

of the difficulty. He suggested that a judge of the Supreme Court would be seen, and he would say, "Go ahead," or "Do not go ahead." I understand that is the solution we have arrived at.

Right Hon. Mr. MEIGHEN: That is right.

Hon. Mr. KING: I am prepared to accept that but I intended to say that the Minister who is responsible for the administration of the Act did try to meet the situation this morning when he said, "I am prepared to go to the Justice Department." I think he made a proper concession. As to the discussion that took place this morning and the suggestion from our honourable friend from Hamilton that the Minister could get behind a judge, I ask, would he be relieved of responsibility. We know that cannot happen. This is a public Act and the Minister and the Government must be responsible. As our honourable leader has said, if the Act does not work satisfactorily between now and next session, it can then be again amended. Personally I prefer to see the Government accept the full responsibility for administration, and not get behind the judiciary, and in that way possibly bring the judiciary into the matter.

Hon. Mr. COTÉ: I quite appreciate what Senator King says, but throughout the course of our discussion, notwithstanding the fact that Senator Meighen dictated in general terms what he thought was the summary at the time, I thought it was the opinion of the majority of the members of this Committee, first, that in the making of the preliminary inquiry referred to in the Act the commissioner should not exercise the compulsory powers vested in him by the Act—

Hon. Mr. SHARPE: Why do you want to bring that up again

Hon. Mr. COTÉ: That is a principle that is accepted.

Some Hon. SENATORS: Carried.

Hon. Mr. SHARPE: We are tired sitting here and listening to the lawyers.

Some Hon. SENATORS: Hear, hear.

The CHAIRMAN: Order, please.

Hon. Mr. DANDURAND: You have got in wrong.

Hon. Mr. COTÉ: If I get in wrong it will be for good reasons. The reason has not arisen yet.

There was another principle that we agreed to, namely that the preliminary inquiry should not be held in public. That is not in this legislation. Under this amendment—

Right Hon. Mr. MEIGHEN: I guess I missed that.

Some Hon. SENATORS: Dispense.

The CHAIRMAN: Order, please.

Hon. Mr. COTÉ: Under this proposed amendment the commissioner goes to a judge and obtains the right to examine witnesses, and there will be absolutely nothing in the Act to prevent him doing that in public. So to that extent the amendment does not cover the opinion of the Committee.

I may be a nuisance, but these are things that we have agreed upon, and they should be incorporated in the amendments.

Right Hon. Mr. MEIGHEN: They will accept that.

Hon. Mr. COTÉ: I am willing to abide by the decision of the Committee. I am not going to argue that there should be a hearing before the judge.

Then I come to the words "fit and proper," which refer to what the judge considers fit and proper. We must remember that now we are going not to an officer who is in charge of the administration of the Act, not to a ministerial officer who is going to exercise ministerial discretion, but to a judge, and we are asking him to exercise judicial discretion. Any judge who is asked to exercise judicial discretion must be given a line of conduct; there must be some-