

Appellate

505

S.C.A.

J.D.C.

NO.



IN THE MATTER OF THE KING on the Information of John James Ryan, Informant, against Lizzie Watters tried before Alice J. Jamieson, Police Magistrate, in and for the Province of Alberta.

and

IN THE MATTER OF AN APPLICATION of the said Lizzie Watters for a Writ of Habeas Corpus and to quash her conviction and for her discharge from custody.

NOTICE OF APPEAL



J. MCK. CAMERON

Barrister Solicitor
Calgary.

an Order that the said Judgment and Decision of the said the Hon. Mr. Justice Scott and the order made thereon be set aside with costs, and that the said Conviction herein dated the 18th day of May, A.D. 1917, and made and signed by the said Alice J. Jamieson, be Quashed and set aside with costs.

THE GROUNDS OF THE SAID APPEAL AND THE SAID MOTION ARE:

That the said Mr. Justice Scott erred in refusing to Quash the said Conviction and in refusing to give effect to the grounds mentioned in the Applicant's Notice of Motion to Quash the said Conviction, which are as follows:-

- (1) That the Information herein and the Conviction disclosed no offence against the accused.
- (2) That Section 238 (a) of the Criminal Code has no reference, and does not apply to a woman, and the accused herein is a woman.
- (3) That it is no offence for a woman to have no visible means of maintaining herself and to live without employment.
- (4) That the accused was not given an opportunity to make her full answer and defence to the charge, and was convicted without being called on for a defence contrary to the provisions of the Summary Convictions part of the Code, and contrary to natural justice.
- (5) That the said Mrs. Alice J. Jamieson is not a Police Magistrate, and has no capacity for holding the appointment of Police Magistrate, and is incompetent and incapable of holding the said appointment.
- (6) That the said Mrs. Alice J. Jamieson has never been legally appointed Police Magistrate in the Province of Alberta.
- (7) That the Lieutenant-Governor and Council of the Province of Alberta have no power to appoint a woman Police Magistrate, and that her appoint-

ment is void.

- (8) That at common law a woman cannot be appointed a Police Magistrate, and there is no Statute Act or Ordinance in force in the Province of Alberta empowering her appointment.
- (9) That there was no evidence of the offence charged herein against the accused, or of any offence.

AND FURTHER TAKE NOTICE that this Appeal is taken and this Notice served pursuant to the leave to appeal given by order made by the Honorable Mr. Justice Scott dated the 10th day of July, A.D. 1917, a copy of which order is served herewith.

DATED at Calgary this 29th day of July, A.D. 1917.

James Cameron

Appellant's Solicitor

TO.

W. F. W. Lent, Esq.,

Respondent's Solicitor