the writ to prevent a failure of justice. It is, therefore, argued by the respondents that as the appellant has, in an extreme case, the right to a *mandamus*, therefore she is not deprived of all remedy by interpreting the Statute so as to exclude the operation of the common law. I think this is an inversion of the ordinary argument. We argue that the *mandamus* should be granted, because there is no other convenient remedy; but it does not seem to be deducible from this that there is no ordinary remedy, because, where there is none, there is the remedy by *mandamus*. I, therefore, think that the sections referred to in the 27 & 28 Vict. contain a direction to the Corporation to proceed in a particular way, in certain cases. I do not think the Corporation can be compelled so to proceed where the question is simply as to compensation for damages which they do not admit to be due.

But let us take for granted that this conclusion is wrong, and that there is a mode open to appellant to set the law in motion to enable her thereby to recover compensation unjustly denied, it does not appear to me, as the record before us stands, that we should be justified in dismissing the action for want of jurisdiction. Respondent contends that the 27 & 28 Vict. has established a tribunal for cases like this, and that, having done so, there is no remedy at common law. It is also the contention of the Judicial Committee. In the case of Drummond & The Corporation, they say "it establishes a tribunal consisting of Commissioners for determining the value of property expropriated, and a system of procedure for such cases." To be perfectly correct, their Lordships should have said "*to be* expropriated" (a correction of some importance, for it avoids the necessity of a tedious digression.) Now, I question much whether the proposition is precisely correct, either in English law or by the law of France. In Mr. Dillon's work on "Municipal Corporations," Vol. II., p. 902, he says: "If, in such cases, *the Statute provides a specific remedy*, or a remedy other than an ordinary civil action, that remedy alone can be pursued." And in a note to the second edition we find: "This remedy (one by a recent Statute) excludes a civil action for all damages *necessarily* occasioned." Without having the letter of the law before one, it is not easy to say absolutely that the cases cited have no bearing on the proposition of the author; but, so far as I can see, only one requires any mention. In *Flagg & The City of Worcester*, Merrick, J., after saying that there was no common law remedy, *i. e.*, action or right of action, for damages suffered in *repairing* highways, under the common law obligation to repair, said the party suffering could only proceed according to a special remedy allowed by law, and this remedy was complete in itself. "But under this restriction no damage can be done. To avail themselves of the remedy provided by the Statute, ample opportunity is afforded to parties deeming themselves to be aggrieved. Their damages are, *in the first instance*, to be determined *upon their own application* to the Selectmen of the town or Mayor and Aldermen of the city," &c. Elsewhere the judge says: "If their adjudication upon the question is not satisfactory, upon proper proceedings being had, they may be ascertained by a jury, as in the case of taking lands upon the location of highways." From the statement of the law by Merrick, J., Mr. Dillon was not justified in stating his proposition in the unqualified manner he has done. The general principle seems to be that "an existing jurisdiction cannot be taken away except by precise and distinct words. *Galsworth* v. *Durant*, 8 W. R. 594—R. Fisher's Dig. 5077. And the concurrent jurisdiction of courts of equity is not excluded by the adoption of equitable principles by courts of law. *Hawkshaw* v. *Perkins*, 2 Swans. 546. It has been the tendency of our jurisprudence here to treat remedies as cumulative where the new enactment is not unequivocal, particularly where the common law remedy is to be set aside. As an instance of this, I may mention that we have invariably held that the special remedy, by information of the Attorney-General, had in no way destroyed the old common law action. *In re The Adventurer*, decided by Judge Black, in the Vice-Admiralty Court at Quebec, he held that although the Legislature had vested in the Trinity Board the right of fixing the remuneration of pilots for extra services, still this did not take away from the Vice-Admiralty Court its jurisdiction over the matter, and the promoter was awarded extra allowance. 1 S. V. A. C. p. 105. Our legislation, too, indicates the same thing. In defining the jurisdiction of the