

Many hon. members participated in the discussion this afternoon which lasted until almost six o'clock. There were interesting contributions from members on both sides of the question, although not so much on both sides of the House. Many argued that the principle of the bill was different from that which had been suggested by others, the principle being the abolition of the death penalty. The discussions were interesting and the contributions were well prepared and well thought out, but in the final analysis the question reduces itself to whether, when the House pronounced itself upon second reading of the bill, it pronounced itself on a question of principle and, if so, what that principle was.

With the greatest respect for all the arguments to the contrary, I have tried to conclude that the principle of the bill is other than the abolition of capital punishment for crime under the Criminal Code. However, I cannot come to that conclusion.

It seems to me, in respect of all the speeches and comments that have been made, that many members have addressed themselves, in the agony they feel in making this decision, to the fact that for the first time a bill has been put before the House which is different from those which have been put before the House in the past which have retained capital punishment for certain offences, and have been for a temporary period. The distinctive feature of this bill, which has caused so much concern and so much agony of decision, is that it proposes the total abolition of capital punishment for crimes described in the Criminal Code.

If the rule that amendments after second reading cannot contravene the principle adopted by the House on second reading has any meaning at all—and I know that in the past all the precedents, which strongly and clearly set out that axiom give absolutely no assistance in attempting to define what is the principle of a bill—maybe it is wise and intelligent, and certainly I accept the admonition, and will in no way attempt to generalize on that proposition. In other words, I have to decide whether this bill has a central principle and, if so, what it is.

Having regard to all the debates and comments, and all the circumstances of this bill at second reading, I can come to no other conclusion than that this bill has a central principle, it being the abolition of the death penalty for crimes described in the Criminal Code. Therefore I must conclude that any amendments at this stage which seek to reintroduce the death penalty under any circumstances contravene the principle and are out of order.

Some hon. Members: Hear, hear!

Mr. Speaker: For the benefit of hon. members I will list the motions ruled out of order. They are Nos. 2, 3, 5, 6, and 8. Motion No. 4 in the name of the hon. member for Oxford (Mr. Halliday) introduces a rather novel proposition to the capital punishment argument in that it leaves the option to choose the death penalty to the convicted person. That is not, in the true sense of the word, imposition of the death penalty by mistake, but really leaves the option to the accused person to choose the death penalty or imprisonment for life. It has interesting implications, but in procedural terms—which is all with which the Chair is dealing at this point—I have some difficulty in classifying this

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amendment as proposing the reintroduction of the death penalty which would offend the principle of the bill. I will only say that I will not put this amendment and others related to it in the same category as others which I rule out of order. It may be that further arguments will convince the Chair that that amendment and others related to it put forward by the same hon. member giving the same option are in fact out of order. All I am saying is that, because it gives the option to the convicted person, it separates itself from all those amendments which seek to reintroduce the death penalty imposed by the state. Therefore I separate that motion from others.

Motion No. 5 is out of order. So are motions Nos. 6, and 8. Motion No. 9 is related to motion No. 4 and therefore is reserved for further discussion. Motions Nos. 14 and 15 are out of order.

Motion No. 16 in the name of the hon. member for Northumberland-Durham (Mr. Lawrence) would not, on the face of it, be out of order but seems to be consequential on the passage of an amendment which is out of order. However, on the face of it, it is not out of order and perhaps the hon. member should be left to proceed with it or withdraw it. Motion No. 17 is out of order.

Motion No. 18 is related to motions Nos. 4 and 5 in the name of the hon. member for Oxford in that it also gives the option to the imprisoned person.

Motion No. 19 is out of order.

Motion No. 20 appears to be in order but appears to be consequential. Again, on the face of it, it is not out of order and I will leave it to the hon. member to give the House some indication as to whether or not to proceed with it.

● (2040)

Motion No. 35 would be out of order. Motion No. 37 appears to be consequential again, and therefore it would be left to the hon. member to indicate whether it will proceed or not.

Motion No. 38, put forward by the hon. member for Oxford, relates to the method in which the death penalty will be carried out in the event that the accused person takes advantage of the option. Therefore I should not say that that motion is yet out of order; it will have to be deferred until further consideration.

Motion No. 40 appears to be consequential and it will be left to the hon. member to indicate whether it will proceed or not.

Motion No. 45 deserves some special comment, I think, because this motion in the name of the hon. member for York-Simcoe (Mr. Stevens) provides for certain circumstances under which the House might address itself in a special way to the reintroduction of a resolution which would—it mentions the death penalty but in fact it again is a rather exceptional procedure which I do not include in those amendments which would seek to reintroduce the total bill directly. While it might be subject to further discussion as to its procedural regularity, it is not struck down again by the recent ruling I have made with regard to those amendments which would directly seek to reintroduce capital punishment.

Therefore remaining in those classifications of motions is the very large group which seeks to delete clauses. Some