

*THE SENTENCING OF PRISONERS*

The sentencing of prisoners has always been a subject of grave difficulty and much discussion. It is one of the difficult problems presented to judges from time to time and it is scarcely fair without a full knowledge of the facts and the surrounding circumstances to criticize any sentence which has been imposed even though it may seem either inadequate or too severe. His Honour Judge Morgan, one of the junior judges of the County of York, has recently come in for considerable criticism in this regard at the hands of the press and police authorities of the city of Toronto. It has been hinted that his leniency has ceased to be of that paternal preventive character which was apparently his desire and has become rather provocative of crime. One, however, cannot rely on newspaper reports for accuracy, and that which would sometimes seem to have been a very serious mistake on the part of a judge cannot always be so designated when the facts have been investigated. The learned judge referred to is reported to have let a woman go on suspended sentence who had pleaded guilty to theft from her employers and who, it was said, had previously been convicted for similar offences. It appears, however, that she had only been accused of several similar offences. There is, of course, a material difference. However that may be, the judge assumed a serious responsibility in taking the course he did.

Another phase of the subject is that the judge referred to and some others, who could be mentioned, deal with cases before them on the basis of what they call "merciful leniency," as being the best for persons charged with crime. It must be remembered, however, that justice is not administered in relation to the future of the criminal only, but mainly the protection of society and the prevention of crime. Whilst it is most desirable, so far as is consistent, that there should be endeavours made to reform criminals, judges should have in view the more important consideration of the safety of the community at large.