

ferred and another phase of the subject which is now forced upon our attention.

More than once governments have taken judges from their proper sphere of duty to work of a more or less political character and always with injurious results to the character and standing of the judiciary. The latest development of this practice has been the appointment of Chief Justice Meredith as Provincial Commissioner to prepare legislation to compensate workmen for injuries received during employment. This may seem a very simple matter, but it is one requiring grave consideration and opens the door to a wide field of discussion, not only in relation to the Bench of the Province of Ontario, but also to that of the Dominion and all its Provinces.

In the present case the appointment of a judge actively engaged in his judicial duties to such a duty as that referred to is in our opinion open to serious criticism from a constitutional point of view. Personally, of course, no objection to the selection could be made, assuming that with the many interests which already engage the attention of the learned Chief Justice he can spare time for such a task as that imposed without interfering with the regular duties of his office. But it is submitted that the office of a judge is to administer law, not to enact it. The two positions are entirely distinct, and cannot be properly united in one functionary. Under our system of government every law governing the body politic must be enacted by the Legislature and must be discussed and considered by that body, and will be treated from a party point of view. The measure which it is proposed shall be thus introduced will have its maker's stamp upon it and must necessarily bring him into any controversy that may arise, and it must be remembered that the subject is one of a highly controversial character. Controversial not only as relating to questions of policy and therefore political, but controversial also as concerning the great issues between labour and capital, and the mutual liability of employers and employed, out of which the most bitter hostility has arisen and may arise again, questions which a judge may properly be called upon to adjudicate when presented in the form of