

LAW, CRIME, ETC.

THE HIGH COURT OF AUSTRALIA.

The Commonwealth Constitution Act (section 71) provides that the judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and to consist of a Chief Justice, and at least two other Justices. Power is also given to the Federal Parliament to create other Federal courts, or to invest other courts with Federal jurisdiction. Section 72 provides that the Justices shall be appointed by the Governor-General in Council, and shall not be removed, except on an address from both Houses of Parliament in the same session, on the ground of proved misbehaviour or incapacity; also that the Parliament shall fix the remuneration, which shall not be diminished during their continuance in office. The High Court is invested by the Constitution with both original and appellate jurisdiction. Section 73 provides that the High Court shall have jurisdiction to hear and determine appeals from all judgments, decrees, orders, and sentences of any Justice exercising the original jurisdiction of the court, or of any other Federal Court or court exercising Federal jurisdiction, or of the Supreme or any other court of a State, from which there was on 1st January, 1901, an appeal to the Privy Council, or of the Inter-State Commission, but in the last mentioned case as to questions of law only. The Parliament may regulate the mode in which the jurisdiction may be exercised, and may limit the jurisdiction by excluding specified cases, or classes of cases from it; but no such regulation or exception shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which, at the establishment of the Constitution—1st January, 1901—an appeal lay to the Privy Council. Section 74 provides that there shall be no appeal to the Privy Council "from a decision of the High Court upon any question, howsoever arising, as to the limits *inter se* of the constitutional powers of the Commonwealth and those of any State or States, or as to the limits *inter se* of the constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by His Majesty in Council." It is, however, provided that except as above-mentioned the "Constitution shall not impair any right which the King may be pleased to exercise by virtue of His Royal prerogative to grant special leave of appeal from the High Court to His Majesty in Council"; but the Parliament may limit the matters in respect of which leave may be asked, and a Bill containing any such limitation shall be reserved by the Governor-General

for the Royal pleasure. Section 73 provides that the judgment of the High Court, in its appellate jurisdiction, shall be final and conclusive; but this (except as regards the particular class of constitutional questions mentioned above) is qualified by the above provision, preserving the prerogative right of the King in Council to grant special leave of appeal from such a judgment. By section 75, the High Court is invested with original jurisdiction in all matters arising under any treaty; affecting consuls or other representatives of other countries; in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party; between States, or between residents of different States, or between a State and a resident of another State; or in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth. By sections 76, 77, and 78, the Parliament is empowered to confer additional original jurisdiction on the High Court in any matter arising under the Constitution, or involving its interpretation, or under any laws made by the Parliament, also in matters of admiralty and maritime jurisdiction; and in those relating to the same subject-matter claimed under the laws of different States; the Parliament is also empowered to define the jurisdiction of any Federal court other than the High Court, and the extent to which such jurisdiction shall be exclusive of that which belongs to or is invested in the courts of the States; to invest any court of a State with Federal jurisdiction; and to confer "rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power." By section 79 the Parliament may prescribe the number of Judges by whom the Federal jurisdiction of any court may be exercised; and section 80 provides for trial by jury of any offence against any law of the Commonwealth, and for the venue of the trial.

In pursuance of the powers conferred upon it by the Constitution, and within the limits specified therein, the Commonwealth Parliament passed a Judiciary Act, which was assented to on 25th August, 1903, and has been amended by Acts of 1906 and 1907. The High Court consists of a Chief Justice and four other Justices; and its principal seat is at the seat of Government, where there shall be the principal registry of the court. A district registry in each other State is also provided for, and peripatetic sittings are to be held when required. Chamber business may be dealt with by a single Justice of the High Court, or (except in matters within the exclusive jurisdiction of the High Court) by a single Judge in Chambers of the Supreme Court of a State. A Full Court, consisting of any two or more Justices of the High Court, sitting together, may hear and determine any case or question referred by, and appeals from judgments of, any such single Justice or Judge; appeals from judgments of any other court exercising Federal jurisdiction, or of the Inter-State Commission; applications for a new trial; and applications for leave or special leave to appeal to the High Court from a judgment of the Supreme Court of a State,

or of any other court of a State from which, at the establishment of the Commonwealth, an appeal lay to the Privy Council. The jurisdiction of the High Court to hear and determine appeals from judgments of the Supreme Court of a State sitting as a Full Court, or of any other court of a State from which at the establishment of the Commonwealth an appeal lay to the Privy Council, and applications for a certificate that a question, decided by the High Court, as to the constitutional powers of the Commonwealth and a State, or of any two or more States, is one which ought to be determined by the Privy Council, shall be exercised by a Full Court consisting of not less than three Justices.

In addition to the original jurisdiction conferred by section 75 of the Constitution, previously mentioned, the High Court is, by section 30 of the Judiciary Act, invested with original jurisdiction in all matters arising under the Constitution, or involving its interpretation; and by section 33 is empowered to make orders or issue writs of mandamus, prohibition, ouster of office, and *habeas corpus* in certain cases. Part V. of the Act limits and defines the appellate jurisdiction; Part VI., as amended by the Act of 1907, defines the matters in which the jurisdiction of the High Court is exclusive; Part VII., as amended by the same Act, provides for the removal of causes arising under the Constitution, and pending in any State Court, to the High Court, and also provides that where in any cause pending in the Supreme Court of a State there arises any question as to the limits *inter se* of the constitutional powers of the Commonwealth and those of any State or States, or as to the limits *inter se* of the constitutional powers of any two or more States, it shall be the duty of the Court to proceed no further in the cause, and the cause is, by virtue of the Act and without any order of the High Court, removed to the High Court; Part VIII. treats of the members and officers of the High Court; Part IX. of suits by and against the Commonwealth and the States; and Part X. of criminal jurisdiction, and Part XI. contains supplementary provisions, dealing with appearance of parties, applications of laws, venue, and rules of court.

By section 49 of the Act it is provided that any person entitled to practise as a barrister or solicitor or both in any State shall have the like right to practise in any Federal Court, upon entry of his name in a Register of Practitioners at the Principal Registry; and by section 86 (9a) the Justices of the High Court are empowered to make Rules of Court for the admission of persons to practise as barristers or solicitors in any Federal Court. Rules of Court have been made accordingly (Statutory Rules, 1908, No. 35), which establish a Board, called the Commonwealth Practitioners' Board, and consisting of the Attorney-General of the Commonwealth, the Secretary to the Attorney-General's Department, the Principal Registrar of the High Court, and such practising barristers or solicitors as the Chief Justice may from time to time appoint. The Rules further provide for the admission of persons as students-at-law and for their examination and admission as practitioners.

THE LEGAL SYSTEM IN VICTORIA.

The law of Victoria, in its basic principles and main provisions, is founded on the law of England. All laws in force in England in 1828 were, so far as they should be held to apply to the circumstances of Australia, by Imperial Statute made law in New South Wales (which then included Victoria); and in case of any doubt as to the applicability, the Colonial Legislature was empowered to declare whether or not they did apply, or to establish any modification or limitation of them within the colony. The same Statute established a Legislature within New South Wales with power to make laws for that colony; and Supreme and other courts were constituted. On the separation of Port Phillip from New South Wales in 1851, the new colony of Victoria was invested with similar powers, which were widened on the establishment of responsible government in 1855. In order, therefore, to ascertain the law of Victoria as to any particular matter or point, considerable research is often involved. The first step is a search of the Victorian Statutes; and if the matter is fully dealt with there, the labour is concluded; but, if it has never been dealt with by any Victorian Act, recourse must be had to the Statutes of New South Wales, and the Imperial Statutes specially applicable to New South Wales passed between 1828 and 1851. If no law on the point is obtainable from these sources, the law of England in 1828 must be ascertained, which in most cases is found in the English text-books. Having found the apparent law from one of these sources, it is still necessary to search through series of law reports for decisions which may either modify or interpret the same.

LITIGATION AND LEGAL BUSINESS.

The Supreme Court of Victoria was first established in 1852, and its constitution and powers remain substantially unaltered by recent legislation, although the procedure has been entirely remoulded by the "Judicature Act of 1883." There were in 1909, five judges, viz., a Chief Justice and four Puisne Judges.

The following is a statement of Supreme Court business during 1890, 1895, 1900, and the last five years:—

SUPREME COURT CIVIL CASES, 1890 TO 1909.

Year.	Writs of Summons.		Causes Entered for Trial.	Causes Tried.	Verdicts for—		Amount Awarded.
	Number Issued.	Amount Claimed.			Plaintiff.	Defendant.	
		£					£
1890 ..	6,619	687,503	535	297	229	65	68,592
1895 ..	2,115	140,292	254	187	101	33	41,487
1900 ..	825	137,083	161	106	62	31	101,896
1905 ..	623	88,079	117	96	21	9	3,986
1906 ..	533	56,867	128	64	22	19	7,358
1907 ..	564	56,182	106	61	26	10	2,408
1908 ..	673	97,221	114	62	26	12	7,621
1909 ..	774	104,831	114	68	23	15	8,538

There has been a considerable decline in litigation in the Supreme Court since 1890. In 1909, the writs issued were about one-ninth; the amount sued for was about one-seventh; and the causes which actually came to trial were about one-fourth of the corresponding numbers and amount in 1890. The business was, however, in excess of that for the year 1908. Notwithstanding the decrease in litigation, the number of barristers and solicitors at the census of 1901 was given as 820, being an increase of 90 over the number according to the previous census of 1891. The figures show that a very small proportion of writs result in actual trials, whilst a large number of trials are either abandoned before a verdict is given, postponed to the following year, or settled.

Decline in litigation.

The number of criminal cases tried and of convictions in the superior courts, the Supreme Court and the Court of General Sessions, throughout the State in the last year of the three quinquennial periods ended 1900, and in each of the last five years was as follows:—

Criminal cases in superior courts.

CRIMINAL CASES — SUPREME COURT AND GENERAL SESSIONS,
1890 TO 1909.

Year.	Total Number of Cases Tried.	Total Number of Convictions.	Proportions of Convictions per 10,000 of Population.
1890 ...	964	662	5.92
1895 ...	735	46	3.90
1900 ...	652	451	3.78
1905 ...	758	454	3.74
1906 ...	623	397	3.24
1907 ...	636	392	3.14
1908 ...	647	466	3.68
1909 ...	680	430	3.35

This statement shows that there was a fall in 1909 as compared with 1890 of 29 per cent. in the total number of criminal cases tried in the higher courts, and of 35 per cent. in the number of convictions.

County Courts have a jurisdiction both in equity and common law cases, limited to £500; also in cases remitted by the Supreme Court. The cause of action must have arisen within 100 miles of the court in which proceedings are taken, which court must not be more than ten miles further away from defendant's residence than some other County Court in which the plaintiff might have sued.

County Courts business.

In 1909,* there were 107 sessions lasting 322 days and held in 44 places. Particulars of litigation in 1890, 1895, 1900, and the last five years are as follows:—

COUNTY COURT CASES, 1890 TO 1909.

Year.	Number of Cases tried.	Amount sued for.	Amount awarded.	Costs awarded to—	
				Plaintiff.	Defendant.
		£	£	£	£
1890	12,635	349,028	127,433	15,363	6,072
1895	1,861	219,285	73,091	7,256	5,514
1900	789	160,676	49,595	5,188	2,782
1905	582	145,884	47,481	4,096	2,383
1906	556	135,580	42,836	5,473	2,856
1907	633	133,962	43,662	4,579	2,485
1908	721	203,169	69,460	9,136	2,808
1909	665	141,443	51,247	5,649	2,593

The number of cases tried continues below the average of ten years ago. The number in 1909 was higher than in any of the years since 1900, with the exception of 1908, but was only one-nineteenth of that in 1890; the amount sued for and awarded, and the costs awarded, have not fallen off to anything like the same extent. This would seem to indicate that the public is less inclined than formerly to institute legal proceedings for the settlement of disputes; and that the County Court is not resorted to for the recovery of petty and trade debts to the same extent as in former years.

Courts of Petty Sessions were held at 235 places in Victoria in 1909 by stipendiary magistrates and honorary justices. Clerks of courts of ten years' standing, who have passed the prescribed examination, and barristers of five years' standing are eligible for appointment as police magistrates; but there is no legal training or knowledge of the law required as a condition precedent to the appointment of a person as an honorary justice of the peace. The jurisdiction is limited to what may be called ordinary debts, damages for assault, and restitution of goods, where the amount in dispute does not exceed £50. Particulars of such cases heard during a series of years are as follows:—

COURTS OF PETTY SESSIONS: CIVIL CASES, 1890 TO 1909.

Year.	Cases heard.	Amount claimed.	Amount awarded.
		£	£
1890	30,466	196,917	132,663
1895	30,609	168,143	138,722
1900	17,577	95,890	80,960
1905	26,393	142,673	121,525
1906	25,320	145,847	123,625
1907	26,255	147,044	123,732
1908	32,005	181,028	157,334
1909	36,894	200,836	162,393

In addition to the ordinary civil cases above mentioned, and to the criminal jurisdiction hereinafter mentioned, Courts of Petty Sessions deal with other business of a civil and quasi-criminal nature. During the year 1909, 561 appeals against municipal ratings, 796 maintenance cases, 625 fraud summonses against debtors, 10,816 electoral revision cases, 5,500 cases relating to licences and certificates, and 2,032 miscellaneous cases were heard, and 514 persons alleged to be lunatics were examined.

INSOLVENCIES.

The number of failures and the declared assets and liabilities during the last five years were :— Insolven-
cies, &c.

INSOLVENCIES AND PRIVATE ARRANGEMENTS, 1905 TO 1909.

Year.	Insolvencies.			Private Arrangements.		
	Number.	Declared Liabilities.	Declared Assets.	Number.	Declared Liabilities.	Declared Assets.
		£	£		£	£
1905 ..	570	235,773	74,673	174	179,310	98,673
1906 ..	517	231,828	81,144	175	126,499	102,323
1907 ..	448	196,87	53,849	133	115,057	94,913
1908 ..	514	179,050	62,998	170	204,011	154,692
1909 ..	370	129,627	98,041	185	207,235	167,639

The number of insolvencies in 1909 was the lowest recorded since 1901. The average number during the last five years was 484, and the average declared liabilities £194,631 whereas during the ten years, 1879 to 1888, the average yearly number was 612, with declared liabilities of £661,720. During the eleven years, 1889 to 1899, when the failures resulting from the financial crisis swelled the returns, the yearly average number was 790, with declared liabilities of £2,037,292.

Insolvencies are of two kinds, voluntary and compulsory, and the following table contains the number of petitions of each kind in the last five years :—

Year.	Voluntary.	Compulsory.	Total.
1905 ...	... 536	34	570
1906 ...	... 485	32	517
1907 ...	... 431	17	448
1908 ...	... 484	30	514
1909 ...	... 345	25	370

In the following return will be found the occupations, in six classes, of those who became insolvent or compromised with their creditors during the last five years, also the number of breadwinners in each class at the census of 1901, and the proportion of the former Occupations
of insol-
vents.

to the latter. The total number of insolvents does not include 148 whose occupations were not returned:—

OCCUPATIONS OF INSOLVENTS, 1905 TO 1909.

Occupation Groups.	Number of Breadwinners, Census, 1901.	Number of Insolvents, 1905 to 1909.	Proportion of Insolvents to every 1,000 Breadwinners.
Professional	35,224	144	4·09
Domestic	66,815	127	1·90
Commercial	79,048	796	10·07
Transport and Communication	31,516	228	7·23
Industrial	146,233	1,181	8·08
Primary Producers ..	165,147	632	3·83
Total ..	523,983*	3,108	5·93

* Exclusive of 10,066 persons of independent means.

As might be expected, fewer breadwinners of the domestic and primary producing classes become insolvent than those of other classes, in proportion to their numbers in the community, whilst a greater proportion of the commercial than of any other class find it necessary to file their schedules or compound with their creditors.

Occupations
of
insolvents
in detail.

The following figures show the occupations of insolvents for each of the five years 1905 to 1909:—

OCCUPATIONS OF INSOLVENTS.

Occupations.	Number of Insolvents during—				
	1905.	1906.	1907.	1908.	1909.
<i>Professional Class.</i>					
Barrister, solicitor.. ..	2	4	1	..	..
Chemist	2	..	1	1	..
Civil servant	13	15	8	4	9
Dentist	1	3	..	1	..
Police	11	10	4	1	5
Others	14	8	5	11	10
<i>Domestic Class.</i>					
Boardinghouse keeper	5	3	2	4	8
Hotelkeeper	16	8	24	11	12
Others	9	10	6	4	5

OCCUPATIONS OF INSOLVENTS—*continued.*

Occupations.	Number of Insolvents during—				
	1905.	1906.	1907.	1908.	1909.
<i>Commercial Class.</i>					
Agent	13	13	10	10	7
Butcher	7	9	9	20	2
Clerk, accountant	22	13	10	7	8
Commercial traveller, salesman, canvasser	7	10	10	8	9
Draper and assistants	6	10	13	15	9
Grocer and assistants	23	30	21	19	27
Hawker	2	1	3	3	2
Merchant, importer	8	7	2	20	11
Storekeeper	27	35	15	38	26
Others	57	60	43	37	22
<i>Transport and Communication Class.</i>					
Carrier, carter, driver	8	12	6	16	11
Railway service	45	63	29	6	4
Tramway employé	1	1	..	..	1
Others	1	5	10	4	5
<i>Industrial Class.</i>					
Blacksmith, farrier	8	7	9	15	4
Bootmaker	9	4	3	7	2
Builder, contractor	27	19	23	25	18
Carpenter	11	9	15	15	7
Coachbuilder, painter	13	5	5	..	6
Engineer, engine-driver	12	10	8	7	4
Labourer	111	95	84	92	88
Miller, baker	11	11	5	11	14
Saddler	4	4	1	3	2
Tailor, dressmaker	8	6	8	7	6
Watchmaker	2	1	..	..	1
Others	56	59	60	66	58
<i>Primary Producers.</i>					
Farmer	22	22	17	24	31
Grazier	5	1	2	5	6
Miner	91	73	69	114	69
Others	13	9	15	26	18
<i>Indefinite Class</i>	41	27	25	27	28
Total	744	692	581	684	555

DIVORCE.

Under the Divorce and Matrimonial Causes Act, passed in 1861, *Divorce, &c.* a petition might be presented to the Supreme Court. (a) by a husband praying that his marriage might be dissolved, on the ground that his wife had, since the celebration thereof, been guilty of adultery; (b) by a wife praying that her marriage might be dissolved on the ground that since the celebration thereof, her husband had been guilty of incestuous adultery, or of bigamy with adultery, or of rape, or of

sodomy, or bestiality, or of adultery, coupled with cruelty, or of adultery, coupled with desertion without reasonable excuse for two years.

Judicial separation was obtainable either by husband or wife on the ground of adultery, or cruelty, or of desertion, without cause for a period of two years.

The Divorce Act 1889 extended the grounds upon which divorces might be granted, those added being as follows:—

- (a) That the respondent has, without just cause or excuse, wilfully deserted the petitioner, and, without any such cause or excuse, left him or her continuously so deserted during three years and upwards.
- (b) That the respondent has, during three years and upwards, been an habitual drunkard, and either habitually left his wife without the means of support, or habitually been guilty of cruelty towards her, or, being the petitioner's wife, has for a like period been an habitual drunkard and habitually neglected her domestic duties or rendered herself unfit to discharge them.
- (c) That at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than three years and is still in prison under a commuted sentence for a capital crime, or under sentence to penal servitude for seven years or upwards, or, being a husband, has within five years undergone frequent convictions, and been sentenced in the aggregate to imprisonment for three years or upwards and left his wife habitually without means of support.
- (d) That within one year previously the respondent has been convicted of having attempted to murder the petitioner, or of having assaulted him or her with intent to inflict grievous bodily harm, or on the ground that the respondent has repeatedly during that period assaulted and cruelly beaten the petitioner.
- (e) That the respondent, being a husband, has since the celebration of his marriage and the date of this Act been guilty of adultery in the conjugal residence, or coupled with circumstances or conduct of aggravation or of a repeated act of adultery.

The Act further provides for simplifying and cheapening the mode of procedure, for the hearing and trying of suits in private at the discretion of the court, for prohibiting the publication of evidence, for the intervention of the Attorney-General where collusion is suspected, and for the abolition of applications or decrees for the restoration of conjugal rights. The Act can only be taken advantage of by persons domiciled in the State for at least two years.

Since jurisdiction was first conferred upon the Supreme Court of Victoria in matters matrimonial in 1861, 2,412 decrees for dissolution of marriage, and 91 decrees for judicial separation have been granted. Of these, 2,064 and 20 respectively have been issued since 1890; so that, during the 30 years ended 1890 only 348 decrees for

dissolution of marriage were issued, and 71 for judicial separation, or an average per annum of about twelve of the former and two of the latter; whereas, since the Divorce Act of 1889 received the Royal Assent in 1890 no less than 109 decrees per annum for dissolution of marriage have been granted, while the decrees for judicial separation have decreased to about one per annum.

The grounds on which divorces (*i.e.*, *Decrees Nisi*) were granted during the last three years were:—

	1907.	1908.	1909.
Adultery	37	41	32
Assaults (violent)... ..	—	1	—
Desertion	84	100	90
Desertion and adultery	7	4	6
Drunkenness (habitual)	5	5	8
Sentences for crime	1	—	2
Total	134	151	138

Grounds of Divorce.

The following is a statement of the number of petitions and decrees for dissolution of marriage and judicial separation in the Australian States and the Dominion of New Zealand during the years 1890, 1895, 1900, and the last five years, also of the proportion of decrees per 100,000 married couples living:—

Divorces in Australian States and New Zealand.

DIVORCES AND JUDICIAL SEPARATIONS IN AUSTRALIAN STATES AND NEW ZEALAND, 1890, 1895, 1900, AND 1905 TO 1909.

State.	Year.	Petitions for—		Decrees for—		Divorces and Separations per 100,000 Married Couples Living.
		Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.	
Victoria	1890	14	4	40	..	24
	1895	136	2	85	..	48
	1900	159	2	93	..	52
	1905	188	3	136	1	75
	1906	172	4	123	2	67
	1907	182	4	134	..	71
	1908	187	4	151	1	79
	1909	188	3	138	1	71
New South Wales	1890	72	9	42	9	32
	1895	348	22	299	11	169
	1900	301	34	216	14	112
	1905	298	33	170	15	83
	1906	264	25	174	10	80
	1907	359	36	221	14	99
	1908	365	22	196	15	87
	1909	415	28	272	12	114
Queensland	1890	8	1	8	2	18
	1895	6	2	4	..	6
	1900	24	1	12	1	18
	1905	12	3	4	1	7
	1906	20	3	12	3	20
	1907	11	3	12	1	17
	1908	14	6	11	2	16
	1909	24	2	16	..	19

DIVORCES AND JUDICIAL SEPARATIONS IN AUSTRALIAN STATES AND
NEW ZEALAND, 1890, 1895, 1900, AND 1905 TO 1909—*continued.*

State.	Year.	Petitions for—		Decrees for—		Divorces and Separations per 100,000 Married Couples Living.
		Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.	
South Australia	1890	5	3	2	..	4
	1895	12	1	5	..	9
	1900	11	1	7	1	15
	1905	11	..	6	..	10
	1906	14	1	3	1	7
	1907	16	..	11	..	18
	1908	20	..	8	..	13
	1909	16	..	12	..	19
Western Australia	1890	3	1	2	..	30
	1895	3	..	2	..	17
	1900	15	1	16	..	54
	1905	33	2	11	1	29
	1906	28	1	18	..	43
	1907	19	2	11	..	26
	1908	21	2	10	..	23
	1909	21	1	15	1	36
Tasmania	1890	4	1	2	..	9
	1895	4	..	3	1	17
	1900	11	1	4	..	16
	1905	9	..	2	..	7
	1906	11	..	5	..	19
	1907	5	..	8	..	30
	1908	13	..	7	..	25
	1909	12	1	12	1	47
Total, Australian States	1890	106	19	96	11	23
	1895	509	27	398	12	79
	1900	521	40	348	16	64
	1905	551	46	329	18	57
	1906	509	34	335	16	57
	1907	592	45	397	15	65
	1908	620	34	383	18	62
	1909	676	35	465	15	72
Dominion of New Zealand	1890	24	8	21	3	27
	1895	30	6	18	5	23
	1900	110	5	85	3	74
	1905	163	1	114	..	81
	1906	171	7	125	1	88
	1907	192	6	147	1	101
	1908	207	..	171	3	115
	1909	242	2	163	..	105

The grounds of divorce are now substantially the same in Victoria and New South Wales, and these were extended in New Zealand in 1898. The extension of the grounds upon which divorce may be obtained has had in New South Wales and New Zealand, as in Victoria, the effect of greatly increasing the number of petitions and decrees.

The divorce rate is higher in Australia than in the United Kingdom, but lower than in most of the other principal countries of the world. The United States and Switzerland are the countries where the marriage knot is untied most frequently, and in the former country the enormous increase in the number of divorces in recent years has attracted the attention of sociologists. In Ireland, on the other hand, there was only one divorce during the five-year period, 1899-1903. The number of divorces in various countries and their proportions to the populations are shown in the following table:—

DIVORCES IN VARIOUS COUNTRIES.

Country.	Period.	Population.	Divorces ¹ (Annual Average).	
			Number.	Per 100,000 Popu- lation.
Australia	1905-9	4,178,569	338*	10
Austria	1898-1902	26,150,708	179	1
Belgium	"	6,693,548	705	11
Bulgaria	1896-1900	3,744,283	396	11
Denmark	1899-1903	2,449,540	411	17
England and Wales	"	32,527,843	568	2
France	"	38,961,945	8,864	23
German Empire	1898-1902	56,367,178	8,680	15
Prussia	"	34,472,509	5,291	15
Saxony	"	4,202,216	1,209	29
Bavaria	"	6,176,057	491	8
Hungary	1898-1902	19,254,559	2,130	11
Ireland	1899-1903	4,458,775	†	†
Italy	"	32,475,253	819	3
Netherlands	1897-1901	5,104,137	512	10
New Zealand	1905-9	920,300	145	16
Norway	1898-1902	2,221,477	129	6
Scotland	1899-1903	4,472,103	175	4
Servia	1896-1900	2,492,882	312	13
Sweden	1898-1902	5,136,441	390	8
Switzerland	"	3,315,443	1,053	32
United States	"	75,994,575	55,502	73

* Sixteen Judicial Separations included.

† Annual average less than one. Only one divorce granted during the five-year period.

CRIME.

ADMINISTRATION OF THE CRIMINAL LAW.

In nearly all cases where the criminal law has been broken, the alleged offender is brought at the very first opportunity before a Court of Petty Sessions, before two honorary justices or a police magistrate, or both, or in some cases a single magistrate, and the court, if the matter is one which comes within its summary jurisdiction, disposes of the case summarily. If the offence is an indictable one, the magistrates hold a preliminary investigation and, if they are satisfied that a *prima facie* case has been made out by the prosecution, the accused is committed for trial to a superior court. There are two superior courts with criminal jurisdiction, viz., the Supreme Court, and a Court of General Sessions, which are held at various places throughout the State. The latter court may deal with all cases of an indictable nature except such as are expressly excluded from its jurisdiction, viz., ten of the most serious crimes. A person may be brought before magistrates by three modes of procedure, viz., by an arrest by a police officer on warrant issued on a sworn information, or in a limited number of cases without warrant if the offence has been witnessed by the arresting constable; or by a summons. If at a coroner's inquest a verdict is returned of murder or manslaughter, the accused person is sent for trial to the Supreme Court without any investigation before magistrates. The Attorney-General or Solicitor-General has also the power of presenting any person for trial before a superior court without the necessity of a preliminary magisterial hearing; and upon the application of any person, properly supported by affidavit, a grand jury may be summoned, on the order of the Full Court, if the affidavit discloses that an indictable offence has been committed by a corporate body; or that such an offence has been committed by any person, and that some justice has refused to commit such person for trial; or in the case of a committal that no presentment has been made at the court at which the trial would in due course have taken place. The grand jury consists of 23 men, who investigate the charge, and if they are of opinion that a *prima facie* ground of action has been made out, the case is sent for trial. The cases which are presented under these latter forms of procedure are, however, very rare.

Indeter-
minate
sentences.

The Indeterminate Sentences Act came into force on 1st July, 1908. Its principal provisions are—

1. The adoption of the indeterminate sentence for (a) habitual criminals, and (b) certain classes of other offenders.
2. The appointment of an Indeterminate Sentences Board.
3. The establishment of reformatory prisons.
4. A system of probation applicable to adults as well as minors.

A Board, consisting of Mr. C. A. Topp, M.A., LL.B. (chairman), Mr. W. R. Anderson, P.M., Secretary to the Crown Law Department, and the Rev. J. H. Ingham, was appointed on 18th August, 1908.

The chief functions of the Board are to make visits of inspection monthly to each reformatory prison, to examine the conduct reports of the inmates, and accounts of their earnings, to authorize promotion in grade, to approve of indulgences, and to make careful inquiries as to whether any persons detained in a reformatory prison are sufficiently reformed to be released on probation, and to submit recommendations accordingly to the Governor in Council; also generally to report on the working of the Indeterminate Sentences Act and the regulations. Regulations governing the treatment of declared habitual criminals, and of offenders, not habituals, who are detained under indeterminate sentence in a reformatory prison are now in operation.

On 30th June, 1910, 11 males and 4 females had reached the indeterminate stage of their sentences, and were confined in portions of the Pentridge Penal Establishment and the Female Penitentiary respectively, set apart as reformatory prisons for habitual criminals. On the same date there were 9 youths under indeterminate detention in the Castlemaine reformatory prison. The reformatory prisons mentioned are but temporary expedients. During the year ended 30th June, 1910, five inmates were released on probation from the Castlemaine prison on the recommendation of the Board, and were reported to be doing well. Probation officers, to supervise first offenders released by the Courts on recognisance under the provisions of the Indeterminate Sentences Act, are appointed by the Governor in Council on the recommendation of the Board. During the period under review, 85 such officers were appointed for cities and large country towns.

In 1909 Mr. C. A. Topp, I.S.O., the Chairman of the Board, visited Europe and America, inquired into the laws in operation in various countries relating to the detention and reformation of prisoners past the age of boyhood, but not yet confirmed criminals, and endeavoured to obtain information as to the manner in which these laws were carried out, and also as to the legislation dealing with habitual criminals, and the methods of prison treatment adopted in regard to them. Mr. Topp's report is now before the Government. He states that in no country which he visited has the indeterminate sentence been given so extended an operation as under the Victorian Indeterminate Sentences Act of 1907.

OFFENCES HEARD BY MAGISTRATES.

Arrests and
summonses
for various
offences.

Prior to 1902, information relating to various offences was incomplete on account of there being no returns as to summons cases other than "against the person," "against property," and "other offences." As will be seen below, there is a large proportion of assaults and offences against good order initiated by summons. The following are particulars of the different classes of offences in 1909, distinguishing between arrests and summons cases, multiple charges against the same individual being each counted as an offence:—

ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1909.

Nature of Offence.	Number of Offences for which—		Total Offences.	How disposed of—		
	Arrests were made.	Summonses were issued.		Summarily convicted, held to bail, &c.	Discharged.	Committed for trial.
Against the Person—						
Murder and attempts, manslaughter, shooting at, &c. ...	54	...	54	2	15	37
Assaults ...	564	874	1,438	776	658	4
Others ...	155	119	274	57	100	117
Against Property—						
Robbery, burglary, &c.	320	...	320	70	121	129
Larceny and similar offences ...	1,811	673	2,484	1,529	707	248
Wilful damage to property ...	190	347	537	348	185	4
Others ...	109	236	345	209	98	38
Against Good Order—						
Drunkenness ...	12,386	50	12,436	7,025	5,411	...
Others ...	4,508	6,726	11,234	8,899	2,330	5
Breaches of Licensing Act	21	1,444	1,465	1,092	373	...
Other offences...	846	22,880	23,726	19,964	3,673	89
Total... ..	20,964	33,349	54,313	39,971	13,671	671

These particulars include the arrests and summonses in Children's Courts detailed in the next table other than arrests of neglected children.

Of the 20,964 offences for which arrests were made, 1,655 were multiple charges, leaving the number of separate arrests 19,309. In 11,712 of these the subjects were summarily convicted, in 7,063 they were discharged, and in 534 they were committed for trial. Of the persons dealt with in the 33,349 summons cases, 27,089 were summarily convicted, 6,214 were discharged, and 46 were committed for trial. Of the total persons dealt with (52,658), the number summarily convicted was 38,801, 13,277 were discharged, and 580 were committed for trial.

The following table shows the number of arrests and summonses for various offences in Children's Courts during the year 1909:—

Children's Courts.

CHILDREN'S COURTS: ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1909.

Nature of Offence.	Number of Offences for which—		Total Offences.
	Arrests were made.	Summonses were issued.	
Against the Person—			
Assaults	12	33	45
Others	13	17	30
Against Property—			
Larceny, &c.	282	479	761
Wilful damage	7	186	193
Others	2	95	97
Against Good Order—			
Drunkenness	2	..	2
Others	114	820	934
Breaches of Licensing Act .. .. .	..	4	4
Other Offences	1,088	561	1,649
Total	1,520	2,195	3,715

The arrests of neglected children, which numbered 1,049 in 1909, have been included in this table to indicate the business done by Children's Courts, but they are eliminated from all other criminal tabulations.

Of the offenders who were reported as having committed offences in the two years ended 1906, 44 per cent. were summoned, 47 per cent. were arrested, and 9 per cent. had not been arrested at the end of the year in which the offence was reported; but during the past three years, owing to the great increase in the number of summons cases, the rates were 57, 35, and 8 per cent. respectively. This increase in summons cases has arisen principally through prosecutions under the new Licensing and Pure Foods Acts, and also on account of more parents having been summoned for neglecting to send their children to school—the compulsory clauses of the Amending

Offences reported and undetected crimes.

Education Act requiring children to attend a greater number of times than formerly. The following are particulars for the last five years:—

SUMMONSES, ARRESTS, AND UNDETECTED CRIMES, 1905 TO 1909.

Offences in respect to which persons were—	1905.	1906.	1907.	1908.	1909.
Brought before magistrates on summons ...	22,290	25,430	38,008	38,596	33,349
Arrested by the police	25,470	24,583	24,332	22,008	20,964
Not arrested	5,144	4,540	4,416	5,050	4,835
Total	52,904	54,553	66,756	65,654	59,148

In this table each separate charge against a person is considered as a separate offence; for instance, a charge of drunk and disorderly, of resisting the police, of riotous conduct, and of tearing uniform would appear as four separate offences, although all the events happened on the same occasion. Of the offences in respect of which persons were not arrested, 94 per cent. were against property, 3 per cent. were against the person, and the balance, 3 per cent., were of a miscellaneous character.

The arrests of neglected children, which are excluded from this and the following tables, numbered 585 in 1905, 817 in 1906, 1,121 in 1907, 744 in 1908, and 1,049 in 1909.

The following are particulars of cases brought before magistrates, from which it will be seen that about 75 per cent. of the persons are generally summarily convicted, and 24 per cent. are discharged, whilst 1 per cent. are sent for trial to superior courts:—

ARRESTS AND SUMMONSES DEALT WITH BY MAGISTRATES,
1905 TO 1909.

Number of Persons.	1905.	1906.	1907.	1908.	1909
Arrested or summoned	45,484	48,244	60,687	58,778	52,658
Discharged by magistrates	11,176	10,594	13,395	14,747	13,277
Summarily convicted or dealt with ...	33,656	37,066	46,731	43,454	38,801
Committed for trial	652	584	561	577	580
Persons summarily dealt with or committed per 1,000 of population	28·3	30·7	37·9	34·8	30·7

In regard to persons arrested included in these figures, minor charges are excluded, and only that charge which throughout the hearing of the case has been most prominent is taken account of; but in regard to summons cases, the unit is each separate charge or case.

Neglected children arrested.

Offences dealt with by magistrates.

CRIME AND DRUNKENNESS IN AUSTRALASIA.

A proper comparison of crime cannot be made between different States or countries unless several considerations are taken into account. The first point necessary is that the criminal law, in the places compared, should be substantially the same; the second, that it should be administered with equal strictness; and the third, that proper allowances are made for differences in the age and sex constitution of the population. The last consideration is one that must also be taken into account in comparing crime in recent years with that for previous periods when the population was very differently constituted in regard to sex and age. The returns of the States and the Dominion of New Zealand do not afford sufficient data to enable one to allow for these differences; but, in regard to the first two points above mentioned, the basis and main provisions of the criminal law are the same in each State; and it must be presumed, in the absence of any evidence to the contrary, that the law is administered with equal strictness in each State. The following table shows, for a series of years, the number of charges against persons arrested or summoned for the only classes of offences for which complete comparisons can be made:—

Offences and drunkenness in Australia and New Zealand.

CRIME IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND,
1890, 1895, 1900, AND 1904 TO 1908.

State.	Year.	Number of Charges against Persons Arrested or Summoned for—				
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.	Total
Victoria	1890	4,091	5,036	18,501	36,456	64,084
	1895	2,500	4,068	11,143	21,844	39,555
	1900	2,238	3,540	15,878	29,189	50,845
	1904	1,846	3,257	13,881	30,140	49,124
	1905	1,932	4,032	14,458	27,338	47,760
	1906	1,811	3,797	14,029	30,376	50,013
	1907	1,757	3,646	14,783	42,154	62,340
	1908	1,793	3,894	13,102	41,815	60,604
New South Wales	1890	8,729	7,616	18,654	31,088	66,087
	1895	4,459	6,153	18,379	35,987	64,978
	1900	4,435	6,675	21,003	30,747	62,860
	1904	3,658	6,829	23,069	32,481	66,037
	1905	3,684	6,553	24,135	32,994	67,366
	1906	3,685	5,998	25,399	34,689	69,771
	1907	3,981	6,411	28,255	35,657	74,304
	1908	3,629	6,765	27,976	34,794	73,164

CRIME IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND,
1890, 1895, 1900, AND 1904 TO 1908—*continued.*

State.	Year.	Number of Charges against Persons Arrested or Summoned for—				
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.	Total.
Queensland	1890	2,713	2,487	6,332	7,464	18,996
	1895	2,073	2,085	4,993	8,522	17,673
	1900	1,937	2,552	9,254	10,621	24,364
	1904	1,641	1,989	6,854	7,649	18,133
	1905	1,737	2,101	6,638	7,467	17,943
	1906	1,682	1,811	7,493	7,863	18,849
	1907	991	1,534	9,066	7,030	18,621
	1908	770	1,638	9,203	8,076	19,687
South Australia	1890	520	501	2,382	3,572	6,975
	1895	411	677	1,763	2,128	4,979
	1900	304	575	2,249	2,847	5,975
	1904	269	480	2,387	2,681	5,817
	1905	248	463	2,362	2,683	5,756
	1906	254	472	2,483	2,882	6,091
	1907	296	560	2,838	2,653	6,347
	1908	328	516	3,063	2,682	6,589
Western Australia	1890	371	536	1,181	2,602	4,690
	1895	654	1,080	2,154	4,489	8,377
	1900	1,037	1,746	3,070	8,920	14,773
	1904	729	1,423	3,597	9,121	14,870
	1905	644	1,460	3,509	8,949	14,562
	1906	579	1,384	3,588	8,833	14,384
	1907	529	1,558	3,591	8,290	13,968
	1908	586	1,321	3,506	7,272	12,685
Tasmania	1890	483	619	1,151	4,143	6,396
	1895	353	710	463	3,237	4,763
	1900	368	676	832	3,475	5,351
	1904	245	659	580	4,074	5,558
	1905	229	754	539	5,552	7,074
	1906	194	627	459	5,111	6,391
	1907	192	490	535	5,041	6,258
	1908	249	570	543	5,686	7,048
Total Australian States	1890	16,907	16,795	48,201	85,325	167,228
	1895	10,450	14,773	38,895	76,207	140,325
	1900	10,319	15,764	52,286	85,799	164,168
	1904	8,388	14,637	50,368	86,146	159,539
	1905	8,474	15,363	51,641	84,983	160,461
	1906	8,205	14,089	53,451	89,754	165,499
	1907	7,746	14,199	59,068	100,825	181,838
	1908	7,355	14,704	57,393	100,325	179,777
Dominion of New Zealand	1890	1,516	2,297	5,830	8,604	18,247
	1895	1,281	2,557	5,104	8,639	17,581
	1900	1,526	2,680	7,319	13,165	24,690
	1904	1,504	2,884	9,626	16,764	30,778
	1905	1,509	2,943	8,790	17,310	30,552
	1906	1,508	3,150	9,486	18,494	32,638
	1907	1,654	3,203	10,288	21,465	36,610
	1908	1,513	3,600	10,689	20,484	36,286

The following table shows the number of charges laid against persons arrested or summoned per 1,000 of the population in the Australian States and New Zealand during a series of years:—

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH AUSTRALIAN STATE AND THE DOMINION OF NEW ZEALAND, 1890, 1895, 1900, AND 1904 TO 1908.

State.	Year.	Charges against Persons Arrested or Summoned per 1,000 of the Population for—			
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.
Victoria	1890	3·66	4·50	16·54	32·59
	1895	2·12	3·45	9·44	18·45
	1900	1·88	2·97	13·31	24·46
	1904	1·53	2·70	11·50	24·96
	1905	1·59	3·33	11·92	22·55
	1906	1·48	3·09	11·43	24·75
	1907	1·41	2·92	11·86	33·81
	1908	1·41	3·08	10·36	33·05
New South Wales	1890	7·92	6·91	16·93	28·21
	1895	3·53	4·87	14·53	28·46
	1900	3·28	4·93	15·51	22·70
	1904	2·54	4·74	16·00	22·52
	1905	2·50	4·44	16·37	22·38
	1906	2·44	3·97	16·82	22·97
	1907	2·57	4·14	18·22	23·00
	1908	2·29	4·27	17·66	21·96
Queensland	1890	7·03	6·45	16·41	19·35
	1895	4·58	4·60	11·03	18·82
	1900	3·95	5·21	18·90	21·68
	1904	3·16	3·83	13·20	14·73
	1905	3·30	4·00	12·63	14·20
	1906	3·16	3·40	14·06	14·76
	1907	1·83	2·83	16·75	12·99
	1908	1·39	2·95	16·58	14·54
South Australia	1890	1·64	1·60	7·53	11·35
	1895	1·18	1·94	5·06	6·11
	1900	·85	1·60	6·26	7·93
	1904	·73	1·30	6·57	7·25
	1905	·66	1·24	6·30	7·16
	1906	·67	1·24	6·53	7·58
	1907	·76	1·44	7·32	6·84
	1908	·82	1·28	7·63	6·68
Western Australia	1890	8·28	11·97	26·37	58·09
	1895	7·06	11·66	23·25	48·45
	1900	5·86	9·86	17·34	51·45
	1904	3·08	6·02	15·21	38·56
	1905	2·57	5·84	14·02	35·77
	1906	2·23	5·33	13·81	34·00
	1907	2·01	5·91	13·62	31·43
	1908	2·18	4·92	13·07	27·10

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH
AUSTRALIAN STATE AND THE DOMINION OF NEW ZEALAND,
1890, 1895, 1900, AND 1904 TO 1908—*continued.*

State.	Year.	Charges against Persons Arrested or Summoned per 1,000 of the Population for—			
		Offences against the Person.	Offences against Property.	Drunken- ness.	Other Offences.
Tasmania	1890	3·36	4·31	8·01	28·93
	1895	2·22	4·46	2·91	20·36
	1900	2·13	3·91	4·82	20·29
	1904	1·37	3·69	3·24	22·78
	1905	1·28	4·20	3·01	30·97
	1906	1·07	3·47	2·54	28·29
	1907	1·08	2·75	3·00	28·27
	1908	1·35	3·08	2·93	30·75
Australian States	1890	5·43	5·39	15·48	27·64
	1895	2·98	4·22	11·11	21·99
	1900	2·75	4·21	13·96	20·18
	1904	2·12	3·70	12·74	21·78
	1905	2·11	3·82	12·86	21·15
	1906	2·01	3·44	13·07	21·94
	1907	1·86	3·41	14·17	24·19
	1908	1·73	3·45	13·47	23·55
Dominion of New Zealand	1890	2·44	3·70	9·39	13·86
	1895	1·85	3·71	7·37	12·48
	1900	2·00	3·51	9·58	17·24
	1904	1·78	3·41	11·39	19·84
	1905	1·73	3·38	10·10	19·90
	1906	1·68	3·52	10·59	20·65
	1907	1·80	3·49	11·19	23·35
	1908	1·60	3·81	11·31	21·67

Almost all serious crimes are either offences against the person or offences against property. The only serious crimes included under "Other Offences" are forgery, counterfeiting, and perjury, and these are very few in number, there having been in Victoria in 1908 only 66 of such crimes, out of a total of 41,815 in the category to which they belong. A large proportion of the cases under the heading "Other Offences" are merely breaches of various Acts of Parliament, by-laws, &c., which indicate no degree of criminal instinct

or intent on the part of the person charged. There is also among them a large number of offences against good order, including insulting behaviour, vagrancy, &c. A comparison of the relative proportions in the various States of charges under the heading "Other Offences" is not of much value, on account of the differences in the laws of the States in these matters, and of the large proportion of the offences which are not crimes, but mere breaches of various Acts and by-laws.

Offences against the person set out in the first column of the preceding table, consist mainly of assault, but include murder, manslaughter, shooting, wounding, and all crimes of lust. A glance at the figures shows that since 1890 there has been a very large decline in these crimes in every State in proportion to population. South Australia easily holds the pride of place, then comes Tasmania, closely followed by Queensland, Victoria, and New Zealand, then Western Australia and New South Wales in that order.

Offences
against the
person.

A decrease, as compared with 1890, has also occurred in the proportion of offences against property in all the Australian States, but in New Zealand there has been a slight increase. The decrease in respect of these offences in Australia is, however, not nearly so marked as that in respect of offences against the person. Offences against property are far less rife in South Australia than in any other State or New Zealand, Queensland coming next, followed by Victoria, Tasmania, New Zealand, and New South Wales, in that order. These crimes are much commoner in Western Australia than in any other State, but the proportion in excess would be considerably reduced if allowance were made for the high ratio of adult males in the population of that State. Offences against property consist principally of larceny and similar offences; but include burglary, robbery, &c., cattle stealing, and wilful damage to property.

Offences
against
property

In three Australian States, viz., Victoria, Western Australia, and Tasmania, there was a decrease in drunkenness cases before magistrates in 1908, as compared with 1890; but there was an increase in New Zealand. This offence is much less frequent in Tasmania than in any other State, South Australia coming next, and Victoria, New Zealand, Western Australia, Queensland, and New South Wales, following in that order. In Victoria, summons cases for drunkenness were not included previous to 1902, but the number of such cases was so small that the comparison is not appreciably affected by their omission.

Drunken-
ness.

Causes of
arrest.

The offences for which arrests were made, together with the number of arrests under each class of offence for the last five years, will be found in the following table:—

CAUSES OF ARREST, 1905 TO 1909.

Offences.	1905.	1906.	1907.	1908.	1909.
Murder and Attempts to Murder	15	10	20	18	14
Manslaughter	7	4	15	8	8
Shooting at or Wounding with intent to do Bodily Harm; Wounding, &c.	46	41	41	48	24
Assaults, Common and Aggravated	576	612	546	469	454
Rape, Abduction, and Defilement of Females	75	76	82	72	80
Unnatural Offence and Assaults with intent	12	16	12	8	12
Other Offences against the Person	75	63	58	66	49
Offences against the Person and Property, including Robbery with Violence, Burglary, &c.	342	285	297	256	281
Horse, Sheep, and Cattle Stealing	103	92	71	84	83
Larceny and other Offences against Property	2,064	1,880	1,801	1,665	1,585
Forgery and Offences against the Currency	35	22	30	27	23
Drunkenness	14,373	13,943	14,703	13,029	12,386
Other Offences against Good Order	4,850	5,156	4,565	3,765	3,608
Offences relating to carrying out Laws	147	156	101	162	185
Smuggling and other Offences against the Revenue	106	62	62	73	90
Offences against Public Welfare	368	395	275	432	397
Total arrests	23,194	22,814	22,679	20,182	19,309

Males and
females
arrested.

The sexes of persons brought up on summons are not recorded; but it usually happens that about 20 per cent. of the persons arrested

are females. The males and females arrested, and the disposal of the cases, in 1909, were as follows:—

MALES AND FEMALES ARRESTED, 1909.

Disposal.	Arrests.		
	Males.	Females.	Total.
Summarily Convicted	9,405	2,307	11,712
Discharged by Magistrates	5,668	1,395	7,063
Committed for Trial	470	64	534
Total	15 543	3,766	19,309

SENTENCES PASSED.

The results of summary disposal of cases by magistrates during 1909 were as follows:—

Sentences
by Magis-
trates.

SUMMARY DISPOSAL BY MAGISTRATES OF PERSONS ARRESTED, 1909.

Sentence	Males.	Females.	Total.
Fines paid	3,777	416	4,193
Imprisonment for—			
Under 1 month	3,479	1 425	4,904
1 and under 6 months	736	223	959
6 and under 12 months	112	55	167
1 to 2 years	78	15	93
2 years	8	...	8
Ordered to find bail or sentence suspended on entering surety ...	256	27	283
Admonished	849	118	967
Sent to Industrial Schools or Reformatory	53	...	53
Otherwise dealt with	57	28	85
Total sentenced	9,405	2,307	11,712
Discharged	5,668	1,395	7,063
Total summarily disposed of ...	15,073	3,702	18,775
Sentenced per 10,000 of population ...	145·6	36·2	91·2

In addition to the sentences of imprisonment, two prisoners were sentenced to short periods of solitary confinement.

Sentences in
Superior
Courts.

The following were the sentences of the prisoners tried and convicted in superior courts during 1909:—

SENTENCES OF ARRESTED PRISONERS TRIED AND CONVICTED, 1909.

Sentence.	Males.	Females.	Total.
Fines paid	3	1	4
Imprisonment for—			
Under 1 month	3	3	6
1 and under 6 months	35	7	42
6 „ 12 „	64	5	69
1 „ 4 years	151	9	160
4 „ 7 „	7	...	7
7 „ 10 „	1	...	1
10 years and over	2	...	2
Death	1	1	2
Ordered to find bail or sentence suspended on entering surety ...	43	12	55
Sent to Reformatory	3	...	3
Sent to Lunatic Asylum ... ..	...	1	1
Total convicted	313	39	352
Acquitted	153	32	185
Not prosecuted	10	...	10
Convictions per 10,000 of population...	4·8	·6	2·7

In addition to being sent to gaol, two persons were ordered to be kept in solitary confinement during various portions of their terms of imprisonment, and nine prisoners were ordered one whipping each with a cat-o'-nine tails. Prisoners remaining for trial from the previous year are included, but those awaiting trial at the end of the year are excluded.

Arrests of
distinct
individuals.

It has been already stated that in making up the returns, a person arrested more than once is counted as a separate individual in respect to each arrest, but it is possible to ascertain approximately the number of distinct persons passing through the hands of the police by making a close comparison of names, ages, birth-places, religions, occupations, &c., of the individuals dealt with. This was done for 1884, so far as sex and birth-place were concerned, and has been

DISTINCT INDIVIDUALS ARRESTED, 1909.

Sex, Country, Age and Occupation of Persons Arrested.	Number of Arrests.	Number of Distinct Individuals Arrested.	Number of Times on which Distinct Individuals were Arrested.																						
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	25		
SEX.																									
Males	15,543	12,046	9,986	1,399	358	133	75	42	17	9	2	4	7	5	1	2	1	2	1	..	..	..	1
Females	3,766	2,005	1,409	283	116	56	35	22	20	12	8	7	5	9	6	4	1	3	1	3	2	2	..		
Total	19,309	14,051	11,395	1,682	474	189	110	64	37	21	10	11	12	14	7	6	2	5	3	4	2	2	1		
COUNTRY.																									
Australia	12,434	9,133	7,414	1,096	312	117	70	40	27	16	6	4	6	9	5	4	..	1	1	2	1	2	..		
New Zealand	243	193	166	18	4	4	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..
United Kingdom	5,491	3,803	3,017	483	135	61	37	23	8	5	4	7	5	5	1	1	2	3	2	2	1	..	1		
Other British Possessions	120	99	84	11	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Foreign Countries	1,021	823	714	74	21	5	3	1	2	..	..	..	..	1	..	..	..	1	..	..	..	..	..
AGE.																									
Under 10 years	7	7	7	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
10 to 15 "	112	111	110	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
15 to 20 "	844	751	675	64	10	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
20 to 25 "	1,819	1,483	1,268	163	81	6	7	1	1	2	1	1	..	1	1	..	..	..	..	..	..	..	..
25 to 30 "	2,504	1,927	1,627	183	57	25	12	7	6	4	2	1	1	1	1	..	..	..	..	..	..	..	..
30 to 40 "	4,906	3,484	2,816	412	127	47	18	21	7	6	4	4	6	5	3	1	1	1	..	..	..	..	..
40 to 50 "	4,990	3,450	2,685	469	133	62	42	18	16	7	3	2	3	1	1	3	1	1	2	2	..	..	..
50 to 60 "	2,652	1,777	1,359	255	79	34	19	11	4	1	..	1	..	5	1	2	..	..	..	..	..	..	..
60 to 70 "	1,023	745	592	98	27	10	4	2	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
70 to 80 "	406	285	231	35	8	4	1	1	..	..	..	..	2	1	..	..	..	..	..	..	..	..	..
80 years and over	46	31	25	2	2	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Done again for the past three years for sexes, birth-places, ages, religions, and occupations of the persons arrested. The results for 1909 are given in the following table:—

DISTINCT INDIVIDUALS ARRESTED, 1909—*continued.*

Religion.	Number of Arrests.	Number of Distinct Individuals Arrested.	Number of Times on which distinct Individuals were Arrested.																						
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	25		
			Church of England	6,624	4,926	4,052	573	139	63	33	17	11	7	4	1	4	7	3	..	2	1	1	2	..	1
Presbyterian	2,442	1,806	1,492	208	50	16	14	10	3	2	1	2	1	1	..	3	..	1	..	1	..	..	1
Methodist	879	686	587	64	21	3	3	1	2	1	..	1	1	1	..	..	..	..	..	..	..	..	..
Independent	27	25	23	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Baptist	133	117	106	8	1	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Lutheran	330	258	218	23	8	6	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Other Protestants	40	38	36	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total Protestants	10,475	7,856	6,514	880	219	90	56	29	17	10	5	4	6	9	4	3	2	2	1	3	..	1	1		
Roman Catholics	8,266	5,709	4,447	766	247	95	52	33	20	11	5	7	6	5	3	3	..	3	2	1	2	1	..		
Jews	52	43	37	4	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Buddhists, Confucians, Mohammedans, &c.	165	151	138	12	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
No religion	351	292	259	20	6	3	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

DISTINCT INDIVIDUALS ARRESTED, 1909—continued.

Occupation.	Number of Arrests.	Number of Distinct Individuals Arrested.	Number of Times on which Distinct Individuals were Arrested.																								
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	25				
PROFESSIONAL CLASS.																											
Actor, actress, showman	18	17	16	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Barrister, solicitor	24	13	7	3	2	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Chemist	22	19	16	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Civil engineer, surveyor	16	11	10	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Dentist	13	10	7	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Jockey	65	55	47	7	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Journalist, reporter, authoress	25	19	15	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Medical practitioner	11	8	5	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Musician, teacher of music	41	34	30	3	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Nurse	15	11	8	2	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Teacher, tutor, governess	10	7	4	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	106	75	60	12	1	..	..	..	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..
DOMESTIC CLASS.																											
Barman, barmaid, waiter, waitress	97	87	78	8	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Charwoman, laundryman, laundress	121	64	50	7	1	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Cook, domestic servant	823	555	418	83	26	10	11	..	3	1	..	..	1	..	2	..	..	..	..	..	..	..	..	..	..
Hairdresser.. .. .	71	47	39	4	..	1	1	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	206	170	148	13	4	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
COMMERCIAL CLASS.																											
Accountant, cashier, clerk	290	246	224	16	2	2	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..
Agent	82	67	54	11	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Butcher	130	103	85	12	4	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Canvasser, commercial traveller, salesman	225	176	147	19	6	1	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Dealer	132	93	71	14	2	4	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Draper	38	23	22	4	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Grocer	22	16	11	4	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Hawker	359	220	153	42	8	5	5	4	1	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Marine dealer, collector	65	43	32	6	2	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	282	262	244	16	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Law, Crime, &c.

Of the total number of arrests, 19,309, only 14,051, or 73 per cent., were of distinct individuals. Of these 11,395, or 81 per cent., were arrested only once; 1,682, or 12 per cent., twice; 474, or 3 per cent., three times; 189, or 1 per cent., four times; and 311, or 3 per cent., five times and over—two of these persons having been arrested twenty times, and 1 as many as twenty-five times. The following table gives a comparison of 1884 with 1909, from which it will be seen that there has been a decrease in the proportionate number of persons arrested more than once:—

DISTINCT PERSONS ARRESTED, 1884 AND 1909.

Year.	Distinct Persons Arrested.						Percentage Arrested.				
	Number.			Per 100,000 of the Population.			Once.	Twice.	Thrice.	Four Times.	More than Four Times.
	Males.	Females.	Total.	Males.	Females.	Total.					
1884 ...	16,229	3,628	19,857	3,309	820	2,129	78	14	4	2	2
1909 ...	12,046	2,005	14,051	1,865	314	1,094	81	12	3	1	3

Individuals arrested more than once.

Sexes of those arrested more than once.

The tendency of females to be arrested over and over again is much greater than that of males, for, while only 17 per cent. of the males who fell into the hands of the police were arrested more than once, as many as 30 per cent. of the females were so arrested.

The distinct persons arrested for drunkenness during 1909 numbered 8,850 and, of these, 1,719, or 19 per cent., were arrested more than once, viz.:—1,062 twice, 294 thrice, 137 four times, 81 five times, and 145 more than five times, of whom 1 was arrested twenty-one times.

Distinct persons arrested more than once for drunkenness.

Whilst the number of distinct persons arrested for drunkenness was 8,850, the charges of drunkenness brought against them numbered 12,386; these persons were also charged with 1,689 other offences, so that the total number of charges of all kinds against drunkards was 14,075, as compared with 20,986 charges of all descriptions. Thus 67 per cent. of the offences for which persons were arrested during 1909 were committed by persons who were arrested for drunkenness.

Drunkards charged with other offences

Birthplaces
of distinct
persons
arrested
and
committed
for trial.

The following table contains a classification of distinct persons arrested during 1909 according to birth-place, and shows the proportion per 10,000 which the persons in each class bear to those of the same nationality living in the State at the census of 1901:—

BIRTHPLACES OF DISTINCT PERSONS ARRESTED AND COMMITTED
FOR TRIAL, 1909.

Birthplace.	Distinct Persons Arrested.				
	Total Number.	Summarily Convicted, Held to Bail, &c.	Dis- charged.	Committed for Trial.	Convicted after Commit- ment.
Victoria	7,877	4,926	2,599	352	220
Other Australian States ..	1,256	746	447	63	47
New Zealand	193	113	74	6	7
England and Wales	1,738	918	778	42	31
Scotland	666	372	291	3	2
Ireland	1,399	836	545	18	14
China	122	79	36	7	4
Other Countries.. ..	800	419	348	33	22
Total	14,051	8,409	5,118	524	347
Proportion per 10,000 of the Population.					
Victoria	89·92	56·23	29·67	4·02	2·51
Other Australian States ..	192·95	114·60	68·67	9·68	7·22
New Zealand	213·97	125·28	82·04	6·65	7·76
England and Wales	148·41	78·39	66·43	3·59	2·65
Scotland	186·29	104·05	81·40	·84	·56
Ireland	227·44	135·91	88·60	2·93	2·28
China	195·83	126·81	57·78	11·24	6·42
Other Countries.. ..	261·24	136·83	113·63	10·78	7·18
Total	116·96	70·00	42·60	4·36	2·89

The proportion of arrests of distinct persons of Victorian birth does not afford a proper comparison with the proportions indicated for natives of other Australian States, Great Britain, and foreign countries. The Victorian born population includes a large number of children of whom, as has been shown, few are arrested, whereas the number of children in the State born in places outside Victoria is very small. It is obvious, therefore, that the ratio obtained by comparing the arrests of natives with the corresponding population will be much less than the ratios relating to the arrests of persons born in other States and

countries. If the proportion arrested of Victorian adult males were taken it would, in all probability, approximate to the corresponding proportions for natives of other Australian States.

The ages of those arrested in 1909, and the degree of instruction possessed by them, are shown in the subjoined table:—

Age and degree of instruction.

AGE AND DEGREE OF INSTRUCTION OF DISTINCT PERSONS
ARRESTED, 1909.

Ages.	Superior Education.	Read and Write Well.	Read Only, or Read and Write Imperfectly.	Unable to Read.	Total.
Under 10 years ..	..	..	6	1	7
10 to 15 ..	..	..	108	3	111
15 to 20 ..	..	2	742	7	751
20 to 25 ..	3	5	1,453	22	1,483
25 to 30 ..	2	14	1,863	48	1,927
30 to 40 ..	5	14	3,397	68	3,484
40 to 50 ..	10	21	3,294	125	3,450
50 to 60 ..	8	14	1,680	75	1,777
60 to 70 ..	..	3	671	71	745
70 to 80 ..	..	2	242	41	285
80 years and over ..	..	..	26	5	31
Total ..	28	75	13,482	466	14,051

About 3 per cent. of the persons arrested in 1909 were entirely illiterate, 96 per cent. could read only, or read and write imperfectly, and 1 per cent. were possessed of superior education or could read and write well.

Education of persons arrested.

The statistics to hand relating to the United Kingdom give the commitments for trial and convictions in the superior courts. The following table shows the number of commitments for trial and convictions, and their respective proportions to the population of each division of the United Kingdom during the last year of each of the

Crime in United Kingdom.

three decennial periods ended 1900, and during each of the five years ended 1908:—

CRIME IN THE UNITED KINGDOM, 1880, 1890, 1900, AND
1904 TO 1908.

Country.	Year.	Commitments for trial.	Convictions.	Proportion per 10,000 of Population of—	
				Commitments.	Convictions.
England and Wales ...	1880	14,770	11,214	5·74	4·36
	1890	11,974	9,242	4·16	3·21
	1900	10,331	8,157	3·20	2·53
	1904	12,472	10,233	3·69	3·03
	1905	12,690	10,483	3·72	3·07
	1906	13,190	10,823	3·82	3·13
	1907	13,054	10,834	3·74	3·10
	1908	14,554	12,060	4·12	3·41
Scotland ...	1880	2,583	2,046	6·97	5·52
	1890	2,312	1,825	5·77	4·56
	1900	2,167	1,835	4·88	4·14
	1904	2,631	2,208	5·69	4·77
	1905	2,832	2,314	6·06	4·95
	1906	2,631	2,157	5·57	4·56
	1907	2,456	2,012	5·13	4·22
	1908	2,559	2,115	5·30	4·38
Ireland ...	1880	4,716	2,383	9·06	4·58
	1890	2,061	1,193	4·39	2·54
	1900	1,682	1,087	3·76	2·43
	1904	1,837	1,296	4·17	2·94
	1905	2,060	1,367	4·69	3·11
	1906	2,072	1,303	4·72	2·97
	1907	2,193	1,338	5·01	3·06
	1908	2,242	1,375	5·13	3·15
Total United Kingdom	1880	22,069	15,643	6·37	4·52
	1890	16,347	12,260	4·36	3·27
	1900	14,180	11,079	3·45	2·69
	1904	16,940	13,737	3·96	3·21
	1905	17,582	14,164	4·07	3·28
	1906	17,893	14,283	4·10	3·27
	1907	17,698	14,179	4·01	3·22
	1908	19,355	15,550	4·34	3·49

Proportion
of commit-
ments for
trial and
convictions
in Austra-
lian States,
New Zea-
land, and
Britain.

From the following table it will be observed that, in proportion to the population, the commitments in the United Kingdom were above those in South Australia and Tasmania, also that the convictions in Scotland were higher than in Victoria, South Australia, and Tasmania; and the convictions in England and Ireland exceeded those in the two latter States; in all other cases the commitments

and convictions in the three portions of the United Kingdom were below those in the Australian States and New Zealand:—

PROPORTION OF COMMITMENTS AND CONVICTIONS TO EVERY 10,000 PERSONS LIVING IN THE AUSTRALIAN STATES, NEW ZEALAND, AND THE UNITED KINGDOM, 1904 TO 1908.

Commitments for Trial to every 10,000 of Population.			Convictions after Commitment to every 10,000 of Population.		
New Zealand	...	10·05	Western Australia	...	6·43
Western Australia	...	8·53	New Zealand	...	5·13
Queensland	...	8·52	New South Wales	...	4·84
New South Wales	...	8·51	Queensland	...	4·83
Victoria	...	5·81	Scotland	...	4·58
Scotland	...	5·55	Victoria	...	3·41
Ireland	...	4·74	England and Wales	...	3·15
England and Wales	...	3·82	Ireland	...	3·05
South Australia	...	3·33	South Australia	...	2·23
Tasmania	...	3·00	Tasmania	...	1·57

From the following figures, it appears that in the five years 1904 to 1908, convictions followed commitment with more certainty in England and Scotland than in any of the Australian States and New Zealand, but Western Australia and South Australia, in this respect, stood above Ireland. All the other Australian States and New Zealand occupy positions below these, New Zealand being at the bottom of the list with 51 convictions to every 100 commitments:—

Proportion of convictions to commitments in Australian States, New Zealand, and Britain.

PROPORTION OF CONVICTIONS TO COMMITMENTS IN THE AUSTRALIAN STATES, NEW ZEALAND, AND THE UNITED KINGDOM, 1904 TO 1908.

	Per Cent.		Per Cent.
England and Wales	82·52	Victoria	58·79
Scotland	82·43	New South Wales	56·85
Western Australia	75·39	Queensland	56·68
South Australia	66·77	Tasmania	52·38
Ireland	64·20	New Zealand	51·07

Drunken-
ness, 1905
to 1909.

The following are the number and proportion per 1,000 of the population of persons arrested or summoned for drunkenness during the last five years:—

PERSONS ARRESTED OR SUMMONED FOR DRUNKENNESS, 1905 TO 1909.

Year.	Number of Persons—			Proportion per 1,000 of Population.
	Arrested.	Summoned.	Total.	
1905 ...	14,373	85	14,458	11·92
1906 ...	13,943	86	14,029	11·43
1907 ...	14,703	80	14,783	11·86
1908 ...	13,029	73	13,102	10·36
1909 ...	12,386	50	12,436	9·69

Drunken-
ness—Com-
parison
with pre-
vious years.

The amount of drunkenness, as evidenced by arrests, being taken as 100 in 1874-8, the numbers for subsequent periods will show the increase or decrease by comparison:—

Period.						Index Number.
1874-8	Average 5 years	...	...	...	...	100
1879-85	" 7 "	...	...	...	...	88
1886-92	" 7 "	...	...	...	...	106
1893-97	" 5 "	...	...	...	...	65
1898-1902	" 5 "	...	...	...	...	83
1903-7	" 5 "	...	...	...	...	78
1908	...	...	...	...	...	71
1909	...	...	...	...	...	66

A very considerable decrease in drunkenness is shown during the five years 1893-7, which was a period of general depression. In the five years following an increase occurred, but since that time the arrests for this offence have declined, and in 1909 they almost reached the lowest point of previous years.

The following table shows the number of persons under 20 years of age arrested for drunkenness, also the proportion per 100,000 of the population, from which it will be seen that very few young persons are arrested for this offence:—

ARRESTS OF PERSONS UNDER 20 YEARS OF AGE CHARGED WITH DRUNKENNESS, 1895 TO 1909.

Year.	Number.	Proportion per 100,000 of the Population.
1895 ...	185	15·62
1900 ...	222	18·60
1905 ...	131	10·80
1906 ...	148	12·06
1907 ...	153	12·27
1908 ...	133	10·51
1909 ...	104	8·10

Young
persons
charged
with
drunken-
ness.

The following is a statement of the number of charges of drunkenness made against persons in each State and in New Zealand during 1908, also the number of convictions and the percentage of the latter to the former:—

Apparent leniency of magistrates in drunkenness cases in Victoria.

PERCENTAGE OF CONVICTIONS FOR DRUNKENNESS IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND, 1908.

State.	Charges of Drunkenness.	Convictions.	
		Total.	Percentage of Charges.
Victoria	13,102	6,596	50·34
New South Wales	27,976	27,817	99·43
Queensland	9,203	9,185	99·80
South Australia	3,063	3,024	98·73
Western Australia	3,506	3,441	98·15
Tasmania	543	527	97·05
Australia	57,393	50,590	88·15
Dominion of New Zealand	10,689	10,609	99·25
Australasia	68,082	61,199	89·89

It will be seen from the last column in the above table that the percentage of convictions in Victoria was much less than in the other States and the Dominion of New Zealand, nearly every case resulting in a conviction in the latter places, and about one out of every two cases in the former. These figures seem to denote a comparative leniency on the part of magistrates in drunkenness cases in Victoria, but investigations show that in that State an offender on his first appearance is generally discharged, and that those who have been arrested on a Saturday and detained in custody until Monday, are similarly dealt with. In some cases also, when an offender has been admitted to bail after arrest, he is discharged on putting a donation in the poor-box. In all these cases no conviction is recorded in Victoria, but in the other States a conviction is entered on the records in nearly every case, whether any punishment is inflicted or not.

Consumption of intoxicating liquors.

The following table shows for a period of five years the average yearly consumption of intoxicating liquors in the principal countries of the world, the information for foreign countries having been compiled principally from a return prepared to the order of the British House of Commons, dated 21st December, 1906:—

AVERAGE CONSUMPTION OF SPIRITS, BEER, AND WINE IN AUSTRALIA AND NEW ZEALAND AND THE PRINCIPAL BRITISH POSSESSIONS AND FOREIGN COUNTRIES.

Countries.	Yearly Average Quantity Consumed, 1905 to 1909.			Proportion per Head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
British—	gallons.	gallons.	gallons.	gallons.	gallons.	gallons.
Victoria.. ..	832,100	14,933,900	600,100	·07	11·95	·48
New South Wales	1,231,000	14,794,390	911,900	·80	9·56	·59
Queensland	437,300	5,636,000	167,500	·80	10·35	·31
South Australia ..	153,900	3,227,300	432,000	·39	8·23	1·10
Western Australia	309,100	4,965,300	265,000	1·18	18·97	1·01
Tasmania	95,400	1,603,200	26,200	·52	8·76	·14
Australia	3,058,800	45,160,000	2,402,700	·73	10·81	·57
New Zealand	707,700	8,993,800	135,100	·77	9·77	·15
	1904 to 1908.					
Canada	5,614,800	34,198,400	592,600	·93	5·62	·10
Cape of Good Hope	1,498,000	4,083,500	5,439,600	·61	1·68	2·20
Natal	350,200	1,070,600	54,200	·30	·92	·05
Newfoundland ..	87,600	79,800	9,140	·38	·34	·04
United Kingdom	39,478,000	1,212,463,400	11,935,800	·90	27·76	·27
	1901 to 1905.					
Foreign—						
Austria	55,823,000	407,189,000	107,118,000	2·07	15·20	4·00
Belgium	9,425,000	333,449,600	7,106,000	1·35	43·00	1·02
Bulgaria	506,000	1,285,000	50,463,600	·13	·33	13·20
Denmark	6,404,000	51,823,500		2·54	20·60	
France	52,980,000	309,821,600	1,199,950,000	1·38	7·90	30·70
German Empire ..	90,605,000	1,538,917,600	85,360,000	1·55	26·10	1·45
Holland	8,083,000		2,006,400	1·50		·37
Hungary	37,435,000	33,392,000	79,499,000	1·89	1·67	3·90
Italy	8,558,000	5,918,000	828,696,000	·26	·18	25·10
Norway	1,386,000	7,796,800		·60	3·46	
Portugal			95,704,400			18·30
Roumania	5,795,000	1,465,000	28,124,800	·97	·24	4·50
Russian Empire ..	131,408,000	134,534,500		·95	·97	
Servia		1,628,000	6,463,600		·62	2·46
Spain			340,445,600			18·50
Sweden	7,638,000	65,150,800		1·46	12·50	
Switzerland	3,322,000	47,260,400	50,872,800	·99	14·10	15·10
United States	99,155,000	1,260,982,000	32,448,500	1·21	15·40	·40

NOTE.—Where blanks occur the information is not available.

Consumption of drink in various countries compared.

By comparing the figures for Australia in the foregoing table with those of several other countries it will be seen that the consumption of intoxicants was proportionately less in Australia. As regards spirits, whilst the consumption in Australia was three-fourths of a gallon per head per year, in Denmark it amounted to 2½ gallons; in Austria to 2 gallons; in Hungary to nearly 2 gallons; in Germany, Holland, and Sweden to 1½ gallons; in France, Belgium, and the United States to more than a gallon; and in

the United Kingdom and the Russian Empire to nearly a gallon. The greatest beer-producing countries of the world are the German Empire, the United States, and the United Kingdom, in that order; but in consumption per head of the population Belgium, with 48 gallons; the United Kingdom, with $27\frac{3}{4}$ gallons; Germany, with 26 gallons; and Denmark, with $20\frac{1}{2}$ gallons, are the foremost. The particulars in this table would indicate that Belgium consumes more beer than any other country in the world, but the statistics of the States composing the German Empire show that Bavaria is entitled to that distinction, with a consumption of $54\frac{1}{2}$ gallons per head. The consumption in Württemberg was also high, reaching 42 gallons, and that in Baden was about 38 gallons per head. The Australian consumption of $10\frac{1}{2}$ gallons does not appear to be large by comparison with those figures, Western Australia, with 19 gallons per head, being the only State which approaches the countries mentioned. The chief wine-producing countries of the world—France and Italy—are also the greatest consumers, the former consuming nearly 31 gallons, and the latter 25 gallons per head. Spain, with $18\frac{1}{2}$ gallons; Portugal, with 18 gallons; Switzerland, with 15 gallons; and Bulgaria, with 13 gallons, are also large consumers. The inhabitants of the British Empire are small wine-drinkers. At the Cape of Good Hope the consumption is highest, with $2\frac{1}{2}$ gallons per head; Australia consumes nearly three-fifths of a gallon per head; the United Kingdom about one-quarter of a gallon; and Canada one-tenth of a gallon.

With the assistance of the figures in the preceding table, it is possible to estimate for Australia, with some degree of accuracy, the approximate expenditure of the people on intoxicating liquors in a year, and this is done in the following table, taking as a basis the yearly average consumption over a period of five years:—

Expenditure by the people on intoxicating liquor.

AUSTRALASIAN DRINK BILL.—YEARLY AVERAGE, 1905 TO 1909.

State of—	Expenditure by the People on—					
	Spirits.	Beer.	Wine.	Total.		
				Amount.	Per Head.	Per Adult Individual
	£	£	£	£	£ s. d.	£ s. d.
Victoria ..	1,456,200	2,240,100	300,000	3,996,300	3 4 0	5 16 2
New South Wales ..	2,154,200	2,219,100	456,000	4,829,300	3 2 5	6 0 9
Queensland ..	765,300	845,400	83,700	1,694,400	3 2 3	6 1 0
South Australia ..	269,300	484,100	216,000	969,400	2 9 5	4 16 11
Western Australia ..	540,900	744,800	132,500	1,418,200	5 8 5	8 17 3
Tasmania ..	166,900	240,500	13,100	420,500	2 5 11	4 9 6
Australia ..	5,352,800	6,774,000	1,201,300	13,328,100	3 3 9	6 0 0
Dominion of New Zealand	1,238,500	1,349,100	67,500	2,655,100	2 17 8	5 2 6

These figures show that the average yearly expenditure on drink in Australia during the quinquennium, 1905 to 1909, amounted to nearly 13½ millions sterling, and including New Zealand, to nearly 16 millions. In Victoria nearly 4 millions were spent, or £833,000 less than in New South Wales. Western Australia, according to population, is at the top of the list with £5 8s. 5d. per head, and this is accounted for by the large adult population resident there. Victoria and New South Wales are next with £3 4s. and £3 2s. 5d. respectively per head. Tasmania is the most temperate of the Australian States, the consumption of alcoholic liquors only entailing a yearly expense of £2 5s. 11d. per head of the population, as against an average for the Commonwealth of £3 3s. 9d. In South Australia also the expenditure is comparatively low, amounting to £2 9s. 5d. per head.

Average consumption of alcoholic liquors, 1881 to 1885 and 1905 to 1909.

The following table shows the average quantity and the proportion per head of alcoholic liquors consumed in Victoria during the five-year periods ended 1885 and 1909. The period immediately preceding 1886 has been selected for comparison because in the year 1885 was passed an important measure—The Licensing Act 1885—relating to the obtaining and holding of licenses:—

AVERAGE CONSUMPTION OF SPIRITS, BEER, AND WINE IN VICTORIA, 1881 TO 1885 AND 1905 TO 1909.

Average of five years ended—	Quantity Consumed.			Proportion per head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
1885	gallons 1,130,000*	gallons 14,110,800	gallons 713,500	gallons 1·21*	gallons 15·45	gallons ·78
1909	832,100	14,933,900	600,100	·67	11·95	·48

* Average of three years ended 1885.

After allowing for the increase of population, the fall between the five-year periods ended 1885 and 1909 in the quantities consumed per head represents a reduced consumption in the period ended 1909 of 679,560 gallons of spirits, 4,367,900 gallons of beer, and 374,300 gallons of wine.

The Licences Reduction Board provided for by the Licensing Act of 1906 was appointed on 21st May, 1907. A Compensation Fund was also instituted, which is raised by means of a percentage fee of £3 for every £100 of purchases of liquor, the owner of the premises being chargeable with two-thirds and the tenant with one-third of the fee. The total amount paid into this fund was £48,233 in 1907, £48,504 in 1908, £49,283 in 1909, and £50,116 in 1910. The duties of the Board are to close sufficient hotels to absorb the funds in hand, and to re-assess

Licences Reduction Board.

the licence-fees thus lost and distribute them among the remaining houses which the Board thinks will benefit by the closing; also to fix the amount of the compensation that can ever be paid to the owner and occupier of each hotel in the State, no matter when such hotel may be closed. The maximum compensation is to be based on the results of three years preceding the Act of 1906, the period being 1904-6 in the case of owners and 1903-5 in the case of licensees, the object of taking a past period being to stop the unearned increment to those hotels that remain in consequence of their rivals being closed, and to prevent any inflation of returns. Up to 16th August, 1910, 407 hotels had been closed by the Board, or had surrendered their licences. Compensation has so far been awarded in 317 cases, and the total sum paid has been £144,314, or an average of £455 each. Ninety-three of these hotels were located in the Greater Melbourne district, and their compensation totalled £76,989, or an average of £828 each; there were 224 in country districts, whose owners and licensees received £67,325, or an average of £301 each. In the appended table particulars are given regarding these hotels and the licensing districts in which they were situated:—

OPERATIONS OF THE LICENCES REDUCTION BOARD
TO 16TH AUGUST, 1910.

Licensing District.	Licences, 31st December, 1906.			Hotels closed by Board.	Compensation awarded.	
	Number in Existence.	Statutory Number.	Number in Excess.		Owner.	Licensee.
GREATER MELBOURNE.						
Barkly (Collingwood)	27	12	15	7	£ 4,570	£ 655
Bourke	82	24	58	17	13,340	2,750
Broadmeadows	23	10	13	5	1,456	175
Cardigan	58	19	39	15	10,226	1,597
Collingwood East	22	18	4	2	1,189	212
Darling (Collingwood)	30	16	14	6	3,640	485
Emerald Hill	58	26	32	13	7,663	1,335
Fitzroy Central	22	13	9	4	...	...
Fitzroy South	36	15	21	6	...	...
Gipps	84	12	72	16	14,281	3,218
Jolimont	12	11	1	2	...	...
Latrobe	53	17	36	1	1,240	170
Lonsdale	51	29	22	9	858*	1*
Port Melbourne	46	23	23	8	4,954	865
Prahran	27	21	6	2	...	...
Princes Hill	34	19	15	8	1,791†	318†
Total Greater Melbourne ...	665	285	380	121	65,208	11,781

NOTE.—Where blanks occur the compensation has not yet been awarded.
* Compensation for one hotel only.—† Compensation for two hotels only.

OPERATIONS OF THE LICENCES REDUCTION BOARD TO 16TH AUGUST,
1910—continued.

Licensing District.	Licences, 31st December, 1908.			Hotels closed by Board.	Compensation awarded.	
	Number in Existence.	Statutory Number.	Number in Excess.		Owner.	Licensee.
COUNTRY.						
Allansford	12	11	1	1	£ 375	£ 60
Ararat	17	6	11	1	170	35
Ballan	21	12	9	2	150*	25*
Ballarat West	83	36	47	7	3,420	656
Barkly (Bendigo)	34	19	15	4	1,500	290
Beaconsfield	26	20	6	3	2,352	280
Beaufort	26	11	15	1	172	10
Beechworth	33	12	21	11	2,289	105
Branxholme	12	10	2	1	350	Nil
Bridgewater	23	8	15	8	201*	40*
Bright	26	10	16	7	363†	25†
Bullarook	8	5	3	1	302	100
Bungaree	21	11	10	3	712	155
Buninyong	25	11	14	7	1,508	339
Carisbrook	11	3	8	1	201	52
Castlemaine	49	12	37	13	2,253	457
Charlton	20	10	10	1	85	Nil
Chiltern	15	6	9	8	2,270	270
Clunes	36	12	24	10	2,086	288
Creswick	22	10	12	3	544	128
Dargo	6	6	...	1	75	Nil
Darling (Bendigo)	71	13	58	8	4,354	635
Daylesford	20	6	14	5	...	...
Dowling Forest	19	9	10	3	680	156
Dunmunkle	19	8	11	1	300	60
Dunolly	24	10	14	3	390	36
Eaglehawk	42	16	26	4	969†	125†
Echuca	22	8	14	5	...	...
Eltham	13	10	3	3	635	Nil
Franklin	31	11	20	8	1,201	211
Fryers	18	6	12	4	542	99
Geelong East	26	21	5	3	1,860	220
Geelong West	31	22	9	3	1,932	300
Gisborne	15	8	7	2	540	72
Glenorchy	10	8	2	1	160	48
Golden Square	57	26	31	6	3,286	445
Goulburn	26	12	14	1	120	1
Heathcote	24	9	15	2	92*	59*
Horsham	16	10	6	1	115	50
Huntly	21	7	14	7	141*	15*

NOTE.—Where blanks occur the compensation has not yet been awarded.

* Compensation for one hotel only. —† Compensation for two hotels only. —‡ Compensation for three hotels only.

OPERATIONS OF THE LICENCES REDUCTION BOARD TO 16TH AUGUST,
1910—continued.

Licensing District.	Licences, 31st December, 1906.			Hotels closed by Board.	Compensation awarded.	
	Number in Existence.	Statutory Number.	Number in Excess.		Owner.	Licensee.
					£	£
<i>COUNTRY—continued.</i>						
Inglewood	20	8	12	4	531	63
Kangaroo Flat	31	14	17	12	527*	12*
Kilmore	13	8	5	1	175	Nil
Koroit	15	11	4	2	710	90
Kyneton	31	14	17	6	1,119	142
Lancefield	19	7	12	1	200	55
Landsborough	8	6	2	2	311	1
Lara	7	7	...	1	200	90
Maldon	23	10	13	10	117*	20*
Mansfield	13	8	5	2	340	82
Melton	26	8	18	1	200	25
Newstead	10	7	3	1	187	23
Numurkah	27	13	14	1	255	75
Penshurst	8	6	2	1	370	30
Port Fairy	14	11	3	2	700	90
Portland	10	7	3	1	374	Nil
Rochester	13	9	4	2	...	...
Rochester East... ..	7	7	...	1	200	Nil
Rosedale	7	6	1	1	57	3
Runnymede	8	5	3	3	...	...
Rushworth	19	9	10	4	465	56
Rutherglen	19	13	6	1	221	40
Sebastopol	22	11	11	4	1,285	161
Serpentine	6	4	2	1	75	30
Stawell	28	9	19	13	3,278	649
Strathfieldsaye	17	6	11	6	289*	64*
Talbot	26	12	14	11	2,163	285
Taradale	17	7	10	6	1,138	5
Timor	25	12	13	8	1,564	141
Towong	21	14	7	2	250	33
Walhalla	22	10	12	1	115	Nil
Warrenheip	12	6	6	2	500	32
Warrnambool	19	12	7	3	2,060	390
Whittlesea	11	8	3	3	...	...
Woods Point	10	7	3	1	120	Nil
Yarrawonga	23	12	11	1	...	...
Total Country	1,638	785	853	286	58,791	8,534
Grand Total	2,303	1,070	1,233	407	123,999	20,315

NOTE.—Where blanks occur the compensation has not yet been awarded.

* Compensation for two hotels only.

Hotels, 1885
and 1910.

The following statement shows the number of hotels in Victoria in 1885 and 1910, and the persons to each hotel in both years. The year 1885 has been selected because in that year an important alteration was made in the liquor licensing laws:—

NUMBER OF HOTELS, 1885 AND 1910.

Year.	Population.	Number of Hotels.	Persons to each Hotel.
1885	969,202	4,265	227
1910 (August)	1,308,000	3,028	432
Increase	338,798	...	205
Decrease ... ..	...	1,237	...

While the population has increased by 35 per cent., the number of hotels has decreased by 29 per cent., and the number of persons to an hotel is now about 90 per cent. more than in 1885. During the period 1885-1910, 217 hotels were closed as the result of local option polls, 407 hotels were deprived of their licences by the Licences Reduction Board, or surrendered their licences to the Board, and 613 closed voluntarily.

Race-course
licences
and per-
centage
fees.

The Lotteries Gaming and Betting Act 1906 provides that all race-courses must be licensed, for which a fee of £1 per annum is charged. In addition to this fee it is stipulated that there shall be paid annually a sum equal to 3 per cent. of the gross revenue derived from all sources. Where the gross revenue is less than £1,500, but more than £600, the annual sum payable is 2 per cent., and where the gross revenue is £600 or less no percentage is charged. The amounts paid into the Consolidated Revenue for licence fees and percentages on receipts during the past four years were as follows:—

	£
1906-7	4,962
1907-8	5,297
1908-9	5,800
1909-10	6,029

GAOLS AND PRISONERS.

Gaols and
Prisoners.

There are nine gaols in Victoria, including the Pentridge Penal Establishment—Ararat, Portland, and Maryborough gaols having been closed several years ago—and the figures below show that there

is still accommodation in the gaols for more than twice the average number of prisoners in confinement. The following statement gives for the year 1909 the accommodation, the daily average in confinement, the number received during the year, and the number in confinement at the end of the year:—

GAOL ACCOMMODATION AND PRISONERS, 1909.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received.		In Confinement, 31.12.09.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Pentridge ..	800	..	444	..	417	..	429	..
Pentridge Reformatory Prison								
Ballarat ..	62	18	23	2	370	42	28	3
Beechworth ..	66	15	28	..	142	6	21	..
Bendigo ..	116	28	22	1	300	39	17	3
Castlemaine Reformatory Prison ..	99	..	5	..	7	..	4	..
Coburg Female Prison	..	324	..	86	..	246	..	88
Jika Reformatory Female Prison								
Geelong ..	187	29	85	..	330	18	83	..
Melbourne ..	249	60	150	26	3,079	1,099	130	17
Sale ..	30	5	4	..	69	4	3	..
Total ..	1,609	479	761	115	4,719	1,455	720	112

There are also seven police gaols which are used as receiving stations, but the daily average number of prisoners detained therein during 1909 was only eight.

The following is a statement of the average number of prisoners in detention in the gaols of the State at the end of decennial periods from 1871, and during the past five years, from which it will be seen that the decrease in later years is very considerable. The rate per 10,000 of population, aged fifteen years and over, was, in 1909, 74 per cent. less than in 1871, 63 per cent. less than in 1881, and 61 per cent. less than in 1891.

Prisoners in confinement, 1871 to 1909—decrease.

PRISONERS IN CONFINEMENT, 1871 TO 1909.

Year.	Average number of Prisoners in confinement.			Per 10,000 of population, 15 years and over.
	Males.	Females.	Total.	
1871 ...	1,345	274	1,619	38·30
1881 ...	1,294	304	1,598	26·65
1891 ...	1,550	350	1,900	25·47
1901 ...	951	200	1,151	14·53
1905 ...	922	121	1,043	12·41
1906 ...	902	115	1,017	11·91
1907 ...	832	88	920	10·60
1908 ...	799	98	897	10·22
1909 ...	769	115	884	9·92

Prisoners in confinement in Australian States and New Zealand.

The following is a statement of the number of prisoners in confinement in the Australian States and New Zealand, also the proportion per 10,000 of the population, on the 31st December in each of the years, 1905 to 1909:—

PRISONERS IN GAOLS IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND 1905 TO 1909.

State.	Number of Prisoners in confinement on the 31st December.					Prisoners per 10,000 of Population.				
	1905.	1906.	1907.	1908.	1909.	1905.	1906.	1907.	1908.	1909.
Victoria	990	927	916	869	844	8·12	7·49	7·28	6·82	6·50
New South Wales	1,678	1,519	1,490	1,499	1,377	11·25	9·95	9·51	9·36	8·39
Queensland	535	507	501	493	516	10·13	9·47	9·17	8·83	8·92
South Australia	281	257	256	245	276	7·43	6·70	6·46	6·02	6·63
Western Australia	465	493	440	382	400	18·25	16·54	16·68	14·11	14·45
Tasmania	92	89	96	94	79	5·08	4·94	5·29	5·06	4·23
Australia	4,041	3,732	3,699	3,582	3,492	9·97	9·05	8·78	8·34	7·94
Dominion of New Zealand	810	891	847	879	950	9·18	9·80	9·11	9·15	9·67

Convicted prisoners, 31st December, 1909.

The total number of persons in gaol in Victoria under sentence at the end of the year 1909 was 810, of whom 599, or 74 per cent., were natives of Australia and New Zealand—the Victorian born amounting to 476, or 59 per cent. The entirely illiterate persons convicted and under detention at that date numbered only 13.

AGES, BIRTHPLACES, RELIGIONS, AND EDUCATION OF PERSONS IN GAOL IN VICTORIA UNDER SENTENCE ON 31ST DECEMBER, 1909.

	Ages.							Males.	Fe-males.	Total.
	Under 20 years.	20 to 30 years.	30 to 40 years.	40 to 50 years.	50 to 60 years.	60 years and over.	Not stated.			
Total Number ..	34	244	236	171	77	47	1	699	111	810
<i>Birthplaces.</i>										
Victoria ..	31	163	143	114	24	1	..	405	71	476
Other Australian States ..	1	41	41	11	14	4	..	94	18	112
New Zealand ..	1	4	4	1	1	..	..	9	2	11
England and Wales ..	..	15	20	19	17	15	..	79	7	86
Scotland ..	..	5	4	3	5	7	..	16	8	24
Ireland ..	..	2	8	13	8	12	..	39	4	43
China ..	..	..	2	2	1	2	1	8	..	8
Other Countries ..	1	14	14	8	7	6	..	49	1	50
<i>Religions.</i>										
Church of England ..	13	107	101	69	30	21	..	302	39	341
Presbyterian ..	6	25	21	14	6	4	..	67	9	76
Methodist ..	4	35	33	13	14	3	..	97	5	102
Other Protestants ..	..	4	..	1	3	1	..	9	..	9
Roman Catholic ..	10	66	69	64	19	14	..	185	57	242
Other Christian Religions ..	1	1	3	..	..	..	..	4	1	5
Hebrew ..	..	2	3	2	..	1	..	8	..	8
Other Non-Christian Religions ..	..	..	..	..	..	1	1	2	..	2
No Religion ..	..	4	6	8	5	2	..	25	..	25
<i>Education.</i>										
English Language—										
Read and Write ..	34	240	229	161	73	44	..	670	111	781
Read only ..	..	..	..	2	..	..	..	2	..	2
Foreign Language										
only—										
Read and Write ..	..	2	6	2	1	1	1	13	..	13
Read only ..	..	..	1	1	..	..	..	1	..	1
Cannot Read ..	..	2	1	5	3	2	..	13	..	13

POLICE PROTECTION.

The following figures show the numerical strength of the police force in Australia and New Zealand, and the proportion of same to population on 31st December, 1909:—

Strength of police force in Australia and New Zealand.

POLICE IN AUSTRALIAN STATES AND NEW ZEALAND, 1909.

State.	Number.			Proportion per 10,000 of Population.
	Metropolitan.	Country.	Total.	
Victoria ..	837	761	1,598	12·32
New South Wales ..	1,037	1,469	2,503	15·27
Queensland ..	296	674	970	16·77
South Australia ..	252	230	482	11·59
Western Australia ..	150	382	532	19·22
Tasmania ..	79	155	234	12·52
Total Australia ..	2,651	3,671	6,322	14·38
Dominion of New Zealand	103	671	774	7·87

It will be seen that Western Australia has the greatest police protection in proportion to population, Queensland and New South Wales having the next greatest, and New Zealand by far the lowest. Of course, where the population is scattered, it is natural that more police in proportion to population will be required than in a densely populated centre where the area requiring protection is comparatively small.

The following were the amounts expended on police and gaols in the Australian States and New Zealand during the year 1908-9 :—

EXPENDITURE ON POLICE AND GAOLS IN AUSTRALIAN STATES AND NEW ZEALAND, 1908-9.

State.	Amount Expended (exclusive of Pensions and the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols.	Total.	
	£	£	£	s. d.
Victoria	282,044	49,025	331,069	5 2
New South Wales	446,747	66,897	513,644	6 5
Queensland	184,214	23,542	207,756	7 5
South Australia	93,245	16,885	110,130	5 5
Western Australia	118,563	32,638	151,201	11 2
Tasmania	37,936	5,292	43,228	4 8
Australia	1,162,749	194,279	1,357,028	6 4
Dominion of New Zealand	169,339	46,566	215,905	4 6

Expenditure on police, gaols, &c.

In the 44½ years ended 30th June, 1909, the total amount expended in connexion with the police, and the penal establishments and gaols of Victoria was £12,854,918, viz., £10,324,655 on the former, and £2,530,263 on the latter. The following table shows the amounts and the amount per head of population expended in connexion with the police, and the penal establishments and gaols of Victoria during each of the five years ended with 1908-9 :—

EXPENDITURE ON POLICE AND GAOLS, 1904-5 TO 1908-9.

Year.	Amount Expended (exclusive of Pensions and the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols and Penal Es- tablishments.	Total.	
	£	£	£	s. d.
1904-5	269,339	48,529	317,868	5 3
1905-6	270,661	49,175	319,836	5 3
1906-7	276,957	49,741	326,698	5 3
1907-8	281,751	49,645	331,396	5 3
1908-9	282,044	49,025	331,069	5 2

During the past five years there has been only one execution in Victoria, viz., in 1908. Since the first settlement of Port Phillip in 1835, 169 criminals have been executed within the State, of whom only three were females. The following table shows the crimes for which they were executed, also their birthplaces and religions:—

OFFENCES FOR WHICH CRIMINALS WERE EXECUTED, ALSO THEIR BIRTHPLACES AND RELIGIONS, 1842 TO 1909.

Offence—

Murder	...	...	...	...	...	...	...	130
Attempt to murder	...	...	...	...	...	...	...	17
Rape	...	...	...	...	...	...	...	9
Carnally knowing and abusing a girl under 12 years of age	...	...	...	...	...	...	...	1
Unnatural offence on a child	..	...	...	...	...	...	...	1
Robbery with violence	...	...	...	...	...	...	...	9
Burglary and wounding	...	...	...	...	...	...	...	1
Arson	...	...	...	...	...	...	...	1
								169

Birthplace—

Victoria	...	...	...	...	...	...	...	15
Other Australian States and New Zealand	...	...	...	...	...	...	...	9
England and Wales	...	...	...	...	...	...	...	69
Scotland	...	...	...	...	...	...	...	8
Ireland	...	...	...	...	...	...	...	42
China	...	...	...	...	...	...	...	8
Other Countries	...	...	...	...	...	...	...	18

Religion—

Protestants	...	...	...	...	...	...	...	100
Roman Catholics	...	...	...	...	...	...	...	57
Mahomedans, Buddhists, Confucians, &c.	...	...	...	...	...	...	...	7
No religion (Aborigines)	...	...	...	...	...	...	...	5

In 1909 the number of coroners' inquiries into the causes of deaths of individuals was 1,162, which was below the average number of the preceding five years. In 612 cases death was found to be due to disease or natural causes, in 373 cases to accident, in 92 to

Coroners' inquests.

suicide, in 69 to external causes which could not be ascertained, in 6 to homicide, and in 5 to unspecified or doubtful causes; in 5 a verdict of "still born" was returned. Of those due to violence, 69 per cent. were due to accidental causes, 1 per cent. to homicide, and 17 per cent. to suicide, while in 13 per cent. of the cases the cause or motive of the violence which caused death was doubtful. The number of inquests during the last five years was 6,669 in 3,669 of which death was found to be due to disease or natural causes, in 2,957 to violence, and in 43 to other causes.
