

Reviewing the classes of offenders dealt with under the Probation Act during the year, it is to be noted that 550 persons, or 56 per cent. of the total, were charged with theft and 62 were granted probation for unlawful conversion of motor-cars. This shows a slight drop on the number for the previous year. The attached table shows the wide range of offences in respect of which probation has been granted. For example, the following crimes appear in the list of those admitted to probation: indecent assault, carnal knowledge, robbery with violence, wilful neglect of a child, attempted burglary, and assault with intent to commit rape.

It has been stressed by the authorities in England that the more generous impulses of the law are not intended for cases involving deliberation and brutality. It is not so much the class of offence as the circumstances under which it is committed that count among the imponderables that weigh with the Court in fixing the sentence. In determining whether or not to grant probation, the Act requires that the best interests of the public and of the offender shall be considered. In considering public interest the deterrent factor is an important consideration, and in this regard it is desirable that the public conscience shall be satisfied. The legal sanction, in addition to showing the offender that crime does not pay, should also mark public disapprobation of the crime. This is not merely a pandering to an unwholesome desire for retribution. It is to teach every offender, and every potential offender, that there is a socially acceptable code, a deviation from which will not be countenanced.

Probation in appropriate cases has many advantages over imprisonment. It avoids disruption of domestic arrangements or a break in employment, and experience shows that more can be achieved by the helpful supervision of an offender in the community, where he is encouraged to make amends and to become a self-reliant economic unit of society, than in the artificial atmosphere of an institution, no matter how well it may be conducted.

The matter of reparation is a positive factor of probation. Under this arrangement restitution is made to the person wronged. This requirement to make good the injury by instalments has a very salutary effect, and many Probation Officers have observed that the obligation to save to meet restitution instalments has often been the beginning of a habit of thrift. The amount collected during the year by way of costs of prosecution was £578, and restitution £5,573, a total of £6,151. The aggregate sum collected since the inception of the scheme now amounts to £115,412.

I was interested to observe that the Assistant Under-Secretary of State in England, in delivering the third Clarke Hall Lecture, entitled "Probation and other Social Work of the Courts," saw fit to quote an extract from an earlier copy of my report, because, he stated, "it seems to give a clear statement of the real meaning and object of probation." For this reason, and also because in this the first separate Probation report that has been published for several years it is desirable to reiterate the general principles, I propose to repeat the paragraph quoted, as it is as applicable to-day as when previously written:—

Probation may be defined as the suspension of final judgment in a case, but involving a judicial warning and the giving of the offender an opportunity of readjusting himself and making amends whilst living as a member of the community, subject to conditions which may be imposed by the Court, and under the supervision and friendly guidance of a Probation Officer. Probation has the mercenary virtue that it is cheap. There is no expense for institutional maintenance, and, as indicated above, the Courts can impose a condition requiring restitution to be made. It has, however, a more important social virtue in that it prevents a severance of domestic and family ties, and avoids the stigma invariably associated with imprisonment, which prejudices an offender in his ultimate rehabilitation.

Although by comparison probation must be admitted to be a lenient form of treatment, it is quite wrong to assume that it is equivalent to being "let-off." This deep-rooted misconception, no doubt arising from the genesis of the scheme, which originally applied to first offenders only, for offences more or less of a venial character has been to some extent responsible for probation not being utilized as extensively as it might be. There is definitely a disciplinary purpose in probation, and usually strict compliance with the terms of the recognizance make exacting demands upon the probationer. It is, in effect, conditioned liberty, but the positive feature of it is that,