

It would also be desirable to prescribe the point at which repeated convictions for such minor offences as are usually punished by fines should carry instead a term of imprisonment, the extent of which should also be the subject of definition. This point might be fixed at a period when the person convicted could no longer be regarded as a casual, but rather as an habitual, offender.

There are doubtless certain disadvantages in a system which would permit of a more or less accurate forecast of the penalty for any given offence. The assurance of a comparatively light punishment for certain misdemeanours might perhaps prove a temptation to commit them. On the other hand, the progressive severity with which their repetition would be visited, should serve as a more effectual deterrent than the existing uncertainty, and more than counteract the effects of the original leniency.

It cannot be too strongly insisted upon, that the standard penalty for any given offence should be regarded as an average penalty only. The judge or magistrate should feel himself entirely at liberty to vary it, should the circumstances, in his opinion, justify him in so doing. Probably, in many cases, the actual penalties inflicted would either exceed or fall short of the standard, although it is unlikely that they would do so to any great extent, if the work of the Commission had been carried out in an efficient manner. Whether the variations on either side of the line were great or small, the net result would be an average, and this would come to mean, as time went on, an ever-increasing degree of uniformity and consistency in the administration of the law.

Whenever the special circumstances of a case appeared to the judge or magistrates sufficiently important to justify a wide variation, or even an entire departure from the standard penalty, a note to that effect, inserted in the records of the court, would serve as a useful guide to the Bench in the event of a subsequent conviction.

Few schemes for the solution of any problem are perfect in their inception. None, it may safely be said, present greater