

When a person is caught after the act of killing and cannot furnish any reason to exempt him from the statutory penalty, he should be destroyed with the least possible fuss. This should be the procedure after a person has been convicted by a fair and unprejudiced trial. It is pretty evident that once a killer, always a killer. This applies to the man-eating lion, the sheep-killing dog or the human homicide. The latter will shoot his way out of a tight corner or out of gaol whenever the occasion arises. He will scarcely think twice before destroying one who does not comply immediately with his demands. Such a person is a public menace, an ever present danger to society, and as such should be disposed of without delay. However, in so doing, it should be no part of the penalty to expose such a person to unnecessary cruelty. The early morning call; the ghastly procession to the gallows; the fixing of the hands and feet; the black cap; the adjustment of the noose with the knot behind the left ear, may all be very necessary to an execution by hanging, but they must cause extreme terror and untold mental anguish to the victim. These would all be eliminated if some other form of destruction were adopted. No doubt the lethal chamber would have plenty of horror also for its victim, but a comparatively small dose of narcotic if permitted by law would remove most of the apprehension and confer comparative mental quietude.

I do not see why this matter should not be very carefully and seriously considered by the house. Certainly the only thing to do with dangerous killers is to get them out of the way, but I do not see why in this modern age of civilization and culture we should try to inflict torture in the process of destruction.

Hon. ERNEST LAPOINTE (Minister of Justice): The subject matter of this bill is indeed a very important one. This is the first time that such a suggestion is embodied in a proposed legislative measure. Both the mover (Mr. Blair) and the seconder (Mr. Howden) have argued their case with great sincerity and strength of conviction. Both have stated that they are not opposed to capital punishment, though some of the arguments of the hon. gentleman who moved the second reading of the bill were rather in the direction of doing away with the institution itself than with the method of carrying it out.

This is a subject which it is always very sad to discuss, and in the numerous duties which the man who holds the position I do has to perform, all that relates to the ques-

tion of capital punishment is most painful. But we take the oath to uphold the laws of Canada, and so long as this is the law it has to be upheld. As regards the death penalty, the subject was discussed a few years ago in this house, when a very protracted and able debate took place. At the conclusion of that debate when the division came the vote stood ninety-two to twenty-nine in favour of maintaining capital punishment as a deterrent against the crime of murder.

I agree with my hon. friend from North Wellington that capital punishment should not be regarded as an act of vindictiveness on the part of the state or even as a measure of retribution; it is a protection, protection of society, and a deterrent. I may assure my hon. friend that while I am a lawyer I am not a worshipper of the gods of antiquity, as he suggested. But though I am in favour of changes, before I accept them definitely I want them to be improvements upon what exists. If capital punishment must continue there is no doubt that some happenings in one or two instances have aroused a certain degree of public feeling against the present mode of execution, and it is the consensus of opinion that everything should be done to render the taking of life of the condemned person as little cruel and brutal as possible.

I agree—and my hon. friend even quoted words of mine in a debate in a previous session—that anything which would lead to improvement in the mode of execution so as to make it less cruel than it happens to be should be adopted. But opinions differ as to the mode suggested by my hon. friend. The two alternative methods which are usually suggested are electrocution and the one which the hon. gentleman proposes. Both are comparatively new, especially lethal gas, and I am informed that there has been a good deal of bungling in the handling of both. I read an article in the *American Law Review* of 1926 entitled *Recent History and Present Status of Capital Punishment in the United States*, in which reference is made to the then new method of lethal gas in Nevada. Referring to the first execution that had taken place in that state by this new method the writer says in his last words:

It is contended by some persons that electrocution is in fact no less brutal than hanging, and most commentators on Nevada's lethal gas experiment have expressed the view that it is even more barbaric.

That was in 1924. I have before me the *American Mercury* of May, 1933, in which there is an article, *Capital Punishment by Lethal Gas*, in which it appears that since that first execution in 1924, other incidents