

ing 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."

I would ask the Minister to explain what effect these amendments would have upon the making of an investigation.

Hon. Mr. LYNCH-STAUNTON: There is no provision in this Bill allowing the person being investigated to have counsel. The Government has counsel; the persecuted has none.

Hon. Mr. DANDURAND: I wonder at what stage of the procedure you are bringing up that question.

Hon. Mr. LYNCH-STAUNTON: When the regular investigation takes place.

Hon. Mr. DANDURAND: We are not now at that point. We are now, if I am not mistaken, at the stage where the complaint has been received. The commissioner starts a preliminary investigation to see whether there is merit in the complaint. That is what I would term the preparatory work. This data he would present to his Minister before being allowed to proceed to an official examination, appointing of counsel, and so on—holding a court, so to speak. Up to that moment he would be looking for information to satisfy him there is a prima facie case. Up to that point the Department of Justice furnishes no counsel. The commissioner is carrying on a preliminary investigation, which may bring one of these results: he would report there is nothing in the complaint; or, that he believes he has found sufficient evidence to justify the Minister to order an official examination. Then practically he is holding court.

Hon. Mr. COLE: At that stage of the proceedings when the commissioner is making his preliminary inquiry, will he have power to call witnesses and examine them under oath; to exact production of documents; and on non-production to impose such penalties as he may think proper? Is the answer to my question in the affirmative?

Hon. Mr. MORAUD: The answer is in the amendments suggested yesterday. In those amendments we revise section 15 and the following sections of chapter 54. We clothe that commissioner with the power which the commission presided over by a judge had according to that statute. One of the powers is contained in section 22:—

The Commissioner may order that any person resident or present in Canada be examined upon oath before, or make production of books, papers, records or articles to, the Commissioner or before or to any other person named for the purpose by the order of the Commissioner and may make such orders as seem to the Commissioner to be proper for securing the attendance of such witness and his examination, and the production by him of books, papers, records or articles, and the use of evidence so obtained, 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 for the enforcement of subpoenas to witnesses or punishment of disobedience thereof.

In other words, we are giving to an officer of the Department the power that only a court of justice can exercise.

Right Hon. Mr. MEIGHEN: A superior court.

Hon. Mr. MORAUD: I am quite satisfied that that is ultra vires. There is no doubt in my mind the Federal Parliament can create crimes; but it has no jurisdiction whatever over the investigation and punishment of crimes. Those powers can only be exercised by courts of justice in each province. By the amendments suggested last night we are, I think, going further than in the original Bill, and we are giving to a Federal Department powers that under the Act of 1935 can only be exercised by a superior court of justice.