of all our judges and having the superior court judges also retire at age 75, which proposition seems fair and acceptable and equitable, all things considered. What bothers me, then, is not the substantive goal, with which I am in agreement, but the means which are being taken by the present Government to achieve this goal. In other words, I am complaining not about what this Parliament is setting out to achieve, but how we are asked to do it. Although the substantive goal, which is the retirement of superior court judges at age 75—which I claim is the only substantive point of the debate—is a desirable end, of what national significance I cannot say, yet in this case this desirable end does not justify the means that are being utilized to achieve this goal; and it is here that our dilemma or difficulty lies.

I must confess that I am fascinated by the unseen implications of this humble address, and I keep asking myself this question: Why did the Government choose to solve this problem at this particular stage, in this particular way? Quite properly, the honourable senator from Vancouver South (Hon. Mr. Farris) challenged the Government to explain the justification for this course of action, not only with respect to its constitutional aspects but with respect to its retrospective or retroactive features. He referred to some of the substantive reasons that have been advanced in support of this resolution. He examined these most exhaustively.

Perhaps it would be useful to honourable senators if I reviewed briefly the three basic reasons which the Minister of Justice advanced in justification of what he termed the urgency of this address. These may be found in the House of Commons *Hansard*, for June 14 last, beginning at page 4902. The honourable the minister dealt first with the requests that have come from people outside the House of Commons and from the provinces, that is, from people who are concerned with the position of the judiciary. These requests he documented as no fewer than eight submissions from the Canadian Bar Association, dating back to 1936, and ending in a resolution of September 4, 1959, which last resolution deals only with the retirement of the superior court judges and with the submission of this question to the Supreme Court to check whether Parliament now has the power to settle the question under British North America Act No. 2, 1949. In the minister's own words:

> ... there have been no fewer than eight submissions from the governing body of the Bar of Canada urging that the Parliament of Canada take action to deal with this problem ...

and please note these words:

> ... and to provide for a retirement age of judges of the superior courts at 75 years.

Then the minister explained the efforts that have been made over the years to find some method of achieving this result, that is, the retirement of superior court judges at 75. As I understand his further explanation, these attempts to provide for this compulsory retirement of superior court judges at age 75 —with the consent of the provinces and by an amendment of section 99 of the British North America Act—were unsuccessful. Then the minister said that we must act now because for the first time in the history of this problem the ten provinces have given agreement that this proposal should now be put forward as a constitutional amendment to section 99 of the British North America Act.

Please note that nine of the provincial consents are from the respective Attorneys General and one in the form of an address of a provincial Legislature, which raises a very interesting constitutional problem with respect to the form which this provincial consent should take. I do not intend to pursue this fascinating problem at the present time.

Now, I submit that all this still does not tell me anything about the specific reasons which motivate this course of action. But for this provincial consent to which I have referred, have we been given any evidence about inadequate or poor performance of our superior courts judiciary and why these changes are needed now so urgently?

Have we been told why the Government did not refer this problem-matter of the retirement of superior court judges to the Supreme Court for a ruling as to the constitutional competency of this Parliament to provide for this retirement by our own internal constitutional change by virtue of the powers vested in us by the British North America (No. 2) Act, 1949?

Have we been told why district and county court judges are being brought within this novel constitutional entrenchment or freezing, but for some vague statement that there is some kind of constitutional cloud hanging over our long-established and unchallenged practices?

Have we been told why this proposed legislation is retroactive and in direct variance with what happened back in 1930, or with what happened in 1959, when the United Kingdom Parliament passed similar but not compulsorily retroactive legislation respecting the retirement of its judges at age 75?

And in this connection, honourable senators, with the more adequate pension provisions that are going to be provided for retiring judges, how do we know how many of the present judges may not voluntarily retire if and when they are no longer able