

APPENDIX B.

Proposed System—Superior Court.

2 Chief Justices, 1 Montreal, 1 Quebec	\$ 12,000
10 Puisne Judges	50,000
5 District Judges, \$3,000 each; Quebec, 2; Montreal, 3	15,000
16 District Judges, \$2,500 each, for country Districts, to take place of present country Superior Court Judges when vacancies occur	40,000
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	\$117,000
The above would supply present wants.	
To complete the system 3 additional District Judges when wanted for vacant Districts, say at \$2,500 each	7,500
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	\$124,500
Travelling allowances as in other Provinces.	

APPENDIX C.

Montreal (City.)

No change as to terms; with the changes proposed the Judges could give the Bar all the relief required.

Montreal (Country.)

9 Districts, 3 terms (civil) 3 days each, 3 Judges	243 days,
9 Districts, 2 terms (criminal) 3 days each, 1 Judge	54 days
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	297 days.

I make no remark as to the Quebec Division.

THE SUPREME COURT.

The bill introduced by the late Mr. Keeler, to repeal the Supreme and Exchequer Court Act, was taken up by Mr. Landry. On the 10th instant, on the motion for second reading, Mr. Mills moved in amendment the six months hoist, which was carried, after debate, by 88 to 39.

Another bill, to limit the appellate jurisdiction of the Supreme Court, has been brought forward by Mr. Girouard, Q.C. Sect. I is as follows:—

“The Appellate Jurisdiction of the Supreme Court of Canada is abolished in all cases where the matter in dispute relates to property and civil rights in any of the Provinces, and generally as to matters of a merely local or private nature and coming within the exclusive jurisdiction of the Legislature of any of the said Provinces, according to the meaning of the British North America Act of 1867 and Acts amending the same.”

Sect. 2 provides that the Act “shall not

apply to cases decided by the Exchequer Court of Canada, nor to cases where the matter in dispute affects the constitutionality or validity of any Act or Statute of any of the Provincial Legislatures, which cases shall continue to be subject to appeal to the Supreme Court, as now is or hereafter shall be provided for.” And the third and last section enacts that the bill shall not apply to appeals already instituted or pending before the Supreme Court.

NOTES OF CASES.

COURT OF REVIEW.

MONTREAL, November 13, 1880.

RAINVILLE, PAPINEAU, LAFRAMBOISE, JJ.

[From S. C., Montreal.

DEVLIN V. BEEMER.

Commission for procuring security for contract— Commission earned notwithstanding invalidity of contract guaranteed.

The judgment inscribed in Review was rendered by the Superior Court, Montreal, Torrance, J., June 30, 1880. See 3 Legal News, p. 232.

PAPINEAU, J., rendered the judgment in Review, reversing the judgment below, for reasons which are set out in the recorded judgment as follows:—

“La cour, etc. . . .

“Considérant que par l'acte intervenu entre les parties en cette cause, le 23 d'avril 1879, et qui fait la base de l'action du demandeur, il est établi que ce dernier avait procuré le même jour au demandeur, qui en avait besoin, un cautionnement hypothécaire au moyen d'une certaine obligation et hypothèque consentie par Dame Margaret Amanda McNally, l'épouse du demandeur, en faveur de l'Honorable Joly, et que, à cause et en considération de ce cautionnement, le défendeur s'est obligé de payer au demandeur une commission au taux de 7 pour cent par an sur \$11,784, à compter du 15 de décembre 1879, la dite commission payable semi-annuellement jusqu'à la quittance et décharge de la dite obligation, le premier paiement semi-annuel devenant exigible le 15 de décembre 1879, si la dite obligation hypothécaire n'était pas encore quittancée et déchargée à cette dernière date ;

“Considérant qu'il est établi par la lettre même du défendeur, en date du 19 de décembre