

advised clients in what turned out to be an illegal and improper thing, that is protected by the traditions of the profession. On the other hand, to clothe one man with authority may be necessary for the purpose of securing information, but surely if he is clothed with authority he should not be set beyond the law that has been established for centuries but should be made to conform to the settled practice that deals with matters of that kind, namely making an affidavit and securing a form of instrument that authorizes the entrance into my home or my office and the taking of my books.

The law that this replaces did not authorize the taking of the books. What my hon. friend from St. Lawrence-St. George (Mr. Cahan) was pointing out so strongly was that under the statute as it formerly existed copies could be made, but now the books can be taken away and kept. The words are:

—and make copies of or retain any of such books, documents or records which the commissioner or his duly authorized representative believes may contain information—

Not satisfied with the inspection he makes, if he believes they may contain information—and there is no oath or anything like that—he may take away my books and disorganize and disturb my business, while I have no recourse. The question of returning these books arises only after the case has been disposed of. When a search warrant is issued the justice has certain powers in connection with stolen property or whatever may be seized, but that is not the case here.

May I ask the Minister of Justice just to look at this. Section 21, which we are now considering, converts this commissioner into a judge, with wider powers than are possessed by the judges of the county or the superior courts. It gives him power; and he has no legal training. The hon. member for Winnipeg North Centre misunderstood what I said about a mind untrained in law. I meant he had no appreciation as to whether this was or was not a legal matter; I was not dealing with the question of the effectiveness or the efficiency of his training, but merely with the fact that he was not the type of man who could be appointed a judge, so far as this statute is concerned. I put this to the minister: Look at the closing words of subsection 1 of section 21 and see what judicial powers are conferred upon this commissioner. In the first place we have him with the books; he has given notice and he has possession of them. Then listen to this. He may make use of the 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. Again I ask the Minister of Justice if he thinks he can justify that.

Mr. CAHAN: He should have at least ten years' experience practising at the bar.

Mr. BENNETT: That is what a judge must have. There is nothing more difficult than these questions of contempt and disobedience. I know some very sound lawyers who say, "I instruct my client to entirely disregard this, and I will go to the privy council on any question that may be raised." The result is that they usually manage to get out of the difficulty. But does my hon. friend from Selkirk think that a commissioner, with no qualifications in dealing with legal matters, should have conferred upon him the power of a judge of the superior court for the purposes of committal and the punishment of disobedience? Surely we have not reached that stage in this country. The question of the competency and compellability of witnesses is dealt with and then witness fees are provided for. We now have a court, not an investigating tribunal. I do direct the attention of the minister to subsection 4. This commissioner has power to issue commissions—

Mr. LAPOINTE (Quebec East): Of course under the Inquiries Act our commissioners have those powers.

Mr. BENNETT: But not powers such as these.

Mr. LAPOINTE (Quebec East): To compel people to give evidence.

Mr. BENNETT: But I am not talking about the compellability of witnesses. Look at this section as it stands. Here you have an absolutely unskilled person issuing commissions, and there is no statutory provision as to his qualifications, as there is in some cases. For instance, we cannot appoint anyone to the bench who has not had ten years' legal experience.

Mr. ROGERS: That does not apply to any royal commission set up under the Inquiries Act.

Mr. BENNETT: Certainly not, but one would not think of setting up a commission under the Inquiries Act to investigate the conduct of a judge, because there is a limitation imposed upon the kind of person who should make such investigation. Look at subsection 4. Anyone who has practised law and has applied to a judge for a commission to examine witnesses abroad realizes the techni-