

In the debate on Mr. Fielding's tariff proposal two lines of attack were made, first that the Governor in Council was vulnerable for political reasons and might use its power as a weapon to threaten certain manufacturers, or might refrain for political reasons from attacking others. This difficulty the present law seeks to overcome by allowing the parties themselves to choose any judge they may wish to appear before, and to make out their prima facie case first by giving them a judge the possibility of political bias is removed and in the second place by giving them the choice of a judge there is no possibility of favouritism.

The second line of attack was that in the case of a judicial enquiry before a judge of a Superior Court the judge in the first instance would be chosen by the Governor in Council who might seek for political reasons and the hope of advancement, give a finding in accordance with what he believed to be the wishes of the Government. This is overcome in the present measure by allowing each of the parties representatives on the Board so that they each constitute one-third of the tribunal, and secondly by allowing the two to agree if possible on a judge before the Government has any option in the matter of making an appointment.