

Amendments Respecting Death Sentence

give a fair hearing to others, no matter in what part of the house they may sit. At no time have I ever attempted to shout down anybody speaking for a principle in which he believes. As I say, I shall not be making a long speech. However, I shall move an amendment almost identical with the one moved by my hon. friend from Winnipeg South Centre. I move that clause 1 be amended by adding the following to new subsection 2:

(c) any female person.

Amendment (Mr. Woolliams) negated: Yeas, 49; nays, 87.

Mr. Cowan: Mr. Chairman, this bill has been introduced in the name of the Solicitor General of Canada. Will he answer questions in connection with these clauses as is usually done when other bills are before the house in committee?

I wish to ask the Solicitor General this question. According to this clause, murder is capital murder in respect of any person, where such person by his own act caused or assisted in causing the death of—

—a police officer, police constable, constable, sheriff, deputy sheriff, sheriff's officer or other person employed for the preservation and maintenance of the public peace, acting in the course of his duties—

Why is this list not extended to include civilians impressed by the police into assisting them in enforcing the law? The Ontario government compensation act which assists victims in such cases is for the benefit of the families of policemen killed in the performance of their duties and, in addition, for the benefit of families of civilians impressed by the police to assist in the performance of their duties. Suppose the police want to use a car belonging to a civilian. They say "Chase that man!" The civilian driving the car is shot dead. The man who has shot him would still get life imprisonment according to this bill, though if he had shot the policeman riding alongside him he would swing for it. Why is the civilian not included in this clause? People impressed into the service of the police are required by law to comply when a policeman makes such a request.

Mr. Pennell: Let me say at once that I appreciate the sincerity and the deep feelings of the hon. member for York-Humber on this question. I realize that in connection with some of these amendments I am open to criticism both from retentionists and total abolitionists. I have to accept such criticism for the sake of the survival of the bill.

I made a careful analysis of the vote on the last occasion and I was satisfied that the bill would not survive unless provision was made for the exceptions now contained in it. However, I feel that if we were to extend the categories mentioned in this clause we would be defeating the principle of the bill. I am sure the hon. member understands that it is open to him to put his proposal in the form of an amendment and submit it to the will of the committee. But I had hoped to reduce the categories to the very minimum consistent with getting the bill through.

Mr. Woolliams: I should like to ask the Solicitor General this question. Under the criminal law of Canada, if a policeman calls on a citizen to assist him in making an arrest is the citizen not by law bound to go to the policeman's aid?

Mr. Pennell: I think it would depend on the circumstances which prevailed at the time the appeal for help came from the officer. I cannot give a categorical answer which would cover all circumstances.

Mr. Woolliams: With the greatest respect to the Solicitor General, it used to be that ministers had the benefit of advice from the experts when questions such as this were raised in committee. I think this matter is so important that the hon. gentleman should give us a more specific answer. If he is not completely familiar with this section of the code will he not take a few moments to ask the experts in his department or in the Department of Justice so that the committee may have this information? Is it not the case that if a policeman is seeking to arrest someone who is, shall we say, attempting to rob a bank, an indictable offence, any citizen upon whom he may call to assist him is bound to provide assistance in making that arrest? If the answer to that question is yes and the person who has been called upon to take this responsibility as a citizen and act as an agent for a policeman or guard is killed as a result, where does this bill stand in respect of such a person?

● (4:40 p.m.)

Mr. Baldwin: Mr. Chairman, in respect of the question which has been brought up by the hon. member for Bow River, I believe it is well known in common law and in our Criminal Code that a person who has reason to suspect that a crime is being or is about to be committed has a right to help prevent the commission of that crime and/or help apprehend the offender. I think the Solicitor