

No. 117

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 117

A Bill respecting the Jurisdiction of the Supreme Court
of Canada and the Exchequer Court of Canada

HON. MR. MANNING

Explanatory Note

General. The Supreme Court Act (R.S.C. 1952, c. 112, s. 62) provides that the Supreme Court of Canada has jurisdiction in civil cases where the validity of federal or provincial legislation is involved, if the matter is referred to it by the judge and if the Province concerned has reciprocal legislation. Similarly, the Exchequer Court Act (R.S.C. 1952, c. 98, s. 30) provides that the Exchequer Court of Canada has jurisdiction in cases of controversies between Canada and a province or between two provinces, if the province or provinces concerned have reciprocal legislation. This Bill will provide the necessary reciprocal legislation.

2. Clauses (a) and (b) are reciprocal to section 30 of the Exchequer Court Act (Canada). Clause (c) is reciprocal to section 62 of the Supreme Court Act (Canada).

3. Use of court houses, etc., by federal court judges.

4. Commencement of Act.

BILL

No. 117 of 1965

An Act respecting the Jurisdiction of the Supreme Court of Canada and the Exchequer Court of Canada

(Assented to _____, 1965)

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

1. This Act may be cited as "*The Federal Courts Jurisdiction Act*".

2. The Supreme Court of Canada and the Exchequer Court of Canada, or the Supreme Court of Canada alone, according to the *Supreme Court Act* (Canada) and the *Exchequer Court Act* (Canada) have jurisdiction

- (a) in controversies between Canada and Alberta;
- (b) in controversies between Alberta and any other province of Canada in which an Act similar to this Act is in force;
- (c) in actions or proceedings in which the parties by their pleadings have raised the question of the validity of an Act of the Parliament of Canada or of an Act of the Legislature of Alberta, when in the opinion of a judge of the court in which the same are pending the question is material, and in such case the judge shall, at the request of the parties, and may without such request if he thinks fit, order the case to be removed to the Supreme Court of Canada in order that the question may be decided.

3. Where sittings of a court created by the Parliament of Canada, or of a judge thereof, are appointed to be held in a place in which a court house is situate, such court or judge has in all respects the same authority as a judge of the Supreme Court of Alberta in regard to the use of the court house and other buildings or apartments set apart in that place for the administration of justice.

4. This Act comes into force on the day upon which it is assented to.

No. 117

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

BILL

An Act respecting the Jurisdiction
of the Supreme Court of Canada
and the Exchequer Court of Can-
ada

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
