

PART IV.

LAW, CRIME, ETC.

Legal system
in Victoria.

A statement, giving the basic principles and main provisions of the law of Victoria, appears in the *Year-Book* for 1928-29, page 189.

LITIGATION AND LEGAL BUSINESS.

Supreme
Court civil
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* 1928), its constitution and powers remain practically unaltered. There were in 1941, six Judges, viz., a Chief Justice and five Puisne Judges.

The following is a statement of Supreme Court business during the last five years:—

VICTORIA—SUPREME COURT CIVIL CASES, 1938 TO 1942.

Heading.	1938.	1939.	1940.	1941.	1942.
Number of Places at which Sittings were held	5	7	7	7	6
Causes Entered—					
For Assessment of Damages	5	6	14	5	3
For Trial	167	169	152	148	137
Number of Causes Tried—					
By Juries of Six	14	23	20	27	34
By a Judge	30	50	24	30	41
Verdicts returned for—					
Plaintiff	27	59	32	45	61
Defendant	17	14	12	12	14
Amount Awarded £	8,810	15,914	26,573	10,165	17,947
Writs of Summons issued	699	747	616	604	562
Other Original Proceedings	274	140	122	147	118
Appellate Proceedings (other than Criminal Appeals heard and determined)—					
By Full Court	41	45	45	37	44
By a Judge	49	57	42	51	57
Fees Collected £	3,891	3,901	3,537	4,347	3,900

County Courts. County Courts have jurisdiction, both in equity and common law cases, limited to £500; but 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 £500. At the present time County Courts are held at Melbourne and at twelve other places in Victoria. Every Court has jurisdiction throughout the whole of Victoria.

VICTORIA—COUNTY COURT CASES, 1938 TO 1942.

Year.	Number of Causes Tried.	Amount Sued For.	Amount Awarded.
		£	£
1938	1,390	569,575	207,455
1939	1,210	605,738	216,929
1940	1,352	616,248	207,527
1941	2,173	448,292	140,764
1942	1,695	361,644	112,117

Petty Sessions civil business.

In 1941, Courts of Petty Sessions by stipendiary magistrates and honorary justices were held at 225 places in Victoria. 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 in civil cases 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 civil cases, &c., heard during the last five years are as follows:—

VICTORIA—COURTS OF PETTY SESSIONS: CIVIL CASES, ETC., 1937 TO 1941.

Heading.	1937.	1938.	1939.	1940.	1941.
Civil Cases—					
Number heard	100,818	103,718	112,423	97,811	73,013
Debts or Damages—					
Claimed£	835,370	915,052	824,288	881,744	616,434
Awarded£	607,495	710,492	705,971	646,197	431,948
Other Cases—					
Appeals against Rates	617	575	716	1,020	758
Ejectment Cases	2,766	2,765	2,917	2,601	2,034
Examination of Lunatics	241	187	210	150	304
Fraud Summonses	5,562	4,641	6,248	4,893	3,695
Garnishee Cases	3,475	3,838	4,354	4,611	4,662
Licences and Certificates	18,219	18,824	17,479	15,384	14,043
Maintenance Cases	1,802	1,995	1,943	1,828	1,610
Prohibition Cases	69	74	80	91	41
Show Cause Summonses	9,397	10,889	6,570	5,150	3,705
Other			6,008*	5,442*	4,769

* Revised.

Writs by the Sheriff.

A statement is given below of the number of writs received by the Sheriff in the last five years.

VICTORIA—WRITS RECEIVED BY THE SHERIFF, 1938 TO 1942.

Year.	King's Writs against Person and Property.	Subjects' Writs against—		Total.
		The Person.	Property.	
1938	17	8	108	133
1939	8	7	109	124
1940	10	1	110	121
1941	4	1	73	78
1942	6	1	41	48

High Court of Australia.

A statement showing the nature of this court and the powers vested in it appears in the *Year-Book* for 1916-17, page 433.

BANKRUPTCIES.

A Bankruptcy Act passed by the Federal 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 Federal Act.

The number of sequestrations, &c., in Victoria during each of the five years ended 31st July, 1942, under the *Commonwealth Bankruptcy Acts* 1924-1933, and the amount of liabilities and assets relating thereto were as follows:—

VICTORIA—BANKRUPTCIES, 1937-38 TO 1941-42.

Year ended 31st July—	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.
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NUMBER.

1938 ..	255	9	121	385
1939 ..	295	7	129	431
1940 ..	266	6	160	432
1941 ..	190	11	112	313
1942 ..	141	1	72	214

LIABILITIES.

	£	£	£	£
1938 ..	250,282	11,217	199,581	461,080
1939 ..	211,630	11,747	206,235	429,612
1940 ..	188,926	24,742	193,683	407,351
1941 ..	149,908	7,933	145,215	303,056
1942 ..	148,615	2,505	101,723	252,843

ASSETS.

	£	£	£	£
1938 ..	74,138	5,553	114,401	194,092
1939 ..	64,087	13,063	133,329	210,479
1940 ..	6,205	17,986	126,869	151,060
1941 ..	34,128	6,183	97,058	137,369
1942 ..	36,024	551	64,814	101,389

The yearly average number of sequestrations, &c., and the average declared liabilities and assets are shown in the subjoined table for each of the quinquennial periods ended in 1933 and 1938.

Period.	Yearly Average Number.	Average declared Liabilities. £	Average declared Assets. £
1928-29 to 1932-33 ..	690	1,419,060	1,009,294
1933-34 to 1937-38 ..	381	595,056	274,545

DIVORCE.

The present law in regard to divorce is contained in the *Marriage Act 1928*, as amended by the *Marriage (Divorce) Act 1933*.

The following table gives the number of petitions filed by husbands and wives respectively, and the number of decrees granted for divorce, judicial separation, and nullity of marriage during the years 1941 and 1942 :—

VICTORIA—DIVORCES, 1941 AND 1942.

	Petitions filed by—			Decrees granted to—		
	Husbands.	Wives.	Total.	Husbands.	Wives.	Total.
1941—						
Dissolution of Marriage ..	435	534	969	376	457	833
Judicial Separation ..	..	6	6	..	5	5
Nullity of Marriage ..	3	3	6	2	2	4
Total	438	543	981	378	464	842
1942—						
Dissolution of Marriage ..	600	608	1,208	459	494	953
Judicial Separation ..	..	3	3	..	2	2
Nullity of Marriage ..	4	9	13	1	3	4
Total	604	620	1,224	460	499	959

The grounds upon which divorces were granted during the years 1941 and 1942 were as set out in the following tables :—

VICTORIA—DIVORCES, GROUNDS OF, 1941.

Grounds on which Granted.	Dissolution of Marriage.		Judicial Separation.		Nullity of Marriage.	
	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.
Adultery	106	94	..	2	..	..
Bigamy .. ..	..	..	..	..	1	..
Cruelty, repeated acts of ..	..	1	..	1	..	..
Desertion	257	337	..	2	..	..
Desertion and adultery ..	5	10	..	..	..	..
Drunkenness (habitual) ..	..	1	..	..	..	..
Drunkenness and cruelty ..	..	7	..	..	..	..
Impotence .. ..	..	..	..	..	1	2
Insanity	8	3	..	..	..	..
Sentences for Crime ..	..	4	..	..	..	..
Total	376	457	..	5	2	2

VICTORIA—DIVORCE, GROUNDS OF, 1942.

Grounds on which Granted.	Dissolution of Marriage.		Judicial Separation.		Nullity of Marriage.	
	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.
Adultery	138	87	..	..	..	..
Bigamy	1	2	..	..	..	..
Desertion and Drunkenness	1	4	..	..	..	..
Desertion	301	378	..	2	..	..
Desertion and Adultery	6	9	..	..	..	..
Drunkenness (habitual)	2	3	..	..	..	..
Drunkenness and Cruelty .. .. .	..	6	..	..	..	..
Impotence .. .. .	..	1	..	..	1	3
Insanity	10	..	..	..	..	..
Sentences for Crime.. .. .	..	4	..	..	..	..
Total	459	494	..	2	1	3

Divorce. The following table shows the number of petitioners to whom decrees were granted in 1942, the ages of such petitioners and the number of their children as at date of decree.

VICTORIA—DIVORCE PETITIONS (GRANTED), AGES OF PETITIONERS AND NUMBER OF CHILDREN TO EXISTING MARRIAGE, 1942.

Ages. (Years).	Dissolution of Marriage.		Judicial Separation.		Nullity of Marriage.		Number of Children.	
	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.
21	4	6	..	..	..	..	3	2
22-25	25	35	..	..	..	1	18	22
26-29	66	100	..	..	..	1	56	84
30-34	92	113	..	..	..	1	77	117
35-39	89	72	..	..	1	..	148	89
40-44	86	81	..	..	..	..	103	135
45-49	45	47	..	2	..	..	100	91
50-54	26	25	..	..	..	..	54	50
55-59	16	9	..	..	..	..	41	29
60	1	..	..	..	..	..	3	..
61	2	1	..	..	..	..	4	7
62 .. .. .	..	1	..	..	..	..	..	..
63	3	..	..	..	..	..	11	..
65	1	2	..	..	..	..	2	1
67	1	..	..	..	..	..	..	..
69	2	..	..	..	..	..	9	..
Un-disclosed .. .. .	..	2	..	..	..	..	..	4
Total	459	494	..	2	1	3	629	631

Divorces, 1861 to 1942. In 1861 jurisdiction was conferred on the Supreme Court of Victoria in matrimonial matters. The Divorce Act of 1889, which received the Royal Assent on 13th May, 1890, considerably extended the grounds upon which divorce might be granted.

The following is a statement of the number of decrees granted in Victoria for dissolution of marriage and for judicial separation during the period 1861 to 1890, for the decennial periods 1891-1900 to 1931-40, and for each of the years 1941 and 1942.

VICTORIA—DIVORCES AND JUDICIAL SEPARATIONS, 1861 TO 1942.

Period.	Decrees Granted for—	
	Dissolution of Marriage.	Judicial Separation.
1861-1890	348	71
1891-1900	949	14
1901-1910	1,255	6
1911-1920	2,499	14
1921-1930	4,403	16
1931-1940	6,495	16
1941	833	5
1942	953	2
Total—1891 to 1942	17,387	73
Total—1861 to 1942	17,735	144

RACECOURSE LICENCES.

The *Police Offences Act* 1928 provides that no race-meeting shall be held except on a racecourse which is licensed under such Act for horse races or for pony races or for trotting races. Any licence shall, unless cancelled, be in force for twelve months from the date of its issue. For each such licence there shall be paid into the Consolidated Revenue a fee of £1, and also an annual sum equal to 3 per cent. of the gross revenue from all sources received from such racecourse by the owner or

Racecourse licences and percentage fees.

trustees of the racecourse during the year immediately preceding the year for which the licence is required. It is provided, however, that where the gross revenue is less than £1,500 but more than £600, the annual sum payable shall be 2 per cent. of the gross revenue, and where the gross revenue is £600 or less no amount shall be payable. The amounts paid into the Consolidated Revenue in licence fees and percentages on gross revenue during each of the last ten years were as follows:—

VICTORIA—REVENUE FROM RACECOURSE LICENCES AND PERCENTAGE FEES, 1932-33 TO 1941-42.

Year ended 30th June.	Amount.	Year ended 30th June.	Amount.
	£		£
1933	15,575	1938	16,627
1934	15,050	1939	17,191
1935	14,885	1940	16,710
1936	15,554	1941	15,420
1937	15,718	1942	15,095

CRIME.

Information relating to the administration of the criminal law in Victoria appears in the *Year-Book* for 1928-29, page 196.

Administration of the criminal law.

CRIME AND DRUNKENNESS.

The statistics of crime and drunkenness for the years subsequent to 1932 have been compiled on a basis which differs from that for the years 1893 to 1932. The particulars for the years 1933 to 1941 represent, in respect of multiple charges, the total number of all offences with which arrested persons were charged whereas, for the period 1893 to 1932, only the most serious offence in each case was tabulated. Summons cases in 1933 to 1941 relate, as in previous years, to all offences with which a person was charged. The statistics for the last nine years are comparable, therefore, with those for the years prior to 1893 appearing in earlier issues of the *Year-Book*.

Alteration in method of tabulation.

Offences and drunkenness. The subjoined 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 arrests of neglected children) disposed of in Children's Courts.

VICTORIA—OFFENCES AND DRUNKENNESS, 1890 TO 1941.

Year.	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
1910*	1,663	3,052	12,719	34,626	52,060
1920*	1,909	4,877	7,154	42,758	56,698
1930*	1,680	5,078	8,132	41,859	56,749
1937	1,351	7,244	10,433	55,194	74,222
1938	1,412	8,320	11,311	58,013	79,056
1939	1,308	8,104	11,609	61,837	82,858
1940	1,346	7,698	11,619	65,624	86,287
1941	1,380	7,329	12,064	56,230	77,003

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
1910*	1·30	2·38	9·92	27·00	40·60
1920*	1·26	3·23	4·73	28·27	37·49
1930*	·94	2·84	4·55	23·44	31·77
1937	·73	3·90	5·62	29·74	39·99
1938	·76	4·45	6·06	31·06	42·33
1939	·69	4·31	6·17	32·86	44·03
1940	·71	4·06	6·12	34·61	45·50
1941	·71	3·75	6·17	28·77	39·40

* See paragraph "Alteration in method of tabulation" on page 140.

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 all crimes of lust. Offences against property consist principally of larceny and similar offences; but include burglary, robbery, &c., cattle stealing, and wilful damage to property.

Other offences. The only serious crimes included under "Other Offences" are forgery, counterfeiting, conspiracy, and perjury. These were very few in number, there having been in Victoria in 1941 only 89 of such charges out of a total of 56,230 in the category to which they belong. A large proportion of the cases under the heading "Other Offences" were 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 were also among them a large number of offences against good order, including insulting behaviour, vagrancy, &c.

If it be desired to compare the above figures 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.

Arrests and
summonses
for various
offences.

The following are particulars of the different classes of offences dealt with by magistrates in 1941.

VICTORIA—ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1941.

Nature of Offence.	Total.	Summarily Disposed of—				Committed for Trial.	
		Convicted.		Dismissed, Withdrawn, Struck Out.			
		M.	F.	M.	F.	M.	F.
Against the Person—							
Murder and attempts at	11	..	..	2	4	5	..
Manslaughter	9	..	..	2	..	7	..
Shooting at, wounding, &c.	54	7	..	14	..	32	1
Assaults	1,106	587	34	380	61	43	1
Others	200	18	..	36	3	133	10
Total	1,380	612	34	434	68	220	12
Against Property—							
Robbery, burglary, &c.	765	189	8	45	11	493	19
Larceny and similar offences	5,044	3,142	377	989	65	419	52
Wilful damage	412	275	23	103	6	4	1
Others	1,108	747	22	252	21	58	8
Total	7,329	4,353	430	1,389	103	974	80
Forgery and Offences against the Currency ..	67	..	..	..	..	58	9
Against Good Order—							
Drunkenness*	12,064	10,445	1,454	125	40	..	..
Others	7,269	5,358	580	1,100	227	4	..
Total	19,333	15,803	2,034	1,225	267	4	..
Other Offences—							
Breaches of—							
Education Act	7,141	4,938	1,701	336	166	..	..
Licensing Act	7,125	5,096	690	971	368	..	..
Motor Car Act	10,674	9,993	231	430	20	..	..
Traffic Regulations ..	8,929	8,112	493	296	28	..	..
Vermin and Noxious Weeds Act	224	118	37	51	18	..	..
Miscellaneous	14,801	11,190	1,655	1,685	228	39	4
Total	48,894	39,447	4,807	3,769	828	39	4
Grand Total	77,003	60,215	7,305	6,817	1,266	1,295	105

* See footnote on page 144.

Arrest and
summons
cases.

Particulars of the arrest and summons cases for the last five years are given in the subjoined table.

VICTORIA—ARREST AND SUMMONS CASES, 1937 TO 1941.

Year.	Arrest Cases.		Summons Cases.		Total.
	Males.	Females.	Males.	Females.	
1937	18,534	2,070	50,108	3,510	74,222
1938	20,893	2,292	52,085	3,786	79,056
1939	21,121	2,369	54,726	4,642	82,858
1940	20,666	2,406	57,516	5,699	86,287
1941	19,710	2,624	48,617	6,052	77,003

The following table shows for each of the last five years the number of offences for which persons were arrested or summoned, summarily convicted, discharged by magistrates, or committed for trial; also the number per 10,000 of the population.

VICTORIA—DISPOSAL OF ARREST AND SUMMONS CASES, 1937 TO 1941.

Year.	Total.	Summarily Convicted.	Discharged by Magistrates.	Committed for Trial.
1937	74,222	64,772	7,905	1,545
1938	79,056	68,841	8,199	2,016
1939	82,858	72,186	8,895	1,777
1940	86,287	75,712	9,032	1,543
1941	77,003	67,520	8,083	1,400
Number per 10,000 of Population.				
1937	399·9	349·0	42·6	8·3
1938	423·3	368·6	43·9	10·8
1939	440·3	383·6	47·3	9·4
1940	455·0	399·1	47·6	8·1
1941	394·0	345·5	41·3	7·2

NOTE.—The convictions in respect of drunkenness include those cases in which offenders were discharged by magistrates on a first appearance. Prior to 1936 such cases were not treated as convictions.

Children's Courts. The jurisdiction of Children's Courts is limited to children under the age of seventeen years. In 1939, the office was re-organized and the appointment was made of a Stipendiary Special Magistrate with jurisdiction throughout the State. He has the assistance of two Stipendiary Probation Officers who investigate problem cases which come before the Court. A clinic has been established for the purpose of dealing with cases referred to it by the Court.

The table which follows shows the number of cases which were disposed of in Children's Courts during the year 1941.

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF, 1941.

Nature of Offence.	Total.	Summarily Disposed of—				Committed for Trial.	
		Convicted.		Dismissed, Withdrawn, Struck Out.		M.	F.
		M.	F.	M.	F.		
Against the Person—							
Assaults	70	54	..	13	3	..	..
Others	4	4	..	..	..	..	..
Total	74	58	..	13	3	..	..
Against Property—							
Larceny, &c.	3,383	2,765	102	487	26	3	..
Wilful Damage	185	141	4	40	..	..	..
Others	261	233	5	23	..	..	..
Total	3,829	3,139	111	550	26	3	..
Against Good Order—							
Drunkness	10	7	1	2	..	..	..
Others	249	175	23	46	5	..	..
Total	259	182	24	48	5	..	..
Other Offences, &c.—							
Traffic Offences	589	495	30	62	2	..	..
Other Offences	240	169	8	62	1	..	..
Neglected Children	527	192	149	106	80	..	..
Total	1,356	856	187	230	83	..	..
Grand Total	5,518	4,235	322	841	117	3	..

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

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF
1938 TO 1942.

Nature of Offence.	1938.	1939.	1940.	1941.	1942.
Against the Person—					
Assaults	98	65	60	70	82
Others	2	3	10	4	11
Against Property—					
Larceny, &c.	3,249	3,076	3,031	3,383	3,865
Wilful Damage	210	128	136	185	146
Others	36	73	114	261	296
Against Good Order—					
Drunkenness	5	5	9	10	25
Others	165	244	234	249	278
Traffic Offences	1,162	862	589	589	731
Other Offences	627	425	346	240	240
Neglected Children	697	610	558	527	604
Total	6,251	5,491	5,087	5,518	6,278
Summarily Convicted	5,394	4,585	4,232	4,557	5,414
Summarily Dismissed, &c. ..	851	905	852	958	860
Committed for Trial	6	1	3	3	4

The following statement gives particulars of the manner in which the cases in the Children's Courts were disposed of by magistrates in 1941 and 1942.

VICTORIA—CHILDREN'S COURTS: CASES, HOW DEALT WITH

How dealt with.	During 1941.			During 1942.		
	Males.	Females.	Total.	Males.	Females.	Total.
Adjudged for period without probation	1,165	89	1,254	1,423	85	1,508
Released on probation	1,194	60	1,254	1,370	79	1,449
Committed to care of Children's Welfare Department	314	109	423	473	142	615
Committed to reformatory	73	1	74	96	..	96
Committed to care of a private person or institution	7	7	14	12	8	20
Fined	684	35	719	851	75	926
Released under Section 356 of <i>Crimes Act 1928</i>	4	..	4	12	..	12
Dismissed on payment of costs or damages or both	105	3	108	46	13	59
Discharged upon surety	23	5	28	27	1	28
Sentenced to term of imprisonment ..	4	1	5	3	..	3
Sentenced to imprisonment, the execution of which has been suspended	66	3	69	58	4	62
Convicted and discharged	352	4	356	413	13	426
Discharged with a caution	233	4	237	146	6	152
Otherwise dealt with	11	1	12	54	4	58
Summarily Convicted	4,235	322	4,557	4,984	430	5,414
Summarily Dismissed, &c. ..	841	117	958	725	135	860
Committed for Trial	3	..	3	4	..	4
Grand Total	5,079	439	5,518	5,713	565	6,278

Children's
Courts—pro-
bation cases.

In the following table particulars are given of the cases in which children were released on probation by magistrates in Children's Courts during the last five years.

VICTORIA—CHILDREN'S COURTS : PROBATION CASES,
1938 TO 1942.

Year.	Cases Released on Probation.	Results of Probation.		
		Satisfactory.	Fair.	Unsatisfactory.
1938	1,743	% 86	% 5	% 9
1939	1,401	90	4	6
1940	1,291	82	8	10
1941	1,254	81	9	10
1942	1,449	81	9	10

Arrest cases
summarily
disposed of by
magistrates.

The following is a statement of the arrest cases summarily disposed of by magistrates during 1941.

VICTORIA—ARREST CASES SUMMARILY DISPOSED OF
BY MAGISTRATES, 1941.

Sentence.	Males.	Females.	Total.
Fines paid	5,213	550	5,763
Imprisonment for—			
Under 1 month	3,937	648	4,585
1 month and under 6 months	1,234	180	1,414
6 months and under 12 months	222	16	238
1 year and under 2 years	21	..	21
2 years .. ..	..	..	..
Admonished	5,396	677	6,073
Ordered to find bail or sentence sus- pended on entering surety	421	104	525
Sent to Reformatory Schools, &c.	193	13	206
Otherwise dealt with	287	41	328
Total Convicted	16,924	2,229	19,153
Dismissed, Withdrawn, Struck Out	1,674	308	1,982
Total summarily disposed of	18,598	2,537	21,135

Committals for trial—convictions. The following table shows the offences of distinct persons who were convicted in the Supreme Court and in Courts of General Sessions during 1941. Where a person was charged with more than one offence, the principal offence only has been counted.

VICTORIA—COMMITTALS FOR TRIAL, DISTINCT PERSONS CONVICTED, 1941.

Offence.	Males.	Females.	Total.
Against the Person—			
Murder	1	..	1
Manslaughter	3	..	3
Wounding or inflicting grievous bodily harm, &c.	16	1	17
Rape and other offences against females	52	..	52
Unnatural offences	36	..	36
Bigamy	16	5	21
Assault	9	..	9
Demanding money with menaces ..	1	..	1
Other	3	3	6
Against Property—			
Robbery and Stealing from the Person..	23	2	25
Burglary, Housebreaking, &c. ..	247	5	252
Stealing Horses, Cattle, and Sheep ..	8	..	8
Other Larceny	131	8	139
Embezzlement	13	..	13
Fraud and False Pretences	20	1	21
Receiving	38	7	45
Arson, Incendiarism	9	..	9
Other	6	..	6
Forgery and offences against the Currency	13	3	16
Other offences—			
Perjury and Subornation	7	1	8
Effecting a Public Mischief	4	..	4
Conspiracy	7	..	7
Breaches of <i>Registration of Births, Deaths, and Marriages Act 1928</i>	1	..	1
Other	5	..	5
Total	669	36	705

Drunkness. The number of persons and the number per 1,000 of the population arrested or summoned for drunkness during the last five years are given hereunder.

VICTORIA—PERSONS ARRESTED OR SUMMONED FOR DRUNKENNESS, 1937 TO 1941.

Year.	Number of Persons—			Number per 1,000 of Population.
	Arrested.	Summoned.	Total.	
1937	10,409	24	10,433	5·62
1938	11,282	29	11,311	6·06
1939	11,577	32	11,609	6·17
1940	11,590	29	11,619	6·12
1941	12,035	29	12,064	6·17

The continuity of the above statistics has not been materially affected by the alteration in the method of tabulation referred to on page 140.

Drunkness — Comparison with previous years.

If the amount of drunkness in proportion to population, as measured by the number of arrests therefor, be represented as 100 for the period 1874–78, the corresponding numbers for subsequent periods will show the comparative increase or decrease. These numbers are given in the following table:—

VICTORIA—DRUNKENNESS, 1874 TO 1941.

Period.	Index Number.	Period.	Index Number.
1874–78	100	1918–22	32
1879–85	88	1923–27	41
1886–92	106	1928–32	30
1893–97	65	1933–37	36
1898–1902	84	1938	41
1903–07	77	1939	42
1908–12	68	1940	42
1913–17	59	1941	42

A considerable decrease in drunkness is shown for the five years 1893–97, which was a period of general depression, followed by an increase in the subsequent five-yearly period. A similar trend is

shown, for the depression years 1928-32 and subsequent years. In the middle of the year 1915, an Act was passed reducing the number of hours during which alcoholic liquors could be sold in hotels, and a further reduction was made in the following year. This possibly accounts for the marked decrease in the number of arrests for drunkenness in the period immediately following.

Young persons charged with drunkenness. The accompanying table shows for the last five years the number of persons under 20 years of age arrested for drunkenness, and also the number arrested per 100,000 of the population under that age.

VICTORIA—ARRESTS OF PERSONS UNDER 20 YEARS OF AGE CHARGED WITH DRUNKENNESS, 1937 TO 1941.

Year.	Number.	Number per 100,000 of the Population under 20 years of age.
1937	108	16·72
1938	95	14·05
1939	126	19·24
1940	142	21·52
1941	126	18·69

REGULATION OF LIQUOR TRADE.

Licences Reduction Board. Information relating to the nature of the duties of and the powers vested in the Licences Reduction Board is given in the *Year-Book* for 1915-16, page 476, and in that for 1928-29, page 213.

To 31st December, 1941, 1,844 hotels had been closed by the Board or had surrendered their licences. Of these hotels 530 were located in metropolitan districts, and the compensation paid in respect thereof amounted to £581,662, or an average of £1,097 each. Of the 1,314 hotels closed in country districts, compensation amounted to £696,899—an average of £530 each. The total sum paid in compensation in all districts of the State was £1,278,561, or an average of £693 for each hotel.

In addition to the above closings, the following have been deprived of their licences as a result of the local option poll held on 21st October, 1920:—5 spirit merchants, 4 grocers, 1 club, and 4

Australian wine licensees. The amount of compensation awarded was £550. Since 1922, 10 grocers' and 94 Australian wine licences have been taken away, for which compensation to the amount of £19,636 has been awarded.

Improvement and extension of licensed accommodation. A section of the Board's work which has grown rapidly in extent and importance since 1922 is the consideration given to enforcing improvement in the type of structure and in the class of accommodation of licensed houses.

Since 1922 plans have been passed by the Board for new and improved licensed premises, the estimated cost thereof being £6,074,240 exclusive of the cost of sewerage and new equipment.

Number of hotels. The return given hereunder shows the number of hotels, including roadside licences, in Victoria in 1885, 1906 and certain subsequent years, and the average number of persons to each hotel in those years. The years 1885 and 1906 have been selected because in those years important alterations were made in the liquor licensing laws.

VICTORIA—NUMBER OF HOTELS, 1885 TO 31ST DECEMBER, 1941.

Year.	Estimated Population.	Number of Hotels.*	Average Number of Persons to each Hotel.
1885	969,200	4,339	223
1906	1,219,832	3,520	347
1930	1,792,605	1,803	994
1931	1,803,570	1,781	1,013
1932	1,813,387	1,770	1,025
1933	1,824,479	1,759	1,037
1934	1,837,490	1,749	1,051
1935	1,843,023	1,744	1,057
1936	1,851,593	1,725	1,073
1937	1,859,487	1,711	1,087
1938	1,873,760	1,706	1,098
1939	1,887,356	1,700	1,110
1940	1,918,774	1,691	1,135
1941	1,952,152†	1,683	1,160
1942	‡	‡	‡
Increase, 1885 to 31st December, 1941 ..	982,952	..	937
Decrease, 1885 to 31st December, 1941..	..	2,656	..

* Including Roadside Licences.

† Subject to Revision.

‡ Not available.

While the population since 1885 has increased by 104 per cent. the number of hotels has decreased by 61 per cent. The average number of persons to an hotel is now 420 per cent. more than it was in that year. During the period 1885 to 31st December, 1941, 227 hotels were closed as the result of local option polls, 1,844 were deprived of or surrendered their licences, and 664 were closed voluntarily. During the period 1907 to 31st December, 1941, 79 new licences were granted.

The revenue for the year ended 30th June, 1942, amounted to £340,699. The amounts received from the various sources were :—Licences, certificates, &c., £317,095 ; interest on investments, £10,982 ; fees and fines, £12,557 ; and miscellaneous, £65. The expenditure which totalled £340,669 consisted of the following items :—Annual payments to municipalities, £59,192 ; compensation, £18,120 ; transferred to Police Superannuation Fund under section 311 of Act No. 3717, £23,000 ; transferred to revenue under section 312 of Act No. 3717, as amended by Act No. 4757, £220,878 ; and salaries, expenses, &c., £19,509. The amount at credit of the fund at 30th June, 1942, was £410,976, of which £341,000 was invested.

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 various legislative enactments, which from time to time have curtailed such trading hours, are given in the *Year-Book* for 1935-36, page 110.

A statement, giving particulars of the provisions of the Local Option Acts of 1920 and 1922 appears in the *Year-Book* for 1928-29, pages 211 and 212.

Particulars relating to the Local Option Poll, held on 21st October, 1920, are given in the *Year-Book* for 1928-29, page 211.

* Under National Security Regulations, the hours in Metropolitan Electoral District made 10 a.m. to 6 p.m.

**Hotels closed
by local
option.**

During the period 1885 to 1938, compensation paid to the 227 hotels closed as the result of local option polls amounted to £224,870, or an average of £990 for each hotel. This sum was provided partly out of the Licensing Fund, and, when this was insufficient for the purpose, out of Consolidated Revenue.

**Licensing
polls 1930
and 1938.**

On the 29th March, 1930, a Referendum, called a Licensing Poll, was conducted under Part XIV. of the *Licensing Act* 1928 (as amended) to determine whether or not licences should be abolished throughout Victoria. The Act provides that the resolution shall be carried if three-fifths at least in number of the votes given is in favour of the resolution. The poll was State-wide, and was the first of the octennial polls provided for by the *Licensing Act* of 1922 (now incorporated in the *Licensing Act* 1928). A similar poll was held on the 8th October, 1938. Particulars relating to the number of votes recorded at each of these polls appears in the *Year-Book* for 1939-40, page 71.

**Consumption
of beer.**

The estimated quantity of beer consumed in Victoria in each of the last five years was as follows:—

CONSUMPTION OF BEER IN VICTORIA, 1937-38 TO 1941-42.

Year.	Quantity of Beer Consumed.	Per head of Population.
	gallons.	gallons.
1937-38 ..	23,099,800	12·41
1938-39 ..	23,555,700	12·56
1939-40 ..	24,524,500	12·97
1940-41 ..	26,364,500	13·90
1941-42 ..	27,288,500	13·96

GAOLS AND PRISONERS

Gaols and
prisoners.

In Victoria there are five gaols and five reformatory prisons as set out hereunder. There are also sixty-seven police gaols which are used for the detention of prisoners undergoing short sentences. The following statement contains information (other than for police gaols) for the year 1941 in regard to the accommodation for prisoners, the daily average number in confinement, the number received during the year, and the number in confinement at the end of the year.

VICTORIA—GAOL ACCOMMODATION AND PRISONERS, 1941.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received (including transfers).		In Confinement at end of year. (a)	
	Males.	Females	Males.	Females	Males.	Females	Males.	Females
Pentridge ..	908	83	627·6	49·7	4,968	859	583	41
Pentridge Reformatory Prison	64	3	61·2	·3	140	..	64	..
Ballarat Gaol ..	66	18	25·2	..	201	..	17	..
Beechworth Reformatory Prison	78	..	53·1	..	31	..	49	..
Castlemaine Reformatory Prison	91	..	63·2	..	94	..	61	..
Cooriemungle Prison Camp	32	..	29·9	..	69	..	31	..
Geelong Gaol ..	179	..	106·1	..	377	..	95	..
Geelong Reformatory Prison ..	21	..	4·0	..	4	..	..	..
McLeod Settlement Reformatory Prison ..	52	..	47·6	..	39	..	46	..
Sale Gaol ..	26	9	5·1	..	55	..	3	..
Total ..	1,517	113	1,023·0	50·0	5,978	859	949	41

(a) Including 45 males and 6 females awaiting trial.

The number of prisoners received at and discharged from the gaols and reformatory prisons (excluding police gaols) in Victoria is given in the following table for the year 1941 :—

VICTORIA—PRISONERS RECEIVED AT AND DISCHARGED FROM GAOLS AND REFORMATORY PRISONS, 1941.
(Exclusive of Police Gaols.)

Classification.	Males.	Females.	Total.
Number in Confinement at 31st December, 1940—			
Convicted	998	48	1,046
Awaiting trial	43	2	45
Total	1,041	50	1,091
Received during 1941—			
Convicted of—			
Felony	1,233	109	1,342
Misdemeanour	2,471	543	3,014
Other offences	372	27	399
Transfers from—			
Other Gaols and Reformatory Prisons	541	..	541
Hospitals, Asylums, Reformatory Schools, &c.	47	..	47
For Trial, not subsequently convicted	1,314	180	1,494
Total	5,978	859	6,837
Discharged during 1941—			
By remission of sentence	460	22	482
On expiration of sentence and payment of fines	3,456	651	4,107
Bailed to appeal	23	15	33
On bond from Court, Judge's Order, Attorney-General's Order, &c.	12	4	16
By special authority	13	4	17
On parole	164	1	165
Died	8	..	8
Executed	1	..	1
Deported	23	..	23
Absconded	10	..	10
Transfers to—			
Other Gaols and Reformatory Prisons	538	..	538
Hospitals, Asylums, Reformatory Schools, &c.	50	..	50
Unconvicted	1,312	176	1,488
Total	6,070	868	6,938
Number in Confinement at 31st December, 1941—			
Convicted	904	35	939
Awaiting trial	45	6	51
Total	949	41	990

The following table shows the number of prisoners under sentence at the end of each of the last ten years.

VICTORIA—PRISONERS UNDER SENTENCE, 1932 TO 1941.

At 31st De- cember.	Males.	Females.	Total.	Number per 10,000 of Popula- tion.	At 31st De- cember.	Males.	Females.	Total.	Number per 10,000 of Popula- tion.
1932	1,275	64	1,339	7·38	1937	955	34	989	5·32
1933	1,297	50	1,347	7·38	1938	1,043	41	1,084	5·71
1934	1,191	34	1,225	6·67	1939	1,107	37	1,144	6·06
1935	1,118	41	1,159	6·29	1940	998	48	1,046	5·45
1936	1,057	37	1,094	5·91	1941	904	35	939	4·82

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 1931 inclusive, and in each of the last five years. The rate per 10,000 of the population aged fifteen years and over was, in 1941, 48 per cent. less than in 1901, and 22 per cent. less than the yearly average in the quinquennial period 1927-31.

VICTORIA—DAILY AVERAGE NUMBER OF PRISONERS
IN CONFINEMENT, 1871 TO 1941.

Year.	Daily Average Number of Prisoners in Confinement.			Number per 10,000 of Population, aged 15 years and over.		
	Males.	Females.	Total.	Males.	Females.	Total.
1871 ..	1,345	274	1,619	54·77	15·46	38·30
1881 ..	1,294	304	1,598	45·25	12·35	30·03
1891 ..	1,550	350	1,900	38·78	10·07	25·43
1901 ..	951	200	1,151	23·92	5·06	14·53
1911 ..	713	100	813	15·73	2·16	8·87
1921 ..	741	54	795	14·56	·98	7·40
1931 ..	1,391	50	1,441	22·59	·78	11·43
1937 ..	1,072	41	1,113	15·94	·58	8·10
1938 ..	1,084	45	1,129	16·02	·64	8·16
1939 ..	1,193	49	1,242	17·50	·69	8·91
1940 ..	1,128	53	1,181	16·47	·74	8·41
1941 ..	1,023	50	1,073	14·53	·68	7·48

Indeterminate sentences.

The Indeterminate Sentences Act came into force on 1st July, 1908. It is now incorporated in the *Crimes Act* 1928. The 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 to minors.

The Board was appointed on 18th August, 1908. A statement of its chief functions appears in the *Year-Book* for 1929-30, pages 106 to 108.

The number of prisoners under indeterminate detention on 30th June in each of the last five years was as follows :—

**VICTORIA—PRISONERS UNDER INDETERMINATE
DETENTION, 1937-38 TO 1941-42.**

Name of Reformatory Prison.	Year Ended 30th June.				
	1938.	1939.	1940.	1941.	1942.
Pentridge Reformatory Prison	56	71	73	59	46
Beechworth Reformatory Prison	59	52	65	55	43
Castlemaine Reformatory Prison	100	90	97	58	70
Geelong Reformatory Prison	16	10	6	6	..
McLeod Settlement, French Island	48	50	49	47	52
Total	279	273	290	225	211

Probation officers to supervise first offenders released by the courts on recognizance under the provisions of the *Crimes Act* 1928 are appointed by the Governor in Council on the recommendation of the Board. A number of persons connected with religious and philanthropic organizations have been appointed to the office, which is honorary.

From 1st July, 1908, to 30th June, 1942, admissions to the several reformatories totalled 4,688 (4,639 males and 49 females). Particulars of those released on parole or probation (inclusive of cases released more than once) and of those otherwise dealt with during the same period are given hereunder :—

Heading.	Number.	Per Cent.
Reconvicted or returned to prison	1,702	36·69
Probation satisfactorily completed	1,935	41·71
Still on parole or probation	400	8·62
Deaths—		
In institutions	26	0·56
On parole or probation	26	0·56
Escapes*	178	3·83
Released by Special Authority, deported, &c. ..	161	3·49
In institutions at 30th June, 1942	211	4·54
Total admissions to 30th June, 1942 ..	4,639	100·00

* Of 178 who escaped, 158 were subsequently recaptured.

POLICE PROTECTION.

Numerical strength of Police Force in Victoria.

The following table shows the numbers in the various ranks of the police force in Victoria on 31st December, 1942.

VICTORIA—POLICE FORCE, CLASSIFICATION AND NUMERICAL STRENGTH AT 31ST DECEMBER, 1942.

Designation.	Number.		
	Metropolitan.	Country.	Total.
<i>Foot.</i>			
Chief Commissioner	1	..	1
Superintendents	3	7	10
Inspectors	8	6	14
Sub-Inspectors	18	8	26
Sub-Inspectors (brevet rank)	1	..	1
Sergeants, First class	29	15	44
Sergeants, Second class	40	12	52
Senior Constables	167	75	242
Senior Constables (brevet rank)	2	..	2
First Constables	614	371	985
Constables	568	95	663
Total	1,451	589	2,040
<i>Detectives.</i>			
Superintendent	1	..	1
Inspector	2	..	2
Sub-Inspectors	4	..	4
Sub-Inspectors (brevet rank)	1	..	1
Sergeants, First class	4	..	4
Sergeants, Second class	4	..	4
Senior Detectives	22	2	24
First Detectives	69	13	82
Detectives	23	..	23
Total	130	15	145
<i>Mounted.</i>			
First Constables	14	85	99
Constables	9	25	34
Total	23	110	133
Grand Total	1,604	714	2,318

The above particulars include 12 police-women, and 40 members with Defence Forces, but exclude 26 recalled police pensioners, 31 members of the Victoria Police Women's Auxiliary, 4 members of the Police Auxiliary Force, 3 matrons, and 1 black tracker.

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 each of the last ten years.

VICTORIA—POLICE FORCE, NUMERICAL STRENGTH,
1933 to 1942.

Year.	Total Strength including Police-women.	Number of Inhabitants to each Police-officer.	Year.	Total Strength including Police-women.	Number of Inhabitants to each Police-officer.
1933	2,148	849	1938	2,271	825
1934	2,170	847	1939	2,313*	816
1935	2,247	820	1940	2,319†	827
1936	2,289	809	1941	2,327*	838
1937	2,280	815	1942	2,318	855

* Including members with Defence Forces but excluding recalled Police Pensioners.
† Excluding members with Defence Forces and Police Pensioners.

Expenditure on police, gaols, &c.

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 last five years.

VICTORIA—EXPENDITURE ON POLICE AND GAOLS,
1937-38 TO 1941-42.

Year ended 30th June.	Amount Expended (exclusive of Pensions) on—					Amount per Head of Population.
	Maintenance, &c.		Buildings and Rents		Total.	
	Police.	Gaols and Penal Establishments.	Police.	Gaols and Penal Establishments.		
1938 ..	£ 777,953	£ 117,850	£ 39,011	£ 4,490	£ 939,304	s. d. 10 1
1939 ..	780,068	119,254	35,665	7,101	942,088	10 1
1940 ..	799,450	122,260	32,527	9,306	963,543	10 2
1941 ..	800,071	129,550	32,143	6,264	968,328	10 2
1942 ..	813,010	136,193	30,557	5,875	985,635	10 1

Executions. During the thirty-seven years ended with 1942 there were only fourteen 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, and one in 1941. Since the first settlement of Port Phillip in 1835, 182 criminals (178 males and 4 females) have been executed within the State on account of the following offences:—Murder, 142; attempted murder, 17; robbery with violence, 9; burglary and wounding, 1; sexual offences, 12; and arson 1.

Inquests. The number of inquest cases in Victoria during each of the last five years is given in the following table:—

VICTORIA—INQUESTS, 1938 TO 1942.

Year.	Inquests into the Deaths of—			Total Persons per 1,000 Deaths.
	Males.	Females.	Total Persons.	
1938	1,234	535	1,769	93·3
1939	1,346	630	1,976	98·0
1940	1,190	509	1,699	83·7
1941	1,139	568	1,707	83·2
1942	1,386	577	1,963	89·3