

## The John T. Miller and Albert Snider Litigation

Tom Miller's diary from 1925 alludes to a lawsuit and corresponding trial between Albert Snider and John T. Miller, Tom Miller's father. The records of this trial no longer exist, so it is not possible to know the outcome of this particular trial. However, this trial was not the first time that Albert Snider and John T. Miller faced off legally. The problems between them originated in 1923 and resulted in litigation that would occupy the judicial system in Alberta for two years.

In mid April, 1923, John T. Miller leased certain farm lands from Albert Snider. About a year later, disputes and differences concerning the agreement about the use of the land arose between Snider and Miller. Therefore, on or about the 26<sup>th</sup> day of March, 1923, in an effort to resolve their differences, Miller and Snider submitted their differences to CS Arbogast, Joseph L. Sloan and Alexander Story under the Arbitration Act for resolution.

On March 28<sup>th</sup>, before the arbitration hearing, one of the arbitrators, Joseph Sloan, without knowledge nor consent of Snider, visited the premises where the work was performed and discussed the submission with John T. Miller.

On March 29<sup>th</sup>, a hearing was held in Calgary. On April 19<sup>th</sup>, the arbitrators ruled unanimously that Snider must pay John T. Miller \$1,527.50 for the work he performed on the property.

On April 23<sup>rd</sup>, Albert Snider filed a Statement of Claim in the Trial Division of the Supreme Court of Alberta, Judicial District of Calgary, petitioning the Court:

1. That the award be set aside,
2. That Miller pay Snider's costs of litigation' and
3. That Miller pay the costs of the Petition and corresponding action

In the petition, Snider claimed that the contact by arbitrator Sloan was inappropriate, and that Miller a claim (\$532.40 for discing and harrowing 242 acres) in the arbitration hearing that was not previously part of the original arbitration submission.

The petition went to trial in November 1923. J.J. O'Connor, pleading on behalf of John Miller stated that this particular case did not belong on the jurisdiction of the Trial Division of the Supreme Court of Alberta, but more appropriately in the appellate courts. HCB Forsyth, pleading for Snider, stated that there was no rule taking away from the Superior Court's jurisdiction.

On November 23<sup>rd</sup>, 1923, a judgment was delivered by Judge Walsch. He agreed with J.J. O'Connor's argument, and ordered that the Statement of Claim be struck out (denied), and that Snider pay the costs of the action.

In the Spring of 1924, an appeal was filed and heard in the Appellate. In this action, Judge JA Hyndaman ruled that the appeal must be dismissed because the Rule under which the appeal was made did not provide the appropriate mechanism for appeal. The Court did however, allow Snider the opportunity to move to set aside the original award at the next court session.

In the Fall of 1924, a new petition was heard in the Appellate Division. At this time, the appellate division, stating a variety of cases, found for Snider, stating that while Miller and Sloan were not actually corrupt in their motives, Sloan did in fact misconduct himself. The original award (\$1,527.50) was set aside.