

of a fine. It would be difficult to support this mode of arriving at a decision on any logical grounds—and yet under present conditions there may be no alternative. The excuse for such haphazard proceedings would disappear if there were some recognized standard upon which to fall back when opinions as to the weight or nature of a sentence were divergent.

Let us now turn to the consideration of a remedy for the inconsistencies which have been pointed out—inconsistencies which are probably no greater in the instances above quoted than in courts of similar jurisdiction throughout the British Empire. Briefly, this remedy lies in the appointment of a commission composed of persons possessed of the highest legal authority, whether as judges or jurists, for the purpose of assessing the average penalty for each legal offence, upon a first, second, or further conviction. These scales of punishment, strictly, of course, within the limits of the particular statute dealt with, would merely represent the normal penalties which it would be reasonable to inflict in cases presenting no unusual features. The recommendations of such a commission would have moral weight only, and would imply no form of compulsion whatever upon the judges and magistrates for whose benefit they were designed.

It will doubtless be objected that recommendations of this nature, without the aegis of sovereign power and authority, would be flouted, and promptly rejected—that magistrates like to go their own way, and would resent an implied interference with their discretionary powers. The writer, on the contrary, believes that every judge and magistrate who honestly desires to do his duty—and surely this must mean the great majority—would welcome any advice which would enable him to do so in a more efficient manner.

The recommendations of the Commission would, of necessity, be based upon general principles only, and might require substantial modifications according to the locality in which they were adopted. A penalty which would be reasonable and proper in the west end of London might well be excessive and unreason-