

*Succession Duty Act*

Mr. HANSON (York-Sunbury): The statements may be required to be given under oath?

Mr. ILSLEY: That is correct.

Mr. HANSON (York-Sunbury): I think that is a much better practice than obtains in the provinces. I ask hon. members to take a succession duty affidavit of value and note what executors must swear to; they must swear not only to facts, but to legal statements. I always thought that some of the forms were quite improper, that they went too far. Here if a man makes a wrong statement, he does so at his peril, but he is not committing perjury.

Mr. MACDONALD (Brantford City): Is there an affidavit on the original statement filed?

Mr. ILSLEY: No.

Section agreed to.

On section 20—Inquiry as to property.

Mr. HANSON (York-Sunbury): This section has given me some cause for thought. It reads:

Any officer of the Department of National Revenue or any other person authorized thereto by the minister may make such inquiry as such officer or person may deem necessary for ascertaining the property included in a succession, and for the purposes of such inquiry such officer or person shall have all the powers and authority of a commissioner appointed under Part I of the Inquiries Act.

I do not know enough about the other taxing statutes of the crown to say whether this is the universal practice. I would direct the attention of hon. gentlemen to sections 2, 3, 4 and 5 of the Inquiries Act, which is chapter 99 of the revised statutes of Canada, 1927. These sections provide for wide powers to be given to anyone in the department. To take an extreme case, it might be an office boy, but I do not think for one minute the commissioner or the minister would do that. However, I think this section is too wide open. Someone ought to be designated; the section should be limited to senior officials of the department or to some judicial officer. The Inquiries Act provides that a commissioner acting thereunder shall have the power of summoning before him any witnesses, and of requiring them to give evidence under oath, or on solemn affirmation, and orally or in writing, and to produce such documents and things as may be deemed requisite to the full investigation of the matters into which he is appointed to examine. Then in addition to that the officer of the department would be in the position of a prosecutor and, it may be, of a judge. I should like to see this section

[Mr. Ilsley.]

more limited in scope as to those who may be appointed. I admit that the minister must have some power of investigation under oath, but I do not think it should be left as wide open as this.

Mr. ILSLEY: The minister must take some responsibility. I have signed appointments of lawyers and others under the Income War Tax Act, and I always looked into their qualifications carefully because I wanted them to have sufficient ability and standing in the community to command respect in carrying out the investigations. Those are the considerations that guide the ministers. They sign the appointments of the persons whom they want to make the investigations, and very often they want a barrister or a solicitor.

Mr. HANSON (York-Sunbury): Somebody with experience.

Mr. ILSLEY: These investigations are sometimes difficult to conduct. This is the income tax provision.

Mr. HANSON (York-Sunbury): I agree with what the minister has said as to the practice in the past, with one exception. When you appoint a man because of his political partisanship you appoint the type of man who will get his man.

An hon. MEMBER: Not this government.

Mr. HANSON (York-Sunbury): I am not saying this government—all governments.

Mr. MARTIN: Not this government.

Mr. HANSON (York-Sunbury): I could tell of some raw deals which have been perpetrated by this government.

Mr. SLAGHT: The practice in Ontario is generally to appoint an accountant, sometimes an employee of the succession duty branch, although at times outside accountants are engaged.

Mr. CASSELMAN: Do they not usually work in pairs?

Mr. SLAGHT: The Ontario act contains a similar provision, to which the minister referred just a moment ago while we were discussing another section. While it does not offer a real guide, it hedges it around by providing that where the treasurer for any reason is not satisfied that he is in possession of all the facts necessary, he may appoint a commissioner to make an examination, investigation or inquiry and give directions for the purpose of obtaining information. Under that provision, frequently or at times, accountants and officials are sent into offices of bond dealers, for instance, who have nothing