At the time of Confederation each of the colonies affected had its own body of statutes relating to the criminal law. In 1869, in an endeavour to assimilate them into a uniform system applicable throughout Canada, Parliament passed a series of Acts, some of which dealt with offences of special kinds and others with procedure. Most notable of the latter was the Criminal Procedure Act, but other Acts provided for the speedy trial or summary trial of indictable offences, the powers and jurisdiction of justices of the peace in summary conviction matters and otherwise, and the procedure in respect of juvenile offenders.

Codification of the criminal law through a Criminal Code Bill founded on the English draft code of 1878, Stephen's *Digest of criminal law*, Burbidge's *Digest of the Canadian criminal law*, and the relevant Canadian statutes was brought about by the Minister of Justice, Sir John Thompson, in 1892. This Bill became the Criminal Code of Canada and came into force on July 1, 1893. It must be remembered, however, that the criminal code was not exhaustive of the criminal law. It was still necessary to refer to English law in certain matters of procedure and it was still possible to prosecute for offences at common law. Moreover, Parliament has declared offences against certain other Acts, e.g., the Narcotic Control Act, to be criminal offences.

An examination and study of the criminal code was authorized by Order in Council dated February 3, 1949, and the Commission which had been assigned the task of revising the code presented its report with a draft Bill in February 1952. After coming before successive sessions of Parliament it was finally enacted on June 15, 1954 and the new Criminal Code SC 1953-54, c.51 (now RSC 1970, c.C-34) came into effect on April 1, 1955. Since the new Code came into force a number of important amendments have been made. These include an amendment in 1956 providing that motions for leave to appeal to the Supreme Court of Canada in criminal cases should be heard by a quorum of at least five judges of that Court instead of by a single judge; amendments effected in 1959, providing a statutory extension of the definition of "obscenity" and making provision for seizure and condemnation of offending material without a charge necessarily being laid against any person; extensive amendments relating to the allowing of time for payment of fines; amendments dealing with offences committed in aircraft in flight over the high seas; and an amendment forbidding the publication in a newspaper or broadcast of 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. (In 1969 a new amendment laid down that the accused may apply to the magistrate or justice holding a preliminary inquiry for an order forbidding publication of any of the evidence until the accused has been discharged or the trial itself ended.)

It is most important to note that in 1960 (SC 1960, c.44) Parliament enacted what is known as the Canadian Bill of Rights. Although the Act sets out further details, its general scope appears in Section 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, the courts have not held it to affect the operation of the criminal code.

In 1961, the offence of murder was divided into capital and non-capital, the death penalty was abolished in relation to the offence of non-capital murder, and the term "criminal sexual psychopath" was dropped and the term "dangerous sexual offender" substituted; in 1965, provision was made for the right to appeal in habeas corpus proceedings.

The concept of "non-capital murder" was introduced into Canadian criminal law in 1961. At that time, capital murder was defined to include, for example, planned and deliberate murder, murder in the course of certain violent acts and murder of peace officers and prison officers. Life imprisonment was substituted for the death penalty in cases where the accused was convicted of non-capital murder.

In 1966 the House of Commons, in a free vote, rejected a Bill under which the death penalty for murder would have been completely abolished. The next year, in 1967, an Act was passed under which the definition of capital murder was restricted to the murder of police officers or prison officers. This Act was brought into force on December 29, 1967, and