

expended—though perhaps not always successfully—in the attempt to define clearly the scope of these measures and leave no loophole for misinterpretation. It would appear, however, as if the kindred and no less important question as to the best method of securing their observance had never received the same close attention. That problem has been held to be mainly the concern of the judges, who are, accordingly, in most cases given a very wide discretion.

Given a statute designed to remedy an evil, there must obviously be some definite means of securing its observance. Otherwise, such statute shares the weakness of so-called international law, being devoid of a legal sanction. The methods most generally accepted are fines and imprisonment, and these modes of punishment, by their extent or duration, are intended approximately to measure the gravity of offences against the laws which they safeguard. Some statutes provide a maximum penalty, others a minimum, while in others again we find both a maximum and minimum. In spite of these limitations, the latitude allowed to the discretion of the judge or magistrate is, in most cases, very wide—too wide indeed to serve him as an accurate guide when assessing a penalty. His discretionary powers being so great, and there being no general consensus of expert opinion to help him, the judge's personal feelings and bias must inevitably determine the nature and extent of his sentences to a greater degree than is desirable. In cases where the judge has a thorough experience of the class of work with which he has to deal, coupled with a broad humanity in his general outlook, the results of this uncontrolled discretion may be excellent; but even assuming that all judges possess these characteristics, uniformity and consistency in the administration of the law will not be the necessary consequence.

"Quot homines, tot sententiae" is an obvious platitude, and it is equally obvious that the opinions of learned judges vary in no small degree as to the best methods of dealing with certain crimes and criminals.

If this be the case where legal luminaries of the first magni-