

(4.) "That such Magistrates should hold office during good "behavior" and be irremovable "except on the Joint Address of "the Legislative Council and Assembly."

(5.) That the Magistrates should receive a salary of three thousand dollars per annum, each.

(6.) That all the powers possessed, at the time of the passing of the Act, "by the Judges of the Superior Court, and the duties "imposed on them respecting the affairs" * * * "within the jurisdiction of the Circuit Court sitting in the District of Montreal," should be imposed and conferred upon the District Magistrates of Montreal.

(7.) That the jurisdiction of the District Magistrates Court should be the same, *mutatis mutandis*, for civil matters as that which had been exercised by the Circuit Court of the District of Montreal.

(8.) That all the provisions of the Code of Civil Procedure, and other provisions respecting the Circuit Court of the said district, should, *mutatis mutandis*, be applicable to the Magistrates' Court thereby established.

(9.) That the words "Circuit Court of the District of Montreal," "Circuit Court of Montreal," "Court" and "Circuit Court," whenever referring to the Circuit Court sitting in the District of Montreal, wherever found in the Code of Civil Procedure, or in any other law, should mean and include the District Magistrates Court of Montreal. Also that the words "Judge of the Superior Court," "Judge," or "Judges," whenever referring to their powers and duties respecting matters connected with the Circuit Court sitting in that District, should mean the District Magistrates of Montreal.

This Act was disallowed on the seventh day of September, 1888, for reasons which were then communicated to His Honour the Lieutenant Governor of Quebec, the principal of which were that the provisions which professed to confer upon the Lieutenant Governor in Council the power to appoint these Judges and which professed to regulate their tenure of office, their qualifications for office, and their mode of removal from office were in excess of the powers conferred on Provincial Legislatures by the British North America Act, and were an invasion of the powers conferred upon the Governor General and the Parliament of Canada by that Act.

Among other powers conferred by the British North America Act on Provincial Legislatures is, (sec. 92, sub-sec. 14), the making of laws in relation to "The Administration of Justice in the Province," including the constitution, maintenance and organization, and "Provincial Courts, both of Civil and Criminal Jurisdiction, of "including Procedure in Civil matters in those Courts." In no other provision is any power conferred on the Legislatures of the Provinces in respect of Courts or Judges, or the appointment and qualification of Judges.

All other powers than those expressly enumerated by section 92, as conferred on the Provincial Legislatures, are conferred on the Parliament of Canada: and by section 96 it is, besides, expressly provided that the Governor General shall appoint the Judges of the Superior, District and County Courts, in each Province, except those

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