

The court is not created or established by s. 153. Rather, jurisdiction in respect to a federal matter is given to an existing court.

In Attorney-General of Canada v. Sam Chak, (1909) 44 N.S.R. 19 (C.A.) [Tab 19] it was held that it the Parliament of Canada is competent to confer upon a provincial court an added jurisdiction, and that such jurisdiction is to be exercised according to the procedure already used by the tribunal upon which the new jurisdiction has been conferred.

The jurisdiction of the Court Queen's Bench over bankruptcy is in a sense analogous to the jurisdiction of the courts of the Province to entertain criminal matters, also within federal jurisdiction. However, as discussed above at pp. 12-13, the Federal authority over criminal procedure has been held to authorize the determination of the language to be used in criminal matters. Proceedings in the Bankruptcy Court are civil proceedings, and there is no parallel federal authority over procedure. Rather, as set out in the Rules above, the usual practice of the courts in civil proceedings is to apply.

44. The spectre of a Federal Court Trial Division Judge being called on to reprimand, correct, or make an order against a member of the Alberta Court of Queen's Bench sitting in Bankruptcy is raised. For the reasons set out in paragraph 43 I do not share these concerns.