

bill purports to amend the Criminal Code by deleting subsection (2) of section 655 and also section 656. This subsection and section give the Governor in Council certain statutory powers with regard to pardon and commutation of sentence which, according to the terms of section 658 of the Code, do not affect in any manner Her Majesty's royal prerogative of mercy. If, as stated in the Code, subsection (2) of section 655, and section 656 do not in any manner affect Her Majesty's royal prerogative of mercy, I have difficulty in coming to the conclusion that amending them or deleting them would affect such royal prerogative.

Section 658 of the Criminal Code reads as follows: "658. Nothing in this Act in any manner limits or affects Her Majesty's royal prerogative of mercy".

In my opinion, it is reasonable to conclude that the provisions of this section are not affected in any way by the honourable Member's Bill.

In other words, the Crown's prerogative of mercy is not affected but only the exercise of the statutory powers of the Governor in Council.

Taking that into consideration and also the fact that it is the passing of a bill rather than the introduction thereof which would constitute an infringement of the royal prerogative, I think I should come to the conclusion to permit the motion for leave to introduce such a bill and to let the House decide by their vote if such a motion should be adopted.

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Whereupon Mr. Choquette, seconded by Mr. Caron, moved for leave to introduce Bill C-168, An Act to amend the Criminal Code (Repeal of Power to Commute a Sentence of Death);

And the question being put on the said motion, it was agreed to, on the following division:

#### YEAS

#### MESSRS:

Allmand,	Côté (Longueuil),	Hellyer,	McNulty,
Badanai,	Crossman,	Herridge,	McWilliam,
Barnett,	Davis,	Hopkins,	Marchand,
Batten,	Deachman,	Howe (Hamilton	Martin (Timmins),
Béchar, d,	Douglas,	South),	Mather,
Benson,	Dubé,	Hymmen,	Matte,
Brewin,	Duquet,	Isabelle,	Morison,
Brown,	Énard,	Johnston,	Nixon,
Cadioux,	Éthier,	Laing,	O'Keefe,
Cameron (Nanaimo-	Fawcett,	Langlois (Mégantic),	Olson,
Cowichan-The	Foy,	Laprise,	Orange,
Islands),	Gauthier,	Leboe,	Patterson,
Caouette,	Gray,	Lefebvre,	Pearson,
Cardin,	Greene,	Legault,	Pelletier,
Caron,	Grégoire,	Lessard,	Pennell,
Carter,	Groos,	Lewis,	Peters,
Choquette,	Habel,	Loiselle,	Pickersgill,
Chrétien,	Haidasz,	Mackasey,	Pilon,
Clermont,	Harley,	McIlraith,	Prud'homme,