

Bill No. 10 of 1947.

A BILL TO AMEND THE DISTRICT COURTS ACT ..

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NOTE.

Section 1 of this Bill enacts a new section 12a. Its purpose is to give a District Court Judge who is appointed to another court or resigns, a period of six weeks in which to give judgment in cases which he has already tried so that he will not lose jurisdiction by being sworn in as a judge of the other court.

Section 51 of *The District Courts Act* limited the application of the Small Debt Rules to claims not exceeding One Hundred Dollars, but provided that the Lieutenant Governor in Council might repeal or amend the Rules. New Rules were made by the Lieutenant Governor in Council effective on July 1st, 1944, increasing this limit to an amount not exceeding Two Hundred Dollars. Some doubt has been raised as to whether this increase should not have been effected also by legislation, and the object of section 2 of the proposed Bill is to remove this doubt by making the provisions of section 51 agree with the Rules. The section is made retroactive to the date when the Rules came into force.

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. 10 of 1947.

An Act to amend The District Courts Act.

(Assented to \_\_\_\_\_, 1947).

**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 by adding immediately after section 12 thereof the following new section:

12a. Where a judge of the District Court of the District of Northern Alberta or of the District of Southern Alberta has resigned his office or has been appointed to another Court, and any cause which has been fully heard by such judge stands for judgment, he may within six weeks after his resignation or appointment to another Court give judgment therein as if he were still a judge of the District Court of the District of Northern Alberta or of the District of Southern Alberta, as the case may be, and any such judgment shall be of the same force and validity as if he were still a judge of such Court."

2. The said Act is further amended as to section 51 by striking out the same and by substituting therefor the following:

"51. The small debt procedure set out in the Rules relating to Small Debt Procedure in the District Courts, and the forms and tariff appended thereto, shall apply to,—

"(a) all claims of debt or account or money demand whether payable in money or otherwise where the debt, account or balance claimed does not exceed two hundred dollars;

"(b) all actions or tort or for damages for breach of contract or otherwise and other personal actions, where the amount claimed does not exceed two hundred dollars;

"(c) all actions of replevin where the value of the goods or other property distrained, taken or detained does not exceed two hundred dollars;

"(d) all cases of interpleader relief when granted in accordance with Rule 523 (b) of the Rules of the Supreme Court of Alberta, 1944, where the amount

of the claims to satisfy which the goods (including money or chose in action) have been seized or attached or where the value of the goods (including money or chose in action) seized or attached does not exceed two hundred dollars:

“Provided, however, that the Lieutenant Governor in Council or the judges of the Supreme Court, upon request of the Lieutenant Governor in Council, may repeal, alter or amend the said procedure and the forms and tariff of costs and fees relative thereto.”

**3.** This Act shall come into force on the day upon which it is assented to, and upon so coming into force section 2 shall be deemed to have been in force at all times since the first day of July, 1944.

No. 10.

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FOURTH SESSION  
TENTH LEGISLATURE

11 GEORGE VI

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**BILL**

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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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