

grave. I am speaking of a matter which would be rendered still more grave if an improper silence were maintained by the representatives of the people in this House. I feel quite sure, Mr. Speaker, that if the hon. Minister of Justice were charged with receiving a bribe in the administration of his duties, the matter would properly and promptly be brought to the attention of the House and discussed. I feel quite sure, that if he were similarly charged, a day would not go by without the accusation being properly challenged and investigated, and I see no reason why the same prompt and energetic action should not be taken with respect to a charge which surrounds and attacks the integrity of one of the judges of the Maritime Provinces. When I passed through St. John the other day, I understood the hon. judge was still discharging his official duties on the ground that his resignation had not been accepted. I rise to know, Sir, whether this judge has resigned, whether his resignation was accepted, whether the charges preferred against him some months ago in the columns of the St. John 'Globe' were brought to the notice of the Minister of Justice, and whether the Government have voluntarily accepted a resignation which entitles him to superannuation, without their taking any steps to make an investigation into these charges?

Sir JOHN THOMPSON. Mr. Speaker, the hon. gentleman has brought to the notice of the House, on the motion to adjourn, a question of undoubted importance, and one which perhaps it would be more satisfactory to the House to consider when the papers on the subject are on the Table of the House, in order that members might be more fully aware of the considerations involved in the case; and in order, that even speaking for myself and my own department, I should have greater accuracy in the explanation which I should give to the House, than if I relied upon memory. But, answering the hon. member's questions in the way in which they are put, and relying upon my memory entirely for the material with which to answer the hon. gentleman, I would say that the comments of the St. John 'Globe'—I think that was the paper the hon. gentleman mentioned—were brought to my notice by a copy of the paper being sent to me, where I then was, outside of this country. I am unable to recollect any instance in which they were called to my notice or attention in any other way than by the perusal of the paper. But communication was made to me, not directly, but indirectly, by the judge who was so charged in the press; and the statement which was made to me, indirectly and orally, on his behalf, as I was given to understand, was one which absolutely denied the truth of the statements involved, and made explanations with regard to the details of the transactions which justified me in believing that the judge impugned intended to vindicate his judicial and per-

Mr. DAVIES (P.E.I.)

sonal character if any attempts should be made to follow up those charges in the regular way. I say in the regular way, because it has always been the practice of the Department of Justice, and I think is in every other country, to take no official cognizance of charges made in the press merely. The practice always has been, in my experience—and I am informed, in the experience of my predecessors—that when a communication is made impugning the administration of justice, or the personal character of any judge, I require the person making the complaint, before it shall be noticed, to send that complaint to me in a way in which it can be communicated to the judge himself, and on the personal responsibility, at least, of the person who makes the charges. So far as I can recollect, there was no personal responsibility assumed by the writer of the article attacking Judge Palmer. If my memory serves me right, the charges were made in an editorial, or a communication, I forget which.

Mr. DAVIES (P.E.I.) An editorial.

Sir JOHN THOMPSON. Of course, the publisher of the paper was amenable to justice, if he were slandering the judge, by proceedings for libel, or attachment, or other proceedings for contempt; but as to personal responsibility for the allegations therein made, personal responsibility, I mean, as to the knowledge of the writer of the truth of the charges so preferred, there was none. I say, Sir, that my own practice has been that when such charges have been preferred in regard to any judge, whether a county judge or a judge of a superior court, I communicate the charge which has been thus made to the judge against whom it has been preferred. If the judge whose conduct is so impugned makes a denial, or what appears upon its face to be a satisfactory explanation of the charges which are thus preferred, the course has invariably been to inform the author of the complaint that any further proceedings on that subject must be taken before Parliament, because, by our constitution, as members are well aware, steps for the removal of a judge can only be taken by way of an Address from both Houses of Parliament to His Excellency to cause the judge to be removed. I am speaking, of course, now in this particular case, of an imputation against the conduct of a judge of a superior court. In the case of judges of county courts, there is a statutory provision under which it is my duty to inform the person who makes the charge against a county judge, assuming, of course, that the charges are such as to justify an inquiry, that if he thinks proper to pursue the inquiry further, a commission will be issued appointing a judge of a superior court to investigate the cause under the statute with a view to the exercise by the executive of the power of removal of the county judge, if the circumstances should justify his removal. I wish the House, there-