

B.N.A. Act

the minister the reference, and the minister knows perfectly well that when I have given quotations in the house and have been asked to quote the context I have always been ready to do so, unlike some other hon. members.

Mr. Fulton: I do not know who the hon. member has in mind, and that does not matter. I have him in mind, and I am going to say that in his argument with respect to my position on the amendment of the Leader of the Opposition he has deliberately omitted a portion of my statement occurring immediately before the portion he read which, if he had read it—

Mr. Pickersgill: Which one?

Mr. Fulton: I will come to that in a moment—would have put my position in an entirely different context from that in which he sought to place it by his selective reading. The hon. member said that I owe the house an explanation as to why I rejected the amendment of the Leader of the Opposition. He said I had said that before accepting it I would have to go back to the provinces. He said, "Why then are you now able to accept this position, and have you gone back to the provinces? You owe the house an explanation."

I made it clear, on the earlier occasion, Mr. Speaker, that I rejected the amendment of the Leader of the Opposition in respect of its whole effect on the proposal of the government, because it would seek to remove the word "whether", which would have had the effect of giving the resolution then before the house application only to superior court judges appointed after the resolution came into effect.

Mr. Pickersgill: Who is doing the selecting now?

Mr. Fulton: I pointed out to the house that before presenting the resolution I had discussed it with the provinces and had made no reference to its confinement only to judges appointed after it came into effect but rather to its application to all superior court judges. I said I would therefore not be able to accept an amendment which would have the effect that the provision would cover only judges appointed here after, without going back to the provinces. I made it clear that it was on that ground I was opposed to the amendment. Now the hon. member for Bonavista-Twillingate has sought to suggest that I opposed it because the elimination of district and county court judges was what was in my mind.

That was not what was in my mind when I made the statement. The hon. member for Bonavista-Twillingate said that I opposed

the amendment on the ground that it eliminated district and county court judges and that I said I could not do that without going back to the provinces. In proof of what I say let me read this passage which he quoted—

Mr. Pickersgill: In the first place, I did not say that.

Mr. Fulton:—from the bottom of page 4910. It is true that this is what I said there:

In my view, therefore, it would not be open to me to suggest at this stage that I could consent to an amendment to give effect to the point made by the Leader of the Opposition. Before I could do so I believe I would have to go back to the provinces and ask further consent to what to my mind would be a new proposal—

But the immediately preceding paragraph omitted by the hon. member made clear what I had in mind when I said "new proposal", and that what I had in mind was the proposal to delete the word "whether" so as to give the resolution application only to judges appointed hereafter. Here is what I said toward the bottom of page 4910:

One way or the other, and it was not intended that the letters should create that impression. The letters and the discussion I had proceeded on the basis that the legislation would become effective immediately and with respect to all judges whether previously or subsequently appointed. It was on the basis of these letters and that discussion, that the provincial consent was received.

In my view, therefore, it would not be open to me to suggest—

The house will appreciate from what I have just finished reading that the paragraph making my position clear is the one immediately preceding the one which the hon. member for Bonavista-Twillingate read and which states:

In my view, therefore, it would not be open to me to suggest at this stage that I could consent to an amendment to give effect to the point made by the Leader of the Opposition.

That is, without going back to the provinces. My whole argument on that point was that I could not consent to his amendment without going back to the provinces, because his amendment would have had the effect of preventing the resolution being applicable to judges hitherto appointed. I had in mind, as my words prove, that I would have had to go back to the provinces on this question. At that time the county court judges were already covered in the Judges Act and therefore, in that respect, we were making no substantive change; we were making a change merely in the legislative provision.

For the hon. member for Bonavista-Twillingate to suggest that I now have to explain why I have not gone back to the provinces before introducing this new resolution, and then to make that allegation on the basis