not in favour of this clause. What he says bears out the idea of not having any lawyers about this thing at all and I would have more sympathy with that idea than with the idea of giving the board power to refuse the parties the right to employ counsel if they wish to do so.

Mr. JOHNSTON. I do not know that I would be prepared to go so far as my hon. friend goes, and say that if both parties to the dispute should desire to be represented by counsel they should not be allowed to do so.

Mr. W. F. MACLEAN. What is the practice in New Zealand?

Mr. CALDWELL. I have received a letter bearing on the subject under discussion which I would like to read. It is from the Carleton Place Labour Council, and says :

Should employer and employed not be able to come to an amicable settlement and a conciliation board be called, capital would be willing and able to employ costly counsel to work in their behalf, which it would be almost impossible for labour, with very little funds, to back it up, to compete against, and, as is generally the case, capital would win, and keep the employee at a standstill for another year. I have been instructed by the council to write you to this effect and to ask you, as our representative, to give this matter your very best consideration.

I merely quote this because it gives an idea of what the labour people are thinking of with reference to the employment of counsel.

Mr. MONK. For my own part, under reserve of the objection I have made to the whole Bill, I do not think that the labourer or the employer would gain much by being represented by counsel in an arbitration of this kind. There are no questions of law. With the questions which arise, as a rule, it seems to me that lawyers are not at all competent or accustomed to deal. We must admit that the lawyer has a litigious tendency, and he would be liable to introduce into an investigation of this kind legal intricacies which would perhaps retard a final decision. At the same time, I can conceive that some cases might arise in which, the circumstances being very special, the parties would require the assistance of a legal mind, and, having sanctioned the principle that no lawyers should be employed, I would be disposed to leave to the board the discretion in those special cases of allowing the employment of counsel. But, as between the two, I would prefer such a disposition of the law as would absolutely forbid the employment of counsel.

Mr. RALPH SMITH. The intention of this section is to prevent the use of counsel except in extreme cases, and in such cases it is provided that both parties must be willing to have counsel. This is based on the principle that an employer of labour is in a position to get the most expert and capable counsel of the country, while in nine cases out of ten the labour men would not be able to employ counsel who would be likely to meet, in strength and ability, the representative counsel of capital. Moreover, matters of this kind, which are domestic matters, can, as a rule, be conciliated far better by practical men than by lawyers. In England the history of conciliation boards has been that they began by calling in counsel. To-day there is scarcely an instance where a lawyer has an engagement with a labour conciliation board. It is considered that these domestic questions are understood best by the practical individuals who have daily experience in them, and a counsel has the tendency to confuse and prolong the whole difficulty.

Mr. LEMIEUX. Under the New Zealand law, no counsel or solicitor is allowed to appear or be heard before the court or any committee thereof unless all the parties to the reference expressly give their consent. There is not this proviso in our clause but in New Zealand the award is binding and partakes therefore of a judicial character.

On section 43,

Persons other than British subjects and residents of Canada shall not be allowed to act as members of a board.

Mr. LEMIEUX. Strike out 'residents of Canada'. There may be cases, where the representative of one of the parties may reside abroad and be a British subject.

Mr. M. S. McCARTHY. On section 42 the minister said that these people could not be better represented on the board than by the selection of their own delegates. That remark is equally applicable to this section. But it is now desired to limit their selection. Take for instance the case of a new invention, there are but few people who have practical experience in handling that. Not long ago, on the western section of the Canadian Pacific Railway, the railway employees took exception to the double cabbed locomotive but the matter was adjusted in some way. Under this section you would prohibit the railway employees from having a representative on the board who has practical experience and are restricting the selection of the board. Take, for example, the brotherhood of railway trainmen or locomotive engineers, up to the present their executive officers, or the great majority of them, reside in the United States. These brotherhoods would want to have the best men they could get on this board, and by this prohibition you would create friction in the organization. It seems to me that you should permit the men to select the best representatives they could from wherever they could best get him.