

LAW, CRIME, ETC.

THE HIGH COURT OF AUSTRALIA.

The Commonwealth Constitution (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, 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; and 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 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 which could on 1st January, 1901, be heard by 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 mandamus prohibition or 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; of admiralty and maritime jurisdiction; or relating to the same subject-matter claimed under the laws of different States; 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.

**Common-
wealth
Judiciary
Acts
1903-07.**

In pursuance of the powers conferred upon it by the Constitution, and within the limits thereof 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. District registries in each other State are 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 and prohibition 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; Part X. of criminal jurisdiction, and Part XI. contains supplementary provisions, dealing with appearance of parties, application of laws, venue, and rules of court.

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 established. 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 either 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.

Supreme
Court civil
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 1907, five judges, viz., a Chief Justice and four Puisne Judges.

The following is a statement of Supreme Court business during 1891, 1895, and the last five years:—

SUPREME COURT CIVIL CASES, 1891 TO 1907.

Year.	Writs of Summons.		Causes Entered for Trial.	Causes Tried.	Verdicts for—		Amount Awarded.
	Number Issued.	Amount Claimed.			Plaintiff.	Defendant.	
		£					£
1891 ..	5,744	304,377	479	247	119	64	57,713
1895 ..	2,115	140,292	254	187	101	33	41,487
1903 ..	770	148,516	172	122	54	40	11,135
1904 ..	767	129,361	159	98	36	19	5,513
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

Decline in
litigation.

The decline in litigation in the Supreme Court since 1891, to which attention was directed in previous issues of this work, still continues. In 1907, the writs issued were about one-tenth; the amount sued for was less than one-fifth; and the causes which actually came to trial were only one-fourth of the number in 1891. Notwithstanding the decrease in litigation, the census of 1901 showed the number of barristers and solicitors as 820, an increase of 90 over the number as shown at 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.

The number of criminal cases tried in the superior courts, viz., the Supreme Court and 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 follow:—

Criminal cases in superior courts.

CRIMINAL CASES — SUPREME COURT AND GENERAL SESSIONS, 1890 TO 1907.

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	462	3.90
1900 ...	652	451	3.78
1903 ...	696	475	3.93
1904 ...	605	398	3.30
1905 ...	758	454	3.74
1906 ...	623	397	3.24
1907 ...	36	392	3.14

This statement shows that there has been a fall in 1907 as compared with 1890 of 34 per cent. in the total number of criminal cases tried in the higher courts, and of 40 per cent. in the number of convictions.

County Courts have a jurisdiction both in equity and common law cases, limited to £500; and to try 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. In 1907, there were 107 sessions lasting 348 days held in 44 places. Particulars of litigation in 1891, 1895, and the last five years are as follow:—

County Courts business.

COUNTY COURT CASES, 1891 TO 1907.

Year.	Number of Cases tried.	Amount sued for.	Amount awarded.	Costs awarded to—	
				Plaintiff.	Defendant.
		£	£	£	£
1891	9,947	293,073	115,199	14,006	7,263
1895	1,361	219,285	73,091	7,256	5,514
1903	584	126,670	42,004	3,923	2,923
1904	553	144,405	52,059	4,612	2,644
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

The number of cases tried continues below the average of ten years ago. The number in 1907 was higher than in any preceding year since 1900, but only one-sixteenth of that in 1891; but the amount sued for and awarded, and 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.

Petty
Sessions
civil
business.

Courts of Petty Sessions were held at 234 places in Victoria in 1907 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, or restitution of goods, where the amount in dispute does not exceed £50. Particulars of such cases heard during a series of years are as follow:—

COURTS OF PETTY SESSIONS: CIVIL CASES, 1891 TO 1907.

Year.	Cases heard.	Amount claimed.	Amount awarded.
		£	
1891	33,030	210,255	144,158
1895	30,609	168,143	138,722
1903	22,012	126,051	107,502
1904	22,046	133,560	116,757
1905	26,393	142,673	121,525
1906	25,320	145,847	123,625
1907	26,255	147,044	123,732

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 1907, 557 appeals against municipal ratings, 752 maintenance cases, 445 fraud summonses against debtors, 10,672 electoral revision cases, 5,840 licences and certificates, and 1,553 miscellaneous cases were heard, and 451 persons alleged to be lunatics were examined. There has been a large decrease in the civil cases heard before magistrates and in the aggregate amount claimed and awarded since 1891; but since 1900 there has been an increase under each of the three headings.

Probates
and letters
of adminis-
tration.

As compared with 1906, there has been a moderate increase in the number of probates and letters of administration issued, and in the value of property devised and bequeathed. There must, however, naturally be large differences in the aggregate value of property left in different years on account of the falling in of one or several very large estates during certain years. This matter is dealt with

more fully over a long series of years in part "Accumulation" of this work. The following information is furnished for the last five years:—

PROBATES AND LETTERS OF ADMINISTRATION, 1903 TO 1907.

Year.	Probates.		Letters of Administration.		Both.	
	Number.	Property sworn under—	Number.	Property sworn under—	Number.	Property sworn under—
1903 ...	2,527	£ 5,239,913	1,357	£ 834,164	3,884	£ 6,074,077
1904 ...	2,533	5,224,103	1,294	537,981	3,827	5,762,084
1905 ...	2,628	5,427,278	1,225	590,087	3,853	6,017,365
1906 ...	2,758	5,759,514	1,224	674,337	3,982	6,433,851
1907 ...	2,859	6,351,166	1,297	508,977	4,156	6,860,143

INSOLVENCIES.

The number of failures and the declared assets and liabilities during the last five years were:—

Insolvencies, &c.

INSOLVENCIES AND PRIVATE ARRANGEMENTS, 1903 TO 1907.

Year.	Insolvencies.			Private Arrangements.		
	Number.	Declared Liabilities.	Declared Assets.	Number.	Declared Liabilities.	Declared Assets.
1903 ..	505	£ 210,086	£ 84,611	194	£ 202,475	£ 164,481
1904 ..	462	387,882	138,301	164	158,267	124,266
1905 ..	570	235,773	74,673	174	179,310	98,673
1906 ..	517	231,828	81,144	175	126,499	102,323
1907 ..	448	196,879	53,849	133	115,057	94,913

The number of insolvencies was less, and the declared liabilities were smaller, in 1907 than in any of the four preceding years. Insolvencies are much below the average of some years ago. Thus the average number during the last five years was 500, and the declared liabilities £252,490, whereas during the ten years, 1879 to 1888, the average yearly number was 612, with declared liabilities, £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, £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.
1903 ...	476	29	505
1904 ...	436	26	462
1905 ...	536	34	570
1906 ...	485	32	517
1907 ...	431	17	448

Occupations
of insol-
vents.

In the following return will be found the occupations, in six classes, of those who became insolvent and 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 to the latter. The total number of insolvents does not include 169 whose occupations were not returned:—

OCCUPATIONS OF INSOLVENTS, 1903 TO 1907.

Occupation Groups.	Number of Breadwinners, Census, 1901.	Number of Insolvents, 1903 to 1907.	Proportion of Insolvents to every 1,000 Breadwinners.
Professional	35,224	166	4.71
Domestic	66,815	133	1.99
Commercial	79,048	857	10.84
Transport and Communication	31,516	296	9.39
Industrial	146,233	1,134	7.75
Primary Producers	165,147	587	3.55
Total	523,983*	3,173	6.06

* 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 any other class find it necessary to file their schedules or compound with their creditors.

The following figures show the results for each of the five years, 1903 to 1907:—

Occupation Groups.	Number of Insolvents during—				
	1903.	1904.	1905.	1906.	1907.
Professional	35	29	43	40	19
Domestic	26	24	30	21	32
Commercial	186	175	172	188	136
Transport and Communication	71	44	55	81	45
Industrial	201	210	272	230	221
Primary Producers	134	114	131	105	103
Indefinite	46	30	41	27	25
Total	699	626	744	692	581

DIVORCE.

Divorce, &c.

Under the Divorce and Matrimonial Causes Act, passed in 1861, 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 follow:—

- (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. The number of petitions and decrees for dissolution of marriage and judicial

separation during the last five years, also the divorces per 10,000 married couples living, were as follow:—

DIVORCES AND JUDICIAL SEPARATIONS, 1903 TO 1907.

Year.	Petitions for—		Decrees for—		Divorces per 10,000 Married Couples.
	Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.	
1903	199	1	101	...	5.60
1904	175	3	140	1	7.77
1905	188	3	136	1	7.52
1906	172	4	123	2	6.67
1907	182	4	134	...	7.09

Since jurisdiction was first conferred upon the Supreme Court of Victoria in matters matrimonial in 1861, 2,123 decrees for dissolution of marriage, and 89 decrees for judicial separation have been granted. Of these, 1,775 and 18 respectively were granted since 1890; that is, 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 104 decrees per annum for dissolution of marriage were granted, but the decrees for judicial separation have decreased to about one per annum.

The grounds on which divorces (*i.e.*, *Decrees Nisi*) were granted during 1907 were:—

Desertion	...	...	...	84
Adultery	...	...	...	37
Desertion and adultery	...	...	...	7
Habitual drunkenness	...	...	...	5
Sentences for crime	...	...	...	1

Total 134

The following were the petitions and decrees for divorce in the Australian States and New Zealand during 1906, also the divorces per 10,000 married couples living:—

DIVORCES IN AUSTRALIAN STATES AND NEW ZEALAND, 1906.

State.	Petitions for—		Decrees for—		Divorces per 10,000 Married Couples.
	Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.	
Victoria	172	4	123	2	6.67
New South Wales	264	25	174	10	7.87
Queensland	20	3	12	3	1.96
South Australia	14	1	3	1	.69
Western Australia	28	1	18	...	4.28
Tasmania	11	...	5	...	1.86
Dominion of New Zealand	207	7	151	1	10.60

Grounds of divorce.

Divorce in Australia and New Zealand.

The grounds of divorce are now substantially the same in Victoria and New South Wales, and 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.

LOTTERIES, GAMING AND BETTING ACT.

Abuses having sprung up with regard to totalizators, betting clubs, and street betting, which the existing law had proved inadequate to effectively deal with, an amending Act was passed in 1906 by the State Parliament. This measure, Act No. 2055, which also regulates the procedure of racing clubs, has already had a good effect, and its principal provisions are as follow :—

*Lotteries,
Gaming,
and Betting
Act 1906.*

LOTTERIES.

It is unlawful to print, publish, or exhibit in any newspaper or on any placard any information relating to an illegal lottery, managed in Victoria or elsewhere, or to print any ticket, chance, or share in any illegal lottery, or to sell, circulate, or exhibit any newspaper containing any information concerning such. To buy or sell an illegal lottery ticket is an offence, and placards and notices referring thereto are prohibited. Parcels must not be forwarded to promoters of illegal lotteries.

It is not necessary in order to secure a conviction to prove that Chinese lottery tickets referred to any particular lottery, or that any lottery has been or will be drawn. All lottery houses are declared to be common gaming houses.

GAMING.

A "place" for gaming is defined to be any place whether within a building or not, either upon land or water, and whether private property or otherwise. The police may arrest without warrant any person found gaming in the street or in a public place. "Two-up," or any similar game, and hazard, are declared unlawful games, and all betting houses or rooms used principally for the purpose of enabling persons to bet are deemed common gaming houses.

Betting on a licensed race-course during the holding of a race meeting is not a contravention of the Act.

Every person found in a common gaming house without lawful excuse is liable on conviction to a penalty of £5, and every person who acts or behaves as master or mistress of any house or office used for gaming is considered to be the occupier thereof, whether he or she is or is not the real owner or occupier. The maximum penalty on persons exhibiting placards or advertising betting houses is increased from £30 to £100, and in cases where imprisonment may be awarded the maximum term is increased from two to six months.

*Lotteries,
Gaming,
and Betting
Act 1906.*

Newspapers are not allowed to publish information regarding betting prior to any intended horse race, or any advertisement from any club or association containing such particulars. Advertising by tipsters and selling tips are offences, but a newspaper may publish a forecast of the probable result of any race provided it is not by way of advertisement or for valuable consideration. Betting placards and notices are not to be posted anywhere.

Section 57 of the *Police Offences Act 1890* is amended, so that all persons found in a common gaming house may be arrested, searched, and brought before the court, together with all money found upon their persons or in the premises.

The penalty on an owner or keeper of a gaming house for a first offence is £100 or not more than three months' imprisonment; for a second offence, £200 or not more than six months' imprisonment; and for any subsequent offence imprisonment for not more than twelve months.

TOTALIZATORS.

Any house or place where a totalizator is used or conducted is declared to be a common gaming house, and no person is allowed to act as agent for a totalizator. Laying totalizator odds or dealing in these tickets is unlawful. Hiring or lending any contrivance or premises for the purposes of gaming, and the wearing of disguises in or about gaming houses are offences.

COMMON GAMING HOUSES.

Any building or place where any unlawful game is carried on is to be deemed a common gaming house, notwithstanding that it is open only for the use of subscribers or members. Every owner and occupier of such house is guilty of an offence, unless proved ignorant of the use to which the premises were being put. The proprietor or occupier of any building or land used as a means of access or exit is also guilty of an offence.

Power is given to the owner of any premises or land who suspects that such are being used as a common gaming house (or as a means of access to or exit from) to take proceedings to determine the tenancy, the same as if it had expired by effluxion of time. The notice may be served personally on the occupier, but if he cannot be found, service may be effected by posting a copy of the notice on a conspicuous part of the premises. This notice may be cancelled by the Supreme Court on application by the occupier, and on proof that he has not allowed the house or place to be used for the purpose stated.

On the affidavit of an officer of police, showing reasonable grounds for suspecting that gambling is being carried on in any house or place, the Supreme Court may declare that it is a common gaming house. This declaration may be rescinded by the Supreme Court subject to restrictions, including the giving of security that it will not be used again for this purpose, on application by the owner, occupier, or by an officer of police. Publication of notice of declaration, and of

rescission, must be made in the *Government Gazette*. On the notice of declaration being made, an officer of police must notify the same on two days in a newspaper circulating in the neighbourhood, and also cause the notice to be served on the owner or occupier either personally, or if this cannot be done promptly, by affixing a copy of it at or near the entrance to the premises. Any person covering, removing, defacing, or destroying this notice may on conviction be fined £200, or be sentenced to six months' imprisonment; but the fact that it has been so dealt with will be no answer to any proceedings that may be taken.

*Lotteries,
Gaming,
and Betting
Act 1906.*

After publication of this notice any person found in, entering, or leaving these premises may without warrant be arrested by any member of the police force, and unless he can prove that he was ignorant of the declaration or had some lawful purpose in view, shall be deemed guilty of an offence. No business of any kind is allowed to be carried on in respect to any place against which the declaration is in force. In the case of convicted persons frequenting declared gaming houses the penalty is not less than £5 nor more than £25, or imprisonment for any term not less than fourteen days or more than twelve months. Penalties are provided against both owner and occupier if the premises are used in contravention of the Act.

Whilst the declaration is in force, the police may at any time enter any land or building, break open doors and windows, seize any instruments of gaming or betting, money, or securities found therein, and arrest, search, and bring before a Court of Petty Sessions all persons found on the premises. Any person obstructing the police, or soliciting others to do so, is liable to a penalty of not less than £5 nor more than £50, or to imprisonment for a term of not less than seven days or more than three months.

PREMISES ADJOINING GAMING HOUSES.

Section 49 of the Act provides a penalty for permitting premises to be used as a means of access to or exit from any common gaming house. If there is reason to suspect that any person permits his premises to be so used, a special warrant may be obtained, authorizing any constable or peace officer to enter (whether by breaking open doors or otherwise), or to pass through, from, over and along such suspected place, seize all tables and instruments of gaming, and all money and securities, and arrest all persons found in, entering or leaving the premises, who may be fined not less than £1 or more than £5.

STREET BETTING.

The penalties for offences under the *Street Betting Suppression Act 1896* are altered by this Act, and are now as follow:—For a first offence, a fine of not less than £20 nor more than £100, or imprisonment for not less than fourteen days or more than three months; for a second offence, not less than £100 nor more than £200 or imprisonment for not less than three months or more than six months; and for any subsequent offence, imprisonment for not less than six months or more than twelve months.

*Lotteries,
Gaming,
and Betting
Act 1906.*

The word "thoroughfare" is to be taken to include any land, house, building, or premises along which the public pass from one street to another, whether by the permission or sufferance of the owner or occupier, and whether such passage is or is not at all times open or available to the public.

The fact that an infant making a wager or bet does so on behalf of another person, does not exempt the person making the wager with the infant from punishment.

RESTRICTIONS ON RACE MEETINGS.

All race-courses must be licensed, and no race meeting may be held except on a licensed race-course between the hours of ten o'clock before noon and seven o'clock in the evening.

No race meeting for horse races is to be held on any race-course within 20 miles from the General Post Office, Melbourne, on more days than that allowed in the licence, but not to exceed sixteen days in any one year, and on any other race-course on more than twelve days in a year.

No race meeting for pony races is to be held on any race-course within 20 miles from the General Post Office, Melbourne, on more than sixteen days in any one year, or if there are more than three such race-courses, the number of days for each race-course is not to exceed the quotient (omitting fractional parts) obtained by dividing the number 48 by the number of race-courses. If the race-course is outside the 20 miles Metropolitan radius, the number of days in any one year for pony race meetings is not to exceed four.

A limit of twenty meetings is imposed for trotting races held on any race-course within 20 miles of the General Post Office.

At any race meeting for horses, there may also be held on each day not more than two pony races or two trotting races, or more than one pony race and one trotting race.

At any race meeting for ponies there may also be held on each day not more than two horse races or two trotting races, or more than one horse race and one trotting race.

A pony race is defined to mean a race held under conditions limiting the height of any horse eligible to compete at 14 hands 2 inches, and a trotting race one in which each horse or pony competing moves at a gait generally known as pacing or trotting.

The number of days allowed in any licence for horse racing on any race-course must not exceed the number of days on which race meetings were held during the year ended 31st July, 1906, or if no races were run on a race-course during such year, the number of days allowed is not to exceed two.

With each application for a first licence for a race-course, the applicant must furnish the Chief Secretary with a map or plan showing the running course and the length thereof, and with any information regarding the accommodation afforded to the public required by the Regulations.

If any race meeting is held in contravention of the Act, the owner or trustees of the race-course, and the club, association, or person holding the meeting, and any person acting as steward, starter, or judge, are liable to a penalty not exceeding £500.

*Lotteries,
Gaming,
and Betting
Act 1906.*

The Chief Secretary may give permission to hold a race meeting not within 30 miles of the General Post Office notwithstanding anything contained in the Act, or a point-to-point steeplechase, on any land whatsoever, or a meeting for any charitable or special purpose, on any race-course, the number of these latter meetings not to exceed three for all race-courses in any one year.

The race-course licences, which are to be issued by the Chief Secretary, are to be drawn up in such form and on such terms and conditions as the Governor in Council may approve, and are to remain in force for twelve months from the date of issue. For each licence a fee of £1 is chargeable, and also an annual sum equal to 3 per cent. of the gross revenue from all sources received or derived from such race-course during the year ended the last day of July immediately preceding the year for which a licence is required. Where the gross revenue is less than £1,500, but more than £600, the annual sum payable is 2 per cent. thereof, and where the gross revenue is £600 or less, no percentage is to be charged. If the gross revenue is not ascertainable, or does not in the opinion of the Chief Secretary appear to be correctly stated, he is empowered to declare the annual sum to be paid for the licence.

Where it is found impossible or impracticable to hold any appointed meeting on any particular course, or where a racing, polo, or hunt club in existence on 1st August, 1906, which held race meetings for horses during the twelve months preceding this date, has no race-course in its own control, the Governor in Council may authorize the holding of race meetings on any specified race-course irrespective of the number of days on which in the licence race meetings are allowed to be held thereon.

The number of licences for race-courses situate within 40 miles of the General Post Office is not to exceed the number of race-courses so situate and in use for race meetings for the twelve months ended 1st August, 1906.

The number of licences for race-courses situate within 20 miles of the principal post office at Ballarat or Bendigo is not to exceed the number of race-courses so situate and in use for race meetings within the same twelve months.

MISCELLANEOUS.

Power is given to the committee or managing body of any racing club, with the approval of the Governor in Council, to make, alter, or rescind rules and regulations for—

- (a) The permitting of persons to carry on any business or vocation on any part of the race-course, and prescribing the terms and conditions under which they may do so. Provided that if the business be that of a bookmaker

it must be carried on in a place specially set apart for that purpose, and provided also that if such approved person bet with youths apparently under the age of 21 years, or with females, he is guilty of an offence.

- (b) The preventing of persons not so approved, or of persons offending against the rules or regulations, from carrying on business on the race-course and the removing of such persons therefrom.

No member of the police force or person acting under instructions from any police officer, is to be deemed an offender or accomplice in the commission of any offence against the Act.

When any premises or place is entered, the discovery therein or upon the person of any of those entering or leaving the same, of any instrument of gaming is *prima facie* evidence that the place is used unlawfully.

A married woman guilty of a contravention of any of the provisions of the Act is liable to punishment in all respects as if she were a *feme sole*.

If any person who has laid any information or complaint declines or neglects to prosecute, the court may authorize some other person to do so, or to take fresh proceedings in respect to the offence.

All prosecutions for offences under the Act are to be heard and determined by a Court of Petty Sessions, consisting of one or more Justices, one of whom must be a Police Magistrate. All tables and instruments of gaming, and all money and securities for money lawfully seized, may be forfeited to the Crown.

Every person who contravenes any of the provisions of this Act is guilty of an offence, and if no punishment is expressly provided, such person shall be liable for a first offence to a penalty of not less than £5 or more than £100, or to imprisonment for not less than seven days or more than three months; for a second offence, to a penalty of not less than £25 or more than £200, or to imprisonment for not less than one month or more than six months; and for any subsequent offence to imprisonment for any term not less than three months or more than twelve months.

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, who, if the matter is one which comes within their summary jurisdiction, dispose of the case summarily. If the offence is an indictable one, the magistrates hold a preliminary investigation and, if satisfied that a *prima facie* case is 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 is witnessed by the arresting constable; and by a summons. If at a coroner's inquest a verdict is returned for 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 any 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 *primâ facie* case 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.

INDETERMINATE SENTENCES ACT.

The Indeterminate Sentences Act, which was passed on the 3rd December, 1907, and which was fixed to come into force on the 1st July, 1908, makes great changes in the methods of dealing with habitual and other criminals. A board consisting of three members, to be called the Indeterminate Sentences Board, is to be constituted, whose duty it will be—

Indeter-
minate
Sentences
Act.

- (a) To make careful inquiry as to whether any persons detained in any reformatory prison are sufficiently reformed to be released on probation or whether there are any good and sufficient reasons for the release on probation of any persons so detained.
- (b) To consult with the Inspector-General of Penal Establishments, and to make careful inquiry as to whether pursuant to this Act any person should be transferred from a gaol to a reformatory prison.
- (c) To make recommendations to the Governor in Council as to the release on probation of any person detained in a reformatory prison, or with the concurrence of the Inspector-General of Penal Establishments as to any such transfer, setting forth in each case the reasons for the recommendation.

- (d) In making any recommendation as to such release to have regard to the safety of the public or of any individual or class of persons and the welfare of the person whom it is proposed to release.
- (e) To report to the Governor in Council as to any matters on which the Governor in Council may desire a report with regard to any such release on probation or the transfer of any person from gaol to a reformatory prison or from a reformatory prison to gaol.

When any person apparently of the age of 17 years or upwards is convicted of an indictable offence, and has been previously convicted on at least two occasions of any indictable offence, the Judge of the Supreme Court or the Chairman of the Court of General Sessions may declare that he is an habitual criminal, and direct as part of his sentence that on the expiration of the term of imprisonment then imposed upon him, he be detained during the Governor's pleasure in a reformatory prison.

If a person has been convicted of an indictable offence for the first time, the Judge of the Supreme Court or Chairman of the General Sessions, having regard to the antecedents, character, associates, age, and health of the person convicted, may direct that after the expiration of the sentence then imposed upon him he be sent to a reformatory prison, or without imposing any imprisonment upon him sentence him forthwith to be committed to a reformatory prison and to be there detained during the Governor's pleasure.

Power is given to a Judge of the Supreme Court or the Chairman of the Court of General Sessions to suspend the execution of the sentence on a first offender who has been convicted of an indictable offence or of an offence punishable upon summary conviction, and has been sentenced or adjudged to be imprisoned for a term not exceeding three years, having regard to the antecedents, character, associates, age, health, or mental condition of the offender, the trivial nature of the offence, and the extenuating circumstances under which it was committed.

A court of petty sessions presided over by a police magistrate in sentencing an offender to a term of not less than three months for an offence for which he has been twice previously convicted, may direct that before the completion of the term of imprisonment he be brought before some higher court, who after receiving proof of his previous convictions, may direct that on the expiration of the term, he be detained during the Governor's pleasure in a reformatory prison.

Any person confined in a gaol, not being a person sentenced under the provisions of this Act, may be transferred to a reformatory prison on the Indeterminate Sentences Board and the Inspector-General of Penal Establishments agreeing that it is desirable, and the Governor in Council giving the necessary authority.

Where the behaviour of a transferred prisoner is, in the opinion of the Board, injurious to the discipline of the reformatory prison, he may be returned to gaol, and the time spent in the reformatory prison will not count as part of the sentence.

Indeter-
minate
Sentences
Act.

No person transferred from a gaol to a reformatory prison is to be detained in the latter for any longer period than the unexpired residue of his sentence.

The Governor in Council may set apart any prison or other suitable place as a reformatory prison, or set apart any reformatory prison or any part thereof for the detention of habitual criminals or persons of any prescribed class.

Every person detained in a reformatory prison will be required to work at some trade or vocation, and a portion of the net proceeds arising from the sale or disposal of the products of his work will be credited to him, and the Indeterminate Sentences Board may allot a portion to the maintenance of his wife and family or of any person dependent on him.

Provision is made to release persons from reformatory prisons on probation, but the person so released must once at least in every three months during the period of probation report himself to the officer of the police at the place in which he was convicted, or at such other place as may be prescribed. This probationary period in the case of a person transferred from a gaol to a reformatory prison is for the unexpired portion of his sentence, and for all other prisoners for two years. If a released person fails to report his address and occupation at the times and in the manner required, or is proved to have been associating with thieves or criminals, or is convicted of any indictable offence, he may, on the completion of the term of imprisonment then imposed upon him, be recommitted to a reformatory prison at the Governor's pleasure. If, on the contrary, none of these events happen, he is deemed to have suffered in full the imprisonment to which he was originally sentenced.

The Inspector-General of Penal Establishments, in his report for 1907, states that the adoption of the indeterminate sentence, the establishment of reformatory prisons, and the system of probation for adults and minors, places our penal legislation in advance of that in other parts of the world, but that its success and usefulness will largely depend on the adequacy and efficiency of the machinery for giving effect to its provisions.

OFFENCES HEARD BY MAGISTRATES.

Prior to 1902, information relating to various offences has been 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, and the following are particulars of the different classes of offences in

Arrests and
summonses
for various
offences.

1907, distinguishing between arrests and summons cases, multiple charges against the same individual being each counted as an offence:—

ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1907.

Nature of Offence.	Number of Offences for which—		Total Offences Heard.
	Arrests were made.	Summonses were issued.	
Against the Person—			
Murder and attempts, manslaughter, shooting at, &c.	92	..	92
Assaults	639	752	1,391
Others	170	104	274
Against Property—			
Robbery, burglary, &c. ..	269	..	269
Larceny and similar offences ..	1,967	572	2,539
Wilful damage to property ..	262	253	515
Others	107	216	323
Against Good Order—			
Drunkenness	14,703	80	14,783
Others	5,549	6,093	11,642
Breaches of Licensing Act ..	..	2,574	2,574
Other Offences	574	27,364	27,938
Total	24,332	38,008	62,340

Of the 24,332 offences for which arrests were made, 1,653 were multiple charges, leaving the number of separate arrests, 22,679, of which 14,757 were summarily convicted, 7,405 were discharged, and 517 were committed for trial. Of the 38,008 summons cases, 31,974 were summarily convicted, 5,990 were discharged, and 44 were committed for trial. Of the total persons dealt with (60,687), the number summarily convicted was 46,731, 13,395 were discharged, and 561 were committed for trial.

Offences reported and undetected crimes.

Of the offenders who were reported as having committed offences in the four years ended 1906, 44 per cent. were summoned, 46 per cent. were arrested, and 10 per cent. had not been arrested at the end of the year in which the offence was reported; but in 1907, owing to the great increase in the number of summons cases, the rates were 57, 36, and 7 per cent. respectively. This increase in summons cases has arisen principally through prosecutions under the new Licensing and Pure Food Acts, and also on account of more parents being summoned for neglecting to send their children to school—the compulsory clauses of the Amending 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, 1903 TO 1907.

Offences in respect to which persons were—	1903.	1904.	1905.	1906.	1907.
Brought before magistrates on summons ...	24,207	23,614	22,290	25,430	38,008
Arrested by the police ...	23,711	25,510	25,470	24,583	24,332
Not arrested ...	6,593	5,533	5,144	4,540	4,416
Total ...	54,511	54,657	52,904	54,553	66,756

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 the occasion is the same. Of the offences in respect of which persons were not arrested, 93 per cent. were offences against property, 3 per cent. were offences against the person, and the balance, 4 per cent., were of a miscellaneous character.

The arrests of neglected children, which are excluded from this and the following tables, numbered 557 in 1903, 526 in 1904, 585 in 1905, 817 in 1906, and 1,121 in 1907.

Neglected children arrested.

The following are particulars of cases brought before magistrates, from which it will be seen that about 76 per cent. are generally summarily convicted, 23 per cent. discharged, whilst 1 per cent. are sent for trial to superior courts:—

Offences dealt with by magistrates.

ARRESTS AND SUMMONSES DEALT WITH BY MAGISTRATES, 1903 TO 1907.

Number of Persons.	1903.	1904.	1905.	1906.	1907.
Arrested or summoned ...	46,125	47,210	45,434	48,244	60,687
Discharged by magistrates ...	9,854	11,177	11,176	10,594	13,395
Summarily convicted or dealt with ...	35,640	35,469	33,656	37,066	46,731
Committed for trial ...	631	564	652	584	561

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.

CRIME AND DRUNKENNESS IN AUSTRALASIA.

Offences and drunkenness in Australia and New Zealand.

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. As previously pointed out, the latter consideration is one that must also be taken into account in comparing crime in recent years with previous periods when the population was very differently constituted in regard to sex and age. The returns of the States and Dominion of New Zealand do not afford sufficient data 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:—

CRIME IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND, 1890, 1895, 1900, AND 1903 TO 1906.

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
	1903	1,936	3,968	12,630	29,384	47,918
	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
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
	1903	3,869	7,368	21,837	35,032	68,106
	1904	3,658	6,829	20,440	35,110	66,037
	1905	3,684	6,553	24,154	32,975	67,366
	1906	3,685	5,998	22,568	37,520	69,771

* The particulars in this column have been revised since last publication, neglected children arrested by the police having been eliminated from the criminal returns of the States in which they were included, and New Zealand. As New South Wales and Queensland had already adopted this method, the figures for these States required no alteration.

CRIME IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND,
1890, 1895, 1900, AND 1903 TO 1906—*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
	1903	1,504	2,206	7,190	8,112	19,012
	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
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
	1903	338	664	2,340	2,805	6,147
	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
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
	1903	797	2,146	3,572	10,613	17,128
	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
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
	1903	284	553	526	4,600	5,963
	1904	245	659	580	4,074	5,558
	1905	229	754	539	5,552	7,074
	1906	194	627	459	5,111	6,391
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
	1903	8,728	16,905	48,095	90,546	164,274
	1904	8,388	14,637	47,739	88,775	159,539
	1905	8,474	15,363	51,660	84,964	160,461
	1906	8,205	14,089	50,620	92,585	165,499
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
	1903	1,303	3,138	8,872	17,236	30,549
	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

* The particulars in this column have been revised since last publication, neglected children arrested by the police having been eliminated from the criminal returns of the States in which they were included, and New Zealand. As New South Wales and Queensland had already adopted this method, the figures for these States required no alteration.

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 DOMINION OF NEW ZEALAND, 1890, 1895, 1900, AND 1903 TO 1906.

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
	1903	1·60	3·28	10·45	24·31
	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
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
	1903	2·72	5·19	15·39	24·70
	1904	2·54	4·74	14·17	24·35
	1905	2·50	4·44	16·39	22·37
	1906	2·44	3·97	14·94	24·85
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
	1903	2·93	4·30	14·02	15·82
	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
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
	1903	·92	1·81	6·39	7·65
	1904	·73	1·30	6·57	7·25
	1905	·66	1·24	6·30	7·16
	1906	·67	1·24	6·53	7·58
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
	1903	3·60	9·70	16·14	47·96
	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
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
	1903	1·60	3·11	2·96	25·91
	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

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH AUSTRALIAN STATE AND DOMINION OF NEW ZEALAND, 1890, 1895, 1900, AND 1903 TO 1906—*continued.*

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.
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
	1903	2.23	4.33	12.31	23.18
	1904	2.12	3.70	12.07	22.45
	1905	2.11	3.82	12.86	21.15
	1906	2.01	3.44	12.38	22.63
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
	1903	1.59	3.83	10.82	21.01
	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

Almost all serious crimes are either offences against the person or offences against property, the only serious crimes included under "Other Offences" being forgery, counterfeiting, and perjury, which are very few in number, being in Victoria in 1906, only 57 out of a total of 30,376 included under that category. A large proportion of these cases 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. They also include a large number of offences against good order, including insulting behaviour, vagrancy, &c. Comparison between the States of "Other Offences" is not of much value, on account of the differences in the laws of the States in these matters, and on account of the large proportion of these 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 Victoria and New Zealand, then Western Australia, New South Wales, and Queensland in that order.

A decrease, as compared with 1890, will also be noticed in the proportion of offences against property in all the Australian States and New Zealand. The decrease in respect of these offences is, however, not nearly so marked as that in respect of offences against the person. Offences against property are far less rife in South Aus-

Offences against the person.

Offences against property.

tralia than in any other State or New Zealand, Victoria coming next, followed by Queensland, Tasmania, New Zealand, and New South Wales, in that order. These crimes are far more rife in Western Australia than in any other State, although the proportion in excess would be considerably reduced if allowance were made for the large proportion 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.

In every Australian State there was a decrease in drunkenness cases before magistrates in 1906, 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 then follow New Zealand, Victoria, Western Australia, Queensland, and New South Wales, in that order. If allowance were made for the large proportion of adult males in Western Australia that State would be about equal to Victoria. In the latter State 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.

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, 1903 TO 1907.

Offences.	1903.	1904.	1905.	1906.	1907.
Murder and Attempts to Murder	7	24	15	10	20
Manslaughter	7	7	7	4	15
Shooting at or Wounding with intent to do Bodily Harm; Wounding, &c.	38	67	46	41	41
Assaults, Common and Aggravated Rape, Abduction, and Defilement of Females	638	570	576	612	546
Unnatural Offence and Assaults with intent	54	72	75	76	82
Other Offences against the Person	5	7	12	16	12
Offences against the Person and Property, including Robbery with Violence, Burglary, &c.	77	59	75	63	58
Horse, Sheep, and Cattle Stealing	223	192	201	176	203
Larceny and other Offences against Property	136	101	103	92	71
Forgery and Offences against the Currency	2,053	1,833	2,126	1,903	1,802
Drunkenness	30	34	35	23	30
Other Offences against Good Order	12,513	13,789	14,373	13,943	14,703
Offences relating to carrying out Laws	5,667	6,177	4,929	5,242	4,658
Smuggling and other Offences against the Revenue	124	131	147	156	101
Offences against Public Welfare	74	75	106	62	62
	272	458	368	395	275
Total arrests	21,918	23,596	23,194	22,814	22,679

Drunkenness.

Causes of arrest.

The sexes of persons brought up on summons are not recorded ; but about 20 per cent. of the arrests are generally found to be females. The males and females arrested, and the disposal of the cases, in 1907, were as follow :—

Males and females arrested.

MALES AND FEMALES ARRESTED, 1907.

Disposal.	Arrests.		
	Males.	Females.	Total.
Summarily Convicted	11,659	3,098	14,757
Discharged by Magistrates	6,133	1,272	7,405
Committed for Trial	477	40	517
Total	18,269	4,410	22,679

SENTENCES PASSED.

The results of summary disposal of cases by magistrates during 1907 were as follow :—

Sentences by Magistrates.

SUMMARY DISPOSAL BY MAGISTRATES OF PERSONS ARRESTED, 1907.

Sentence.	Males.	Females.	Total.
Fines paid	5,220	1,043	6,263
Imprisonment for—			
Under 1 month	4,505	1,732	6,237
1 and under 6 months	841	177	1,018
6 and under 12 months	149	57	206
1 year and over	75	1	76
Ordered to find bail or sentence suspended on entering surety	161	15	176
Admonished	609	62	671
Sent to Industrial Schools or Reformatory	71	4	75
Otherwise dealt with	28	7	35
Total sentenced	11,659	3,098	14,757
Discharged	6,133	1,272	7,405
Total summarily disposed of	17,792	4,370	22,162

In addition to the sentences of imprisonment, three prisoners were ordered a whipping with the birch, and one was ordered to be kept in solitary confinement during portion of his term of imprisonment.

Sentences in
Superior
Courts.

The following are the sentences of the prisoners tried and convicted in superior courts during 1907:—

SENTENCES OF ARRESTED PRISONERS TRIED AND CONVICTED, 1907.

Sentence.	Males.	Females.	Total.
Fines paid	3	...	3
Imprisonment for—			
Under 1 month	15	3	18
1 and under 6 months	48	3	51
6 " 12 months	112	1	113
1 " 4 years	85	5	90
4 " 7 "	20	...	20
7 " 10 "	5	...	5
10 years	4	...	4
Death	1	...	1
Ordered to find bail or sentence sus- pended on entering surety	47	11	58
Sent to Reformatory	1	1	2
Sent to Lunatic Asylum	2	1	3
Total convicted	343	25	368
Acquitted	110	20	130
Not prosecuted	14	2	16

In addition to the term of imprisonment, six persons were ordered to be kept in solitary confinement during various portions of their terms of imprisonment, and six prisoners were ordered 15 strokes each with a birch or cane. Prisoners remaining for trial from the previous year are included, but those awaiting trial at the end of the year are excluded.

Arrest 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 means of a close comparison of names, ages, birth-places, religions, occupations, &c., of the individual in question. This is too laborious an investigation to be made every year, but it was done for 1884, and has been done again for 1907, so far as the sexes, birth-places and ages of the persons arrested are concerned, and the results are given in the following table:—

DISTINCT INDIVIDUALS ARRESTED, 1907.

Sex, Country and Ages 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	21	23	53											
SEX.																																				
Males	18,260	14,519	12,361	1,403	413	175	77	30	16	16	11	4	3	6	..	..	..	..	..	1	..	1	..	1	1	..	..	..	..	..	..	..	..	..	..
Females	4,410	2,297	1,597	314	133	70	49	28	28	22	10	5	10	8	3	6	1	4	1	3	1	1	3	1	..	..	..	..	..	..	..	..	..	..
Total	22,679	16,816	13,958	1,717	546	245	126	58	44	38	21	9	13	14	3	6	1	4	1	4	1	2	3	1	1	..	..	..	..	..	..	..	..	..
COUNTRY.																																				
Australia	13,932	10,330	8,579	1,038	351	143	76	38	31	19	11	7	9	12	2	4	..	3	1	3	..	1	2	..	..	..	..	..	..	..	..	..	..	..	..
New Zealand ..	322	240	200	22	7	5	2	2	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
United Kingdom	6,928	5,064	4,155	557	158	87	43	16	9	13	10	2	2	2	1	2	1	1	..	1	1	..	1	1	..	..	..	..	..	..	..	..	..	..	..
Other British Possessions	173	133	112	12	4	3	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Foreign Countries	1,324	1,049	912	88	26	7	5	1	2	5	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
AGES.																																				
Under 10 years ..	14	14	14	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
10 to 15	172	165	159	5	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
15 to 20	992	891	821	47	17	4	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
20 to 25	2,472	1,875	1,592	174	41	26	14	6	7	8	1	1	1	2	2	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
25 to 30	2,886	2,184	1,864	193	58	31	9	4	6	3	4	..	4	2	4	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
30 to 40	5,768	4,302	3,555	462	141	61	25	17	13	11	4	2	2	4	1	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
40 to 50	5,795	4,092	3,291	466	157	68	45	20	10	10	6	5	3	4	..	2	1	1	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
50 to 60	2,952	2,061	1,649	236	83	36	24	7	6	5	4	..	3	2	..	3	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
60 to 70	1,190	884	723	95	39	12	4	4	2	1	2	1	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
70 to 80	386	311	262	34	7	5	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
80 years and over	52	37	28	5	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Law, Crime, &c.

Individuals arrested more than once.

Of the total number of arrests, 22,679, only 16,816, or 74 per cent., were distinct individuals. Of these 13,958, or 83 per cent., were only arrested once; 1,717, or 10 per cent., twice; 546, or 3 per cent., three times; 245, or 2 per cent., four times; and 350, or 2 per cent., five times and over—2 of these persons having been arrested twenty times, 3 twenty-one times, 1 twenty-three times, and 1 as many as fifty-three times. The following table gives a comparison of 1884 with 1907, from which it will be seen that there has been a marked decrease in the number of persons arrested more than once:—

DISTINCT PERSONS ARRESTED, 1884 AND 1907.

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
1907 ...	14,519	2,297	16,816	2,323	369	1,349	83	10	3	2	2
Decrease	1,710	1,331	3,041	986	451	780	5*	4	1	...	...

* Increase.

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 15 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.

Distinct persons arrested more than once for drunkenness.

The distinct persons arrested for drunkenness during 1907 numbered 10,944, and, of these, 1,878, or 17 per cent., were arrested more than once, viz.:—1,152 twice, 361 thrice, 162 four times, 63 five times, and 140 more than five times, of whom 1 was arrested twenty-three times, and 1 as many as fifty-one times.

Drunkards charged with other offences.

Whilst the number of distinct persons arrested for drunkenness was 10,944, the charges of drunkenness brought against them numbered 14,703; these persons were also charged with 1,872 other offences, so that the total number of charges of all kinds against drunkards was 16,575, as against 24,332 charges of all descriptions. Thus 68 per cent. of the offences for which persons were arrested during 1907 were committed by persons who were arrested for drunkenness.

Birthplaces of distinct persons arrested and committed for trial.

The following is a statement of the principal countries in which distinct persons arrested during 1907 were born, and the proportion per 1,000 of the persons of such nationalities living in the State at the census of 1901:—

BIRTHPLACES OF DISTINCT PERSONS ARRESTED AND COMMITTED FOR TRIAL, 1907.

Birthplace.	Distinct Persons Arrested.		Distinct Persons Committed for Trial.	
	Number.	Proportion per 1,000 of the Population.	Number.	Proportion per 1,000 of the Population.
Victoria	8,888	10·15	339	·39
Other Australian States	1,442	22·15	61	·94
New Zealand	240	26·61	5	·55
England and Wales	2,317	19·79	39	·33
Scotland	836	23·38	12	·34
Ireland	1,911	31·07	19	·31
China	82	13·16	7	1·12
Other Countries	1,100	35·92	24	·78
Total	16,816	14·00	506	·42

The proportion of Victorian arrests of distinct persons does not afford a proper comparison with the proportions indicated for other Australian States, Great Britain, and foreign countries. The Victorian born population includes a large proportion of women and children, whereas there is so small a number of children in the State born in places outside Victoria that the arrests of persons born outside the State may be regarded almost entirely as those of adults, and mostly of adult males. If the proportion of adult males arrested in Victoria be taken, it would in all probability approximate to those of the other Australian States.

The ages of those arrested in 1907, and the degree of instruction possessed by them, are shown in the following table:—

Age and degree of instruction.

AGE AND DEGREE OF INSTRUCTION OF DISTINCT PERSONS ARRESTED, 1907.

Ages.	Superior Education.	Read and Write Well.	Read Only, or Read and Write Imperfectly.	Unable to Read.	Total.
Under 10 years ..	..	..	2	12	14
10 to 15 ..	..	..	159	6	165
15 to 20 ..	..	4	864	23	891
20 to 25 ..	3	18	1,803	51	1,875
25 to 30 ..	4	36	2,099	45	2,184
30 to 40 ..	10	58	4,116	118	4,302
40 to 50 ..	18	60	3,850	164	4,092
50 to 60 ..	16	19	1,897	129	2,061
60 to 70 ..	2	14	790	78	884
70 to 80 ..	1	3	268	39	311
80 years and over ..	..	..	28	9	37
Total ..	54	212	15,876	674	16,816

Education
of persons
arrested.

About 4 per cent. of the persons arrested in 1907 were entirely illiterate, 94 per cent. could read only, or read and write imperfectly, and less than 2 per cent. were possessed of superior education or could read and write well.

Crime in
United
Kingdom.

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 the three decennial periods ended 1900, and for each of the five years ended 1906:—

CRIME IN THE UNITED KINGDOM, 1880, 1890, 1900, AND
1902 TO 1906.

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
	1902	11,606	9,352	3·52	2·83
	1903	12,122	9,882	3·63	2·96
	1904	12,472	10,233	3·69	3·03
	1905	12,690	10,483	3·72	3·07
	1906	13,199	10,831	3·82	3·14
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
	1902	2,477	2,052	5·47	4·53
	1903	2,590	2,114	5·66	4·62
	1904	2,631	2,208	5·69	4·77
	1905	2,832	2,314	6·06	4·95
	1906	2,628	2,155	5·56	4·56
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
	1902	1,717	1,086	3·87	2·45
	1903	1,733	1,169	3·93	2·65
	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
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
	1902	15,800	12,490	3·77	2·98
	1903	16,445	13,165	3·88	3·11
	1904	16,940	13,737	3·96	3·21
	1905	17,582	14,164	4·07	3·28
	1906	17,899	14,289	4·10	3·27

In the following table it will be observed that, in proportion to the population, the commitments in Scotland were above those in South Australia and Tasmania, and the convictions in Scotland were above those in Victoria, South Australia, and Tasmania; also the convictions in England and Ireland were above those in the two latter States; but in all other cases the commitments and convictions in the United Kingdom were below those in any of the other Australian States and New Zealand:—

PROPORTION OF COMMITMENTS AND CONVICTIONS TO EVERY 10,000 PERSONS LIVING IN THE AUSTRALIAN STATES, NEW ZEALAND, AND UNITED KINGDOM, 1902 TO 1906.

Commitments for Trial to every 10,000 of Population.		Convictions after Commitment to every 10,000 of Population.	
Western Australia	11·65	Western Australia	7·71
New Zealand	9·90	New South Wales	5·63
New South Wales	9·62	Queensland	4·97
Queensland	9·21	New Zealand	4·83
Victoria	6·10	Scotland	4·69
Scotland	5·69	Victoria	3·63
South Australia	4·57	England and Wales	3·01
Ireland	4·28	Ireland	2·82
Tasmania	3·71	South Australia	2·51
England and Wales	3·68	Tasmania	1·99

From the following figures, it appears that in the five years 1902 to 1906, conviction followed commitment with more certainty in Scotland and England than in any of the Australian States and New Zealand, but Western Australia, in this respect, stood above Ireland. All the other Australian States and New Zealand stand below these, New Zealand being at the bottom of the list with 49 convictions to every 100 commitments:—

PROPORTION OF CONVICTIONS TO COMMITMENTS IN AUSTRALIAN STATES, NEW ZEALAND, AND UNITED KINGDOM, 1902 TO 1906.

	Per Cent.		Per Cent.
Scotland	82·41	New South Wales	58·53
England and Wales	81·79	South Australia	54·89
Western Australia	66·15	Queensland	53·93
Ireland	66·05	Tasmania	53·61
Victoria	59·53	New Zealand	48·83

Drunkenness, 1903 to 1907.

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, 1903 TO 1907.

Year.	Number of Persons—			Proportion per 1,000 of Population.
	Arrested.	Summoned.	Total.	
1903 ...	12,513	117	12,630	10·45
1904 ...	13,789	92	13,881	11·50
1905 ...	14,373	85	14,458	11·92
1906 ...	13,943	86	14,029	11·43
1907 ...	14,703	80	14,783	11·86

Drunkenness—Comparison with previous years.

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

Period.	Average 5 years	...	...	...	Index Number.
1874-8		...	...	...	100
1879-85	7	...	...	...	88
1886-92	7	...	...	...	106
1893-97	5	...	...	...	65
1898-1902	5	...	...	...	83
1903 ...	...	...	...	...	73
1904 ...	...	...	...	...	79
1905 ...	...	...	...	...	81
1906 ...	...	...	...	...	78
1907 ...	...	...	...	...	81

A very considerable decrease in drunkenness is shown during the five years 1893-7, which was a period of general depression. Since 1897, however, the arrests for drunkenness have assumed something nearer their normal proportions.

Young persons charged with drunkenness.

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 1907.

Year.	Number.	Proportion per 100,000 of the Population.
1895	185	15·62
1900	222	18·60
1903	150	12·41
1904	142	11·76
1905	131	10·80
1906	148	12·06
1907	153	12·27

The following is a statement of the number of charges of drunkenness made against persons in each State and in New Zealand during 1906, also the number of convictions and the percentage of the latter to the former:—

Leniency of magistrates in drunkenness cases in Victoria.

PERCENTAGE OF CONVICTIONS FOR DRUNKENNESS IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND, 1906.

State.	Charges of Drunkenness.	Convictions.	
		Total.	Percentage of Charges.
Victoria	14,029	9,531	67·94
New South Wales	22,568	22,422	99·35
Queensland	7,493	7,473	99·73
South Australia	2,483	2,460	99·08
Western Australia	3,588	3,505	97·69
Tasmania	459	454	98·91
Australia	50,620	45,845	90·57
Dominion of New Zealand	9,486	9,417	99·27
Australasia	60,106	55,262	91·94

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 Dominion of New Zealand, nearly every case resulting in a conviction in the latter, and about two out of every three 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 Victoria an offender on his first appearance is generally discharged, and also 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.

The following table shows during five years the average yearly consumption of intoxicating liquors in the principal countries of the world, the information for foreign countries having been compiled

Consumption of intoxicating liquors.

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, 1902 to 1906.			Proportion per Head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
British—	gallons.	gallons.	gallons.	gallons.	gallons.	gallons.
Victoria	755,000	14,292,900	977,100	·62	11·75	·80
New South Wales ..	1,102,000	13,636,200	885,800	·76	9·40	·61
Queensland	407,400	5,149,100	133,500	·78	9·91	·26
South Australia ..	137,400	2,993,300	1,081,700	·37	8·10	2·93
Western Australia ..	326,900	5,594,700	241,800	1·41	24·09	1·04
Tasmania	94,900	1,632,200	23,800	·53	9·13	·16
Australia	2,823,600	43,298,400	3,348,700	·71	10·91	·84
New Zealand	639,200	7,943,000	122,100	·76	9·39	·14
	1901 to 1905.					
British—						
United Kingdom ..	42,247,600	1,248,271,800	13,636,000	1·00	29·5	·32
Dominion of Canada ..	4,743,400	27,726,400	522,900	·86	5·0	·09
Cape of Good Hope ..	1,696,500	3,661,000	5,491,400	·69	1·5	2·3
Natal	380,900	1,275,000	96,480	·37	1·13	·09
Newfoundland	77,000	77,000	8,140	·34	·34	·03
Foreign—						
Russian Empire ..	131,408,000	134,534,500	..	·95	·97	..
Norway	1,386,000	7,796,800	..	·60	3·46	..
Sweden	7,638,000	65,150,800	..	1·46	12·5	..
Denmark	6,404,000	51,823,500	..	2·54	20·6	..
German Empire ..	90,605,000	1,538,917,600	85,360,000	1·55	26·1	1·45
Holland	8,083,000	..	2,006,400	1·50	..	·37
Belgium	9,425,000	333,449,600	7,106,000	1·35	48·0	1·02
France	52,980,000	309,821,600	1,199,950,000	1·36	7·9	30·7
Switzerland	3,322,000	47,260,400	50,872,800	·99	14·1	15·1
Portugal .. ..	..	..	95,704,400	..	..	18·3
Spain .. ..	..	..	340,445,600	..	..	18·5
Italy	8,558,000	5,918,000	828,696,000	·26	·18	25·1
Austria	55,823,000	407,189,000	107,118,000	2·07	15·2	4·0
Hungary	37,435,000	33,392,000	79,499,000	1·89	1·67	3·9
Bulgaria	506,000	1,285,000	50,463,600	·13	·33	13·2
Servia .. ..	..	1,628,000	6,463,600	..	·62	2·46
Roumania	5,795,000	1,465,000	28,124,800	·97	·24	4·5
United States	99,155,000	1,260,982,000	32,448,500	1·21	15·4	·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; in the United Kingdom to 1 gallon; and in the Russian Empire to nearly a gallon. The greatest beer-producing countries of the world are the German Empire, the United Kingdom, and the United States, in that order; but in consumption per head of the population Belgium, with 48

gallons; United Kingdom, 29½ gallons; Germany, 26 gallons; and Denmark, 20½ 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 54½ gallons per head. The consumption in Würtemberg was also high, reaching 42 gallons, and in Baden about 38 gallons per head. The Australian consumption of 11 gallons does not appear to be large by comparison with these figures, Western Australia, with 24 gallons per head, being the only State which approaches these countries. 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, 18½ gallons; Portugal, 18 gallons; Switzerland, 15 gallons; and Bulgaria, 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 2½ gallons per head; Australia consumes four-fifths of a gallon per head; the United Kingdom about one-third of a gallon; and Canada one-eleventh 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 in a year of the people on intoxicating liquors, 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, 1902 TO 1906.

State of—	Expenditure by the People on—					
	Spirits.	Beer.	Wine.	Total.		
				Amount.	Per Head.	Per Adult Individual
	£	£	£	£	£ s. d.	£ s. d.
Victoria ..	1,321,250	2,143,900	488,550	3,953,700	3 5 0	5 19 7
New South Wales ..	1,928,500	2,045,400	442,900	4,416,800	3 0 10	6 2 10
Queensland ..	712,950	772,400	66,750	1,552,100	2 19 9	5 16 5
South Australia ..	240,450	449,100	540,850	1,230,400	3 6 7	6 9 10
Western Australia ..	572,100	839,200	120,900	1,532,200	6 12 0	11 15 7
Tasmania ..	166,100	244,800	14,400	425,300	2 7 7	4 16 4
Australia ..	4,941,350	6,494,800	1,674,350	13,110,500	3 6 1	6 7 7
Dominion of New Zealand	1,118,600	1,191,450	61,050	2,371,100	2 16 1	5 3 5

These figures show that the average yearly expenditure on drink in Australia during the quinquennium, 1902 to 1906, amounted to over 13 millions sterling, and including New Zealand, to nearly 15½ millions. In Victoria nearly 4 millions were spent, or £463,100 less than in New South Wales. Western Australia, according to population, stands at the head of the list with £6 12s., and this is accounted for by the large adult population resident there. South Australia and Victoria are next with £3 6s. and £3 5s. respectively

per head. Tasmania is the most temperate of the Australian States, the consumption of alcoholic liquors only entailing a yearly expense of £2 7s. per head of the population, as against an average for the Commonwealth of £3 6s. In New Zealand also the expenditure is comparatively low, amounting to £2 16s. per head.

The average expenditure per head of the people of Australasia on intoxicating liquor for five year periods ended 1906 is given in the subjoined statement:—

AMOUNT EXPENDED ON DRINK IN AUSTRALIAN STATES AND NEW ZEALAND, PER HEAD OF POPULATION FOR FIVE PERIODS, 1902 TO 1906.

State of—	Average of Five Years ended—				
	1902.	1903.	1904.	1905.	1906.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Victoria	3 18 10	4 3 7	4 2 0	3 9 2	3 5 0
New South Wales	3 7 4	3 10 4	3 12 2	3 3 4	3 0 10
Queensland	3 14 10	3 16 3	3 13 4	3 2 8	2 19 9
South Australia	3 7 4	3 15 7	4 5 9	3 4 0	3 6 7
Western Australia	6 19 1	7 0 0	7 1 5	6 17 1	6 12 0
Tasmania	2 5 3	2 7 3	2 7 7	2 7 9	2 7 7
Australia	3 14 6	3 18 3	3 19 2	3 8 6	3 6 1
Dominion of New Zealand	2 13 2	2 14 10	2 13 1	2 13 0	2 16 1

A decline in the amount expended is shown in the later as compared with the earlier period in all the Australian States except Tasmania, where the increase, however, only amounts to 2s. 4d. per head of the population. In New Zealand the consumption per head has slightly increased, but it is still 10s. per head less than in the Commonwealth of Australia.

The following table shows the quantity and the proportion per head of alcoholic liquors consumed in Victoria during the years 1885 and 1906:—

CONSUMPTION OF SPIRITS, BEER, AND WINE IN VICTORIA, 1885 AND 1906.

Year.	Quantity Consumed.			Proportion per head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
	gallons	gallons	gallons	gallons	gallons	gallons
1885	1,033,430	15,290,940	832,480	1·08	15·98	·87
1906	833,660	14,277,540	1,009,990	·72	11·64	·82

After allowing for the increase of population, the fall between 1885 and 1906 in the quantities consumed per head represents a reduced consumption in the year 1906 of 491,500 gallons of spirits, 5,331,000 gallons of beer, and 57,500 gallons of wine.

THE LIQUOR LICENSING LAWS.

In 1906 the State Parliament passed a comprehensive measure, Act No. 2068, amending the Licensing laws of the State. A digest of the main features of this enactment, and the principal measure, is given hereunder:—

Licensing
Acts 1890
and 1906.

CLUBS.

A registration fee of £2 is to be charged, as well as a percentage of 2 per cent. on the gross value of the liquor purchased during the twelve months ended on the last day of September preceding the date of the application.

Section 7 of the Act defines the conditions for the registration of clubs, amongst which it is provided that each club must be a *bonâ fide* association or company of not less than 50 persons, if within 15 miles from the General Post Office, Melbourne, and of not less than 30 persons if outside that radius; that accommodation must be provided for the members and their guests; that no person shall be entitled to derive any profit from the club, which is not shared equally by every other member; and that no payment to any officer shall be made by way of commission from the receipts from alcoholic drink. Provision must be made in the rules for the proper management of the affairs of the institution—subscriptions to which are to be not less than 5s. per annum, payable in advance. Visitors must not be supplied with liquor unless accompanied by, and at the expense of, a member. Persons under 21 years of age are not eligible for membership (except in clubs primarily devoted to athletic purposes), and are not to be supplied with liquor. Notice of application for registration is to be given by the secretary to the clerk of the Licensing Court, who, in turn, must notify the inspector of the Licensing District. The latter if authorized in writing by a police magistrate, must inspect the premises, and the register of members, and satisfy himself that the particulars contained in the application are correct. Objections can be taken to the grant or renewal of a certificate of registration by the inspector of the Licensing District, the council of the municipality in which the club is situated, or any ratepayer, freeholder or leaseholder of property situate within one mile from such premises. The frequent occurrence of drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, illegal sales of liquor, or that the club is mainly used for the supply of liquor, are grounds upon which such objections may be lodged. The duration of the certificate of registration extends from the date granted until the 31st December following.

If any liquor be sold or supplied on the premises of an unregistered club, the person so offending is liable to a penalty not exceeding £50, and for a second or subsequent offence, to imprisonment for any period not exceeding two months, or to a penalty not exceeding £100, or both. Every officer and member of a committee is also liable to a penalty not exceeding £10 unless he proves that the liquor was kept without his knowledge, or against his orders.

Licensing
Acts 1890
and 1906.

No liquor is to be sold or disposed of in any club on Sunday except to lodgers or *bonâ fide* travellers, or to members of the club being served with a meal between the hours of 12 and 2 in the afternoon, and 6 and 8 in the evening, and no liquor shall, without express authority from a Licensing Court, for any specified occasion, be sold or disposed of in any club during the hours when liquor may not be obtained in licensed victuallers' premises.

A search warrant may be issued by a police magistrate authorizing a police officer to enter a registered or unregistered club at any time of the day or night, on any week day or Sunday to inspect the premises of the club, take the names and addresses of any persons found therein, and to seize any liquor kept for sale or supply, and the vessels containing the same, and any books or papers relating to the business of the club. If any obstruction be offered, the officer may break into the premises with such assistance as may be deemed requisite, and any person who wilfully delays admittance is liable to a penalty of £10. If any person found on the premises refuses to give his name and address, or gives false particulars, he may be fined to the extent of £5.

The secretary of a registered club must keep on the club premises a register of members, setting forth the names in full, occupations, and addresses of all members, and the date of the latest payment by each member of his subscription. This register is to be open to the inspection of any authorized member of the police force. A penalty not exceeding £50 is provided for neglect to keep the register, for false entries therein, or for obstructing an inspection thereof.

The Licensing Court has power to exempt any registered club from the provision of the Act entitling the police to demand entrance by day or night. The section relating to persons found drinking liquor on premises during prohibited hours may also be included in the exemption order, which must be published in the *Government Gazette*.

LICENCES.

The fees payable per annum (except for temporary licences) for different licences are as follow:—

For a Victualler's Licence—	
In respect of premises assessed at an annual value of £50 and under	£15
In respect of premises assessed at an annual value between £51 and £200	25
In respect of premises assessed at an annual value of £201 and over	50
For a Packet Licence	20
" Grocer's Licence	10
" Australian Wine Licence	5
" Temporary Licence	2
" Special Permit	10
" Railway Refreshment Room Licence	25
" Brewer's Licence	1
" Spirit Merchant's Licence	25
" Vignerons' Licence	5
" Billiard Table Licence—£5 per table per annum for any number not greater than four on any licensed premises, and for any number of tables greater than four—£20 per annum for the whole of such tables.	

A victualler's licence authorizes the holder to sell liquor in any quantity on the licensed premises between 6 a.m. and 11.30 p.m. Licensing
Acts 1890
and 1906.

For every special permit to sell and dispose of liquor at an earlier hour than 6 in the morning, or at a later hour than 11.30 at night, a fee of £10 per annum is payable. This provision is made so that houses in the neighbourhood of railway stations, wharfs, and markets may be able to supply the wants of the public.

Vignerons' licences may be issued to vignerons to sell at their own vineyards wine made from grapes of their own growing, or purchased by them, in quantities of not less than one pint, and which must not be drunk on the premises.

A grocer's licence authorizes the licensee, being also a licensed spirit merchant, to sell liquor in bottles containing not less than a reputed pint, but the liquor must not be drunk on the premises where sold, nor may any bottle be supplied for the reception of any ale or stout by, or on behalf of, the purchaser. A grocer selling liquor and charging for it under a fictitious description is liable to a penalty of not less than £10.

The word "Australian" has been substituted for "colonial" before the words "wine licence" in the principal Act, and the holder of such licence is not to keep liquor, other than wine, cider, or perry on the premises, which, to obtain a licence, must be assessed at an annual value of not less than £50 in any city or town, and £20 elsewhere.

A temporary licence authorizes the licensee, being also the holder of a victualler's licence, or a railway refreshment room licence, to sell liquor between the hours of 10 in the morning and 7 in the evening, at any public sports or amusement for any specified period not exceeding seven days, but no such licence shall be issued to sell liquor on any land or premises wholly or partly controlled by any municipal council without the permission in writing of the council. If the sports or amusement be postponed for a period not exceeding 28 days the licence holds good without the payment of an extra fee.

A temporary packet licence may be granted for any period not exceeding ten days authorizing the master of a vessel to dispose of liquor on board, but the extreme points from and to which the vessel habitually makes voyages must be at least 10 miles apart. Where a boat has been substituted for another licensed vessel, a temporary licence may be granted for a period not exceeding six months to the former.

The fee for a brewer's licence is reduced from £25 to £1, as a licence-fee of £25 is charged to brewers under the Commonwealth *Beer Excise Act 1901*, No. 7.

Roadside victuallers' licences in excess of the statutory number may be granted in mountainous localities if not within 5 miles of any village or township, and not within 8 miles by public road from the nearest licensed victualler's house. If situated in a holiday resort not mountainous, a licence may be granted if the house be not within 10 miles of any proclaimed township, or the nearest licensed victualler's house.

Licensing
Acts 1890
and 1906.

Every owner of premises for which a licensed victualler's or an Australian wine licence has been issued, must register his name and address with the clerk of the Licensing Court at which the certificate authorizing the issue of the licence was granted, and must notify any change in his place of abode.

DEPRIVATION OF VICTUALLERS' LICENCES.

If the Licences Reduction Board (referred to further on) determine that any licensed victualler's premises, licensed before the 1st February, 1886, be closed within ten years from the 31st December, 1906, the compensation must be provided out of the Compensation Fund, and not from the Consolidated Revenue; and no hotel is to be closed unless compensation is tendered.

Where after the 31st December, 1916, any licence existing before 1st February, 1886, is cancelled, as the result of a local option vote, the owner and occupier have each a claim to be paid out of the Compensation Fund, but only to the extent that such fund is from time to time available. The date when the various premises are deprived of their licences is to be taken as the order of priority in payment of claims, and where several such claims arise on the same date the order of precedence is to be decided by lot.

LICENCES REDUCTION BOARD.

For the purposes of this Act, a Board called the Licences Reduction Board, is constituted consisting of three members at a salary of £800 per annum each, who are not to engage in any business or employment other than the duties of their office as members of the Board. Their salaries and all the expenses of the Board are to be paid out of the Compensation Fund. The duties of the Board are, in every year, until the 31st December, 1916, to reduce the number of victuallers' licences in Victoria, and to allot compensation to such an extent as the moneys to the credit of the fund will allow. In carrying out the reduction of licensed premises, regard shall be paid to the convenience of the public, and the requirements of the several localities in the district.

Subject to this consideration the Board shall deal in the first place with the licences of premises against the same or different licensees of which, within the three years next preceding the determination, there have been either two convictions for one of the following offences, or one conviction for two of such offences, viz. :—

- (1) Supplying liquor to persons under the age of 18 years, or to prohibited persons.
- (2) Supplying liquor to persons in a state of intoxication.
- (3) Permitting any unlawful game or sport to be carried on on the premises.
- (4) Permitting prostitutes or thieves to assemble upon any part of the premises.
- (5) Permitting drunkenness on the premises.
- (6) Letting or sub-letting any bar, or the right to sell liquor on the premises.

- (7) Selling or permitting liquor to be sold in prohibited hours. Licensing
Acts 1880
and 1906.
- (8) Betting either by the licensee himself or by means of an agent in his licensed premises.
- (9) Placarding or permitting to be posted up on his licensed premises any information or notice relating to betting, lotteries, sweepstakes, raffles, or totalizators.

In the second place the Board shall deal with the licences of premises if there has been a conviction within the said three years, of any licensee of the premises for any one of the foregoing offences; and in the third place, if it is proved that the business in the premises is so badly conducted as to be a serious inconvenience to persons requiring accommodation, or a nuisance to neighbours, or that the premises are insufficiently provided with proper sanitary conveniences.

As soon as practicable after the appointment of the Licences Reduction Board, it will be their duty to make a valuation on a fair and equitable basis of the maximum amount of compensation payable to the owner of every licensed victuallers' premises (licensed before the 1st February, 1886), by reason of the value thereof being diminished owing to its being deprived of a licence by a determination of the Board, and also to the occupier by reason of his lease or agreement being annulled, and for the loss of his licence and business. Such compensation shall, so far as regards the owner, be based on the difference between the average net yearly rent (provided it is a fair one), for three years preceding the 31st December, 1906, or if the owner be also licensee, what would be a fair rent, and the average net yearly rent which would be probably obtainable for the premises if unlicensed. As regards the licensee, the compensation shall be based for each year of the unexpired term of his tenancy (not exceeding two years), on the average net profit accrued to the licensee for the three years ended the 31st December, 1905. In determining the profit the Board can compel the licensee to furnish a duplicate copy of any income tax return, verified by statutory declaration, as to the truth of such copy. Any licensee, on applying to the Income Tax Commissioner, may inspect his own returns, and make a copy thereof. If the licensee be also the owner, he is entitled to compensation as owner and also as occupier, as if he were a tenant, but in ascertaining the net profit a fair sum is to be deducted as rent. The compensation payable at any time thereafter is in no case to exceed such valuation. The determination of the amount of the compensation is to be final, and not to be questioned by any court.

The Board is empowered to examine witnesses on oath, and any person who refuses to appear before it, or wilfully misbehaves, or prevaricates, may be prosecuted before a Court of Petty Sessions, and, on conviction, be fined up to £20.

For the purposes of this Act admittance to licensed premises may be demanded by the Board, or any person authorized by it, at any time of the day or night.

No reduction of any licensed premises is allowed in any Licensing District in which the number of licensed premises is below the statutory number, but new licences may, until 1916, be granted in such

Licensing
Acts 1890
and 1906.

districts provided that a majority of the electors vote in favour of the increase, and that one-third of the electors on the roll record their votes.

The local option provisions of the *Licensing Act* 1890 are repealed.

No male person or his wife is allowed to have a beneficial interest in more than one licence, and no woman is to be granted, or to hold a victualler's, or an Australian wine licence, unless she is over 25 years of age, or unless the business has devolved upon her as owner or trustee.

After the 31st December, 1907, no licence is to be granted to the wife of any public servant (if such wife is living with her husband), but this section does not apply to the renewal of a licence to any such wife, who, at the time of the passing of the Act, was the holder of a licence.

LICENSING COURTS AND INSPECTORS.

A member of a Licensing Court may grant, revoke, or vary any special permit to sell liquor at an earlier hour than 6 in the morning, or at a later hour than 11.30 at night; approve or disapprove of the fitness of an owner or mortgagee, or the nominee of the said owner or mortgagee to hold a licence; or when a licensed person becomes a lunatic patient, authorize an agent to carry on the business until the end of the year. If a licence be lost or destroyed he may grant a certificate in lieu thereof; give permission in writing to have more than one bar in a licensed house, or authorize an agent to carry on the business on the premises of a licensed victualler, who, having been convicted of any offence, has become personally disqualified, or has had his licence forfeited. The court may authorize the removal of a grocer's licence from the premises specified to any other premises within the licensing district, assess and determine the annual value of premises for which a victualler's licence is required, and hear and determine any matter of complaint in reference to a club, and cancel or suspend its certificate.

When a licence is surrendered or taken away from any licensed premises in consequence of the determination of the electors, or of a determination of the Licences Reduction Board, six weeks' notice of the compensation (if any) to be paid to the owner shall be given by the clerk of the Licensing Court, by advertisement in the *Government Gazette*, and in some newspaper circulating in the Licensing District where the premises are situated, before the same is payable. Every mortgagee shall have a lien on the amount payable to the owner for the amount of his mortgage upon giving notice to the clerk of the Licensing Court within one month from the date of the advertisement, and thereupon the same shall be a first charge on the compensation money, which shall not be paid to the owner unless with the consent in writing of such mortgagee. Payment to the mortgagee is to be deemed payment to the owner.

Power is given to the Governor in Council to make rules as to fees, costs, and charges for summonses, subpoenas, warrants, searches, &c. The authority of inspectors of Licensing Districts is extended to Australian wine premises. The Licensing Court may alter or vary the assessment of any licensed premises, and in the case of an application for a new licence, or the renewal of an old one, a statement is to be furnished showing the last municipal valuation. Power is given to receive a licence-fee ten days after the expiration of 28 days from the granting of the certificate, but a fine of 25 per cent. must be paid by the applicant. The owner or mortgagee, not being the occupier, may pay the fee within a week after the expiration of the said ten days.

Where any person other than the licensee supplies liquor in contravention of the Licensing Acts, he is liable to a penalty not exceeding £10, and any person who procures, or attempts to procure, any liquor for a drunkard, is liable to a penalty of £2.

Persons not being *bonâ fide* travellers, lodgers, or servants found on licensed premises during prohibited hours, or drinking liquor therein, may be fined up to £2.

A person is not to be considered a *bonâ fide* traveller unless he resides ten miles in a direct line from where he is supplied with liquor, and must have travelled at least that distance on the day when he is so supplied. If a person falsely represents himself to be a *bonâ fide* traveller, proceedings may be taken against him, and he may be fined any sum from £2 to £20. If a licensed victualler believed the purchaser to be a *bonâ fide* traveller the Bench may dismiss the case. A licensed victualler is not bound to supply liquor to a *bonâ fide* traveller during prohibited hours, but if he elects to do so then the person requiring the same shall, on demand, give his true name and address, and place of lodging during the preceding night. If a person gives a false or fictitious name and address, or refuses to give either, he may be fined £5. The presence on the licensed premises of two or more persons is *primâ facie* evidence of a sale of liquor having taken place.

Penalties are provided for the offence of carrying away liquor from licensed premises on Sundays, or during prohibited hours, and the police may seize such liquor. In any prosecution any liquid shall be deemed to be intoxicating liquor unless the contrary be proved.

A fee of £20 annually must be paid for every additional bar besides the fee payable for a new licence or renewal.

No licensed victualler is allowed to let or sub-let any bar, or the right to sell liquor on his premises. An inside bar door must be opened at the request of the police.

No female under the age of 21 years (other than the licensee's wife or daughter), is permitted to serve liquor on a licensed premises, but this does not apply to persons employed as barmaids before the 1st December, 1906.

Sly grog-selling is punishable by a minimum fine of £25, or imprisonment for not less than a month for a first offence, and for a

Licensing
Acts 1890
and 1906.

second or subsequent offence, imprisonment for not less than three months, with disqualification for one year, and all liquor in the possession of the offender to be forfeited.

Holders of seaside victuallers' licences within three miles of the coast, but not within twenty miles of the General Post Office at Melbourne, may obtain permission to close their hotels from May to September inclusive.

During the reconstruction or repairing of a licensed victualler's premises, with the consent of the Licensing Court, the licensee may close any bar or bars. The police may demand the name and address of any person found on the premises during prohibited hours, and both the licensee and such person are liable to penalties unless it can be proved that the latter was there for some lawful purpose. Entrance by day or night may be demanded by police officers, and if admittance be refused or delayed the police may break into the premises.

It is the duty of the licensee to provide proper sanitary accommodation for lodgers and inmates, and also one closet and one urinal open and available to the public.

Betting in licensed premises is a serious offence, punishable by a minimum fine of £20 for a first conviction, and £100 for a second or subsequent conviction. If within three years after a conviction under this section a licensed person again offends he *ipso facto* forfeits his licence. Betting and sporting placards relating to sweepstakes, raffles, or totalizators are not to be posted on licensed premises. Permitting any person to play an unlawful game on licensed premises is prohibited.

No licensed person is allowed to use any part of his premises as a dancing saloon, unless on special occasions, with the consent of the Licensing Court.

Aboriginals must not be served with liquor at any time, nor persons against whom a prohibition order has been made, nor persons who are under the age of eighteen years. If liquor be delivered to an infant under sixteen years of age for consumption off the premises, it must be in a corked and sealed vessel.

Every licensed victualler who fails or refuses, except for some valid reason, to supply lodging, meals, or accommodation to persons demanding the same, is liable to a penalty of £2.

Every applicant for a club certificate or a victualler's licence must supply a statutory declaration with regard to the twelve months ended the preceding 30th September, of the quantity of each kind of liquor purchased for the club or licensed victuallers' premises, and the total amount paid or payable therefor, including any duties thereon, and the names and addresses of the persons or firms who sold the liquor. The percentage fee for a club, or compensation fee for a licensed victualler's premises, must be paid within 21 days after the applicant has been notified by the clerk of the Licensing Court.

The Treasurer is empowered to require any wine or spirit merchant, or brewer, or firm, to furnish the names and addresses of every club or licensed victualler to which or to whom liquor was sold during the twelve months ended 30th September, 1906, or during any subsequent twelve months; such statement to show the quantity and nature of liquor, and the price paid or payable therefor. Failure to comply with this provision may entail a penalty not exceeding £100.

Licensing
Acts 1880
and 1906.

“LICENSING FUND” AND “COMPENSATION FUND.”

The moneys in the “Licensing Act 1885 Fund” are transferred to a trust fund to be called “The Licensing Fund,” and all fees (other than compensation fees), for licences, &c., are to be paid to the credit of this fund. Each municipality is to be paid a sum of money set out in the schedule of the Act, in March each year, and all other moneys remaining in the fund are to be paid into the Police Superannuation Fund to such extent as may be necessary to meet all claims chargeable under Part III. of the *Police Regulation Act* 1890, and any balance remaining is to be transferred to the Consolidated Revenue.

A special trust fund, to be called the “Licensing Act 1906 Compensation Fund,” is to be established in the Treasury.* Every person to whom a licence is granted or renewed shall, in addition to his licence fee, pay a further sum or compensation fee of 3 per cent. on the gross amount paid or payable for all liquor purchased by him during the preceding twelve months ended on the 30th September. The amount of the compensation fee is to be determined by the Licensing Court, and in the event of insufficient information being at their disposal, they are empowered to fix the fee at such sum as they may consider fair and reasonable. The owner of the premises is chargeable with two-thirds, and the tenant with one-third, of the fee.

When any reduction of licensed premises has been made the remaining hotels, who will be benefited, are to bear a *pro rata* assessment to make up the amount of licence fees annually lost to the Licensing Fund. A reduction of payments to municipalities is to be made in districts where licences are reduced in number to the extent of 80 per cent. of the loss arising from the closing of the hotels, but the municipalities will not participate in the *pro rata* assessment of the remaining houses.

Provision is made for re-building licensed victuallers' premises on another site, in the event of it not being practicable, without unusually great expenditure, to build on the old site. This authority is not to be granted if, in the same village or township, there are any other licensed victuallers' premises.

* The amount paid into this fund for the year ended 30th September, 1907, was £48,504.

LOCAL OPTION.

Licensing
Acts 1890
and 1906.

The last division of the Act relates to local option, which, however, is not to commence until the 1st January, 1917. A vote of the electors is to be taken in every district at the date of each general election next following the 1st January, 1917. The resolutions to be submitted to the electors are as follow:—

- (a) That the number of licences existing in the electoral district continue.
- (b) That the number of licences existing in the electoral district be reduced.
- (c) That no licences be granted in the electoral district.

Where resolution C has been previously carried, and is in force in the district, the resolution submitted shall be:—

- (d) That licences be restored in the electoral district.

Resolution A or B is carried if a majority of votes is in favour of such resolution. Resolution C is carried if three-fifths of the votes given is in favour of the resolution, provided that where less than such number is so given the votes given in favour of C shall be added to the votes given for B. Thirty per cent., at least, of the electors on the roll must vote in favour of them to carry resolutions C or D.

The effect of carrying the resolutions is as follows:—

- If A is carried, the number of licences is not to exceed the number at the time of the taking of the vote.
- If B is carried, the number of licences may be reduced to three-fourths the number at the time of voting.
- If C is carried, no licences shall be granted, renewed, or transferred.
- If D is carried, licences may be granted, renewed, and transferred, but not to number more than when the resolution C was carried, nor less than half such number.

Other sections deal with the method of closing the hotels when the residents have passed resolutions declaring that such is their wish. When resolution B or C is carried, the Licensing Court is to inform the Treasury what amounts are required for compensation, and on receiving such notification, the Treasurer is to set apart out of the Compensation Fund an amount sufficient to meet all claims. If it appears that there is not enough money in the fund to meet the claims, he may, in writing, require every holder of a victualler's licence in Victoria to pay within three months such additional compensation fee as, in his opinion, will be required to satisfy the claims. The additional compensation fee is to bear the same *pro rata* proportion to the compensation fee paid by each licensee under the Act, and if the fee be not paid within three months the licence becomes void.

Licences
Reduction
Board.

The Licences Reduction Board provided for by the Licensing Act of 1906 was appointed on the 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, to be paid by every hotelkeeper annually. The total amount paid into this fund was £48,233 in 1907 and £48,504 in 1908. The duties of the Board are to close sufficient hotels to absorb the funds in hand, and the re-assessment of the licence fees thus lost among the remaining houses which the Board thinks will benefit by the closing; also the fixing 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 being to stop the unearned increment to those hotels that remain in consequence of their rivals being closed, and also to prevent any inflation of returns by taking the basis on a past period. Up to the 8th July, 1908, 173 hotels have been closed by the Board, 52 of this number having surrendered their licences. Compensation has so far been awarded to 78, and the total paid has amounted to £38,300, or an average of £491 each. Twenty-eight of these hotels are located in the metropolitan district and their compensation totalled £28,502, or an average of £1,018, and 50 are in country districts, whose owners and licensees received £9,798, or an average of £196 each. In the subjoined table particulars are given regarding these hotels and the licensing districts in which they are situated:—

OPERATIONS OF THE LICENCES REDUCTION BOARD
TO 8TH JULY, 1908.

Licensing District.	Licences.			Hotels deprived of Licences.	Compensation awarded.		Hotels surrendered.	Compensation awarded.	
	Number in Existence.	Statutory Number.	Number in Excess.		Owner.	Licensee.		Owner.	Licensee.
METROPOLITAN.									
Bourke ...	82	24	58	6	£ 5,556	£ 1,230	...	...	...
Barkly (Collingwood)	27	13	14	7	...	...	...	...	...
Cardigan ...	58	19	39	15	1,779*	572*	...	...	...
Collingwood East ...	22	18	4	2	...	...	...	...	...
Darling (Collingwood)	30	16	14	6	...	...	...	...	...
Emerald Hill ...	58	27	31	13	...	...	...	...	...
Gipps ...	84	12	72	15	11,706	2,660	1	1,513	518
Latrobe ...	53	17	36	1	...	...	...	...	...
Lonsdale ...	51	29	22	...	...	...	1	858	1
Princes Hill...	34	19	15	2	1,791	318	...	...	...
Total Metropolitan...	499	194	305	67	20,832	4,780	2	2,371	519

* Compensation for three hotels only.

OPERATIONS OF THE LICENCES REDUCTION BOARD TO 8TH JULY,
1908—continued.

Licensing District.	Licences.			Hotels deprived of Licences.	Compensation awarded.		Hotels surrendered.	Compensation awarded.	
	Number in Existence.	Statutory Number.	Number in Excess.		Owner.	Licensee.		Owner.	Licensee.
COUNTRY.					£	£		£	£
Ballarat West ...	83	36	47	6	...	...	1	398	25
Barkly (Bendigo) ...	34	19	15	3	...	...	1	...	...
Beaufort ...	26	11	15	...	...	...	1	172	10
Beechworth ...	33	12	21	...	...	...	2	328	...
Bridgewater... ..	23	8	15	...	...	...	1	...	...
Bungaree ...	21	11	10	2	...	...	1	290	25
Buninyong ...	25	11	14	3	...	...	3	488	91
Castlemaine... ..	49	12	37	9	1,210	265	...	...	...
Clunes ...	36	12	24	1	158	12	7	1,553	186
Creswick ...	22	10	12	...	...	...	2	330	103
Darling (Bendigo) ...	71	13	58	7	...	...	1	508	30
Dargo ...	6	6	...	1	75	...	...	...	...
Dowling Forest	19	9	10	2	...	...	...	...	...
Dunolly ...	24	10	14	...	...	...	2	305	11
Eaglehawk ...	42	16	26	2	...	...	1	...	...
East Geelong	26	21	5	3	...	...	...	...	...
Franklin ...	31	11	20	...	...	...	2	248	50
Fryers ...	18	6	12	1	91	10	1	...	...
Gisborne ...	15	8	7	...	...	...	1	...	...
Golden Square	57	26	31	6	...	...	...	...	...
Goulburn ...	26	12	14	...	...	...	1	120	1
Heathcote ...	24	9	15	...	...	...	1	...	...
Horsham ...	16	10	6	...	...	...	1	...	...
Huntly ...	21	7	14	...	...	...	1	...	...
Inglewood ...	20	8	12	...	...	...	2	197*	28*
Kangaroo Flat	31	14	17	...	...	...	2	...	...
Kyneton ...	31	14	17	...	...	...	4	437†	20‡
Landsborough	8	6	2	...	...	...	1	177	1
Maldon ...	23	10	13	1	39	10	...	...	...
Rosedale ...	7	6	1	1	57	3	...	...	...
Rushworth ...	19	9	10	...	...	...	2	300	1
Sebastopol ...	22	11	11	2	...	...	1	245	1
Serpentine ...	6	4	2	...	...	...	1	75	30
Strathfieldsaye	17	6	11	...	...	...	2	289	64
Taradale ...	17	7	10	...	...	...	1	213	5
Timor ...	25	12	13	...	...	...	2	244*	18*
Warrenheip... ..	12	6	6	1	...	...	1	250	1
West Geelong	31	22	9	3	...	...	...	...	...
Total Country ...	1,017	441	576	54	1,630	300	50	7,167	701
Grand Total ..	1,516	635	881	121	22,462	5,080	52	9,538	1,220

* Compensation for one hotel only. — † Compensation for two hotels only. — ‡ Amount awarded one licensee only.

The following statement shows the number of hotels in Victoria in 1885 and 1908, and the persons to each hotel in both years. The year 1885 has been selected because it was in that year that an important alteration was made in the liquor licensing laws:—

NUMBER OF HOTELS, 1885 AND 1908.

Year.				Population.	Number of Hotels.	Persons to each Hotel.
1885	...	...	...	969,202	4,265	227
1908	...	...	...	1,261,589	3,286	384
Increase	...	...	...	292,387	...	157
Decrease	...	...	...	...	979	...

While the population increased by 30 per cent., the number of hotels decreased by 23 per cent., and the number of persons to an hotel is now about 70 per cent. more than in 1885. During the period 1885-1908, 217 hotels were closed as the result of local option polls, 121 hotels were deprived of their licences by the Licences Reduction Board, 52 surrendered their licences to the Board, and 589 closed voluntarily.

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 1907 the accommodation, daily average in confinement, number received during the year, and the number in confinement at the end of the year:—

GAOL ACCOMMODATION AND PRISONERS, 1907.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received.		In Confinement, 31.12.07.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Pentridge ..	800	..	455	..	373	..	455	..
Ballarat ..	62	18	24	2	409	45	24	1
Beechworth ..	66	15	41	..	180	8	40	..
Bendigo ..	116	28	21	2	396	54	25	..
Castlemaine ..	99	..	5	..	83	3	6	..
Coburg Female Prison	..	324	..	53	..	135	..	72
Geelong ..	187	29	89	..	324	26	91	..
Melbourne ..	485	114	183	31	3,482	1,199	162	24
Sale ..	30	5	7	..	101	6	4	..
Total ..	1,845	533	825	88	5,348	1,476	807	97

There are also seven police gaols which are used as receiving stations, but the daily average number of prisoners detained therein during 1907 was only seven.

Prisoners in confinement, 1871 to 1907—decrease.

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, fifteen years and over, in 1907, being 70 per cent. less than in 1871, 56 per cent. less than in 1881, and 54 per cent. less than in 1891.

PRISONERS IN CONFINEMENT, 1871 TO 1907.

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
1903 ...	907	141	1,048	13·23
1904 ...	890	137	1,027	12·97
1905 ...	922	121	1,043	13·17
1906 ...	902	115	1,017	12·83
1907 ...	832	88	920	11·60

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, 1902 to 1906:—

PRISONERS IN GAOLS IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND, 1902 TO 1906.

State.	Number of Prisoners in confinement on the 31st December.					Prisoners per 10,000 of the Population.				
	1902.	1903.	1904.	1905.	1906.	1902.	1903.	1904.	1905.	1906.
Victoria	1,071	978	1,062	990	927	8·84	8·09	8·77	8·12	7·49
New South Wales	1,835	1,816	1,877	1,678	1,519	13·04	12·72	12·88	11·25	9·95
Queensland	547	508	561	535	507	10·71	9·85	10·75	10·13	9·47
South Australia	303	293	295	281	257	8·28	7·93	7·92	7·43	6·70
Western Australia	398	512	475	465	433	18·66	22·56	19·60	18·25	16·54
Tasmania	80	110	103	92	89	4·51	6·13	5·72	5·08	4·94
Australia	4,234	4,217	4,373	4,041	3,732	10·89	10·74	10·98	9·97	9·05
Dominion of New Zealand	653	739	750	810	891	8·08	8·88	8·75	9·18	9·80

POLICE PROTECTION.

The following figures denote the numerical strength of the police force in Australia and New Zealand, and the proportion of same to population on the 31st December, 1907:—

Strength of
police force
in Australia
and New
Zealand.

POLICE IN AUSTRALIAN STATES AND NEW ZEALAND, 1907.

State.	Number.			Proportion per 10,000 of Population.
	Metropolitan.	Country.	Total.	
Victoria	870	676	1,546	12·29
New South Wales	1,057	1,324	2,381	15·19
Queensland	301	689	990	18·12
South Australia	182	252	434	10·96
Western Australia	141	351	492	18·65
Tasmania	70	156	226	12·44
Total Australia	2,621	3,448	6,069	14·40
Dominion of New Zealand	90	642	732	7·88

It will be seen that Western Australia has the greatest police protection in proportion to population, Queensland and New South Wales next, New Zealand having 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.

In the 42½ years ended 30th June, 1907, the total amount expended in connexion with the police, and penal establishments and gaols of Victoria was £12,192,453, viz., £9,760,860 on the former, and £2,431,593 on the latter. The following table shows the amounts and the amount per head of population expended in connexion with the police, and penal establishments and gaols of Victoria during each of the five years ended with 1906-7:—

Expenditure
on police,
gaols, &c

EXPENDITURE ON POLICE AND GAOLS, 1902-3 TO 1906-7.

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.
1902-3	264,422	51,919	316,341	5 3
1903-4	269,647	49,226	318,873	5 3
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

Expenditure on police and gaols in Australasia.

The following are the amounts expended on police and gaols in the Australian States and New Zealand during the year 1906-7:—

EXPENDITURE ON POLICE AND GAOLS IN AUSTRALIAN STATES AND NEW ZEALAND, 1906-7.

State.	Amount Expended (exclusive of Pensions and the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols.	Total.	
	£	£	£	s. d.
Victoria	276,957	49,741	326,698	5 3
New South Wales	427,285	83,329	510,614	6 8
Queensland	183,757	23,260	207,017	7 9
South Australia	84,315	17,064	101,379	5 3
Western Australia	124,543	32,237	156,780	12 0
Tasmania	34,523	5,634	40,157	4 5
Australia	1,131,380	211,265	1,342,645	6 6
Dominion of New Zealand	144,517	43,689	188,206	4 2

Executions.

No execution took place in the last three years, but there was one in 1904, two in 1902, one in 1900, one in 1898, one in 1897, one in 1896, two in 1895, and five in 1894. Since the first settlement of Port Phillip in 1835, 168 criminals have been executed within the State, of whom only three were females. The following table shows the crimes they were executed for:—

OFFENCES FOR WHICH CRIMINALS WERE EXECUTED, 1842 TO 1907.

Offence—	Number
Murder	129
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
Total	168

Coroners' inquests.

In 1907 the number of coroners' inquiries into the causes of deaths of individuals was 1,346, which was below the average number of the five preceding years. In 765 cases death was found to be due to disease or natural causes, in 398 cases to accident, in 90 to suicide, in 78 to external causes which could not be ascertained, in 8 to homicide, in 4 to intemperance, in 3 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, 16 per cent. to suicide, while in 14 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 6,834, of which 3,915 deaths were found to be due to disease or natural causes, 2,883 to violence, and 36 to other causes.