

should be deprived of their liberty even permanently, although an asylum-prison (if existing) would be more appropriate for them than a penitentiary.

While the reaction against the old, harsh methods of treating criminals must be commended there is some danger that in some portions of this continent the pendulum is swinging too far in the other direction. It is now actually urged by some able writers that the criminal is merely a defective citizen and that his crime is a weakness rather than a disgrace to which any stigma should be attached. With regard to this novel theory I cannot do better than to quote the forcible words of Mr. Douglas Stewart, Inspector of Penitentiaries, "I respectfully submit the opinion that the idea that a convict must not be allowed to feel that he is disgraced is not only fallacious and dangerous but that some of the fiendish crimes that have startled the country during the past few years are traceable to the laxity of public sentiment regarding the disgrace which attaches to crime, thereby inducing the criminal to feel that if executed he will die a hero and if merely imprisoned will be pampered and coddled as an unfortunate with a defective moral organism."

8. Guilty receivers.—One of the greatest reforms accomplished by the Code was the enactment of the various sections dealing with theft. The unsatisfactory character of the English law and the conflicting decisions of the English judges made it necessary for the Canadian law makers to deal with this important branch of criminal law in a thorough and comprehensive manner. But there yet remains one weakness common to both countries in another branch of the law having close relation to the subject of theft. The offence of receiving stolen property, knowing it to have been stolen, has always been considered by our law a serious offence, but unfortunately although sections 716 and 717 are of some value, the law does not afford much aid in procuring a conviction for this pernicious and wide-spread crime, and in effecting restitution of stolen property. If the thief were not enabled to carry on business with a dishonest receiver the thief would be quickly detected. Moreover, the guilty receiver, unlike other criminals, can urge no mitigating circumstances. Assaults may be committed under excitement, and theft may sometimes be the result of sudden and almost irresistible temptation or pressure of want, but the dishonest receiver is absolutely without even the