

How Canada Deals with Its Criminals

BY JAMES MONTAGNES

Two youths, caps pulled far over their eyes, their shirts open at the neck, walked briskly into one of the small branch banks which are common in the residential parts of any Canadian city. This was in Hamilton, Ontario. They pulled out guns, ordered the teller to hand over his money, collected it and walked out. There was the usual car on hand, and away they sped. Some blocks distant an eighteen-year old Italian girl saw a car come speeding down the street and draw up to another standing parked at the curb. There was a screech of brakes, a sight of two men jumping from one car to the other, holding in their hands bundles of what looked like bills, and the car was off. But not before the girl, scenting the unusual, had taken down the number and hurried with it to the nearest police station.

Four hours later, one of the would-be bandits was captured in his own home. Twenty hours after entering the bank both youths, one of nineteen and the other twenty-one, had been sentenced to six years for robbery with arms, two years in addition for stealing a motor car, and thirty lashes to be administered to each

during the first eighteen months of their confinement in penitentiary.

The case is not out of the ordinary. It was chosen because of its recent date. It demonstrates that in Canada justice moves swiftly, and with hard sentences. To that fact is laid in part the reason why crime in the Dominion has not reached the height that it has in the United States. While Canada follows to a large extent the tendencies exhibited in the growth of civilization in the United States, as witness the Dominion's automobile traffic, talking picture theatres, radios, miniature golf courses, and current fads, there is at least one phase of this development that is not followed with equal rapidity. Crime in Canada has always existed, is perhaps more noticeable today than at the beginning of the century, but it is by no means on a par with that in the United States.

THE reasons for this are several. Some go back many years. Some are lodged with the constitutional laws underlying the government of the country.

To Prohibition has been laid a large part of the blame of the present

crime situation in the United States. Be that as it may, this cause has been wiped out in Canada. Of the nine Provinces there remains but one wherein Prohibition holds, and that is Prince Edward Island, the smallest of them. In the others Prohibition, practised for some years, has been done away with. In Ontario the ten years under Prohibition showed a greater record of crime than before that time. Bootleggers, large and small, thrived in this most populous of the Provinces, next door to a Province that was wet — Quebec. Today, with three years of government liquor control in force, bootlegging is practically stamped out. According to Sir Henry Drayton, chairman of the Ontario Liquor Control Board, bootleggers have been eliminated in Ontario. There is no business for the larger operators, except through short-circuiting export liquor to the Province, and this is difficult, and the small ones are so few in number as not to count, especially from a crime instigation viewpoint.

BUT Prohibition is merely one item to which the growth of crime is attributed. Take the question which puzzles most Canadians. How is it possible for graft and corruption, according to newspaper reports and magazine articles, to be so rampant in the police forces and among the judges of the various United States courts? That question is a difficult one to grasp for the Canadian who is not acquainted with the methods of appointment of officials in these departments.

Unlike the United States, where sheriffs, judges, State attorneys and

others connected with the enforcement of law, are often elected, in Canada these positions are given to men of capability by appointment. Politics plays but a small part in their selection. Certainly these men, entrusted with carrying out the law, are not elected in Canada by popular vote.

THAT fact is perhaps the greatest factor in keeping crime down in Canada. With politics out of the question, gangs have been unable to gain a hold on the life of the city or the country as a whole. There are no officers to be bought over for fear of losing their jobs through political pull; there are no judicial positions whose holders have to be paid protection money or whose career depends on their acquiescence to the gang because they can not antagonize electors. These conditions do not exist. *Ergo*, the enforcement of the law in Canada can be said to be practically as graft-free as it is possible to have it.

Every judicial officer from the Chief Justice of the Supreme Court of Canada down is an appointed official. A county judge is given his appointment for the same length of time, and on the same condition, as a judge of the Supreme Court. Judgeships are given only to men of competence, and while these appointments are made by the political party in power at the time at Ottawa, or at the various Provincial seats of government in the case of magistrates, the appointment is for life, being given by the Governor-General or Lieutenant-Governor in Council, which applies to any Governor-General and any Lieutenant-Gover-

nor. Only if the holder of the position gives cause for calling for his resignation is he recalled. Otherwise a judge is on the bench for life. And this factor makes it impossible for any one political party to gain the ruling hand or allow graft.

If the Liberal Party appoints a number of judges while it is in power, and vacancies occur during the ensuing Conservative Government, then this party may fill the vacancies from men among its ranks, though not necessarily. As the Canadian Prime Minister, the Hon. R. B. Bennett, stated in Toronto at the last convention of the Canadian Bar Association, his Government would in future appoint Canadian judges on the basis of fitness only, without regard to political or other consideration.

THERE are few cases of judges being recalled in the Dominion. And thus with death being the only other factor leading to vacancies it can readily be seen that politically justices, judges, magistrates and similar judicial officers are not open to corruption.

While the fact that Canadian jurists are appointed rather than elected, and the same procedure holds for all law enforcement officers, is probably the main reason why crime has not reared its head in the Dominion as in the United States, it must also be understood that the Canadian is not as sentimental with a criminal as is the American. British people, as a whole, have always maintained that a criminal has come to his end by his own folly and therefore sympathy rests not with him. Society must be protected, and the person who has broken the law is a menace to it.

A Canadian judge will not hesitate to condemn a prisoner to be hanged, if he is found guilty of a major crime. The logic behind this is that the prisoner has placed the noose around his own neck.

Hanging, by the way, is the method by which the death penalty is administered in the Dominion. It is not popular with criminals. Perhaps that is why there is but one hangman in all of Canada. He travels from one Province to another. And he has but few trips to make in a year.

Which brings up another item as to why Canadian criminals are not so apt to get in the toils of the law and United States crooks stay away from the Dominion. That is the severity of the punishment and the speed with which it is administered. Canadian courts, whether the trial is with or without jury, give hard sentences to young and old alike. Long prison terms are not uncommon, even for first offenders, when the crime is one of theft or merely carrying weapons. Long terms coupled with lashes serve to punish the law breaker and to put fear into the would-be criminal. In fact, the possibility of lashes is said to be the main reason why American gangsters steer away from the Canadian cities.

SPEED is the other barrier put up against American criminals who would come to the Dominion to practise their trade. Where in the United States a prisoner can obtain release immediately on arrest for even major crime accusations, in Canada bail is not allowed in many such crimes, and seldom for murder, attempted murder, or any crime

punishable by death. The prisoner must be brought before a court within eight days of his arrest; usually it is the same day or the following day. And with equal celerity the trial moves after the first indictment by the county or city court, when the trial for a major offense is taken before the higher courts for trial either by jury or non-jury.

ACCUSTOMED to such laws, it surprises Canadians to read in American papers and in press dispatches in Canadian papers that gangsters, criminals and even murderers are able through legal technicalities to be let out on bail time after time and so prolong their trials till the crimes have been practically forgotten, except for the continued postponements on the court docket. This situation can not exist in the Dominion, a fact due not only to the legal structure of the Canadian criminal code but also to the efficiency and conscientiousness of its administrators. Quick action is the keynote.

Not long ago a prisoner was brought up in a Toronto court. He had been kept in jail longer than usual. A man can not be kept in jail without a trial for any length of time at the pleasure of the police or the court. Commenting on this fact, the judge severely censured the police, stating that it was against both Canadian law and British practice. Such measures on the part of justice go a long way to keeping crime down to a minimum.

It must not be surmised from the above that Canada is a land which has a minimum of crime, a country where the criminal is scarcely known.

The Dominion has its share of crime, major and minor, just as any country in the world. In fact, crime today in Canada is perhaps somewhat on the increase, just as it is in other parts of the world, although the ratio of increase is by no means proportionate with that in the United States. There are in Canada the same gaming houses, vice districts, gunmen and bootleggers that one finds in the country south of the international boundary. But while there is an underworld, there is not the organized underworld, divided into its big and small gangs, which is so much a part of the American scene during the past few years, and has given cause for so much to be written on the subject of crime. Crime in Canada, while noticeably on the increase through world conditions, is still so negligible that there is practically no criminal bibliography and there is very little written about crime in general. Organized crime in Canada can not live under the present legal structure.

MURDERS in the Dominion are not very numerous. Petty hold-ups are the main offenses which can be listed as being on the increase. Some of the recent murders have been attributed to gang inroads. Three of these occurred in eastern Canada last summer, and while at this writing they have not been solved, and may never be, the solution is not one that can be laid at the police door for neglect of duty. There are murders in many countries which are never solved. Such murders in Canada are few and far between.

Crime is often laid at the door of the foreign-born population of the

country. Statistics in the Dominion, however, go to show that native-born Canadians are more frequent offenders than are those born in southern and eastern European countries. This is especially of interest, since Canada has as diversified a population as the United States, though not as old nor by any means as numerous. And from accounts which predominate in the American press it seems that conditions are just about the opposite there. In Canada, which also has its many foreign societies, the Black Hand or the Mafia are practically unknown, mere names to scare little children with.

Crime has of late been coming to the fore in a racial capacity, after some years of decrease. Lynchings are once again often read about in the newspapers. They are especially of interest to Canadians following a recent racial outbreak in southern Ontario, in which the tables were turned very neatly to show that Canadian law would not stand for such demonstrations.

A WHITE girl was said to be living with an alleged Negro. It was understood they were to be married. A few days before the marriage was to take place a mob of seventy-five white-clad, hooded men invaded the house where the couple were living in a suburb of Toronto, carried off the girl, restored her to her mother, and then to the Salvation Army, after which they motored calmly back to Hamilton from where they had come.

The case aroused wide attention. The police were immediately put on the trail, found the leaders concerned, and brought them to court. They were charged with having

their faces illegally masked at night, abducting a girl and interfering with personal liberty. Their leader, a chiropractor, stated that they were members of the Canadian Ku Klux Klan, and were merely performing their duty, taking the girl from the alleged Negro.

But in giving his decision, Sir William Mulock, Chief Justice of the Supreme Court of Ontario — to which court the case was finally taken on appeal — had this to say in part on the case, which sums up the Canadian attitude towards crime in general and this type of crime in particular:

“THE accused and his companions took it into their own hands to interfere with her rights. In doing so they not only committed an illegal offense but also a crime against the majesty of the law. Every person in Canada is entitled to the protection of the law and is subject to the law. It is the supreme dominant authority controlling the conduct of everyone, and no person, however exalted or high in his power, is entitled to do with impunity what that lawless mob did. The attack of the accused and his companions upon the rights of this girl was an attempt to overthrow the law of the land, and in its place to set up mob law, lynch law, to substitute lawlessness for law enforcement which obtains in civilized countries. The greatest calamity that can befall a country is the overthrow of the law. Without it there is no security for life or property. Mob law such as is disclosed in this case is a step in that direction, and, like a venomous serpent, whenever its horrid head appears, must be killed, not scotched.”

The Unemployment Challenge

BY H. W. MOORHOUSE

He Favors the Five Day Week

AT THIS moment our organization of economic affairs is the target of critical attack. We are undergoing a business depression such as comes upon us every few years. More millions of men than usual are out of work. Goods have been produced in profusion. Factories that are silent could turn out additional supplies endlessly. Food, clothing and warmth are plentiful on every hand; yet men are hungry and cold. Can we find the solution?

What do we hope to gain in the way of economic improvement? Are we expecting perfect coördination of all parts of the industrial mechanism? Are we looking for rapid adjustments in economic relationships? If the present organization of industry does not wipe out poverty and assure equitable distribution of wealth immediately, will we want to adopt revolutionary measures, overturn our present order and go, for instance, to Communism?

Unemployment is a colossal defect of our economic system. With storehouses bursting, large groups of men are unable to earn wages with which to buy the goods. Our economic structure is collapsing around us because men who want to work can not work.

There are many kinds of unemployment: voluntary; disability; seasonal; new machinery or technique; business depression. We will not say anything about the first three varieties. Not because they lack importance, for they are important, but because they are comparatively fixed and certain and we can cope with them if we can find the answer to the other two. Compulsory idleness due to growing use of the machine and business depressions must be got under control if we are to avoid a radical upset in the economic order.

THE argument against the machine has become popular of late, but is not very convincing. Fifty years ago and one hundred years ago, unemployment during business depressions was proportionately as great as now. In 1873, Coman the historian tells us that three million men were out of work, and the picture of those men walking the streets in need of food and shelter is more pitifully drawn than the ones we see today. Yet, the use of machinery has made enormous strides since 1873.

Moreover, machinery gives employment as well as causing unemployment. The machine makes work.