

CHAPTER XXVII.—JUDICIAL AND PENITENTIARY STATISTICS.*

CONSPECTUS.

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Canadian Criminal Law and Procedure.—An account of the development of the Criminal Code in Canada is given at pp. 1085-1087 of the 1934-35 edition of the Year Book. In that article a résumé of procedure and of the extent and jurisdiction of the various classes of judges and magistrates is given.

The statistics presented in the tables that follow, which are summarized from the "Annual Report of Statistics of Criminal and Other Offences", are collected directly from the criminal courts in the different judicial districts throughout the Dominion. There are 155 judicial districts, including 2 sub-districts, divided as to provinces as follows: Prince Edward Island 3, Nova Scotia 18, New Brunswick 15, Quebec 24, Ontario 47, Manitoba 6, Saskatchewan 21, Alberta 12, British Columbia 8, and Yukon 1. The figures for the Northwest Territories are obtained from the reports of the Royal Canadian Mounted Police.

Section 1.—General Analyses.

The collection and publication of criminal statistics now made by the Dominion Bureau of Statistics was initiated in 1876 (39 Vict., c. 13). All records of crime since that time are now available in publications of the Judicial Statistics Branch of the Bureau. The statistics relate to years ended Sept. 30, the latest report being for 1938. Beginning with the report for 1922, an enlargement of the classification of offences has been adopted, by which offences of juvenile offenders are compiled separately from those of adults.

Crime is divided into two definite classes, 'criminal' or 'indictable' offences, which include all serious crime covered by the Criminal Code (see pp. 1039-1040), and 'summary' or 'non-indictable' offences, which comprise breaches of municipal by-laws, traffic laws, and other less serious crimes (see p. 1044). Broadly speaking, indictable offences are triable by jury, although in certain cases the accused is accorded the right of election as to whether he be tried by jury or before a judge without the intervention of a jury, and in other cases the jurisdiction of the magistrate as to trial is absolute and does not depend upon the consent of the accused. Non-indictable offences are usually dealt with summarily by police magistrates under the Summary Convictions Act. The term 'indictable' applies to offences of adults, similar offences committed by juveniles† being termed 'major' offences; non-indictable offences of adults are termed 'minor' offences when attributed to juveniles.

In 1938 there were 465,662 cases of adult offenders handled by the courts, as compared with 464,180 in 1937. Of this total, 50,998 cases were of an indictable

* Revised by H. M. Boyd, Chief, Judicial Statistics Branch, Dominion Bureau of Statistics. The sixty-third "Annual Report of Statistics of Criminal and Other Offences", for the year ended Sept. 30, 1938, is obtainable from the Dominion Bureau of Statistics, Price 50 cents.

† The term 'juvenile' is restricted to persons under 16 years of age.