

- (1) mergers, trusts and monopolies so called, and
- (2) the relation resulting from the purchase, lease, or other acquisition by any person of any control over or interest in the whole or part of the business of any other person, and
- (3) any actual or tacit contract, agreement, arrangement, or combination which has or is designed to have the effect of
 - (i) limiting facilities for transporting, producing, manufacturing, supplying, storing or dealing; or
 - (ii) preventing, limiting or lessening manufacture or production; or
 - (iii) fixing a common price or a resale price, or a common rental, or a common cost of storage or transportation; or
 - (iv) enhancing the price, rental or cost of article, rental storage or transportation; or
 - (v) preventing or lessening competition in, or substantially controlling within any particular area or district or generally, production, manufacture, purchase, barter, sale, storage, transportation, insurance or supply; or
 - (vi) otherwise restraining or injuring trade or commerce."

The statute provides for preliminary inquiry by the Registrar, on application by any six British subjects resident in Canada, either on the initiative of the Registrar or at the instance of the Minister of Labour, who administers the Act. If the preliminary inquiry discloses sufficient evidence to justify further investigation, this may be conducted by the Registrar or by a special Commissioner appointed by the Governor in Council. Full authority is given the Registrar and the Commissioner to examine witnesses on oath and compel the production of records and documents.

The remedies provided by the Act are those of publicity and penalty. The proceedings are conducted in private, unless otherwise ordered by the Minister, but the report of any commissioner is required to be published within fifteen days of its receipt by the Minister. Any person who is a party or privy to or knowingly assists in the formation or operation of a combine is guilty of an indictable offence and liable to a penalty not exceeding \$10,000 or to two years' imprisonment; or, if a corporation, to a fine not exceeding \$25,000. Provision is also made in the Act for the reduction or removal of the customs duty on any article of commerce, among the manufacturers or dealers in which there exists a combine the operation of which is facilitated by the tariff. Similarly, the Exchequer Court may revoke a patent if there is evidence to show that the holder of such patent has made use of his exclusive rights to limit production or restrict or injure trade unduly.

Cases under the Combines Investigation Act of 1923.—Briefly outlined, the most important cases dealt with under the Combines Investigation Act, 1923, from the date of its enactment, June 13, 1923, to Mar. 31, 1927, are as follows:—

The investigation by a Commissioner into an alleged combine in the distribution of fruit and vegetables in Western Canada, 1924-25. The Commissioner, on Feb. 16, 1925, reported the existence of a combine within the meaning of the Combines Investigation Act and sec. 498 of the Criminal Code, and charged members of the combine with various forms of fraud. The report was referred to the Attorneys-General of the four western provinces, who agreed to co-operate in a prosecution undertaken by the Dominion. Fifty-three defendant companies and individuals connected with the Nash Shareholders' Co. of Minneapolis were named in the bill of indictment, which contained sixteen counts, including charges of conspiracy to take secret profits, rebates and commissions, to defraud their principals, the growers, and to make false returns to them while acting as agents; to defraud the public, and, by means of fraud, to affect the market price of these products. On six of these counts the trial proceeded before a jury, the Hon. Mr. Justice D. A. McDonald, of the Supreme Court of British Columbia, presiding. In his charge