

Amendments Respecting Death Sentence

Code was amended under the aegis of the present hon. member for Kamloops—I was instrumental then in having the section with respect to police officers and wardens inserted as part of capital murder—there was no discussion or proposal to bring in either the category of private citizens who are pressed into service by a police officer or the other category of citizens who accept their responsibility and take action in emergency situations. Neither of these categories was included. Not having the Criminal Code here and not having dealt with the criminal law for a number of years it would seem to me, nevertheless, that if the kind of amendment being discussed were put into the bill we would be broadening the category beyond those who are in the category of capital murder.

Mr. Baldwin: We have already accepted two such amendments.

Miss LaMarsh: The hon. member means the ones we have already discussed. I did not rise on a point of order to discuss them but I am rising on this particular amendment. It seeks to broaden the category of those included. I think it is against the principle which the house has already accepted.

Mr. MacInnis (Cape Breton South): Would the hon. lady permit a question? She is raising an objection to this amendment and yet similar amendments were accepted by the committee previously. Why did she sit and wait until the third amendment was put forward before raising an objection?

Miss LaMarsh: I cannot comment on the past two votes, particularly the last one, regarding their frivolity or otherwise. However, I am raising the point on this amendment before the committee votes on this matter. We have been sitting here for the last hour debating a point which I think is out of order and is a waste of our time, it being an addition to the law which was initiated by the hon. member for Kamloops who did not seek to extend protection to citizens in that category.

Mr. Fulton: I rise on a point of order, Mr. Chairman. The point made by the hon. lady might be applicable if this were a bill preceded by a resolution. The well established principle is that one cannot introduce amendments in the house or in committee which carry the terms of such a bill beyond those authorized by the resolution. There is no such limitation on this kind of bill. We are in committee dealing with the category of

persons whose murder would attract the penalty of capital punishment if they are killed. It is surely perfectly in order to suggest an additional category or even five additional categories. May I suggest with respect that under our rules there is no such limitation as suggested by the hon. lady.

Miss LaMarsh: Certainly the reason that I voted against the bill on second reading was that the principle of the bill limited abolition to be enforced for a limited period of time with one exception. I think that any extension beyond that is against the principle and therefore should not be received.

Mr. Fulton: If the hon. lady could quote a rule of the house in support of her contention we could come to grips with the matter, but I submit that she is conjuring up a limitation which in fact does not exist.

Mr. Knowles: Mr. Chairman, may I say a few words on the point of order raised by the Secretary of State, and perhaps at the same time I might make some remarks on the substance of the proposal.

I think it will be obvious that I will be opposed to the amendment which the hon. member for Bow River may propose, but I defend his right to move it. It seems to me that what has been given to the committee of the whole is a bill which restricts the application of capital punishment to the two categories set out in the bill. I think the committee has the right either to restrict it further or to restrict it less. Therefore I think it was in order—and I hope it is not out of order for me to say this—for us to seek to restrict the application of capital punishment further by the amendment moved by the hon. member for Greenwood. I think the hon. member for Winnipeg South Centre and others who have moved amendments going the other way were perfectly in order. If necessary, I could produce citations, such as citations 406, 408 and one or two others of Beauchesne's fourth edition. Clearly what is before us is not a bill of absolute abolition, nor one that is legislating de novo with respect to capital punishment. It is a bill that restricts the application of capital punishment to something less than is now the law of the land. The restriction is brought down to the two categories in the bill. We tried to restrict it still further, while other hon. members sought to restrict it to a lesser extent. It seems to me that amendments either way are in order, and the very fact that the house has already voted on three