

A general article on Canadian legislation concerning combinations and monopolies in restraint of trade appears in the 1927-28 Year Book under the heading "Legislation Respecting Combinations in Restraint of Trade", pp. 765-770. In each later issue of the Year Book an annual statement on proceedings under the Combines Investigation Act is included.

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 Sect. 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 (R.S.C. 1927, c. 26).

The Combines Investigation Act.—This Act 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 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 that 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.

Proceedings in 1940.—Following the report by the Commissioner on Mar. 14, 1939, that a combine embracing all principal manufacturers of paper-board shipping containers and related products existed in the shipping-container industry, court proceedings were begun at the instance of the Attorney General of Canada in the Supreme Court of Ontario (Canada Year Book, 1939, p. 795) against 19 manufacturers of shipping containers. Evidence was heard from Apr. 22 to May 29, 1940, and argument from June 17 to June 28. Judgment finding all accused guilty on all counts was delivered by the Court on Sept. 6, 1940, when fines totalling \$161,500 were imposed. On appeal against the convictions the case was taken to the Court of Appeal for Ontario, which fixed Jan. 20, 1941, as the date for the hearing.

Proceedings under Sect. 498 of the Criminal Code which were instituted by the Attorney General of Alberta against an alleged combine of tobacco manufacturers and wholesalers, following an investigation in 1938, and which resulted in one group being brought to trial on Apr. 29, 1940, were suspended on May 10 when a stay of proceedings was entered by the Crown. On Nov. 19, 1940, charges were laid under the Combines Investigation Act in the Supreme Court of Alberta against 40 tobacco manufacturers, wholesalers and distributors. It was arranged that trial should begin in April, 1941.