

"TRAVIS ON CANADIAN CONSTITUTIONAL LAW."

PAPER BY ITS AUTHOR.

I N the various criticisms of this work, I have met with several references to the freeness of my criticism, and to the elevated opinion I entertained of the ability of the Chief Justice of the Supreme Court of Canada.

I propose to deal with both of these matters.

As regards the first, I saw at the outset that there was but one course to be adopted if I wished the discussion to be of any practical benefit; namely, honestly and unreservedly to examine the judgments delivered in the different courts, on questions under the Act (B. N. A. Act, 1867); and to treat them, just as I intimated in my book I should do, as though I were reviewing a book written by one with whom I had not, personally, the slightest acquaintance; acting independently, on the principle contained in the Shakspearianism I quoted, "Nothing extenuating, nor setting down aught in malice." To sustain my right, in taking this course, I quoted from Lord Justice Bramwell, in *Reg. v. Bishop of Oxford*, 4 Q. B. Div. 556, where he laid down the principle that the opinion and sentences of the Court of Appeal of England, "may, and ought to be, and are, criticised by laymen." I, surely, had an equal right to fairly criticise judgments of courts of only equal or much less high authority.

My success in this respect was recognised in the ablest criticism of my book with which I have yet met; and which was contained in a leading editorial in the *St. John Globe*. The very able editor of that journal says:—

"Mr. Travis deals with all the decisions and writings which he dissects, as a critic does who discusses a subject