

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF MACLEOD

Holden at Coleman, Alberta

IN THE MATTER OF THE WORKMEN'S COMPENSATION ACT 1908

No. of Matter _____

AND IN THE MATTER OF AN ARBITRATION BETWEEN:

DOMINIC CESSARINNI Attorney for the
Dependents of Giacomo Di Marco of
Michel, B.C.

Applicant

: and :

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

Respondent.

TAKE NOTICE that the Applicant intends to appeal and hereby appeals to the Supreme Court of Alberta en Banc from the judgment of His Honour Edward P. McNeill sitting as an Arbitrator under the provisions of the Workmen's Compensation Act 1908 bearing date the 24th day of October A.D. 1913 whereby it was ordered that the applicant do within three months from the service of the said Order upon him or his Solicitors, give security in the sum of \$100.00 of lawful money of Canada, or in a bond for \$200.00 satisfactory to the Clerk of this Honourable Court to answer the said Respondent his costs in this application and that all proceedings be in the meantime stayed AND that in default of such security being given by the Applicant the application for Arbitration be dismissed with costs without further order

unless the Court or Judge upon special application for that purpose otherwise orders, upon the following grounds:

1. That the Learned Arbitrator had no jurisdiction to make the Order in question.
2. That the affidavit of Alexander Gordon Oliver was insufficient inasmuch as it did not sufficiently disclose that the Respondent ^{or even a prima facie} had a good defence on _{its} the merits.
3. That the said affidavit was further bad and insufficient inasmuch as it does not disclose that Dominic Cessarinni, the within named Applicant, resides outside the Province of Alberta or has no property or assets within the jurisdiction of this Court.
4. That the said affidavit being merely of the deponents information and belief as to residence of the dependents or Applicants abroad is not a sufficient ground for an Order for Security for Costs.
5. That the Respondent is not entitled to an Order for Security for Costs, when the proceedings as in this case are brought by the Applicant under a Power of Attorney.
6. That the Applicant herein is not a Plaintiff in an action, neither is this a case where by the practice and procedure in England a defendant is entitled to security for Costs.

7. That such an Order, as is hereby appealed from, is against the true spirit and intention of the said Act, and the Rules of the Court thereunder.

8. That the Respondent did not make application for Security for Costs within the proper time.

9. An upon other grounds sufficient in law to sustain the appeal

AND FURTHER TAKE NOTICE that at the next sittings of the Court en Banc to be holden at the Court House in the City of Calgary on or about the 2nd day of December 1913 Counsel for Applicant will move to reverse the said judgment or Award of His Honour Judge McNeill and for an Order that this Appeal be allowed with costs and that the application by the Respondent that the Applicant give security for costs be dismissed or for such further Order as to the said Court en Ban shall appear meet.

DATED at Lethbridge this 13th day of November A.D. 1913.

John R. Palmer,

To- Solicitor for the Applicant.

Messrs. Johnstone & Ritchie
Solicitors for the Respondent.

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D.C.

J.D.M.

WORKMEN'S COMPENSATION ACT

1908

ARBITRATION BETWEEN:

DOMINIC CESSARINNI,

and

E. G. HAZELL

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NOTICE OF APPEAL

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John R. Palmer,
Barrister, & c.,
Lethbridge, Alta.