
Correspondence.

UNIFORMITY OF PROVINCIAL LAWS.

To the Editor of the Canada Law Journal :

DEAR SIR,—In a recent number of your valuable journal I observe a paper read by B. Russell, Q.C., of Halifax, Nova Scotia, under the title of "Provisions of the British North America Act for Uniformity of Provincial Laws," and in connection with the matters therein treated of, my attention has been particularly called to the subject in a very important particular, and one, I think, of very great hardship to suitors. Some years ago an action was brought in the High Court here by the plaintiff to recover from the defendant the sum of ten thousand dollars in connection with the promotion and building of the Parry Sound Colonization Railway. The plaintiff recovered judgment for the amount, and an appeal was at once made to the Divisional Court, which court unanimously sustained the finding of the trial judge. From this decision an appeal was made to the Court of Appeal, and that court without dissent again agreed with the Divisional Court. An appeal to the Supreme Court of Canada met with the same result. In all these appeals the only security required was for the Supreme Court costs which were paid. Now comes the hardship: The defendant resides in Montreal, is a contractor, and engaged in an extensive railway contract in Truro, Nova Scotia, where he has engaged temporary residence. On enquiry there as to the means of enforcing his judgment, plaintiff is advised that the defendant in the action is entitled under the laws of that Province to put the plaintiff to all the loss of time, trouble and expense over again, as defendant can again set up all or any of the defences he had to the original cause of action. It would appear that this provision is ultra vires, as it virtually overrides the Supreme Court Act, but why should the plaintiff be put to the expense of contesting that matter in the courts?

From the various steps taken by the defendant it is evident that his purpose is to delay or defeat plaintiff's claim. Being a wealthy man himself he is determined to worry the plaintiff out of his claim sustained by the courts. I write you now in reference to this matter, as the question of uniformity of Provincial laws is under the consideration of the Bar Association of Canada, and so that public attention may be called to the necessity of an early and effective remedy of this and similar grievances.

Parry Sound.

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