

With regard to the cases dealt with in the Supreme Court, a rather striking increase in the number of cases of incest is to be observed. This class of offence is invariably difficult to detect, and there is no doubt that the assumed immunity from detection plays a part in the number of offences. It would seem that severe penalties do not entirely deter, for the Courts impose salutary sentences. Last year one such offender was sentenced to seven years' imprisonment, another to five years, and five to terms of three years for this class of offence.

The number of offences of unlawful carnal knowledge in 1934 shows an increase over 1933, but was less than in 1932. Salutary punishments in appropriate cases are imposed for this offence, and the sentences last year ran up to seven years' imprisonment. The Crimes Act prescribes severe penalties for offences of this nature. For defiling children under twelve years of age life imprisonment may be imposed, and for attempting to defile children under twelve a maximum term of seven years is prescribed. Every one is liable to imprisonment for five years who unlawfully carnally knows, or who attempts to unlawfully carnally know, any girl of or over the age of twelve years and under the age of sixteen.

Although the statute fixes the minimum age of consent at sixteen years, it is provided, in certain cases, that it shall be sufficient defence if it is established that an accused person had reasonable cause to believe that the girl was over the age of sixteen, although this does not apply to cases of children under twelve years. It is often the case that girls concerned in this class of offence are advanced in physical development, are sexually precocious, and have a knowledge of the world considerably ahead of their years. Where there is consent and where the evidence shows that the parties have more or less drifted into the commission of the offence, particularly in cases where the accused is of a facile type but has had no previous convictions which might indicate inherent turpitude, the practice of the Courts is not to impose the maximum penalty. The practice, both in New Zealand and abroad, is for the penalty to be shaded down according to the particular circumstances of each case. Where there is evidence of perversion or of violence salutary terms are meted out.

The observations of the Right Honourable the Chief Justice, when passing sentence in a case a few years ago, are apropos. He stated, *inter alia* :—

“The papers before me disclose depths of depravity on the part of young girls of eleven and twelve which are as appalling as they are amazing. One might hope that such cases are as uncommon as they are appalling, but unfortunately those of us who have to do with the criminal law know the contrary . . . This case is the fourth within a short space of less than one month in which there has been evidence before the Court of depravity of the most serious kind on the part of young girls . . . Such girls as these are simply inviting the commission of crime of the description of which the prisoner has committed.”

It would be a sorry condition for the moral standards of the community if the depravity of young girls was generally held to be a justification for the commission of these crimes. The criminal law itself places a responsibility upon those of maturer age to protect and respect persons of tender years, but there is no doubt that when this class of case comes before the Court there are a number of mitigatory factors which must be taken cognizance of in fixing the quantum of punishment, and this no doubt accounts for the apparent discrepancies in a number of the sentences imposed.

Indecent assaults on males showed the most pronounced increase last year, and was the largest number dealt with for over ten years. Substantial penalties do not appear to deter. Last year one offender was sentenced to seven years' imprisonment, four to three years, and one was declared an habitual criminal. There is no doubt that the abnormal proclivities of these offenders have a pathological basis. Some years ago voluntary operative measures were permitted in several cases, but it cannot be stated definitely that the results were beneficial. Medical authorities are of opinion that the operation is likely to occasion undesirable reactions as the result of a disturbance of the glandular system, and the consensus of opinion appears to be that the operation of sterilization leaves the subject's anti-social tendencies unchanged.

The number of sexual offenders sentenced to imprisonment during 1934 totalled 65, and, of these, 53 had not been previously convicted, 6 had one previous conviction, 1 had two previous convictions, and 5 had more than two—one of these was given an indeterminate sentence by being declared an habitual criminal.

CONCLUSION.

I desire to place on record the Department's appreciation of the help given by the Prisoners' Aid Societies, Voluntary Probation Committees, the Borstal Association, and others who have assisted in after-care work.

I desire also to acknowledge the Department's indebtedness to the large body of voluntary helpers who have assisted in the moral and educational training of the inmates of our institutions, especially to the clergymen of the various religious denominations and officers of the Salvation Army who regularly, and often at no small personal inconvenience, have ministered to the spiritual well-being of the prisoners.

Thanks are also extended to the Workers' Educational Association, members of the Howard League, and others who have given their time in providing lectures and cultural entertainments.

The regular visits of the Visiting Justices and Official Visitors have contributed materially in maintaining contentment and discipline. It is gratifying to observe from reports received that these