attitude was not taken. In that respect I must say it rather astonishes me to find that the hon. gentlemen in the far corner of the house supported the government on that occasion and appear still to be supporting the old position of the government that this colonial gesture should be made; for the hon. member for Kootenay West warmly supported what the government was doing and opposed the amendment moved by the Leader of the Opposition to take this colonialism out of the resolution before us at that time.

I should like now to turn to what the Minister of Justice had to say about my argument, as reported at page 4925 of *Hansard* in the second column. Referring to my remarks the minister said:

> I have seldom heard so distorted an argument as that made by the hon. gentleman to the effect that to seek to place the position of judges of district and county courts of Canada under the constitution is a retrograde step. Yet that was the argument made by the hon. member for Bonavista-Twillingate.

I interjected "Not at all," and the minister went on to say:

> In an attempt to bolster his political position the hon. gentleman used charges of colonialism and similar inept words.

I certainly did use charges of colonialism. I think it was colonialism and nothing else. It served no practical purpose. The judges were being retired. No one can believe that those judges, some of whom did not like being retired, would not have taken action in the courts if they had thought there was any doubt about the validity of the legislation under which they were being retired. The minister went on to say:

> Of course, as I recall some of the things that were done by the former government I can well understand their resentment of the attempt now being made to place the position of the judiciary with respect to the county and district courts on the sure basis of the constitution—

At this point a number of interjections were made resulting in the following exchange:

> Mr. Pearson: Of the British parliament.
>
> Mr. Fulton: My friend the hon. member for Bonavista-Twillingate and the Leader of the Opposition by his endorsement of that argument would prefer to have the judiciary—the county court judges particularly—left to have their tenure of office—
>
> Mr. Pearson: In Canadian hands.
>
> Mr. Fulton: —determined—
>
> Mr. Pickersgill: By the parliament of Canada.
>
> Mr. Fulton: —by the government with no reference to the constitution whatever.

In fairness to the minister I think I should read that sentence without the interjections made by my leader and myself so we can thoroughly appreciate what the minister said on June 14. These were his words:

> My friend the hon. member for Bonavista-Twillingate and the Leader of the Opposition by his endorsement of that argument would prefer to have the judiciary—the county court judges particularly—left to have their tenure of office... determined... by the government with no reference to the constitution whatever.

That is what the minister said. He said that the retirement of county and district court judges was being done with no reference to the constitution whatever. He was unequivocal about it. In other words the hon. gentleman said that the law under which we are now operating is unconstitutional, yet he comes here today and asks us to reverse the decision of this house, to do what? To go on with this unconstitutional situation which he found so intolerable only six weeks ago.

I wish to draw attention to the words the minister used, referring again to county and district court judges, as found in the second column of page 4930:

> What would happen if they were not included in this address? One would have an extraordinary situation if he considers what would happen if they were left out. Section 1 would say that judges of superior courts shall hold office during good behaviour and shall be removable by the Governor General on address of the Senate and House of Commons. Section 2 would say that judges of the superior, district and county courts shall cease to hold office on attaining the age of 75 years. This would be a most intolerable distinction and differentiation between the position of judges of district and county courts on the one hand and judges of superior courts on the other.

The minister described the situation as most intolerable; yet we are now asked to go back to that situation. In view of the fact that the minister told us on June 14 that what was being done at present was unconstitutional and intolerable—and that was the basis, with which we did not agree, on which he asked the majority in this house to adopt the original address—we are within our rights in marvelling that he should now come back to restore this unconstitutional and intolerable position without giving a word of explanation except that hon. gentlemen elsewhere, refusing to act in a colonial fashion, refused to pass the address that the minister was able to persuade the majority here to pass. That is the situation, as my friend the hon. member for Essex East pointed out a few moments ago.

I wish to draw the attention of the house briefly to another argument used by the minister, that with respect to consultation with the provinces. The minister said that one reason he could not accept the amendment that was offered on June 14 by my leader—and here are his words as found at page 4910; I am going to read no more than is absolutely essential to be fair to the minister and make the argument—was that:

> In my view, therefore, it would not be open to me to suggest at this stage that I could consent to