

interested as any hon. gentleman here in maintaining those great associations which furnish the funds for election campaigns—here is this gentleman instructing the House, asking and advising the House to let this Bill be taken up out of its place in order that it might get here to be discussed; yet the hon. gentleman from Kennebec told us that it was a snap vote, and that it was smuggled through the House of Commons. It has been stated that we are not here to endorse everything that is done in the House of Commons. Certainly not, and I have always taken that ground as strongly as any member of the House; but I have always said this—I suppose hon. gentlemen do not attach much weight to what I say, but on two or three occasions, when we have discussed the uses and purposes of the Senate, I have said it was often our duty when a measure came from the House of Commons, which appeared to be the result of undue haste, to reject it, if we thought it was mischievous. But if, after the people of the country had time to consider the question, the House of Commons again passed the measure, that then it was a rather serious matter for us to undertake to throw it out. We have just got that case now, and when the House of Commons unanimously adopt a measure of that sort it is a serious responsibility for us to undertake to reject it. So far as to the position of the measure: now with respect to the wording, the hon. gentleman from Sarnia said something about our having sanctioned an anti-combines Bill, but everybody knew the alteration that was made in the Bill last year practically rendered it useless; and to whom have we to look if not to the gentlemen who introduced this Bill and took an interest in it, and who no doubt have had legal advice on the question, and have felt that the Bill in its present shape is of little or no value? I think it is our duty to give them a Bill that they will be reasonably satisfied with, and that they feel they can do something with. Now, what is the proposition? The Act which we passed last year reads this way:

“Every person who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steambot or transportation company, unlawfully,—

“To unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce, &c.”

Now, according to the common law these combinations to raise prices and limit production, and all that, were, I believe, held to be unlawful: and the object in passing this Act was largely to render it practicable to bring the common law to bear—it was more declaratory than anything else. But the word “unlawfully” shuts out anything that is fair or reasonable. The common law said it was unlawful to do certain things, and in order to weaken the effect of the common law and to put things really in a worse position than they were before the Act passed the Senate put in the words “unduly.” When you come to talk about unduly limiting, you open up a large field for discussion. I have no doubt that gentlemen, such as the hon. gentleman from the Kennebec division, could persuade almost anyone that there was nothing undue in the most atrocious combine in the country. If I am allowed to say one word on the subject of witnesses, I wish to be understood as not finding the slightest fault with the gentlemen who compose these combines. They are like other people; they like to get all they can and hold on to all they have. That is human nature, and I do not blame them at all; but it is our duty to look after them, and see that they do not get too much—more than their share. The hon. gentleman from Kennebec was examined before the Combines Committee of the other House two years ago; and although I was not present at the meeting of the committee, I took a little interest in what was going on; and I remember asking a member something about the examination of the hon. gentleman, and he gave me to understand that he was a witness out of whom it was very difficult to get any definite information. But we do not get nearly as much definite information this evening as we might have received if he had been in a mood to disclose.

HON. MR. VIDAL—Is the hon. gentleman sticking to the point now?

HON. MR. POWER—I am dealing with the word “unduly,” but I shall not say anything more about the evidence. I think it is our duty to give the common law fair play, and improve it, by putting it into a more defined and positive shape, in which it can be utilized. While we leave in the word “unlawfully,” no great harm can be done by striking out “unduly” and “un-