

THE EDMONTON BULLETIN (SEMI-WEEKLY.)

DAILY—Delivered in City, \$4 per year. By mail, per year, \$5.30. Sent to United States per year \$6. SEMI-WEEKLY—Subscriptions per year \$1. Subscribers in the United States \$2. All subscriptions strictly in advance.

BULLETIN CO., Ltd., DUNCAN MARSHALL, Manager. FRIDAY, JULY 31, 1908.

LUMBER COMBINE PROSECUTION

The appeal recently made from the decision in the now noted lumber case of last year and its dismissal, revives public interest in what was perhaps the most interesting case ever tried in Alberta. Incidentally it invites comparison between the action taken by the Alberta Government and that of Ontario in similar cases.

In Ontario complaints against combines working in restraint of trade have been common for years. It is a matter upon which feeling runs high in every part of the civilized world, because these industrial trusts and combines are everywhere regarded as among the greatest enemies to modern society. And consequently public sentiment in Ontario is roused because although there is sufficient evidence in the hands of the Attorney-General of that Province to enable him to institute prosecutions against several combines, his department remains inactive.

Before his resignation as Crown Prosecutor, J. K. Curry, K.C., had obtained this evidence after a close and personal study of the alleged combines.

Notwithstanding this no decisive action has been taken in the matter by the Provincial authorities. The Criminal Code's provisions against crimes of the sort practised by combines are being violated from week to week in Ontario, and with impunity apparently.

Some steps were taken against the Wholesale Grocers' Association three years ago, and the case has not reached a phase where it may be considered rightly started. In one case after a case bill had been announced by the Grand Jury the Attorney-General announced that the case had been dropped on the advice of a high legal authority. This authority's reasons have not been made public, nor have the people learned the findings of the high legal authorities who have been for two years "considering" the evidence collected against combines by Crown Prosecutor Curry.

There are, it is estimated, in Ontario thirty of these combines in operation and each, according to Mr. Curry's investigations, obtains illegally from the pockets of the public an average sum of \$100,000 each year. These unlawful gains would aggregate at least \$3,000,000. Surely a very considerable sum—so be diverted yearly from the pockets of the masses to the coffers of the combines in one Province only.

Under the Criminal Code of the Dominion these crimes are punishable in Ontario, has not yet applied the Code.

The reverse of this is to be seen in Alberta in the action of the Attorney-General's department last year concerning the lumber combine. The action taken was so prompt, earnest and effective that it won commendation to Attorney-General Cross and his deputy, S. B. Woods, K.C., through the whole Dominion. In economical, legal and anti-trust circles the case was regarded as one of veritable credit to the Provincial Government and to Albert generally.

It was in the opening months of last year that the authorities appointed a parliamentary committee to examine into conditions as to whether a combine existed in the west in restraint of the lumber trade. According to the findings of this Committee the Alberta Retail Lumber Dealers Association constituted such a combine.

The official report containing the evidence was received at the office of the Attorney-General of Alberta in June, 1907. It was carefully studied and further investigations were made by the Attorney-General. As a result of these studies it was decided to take action against the members of the Executive Council of this Association and under the Criminal Code information was laid against these men in August, 1907, charging them with conspiracy in restraint of trade. All the members of the Executive were indicted. The case against the President W. H. Clark, of Edmonton, was taken first as a trial suit.

This case was brought before the next succeeding session of the Supreme Court, which was in November, 1907, and there after a trial of eleven days' duration. Chief Justice Sifton gave judgment, finding the accused guilty and fining that a fine of \$500 be imposed. The case had been brought to trial and disposed of in four months.

It is against this judgment that W.

H. Clark made appeal to the court en banc. After a hearing of about a week's duration, judgment was reserved until the conclusion of the Court's session. On July 25th the Court en banc gave judgment unanimously dismissing the appeal.

As in the trial of last November the prosecution was conducted by Deputy Attorney-General Woods, the defence being maintained by E. B. Bennett, K.C., and H. A. Allison, of Calgary. The case was followed with a lively interest by the public who attended the trial in large numbers. The same counsel appeared on the appeal.

A COUNTRY'S DEVELOPMENT.

What is meant by the development of a country? Opinions seem to differ. Professor Robertson, principal of the MacDonald College of St. Anne, De Belleue and a man recognized as one who generally knows what he is talking about, appears to have got an idea as to the development of the West with which no Westerner or any intelligent Canadian can agree. In an address delivered before the Agricultural Committee of the House of Commons last May, the professor is reported as saying:

"There is a good deal of talk about the development of the West. I do not see any evidence of development, nor do I hear of any. We have occupied the West, we are practicing it, but we have not developed it. In regard to resources, population or social organization, we are not doing it. We have in Canada, in our natural resources of agriculture, three vast areas; we have, coming eastward from the Atlantic, practically a thousand miles in round figures where you may have in the summer as you have in other countries, apple blossoms and clover, and these are two conditions of rural life that make human life and human civilization capable of permanence at the least. I do not know any other two conditions that define the natural resources of a place with equal simplicity and aptness as do apple blossoms and clover. As soon as you leave that area you enter an area of all kinds of risks for stability, prosperity and civilization."

Dr. Wilber, M.P. for Ithaca, in an admirable article in the Canadian Courier, makes reply to the professor's statements and shows that the country is undergoing a true development. He points out that the raising of one hundred million bushels of grain in a territory fifty years ago considered an unimagineable wilderness, and the planting of eleven million trees in seven years in a land of the West can surely be counted development. The farmers of the West use more scientific means of farming a rule than do the Easterners and their intensive farming, as demonstrated by the raising of sugar beets on a par with that of the older provinces.

The learned professor speaks of apple blossoms and clover as being the two conditions of rural life that make human life and human civilization capable of permanence at the least. Dr. McIntyre points out that these are emblematic of comfort and luxury, and the history of the nations of the world has proven conclusively that the conditions that make for luxury are the conditions that hasten the nation's decay and downfall. It is a very pleasant to live in a land of apple blossoms and clover, but if we are to take examples of present day history we must conclude that such lands do not produce the highest type of manhood and citizenship. Following his argument to its logical conclusion, who would conclude that Spain, Italy, Turkey, Greece and Persia, the Barbary States, the East Indies and even California, all lands of apple blossoms and clover, have examples of present day history to prove that such lands do not produce the highest type of manhood and citizenship.

Following his argument to its logical conclusion, who would conclude that Spain, Italy, Turkey, Greece and Persia, the Barbary States, the East Indies and even California, all lands of apple blossoms and clover, have examples of present day history to prove that such lands do not produce the highest type of manhood and citizenship. Following his argument to its logical conclusion, who would conclude that Spain, Italy, Turkey, Greece and Persia, the Barbary States, the East Indies and even California, all lands of apple blossoms and clover, have examples of present day history to prove that such lands do not produce the highest type of manhood and citizenship.

No one will deny that apple blossoms and clover and all that they stand for are desirable in any country, and it is the signs of their presence, as the professor would have us believe, he is very much astray in concluding so early in our history that the West has not a permanent development. Will Professor Robertson cast his eye back over the history of his native Nova Scotia or his adopted Quebec, and tell the people how many years it was after the settlement of these places, before orchards and clover-fields demonstrated the permanency of their development? Will he tell us what length of time was spent in taking everything possible from the soil and giving nothing back? Will he compare the certainty and stability of the crops of these places in the early days with the records of the West? Let him compare the records even of the past twenty years of the district' around

ing for fifty miles his own city of Montreal with similar districts around any given point in the West, and which has had the greater stability, the greater evidence of a permanent development and the causes for the greater anxiety on the part of the inhabitants. We defy him to prove that the West is "an area of all kinds of risks." We defy him to prove that the year of failure or partial failure of the West is a "year of risks" and that they are being scientifically and successfully met. But what are they compared with the risk of drought, and wet, of grasshoppers and army-worm, of frost and hurricane, of low prices and poor markets, that must be taken and have been taken time and again by the farmer of Ontario?

But even granting all that he says is true, where does the West really stand? In Alberta we have thousands of acres of alfalfa and all over the West apples are being successfully raised, not in large quantities, it is true, because of the peculiar conditions, but the success is none the less truly demonstrated. The success in raising of small fruits exceeds even that of the East. Settlers coming to older Canada had to meet new conditions before their success was assured in these particulars, as in all others. The new conditions of the West are being met with greater rapidity and success, and the time is not far distant when we shall have apple blossoms and clover in all the beautiful portions of the East.

When Professor Robertson learns the real meaning and true signs of permanent development he should make another visit to the West, and he will find ample proof that the West is being built on a sure foundation, and that it is undergoing a true development, and that her permanency is assured.—Lethbridge Herald.

THE MILITIA DEVELOPMENT.

Ottawa Free Press.—The civil service commissioners, in the four and a half days in which they reported on the department of militia and defence, made fourteen misstatements or wrong interpretations of fact.

They stated in one place that the head-quarters staff was 40 and in another place that it was 50; neither of which statements was correct, for the actual number was 23. They asserted, moreover, that the permanent and headquarters staff, which means the command and district staff and the headquarters staff combined, was "about 220," and that, arriving at that figure, they had made a "computation" of the number of officers appointed to the permanent corps, and with the permanent corps, there are 29 on the command and district staff, so that the total number of the permanent corps was only 448—not 220 as they were trying to prove, of course. But there had been an unnecessary increase in the permanent force; but even in respect of this more general question the facts were entirely against them, and they were wrong, for they were against them, for they were omitted to mention the taking over of the Halifax and Esquimaux garrisons, which, when combined, was "about 220," and that, arriving at that figure, they had made a "computation" of the number of officers appointed to the permanent corps, and with the permanent corps, there are 29 on the command and district staff, so that the total number of the permanent corps was only 448—not 220 as they were trying to prove, of course.

The commissioners also made the statement that the permanent and headquarters staffs had been greatly increased but the fact is that, since 1904, the only increase in the headquarters staff has been three, namely, the appointment of a chief of general staff, a director of operations and staff duties, and a director of training; and that, since 1902, the only increase in the command and district staff has been four. The establishment of the militia in 1902-3 was 24,220; and there are 52 on the headquarters and command and district staffs. The establishment in 1908 is 24,220; and there are 52 on the headquarters and command and district staffs.

In 1902-3 there was no Army Service Corps, no Army Medical Corps, no Ordnance Corps, no Army Pay Corps, no Signal Corps, no Army Veterinary Corps, no Army Chaplains, and no other corps of military clerks, and no sign of these have since been furnished. The militia force, however, is an organization such as would enable it to take the field without delay. Yet, notwithstanding this, the proposition of permanent officers is not as great as it was in 1902-3. "Another point usually forgotten by the opponents of my staff organization at all," says General Lake, "is the fact that, so long as the imperial troops were garrisoning the fortress of Halifax and Esquimaux, not only was an unusually large staff (eight officers for about 20,000 men) maintained at the former place for the acknowledged purpose of assisting the militia force in organizing its staff duties in the event of war, but also that the considerable number of imperial officers regimentally employed at that station furnished at all times a military reserve upon which could be drawn for staff officers in emergency. By the assumption by Canada of the responsibility for the defence of these two places the British troops have been replaced by Canadian troops, and the supply of trained British officers formerly in a large scale has been discontinued." So that, when everything is taken into consideration, the number of permanent officers is none the less.

The commissioners expressed the opinion that there were enough to man the body of the militia, which, although they do not seem to be aware of it, is just what is aimed at. It is the fact that the active militia, which is a body of 17,715, would be largely increased by volunteers, and it is hoped that 100,000 men could be found to take the field. They would be largely increased by volunteers, and it is hoped that 100,000 men could be found to take the field. They would be largely increased by volunteers, and it is hoped that 100,000 men could be found to take the field.

THE AUGUST ROAD AND GUN.

The distinctive fashion which has gained for Rod and Gun Motor Sports in Canada, published by W. J. Taylor, Woodstock, Ont., the character of the best interpreter of the Dominion, the opening article of the August issue of the magazine, "The August Road and Gun," is a glowing account of the road and gun sports in the Dominion, the opening article of the August issue of the magazine, "The August Road and Gun," is a glowing account of the road and gun sports in the Dominion.

The government will borrow most of the money, needed for construction, from the National Transcontinental Railway. The interest on the \$14,000,000 loan for the first seven years after which the Grand Trunk Pacific company will pay a rental equal to the probable interest. This seven years' interest will be estimated, amount to \$26,124,676; and to cover its first classing, it will have to pay a rental of \$1,200,000 per year. The interest on the \$14,000,000 loan will be spread over seven years, it will be only some \$4,000,000 a year. At the end of five years, Canada will have 1,200 miles of first classing railroad, and to cover its first classing, it will have to pay a rental of \$1,200,000 per year. The interest on the \$14,000,000 loan will be spread over seven years, it will be only some \$4,000,000 a year.

The line will moreover, be passing through a country which, although today it may have the potentialities of wealth, is of no value. But, as soon as the railway is running, the latent wealth will become active, and the taxable assets of the country will be greatly increased. The railway will give employment to many thousands of men, and they may be held about jobs in denouncing the paper entitled A Few Words on the Development of the Dominion by Mr. James Dickson, O.L.S., should be read by all. The views of such a high authority, however, may differ from them, are worthy of careful consideration. The whole number is amongst the best of many good issues.

PROTECTIONISTS AGAINST PROTECTION.

Toronto Globe.—The loudest protest against Britain's mild departure in the line of protection is being made from the most ardent devotees of protection in Canada. The embargo on Canadian cattle is undoubtedly a protection measure, not even disguised by the name of "tariff reform." Its only excuse is the presence of danger of disease in the Canadian cattle, but the British cattle breeders are artificially high prices for their own products. The embargo complies his purpose by an embargo requiring the early slaughter of imported Canadian cattle, and the others in the British body, and by the competitive foreign goods. The British cattle breeders are no more for the moment than the Canadian manufacturers do for the interests of their British competitors. Canadian competition is as objectionable to the British breeders as any other to the protected interests in this country. The British people lose more than they gain by the embargo on their cattle, but the loss falls on the general public, while the gain goes to a well organized interest able to have its way with the government. In the same way we lose more than we gain by the higher tariff system, but the comparative few who gain or think they gain are a dominating political force.

WHAT IT WILL COST.

Hamilton Times.—The cost of the National Transcontinental railway and the burden that will fall upon the people in connection with it have been much debated of late; and so much has been written upon the subject, that it is not necessary to repeat the figures, on which the one has been based, and the facts from which the other has been deduced, that the public can have no very clear idea of what is the true state of things. The National Transcontinental railway proper is the 1,800-mile line which is being built from Moncton, in New Brunswick to Winnipeg in Manitoba. The remaining 1,200 miles of the line, which is known as the Grand Trunk Pacific, and it is being built by the company, to which the National Transcontinental is to be leased, on the coast of British Columbia, is 830 miles long.

MAJOR HODGINS' MISTAKE.

Ottawa Free Press. Major Hodgins, we now know, made a mistake. This mistake originated out of a misapprehension, which seemed to be so supported by convincing circumstances that it became deepened into conviction. But Major Hodgins would probably never have misapprehended had he not been laboring under feelings of wounded pride. The prices of labor in the early summer of 1907 were high, and the contractors were bucking against the terms of their contracts. They complained that the Government was not liberal enough in their classification; and that some of the sub-contractors took their men off parts of the road. There were

TEXT OF JUDGMENT IN LUMBER CASE

Supreme Court En Banc Decided Dismissing and Granting Costs \$500 to Crimif

In dismissing the appeal of the Alberta Retail Lumber Dealers' Association, the Supreme Court, sitting en banc, has decided to dismiss the appeal and grant costs of \$500 to the Crown. The case concerned the legality of the Alberta Government's action in prosecuting the Wholesale Grocers' Association and the Alberta Retail Lumber Dealers' Association for conspiracy in restraint of trade.

The judgment was given by Mr. Justice Harvey, with Mr. Justice Scott and Mr. Justice Gauthier concurring, and the other three Justices dissenting. The judgment was given in a case where the Alberta Government had prosecuted the Wholesale Grocers' Association and the Alberta Retail Lumber Dealers' Association for conspiracy in restraint of trade.

The judgment was given in a case where the Alberta Government had prosecuted the Wholesale Grocers' Association and the Alberta Retail Lumber Dealers' Association for conspiracy in restraint of trade. The judgment was given by Mr. Justice Harvey, with Mr. Justice Scott and Mr. Justice Gauthier concurring, and the other three Justices dissenting.

The judgment was given in a case where the Alberta Government had prosecuted the Wholesale Grocers' Association and the Alberta Retail Lumber Dealers' Association for conspiracy in restraint of trade. The judgment was given by Mr. Justice Harvey, with Mr. Justice Scott and Mr. Justice Gauthier concurring, and the other three Justices dissenting.

The judgment was given in a case where the Alberta Government had prosecuted the Wholesale Grocers' Association and the Alberta Retail Lumber Dealers' Association for conspiracy in restraint of trade. The judgment was given by Mr. Justice Harvey, with Mr. Justice Scott and Mr. Justice Gauthier concurring, and the other three Justices dissenting.

The judgment was given in a case where the Alberta Government had prosecuted the Wholesale Grocers' Association and the Alberta Retail Lumber Dealers' Association for conspiracy in restraint of trade. The judgment was given by Mr. Justice Harvey, with Mr. Justice Scott and Mr. Justice Gauthier concurring, and the other three Justices dissenting.

The judgment was given in a case where the Alberta Government had prosecuted the Wholesale Grocers' Association and the Alberta Retail Lumber Dealers' Association for conspiracy in restraint of trade. The judgment was given by Mr. Justice Harvey, with Mr. Justice Scott and Mr. Justice Gauthier concurring, and the other three Justices dissenting.

C.P.R. IS NOT IDLE

Preparations at Fort William to Handle the Crop. Fort William, July 28.—Prospects for a rush fall were never better in Fort William than at present. With only eight miles of double-tracking between here and Winnipeg to complete, the C.P.R. is preparing to move a greater amount of wheat this fall than ever before in its history, and will no doubt break all previous records in handling grain. In the fall of 1905 the C.P.R. made a record of moving an average of 400 cars per day for 77 days, a feat never before since equaled on this or any other side-track railway in the world. With 300 miles of the same road double-tracked this fall officials of the company are looking forward to moving 600 cars per day and one of the high officials of western lines was heard to say not an average of 600 cars daily between Fort William and Winnipeg for a time equal to 71 days he might reasonably expect to see another man filling his shoes. Terminal facilities in Fort William will be increased by the addition of a new work house to the terminal D, which has been out of business for two years. The contract with the company erecting this building will be completed in a few days, and the railway company has a big hand, from the erecting company to the effect.

The C.P.R. is this year spending \$250,000 in improving the terminals here, and still it is not content. Plans for an entire rearrangement of terminal facilities at this port are now in the hands of the C.P.R. The plan that will still more than double the capacity, and estimate to be equal to handling the wheat crop of western Canada for thirty years.

It is true that the offence in subsections (a), (c) and (e) are effect combinations in restraint of trade, but if they meant nothing they might as well be altogether, and as they are described as "conspiracies in restraint of trade," I see no reason why they should be taken into account at all. A consideration of section (2) of section 498 appears also to support this view. I find that "Nothing in this section construed to apply to combinations of workmen as employees for reasonable protection as workmen or employees." In my opinion, it can be successfully argued that such a combination within the definition contained and their need for exemption from the provisions of 498 in view of the fact that section 498 is wider field than 496."

A Fair Trial. Certain cases are then referred to the trial judge. The objection is also taken that Judge refused to order a retrial, and that there was not a fair trial, and that the cases were tried together. These matters within the discretion of the trial judge, and it is not indicated that that discretion properly exercised or that the defendant was in any way prejudiced. The charge is that the defence conspired with certain persons and others unknown or some of them, to bring about a judgment favourable to the defendant.

It is not to be wondered at, therefore, that Major Hodgins withdrew his charges, not only against the standing in question, but also in which one engineer may legitimately differ from another engineer, and that in the case of the National Transcontinental. The engineers of the Grand Trunk Pacific, who check up the work of the government engineers on the National Transcontinental, have complained of the classification at certain stations; and it was in June, 1907, that the Grand Trunk Pacific engineers are being their work, and their check is being made on the National Transcontinental. The engineers of the Grand Trunk Pacific, who check up the work of the government engineers on the National Transcontinental, have complained of the classification at certain stations; and it was in June, 1907, that the Grand Trunk Pacific engineers are being their work, and their check is being made on the National Transcontinental.

It is not to be wondered at, therefore, that Major Hodgins withdrew his charges, not only against the standing in question, but also in which one engineer may legitimately differ from another engineer, and that in the case of the National Transcontinental. The engineers of the Grand Trunk Pacific, who check up the work of the government engineers on the National Transcontinental, have complained of the classification at certain stations; and it was in June, 1907, that the Grand Trunk Pacific engineers are being their work, and their check is being made on the National Transcontinental.

It is not to be wondered at, therefore, that Major Hodgins withdrew his charges, not only against the standing in question, but also in which one engineer may legitimately differ from another engineer, and that in the case of the National Transcontinental. The engineers of the Grand Trunk Pacific, who check up the work of the government engineers on the National Transcontinental, have complained of the classification at certain stations; and it was in June, 1907, that the Grand Trunk Pacific engineers are being their work, and their check is being made on the National Transcontinental.