

Unfortunately, the theory that discretion comes to a young man or young woman at twenty-one is a legal fiction, which is no more, but rather less, true of the inmates of industrial homes than it is of the young people outside them. Reformatory treatment has different effects, according to the nature of the subjects, and in numerous cases we are glad to think it does go far to make a lad a decent member of the community. But there are others upon whom it can have no beneficial result. These are the victims of physical and moral degeneracy, to whom the liberty of legal manhood or womanhood only means wider opportunities of wrongdoing. These are made as free as the others. The policy of locking up a boy, more or less closely, for a number of years because his morals are so bad that he is a danger to the community and then releasing him, still unreformed, when he reaches a particular age, seems to lack common-sense. To carry out this procedure in the case mentioned by Mr. Pope at the Te Oranga inquiry—namely, that of a young man of such unspeakable tendencies that the police had to be warned that he was going into a certain district—seems madness. It is no more right to endanger the community by giving such a person unrestrained liberty than it would be to release a savage wild beast in a school playground. There should be some system by which a Court could order the continued detention of a reformatory inmate who was not fit to be at large. The power would necessarily have to be safeguarded, because it would affect the personal liberty of young men and women, but it should be possible to devise some process of examination by medical experts and a Magistrate which would prevent anything like injustice being committed. In cases where he was satisfied it would be unsafe to release any inmate, the Magistrate could commit him or her for a further period of detention, the sentence to be reviewed if during that time any marked improvement was noticed, or to be repeated if at the end of the period the individual showed no sign of reform. Society protects itself to-day from the habitual criminal; it has an equal right to protect itself against the young sexual degenerate without waiting for him to first commit some horrible crime."

I can imagine no greater incentive to reform, in the case of most of these young people, than the fear of indeterminate detention. I believe it would do more to help forward the work of the reformatories than anything else. The necessity for punishments would be gradually reduced, and the percentage of failures would be gradually brought down to a minimum. I earnestly recommend the whole question to the very serious consideration of the Government.

In closing my report, I desire to place on record my appreciation of the invaluable assistance rendered to me by Mr. J. D. Gray as Shorthand Reporter and Secretary to the Commission. His task has been no light one. We sat on fourteen days, and examined seventy-nine witnesses. The full evidence taken before me is forwarded herewith.

In witness whereof I have hereunto set my hand and seal, this twenty-eighth day of March, in the year one thousand nine hundred and eight.

H. W. BISHOP,
Stipendiary Magistrate and Commissioner.
