

arbitrary to say that the chairman of the board shall say: I do not care what you think, I absolutely refuse to have a lawyer appear before me in the interest of clients. That is, you are giving into the hands of the board the very arbitrary power of denying to the contestants before them all their rights towards the explicit stating of their quarrel, their claims and what they think should be the conditions of settlement. What is the reason for that?

Mr. LEMIEUX. First of all I take exception to what my hon. friend stated that the chairman has power—

Mr. FOSTER. Or the board.

Mr. LEMIEUX. The board because it will always mean two if it is the majority.

Mr. FOSTER. It does not make any difference, whatever the number may be.

Mr. LEMIEUX. Even in the Privy Council or before any of the courts of law the judge can at any stage of the proceedings prevent a lawyer from arguing a case, he may hear one side—

Mr. FOSTER. Because he has had enough.

Mr. LEMIEUX. In the present instance we must always rely on the fair play and the sense of justice with which the members of the board will be imbued. Now if it is apparent to the board, which I may remind my hon. friend is already clothed with vast powers and rightly so, in order to settle the trouble as quickly as possible—that the employment of barristers or solicitors or counsel will delay and protract indefinitely the proceedings and will cause the trouble to continue for any length of time, is it not better that the board should say at once: 'In order to avoid any costs, and to save time, no lawyers will be heard on behalf of the parties.' We must rely on the common sense and spirit of fair play of the board.

Mr. FOSTER. I think my hon. friend has made the matter a little worse. In proportion to the arbitrary or plenary power of the board or chairman, should be the right to the contestants before them to the plain and full statement of any one of their claims. Now, on the start I have not a good way of putting my views before this board. I am hesitating and modest in approaching them, and I cannot get out exactly what I want to have brought out, but I am willing to pay a lawyer to do it, and he is here. It seems to me that the more power the board has the more reason there is why I should have the right to put my case before it as I please. You may go on the assumption that human nature is perfect, but you will fall down if you do. You may assume that this board or its chairman will be high-minded and fair;

we hope they may be; but there will be cases in which they are not, and that is all the stronger reason why one who knows the law should have the right to give his services if required by one of the contestants.

Mr. LEMIEUX. My hon. friend must remember that each party will have already selected one member of the board, and therefore their views have always a chance of being fairly put before the board. I am informed that in connection with the conciliation boards in the United States and in England a provision similar to this, exists. My hon. friend, I think, takes an extreme view of the case. The representatives of the parties, employers and employees, are always well able in such cases to present their views, and I honestly think it is saving time and money to prevent the parties from employing counsel, even when they have agreed to do so.

Mr. PORTER. It seems to me that the position taken by the hon. member for North Toronto (Mr. Foster) is unassailable. There are two parties to the dispute, the employer and the employees. They get together and they agree that they shall each have the right to employ counsel. They are the only ones who have any interest at all in the case. The board is a disinterested body, who are there simply to consider the evidence and the views brought before them, and to see that the proceedings are fairly and properly conducted. If the parties, the only ones interested, agree between themselves on a certain line of action being pursued, does it not seem to be the most arbitrary thing for the board to have the power to say to them: You shall not carry out your agreement?

Mr. ALEX. JOHNSTON. I would like to say that representations have been made to myself from the largest labour organization in the province of Nova Scotia to the effect that this clause should at least stand as it is, and that no counsel should be permitted to appear for either party. They point out that to give permission to counsel to appear on behalf of either party to the dispute would only result in confusing the issue and prolonging the agony. So far as I am concerned, I have no clear-cut views on the subject.

Mr. HAGGART. Have you that letter or petition?

Mr. JOHNSTON. I have the letter somewhere, but not here. The grand secretary of the Provincial Workers' Association, Mr. John Moffat, wrote to me, stating it as his view and the view of his organization that no counsel should be permitted to appear on behalf of either party.

Mr. FOSTER. I can see consistency in that position. My hon. friend's advice is