

Albert (Mr. Diefenbaker). He referred to a very important case decided in the United States Supreme Court. In that case the U.S. Supreme Court decided that capital punishment was contrary to the United States Bill of Rights on the ground that it was an unnecessarily cruel punishment. Consequently, they ruled it unconstitutional.

The right hon. member for Prince Albert suggested that we suspend the debate on this bill and refer the question of capital punishment to our Supreme Court, on the basis that our Bill of Rights contains provisions which are very similar to the United States Bill of Rights. I am sure the argument of the right hon. gentleman was a very serious one. I think perhaps capital punishment in relation to our Bill of Rights should be the subject of decision by the Supreme Court.

However, I do not think that gives us here in parliament the right to avoid our responsibilities in making a decision in respect of capital punishment this year, tonight and within the weeks to come. As a legislative body, I think we must accept our responsibility. There is a time to refer something to the Supreme Court for decision, but that is another matter. That is a method of deciding the question judicially. I think that should be done as well. But tonight and on other occasions to come I think we must decide how we stand on this issue.

**Mr. Diefenbaker:** Mr. Speaker, I rise on a question of privilege arising from the statement just made by the Solicitor General (Mr. Allmand). There was no suggestion on my part, indirectly or at all, that parliament should not discharge its responsibility. What I pointed out, having regard to the decision of the United States Supreme Court, was that the whole question as to whether capital punishment is a cruel and unnatural punishment should be decided by the Supreme Court of Canada. Otherwise we are going through a fatuous course of action. I want to make that very clear. I was not in any way suggesting that parliament should not make its own decision.

I also point out to the hon. gentleman that the government, as a government, should make clear what its attitude is on this matter, because a moment ago the minister said ministers could vote one way or the other, but this is a government bill.

**Some hon. Members:** Order.

**Mr. Allmand:** Mr. Speaker, I apologize to the right hon. member. I thought he said earlier in the debate, I think in February, that we should suspend the debate and refer this matter to the Supreme Court. I think there is much merit in the suggestion that the question should be referred to the Supreme Court, but I think we should also make our decision. I might also say, in response to the right hon. gentleman's last remark, that I did not say ministers would vote whichever way they want. This is a government bill. The cabinet decided it would present this bill as a government bill.

**Some hon. Members:** Hear, hear!

**Mr. Allmand:** I said that members of the government party are free to vote as they want, because it is a free vote. I only have two minutes left at my disposal although there are many arguments to which I should like to reply.

### *Capital Punishment*

Many hon. members have said they must vote against this bill because a vote in favour of it would be a vote in negation of measures to protect the public. In other words, if you vote for this bill you are not serious about protecting the public. I reject that argument. I think we must do everything possible to protect the public, but I have not seen one bit of evidence to suggest that capital punishment has ever protected the public.

Some of the worst murder rates in the world have existed and do exist in countries where there is a prevailing practice of applying capital punishment. On the other hand, I again refer to the example given by the hon. member for Fundy-Royal (Mr. Fairweather) of the state of Maine in the United States which abolished capital punishment in 1913 and has had one of the lowest murder rates in the United States, much lower than many of the southern states in that country which have had capital punishment for many years and still have very high rates of murder.

Hon. members have talked about this bill in relation to parole and have suggested that—

**Mr. Deputy Speaker:** Order, please. I regret to interrupt the hon. Solicitor General but, it being 9.30 o'clock p.m. on all the clocks I can see, it is my duty, pursuant to special order made Wednesday, May 23, to interrupt the proceedings and put the question. The question is on the motion of the Solicitor General (Mr. Allmand). All those in favour of the motion will please say yea.

**Some hon. Members:** Yea.

**Mr. Deputy Speaker:** All those opposed to the motion will please say nay.

**Some hon. Members:** Nay.

**Mr. Deputy Speaker:** Call in the members.

The House divided on the motion (Mr. Allmand), which was agreed to on the following division:

● (2130)

### *(Division No. 23)*

#### YEAS

#### Messrs.

Alexander	Boulanger	Demers
Allmand	Breau	Diefenbaker
Andras	Brewin	Douglas
Atkey	Broadbent	Drury
Baker	Buchanan	Dubé
Baldwin	Caccia	Dupont
Barnett	Cafik	Ellis
Basford	Chrétien	Ethier
Beatty	Clark	Fairweather
(Wellington- Grey-Dufferin- Waterloo)	(Rocky Mountain)	Faulkner
Béchar	Corbin	Firth
Bégin (Miss)	Côté	Fleming
Blackburn	Cullen	Forrestall
Blais	Cyr	Foster
Blaker	Danson	Fox
	Davis	Gauthier
	De Bané	(Ottawa East)