

and the moment they have adopted legislation such as is embodied in the present Bill, we can safely adopt it. It will be but proper for me to call the attention to the state of our law in regard to this subject. Hon. members will find that in the year 1894, an Act was passed bearing the following title: 'An Act respecting arrest, trial and imprisonment of youthful offenders.' The preamble of that Act reads as follows:

Whereas it is desirable to make provision for the separation of youthful offenders from contact with older offenders and habitual criminals during their arrest and trial, and to make better provision than now exists for their commitment to places where they may be reformed and trained to useful lives, instead of their being imprisoned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Then there were provisions with regard to the trial of young persons under the age of sixteen which should take place without publicity and separately, and apart from the trials of other accused persons. This applied to the whole of the Dominion of Canada. There were other provisions which applied only to Ontario. It was in regard to the imprisonment of persons under the age of sixteen. They were, pending their conviction, to be kept in custody separate from older persons charged with criminal offences, and separate from all persons undergoing sentence of imprisonment, and not locked up with older persons or other criminals. There were other provisions, but they applied mainly to Ontario. This statute remained on our statute-book till 1906, and the provisions of that statute were embodied in the revised statutes. We now find that these provisions are in chapter 148 of the Revised Statutes, sections 28, 29, 31 and 40. These provisions did not go far enough, and, as I have said, they applied mainly to Ontario. They did not deal at all with any protection to youthful offenders after the sentence had been passed upon them, or give power to the judge to reserve the sentence and to deal with them in any other way than with other persons. We have further provisions in the Revised Statutes which apply to the several provinces. Those applying to the province of Ontario are to be found in sections 49 to

54, 62 to 70 of chapter 148 of the Revised Statutes. I will refer specially to sections 67 and 68. 67 reads as follows:

If any child appearing to the court of justice before whom the child is tried to be under the age of fourteen years, is convicted of any offence against the law of Canada, whether indictable or punishable on summary conviction, such court or justice instead of sentencing the child to any imprisonment provided by law in such case, may order that the child shall be committed to the charge of any home for destitutes or neglected children, and approved by the Lieutenant Governor of Ontario in Council, or to any certified industrial school.

Then section 68 reads as follows:

Wherever an information or complaint is laid or made against any boy under the age of twelve years, or girl under the age of thirteen years, for the commission of any offence against the law of Canada, whether indictable by punishment on summary conviction the court or justice seized thereof shall give notice thereof in writing to the executive of the children's aid society if there be one in the county, and shall allow him opportunity to investigate the charges made and may also notify the parents of the child, or either of them, or other person apparently interested in the welfare of the child.

2. The court or justice may advise and counsel with the said officer and with the parents or such other person and may consider any report made by the said officer upon the charges.

3. If, after such consultation and advice and upon consideration of any report as made and after hearing the matter of information or complaint, the court or justice is of opinion that the public interest and the welfare of the child will be best served thereby, then, instead of committing the child for trial or sentencing the child, as the case may be, the court or justice may, by order,

(a) authorize the said officer to take the child and, under the provisions of the law of Ontario, bind the child out to some suitable person until the child has attained the age of twenty-one years, or any less age; or

(b) place the child in some approved foster home; or

(c) impose a fine not exceeding ten dollars;

or

(d) suspend sentence for a definite period or for an indefinite period; or

(e) if the child has been found guilty of the offence charged or is shown to be wilfully wayward and unmanageable, commit the child to a certified industrial school, or to the Ontario Reformatory for boys or the Refuge for girls, as the case may be, and in such cases the report of the said officer shall be attached to the warrant of commitment.

Then there are provisions respecting the religion of children. They are to be committed to Protestant or Catholic institutions as may appertain. We can see by these provisions that the whole principle of the Bill which is now before this House