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SECTION XXIII.

PUBLIC JUSTICE.

§ 1. Police.

1. **Introductory.**—In previous issues of the Year Book a *résumé* was given of the evolution of the police force in Australia up to the passing of the Police Act of 1862 (25 Vic. No. 16) in New South Wales, but considerations of space preclude its inclusion in the present volume.

In general terms the police forces of Australia may be said to be satisfactory both in regard to physique and intelligence, while as regards methods of prevention and detection of crime it is believed that the system in vogue here compares very favourably with those of the older-settled countries of the world.

2. **Strength of Police Force.**—The strength of the police force in each State during the five years ended 1916 was as follows. It may be mentioned that the police forces are entirely under State control, but, by arrangement, the Commonwealth Government utilises their services in various directions, such as the collection of Commonwealth electoral rolls, etc.:—

POLICE FORCES IN THE COMMONWEALTH, 1912 to 1916.

State.	Area of State in Sq. Miles.	1912.	1913.	1914.	1915.	1916.
New South Wales	310,372	2,554	2,582	2,627	2,613	2,587
Victoria...	87,884	1,662	1,753	1,739	1,737	1,638
Queensland	670,500	1,084	1,108	1,112	1,194	1,176
South Australia	380,070	522	500	556	541	567
Western Australia	975,920	487	477	482	495	473
Tasmania	26,215	237	237	231	233	232
Northern Territory	523,620	25	26	25	26	27
Commonwealth	2,974,581	6,571	6,683	6,772	6,839	6,700

The figures for New South Wales for 1916 are exclusive of forty-two "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and five female searchers. In Queensland there were 100 native trackers. The South Australian returns for 1916 are exclusive of eight "black trackers" and one female searcher, and the Tasmanian returns are exclusive of a female searcher. The Northern Territory had twenty-four "black trackers" in 1916. There are also fifty-three "black trackers" in Western Australia and four searchers not included in the table.

Average Number of Inhabitants to each Police Officer. The average number of inhabitants to each officer in each State during the same period is as follows. In considering these figures, allowance must, of course, be made for the unequal area and unequal distribution of the population of the various States.

INHABITANTS TO EACH POLICE OFFICER, 1912 to 1916.
(COMMONWEALTH.)

State.	No. of Persons per Sq. Mile, 1911 Census.	Inhabitants to each Police Officer.				
		1912.	1913.	1914.	1915.	1916.
New South Wales	5.31	697	710	709	716	719
Victoria ...	14.97	831	805	823	816	855
Queensland ...	0.90	587	595	603	570	569
South Australia ...	0.46	824	880	794	810	762
Western Australia ...	0.29	628	672	670	642	653
Tasmania ...	7.29	832	851	872	863	862
Northern Territory	...	139	141	159	175	177
Commonwealth	1.50	720	729	730	721	728

The figures in the preceding tables shew a great disparity in the relative numbers of the population protected by each police officer in the various States, and also in the relative area of territory to each officer. Western Australia and South Australia exhibit the largest figures in the latter respect, this, of course, being due to the fact that extensive areas in each State are as yet unpeopled by white settlers.

3. Duties of the Police.—In addition to the ordinary employment attaching to their office, the police are called upon to perform many duties which in other countries are carried out by various functionaries. Thus, in Queensland, according to the Commissioner's report for 1916, no less than sixty-two subsidiary offices are held by the police. As far as the statistician is concerned, it is found that the expert local knowledge possessed by the police renders their services in the collection of such returns as those relating to the agricultural, pastoral, and manufacturing industries, private schools, etc., more than ordinarily valuable. Then, again, the fact that their services are enlisted by such widely different departments as those dealing with mines, stock, agriculture, elections, registrations of births, deaths, and marriages, forestry, fisheries, explosives, old-age pensions, lunacy, public works, labour, etc., greatly enhances their general alertness by widening the range of their experience. Occasionally the objection is heard in some quarters that these special tasks involve some degree of sacrifice of ordinary routine duties, but that the general intelligence of the Australian police is adequate to the obligation to perform these tasks, besides being most creditable, results in a great saving of the public money.

4. Cost of Police Forces.—The expenditure from Consolidated Revenue on the police forces in each State during the five years 1912 to 1916 is shewn in the following table. Cost of buildings has been excluded from the return:—

COST OF POLICE FORCES IN THE COMMONWEALTH, 1912 to 1916.

State.	1912.	1913.	1914.	1915.	1916.
	£	£	£	£	£
New South Wales ...	578,767	593,406	592,694	603,347	649,093
Victoria ...	348,227	354,264	380,724	365,821	356,885
Queensland ...	306,431	304,817	302,633	302,209	322,422
South Australia ...	116,847	129,834	132,445	131,580	127,632
Western Australia ...	129,556	126,532	133,452	131,806	125,446
Tasmania ...	43,236	45,237	45,972	45,952	47,320
Northern Territory	10,609	10,614	10,307	10,216	10,260
Commonwealth	1,533,673	1,564,704	1,598,227	1,590,931	1,639,058

The total for New South Wales includes £47,000 payment to Police Superannuation Fund. Similar payments in Victoria and Queensland amount to £20,000 and £34,000 respectively, while smaller sums are included in the returns for other States. The cost per head of the population in each State for the period 1912 to 1916 was as follows:—

COST OF POLICE PER INHABITANT, 1912 to 1916.

(COMMONWEALTH.)

State.	1912.	1913.	1914.	1915.	1916.
	s. d.	s. d.	s. d.	s. d.	s. d.
New South Wales ...	6 8	6 7	6 4	6 6	7 0
Victoria ...	5 2	5 1	5 4	5 2	5 0
Queensland ...	9 8	9 4	9 0	8 11	9 8
South Australia ...	5 6	6 0	6 0	6 0	5 11
Western Australia ...	8 7	8 1	8 3	8 3	8 1
Tasmania ...	4 6	4 7	4 7	4 7	4 9
Northern Territory ...	63 2	58 0	52 0	44 9	43 0
Commonwealth ...	6 7	6 6	6 6	6 6	6 9

The relatively high cost per head in Queensland and Western Australia is due to the fact that there are in those States extensive areas of sparsely settled country, in which mounted patrols have to be maintained.

In view of the small number of its white population and the vast extent of country to be patrolled, the figures for the Northern Territory necessarily shew a very high average. The duties of the police, moreover, chiefly pertain to matters connected with the control of aborigines.

§ 2. Lower (Magistrates') Courts.

1. **Introductory.**—In considering the criminal returns of the various States, due allowance must be made on account of several factors, such as the relative powers of the courts, both lower and higher, etc. In the case of lower courts, the actual number of laws in each State, the breach of which renders a person liable to fine or imprisonment, must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws, or laws connected with vagrancy or gaming, the views of magistrates, and instructions issued to the police, may be responsible for considerable variations in the returns. The strength and distribution of the police forces, and the age constitution and distribution of the State's population, also influence the results. In any consideration of criminal returns, due weight should also be given to the prevalence of undetected crime, but information on this point can only be obtained for the State of Victoria. It may be mentioned that each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia, which is largely a Court of Appeal intermediate to the Privy Council, although it has also original jurisdiction, and the Commonwealth Court of Arbitration and Conciliation. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution (see page 27).

2. **Powers of the Magistrates.**—In New South Wales there is no general limit to the powers of the magistrates in regard to offences punished summarily, their authority depending in such case on the statute which creates the offence and gives them jurisdiction. Except in the case of a very few statutes, and excluding cumulative sentences,

the power of sentence is limited to six months. Imprisonment in default of payment of fine is regulated by a scale limiting the maximum period according to the sum ordered to be paid, but in no case exceeding twelve months. Actions for debt and damage within certain limits also come within magisterial jurisdiction. In cases of debts, liquidated or unliquidated, the amount recoverable is not exceeding £50 before a court constituted of a stipendiary or police magistrate at certain authorised places, and not exceeding £30 at any other place before a court constituted of a stipendiary or police magistrate or two or more justices of the peace. The amount in actions of damage is limited to £10, but may extend to £30 by consent of parties.

In Victoria, the civil jurisdiction of magistrates is restricted to what may be designated ordinary debts, damages for assault, restitution of goods, etc., where the amount in dispute does not exceed £50. No definite limit is fixed to the powers of the magistrates on the criminal side, and for some offences sentences up to two years may be imposed. The proportion of long sentences is, however, comparatively small.

In Queensland, generally speaking, the maximum term of imprisonment which justices can inflict is six months, but in certain exceptional cases, such as offences against sections 233 and 445 of the criminal code (betting-houses and illegally using animals), sentences of twelve months may be imposed. No limit exists as to the extent to which cumulative sentences may be applied, but in practice the term is never very lengthy.

In South Australia, under the Minor Offences Act, magistrates can impose sentences up to six months, and under the Summary Convictions Act, up to three months. The Police Act of 1869 gives power to sentence up to one year, with hard labour, in the case of incorrigible rogues; while under the Quarantine Act of 1877, and the Lottery and Gaming Act of 1875, sentences of two years may be imposed.

Under the Petty Sessions Act of 1867, in Tasmania, any person charged with having committed, or with having aided or abetted in the commission of an offence, in regard to property of a value not exceeding £10, may, on conviction, for a first offence, before two or more justices in Petty Sessions, be imprisoned for any term not exceeding one year, and for a term not exceeding two years for a second or subsequent offence.

3. Persons Charged at Magistrates' Courts.—The total number of persons who were charged before magistrates in each State is given below for the five years 1912 to 1916:—

PERSONS CHARGED BEFORE MAGISTRATES IN THE COMMONWEALTH, 1912 to 1916.

State.	1912.	1913.	1914.	1915.	1916.
New South Wales ...	89,951	92,107	94,766	86,576	82,036
Victoria ...	53,087	56,058	57,977	63,140	59,315
Queensland ...	27,323	29,166	29,635	30,047	25,206
South Australia ...	10,685	11,818	10,693	9,587	8,322
Western Australia ...	15,092	16,442	17,879	14,864	15,454
Tasmania ...	7,084	7,101	6,481	6,306	5,259
Northern Territory...	219	189	203	287	105
Commonwealth ...	203,441	212,831	217,634	210,807	195,697

As the table shews, there was a decrease in 1916 in charges in all the States with the exception of Western Australia, where there was a small increase due to the preponderance of offences against the public welfare. It may be pointed out, however, that many of these offences consist of technical breaches of various enactments which hardly come within the category of ordinary crime.

Investigation of the returns shews, moreover, that considerable variations in the total for single States are occasioned by breaches of new Acts, or the more stringent enforcement of the provisions of existing Acts. For example, the increase in the Victorian figures for 1915 was due to the inclusion in the summons returns of over 10,000 cases in connection with the Commonwealth Electoral Act. Any deductions drawn from the total returns as to the increase or otherwise of criminality must, therefore, be largely influenced by a careful analysis of the detailed list of offences. (See also § 2, 1, *ante*.)

The figures given in the tabulation above include, of course, a number of people who were wrongly charged, and statistically are not of great importance. The actual number of convictions in connection with the persons who appeared before the lower courts in each year of the period 1912 to 1916 is, therefore, given hereunder. A separate line is added shewing the committals to higher courts.

CONVICTIONS AND COMMITTALS AT MAGISTRATES' COURTS, 1912 to 1916.

(COMMONWEALTH.)

State.		1912.	1913.	1914.	1915.	1916.
New South Wales	{ Convictions	77,611	79,079	81,217	73,248	68,615
	{ Committals	1,490	1,529	1,648	1,570	1,656
Victoria	{ Convictions	38,646	39,786	41,033	44,947	40,246
	{ Committals	571	611	571	634	552
Queensland	{ Convictions	24,996	26,782	27,244	27,625	23,161
	{ Committals	425	417	458	411	304
South Australia...	{ Convictions	9,184	10,447	9,280	8,222	7,145
	{ Committals	121	141	135	105	71
Western Australia	{ Convictions	13,251	14,590	15,849	13,308	13,595
	{ Committals	162	150	147	*116	141
Tasmania	{ Convictions	6,108	6,471	5,852	5,492	4,614
	{ Committals	60	58	67	35	42
Northern Territory	{ Convictions	183	134	187	271	86
	{ Committals	8	2	2	1	3
Commonwealth	{ Convictions	169,979	177,289	180,662	173,113	157,462
	{ Committals	2,837	2,908	3,028	2,872	2,769

* Exclusive of four extradited.

4. **Convictions for Serious Crime.**—While the figures given in the preceding table refer to the entire body of convictions, the fact must not be lost sight of that they include a large proportion of offences of a technical nature, many of them unwittingly committed, against various Acts of Parliaments. Cases of drunkenness and minor breaches of good order, which, if they can be said to come within the category of crime at all, at least do so in a very different sense to some other offences, also help to swell the list. The following table has, therefore, been prepared for the purpose of shewing the convictions at magistrates' courts for what may be regarded as the more serious offences, *i.e.*, against the person and property, either separately or conjointly, and forgery and offences against the currency:—

CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS, 1912 to 1916.
(COMMONWEALTH.)

State.	1912.	1913.	1914.	1915.	1916.
New South Wales ...	5,904	6,161	6,100	5,217	6,271
Victoria ...	2,655	2,405	2,705	2,994	2,736
Queensland ...	1,495	1,651	1,497	1,639	1,487
South Australia ...	554	571	665	607	522
Western Australia ...	1,053	1,111	1,237	1,005	1,014
Tasmania ...	566	657	611	558	441
Northern Territory ...	11	12	28	18	37
Commonwealth ...	12,238	12,568	12,843	12,038	12,508

Compared with the population the above figures give the following results per 10,000 inhabitants:—

CONVICTIONS FOR SERIOUS CRIME PER 10,000 INHABITANTS, 1912 to 1916.
(COMMONWEALTH.)

State.	1912.	1913.	1914.	1915.	1916.
New South Wales ...	33.9	34.1	32.9	27.9	33.5
Victoria ...	19.6	17.3	19.0	21.0	19.4
Queensland ...	23.7	25.3	22.2	23.9	21.9
South Australia ...	13.1	13.2	15.1	13.8	12.1
Western Australia ...	34.9	35.4	38.2	31.2	32.2
Tasmania ...	29.5	33.5	30.8	28.0	22.3
Northern Territory ...	32.7	32.8	74.6	40.9	76.3
Commonwealth ...	26.3	26.2	26.1	24.3	25.5

5. Decrease in Crime.—The figures quoted in the preceding table shew that during the last five years the rate of serious crime has decreased slightly, while if the comparison be carried back to 1881 the position is seen to be still more satisfactory. The rate of convictions at magistrates' courts per 10,000 of the population is given below for each of the years 1881, 1891, 1901, 1912, and 1916. Only the more serious offences, particularised in the preceding sub-section, have been taken into consideration.

RATE OF CONVICTIONS FOR SERIOUS CRIME IN THE COMMONWEALTH, 1881-1916.

Year.						Convictions per 10,000 Persons
1881 ...	...	...	...	...	...	69.3
1891 ...	...	...	...	...	...	44.8
1901 ...	...	...	...	...	...	29.1
1912 ...	...	...	...	...	...	26.3
1916 ...	...	...	...	...	...	25.5

The figures already quoted refer to total convictions, and in respect of individuals necessarily involve a considerable amount of duplication, especially in minor offences, such as petty larcenies, etc., in which the same offender appears before the court many times in the course of the year.

6. Causes of Decrease in Crime.—The statistics given shew that there has been a considerable decrease in crime throughout Australia. The results so far quoted are restricted entirely to the lower or magistrates' courts. There has also been a gratifying decrease in regard to offences tried at the higher courts, as will be seen later.

Attempts have been made to account for this decline: *e.g.*, advance in education, enlightened penological methods, etc. Much depends upon what is meant by education. Many classed in census statistics as "educated" can barely read and write. In this connection, moreover, it ought not to be forgotten that collaterally with the introduction of ordinary intellectual education certain people have departed from their pristine virtues. In regard to the deterrent effect of punishment, it may be said that in respect of many offences, notably drunkenness, vagrancy, petty larcenies, etc., it appears to be almost negligible. In general, punishment has declined in brutality and severity, and has improved in respect of being based to a greater extent upon a scientific penological system, though in this latter respect there is yet much to be desired. Recent advances in penological methods will be referred to in a subsequent section. Here it will be sufficient to remark that under the old *régime*, a prisoner on completion of a sentence in gaol was simply turned adrift on society, and in many cases sought his criminal friends, and speedily qualified for readmission to the penitentiary. Frequently he was goaded to this by mistaken zeal on the part of the police, who took pains to inform employers of the fact of a man having served a sentence in gaol. For a long time any assistance to discharged prisoners was in the hands of private organisations, such as the Salvation Army Prison Gate Brigade, but in some of the States, and notably in New South Wales, the authorities themselves look after the welfare of discharged prisoners in the way of finding work, providing tools, etc.

Improvements in the means of communication and identification have been responsible for some of the falling-off noticeable in the criminal returns, the introduction of the Bertillon system having contributed to certainty of identification. In his report for the year 1910 the Inspector-General of Police in New South Wales states that "criminals have a wholesome dread of the finger print system, and I have not the slightest doubt that it is one of the principal causes of the diminution of serious crimes." Part of the improvement may no doubt be referred also to the general amelioration in social conditions that has taken place during the last fifty years.

7. **Drunkenness.**—The number of cases of drunkenness and the convictions recorded in connection therewith during the period 1912 to 1916 will be found in the following table:—

CASES AND CONVICTIONS.—DRUNKENNESS, 1912 to 1916.
(COMMONWEALTH.)

State.	1912.		1913.		1914.		1915.		1916.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	32,915	32,720	32,676	32,467	33,393	33,208	26,010	25,863	23,192	23,017
Victoria	13,524	7,446	14,782	7,676	14,437	7,425	13,453	7,086	11,316	6,049
Queensland	14,225	14,213	14,852	14,840	16,510	16,443	16,260	16,196	13,374	13,059
South Australia	5,470	5,416	5,994	5,962	5,282	5,243	4,060	4,027	3,451	3,433
Western Australia	4,908	4,855	5,353	5,302	5,795	5,770	4,836	4,806	4,081	4,045
Tasmania	614	633	729	721	685	661	628	612	486	480
Northern Territory	80	80	61	61	64	64	158	158	208	202
Commonwealth	71,766	65,363	74,447	67,029	76,166	68,814	65,405	58,748	56,110	50,285

The number of convictions is, as might naturally be expected, almost identical with the number of cases. Victoria, however, is an exception, but in this State it is explained that offenders are generally discharged on a first appearance, and no conviction is recorded, a similar procedure being also adopted in the case of those arrested on Saturday and detained in custody till Monday. The logic of excluding these cases from the list of convictions is certainly open to doubt.

The convictions for drunkenness per 10,000 of the population during each of the years from 1912 to 1916 are given hereunder :—

CONVICTIONS FOR DRUNKENNESS PER 10,000, 1912 to 1916.
(COMMONWEALTH.)

State.	1912.	1913.	1914.	1915.	1916.
New South Wales ...	188.1	179.3	179.3	138.2	123.1
Victoria ...	54.9	55.1	52.2	49.7	42.9
Queensland ...	225.0	227.4	243.6	235.7	192.7
South Australia ...	128.4	137.5	119.1	91.5	79.3
Western Australia ...	161.1	168.9	178.4	149.1	128.5
Tasmania ...	33.0	36.8	33.3	30.7	24.2
Northern Territory...	238.1	166.6	170.6	358.8	416.6
Commonwealth ...	140.7	139.5	139.9	118.7	102.5

The convictions for drunkenness taken by themselves are not an altogether satisfactory test of the relative sobriety of the inhabitants of each State, inasmuch as several important factors must be taken into consideration. The age and sex constitution of the people, for example, is by no means identical in each State, Western Australia having by far the largest proportion of adult males. Owing to the smallness of the population the figures for the Northern Territory are, of course, abnormal. The avocations of the people affect the result, since persons engaged in strenuous callings are, on the whole, more likely to indulge in alcoholic stimulants than those employed in less arduous ones. The distribution of the population is also a factor, the likelihood of arrest or summons for drunkenness obviously being greater in the more densely populated regions, and lastly, allowance must be made for the attitude of the magistracy, the police, and the public generally in regard to the offence.

It is not unusual to supplement statistics of drunkenness by furnishing also the relative consumption of alcoholic beverages. Deductions drawn therefrom will be very misleading if they fail to take into account also the consumption of non-intoxicating beverages such as tea and coffee, and the general habits of the people. Throughout the greater part of Europe, tea and coffee are consumed but sparingly, while Australia, as is well known, is one of the greatest tea-drinking countries of the world.

The following table shewing the consumption of spirits, wine, and beer per head of the population has, with the exception of the figures relating to the Commonwealth, been compiled from returns prepared by the British Board of Trade. The figures quoted for the Commonwealth refer to the year 1916-17, and for the other countries mentioned cover the quinquennium 1907-11.

CONSUMPTION OF ALCOHOLIC BEVERAGES IN VARIOUS COUNTRIES.

Country.	Consumption per Head of Population.			Country.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.		Spirits.	Wine.	Beer.
United Kingdom...	Imp. Galls. 0.76	Imp. Galls. 0.27	Imp. Galls. 26.94	Canada ...	0.96	0.11	6.22
Commonwealth...	0.61	0.50	11.62	German Empire	1.37	1.12	22.86
New Zealand ...	0.78	0.15	9.88	France ...	1.38	34.32	8.48
Union of South Africa ...	0.33	0.70	1.28	United States ...	1.04	0.54	16.72

8. Treatment of Drunkenness as Crime.—Though the problem of the correct method of dealing with dipsomania is by no means an easy one, it seems fairly clear that the present plan of bringing offenders before magistrates, and subjecting them to the penalty of imprisonment or fine, has little deterrent effect, as the same offenders are constantly reappearing before the courts. Further, the casting of an inebriate into prison, and placing him in his weakened mental state in the company of professional malefactors, doubtless tends to swell the ranks of criminals and certainly tends to lower his self-respect. Examination of the prison records in New South Wales some years ago disclosed the fact that over 40 per cent. of the gaol population had commenced their criminal career with a charge of drunkenness. During the last few years the dangers of moral contamination in this way have been more accurately appreciated, and a system of classification of prisoners has been adopted whereby the petty offender is as far as possible kept from association with the more evilly-disposed. The Comptroller-General of Prisons in Queensland stated in his report for the year 1907 that "the drunken habit in many cases is merely one of many symptoms which jointly indicate the existence of a graver condition than simple habitual drunkenness."

9. Remedial Treatment of Inebriates.—Legislation has been passed in each State providing for the commitment of inebriates to special Government institutions. The laws in the various States are as follows:—New South Wales, Inebriates Act 1912; Victoria, Inebriates Act 1915; Queensland, Inebriate Institutions Act 1896; South Australia, Inebriates Act 1908 and 1913; Western Australia, Inebriates Act 1912; Tasmania, Inebriates Act 1885, Inebriate Hospitals Act 1892. Curative work was first undertaken by the Government of New South Wales in 1907. In most cases the institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management; nevertheless, the results of remedial measures have been encouraging. In Victoria an institute purporting to be wholly remedial was founded in 1907. It may be mentioned that there are private retreats in various places in the Commonwealth, but these are not officially subsidised or inspected.

10. Treatment of Habitual Offenders.—In New South Wales the Habitual Criminal Act of 1905 gives judges the power of declaring a prisoner, after a certain number of sentences, to be an habitual criminal, and as such to be detained until, in the opinion of the authorities, he is fit to be at large. At the end of 1916 there were twenty-three persons in prison under this Act. Since the passing of the Act sixty-eight males and one female have been declared to be habitual criminals. Of the thirty-five habitual criminals released under section 7 of the Act up to the end of 1916, four have been re-committed to prison. The Indeterminate Sentences Act came into force in Victoria in July, 1908, and up to the end of June, 1917, 414 prisoners had been admitted to the three reformatory prisons, and 286 had been released on probation on the recommendation of the Indeterminate Sentences Board, and ten by special authority of the Governor. Of the 276, ninety-eight have completed their probation of two years and passed out of control by the Board, sixty remain in various stages of probation, thirty-four were still in the parole stage, and eighty-four have again become delinquent. The provisions of the Habitual Criminals Amendment Act of 1907 were put into force in South Australia in 1909, and twenty criminals had been declared to be habitual offenders up to the end of 1916. Of these, eleven had been released after serving the indeterminate portion of their sentence. The Criminal Code Amendment Act of 1914, which makes provision for the detention and control of habitual criminals, was assented to in Queensland on the 3rd December, 1914, but up to the end of 1916 no prisoners had been brought under its provisions. Naturally it will be some time before the full effect of these measures on the prevalence of crime can be estimated. The Comptroller-General of Prisons in New South Wales states, however, that the system has exercised a wholesome deterrent effect on the criminal who is not a prisoner, while the Indeterminate Sentence Board in Victoria states that it has become impressed with the advantages which this form of sentence offers, both from a reformatory and deterrent standpoint, over the ordinary sentence.

During the period in which the Habitual Criminals and Offenders Act of 1907 has been in force in Tasmania, sixty-six men and two women have been released under its provisions, and the results, according to the Sheriff, have been satisfactory.

11. Treatment of First Offenders.—In all the States and in New Zealand statutes dealing with first offenders have been in force for some years, the dates of passing the Acts being as follows: New South Wales, 1894; Victoria, 1890; Queensland, 1887; South Australia, 1887 and 1913; Western Australia, 1892; Tasmania and New Zealand, 1886. The method of procedure is practically the same in all cases, *i.e.*, with regard to most first offenders the magistrate or judge is empowered to allow the offender to go free on recognisances being entered into for his good behaviour for a certain period. In practice, this humane law has been found to work excellently, very few of those to whom its provisions have been extended having been found to relapse into crime.

12. Children's Courts.—Special courts for the trial of juvenile offenders have been established in New South Wales, Victoria, Western Australia, and New Zealand within the last few years, while Children's Courts, although not under that name, are practically provided for by the State Children's Acts of 1895 and 1900 in South Australia. The object of these courts is to avoid, as far as possible, the unpleasant surroundings of the ordinary police court.

13. Committals to Superior Courts.—In a previous section it has been pointed out that comparisons of criminality based on a consideration of the total returns from magistrates' courts are somewhat inadequate, seeing that the figures include numbers of cases which are merely technical breaches of laws having in some instances a purely local significance. The committals to higher courts give a better basis of comparison, although even in this connection allowance must be made for the want of uniformity in jurisdiction. The table below gives the number of committals in each year from 1912 to 1916, with the proportion of such committals per 10,000 of the population. The rates are shewn on a separate line.

COMMITTALS TO SUPERIOR COURTS, 1912 to 1916.

(COMMONWEALTH.)

State.				1912.	1913.	1914.	1915.	1916.
New South Wales	...	{	No.	1,923	1,573	1,699	1,633	1,707
			Rate	11.1	8.7	9.2	8.7	9.1
Victoria	...	{	No.	571	611	571	634	552
			Rate	4.2	4.4	4.0	4.4	3.9
Queensland	...	{	No.	425	417	458	411	304
			Rate	6.7	6.4	6.8	6.0	4.5
South Australia	...	{	No.	121	141	135	105	71
			Rate	2.9	3.3	3.1	2.4	1.6
Western Australia	...	{	No.	162	150	147	116*	141
			Rate	5.4	4.8	4.5	3.6	4.1
Tasmania	...	{	No.	60	58	67	35	42
			Rate	3.1	3.0	3.4	1.8	2.1
Northern Territory	...	{	No.	8	2	2	1	3
			Rate	23.8	5.5	5.3	2.3	6.2
Commonwealth	...	{	No.	3,270	2,952	3,079	2,935	2,820
			Rate	7.0	6.1	6.3	5.9	5.7

* Exclusive of four extradited.

The above figures shew that the rate of committals for serious crime has decreased by 19 per cent. during the last five years, but if the comparison be carried farther back, it will be found that, as compared with the earlier years, there has been a considerable improvement. This will be evident from an examination of the following figures, which shew the rate of committals per 10,000 persons in Australia at various periods since 1861:—

RATE OF COMMITTALS IN AUSTRALIA, 1861 to 1916.

Year ...	...	...	...	...	1861.	1871.	1881.	1891.	1901.	1916.
Committals per 10,000 inhabitants	...	...	...	...	22	14	12	11	8	6

The decline in proportion to population since 1861 has therefore been about 73 per cent.

§ 3. Superior Courts.

1. **Convictions at Superior Courts.**—The total number of convictions at superior courts, together with the rate per 10,000 of the population, is shewn below for each of the years 1912 to 1916:—

CONVICTIONS AT SUPERIOR COURTS, 1912 to 1916.

(COMMONWEALTH.)

State.				1912.	1913.	1914.	1915.	1916.
New South Wales	...	...	No.	620	772	810	843	815
			Rate	3.6	4.3	4.4	4.5	4.4
Victoria	...	...	No.	501	506	494	533	462
			Rate	3.7	3.6	3.5	3.7	3.3
Queensland	...	...	No.	384	343	382	351	266
			Rate	6.1	5.3	5.7	5.1	3.9
South Australia	...	...	No.	86	86	93	74	52
			Rate	2.0	2.0	2.1	1.7	1.2
Western Australia	...	...	No.	92	92	84	66	91
			Rate	3.1	2.9	2.6	2.0	2.9
Tasmania	...	...	No.	25	28	41	19	30
			Rate	1.3	1.4	2.1	1.0	1.5
Northern Territory	...	...	No.	3	1	1	1	1
			Rate	8.9	2.7	2.7	2.3	2.1
Commonwealth	...	...	No.	1,711	1,828	1,905	1,887	1,717
			Rate	3.7	3.8	3.9	3.8	3.5

The rate in 1901 was 4.6 per 10,000, and the decrease to the end of 1916 was, therefore, practically one-fourth.

In considering the above figures allowance must be made for the various factors enumerated in a preceding paragraph. Tasmania, it will be noted, shews the smallest proportion of serious crime, while the figures available shew that the island State is relatively the smallest consumer of alcoholic beverages. That a definite causal relation exists between the figures shewn by the respective tables is not, however, obvious.

2. **Offences for which Convictions were Recorded at Superior Courts.**—In the following table will be found a classification of the principal offences for which persons were convicted at the higher courts during each year of the period 1912 to 1916. Owing to lack of uniformity in the presentation of the returns for the several States the information is confined to the chief offences against the person only. In the case of Victoria the information is incomplete regarding the convictions on summons committals. The figures quoted refer to convictions in the Commonwealth during the period dealt with.

CONVICTIONS FOR SERIOUS CRIME, SUPERIOR COURTS, 1912 to 1916.

(COMMONWEALTH.)

Offences.	1912.	1913.	1914.	1915.	1916.
Murder and attempts at ...	33	38	42	25	22
Manslaughter ...	16	14	15	15	13
Rape and crimes of lust ...	88	71	67	90	77
Other offences against the person ...	221	298	300	226	209

While the individual totals shew considerable fluctuations, the returns generally manifest considerable improvement. The general total of convictions for all offences against the person shews a decline since 1901 of about 26 per cent, and since 1912 of over 10 per cent.

3. **Capital Punishment.**—The table below gives the number of executions in each State during the period 1912 to 1916:—

EXECUTIONS, 1912 to 1916.

(COMMONWEALTH.)

State.	1912.	1913.	1914.	1915.	1916.
New South Wales ...	1	...	...	...	2
Victoria ...	1	...	...	...	2
Queensland ...	...	2	...	...	...
South Australia ...	...	...	...	...	...
Western Australia ...	...	1	1	1	...
Tasmania ...	...	1	1	...	...
Commonwealth ...	2	4	2	1	4

In the early days of the history of Australia the penalty of death was attached to a large number of offences, many of which at the present time would be dealt with in the lower or magistrates' courts. With the growth of settlement, and the general amelioration in social and moral conditions, the list was, however, considerably curtailed, and the existing tendency is practically to restrict death sentences to cases of murder. It may be remarked that in cases of rape, which is a capital offence in some of the Australian States, the penalty has been but sparingly inflicted during the last few years. Juries are reputed to be loth to convict on this charge, owing to the uncertainty whether sentence of death will be pronounced.

During the period 1861 to 1880 the annual average number of executions in the Commonwealth was nine, from 1881 to 1900 the average was six, for the period 1901 to 1910 the figure stood at four, while the average for the last quinquennium was three.

§ 4. Prisons.

1. **Prison Accommodation and Prisoners in Gaol.**—The table below shews the number of prisons in each State and the accommodation therein at the end of 1916:—

PRISONS AND PRISON ACCOMMODATION, 1916.

(COMMONWEALTH.)

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales	29	2,303	...	1,451
Victoria	17	1,438	646	773
Queensland	13	586	380	328
South Australia	13	760	453	237
Western Australia	24	640	816	207
Tasmania	2	190	280	45
Northern Territory	1	3	48	14
Commonwealth	99	5,920	2,623	3,055

The figures for Western Australia and the Northern Territory are exclusive of aborigines.

The number of prisoners in gaol, exclusive of debtors, at the 31st December in each of the years 1912 to 1916, is given below. A separate line is added in each instance shewing the proportion per 10,000 of the population.

PRISONERS IN GAOL, 1912 to 1916.

(COMMONWEALTH.)

State.	1912.	1913.	1914.	1915.	1916.
New South Wales ... { Number	1,257	1,456	1,643	1,579	1,451
... { Proportion	7.2	8.0	8.9	8.5	7.8
Victoria ... { Number	880	863	898	861	773
... { Proportion	6.5	6.2	6.3	6.1	5.5
Queensland ... { Number	529	450	518	413	328
... { Proportion	8.4	6.9	7.7	6.0	4.8
South Australia ... { Number	287	288	341	282	237
... { Proportion	6.8	6.6	7.7	6.4	5.5
Western Australia ... { Number	356	284	277	238	207
... { Proportion	11.8	9.0	8.6	7.5	6.6
Tasmania ... { Number	69	50	50	55	45
... { Proportion	3.6	2.6	2.6	2.7	2.3
Northern Territory ... { Number	12	7	8	12	14
... { Proportion	35.7	19.1	21.3	26.3	28.9
Commonwealth ... { Number	3,390	3,398	3,735	3,440	3,055
... { Proportion	7.3	7.1	7.6	6.9	6.2

From the preceding table it will be seen that the proportion to population of prisoners in gaol has fallen by 15 per cent. during the last five years, but, if the comparison be carried farther back, the position is seen to be more favourable, the prisoners in gaol in the Commonwealth numbering as much as 16 per 10,000 of the population in 1891.

2. Improvement of Penological Methods.—During recent years Australia, in common with most other civilised countries, has introduced considerable modifications and improvements in methods of prison management. Under the old *régime*, punishment partook more or less of the character of reprisal for wrongdoing, and the idea of constituting the prison as a reformatory agency was in the background. But of recent years there has been an earnest attempt at effecting a moral reformation in the unfortunates who lapse into crime. This aspect of prison management has been specially prominent in New South Wales. A short account of the re-organisation of the prison system in this State appears in preceding Year Books (see No. V., p. 922), but considerations of space preclude its repetition here. At the present time it is found that good results have followed the principles of scientific classification and restricted association of prisoners, together with the provision of separate institutions for the treatment of inebriates. Special efforts are put forward to provide reproductive work for prisoners, and no capable able-bodied man is engaged in labour that demeans him, but on the other hand is encouraged to take pride and pleasure in good work. There are five principal gaols in which prisoners are classified according to history, etc. The large establishments at Goulburn, Bathurst, and Parramatta deal respectively with first offenders, previously convicted but hopeful cases, and incorrigibles. At Long Bay there is a well-designed reformatory institution for females, providing for effective classification, and a penitentiary used as a distributing centre and a place of detention for short-term prisoners from the metropolis. The first-class minor gaols at Albury, Armidale, Broken Hill, Grafton and Maitland, are convenient centres for the reception of country prisoners, and also for the treatment of special cases. There are also several second-class minor gaols and police gaols where short-sentenced prisoners from the surrounding districts are dealt with. In New South Wales the system of carrying on afforestation by prison labour, somewhat after the manner of that in vogue for several years in New Zealand, has been introduced, and in 1911 a site near Tuncurry, on the Manning River, was selected for the purpose of initiating the scheme. Pine trees of various kinds have been planted, the seedlings set out in 1916 numbering over 167,000 in addition to 170,000 pine seeds sown. The daily average number of prisoners in camp was 28.9, and the cost per head about 24s. per week, or 3s. 5d. per day for each prisoner. So far the scheme appears to be a great success, the prisoners being healthy, cheerful, well-behaved, and industrious. Each prisoner has his own comfortable hut, where he takes his meals and sleeps, and may, if he so desires, write his letters. There are no armed or night guards at the camp. During the year 1914 a property of 107 acres was purchased, near the Emu Plains railway station, for the purpose of establishing a prison farm, and this was opened in April, 1915, with ten prisoners. This institution was disestablished in 1916, when it was taken over by the Department of Agriculture, and beyond selecting the prisoners for work on the farm, the Prisons Department has no further responsibility. That there is some connection between mental and physical health and crime is proved by the condition in which many persons are received into gaol. In a large number of instances prisoners are found to be suffering from contagious diseases. Under the Prisoners Detention Act such persons may be kept in gaol until cured, but, unfortunately, the provisions of the Act do not apply to short-sentenced prisoners detained in lieu of paying fines, many of whom are known to be afflicted with disease. A further reform, introduced in 1915, was the provision of the Shaftesbury Inebriate Institution for the treatment of non-criminal inebriates. In 1916 accommodation was provided for voluntary paying guests who wish to undergo treatment.

In 1902 the system of finger-print identification of criminals was introduced, and by the year 1903 bureaux had been established in the various States for the exchange of records. Very successful results have attended the introduction of the system.

Space will not permit of more than a passing reference to the improvements brought about in prison management in the other States. In Victoria there is an excellent system of classification and allocation of prisoners in various grades to different gaols, while at the important penal settlement at Pentridge a careful segregation into several classes is carried out. In common with the other States the latest humane methods of accommodation and prison treatment have for some time been employed. An afforestation camp known as McLeod Settlement, French Island, was opened in 1916, and on the 30th June, 1917, there were thirty-five inmates. The trees planted numbered 300,000. It is stated that the experiment has resulted in improvement, both in demeanour and physique of prisoners, and it is hoped that in many cases it will be conducive to a return to honest citizenship. A prison farm has also been established about three miles from the prison at Castlemaine, and the inmates are taken to and fro daily. It is proposed to provide accommodation later on for housing a certain number of prisoners on the farm site.

Queensland prisons have been considerably modernised during the last few years. The prison for females at Brisbane has been built on the radiating plan, and embodies the latest ideas in penological methods. Classification of prisoners has been fully carried out in the male and female divisions of Brisbane prison, at Rockhampton prison, and at the Stewart's Creek penal establishment. It is proposed to erect a new prison establishment at St. Helena, embodying the most modern features in design. Amongst recent reforms are the reduction of the period of separate treatment undergone by prisoners sentenced to hard labour or penal servitude, a remodelling of the remission clauses, and allowance of more liberal privileges in the way of correspondence and visits from friends. Electric light has been installed in the Brisbane prison, and prisoners are allowed to read up to 8 o'clock each evening.

Unusual circumstances have combined to keep crime at a low point in South Australia. In the first place there was never any transportation of criminals to the State, while in the earlier years of its history South Australian lawbreakers were transported elsewhere. The discovery of gold in the neighbouring colonies was also responsible for the drawing away of turbulent spirits who might later on have caused trouble. The present system was drafted mainly on English and European lines by the late W. R. Boothby, C.M.G., and has since been as far as possible adapted to modern penological procedure. It is proposed to establish an afforestation camp prison at the Bangham Forest Reserve on similar lines to that at Tuncurry in New South Wales. Excellent work for the benefit and assistance of discharged prisoners is performed by the Prisoners' Aid Association.

A Royal Commission in 1911 recommended the adoption of various reforms in connection with the prison system of Western Australia. The bulk of these were carried out, and included, amongst other things, an extension of the principle of separate treatment, improvement in prisoners' dietary scale, more satisfactory arrangements in regard to remission of sentences, and improvements in regard to hours of labour, leave of absence, etc., for the staff. The separate system has, however, been abolished. Amongst other improvements recently introduced may be mentioned the grant of an eight hours day to officers, enlargement and improved hygiene of cells, additional library facilities, assistance to discharged prisoners by provision of railway passes and monetary aid, appointment of committees to look after the welfare of discharged prisoners, and the remodelling of the "mark" system. The military method of control at Rottnest Island, coupled with considerable privileges to well-conducted prisoners, has proved very successful.

The daily average number of prisoners in confinement in Tasmanian gaols during the quinquennium 1911-12 to 1915-16 was about 63. There are penal establishments at Hobart and Launceston, and at the former the prisoners were concentrated in the northern wing during 1915-16. A new workshop also was erected, and the sanitary and lighting conditions were remodelled.

§ 5. Civil Courts.

1. **Lower Courts.**—The transactions of the lower courts on the civil side during each of the last five years are given in the table hereunder. As pointed out previously, the jurisdiction of the courts is by no means uniform in the various States.

LOWER COURTS.—CIVIL CASES, 1912 to 1916.

(COMMONWEALTH.)

State.				1912.	1913.	1914.	1915.	1916.
New South Wales	...	Cases	No.	32,531	40,265	37,472	39,828	35,724
		Amount	£	93,592	106,809	107,810	110,229	101,530.
Victoria	...	Cases	No.	36,043	39,911	41,497	41,055	38,573
		Amount	£	190,485	204,175	207,863	188,542	170,086.
Queensland	...	Cases	No.	14,962	15,716	16,015	15,729	14,094
		Amount	£	61,047	64,518	66,226	68,337	64,502
South Australia	...	Cases	No.	18,905	21,288	21,681	17,765	16,505.
		Amount	£	60,813	74,623	74,627	80,918	50,515.
Western Australia	...	Cases	No.	12,735	14,549	16,974	17,259	15,776.
		Amount	£	60,774	67,470	66,864	61,169	51,050.
Tasmania	...	Cases	No.	4,487	5,194	5,813	6,081	4,879.
		Amount	£	28,571	34,425	81,610	67,152	30,739.
Commonwealth	...	Cases	No.	119,663	136,923	139,452	137,717	125,551
		Amount	£	495,282	552,020	605,000	576,347	468,422

During the year 1916-17 the civil causes at lower courts in the Northern Territory amounted to 101 and the amount of judgments to £2003.

The figures just given represent the returns from Petty Sessions Courts in New South Wales and Victoria, the Petty Debts cases in Queensland, the Local Courts of South Australia and Western Australia, and the Court of Requests in Tasmania.

2. **Superior Courts.**—In the next table will be found the transactions on the civil side in the Superior Courts during each of the years 1912 to 1916.

The New South Wales returns are to some extent defective, as the figures quoted for amount of judgments include, up to 1913, in the case of the Common Law jurisdiction of the Supreme Court, the total judgments signed, while in the case of the other States the figures refer to sums actually adjudged after trial. For New South Wales, also, the transactions of district courts refer to the total amounts sued for, and, not the sums actually awarded after trial. Statistically the chief importance of the table consists in the fact that it shews a decline in litigiousness in Australia.

SUPERIOR COURTS.—CIVIL CASES, 1912 to 1916.

(COMMONWEALTH.)

State.		1912.	1913.	1914.	1915.	1916.
New South Wales	{ Causes No.	847	926	864	845	902
	{ Amount £	528,384	568,761	*328,429	*293,697	*290,642
Victoria	{ Causes No.	637	617	710	713	536
	{ Amount £	75,886	91,428	91,903	93,695	104,965
Queensland	{ Causes No.	108	133	129	129	124
	{ Amount £	16,013	22,932	19,156	22,165	20,335
South Australia...	{ Causes No.	26	44	27	21	14
	{ Amount £	29,352	9,688	17,358	2,882	2,482
Western Australia	{ Causes No.	496	546	578	367	348
	{ Amount £	78,068	79,534	37,610	37,581	36,042
Tasmania	{ Causes No.	113	118	385	282	308
	{ Amount £	7,866	7,486	28,159	17,112	17,539
Commonwealth	{ Causes No.	2,227	2,384	2,693	2,357	2,232
	{ Amount £	735,569	779,829	522,615	467,132	472,005

* Exclusive of judgments signed, Supreme Court, the amount not being recorded.

During the year 1916-17 the civil causes in the higher courts of the Northern Territory numbered 13 and the amount of judgments was returned as £2288.

3. Divorces and Judicial Separations.—The number of divorces and judicial separations in each State during the period 1912 to 1916 is shewn below :—

DIVORCES AND JUDICIAL SEPARATIONS, 1912 to 1916.

(COMMONWEALTH.)

State.	1912.		1913.		1914.		1915.		1916.	
	Divorces.	Judicial Separations	Divorces.	Judicial Separations	Divorces.	Judicial Separations	Divorces.	Judicial Separations	Divorces.	Judicial Separations
New South Wales	349	12	317	9	297	6	349	6	348	11
Victoria	250	2	237	2	244	1	218	1	206	1
Queensland	17	1	31	1	29	1	27	...	24	...
South Australia	13	...	8	...	20	...	12	...	15	...
Western Australia	36	...	37	...	21	1	31	2	13	...
Tasmania	8	...	8	...	7	...	7	...	2	...
Northern Territory	...	...	...	...	1	...	1	...	...	...
Commonwealth	673	15	638	12	619	9	645	9	608	12

The average annual number of divorces and judicial separations in the Commonwealth at decennial periods from 1871 to 1910 and for the six years 1911-16 is given on next page :—

DIVORCES AND JUDICIAL SEPARATIONS, 1871 to 1916.

	1871-1880.	1881-90.	1891-1900.	1901-10.	1911-16.
Commonwealth ...	29	70	358	401	627

The bulk of the divorces and judicial separations refer, as the table shews, to New South Wales and Victoria, the Acts of 1899 and 1889 in the respective States making the separation of the marriage tie comparatively easy. In some statistical works it is customary to compare the divorces in any year with the marriages in the same year. The comparison is, however, quite valueless, as there is no necessary connection between the figures.

4. **Probates.**—The number of probates and letters of administration granted, together with the value of the estates concerned, is shewn below for each State for the period 1912 to 1916:—

PROBATES AND LETTERS OF ADMINISTRATION, 1912 to 1916.

(COMMONWEALTH.)

State.			1912.	1913.	1914.	1915.	1916.
New South Wales	...	{ Number	3,648	3,679	4,438	5,088	5,336
		{ Value £	13,389,806	8,443,068	9,997,615	10,813,889	11,687,910
Victoria	...	{ Number	4,585	4,483	4,451	4,449	5,448
		{ Value £	8,533,502	8,367,862	8,481,720	8,759,728	8,917,481
Queensland	...	{ Number	755	765	765	896	967
		{ Value £	2,730,039	2,640,017	2,331,224	2,720,696	3,041,514
South Australia	...	{ Number	1,246	1,373	1,418	1,515	1,661
		{ Value £	2,383,238	2,214,241	3,050,075	2,894,517	2,031,206
Western Australia	...	{ Number	552	580	577	682	957
		{ Value £	841,800	607,972	1,009,677	936,107	1,699,297
Tasmania	...	{ Number	465	415	336	418	423
		{ Value £	983,618	680,477	727,126	793,106	871,950
Commonwealth	...	{ Number	11,251	11,295	12,035	13,048	14,792
		{ Value £	28,862,003	22,953,637	25,597,437	26,918,243	28,249,358

As may naturally be expected, the figures in the above table, giving the value of property left each year, shew considerable variations.

5. **Bankruptcies.**—The returns in bankruptcy during each of the last five years are given in the following table.

For several reasons comparisons drawn from the figures in the following table are of little value. In the first place, the statements of assets and liabilities are notably unsatisfactory, particularly in regard to the former. Then, again, there is wide dissimilarity in regard to the laws in force in the various States and the method of procedure thereunder in connection with bankruptcy. Further, there are no means of knowing how many persons in each State who were in a bankrupt condition made private arrangements with their creditors either personally or by intervention of a solicitor. The figures quoted in the table exclude the private arrangements in Victoria and South Australia, and the liquidations and compositions in Queensland and Tasmania.

BANKRUPTCIES, 1912 to 1916.

(COMMONWEALTH.)

State.		1912.	1913.	1914.	1915.	1916.
New South Wales ...	{ Number	395	351	405	405	360
	{ Liabilities £	210,504	208,755	323,111	428,700	383,448
	{ Assets £	153,633	144,038	141,068	166,748	303,893
Victoria ...	{ Number	404	455	450	436	337
	{ Liabilities £	265,046	440,318	273,682	414,439	213,989
	{ Assets £	159,723	237,868	171,295	273,605	127,730
Queensland ...	{ Number	246	232	210	238	203
	{ Liabilities £	45,508	50,385	53,947	65,716	68,904
	{ Assets £	17,020	21,720	36,293	35,633	46,700
South Australia ...	{ Number	154	185	187	135	139
	{ Liabilities £	188,483	169,616	184,220	204,089	160,601
	{ Assets £	135,771	104,623	115,621	136,420	151,332
Western Australia ...	{ Number	84	75	77	53	34
	{ Liabilities £	50,652	65,284	46,234	38,008	52,345
	{ Assets £	35,221	51,928	23,456	34,576	52,024
Tasmania ...	{ Number	38	46	30	40	16
	{ Liabilities £	7,013	16,673	13,476	15,548	13,530
	{ Assets £	2,635	9,831	4,251	9,461	7,585
Northern Territory ...	{ Number	3	4	1	1	1
	{ Liabilities £	1,123	724	119	106	96
	{ Assets £	44	18	...	39	306
Commonwealth ...	{ Number	1,324	1,348	1,360	1,308	1,090
	{ Liabilities £	768,329	961,655	893,689	1,166,606	892,913
	{ Assets £	504,047	570,025	491,984	656,582	689,570

6. **High Court of Australia.**—Under the provisions of section 71 of the Commonwealth Constitution Act, the judicial power of the Commonwealth is vested in a Federal Supreme Court, called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The Federal High Court possesses both original and appellate jurisdiction. The powers of the court are defined in Chapter III. of the Constitution Act and in the Judiciary Acts of 1903-15. At present the court consists of a Chief Justice and six other judges. Sittings of the court are held in the capitals of the various States as occasion may require. The following statement shews the transactions of the High Court for the quinquennium 1912-16:—

COMMONWEALTH HIGH COURT TRANSACTIONS, 1912 to 1916.

Items.	1912.	1913.	1914.	1915.	1916.
I. ORIGINAL JURISDICTION.					
Number of writs issued ...	63	83	75	126	141
Number of causes entered for trial ...	7	9	6	12	14
Verdicts for plaintiffs ...	6	5	5	6	7
Verdicts for defendants ...	...	2	1	6	3
Otherwise disposed of ...	20	16	31	40	60
Amount of judgments ...	£769	£6,556	£5,304	£4,966	£4,479
II. APPELLATE JURISDICTION.					
Number of appeals set down for hearing ...	89	66	71	85	67
Number allowed ...	43	33	25	23	23
Number dismissed ...	36	26	38	39	24
Otherwise disposed of ...	10	7	8	23	10

COMMONWEALTH HIGH COURT TRANSACTIONS, 1912 TO 1916—continued.

Items.	1912.	1913.	1914.	1915.	1916.
III. AMOUNT OF FEES COLLECTED.					
Amount in each year...	£590	£692	£656	£808	£756

During the year 1916 the Court dealt also with other matters as follows:—

Appeals from Assessments under the Land Tax Assessment Act...	10
Special cases stated for the opinion of the Full Court ...	13
Applications for Prohibition ...	3
Applications under the Trading with the Enemy Act ...	5

7. **Commonwealth Court of Conciliation and Arbitration.**—A more or less detailed statement regarding the operation of this Court, which was established under the provisions of the Commonwealth Conciliation and Arbitration Act of 1904-15 will be found in Section xxvii.

§ 6. Cost of Administration of Justice.

The table below shews the expenditure from Consolidated Revenue during each of the last five years in connection with the administration of justice in each of the States. Expenditure on police and prisons has been separately shewn. With regard to the figures quoted for "other" expenditure, a slight allowance has to be made for the fact that some extraneous expenditure has been included which it was found impossible to disentangle from the total, but the amount is in no instance large.

EXPENDITURE ON JUSTICE, 1912 to 1916.
(STATES.)

State.		1912.	1913.	1914.	1915.	1916.
		£	£	£	£	£
New South Wales	Police	578,767	563,406	562,694	603,347	649,093
	Gaols	89,712	91,279	92,285	92,529	91,913
	Other	262,174	276,043	282,716	286,924	287,419
Victoria	Police	348,227	354,264	380,724	365,821	356,885
	Gaols	50,952	54,776	57,272	57,791	59,614
	Other	165,078	165,091	192,222	169,309	165,789
Queensland	Police	306,431	304,817	302,633	302,209	322,422
	Gaols	28,603	28,950	30,989	32,981	30,803
	Other	100,156	101,011	101,687	136,619	140,643
South Australia	Police	116,847	129,834	132,445	131,580	127,632
	Gaols	17,776	19,159	23,436	22,177	22,052
	Other	41,392	48,203	33,277	33,006	36,854
Western Australia	Police	129,556	126,532	133,452	131,806	125,446
	Gaols	22,291	21,403	22,339	23,265	22,321
	Other	77,544	77,182	79,142	86,790	79,510
Tasmania	Police	43,236	45,237	45,972	45,952	47,320
	Gaols	5,664	6,103	7,071	7,261	7,013
	Other	19,524	20,877	21,763	21,338	22,190
Northern Territory	Police	10,609	10,614	10,307	10,216	10,260
	Gaols	2,309	2,289	2,501	2,128	2,875
	Other	2,513	2,136	1,941	1,453	2,744
Commonwealth	Police	1,533,673	1,564,704	1,598,227	1,590,931	1,639,058
	Gaols	217,307	223,959	235,893	238,132	236,591
	Other	668,381	690,543	712,748	735,439	735,149

With the exception of that of the Northern Territory, the expenditure shewn in the foregoing table is that incurred by the State Governments only, and does not include expenditure in connection with the Federal High Court, which is shewn hereunder for the period 1912-13 to 1916-17:—

EXPENDITURE ON FEDERAL HIGH COURT, 1912-13 to 1916-17.

Year.	Amount.	Year.	Amount.
	£		£
1912-13	23,334	1915-16	31,447
1913-14	32,709	1916-17	31,780
1914-15	31,037		

Other items of federal legal expenditure also not included in the table are Court of Conciliation and Arbitration £11,068, Crown Solicitor £10,766, and general £13,880. Excluding Patents and Copyrights, the total expenditure by the federal law authorities for the year 1916-17 was £71,627.

For the purposes of comparison the figures in the first table above have been reduced to a population basis, and the results are given in the table following:—

EXPENDITURE ON JUSTICE PER INHABITANT, 1912 to 1916.

(STATES.)

State.	1912.	1913.	1914.	1915.	1916.
	s. d.	s. d.	s. d.	s. d.	s. d.
New South Wales (Police	6 8	6 7	6 4	6 6	7 0
... .. (Gaols	1 0	1 0	1 0	1 0	1 0
... .. (Other	3 0	3 0	3 0	3 2	3 1
Victoria (Police	5 2	5 1	5 4	5 2	5 1
... .. (Gaols	0 9	0 9	0 10	0 10	0 11
... .. (Other	2 4	2 4	2 8	2 5	2 4
Queensland (Police	9 8	9 4	9 0	8 11	9 8
... .. (Gaols	0 11	0 11	0 11	1 0	0 11
... .. (Other	3 2	3 1	3 0	4 0	4 2
South Australia (Police	5 7	6 0	6 0	6 0	5 11
... .. (Gaols	0 10	0 11	1 1	1 0	1 0
... .. (Other	1 11	2 3	1 6	1 6	1 7
Western Australia (Police	8 7	8 1	8 3	8 3	8 1
... .. (Gaols	1 6	1 4	1 5	1 6	1 5
... .. (Other	5 1	4 11	4 11	5 6	5 2
Tasmania (Police	4 6	4 7	4 7	4 7	4 9
... .. (Gaols	0 7	0 7	0 8	0 9	0 8
... .. (Other	2 0	2 2	2 2	2 1	2 3
Northern Territory (Police	63 2	58 0	52 0	44 9	43 1
... .. (Gaols	13 9	12 6	12 7	9 4	12 1
... .. (Other	15 0	11 8	9 9	6 4	11 6
Commonwealth (Police	6 7	6 6	6 6	6 6	6 9
... .. (Gaols	0 11	0 11	0 11	1 0	1 0
... .. (Other	3 0	3 0	3 0	3 0	3 0

Owing to the smallness of the white population, large area to be policed, and cost of supplies, transport, etc., the figures for the Northern Territory must necessarily appear somewhat abnormal.

The total expenditure in the Commonwealth in connection with the administration of justice in the various States has risen from ten shillings per inhabitant in 1901 to ten shillings and ninepence in 1916. Police expenditure has increased by about a shilling per head, the average for gaols is about twopence per head less, while the expenditure on courts and the remaining machinery of justice has slightly decreased during the same period. Including federal expenditure, the outlay in 1916-17 amounted to about eleven shillings per head.