

suggested by the Supreme Court of Canada with respect to the legal principles which should govern in dealing with it. I purposed asking the minister, when this bill was before the house, whether he had considered the advisability of reenacting that section. I had the privilege of speaking with him a short time ago, however, and I gathered that he had considered the matter and concluded not to do so.

Mr. LAPOINTE (Quebec East): I thank my right hon. friend for what he has said. There is no doubt, as he says, that parliament could reenact or create this right of appeal in such circumstances, but it was considered advisable to repeal that old section. This is a question of policy, and having considered the matter and discussed it, even with the judges of the supreme court, I believe it is better that the section should remain as it is.

Section agreed to.

Preamble agreed to.

Bill reported, read the third time and passed.

## COMBINES INVESTIGATION ACT

### PROVISION FOR ADMINISTRATION BY COMMISSIONER UNDER MINISTER OF LABOUR

The house resumed from Monday, March 1, 1937, consideration in committee of Bill No. 41, to amend and consolidate the Combines Investigation Act and amending act—Mr. Rogers—Mr. Sanderson in the chair.

On section 2—Definitions.

Hon. C. H. CAHAN (St. Lawrence-St. George): Mr. Chairman, section 2 of this bill contains, by way of definition of a combine, all its material enactments with the exception of two or three, and in discussing this section I should like to refer casually at least to the other two or three sections which must be read in connection with it in order to obtain a clear understanding of section 2.

The act purports to provide for the investigation of certain matters by a commissioner appointed by the governor in council, who shall report to the Minister of Labour. It is within the legislative competence of the parliament of Canada to enact a statute authorizing an inquiry or investigation into any subject or class of subjects within the legislative jurisdiction of the parliament of Canada or necessarily incidental to such inquiry. If the subject or class of subjects into which such an inquiry purports to be authorized is not within the legislative jurisdiction of parliament, in such case the attendance of wit-

nesses, the giving of oral evidence or the production of papers cannot be compelled by the commission or commissioner conducting the inquiry. Therefore in order to ascertain how far an inquiry and investigation of this kind is within the legislative jurisdiction of this parliament it is necessary to consider the subject of the investigation or inquiry.

The acts that are to be investigated are all, in their civil aspects, matters of property and civil right which normally are within the legislative jurisdiction of the provinces, but which parliament has declared or is now about to declare to be criminal acts and which, by such declaration of criminality, are brought or are to be brought within the legislative jurisdiction of this parliament. The declarations which have already been made by parliament are found in sections 498 and 498A of the criminal code. Section 498 reads as follows:

Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars, and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company,

(a) 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; or

(b) to restrain or injure trade or commerce in relation to any such article or commodity; or

(c) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(d) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

2. Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

This section was in effect amended by the addition of paragraph A in section 9 of chapter 56 of the statutes of 1935, amending the criminal code. The amendment is as follows:

498A. (1) Every person engaged in trade or commerce or industry is guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars or to one month's imprisonment, or, if a corporation, to a penalty not exceeding five thousand dollars, who

(a) is a party or privy to, or assists in, any transaction of sale which discriminates, to his knowledge, against competitors of the purchaser in that any discount, rebate or allowance is granted to the purchaser over and above any discount, rebate or allowance available at the time of such transaction to the aforesaid competitors in respect of a sale of goods of like quality and quantity;