

one or two points. The hon. gentleman stated that I had boasted in the streets of Halifax that I was coming here to bait the Minister of Justice and to compel him to make an appointment. I can only say this much—not to characterise it with too harsh a term—that the Minister of Justice drew on his fertile imagination entirely for his facts. That is the first time that I have ever heard of any such statement, and I certainly never made it. The hon. gentleman says that I was inaccurate with regard to Mr. Justice Smith's telegram, and then he proceeded to give his version of the telegram in precisely the same sense. I saw the telegram which Mr. Justice Smith sent, or which he told me he sent, and if he did not send it, of course, that is a matter for which I cannot vouch; but when the Minister brings down that telegram with the application of Mr. Justice Smith, we shall be able to see whether the statement which I made to this House is not literally borne out in fact. The hon. Minister says that the circumstances differ very materially now from what they did at the time he refused the application for leave to Mr. Justice Smith. There is just this much difference about it. He says that the long term was from December and January and February and March. Well, if the hon. gentleman's views were correct with regard to the necessity of having the bench complete during the long term, he had two months during which he could have given the bench their full number, that is to say, February and March. But he has allowed February and March to pass over, without giving the bench the appointment which he said in his letter, which I have already read to the House, was absolutely necessary for the proper carrying on of the business of the court. He says that Mr. Justice Macdonald's illness realised the apprehension which he entertained that he would not be able to conduct his work, and, therefore, the position of the bench was precisely what he had expected. Well, that may be true, but I pointed out to him and I think the House will observe, that the condition of the bench to-day is much worse than the Minister of Justice anticipated at that time, because, in addition to Mr. Justice Graham being disqualified, and Mr. Justice Macdonald being ill at his home, there is a vacancy on the bench in consequence of the death of Mr. Justice Smith; therefore, there are three now in the place of the two which he referred to at that time. Then he says, in this matter he has been guided by what was right and necessary in the public interest. I do not mean to attack his administration, I do not mean to attack his appointment of Mr. Justice Townshend. The House will bear me out in the statement that I said not one word but what is complimentary to Mr. Justice Townshend. I believe him to be a man eminently qualified for his position; but the hon. gentleman, I think, touched that point very tenderly, and his explanations were very unsatisfactory, and he cannot justify himself to this House for keeping that appointment over eight months to meet what was evidently the exigency which arose, and which required that seat in Cumberland for the High Commissioner. The hon. Minister has endeavored to draw attention from this letter. His letter is sufficient to condemn him. When that letter is printed in the *Hansard* and comes to be read by legal men throughout this Dominion, I think they

will arrive at the conclusion that the Minister of Justice dealt out very scant courtesy to Mr. Justice Smith, and that the proposition which he laid down in this letter if correct—I am not disputing it; I say the principles which he laid down in this letter in my hand, if correct—places him in a very false position to-day in delaying the appointment of a successor to Mr. Justice Smith, and completing the bench and enabling it to perform the necessary judicial work of the Province. I say I need hardly add another word to it, because the letter itself states most emphatically that it was not practicable and, if it was practicable, nearly all the cases argued would have to wait over for judgment and no judge would be available for chamber work or for the criminal terms. That applies to-day with increased force. Whatever force there was in the hon. gentleman's contention at that time, it has double force to-day under the present condition of the bench in Nova Scotia. I repeat, and I need not further emphasise it, that if the hon. gentleman was honest in his contention at that time, he should lose no time in making an appointment. But I was amazed, and I think the House was amazed, when the hon. gentleman told us that he hardly understood Mr. Justice Smith's point with respect to Judge James' vacancy. I would be very sorry to say that I doubt the hon. gentleman's statement; but I will say this: does it seem probable that the Minister of Justice, watching as he keenly does everything pertaining to the Province of Nova Scotia, knowing that Mr. Justice James had been in a delicate state of health, knowing that he was going to appoint Mr. Justice Graham, a most eminent member of his profession, does it seem probable that Mr. Justice James should have passed away and the Minister of Justice know nothing of it until he received a telegram from Mr. Justice Smith, saying that a prompt appointment would remove the difficulty. I think few members of this House would imagine such an extraordinary circumstance, or that the Minister of Justice was so innocent in that transaction as not to know that Mr. Justice James had passed away, and that Mr. Justice Smith was referring to the vacancy in that connection, because in the telegram which Mr. Justice Smith sent to the Minister, as shown to me, he emphatically stated that since the death of Mr. Justice James he was the only judge in town. Whether he sent that telegram or not I cannot state, but the telegram, as shown to me, looks like an attempt to mislead, and it is hardly treating the party addressed with that respect and dignity which is due to a judge of the Supreme Court. I have brought this matter before the House and the letter of the Minister is the ground on which I have brought it. I am satisfied to leave it in the hands of the House and the country and to legal men, and if they are not satisfied that the Minister is departing in this case from the principle laid down when Mr. Justice Smith made application, I shall be very much mistaken, and let the Minister draw all the comfort from it he can.

MR. KENNY. The House has recognised that the Minister of Justice has given a full and satisfactory reply to the very extraordinary and, as I consider, unwarranted attack made upon him this evening by the senior member for Halifax (Mr. Jones). The hon. gentleman has made some ex-