

# **THE PREVENTION AND CONTROL OF MONOPOLIES**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649124442

The prevention and control of monopolies by W. Jethro Brown

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**W. JETHRO BROWN**

**THE PREVENTION  
AND CONTROL OF  
MONOPOLIES**



Law  
Eng  
B881p

# THE PREVENTION AND CONTROL OF MONOPOLIES

BY W. <sup>William</sup>JETHRO BROWN, LL.D., LITT.D.

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW, SOMETIME  
MACMAHON STUDENT OF ST. JOHN'S COLLEGE, CAMBRIDGE;  
AUTHOR OF "THE AUSTINIAN THEORY OF LAW," "THE  
UNDERLYING PRINCIPLES OF MODERN LEGISLATION," ETC.

257893  
10.8.31

LONDON  
JOHN MURRAY, ALBEMARLE STREET, W.

1914

ALL RIGHTS RESERVED

TO  
HIS HONOUR  
SIR JOHN GORDON





## PREFACE

THE many learned contributions, which have been made in recent years on the subject of monopolies, impose upon me the obligation of stating the precise scope and purpose of the present work. I do not propose, save very incidentally, to trace the origin of monopolies, to classify their forms, or to illustrate their powers of exploitation. These things have been done, and effectively done, in a number of well-known treatises. But, at any rate in most of these treatises, the subject of *remedies*, though of supreme importance from the point of view of the community, has been relegated to concluding chapters. In the present volume, I address myself specifically to the questions within what limits monopolies should be prevented, how the prevention should be effected, and how, where a policy of prevention is undesirable or impracticable, monopolies should be regulated or controlled. I am, moreover, less concerned to state novelties in the way of remedial legislation than to select from among many remedies which are more or less partially reflected in contemporary legislation those which may be regarded as really serviceable, to indicate their

respective scope and limitations, to outline the administrative machinery necessary to their effectual working, and to show how, by a judicious combination of them, the community can control in the general interest the tendency towards concentrated capitalism. The reader will not need to be informed that the tendency in question, while it may enhance industrial efficiency, threatens to become, if indeed it has not already become, a grave menace to the social order.

The ambitious character of the work which I have tried to perform was enforced upon me by an association with the work of a Royal Commission on the Australian Sugar Industry. By Letters Patent, first issued in 1911, His Honour, Sir John Gordon, the Hon. Albert Hinchcliffe, Messrs. R. M. McCheyne Anderson, M. R. Shannon and T. W. Crawford, were appointed to inquire into and report upon the Sugar Industry in Australia, and more particularly in relation to Growers, Manufacturers, Refiners, Workers, Purchasers, Consumers, Costs, Profits, Wages, Prices, the operation of existing Laws, and the nature of any remedial legislation that might be deemed necessary. Under the Chairmanship of Sir John Gordon, the Commission conducted the most searching investigation that has yet been made into any Australian industry. Unfortunately, the Chairman was compelled through ill-health to resign before completing the examination of witnesses. I was appointed to continue his work. For some years I had been a student of the problems which arise in relation to monopolies. But I had little realised the extent of the diffi-

culties which confront investigators called upon to suggest definite solutions in an industry where monopoly control co-existed with public and private ownership, with corporate, co-operative and individualistic production, and with a division of legislative control between Federal and State Parliaments. If the experience was chastening, it was not without its value as an opportunity to test views previously held. I was compelled to formulate anew, to qualify, to correct—happily with the whole-hearted assistance of colleagues well versed in practical affairs. I wish to acknowledge how much I owe to their aid. But I am still more indebted to Sir John Gordon, with whom I had the honour to be associated during the period in which he presided over the investigations of the Commission.

Although I make frequent use of Australian data, and refer at some length to the legislation of the Commonwealth or States, I have kept in view a wider audience than the Australian electorate. While the varying conditions of modern communities involve differences in remedial legislation, the differences so far as the problem of monopoly is concerned more often affect the relative value of different remedies, or the particular means for giving effect to them, than challenge their validity as remedies. Publicity, to quote one example, is a serviceable remedy everywhere, although it may achieve more in one country than in another, and although the instrumentalities through which it operates are necessarily conditioned by local circumstance. Apart from this aspect of the matter, I have felt