

Capital Punishment

Mr. Speaker: In my opinion the nays have it.

An hon. Member: On division.

Mr. Speaker: Shall it be recorded that the motion was lost on division?

Some hon. Members: Agreed.

Motion No. 37 (Mr. Fortin) negatived.

Mr. Speaker: The House will now proceed to the consideration of motion No. 42 in the name of the hon. member for Northumberland-Durham (Mr. Lawrence).

Mr. Allan Lawrence (Northumberland-Durham) moved:

Motion No. 42.

That Bill C-84, an act to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, be amended in clause 25 by striking out lines 38 and 39 at page 12 and substituting the following therefor:

"25. (1) This act shall come into force on the 1st day of July, 1978, and if, on that day any person is under a sentence of death".

He said: Mr. Speaker, there are two elements involved in this amendment. First, no matter when the law comes into effect, presumably there will still be people who will be under sentence of death. If the measure comes into effect now, comes into effect on proclamation or comes into effect six months from now—no matter when—unless commutations have been made under the existing Criminal Code there will be people under sentence of death. The whole clause refers to that probability.

The amendment before the House seeks to change the date of the coming into force of the act. The reason I would like to see the effective date of this measure postponed to the first day of July, 1978, is really a reference back to an original undertaking when the present sections of the Criminal Code were enacted in 1973. You will recall at that time, sir, that the Prime Minister (Mr. Trudeau) and the Solicitor General (Mr. Allmand), on behalf of this ministry, undertook that there would be a further trial period of five or six years of the law as it is presently enacted, to see whether the present provisions of the Criminal Code would be effective in reducing the rising incidence of violent crime in this country.

That period will not be completed until 1978. Therefore, I feel that the undertaking which I took very seriously at that time and which has been broken by the Solicitor General and this ministry in respect of the bill now before us, should be adhered to. Obviously, the government will not stay with that undertaking, and I think they should be made to do so. That is the purpose behind this amendment. The purpose is to put off until July 1, 1978, the coming into force of these amendments. I submit it to the House for approval.

● (1420)

Hon. Warren Allmand (Solicitor General): Mr. Speaker, while I appreciate some of the logic in the hon. member's argument, I have to say that we would work a very inequitable system if we were to do what he suggests. If I understand him correctly, he is suggesting that this law, which is an abolition law, should only come into effect after July 1, 1978. I assume he suggests that in the mean-

[Mr. Speaker.]

time we should apply the law in force at present, which is to hang some of the people on death row or selectively to commute some and hang others. In response to that, I can only say that if the House takes the decision to abolish capital punishment, I think it would not be just to hang some people merely because they happen to be sentenced before a certain date, and commit to life imprisonment those who were sentenced after a certain date. I think the House should decide either to have capital punishment or not to have it, and once we have made that decision the law should go into effect. So, with all respect, I suggest that we reject this amendment.

The Acting Speaker (Mr. Turner): Is it the pleasure of the House to adopt the said motion?

Some hon. Members: No.

The Acting Speaker (Mr. Turner): All those in favour of the motion will please say yea.

Some hon. Members: Yea.

The Acting Speaker (Mr. Turner): All those opposed will please say nay.

Some hon. Members: Nay.

The Acting Speaker (Mr. Turner): In my opinion the nays have it.

Some hon. Members: On division.

The Acting Speaker (Mr. Turner): I declare the motion lost on division.

Motion No. 42 (Mr. Lawrence) negatived.

The Acting Speaker (Mr. Turner): We move on to motion No. 45 in the name of the hon. member for York-Simcoe (Mr. Stevens).

Mr. Sinclair Stevens (York-Simcoe) moved:

Motion No. 45.

That Bill C-84, an act to amend the Criminal Code in relation to the punishment for murder and certain other serious offences, be amended in clause 28 by adding immediately after line 7 at page 15, the following new subsection:

"(3) Where, at any time after December 31, 1977, a motion for the consideration of the House of Commons, signed by not less than 50 members of the House, is filed with the Speaker to the effect that section 218 of the *Criminal Code*, as enacted by section 5, be amended, so as to reintroduce capital punishment

- (a) for the murder of police officers and prison employees,
- (b) for first degree murder,
- (c) for any form of first degree murder, or
- (d) for treason,

for any period, fixed or indeterminate, commencing after the motion is adopted, the House of Commons shall, within the first fifteen days next after the motion is filed that the House is sitting, in accordance with the rules of the House, take up and consider the motion, and if the motion, with or without amendments, is approved by the House, the Minister of Justice or Solicitor General shall take such steps as are necessary in order that a measure in their name giving effect to the motion may be placed before the House without delay."

He said: Mr. Speaker, I am suggesting motion No. 45 partly because the present bill proposes that the death penalty shall no longer be in effect in Canada for ordinary