

1971 Bill 8

---

---

Fourth Session, 16th Legislature, 20 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 8**

**An Act to amend The District Courts Act**

---

---

THE ATTORNEY GENERAL

---

---

First Reading .....

Second Reading .....

Third Reading .....

---

---

Printed by L. S. Wall, Queen's Printer, Edmonton

# BILL 8

1971

## AN ACT TO AMEND THE DISTRICT COURTS ACT

(Assented to \_\_\_\_\_, 1971)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The District Courts Act is hereby amended.*
2. *Section 8 is amended by striking out subsection (2),*
3. *Section 12 is amended by striking out the words "before some person appointed by the Lieutenant Governor to administer the same" and by substituting the words "before the Lieutenant Governor, the Chief Justice of Alberta, a judge of the Supreme Court or some other person appointed by the Lieutenant Governor to administer it".*
4. *Section 25 is amended by striking out the words "where the debt or damages, claim or demand does not exceed \$2,000 or where the subject matter involved in a claim for relief or for the enforcement of a right or demand does not exceed \$2,000".*
5. *Section 29 is struck out.*
6. *Section 50, subsection (1) is amended by striking out the words "and without a jury".*
7. *Section 51 is struck out.*
8. *The Infants Act is amended*
  - (a) *as to subsection (1) by adding after the words "judge of the Supreme Court sitting in chambers" the words "or a judge of the surrogate court",*
  - (b) *by striking out subsection (2).*
9. *This Act comes into force on the day upon which it is assented to.*

## Explanatory Notes

**1.** This Bill amends chapter 111 of the Revised Statutes of Alberta 1970.

**2.** Section 8(2) presently reads:

(2) The seal of each district court shall also be the seal of the district court judge's criminal court for each district respectively.

**3.** Section 12 presently reads:

12. No district court judge shall enter upon the duties of his office until he has taken the following oath before some person appointed skill and knowledge, execute the several duties, powers and trusts of by the Lieutenant Governor to administer the same:

"I, A.B., do swear that I will truly and faithfully, according to my Judge of the District Court of the District of.....without fear, favour or malice. So help me God."

**4.** Section 25 presently reads:

25. The district courts have jurisdiction in all causes, actions, matters, suits or proceedings

- (a) of debt, covenant, contract or damage, or
- (b) involving the validity of a settlement, or
- (c) in relation to land or a legal or equitable interest therein, or
- (d) seeking equitable relief, or
- (e) for a declaratory judgment, or
- (f) to establish the right of a creditor to rank upon an insolvent estate, or
- (g) generally in all matters that can be made the subject of a claim
  - (i) for relief whether legal or equitable, or
  - (ii) to enforce a right whether legal or equitable,

where the debt or damages, claim or demand does not exceed \$2,000 or where the subject matter involved in a claim for relief or for the enforcement of a right or demand does not exceed \$2,000.

**5.** Section 29 presently reads:

29. (1) Notwithstanding anything in this Act, the district courts have jurisdiction to try an action or counterclaim when before the issue of the statement of claim or the filing of the counterclaim, the plaintiff and defendant agree by memorandum in writing signed by them, and filed before the issuing of the statement of claim or the filing of the counterclaim, as the case may be, that the court named in the memorandum has power to try the action or counterclaim.

(2) The agreement referred to in subsection (1) does not prejudice or affect any right of appeal of any of the parties.

**6.** Section 50(1) presently reads:

50. (1) Every district court judge is hereby constituted a court of record for the trial at any time and without a jury of any person for any of the offences mentioned in the Criminal Code as being within the jurisdiction of the district court in Alberta.

**7.** Section 51 presently reads:

51. The court constituted by section 50 shall be called the district court judge's criminal court of the district in which the same is held.

**8.** Section 16(1) and (2) presently read:

16. (1) Where an action is maintainable on behalf of an infant in respect of an injury to the infant and the guardian, parent or next friend of the infant acting on behalf of the infant has, either before or after the commencement of an action, agreed on a settlement of the claim or action with the person against whom the claim is made or action brought, the guardian, parent or next friend of the infant or the person against whom the claim or action is made or brought may, on ten days' notice to the opposite party and to the Public Trustee, apply, by originating notice or notice of motion, as the case may require, to a judge of the Supreme Court sitting in chambers, for an order confirming the settlement.

(2) Notwithstanding subsection (1), where the amount agreed on as settlement of the claim or action is one thousand dollars or less the application may be brought before a judge of the surrogate court.