

## The Legal News.

VOL. V.

APRIL 22, 1882.

No. 16.

### CRIMINAL STATISTICS.

We have just received an appendix to the Report of the Minister of Agriculture for the year 1881, containing the Criminal Statistics of the Dominion for the year 1880. The return fills 179 pages, divided into four tables which give the following information:

TABLE NO. I.—Crimes committed in Canada, their classification, etc., by Judicial Districts and Provinces.

TABLE NO. II.—A Summary of Table No. I by Classes and Provinces.

The respective designations of the six classes of crimes into which these two tables are divided are as follows:

- CLASS I. Offences against the person.  
 " II. " " property with violence.  
 " III. " " property without violence.  
 " IV. Malicious offences against property.  
 " V. Forgery and offences against the currency.  
 " VI. Other offences not included in any of the above classes.

TABLE NO. III.—Divided by Judicial Districts and Provinces into three classes, viz: Offences tried by Jury.—Offences tried Summarily (by consent.)—Summary Convictions and Preliminary Examinations.

TABLE NO. IV.—Cases in which the Prerogative of Mercy has been exercised during the year, (short Title "Pardons and Commutations.")

If the author of this labour of fifteen months has not laid the foundations of premature softening of the brain, he may be congratulated on the result of his tedious, if not uninteresting toil. But there remains much room for improvement, both in the material furnished and in the mode of presenting it. Improvements in the material can only be attained by extensive administrative reform, of a minute but not very difficult kind. The fashion of the material will readily be altered for the better by those who have the experience and intelligence to prepare the appendix now before us.

There is a radical defect in the classification. The general subject "Offences," though strictly speaking correct, is so wide as to be practically worthless. No two facts are really more unlike than a murder and a cabman loitering away from his stand, still both are offences. This has always been recognized. Formerly the classification was Treason, Felony and Misdemeanor; but these divisions were always very arbitrary, their ancient merit depending on the positive law, now much changed, as to felony and misdemeanor from which they resulted. Some reporters in England have adopted a useful classification of magistrates' cases. That would not do here, for many crimes are tried by magistrates. The compiler of these statistics is not unaware of the difficulty, and he has attempted to deal with it by means of Table III. Useful though that Table is, it is not the proper mode of classifying the matter. Starting with "offences" it is obvious that of this *summa divisio* there is greater and less, and as a fact of positive law the former are subject to trial by jury, the latter are not. Here then we have material for a first sub-division. This should be brought out in Table I, which would give:

Judicial District.

Persons charged.

Persons dealt with summarily by magistrate.

See for details Table II.

Persons committed for trial.

Table II should deal with summary convictions and orders, classifying the offence as far as may be deemed advisable. It is evident that a biographical sketch of each of these delinquents, or a detailed history of his delinquency is unnecessary. This table might therefore be very short.

Table III. would deal with cases subject to trial by jury, and should stop with the fact of conviction. It should set forth:

Judicial District.

Trial: Summary by consent.

Not guilty.

Acquitted for insanity.

Convicted.

Tried by jury.

Not guilty.

Acquitted for insanity.

Convicted.

Totals: Tried.