cases, a party plaintiff may drag the defendant to Fredericton regardless of the amount in issue, or of expense, or distance. Here again arises the question of civil rights, &c.

Considering the great number of cases that are constantly before our Courts, where some or one of the parties are non-residents, the privilege here given the plaintiff (for the defendant has nothing to say as to the Court in which the plaintiff shall sue) of compelling a defendant, possibly residing in a most distant section of the Province, to defend himself at Fredericton and Ottawa, will entail great inconvenience and expense, and give plaintiffs a power and advantage over their adversary that will, I fear, in many cases, work great hardship, if not injustice. The case would be bad enough if the concurrent jurisdiction was confined to the jurisdiction of the Supreme Court; but when it is to be with the "Provincial Courts," without distinction or limit, the result and consequences will, I fear, be very unsatisfactory. As against this, I can discover no corresponding benefit.

An additional advantage is also given to plaintiffs in such cases, to which I can hardly think they are entitled, and which will in all probability cause the new Court to be often selected, viz: that by section 74, it is provided "That the process of the said Court shall run throughout the Dominion of Canada." This, under many circumstances, may clearly place a plaintiff in a better, and a defendant in a worse position, than those who have to sue and be sued in a Provincial Court, whose process only runs within its own Province.

By section 65 it is declared—"That the rule of decision in all civil actions (except causes in Admiralty) which may be brought in the Province of Quebec, shall be the law of the said Province, and the procedure in such suits shall be regulated by the Code of Procedure of the said Province."

And by section 66, that "the rule of decision in all actions at law, and suits in Equity brought or instituted in the said Court, in any of the Provinces of Ontario, Nova Scotia, and New Brunswick, shall be the law of England."

The first of these sections seems intelligible and reasonable, but section 66 has puzzled me not a little; and I must confess I am still at a loss to understand what is really intended, for I cannot think the only legitimate construction its language seems to bear, could have been contemplated. The rule of decision in Quebec is to be "the law of the said Province." But in Ontario, Nova Scotia, and New Brunswick, the rule of decision is to be the law of England. "*Expressio unius est exclusio alterius.*" Therefore while the law of the Province of Quebec is to prevail in Quebec to the exclusion of any other law; in Ontario, Nova Scotia, and New Brunswick, the law of England is to prevail—necessarily to the like exclusion.

In New Brunswick, why should the laws of New Brunswick, and the laws of the Dominion so far as applicable to New Brunswick, not be the rule of decision? And so in the other Provinces respectively.

Where does the Parliament of Canada get the power thus summarily to wipe away, in the mass of cases over which exclusive original jurisdiction is given, the laws of the Provinces? And in cases of concurrent jurisdiction, giving different rules of decision as the action may be brought in one or the other of the Courts, that is to say, if brought in the new Court, the rule of decision will be the law of England; if brought in the Provincial Court, the rule of decision will be the law of the Province.

Is the rule of decision to be the Common Law of England, or the Statute Law, or both combined? Probably the latter, as we find distinctions expressed where either is to be the rule alone. Thus, in section 15, the proceed-