

LEGISLATORS COMPLETE A BUSY SESSION

LEUT. GOVERNOR PROLOGUES THE HOUSE WITH USUAL CEREMONY.

Royal Assent Given to a Large Number of Bills, Marking the End of a Laborious Session—Large Amount of Useful Legislation.

(From Friday's Morning Leader.) With the usual ceremonial the second session of the first Legislative Assembly of Saskatchewan was prologued yesterday by the Hon. A. E. Forget, Lieutenant Governor.

The House got through the remainder of the business even more rapidly than was expected, the estimates being disposed of in committee with only slight comment.

There was just a suggestion in the manner of honorable members that they felt like schooling about to break up for the holidays and they did not seem inclined to settle down to serious discussion of the subjects that had been pretty well threshed out already.

Mr. Langley withdrew his amendment to the Liquor Licence Ordinance Amendment Bill for the supervision of social clubs and the only subject that might have caused delay was touched on the Regina Land Titles office question and the Provincial Treasurer made a statement regarding the borrowing powers of the government for capital expenditure.

The Speaker took the chair at 10.30 a.m. The bill respecting the taxation of corporations was read a third time and passed.

On the motion of Mr. Stewart it was agreed that notices of private bills should be inserted in the Gazette only twice instead of four times.

The House then went into committee of supply on the estimates and passed the remaining votes under the heading of "miscellaneous."

On the vote of \$6,000 to provide for an inquiry regarding the cost of construction, maintenance and operation of a telephone system, Mr. Calder, in reply to Mr. Haultain, said that it was not the intention of the government to appoint a commission but to engage a thoroughly practical man and send him to places on the continent where telephone systems were in actual operation.

One of the questions that was open for consideration was whether or not the government should construct only the trunk lines and leave the local lines to municipalities. He understood for instance that in Nebraska the farmer put in the posts for his own line. They would secure a great deal of valuable information at first hand from places where systems were in actual operation.

The House resumed, and a curious oversight with regard to the date of the closing of the financial year was remedied. Next year is leap year and this fact being overlooked all the votes had been passed for the financial year ending February 29, 1908. The date was changed to February 29.

The votes passed in Committee of supply were read by Mr. Haultain again commenting, however, on the Regina land titles office question, the correspondence on which had been brought down by Mr. Motherwell. Mr. Haultain said the Government acquiesced in the budget and there had been no investment into the reasons for its having been made.

On the second reading of the bill for borrowing \$2,000,000 for any term or terms, not exceeding forty years, at a rate not exceeding 4 per cent. per annum, for the purpose of buildings and permanent public improvements authorized by the Legislature after September 1, 1906, Mr. Calder made a statement. He said that every member of the House would agree that the cost of this work should be spread over a period of years and that the money should not be taken out of the current year's revenue. This was the principle adopted by every Government and by school districts and cities in erecting their public buildings.

The sum which they had taken from the local revenue for the purpose of capital expenditure would be repaid. It was not likely that the sums that had been voted would be expended this year. They were engaged preparing the preliminary estimates and they would not pay more than 4 per cent. The money would only be borrowed at such times as it was required.

Mr. Haultain agreed with the general proposition that in a certain class of expenditure the burden should be spread over a period of years and the burden laid on the people who were to benefit by it. But there was a limit to the application of that principle and he thought the honorable gentlemen came down two years running, saying that there was \$400,000 that he did not know what to do with, and which was to disappear from time to time. In addition, there was \$24,000 which he had spent only, and which was to disappear from time to time. To meet this situation of having too much money, he proposed to borrow money this year to repay back the \$24,000, when according to his own admission they had \$450,000 more than they needed. This was what he would call fringed finance.

bounds under this system of finance. The bill was read a second and third time and passed.

The Budget Bill was passed through all its stages.

Liquor Licences. The Liquor Licence Ordinance Amendment Bill, Mr. Langley withdrew his amendment relating to the licence law being introduced by the Attorney General next session and Attorney General put through all its stages and passed.

This finished the business of the session and the speaker left the chair for an hour until the arrival of the Lieutenant Governor.

Bills Assented To. At one o'clock the Hon. A. E. Forget, Lieutenant Governor, accompanied by Mr. A. W. Bourget, Private Secretary, and took his seat in the chair, all the members standing.

The clerk of the Assembly read the list of bills to be assented to as follows: An Act respecting the Treasury Department and the Auditing of Public Accounts.

An Act respecting the devolution of estates of deceased persons.

An Act respecting the property of married women.

An Act respecting the form and interpretation of statutes.

An Act respecting Witnesses and Evidence.

An Act to amend the Public Libraries Act.

An Act to incorporate the Yorkton Club.

An Act respecting the Surrogate Courts.

An Act respecting wills.

An Act to supplement the revenues of the Crown.

An Act to provide for the organization and maintenance of secondary educational institutions.

An Act to establish and incorporate a university for the Province of Saskatchewan.

An Act respecting the Methodist Church.

An Act to incorporate the Saskatchewan Club.

An Act to incorporate the Elks Club of the City of Saskatoon.

An Act respecting the rights of mechanics, wage earners and others.

An Act to amend chapter 29 of the Ordinances of 1903, second session, intitled "An Ordinance for the Protection of Game."

An Act amend chapter 38 of the Statutes of 1906 intitled "An Act respecting Agricultural Societies."

An Act to amend chapter 44 of the Consolidated Ordinances intitled "An Ordinance respecting hire receipts and conditional sale of Goods."

An Act respecting the appointment of police magistrates in cities and towns.

An Act to amend "An Ordinance respecting Public Health."

An Act confirming the elections and the assessment of property in the City of Saskatoon.

An Act respecting the Saskatchewan Central Railway.

An Act to incorporate the Saskatoon Club.

An Act respecting certain officers of the court.

An Act to amend chapter 7 of the Ordinances of 1903 (first session) intitled "An Ordinance respecting Hall Insurance."

COMMITTEE'S REPORT ON P. ALBERT CASE

ENTIRE HISTORY RELATING TO NORTHERN ELECTION REVIEWED.

The following is the report in full submitted to the select standing committee on privileges and elections at the Tuesday afternoon session of the Legislature in connection with the petition of Samuel J. Donaldson claiming to have been elected to the Princes Albert district:

To the Legislative Assembly of Saskatchewan: The Select Standing Committee on Privileges and Elections report as follows:

The committee have had under consideration the petition of Samuel J. Donaldson referred to the committee on the 11th day of March, 1907.

The petition makes the following allegations:

1. That an election was held on the 13th day of December A.D. 1905, for the Electoral Division of Prince Albert, to elect a member to represent the said electoral division in the Legislative Assembly of Saskatchewan.

2. That at the said election, the said electoral division was subdivided into twenty-six polling divisions, and according to the returns of said election, and on which the said Tyerman was certified to have been elected, 318 ballots were cast and counted as having been cast in favor of said Tyerman.

3. Your petitioner says that at certain of the said polling divisions, namely, Polling Division No. 24, Pine Point; Polling Division No. 25, Sandy Lake; Polling Division No. 26, Bear Lake, no poll was held, and no ballots cast, whereas 151 ballots were counted as having been cast in favor of the said Tyerman at said three polling divisions, and none for your petitioner.

4. That the deputy returning officers for the said Polling Divisions Nos. 24, 25, and 26, when being prosecuted under the Territories Elections Ordinance for not opening and holding the said polls on the 13th day of December, A.D. 1905, as required and according to the provisions of the Territories Elections Ordinance, pleaded guilty thereto, and that the trial of a criminal charge preferred against the returning officer at said election for said electoral division, it was proved that no poll was held at the said election and return of said Tyerman were and are wholly null and void.

5. That your petitioner had, according to the returns of the said election, a majority of 58 ballots over the said Tyerman at all the polling divisions for said electoral division at said election, exclusive of polling Divisions Nos. 24, 25, and 26.

6. That your petitioner had, according to the returns of the said election, a majority of 58 ballots over the said Tyerman at all the polling divisions for said electoral division at said election, exclusive of polling Divisions Nos. 24, 25, and 26.

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The evidence submitted satisfies the your committee of the following facts:

(a) That an election was held on the 13th day of December A.D. 1905, for the Electoral Division of Prince Albert, to elect a member to represent that Electoral District in the Legislative Assembly of Saskatchewan, and that at such election the petitioners, Samuel J. Donaldson and Peter D. Tyerman were the candidates.

(b) That Peter D. Tyerman, one of the candidates at the said election, was certified to have been elected and a statement declaring him duly elected and specifying the number of ballots counted for each of the candidates, was returned under the Territories Elections Ordinance, by which it appeared that there were 216 ballots counted for Samuel J. Donaldson and 411 for Peter D. Tyerman.

(c) That a recount as provided for under the Elections Ordinance was had and taken by a Judge of the Supreme Court, the West-Prinsep, as a result of which it appeared that the vote at the election stood at the number of 318 ballots counted for the said Donaldson and 411 for Peter D. Tyerman.

(d) That at certain of the polling divisions for the electoral division, namely, Polling Division No. 24, Sandy Lake, and Polling Division No. 26, Bear Lake, no polls were held, and that 151 ballots which were counted as having been cast at these polls were in reality bogus ballots, and did not represent valid votes of electors.

(e) That on the 22nd day of January, 1907, Mr. Tyerman, the candidate returned as elected, forwarded to the Clerk of the Executive Council, a resignation of his seat in the Legislature, and as, under the provisions of the Elections Ordinance, no candidate is permitted to resign after the closing of the polls, the question of the validity of the resignation of Mr. Tyerman has been finally determined by the virtue of the provisions of the Ordinance, and on the 12th day of December, 1906, the return of Mr. Tyerman had not been gazetted the resignation was ineffective.

(f) That on the 15th day of March, 1907, the return of the said Tyerman was gazetted and immediately thereafter Mr. Tyerman forwarded his resignation which then became duly effective.

(g) That Mr. Donaldson entered a petition in the Supreme Court of the North-West Territories contesting the election of Mr. Tyerman, which petition was outstanding and pending until the 12th day of December, 1906, when the same was dismissed for want of jurisdiction.

(h) That on the 4th day of March, 1907, Mr. Donaldson caused to be presented to the Legislative Assembly the petition which he submitted, the petition bearing date February 25th, 1907.

(i) That there were not sufficient valid votes returned to entitle to vote at said Polls Nos. 24, 25, and 26, to offset the majority of the valid votes cast at the election for Mr. Donaldson, the majority in favor of Mr. Donaldson in such valid polls having been as a fact 58.

(j) That Mr. Donaldson had therefore a majority of the valid votes of the electors of the electoral division of Prince Albert.

(k) That the petitioners suggested that the Judge of the Supreme Court in returning the ballots, acted at all improperly, but on the contrary it was in duty bound to do so.

(l) That your petitioner had, according to the returns of the said election, a majority of 58 ballots over the said Tyerman at all the polling divisions for said electoral division at said election, exclusive of polling Divisions Nos. 24, 25, and 26.

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trovered elections there would appear to be no doubt but that the Legislature has what is called constitutional jurisdiction and has a right, and in fact is bound to hear and determine through its properly constituted committee petitions asking for the voidance of an election and claims to seats.

The Committee is of the opinion that they should deal with the matter in dispute upon proper principles of law and not by refusing the question counsel appearing for and against the petition to cite cases which might be of assistance to the Committee and the House in determining the question arising in the petition and out of the facts proved, and the Committee have also endeavored by every means to find precedents which would be of similar assistance.

No case has been cited or has been found by your Committee similar in all respects to the case disclosed by the facts here set out. Cases have been cited wherein the Courts have exercised the jurisdiction delegated to them by parliament voiding elections but have refused the claims of petitioners to seats and have directed new elections, but there are cases in which certain electors who had the right to vote were disfranchised by reason of the acts and conduct of deputy returning officers in placing marks upon ballots which had the effect of making it impossible to identify the voters, and thereby under the law making the votes ineffective. The principle which the Courts have applied to such cases is that the being in real election at all, they could not give the seat to the petitioning candidate for the reason that the persons who were entitled to vote had not had an opportunity of expressing their will in regard to the election.

In the present case, however, there is no question as to the facts and in view of the principle of law already stated, the petitioner Samuel J. Donaldson is entitled to be returned as the member elected to represent the Electoral Division of Prince Albert in the Legislative Assembly of Saskatchewan.

The Committee are therefore of the opinion that on the facts and in view of the principle of law already stated, the petitioner Samuel J. Donaldson is entitled to be returned as the member elected to represent the Electoral Division of Prince Albert in the Legislative Assembly of Saskatchewan.

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3,000 SETTLERS FOR NORTHWEST

MONTEZEUMA AND CASSANDRA LAND LARGE NUMBER OF IMMIGRANTS.

ST. JOHN, N.B., April 3.—The C.P.R. Steamer Montezuma arrived today with 1,631 passengers. There was not a single case of sickness aboard.

The passengers were Galicians and Italians with a sprinkling of Germans, Hollanders and Belgians, all but 78 for the Northwest. The steamer had sixteen French horses consigned to Calgary.

Major C. F. Wellington, Speaker of the Alberta House is Married.

OTTAWA, Ont., April 3.—The most brilliant event of the post- Lenten season occurred today when the marriage of Miss Marjorie Helen Powell, eldest daughter of Mr. Charles Berkeley Powell, to Major Charles F. Wellington, Speaker of the Legislative Assembly of Alberta and Major of the Light Horse Guards of the same Province, was solemnized.

Rev. J. F. Gorman officiated at the ceremony which was performed at 2