and conscience of the men and women of this nation. I know the committee may clear up this matter but it could be easily smoothed over. It is easy to make a great speech, or half of one, regarding murder on the highways. I do not intend to deliver the other half.

The Bourne principle allows a medical practitioner to exercise his own judgment in the act of birth. If, however, the pregnancy has to be terminated the matter becomes very complex.

I repeat that this new amendment does not seem to carry the law as it is being practised a step further. There are those who will maintain that a woman's body is her own. There are those who will maintain that the law will leave entirely untouched the problem of an unmarried pregnant woman, the victim of rape, or the respectable married woman who does not want a child. I believe the law remains the same in that regard. I trust the committee will inform us if my view is correct. One writer said if that is all the law really does, a pregnant woman would be well advised to wait until the onset of labour, then have the child disposed of under section 209 without the rigamarole provided for in the new amendment involving the meeting of a committee, approval, the certificate, plus the operation.

• (8:10 p.m.)

Now I turn to a new subject, the section dealing with homosexuality. The new clause 149A, refers to acts which are categorized as acts in private between husband and wife or consenting 21 year old adults. It does not say 21 year old adults; it says 21 year old persons. Are these adults at 21 years? In brief the new section appears to legalize homosexuality under two conditions. They are that the acts take place between a husband and his wife or any two persons, whatever their sex may be, over the age of 21 years. The committee may want to ask these questions.

The marriage licence permits two persons to commit acts which, if they were not married, they could not commit until they were 21. If the act is committed between two people, and one is 20 and the other one 21, does that make it only more immoral or does it make it morally right? The committee may want to ask, why is it legal in the criminal sense for two persons over the age of 21 to commit an act in private while one person under 21, married, but not to the other person commits the act in private and becomes guilty of criminal offence? The question might be asked, does the marriage licence, by itself, legalize in the criminal sense these acts? Well, under the Code it does. The question of moral law is for the committee to decide. The reason my speech is taking so long, Mr. Speaker, is that these things must be analysed.

In an historical sense, since 1631 when the Earl of Castlehaven was executed for the rape of his wife and sodomy with his servants, we have come a long way in these matters. In 1954 in the United Kingdom a special departmental committee, under the chairmanship of Sir John Wolfenden, was appointed to consider the problem of homosexual offences. In its public report in 1957 the committee recommended that private homosexual acts between consenting adults should no longer be a criminal offence. In 1960 the British House of Commons approved the recommendation 213 to 99.

I would like now to quote from an article entitled "Law and Morals" by Norman St. John-Stevas, in the Twentieth Century Encyclopedia of Catholicism. It is rather lengthy but it deals with this subject in a very broad manner.

United States law on homosexual offences was greatly influenced by English law, and homosexual acts between males are punished in all the states. The type of acts punished, however, and the punishment laid down, varies from state to state.

In Canada, the punishment varies from province to province, because although the law is uniform, the sentences vary from judge to judge.

Penalties may be as low as one year's imprisonment with a maximum of three, as in Virginia; or as high as a maximum of seven years, as in Rhode Island; or a maximum of sixty years, as in North Carolina. Some states distinguish between different types of offences, and penalties are graded according to which offence is committed and whether there are aggravating circumstances. No comprehensive figures are available on law enforcement but in some states certainly the law appears to be only spasmodically enforced. In New York City for example, in 1948 there were only 146 arrests for sodomy and in 1949 the figure was 112. From 1950 to 1954 only 89 sodomy cases were reported in the United States of which 27 were in California, nine in Texas and five in New York. Nearly all the cases involved some public element.

In England figures for prosecutions and convictions have been made available through the Wolfenden report, which show that the English laws are not dead letters. Indictible cases rose from 390 in 1931 to 2,504 in 1955. For the three years ending in March 1956, 300 adult offenders were convicted for offences committed in private with consenting adults. Homosexual conduct between