

number of ship-desertion cases (68), and it was interesting to note that the district Probation Officers report that the majority of these conformed satisfactorily to a condition of probation, a number taking up employment again on ships and the balance being absorbed in industry locally. The wideness of the range of offences for which the clemency of probation was used is rather striking. For example, there appears, *inter alia*, in the table appended hereto such offences as bigamy, breach of bankruptcy, and buggery. The Courts have regard more to the circumstances of a case than to the nature of the crime, and in determining the penalty are required to have regard to the interests of the public and of the offender. An English writer recently raised the question whether overemphasis on the needs of the offender rather than his deeds, and the stressing of mitigating circumstances rather than society's rights, may not diminish both respect for the law and a sense of responsibility for personal actions. As stated recently by Lord Goddard, C.J. ; "The Judge must consider the interests of justice as well as the interests of the prisoners. It is too often now-a-days thought, or seems to be thought, that the interests of justice means only the interests of the prisoners."

The amount of restitution moneys and costs of prosecution collected during the year totalled £6,480, which is the largest sum collected in any one year, making the total collected under these headings to the 31st March last £121,895. This requirement to make reparation undoubtedly has a most salutary effect and brings home to the offender in a realistic way the implications of his wrongdoing. An essential feature of probation is that a person who has fallen from grace by preying upon his fellows or committing a social wrong shall reinstate his character by his own efforts.

Probation is by no means tantamount to letting an offender off. Section 10 of the Act prescribes a long list of exacting restrictions on liberty, and to these may be added special conditions at the discretion of the Court. Experience has shown that more can be accomplished in the development of character by the exercise of socializing influences through the careful supervision of an offender in the community where he is required to face up to the everyday social and economic impacts than in the artificial atmosphere of an institution, no matter how well it may be conducted. There is also another important human consideration—i.e., probation avoids the necessity of severing domestic ties, which, besides making the problem of rehabilitation less difficult, saves considerable hardship to the innocent members of the offender's family. The late Lord Hewart, in referring to the consideration of alternatives to imprisonment, stated that "it does not in the smallest degree involve any disparagement of the functions or results of imprisonment in its proper sphere. The question rather is whether that sphere may not be deliberately and carefully limited and curtailed by the adoption of other methods in suitable circumstances and in cases of the right kind." A modern development showing an example of the latter circumstances is illustrated by the number of cases dealt with under the Summary Penalties Act, 1939. Prior to the passing of this enactment one had the spectacle of a considerable number of persons being committed to prison not because of the intrinsic gravity of the offence in which they were involved, but for non-payment of fines. Under the Summary Penalties Act the Court may place an offender under the care of a Probation Officer, who is empowered to permit him to pay the fine by instalments commensurate with his earning and saving capacity.

Although probation has been part of the penal plan in New Zealand for over sixty years, it is interesting to note that it has not yet been adopted in several of the Australian States. During the year the Attorney-General for New South Wales, the Hon. C. E. Martin, visited the Dominion, and one of the matters which was the subject of his inquiry was probation. After a careful investigation of the scheme he expressed himself as being favourably impressed, and on returning to Australia reported that "he had been inspired by New Zealand's excellent probation scheme." Later in the year a visit was paid by the Deputy Inspector-General of Prisons for Victoria, who also thoroughly investigated our probation system, and reported to the Victorian Government recommending the adoption of a similar scheme.