

## B.N.A. Act

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 rather than the proposal which we have placed before the House of Commons and the Senate.

I think we are entitled to be told whether the minister has gone back and asked the provinces, or whether he has recanted about this view too. It is true, I believe, that in the case of every province but one the decision was made by the executive, but in one province the terms of this resolution, literatim and verbatim, were placed before both houses of the legislature and accepted by the legislature, and that is the legislature of a province which historically is perhaps as sensitive about its rights under the constitution as any province.

Is the minister asking us in this house now to change what the legislature of Quebec agreed to without even consulting the premier and the attorney general of that province? If he has consulted them, will he tell us what the premier or the attorney general said about this change? I think perhaps I should also put it on the record that it is true, as I pointed out in defence of our amendment, that district and county courts do not exist in the province of Quebec, and the reference to them was quite irrelevant so far as that province was concerned. That was one reason, of course, why my leader did not hesitate to move and we did not hesitate to support his amendment, because we realized that to take this out would not in fact have any practical effect whatsoever so far as that province was concerned.

But that was not the position taken by the Minister of Justice. The position taken by the Minister of Justice was:

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 rather than the proposal which we have placed before the House of Commons and the Senate.

What we were asked to do on the 14th of June and what we are being asked to do again is a very solemn thing. We are being asked to go to the parliament of another country to change the constitution of our own country, and we should not be doing this in any spirit of levity. We should be most careful in doing this to follow all the proper forms and procedures, because we know very well how easily precedents are made even when we say we are not making precedents.

It does seem to me, sir, that in view of the confused state in which the government has got itself over this matter we certainly require more explanation of the position of the government than we have had. That, of

[Mr. Pickersgill.]

course, does not alter the fact at all that we take the same view now that we took on June 14 and for which we voted, namely that we should never have contemplated this proposal to ask the parliament at Westminster to start changing parts of the constitution that belong to Canada and always have belonged to Canada. We think that was a grave mistake, a grave error. It was perhaps a lapse into the traditional colonialism of the Tory party.

If the minister wants to get up now and say they are repenting of that colonialism, repenting of that reversion to type; if he wants to say they have got better legal advice than they had when the Prime Minister first introduced the measure, let him do so. We should not forget that this is the Prime Minister's motion, not the minister's motion. If he wants to say that they were ill advised and had the wrong advice and have received better advice now, I think we should be told what that advice is, and whether or not they are satisfied that the retirement of district and county court judges is constitutional, before we are asked to adopt this amended motion.

**Mr. Fulton:** Mr. Speaker—

**Mr. Speaker:** I must inform the house that if the Minister of Justice speaks now he will close the debate.

**Hon. E. D. Fulton (Minister of Justice):** Mr. Speaker, just before the hon. member for Bonavista-Twillingate sat down he made reference to some confusion that existed in somebody's mind. I turn these words upon him and say that the only confusion that exists is in the minds of the opposition, a confusion created in large by their deliberate refusal to understand the whole of the proposal in its context but rather to give vent to their desire to choose only those selected parts which suited their convenience. I give proof of what I have said immediately by referring to the extraordinary tactic just followed by the hon. member for Bonavista-Twillingate. He is an expert at this kind of tactic. He says, "I am not going to be selective, I am not quoting the whole of the minister's remarks, but I assure the house that in selecting passages I have selected those which will nevertheless indicate his whole position."

**Mr. Pickersgill:** I rise on a question of privilege.

**Mr. Fulton:** There is no question of privilege.

**Mr. Pickersgill:** I rise on a question of privilege. The hon. gentleman has made a suggestion which I think touches my honour as a member of the house. I quoted and gave