

NEW PUBLICATIONS.

THE CONSTITUTIONAL POWERS OF PARLIAMENT AND OF THE LOCAL LEGISLATURES under the British North America Act, 1867. By J. Travis, Esq., LL.B., of the New Brunswick Bar.

This is a treatise of 184 pages devoted to one of the most important topics that can engage the attention of a Canadian lawyer. The first thing that attracts notice on opening the work is the author's style. "*Le style c'est l'homme.*" The Earl of Lytton, in a recent *causerie* in the *Fortnightly Review*, has endeavoured—not altogether successfully—to sustain the truth of this saying of Buffon. If it be applicable in the present case the author is certainly not afflicted with diffidence, or distrust of his own judgment, for the impression is strongly conveyed that the world in general, and the judicial bench in particular from the humblest tribunal to the highest, is filled by persons little better than idiots. The author tells us that his work is intended to bring Order out of Chaos (the capitals are not ours), and in the execution of this laudable undertaking he launches his bolts right and left without the slightest respect for persons or dignities. At the outset (p. 1) the Hon. T. J. J. Loranger's pamphlet recently adverted to (p. 147), receives notice as a work abounding in "crude absurdities," "in which the author makes the most ludicrous efforts to 'darken counsel with words without knowledge.'" Then on page 2, the Supreme Court of New Brunswick, since it lost its late Chief Justice (now Sir Wm. J. Ritchie), is referred to as a court not "of any very high authority," and on p. 19, we are further told that the ability of the court left it when the Chief Justice was promoted to the Supreme Court of Canada. On p. 37 we are informed that the same court "does not contain, among its judges a single lawyer possessing anything like thorough scientific legal knowledge," and, in some respects, its decisions are "supremely ridiculous." On page 34, Mr. Loranger (now Mr. Justice Loranger) is bracketed with his brother, the Hon. T. J. J. Loranger, who is charged with appropriating his ideas and language wholesale. On page 35, Mr. Blake's

attempts to deal with sections 91 and 92 of the British North America Act are said to be "as bad as the very weak attempts of Mr. Loranger and of Mr. Justice Wetmore." On p. 100, the Supreme Court of Canada (the Chief Justice excepted) come in for a share of polite attention, their judgments in the case of the *Citizens Insurance Co. v. Parsons*, "fairly overflowing with error." On p. 131, Mr. Justice Mathieu is described, on the strength of a newspaper paragraph about a judgment, as treating the subject "*à la Loranger.*" And lastly, the highest tribunal of all—the Privy Council—is thus referred to *apropos* of the judgments in the cases of *Dobie v. The Temporalities Board* and *Russell v. The Queen*: "It is almost painful (a kind of, as Byron would call it, 'pleasing pain'), in the excessively ridiculous aspect in which their views are presented, to follow them further. Their ignorance (to be perfectly candid and strictly just); actual, stupid, stolid ignorance, of the matter they are examining, when we consider that that is our highest, authoritative, Appellate Court, is positively painful!"

The above are but a very few of the references to courts and individuals with which Mr. Travis' work overflows. So much for the style. Our space will not permit us at present to do more than describe in a general way the contents of the work. The author has analysed and criticized the constitutional cases in the several courts since Confederation. He seems to hold a middle course between the views enunciated by the champions of "provincial autonomy," and those which are espoused by the extreme supporters of the dominant powers of Parliament. Mr. Travis has evidently studied his subject with much care, and his examination of the decided cases, whether his readers agree with his conclusions or not, will be found interesting and valuable. We are disposed to think he is right in a good deal of his criticism, though we deprecate the trenchant style in which he deals with adverse views. The subject is confessedly intricate, and it does not follow that because Mr. Travis sees one side in a very bright light indeed there is nothing to be said on the other. The work (copies of which may be procured from the author at