

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 Parliament 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 and now governed by the Supreme Court Act (R.S.C. 1952, c. 259), consists of a chief justice, who is called the Chief Justice of Canada, and eight 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 the House of Commons. 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 the House of Commons on Private Bills referred to the Court under any rules or orders of the Senate or the 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. An appeal may be brought from any other final judgment 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 grant leave to appeal. The Supreme Court may grant leave to appeal from any judgment whether final or not. Appeals in respect of indictable offences are regulated by the Criminal Code. Appeals from federal courts are regulated by the statute establishing such courts. The judgment of the Supreme Court of Canada in all cases is final and conclusive.

13.—Chief Justice and Judges of the Supreme Court of Canada as at May 31, 1955

(In order of seniority)

Name	Date of Appointment
The Hon. Chief Justice PATRICK KERWIN.....	July 1, 1954 ¹
The Hon. Justice ROBERT TASCHEREAU.....	Feb. 9, 1940
The Hon. Justice I. C. RAND.....	Apr. 22, 1943
The Hon. Justice ROY L. KELLOCK.....	Oct. 3, 1944
The Hon. Justice JAS. W. ESTEY.....	Oct. 6, 1944
The Hon. Justice CHARLES H. LOCKE.....	June 3, 1947
The Hon. Justice JOHN R. CARTWRIGHT.....	Dec. 23, 1949
The Hon. Justice J. H. GERALD FAUTEUX.....	Dec. 23, 1949
The Hon. Justice DOUGLAS CHARLES ABBOTT.....	July 1, 1954

¹ First appointed as a Judge of the Supreme Court, July 20, 1935.

Exchequer Court.—The Exchequer Court of Canada was first established in 1875 as part of the Supreme Court of Canada but is now a separate court governed by the Exchequer Court Act (R.S.C. 1952, c. 98). The Court consists of a president and four 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 the House of Commons. 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 where 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. 1952, c. 210).