

Bill No. 47 of 1946.

A BILL TO AMEND THE DISTRICT COURTS ACT

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NOTE.

This Bill strikes out section 28 of the Act and substitutes a new section. The section deals with the commencement of a District Court action and now prescribes in what judicial district an action must be commenced, namely, where one of the defendants resides, and the section has given rise to difficulties.

Under the proposed amendment actions shall be commenced either in the judicial district where one of the defendants resides or in the judicial district in which the cause of action arose, but a judge is given power upon special grounds to transfer it to some other district which may be more convenient. It is provided, however, that if the cause of action arose outside the Province, the action shall be commenced and tried in a district in which a defendant then resides or carries on business with the same power to a judge to transfer the action to another district.

W. S. GRAY,  
*Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 47 of 1946.

An Act to amend The District Courts Act.

(Assented to \_\_\_\_\_, 1946.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The District Courts Act*, being chapter 121 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 28 by striking out the same and by substituting therefor the following:

“**28.** Except where by this Act it is otherwise provided,—

“(a) all actions shall be commenced, carried on and tried in the judicial district in which the defendant or one of the defendants is then dwelling or carrying on business or in the judicial district in which the cause of action arose;

“(b) in case the cause of action arose outside of the Province of Alberta and the defendant or one of the defendants in any action or matter is at the time of the commencement thereof dwelling in the Province or carrying on business in the Province, the action or matter shall be commenced, carried on and tried in the judicial district in which the defendant or one of the defendants is then dwelling or carrying on business;

“Provided that in either such case a judge having jurisdiction in a judicial district in which the action may be commenced may upon special grounds, order that the said action be commenced or tried or be commenced, carried on and tried, as the case may be, in some judicial district other than one in which the action may be commenced pursuant to paragraphs (a) or (b).”

**2.** This Act shall come into force on the first day of July, 1946.

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THIRD SESSION  
**TENTH LEGISLATURE**

10 GEORGE VI

1946

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**BILL**

An Act to amend The District Courts  
Act.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. MAYNARD.

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EDMONTON:  
A. Shnitka, King's Printer  
1946