

Right Hon. Mr. GRAHAM: What does the preliminary investigation consist of?

Right Hon. Mr. MEIGHEN: Do you think the authority of a judge should be necessary for the preliminary inquiry, Senator Cote? I hardly think so.

Hon. Mr. COTÉ: Candidly, I do not think so. I do not think that the judicial fiat should intervene between the complaint and the preliminary inquiry.

Hon. Mr. BEAUBIEN: What does the preliminary inquiry consist of?

Hon. Mr. BALLANTYNE: We should like to know that.

Hon. Mr. DANDURAND: We will ask Mr. McGregor, who has twenty years in this work

Hon. Mr. COTÉ: I shall reserve my further remarks until we hear his explanation.

Right Hon. Mr. GRAHAM: Tell us what the preliminary inquiry consists of and how far it can go.

Mr. MCGREGOR: In the 1923 legislation provision was made for the registrar to make inquiries under the Combines Act of that day. It was not referred to as a preliminary inquiry. It was the function of the registrar to determine, first of all, whether there was justification for a more extensive inquiry. He was authorized to carry through to the completion of the preliminary inquiry, at which point a special commissioner, an ad hoc commissioner, might be appointed to make a further investigation.

Hon. Mr. DANDURAND: How did the registrar become seized of the complaint?

Mr. MCGREGOR: He proceeded, under that legislation, on the complaint of any six persons who made oath alleging that a combine existed and filed with the registrar the evidence upon which they based their belief.

Right Hon. Mr. MEIGHEN: The oath was only that they believed it to exist?

Mr. MCGREGOR: No; they were required to say whom they believed to be parties to the combine.

Right Hon. Mr. MEIGHEN: They never took any chance on that oath, because they only said what they believed.

Mr. MCGREGOR: They were required to produce evidence.

Hon. Mr. DANDURAND: They had to give evidence with their complaint?

Mr. MCGREGOR: In cases where they did not produce evidence to justify proceeding, we did not proceed.

Right Hon. Mr. MEIGHEN: But my point is that in the oath as you described it, there was nothing to prevent them from swearing to allegations of any kind. If they swore to something that was contrary to the facts, they would not suffer.

Hon. Mr. DANDURAND: That is to say, they could not be prosecuted for perjury?

Right Hon. Mr. MEIGHEN: No.

Mr. MCGREGOR: Section 5 of the Combines Investigation Act of 1923 provided:

Any six persons, British subjects, resident in Canada, of the full age of twenty-one years, who are of the opinion that a combine exists, or is being formed, may apply in writing to the Registrar for an investigation of such alleged combine, and shall place before the Registrar the evidence on which such opinion is based. The application shall be accompanied by a statement in the form of a solemn or statutory declaration showing (a) the names and addresses of the applicants, and at their election the name and address of any one of their number or of any attorney, solicitor or counsel whom they may for the purpose of receiving any communication to be made pursuant to this Act, have authorized to represent them; (b) the