

THE EDMONTON BULLETIN

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FRIDAY, JANUARY 15, 1909.

CHEAPER SERVICE; QUICK SETTLEMENT.

Peaceable as the people of Alberta undoubtedly are they have not yet reached the stage where law suits are unknown and courts of justice unnecessary. Until this happy condition is attained it is to the interests of all concerned and of all who may be concerned, that every provision be made for the speedy settlement of disputes which may be carried to court, and with as little cost attached as possible. This object the Provincial government have attained by two distinctive but complementary measures. They have made it cheaper to get cases into court; and less expensive and troublesome to have them settled once they are there.

Under the territorial status the practice still followed in some of the other provinces was the practice here. The officials whose business it was to discharge the necessary functions preliminary to getting a case before a judge remunerated themselves by collecting fees from the contesting parties. In practice this system resulted here as it does elsewhere, in a heavy burden on the man for whose protection the courts exist; a burden so heavy that the man with a just grievance not infrequently found it cheaper to sacrifice his rights than to have them asserted by process of law. To assure the officials in their territory had to be large, and because it was large the expenses incidental to their service were large.

For example, a man residing in the Peace River or Lesser Slave Lake country who desired to sue another for a small debt had to come to Edmonton, have the writ issued here and served here—thus involving his own expenses in coming to Edmonton and those of the sheriff in going from Edmonton to Peace River. Similar conditions prevailed throughout the entire Province, less severe perhaps elsewhere than in the case cited, but still severe enough to present a very formidable barrier to the man who had a perfectly just claim but who lived at a distance from the offices of a clerk of the court and sheriff. Naturally unless the sum involved were large the plaintiff frequently preferred to lose the sum he knew than take chances on losing he knew how much more in trying to recover it.

This condition has been abolished by the abolition of the fee system. Clerks of court and sheriffs are no longer paid by fees but by salary. The fees formerly collected by them have been reduced and now go to the Provincial treasury. Besides, process servers and bailiffs were appointed throughout the Province; so that the man with a claim may now have his writ issued in the nearest town and served from there—with correspondingly less trouble and expense than if he had to visit the office of a clerk of the court and employ a sheriff from a distant city. As a result, however small his claim, no man is prevented having it tried because the preliminary expenses are unduly or unnecessarily heavy.

The District Courts set both cheapened and quickened settlement of cases entered in court. Previous to the passing of this act there existed in the Province only the Supreme court, sittings of which were held at Edmonton, Calgary, Red Deer, Wetaskiwin, Lethbridge, Macleod and Medicine Hat. Every case for trial had to be heard in one or other of these places; and the parties to the suit were obliged to go themselves, and take their witnesses, however great the distance might be and however much the expense involved might amount to. Naturally unless the amount at stake were considerable a claimant hesitated to risk the tremendous expense of the chance of winning a law suit; while the man wrongfully called to court to defend himself was given a real and tangible grievance from the inconvenience and expense involved. Thus its excessive cost prevented the machinery of the law accomplishing its purpose in existence.

Aside from this, the fewness of the judges and the growing number of cases made delays unavoidable, and cases were frequently laid over from court to court, the expense meantime accumulating, sometimes at an alarming rate.

Since the District Court act came into operation this condition has been remedied. Besides the Supreme court judges there are now five District court judges who go upon circuit in

their districts, holding sittings at various important points. In all there are now fifty points at which court sittings are held in Alberta as against seven before this act came into effect. These points are scattered all the way from the international boundary to Peace River. Instead now of the people having to come to court the court goes to the people. The result is a saving, always large, and in many cases very large, of the expense of attendance and of securing the attendance of witnesses.

Another salutary effect is the prompt settlement of suits. Where before these were frequently to be laid over from one sittings to another to the inconvenience and at the expense of all parties, delayed litigation is now rare and suits are settled promptly and at comparatively little cost.

It seems safe to say that by reason of these measures the expenses in connection with small debt cases have been reduced on the average thirty-five per cent; beside the all-important fact that cases are now settled whereas they were before adjourned, and the judicial business of the country kept up to date. These are measures of law reform from the public standpoint, in which the Government and Legislature may take some pride.

WORTHY OF ATTENTION.

One criticism of the Central Employers' Association regarding the Compensation Act is worthy of attention. They declare that sufficient insurance cannot be secured to properly safeguard them against the payment they might be called upon to make as the result of an accident of serious character. This view, if correct, should be remedied, and a thorough investigation seems to be the practical way to determine whether it is correct. The purpose of the measure is to insure workmen, not to afflict their employers.

GIVE CONSCIENCE A CHANCE.

The Toronto News seeks to stir up the minds of Ontario fruit growers on the subject of the Western market and tells them how to get our trade from the British Columbia dealers. It says: "Nobody who ever saw the prairies and the mountains can believe British Columbia will ever compete with the prairies in the raising of grain. But a more intensive farming British Columbia is making great advances, and particularly in regard to fruit growing. It may very well be, as argued Ontario growers, that the orchards in Ontario grow better than those in the case cited, but still severe enough to present a very formidable barrier to the man who had a perfectly just claim but who lived at a distance from the offices of a clerk of the court and sheriff. Naturally unless the sum involved were large the plaintiff frequently preferred to lose the sum he knew than take chances on losing he knew how much more in trying to recover it.

This is the principle on which the act in question is founded. It has been adopted by the most progressive law-makers in older lands, notably in Great Britain, where it has proved to have excellent effect. In following this lead the Government of Alberta has thus had the experience of others to guide it, while at the same time realizing that the provisions of the new law are such as should be sanctioned on the grounds of simple justice.

HOW THE COMPENSATION ACT PROTECTS THE WORKER.

Alberta unquestionably stands on the verge of a great industrial development. With so wonderful a variety of resources it is manifest that there must be a large variety of industries. In the early stages of its history, the population was composed almost wholly of those engaged in agricultural occupations, and of those in various towns and villages carrying on trading operations with the people of the country round about. But all this is speedily giving way to modern conditions. The Province has, for instance, a tremendous asset in

its coal deposits. With this mineral which is the basis for a very large part of Alberta is underlain. In the last five years owing to the country between the Great Lakes and the Mountains becoming peopled with almost unexampled rapidity, the demand for Alberta coal has become so great that already a large proportion of our citizens are engaged in the coal mining industry. The domestic and transportation needs of a vast stretch of country have to be supplied. These are all the time attaining larger proportions and to them will be added the demands of the different large manufacturing establishments that must spring up at an early date in a part of the continent where raw material and a most desirable market lie so close at hand.

Under these circumstances the Provincial Government has deemed it wise to have certain legislation passed designed to protect the interests of the army of workers which this movement will create. The advantage of doing this at the present time lies in the fact that if action were delayed until these industries obtained three dimensions, conditions would be created which elsewhere have made it extremely difficult to introduce the compensation measure at this early stage.

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As a well-conceived and carefully drafted piece of legislation the act does them the responsibility for its credit. It merits the approval of everyone who forms his ideas on public questions on the principle of the greatest good to the greatest number. In the years of material advancement the Province has in store it is certain to prove a powerful agency to leave this important matter for a peace without which we cannot have real and steady progress.

THE SESSION.

The session of the Legislature just opened promises to rival, if it does not outstrip, the accomplishments of any of the previous meetings. To do either will be no easy task, for the provincial law-makers have been fruitful of good works. To put it in common language they have "kept their feet on the ground," preserved a wholesome view of the relative importance of things and shaped their measures to fit the conditions as they were and as they were being evolved. They inherited from the Territorial Assembly a considerable amount of legislation, some good, some bad and much indifferent. Much of this had to be recast and adapted to the altered conditions. Some had to be replaced with measures more in keeping with the changed circumstances and the tendencies of the later time. But beside this it remained for them to take up a multitude of subjects which the Territorial Assembly had called upon to deal and to construct the legislative machinery for handling the varied problems involved. Throughout, the Legislature has been distinguished by clear perception of the things of most pressing moment, devotion to the advancement of the public welfare, courage and judgment in providing for the carrying on of public business and the prosecution of public enterprise.

Nevertheless there are some items of great importance still on the list and their treatment during this session should fittingly round-out a record of conspicuous public service. Most important of these is the subject of railway construction. Alike in the north and the south this problem is of pressing concern, in the south because competition is needed and in the north because transportation must be provided before development can take place. A policy to meet these needs will be submitted to the House at the present session and will in all likelihood constitute the most important single item on the sessional program. But there are others of great though of lesser importance. The commission inquiring into the conditions of the pork producing industry are expected to report at an early date and their conclusions will doubtless be presented for the mem-

bers' consideration. The elevator situation has been engaging the attention of the governments of the three Prairie Provinces for some time and a pronouncement on the matter is commonly looked for. A redistribution bill and an act to amend the election laws will require attention. Some amendments may be required to the Compensation act. If, as has been suggested, the Province finds it necessary to supplement this measure with an insurance system a far-reaching and very important question will be opened up for consideration. The "eternal problem" of the construction of roads and bridges, must receive attention proportionate to its transcendental importance, and with the other items of current business will complete a bill of fare not of exceeding length but of very great consequence.

BARTERING THE CHILDREN'S RIGHTS.

In Manitoba children do not attend school unless they want to and unless their parents desire them to do so. The laws of the Province contain no tyrannous provision that prevents a greedy or lazy parent putting his offspring out at hire and living the life of a parasite. The child of the only chance it will ever be afforded to secure a common school education. Nor does it interfere in any manner, open or form with the drunken father who drives his children into the streets to earn money with which he can buy whisky. The Province presumes to have no interest, and no right to claim any interest, in the intellectual equipment of its future citizens. Nor does it admit its responsibility to assert the rights of a child to the rudiments of knowledge now necessary to make its way in even the humblest calling. For the educational system of the Province says to the contrary, as many parents please may rear families who know neither how to sign their names, to compute their wages, nor to read the newspapers. For all the present administration does or tries to do is to come the government of Manitoba may be a race innocent of even the primitive art of learning represented by the three R's.

It is a hopeful feature, however, that the administration has felt called on more frequently of late to advance reasons, or at least to project excuses, for this blind, deaf and dumb indifference to what ought to be an inherent right of every Canadian-born child. The latest comes from Hon. Robert Rogers and is of about the character to be expected from the source. The Province, says the minister, has no constitutional power to pass a law compelling attendance, and before this supposedly insurmountable barrier so ingenious a politician as Mr. Rogers stands bound and mute, without proposal to offer or expedient to advance. To thousands who possess no office so distinguished and who even make no particular claim to political inactivity it will be at once suggested that if the Province has not such power the Province might ask for it. And to those who hold meetings throughout the province and who with the characteristics of the Roblin government, will not be conceded that excessive modesty frequently ties the tongues of those honorable gentlemen when they see something they want from the Dominion. The conclusion is necessary that the Roblin government do not claim the power to introduce such legislation or they would ask for it, if, indeed, the power to enact it did not already reside in the Provincial legislature. With this conclusion the whole policy of the Manitoba government in this connection stands in disreputable harmony. From first to last they have studiously and continuously truckled and traded with the educational system of the Province for political profit. The assumed disability advanced by Mr. Rogers is merely another notice that they intend to continue the game as long as public opinion will tolerate it.

The Canadian Society of Equity approached your directors relative to holding a joint meeting to consider the matter of amalgamation. A joint conference was held in September and a draft constitution adopted. A copy of this was sent to all branches and this matter will be brought forward for your adoption at the next meeting. Another matter brought forward was that of compulsory fire insurance. This matter was first brought up by farmers near Airside and since then supporting letters, which are herewith presented, have been received from all parts of the country, notably from land owners in the United States. Your committee decided to leave this important matter for your decision, and supporting letters will be presented from farmers interested in this scheme. It is also expected that delegates from Airside will be present to support these claims.

Other matters taken up by your executive were the fencing of the C.N.R. right of way. This was taken up through the railway commission and an order was issued in their own name, and request that the members of the A.F.A. in Mechanics Hall bearing the following resolution: We the Canadian Society of Equity in convention assembled by motion passed unanimously hereby request an exchange of a delegation of one or more at the commencement of this year annual convention for the purpose of retaining fraternal relations, and for the answering of all questions relating to the societies which are essential to the welfare of the farmers of this province, and we hope that this courtesy be granted. Mr. Rafn was delegated to convey the resolution and he returned accompanied by Mr. Speakman, the delegate from Innisfail, who was invited to speak. He conveyed the greetings of the A.F.A. to the convention and said that he was requested to state that the members of the A.F.A. desired not to miss any of the discussions in their own convention and therefore declined the requests. He further stated that he was delegated to suggest that the secretaries of the two conventions meet and arrange for the interchange of any matters which required to be better understood between the two conventions. This suggestion was accepted.

The delegates attending the convention were: George Curry, Leduc; Geo. Bands, Geo. McDonald, Olds; R. W. D. Bowers, Borden; O. W. Strasser, C. Didsbury; A. Speakman, Penhold; Jos. Smith, Wan. Hodge, Jas. Wilson, Red Deer; S. Smart, Innisfail; C. Sherman, Gas. Bower, John A. Carswell, Red Deer; W. J. Jackson, East Clover Bar; A. J. Martin, Leduc; R. P. Ottensell, Clover Bar; Jas. Speakman, Innisfail; John O. Parrain, Clover Bar; C. J. Ward, Red Deer; Theo. Hamley, Strathcona; Philip Hamlin, East Clover Bar; W. W. White, W. Sheppard, Rice Sheppard, Strathcona; M. R. Lester, Wavy Lake; F. H. Herbert, Strathcona; John McKelvey, Spruce Grove; Wm. Keith, Clover Bar; Ralph Weir, Ellerslie; J. Howard, Conover Creek; J. McLeod, Spruce Grove; Thos. Balsam, Vegreville; Geo. McComb, Lakeview; A. Wilson, Burnt Lake; H. Edmondson, East Clover Bar; E. C. Hallman, Airside; J. C. Buzg, Strathcona; D. A. McLaren, Vermilion; D. A. Kennedy, Vegreville; H. Jamieson, Red Deer; T. J. Parsons, Penhold; D. Warner, Edmonton; E. Carswell, Penhold; G. E. Bente, Strathcona; Wm. Colby, Borden; G. McLeod, Vegreville; Geo. Smith, Red Deer; John Smith, Lamont; Oscar Guenetie, John Brody, Spruce Grove; T. R. Goodall, Carleton Place; Fletcher, Strathcona; Eph. B. Shantz, Didsbury; M. D. Geddis, Penhold.

WEDNESDAY'S SESSION.

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have been referred to the railway commission and will be considered when the commission meets in Alberta in February. Several loading platforms have been built as the direct result of the association. The marketing of beef cattle was also received consideration and this will be taken up during the convention by Mr. W. J. Stevens, who will deliver an address on the subject at the last meeting you instructed your committee to take up the matter of a button for the association. This was considered but it was thought advisable to delay this matter until after this convention as the button would be useless if the proposed amalgamation was consummated. Your committee wish to thank all for the confidence placed in them during the year, and trust that the work undertaken by them during the year has met with your approval. EDWARD J. FREAM.

DELEGATES ATTENDING.

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with help and energy this could easily be increased to 30,000 in a very short time. It might be that the time is now ripe for an active organizer to be placed in the field and your committee would like an expression of opinion on this subject. Your committee appointed several members to prepare papers for use in organization work. These were printed and extensively circulated and have done good work. The Inter-provincial Council of Grain Growers and the A.F.A. have held several meetings during the year, at Saskatoon and Regina, and a delegation was sent to Ottawa, the A.F.A. representative being Mr. Sheppard. The result of this trip was that several changes have been made in the Grain Act, and other remedies secured, which will be explained by Mr. Sheppard. The Inter-provincial Council held a conference with the members of the three prairie provinces in November, in Regina, and the matter of the government ownership of elevators was fully discussed there. The premiers promised to take this important subject into consideration and present their answer at an early date. Mr. Woodford, who has represented the A.F.A. at all the meetings, has been asked to prepare an address on this subject, giving the full results of the meetings. He will present this during the convention. In connection with the meeting held in November, the Inter-provincial Council decided to prepare petitions and have them circulated throughout the three provinces for signatures to be attached. Copies have been sent to all the branches of the A.F.A. all boards of trade and agricultural societies in the province. Mr. Woodford, who has been appointed to prepare early date these petitions will be returned with a large number of signatures attached. The legislative committee appointed held two meetings and at one suggested the names of Jas. Bower and W. F. Stevens, as members of the pork commission. They also waited on the premier and presented these names which were found satisfactory. Shortly afterwards Mr. Stevens accepted the position of livestock commissioner, and resigned his appointment on the commission, but Mr. Bower represented the A.F.A. on the commission and was very helpful at all places where meetings were held in getting out useful information from the witnesses.

An open meeting was held in Calgary in July at which several important matters were discussed, the most important being the chilled meat industry. A committee of five was appointed to prepare a report on this subject, and this report is now almost ready for presentation to the governments. A paper on the work of the committee, together with a copy of the committee's report will be presented to you by Mr. E. G. Palmer. A meeting of the board of directors was held in July at which the resignation of Mr. W. F. Stevens was accepted, and E. J. Fream, of Innisfail, was appointed in his stead.

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have been referred to the railway commission and will be considered when the commission meets in Alberta in February. Several loading platforms have been built as the direct result of the association. The marketing of beef cattle was also received consideration and this will be taken up during the convention by Mr. W. J. Stevens, who will deliver an address on the subject at the last meeting you instructed your committee to take up the matter of a button for the association. This was considered but it was thought advisable to delay this matter until after this convention as the button would be useless if the proposed amalgamation was consummated. Your committee wish to thank all for the confidence placed in them during the year, and trust that the work undertaken by them during the year has met with your approval. EDWARD J. FREAM.

DELEGATES ATTENDING.

The delegates attending the convention were: George Curry, Leduc; Geo. Bands, Geo. McDonald, Olds; R. W. D. Bowers, Borden; O. W. Strasser, C. Didsbury; A. Speakman, Penhold; Jos. Smith, Wan. Hodge, Jas. Wilson, Red Deer; S. Smart, Innisfail; C. Sherman, Gas. Bower, John A. Carswell, Red Deer; W. J. Jackson, East Clover Bar; A. J. Martin, Leduc; R. P. Ottensell, Clover Bar; Jas. Speakman, Innisfail; John O. Parrain, Clover Bar; C. J. Ward, Red Deer; Theo. Hamley, Strathcona; Philip Hamlin, East Clover Bar; W. W. White, W. Sheppard, Rice Sheppard, Strathcona; M. R. Lester, Wavy Lake; F. H. Herbert, Strathcona; John McKelvey, Spruce Grove; Wm. Keith, Clover Bar; Ralph Weir, Ellerslie; J. Howard, Conover Creek; J. McLeod, Spruce Grove; Thos. Balsam, Vegreville; Geo. McComb, Lakeview; A. Wilson, Burnt Lake; H. Edmondson, East Clover Bar; E. C. Hallman, Airside; J. C. Buzg, Strathcona; D. A. McLaren, Vermilion; D. A. Kennedy, Vegreville; H. Jamieson, Red Deer; T. J. Parsons, Penhold; D. Warner, Edmonton; E. Carswell, Penhold; G. E. Bente, Strathcona; Wm. Colby, Borden; G. McLeod, Vegreville; Geo. Smith, Red Deer; John Smith, Lamont; Oscar Guenetie, John Brody, Spruce Grove; T. R. Goodall, Carleton Place; Fletcher, Strathcona; Eph. B. Shantz, Didsbury; M. D. Geddis, Penhold.

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