

Amendments Respecting Death Sentence

acceptable. The Speaker will be in the chamber in a few minutes and will make the decision.

Mr. Cowan: Mr. Speaker—

The Acting Speaker (Mr. Tardif): Order, please. Since the amendment has not been accepted as yet we shall have to wait until a decision is taken before the hon. member is recognized.

Mr. Cowan: On a point of order, Mr. Speaker, if someone wants to speak on the main motion and has not yet spoken, can he not be heard at this time?

The Acting Speaker (Mr. Tardif): I have already indicated that until a decision is made by the Speaker we are not going to recognize any hon. members.

Mr. Forrestall: On the same point of order, Mr. Speaker, the main motion is still before the house. Is it active and viable? If it is, I wish to point out that I have not spoken on either of the debates during the last year and a half and I would not mind making a few remarks on this, if it is just a question of killing time.

Mr. Speaker: Is the house ready for the question?

Mr. Knowles: Mr. Speaker, I think we were awaiting Your Honour's return to the chair so that there could be a consideration of the procedural validity of the amendment that has been placed before Your Honour. I do not have the text of it before me in writing, but as I heard it I believe the amendment proposes that the bill be not now read a second time but that further consideration of it be deferred until something else, namely a referendum, has taken place.

It seems to me there are precedents which suggest that an amendment not to read a bill a second time must be one of all out opposition and must not be a motion that offers some other declaration of policy.

I now have the amendment before me, thanks to the hon. member for York-Humber (Mr. Cowan) who has supplied me with a copy of it in French, and I suggest it is contrary to citation 393(1) in Beauchesne's fourth edition which says:

An amendment purporting to approve the principle of a bill and at the same time enunciating a declaration of policy cannot be moved to the second reading.

There is another citation which says that an amendment of this kind must be opposed to

[The Acting Speaker (Mr. Tardif).]

the bill in toto, but this amendment is not opposed to this bill in toto. It is opposed to further consideration of the bill—if my comprehension of French is as good as I hope it is—until the Canadian population has given approval to it by answering a question in a referendum. I suggest, Mr. Speaker, that what is placed before you in this motion is a condition, or a substantive proposition, namely that there be a referendum on this question, and that such a proposition, while perfectly proper under certain circumstances, is not valid as an amendment to the second reading of this bill.

Mr. Speaker: Are there any further submissions for the consideration of the Chair, from a procedural standpoint?

[Translation]

Has the hon. member who moved the amendment now before the house anything to say about its acceptability?

Mr. Caouette: Mr. Speaker, in my opinion the amendment is quite simple and in no way contradicts or conflicts with the procedure of the house:

That Bill No. C-168 be not read for the second time now, but that all further consideration of the said bill be deferred until the Canadian people approve its principle by a referendum.

Contrary to what the hon. member for Winnipeg North Centre (Mr. Knowles) has just said, that this amendment goes against the rules of the house, it seems to me that this proposal to defer a bill to the Canadian people by way a referendum in order to know their exact opinion and to find out whether or not they approve of the principle of the bill is entirely in keeping with Canadian parliamentary procedure.

Until the people vote by referendum, let us postpone the study of Bill No. C-168. I do not see at all how that amendment comes in conflict with any rule. The hon. member has the right to move his amendment and to be supported, and it seems to me that the house should have the opportunity to vote on that amendment which suggests that a referendum be held before legislation such as Bill No. C-168 is passed.

• (4:50 p.m.)

[English]

Mr. Smallwood: Mr. Speaker, before you give your ruling, may I say that I agree with democracy and would suggest that if you looked for a precedent under the flag debate you might find that we accepted at that time