

The first Dominion legislation in this field was "An Act for the Prevention and Suppression of Combinations formed in Restraint of Trade", passed in 1889 and now in force in amended form as Sec. 498 of the Criminal Code. Legislation providing special facilities for the investigation of combines was first enacted in 1907 and was included in the Customs Tariff of 1907. In 1910 the Combines Investigation Act of that year was enacted. The latter Act was replaced by the Combines and Fair Prices Act, 1919, which in turn, after declaration of its constitutional invalidity by the Judicial Committee of the Privy Council, was replaced by the present Combines Investigation Act in 1923.

The Combines Investigation Act.—The Combines Investigation Act (R.S.C., 1927, c. 26) provides means for the investigation of trade combinations, mergers, trusts and monopolies alleged to have operated in restraint of trade and to the detriment of the public. The Act was passed in 1923 and amended in 1935 and 1937. In 1931 its constitutional validity was upheld by the Judicial Committee of the Privy Council following a reference of questions on this point by the Governor in Council to the Supreme Court of Canada. The Combines Investigation Act provides for publication of reports of investigations of alleged combines. Participation or knowing assistance in the formation or operation of combinations or monopolies which are detrimental to the public and come within the scope of the Act is an indictable offence. Provision also is made in the Act for the reduction or removal of customs duties at the instance of the Governor in Council in cases where it is found that with respect to any commodity there exists any combine to promote unduly the advantage of manufacturers or dealers at the expense of the public and that such disadvantage to the public is facilitated by existing customs duties.

Legislation in 1937.—The Combines Investigation Act Amendment Act, 1937, which came into effect on Apr. 10, 1937, provided for the administration of the Combines Investigation Act by a Commissioner reporting to the Minister of Labour. It also removed amendments added to the Act at the instance of the Senate in 1935 whereby documents required to be produced in investigations under the Act had been rendered inadmissible as evidence in possible subsequent prosecutions under the Act against the persons who had produced them. Provisions of the Combines Investigation Act respecting revocation of patents were repealed in view of a revision of related provisions of the Patent Act effected in 1935 and in view of the terms of an International Convention ratified by Canada with regard to patents. Certain further amendments, introduced for the purpose of strengthening the Combines Investigation Act in a number of respects, were included in the amending Bill of 1937 as passed by the House of Commons but were deleted in the Senate and not enacted.

Investigations in 1937.—An investigation under the Inquiries Act was made into the importation and distribution of anthracite coal, following the similar inquiry made under the Combines Investigation Act and the court actions which had been completed in 1935 in connection with that case. The report of the Commissioner appointed to conduct the inquiry, was made public in February, 1937. The Commissioner found no evidence as to price-fixing arrangements. He reported