

1930

*May 1.

*May 5.

MARWOOD v. CANADIAN CREDIT CORPORATION LTD.

ON APPEAL FROM THE COURT OF KING'S BENCH, APPEAL SIDE,
PROVINCE OF QUEBEC*Lease of services—Commission on profits—Bonus—Art. 1024 C.C.*

APPEAL from the decision of the Court of King's Bench, appeal side, province of Quebec (1), reversing the judgment of the Superior Court, Bond J. (2), and maintaining in part the appellant's action.

By a contract dated January 23, 1924, the appellant was engaged as manager of the automobile department of the respondent corporation. The business of the respondent consisted chiefly in discounting the notes and securities held by automobile dealers for automobiles sold. The contract provided for a salary of two hundred dollars per month, plus a bonus on the net profits. The contract was for a period of five years with leave to either party to terminate it upon giving thirty days notice. The appellant worked for the respondent during the years 1924, 1925 and until July 31, 1926, when he resigned. He had been paid his salary and bonus until the end of 1925 and this action was brought to recover the sum of \$5,349.75, being the bonus to which he claimed to be entitled for the seven months of 1926.

The judgment of the Superior Court dismissed the appellant's action. The Court of King's Bench maintained it to the extent of \$2,994.49 with interest and costs; and the appellant appealed so that this judgment be increased to the sum of \$5,349.75. The respondent instituted a cross-appeal, asking for the restoration of the judgment of the Superior Court and the dismissal of the action.

The Supreme Court of Canada dismissed the appeal and allowed the cross-appeal with costs.

*Appeal dismissed with costs.**Cross-appeal allowed with costs.*

John W. Cook K.C. and *W. C. Nicholson* for the appellant.
Arthur Vallée K.C. for the respondent.

*PRESENT:—Anglin C.J.C. and Duff, Rinfret, Lamont and Cannon JJ.

(1) (1929) Q.R. 47 K.B. 404.

(2) (1928) Q.R. 66 S.C. 378.