

him has expired. Is the house ready for the question?

Some hon. Members: Seven o'clock.

Mr. Deputy Speaker: It being seven o'clock, the hour appointed for the consideration of private members business has expired. The house will now resume the business interrupted at six o'clock.

CRIMINAL CODE

AMENDMENTS RESPECTING DEATH SENTENCE AND LIFE IMPRISONMENT

The house resumed consideration in committee of Bill No. C-168, to amend the Criminal Code—Mr. Pennell—Mr. Batten in the chair.

On clause 1—*Capital murder defined.*

The Chairman: Order. House again in committee of the whole on Bill C-168, to amend the Criminal Code. It being seven o'clock I do now leave the chair.

At seven o'clock the committee took recess.

AFTER RECESS

The committee resumed at 8 p.m.

The Chairman: The house in committee on Bill No. C-168, to amend the Criminal Code. Shall clause 1 carry?

Mr. Woolliams: Before I proceed, and possibly to shorten the time that need be spent in discussion, may I ask the Solicitor General whether he has discussed with his advisers and experts the matter that was raised before the supper break? Has he discussed it with other members of the government, and is he prepared to accept the amendment of which he was informed in the house, and about which I talked with him privately?

Mr. Pennell: I have given the hon. member's proposed amendment serious consideration. Speaking for myself, and only for myself, I must advise the hon. member that I cannot support the amendment.

Mr. Woolliams: Then, Mr. Chairman, I shall not delay. I may point out that I shall move an amendment at the end of my remarks.

The bill we are now discussing in committee of the whole abolishes capital punishment except in the instance where a police officer,

Amendments Respecting Death Sentence

or a warden or guard in a penitentiary is murdered. As I say, in all other instances the death penalty has been abolished. This afternoon I asked the Solicitor General to consider that certain sections of the Criminal Code put ordinary citizens into positions occupied, at certain times, by police officers. In my hand I have the 1967 edition of Martin's Annual Criminal Code. It is up to date; I know that the Code has been changed. According to Martin's Annual Criminal Code, section 110 of the Code, in part, reads as follows:

110. Every one who—

(b) omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so,...

is guilty of an indictable offence and is liable to imprisonment for two years.

I raised the question this afternoon about the citizen who is in the bank while a bank robbery is committed. Let us say that a policeman comes in, turns to the citizen and says, "Help me to arrest this bank robber." The citizen must help the policeman, because that is his legal duty under the Criminal Code. He then accepts the full responsibility that is the police officer's, and takes the chances that the policeman then takes. Under the Criminal Code the citizen is the equal of the policeman, but he is not the equal of the policeman under this bill. Under the bill, if that person, whose legal obligation is to help the policeman, is killed, then his murderer may not be sentenced to any more than life imprisonment. If the accused, the murderer, were to kill the police officer, on conviction he would be liable to the penalty of capital punishment.

Let us take the matter further and look at section 434 of the Criminal Code which says:

Any one may arrest without warrant a person whom he finds committing an indictable offence.

Supposing that we leave our home one evening and go to a local store; supposing that on our way we find someone trying to break into another store. This other store is locked, and the man trying to break in is committing an indictable offence. Our legal obligation under the code is to arrest that person who is committing the indictable offence. If we assume that obligation, which it is our responsibility under the Code to assume, and if we are killed while exercising that responsibility, the murderer, in this case the accused, will be sent to jail for life. Had a