

Mr. BENNETT: The 1935 act was simply different in the general principle. I did not mean to put it that way. I am referring to the bill we are now considering. Possibly my views are extreme, but I cannot and never have been able to bring myself to the view that by passing a statute you can clothe an individual with the powers that are contemplated in this bill. The hon. gentleman knows that not only did I hold those views but that I followed them up with a very unpopular proceeding under the conscription act. I had a man released by the supreme court of Alberta and I was censured for having done so. However, I had the judgment of at least one man, Lord Shaw in the House of Lords, as to the necessity of preserving the right of liberty and civil freedom even in a time of great stress. I cannot say that this action brought about the best feeling in the community, but I held that view then and I hold it now. I think it is desperate to clothe this man with this authority. It is little short of an outrage to all our theory of government. If it were, as my hon. friend says, a mere investigation, one would understand it, but it is not that at all.

Mr. THORSON: I think my right hon. friend is exaggerating.

Mr. BENNETT: It ceases to be that. If we are going to do this thing, why not do it in accordance with recognized principles? We should see that when the commissioner believes such is the case he should go and make an affidavit, get his search warrant and have it executed. Imagine a commissioner with all the power of sending a man to gaol searching my office and getting my books. To-day he is going to seize my books, tomorrow he is going to pass judgment on me. He may say, "I do not like the way you are giving your evidence." He is going to have the power of committal for contempt because I do not obey him. All this in the same man. On the one hand he is the constable, and on the other he is the judge. He is his own peace officer and he is going to investigate questions of law under this act.

Mr. CAHAN: And his only qualification is that he has no legal experience.

Mr. BENNETT: That is the essential.

Mr. ROGERS: We have spent some little time on these sections, because they are closely related.

Mr. BENNETT: They are related, yes.

Mr. ROGERS: I can recall the early weeks of the year in which the combines act of 1935

was enacted when the leader of the opposition spoke most strongly in favour of vigorous legislation of this kind.

Mr. BENNETT: And I have said so here again.

Mr. ROGERS: And he has said so here again. Are we not entitled to assume that the expressions given in the Combines Act of 1935 represent the views of the leader of the opposition with regard to what constitutes a rigorous enforcement of the combines act?

Mr. BENNETT: No.

Mr. CAHAN: The enforcement of an act is a different thing.

Mr. ROGERS: I am afraid I am somewhat disconcerted by the statement of the leader of the opposition.

Mr. BENNETT: If the minister had followed what took place he would know that in the closing days of the session we said that we would reenact the provisions of the law and substitute "commissioner" for "commission."

Mr. ROGERS: Surely a government bringing down a bill of that kind must assume all responsibility for its provisions. We have to assume responsibility for the provisions of this act.

Mr. BENNETT: There is no doubt about that.

Mr. ROGERS: And this has been, with respect to the point brought out by the leader of the opposition, the reenactment of the provisions of 1935—

Mr. BENNETT: Oh, no.

Mr. ROGERS:—with respect to these particular matters.

Mr. BENNETT: Yes.

Mr. ROGERS: Let me quote—

Mr. BENNETT: There is no change in section 21.

Mr. ROGERS: As to giving a commissioner power in connection with punishment, and the enforcement of orders, it is precisely the same. I quote from the 1935 act:

The commission may order that any person resident or present in Canada be examined upon oath before, or make production of books, papers, records or articles to, the commission or before or to any other person named. . . .

Then I come to the latter part:

. . . and may otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof, all powers that are exer-