

before the criminal courts. I have briefly defined the Combines Investigation Act. This act is not in every respect the Combines Investigation Act. I have at least given the whole result of that act; there was no other prosecution under it.

Before I proceed to the next piece of legislation let me remark this: There have been numerous prosecutions under our Criminal Code. Under what is now section 498 there have been numerous prosecutions in our criminal courts, successful prosecutions too; and what is more, there have been civil proceedings which have been determined upon the provisions of that section of the Criminal Code. I believe that section has been a comparatively effective and useful section, though I do not contend for a moment that it could not now be amended with advantage. I will refer to this sentence again later.

Now I have dealt with the initial legislation—section 498 as it is to-day; then the Combines Investigation Act in 1910. The next legislation was in the form of two bills passed in 1919, assented to on the 7th of July of that year, one of them the Combines and Fair Prices Act and the other the Board of Commerce Act. The Combines and Fair Prices Act defined a combine I think in every particular the same as it is defined here; if there is any change it is a very trifling change. The Combines and Fair Prices Act then proceeded on the assumption that combines were not necessarily against the public interest, were not necessarily wrong, might even be beneficial; and it proceeded to define the powers of a board in the way of curtailing the activities of wrong combines, altering their methods, preventing malpractice, and so forth. It proceeded to establish it as a crime for any company or any person to do what it was, after investigation, forbidden to do by that board. It stated as well that the being privy or party to a combine as defined by the act, was in itself a crime. The Board of Commerce Act covered another sphere, namely, the fixing of profits. What I want to emphasize as the outstanding provision of the Combines and Fair Prices Act is that it established a board with power to prevent and power to compel. It vested in that board the right to prevent any company or combination of companies, which had been established before it as carrying on practice detrimental to the public interest, from continuing those practices. Within that board rested the power to order them to do this, the power to order them not to do that. I do not think legislation in any

[Mr. Meighen.]

country ever went further. Whether it went too far or not there is a difference of opinion. Those times, however, were different from these: then profits were being made; then business was extremely active—we are living in different times to-day. I am emphasizing this: that the Board of Commerce under the Combines and Fair Prices Act had effective and final power to deny certain practices existing or to compel certain things to be done necessary to compliance with the law and make the combination no longer against the interests of the public. Of course the Board of Commerce as well had power to exhibit its findings, its evidence, its returns, and its documents before the attorney general of any province, thereby inviting the attorney general, if he thought fit, to conduct prosecution within that province before the criminal courts.

We now come to this legislation. This legislation establishes a board, but the name is changed; there has been a rechristening. A man is to be appointed called a registrar, and then around him at different times and different places there may be appointed commissioners. For all practical purposes I think it is fair to say that the registrar corresponds with the chairman of the old Board of Commerce and that the commissioners correspond with the puisne commissioners of the Board of Commerce. They have certain powers; and what are those powers? Now, I want to address myself to those who, without, I think, very thorough inquiry into the measure, have assumed that there are some teeth in its provisions. What are the powers of these men? They have power to investigate, yes; they can investigate, in private, or in public if ordered by the minister. They can lay the result before the minister, and if the minister is not satisfied he can order them to make further inquiry, and presumably they go on and inquire again. If he is not satisfied with the next report he can order another inquiry and they can proceed around the circle once more. But after they have done all their inquiry, in public or in private; after all are completed, they cannot order anybody to do anything or to stop doing anything; they have no executive power. Those attributes which the Board of Commerce possessed, the functionaries erected by this legislation are stripped of altogether. Well, what can they do? They report to the minister and the minister can lay the facts before the attorney general of the province. The old Board of Commerce could do that, but the old Board of