

Supreme Court of Canada. This Court, first established in 1875 and now governed by the Supreme Court Act (RSC 1970, c.S-19), 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 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 on 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 on 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 of 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 \$10,000. 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.

Chief Justice and Judges of the Supreme Court of Canada as at December 31, 1973

Chief Justice of Canada, Rt. Hon. Mr. Bora Laskin (*Appointed December 27, 1973, first appointed a Judge of the Supreme Court, March 23, 1970*)

Hon. Mr. Justice Ronald Martland (*appointed January 15, 1958*)

Hon. Mr. Justice Wilfrid Judson (*appointed February 5, 1958*)

Hon. Mr. Justice Roland Almon Ritchie (*appointed May 5, 1959*)

Hon. Mr. Justice Wishart Flett Spence (*appointed May 30, 1963*)

Hon. Mr. Justice Louis-Philippe Pigeon (*appointed September 21, 1967*)

Hon. Mr. Justice Robert George Brian Dickson (*appointed March 26, 1973*).

Federal Court of Canada. The Federal Court of Canada was constituted by Act of the Parliament of Canada under Section 101 of the British North America Act, 1867, which, after authorizing the creation of the Supreme Court of Canada, confers on the Parliament of Canada authority to constitute other courts for the better administration of the laws of Canada. The Federal Court of Canada is a court of law, equity and admiralty and it is a superior court of record having civil and criminal jurisdiction (Sect. 3 of the Act). It was established in 1875 as the Exchequer Court of Canada, which it replaced in December 1970 (SC 1970-71, c.1).

The Court has two divisions called the Federal Court — Appeal Division, and the Federal Court — Trial Division. The Appeal Division may be called the Court of Appeal or Federal Court of Appeal (Sect. 4 of the Act). The Court of Appeal consists of the Chief Justice of the Federal Court of Canada and five other judges. The Trial Division consists of the Associate Chief Justice of the Federal Court of Canada and nine other judges. Every judge is an ex officio member of the Division of which he is not a regular member (Sect. 5). In addition to the establishment of full-time judges, an added capacity to cope with the purely judicial work of the Court is provided by the authority to invite retired federally appointed judges to act as Deputy Judges of the Court (Sect. 10). This authority extends also to federally appointed judges who are still in office, but only with the consent of the appropriate Chief Justice or Attorney General. Former District Judges in Admiralty are also Deputy Judges of the Court and their services can be utilized on a limited basis (Sect. 60(3)).

Provision is also made in the Act for quasi-judicial officers called Prothonotaries (Sect. 12). Their duties are defined by the Rules and may be of a judicial nature (Sect. 46(1)(h)). In addition to being taxing-masters, they can, subject to supervision by the Court, deal with interlocutory work, and even take trials in minor matters as the Associate Chief Justice may find expedient in order to ensure the expeditious dispatch of the Court's business.

While all the full-time judges must reside in or near the National Capital Region (Sect. 7), each Division of the Court can sit any place in Canada and the place and time of the sittings must be arranged to suit the convenience of the litigants (Sects. 15 and 16). In addition, there is authority in the statute (Sect. 7(2)) for a rota of judges to provide for a continuity of judicial availability in any place where the volume of work, or other circumstances, makes such an arrangement expedient.