

Order 75(5) which now seek to delete clauses. I think we ought to move on to the consideration of the report stage of the bill.

One area remains. That is the precise compilation of those motions which were ruled out of order as the result of my initial ruling this evening. Motion No. 39 would clearly be ruled out of order on that basis. What I might do while the House is in discussion on the first of the motions to delete that has been accepted is perhaps examine those for a moment to see where that takes us. I might ask that a precise compilation of all those amendments which have been ruled out of order be made so that I can give it to the House before we proceed with the debate. Motion No. 1 has already been set aside. Motion No. 2 is out of order. Motion No. 3 is out of order. That brings us to Motion No. 4 standing in the name of the hon. member for Oxford (Mr. Halliday). That again opens up a procedural argument to which the Solicitor General has indicated he wants to address himself. First, I will hear the hon. member for Northumberland-Durham (Mr. Lawrence) on a point of order.

**Mr. Lawrence:** Mr. Speaker, I rise on a point of order. I would like to withdraw two amendments standing in my name which for purposes of brevity I will refer to as motion No. 16 and motion No. 20. They are both dependent, I believe, on other motions that Your Honour has ruled out of order.

Will you please note, Sir, that I am not withdrawing Motion No. 40, which you indicated perhaps I would, because if the deletion clauses in relation to the treason and piracy sections remain, there is certainly room for an amendment in respect of the commutation of the life sentence.

I would similarly point out that Your Honour ruled out of order my motion No. 35, relating to the method of carrying out the death penalty. There again, if both the piracy and treason sections remain as a result of the deletion motions before you, I respectfully suggest that motion ought to stay in at least until that point in time.

**Mr. Speaker:** The last point of order raised by the hon. member for Northumberland-Durham is well taken. To put it more clearly, while the motion of the hon. member for Oxford (Mr. Halliday) remains in question, and I have not made any determination procedurally, motion No. 35, which would seek to redefine the method by which people would be put to death, ought to remain. I am sure the House will accede to the suggestion of the hon. member for Northumberland-Durham that motions Nos. 16 and 20 now be withdrawn. Motions Nos. 35 and 40 will remain for further discussion, as the case may be.

**Mr. Knowles (Winnipeg North Centre):** Mr. Speaker, I wonder if Your Honour could indicate at what point you may be exercising your right under Standing Order 75(10) which gives you the authority to combine certain motions, some for purposes of debate, some for purposes of voting. It seems that in view of Your Honour's ruling, which I have to think was procedurally correct, that the motions to delete are in order, maybe some consideration might be given to the possibility that in a number of cases they are related and might be combined for purposes of debate and

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for purposes of voting. I just wonder whether Your Honour is yet ready to do that or whether you may be in a position to do that tomorrow.

**Mr. Speaker:** Order, please. I am faced with a procedural argument in respect to the motion standing in the name of the hon. member for Oxford. I propose to deal with that and see where that leaves us. After that, possibly we could get into some discussion with regard to the grouping of those motions which remain.

● (2110)

**Mr. Allmand:** Mr. Speaker, I want to say a few words about the motions proposed by the hon. member for Oxford. I respect the spirit in which he has put them forward. These are motions 4, 9, and 38. In Motion No. 4 he says a person shall be sentenced to imprisonment for life or, if the convicted person so chooses, shall be sentenced to death. Then in Motion No. 38 he says:

The sentence to be pronounced against a person who is sentenced to death shall not be that he shall be hanged by the neck until dead but shall be in conformity with any humane method of execution as the Governor in Council may establish by regulation.

In accordance with this amendment responsibility for the execution still rests with the state. The state would have to carry out the execution of the convicted person should he wish to be executed. In other words, the hon. member is not suggesting that the convicted person be allowed to commit suicide—I shall not comment on that aspect—but he is suggesting the state should execute that person should he wish to be executed.

I submit that such an amendment contradicts the principle of the bill, which is the abolition of the death penalty by the state. Were it adopted, the state would still have to maintain the whole apparatus for public execution whether the method were by injection or the administering of a pill, or by any other means. The state would have to maintain an executioner and draw up rules and regulations to cover public executions. I submit that this amendment, which places a burden on the state to carry out an execution, should a convicted person demand that he be executed, is in contradiction to the principle of the bill which is that we abolish the death penalty in Canada for all crimes.

**Mr. Halliday:** Mr. Speaker, on the point of order, may I first thank you for recognizing that these three amendments and the consequential amendment involve a different approach to this question and that they deserve consideration. Your Honour has ruled that the primary principle of this bill is the abolition of capital punishment, but inherent in that philosophy is the idea that the state imposes the decision. The Solicitor General takes offence because the state is called upon to carry out a decision made by the convicted person. In my view, as an abolitionist, the heinous part of putting a person to death is not the actual carrying out of the death sentence but making the decision that he should be put to death. I would hate to do that. It is probable that only a very few cases which will come before the courts—

**Mr. Speaker:** Order. The hon. member is naturally tempted to speak in support of his own motion. My concern is whether or not the motion is procedurally acceptable. If there are others who wish to address themselves to the