

standing bonds and to issue new debentures in lieu thereof against property that was at the time in the possession of the trustees for the bondholders of another railway company.

A portion of such new debentures was to be issued upon the insolvent company acquiring the control of certain claims, bonds and liens against the railway; and part upon a good title to the railway being secured and vested in the trustees for the new debenture holders. The railway company, the trustees for whose bondholders were in possession of the railway, objected to the scheme of arrangement. Its rights therein have not been determined or foreclosed.

Held, that the railway company was entitled to be heard in opposition to the scheme, and that the latter was open to objection in so far as it purported to give authority to issue a part of the new debentures upon acquiring the control of such claims, bonds and liens, and without any proceedings to foreclose or acquire the rights of such railway company in the railway.

No scheme of arrangement under the Railway Act, 1903, ought to be confirmed if it appears or is shewn that all creditors of the same class are not to receive equal treatment.

Hogg, K.C., T. Chase-Casgrain, K.C., and A. C. Casgrain, in support of motion for order to confirm scheme. *F. S. MacLennan, K.C., J. L. Perron, K.C., N. K. Laflamme, E. N. Armstrong, C. Barnard, P. Trudel, E. Armstrong*, contra.

Province of Ontario.

COURT OF APPEAL.

From Meredith J.] *REX v. ELLIOTT.* [Jan. 23.

*Criminal law—Conspiracy to prevent or lessen competition—
Cross appeal by Crown against acquittal.*

Defendant was president and took an active interest in an association for the protection of its members (coal dealers) against the shipment of coal direct to consumers and to prevent members from buying coal from any producer who sold direct or to dealers who refused to maintain prices, with a penalty of 50 cents a ton on all such sales and made provision for expulsion of members who bought from such producer and sent out lists of members and persons, not regular dealers, and stated that sales to the latter would cause enquiry, perhaps resulting in