

15 June, 1911.]

COMMITTEE ON ARBITRATION AWARDS.

Sir WILFRID LAURIER : Yes.

CHAIRMAN : Are you all agreed upon the Resolution ?

Mr. FISHER : I have no objection. All we can do is to recommend it to our States.

Dr. FINDLAY : Had we not better add to what is proposed here some further recommendation to the Conference, on the principle of our recommendation that recognition of a judgment be also provided for by legislation ?

CHAIRMAN : I should also be favourable to that, but there is a technical difficulty in our dealing with it in this form.

Dr. FINDLAY : I shall have the opportunity, when the Report is brought up, of dealing with it at the Conference.

Mr. MALAN : Will you read the Resolution again ?

CHAIRMAN : " That the Imperial Government should consider, in concert with the Dominion Governments, whether, and to what extent, and under what conditions it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of commercial arbitration awards given in another part."

Mr. MALAN : Would you say " arbitration awards confirmed by an order of the court," because I attach rather great value to that. It must not be just a private arbitration, or an arbitration which is not recognised, but there must be an order of the court.

CHAIRMAN : May I point out the Resolution says " whether, and to what extent, and under what conditions it is practicable and desirable to make mutual arrangements " ? So, of course, the point which you are raising would come up for discussion.

Mr. MALAN : Would you have any objection to add " awards of commercial arbitrations confirmed by an order of the court " ?

Dr. FINDLAY : That is one of the conditions to be considered when the Resolution is acted upon.

CHAIRMAN : I suggest that you should not put that in, because you immediately get to what is meant by " confirmed by an order of the court." It will come up for discussion, no doubt, in regard to " under what conditions " it is to be effected ; and certainly I agree with the view expressed by you, that it ought to be after a judge in a particular country, either in yours or ours, has expressed his view that in that country in which the award is made it should be enforced.

Dr. FINDLAY : I agree with that view too.

Mr. FISHER : Would it be out of place to ask why you do not wish to apply it to other arbitration awards ?

CHAIRMAN : The chief reason why we have confined it to a commercial arbitration award is because it rests upon a submission to arbitration by agreement in writing between two business men or business firms. They have come to a conclusion that they want to have some matter decided by the award of an