I want to refer, first of all, to May's Parliamentary Practice, the eighteenth edition which was issued in 1971, at page 494, the section under the title "Functions of a committee on a bill". Of course, the same rules would apply in reference to amendments in the House. Before I commence on that argument, Mr. Speaker, may I say that the same point was raised by the chairman of the Standing Committee on Justice and Legal Affairs who ruled against the amendment saying it was against the principle of the bill. I submit that the first course of the committee or the House is to go through the bill clause by clause, but that only applies in committee itself. The question at report stage—and I am going to ask that question again—is whether substituting the death penalty for life imprisonment is against the principle of the bill. I submit that by having regard to the title of the bill, which is "an act to amend the Criminal Code in relation to the punishment for murder and certain other serious offences", moving an amendment in reference to changing the punishment does not change the nature of the bill.

The second argument I should like to bring to Your Honour's attention is that Bill C-84 is not totally an abolition bill. I believe this argument was presented to the committee by the hon. member for York-Simcoe (Mr. Stevens). Under the National Defence Act we still have the death penalty for certain offences, whether Bill C-84 passes or not, so it is not totally an abolitionist bill; it is still partly retentionist.

It is interesting to note, and this will please my good friend, the hon. member for Regina-Lake Centre (Mr. Benjamin), that Senator Argue's Bill S-23 presented in the other place, a bill entitled—and it is in order—"an act to amend the National Defence Act and the Criminal Code (total abolition of capital punishment), confirms this position. In other words, Mr. Speaker, my point is that this is not totally an abolitionist bill; it is part retentionist because there are still certain offences under the National Defence Act where the death penalty applies. That was pointed out by Senator Argue in the other place, and that is why he presented Bill S-23. The title of his bill is "an act to amend the National Defence Act and the Criminal Code", which confirm this position. This proves that Bill C-84 is partly a retentionist bill, and therefore amendments are admissible. That is my second argument.

● (1620)

I come to my third argument. I refer the House to Volume V of the *Debates of the House of Commons*, of 1967. On November 23, 1967, the House was considering Bill C-168, which was partly a retentionist and partly an abolitionist bill. I was a member of the House at that time, and I remember that we treated the bill then under consideration in much the same way as we had treated the previous bill on the subject. We acted according to law, and that law still stands.

The Speaker at that time, Mr. Speaker Macnaughton, who subsequently became a senator, permitted amendments, as becomes obvious if one reads page 4629 of *Hansard*. For example, he allowed an amendment providing that if a victim who was being raped was murdered, the death penalty should apply. I moved that amendment. It was seconded by Gordon Churchill, who was then a member of the Privy Council and a member of this House. Mr. Speaker allowed the moving of another amendment saying that anyone convicted of murdering a police officer was subject to the death penalty. The reason for that amendment was this: as Your Honour knows, if a police officer or a group of police officers asks a citizen for help and assistance, the citizen must help. Failure to provide help and assistance is an indictable offence.

We moved an amendment to cover a person in that position, because the death penalty applied to the convicted murderer of a policeman or prison warden. I maintained at that time that if a person is acting as a police officer or warden, the same penalty should apply to his murderer. Those amendments were allowed to be put by Mr. Speaker Alan Macnaughton. If the Speaker allowed those amendments to that bill which was partly retentionist, partly abolitionist, I say that Your Honour ought to allow amendments to this bill which is also partly abolitionist, partly retentionist. That is my third argument.

I come to my fourth argument, which I borrowed from the hon. member for Burnaby-Richmond-Delta (Mr. Reynolds). He drew attention to a similar bill being dealt with by the British House on December 25, 1965. It is interesting to note, from what happened in committee and in the House, that the sorts of amendments we are proposing at the report stage were permitted and declared admissible by the Speaker of the British House. For example, the following was proposed:

> That the death penalty should be retained for a person who committed murder a second time . . .
>
> That the death penalty should be retained for the murder of a police officer acting in the execution of his duty . . .
>
> That the death penalty should be retained for a convicted murderer who in the course of life imprisonment murdered again—

I will not read the entire list of amendments; it is enough to say that they were allowed. That bill was practically on all fours with Bill C-84 presently before the House, with one exception: the British parliament retained the death penalty for high treason and other offences of treason, and those penalties are still retained.

I might mention that the chairman of our committee, in making his decision, admitted that he was intrigued by the argument presented, and particularly intrigued by facts we had mentioned concerning the other bill considered in the Senate. But he said, with the greatest respect to you, Mr. Speaker, that he was faced with your ruling on the former bill given when you were the distinguished chairman of the Standing Committee on Justice and Legal Affairs. As you will recall, the abolitionists had moved an amendment which was to do away with the death penalty for all offences, but you ruled that it was against the principle of the bill. I realize that since you made that decision you have distinguished yourself even more. I am sure that since you are now the Speaker, and since you have had the experience of being chairman of the justice and legal affairs committee, you have grown wiser and will be able to reverse your previous decision.

I think the chairman of the standing committee handled himself with distinction. This is not an easy subject, being charged with emotion as it is. There were, on the committee, abolitionists and retentionists. I felt he was most fair in his decision, and if one can disregard that one decision which Your Honour made when you were chairman of the