

Now, Mr. Speaker, what does the Criminal Code provide in the circumstances?

"202a (1) Murder is capital murder or non-capital murder.

(2) Murder is capital murder, in respect of any person, where

(a) it is planned and deliberate on the part of such person,

(b) it is within section 202 and such person (i) by his own act caused or assisted in causing the bodily harm from which the death ensued,

(ii) by his own act administered or assisted in administering the stupefying or over-powering thing from which the death ensued,

(iii) by his own act stopped or assisted in the stopping of the breath from which the death ensued,

(iv) himself used or had upon his person the weapon as a consequence of which the death ensued, or

(v) counselled or procured another person to do any act mentioned in subparagraph (i), (ii) or (iii) or to use any weapon mentioned in subparagraph (iv), or

(c) such person by his own act caused or assisted in causing the death of

(i) a police officer, police constable, constable, sheriff, deputy sheriff, sheriff's officer or other person employed for the preservation and maintenance of the public peace, acting in the course of his duties, or

(ii) a warden, deputy warden, instructor, keeper, gaoler, guard or other officer or permanent employee of a prison, acting in the course of his duties, or counselled or procured another person to do any act causing or assisting in causing the death.

All murder other than capital murder is non-capital murder.

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

Every one who commits non-capital murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

Notwithstanding subsection (1), a person who appears to the court to have been under the age of eighteen years at the time he committed a capital murder shall not be sentenced to death upon conviction therefor but shall be sentenced to imprisonment for life.

Consequently, Mr. Speaker, I move, seconded by the hon. member for Kamouraska (Mr. Dionne):

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.

**The Acting Speaker (Mr. Tardif):** I shall read the amendment while waiting for a ruling from the Chair.

Mr. Simard, seconded by Mr. Dionne, moves:

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.

### *Amendments Respecting Death Sentence*

• (4:40 p.m.)

[English]

**Mr. Pennell:** Mr. Speaker, I have not had an opportunity to study this amendment. I wonder if debate could be continued and I would reserve the right to study the amendment and voice an argument on it to the house at a later date.

**Mr. Knowles:** Same here.

**The Acting Speaker (Mr. Tardif):** Actually this amendment was read on a provisional basis.

**Mr. MacInnis (Cape Breton South):** On a point of order, Mr. Speaker, do the remarks of the minister mean that the debate is going to continue today and will go into another day? Is he not anticipating a vote?

**Mr. Pennell:** I am in the hands of the house. If hon. members wish to express their views I am certainly willing to listen to them with respect. It is not for me to determine whether debate should continue or not. That is in the hands of the house.

**Mr. Mac T. McCutcheon (Lambton-Kent):** Mr. Speaker, a year and a half ago I supported the amendment of the hon. member for Rosedale (Mr. Macdonald). I suppose therefore I might be classed as an abolitionist. However, I must point out that I cannot support this bill in its present form. I cannot make a value judgment on human life. When the Prime Minister (Mr. Pearson) suggested in his remarks the other night that those who voted for retention were mental barbarians, I think he was cynically imputing unfair motives to many of us who feel we must vote against this bill in its present form. I say to the Solicitor General (Mr. Pennell): Make it total abolition and I will support it.

**Some hon. Members:** Question.

**Mr. Cowan:** Mr. Speaker—

**The Acting Speaker (Mr. Tardif):** I think the hon. member for York-Humber has already spoken on this question.

**Mr. Cowan:** I wish to ask if I can speak on the amendment? You have stated that the amendment is provisionally accepted and I am quite prepared to speak on the amendment at this time.

**The Acting Speaker (Mr. Tardif):** Actually I do not know whether the amendment is