

were taken. This Act was repealed in 1919 when the Combines and Fair Prices Act was passed.

On Nov. 10, 1916 (under authority of the War Measures Act, 1914), an Order-in-Council (P. C. 2777) was passed designed to combat the increased cost of living. As amended on Nov. 29, 1916, by P. C. 2957, this order provided for the repeal of sec. 498, as far as trade in the necessities of life was concerned, during the existence of these special regulations. Any combination to restrain trade or lessen competition in or enhance the prices of any necessities of life was made a criminal offence, the qualifying words "unduly" and "unreasonably" being omitted. Other clauses were designed to prevent hoarding and excessive profits. Investigations were made with respect to several commodities, but no recommendations were submitted for legal action against any combine. Amendments to these regulations were made by the following Orders in Council:—P. C. 2461, of Oct. 4, 1918; P. C. 3069 of Dec. 11, 1918. On Aug. 14, 1919, the latest Order in Council was rescinded by P. C. 1722, and sec. 498 of the Criminal Code was restored to its original status.

In 1919 the Combines and Fair Prices Act (9-10 Geo. V, c. 45) was enacted, to be administered by a Board of Commerce appointed under the Board of Commerce Act (9-10 Geo. V, c. 37). The former statute repealed the Combines Investigation Act of 1910, and provided that prosecutions under sec. 498 of the Criminal Code could be undertaken only with the written consent of the Board of Commerce. A combine was defined as a merger, trust or monopoly, the control of another business, or any agreement, actual or tacit, which limits production, transportation or trade, fixes a common price or a resale price, prevents or lessens competition or otherwise restrains trade, when the operation of such combine is to the detriment of the public. The Board of Commerce was empowered to investigate complaints and to issue orders forbidding acts in pursuance of a combine. Penalties were provided for violation of such orders, and recommendations for prosecution might be forwarded to the Attorney-General of the province concerned. Other sections of the Act dealt with prices. A stated case involving the question of the validity of the Combines and Fair Prices Act and the Board of Commerce Act was submitted in 1920 to the Supreme Court of Canada. Two questions were submitted to the Court—(1) whether the Board of Commerce had lawful authority to make an order prohibiting certain retail dealers in the City of Ottawa from charging as profits on sales more than a certain percentage of cost described as a fair profit; (2) whether the Board had lawful authority to require that the order, when issued, should be made a rule of the Supreme Court of Ontario. The judges delivered their opinions on June 1, 1920, but, being equally divided, no judgment was rendered. Appeal was then made to the Judicial Committee of the Privy Council, and judgment was delivered Nov. 11, 1921 (1 A. C. 191). The Privy Council declared the legislation to be *ultra vires* of the Dominion Parliament, as interfering with property and civil rights. It was held that the "regulation of trade and commerce" section of the B.N.A. Act could not, by itself and in the absence of any general power possessed by the Dominion independently of that section, confer capacity on the Dominion to regulate particular trades and businesses.

*The Combines Investigation Act of 1923.*—The Combines Investigation Act, 1923, which repealed the legislation of 1919, was assented to on June 13, 1923. Its definition of a "combine" is as follows:—

"The expression 'combine' in this Act shall be deemed to have reference to such combines immediately hereinafter defined as have operated or are likely to operate to the detriment of or against the interest of the public, whether consumers, producers or others; and limited as aforesaid, the expression as used in this Act shall be deemed to include