

Hon. Mr. ROGERS: May I point out again that the Dominion Trade and Industry Commission Act did not of itself provide that there should be a man of experience at the Bar, or of previous judicial experience as chairman of that commission. Not only that, but under the Act of 1935 provision was made whereby any one member of that commission might conduct an investigation. It so happens that only one member of the commission is a judge.

Right Hon. Mr. MEIGHEN: But they are under him; he can supervise them.

Hon. Mr. ROGERS: But any one of the members may conduct the investigation.

Right Hon. Mr. MEIGHEN: But you can depend upon it that while he was there there was no investigation launched without his authority.

Hon. Mr. ROGERS: As a matter of fact there were no investigations because of the reasons stated to the Committee.

There is also provision subsequently whereby an inquiry may be instituted by a single commissioner, so an investigation may be taken by a single commissioner.

Hon. Mr. LYNCH-STAUNTON: How would it embarrass the Department to obtain a fiat such as Senator Meighen suggests?

Hon. Mr. ROGERS: It seems to me that one of two things would follow. I think the Commissioner in such a case would make a proper investigation on the evidence to determine whether or not an inquiry should take place, or the fiat would be a mere matter of formality and fulfil no useful purpose.

Hon. Mr. LYNCH-STAUNTON: But the commissioner has to make up his mind on the evidence before him, prior to launching an investigation.

Right Hon. Mr. MEIGHEN: Similar considerations would apply to cases where the Attorney General's consent is necessary. The provision for that will be found in many places in the Code.

Hon. Mr. ROGERS: But in that case there is a criminal information laid. Here there is nothing of the kind; this is rather the machinery of investigation to determine whether or not there is evidence upon which a criminal proceeding may follow.

Hon. Mr. COTÉ: What you say is not quite correct. Here there have to be declarations by six good citizens that they believe a combine is operating or is likely to operate against the public interest. My recollection of the section is that they must state the grounds upon which their belief is founded.

Hon. Mr. ROGERS: That is correct.

Hon. Mr. COTÉ: If that material is complete, why should not a judicial person pass on the sufficiency of it?

Right Hon. Mr. MEIGHEN: And especially after the preliminary hearing and before the launching of a big public investigation, with the newspapers full of this, that and the other thing, alleged to have been done by certain people.

Hon. Mr. DANDURAND: At what point should it be necessary to have the question passed upon by a judge?

Right Hon. Mr. MEIGHEN: I am not clear as to whether the consent should be necessary for the preliminary inquiry or not. What is the nature of that?

Hon. Mr. DANDURAND: I have never attended any of these inquiries. I wonder at what time the judge would be in a position to say whether the evidence was sufficient to warrant further inquiry.

Hon. Mr. LYNCH-STAUNTON: If a man is charged with a criminal offence, he goes before a magistrate and a grand jury.

Hon. Mr. DANDURAND: But nobody is charged here.

Hon. Mr. LYNCH-STAUNTON: Before a man is put on trial there is an ex parte inquiry made by the Crown, and that has to be submitted to the Grand Jury. The Grand Jury then decides whether he shall or shall not be proceeded