

not think there will be any question at all as to that. Agreeing then with what I have said, as I think we must agree, I go further and say that we must also agree to the proposition that capital punishment should not be allowed unless absolutely necessary. The question is: Is it absolutely necessary?

Some hon. MEMBERS: Oh, oh.

Mr. THOMSON: Perhaps that is too strong a term to use; we will say 'reasonably necessary,' and that will perhaps please our friends opposite better. I think all will agree that unless it is necessary we should not think of any such thing. All will agree, I think, that the infliction of the death penalty by the State should not be permitted unless it is really necessary, and we will also agree that the system is horrible and repulsive to the minds of all right thinking persons. If that is admitted, then the onus rests entirely on those who would retain that system. It is for them to show that it is necessary in the interests of the State, and that it would be unsafe to do away with it. Some advocates of the Bill have stated that in none of the countries where capital punishment has been abolished has it been reinstated. I believe that my hon. friend from Kingston says that in some of the cantons of Switzerland it has been reinstated.

An hon. MEMBER: Also in France.

Mr. C. A. WILSON: It was never abolished in France.

Mr. THOMSON: I will leave these gentlemen to settle that dispute themselves. I think it will be agreed that in almost all of the lands in which capital punishment has been abolished it has not been revived. If there had been a general complaint that crimes of this nature had increased where capital punishment had been abolished, there is no doubt that the people would very soon have reinstated capital punishment. The fact that generally they have not reinstated that system shows clearly that they are better satisfied with the present method of dealing with these crimes than with the old system. Whatever fault their present system may have, they have not gone back to the former system, which shows that, in their opinion, the present system is the better one.

I just want to deal with one particular phase of this question, otherwise I would not have risen to my feet. I want to deal with the state of mind of the man who commits a crime of this kind. I said that I could not entirely agree with my hon.

[Mr. Thomson.]

friend from Montreal, St. Lawrence, in assuming, as I believe he assumed, that these men were insane in every case. I do not think they are insane, that is that they would be adjudged by our courts to be legally insane. But I think that a study of the state of mind of the man who commits a crime of this kind is worthy of consideration, and I will admit, with my hon. friend from Carleton, that I am perhaps influenced a little by what I have seen myself. Cases have come under my personal experience and my reading does not change my mind, but it rather bears out the conclusion that I have come to from those cases that have come under my personal observation. I find that there are two different states of mind, that you can divide the state of mind a person who commits a crime of that kind under two heads. Generally, each will have something to do with his condition, but either one or the other certainly will. Either the man who commits the crime is in an excited state of mind or there is some particular provocation or something which has done its work upon his passion with the result that he does not think for one moment of the consequences. That is the general thing. I have prosecuted in four cases where the parties have been found guilty—in three cases of murder and one of manslaughter, and in three out of those four cases I believe that was the absolute state of the minds of the persons who had committed those crimes. I am satisfied that not one of these three men had the slightest notion of the results to himself. It did not make one straw's worth of difference to these men whether the penalty was hanging, or life imprisonment, or a fine of one dollar. That is the general state of mind of the man who commits murder. You may call that insanity if you like; he is not in his right mind, but he is not insane. He is in that condition of mind where it does not make a bit of difference what the consequences of his act may be.

An hon. MEMBER: What about the man who premeditates murder?

Mr. THOMSON: The man to whom my hon. friend refers, and who has been referred to by one of the speakers before, is the man who from the bottom of his heart thinks there is no possible chance of his being found out. I do not think that any hon. member of this House will contradict me in that. Unless he is in the state I have just described in which he does not