

*Combines Investigation Act*

relieving this discontent if they made a clear statement, say in the Labour Gazette or the National Revenue Review, explaining the conditions imposed by this holding company. I think the government should go further and take steps to remedy a situation which permits a monopolistic control over all these patents.

I suggest that more direct action could be obtained in connection with certain matters by the Department of Labour, under which the combines act is administered, if these special commissioners were directed to investigate. Take gasoline, for instance. We have had dominion royal commissions and provincial royal commissions, costing thousands of dollars, investigating gasoline prices; but nothing has happened. You can go into any community in the southern part of British Columbia and you will find the wholesale gasoline companies selling at a fixed price, for resale at a fixed price. A commissioner would not need affidavits and so on to find this out. He can go to any service station and he will be told that the wholesale price of wholesale companies is exactly the same, and that the service stations are required to sell at a common price. If they do not sell at that price they are penalized. Surely such a practice is a violation of the intention of the combines act.

Why should the price of gasoline in the interior of British Columbia be more than the price in Vancouver plus the freight? The same provincial taxes are paid, and there is the same spread between tank car and station. The price of gasoline is exactly the same at all service stations in any one community in the interior, and the wholesale price is exactly the same. The selling price to the public should be the same as the price on the coast, plus the freight.

There are other matters which enter into the determination of whether or not there is a combine. Sometimes the financial position of the man who is complaining enters into the question. The minister will recall that a few years ago there was an inquiry into the Famous Players company, instigated by a competitor who was unable to secure films. Mr. Peter White was the royal commissioner, and he found that the charges were well founded. The matter went to the grand jury, which returned a true bill. The provincial government of British Columbia did not bring a separate action. The joint action brought by Ontario and British Columbia was fought by a battery of able lawyers acting for Famous Players, and they were able to show that the indictment was faulty.

The fact is this man wanted to get films. He and his solicitor went to every film agency

[Mr. Esling.]

in Vancouver, but they were unable to secure any films. Mr. Peter White, the royal commissioner, was satisfied that this was the case. When conditions such as these are brought to the attention of the commissioner of combines, why should it be necessary to go through a lot of red tape in obtaining the affidavits of half a dozen people? Surely a commissioner who possessed any ability or common sense could visit a community and ascertain that certain facts were so. He could then make his report to the department, and any prosecution could proceed from that point. I think if such steps were taken it would go far toward restoring the confidence of the people, not only in the present but in future administrations.

Mr. MACKENZIE KING: The minister has accepted the suggestion of the right hon. leader of the opposition (Mr. Bennett) and I would move for him that section 9 be amended by substituting the words "governor in council" for the word "minister" in line 21.

Amendment agreed to.

Section as amended agreed to.

On section 10—Duties of assistants.

Mr. BENNETT: I think that all the words after "commissioner" in line 30 to the end of the section should be struck out, the reason being that it is very unusual, and certainly against precedent, to have a commissioner delegate his powers to any employee or person who may be engaged for special purposes. If we end at the word "commissioner" we say that:

Any technical or special assistant or other qualified person employed under this act shall, when so authorized and deputed by the commissioner, inquire into any matter within the scope of this act as may be directed by the commissioner.

Surely we cannot have auditors going out and exercising punitive powers and the like. The old rule was, *delegatus non potest delegare*; this is a delegated power, and I think the Minister of Justice will admit that it is highly improper that somebody else should exercise those powers.

Mr. ROGERS: I shall be glad to accept that suggestion and to have the words struck out. I will ask my colleague the Minister of Justice if he will make the amendment proper in the circumstance.

Mr. LAPOINTE (Quebec East): I move:

That all the words after the word "commissioner" in line 30 be deleted.

Amendment agreed to.

Section as amended agreed to.