of evidence to the commission, wherein it was alleged that certain activities and agreements between the fishermen in British Columbian waters and the fish packing companies were contrary to the anti-combines legislation contained in the Combines Investigation Act and in the Criminal Code. I am advised that it was, and still is, the custom in that industry for fishermen to bargain jointly each year with the fish packing companies jointly, with respect to the prices to be paid for, and the quantity of the next season's catch. Consequent upon those negotiations each year, agreements were reached fixing those prices and quantities.

On the face of it, honourable senators, it would appear that nothing I have said would lead anyone to believe that there may herein have been an infraction of the Criminal Code or the Combines Investigation Act, but that the procedures were more in the nature of the normal process of collective bargaining. However, the fishermen, perhaps—and I use that word advisedly—were not "workmen or employees" within the excepting section of the Combines Investigation Act and its correlative section in the Code, but may very well have been independent, self-employed operators.

Be that as it may, the statement of evidence placed before the commission by the Director of Investigation cast sufficient doubt on the legality of these arrangements and agreements, so that in 1959 the operators of the fish packing companies declined to enter into the usual negotiations with the fishermen with respect to the quantity and prices for the next season's catch.

The fishermen's "union"—and, if I may, I use that word "union" in quotation marks and loosely, without its legal connotations—the fishermen's "union" thereafter threatened a "strike"—and I use that word in quotation marks and without its usual legal meaning.

In any event the action by both parties in 1959 brought about a serious situation which might very well have led to the loss of the season's salmon catch in west coast waters, and possibly the loss of catches of other fish. It was impossible for the Restrictive Trade Practices Commission to complete the other procedures required under the act, before this matter became acute. It was also impossible for the report of that commission to be in the hands of the public before the industry might suffer a serious set back.

Accordingly, in that year the government, to avert this crisis, enacted the original amendments to the Criminal Code and the Combines Investigation Act, which excluded these specific British Columbia activities from the operation of those two statutes. But that exclusion was only for a period of two years, namely, to December 31, 1960, during which time it was anticipated that the Restrictive Trade Practices Commission report would have been forthcoming and in which time thereafter necessary legislative action might have been taken. However, this did not prove to be the case. Following the original enactment, a series of lawsuits were instituted both in British Columbia and here in Ontario, which sought injunctions against the Director of Investigation and the Restrictive Trade Practices Commission, for the purpose of restraining him and the commission from carrying out certain procedures.

This litigation, for the information of honourable senators, is described in detail in the reports of the Restrictive Trade Practices Commission for the years ending March 31, 1961 and 1962. As a result, moratorium amendments, such as the present one, were enacted, again extending this exemption for further terms to December 31, 1961, and again to December 31, 1962. These further moratoriums were required, of course, to maintain the status quo while the litigation I referred to was pending, and during which time the Restrictive Trade Practices Commission was precluded from proceeding with its investigation and its hearing.

The last of the litigation I referred to was concluded near the end of the year 1962 immediately before the preceding moratorium lapsed.

As a result of the final decision which was handed down by the Supreme Court of Canada, the commission was required to sort all its oral and documentary evidence obtained in its investigation—which I am advised was voluminous in the extreme—into multitudinous groupings, to be made available on a restrictive basis to the various parties concerned in the investigation, and in accordance with the principles of law defined by the court in its decision.

This task in itself presented the commission with a formidable array of work, and it was realized immediately that it was impossible for the commission to complete its task, and thereafter to hear the evidence of the parties themselves in accordance with the terms of the act, and again thereafter to complete and submit its final report all before the end of 1962. Accordingly, Parliament once again approved a further extension of the exemption until December 31, 1964.

Alas, honourable senators, we had another, if I may be excused for using a legal term, *novus actus interveniens*, in the form of a very serious strike by the fishermen in British Columbia in the year 1963, over the minimum price to be paid for the season's catch.