

Mr. KENNY. That is what the people of Nova Scotia think.

Mr. DAVIES (P.E.I.) If the hon. Minister of Justice was right when, on the 31st October, 1889, he wrote that, to leave the bench with a less strength than five judges, would be to impede the administration of justice, then the hon. Minister is censurable to-day, if he has failed to fill the vacancy, and he is doubly censurable if it is true that he failed to fill that vacancy for political reasons.

Sir JOHN THOMPSON. Will the hon. gentleman permit me to remind him that he has assumed that the two vacancies caused by the illness of Mr. Justice Macdonald, and the death of Mr. Justice Smith, have occurred since last January.

Mr. DAVIES (P.E.I.) Certainly not; but the vacancies exist. I am assuming that to be true, which has been stated by the hon. Minister himself, and by the hon. member for Halifax (Mr. Jones), namely, that there are three seats practically vacant on that bench, as Mr. Justice Graham is unable, owing to the fact that he was engaged in many cases as counsel, to take any part.

Sir JOHN THOMPSON. The appeal business is now practically done.

Mr. DAVIES (P.E.I.) Probably it may be. Everyone knows that the names mentioned most prominently for the position, are those of two gentlemen who have received Conservative nominations for local constituencies in the Province of Nova Scotia, and, I think, it is fair to hazard the assertion, that if these gentlemen had not been named and had not accepted the nominations, one of them would now occupy the high position of judge of the Supreme Court. I think that is a fair assumption; but whether it is fair or not, and whether they are the only two available men, or whether there are others, on which I am not in a position to give an opinion, this fact is plain—I assume the Minister of Justice wrote that letter carefully, and weighing the responsibility of the language—that this vacancy, which is essentially necessary to be filled up for the furtherance of justice, has remained unfilled. Further, we see it left open for political purposes, as the facts would show on the face of them.

Sir JOHN A. MACDONALD. Oh.

Mr. DAVIES (P.E.I.) There is no doubt of that whatever. There is no doubt of the first fact, and whether they are left open for political reasons or not, it is a fair inference to conclude. I happen to know that these two gentlemen mentioned in connection with the appointment, occupy a leading position at the bar of Nova Scotia. I happen to know that they are Conservatives in their political leanings, and, I believe, in all human probability, one of them would have received the appointment before this if they had not been nominated. That, taken in conjunction with the statement made by the hon. Minister of Justice: "that it was essential for the administration of justice that the bench should be of the full strength of five judges, sitting during the month of February" (the time when the Supreme Court is engaged in this appeal work), convinces me, at least, that there must be some motives other than these which generally actuate the hon. Minister

for delaying this matter. The hon. gentleman did not give the House any information which would lead them to conclude that the appointment would be made before next summer. In the letter addressed in answer to the telegram of Judge Smith, the Minister stated that he was prepared to make the appointment at an early date. He does not give the House the assurance that he is now prepared to make the appointment at an early date. Why? Because the elections in Nova Scotia may not take place until the month of May or June, and certainly if there is an appointment to be made before then, it cannot be gathered from any language used by the Minister of Justice; for I watched him carefully and he practically refrained from giving the slightest intimation that he was prepared to recommend that the appointment should be made now. On the contrary, so far as one could gather from his language, the chances are that that vacancy which he said it was so essential to fill a short time ago, will remain open until the political exigencies of the local Conservative party justify him in filling up.

Motion agreed to.

N. W. T.—RANCHES.

Mr. TROW (for Mr. COOK) moved for:

Return giving a complete list of applications as yet made for ranches in the North-West Territories, showing the names and addresses of the applicants, the amount of each application, the Orders in Council relating thereto, the action taken on such applications, and all the correspondence relating thereto.

Sir JOHN A. MACDONALD. I must ask my hon. friend to explain to the House the reason why he makes this motion, and the object for which it is made. The application is one which would be very expensive to comply with. He asks for a return of a complete list of applications as yet made (that is from 1871 up to this time), as well as all the correspondence about every ranche that has ever been applied for since we have had the North-West Territories. Why, it would take a couple of years to get that up. I think my hon. friend must show some reason for this motion. I know he only moved it in the absence of another hon. member, and I am quite sure if he cannot give any reason for this extraordinary application, he will consent to let it stand.

Mr. TROW. I have been requested by Mr. Cook to make the motion, but I was not prepared with the explanations which the First Minister asks. I am willing that the motion should stand.

Motion allowed to stand.

SEIZURE OF THE TUG *ROOTH*.

Mr. CHARLTON moved for:

Copies of all papers connected with the seizure of the tug *Rooth* at Amherstburgh, in July or August last, having a raft in tow, and bound from French River to Fort Erie.

He said: It seems that the tug *Rooth*, of Port Colborne, had a raft in tow from French River to Fort Erie, some time in July last. The raft, consisting of about 1,200,000 feet of timber, with the tug, were seized at Amherstburgh by the Custom house officers. The pretext on which they were seized was, that the timber was intended to be exported to the United States, and that the export duties upon it had not been paid. Now, the