

*Combines Investigation Act*

then follows "which combination, merger, trust or monopoly," and so on. It seems to me that that will clarify the whole thing and preserve the idea that was in the mind of the draftsman of the paragraph.

Mr. ROGERS: I thank my hon. friend for his suggestion. It will be remembered that this morning a number of objections were taken to the wording of this clause. Naturally we are anxious to make progress to-day with the bill. I suggest that clause 2 might stand while the objections mentioned this morning are being given consideration by the law officers of the crown.

Mr. BENNETT: I think that is reasonable, but perhaps one or two other objections had better be stated so that they may be considered at the same time.

The suggestion made by my colleague that a bill of this kind would be better administered by the Department of Trade and Commerce is a sound one. It has been made before, of course. The Department of Trade and Commerce touches the whole commercial fabric of the country as the Department of Labour does not. I understand how the matter came in the first instance to the Department of Labour, but it seems to me it would be better in the Department of Trade and Commerce.

It seems to me that the suggestion made by the Prime Minister (Mr. Mackenzie King) to delete the words "combination, merger, trust or monopoly" in the third line from the bottom and to carry it forward in the way he indicated would certainly greatly improve it. The First Minister gathered the point I was trying to make, although I am afraid I did it very abstrusely. On the point of construction, if you consider the definition in sub-clause 4 in the light of the rest of it, the rearrangement of the clauses would seem to be desirable.

One other point. When the bill came down I mentioned that subsection 7 would be capable of grave abuse; it gives the meaning of "trust" and "monopoly" to one or more persons who within a particular area substantially control any class or species of business. That might mean a lumber yard. As a matter of fact one case of that kind did arise. It might mean a bank, or any other particular class or kind of business that one person had in the community. And when you begin to talk about controlling it, in view of the fact that nobody else is there, and that one person does mean control, surely some words must be necessary for the purpose of preventing abuses. You can easily get people to allege, when there is only one business in a community, and that, probably, not making

[Mr. J. S. Taylor.]

any money, that it is highly desirable that that business should not operate alone, that there should be two or more businesses for the purpose of meeting the wishes of some who cannot receive at the hands of the one business accommodation to which they are not entitled. The cases I could give the committee on that point are, I think, voluminous.

I looked casually at the suggestion with respect to patents. I put this to the committee, and I think the Prime Minister will realize in the light of his own experience how important it is. When we grant a patent we do so in accordance with a commitment which this country made at an international convention. Practically all the more important countries were parties to that convention. In our relevant control act we have provided that if a patentee does not commence operations within a given time he runs the risk of losing his patent. I am not now going into details, but putting the matter in a general way. That being the general international arrangement which we have accepted, to make it possible that a man should lose his patent because he exercises exclusive control under his patent is the very negation of the idea of the patent itself. The whole theory of patent is that he shall have exclusive control; the negation of it is that he may lose it because he exercises that exclusive control, and this bill contemplates his losing it if he does exercise it.

Mr. ROGERS: Against the public interest.

Mr. BENNETT: Yes, but every time a man gets a return on his investment in a patent there are many who say that it is against the public interest. The other day I bought for twenty-five cents a small article—I will not mention what it is, because it is patented. As a matter of fact it represents an investment, I should think, of about two cents. You can argue that it is against the public interest that a man should make a profit of twenty-three cents on an investment of two cents. Nevertheless it will be remembered that the privy council, dealing with the question of express rates on the bridge across the Niagara, where certain tolls were fixed which appeared to be out of all proportion to the return on the money invested, said that there are some services which must be considered in another way altogether; it is the character of the service rendered having regard to the effect it has upon the general conditions of living, and all that sort of thing. There are patents and patents around about us everywhere, and the use of