

REPRINTED BILL

BILL

No. 39 of 1928.

An Act to amend The Domestic Relations Act, 1927.

(Assented to _____, 1928.)

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

1. This Act may be cited as "*The Domestic Relations Act, 1927, Amendment Act, 1928.*"

2. *The Domestic Relations Act, 1927*, being chapter 5 of the Statutes of Alberta, 1927, is amended as to section 26 thereof by adding thereto as subsection (3) thereof, the following:

"(3) (a) Any party to proceedings under this section being dissatisfied with any order or refusal to make an order pursuant to this section may appeal from such order or refusal to the District Court of the district within which such order or refusal was made, provided such party does within twenty days of the date of the order or refusal appealed from serve upon the police magistrate, who dealt with the matter, and upon the opposite party a notice in writing which shall contain the name and address of the appellant and of the opposite party, the substance of the order or refusal appealed from and the date and place of such order or refusal.

"(b) Immediately upon the receipt of such notice the police magistrate shall forward the same, together with the order and all other documents leading thereto, and the notes or a transcript of the evidence taken upon the hearing to the clerk or deputy of the District Court of the district or sub-judicial district within which the application was made, and thereupon the clerk or deputy clerk, as the case may be, shall notify the judge of the district, and thereupon the judge shall fix a time, not less than fourteen days after being so notified, and a place for the hearing of the said appeal, and the clerk or deputy clerk, as the case may be, shall send at least ten days before the date fixed for the hearing, by registered mail, a notice thereof to all the parties thereto.

- “(c) The judge may adjourn the hearing so fixed from time to time, and from one place to another, and may fix a new time and place and give directions to the clerk as to notices to be given to the parties as he may think fit.
- “(d) The appeal shall be a rehearing of the matter on the merits, provided that the deposition or minutes taken by the magistrate on the original hearing as to the evidence given by any person may be put in as the evidence upon the appeal, upon the judge being satisfied that the attendance of such person cannot be secured by reasonable diligence or at reasonable expense.
- “(e) The judge may in determining any appeal, set aside, confirm or vary any order made by the magistrate, or may make any other order mentioned in this section warranted by the evidence, and may make such order as to the costs of the appeal, and the amount thereof, as in his discretion he may think fit; and any order so made shall be transmitted by the clerk or deputy clerk, as the case may be, to the magistrate, together with the papers and documents transmitted by him; and the said order shall be enforceable in the same manner as if it had been originally made by the magistrate.”

3. Section 27 of the said Act is amended as to subsection (1) thereof, by striking out the words “such married woman may procure,” and substituting therefor the words “such married woman or any other person on her behalf may procure.”

4. Section 29 of the said Act is amended as to subsection (2) thereof, by striking out the words “as it deems just,” and substituting therefor the words “as he deems just.”

5. Section 30 of the said Act is amended as to subsection (1) thereof by striking out the words “save and except that no appeal shall lie from any order made under this Part” where the same occur therein.

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SECOND SESSION
SIXTH LEGISLATURE
18 GEORGE V
1928

B I L L
An Act to amend The Domestic
Relations Act, 1927.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. LYMBURN.

EDMONTON:
W. D. MCLEAN, ACTING KING'S PRINTER
A.D. 1928