

tuting that court, and the appointment of judges to that court, one would suppose, if there were necessity for prompt action, we should have had something done during the summer months of 1908. We had nothing done.

The hon. gentleman refers to unpleasant rumours on the subject at the present time. I wonder if he heard any rumours twelve months ago. I wonder if he heard during the summer of 1908 and rumours that these judicial positions were being made pawns in the political game, that the government of British Columbia were waiting in hope that the elections of October, 1908, might bring a change of government at Ottawa. That delusion was dispelled on the 26th of October last by the electors and yet the government of British Columbia did nothing toward bringing this Act into force. Months passed, nothing was heard about the matter. The hon. gentleman says he is informed that this government was informed as long ago as May last that this statute would be brought into effect on the 1st of September then following. The information which the hon. gentleman has, so far as I am aware, is slightly inaccurate. I do not know to what he alludes. So far as I am aware, there has been nothing in the way of an official letter, or a private letter, or of anything in writing, to any member of this government. I do not know what may have passed in the way of conversation between any of my colleagues and any gentleman from British Columbia. I know only of what passed with regard to myself, and that is simply this: That last spring, I think in April, possibly in May, but somewhere about either the end of April or the early part of May, the attorney general of British Columbia was in the city of Ottawa on his way to the old country. He called upon me, we discussed this subject; he left me with the statement that this statute would be proclaimed on the following day, that he had made all arrangements for bringing it into force before he left Victoria, and that he was going straight to the telegraph office to send a telegram which would lead to the issue of the proclamation, and that I might look for the Act being brought into force within the next few hours. I thought that it would be so, I expected it would be so. I was here for some few weeks after that date, quite expecting I would hear any morning that this statute had been brought into force. Nothing was said to me about the 1st of September as a date when this Act would be brought into force, I had no idea when it would be done, but that it was going to be done, as I understood, forthwith. And when weeks passed, and months passed, and I heard nothing, and when although not in this country during the summer, I was in reasonably close touch with the progress of Canadian affairs and heard and saw nothing

in the newspapers or otherwise of any bringing into force of this statute, I honestly thought that the opinion which I had previously in my own mind, whatever it was worth, namely, that this statute would never be brought into effect, was the correct one. I had the impression, which the event has demonstrated was entirely erroneous, I admit, but I had the impression that instead of going on and constituting a new and independent court of appeal calling for four additional judges, practically doubling the number of their judges in the province of British Columbia, a substitute arrangement increasing the number of the present judges of the existing court would be adopted, and that this statute would be either repealed or allowed to become a dead letter. I remained under that impression, no doubt I had no foundation for it, but it simply rested as a matter of my own inference and deduction until I returned to this country some four weeks ago. I was told then, perhaps the first day I was back in the office, certainly within a day or two, that the British Columbia Statute constituting the court of appeal for the province had been proclaimed, and had been brought into effect as from the 1st of September.

Then, my delay at any rate in acting in this matter counts from that time, and I must bear any responsibility that may rest upon me for the circumstance that, since I reached Canada some four weeks ago and up to the present time, I have not made any recommendation for the appointment of judges to this court or any recommendation that our Dominion statute providing for the salaries of the judges of this court should be brought into effect by proclamation. That, of course, is more or less a formal step which can be taken at any time and which, it seemed to me, there was no necessity should be taken until I was prepared to make my recommendation of the individuals who should constitute the new court. Now, in that respect, I wish to be entirely frank and open with this House as I have been in my communications with the attorney general of British Columbia on the subject. I received a telegram from him some ten days or so after I had returned calling my attention to the fact that under the British Columbia statute the first sitting of the court of appeal would take place on the first Tuesday in the month of November—the second day of November instant. I looked at the statute to verify my recollection. I saw that the statement was entirely accurate. But side by side with that provision of the statute, I noticed the provision which the hon. gentleman (Mr. R. L. Borden) has referred to to-day, that the court of appeal, when constituted, could hold a special sitting at any time it pleased. The regular sittings are to be on the first Tuesday of the months as I recollect it—of January, May, September and