

CHAPTER XXVI.—JUDICIAL AND PENITENTIARY STATISTICS*

CONSPECTUS

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Canadian Criminal Law and Procedure.—A review of the development of the Criminal Code in Canada is given at pp. 1085-1087 of the 1934-35 edition of the Year Book; it includes a résumé of procedure and an account of the jurisdiction of the various classes of judges and magistrates.

The statistics presented in this chapter are summarized from the "Annual Report of Statistics of Criminal and Other Offences", and are collected directly from the criminal courts in the different judicial districts throughout the Dominion. There are 156 judicial districts, including 2 sub-districts, divided by provinces as follows: Prince Edward Island 3, Nova Scotia 18, New Brunswick 15, Quebec 25, Ontario 47, Manitoba 6, Saskatchewan 21, Alberta 12, British Columbia 8 and Yukon 1.

Section 1.—General Analyses

The collection and publication of statistics of crime now made by the Dominion Bureau of Statistics were 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 1940. 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. 907-912), and summary or 'non-indictable' offences, which comprise breaches of municipal by-laws, traffic laws and other less serious crimes (see pp. 912-916). Generally, 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, but 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.

* Revised by H. M. Boyd, Chief, Judicial Statistics Branch, Dominion Bureau of Statistics. The sixty-fifth "Annual Report of Statistics of Criminal and Other Offences", for the year ended Sept. 30, 1940, is obtainable from the Dominion Bureau of Statistics, Price 50 cents.

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