

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF MACLEOD.
HOLDEN AT COLEMAN, ALBERTA.

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IN THE MATTER OF THE WORKMEN'S COMPENSATION ACT, 1908.

and

IN THE MATTER OF AN ARBITRATION BETWEEN :-

Dominic Cessarinni, Attorney for the
Dependants of Giacomo Di Marco, of
Michel, B. C.

APPLICANT.

and

E.G. Hazell, of the City of Lethbridge,
in the Province of Alberta.

RESPONDENT.

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I, RICHARD JOHN PALMER, of the City of Lethbridge, in
the Province of Alberta, Barrister and Solicitor, make
oath and say :-

1. I am Solicitor for the above named Applicant and
have full knowledge of the facts herein deposed to.
2. These proceedings were brought under the above named
Act to recover the sum of Eighteen Hundred dollars
(\$1800:00) compensation for the dependants here-
inafter named of the above GIACOME DI MARCO who on
the 29th. day of April, A.D.1911, met with personal
injury by accident arising out of and in the course
of his employment as a workman of the above named
Respondent whereby death resulted to the said
GIACOME DI MARCO on the said 29th. day of April,
A.D.1911.

3. Questions have arisen between the parties :-

- (a) As to whether the said GIACOME DI MARCO was a workman to whom the above mentioned Act applied ; and
- (b) As to the liability of the above named Respondent to pay compensation under the above mentioned Act to the Dependants of the said GIACOME DI MARCO in respect of the injury caused to them by the death of the said GIACOME DI MARCO; and
- (c) as to whether the injury to the said GIACOME DI MARCO was caused by accident arising out of and in the course of his employment; and
- (d) as to the amount of compensation payable by the above named Respondent to the Dependants of the said GIACOME DI MARCO under the above mentioned Act in respect of the injury caused them by the death of the said GIACOME DI MARCO;
- (e) as to who are Dependants of the said GIACOME DI MARCO within the meaning of the above mentioned Act; and
- (f) as to the apportionment and application of the compensation (if any) payable by the above named Respondent to the Dependants (if any) of the said GIACOME DI MARCO in respect of the injury caused to them by the death of the said GIACOME DI MARCO.

4. The place of trial is Coleman, in the Province of Alberta.

5. Issue was joined on the 19th. day of December , A.D.1912.

6. I verily believe and I have so advised that the following, among others, are material and necessary witnesses on behalf of the Applicant, namely :- ANGELO DI MARCO, and MARIA DI MARCO who reside at digniano in the Province of Udini, Italy.
7. The evidence of the witnesses in the last paragraph mentioned is material for the following reasons :-
- (a) The said ANGELO DI MARCO and MARIA DI MARCO are in reality the applicants in this matter:
 - (b) One of the points in issue between the parties is as to whether the said GIACOME DI MARCO deceased, left anyone dependant either wholly or partially upon his earnings at the time of his decease :
 - (c) The said ANGELO DI MARCO is the father of the said deceased, and the said MARIA DI MARCO is the mother of the deceased, and both were, at the time of the decease of the said GIACOME DI MARCO, as this deponent is informed and verily believes, partially dependant upon his earnings :
 - (d) From time to time and regularly, as this Deponent is informed and verily believes, the said GIACOME DI MARCO, deceased, well knowing his said father and mother to be partially dependant on his earnings as aforesaid, remitted to them certain sums of money out of his said earnings.
8. I am advised and verily believe that there are also other

other material and necessary witnesses resident in or about Digniano aforesaid whose names I am at present unable to give.

9. The said ANGELO DI MARCO and MARIA DI MARCO and the further witnesses mentioned in the last paragraph hereof are at present ~~residing~~ residing at Digniano aforesaid, out of the jurisdiction of this Honourable Court, and it is practically impossible for the Applicant to produce them at the hearing because they reside at such a great distance and the expense of bringing them over to this country would be unduly heavy and absolutely outside of their means.

10. A delay has occurred in making this application which has been caused :

(a) By negotiations, which were without prejudice to their rights, pending between the parties for a settlement ; and

(b) By the refusal of this Honourable Court to grant a similar Order applied for here in another matter.

11. I verily believe and have so advised the Applicant that he cannot safely proceed to trial without these witnesses and that it is necessary for the purposes of justice that their evidence should be taken in the manner hereby applied for.

12. This

12. This application is made bona fide for procuring the evidence of the parties herein mentioned.

John R. Palmer

Sworn before me at the City of Lethbridge this
27th day of January, A.D. 1913.

Wm. Gray

A Commissioner in and for the
Province of Alberta .

This Affidavit is filed by
John R. Palmer, Solicitor
for the Applicant on behalf
of the Applicant.

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No. 37 A.D. 1913.

WORKMEN'S COMPENSATION ACT
1908.

No. of matter _____

In the matter of an Arbitra-
tion between :-

Dominic Cessarinni
Applicant

and

E.G. Hazell,
Respondent

Affidavit of John R. Palmer.

