

COURT LEGISLATION AND ELECTIONS

Alberta Divided Into Five Judicial Districts—Two Courts Establishment—Controverted Elections Law

With the opening of the session of the provincial legislature tomorrow the proposed new legislation is of particular importance to the people. The new courts act will probably be similar to that now before the Alberta house. If the government takes up this session the matter of controverted elections it is doubtful whether Mr. Lamont will use the arguments of Attorney General Cross of Alberta who brought in a bill at Edmonton last year.

In bringing down the courts legislation, the attorney general explained that the province had been empowered by its constitution to abolish the supreme court of the North-West Territories and to establish another court in its stead, and that he was introducing was designed to provide the necessary machinery given by the constitution. The reason that this act was introduced before the High Court act was that the district courts act more clearly defines the policy of the government. Under the old North West Territories regime there had been one court, the supreme court, and the distinctive feature of that court had been that it dealt with every class of action, the only distinction being in the matter of costs. In actions concerning sums under \$100, the costs had to be a little under those of actions involving over that amount.

The increase in population had brought its difficulties and one of those was that the province had entirely outgrown the judicial system in operation at the present, and the officials were overworked. In other provinces, many of the cases handled by the supreme court would have been sent to other courts. The judges had not had time to hear all the cases and many of the smaller cases practically never came to trial at all. Fifty per cent. of the small debt cases were never tried.

FOR SMALL DEBTS

In a country situated as is Alberta and filling up so rapidly, the existing small debt procedure was of very little use. In the opinion of the speaker, the provision for the disposal of small debts was the most important of the act. The object of the bill was to inaugurate a system by which judges would travel over the country, to make litigation as easy and as cheap as possible. At present the expense of a small debt trial was almost prohibitive. The man in Edmonton had to send to Edmonton for his writ, it had to be handed to the sheriff in Edmonton, to be served by him and the case must then be tried in Edmonton. It was to do away with this that the bill was introduced.

As far as population was concerned, said Mr. Cross, the province was entitled to ten judges, and with regard to area, many more. Other provinces had a judge for every 12,000 population, and the government did not think they were asking much of the Dominion government, when they asked for ten judges for 185,000 people. Courts of justice exist for a purpose and have two functions. One was to decide cases where the case was an undisputed claim; the other where there was a dispute. To try these disputed cases it was necessary that the judges should have plenty of time to hear all the arguments; thus it was necessary to have a sufficiency of justices.

FIVE JUDICIAL DISTRICTS.

Mr. Cross did not claim that the act was perfect, but he did claim that the government had given much attention to the bill and would be able to deal with any defects as they arose. District court judges would deal with all cases up to \$400; the government believing that this would divide the work equally between the district courts and the supreme court, the new high court covering five judicial districts instead of three as formerly.

In one respect the district courts would be unique. In all other parts of the Empire there was a distinction in the work that these courts

could handle, only minor cases being within their jurisdiction. It appeared to the Alberta government that this distinction should be wiped out; they failed to understand why there should be a distinction. At present actions for libel, slander and such cases had to go before the supreme court, and the costs were correspondingly high. The government had, therefore, thought it advisable to make no distinction, only providing that the damages claimed must not exceed \$400.

A clause in the act provides that district judges in one district might sit in another. It was expected that the district judges would be able to visit at least every six or eight weeks. They would act as local judges of the high court, thus, if a case arose between the issuing of the writ and the sitting of the high court and disposal of the case, the necessary work would be done by the district judge, saving the large expense. The junior judges would also be able to try criminal cases, excepting some, and with the providing the prisoner consented to trial without jury. This would enable the prisoner to obtain trial immediately.

Speaking of the high court act, which provides for the abolition of the present supreme courts and the formation of similar courts to be known as the high courts, Mr. Cross stated that all cases pending under the present system would be transferred to the new small debt cases going to the district courts. At present there was a clause in mortgage forms, that if a man became in default of his interest payments, both interest and principal at once became due. There was a clause in the high court act whereby a judge of that court was empowered to give relief from this acceleration clause, the government feeling that this will be of great benefit in this country, where much money was borrowed by newcomers.

There was also a clause regarding alimony, whereby a wife could protect herself against her husband selling all his property, the clause preventing such sale. Another clause provided that the executive council might revise the rules of procedure of the courts. In order that the whole procedure might come into force at the same time both the high court act and the district court act would come into force by proclamation.

CONTROVERTED ELECTIONS

In moving the second reading of the controverted elections bill, Mr. Cross said:

Mr. Speaker, in moving the second reading of the bill respecting controverted elections I may say that the attention of the government has been called to the fact that under a judgment of the supreme court of the North West Territories recently given, it has been held that the controverted elections ordinance is not in force in this province, or in the province of Saskatchewan, under the provisions of the autonomy acts. The judgment of the supreme court of the North West Territories has in effect held that the purpose of the autonomy act was to leave the matter of the validity of an election of the members of the legislature until such times as the legislature choose to hand over this authority to the courts of justice—consequently the court held that the language of the autonomy act did not continue the old Controverted Elections ordinance.

The government have now felt it their duty to introduce at this session a controverted elections act having similar provisions as those formerly in force, and which have been found to have worked out quite satisfactorily since the passing of the original acts in the year 1897. The government feeling that the principle adopted in modern times in almost all legislation in the British empire of deputing to the courts of the country the trial of election matters is a much better principle than permitting them to be decided by a select parliamentary committee as was the custom in older times.

But if the latter makes a determined effort to take the land, its agents will in all probability, be forcibly ejected.

The government will not stand idly by and allow these lands to be taken from it," declared W. J. Bowser, K.C., M.L.A., today. When the agents of the railway enter upon the land, they will in all likelihood be ejected. Should they resist, force will be used. Prevented from accomplishing its desire, the company will then either have to throw up the sponge or else take the initiative in a fight in the courts. Action might be taken against the provincial government on the securing of a writ or suit might be commenced against the election of the agents of the company, personally. In any event the company will never occupy these Indian lands on Katoen and Digby islands and on the main land at Metlakatla till the court of the highest jurisdiction declares its right. Persons who have the privilege council would uphold the Dominion government and the G. T. P. in this matter are scarce in British Columbia.

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BIG GRAIN CONFERENCE

Manitoba Government has Called Meeting of Representatives of Different Business Interests to Consider Grain Question

One of the most important subjects which will, no doubt, be discussed at the grain growers convention now in session here will be regarding the action of the Manitoba Grain Growers, who have arranged through the government of that province for a conference to consider the marketing and shipping of grain in that province. Some such step will no doubt be suggested by the Saskatchewan grain growers to the local government. The letter of President McCuaig of Manitoba, and the report of the agricultural committee of the Manitoba Grain Growers, dated Winnipeg, Jan. 30, 1907.

To the honorable, the chairman of the agricultural committee, Manitoba, be legislation. "Sir.—The executive of the Grain Growers' association are of the opinion that it would be in the interests of the producers of this province as well as the members of the Winnipeg Grain and Produce Exchange and the railways doing business in Manitoba, and also the financial institutions, such as the banks of Manitoba, that the government of this province should at the earliest date possible call together a convention to discuss and decide on what, in their opinion, is in the best interests of the producers of grain, and all those dealing in grain and the products of this province, residing in Manitoba, including the question of the government ownership of elevators in this province, and the best means of handling the products of this province, and also the regulating and controlling of corporations and persons doing business in said products. And the said executive are of the opinion that the members of the said convention would consist of the reeve of each municipality in Manitoba, and one other representative from each municipality appointed by the reeve in council of each municipality; two representatives of the Winnipeg grain and produce exchange, appointed by said exchange, two representatives of the milling interests of the province; two representatives of the truck buyers, two representatives of the exporters of grain, two representatives of the grain commission, and two representatives from each of the Canadian Pacific and Canadian Northern railways, representatives from each chartered bank doing business in the province; that no one of said representatives shall be a lawyer, unless it should be the reeve of a municipality.

"And that any resolution or resolutions passed by a majority of the members of said convention be transmitted to the government of the province of Manitoba. Yours respectfully, (Signed) D. W. McCUAIG, President of the Grain Growers' association. Your committee subsequently received the following telegram: "To the Hon. Mr. Argue, chairman agricultural committee, Government building, Winnipeg. "Grain growers' association in convention request that representative from each grain growers' sub-association be substituted for reeve of each municipality" in our executive's request to your committee, and that the executive of the provincial association be added to the same; suggest March 13, as date of convention."

GRAIN'S CONFERENCE.

Your committee after full consideration, are of the opinion that there should be no objection whatever to the addition of the officers and council of the grain growers' association being members of the convention as proposed in Mr. McCuaig's letter. However, they cannot say that any good purpose could be served by the substitution of the representative of each grain growers' sub-association for the provisions previously suggested, that the reeve of each municipality of the province should be a member of the proposed conference, especially that in view of the fact that the reeve and council of each municipality are expected to name an additional representative and your committee are satisfied that insofar as possible the additional representative could be selected by the council from among the members of the sub-association of the different municipalities. "Your committee are of the opinion that such a conference of representative men would be of wide-spread and lasting benefit to the grain producer of Manitoba, and we regard it as essential that if possible a satisfactory solution of all the difficulties should be found which would have just to all interests concerned, and establishing such relationship as would maintain and preserve mutual good faith."

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Serg. T. Jenkins late of third Bengal regiment, a veteran of the Indian mutiny, a body servant of Lord Roberts during the mutiny, died at Toronto, aged 79.

TYPO UNION STRONG BODY

How the Craft has Organized and how They Care for Their Members

The great strike in the book and job printing industry, in which the International Typographical Union of North America and the United Typothetae of America have been pitted against each other for eighteen months, has attracted considerable attention to trade-union methods and the history of trade organizations. The International Typographical Union was formed in 1852, and has had a successful and progressive existence since that time. Previous to 1852 there were many local associations or unions of printers, and a convention of these local associations was held as early as 1851.

The International Typographical Union is recognized as a conservative organization, and this is borne out by the effort that was made by the officers of the union to peacefully adjust the eight hour contention with the employers before the strike was entered into. This strike has been a marvel of financing. The International Typographical Union has a membership of about forty-seven thousand, and, with the exception of about fifty thousand dollars, these forty-seven thousand members have raised by assessment more than \$8,000,000 for the conduct of their strike for the eight hour day. The assessment was at first 50 cents per week, then ten per cent. of all wages earned. The ten per cent. was effective for nine months. It was then reduced to 7 per cent. later to 5 per cent. and is now 8 per cent. The method of levying the assessment is also worthy of explanation. It was not placed by a convention, nor by officers of the organization. The proposition was submitted to referendum voters. The proposal to levy 50 cents per week received a majority of nearly twenty thousand votes, and the proposal to levy a 70 per cent assessment received a majority of more than eighteen thousand votes.

The International Typographical Union also conducts a home at Colorado Springs, known as the Union Printers' Home. This institution was erected and is maintained by the International Typographical Union for its aged and distressed members. Thus far the union, in erecting and carrying on this part of its philanthropic work, has expended more than five hundred thousand dollars in about twelve years' time. There are at present in the home about one hundred and fifty inmates. Local typographical unions have also their benefit features, such as caring for sick members, assisting those who may be temporarily out of work, and burial funds which are

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DISTRICT 9-R-2

ing of L.I.D. No. 9-R-2 was at Pemas today. R. Roe (chairman) J. R. A. McRae, Jas. McAllister, and of last meeting were read.

that this council beg to take of the department of bridges as follows: Lake Bridge T. 18-23 between 23 and 24, (2' a bridge 6 and 1 in T 17, 21 and 22) Either the present bridge be overhauled or a new one be built on S 11 and 14 T 18 22 and 23 and that Roe, McRae and McAllister be appointed to inter-consult with the commissioner.

names were submitted to the department as poundkeeper. Fisher, Jas. McAllister, R. W. Sherwood, D. Leslie, F.

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