

*Criminal Code*

**Mr. Fulton:** Would the expense of an applicant in getting an opinion be covered in this item?

**Mr. Gregg:** No; that would come under travelling expenses. I beg your pardon; you mean the applicant getting his own opinion?

**Mr. Fulton:** Yes.

**Mr. Gregg:** If the commission authorized repayment of the applicant's independent examination that would come under this item.

Item agreed to.

534. Veterans bureau, \$436,791.

**Mr. Fulton:** Six o'clock.

Item stands.

Progress reported.

**NATIONAL DEFENCE**

Third report of special committee on Bill No. 133, respecting national defence.—Mr. Campney.

At six o'clock the house took recess.

**AFTER RECESS**

The house resumed at eight o'clock.

**CRIMINAL CODE**

**AMENDMENT TO PROVIDE FOR ABOLITION OF CAPITAL PUNISHMENT**

The house resumed, from Friday, April 28, consideration of the motion of Mr. Thatcher for the second reading of Bill No. 2, to amend the Criminal Code (capital punishment).

**Hon. Hugues Lapointe (Solicitor General):** Mr. Speaker, the bill now before the house provides for the abolition of capital punishment in Canada. As hon. members know, this question has been debated in this house many times. The death penalty is as old as human society, but in recent generations sociologists have been exploring the possibility of substituting some other still effective but less drastic means of punishment than that of taking the offender's life. In support of the measure which he has introduced the hon. member for Moose Jaw (Mr. Thatcher) repeated the classical observations which have so often prompted leaders of social reform to advocate the abolition of capital punishment and its replacement with some form of deterrence which they submit would be more in keeping with modern trends of the utmost humane treatment of convicts.

I think the hon. member should be congratulated on the sincerity of purpose which he so effectively and eloquently displayed when presenting his bill a few weeks ago, but I hope that his arguments in favour of the abolition of capital punishment in Canada will not be found sufficiently convincing by hon. members to warrant them in favouring a change in the law as it now stands.

I have no intention of burdening the house with the religious and historical arguments which have been expounded so well in the course of previous debates on this question. Although the hon. member for Moose Jaw claimed that he could not profess to be a biblical authority, he based his first argument on the commandment, "Thou shalt not kill", which was given by the Lord to Moses and which is to be found in the first pages of the Old Testament. I do not profess to be a biblical authority either, but I think the hon. member might have remembered that the bible should be taken as a whole. If he had pursued the reading of this holy book a little further he would have found that the same One who commanded not to kill also directed that certain crimes should be punished by death.

The hon. member objects to capital punishment, and particularly to hanging, as the law provides in Canada, because of the brutality of the actual execution. He quoted the evidence of witnesses who had appeared before a special committee of this house which was set up in 1937. As I recall from reading the proceedings of that committee, it was set up for the express purpose of determining whether another form of capital punishment than hanging would be more humane and whether another form of capital punishment would prove to be a greater deterrent to the commission of murder.

That committee was comprised of members from both sides of the house and it recommended that no change should be made in the law as it stood. In support of his argument as to the brutality of hanging, the hon. member for Moose Jaw recently quoted from the evidence given by a deputy sheriff of Toronto who had assisted in a number of hangings and who testified that the actual time elapsing between the springing of the trap and death was fourteen minutes and seven seconds. The hon. member should have analysed that evidence more carefully. If he had, I believe he would have found that what that witness really was referring to was the time between the execution and the moment when the doctor, who was a witness to the execution, declared that death had