

of whose qualifications I had so much doubt that I had refused to appoint him before. In that particular the hon. gentleman (Mr. Jones) is equally unfortunate in his attempt to arrive at the truth. I had never refused Mr. Townshend's application, and I had never questioned his qualifications for the position he now fills. Mr. Townshend, it is true, was only one of a number of gentlemen at the Bar of Nova Scotia, any one of whom would have fitted the position admirably. Mr. Townshend pressed no claim upon me. He simply indicated, as any professional man of high honor might do with perfect propriety, that if the Government thought fit to avail themselves of his services for the bench, he was willing to accept the appointment. He let the matter rest there, without any reply from me in the negative or affirmative, and without my having down to this moment, thrown the slightest doubt on his qualifications or fitness for the position to which he was subsequently appointed. The hon. gentleman made allusion to another gentleman, who has since been appointed to the bench, Mr. Wallace Graham, and I understood, as well as I could hear the hon. gentleman, that he said, Mr. Graham had been repeatedly refused by me.

Mr. JONES (Halifax). No; I did not say so.

Sir JOHN THOMPSON. Then I was unfortunate in hearing the hon. gentleman. I believe he also stated that the Minister of Justice was more anxious to appoint Mr. Justice Graham at that time. I do not know that that is material to the question, but if the hon. member for Halifax considers it material, or if any member of the House does, I will be frank enough to say that my personal associations, and my personal and private judgment of Mr. Graham, and the very high esteem I have for him, gave me the natural preference one has for an associate and a warm personal friend. Did that by any means justify his statement that the appointment was subsequently made in Mr. Graham's place? Mr. Townshend was Mr. Graham's senior at the bar; he had been in public life; he had enjoyed, and was then enjoying, perhaps, the largest practice of any barrister outside of the city of Halifax; he conducted a good deal of business in Halifax, where he came to conduct his cases before the full bench; and he had the highest standing at the bar. Of Mr. Graham, he cannot be said, even in the most delicate sense, to have been a candidate for the position. Now, Sir, the hon. member for Halifax stated that Mr. Justice Smith sent me a telegram in September or October, informing me of the death of Mr. Justice James, and he undertook to quote to the House the sense of that telegram.

Mr. JONES (Halifax). The hon. gentleman is in error again. I said he applied for leave of absence in October.

Sir JOHN THOMPSON. I am speaking of the telegram which preceded that, and of which the hon. gentleman undertook to quote the sense to the House, and in which the hon. gentleman said: Mr. Justice Smith announced the death of Mr. Justice James, and requested an early appointment on account of his ill-health. The hon. gentleman, I am persuaded, was giving the House the sense of that telegram from memory. If he had seen the telegram—

Mr. JONES (Halifax). I did.

Sir JOHN THOMPSON.

Sir JOHN THOMPSON. Then the hon. gentleman is not able to avail himself of the excuse I was offering for him. Mr. Justice Smith never sent such a telegram to me, and I never received such a telegram. What Mr. Justice Smith telegraphed to me was that he was just recovering from illness, that he was unable to conduct the criminal court then coming on, and that an immediate appointment was necessary; these are almost the words. I had never heard of the death of Mr. Justice James; as a matter of fact, that telegram must have been dispatched before Mr. Justice James was cold; not a word had then arrived in Ottawa indicating that he had died. I had simply the announcement in that telegram, and when I received it, I considered it with perfect honesty, to be an intimation that Mr. Justice Smith was unfit for his duty and desired that an appointment should be made in his place. I immediately answered him that his telegram was ambiguous, but that if it were to be considered as a resignation, I was prepared to appoint his successor. It was not until hours afterwards that a second telegram came from the same judge saying that I had misunderstood his telegram, that Mr. Justice James was dead, and that it was to that vacancy he had referred. Subsequently, it is true, as the hon. gentleman stated, Mr. Justice Smith wrote me a letter in reference to a protracted leave of absence. Let me say, at the outset, that so far from having the slightest reason to be unkind or ungenerous to Mr. Justice Smith, I had no political or other reason for feeling any such disposition towards him. He had been, it is true, appointed to the bench by our political opponents, but he was appointed long before I had entered public life or had engaged in any affairs which are supposed to create anything like acrimony between political opponents. He had been, before his appointment and for ten years before his death, on terms of friendship with myself. I had done him many services, and I was prepared to do him any service again, unless it was at the expense of the public interest; and Mr. Justice Smith knew that as well as I did. But, in October or November he applied for six months' leave of absence. All he stated to me in his letter, and all I knew of any condition of health requiring leave of absence at all, was the simple statement in that letter that he was rather unwell—I quote his exact words. I need hardly say, after making that statement, that he sent no certificate indicating that his health was seriously impaired, and made no statement of the kind in his letter; he simply said that he was rather unwell, and would like to absent himself from the Province during the winter, and, under those circumstances, requested that I should give him six months' leave of absence. I need scarcely say that no judge applying for six months' leave of absence on account of ill-health makes the application in those terms. He either states what his illness is, or states that there are serious grounds for asking for leave, or forwards a medical certificate in which that fact will appear; because any judge making application for leave of absence on the ground of ill-health knows that the Minister who grants it, or recommends that it be granted, will have to come before the House of Commons and answer any attack such as that made to-night by the hon. member for Halifax, and will have to show