

Combines Investigation Act

Harris (Grey-Bruce)	Masse
Healy	Martin
Hellyer	Maybank
Helme	Mayhew
Henry	Monette
Hetland	Mott
Howe	Murray (Oxford)
Huffman	Murray (Cariboo)
Hunter	Mutch
Isnor	Nixon
James	Pinard
Jeffery	Pouliot
Jutras	Proudfoot
Kent	Ratelle
Kirk (Antigonish-	Richard (Gloucester)
Guysborough)	Richard (Ottawa East)
Kirk (Digby-Yarmouth)	Riley
Lafontaine	Rinfret
Langlois (Berthier-	Roberge
Maskinonge)	Robertson
Lapalme	Robinson
Lapointe	Rooney
Larson	Ross (Hamilton East)
Leduc	St. Laurent
Lefrancois	Simmons
Leger	Sinclair
Lesage	Sinnott
Little	Smith (Queens-
Macdonald (Edmonton	Shelburne)
East)	Smith (York North)
MacDougall	Smith (Moose Mountain)
MacLean (Cape Breton	Stick
North and Victoria)	Stuart (Charlotte)
MacNaught	Studer
Macnaughton	Tremblay
McCann	Valois
McCubbin	Viau
McCulloch	Ward
McCusker	Warren
McIlraith	Weir
McIvor	Welbourn
McLean (Huron-Perth)	Whiteside
McWilliam	Whitman
Major	Winkler
Maltais	Wood—149.

other things that no government or executive can suspend the law of the realm in any particular without parliament.

While it was the voice of the Minister of Justice that spoke to the house, the failure of the government to carry out the provisions of the statute was clearly indicated to have been by reason of the directing hand of the Minister of Trade and Commerce (Mr. Howe). We have had a revised version of explanations given to us, as an addition to a number given previously. It is a strange thing that a new type of explanation should be produced, namely, there were so many revisions of the report of the commissioner of combines and that because of that fact while there was an appearance of failure to live up to the law, in actuality the law was complied with. That is the revised version; that is the last version.

We have had several prior to the latest, and first explanations are often closer to the facts than later ones. On October 29, 1949, Mr. McGregor wrote in part as follows:

One of the principal remedial measures provided by the Combines Investigation Act is the publication of reports of investigations. The withholding for so many months of publication of a report which the act requires shall be made public as soon as possible after its receipt . . . is one illustration of the tendencies I have in mind.

Would you not have expected the minister to have given the explanation he gave in his reply? That was not his explanation on November 4 in his letter to Mr. McGregor. His explanation on that date was:

The government decided not to publish the report or act upon it until the doubts raised had been cleared up. Moreover in view of these doubts and of substantial increases in the difficulties of prosecuting created by the judgment of the Ontario court of appeal . . . we felt that if we published the report and were challenged to prosecute upon it, we might not be able to make out a case . . . The government therefore took the responsibility of withholding publication of your report pending the amendment of the Combines Investigation Act . . .

He was challenged in the house by the hon. member for Winnipeg North Centre (Mr. Knowles) as to what justification he had for failing to carry out the law. I had asked the same question not long before, and the minister had replied that he could not give me any further information than he had already given. Finally he answered the hon. member for Winnipeg North Centre by saying, in effect, "Well, we got elected, didn't we?"

Mr. Garson: Oh, no. If my hon. friend wants to quote me, let him do it accurately.

Mr. Diefenbaker: Pardon?

Mr. Garson: If the hon. member wants to put words in my mouth, let him put the right ones.

Mr. Cruickshank: I was paired with the hon. member for Medicine Hat (Mr. Wylie). Had I voted, I would have voted against the amendment.

Mr. Homuth: I was paired with the Minister of Labour (Mr. Mitchell). Had I voted, I would have voted for the amendment.

Mr. J. G. Diefenbaker (Lake Centre): Mr. Speaker, in the few minutes before six o'clock I intend to deal with the defence raised by the Minister of Justice (Mr. Garson) for his failure, which is shared by the government, to carry out the provisions of section 27 of the Combines Investigation Act. The minister spent well over two hours in a courteous discussion of the issues, and after the two hours had elapsed all one could conclude was that the minister pleaded guilty, with extenuating circumstances. It was fairly obvious,—and as I listened to him I sympathized with him,—that he realized what he had done was unjustifiable, inexcusable and a contravention of principles going back to the Bill of Rights, which declared among