

Capital Punishment

a bill returns from a committee there might be an appeal from rulings of committee chairmen, to the effect that the ruling of a chairman on a procedural point, accepting or refusing an amendment, should be reviewed. I wonder whether this is the position in which hon. members would want to place the Chair. It would be a very difficult position. Perhaps we should give the matter some thought.

If this were not a bill on which there is a cross-section of views on both sides of the House, there might be a tendency on the part of the Chair to take bolder action, refuse to accept the bill and suggest that some of the amendments proposed should not be received. But in view of the character of the bill, in view of the nature of the discussion which has taken place both in committee and in the House on second reading, I would very much hesitate to rule at this point that this bill should not be accepted and that the many hours, days and perhaps weeks of work spent by the committee in studying this matter, preparing amendments and referring the bill to the House for third reading should be discounted.

This is why at this point I would be prepared, on behalf of hon. members, to say that what we have before us is a bill with these amendments, and I will try to make my rulings on the motions now before us on the basis of the bill that we now have before us from the committee. But having said this, it does not necessarily make the hon. member's amendments more in order. I still have, in respect of the hon. member's proposed amendments or motions, the reservations which the chairman of the committee had when he was called upon to rule on those amendments.

I would think that hon. members would tend to share the hesitancy of the Chair in accepting the hon. member's amendments. The hon. member has referred to the principle of the bill and that, of course, is the difficulty with which we are faced. The purpose of the bill which was given second reading by the House, as I understand it, is to provide for the reinstatement of the law relating to capital punishment. The hon. member's motions in effect would remove those provisions from the bill. In other words, the amendments proposed are negative of the principle of the bill as approved on second reading. That is really the difficulty with which the Chair is confronted.

With particular reference to these several motions, I should mention that motions Nos. 2 and 3 would appear to be irregular on two or more grounds. These motions may be relevant to the subject matter of capital murder, but my understanding of Bill C-2 is that it is specifically directed to capital punishment. I would hope that hon. members, in comparing the bill which we had before us five years ago with the bill we have now under the title of Bill C-2, would note they are different in this sense, in that there is a different accent. What we have before us is, as I said, Bill C-2 which is essentially directed to capital punishment rather than to capital murder.

Secondly these amendments would purport to introduce into the bill provisions over and above those contained in the bill as given approval by this House on second reading. The first group of amendments purport to eliminate capital punishment. Motions Nos. 2 and 3 would increase the number of offences subject to capital punishment and, at the same time, reduce the number of offences punishable

[Mr. Speaker.]

by imprisonment. In doing so, these two motions appear to me to run contrary to the provisions of the bill which was given second reading by this House. It would appear to me, also, that motion No. 11 is defective in that it proposes to introduce into the bill a provision unrelated to the purpose and provisions of Bill C-2.

In connection with motion No. 12, it appears to be procedurally acceptable, but considered in isolation it may be that the hon. member for York West might wish not to proceed with that motion. In other words, if the Chair looks on it as a separate motion, it only removes certain words from the bill before us. There is nothing wrong with that, but I assume the hon. member is proposing this amendment only if the other amendments are carried after consideration by the House. For these reasons, and with much hesitation, I would have to rule that the hon. member's motions are not in order and cannot be put to the House.

The next motion is the one which stands in the name of the hon. member for Louis-Hébert (Mrs. Morin). The Chair, again, had some reservations about this motion but it seems it is relevant to the bill as it has come back to the House from the committee. I again insist on the fact that if the bill had been returned to us in strict or in correct procedural form, it may well be that this motion would have been out of order. But in view of the fact that we have a bill before us which has come in a certain form, defective as it may be, it has the result, in my estimation, of making the amendment proposed by the hon. member for Louis-Hébert in order, at least to the extent that the hon. member should be given the benefit of the doubt so that it could be put to the House for consideration. If hon. members wish, the Chair would put this motion now. However, in the absence of the hon. member is it the wish of the House that this motion be allowed to stand?

Some hon. Members: Agreed.

Mr. Speaker: The remarks which I have just made in relation to motion No. 2 standing in the name of the hon. member for Louis-Hébert would also apply to motion No. 4. Again, I would be prepared to give the hon. member for Northumberland-Durham (Mr. Lawrence) the benefit of the doubt. I would think it would be the wish of hon. members that this motion be put, and if the House so wishes I am prepared to put it at this time.

● (1440)

Mr. Knowles (Winnipeg North Centre): May I rise on a related point of order, Mr. Speaker? I gather that the motions that the Chair will allow are Nos. 2, 3 and 11, if I am correct, and I should like to raise as a point of order the question of—

Mr. Speaker: Order, please. I think perhaps the hon. member is assuming a little too much. We have not come to No. 11 yet. We were dealing with Nos. 2 and 3. We have now before us No. 3. Although we have not reached this point in our proceedings, I would have some doubts about motion No. 11. At this time I am inquiring whether it is the wish of the House that motion No. 3 be put so that the debate might be initiated by the hon. member for Northumberland-Durham.