

Provincial Judiciaries*

Certain provisions of the British North America Act govern, to some extent, the provincial judiciaries. Under Sect. 92 (14) the legislature of each province may exclusively make laws in relation to the administration of justice in the province including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction. Sect. 96 provides that the Governor General in Council shall appoint the judges of the superior, district and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick. Sect. 100 provides that the salaries, allowances and pensions of judges of the superior, district and county courts (except the courts of probate in Nova Scotia and New Brunswick) are to be fixed and provided by the Parliament of Canada, and these are set out in the Judges Act, 1946 (10 Geo. VI, c. 56). Under Sect. 99 the judges of the superior courts hold office during good behaviour, but are removable by the Governor General on address of the Senate and House of Commons. The tenure of office of district and county court judges is fixed by Sect. 33 of the Judges Act, 1946, as being during good behaviour and their residence within the county or union of counties for which the court is established.

Newfoundland.—*Supreme Court [Consolidated Statutes (Third Series) c. 83].*—The Supreme Court of Newfoundland consists of a chief justice and two other judges, appointed by the Governor General in Council. The Court has original and appellate jurisdiction.

District Courts† [the District Courts Act, 1949, (the Act No. 96 of 1949, Statutes of Newfoundland)].—Under the District Courts Act, 1949, district courts were set up. A district court judge has civil jurisdiction where the amount involved does not exceed \$1,000 and on the criminal side he has the same jurisdiction as a county court judge.

Stipendiary Magistrates and Justices of the Peace [the Summary Jurisdiction Act, 1930, (21 Geo. V, c. 14)].—Stipendiary magistrates and justices of the peace are appointed for the Province and have limited criminal and civil jurisdiction.

Prince Edward Island.—*Supreme Court (S.P.E.I. 1940, c. 35).*—The Supreme Court of Prince Edward Island consists of a chief justice, who is known as the Chief Justice of Prince Edward Island, and two other judges, all appointed by the Governor General in Council. The Court has original and appellate jurisdiction.

Court of Chancery (S.P.E.I. 1940, c. 11).—The Court of Chancery consists of a Chancellor, a Vice-Chancellor and the Master of the Rolls. The Chancellor is the Lieutenant-Governor, the Vice-Chancellor is one of the judges of the Supreme Court and the Master of the Rolls is one of the other judges of the Supreme Court. The Court has original jurisdiction in chancery matters.

County Courts (S.P.E.I. 1937, c. 6).—There are three counties in the Province with a county court and judge for each county. Each court has criminal jurisdiction and also civil jurisdiction generally in actions up to \$500, but has no jurisdiction in cases involving title to or possession of land.

Probate Court (S.P.E.I. 1938, c. 41).—The Probate Court has one judge, appointed by the Lieutenant-Governor in Council. The Court has jurisdiction in probate and guardianship matters.

* Material revised by the Provincial Departments of the Attorney General.

† The Central District Court was abolished in 1949.