

Criminal Code

going to speak. Unless there is some understanding along those lines, then I would suggest, Mr. Speaker, the wisest course is to call it ten o'clock and be done with it.

Mr. Winch: I still want to facilitate the procedure of the house if I can. My main reason in rising and asking for the adjournment is confusion which was brought about in the discussion concerning the position of a member in discussing this most important bill. A question was asked by the hon. member for Winnipeg North Centre, and in reply the Minister of Justice stated that he had no objection during the debate on second reading to a discussion of the principle of the bill. Speaking from memory I believe the minister added that if an hon. member did so he would be expressing egoism—I think that was the word—in speaking without the report of the royal commission or the committee.

This disturbed me greatly, sir, because in his original statement the minister made it very clear—I think these are his words—that this bill should be considered as a bill of the house and not a bill of the government. We would have, therefore, to be voting on the principle of the bill as it is before us, and one or two sections of the bill contain principles to which I am unalterably opposed, even though the minister has said these matters are going to be referred to a joint committee of this house and the other place or a royal commission. I could not see myself, Mr. Speaker, in the position of being asked to vote upon and pass in principle something to which I am unalterably opposed.

The only opportunity I could see for speaking on this principle, therefore, was on the second reading of the bill. I hope, sir, you understand the position in which I find myself. If there is any way of clarifying it in order to speed up the procedure I would be only too happy to abide by it. At the same time I want to preserve my right to speak on principles to which I am unalterably opposed, because I am not going to vote for them.

Mr. Garson: The hon. member for Vancouver East, who has just taken his seat, Mr. Speaker, has referred to some language of mine which I am anxious to explain to his satisfaction as not being susceptible of the interpretation which, from his standpoint, he has perhaps properly placed upon it. I thought I had made it clear, not once but several times, that it was the view of many that the most orderly manner of proceeding to debate the Criminal Code, which embraces so many principles, would be to treat the principle of

the bill on second reading as being merely the question of whether a statute which had been on the books for 60 years should be now consolidated. This arrangement expressly contemplated that when we got into committee of the whole the fullest possible opportunity would be given to all members, including the hon. member for Vancouver East, to express to his heart's content the views that he has with respect to, shall I say, the question of capital punishment—

Mr. Winch: That is the one I have in mind.

Mr. Garson:—notwithstanding the fact that subject would have been, in the meanwhile, sent to a joint committee of parliament for consideration.

Mr. Winch: May I ask a question, Mr. Speaker? If it is sent to a joint committee is the matter not sub judice and out of order for discussion in the house?

Mr. Garson: I think that can be cleared up. There is certainly no intention that either the hon. member or any other member of the house would be deprived of an opportunity to discuss it.

Mr. Fulton: That is perfectly understood.

Mr. Garson: That is, if he wished to do so without the report. I am sure the hon. member for Vancouver East will not object to my having the feeling that I would prefer to get the report of the joint parliamentary committee or the royal commission before I discussed it, but I would be the last man in the house to deny his right to discuss it, with or without a report of the royal commission or a joint committee. I do not think there was any thought that the hon. member would be deprived of the fullest opportunity of discussing that particular clause when the bill is before the committee of the whole.

Mr. Winch: I could not ask for more. I give way.

Mr. Speaker: Is it the pleasure of the house to adopt the motion?

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Robinson (Simcoe East) in the chair.

On section 1—*Short title.*

Mr. Fulton: Ten o'clock.

Mr. Knowles: Stand.

Section stands.

Progress reported.