

CHAPTER XXVIII.—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

Crime is divided into two definite classes, criminal or 'indictable' offences, which include all serious crime covered by the Criminal Code (see pp. 979-983), and summary or 'non-indictable' offences, which comprise breaches of municipal by-laws, traffic laws and other less serious crimes (see pp. 983-986). 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; what are termed non-indictable offences when committed by adults are referred to as "minor" offences when committed by juveniles.

During 1942, there were 626,647 cases of adult offenders handled by the courts as compared with 596,582 cases in 1941. Of this total 45,283 cases were of an indictable nature while 581,364 cases were non-indictable. The corresponding figures for 1941 were 49,026 indictable and 547,556 non-indictable cases. In the case of juvenile offenders (under 16 years of age) 13,802 young persons were brought before the courts of which 2,044 were dismissed or had their cases adjourned *sine die*.

* 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, 1941, is obtainable from the Dominion Bureau of Statistics, Price 50 cents.

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