

*Combines Investigation Act*

Mr. BENNETT: Yes, violations of criminal statutes. "Designed" is the whole point there. That is, it is designed to have the effect, and so on. The difference between "effect" and "designed to have the effect" is this: If from the evidence it is clear to the court that the effect of it is to be seen in the result, that is the end of it. But if the result has not yet accrued and the design is there, there is still guilt.

Mr. ROGERS: But that does not create an offence.

Mr. BENNETT: I am coming to that. You come to the word "combine" in (a) and the subdivisions of (a). But combine also means something else; it means "a merger, trust or monopoly."

Mr. ROGERS: Yes.

Mr. BENNETT: But it says "which combination"—now, that is inaccurate drafting. It should be "which combine, merger, trust or monopoly" because the word "combination" has not been used heretofore with respect to it, except in (a). It says that a combination of two or more persons—

Mr. WOODSWORTH: Surely the word "combination" can be used in two connections.

Mr. BENNETT: Certainly.

Mr. WOODSWORTH: It is not exclusively to be confined to one. It seems to me the leader of the opposition is only tending to make this matter much more complicated than it really is.

Mr. BENNETT: The hon. member is entitled to his opinion.

Mr. WOODSWORTH: Surely.

Mr. BENNETT: And I am delighted to have it.

Mr. WOODSWORTH: Surely. I believe we are supposed to be considering this matter, and since a number of other speakers have been checked, I fancy that although some of us may not be lawyers, at least we can understand the English language.

Mr. BENNETT: I will now proceed with the discussion on the point. The next definition of "combine" is "(b) 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." Now, keep in mind that these words should be made applicable, as my colleague reminds me, to (a), if they are to have any meaning at all. But as it stands now, they do not. That is the difficulty he pointed out in

[Mr. Cahan.]

his remarks. As they stand now (b) is "a merger, trust or monopoly; which combination, merger trust or monopoly has operated" and so on. If that makes it as clear as it is written in the statute at present, then I cannot understand the language. It combines at the present time, under inappropriate heads, what was clearly stated in the act which was put through the house by the present Prime Minister. This may be an improvement; the gentleman responsible for it says it is, but I cannot see it.

Now let us go a step farther in the matter. That is how you define a combine, under this measure. Under the old statute the situation was entirely different. We then get the definition of the word "commissioner" and of the word "corporation." Then we come to the definition of the word "merger." After we have declared that a combine is a merger—keep in your mind that section 1 (b) says a combine means a merger, trust or monopoly—in subsection 4 we have "merger" defined. The principal word "combination" in that definition is the word which is used in paragraph (a). There is a confusion in the use of words. Whether or not an hon. member be a lawyer, I think he will be confused with the use of the words in paragraph (b) and subsection 4. He will see that the word "combination" is the governing word.

Mr. MACKENZIE KING: The governing word is "combine."

Mr. BENNETT: That is the word being defined. Subsection 4 gives the definition of a merger as a combination resulting from the consolidating or amalgamating of the whole or part of the businesses of any two or more persons, or resulting from the purchase, lease or other acquisition by any person of any control over or interest in the whole or part of the business of any other person. That definition must be read into paragraph (b) which follows as a part of subsection 1. I do not think it makes sense when it is put that way. That is all I have to say as to that.

Then you come to the definition of "trust" and "monopoly," which is given in subsection 7, as meaning one or more persons who, within any particular area or district or generally, substantially control any class or species of business, or have such control over the supply or distribution of or the demand for products of any class or species of business as to enable such person or persons to maintain, enhance or substantially modify or control prices of such products. This definition of "trust" and "monopoly" is then applied to paragraph (b) in the light of the attempt to define the word "combine." It is wholly misunderstandable,