

Then what a beautiful opportunity for all sorts of frauds on employers is opened up by such legislation. This method of pandering to one class of the community and giving it exceptional rights and privileges which no other class of the community enjoys, will before long work its own cure, in such a revulsion of feeling on the part of the community at large as will make any Government hesitate before it sanctions such a course.

If the Legislative Assembly thinks in its wisdom that workmen should be insured by employers, they should at least also provide that the employer should be at liberty to deduct the cost of such insurances from the wages of those for whose benefit they are effected.

There is neither reason nor justice in extending the principle of workmen's compensation any further than it at present exists, and the Government will, we think, make a great mistake if it lends itself to any such extension as is now proposed. The time has come to make a stand against the insane pandering to the unjust demands of so-called "labour" leaders, who for their own selfish purposes claim and obtain class legislation which disorganizes the social fabric and works injustice, and which in the end is hurtful to those whom they pretend to help.

DO JUDGES LEGISLATE?

Sir Henry Maine inclines to the view that judges do in fact legislate, though by a species of legal fiction they are supposed not to do so. Sir Frederick Pollock, on the other hand, in his able and very lucid note to the second chapter of Maine's *History of Ancient Law* maintains that they do not. But we are inclined to think, like many differences of opinion, this divergence is due to a want of agreement as to the premises; and the question here to be settled, at the outset is, what is meant by "legislating?"

We do not suppose that Sir Henry Maine intended for a moment to maintain that judges can, or do, exercise all the powers of a sovereign legislator, and yet their want of such