

Combines Investigation Act

Now the hon. member wants an assurance from me that I will not repeat the offence he alleges against me. Well, Mr. Chairman, I thought my hon. friend had greater respect for my intelligence than to ask for an assurance of that kind. If he stops to reflect for a moment on the difficulties that he must know I have had to face in connection with this matter, he will feel quite sure that upon the lowest possible basis of self-preservation he need have no fear for the future.

Mr. Knowles: "Have you stopped beating your wife?"

Mr. Garson: I was just going to say that; my hon. friend took the words out of my mouth. That is a trick question: "Have you stopped beating your wife?" If I say I will not do it in the future—

Mr. Diefenbaker: But you did it.

Mr. Garson: —my hon. friend wants me to admit by implication that I did it in this instance. I say I certainly will not do it in future, but I say that without any admission with respect to having done it in this instance.

Then the hon. gentleman said we had taken away the right of the individual to lay a charge under the act. Whatever other results may have flowed from our action or omission in this instance, the result he charges in that regard has not flowed. The right of any person to take proceedings under this act is no greater and no less than it was before we announced our position in the matter.

Mr. Diefenbaker: And the period of limitation?

Mr. Garson: Yes, I shall deal with that, too. My hon. friend would not have to ask me these questions if he were a little more diligent himself. He is a distinguished lawyer and can read the law as well as anyone can. If he would take the trouble to read it he would not have to ask these questions. The two cases he is talking about—I am speaking now from memory but I think this is substantially correct—are *Rex v. Canadian Import Company Ltd.* and *Rex v. Elliott*. I would not be too sure about the second citation, but in those cases there was a continuous course of conduct which came up within the two-year period. When the point was raised in this case as to whether they were barred by the two years' limitation the court said, "Well, we do not have to decide that point because the facts make it unnecessary for us to do so."

Mr. Diefenbaker: The Prime Minister mentioned the coal case upon which he was engaged.

Mr. Garson: That is the Canadian Import case. I do not think there is any point, therefore, in what my hon. friend says.

In any event, it seems to me that the real substance of the matter is this: that as of September 15, 1947, the alleged offence upon which my friend is relying to give his argument any validity at all is no offence at all. The plain statement of Mr. Taylor, who was the one official who took all the proceedings in connection with it, and whose evidence cannot be contradicted by anyone else because he was the only man who took the proceedings, establishes this beyond doubt. Mr. Taylor said in the clearest possible terms that he directed what was to be done, and the concerns followed exactly what he told them to do.

Mr. Diefenbaker: But the commissioner did not accept that.

Mr. MacInnis: Why did the milling companies not bring Mr. Taylor as a witness?

Mr. Garson: The proceedings taken by the combines investigation commissioner are of a quasi judicial character, they are investigation proceedings rather than judicial proceedings. It is as a result of the investigation conducted by the commissioner that the criminal prosecution in the courts is taken; and you may be sure—as attorney general I was afraid of this all along—that if there had been any prosecution, Mr. Taylor would have been subpoenaed as a witness, as would all the other people with whom those concerns have dealt. They would have been called to the box and asked, did you tell me so-and-so at such-and-such a time as to what the law was? Did you not write to me to this effect, and so on?

Mr. MacInnis: Did they write? That is what I want to know.

Mr. Garson: So far as Mr. Gordon and Mr. Taylor are concerned, we have so far been unable to find in the files of the wartime prices and trade board any written authority from them. But remember that neither of those gentlemen acted as the flour administrator, though for a while Mr. Taylor was the food administrator. The milling companies would not need to have anything in writing from these two men because all the companies needed to do was to prove that there was substantial compliance on their part with the requirements of the wartime prices and trade board orders.

Mr. Coldwell: Knowing that this report was to be made public and that, at least, it would cast some reflection on them, would you not