

What then is the moral result of casual or ill-considered punishment? Far from effecting any improvement in the character of the victim, it can only succeed in ultimately inspiring him with a certain recklessness. He must come to regard his punishment almost as a matter of luck. If his sentence is light he is in luck's way—if severe, then his luck is "out." In either case there must appear to him but a casual connection between the degree of his offence and the extent of the penalty.

The habitual offender (criminal is too strong a term) is, in his way, something of a fatalist, and fatalism of this kind is not likely to produce good and law-abiding citizens. So long as the present unsystematic exercise of judicial discretion continues, we cannot be surprised if the wrong-doer is more often hardened than reformed.

Sentimental kindness in the administration of justice is apt to be misconstrued as a sign of weakness, and thus the best intentions in the world, when coupled with inexperience, are often doomed to failure. Some guiding principle is needed, and a definite policy with regard to punishment will surely best meet that need.

A consistent and graduated scale of penalties would bring home to the law-breaker, by the most cogent evidence possible, the view taken of his offence—not by individual judges only, but by society as a whole—as well as the corresponding severity with which its repetition would be visited.

An attempt will presently be made to point out how this graduated scale of penalties might be brought into general use, without interfering with a reasonable exercise of judicial discretion. For the moment, however, the writer will return to his personal experiences, in order to illustrate this theory.

As a justice of the peace for the county in Ireland in which he resides, he is in the habit of attending Petty Sessions at three villages, all of them within a radius of about five miles from his home. Although there are no local conditions at any of these three places to explain the difference, the practice of the courts at each of them, in the treatment of certain minor