

decisions, but also with those given by other judges in similar circumstances.

At this stage the writer may be permitted to cite briefly his own experiences when called upon to act as Chief Justice in one of our small colonies. As a new-comer he was naturally desirous of following, so far as possible, the lines laid down by his predecessors in the same office. He soon discovered, however, that there was an almost complete absence of uniformity or consistency in their decisions. Each successive holder of the office had apparently been a law unto himself, and unto himself alone.

In cases where one occupant of the Bench had been in the habit of inflicting a fine equivalent to ten shillings or thereabouts, another had imposed one of five shillings or even less, while a third had given a term of imprisonment without the option of a fine. Yet all these sentences, be it observed, had been imposed in respect of first offences of a similar character.

Generally speaking, more especially as regards trivial breaches of the local ordinances, it appeared to the writer that the penalties imposed erred on the side of undue severity; but occasionally, as if by way of contrast, some of the more serious offences, such as perjury, met with what could only be considered as utterly inadequate retribution. There was in fact an apparent absence of balance and proportion, which rendered the discovery of an underlying principle (if any such principle existed) well nigh impossible. A new judge thus found himself faced with the task of attempting to reconcile the irreconcilable, or else of striking out an independent line, and thereby adding another discrepancy to the existing catalogue.

It is a commendable practice for those who are engaged in the administration of justice among native races, to attempt to estimate its effect upon them by viewing each decision from their standpoint. In the instances I have mentioned one could scarcely expect the moral results of the punishments inflicted to be either very salutary or very lasting, since the native would see in them only the personal equation of the judge, and dumbly submit to decrees as uncertain as those of Fate herself.