

Subsection 3.—The Judiciary**The Federal Judiciary**

The Parliament of Canada is empowered by Sect. 101 of the British North America Act to provide from time to time for the constitution, maintenance and organization of a general Court of Appeal for Canada and for the establishment of any additional courts for the better administration of the laws of Canada. Under this provision the Parliament of Canada has established the Supreme Court of Canada, the Exchequer Court of Canada and certain miscellaneous courts.

Supreme Court of Canada.—This Court (first established in 1875 by 38 Vict., c. 11, and now governed by the Supreme Court Act, R.S.C. 1927, c. 35) consists of a chief justice, who is called the Chief Justice of Canada, and six puisne judges. The chief justice and the puisne judges are appointed by the Governor in Council and they hold office during good behaviour but are removable by the Governor General on address of the Senate and House of Commons and they cease to hold office upon attaining the age of 75 years. The Court sits at Ottawa and exercises general appellate jurisdiction throughout Canada in civil and criminal cases. The Court is also required to consider and advise upon questions referred to it by the Governor in Council and it may also advise the Senate or House of Commons on private bills referred to the Court under any rules or orders of the Senate or House of Commons.

Appeals may be brought from any final judgment of the highest court of final resort in a province in any case where the amount or value of the matter in controversy exceeds the sum of \$2,000. Where the amount in controversy does not exceed \$2,000 an appeal may be brought with leave of the highest court of final resort in the province; if such court refuses to grant leave the Supreme Court of Canada may, in special cases, grant leave to appeal. Appeals in criminal cases are regulated by Sects. 1023 and 1025 of the Criminal Code. Appeals from Dominion courts are regulated by the statutes establishing such courts.

The judgment of the Supreme Court of Canada in criminal cases is final and conclusive but in civil cases a further appeal may be taken to the Judicial Committee of the Privy Council with leave of the Privy Council.

Exchequer Court.—The Exchequer Court of Canada was first established in 1875 as part of the Supreme Court of Canada but it is now a separate court and is governed by the Exchequer Court Act (R.S.C. 1927, c. 34). The Court consists of a president and three puisne judges who are appointed by the Governor in Council. The president and the puisne judges hold office during good behaviour but may be removed by the Governor General on address of the Senate and House of Commons and they cease to hold office upon attaining the age of 75 years. The Court sits at Ottawa and also at any other place in Canada for which sittings may be fixed by the Court. The jurisdiction of the Court extends to cases where claims are made by or against the Crown in right of Canada. Proceedings against the Crown are taken by petition of right pursuant to the Petition of Right Act (R.S.C. 1927, c. 158). Before proceedings can be taken against the Crown a fiat from the Governor General must be obtained.