

12. (1) Subsection one of section thirty-one of the said Act as enacted by section twenty-two of chapter fifty-four of the statutes of 1935 is amended by striking out paragraph (b) thereof and substituting the following:—

“(b) the evidence taken on any investigation by the Commissioner or by any special commissioner and the report of the Commissioner or special commissioner.”

(2) Subsection two of section thirty-one of the said Act, and subsection two of section thirty-two of the said Act, are amended by deleting the words “Solicitor General” and “Solicitor General of Canada” wherever they appear in the said subsections and by substituting therefor the words “Attorney General of Canada”.

(3) Subsection three of section thirty-one of the said Act is repealed and the following is substituted therefor:—

“(3) The Minister of Justice may instruct counsel to attend on behalf of the Minister at all proceedings consequent on any information being so laid.”

13. Section fifteen of the said Act, as enacted by section nine of chapter fifty-four of the statutes of 1935, section thirty of the said Act, and sections thirteen and fourteen of chapter fifty-nine of the statutes of 1935, are repealed.

14. The said Act is further amended by adding thereto at the end as section A the following:—

“A. Notwithstanding anything in this Act, neither the Commissioner nor any special commissioner nor any other person shall have power to compel the attendance of any witness or the production of any book, paper, records or article, or the examination of any person under oath, or have power to exercise for the enforcement of any order made by such Commissioner, special commissioner or person or for punishment on account of disobedience of such order the powers that are exercised by superior courts for the enforcement of subpoenas to witnesses or punishment of disobedience thereof, unless and until on the application of the Minister (which shall be heard and determined *ex parte*) either the President of the Exchequer Court of Canada or the Chairman of the Dominion Trade and Industry Commission shall have certified, as either of them may, that it is fit and proper that the action mentioned in the application should be taken: Provided that when any investigation under this Act is proceeding in any province and the Commissioner or special commissioner is desirous of exercising power to commit to prison or otherwise penalize pursuant to this Act any person whether for contempt or otherwise, the application may be made by the Commissioner or special commissioner upon reasonable notice to the person concerned, to a judge of the Supreme or Superior Court of the Province, who shall for the purposes of the application have the powers which by this section are conferred upon the President of the Exchequer Court and the Chairman of the Dominion Trade and Industry Commission.

(2) The provisions of this section which relate to the Chairman of the Dominion Trade and Industry Commission shall apply only whilst such Chairman is a barrister of one of the provinces of Canada of at least ten years standing.

(3) Such President, Chairman and judge, respectively, may, before granting such certificate, require the applicant to secure and subsequently produce to him any further evidence or proof of relevant circumstances as he shall deem to be necessary.