

must act according to the Rules of the Senate. I repeat, the wording of the proposed amendment, as I recall it, does not amend the motion before the house in any respect whatsoever.

**The Hon. the Speaker:** I do not believe it is a proper amendment because it would resolve that the Senate recommend to the Government of Canada that two questions be submitted to the Supreme Court. How can that be tied in with and construed as an amendment to a resolution containing an address to Her Majesty praying that a measure be laid before the Parliament of the United Kingdom to amend the British North America Act?

There is nothing in this so-called amendment which would in any way affect or modify the substance-matter of the resolution actually before the Senate or have the effect of typing the two together. It envisages a completely different and distinct procedure by which everything with respect to the resolution actually under debate would be held up, in order that the Government may consider the recommendation made by the honourable senator from Vancouver South (Hon. Mr. Farris).

Unless convincing arguments to the contrary are presented to me, I would rule that the amendment of the honourable senator from Vancouver South is not a valid and legal amendment to the resolution actually before the house. The debate is, however, still open.

**Hon. Gray Turgeon:** Honourable senators, although I am not a lawyer I would like to make a few comments in this debate. I am in agreement with the proposal to eliminate the procedure of presenting a humble address to Her Majesty praying that Her Majesty cause a message to be laid before the Parliament of the United Kingdom for the enactment of certain provisions respecting superior, district and county court judges of Canada. I am wondering if it would be proper at this time to move that the address to Her Majesty be amended by eliminating in the proposed paragraph 2 of Section 99 the reference to district or county court judges. That paragraph reads:

A judge of a superior, district or county court, whether appointed before or after the coming into force of this section, shall cease to hold office upon attaining the age of seventy-five years, or upon the coming into force of this section if at that time he has already attained that age.

It is argued that this Parliament has the power to determine the retiring age of district or county court judges, and with that I agree one hundred per cent. I think the proper procedure would be—and this is only a suggestion—to move that the new paragraph 2 of Section 99 be eliminated from

the proposed address to Her Majesty, and if that were done the debate could continue on the other provisions of the resolution.

**The Hon. the Speaker:** Is the honourable senator moving another amendment?

**Hon. Mr. Turgeon:** No, Mr. Speaker, I have not moved an amendment. I am making a suggestion.

**The Hon. the Speaker:** I think we had better dispose of the first so-called amendment before considering a second.

**Hon. Mr. Roebuck:** Am I to understand that we shall have until Tuesday to consider this matter? I do not have a copy of the amending resolution before me. I have only just heard it, and it is out of the question for me to try to discuss it now. I also suggest that Your Honour's ruling would be accepted with more grace if the decision were delayed.

**Hon. Mr. Aseltine:** I do not see how I can agree to delay the matter until Tuesday. If we do not proceed with the debate now we will probably have to sit tomorrow and again on Monday.

**Hon. Mr. Roebuck:** There is no suggestion of our not proceeding with the debate. An honourable senator has moved an amending resolution, which is being held in abeyance. In the meantime, the main resolution is before us, and there is no reason why the debate should not proceed.

**The Hon. the Speaker:** Of course not.

**Hon. Mr. Aseltine:** I thought His Honour the Speaker had ruled that the amendment was out of order.

**The Hon. the Speaker:** No; I stated that I would defer my decision. My personal impression was that it was not a legal, valid or proper amendment to the resolution, and I called on counsel with vaster experience than I have in constitutional matters to try to enlighten me. However, I will defer my decision in any case, and I believe it is quite constitutional and legal to proceed with the main debate in the meantime.

**Hon. Mr. Macdonald:** Hear, hear.

**Hon. Mr. Aseltine:** I agree with that.

**Hon. Mr. Macdonald:** Certainly.

**Hon. William M. Wall:** Honourable senators, I gather that it is in order for me to proceed with the debate on the main resolution.

If I may project briefly what I plan to say about the resolution now before us, I must in all honesty and sincerity say that the substance of my criticism does not hinge upon my opposition to equating the tenure of office