

knows of many qualified for the position, he intends to go a little slowly, to wait a little longer, and he added significantly that he would probably make the appointments before the end of the month. It is an extraordinary coincidence that the British Columbia elections are to take place on November 25. There is no doubt in my mind that when these elections are decided it will be far easier for the Minister of Justice to give the awards. It leads to the suspicion that in some cases it may be a party decision and that these gentlemen will decide it according to the political merits of the case, but not judicially. I think we are justified in coming to some such conclusion as that. It is unfortunate that whatever delays may have occurred, even assuming that there was delay in proclaiming the Act on the part of the provincial government, in view of the fact that the Minister of Justice has taken this high stand, he did not immediately put a court of appeals into effect by proclaiming it and by appointing judges before the heat of an election campaign and so relieved himself and his party from any criticism of this kind.

Mr. W. S. MIDDLEBRO (North Grey). Mr. Speaker, the Minister of Justice (Mr. A. B. Aylesworth) gives as a reason why the Act was not brought into force promptly that he believed the provincial government did not intend to bring the Act into force until after the elections in October, 1908. I scarcely think that is the kind of reason the Minister of Justice should give to this House, but if that were so then, on October 28 last, the Minister of Justice (Mr. A. B. Aylesworth) knew that all ideas of that kind had been dissipated and the only reason for delay would be that he would think the British Columbia legislature would not bring the Act into force until after the following general election. It has been urged that because the British Columbia legislature remained inactive for a period of two years and four months there was therefore no great urgency for bringing the Act into force and appointing the judges. But the point that we desire to make, and practically the only point, is that the Minister of Justice knew, or he should have known—I have no doubt that he did know—that the minute the British Columbia Act came into force it abolished all machinery for appeals in that province. The Attorney General of the province of British Columbia away back last May desired the Minister of Justice to know that the British Columbia Act was going into force because he knew that just so soon as that Act was brought into force, if there were no judges immediately appointed, the whole machinery of the appellate court of British Columbia would be completely clogged. It is no justification for the Minister of Justice to say that at

Mr. BURRELL.

the time that the Act came into force he was away in Europe. There should be some person in his department who could at once bring into force the Act providing for the salaries of the judges. The fact that the Act was passed two and a half years ago is all the more reason why this government should be prepared now to appoint the judges. They recognized the existence of the British Columbia Act when they passed the Act in 1908 and they must have believed that the Act providing for the creation of the court was going to be brought into force. They passed that Act fixing the salaries of the judges of the particular court in question and they must have come to the conclusion that the Act constituting the court was going to be brought into force. The Minister of Justice says to-day on the floor of this House that he has more applicants for these positions in British Columbia, competent and willing to fill the positions, than the four or five positions to be filled. That being the case I ask him why he does not appoint the judges forthwith. This is not the first time that a question of this kind has been brought before the House, because, in January, 1907, a similar charge was brought against the Minister because of his failure to fill a position on the bench in Nova Scotia. On that occasion what was the answer of the Minister of Justice? His answer was: I do not believe that any inconvenience is being suffered by litigants in Nova Scotia because of there being only six judges instead of seven. He said: I do not believe the absence of one judge is an impediment to the administration of justice in Nova Scotia; if I did I would immediately appoint another judge. But, in this case in British Columbia we have not a single judge appointed and the whole machinery of justice, as far as the appellate court in British Columbia is concerned, is completely clogged. The answer would be that there being no judge in British Columbia who could carry on the appellate court work, there should be an immediate appointment. In what position will some of these litigants be placed? It is true that the court is constituted, but it is an inanimate thing until the judges are appointed. If a litigant desires to apply to the court of appeal for leave to appeal, there are no judges to hear the appeal and these appeals have, in many cases, to be made within a limited time. A criminal may be lying in jail waiting for leave to appeal to the court and he remains in jail because the government have failed to appoint these judges. For these reasons I say that there has been no sufficient reason shown why these judges should not have been appointed. It is, as my hon. friend from Yale-Cariboo (Mr. Burrell) says, a curious coincidence that these appointments are not going to be made until after the provincial general elections. Is the Minister of Jus-