

pensions of judges of district and county courts.
Mr. Chairman Which we have not.

Mr. Smallwood We have one Central District Court; we have not a county court. If and when they are established, the judges in them would be paid by the Government of Canada. Now, the constituting of the county courts is left to the province. The province constitutes the county courts; divides the county into as many districts as it desires, and provides for the creation of a county court, but it is the federal government which appoints the judges and pays their salaries. It is not much use for the provinces to create county courts unless they know the federal government will fill the courts with judges and pay their salaries. I pointed out how many magistrates we had in Newfoundland and suggested, jokingly, that we could have every magistrate we now have in a magistrate's district; we could then create a county court and leave it to the federal government to provide magistrates by appointing them as county court judges. There was a laugh. They said, "You can not go the whole hog." On the basis of other provinces, we would be entitled to six or eight or ten county court judges, therefore that many county courts. Their salaries, allowances and pensions would be paid by the Government of Canada, if and when established.

Mr. Crosbie Are Grand Falls and Corner Brook included in district courts?

Mr. Chairman No. We have only one district court as such — the Central District Court in St. John's. All other district courts are magistrates courts. To illustrate what I mean, take Judge Browne, he occupies a unique position in the sense that when he sits on criminal matters, he sits as a magistrate of the St. John's Magistrate's Court. In any civil claims, in the case of debt or liquidation, demanding up to \$200, then he sits as judge of the Central District Court. That does not apply to any other magistrate. As opposed to that, the county court system is a midway position between the magistrate system and our Supreme Court. For example, in the Magistrate's Court or in the Central District Court of St. John's, for that matter, if your claim exceeds \$200, it automatically must go into the Supreme Court. Were we to have the county court system, the county court would have jurisdiction in the case of debt and

liquidation up to \$1,000. In the case of criminal matters, they would be able to try certain offences, other than capital offences such as murder, treason, etc., by a system of speedy trial.

Mr. Smallwood There were three questions we asked the Government of Canada when we were up there. Volume 2, page 17.¹

Maintenance of Courts

Question: Does the federal contribution to the cost of such courts end with the payment of the judges' salaries, or if not, what other contributions are made?

Answer: The federal government pays salaries, travelling allowances and annuities of the above mentioned judges.

Appointment of Judges

Question: Must judges invariably be lawyers?

Answer: Under the BNA Act, sections 97 and 98, the judges of the courts of the original provinces are selected from the respective bars of the provinces. The Judges Act, 1946, provides that: "No person is eligible to be appointed a judge of a superior, circuit, or county court in any province unless, in addition to other requirements prescribed by law, he is a barrister or advocate of at least ten years' standing at the bar of any province."

Admiralty Courts

Question: There are at present six such district judges in Admiralty. Would Newfoundland become entitled to have one?

Answer: Under the Admiralty Act, 1934, the Admiralty districts are constituted in all the provinces of Canada, except the three Prairie provinces. From its geographical position Newfoundland would no doubt be constituted an Admiralty district.

Mr. Crosbie It is not clear to me who would pay the salaries of judges in Corner Brook and Grand Falls and other places in Newfoundland. In many places, magistrates are not solicitors or barristers. Would they be removed from their jobs and replaced by barristers and solicitors?

Mr. Smallwood They would in such cases where county courts were established.

Mr. Chairman You had better qualify that. There are certain magistrates who are lawyers; even then to become a county judge, you must have ten years practice. The magistrate may be a

¹The Black Books.