

only in State courts and questions under Federal laws and the Constitution of the United States are tried only in Federal courts. This is said to be a dualism that is natural and right in a federal country. We are told that we should do this in Canada, and thus become more truly federal.

The foregoing views, we suggest, are based on serious misunderstandings about federal states in general and the American judicial system in particular. Statistics show that up to half of the cases tried in the American Federal Courts are cases arising entirely under State laws, because of the "diversity of citizenship" jurisdiction of the Federal courts. This means that where the parties are citizens of different States either party may take a case involving State laws to the Federal Trial Court. Appeals in the Federal court system may then reach the Supreme Court of the United States. On the other hand, some statutes of the Congress (Federal laws) specify that issues under them must be tried only in State courts of general jurisdiction and not in Federal courts at all. Furthermore, State laws can be reviewed in the Supreme Court of the United States for offence to the standards of the Constitutional Bill of Rights, for example State laws alleged to deny due process of law or equal protection of the laws. Though Federal courts do, of course, hear cases arising under Federal laws, nevertheless, the net result is, briefly, that the dualism of the system of courts in the United States is simply not an elegant federal dualism at all, and was never intended to be by the founding fathers of the American Constitution. Accordingly,