

CLUTE, J.:—I think an offence has been proven against the defendants for conspiracy under sec. 520 of the Code, and I find the defendants guilty of the offence charged.

As the matter may go to appeal, there being a special provision for an appeal in this case, it may be desirable that I should mention some of the grounds which have led me to the conclusion that the defendants are guilty.

A preliminary objection was taken by Mr. Watson that there could not be a conspiracy between two incorporated companies, and that that particular case was not in contemplation or governed by sec. 520 of the Code. I entirely disagree with that view. I think to take a view of that kind would destroy the intention of the Act, and be contrary to its clear intendment. Under sub-sec. (t) of the interpretation clause, sec. 3, of the Code, "person" is defined to include amongst others "bodies corporate." I think that was the clear intention of the legislature. So that I find, first, that there may be a conspiracy between two corporate bodies.

But it is said, in the second place, that an incorporated company cannot be bound by any acts or circumstances which preceded its incorporation, and that the defendants the Central Supply Association of Canada, Limited, not having been incorporated until September, 1905, all the evidence and facts prior to that can have no bearing upon that company, and that nothing appears since its incorporation which would amount to a trade combination within the Act. I do not take that view. I think the evidence clearly established that there has been a criminal combination within the Act since at least the year 1902, and that the defendants, the present companies, are the successors to that criminal agreement and combination, have adopted it and have become responsible for it, and by their engagements have undertaken to carry out the engagements of the association which previously existed, and that that also applies to the incorporated Master Plumbers and Steamfitters' Co-Operative Association, Limited.

In order to understand in some degree what the relation of these two corporate bodies is to each other, what their object was in incorporation, and how they have attempted to carry out that object, it will be necessary to trace the history of the associations of which they are the successors, whose rights and obligations they have distinctly assumed, and