

sous-officier-rapporteur" in the fifth line, and substituting the words "officier-rapporteur." That is, it substitutes the returning officer for the deputy.

Hon. Mr. DANDURAND: As I am quite satisfied with the bilingualism of my right honourable friend, I will accept his explanation.

The motion was agreed to, and the Bill was read the second time.

THIRD READING

Right Hon. Mr. MEIGHEN moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time, and passed.

DOMINION TRADE AND INDUSTRY COMMISSION BILL

MESSAGE FROM COMMONS

The Senate proceeded to consider a message from the House of Commons disagreeing with certain amendments made by the Senate to Bill 86, an Act to establish a Dominion Trade and Industry Commission.

Right Hon. ARTHUR MEIGHEN: Honourable members, I am not sure that I can keep in mind every one of these exceptions to our amendments, but I shall try to do so, and I hope to be reminded of any that I omit.

The first asks that the word "unanimous" be inserted in an amendment made by the Senate committee and adopted by this House. Our committee had already agreed that the same word should be inserted in another part of the section. My recollection is that we added a portion and then did not carry this word into it. I think, therefore, that we should agree with the message from the Commons in this respect. Insertion of the suggested word will mean that decisions of the Commission to give publicity to agreements must be unanimous.

The second exception which I recall at the moment relates to section 20. That section, as amended, provides that where in the opinion of the Commission there has been a violation of one of the very many Dominion laws regarding trade practices, the Commission may, if it chooses, first issue an order to cease and desist. This provision was inserted by our Committee on Banking and Commerce and adopted by this House. Instead of issuing such an order the Commission may, if it so desires, recommend a prosecution. The House of Commons takes the ground that where a crime has been committed it is not

a proper proceeding to issue an order to cease and desist, but a prosecution should be undertaken at once. My opinion, for whatever it is worth, is that the amendment made by the Senate committee is entirely right. We are here dealing with what perhaps might be called artificial crime. We are making crimes for the purpose of establishing trade practices, and it becomes pretty much a matter of opinion whether a breach of a trade practice is of such a character as to warrant prosecution and all the heavy penalties provided by this measure for parties found guilty. Therefore the Senate felt that in most cases where the Commission, in the exercise of its judgment, found there had been a breach, it would be proper to take the preliminary step of issuing an order to cease and desist. However, the House of Commons holds a different view, and I do not intend to recommend that we insist on our amendment.

Another exception is taken by the House of Commons with respect to our amendment providing that there should be no prosecution under section 498 or 498A of the Criminal Code save with the approval in writing of the Dominion Trade and Industry Commission. I am sorry this amendment is not practicable. It is an eminently appropriate one, but I realize the force of the objection which the House of Commons makes to it. That House points out that under the amendment there would be interference with the prerogative of the Attorneys-General of the provinces. I do not recommend insistence on our amendment.

The only other exception I now recall—I am sure I am omitting one—relates to our amendment to section 26. That section of the Bill as submitted to us provided that where a Dominion company was making an issue of securities, the Secretary of State could at any time, if he so desired, refer the capital structure of the company to the Dominion Trade and Industry Commission for review, and after such reference the issue could not be proceeded with until the Commission reported. Our committee and the Senate itself recognized the fact that this subject is distinctly within the provincial prerogative and that in all the provinces with the exception of Prince Edward Island there are commissions specifically and technically qualified to determine on stock issues. While the Dominion Commission could investigate and report with respect to Dominion companies, we felt that under this section we were assuming it could do the work better than the provinces are doing it. And to make its work effective there would necessarily have to be a duplication of provincial machinery.