

a report that any admission or confession was tendered in evidence at a preliminary inquiry or a report of the nature of such admission or confession unless the accused has been discharged or, if the accused has been committed for trial, the trial has ended.

The Parole Act (SC 1958, c. 38), brought into force on Feb. 15, 1959, revises the parole system and provides for the establishment of a National Parole Board (see pp. 373-374).

It is most important to notice that in 1960 (SC 1960, c. 44) Parliament enacted what is to be known as the Canadian Bill of Rights. Although the Act sets out further details, its general scope appears in Sect. 1, which reads as follows:—

"1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press."

Although the Bill of Rights has been invoked on various occasions during its first year in force, the courts have not held it to affect the operation of the Criminal Code.

There were important changes to the Criminal Code in 1961 (SC 1960-61, cc. 43 and 44). The new classification of murder is best shown by quoting Sects. 202A and 206 of c. 44:—

"202A. (1) Murder is capital murder or non-capital murder.

(2) Murder is capital murder, in respect of any person, where

- (a) it is planned and deliberate on the part of such person,
- (b) it is within section 202 and such person
 - (i) by his own act caused or assisted in causing the bodily harm from which the death ensued,
 - (ii) by his own act administered or assisted in administering the stupefying or overpowering thing from which the death ensued,
 - (iii) by his own act stopped or assisted in the stopping of the breath from which the death ensued,
 - (iv) himself used or had upon his person the weapon as a consequence of which the death ensued, or
 - (v) counselled or procured another person to do any act mentioned in subparagraph (i), (ii) or (iii) or to use any weapon mentioned in subparagraph (iv), or
- (c) such person by his own act caused or assisted in causing the death of
 - (i) a police officer, police constable, constable, sheriff, deputy sheriff, sheriff's officer or other person employed for the preservation and maintenance of the public peace, acting in the course of his duties, or
 - (ii) a warden, deputy warden, instructor, keeper, gaoler, guard or other officer or permanent employee of a prison, acting in the course of his duties, or counselled or procured another person to do any act causing or assisting in causing the death.

(3) All murder other than capital murder is non-capital murder."

Sect. 206 of the Act (c. 44) was repealed and the following substituted therefore:—

"206. (1) Every one who commits capital murder is guilty of an indictable offence and shall be sentenced to death.

(2) Every one who commits non-capital murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

(3) Notwithstanding subsection 1, a person who appears to the court to have been under the age of eighteen years at the time he committed a capital murder shall not be sentenced to death upon conviction therefor but shall be sentenced to imprisonment for life.

(4) For the purposes of Part XX, the sentence of imprisonment for life prescribed by this section is a minimum punishment."

The Act provides an automatic appeal to the Court of Appeal for a person sentenced to death, and also that a person so sentenced may appeal to the Supreme Court of Canada on any ground of law or fact or mixed law and fact.