

Hon. Mr. ROGERS: Yes. Personally I do not object to assuming the responsibility that has been assumed by the Minister of Labour before.

Right Hon. Mr. MEIGHEN: And which was transferred to a quasi court in 1935.

Hon. Mr. ROGERS: There is nothing in the Act which makes it a quasi court.

Right Hon. Mr. MEIGHEN: It is inconceivable that we should clothe any such man with the powers given in that Act, unless he were a judge or a lawyer of many years' standing.

Hon. Mr. ROGERS: I received a telegram this morning based on the news report that the approval of a Supreme Court judge would be necessary before an investigation could be made. You will tell me, Mr. Chairman, if it is not proper for me to refer to this matter. I do not intend to read the entire telegram, unless it is thought necessary. The substantial portion of it is this:—

Monopolies or combines with their highly paid corporation counsel can block and make it almost impossible for small companies not centrally located to have investigation started as their funds are tied up in their business which is in jeopardy before complaint is laid.

I simply state that as an objection made not by a consumer nor a consumers' association, but an objection which came to me from small companies, which do really fear that if approval of a judge is made necessary the procedure eventually will develop into the hearing of counsel on both sides, with disadvantage to small companies.

Right Hon. Mr. MEIGHEN: I have not suggested that at all.

Hon. Mr. CORÉ: Suppose we state that the investigation shall not be made without the approval of a judge of the Exchequer Court or of the Chairman of the Dominion Trade and Industry Commission, provided he is a judge or a lawyer of ten years' standing, on an *ex parte* application. If that were done, no counsel would be required.

Hon. Mr. DANDURAND: I can move the adoption of the amendment which was presented to the committee this morning, to provide a safeguard in the form of requiring approval of the Minister of Justice. If Senator Meighen or any other senator has a substitute motion, to require approval of a judge, that can be moved now.

Right Hon. Mr. MEIGHEN: I would suggest that we arrive at the opinion of the Committee as we usually do, in this way. I would move that counsel be instructed to draft an amendment to the amendment, to this effect:—

That, before investigation involving compulsory attendance of witnesses and compulsory production of documents is gone on with, the approval first be obtained by the Minister of the Chairman of the Dominion Trade and Industry Commission so long as that Chairman is a lawyer of ten years' standing at the bar of any province of Canada; or the approval of the President of the Exchequer Court in any event—such approval to be obtained on *ex parte* application, the approval to be valid if *ex parte*, but with the judge having the power to request further evidence or any further hearing he wishes. If he does not think it necessary, he does not need to do it. And that before the power of commitment or penalizing is exercised, the approval of any superior court judge be first obtained.

That would allow the preliminary investigation to go on in just the way that Mr. McGregor has said he has conducted it all along. He could even take affidavits, but he could not act as a judge and launch an extensive and harassing investigation merely on his own and his Minister's decision.