

mented upon adversely by those for whose benefit it was passed.

Mr. BOYCE. It has not been tried.

Mr. LEMIEUX. I beg my hon. friend's pardon. We have only had one case under the Railway Disputes Act, that with respect to the telegraphers' strike, and both parties in this case agreed to have a solicitor. My hon. friend can refer to that case as it is reported fully in the 'Labour Gazette.' He will see that each party was represented by a solicitor. My hon. friend looks at it from the solicitor's point of view. I am a barrister. He is also an eminent barrister and he may be sure that I do not wish to prevent the barristers of this country from appearing before any tribunal. I think they can appear worthily before any tribunal, but in this particular case, before such a board which will hear evidence on labour questions no better representatives of counsel could be had on behalf of each of the parties than their own immediate representatives. For instance, suppose the railway men are under the operation of this Act, and that there is trouble between a railway company and their employees; the railway company would be represented by its manager and the brotherhood would be represented by a man say like Mr. Hall. Does not my hon. friend think that the fact of being represented by Mr. Hall would mean as much for their railway brotherhood as if it were represented by counsel. After all, it will not be so much a legal question which will be discussed or investigated by the board as a labour question, a question of fact, not a question of law, and I am afraid that if we were to allow parties to be indiscriminately represented by solicitors and counsel we would defer the object of this legislation.

Mr. BOYCE. I will put another case to the minister. He will remember the trackmen's strike. The trackmen are a class of men not as well educated, perhaps, as a rule, not of the same intelligence as the railway engineers, coal miners, or railway firemen, but they have just as much right to have their grievances properly placed before the commission, as the others. Pre-eminently the keen business manager of a railway will outweigh in ability a representative of those trackmen appearing before this board, and of course in saying this I intend no disparagement to the trackmen, but they would be handicapped, if not outclassed, by the railway's representative before the board and why should they be deprived of the right to put their case into the hands of a solicitor, to exercise the ordinary just right of the British subject and to avail themselves of the skill, ability and force which is perhaps not possessed by one of their own number, but which the business manager of the railway company

Mr. GALLIHER.

possesses? The minister says: Let us try this. I say let us try the position of affairs as they exist to-day in an arbitration or dispute when each party has the right to employ counsel. I would suggest that you wipe out the necessity for the consent of both parties to the employment of counsel, and let the board determine whether there should be counsel and whether either party is outclassed.

Mr. LEMIEUX. I do not share the views of my hon. friend. The trackmen are a very large organization. I quite agree that the individual members may not, perhaps be intellectually speaking, of the same class as the engineers, locomotive firemen, &c., but a large organization such as the Trackmen's Union will always find as their representative a level-headed, bright and intelligent man. My experience teaches me that all those labour organizations, take them at the lowest grade of labour or at the highest, are well represented. During the last two or three months I have had many occasions to meet them. I have met the representative of the trackmen, and not many solicitors could do better than him before a board of this nature on questions which would call his presence there. Even if they did not take their representative from amongst themselves, they could employ an expert from outside, an able man, say an engineer, but if we allow solicitors to appear before that board, you may cause one of the two parties who have to appear to incur costs which would not be justified. I would suggest that we retain this clause as worded, because we have it in the Conciliation Act and in the Railway Labour Disputes Act and it has worked well. The deputy minister informs me that in all the cases with which he has been concerned, under the Conciliation Act, the parties never were represented by counsel and yet the labour unions, generally speaking, were very ably represented and could always bring forward their views and their conclusions just as well as if they had been so represented.

Mr. FOSTER. I am not arguing for the solicitors or lawyers, they are able to take care of themselves, but I did not catch the reason for the latter part of the clause. Suppose the trackmen, trainmen, or whoever they may be, wish to have a lawyer—any man has a right to employ a lawyer if he pleases. These men, for certain reasons, wish to employ a lawyer and the employer may consent to their having one. You get there a condition of affairs which does not militate against the agreement between the two parties. The two parties agree to have counsel, there is no dispute about that, but when they do come to that necessity and agree that they shall meet the necessity by having counsel, is it not