

REGINA v. CARRIERE BEAUDRY LTEE ET AL., 1964 CarswellQue 269

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Quebec Queen's Bench (Crown Side)

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Legault, J

Judgment: November 27, 1964
Docket: None given

Counsel: Bernard M. Deschênes, Q.C., for the Crown.

Yvon Jasmin, Q.C., Georges A. Pouliot, Q.C., and Julian C. C. Chipman, for accused.

Subject: Intellectual Property; Property; Criminal

Related Abridgment Classifications

For all relevant Canadian Abridgment Classifications refer to highest level of case via History.

Table of Authorities

Statutes considered:

Combines Investigation Act, R.S.C. 1952, c. 314 (Supp.)

Generally — referred to

s. 32(1)(c) [en. 1960, c. 45, s. 13] — considered

Legault, J(translation):

[Publisher's Translation]

1 The charge in the present case was preferred under the *Combines Investigation Act*, R.S.C. 1952, c. 314, and amendments, s. 32(1)(c) [rep. & sub. 1960, c. 45, s. 13] to the effect that:

The accused did illegally conspire, plot, combine, concert and agree with Civil Construction Inc. to hinder or decrease competition for the sale or supply of goods or items that may be traded and sold, namely, pipes and accessories for a sewer and water system in and for the town of Duvernay thus committing an indictable offence.

2 The Court refers to the original bill of accusation drafted in English.

3 The four accused pleaded guilty to the charge.

4 Counsel for the prosecution made certain representations regarding the sentence to be imposed as did counsel for the accused.

5 The Court incorporates in these presents certain comments contained in similar proceedings against Civil Construction Inc. bearing number 15301 of this Court, adopts the said observations as its own for the purposes of the present decision, adding that Civil Construction Inc. could not have committed the offence for which it is blamed if the corporations now accused had not co-operated.

- 6 A plot or conspiracy cannot be carried out by one person alone but requires at least two people.
- 7 Such a strategy is contrary to law and order.
- 8 The system of tendering by means of similar manoeuvres becomes ridiculous and useless.
- 9 If the said corporations had not been interested in tendering, all they had to do was to abstain and the Municipal Council would then have assumed responsibility by calling for other tenders in order to ensure a “competitive” price.
- 10 The Court has no misgivings in imposing on each corporation involved in these proceedings a fine of \$500 which represents a minimum amount in view of the principle violated and the corollary consequences.
- 11 Counsel for the prosecution has requested an order of prohibition which the Court grants as follows:
- (A) The Court forbids the corporations involved to continue or repeat a similar offence.
- (B) The Court also prohibits the corporations involved in these proceedings and/or their directors, officers, employees or agents from committing any act or deed likely to continue the commission, or tending to the perpetration or continuation of a similar offence.

Order accordingly.