

But the provision has also had the further result that quite frequently a guilty prisoner goes upon the stand and is convicted mainly or partly as a result of his own evidence.

4. Juvenile offenders.—In no department has the criminal law of Canada made greater progress than in its treatment of juvenile offenders. The provision of the Code which in the case of boys apparently under sixteen years of age found guilty of offences enables the Court to sentence such offenders to reformatories was one of the most beneficial in the Code, and although a difference of opinion has been expressed as to the propriety of the amendment made last year, whereby the operation of this section hereafter can be applied to boys under eighteen years of age, time will prove the amendment a most useful one. Some boys of eighteen are quite as immature as others at sixteen. They are children still although grown up.

5. Release on probation and reformatory treatment.—An equally humane enactment is section 971 which provides for an offender being released on probation of good conduct. This is one of the most important sections of the Code and the amendment passed in the year 1900 widening the application of this section was a most commendable one. While in the vast majority of cases this section even as amended has only been invoked on behalf of juvenile offenders, there was nevertheless no reason why its scope should have been originally so restricted. In regard to juvenile offenders this section is utilized with increased frequency. One of the most painful duties discharged by Courts of Justice is the sentencing of a boy or girl to gaol or penitentiary. It is difficult to avoid the feeling that such a sentence in many cases eventually results in increasing the army of confirmed criminals, and thus the ultimate aim of punishment, to protect society by the repression of crime, is in the long run defeated. Moreover it should not be forgotten that before the youthful offender comes up for sentence he or she has already received some punishment. There has been an arrest and imprisonment before trial and a sickening realization of the chasm between the offender and the non-criminal part of society. Many of these wayward boys, however legally guilty, do not realize the serious character of their offence until the arrest, and then suffer severely from remorse and humiliation. In many cases it is not innate depravity in the offender. He may have started in the race of life bound in chains