

that it is a subject upon which the answer of the government should be given categorically, fully and explicitly so as to reassure, if possible, public opinion not only in British Columbia but throughout the Dominion in regard to these important matters.

Hon. A. B. AYLESWORTH (Minister of Justice). Mr. Speaker, with the general observation with which the hon. gentleman opened his remarks, and as to the impropriety and undesirability of making any question affecting the constitution of the courts or appointments to judicial offices matters to be bandied about between one political party and another in this country, I am sure every one who listened to him will cordially agree. And, but for the observations which at a later period of his remarks fell from his lips one might have been in doubt whether the point of the statement with which he opened was directed towards this government or towards the provincial government of British Columbia. This legislation under which the court of appeal of that province was established is now some two years and six months gone; it became the law of the province of British Columbia as long ago as April, 1907. And, one who has followed the course of public affairs in the province of British Columbia might have been given rather to wonder why there was such extraordinary delay—to quote the words of the hon. gentleman—in the putting into force of this statute which presumably the legislature of British Columbia when it passed it, thought provided for wants which the province then had and of which the province itself felt the need. The provincial statute establishing the court of appeal was passed in April, 1907, and assented to on the 25th of that month. The parliament of this Dominion happened to be then in session, but it prorogued two days later, on the 27th of April, 1907, and long before any official notification of the passing of this particular statute could reach us at Ottawa. I am free to say—I wish to conceal nothing—I am free to say that during the spring of 1907 I had the pleasure of a personal interview with the First Minister of British Columbia, then on his road to the old country, and I was perfectly aware some weeks before this parliament prorogued on the 27th of April, 1907, that legislation of this character was under consideration in the legislature of British Columbia, and that in all probability it would become law when the assent of the Lieutenant Governor was given to the statutes of that session. But I had not seen a copy of the statute, and knew nothing of its provisions except what was conveyed to me in the personal interview to which I refer. I suppose accordingly no one would attribute any blame to this House, at any rate, or

Mr. R. L. BORDEN.

to the parliament of the Dominion, in the circumstance that there was no legislation by the Dominion parliament during the session of 1907 to supplement that of the province of British Columbia. It was impracticable that it should be so. I do not think that any one in British Columbia expected that it would or that it could be done. If there were no other reason why this parliament could not act during the session of 1907, the circumstance that the legislature of British Columbia chose to postpone the putting into force of their legislation until a proclamation bringing it into force should be issued, was in itself a sufficient reason why this parliament could not be blamed, at any rate, if it did not pass the necessary legislation providing salaries for the judges of the new court during the session of 1907.

During the session of 1908, and notwithstanding that the Act of the provincial legislature establishing the court had never yet been brought into force, this parliament passed its legislation providing for salaries to the judges of the new court, and providing that the legislation of this parliament in turn should not become effective until a proclamation to that effect was issued by the Governor General in Council; and as far as the department of which I have charge is concerned, I might, I think, offer a sufficient answer to the observations of the hon. gentleman, by stating that I am not in a position to make recommendations for the appointment of judges in British Columbia until the Act of this parliament providing for their salaries has been brought into effect by His Excellency. But I am taking no such position. So far as I am concerned I am perfectly willing to assume responsibility for any delay in issuing the proclamation by His Excellency in Council bringing into force the Dominion Statute providing for the payment of salaries to the judges of the court of Appeal in British Columbia.

Now how stands the matter as far as dates are concerned? In April, 1907, the court was constituted in British Columbia, the statute not made effective or brought into force. In 1908 this parliament provided the salaries, the statute not brought into force. The statute of this parliament was assented to in July 1908. If there had been any crying need for this new court in British Columbia, if the five judges they already had were unable to cope with the business of the court so that they needed four additional judges, one would suppose that those who were charged with the responsibility for the administration of justice in that province would at least have acted then with promptness, and when the salaries had been provided by the necessary legislation of the Dominion parliament; and when nothing remained but the bringing into force of the provincial Act consti-