

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, of any other Federal court, 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 on questions of law of the Inter-State Commission (when appointed). 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 Her Majesty in Council." It is, however, provided that the "Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal prerogative to grant special leave of appeal from the High Court to Her 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 it would appear that this is qualified by the above provision, preserving the right of appeal from such a judgment in special cases. 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.

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. The High Court consists of a Chief Justice and two 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 these appeals and applications for a certificate that a question, decided

by the High Court, as to the constitutional powers of the Commonwealth and a State, is one which ought to be determined by the Privy Council, shall be exercised by a Full Court consisting of the three Justices.

Appeals on matters in respect of which an appeal lay to the Privy Council at the establishment of the Commonwealth, are to be heard before a Full Court, consisting of three Justices; and also applications for a certificate that a question, decided by the High Court, as to the constitutional powers of the Commonwealth and a State is one which ought to be determined by the Privy Council. The following matters are to be heard before a Full Court, consisting of two or more Justices:—Applications for leave, or special leave of appeal; cases or questions referred by a single Judge; appeals from a single Judge, or from other courts exercising Federal jurisdiction; appeals on questions of law from the Inter-State Commission; and applications for a new trial.

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. defines the matters in which the jurisdiction of the High Court is exclusive; Part VII. deals with the removal of causes arising under the Constitution, and pending in any State court on appeal, 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 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 1904 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 1904.

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
1900 ..	825	137,083	161	106	62	31	101,896
1901 ..	823	69,788	156	97	38	20	4,640
1902 ..	844	109,012	191	101	52	16	6,717
1903 ..	770	148,516	172	122	54	40	11,135
1904 ..	767	129,361	159	98	36	19	5,513

Decline in
litigation.

The decline in litigation in the Supreme Court since 1891, to which attention was directed in the issues of this work for 1902 and 1903, still continues. In 1904 the writs issued were less than one-seventh; the amount sued for, and the causes which actually came to trial were only about two-fifths 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 compromised.

County
Courts
business.

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 1904 there were 111 sessions lasting 301 days held in 48 places.

Particulars of litigation in 1891, 1895, and the last five years are as follow:—

COUNTY COURT CASES, 1891 TO 1904.

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
1900	789	160,676	49,595	5,188	2,782
1901	572	137,227	43,222	5,012	4,143
1902	622	169,968	52,202	5,662	2,331
1903	584	126,670	42,004	3,923	2,923
1904	553	144,405	52,059	4,612	2,644

The falling off in the number of cases tried still continues, the number in 1904 being less than in any preceding year, and only one-eighteenth 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 litigants are much more cautious in instituting proceedings than formerly; and that the County Court is not resorted to for the recovery of petty and trade debts to the same extent as in former years.

Courts of Petty Sessions were held at 233 places in Victoria in 1904 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 the debt cases heard during a series of years are as follow:—

Petty Sessions civil business.

COURTS OF PETTY SESSIONS: CIVIL CASES, 1891 TO 1904.

Year.	Cases heard.	Amount claimed.	Amount awarded.
		£	£
1891	33,030	210,255	144,158
1895	30,609	168,143	138,722
1900	17,577	95,890	80,960
1901	17,646	104,884	86,199
1902	20,421	116,936	96,166
1903	22,012	126,051	107,502
1904	22,046	133,560	116,757

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 1904, 511 appeals against municipal ratings, 636

maintenance cases, 517 fraud summonses against debtors, 10,274 electoral revision cases, 6,480 licences and certificates, and 1,683 miscellaneous cases were heard, and 494 lunatics were examined. There has been a large decrease in the debt 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 1903, there has been a small decrease in the number of probates and letters of administration issued, and a slight falling off has also taken place in the value of property devised and bequeathed. In 1904, as compared with 1900, the number decreased by 3 per cent., and the value of property by 17 per cent. 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: RETURN FOR FIVE YEARS.

Year.	Probates.		Letters of Administration.		Both.	
	Number.	Property sworn under—	Number.	Property sworn under—	Number.	Property sworn under—
		£		£		£
1900 ...	2,534	5,835,594	1,427	1,082,939	3,961	6,918,533
1901 ...	2,509	5,596,261	1,337	930,974	3,846	6,527,235
1902 ...	2,590	6,483,077	1,386	1,088,405	3,976	7,571,482
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

INSOLVENCIES.

Insolven-
cies, &c.

Prior to 1898, the returns of insolvencies were defective, inasmuch as private arrangements with creditors were not taken into account until that year. The number of failures and the declared assets and liabilities during the last five years were:—

INSOLVENCIES AND PRIVATE ARRANGEMENTS: RETURN FOR FIVE YEARS.

Year.	Insolvencies.			Private Arrangements.		
	Number.	Declared Liabilities.	Declared Assets.	Number.	Declared Liabilities.	Declared Assets.
		£	£		£	£
1900 ..	346	185,198	89,462	149	168,700	159,771
1901 ..	327	216,198	86,391	183	222,608	189,908
1902 ..	406	364,630	270,061	206	200,128	178,337
1903 ..	505	210,086	84,611	194	202,475	164,481
1904 ..	462	387,882	138,301	164	158,267	124,266

The number of insolvencies was greater in 1904 than in any of the four preceding years, with the exception of those in 1903, and the declared liabilities were the highest recorded for the five years. Insolvencies are still much below the average in normal times. Thus the average number during the last five years was 409, and the declared liabilities £272,799, 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 collapse of the land boom and the consequent banking crisis in 1893 swelled the returns, the yearly average number was 790, with declared liabilities £2,037,292.

In the following return will be found the occupations, in six classes, of those who became insolvent 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 132 whose occupations were not returned:—

OCCUPATIONS OF INSOLVENTS, 1900 TO 1904.

Occupation Groups.	Number of Breadwinners, Census, 1901.	Number of Insolvents, 1900 to 1904.	Proportion of Insolvents to every 1,000 Breadwinners.
Professional	35,224	193	5.48
Domestic	66,815	148	2.22
Commercial	79,048	864	10.93
Transport and Communication	31,516	257	8.15
Industrial	146,233	877	6.00
Primary Producers ..	165,147	471	2.85
Total	523,983*	2,810	5.36

* 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 five years, 1900. to 1904:—

Occupation Groups.	Number of Insolvents during—				
	1900.	1901.	1902.	1903.	1904.
Professional	44	42	43	35	29
Domestic	23	35	40	26	24
Commercial	172	155	176	186	175
Transport and Communication	32	41	69	71	44
Industrial	149	145	172	201	210
Primary Producers ..	64	72	87	134	114
Total	484	490	587	653	596

Insolvency
in Australia
and New
Zealand.

The number of insolvencies by way of sequestration of the estate of the debtor, distinguishing between voluntary and compulsory, also the declared liabilities and assets, are appended. Besides these insolvencies there are a number of liquidations in Queensland, and large numbers of private arrangements with creditors, which are virtually insolvencies, and are only recorded in Victoria and South Australia, but are not included in any case in the following table:—

INSOLVENCIES IN AUSTRALIAN STATES AND NEW ZEALAND, 1903.

State.	Number of Petitions.			Total	Total
	Compulsory.	Voluntary.	Total.	Liabilities.	Assets.
				£	£
Victoria	29	476	505	210,086	84,611
New South Wales ..	117	366	483	230,429	123,037
Queensland	22	352	374	70,916	14,817
South Australia ..	4	20	24	15,221	14,633
Western Australia ..	18	61	79	34,952	10,631
Tasmania	5	72	77	16,259	3,312
Australia	195	1,347	1,542	577,863	253,041
New Zealand	40	164	204	96,866	46,767

New South Wales heads the list in respect to the total amount of declared assets and liabilities; but no comparison of any value can be made on the above figures on account of the partial character of the returns.

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 are granted, those added being as follows:—

- (*a*) That the respondent has, without just cause or excuse, wilfully deserted the petitioner, and, without any such cause or excuse, left him or her continuously so deserted during three years and upwards.

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

The Act further provides for simplifying and cheapening the mode of procedure, for the hearing and trying of suits in private at the discretion of the court, for prohibiting the publication of evidence, for the intervention of the Attorney-General where collusion is suspected, and for the abolition of applications or decrees for the restoration of conjugal rights. The Act can only be taken advantage of by persons domiciled in the State for at least two years. The number of petitions and decrees for dissolution of marriage and judicial separation during the last five years were as follow:—

DIVORCES AND JUDICIAL SEPARATIONS: RETURN FOR FIVE YEARS.

Year.	Petitions for—		Decrees for—	
	Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.
1900	159	2	93	...
1901	148	2	83	...
1902	157	...	109	...
1903	199	1	101	...
1904	175	3	140	1

Since jurisdiction was first conferred upon the Supreme Court of Victoria in matters matrimonial in 1861, 1,730 decrees for dissolution of marriage, and 86 decrees for judicial separation have been granted. Of these, 1,382 and 15 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 99 decrees per annum for dissolution of marriage were granted, but the decrees for judicial separation have decreased to about one per annum.

The following were the petitions and decrees for divorce in the Australian States and New Zealand during 1903, also the divorces per 10,000 married couples living:—

DIVORCES IN AUSTRALIAN STATES AND NEW ZEALAND, 1903.

State.	Petitions for—		Decrees for—		Divorces per 10,000 Married Couples.
	Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.	
Victoria	199	1	101	...	5·60
New South Wales	280	30	204	14	10·64
Queensland	17	2	8	1	1·25
South Australia	18	3	10	...	1·82
Western Australia (1902)	11	3	8	...	2·70
Tasmania	3	...	3	...	1·17
New Zealand	146	3	136	3	11·73

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. It will be seen from the last column of the above table that, according to the decrees in 1903, divorce is twice as rife in New South Wales and New Zealand as in Victoria. Comparisons with the other States are valueless on account of the wide divergence in the grounds of divorce.

JUDICIAL AND LEGAL REVENUE AND EXPENDITURE.

The following return shows for the year 1904 the revenue derived from fees in connexion with the administration of the Transfer of Land Act, the Stamps Act, from the Registrar-General, for registration of patents, from equity, probate, and all other judicial and legal sources.

REVENUE FROM AND EXPENDITURE ON LEGAL SERVICES, 1904.

REVENUE.			
			£
Transfer of Land Act	...	...	35,393
Stamps Act	...	...	167,366
Registrar-General	6,096
Patents Office	2,736
Equity and Probate	6,925
Others	4,539
			<hr/>
Total	222,965
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EXPENDITURE.			
			£
Judges' Salaries (including Master-in-Equity)	17,000
Crown Law Officers and Crown Solicitor	18,763
Registrar-General and Registrar of Titles	...	...	29,876
Sheriffs	...	...	12,001
Police Magistrates and Wardens	...	...	16,392
Clerks of Courts	...	...	18,748
Controller of Stamps	...	...	938
Others	...	...	52,125
			<hr/>
Total	...	...	165,843
			<hr/>

In previous years it has not been practicable to obtain an exact statement of revenue from legal services, inasmuch as the ordinary postage stamp in use in the State was identical with that used for taxation purposes. Since federation, however, a separation has been effected, and on the 1st March, 1904, the State stamp department took over the sale of all duty stamps, and the correct revenue from these services is now obtainable.

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, 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 a criminal nature except such as are expressly excluded from its jurisdiction, viz., nineteen 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 without an information if the offence is witnessed by the arresting constable; by private summons; and by a police 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. The grand jury consists of twenty-three men, who investigate the charge, and if they are of opinion that a *prima facie* case has been made out, the case is sent for trial. The cases which are presented under these two latter forms of procedure, are, however, very rare.

POLICE PROTECTION.

Strength of
police force
in Australia
and New
Zealand.

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, 1904:—

POLICE IN AUSTRALIAN STATES AND NEW ZEALAND, 1904.

State.	Number.			Proportion per 10,000 of Population.
	Metropolitan.	Country.	Total	
Victoria	824	671	1,495	12.35
New South Wales	1,006	1,304	2,310	15.85
Queensland	258	587	845	16.20
South Australia	224	156	380	10.20
Western Australia	134	359	493	20.35
Tasmania	70	164	234	12.99
Total Australia	2,516	3,241	5,757	14.45
New Zealand	71	579	650	7.35

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.

CHARGES BEFORE MAGISTRATES.

Offences
reported
and unde-
tected
crimes.

Of the offenders who are reported as having committed offences, generally about 50 per cent. are arrested, 40 per cent. are summoned, whilst about 10 per cent. are still at large at the end of the year in

which the offence was reported, but in 1904 the rates were 47, 43, and 10 per cent. respectively. The following are particulars for the last five years:—

SUMMONSES, ARRESTS, AND UNDETECTED CRIMES: RETURN FOR FIVE YEARS.

Offences in respect to which persons were—	1900.	1901.	1902.	1903.	1904.
Brought before magistrates on summons ...	22,482	21,130	20,478	24,207	23,614
Arrested by the police	28,866	30,957	26,402	24,268	26,036
Still at large	6,449	6,472	6,153	6,593	5,533
Total	57,797	58,559	53,033	55,068	55,183

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 still at large, 94 per cent. were offences against property, 3 per cent. were offences against the person, and the balance, 3 per cent., were of a miscellaneous character.

The following are particulars of cases brought before magistrates, from which it will be seen that about three-fourths are generally summarily convicted, one-fourth discharged, whilst an average of between 600 and 700 are sent for trial by superior courts:—

Offences dealt with by magistrates.

ARRESTS AND SUMMONSES DEALT WITH BY MAGISTRATES: RETURN FOR FIVE YEARS.

Number of Persons.	1900.	1901.	1902.	1903.	1904.
Arrested or summoned	49,589	50,169	45,198	46,682	47,736
Discharged by magistrates	11,664	12,564	11,096	10,020	11,318
Summarily convicted or dealt with ...	37,224	36,905	33,461	36,031	35,854
Committed for trial	701	700	641	631	564

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.

Males and females arrested.

The sexes of persons brought up on summons are not recorded; but about 20 per cent. of the arrests are always found to be females. The males and females arrested, and the disposal of the cases, in 1904, were as follow:—

MALES AND FEMALES ARRESTED, 1904.

Disposal.	Arrests.		
	Males.	Females.	Total.
Summarily Convicted	12,884	3,669	16,553
Discharged by Magistrates	5,729	1,319	7,048
Committed for Trial	480	41	521
Total	19,093	5,029	24,122

The arrests during the previous five years numbered 23,215 in 1899, 27,107 in 1900, 29,039 in 1901, 24,720 in 1902, and 22,475 in 1903.

DRUNKENNESS.

Arrests for drunkenness, 1900 to 1904.

The following are the number, and proportion per 1,000 of the population, of persons arrested for drunkenness during the last five years. Summons cases for drunkenness are not included prior to 1902, but the number of such cases is inconsiderable, being only 92 in 1904:—

ARRESTS FOR DRUNKENNESS: RETURN FOR FIVE YEARS.

Year.	Number.	Proportion per 1,000 of Population.
1900	15,878	13·31
1901	17,360	14·43
1902	14,540	12·00
1903	12,630	10·45
1904	13,881	11·50

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.	Index Number.
1874-8	100
1879-85	88
1886-92	106
1893-97	65
1898-1902	83
1903	71
1904	79

A very considerable decrease in drunkenness is shown during the five years following the banking crisis, which was a period of general

depression ; but during the five years 1898-1902, the arrests for drunkenness assumed something nearer their normal proportions. In 1904, however, the arrests for drunkenness were fewer than in either of the four preceding years, except 1903.

Drunkenness in each of the Australian States and New Zealand, over a series of years, is dealt with in company with other offences on the next and the following pages.

Drunkenness in Australian States and New Zealand.

DECREASE IN CRIME.

It is difficult to make a proper comparison of crime in recent years with former periods on account of the differences in the sex and age constitution of the people at different periods. The bulk of arrests consists of males from 20 to 50 years of age. The proportion of women and children arrested is comparatively very small ; so that it is natural that, at a period like the present, when the percentage of males at those ages is much less than ten years ago, the proportion of arrests per 10,000 of the population is not a true index of crime, and makes the decrease appear greater than it really is. It is therefore necessary to divide the sexes of arrested persons, and each sex into age groups, and to show the number of charges laid against males and females at various ages between 10 and 60 per 10,000 alive at each age, as shown by the census. The following are the particulars on this basis at the last four census years:—

Decrease of crime in Victoria.

CHARGES PER 10,000 ALIVE AT EACH AGE AGAINST PERSONS ARRESTED, 1871, 1881, 1891, AND 1901.

Ages.	1871.	1881.	1891.	1901.
Males.				
10 to 15 years	104	111	96	51
15 to 20 years	338	335	305	209
20 to 25 years	773	720	688	570
25 to 30 years	834	823	777	712
30 to 40 years	771	865	869	700
40 to 50 years	726	721	1,053	873
50 to 60 years	830	623	760	804
60 years and over	756	661	586	443
Females.				
10 to 15 years	37	26	15	15
15 to 20 years	80	90	50	28
20 to 25 years	141	178	139	116
25 to 30 years	232	219	171	172
30 to 40 years	303	290	189	168
40 to 50 years	272	322	238	166
50 to 60 years	245	223	215	116
60 years and over	186	166	144	110

During the years 1871, 1881, and 1891, the tabulations were based on each separate charge against arrested persons, and in 1901 on each separate arrest, only the most prominent charge being counted

in the latter year. The percentage by which the total charges exceeded the arrests during 1901, has, however, been added on to the figures for each age group for the purpose of comparison. A study of the figures shows that the proportion of offences has on the whole fallen off in 1901 as compared with the three previous periods. In regard to males, there has been a falling off in 1901 as compared with the three previous periods at all ages except 50 to 60, in which group the proportion of arrests was in excess of that in 1891 and 1881. The falling off is more marked amongst the very old people (60 years and over) and the young people under 20, than at other ages. The ages at which the largest proportion of arrests was made were 40 to 50 years in 1901 and 1891, 30 to 40 years in 1881, and 25 to 30 and 50 to 60 years in 1871. In regard to females there has been a very decided falling off at all ages, the ages at which the largest proportion of arrests were made being 25 to 50 in 1901, 40 to 60 in 1891, and 30 to 50 in 1881 and 1871.

CRIME AND DRUNKENNESS IN AUSTRALASIA.

A scientific 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 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 four classes of offences for which complete comparisons can be made:—

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

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	37,156	64,784
	1895	2,500	4,068	11,143	22,616	40,327
	1900	2,238	3,540	15,878	30,192	51,848
	1901	2,152	3,521	17,360	29,054	52,087
	1902	2,121	3,882	14,540	26,337	46,880
	1903	1,936	3,968	12,630	29,941	48,475

CRIME IN AUSTRALIAN STATES AND NEW ZEALAND, 1890, 1895,
AND 1900 TO 1903—continued.

State.	Year.	Number of Charges against Persons Arrested or Summoned for—				
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.	Total.
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
	1901	4,336	6,437	21,123	32,729	64,625
	1902	4,223	7,292	21,577	33,608	66,700
	1903	3,869	7,368	21,837	35,032	68,106
Queensland	1890	2,713	2,487	6,332	7,462	18,996
	1895	2,073	2,085	4,993	8,522	17,673
	1900	1,937	2,552	9,254	10,621	24,364
	1901	1,846	2,547	9,791	9,736	23,920
	1902	1,908	2,375	8,123	8,709	21,115
	1903	1,504	2,206	7,190	8,112	19,012
South Australia	1890	520	501	2,382	3,596	6,999
	1895	411	677	1,763	2,128	4,979
	1900	304	575	2,249	3,072	6,200
	1901	260	528	2,047	3,392	6,227
	1902	252	509	2,431	3,416	6,608
	1903	338	664	2,340	3,088	6,430
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	9,010	14,863
	1901	1,040	1,593	3,348	9,352	15,333
	1902	845	1,889	3,311	10,398	16,443
	1903	797	2,146	3,572	10,690	17,205
Tasmania	1890	483	619	1,151	4,158	6,411
	1895	353	710	463	3,240	4,766
	1900	368	676	832	3,505	5,381
	1901	341	647	743	3,768	5,499
	1902	248	618	636	4,669	6,171
	1903	284	553	526	4,612	5,975
Total Australian States	1890	16,907	16,795	48,201	86,064	167,967
	1895	10,450	14,773	38,895	76,982	141,100
	1900	10,319	15,764	52,286	87,147	165,516
	1901	9,975	15,273	54,412	88,031	167,691
	1902	9,597	16,565	50,618	87,137	163,917
	1903	8,728	16,905	48,095	91,475	165,203
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
	1901	1,586	3,048	8,086	13,105	25,825
	1902	1,114	3,083	8,311	15,568	28,076
	1903	1,303	3,138	8,872	17,440	30,753

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 NEW ZEALAND, 1890, 1895, AND 1900 TO 1903.

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	33·22
	1895	2·12	3·45	9·44	19·17
	1900	1·88	2·97	13·31	25·30
	1901	1·79	2·93	14·43	24·15
	1902	1·75	3·21	12·00	21·75
	1903	1·60	3·28	10·45	24·77
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
	1901	3·16	4·69	15·39	23·85
	1902	3·03	5·23	15·49	24·12
	1903	2·72	5·19	15·39	24·70
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
	1901	3·65	5·04	19·36	19·25
	1902	3·71	4·62	15·82	16·96
	1903	2·93	4·30	14·02	15·82
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	8·55
	1901	·72	1·46	5·65	9·37
	1902	·69	1·40	6·68	9·39
	1903	·92	1·81	6·39	8·42
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	50·88
	1901	5·51	8·45	17·75	49·59
	1902	4·08	9·12	15·98	50·20
	1903	3·60	9·70	16·14	48·31
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
	1901	1·96	3·73	4·28	21·70
	1902	1·41	3·52	3·48	26·72
	1903	1·60	3·11	2·96	25·98

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH AUSTRALIAN STATE AND NEW ZEALAND, 1890, 1895, AND 1900 TO 1903—*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	23·26
	1901	2·62	4·01	14·30	23·13
	1902	2·49	4·29	13·10	22·57
	1903	2·23	4·33	12·31	23·42
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
	1901	2·04	3·92	10·39	16·85
	1902	1·40	3·86	10·42	19·51
	1903	1·59	3·83	10·82	21·26

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 1903, only 55 out of a total of 29,941 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, &c., vagrancy, and soliciting prostitution. 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, consists 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 in 1903, then comes New Zealand, closely followed by Victoria and Tasmania. New South

Offences against the person.

Wales occupies a considerably worse position than Victoria, and the two last are Queensland and Western Australia, in that order, although the positions of these two would be reversed in 1903 if allowance were made for the exceptionally large proportion of adult males in the population of Western Australia.

Offences
against
property.

A decrease, as compared with 1890, will also be noticed in the proportion of offences against property in all the Australian States, except South Australia; but there has been a small increase in 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 Australia than in any other State or New Zealand, Tasmania coming next, closely followed by Victoria, New Zealand, Queensland, 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.

Drunken-
ness.

In every Australian State there has been a decrease in drunkenness cases before magistrates in 1903, as compared with 1890; but an increase as compared with 1895 in every case except Western Australia. This offence is much less frequent in Tasmania than in any other State, South Australia coming next, and then following Victoria, New Zealand, Queensland, New South Wales, and Western Australia, in that order. If allowance were made for the large proportion of adult males in the latter State, Western Australia would now occupy a better position than Queensland or New South Wales, and 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.

Consump-
tion of
intoxicat-
ing liquors.

The following table shows during the five years 1899 to 1903 the average yearly consumption of intoxicating liquors in the principal countries of the world, the information having been compiled principally from a return prepared to the order of the British House of Commons, dated 3rd August, 1904.

AVERAGE CONSUMPTION OF SPIRITS, BEER, AND WINE IN AUSTRALIA AND NEW ZEALAND AND THE PRINCIPAL BRITISH POSSESSIONS AND FOREIGN COUNTRIES, 1899 TO 1903.

Countries.	Yearly Average Quantity Consumed, 1899 to 1903.			Proportion per Head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
	gallons.	gallons.	gallons.	gallons.	gallons.	gallons.
British—						
Victoria ..	1,000,800	16,460,400	1,591,200	.83	13.7	1.3
New South Wales ..	1,230,800	14,493,000	1,001,800	.89	10.5	.73
Queensland ..	546,000	5,752,400	170,600	1.08	11.4	.34
South Australia ..	163,800	3,210,600	1,195,115	.45	8.9	3.31
Western Australia ..	304,200	4,796,600	191,400	1.58	24.9	.98
Tasmania ..	91,000	1,587,200	26,800	.52	9.1	.15
Australia ..	3,336,600	46,300,200	4,176,915	.88	12.2	1.10
New Zealand ..	576,600	7,177,400	119,800	.73	9.2	.15
United Kingdom ..	44,295,600	1,288,206,400	15,351,000	1.07	31.0	.37
Dominion of Canada ..	4,086,600	24,972,400	489,400	.76	4.6	.09
Natal ..	323,000	308,600	..	.35	.34	..
Newfoundland ..	64,750	68,250	6,975	.29	.31	.03
Foreign—						
Russian Empire ..	147,206,500	127,590,500	..	1.08	.93	..
Norway ..	1,636,800	9,517,200	..	.74	4.3	..
Sweden ..	9,319,200	65,587,500	..	1.82	12.7	..
Denmark ..	7,854,000	52,141,400	..	3.21	21.3	..
German Empire ..	106,172,000	1,528,450,000	72,969,000	1.88	26.7	1.27
Holland ..	9,253,200	..	1,975,600	1.77	..	.37
Belgium ..	12,364,000	323,576,000	6,881,600	1.83	47.6	1.01
France ..	66,114,400	205,353,500	1,173,924,400	1.72	5.3	30.2
Switzerland ..	..	46,766,500	54,785,500	..	14.3	16.2
Portugal ..	..	..	95,704,400	..	..	18.3
Spain ..	..	..	353,918,000	..	..	19.0
Italy ..	8,764,800	4,844,400	796,136,000	.27	.15	24.2
Austria ..	67,980,000	414,969,500	116,424,000	2.58	15.7	4.4
Hungary ..	39,292,000	33,228,800	60,614,400	1.98	1.7	3.1
Bulgaria ..	770,000	985,600	49,900,000	.21	.27	13.2
Romania ..	5,192,000	1,331,000	41,130,000	.85	.22	6.9
United States ..	88,514,750	1,106,120,500	30,757,000	1.13	14.1	.39

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

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 less than a gallon per head per year, in Denmark it amounted to over 3 gallons; in Austria to 2½ gallons; in Germany, France, Holland, Belgium, Hungary, and Sweden to nearly 2 gallons; and in the United Kingdom, Russia, and the United States to more than one 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 more than 47 gallons; United Kingdom, 31 gallons; Germany, 27 gallons; and Denmark, 21 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 more than 51 gallons per head. The consumption in Württemberg was also high, reaching 40 gallons,

Consumption of drink in various countries compared.

and in Baden about 35 gallons per head. The Australian consumption of 12 gallons does not appear to be large by comparison with these figures, Western Australia, with 25 gallons per head, being the only State in which the consumption approaches these countries. The chief wine-producing countries of the world—France and Italy—are also the greatest consumers, the former consuming 30 gallons, and the latter 24 gallons per head. Spain, 19 gallons; Portugal, 18 gallons; Switzerland, 16 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 between 2 and 3 gallons per head, though the figures are not available for recent years; Australia consumes a little over a gallon per head; the United Kingdom about one-third of a gallon, and Canada less than one-tenth of a gallon.

Expenditure
by the
people on
intoxica-
ting liquor.

With the assistance of the figures in the preceding table, it is not a very difficult matter to estimate for Australia, with some degree of accuracy, the approximate expenditure of the people on intoxicating liquors. Assuming that three-fourths of the spirits are consumed in hotels and clubs, and the balance privately, it would appear that each gallon of spirits costs the consumer 35s. It is estimated, allowing for imported ale and stout, that 3s. is paid for every gallon of beer consumed; and that 10s. per gallon is a fair average for wine, assuming that half is consumed in hotels, clubs, and saloons, and half privately, and allowing for imported champagnes and other wines.

The following table shows the approximate amount spent by the people on spirits, beer, and wine, during an average year, the figures being based on the average quantity consumed during the five years, 1899 to 1903. The amount per head of population and per adult individual 21 years of age and over is also shown:—

AUSTRALASIAN DRINK BILL:—YEARLY AVERAGE, 1899 TO 1903.

State of—	Expenditure by the People on—					
	Spirits.	Beer.	Wine.	Total.		
				Amount.	Per Head.	Per Adult Individual
	£	£	£	£	£ s. d.	£ s. d.
Victoria	1,751,400	2,469,060	795,600	5,016,060	4 3 7	7 14 4
New South Wales	2,153,900	2,173,950	500,900	4,828,750	3 10 4	6 15 9
Queensland	955,500	862,860	85,300	1,903,660	3 16 3	7 6 7
South Australia	286,650	481,590	597,558	1,365,798	3 15 7	7 7 1
Western Australia	532,350	719,490	95,700	1,347,540	7 0 0	11 6 1
Tasmania	159,250	238,080	13,400	410,730	2 7 3	4 14 1
Australia	5,839,050	6,945,030	2,088,458	14,872,538	3 18 3	7 7 9
Colony of New Zealand	1,009,050	1,076,610	59,900	2,145,560	2 14 10	5 2 6

These figures show that the average yearly expenditure on drink in Australia during the quinquennium, 1899 to 1903, amounted to nearly 15 millions sterling, and including New Zealand, to about

17 millions. In Victoria no less than 5 millions was spent, or nearly £188,000 more than in New South Wales, notwithstanding that the latter State had the larger population. Western Australia, according to population, stands at the head of the list with £7 per unit, and this is accounted for by the large adult population resident there. Victoria is second with over £4 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 18s. In New Zealand also the expenditure is comparatively low, amounting to £2 15s. per head.

It has been claimed on behalf of New South Wales as a reason why cases of drunkenness are more frequent in that State than in Victoria, that in the latter State drunkenness itself is no crime, but must be allied with disorderly conduct before the person may be punished. This statement is incorrect, for Section 153 of the *Licensing Act 1890* (No. 1111) provides that: "Every person found drunk in any highway or other public place, whether a building or not, or on any licensed victualler's premises, may be taken into custody by the police, and shall be liable to a penalty not exceeding Ten shillings, &c." It is true that most of the cases of drunkenness are brought under the "Police Offences Act"; but the degree of disorderly conduct required is very slight, the mere fact of a person being so drunk as to be a nuisance or dangerous to himself or others being sufficient. If any doubt arises as to whether the accused is disorderly within the meaning of the section, the charge is laid under the section of the Licensing Act mentioned above, but such cases are comparatively few.

Drunkenness in Victoria and New South Wales.

The following is a statement of the number of charges of drunkenness made against persons in each State and in New Zealand during 1903, 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 NEW ZEALAND, 1903.

State.	Charges of Drunkenness.	Convictions.	
		Total.	Percentage of Charges.
Victoria	12,630	8,494	67.25
New South Wales	21,837	21,732	99.52
Queensland	7,190	7,130	99.17
South Australia	2,340	2,296	98.12
Western Australia	3,572	2,348	65.73
Tasmania	526	511	97.15
Australia	48,095	42,511	88.39
New Zealand	8,872	8,774	98.90
Australasia	56,967	51,285	90.03

It will be seen from the last column in the above table that the percentage of convictions in Victoria and Western Australia was much less than in the other States and 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 seemed to denote such a comparative leniency on the part of magistrates in drunkenness cases in Victoria and Western Australia that the matter was brought under the notice of the Victorian Chief Commissioner of Police, who called for a report from the police officials best qualified to judge in Melbourne and the six principal country centres. It appears from the reports received, that it is the practice at the Melbourne City Police Court to discharge a person on his first appearance, and also upon the second offence if more than twelve months have elapsed since his first appearance; and also, generally throughout the State, to discharge first offenders and those who have been arrested on a Saturday, and were necessarily detained in custody till Monday, as it is considered the latter have already been sufficiently punished. In some cases, also, when an offender has been admitted to bail after arrest, he is discharged on promising to put a donation in the poor box. In all these cases no conviction is recorded in Victoria, and a similar practice is probably adopted in Western Australia; but in the other States a conviction is entered on the records in nearly every case, whether any punishment is inflicted or not. The Victorian Chief Commissioner of Police, in view of the peculiarity of result disclosed in the foregoing table, showing almost cent. per cent. convictions in all States except Victoria and Western Australia, decided that the matter was deserving of some further investigation, and accordingly placed himself in communication with the Police Department of New South Wales, with the result that it has been ascertained that in that State, in almost every instance, the accused person is found guilty, and a fine imposed. As regards the leniency in drunkenness cases in Victoria, the Chief Commissioner states that magistrates seem to take a common-sense view of the cases which come before them; and that he sees no reason to find fault with their action. Although the percentage of convictions entered on the records in Victoria and Western Australia is small in comparison to the other States, the extent to which persons are arrested for drunkenness is not affected thereby.

A large proportion of the offences dealt with by magistrates cannot be classed as crimes properly so called, but are mere breaches of Acts of Parliament, and show no degree of criminality in the person charged. A still larger proportion consists of drunkenness and offences against good order, including vagrancy, larrikinism, &c. The number of arrests for serious crimes preliminarily investigated

by magistrates in Victoria and New South Wales during 1903 was—

SERIOUS CRIMES IN VICTORIA AND NEW SOUTH WALES DURING 1903.

Class of Crime.	Victoria.	New South Wales.
Murder and attempts, manslaughter, shooting, wounding, &c.	52	164
Robbery, burglary, &c.	220	340
Crimes of lust	58	128
Horse, sheep, and cattle stealing	59	193
Total	389	825

The total per 10,000 of the population was 5.82 in New South Wales, and 3.22 in Victoria. Multiple charges are excluded from the above figures, each separate arrest only being counted. It is claimed on behalf of New South Wales that the comparatively large number of criminals in that State is due to the want of a proper law to prevent the influx of such persons from other places.

BIRTHPLACES OF ARRESTED PERSONS.

The following is a statement of the principal countries in which persons arrested during 1904 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 PERSONS ARRESTED, 1904.

Birthplace.	Number.	Proportion per 1,000 living.
Victoria	12,154	13.87
Other Australian States	2,030	31.19
New Zealand	359	39.80
England and Wales	3,250	28.09
Scotland	1,296	36.25
Ireland	3,103	50.45
China	136	21.83
Other Countries	1,754	57.28
Total	24,122	20.08

As the ages of the people were not tabulated in conjunction with their birthplaces at the census, the proportion of Victorian arrests 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.

EDUCATION OF ARRESTED PERSONS.

The ages of those arrested in 1904, and the degree of instruction possessed by them, are shown in the following table:—

AGE AND DEGREE OF INSTRUCTION OF PERSONS ARRESTED, 1904.

Ages.	Superior Education.	Read and Write Well.	Read Only, or Read and Write Imperfectly.	Unable to Read.	Total.
Under 10 years ..	..	..	43	310	353
10 to 15 " ..	..	..	329	35	364
15 to 20 " ..	..	13	996	30	1,039
20 to 25 " ..	..	57	2,900	53	3,010
25 to 30 " ..	5	93	3,171	79	3,348
30 to 40 " ..	5	204	5,863	200	6,272
40 to 50 " ..	10	182	4,920	241	5,353
50 to 60 " ..	17	88	2,244	178	2,527
60 and upwards ..	8	44	1,553	251	1,856
Total ..	45	681	22,019	1,377	24,122

Education of children arrested.

The returns of those under fifteen years of age arrested by the police consist mainly of neglected and deserted children. Of the 717 children under fifteen arrested during 1904, not one was possessed of superior instruction, nor could read and write well; and 345, or 48 per cent., were unable to read.

OFFENCES HEARD BY MAGISTRATES.

Arrests and summonses for various offences.

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 summonses, and the following are particulars of the different classes of offences in 1904, distinguishing between arrest and summons cases, multiple

charges against the same individual being each counted as an offence:—

ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1904.

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.	107	..	107
Assaults	658	811	1,469
Others	149	121	270
Against Property —			
Robbery, burglary, &c.	256	..	256
Larceny and similar offences ..	2,005	232	2,237
Wilful damage to property ..	238	211	449
Others	140	175	315
Against Good Order—			
Drunkenness	13,789	92	13,881
Others	7,384	6,354	13,738
Breaches of Licensing Act .. .. .	..	685	685
Other Offences	1,310	14,933	16,243
Total	26,036	23,614	49,650

Of the 26,036 offences for which arrests were made, 1,914 were multiple charges, leaving the number of separate arrests 24,122, of which 16,553 were summarily convicted, 7,048 were discharged, and 521 were committed for trial. Of the 23,614 summons cases, 19,301 were summarily convicted, 4,270 were discharged, and 43 were committed for trial. Of the total persons dealt with (47,736), the number summarily convicted was 35,854, 11,318 were discharged, and 564 were committed for trial.

SENTENCES PASSED.

During 1904 there were 16,553 sentences by magistrates in exercise of their summary jurisdiction, 12,884 of which were of males and 3,669 of females. These figures do not represent the number of distinct individuals sentenced during the year, for many of them, particularly the habitual drunkard class, were brought up and sentenced several times. Of every 1,000 males sentenced, 438 were fined, 421 were imprisoned for a period less than one month, 98 for a period between one and twelve months, four for one year or over, and 39 were sent to reformatory schools, ordered to find bail, or otherwise dealt with. Of every 1,000 females sentenced, 363 were fined, 488 were imprisoned under one month, 91 over one and under twelve months, and 58 were sent to the industrial or reformatory schools, ordered to find bail, or otherwise dealt with. In addition to these sentences, there were 904 cases (799 males, 105 females) in which, although the magistrates found the accused persons guilty, it was deemed inexpedient to inflict any punishment, admonition and

Sentences
by magis-
trates.

caution being considered sufficient. In addition to the sentences of imprisonment, five prisoners were ordered one whipping.

Sentences
in superior
courts.

During 1904, 338 persons were sentenced by superior courts, of whom 18 were females. Of the 320 males, four were sentenced to death, five to periods between ten and fifteen years, two between seven and ten years, 30 between four and seven years; 97, or 30 per cent., between one and four years; and 153, or 47 per cent., to periods under one year; whilst one was fined, and 28 were required to find bail to appear when called upon. Of the eighteen females one was sentenced to two years, one to one year, fifteen to under twelve months, whilst one was sent to the Reformatory. In addition to the term of imprisonment, twelve persons were ordered to be kept in solitary confinement during various portions of their terms of imprisonment, and four were ordered to receive one whipping each.

GAOLS AND PRISONERS.

There are nine gaols in Victoria, including the Pentridge Penal Establishment, Ararat and Portland gaols having been closed several years ago, and Maryborough recently. The gaols at Sale and Castlemaine have been reduced to receiving stations for local committals with very short sentences. The following statement gives for the year 1904 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, 1904.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received.		In Confinement, 31.12.04.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Pentridge ..	800	..	476	..	477	..	508	..
Ballarat ..	62	18	32	1.86	387	36	36	2
Beechworth ..	66	15	39	.24	200	8	41	..
Bendigo ..	116	28	27	1.33	354	50	26	2
Castlemaine ..	99	..	5	.06	70	3	1	..
Coburg Female Prison ..	..	324	..	96.32	..	207	..	97
Geelong ..	187	29	100	.22	342	19	110	..
Melbourne ..	485	114	194	36.69	3,956	1,174	175	41
Sale ..	30	5	8	.29	116	5	6	..
Total ..	1,845	533	881	137.01	5,902	1,502	903	142

The above figures show that there is accommodation in the gaols for more than twice the average number in confinement. The question would now seem to arise whether one or more of these establishments should not be discontinued as a gaol and utilized for other

purposes. There are also seven police gaols which are used as receiving stations, but the daily average number of prisoners detained therein during 1904 was only nine.

The following is a statement of the average number of prisoners, male and female, in detention during 1891, 1895, and the last five years in all the gaols of the State, from which it will be seen that the decrease is very considerable, the number in 1904 being 873, or 46 per cent. less than in 1891:—

Prisoners in confinement—
decrease.

PRISONERS IN CONFINEMENT, 1891, 1895, AND 1900 TO 1904.

Year.	Average Number of Prisoners in Confinement.		
	Males.	Females.	Total.
1891	1,550	350	1,900
1895	1,208	216	1,424
1900	981	204	1,185
1901	951	200	1,151
1902	943	170	1,113
1903	907	141	1,048
1904	890	137	1,027

EXPENDITURE ON POLICE AND GAOLS.

In the 39½ years ended 30th June, 1904, the total amount expended in connexion with the police, and penal establishments and gaols of Victoria was £11,228,051, viz., £8,943,903 on the former, and £2,284,148 on the latter. The following table shows the amounts and the amounts per head expended in connexion with the police, and penal establishments and gaols of Victoria during each of the five years ended with 1903-4:—

Expenditure on police, gaols, &c.

EXPENDITURE ON POLICE AND GAOLS, 1899-1900 TO 1903-4.

Year.	Amount Expended (exclusive of the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols and Penal Establishments.	Total.	
	£	£	£	s. d.
1899-1900	261,954	50,805	312,759	5 3
1900-1	272,444	52,138	324,582	5 5
1901-2	271,561	51,948	323,509	5 4
1902-3	264,422	51,919	316,341	5 3
1903-4	269,647	49,226	318,873	5 3

Expenditure
on police
and gaols
in Austral-
asia.

The following are the amounts expended on police and gaols in the Australian States and New Zealand during the year ended 31st December, 1904, in Tasmania; 31st March, 1904, in New Zealand; and 30th June, 1904, in the other States:—

EXPENDITURE ON POLICE AND GAOLS IN AUSTRALIAN STATES AND NEW ZEALAND, 1903-4.

State.	Amount Expended (exclusive of the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols.	Total.	
	£	£	£	s. d.
Victoria	269,647	49,226	318,873	5 3
New South Wales	430,996	103,836	534,832	7 6
Queensland	165,479	25,312	190,791	7 5
South Australia	85,090	16,219	101,309	5 6
Western Australia	126,997	29,228	156,225	13 9
Tasmania	34,701	5,330	40,031	4 6
Australia	1,112,910	229,151	1,342,061	6 10
New Zealand	125,152	34,976	160,128	3 10

Executions.

One execution took place in 1904, as against 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, 168 criminals have been executed within the State, of whom only three were females.

Coroners' inquests.

In 1904 the number of coroners' inquiries into the causes of deaths of individuals was 1,224, which was below the average number of the four preceding years. In 723 cases death was found to be due to disease or natural causes, in 306 cases to accident, in 107 to suicide, in 77 to external causes which could not be ascertained, in three to homicide, in one to intemperance, whilst in three cases the cause of death was doubtful. Of those due to violence, 62 per cent. were due to accidental causes, 22 per cent. to suicide, whilst in 16 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 7,470, of which 4,340 deaths were found to be due to disease or natural causes, 3,073 to violence, and 57 to other causes.