

THE DISTRICT COURT OF ALBERTA

THE HONOURABLE MR. JUSTICE JOHN N. DECORE*

In September of 1907, nine District Courts were created. The then nine districts were Athabasca, Edmonton, Calgary, Lethbridge, Medicine Hat, Wetaskiwin, Red Deer, Stettler and McLeod, at which time only five Judges were appointed. The financial limit was \$600. Each District Court was separate, and jurisdiction outside the district was only with the approval of the Attorney General. In 1933 the nine District Courts were formed into two districts, the District Court of Northern Alberta and the District Court of Southern Alberta, each with its own Chief Judge. The boundary line dividing the north and south was just a little bit south of Red Deer. On October 1st, 1975, the merger of these two District Courts were made into one Court with the Chief Judge and an associate. In 1951 the dollar limit was increased from \$600 to \$1,000, and in 1963 from \$1,000 to \$2,000 in civil actions.

But very significant and rapid changes took place in the last 10 years. In 1971 the dollar limit was removed completely under the then Attorney General, the Honourable Edgar Gerhart. This clearly opened the way towards amalgamation, and it was clear that the Government of that day was contemplating, or was favoring, merger. In 1975, under the Honourable Merv Leitch, the Attorney General who, under a different Government, followed Mr. Gerhart, brought about the merger of the two District Courts into one, with province-wide jurisdiction. This in effect opened the door wider towards amalgamation. It was also in 1975 that the District Court of Alberta was made a Sessions Court, thereby authorized to hear jury trials.

I think I should mention briefly the manner or the instruments which were employed in the extension of some of the areas of jurisdiction. Actually from 1916 on, Judges of the District Court received patents from the Government of Canada as local Judges of the Supreme Court with the like powers of a Supreme Court Judge. But under the Statute the powers of a local Judge were delegated to the Rules of Court and for many years the Rules generally forbade the exercise of these powers, except where there was consent on the part of both parties, in all but mundane matters.

In 1974, the limiting rules and the local Judge provision had been largely eliminated by the Government, including the rule prescribing the hearing of prerogative writs. Meanwhile, because of the wording of the local Judge section in the District Court Act, a question had arisen as to whether a local Judge could exercise *persona designata* powers of a Supreme Court Judge. Many jurisdictional problems arose for Judges and the rural Bar and eventually an amendment was passed by the Legislature purporting to render clear that, as a local Judge, a District Court Judge has all the powers of a Supreme Court Judge with some possible exceptions of criminal offences listed under Section 427 of the

* This is an excerpt from the remarks delivered by the Former Chief Judge of the District Court of Alberta at the closing ceremonies of the District Court of Alberta held in Edmonton on June 29, 1979.

Criminal Code and stated cases. We have, as I say, virtually the same jurisdiction. So that the District Court of Alberta virtually became a superior Court with general jurisdiction with no limitation of its powers in a jurisdictional sense, either in terms of the subject matter or in terms of geography.

And then comes the final chapter in the history of the District Court to the state which it has reached today. In February 1976, the then Attorney General of the Province, the Honourable Jim Foster, proposed the formation of a "*study group*" to advise him on "*the appropriate criteria*" and "*all of the relevant considerations*" on the subject of amalgamation of the Supreme Court and the District Court of Alberta, and expressed the hope that this study would be concluded within six months. And on the 29th of April of that year the Minister wrote again stating the terms of reference. The rest is history.