

Right Hon. Mr. MEIGHEN: That, though, does not lend itself to political harrassment as this Combines legislation does. May I ask you this, Mr. Rogers? Why would you rather walk over to the office of the Minister of Justice than to the office of the President of the Exchequer Court? Why do you prefer one to the other?

Hon. Mr. ROGERS: My point, which I have not sought to conceal, is this. I fear that the requirement of approval by a Supreme Court judge would in practice become a dilatory procedure. It has been suggested that the judge must satisfy himself that there is a reasonable—

Right Hon. Mr. MEIGHEN: Cause for investigation.

Hon. Mr. ROGERS: Yes. In other words, he has to satisfy himself that evidence for an investigation—

Right Hon. Mr. MEIGHEN: That does not necessarily follow. What would you submit to the Minister of Justice?

Hon. Mr. ROGERS: The evidence given by the six persons who made the complaint, the prima facie case.

Right Hon. Mr. MEIGHEN: But after the preliminary investigation has been made and before you go on with a full investigation, what would you submit to the Minister of Justice in applying for his approval to make a full investigation? I am only suggesting that whatever it is you would submit to the Minister of Justice should be submitted to the judge.

Hon. Mr. ROGERS: As I suggested yesterday, it seems to me that one of two things would follow. Either this application before the judge would be a mere formality or there would be an actual examination of the evidence, with something of the nature of a judicial weighing of documents and evidence in order to determine whether or not a combine exists.

Right Hon. Mr. MEIGHEN: The procedure would have to be whatever the Act says. If the Act says that it is only necessary to convince the President of the Exchequer Court, let us say, that there is reasonable cause to go ahead with an investigation, then the only point that the judge has to decide is whether there is that reasonable cause. And that is the very point you are willing to let the Minister of Justice decide.

Hon. Mr. ROGERS: In the case of the Minister of Justice, it would be an administrative decision, while in the other case it would be a judicial decision.

Right Hon. Mr. MEIGHEN: I do not think the Minister of Justice would consider the matter automatically, and I know the President of the Exchequer Court would not do so.

Hon. Mr. ROGERS: I take it that one would have to be particularly careful in the wording of the section.

Right Hon. Mr. MEIGHEN: I agree with that. There is no reason why we should not do so.

Hon. Mr. ROGERS: I can conceive it is quite possible that one judge might require a great deal more information than another. One judge might say, "This is not enough; you must prove these documents and get additional evidence."

Right Hon. Mr. MEIGHEN: Judge Sedgewick knows the purpose of this Act as well as we do, and so does Judge Maclean. They know this Act is a necessary one. They are not going to say that it is necessary to have proof just as there would be in a case of sending a man to jail.

Hon. Mr. GRIESBACH: Have you any other objection, Mr. Rogers, except that you think the procedure would be dilatory?

Hon. Mr. ROGERS: I think that would express my whole objection.

Hon. Mr. DANDURAND: And the transfer of ministerial responsibility.