

*Companies Act*

session. I would prefer that he would not ask me to discuss any specific cases, which are, after all, not a part of the Companies Act but are only examples of how the Companies Act has been put into practice. An opportunity will be given to discuss specific cases, and we could confine ourselves to-night to the consideration of the theory as embodied in the act and amendments proposed.

Mr. BENNETT: I quite agree with the hon. minister as to the necessity of his having his papers before him. I am not disposed to quarrel with the suggestion that an opportunity will be afforded to discuss these specific cases when the estimates are before the house; nevertheless the matter is of very great importance. There are regulations which govern the department, and these have been contravened in such a way as to bring considerable adverse criticism upon the department. I agree further with my hon. friend that it is desirable to facilitate the passing of this legislation; in fact the whole Companies Act should be thoroughly gone over because there is an increasing criticism being offered throughout the country over the creation of vast combinations which are considered to be very inimical to the interests of the communities. Such criticisms are now becoming vocal when times are a little hard; they were not so vocal when times were prosperous. I have asked my legal friends to consider this bill, and they are satisfied with it as reprinted. They consider that it is a step in the right direction and that it will facilitate the conduct of the public business. I have no desire to impede in any way its passage, but I desire to see that it is administered in such a way as not to bring criticism, fair or unfair, unduly upon those charged with that responsibility.

Section agreed to.

Sections 6 to 9 inclusive agreed to.

Section 10—Minister may change name by supplementary letters.

Mr. LADNER: The minister is aware of a case which I presented to his department concerning a company called the National Biscuit and Confection Company of Vancouver—I am speaking now without their knowledge and without their authority. That company was incorporated provincially in 1910, and in 1923 or 1924 they made application to reserve a name of a similar nature for Canada. The provincial company did not proceed to apply for letters patent, but the National Biscuit Company of New York did apply and letters patent were granted to them. I do not raise this point by way of complaint, because

[Mr. Rinfret.]

I think the officers of the department did what they were bound to do under the regulations. The net result of all this was that the American company which did not operate in Canada in 1910 was able to extend its business in western Canada through purchases and be in a position to compete with an organization having a similar name and which had started in British Columbia in 1910. Is it the policy of the department to grant names to foreign corporations with the knowledge that provincial companies have similar or almost identical names?

Mr. RINFRET: I recall the case to which my hon. friend alludes, and I believe he was representing one of the companies.

Mr. LADNER: I was.

Mr. RINFRET: The hon. member pleaded his case with much ability and showed a great deal of courtesy to the Secretary of State. The discretion left with the Secretary of State in matters of this kind—perhaps the hon. member for Argenteuil (Sir George Perley) did not find it as hard when he happened to be in that position—is at times rather embarrassing. When we look into the act again next year and have to deal with certain matters which have been left over, there might be a possibility of restricting somewhat the discretion left with the head of the department, or of having regulations passed which will be more binding or of a nature to direct more definitely the judgment of the Secretary of State. My experience has been that a desire to render justice to both sides places the minister in a somewhat difficult position and the case mentioned by my hon. friend is a very apt illustration. I may tell my hon. friend that next year, whether I happen to be sitting on this side of the house and still have under my direction the administration of this act, or whether I happen to be on the other side, I shall be quite willing to cooperate with my hon. friend and his friends in order to adjust that part of the Companies Act.

Mr. ERNST: There is a possibility you may be left at home.

Mr. STEVENS: When this case was being discussed in the committee the Under Secretary of State stated that it was a rule of the department not to allow a company to incorporate under Dominion letters patent under a name already taken up under a provincial act. When we were dealing with the Companies Act some years ago, that principle was clearly laid down and followed by the department.