

CHAPTER VIII.—CRIME AND DELINQUENCY*

CONSPECTUS

	PAGE		PAGE
Part I.—Offences of Adults—		Part IV.—Police Forces	279
SECTION 1. TOTAL OFFENCES	258	SECTION 1. ROYAL CANADIAN MOUNTED POLICE	279
SECTION 2. INDICTABLE OFFENCES	259	SECTION 2. PROVINCIAL POLICE FORCES	281
SECTION 3. NON-INDICTABLE OFFENCES	265	SECTION 3. MUNICIPAL POLICE STATIS- TICS	283
SECTION 4. APPEALS	269	Part V.—Penitentiaries and Reforma- tories	285
Part II.—Offences of Youths	269	SECTION 1. PENITENTIARIES	286
Part III.—Juvenile Delinquencies	272	SECTION 2. REFORMATORIES AND TRAIN- ING SCHOOLS	288
SECTION 1. TOTAL DELIQUENCIES	273	Part VI.—Crime and Delinquency in Newfoundland	288
SECTION 2. MAJOR DELIQUENCIES	274		
SECTION 3. MINOR DELIQUENCIES	278		

NOTE.—The interpretation of the symbols used in the tables throughout the Year Book will be found facing p. 1 of this volume.

Canadian Criminal Law and Procedure†.—The system under which justice is administered in a State is never rigid. This is neither expedient nor indeed possible. The judicial system must grow and adapt itself to the requirements of the people, and the exact limits of the powers of the federal and provincial legislative bodies have required and will still require added definition by the courts.

The exclusive legislative authority of the Parliament of Canada extends to criminal law throughout Canada. This law is based on the common law of England, built up through the ages and consisting first of customs and usages and later of principles enunciated by generations of judges and introduced into Canada, as regards criminal law, by Royal Proclamation, 1763.

The judicial systems of the provinces as they exist to-day are based upon the British North America Act of 1867. Section 91 provides that "the exclusive legislative authority of the Parliament of Canada extends to . . . the criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters". In each province (Sect. 92, ss. 14), the legislature may, exclusively, make laws in relation to "the administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and of criminal jurisdiction and including procedure in civil matters in those courts" The Parliament of Canada may, however (Sect. 101), establish any additional courts for the better administration of the laws of Canada.

It is frequently difficult to distinguish between "law" and "procedure". Procedure may be interpreted to relate simply to the organic working of the courts, but in a wider sense it may also affect the rights or alter the legal relations arising out of any given set of facts.

The mass of statutes resulting from the fact that, prior to Confederation, each province had its own criminal jurisprudence caused great and increasing inconvenience. This led to the adoption of various consolidation Acts, the chief of which are the Criminal Law and Amendment Acts of 1869 and the Criminal Procedure

* Except as otherwise credited, this Chapter has been revised in the Judicial Section, Health and Welfare Division, Dominion Bureau of Statistics.

† Revised by F. P. Varcoe, Deputy Minister, Department of Justice.