

Amendments Respecting Death Sentence

not obeying the order. Certainly to my mind that indicates very clearly that if the circumstances are such that the citizen asked to help a peace officer might lose his life, the citizen would have a reasonable excuse for not obeying such an order.

Mr. Bell (Carleton): What good would that be, if he lost his life?

Mr. Greene: So the law is not, as the hon. member for Bow River appeared to me to indicate in his argument, that the citizen has to obey such an order whether he likes it or not. The law is quite clear, that if the citizen has reasonable excuse for not obeying such an order, it is not incumbent upon him to obey the order.

This of course is what the Solicitor General in his opening remarks to the committee tried to make very clear, namely that in each set of circumstances the duty of the citizen differs, depending upon those circumstances. I think this should be made very clear in the argument put forward on this point.

I think the hon. member for Bow River, I am sure inadvertently or out of enthusiasm in making his argument, did not very clearly bring to the attention of the committee that the words of sections 434 and 436 of the Criminal Code are that a citizen "may" arrest without warrant a person under the circumstances envisaged in these sections of the Code.

There is no duty upon a citizen, as the hon. member for Bow River tried to indicate, to make an arrest without a warrant. This is quite clearly within the purview of police officers or peace officers and is not within the purview of an ordinary citizen. The ordinary citizen has the right to do so if he wishes. He can do so, as the sections say, but there is no duty upon him, and it is not incumbent upon him to do so. I think this should be very clear in the record of the house and should not be left in the context of the argument of the hon. member for Bow River, who suggested that there was a duty upon the citizen to make an arrest under those circumstances.

● (8:50 p.m.)

I should like to say in conclusion, because I wish to be very brief in this argument, that the hon. member for Bow River remarked that the Solicitor General was playing ducks and drakes with the house, that he was using this approach as a matter of expediency, that irrespective of the nature of the bill as he is presenting it he is just using the device of

adding "a few gimmicks", as the hon. member put it, in order to get the bill through the house. I think this is a very unfair criticism and an improper argument. To those who believe that any movement away from the original concept that an eye for an eye, a tooth for a tooth and a life for a life, is progress; to those who believe that the state no more than anyone else has the right to take a life; to those who believe that movement in that direction is progress; to those who believe that humanity in any society is improved when it comes to the point where it no longer takes a life—surely any step in this direction is a step toward progress.

I should like to remind the hon. member for Bow River, who has great respect and reverence for the house and who urges the government continually to heed the dictates of the house, that the last time a vote was taken on this issue it appeared from the record that the majority of the members of the house would have supported a bill worded in the terms of the present one. This appears to be the consensus of the house at that time when we analyze the statistics of the voting. Therefore this bill is couched in terms which represent the last views of the house, according to the analysis of the voting at that time. I do not think this is playing ducks and drakes with the house in any way, shape or form. It is an attempt to bring before the house a bill which is worded in the very terms that the house would have approved at that time.

To those who believe any movement toward abolition is progress in human terms and is the building of a better society, there is a duty to bring before the house a bill worded along the lines which the house would have supported when it last dealt with the matter, and which would indicate the maximum degree of abolition the house would appear to have supported on the last occasion when it had the opportunity to vote on this subject.

Mr. Pugh: The Minister of Agriculture has supplied us with a good deal of information. I have always considered him to be one who tries most often to plow a straight furrow; but at the same time I believe he is a little off beat on this whole matter. The amendment now before us deals with the citizens who come to the aid of a police officer and who do their duty as citizens of Canada. What happens to their families and their dependants if they are killed?