

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 competition unduly, to enhance prices unreasonably, or to restrain or injure trade.

The constitutional validity of the Combines Investigation Act was given final confirmation by the Judicial Committee of the Privy Council in a decision delivered in January, 1931. This judgment confirmed the unanimous decision of the Supreme Court of Canada, given in April, 1929, after a reference for determination of this question had been made to the courts by the Dominion Government. Both courts also upheld the constitutional validity of section 498 of the Criminal Code, relating to combinations in restraint of trade.

*Combine Cases in 1931.*—Prosecution proceedings in the case of the Amalgamated Builders' Council, a combine of plumbing and heating contractors and others in Ontario, were resumed in February, 1931, following the Privy Council judgment on the validity of the Combines Investigation Act. Three members who elected to be tried without a jury were found guilty on Mar. 23, at Windsor, by Mr. Justice Wright, who imposed fines of \$8,000 on one defendant and \$800 on each of the other two (*Rex v. Singer et al.*). Two others, the president and secretary-treasurer of the organization were acquitted in the same judgment. This latter decision was reversed by the Appellate Division of the Ontario Supreme Court in June, 1931, and a fine of \$4,000 was imposed on each (*Rex v. Belyea and Weinraub*). The Court of Appeal confirmed at the same time the judgment of Mr. Justice Wright in the three convictions. Appeals of the president and secretary-treasurer of the A.B.C. against their convictions were heard in the Supreme Court of Canada and were dismissed under a judgment delivered Feb. 2, 1932. Eleven other members of the combine were found guilty by a jury at Windsor on April 1, 1931, and were fined \$100 each by Mr. Justice Sedgewick (*Rex v. White et al.*). An action for damages for slander was entered in 1930 by counsel for the Amalgamated Builders' Council against the Commissioner who made the investigation into the plumbing combine. Judgment in this case (*O'Connor v. Waldron*), was delivered in May, 1930, by Mr. Justice Orde, who dismissed the action on the ground that proceedings before a commissioner appointed under the Combines Investigation Act are absolutely privileged, and that commissioner, counsel, witnesses and parties are entitled to the same protection as in a court of law. The judgment was upheld by the Appellate Division of the Supreme Court of Ontario in June, 1931, and by the Supreme Court of Canada in December, 1931.

Action against the members of the Electrical Estimators' Association, an alleged combine of electrical contractors in the city of Toronto, was commenced by the Attorney General of Ontario in June, 1931, following a reference from the Minister of Labour of the report of the Commissioner and the evidence taken during the investigation held in 1930. The chief method employed by the Association, as disclosed by the inquiry, required each member, before tendering on a job, to submit his costs to the Association Secretary, who averaged them and "awarded" the contract to the member whose costs were nearest the average. This contractor then added an agreed percentage to cover overhead and net profit, announced his tender price to the other members who submitted their tenders at figures higher than his. The case was tried in November, 1931, before Mr. Justice Raney, without