ings there referred to are to be "according to the course of the Common Law of England." So in section 68, the trial of the issue there provided for, is to be "according to the rules of the Common Law of England." But by section 72, the procedure in actions against the Crown, is to be as nearly as possible "according to the Act of the Imperial Parliament, known as the Petition of Right's Act."

This 66th sect. as it stands, if it bears the construction indicated, is perhaps the most comprehensive, yet brief repealing and enacting clause to be found in the annals of Legislation, and renders, it seems to me, wholly unnecessary any adoption or enactment by the Local Legislatures of a uniform system of Laws; because a simple Act taking away the balance of jurisdiction left to the Provincial Courts, and giving it exclusively to this Court, with an enactment that the rule of decision shall be the law of England, or any other law, effects the object: for if Parliament can fix one rule, why not another ?—and uniformity is established.

But that Parliament has any such power, is a question which, with all humility I submit, will, in all probability, in some quarters be sternly denied, and therefore before any step is taken involving consequences not to be desired, all doubt should be removed.

Referring again to section 68, which declares that "issues of fact on the Common Law side of the said Court shall be tried according to the rules of the Common Law of England, by Jury." Read this in connection with section 66. Why should the laws of New Brunswick, and the improvements the Legislature of New Brunswick have made in the Common Law in regard to trials of issues of fact by Juries, be wholly ignored? When such special care has been taken to respect the law and procedure of the Province of Quebec,—(*vide* section 65 and the latter clause of section 89,) why should the system of seven jurors, and a decision (after two hours deliberation) by five, be abolished, and we be brought back in civil cases to the old Common Law system of twelve, and unanimity? I believe all parties connected with the administration of justice in this Province will admit the change has worked to a charm, and I once heard my most respected predecessor, Sir James Carter, speak of it as practically the greatest and best legal reform that had ever come under his observation.

Is this change no interference with civil rights in, and with the exclusive legislative power of the Local Legislature of this Province?

Supposing for a moment it was neither; why this retrograde movement? If our Legislators have had the boldness, and I think I may say, the intelligence, to inaugurate an improved system, and it has been found after fifteen years experience to work well, and to answer the most sanguine expectations, and if the people of this Province are entirely content with its operation, why take it away, and introduce the anomaly that must necessarily follow; that is to say—In one Court of exclusive jurisdiction in civil cases, parties will be compelled to try issues of fact by one rule and with one description of jury, and in other Courts of the Province, with no less important issues, a different rule and entirely different jury must dispose of the question. And in concurrent jurisdictions, if a party plaintiff chooses to take his opponent into the Court proposed to be established under this Bill, before such opponent can successfully defend himself and get a verdict, he must satisfy twelve minds; but if sued in other Courts of the Province, if he can convince five out of seven jurors that he is right, no harm can come to him, because he secures his verdict. Can it be said that "civil rights" are not affected by this operation?

But apart from this, is it not a violation of all correct principle, that in