

vexatious way, and would at the same time obviate delays which might very probably, I think, result from a reference to a Supreme Court judge, that we have made the amendment now before the Committee.

I should like to say just a word on the proposal made by Senator Coté which, as I understand it, was that the commissioner ought not to be able to exercise any of those powers of taking evidence under oath.

Hon. Mr. CORÉ: No. Compulsory power. He might take affidavits.

Hon. Mr. ROGERS: I should think the only result of that would be that the commissioner would be obliged to pursue a full inquiry from the beginning, and I wonder if that would be in the interests of the firms or corporations investigated. Would they want to have a full inquiry from the beginning?

That has been entirely contrary to the practice in past years. The preliminary inquiry is rather to prevent undue publicity when there is a reasonable assumption that the complaint has been vexatious, and I think that would be in the interest of business generally.

Right Hon. Mr. MEIGHEN: I agree with that, but I do not know why he should extend his preliminary inquiry just because he has to go to the judge before exercising these extraordinary powers. The judge is here.

Hon. Mr. ROGERS: My point is this, that it is desirable there should be full scope for a preliminary inquiry. I take it there is no dissent on that score. If the Commissioner reports that as a result of a preliminary inquiry there is no evidence that a combine exists the matter ends there, unless the Minister on a review of the report asks him to make a further investigation. I suggest that the Commissioner on making a preliminary inquiry ought to have powers to make all reasonable investigation. On complaint there would have to be a full inquiry at the very beginning, if the matter were referred to a judge, and that, as I understand it, would be contravening the very point that was emphasized here yesterday, that publicity is undesirable because in itself it is a kind of penalty, that a company when under investigation is to a certain extent prejudiced in the eyes of the public.

Right Hon. Mr. MEIGHEN: Why should the commissioner have all these powers?

Hon. Mr. ROGERS: If I may say so, the powers exercised by the commissioner and referred to a moment ago by Senator Meighen are in no important sense different from the powers exercised by the registrar in an inquiry under the Act of 1923. And I know of no case in actual administration of the Act of 1923 where any business investigated had reason to complain that the registrar was using his authority in any unreasonable way.

Right Hon. Mr. MEIGHEN: I have heard very bitter complaints.

Hon. Mr. ROGERS: I do not think that I, as Minister responsible for administration of the Act, can accept the suggestion that approval or a fiat should be obtained from a Supreme Court judge or a judge of the Exchequer Court. As I said, I recognize the desirability of avoiding any vexatious use of this machinery of investigation. I would point out that in asking for approval of the Minister of Justice before the public investigation is instituted we are asking for an additional safeguard, in this sense, that the Minister of Justice does now, under existing legislation and constitutional practice, exercise quasi judicial powers. He does that, for instance, with respect to clemency. I doubt if anyone has ever suggested that that power, exercised by the Minister of Justice, has ever been used in a political way.

Right Hon. Mr. MEIGHEN: It could not be, very well.

Hon. Mr. MORAUD: It is not the Minister of Justice who exercises that power, it is the Governor in Council.

Hon. Mr. ROGERS: But it is a matter of practice that these cases are reviewed by the Minister of Justice.