

stamped upon him, as it were, and the bad influences of contact with other criminals. The law has been found to work well, and the Bill which I propose to read the second time is a copy of that Act, merely altering the names of tribunals, so as to make it workable in this country. The second clause of the Act provides:

2. In any case in which a person is convicted before any court of larceny or false pretences, or any other offence punishable with not more than two years' imprisonment, and no previous conviction is proved against him, if it appears to the court before whom he is so convicted that, regard being had to the youth, character and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released, on his entering into a recognizance, with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behavior.

That expresses precisely what the Bill is calculated to do, and the remaining clauses simply provide the machinery which is requisite to carry that into effect.

HON. MR. HAULBACH—I think in some cases the courts have almost anticipated this legislation. To my knowledge, in cases where the youth of the offender, the trifling character of the offence, or other mitigating circumstances justified leniency, the judge has informed the party that on his next coming on the circuit he would pass sentence on the case. In fact, the whole system should be reformed, and I think this Bill is a step in the right direction. I read the other day the report of the Inspector of Penitentiaries and Prisons, and I think there is a great deal in that report which is worthy of careful consideration, not only with regard to the punishment of crime, but how far reformation can be had—how far you can classify offenders, so that those guilty of minor offences might not be corrupted by being imprisoned with the incorrigible class. I think the whole system might be revised with a great deal of benefit, and punishment inflicted with the object of being reformatory. It is much more important that the prison should be made a place for improvement than that it should be merely a place for punishment.

HON. MR. ABBOTT.

HON. MR. SCOTT—The Bill, no doubt, will meet with the approval of everybody who has had experience of the administration of criminal justice. I am aware that a practice has been in operation for some time in Ontario that is pointed out by this Bill. I cannot tell what authority there is for it, but I know it is common, not alone where the party charged is young, but also in cases where the offenders are grown up. I have known many cases where the judge has directed them to go at large on their own recognizances, to appear at some future time for sentence, and if the party has behaved properly sentence has never been pronounced. I suppose there is nothing on the Statute Book to warrant it, and this Bill may be for the very purpose of giving authority for the practice that has been in operation for many years, to my knowledge.

HON. MR. GOWAN—I think anyone who has had experience in the administration of criminal law will hail with great satisfaction the expression of that power on the face of the Statute Book. I am aware of many instances in which, from the nature of the offence charged, or from the youth of the prisoner, judges have taken the course of taking the recognizance of the party to appear, when called upon, for sentence. The practice, I know, is very general of doing so, but I am not aware that that practice has ever been applied to cases of felony. In cases of misdemeanor I have done so myself frequently. I have taken the recognizance of the party to appear at a future day if called upon, but I am not aware that it has ever been acted upon in cases of felony. At all events, it is better that the power should be expressly set forth as a guide to the judges, because individual action will be moulded to conform to the indications given on the Statute Book. A similar measure has worked well in England, and was hailed with pleasure by the judges there. I am exceedingly pleased to find that the Government of the country have directed their attention to the subject. In the cause of humanity and for every reason, it is desirable the Act should be put on the Statute Book.

HON. MR. ABBOTT—I think it is very probable that the idea of the statute has been derived from a practice which has