

November of each year; but special sittings at either Vancouver or Victoria may be held at any time. Accordingly, it was manifest that if there was no court in existence on the second of November, 1909, but if the court was brought into existence by the Dominion proclamation and by the appointment of judges at any day thereafter prior to the next regular sitting of the court, the new court could go to work immediately upon the judges being sworn in, if it saw fit to do so. I wrote at once to the Attorney General of British Columbia pointing this out, as I regretted any embarrassment that the delay of even one day would cause in what, I suppose, may be called public business—in the private business of the litigants to be accurate. I am sorry that should be the case. Delay in any litigation is always an injury to the suitor, and, indirectly, to every interest connected with it. But I was not ready to make the recommendations of the individuals which it was my duty as Minister of Justice to make to His Excellency in Council, and I stated to the Attorney General of British Columbia with complete frankness, exactly the position I was in in the matter. It is not, I think, desirable that such things as the personnel of a court should be made—at any rate beforehand—a matter of public discussion. It is not, in that view, desirable that I should go into the same particularity on this occasion that I did in writing a letter—which, while not a private letter, was more or less of a confidential character—to the attorney general of the province; and I will simply say this with regard to the contents of my letter to him; I pointed out that my own view was that it would make for the increased confidence of the public of the province in the new court of appeal if it were not to be composed altogether of new men without previous judicial experience; that it would be in the best interest of the administration of justice in the province that some of the members of the new court of appeal should be men who already had had judicial experience in the province, and that if that course were taken, while the new court of appeal would be constituted, there would be a breaking up of the present or existing court for the trial of causes, and that, unless appointments were contemporaneously made to the vacancies which promotion would cause, there would be vacancies on the bench for the trial of causes, a greater embarrassment to the business of litigants by the inability to carry on all the assizes or sittings for trial which might be appointed to be held during the time when the positions of judgeships might be vacant. I have not had any answer to my communication. I do not know whether my ideas in the matter commended themselves to the attorney gen-

Mr. AYLESWORTH.

eral or not. I have no doubt he has many other things to think of at the present moment than such details as I am referring to, and I have no astonishment to express that I have not received an answer. But in the absence of an answer I adhere entirely to the view I expressed in that letter, that it would be an inconvenient thing to make appointments to the court of appeal until I was in a position to make my recommendations for all the appointments that were to be made, and that it was in the true interest of the general public, and, in the interest of the administration of justice in the province, that no appointment at all should be made until I was ready to make all the appointments. And I am not yet ready to do so. I could name one man; I could name more than one man; for that matter I could name many more than the number of judges to be appointed—who are men, I think, fully qualified and eminently fit for the position. But the appointment of judges to any court, especially to a superior court, and more especially to a court of appeal for a province, is a matter about which, I think, any one charged with the responsibility of making the recommendations or selections ought to go reasonably slow. And the head and front of my offending in this matter is that I have now delayed some four weeks in the consideration of what course should be taken as to these appointments and that I am proposing to delay still a little longer. But I trust that before the end of the present month these appointments will be made and the court of appeal for British Columbia enabled to start upon its work. In the meantime, the situation is that which I have described. And, if the province of British Columbia and those in charge of the administration of its affairs can wait patiently with this statute on their books for a period of two years and four months before they choose to bring it into force, I think the delay between a court of appeal sitting on the 2nd of November and possibly of the second day of December is not one for which this government or the Department of Justice can properly be held in any way to blame.

Mr. MARTIN BURRELL (Yale-Cariboo). I do not intend to detain the House for more than a moment or two in the discussion of a subject which is so largely legal in its bearing as the one now before the Chair. It is with some diffidence that any layman must rise in this House to touch upon matters that affect directly the legal profession, for on this floor one has the felicity of finding lawyers in front of him, lawyers behind him, lawyers to right and to left of him ready to volley and thunder. It is, however, of some advantage occasionally to get members of my own profession, that is the farmers, as, after all, not only