

CHARGES STRIKERS USURPED GOVT. AUTHORITY

CROWN CITES EXPERIENCES OF THEATRES

Contends Labor Committee
Assumed Function of Pro-
vincial Cabinet

DEFENSE MAINTAINS
CASE IS IRRELEVANT

When the strike committee, in the early days of the recent strike, sent word to motion picture theatre owners that they would be allowed to re-open their places on condition that they display the "by permission of the strike committee" cards, it usurped the authority of the provincial government.

This is the contention of the crown prosecutor, it was revealed at this morning's session of the preliminary hearing of the eight labor leaders charged with seditious conspiracy.

Noble Expresses View

Magistrate R. M. Noble himself summarized from the bench the point which the prosecution sought to bring out.

"The position of the crown—and I've got to assume that they will offer proof in support of it—is that the authority of the provincial government was usurped, business was stopped and later re-opened by permission of another body," he said in reply to an objection by E. J. McMurray, attorney for the defense.

By introduction of the letter under which the provincial authorities required the motion picture exhibitors to take down the "permission cards" they had placed in front of their theatres, on pain of losing their licenses, A. J. Andrews, K.C., chief crown prosecutor, attempted to show that the government had recognized an attempt to convert its authority to the strike committee and had taken a move to prevent it.

Irrelevant, Says McMurray

Mr. McMurray protested against the introduction of the letter in evidence, declaring that the whole matter was entirely irrelevant and had nothing to do with proving any conspiracy on the part of the defendants. The letter was admitted, however.

Used Permission Card

George W. Graham, of the Avenue theatre, said one of his operators had come to him and told him to put out a "permission card" at the time the theatres were reopened. He also

old of a visit to the Labor temple to ask that the operators be put back to work.

Mr. Graham testified that "on account of resentment on the part of the public" he had taken down his card even before the letter from the provincial government was received.

Under cross-examination, Mr. Graham said he understood the object of the strike committee in reopening the theatres had been to keep peace and to keep people off the streets.

A slide reading "Working in harmony with the strike committee" was furnished by the strike committee after the provincial government's protest had been made, Mr. Graham declared, but it had not been shown.

Some of the men who went out a second time on June 4 have not yet been reinstated, he said.

Benjamin Bloom, one of the proprietors of the Dominion theatre, told the court that "permission" cards had been taken down from in front of his theatre by order of the provincial government on threat of losing his license if he continued to operate.

Whole West Tied Up

"What was the effect on your receipts," asked Mr. Noble.

"A change for the better," he replied.

The audiences took the cards as a joke, Mr. Bloom declared.

W. C. Muir, general manager of the Canadian Northern Express company, said that the entire territory west of Port Arthur had eventually been tied up as a result of the Winnipeg general strike.

Requests for permission to deliver a large quantity of perishable food stuffs en route at the time the men in Winnipeg walked out were denied by the strike committee, he said. He estimated the loss due to refusal by the strike committee to grant such permission at 1,200 dozen cases of eggs, 200 cans of cream, and at least 800 pounds of butter.

"Do you mean to say this was all lost?" asked Magistrate Noble.

"Yes."

Magistrate Noble also asked if the loss fell on the express company, but Mr. Muir replied that the company was protected against loss from strikes and riots under the provisions of their bills of lading.

Another request to allow express messengers to work outside Winnipeg on agreement that they would not accept any Winnipeg business was also turned down by the strike committee, Mr. Muir said.

The hearing was adjourned at 1 o'clock this afternoon until Monday morning at 1.30 o'clock.

M. C. Ferguson, managing director of the Colonial theatre, and secretary of the exhibitors' association, testified that his house had been closed by the strike, reopened when the operators were allowed to go back to work and closed again temporarily when the operators again went out on June 4.

"This man had a right to run his business under the provincial license," declared Mr. Andrews during an argument with Marcus Hyman, of counsel for defense, in the course of Mr. Ferguson's cross-examination. "He was closed down by the strike committee. It then allowed him to reopen. Then it closed him down again."

On cross-examination Mr. Hyman asked Mr. Ferguson if he had agreed not to show any inflammatory films that might incite further labor troubles. Mr. Ferguson said he had a letter pledging the exhibitors' association to advertise that the theatres were operating by permission and to refrain from showing inflammatory films, which was signed by Ferguson as secretary, was placed in evidence.

Mr. Ferguson explained, however, that the letter had been written on his own responsibility and in connection with an official of the operators' union as an aid in getting the operators back to work.

The questions concerning this agreement brought Mr. Andrews to his feet on another point.

"My learned friend has brought out something that I didn't know

anything about—that's this censorship of films," he declared.

Although the point of censorship was not pressed at all, Mr. Andrews hinted that the crown might assume that such an action involved a further seizure of provincial authority.

"That was only a minor matter any how," Mr. Ferguson said, however, "because the stuff wouldn't get by the censor."