Such was the position as I observed it while watching the activities of this committee in dealing with this matter.

I do not want to take up the time of this House unduly, because I know how eager everybody is to get away. I know too that some distinguished gentlemen do not like to hear views expressed that are entirely contrary to their hopes and ambitions respecting wealthy friends.

The question of the propriety of doing certain things under the provisions of the Combines Investigation Act has been before the courts on several occasions. I referred a little while ago to the Amalgamated Builders' Council, and to some of the actions that had been taken in that connection. In my judgment there should be placed in the Debates of this Senate, for future reference, a copy of the records in some of the appeals taken in that matter. I read from page 134 of the Report of the Department of Labour for the year ending March 31, 1932, the section dealing with the Amalgamated Builders' Council, which says:

The Appellate Division of the Supreme Court of Ontario heard two appeals from the judgment of Mr. Justice Wright in The King v. Singer, et al. Louis M. Singer, Charles E. Paddon and Herbert Ward appealed against their convictions and sentences; but the judgment of the trial judge was sustained. On the appeal of the Crown against the acquittal of two other defendants, Belyea and Weinraub, president and secretary of the A.B.C., the Court of Appeal reversed Mr. Justice Wright's judgment and imposed a fine of $4,000 on each of them. The judgment, which was read by Chief Justice Latchford, was delivered on June 26, 1931, and included the following comment on the case:

"That these respondents took an active part in the original scheme—the conspiracy which formed the basis for the prosecution—is admitted; the error in law, into which the learned judge fell, was in not distinguishing between the conspiracy itself and overt acts which, while not themselves the conspiracy, were evidence of the existence of the conspiracy."

Hon. Mr. DANDURAND: Would my honourable friend allow me to intervene? Perhaps I am late in doing so. I recognize that I have some responsibility for the proper conduct of procedure in this Chamber, and I should not like to be accused of being remiss in my duty. I have been wondering whether there is anything before the Chair, for if there is nothing this discussion may be stopped abruptly. Perhaps I should have put the question myself when my honourable friend rose. I do not know what is before the Chair just now.

Hon. Mr. MURDOCK: My honourable leader will, I am sure, recognize the fact that he was speaking on the Combines Investigation Act, as was also the right honourable leader opposite (Right Hon. Mr. Meighen) I followed them, and I think I should now be doing less than my duty if I did not take the first opportunity to present certain views to this House. If my honourable leader had not stopped me, I should have been almost finished by now.

I proceed. After the quotation which I have just read from the decision of Chief Justice Latchford I find, further:

The Supreme Court of Canada, in November, 1931, refused leave to appeal against the conviction of Louis M. Singer. The appeal against the conviction of Belyea and Weinraub was heard by the Supreme Court in November, and the judgment of the Court, dismissing the appeal, was delivered by Chief Justice Anglin in February, 1932. In the reasons for judgment the following observations were made.

These observations are worthy of the attention of honourable senators who think that this Bill is an imposition upon the wealthy person who may attempt to double-cross his fellow man and unjustly exact money from him. The judgment reads as follows:

The following findings of Wright J., in the course of his judgment, seem to us to be vital and leave no doubt as to the appellants' guilt. Moreover, they are all supported by the evidence. Indeed, as stated by counsel for the appellants in his memorandum, the fact-finding of the learned trial judge was good. . . .

If sitting as a jury, we should have no hesitation in finding that the illegal acts done at Windsor were a result intended by the defendants and their fellow conspirators when they formed the organizations found to have been a combine and a conspiracy. But we do not proceed on this ground, since this would involve making a finding of fact contrary to a finding of the trial judge. . . .

Having determined that the formation of the various organizations in question amounted to the formation of an illegal combine, and to a conspiracy within section 498, Criminal Code, the learned judge proceeded to deal with the questions as to who had incurred criminal responsibility. He convicted Singer, Paddon and Ward on evidence which, in our opinion, clearly implicated Belyea and Weinraub, in much the same manner in which Singer and his companions were involved, in the formation of the combine and conspiracy in question. He fell into error, however, when he proceeded to find that it was essential to a finding of guilt of the accused, that they should be held to have had actual knowledge of, or to have actually participated in, the overt acts at Windsor.

Mr. O'Connor, somewhat ingeniously, argued that, where there is an "inferred conspiracy," or an "inferred combine," as he termed them, proof of the existence of which depends largely on certain overt acts, it is necessary to show privity of the accused to, or participation by them in, such overt acts, in order to make them liable for the formation of the combine or the conspiracy. This seems to us to be a fallacy. The moment it is established that a combine or conspiracy existed, it is unnecessary, in order to warrant a conviction of the respondents for