not be introduced in his own ock excavation was being \$1.70, loose rock at 60 cents, n excavation at 30 cents. easily be seen that if Major ve involved quite \$4 000 may be fairly computed total length from Winnicton there would be an tlay of \$28,000,000, as the

hat such a classification

ins in his misapprehension erview with J. D. Mcthe Toronto World, J. D. McArthur, has a 250 miles of grading east g. 'Major Hodgins had his stretch of line to cost 11,000,000 and \$12,000,000. McArthur said it would pro close on \$16,000,000 estimate was not, aplete; and it has sine that it did not include s: Right of \$672,798; switch ties, nels, \$189,750; drainage 16,700; steel in concret: l bridges, \$160,000; angle bars, \$106,172; bolts \$76,500: frogs and switche grade allowance on rock under sleepers, tra width for sidings, not \$850,000; and overbreak,

, the present district en-Major Hodgins, at within erease is accounted for by as rails, sidings, and which were not taken into on in Major Hodgins' est:

Total, \$6,192,699.

t to be wondered at, there-Major Hodgins withdrew The only matters out questions of judgment engineer may legit to be arbitrated upon by Engineer Wood, runk Pacific, and Chief en, of the National The engineers of Frunk Pacific, who check of the government engi-National Transcontinenuplained of the classifitain stations; and it was d to involve on a revised calculation. en made much of by the Frunk Pacific engineers are work; and, their check is hat the people of Canada Grand Trunk Pacific have in keeping down the cost. rental of the vill be based for all time e was any likelihood of to pay on \$28,000,000 they ought, the public hear all about any corh would so heavily penrand Trunk Pacific.

P.R. IS NOT IDLE.

ns at Fort William to Handle

the Cron. m. July 28-Prospects for never better in Fort Wil present. With only eighty tracking between here beg to complete, the C.P.R. is nove a greater amount of fall than ever before in its will no doubt break al rds in handling grain. In 05 the C.P.R. made a record rage of 404 cars pe vs, a feat never before not on this or any other side in the world. With 340 als of the company are the high officials of wes ard to say only recent re were not an average Vinnipeg for a time equal man filling his shoes. Tere addition of a new workfor two years. The conmpany erecting this is that it will be capable 400 cars every twenty-four he railway company has a m the erecting company to

R. is this year spending roving the terminals here s not content. Plans for an ngement of terminal facili-ort are now in the hands of officials that will still more capacity, and is estim ern Canada for thirty years.

TEXT OF JUDGMENTS IN LUMBER CASE APPEAL

ing, supplying, storing or dealing in commodity which may be a subject of trade or commerce; or fore have a new trial. In a mass commerce in relation to any such aricle or commodity; or

(c) To unduly prevent, limit, o of any such article or commodity, or to unreasonably enhance the price acy, on which it is necessary to rethereof; or

(d) To unduly prevent or lessen petition in the production, manufacture, purchase, barter, make, transportation or supply of any such article or commodity, or in the price of in-surance upon person or property. 2. Nothing in this section shall be construed to apply to combinations . f workmen or employees for their own reasonable protection, as such workmen or employees. 63-64 V., c. 46, s.

From this conviction the defendant now appeals to this court under the authority of section 1012. With reference to the constituents of the alleged offence it is urged that section 496, which defines a conspir acy in restrain of trade, must be read with each of the sub-sections of section 498 and that the proper description of this alleged offence is as fol

Everyone is guilty of an indictable agrees or arranges with any other person, unlawfully, to unduly prevent lessen competition in the production, manufacture, purchase, barter, tion, manufacture, purchase, such article or commodity."

In support of this argument it is ing been made, the offence was stated nition of "a conspiracy in restraint of trade" was also given in the terms of the present section 496. In 1900 a ction was substituted for secstruck out of the section, leaving it as we find it now in 498.

It appears to me that parliament must be deemed to have intended something by the change, and that a contention that the word which had been taken out of the section should be read into it again cannot be sup-The fact that the section ported. mphasizes the intention to change it. By sub-section (b) of section 498, Anyone who conspires to restrain or injure trade" is punishable and when one looks for a definition of a con-

It is true that the offences specified in sub-sections (a), (c) and (d) are in effect combinations in restraint of holding themselves out to there will in the section of holding themselves out to the world in the section of t trade, but if they meant no more than general and to their customers in par-(b) they might as well be left out altogether, and as they are not destrade," I see no reason why the defini- in saying that such an agreement to them. A consideration of sub-section (2) of section 498 appears to me are held to be invalid is one of public also to support this view. It declares policy, and such an agreement tine that "Nothing in this section shall be tured with fraud as it is against the construed to apply to combinations of public, would, it appears to me, or that such a combination should come sons from whom the public could oband their need for excepting it from would the intention of the association ons of 498 indicates to my as indicated by these by-laws, if suc- at certain prices. mind that that section covers a much cessfully carried out, lessen, but wider field than 496."

A Fair Trial. Certain cases are then referred to and the learned Justice proceeds:
Objection is also taken that the trial

and others unknown or some or one of them and it is argued that the parties lied to them and stated that the charge is bad as being too indefinite they were dealers, and in order that they were dealers, and in some cases stated that the parties lied to them and stated that the parties lied to them and

and that the defendant should therefore have a new trial. In a mass of
evidence covering with the exhibits
over a thousand pages, it would not
be surprising if some of it should not
be connected with the persons charged, especially in a charge of conspiracy, on which it is necessary to reed evidence evidence the relevancy of which
copy of resolution of the obsenve and still stood as part of the policy of the assoit later, with a distinct knowledge that
the resolution had been passed, and still
stood as part of the policy of the association.

If section I of article 3 of the articles
of association had been confined to a
more statement of the qualification
acy, on which it is necessary to redecive evidence the relevancy of which

The whole crops from the chief signal
of time wasted and worse than wasted
Summarising these occasional working
gations are satisfied before new ones,
the shameful truth that
the time actually spent on the busiare contracted. This will not necesto meeting of May 8th
in printed form.

In the face of these facts it seems
are statement of the qualification
of time wasted and worse than wasted
Summarising these occasional working
gations are satisfied before new ones,
the time actually spent on the busiare contracted. This will not necesto association had been printed, and which appears on
the minutes of the meeting of May 8th
in printed form.

In the face of these facts it seems
are statement of the qualification
of the distribution of the
Summarising these occasional working
gations are satisfied before new ones,
sarily mean that a farmer will be preof association had been printed, and which appears on
the minutes of the meeting of May 8th
in printed form.

In the face of these facts it seems
to meet statement of the qualification
of the distribution of the
Charleston, Key West, New Orleans, Los
occasional working
gations are contracted. This will not necesto association had been printed, and which appears on
the imment at a farmer will be preof association hat lessen the manufacture or production ed, especially in a charge of conspired, may not be apparent at the time and possibly not be established later, but while there is some evidence which

> The defendant is the president of by the fact that they were not memhe Alberta Retail Lumber Dealers' bers. ssociation, an unincorporated asso-

inted out that when this offence about the formation of the association was first made statutory in this coun- in the early part of 1906, an effort was try in 1889 (52 Vic. c. 41), the enacting made to get all the retail lumber deal-statute contained a recital stating ers into the association and the secthat it was merely declaring "the retary swears that about ninety per law relating to conspiracies and comtrade," and that in that act the liarly worded, and by-law 6, establiaring to construct the liarly worded, and by-law 6, establiaring to construct the liarly worded, and by-law 6, establiaring to construct the liarly worded at learning the liarly worded offence was declared in the above lish clearly the intention of the mem-When the criminal law was bers of the association to fix price codified in 1892, no amendment hav- at which all lumber will be sold by

them. The evidence shows that swer, in the same terms as sec. 520. A de prices were not the same at different points, but that a fixed schedule of prices was prepared for the different classes of lumber at any particular point, and if any member sold below tion 520, the word unlawfully being the prices so fixed, on complaint being made, the matter was enquired heard of the man, but expect he is a into and an attempt made to stop such selling.

A Distinct Violation. It appears to me beyond question that such an attempt to fix prices is a distinct violation of sub-section (d) and is only reasonably sufficient between the two parties not to enter "conspiracies in restraint of principle I should have no hesitation tion of that term in 496 should apply would be invalid. The ground on

> would absolutely stifle competition. Important Resolution Quoted.

amendment in accordance with the secretary to send to each member of necessary to consider any more of the evidence is bad. I can find no the Mountain Lumber Manufacturing very voluminous evidence which was and I am of opinion that it cannot be maintained. It is admitted that the inform the wholesale men that if at missed and the conviction affirmed. charge is not bad as far as the in-elusion of the persons unknown is con-who is a dealer, and who is not, they

Supreme Court En Banc Submit
Decisian Dismissing the Appeal
and Griming Chief Justice
Sifton Imposing of a Fine of
\$500 o.

Simple Court En Banc Submit
Appeal
Appe subsequent prosection. I see no forcing that in the secures will be a form and conduct the trial, as well as upon the question in this because on a plea of autrefois regular dealers, and upon proof being of the proper interpretation of Sections In dismissing the appeal of the executive of the Alberta Retail Lumber Dealers' Association against the imposition by Chief Justice Sifton of the same conspiracy as that charg-

were at least hampered, presumably

The evidence shows that at the time ciation, as indicated by the name, this resolution was passed the only lumber dealers in Alberta, with a for- definite information the secretary had to get any information outside of hi list of members.

On July 8th he received a telegram Association as follows: "Is F. J. Marshall, Innisfail, regu

lar dealer? Have order from. To which he replied: "No, Marshall, Innisfail, not

dealer. This telegram he confirmed by le ter in which he added: "I have neve contractor. It was pointed out that there was a

mistake, and that Innisfree was the place intended, not Innisfail, The only difference that would make, would be a distinct violation of sub-section (d) that the secretary might have been of section 498 and is in itself suffi- mistaken about his being a member. cient to support the conviction. It is but the point here is that without any had been amended the preceding year, true that an agreement between two knowledge whatever of the man, and parties not to compete with each other with no information but his list of that the accused was properly con may be enforceable by the courts if the members and without making any enrestriction is limited in time and space quiries, he replies that the man is not to a dealer. This and other evidence protect the business interests of the shows that the construction the secre found in 496, which explains what agreements in restraint of trade are know of no case which would author would have construction the secretary intended to be protected, but I tary with all this special knowledge know of no case which would author would have construct the word deale n the resolution as meaning member From the definition of the word deale into competition with each other while in the constitution, and from the facts beyond doubt that this is the conbear.

objection is made by his counsel as martial music. In a speech which nadmissible and mentioned by the workmen as employees for their own that ground be most improper, and refer is that of an agreement between specific the defendant and other lumber dealers or employees." In my opinion it can not be successfully contended tween all or practically all of the personable projection as such as solid in general business. The distribution was enthusiastically received by the defendant and other lumber dealers or employees." In my opinion it can not be successfully contended to the defendant and other lumber dealers or employees. The distribution of agricultural implements has been crowded grand stand which had been of election. refer is that of an agreement between spoke for nearly an hour. His speech ply of lumber, whereby all competi- to the public. The ceremonies within the definition contained in 425 tain the article of sale. Not merely tion was prevented and the right to with fireworks to-night.

> the 8th of May, and before the defendant became associated with the Montreal, July 28.—A London cabin There is one other matter which I discrete to refer to as well. On the 8th not evidence of the conspiracy chargon of May. 1906, at a meeting of the discrete to show the defendance of the conspiracy chargon of May. 1906, at a meeting of the discrete to show the defendance to

doubtedly ground on which our interments alone the conviction should stand. It was objected that much of the ests are identical.

evidence received was inadmissable and that the defendant should there.

That when sending the draft letter ciation on May 8, he at any rate joined to the secretary of the Alberta Association of the association of the ests are identical.

If Clark was not a member of the association on May 8, he at any rate joined it later, with a distinct knowledge that

to me quite futile to argue that the defendant is not fixed with responsibility for this resolution.

No Reasonable Doubt.

There doesn't appear to me to be

There doesn't appear to me to be

The requisite for memoership, it might have been impossible to connect it with the piled up that a dozen gentlemen might be permitted to make speeches.

Now speech-making is a useful occurrence to me to be more than state the qualification for the year's business. Farmers and other consumers will be experiments overcome the lead other governments and other consumers will be experiments. while there is some evidence which perhaps is not directly applicable to the particular offence of which the data there is any material evidence that was convicted, I am not satisfied that there is any material evidence that was improperly admitted in view of all the charges being tried. However, in any event, there being an appeal given on the facts as well. I appeal given on the facts as well. I appeal given on the facts as well as the continuous of this court is to decide whether the indigment of the trial judges should have been for the defendant or which the find grade of the facts as even and properly of this court is to decide whether the was evidence on which the find grade of the section of the constitution of the constitution

therefore the association assumed and attempt to decide for the manufacturers to whom they should sell lumber, and to restrict those sales, not merely to region is guilty of an indictable cation, as indicated by the name cation, and to restrict hose sales, not merely to an the trip that to the consumer, but which dealt or pretended to deal with which dealt or pretended to deal with which dealt or pretended to the such persons as resold or intended to result to the country have been few in numbers are sold or intended to result by the only unformation the scenterary had to the persons as resold or intended to result by the only unspected in h that on at least two occasions enquiries were made and the secretary duly limit competition in the retail lumreplied to them without any attempt ber trade. But it appears to me to be manliness to test on their responsibeyond question that, where the attempt bility and honor as members of the is avowedly made to restrict sales by House.

No combination of persons should in my view be allowed to attempt to limit competition to a class membership of which (I do not mean membership of the country foots the bills for the speculation of the country foots the bills for the country foots the country foots the bills for the country foots the country foots th

tion is directed. Without referring therefore, to the make the tax-payer bear the cost of numerous additional facts brought out their war upon their opponents. evidence clearly admissible to which ny brother Harvey has referred, and which only tend to strengthen the conclusion I have arrived at, I am without reasonable doubt clearly of opinion

LIKE FOURTH OF JULY.

Cincinnati, July 28.—The Republi- everywhere, and particularly in Ohio, along rather conservative lines, and in the constitution, and from the facts can campaign was formally opened to existing at the time, it appears to me campaign was formally opened to and agree upon a line of campaign in because the facts can campaign was formally opened to and agree upon a line of campaign in because the facts can campaign was formally opened to an agree upon a line of campaign in because the facts can campaign was formally opened to an agree upon a line of campaign in because the facts can campaign was formally opened to an agree upon a line of campaign in because the facts can campaign was formally opened to an agree upon a line of campaign in because the facts can campaign was formally opened to an agree upon a line of campaign in because the facts can campaign was formally opened to an agree upon a line of campaign in because the facts can campaign was formally opened to an agree upon a line of campaign in because the facts can campaign was formally opened to an agree upon a line of campaign in because the facts can campaign was formally opened to an agree upon a line of campaign in because the facts can campaign was formally opened to a line of campaign in because the facts can campaign was formally opened to a line of campaign in because the facts can campaign was formally opened to a line of campaign in because the facts can campaign was formally opened to a line of campaign was formally opened to a line seyond doubt that this is the conficially apprising Taft of the result who called were: Adam Loving, for old scores have been paid off, there will truction the resolution was intended of the Chicago convention. It was many years a leader of Republican neurodoubtedly be a tendency to resume more like the Fourth of July than notification day. Cannon boomed, Grant and Frank Williams, who have If it should be suggested that the notification day. Cannon boomed, defendant might not have intended flags fluttered and parades went this meaning, the evidence to which this meaning, the evidence to which delivered from the front porch of his inadmissible and mentioned by the derivered from the front political situation was canvas.

Chief Justice in his judgment is imicies and touched on the vital quesopinion the Democrats of the country has been one
of the causes contribution

The distribution

tender was limited to certain persons leave to-morrow with his family for at certain prices. This took place a short time before West Indies Want Reciprocal Trade.

and the learned Justice proceeds:
Objection is also taken that the trial Judge refused to order particulars and that there was not a fair trial in assucch as twelve different counts were tried together. These are both matters within the discretion of the matters within the discretion of the matters within the discretion was improperly exercised or that the defendant dial that that discretion was in any way prejudiced.

The charge is that the defendant dial from the party was not a deal conspire with certain persons named that the party was not a deal conspire with certain persons named that the party was not a deal conspire with certain persons named that the party was not a deal conspire with certain persons named that the party was not a deal conspire with certain persons named that the party was not a deal conspire with certain persons named that the party was not a deal conspire with certain persons named that the party was not a deal conspire with certain persons named that the party was not a deal conspire with certain persons named that the party was not a deal conspired with the construction of the discretion of the present visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Canada of Sir Francis Hopewood, former underscent visit to Ca

IN THE PRESS GALLERY

HOW THE SLANDER BUND DFRAUDS THE PUBLIC.

By a Staff Correspondent. Ottawa, July 17.-Prorogation is due omorrow, and the House has spent the week in a frantic effort to up for wasted time. Monday saw a formidable order paper, loaded with several bills of unusual importance, many more of ordinary consequence,

the association)depends upon its own definition. In my view such a limitation is undue and wrong and detrimental to the interests of the public, and comes of the public of the country. within the evil against which the legisla- venting the business of parliament that under false pretences they might

> WANTS THE NEGRO WOTE. Bryan Urges Colored Democrats to Organize.-Very Busy.

Lincoln, Neb., July 28-The determinaon of the Democrats to capture the Was the Demonstration Notifying Taft
Of His Nomination.

Taft

told a delegation of negroes from Lincoln that it was the desire that they should get in touch with their brethren

One believe that the course of business in the west for the next year or two will be a constant to the west for the next year or two will be a constant to the west for the next year or two will be a constant to the west for the next year or two will be a constant to the next year. of spent such a busy day. His caller bered over a hundred, and with many of

> CITY HALL DOME FELL. \$10,000 Loss Caused by Fire Started By Workman.

Kingston, Ont., July 28 .- There was \$10,000 loss yesterday by the de-truction of the dome of the city hali caused by coals from a plumber's pot may be noticed, and the much-discuss

OLD OBLIGATIONS TO

West - Anticipated Returns From Crops is \$100,000,000 - Policy of Banks Is to Restore Commercial Equilibrius

Winnipeg, July 28-The steady imor distinishing the stipped of the Alberta Kertali Luis the facts of the former convicted that a mill now he facts of the former convicted the former convicted that a mill now he facts of the former convicted that a mill now he facts of the former convicted that a mill now he facts of the former convicted that a mill now he facts of the former convicted that a mill now he facts of the former convicted that a mill now he facts of the former convicted that a mill now he facts of the former convicted that a mill now he facts of the former convicted that a mill now he facts of the fact that the time and the second that the facts of the fact that the time and the facts of the fact that the time and the facts of the fact that the time and the facts of the fact that the time and the facts of the facts of the facts of the fact that the time and the facts of t

arated by days and sometimes weeks first concern on the part of those re- to Deleware and Chesapeake Bays,

determination to restore equilibrium and they can do this by insisting upon a settlement of all back debts. The rigorous enforcement of such a policy is avowedly made to restrict sales by manufacture only to such persons as the association may decide come within the term of what is on the face of it a rather stringent definition drawn up by the made it purpose could only be the hope of party gain. But does parliament exceptions will be made. The main object to the species of oratory the rigorous enforcement of such a policy might cause some hardship, and it may be taken for granted that a few party gain. But does parliament association itself, in such case the attempt to unduly limit competition. | party gain to describe the party gain association itself, in such case the attempt to unduly limit competition. | party gain to describe the present season appears to furnish an ing factions? Is this what members opportunity for making a strenuous ef-

Speculation Eliminated. There is a certainty that creditors of all classes will demand the ent of current obligations at the earliest possible date, and for this son it is not to be imagined that there will be a resumption of speculative activity in the near future. Speculation is an accompaniment of prosperity, and the two have gone hand-in-hand in the Canadian west. But when prosperity halts, even for a time, speculation proves herself the weak sister and disappears. She does not come back in a hurry, although prosperity may resume its course uddenly. There is little or no actual speculation at the present time, and there is no likelihood that the frenzy which negro vote of the country was further emphasized today when W. J. Bryan told a delegation of negroes from Lin-Very little foresight is required to make

Factors in Depress

never before presented such a solid in general business. The distribution front, but that they must continue to of agricultural implements has been reduction in grain yield last season. Railway earnings have fallen off on account of the decreased demand for merchandise, and this fact has inter fered with the prosecution of construc-tion enterprises on the part of the transportation companies. These items in themselves would furnish an explana-

territory which is now included in its HAVE THE FIRST CALL commercial sphere. It may have had a big line of credit, owing to the profusion of banks, but it was not permitted to clutch a large supply of real money. Even now it is not feeling any discomort from a shortage of cash. It is the Back Debt Will Receive Attention in the withdrawal of credit which presents an

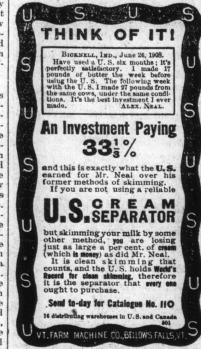
Crop Will Move Slowly. . . The settlement of obligations, if it comes as a result of this year's harvest, will be gradual at best. No one supprovement in the condition of growing crops in all parts of the west strengthens move out a wheat crop of 100,000,000 bushels in less than six months, in adlition to handling the general business of the country. If the west receives its entire pay for the labor of 1908 before the end of March, 1909, it may consider itself lucky. In the same way, the men who are now waiting for the payment of obligations need not expect to receive the full results of prairie prosperity before that time. There is bound to be a grain blockade, as that term is ordinarily used, and as long as there is congestion in the wheat trade it is not ossible to expect that the whole benefit of the favorable season will be obtained. The west knows its responsibilities and its duties ,and it is prepared to fulfill them. The process will assuredly occupy some time, and while uneasines arise occasionally, there is little doubt that the ultimate result will be generally

> AIRSHIPS FOR DEFENCE. J. S. Signal Crops Officers Advise Securing Dirigible Ballons for Coast Defence.

satisfactory.

Washington, July 28-Airships as large and as powerful as the one which carried Count Zeppelin through a part of the sky above Switzerland recently, signal officers of the army believe, should be starts, few and far between, and sep-

restore equilibrium, navy, except a few fast torpedo boats.





"Sovereign" Boiler and Radiators The "Sovereign" hot water system of heating will add 15% to the selling value of your property.

Do not approach the heating problem without consulting us. Our booklet "Cutting down the Coal Bills" post paid

Taylor-Forbes Company Guelph Works and Foundries CALGARY OFFICE Barnes Company

Calgary