od, real estate agent, Regina Milne of Mundare lastending . H. Cushing of Calgary has

Manuel spent a few days with Norman Murray of Vermil-

oing at the Alberta. on friends today. She is reat the King Edward. . McDonald arrived home on

it St. John and Halifax, ustin of Calgary, manager of ons for the International Har Co., for Southern Alberta, is

tyre, Vegreville's leading real dealer, along with Jos. Roof the same town, are at the

uver for some time, is expect-couver for some time, is ex-home today...

shing of Cushing Bros., reach-nonton today after a business some weeks at Vancouver and

r. building contractor, Lloydis in the city today, ht he

s College For Lethbridge

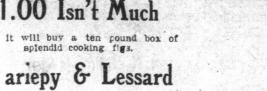
ge, Jan. 31.-The plan to esf a meeting of leading citssions in Alberta and Bri-ia, laid the ibla, laid the proposition begathering, explaining present time open to young Hildas at Calgary, and the Presbyterian church,

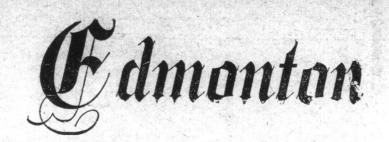
DLESEX DATE SET.

for the Legislature on

Jan. 31-The date of the llesex bye-election for the has been fixed for Februations take place a wee

\$1.00 Isn't Much







EDMONTON BULLETIN, THURSDAY, FEBRUARY 7., 1937.

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Act Introduced Creating High Court of Justice

Attorney-General Cross Introduces Act in Forceful Speech --- Provision for Cheap and Expeditious Litigation--- A Chief Justice, Four Puisne and Five Junior Judges for Alberta---Acceleration Clause of Mortgage Contracts Abolished

(Tuesday's Daily) Last night should be regarded as a historic night in the history of the Legislature of Alberta. The attorney general explained to the House the erms of the new High Court and District Courts Act. From the earliest time in the history of the Northwest the administration of justice has been executed by what were merely provisional courts, to be superseded in due time by the regularly constituted judicial machinery, and jurisdiction delegated to the provinces by the terms of the British North America Act. It is a far cry from the irect, single-handed administration the laws of the land by the Hudon's Bay factor to the complex jud icial system created by Attorney Genral Cross' bill instituting the High Court of Justice of the Province of Alberta. Though differing very widely in outward form both systems re emble each other in imposing a revence for law and order that is the under the British constitution. The first attorney general of Alberta takes his place among the legislators of Canada, and whatever change or amendm nt the original act shall, it shall always bear the impress of the hand hat first fashioned it. The act is modelled after the High

Court of England. The judges exercise and enjoy all the rights, privileges and immunities of the judges of Her Late Majesty's Superior Courts of law and equity, and all the associate courts of the High Court of Justice of England. The attorney gen- bill. eral explained the bill at some length in a carefully arranged and forceful speech. In rising to address the House he was greeted with unstinted

THE SPEECH

Mr. Speaker:-In the act, known as the Alberta the whole of the North-West Terri act, which came into force in Sept., tories, including the present Prov HIGH GRADE LUMBER 1905, constituting this province, a inces of Alberta and Saskatchewan, provision was made that the Legisla operated until the passing of the Acts lature of the Province of Alberta commonly known as the Autonomy might abolish the Supreme Court of Bills the Northwest Territories, and a further revision was made whereby the West Territories has dealt and today Legislature of the Provinc eof Alberta | deals with all manner of actions, b would have the right to constitute they large or be they small. An action

Purpose of the Bill. The purpose of the District Court Act, in conjunction with the High Court Act, is to establish in the Province of Alberta the judicial machinery which was contemplated in he original constitution of the Province, and as the formation of the wo courts, which are provided for in these acts as a whole go to make up the judicial machinery in Alberta. I thought it advisable to address myself upon the introduction of the bill now before the House to the general question not only of the formation of District Courts, but of the High Court of Alberta, so that in this way the whole matter might be treated in

telligently by this House.

Principle of Bill The Government have thought it well to introduce the District Court Act at the present time, because the principle involved in that bill is the distinguishing feature between the judicial system of this Province as it and that system which is contemplated by the District Court Act and by the High Court Act.

Attorney General of Alberta keenly not only by the litigants and As you are all aware, up to the prest the judges themselves, but from a

The Supreme Court of the North an action for \$1,000, is brought today in the same Court. There is, however one very slight distinction, and that is in connection with the scale of costs. In claims of \$100 or less a and the fees in cases of this class are ning of an action at law which might adjusted upon a lower scale than in costs of actions involving more than this amount; also in actions ranging in amounts between \$100 and \$200

Result of Present System.

there is a lower scale of costs than in

constituted as a court under the

North-West Territories Act, the Act |

under which for a number of years

Owing to the large increase in population during the last three or four years, the territory now constituted as the Province of Alberta has been rapidly settling up, and as a result large costs. the time of the judges of the Supreme court of the North-West Territories has been to a very large degree occupied in the trial of small debt cases At the last sittings of the Supreme Court in the city of Edmonton considerable more than one-half of the cases on the docket were cases which has existed up to the present time in any other province in Canada of inferior jurisdiction. As a result

of the North-West Territories, and present state of the court system.

ftentimes impossibility of any peron in the outlying districts of the making in all fifteen judges or one province and even in the more settled each to every 12,000 of a population. and thickly populated districts and along the lines of railway obtaining peedy justice in small debt cases. I im of the opinion that proper proision for the trial of small debt cases s the most important feature of a well and provides for the construction of regulated judicial system. It is a natter of common knowledge in the Province of Alberta that a very great number of cases in which parties feel themselves aggrieved are never brought to trial, because the amount involved would not justify the beginhave to be carrried to a place some hundreds of miles distant from the place where the cause of action arose and where the litigants are residing. Every barrister in the Province Alberta will agree with me when I ay that barristers in this province luring the last four or five years, have

than to run the risk of having to pay

been in the habit of advising their

clients not to bring small debt ac-

tions but rather to suffer an injustice

Object of District Courts. The principal object of establishing he District Courts in the Province is judges of that court will travel hrough their districts and hear the would have been relegated to a court tice to such persons. It will be ar- mands. I trust that such design will of this the judges of the Supreme of their districts every six weeks or before the House, and on the one court of the North-West Territories two months, covering all the import- hand make it easier and cheaper for are not only in the first instance ant points within such districts and one man, who has an undisputed claim or demand for relief does not The details of the bill, sir, can be overworked, but they are unable to hearing at the place where the disclaim speedily, and on the other hand, exceed this amount. In Ontario for more conveniently and more easily devote a proper share of their time pute arose any causes brought before to give every facility to two or more discussed when we consider it in in the consideration of judgments in them for trial. At the present time persons who happen to be engaged committee. Our business at the pres- cases of great importance to the liti- it would be quite impossible for the in a dispute, which calls for judicial ent time is with the principle of the gants. This disadvantage is felt very judges of the Supreme Court, of the adjudication, to have the merits of

North-West Territories to attempt to in the Province and to bring justice easy and quick to obtain as it is pos-

Old and New System.

The primary difference between the old judicial system and the new one, as set forth in these acts, is to make it as easy, cheap and quick as possible to obtain speedy jusice.

A Larger Judiciary Needed. I have desire to refer particularly

o the need in this province of a larger judiciary than that which it has at the present time, and in this connection it may be of interest to you to know that upon the basis population the Province of Alberta is provinces of Canada, to ten judges, and upon a basis of area, this province would be entitled to a very much a larger number of judges to cover the reason that the settlement in this Settlers are taking up land in far dissmaller cities and towns immediately along the line of railway.

It might be of interest to compare the number of judges in British Coumbia with the number of judges which we are asking the Dominion ent time there has been but one Court | standpoint of public convenience a | Government to give us under the Disof Justice in the North-West Terri- very much more serious state of af- trict and High Court Acts. In the tories, known as the Supreme Court fairs exists in consequence of the year 1901 the population of British Columbia at the taking of the census was some 7,000 less than the present Present Small Debt System Defective. population of Alberta, and at that The disadvantages to which I retime there were in the Province of erred are the impracticability and British Columbia five Supreme Court | Courts of Ontario to-day. On the pudges and ten County Court judges,

Ten Judges for Alberta.

It is therefore quite clear that if this Legislature sees fit to adopt the bills submitted by the Government the District Court of Alberta: which involves the appointment of five District Court judges, and also for the construction of the High Court of Alberta to be composed of five High Court judges, making in all ten judges, the request which is thereby made to the Federal Govrnment to fill these offices is in view of the circumsances circumstances prevailing in the pro-

The design and object of the District Court Act, as I have said, is to make it easier, cheaper and simpler for a creditor to obtain redress against his debtor, or for two parties who have a dispute to have that dispute settled judicially.

Courts of Justice Exist for Two Purposes.

Courts of justice in any country exist for two purposes and their funcpurposes should always be kept sepo inaugurate a system whereby the arate and distinct. One of these purall purposes, namely \$400, is the proposes is to permit the enforcement of admitted claims or demands, and complain's of any persons who think the other and quite different function themselves aggrieved, and give jus- is to decide disputed claims or deranged that the judges make circuits | be realized in the Acts which are now

that dispute fully and completely cover the smaller towns and villages laid before the court, and to have ample 'time and opportunity given to the doors of the people of the coun- for the presentation of each side of try, but under the District Court Act | the facts and arguments going to susthis plan will not only be feasible tain their respective contentions, as but will be eminently practicable, and well as ample time and opportunity, will be put into force as soon as the afforded the judges, who are called udges of the courts are appointed by upon to decide such disputed cases, present time the expenses of trying a consideration of not only the facts small debt case sometimes hundreds of the case, but of all the law bearing of miles from where the dispute arose | thereon. This is the only way in has almost invariably made the liti- which litigants will be satisfied after gant deter from endeavoring to en- the decision is arrived at in any case force collection of their claims, and the | in which they might be engaged, and purpose of this judicial system should | it must be borne in mind that it is be to bring justice as near to the of just as much importance that these doors of the people of the province disputed cases, where there is a real as possible, and make it as cheap, and substantial question of debt, should be properly and carefully deermined as it is in the other class of cases, namely, those in which no dispute arises, that every facility, should be afforded to a speedy realization of the admitted claim of the

Perfection Not Claimed.

I do not claim for these Acts that they are by any means perfect, but I do say that they have been given most careful, and I hope sound consideration, and that whatever defects exist in them will be remedied as they appear from time to time.

District Courts-Amount Limited to

It is the design of the Act now before the House that there shall be a District Court in each judicial dislarger number. It is quite clear to trict of the province, with a jurismyone who is intelligently informed | diction limited to cases involving not as to the condition of affairs in the more than \$400.00. You are all aware Province of Alberta, that it requires | that since the formation of this Govthis province in an efficient way than | Province of Alberta five judicial districts where formerly there were three -beginning at the south there is the province is very widely diffused. Lethbridge Judicial District, having its judicial centre at the city of Lethtant places from the railways in the bridge. There is also the Judicial well grounded hope that before very District of Macleod, the Judicial Disong these places will be tapped by trict of Calgary, the Judicial District railroad and thereby rendered just of Wetaskiwin and the Judicial Disas accessble as any other part of the trict of Edmonton. Now in every province. The result of this has been other province in Canada, save only up, and today are growing up all over classes of courts, namely, a Superior the province, oftentimes long dist and an inferior court. For example, ances apart, and in order to serve a in Ontario at the present time the province so settled properly, it is per- jurisdiction given to the County fectly clear that a larger judiciary | Courts extends to cases involving in proportion to its population is re- \$600. In British Columbia, the jurisquired than in such a province, as diction of the County Courts is very for example, British Columbia, where much wider, but owing to the cirthe population is centralized to a cumstances in this province, the Govgreat extent in the cities of Vancou-] rnment having thought the matter ver and Victoria, and in a number of out well, have come to the conclusion to not at the present time give the District Courts a larger jurisdiction than the sum of \$400.

The question of the limits of the jurisdiction of these District Courts has been a matter of very serious consideration by the Government. It has been suggested on the one hand that this limitation of \$400.00 is too small, and that here exists no reason why it should not be increased to the sum of \$600, corresponding with the jurisdiction exercised by the County other hand, it has been very strongly urged that the jurisdiction of \$400 is too large, and that it would be ad-

visable to limit it to \$250 or \$300. I may say that as this Province is at present constituted it would give the District Courts too much work in comparison with the work of the High Court to extend the jurisdiction to \$600. The difference between \$400 and \$600 would include a very large number of cases which would swing the balance of work too strongly in favor of the District Courts. I say this because I have made examination into the various cases tried at the different sittings of the Supreme Court of the North-West Territories, during the past year, and I find that this is the case.

I might also point out that it is only a short time ago that the jurisdiction of the County Courts in Ontario was \$400, and it has only been in very recent years that this jurisdiction has been extended to \$600 in very many cases. I have no doubt in my mind that when the settlement in the Province justifies it, it will be a wise provision to increase the jurisdiction of these District Courts, but for the present I think that the figure tions with regard to each of these at which the Government has placed the jurisdiction of these Courts for per figure at which to place it.

In one very important particular there are certain very important ex-

Continued on Page Seven