

Bill No. 58 of 1933

A BILL TO AMEND THE DISTRICT COURTS ACT

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NOTE.

This Bill repeals the provisions of *The District Courts Act* which constitute a District Court in every judicial district in the Province, and provides instead that there shall be two District Courts in the Province, one for Northern Alberta comprising all the judicial districts lying to the north of the southern boundaries of the judicial districts of Red Deer and Stettler, with five judges, the other for Southern Alberta comprising the remaining judicial districts of the Province, with five judges.

Section 3 of the Bill amends section 29a of the Act to provide for the place of trial of actions in case the defendant neither resides nor carries on business in Alberta.

R. ANDREW SMITH,  
*Legislative Counsel.*

*(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)*

# BILL

No. 58 of 1933.

An Act to amend The District Courts Act.

(Assented to \_\_\_\_\_, 1933.)

**H**IS 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 District Courts Act Amendment Act.*"

**2.** *The District Courts Act*, being chapter 73 of the Revised Statutes of Alberta, 1922, is hereby amended by striking out sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 thereof and by substituting therefor the following:

**3.** There shall be two District Courts in and for the Province of Alberta, one to be known as The District Court of the District of Northern Alberta, and the other to be known as The District Court of the District of Southern Alberta.

**4.** The District Court of the District of Northern Alberta shall consist of five judges and shall have jurisdiction in those judicial districts of the Province lying north of the southern boundaries of the existing judicial districts of Red Deer and Stettler.

**5.** The District Court of the District of Southern Alberta shall consist of five judges and shall have jurisdiction in those judicial districts of the Province lying south of the southern boundaries of the existing judicial districts of Red Deer and Stettler.

**6.**—(1) Each of the said Courts shall have and use as occasion may require such seal as is authorized to be used by the Lieutenant Governor in Council and any seal so authorized may afterwards be changed by the Lieutenant Governor in Council.

(2) The seal of each District Court shall also be the seal of the District Court Judges' Criminal Court for each district respectively.

**7.** The Lieutenant Governor in Council may at any time by Proclamation increase or decrease the number of judges of the said District Courts respectively.

**8.** It shall be the duty of a District Court judge in the district to which he is appointed to hold sittings at such places and at such times as may be from time to time directed by the Attorney General for that purpose, and upon the request of the Attorney General to hold any of the courts in the district other than that to which he is ap-

pointed, or to perform any other duty of a District Court judge in such other district and without being requested so to do by the Attorney General, the judge of a District Court may, if he sees fit, perform any judicial duties in the district other than that to which he has been appointed on being requested so to do by a judge to whom the duty for any reason belongs, and while so acting in compliance with such direction or request, he shall possess all the powers and authorities of a District Court judge of such other district.

**“9.** Every District Court judge shall reside within the district of which his commission designates him as a judge and at such place as may be approved in writing by the Attorney General.

**“10.** No judge shall, during the continuance of his appointment, directly or indirectly, practise in the profession of law, or do any manner of conveyancing.

**“11.** No District Court judge shall enter upon the duties of his office until he has taken the following oath before some person appointed by the Lieutenant Governor to administer the same, that is to say—

“I, A.B., do swear that I will truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of Judge of the District Court of the District of \_\_\_\_\_ without fear, favour or malice. So help me God.”

**“12.** Every District Court judge shall be *ex officio* a justice of the peace.

**“13.** Any or all of the judges of the Supreme Court of the Province shall, upon the request of the Lieutenant Governor in Council, perform the duties by this or any other Act or law devolving upon the judges of District Courts for either of the districts in the Province, and when so acting, such judge or judges shall have, use, exercise and enjoy all the powers, authority and functions by this or any other Act or law conferred or devolving upon such District Court judge or judges.

**“14.** Every clerk, deputy clerk, sheriff, deputy sheriff, assistant sheriff or other official of a judicial district or sub-judicial district in the Province shall continue to hold such office and carry out such duties as may have been or may hereafter be assigned to him under any statute, rules of court, or order having the effect of a statute.”

**3.** The said Act is further amended by striking out section 29*a* thereof and by substituting therefor the following:

**“29*a*.** Except whereby this Act it is otherwise provided—

**“(a)** in case the defendant or any 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 and carried on in the judicial district in which the defendant or one of the defendants is then dwelling or carrying on business;

“(b) in case the defendant or any one of the defendants in any action or matter was within six months next before the commencement thereof dwelling or carrying on business in the Province and is not so dwelling or carrying on business at the time of commencement thereof, the action or proceedings may, with the leave of the judge of the district in which the defendant or one of the defendants so resided or carried on business, be commenced and carried on in the judicial district in which the cause of action arose;

“(c) in all other cases the action shall be commenced and carried on in the judicial district in which the cause of action arose, or in such other judicial district as a judge of the district in which the cause of action arose may order.”

4. This Act shall come into force upon a date to be fixed by Proclamation of the Lieutenant Governor in Council.

THIRD SESSION  
SEVENTH LEGISLATURE  
23 GEORGE V  
1933

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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. LYMBURN.

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EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1933