

W-T

26 September 1906

Sir:

With further reference to the fitting up of the office of the Clerk of the Court at Lethbridge, I have had a conference with the Deputy Minister of Public Works, who has authorized me to state that if you will procure the necessary furnishings for the office and have the same installed and send the account for the same, in duplicate, to me, he will have a voucher passed for the amount in due course. I think that you will need a good sized table for examinations for discovery, taxing costs, etc., a counter desk, fitted up below with convenient compartments for blank forms, which forms you will receive from this office in due course, a standing desk with convenient compartments underneath for your office books while in use during the day, a desk for yourself, a cabinet with a number of large drawers about six or eight inches deep, or some other convenient filing cabinet for your suit papers as well as for the chattel mortgages, lien notes and naturalization or other papers filed with you, a notice board upon which to pin or hang notices that are required to be posted up in the Clerk's office, and such necessary baskets, ink, pencils, elastic bands, sealing wax

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wax and other small articles as you may require for the immediate present. Of course from time to time these latter articles will be supplied to you from this Department. Whether you need a typewriter or not depends upon circumstances, and probably you will be able to judge of the necessity for this better after having been in office for some little time. You did not say in your letter whether the office you mentioned was equipped with a vault, but I hope that it is because it is very important where practicable that all original papers such as chattel mortgages, lien notes, declarations of partnership, naturalization papers, etc., at all events should be each night put into a safe place in case of fire, as well as the books of your office. I think that for the present it will not be advisable to go to any more expense than is strictly necessary for the purposes of your office because the furnishings which you will put in will probably be superseded by a better class of furniture at a not far distant date. You will probably be able to get a good carpenter to build you the counter desk, separating your portion of the office from the part of it to be used by the public, the standing desk above mentioned and the filing cabinet, for a comparatively moderate figure. However, it is the desire of the Department that you should have all necessary facilities for the carrying on of the business of your office, and I trust a great deal to your discretion in connection with the furnishing of it. Do the best you can and there will be no difficulty about your accounts being passed.

I have ordered a seal for your office, but I

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doubt that I will be able to get it in this city, and it is not unlikely that it will have to be ordered and get from Toronto, so that it may be some little time before it arrives. In the meantime I am seeing what I can procure here as a substitute for a seal until your regular seal arrives, and I shall communicate with you further about this before October 1st. I have also ordered two revolving rubber stamps for the purpose of your stamping the papers that are filed with you as well under the Judicature Ordinance as under the various Ordinances relating to the filing of chattel mortgages, lien notes and partnership agreements and mechanics' liens, but I may not be able to procure the class of stamp I want to get in this city, and if I have to send to Toronto for it you will have to write on each document as it arrives the date of the filing of it and sign the memorandum as Clerk. You will hear from me further about this before 1st October also.

Now with regard to books, you will doubtless already have a copy of the Rules of the Supreme Court. I find that there are no available copies here, and I have telegraphed to the Secretary of the Law Society at Regina to send me a number of them. Should they arrive I shall send you one, but in the meantime you will either have your own copy or be able to borrow one from some advocate in Lethbridge to guide you in connection with the duties of your office. I shall see that you are supplied with sufficient blank forms necessary in connection with the administration of the Judicature Ordinance and also with the forms under the Naturalization Act of

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Canada by October 1st. I regret that I cannot send you a copy of the Consolidated Ordinances yet because it will probably not be until early next year before the Consolidation of them prepared by myself will be printed, but upon the same being printed you will of course receive a copy. In the meantime you will of course doubtless have your own copy of the Ordinances of 1898 and the yearly amendments since that time, and you will be supplied with the copy of the yearly Statutes of Alberta, which are now in the course of being bound and will be ready for distribution on or before October 15th.

The books of your office include ^a ~~one~~ Procedure Book in which is recorded under the heading of each suit or matter begun in your office the various steps taken in the suit or matter. The pages of the Procedure Book, as you will observe, are divided into three parts, and the better system I think is to use one of each of these parts for each separate suit or matter, giving the suit or matter its appropriate number in the order in which it is begun in your office. In the second column on the page will be put the name of the paper or pleading filed or proceeding taken, the two small columns on the right of the second column being intended for the fees paid to you in respect of such paper, pleading or suit. The next two columns are for the date of the filing of the paper or pleading or of the taking of any proceeding in the action, and the last column is for the name of the ^{advocate} defendant filing such paper, or pleading or taking such proceeding.

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This Procedure Book is probably the most important book to keep fully and promptly entered up and also to keep accurately, because it is by reference to this book that you should be able to tell anybody enquiring exactly how any action or matter stands in your office, what proceedings have been taken in such action or matter and when and by whom they have been so taken. The state of any cause will be represented by the record in your Procedure Book under the name of that cause, and as I have above remarked, upon each page of the book there is space for three causes. The book has, as you will observe, a double index, one of which it would be well to use for the name of the plaintiff in any cause or matter, and the other for the name of the defendant, so that you could turn to any proceeding taken against a person, if required so to do, or by any person. You will find it of great assistance to keep your index carefully and promptly noted up, and I think you will also find it of the utmost importance and assistance not to file away any any paper among the filings in connection with the suit to which it relates before it is entered in the Procedure Book. Doubtless there will be many occasions upon which a number of papers will be filed with you within a very short time, and you will not have time to enter each one in the Procedure Book as it is received by you, but in such a case my advice would be to have all such papers placed in a basket marked "Not yet entered" and then enter up the Procedure Book from the basket before each of the papers is put in its separate file along with the other papers in the matter or suit. I think that you will find it is only

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in this way that you can avoid mistakes in the keeping of your Procedure Book. Each suit or matter of course has to be numbered, and each filing in such suit or matter, as you know, should have the number of the suit upon it. If you think it advisable to obtain filing envelopes so as to keep the papers in each action together, do so, but if you do not do this be sure and provide yourself with a good supply of strong rubber bands so that the papers in one matter will not get mixed with the papers in another.

You will also be provided with a Hire Receipt Book in which are to be entered the hire receipts filed with you under the Ordinance in this regard. This book is practically self-explanatory. The same may be said of the Chattel Mortgage Book, which you will receive, and of the Partnership Book. The Surrogate Court Docket is also self-explanatory, as is the Fee Book. With regard to this latter book, you will observe that it is divided into columns for Judicature, Bills of Sale, Hire Receipts, and Partnerships, with a column at the end left blank. As under the present Clerks' Act all fees received by the Clerks of the Court are to be returned to the Provincial Treasurer, ^{so that} ~~but~~ fees received by the Clerks under The Naturalization Act of Canada will also have to be returned along with the other fees received under Provincial Ordinances or Acts, and in this connection I think it would be

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well for you to keep a separate Fee Book for naturalization proceedings; any small cash book will do for this purpose in the meantime and until we prepare a more complete form of Fee Book, so that in the present Fee Book you will merely enter the fees received by you for the services therein mentioned. It is my intention to institute a system of payment by stamps, so as to simplify matters both for the Clerks and for this office, and I am now having temporary stamps prepared pending the obtaining of proper lithographed stamps, the lithographing of which cannot be done in this city. These stamps will be of four different colours, and at the end of each month or oftener you will be called upon to account for the stamps so received, and the amount that you have disposed of on each account should correspond with the amount appearing in the Fee Book under the various headings of Judicature, Bill of Sale, Hire Receipt and Bill of Partnership. It is not the intention at present to institute the stamp system with regard to either the Surrogate fees or naturalization fees, which you receive, and these you will receive in money and keep separate, and a separate account of course will be kept by you of them for inspection. The best system to pursue is to deposit each day the amount received in your office in a chartered bank to the credit of the Provincial Treasurer, and for this purpose we will let you know what bank to open an account in, and at the end of each month you can send in a statement showing the amount as represented by your Fee Book and the book showing the Surrogate Court fees, Chamber fees and Naturalization fees, and the amount of all these should of course correspond

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with the amount that is to the credit of the Provincial Treasurer in the bank. You will also please provide yourself with a Criminal Index Book for the purpose of indexing all the criminal cases in your office. As each case comes into your office you should number it and put the number in the index and then file the papers away in their proper order. You will also be supplied with a Cash Book in which you should enter all moneys paid into Court under the style of the matter in which they are paid in and keep this book properly indexed. You will please supply yourself with a Chamber Diary and a Court Diary, the former of which is required by The Clerks' Act and the latter of which is a convenience so as to keep Court matters separate from Chamber applications. I have ordered a Mechanics' Lien Book in a proper form, and expect it daily to come to hand, and if you are required to receive any mechanics' liens before it reaches you you will please keep a memoranda of them in such shape that you can transfer them to the Mechanics' Lien Book when it comes to hand. In this connection also you will be supplied with the forms necessary under the Mechanics' Lien Act and with a copy of the Act. I think you will also find it useful to obtain an Index Book for naturalizations, and I should recommend you to do so.

I am having the temporary stamps spoken of prepared, and hope to have them in hand by Saturday at latest, but in the event of a possible delay in this regard it will only be necessary for you to accept the money, in lieu of the stamps in the meantime, and

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until they reach you , from the various parties doing business in your office, and upon the stamps reaching you you can put on the necessary stamps in each case, I hope however to be in a position to supply you with these on the 1st of October.

If upon receipt of this letter there is anything which occurs to you which I have overlooked, please wire me.

I have the honour to be

Your obedient servant

Deputy Attorney General