

*Criminal Code—Death Penalty*

Mr. BLAIR: It may vary considerably. Take the case of the fellow who followed that woman in Montreal; he did not fall through at all and he lived for a long time.

Mr. LAWSON: I was referring to unconsciousness.

Mr. BLAIR: A man can be kicking around; he cannot talk as he has a rope round his neck. If the executioner is pulling on his body down below, is he going to tell him to quit? In the case of ethyl chloride you would not take the second breath before you would be unconscious. With carbon monoxide you would not know when you were taking it; you would go to sleep and you would not wake up; it would be your last sleep.

Mr. J. P. HOWDEN (St. Boniface): Mr. Speaker, I should like to say a word or two on this bill. In fact, the hon. member invited me to second his motion. I thank him for that honour and I congratulate him upon having brought this very important matter before the house. I shall refer for a moment to the question asked by the hon. member for York South (Mr. Lawson) as to the comparative time it takes to become unconscious with hanging and with the use of an anaesthetic. So far as hanging is concerned there is no way of knowing as no one has come back to tell us. As soon as pressure is brought to bear upon the spinal chord immediately below the head, life rapidly becomes extinct because the great centres of respiration and circulation are paralyzed. As soon as they are paralyzed the system does not get its necessary supply of oxygen and rapidly ceases to function. I would put the time at probably a couple of minutes. In the case of chloroform it takes from four to five minutes to go under, and in the case of ether, ten to fifteen minutes. With nitrous oxide you go under in a very short time, within two or three minutes. I think those are fair estimates of the time required to lose consciousness under the anaesthetics I have mentioned. However I did not rise to discuss this phase of the matter.

The bill deals with capital punishment which, I take it, is imposed in cases of first degree murder. I do not know the definition of murder, but I assume it to be the destruction of a fellow human being.

Mr. LAWSON: With intent.

Mr. HOWDEN: I was going to say that it matters not whether the act is done with intent or because of a sudden spleen or anger.

Mr. LAWSON: In one case it is manslaughter; in the other it is murder.

[Mr. Lawson.]

Mr. HOWDEN: I am not a legal man and I cannot discuss that matter. I do not think it is particularly important. As I understand it, capital punishment is imposed only for first degree murder. The age old law of an eye for an eye, a tooth for a tooth and a life for a life, still prevails pretty universally. The only thing to do with a killer is to put him where he cannot kill, and the only safe way to do that is to destroy him. It may be that the present practice of killing killers is done more in the spirit of retribution than to safeguard the public, but that is the usual practice. In former times men have been put to death for murder in the most gruesome and horrible manner. They were beheaded, boiled in oil, burned at the stake, drawn and quartered as well as destroyed by the ever convenient and spectacular method of hanging. This is still a favourite method. With the advance of civilization we have got away from many of the cruder methods, although men and women are still beheaded in some parts of the world and for lesser crimes than murder. Most of the American states have adopted the electric chair, but hanging as it is practised to-day—the idea is to dislocate or break the spinal column immediately below the head, as distinguished from the method of slow suffocation brought about by the old time hangings—is pretty generally practised. If this method is carried out properly there should not be much cruelty; unconsciousness should be brought on in a couple of minutes at the most, but there has been a series of unfortunate hangings which would seem to indicate that some of the hangmen have either forgotten their art or never learned it.

I think we should assume that the purpose of an execution is not so much to punish an offender as to eliminate a dangerous menace to public life. The only way in which this can be done is by total destruction. Once guilt is definitely established, the more quietly and quickly the accused is put away, the better. Unfortunately in the country to the south, and even in our own country, so much headline publicity is given in the press to malefactors before the trial, during the trial and after the trial, that they are often raised to the status of public heroes. Full details are usually reported of their forebears, their family affairs, the features of the crime, the trial and the subsequent incarceration, and the whole episode vies for public interest with first place sport news, leading political activities and other legitimate topics of interest. It is just possible that because of this hero worship many youths are induced to indulge in crime.