

Right Hon. Mr. MEIGHEN: At the point where the brackets occur, inside the bracket, "unless the presiding official as hereinafter defined otherwise orders." I am not trying to emphasize the importance of that.

Hon. Mr. BEAUBIEN: I think it is very important.

Hon. Mr. MORAUD: It is very important because of the use of the word "shall."

Hon. Mr. DANDURAND: "Upon the application of the Minister which shall be heard *ex parte*."

Right Hon. Mr. MEIGHEN: The words inside the brackets are, "which, unless the presiding official as herein defined otherwise orders, shall be heard and determined *ex parte*."

Hon. Mr. DANDURAND: I am not ready to accept this amendment of my right honourable friend. It is not in accordance with what was drafted by our Law Clerk and Mr. McNeill, who were asked to draft an amendment in accordance with what was adopted by this committee.

Right Hon. Mr. MEIGHEN: If it is not in accordance with that, I have no right to ask for it at all. I submit it is.

Hon. Mr. DANDURAND: That is where I humbly differ. What the committee voted in favour of was this:—

That, before investigation involving compulsory attendance of witnesses and compulsory production of documents is gone on with, the approval first be obtained by the Minister of the Chairman of the Dominion Trade and Industry Commission so long as that Chairman is a lawyer of ten years' standing at the bar of any province of Canada; or the approval of the President of the Exchequer Court in any event—such approval to be obtained on *ex parte* application, the approval to be valid if *ex parte*, but with the judge having the power to request further evidence or any further hearing he wishes. If he does not think it necessary, he does not need to do it. And that before the power of commitment or penalizing is exercised, the approval of any superior court judge be first obtained.

I took it for granted that the committee was rejecting the proposal to require approval of the Minister of Justice before a full investigation could be made. My understanding was that the committee favoured the submission of evidence, as adduced on preliminary inquiry, to the Chairman of the Dominion Trade and Industry Commission or the President of the Exchequer Court, for authority to proceed with examination of witnesses under oath and to compel production of documents. Now, all that was predicted upon the free action of the commissioner or the Minister of Labour upon the evidence adduced. My right honourable friend now says that the power given to the judge to request any further hearing he wishes, means that the judge could require the parties to be investigated to appear before him. Well, if that is so, the judge would appropriate unto himself the whole matter. A judge might, then, permit a merger or trust to be represented by counsel, who would submit that the inquiry should not be further pursued. This is not in accordance with the letter, nor do I believe it is in accordance with the spirit, of the Act. This committee has decided that the commissioner, when making a preliminary inquiry, shall not have power to compel attendance of witnesses or production of documents, and that before he can have such power, for the purposes of a further investigation, he must receive approval of a judge. I know it has been discussed, but not in this committee, that at that moment the judge would take away from the commissioner the whole procedure and clothe himself with the authority of carrying on the whole inquiry. Because it would mean that. I can see where it would lead us to. I cannot accept for the Minister this decision by the committee.