

been referred upon its introduction to a special committee of not more than seven or nine members of this house before whom persons interested might have been given an opportunity to be heard, and the committee might have clarified its terms after hearing the witnesses or their counsel. I suggest that it is impracticable to discuss and to amend a complicated measure of this kind in committee of the whole house. It affects every business interest in the country no matter how honourably that business is being conducted. It affects it in the sense of making the owners or official managers of that business criminals, though operating without any criminal intent or without any prejudice to the public interest, if the minister, or the commissioner acting under his direction, conceives that they are likely at some future time so to operate. It seems to me to be in the nature of criminal legislation and might be compared to a psychological examination, by the medical authorities, of all the youth of the country, from which it is concluded that one or more are likely to be guilty of offences in the future. Thereupon they are convicted of crime by the fact of not being quite up to the standard, or, if up to the standard, of being in such mental and physical health that they are likely at some time in the future to commit criminal offences and should therefore, be decapitated at once or be sentenced to imprisonment for all time.

Mr. ROGERS: If they carry firearms it is a criminal offence.

Mr. CAHAN: That is a criminal offence, yes. But here you are providing that business honestly conducted, with respect to which there is no criminal intent, shall be a criminal offence under this statute, to be investigated and punished with the penalties I have indicated.

I, for one, am perfectly willing and anxious to frame laws imposing heavy penalties upon every business which in fact is found to be acting in violation of the law, or every business which is founded with the design or intent of violating the provisions of the law. But I certainly suggest that this bill goes farther than that; it provides for a star chamber investigation under the supervision of the Minister of Labour, an investigation that may be used for ulterior and indirect purposes, which should not be possible. In fact, to express an opinion without any disrespect to the Minister of Labour, I think that, in view of the conditions that now prevail in Canada and the magnitude and ramifications of the several branches which are under his administration, it would have been far better to place the administration of this act where

it belongs, with the Department of Trade and Commerce, because in so far as its object is legitimate it deals with and attempts by criminal law to regulate the domestic trade and commerce of the country.

Mr. ROGERS: I should like to take up in order the several points raised by the hon. member for St. Lawrence-St. George. In doing so I think he will understand that, in dealing with the purely legal questions to which he has referred, I shall speak with deference to his own wide knowledge of that phase of the subject.

As I understand it he questioned first the propriety of our proceeding in the way now proposed, namely, to create a criminal offence by a statute of this parliament and not by an amendment to the criminal code. I have no doubt he will recall that in the historical evolution of anti-combines legislation in Canada, we did at first proceed precisely in this way. In 1889 parliament passed an act for the prevention and suppression of combinations formed in restraint of trade. Three years later the present section 498 of the criminal code replaced the act originally passed in 1889. But the real purpose of the combines legislation from the very beginning has been not so much to create a new offence as to provide the means, through investigation, by which the evidence could be determined with respect to the commission of the offence.

In this connection I might very well quote the words of the present Prime Minister as reported at page 988 of Hansard of 1923:

The legislation which the government is introducing proceeds on the theory that the reason why section 498 of the criminal code is of so little effect is not that there are no combinations that are detrimental to the public or that such combinations are rare, but rather that the existence of these combinations, and their method of operation is difficult to discover; that what is needed is effective machinery of investigation which will disclose the existence of combines operating to the detriment of the public, and afford the information whereby proceedings under the criminal code can be made really effective in the case of individuals who are violating its provisions, or who are associated with combines that are operating to the detriment of the public.

That, I take it, is the purpose behind the original legislation with respect to combines, and certainly no change is contemplated in the bill now before the house. As a matter of fact—and of this I believe the hon. member is well aware—when criminal proceedings have been taken in regard to offences under the combines act it has been customary for the information to be laid under both the combines act and section 498 of the criminal code. That procedure I believe, has been followed as a general rule. But the real under-