

1907

CHAPTER 4.

An Act respecting the District Courts.

(Assented to February 11, 1907.)

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

SHORT TITLE.

1. This Act may be cited as the "District Courts Act." Short title

INTERPRETATION.

2. In the construction of this Act, unless there is anything <sup>Interpretation</sup> in the subject or context repugnant thereto, the several words hereinafter mentioned shall have or include the meanings following, that is to say:

- (a) The expression "Judge" or "District Court Judge" <sup>Judge</sup> means a judge or junior judge of any of the District Courts in this Province, or any acting judge, or deputy lawfully acting for him, or any judge of the Supreme Court acting as a District Court judge;
- (b) The expression "claim" means the demand or the <sup>Claim</sup> subject-matter for which any action, suit, or proceeding is brought or instituted in any District Court;
- (c) The expression "cause" shall include any action, <sup>Cause</sup> suit or other original proceeding between a plaintiff and defendant;
- (d) "Action" or "suit" shall mean a civil proceed- <sup>Action or</sup> ing commenced in manner prescribed by rules of <sup>suit</sup> court;
- (e) "Matter" shall include every proceeding in any Dis- <sup>Matter</sup> trict Court, not in a cause;
- (f) "Order" shall include rule; Order
- (g) The expression "person" means any person, whether <sup>Person</sup> a party to a suit, action or proceeding, or not, and includes a body politic or corporate;
- (h) The expression "party" means a party to a suit, <sup>Party</sup> action or proceeding, and includes a body politic or corporate, and every person served with notice of

- or attending any proceeding, although not named on record;
- Plaintiff** (i) The expression "plaintiff" shall include every person asking for any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons or otherwise;
- Defendant** (j) The expression "defendant" shall include every person served with any writ, or summons, or process, or served with notice of or entitled to attend any proceedings;
- Process** (k) The expression "process" means any summons, writ or warrant issued under the seal of the court, or a judge's summons or order;
- Rules of court** (l) The expression "Rules of Court" shall include forms;
- Judgment** (m) The expression "judgment" shall mean and include every judgment, decree, and order in any cause;
- Real estate** (n) The expression "real estate" or "lands" shall extend to and mean lands, messuages, mines, and all other hereditaments whatsoever.

## FORMATION OF COURTS.

- Formation of courts** 3. There shall be in every judicial district in the province a Court of Record to be styled The District Court of the District of (as the case may be).

## SEAL OF COURTS.

- Seal** 4. Each of the said courts shall have and use as occasion may require a seal bearing a device and impression of His Majesty's Royal Arms with a label surrounding the same with this inscription: "The seal of the District Court of the District of Calgary" (or as the case may be).

## JUDGES.

- Judges** 5. Each court shall be presided over by a judge to be known by the name and style of the judge of the District Court for which he has been appointed.
- Additional judges** 6. Where it is deemed necessary an additional judge or additional judges may be appointed for any District Court, and in such case each of the judges so appointed to any District Court shall have jurisdiction therein.

7. In case more than one judge is appointed for any District Court, then, unless otherwise expressed in the commission, the judge whose commission has priority of date shall be styled "The Judge of the District Court of" (as the case may be), and the other judge of the same court shall be styled "The junior judge" thereof.

The senior judge to be styled "The Judge," etc. District judge

8. An acting or deputy judge may be appointed for any District Court, who shall hold office during pleasure, and such appointment may be made notwithstanding that the office of judge is vacant by death or resignation or that the judge is ill or absent, and such acting or deputy judge shall have authority to perform in the place of the judge in the district for which he is deputy all the duties of and incident to the judge of the District Court.

Deputy judge

(2) No deputy judge shall be disabled from practising the profession of law while holding his appointment.

9. A District Court judge or junior judge may be appointed the judge or junior judge for one or more District Courts.

District judge may act for more than one district

10. It shall be the duty of a district judge to hold any of the courts in any district other than his own, or to perform any other duty of a District Court judge in any district upon being requested so to do by an order of the Attorney General, and without any such order the judge in any district may, if he sees fit, perform any judicial duties in any district other than his own on being requested so to do by the 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 the District Court judge of such other district.

Duties of judges re holding court elsewhere than in his own district

11. Every District Court judge shall reside within the district of which his commission designates him as judge.

Residence of district judge

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

Must not practise law

13. No District Court judge or deputy 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:

Oath of judge or deputy judge

"I, \_\_\_\_\_ do swear that I will (in the case of a deputy judge add the words, as occasion may require) 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."

To be a J.P.

14. Every District Court judge, not including a deputy judge shall be *ex officio* a justice of the peace.

Judges of  
Supreme Courts  
to act as  
District Court  
judges

15. 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 any or all 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.

## CLERKS.

District Court  
clerks

16. The Lieutenant Governor in Council may from time to time appoint a clerk to every District Court, but until such appointment is made the clerk or acting clerk of the Supreme Court for the judicial districts respectively shall exercise all the functions which under any law or regulation made thereunder would be exercisable by the clerks of the District Courts respectively.

Duties of

17. The clerks of the District Courts or, until such officials are appointed the clerks or acting clerks of the Supreme Court shall perform all the duties with relation to the said District Courts as the clerks of the Supreme Court are required to perform in relation to the Supreme Court under any statute, act, ordinance or rule relating thereto so far as such statute, act, ordinance or rule is applicable to the said District Court; and until otherwise provided the regulations in force governing the conduct of the offices, and returns required from the clerks of the Supreme Court under any such statute, act, ordinance or regulation shall apply to the clerks of the said District Courts and to the clerks of the Supreme Court while acting hereunder as clerks of such District Courts.

## SHERIFFS.

Sheriffs

18. The sheriffs in the judicial districts shall respectively perform all duties, and subject to the rules of court, both within the territorial limits for which they are appointed as well as without such limit, shall serve and execute all writs, summonses and orders, and all the sentences, decrees, judgments, rules, warrants, commands and processes of the said District Courts throughout the province and shall make such returns of the same together with the manner of the execution thereof, to the said courts as they are required by law to do with relation to similar writs, summonses, orders, sentences, decrees, judgments, rules, warrants, commands and processes of the Supreme Court under any law order or regulation now in force or which may hereafter be put in force.

## OFFICES.

19. All writs, summonses, orders, decrees, judgments, rules, <sup>Offices</sup> warrants, and legal processes of every nature and kind which under any law, order or regulation may be issued out of or by the said District Courts shall until otherwise provided be issued out of the offices of the clerks and acting clerks of the Supreme Court and out of the offices of the sheriffs of the judicial districts according to the law, order or regulation governing the same.

## SITTINGS OF COURTS.

20. The judges of the District Courts and the judges of the <sup>Sittings of</sup> Supreme Court when acting as District Court judges shall hold court at such times and places as shall be specified by the Lieutenant Governor in Council by order in that behalf.

21. In addition to the regular sittings of the District <sup>Additional</sup> Courts, the judge of every District Court may at such times as he appoints for the purpose hold additional sittings of such court for the trial of issues of fact to be tried by such court without a jury, and he shall hold such sittings as often as may be requisite for the due despatch of business.

22. Where from illness or other casualty the judge who is <sup>Adjournment</sup> to hold the sittings of the District Court is unable to hold the same at the time appointed therefor the sheriff or acting sheriff of the district or his deputy may adjourn by his proclamation the said court to any hour on the following day to be by him named and so from day to day until the judge is able to hold such court, or until he receives other directions from the judge or Attorney General.

(2) The sheriff shall forthwith notify any adjournment to the Attorney General.

## JURISDICTION.

23. The District Courts shall have jurisdiction in all <sup>Jurisdiction</sup> causes, actions, matters, suits or proceedings whether of debt, covenant, contract or damage or involving the validity of any will or settlement or in relation to land or any legal or equitable interest therein, or in actions seeking equitable relief or for a declaratory judgment or to establish the right of a creditor to rank upon an insolvent estate, and, generally, in all matters which may be made the subject of a claim for relief, whether legal or equitable or to enforce any right whether legal or equitable, where the debt or damages, claim or demand does not exceed \$400 or where the subject matter involved in any claim for relief or for the enforcement of any right or demand does not exceed \$400.

All kinds of relief may be granted.

24. Every District Court shall, as regards all causes of action within its jurisdiction have power to grant and shall grant in any proceeding before such court such relief, redress or remedy, or combination of remedies either absolute or conditional, and shall in every such proceeding give such and the like effect to every ground of defence or counterclaim legal or equitable (subject to the provisions next hereinafter contained) in as full and ample a manner as might and ought to be done in a like case by the Supreme Court.

Counterclaim beyond jurisdiction

25. Where in a proceeding before a District Court any defence or counterclaim of the defendant involves matter beyond the jurisdiction of the court, such defence or counterclaim shall not affect the competence or the duty of the court to dispose of the whole matter in controversy so far as relates to the demand of the plaintiff and the defence thereto, but no relief exceeding that which the court has jurisdiction to administer shall be given to the defendant upon such counterclaim.

Abandonment of excess by plaintiff

26. Where it appears at any time before or during the trial that the claim of the plaintiff is in excess of the jurisdiction of the court, the plaintiff may in his discretion before or during the trial by writing signed by him and filed, upon such terms as the judge deems proper as to costs and otherwise, abandon so much of his claim as is in excess of the jurisdiction of the court, and in such case the plaintiff shall forfeit such excess, and shall not be entitled to recover the same in any other action.

Jurisdiction of court where parties agree

27. Notwithstanding anything in this Act contained the District Courts shall have jurisdiction to try any action when the plaintiff and defendant before the issue of the writ agree, by memorandum in writing, signed by them and filed upon the application for the writ, that the court named in such memorandum shall have power to try the action, but such agreement shall not prejudice or affect any right of appeal of any of the parties.

#### TRANSFER OF CASES TO THE SUPREME COURT.

Transfer of cases to Supreme Court

28. Where it appears in an action or proceeding brought in a District Court that such court has not jurisdiction to try such action or proceeding, or that the question raised therein cannot be dealt with by the District Court so as to do complete justice between the parties, or may for any other reason be more conveniently dealt with in the Supreme Court, the judge of the District Court or a judge of the Supreme Court may order the action or proceeding to be transferred to the Supreme Court; and the order of transference may be made by the court or judge *sua sponte*, or upon the application of either

party on notice to the other parties interested, and may be made at any stage of the action or proceeding.

(2) When an order is made under the preceding subsection the action or proceeding shall thereafter proceed in the Supreme Court; and the judges of the Supreme Court and the officers thereof shall have the same powers and perform the same duties in relation thereto as if the action or proceeding had been originally instituted in the Supreme Court; but the pleadings and proceedings taken in the court from which such action or proceeding was transferred shall stand and have effect notwithstanding the transfer; and, subject to the rules of the court and to any order in that behalf made by the court or judge, the costs of the proceedings so taken previous to the transfer shall be paid and the solicitor's costs taxed according to the scale of costs in the said District Court.

(3) Where an order transferring a cause or matter in a District Court to the Supreme Court is made at the instance of any of the parties thereto, the judge making the order may in his discretion make and impose terms on the party applying for the order as to payment of costs, giving security for debt and costs, or such other terms as he sees fit.

29. When it is intended by a pleading to exclude the jurisdiction of the court upon any ground, it shall be so expressly stated in the pleading, and the matter relied on for that purpose shall also be set out in the pleading. Pleading to jurisdiction

30. Issue may be taken on any such pleading or reply may be made or a summary application may be made to the judge to determine the matter so raised, and the judge may upon such application order the case to be transferred to the Supreme Court or make such order as may be just. Determination of issue raised

#### TRANSFER OF CASES FROM THE SUPREME COURT.

31. If any action be brought to the Supreme Court which is within the competence of the District Court, or if any action though originally not within the competence of the District Court, is reduced by payment or admitted set-off or otherwise so as to bring it within the competence of the District Court, a judge of the Supreme Court, at any time and either upon application by either party to the action or *sua sponte*, may order such action to be tried in the District Court in which such action might have been commenced, or in any other District Court; and may make such order as to costs or otherwise as to him shall seem just; and such action and all proceedings therein shall be transferred accordingly and shall, subject to such order, proceed in the said District Court in all respects as though it had been originally commenced therein. Transfer of cases from Supreme Court

## PLACE OF TRIAL IN CERTAIN CASES.

Place of trial in  
certain cases

32. Actions for the recovery of or for trespass or injury to land or corporeal hereditaments shall be brought and tried in the district where the land or premises sought to be recovered or in respect of which damages are claimed lie, and actions for a partnership account in the district where the partnership had or has its principal place of business, and actions relating to or founded upon any will shall be brought and tried in the district where letters probate or of administration have issued, or where the deceased resided at the time of his death, unless by consent of parties, or unless the place of trial is changed in accordance with the rules of court in that behalf.

Action against  
district judge

33. An action by or against a judge of a District Court which is within the competence of a District Court may be brought in the District Court of any district adjoining that in which such judge resides.

## RULES OF COURT.

Rules of court

34. The Lieutenant Governor in Council may from time to time make and authorize the promulgation of rules of court for the said District Courts, and alter and annul any rules of court for the time being in force, and may make any further or additional rules of court for carrying this Act into effect or may authorize the judges of the Supreme Court to make and promulgate such rules, but such rules, or amended or additional rules, shall not be inconsistent with this Act, and may by such rules regulate any matters relating to the practice and procedure of the said courts, or the duties of the officers thereof, or as to the costs of proceedings therein, and every other matter deemed expedient for the better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting the said courts; but until such rules of court are so made the rules, practice and procedure for the time being of the Supreme Court shall *mutatis mutandis* apply and extend to the District Courts and to all causes and matters therein unless any of such rules are from their nature inapplicable to such courts:

Provided, however, that nothing herein contained shall be taken to extend the jurisdiction of the said Courts beyond the limitations in section 23 of this Act mentioned.

Judicature  
Ordinance  
applies

35. The provisions of *The Judicature Ordinance* and of any Act or Rules which may hereafter be passed or promulgated in substitution thereof, or amendment thereof, and the several rules of law enacted and declared therein shall be in force and



receive effect in all District Courts in Alberta so far as the matters to which such rules relate shall be respectively cognizable by such courts.

#### CONTEMPT OF COURT.

36. The several District Courts shall have and exercise <sup>Contempt</sup> the same powers to enforce their rules, regulations and directions as the Supreme Court possesses, and may punish by fine or imprisonment, or by both, for any wilful contempt or resistance to their regular process, rules or orders; but the fine shall in no case exceed \$100, nor shall the imprisonment exceed six months.

#### TARIFF OF COSTS.

37. The Lieutenant Governor in Council may frame a <sup>Tariff of costs, clerks' and sheriff's fees</sup> tariff of costs to be allowed to solicitors and counsel in respect of actions in the District Courts, and may frame a schedule of fees to be taken by clerks and sheriffs in relation to causes and matters in the said courts; and may alter and amend the same, or may authorize the judges of the Supreme Court so to do, but until such tariff and schedule respectively are so framed, the tariff of costs set out in the consolidated rules of the Supreme Court of the North-West Territories and amendments thereto, as the tariff of advocate's fees upon the lower scale and the fees to clerks and sheriffs in actions not exceeding \$200, shall respectively be the tariff of costs to be allowed to solicitors and counsel and the fees to be taken by clerks and sheriffs in actions, causes and matters in the said courts.

38. In all actions or other proceedings brought in a <sup>Costs where there is no jurisdiction</sup> District Court in which the plaintiff fails to recover judgment by reason of such court having no jurisdiction over the subject matter thereof, the District Court shall have jurisdiction over the costs of the action, or other proceeding, and may order by and to whom the same shall be paid, and the recovery of the costs so ordered to be paid may be enforced by the same remedies as the costs in actions or proceedings within the proper competence of the said court are recoverable.

#### EXECUTION.

39. The District Courts may issue writs of execution <sup>Execution</sup> against goods and lands, writs of attachment or replevin in like case, upon the same terms and in the same order as similar writs may be issued in the Supreme Court.

40. The District Courts may issue writs of execution against <sup>Writs of execution, etc., may run to another district</sup> goods and lands, writs of attachment, replevin or subpoena, rules on the sheriff and any other rules, orders and proceedings into any other district to be served or executed

therein; and judges' summonses and orders may be issued in like manner; and all such writs, rules, summonses, orders and proceedings shall be of equal force and effect, and as binding as if the same had been issued from the court or by the judge of the district to or into which they are so issued, and all subsequent proceedings thereupon shall be carried on in the court in which the action has been brought or judgment entered.

#### JURISDICTION IN PROBATE.

Jurisdiction in  
probate

41. Every District Court shall have power to grant probate of wills or letters of administration or ancillary probate or letters of administration and to pass the accounts of executors and administrators and make orders for the allowance to them of remuneration and for the proper disposition or division of the property of the testator or intestate in relation to the estate and effects of persons dying within the territorial limits of such court; and in case of death outside the province the District Court of the district where the testator or intestate had at his death any property shall have such jurisdiction; and such grant shall have effect over the estate of the deceased in all parts of the province; and the rules of court of the Supreme Court with relation to probate and letters of administration shall apply *mutatis mutandis* to the District Courts; and the fees to be allowed to advocates in non-contentious probate or administration matters shall be the fees set out in the tariff of the consolidated rules of the Supreme Court of the North-West Territories in relation thereto until changed by competent authority; but nothing herein contained shall be taken to confer upon the said District Courts any jurisdiction in contentious business in relation to or arising out of grants of probate or letters of administration or ancillary probate or letters of administration beyond the limitations in section 23 of this Act mentioned.

(2) Save as otherwise provided in any rules or tariff of fees and charges from time to time in force, the judges of the District Courts may demand and take to their own use upon any grant of probate of wills or letters of administration or ancillary probate or letters of administration, or upon the passing of accounts of executors and administrators, such fees as may from time to time be fixed by order of the Lieutenant Governor in Council, and such fee shall be collected by the clerks of the said courts respectively on or before each proceeding and paid over to the judges, and annual returns of such fees up to the thirty-first day of December, in each year shall be made by the clerks on or before the first day of February in each year.

(3) The Lieutenant Governor in Council may, with the consent of any District Court, or District Court judge, commute

the fees payable to him under this Act for a fixed annual sum; such sum not to exceed the income derived from such fees in some preceding year after the first year; and any sum so fixed may as vacancies occur be rescinded or may be varied, and the amount increased or diminished provided that in no case shall any Order in Council issued after the first year that this Act is in force name a sum exceeding the receipts for the fees during some preceding year.

(4) Where there is no commutation and the fees aforesaid exceed the sum of one thousand dollars in any year, the excess shall be received by the clerk and paid over to the treasurer of the province for the use of the province.

POWERS AS LOCAL JUDGES OF SUPREME COURT.

42. The judge of every District Court shall in all actions in the Supreme Court brought or proposed to be brought in his district, or in any district in which he is acting as district judge under the provisions of this Act, and in interpleader proceedings where the goods in respect of which interpleader is sought are situate in his district, have concurrent jurisdiction with and the same power and authority as a judge of the Supreme Court save as hereinafter mentioned, and in the exercise of such jurisdiction may be styled "Local Judges of the Supreme Court." Powers as local Judges of Supreme Court

(2) Save as hereinafter provided, the jurisdiction of such local judges shall not extend to the following matters:

- (a) Opposed motions for judgment either summary or otherwise;
- (b) Trials of actions;
- (c) Making orders for payment of money out of court or dispensing with payment of money into court; except in the case of moneys paid into court in garnishee proceedings;
- (d) Applications with regard to the sale or other disposition of infants' estates;
- (e) All matters relating to criminal proceedings or the liberty of the subject;
- (f) Appeals and applications in the nature of appeals;
- (g) Extending the time for appealing;
- (h) Proceedings in lunacy and with regard to the estates of lunatics;
- (i) Applications by executors, administrators or trustees for advice;
- (j) Proceedings as to partition and sale of real estate;
- (k) Opposed applications respecting the guardianship of the person and property of infants;

(l) Applications for prohibition, mandamus or injunction;

(m) Any matter which by the rules of court or any Act or Ordinance is expressly required to be done by a judge of the Supreme Court; or by a judge of the Supreme Court of the North-West Territories;

(n) Staying proceedings after verdict, or on judgment after trial or hearing before a judge.

(3) Every local judge may refer any matter pending before him in chambers to a judge of the Supreme Court for decision, and the judge may dispose of or refer back the same in whole or in part.

Jurisdiction  
to grant  
injunctions

43. Every such local judge may in cases of emergency grant an interlocutory injunction under subsection 8 of section 10 of *The Judicature Ordinance* or under any law or rule passed or promulgated in substitution thereof, or amendment thereof in any action in the Supreme Court brought in his district, on proof to the satisfaction of the judge, that the delay required for an application to the Supreme Court is likely to involve a failure of justice; such injunction shall remain in force for a period not exceeding twelve days as such local judge may direct, unless continued by the local judge as hereinafter provided or by the Supreme Court; and such injunction shall have the same force and effect and may be continued, varied, dissolved or otherwise dealt with by the Supreme Court, as if it had been originally granted by judgment or order of such court.

(2) In any action in which a local judge of the Supreme Court has granted an interlocutory injunction under the next preceding clause, and in which all parties interested consent thereto, the local judge may hear, determine, and dispose of any motion to continue, vary, dissolve or otherwise deal with the injunction, including such terms and conditions as to costs and other like matters as the local judge sees fit.

Local judges  
jurisdiction  
generally

44. Every such local judge shall in actions brought and proceedings taken in the Supreme Court in his district, possess the like powers of a judge of the Supreme Court for hearing, determining and disposing of motions for judgment, and all other motions, matters and applications, excepting trials of actions and for injunction other than those in the preceding section mentioned, where all parties agree that the same shall be heard, determined or disposed of before such local judge, or where the solicitors for all parties reside in his district; provided always that where an infant or lunatic or person of unsound mind is concerned in any such proceedings or matters, or upon any application for payment of money out of court or dispensing with payment of money into court, no order made by such local judge shall be acted upon

unless a judge of the Supreme Court has manifested his approval thereof by signing his initials to the order with or without any other words; and before approving the Supreme Court judge, if he sees occasion, may call for any of the papers in the cause, or if necessary require the solicitor who obtained the order, or his agent, to attend before him to give any explanation or information he may think necessary.

45. Any person affected by a decision, judgment or order of a local judge may appeal therefrom to the Supreme Court *en banc* in the same way within the same time and upon the like notice and proceedings as an appeal is taken from a like decision, judgment or order of a judge of the Supreme Court to the said court *en banc*. Appeal from local judge

#### APPEAL.

46. No appeal shall lie from the decision of a District Court judge if before the decision is pronounced the parties shall agree in writing signed by themselves or their solicitors that his decision shall be final. No appeal where parties agree to finality of district judge's decision

47. Any party to a cause or matter in a District Court may, subject to the rules of court in that behalf, appeal to the Supreme Court *en banc* from any judgment directed by a judge of a District Court to be entered at or after the trial or pursuant to the findings of a jury. Appeal to Supreme Court en banc

48. An appeal shall also lie to the Supreme Court *en banc* at the instance of any party to a cause or matter from any decision made by a judge of a District Court under any of the powers conferred upon him by any rules of court or any statute unless provision is therein made to the contrary; and from every decision or order made by a judge of a District Court under the provisions of the law relating to interpleader proceedings, the examination of debtor, attachment of debts and proceedings against garnishees; and from every decision or order made in any cause or matter disposing of any right or claim, providing always that the decision or order is in its nature final and not merely interlocutory; and providing further that there shall be no appeal from such judge as *persona designata* unless such appeal is expressly authorized by the statute giving jurisdiction. Appeals from decision of district judges under rules of court, etc.

49. The provisions of Order XLI of *The Judicature Ordinance* shall relate to and govern proceedings in appeal from the District Courts in the same way and to the same extent as they relate and apply to appeals from judges of the Supreme Court as well with regard to the limitation of the jurisdiction in appeal as in other respects. Limitations as to appeals

Proceedings to  
be certified

50. The District Court judge shall at the request of the appellant certify under his hand to the proper officer of the Supreme Court the pleadings in the cause and all motions, rules or orders made, granted or refused therein, together with the judge's charge (if any), and the judgment or decision on the same, and where a trial has been had the evidence, all objections and exceptions thereto, and all other papers in the cause affecting the question raised by the appeal.

Where certain  
proceedings  
only to be  
certified

51. In appeals under section 48 the judge shall only be required under the next preceding section to certify the motions, rules, orders, affidavits, evidence and other materials, necessary for the full understanding of the matter in appeal together with his judgment or decision on the same.

#### SMALL DEBT PROCEDURE.

Small debt  
procedure

52. The small debt procedure set out in Order XLVII of *The Judicature Ordinance*, being Part III thereof, and the forms and small debt tariff in the schedule to the said ordinance in such order referred to shall *mutatis mutandis*, apply to claims under \$100 in the District Courts; and all causes and matters pending under such small debt procedure in the Supreme Court of the North-West Territories at the time of the coming into force of this Act may, notwithstanding that they were commenced in the said Supreme Court of the North-West Territories, be continued in the District Court of the district from which the summons originally issued in the same way as though they had been commenced in such District Court under the provisions of this Act, and the judges of the District Courts respectively shall hear and determine such causes and matters, and executions and any proceedings in aid of execution which under the rules of court or otherwise may be taken in relation to small debt cases may be issued and taken out of the said District Courts respectively with respect to the same, and all moneys in court in any small debt cases so transferred shall be transferred to and shall be moneys in the District Court to which such cases are transferred herewith in the actions or matters in which such moneys are in court:

Provided 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 in small debt cases and the forms and tariff of costs and fees relative thereto or any of them.

#### DISTRICT JUDGE'S CRIMINAL COURT.

District judge's  
criminal court

53. The judge of every District Court, or any judge of the Supreme Court performing the duties of a District Court judge in any district is constituted a Court of Record for the trial

at any time and without a jury of any person committed to gaol on the charge of being guilty of any offence for which such person may be tried at a court of general sessions of the peace, and for which the person so committed consents to be tried by such judge and without a jury; and the court so constituted shall have the powers and duties which Part LIV of *The Criminal Code 1892* purports to give to the courts therein mentioned, so far as the Legislature of this province can confer the same.

54. The court constituted by the preceding section shall Name of court be called "The District Judge's Criminal Court" of the district in which the same is held.

55. It shall be the duty of the clerks of the District Courts Duties of clerks respectively, or until the same are appointed the clerks of the Supreme Court in the several districts respectively, to issue all process, record verdicts, judgments and proceedings of the said district judges' criminal courts, file convictions and orders of record and perform all ministerial acts whatsoever necessary to give effect to the decisions of the said courts; and the said clerks respectively are hereby authorized and empowered to take and administer, and cause to be taken and administered, oaths, declarations, and affirmations respecting the service, verification or attestation of any process of the said courts, or respecting any other matter or thing arising out of or incident to any proceeding in the said courts.

#### GENERAL.

56. The Lieutenant Governor in Council may make such Lieutenant Governor in Council may make rules rules and regulations and prescribe such forms as may be found necessary or expedient to effectuate the working of this Act.

57. This Act shall come into force upon proclamation. Act to come into force on proclamation