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## LLEGAL BY-LAWS ANNULED

From the Evidence of Mr. G. P. Wells, Secretary of the Mountain Lumbermen's Association, Before the Special Parliamentary Committee on March 20th last.

maintain a certain price?

reasonable kick?

A. I do.

standing?

standing about prices with them?

A. Not that I konw of.

here now at this meeting?
A. I believe so.

Q. What do you mean?

were agreed on that?

A. I do not know.

A. I do not think so.

Whatever "Advisable."

Q. Were they honor bound to do what was advised afterwards?

Free, But-

do not think they would.

CHAPTER IV.

responding money advantage?

Q. He is a highly respected mem-

Would Regulate Production.

At Cranbrook.

ber of the association?

I must have been

A. Yes, I remember now, since you have drawn my attention to it.
Q. How was it received?

Q. Treated with silent contempt?

I don think it was even discus-

A. We discussed many things per

Who?

In a way. I do not know

CHAPTER III.

Q. What do you mean by "in way"? You were in honor bound To Start Retail Association Q. On page 238 he says Mr. Jones stated he would call a meeting at Calwhether there was a distinct underwhether there was a distinct undertailers' association at Calgary. Do
you know anything of that? It was
moved by somebody and seconded by
Mr. King that at the next meeting
they should hear Mr. Jones' stateto them, were you? ment as to the starting of the retail A. I do not think we considered

A. Yes; it was in connection with certain price to the Coast people exdiscussion which had previously cept in a way. turers' yards, and Mr. Jones stated, certain way"? I believe, that when the retail association was organized for Alberta price list of our own it is understood some way, but in what way I don't we can,

Q. Is there any arrangement between the two companies with regard to having corresponding advances in

No Arrangement.

Is there an arrangement between the Coast and the Mountain that from time to time they will make nding advances? A definite arrangement that they from time to time make ad-

Q. Well, any arrangement at all about keeping alike about prices? there is no arrangement of Q. Then what does this correspondence between the secretary of the British Columbia Mountain associadid you not? Did you not talk about sion? Q. Then what does this correspontion and the secretary of the other association about making the corresponding advance in several lines, "as done by us," mention his name in respondence and telegrams between the asociation as to advances of prices? Is not that an arrangement?

Q. What would you call it? Just "Advice."

A. I would call it an advice that hey were going to regulate their prices according to what was done Q. It doesn't say regulate, but that the prices will be advanced. A. The advance of prices would altogether depend upon what we did.

Q. Do you remember the corres-A. No. I don't. Q. You have never had it brought your notice?

Q. And you don't agree with me? Q. What is the reason for making a A. I don't consider it a compromise,

don't know any reason for it. Q. These are men doing a large siness and they come to this arrangement with a rival association with regard as to what is to be the A. I don't know what object there would be except to show that if they were to consider it necessary to advance prices it would depend upon what was done by the Mountain

people.

Q. What is the idea about making this arrangement? If they are pre

A. Yes. pared to make advances there must be some consideration for a compro-A. Well, what do you suggest? I

cannot think of anything.

Q. I am asking you if you can think of any reason why a compromise like that should be made without any consideration from the other

Do you mean us to believe that after this correspondence concluded the compromise with you to advance when you advanced, that after all agreed in harmony in doing that corespondence there was no thing they thought advisable? agreement on your part to keep in harmony with them?

A. Well, if they were going to about it: they adopted a certain minute or conclusion regarding their business, and they were either bound by Mr. Knowles—Q. Then promise on our part? Q. Was there no agreeemnt on your

part to keep in harmony with their prices?

"It is Understood.

Well, presented it is understood that was cheef for the best interests of the part of the prices."

A. If you wish to put it that way. I would look down upon and despise a man who did not stand by any minute or any position that was reached for the best interests of the prices. we should keep in harmony with

that you would keep in harmony with all their prices? Q. As a matter of honor? As a matter of honor.
You probably wrote similar

A. I may.

Q. Did you? A. I don't know. Q. Don't you know that if in your Mr. Leach? correspondence there is nothing to ntimate that your association is

keeping in harmony with their prices?

A. I don't think so.

Q. Is there nothing asking them come up to your prices?
A. I don't set down the prices. Q. Do you think that after these etters that you are free to sell as

you like? Merely a Matter of Honor staple list which would be mainained for an appreciable length of Well, I don't know. We are free to sell as we like. There is merely time, put our prices upon a right and mater of honor about it.

Q. But were you in honor bound through all conditions by regulating the production. Do you remember him saying that? to cut prices below what existed with the coast people?

A. Well, I presume that there was.

I don't know whether there was or your association was in honor bound not to cut the prices arranged with

the Coast people?

A. That would be cutting on our Q. I am not asking about your own prices, but about cutting on the figures arranged with them. Would you consider that you were in honor bound to the Coast people to main-

tain a certain price? Bound to Maintain Price. I think so. You think you were in honor ound to the Coast people to maintain a certain price?

Talking about that I understand that certain plans have been made to raise the price of lumber in a few days?

A. I don't know. Q. Would you know if there been a raise? A. I would know if there had been

Q. Have you read in the newspapers that there is to be a raise? A. I have read the statement in Q. Are you prepared to say that

A. I am prepared to say it is not

we were honor bound to maintain a Prices Discussed Jointly. Q. On page 281 there is a record of Q. What do you mean by 'in a bia and Shingle Manufacturers and Associations on the 28th of Septem ber, 1906, in the city of Vancouver

are they the men who were really Coast People Would Have a Kick. present? Q. And are you honor bound to the Coast people? Would they have any kick with you if you did not do A. Yes.

Q. Were there any more present?

A. Well, I endeavor to get everyone down A. I presume they would have a

Q. Mr. A. E. Leitch, is he a Coast Q. You think they would have a Q. He took the chair and were secretary? Q. You think they would have a reasonable kick if you started cut-Q. How long did that meeting

A. It would be a breach of good A. Oh, two or three hours. business principles.
Q. It would be a breach of underhours. Q. Was anything said A. No; a breach of good business

Q. Did you come to any conclu

Yes, we did.
Did you come to any under-Were they put down on pa-A. Yes.
Q. Have you come to any under Where would that paper be?

down at that time? Q. At that time.
A. Well, perhaps you will find it You talked prices with them but you never came to an understand Q. Showing the conclusions you came to about prices? What did you talk prices with

A. You mean were they taken

were taken down. A. We discussed prices of various Were any motions made? items and what we considered should Q. Were there any people who are fically stating that no or- A. I do not. ders for odd lengths shall be accept-Mr. Heaps and Mr. Lewis, I

Was that passed? understanding about prices in your conference with those people? I think it was. Was it binding on both asso-A. No. Q. Nor came to any understanding about anything?
A. It depends on what you mean An Arrangement.

Q. So by the record of this \$3 a about prices? Q. And each association was taining to the lumber business and bound to stand by it?

whatever we considered advisable to do. If you consider that an under-Q. Did you arrive at an agree standing there was one.
Q. You came to a conclusion as to ment to stand by the general price? A. You asked me that before what was advisable to do, and you Bound to All Prices Similarly. Q. Yes, I know and I remember what you said at the time.

Q. The representatives of both as- I ask is if having arrived at this agreement as a foundation, you did not come to an agreement generally? A. Yes.
Q. For example, what did they same way. A. Well, we were bound in the Q. In regard to all prices, were

you bound in the same way in regard to the \$3? A. In the way I understand The \$3 mentioned on page They were perfectly free, and

you think that they would respect one another periectly if they did not act A.

A. Yes. A. I do not think they would have despised one another if they had not agreed in harmony in doing that nessy protesting against a large num-A. Yes.

Q. Therefore, there was at least this ed in the wheat service to the great

about it: they adopted a certain min- detriment of the lumber shipper? that or they would be despised?

A. If you wish to put it that way. come to the minute on page 293, the minute taken of your meeting held at 10 a. m., January 16th. What meeting was that, was it a regular

meeting Q. In a joint meeting like that?
A. Yes. Q. What are your regular meetings, monthly or not? No, cur regular meetings I Q. In fact, you man us to undr-stand that business men do not go necessary, we have no set dates. call when I think it is advisable or

They are all special meetings? all the way over the Selkirk mountains and down to the Pacific coast unless there is going to be some cor-By Mr. Fowler-Q. Was there

A. Probably not.
Q. I see on page 259 the minute with this meeting?
A. I do not know whether there was an arrange or not. I presume there was an was or not. I presume there was an He is one of the manufacturers, advance later that generally meant a new price list. Q. You notified the dealers in accordance with this resolution? A. Probably.

Work Together. By Mr. Knowles-Q. And that ad-Q. Well, I see he advises "a convance did take effect at once, so you although the servative advance," and stated his and the Coast people do work to the book? opinion of what we required was a gether in regulating prices? time, any way.

Regular Meeting. Q. How did you come to call this is in the minutes he must A. That is, the regular annual Q. A very difficult thing to regulate production; a very unusual thing, all meeting take place? Q. When does your regular annu-

A. Some time in January A. It would be. Q. You were present at the meet-Q. And you were always likely to have such an annual meeting? A. I presume so. Q. At that annual meeting did you And you no doubt heard it and

discuss the motion of Mr. Herron had brought up in the House? A. I do not know that the motion in the House was brought up at that with it. Q. You can know whether the mo- printed?

tion was brought up or not. I want A. No.

Q. Passed over, then?

A. Passed over. That is a different A. No, Mr. Herron's motion was A. I don't know. He pointed out

Q. Was there anything discussed with regard to the complaint of the with you? increase of prices?

By-Laws Timely Aboli ind. Was there anything discussed about the fact that your association, honorable the members might be, that the by-laws might be attacked as illegal?

A. Yes.
Q. And liable under the criminal A. That was brought up by my-By Mr. Herron-Q. That was in January of this year

the date here. You don't know whether you were aware of Mr. Herron's motion or not? Heard of Investigation "After the Meeting."

Q. Do you recollect when you first of Mr. Herron's motion? A. It seems to me it was some time that meeting. Q. Do you recollect when you first "Somebody" Drew His Attention.

Q. How did you come to give your to those by-laws? Because it was drawn to my attention by somebody, I don't know who it was, that there was in existense some form of by-laws. Q. Did they draw your attention | bring down here? the fact that they were of a nature that would render the members

liable to prosecution? Took Counsel. A. As soon as I looked up the old minutes I took counsel on them. your attention to the fact that such by-laws existed? A. Yes, and that they might be Q. Oh, he said that also?

Forgot Some Things. Cannot you recall who that I would like you to recall i

you can? A. I cannot remember. You are engaged and employ ed by an organization and you have your attention called to the fact that by-laws made the members criminally liable and yet you do not On page 283 I see a motion was know who called your attention to it? By the Chairman-Q. Would i

likely be a member of your associa-A. Very likely. By Mr. Knowles-Q. Was it in Nelson City that you were apprised of the fact?

A. I do not know where it was. He Was Surprised. It would be startling news to ou, I should hope? It was surprising news to me

news came? Q. You have forgotten that? Mr. Knowles-The old bylaws have been put in: they are on the front

page of the Minute Book, I believe. These are the by-laws regarding which we have been speaking. Book there is written across it something in red ink. Is that your writ-By-Laws Annuiled. Q. The writing is as follows: "This

constitution and by-laws were cancelled and annulled at a meeting of the association held in Nelson, on January 16th, 1907, owing to their not being in accord with the active practice and work of the Association which has prevailed since its organization." Were they cancelled because they were not according to what was

Q. So they were not cancelled because they were illegal? A. They were cancelled because they were not in accordance with the practice of the Association. By the Chairman-Q. Attention was called to them? By-Laws Illegal.

A. Yes. We were told that they were illegal. I don't presume to know, they might have been. By Mr. Knowles-Q. I read on page 293 after a communication and advise which was given, from Mr. S Taylor, K. C.-he is a Nelson so citor-that he considered that the by-laws as printed actually contravened certain provisions of the law. Was there any other reason that the by-laws were annulled?

A. They were not in accordance the practice of the Association. Q. And you have been secretary since October, 1905? A. Yes.
Q. Mr. Herron's motion passed in he House on December 12th, 1906?

A. Motion for what? Asking for this investigation. You have been secretary of the Association for one and a half years, never took the trouble to read the old minute book, never read the by-laws although they are the first thing in A. Exactly, I never read them.

Nor the minutes? Q. But not less than a month afer Mr. Herron's motion the matter is brought up, the by-laws are read, the opinion of King's Counsel was received, and they are annulled?

A. Yes.
Q. Had that anything to do with this motion for investigation? A. I don't know whether that had anything to do with it or not. "Might Have" Had Some Connec tion.

Q. It might have done. A. It might have done, yes. It was brought to our attention and Q. Your by-laws have been re-

A. Well, no.
Q. What articles were they that
Mr. Taylor warned you against?

Q. Have you brought his letter it?

I suppose you still have it? Is it a very long letter?

the Chairman-Q. What By Mr. Knowles-Q. Was it not read at this meeting!

A. Yes. By Mr. Knowles-Q. January 16th placed before the members of you

> against the whole thing. The whole constitution and by-laws were By Mr. Herron-Q. Did he warn you that they were illegal or not A. I think he meant that they

were distinctly illegal. Q. You are not sure of the dote of A. Some time in December You can go no closer than the

Taylor's advice as to what to

Yes, a lengthy document. Five or six pages? It might have been

A. Yes.

Q. Can you tell us what article Mr. Taylor warned you against?

A. Well, he warned us practical-

A. I think it was the 16th of De By Mr. Knowles-Q. Did you take

Q. Did he advise you not to bring LOST-Parcel containing suit A. That letter was not mentioned

A. No, he didn't say anything (To be Continued.)

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PAGE SEVEN

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