

15 June, 1911.]

COMMITTEE ON ARBITRATION AWARDS.

Sir WILFRID LAURIER : Let me try to understand what is your Act. Your Act at the present time is that when two parties go to arbitration the award can be presented to a judge, and the judge practically indorses it or gives a fiat upon it.

CHAIRMAN : Not necessarily, but he can.

Sir WILFRID LAURIER : Then the award is made in the arbitration between the two parties. There is nothing on the record besides the signatures of the two parties, and the award is not under the signature of a public officer either, but of a private individual. You present that award to a judge. Is that application *ex parte*, or by notice to the other side?

CHAIRMAN : On summons by notice.

Sir WILFRID LAURIER : And upon that summons cause has to be shown why this order should not be made?

CHAIRMAN : Yes.

Sir WILFRID LAURIER : When all this has been done I see no reason why when an award comes of that kind with judicial sanction, it should not be enforceable anywhere else in any of the self-governing Dominions. The principle is all right, and, for my part, I sincerely favour it. The only objection, so far as Canada is concerned, is that the Canadian Parliament could have no control over it. This is a matter which would have to be relegated to the Provinces; but, for my part, I favour the Resolution, and if passed and sent over we would certainly try to have it considered favourably by the different Legislatures.

Mr. FISHER : We are in the same position. The Commonwealth, I think, could not deal with this matter, but it would be entirely for the States to legislate upon it. I understood you to say that it was to be limited to commercial arbitration awards.

CHAIRMAN : Yes.

Mr. FISHER : Have you any idea how many of that kind of awards there are?

CHAIRMAN : No; it is very difficult to say.

Mr. FISHER : There are some?

CHAIRMAN : Yes, there are a great many. I have experience of a great many.

Dr. FINDLAY : Yes. We have had this situation : A technical defence lodged, and a Commission to England, causing a delay for eighteen months, in a case where there was no real defence at all.

Mr. FISHER : Have you any idea how many cases there are or have been where one of the parties is out in the Dominions?

CHAIRMAN : No; I think it would be very difficult to say that. A good many awards would be taken up, and would not require enforcing at all because the parties pay or act upon the awards without an order of the judge.

Mr. FISHER : There is some reason for bringing it forward.