

Hon. Mr. LYNCH-STAUNTON: We are trying to persuade the Minister to adopt this view—that there is nobody in whom the people generally repose greater confidence than our judges. In every country of the British Empire they have the confidence of the people. There are plenty of people who think evil of their political opponents, who believe they will descend to anything, but they have confidence in the judges. If I were the Minister I should like to have the fiat of a judge for what I did, for not only would it show the best of faith, but the public would have confidence that there was no political trickery. They might say that a minister, being a politician, would do anything. So, to keep his own skirts clear, I think the Minister would be well advised to submit this to a judge before making the investigation.

This would be a great protection to you, Mr. Minister, and I ask this gentleman here wherein it would embarrass him, or you, to get that fiat. It seems to me it would be your shield and protection against the opinion of the public to be able to say, "I launched this proceeding with the approval of a judge of the high court," or "a judicial officer who has no axe to grind."

I think you should consider the matter from that point of view. Certainly, in my present frame of mind, I would adopt it greedily.

Hon. Mr. MORAUD: So far we have heard objections against the application of the Act by an officer of the department. I should like to hear the objections to the procedure as indicated in the Act of 1935. Are there any serious objections to that procedure?

Hon. Mr. ROGERS: I thought I dealt with that the first day. The Dominion Trade and Industry Commission is actually the Tariff Board acting in another capacity. That is to say, the members of the commission are members for the time being of the Tariff Board; the chairman of the commission is for the time being Chairman of the Tariff Board. There is nothing in the Tariff Board Act or in the Trade and Industry Commission Act which requires the chairman to be a judge; but the Tariff Board as at present constituted has quite enough to do within its own functions without assuming any additional duties.

Right Hon. Mr. MEIGHEN: What is your authority for that statement?

Hon. Mr. ROGERS: The authority for it is that the Tariff Board was set up in its present form to carry out functions which have been exercised steadily since that date, and I do know—I have made inquiries—that certain references have been very much in arrears because the Tariff Board has not been able to keep up with its work.

The Trade and Industry Commission functioned as a commission, except so far as a single commissioner might conduct an inquiry. You had, not a judge but a commission of three, and the voice of the judge was of no greater weight than that of any other member of that commission. I doubt if it would be possible to carry out the suggestion before the committee and ask for the approval of the Chairman of the Trade and Industry Commission.

Right Hon. Mr. MEIGHEN: Why?

Hon. Mr. HOWE: So far as it has functioned, in the past, it has functioned as a board of three.

Right Hon. Mr. MEIGHEN: Oh, pshaw.

Hon. Mr. HAIG: What is the answer to Senator Lynch-Staunton's question?

Hon. Mr. ROGERS: My answer would simply be this, that under the Act as it now stands, for the initiation of investigation either by the application of six persons—

Hon. Mr. LYNCH-STAUNTON: What embarrassment would it be to you?

Hon. Mr. ROGERS: May I represent it in my own way, sir? These investigations may be initiated either by the application of six residents of Canada who take oath that they think a combine exists, or by the Minister. So far as the application of the six persons is concerned, that goes forward without the