

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That the name of Mr. Asselin (Richmond-Wolfe) be substituted for that of Mr. Mitchell on the Special Committee on Drug Costs and Prices.

On motion of Mr. Pilon, seconded by Mr. McNulty, it was ordered,—That the name of Mr. Lind be substituted for that of Mr. Macdonald (Rosedale), on the Standing Committee on External Affairs.

Mr. Pelletier, seconded by Mr. Orange, moved,—That the Second Report of the Standing Committee on Broadcasting, Films and Assistance to the Arts, presented to the House on Friday, April 22, 1966, be now concurred in.

And debate arising thereon;

By unanimous consent, the said report was amended and concurred in, as follows:

Your Committee recommends that it be authorized to sit while the House is sitting on the following days, namely, Monday, April 25 to Thursday, April 28, inclusive.

RULING BY MR. SPEAKER

Mr. SPEAKER: On Thursday, April 21 last the Right Honourable Leader of the Opposition (Mr. Diefenbaker) rose on a Point of Order in respect of a Bill appearing on the Order Paper in the name of the honourable Member for Lotbinière (Mr. Choquette) intitled "An Act to amend the Criminal Code (repeal of power to commute a sentence of death)". The Leader of the Opposition then stated that there can be no interference with the Queen's right to grant mercy and that such Bill ought not to be on the Order Paper, as being unconstitutional and improper.

As honourable Members know, the Speaker does not give a decision upon a constitutional question nor decide a question of law. However, it is his duty to ascertain that there is no departure from our Standing Orders or the ordinary conduct of our proceedings or legislative business.

In the same manner as, for instance, it is the duty of the Speaker to determine whether a bill involves an expenditure of money and, if it does, to see that the expenditure be first considered as a resolution in Committee of the Whole and that such resolution be accompanied by the recommendation of the Governor General, it is in the present case the duty of the Speaker to determine whether this Bill interferes with the Queen's prerogatives and to see that the proper procedure be followed.

Reference to page 413 of Bourinot's fourth edition and citation 283 of Beauchesne's fourth edition indicates that the consent of the Crown is always necessary in matters involving the prerogatives of the Crown and that such consent may be given at any stage of a bill before final passage, though in the Canadian House it is generally signified on the motion for second reading. This consent may be given by a special message or by a verbal statement by a Minister, the latter being the usual procedure in such cases. It will also be seen that a bill may be permitted to proceed to the very last stage without receiving the consent of the Crown but if it is not given at the last stage, the Speaker will refuse to put the question. It is also stated that if the introducer of a bill finds, from the statements of a Minister, that the consent will be withheld, he has no alternative open to him except to withdraw the measure.

I now have had an opportunity to peruse the provisions of the Bill in the name of the honourable Member for Lotbinière. It would seem to me that the