

Supply—Justice

I am not taking a stand either for or against the death penalty.

However, I find that section 206 of the Criminal Code has not been amended, and this section contains the following provision:

Every one who commits murder is guilty of an indictable offence and shall be sentenced to death.

A judge who sentences a person found guilty of murder by a jury has no alternative.

There is, of course, the royal prerogative of remission, whereby the governor general, as the representative of Her Majesty the Queen, can commute a sentence of death by hanging to a sentence of life imprisonment.

It is known that His Excellency the Governor General exercises this royal prerogative only on the advice of his counsellors, the cabinet in council.

In view of the number of commuted sentences, we have a right to ask whether the present government, without admitting it, has decided to abolish the death sentence.

However, it is parliament's responsibility to decide whether the death sentence should be maintained or abolished.

If the government favours abolition, it should have the courage to submit its opinion to the house.

It will be recalled that last April, Justice A. M. Manson, of Kamloops, stated in no uncertain terms, that by its actions, the cabinet was substituting itself for parliament, and that the executive was appropriating legislative power. Carrying this thought a little farther, it might be said that the judiciary no longer serves a useful purpose.

After all, it is permissible to believe, in practice, in the abolition of the death penalty, without the act having been amended.

May I point out to the minister that the government's policy in this matter is hardly in line with the solemn pledges made by some members of his party in the last elections, when they promised to restore the prestige and prerogatives of parliament, the alleged infringements of which still remain to be proved.

Every member of this committee will be pleased, Mr. Chairman, to hear the comments of the Minister of Justice on those matters.

(Text):

Mr. Howard: Mr. Chairman, I have a specific matter to raise which concerns a question of justice having been denied to certain people in Canada. The particular item before us at the moment affords the only opportunity for this denial of justice and removal of rights to be raised in a formal way. I would say from the outset that the feelings which I am going to express and the action which I am going to propose should in no way be interpreted as casting any reflections whatsoever upon the present

Minister of Justice or the operations of the department. It is merely that he happens to be the minister and is thereby charged with the responsibility, by statute, of making recommendations with respect to certain matters. His responsibility in so far as this question of the denial of justice to, and the abrogation of the rights of, people in a certain part of Canada is concerned is established by virtue of section 4 (d) of the Justice Act.

Therefore, because justice has been denied and delayed to certain people in Canada, because their freedoms have been removed in an arbitrary and despicable way, and because their fundamental rights have been interfered with, I feel it is necessary to afford this committee the opportunity to express its views, both by voice and by vote, on this particular matter. Accordingly, I would move:

That vote No. 149 be reduced to \$1.

I do this, as I mentioned earlier, because justice has been denied, freedoms abrogated and fundamental rights removed by reason of the passage of Bill No. 2, trade union (emergency provisions) act, dated March 6, 1959, by the house of assembly of the province of Newfoundland, and by reason of the failure of the federal government to disallow this particular piece of legislation. This is being done as a matter of principle only and is not designed to interfere with the operations of the department.

Amendment (Mr. Howard) negatived: Yeas, 5; nays, 49.

(Translation):

Mr. Meunier: Mr. Chairman, I wish to draw the attention of the minister to a fact that has happened recently.

The Minister of Justice visited Montreal this week, and addressed the better business bureau on the subject of restrictive trade practices. In an interview he gave at the end of his conference, he stated his views on a much discussed trade practice, that of the premiums given by dealers to their customers in exchange for trading stamps or coupons.

The minister said that trading stamps are a matter of provincial jurisdiction, because they have to do with property and civil rights. It is deplorable that the minister did not give a more definite explanation of his views on that problem, so that we could know exactly where the matter stands, because when a question such as this is put to a public man without notice, his answer can possibly be incomplete.

I take the liberty of disagreeing with him on that point, and to remind him that the