

already been enacted and laid upon the table of the house, the governor in council very properly has dealt with the substantive provisions of certain existing acts. For instance, the Patent Act is changed in important particulars; and during the previous war, under the same War Measures Act, other fundamental acts were dealt with in so far as it was necessary to modify them temporarily or for the duration of the war. This measure is not, I think, a measure of that kind.

During a recent session of parliament, the session of 1937, the combines act was amended, and serious discussions took place in this house with regard to its provisions. Subsequently an agreement was made between this house and another chamber as to the terms of certain provisions which were then enacted and which are now being repealed, not for the duration of the war, but for all time. I suggest that it is far better, so far as the fundamental provisions of this act or of any other act are concerned, that they should not be repealed for all time under the guise of meeting certain exigencies which are likely to arise or which may arise during the prosecution of the war. Therefore I would suggest that, in so far as, during the progress of the war, it is deemed advisable to modify the existing combines act, it should be done under the provisions of the War Measures Act, and then the regulations so made may be amended from time to time, as they were during the last war, in order to meet war exigencies as they arise. The fact is, I do not think this measure is a legitimate measure, in that it makes the amendment of fundamental provisions of the existing combines act not temporarily, nor to serve the exigencies of the war, but to serve for all time. That is not now necessary, and it raises a dispute which it is advisable, or at least expedient, to obviate during this present session of parliament.

There is a provision which I suggest the minister should consider if it is decided to deal by order of the governor in council with these exigencies which may arise during the war, and it is this. I speak from experience in the last war. For two years and a half, at least, I was chairman of a board which had to do with the manufacture of armaments and supplies to the extent of many tens of millions of dollars, and, for that purpose, had under its control and supervision some fifty industrial corporations in the United States and Canada. It would, I think, have been impossible to have dealt effectively with the manufacture and production of those military supplies if there had been in force in the United States, where part of the manufacture took place, or in Canada,

where a portion of it took place, such very strict and severe provisions as are now found in the combines act.

Section 2 of the act, under "definitions," provides that:

In this act, unless the context otherwise requires,

(1) "Combine" means a combination having relation to any commodity which may be the subject of trade or commerce, of two or more persons by way of actual or tacit contract, agreement or arrangement having or designed to have the effect of

(a) limiting facilities for transporting, producing, manufacturing, supplying, storing or dealing, or

(b) preventing, limiting or lessening manufacture or production, or

(c) fixing a common price or a resale price, or a common rental, or a common cost of storage or transportation, or

(d) enhancing the price, rental or cost of article, rental, storage or transportation, or

(e) preventing or lessening competition in, or substantially controlling within any particular area or district or generally, production, manufacture, purchase, barter, sale, storage, transportation, insurance or supply, or

(f) otherwise restraining or injuring trade or commerce, or a merger, trust or monopoly; which combination, merger, trust, or monopoly has operated or is likely to operate to the detriment or against the interest of the public, whether consumers, producers or others.

I suggest, from experience, for the consideration of the government—I am not moving any amendment whatsoever—that in view of the efforts which must be made to mobilize industry in this country, it will be impossible to mobilize industry for the efficient production of commodities which are needed for the efficient prosecution of the war, if the producers are held strictly to the terms of this penal statute. I therefore suggest that the government should deal with it by orders under the War Measures Act, which will have the same force and effect during the term of the war, the same validity, as if they were enacted by parliament, and which may be modified or amended by the government from time to time as the exigencies of war require, in order that there may be an effective mobilization of industry, and, with regard to certain branches of production, that there may really be a combine, if necessary, by those engaged in that branch of industry in order to produce more effectively, and, I think, more cheaply and satisfactorily. I protest against dealing now with this matter by legislation when the governor in council has full power now to deal with it from time to time under the War Measures Act, as the exigencies of the situation may reveal the need for changes in order that the commodities required for the prosecution of the war may be produced