

intervention of the Minister, and I think it is very wise that that should be so. So far as the inquiries initiated by the Minister are concerned, they are undertaken on his own responsibility. But in either case—and I submit that this is a material distinction—you are assuming responsibility not for a criminal proceeding, not an inquisition, but for an investigation.

Hon. Mr. MORAUD: It amounts to a criminal investigation and has the same consequences for the people who are investigated.

Hon. Mr. ROGERS: Only if they are guilty.

Hon. Mr. MORAUD: Not at all. Your report is made public.

Hon. Mr. COTÉ: In other words, you would not call a criminal trial a criminal trial if the man were found innocent?

Hon. Mr. ROGERS: The report is made public, and that, I should think, would be the advantage of the business if it disclosed that there was no basis for the investigation.

Hon. Mr. LYNCH-STANTON: What is the embarrassment to you or to the commissioner by reason of being obliged to obtain a fiat of a judge?

Hon. Mr. ROGERS: I would say further, there is this question. When is the Chairman of the Dominion Trade and Industry Commission going to intervene? When is he going to issue his fiat? If it is done simply upon the application of six persons, or a letter sent to the Minister, then the fiat becomes a mere formality; if it means that, surely it means that the Chairman of the Trade and Industry Commission himself must examine the evidence.

Hon. Mr. LYNCH-STANTON: Or have someone do it for him.

Hon. Mr. ROGERS: But if he is going to do that under the Act as a judge he must do it himself.

Right Hon. Mr. MEIGHEN: Why shouldn't he?

Hon. Mr. ROGERS: The evidence is often obtained at a remote place, Vancouver or Halifax.

Hon. Mr. LYNCH-STANTON: You should go before him with the evidence, like a man who goes to a magistrate when he wants a search warrant.

Hon. Mr. ROGERS: If the commissioner, having made inquiries, decides there is some basis for going further, I do not see why he should go back and get a fiat.

Right Hon. Mr. MEIGHEN: Just because he is going to do something that in itself imposes a penalty, and a severe one, and he should lay before someone of judicial mind or legal experience something to show whether or not he has got cause to do it.

Hon. Mr. DANDURAND: I draw attention to this situation. A complaint is signed by six individuals, and is sworn to. The registrar or the commissioner receives it. It is supported by some kind of evidence. The names of the accused, or of the people supposed to form that merger are mentioned. Will that be sufficient to be brought to the judge to ask him to allow them to proceed, or should there not—I am discussing the value of approaching the judge for his fiat—should there not be a preliminary inquiry which would result in a report indicating to the judge what has been found so far when asking for authorization to proceed in the regular way by summoning witnesses and so forth? I do not know when you would apply to the judge. If you apply only at the very inception, when the complaint is made with six names, he will simply have to look at the document and see if the law authorizes him to give instructions to proceed. I do not see at the moment that he would have sufficient in his hands to satisfy him as to the position he will take with respect to allowing the commissioner to proceed.

Hon. Mr. LYNCH-STANTON: You are a lawyer, and a good one, I believe.
Some Hon. SENATORS: Hear, hear.