

regard. The matter in dispute might be the condition of a certain part of a mine; the men might have gone out on strike because a certain part of the mine was not ventilated, or there was some condition to which they objected. We should give the board power to send the man there immediately upon its formation, without notice.

I would like to point out to my hon. friend from Rainy River (Mr. Conmee) something with reference to his suggestion that the registrar in Ottawa should have power to authorize any man to go upon the premises. There are mines in this Dominion of a very dangerous character; the men have to go down with safety lamps, and penalties are imposed upon them if they take matches into the mine. Does the hon. gentleman really think that we should give the registrar here in Ottawa power to authorize some man to go down into that mine in Nova Scotia or elsewhere, when, by his lack of knowledge or negligence, he might blow the whole mine up and destroy the property entirely? Should not that power be confined to the board itself?

Mr. CONMEE. I do not see that the mine would be in any great danger of being blown up by giving the power I have asked for. I would suggest that instead of the registrar having that power it should be the minister. I think that where there is a dispute going on there ought to be facilities to enable the parties to acquaint themselves with the matters in respect of which they will have to give evidence instead of having the examination prolonged for days and weeks, and perhaps months, in order first to get the authorization, after the board is formed and secondly to send a party to make the examination. There will be no greater risk because authority is given by the minister. The parties will take pains to acquaint everybody with the conditions. They will send some one with the examiner. No man will examine a mine without having somebody to accompany him who would protect the mine and property from any of the calamities to which my hon. friend refers.

Mr. LEMIEUX. I appreciate the remarks of the hon. member for Rainy River (Mr. Conmee), but as Minister of Labour I would object to making any such order as the one he suggests which is intended to direct the board. Let us as much as possible leave the putting into motion of the machinery of the Act to the board itself, and as little as possible to the minister. It is already a great power that is vested in the minister to appoint the third arbitrator when the two parties fail to agree. We should shrink from the idea of giving the minister power to enter at any moment into an establishment without any notice. The minister after all is in politics, and sometimes it might savour of tyranny if he were to exercise that power. I would

Mr. LOGAN.

rather leave it with the board itself so that public opinion would respect the decisions of the board pending an investigation, whereas if we left that power in the hands of the minister public opinion might become divided, and not a few would say that the minister has done something which he should not have done and which should have been left in the hands of the board.

Mr. PORTER. I cannot agree with the minister nor with the hon. member for Cumberland (Mr. Logan) that no notice should be given. If I understand their argument, it is that the board should have the right at any time to go on and inspect a man's premises, without a notice which would allow him to put his house in order, so to speak, before the inspector got there. This provision in the clause it seems to me is in direct violation of one of the very first principles of British liberty, to say that a man's property should be taken possession of, so to speak, by any authority or person without notice. I am not arguing or suggesting that he should have a notice of two days or five days or ten days, but it does seem to me to be a violation of the rights of the individual or corporation to allow a person to walk into your premises when you are absent and nobody is there in your interest. If any notice whatever is given surely the case that is imagined by the minister could not arise. When he goes there to make his inspection he tells the proprietor of the premises, I am going to make an inspection, and the proprietor will send some one with the inspector to see that the investigation is properly carried out. The proprietor ought to know what is going on as well as the board.

Mr. GALLIHER. I do not think any board would ever make an inspection in any other way.

On section 42,

42. No counsel or solicitor shall be entitled to appear or be heard before the board, except with the consent of the parties to the dispute, and notwithstanding such consent the board may decline to allow counsel or solicitors to appear.

Mr. LEMIEUX. This is taken from the Labour Disputes Act. It might be in some cases that the employees would be placed at a disadvantage in being unable to retain counsel, while the companies would be able to engage the best legal talent. In order to shorten the proceedings before the board I think this is a good provision.

Mr. HAGGART. - Why not allow one party to this dispute to employ counsel?

Mr. LEMIEUX. If both parties agree then they can have counsel.

Mr. HAGGART. This clause requires the consent of both parties?