

SUTHERLAND, J., also concurred.

*J. B. Mackenzie*, for the defendant. *E. Bayly*, K.C., for the Crown.

Ont.]      WYTE PACKING CO. v. PRINGLE.      [March 4.

*Apocal—Special leave—Public interest—Important questions of law—Exemption from taxation—School rates—R.S. (1906) c. 139, s. 48.*

By a municipal by-law an industrial company was given exemption from taxation for a term of years. P., a ratepayer of the municipality, applied for a writ of mandamus to compel the council to assess the company for school rates, which, he claimed, were not included in the exemption. The decision to grant the writ was affirmed by the Court of Appeal, 20 Ont. L.R. 246. On motion for special leave to appeal from the latter judgment,

*Held*, that the case was not one of public interest, and did not raise important questions of law. It did not, therefore, fall within the principles laid down in *Lake Erie & Detroit River Railway Co. v. Marsh*, 35 Can. S.C.R. 197, for granting such leave.

Motion refused with costs.

*Chrysler, K.C., for motion. J. Travers Lewis, K.C., contra.*

Falconbridge, C.J.K.B.] [March 7.

REX v. BECKETT ET AL.

*Criminal law—Conspiracy—Trade combination—Criminal Code, s. 498—Restraints of trade—Prevention of competition—Evidence—Findings of fact.*

A prosecution for an alleged conspiracy connected with trade and commerce, laid under s. 498 of the Criminal Code.

The indictment was found by a grand jury at Hamilton; the defendants exercised the option given by s. 581 of the Code, and elected to be tried before the Chief Justice without a jury, and by consent the venue was changed to Toronto.

The indictment charged that Henry C. Beckett, George E. Bristol, John I. Davidson, Thomas B. Escott, W. G. Craig, Joseph E. Eby, Thomas Kinnear, the Dominion Wholesale Grocers' Guild, and the Ontario Wholesale Grocers' Guild, did, in and during the years 1898, 1899, 1900, 1901, 1902, 1903, 1904, and 1905, at the city of Hamilton, and elsewhere in the Province of Ontario, unlawfully conspire and agree and arrange one with