

Hon. Mr. GRIESBACH: I think some point should be designated where the judge has to intervene. Because unless that is settled, we cannot know how often and just at what time there might be judicial intervention.

Right Hon. Mr. MEIGHEN: That is the only difficulty, but I do not think it is a great one. Mr. McGregor has told us about the preliminary examination he makes by consulting the business men and looking over the ground, and so on. I do not see any necessity for judicial intervention there. But before he proceeds to make an examination of witnesses on oath, and produces a record that goes out to the public, he should have a fiat from the judge. I am ready to leave it to the counsel of the Committee, or to the Minister himself, to tell us at just what point that intervention should be made.

Hon. Mr. GRIESBACH: Is it intended to deprive the Minister of his ministerial responsibility and to place that upon a judge? At the moment the Minister is responsible for the administration of this Act. If we require that a judge shall determine whether or not an investigation is to be made, we must put all the responsibility upon the judge.

Hon. Mr. CALDER: I am not quite clear as to whether when Senator Meighen suggests a reference to a judge he has Judge Sedgewick in mind.

Right Hon. Mr. MEIGHEN: Not necessarily.

Hon. Mr. CALDER: Any judge of any Superior or Supreme Court anywhere in Canada?

Right Hon. Mr. MEIGHEN: Yes.

Hon. Mr. CALDER: Your idea is, simply, that there should be an application made to a judge of a superior court for a fiat?

Right Hon. Mr. MEIGHEN: That is right.

Hon. Mr. KING: Who would conduct the investigation?

Right Hon. Mr. MEIGHEN: I am willing to have it conducted as the Minister wishes, if he gets the fiat.

Hon. Mr. COPP: It seems to me that is we are going to have a judge's fiat, the time should be after the registrar makes his preliminary investigation and reports to the Minister. If the Minister is then of the opinion that there should be a further investigation, then he refers the report and the evidence to a superior court judge and the application for permission to investigate is approved or rejected.

Right Hon. Mr. MEIGHEN: That is it, exactly.

The CHAIRMAN: Had we not better have the Minister's reaction to that suggestion now?

Hon. Mr. COTÉ: Before we come to that, may I refer to section 14 of the Bill:—

The Commissioner shall on application made under the last preceding section, or on direction by the Minister, cause a preliminary inquiry to be made into and concerning such matters as he deems the circumstances warrant.

Can the Minister tell me whether, in the making of this preliminary inquiry provided for by section 14—I must candidly admit I do not know what clauses of the Bill have been eliminated—the commissioner was clothed with any extraordinary powers, to call witnesses and compel evidence, or whether it would be simply an inquiry made from his own office as could be made by any man without special authority?

Hon. Mr. ROGERS: He had all powers necessary to carry out a preliminary inquiry. That is, he could resort to the taking of evidence on oath and getting documents, but normally he would not do that, he would just make an investigation informally.