opposed to change. I would ask hon. members to think of the matter in this way, that what I am suggesting is not so much that there should not be any change in our approach to the idea of capital punishment or the laws regarding murder, but rather my suggestion is that what we now have in our Criminal Code and our use of the jury system give an assurance that changes will be made. We may be assured that as they are made those changes will keep abreast of but will not precede or run counter to current social and sociological thinking in society, because juries are formed of members of society.

Thus a hundred years ago a jury would probably have brought in a verdict of guilty, without any compunction whatsoever, in respect of a crime upon which no jury today would convict. And yet the law of murder has not changed; it is the jury that has changed. A jury in considering the charge and the evidence, and in arriving at its verdict, is going to reflect the current social and sociological, penal and penological thinking of the country. So that to suggest that we should go slow in embarking upon changes in our Criminal Code is not simply to oppose change, but rather is to say—as I am now saying—that we already have embodied in the criminal law and procedure of Canada the assurance that change can take place, that it will take place and that it does take place, and that it takes place at a pace which is in keeping with the progress of thought and the development of ideas on these subjects in society as a whole.

I do not intend to exhaust the patience of the house, and shall mention only briefly the other two subjects the committee will be asked to consider, those of corporal punishment and gambling laws. I have dealt at some length with the subject of capital punishment at this time, because I do not think it requires much argument to convince ourselves that probably it is the most important of the three subjects the committee will be asked to consider.

Murder is very final; so is hanging. No one gets a second chance after he has been hanged. While none of us may ever be the accused in a murder trial, we cannot for that reason refuse to consider the matter in the serious light it deserves. Furthermore, every person in Canada is potentially the object of a murderer's activity, so that the consideration of this matter, especially when there is involved in it the question of punishment and whether capital punishment acts as a deterrent to murder, is of vital concern to every Canadian. It is for these reasons that I have spoken on the subject at such length, and at considerably greater length than I shall deal with the other two subjects.

However, I do wish to say, with respect to corporal punishment, that here again, while it may be that views on the subject are not as definite as those concerning capital punishment, there is reason to make haste slowly. I think that a résumé of the types of offences for which corporal punishment may now be imposed as an additional penalty would indicate some of the reasons why we should not go too fast in seeking to eliminate it.

Referring to the index to the Criminal Code one finds that the penalty of whipping may be imposed—and it need not necessarily be imposed—for the following offences: assault, whether it be indecent assault or assault on the person of the king, or on a wife or other female causing actual bodily harm. Then—armed burglary; carnal knowledge; choking or strangling when incidental to such things as attempting to have carnal knowledge or administering narcotics; incest; administering drugs; procuring; rape; and robbery—that refers to joint, violent, or armed robbery.

Those are the offences for which whipping may be imposed as part of the penalty. And I do suggest that merely to catalogue those offences, each of which has about it some element of horribleness, something about it which is disgusting or particularly reprehensible, does suggest that we should not move too fast in eliminating the possibility of whipping being imposed as part of the penalty.

Incidentally, I think that again we might be somewhat reassured, by looking up the statistics as to the number of occasions upon which whipping has been imposed in the last two years as part of the penalty. I find that in this statistical table issued by the bureau of statistics, to which I have already referred, while in respect of the indictable crimes for which persons were charged and found guilty there is no breakdown of the actual number of types of crimes for which whipping might have been imposed as part of the penalty, nevertheless during 1950, out of a total of 31,385 convictions for indictable offences, in only 40 cases was whipping imposed as a penalty. In 1951 the total was even smaller. Although there were 28,980 convictions for indictable offences in 1951, there were only 35 cases in which whipping was imposed as part of the penalty. Therefore it is obvious that it is a power or a discretion, available in the hands of the judges, that is not always used, and indeed is used very sparingly and only in exceptional cases where it is felt that the whipping, while perhaps it may not—and I suggest this for the consideration of the committee—act as a deterrent to somebody else