

Proceedings on Adjournment Motion

ruled in a vote 143 to 112 that they wished to see the law of the land continued. This calls for the death penalty in capital murder convictions. I have not yet received an answer to my question on that score. I wish to develop further the question which I asked last Thursday, by asking whether the cabinet has discarded the principle of a responsible government in this country.

There was a vote of 143 members to 112 to continue the law as it is on the statute books, and yet the cabinet continues to commute death sentences despite that law. The cabinet has stated that it is commuting sentences in cases where there were recommendations for mercy from the jury. Does this mean that 12 selected jurymen have more power than 265 elected members of parliament? If so, I would suggest to the Governor General that he should dismiss the House of Commons and call in 12 jurymen to conduct the law and rule this nation. The cabinet seems to think that a jury is better able to handle convictions for murder than the Supreme Court of Canada, the supreme court of the province that may be involved, or even the trial divisions in the provinces.

I have in my hands pages 12397 and 12398 of *Hansard* of January 30, 1967 in which the Solicitor General, in answer to a question from the hon. member for Carleton (Mr. Bell) gave some statistics with regard to the action taken by the cabinet on murder convictions. Four sentences without any recommendation for mercy whatsoever have been commuted. As stated in *Hansard*, in case No. 88 there was no recommendation for mercy from the judge or from the jury. In case 90 there was no recommendation for mercy from the judge or from the jury. The same applied in cases No. 91 and 93, and yet every one of these sentences was commuted. We are told that this was only done in cases where there was a recommendation for mercy from the jury.

Mr. Speaker, I will make the flat statement that I could get a petition signed by a minimum of 100 names, and possibly running into thousands, asking for mercy for the victims of these criminals. We have never had time to get a recommendation for mercy for the victims. The two men from British Columbia whose sentences have been commuted and who have received recommendations for mercy from 12 jurymen, murdered two women. I am sure we could have gathered thousands of names asking for mercy for these two women before they were murdered by

the criminals to whom the cabinet has extended clemency.

I have no hesitation in referring to the case in Hull. It has not yet been appealed so one can comment, since a conviction has been handed down. This is another case of a woman being shot by a man for whom a recommendation for mercy was made. I am sure we could have gathered hundreds of names on a petition asking for mercy for the woman before she was shot dead by the man who has been convicted of her murder. But no, we have the criminal with a recommendation for mercy gracing his shoulders and no recommendation for mercy gracing the shoulders of the victim.

● (10:20 p.m.)

When I said the cabinet is flying in the face of parliament when it commutes a death sentence, I refer to the fact that a free vote was held. Evidently a free vote means that parliament votes, then the cabinet feels free to do what it likes. When the cabinet flies in the face of a free vote of 143 to 112, responsible government appears to have gone out the window in this country. There was a vote not long ago of 59 to 58 against the cabinet. Within 24 hours they endeavoured to bring in another amendment which would counteract the vote of 59 to 58, and this is a cabinet which is supposed to be responsible to the parliament of Canada. Is it no longer responsible to the party that keeps it in power? They fly in the face of a vote of 59 to 58, or endeavoured to do so until they were derailed because they were flying in the face of responsible government. We believe that the cabinet should be responsible, and must be responsible to the parliament of which they are only the executive branch.

Now, I ask the Solicitor General (Mr. Pennell), has responsible government left this country, in view of the definite cases we have in which the cabinet has been flying in the face of votes that were against them in two matters, but more particularly this question of capital punishment when the vote was 143 to 112.

Hon. L. T. Pennell (Solicitor General): Mr. Speaker, there is no need for me to say that I respect the feelings of the hon. member for York-Humber (Mr. Cowan) on this important subject of capital punishment. However I should like to point out to him, with respect, that section 656 of the Criminal Code was