shipping journal. The proposal has been offered as a means of reducing the hazard of collisions in the area.

Study Cited

"Fairplay" cited a study showing that half of the world's shipping collisions take place in an area between the English Channel and the Elbe River, and that most of the accidents involve vessels meeting head-on, or nearly so.

The number of collisions is at-

tributed to an increase in maritime traffic, a ship's ability to navigate at will and the misinterpretation of radar signals. At the same time, the added accuracy of vessel navigation has altered the pattern of traffic and produced smaller areas where shipping routes join together.

Two solutions to the problem of collisions were proposed. One suggestion was the creation of several two-way lanes. The second, which received almost unanimous acceptance, would designate one-way channels as the best means to avoid collision.

The recommended tracks, designed to separate the main streams

of traffic, would allow for southbound traffic one-way along a specified route paralleling the English shore, and for northbound traffic to work along the French coast. More ships apparently use the English side in preference to the Continental side of the Strait because it is better marked. Remarkings of the area and shifting of navigational aids would be a necessary part of the entire traffic scheme.

The report is now to be submitted to the Inter-Governmental Maritime Consultative Organization of the United Nations for consideration by its maritime safety committee.

Win New Pact At Yankee Plant



SIU shop stewards are pictured at Yankee Plastics Company plant in Shenandoah, Pa., where SIU United Industrial workers completed new contract talks this week. New agreement climaxes 55-3 vote for the Union in National Labor Relations Board election. Pictured (l-r) are Sam Lambard, Tom Mundy, chief steward John Cuff and Robert Muscavage.

Gov't Jobs Boom Yard In Mobile

MOBILE—Two US Government contracts totalling nearly \$3 million have been awarded to the Mobile Ship Repair Company here. The work is expected to keep members of the SIU United Industrial Workers at the repair yard working for many months ahead.

The larger of the two contracts is for \$2.5 million and will go toward the construction of five miscellaneous US Navy vessels. The other contract, for \$499,556, was awarded to Mobile Ship Repair by the US Coast Guard for the construction of a 100-foot, 600-horsepower, twin screw buoy tender.

Work Started

Work on the tender started at Pier C, Alabama State Docks on the first of January and is expected to be completed in seven months. The vessel will have a beam of 22 feet and will be constructed of steel and aluminum.

When completed, the buoy tender is to be assigned to the Great Lakes area.

Last year, Mobile Ship Repair was awarded another large Government contract covering post-shakedown work on the US Navy tanker Kaskaskia, a fleet oiler. Work on the vessel was completed several months ago and it is now in service supplying fuel for large Navy tankers.

SEAFARERS PORTO'CALL

IN NEW YORK 675-4th AVE.

IN BALTIMORE 1216 E. BALTIMORE

STEEL ARCHITECT (Isthmian), Nov. 23—Chairman, James O. Brusio; Secretary, Egbert W. Goulding. Ship's delegate reported one man left in Calcutta due to illness. George Matlack elected new ship's delegate. \$30 in ship's fund. Vote of thanks extended to steward department for the spread put out on Thanksgiving Day.

PRODUCER (Marine Carriers), Dec. 16—Chairman, James B. Lee; Secretary, Ray H. Casanova. Ship's delegate reported some men were logged for not performing duties. Need another deck maintenance so that chief mate will not have to work on deck. Ship has not received LOGs nor any library for five months. No patrolman aboard at sign-on in New Orleans. Vote of thanks to steward department for job well done.

ALCOA RUNNER (Alcoa), Nov. 25—Chairman, C. L. Stringfellow; Secretary, Ralph Taylor. Few hours disputed OT in engine department. Motion for allotments to be made for the next voyage. Captain not giving enough money on draw. Vote of thanks to steward department for the good service and food.

GLOBE CARRIER (Maritime Overseas), Nov. 25—Chairman, Joseph McAndrews; Secretary, W. J. Williams. Ship's delegate reported no major beefs. Discussion on ship being soured. Vote of thanks to steward department for nice Thanksgiving dinner.

BARBARA FRIETCHIE (Liberty Navigation), Sept. 9—Chairman, C. Quinn; Secretary, J. H. Shearer. Ship's delegate reported that most of the repairs were taken care of. Vote of thanks to entire steward department for the best Thanksgiving dinner and to the captain for favors and privileges during the voyage. Received no LOGs or communications during this 2½-month voyage. Discussed leaks in the boat deck and need of a new refrigerator for crew mess.

STEEL EXECUTIVE (Isthmian), Nov. 4—Chairman, Carl Lawson; Secretary, C. R. Wood. Ship's delegate reported crew deeply grieved to learn of the death of Brother Claude Simmons. Member of crew hospitalized in Honolulu and is recovering. Movie projector repaired in Honolulu at a cost of \$53.80, \$9.60 in ship's fund. Crewmen will donate \$1 each to cover cost of repairing projector. Vote of thanks to steward department for a fine job.

ROBIN LOCKSLEY (Robin Line), Nov. 10—Chairman, Willis Walker; Secretary, Gerald Hebert. \$25 in ship's fund. No beefs reported by department delegates. Suggestion that boarding patrolman see company about getting coffee mugs for crew.

ROSE KNOT (Suwannee), Nov. 29—Chairman, W. H. Harrell; Secretary, Wesley Young. \$1.83 in ship's fund. Some disputed OT in stewards department. No LOGs nor communications received during this seven-month voyage. Discussion regarding ship's

JOHNSON. Ship's delegate suggested that the patrolman have a talk with the captain regarding repairs. No beefs reported by department delegates. Crew requested to keep laundry room clean at all times.

OCEAN DINNY (Maritime Overseas), Dec. 8—Chairman, Bill Howe; Secretary, S. Rothschild. No beefs reported. Discussion on locking passageways in foreign ports to try to keep longshoremen out. Motion to have patrolman from San Francisco board ship on arrival to check items short in steward department.

TAMARA GULDEN (Transport Commercial), Nov. 11—Chairman, Irvin Glass; Secretary, Joe Powers. One oiler missed the ship in Houston. \$8 in ship's fund. The entire crew gave the chief steward, chief cook and the steward department a vote of thanks for the good food and service.

BULK LEADER (American Bulk), Nov. 18—Chairman, John Zierels; Secretary, M. F. Kramer. Two men in deck department missed ship in Santos, and one in engine department. M. F. Kramer was elected to serve as ship's delegate. No beefs reported.

ORION PLANET (Orion), Nov. 23—Chairman, Tony Novak; Secretary, J. A. F. Denais. Discussion on writing a letter to headquarters regarding meat purchased in Singapore. Request someone to meet ship in Hawaii to check shortages and quality of meat. \$12.35 in cash in ship's fund and \$1.25 in stamps. One man in engine department hospitalized in Karachi. Poor slopchest aboard.

ALCOA PENNANT (Alcoa), Nov. 18—Chairman, S. Steeber; Secretary, F. Cornier. Department delegates reported everything running smoothly. Mariano Arroyo was elected to serve as ship's delegate. Discussion on shortage of fruits during trip. Matter of steward department man being switched to be taken up with patrolman in Philadelphia.

FANWOOD (Sea-Land), No date—Chairman, Johnnie Hoggie; Secretary, Ralph Tindell. Ship's delegate reported everything running smoothly.

PENN MAR (Calmar), Dec. 7—Chairman, Walcy Thomas; Secretary, J.

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Two men missed ship. Discussion regarding no mail being delivered to ship by agent in Puerto Rico. Motion to see about having a phone on ship in Newark so that members can check on sailing time. Discussed collection for the family of Sonny Simmons.

NIAGARA (Sea Transport), Nov. 24—Chairman, A. Milne; Secretary, C. Shirah. Ship's delegate reported on contaminated water and stated that bad meat boxes are causing loss of meat. No beefs reported by department delegates. Vote of thanks to steward department.

SHORT HILLS (Sea-Land), Dec. 1—Chairman, Art Gilliland; Secretary, Lee de Parlier. Ship's delegate reported everything running smoothly. Crew requested to clean up in the morning. Took up mail service with patrolman in San Juan. Gangway beef still unsettled. Longshoremen to be kept out of messroom, and sign will be posted to that effect.

PENN EXPLORER (Penn), Nov. 25—Chairman, M. J. Wells; Secretary, W. R. Gammons. Crew asked to keep all doors locked while in Port Said and India. Vote of thanks to steward department for job well done and also to the baker for the fine pastry. Fresh water to be checked. See what can be done about salty water for bathing and washing of clothes.

SEATRAN GEORGIA (Seatrains), Dec. 23—Chairman, Roberto Mannibal; Secretary, L. Hopkins. Ship's delegate reported one man missed ship. \$20 in ship's fund. Everything running smoothly. Poor LOG distribution to this ship.

MT. RAINIER (American Tramp), Dec. 16—Chairman, D. Hartman; Secretary, S. Sink. Motion made to have clothes dryers on all contracted vessels. Motion to ask captain to have draw money ready on arrival. New icebox needed for crew messroom.

PENN VANGUARD (Penn Shipping), Nov. 4—Chairman, William O'Connors; Secretary, H. E. Rosecrans. \$4 in ship's fund. No beefs reported by department delegates.

SIU SAFETY DEPARTMENT



Joe Algina, Safety Director

Use Your Head—Wear Safety Gear!

Personal protective equipment is chosen to give reasonable protection for the conditions under which it is to be used. To be effective, personal protective equipment must be worn. As with false teeth, eyeglasses and hearing-aids, it may take time and effort to get used to wearing some items for personal protection. The time and effort are worthwhile, however, when you consider the severity of the injuries that can be prevented by wearing this equipment. Eye protection may prevent loss of an eye, and a face shield can forestall severe burns.

HEAD PROTECTION. Protective hard hats especially protect the skull from falling materials, tools, and other objects. They also prevent injuries from raising the head and hitting it against sharp edges and pointed corners. This gear is often made of a composition material which is water-resistant, nonconductive and has a high resistance to impact. Metal hats are also available, but should not be worn where there is danger of electrical contact.

The hat is supported away from the head by an adjustable cradle or hammock attached to the headband. This arrangement cushions blows and prevents injury to the head or neck. Without it, the hat is of little value. Hats also may be fitted with liners for warmth during cold weather.

Protective caps are sometimes preferred for working in confined spaces. In addition, reflecting material is sometimes attached to the hats to increase the visibility of the wearer in darkness.

EYE PROTECTION. Eye injuries from flying chips of metal, rust, nails, abrasive grits and similar objects can be avoided. The following kinds of eye and face protection have been developed for various needs:

Cup goggles are worn for protection against the heavy impact of large particles. The hardened glass lenses give protection from flying materials and must withstand the impact of a steel ball weighing 1.56 ounces dropped from a height of 50 inches.

Safety glasses are commonplace aboard ship these days, and are very suitable for protection against small flying particles both from the front and sides. They are available with filter lenses for protection against reflected light, harmful rays, and glare. They also come with prescription lenses for those who wear glasses all the time.

One of the principal problems involved in the use of safety goggles of all types is keeping them clean and free from fogging. Soft tissue and a spot of cleaning liquid can take care of this, since the glasses are of limited value if they don't give you proper visibility all around.

FACE PROTECTION. Plastic face shields provide the same protection as plastic eye shields and in addition protect against splashing liquids. Face shields are made of transparent plastic, have adjustable headbands, and are designed so that the shield can be pushed up away from the face.

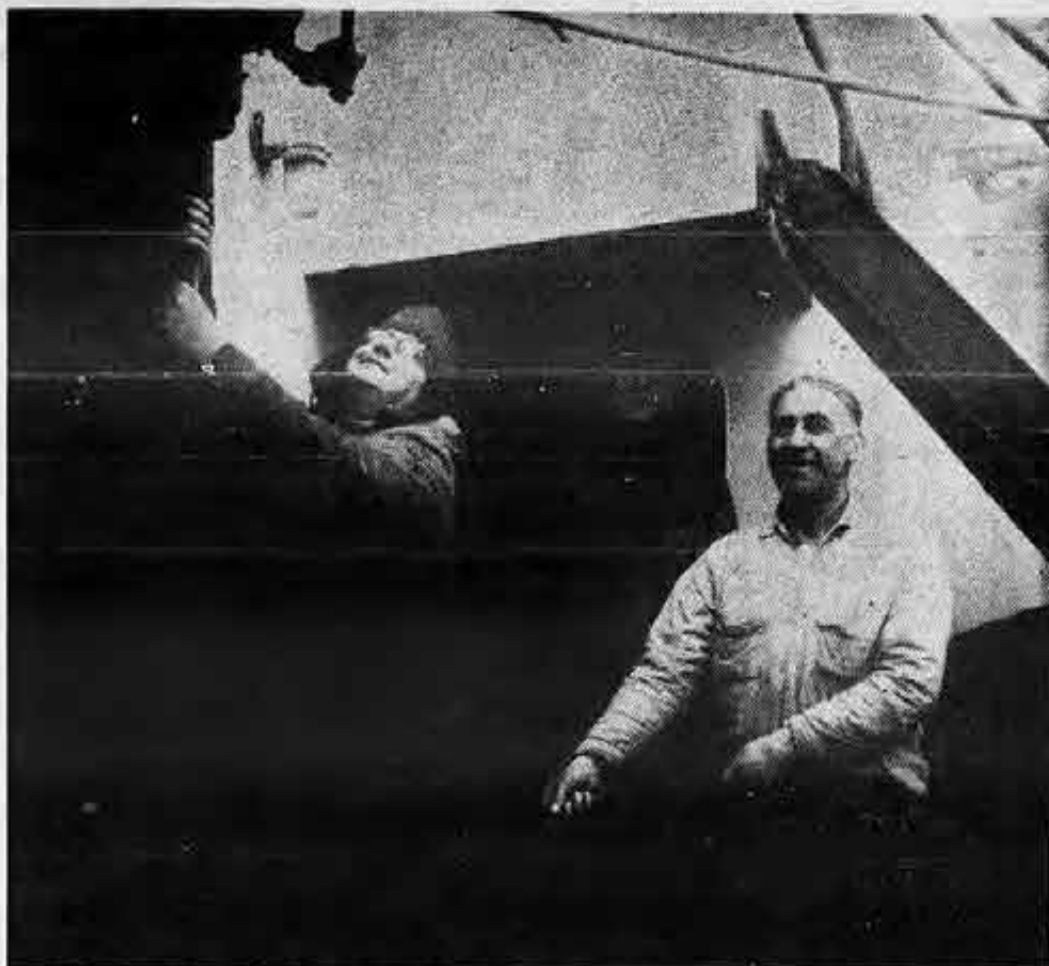
Combining all three elements, welding helmets, shields and goggles protect against light particles, molten metal and harmful radiation, such as are encountered in welding jobs. Safety glasses with side shields should be worn under the helmet to protect the eyes when the helmet is raised.

(Comments and suggestions are invited by this Department and can be submitted to this column in care of the SEAFARERS LOG.)

SS Mankato Victory Home From Europe—Sailing To Far East

Returning from a trip to Italy, Spain and France, the SIU-manned Mankato Victory (Victory Carriers) had to wait out the end of the longshore strike in the Bay Ridge flats before she was able to dock at Erie Basin, Brooklyn, last week. Seafarers reported a pretty smooth trip back from Europe when they paid off January 30 and the vessel was finally able to unload her cargo.

The Mankato left again on February 3 heading south, with a couple of stops scheduled first at Philadelphia, Norfolk and then in San Francisco when she hits the West Coast. She'll then head out for several Far Eastern ports this time, including Yokohama, Japan, and Pusan and Inchon, Korea.



Securing lines, Seafarer James Flanagan, AB (left), gets assist from Joe Quarteraro, OS, out on deck. Longshoreman looks on.



Visited in engine room, Bob Michaels, oiler, was on the job checking and securing valves.



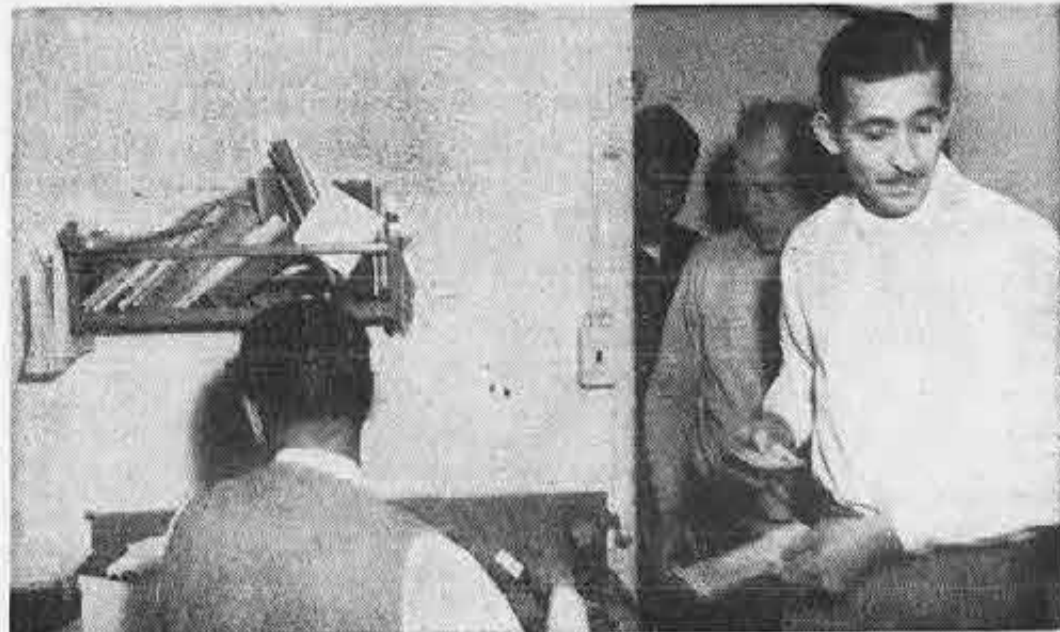
Scene in galley on Mankato pictures (l-r) Cervando Castro, MM; Anthony Schiavone, chief cook; Regino Vasquez, pantryman, and Joseph M. Gaillard, 3rd cook.



SIU Patrolman Charlie Scofield brought crewmembers up to date on Union news during ship's meeting held while Mankato was at Erie Basin.



Foc'sle confab features (l-r) C. Mazak, Joe James, M. Kerngood, C. O'Brien.



Joe Quarteraro, OS (left), signs payroll receipt, while (at right) J. R. Andolsek, oiler; J. Meeks, FWT, and other Seafarers wait their turn.



Pictured on deck of deep-sea barge Patricia Sheridan, SIU boatmen who served as negotiating committee for new agreement in Norfolk included (l-r) Theo Jackson, cook; J. Tinker, Jr., OS; Martin Watson, mate; Walter Paschall, fireman, and Earl Willis, OS.

Coastal Barges Under SIU Pact

NORFOLK—One of the last coastwise barge operations in the Atlantic-Gulf area was brought under contract by the SIU Inland Boatmen's Union January 24 via a three-year agreement covering boatmen manning five ocean-going barges owned by the Sheridan Transportation Company.

The agreement calls for monthly base pay ranging from \$275 for an ordinary seaman to \$330 for cooks, and up to \$655 for barge captains. It provides for an additional \$15 per month increase effective in August, 1964. The company will also pay the costs for complete SIU pension and welfare coverage for the boatmen and their families.

In addition, crewmembers aboard the five barges will be entitled to 15 days of paid vacation under the terms of the contract.

Pact talks covering crewmen aboard the company's non-self propelled barges were begun here on January 18 aboard one of the vessels, the Patricia Sheridan, with the crew of the barge serving as a negotiating committee.

The committee won its demands in five days and then submitted the contract to crewmembers aboard the other barges. Its terms were ratified and have gone into effect. Crewmembers on the five vessels designated the SIU-IBU as their bargaining agent last year.

Besides the Patricia Sheridan, the other barges involved are the Margaret Sheridan, Kathleen Sheridan and Winifred Sheridan. They transport bulk cargoes such as coal and fertilizer to ports ranging from Houston, Texas, to Maine and Puerto Rico.

The vessels are converted deep-sea cargo ships towed by three deep-sea tugs owned by the Sheridan-affiliated Tug Management Corporation, which signed a first-time SIU-IBU contract covering the men aboard the tugs last August to follow up a unanimous Union victory in a National Labor Relations Board election. The contract represented the first time that Sheridan deep-sea tugmen have

Seas, Loose Cargo Mar Maiden Run

HALIFAX—Heavy Atlantic seas took their toll of cargo aboard the SIU-manned freighter Bridgehampton (Bull) recently, on her maiden trip bound for Iran and India.

The 15,947-ton vessel was forced to put in at this port after her cargo of 400 jeeps and steel girders broke loose and she had to return here for the safety of the ship and its crew.

Jeeps Crushed

The jeeps, to be delivered to the Imperial Iranian Army, hurtled about the hold as the ship rolled and tossed in the big ocean swells, becoming crushed and twisted. Steel girders, sharp and deadly as huge knives, were tossed and thrown against the sides of the ship.

When unloading operations began at Pier 31 here, the extent of the damage was estimated to be many thousands of dollars. As more of the crushed jeeps were unloaded, the hold began to take on a battle-look. The damaged jeeps will be repaired at army workshops in Iran.

Loaded In Lakes

The Bridgehampton loaded the jeeps at US Great Lakes ports and took on remaining cargo at Montreal. She was one of the last through the St. Lawrence Seaway before it was closed for the winter, and then ran into heavy seas and trouble as she entered the Gulf Stream, east of Newfoundland.

An oil tanker until last summer, the Bridgehampton underwent a big reconstruction job in Hamburg, Germany, converting to a bulk carrier. She is described as "four-fifths a new ship."

US Hydrofoil Trial Put Off —Back To Drawing Board?

OYSTER BAY, NY—The HS Denison, first open-ocean hydrofoil ship is berthed at a shipyard here following a decision of the Maritime Administration to postpone indefinitely putting the craft into an experimental commercial operation.

MA officials say that improvement of propellers, foils and machinery would be more advantageous than the commercial demonstration of a single craft.

A hydrofoil vessel is built like an airplane and literally flies across the water on two foils or legs that ride on the water.

Sixty Knots

The Denison is said to be far ahead of similar vessels, now operated by Russia and Italy, in speed and power. She is said to have hit speeds of 60 knots an hour, according to a Government announcement, in tests in Long Island Sound. The ship was originally scheduled for a tryout in April on a run between Port Everglades, Fla., and Nassau in the Bahamas.

Now MA says that since the vessel was originally designed as a test vehicle, it would not be suited to commercial passenger service without extensive conversion. This is estimated to cost about \$600,000, and an additional 12-month testing period is reported to be on the schedule before the Denison can be demonstrated to the public.

Meanwhile, the Russians, who claim firsts on just about everything, may have something this time by way of the world's largest hydrofoil ship, the Vikhr. The

Vikhr has gone into service between Yalta and Odessa, following trial sails on the Black Sea.

Cruises At 50 Knots

The Vikhr can carry 300 passengers in three compartments and has a cruising speed of 50 knots and a 500-mile range. The hull is of aluminum magnesium alloy.

Hydrofoil ships first took hold in Italy and more and more are being used in Russian ports. In Hungary, a service has started on the Danube River using two 64-passenger craft, and plans are being made for a hydrofoil service between Belgrade, Yugoslavia, and Vienna, Austria.

Aspirin Prices—A Big Headache

WASHINGTON—The American Medical Association has issued a formal announcement through its offices here that all aspirin is the same no matter what price it sells for. The statement was in reply to inquiries made by Sen. Pat McNamara (D-Mich.) during a hearing by a Special Committee On the Aging. The Senator told AMA spokesmen that the committee had investigated aspirin prices and found that brand-name aspirin sell for as much as three and a half times the price of less-known brands.

Oliver Field, director of the American Medical Association's Department of Investigation, said all aspirin must meet the same requirements in order to be sold and people might as well buy the cheaper product. Many large manufacturers of aspirin spend large sums on advertising in an attempt to make the public believe that their aspirin is better than another. In many cases you can buy 100 tablets of an unadvertised brand for the same price that you pay for 25 tablets of an advertised product, although both aspirins are exactly the same.

SIU FOOD and SHIP SANITATION DEPARTMENT



Cliff Wilson, Food and Ship Sanitation Director

Temperatures In The Vegetable Box

The days when scurvy was the terror of the sea are long past due to the use of fresh fruits and vegetables to round out seamen's diets and provide the vitamins necessary to prevent this disease.

Refrigeration has been the answer to the problem. With the proper refrigeration, enough fresh fruits and vegetables can be stored to supply the crew with sufficient vitamin C for the longest voyages.

Fruits and vegetables are susceptible to damage from either too much or too little refrigeration, however. If too high an average temperature is maintained in the vegetable box, the commodities will tend to ripen too rapidly and then rot. Under too low a temperature they will freeze and become damaged, some beyond future use.

These provisions vary in their susceptibility to cold damage. Some, for instance, are hardy enough to withstand repeated freezings without too much damage being done. Others, such as tomatoes, will be ruined by even one slight freezing.

For simplicity, most fruits and vegetables can be arranged into three groups, as determined by their ability to sustain refrigeration damage and still remain edible and nutritious.

• Those likely to be injured by one light freezing are asparagus, avocados, snap beans, berries, cucumbers, eggplant, lemons, limes, sweet peppers, white potatoes, summer squash, sweet potatoes, tomatoes.

• Commodities that will recover from one light freezing are such items as apples, sprouting broccoli, new cabbage, celery, cranberries, grapefruit, grapes, lettuce, onions, oranges, parsley, peaches, pears, peas, plums, winter squash.

• The group that can be lightly frozen several times without serious damage includes beets, brussel sprouts, old and savory cabbage, carrots, cauliflower, kale, parsnips, rutabagas, spinach, turnips.

The best temperature condition recommended for the vegetable box, from all standpoints, is 33 to 36 degrees F. This is nearest the ideal temperature for most commodities stored, with the exception of potatoes, which require slightly special treatment.

If stored at these temperatures, potatoes will gain in sugar content at a faster rate than is necessary or desirable. To prevent this, they should be stored at 70-80 degree temperatures for from one to three weeks before being placed in the vegetable box. Potatoes should not be placed near mild fruits such as apples, or the apples will acquire an unpleasant earthy taste and odor.

On vessels where storage facilities are limited and temperature ranges are not ideal, it may be necessary to choose conditions that are not the most favorable and to take these particular storage conditions into consideration when requisitioning and storing. Certain basic precautions can still be taken however, to keep waste and spoilage to a minimum.

Before storing, be sure the box, including deck, shelves and gratings, is well cleaned. Move old stock to the front of the box so that it may be easily reached and used up first. Be sure the diffuser fan has been defrosted and is in good working order.

During storage, keep potatoes and other odor-bearing vegetables away from fruits. Don't store fruits or vegetables under any

water drip or in a wet spot. Arrange items so that they easily can be identified.

During the voyage, cull all fruit and vegetables regularly, as necessary, to minimize spoilage. Be sure that empty boxes and cartons are promptly removed. Inspect all items daily and be sure to use first those that appear to be deteriorating.

Keep a daily record of temperatures and report excessive changes to the chief engineer for his attention.

Never keep bananas under refrigeration. To obtain the best results from the cold storage of other fruits and vegetables, it is highly important to keep the temperature in the place of storage fairly constant.

Variations can usually be prevented if the storage rooms are well-insulated throughout, have adequate refrigeration and if traffic into these spaces is kept at a minimum.

(Comments and suggestions are invited by this Department and can be submitted to this column in care of the SEAFARERS LOG.)

House Panel Urges Curbs On Red Oil

WASHINGTON — A Congressional study group has called on the Government and the US oil industry to take steps against a Soviet oil offensive that has captured a big share of Western European markets in recent years.

The group, composed of five members of the House Foreign Affairs Committee, made the statements in a formal report on its European tour last year. It issued a preliminary report in December.

In 1950, the report said, the Soviet Union was importing petroleum. But by 1961, the Russians were exporting 800,000 barrels a day, or 24 percent of all oil they produced.

It said the success of Russia's drive could be attributed to three factors—abundant oil supplies, dictated price policies, and the willingness of some Western governments to barter their industrial goods for cheap Soviet oil.

"The Soviet oil offensive, being politically directed, requires a response on a governmental as well as a private level," the report said.

"The private oil industry, including the Western oil companies, thus far has done little to blunt the impact of that offensive in Western Europe."



COPE REPORT



AFL-CIO COMMITTEE ON POLITICAL EDUCATION

With little fanfare to alert the public, a major national organization of state legislators has declared war on the US Supreme Court. It has launched a three-pronged campaign to:

- Create a super court, or "Court of the Union," made up of chief justices of state supreme courts, with power to over-rule US Supreme Court decisions involving states' rights;
- Reverse the Supreme Court decision in the Tennessee reapportionment case by declaring Federal courts have no authority to rule on arguments concerning apportionment of seats in a state legislature; and
- Give state legislature more power in amending the US Constitution.

The campaign was formulated, and is being waged, by the potent General Assembly of States, comprised of legislators from the 50 states. The organization apparently is under ultraconservative domination. Senates in at least two states already have approved one or more of the three resolutions. Goal of the General Assembly is to have them introduced in all 50 states.

Each of the three proposals is loaded with dynamite. The first would sabotage the authority of the Supreme Court in almost all controversial issues, notably school desegregation. The second would destroy whatever potential gains may result from the historic reapportionment decision of last spring, and would commit most state governments to eternal horse-and-buggy status by perpetuating rural domination.

The third would practically assure state control of constitutional amendments. Presently, amendments must be proposed either by a two-thirds vote of Congress or by a national convention called by Congress at request of two-thirds of the states. Amendments then must be approved for final adoption by three-fourths of the states either through state legislatures or state conventions.

The General Assembly of the States wants to change this to by-pass Congress or a national convention any time two-thirds of the states propose the same amendment. It all sounds very technical, but in practice it could create havoc. One example of what could happen: Several years ago two-thirds of the state legislatures approved a resolution to amend the US Constitution by clamping a 25 percent limit on taxable income, obviously a windfall for the well-to-do.

They were rebuffed on a legal technicality, but such a proposal, or something like it, could well become law before anyone knew what was happening if the present resolution to by-pass Congress or a national convention ever received approval.



Sen. Barry Goldwater's blueprint for turning back the clock includes a fancy new twist on phony "right-to-work" laws. His latest proposal is to enact a national seab law and permit individual states to supercede it with laws allowing the union shop.

This is a -180 degree turn-about on the present Federal law under which the union shop is legal, but which encourages states to pass harsher legislation in the form of so-called "right-to-work." The Arizona Republican's next idea may be to repeal the Federal Bill of Rights, then let states pass them individually if they choose. States' rights, you know.

LABOR ROUND-UP

Massachusetts Shoe Workers have won a new two-year pact covering 10,000 workers in 45 plants following a two-day walkout. Besides a ten-cent package increase, one of the two main provisions recognizes the union's right to strike if any company becomes delinquent in meeting pension fund payments. The other welcome addition protects displaced machinery operators by granting them preference to work on new or modernized machinery. . . . A five day strike of New York millinery workers forced an end to employer resistance to Hatters Union contract proposals. Seeking a wage boost for low-scale employees in the trade, the union also secured a \$2.50 raise for salaried employees and a management guarantee of \$100,000 a year for the promotion of union label hatwear.



The US Circuit Court of Appeals in New York has reversed a lower court ruling that District 85, Retail, Wholesale and Department Store Union, could not complete arbitration of issues after Interscience Publishers merged with the John T. Wiley Company in 1961. The court ruled that workers' rights under a collective bargaining agreement continue and are subject to arbitration even when the employer under contract

is involved in a consolidation. . . . The Hollywood AFL-CIO Film Council has been meeting Hollywood producers on the possibilities of increased motion picture production in the United States. Job opportunities in feature-length films have been reduced in recent years by heavy production of American films in foreign countries.

Over 50 illegally-fired union members who were employees of Ozark Dam Constructors are entitled to \$55,000 in back pay from their former employers. In its third decision since the dispute started in 1948, the 8th Circuit Court of Appeals in St. Louis also gave its approval to a National Labor Relations Board formula under which back pay is figured. The workers are members of building trades affiliates of the Fort Smith, Little Rock and Springfield (Ariz.) Joint Council. . . . The American Federation of Government Employees has won exclusive bargaining rights by big majorities in elections at Social Security payment centers in Philadelphia and Chicago and at a Marine Corps base in California. Units totalling 2,500 workers gave the AFGE a 4-1 margin in the balloting. The West Coast vote covered civilian employees at the Marine base in Twentynine Palms, Calif.

'Surrender, You Civilians!'



Giving way to the driving urge for power that seems to characterize all government bureaucracy, the United States Coast Guard is at it again. It is reaching out to grab tight-fisted control over the jobs and livelihood of civilian merchant seamen, an objective it has always sought to attain.

The device used this time is like an iceberg, whose small exposed surface belies what's hidden from the eye below the water line.

Coast Guard officials certainly know about icebergs, as the agency has manned the International Ice Patrol for many years on this side of the Atlantic, and has served a vital function in protecting ships and seamen from icy disaster. This, of course, is what the Coast Guard should continue to do, as one of its many safety chores, and as part of its Federal Government role and its responsibility to protect water commerce.

Where the Coast Guard admirals overstep their bounds is in seeking to extend and broaden their role, bit by bit, until they can reach in and check the quality of every seaman's dentures to see if he's fit enough to handle a mooring line.

This, essentially, is what the Coast Guard is now out to do, in its fashion. It is asking for a grant of power through a so-called "Merchant Seaman's Health Safety Act," that would give it absolute control over every seaman's right to go to sea.

The proposed legislation, introduced in the House of Representatives by Rep. Herbert C. Bonner, would obligate the Coast Guard as the agency to set the physical qualifications for civilian seamen, and to make sure that everybody conforms as "Government Issue"—GI, in short. A sailor who didn't conform to Government standards would be penal-

ized. The shipowner who hired him likewise would be fined.

The whole idea is a rehash of an old scheme that was introduced by the Coast Guard back in 1954, when it sought to do the same thing on its own hook that the Bonner legislation would enable it to accomplish. It set out 60 pages of standards of "fitness" for merchant seamen, and asked the industry to swallow it.

At the time, nine years ago, union and management protests over the whole unworkable scheme caused it to be abandoned. The idea of trying to fit seamen into a Coast Guard-determined mold of physical, mental and emotional standards was ill-considered, to say the least.

It offered the means to blacklist virtually any civilian seaman in the US merchant fleet via Government edict. In its mass of detail, with a numbering system of standards for each shipboard rating, it would probably have washed out a good many Coast Guardsmen, plus half the Navy, with a little effort, if it had been applied to the men in those military forces.

The "word" military is the clue to what the Coast Guard tried in 1954, and is again seeking to put over. The idea of private citizens, civilian seamen, not being subjected to a military type of control seems to upset the Coast Guard admirals every now and then, and then they make their move. The Bonner bill is the latest effort, but the SIU, with other unions in the AFL-CIO Maritime Trades Department, will watch closely the course of this proposed legislation.

All maritime unions recognize this proposal as a calculated attempt by a military group to spread its control, and to throttle the rights of individuals and union men in the process.

SIU ARRIVALS and DEPARTURES

All of the following SIU families have received a \$200 maternity benefit, plus a \$25 bond from the Union in the baby's name, representing a total of \$5,400 in maternity benefits and a maturity value of \$675 in bonds:

Robin Elaine Young, born December 9, 1962, to Seafarer and Mrs. Marshall B. Young, Mobile, Ala.

Tina Marie Eagleson, born December 3, 1962, to Seafarer and Mrs. Charles B. Eagleson, Houston, Texas.

Melinda Kay Carter, born November 20, 1962, to Seafarer and Mrs. Edward E. Carter, Savannah, Ga.

Stanley Mesen, born November 11, 1962, to Seafarer and Mrs. Fernando Mesen, New Orleans, La.

Andrea Samuels, born December 10, 1962, to Seafarer and Mrs. John Everett Samuels, Mobile, Ala.

Louis Garcia, born December 12, 1962, to Seafarer and Mrs. Louis A. Garcia, Houston, Texas.

Lori Ann Worley, born October 3, 1962, to Seafarer and Mrs. Richard S. Worley, Mobile, Ala.

Jacqueline King, born September 28, 1962, to Seafarer and Mrs. Royal King, Chalmette, La.

Herbert McCaskey, born December 2, 1962, to Seafarer and Mrs. Earl P. McCaskey, Houston, Texas.

Rudy Moreno, born December 6, 1962, to Seafarer and Mrs. Pedro Moreno, Galveston, Texas.

James Richard La Fleur, born December 8, 1962, to Seafarer and Mrs. Hennesson La Fleur, Oberlin, La.

Janet Reno Sego, born December 21, 1962, to Seafarer and Mrs. Lloyd Sego, Savannah, Ga.

Sharon Kaye Wroton, born December 17, 1962, to Seafarer and Mrs. Norman Wroton, Norfolk, Va.

Clayton Link Fillingim, born October 15, 1962, to Seafarer and Mrs. Tommy Fillingim, Sr., Chickasaw, Ala.

Debra Bonfont, born October 25, 1962, to Seafarer and Mrs. Felix Bonfont, New York City, NY.

John Stringfellow, born December 24, 1962, to Seafarer and Mrs. Charles Stringfellow, Mobile, Ala.

Elisa Jean Torres, born January 2, 1963, to Seafarer and Mrs. Ascencion R. S. Torres, Baltimore, Md.

Robert Charles Webb, born De-

cember 6, 1962, to Seafarer and Mrs. Clinton M. Webb, Baltimore, Md.

Cynthia Hudson, born December 29, 1962, to Seafarer and Mrs. Louie E. Hudson, Mobile, Ala.

Robert Morrison, born December 23, 1962, to Seafarer and Mrs. C. A. Morrison, Seattle, Wash.

Michael Kelley, born January 3, 1963, to Seafarer and Mrs. J. F. Kelley, Mobile, Ala.

Mark E. Holley, born December 30, 1962, to Seafarer and Mrs. John S. Holley, Whistler, Ala.

Jemina Johnson, born December 21, 1962, to Seafarer and Mrs. Knoxville L. Johnson, Jr., Mobile, Ala.

Benjamin & Anthony Mignano, born January 5, 1963, to Seafarer and Mrs. Benjamin Mignano, Bellport, LI, NY.

Martin Ponquinette, born December 27, 1962, to Seafarer and Mrs. Ernest A. Ponquinette, Los Angeles, Cal.

Lawrence Anthony Bernacki, born September 13, 1962, to Seafarer and Mrs. Walter F. Bernacki, Edison, NJ.

The deaths of the following Seafarers have been reported to the Seafarers Welfare Plan and a total of \$9,500 in benefits was paid (any apparent delays in payment of claim is normally due to late filing, lack of a beneficiary card or necessary litigation for the disposition of estates):

Nicholas Yacishyn, 51: Pneumonia was fatal to Brother

Yacishyn at the Manhasset Medical Center, LI, NY, on September 23, 1962. He joined the SIU in 1941 and sailed with the deck department. A sister, Betty Wenger, of Great

Neck, NY, survives. Burial was at Holy Road Cemetery, Westbury, LI, NY. Total benefits: \$4,000.

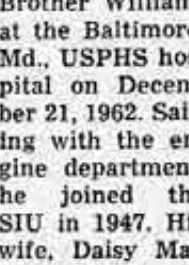
Vyrl E. Williams, 53: A blood ailment caused the death of Brother Williams at the Baltimore, Md., USPHS hospital on December 21, 1962. Sailing with the engine department, he joined the SIU in 1947. His wife, Daisy Mae Williams, of Union Town, Pa., survives. Burial was at Sansom Chapel Cemetery, Farmington, Pa. Total benefits: \$4,000.

Joseph Pilutis, 48: Brother Pilutis died of natural causes at his home in Brooklyn, NY, on January 14, 1963. He started sailing with the SIU in 1940, shipping in the engine department, and had been receiving disability benefits since 1953. His mother, Mrs. Barbara

Pilutis, of Brooklyn, survives. Burial was at St. Charles Cemetery, Farmingdale, LI, NY. Total benefits: \$1,000.

Thomas C. Riley, 52: Pneumonia was fatal to Brother Riley at the

Galveston, Texas, USPHS hospital on December 30, 1962. He had been sailing with the SIU since 1953 and shipped with the steward department. A friend, Orlund Scarpelli, of Seattle, Washington, survives. Burial was at Lakeview Cemetery, Galveston, Texas. Total benefits: \$500.



SEAFARERS in DRYDOCK

Seafarers are urged at all times when in port to visit their brother members and shipmates in the hospitals. Visit or write whenever you can, as you'll appreciate the same favor later when you may be laid up. The following is the latest available list of SIU men in the hospitals around the country:

- USPHS HOSPITAL NEW ORLEANS, LOUISIANA**
 - Samuel Anderson
 - Orville Arndt
 - Francisco Antonetti
 - Samuel Bailey
 - Charles Baker
 - Paul Barton
 - Donald Brooks
 - William Brooks
 - Weldon Casey
 - Mallory Coffey
 - Ewal Crawford
 - Robert Creel
 - Thurston Dangler
 - Leroy Donald
 - O. H. Dowd
 - Harry Emmett
 - Natale Favoloro
 - Eugene Gallaspy
 - Raymond Franklin
 - Clarence Gardner
 - Bernard Graham
 - Frank James
 - Jesse Green
 - John Guidry
 - Frank Halem
 - Leo Hannon
 - Walter Harris
 - Samuel Hurst
 - Daniel Hutto
 - Ramon Irizany
 - James Jones
 - Steve Kolina
 - L. Laffarague
 - Koa Lim
 - Kenneth MacKenzie
 - Cornelius Martin
 - William Mason
 - Anthony Maxwell
 - Robert McClusey
 - Edward Boyd
 - Isham Beard
 - Thomas Boland
 - Francis Coggins
 - William Davis
 - Peter Dyer
 - Oldidio Esquirel
 - Robert Forman
 - Lawrence Floyd
 - Allison Hebert
 - David Hurd
- USPHS HOSPITAL GALVESTON, TEXAS**
 - Ernest Bell
 - John Brown
 - Herman Carney
 - Arthur Cox
 - Herbert Fentress
 - William Howell
 - Stokes Ayers
 - Arthur Caruso
 - Gerald Kennedy
 - Charles Lane
 - Milledge Lee
 - Truman Pairquin
 - Charles Rozas
- USPHS HOSPITAL SAN FRANCISCO, CALIF.**
 - Joseph Roy
 - Jack Stewart
 - Luis Williams
 - Paul Wilkinson
 - Calvin Wilson
 - Robert White
- USPHS HOSPITAL SAVANNAH, GEORGIA**
 - T. Beatrous
 - Henry Chemel
 - John Epperson
 - George Feinman
 - Malcolm Foster
 - Harris Gizzaro
- USPHS HOSPITAL BRIGHTON, MASS**
 - Arthur Kavel
 - Stefan Kostegan
 - Thomas Lowe
 - Lindley McDonald
 - Levi Middlebrook
 - Daniel Murphy
 - Nicholas Travato
 - Charles Robinson
- USPHS HOSPITAL BALTIMORE, MARYLAND**
 - Charles Adams Jr.
 - Paul Bailey
 - Joseph Bartlett
 - Alfred Blikavar
 - Gorham Bowdra
 - Luther Bredell
 - Jacob Bryan
 - Elmer Carter
 - Russell Clymer
 - Edward Denchy
 - Theodore Drobina
 - Crittenden Foster
 - Gorman Glaze
 - Arthur Higgins
 - Danis Higgins
 - Walton Hudson
 - John Kennedy
 - James LaGosh
 - Edward Lamb
 - Robert Lipscomb
 - Jose Lopez
 - Edward Mello
 - Charles Moss
 - James Payne
 - Henri Robin
 - John Ross
 - Toyls Salo
 - George Schammel
 - A. Skalamora
 - Bela Stupp
 - Samuel Tate
 - Adrian Torres
 - Chester Wilson
- USPHS HOSPITAL STATEN ISLAND, NEW YORK**
 - Anibal Albe
 - Angelo Aronia
 - John Barone
 - Conway Beard
 - Joseph Bolmarich
 - Henry Burse
 - A. Conguamano
 - James Cooper
 - Thomas Cox
 - Adrian Duracher
 - James DeVito
 - Victor Docca
 - Daniel Doheny
 - George Duffy
 - C. H. Flowler
 - Percy Foster
 - Arthur Frangle
 - Frank Gallich
 - Henry Gordon
 - Demetrios Grivas
 - Walter Grobulski
 - Emilio Isaac
 - Edward Jones
 - Cecil Leader
 - Harry Ledbetter
 - Frank Liro
 - William Logan
 - J. Maldonado
 - Ramon Maldonado
 - Isaac Miller
 - Jack Olsen
 - Ozer Oscar
 - Metro Palubniak
 - Theodore Phillips
 - Thomas Pilkington
 - E. G. Plahn
 - John Rea, Jr.
 - F. Reyes
 - Howard Rode
 - Phillip Salino
 - Elias Samia
 - James Samuel
 - N. Saslogious
 - Walter Sirorski
 - Joseph Smith
 - James Thomson
 - Headley White
 - Dale Williams
 - Yu Song Yee
 - Edward Zukowski
- USPHS HOSPITAL FORT WORTH, TEXAS**
 - Warren Alderman
 - Benjamin Diebler
 - Abe Gordon
 - Joseph Gross
 - Thomas Leahy
 - Arthur Madsen
 - Max Olson
 - Willie Young
 - Charles Slater
- USPHS HOSPITAL MEMPHIS, TENNESSEE**
 - William Roberts
- SAILORS' SNUG HARBOR STATEN ISLAND, NEW YORK**
 - Alberto Gutierrez
 - Thomas Isaksen
 - William Kenny
 - Ernest Webb
- VA HOSPITAL HOUSTON, TEXAS**
 - Thomas Manlon
- US SOLDIERS' HOME WASHINGTON, DC**
 - William Thomson

Yokohama USS Center Moves

To the Editor: The increase in the number of SEAFARERS LOGs has been noticed immediately with your first increased shipment. We shall wait for a month or longer before we can better judge whether the increase will suffice to meet the demand.

The Yokohama USS Center serves approximately 7,000 seamen each month, the largest percent being members of the SIU and the Sailors Union of the Pacific, among them numerous tankermen who miss the LOG most. Then, too, copies are taken to the men in the hospitals and the Immigration center each month.

Incidentally, a statement in the LOG concerning our new location in Yokohama would be deeply appreciated. Our new address is: 84 Yamashita-cho, Naka-ku, Yokohama, Japan. We are in our own building, which is centrally heated and air-conditioned.

Jack Graf
United Seamen's Service

Yuletide Spirit Cheers 'Frisco

To the Editor: After having a big Christmas dinner here aboard the Elizabethport in Oakland, Calif., most of the crew felt so lazy from eating so much that many

hit the sack early. But Johnny Johnson, our 3rd cook, put some of us in his car and took us over to San Francisco to "Con-nies," which put out a big Christmas dinner for many of the guys on the beach.

Since it was an SIU hangout, I met quite a few guys I hadn't seen in years. "Smiling bosun" Mike Rossi was there with a

husband and I just wouldn't know what was going on in the Union and among his many friends.

It seems to me a strike that's going on for so many weeks is a pretty serious affair to everybody, but it must be toughest on the workers and the businesses that count on newspaper advertising to make a living. I think the New York publishers are pretty calm about the whole thing, if they can lock up the rest of the papers after the printers strike only some of them.

The publishers don't get any sympathy from me at all because they can't complain about financial problems and then shut down their papers to spite everybody.

It's no wonder the printers went on strike. The publishers group must really be something to deal with if they can get away with that.

Mrs. Agnes Thomkins

Writes Congress On Bonner Bill

To the Editor: I have just completed a letter to my Congressman voicing my strong opposition to the "Merchant Seaman's Health Safety Act" that I read about in the last issue of the LOG.

Alone my words aren't so much, so let's let all our Congressmen hear from "all the ships at sea."

Gordon S. Schofield

LETTERS To The Editor

All letters to the Editor for publication in the SEAFARERS LOG must be signed by the writer. Names will be withheld upon request.

big grin and handshake for his old shipmates. Matty Bruno, who is retired now, and Pat Ryan who was on pass from the hospital, were also there.

In all, a big vote of thanks is due to Phil and Maxine who made it possible for the boys to get in the holiday spirit.

Tommy Thompson
Ship's delegate

Backs Strikers On NY Papers

To the Editor: As a reader of the LOG who lives outside of New York City, I know what the newspaper strike must mean to the people of New York. I know that if we missed an issue of the LOG, my



Have You Filed Your New Enrollment-Beneficiary Card?

SEAFARERS WELFARE PLAN

Robin Hood's Cook



It looks like a tempting roast beef dinner is in store for the gang on the Robin Hood (Robin Line), as cook James Hens operates on the beef and steward Tony Nerosa (right) stands by with a platter. Make ours medium rare, fellows.

Seafarers' Pets Enliven Titan's Cruise To India

Life on board the supertanker Titan (Overseas Oil) is going to the dogs lately, according to ship's reporter James M. "Red" Fisher, Jr., but that's okay with all hands, including the dogs.

The dogs in question are two Doberman pinschers—a male called "Titan" and a female known simply as "Dog." They belong, respectively, to chief steward Raphael Maldonado and Bill Jones, AB, and both came aboard in Mobile.

Room To Play

One thing about a supertanker, Fisher says, is that a dog has



Fisher



Ringo

plenty of room to play. "Titan," who often stays in the captain's quarters midships, has a huge playground consisting of the passage ways and the weather decks where he can enjoy his freedom except when the ship is rolling from side to side in heavy seas.

"Titan" doesn't like bad weather at all, it seems. He curls up on the captain's bunk until things settle down.

The female has a special friend in the dayman Tex Ringo, who enjoys playing with her by the hour. "Dog," who is a real lady, lost her composure only once, Fisher reports, when she was frightened out of her wits by the noise of water and loose gear rolling from side to side on the deck during a little bad weather they had. Once

it was all over, both dogs were themselves again in short order.

The Titan is hauling grain to Pakistan, and has had fair weather for the most part so far, which has kept the canines happy too. However, bosun Jack Ryan, with the chief mate a n d dayman, managed to get a salt water bath with all their clothes on at 4 AM one morning while securing two grain evacuators on the well deck near the midship housing.



Ryan

Story Time

The rough weather sparked a session of tall tales among the men in the messhall. "Red" told some stories about the "old days" when the sea was so rough it ran over the whole ship from port to starboard, and even washed over the smokestack into the boiler, coming out in the fireroom. Once, he said, a ten-foot fish was washed down the stack with the water, went through the boiler and came out on the fireroom floor plates already cooked and seasoned to eat.

The sea must be calmer now than it was in the old days, the crew agreed, because things like that just don't seem to happen anymore.

But as time goes on, and 1963 becomes "the old days," they all felt they might be surprised at all the wild things that happened on their ships which they somehow missed noticing at the time.

From the Ships at Sea

There was a switch aboard the Young America (Waterman) from the usual routine of a crew thanking the steward for a job well done. In this case, the steward, Donald Forrest, passed on his thanks to the crew for keeping the messroom the cleanest he had ever

seen in his whole sailing career. The Young America crew also received a message of thanks from Mrs. Milton Reeves, who expressed her appreciation for a floral piece it sent and for the consideration extended to her on the death of her husband, Seafarer Milton Reeves, a recently-departed SIU shipmate.

The Henry (Progress Steamship) has joined the ranks of SIU ships who have rescued refugees from Castro's Cuba, reports D. Wagner, ship's delegate. The Henry picked up 14 Cubans about 40 miles north of Cuba in the Crooked Island passage. They were carried to Miami where the Henry's officers and crew did all they could with money and as-

istance to help them on their way. The Henry thus became the fifth SIU ship to report a mercy mission on behalf of escapees from Cuba.

Seafarers on the Pan Oceanic Faith (Pan Oceanic Tankers) had a bad time of it in the Red Sea when both boilers burned up. The crew managed to make temporary repairs to get one of them going again, and headed for Aden, a trip that was expected to take about ten days. With the boilers down, crewmembers were hoping to collect for lodgings and meals in Aden, writes James A. Parnell, ship's delegate.

Several falls on slippery decks

spurred the formation of a safety committee on board the Penn Challenger (Penn Tanker). It was



Forrest



Whitlow

suggested at a meeting that nonskid paint be used on the decks to prevent further mishaps. The committee is looking into the matter.

The crew on the Overseas Eva (Overseas Carriers) goes on record with this tip for Seafarers who hit Tripoli. They advise paying the local taxi drivers only after you reach your destination, and not at the beginning of the drive, to avoid a lot of possible trouble. The information was passed along to the LOG by the ship's delegate Paul L. Whitlow.

Seamen's Home Moving To NY

To The Editor: This is to notify you that our organization, the Christian Seamen's & Immigrants' Home, in Hoboken, NJ, went out of business on September 1, 1962.

As you may know, we've been on your mailing list of the SEAFARERS LOG for quite some time, and I herewith want to

apathetic regard the American public has toward the merchant marine and of the consequences.

We who have tried to ship all want to see the merchant fleet strengthened. It would create jobs for the unemployed and, even more important, would engender an unequalled instrument for the world peace that seems to be universally prayed for but never realized.

With this in mind, I have written the Hon. Herbert C. Bonner of North Carolina and requested him to send his relevant results of the Hodges investigation, together with any of his suggestions, to your organ. In this way perhaps we can all see the problem and how to solve it.

FFC Robert R. Houser
Fort Carson, Colorado

(Ed. note: Private Houser is apparently referring to the Maritime Evaluation Committee study of the merchant marine, now being completed under the auspices of Luther H. Hodges, US Commerce Secretary. Rep. Bonner is chairman of the Committee on Merchant Marine and Fisheries in the House of Representatives.)

LETTERS To The Editor

All letters to the Editor for publication in the SEAFARERS LOG must be signed by the writer. Names will be withheld upon request.

thank you on behalf of the many seamen for the splendid service all those years.

The main reason for the above-mentioned is to discontinue sending your paper, at least for a while, until we are located at a place on the New York side.

This is all in connection with the moving of the Holland-American Line to the new Pier 40 at West Houston Street and the North River, New York City.

M. Vanderpot

Seeks Build-Up Of Merchant Fleet

To the Editor:

Although I am not an SIU member, I subscribe to your bi-weekly because for seven years preceding my draft into the service I'd been trying to go to sea.

I am as aware as any, of the

Says Wife Finds SIU LOG Best

To the Editor:

I think it would be a good idea if you sent the LOG to my house, as I am away a lot of the time and my wife loves to read it.

I have been getting the Electrical Workers newspaper also for many years but although they send one every month my wife really likes the LOG. She says it's the best newspaper if you want to learn anything about world affairs and other things.

B. D. Elliott

LOG-A-RHYTHM:

Seafarer's Wife

By Mrs. C. Daniels

The moon shines bright over yonder skies,
The stars are brightly shining;
The ocean with its roaring waves—
For you my heart is longing.

To stand and watch the rippling waves,
So beautiful to see,
And wonder just where you are,
So far across the sea.

Yet time stands still when we're apart,
So many miles between us,
But even the sea, to you and me,
It cannot separate us.

A lonesome life, a sailor's wife,
Here today and not tomorrow,
But then one thinks of his return—
It's then worth all the sorrow.

And if we were to stop and think,
We can't all be together,
For someone has to take the task
To make this great land better.

Our rivals here or there, it seems,
They try hard to defeat us,
But with our worthy crew aboard
Trust in the Lord will lead us.

So when I pray to God each night
I know He hears my plea,
To watch and guide and bless the ship,
That brings you home to me.



On The First Day Of Xmas



Christmas Eve found Naomi Cruz and her pet collie, Lassie, waiting for Santa to make his appearance with more goodies to put under the tree. Her dad, Seafarer Virgilio Cruz, is now on the Alcoa Pioneer (Alcoa), in the steward department. The family lives in the Bronx, NY.

LOG-A-RHYTHM:

My Country

By Henri Perelkow

From distant lands
The people came—
They kissed the soil
And sealed a vow
For man's freedom.

Memories
Awaken kinship
For men who carved
From the wilderness,
Freedom.

They germinated a crop
Of immortal sons;
A people unsung,
Who lived and died
With unbent knee.

Transindia Doubles
As Utopia For Crew

Shangri-La, Paradise, Utopia. Whatever you choose to call your idea of the perfect spot on Earth, Seafarer "Red" Darley still votes for Transindia (Hudson Waterways). He tells why in the following article sent to the LOG from Port Said.

Is there such a thing as a Utopia? Although the question is highly debatable, we say yes, definitely and emphatically, and in this case the Utopia is our floating home, the Transindia.

Just in case there are any doubters around, we cite our Christmas dinner. The bill of fare carried 56 separate items, ranging from oyster and shrimp cocktails to seven entrees. An even dozen goodies graced the sweets department.

The impressive menu, which would make the most swank shore-side bean houses drool with envy, evoked such comments as: "The very best Christmas menu I've ever seen, shipboard or shoreside," "man, she's a feeder," and "we've found a home at last."

Remarkable bosun Otto (Pete) Pedersen, an SIU oldtimer and veteran of passenger ships; "I never saw a Christmas menu like this on the passenger ships. They were hungry by comparison."

The man responsible for coming up with the magnificent Christmas package was chief steward George Flint, a native of the Tarheel state who now resides and ships out of New Orleans. Handling the galley chores were chief cook Alton (Boots) Booth, baker Robert J. Aumiller and 3rd cook Raymond F. Devine.

The steward and galley gang received a round of well-deserved thanks from all hands. Captain John E. Visvikis personally complimented each member of the Steward department for preparing the "out-of-this-world" Christmas repast.

Besides the first-rate groceries, the Transindia is a fine ship in all other respects. Relations between the topside and unlicensed personnel are tops. Much of the credit for the excellent employer-employee relationship can be given to Capt. Visvikis.

He apparently is carrying out company policy because the owners, Hudson Waterway Corp. of New York City, have a reputation for believing in good labor-man-

agement relations. Unlike the cold operators of some lines, this company seems to take an interest in the welfare of crewmembers. Stores are tops on this ship, and the company has given us everything we've requested. This is in happy contrast to the quibbling and run-arounds many steamship operators are noted for, even over the most minor requests.

We would like to see other operators adopt the same attitude towards labor-management relations. We think it's good business. After all, a happy crew makes for more productivity and a better all-around ship.

The skipper has his own philosophy for getting along with people and he states it in this simple terminology: "I assume that crewmembers are men and they deserve to be treated like men." By showing respect and human dignity to the men under his command, the captain is rendered the same treatment in his turn.

The captain is also proud of his record of good relations with SIU crews and officials. He boasts of having "been with the SIU since 1952," which means that he has commanded SIU-contracted vessels for 10 years.

Chief mate Jimmy Carciow also has a reputation for being a fair man and a square-shooter. Both he and Visvikis have been aboard the Transindia (formerly the Marore, operated by Bethlehem Steel) since she was taken over by Hudson Waterways some 18 months ago.

The veteran SIU crew presently aboard the Transindia is doing its part to make the vessel a happy ship. Crewmembers include such proud oldtimers as Joe Maloney, a member of the Union since 1938.

Serving as delegates, and doing a very fine job, are Charlie "The Parson" Johnson, ship's delegate; Roy "Rabbit" Theiss, deck; James F. George, engine, and Aumiller, steward.

The Transindia, alias the Utopia, signed on December 10 in New Orleans to go out to Bombay with a 22,000-ton cargo of grain. Tentative plans call for returning from India via South Africa and Brazil.



Darley

CITIES SERVICE BALTIMORE (Cities Service), Sept. 30—Chairman, A. C. Wilson; Secretary, W. F. Walker. One man missed ship in Linden. No beefs reported by department delegates.

BIENVILLE (Sea-Land), Sept. 30—Chairman, Harry Huston; Secretary, Phil Reyes. Motion that no unauthorized persons be allowed aboard at all since the petty thievery in Houston. Visitors are to get passes from ashore. No beefs reported by department delegates. Phil Reyes elected new ship's delegate. Request for better attendance at shipboard meetings.

SEATRIN TEXAS (Seatrains), Oct. 28—Chairman, George T. Chandler; Secretary, C. A. Collins. No beefs reported. \$21.11 in ship's fund. F. Gustav, ship's delegate, resigned and W. T. LaClair elected. Discussion on water taken aboard at Texas City. Men complain of illness from drinking water. Suggestion that it be inspected.

ALCOA PARTNER (Alcoa), Oct. 26—Chairman, Walter Zaleski; Secretary, T. J. Lewis. Ship's delegate reported no major beefs. One man missed ship in New Orleans.

VENORE (Marven), Dec. 2—Chairman, Stanley M. Woltan; Secretary, H. Buckner. No beefs reported. Television repair fund is now \$25 and open to contribution from anyone. Motion to see boarding patrolman in regard to chief engineer's lack of cooperation in making minor and emergency repairs in the galley. Vote of thanks to steward department for a wonderful Thanksgiving dinner and good food generally.

ELIZABETH (Bull), Dec. 2—Chairman, J. A. Olsen; Secretary, J. A. Wallen. Ship's delegate reported two men hospitalized. No beefs reported by department delegates. Ship needs to be fumigated. Vote of thanks to steward department for a job well done.

VIVIAN (Maritime), Dec. 9—Chairman, Gilbert Trosclair; Secretary, J. Mitchell. \$7 in ship's fund. Few hours disputed OT in deck department. Beef in engine department regarding 2nd electrician doing welding and repair work without OT. Few hours disputed OT. Crew advised to be sober at payoff.

CHATHAM (Waterman), Dec. 9—Chairman, Anthony B. Barnes; Secretary, E. Canonizado. No beefs reported except some disputed OT for Election Day, which was legal holiday. Vote of thanks to all delegates and steward department for job well done.

ROBIN LOCKSLEY (Robin Line), Aug. 20—Chairman, W. Walker; Secretary, J. Hartman. George Murphy elected new ship's delegate. \$31.25 in ship's fund. Money stolen from crew quarters. One baker fired and replacement quit one hour before the ship sailed. Messman went as baker.

Crew requested to be quiet in laundry and to close sliding door.

DEL MUNDO (Delta), Oct. 20—Chairman, J. W. Craft; Secretary, F. Johnson. \$6.20 in ship's fund. No beefs reported by department delegates. C. Dickey elected as new ship's delegate. More pressure needed on shower and water cooler.

TRANSGLOBE (Hudson Waterways), Oct. 26—Chairman, A. Pallino; Secretary, S. U. Johnson. Ship's delegate reported everything running smoothly. \$50 in ship's fund. No beefs reported. Water situation to be looked into as there have been traces of rust and oil. Vote of thanks to steward department.

NORTHWESTERN VICTORY (Victory Carriers), Oct. 12—Chairman, John P. Fifer; Secretary, R. White. Ship's delegate reported no beefs. Check with captain regarding port payoff and dating of articles. Motion that clarification should be published in LOG about length of time on ships

department delegates. Ship's crew will donate \$1 each for a new TV antenna. Vote of thanks to steward department.

EMILIA (Bull), Nov. 25—Chairman, I. Galindez; Secretary, L. A. Webber. One man failed to join ship in Alicante, Spain. One man hospitalized in Turkey and one in Bombay. Some disputed OT in engine department. Crew requested to be sober at payoff.

TRANSEASTERN (Transeastern), Nov. 11—Chairman, Harold F. DuCloux; Secretary, Thomas T. Kirby. Brother Robbins elected new ship's delegate. Discussion regarding meat going bad due to faulty refrigeration. Ship's delegate to contact Union and captain regarding payoff procedure. Discussion on heat being turned on and off during the night. Crew requested to leave valve in one position.

SEATRIN NEW JERSEY (Seatrains), no date—Chairman, Miller; Secretary, Tuckington. No beefs reported by department delegates.

SEATRIN GEORGIA (Seatrains), Oct. 28—Chairman, Gil Borge; Secretary, Roberto Hannibal. \$20 in ship's fund. No beefs reported. James B. Lippincott was elected as new ship's delegate. Everything running smoothly on this ship.

ROBIN HOOD (Robin Line), Oct. 27—Chairman, R. Sadowski; Secretary, R. Nelson. \$50 in ship's fund. A. Thomas elected new ship's delegate. Deck department requested to be more cooperative on day of securing. Crew's messroom will be locked up in port and gangway watchmen will hold key.

EAGLE TRAVELER (United Maritime), Nov. 22—Chairman, R. L. Huddleston; Secretary, C. Bogucki. \$26 in ship's fund. Few hours disputed OT in deck and engine departments. Motion made to have all replacements hired and sent from the United States. Report submitted regarding crew trading food items in Ras Tanura. Special meeting to be held regarding same.

BRADFORD ISLAND (Cities Service), Nov. 11—Chairman, Paul Careri; Secretary, Garland M. Bennett. Tex Strickland was elected ship's delegate. \$4.79 in ship's fund. Crew requested not to throw cigarettes on deck.

ROBIN LOCKSLEY (Robin Line), Dec. 12—Chairman, Rocco Albanese; Secretary, Maximo Bugawan. \$20 in ship's fund. New ship's delegate elected. Brother Elwell. Motion to have the steward and ship's delegate check all subsistence stores coming aboard in foreign ports. Suggestion that membership meetings be held at 1830 or 1300 so that steward department has a chance to attend. Steward and ship's delegate to see chief engineer about more hot water for the galley and also about installing more racks for pots.

DIGEST of
SIU SHIP
MEETINGS

regarding vacation. Crew requested to use its own ice box.

SANTA EMILA (Liberty Navigation), Oct. 21—Chairman, Clarence Jacks; Secretary, George Hair. Vote of thanks given to ship's delegate for a job well done. Vote of thanks also to entire steward department. \$6.03 in ship's fund. No beefs reported.

HEDGE HAVEN (Hedge Haven Farms), Nov. 12—Chairman, Malcolm Launey; Secretary, William D. Maley. Problem of restricted OT to be taken up with patrolman. Department delegates requested to have repair lists ready before arrival in port.

RAPHAEL SEMMES (Sea-Land), Oct. 30—Chairman, V. Wells; Secretary, Manuel F. Caldas. Frank Gasper elected as new ship's delegate. No beefs reported.

BIENVILLE (Sea-Land), Nov. 1—Chairman, Harry Huston; Secretary, Phil Reyes. Ship's delegate reported to captain and chief engineer regarding the bad water condition on board. No hot water in galley and pantry. Messman and ordinary missed ship in Houston. Garza elected new ship's delegate. Vote of thanks to Reyes for a job well done.

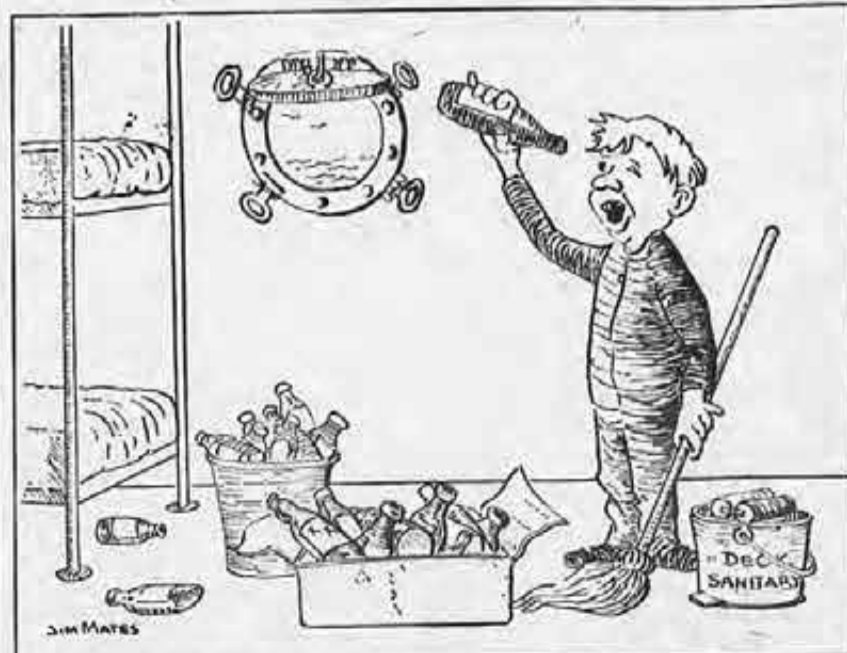
PENNMAR (Calmar), Oct. 22—Chairman, Peter A. Ucci; Secretary, James A. Johnson. No beefs reported by

Editor, SEAFARERS LOG, 675 Fourth Ave., Brooklyn 32, NY
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Get Polio Shots, PHS Urges
The Public Health Service urges Seafarers who have not already done so to get their polio shots as soon as possible. The shots can be gotten at any PHS hospital without charge. Plenty of vaccine is available so there is no delay in the administering of the shots. The few minutes a Seafarer takes to insure himself against the crippling disease by getting the shots are well worth the saving of time, money and, most of all, the avoidance of suffering and possible disability.

'Sea Life'

— By Jim Mates



"Oh, no, Johnson, not again! Remember all the trouble we had getting you out the last time?"

PERSONALS and NOTICES

Ed McMaster
Don't forget me! Al Hills, 374 Shedaker St., Philadelphia 44, Pa.

✂ ✂ ✂
Felix Cardona
Ex-SS Del Alba

Your sister, Frances Cardona, asks you to get in touch with her at home in the Bronx, New York, as soon as possible.

✂ ✂ ✂
Earl J. Fuller, Jr.

Contact your mother at Route 2, Berryville, Va., as soon as possible.

✂ ✂ ✂
Joseph Pendelton

Get in touch with Edmond L. Eriksen at 1563 Taylor Ave., Bronx 60, New York. Very important.

✂ ✂ ✂
Charles Carson

Mrs. J. Culver asks you to send your present address, as she has some important news for you.

✂ ✂ ✂
Leslie J. Brillhart

Your mother asks you to write her at San Antonio, Texas, regarding Robert. Urgent.

✂ ✂ ✂
Thomas Vaughn

Personal papers, discharges, etc., are being held for you at the SIU hall in Baltimore, and can be obtained by sending a forwarding address.

✂ ✂ ✂
Personal Gear

Gear belonging to the seamen listed below is being held by Isthmian Line, Pier 39, San Francisco, Calif.:

Harry King, Donald O'Brien, Horace Ledwell, Lloyd McElroy, J. H. Cravens, James Ackerman, Teddy Clay, Oscar Cooper, Joe Carr, H. E. Wright, Anthony Beck.

✂ ✂ ✂
James Hale

Contact Hewey Howard, PO Box 3043, South El Monte, Calif., or call collect EDGWOOD 7-2276, Baldwin Park, Calif.

✂ ✂ ✂
Gustaf W. Johnson

Contact your wife at 32-55 Steinway Street, Long Island City, NY.

✂ ✂ ✂
Clyde Greason, Jr.

Your mother asks you to get in touch with her at 937 South Urbana, Tulsa 12, Okla.

✂ ✂ ✂
Personal Gear

The following-named men who were on various Isthmian ships have left various personal effects at the company's Erie Basin Terminal, Brooklyn, New York, and

are asked to make arrangements to pick up same as soon as possible:

Charles W. Jordan, John J. Schwabland, James Seeds, J. Misakian.

✂ ✂ ✂
Lost Property

Miscellaneous papers, wallets, documents, discharges, etc., are being held for the following-named men by the Records Department, SIU headquarters, Brooklyn:

L. M. Allen, Richard H. Allen, W. N. Ballance, P. Barclay, A. R. Bender, F. P. Bentley, G. Burroughs, Riley D. Carey, C. B. Curn, Modesto Dyrton, J. Fanning, Ferdinand Forte, Claude Garnett, Francisco Gianicco, Michael Goins, Stanley Hansen, H. H. Harper, R.

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WILMINGTON Calif 505 N. Marine Ave. George McCartney, Agent. TErminal 4-2528

Schedule Of SIU Meetings

SIU membership meetings are held regularly once a month on days indicated by the SIU Constitution, at 2:30 PM in the listed SIU ports below. All Seafarers are expected to attend. Those who wish to be excused should request permission by telegram (be sure to include registration number). The next SIU meetings will be:

Detroit February 8 New Orleans February 12
Houston February 11 Mobile February 13

West Coast SIU Meetings

SIU headquarters has issued an advance schedule through June, 1963, for the monthly informational meetings to be held in West Coast ports for the benefit of Seafarers shipping from Wilmington, San Francisco and Seattle or who are due to return from the Far East. All Seafarers are expected to attend these meetings, in accord with an Executive Board resolution adopted in December, 1961. Meetings in Wilmington are on Monday, San Francisco on Wednesday and Seattle on Friday, starting at 2 PM local time.

The schedule is as follows.

Wilmington	San Francisco	Seattle
February 18	February 20	*February 21
March 18	March 20	March 22
April 22	April 24	April 26
May 20	May 22	May 24
June 17	June 19	June 21

*Scheduled early due to Washington's Birthday.

Hassan, Jas. W. Higgins, Frederick E. Liliard.
J. H. Maxey, Bernard Morillo, J. Pasinosky, Thomas M. Purcell, J. W. Robertson, J. W. Romanwicz, W. E. Scott, E. C. Shaffer, T. Simonds, Frank Clark Smith, William C. Solomon, J. L. Springer, C. W. Stover, Adolph Swenson, John Trost, W. G.

Utosh, Alvaro Vega, V. Walrath, Herbert C. Wilson, P. V. Wygerden.
✂ ✂ ✂
Ex-SS Ames Victory
The following-named men who were in the deck department of the above vessel are asked to get in touch with J. Duane Vagce, attorney, 1411 Fourth Ave., Build-

ing, Seattle 1, Wash., or the SIU hall in Seattle regarding an accident a year ago involving Antonio B. Penor:
Vincent L. Stankiewicz, Ismael Nazario, Peter Lypen, Roland Dean, Albert Edward McKinstry, Peter Wedrogowski, Charlie Fediw, Fred T. Miller.

SIU BULLETIN BOARD

FINANCIAL REPORTS. The constitution of the SIU Atlantic, Gulf, Lakes and Inland Waters District makes specific provision for safeguarding the membership's money and Union finances. The constitution requires a detailed CPA audit every three months by a rank and file auditing committee elected by the membership. All Union records are available at SIU headquarters in Brooklyn. Should any member, for any reason, be refused his constitutional right to inspect these records, notify SIU President Paul Hall by certified mail, return receipt requested.

TRUST FUNDS. All trust funds of the SIU Atlantic, Gulf, Lakes and Inland Waters District are administered in accordance with the provisions of various trust fund agreements. All these agreements specify that the trustees in charge of these funds shall consist equally of union and management representatives and their alternates. All expenditures and disbursements of trust funds are made only upon approval by a majority of the trustees. All trust fund financial records are available at the headquarters of the various trust funds. If, at any time, you are denied information about any SIU trust fund, notify SIU President Paul Hall at SIU headquarters by certified mail, return receipt requested.

SHIPPING RIGHTS. Your shipping rights and seniority are protected exclusively by the contracts between the Union and the shipowners. Get to know your shipping rights. Copies of these contracts are posted and available in all Union halls. If you feel there has been any violation of your shipping or seniority rights as contained in the contracts between the Union and the shipowners, first notify the Seafarers Appeals Board by certified mail, return receipt requested. The proper address for this is:
Max Harrison, Chairman, Seafarers Appeals Board
17 Battery Place, Suite 1630, New York 4, NY
Also notify SIU President Paul Hall at Union headquarters by certified mail, return receipt requested. Full copies of contracts as referred to are available to you at all times, either by writing directly to the Union or to the Seafarers Appeals Board.

CONTRACTS. Copies of all SIU contracts are available in all SIU halls. These contracts specify the wages and conditions under which you work and live aboard ship. Know your contract rights, as well as your obligations, such as filing for OT on the proper sheets and in the proper manner. If, at any time, any SIU patrolman or other Union official, in your opinion, fails to protect your contract rights properly, contact the nearest SIU port agent. In addition, notify SIU President Paul Hall by certified mail, return receipt requested.

EDITORIAL POLICY--SEAFARERS LOG. The LOG has traditionally refrained from publishing any article serving the political purposes of any individual in the Union, officer or member. It has also refrained from publishing articles deemed harmful to the Union or its collective membership. This established policy has been reaffirmed by membership action at the September, 1960 meetings in all constitutional ports. The responsibility for LOG policy is vested in an editorial board which consists of the Executive Board of the Union. The Executive Board may delegate, from among its ranks, one individual to carry out this responsibility.

PAYMENT OF MONIES. No monies are to be paid to anyone in any official capacity in the SIU unless an official Union receipt is given for same. Under no circumstance should any member pay any money for any reason unless he is given such receipt. If in the event anyone attempts to require any such payment be made without supplying a receipt, or if a member is required to make a payment and is given an official receipt, but feels that he should not have been required to make such payment, this should immediately be called to the attention of SIU President Paul Hall by certified mail, return receipt requested.

CONSTITUTIONAL RIGHTS AND OBLIGATIONS. The SIU publishes every six months in the SEAFARERS LOG a verbatim copy of its constitution. In addition, copies are available in all Union halls. All members should obtain copies of this constitution so as to familiarize themselves with its contents. Any time you feel any member or officer is attempting to deprive you of any constitutional right or obligation by any methods such as dealing with charges, trials, etc., as well as all other details, then the member so affected should immediately notify SIU President Paul Hall by certified mail, return receipt requested.

RETIRED SEAFARERS. Old-time SIU members drawing disability-pension benefits have always been encouraged to continue their union activities, including attendance at membership meetings. And like all other SIU members at these Union meetings, they are encouraged to take an active role in all rank-and-file functions, including service on rank-and-file committees. Because these oldtimers cannot take shipboard employment, the membership has reaffirmed the long-standing Union policy of allowing them to retain their good standing through the waiving of their dues.

EQUAL RIGHTS. All Seafarers are guaranteed equal rights in employment and as members of the SIU. These rights are clearly set forth in the SIU constitution and in the contracts which the Union has negotiated with the employers. Consequently, no Seafarer may be discriminated against because of race, creed, color, national or geographic origin. If any member feels that he is denied the equal rights to which he is entitled, he should notify SIU President Paul Hall at headquarters by certified mail, return receipt requested.

KNOW YOUR RIGHTS

LA Opens Central Liner Pier; SF May Be Next

SAN FRANCISCO—SIU Pacific District seamen may find themselves shipping out of one centralized passenger vessel terminal here one day soon, if discussions now underway bring about necessary improvements.

A leader of the local port authority has long advocated a central passenger terminal at Ferry Park, but American President Lines questions the practicality of the idea, since it would require a ship to go there to take on or discharge passengers and then hit another pier to handle cargo. At the same time, APL would like to see its big Pier 50 at Mission Rock improved with an upper level for passengers and a glassed-in observation deck.

A central terminal has basic problems on getting APL, Matson Lines and the Peninsular and Occidental Lines together. British-owned P&O is one of APL's and Matson's biggest competitors in the trans-Pacific trade.

At the same time, APL and two other SIU Pacific District-contracted companies have started operations as permanent tenants of a central passenger-cargo terminal in Los Angeles. Newly-completed for \$16 million, the terminal houses American Mail and Pacific Far East Lines along with APL.

The terminal is being operated by a jointly-owned corporation known as Consolidated Marine, Inc., which will serve each of the lines independently without cutting competition between them for passengers and cargoes. It is touted as one of the most modern passen-

ger-cargo installations in the world, and consists of two large buildings, berths for five ships, and a large open area for container and other cargo operations.

Located on the San Pedro side of the main channel, the terminal will be formally dedicated on March 20, when the first passenger ship to use its facilities, the President Cleveland (American President), arrives.

Normal freight and passenger bookings will continue to be handled by the individual offices of the steamship companies. The combined operation is designed to do away with overlapping cargo-handling and passenger terminal facilities of the three West Coast lines.

Off To Hunt Alaska King Crab



Manned by SIU-affiliated Alaska Fishermen's Union, Reeper II is factory ship taking part in one of the largest Alaska king crab expeditions in years around Kodiak Island. She carries an 11-man AFU crew and is equipped to process and freeze in sections some 2,000 king crabs per day. The king crab is a lobster-like delicacy fished with giant steel pots connected to buoy lines at depths of 30 to 125 fathoms.

UIW Pennsy Drive Wins 3rd In Row

PHILADELPHIA—Racking up its third straight National Labor Relations Board election victory in two months for this area, the SIU United Industrial Workers has just won an overwhelming vote of support from employees of the Philadelphia Laboratories, Inc. The count was 55 for the UIW against 14 "no union" ballots.

The vote was held on January 23 among the 75 workers at the plant eligible to cast ballots. There were four challenged votes, which could have no effect on the outcome.

Await Certification

The union is awaiting labor board certification as bargaining representatives for the company's employees, and will then commence negotiations for a first contract. There are now 78 employees at the plant.

Philadelphia Laboratories manufactures injectible medicinal capsules and tablets for use by doctors and hospitals. The company has just moved into a newly-constructed building on a 50,000-square-foot plot located at Roosevelt Avenue and Blue Grass Road in this city.

The victory at Philadelphia Labs followed up two previous election wins in a row in the Pennsylvania area. Employees at the Yankee Plastic Company of Shenandoah, Pa., and the Peters Sportswear Company of Philadelphia recently voted to have the SIU-UIW represent them as their bargaining agent.

HEARINGS BLAST NYC-PENN LINK

WASHINGTON—Hearings before the Interstate Commerce Commission on the proposed merger of the Pennsylvania and New York Central Railroads are due to resume here on February 11 in the face of continuing opposition from organized labor, Congressmen, state and local governments and within the ICC itself.

ICC has already cleared the way for one important rail merger that will enable the Chesapeake & Ohio to take over the Baltimore & Ohio. Stock transfers to start the consolidation of the roads began on February 4.

The SIU Railway Marine Region and other unions in the Railway Labor Executive Association have taken a strong stand against the trend to railroad mergers, as moves to maintain profits by wiping out jobs, eliminating competition and cutting back services. The Central-Pennsy merger alone would mean the loss of 7,800 jobs to railroad workers.

Three Big Mergers

The proposed Central-Pennsy merger and the C&O-B&O consolidation are two of the three giant rail combines that would serve the entire East if plans succeed. The other would be formed by a combination of the Norfolk and Western, NY, Chicago, St. Louis (Nickel Plate) and the Wabash.

Hearings that began in Washington last August have continued in major cities serviced by the Central and Pennsylvania and wound up in New York and Newark, NJ, last week. State and local officials in both areas argued that the merger means impaired service, loss of business, mass joblessness and suffering for many communities.

Earlier, efforts by the Justice Department and other agencies to have the ICC put off its okay of the C&O takeover until it dealt with all three pending applications were rebuffed. However, two of the eleven ICC commissioners dissented, pointing to the fact that no railroad opposed the C&O's move for B&O control. One commissioner said "self-interest" made the other roads reluctant to oppose the deal because any evidence they produced might be used against them in later cases.

The railroads have been basing their merger drive on cries of "poverty" and deficits but, despite this, both the Pennsylvania and the

Central managed to pay dividends to stockholders in the past two months.

SOCIAL SECURITY REPORT

Joseph Volplan, Social Security Director



British National Health Plan Works

The news has reached the home district of Rep. Wilbur Mills (D-Ark.), that Britain's government-supported National Health Service is working out pretty well, on the whole, contrary to what the American Medical Association says.

Mills is chairman of the House Ways & Means Committee, which in the last Congress bottled up the Administration's program of hospitalization insurance for the aged under the Social Security system, a program far less complex and comprehensive than the British plan and not subject to the same system of government control. The "Arkansas Gazette," largest daily in the state, which is published in the largest city in Mills district, recently printed an article reviewing the first 14 years of the British plan and concluding that "on the whole, it appears to be succeeding."

"Most of all," the story stated, "the National Health Service has succeeded in the high purpose it set out to achieve in the aftermath of World War II. Nobody is disbarred by lack of means from receiving proper medical attention. With the state picking up most of the bill, Britain's 52 million people can at last afford to be ill."

The article cited criticism of the plan from a number of doctors, but noted that it was directed chiefly at obtaining changes, not complete elimination of the NHS.

"Only a tiny minority of the medical profession would like to see the NHS scrapped," it reported, noting that only about 600 of Britain's 35,000 physicians had remained in private practice rather than participate in the plan.

It found, too, that the British public overwhelmingly supported the plan. A national poll showed that 89 percent of the public evaluated it as "satisfactory" and 81 percent felt they were getting value for their money. As for the doctor-patient relationship, which the AMA says would be destroyed by the Administration's medicare program, it hasn't happened in Britain. One doctor declared that his relationship with his patients had "never been better."

Actually, there is little comparison between the tax-supported state-run NHS and the health-care program for the aged proposed in the United States. The latter would

cover only persons 65 and older and would be limited to hospitalization and nursing home care. It would be financed largely from increased Social Security contributions during the beneficiary's working life.

Some interesting figures on the state of the nation's health come from a US National Health Survey report that, in an average year, nearly 20 million Americans are discharged from hospitals, for a rate of 115 patients per every 1,000 population. The number of hospitalized days per year totaled 167 million for the total population, with the average length of hospital stay numbering 8.4 days per person. Women were hospitalized more frequently than men but stayed for shorter periods of time.

(Comments and suggestions are invited by this Department and can be submitted to this column in care of the SEAFARERS LOG.)

Texas Job Seeks New Sea Route

HOUSTON—A new channel that will divert ships from the treacherous straits of Pass Cavallo is in the works here, as US Engineers prepare to award a \$2 million dredging contract that will eliminate one of the oldest marine hazards in the Texas Gulf area.

The plan to eliminate this menace to shipping involves dredging a 300-foot wide, 38-foot deep channel across Matagorda Peninsula linking Matagorda Bay directly with the Gulf, thus enabling ships to bypass the dangerously swift currents of Pass Cavallo. The new channel will terminate at Port Lavaca and will cost a total of \$20 million when completed.

An existing shallow-draft channel from Port Lavaca will intersect the deep-draft channel leading to a large turning basin at Port Comfort, where the Aluminum Corporation of America maintains its plant. Another shallow-draft channel will connect the Matagorda Ship Channel with Palacios.

To the north of Houston, construction continues on a 32 mile-long barge channel that will extend from Victoria to the Gulf Intracoastal Waterway, just west of Pass Cavallo. Begun in 1958, the barge channel is scheduled to be completed late in 1964, about the same time the ship channel is expected to be finished.

When both of these shipping lanes are completed and terminal facilities erected, the whole of south-central Texas will be connected with the major shipping ports of the world.

NEW

EVERY THREE MONTHS

If any SIU ship has no library or needs a new supply of books, contact any SIU hall.

YOUR SIU SHIP'S LIBRARY



Official Transcript Of Proceedings
Of Industrial Inquiry Into Great Lakes Shipping Dispute
In Which The SIU Moved For Disqualification Of The Commissioner

In the spring of 1962, in the midst of contract negotiations with the Seafarers International Union of Canada, the Upper Lakes Shipping Company arbitrarily broke its 10-year contractual relationship with the SIU and signed a contract with the Canadian Maritime Union, a puppet union set up by the Canadian Labour Congress and the Canadian Brotherhood of Railway, Transport and General Workers. The CMU at that time had no membership but began to recruit and supply the company with scab crews. As a result, some 300 SIU crewmembers employed by the company were locked out of their jobs.

Due to the effectiveness of SIU picketing action against Upper Lakes Shipping Company vessels, the CLC and CBRT last July engineered a boycott of SIU-manned ships which led to the closing of the St. Lawrence Seaway. The CLC and CBRT clearly indicated that the Seaway boycott was effected in order to force Canadian government action that would halt SIU picketing of the Upper

Lakes Shipping Company vessels. As a result of the boycott, the Canadian Minister of Labour established a one-man commission to inquire into the dispute and into the internal affairs of the organizations involved. The hearings of the commission began last August.

On February 1, 1963, the counsel for the Seafarers International Union of Canada submitted in the hearings a request that the Commissioner conducting the inquiry disqualify himself on the technical ground that he had previously served as counsel to one of the parties involved. The Commissioner, Mr. Justice T. G. Norris, had served as counsel for the SIU in 1953 and 1954.

The verbatim text of the official transcript of the afternoon proceedings of February 1, 1963, in Ottawa, during which the SIU request for disqualification was presented, is reproduced in its entirety in this supplement. The text is from volume 91, pages 13,717 to 13,796 of the official transcript.

THE INDUSTRIAL INQUIRY COMMISSION
 IN THE MATTER OF the Industrial
 Relations and Disputes
 Investigation Act
 and

IN THE MATTER OF an inquiry pursuant
 to Section 56 thereof into shipping in the
 Great Lakes, the St. Lawrence River System
 and connecting waters.

HON. MR. JUSTICE T. G. NORRIS	Commissioner
G. Gordon McLeod, Esq.	Secretary
G. H. Quinn, Esq.	Administrative Officer
APPEARANCES:	
Charles L. Dubin, Esq., Q.C.	Senior Counsel to the Commission
Jean Pierre Beaulne	Junior Counsel to the Commission
Maurice W. Wright, Esq., Q.C.	For the Canadian Labour Congress, Canadian Maritime Union, Canadian Brotherhood of Railway, Transport & General Workers, National Association of Marine Engineers, Inc., Canadian Merchant Service Guild, Inc.
John C. Ahern, Esq., Q.C.	For Seafarers International Union of North America
G. H. Henderson, Esq., Q.C.	
K. E. Eaton, Esq.	
Joseph Nuss, Esq.	
B. A. Thomas, Esq.	
Michael Ogilvie, Esq.	For Upper Lakes Shipping Limited
Jean Richard, Esq.	
John A. Geller, Esq.	For the St. Lawrence Seaway Authority
L. A. Couture, Esq.	
D. Q. Patterson, Esq.	

Ottawa, Ontario,
 Friday,
 February 1, 1963

Nethercut & Young,
 60 Front Street West,
 Toronto, Ontario.
 Official Reporters

THE HEARING RESUMED AT 2:00 PM.

Mr. Henderson: Mr. Commissioner, I am making a submission to this Commission that the Commissioner consider disqualifying himself from acting further in respect of this investigation.

The application or submission is being made on the technical legal ground that the Commissioner had acted as solicitor and as barrister—counsel for one of the parties directly involved in the Inquiry and named specifically in the terms of reference.

The Commissioner: And in the years 1953 and 1954.

Mr. Henderson: In the years 1953 and 1954.

The Commissioner: And there is no suggestion of bias in fact? That is to say that in the conduct of this Inquiry the Commissioner has not been biased?

Mr. Henderson: Yes, and I repeat what I said Mr. Commissioner, that this application is not being made in any way relating to the conduct of this Inquiry; it is based upon the factual matters that existed in 1953 and 1954, and it is made on a technical legal ground based on those facts.

The Commissioner: And do you say that your clients were advised by counsel from the beginning of the hearings of this Commission in the month of July—

Mr. Henderson: As the record establishes, that is so.

The Commissioner: And the question has not been raised before?

Mr. Henderson: May I take advice on that? I do not believe it has been raised before.

It has not been raised before. Those were my instructions and they have been confirmed now.

The Commissioner: I may say it is amazing to me that these proceedings should be taken after all these weeks of hearings, and that your clients have not raised the matter before.

Mr. Henderson: This, Mr. Commissioner, may be a factor for you to take into consideration.

I say that in law, in the absence of what would be described as a waiver, it is better that it be made now, better now at least than after a report has been made and the whole proceedings at a further time be rendered void.

I submit, Mr. Commissioner, that this is a matter of

(Continued On Following Page)

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substance that should be considered by you in relation to this inquiry.

The Commissioner: I will ask other counsel how they stand with regard to this motion. The motion is that I disqualify myself on the grounds that I have been solicitor and counsel for the SIU in the years 1953 and 1954.

Mr. Wright: Mr. Wright, how do you associate yourself? I do not want to hear an argument; I simply want to know are you supporting this motion or otherwise?

Mr. Wright: I oppose the motion. I see no validity to it at all.

The Commissioner: Mr. Geller?

Mr. Geller: My Lord, I oppose the motion, I see no merit to it at all.

I have been in touch with Mr. Jean Brisset, representing the Canadian Shipping Federation, and who was also solicitor for the Saguenay Companies, one of which I believe was involved in the matter in question in 1953 or 1954. Mr. Brisset has asked me to assure your Lordship that although you were acting against his client at that time—

The Commissioner: And was successful, I might add, on behalf of the SIU.

Mr. Geller: And were successful, yes. The possibility of a motion such as this was, as he put it, somewhat laughable, and he disassociated himself completely from any suggestion that your having acted in that matter should disqualify you in the present proceedings.

The Commissioner: Mr. Couture?

Mr. Couture: I will oppose this motion, my Lord, and I might add that my instructions—

The Commissioner: You are speaking on behalf of the St. Lawrence Seaway?

Mr. Couture: On behalf of the St. Lawrence Seaway Authority my instructions, if they could be adduced later on, do contain what I deem to be rebuttal material going directly against the motion made today.

The Commissioner: Any other counsel? There are none, I think.

All right. You are appearing for the SIU of Canada, are you Mr. Henderson?

Mr. Henderson: I am, Mr. Commissioner.

The Commissioner: And for Mr. Banks?

Mr. Henderson: I am appearing for the Seafarers International Union.

Now, Mr. Commissioner, may I file formally the affidavit of Mr. McLaughlin which has attached to it the factual matters relating to the three occasions upon which you, Mr. Commissioner, acted as solicitor and counsel for the Seafarers International Union?

The Commissioner: One of them as counsel for the Seafarers International Union against the Saguenay Terminals, Mr. Brisset's client. That was a case in which I was successful in opposing a motion for an injunction. The second, as I understand it, was in connection with the acquisition of the building of the Seafarers International Union of Canada in Vancouver when my firm was acting as solicitor. Thirdly, it was in connection with an agreement which I negotiated on behalf of the Seafarers International Union of Canada with the Black Ball Ferry people. Is that it?

Mr. Henderson: Essentially that is it. I would put additional items in those categories, Mr. Commissioner, and I would put them in a different timing.

I believe the timing is a little different in the sense that they occurred at different times. What I mean by that is that they were not in the same order.

The Commissioner: The order that I put it?

Mr. Henderson: As I have them, they were in a different order. But may I put them this way, Mr. Commissioner, that you will find that Exhibits 1 to 3 of the material which accompanied Mr. McLaughlin's affidavit show that the first matter in which you were associated with the Seafarers International Union was one that took place during the period October, 1953—that is, October 7th, 1953 to October 23rd, 1953—and at that time the services were those of counsel appearing on behalf of the Seafarers International Union in an application for an injunction by the solicitors for the Saguenay Terminals. That application was to prevent the Seafarers International Union port agent in Vancouver and the members of the crew of the "Sunjewel" from further picketing. The complete detail of the services appears before you in Exhibits 2 and 3 which represent a statement of account. There is in the statement of account a complete statement of all the services that were performed.

The Commissioner: Yes, all right.

The Secretary: Excuse me, my Lord, is this to be filed as an exhibit?

The Commissioner: Yes.

The Secretary: This will be 0-330.

EXHIBIT NO. 0-330:

Statutory declaration by Leonard J. McLaughlin, dated Ottawa, February 1, 1962, with accompanying "Exhibits" number 1 to number 24.

Mr. Henderson: This involved, as I read the material, Mr. Commissioner, an attendance upon Mr. Justice Willson. That would appear however to have been an informal one. But there was a full hearing before Mr. Justice Coady, and on that occasion, as the material shows, you acted

as counsel and you were successful in having the application for injunction dismissed.

The Commissioner: This was all in Vancouver?

Mr. Henderson: This was in Vancouver.

The Commissioner: And all these matters were in Vancouver?

Mr. Henderson: All these matters were in Vancouver.

The Commissioner: All right.

Mr. Henderson: In respect of the services performed, there was the requirement of attendance on SIU executives to advise them on their legal position, and it also involved the instruction relating to the preparation of an affidavit or affidavits, because affidavits were prepared for Mr. Cunningham and Mr. Pearson. These affidavits were filed on the application. The services included a report to Mr. Banks when he was advised, according to the material which appears—and this appears as the bottom of page 2.

The Commissioner: Of the legal affect?

Mr. Henderson: Of the legal affect as to the issue relating to the legality of the strike. This was one of the matters which Mr. Justice Coady commented upon.

The question that arose was whether the strike was illegal or legal, and the services performed (according to the material) included a report to Mr. Banks when he was advised relating to the legality of that strike.

On October 10th, 1953 a letter of report appears where your opinion is given, Mr. Commissioner, different from the decision of Mr. Justice Coady.

The Commissioner: Not a decision but some remarks he made.

Mr. Henderson: Those remarks which appear in his decision in respect to the legality of that strike. At the same time, those services included advice in connection with the Shipping Act and involved an opinion as to whether those who had left the ship were deserters within the meaning of the Shipping Act, Section 251. As I understand it that is a summary of the nature of the services on the first occasion.

The services on the second occasion appear in a detail of an account of October 27th, 1953, which is in the material. Here an application was made by you for certification of the Seafarers International Union relating to the Black Ball Ferries in Vancouver. The services were rendered over a period of time from July 22nd, 1953 to September 14th, 1953. They also involved in addition to the application for certification, the settlement of what is defined as a labour relations matter with the Company.

The Commissioner: I think that was the provincial Board, was it not?

Mr. Henderson: Yes, Mr. Commissioner, as I read it.

The Commissioner: That is my recollection.

Mr. Henderson: This is the way I would read the account.

The third occasion is described in three exhibits particularly, which will be found in the material which is filed—and I have handed a copy to Mr. Wright—and particularly in Exhibit 18 (which is a letter May 12th, 1954, a letter to Mr. Banks), Exhibit 20 (dated August 25th, 1955), Exhibit 21 (which is a further report), and Exhibit 22 (which is the final account).

In this connection what was involved was the purchase of real estate in Vancouver by the Seafarers International Union. But in my submission to you, Mr. Commissioner, this involved more than merely a purchase and sale. In this purchase it was necessary to advise the Union as to the manner in which a union could hold property in British Columbia and how it should, on this occasion, be held. It involved, as I read the material, a request by you of the Union constitution, a copy of the rules of the Union and a copy of the rules of the local branch. These all were required to be considered in formulating the opinion as to how land should be held by the Seafarers International Union.

The Commissioner: Or any trade union.

Mr. Henderson: As well as any trade union, but more specifically how it must be held and how it was held on this particular occasion. This opinion, a comprehensive opinion, was given on August 25th, 1954, and a further report—

The Commissioner: I hope you consider it was a good opinion.

Mr. Henderson: Let me put it this way, Mr. Chairman: I have no quarrel with the opinion at all and I see no reason why the opinion should be considered anything but accurate.

The Commissioner: I would have thought that any complaint your clients might have would be that I had advised them badly or lost their action.

Mr. Henderson: There was however a newspaper challenge on the transaction. I think it was not a newspaper of any repute, as I recall. But you may remember that there was a challenge of impropriety in respect of the transaction.

The Commissioner: I do not remember.

Mr. Henderson: Well, it does appear in the correspondence. This is found in Exhibit 23—that there had been a challenge as to the propriety of the proceedings or the purchase.

So it is my submission, Mr. Commissioner—

The Commissioner: Can you say, so that I will know and the story will be complete, whether my advice with regard to that holding was followed?

Mr. Henderson: Yes, it was followed and the land is

held, as I recall, in the way in which, Mr. Commissioner, you advised.

The Commissioner: And whatever the challenge was, there was no attention paid to this challenge? You called it a challenge.

Mr. Henderson: Well, as far as I am concerned the allegation of impropriety was unjustified. There was no follow-up. I merely say it did confirm this allegation of impropriety.

When I made the statement that the land is still held in the manner in which your Lordship then advised as counsel, I may have gone too far. I do not know how it is now held but I do know that your opinion was followed at the time and the land was taken in the way in which you advised.

I say here that this transaction involved more than merely a purchase and sale, that it involved a policy decision in respect to the manner in which this Union could hold land and the manner in which this Union operated in respect to one aspect of its internal organization and its internal operation.

Those were the three matters. I submit that by reason of those three matters a relationship was established, which relationship in law puts a gloss on the appearance of independence, and that this is sufficient to justify you, Mr. Commissioner, in considering that you disqualify yourself from further participating in this inquiry, on three legal grounds. The first is the appearance of bias.

The Commissioner: You mean bias of law?

Mr. Henderson: I was just about to add to that that of course I mean the appearance of bias in the legal sense.

The second is that a conflict exists between two duties, which puts you in a position of contradiction.

The third is perhaps an aspect of the first, which is the appearance of the independence of those who decide or the appearance of independence of the judiciary.

I submit that the matters upon which you acted for the Union were neither trivial in respect of the Union nor trivial in respect of the internal affairs of the Union. I submit that they are matters which are not unrelated to the issues in this hearing, and I would particularly refer to paragraph 3 of the terms of reference.

The material paragraph of the terms of reference reads:

"Now, therefore, the undersigned, the Minister of Labour for Canada, pursuant to Section 56 of the Industrial Relations and Disputes Investigation Act, hereby appoint The Honourable Mr. Justice T. G. Norris of the City of Vancouver, in the Province of British Columbia, as an industrial inquiry Commission to inquire into the following matters and to report thereon to the undersigned:"

Then paragraph 3 reads:

"The activities and internal operations of organizations of employees acting on behalf of employees engaged in shipping and work affecting shipping operations in the Great Lakes system including without restricting the generalities of the foregoing Seafarers International Union of Canada."

I submit that there is, therefore, a duty imposed under Section 3 which requires an investigation into the internal operations of the Union, of unions in this sphere, and particularly the internal operations of the SIU. This creates a duty to the public, but the conflict arises because, Mr. Commissioner, there is a duty to the SIU which arises by reason of the confidence in a solicitor-client relationship.

The Commissioner: Which arises out of a what?

Mr. Henderson: Which arises out of the confidence inherent in a solicitor-client relationship. In other words, there is a duty to keep in confidence all those matters communicated to you on a solicitor-client relationship. Those matters which are given to the Commissioner in confidence as a solicitor relate to the matters in issue in this inquiry. Therefore, Mr. Commissioner, I submit that in reflecting on these two duties, if you find, as I submit would appear to exist, a contradiction in that relationship, then you would give effect to the submission I am making.

This is not an unreal submission, Mr. Commissioner. It has its foundation in public policy. There must be public confidence that there can be no likelihood, in the consideration of a reasonable man, of a conflict between these two duties.

The Commissioner: Who is he?

Mr. Henderson: The law has been searching him for years, just as the economists have, perhaps, the representative man. But the reasonable man, whatever he may be as defined by the Courts, Mr. Commissioner, is the test, and whether a reasonable man would consider a likelihood of bias or a likelihood of such a situation where there is a conflict between two duties. I submit this is not unreasonable in these circumstances. It may well be that the public would consider that by reason of someone having acted at one time for one of the parties, he would bend over backwards to be fair, and bending over backwards would mean that he would be unfair to someone. He could not help it, in those circumstances.

The Commissioner: But is there not the great possibility that he might tread the straight and narrow line between the two?

Mr. Henderson: When you put it in terms of possibility, of course there is.

The Commissioner: And there is even a probability, is there not?

Mr. Henderson: Of course there is a probability that he

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may, but there is also a probability that he may not, and this is sufficient. It is not enough that he is a man of the highest possible integrity. This is not the test. The test is not bias in fact; the test is whether or not a reasonable man would consider there is a likelihood.

The Commissioner: You said "possibility." Do you mean "possibility" or "likelihood"?

Mr. Henderson: I mean "likelihood." I think "possibility" was a word I had picked up from you, Mr. Commissioner. The legal test is not the basis of possibility.

The Commissioner: It is likelihood.

Mr. Henderson: It is whether that likelihood is considered by the reasonable man, and he may well consider that there is a leaning backwards to be fair and that this, too, is an attitude—whether there is a likelihood of there being an attitude for it, or whether there is a likelihood of there being an attitude against it, but merely the likelihood is sufficient, having regard to the circumstances.

I submit that by reason of public policy the Courts have imposed a very strict rule to ensure that the public will have confidence in the judiciary or in anyone deciding right, or in anyone who is making a determination of issues such as are being determined here, and I submit that this is fundamental from the point of view of the independence of the judiciary which, it is a truism to say, is a cornerstone of our freedom.

The Commissioner: I am not asking you for an argument, but would you tell me what you say my position is here.

Mr. Henderson: I say that your position here at this moment is one of contradiction.

The Commissioner: Oh, no, no.

Mr. Henderson: You mean, what you should do?

The Commissioner: I mean, sitting as Commissioner.

Mr. Henderson: I say you are sitting as a Commissioner, under Section 56 of the Statute, with the obligation to act judicially.

The Commissioner: All right.

Mr. Henderson: And that the obligation to act judicially brings in with it all the requirements of natural justice and all the requirements of acting independently, of acting without bias, and I submit it is no more—let me put it this way. Suppose Mr. Wright were in your Lordship's position today? Suppose Mr. Geller were in your Lordship's position today? It is unthinkable, and I submit it is unthinkable ten years from now, just as it is unthinkable today. And this is the position in law.

So I submit that on the basis, then, of public policy, on the authorities and the requirement that there be complete public confidence in the administration of justice, this motion should be adhered to, should be given effect.

Mr. Commissioner: The rule as to the disqualification of Judges because of the appearance of interest or the appearance of bias is one that goes way back. It goes back to the canon law and is one which was incorporated into the common law in the early formative stages of it. It has a very old and continuous history. If I may first refer your Lordship to a text book on this subject, it is a work by S. A. de Smith entitled, "Judicial Review of Administrative Action," published in 1959. I am referring particularly to page 137, although there is a—the chapter goes from 137 to 165 dealing with this matter. May I extract merely the parts of two pages in this regard.

I will read from the bottom of page 137:

"Bracton wrote that a judge was not to hear a case if he was suspected of partiality"—

And "suspected" is sufficient:

"—suspected of partiality"—

The Commissioner: "Suspected"—you are not talking about bias in fact.

Mr. Henderson: That is right; but I say that one is suspected if there is a relationship, if there has been that relationship. I will continue reading this quotation:

"—suspected of partiality because of consanguinity, affinity, friendship or enmity with a party, or because of his subordinate status towards a party or because he was or had been a party's advocate."

Mr. Commissioner: that is as old as *de Legibus*, the extract that I have read.

The Commissioner: Would you disqualify all our judges on that ground because at sometime in their careers they have acted for parties? Would you go that far?

Mr. Henderson: It may well be, I have heard—

The Commissioner: Do you go that far?

Mr. Henderson: No, I do not. I have to add, in a matter that has a relationship to the matter in hand, some relationship to the matter in hand, yes, I go that far.

The Commissioner: All right.

Mr. Henderson: I do not go so far as to say that merely because he had acted in some way, any way, that that is sufficient. There must be some relationship to the matter in hand, and I say here there is that relationship because it involves the internal working of a union, it involves a matter in which a union—that is, it involves confidential matters relating to the union and since this is a broad investigation of all internal aspects of the union, there is that relationship that the law requires. No, I do not go so far as to say that every possible time, every time there has been a solicitor-client relationship this automatically disqualifies him, I would not go that far.

The Commissioner: The quotation from the text book goes that far.

Mr. Henderson: It does Mr. Commissioner; it goes that far. I have heard it said that some judges as a matter of practice do go that far. But I have not, in my submission to you, gone that far, because I think the recent authorities require some connection and a connection to the point that there would be considered to be a reasonable likelihood of bias.

I was about to read a second part of this work which appears at page 154.

The Commissioner: You do not say, "a reasonable likelihood of bias"; you say, "a suspicion of a reasonable likelihood," or something of that sort?

Mr. Henderson: I put it this way, that there is the appearance of bias to a reasonable man.

The Commissioner: All right. Go on.

Mr. Henderson: At page 154 of the same work, under the heading, "Professional and Vocational Relationship," we find this passage:

"A reasonable apprehension of bias may arise because of the professional business or other vocational relationship of an adjudicator with a party before him."

I submit, Mr. Commissioner, that perhaps the most well known expression on this aspect of the matter is found in *Rex v Sussex Justices* (1924) 1 King's Bench Division, 256, at page 259, where Lord Hewart, Chief Justice, made his famous statement; that is:

"It is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done."

This rule was first applied to judges in courts, but has, in my submission, been extended to apply to tribunals that are either obliged by statute to act judicially, or to administrative tribunals having the attributes of a judicial tribunal.

Mr. Commissioner: if I may just state the facts of that case very shortly.

The Commissioner: Which case is that?

Mr. Henderson: I am on the same case, Mr. Commissioner, *Rex v Sussex Justices*. That was a case where a summons was taken out by the police against the applicant for having driven his motor vehicle in a manner dangerous to the public. The motor vehicle had been involved in a collision between the applicant and a person who was called W. At the hearing of the summons the acting clerk to the Justices was a member of the firm of solicitors who were acting for W. in a claim for damages against the applicant for injuries received in the collision. The acting clerk retired with the Justices in case they should desire to be advised on any point of law. He was merely in attendance. The Justices convicted the applicant and it was stated on affidavit that they came to that conclusion without consulting the acting clerk, who abstained from referring to the case. The acting clerk was merely present.

It was held that the conviction must be quashed as it was improper for the acting clerk, having regard to his firm's relation to the case, to be present with the Justices when they were considering their decision. So, Mr. Commissioner, his mere presence was sufficient to put a gloss on the independence of the tribunal making the decision, and Lord Justice Hewart then made the statement which I have just read.

The Commissioner: His firm being interested in one of the matters that was before the Justices?

Mr. Henderson: But the point of that case was that it could have had no effect on the decision.

The Commissioner: No.

Mr. Henderson: But it was the appearance, and the appearance was sufficient.

The Commissioner: You are just stating the facts?

Mr. Henderson: That is correct, Mr. Commissioner. Then on page 259 Lord Hewart stated:

"—but while that is so, a long line of cases shows that it is not merely of some importance but it is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done."

The question therefore is not whether in this case the deputy clerk made any observation or offered any criticism which he might not properly have made or offered; the question is whether he was so related to the case in its civil aspect as to be unfit to act as clerk to the Justices in the criminal matter. The "answer to that question depends not upon what actually was done, but upon what might appear to be done. Nothing is to be done which creates even a suspicion that there has been an improper interference with the course of justice."

Then Lord Hewart, Chief Justice, continued:

"Speaking for myself I accept the statements contained in the Justices' affidavit but they show very clearly that the deputy clerk was connected with the case in a capacity which made it right that he should scrupulously abstain from referring to the matter in any way, although he retired with the Justices; in other words, his one position was such that he could not, if he had been required to do so, discharge the duties which his other position involved. His twofold position was a manifest contradiction. In those circumstances, I am satisfied that this conviction must be quashed, unless it can

be shown that the applicant or his solicitor was aware of the point that might be taken, refrained from taking it, and took his chance of acquittal on the facts, and then, on a conviction being recorded, decided to take the point."

The Commissioner: What was that last point?

Mr. Henderson: The last point, Mr. Commissioner, is that if he was trying to take advantage of both worlds by waiting until—

The Commissioner: Read the last part.

Mr. Henderson: Yes, Mr. Commissioner:

"In those circumstances, I am satisfied that this conviction must be quashed, unless it can be shown that the applicant or his solicitor was aware of the point that might be taken, refrained from taking it, and took his chance of acquittal on the facts, and then, on a conviction being recorded, decided to take the point."

That is, Mr. Commissioner, decided to take the best of both worlds by waiting until the decision had come down, and then taking the point. That is, as I read it, what he is referring to there, and this is the point I was making on waiver:

"On the facts I am satisfied that there has been no waiver of the irregularity and, that being so, the rule must be made absolute and the conviction quashed."

Perhaps the most authoritative statement is that of *Dimes v Grand Junction Canal*—

The Commissioner: *Dimes v Grand Junction Canal*?

Mr. Henderson: *Dimes v Grand Junction Canal*, Mr. Commissioner.

The Commissioner: That refers to the McPherson case, I think.

Mr. Henderson: It is, as I understand it, the leading authority on the—

The Commissioner: What is the citation?

Mr. Henderson: It is 1852, 3 House of Lords Cases, 759.

A public company established for constructing a canal was incorporated, and bought some land for the purpose of making the canal; a person claiming adversely an interest in such land covered the property by ejection. The corporation then filed an appeal against the claimant for the purposes of having their title confirmed. The Lord Chancellor had an interest as a shareholder in the company in the amount of several thousand pounds which was unknown to the defendant, and the Lord Chancellor granted the injunction and the relief sought.

The question put to the Judges was:

"Was this a case in which the order and decree of the Lord Chancellor were void on account of his interest, and of his having decided in his own cause?"

Baron Park speaking for all the Judges, at page 785 said this:

"We think that the order of the Chancellor is not void; but we are of the opinion, that as he had such an interest which would have disqualified a witness under the old law, he was disqualified as a judge; that it was a voidable order, and might be questioned and set aside by appeal or some application to the Court of Chancery, 'if a prohibition would lie'."

Then, they went on to say after hearing the advice of the Judges given by Baron Parke, Lord Campbell, one of their Lordships in the House of Lords, said:

"I must say that I entirely concur in the advice which they (the Judges) have given your Lordships. No one can suppose that Lord Cottenham (The Lord Chancellor in question) could be in the remotest degree influenced by the interest that he had in this concern; but my Lords, it is of the last importance that the maxim that no man is to be judge in his own cause should be held sacred. And that is not to be confined to a cause in which he is a party, but applied to a cause in which he has an interest. Since I have had the honour to be Chief Justice of the Court of Queen's Bench, we have again and again set aside proceedings in inferior tribunals because an individual, who had an interest in a cause, took a part in the decision. And it will have a most salutary influence on these tribunals when it is known that this high Court of last resort, in a case in which the Lord Chancellor of England had an interest, 'considered that this decree was on that account a decree not according to law and was set aside. This will be a lesson to all inferior tribunals to take care not only that in their decrees they are not influenced by their personal interest, but to avoid the appearance of labouring under such an influence . . .'"

There is a case, Mr. Commissioner, in the Supreme Court of Canada dealing with the position of arbitrators, and it contains some statements that I submit are pertinent to this proposition, and this is the case of *Szillard v Szasz*, 1955 Supreme Court Reports, page 3, and in this case the question to be determined was whether one of the arbitrators, a man by the name of Sommer, was disqualified by reason of the fact that he had had a busi-

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ness relationship with one of the parties, unknown to the other.

It was found that there was no doubt that there was such a business relationship, and the question was whether or not that business relationship was sufficient to disentitle the arbitrator from being an arbitrator in the proceedings.

Mr. Justice Rand at page 4 stated as follows:

"From its inception arbitration has been held to be of the nature of judicial determination and to entail incidents appropriate to that fact. The arbitrators are to exercise their function not as the advocates of the parties nominating them, and fortiori of one party when they are agreed upon by all, but with as free, independent and impartial minds as the circumstances permit. In particular they must be untrammelled by such influences as to a fair-minded person would raise a reasonable doubt of that impersonal attitude which each party is entitled to."

It is that proposition which I urge is equally applicable here; that there must be no appearance of influence which, to a fair-minded person, would raise a reasonable doubt of that impersonal attitude to which each party is entitled. Then:

"This principle has found expression in enumerable cases, and a reference to a few of them seems desirable."

I would like to refer to only one of a long list of cases to which he referred, and it is *Sumner v. Barnhill*, which is found in (1879) 12—and I apologize for using this—NSR 501.

The Commissioner: 1875?

Mr. Henderson: 1879, 12 NSR, and I am not—I am frank to admit I don't know what "NSR" stands for. It is page 501.

The Commissioner: 501?

Mr. Henderson: Mr. Justice Rand referred to that case where an award was set aside on the ground that one of the arbitrators was disqualified by the fact of having been regularly retained as solicitor of the Estate of which the Defendant was the executor, although he had not been engaged as counsel or attorney in the matter referred, and did not concur in the award; that was sufficient to disentitle him. He had acted as solicitor.

Then, Mr. Justice Rand concluded, after referring to a good many other cases that are listed:

"These authorities illustrate the nature and degree of business and personal relationships which leave such a doubt of impartiality as enables a party to an arbitration to challenge the tribunal set up. It is the probability of suspicion of biased appraisal and judgment, unintended though it may be, that defeats the adjudication at its threshold. Each party, acting reasonably, is entitled to a sustained confidence in the independence of mind of those who are to sit in judgment on him and his affairs."

Then, at page 7 Mr. Justice Rand made this statement:

"... nor is it that we must be able to infer that the arbitrator would not act in an entirely impartial manner; it is sufficient if there is the basis for a reasonable apprehension of so acting."

This, of course, was the same principle that was referred to at page 154 of de Smith's work; a reasonable apprehension.

Another case, Mr. Commissioner, that I would ask you to consider is that of *Frome United Breweries Company Limited*—

The Commissioner: What is it?

Mr. Henderson: *Frome United Breweries Company Limited v. Keepers of the Peace and Justices for County Borough of Bath*, (1926) Appeal Cases, 586, and here the licensing Justices of a County Borough referred an application for the renewal of a license to the compensation authority of the Borough. At a further meeting the licensing Justices resolved that a solicitor should be instructed to appear before the compensation authority and oppose the renewal on their behalf. The solicitor appeared and the compensation authority refused the renewal subject to payment of compensation.

Now, three of the licensing Justices who sat and voted as members of the compensation authority had been parties to the resolution of the licensing Justices authorizing a solicitor to appear on their behalf. It was held that the three Justices were disqualified from sitting on the compensation tribunal on the ground of bias, and the decision of the tribunal was set aside.

Viscount Cave at page 590 stated as follows:

"My Lord, if there is one principle which forms an integral part of the English law, it is that every member of a body engaged in a judicial proceeding must be able to act judicially; and it has been held over and over again that, if a member of such a body is subject to a bias (whether financial or other) in favour of or against either party to the dispute or is in such a position that a bias must be assumed, he ought not to take part in the decision or even to sit upon the tribunal."

The Commissioner: That is not this case here, of course. It must be assumed—

Mr. Henderson: That is true, but the principle is whether

there is this reasonable apprehension, and in this case—in other words, as long as there is a reasonable apprehension, then the principles of this case, in my submission, are equally applicable. It goes on:

"This rule has been asserted, not only in the case of courts of justice and other judicial tribunals, but in the case of authorities which, though in no sense to be called courts, have to act as judges of the rights of others."

So, the point in this case is that the principle is equally applicable whether it is in a court of law or in a judicial tribunal, or any such tribunal that is impressed with the obligation, in my submission, to act judicially by the statute itself.

At page 591 Viscount Cave continued as follows:

"From the above rule it necessarily follows that a member of such a body as I have described cannot be both a party and a judge in the same dispute, and that if he has made himself a party he cannot sit or act as a judge, and if he does so, the decision of the whole body will be vitiated."

Proceeding a little further on page 591, it says:

"The Bath Justices when sitting as the compensation authority under the Licensing Act of 1910 may not be a court; but they are performing a judicial act, for it is their duty after hearing evidence and listening to argument, to pronounce a decision which may vitally affect the interest of the persons appearing before them. This being so, the Justices who are members of the authority are bound to act judicially and not to sit if they are subject to that which in *Reg. v. Rand* was referred to by Blackburn, J. as a real likelihood of bias; and I cannot doubt that in the case of those three Justices who took part in instructing a solicitor to oppose the renewals of the license of the Seven Dials, such a real likelihood of bias existed."

I will now give your Lordship another citation where the same principle is asserted. It is *King v. Justices of Sunderland*, (1901) 2 KB 357, where at page 364 the then Master of the Roles, A. L. Smith, said:

"It appears to me that, in cases where the decision of Justices is impeached on the ground of a bias such as is suggested in the present case, the decision must really turn on the question of fact, whether there was or was not under the circumstances a real likelihood that there would be a bias on the part of the Justices alleged to have been so biased."

And then he quotes again from *Reg. v. Rand*, which I have referred to earlier:

"Wherever there is a real likelihood that the judge would, from kindred or any other cause, have a bias in favour of one of the parties it would be very wrong in him to act; and we are not to be understood to say that, where there is a real bias of this sort, this court would not interfere."

Now, I have one more, Mr. Commissioner, the case of *King v. Essex Justices* (1927) 2 KB 475, and in this case a solicitor acted as clerk to Justices who entertained a summons for maintenance by a lady against her husband. The husband sought to quash the decision of the Justices on the ground that the clerk to the solicitor acted on behalf of his wife in the preparation of a Deed of Separation. The decision of the Justices was quashed, and Mr. Justice Avery, at page 488, in applying the case of *Rex v. Sussex Justices* and the principle earlier pronounced by Lord Hewart, said this:

"We have here to determine, however, whether or not there might appear to be a reasonable likelihood of his being biased. If there might, then justice would not seem to the applicant to be done, and he would have a right to object to the clerk acting as such."

This is the case which I asked your Lordship to take in the matter of waiver. Mr. Commissioner, you have mentioned the matter of waiver—

The Commissioner: You mentioned it, I followed it up.

Mr. Henderson: Well, the matter was raised.

The Commissioner: I will tell you that so that you have the facts straight. You know, Mr. Ahern knew about this months ago; he was told about it.

Mr. Henderson: I am instructed that he did not know of the extent of the transaction or the detail of what was involved.

The Commissioner: He knew, though, that I had acted for the Seafarers International Union of Canada in Vancouver in 1953 and 1954. John Ahern knew that.

Mr. Henderson: That may well be; I have certainly no reason to say anything to the contrary.

The Commissioner: And Mr. Banks, of course, knew it and knew all about it.

Mr. Henderson: Of course, there is a difference between knowledge of the facts and knowledge of the rights which flow from those facts.

The Commissioner: All right. He had been advised all that time. Go on. It is important to bear that in mind, and in fairness to you I mention that.

Mr. Henderson: I appreciate that. I have been unable to communicate with Mr. Ahern; I don't know what he

knew. I merely say this, that this is a matter that I can only deal with as from, I think, around towards the end of December, and it was at that time I asked that the facts be made available to me and the law be examined.

I would ask your Lordship again to look at the Nova Scotia case of *Rex v. Handley* (1921) 61 Dominion Law Reports 656 and a judgment of Chief Justice Ritchie at page 657 where he again deals with the requirement of reasonable apprehension of bias.

The Commissioner: What is that, Ritchie?

Mr. Henderson: Ritchie at 657 and 658. At Page 657 he says:

"If the magistrate"—

Perhaps I should give your Lordship a rundown of the facts. The decision in Nova Scotia arose out of an application for a writ of prohibition to prevent a magistrate from proceeding with the hearing of an information against a defendant for an alleged violation of the Nova Scotia Temperance Act. The information was laid against the defendant on March 22, 1921, and an affidavit was filed. The magistrate, according to the affidavit evidence, the magistrate earlier than the 22nd March had been involved in a fight in respect of this very matter, and Chief Justice Ritchie said:

"If the magistrate has any pecuniary interest no matter how small, he will be disqualified; in such cases the mere suspicion of bias from pecuniary interest is sufficient to disqualify. In this case, there is no pecuniary interest and, in my opinion, the question which the court has to decide is one of fact, namely, is there substantial reason for reaching the conclusion that the magistrate is likely to be biased, or is there a reasonable apprehension of bias."

Then I will mention page 658, where Chief Justice Ritchie continues:

"I understand the duty of the court to be to decide the question of fact as to whether there is any real likelihood or reasonable apprehension that the magistrate will be biased either consciously or unconsciously."

Now, I submit therefore that the legal principle is clear, and that a reasonable apprehension of bias is in law treated as sufficient to disentitle or to disqualify anyone who is obliged to act in a judicial manner, and I should in passing refer to the Bill of Rights which confirms these old existing rights of the individual.

I know you are familiar with it, Mr. Commissioner, but it is found in the Statutes of Canada, (1960) Volume 1, Chapter 44, Part 1, Section 2 (e), and this is as follows, that every law of Canada shall, unless it is expressly declared by an act of the Parliament of Canada that it shall operate notwithstanding the Canadian Bill of Rights, be so construed and applied so as not to infringe on any of the rights of freedoms herein recognized and declared, and in particular, no law of Canada shall be construed or applied as to deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations.

So, these pre-existing rights have now been protected or preserved in this Bill of Rights.

Mr. Henderson: Now, Mr. Commissioner, you asked me on what basis I consider you are sitting.

The Commissioner: I said without argument; I mean, what do you say? You say I am acting in a judicial capacity? Is that what you say?

Mr. Henderson: I say that this is so by reason of Section 56 and Section 33 and Section 34 of the Statute. That is of course the Industrial Relations & Disputes Act.

Section 56 is divided into two parts. By Section 56 (1) the Minister can hold an inquiry, can make the inquiry himself or cause it to be made. Section 56 (2) is a different type of inquiry, and I submit that you, Mr. Commissioner, are sitting under Section 56 (2) with all the obligations that are imposed in that section.

Section 56 (2) reads that:

"For any of the purposes of sub-section 1 or where in any industry a dispute or difference between employers and employees exists or is apprehended, the Minister may refer the matters involved to a Commission."

So by the very nature of this section, it contemplates that there is a *lis pendens*. By the very nature it contemplates that there is a dispute or difference that must be resolved.

The Commissioner: Read on, Mr. Henderson.

Mr. Henderson: "... may refer the matters involved to a commission to be designated, as an industrial inquiry commission, for investigation thereof, as the Minister deems expedient, and for report thereon";

The authorities I submit are clear that merely because a report is being made does not deprive the Commissioner of the obligation to act judicially, and that this is so from the time of *Rex v. Electricity Commissioners*, 1924, 1 King's Bench, at page 171, and I have in mind particularly the statement made in *Rex v. Commissioners* at page 198.

The Commissioner: All the authorities are reviewed extensively in a number of Supreme Court of Canada Cases, and I remember in particular the judgment of the President of the Exchequer Court in the *Pure Springs* case. He made a long review of all the authorities on the matter.

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Mr. Henderson: As I understand it, that was whether or not judicial discretion has been exercised in allowing or disallowing a deduction from income tax.

The Commissioner: It went into the nature of these inquiries. Inquiries are referred to.

Mr. Henderson: I am on a narrower point here, Mr. Commissioner, and this narrower point is that merely because a report is made which requires somebody else to act on it—as in the *Electricity Commissioners* case where a report was made by the Commissioners to be confirmed by someone else, that that is in itself not sufficient to say that the tribunal is other than a judicial tribunal.

The Commissioner: Mr. Henderson, you have a misunderstanding of the section. My report is not a report to be confirmed by the Minister. It is a report in respect of which he may advise. I advise him and he may advise the government or he may not advise the government. It is not merely a matter of confirming what I say.

Mr. Henderson: This is exactly the situation that arose, in my submission, in the recent case of the *Board of Broadcast Governors* which is found in 1962 Ontario Reports, page 190, and on appeal—

The Commissioner: 1962?

Mr. Henderson: 1962, Ontario Reports, page 190. It was over-turned at page 657. But in my submission on the facts, not on the law, not on whether the Board was amenable but on whether or not there had been in fact a denial of substantial justice—and I should tell your Lordship that leave to appeal in that case was denied to the Supreme Court of Canada, this is the end of it. But in that case of the *Board of Broadcast Governors*, under that statute the Board of Broadcast Governors were to make a report to the Minister. The Minister did not have to act on it; he did not have to do anything; he did not have to grant a license; he did not have to accept their recommendation at all. The Minister could ignore their recommendation; he could file it in the waste paper basket, but that did not acquit the courts from requiring—

The Commissioner: That is not the position here at all.

Mr. Henderson: I submit it is.

The Commissioner: There is no question of anyone not getting substantial justice. You have expressly disallowed any attack from the manner in which this inquiry has been conducted.

Mr. Henderson: We are defining "substantial justice" in different ways: I am including in "substantial justice" the right to a hearing or appearance. I am including in that that aspect of the matter.

In the *Board of Broadcast Governors* case the matter of whether or not a report was being made was dealt with by the Chief Justice of the High Court in Ontario, and he held after a lengthy review of the authorities that merely because a report was being made was not sufficient to deny the right of certiorari against the Board or to deny the writ of prohibition against the Minister in respect of a regulation made by the Board. That is all that the Board of Broadcast Governors under the statute is required to do—make a report.

So the mere fact that a report is required to be made and to be acted upon by others does not mean that these principles upon which I rely can be ignored.

I would urge upon you, Mr. Commissioner, the reasoning of Mr. Justice McRuer in respect of that portion of the judgment which deals with the proposition as to whether or not the Board of Broadcast Governors was amenable, because I hasten to say that on the facts Mr. Justice McRuer's judgment was over-turned, but not on that proposition. He rested his case, or relied strongly on the case of *Rex v. Electricity Commissioners* which he holds still to be good law.

So the mere fact, I submit, that a report is to be made does not mean that the principles which I have been urging can be disregarded.

Then in reading on in Section 56(2):

"... and shall furnish the Commission with a statement of the matters concerning which such inquiry is to be made, and in the case of any inquiry involving any particular persons or parties, shall advise such persons or parties of such appointment."

So that we find in this statute impressed upon whatever commissioner is appointed statutory obligations, and in my submission those statutory obligations are those obligations which adhere to or which are impressed upon one who is required to act judicially. Therefore it follows that this Commission is obliged to act judicially and to appear to all those aspects of what I submit are the principles of natural justice.

Let us examine some of the requirements.

Section 56 (2): Notice to parties involved.

Section 56 (3): An obligation to enquire which requires the holding of a hearing. So there must be notice and there must be a hearing.

Section 56 (5): Full opportunity to all parties to present evidence and make representations—and opportunity to be heard, another one of the attributes of natural justice which anyone who decides rights must adhere to. But these are written in; these do not have to be imposed upon the tribunal by a court; they are imposed upon a tribunal by statute, which I consider makes it clear that it is intended that this tribunal should be guided by all the principles of natural justice.

Section 56 (4): The parties entitled to a copy of the report.

Section 56 (5): Makes applicable certain other sections such as Sections 33 and 34.

Section 36 (5): By making Section 33 and 34 apply makes it clear that the tribunal is being given the powers of a court, and not only are the attributes of natural justice written into the statute but the tribunal is given the powers ordinarily reserved to a court.

Section 33 (1): Power to summon witnesses and require them to give evidence under oath. (Section 33 (2), sub-section 1 again: Power to require witnesses to produce documents).

Section 33 (2): The commission has the power to require attendance of witnesses and compel them to give evidence as vested in any court of record in civil cases.

Section 34: The commission has power to inspect and view premises, buildings and the like.

All these powers are those ordinarily reserved to a court of law, so I submit that when one—

The Commissioner: Why do you say that? They are not reserved for a court of law. Any inquiry board might be given power to inspect premises and all those things, whether it was a judicial body or not. When you said "reserved" you did not mean "reserved."

Mr. Henderson: I would put it this way—reserved in the sense that they are matters which are always found in courts of law. When I said "reserved"—

The Commissioner: I am not so sure about that, I am not so sure about the right to inspect and so on.

Mr. Henderson: The right to inspect premises?

The Commissioner: Yes. They are given that power, but it is not one of those natural powers that they have. It is not one of those things that is an attribute essentially of a judicial body.

Mr. Henderson: If considered in isolation perhaps, Mr. Commissioner, that would be so. If this were the only one, then one could segregate this and say it is not enough, but it is a facet of the over-all picture, the over-all picture being that these are rights that are—and I think I should not put it higher than this—ordinarily associated with a court.

So I say the statute has created powers and has created obligations which make this tribunal a tribunal that is required to act judicially. May I give you other authorities on this particular point, Mr. Commissioner? I have already given you a case of *Rex v. Electricity Commissioners*, 1924, 1 King's Bench, page 171, and this is the judgment particularly of Lord Justice Banks at page 198.

I would like to cite the case of *Imperial Tobacco v. McGregor*, 1939 Ontario Reports, page 627, and particularly the remarks of Mr. Justice Riddell in dealing with this aspect of the matter as follows:

"And it may be that it will be considered that a wrong view has been taken by some judges of the language of Atkin, L. J. 'Whether or not anybody or persons having legal authority to determine questions affecting the rights of subjects and having the duty to act judicially act in excess of their legal authority. They are subject to the controlling jurisdiction of the King's Bench Division exercised in these writs' that is the Writs of Prohibition and Certiorari."

The Lord Justice does not say these are the only persons who are so subject. He does not say "only"; that is, only those that affect the rights of subjects. Merely because the rights are directly affected does not mean that the tribunal is free from being amenable to the prerogative rights or that these principles of natural justice are not applicable.

Another recent case in Ontario, Mr. Commissioner, is that of *Regina v. London Committee of Adjustment, Ex Parte Weinstein*. This is found at 1960 Ontario Reports, 225, and I would adopt as part of my submission to you, Mr. Commissioner, the argument of counsel which appears at page 226 to 229, but particularly the submission made at the top of page 228. I will adopt as part of my submission the submission made by counsel there where he details *Rex v. Electricity Commissioners* and cases associated with it.

The late Mr. Justice Morden, at page 234, after dealing with *Rex v. Electricity Commissioners* says:

"There is no doubt in my mind that committees of adjustment are given the power to affect the rights of persons."

That was one aspect of it, and then he went on:

"Their decisions under Section 18 of the Planning Act, 1955, affect the rights of the owners and occupants of the lands which are the subject of applications before them, and the rights given by Section 497 of the Municipal Act to rate payers to take action to restrain the contravention of restrictive by-laws. The appellants did threaten such an action before the committee entertained the application. If the committee's decision stands, the appellants have no longer any right to restrain the opposed use of the land in question by the Commission."

Then the second aspect of this decision:

"As the committee has authority to affect the rights of others, it follows that it is under a duty to act judicially, re *Napman and Salt*, 54 Ontario

Reports, as affirmed in 1956 Supreme Court Reports, 877."

Now this is the second aspect:

"However, in the case at bar we do not need to draw the inference that the committee is bound to act judicially. As Gall, J. said in the *Napman* case, such a duty is in plain terms imposed upon it by Section 17 (11), (12) and (13) as enacted by 59 Chapter 7, Section 2 and by Section 18, sub-sections 4, 6, 7, 8, and 10 of the Act and by the rules of procedure of the London Committee which were approved by the Minister.

In my opinion, committees of adjustment are subject to order of prohibition and certiorari, and their decisions when made following proceedings which contravene the provisions of the Act and the rules of procedure or which exceed their statutory powers, may be quashed by an order of the High Court."

So that in my submission a tribunal may be amenable either on the ground that they affect rights or that the principles of natural justice have been written into the statute—on either basis, whether they accept rights or not. In my submission here the statute contains terms which impose upon a Commissioner appointed under Section 56 (2) the obligation of adhering to the principles, all the principles of natural justice by reason of the fact that so many of them have been outlined specifically in the statute.

There is a recent case, Mr. Commissioner, on this point. It is *Guay v. Lafleur*. This is the subject, oddly enough, of an editorial in the *Globe and Mail* today. This is a case that must have just been released, although it is dated December. It is the case of *Philippe Guay v. Rene Lafleur* and it is a judgment of the court of Queen's Bench in Appeal in the Province of Quebec. Although it bears a date in December, I believe it has just been issued. The number in the docket of the Province of Quebec, District of Montreal, is No. 7505. The court divided three to two.

The Commissioner: You can supply a copy of that to me, can you?

Mr. Henderson: I have a copy which I will make available.

The Commissioner: To me?

Mr. Henderson: To you, Mr. Commissioner. The only part I wish to read—and I apologize for my very poor French—is the first part of Mr. Justice Rinfret's decision, which reads as follows. He is quoting here from the text of the submission made to him and then he denies this statement from the text of counsel:

"... 'Ce n'est que lorsqu'il s'agit de définir ainsi ses droits et obligations qu'une personne a droit à une audition impartiale'; cette phrase, tirée textuellement du *factum* de l'appelant, denote a mon avis, de la part de celui qui l'a écrite, une fausse conception de ce doit être la justice, même en matière administrative."

In other words, that it is not necessary that rights be affected directly by the decision of the tribunal before it is amenable to these prerogative rights, and a fortiori, it is not necessary where a Commission is considering its position in relation to the obligations imposed upon it by the authorities in respect of natural justice.

Mr. Commissioner, you expressed surprise that this application was made as of this date, and I submit that having regard to the important nature of this inquiry it is imperative that the matter of—that this matter be one that is considered by you, notwithstanding the period of time that has elapsed.

The Commissioner: All I said about that was that it is amazing that, after these months of hearings and all the money that has been spent by everybody in having these hearings proceed, when to the knowledge of your clients these circumstances existed, that at this stage, on February 1st, 1963, this application should be made in respect of matters that occurred over ten years ago. That is all I say.

Mr. Henderson: Yes, I agree, Mr. Commissioner, that it is unfortunate that this should have happened. I merely submit that there is no waiver in law of the position which I am urging.

The Commissioner: That may well be.

Mr. Henderson: If that is so, the submission I make should still be entertained. In that regard, Mr. Commissioner, you may wish to consider the cases of *The King v. Sussex Justices*—

The Commissioner: I know them.

Mr. Henderson: — and also expression contained in *Szilard v. Szasz*. So I submit, Mr. Commissioner, that the tribunal is a tribunal that ought to consider the principles of natural justice including the matter of the appearance of independence, and I submit that this appearance of independence is fundamental in the administration of justice and the administration of this particular statute which will affect such a substantial segment of our community.

I submit that it is absolutely essential that there be full public confidence in respect of this particular matter and that public policy imposes the necessity of such public confidence, and that this is so fundamental that I would submit to you, Mr. Commissioner, that it is the foundation of the rule of law.

The Commissioner: Thank you, Mr. Henderson. As I

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understand it, just putting it shortly, your proposition is this, that there is a reasonable apprehension in the eyes of a reasonable man and in the mind of a reasonable man that I am acting improperly because in 1953 I acted for the Seafarers International Union of Canada in respect of an injunction matter, in regard to which I was successful on their behalf?

Secondly, that there is such reasonable apprehension that I will act improperly because I acted for the Seafarers International Union of Canada some ten years ago in respect of the acquisition of their building in Vancouver, because I did the solicitor's work in connection with their building and advised them as to how buildings should be held by unions? Then, thirdly, that in certain matters in respect of the certification of the Seafarers International Union of Canada, I was successful some ten years ago on behalf of the Seafarers International Union in bringing about an agreement with the shipowners?

Mr. Henderson: Yes. When you say "improperly," I say that, of course, is in respect of legal principles.

The Commissioner: In law.

Mr. Henderson: Yes, in law.

The Commissioner: And you do expressly state that there is no bias in fact? You are not alleging that?

Mr. Henderson: I am not alleging bias in fact.

The Commissioner: All right. I do not know whether other counsel want to be heard on this question. This matter has been heard for such a length of time that I think we will adjourn for a few minutes and then I will decide whether I want to hear other counsel just now, or not, or what I am going to do about this matter.

We will adjourn for about ten minutes.

—Short recess

The Commissioner: Mr. Wright, have you got something you wish to say?

Mr. Wright: My Lord, I would like to speak very briefly on this matter.

The Commissioner: I know you are being crowded, but go ahead.

Mr. Wright: Although my reply must, of necessity, be somewhat incomplete, I would like to make a brief submission to your Lordship. I would like to read first, only from the headnote, because I have not had an opportunity to read the judgment in full, from *Regina v Camborne Justices*.

The Commissioner: What is the case?

Mr. Wright: The case is *Regina v Camborne Justices* and another, *Ex parte Pearce*, my Lord, and it is reported in 1955 Queen's Bench Division, Volume 1, at page 41. In this case I would like to read from the last paragraph of the headnote. It is a judgment of the Divisional Court which consisted of Lord Goddard, Mr. Justice Cassels and Mr. Justice Slade.

The headnote reads:

"Per curiam. The frequency with which allegations of bias have come before the courts in recent times seems to indicate that Lord Hewart C. J.'s reminder in *Rex v Sussex Justices, Ex parte McCarthy* (1924) 1 King's Bench, 256, 259, that it is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done' is being urged as a warrant for quashing convictions or invalidating orders upon quite unsubstantial grounds and, indeed, in some cases, upon the flimsiest pretexts of bias. Whilst indorsing and fully maintaining the integrity of the feels that the continued citation of it in cases to principle reasserted by Lord Hewart, this court feels that the continued citation of it in cases to which it is not applicable may lead to the erroneous impression that it is more important that justice should appear to be done than that it should in fact be done."

My Lord, I would like to say at the outset that I knew your Lordship had acted for the SIU sometime ago. I was not the least bit concerned about it, and neither were my clients. But I had no idea what the nature of your Lordship's work was on behalf of the SIU. I knew it involved something about an injunction proceeding and I did not bother going into the matter. I knew that your Lordship had also sat on a case involving the SIU, because it is referred to in one of the Exhibits that has been filed in this Inquiry. But the SIU knew better than I, or better than any of my clients did, that your Lordship had acted for them, and if anyone's suspicions should have been excited, I should think that it would have been the SIU who would have been concerned if, in fact, there was an element of bias that might have occurred to them.

They knew the full extent of your Lordship's participation when you were counsel, much better than I did. Mr. Banks knew it. Your Lordship has indicated that Mr. Ahern, who is leading counsel for the SIU, was also aware of it. I think it is against this background that this motion must be considered. My learned friend Mr. Henderson has stated to your Lordship that they raise no objection as to the manner in which this Inquiry has been conducted. Generally speaking, in any case that I have been interested in, or that I have read about where the issue of bias was raised, it is one that is raised prospectively; it is one that is raised before the litigation commences.

Fortunately, my Lord, in this case we are all more

than six months older today than we were when the Inquiry began.

The Commissioner: You mean, in terms of days and months?

Mr. Wright: Yes, my Lord.

The Commissioner: I do not know how much older we are in our own years.

Mr. Wright: Yes. We have now something to fall back on historically, as it were, retrospectively, to assess the validity or the merits of the motion. Having stated that they raise no objection as to the conduct and as to the manner in which this Inquiry has been conducted—having stated that to your Lordship, it seems to me that they have left themselves hardly, if not completely, any argument upon which they can rely.

We have at least this much to say. We can look back to what happened between the 7th August, 1962 and the 1st February, 1963 and examine the transcript, the record, to see whether or not there is anything there that reveals any conduct on the part of your Lordship which would indicate bias or prejudice. It seems to me that my learned friend has misconceived the basis of the business which is being transacted in this Inquiry. He says that your Lordship owes a duty to the parties, and he says that one of those parties is the SIU. I say that this is the basic misconception of Mr. Henderson's argument. There are no parties; there is no litigation; there is no lis, and therefore there is no *lis inter partes*.

Your lordship cannot compel any of the parties to appear before you day after day. Your lordship, under Sections 33 and 34 of the Industrial Relations and Disputes Investigation Act, has the power to summon witnesses and to enforce attendance, but once that evidence has been given the parties are free to leave. I may leave tomorrow; the SIU may leave tomorrow. We are not parties before your lordship. We make no claim of any kind; no pecuniary rights are affected; no property or proprietary rights are affected. All your lordship has power to do is to submit a recommendation or recommendations to the Minister of Labour. The Minister of Labour may or may not take action as a result of what your lordship may or may not recommend.

Now, my lord, I think the important matter to consider here is this, and Mr. Henderson obviously agrees with me. It is that mere suspicion of bias is not enough. There must be a likelihood of bias. This is indicated in the judgment of *The Queen v Rand*, reported in Volume 1—

The Commissioner: What is the year?

Mr. Wright: The year is not stated in this case, my lord. It is an old report. It is Volume 1, Queen's Bench, at page 230. I refer specifically to page 232, at the bottom of the page:

"Whenever there is a real likelihood that the judge would, from kindred or any other cause, have a bias in favour of one of the parties, it would be very wrong in him to act; and we are not to be understood to say, that where there is a real bias of this sort this Court would not interfere; but in the present case there is no ground for doubting that the justices acted perfectly bona fide; and the only question is, whether in strict law, under such circumstances, the certificate of such justices is void, as it would be if they had a pecuniary interest"

Obviously, therefore, my lord, there must be a likelihood of bias on the part of your lordship. If ever this issue can be discussed in practical terms, such is the case in the form in which it now comes before your lordship. We have, as I have said, some 91 days of hearings to look back to. We have the concession that there has not been any act of prejudice or bias on the part of your lordship shown towards the SIU. I say that once they have admitted that, once they have made that concession, nothing remains of their motion.

In fact, bias is really a state of mind. Generally speaking, as I said at the outset, a Court when it is confronted with a motion of this kind must attempt as best it can to explore into the possible state of mind of the adjudicating official. In this case your Lordship's attitude towards the SIU, if this is what they fear, is evidenced by your actions in the last six or seven months, and we do not have to investigate the matter prospectively.

I see no similarity whatever between the issue involving the Board of Broadcast Governors and this Inquiry. The Board of Broadcast Governors is a body, a quasi-judicial body, and at one and the same time an administrative tribunal which acts on the strength of applications that are made to it by interested parties. The parties submit applications for licenses; they submit briefs in support of their applications. There are proprietary and pecuniary rights involved. Although I am not familiar, or not sufficiently familiar with the proceedings of the Board of Broadcast Governors as to whether or not they have the right to issue licenses, or to recommend the issue of licenses—

The Commissioner: You are going too quickly, Mr. Wright. The Reporter may be having trouble.

Mr. Wright: I am sorry, my Lord. Whether the Board of Broadcast Governors actually issues a license or recommends to the responsible Minister that a license be issued—

Mr. Henderson: They do not issue licenses.

Mr. Wright: My learned friend Mr. Henderson says that they do not issue licenses. The fact is that they then make recommendations for the issuance of licenses, which

involves a lis, which involves a right, a pecuniary and a proprietary right which stems from an application or applications made to the BBG. I see no similarity between a situation of that kind and the situation presently before your Lordship.

I must make this assertion; I respectfully submit that the application by the SIU is not made in good faith. I say they cannot be heard to make this application more than six months after the establishment of this Inquiry; more than six months of their constant participation in the Inquiry before your Lordship. I say it is not made in good faith because there are Exhibits filed before your Lordship which accuse your Lordship of bias. There are Exhibits that are filed before your Lordship in which Mr. Banks and Mr. McLaughlin have stated that you are guilty of bias. Mr. Henderson has admitted—

Mr. Henderson: With respect, this is the third time I have mentioned this. I said at this time that conduct is irrelevant.

The Commissioner: You said more than that—just a minute, listen to me; what you said was that bias, in fact, was not alleged.

Mr. Henderson: That is right, but that is not what my friend is saying.

The Commissioner: I will not take it any further than that.

Mr. Henderson: If my friend will stick to my submission.

The Commissioner: What he is now saying, Mr. Henderson, is that if you have suggested a suspicion of bias, then you couldn't say that you can't be heard to say that unless there is bias alleged—

Mr. Henderson: That is one thing he said, and that is not what I am raising; my friend has misstated my position three times, and I say that the matter of the conduct of this hearing is irrelevant to my submission.

The Commissioner: That is not what you said. You said, Mr. Henderson, that bias in fact is not alleged.

Mr. Henderson: That is right.

The Commissioner: That is all I want you to say.

Mr. Henderson: That is right.

The Commissioner: You may not go any further than that.

Mr. Henderson: If my friend will stick to that and go no further, that is fine. But let him make it on my statements and not on his exaggeration of them.

The Commissioner: I will not have these words.

Mr. Henderson: I have been accused, or my client has been accused of bad faith, and I submit that this kind of an allegation—

The Commissioner: You are not accused of bad faith, your clients are accused of bad faith because they haven't made the application until a lapse of six months. Why shouldn't Mr. Wright, if that is right, accuse you of that?

Mr. Henderson: It is evidence of delay, not bad faith.

The Commissioner: That, I think, may be inferred from this.

Mr. Henderson: It is not for your Lordship to determine, I submit; there is a great difference between delay and bad faith, and I understand there is no evidence of that.

The Commissioner: You heard me, Mr. Henderson, and you must accept my statement. You heard me; I said that Mr. Ahern knew about this months ago.

Mr. Henderson: I do accept your statement, Mr. Commissioner.

Mr. Wright: I say that the motion is not made bona fide. I will not agree, then, my friend does not allege that there is any bias in fact. I think I am entitled, my Lord, to assess that statement in the light of the Exhibits that have been filed, and when I hold those two statements side by side, as I think we are entitled to do, and to examine whether or not these statements in fact have any meaning—

The Commissioner: Which statements?

Mr. Wright: The statement of accusing your lordship of bias, as evidenced in the Exhibits, and the statement by my learned friend Mr. Henderson, that he says he alleges no bias in fact.

The Commissioner: I am not interested in that. I accept Mr. Henderson's statement.

Mr. Wright: And so do I.

The Commissioner: Let us go on from there.

Mr. Wright: However, I say that in view of the delay and in view of everything that has transpired in this hearing, this application is not made in good faith and should be dismissed. I cannot elaborate on the matter now, I am not fully prepared to make a full submission.

The Commissioner: All right.

Mr. Geller: If I might make a brief submission. I don't have a second team so I could do my preparation, but I think, my Lord, there are two basic points made by my learned friend Mr. Henderson with which I would like to deal.

Firstly, that your lordship is an amenable tribunal, a tribunal which is amenable to the rights of prohibition and certiorari, and my friend says a tribunal is amenable if it affects rights or interferes with natural justice—

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The Commissioner: I thought you were going to say that I was an amenable person!

Mr. Geller: You are one of the most amenable tribunals I have ever had the privilege of appearing before.

The Commissioner: I have earned the reputation of a crusty individual, but I am not open to flattery, you know.

Mr. Geller: I support my friend Mr. Wright's submission to your lordship, knowing what you are empowered to do by the statute or how your Commission can affect the rights, and I know that you will merely make recommendations to the Minister which may or may not be acted upon. The Broadcast Governors case has no application whatsoever.

As regard the statement of my friend Mr. Henderson as to the principles of natural justice being written into the statute, his basic proposition for this is that your lordship has the rights not only of Section 56 but of Sections 33 and 34. Sections 33 and 34 are not the rights of courts, as my friend Mr. Henderson has indicated. They are the rights of conciliation boards. They are bodies which not only may not make recommendations, but where the reports are not even acted upon to the extent that your lordship's report may be. They are powerless bodies. They have the power to conciliate, and that is all, and these are the powers which Mr. Henderson relies upon to make your lordship a tribunal which is amenable to prohibition.

Now, I say the second branch of his argument, my Lord, even if there is any merit in the first, must fail in my respectful submission, in that your lordship's tribunal does not affect rights because your lordship may merely make recommendations which may or may not be acted upon at all. It is a matter for the executive to determine and not for your lordship, and that there is nothing in the statute which makes your lordship, as my friend would say, or would have your lordship, as my friend to the principles of natural justice by virtue of what is written in the statute. Sections 33 and 34 do not give your lordship the rights of a court; they give your lordship the rights of a conciliation board.

Your lordship, of course, has somewhat broader rights under Section 56, but, I say again this is only in connection with an investigation for the purposes of making a report to the Minister which may be or may not be acted upon, depending upon executive determination, and, in any event, the report does not deal with the rights of litigants or parties.

Now, with respect to the first branch of my learned friend Mr. Henderson's argument; basically it works itself down to whether there is a reasonable apprehension of bias which disqualifies the person who is obligated to act in a judicial manner. Even if your lordship is obliged to act in a judicial manner, there must be a reasonable apprehension of bias, and here I think that my learned friend Mr. Wright's point is very important, and that is that this apprehension is a prospect, there must be something in prospect.

The decisions which my learned friend relied upon are dealing with arbitration boards, they deal with inferior tribunals of various sorts, and also deal very largely with matters where there is a pecuniary interest involved, and I think, my Lord, that we must disregard all decisions where there is a pecuniary interest involved as this is an entirely different thing.

My Lord, a reasonable apprehension of bias after 90 odd days of hearing, is almost, or to me, with respect to my learned friend, a ridiculous proposition to put before your Lordship. Your Lordship is in a position and was in a position when you embarked upon this matter to know to what extent you had acted for any of the parties. I was not, although, my Lord, I did know that you had acted for one of the parties; this was known to me and to my clients. We do not feel that a solicitor or counsel acting for a party some ten years before the event is disqualified from acting.

Whether we feel this way or not is irrelevant and evidently, my Lord, Mr. Banks of the SIU did not feel this either when the matter first came before them. Your Lordship's appointment was announced in July and Mr. Ahern's firm appeared before your Lordship in August. On August 7, my Lord, a representative of Mr. Ahern's firm appeared before your Lordship. Your Lordship advised, or Mr. Ahern as well as Mr. Banks was fully aware of the extent of your Lordship's advice to Mr. Banks in his union some years before this. Certainly the doctrine of laches must have some relevance here and the doctrine of waiver must have some relevance here and certainly the fact that the SIU waited for 90 days before coming before your Lordship with this allegation, must be given some weight in your Lordship's consideration.

I think my learned friend Mr. Wright, my Lord, in my submission had every right and every reason and every justification for suggesting bad faith.

I suggest more than that; I suggest that this motion is frivolous and is only put before your Lordship for the purpose of further attempting to delay the proceedings of your Lordship's inquiry.

This is not the first time that matters have been attempted to be delayed by the SIU, and I think that it is against that background that your Lordship should consider this motion.

Just to mention a couple of instances, my Lord: there was a reading of financial reports into the record for a whole afternoon, and allegations made before of certain types and various motions which were made and repeated again and again at great consumption of time. My Lord,

it is my respectful submission that neither branch of my learned friend's argument is sound but, more than that, it seems to me that the important factor is that the SIU—the party which one would have thought would be least concerned because you acted for it—should not be permitted to wait 90 days and then come before your Lordship and say, "Just because you acted for us, you must be biased against us." It seems to me, my Lord, that the SIU's position is that anybody who knows anything about their matters must automatically be biased against them.

The Commissioner: Mr. Couture?

Mr. Couture: My Lord, I would think, sir, that if the objection of my learned friend Mr. Henderson is well founded that it is frightening to think of the idea of potential future disqualifications on the basis of SIU business.

However, the point I believe, my Lord, which I think I ought to make to support my opposition to the motion relies in part on W. A. Robson on Justice and Administrative Law, which hasn't been referred to yet, my Lord. I would like to refer to that chapter—

The Commissioner: What edition is it?

Mr. Couture: I would like to refer to page 60, amongst others, my Lord.

The Commissioner: What edition is it?

Mr. Couture: It is in the 1928 edition, my Lord. As I read Robson, an objection based on the appearance or suspicion of bias, or a challenge to the favour, must rely on bias or favour of a substantial nature and not on mere technicalities.

The Commissioner: What page is that, page 60?

Mr. Couture: Page 60, my Lord. That chapter dealing with disqualification starts at page 58.

Then, not dealing any further with the points which my learned friend Mr. Geller has dealt with with respect to the nature of the powers given to your Lordship in the conduct of this Commission, but merely going to one of the points raised by my learned friend Mr. Henderson, he referred to the entry and inspection of promises given to a Conciliation Board and also to a Commission under Section 56 as being one of the attributes of the judiciary, and I would merely bring this to your Lordship's attention, that as a matter of principle this entry or visiting of promises is prohibited to courts or judges in the province of Quebec.

I would also point out that the rules which my learned friend Mr. Henderson referred to, together with the cases as to the appearance in court or at a hearing of a disqualified person, does not apply here because that would undoubtedly beg the question or the issue.

I would finally, my Lord, refer to the textbook quoted by my learned friend Mr. Henderson, de Smith, Judicial Review of Administrative Action, and reference has been made to the first sentence on page 154, which reads as follows:

"A reasonable apprehension of bias may arise because of the professional, business or other vocational relationship of an adjudicator with a party before him."

And there is a footnote number 6 after the word "professional," and this refers, my Lord, to an article by Frank entitled "Disqualification of Judges" which appears in (1947) 56 Yale Law Reports at page 605, and I believe in making reference to this article written by Frank, my Lord, that you will take particular note of his statement relative to Bracton as read from de Smith by Mr. Henderson, because the origins are described as follows, my Lord:

"Although Bracton tried unsuccessfully to incorporate into English law the view that mere 'suspicion' by a party was a basis for disqualification, it was Coke who, with reference to cases in which the Judge's pocketbook was involved, set the standards for his time in his injunction that 'no man shall be a Judge in his own case.' Blackstone rejected absolutely the possibility that a Judge might be disqualified for bias as distinguished from interest."

Subsequently we had cases which determined the law on the subject, and the law appears to be quite clear—and again with reference to de Smith at page 162—where we find this:

"Moreover, because the disqualifications do not of themselves render the proceedings a nullity, a party may waive his objections to that. Objection is generally deemed to have been waived if the party or his legal representative knew of the disqualification—

"the party or his legal representative"—

The Commissioner: What page is that?

Mr. Couture: At the bottom of 162, my Lord, and going on to top of 163:

"... knew of the disqualification and acquiesced in the proceedings by failing to take objection at the earliest practicable opportunity."

Then the cases: I believe I am reading de Smith—rightly and properly when I take it this way, my Lord, that there is a presumption of a waiver if prompt action is not taken and the onus is on the party formulating the objection to prove that in actual fact he did not waive.

In this particular case I would submit that this onus has not been met in the presentation of this objection,

because reliance has been placed on a different presumption and the onus has not been met of showing that the presumption did not apply.

Mr. Henderson: Mr. Commissioner—

The Commissioner: Mr. Henderson, in reply?

Mr. Henderson: Yes, in reply.

My first reply is to Mr. Wright's statement that there are no parties here. In this he has not read Section 56 (2) which speaks about parties. You will see that in Section 56 (2) the obligation under the statute is to furnish the Commission with a statement of the matters concerning which such inquiry is to be made and in the case of any inquiry involving any particular person or parties shall advise such persons or parties of such appointment.

So clearly the legislation denies Mr. Wright's submission that there are no parties here; there are parties here. I submit—

The Commissioner: There are?

Mr. Henderson: This is parties to the dispute, because in Section 56 (2) they speak of a dispute.

The Commissioner: I am saying about a question as to whether or not there is a lis. We have had that over and over again, as you know.

Mr. Henderson: I agree.

The Commissioner: It is a very uncertain and nebulous ground on which to proceed. However, I want to hear you.

Mr. Henderson: The ninety days of hearing have established that the parties are at least at arms' length, that here there is a clear—I submit, a clear—area in which there is a lis and that there are parties to that lis.

Mr. Chairman, in respect of the matter of bias in fact, I am not going to get into this as I submit this is entirely irrelevant, and I will leave it there.

I would like to give you one case, however, that of *Shraeger v Vasie Dighton Limited*, and it is in 1924, 1 King's Bench Division, 274. Lord Justice Atkin made this comment on the importance of this principle. My learned friend Mr. Wright rather casts—

The Commissioner: This is on what point?

Mr. Henderson: On the importance of the principle I urge.

The Commissioner: Is this reply?

Mr. Henderson: This is reply to the point my learned friend Mr. Wright makes.

The Commissioner: All right, go on. Frankly I do not think it is, but I am going to let you go on anyway.

Mr. Henderson: Well, I will be fair with your, Mr. Commissioner—

The Commissioner: I have never been fussy on matters of reply. Go on. I have had it argued against me.

Mr. Henderson: "Next to the tribunal being in fact impartial is the importance of it appearing so."

The Commissioner: Page ?

Mr. Henderson: Page 284.

The Commissioner: Well, that is the same proposition.

Mr. Henderson: My learned friends have somehow misconceived the submission I am making because they seem to treat this as if this was a motion for certiorari, and whether or not you are amenable in that sense. This is not the purport of my submission.

The Commissioner: I know what you are saying. The proposition is this, that I should disqualify myself because of this, and often—and I say "often"—a judge does not disqualify himself on a motion to prohibit him on certiorari; the same argument is being made before you as is made before a judge.

Mr. Henderson: That is right, but in considering your position the question as to amenability is not a binding factor as it would be on a judge hearing a certiorari motion.

The Commissioner: I do not understand that.

Mr. Henderson: Let me put it this way. You have, Mr. Commissioner, to consider your position in relation to the kind of tribunal that we have discussed.

The Commissioner: I know.

Mr. Henderson: But whether you are strictly amenable in law or not is not, I submit, the deciding factor. The deciding factor ought to be the public interest.

The Commissioner: Look, Mr. Henderson, that has been the sole interest in my life since I have been on the bench, and I do not need argument here on that.

Mr. Henderson: My learned friend Mr. Geller spoke of a reasonable apprehension of bias, and said that there must be something prospective. Well, certainly the report of the Commissioner is something prospective, and certainly this is a matter of considerable importance to the public as well as to the parties themselves.

My learned friend Mr. Couture on the matter of waiver made reference to page 163. On the matter of waiver I submit that cannot arise unless there is some indication of knowledge of the rights. There must be a knowledge of the rights of the parties and—I will not take time to read the full passage now, but as my learned friend Mr. Couture said he was summarizing it, and I would urge you, Mr. Commissioner, to read the whole passage.

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The Commissioner: Mr. Henderson, with regard to knowledge of the rights, your client may not shut his eyes to the possibilities. It is not the case of my father sitting in his chair with blinders on his eyes, you know.

Mr. Henderson: I can only speak from the particular state. I do not think it is fair to say that Mr. Ahern was fully aware of all the circumstances. I do not know that he was, and I do not know whether there is evidence.

The Commissioner: I know how much he was aware.

Mr. Henderson: Then I think you are in a much better position to pass on that than I am to comment on it. I do not know, because I have not spoken to Mr. Ahern in this matter at all, and I cannot answer. But I merely say that when one reads the passage in context to which my learned friend Mr. Couture has referred, and the two pages which I have read, there can be here no waiver in the sense that there is no indication that there was in fact an intent to abandon any rights.

The Commissioner: All right. Is that all?

Mr. Henderson: That is my submission, Mr. Chairman.

The Commissioner: Thank you.

Now I said once before that I am not going to deal with this at the moment. I will give it consideration over the weekend. I do not suppose anybody would expect me to deal with it at once. I will consider the law.

As I said before, what is not lacking is variety on this hearing. One day we had cat sand at a dollar twenty-nine and then we had income tax of \$98 million. Now we have a motion that I disqualify myself because ten years ago I was successful in obtaining results for the party making this submission to me that I should be disqualified, be-

cause I was successful and gave advice which learned counsel thinks was good advice—I will not put it any higher than that. I am not passing on the matter at all; I am just pointing out the variety of things one is up against in an inquiry of this sort.

I would not have thought in all my life that there would be a suggestion that I should disqualify myself because of a legal bias, not bias in fact, because some years ago I was successful for the party alleging the suspicion of bias in litigation and had given good advice. It is a strange situation. These are very strange matters.

Mr. Wright: What will the procedure be on Monday morning?

The Commissioner: On Monday I propose to start with one of the companies, the Hindman Transportation Company, and Mr. Durand will be available during the week. We are going to try to get some of the companies back next week.

I will consider this motion over the week end.

Mr. Nuss: On that point, do I understand that Mr. Jodoin will be available the following week?

The Commissioner: He will be available to fill in as we go along. I am trying to get these companies in and because learned counsel from out of town are engaged I am trying to meet their convenience. I have to fix dates for them in advance.

Mr. Nuss: But I will be able to continue my cross-examination of Mr. Jodoin?

The Commissioner: It depends on how we get on on Monday with Hindman Transportation.

Mr. Nuss: Some time during the inquiry, I mean.

The Commissioner: Oh, of course, yes—unless I accede to Mr. Henderson's motion.

The Secretary: Mr. Henderson offered certain papers for your Lordship. Do you wish them to go in as exhibits?

Mr. Henderson: This is the judgment.

The Commissioner: That is just for my information. Are these copies, Mr. Henderson?

Mr. Henderson: They are different reasons for judgment. There were five reasons.

The Commissioner: All judges of the same court?

Mr. Henderson: All judges of the same court.

The Commissioner: Very good, Mr. Henderson. That happens in some courts, you know, and British Columbia is no exception.

We will meet at 10:30 on Monday. That will give me a chance to give this matter some consideration.

Mr. Wright: My Lord, Mr. Jodoin is in a very difficult position on this. He has been standing by since January 9th. He was originally subpoenaed for that date. He has re-arranged his schedule several times in the last few weeks and he has quite a heavy agenda.

The Commissioner: What do you say to me now?

Mr. Wright: Would it be permissible for me to tell Mr. Jodoin that he is released for this coming week?

The Commissioner: I do not know. What I will say is that I will consider that matter and will communicate with you over the weekend. I want to discuss with Mr. Dubin our proceedings for next week, but I do know we are going to proceed with Hindman Transportation Company on Monday.

ADJOURNMENT.