

Capital Punishment

Evidently we must turn now, not to the understanding among hon. members but to the strict legal interpretation of the motions we have before us. I agree fully that an interpretation of the Friday motion could be that recorded divisions would only be delayed until the debate had been completed. It was my understanding, from the indication received from the House leaders, that indeed that was the case. Had it not been for the subsequent declaration by the House leader of the Conservative Party, that would still be my understanding.

In adopting the legal interpretation perhaps I would not be successful in arguing that indeed the vote cannot be deferred until the debate has been completed and that, in fact, the debate may not be completed. But having said that, if that is the interpretation to be placed on Friday's motion, then there is a void. What is to take place in the event that a vote is taken prior to the debate having been completed? If the interpretation of the hon. member for Grenville-Carleton (Mr. Baker) is correct, that the debate has not been completed on third reading, that situation is not covered by the order approved on Friday. That being the case, we must now go to the other order to be found in *Votes and Proceedings* of June 29, which reads:

That any recorded division requested during the consideration of the report stage or the third reading stage of Bill C-84... shall be held at a time to be fixed by the House leaders, provided that that time shall be not more than one week after the request for the division.

A division has been requested and the request is now before the House. Therefore, we should have a House leaders' meeting to determine at what time the vote on third reading should be held.

Hon. Warren Allmand (Solicitor General): Mr. Speaker, throughout this debate on Bill C-84 there was a general understanding in the House that there should be no votes by surprise or by trickery. It was felt that this question was so important that all votes should be set at a time which would be known to all members well in advance. It was for that reason that we fixed the date of the vote on second reading; it was for that reason we fixed the date of the votes on report stage; and it was for that reason we fixed the date of the vote on third reading. It was the general understanding of the House, and it was one with which I agreed, that we should run out this debate this afternoon. If it was not known to be on that basis, hon. members would have continued to speak because nobody wanted a surprise vote or a vote by trickery this afternoon.

Some hon. Members: Hear, hear!

Mr. Allmand: If this motion is to be interpreted as meaning that we are to have a vote, without notice, this afternoon—and I do not know who might win that vote because no count was taken, since nobody expected there would be voting today or tomorrow—I would point out that from the speeches made this morning by hon. members it is evident they expected the vote to be on Wednesday, because they were encouraging every hon. member to be here on that day. The hon. member for Burnaby-Richmond-Delta (Mr. Reynolds) and many other hon. members stressed that all members should be here for the vote. They could not be here for a vote if a surprise vote were taken this afternoon.

[Mr. Blais.]

I would then refer hon. members to the motion, and ask them what other reason would there be for having any division or divisions if there can only be one vote, that is, the vote on third reading? The intention must have been to include any votes that would wind up this debate.

Mr. Mark MacGuigan (Windsor-Walkerville): Mr. Speaker, this appears to be a difficult question because it encompasses a number of elements, but if the elements are taken one by one it really is not such a difficult question at all. Governing the whole debate is the order of June 29, which provides that all votes are to be deferred, with no exception. The next element in this equation is the order of July 9. That order does not, as the hon. member for Northumberland-Durham (Mr. Lawrence) would suggest, contradict the earlier order. It specifies it; it provides that certain kinds of votes are to be taken at a certain time. In other words, it is the application of the general order, and in no way contravenes the order of June 29 which still governs the orders before the House for dealing with all stages and all votes on Bill C-84.

Taking both these elements as understood, we come to the fact that I believe the Chair should put the question on this amendment, and the vote on it will be deferred. Then the Chair should resume debate on Bill C-84, at which time we shall ascertain whether there are further speakers on this bill, apart from the amendment. I believe that is the procedure that should be followed. At the time the Chair puts the amendment there can be no agreement as to the date because it is not provided in the order of July 9. But that is not necessary. All that is necessary is that it be deferred and that the time either be established by the House leaders or, if the debate is finished by tomorrow night, that we revert to the order of July 9 which automatically establishes the time for the vote as being on Wednesday at two o'clock.

If you look at these elements one by one, your Honour will find that there is no problem here at all. The hon. member for Winnipeg North Centre (Mr. Knowles) has given us the key to this whole thing by referring us back to the order of June 29.

Mr. Knowles (Winnipeg North Centre): When I was on my feet earlier I had not turned up the wording of the motion of June 29, so I appreciate, Mr. Speaker, your letting me have the floor for a few minutes again. The hon. member for Northumberland-Durham (Mr. Lawrence) was kind enough to refer to my logic as impeccable, but then he tried to set it aside. May I point out to him that there was nothing in the order of last Friday that sets aside the order of June 29, which states quite clearly—and it was decided by a vote of the House—that any recorded division requested during the consideration of the report stage or third reading of Bill C-84 shall be held at a time to be fixed by the House leaders, and not more than a week later.

This motion for a three months hoist is either one of two things. One choice is that it is one of the divisions required to dispose of the third reading and passage stage of the bill. That is the language of Friday's order; any division or divisions required to dispose of the third reading and passage stage, by Friday's order, shall be taken this Wednesday at two o'clock. If Your Honour rules that this