

some of the many problems which can be considered in the way I have indicated.

The other point is one which, perhaps, I should mention with bated breath. I desire to call attention to the change in the position of the Judges of the Superior Courts by recent legislation, the effect of which was not, I am sure, either contemplated or intended by its authors. Heretofore only judicial duties have been imposed on them, and the only place where they touch the stream of political life is in the Election Court, where their duties are wholly judicial.

Now they are obliged to act as Commissioners, and to hold any inquiry which any Government, Federal or Provincial, may designate them for. This is now subject to the consent of the Governor-General in Council. The essential difference is that Judges may be projected into political quarrels, and in such a way that their report, and they themselves, are bound to become factors in the dispute, and this without their consent.

Under our political conditions I do not see how it is possible to hedge the Judge who makes such a report, with the traditional immunity from criticism, because he is not exercising judicial functions, but merely expressing opinions, whose acceptance is bound to depend upon his ordinary reputation for fairness and judgment. Consequently his character, predilections, temperament and affiliations and the Judge himself became part of the *res gestae*, if I may use that term.

This is not desirable state of affairs, and should be altered. It is a real peril and a derogation from the status which I am sure we all desire that Judges should occupy. I may again point out that this result was not, I am sure, in the minds of those responsible for the passing of the recent Statute.

Even if a Judge does his best, his end will, I fear, be similar to that of the sylph in "The Rape of the Lock," who approached too near to the scissors. "Fate urged the shears, and cut the sylph in twain."