

committing an offence, the responsibility would be on us, as citizens of Canada, to make an arrest. If in making that arrest we were killed we would not be protected under this bill.

Mr. Fairweather: If you were killed you would not need much protection.

Mr. Woolliams: My good friend probably takes a different view. Do you think this is a good bill?

Mr. Fairweather: No, I do not.

Mr. Woolliams: All right. This is a very serious omission. I think the Solicitor General is really trying to protect police officers and guards in jails. I would ask the Solicitor General's experts to consider this suggestion. The clause refers to "a police officer, police constable, constable, sheriff, deputy sheriff, sheriff's officer or other person", and so on. Instead of using the word "employed" I would ask that the experts of the Solicitor General think about using the word "engaged" for the preservation and maintenance of the public peace.

To my mind the word "employed" carries the interpretation of someone "employed" as a police officer and receiving remuneration as such. But a person so "engaged" might be any person; he might be a citizen or a police officer. If this suggestion were adopted, the provisions of this clause would apply to all those people exercising the jurisdiction and carrying out the function of a police officer or prison guard.

I should like to hear what the Solicitor General has to say about this suggestion. I should like to know whether he is prepared now to move an amendment to cover this situation. I know he is very sympathetic to suggestions, and I am pleased that he is. We all know that he carries out his duties with a great deal of responsibility. I hope he will consider this suggestion because it is important.

Mr. Cowan: Mr. Chairman, as a mental barbarian who has been accused of harbouring criminal and savage ideas, I do not mind in the slightest being told that the arguments we are now advancing are silly. We are used to this kind of reply to our legitimate arguments. I listened with interest to the hon. member for Timmins when he presented the case of a possible bank hold-up where a policeman and a man with him were endeavouring to arrest a bank bandit for prosecution. The hon. member said that the

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argument is silly, that the bandit is not going to stop to figure out whether he will shoot the policeman or the civilian.

I ask the Solicitor General this question, and I am very happy to see that my friend the hon. member for Perth is in his seat because this involves an incident that happened in the town of Listowel in his riding. Some time ago a policeman, in the performance of his duties, called at a farmhouse in the area. This policeman had in his car a long-time friend, a civilian. No one knows to this day whether his friend was impressed to help him in serving a legal document on this person. The person against whom the legal document was to be executed shot them both dead. Under the provisions of this bill, if the crown proceeded against and obtained a conviction for the murder of the policeman the murderer could swing, but if the crown proceeded on exactly the same charge in respect of the death of the civilian the murderer could serve a sentence of life imprisonment which may be only, as has been said, 8 years, 10 months and 1 day. I ask, is this right? Is it fair? That Listowel case is still before the courts. This is not ancient history; it is right at the moment, 1967.

Mr. Pennell: Mr. Chairman, I have listened carefully to the submissions made by hon. members on this point. I believe I should point out that if we are to define a private citizen assisting a policeman as a police officer as far as capital murder is concerned, it might involve a number of other sections of the Criminal Code. I am prepared to give an undertaking to the committee that I will discuss this point with my colleague the Minister of Justice. We now have amendments to the Criminal Code in hand and will seriously consider this point, because if any change should be made regarding a person assisting a police officer, it should apply not only to cases involving capital punishment but to all sections. If any change is to be made, in my respectful submission it ought to be made in the definition section. I am prepared to give an undertaking that I will discuss this question with my colleague the Minister of Justice.

Mr. Woolliams: I do not want to delay consideration of this bill, Mr. Chairman, but if the Solicitor General is going to consider this suggestion I ask whether he would be prepared to let the clause stand. Otherwise, to have an undertaking such as this means