able to get near to finding an answer to the question: how big is big, or how much is much. Bigness in itself is not to be regarded as wrong. It is the operation of the business and the effect which it has on the economy which must be considered. The same is true of a monopoly. A monopoly per se is not a bad thing to have in existence; it is the manner in which the monopoly functions, and its effect on the economy and on society that requires attention. The same is true of merger. Perhaps the corporate structure of Bloedel, Stewart and Welch was a bad thing in itself and, accordingly should have been broken up. That is the organization to which I made reference some while ago.

I merely say that these problems are developing particularly in the last eight or ten years, and our combines investigation machinery has not kept pace with these developments. The efforts of the people in the combines branch have unfortunately not been directed to finding a solution of these growing problems in this changing economic situation. This is partly because the combines investigation branch is under-staffed; there are too many lawyers and not enough economists in the branch; the staff are too busy doing case studies and investigating specific situations to engage in any work of the nature which I have suggested which, perhaps, should properly be the subject matter for a committee or a commission to investigate.

Amendment (Mr. Pickersgill) negatived: yeas, 15; nays, 53.

Mr. Pickersgill: I feel so strongly about this clause which is now, because of the defeat of the amendment, going to contain the provision that some persons committing offences will be prosecuted although other persons committing offences need not be prosecuted, which seems to us to be so offensive to our conception of equal justice and equal treatment for all that I feel that when you come to call the clause I shall have to ask for the yeas and nays to be counted.

Mr. Howard: Perhaps it is necessary for us to put our attitude on the records. It is true that this leaves a differentiation to be made in that in one set of circumstances a corporation may be prosecuted while in another set of circumstances—

Mr. Pickersgill: In the same set of circumstances.

Mr. Howard: Well, let me make my point—while in another set of circumstances they may not be prosecuted. Conceivably it could be that the circumstances would be identical in each case and the minister or the attorney general of a province, because of some peculiar attachment to one company or one group of companies as opposed to another, may decide to prosecute in one case or simply to seek an order of prohibition or dissolution in the other. In this sense I think there would be discrimination.

However, basically the approach we have taken to combines legislation is that we should not proceed automatically to prosecution and a fine or imprisonment in every instance. This is the circumstance that exists at the present time. Apart from such remedies as were dealt with under section 29, such as deduction of customs duty, apart from that and the question of patent rights and the other things I mentioned, prosecution must take place before a situation can be corrected. The amendments proposed by the minister are inconsistent with his attitude that no action should be taken with respect to mergers until we have evidence as to the effect of them. I believe this is a better change in the long run than no change at all.

I wish the minister had the courage, foresight and understanding to have tackled this problem when he took office and dealt with it in a proper manner so we would have before us an up-to-date approach to combines activities and mergers in particular. Inasmuch as the minister has not done this, and inasmuch as it is unlikely that either a Liberal or Conservative administration will adopt the proper approach until they are forced into it by the pressure of circumstance, and because we feel this does represent an improvement, when the yeas and nays are called we will support it.

Mr. Fulton: Mr. Chairman, since we are on the merits of this clause I should like to make a comment in reply to what has been said. I appreciate the interest of the hon. member for Skeena in this matter. I will not take offence at what he said about my apparent disinterest in the matter or my unwillingness to produce an answer on the merger problem. I explained previously the main reason why we decided not to do that. It is because we do not know how effective the present legislation is to deal with the merger problem. It is only recently that substantial merger cases have come before the courts. There has been only one substantial case in which we have had a decision and a decision has not yet been handed down with respect to the other one. We are in the position of having one merger case before the courts, at least three before the restrictive trade practices commission and others under preliminary study.

In the absence of jurisprudence which would establish how far the present legislation enables us to deal with the situation, which would establish whether it is adequate or inadequate to control the merger problem