

Scotland, and I myself heard Sir John Simon on one occasion say that even judges were prejudiced and that their greatest prejudice was the belief that they were entirely free from prejudice. I think there is some truth in that statement. What we require here is not necessarily a legal mind. What we do require in a commissioner is a judicial mind, and I submit it is possible to find judicial minds even among those who have not had the advantage of legal training.

Mr. BENNETT: Quite.

Mr. ROGERS: Now, if I might turn—

Mr. BENNETT: The minister's observations prove our case.

Mr. THORSON: But not judicial in the narrow sense of the term.

Mr. ROGERS: Not judicial in the narrow sense at all.

Mr. BENNETT: I am glad the hon. member for Selkirk rushed in with that observation, because that changes the purport of it.

Mr. ROGERS: I had hoped the leader of the opposition would draw the natural inference. Let me refer to section 4 of the Inquiries Act:

The commissioners shall have the power of summoning before them any witnesses,—

And remember, this is not a commissioner with a legal training—at least, he may not be a judge or barrister.

Mr. BENNETT: But the minister knows the limitations the courts have imposed upon the Inquiries Act. Under that act one can deal only with such matters as the parliament of Canada might deal with. To that extent it is a creature of our own making, and its effect is negative.

Mr. ROGERS: In recent months we have carried out an inquiry under the Inquiries Act touching essentially the same kind of investigation as is contemplated under this bill.

Mr. CAHAN: Are you referring to the textiles commission?

Mr. ROGERS: I am referring to the coal inquiry.

Mr. BENNETT: That was an effort to investigate one man, and it cost between \$25,000 and \$30,000.

Mr. ROGERS: I think the amount is incorrect; it was \$15,000.

Mr. BENNETT: But there is another item in addition.

Mr. ROGERS: I accept that statement; my right hon. friend is correct. To continue with section 4:

The commissioners shall have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

5. The commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

It does not seem to me that there is a material distinction in the two cases.

Mr. BENNETT: Is there anything in the Inquiries Act about punishing for disobedience?

Mr. ROGERS: The bill says:

. . . and may otherwise exercise for the enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada.

Mr. BENNETT: I am talking about the Inquiries Act.

Mr. ROGERS: There is a difference as to that.

Mr. BENNETT: Yes, a great difference.

Mr. ROGERS: But with respect to the compulsory enforcement of attendance of witnesses, and compelling them to give evidence, there is no distinction.

Mr. CAHAN: Except that you are giving to the commissioner himself the right of search, in defiance of every principle of civil liberty. If the minister were to examine the recent enactments of Germany against the Jews he would not find any more arbitrary powers given to the German police than are given here to the commissioner. This is a purely nazi or fascist attempt to override civil liberty in this dominion.

Mr. THORSON: Surely the hon. member is not serious in making that statement.

Mr. CAHAN: I am speaking seriously. It is an attempt to override civil liberty in the dominion. As a matter of fact it is only the person who cannot afford to contest the extraordinary powers of the commissioner who will be affected. He will be affected by intimidation, and through not having the means to appeal to the courts. But the minister does not mean to assume that any company with the means to go to court could not prevent the exercise of such powers by the commissioner? As a matter of fact if the commissioner himself, without some clear means of identification, should force his way into my home or my office, and, in the protection of my home or office, my servant were