

legally trained man, but he would not be able to comply with the other requirements — namely 10 years practice before the bar. Put it this way; if he is not a lawyer or legally trained man, he is out. Even if he is, unless he happens to have ten years experience he cannot qualify for a county or superior court appointment. Were any sections which are now administered by magistrate courts re-constituted into county courts, and the magistrate could not comply with the two requirements, I assume they would be automatically out and have to be replaced by some person who could comply with the statutory requirements.

**Mr. Smallwood** I think what would likely happen is this: we now have courts of justice, these courts are mainly magistrates courts around the island. Some of them are occupied by magistrates who happen to be lawyers. The tendency on the part of the provincial governments is to have as many county courts as possible, because the provincial government would not have to pay their salaries. They would try to push as many as possible on to the federal government. What would happen is, in certain districts where they have lawyers as magistrates, they would be constituted county courts; or if no lawyer, then the magistrate would be shifted to a district which would still be a magistrate's district and a lawyer put in his place.

**Mr. Chairman** For all practical reasons, Grand Falls, Corner Brook and Bell Island would undoubtedly follow the practice employed in the Maritimes. As I know it, and I have been a member of that bar for 14 years, these would

become county courts.

**Mr. Crosbie** I am not satisfied. Who pays the salaries of these other magistrates?

**Mr. Smallwood** The province.

**Mr. Crosbie** It would be a charge on the province?

**Mr. Smallwood** The province pays the salaries of all magistrates who are not federal judges or magistrates. The federal government pays all county court judges. Naturally they would try to have as many federal judges as possible and as few provincial judges as possible.

**Mr. Chairman** The answer to Mr. Crosbie's question is that magistrates would be paid by the provincial government.

**Mr. Smallwood** I wonder could we read the next clause? I do not suggest we want to finish the debate or begin the debate on it.

**Mr. Crosbie** I would suggest that we start that tomorrow.

**Mr. Smallwood** Quite agreeable.

**Mr. Chairman** As Mr. Crosbie and Mr. Smallwood point out, perhaps it would be just as well, if suitable to members, to defer the reading of the next clause until tomorrow.

*[The committee rose and reported progress. The remaining orders of the day were deferred]*

**Mr. Hickman** I give notice that I will on tomorrow ask His Excellency the Governor to ascertain from the Government of Canada whether in the event of confederation the Clarendville vessels would remain in the ownership of Newfoundland.

*[The Convention adjourned]*

#### November 26, 1947

**Mr. Cashin** In moving that the Economic Report be deferred, may I give notice of question?

**Mr. Chairman** Certainly.

**Mr. Cashin** I give notice that I will on tomorrow ask the Honourable the Commissioner for Finance to table the following information:

(a) What effect if any has the present austerity programme recently adopted in the Dominion of Canada had on, or will have on the Newfoundland people?

(b) At the present time, what is the credit balance of trade of Newfoundland with the USA?

(c) Does the sale of newsprint to countries outside of the USA call for payment in American dollars?

(d) Does the Department of Finance keep account of Newfoundland's credit of American dollars, and does the treasury receive any remuneration in the form of commission on such balances that may accrue?

(e) Has the Dominion of Canada recently applied to the USA for a temporary loan, what was the amount applied for, the amount received, and under what terms was said loan given?

(f) What amount of paper currency is in