

us, and which provides that if the commissioner desires, after a preliminary inquiry, to proceed with further investigation he must apply for authority so to do from the President of the Exchequer Court or the Chairman of the Dominion Trade and Industry Commission, if he be a lawyer of ten years' standing. The committee also made an amendment providing that only the oral evidence which is given on inquiry may be used in any subsequent trial arising out of an inquiry.

I thought that possibly the Minister would be disposed to accept the Bill as amended by the Banking and Commerce Committee, but after examining into the amendments prepared in consequence of the committee's decision—amendments which had not been drafted when the committee voted on the principle—he has come to the conclusion that he cannot accept the Bill with these amendments. He feels that the Bill in the form in which we now have it before us violates an essential principle in the administration of the Act, and that he would be accepting the shadow while the substance would not be there. Consequently he has authorized me to declare that he will not support the Bill in its present shape if it passes this Chamber and is sent to the House of Commons; that he would rather examine into the situation between now and next session and see, after consulting with his colleagues in Parliament, what kind of measure he could introduce next year. Therefore I am precluded from moving concurrence in the amendments.

Right Hon. ARTHUR MEIGHEN: Honourable senators, the statement just made by the honourable leader of the Government comes as a very great surprise to honourable members of this House. I say that because, as every honourable member of the committee knows, the resolution which was moved in committee authorizing amendments along a certain line was accepted by the Minister there. The leader of the Government stated that the Minister accepted the amendments to be made along that line.

Hon. Mr. DANDURAND: The vote was taken when he was at the meeting of the committee this morning, and he did not agree to the amendment which was carried. We directed our Law Clerk and the representative of the Department of Justice to prepare amendments based on the principle which had been voted upon by the committee. The Minister had no opportunity of seeing what the form of those amendments would be, and the only intimation I had from him was that perhaps he could accept them and see if they worked satisfactorily when applied under

the Act. But after examining into the amendments and the situation, he has decided that the transfer of ministerial responsibility for the administration of this Act to a judicial authority would be a dangerous principle to which to agree.

Right Hon. Mr. MEIGHEN: I was simply stating what occurred. The motion authorizing amendments to be made to a certain definite effect was carried, and the leader of the Government reported to the committee that the Minister had accepted that situation and was prepared to accept such amendments as gave effect to that motion. The amendments as submitted were accepted by the committee as a whole and by the leader of the Government as carrying this out in the fullest detail, and the committee unanimously reported the Bill thus amended.

Now, I know it is not the wish of the leader of the Government in this House (Hon. Mr. Dandurand) that the stand which he has outlined be taken. I want to record this statement now, that the Minister has not treated the committee rightly. Having authorized the leader of the Government to say to the committee that amendments carrying out that motion would be accepted, the Minister has no right, after the committee reports, to send word to the Senate that he will not accept them. It is an unfair action, an action not worthy of a Minister.

I have no further step to take.

Hon. Mr. MURDOCK: Honourable senators—

Hon. Mr. DANDURAND: Would my honourable friend allow me?

My right honourable friend (Right Hon. Mr. Meighen) well knows what the attitude of the Minister was during the discussion in committee last evening and this morning. After hearing the discussion of last evening the Minister came back this morning with amendments which he thought would go far towards satisfying a majority of the committee; amendments in accordance with the view that he understood to have been expressed. He was ready to agree to submission to the Department of Justice of evidence adduced at a preliminary inquiry. The committee would not accept this suggestion and decided the evidence should be referred to a court. And he, having to consider—

Right Hon. Mr. MEIGHEN: Will the leader of the Government not admit that he stated to the committee that the Minister had agreed to accept amendments in terms of the motion which I moved and which was carried?