

Victorian Year-Book 1954-58

PART VI.

LAW, CRIME, ETC.

Legal System of Victoria. The Law of Victoria is founded on the common law of England, that is to say, the body of unwritten law derived from decisions of the judges in the Superior Courts and based historically on the immemorial law and custom of England.

In 1828 all laws then in force in England, both common law and statute law, were by an Act of the Parliament at Westminster (9 Geo. IV. C.83) made law in New South Wales (which then included Victoria so far as those laws could be applied within the colony. In case of any doubt as to their applicability, the colonial legislature was empowered to declare whether or not they did apply and to establish any limitation or modification of them within the colony. The same statute established a legislature within New South Wales with power to make laws for that colony.

On the separation of the District 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 Victoria in 1855, when the Victorian Parliament was empowered to make laws in and for Victoria in all cases whatsoever.

Victorian law thus consists of—

- (1) Common law as declared and developed by the Courts of Westminster and by the Supreme Court of Victoria and the High Court of Australia ;
- (2) Statute law which comprises—
 - (a) the older Acts of the Parliament of England and of the United Kingdom which were Victoria's original heritage of statute law under the Act of 1828, the continuing effect of which in Victoria has been limited and clarified by a Victorian Act, the *Imperial Acts Application Act* 1922 (No. 3270) ;
 - (b) some more modern Acts of the Parliament of the United Kingdom which have express or necessary operation throughout the British Commonwealth ;

- (c) some few Acts, mostly of a local or personal kind, passed by the Legislature of New South Wales between 1825 and 1851 and still in force in Victoria; and
- (d) the considerable body of Acts passed by the Parliament of Victoria since 1851 and still in force; and
- (3) Subordinate legislation, that is to say, rules and regulations upon matters of lesser importance made by the Executive Government of Victoria and by other specified bodies or persons under the authority of and within limits prescribed by the statutes in force.

In addition, Acts of the Parliament of the Commonwealth of Australia on matters committed to that Parliament by the Commonwealth Constitution, and subordinate legislation under those Acts form part of the law in force in Victoria as part of the Commonwealth.

LITIGATION AND LEGAL BUSINESS.

The Supreme Court of Victoria was established in 1852, and although the procedure was entirely remoulded by the *Judicature Act 1883* (now incorporated in the *Supreme Court Act 1958*), its constitution and powers remain practically unaltered. There were, in 1958, thirteen Judges, viz., a Chief Justice and twelve Puisne Judges.

The following is a statement of Supreme Court business during the five years 1954 to 1958:—

VICTORIA—SUPREME COURT CIVIL CASES, 1954 TO 1958.

Particulars.	Year Ended 31st December—				
	1954.	1955.	1956.	1957.	1958.
Number of places at which sittings were held	10	10	11	11	11
Causes entered—					
For assessment of damages	3	4	7	30	10
For trial	886	1,176	1,142	1,330	1,493
Number of cases tried—					
By juries of six	144	212	247	265	291
By a Judge	58	47	43	54	57
Verdicts returned for—					
Plaintiff	120	220	252	274	299
Defendant	24	37	38	45	49
Amounts awarded	£ 343,315	414,066	464,728	496,832	503,228
Writs of summons issued	2,045	2,642	2,483	2,890	2,891
Other original proceedings	53	67	49	45	41
Appellate proceedings (other than Criminal Appeals heard and determined)—					
By Full Court	65	63	74	55	53
By a Judge	80	88	72	77	75

County Court. By the *County Court Act* 1957, No. 6117, Section 4(1), a court styled "The County Court" was established in and for the State of Victoria, and by sub-section (2) such court is deemed to be the same court as the several county courts existing immediately before the commencement of this Act.

The County Court has jurisdiction, both in equity and common law cases, limited to £1,000 but, in the case of any action arising out of any accident in which any vehicle is involved, the limit is £2,500, and all personal actions where the amount, value, or damages sought to be recovered is more than the appropriate sum aforesaid if both parties or their respective solicitors consent thereto in writing, and all actions in respect of which jurisdiction is given by any Act; and actions of tort or contract commenced in the Supreme Court may, under certain conditions, be remitted to the County Court, even although the amount claimed may exceed such sums. The County Court sits at Melbourne and at eighteen other places in Victoria. The Court has jurisdiction throughout the whole of Victoria.

VICTORIA*—COUNTY COURT CASES, 1954 TO 1958.

Year Ended 31st December—				Number of Causes Tried.	Amount Sued for.	Amount Awarded.†
					£	£
1954	..	..	..	2,376	4,629,939	168,468
1955	..	..	..	2,640	5,110,471	191,873
1956	..	..	..	2,451	4,807,160	337,378
1957	..	..	..	2,212	4,802,071	310,188
1958	..	..	..	2,211	4,486,614	348,837

* In the *Victorian Year Book* for 1952-53 and 1953-54 this table gave details in respect of the Melbourne sittings of the Court only. Details in this table relate to all places where sittings of the County Court were held.

† These figures do not include instances where judgment was entered by consent or default.

Writes by the Sheriff. The table below records the number of writs received by the Sheriff in the five years, 1954 to 1958:—

VICTORIA—WRITS RECEIVED BY THE SHERIFF, 1954 TO 1958.

Year Ended 31st December—	Sovereign's Writs against Person and Property.	Subjects' Writs against—		Total.
		The Person.	Property.	
1954	9	6	233	248
1955	8	4	203	215
1956	15	5	204	224
1957	2	4	235	241
1958	4	3	258	265

BANKRUPTCIES.

Bankruptcies. A Bankruptcy Act passed by the Commonwealth Parliament in October, 1924, and amended in 1927, was brought into operation on 1st August, 1928. It supersedes the Bankruptcy and Insolvency Acts of the States, with the exception of any provisions relating to matters not dealt with in the Commonwealth Act.

The number of sequestrations, &c., in Victoria during each of the two years ended 31st July, 1955, and the three years ended 30th June, 1958, under the *Commonwealth Bankruptcy Act 1924-58*, and the amount of liabilities and assets relating thereto were as follows:—

VICTORIA—BANKRUPTCIES, 1954 TO 1958.

Year Ended 30th June—	Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions, Assignments, &c., under Part XI. of the Act.	Deeds of Arrangement under Part XII. of the Act.	Total.
NUMBER.				
1954	124	5	46	175
1955	144	10	46	200
1956	153	8	45	206
1957	258	5	72	335
1958	357	2	59	418
LIABILITIES.				
	£	£	£	£
1954	338,308	16,517	242,265	597,090
1955	327,498	56,177	380,408	764,083
1956	403,142	68,911	240,170	712,223
1957	562,380	27,254	402,612	992,246
1958	716,777	4,460	300,191	1,021,428
ASSETS.				
	£	£	£	£
1954	101,950	5,787	178,117	285,854
1955	106,368	45,796	212,987	365,151
1956	199,436	42,982	279,741	522,159
1957	288,378	21,220	351,670	661,268
1958	430,867	7,889	237,265	676,021

The yearly average number of bankruptcies, declared liabilities and assets are shown in the table below for each of the quinquennial periods ended 1948, 1953, and 1958:—

Years.	Yearly Average Number.	Yearly Average Declared Liabilities.	Yearly Average Declared Assets.
		£	£
1943-44 to 1947-48 ..	51	100,175	66,667
1948-49 to 1952-53 ..	102	286,421	173,897
1953-54 to 1957-58 ..	267	817,414	502,091

CRIME.**Abolition of
Death Penalty
in Certain
Cases.**

The sentence of death is not pronounced on persons under the age of eighteen years. The death penalty is abolished in all cases other than for treason and murder. These amendments (Act No. 5379 of 1949) are incorporated in the *Crimes Act* 1958. The death penalty is usually commuted to one of Life imprisonment (with or without the benefit of the Regulations relating to the remission of sentences of imprisonment) by the Governor on the advice of the Executive Council. The last executions in Victoria took place in 1951 when two men and one woman were hanged for murder. Since then the number of commutations has been:—1952, 1; 1953, 7; 1954, 1; 1955, 2; 1956, 4; 1957, 1; 1958, 1.

VICTORIA—CHILDREN'S COURTS.**Children's
Courts.**

The jurisdiction of Children's Courts is limited to children under the age of seventeen years. The Children's Court Office has the services of two special stipendiary magistrates. In various towns and districts, the Children's Court is constituted by a special magistrate (honorary) of whom there are a number throughout the State. In districts where there is neither a special stipendiary magistrate nor a special magistrate, the Children's Court may be constituted by a stipendiary magistrate, or any two justices of the peace. The Court has the assistance of seven stipendiary probation officers who assist the Court by providing pre-court reports and supervising children on probation. A clinic has been established for the purpose of dealing with cases referred to it by the Court.

The number of cases which were disposed of in Children's Courts in each of the five years 1954 to 1958 is given in the following statement:—

**VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF,
1954 TO 1958.**

Nature of Offence.	Year Ended 31st December—				
	1954.	1955.	1956.	1957.	1958.
Against the person	133	140	134	159	286
Against property	3,893	3,633	4,439	5,416	6,207
Against good order	241	170	247	276	312
Other offences	1,064	1,322	1,707	2,177	2,879
Total	5,331	5,265	6,527	8,028	9,684

The following statement gives particulars of the manner in which the cases in the Children's Courts were disposed of in the years 1954 to 1958 :—

VICTORIA—CHILDREN'S COURTS: CASES, AND RESULT OF HEARING, 1954 TO 1958.

Result of Hearing.	Year Ended 31st December—				
	1954.	1955.	1956.	1957.	1958.
Adjudged for period without probation	1,253	1,233	1,261	1,810	2,321
Released on probation	1,435	1,486	1,949	2,230	2,619
Committed to care of Children's Welfare Department	676	703	989	882	930
Committed to reformatory or Juvenile School (a)	158	78	139	131	194
Fined	583	739	971	1,040	1,506
Committed to care of a private person or institution .. .. .	..	8	5	9	12
Admitted to care of Children's Welfare Department (b) .. .. .	..	..	..	186	345
Released on recognizance to come up for sentence when called (c) .. .. .	..	..	..	156	79
Sentenced to a term of imprisonment and suspended sentences	97	21	36	78	67
Otherwise dealt with	259	166	126	64	95
Summarily convicted	4,461	4,434	5,476	6,586	8,168
Summarily dismissed, &c.	864	826	1,036	1,433	1,488
Committed for trial	6	5	15	9	28
Grand Total	5,331	5,265	6,527	8,028	9,684

(a) Since 1st July, 1957, these figures refer to Juvenile Schools only, as reformatories ceased to exist under the *Penal Reform Act* No. 5961 of 1956.

(b) This classification was introduced on 1st September, 1955. For the years 1955 and 1956, those admitted were included in the number of those Committed to the care of the Children's Welfare Department.

(c) Figures for 1954, 1955 and 1956 are included in *otherwise dealt with*.

VICTORIA—COURTS OF PETTY SESSIONS.

Courts of Petty Sessions are held before stipendiary magistrates and/or 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 stipendiary 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. Courts of Petty Sessions deal with two classes of jurisdiction—ordinary and special.

Petty Sessions Civil Business.

In ordinary jurisdiction the court is empowered to hear claims for civil debts, damages for assault, &c., not exceeding £100. In special jurisdiction, with respect to contracts and torts, the maximum is £250. Particulars of civil cases, &c., as shown below, were compiled from quarterly statements prepared by Clerks of Petty Sessions for the Law Department.

VICTORIA—COURTS OF PETTY SESSIONS: CIVIL CASES, ETC., 1954 TO 1958.

Particulars.	Year Ended 31st December—				
	1954.	1955.	1956.	1957.	1958.
Civil cases—					
Number heard	66,740	80,155	96,136	118,634	133,041
Debts or damages—					
Claimed	£ 825,371	1,296,651	1,994,418	2,809,312	3,189,437
Awarded	£ 650,619	955,503	1,538,170	2,153,035	2,425,254
Other cases—					
Appeals against rates	619	821	305	1,080	746
Ejectment cases (a)	2,542	2,730	3,043	3,662	3,851
Fraud summonses	2,716	2,602	3,148	3,913	5,211
Garnishee cases	1,297	1,351	2,001	3,151	4,976
Maintenance cases	1,404	1,470	1,676	1,912	1,934
Show cause summonses	2,732	3,387	4,446	7,937	10,622
Applications under Landlord and Tenant Acts	801	387	302	136	235
Other	4,965	4,677	5,916	7,090	10,610
Licences and certificates issued	17,864	19,355	15,498	15,585	16,126

(a) Figures shown represent the total cases listed before Courts. Ejectment Orders granted are available for the Metropolitan Area only; see next statement.

Ejectment Orders.

The number of ejectment orders granted is available for the "Metropolitan Area" only.

EJECTMENT ORDERS GRANTED IN THE METROPOLITAN AREA OF MELBOURNE, 1954 TO 1958.

Year Ended 31st December—	Metropolitan Area.*	
	Cases Heard.	Ejectment Orders Granted.
	No.	No.
1954	2,051	1,289
1955	2,265	1,491
1956	2,576	1,669
1957	3,068	2,174
1958	3,115	2,253

* Courts of Petty Sessions at Box Hill, Brighton, Brunswick, Camberwell, Carlton, Caulfield, Cheltenham, Coburg, Collingwood, Dandenong, Elsternwick, Fitzroy, Flemington, Footscray, Geelong, Glenroy, Hawthorn, Heidelberg, Kew, Malvern, Melbourne, Moonee Ponds, Northcote, North Melbourne, Oakleigh, Port Melbourne, Prahran, Preston, Richmond, Ringwood, Sandringham, South Melbourne, St. Kilda, Sunshine and Williamstown.

VICTORIA—ARREST CASES SUMMARILY DISPOSED OF
IN COURTS OF PETTY SESSIONS, 1958.

Result of Hearing.	Males.	Females.	Total.
Fined	14,609	1,403	16,012
Imprisonment for—			
Under 1 month	6,736	402	7,138
1 month and under 6 months	2,440	96	2,536
6 months and under 12 months	487	8	495
1 year and over	164	..	164
Admonished (convicted and discharged)	13,351	1,072	14,423
Ordered to find bail or sentence suspended on entering surety	384	34	418
Released on probation *	890	49	939
Otherwise dealt with	654	76	730
Total convicted	39,715	3,140	42,855
Dismissed, withdrawn, struck out	3,309	237	3,546
Total summarily disposed of	43,024	3,377	46,401

* Probation for adult offenders was introduced by the *Penal Reform Act* No. 5961 of 1956.

VICTORIA—COURTS OF PETTY SESSIONS AND
CHILDREN'S COURTS.

Courts of Petty Sessions and Children's Courts. In the following statistical tables details are given of the total number of cases dealt with in Courts of Petty Sessions and Children's Courts. If it be desired to compare the figures in these tables with those relating to other States or countries it is necessary that consideration be given to several points. The first is that the criminal law in the places compared be substantially the same; the second, that it be administered with equal strictness; and the third, that proper allowances be made for differences in the age and sex constitution of the population. These points must also be taken into account in comparing crime in recent years with that in previous periods when there may have been differences in the law and when the population was very differently constituted in regard to sex and age.

VICTORIA—ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1958.

Nature of Offence.	Total Cases.	Summarily Disposed of—				Committed for Trial.	
		Dismissed, Withdrawn, Struck Out.		Convicted.		M.	F.
		M.	F.	M.	F.		
Against the person—							
Murder*	15	9	6	..	..	..	..
Intent to murder	26	6	..	..	..	17	3
Manslaughter*	26	25	1	..	..	..	..
Shooting at, wounding, &c... .. .	180	46	3	19	1	104	7
Assaults	2,216	835	57	1,224	69	30	1
Other	956	70	4	234	21	619	8
Total	3,419	991	71	1,477	91	770	19
Against property—							
Robbery, shopbreaking, house-breaking, &c.	2,109	97	4	479	3	1,498	28
Larceny and similar offences	8,889	1,443	118	6,256	375	654	43
Wilful damage	450	86	2	321	14	21	6
Other	3,153	482	30	2,014	47	559	21
Total	14,601	2,108	154	9,070	439	2,732	98
Forgery and offences against the currency	275	19	..	55	..	173	28
Against good order—							
Drunkenness	29,752	303	15	27,366	2,068	..	..
Other	11,320	1,639	165	8,442	1,011	62	1
Total	41,072	1,942	180	35,808	3,079	62	1
Other offences—							
Breaches of—							
Education Act	3,145	401	103	2,096	545	..	..
Licensing Act	3,939	774	98	2,778	289	..	..
Motor Car Act	43,096	2,480	108	39,249	1,100	154	5
Traffic Regulations	100,958	2,349	243	92,490	5,872	4	..
Miscellaneous	59,512	2,447	257	54,196	2,431	179	2
Total	210,650	8,451	809	190,809	10,237	337	7
Grand Total	270,017	13,511	1,214	237,219	13,846	4,074	153

* See Inquests, page 255, on proceedings relating to persons charged with these offences.

**Arrest and
Summons
Cases.**

Particulars of the arrest and summons cases for the five years 1954 to 1958 are given in the table below:—

VICTORIA—ARREST AND SUMMONS CASES, 1954 TO 1958.

Year Ended 31st December—	Arrest Cases.		Summons Cases.		Total.
	Males.	Females.	Males.	Females.	
1954	29,560	2,317	97,702	5,830	135,409
1955	30,742	2,279	108,428	7,847	149,296
1956	32,418	2,588	132,761	8,132	175,899
1957	37,771	3,181	175,154	7,909	224,015
1958	46,681	3,516	208,123	11,697	270,017

The following table shows, for each of the five years specified, the number of offences for which persons were arrested or summoned, summarily convicted, dismissed, or committed for trial:—

**VICTORIA—DISPOSAL OF ARREST AND SUMMONS CASES,
1954 TO 1958.**

Year Ended 31st December—	Total.	Summarily Convicted.	Dismissed, Struck Out, or Withdrawn.	Committed for Trial.
1954	135,409	121,919	11,408	2,082
1955	149,296	133,575	13,523	2,198
1956	175,899	158,869	14,406	2,624
1957	224,015	208,125	13,183	2,707
1958	270,017	251,065	14,725	4,227
Number per 10,000 of Population.				
1954	551·9	496·9	46·5	8·5
1955	591·7	529·4	53·6	8·7
1956	675·2	609·8	55·3	10·1
1957	837·9	778·5	49·3	10·1
1958	985·0	915·8	53·7	15·5

CRIME AND DRUNKENNESS.

Alteration in Method of Tabulation. The statistics of crime and drunkenness for the period from 1890 to 1930 are not strictly comparable with those for the period 1935 to 1958, as different bases were used in compiling figures in these periods. Details of these differences are outlined in previous Year Books.

Offences against the Person and Property. Almost all serious crimes are either offences against the person or offences against property. The first-named consist mainly of assault, but include murder, manslaughter, shooting, wounding and sexual offences. Offences against property consist principally of larceny and similar offences, but include burglary, house and shop-breaking, robbery, &c., cattle stealing and wilful damage to property.

Other Offences. The only other serious crimes included under "Other Offences" are forgery, counterfeiting, conspiracy and perjury. These were very few in number, there having been in Victoria in 1958 only 300 of such charges out of a total of 222,245 in the category to which they belong. The cases under the heading "Other Offences" were mainly 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 was also among them a large number of offences against good order, including offensive behaviour, indecent language, vagrancy, &c.

Offences and Drunkenness. The following table shows, for a series of years, the numbers of arrest and summons cases, and also the numbers per 1,000 of the population, tabulated according to the only classes of offences for which complete comparisons can be made. The particulars include cases (other than those of neglected children) disposed of in Children's Courts.

VICTORIA—OFFENCES AND DRUNKENNESS, 1890 TO 1958.

Year Ended 31st December—	Number of Arrest and Summons Cases—				
	Offences Against the Person.	Offences Against Property.	Drunkenness.	Other Offences.	Total.
1890	4,091	5,036	18,501	36,456	64,084
1895*	2,344	3,336	11,143	20,843	37,666
1900*	2,103	3,106	15,878	28,003	49,090
1905*	1,932	4,032	14,458	27,923	48,345
1910*	1,663	3,052	12,719	34,626	52,060
1915*	1,539	3,634	13,453	44,514	63,140
1920*	1,909	4,877	7,154	42,758	56,698
1925*	1,637	3,672	9,430	58,607	73,346
1930*	1,680	5,078	8,132	41,859	56,749
1935	1,500	6,716	10,221	47,536	65,973
1940	1,346	7,698	11,619	65,624	86,287
1945	1,711	6,535	10,534	41,964	60,744
1950	2,092	6,498	21,248	67,363	97,201
1955	2,620	9,145	20,685	116,846	149,296
1956	2,599	10,901	20,457	141,942	175,899
1957	2,806	11,571	25,657	183,981	224,015
1958	3,419	14,601	29,752	222,245	270,017
	Number of Arrest and Summons Cases per 1,000 of Population				
1890	3.66	4.50	16.54	32.59	57.29
1895*	1.98	2.82	9.41	17.60	31.81
1900*	1.76	2.60	13.31	23.47	41.14
1905*	1.59	3.33	11.92	23.03	39.87
1910*	1.30	2.38	9.92	27.00	40.60
1915*	1.08	2.55	9.43	31.20	44.26
1920*	1.26	3.23	4.73	28.27	37.49
1925*	0.98	2.20	5.64	35.06	43.88
1930*	0.94	2.84	4.55	23.44	31.77
1935	0.82	3.65	5.56	25.84	35.87
1940	0.71	4.04	6.10	34.47	45.32
1945	0.85	3.25	5.23	20.86	30.19
1950	0.95	2.95	9.64	30.57	44.11
1955	1.04	3.62	8.20	46.31	59.17
1956	1.00	4.19	7.85	54.48	67.52
1957	1.05	4.33	9.59	68.82	83.79
1958	1.25	5.33	10.85	81.07	98.50

* See paragraph "Alteration in method of tabulation" on page 253.

Drunkness. The number of persons and the number per 1,000 of the population charged with drunkenness during the ten years 1949 to 1958 are given below:—

VICTORIA—PERSONS CHARGED WITH DRUNKENNESS, 1949 TO 1958.

Year Ended 31st December—	Number of Persons Charged.	Number per 1,000 of Population.	Year Ended 31st December—	Number of Persons Charged.	Number per 1,000 of Population.
1949	17,972	8·40	1954	20,167	8·22
1950	21,248	9·64	1955	20,685	8·20
1951	23,151	10·20	1956	20,457	7·85
1952	21,751	9·29	1957	25,657	9·59
1953	19,424	8·11	1958	29,752	10·85

Young Persons Charged with Drunkness. The following table shows for the five years 1954 to 1958, the number of persons under 20 years of age arrested for drunkenness:—

VICTORIA—ARRESTS OF PERSONS UNDER 20 YEARS OF AGE CHARGED WITH DRUNKENNESS, 1954 TO 1958.

Year Ended 31st December—	Numbers.		Total.
	Males.	Females.	
1954	306	13	319
1955	290	16	306
1956	300	18	318
1957	338	25	363
1958	434	13	447

INQUESTS.

Coroner's Jurisdiction. A coroner has jurisdiction to hold an inquest concerning the manner of death of any person who is slain or drowned or who dies suddenly or in prison or while detained in any mental hospital and whose body is lying dead within the district in which such coroner has jurisdiction.

His duties in relation thereto are regulated by the Coroners Acts and there are special provisions relating to inquests in other Acts, such as the Mines Act, Children's Welfare Act, and Registration of Births, Deaths, and Marriages Act. Coroners and deputy-coroners

are appointed by the Governor in Council, every stipendiary magistrate being appointed a coroner for the State of Victoria. Deputy-coroners have jurisdiction in the districts for which they have been appointed. In addition, a justice of the peace has jurisdiction, within his bailiwick, to hold an inquest, but only if requested to do so by a police officer in charge of a station, or by a coroner.

In the majority of cases the coroner acts alone in holding an inquest, but in certain cases a jury is empanelled. This is done (a) when the coroner considers it desirable; (b) when in any specified case a law officer so directs; and (c) when it is expressly provided in any Act, (as in the case under the Mines Act) that an inquest shall be taken with jurors. Amending legislation in 1953 provided that the viewing of the body is not essential and is necessary only where the coroner or jury deems it advisable.

When a person is arrested and charged before a justice or court with murder or manslaughter, those proceedings are adjourned from time to time pending the holding of the inquest. If the inquest results in a finding against that person of murder or manslaughter, the coroner issues his warrant committing him for trial, the other proceedings being then withdrawn.

The following table shows the number of inquest cases in Victoria during the years 1954 to 1958, and the number of persons subsequently committed for trial:—

VICTORIA—INQUEST CASES, 1954 TO 1958.

Year Ended 31st December—	Inquests into Deaths of—			Persons Committed for Trial.		
	Males.	Females.	Total.	Males.	Females.	Total.
1954	1,392	654	2,046	26	6	32
1955	1,254	548	1,802	24	5	29
1956	1,401	668	2,069	38	1	39
1957	1,445	776	2,221	34	2	36
1958	1,499	753	2,252	28	6	34

The table below shows the charges on which persons were committed for trial by Coroners during the years 1954 to 1958:—

VICTORIA—COMMITTALS BY CORONERS, 1954 TO 1958.

Year Ended 31st December—	Murder.			Manslaughter.		
	Males.	Females.	Total.	Males.	Females.	Total.
1954	11	5	16	15	1	16
1955	13	4	17	11	1	12
1956	17	..	17	21	1	22
1957	11	2	13	23	..	23
1958	7	6	13	21	..	21

HIGHER COURTS.**Higher
Courts.**

The tables which appear below relate to distinct persons who have been convicted in the Supreme Court and Courts of General Sessions in Victoria. In cases where a person was charged with more than one offence, the principal offence only has been counted.

**VICTORIA—HIGHER COURTS: AGES OF PERSONS
CONVICTED OF SPECIFIC OFFENCES, 1958.**

Nature of Offence.	Distinct Persons Convicted—Age Groups.						Total.
	Under 20 years.	20-24 Years.	25-29 Years.	30-34 Years.	35-39 Years.	40 Years and over.	
Against the person—							
Murder .. .. .	..	1	..	..	..	..	1
Manslaughter	2	4	4	1	1	2	14
Attempted murder, wound with intent to murder ..	..	..	..	1	..	..	1
Shoot, wound, &c., and inflict grievous bodily harm with intent ..	1	3	3	6	4	9	26
Assault with actual bodily harm	4	2	7	3	5	3	24
Assault	2	5	..	..	2	2	11
Rape, attempted Rape, &c.	4	2	3	1	..	1	11
Carnal knowledge ..	33	50	7	3	5	1	99
Incest	1	3	..	3	4	5	16
Indecent assault (on Female)	10	18	10	7	7	16	68
Unnatural Offence ..	12	33	18	23	16	23	125
Indecent assault (on Male), &c.	1	2	6	12	5	15	41
Bigamy .. .. .	..	3	3	5	2	3	16
Other	10	9	1	3	4	1	28
Total	80	135	62	68	55	81	481
Against property—							
Robbery under arms, in company, with violence, &c.	6	13	4	8	2	1	34
Larceny	36	42	41	30	27	25	201
House, shop, office, &c., breaking and stealing, burglary	204	189	103	76	52	70	694
Cattle and Sheep stealing, &c.	4	4	1	..	1	1	11
Assault with intent to rob ..	2	3	1	1	1	1	9
Receiving	4	8	15	8	6	8	49
Embezzlement, False Pretences, Fraudulent Conversion	2	6	8	15	13	15	59
Illegal use of Motor Vehicles	17	17	13	4	1	2	54
Other	7	3	8	4	6	4	32
Total	282	285	194	146	109	127	1,143
Other offences—							
Driving under the influence	2	2	5	7	3	9	28
Dangerous Driving	1	5	2	10	9	18	45
Other	12	18	13	9	8	22	82
Total	15	25	20	26	20	49	155
Grand Total	377	445	276	240	184	257	1,779

VICTORIA—HIGHER COURTS: OFFENDERS CONVICTED
OF SPECIFIC OFFENCES, RESULT OF HEARING, 1958.

Nature of Offence.	Result of Hearing—							Total.
	Fined.	Im- prisoned twelve months and under.	Im- prisoned over twelve months.	Death Sen- tence.	Sen- tence Sus- pended on en- tering a Bond.	Pro- bation.	Other.	
Against the per- son—								
Murder ..	..	..	..	1*	..	..	..	1
Manslaughter ..	..	..	13	..	..	1	..	14
A t t e m p t e d murder, and wound with intent to murder ..	..	..	1	..	..	..	..	1
Shoot, wound, &c., and in- flict grievous bodily harm with intent ..	..	8	9	..	5	4	..	26
Assault with actual bodily harm ..	1	8	5	..	8	2	..	24
Assault ..	2	3	..	..	3	3	..	11
Rape, attempt- ed Rape, &c. ..	..	2	8	..	..	1	..	11
Carnal know- ledge ..	..	20	2	..	47	30	..	99
Incest ..	..	2	10	..	2	2	..	16
Indecent as- sault (on Female) ..	..	20	8	..	26	14	..	68
U n n a t u r a l Offence ..	1	33	8	..	68	15	..	125
Indecent as- sault (on Male), &c. ..	..	13	2	..	19	7	..	41
Bigamy ..	..	5	3	..	7	1	..	16
Other ..	..	6	8	..	11	3	..	28
Total ..	4	120	77	1*	196	83	..	481

* Commuted to life imprisonment.

VICTORIA—HIGHER COURTS : OFFENDERS CONVICTED OF SPECIFIC OFFENCES, RESULT OF HEARING, 1958—*continued*.

Nature of Offence.	Result of Hearing:—							Total.
	Fined.	Im- prisoned twelve months and under.	Im- prisoned over twelve months.	Death Sen- tence.	Sen- tence Sus- pended on en- tering a Bond.	Pro- bation.	Other.	
Against property—								
Robbery under arms, in company, with violence, &c.	..	7	22	..	3	2	..	34
Larceny ..	6	62	35	..	66	32	..	201
House, shop, office, &c. breaking and stealing and burglary ..	..	240	122	..	153	177	2	694
Cattle and Sheep stealing, &c. ..	..	5	1	..	3	2	..	11
Assault with intent to rob ..	..	1	5	..	1	2	..	9
Receiving ..	..	22	6	..	16	5	..	49
Embezzlement, False Pretences, Fraudulent Conversion ..	..	25	8	..	20	6	..	59
Illegal Use of Motor Vehicles ..	..	32	4	..	8	9	1	54
Other ..	..	6	12	..	9	5	..	32
Total ..	6	400	215	..	279	240	3	1,143
Other offences—								
Driving under the influence	11	16	..	..	1	..	..	28
Dangerous Driving ..	34	10	..	..	1	..	..	45
Other ..	1	25	8	..	30	18	..	82
Total ..	46	51	8	..	32	18	..	155
Grand Total ..	56	571	300	1*	507	341	3	1,779

* Commuted to life imprisonment.

VICTORIA—HIGHER COURTS: NUMBER OF OFFENDERS
CONVICTED OF SPECIFIC OFFENCES, 1954 TO 1958.

Nature of Offence.	Year Ended 31st December—				
	1954.	1955.	1956.	1957.	1958.
Against the person—					
Murder	2	2	4	2	1
Manslaughter	7	11	4	13	14
Attempted murder, wound with intent to murder	1	..	2	2	1
Shoot, wound, &c., and inflict grievous bodily harm with in- tent	38	40	33	31	26
Assault with actual bodily harm	2	2	3	22	24
Assault	11	10	23	16	11
Rape, attempted Rape, &c. ..	9	9	6	7	11
Carnal knowledge	36	36	35	77	99
Incest	5	7	7	15	16
Indecent assault (on Female) ..	44	58	39	62	68
Unnatural Offence	47	46	43	62	125
Indecent assault (on Male), &c.	28	36	22	41	41
Bigamy	24	13	11	14	16
Other	12	18	15	12	28
Total	266	288	247	376	481
Against property—					
Robbery under arms, in com- pany, with violence, &c. ..	32	41	46	34	34
Larceny	125	145	177	170	201
House, shop, office, &c., break- ing and stealing, burglary ..	349	368	502	696	694
Cattle and sheep stealing, &c.	2	8	16	16	11
Assault with intent to rob ..	9	14	6	10	9
Receiving	36	46	50	57	49
Embezzlement, False Pretences, Fraudulent Conversion, &c.	16	33	39	44	59
Illegal Use of Motor Vehicles*	..	..	43	44	54
Other	25	17	22	27	32
Total	594	672	901	1,098	1,143
Other offences—					
Driving under the influence* ..	..	..	10	24	28
Dangerous Driving* .. .. .	..	..	14	37	45
Other	52	83	77	108	82
Total	52	83	101	169	155
Grand Total	912	1,043	1,249	1,643	1,779

* By amendment to the appropriate Acts, these became indictable offences during 1956, giving the offender the right to have his case tried in a Higher Court before a judge and jury.

**VICTORIA—HIGHER COURTS: AGES OF PERSONS
CONVICTED, 1954 TO 1958.**

Age Groups.	Year Ended 31st December—				
	1954.	1955.	1956.	1957.	1958.
Under 20 years	209	204	300	385	377
20-24 years	196	208	256	376	445
25-29 years	166	204	229	273	276
30-34 years	99	152	176	209	240
35-39 years	81	87	105	151	184
40 years and over	161	188	183	249	257
Total	912	1,043	1,249	1,643	1,779

**VICTORIA—HIGHER COURTS: NUMBER OF OFFENDERS
CONVICTED: RESULT OF HEARING, 1954 TO 1958.**

Result of Hearing.	Year Ended 31st December—				
	1954.	1955.	1956.	1957.	1958.
Fined	3	4	16	26	56
Imprisoned 12 months and under	297	336	430	516	571
Imprisoned over 12 months ..	152	186	192	246	300
Death sentence*	1	2	4	1	1
Sentence suspended on entering a bond	421	482	574	567	507
Probation† .. ..	..	..	..	264	341
Sent to Reformatory‡ ..	38	33	33	22	..
Other .. ..	..	..	..	1	3
Total	912	1,043	1,249	1,643	1,779

* The Death sentence was not carried out in any of these instances, various terms of imprisonment being substituted.

† Probation for adult offenders was introduced by the *Penal Reform Act* No. 5961 of 1956.

‡ Reformatories were abolished by the *Penal Reform Act* No. 5961 of 1956.

REGULATION OF THE LIQUOR TRADE.

Licensing Act. The *Licensing (Amendment) Act*, No. 5767 of 1953, came into operation on 30th June, 1954. A summary of the Act was published in the composite *Year Book* 1952-53 and 1953-54, page 45.

Accommodation and Supervision. Plans of new or improved hotels approved by the Court during the years ended 31st December, 1957, and 1958, totalled £2,347,084 and £2,032,415 respectively. The amending Act makes provision for the appointment of supervisors who are required to report, where required, on the nature of accommodation and meals in licensed premises, and on every plan for proposed new licensed premises of any licensed victualler or holder of an Australian wine licence, or for any alterations or additions thereto.

Licensing Fund. Revenue and Expenditure for the years ended 30th June, 1955 to 1958 are shown below:—

THE LICENSING FUND.

Particulars.	Year Ended 30th June—			
	1955.	1956.	1957.	1958.
<i>Revenue.</i>	£	£	£	£
Licences, Certificates and Permits	2,107,606	2,310,502	2,515,127	2,817,597
Interest on Investments ..	10,982	10,982	10,439	10,051
Fees and Fines	14,293	17,410	21,556	22,525
Total	2,132,881	2,338,894	2,547,122	2,850,173
<i>Expenditure.</i>				
Annual Payments to Municipalities	58,736	58,616	58,244	58,116
Compensation	2,105	..	865	17,195
Transfer to Police Superannuation Fund	23,000	23,000	23,000	23,000
Transfer to Revenue	1,979,383	2,168,184	2,367,641	2,648,273
Salaries, Office Expenses, &c. ..	69,657	89,094	97,372	103,589
Total	2,132,881	2,338,894	2,547,122	2,850,173

The amount to the credit of the fund at 30th June, 1957 was £330,765, of which £311,000 was invested. At 30th June, 1958 these amounts were £330,750 and £311,000 respectively.

Licensing Areas. Under the amending Act, the whole of Victoria was constituted one Licensing District in respect of which there is to be no numerical limitation of licences. By order of the Governor in Council, the State was finally divided into Licensing Areas to take effect from 1st September, 1954. A statement showing Licensing Areas at that date was published in the composite *Year Book* 1952-53 and 1953-54, on page 198.

Number of Hotels. The following table shows the number of hotels, including roadside licences, in Victoria for the years stated:—

VICTORIA—NUMBER OF HOTELS.

Year Ended 31st December—	Number of Hotels (including Roadside Licences*).	Average Number of Persons in Victoria to Each Hotel.	Year Ended 31st December—	Number of Hotels. (including Roadside Licences*).	Average Number of Persons in Victoria to Each Hotel.
1885 ..	4,339	223	1950.. ..	1,666	1,343
1906 ..	3,520	347	1955.. ..	1,654	1,545
1921 (June) ..	2,064	744	1956.. ..	1,640	1,605
1930 ..	1,803	994	1957.. ..	1,622	1,665
1940 ..	1,691	1,132	1958.. ..	1,610	1,702

* Roadside Licences were abolished in 1953 but, subject to the provisions of the Licensing Acts relating to victuallers' licences, were made renewable as such.

In addition to hotels, liquor licences under the following headings were held during the five years 1954 to 1958:—

VICTORIA—LIQUOR LICENCES, 1954 TO 1958.

Particulars.	Year Ended 31st December—				
	1954.	1955.	1956.	1957.	1958.
Australian Wine Licences ..	111	109	102	97	95
Registered Clubs	125	141	165	171	195
Railway Refreshment Rooms ..	23	23	22	22	22
Grocers' Licences	263	278	301	323	348

Licensing Polls. Information on this subject will be found on page 252 of the *Year-Book* for 1949-50. Licensing polls were abolished in 1946. The amending Act of 1953 provided that the power of the Court to grant licences is not to be limited by any licensing poll already taken but in any such case the Court "may order a vote of electors to be taken in the neighbourhood surrounding the proposed site of the premises in respect of which a licence has been applied for" before granting the licence.

During the five years 1954 to 1958 delicensing of hotels occurred for the following reasons:—

VICTORIA—HOTELS DELICENSED, 1954 TO 1958.

Year Ended 31st December—	Licence Surrendered.	Licence Lapsed.	Licence Revoked.	Licence Renewal Refused.	Total.
1954.. .. .	7	..	..	..	7
1955.. .. .	6	..	..	2	8
1956.. .. .	9	..	..	5	14
1957.. .. .	15	2	1	..	18
1958.. .. .	12	1	..	2	15

The trading hours of hotels in Victoria are from 9 a.m. to 6 p.m., but trading is not permitted on Sundays, Anzac Day (25th April), and Good Friday. The amending Act extended the times during which liquor may be supplied *with meals*, in the case of licensed premises to ten o'clock in the evening.

Referendum on Trading Hours. A referendum was held on 24th April, 1956, at which the following question was submitted to the vote of electors for the Legislative Assembly throughout the State, namely, "are you in favour of the extension of hotel trading hours on week days until 10 o'clock in the evening". The result was as follows:—

Number of votes given for YES	..	..	529,899
Number of votes given for NO	..	..	804,524

Liquor Permits. During the year ended 31st December, 1956, 1,139 permits authorizing the sale, disposal, or supply of liquor with bona fide meals between 6 p.m. and 8 or 10 p.m. were renewed or granted by the Licensing Court in licensed premises which include Hotels, Australian Wine Licences, and Registered Clubs. Permits for the years ended 31st December, 1957 and 1958 numbered 1,146 and 1,143 respectively.

GAOLS AND PRISONERS.

Gaols and Prisoners.

The following statement contains information relating to gaols (excluding police gaols) in Victoria for the year ended

31st December, 1958:—

VICTORIA—GAOL ACCOMMODATION AND PRISONERS, 1958.

Name of Institution.	Number of Prisoners.							
	Accommodation.		Daily Average.		Total Received (Including Transfers).		In Confinement at End of Year.*	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Gaols—								
Pentridge ..	1,198	..	884	..	10,653	..	843	..
Ballarat ..	65	..	49	..	357	..	39	..
Beechworth Training Prison ..	106	..	70	..	108	..	100	..
Bendigo ..	94	..	80	..	103	..	88	..
Castlemaine ..	107	..	99	..	236	..	89	..
Coorlemungle Prison Farm ..	49	..	42	..	77	..	46	..
Geelong ..	120	..	111	..	470	..	100	..
Sale ..	35	..	17	..	159	..	14	..
McLeod Settlement (French Island)	90	..	83	..	119	..	88	..
Langi Kai Kal ..	64	..	58	..	108	..	59	..
Fairlea Female Prison	..	100	..	40	..	880	..	30
Total ..	1,928	100	1,493	40	12,440	880	1,466	30

* Including 93 males and 6 females awaiting trial.

Prisoners Received and Discharged.

The number of prisoners received at and discharged from the gaols (excluding police gaols) in Victoria is given in the following table for the years 1954 to 1958:—

**VICTORIA—PRISONERS RECEIVED AT AND DISCHARGED
FROM GAOLS, 1954 TO 1958.**
(Exclusive of Police Gaols.)

Classification.	Year Ended 31st December—				
	1954.	1955.	1956.	1957.	1958.
Number in confinement at beginning of year—					
Convicted	1,176	1,186	1,229	1,462	1,461
Awaiting trial	44	78	66	102	111
Total	1,220	1,264	1,295	1,564	1,572
Received during the year—					
Convicted of Felony, Misdemeanour, &c.	6,491	6,846	7,469	7,749	9,322
Transfers from—					
Other Gaols.	759	924	1,078	1,269	1,187
Hospitals, Asylums, Reformatory Schools, &c.*	30	47	62	53	35
For Trial, not subsequently convicted	1,820	2,032	2,789	3,582	2,626
Returned on Order	72	148	107	88	149
Total	9,172	9,997	11,505	12,741	13,319
Discharged during year	9,128	9,966	11,236	12,733	13,395
Number in confinement at 31st December—					
Convicted	1,186	1,229	1,462	1,461	1,397
Awaiting trial	78	66	102	111	99
Total	1,264	1,295	1,564	1,572	1,496

* Since 1st July, 1957, these figures refer to Juvenile Schools only, as reformatories ceased to exist under the *Penal Reform Act* No. 5061 of 1956.

The following table shows the number of prisoners under sentence at the end of each of the ten years 1949 to 1958:—

VICTORIA—PRISONERS UNDER SENTENCE, 1949 TO 1958.

At 31st December—	Males.	Females.	Total.	Number per 10,000 of Population.
1949	1,021	45	1,066	4·98
1950	986	55	1,041	4·72
1951	1,089	38	1,127	4·97
1952	1,294	42	1,336	5·64
1953	1,134	42	1,176	4·87
1954	1,144	42	1,186	4·78
1955	1,203	26	1,229	4·81
1956	1,427	35	1,462	5·55
1957	1,428	33	1,461	5·41
1958	1,373	24	1,397	5·04

A statement is given below of the daily average number of prisoners in detention in the gaols of the State in the last year of each of the decennial periods 1871 to 1951 inclusive, and in each of the years 1954 to 1958:—

VICTORIA—DAILY AVERAGE NUMBER OF PRISONERS
IN CONFINEMENT, 1871 TO 1958.

Year Ended 31st December—	Daily Average Number of Prisoners in Confinement.		
	Males.	Females.	Total.
1871	1,345	274	1,619
1881	1,294	304	1,598
1891	1,550	350	1,900
1901	951	200	1,151
1911	713	100	813
1921	741	54	795
1931	1,391	50	1,441
1941	1,023	50	1,073
1951	1,050	52	1,102
1954	1,201	39	1,240
1955	1,290	45	1,335
1956	1,340	40	1,380
1957	1,537	46	1,583
1958	1,493	40	1,533

The *Indeterminate Sentences Act*, 1908, provided, *inter alia*, for the appointment of an Indeterminate Sentences Board to administer the Act in regard to prisoners under indeterminate detention. The following table shows the number of prisoners on 30th June in each of the years 1953 to 1957 :—

VICTORIA—PRISONERS UNDER INDETERMINATE
DETENTION, 1953 TO 1957.

Prison.	As at 30th June—				
	1953.	1954.	1955.	1956.	1957.
Pentridge ..	63	66	41	43	106
McLeod Settlement (French Island) ..	56	48	40	30	..
Langi Kal Kal Training Centre ..	30	28	39	48	49
Total	149	142	120	121	155

In accordance with the *Penal Reform Act*, No. 5961 of 1956, which was proclaimed to operate as from 1st July, 1957, the Indeterminate Sentences Board was abolished and a Parole Board consisting of a Judge of the Supreme Court (as Chairman) the Director of Penal Services, and three male members was appointed for male prisoners, and three female members where female prisoners are concerned.

The Parole Board was empowered to convert indeterminate sentences to definite sentences, fix minimum terms in relation to those converted sentences and to authorize release on parole.

During the period 1st July, 1957, to 30th June, 1958, the Parole Board dealt with persons coming within the scope of its activities as follows :—

VICTORIA—PAROLE BOARD CASES, 1958.

Particulars.	Males.	Females.	Total.
Prisoners Released on Parole	320*	4	324
Prisoners Sentenced to Preventive Detention ..	3	..	3
Parolees Returned to Gaol—			
Parole Cancelled by Conviction and Imprisonment	28	..	28
Parole Cancelled by Parole Board	11	1	12
Successful Completion of Parole during 1957-58..	31	1	32

* During the period the Board ordered the release of 351 male prisoners, but 31 orders did not become effective until after 30th June, 1958.

The following statement gives the numerical strength of the police force in Victoria and the number of inhabitants to each police officer at the end of the ten years 1949 to 1958 :—

VICTORIA—POLICE FORCE: NUMERICAL STRENGTH,
1949 TO 1958.

Year Ended 31st December—	Total Strength Including Police-women.	Number of Inhabitants to Each Police-officer.	Year Ended 31st December—	Total Strength Including Police-women.	Number of Inhabitants to Each Police-officer.
1949 ..	2,597	824	1954 ..	3,021	812
1950 ..	2,751	801	1955 ..	3,109	812
1951 ..	2,879	796	1956 ..	3,392	768
1952 ..	2,992	783	1957 ..	3,709	721
1953 ..	3,047	786	1958 ..	3,754	730

The next table shows the total amount and the amount per head of population expended from Consolidated Revenue in connexion with the police, and with the penal establishments and gaols of Victoria, in each of the five years 1954 to 1958:—

VICTORIA—EXPENDITURE FROM CONSOLIDATED REVENUE
ON POLICE AND GAOLS, 1954 TO 1958.

Year Ended 30th June—	Amount Expended (exclusive of Pensions) on—					Amount per Head of Population.
	Salaries, &c.		Buildings and Rents.		Total.	
	Police.	Gaols and Penal Establishments.	Police.	Gaols and Penal Establishments.		
	£	£	£	£	£	£ s. d.
1954 ..	4,009,466	501,446	64,031	39,156	4,614,099	1 18 1
1955 ..	4,387,028	577,938	78,422	50,496	5,093,884	2 0 11
1956 ..	5,007,762	626,870	96,038	54,126	5,784,796	2 5 1
1957 ..	5,782,365	778,640	99,024	52,541	6,712,570	2 10 10
1958 ..	6,317,980	852,643	107,669	54,290	7,332,582	2 14 3

Executions. During the 50 years ended 1958 there were seventeen executions* in Victoria, one of which took place in 1908, one in 1912, two in 1916, two in 1918, one in 1922, one in 1924, one in 1932, two in 1936, two in 1939, one in 1941, and three in 1951. Since the first settlement of Port Phillip in 1835, 185 persons (180 males and 5 females) have been executed within the State on account of the following offences: murder, 145; attempted murder, 17; robbery with violence, 9; burglary and wounding, 1; sexual offences, 12; and arson, 1.

* See "Abolition of the death penalty in certain cases" on page 247.